

**2009 Spring NABC
Appeals Casebook**



Appeals at the 2009 SPRING NABC Houston, TX

FOREWORD

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

A total of twenty-two (22) cases were heard. Fourteen (14) cases were from unrestricted (by masterpoints) North American Bridge Championship Events and were heard by a committee of peers. The names of the players involved are included.

Eight (8) cases were from all other events and were heard by a panel (committee) of tournament directors. The names of the players involved are included when the event from which the appeal derived had no upper masterpoint limit or was a top bracket of a bracketed knockout event. When the names of the players are not used, the player's masterpoint total is included.

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

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

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THE EXPERT PANEL

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

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

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

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

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

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

NABC+ Appeals

Case Number

1. Misinformation
2. Unauthorized Information - Tempo
3. Unauthorized Information - Tempo
4. Unauthorized Information
5. Unauthorized Information - Tempo
6. Unauthorized Information - Tempo
7. Unauthorized Information
8. Misinformation.
9. Unauthorized Information - Tempo
10. Unauthorized Information - Tempo
11. Inappropriate Question
12. Misinformation
13. Unauthorized Information - Tempo
14. Misinformation and Unauthorized Information

APPEAL	NABC+ ONE
Subject	Misinformation (MI)
DIC	Henry Cukoff
Event	North American Pairs Flight A
Session	Second Qualifying
Date	March 11, 2009

BD#	26
VUL	Both
DLR	East

Leo Lasota	
♠	9 8 7
♥	K 9 3
♦	K J T 4 3
♣	T 3

Richard Oshlag		Spring 2009 Houston, TX	Dave Smith	
♠	K 5 4 3		♠	A T
♥	J 8 7 4		♥	A Q 5
♦	Q		♦	7 5 2
♣	Q 8 6 2		♣	A K J 7 5

Mark Shaw	
♠	Q J 6 2
♥	T 6 2
♦	A 9 8 6
♣	9 4

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

Final Contract	3NT by East
Opening Lead	♠J
Table Result	Made 3, E/W + 600
Director Ruling	3NT E, made 3, E/W +600
Committee Ruling	3NT E, made 3, E/W +600

(1) Checkback Stayman.

The Facts: The director was called at the end of the play of the hand. Before the opening lead South asked about the 3♣ bid and was told that it was checkback. He asked whether 3NT was a choice of games. East said, "I don't know." West said nothing, and later said it was undiscussed.

The Ruling: There was no evidence that E/W had any undisclosed agreements. In accordance with Law 40, the table result of 3NT by East making three, E/W plus 600 was allowed to stand for both sides.

The Appeal: N/S appealed the director's decision. East was the only player who did not attend the hearing.

South believed that there must have been a partnership agreement. He suggested that East must know that the sequence showed 4-4 in the majors or he would have corrected to 4♥. West confirmed that they had no partnership agreement and that they had recently stopped playing Wolff signoff at East's request.

The Decision: South had implied that had he known that West was showing 4-4 in the majors, he'd have led a diamond instead of a spade.

South and West had confirmed their difference of interpretation when asked whether 3NT was "choice of games."

After reviewing Laws 20, 40 and 41 (with assistance from the screening director, Olin Hubert), the committee found no evidence of an undisclosed partnership understanding. Therefore, the committee ruled as the director had and allowed the table result to stand.

The appeal was found to have merit.

The Committee: Mike Kovacich (Chair), Dan Gerstman and Chris Moll (Scribe).

Commentary:

Goldsmith If South had asked, "Please explain 3NT," then East would have been required to answer roughly, "natural, non-forcing. He probably has 4-4 in the majors, since he asked about major suit shape and didn't care that I have three hearts. I don't know for certain, because we have just started playing this convention recently." By the principle that an opponent does not have to ask the right question, East's failing to explain fully is MI. In the previous version of the laws, L75C stated that a player only had to explain partnership agreements; he did not have to supply inferences from general bridge knowledge. L20F1 uses the phrase "about relevant inferences from the choice of action where these are matters of partnership understanding." The new is roughly as vague as the old, but since the 3♣ convention was a partnership understanding, it looks like technically East provided MI. Furthermore, East answered a question about methods with the name of a convention. As a rule of thumb, if that causes reasonable misunderstanding by an opponent, such an explanation is considered MI. But. Did the MI damage the non-offending side (NOS)? No, of course not. All Flight A bridge players have encountered the analogous auction 1NT-2♣; 2♥-3NT before, and they all know that dummy is very likely to show up with four spades. This is such basic bridge knowledge that South ought to be embarrassed to claim ignorance thereof. Since the MI did not contribute to the non-offending side's bad result, no adjusted score is awarded. Did the appeal have merit? No, not even slightly. Maybe, just maybe, if South had followed precisely proper procedure, and if then East had not supplied the inference that dummy probably has four spades, then the appeal would have some merit.

Polisner I agree with the ruling and decision. Even if there had been an actual or implied agreement, West's auction guaranteed 4-4 in the majors. Players who play in an NABC + event should be presumed to understand basic bridge concepts such as this one. However, without an agreement established by discussion or experience, the table result must be retained. I would have voted to issue a warning.

Rigal N/S has no case. If West's sequence commonly showed both majors then South might have a point, but frankly I'm not sure what it is 'supposed' to show. South might have worked it out for himself though. Seems like an appeal without merit warning (AWMW) since this looks closer to a recorder form issue than an appeal if South really is unhappy with his opponents.

Smith East's pass of 3NT is just as consistent with a player who doesn't know what the sequence means as it is with a player who is concealing a partnership agreement. I must confess that I am a bit troubled that West did not speak up to say what he thought the sequence meant after the question and before the lead. When he chose the sequence he believed (hoped?) his partner would not convert to 4♥, so maybe he thought an agreement existed. Law 20F5(b) states that if "in his opinion" he believed his partner's answer of "I don't know" was erroneous he was supposed to call the director and inform the opponents before the lead. However, the committee after interviewing West apparently satisfied itself that no agreement existed. If that is true West was not required to speak up. So ultimately, I defer to the committee and agree with its decision. As a separate issue, this case contains one of my pet peeves as a director. South made the opening lead; he saw a dummy that perhaps indicated he had not received accurate information; he apparently believed his lead would have been different had he known the hand dummy would show; and yet he did not call the director at that point as per Law 9B1 ("The Director should be summoned at once when attention is drawn to an irregularity."). Not calling the director does not forfeit South's rights, but the director should certainly be at least a bit more skeptical of his claim that he would have acted differently when he only makes the claim after knowing all 52 cards. How can the director be confident that he would have led differently if he didn't even feel aggrieved enough to call when he first saw dummy?

Wildavsky I like the rulings. I see no merit to the appeal. South seemed to have trouble understanding the concept that a pair might not have an agreement about a sequence.

Wolff N/S did not deserve a positive adjustment since they heard the 3♣ bid by E/W followed by a belated heart preference (surely 3♥), but then a 3NT bid by West. West figured to have four spades, and should have been asked by N/S what that could have meant. 3NT E/W plus 600, but E/W should have a procedural penalty of about 3 match points for convention disruption (CD). A ruling should accomplish the goals of fairness to the players in the dispute and protect the field (PTF), which includes natural playing luck (NPL), attention to the possible meaning of bids and, of course, CD which materially affects the result.

APPEAL	NABC+ TWO
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Silodor Open Pairs
Session	First Qualifying
Date	March 13, 2009

BD#	8
VUL	None
DLR	West

Jill Wooldridge	
♠	A 2
♥	A K J
♦	T 4
♣	K T 9 8 5 2

David Bakhshi		Spring 2009 Houston, TX	Tommy Garvey	
♠	8 7 6 5 4		♠	Q T
♥	9 7 5 2		♥	8 4 3
♦	6		♦	A Q 9 7 5 3 2
♣	Q 7 6		♣	3

Irma Schulman	
♠	K J 9 3
♥	Q T 6
♦	K J 8
♣	A J 4

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

Final Contract	6NT by North
Opening Lead	♦A
Table Result	Made 6, N/S +990
Director Ruling	3NT by N, made 7, N/S +520
Committee Ruling	3NT by N, made 6, N/S +490

(1) E/W alleged a break in tempo (BIT) – disputed by N/S.

The Facts: The director was called after the play. East alleged a 30 second BIT and West alleged a BIT of 20-30 seconds at South's first turn to call. N/S thought the BIT was between 7 and 10 seconds. North stated that the reason she pulled 3NT was due to the lack of a diamond stopper.

The Ruling: The director judged that:

- There was an unmistakable BIT and UI was available from that BIT.
- The UI demonstrably suggested that North bid rather than pass.
- Pass was a logical alternative – in fact, normally after one opens 1NT and partner responds 3NT without first mentioning another suit, there is no logical alternative call other than pass.

Therefore, in accordance with Laws 12 and 16, the director adjusted the table result to 3NT by North, making seven, N/S plus 520.

The Appeal: Both pairs appealed and all four players attended the hearing. The stop card was not used. N/S felt the time taken was ten seconds. North was worried South did not have a diamond stopper. A double by South would have been negative. South said she considered double and thought of 4NT right after she bid 3NT. Time was close to 30 seconds according to E/W. They considered that pass was a logical alternative. East said that he might lead the ace of diamonds against 3NT.

Because perceptions of time can differ the committee asked each player in turn to demonstrate the length of the hesitation by waiting as long as the hesitation at the table had taken and then saying "3NT." North took 9 seconds, South 12.5, East 17, and West 25 seconds.

The Decision: The committee found that:

There was an unmistakable hesitation, partially because South took well over 10 seconds in the demonstration.

The BIT demonstrably suggested doubt about 3NT as a contract.

Pass is a logical alternative.

The committee judged that leading the ♦A was unlikely, and some felt a self-serving statement by E/W. However the committee judged that on a normal heart lead declarer would likely play on diamonds for her twelfth trick. Therefore, in accordance with Laws 12 and 16, the committee adjusted the result to 3NT by North, making six, N/S plus 490 for both sides.

N/S's appeal was determined to have merit because of the doubt as to the facts. Had the committee found that no UI was available to North then she would have been free to make any call over 3NT.

The Committee: Aaron Silverstein (Chair), Ed Lazarus, John Lusky, Chris Moll and Jim Thurtell.

Commentary:

Goldsmith Good job in everything but the time test. Testing people out of context about the length of a time interval is useless. People don't vary their estimates in situations like this just because their clocks run faster or slower than other people's. They slow down when they have something to think about and speed up when they are bored. It is impossible to simulate the real situation, so without videotape or some other recording, estimating how long hesitations took is pure judgment.

I think it's a close call about the number of tricks to award. N/S clearly get 12; it's at least at all probable that declarer will end up with 12. Is it likely that she will? I think a significant majority will lead a small diamond. Is it 2/3? Hard to say. I call it a toss-up between reciprocal 490s and 490/520.

N/S get an appeal without merit warning (AWMW) and a 1/4 board procedural penalty (PP) for blatant misuse of UI. This isn't remotely close.

- Polisner** As I have said many times, the use of the stop card is not relevant. The player next to act should hesitate approximately 10 seconds before calling. In order to find UI, there has to be an unmistakable BIT. Based on the wide disparity of time between the two sides perceptions and the failure of E/W to call the cops until after the play rather than what would be normal after North made a very unusual bid of 4♣ if there had really been a BIT, I would have a difficult time finding that there was an unmistakable BIT. Additionally, even if there was such a BIT, what did it suggest? Perhaps it showed the player was thinking of a way to show a major or making a negative double (if the pair played that) or making a penalty double, none of those possibilities suggest bidding 4♣ with the North hand. I would have kept the table result.
- Rigal** I'm not sure I see a reason not to give an appeal without merit warning (AWMW) here. I'm unconvinced a dispute about the facts is grounds for avoiding an AWMW when the decision of the committee agrees with the director.
- Smith** The N/S appeal had no merit that I can see. How can passing 3NT not be an alternative? It also seems clear that there was an unmistakable hesitation simply based on the N/S testimony (even if the hand South held and the E/W testimony were not enough to draw that conclusion). The committee did well to adjust the score to N/S plus 490.
- Wildavsky** The tournament director got the main part of the case right, but missed a trick in the adjustment. The committee improved the ruling. The write-up should note that after the 3♦ skip-bid a hesitation of about 10 seconds is required, whether or not the Stop Card is used. See http://tameware.com/adam/bridge/laws/stop_card.html for my thoughts on the ACBL's current policy regarding the stop card.
- Wolff** After the hesitation disruption (HD), North should not be allowed to take out 3NT, therefore plus 490 N/S. E/W should possibly get minus 490, but natural playing luck (NPL) could probably demand minus 990 for them since North had to finesse the club and if he hadn't, I'm sure E/W would love to take plus 50. Again fairness to the field – protect the field (PTF) - should always be of paramount concern.

APPEAL	NABC+ THREE
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Silodor Open Pairs
Session	First Final
Date	March 14, 2009

BD#	24
VUL	None
DLR	West

Don Stack	
♠	K T 3
♥	7 3
♦	A Q J 4
♣	A 9 7 2

Daniela Von Arnim		Spring 2009 Houston, TX		Grace Jeklin	
♠	A	♠	Q 9 8 4	♥	9 8 5 4
♥	A Q J 6 2	♥	7 2	♦	7 2
♦	K 9 8 6	♦	Q 5 3	♣	Q 5 3
♣	T 8 4	Pierre Flatowicz		♠	J 7 6 5 2
		♥	K T	♥	K T
		♦	T 5 3	♦	T 5 3
		♣	K J 6	♣	K J 6

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

Final Contract	4♥ doubled by West
Opening Lead	♠3
Table Result	Down 2, E/W - 300
Director Ruling	4♥ W down 2, E/W - 100
Committee Ruling	4♥ W down 2, E/W - 100

(1) Alleged break in tempo (BIT).

The Facts: The director was called after the double of 4♥. North said that the BIT was definitely not more than ten seconds. In screening the director obtained further information about the BIT:

North judged that the BIT was 3-5 seconds and South 4 seconds.

East judged that the pass was not in tempo with previous calls. West said that there was a BIT – obvious thinking.

