

Appeals at the 2009 SUMMER NABC Washington D.C.

FOREWORD

The appeal hearings and commentary descriptions are now being compiled and edited by the American Contract Bridge League. They are published on the ACBL web page. This internet publication is intended to be a tool to help improve the abilities of those serving on appeals committees and tournament directors and to communicate decisions and the process to arrive at those decisions to the membership at large.

A total of thirty-five (35) cases were heard.

Twenty-one (21) cases were from unrestricted (by masterpoints) North American Bridge Championship Events and were heard by a committee of peers. The names of the players involved are included.

Fourteen (14) cases were from all other events and were heard by a panel (committee) of tournament directors. The names of the players involved are included when the event from which the appeal derived had no upper masterpoint limit or was a top bracket of a bracketed knockout event. When the names of the players are not used, the player's masterpoint total is included.

The cases are first presented without commentary. After the official panel of commentators has had an opportunity to provide their commentary (about 4 weeks) and any corrections to the cases, the commentary is added, corrections made and the internet publication is finalized.

Everyone involved in this process is due praise for their efforts. Special thanks to the NABC Appeals Committee and the Tournament Directors serving on the director committees, scribes and commentators. Without their considerable contribution of time and effort, this publication would not exist.

**Appeals at the
2009 Spring NABC
Houston, TX**

THE EXPERT PANEL

Jeff Goldsmith, 44, was born near Schenectady, NY. He has lived in Pasadena, CA, for the last 20 years. He graduated from Rensselaer Polytechnic Institute and Caltech. He is a software engineer, focusing on computer graphics and animation and internet programming, all with a heavy mathematical perspective. He created computer animation for JPL for several years including the movie about Voyager's encountering Neptune. He ice dances and plays many other games, particularly German board games. His web site (<http://www.gg.caltech.edu/~jeff>) contains lots of bridge and other material.

Jeffrey Polisner, 68, was born in Buffalo, NY and currently resides in Northern CA where he has been a practicing attorney since 1967. He is a graduate of Ohio State University (BS) and obtained his JD from Case Western Reserve. He is currently the WBF Counsel and former ACBL League Counsel. He is a member of the ACBL Laws Commission and the WBF Laws Committee and former Co-Chairman of the ACBL National Appeals Committee.

Barry Rigal, 49, was born in London, England. He currently resides in New York City with his wife, Sue Picus. A bridge writer and analyst, he contributes to many periodicals worldwide and is the author of a dozen books, including *Card Games for Dummies* and *Precision in the Nineties*. He enjoys theater, music, arts and travel. Barry is an outstanding Vugraph commentator, demonstrating an extensive knowledge of bidding systems played by pairs all over the world. He coached the USA I team to the Venice Cup in 1997. He has two North American team titles, but is proudest of his fourth-place finish in the 1990 Geneva World Mixed Pairs and winning the Common Market Mixed Teams in 1998 and the Gold Cup in 1991. He served as chairman of the ACBL National Appeals Committee from 2003-2006.

Matt Smith was born in 1957 in Victoria, B.C. and still lives there with his wife Vicky. He has been an ACBL National Tournament Director since 2002. He has been an assistant tournament director at several WBF Championships. Is a member of the ACBL Laws Commission, and the first working tournament director to have been appointed since Al Sobel. Matt is an avid golfer when not directing.

Adam Wildavsky, 48, was born in Ohio and grew up in Berkeley and Oakland, CA and London, England. He is a graduate of MIT and since 1986 he has resided in New York City. He works as a senior software engineer for Google, Inc. Mr. Wildavsky has won the Blue Ribbon Pairs twice and the Reisinger BAM Teams once. He won a bronze medal in the 2003 Bermuda Bowl in Monaco. Mr. Wildavsky is chairman of the National Appeals Committee and vice-chair of the National Laws Commission. His interest in the laws is informed by his study of Objectivism, the philosophy of Ayn Rand.

Bobby Wolff, 75, was born in San Antonio and is a graduate of Trinity University. He currently resides in Las Vegas. His father, mother, brother and wives, including present wife Judy, all played bridge. Bobby is a member of the ACBL Hall of Fame as well as a Grand Life Master in both the WBF and the ACBL. He is one of the world's great players and has won 11 World titles and is the only player ever to win world championships in five different categories: World Team Olympiad, World Open Pair, World Mixed Teams, World Senior Bowl and seven Bermuda Bowls. He has represented the USA in the following team events: 12 Bermuda Bowls, 5 World Team Olympiads, 3 Senior Teams and 1 Mixed Team. Mr. Wolff has also won numerous NABCs including four straight Spingolds (1993-1996). He served as ACBL president in 1987 and WBF president from 1992-1994. He started the ACBL Recorder system in 1985, has served as tournament recorder at NABCs and is the author of the ACBL active ethics program. Among his pet projects are eliminating convention disruption, encouraging less hesitation disruption, allowing law 12C3 to be used in ACBL events and reducing the impact of politics and bias on appeals committees.

Non-NABC+ Appeals

Case Number

1. [Unauthorized Information.](#)
2. [Unauthorized Information.](#)
3. [Misinformation.](#)
4. [Misinformation.](#)
5. [Misinformation.](#)
6. [Change of Call, Law Misapplication.](#)
7. [Misinformation.](#)
8. [Unauthorized Information - Tempo.](#)
9. [Unauthorized Information.](#)
10. [Mistaken Explanation.](#)
11. [Unauthorized Information - Tempo.](#)
12. [Insufficient Bid.](#)
13. [Unauthorized Information.](#)
14. [Unauthorized Information - Tempo.](#)

APPEAL	Non-NABC+ One
Subject	Unauthorized Information (UI)
DIC	Terry Lavender
Event	International Fund Swiss
Session	Afternoon
Date	July 23, 2009

BD#	12
VUL	N/S
DLR	West

1,350 Masterpoints	
♠	T 8 2
♥	A J 9 8 2
♦	A J T
♣	6 5

4,845 Masterpoints		Summer 2009 Washington D.C.	3,241 Masterpoints	
♠	K 7 5 3		♠	
♥	K T 5 3		♥	Q 7
♦	5		♦	Q 9 8 7 6 2
♣	A 9 7 3		♣	K J T 8 2

410 Masterpoints	
♠	A Q J 9 6 4
♥	6 4
♦	K 4 3
♣	Q 4

West	North	East	South
Pass	Pass	4NT ¹	Pass
5♣	Pass ²	Pass	5♠
6♣	Dbl	Pass	Pass
Pass			

Final Contract	6♣ doubled by W
Opening Lead	♣6
Table Result	Down 1, E/W - 100
Director Ruling	5♣ W, made 5, N/S -400 for N/S 6♣ dbld W down 1, E/W -100 for E/W
Panel Ruling	5♣ W, made 5, N/S -400 for N/S 6♣ dbld W down 1, E/W -100 for E/W

(1)	Alerted and explained as minors.
(2)	Questions by North about length and strength.

The Facts: The director was called when the 5♠ bid was made and called back after the play was concluded. As stated above, North asked questions before passing 5♣.

The Ruling: The director judged that the questions by North made unauthorized information available for South. The 5♠ bid by South was judged to be demonstrably suggested by the UI and pass was judged to be a logical alternative to the 5♠ bid. Therefore in accordance with Laws 16 and 12, the director adjusted the result to 5♣ by West making five, minus 400 for N/S. However, by bidding 6♣ over 5♠ the director judged that E/W had forfeited its right to redress. Therefore, the table result of 6♣ doubled down one, E/W minus 100 was allowed to stand for E/W.

The Appeal: Originally, both sides wanted to appeal; however, prior to the hearing N/S withdrew its appeal. East and West were the only players attending the hearing. E/W felt that since 6♣ was in the mix originally that they were put in a bad position by the 5♠ bid. North had asked at least three questions about the 4NT bid and thought for a little while.

While North did not attend the hearing, she had told the Reviewer before leaving that she had asked several questions but knew she shouldn't have.

The Decision: Five players were polled about the South hand – all passed (one might have bid 5♠ over 4NT). Four players were polled about the West hand. All doubled 5♠ without thought.

