

Appeals at the 2004 Summer NABC



presented by



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Abbreviations used in this casebook

AC	Appeal Committee
AI	Authorized Information
AWMW	Appeal Without Merit Warning
BIT	Break in Tempo
LA	Logical Alternative
MI	Misinformation
NOS	Nonoffending Side
PP	Procedural Penalty
TD	Tournament Director
UI	Unauthorized Information

FOREWORD

The casebooks are now being compiled, edited and printed by ACBL headquarters in Memphis. The editor no longer takes an active role in the commentary, leaving that part to our expert panel.

While the way the casebooks are developed has changed, it is hoped that their purpose and usefulness has not. It is supposed to be a tool to help improve Appeal Committees, particularly at NABCs. The ACBL will also continue to make these casebooks available on our web site to reach a wider audience.

There were 33 cases heard in New York City. Thirteen of them were NABC+ cases, which means they were from unrestricted championship events and heard by a peer committee. In most cases the appeal passed through a screener, usually a senior Tournament Director. The names of the players are included in NABC+ appeals.

Twenty cases are from regional events. They include the regional championship events, some side events and any NABC event that carried an upper masterpoint restriction. These cases were reviewed by a panel of directors (usually three of them). In this category, the names of the players are included only when the event had no upper masterpoint limit

We wish to thank everyone who contributed. This starts with committee members, chairpersons, scribes and screeners and later on the expert panelists who comment on the various cases. Without the time and efforts of these people the casebook would not happen.

One more thing, you may also wish to visit our web site to view this casebook or previous ones.

1. Go to our home page www.acbl.org
2. Across the top find “Play” and under that, click on tournaments
3. From the next page, across the top is a green banner. Find and click on “Charts, Rules and Regulations”
4. Under “Tournament specific regulations” find and click on NABC casebooks

We hope you find these cases instructive, educational and interesting.

ACBL Headquarters Memphis
January, 2005

THE EXPERT PANEL

Ralph Cohen, 78, was born in Montreal, QC. He currently resides in Memphis, TN. He has held several positions with the ACBL from 1971 to 1991 including Executive Director from 1984 to 1986. Mr. Cohen has been a member of the ACBL Laws Commission since 1984 and is currently a Co-Chairman. He is a Vice-Chairman of the WBF Laws Committee. He wrote the Ruling the Game column for two years along with other contributions for The ACBL Bridge Bulletin. He represented Canada in the World Team Olympiad in 1964 and has won four NABC Championships. He has been attending NABCs since 1947.

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

Staff refers to various tournament directors or ACBL staff members in the Memphis Headquarters.

Adam Wildavsky, 44, was born in Ohio and grew up in Berkeley and Oakland, CA. He is a graduate of MIT. Since 1986 he has resided in New York with long-time companion Ann Raymond. He is the proprietor of Tameware LLC, a New York computer consulting company specializing in Extreme Programming. Mr. Wildavsky has won three NABC Championships, most recently the 2002 Reisinger BAM teams. He and his Reisinger team went on to win the 2003 Team Trials and took a bronze medal in the 2003 Bermuda Bowl in Monaco. His study of the laws is informed by his study of Objectivism, the philosophy of Ayn Rand.

Bobby Wolff, 71, was born in San Antonio and is a graduate of Trinity University. He currently resides in Dallas. 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. 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 both Convention Disruption and Hesitation Disruption.

CASE ONE

Subject: Tempo

DIC: Cukoff

LM Pairs – 1st Qualification

Bd: 2	Josh Sher		
Dlr: East	♠ A 6 3		
Vul: NS	♥ K Q 9 7 6 2		
	♦ —		
	♣ Q 10 8 6		
Roger Lord	Jacqueline Sincoff		
♠ J 10 7 4	♠ Q 8 5 2		
♥ 3	♥ A J		
♦ 5 4 3	♦ A J 10 9		
♣ A K J 9 2	♣ 7 5 4		
	Clement Jackson		
	♠ K 9		
	♥ 10 8 5 4		
	♦ K Q 8 7 6 2		
	♣ 3		
West	North	East	South
		Pass	Pass
1 ♠ ⁽¹⁾	2 ♥	Dbl ⁽²⁾	4 ♦ ⁽³⁾
Pass	4 ♥	Dbl ⁽⁴⁾	Pass
4 ♠	All Pass		
<p>(1) Possibly weak with as few as four spades</p> <p>(2) Negative, possibly inviting in spades</p> <p>(3) Diamonds and hearts</p> <p>(4) Agreed BIT</p>			

The Facts: All agreed that East broke tempo before doubling 4♥. EW agreed that double of 2♥ did not guarantee spades, and that the later double was for takeout. The Director was called at the end of the auction.

The Ruling: Pass was ruled an LA to 4♠. The score was adjusted to 4♥ doubled, making four for +790 to NS. (Laws 16A, 17F1, 12C2).

The Appeal: EW stated they play extended negative doubles. Although this was not on their current convention card for lack of room, they produced an older card showing this is part of their system. EW do not play penalty doubles. East said to be sure of defending, she must pass, although her double could be converted.

Both her first and second double can be a spade raise. Their card showed light initial

action in third seat, sound openings in first and second seats. East was thinking of passing to get a plus score. West's opening bid is canapé. West said the information from the slow double is that he should pass because East may have been thinking of passing to go plus.

The Decision: EW have a 25-year partnership. The Committee found that East's second double was not penalty. Everyone believed there was a break

in tempo before the double of 4♥. East said she did not bid 3♥ over 2♥ because she did not want to commit to the three level, yet she subsequently made a takeout double at the four level.

Nobody on the Committee played this unusual system. However, after analysis, the Committee believed that the slowness of the double made it more likely that East had four spades and made 4♠, as opposed to pass, a more attractive call.

EW admitted that this system often forces them to guess the right strain at high levels; that they will start with a four card spade suit and guess what to do if doubled. Accordingly, the Committee did not feel that a pull to 5♣ was suggested by the break in tempo. However, since the slowness of the double makes 4♠ a more attractive call, the committee required West to pass. The Committee found that 4♥ would make four on most lines of play and defense and therefore upheld the Director's ruling.

Dissenting Opinion (Mark Feldman): Given the EW partnership agreements, and specifically the takeout nature of doubles, the break in tempo did not demonstrably suggest defending rather than bidding on. The break in tempo could have been because her hand was more defensive oriented than was optimal. Furthermore, very few, if any, players of Roger Lord's caliber would elect to defend with his hand opposite a takeout double. Admittedly, sometimes the nature of the problem can be discerned by body language and/or the tone of the double. But there was no claim of this by the NS pair. So I favored allowing Lord to bid rather than Pass.

Whether to allow him to bid 4♠ rather than 5♣ was less clear, since the tempo break did increase the likelihood of his partner (with whom he had some unusual understandings including that the initial double might be with four spades) having four card spade support. My inclination was to allow "testing the waters" with 4♠; but I would have forced a retreat to 5♣ if 4♠ was doubled.

Committee: Richard Popper, Chairperson, Chris Moll, Bob Schwartz, Jay Apfelbaum and Mark Feldman.

Cohen: EW insulted the intelligence of the AC. If the East hand is not strong enough to bid 3♥ over 2♥, how could it be good enough to double for takeout at the four level. Also, doesn't West have two potential defensive

tricks in the ♣AK? If anything, EW should have been assessed a PP for the removal to 4♠.

Wolff: This could be an important case that was decided correctly, but we should always try to establish worthwhile precedents.

When an unusual somewhat “home brew” system is played, that pair should be under special strictures to bid in tempo. Otherwise, their BITs will be of greater meaning to them and them only.

I favor Mark Feldman’s dissent, but not his reasons, and –800 to them in 5♠ doubled after opener takes out to 5♣ and partner then prefers 5♠.

Unusual established agreements require stricter ethics.

Goldsmith: The evidence that the double of 4♥ was takeout is not sufficient. It wasn’t alerted at the table and without a clear statement on the convention card saying “we don’t play penalty doubles,” an AC ought not accept such a claim. If the slow double was a penalty double, then there’s nothing to the case and ought to have been given an AWMW.

Are we really willing to hold ACs for every pull of a slow double? If the players simply claim that the double was takeout, then we’d never be able to award an AWMW in these cases and players would get free shots. We don’t want that, so we need players to supply substantial evidence that a double is takeout in situations where most would assume it is penalty.

CASE TWO

Subject: MI/UI

DIC: Henry Cukoff

LM Pairs – 2nd Qualification

Bd: 18	Anton Tsypkin		
Dlr: East	♠ J 9 8 5		
Vul: NS	♥ A K		
	♦ 9 6		
	♣ A J 9 8 5		
Bob Etter		Jim Hayashi	
♠ A 7 4		♠ Q 2	
♥ 10 9 4 2		♥ Q 7 6	
♦ A 5 4		♦ Q 7 3 2	
♣ K 10 2		♣ Q 7 6 4	
	Vladimir Parizhsky		
	♠ K 10 6 3		
	♥ J 8 5 3		
	♦ K J 10 8		
	♣ 3		
West	North	East	South
		Pass	Pass
1♣	Pass	1NT	Pass
Pass	Dbl ⁽¹⁾	2♣	2♥
Pass	2♠	All Pass	
(1) Both majors			

The Facts: The double of 1NT was alerted and explained as both majors. North claimed he always remembered that the double showed both majors but he had no other call. The Director was called after the 2♠ call. 2♠ made five for +200 for NS. The opening lead was the ♣4.

The Ruling: The Director ruled that the alert of the double was UI to North and could have influenced his 2♠ call. The contract was adjusted to 2♥ making three for +140 for NS.

The Appeal: NS appealed the ruling. EW did not attend the hearing. North reiterated his claim that he knew what his system was and intentionally violated it. He said his double allowed his partner to show a

reasonable diamond suit with a 2♦ call.

Additionally, his partner did not open a weak two in second position, so probably had spade support with the known club shortage.

Other Findings: The Committee determined that NS played sound weak twos in second position vulnerable. NS were a Russian pair having approximately 800 and 0 masterpoints each. They were an online Internet partnership of four years that had received a dispensation from the Directors to play in the LM Pairs. One of them had won a Russian Championship.

The Decision: NS did not have this convention marked on their card and did not supply the necessary evidence that North made an intentional misbid. The laws are fairly clear in this area and the alert could have awakened North to a possible bidding misunderstanding. Thus, the contract was rolled back to 2♥. Analysis of this complicated contract indicated that practically all lines of play led to only eight tricks. Therefore, both sides were awarded the score for 2♥ making two, +110 for NS. There was a brief discussion concerning an AWMW, but several members of the Committee believe that educating these foreign guests was a more appropriate response.

Committee: Mark Bartusek, Chairperson, Michael Huston, Kathy Sulgrove, Ellen Melson and Gail Greenberg.

Cohen: No problem settling the contract at 2♥. How many tricks will declarer win with a trump lead — seven or eight? Maybe the adjustment should be EW -110, NS -100 (LAW 12C2). I won't belabor the point though.

It should be pointed out that when an appealing side comes out of a hearing with a score that is worse than the one it went in with, an AWMW is mandatory.

Wolff: Having an understanding is designed to improve one's partnership, not to lawyer one's way in front of an AC. I would rule +110 in 2♥.

Goldsmith: Good job. The decision on an AWMW is probably irrelevant; a foreign player with zero masterpoints is unlikely to get several of these anyway.

Wildavsky: In my opinion an AWMW would in fact have been the best way to educate our foreign guests. It is, after all, only a warning.

CASE THREE

Subject: Failure to Alert

DIC: Matt Smith

GNT Championship

Bd: 29	Harry Steiner		
Dlr: North	♠	A 9 8 4	
Vul: Both	♥	K 10 6 4	
	♦	K 2	
	♣	A 6 2	
Mike Passell		Eddie Wold	
♠	J 10 7 6 5 3	♠	—
♥	7 5 2	♥	A Q J 9 8
♦	J	♦	8 3
♣	10 8 5	♣	K Q J 9 4 3
	Ken Scholes		
	♠	K Q 2	
	♥	3	
	♦	A Q 10 9 7 6 5 4	
	♣	7	

West	North	East	South
	1 ♣	1 ♥	2 ♦
Pass	3NT	Pass	4 ♥ ⁽¹⁾
Pass	4 ♠	Pass	6 ♦
Pass	Pass	Dbl	All Pass

(1) **Behind screens:** South to West at end of auction RKC in diamonds. From North to East, nothing was said.

The Facts: Six diamonds doubled made six for +1540 for NS. The opening lead was a club. The Director was called after board 32 when EW spoke about NS explanations that had been given behind the screen.

The Ruling: The Director ruled that the score stood. East's choice of action over 4 ♠ was unlikely to be affected by a correct explanation of its meaning.

The Appeal: East said that doubling 4 ♠ as a keycard response was absolutely clear, but it was murkier as to whether to double a 4 ♠ cue bid. West predicated his choice of leads on East's failure to double what he knew as a kickback response. If West had known that East did not know that 4 ♠ was a kickback response, he might have led a spade.

Statements made by non-appealing side: NS believed that EW should have been aware of the possibility that this was a kickback response and East could have protected himself. NS contended that East's double seemed to be clear in any case.

Other Findings: NS did not know that behind screens they were required to alert Blackwood variants at the time the bids are made. The Directors affirmed that they are so required.

The Decision: There was a failure to alert the kickback and its response. This constitutes misinformation. There was also a failure on East's side of the screen by North to inform East of the kickback sequence so that he could have called a Director then to say that he would have doubled 4♠ if he had known (as he contended he would have done if so informed) which failure also constitutes MI.

The Committee decided that kickback is not a convention so frequently played nor so patently recognizable that players (even excellent ones) should be expected to protect themselves from their opponents' failures to alert. In this case, South might have had a heart void and been cue bidding it. There was nothing "self alerting" about this sequence.

It was the Committee's opinion that while the double of 4♠ probably would have been a good call by East on the actual auction, it (the double) was hardly as clear as it would have been if East had been fully informed. Among other things, East, if armed with correct information, would have reason to believe that doubling the 6♦ contract after not doubling the 4♠ kickback response would probably induce the club lead. As it was, he thought he could be silent over 4♠ and still double a slam for a spade lead. East's explanation of his thinking was reasonable and the Committee found that there was, therefore, significant deflection from doubling 4♠ by North's failure to inform East of the alertable call.

Since the Committee found the deflection significant and attributable to the MI, the Committee adjusted the score. The Committee found it both sufficiently probable and likely that NS would bid a slam anyway that it predicted the adjustment on a 6♦ contract. However, based on the EW testimony, the contract of 6♦ would not be doubled. Therefore, the adjustment was to 6♦ down 1 for NS -100.

Committee: Richard Popper, Chairperson, Steve Robinson, Michael Huston, Chris Moll and Bob Schwartz (appeal report prepared by Mark Bartusek).

Cohen: I must disagree with the AC. First, I would like to know where ACBL has published that Ace asking variations are alertable behind screens. If they appear somewhere, are they made available to players at NABCs who only play occasionally behind screens?

However, this is not my biggest beef with this decision. EW were behind

screens, so East was at no risk of transmitting UI to his partner by asking about the 4♥ and 4♠ bids. Certainly he should have wanted a full explanation before deciding what action, if any, to take over 4♠ with his hand. The opponents are in a slam investigation auction, and he is looking at a virtual nine trick hand. A lot of IMPs are likely to be at stake, and he is experienced enough to want a complete exposition of the opposing auction under the circumstances. Was he afraid that if he doubled 4♠, West who seems to have long spades (neither opponent has implied a spade suit) might expect a hand like ♠KQxx ♥AQJxxx ♦xx ♣x and save at 6♠? EW get nothing from me.

Wolff: In NY I had heard snippets of this case, but, as usual, the storytellers omitted important facts. After hearing what actually happened, I reluctantly agree to the committee's decision but not without concern.

Normally, if it is at all possible, I like to honor the result at the table, but there is no doubt that North's failure to alert contributed to East's not doubling 4♠. If there was (and should be) some way to reward EW without giving them the whole megillah (6♦ doubled -1) I would be for it. What I am against is that after the fact, very good players will become very good lawyers at a committee turning a bridge contest in a courtroom of battle. In spite of my bias, I agree with the decision, but, oh, does it hurt to give a pair something they didn't earn.

