

**2009 Fall NABC
Appeals Casebook**



Appeals at the 2009 FALL NABC San Diego, California

FOREWORD

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

A total of thirty (30) cases were heard. Seventeen (17) 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.

Thirteen (13) 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.

APPEAL	NABC+ ONE
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Bobby Nail LM Open Pairs
Session	Second Qualifying
Date	November 27, 2009

BD#	1
VUL	None
DLR	North

Ahmed Sorathia	
♠	Q 9 7
♥	A Q T
♦	A 7
♣	A K T 4 3

R. J. Becker		Fall 2009 San Diego, CA	Bobby Levin	
♠	8 2		♠	A K J T 6 4 3
♥	9 6 3		♥	K 4 2
♦	K Q T 8 5 2		♦	6 3
♣	8 5		♣	9

Atsuko Kurishima	
♠	5
♥	J 8 7 5
♦	J 9 4
♣	Q J 7 6 2

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

Final Contract	3NT by N
Opening Lead	♠A
Table Result	Made 3, N/S +400
Director Ruling	3♠ E down 1, E/W -50
Committee Ruling	3NT N made 3, N/S +400

(1) Break in tempo (BIT) of 5-7 seconds.
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The Facts: The director was called during the hand and again after the play was completed. South said “her bids are always slow.”

The Ruling: The director determined that there was a BIT that demonstrably suggested the 3NT bid and that pass was a logical alternative. Therefore, he adjusted the result for both sides to 3♠ by East down one, E/W minus 50 – Laws 16A2 and 12C1(e).

The Appeal: N/S appealed the director's ruling. North, South, and West attended the hearing.

N/S said that they play automatic reopenings. Their convention card is marked "Auto reopenings over 1x-2y-Pass-Pass."

North said he didn't notice a hesitation and South said she didn't take very long. West said East thought it was longer than five seconds. West said South took some time but not a long hesitation. North said he would not have reopened if he thought South hesitated. West felt East might make 3♠ if the defense were not perfect. Also, West thought South would not have taken five seconds with nothing.

The Decision: The committee determined that a 5-7 second hesitation in a pressure auction did not transmit UI. Therefore, the committee found no irregularity and restored the table result of 3NT by North making three, N/S plus 400.

The Committee: Aaron Silverstein (Chair), Michael Huston, Gene Kales, Jacob Morgan and David Stevenson.

Commentary:

Goldsmith Oops. Of course South broke tempo. Look at her hand. Look at North's hand. Which one doesn't scream that there was a BIT? Why didn't the committee ask, "what would double by South have meant?" Obviously, they must be playing penalty doubles or South would have doubled in tempo, but isn't that important to know?

What's the correct score adjustment? I think it'd take particularly poor defense to let 3♠ make. To beat 3♠, North has to duck one round of diamonds. If he's in later, he has to cash the ♦A once dummy is dead. Neither is at all unnatural. 3♠ is going down one. How did 3NT make? I'd like to know the defense. If it was something really goofy, E/W keeps their minus 400; if it was something reasonable, they are minus 50. Regardless, N/S are plus 50.

This appeal had no merit whatsoever. N/S deserve an AWMW and a 1/4 board procedural penalty for blatant misuse of UI.

Polisner I would have gone with the director's ruling as it appears that N/S made up the story about the automatic reopening or else why didn't they tell the director before the ruling was made. However, without that credibility issue, the committee would have been correct by finding that there was not an unmistakable BIT which is the first requirement to get an adjusted score.

Rigal I'm unconvinced that there is any 'balanced' hand worth this action. If they play automatic re-openings then why did South not double 3♠ for take-out? If double is NOT take-out, then you can't play automatic reopenings. Here it looks to me as if South DID pause –just judging from the hand -- so North is barred. The play in 3♠ is likely but not by any means sure to lead to down one – the defenders have to be a little careful. There might well be a case for a less favorable result for N/S here than plus 50.

Smith I was shocked with this committee decision at the time, and I still am. Everything about this case screams that something happened to give N/S a potential advantage: South's obvious problem over 3♠; the E/W director call; and North's bid of 3NT on an average (even under-strength in terms of HCP) hand for his previous bid. This decision is depressing.