The Ruling: The director judged that there was a BIT, which demonstrably suggested action, and that pass was a logical alternative. Therefore, the result was adjusted to 4♥ by West down two, E/W minus 100, in accordance with Laws 16B and 12C1(e).

The Appeal: N/S appealed the director's decision. All four players attended the hearing. West called the director after the double. E/W thought that North had stated to the director that his action took no longer than 10 seconds, as the director indicated on the Appeal Form and that they had thought that to be accurate.

South thought his double was clear, since he did not expect North to have a light takeout double in second seat. He said that his partnership would not double on a shaped ten-count

The Appeal Form noted that "North said that the BIT was not more than 10 seconds." In the hearing North testified that he had not said there was a BIT and that he had actually said, "It took way less than 10 seconds." Both North and South said North took on the order of 3-5 seconds, which South claimed was consistent with North's deliberative manner. The director testified before the committee. He agreed that North had not admitted to a BIT, and he explained that he judged a BIT likely because of North's phrasing. The director was unsure whether North had said, "It took no longer than 10 seconds" or "It took less than 10 seconds." In his opinion, however, either phrase implied a noticeable pause for thought.

The Decision: The committee was troubled by the inconsistency between North's apparent statement to the director and his denial in the hearing. Although he said had not wanted to be too definitive in describing the length of his action, no one else recalled hearing him say, "It took way less than 10 seconds." The committee felt that the fact that West called the director immediately after the South's double gave additional weight to E/W's contention that North had broken tempo. Although the committee thought that a 3-5 second pause would not be a BIT in this instance, it found that it had no reason not to accept the director's version of the facts. In cases where the facts cannot be established clearly, the director takes testimony and hears evidence much closer to the time that it occurs than the committee does, and the committee gives substantial weight to his determination of the facts.

Having found that there was an unmistakable hesitation, the committee easily decided that pass was a logical alternative and that double was demonstrably suggested by the UI, since it catered to whatever North had for his BIT. The committee felt that double was not at all clear and that many players would pass, as four out of five did when polled by the director. Therefore, the committee upheld the director's adjustment of 4♥ by West, down two, E/W minus 100 for both sides.

A minority opinion was that North's hand was clearer evidence than any of the muddled testimony that North's pause was more likely to have been an acceptable 3-5 seconds rather than a fatal 8-10. North had nice transferrable values, but nothing that would warrant taking more time than was usual to process an auction reaching the four-level with everyone else bidding when he held more than his share. The minority would have allowed the table result of 4♥ doubled down two, E/W minus 300 to stand for both sides. One possible response to this argument is that North might have been considering doubling 4♥ as a two-way action.

The appeal was determined to have had merit.

The Committee: Ron Gerard (Chair), Jay Apfelbaum, Tom Carmichael, Ed Lazarus and JoAnn Sprung.

Commentary:

- Goldsmith** Tough call. Determining whether there has been a BIT is frequently difficult, and here the two most reliable indicators are in conflict. North had nothing to think about over 4♥, which suggests that there was no BIT. But South's double wasn't mainstream, which suggests that there was one. If North had claimed he acted in tempo, this would be a very tough case. Overall, I like the committee's ruling. The director thought that there was a BIT. If his misunderstanding North at the table was a significant contribution to his decision, that's unfortunate, but when in doubt, the director's findings in cases of disputed facts ought to be accepted. Does the appeal have merit? N/S didn't offer any sort of case. If there had been a BIT, then the ruling is nearly automatic. N/S didn't disagree that there was a BIT, only how long it was. So where's the merit? Yeah, there' would have been a case if North had acted in tempo, but no one ever claimed that. Appeal without merit warning (AWMW).
- Polisner** Here again, I see no unmistakable BIT based upon the facts presented and would have allowed the table result to stand. It seems that a 3-2 vote about whether there was an unmistakable BIT would be by definition, not unmistakable.
- Rigal** The committee made the right decision. I see little merit in the minority position; we all know that people with the problem have no idea of how long they are taking.
- Smith** I think everyone misunderstood what North said to the director, but I don't think it matters. The fact that the director was called immediately after the double convinces me that North committed an unmistakable hesitation. The rest is easy, so obviously I agree with the directors and the majority decision of the committee.
- Wildavsky** I agree with the director and committee rulings.
- Wolff** A good ruling, although very close since the hesitation was arguable.

APPEAL	NABC+ FOUR
Subject	Unauthorized Information (UI)
DIC	Henry Cukoff
Event	Silodor Open Pairs
Session	Second Final
Date	March 14, 2009

BD#	25
VUL	E/W
DLR	North

Kent Mignocchi	
♠	K J 5 3 2
♥	T 5
♦	Q 5 4 2
♣	A 7

P. Drew Cannell		Spring 2009 Houston, TX	Dennis Kasle	
♠	8 6		♠	A Q T 7 4
♥	K Q J 8		♥	4 3
♦	A K T 3		♦	J 9 6
♣	K 5 4		♣	T 6 2

Alison Wilson	
♠	9
♥	A 9 7 6 2
♦	8 7
♣	Q J 9 8 3

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

Final Contract	3NT by West
Opening Lead	♦2
Table Result	Made 4, E/W +630
Director Ruling	4♠ E, down 2, E/W -200
Committee Ruling	4♠ E, down 2, E/W -200

(1)	Diamonds and an unspecified major.
(2)	Question: What is 2♥? Answer: Natural.

The Facts: The director was called after the opening lead and again after play was completed. Before the opening lead there was discussion about the 2♥ bid. East said it was a transfer. West said it became obvious later in the auction that 2♥ was a transfer.

The Ruling: The director ruled that the answer to the question about 2♥ was UI for East. The UI demonstrably suggested to East that the contract should not be placed in hearts. The director judged that 4♠ over 3♥ or 3NT was a logical alternative. Therefore, the result was adjusted to 4♠ by East, down two, E/W minus 200 for both sides. This was in accordance with Laws 12 and 16.

The Appeal: E/W appealed and South was the only player who did not attend the hearing. East provided system notes showing that without interference, the 3♥ would indicate a doubleton heart along with spade support. East argued that his hand didn't merit anything other than signing off in 3♠. When asked why he passed 3NT, he mentioned the possibility of Kx or AQ doubleton in hearts.

The Decision: The director reported polling five experts with three of five stating they would bid 4♠ over 3♥, but that they had been told that 3♥ showed heart values with spade support. The consensus of the committee was that with 3♥ showing a doubleton, the odds didn't favor committing to game. However, it was agreed that a substantial fraction of players of the caliber of the appellants would seriously consider bidding 4♠ (or 4♦ or 4♥ to make West declarer) and that some would bid it. Therefore, there was unanimous agreement to uphold the director's adjustment of 4♠ by East down two, E/W minus 200 for both sides, per Laws 12 and 16.

The appeal was found to have merit.

The Committee: Mark Feldman (Chair), Lynn Deas, Danny Sprung, Patty Tucker and Bob White.

Commentary:

Goldsmith I'll buy 3♠ being a good bid. Give West a maximum, four spades, and two hearts, and 4♠ might be cold (KJxx xx AKQx Axx), or it might have no play (KJxx Ax Axx AJxx). At matchpoints, I think the odds clearly favor the low road. But driving to game is a logical alternative, so East must do that. So the logical alternatives left to consider are 4♥, a re-transfer, and 4♠. 4♥ is surely a logical alternative, and 4♠ is suggested by UI over 4♥, so 4♠ is not allowed; 4♥ must be chosen. West will be charmed to pass 4♥, thinking his partner is 5-5 in the majors. The number of tricks taken in 4♥ is not easy to estimate. I'll guess E/W will take seven. I rule reciprocal 300s.

The appeal has merit, and no procedural penalty (PP) should be given, because East did what he thought was the proper thing.

Polisner Well thought out by the directors and committee. This would have been a more difficult case without E/W's system notes as even with the UI available to East, he had an easy 3♠ bid.

Rigal Good decision. The committee and director both followed the correct procedure and came up with the sensible conclusion.

Smith The committee did a thorough and intelligent job on this case. Yes, it is possible and maybe even likely that most Easts would bid 3♠ without the UI. But the committee correctly applied Law 16 in that if bidding 4♠ is a logical alternative action then it must be inflicted on East.

Wildavsky I agree with the committee and director rulings. It's close whether this one had merit – I have no quarrel with the committee that found that it did.

Wolff Okay ruling because of the awful convention disruption (CD) which almost always makes it impossible to adjudicate.

APPEAL	NABC+ FIVE
Subject	Unauthorized Information (UI) - Tempo
DIC	Olin Hubert
Event	Vanderbilt KO Teams
Session	Round of 64 – Third Quarter
Date	March 16, 2009

BD#	27
VUL	None
DLR	South

Ira Hessel	
♠	9 5 2
♥	Q 3
♦	Q 4
♣	A K Q J 8 3

Kevin Bathurst		Spring 2009 Houston, TX		Vincent Demuy	
♠	A K Q 6 4 3	♠		♥	A J T 9 8 6 2
♥	K 5	♥		♦	A T 8
♦	K J 6 3	♦		♣	9 6 4
♣	5	♣			

Dan Morse	
♠	J T 8 7
♥	7 4
♦	9 7 5 2
♣	T 7 2

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

Final Contract	6♥ by East
Opening Lead	♣2
Table Result	Made 6, E/W +980
Director Ruling	5♥ E, made 6, E/W +480
Committee Ruling	5♥ E, made 6, E/W +480

(1)	Precision – strong, forcing and artificial.
(2)	Natural.
(3)	Doesn't promise a club control.
(4)	Roman Keycard Blackwood for hearts.
(5)	Two controls, no heart queen.
(6)	Break in Tempo (BIT).

The Facts: The director was called after the 6♥ call and again at the end of the quarter. There was an agreed substantial BIT by East just prior to bidding 5♥.

The Ruling: Several players were polled and asked whether the East hand might pass 5♥. There were enough positive responses that pass was determined to be a logical alternative. The director judged that the BIT demonstrably suggested bidding 6♥. Therefore, the result was adjusted to 5♥ by East making six, E/W plus 480 for both sides in accordance with Laws 16B1(a) and 12C1(e).

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

E/W testified that West's Keycard ask of 4♠ promised a club control. East briefly considered showing his spade void. He also considered bidding 5♥, treating his extra length and heart jack/ten as the equivalent of the queen of hearts. However, East decided that his heart holding might not combine with Kx to give adequate play for a grand slam. On the other hand, his extra playing strength, long strong trumps and good controls in view of his partner's strong bidding made it clear to bid 6♥ if his partner bid 5♥. When West received the 5♦ reply, he considered bidding a spade slam. If partner had a doubleton spade, it would have a good play. He did not consider a possible tempo problem because he assumed that 5♥ would end the auction.

N/S agreed that although East's 6♥ bid was attractive, E/W might be missing two key cards making 6♥ an inferior contract at best. Since East declined to show the heart queen with his key card response, it was not appropriate for him to overrule his partner's slow 5♥ bid.

The committee learned that the 3♥ bid suggested at least a six-card suit and that 4♣ showed heart support.

The Decision: There was an agreed BIT that demonstrably suggested East's 6♥ bid. Was pass a logical alternative to the 6♥ bid?

The definition of logical alternative is a bid that a significant number of that player's peers would seriously consider and "some" of those peers who would seriously consider would actually make. What percentage is "some?" In Houston the Laws Commission found: "There was a consensus that in Law 16B1 where the word 'some' is used it should suggest to the tournament director and a committee more than one, and the word 'significant' should suggest to the tournament director and a committee more than a minor proportion (e.g. 2/100) but less than a major proportion (e.g. 40/100)."

At the point of his decision, East possessed values that he had not yet disclosed to his partner – most importantly his seventh heart. Additionally, he held the jack and ten of hearts and the ace (instead of the king that he might have held).

The committee constructed various hands for West and found it difficult to come up with a hand that would make 6♥ worse than a trump finesse or the equivalent. One committee member said that "East bought about as poor a dummy as he could have."

The range of the committee member's estimates of how many of East's peers would bid 6♥ without the UI was between 85 and 95 percent. Ultimately a majority of the committee decided that the percentage of East's peers who would pass 5♥ was high enough to make pass a logical alternative to the demonstrably suggested 6♥ bid.

Therefore, the table result for both sides was adjusted to 5♥ by East making six, E/W plus 480 and N/S minus 480.

The appeal was determined to have merit.

The Committee: Doug Doub (Chair), Peter Boyd, Mark Feldman, Gail Greenberg and Ed Lazarus.

Commentary:

- Goldsmith** Good basic ruling, but too much weaseling. Would West have bid differently with AKQxx Qx KQJx x? That looks like an easy hand to bid: set hearts and use key card - off two keys, stop in five. 6♥ is a terrible contract vs. that hand; after two rounds of clubs, the ♥K has to be onside singleton or doubleton.
Not only do I think the appeal has no merit, I'd ding E/W 1/4 board for abuse of UI. 6♥, in a vacuum, is a reasonable choice. After partner has tanked over a Blackwood response, it's unthinkable.
- Polisner** A very difficult case in light of the definition of the word "significant." I believe that ACBL should use equity adjustments for such cases as is done in the rest of the world wherein if the committee believes that 85-90% of East's peers would bid 6♥ without any UI, the result should be 85% of 980 plus 15% of 480 with say a 10% downward adjustment for having created the problem. An all or nothing decision is to Draconian.
- Rigal** Well reasoned decision; I'm not sure I agree with it but in a subjective area of this sort one can't expect all decisions to fit with one's own perspective. West should have paused before using keycard of course, to avoid this problem. Correct director decision – of course.
- Smith** This was a very tough case. In my opinion, most hesitation Blackwood rulings are easy: you don't get to bid slam when partner makes a slow signoff. As much as anything, we should allow for and consider that at the table when partner signs off briskly most players don't give much thought at all before passing. It is only when partner signs off slowly do players begin to think of reasons why it is right to bid more. Having said that, there is enough to this case to get it close to being an exception. But not quite enough, so I agree with the committee.
- Wildavsky** I agree with the committee and director rulings. I don't think it was as close as the committee thought it was. I have no trouble finding a West hand where E/W are off two cashing tricks. How about AKQJT_x/xxx/KQ/KQ? West should have planned his auction so as to avoid the telling hesitation over 5♦. East knew his partner had failed in this responsibility, and he ought to have known pass was in his best interest. When he bids he'll keep a bad score and lose a good one. He was lucky to end up with plus 480. With a different lie of the cards he could have been minus 50.
- Wolff** Okay ruling which penalizes hesitation disruption (HD), not, IMO, as awful as convention disruption (CD) but close.