Although South's 5♠ bid was deemed unacceptable, the E/W pair had available a better score than in 5♣. The 6♣ bid was the cause of its bad result. West's defensive values should indicate to him that he has a better score available by doubling 5♠ at this vulnerability.

Laws 73C and 16B1 clearly indicate that South cannot be permitted to gain from bidding 5♠. Therefore the N/S result was adjusted to 5♣ by West making five N/S minus 400. Law 12C1(b) indicates that E/W is not due relief and for it the table result of 6♣ doubled down one, E/W minus 100 stands.

Although the 6♣ bid was deemed to have broken the connection between infraction and injury (all players polled doubled 5♠), the appeal was not considered to be without merit (though barely) because of the egregious 5♠ bid. Two of the players polled wanted to bid 6♣ instead of five at their first turn.

The Panel: Bernie Gorkin (Reviewer), Nancy Boyd and Bill Michael.

Commentary:

Polisner The issue of how bad the bridge must be to break the causal connection from the infraction and the damage is not well defined. In my opinion, the standard should allow for some very bad bridge and forfeiture should occur only when the non-offenders did something wild or crazy. From West's perspective, East could hold, void/x/Axxxxx/KJ10xxx, making 6♣ pretty good or, void/xx/Qxxxx/KQJxxx, making 6♣ a one or two trick save over an easily making 5♠. I would have adjusted to 5♣ plus 400 for both sides.

Rigal Excellent ruling by both the director and panel. It would have been easy if careless to focus on the offenders. Well done by both sets, and a well-reasoned argument for doing exactly what they did.

Smith It looks like West really wanted to declare this hand. Good job by all concerned, although I would like to have seen that the directors had originally polled the hand. The panel correctly describes how the ACBL has traditionally treated an adjustment for the non-offenders following an infraction but after a subsequent serious error by the non-offending side. However, many parts of the world now apply it somewhat differently in light of the wording of the new Law 12C1(b). The ACBL Laws Commission is scheduled to address this issue at its next meeting in San Diego.

Wildavsky "Two of the players polled wanted to bid 6♣ at their first turn." 6♣ may have been a mistake, but it was not the kind of serious error that should deny E/W redress for damage per Law 12C1(b). That would be something like ducking the setting trick against a game or slam. The non-offenders need not play perfectly subsequent to the infraction to receive redress. I think the appellants ought to have prevailed. An appeal without merit warning (AWMW) would have been beyond the pale.

Wolff Extra good ruling.

APPEAL	Non NABC+ Two
Subject	Unauthorized Information (UI)
DIC	Nancy Boyd
Event	David Bruce LM-5000 Pairs
Session	First Qualifying
Date	July 24, 2009

BD#	10
VUL	Both
DLR	East

986 Masterpoints	
♠	8 5 4
♥	K Q J T 5 2
♦	8
♣	T 8 7

1,290 Masterpoints		Summer 2009 Washington D.C.	1,679 Masterpoints	
♠	T		♠	K J 7 2
♥	7 4		♥	8
♦	A K Q 7 6 4 3 2		♦	T 9 5
♣	9 2		♣	A K Q 6 3

2,453 Masterpoints	
♠	A Q 9 6 3
♥	A 9 6 3
♦	J
♣	J 5 4

West	North	East	South
		1♣	1♠
2♦	2♥	3♦	3♥
5♦	Pass	Pass	Dbl ¹
Pass	5♥	Pass	Pass
Pass			

Final Contract	5♥by North
Opening Lead	♣A
Table Result	Down 3, N/S -300
Director Ruling	5♦ dbld W made 5, E/W +750
Panel Ruling	5♦ dbld W made 5, E/W +750

(1) Before selecting the double card, South put his finger on the pass card.

The Facts: The director was called after the 5♥ bid and again after the conclusion of play. South doubled after first placing his finger on the pass card.

The Ruling: The director determined that South's actions made UI available to his partner that demonstrably suggested action rather than inaction. Pass was judged to be a logical alternative. Therefore, the result was adjusted to 5♦ doubled by West making five, E/W plus 750 for both sides. [Laws 12C1(e) and 16B1]

The Appeal: N/S appealed the director's decision. All four players attended the hearing. South said he has problems with hand-eye coordination. He cited a hand he had played earlier when he was trying to play one card and grabbed another instead. He was reaching for the double card when his hand brushed a pass card. He did stop to think briefly, but he had already made up his mind to double. North stated his partner always has four trumps when he raises his suit, so he knew they weren't getting many heart tricks. He was afraid to bid 5♥ immediately; but when partner doubled he was afraid the opponents could make their contract.

East had the clearest view of South's actions. He said that South rested his finger on a pass card for about five seconds before deciding to reach further back and pull out a double card.

North was asked why he passed 5♦, thus leaving the final decision to his partner, and then overrode partner's decision by bidding 5♥. At first he said, "I didn't do that." After being reminded that he didn't bid 5♥ until after partner doubled 5♦, he said, "I guess I did do that."

The Decision: Five players were given the North hand and asked what they would do with no UI after partner doubled 5♦. Three of them passed. Therefore, the panel determined that pass was a logical alternative to bidding 5♥, which was demonstrably suggested by the UI.

The statements about poor hand-eye coordination were considered self-serving, especially since South admitted to thinking with his hand on the box before pulling the double card. The panel upheld the director's adjustment of 5♦ doubled making five, E/W plus 750 for both sides.

The appeal was judged to have merit.

The Panel: Jean Molnar (Reviewer), Diane Barton-Paine, Su Doe, Patty Johnson, Terry Lavender and Kevin Perkins.

Commentary:

Polisner Where is the merit in this appeal?

Rigal No merit; if the facts are all that is in dispute then when the director's version of the facts is upheld all we are doing is looking at North justify...what's that C word again? Taking advantage of his partner's BIT and then appealing the decision. Closer to a procedural penalty than no appeal without merit warning..

Smith I wish my partners always had four trumps when they raised me! Very good job by the panel right up to the point where they forgot to award an appeal without merit warning (AWMW).

Wildavsky "North stated his partner always has four trumps when he raises his suit." Literally incredible. What does partner do with three trump, fondle a raise card and then pass? For that and many other reasons this appeal had no merit.

Wolff Good ruling.

APPEAL	Non-NABC+ Three
Subject	Misinformation (MI)
DIC	Nancy Boyd
Event	David Bruce LM-5000 Pairs
Session	First Qualifying
Date	July 24, 2009

BD#	2
VUL	N/S
DLR	East

2,122 Masterpoints	
♠	Q J 6 5 2
♥	A K J 2
♦	A
♣	Q J 6

3,967 Masterpoints		Summer 2009 Washington D.C.	1,890 Masterpoints	
♠	K 9 4 3		♠	A 7
♥	Q T 4 3		♥	9 6
♦	8 6		♦	J 5 4 3 2
♣	A K 9		♣	8 7 4 2

3,212 Masterpoints	
♠	T 8
♥	8 7 5
♦	K Q T 9 7
♣	T 5 3

West	North	East	South
		Pass	Pass
2♦ ¹	Dbl	Pass	2♥
Pass	4♥	Pass	Pass
Pass			

Final Contract	4♥ by South
Opening Lead	♣A
Table Result	Down 3, N/S -300
Director Ruling	4♥ N down 3, N/S -300 ¼ Bd PP to E/W
Panel Ruling	2NT N down 1, N/S -100

(1) Not Alerted. Agreement is 4-4 in majors with 12-15 HCP.

The Facts: The director was called after the completion of play. North assumed that 2♦ was a natural weak two-bid. The E/W convention card is clearly marked 4-4 majors, 12-15 HCP.

The Ruling: The director judged that the 4♥ bid (which was unrealistically optimistic) broke the causal connection between the infraction and result. Therefore, the table result of 4♥ by South down three, N/S minus 300 was allowed to stand for both sides. A 1/4 board procedural penalty (PP) was issued to E/W for failing to Alert.

The Appeal: N/S appealed the director's ruling and were the only players attending the hearing.

North said that had she been Alerted she would have bid 2NT.