Wildavsky Three seconds seems about right for a pass on this auction. Five or six seconds would be quite long. Sure enough, South has a maximum pass. I can't imagine why E/W did not call the director after the 3NT bid, but it ought not have mattered. N/S's claim that they play "automatic" reopenings, and that the agreement applies to this auction, if anything ought to have hurt their case. It is contradicted both by the fact that they did not Alert South's pass as forcing and by North's contention that he would have passed had he thought South had hesitated.

An appeals committee can assert that players ought to take their time on certain auctions no matter what their hand. Alas, most players don't. I've found that players at the table are reasonably good judges of their opponents' proclivities in this regard. In my experience few players call the director to report a break in tempo when there was none, especially when the call is timely. If any developed this habit it would come to our attention quickly.

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

Wolff I agree that because of the hesitation (although controversial) and questionable rejoinder of "so called automatic re-openings, especially on this sequence" would rule N/S back to plus 50 vs. 3♠, but, because of what I consider a normal defense to 3NT (A top spade and then a shift to diamonds, which would lead to a three trick set if declarer tried to make the hand via the heart finesse or even down four if declarer wanted to save a club entry in case the heart finesse worked, but only a two trick set if declarer played conservatively), because this is matchpoints, a dual result would be appropriate, N/S plus 50 defeating 3♠ one trick, and E/W minus 400. All of our masters would thus be served:

1. Average or less (on a total basis) would be given out on that board.
2. The field would be protected in this match point event,
3. Proper, or at least winning bridge play, would be discussed and rewarded.
4. Appellants would be reminded that in order to seek redress it would be a good idea to come into committee with "clean hands", rather than face the music of not having defeated 3NT.
5. Both directors and committees would be encouraged to be more thorough than they sometimes are.
6. Justice would ultimately triumph which is very necessary if we want all players to eventually succumb to the integrity of our process.

APPEAL	NABC+ TWO
Subject	Unauthorized Information (UI)
DIC	Henry Cukoff
Event	Bobby Nail LM Open Pairs
Session	First Qualifying
Date	November 27, 2009

BD#	30
VUL	None
DLR	East

Carolyn Timmerman	
♠	Q 7 3
♥	J 8 7 5
♦	J 5 3
♣	K 9 5

Linda Friedman		Fall 2009 San Diego, CA	Dan Friedman	
♠	T 6 2		♠	J 9 5
♥	Q 4 3		♥	A K T 6
♦	Q 9 4 2		♦	A K T 6
♣	8 4 2		♣	A 3

Cherif Khoury	
♠	A K 8 4
♥	9 2
♦	8 7
♣	Q J T 7 6

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

Final Contract	3♠ by S
Opening Lead	♦2
Table Result	Down 1, N/S -50
Director Ruling	3♦ E made 3, E/W +110
Committee Ruling	3♠ S down 1, N/S -50

(1)	Before passing, North reached toward bid box, pulled her hand back and thought briefly.
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The Facts: The director was called after the 3♠ call and again after the play of the hand was completed. The director determined that North's actions noted above were UI, which arose from her body actions and not so much from her tempo.

The Ruling: The director judged that the UI demonstrably suggested action over inaction and that a pass over 3♦ was a logical alternative for South. Therefore, he adjusted the result for both sides to 3♦ by East making three, E/W plus 110.

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

East maintained that North moved her hand toward the bidding box, withdrew her hand, and then reached for and pulled out a pass card.

The Decision: The committee determined that North had a physical handicap that prevented her from reaching the pass card on her first try, and that accordingly there was no UI. With no infraction there was no basis to adjust the score. The table result of 3♠ by South down one, N/S minus 50 was restored for both sides.

The Committee: Richard Popper (Chairman), Dick Budd, Ellen Kent, Barry Rigal and Riggs Thayer.

Commentary:

- Goldsmith** The basis of the ruling is impossible to judge from a distance, but seems weird. North has a handicap that requires her to think with her hands? And didn't say something at the table when it caused a problem? And didn't tell the director when he was summoned? Can anyone imagine E/W's even calling the director if North had just said, "sorry, I'm having trouble with my hands?" On the other hand, it looks as if North didn't, in fact, have anything to think about.
I wonder why East didn't double 3♠. Five quick tricks, a trump piece, a non-preempting partner, and they can make it? If so, they can make it doubled. If 100 and 110 were exactly the same matchpoints (they almost certainly were not), it'd be reasonable to maintain E/W's score at minus 50 for the failure to double. If, as seems very likely, minus 110 was far worse than minus 100, then East's failure to play bridge was not the reason for his bad score, so he gets protection, assuming, of course, that there was UI.
- Polisner** No UI - no adjustment.
- Rigal** However bizarre you might think the 3♠ bid is, the descriptions by the players of what happened at the table all suggested that in fact North had not behaved in a way to suggest that a bid of 3♠ by South was more attractive than it was (viz., not at all!). And the North hand suggests no reason to pause. While the combination of 'hitch' plus aggressive bid might appear to make a prima facie case for adjustment, North did not reach towards a bid (as opposed to a pass) and did not bid out of tempo.
- Smith** I would need more information before I agreed with the committee on this case. If North did actually reach for the bid box and move her hand away before going back for the pass card, I can't see how that doesn't transmit UI even if North has some sort of handicap. Did the committee decide that East was wrong in describing what happened? Why did the director believe it to be true? While we are at it, I would have liked to hear South's rationale for that remarkable 3♠ bid.

Wildavsky I'd like to know more about this case. The committee's judgment seems unremarkable, but if the table action was due to a physical handicap I'd have expected the director to rule the same way. One way or another something doesn't add up.

Wolff A really weird one since neither North nor South, according to their hands, had the slightest reason to compete to the three level, but because of the opponent's hands and slight misdefense they only went down one. Might East have doubled at matchpoints and then beaten it two? Because of that conflicting evidence I would let the table score count minus 50 N/S in 3♠.

APPEAL	NABC+ THREE
Subject	Misinformation (MI)
DIC	Henry Cukoff
Event	Bobby Nail LM Open Pairs
Session	First Qualifying
Date	November 27, 2009

BD#	15
VUL	N/S
DLR	South

Ishmael Delmonte	
♠	A J T
♥	J 8 7 5
♦	J 6 5
♣	Q 9 2

Bev Drill		Fall 2009 San Diego, CA	Arnold Drill	
♠	8 6 4		♠	5
♥	A 4 2		♥	9 6 3
♦	K Q 8 4		♦	A 9 3 2
♣	K T 5		♣	A J 8 7 3

Ashley Bach	
♠	K Q 9 7 3 2
♥	K Q T
♦	T 7
♣	6 4

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

Final Contract	3♦ by W
Opening Lead	♦6
Table Result	Making 5, E/W +150
Director Ruling	3♦ W made 5, E/W +150
Committee Ruling	4♦ W made 5, E/W +150

(1)	8-11 HCP and 6 spades.
(2)	E/W agreement is minors. There was no Alert.

The Facts: The director was called at the end of the auction. North said that he would have bid 3♠ with the correct information.

The Ruling: There was misinformation. In the director's judgment the MI did not result in damage. Therefore, in accordance with Laws 21B3 and 75B the table result of 3♦ by West making five, E/W plus 150 was allowed to stand.

The Appeal: N/S appealed the director's decision. North was the only player to attend the hearing.

North explained that it was far less attractive to bid 3♠ over a natural 2NT call. In 3♠ declarer would know how to locate cards after the unusual notrump. He thought his opponents would never double 3♠ and any trump finesse was likely to work.

The Decision: The committee judged that there was a reasonable case that North-South had been damaged by the MI. North might well have bid 3♠ after a timely Alert. However, that call was not likely to end the auction.

A case could be made that the player who bid only 3♦ would not bid 4♦ but the main negative of West's hand, the three small spades, would be ameliorated by the spade raise. The committee judged that 4♦ making five was both the most favorable result likely for N/S and the most unfavorable that was at all probable for E/W. Thus the committee adjusted the result for both sides to 4♦ by West making five, E/W plus 150.

The committee determined that the appeal had substantial merit.

The Committee: Richard Popper (Chair), Dick Budd, Ellen Kent, Barry Rigal (Scribe) and Riggs Thayer.

Commentary:

Goldsmith The basis for the ruling seems sound. N/S's score is easy; it is surely not likely that West would sell to 3♠. Is it at all probable? It's a 4333 12-count. Partner bravely balanced them up to a level we might beat. Nah. In fact, it's closer to a 5♦ bid than a pass now that we suspect partner is short in spades.

Polisner I don't think that North did enough to protect himself before passing 3♦. An international player of North's stature should appreciate that a 3♦ bid is likely to be a transfer which would have required an Announcement or an Alert. I would have retained the table result for the reason that the UI did not cause damage and not what the rest of the auction might have been.