APPEAL	NABC+ SIX
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Whitehead Women's Pairs
Session	Second Qualifying
Date	March 19, 2009

BD#	6
VUL	E/W
DLR	East

Jerry Jungmichel	
♠	A T 9 3
♥	K T 8 5 3
♦	2
♣	8 7 4

Barbara Sartorius		Spring 2009 Houston, TX	Sharon Hait	
♠	K Q 7		♠	J 8 6 5 4
♥	J		♥	A 9 6 4
♦	A 4		♦	T
♣	A K Q J T 5 2		♣	9 6 3

Shirley George	
♠	2
♥	Q 7 2
♦	K Q J 9 8 7 6 5 3
♣	

West	North	East	South
		Pass	5♦
6♣ ¹	Pass ²	Pass	6♦
Dbl	Pass	Pass	Pass

Final Contract	6♦ doubled by South
Opening Lead	♣K
Table Result	Down 1, N/S -100
Director Ruling	6♦ dbld S, down 1, N/S -100
Committee Ruling	6♦ dbld S, down 1, N/S -100

(1)	Break in Tempo (BIT).
(2)	Break in Tempo (BIT).

The Facts: The director was called initially after the 6♦ bid and returned after the hand had been played to conclusion. N/S said that West bid 6♣ immediately. West said she paused 10-12 seconds and East said West paused appropriately. E/W said that North had a long BIT over 6♣. North said that she had something to think about.

The Ruling: The director judged that a BIT over 6♣ by North would not demonstrably suggest that South bid – it would demonstrably suggest a double or pass. Therefore, since there was no violation of Law16, the director allowed the table result of 6♦ doubled by South down one, N/S minus 100 to stand for both sides.

The Appeal: E/W appealed the director's decision. All four players attended the hearing. E/W stated that there was a 10-12 second hesitation over 6♣ by North. N/S agreed that the hesitation was no longer than 10-12 seconds.

N/S stated that the auction required some thought by North. N/S further stated that the BIT suggested that South refrain from doing anymore bidding, since North was probably not considering bidding 6♦ but doubling. A player in South's position should, perhaps, bend over backwards to bid after North's BIT.

The Decision: The committee judged that there was at least a slight BIT by North but not an unduly long one. The auction did require some thought – whether to double, and, if so, what to lead, etc.

While the committee thought a pass by South may have been a logical alternative, it did not think that the BIT demonstrably suggested bidding 6♦. If anything, the BIT suggested that South pass.

Therefore, the committee upheld the director's decision to allow the table result of 6♦ doubled by South down one, N/S minus 100 to stand for both sides.

The committee determined that the appeal had merit.

The Committee: Tom Peters (Chair), Tom Carmichael, Mike Kovacich, Jim Thurtell and Bob White.

Commentary:

Goldsmith I'm not sure I buy the "not demonstrably" argument, but I think it doesn't matter. South heard her partner fail to double 6♣. At favorable vulnerability, wouldn't most players shrug and bid again? Even if partner had said out loud, "we might be able to beat 6♣," wouldn't most Souths say, "not with my hand, we can't." I'd rule that passing 6♣ is not a logical alternative for South and let the result stand. There might be some players for whom passing is a logical alternative, but I doubt South is one of them. The appeal had merit.

Polisner Well done except that an appeal without merit warning (AWMW) would have been warranted.

Rigal Definitely merit; I do not know what the pause suggested but on an auction of this sort it is hard for even a regular partnership to work out what is going on. Sensible decision all round.

Smith I can't disagree with the logic of the directors and the committee. But I still feel uneasy about this one. I don't think anyone would think twice if South had passed even with a huge break in tempo by partner, so I am not buying that ethically South should bid 6♦ after a hesitation by partner. So, why did she bid 6♦?

Wildavsky Good work all around.

Wolff Good enough ruling based on the facts and probability of North considering doubling ahead of bidding 6♦.

APPEAL	NABC+ SEVEN
Subject	Unauthorized Information (UI)
DIC	Henry Cukoff
Event	Lebhar IMP Pairs
Session	Second Qualifying
Date	March 19, 2009

BD#	4
VUL	Both
DLR	West

Jill Levin	
♠	Q 8 5 4 2
♥	K J 8 6 4
♦	
♣	A 7 4

Jim Krekorian		Spring 2009 Houston, TX	John Onstott	
♠	K J T 9		♠	A 7 3
♥	Q 9 3		♥	A
♦	A K		♦	Q T 9 7 6 5 3 2
♣	Q 9 8 3		♣	T

Jill Meyers	
♠	6
♥	T 7 5 2
♦	J 8 4
♣	K J 6 5 2

West	North	East	South
INT ¹	2♣ ²	4♦ ³	Pass
4♥	Pass	6♦	Pass
Pass	Pass		

Final Contract	6♦ by East
Opening Lead	♠6
Table Result	Made 6, E/W +1370
Director Ruling	N/S Average +, E/W Average -
Committee Ruling	5♦E, making 6, E/W +620

(1)	15-17.
(2)	Majors.
(3)	Announced as transfer to hearts.

The Facts: The director was called at the conclusion of the play of the hand. The facts are as described above.

The Ruling: The director judged that East's unilateral action of bidding 6♦ after a 4♥ bid that makes no sense may have been based on unauthorized information. In accordance with Law 12C1(d), an artificial adjusted score was awarded based on the fact that no rectification could be made that would allow normal play of the hand. Therefore, N/S received an average plus and E/W received an average minus.

The Appeal: E/W appealed the director's decision. North was the only player who did not attend the hearing.

E/W maintained that 4♦ must either be a transfer (their agreement) or strong with diamonds. East said he would always bid 6♦. West said that East might bid 4♠, but then he would bid 6♦.

N/S said that 6♦ was an attempt to clear up a misunderstanding.

The Decision: The committee determined that there was UI that West thought East had hearts. 6♦ is likely to correct that misunderstanding. 4♠ was a logical alternative. After 4♠, the committee felt that West was likely to bid 5♦. Then East might pass or bid 6♦. The committee judged that 5♦ was both likely and at all probable. The committee considered whether West might bid 6♥ on some auctions, forcing East to correct to 7♦, but judged the possibility not even at all probable. The committee saw no reason to invoke Law 12C1(d). Therefore, the result for both sides was adjusted to 5♦ by East, making six, E/W +620, per Laws 16 and 12C1e.

The committee found that the appeal had merit.

The Committee: Aaron Silverstein (Chair), Jeff Aker, Peter Boyd, Chris Moll and John Lusky.

Commentary:

Goldsmith The right score adjustment is far from easy, but one thing is clear: East violated Law 73 by not carefully avoiding taking advantage of the UI. East didn't make any argument that he had carefully considered the situation and concluded that 6♦ was the right action. This is clearly established by the lack of a footnote indicating a long BIT before East's second call. In fact, it seems pretty clear that he did what he thought was most likely to avoid a catastrophe. That earns him a 1/4 board procedural penalty (PP).

Which results are likely or at all probable? Would 4♠ have been key card for hearts? Or just a cue bid? If it's a cue, West will bid 5♦ and East might pass. But bidding again is possible. Maybe he should consider bidding 6♦. West won't pass that. If it was key card, West would bid 5♣. East might try to stop in 5♦, which asks about the ♥Q and will get a 5♠ reply. Now there's no way for E/W to stop below a grand and will likely end up in 7NT doubled. Over 4♥, is 4NT key card for diamonds? If so, it's a reasonable choice. Will West think it's key card for hearts? If so, he bids 5♠, and authorized information tells East the auction is off the rails. He might pray that partner has no ♣K and does hold the ♦K, in which case 5NT might get him to 6♦ making. Or he might just hope that 6NT has play. It seems unlikely but possible that North will find a club lead. Alternatively, is 4♥ key card for diamonds? Then 5♦ is required. Will that end the auction? West will be very suspicious because of his diamond holding. What will then happen? Hard to say.

I think 7NT doubled down two is at least at all probable, so that's what I'd give E/W. I don't think it's likely, so N/S gets minus 620.

It seems harsh to give E/W a terrible result and a PP, but once East bid 4♦ showing hearts, E/W are probably booked for a disaster. They might complain that the director/committee "gave" them this disaster, but he/it didn't---East's severe misbid did. Once a player is determined not to have carefully avoided taking advantage of UI, the laws instruct that his side gets the worst of it.

Does the appeal have merit? If plus 620 was better than average minus, then yes, since it's reasonable for E/W to think they are due plus 620.

Otherwise, no.

- Polisner** Where was the appeal without merit warning (AWMW) and a procedural penalty for blatant use of the UI?
- Rigal** Quite the cause célèbre of the event till we come to our heroines' next visit to the committee room...
The committee had a nightmare decision to work out what was going on but I think they came to a reasonable decision in a situation where any ruling would have earned them hatred and contempt from someone! Not sure I like the director's abnegation of responsibility but it would have been appealed whatever they did.
- Smith** This is a very interesting case and an important one. First of all, the directors' law reference and stated reason for the adjustment don't match. Law 12C1(d) is a new law that states: "If the possibilities are numerous or not obvious, the Director may award an artificial adjusted score." I think it is meant to apply when no one score rises to the level of "likely" (for the non-offending side) or "at all probable" (for the offending side). Of course, it is possible in any case to decide that there is an "at all probable" result but no single "likely" result so this law may often only be applied to the offending side. As the committee points out, guessing the outcome after a 4♠ bid by East instead of a 6♦ bid is not easy or obvious even though to the committee it was possible within the probability constraints of the law. In any case, the phrase quoted by the directors that no rectification could be made that would allow normal play of the hand is supposed to refer to cases in which something happens in advance to prevent play of a board from being completed. For instance, an auction has begun and North has 12 cards and East has 14 including an ace that belongs to North. Or a pair fails to skip and plays most of a board it has played before (or duplicated) against a pair who can no longer play it. So the directors' ruling was legally valid if the determination was made that there were too many possible outcomes available to find that any one had a substantial chance of occurring, but not if it was used instead as a reason to make an "equity" ruling by the back door. I strongly suspect that the directors intended the law citation to be correct and they just carelessly misquoted the text from the wrong part of the law.
- Having said that, I'm not sure I agree with the basis for the ruling by both the directors and by the committee. Yes, there was unauthorized information from the announcement by West. But there was also extremely strong authorized information available to East to let him know what was going on. He just bid 4♦ naturally in an auction where a vulnerable opponent showed the majors. His partner bids 4♥ into his singleton ace. Are we really supposed to think that he is cue bidding in support of diamonds? Wouldn't any experienced player in this situation be more than just a little bit aware of the possibility that partner thought our 4♦ bid was a transfer? So can there really be any doubt what partner thinks is going on? I don't think so.

Smith Continued:

So what does the law say about a situation where a player has both authorized and unauthorized information on the same hand? Law 16 has been clarified and reorganized from previous editions of the Laws. The current Law 16A states (among other things) that a player may use information in the auction or play if “it derives from the legal calls and plays of the current board (including illegal calls and plays that are accepted) and is unaffected by unauthorized information from another source.” It seems to me that the phrase “unaffected by unauthorized information from another source” cannot mean that whenever any unauthorized information exists it necessarily trumps any authorized information that may be present. Instead, it means that if the authorized information is so overpowering then it is automatically “unaffected” by unauthorized information. Suppose this auction occurred behind screens. Is there any doubt that East would know what was happening beyond any reasonable doubt based solely on the auction and his hand? I think not, and therefore I believe he is entitled to do whatever he wants. If he thinks 6♦ is the bid that stands the best chance of getting his side out of trouble he is allowed to make that bid. Even if some may disagree with me that this case is a good example of a situation where authorized information makes it clear to a player what is happening even in the face of unauthorized information, clearly there must be some situations where that would be true. Suppose on this hand East actually had AKQ of hearts and a stiff small spade. Would we really want to tell him that he must act as if his partner, after opening 1NT, was cue bidding hearts in pursuit of a diamond slam? I can't believe that is what Law 16A is telling us to do. So I won't be surprised to be in a minority of one on this case, but I think East was perfectly entitled to bid 6♦ and no score adjustment at all was in order.

Wildavsky This is the first time I've seen the new law 12C1(d) applied. To my mind both the law itself and this application of it are unsatisfactory. The law seems intended for lower levels of the game. Some club directors might well be unwilling or unable to do the work required to rule under 12C1(e). I hope we won't see 12C1(d) in future NABC+ cases. In practice it will serve simply as an invitation for one side or the other to appeal. To my mind the committee improved on the director's ruling.

Wolff West took a "big risk," won his gamble, but lost his appeal. I would rule plus 1370 for both sides but penalize E/W 2 IMPs for convention disruption (CD).

APPEAL	NABC+ EIGHT
Subject	Misinformation (MI)
DIC	Henry Cukoff
Event	Lebhar IMP Pairs
Session	First Qualifying
Date	March 19, 2009

BD#	17
VUL	None
DLR	North

Dennis Heller	
♠	J 2
♥	A K J T 3
♦	A Q 5
♣	Q J 4

McKenzie Myers		Spring 2009 Houston, TX	Robert Todd	
♠	K Q		♠	9 6 5 3
♥	7		♥	Q 9 6 5
♦	K J T 9 8 3		♦	6 2
♣	K T 9 7		♣	A 8 2

Harold Antonson	
♠	A T 8 7 4
♥	8 4 2
♦	7 4
♣	6 5 3

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

Final Contract	4♥ by North
Opening Lead	♠3
Table Result	Down 2, N/S -100
Director Ruling	4♥ N, down 2, N/S -100
Committee Ruling	4♥ N, down 2, N/S -100

(1)	Strong, artificial.
(2)	Weak, artificial.
(3)	Not Alerted – agreement is diamonds or black suits.

The Facts: The director was called at the conclusion of the play of the hand. 2♠ was, by agreement, either diamonds or the black suits. North said that he would not have bid 3♥ if he had been given the correct explanation.