Goldsmith: This case is more difficult than it looks. The first key question is, "was 4♥ actually Blackwood or not?" NS claimed it was, but North's failure to alert or post-alert (as he would without screens) strongly suggests that in his opinion it was not. If so, West may have been misinformed. In that case, we need to judge if his misinformation likely caused him not to lead a spade. If so, reciprocal 200s are in order. One reason to suspect that North believed 4♥ to be ace asking is that he didn't correct to 6NT; he'd likely do that if the auction were less clear to him. He might have anyway after the double.

The AC judged that East was likely to have doubled 4♠ having been informed that it was a key card response. I think that's a pretty good choice. East may well have been reluctant to double 4♠, because it may give the opponents a chance to find their real fit. Knowing that South has long diamonds and that diamonds or notrump is sure to be trumps makes doubling 4♠ much more attractive than it was when the opponents were possibly in an unknown auction. This is a key point: if players alert and

explain that an auction is Blackwood, there's a strong inference that they are on solid systemic ground. In a cue-bidding or other slam auction, however, it is reasonable to consider that the players may not be 100% on the same page.

There ought to be a process when using screens by which the declaring side's explanations are compared before the opening lead. Screens make things slow enough, but this is a fairly common problem which probably happens once an NABC or more.

Wildavsky: A fine and well-reasoned decision by the AC.

CASE FOUR

Subject: MI

DIC: Henry Cukoff

LM Pairs – 2nd Final

Bd: 6	Paul Bethe		
Dlr: East	♠ J 9 6 3		
Vul: EW	♥ 2		
	♦ Q 3		
	♣ 10 9 8 7 5 3		
Tarek Sadek	Ahmed Hussein		
♠ Q 4	♠ 7 5		
♥ A 10 8 7 4 3	♥ K Q J 5		
♦ K 6	♦ A J 10 9 7 5		
♣ K 4 2	♣ 6		
	Jason Feldman		
	♠ A K 10 8 2		
	♥ 9 6		
	♦ 8 4 2		
	♣ A Q J		
West	North	East	South
		1 ♦	1 ♠
2 ♥	4 ♠	Pass ⁽¹⁾	Pass
Dbl	Pass	5 ♥ ⁽²⁾	5 ♠
Dbl ⁽³⁾	All Pass		
<p>(1) Alerted, no questions</p> <p>(2) South asked and heard “Pass is forcing, 5 ♥ is slam invitational”</p> <p>(3) North asked and West said “Pass is forcing, 5 ♥ would have been slam invitational.” North asked South if that was what he heard.</p>			

The Facts: The Director was called after West doubled 5 ♠. He cancelled the 5 ♠ bid and the double and rolled the contract back to 5 ♥ which was doubled by South. This went down one for NS +200 after the opening lead of a small club.

NS both said they understood the explanation to be that pass and pull was stronger than an immediate 5 ♥ by East. EW both said West stated 5 ♥ would have been invitational. EW also objected strongly to NS’s cross table talk. East questioned how South could believe double was a slam invitation when he was looking at 14 HCP.

The Ruling: West’s double and South’s 5 ♠ call were cancelled under Law 21B1, inadequate explanation.

The Appeal: No statement noted.

The Decision: There were two questions asked by NS during the auction:

1. After the 5 ♥ bid, South asked about the meaning of the alert. While the Appeals form stated that EW had responded to the question about the alert that 5 ♥ would have been invitational, the testimony of NS and the

response by EW to the Committee resulted in the opinion being formed that what EW actually had said was that 5♥ is invitational. Since 5♥ had been subsequently bid, NS inferred that EW was responding to the complete auction, not just to the question that was asked.

2. North asked for further interpretation of the auction after the double of 5♠ because he noticed some confusion by his partner. North agreed with the Committee that his question was perhaps improper since he had no reason to ask a question except to attempt to clear up the meaning of the auction for his partner.

The Director was called at this time. Away from the table, South told the Director that had he understood the meaning of EW's bids (that double and then bidding 5♥ was weaker than a direct 5♥ bid) he would have doubled 5♥ instead of bidding 5♠. The Director, as a result of discussion with both the South and North players, ruled that there was misinformation under Law 21B1. South was therefore allowed to double 5♥ instead of bidding 5♠ resulting in a score of +200 for NS. The Committee felt that EW's explanation of their bidding was unclear resulting in misinformation to NS.

Dissenting Opinion (Ed Lazarus): EW was asked only to describe what the alert of the Pass of 4♠ meant. EW's explanation was therefore only to that question. EW stated that the alert meant that pass is forcing and 5♥ is stronger. NS did not ask for the explanation of the complete bidding. There was no reason for NS to infer that EW's explanation to the alert also included information about the subsequent 5♥ bid.

The Director made a decision that there was misinformation given by EW, that Law 21B1 applied and therefore allowed NS to double 5♥ instead of bidding 5♠. I am of the opinion that no misinformation was given and that the contract should be 5♠ doubled down two by NS.

Committee: Larry Cohen, Chairperson, Ed Lazarus, scribe, Tom Carmichael, Ralph Cohen and Chris Moll.

Cohen: As a member of the AC, I found this case close. It seemed to evolve around West's explanation, and how it was interpreted. The committee majority felt it was probably a linguistic problem with West, and did not feel there was sufficient evidence to overturn the actions and ruling by the TD who was at the table.

The dissenter has my respect. I just don't agree with him either then or now.

Wolff: The committee made an awful decision. EW appear to be circumspect and for that they get -200 in 5♥ doubled. NS rather should be -300 in 5♠ and give an apology to EW. Ed Lazurus' dissent is right on.

Goldsmith: That North re-asked the question is pretty strong evidence that the EW answer was ambiguous or confusing. The AC got this right.

North's question was not improper; he was simply trying to prevent an irregularity. He ought to have asked it immediately, rather than wait for his turn. By the way, I do not see any law which states that one may not ask questions for partner's benefit, provided that his only benefit is the understanding of the opponents' methods. Many ACs and players think it's not OK to ask questions for partner's benefit—I don't know why that misconception arose, but it's not supported by the laws. Law 20 provides players the right to ask questions. It states only that UI may be available as a result of the REQUEST; it does not suggest that UI may be available as a result of the ANSWER.

Therefore, my asking a question might give partner UI: "C'mon, does that really show clubs?" But the answer, "he promises five or more clubs to an honor," cannot provide UI to an opponent. Perhaps it seems unfair to ask questions when you know the opponents' system and partner has no idea that he ought to ask, but is it unfair to hog the notrump when you know partner is a weak declarer? No, and no (except to partner and maybe teammates).

In any case, a rule which prohibits asking for partner's benefit is unenforceable, because it requires mind reading, which is presumably why it does not exist.

The Dissent was mistaken on a point of law. It is expected that a player answering questions gives information about inferences from calls which were not made and the like, so his first point ("EW's explanation was therefore only to that question") is mistaken.

CASE FIVE

Subject: UI

DIC: Henry Cukoff

LM Pairs – 1st semifinal

Bd: 23	Gene Freed		
Dir: South	♠ J 6		
Vul: Both	♥ A J 5		
	♦ J 10 9 4 2		
	♣ 10 9 7		
Steve Garner	H. Weinstein		
♠ Q 10 8 5 3	♠ K 9 2		
♥ K Q 6 3	♥ 10 7 2		
♦ A 5	♦ 8		
♣ 8 2	♣ A K Q 5 4 3		
	Betty Ann Kennedy		
	♠ A 7 4		
	♥ 9 8 4		
	♦ K Q 7 6 3		
	♣ J 6		
West	North	East	South
			Pass
1 ♠	Pass	2 ♣ ⁽¹⁾	Pass
2 ♥	Pass	2 ♠	Pass
4 ♠ ⁽²⁾	All Pass		
(1) Game Forcing			
(2) Minimum			

The Facts: The contract was 4♠ down one after the lead of the ♦J. The Director was called at the end of the hand.

The play was as follows: Declarer won the ♦A and ruffed a diamond at trick two. He now played the ♠K. Everyone agreed that South thought a while before playing low. Declarer now played the ♠9 from dummy and ducked it to North's jack.

North returned a club and played another club when in with the ♥A, thus killing dummy's club suit.

The Ruling: South's break in tempo before playing low on the first round of trumps demonstrably suggests that she holds the ace. When North was in with the ♠J, it is necessary

for him to cash his ♥A before it goes away if declarer held the ♠A.

The UI suggested that it was safe to try to kill the club suit. The Directors felt, however, that cashing the ♥A was a logical alternative since the heart trick could go away. The result was changed to 4♠ making four for +620 for EW.

The Appeal: NS appealed. North stated that when West ruffed the diamond at trick two, it revealed that declarer did not have the ♠A, since if he did have it, he would just pull two trumps and run clubs, thus losing a spade and

a heart. Therefore, he played his partner for the ♠A and continued a club to kill dummy.

The Decision: A real possibility on this hand is that West had ♠A108xx ♥Kxxx ♦Ax ♣Jx. If he does, then he might well pass the spade into the North hand in order to keep South off lead so that a heart can't be led through his king. Because of South's BIT, however, North had reason to believe that was not West's hand and that South had the ♠A.

From North's point of view, if West has the hypothetical hand above, then he must cash the ♥A to hold the contract to five. Since this is a logical alternative to the line of play suggested by the BIT, the committee imposed it (requiring North to take his ♥A when he was in) holding the contract to EW +620.

An AWMW was given to the appellants. North was in a position to know from the UI that his partner had the ♠A. This made the club return very easy. Without that information, the club return is riskier. The committee believed that North was in a good position to figure out the ethical implication and the requirements for him, but he did not.

Committee: Michael Huston, Chairperson, Chris Willenken, Lou Reich, David Berkowitz and Ellen Melson.

Cohen: Certainly there was UI to North on this deal, but there was also AI to West, albeit at his own risk (LAW 73D1). Maybe West should have risen with the ♠Q at trick four for +650. I have no problem with -620 for NS, but am not sure +620 for EW was correct. Perhaps -100 was appropriate. Was West's duck to the ♠J an egregious play in the circumstances?

Wolff: Good case. It appears that there are two undiscussed important facts in this case.

1. Why didn't West (after South's hesitation) rise with the ♠Q? If South had AJ, it probably would not make a difference. Conclusion: EW should not benefit from this poor play and at the very least should pay some price (I say considerable) for this gaffe.
2. Probably more importantly, a defensive play hesitation (especially like this one) is unlikely to give UI to partner and usually merely helps declarer or, if not, no one. Should the defense be under the same strictures in the play

as they are in the bidding? This probably is the \$64 question. I think that much more leeway be given to the defenders since they are usually, as in this case, not sensitive to the possibility of helping partner defend.

This conundrum has come up recently (Larsen-Meltzer on defense) and no new law basis was discussed. I think it necessary, as I did with the Larsen-Meltzer issue, to open this subject to perhaps the Laws commission.

Because of these reasons, I would allow the defense at the table.

Goldsmith: Good job by the AC. The appealing side did not present its case very well; had North said, “I knew partner had the ♠A because I won the ♠J,” he’d have a reasonable case until someone pointed out that partner might have had the ♠Q. That this holding might not occur to North is not unreasonable. Certainly there’d be no consideration of an AWMW in that case.

Wildavsky: A fine and well-reasoned decision by the AC. The TD ruling was also good, but the logic in the write-up is a little confused. It reads:

“Because the UI suggested that it was safe to try to kill the club suit, the Directors felt that cashing the ♥A was a logical alternative.”

One of my correspondents, the UK’s Robin Barker, asked “Did the Directors really mean that because the UI suggests one action over an alternative that the alternative action must be logical? That’s what is written.”

Indeed, in order to adjust the score one must find, as the AC did, that the losing defense was logical. I suspect that the TDs did make that determination, but it got lost in the write-up.

[The phrase “since the heart trick could go away” was added to the write-up for clarity. Editor]

CASE SIX

Subject: UI

DIC: Henry Cukoff

LM Pairs – 1st semifinal

Bd: 3	Troy Horton		
Dir: South	♠ 6 4		
Vul: EW	♥ 9 8 5		
	♦ A K 6 2		
	♣ A K 8 6		
Andrew Hoskins	M. Myers		
♠ J 7	♠ Q 9 5 3 2		
♥ 7 6 3 2	♥ A Q J 10 4		
♦ Q 8 7 4	♦ 10 3		
♣ 5 3 2	♣ J		
	Eric Stoltz		
	♠ A K 10 8		
	♥ K		
	♦ J 9 5		
	♣ Q 10 9 7 4		

West	North	East	South
Pass	2♣ ⁽¹⁾	3♣ ⁽²⁾	1♣
3♥	Dbl	Pass	Dbl
Pass	4♦	Pass	3NT ⁽³⁾
Pass	5♣	All Pass	4♠

(1) Inverted, forcing

(2) Majors

(3) Agreed BIT

The Facts: 5♣ made 6 for a score of +420 for NS. The Director was called after the session and the NS pair had left the playing area.

The Director did not make a decision.

The Ruling: In screening, the screener changed the result to 3NT –1 for +50 for EW. The hesitation before 3NT suggested doubt and demonstrably suggested the 4♦ call (Law 16).

The Appeal: North stated that his partner would sit for 3♥ doubled almost all the time, so South denied a stopper else he would have left in 3♥ doubled and not bid 3NT. Thus, removing to 3NT meant he (North) would have to have the stopper himself. The double of 3♣ suggested the balance of power and the double of

3♥ was penalty. It was noted that NS play 12-14 NT range and five-card majors.

The Decision: North's double of 3♥ was in a position where pass would have not have been forcing. So his double could have been any hand with extras.

There was a BIT before the 3NT call. The BIT suggested removing 3NT.

Was there an LA? Yes. South could have an unbalanced hand with a heart stopper such as ♠Q J x ♥A ♦Q x x ♣Q J x x x x or ♠K x ♥K x ♦Q J x ♣Q J x x x x or ♠A K Q ♥K x ♦x x x ♣Q J x x x where 3NT was the highest scoring contract for NS.

The fact that South's double of 3♣ should suggest a good hand (or penalty interest) was not considered relevant based on given South's decision to make this call on a 13 count with a singleton king.

The appeal was considered to have merit. North's argument about his partner's decision to remove the double of 3♥ was moderately persuasive. Even though the committee rejected the argument, finding counter-examples was by no means an easy task.

Committee: Barry Rigal, Chairperson, Ralph Cohen, Chris Moll, Ed Lazarus and Tom Carmichael.

Cohen: I endorse the committee's decision. This was an easy one.

Wolff: The decision is okay except EW do not deserve an adjusted score from -420. Perhaps NS -50 in 3NT and EW average would be more appropriate.

Goldsmith: The counter-examples don't look very good to me. On the first two, South would not double 3♣. On the third, he'd pass 3♥ doubled (and get it 800). The second is also a 1NT opener, not 1♣.

What did the UI show? It seems very likely that South was choosing between passing 3♥ doubled and bidding 3NT. Therefore, it seems to me that the slow 3NT more strongly suggests a heart stopper than a fast one does. On the other hand, any 3NT should show a heart stopper; with spades stopped and short hearts, South ought to bid 3♠ allowing North's putative heart stopper to be protected from the lead. Furthermore, since NS play 12-14 NTs, to open 1♣, South must have either a balanced 15+ or an unbalanced hand. With the strong NT, he'd surely pass 3♥ doubled. Therefore, he's unbalanced. That must mean a stiff heart and therefore very good spades. North was a total wimp not to drive to 6♣. I'd have driven there and looked for seven; possibly partner has ♠A K 10 9 ♥A ♦x x ♣Q J x x x x. North probably thought that South's 4♠ denied a heart control, but I think that's impossible.

All in all, I don't think the slow 3NT demonstrably suggests bidding over 3NT. I also don't think passing is a logical alternative, but it may well be for that North. Regardless of the latter, due to the former, result stands. Obviously it's a close call; any decision which relies on "demonstrably" is one.

Wildavsky: The players are entitled to a TD ruling. Failure to make any ruling at all is all too common. That said, the screening Director and TD did a fine job. I don't buy the NS story since I see nothing in the South hand to indicate the balance of power. Unless NS could explain this apparent discrepancy I would have assessed an AWMW.