The Decision: Six of North's peers were consulted concerning the 4♥ bid. All except one assumed the 2♦ bid was a natural weak two-bid and made some sort of a game try (most bid 3♥). All felt the 4♥ bid was highly optimistic but was not so bad as to break the connection between failure to Alert and the damage suffered.

The panel found that Law 21B3 was infringed and there was damage caused by the failure to Alert. Therefore, the result was changed to 2NT by North down one, N/S minus 100 for both sides. The ¼ board PP issued to E/W was removed.

The Panel: Charles MacCracken (Reviewer), Terry Lavender and Jean Molnar.

Commentary:

Polisner I thought that the non-offenders had a duty to protect themselves. I would have thought that South would have investigated about the 2♦ opening when the auction came back to him. He or she would have passed. It was South who created the problem with the failure to protect him or herself. I would not have changed the table result for N/S, but would have given E/W minus 300 or minus 500. Also, I agree with the panel for removing the procedural penalty as, if they were awarded for every Alert forget, the average score would be considerably less than 156.

Rigal What??? 2♦ = both majors, and South removes to 2♥ if properly informed?? How about passing? Yes, he or she might have done so anyway, but if properly informed South would always pass, and now we are talking telephone numbers for E/W – who would surely pass out 2♦ doubled. E/W are minus 500, and I do not see why N/S should not get plus 500.

1.

Smith 4♥ looks pretty bad to me, but good for the panel in doing the research to see how bad it is for this class of player. The standard for a “serious error” according to Law 12 is quite high according to the ACBL Laws Commission, so I agree with the panel's conclusion that it did not apply here. Even without the 4♥ bid it is hard to see how N/S will stop short of 3NT at least, so some kind of damage was inevitable even absent the “unrealistically optimistic” 4♥ bid. I agree that the procedural penalty is not appropriate unless there is some evidence that this pair has a history of failing to Alert. I would have liked to have seen some discussion or analysis of how the adjustment to seven tricks was determined.

Wildavsky The director ruling was wrong as a matter of law. Law 12C1(b) provides that we do not adjust the score for the non-offending side if their damage was due to their own serious error, but we must still adjust the offenders' score. I also prefer the panel's judgment regarding the (lack of) seriousness of North's error.

Wolff Okay ruling.

APPEAL	Non-NABC+ Four
Subject	Misinformation (MI)
DIC	Nancy Boyd
Event	David Bruce LM-5000 Pairs
Session	First Qualifying
Date	July 24, 2009

BD#	19
VUL	E/W
DLR	South

3,090 Masterpoints	
♠	Q 7 6
♥	A Q
♦	A J 7 5 3
♣	J T 5

4,092 Masterpoints		Summer 2009 Washington D.C.	2,236 Masterpoints	
♠	K 9 5 3 2		♠	J T 8 4
♥	8 6 2		♥	K 9 7 5
♦	K 2		♦	8 6
♣	8 7 3		♣	K 4 2

2,995 Masterpoints	
♠	A
♥	J T 4 3
♦	Q T 9 4
♣	A Q 9 6

West	North	East	South
			1♦
Pass	3NT	Pass	Pass
Pass			

Final Contract	3NT by North
Opening Lead	♠J
Table Result	Made 4, N/S + 430
Director Ruling	3NT N made 4 N/S + 430 3NT N made 5 E/W - 460
Panel Ruling	3NT N made 4 N/S + 430 3NT N made 5 E/W - 460

The Facts: The director was called at the end of the hand. Before playing to trick one, Declarer asked West the meaning of the opening lead and was told ‘attitude.’ He looked at the convention card, which had ‘coded 9/10s’ on it, but he did not see it. He said he can safely take the club hook to make five if he knows the opening leader cannot have the ♠K.

The Ruling: Alert Regulations require a player to protect himself if he suspects he does not have the full information. North failed to do this, so he received the score for making four plus 430. West did not comply with Law 40B6(a), so under Law 40 B6(b) E/W was awarded the score for the opponents making five minus 460.

The Appeal: E/W appealed the director's decision. All players except South were present at the hearing.

West said that she was not looking at her partner's lead when she answered 'attitude.' East said (several times) that the information was clearly marked on the card. The Reviewer pointed out (several times) that the declarer was entitled to be given the information without having to search for it. [The information was not under opening leads, but in the defensive carding section, so it was not unreasonable to miss it.] East pointed out that N/S played coded 9/10s as well, so he should be familiar with them. Declarer said he looked in the opening leads section, but there was no listing for KJ10. He did not look at the AJ109 (the '10' was circled) because the ace was in dummy. He thought the withheld information damaged him.

Seven players were asked what they would do if faced with this explanation. Five said they would ask more questions. One said she would assume the ♠J was the highest card in the suit led and the other did not think the answer adequate, but would not ask any more questions.

The Decision: North proved that he knew the explanation was inadequate when he examined the convention card. Alert Regulations state: 'An opponent who actually knows or suspects what is happening, even though not properly informed, may not be entitled to redress if he or she chooses to proceed without clarifying the situation.' Since he was an experienced player and he played the same thing, he should have pursued the matter further. Therefore, N/S were awarded the table result of 3NT N making four, N/S plus 430.

A large majority of West's peers thought her explanation was inadequate. While she may not have been looking at the lead when she first responded, at some point she had to have seen it and realized that her explanation was inadequate. Thus, Law 40B6(a) was violated and the adjustment required under Law 40B6(b) and 12C1(e)(ii) gives E/W the score for making five minus 460.

The panel judged that the appeal did not have significant merit and issued an appeal without merit warning (AWMW) to E/W.

The Panel: Charles MacCracken (Reviewer), Terry Lavender and Chris Patrias.

Commentary:

Polisner The response of "attitude" to the query is so nonsensical that it should not have resulted in any problem as it should have been clarified by E/W. The fact that it was not should not deny E/W of the table result and certainly no AWMW.

Rigal Excellent split ruling. Both sides got what they deserved. Not an easy ruling to give --well done director and panel.

- Smith** If I have any sympathy at all for anyone in this case, it is for North. My rule of thumb as a director is that we have to expect that when a player gets an answer to a question that makes no sense it is as if he got no answer at all and he must do more. This North did that. However, it is hard to understand he missed the notation of AJ109 which was right in the area he was looking. How can you deliberately not look at it when you know the ace is in dummy? Look at a convention card for yourself and see how hard that would be to do. So ultimately I accept the directors' and panel's decision. I'm impressed with the AWMW.
- Wildavsky** I agree that the appeal had no merit. I might have adjusted the N/S score as well. Declarer shouldn't have to dig for the information he's entitled to. The explanation was inadequate, and, given the explanation he received, it was reasonable for North to assume that "Attitude" was the defender's only non-standard lead agreement. He did well just to look at the opponent's convention card. West could have and should have corrected her explanation once she saw her partner's lead. It's unfortunate that KJT_x is not listed under "versus Notrump" on the ACBL convention card.
- Wolff** Right ruling-E/W should make sure declarer knows the defense's lead conventions, when asked, and with no CHICANERY or RELUCTANCE.

APPEAL	Non-NABC+ Five
Subject	Misinformation (MI)
DIC	Millard Nachtwey
Event	Flight A Open Pairs
Session	First of Two
Date	July 25, 20092

BD#	27
VUL	None
DLR	South

Aaron Silverstein	
♠	A K
♥	Q 9 5 3 2
♦	J T 5 3
♣	5 2

Eugene Kales		Summer 2009 Washington D.C.	Richard Ferrin	
♠	J 7 2		♠	Q T 9 8 5 4
♥	J T 8 7		♥	A 6
♦	9 8 2		♦	4
♣	J T 7	♣	A K Q 9	

Scott Levine	
♠	6 3
♥	K 4
♦	A K Q 7 6
♣	8 6 4 3

West	North	East	South
			1NT ¹
Pass	2♦ ²	2♠	Pass
Pass	Dbf ³	Pass	2NT ⁴
Pass	3♦	Pass	Pass
Pass			

Final Contract	3♦ by North
Opening Lead	♣A
Table Result	Made 4, N/S +130
Director Ruling	3♠ E made 3, E/W +140
Panel Ruling	3♦ N made 4, E/W + 130

(1)	11 – 14 HCP.
(2)	Transfer to hearts.
(3)	Cards, takeout.
(4)	See facts below.