The Ruling: Five players were polled and asked whether they would bid 3♥ over 2♠ given both explanations. One player said the correct information made 3♥ less attractive; two said the difference in explanation didn't matter and two players said the correct explanation made it more attractive to bid 3♥. Based upon the polling responses, the director concluded that the MI had no affect on the table result, and the table result of 4♥ by North, down two, N/S minus 100 was allowed to stand.

The Appeal: N/S appealed the director's decision. All four players attended the hearing. North said he would have passed if he had the correct information. He upgraded his hand because of his doubleton in West's presumed suit.

East explained that he didn't bid 3♠ because he didn't want to push the opponents into 4♥. He could count only three defensive tricks opposite a typical West hand including, say, six spades to the AK.

The Decision:

The committee's judgment matched that of those polled. The correct information would not have made pass more attractive. Thus E/W gained no advantage from their irregularity, per Law 21B3. Accordingly the committee allowed the table result of 4♥ by North, down two, N/S minus 100 to stand.

The committee considered a procedural penalty (PP) against E/W who ought to know their methods on a straightforward first round auction. The committee consulted with the director who explained that such penalties are usually assessed only for repeated violations. Thus, the committee did not assess a PP.

The appeal was judged to have merit.

The Committee: Adam Wildavsky (Chair), Tom Brady, Migry Zur Campanile (Scribe), Ellen Kent and Chris Willenken.

Commentary:

Goldsmith Good job until the PP consideration, which is just simply wrong. Thankfully, the director cleared that up. I buy the merit of the appeal. It's a fine bridge judgment call. I don't agree with N/S's contention, but there's enough to it that they deserve to get a committee to evaluate it.

Polisner Well done by the committee and but for one of the peers who was polled strangely agreeing with the concocted reason about not bidding 3♥ with the correct explanation, I would have voted for an appeal without merit warning (AWMW) and probably would have anyway.

Rigal Agree with decision but would have given E/W a PP here. Anyone who forgets their methods over the opponents' strong bids is not trying hard enough for a national event and needs to be made aware of that. (And I am prepared to eat my Homburg Hat if Bobby Wolff does not agree – this is safe since I do not possess a Homburg Hat).

Smith If the appellants were told the result of the director poll before they appealed, they should have been issued an AWMW. Frankly, I think they deserved one anyway.

Wildavsky I chaired this committee. The next day a fellow committee member realized that we had an excellent reason to assess a PP against E/W. Their method was not listed on their convention card. This may not warrant a PP in and of itself, but it is a clear violation of correct procedure and deserves a penalty when it leads to the kind of problem it did here.

Wolff What ridiculous malarkey it is to say a warning before next time issuing a penalty. Home brew convention disruption (CD) such as this should be immediately penalized and 3 IMPs looks appropriate for E/W.

APPEAL	NABC+ NINE
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Lebhar IMP Pairs
Session	First Qualifying
Date	March 19, 2009

BD#	26
VUL	Both
DLR	East

Gary MacGregor	
♠	A J 7 4 2
♥	T 5
♦	
♣	Q 9 7 5 3 2

Bill Arlinghaus		Spring 2009 Houston, TX	Dave Swarthout	
♠	K Q 9 8 6 3		♠	
♥	4		♥	K Q 9 8 7 6 2
♦	K Q 9 8		♦	J 7 6 5 3
♣	K 4		♣	8

Frank Lowenthal	
♠	T 5
♥	A J 3
♦	A T 4 2
♣	A J T 6

West	North	East	South
		4♥	Dbl
Pass	4♠	Pass	Pass ¹
Dbl	5♣	Pass	Pass
Dbl	Pass	Pass	Pass

Final Contract	5♣ doubled by N
Opening Lead	♥K
Table Result	Down 1, N/S -200
Director Ruling	4♠ dbld, N, down 3, N/S -800
Committee Ruling	4♠ dbld, N, down 3, N/S -800

(1) Break in tempo (BIT)

The Facts: The director was called at the conclusion of the deal. E/W thought South's BIT at his second turn to call was 8-10 seconds. N/S thought it was brief.

The Ruling: The director judged that the BIT demonstrably suggested bidding and that pass was a logical alternative. Therefore, the director adjusted the score to 4♠ doubled by West, down three, N/S minus 800 for both sides.

The Appeal: N/S appealed the director's decision. East was the only player who did not attend the hearing.

The double of 4♥ was described as takeout. Partnership agreement is double is takeout through 4♥. South felt his hand was too good to pass.

South knew that 4NT over 4♠ would have been Keycard Blackwood. N/S contended that West should have known that N/S would remove the double. South said he intended to redouble for rescue, not bid 4NT. North thought the double based on spades was a poor call.

West said he thought 4♥ was making; therefore he needed to double to protect his side's equity.

The committee discovered that 5♣ went down when declarer tried to ruff a spade before playing a round of trumps.

The Decision: The sequence of reasoning reserved for the committee was to examine the slow pass of 4♠. Did it convey information? The answer was, yes. South was either too good or too bad to pass. After the double, North possessed UI that South was unsuitable for 4♠. While a minority of the committee agreed with North's decision to remove to 5♣ there was unanimity that passing as North was a logical alternative.

Since the committee judged that North had violated Law 73C, it needed to adjust the score. The question was what South would likely have done had 4♠ doubled been passed back to him. Law 12C1(e) requires the committee to give the offenders the most unfavorable score that was at all probable had the irregularity not occurred. The non-offenders get the most favorable score that was likely.

The committee had been presented with the South hand as a blind preview. Two out of five members would have sat for 4♠ doubled. Using the ACBL Laws Commission's criteria that an action should be deemed likely if at least 1/3 of a player's peers would take it, the committee determined that the contract should be 4♠ doubled for both sides. The play in 4♠ doubled would see declarer score four trump tricks and three aces. Therefore, the committee ruled as the director had, assigning a score of 4♠ doubled by North, down three, N/S minus 800 for both sides. The appeal was determined to have merit.

The Committee: Barry Rigal (Chair), Shannon Cappelletti, Tom Carmichael, Jim Thurtell and Bob White.

Commentary:

Goldsmith Great ruling. The reason why the appeal had merit is that South might reasonably have bid over 4♠ doubled..

Polisner If an committee can't issue an appeal without merit warning (AWMW) in this case, we might as well eliminate the AWMW procedure. How can we educate players who take up our valuable time with frivolous appeals?

- Rigal** Still seems right to me; removing the double as South, had the auction returned to him in 4♠ doubled looks odd to me (not as odd as the first double, though). But the number of committee members who would have done so meant the final decision was close for the non-offenders as to whether they got to defend 4♠ or 5♣. And no appeal without merit warning (AWMW) of course.
- Smith** This looks pretty straightforward to me. I would have liked to have seen a poll taken by the directors. Maybe it would have dissuaded the appellants from proceeding. The committee did a thoughtful and thorough job. I believe the Laws Commission has been most reluctant to attach numerical values to the words “likely” and “probable”, although the percentage quoted by the committee has become de facto standard in many quarters. As with many cases in this set, I see no merit to the appeal.
- Wildavsky** Good work all around – a well thought out ruling.
- Wolff** Okay, since in my view, it was okay for North (with that particular hand) to bail out. West could have passed 4♠ out and so chanced that they wouldn't. It is hard to blame South for hesitation disruption (HD) since, as far as he was concerned, he was in the pass out seat.

APPEAL	NABC+ TEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Steve Bates
Event	Jacoby Open Swiss Teams
Session	First Qualifying
Date	March 21, 2009

BD#	23
VUL	Both
DLR	South

Marty Fleisher	
♠	A Q J 7 6
♥	Q J T 8 5 3
♦	
♣	8 3

Kitty Cooper		Spring 2009 Houston, TX	Steve Cooper	
♠	8 5 4		♠	K T 9 3
♥			♥	K 9 6 2
♦	K J 6 5 3 2		♦	A 4
♣	A K J T		♣	Q 5 2

Mike Kamil	
♠	2
♥	A 7 2
♦	Q T 9 8 7
♣	9 7 6 3

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

Final Contract	5♦ doubled by West
Opening Lead	♠A
Table Result	Down 2, E/W -500
Table Director Ruling	3NT W down 1, E/W -100
Screening Ruling	5♦ dbld W down 2, E/W -500
Committee Ruling	5♦ dbld W down 2, E/W -500

- | | |
|-----|-----------------------------------|
| (1) | Alerted – Lebensohl (relay to 3♣) |
| (2) | Break in Tempo (BIT) 15 seconds. |

The Facts: The director was called after the play of the hand. At that time, East stated that he would have bid 3NT over 3♣ if North had not bid.

The Ruling: The director determined that the BIT demonstrably suggested the 3♥ call and that pass was a logical alternative. Therefore, the result was adjusted to 3NT by West down one, E/W minus 100 for both sides. (Law 16B1).

The Appeal: N/S appealed the table director's decision. The screening director polled ten players – nine of whom bid 3♥ over 3♣ as North did, the one who passed freely mentioned the 3♥ option. Therefore, the screening director changed the table director's ruling back to the table result of 5♦ by West down two, N/S minus 200. Then E/W appealed. North and East attended the hearing.

The two players spoke briefly and courteously. East testified that bidding 3NT directly would have given different information about major suit stoppers.

North had nothing to add to the facts already known

The Decision: Since both players confirmed the BIT as approximately 15 seconds, the committee affirmed the existence of an unmistakable hesitation.

The committee determined that the BIT demonstrably suggested taking action over passing; however, the committee considered that there was no logical alternative to the 3♥ bid.

Therefore, the committee allowed the table result of 5♦ doubled by West down two, N/S minus 500 to stand for both sides.

The committee decided that the appeal had merit.

The Committee: Chris Moll (Chair), Tom Carmichael, Ed Lazarus, Jim Thurtell and Patty Tucker.

Commentary:

Goldsmith Good ruling. The appeal must have merit, because the screening director changed the ruling. E/W didn't have reasonable time to decide if they ought to appeal at that point, so they ought not to be given an appeal without merit warning (AWMW) for a decision under fire.

Polisner Assuming that E/W was aware of the screening director's poll wherein 9 out of 10 peers bid 3♥ without any UI, it would appear that the appeal is without merit and an AWMW should have been given.

Rigal Both the director and committee relied on the polled group, which seems right to me. I'm glad person ten indicated it was close to 3♥ or else it would have been a tougher decision as to whether pass was a logical alternative. By the way I might have passed!

Smith It was nice of the committee to decide that this case had merit, even though it really didn't. It is hard to award an AWMW to players who originally received a different and more favorable ruling from the director. Directors really need to do more polling in cases like this. Not only does it tend to lead to more accurate rulings, it also leads to fewer appeals.

Wildavsky A close call. I have no objection to either the director or the committee ruling.

Wolff Obviously South's hesitation disruption (HD) made it easier for North to venture out into 3♥, but I would allow it because of East's intellectual approach, which almost always gets opponents to hesitate.

APPEAL	NABC+ ELEVEN
Subject	Inappropriate Question
DIC	Charlie MacCracken
Event	Machlin Women's Swiss Teams
Session	Second Qualifying
Date	March 21, 2009

BD#	12
VUL	N/S
DLR	West

Marinesa Letizia	
♠	K Q 7
♥	9 7
♦	K T 8 6 4 3
♣	8 3

Jill Myers		Spring 2009 Houston, TX	Jill Levin	
♠	A J 8 6		♠	5 4 3
♥	Q J 5 4		♥	A K 8 6
♦	J 9 7 2		♦	5
♣	J		♣	K Q 6 4 2

Mildred Breed	
♠	T 9 2
♥	T 3 2
♦	A Q
♣	A T 9 7 5

West	North	East	South
Pass	Pass	1♣	Pass
1♥	Pass	3♥	Pass
4♥	Pass	Pass	Pass

Final Contract	4♥ by West
Opening Lead	♠K
Table Result	Made 4, E/W +420
Director Ruling	4♥ W made 4, E/W +420, E/W-1VP PP
Committee Ruling	4♥ W down 1, E/W – 50, No PP

The Facts: The director was called at the end of the hand. North led the spade king, dummy played the three and South the deuce. At this point West asked if N/S played upside down. She was told that N/S played suit preference at trick one if possible. West had declared the previous board in a suit contract and had asked for and received a full explanation at that time. North continued spades when West ducked.

The Ruling: N/S requested an adjustment under Law 73F. After polling a number of players, three switched to a club or a trump at trick two. The player polled who continued spades said the question was not material. Therefore, the table result of 4♥ by West making four, E/W plus 420 was allowed to stand. E/W was assessed a procedural penalty (PP) of one victory point for a badly worded question.

The Appeal: N/S appealed the director's decision. All four players attended the hearing. N/S stated that without the question posed by West, it was likely that North would have switched to a diamond at trick two.

West stated that she always asks for carding when she is declaring even if she has asked on a previous hand. East stated that she thought this was the case and confirmed that West habitually asked when she was the declarer – even when she had declared previously against the same pair.

All four players stated that the question, “Do you play upside down?” was asked after or as South followed to the first trick with the two. N/S were positive of this; West thought so and East wasn't sure if it was as the two was played or just after.

The Decision: The committee found that Law 73F was applicable. It states that: “....if the Director determines that an innocent player has drawn a false inference from a remark, manner, tempo or the like of an opponent who has no demonstrable bridge reason for the action...”

The committee felt this applied because of the form and timing of the question – i.e. asking “Do you play upside down?” rather than “What's your carding?” and waiting to ask until RHO had played to the opening lead rather than asking when the opening lead was made.

Law 73F continues, “and who could have known at the time of the action, that the action could work to his benefit...” the director should award an adjusted score. The committee felt that West could have known that the question could work to her benefit. Therefore, the committee adjusted the result to 4♥ by West down one, E/W minus 50 to both sides since a shift to any other suit at trick two would defeat the contract.

The committee stressed that its decision in no way reflects on the ethics or conduct of West.

The committee removed the procedural penalty.

The appeal was judged to have merit.

The Committee: James Thurtell (Chair), Tom Carmichael, Ed Lazarus, Chris Moll and Patty Tucker.