CASE SEVEN

Subject: MI

DIC: Henry Cukoff

LM Pairs – 2nd semifinal

Bd: 7	Mel Elguindy		
Dir: South	♠ A K 10 9 6		
Vul: Both	♥ K 8 5 2		
	♦ 9 6 5		
	♣ 2		
Michael Polowan		R. Pavlicek	
♠ 8 2		♠ J 4 3	
♥ 9 7 6		♥ A J 3	
♦ 3 2		♦ A K J 10	
♣ K Q J 10 9 6		♣ 5 4 3	
	Vicki Erickson		
	♠ Q 7 5		
	♥ Q 10 4		
	♦ Q 8 7 4		
	♣ A 8 7		
West	North	East	South
			Pass
Pass ⁽¹⁾	1 ♠	Dbl	2 ♣ ⁽²⁾
3 ♣	Pass	3 ♦	3 ♠
Pass	Pass	4 ♦	Dbl
5 ♣	Pass	Pass	Dbl
All Pass			
(1) Hesitation			
(2) Not alerted, explained as natural			

The Facts: The final contract was 5♣ doubled down two for +500 for NS after the lead of the ♠A. The Director was called at the end of the auction.

The 2♣ bid was not alerted when made. East asked at his turn and was told by North that it was natural. When East was asked what he would have done if he had been told it was a spade raise, he said he would pass 3♣.

The Ruling: The contract was changed to 3♣ by West making three for +110 for EW.

The Appeal: NS appealed and said they were always bidding 3♠.

The Decision: The committee established that there was MI. They also established that EW were damaged.

The committee discussed whether South would always bid 3♠. Was a 3♠ bid over 3♦ evidence enough that she would bid 3♠ over 3♣? As she didn't double 3♦ with Q x x x (although she had not shown spades yet due to the non-alert), the committee felt that this player would always bid 3♠ (not the double, with the implied misdefense that occurred at the table in 5♣ doubled) and the committee so ruled.

With 3♠ +140 settled for NS, the committee discussed the EW actions. West did his best, asking if 2♣ was natural. However, should 3♣ be natural by a passed hand (and 2♠ a cue bid)?

Should East bid 4♦ and was he taking a double shot? What could partner have? Big red suited hand? But where are the blacks? None of the committee members liked the 4♦ bid and there was some sentiment to allow EW to keep -500 due to their poor play. However, if there were no misinformation, EW would not have been in this position so no further adjustment was made.

The appeal was judged to have merit.

Dissenting Opinion: (Chris Willenken) This case contained two separate issues. The first issue to consider was whether EW were damaged by MI. The committee agreed that there was damage; with a proper alert of 2♣, there would have been no chance of a misunderstanding about the 3♣ bid. So, we decided to allow East to pass 3♣.

With that decision made, the second issue to consider was South's action when West's 3♣ bid is passed back to him. Here the majority erred by not properly considering that the UI that South possessed from her partner's failure to alert 2♣. That UI made bidding 3♠ (as South did at the table) a more attractive option than some other possibilities: pass and double. In my opinion, the majority's contention that "this player would always have bid 3♠" is irrelevant. The question should be, as is typical in cases involving UI, whether some number of South's peers would seriously consider passing or doubling instead of bidding. It seems fairly obvious that both passing and doubling with a maximum defensive 4-3-3-3 hand were logical alternatives to bidding, so I would have awarded +110 in 3♣ for the non-offending side, and either -110 or -670 for the offenders.

This case was somewhat novel in that the committee needed to apply the standard UI Law 16 to a hypothetical situation, one that would not have occurred but for MI.

Committee: Michael Huston, Chairperson, Chris Willenken, Ellen Melson, David Berkowitz, scribe and Lou Reich.

Cohen: Did the AC determine what a double of 2♣ would have meant? Was it competitive, or business? EW were 80% responsible for the result

they achieved. The 4♦ bid was off the walls (sorry Richard). As to NS, they minimally contributed to the result, and are not entitled to the fruits that they sowed so +140 seems fair. EW keep their -500.

Wolff: Did West ask the meaning of 2♣? Apparently not so probably a cue bid. West probably just assumed South's bid was Drury, but what about East? How could he know? Still East continued to bid to 4♦ and deserves his -500. However, to equalize that, NS should keep their +500 but they should be assessed a three-fourths of a board matchpoint penalty for not alerting. Close the candy store for both offenders and non-offenders who are playing less than good bridge.

Goldsmith: Dissenter got it right. The committee ought not to have made this error. Again, ACs: on all MI cases, state exactly why you decided that UI was not an issue. This AC didn't do that; their failure to consider UI led directly to their blowing the ruling.

South's 3♠ was blatant misuse of UI. Unless there is a good reason otherwise, she should be awarded a 1/4 board PP. When someone bids Drury and it is not alerted, only in exceptional cases will bidding partner's suit not turn out to be misuse of UI.

The appeal was entirely without merit, or would have been had the AC got it right.

Wildavsky: I agree with the dissent.

The decision also ought to have explicitly applied law 12C2, so different adjustments for the two sides were possible. I'd love to know how declarer took nine tricks in five clubs, but given that he did it seems reasonable to assign +110 in three clubs as one of the likely results sans misinformation.

CASE EIGHT

Subject: UI

DIC: Olin Hubert

NABC+ Senior Swiss – 1st Final

Bd: 7	Rod Beery		
Dlr: South	♠ Q 10 7 4 2		
Vul: Both	♥ J 7		
	♦ Q 10 6 5 4		
	♣ 4		
Joe Godefrin		Ed Schulte	
♠ A		♠ K J 5 3	
♥ A K Q 10 9 8 5		♥ 6 4 2	
♦ 8		♦ A K 9 3	
♣ 10 6 5 2		♣ K 8	
	Mary Egan		
	♠ 9 8 6		
	♥ 3		
	♦ J 7 2		
	♣ A Q J 9 7 3		
West	North	East	South
			Pass
4♣ ⁽¹⁾	Pass	4♦ ⁽²⁾	Pass
4♥ ⁽³⁾	All Pass		
<p>(1) Alerted as Namyats (strong with hearts) but later retracted to club preempt</p> <p>(2) Alerted as slam interest</p> <p>(3) Agreed as lack of slam interest</p>			

The Facts: The final contract was 4♥ making four for NS –620. The opening lead was the ♣4. The Director was called at the time of the initial alert (at North’s first turn) and again when East passed 4♥.

East alerted 4♣. North asked “Namyats?” and East (at first) responded yes. After a little while, East corrected the explanation by stating that EW used to play Namyats, but had dropped it in favor of a natural 4♣ preempt.

East stated that at the time he bid 4♦, he had decided to treat the 4♣ bid as Namyats, in spite of his earlier explanation.

The Ruling: East had UI from West’s alert of 4♦ (that 4♣ was indeed Namyats). Further, West had UI from East’s confusion/changed explanation. Per Law 16A. West’s UI indicates that

4♥ may be a better call (to confirm Namyats) than anything else. A 4♠ cue bid is a logical alternative. By Law 12C2, the score was adjusted to 5♥ by West, down 1 and NS +100.

The Appeal: EW appealed. They play Namyats as showing eight and one-half to nine tricks with at most a one-loser suit. West had only an eight trick hand and thus had signed off in 4♥.

Other Facts: All players except West attended the hearing. Additionally, the team captain, Zeke Jabbour, attended for EW. East claimed that he took over five minutes figuring out that West had hearts and that he decided to make a slam try in response. Systemically, East indicated that he might have bid 6♥ over a spade cuebid to protect the ♣K. The committee determined that the 4♥ call had been made in tempo and that East had taken additional minutes to make his final pass.

The Decision: The committee believed that West was in possession of UI from East's misexplanation and subsequent BIT. West was obligated to avoid choosing from any LAs any action demonstrably suggested by the UI.

East's confusion clearly made a 4♥ call the bid most likely to clarify the auction. The committee felt that a spade cuebid by West was clearly an LA. Therefore, a cuebid was imposed upon West. East's likely response would be to bid 6♥ to protect the ♣K. The contract was changed to 6♥ by East down 1, +100 for NS.

Additionally, this case was deemed to be without merit, and an AWMW was awarded to the EW pair and their team captain.

Finally the committee believed that West's failure to cuebid spades warranted a PP. Thus, the EW team was assessed a 1 VP procedural penalty.

Committee: Mark Bartusek, Chairperson, Ed Lazarus and Jerry Gaer.

Cohen: Hard to disagree with the AC. The PP seems a bit severe, but they heard the appellants and I'll respect their judgment.

Wolff: Good final decision.

Goldsmith: First, what was the actual agreement? East thought 4♣ was Namyats. West obviously thought it was Namyats. Unless there was some clear documentation otherwise, 4♣ was Namyats, the explanation (club preempt) was incorrect, and there was both MI and UI.

Was 4♠ an LA? I think so; West has a fine hand for slam. I think most would bid 4♥, but some would bid 4♠. EW would then reach 6NT from the East side. That doesn't quite fetch, so the final adjustment is right.

The PP seems a little heavy-handed. It's well and good to give PPs for

misuse of UI, but we probably ought not give them when someone takes the “normal” call. PPs ought to be reserved for when someone does something blatant and unusual, not when they shrug and do what a majority would do anyway.

Wildavsky: Good work by the TDs and an exceptionally good decision by the AC. West has an extraordinarily good hand for a Namyats opening — in my book it’s a maximum, not a minimum.

CASE NINE

Subject: UI

DIC: Henry Cukoff

IMP Pairs – 1st Qualifying

Bd: 18	Charles Frith		
Dir: East	♠ 6 5 3		
Vul: NS	♥ 10 6 2		
	♦ K 10 8 5		
	♣ J 9 7		
Victor Markowicz	Jerzy Zaremba		
♠ Q 9 7	♠ K J		
♥ K J 5 4	♥ 9 7		
♦ Q 7	♦ J 9 6		
♣ 5 4 3 2	♣ A K Q 10 8 6		
	Ehab Hassan		
	♠ A 10 8 4 2		
	♥ A Q 8 3		
	♦ A 4 3 2		
	♣ —		
West	North	East	South
		1 ♣	Dbl
1 ♥ ⁽¹⁾	Pass	1NT	Pass ⁽²⁾⁽³⁾
Pass	2 ♦	Pass	2 ♠
All Pass			
(1) After the double, slow alert. Explained as Polish Club. Offered South a chance to change call			
(2) Asked for an explanation of 1NT. After a delay was told it was 12-14.			
(3) Alleged BIT			

The Facts: The final contract was 2♠ making two for +110 for NS after the ♥4 lead. The Director was called after the 2♦ bid.

There was a delayed alert of 1♣. There was a long delay before the explanation of 1NT. The delay after 1NT by South was not more than five seconds.

The Ruling: The score stands (Law 16).

The Appeal: West contested the Director's factual determination that South took no more than five seconds before passing after West's explanation of the 1NT rebid.

Other Facts: West acknowledged that he took a very long time to produce the explanation. NS did not appear at the hearing. It was later determined that the BIT was longer than five seconds, perhaps as long as a minute.

The Decision: The committee found there was no break in tempo on which to base an adjustment. The Director found as fact "the delay (by South) after 1NT was not more than five seconds."

Furthermore, the context South found himself in was unusual. He had asked for an explanation of East's Polish Club 1NT rebid and had to wait presumably a minute or more. When South heard the explanation, the tempo of the table had been very significantly disturbed. At that point South may have wanted to consider and speculate on the reason for the great delay in providing the explanation before calling. Under these circumstances, a brief delay by South should not be considered "unmistakable" since there were so many non-hand evaluation variables which EW had brought to bear on South. Therefore, the committee felt that a break of a few seconds more than five should probably not be considered "unmistakable."

While West argued that the Director's factual determination was wrong, ultimately the committee could not find his contentions to have such merit as to warrant reversing the Director's findings and without a BIT the case was dismissed.

The committee considered an AWMW. One should be given if, even on granting West's factual position, North's 2♦ bid was clearly allowable (nothing else even close to a logical alternative). However, the committee found that the 2♦ bid was not so clearly allowable that it could assign the AWMW.

Committee: Michael Huston, Chairperson, Barry Rigal, Dick Budd, Bob Schwartz and Jeff Roman.

Cohen: If the AC found no BIT, end of case. What puzzles me is North's 2♦ bid. Would a vulnerable IMP player actually make this bid based on the actual auction, alerts and the hand North held? Did something occur at the table that prompted the 2♦ bid? Did South's "question" of the 1NT bid create a violation of Law 73C, not the alleged BIT?

Wolff: My prediction, because of the complications of new conventions and treatments in the high-level bridge world, is that BITs and slow explanations will be the order of the day for the foreseeable future. Penalize it out of existence or learn to live with it. I vote for the former.

Goldsmith: Fair enough. You take a minute to explain a call, and I'm going to take at least five seconds to wait for you to finish the explanation or change your mind.

The explanation of why not to give an AWMW seems wrong to me. Yes, if 2♦ were automatic even with UI, then of course there'd be an AWMW. (It surely wasn't outrageous here. Many would have bid 2♦ over 1♥ expecting to need to bid now to get a diamond lead.) That doesn't mean there wasn't one warranted here. South's call was very fast given that he (a) had to wait for West to change his mind, and (b) had to judge if East/West were having a bidding misunderstanding. In that context, for EW to appeal shows a lot of chutzpah. I'd consider giving EW a PP for a violation of L90B2. Or at least 15 yards for delay of game.

Wildavsky: A puzzlement. "It was later determined that the BIT was longer than five seconds, perhaps as long as a minute." Determined by whom?

Something is not right here. One reason for an appeal is to allow an appellant to question a TD's arbitrary "determination of fact". The TD, after all, was not present at the table and must rely on player's testimony in a situation where both tempers and time may be short. By appearances NS were able to establish the accuracy of their story by the simple expedient of not showing up.

CASE TEN

Subject: UI

DIC: Henry Cukoff

IMP Pairs – 2nd Qualifying

Bd: 8	Ron Gerard		
Dlr: West	♠ A		
Vul: None	♥ A 9		
	♦ A K Q 10 4 3		
	♣ 10 8 4 2		
R. Pavlicek	M. Polowan		
♠ J 4 2	♠ K Q 9 8 6 5		
♥ K Q J 10 7 6	♥ 2		
♦ 7 6	♦ 9 6 5		
♣ A 5	♣ J 9 3		
	Steve Beatty		
	♠ 10 7 3		
	♥ 8 5 4 3		
	♦ J 2		
	♣ K Q 7 6		
West	North	East	South
1 ♥	2 ♦	3 ♠ ⁽¹⁾	Pass
Pass	3NT ⁽²⁾	Pass	4 ♣
All Pass			
<p>(1) Preemptive, alerted and explained</p> <p>(2) Agreed BIT</p>			

The Facts: The final contract was 4♣ making four after the lead of the ♥K for a score of +130 for NS. All players agreed to the BIT by North before he bid 3NT.

The Ruling: The BIT made UI available to South. Pass is an LA. The contract was changed to 3NT down 1 and +50 to EW (Laws 16A, 73F, 12).

The Appeal: NS appealed and North attended the hearing. NS play that delayed notrump bids after an overcall are for takeout, suggesting 6-4 distribution. For example, (1♥) 2♣ (2♥) Pass Pass 2NT. A delayed 3NT had not come up for the partnership and there was nothing relevant in their system notes. At the table, the first thing South said when the Director arrived was

“It never occurred to me that 3NT might be natural.”

Other Facts: The screening Director determined that all agreed that North took roughly one minute before bidding 3NT.

The Decision: North could have been considering a number of actions before he chose to bid 3NT. Pass, double, 4♣ and 4♦ might have been plausible from South’s point of view. He also could have wanted to bid a natural 3NT and was concerned that his partner would treat it as takeout.

The committee judged that North’s BIT did not “demonstrably suggest” to

South that removing 3NT would be more successful than passing. South selected a call consistent with NS's stated partnership agreements, and that 4♣ was not suggested over other LAs. Thus, the table result of 4♣ making four was allowed to stand.

Committee: Doug Doub, Chairperson, Bart Bramley, Ellen Melson, Tom Carmichael and Ed Lazarus.

Cohen: Wouldn't a double of 3♠ have implied a hand similar to the one North held, but with the ♣A rather than the ♠A? Didn't the 3NT bid imply a tolerance for playing that contract? Did the BIT "demonstrably suggest" the winning decision by South? It's close, but I suggest that another pair, not as well known to the AC, might have gotten a different ruling.

Wolff: Normal playing luck – allow bridge to be played.

Goldsmith: Depends on NS agreements. If they can establish pretty clearly that 3NT was not natural, then 4♣ is automatic and there's no adjustment. If 3NT is determined to be natural, then acting vs. passing is clearly suggested by the BIT, so passing is required. The AC didn't answer this question in the write-up. In order to rule as they did, clearly they must have concluded that 3NT was artificial.