The Facts: The director was called at the end of the auction and again after the play of the hand. North explained that though he didn't know if it applied in this specific auction, they play scrambling 2NT in other auctions (South intended 2NT as a scramble). East said he would have bid 3♠ had 2NT been Alerted.

The Ruling: The director judged that an implicit agreement existed, which required an Alert of the 2NT bid. Per Laws 21B and 12C1(e), the score was adjusted to 3♠ by East making three, E/W +140 for both sides.

The Appeal: N/S appealed the director's decision.

The Decision: The panel determined that the 2NT bid did not require an Alert, therefore, there was no infraction. The table result of 3♦ by North making four, N/S plus 130 was reinstated for both sides. It was nice of the N/S pair to inform E/W of its agreement. There was no violation of the Alert Procedure or Law. The appeal was determined to have merit.

The Panel: Tom Marsh (Reviewer) and Bernie Gorkin.

Commentary:

Polisner One can only wonder if the directors don't know which bids are Alertable, how can the ACBL expect the players to know?

Rigal I think both director and panel did something reasonable here. In North's seat I would have done exactly the same. I'm not sure I would have described the call as scrambling as opposed to 'do something intelligent – one option being to pass.'

Smith Appeals committees do not have the authority to overrule the director on a point of law or regulation (93B3). What is Alertable is a regulation, and therefore in the province of the director. What authority a panel of directors has in this regard has never been addressed in my recollection. While it was indeed "nice" of North to volunteer the information, we need to know whether it was required or not. It would have been nice if the panel told us what led it to the conclusion that 2NT was not Alertable by quoting from the Alert regulations. Or, by at least telling us that the Head Director had deemed it not Alertable (and why). The writeup is not complete without that information. I will say that even if 2NT does need an Alert, I would expect that it would make little difference to a Flight A East's decision to bid 3♠, so I think justice was done by the panel. The panel's reason for the ruling made a poll moot, but where was the directors' poll of how reasonable East's argument was?

Wildavsky I prefer the panel's ruling to the director's.

Wolff Another correct ruling.

APPEAL	Non-NABC+ Six
Subject	Change of Call – Misapplication of Law
DIC	Patty Holmes
Event	Saturday-Sunday Bracketed KO – Bracket 1
Session	Second Round
Date	July 25, 2009

BD#	13
VUL	Both
DLR	North

Antonio Sementa	
♠	Q 8 6 5
♥	6
♦	J 2
♣	A Q J 9 7 4

Lou Reich		Summer 2009 Washington D.C.	John Adams	
♠	A 4		♠	K T 9 7
♥	A T 3		♥	K J 4 2
♦	Q 9 7 6 5 4		♦	K T 8 3
♣	6 5		♣	8

Georgio Duboin	
♠	J 3 2
♥	Q 9 8 7 5
♦	A
♣	K T 3 2

West	North	East	South
	Pass	Pass	1♥
Pass	2♣ ¹		
	1♠ ¹	Pass	Pass
2♦	Pass	2♠	Pass
3♦	Pass	Pass	Pass

Final Contract	3♦ by West
Opening Lead	♥6
Table Result	Made 4 E/W +130
Director Ruling	3♦ W made 4, E/W +130
Panel Ruling	3♦ W made 4, E/W +130 for E/W 3♥ S down 5, N/S - 500 for N/S

(1)	2♣ was maintained to be a mechanical error. Allowed to change to 1♠ without penalty and the auction proceeded as shown.
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The Facts: The director was called after the 2♣ bid. North told the director, away from the table, that the 2♣ bid was a mechanical error and insisted it was not a change of mind.

The Ruling: North was permitted to change the 2♣ bid without penalty. The table result after the decision was 3♦ by West making four, E/W plus 130.

The Appeal: E/W appealed the director's ruling. The table director agreed, after the fact, that North never used the word "mechanical," just that he "didn't want to bid 2♣." The director, partially because of language problems, assumed this meant "mechanical." As far as the panel was able to determine, there was an Alert of the 2♣ bid before North called the director..

Ten expert players were polled to determine a final contract. Five said 3♣ N/S was a possibility. Four said 3♥ N/S and one said 4♥ N/S. Then players were polled to determine the number of tricks N/S would take in a heart contract. Two players said N/S would win four tricks and two said five tricks.

The Decision: This is a very complicated case made more so by the erroneous initial ruling by the table director. Since the panel considered that the director erred, Law 82C was applied; therefore, E/W would retain its table result of 3♦ making four, E/W plus 130. With the information from the players polled, the panel determined that the result for N/S would be 3♥ by South down five, N/S minus 500. Since this was a knockout match, Law 86B was applied. The IMP scores of the two sides were averaged to produce the same IMP result for both teams.

The Panel: Tom Marsh (Reviewer), Jay Albright, Bernie Gorkin and Bill Michael.

Commentary:

Polisner It is likely that North forgot he was a passed hand and then realized that 2♣ was some form of Drury (assuming that they play such a convention). My view is that South would sign off in 2♥ which would be the final contract as North could no longer bid as it would be forward going. I would have adjudicated to 2♥ down four.

Rigal N/S appeared to have escaped serious trouble by the skin of their teeth. Would one not expect a multiple world champion to know the rules a little better? Reasonable decision after the initial mess-up; a pity about that!

Smith I assume that despite it not being mentioned in the writeup 2♣ would have been Drury. I'll have to be more forgiving of my wife the next time she forgets Drury if even world champions can't get it right.

Yes, the table director made an error - perhaps an understandable one given the language issue (although 2♣ and 1♠ are pretty far apart in the bidding box), but an error nonetheless. Under the new Law 25 North should not have been allowed to change his call, and the knowledge that he wanted to do so would have been unauthorized for South. So the panel was correct to refer to 82C which states: "If a ruling has been given that the Director subsequently determines to be incorrect, and if no rectification will allow the board to be scored normally, he shall award an adjusted score, treating both sides as non-offending for that purpose." Law 12 deals with how directors should adjust scores after an infraction, and 12C1(e)(i) states: "The score assigned in place of the actual score for a non-offending side is the most favorable result that was likely had the irregularity not occurred." So while I understand the panel's desire not to punish N/S unduly after getting the wrong ruling, I don't think its decision made sense. If it was deemed that the most favorable result that was likely for N/S was minus 500 in 3♥, how could E/W as a non-offending side not get credit for at least the same score? Probably the panel actually meant the opposite: that N/S should get to keep its score due to the erroneous ruling and E/W were entitled to plus 500 against 3♥. But even that would be too generous to N/S since 3♦ by West was never going to happen if the 2♣ bid was made to stand. So Law 82 doesn't just mean to give each side spectacularly good results in the case of director error. We don't just throw up our hands and give each side everything they could have dreamed. We give a reasonable amount of benefit of the doubt to both sides according to Law 12 and assign a result to each side (maybe different ones—the scores do not need to balance) based on that determination.

Wildavsky This ruling occurred at my teammates' table. While not addressing North's actual intentions, he bid the same way as a player who intended 2♣ as natural would have. The table director should be skeptical when a player asks to change his call in this situation. Yes, a mechanical error is always possible, but we cannot allow a pair to appear to profit from the Alert Procedure. If the price is that more players who do make a mechanical error have to live with their call, so be it.

Wolff Good ruling.

APPEAL	Non-NABC+ Seven
Subject	Misinformation (MI)
DIC	Nancy Boyd
Event	Young LM-1500 Pairs
Session	First Final
Date	July 26, 20092

BD#	22
VUL	E/W
DLR	East

577 Masterpoints	
♠	K Q J
♥	A T 8 7
♦	A Q J 9
♣	4 2

496 Masterpoints		Summer 2009 Washington D.C.	503 Masterpoints	
♠	9 6 3		♠	A T 5 4
♥	Q 4		♥	J 9 6 2
♦	K 6 4 3		♦	8 7 6
♣	K 8 5 3		♣	Q 7

440 Masterpoints	
♠	8 7 2
♥	K 5 3
♦	T 2
♣	A J T 9 6

West	North	East	South
		Pass	Pass
Pass	1NT	Pass	2♣
Pass	2♥	Pass	2NT ¹
Pass	3NT	Pass	Pass
Pass			

Final Contract	3NT by North
Opening Lead	♦8
Table Result	Made 5, N/S + 460
Director Ruling	3NT N made 4, E/W + 430
Panel Ruling	3NT N made 4, E/W + 430

(1)	Not Alerted.
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The Facts: The director was called when dummy was exposed and also after the play was completed. N/S methods required the use of Stayman to invite game in notrump even without a four-card major. East stated that had she known, she would have made the normal lead of a spade.