Rigal Even if MI was properly established and damage from that MI, how could N/S really believe that West would let 3♠ play? The committee felt this was closer to a frivolous appeal and an appeal without merit warning (AWMW) than an adjustment.

Smith I think the committee did a good job on this case.

Wildavsky I prefer the committee's ruling to the director's, even though both led to the same score. After the director's ruling N/S could rightly feel put upon. After the committee's I hope they'd feel their case was given proper consideration, even if they didn't agree with the ruling.

Wolff Correct decision, but little to be learned since most roads led to the table result.

APPEAL	NABC+ FOUR
Subject	Misinformation (MI)
DIC	Harry Falk
Event	Marsha May Sternberg Womens' BAM
Session	Second Qualifying
Date	December 29, 2009

BD#	18
VUL	N/S
DLR	East

Joanna Stansby	
♠	5
♥	K Q 9 8 5 2
♦	K 8
♣	Q J 8 4

Jill Meyers		Fall 2009 San Diego, CA	Jill Levin	
♠	J 8 6 2		♠	T 9 4 3
♥	J T 4		♥	A 7
♦	A		♦	Q J 6 5 4 2
♣	A K T 6 2		♣	3

Pam Wittes	
♠	A K Q 7
♥	6 3
♦	T 9 7 3
♣	9 7 5

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

Final Contract	4♠ doubled by West
Opening Lead	♥K
Table Result	Down 1 E/W -100
Director Ruling	3♠ W made 3, E/W + 140
Committee Ruling	3♠ W made 3, E/W + 140

(1)	Intermediate.
(2)	A doubleton heart and willingness to compete.
(3)	May show extra values by distribution as well as by additional strength.

The Facts: The director was called when dummy first was displayed and again after the hand. 2♥ was not Alerted. East claimed that she would pass 3♠ with correct information. Peer polling indicated that many Easts would not bid game regardless of the meaning of 2♥, but those who did bid game on the un-alerted auction all considered not bidding with the correct explanation and some said they would not bid.

Before play continued East and West away from the table said they would have doubled and bid 3♠ respectively with the correct information.

The Ruling: The director judged that there had been misinformation and that E/W were damaged because of it. Therefore, the result was changed to 3♣ by West making three, E/W plus 140 for both sides.

The Appeal: N/S appealed the director's decision. Only North and West attended the hearing.

North said that she had no objection to rolling back the contract to 3♣. She had appealed because she believed that a trump lead was clear-cut against 3♣ but not against 4♣, and she explained her reasoning.

The Decision: The committee determined that there was no disagreement about the facts as presented and concluded that East would likely have passed 3♣ with the correct information.

The committee did not agree that a trump lead was likely against 3♣.

The committee ruled as the TD had and adjusted the score for both sides to 3♣ by West making three, E/W plus 140.

The committee determined that N/S had no reasonable basis for an appeal and so issued an appeal without merit warning (AWMW) to North and South.

The Committee: Jeff Meckstroth (Chair), Gene Kales, Ellen Kent, Ed Lazarus and Chris Moll (Scribe).

Commentary:

Goldsmith I'd like to see the argument why a trump lead was more indicated against 3♣ than against 4♣ doubled. I suspect I'd side with the committee and reject the argument, since the double suggests trump tricks, and if North wasn't going to lead a trump then, when would she? Even if the argument is reasonable, however, it's at least likely that North would not lead one, and Law 12C tells us that the proper adjustment is 140. So even without getting to know the basis of the appeal, I think the AWMW is justified. This theme will come up again; Law 12 doesn't allow the offending side to do something good in a contract their offense prevented being played. The committee apparently didn't consider the issue whether the MI suggested not bidding 4♣ vs. bidding it. I don't see how it matters where the opposing cards lie, but since each side was fine with 3♣ as a final contract, I guess that's okay, though I would probably rule that the MI did not cause damage and let the table result stand. It's certainly close enough that if N/S had appealed that decision, no AWMW would have been given.

Polisner N/S would have made a better case by contending that West would have bid 4♣ in any event. Just give West AKxx/xxx/Ax/ J10xx and 4♣ would have a decent play. At least such an argument would have avoided an AWMW which was automatic with the stated reason for the appeal that North would have led a spade against 3♣.