How can we tell if it was? Did South alert it? "It never occurred to [him] that 3NT might be natural." So why didn't it occur to him to alert?

While I might well believe NS in a committee, the evidence in the write-up is insufficient to demonstrate that 3NT wasn't natural. Therefore, I'd rule 3NT down one. I suspect, however, that the difference in views here stems from missing information in the write-up, not from different conclusions from the same evidence.

Just for completeness, EW appear not to have been damaged by possible MI from the failure to alert.

Wildavsky: The TD ruling is incomplete. Yes, South had UI. Pass might well have been an LA, depending on the NS agreements. None of this matters unless the UI demonstrably suggested 4♣ over pass. For the TD ruling to be legal it must make this assertion.

I agree with the AC decision, but more to the point it followed the laws.

CASE ELEVEN

Subject: UI

DIC: Henry Cukoff

National Open Fast Pairs – 1st Qualifying

Bd: 23	Jim Daniel		
Dlr: South	♠ 10 9 8 6 4		
Vul: Both	♥ A J		
	♦ 10 5		
	♣ 6 4 3 2		
Bill Parks	Richard Morgen		
♠ A J 7	♠ 2		
♥ K 9 6	♥ Q 10 7 5 4		
♦ Q J 7 3	♦ K 8 2		
♣ J 8 5	♣ K Q 10 7		
	Rodu Ariton		
	♠ K Q 5 3		
	♥ 8 3 2		
	♦ A 9 6 4		
	♣ A 9		
West	North	East	South
Pass	1 ♠	1NT ⁽¹⁾	1 ♦
3 ♥	Pass	Pass	2 ♠
			Pass
(1) Sandwich, no alert			

The Facts: The final contract was 3♥ making four for +170 for EW after the ♠ 10 lead. The Director was called before the opening lead.

EW said they had agreed to play sandwich NT but did not realize that it was alertable by a non-passed hand. They did not have any agreements about shape and it could be 4-4, 4-5 or 5-5.

North and South both said away from the table that they would bid 3♠.

The Ruling: Both South and North are minimum hands. It is hard to accept that either would bid 3♠ which could push EW to 4♥ for +620 or double 3♠ for +200. Result stands.

The Appeal: NS appealed. All four players attended the hearing. NS (especially North) believed that they would have competed to 3♠ had they been aware of the distributional nature of East's hand. They claimed that their opening bids promised sound values, and that South's 2♠ bid promised four card support. They also thought it unlikely that West would double 3♠, giving away the location of the ♠J.

Finally, with correct information, North would have made the attacking lead of the ♦ 10 against a heart contract, rather than the passive spade lead that he selected at the table.

Statements Made by the Other Side: EW did not think it was very

attractive for either North or South to bid 3♠. West might well have doubled hoping to either get +200 or get to a making 4♥ if East had extra shape. At the table, West had judged that his 12 HCP and the opponents' vulnerable bidding made it unlikely that partner held a strong balanced hand for his 1NT bid. He thought he was being "actively ethical" in alerting the opponents at the auction's end.

Other Facts: The screening Director determined that at the end of the auction, West told NS that he believed his partner's 1NT had been intended as a distributional takeout. NS were asked (away from the table) if they would have bid differently with that information. North said he would have bid 3♠. South said he might have bid 3♠ if he knew East was at least 5-5.

The committee determined that this was only the second session that EW had played together, the first being about four to six months ago. Neither could recall having discussed the meaning of a sandwich NT and nothing was on their card to that effect. East had convention cards he used with other partners with sandwich NT written on them.

The Decision: The committee determined that EW did not have the agreement that 1NT was a distributional takeout when bid between two bidding opponents. West was under no obligation to disclose to NS the conclusion he had reached based upon his own hand and the opponents' bidding. The table result in 3♥ was allowed to stand.

Had the Director ruled that EW had not agreed to play a sandwich NT overcall as a takeout bid, the committee would have given an AWMW to NS. Because the Director had taken NS away from the table to ask them what they would have bid and because he made his ruling based on his bridge judgment of the likelihood of either North or South bidding 3♠, the committee decided that an AWMW was inappropriate. Additionally there appeared to be some confusion in the ruling.

The committee also informed West that he was required only to alert the opponents to conventional bids that he and his partner had actually agreed upon or to understandings based on partnership experience. The opponents are not entitled to know deductions a player has made using his hand and the auction.

Committee: Doug Doub, Chairperson, Adam Wildavsky, Mike Kovacich, Jeff Roman and Michael Huston.

Cohen: No MI, no case.

Wolff: Okay.

Goldsmith: The facts state, “EW said they had agreed to play sandwich NT.” How can the AC judge that this is false when it obviously is true? East thought 1NT was takeout; West thought it was takeout. It was takeout. It even quacks like a duck.

So what’s the right ruling? The NOS get the most favorable result that is likely. Surely it is likely that they’d bid 3♠; they each claim they would have and LTT followers would normally bid to the three level with nine trumps. It doesn’t have to be a sure thing that they’d bid 3♠, just a likely possibility. That it is. Will West double? Maybe. It’s surely likely he’ll pass. So NS -100. No result that’s at all probable is worse for the OS, so reciprocal 100s should be given.

Wildavsky: If the TD judged that NS had been misinformed he ought to have reopened the auction and allowed South to change his final call, as provided by Law 21B1. Then we would not have to speculate as to what the final contract would have been.

I agree with the AC decision.

CASE TWELVE

Subject: UI

DIC: Roger Putnam

Spingold Teams – 1st Semifinal

Bd: 31	Eric Rodwell		
Dlr: South	♠ K 9 8 4		
Vul: NS	♥ 10		
	♦ A Q J 7		
	♣ Q 8 5 4		
A. Versace		L. Lauria	
♠ J 10 7 6		♠ Q 3	
♥ J 3 2		♥ K 9 8 7 5	
♦ K 9 5		♦ 10	
♣ K 6 2		♣ A J 10 9 3	
	Jeff Meckstroth		
	♠ A 5 2		
	♥ A Q 6 4		
	♦ 8 6 4 3 2		
	♣ 7		
West	North	East	South
			Pass
Pass	1 ♦ ⁽¹⁾	2NT	3 ♣ ⁽²⁾
3 ♦ ⁽³⁾	3 ♥ ⁽⁴⁾	Pass	3NT ⁽⁵⁾
Pass	4 ♦	Pass	5 ♦
All Pass			
<p>(1) Precision, two+ diamonds</p> <p>(2) Diamond raise</p> <p>(3) Heart raise</p> <p>(4) Looking for a possible 4-4 spade fit</p> <p>(5) BIT</p>			

The Facts: The final contract was 5 ♦ by South making for NS +600. The Director was called after the 4 ♦ bid.

The bidding tray came back to North and East (following the 3NT bid) after at least a one minute BIT (also said to be at least five minutes).

The Ruling: The table result stands. Since South was a passed hand, 3NT was not a possible contract.

Other facts: This case was not screened.

The Appeal: EW appealed, alleging there had been a long hesitation. There are many hands for South where 3NT is the best contract (the appealing side provided two of them) and with the auction going this way, it was clear that South must be the one who took the time. EW wanted to provide testimony from people watching viewgraph on the duration of

the hesitation (only East said the hesitation was five minutes).

Statements Made by the Other Side: Passing 3NT was not an option opposite an unbalanced hand with at most 10 HCP (they open 11). The time it took for the tray to come back was not that long considering it was a

complex competitive auction where either person could have been thinking. South said he thought, but it never took him three minutes to bid in his life.

Other Facts: The committee asked for testimony from four people in the room who were not affiliated with the teams. One Vugraph operator told the Director it took about three minutes. The other operator and one kibitzer did not have an opinion because they were not paying attention. The other kibitzer did not particularly notice a hesitation.

The Decision: The committee concluded that there was a temporary break, but not an exceptionally long one. It determined that with slightly different holdings in the West and South hands, it would be reasonably likely that West was responsible for the delay. If there was a reasonable likelihood that one's opponent was responsible for the BIT, then the BIT does not demonstrably suggest a line of action attributable to UI from partner. Accordingly, the committee ruled that there would be no adjustment from the table result.

Committee: Michael Huston, Chairperson, Gail Greenberg, Eddie Wold, Steve Robinson, Mike Passell and Aaron Silverstein, scribe.

Cohen: Why was 3NT not possible opposite a passed hand? Because it was being played from the wrong side. Here we have perhaps the most aggressive pair in the world in 3NT, and the AC accepts the statement that 3NT is not a possible contract.

If we accept South's statement of never taking three minutes to bid, all the more reason to find an "unmistakable hesitation" for this particular player when a couple (as opposed to five) minutes have elapsed for the tray to return.

Sorry TD and AC, I don't agree.

Wolff: Global appeal signifying bad blood but not much more.

Goldsmith: EW thought that South took five minutes, the vugraph operator thought he took three, and South said he thought, but not for three minutes. There was a BIT. Everyone knew there was one. Is the video on Vu-graph kept? Wasn't the table videotaped as a matter of course anyway? If not, why not? Then the AC could watch the tape and KNOW that everyone's estimates of the length of the BIT were way off.

Was it South or West who thought for three minutes? It does seem hard to believe that Meckstroth would fail to bid 3NT in a flash, but *prima facie*, who is more likely to think for three minutes before acting, the passed hand who bid 3NT or the hand who had already shown a good heart raise and would have been acting in front of partner who didn't double 3♥ and probably doesn't have much? Seems obvious that it was the 3NT bidder. Of course passing 3NT was an LA.

Meckwell play 22-point 3NT contracts all the time. Therefore, 4♦ was a violation. What are the likely results in 3NT? West will either lead a heart or a club. If he leads a low club (the ♣K is a possibility), the defense will take the first five tricks. If he leads any of the other 11 cards in his hand, the declarer will take nine tricks. Is it likely he'll pick one of the two low clubs? Yes. NS -100. EW +100.

Wildavsky: The TD ruling and the AC decision both seem reasonable. Both allowed the result to stand, though for different reasons.

CASE THIRTEEN

Subject: UI

DIC: Steve Bates

Mixed Teams 2nd Qualifying

Bd: 19	Ken Kranyak
Dlr: South	♠ 8 4 2
Vul: EW	♥ A Q 9 8 4
	♦ K 2
	♣ A 9 5
Renee Mancuso	Geoff Hampson
♠ 10 7 3	♠ 5
♥ K 10 3	♥ 7 6 5
♦ Q 8 4	♦ 10 7 6 3
♣ Q 10 8 2	♣ K J 7 4 3
	Laurie Kranyak
	♠ A K Q J 9 6
	♥ J 2
	♦ A J 9 5
	♣ 6

West	North	East	South
			2♠ ⁽¹⁾
Pass	3♠ ⁽²⁾	Pass	4♠ ⁽³⁾
Pass	4NT	Pass	5♣
Pass	5♦	Pass	6♣ ⁽⁴⁾
Pass	6♥	Pass	6♠ ⁽⁵⁾
Pass	6NT	Pass	7♠
All Pass			

- (1) Eight or more tricks in spades (ACOL); was bid slowly
- (2) Minimum of one ace, spade support
- (3) Noticeably slow
- (4) ♠Q and ♣K
- (5) BIT

The Facts: The final contract was 7♠ making seven for +1510 for NS after the lead of the ♠3. The Director was called during the auction.

The Director determined that 2♠ was slow, 4♠ was slow, 6♠ was slow and that 4♠ was the weakest possible Acol 2♠ opening.

The Ruling: The contract was changed to 4♠ making seven for NS +510. The break in tempo of 2♠ and 4♠ (with the information that 4♠ is the weakest type of Acol hand) contribute to a choice of passing 4♠ (Law 16).

Other facts: The screener changed the TD ruling from 4♠ +510 for NS to 6♠ and +1010 to NS.

The Appeal: NS appealed and they were the only players who attended the hearing. North said he knew South had AKQ sixth, the ♦A, the ♣K, so could count 11 tricks. He knew that partner did not have a singleton

heart (if she had, he could hope to make 7♠ by ruffing out hearts). He hoped that 6NT would take the same tricks as 6♠.

The Decision: The committee ruled 7♠ making. The committee observed the tempo break and ran simulations on hands that South might hold for the auction thus far in looking at North's 6NT call. The hands they considered for a 6NT call were: ♠AKQJxx ♥xx ♦Axx ♣Kx or ♠AKQxxx ♥Jx ♦Ax ♣KQx for example would make 6♠ a better contract. That being so, the committee decided that while there was a break in tempo, it did not demonstrably suggest the 6NT call.

They also felt that the combination of tempo breaks all indicated only doubt by South. Since her tempo was consistently slow, no conclusion could be drawn by North.

Committee: Barry Rigal, Chairperson, Dick Budd, Ellen Melson and Ed Lazarus.

Cohen: The AC was wrong. When family members play as partners, there is a strong likelihood that tempo variations can be correctly interpreted. To say that "no conclusion could be drawn by North" is a misspeak. My adjudication is +1010.

Wolff: Excellent overrule.

Goldsmith: Another incomplete write-up. There was UI from the slow 4♠ bid. Is passing 4♠ an LA? Doesn't look like it to me. What's the break in tempo of 6♠ about? How long was it? 6♥ is supposed to ask for the ♥K. Was South actually thinking about showing a second king she didn't have? No, she simply didn't know what the auction meant as evidenced by her 6♣ call. Was the 6♠ bid made after more than 10 seconds? In an unfamiliar high-level auction, five to seven seconds is normal tempo.

Most likely the BIT wasn't longer than that, in which case, no hesitation, result stands. If there was a real BIT there, what did the UI suggest? That South was considering 7♠ and rejected the grand slam try. Does that suggest 6NT over passing? Yes, it does; partner's extra values may obviate the need for a diamond ruff, so 6NT is more likely to succeed. Passing is surely an LA. Therefore, if there was a BIT before 6♠, reciprocal 1010s. If not, result stands.

Wildavsky: The TD ruling was too harsh on the offenders. Did the TD ask any player, or even any other TD, what action they would take over 4♠ with no UI? I'd be shocked to find anyone who would pass.

The form of the ruling is also curious. It refers to Law 16 (good!) but makes no mention of logical alternatives. This is important, since to rule as he did the TD must assert that passing 4♠ is an LA.

While the AC decision improves on the TD ruling I do not understand how the decision follows from the AC findings. Yes, there are South hands that would make 6♠ a better contract than 6NT. That implies that Pass is an LA to 6NT. It says little about whether the pass demonstrably suggests bidding. I think two slow signoffs do suggest bidding on, so I would have adjusted the score for both sides to 6♠ +1.

I'd also like to have found out why South showed the ♣K when she didn't hold it. This could have been a mistake — there is, thankfully, no law against making mistakes — but if that was the case the write-up should say so.

The AC suggests that because several of South's calls on this hand were slow that they showed "only" doubt. Doubt as to whether South holds extra values, or whether 6♠ should be the final contract, is precisely the UI of which North must carefully avoid taking advantage, per law 73C. North's penalty for failing to follow the law is, or at any rate ought to have been, that he will keep any poor result he achieves by bidding on, but will lose a favorable result.

CASE FOURTEEN

Subject: MI

DIC: Millard Nachtwey

0-1500 LM Pairs

Panel: Charles MacCracken (Reviewer), Su Doe, Gary Zeiger

Bd: 24	North		
Dlr: W	♠ 10 9		
Vul: None	♥ A K J 10 8 2		
	♦ A K Q 10		
	♣ 9		
West		East	
♠ K Q 8 6 5		♠ A J 3	
♥ 3		♥ 9 7 6 5	
♦ J 7 3		♦ 8 2	
♣ 10 8 4 2		♣ J 7 5 3	
	South		
	♠ 7 4 2		
	♥ Q 4		
	♦ 9 6 5 4		
	♣ A K Q 6		
West	North	East	South
Pass	1♥	Pass	1NT ⁽¹⁾
Pass	3♦	Pass	3♠ ⁽²⁾
Pass	4♥	Pass	5♦
Pass	6♦	All Pass	
(1) Forcing			
(2) Not alerted			

The Facts: The final contract was 6♦ making seven, NS + 940 after the opening ♣3 lead. The Director was called after the dummy came down. Before East led she asked about the 3♠ bid and said that North described the bid in light of the later bidding as a cue bid in support of diamond. South augmented that with “A stronger hand than an immediate 4♦ bid.” After dummy came down West called and told the Director (away from the table) that had 3♠ been alerted she would have doubled for a spade lead. After the hand was completed the Director was called back. When told of West’s statement about doubling, South said he would not have bid 6♦.

