

Guidelines for ACBL Application of Law 23 Comparable Calls
December 2017

Introduction.

This document is intended to be used by directors and appeals committees in the ACBL to help bring consistency to the application of the concept of comparable call found in the Laws of Duplicate Bridge 2017. While examples will be used for illustration, it is not intended that this document address every specific situation that may arise. Rather, it is hoped that the principles discussed here can be applied consistently to the great majority of situations where Law 23 might be used.

Law 23's effect on Laws 27, 30, 31, and 32 is intended to increase the frequency of normal bridge results achieved after insufficient bids and calls out of turn. Directors should be reasonably lenient and flexible in applying it to achieve that goal, but it cannot and is not intended to be used in all situations. Directors must recognize that in many situations no comparable call will exist for an offender and the call he selects will bar his partner for one round (Laws 30, 31, and 32) or the remainder of the auction (Law 27).

Even after the decision to allow a comparable call has been made (and particularly when the standard of “similar meaning” found in 23A1 is used to allow it), the director should always be aware of the possibility that the score might later need to be adjusted if the non-offending side is damaged and the outcome of the board could well have been different as a result of assistance from information gained through the infraction. However, it is important to note here that scores should not be adjusted simply because the non-offending side received a poor result after the director permitted the substitution of a comparable call. The law says an adjustment should be made only if the offenders' good result was achieved “with assistance” from information in the withdrawn call, not “had the infraction not occurred” at all. More on this concept later in these guidelines.

Topic #1 Actions of infractor's partner before the selection of a comparable call.

Before we get into the idea of comparable calls, it is very important to discuss the obligations of the partner of the infractor if he gets to make a call before his partner has had a chance to select (or not select) a comparable call. At this point after a call out of turn not accepted, the partner is restricted by Law 16C2: “For an offending side, information arising from its own withdrawn action . . . is unauthorized.” The partner of the infractor may not select from among logical alternatives a call suggested by the information contained in the call out of turn.

Some examples:

#1-A

S Deals, Both Vul			
North opens 1♠ out of turn, not accepted by East			
W	N	E	S (Dir)
	1♠		

W	N	E	S (Dir)
			?

North opens 1♠, not accepted by East. South as dealer at both vulnerable holds:

- ♠ Kxx
- ♥ x
- ♦ xx
- ♣ KQJ98xx.

Knowing partner has a 1♠ opening demonstrably suggests to South not to open what seems to be a normal 3♣ bid. If he passes instead of opening 3♣

that is an infraction under 16C2. If EW is damaged as a result, the director should adjust the score and not allow any weighting to be given to a result achievable after an opening pass (see Law 12C1c). However, if South does choose the legal alternative of opening 3♣ and his partner responds 3♠ (forcing) after the director allows it as a comparable call, there is no unauthorized information to South. He is not constrained in his subsequent actions by the usual UI rules of logical alternatives. As long as there is no information available to South from any difference in meaning between a 1♠ opening bid and a 3♣ response to 3♣ that assisted his decisions in achieving a good result, there should be no score adjustment (no matter how good that result might be).

Some have asked if the concept of UI available from infractor's withdrawn call extends to whether the partner may choose a call that distorts his hand in order to maximize his side's chances to get a favorable result (as when infractor calls out of turn at partner's or LHO's turn to call, hence subjecting partner to 16C2). For example:

#1-B

N Deals			
South passes out of turn, not accepted by West			
W	N (Dir)	E	S
			P

W	N (Dir)	E	S
	?		

South passes with North as dealer and it is not accepted by West. Assume NS do not play transfers (a possibly complicating factor that will be discussed later). North has a balanced 18HCP but his 1NT range is 15-17. His normal opening with the hand he holds is 1♣. May he open 1NT so that his partner, South, will not be constrained by unlimited one level responses to it that he, North, knows will be ruled not comparable? Opening 1NT will give his partner many more options to make a call that won't bar him.

The argument in favor of this kind of action being permissible is that a player is using his knowledge of the laws, not the knowledge from the withdrawn call. However, it is not knowledge of the rules alone, but also the knowledge of what partner's call meant that causes the UI problem. 16C2 refers to “information arising” from its own withdrawn action. The withdrawn action is not just the call and what it meant. The partner of a caller out of turn should therefore not have an advantage over law abiding players at other tables where there was no call out of turn. He has a very good idea of what his partner holds before his first call following the infraction. They do not. So no, a player may not distort his bidding before his partner has had a chance to make a replacement call in order to maximize his side's chances of avoiding penalties. To do so is an infraction according to 16C2. If he does distort his call and the opponents are damaged as a result, the score should be adjusted as described above (note again the prohibition in 12C1c when making a weighted ruling). When advising a player of his rights and responsibilities, the director should make mention to the partner of the caller out of turn that he should make his normal call so as not to run afoul of unauthorized information rules.