Commentary:

Goldsmith Yuck. In reality, I'm sure West's comment was entirely inadvertent, and I'm glad that the committee stressed that they felt that way. But Law 73F is pretty clear that such a remark can lead to a score adjustment if North could reasonably have drawn an inference from it that causes her to go wrong. West's presumption that the ♠2 is encouraging implies that South has the SJ, so Law 73F applies. Good job by the committee in an awful situation.

I'm glad I wasn't there. The procedural penalty was legal (via Law 90A "violates correct procedure"), but inappropriate. Good job removing it.

Polisner As one of the highest ranking women players in the world, it would be obvious to West that she would either duck or win the opening lead depending on what card South played and thus should have clarified the carding (if it was really in doubt) before playing from dummy. However, I don't agree that the asking of the question (even when it was asked) should have influenced North's choice of a lead to trick two. If the ♠2 indicated a switch to clubs, North should have not taken a "Bath" (*Editor: Bath Coup*) by playing a second spade. I would have allowed the table result to stand.

Rigal I'm sympathetic to West since I never remember the answers to these questions and always ask. But it was an unfortunate question and poorly timed. The decision by the committee seems right. And, if the director relied on the sample, then maybe he was right too.

Smith I like the directors' ruling better than the committee's, except that I think the penalty should have been larger. Of course nobody is impugning West's ethics and I'm sure she never considered the potential damage her question might cause, but for heaven's sake how could she ask a question in that manner? Maybe a penalty will convince her how to ask questions properly in the future. But maybe the committee ruling will do that anyway.

As the committee notes, Law 73F states in part that "if the Director determines that an innocent player has drawn a false inference from a remark . . . of an opponent who has no demonstrable bridge reason for the action, and who could have known, at the time of the action, that the action could work to his benefit, the Director shall award and adjusted score." I believe the reference to "innocent" is important. It means that an opponent has to keep playing bridge to a reasonable standard after such an infraction in order to get the benefit of a score adjustment. Otherwise, in the face of any potentially deceptive remark one could simply do what is indicated by the remark and if it turns out to be unsuccessful call the director and get a score adjustment later. A free shot like that can't be right.

Now I'm not saying that is what North was doing here. It looks to me that she just lost focus after hearing the remark and made a play that is only right if her partner had just made a mistake. So to me she lost her status as an "innocent" player. Surely "suit preference at trick one if possible" doesn't apply here. If it does, then I think the N/S method is the result of their bad score. But if this is a simple attitude situation and if N/S play standard attitude, there can be no mistaking the intent of the deuce. South can't possibly be stuck playing the deuce if she had either the ace or the jack (or both). So unless I am missing something I think N/S earned their bad result and should not be protected. It wouldn't bother me too much if the E/W score were adjusted to down one, but I think the correct approach is to assign the same score to both sides and then give the offending side a substantial procedural penalty for asking an improper question.

Wildavsky A tricky case. I prefer the committee's ruling to the director's. If West committed an infraction, then N/S are due redress.

Wolff Justly penalized.

APPEAL	NABC+ TWELVE
Subject	Misinformation (MI)
DIC	Steve Bates
Event	Jacoby Open Swiss Teams
Session	First Qualifying
Date	March 21, 2009

BD#	22
VUL	E/W
DLR	East

Michael Becker	
♠	K T 4 3 2
♥	Q 4
♦	Q 5
♣	J T 6 3

Ellis Feigenbaum		Spring 2009 Houston, TX	Miguel Reygadas	
♠	A Q 9 6 5		♠	J 7
♥	K 7		♥	J 5 3 2
♦	K T 8 6		♦	J
♣	Q 4		♣	A K 9 8 7 5

Aubrey Struhl	
♠	8
♥	A T 9 8 6
♦	A 9 7 4 3 2
♣	2

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

Final Contract	4♦ doubled by South
Opening Lead	♣Q
Table Result	Down 2, N/S -300
Director Ruling	4♠ W down 1, E/W -100
Committee Ruling	4♠ W down 1, E/W -100

(1)	Alerted and explained as a Bergen Raise (6-9 HCP with 4 spades).
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The Facts: The director was called when the dummy came down and returned after the hand. E/W do not play Bergen raises. 3♣ was intended as natural with 10-12 HCP.

The Ruling: South indicated that he would double or bid 3♦ with the correct explanation. In discussions as the rest of the round was being played West said that, at the table, among the other possible actions he might have taken was to bid 3♠ - and it was determined, if so, that East would raise to 4♠. Therefore, in accordance with Laws 20F6, 21B3 and 12C1(e), the result was adjusted to 4♠ by West down one, E/W minus 100 for both sides.

The Appeal: E/W appealed the director's decision. All four players attended the hearing. The screening director discovered that there was no partnership agreement about 3♣ by a passed hand. When asked about the call, West eventually said, "Bergen." - 6-9 with four trumps. West also thought it might be clubs with three spades.

E/W agreed that there was MI. After some discussion, it was established that West had described the 3♣ call as Bergen and, whether or not he was in doubt, he had left South with the impression that he was confident of that fact.

N/S play that a double of Bergen 3♣ is lead directing. A double of a natural 3♣ is takeout. N/S suggested that if 3♣ shows clubs, then when West bids 3♠ East would have a raise to 4♠.

The Decision: The committee determined that West had given South misinformation. The MI had caused damage. If the call had been correctly explained, South had a range of actions - 3♦, 3♠ and double. Since double was the one that would have worked best for his side and he could not make that call after the MI, an assigned adjusted score had to be awarded.

The committee looked at what would have happened after a double of 3♣. West might pass, redouble or bid one of 3♦, 3♠, 4♠.

While it was unclear what would have happened next, the most unfavorable result that was at all probable for the offenders was a contract of 4♠. This contract was likely to go down one rather than two after the lead of the ♥Q.

That result of down one was sufficiently probable that it was also awarded to the non-offenders as the most favorable result that was likely.

Therefore, the director's adjustment of 4♠ by West down one, E/W minus 100 for both sides was allowed to stand.

The appeal was determined to have merit.

The Committee: Barry Rigal (Chair), Tom Peters, Bruce Rogoff, Alan Stauber and Adam Wildavsky.

Commentary:

Goldsmith Good ruling. The appeal had merit; it would have taken me a good long time to determine the appropriate results from Law 12C1(e).

Polisner Well done with a difficult case.

Rigal Good decision I think in a rather messy scenario.

Smith Good job all around, but this appeal had no merit that I can see.

Wildavsky I like the rulings. I see no merit in the appeal.

Wolff Convention disruption (CD) makes this ruling valid, and supersedes the bridge.

APPEAL	NABC+ THIRTEEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Steve Bates
Event	Jacoby Open Swiss Teams
Session	Second Qualifying
Date	March 21, 2009

BD#	27
VUL	None
DLR	South

Simon De Wijs	
♠	Q 8 4 3
♥	A K Q 8 7 4
♦	K 2
♣	2

Kitty Cooper		Spring 2009 Houston, TX	Steve Cooper	
♠	K 5		♠	A J T 9 7 2
♥	T 6 3 2		♥	J
♦	J 6		♦	T 8 7 4 3
♣	A 9 6 5 4		♣	K

Bauke Muller	
♠	6
♥	9 5
♦	A Q 9 5
♣	Q J T 8 7 3

West	North	East	South
			3♣
Pass	4♥	4♠	Pass ¹
Pass	Dbl	Pass	Pass
Pass			

Final Contract	4♠ doubled by East
Opening Lead	♣Q
Table Result	Down 3, E/W -500
Director Ruling	4♠ dbld E down 3, E/W -500
Committee Ruling	4♠ dbld E down 3, E/W -500

(1) Break in Tempo (BIT) of 10-15 seconds.
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The Facts: The director was called after the play of the hand. There was a BIT by South over 4♠.

The Ruling: Although there was a BIT, it did not demonstrably suggest a double; and, pass was not considered to be a logical alternative. Therefore, the table result of 4♠ doubled by East down three, E/W minus 500 was allowed to stand.

The Appeal: E/W appealed the director's decision. Only East attended the hearing. On the appeal form West maintained that the double by North was suggested by the BIT.

The Decision: The committee addressed three issues:

Was there an unmistakable hesitation?

The committee determined that there was.

Did that demonstrably suggest the call taken by North?

It did. South's pause did suggest values (thus making "not pass" more attractive than "pass" for North). Yes, South could have x/xxx/xxx/KQxxxx but there were more hands where South was contemplating double (be it action or penalty) or a bid at the five-level where simply the knowledge of values made it easier for North to act.

Was there a logical alternative action for North that would have been less successful?

In other words, given that South's BIT suggested it was safe for North to double, was pass a logical alternative?

The committee determined that there was no logical alternative to North's double. He had voluntarily committed to game on a deal where he was not concerned about keeping the opponents out. In that context his double was the only call consistent with his bidding thus far. Therefore, the table result of 4♠ doubled by East down three, E/W minus 500 was allowed to stand.

The appeal was determined to have merit.

The Committee: Barry Rigal (Chair), Mark Feldman, Bruce Rogoff, Alan Stauber and Adam Wildavsky.

Commentary:

Goldsmith Very good ruling. I particularly like the step-by-step breakdown of the ruling.

I disagree about what the BIT suggested. I think it suggested 1-2 in the majors, just what South actually had. With three hearts, South would have bid 5♥. With only one, he would have passed in tempo or doubled. With two and two spades, he'd pass in tempo. So he probably has one spade and two hearts, just enough to consider bidding 5♥ and reject it. Does knowing partner's major suit length demonstrably suggest anything useful? I don't see how. The five-level seems out of the question. I agree that passing isn't a logical alternative once North has committed to game. In fact, I think many good pairs consider South's pass forcing.

Polisner This is the classic case where it would be helpful to have the results of a poll about the issue of logical alternative. It is so easy for committee members to do the "correct thing" when they know the hand and thus a no logical alternative decision could be suspect.

Rigal Relatively clear-cut we thought, at the time.

Smith Okay, so the slow pass suggests the double. I still don't see the merit here either. Again, I am left wondering if director polls might dissuade some of these appellants from bringing cases to committee in the first place. If not, then I would hope committees would have less difficulty assigning an appeal without merit warning (AWMW) when appropriate.

Wildavsky A close call. I could see another committee ruling differently.

Wolff This committee has created its own way of measuring responsibility. I really do not think a hesitation disruption (HD) by South can be judged and consequently would also allow the result of 4♠ doubled to stand.

APPEAL	NABC+ FOURTEEN
Subject	Misinformation (MI) and Unauthorized Information (UI)
DIC	Steve Bates
Event	Jacoby Open Swiss Teams
Session	First Final
Date	March 22, 2009

BD#	33
VUL	None
DLR	North

Don Caton	
♠	A T 6
♥	A Q T 9
♦	A Q 2
♣	7 4 2

Tom Townsend		Spring 2009 Houston, TX	David Gold	
♠	J 3 2		♠	K Q 9 7 5 4
♥	6 5 4		♥	K J 8 7 2
♦	J 9 5		♦	T 6
♣	A K Q 3		♣	

Jim Barrow	
♠	8
♥	3
♦	K 8 7 4 3
♣	J T 9 8 6 5

West	North	East	South
	1NT ¹	2♣ ²	2NT ³
Pass	3NT	Pass	4♣
Dbl	Pass	Pass	Pass

Final Contract	4♣ doubled by South
Opening Lead	♥5
Table Result	Made 4, N/S + 510
Director Ruling	4♣ dbld S made 4, N/S +510, N/S -1 VP PP
Committee Ruling	3NT N down 2, N/S -100, N/S -1 VP PP

(1)	15-17.
(2)	Majors could be 4-4.
(3)	Without interference transfer to clubs; undiscussed with competition. No Alert.

The Facts: The director was called after three more deals had been played. N/S had no agreement about 2NT with interference. East said that he would have bid 4♣ over 3NT had he known 2NT was a transfer to clubs since he actually was 6-5 and could have been 4-4.

The Ruling: The correct information would have been “no agreement”, not “shows clubs.” Such information would not make a substantial difference as to whether to bid again. Even had 4♠ doubled been the final contract, the likely result would have been N/S plus 500. The table result of 4♣ doubled by South making four, N/S plus 510 was allowed to stand. A one victory point procedural penalty was issued to N/S for not knowing its agreement in a common situation.

The Appeal: E/W appealed the director's decision. East, West and the N/S team captain attended the hearing.

E/W felt that they had received MI regarding the nature of the 2NT call. East stated he would have competed over 3NT with his 6-5 distribution, since his initial call had promised only 4-4. E/W was also concerned about the UI transmitted by the failure to alert 2NT

N/S's team captain said that, although they once played regularly, N/S have not played regularly in many years. Out of competition, they play 1N-2N as a relay to 3♣ for either a club signoff or a strong 4441. He felt that while they had that agreement, they had no agreement in competition. Therefore, there was no misinformation. N/S had no notes. In fact, since they had left the tournament, the committee did not even have a chance to look at their convention card.

The Decision: The committee felt there was both UI and MI. The UI clearly suggested that bidding 4♣ was likely to be successful. Passing was deemed to be a logical alternative by four of the members of the committee. The committee determined that the most favorable result that was likely (for the non-offending side) and the most unfavorable result at all probable (for the offending side), if East bid over 3NT, were the same: 3NT down two.

The committee also felt that the MI influenced East's decision to go quietly over 3NT. If each opponent had a balanced hand, bidding is far less attractive than if South had clubs and North had a club fit. The committee determined that the most favorable result that was likely (for the non-offending side) and the most unfavorable result at all probable (for the offending side), if East bid over 3NT, was the same score in a different contract, N/S minus 100 in 5♣ doubled down one

Taking both UI and MI into consideration, per Law 12C1(e) and Law 16B, the committee adjusted the result to 3NT by North down two, N/S minus 100 for both sides.

The procedural penalty issued by the director was left intact.

The committee determined that the appeal had merit.

The Committee: Danny Sprung (Chair), Chris Moll, Jacob Morgan, Tom Peters and Patty Tucker.

Commentary:

Goldsmith E/W were not misinformed. They were not told what 2NT was, which is appropriate, since N/S have no agreement.