The Ruling: There was a failure to alert. Law 21B3 states that when it is too late to

change a call, the Director may award an adjusted score. The contract was changed to 6♦ down one, for a score of NS -50.

Statements by the Appealing Side: NS appealed (East did not attend the hearing.) North said he didn’t think 3♠ was an alert. South said East had all the information she was entitled to before the opening lead.

Statements by the Other Side: West said she waited for an alert of 3 ♠ and passed when it was not forthcoming. She did not want to ask questions because of the probability of giving East UI. West was shown the following statement from the Alert pamphlet: “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.”

Panel Rationale: NS have over 900 MP each; East has just over 500 and West 1,350. When questioned about the meaning of 3 ♠, NS did not seem to have a firm agreement. North thought it should ask for a spade stopper and South thought it showed a spade stopper.

Three pairs with similar MP holdings to West and East were asked to bid the hand. No one asked what 3 ♠ meant, but all six knew it was not a suit when asked their thoughts after they chose the opening lead.

The Decision: While technically 3 ♠ without spade strength is alertable by agreement, there was no misinformation because NS had no such agreement. In any case West suspected, and, in the Panel’s opinion, should have known that 3 ♠ was not a suit. The table result was restored.

Players Consulted: Six peers of EW.

Staff: This one is easy. It seems like the table Director could have ferreted out enough information to realize that there was no actual NS agreement.

Wolff: Good ruling.

Cohen: The TD and West both got this wrong. What suit did West want led? Only a spade! South could not show a desire to play the suit, so why not double. The TD was wrong too. NS had no agreement, so no reason to alert.

Wildavsky: Excellent work by the Panel. I agree that NS seem to have had no agreement about the 3 ♠ call. Why did they say they had? Perhaps they believed, incorrectly, that they were required to have an agreement, or that they must explain the call as North guessed it or as South intended it.

CASE FIFTEEN

Subject: UI

DIC: Kathy Whidden

Saturday Senior Pairs 7/10/04

Panel: Bernie Gorkin, Susan Patricelli, Su Doe (Reviewer)

Bd: 3	North		
Dlr: South	♠ K 10 6 4		
Vul: EW	♥ Q 5		
	♦ K J		
	♣ A 9 7 4 3		
West		East	
♠ Q 2		♠ J 5 3	
♥ K 8		♥ J 7	
♦ A Q 10 8 6		♦ 9 7 4 3 2	
♣ K Q 10 2		♣ 8 6 5	
	South		
	♠ A 9 8 7		
	♥ A 10 9 6 4 3 2		
	♦ 5		
	♣ J		
West	North	East	South
			Pass
1♦	Pass	Pass	1♥
2♦	2♥ ⁽¹⁾	Pass	4♥
All Pass			
(1) BIT			

The Facts: The contract was 4♥ making five for +450 NS. The opening lead was the ♣K. There was an agreed upon hesitation of more than 10 seconds before the 2♥ bid. The Director was called at the end of play. The Director ruled that pass was not an LA for South and allowed the table result to stand (Law 16A).

The Appeal: EW appealed the ruling. North, South and West attended the hearing. EW, players with fewer than 100 and fewer than 200 points, respectively, thought that a hesitation automatically bars partner from bidding and felt that the contract should be 2♥.

The Panel Decision: Five players with about 1200 to 1600 points (peers of the NS pair) were polled. They were

given the South hand to bid without any mention made of North's slow 2♥ bid. Four of the five players bid 4♥ at their third turn. In fact, two wanted to bid game before hearing about partner's heart support. The fifth player balanced with a 2♥ bid. The Panel therefore decided that pass was not an LA to bidding 4♥ (Law 16A). The table result of 4♥ making five was ruled to stand. The appellants were very inexperienced so they were educated on

how the law applies in this type of case.

Players Consulted: Five players with 1200 – 1600 masterpoints.

Staff: Wasn't this notion of South being forced to pass, regardless of the hand, explained to EW as unlawful? Even with inexperienced players, I've found myself able to get the point across by using extreme examples. I suppose if EW actually thought a pass by South was possible, maybe they didn't deserve an AWMW, but ...

Wolff: Good ruling.

Cohen: As long as we instruct the Panels to consult, we must expect them to rule in accordance with the findings. While a pass is not an LA over 2♥, I am not sure 4♥ is acceptable. There are still a lot of potential losers when all partner can do is bid a competitive 2♥. What would North bid with ♠x x x x ♥J x x ♦K x x ♣K Q x ?

Wildavsky: The laws ought to have been explained to EW in screening. The proper way to educate EW would be an AWMW — that's what they're for.

CASE SIXTEEN

Subject: Claim

DIC: David Marshall

BCD Pairs 7/10/04

Panel: Bernie Gorkin, Susan Patricelli, Su Doe (reviewer)

Bd: 13	♠ A K J 32		
Dlr: North	♥ 10 8 3		
Vul: Both	♦ K 6		
	♣ J 10 9		
♠ 8 6		♠ 10 9 5 4	
♥ Q 5 4 2		♥ 7	
♦ A 10 9 8 2		♦ J 7 4 3	
♣ 4 2		♣ Q 6 5 3	
		♠ Q 7	
		♥ A K J 9 6	
		♦ Q 5	
		♣ A K 8 7	
West	North	East	South
	1 ♠	Pass	2 ♥
Pass	3 ♥	Pass	4NT ⁽¹⁾
Pass	5 ♥ ⁽²⁾	Pass	5NT
Pass	6 ♦ ⁽³⁾	Pass	7 ♥
All Pass			
(1) Roman Key Card Blackwood (hearts agreed)			
(2) Showed two without the queen, thinking spades agreed			
(3) One king			

The Facts: 7♥ went down two for +200 EW after the opening lead of the ♦ A. The Director was called when the claim was made. At the time of the claim, five tricks had been played: ♦ A, two rounds of clubs, and the ♥ AK. East had discarded a club on the second heart. The declarer's claim was that she had to give the opponents the (high) trump. The Director ruled that the declarer could go to her hand with a spade to draw the outstanding small trump.

The Appeal: EW appealed the ruling. Although the players' memories of the sequence of plays to the point of the claim was unclear, it seems that after the ♦ A lead West returned a club to the nine, queen and ace. Declarer cashed the ♥ A and played a club to dummy. A heart was then played from

dummy and declarer rose with the king as East discarded a club. EW argued that they could force declarer to win a diamond return in dummy after West won the ♥ Q and that a club from dummy would then give them another trump trick for a score of down 3. They felt that this would be "a careless or inferior play" rather than an "irrational play."

The Panel Decision: The Panel considered that the timing of the claim,

immediately following the show-out in the heart suit, demonstrated that the declarer knew the trump position. Furthermore, the Panel felt that returning to hand in the club suit rather than the spade suit would be worse than careless or inferior. The two players of about 600 points who were polled thought that a spade return to hand was “obvious” and “silly to try anything else.” The Panel assigned the score of 7♥ down two, EW +200.

The appeal was considered to be without substantial merit and an AWMW given.

Players consulted: Two players with about 600 points.

Staff: “Without merit” is a severe understatement. How about unsporting? In the immortal words of Barry Rigal, how about “vexatious, pettifogging?” Words fail me.

Wolff: This case redefines greed by EW.

Cohen: This appeal had to be worse than “without merit.” I cannot believe there was more than one matchpoint difference between +200 and +300 for EW. I suggest that the Panel should have imposed a PP in accord with the footnote to Law 92A.

Wildavsky: Fair enough. The AWMW seems harsh, though, since there was an outstanding trump that declarer had not mentioned in her claim statement. By the way, were there really any matchpoints at stake?

CASE SEVENTEEN

Subject: UI

DIC: David Marshall

BCD Stratified Pairs 7/10/04

Panel: Bernie Gorkin, Susan Patricelli, Su Doe (Reviewer)

Bd: 9	North		
Dir: North	♠	A 5	
Vul: EW	♥	Q 7	
	♦	A K J 5	
	♣	K Q J 7 4	
West		East	
♠	J 10	♠	Q 9 8 6 4 2
♥	8	♥	9 5 4 2
♦	Q 10 9 7 4 3 2	♦	8 6
♣	A 6 3	♣	2
		South	
		♠	K 7 3
		♥	A K J 10 6 3
		♦	—
		♣	10 9 8 5
West	North	East	South
	2NT	Pass	4♦ ⁽¹⁾
Pass	4♥	Pass	5♦ ⁽²⁾
Dbf	Rdbl	Pass	6♥
	All Pass		
<p>(1) Announced as a transfer to hearts</p> <p>(2) After the redouble, explained as diamonds</p>			

The Facts: 6♥ made six, +980 for NS after the opening lead of the ♦8. The Director was called when the dummy was displayed. NS did not agree on the meaning of the 5♦ bid, but South did not correct the misinformation before the opening lead. The Director ruled that misinformation was present, but there was no damage resulting from that information (Law 40C).

The Appeal: EW appealed the Director's ruling. All four players attended the hearing. The EW pair argued that if the explanation that 5♦ was a control showing bid had been made, East would have chosen another lead (a club). West when asked did not argue that he would have passed if he knew 5♦ did not show a diamond suit.

The Panel Decision: Three 200-300 point players were polled (peers of East); all chose the diamond lead with either explanation. One immediately offered the comment that her partner "had some reason to suggest I lead this suit." The Panel ruled that since the double of 5♦ called for a diamond lead, there was not a link between the misinformation and the diamond lead chosen. The Panel also considered the UI South had from her partner's description of 5♦ as

diamonds, but decided that it did not demonstrably suggest the 6♥ call chosen. The Panel assigned the score of 6♥ making six, NS +980. The reviewer instructed South that she had an obligation under Law 75D2 to correct partner's misexplanation before the opening lead was made.

Players consulted: Three players with between 200 and 300 masterpoints.

Staff: And the merit was where? It seems like there are an inordinate number of cases involving less experienced players taking positions which are poorly thought out. A warning is just a warning. Maybe some of these folks need to at least be told that table rulings aren't automatically wrong.

Wolff: Surreal twilight zone.

Cohen: EW were hornswoggled by their bad bidding (the double of 5♦), not the MI. The Panel was right on.

Wildavsky: I agree with the TD and the Panel decisions.

CASE EIGHTEEN

Subject: Tempo

DIC: Millard Nachtwey

0-1500 LM Pairs

Panel: Charles MacCracken (Reviewer), Susan Patricelli, Bernie Gorkin.

Bd : 6			
Dir: East			
Vul: EW			
		♠ J 9 6 3	
		♥ 2	
		♦ Q 3	
		♣ 10 9 8 7 5 3	
♠ Q 4		♠ 7 5	
♥ A 10 8 7 4 3		♥ K Q J 5	
♦ K 6		♦ A J 10 9 7 5	
♣ K 4 2		♣ 6	
		♠ A K 10 8 2	
		♥ 9 6	
		♦ 8 4 2	
		♣ A Q J	
West	North	East	South
		1 ♦	1 ♠
2 ♥	2 ♠	4 ♥ ⁽¹⁾	Dbl ⁽²⁾
Pass	4 ♠	Pass	Pass
Dbl	All Pass		
(1) Stop card used			
(2) BIT			

The Facts: 4♠ doubled made for N-S +590. The Director was called when 4♠ was bid.

NS said there was practically no break in excess of the 10 second required wait – about 12-15 seconds total time. EW said it was more like 25-30 seconds of total time.

The Ruling: There was a BIT. EW were damaged. Pass is an LA to 4♠, so there was a violation of Law 73F1. The contract was changed to 4♥ doubled under Laws 16 and 12C2 and EW + 790.

Statements by the Appealing side: NS appealed. North said she had shown values that she did not have and could not possibly sit for the double.

Statements by the Other side:

East thought this was a 100% penalty double and North had to sit. EW admitted they butchered the defense to allow 4♠ to make.

Rationale for the Panel decision: North has about 450 MP. Three players with similar MP holdings were asked to bid the North hand and all three bid 2♠. Two immediately pulled to 4♠. One did so after regretting he had bid 2♠. All three were positive that they had to pull the double because they did not have the values partner was expecting.

Based on the consultants' advice, the Panel restored the table result because there was no violation of Law 73F1.

Players Consulted: Three peers of North

Staff: The expert Panel will no doubt point out that South's double isn't purely penalty. Irrelevant of course, since none of these players were experts. Experience has shown that auctions like North's are commonplace with less experienced players. It may not feel right, but the consistency with which this level of player makes the lowest bid possible, and then bids whatever is needed to buy the contract, is remarkable. Correct ruling.

Wolff: Surreal twilight zone.

Cohen: It looks like NS never heard of preemptive jump raises. However, the consultants backed up North's 4♠ bid. Apparently there was no LA to the 4♠ call, at least for this class of player.

Wildavsky: I agree with both the TD and the Panel decisions, in spite of the fact that they were different. The TD, who has less time to spend on the case than the Panel, ought to rule against the offenders if there's any doubt in his mind. The Panel, who had more time to consider the matter, improved the ruling. Kudos to the TD and the Panel for citing the relevant law.

CASE NINETEEN

Subject: MI, UI

DIC: Millard Nachtwey

0-5000 LM Pairs 1st Final

Panel: Gary Zeiger (Reviewer), Mike Flader, Su Doe

Bd: 8	North		
Dir: West	♠ J 9 7		
Vul: None	♥ K J 10 5		
	♦ A 9 8 4		
	♣ 5 3		
West		East	
♠ Q 4 3		♠ 10 6	
♥ A Q 3		♥ 6 2	
♦ 7		♦ K Q J 10 5 3 2	
♣ K J 9 8 7 6		♣ Q 4	
	South		
	♠ A K 8 5 2		
	♥ 9 8 7 4		
	♦ 6		
	♣ A 10 2		
West	North	East	South
1 ♣	Pass	2 ♦ ⁽¹⁾	2 ♠
Dbf	Pass	3 ♦	Pass
3NT	All Pass		
(1) Explained as strong to South (who asked before bidding 2 ♠)			

The Facts: The table result was 3NT by West down five, NS + 250 after the ♠7 opening lead. The Director was called at the end of the auction. East intended his bid as a weak two bid (the actual EW agreement) and notified the opponents of that at the end of the auction. The Director took both North and South away from the table prior to the opening lead. North said she would have bid 3♠ with correct information, but would have done nothing else differently. South said she would not have done anything differently.

Director's Ruling: The Director examined East's 3♦ bid in light of the UI he had from his partner's erroneous explanation. He ruled that pass was not a logical alternative to

his 3♦ bid so there was no violation of Law 73F1 or 16A. The table result of 3NT down five, NS + 250 was allowed to stand.

The Appeal: NS appealed the ruling. All four players attended the hearing. NS argued that East had already shown his hand. He had two spades, so his hand was better than it might have been for defending 2♠. They thought pass was thus a logical alternative. EW explained their agreement on weak jump shifts was a good weak two bid with six or more cards. East said that since he had a seventh diamond and no fast diamond tricks, his hand was

good offensively but worthless defensively. West couldn't have five spades, so she wouldn't have enough of a stack to beat 2♠ doubled.

The Panel Decision: The Panel consulted seven of East's peers as to their action after the double without any UI. Six promptly bid 3♦. The seventh passed, but thought it close. The Panel therefore ruled that passing the double was not an LA. The table result of 3NT by West down five was ruled to stand (Laws 73F1 and 16A). NS had offered some reasonable arguments and one consultant had passed, so the appeal was deemed to have merit.

Players consulted: Seven of East's peers.

Staff: This case gives us a question to address. Does a 6-1 vote against a particular action make that action not an LA? Here, the attitudes of the 3♦ bidders were so strong, as opposed to the passer saying "it's close", the Panel was swayed in the "not LA" direction. Were they right? Should we have some sort of numerical guide? If the answer lies in what the Panel members' individual attitudes are, we lessen the significance of taking the poll, and introduce a further element of randomness. See Case One from the New Orleans, Fall 2003 Casebook for a similar problem. Unless we want to accept the inevitability of inconsistent rulings, we may have to accept some numerical guideline.

Wolff: Surreal twilight zone.

Cohen: Again the consultants prevail. Can't argue with them.

Wildavsky: I don't like the TD and Panel decisions. I would have adjusted on both UI and MI grounds. The UI case is straightforward. One of East's peers would have passed with only authorized information.