The Ruling: The director determined that declarer must discard the jack or queen of diamonds on the run of the clubs in order to take eleven tricks. Therefore, failure to Alert the agreement damaged E/W and the result was adjusted to 3NT by North making four, N/S plus 430 for both sides.

The Appeal: N/S appealed the director's decision.

Nineteen pairs in this event played this hand in notrump. 11 took 11 trick and 7 took 9 or 10 tricks (besides the appellant). 6 of the 7 were polled. Two received a spade lead, played clubs and failed to unblock the diamonds; two received a spade lead, played clubs and neglected to cash the fifth club – one of these declarers finessed diamonds after defense ducked the first club; one received a heart lead and ducked it and one was played by South with a club lead.

North stated that on a spade lead, he would have led a club and if the queen was played (as happened at the table), he would win the ace and immediately finesse diamonds, avoiding the later discarding problem.

The Decision: Per Law 12C1(e), the fact that a substantial minority of declarer's peers (persons qualifying for third day of this event) made only ten tricks with a spade lead establishes this as the most unfavorable result that was at all probable for the offenders. The panel judged that it was also the most favorable result that was likely for the non-offenders. Therefore, the director's adjustment of 3NT by North making four, N/S plus 430 for both sides was upheld.

The appeal was judged to have merit.

The Panel: Jay Albright (Reviewer), Tom Marsh and Bill Michael.

Commentary:

Polisner Seems reasonable.

Rigal Reasonable ruling and decision; I can't get too worked up about this one (I like the decision but might have been persuaded to go the other way).
Good rationale for the decision here.

Smith N/S did two things wrong here. North did not Alert 2NT as required, and South did not speak up after the auction and before the lead as required by Law 20F5(b). The panel's research seems to demonstrate that a spade lead was reasonable (although I think a direct poll would have been more on point and more informative), so a prima facie case of damage seems to exist. Maybe I shouldn't be surprised at how many declarers actually failed to unblock diamonds, but I am. So I guess for those reasons the adjustment is correct for this event. But I wouldn't want to be the one to tell North that I didn't think he was smart enough to unblock the diamonds and make eleven tricks on a spade lead.

Wildavsky I would call what the directorss did fact-finding rather than a poll, but whatever it was the results were useful. North's assertions as to how he would have played the hand are not relevant after he's seen all the cards. If he wants to demonstrate his superior play against opponents who have correct information he must start by properly informing them of his side's agreements.

Wolff Okay ruling.

APPEAL	Non-NABC+ Eight
Subject	Unauthorized Information (UI) - Tempo
DIC	Gary Zeiger
Event	Stratified Open Pairs
Session	First of Two
Date	July 26, 2009

BD#	16
VUL	E/W
DLR	West

53,356 Masterpoints	
♠	T 8
♥	A Q 8
♦	K Q J 6 3
♣	K Q 7

1,074 Masterpoints		Summer 2009 Washington D.C.	1,061 Masterpoint	
♠	6 3 2		♠	K Q J
♥	9 5 2		♥	K J 6 4 3
♦	8 7 4		♦	A 2
♣	T 8 6 5		♣	J 9 4

1,570 Masterpoints	
♠	A 9 7 5 4
♥	T 7
♦	T 9 5
♣	A 3 2

West	North	East	South
Pass	1NT	Pass	2♥ ¹
Pass	2♠	Pass	2NT
Pass	3NT	Pass	Pass
Pass ²			

Final Contract	3NT by North
Opening Lead	♣4
Table Result	Made 3, N/S + 400
Director Ruling	3NT N made 3, N/S + 400
Panel Ruling	3NT N made 3, N/S + 400

(1)	Transfer to spades.
(2)	8-10 second hesitation.

The Facts: The director was called after the play of the hand was completed. The hesitation by West was agreed. North claimed that the hesitation caused him to go wrong at trick 11.

The play had been club to the queen. Declarer played the diamond king to the ace. The club nine was returned to dummy's ace. Declarer cashed the diamond ten and nine and passed the heart ten to East's jack, East returned the spade king to the ace in dummy. Declarer played the club 3 to his king and cashed the diamond king and queen, which left the following position:

	♠ T	
	♥ A Q	
♠ 6 3		♠ J
♥ 9		♥ K 6
	♠ 9 7	
	♥ 7	

At this point, North cashed the heart ace and led the spade ten.

The Ruling: According to Law 73D1, any inferences from an opponent's hesitation may be taken by a player at his own risk. Additionally, declarer had all relevant information after trick 10. Therefore, the table result of 3NT by North making three was allowed to stand for both sides.

The Appeal: N/S appealed the director's decision. All four players attended the hearing. North said that West hesitated 10 seconds before the final pass (8-10 seconds was agreed). West said he was reviewing the auction. Because of West's hesitation, North elected to play him for the spade jack and one heart (he had discarded the 13th club and a heart). Four players were asked if they thought West's hesitation suggested a lead to East. Three felt it had no bearing; the other said it suggested leading a minor suit.

The Decision: Based on the consultants' opinions, the panel judged that there was no connection between the hesitation before the last pass and the lead. Also, there was no connection between the play at trick 11 and the hesitation. Therefore, the table result of 3NT by North making three, N/S plus 400 for both sides was the correct decision. The appeal was determined to have merit.

The Panel: Tom Marsh (Reviewer), Jay Albright and Bill Michael.

Commentary:

- Polisner** What about Law 73F2 which requires that the director award an adjusted score if he or she determines that West could have known that such a hesitation could work to his benefit? Certainly it could as it runs no risk of fooling partner who will know that West holds a Yarborough. However, I would have still ruled against N/S as it was obvious at trick 11 that West could not have had anything to think about.
- Rigal** Zero, zero, ZERO merit. Absolutely ludicrous behavior by North even to call the director. I think we can work out who it is from the MP total but I choose not to. (Maybe a recorder form issue – but I think even that would be excessive.)
- Smith** This one is hard to understand. Was the issue really just that West hesitated before passing out 3NT? And somehow this led a North with a world of experience to decide that such a hesitation showed the spade jack, the heart king and no other high cards? And then N/S does not get an appeal without merit warning (AWMW)? North didn't even seem to be arguing that the opening lead was the issue, or that another hesitation occurred later in the play by West. Something must be missing, but I can't begin to understand what it is. On the facts as stated the directors and panel were clearly correct, but I have a strong suspicion that more was going on here than the writeup tells us.
- Wildavsky** This is the flimsiest appeal I've ever seen. Was North seriously contending that because of West's hesitation he played him for a Yarborough with a Jack rather than a Yarborough with a Ten? Did he suppose West was considering doubling, or must West have been considering a save? Not a shred of merit.
- Wolff** From the sublime to the ridiculous. The declarer was claiming that because of West's hesitation before his final pass he was more likely to have a Yarborough with one jack than one without it. N/S should not only receive an AWMW, but also a punitive penalty for idiocy. When nothing punitive is done, N/S will continue to want something for nothing.

APPEAL	Non-NABC+ Nine
Subject	Unauthorized Information (UI)
DIC	Michael Roberts
Event	Bracketed Knockout – Bracket 1
Session	Second Round
Date	July 27, 2009

BD#	24
VUL	None
DLR	West

James Rezihan	
♠	T
♥	Q 9 8 6
♦	T 8 7
♣	A K 7 4 2

Patricia Wright		Summer 2009 Washington D.C.	Robert Lavin	
♠	A J 7 5 4		♠	K Q 8 6
♥	T 7 3		♥	A K 5 4
♦	K J 9 4		♦	2
♣	3		♣	9 8 6 5

Estelle Margolin	
♠	9 3 2
♥	J 2
♦	A Q 6 5 3
♣	Q J T

West	North	East	South
Pass	Pass	1♣	1♦
1♠	Pass	2♠	Pass
Pass ¹	3♦	4♠	Pass
Pass	Pass		

Final Contract	4♠ by West
Opening Lead	♣A
Table Result	Made 4, E/W + 420
Director Ruling	3♠ W made 4, E/W + 170
Panel Ruling	4♠ W made 4, E/W + 420

(1) Break in tempo (BIT).