UI, however, is a different story. When South bid 2NT, he thought they had the agreement that he was relaying to clubs (Walsh 3♣) - either long clubs or a 4441 hand. Presumably, 3NT shows AKxxx of clubs and hopes that 3NT will roll opposite queen-sixth and out. South has no reason to believe that won't work, so pass is a logical alternative. If North had been a weak player, one who is unlikely to think of a natural 3NT here, then 3NT would have been impossible and South would have authorized information duplicating UI. But North is good enough to think of that (sorry about the "faint praise!"), so South has to pass 3NT, which gets us to the committee's ruling. The procedural penalty is illegal and inappropriate.

Polisner

I disagree with the committee on virtually every issue. As far as MI is concerned, the director is required to presume MI when the hand does not comport to the explanation (or in this case, a lack of an Alert absent proof to the contrary). Of course, it is impossible to prove a negative so system notes, if they existed, would not likely discuss auctions not covered by a convention. So, if the agreement only applied to non-interference, I would not expect to see anything in their notes. Presumably, the director reviewed the convention card before rendering a ruling and he/she would have related what was revealed by the card - if asked by the committee. There is a good reason for not using 2NT as a transfer in a competitive auction as it then eliminates 2NT as a natural invitation if the pair does not use negative doubles in such auctions.

If there was no agreement, then South was on his own and no Alert is required. If asked by E/W, North should say, "We play 2NT as conventional with no competition, but undiscussed in competition."

However, if there was MI, East stated that he would have competed which results in a contract other than 3NT and more likely 4♥ doubled by West which should be presumed to be down one after a club lead, for plus 100 for E/W.

As far as UI, I suspect that when the issue of logical alternative is presented, that every peer would not sit it out in 3NT and thus 4♣ doubled would result.

Lastly, the issuance of a PP is ridiculous as such penalties should only be issued in egregious cases and a habit or pattern of such problems and not for what must be assumed is an isolated instance. We can't expect our players to be full time bridge players and have discussed every aspect of their system as well as tangential auctions in order to be able to avoid penalties.

Rigal

Don't like the combo of PP and score adjustment. I can buy into the decision (generous to non-offenders as opposed to some average of results). But it seems N/S really got the rough end of the stick here. Still not enough appeal without merit warnings being awarded. Appeal committees need to harden their hearts and not worry about appearing to be the bad guy (we are all guilty!).

Smith It's a bad day when AKQx of trumps opposite a partner bidding at the two-level is not enough to beat the opponents at the four level. I think the committee did a very good job here and corrected a director's ruling that does not seem to have considered the UI aspect of this situation as much as it should. I do like that the director assessed a penalty for N/S not knowing their methods in a common situation (as required by our conditions of contest). I like it even more that the committee retained the penalty even as they ruled against N/S.

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

Wolff A tiny version of convention disruption (CD) - maybe there is not such a thing. I would leave this one at plus 510 N/S since West was unlucky not to be able to set 4♣ on this layout and natural playing luck (NPL) should be considered. However, I would give a 2 victory point penalty to N/S to encourage them to learn the meaning of their bids, particularly when they are basically home brews.

Appeals at the 2009 SPRING NABC Houston, TX

FOREWORD

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

A total of twenty-two (22) cases were heard. Fourteen (14) cases were from unrestricted (by masterpoints) North American Bridge Championship Events and were heard by a committee of peers. The names of the players involved are included.

Eight (8) cases were from all other events and were heard by a panel (committee) of tournament directors. The names of the players involved are included when the event from which the appeal derived had no upper masterpoint limit or was a top bracket of a bracketed knockout event. When the names of the players are not used, the player's masterpoint total is included.

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

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

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

THE EXPERT PANEL

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

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

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

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

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

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

Non-NABC+ Appeals

Case Number

1. Unauthorized Information - Tempo
2. Unauthorized Information .
3. Unauthorized Information - Tempo
4. Illegal Bid
5. Unauthorized Information - Tempo
6. Misinformation
7. Unauthorized Information
8. Unauthorized Information - Tempo

APPEAL	Non-NABC+ One
Subject	Unauthorized Information (UI) - Tempo
DIC	Su Doe
Event	I.F. Stratified Open Pairs
Session	First
Date	March 11, 2009

BD#	26
VUL	Both
DLR	East

1,623 Masterpoints	
♠	K 6 5
♥	K 7 6 5
♦	A Q 8 3
♣	A 2

16,357 Masterpoints		Spring 2009 Houston, TX	22,078 Masterpoints	
♠	T 8 3		♠	Q 9
♥	T 9 8 2		♥	J 4 3
♦	9 4		♦	7 5 2
♣	Q T 7 3		♣	J 9 8 6 5
1,027 Masterpoints				
♠	A J 7 4 2			
♥	A Q			
♦	K J T 6			
♣	K 4			

West	North	East	South
		Pass	1♠
Pass	2♦	Pass	3♦
Pass	4NT	Pass	5♠ ¹
Pass	6♦ ¹	Pass	7♦
Pass	Pass	Pass	

Final Contract	7♦ by North
Opening Lead	♣6
Table Result	Made 7, N/S + 2140
Director Ruling	6♦ N made 7, N/S +1390
Panel Ruling	6♦ N made 7, N/S +1390

(1) Break in Tempo (BIT).

The Facts: The director was called at the conclusion of the auction and returned after the play of the hand. There was a BIT before South bid 5♠ and before North bid 6♦. South had misbid with 5♠, which showed 2 keycards with the ♦Q when she held three keycards without the ♦Q.

The Ruling: Pass was determined to be a logical alternative and the BIT demonstrably suggested bidding on. In accordance with Laws 16B1, 73C and 12C1(e) the result was adjusted to 6♦ by North making seven, N/S plus 1390 for both sides.

The Appeal: N/S appealed the director's decision and were the only players to attend the hearing.

South said that she thought briefly before bidding 5♠. North and South agreed to a BIT before North bid 6♦.

South said that she "woke up" about her misbid after West passed.

Both claimed that pass was not a logical alternative to pass as South had realized her mistake. He added that his slow 6♦ bid did not suggest bidding 7♦.

The Decision: It was unclear why South bid 5♠ - maybe three keycards? She said she did have the KJT of diamonds. As it is unclear when she realized her mistake, the slow 6♦ bid may have woke her up. Law 16B1(a) reads, "After a player makes available to his partner extraneous information that may suggest a call or play...., or by an unmistakable hesitation,....., the partner may not choose from among logical alternatives one that could demonstrably have been suggested over another by the extraneous information."

Therefore the panel upheld the director's adjustment to 6♦ by North making seven, N/S plus 1390 for both sides.

The appeal was judged to have merit.

The Panel: Tom Marsh (Reviewer), Harry Falk and Candy Kushner.

Commentary:

Polisner I disagree. This seems like the old "if it hesitates - shoot it." The BIT did not suggest bidding seven. As South held a key card not yet shown, he knew that North was not suggesting a grand. North may well have been contemplating 6♠ or 6NT, but not a grand. Table result stands.

Rigal My initial reaction was that the slow 6♦ bid woke up South to his error and thus the 7♦ bid should not be permitted. On balance I think that is a reasonable decision; but the slow 6♦ call does not really tell South anything. After all he knows he has shown the ♦Q so North is confused about the response, not what to do next. Still, since South might never have worked out his mistake were it not for the tempo, the ruling and panel decision are correct.

Smith This has become old hat and rightly well established by now as a routine ruling. The time spent by your partner hesitating before signing off cannot be used by you to alert you to the fact that you misbid in response to Blackwood. Despite the fact that the South hand is pretty impressive on the auction, I can't help but think that this South might well have woodenly passed if partner had bid 6♦ in tempo. If the ruling and the reasons for it were explained to the appellants they deserved an appeal without merit warning (AWMW).

Wildavsky I see no merit to the appeal.

Wolff Since either 7♦ or 7♠ is a poor contract (at best 40% since the queen of spades always has to be onside and in spades with them 3-2 plus in diamonds no 4-1 diamond break), the result should be considered normal playing luck (NPL) and that result counted for the non-offending side. Otherwise the non-offending side (who have done nothing worthy of deserving an automatic good result) has way too much the best of it, certainly taking their result if they beat the poor grand slam, and if not taking an average plus or better in committee. This, in a pair game, DOES NOT protect the field (PTF) and should be considered patently unfair to the game itself. The offending side who may have taken advantage of tempo to reach the grand slam should receive their lucky result but be penalized some number of match points, depending on what the panel or the appeals committee thinks they deserve, possibly, at least in this case, anywhere between 1/4 and 1/2 of a board.

The final result then serves all masters:

1. Caters to NPL (what our game is always about).
2. Penalizes culprits to the extent that they deserve, but does not eliminate the natural luck element which is always there.

Just one small step like this will have an enormous plus effect for all players who realize how logical this change will make our game.

APPEAL	Non-NABC+ Two
Subject	Unauthorized Information (UI)
DIC	Matt Koltnow
Event	Compact Knockout – Bracket One
Session	First Match
Date	March 14, 2009

BD#	35
VUL	E/W
DLR	South

Mark Lair	
♠	A K J T 7 4 3
♥	A
♦	K
♣	T 9 5 4

Norm Coombs		Spring 2009 Houston, TX	Scott Gates	
♠	Q 6		♠	5
♥	9 4		♥	T 8 6 5 3 2
♦	T 9 8 7 5		♦	J 4 3 2
♣	K J 6 3		♣	A 8

Marc Levine	
♠	9 8 2
♥	K Q J 7
♦	A Q 6
♣	Q 7 2

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

Final Contract	6♠ by North
Opening Lead	♣A
Table Result	Down 2, N/S - 100
Director Ruling	6♠ N made 7, N/S + 1010
Panel Ruling	6♠ N made 7, N/S + 1010

(1)	Game forcing.
(2)	Control showing bid.
(3)	Keycard Blackwood.
(4)	1 or 4 keycards.

The Facts: The director was called at the end of the match (this was the eleventh of twelve boards). In passout seat, over East's objections, West asked if 1♣ was precision.

The Ruling: West's question was UI (Law 16) to East. It clearly suggested a club lead. Five players from other teams in the top bracket were consulted and without the UI three led the ♣A but two led a heart. Thus, a heart was determined to be a logical alternative to the ♣A. The opening lead of a heart would result in N/S making an over trick. Therefore, score was adjusted to 6♠ by North, making seven, N/S plus 1010 for both sides using Laws 73F and 12C1.

The Appeal: E/W appealed and the team captain knew about it.

This was the penultimate hand in the match and South came up to the director after play of the final board to ask if he had cause for redress. There was no time to convene a normal hearing because the match was late finishing and the next match was underway.

The Decision: The panel accepted the facts as presented and ruled there was U.I. from the comment and that it demonstrably suggested a club lead would be more likely to succeed. Expert opinions showed that there was a logical alternative to the ♣A lead. Laws 73F and 12C1 thus require an adjustment to 6S by North making seven, N/S plus 1010.

Before he sat down for the next match West stated to the reviewer that he had asked his partner to lead face down and then immediately asked about the club bid (i.e. before East could lead), thus confirming the facts. The question appears superfluous because the auction was over, so West could not take action and he would see the club bidder's hand shortly after opening lead was made.

The appeal was clearly without merit, so an AWMW was considered. However, the case was started and finished with no time for reflection by the appellants, so none was given.

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

Commentary:

Polisner Very weird. West has been a top level player for 50 years and would certainly know that if 1♣ was Precision, there would have been an Alert. Correct ruling and decision.

Rigal I'm happy to see such actions penalized and would like West's behavior noted for the recorder (if there is one any more? *Note: Yes, there is!*). Not that there was malice – but people have to learn proper procedure. Under the circumstances I'll let the absence of an AWMW go uncriticized.

Smith I thought for sure that West in NABC+ case #11 asked the most dangerous question of the tournament, but that was before I saw this case. Let's see. I'm a very experienced player, 1♣ was not alerted, I'm in the passout seat to a slam with my partner about to be on lead, my club holding is KJxx, and I decide now is a good time to ask whether 1♣ is Precision? In order, I think the ruling should be 6♠ making seven, a severe procedural penalty, an AWMW, and a referral to the recorder.

Wildavsky Open and shut. I don't think we should ever hear an appeal without a signed appeal form. That way the appellants have acknowledged that they are in jeopardy of an AWMW, a poorer score than they had coming in, or both. It's not clear from the write-up whether a form was signed here.

Wolff Questions like this sometimes are just a crude attempt to help a partner's opening lead and it worked. Good decision.

APPEAL	Non-NABC+ Three
Subject	Unauthorized Information (UI) - Tempo
DIC	Matt Koltnow
Event	Compact Knockout – Bracket Four
Session	Fourth and Final Match
Date	March 14, 2009

BD#	13
VUL	Both
DLR	North

3,000 Masterpoints	
♠	Q 7 5
♥	K J 7 4
♦	K 6
♣	K J T 7

1,950 Masterpoints		Spring 2009 Houston, TX	3, 200 Masterpoints	
♠	A 3		♠	J T 6 2
♥	A 5		♥	Q T 6 2
♦	Q T 9 8 3 2		♦	4
♣	Q 6 2		♣	9 5 4 3

4,300 Masterpoints	
♠	K 9 8 4
♥	9 8 3
♦	A J 7 5
♣	A 8

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

Final Contract	3NT by North
Opening Lead	♦4
Table Result	Down 3, N/S - 300
Director Ruling	3NT N down 1, N/S - 100
Panel Ruling	3NT N down 3, N/S - 300

(1)	12-14 HCP..
(2)	Break in Tempo (BIT) – agreed.

The Facts: The Director was called at the end of the play of the hand. There was an agreed BIT by West before the pass over 2♣.

The Ruling: The BIT is UI and suggests a short suit lead. Law 16 prohibits using that information, so the staff looked at the hand after a more normal club lead. It appeared that 3NT would go down one, so the score was changed to 3NT by North down one N/S minus 100 under Laws 73F and 12C1.

The Appeal: N/S appealed and all players attended the review.

Three players agreed that the BIT was in the 12 second range, but East now said her partner always plays slowly and she did not think the BIT was unusual for his pace of play. East said she could not lead a spade or a heart. She said she would have to lead the ♣5 under their agreement and she was afraid that her partner would have trouble reading it. As a result she had to lead a diamond.