Surely we must consider that Pass may well be logical. In fact Pass is a standout. EW have the balance of power and no likely game. NS have only seven trumps, and trumps are breaking badly offside. Give opener the hand he's shown, something like ♠AQJ9 ♥AQxx ♦x ♣KJxx, and 2♠ will be down several while 3NT is odds against.

If we allow a side to profit, even potentially, from the use of the Alert procedure, then the Alert procedure cannot stand. Many pairs already suspect that Alerts work primarily to the benefit of the Alerting side. Rulings like this will serve to confirm their suspicions.

There was another way to achieve a just result. Law 12C2 instructs us to assign to the NOS the most favorable of the results that were likely absent the infraction. The Laws say nothing about asking the players at the table what different action they'd have taken with correct information. ACBL procedures suggest that TDs do ask, and the results are often useful and informative, but we do not need to hold players to answers given in haste and without full awareness of the situation.

When deciding what would likely have happened absent an infraction it is important to realize what that entails. West forgetting his system is not an infraction. It is only his explanation that breaks the law. We must adjust as if West forgot his system and NS knew that he'd forgotten, for instance because they inspected his convention card and also asked him for an explanation.

NS are entitled to know what the opponents have in fact told them, that West believes that East holds a strong jump shift. They are also as a matter of law entitled to know the actual EW agreement. The proper question to ask North, or to ask ourselves, is what call North would have made over 3NT knowing that 2♦ was weak but that West thought it was strong. Surely it's likely North would have doubled, no matter what he told the TD at the table.

The only difficult part of this ruling ought to have been deciding whether to adjust to NS +670 or NS +1100.

CASE TWENTY

Subject: Claim

DIC: Millard Nachtwey

0-5000 LM Pairs 2nd Final

Panel: Gary Zeiger (Reviewer), Su Doe, Mike Flader

Bd: 6	North		
Dlr: East	♠ J 9 8		
Vul: EW	♥ Q 10 9 7 3		
	♦ A 8 6 3		
	♣ 3		
West		East	
♠ 10 7 6 5 4 2		♠ A Q	
♥ —		♥ 8 5 2	
♦ Q 9 7 2		♦ K J 10 4	
♣ K 7 4		♣ 10 8 6 5	
	South		
	♠ K 3		
	♥ A K J 6 4		
	♦ 5		
	♣ A Q J 9 2		
West	North	East	South
		Pass	1 ♥
Pass	4 ♥	Pass	5 ♣
Pass	5 ♦	Pass	6 ♥
All Pass			

The Facts: The contract was 6♥ by South down one for a NS score of -50. The opening lead was the ♦ 2 and the Director was called at trick 11.

With three tricks remaining, declarer said: "I'm going to ruff a club and my ♥ K J are good." The prior play had proceeded:

	N	E	S	W
1	♦ A	♦ 10	♦ 5	♦ 2
2	♦ 3	♦ K	♥ 4	♦ 7
3	♥ 3	♥ 2	♥ A	♠ 2
4	♣ 3	♣ 5	♣ A	♣ 4
5	♥ 9	♣ 6	♣ 2	♣ 7
6	♠ J	♠ A	♠ 3	♠ 4
7	♦ 6	♦ J	♥ 6	♦ 9
8	♥ Q	♣ 8	♣ 9	♣ K
9	♠ 8	♠ Q	♠ K	♠ 5
10	♦ 8	♣ 10	♣ Q	♠ 6

The remaining cards were:

♠ 9	
♥ 10 7	
♦ —	
♣ —	
♠ 10 6	♠ —
♥ —	♥ 8 5
♦ 9	♦ 4
♣ —	
♠ —	
♥ K J	
♦ —	
♣ J	

Director’s Ruling: Since declarer had not said she would ruff the club high, she may have forgotten the trump position. 6♥ was ruled down one, NS –50 (Laws 70C and 70D).

The Appeal: NS appealed the ruling. All four players attended the hearing. South said she knew the hand was over, but she decided to be fancy and not draw the trumps. She knew she had to ruff high, but was interrupted before she could say so. EW said they did not interrupt declarer’s claim statement. She had simply said she would ruff a club. Since she hadn’t claimed earlier, it seemed clear she had lost touch with the hand.

The Panel Decision: While declarer did not specifically mention the outstanding trump, she had previously ruffed high so the end position made her intentions obvious. She had cashed the ♣Q, then said ruffing a club (the jack) indicating she had a count on the club suit. Given previous high ruffs and her accurate counting of the club suit, the Panel decided she had simply made a careless statement. She had not created a “doubtful point” (Law 70). The Panel assigned the score of 6♥ by South making six, NS +980.

Players consulted: none.

Staff: If “the cards speak,” this ruling is correct.

Wolff: This loosens up the claims law, which is okay with me, but it must stay consistent.

Cohen: The footnote to the claims laws (Laws 69 and 70) indicate the TD (and the AC) should not accept a “careless” play from the claimant. The write-up indicates the Panel designated South’s claim as “careless.” Was the write-up wrong, or was the Panel superseding the Law?

Wildavsky: The Panel improved on the TD ruling.

CASE TWENTYONE

Subject: UI

DIC: Guillermo Poplawsky
Stratified Fast Pairs 2nd Session

Panel: Bernie Gorkin (Reviewer), Patty Holmes, Matt Smith

Bd: 30	North		
Dir: East	♠ 9 7		
Vul: None	♥ J 10 9 8 3		
	♦ 7 3		
	♣ J 9 7 5		
West		East	
♠ A 10		♠ K 6 4 2	
♥ A 7 4		♥ 6 5	
♦ Q 6		♦ J 8 4 2	
♣ K Q 10 6 3 2		♣ A 8 4	
	South		
	♠ Q J 8 5 3		
	♥ K Q 2		
	♦ A K 10 9 5		
	♣ —		
West	North	East	South
		Pass	1 ♠
1NT ⁽¹⁾	Pass	Pass ⁽²⁾	2 ♦
3 ♣	Pass	3NT	All
Pass			
(1) 15-18			
(2) BIT of approximately 10+ seconds (agreed)			

The Facts: The contract was 3NT by West down one, NS +50 after the lead of the ♠ 9. The Director was called after the 3♣ bid. All players agreed that East paused for more than 10 seconds before passing at his second turn.

Director's Ruling: West had UI from his partner's BIT and pass was a logical alternative (Law 16A), but no damage resulted since the result in 3NT was the best NS could expect (Law 12C2).

The Appeal: NS appealed the ruling. All four players attended the hearing. NS thought pass was a logical alternative to 3♣ and the hesitation suggested values that made 3♣ more attractive. West believed that the UI had no bearing on his choice of showing his six-card suit.

The Panel Decision: The Panel consulted three players with 1500-2500 masterpoints (West's peers) and all of them passed over 2♦ with no knowledge of the UI. Therefore, the Panel determined that West had violated Law 16A by bidding 3♣. However, it seemed overwhelmingly likely that if the auction had continued with West passing over 2♦, NS would have arrived in 2♠ (perhaps doubled) and that would not have made.

So the Panel decided that no damage occurred from the infraction so the table score of 3NT by West down 1, NS + 50 was ruled to stand. Since the hand occurred on the last round of the final session and NS may not have had a chance to have the ruling and the reasons for it explained to them, no AWMW was issued.

Players consulted: Three peers of West.

Staff: The Panel should have addressed other possibilities besides 2♠. The projected auctions are by no means clear. Some peers should have been allowed to bid these hands after a pass by West. Expert analysis should have been sought to insure NS had no reasonable expectation of a plus score. Maybe a 2♦ contract was possible. Is it that clear that 2♦ (doubled?) making isn't at all probable? The ♣K led and ruffed by South followed by ♠Q to West's ♠A, then?

Cohen: What improvement in score were NS seeking? Certainly East was not selling out for 2♦ or 2♠ undoubled, or perhaps bidding 2NT. Plus 50 was an outstanding result for NS, and the screener (do these players go through a screener before a Panel hearing?) might have so informed them. An AWMW seems appropriate.

Wildavsky: Did NS suggest that they might well have made 2♠? I think the TD and AC were too quick to dismiss the possibility. A tapping defense, for instance, will allow it to make. Say declarer ruffs the ♣K lead and plays three round of diamonds. West will ruff with the ♠10. If he does not cash the ♠A, either immediately or after first cashing the ♥A, then declarer will take eight tricks.

Either the TD or the Panel might have assessed a procedural penalty against EW on account of West's taking blatant advantage of the UI.

CASE TWENTYTWO

Subject: MI

DIC: Gary Zeiger

Flight AX Swiss 7/11/04

Panel: Bernie Gorkin (Reviewer), Matt Smith, Patty Holmes

Bd: 21	Dan Parish		
Dlr: North	♠ Q J 8 3		
Vul: NS	♥ A 9 6		
	♦ Q 8 6		
	♣ 8 6 2		
David Sokolow	Keith Garber		
♠ A 9 7 2	♠ K 6 4		
♥ K Q J 7	♥ 10 8 4 3 2		
♦ A 7	♦ 10 9 5 4		
♣ J 10 5	♣ 3		
	Elise Parish		
	♠ 10 5		
	♥ 5		
	♦ K J 3 2		
	♣ A K Q 9 7 4		
West	North	East	South
	Pass	Pass	2♣ ⁽¹⁾
Dbl	Rdbl ⁽²⁾	2♥	Pass
Pass	2NT	Pass	3NT
Pass	Pass	Pass (3)	
<p>(1) Precision</p> <p>(2) East asked the meaning of the redouble, but stopped South from completing the explanation when she was hesitant in responding</p> <p>(3) Before his final pass, East inquired again and South said it showed values</p>			

The Facts: The final contract was 3NT by North made four, NS + 630 after the lead of the ♦ 10. The Director was called after North corrected South's explanation of the redouble before the lead was made, explaining that redouble took the place of 2♦ which asks for further information about the 2♣ bid. Away from the table, West told the Director that if he had known the correct meaning of the redouble he would have raised to 3♥ to ensure a heart lead. East said he would not have bid differently with correct information.

Director's Ruling: The Director ruled that since West had chosen not to inquire about the meaning of the redouble before passing his partner's 2♥ bid (as is his right under Law 20F1), he had not fulfilled his responsibility to protect himself and therefore severed the link between the infraction and any damage. The table result of 3NT by North making four was ruled to stand.

The Appeal: EW appealed the ruling. All four players attended the hearing.

West said that had he known the meaning of the redouble he would have bid 3♥ to guarantee the lead, but because of South's confusion he did not want to ask.

The Panel Decision: The Panel consulted five peers of West to determine if any MI may have contributed to the EW damage. All thought the meaning of the redouble was essentially irrelevant to their choice and all passed partner's 2♥ bid. Therefore, and because West did not inquire when he thought it was relevant, the Panel decided that the damage was not caused by the MI (Law 40C). The table result of 3NT by North making four, NS +630 was ruled to stand.

Players consulted: Five of West's peers.

Staff: AWMW is indicated. Whether West should bid 3♥ is entirely unaffected by the difference in meaning of North's redouble. Either way, West knows the hand belongs to NS. His risk vs. reward ratio has not changed one iota. This appeal wasn't as bad as Case SIXTEEN, but given the level of players who appealed, it's close.

Cohen: West had only himself to blame. While he might not have had a raise to 3♥, he might have seriously considered a double of 3NT for a heart lead. Since he didn't tell this to the TD before the opening lead, and didn't protect himself by inquiring about the redouble, he lives with the result at the table.

Wildavsky: The ruling and Panel decision in this case are fine as far as they go. We see here, though, the pernicious effect of rulings such as the one in case number 19. EW seem to have been concerned that North would receive UI from South's explanation and that they might have no recourse were he to act on it. I wish I could tell them that they were mistaken, and that the TD would invariably protect them as the Laws require.

CASE TWENTYTHREE

Subject: UI

DIC: Gary Zeiger

Flight AX Swiss 7/11/04

Panel: Bernie Gorkin (Reviewer), Matt Smith, Patty Holmes

Bd: 24	Adrian Schwartz		
Dir: West	♠ A J 9 8 7 3		
Vul: None	♥ 10 9 5 4 3		
	♦ 8		
	♣ 2		
Gary Paston	Bob Karlan		
♠ Q 10 4	♠ K		
♥ 8 7	♥ —		
♦ A 9 7	♦ K J 10 4 3		
♣ J 8 7 5 3	♣ A K Q 10 9 6 4		
	Kohava Schwartz		
	♠ 6 3 2		
	♥ A K Q J 6 2		
	♦ Q 6 5 2		
	♣ —		
West	North	East	South
Pass	Pass	1 ♣	1 ♥
2 ♣	2 ♥	5 ♣	Pass ⁽¹⁾
Pass	5 ♥	Pass	Pass
Dbl	All Pass		
(1) BIT (agreed)			

The Facts: The table result was 5♥ doubled by South down one, EW + 100. The opening lead was an unrecorded low club and the Director was called after North's 5♥ bid. All agreed to a long pause by South before she passed 5♣.

Director's Ruling: While there was UI from South's slow pass to 5♣, pass by North was not a logical alternative and the 5♥ bid did not violate Law 16A. The table result of 5♥ doubled by South down one, EW + 100 was ruled to stand.

The Appeal: EW appealed the ruling. All four players attended the hearing. EW felt that pass was a logical alternative to 5♥ and that the hesitation suggested bidding on. North had won several Israeli national titles. He said

that his 2♥ bid was tactical, trying to buy the hand at 4♥. He said he was never planning to sell out.

The Panel Decision: Five players with between 1500 and 7000 masterpoints were given North's hand as a bidding problem without any mention made of partner's slow pass to 5♣. All of them bid 5♥ without any reservations. The Panel therefore concluded that 2♥ was clearly intended as a tactical bid trying to create action. No one would do this planning to play below 4♥.

While there was UI, pass was not seen to be a logical alternative for North so the Panel ruled the table result of 5♥ doubled by South down one, EW +100 to stand (Law 16A).

Players consulted: Five peers of North.

Staff: Was merit addressed? Would either EW player, if he had sandbagged with 2♥, really have passed 4♠?

Wildavsky: Good work on the ruling. Flight A players ought to recognize that Pass is not an LA with the North hand, so an AWMW was warranted.

CASE TWENTYFOUR

Subject: Played Card

DIC: Candy Kuschner

Stratified Open Pairs 7/11/04 2nd Session

Panel: Bernie Gorkin (Reviewer), Su Doe, Matt Smith

Bd: 6	North		
Dlr: East	♠ A K Q 8 6 2		
Vul: EW	♥ 9		
	♦ K Q 6		
	♣ A 10 6		
West		East	
♠ 10 9 7 4 3		♠ 5	
♥ J 8		♥ K 10 3	
♦ A 9 8 4		♦ J 10 7 2	
♣ 8 5		♣ Q 9 7 3 2	
	South		
	♠ J		
	♥ A Q 7 6 5 4 2		
	♦ 5 3		
	♣ K J 4		
West	North	East	South
Pass	3♠	Pass	3♥
All Pass		Pass	4♥

The Facts: The table result was 4♥ by South made six, NS + 480. The play had proceeded ♣8 to South's jack; ♠J to the ace; ♠K, ruff by East. South then detached the ♦3 from her hand, and according to the demonstration by West of where it was held (at the Director's request) it was 1½ to 2 inches above the table. This was the point at which the Director was called.

The definition of a played card by declarer in Law 45C2 states that a card by declarer must be played when it is "held face up, touching or nearly touching the table, or maintained in such a position as to indicate that it has been played." The Director

ruled that the ♦3 had not been played and allowed declarer to change her card to a trump, resulting in a table score of NS +480.

The Appeal: EW appealed the ruling. All four players attended the hearing. All players agreed that the card had been held 1½ to 2 inches above the table. EW believed that this was close enough to the table to make it a played card under the law. South agreed that she was surprised when East ruffed in, but she never put the diamond on the table and withdrew it in the same motion.

The Panel Decision: The Panel decided that in such a situation, the table Director is in the best position to determine the facts. Furthermore, law

45C2 does not define what “near” means in this context. Therefore, the Panel deferred to the table Director’s judgment and since there was no compelling reason to change the ruling the ♦3 was ruled by the Panel not to be a played card.

The table result of 4♥ by South making six and NS +480 was ruled to stand. Due to the fact that this ruling depended upon a law that leaves room for judgment in its interpretation, the appeal was found to have merit.