The Facts: The director was approached after the first half of the match to question the bidding after the BIT. North said the BIT was about 10 seconds, the other three thought it was 6-7 seconds.

The Ruling: No ruling was given until after the match was completed. The director did not allow the 4♠ bid, but did feel East would have bid 3♠. He felt that, since West did not make a game try, she would not bid 4♠ and ruled that the result was 3♠ by West making four, E/W plus 170. Laws 16, 73C and 12C1(e).

The Appeal: E/W appealed the director's decision. All four players attended the hearing. East said that after North's 3♦ bid he knew West's values were all working and that she would not have freely bid 1♠ without a little more than the minimum 6 points. West was asked if she would have bid 1♠ with, say, the Qxxx of diamonds instead of the KJ and she said yes. She also said that if we forced her partner to pass she would have doubled 3♦ (which has to go down at least two). West said she wanted to make a game try over 2♠, but could not come up with the right bid. She said she would bid 4♠ if her partner bid 3♠. North said he wished he had not balanced after the BIT. South did not think E/W should be allowed to reach game after the BIT.

Eleven pairs were asked to bid the E/W hands. All eleven reached game, although only two passed 2♠ and so got to game with North's help.

West wanted to bid more, but did not think of 3♠ (invitational in their system) in time. All consultants agreed that East had a 3♠ bid, so it appeared that 4♠ was the only possible contract.

The Decision: Given the above, the panel found the violation of Law 16 did not affect the end result and so restored the table result of 4♠ by West making four, E/W plus 420 for both pairs.

A player memo was filed on East for his apparent use of U.I. for his 4♠ bid.

The Panel: Charles MacCracken (Reviewer), Su Doe and Candace Kushner.

Commentary:

Polisner I would never have allowed E/W to receive plus 420 and in fact, would have assessed a procedural penalty for blatant use of UI. A player memo is insufficient.

Rigal E/W should get the procedural penalty (PP) they deserve to bring their result to no better than 3♠making four. As for the non-offenders I think I'd let them keep 3♠ making four too. My view is that bidding 4♠ with KJ94 of diamonds facing a singleton is far from automatic. Plus partner may have been bidding on my hesitation in which case I've bid my hand already (only joking...I think).

Smith I actually like the directors' ruling better than the panel's, although with more polling I could be convinced the panel is correct. I think the nub of this problem is whether a West who passed 2♠ would necessarily bid 4♠ when partner competed to 3♠ over 3♦. All that shows is short diamonds, which doesn't tell me that a player who couldn't even make a game try a minute ago would think it is automatic to bid game now. So, more of a sampling of that issue would be useful for me. I am offended at East's 4♠ bid, and in the top bracket I think it deserves a penalty as a violation of Law 73C (“When a player has available to him unauthorized information from his partner, . . . he must carefully avoid taking any advantage from that unauthorized information”).

Wildavsky The panel ruling seems to me a miscarriage of justice. What point is there in polling E/W pairs who do not pass 2♠? It's always difficult to reach game once a pair has stopped in a part score. The director's ruling looks right to me, except for the lack of a procedural penalty for East's egregious 4♠ bid, which was consistent with an attempt to take advantage of UI.

Wolff More than a player memo should be filed against East for a flagrant ethics violation! His 4♠ jump, after his partner's hesitation and pass and then a balance is as unethical as it can get. East has no fear of overt unethical conduct (perhaps we should look at ourselves for having this happen).

APPEAL	Non-NABC+ Ten
Subject	Misexplanation and Unauthorized Information (UI)
DIC	Gary Zeiger
Event	Compact Knockout Teams
Session	First of Two
Date	July 29, 2009

BD#	13
VUL	Both
DLR	North

906 Masterpoints	
♠	K Q 5
♥	7
♦	K J 9 8 6 2
♣	A Q 5

1,487 Masterpoints		Summer 2009 Washington D.C.	867 Masterpoints	
♠	J T 9 7 2		♠	A
♥	A Q T 9 8		♥	K J 6 5
♦	T		♦	Q 5
♣	T 4		♣	J 9 8 6 3 2

850 Masterpoints	
♠	8 6 4 3
♥	4 3 2
♦	A 7 4 3
♣	K 7

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

Final Contract	3♥ by West
Opening Lead	♦8
Table Result	Made 4, E/W + 170
Director Ruling	3♦ N made 4, N/S + 130
Panel Ruling	3♦ N made 5, N/S + 150

(1) Alerted and explained as a support double – actual agreement, a responsive double.

The Facts: The director was called before the opening lead and again after the play of the hand. North said there was misinformation concerning the meaning of the double. Had he, North, known that the double was responsive, he would have bid three or four diamonds over the double.

The Ruling: The director determined that there was a misexplanation that damaged N/S as North's calls were affected. Also, there was unauthorized information available to West that demonstrably suggested the call taken (3♥) over logical alternatives. Therefore per Laws 21B3, 16B3 and 12C1(e), the result was changed to 3♦ by North making four, N/S plus 130, for both sides.

The Appeal: E/W appealed the director's decision and were the only players at the hearing. Because of the lateness of the appeal (it was still timely), N/S had not been notified, but, since there was no new evidence, the hearing proceeded.

The Decision: The panel felt the decision to change the score was clear-cut. It also determined that if the 2NT and 3♥ calls were not made, that the available authorized information would have caused East to switch to a club after leading the spade ace. Therefore, the result was changed to 3♦ by North made five, N/S plus 150, for both sides. The panel discussed whether to impose an appeal without merit warning (AWMW). It decided not to for several reasons:

1. The appellants were rushed into the process.
2. The screener felt he had not adequately explained the applicable Laws.
3. The appellants would not have pursued the appeal if they had known that the ruling was irrelevant as to which two teams progressed from the round-robin.

The Panel: William Michael (Reviewer), Jay Albright and Charles MacCracken.

Commentary:

Polisner Good work by the panel.

Rigal I can live with no AWMW... just. Some good reasoning by the panel up to that point.

Smith I think the panel clearly made the correct decision, but the panel is not supposed to just blithely second guess the work of the directors in judgment cases. It is supposed to solicit and apply the opinions of peers to the law in making a decision. It is one thing for directors who are sometimes rushed with other duties occasionally not to have time to research a ruling with players. But I can't think of many good reasons why a panel should not do so. And as for merit, the panel apparently thought the ruling was so clear that it did not even need to talk to players. And it took a trick away from the appellants. By definition there had to be no merit regardless of other circumstances. The appellants presumably signed the form acknowledging that they knew the risks in appealing and chose to pursue it rather than reconsidering the merits of their appeal.

Wildavsky Nice work by the panel, improving an already good director ruling.

Wolff North's bidding judgment belongs in never, never land since West's purported "support double" should have propelled North to bid at least 4♦ since partner figured to have a singleton club. Ruling: E/W minus 150, N/S minus 170. Keep the candy store closed.

APPEAL	Non-NABC+ Eleven
Subject	Unauthorized Information (UI) - Tempo
DIC	Ken Van Cleve
Event	Flight A Pairs
Session	First of Two
Date	July 31, 2009

BD#	25
VUL	E/W
DLR	North

Lee Atkinson	
♠	J 2
♥	A J 8 6 3 2
♦	T 6 2
♣	K 9

Cecily Kohler		Summer 2009 Washington D.C.	Andy Avery	
♠	T 9 8		♠	A K Q 6 4
♥	4		♥	9
♦	K 8 7 3		♦	A Q J 9
♣	T 7 4 3 2		♣	A Q 8

Mark Yaeger	
♠	7 5 3
♥	K Q T 7 5
♦	5 4
♣	J 6 5

West	North	East	South
	2♥	Dbl	3NT
Pass	Pass	Dbl	4♥
Dbl ¹	Pass	4♠	Pass
Pass	Pass		

Final Contract	4♠ by East
Opening Lead	♥K
Table Result	Made 5, E/W + 650
Director Ruling	4♥ dbld N down 3, N/S - 500
Panel Ruling	4♠ E made 5, E/W + 650

(1) Break in Tempo (BIT) but agreed by all.