Topic #2: Application of Law 23C (Examples and counter-examples)

The overall strength of the peers in a game may become a consideration in applying Law 23C. We need to recognize that some subtle inferences expected of superior players may not be apparent nor applicable to some players of lesser experience.

2-A

N Deals, Both Vul			
East opens 1♥ out of turn, not accepted by South			
W	N(Dlr)	E	S
		1♥	

W	N(Dlr)	E	S
	3♦	3♥	P
?			
(3♥ deemed comparable)			
West		East:	
♠	Kxxx	♠	AQx
♥	Qx	♥	JTxxx
♦	Ax	♦	xx
♣	QJxxx	♣	AKx

In an expert game, East opens 1♥ at both vulnerable with North as dealer, not accepted by South. North opens 3♦ and East bids 3♥ (deemed to be a comparable call). South passes. The East and West holdings are in the box at left. 3NT makes exactly three, while hearts also makes nine tricks. Note that East is entitled to choose 3♥ as his call even though he might have chosen a different call in other circumstances. He has no unauthorized information from his own bid out of turn. Once 3♥ is deemed comparable, West has no unauthorized information either and he is free to bid what he wants. However, this is a case where the infraction might have given “assistance” to West and the non-offending side was damaged as a result. The result of the board could well have

been different if West had made a different choice than bidding 3NT, a bid that seems more attractive knowing partner has a hand less likely to be a “pure” 3♥ overcall. Law 16C2 does not apply to West's 3NT, but the outcome of the board is still subject to adjustment under 23C. If polling of other experts indicated that 40% of players bid 4♥ with the West hand; 50% bid 3NT; and 10% passed, a weighted adjustment would be indicated. Giving the normal credit to the non-offenders, the adjustment might be something like 45% of the score for 3NT making, 45% of the score for 4♥ down one, and 10% of the score for 3♥ making three.

#2-B

W Deals			
North passes out of turn, not accepted by East.			
W(Dlr)	N	E	S
	P		

W(Dlr)	N	E	S
1♣	P	1♥	P
2♥	P	P	?
South holds:			
♠ QTxx			
♥ Jx			
♦ KTxx			
♣ JTxx			

West deals. North passes out of rotation. When West opens 1♣, North’s first pass is clearly comparable. When South faces a decision to balance at his second turn, the extra information that North does not have opening bid strength arguably may render a balance more dangerous.

If South does not balance, the premise that we must test by polling the South hand is that failure to act could be a recognition of the extra risk that would not be in his thought process had the infraction not occurred. Suppose the poll shows that 40% of peers would balance with a double and 60% would pass, and that the polled players agree that balancing is riskier knowing that partner does not have opening bid strength. Assume that a double

would lead to some score that is worse for N/S than defending a heart partial by E/W. Therefore, Law 23C would apply; it would be appropriate to adjust to a weighted score based on the poll results.

In contrast, the following two examples illustrate instances where Law23C should not apply:

#2-C

W Deals			
East passes out of turn, not accepted by South.			
W(Dlr)	N	E	S
		P	

W(Dlr)	N	E	S
1♣	P	1NT	P
3NT	P	P	P

West deals. East passes out of rotation, not accepted by South. In the real auction, East's 1NT call contained a four-card major which he chose to suppress to make a call that was deemed comparable to his pass out of rotation (a choice he is entitled to make provided his partner has no advance knowledge of it). West has a normal raise to 3NT. In fact, E/W do have a four-four spade fit; 3NT scores +630 and 4♠ scores +620. The favorable result that E/W obtained was rub-of-the-green had nothing to do with the information

contained in the withdrawn pass. Law 23C does not apply and the score should not be adjusted.

#2-D

W Deals			
East passes out of turn, not accepted by South.			
W(Dlr)	N	E	S
		P	

W(Dlr)	N	E	S
1♣	P	1NT	P
2♠	P	3♠	P
4♠	P	P	P

As in the previous example, West deals. East passes out of rotation, not accepted by South. West has a normal raise to 3NT. His 2♠ catered to the possibility that East bid 1NT (a comparable call) instead of bidding one of a major (not comparable). In fact, in this example, E/W score +620 in spades and 3NT would have scored +600. There is no information from the withdrawn pass that partner has four spades, so the favorable result was not due to "assistance gained through the infraction". Law 23C does not apply and the score should not be adjusted.