When asked why he thought the director's ruling was wrong, North said he thought he could always take nine tricks.

The original play had gone: ♦4 to the J, Q and K: ♠Q to the A, ♦T to the ace and a heart to the J and Q. This gave the defense a spade, two hearts and four diamonds.

The hand was replayed with a club lead. Declarer won the queen with the king, returned a club to the ace, a spade to the queen and then a spade to the 8 and ace. [note: North's original play of the ♠Q at trick two indicated he was intending to play East for at least the ♠J or ♠10, so this was not completely double dummy.] West got out with a club to the jack and declarer led a spade to the ten and king and then a heart. While West was considering what he should play E said 'Of course he will go up with the ace.' [note: East was strongly admonished for speaking out of turn, but if West ducks, it appears North will go down.] After some consideration, West agreed that he would play the ♥A and get out a heart. That was declarer's ninth trick, so he grabbed it and played the ♦K and ducked a diamond into West when East showed out (he then had a perfect count on the E/W hands), for ten tricks.

The Decision: The panel decided there had been an unmistakable break in tempo.

There were three questions the panel had to answer. First, was there an irregularity? That is did West's BIT demonstrably suggest a diamond lead would be more successful than a club? Was there damage as a direct result of the UI? Was declarer's play of the ♦J at trick one so bad that it broke the chain between the irregularity and the result?

East has about 3,200 masterpoints. Six players with similar experience were asked what they would lead on a 'clean' auction. All would have led a club. Then they were told about the slow pass over 2♣. Five said the BIT suggested a club lead. The sixth said it showed 1) clubs, 2) diamonds or 3) high cards, but no suit. None thought the BIT demonstrably suggested that a diamond lead would be more successful than a club.

Based on the peer group opinions the panel decided that there was no violation of Law 16 and reinstated the table result of 3NT by North, down three, N/S minus 300. There was no need to answer the other two questions.

The appeal was determined to have merit.

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

Commentary:

- Polisner** Based upon the methodology required by the Laws, the decision is spot on. If the UI did not suggest a diamond lead, then the diamond lead is fine.
- Rigal** I agree with the inference about the slow pass not suggesting a diamond lead. Too often we make these links (but to be fair again, maybe this is suitable for a recorder form?). Correct decision all round.
- Smith** I am a big believer in the polling system, so I must defer to the panel decision and agree with its decision based on the information available. But I must confess surprise. From my hand and the auction, I can tell that partner was not likely considering bidding a major. I also don't think he would have much of a problem passing with a balanced strong hand. So it's either clubs or diamonds, and my relative length tells me it is likely diamonds but not quite good enough to bid. For some reason it seems to me that if he had clubs he would either double or not, but not take such a long time deciding which to do. Perhaps I am swayed somewhat by the fact that this East led a diamond when a club seemed so normal to the polled players. Maybe he was more attuned to what the huddle meant than were the consulted players.
- Wildavsky** A tricky case. I can't fault either the director's or the panel's decision.
- Wolff** The outside players who were consulted on what they thought was the likely reason for partner's huddle, five out of six said they thought he had clubs. VERY NAIVE! When was the last time any of us held four clubs, had LHO use Stayman, waited while partner huddled and then passed and had the opponents not find an eight card major suit fit and wound up declaring 3NT? Partner had diamonds and everyone should have known it. It could be known as the no-risk overcall, since the opponents had no chance to double. It is naïveté like this which makes our process sub-standard.
Sure a club should be led and E/W should incur a rather substantial penalty since, although the jack of diamonds should not have been played at trick one, N/S possibly deserved their down one. E/W should probably receive their score for setting 3NT, but also a full board penalty or 12 IMP's for blatant use of UI. We could certainly use more experienced judgment on the panels. I am really disappointed in Charlie MacCracken for falling for this ruse, but he is a wonderful guy and a bleeding heart, but those are not good qualities for that position.

APPEAL	Non-NABC+ Four
Subject	Illegal Bid
DIC	Doug Grove
Event	Compact Knockout – Bracket Four
Session	Match Three - Semifinal
Date	March 16, 2009

BD#	1
VUL	None
DLR	North

1,111 Masterpoints	
♠	J T 9 5 4
♥	A T 9 6 3
♦	9 2
♣	Q

1,264 Masterpoints		Spring 2009 Houston, TX	1,169 Masterpoints	
♠	A 8 2		♠	K 3
♥	Q 5		♥	K J 8 2
♦	J 6		♦	T 7
♣	J 9 8 7 6 2		♣	A K T 5 3

1,767 Masterpoints	
♠	Q 7 6
♥	7 4
♦	A K Q 8 5 4 3
♣	4

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

Final Contract	4♠ by North
Opening Lead	♣A
Table Result	Made 4, N/S + 420
Director Ruling	4♣ E making 4, E/W +130
Panel Ruling	4♣ E making 4, E/W +130

(1)	Alerted and explained as 8+ HCP; may include hands that other pairs would open with a weak two-bid
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The Facts: The director was called at the end of the match. The facts are as noted above. N/S convention card is not marked for very light openings and the N/S pair did not pre-Alert their light one-level openings.

The Ruling: Although N/S's agreement is legal, Laws 40B1(a) and 40B2(a) establish an absolute minimum of 8 HCP for natural opening one-level bids. The director determined that E/W would likely have reached 4♣ and made it had the illegal 1♥ bid not started the auction. Even though E/W misdefended 4♠, they still did not recover their equity of playing 4♣. Therefore, the score was adjusted to 4♣ by East making four, E/W plus 130 for both sides.

The Appeal: N/S appealed the director's decision. All players attended the review. N/S said that without the 1♥ opening bid, South would double a 1♣ opening by East. North would bid 4♥ (Roman Jump Shift) over a 3♣ raise by West, showing that suit and the next higher suit. South would bid 4♠ reaching the same contract. E/W said that, without the 1♥ opening, East would open with 1♣. After a double, 1♦ or 2♦ by South, West would bid 3♣. Then, after 3♦, E/W would reach 4♣.

The Decision: Per ACBL Board Election 3, the opening bid with fewer than 8 HCP is disallowed. Per Law 40B5, when a side is damaged, the score shall be adjusted. E/W were damaged by the disallowed opening bid.

There were no system notes to support the statements that South would double 1♣ or that Roman Jump Shifts applied after a takeout double (the N/S convention card was marked "RJS" under overcalls).

Although no player polling occurred due to the time constraints of the compact KOP, the panel judged that South would likely overcall in diamonds rather than double and that, even with a responsive double of a club raise, 4♠ would not be reached. The panel determined that 4♣ by East making four, E/W plus 130 was both the most favorable result that was likely for E/W and the most unfavorable result that was at all probable for N/S. Therefore the director's decision was affirmed per Law 12C1(e).

The appeal was found to have merit.

The Panel: Jay Albright (Reviewer) and Nancy Boyd.

Commentary:

Polisner N/S appear to have more undisclosed understandings than very light opening bids. Why did North open 1♥ as opposed to 1♠? How did South know that North had five or more spades as opposed to bidding 3♦? Why didn't the director consider that East might have opened 1NT rather than 1♣ (after all he/she did overcall 1NT). However, with all of these issues, I would concur with the decision, but would have done more to investigate N/S or, at the minimum, submit a player memo to the recorder.

Rigal Well done both directors and panel for enforcing the law here. N/S's arguments were specious. (What was the defense to 4♠? I'm guessing that the defense to 4♠ was not so terrible that E/W should ever have been left with it, even if that was their best theoretical spot on the deal?)

Smith This looks to me like a classic case of a situation where the new Law 12C1(d) should be applied: "If the possibilities are numerous or not obvious, the Director may award an artificial adjusted score." What outcomes can be more numerous or less obvious than when the directors must assign a score starting with the cancellation of the opening bid on a hand with distribution of values where each side has about half the deck?

Wildavsky I see no merit to the appeal. Whether we should be in the business of regulating opening bid strength is a separate matter.

Wolff This type of hand needs the most reform.
I can just imagine the opening bidder, in the example here it is North, having AQJT98765432, void, void, T and deciding to open one spade, hoping to be doubled later in a high spade contract (at least a small slam) only to find out he violated ACBL policy by not having 8 high card points.
Editor's Note: The complete wording of the policy that was applied is: An opening bid of 1NT and an opening bid of one in a suit, which by partnership agreement could show fewer than 8 high card points, is designated a special partnership agreement. These two special partnership agreements are disallowed in all ACBL sanctioned events.
I guess he could have only wished for the singleton jack of clubs instead of the ten, making his bid legal, but how ridiculous can we get?
We need to monitor such rules and occasionally make (please forgive) subjective judgments about the intent of the opening bidder. As long as the opening bidder has some equivalent good distribution, we should allow opening the bidding (including the 5-5 in the majors on this hand) with substandard point count. It is only when foxes start taking advantage of their opponents with obvious collusion with their partners that we should stand tall and issue strong penalties such as probation or even suspensions to some whose main desire is to win at any cost. But to think that some subjectivity is not required is to deny reality.

APPEAL	Non-NABC+ Five
Subject	Unauthorized Information (UI) - Tempo
DIC	Mike Flader
Event	Stratified Open Pairs
Session	Second
Date	March 15, 2009

BD#	2
VUL	N/S
DLR	East

740 Masterpoints	
♠	A
♥	A K
♦	Q 8 6 5
♣	K Q 8 6 5 2

8,979 Masterpoints		Spring 2009 Houston, TX	2,095 Masterpoints	
♠	Q 7		♠	J 8 2
♥	9 8 7 6 5 4 3		♥	J T 2
♦	T 2		♦	A J 7 4
♣	A 4		♣	J T 9

2,320 Masterpoints	
♠	K T 9 6 5 4 3
♥	Q
♦	K 9 3
♣	7 3

West	North	East	South
		Pass	2♠
Pass	3NT ⁽¹⁾	Pass	4♠
Pass	Pass	Pass	

Final Contract	4♠ by South
Opening Lead	
Table Result	Made 4, N/S + 620
Director Ruling	3NT N down 3, N/S - 300
Panel Ruling	3NT N down 3, N/S - 300

(1) Break in Tempo (BIT).

The Facts: The director was called during the auction and again after the play of the hand. The director determined that there was an unmistakable hesitation by North prior to bidding 3NT.

The Ruling: The director judged that the BIT demonstrably suggested the 4♠ call over pass, which was considered to be a logical alternative. Therefore, using laws 12 and 16, the result was adjusted to 3NT by North down three, N/S minus 300 for both sides.

The Appeal: This appeal was unusual in timing and duration. The director was called during the auction. After consulting with other directing staff and getting opinions about the existence of a logical alternative to the action taken by South, a ruling was delivered. At almost the end of the appeal process, after the playing room had emptied, the North/South pair returned to the playing area and filed an appeal. The director attempted to reach the reviewer on duty, but was only able to leave a message. No signature was acquired for the appeal form. The non-appealing side was not available for consultation. The reviewer received the information at approximately midnight and was able to convene a panel, even though a screening had not been held. The panel reviewed the facts, as presented, and agreed that unless the screening disclosed information already available they were prepared to make a decision on the appeal.

The Decision: The panel upheld the director's ruling, citing Law 16 – Authorized and Unauthorized information. Because the ruling was upheld and the non-appealing side was never aware of the appeal, they were not contacted. When contacted, the appellants had questions about the process and how the adjustment was established. As is frequently the case, the appellants had difficulty with the concept of “logical alternative” and restrictions that might be placed on the partner of the player who had made UI available. The appellants were unable to see that the break in tempo created UI and, therefore, did not understand why an adjustment was necessary.

The Panel: Nancy Boyd (Reviewer) – the remainder of the panel to be added later.

Commentary:

Polisner I am not comfortable with the process. Why couldn't the decision have been deferred until the morning if there was a need for further information to make sure that the best ruling was made? However, I think that the ruling and decision are reasonable.

Rigal Although I have a little sympathy for South, who had an extra spade for the auction; South took that into account when opening 2♠ in the first place.
Given that, South's hand was unremarkable. So, the question is whether the slow 3NT bid demonstrably suggested bidding 4♠ would be more successful than passing. I think it did; had North had a singleton small spade and six solid clubs the 3NT call would not have been slow.
I agree the director ruling and panel decision; in the circumstances it is acceptable to give no appeal without merit warning (AWMW). Without those circumstances, it would have been clear to award one.

Smith I don't think we should be hearing appeals when none of the principals is present. Either the N/S pair should have been told that their appeal could not be heard in the usual way without disturbing the orderly progress of the tournament (Law 93A), or better yet the appeal should have been delayed if possible until the following day after an attempt had been made to find the opponents and do it right. A bidding poll should have been taken by the panel if it was not, but I can't believe that most if not all would have passed 3NT with the South hand and that the slow 3NT bid expressed doubt about that being the best contract. A poll on the play to 3NT might also have proved useful. It's not so clear to me what the likely result of 3NT would be. That should have been polled as well. All in all, it seems that the unusual circumstances of this case caused the panel to be needlessly rushed and the process and perhaps the result may have suffered as a consequence.

Wildavsky No merit, and no reason to hold a hearing at all without a signed appeal form. I appreciate that the directing staff were trying to do their best, but I don't think anyone's interest is served when we cannot follow our standard procedures.

Wolff Regardless what I think of the merit of this decision, one caveat is clear. This case, because of its relative simplicity, MUST be officially noted and used as a PRECEDENT for future committees. Nothing else other than a slow 3NT bid by South to a weak two in a major was present. Yes, South might have been considering bidding a long suit (even hearts) or possibly considering making a slam try in some denomination instead of merely keeping a 4♠ bid in the mix, but because of the "slow 3NT" a correction to 4♠ was disallowed. One thing is for sure is that the responder didn't have a void or small singleton in spades, a long almost solid seven card suit (probably a minor) and stoppers in the other two suits making a slow 3NT an unlikely event. This committee ruled that was UI and not allowed. The one question which should be discussed is whether a "very fast" 3NT should be open to question and hence "overrule". Whether the decision is good, bad, or medium is not nearly as important as what the decision was. Other committees MUST be required to consider this panel's decision otherwise our process is WORTHLESS. For what it is worth I am not sure what I would rule. There is some logic on both sides, but whatever I am in favor of is not important, only that this panel, and the names making the decision need to be mentioned, should be in neon to all future panels, tournament directors and appeals committees. Otherwise our process is nothing more than put and take. To not make it a precedent is to totally disrespect the real people who were on this committee.