Players consulted: None

Cohen: This is an interesting point. Law 45A and Law45C2 seem to be out of sync. Law 45A says a card is played when it is faced ON the table. Law45C2 says it is played when “touching or nearly touching” the table. Which is correct? Guess we should clarify the matter when we review the Laws. Actually, Law45C2 should prevail. The specific Law pertaining to a declarer’s played card should supersede the general Law pertaining to a played card from any hand.

Since the TD was there first, we should accept his decision.

Wildavsky: Fair enough.

CASE TWENTYFIVE

Subject: UI

DIC: Millard Nachtwey

Daylight Open 7/12/04

Panel: Gary Zeiger, Terry Lavender, Tom Whitesides (Reviewer)

Bd: 15	North		
Dir: South	♠ J		
Vul: NS	♥ J 7 4 2		
	♦ 7 4 3		
	♣ A K J 9 7		
West		East	
♠ A K 9 8 7 2		♠ 6 5 3	
♥ Q 9 8 5		♥ A K 6 3	
♦ 10 9 6		♦ J	
♣ —		♣ 10 8 6 3 2	
	South		
	♠ Q 10 4		
	♥ 10		
	♦ A K Q 8 5 2		
	♣ Q 5 4		
West	North	East	South
			1♦
1♠	Dbl	2♠	3♦
Pass ⁽¹⁾	Pass	3♠	All Pass
(1) Agreed BIT			

The Facts: The final contract was 3♠ by West making four, +170 for EW. The Director was called after West's slow pass. All players agreed the hesitation was well over 10 seconds. The Director ruled that the score would be adjusted to 3♦ +150 for NS (Law 12C2). They felt the 3♠ bid was demonstrably suggested by the break in tempo and that pass was an LA (Law 16).

The Appeal: EW appealed the ruling. East felt that his stiff diamond and heart controls were very big cards. With the negative double he thought it likely that partner did not have many hearts and therefore was more likely to have a club fit.

The Panel Decision: The EW players were Life Masters, under 500 points. Three players with between 315 and 425 points were consulted. All bid 3♠, none thought it was close. The Panel therefore ruled that pass was not an LA to 3♠ and the original result was reinstated, EW +170.

Players Consulted: Three players between 300 and 500 masterpoints.

Cohen: There is one problem with consulting peers. These peers may not consider "pass" an LA, but how are players like East going to learn the proprieties of the game if they can get away with the 3♠ bid in the

circumstances described. In an expert game would we really allow East's 3♠ bid? I strongly doubt it.

Young Life Masters apparently do not want to be treated like mature bridge players. If they did, they would not have appealed.

By the way, I would not have ruled as the TD. I would have assigned EW -150, but allowed NS to keep the table result. Certainly North's hand warranted a 4♦ bid at the table. I believe North declined to "play bridge" when he passed out 3♠.

Wildavsky: Bidding worked well because partner held long, strong spades, not on account of North's negative double.

Polling can be used to show that a call is logical, but it can't always show that a call is illogical. We want Panels to avoid exercising bridge judgment where possible, so polling is their primary means of taking it into account. Here they ought to have tried harder. Why poll seven players on case nineteen but only three here?

It should be apparent that there are many deals where bidding on will be wrong, even if the opponents have nine diamonds between them. Give West a hand where he'd have passed in tempo, something like ♠Qxxxx ♥Jxx ♦KQx ♣Kx, and bidding 3♠ will be a disaster.

As an AC member I would find Pass an LA.

CASE TWENTYSIX

Subject: UI

DIC of Event: Susan Patricelli

Daylight Stratified Open Pairs 7/13/04 2nd Session

Panel: Gary Zeiger (Reviewer), Charlie MacCracken, John Ashton

Bd: 34	North		
Dlr: East	♠ A 9		
Vul: NS	♥ A K 10 7 4		
	♦ A K 9 8		
	♣ 4 3		
West		East	
♠ K Q 7		♠ 8 6 4 3	
♥ Q J 8 6 3		♥ 9 2	
♦ J 6 5 4		♦ 3 2	
♣ 7		♣ K J 9 6 5	
	South		
	♠ J 10 5 2		
	♥ 5		
	♦ Q 10 7		
	♣ A Q 10 8 2		
West	North	East	South
		Pass	Pass
2♥ ⁽¹⁾	Pass ⁽²⁾	Pass	Dbl
All Pass			
(1) Stop card used (2) BIT			

The Facts: The final contract was 2♥ doubled by West down five, NS +1100 after the lead of the ♦K. The Director was called after South's double. The stop card was on the table for about 10 seconds. North took more time after it was removed before he passed.

The Ruling: Table result stands. Pass by South is not a logical alternative, so no violation of Law 16A occurred.

The Appeal: EW appealed the ruling and East was the only player to attend the hearing. NS had left the playing area before the appeal was filed, but North was reached by telephone by the reviewer after the hearing. East told the reviewer that the stop card had been on the table for roughly 10 seconds. East

also stated that North paused for a noticeable time afterward and that pass by South had to be an LA vulnerable vs. not, with 9 HCP and a bad spade suit. East told the reviewer that he thought the BIT clearly suggested action. By telephone later, North confirmed the BIT, but he asserted that double by South was obvious at matchpoints. All players were in the 450-700 masterpoint range.

The Panel Decision: The Panel consulted nine peers of South about his

bidding problem in the balancing seat. Seven doubled and wondered why they were being asked. Two players passed, but thought it was close. Two experts were consulted. Both doubled, one terming it “clear” and the other “100%”. Notwithstanding the responses from the two passers, the Panel decided that double was seen as clear-cut to the exclusion of any other alternative by the large majority of polled players. It decided that a pass was not a logical alternative for this South or his peers. The Panel assigned the table result of 2♥ doubled by West down five, NS +1100. The appeal was found to have merit.

Players consulted: Hamish Bennett, Bob Schwartz and nine peers of South.

Staff: Echoes of Case 19. Is there enough evidence to suggest pass by South is an LA? If Panels are expected to abide by peer judgment in cases like these, they need to judge empirical evidence consistently. In these two cases the decisions were consistent, but were the evaluations of the evidence correct?

Wolff: Good along with Case 24 discussing when a card is played.

Cohen: I disagree with the decision. Vulnerable, “Pass” had to be an LA with the South hand. Note that a couple of peers even passed as South. Doesn’t that make it an LA?

North, on the vulnerability and a passed hand on his left, has an easy 2NT bid over 2♥. The UI transmitted by the BIT made the double a 100% action for South. NS get +250 from me.

Wildavsky: Something went seriously wrong with the Panel process here. 29% of South’s peers did not just say that they would seriously consider passing, they said that they would pass. Given the standards promulgated by the ACBL Laws Commission that leaves no doubt in my mind that pass is a logical alternative.

The poll produced a clear outcome. If the Panel is going to ignore the results then polling is a waste of effort.

CASE TWENTYSEVEN

Subject: UI

DIC: Chris Patrias

0-5000 Spingold

Panel: Millard Nachtwey, Gary Zeiger, Su Doe (Reviewer)

Bd: 8	North		
Dlr: W	♠ J 6		
Vul: None	♥ K Q J 7 5 4 2		
	♦ —		
	♣ Q J 10 2		
West		East	
♠ K 10 8 7 3 2		♠ Q 5 4	
♥ 3		♥ 10	
♦ A K 10 7 2		♦ 9 8 3	
♣ 7		♣ A 8 6 5 4 3	
	South		
	♠ A 9		
	♥ A 9 8 6		
	♦ Q J 6 5 4		
	♣ K 9		
West	North	East	South
1 ♠	2 ♥	2 ♠	3 ♠
Pass	4 ♥	Pass	Pass
4 ♠	5 ♥	Pass	Pass ⁽¹⁾
5 ♠	6 ♥	Dbl	All Pass
(1) Agreed BIT.			

The Facts: The contract was 6♥ doubled making six for +1210 for NS. The opening lead was the ♣A and the Director was called after the 6♥ bid. South's second pass (after 5♥ pass) was slow. EW estimated the hesitation as 45 seconds. NS did not estimate the time interval, but did agree that there was a noticeable hesitation.

North had 4000 masterpoints; South 2400; East 800; and West had 1800.

The Ruling: The Director ruled that bidding 6♥ was demonstrably suggested by the hesitation and that pass was an LA to 6♥ and disallowed the 6♥ call. He ruled that South would double 5♠, making the final contract 5♠

doubled by West for a result of down one and a score of +100 NS. (Laws 16.A.2,12.C.2)

The Appeal: NS appealed the ruling. All four players and the captain of EW's team attended the hearing. North argued that she had an 11-card fit and no defense and would always bid 6♥ even if her partner had doubled and that her hand speaks for itself. She also pointed out that 6♥ could have been defeated, but was not.

The Panel Decision: The Panel considered first the issue of the hesitation and then what it implied. The hesitation was considered to demonstrably suggest 6♥. Five of North's peers (3500 to 5000 points) were given the North hand as a bidding problem. Two doubled, two passed, and one "took out insurance" by bidding 6♥. Two experts thought pass was clear-cut.

The Panel then looked at South's options if North passed. Of the peer group consulted with this bidding problem, four of five doubled. The other opted for 6♥. The four experts consulted about South's bidding problem all said that North's pass was encouraging but not forcing, and said that they would double. The Panel ruled that according to Law 12C2 North would pass the double so the final contract of 5♠ doubled by West was assigned.

Next the Panel considered the play at 5♠ doubled. Expert consultation confirmed that 5♠ would go down one.

The Panel assigned the score 5♠ doubled, down one and NS a score of +100, the same as the Director's table ruling (Laws 16.A.2, 12.C.2). The Panel decided that while East's failure to continue a club against 6♥ doubled was not an egregious error, it was enough of a consideration to give the appeal merit.

Players Consulted: Geoff Hampson, Mike Passell, Bart Bramley, Judy Bramley, Jeff Meckstroth, Eric Rodwell, Bob Hamman; 10 peer players (five peers of North with 3500- 5000 points and five peer of South with about 2500 masterpoints).

Wolff: Probably the most important appeals case in New York. The reason is that it concerns a BIT when that player had every reason to believe the auction was ending. When an opponent decides to compete further, should he be advantaged to the degree that if his LHO does anything but pass, he can take it to committee and be virtually assured a win? This makes no sense and we need to develop rules that allow a BIT not to be treated such when an opponent can pass and end the auction.

There might be exceptions probably tied to the fact that the BIT person had reason to believe that his LHO would bid on. Here, this is not the case and shouldn't be applied.

Perhaps the committee should look further and judge whether the partner of the BIT has any legitimate bridge reason to bid on and only allow him to do

so if the bid is not deemed irrational or even strongly anti-percentage. Here this is also not the case. One thing for sure is that we need to address this point. Perhaps there should be different guidelines for defensive BITs.

Cohen: A tough case, but the Panel came up with the right decision. I'm still wondering what South was thinking about.

Wildavsky: Good work by the TD and the Panel, except for one point. The issue of the adequacy of the EW defense against 6♥ cannot be relevant to whether or not the appeal had merit. Were EW judged to have committed an egregious error subsequent to the infraction rather than as a consequence of it they would keep their result, but the NS score would still be adjusted.

CASE TWENTYEIGHT

Subject: MI

DIC: Dianne Barton-Paine

Flight A/X Swiss

Panel: Gary Zeiger, Doug Grove, Millard Nachtwey, Susan Patricelli, Su Doe (Reviewer)

Bd: 12	Dean Leslie
Dir: West	♠ A K 8 6 2
Vul: NS	♥ A J 5 2
	♦ 9
	♣ K Q 9
Ron Weinstock	Walter Schenker
♠ Q J 4 3	♠ 9 7 5
♥ Q 10 3	♥ K 7 6
♦ K 10 8 6 3	♦ A J 7 5 4
♣ 10	♣ 8 5
	David Maidman
	♠ 10
	♥ 9 8 4
	♦ Q 2
	♣ A J 7 6 4 3 2

West	North	East	South
Pass	1 ♣ ⁽¹⁾	Pass	1 ♥ ⁽²⁾
Pass	1 ♠ ⁽³⁾	Pass	2 ♣ ⁽⁴⁾
Pass	3 ♦ ⁽⁵⁾	Pass	3NT
All Pass			

- (1) Strong, forcing. 17+
- (2) Two Controls; nothing about hearts
- (3) More than 19 points; nothing about spades
- (4) Natural or balanced
- (5) Not alerted

The Facts: The contract was 3 NT by South, making four for +630 for NS. The opening lead was the ♠3. The Director was summoned at the end of the hand. East inquired about the 1 ♠ bid at his turn to call after the 3 ♦ bid. He was given the explanation of greater than 19 points and nothing about spades. At the end of the auction, West asked about the auction and 3 ♦ was explained as natural. West asked what 2 ♦ would mean if 3 ♦ was natural and South said he did not know. North did not volunteer that he thought the explanation of 3 ♦ was incorrect.

The Ruling: West has a natural diamond lead, but chose the spade suit based on the auction as it was explained. The Director adjusted the result to down one and +100 for EW since EW were damaged by North's failure to explain his understanding of the partnership agreement at

the end of the auction. (Laws 75D2 and 40.C)

The Appeal: NS appealed. North, South, and West attended the hearing.

North said that he did not say anything about the 3♦ bid because his partner knew the system better than he, so he thought his partner had correctly explained the bid. South produced system notes that showed the sequence 1♣/1♥/1♠/2♣/2♦; 2♦ = Stayman. There was no specific reference to 3♦ instead of 2♦, but they argued that, by inference 3♦ was natural.

The Panel Decision: NS obviously had no agreement (while 3♦ as a natural bid makes more sense, either meaning is possible) and the opponents are entitled to that information, so North did not meet his obligations under the Law (Law 75D2 "...the player must inform his opponents that, in his opinion, his partner's explanation was erroneous."). Three of West's peers, players with 500 to 700 points were polled on his opening lead problem. They all choose a diamond lead when given the explanation "splinter" for 3♦ (the meaning North clearly intended).

The Panel therefore ruled the final contract to be 3NT by South down one, EW +100 (Laws 75.D.2,40.C,12.C.2). The Panel recognized that North was in possession of UI from his partner's failure to alert 3♦, but the Panel decision made that issue moot. Although the Panel was troubled by South first stating that he did not know what a 2♦ bid would mean and then producing notes to the reviewer that showed it to be Stayman, the fact that those notes existed led the Panel to decide that the appeal had merit.

Players Consulted: Three players with 500 to 700 points.

Staff: I think the peers should have been told "no agreement," but I can't imagine that would have changed any poll results.

Cohen: South's proper response when "asked about the auction", should have been "no agreement" according to the notes. North was guilty of not correcting his partner's explanation. The Panel got it right.

Wildavsky: Okay.

CASE TWENTYNINE

Subject: MI

DIC: Roger Putnam

0-5000 Mini-Spangold 7/15/04 2nd quarter

Panel: Matt Smith (Reviewer), Chris Patrias, Su Doe

Bd: 21	North		
Dlr: North	♠ K Q 10		
Vul: NS	♥ K 6		
	♦ K 6 5 4 3		
	♣ Q 7 5		
West		East	
♠ Void		♠ J 9 5 4 2	
♥ Q 10 9 8 2		♥ J 5 4	
♦ A J		♦ 10 9 7	
♣ K 10 9 6 3 2		♣ 8 4	
	South		
	♠ A 8 7 6 3		
	♥ A 7 3		
	♦ Q 8 2		
	♣ A J		

Behind Screens: North and East were screenmates.

West	North	East	South
	1♦	Pass	1♠
3NT (1)	Pass	Pass	Dbl
4♣	4♠	All Pass	

(1) West to South two suited. However, East to North solid suit (minor), to play.

The Facts: The table result was 4♠ by South down one for a NS score of -100 after the lead of the ♥9. The Director was called at the end of play when NS discovered they had been given different explanations of the 3 NT bid.

The play to 4♠ was: ♥9 (zero or two higher) to the ♥A; diamond to the jack and low; heart return to dummy's king; high spade from dummy; diamond from dummy to the ♦Q and ♦A; West returned a heart with dummy pitching a club as East won the jack; club switch with declarer winning the ♣A; diamond to the king; diamond from dummy ruffed and over-ruffed; spade to dummy; diamond from dummy ruffed by East with the nine as declarer pitched a club and claimed for down one.

North told the Director that if he had known that 3 NT was

two-suited instead of to play, he would have doubled 4♣ instead of bidding 4♠.