Topic #3: Discussion of the three definitions in Law 23.

Any of the three definitions in Law 23 may be used to rule a call comparable, but they are independent tests. They should not be mixed together in an attempt to find a way to allow a call as comparable. For example, 23A2 refers to a subset. Subset has a definite meaning: for a call to be defined as a subset, all the meanings of the replacement call must fit into the meaning of the withdrawn call. For example:

#3-A

N Deals				
South opens 1♥ out of turn, not accepted by West				
W	N (Dir)	E	S	
				1♥

W	N (Dir)	E	S	
	1♠	P	?	

South bids 1♥ to open the auction at North's turn to call, not accepted by West. North opens 1♠ and East passes. If South bids 2♥, that is a comparable call but not necessarily because it is a subset of 1♥ openings. Certainly if 2♥ is not game forcing there are hands that would respond 2♥ which might not be opened 1♥. So in that case 2♥ is not a subset of hands that would open 1♥. 2♥ here shows 5+ hearts and 10+ points, but a 1♥ opening shows 5+ hearts and 12+ points. However, the two bids

should be ruled comparable because they are “similar” per 23A1.

#3-B

N Deals				
At his second turn, North bids 2♥ out of turn, not accepted by East				
W	N (Dir)	E	S	
	1NT	P	2♦(Trnsf)	
				2♥

W	N (Dir)	E	S	
2♠	?	P	2♦(Trnsf)	

North opens 1NT, East passes, and South bids 2♦ as a transfer to hearts. North bids 2♥ out of turn (not accepted by East). West gets his turn and bids 2♠. Pass would now be a comparable call for North since all hands that would pass would have bid 2♥. 3♥ should also be accepted as a comparable call, although not necessarily by the subset definition since some hands that bid 3♥ might have super accepted the transfer. But 3♥ is surely “similar” to 2♥ and should be allowed for that reason. If the slight extra information available from the withdrawn 2♥ bid (the failure to super accept) turns out to assist South in making

winning decisions later, the director has recourse to 23C.

23A3 allows a call to be ruled comparable if it has the same purpose as the withdrawn call. “Same purpose” has a definite meaning, although there is more scope to be flexible in its application than with the subset definition of 23A2. Differences in strength do not matter here. If the new call asks for the same information as the withdrawn call it is comparable under this section of the laws. A 3♣ Puppet Stayman replacement of a withdrawn 2♣ simple Stayman should be permitted. Both ask about major suit lengths even if the questions are slightly different (and the strengths may be very different). Recourse to 23C is always available if information in the withdrawn call not contained in the replacement call assists the offenders. Another example that should be allowed as comparable under this section is a withdrawn 4♣ Gerber bid asking for the number of aces replaced by a 4NT bid asking for the number of key cards.

As for 23A1, how “similar” must a call be to be permitted as comparable? In general, distributional differences between the withdrawn call and the replacement call are more problematic than strength differences. Note that once the director has allowed a call as comparable the lead penalties of Law 26 will not apply under any circumstances. For that reason alone, a call should not be ruled similar if the withdrawn call specifies a suit not shown by the replacement call.

As for strength, in general two or three points differences should not preclude a call from being ruled comparable if it seems that the difference is unlikely to affect the outcome of the board. For example:

#3-C

N Deals				
South opens 1♥ out of turn, not accepted by West				
W	N (Dir)	E	S	
				4♥

W	N (Dir)	E	S	
	1♠	2♦	?	

South opens 1♥ with North as dealer, not accepted by West. North now opens 1♠ and East overcalls 2♦. 2♥ should be ruled a comparable call for South under this section of the laws. The replacement bid and the withdrawn bid both show at least five hearts. While all hands that would bid 2♥ in a standard context would not necessarily have opened the bidding, the difference in point count is small enough to be acceptable. In contrast, if 2♥ is a negative free bid, it should not be allowed as

comparable for reasons similar to the next example:

#3-D

N Deals				
South opens 1♥ out of turn, not accepted by West				
W	N (Dir)	E	S	
				4♥

W	N (Dir)	E	S	
	1♣	P	?	