The Facts: The director was called after the 4♠ bid and again after the play of the hand. All players agreed to a BIT. West said it was 8 seconds, East 6-8 seconds and both North and South said 10 seconds. North and South felt that pass was a logical alternative.

The Ruling: The director determined that there was a BIT and that it demonstrably suggested bidding rather than passing, which was considered to be a logical alternative. Therefore the result was changed to 4♥ doubled by North down three, N/S minus 500, for both sides.

The Appeal: E/W appealed the director's decision and all players were present for the hearing. West said her BIT was because she was thinking of bidding 4NT for the minors, but decided her diamond length was not sufficient. She then doubled to show her partner that she had "a card."

The Decision: Ten players were polled (9 with between 2,750 and 7,400 masterpoints and one with 21,000). 8 of the 10 players took action over the double – two passed. Most of the players polled thought that when South bid 4♥, his hand became an open book with long hearts and no values; therefore, pass was not considered by the panel to be a logical alternative. Therefore, the table result of 4♠ by East making five, E/W plus 650 was restored for both pairs.

The Panel: Tom Marsh (Reviewer), Candace Kushner and Jean Molnar.

Commentary:

Polisner It is still unclear (at least to me) what percentage of the players polled and take the minority view constitute a logical alternative. In the old days, it was deemed that if the action taken was one which at least 75% of the peers would take, then there would be no logical alternative. In spite of that, I would have gone along with the director's ruling.

Rigal Excellent decision; people who psych (me included) can't then blame their opponents for taking a second or two longer than normal. Boy, I must be getting old. (Initial director ruling was fine too, by the way.)

Smith I happen to think that every latitude possible on tempo should be given to a player who is presented with this kind of problem after an opponent psychs. It is not a normal situation to be in, and taking a reasonable amount of time to solve the problem should be allowed. In fact, I find it a bit distasteful that a player would deliberately create a problem for an opponent by psyching and then call for the director after a brief hesitation as a result. So I think I would have been satisfied if the panel restored the table result for that reason. But the panel's reason for doing so is clearly counter to the law. If two out of ten consulted players passed the double, then pass is a logical alternative. Law 16B1(b): "A logical alternative action is one that, among the class of players in question and using the methods of the partnership, would be given serious consideration by a significant proportion of such players, of whom it is judged some might select it." So, the panel could have said that there was no unmistakable hesitation under the circumstances of this auction, or it could have said that the hesitation did not demonstrably suggest one action over another. But given the poll taken it was illegal to say that pass was not a logical alternative.

Wildavsky Two players out of ten passed. That makes pass a logical alternative according to the standards promulgated by the ACBL Laws Commission. On the face of it pass is certainly logical -- it would be right quite often. It seems to me that the panel overturned a perfectly good director ruling. I cannot fathom their reasoning.

Wolff E/W should definitely be allowed to play 4♠. If possible normal playing luck (NPL) should insist that real results count unless the evidence proves otherwise. For a pair to psych (allowed) and then claim hesitation disruption (HD) is beyond my belief. That is symptomatic of a narcissistic complex, which can be very troublesome to be unleashed in the bridge world. It is important to honor the game, wherein once a pair psychs they should realize that some disruption is to be expected and to be prepared to get the worst of possible ethics violations because of the fallout. To want more than one is entitled to always hurts our game by setting an awful example.

APPEAL	Non-NABC+ TWELVE
Subject	Insufficient Bid – Director’s Error
DIC	Millard Nachtwey
Event	Board a Match Side Game
Session	Wednesday Evening – Only
Date	July 29, 2009

BD#	22
VUL	E/W
DLR	East

509 Masterpoints	
♠	5
♥	9 7 4
♦	J 9 8 7 5
♣	Q 8 6 3

401 Masterpoints		Summer 2009 Washington D.C.	925 Masterpoints	
♠	K 7 3		♠	A Q T 9 6 4
♥	A Q J T 8 6 3		♥	K
♦	6 4		♦	A K T 3
♣	4		♣	T 2

1,169 Masterpoints	
♠	J 8 2
♥	5 2
♦	Q 2
♣	A K J 9 7 5

West	North	East	South
		1♠	3♣
3♥	Pass	4♦	Pass
4NT ¹	Pass	5♦ ²	Pass
5NT ³	Pass	5♥ ⁴	
		7♦ ⁴	Dbf
Pass	Pass	Pass	

Final Contract	7♦ dbl by East
Opening Lead	♣K
Table Result	Down 3, E/W - 500
Director Ruling	6♥ W made 6, E/W + 1430
Panel Ruling	6♥ W made 6, E/W + 1430

(1)	Roman Keycard Blackwood in last bid suit.
(2)	0-3 Controls.
(3)	Asks for specific kings.
(4)	Intent was to show the heart king – after the director’s incorrect ruling changed to 7♦.

The Facts: The director was called immediately after the insufficient bid of 5♥. The director ruled in accordance with the 1997 Laws of Duplicate Contract Bridge, which treated the insufficient bid as conventional and barred West from the auction. Upon discovery of the error, another director went back to the pairs to correct the previous director’s error. East was attempting to show the king of hearts.

The Ruling: Upon review, the director determined that had the correct Law [27B1(b)] been applied, East would have been able to show the king of hearts by bidding 6♥ without barring his partner. West would have passed. Therefore, the result was adjusted to 6♥ by West making six, E/W plus 1430 for both sides.

The Appeal: N/S appealed the final director ruling and were the only players to attend the hearing.

N/S said that they felt that there was a possibility that E/W would bid 7♥.

West had stated to the director that he asked for kings because he would play 6♥ if partner had the king of hearts. He knew they were off one keycard.

The Decision: The panel judged that there was no chance that E/W would settle in any contract other than 6♥. Therefore, the director's adjustment to 6♥ by West making six, E/W plus 1430 for both sides was upheld.

While the appeal was not thought to have merit, the problem was caused by the director's error and an appeal without merit warning (AWMW) would not be appropriate.

The Panel: Bill Michael (Reviewer) and Jay Albright.

Commentary:

Polisner It is very sad that ACBL employs directors who apparently are incapable of giving what I consider to be a routine ruling properly. Good job by the second director and the panel – including consideration of an AWMW.

Rigal I agree about the merit issue. Looking at West's hand for the bidding I'd like to punish them (or lock them up) but can't see how. Someone else will show me how.

Smith The insufficient bid law underwent a major change in the 2007 version of the Laws. As mentioned in the writeup, in the old laws a potentially conventional insufficient bid barred partner. In the new laws, 27B1(b) states: "if . . . the insufficient bid is corrected with a legal call that in the Director's opinion has the same meaning*as or a more precise meaning* than the insufficient bid . . . , the auction proceeds without further rectification, but see D below." Part D allows the director to decide at the end of the hand that the non-offending side may have been damaged by the very fact of the insufficient bid and, if so, to adjust the score. I assume that the 5♥ bid wasn't just a slip of the hand (in which case it would be a free change according to Law 25), so this seems to me to be a good case for the director to allow a Law 27B1(b) change without rectification that would not have been permitted under the old laws. So I agree with corrected directors' ruling. Given that West apparently knew his side was off a key card, the final disposition of this case by the directors and panel seems right. But I do have a nagging feeling caused by not knowing why West asked for specific kings when he was off a key card. It would have been nice to know what he was thinking.

Wildavsky I see no merit in the appeal. The initial ruling was irrelevant, since it was made using an obsolete law. N/S ought to be able to understand that, and from the arguments it seems they did understand it.

Wolff Reason prevailed, but N/S should be penalized or disciplined for bringing this action. Also, the tournament director who ruled the wrong way needs to be educated on when and when not to follow a possible interpretation of the law.