APPEAL	Non-NABC+ Six
Subject	Misinformation (MI)
DIC	Dan Plato
Event	Stratified open Pairs
Session	Second
Date	March 18, 2009

BD#	11
VUL	None
DLR	South

4,330 Masterpoints	
♠	Q T 6 3
♥	9 7 3
♦	A 9 6 3 2
♣	8

4,882 Masterpoints		Spring 2009 Houston, TX	1,917 Masterpoints	
♠	9 4		♠	A K 2
♥	K J 4		♥	A Q T 6 2
♦	Q 7 5		♦	T 4
♣	9 7 5 4 2		♣	Q J 6

274 Masterpoints	
♠	J 8 7 5
♥	8 5
♦	K J 8
♣	A K T 3

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

Final Contract	2♠ by South
Opening Lead	♥4
Table Result	Made 2, N/S + 110
Director Ruling	3♥ E down 1, E/W - 50
Panel Ruling	3♥ E down 1, N/S + 50 for N/S 2♠ S made 2, E/W - 110 for E/W

(1)	10-13.
(2)	Alerted and explained as “No more than invitational values, I treat as Stayman.” E/W heard “Invitational values, I treat as Stayman.”

The Facts: The director was called as dummy was tabled and returned after play of the hand was completed. The room was noisy and North said as above (with South hearing it as North says he said it) and E/W not hearing the “no more than.”

The Ruling: The director judged that if East had heard the no more than invitational, he would have reopened with a double. Therefore, the score was adjusted for both sides to 3♥ by East down one, E/W minus 100.

The Appeal: N/S misunderstood the explanation. In a noisy playing area, South gave what she described as her “canned” statement about 2♣, which is “No more than invitational values, I treat as Stayman.” E/W did not hear the “No more than” portion of the explanation so the statement became “Invitational values, I treat as Stayman.” All four players attended the screening and the pairs made the following points: N/S felt they had fulfilled the obligation to Alert and explain their agreement and that the North’s pass over 2♠ revealed that there was something else happening in the auction. East believed that competing to 3♥ was too dangerous based on the presumption of the placement of outstanding HCP. East believed that even with invitational values, the placement of high cards might have caused North to pass 2♠.

The Decision: Law 40B4 reads:

“A side that is damaged as a consequence of its opponents’ failure to provide disclosure of the meaning of a call or play as these Laws require is entitled to rectification through the award of an adjusted score.”

League regulations do not require an alert of 2C, Stayman, but once it was alerted, South must be sure her explanation is clearly enunciated.

Three players with approximately the same masterpoint holding as West were consulted. All would have bid 3♥ as over 2♠. West’s failure to trust partner’s overcall led to his side’s poor score.

The panel also believed that South was culpable for failing to ensure that E/W clearly heard the explanation, which probably influenced West’s bidding.

The panel decided to give a two-way result: 3♥ by East down one, N/S plus 50 for N/S and 2♠ making two, E/W minus 110 for E/W.

The panel decided to issue an appeal without merit warning (AWMW) to N/S because, at the time of the appeal, the reviewer explained to all four players that the results of the appeal would have no impact on placement or masterpoints of either side but the appeal was not withdrawn.

The Panel: Nancy Boyd (Reviewer), Charles MacCracken and Jean Molnar.

Commentary:

Polisner How can South ever insure that E/W hear the explanation other than requiring them to repeat what he/she had explained? Should we assume that N/S were playing Carter Stayman, which is what the explanation would imply? In such a case, 2♣ would not require any alert and the auction would have proceeded exactly the way it would. Was N/S playing Garbage Stayman? I think that there was sufficient information available to E/W to have allowed the table result to stand as East should have known that if North had invitational values that he would either raise 2♠ to 3♠ or bid 2NT.

I object to the issuance of an AWMW based upon the impact of the results of the appeal on placement or masterpoints. Players are entitled under the Laws to pursue an appeal if they believe the ruling is incorrect regardless of the placement issue.

- Rigal** I'm not sure about the AWMW given the panel's adjusted result for E/W with which I agree, given West's failure to play bridge. I'd be very interested for official guidance here on the AWMW!
- Smith** I think adjusting the N/S score downward is correct according to Law 12. I'm not as sure about denying relief to E/W, especially given the wording of the new Law 12B1: "The objective of a score adjustment is to redress damage to a non-offending side and to take away any advantage gained by an offending side through its infraction. Damage exists when, because of an infraction, an innocent side obtains a table result less favorable than would have been the expectation had the infraction not occurred-but see C1(b) below."
Law 12C1(b) states: "If, subsequent to the irregularity, the non-offending side has contributed to its own damage by a serious error (unrelated to the infraction) or by a wild or gambling action, it does not receive relief in the adjustment for such part of the damage as is self-inflicted. The offending side should be awarded the score that it would have been allotted as the consequence of its infraction only."
Although poor, I don't think the failure to raise to 3♥ is bad enough to trigger 12C1(b). I suppose we could say that damage existed not because of the infraction but instead because of the judgment of West in not raising to 3♥. That at least fits into the law better in this case than applying 12C1(b). It was easier in the old laws to justify not protecting a pair from damage due to their own unusual misjudgment after misinformation since damage was not specifically defined, and Law 40C simply said: "If the Director decides that a side has been damaged through its opponents' failure to explain the full meaning of a call or play, he may award an adjusted score." Under that law, it was easier to simply say that damage was a result not of misinformation but instead of poor judgment by a player after the misinformation was given. I worry that a too strict interpretation of the new Law 12 will lead us to give undeserved score adjustments to pairs in cases where the damage was much more a result of their quirky judgment than a direct result of the misinformation.
- Wildavsky** I like the rulings. I disagree with the rationale for the AWMW. A pair has a right to an appeal if they believe that justice was not done, regardless of the effect on their score.
- Wolff** E/W has no one to blame but themselves. West should have raised his partner's overcall, but even if not East should continue with either 2NT or even double. (I prefer 2NT) at his second turn. I do like the two way nature of the verdict since protect the field (PTF) was practiced, but here I do not think N/S should be subjected to a score adjustment.

APPEAL	Non-NABC+ Seven
Subject	Unauthorized Information (UI)
DIC	Millard Nachtwey
Event	Red Ribbon Pairs
Session	First Qualifying
Date	March 19, 2009

BD#	17
VUL	None
DLR	North

1,331 Masterpoints	
♠	J 2
♥	A K J T 3
♦	A Q 5
♣	Q J 4

1,356 Masterpoints		Spring 2009 Houston, TX	1,514 Masterpoints	
♠	K Q		♠	9 6 5 3
♥	7		♥	Q 9 6 5
♦	K J T 9 8 3		♦	6 2
♣	K T 9 7		♣	A 8 2

1,264 Masterpoints	
♠	A T 8 7 4
♥	8 4 2
♦	7 4
♣	6 5 3

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

Final Contract	3♦ doubled by W
Opening Lead	♥A
Table Result	Down 1, E/W -100
Director Ruling	3♥ N down 1, N/S -50
Panel Ruling	3♥ N down 1, N/S -50

(1)	The double card was played with extra emphasis by snapping on the table.
(2)	Alleged break in tempo (BIT).

The Facts: A director (unknown) was called at the end of the auction. At the end of the session E/W asked the DIC for rectification. E/W did not agree that South broke tempo. However, N/S did not disagree with the fact that North played the double card with extra emphasis.

The Ruling: The director determined that there was UI and that it demonstrably suggested a pass over 3♥, which was judged to be a logical alternative. Therefore, in accordance with Laws 16 and 12C1(e), the result for both sides was adjusted to 3♥ by North down one, N/S minus 50.

The Appeal: N/S appealed the director's decision and all four players attended the review. N/S stated that the double is strictly penalty in their methods. South stated that the ♠A is a sure trick.

Three player with about 1,300 Masterpoints were polled. One player got confused and forgot that partner had freely bid hearts twice. This player passed the double. Both other players bid 3♥ firmly without too much consideration.

The Decision: As law 16 prohibits a contestant choosing among logical alternatives one that was demonstrably suggested by UI and both 3♥ and pass are logical alternatives with pass being demonstrably suggested, the panel upheld the director's decision to adjust the result to 3♥ by North down one, N/S minus 50 for both sides.

The appeal was considered to have merit.

The Panel: Bill Michaels (Reviewer), Jay Albright and Mike Flader.

Commentary:

Polisner I guess that the disputed BIT by South was intended to imply that South had a difficult decision about passing or bidding 3♥ to show that North's double did not imply a claim to defend rather than something like KJX, AKXXXX, A, Kxx in which case 4♥ is indicated. In my opinion, the panel should have required 4♥ doubled as the final contract for minus 300.

Rigal At this vulnerability, the appeal has no merit. North should have been made to think twice about bringing this appeal given his behavior. Probably a procedural penalty (PP), rather than an appeal without merit warning (AWMW).

Smith Did E/W really deny that South hesitated before passing the double while N/S claimed it happened? If so, that just confirms that bidding 3♥ was a logical alternative. But I suspect that the write-up is wrong and E/W said that South hesitated. In any case, the panel polling confirms that pass is a logical alternative. The N/S contention that double is penalty in this sequence was correctly given little weight since it is an unusual agreement and apparently not documented. So this case was clearly decided correctly. N/S brought nothing new to the table and should have been given an appeal without merit warning (AWMW).

Wildavsky I fail to see the merit.

Wolff Again inexperience has taken hold of the decision makers. North's double (unethical or not) implies the expectation of taking five defensive tricks in one's own hand and that plus the unknown (to North) ace of spades in partner's hand will result in plus 300 for the defense which will beat all part scores. North's loud double can easily (and probably should) be penalized with a 1/4 to 1/2 of a board match point penalty and then all masters are again served (obviously the overall goal).

APPEAL	Non-NABC+ Eight
Subject	Unauthorized Information (UI) - Tempo
DIC	Su Doe
Event	Stratified BCD Pairs
Session	Second Session
Date	March 21, 2009

BD#	31
VUL	N/S
DLR	South

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

1,023 Masterpoints		Spring 2009 Houston, TX	1,924 Masterpoints	
♠	3		♠	Q J T
♥	K T 7 6 3		♥	4 2
♦	K J T 9 3		♦	Q 7 5 2
♣	9 8		♣	A 6 5 4

385 Masterpoints	
♠	A 9 5 4 2
♥	J 9 5
♦	6
♣	K J T 7

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

Final Contract	4♠ by North
Opening Lead	♥2
Table Result	Made 5, N/S +650
Director Ruling	3♠ N made 5, N/S +200
Panel Ruling	3♠ N made 5, N/S +200

(1)	Transfer to spades.
(2)	Slow.

The Facts: The director was called after the break in tempo (BIT) and again after the play was concluded. There was agreement on the BIT. Later, tried to explain why she had a problem. South

The Ruling: The director determined that pass and 4♠ were both logical alternatives and that 4♠ was demonstrably suggested by the BIT. Therefore, per Laws 16B1 and 12C1(e) the result was adjusted to 3♠ by North making five, N/S plus 200 for both sides.

The Appeal: N/S appealed the director's decision. All four players attended the review; however, no new facts or arguments were presented.

Ten peers of North were polled. Eight passed 3♠ and the two that bid said they would pass if there was a BIT. Five peers were asked what the BIT meant? Two thought the BIT showed only 5 spades. Two said it showed indecision between 3NT and 4♠. One thought partner had made the wrong bid (maybe hearts) and couldn't figure out how to recover.

The Decision: In light of the polling, the panel determined that this North clearly thought the BIT suggested extra strength (i.e. demonstrably suggested bidding on). Therefore, the director's decision to adjust the result, for both sides, to 3♠ by North making five, N/S plus 200.

The appeal was determined to have merit.

The Panel: Tom Marsh (Reviewer), Mike Flader, Bill Michael and Gary Zeiger.

Commentary:

Polisner What does a slow 3♠ bid suggest to a player with 79 masterpoints? How do you actually find peers? How many days and years did it take for North to accumulate all those masterpoints? It seems reasonable to assume that South was also thinking of passing 2♠ and stretched to bid 3♠. It seems obvious to me that the results of the poll reflect the total randomness of getting opinions from players at this level. I would have left the table result as the decision on the basis that the BIT did not suggest bidding game with the North hand which on a very good day would make 12 tricks.

Rigal A ridiculous ruling and decision. Slow 3♠ call implies an unsuitable hand for the action but whatever it is North can't work out what that might be and so no damage (and maybe with four trumps has an accept whatever it is).

Smith Why does a slow 3♠ demonstrably suggest bidding 4♠? Why can't partner just as easily have a hand where he was considering passing 2♠? Or bidding only 2NT instead of 3NT if he had only five spades? The fact that the two who bid said they would pass if partner hesitated makes me wonder about what questions they were asked and if those questions were relevant. They most definitely should not have been asked what they would do if partner hesitated before he bid 3♠. But maybe I am just looking for a reason to be skeptical of the poll result since I disagree with it so strongly.

Wildavsky I agree that the appeal had merit – it's not clear to me what the BIT suggests. Kudos to the panel for asking exactly that in their second poll.

Wolff Why in the world would a slow 3♠ raise show more than a fast or in tempo one? He may be thinking of passing, bidding 2NT or even jumping to game.

After all he only has 385 masterpoints which possibly all were awarded because he was on the winning team of one match in the category 5 portion of the bracketed KO. While many of the decision makers were probably influenced by North only having 15 HCPs he did have four trumps (my guess is that the 4th trump is worth about 3+ HCPs in the play and the fit turned out to be as good as it gets (ace opposite the singleton Qxx opposite KJ10x and even the jack, nine opposite AQ8 with both the KT onside, although not necessary) Trumps didn't even break but this 24 HCP game still made an overtrick.

No really good experienced bridge warrior would be the least surprised, but how can directors begin to realize the above and act on it?

Unfortunately I do not see an improvement about to happen unless the ACBL beefs up its expertise we are relegated to more and more decisions like this one.