South opens 1♥ with North as dealer, not accepted by West. This time North opens 1♣ and East passes; 1♥ should not be ruled comparable. Not only is there a difference in heart length between the two bids, but more importantly a call that shows 6+ points and one that shows 12+ points is not similar enough.

Note that a danger in allowing such calls as comparable is that information from the difference in meanings may well often give the partner an advantage in common auctions. This can become a problem when the opponents intervene after the replacement call. In the example immediately above, if South is allowed 1♥ in response to partner's 1♣ bid as comparable and West now preempts in spades North has significant useful information from the withdrawn opening bid of 1♥.

The concept that the three clauses in 23A for allowing a comparable call are independent of each other affects many rulings, and in some cases it means no comparable call will be available to a player. For example:

#3-E

N Deals			
South passes out of turn, not accepted by West			
W	N (Dir)	E	S
			P

W	N (Dir)	E	S
	2NT	P	?

South passes out of turn with North as dealer, not accepted by West. North now opens 2NT and East passes. Can a 3♦ transfer be ruled comparable to the pass? It seems making that determination would require mixing the meanings of 23A1 and 23A2 (it is “similar” to a subset), so the answer is no. It is true that over a 2NT opening partner will rarely have a hand that would have opened the bidding, but it is a possibility so 3♦ is not a true subset. Further, it is hard to say that a call showing

five or more hearts is “similar” to a hand that would not open the bidding. The same ruling would apply to a 3♣ Stayman call in the same auction after an out of turn pass by South. It is true that over a 2NT opening there is not much likelihood that ruling these calls comparable will cause a problem later, but they do not fit into any of the separate definitions of comparable found in Law 23. The goal of Law 23 is to increase the frequency of normal bridge results but not at the expense of interpreting the words in a way clearly not intended. Further, the problem with allowing such bids as comparable is drawing the line at a point beyond where it will too often create a problem. The example of 2NT does not seem such a problem, but what if the opening bid was 1NT 15-17? Or 1NT 10-12?

The same problem applies in this kind of an auction:

#3-F

N Deals			
At his second turn, North does not see West's bid and bids insufficiently, not accepted by East			
W	N (Dir)	E	S
	1♣	P	1♥
1♠	4♠		

W	N (Dir)	E	S
	1♣	P	1♥
1♠	?		

North opens 1♣, East passes, South bids 1♥, and West bids 1♠. North does not see the 1♠ bid and bids 1♠ himself. Is 1NT a comparable call? For the same reasons as above, no. 1NT is not a subset of hands that would rebid 1♠ since 1NT does not require four spades. In other words, not all hands that would bid 1NT would have bid 1♠. And a bid that shows 12-18+ points with four spades is not “similar” to a bid that shows 12-14 points and two to four spades.

#3-G

N Deals			
South passes out of turn, not accepted by West			
W	N (Dir)	E	S
			P

W	N (Dir)	E	S
	2♣	P	?
(2♣=strong, artificial, forcing)			

South passes out of turn with North as dealer, not accepted by West. North opens 2♣ strong artificial and forcing. After East passes, is 2♦ negative a comparable call? Clearly yes. Virtually all hands that bid 2♦ would have passed as dealer so we deem it a subset of the opening pass out of turn. The only exceptions would be hands that might have opened with a pre-emptive action rather than a pass, but for the purposes of ruling a call comparable to a pass according to 23A2 we disregard that consideration. Is 2♦ waiting denying

a good five card suit also part of that subset? No, not really since conceivably some hands choosing to bid 2♦ might have opened the bidding. Yet clearly almost every hand that would make a 2♦ bid with this meaning would have passed as dealer, so it should be ruled comparable by dint of 23A1 (“same or similar meaning”) rather than 23A2 (“subset”). Any other calls over a 2♣ opening that have an upper limit below an opening bid should be ruled comparable as a subset (for example, a 2NT or 3NT natural response showing values less than an opening bid). But a natural unlimited suit response is not comparable since it may be made on a hand that would have opened the bidding (not a subset) and it is not “similar” to a pass.

#3-H

E Deals			
South opens 1♥ out of turn, not accepted by West			
W	N	E (Dir)	S
			4♥

W	N	E (Dir)	S
		1♠	?

South opens 1♥ out of turn with East as dealer, not accepted by West. East opens 1♠. 2♥ would be a comparable call for South, but double would not. Double is not a subset of 1♥ openings, and the distributional differences between the two calls are too much to deem them “similar”.