APPEAL	Non-NABC+ THIRTEEN
Subject	Misinformation (MI) and Unauthorized Information (UI)
DIC	Scott Campbell
Event	Stratified Open Pairs
Session	First of Two
Date	August 1, 2009

BD#	32
VUL	E/W
DLR	West

746 Masterpoints	
♠	Q
♥	5 3
♦	A Q 9 6 5 3
♣	K 9 7 3

1,713 Masterpoints		Summer 2009 Washington D.C.	1,757 Masterpoints	
♠	K J T 8 2		♠	9 5 4
♥	K J T 9 8 4 2		♥	A Q 7
♦	8		♦	K J T 2
♣			♣	A Q 6

730 Masterpoints	
♠	A 7 6 3
♥	6
♦	7 4
♣	J T 8 5 4 2

West	North	East	South
Pass	1♦	1NT	Pass
2♣	Pass	2♦	Pass
3♥ ¹	Pass	4♠	Pass
4NT ²	Pass	5♥ ³	Pass
6♥	Pass	Pass	Pass

Final Contract	6♥ by West
Opening Lead	♣3
Table Result	Made 6, E/W + 1430
Director Ruling	6♥ W made 6, E/W + 1430
Panel Ruling	6♥ W made 6, E/W + 1430 ¼ bd penalty against E/W

(1)	By agreement shows 5 spades and 4 hearts – Alerted by East.
(2)	Roman Keycard Blackwood.
(3)	Two controls, no spade queen.

The Facts: The director was called before the opening lead and again after the hand was played. West said that he did not forget his agreements, but wanted to find out about spades before bidding 6♥. There was no mention of a break in tempo (BIT).

The Ruling: The director judged that there was no infraction of law. Therefore, the Table Result of 6♥ by West making six, E/W plus 1430 was allowed to stand for both sides.

The Appeal: N/S appealed and all players except North attended the hearing. N/S maintained that the tempo slowed after 4NT and mannerisms (sighs) were present during the auction.

East felt that West decided on the contract and accepted partner's choice of contracts. E/W were non-specific about the possible presence of mannerisms during the auction.

The Decision: The reviewer polled five players. One answer was not in line with a rational approach to this hand and was discarded. Two players felt that 6♥ fixed the contract and passed. One suggested that 6♥ showed that the wheels were off this auction and also passed. One thought they should correct and bid 6♠.

The panel determined that there was sufficient authorized information available to allow East to pass 6♥. Therefore, the table result of 6♥ by West making six E/W plus 1430 was allowed to stand for both pairs.

West stated that 3♥ was intended as Smolen. Subsequent actions in the auction suggest that this was not so. Therefore, it is probable that there were improper mannerisms at the table. Players in the 1,700 masterpoint range should control those reactions; so, the panel assessed a ¼ board procedural penalty against E/W.

The Panel: William Michael (Reviewer), Bernie Gorkin and Ken Van Cleve.

Commentary:

Polisner I'm confused. N/S called the director. What was it about the auction which caused the call? The only thing that the director determined was that there was not a contention of a BIT. There apparently was not any mention of other UI (gesture, etc.) during the time the director was at the table. Such contentions, which were denied by E/W, were first raised at the hearing. I cannot see giving a procedural penalty for this without more conclusive evidence; however, I might do so for West blatantly lying about his intention in bidding 3♥.

Rigal I do not like anything about this ruling, but I do not know what I'd do, so maybe I can't be too critical. The UI issues are complex – and yes of course West forgot Smolen. I think N/S came out of this without any redress but I'm still not sure if they were hard done-by or not.

Smith It seems from the writeup that the table director was not told of any UI by N/S. And to the reviewer they apparently were not too specific about when the alleged UI infractions occurred. It would seem that they originally called the director because of East's surprise pass of 6♥. So I am not inclined to put too much stock in the contention that UI assisted E/W, especially since the final bid by West was such an alarm bell to East. But maybe you just had to be there to know for sure. I am again troubled by the panel's conclusion regarding a logical alternative based on the polling. 25% among peers constitutes a logical alternative according to Law 16. Maybe the passer was an aberration, but if so only more polling would have revealed that. It's one thing to say that the UI didn't exist or that it didn't suggest the action taken or even that the UI was outweighed by authorized information (the auction itself), but quite another based on the polling to say that no logical alternative to pass existed.

Wildavsky I'd love to know how declarer took 12 tricks, but it doesn't seem relevant to the case. West's explanation is not credible. If he wanted to find out about the ♠Q then why did he bid slam after learning that his side was off two key cards and the ♠Q? I think N/S were due redress.

Wolff By the way, how did 6♥ make? By West going up with the king of spades (catching the queen) or by South rising with the ace when a spade is led from dummy? I'll bet on the latter way and if so for them to want an adjusted score should also accrue extra discipline against them.

APPEAL	Non-NABC+ Fourteen
Subject	Unauthorized Information (UI) - Tempo
DIC	Kevin Perkins
Event	Flight A Swiss Teams
Session	Playthrough
Date	August 3, 2009

BD#	12
VUL	N/S
DLR	West

Corey Krantz	
♠	6
♥	A T 5 3
♦	9 6 5 3 2
♣	Q 7 5

Howard Einberg		Summer 2009 Washington D.C.	Larry Fox	
♠	A K 8 6 4 3		♠	J T 9 7
♥	K J		♥	
♦	A Q		♦	K J T 8
♣	A T 5		♣	K J 6 3 2

Loretta Westler	
♠	Q 2
♥	Q 9 8 7 6 4 2
♦	7 4
♣	9 4

West	North	East	South
1♠	Pass	4♠ ⁽¹⁾	Pass
6♣	Pass	Pass	Pass

Final Contract	6♣ by West
Opening Lead	♥A
Table Result	Made 7, E/W + 1010
Director Ruling	6♣W made 7, E/W + 1010
Panel Ruling	6♣W made 7, E/W + 1010

(1)	Break in tempo (BIT) of about 20 seconds.
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The Facts: The director was called after the play of the hand. Everyone agreed with the fact that there was a 20 second BIT before East bid 4♣.

The Ruling: The director determined that East had made UI available to West. However, the director deemed that a pass over 4♣ by West was not a logical alternative at this form of scoring. Therefore, the table result of 6♣ by West making seven, E/W plus 1010 was allowed to stand for both sides.

The Appeal: N/S appealed the director's decision and all four players attended the hearing.

N/S felt that passing a weak 4♣ bid was a logical alternative. East is a player who just restarted playing after a long hiatus (0 masterpoints recorded) and was going over how to bid this hand.

West believed that 4♣ had indicated shortness somewhere.

The Decision: Six players with from 3,500 to 6,000 masterpoints were polled. All bid on with 5♣ or 4NT planning on bidding a slam. Eight players at N/S level of expertise were polled and three of them did pass.

The panel judged that pass was not a logical alternative for a player with 4,000 masterpoints. Therefore, the table result of 6♠ by West making seven, E/W plus 1010 was allowed to stand for both sides.

Since almost half of N/S's peers passed, the appeal was determined to have merit.

The Panel: Bernie Gorkin (Reviewer) and Bill Michael.

Commentary:

Polisner Okay.

Rigal I'm shocked that the decision to bid on was so clear-cut from experts but live by the panel poll die by the panel poll. I'd have expected the vote to be the other way round

Smith It would have been nice if we had been told what level of experience N/S had so we could evaluate those eight answers (including three passers). But assuming as we were told that the poll was done solely for the purposes of deciding whether to issue an AWMW and not for the purposes of determining whether pass was a logical alternative, then good for the panel. I do have some concerns that West's choice of non-pass (6♠) perhaps should have had more scrutiny. It looks to me to be an action demonstrably suggested by the UI as opposed to a simple slam try. Probably E/W would have arrived at slam even after a slam try by West, but the panel should have examined the issue.

Wildavsky An interesting use of polling to determine merit. I have no quarrel with the finding.

Wolff I agree and not close with any aspect. Why should a slow jump from 1♠ to 4♠ show a better hand than a fast jump or an in tempo jump? N/S, like the N/S in the previous hand appear to be troublemakers and worth being censured. To not act against frivolous appeals tends to damage the whole process.