Director's Ruling: The Director determined that when East told North that 3 NT was to play he had provided misinformation since no such agreement

apparently existed. The score was adjusted to 4♣ doubled down 3, NS +500 (Law 40C, 12C2).

The Appeal: EW appealed the ruling. All four players attended the hearing. The reviewer confirmed that EW had no firm agreement about the meaning of 3NT (nothing on the convention card and no system notes). North argued that if 3 NT was to play, West would be marked with a ♠ stopper for no trump and therefore the spades would not be as likely to break badly. If he knew it was a two suiter, he would have been more worried about a bad spade split and thus more likely to double. He acknowledged that he assumed West's bid was based on ♣s, perhaps an eight card suit headed by the AK. South said his bidding would not have been any different depending on the explanation of 3 NT. He said he ducked the ♦J thinking it was a singleton, with a plan to ruff out diamonds later while keeping East off lead in order to avoid a club return through his AJ.

The Panel Decision: The Panel first concluded that both North and South had been given misinformation. Since South said his actions would not have been affected by the different possible meanings of 3NT, the Panel focused on whether North might have been damaged by the explanation he received.

The Panel polled three experts and three peers of North (who had about 750 masterpoints) to assist in this determination. The first expert said he would have passed 4♣ if he knew it was two-suited, but he would be much more likely to bid 4♠ if he knew it was bid to make. He thought North's argument about the likelihood of the spades splitting badly on the two-suited explanation was reasonable.

The second expert said he would pass over either explanation of 3NT. He saw some small merit to North's argument. When asked about the prospects for 4♣ doubled as a final contract, he estimated that it would go down three or four (usually three).

The third expert thought that North's argument made little sense. He thought the play to 4♠ was "very speculative" and when asked estimated that 4♣ doubled would go down two or three.

The first peer bid 4♠ over 4♣ if it was bid to play, but he doubled when told that it was a two-suited hand. The second peer doubled 3NT to play but he strongly considered 4♠. He thought double was more attractive over a

two-suited 3NT. The third peer doubled over a making 3NT and would do the same (albeit with less assurance) over a two-suited 3NT.

Since two of the three peers (and to a lesser extent the experts) had sympathy with North's argument, the Panel decided that NS had been damaged by the misinformation (Law 40C). The contract was changed to 4♣ doubled by West down three, NS +500 (based on the opinions of the experts on the play to 4♣ doubled, and as per Law 12C2). The Panel decided that the combination of South's play in 4♠ and the conflicting opinions of the consulted players gave the appeal merit.

Players Consulted: Eric Rodwell, Arnie Fisher, Gary Cohler, three peers of North.

Cohen: NS were certainly damaged by the different explanations. Law 12C2 made it easy for the Panel. NS +500 was correct.

Wildavsky: See my comments for case number twenty-seven.

CASE THIRTY

Subject: MI

DIC: Roger Putnam

0-5000 Mini-Spangold 7/15/04 2nd quarter

Panel: Matt Smith (Reviewer), Chris Patrias, Su Doe

Bd: 15	North
Dir: South	♠ A K
Vul: NS	♥ J 7
	♦ Q 5
	♣ K Q J 10 9 4 2
West	East
♠ 10 7 5 3 2	♠ Q J 6 4
♥ 9 3 2	♥ 10 5 4
♦ A K 4	♦ J 10 8 7 2
♣ A 3	♣ 6
	South
	♠ 9 8
	♥ A K Q 8 6
	♦ 9 6 3
	♣ 8 7 5

Behind Screens: North and East were screenmates

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

(1) 10-13 HCP

(2) One suited minor hand or major-minor two suiter

(3) West to South: Stayman but East to North: nothing

The Facts: The table result was 3♦ by East down one for a score of NS +50 after an opening lead of the ♥A. The Director was called by South in the passout seat and again when the hand was over.

When West bid 3♦, he told South that he was no longer sure what 2♦ meant. South called the Director before his last pass to find out what the EW agreement about 2♦ was. The Director properly did not cross the screen to find out the meaning of 2♦ from East to avoid transmitting information to the other side. West was unable to clarify the meaning of 2♦ in the Director's presence. He said it was Stayman or natural but he wasn't sure which. South told the Director he wanted to bid 3♥ if 2♦ was natural.

Director's Ruling: The Director determined that EW had not discussed this situation and that South was given misinformation. The score was

adjusted to 3♥ by South making three and NS +140.

The Appeal: EW appealed the ruling. All four players attended the hearing. With no bid by East over 2♣, NS play that 2♦ is pass or correct and 2♥ would show a good suit with values. They had not specifically discussed what 2♥ showed in this situation. EW had agreed that over Suction (which the other pair on the NS team had played in an earlier segment of the match), 2♦ was Stayman but they had not discussed a defense to the methods of this NS pair.

When East passed 3♣, West had second thoughts and told South he was no longer sure about the meaning of 2♦. West said he told South “I think I gave you wrong information. I think 2♦ was diamonds.” South thought West said he was not sure whether it was Stayman or natural.

Contrary to regulations, West and South communicated orally rather than in writing. South said that the only call he would have changed if he knew 2♦ was natural was his last pass. He did not think East had hearts, and he thought that East did not prefer back to 3♠ for fear of showing a stronger hand than he held.

The Panel Decision: The Panel investigated whether NS had been damaged by South’s failure to learn the meaning of 2♦. Three experts and three peers were consulted. The first expert would have bid 4♣ directly over partner’s 3♣ bid, and if not then he would have done so in the passout seat to 3♦. He thought South should have known what was happening, but in any case he had shown his hearts with his previous bid so bidding 3♥ was not trusting partner.

The second expert agreed with the first that South should have known what was happening but the meaning of 2♦ was irrelevant to his poor result.

The third expert thought 3♥ was a poor bid since partner didn’t raise them earlier. He had some sympathy with a club raise. He also thought the different meanings of 2♦ were irrelevant to South’s decision.

The three peers all agreed that the meaning of 2♦ was irrelevant to South’s decision in the passout seat.

With this information, the Panel concluded that NS were not damaged by South’s failure to obtain correct information (Law 40C). The table result of 3♦ by East down one, NS +50 was restored.

Players Consulted: Gary Cohler, Arnie Fisher, Eric Rodwell and three peers of South.

Cohen: This must have been a tight match to bring an appeal where at most 3 IMPs were at stake. I have no problem with the decision.

Wildavsky: The TD and Panel decisions were both reasonable. The TD properly ruled in favor of the non-offenders in a close case.

CASE THIRTYONE

Subject: UI

DIC: John Gram

Daylight Stratified Swiss 7/15/04 2nd Session

Panel: Matt Smith (Reviewer), Chris Patrias, Su Doe

Bd: 18	North		
Dir: East	♠	8 4	
Vul: NS	♥	7 3	
	♦	Q J 7 4	
	♣	A K Q J 4	
West	East		
♠	Q 5 2	♠	K J 9 3
♥	A Q 10 9 8	♥	K 5 4 2
♦	K 6 2	♦	5
♣	6 5	♣	10 7 3 2
	South		
	♠ A 10 7 6		
	♥ J 6		
	♦ A 10 9 8 3		
	♣ 9 8		
West	North	East	South
		Pass	Pass
1 ♥	2 ♣	2 ♥	Pass ⁽¹⁾
Pass	3 ♣	All Pass	
(1) BIT			

The Facts: The table result was 3♣ by North making four for NS +130 after the ♥ 2 lead. The Director was called after North's 3♣ bid and again when the hand was over.

EW told the Director that South had paused noticeably before passing at her second turn. North said she was looking away from the table and didn't notice any hesitation. When asked by the Director if she thought she had something to think about, South showed her hand to the Director and added that she always takes a long time to think.

The Ruling: An unmistakable hesitation occurred. At the vulnerability (and particularly at IMP scoring), pass by North

is certainly a logical alternative. The BIT suggests action over inaction. Therefore, the contract was changed to 2♥ by West making three, EW +140 (Laws 16A, 73F1, 12C2).

The Appeal: NS appealed the ruling. All players except West attended the hearing. NS disputed that a hesitation had occurred and North thought a 3♣ bid was clear in any case. East said that she did notice a hesitation by South.

The Panel Decision: First, the Panel considered whether an unmistakable

hesitation had occurred. Particularly in light of the report from the table Director, the Panel found that the preponderance of the evidence indicated that it had occurred. The Panel also considered whether such a hesitation demonstrably suggested action over inaction by North. The Panel found that it did.

In order to determine whether pass was a logical alternative, the Panel polled two peers of North (who had 225 masterpoints) and three experts. The peers (one with 400 points and the other with 130) both overcalled 2♣ and then passed in the balancing seat. Of the experts polled, two passed in the balancing seat and one bid 2NT.

With this input, the Panel concluded that pass was a logical alternative and assigned the score of 2♥ by West making 3, EW +140. The appeal was found to be substantially without merit so NS were assigned an AWMW.

Players Consulted: Bruce Ferguson, Jim Robison, Harvey Brody and two peers of North.

Cohen: Did anyone ask North if they played responsive doubles? A negative answer would have reinforced the decision that there was a BIT. Certainly “Pass” was an LA for North. The Panel was right on.

Widalyksy: Good work all around. I do not understand, though, why the two experts were polled.

CASE THIRTYTWO

Subject: UI

DIC: Ron Johnston

Monday KO 7/12/04

Panel: Ken Van Cleve, Terry Lavender, Tom Whitesides (reviewer)

Bd: 9	North		
Dir: North	♠ K Q J 3 2		
Vul: EW	♥ K 6 2		
	♦ Q 7 3 2		
	♣ 9		
West		East	
♠ 10		♠ 9 5 4	
♥ Q J 8		♥ A 10 7 5 4	
♦ K 10 8 6		♦ A 4	
♣ J 10 8 7 6		♣ A K 4	
	South		
	♠ A 8 7 6		
	♥ 9 3		
	♦ J 9 5		
	♣ Q 5 3 2		
West	North	East	South
	1 ♠	2 ♥	2 ♠
3 ♥	Pass	Pass	3 ♠
Pass ⁽¹⁾	Pass	4 ♥	All Pass
(1) BIT			

The Facts: The final contract was 4♥ +620 EW after the opening lead of the ♠A. The Director was called at the end of the auction. A long hesitation was agreed to by all players.

The Directors ruled that double was a logical alternative and that the UI demonstrably suggested bidding 4♥. The result was changed to 3♠ doubled, +300 for EW (Laws 16A, 12C2)

The Appeal: NS appealed. They argued that the only logical alternative to bidding 4♥ was to pass. They felt that no one would double a part score at IMPs. EW argued that the 4♥ bid was automatic.

The Panel decision: Four expert players were consulted. Three passed and one doubled. Two players of like master points (around 1000) were consulted and both passed. The Panel adjusted the score to 3♠ down two for EW +100 (Laws 16A, 12C2).

Players consulted: Mike Moss, Bill Pollack, Joe Byrnes, Ron Smith and two peers of East.

Cohen: "Pass" was more than an LA. It was a majority decision. With such an overriding opinion, why wasn't an AWMW at least considered?

Wildavsky: Good work by the Panel — this is the way the process should work.

CASE THIRTYTHREE

Subject: UI

DIC: Alice Kinningham

Side Pairs 7/17/04 2nd Session

Panel: Gary Zeiger (Reviewer), Susan Patricelli, Matt Smith

Bd: 10	North		
Dir: East	♠ 9 7		
Vul: Both	♥ 6 5 2		
	♦ A J 5		
	♣ K J 10 4 3		
West	East		
♠ K J 6 5 3 2	♠ A 10 8		
♥ 9	♥ A Q J 10 8 4 3		
♦ 7 3	♦ Q 2		
♣ 8 7 6 2	♣ A		
	South		
	♠ Q 4		
	♥ K 7		
	♦ K 10 9 8 6 4		
	♣ Q 9 5		
West	North	East	South
		1♥	Pass
2♠ ⁽¹⁾	Pass	3♠ ⁽²⁾	Pass
4♠	All Pass		
(1) Weak jump shift			
(2) BIT			

The Facts: The table result was 4♠ by West making seven for a score of EW + 710. The opening lead was the ♣10. The Director was called at the end of the auction. All players agreed that East had broken tempo before bidding 3♠.

Director's Ruling: The Director ruled that the 4♠ bid was not demonstrably suggested by the tempo of the 3♠ bid and so no violation of Law 16A2 had occurred. The table result was therefore allowed to stand.

The Appeal: NS appealed the ruling. All four players attended the hearing. The players were not clear on the exact time of the tempo break, but they all agreed that an unmistakable hesitation had occurred. NS

claimed that the BIT was obviously the result of East deciding between bidding 3♠ or 4♠. They said the BIT was accompanied by a sigh that clearly showed frustration with what to bid, not whether to bid.

Upon questioning, North admitted that in theory any number of factors could have caused the BIT, but he insisted that the table action made the real problem clear. He remembered thinking he would bet a year's pay that East's hand would have extra values for his bidding. East agreed to the BIT, but he disputed the reasons for it. He said he considered a 3♥ bid, but finally

decided that the known 6-3 fit made more sense. He did not remember considering any other calls. EW are a regular partnership, but they have no agreements about continuations after weak jump shifts.

The Panel Decision: The Panel consulted six peers of West about his action after 3♠. Three players passed and three bid 4♠ (with no information provided about the BIT). This clearly established pass as a logical alternative. The peers were then told of the BIT and asked what it suggested. They were unanimous that it gave them no help. When pressed, several possibilities were offered: under strength, over strength, inadequate spade support, extra ♥ length, etc. Two experts were consulted and both agreed that a BIT was unhelpful.

The Panel decided that 4♠ was not demonstrably suggested by the BIT (16A2). It assigned a result of 4♠ by West making seven, EW +710. One member of the Panel was adamant that pass was the obvious call after 3♠ and thus felt that West had read something into the BIT thus giving the appeal merit. Since Panels prefer to be unanimous when issuing AWMWs, none was issued in this case.

Players consulted: Dennis Dawson, Bruce Ferguson and six peers of West.

Cohen: Did EW rebut the comments about East's behavior before bidding 3♠? If North's comments were accurate, I score it EW +260. The write up doesn't clarify the matter.

Wildavsky: Good work all around. I sympathize with NS regarding the sigh, though.

CLOSING REMARKS FROM THE EXPERT PANEL

Adam Wildavsky: ACs heard 13 cases in New York, a welcome decline from the 24 cases put before ACs in Reno. The AC ruled as the TD did in nine cases. In the remaining four cases I judged that the AC improved the TD's ruling three times (three, ten and 13) and never clearly worsened it. I found case four too close to call.

Panels heard 20 cases and decided as the TD did in 15 of them. In the five remaining cases I judged that the panel improved the TD's ruling three times (14, 18 and 20) and worsened it once (25). I found case 30 too close to call.

The total number of appeals is down about 10% from the four previous NABCs. This is not yet statistically significant, but it's an encouraging sign.

My data can be found at http://bridge.tameware.com/laws/nabc_casebook_summaries.html

The appeals forms seem to have improved since Reno — kudos to the TDs.

My comments on cases 25 and 26 should make it clear that I think more guidelines on polling are needed.

Some may wonder why the Law Commission hasn't simply set a numerical standard for UI, allowing, say, an "80%" action and left it at that. I think such a standard would be harmful. When we say that 80% of a player's peers would take an action in the absence of UI it's another way of saying that we estimate that the player in question would take that action 80% of the time. That means he would take a different action 20% of the time. If the UI suggests the 80% action and we were to allow it to stand we would in effect have limited the advantage of players who take advantage of UI to 20% of the deals in question. Our goal ought to be to allow no advantage to accrue players who may have taken advantage of UI. This is why the laws allow a demonstrably suggested action to stand only if the alternatives are *illogical*.

This standard requires bridge judgment. While I often disagree with ACs I at least know how an AC can apply this judgment. I am not certain how a

panel can put it into effect. Polling does not seem sufficient, since even if an action is chosen by 100% of players polled that does not imply that the alternatives were illogical. I am open to suggestions from readers — please let me know if you have any ideas.

I also want to make it clear that while I've just been appointed the ACBL Laws Commission I do not speak for the commission. My views, as always, are my own.

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5	UI	LM Pairs 1 st Semi	NABC	Yes
6	UI	LM Pairs 1 st Semi	NABC	
7	MI	LM Pairs 2 nd Semi	NABC	
8	UI	Senior Swiss 1 st Final	NABC	Yes
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