- Rigal** The proper procedure was followed and I agree with the committee's decision to award an AWMW. Regardless of how cogent the argument for a trump lead might be, it cannot be that convincing if you don't lead a trump against 3♠.
- Smith** Very good by the directors. I like to see that bridge issues have been polled where appropriate. So it seems clear in law to revert the contract to 3♠, and an experienced N/S should realize that when told by the director what the ruling was and why it was made. I wish the write-up told us why North thought a trump lead was clear-cut against 3♠ as opposed to 4♠, but obviously the committee disagreed in any case. Very good job by the committee, and I agree with the AWMW.
- Wildavsky** If anything, a trump lead seems more likely against 4♠ doubled than against 3♠. I agree that the appeal had no merit. Note, though, that this case may not have been screened, and I would hesitate to assess an AWMW in those circumstances. As a practical matter it is sometimes difficult to screen a case for a variety of reasons. We'll try to do better going forward.
- Wolff** Many self-serving statements were issued, but since 2♥ intermediate was not Alerted E/W should be allowed to back up to 3♠. This hand is like Swiss cheese, full of holes. A vulnerable preempt should be at least as strong as North's hand, which would, of course, be an argument in favor of not backing it up, but since it is a B-A-M event we probably should not give two different scores, E/W minus 100 and N/S minus 140 which would be my decision at matchpoints.

APPEAL	NABC+ FIVE
Subject	Unauthorized Information (UI)
DIC	Steve Bates
Event	Victor Mitchell Open BAM Teams
Session	Second Qualifying
Date	November 29, 2009

BD#	7
VUL	Both
DLR	South

Nick L'Ecuyer	
♠	6 4
♥	A 7
♦	A Q 8 5 4
♣	T 9 3 2

Waldemar Frukacz		Fall 2009 San Diego, CA	John Valliant	
♠	A Q J T 8 3 2		♠	K
♥	K 9 6 4 3		♥	Q T 8 5
♦			♦	T 3
♣	J		♣	A Q 7 6 5 4

Sheila Ekeblad	
♠	9 7 5
♥	J 2
♦	K J 9 7 6 2
♣	K 8

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

Final Contract	6♥ by West
Opening Lead	♣T
Table Result	Made 6, E/W +1430
Director Ruling	6♥ W made 6, E/W+1430
Committee Ruling	6♥ W made 6, E/W+1430

(1)	Forcing and Unlimited.
(2)	Intended as Exclusion Keycard Blackwood
(3)	Meant as cue bid over a diamond cue. North said it was slow.

The Facts: North contended that if East knew that 5♦ was Exclusion, 5♠ showed 0 or 3 (E/W play 1430) and West should have passed.

The Ruling: The director judged that the authorized information conveyed by 5♠ (going past 5♥) allowed West to bid 6♥. Therefore there was no violation of Law 16B1 and the table result of 6♥ by West making six, E/W plus 1430 was allowed to stand.

The Appeal: N/S appealed and all players except South attended the hearing. North said that East thought for about fifteen seconds before bidding 5♠. This suggests that East is not responding to Exclusion Blackwood. North did not lead the diamond ace (his original choice) because he was told that 5♦ was Exclusion. E/W agreed that East thought for about ten seconds or so. West said the 1NT was unlimited and East said up to 13 HCP. West intended 5♦ as Exclusion Blackwood but did not know the responses thereto. East took 5♦ as a cuebid, so he cuebid 5♠ to show the spade king or void plus the club ace by inference. E/W is not a regular partnership -- they play once or twice a year. East did not believe the partnership had agreed to use Exclusion Blackwood on any auction.

The committee discovered in questioning that:

- There is no mention of Exclusion Blackwood on the E/W convention card.
- Their responses to keycard are 1430.
- Exclusion was discussed before the opening lead.
- The director was called at the end of the hand.

The Decision: It is not sensible to play 1430 after Exclusion Blackwood even if played after keycard. In this case, West did not even know what the responses were and clearly was not intending to stop below slam unless the response was 5♥. So a pass of 5♠ was not a logical alternative. Therefore, the committee allowed the table result of 6♥ by West making six, E/W plus 1430 to stand.

The argument that a slow 5♠ suggests that the 5♦ bid as Exclusion Blackwood was misunderstood seems plausible and together with E/W's evident uncertainty as to what they were playing was sufficient to give the appeal merit.

The Committee: Gail Greenberg (Chair), E.J. Kales, Ellen Kent, Ed Lazarus and David Stevenson (Scribe).

Commentary:

Goldsmith I don't buy the merit argument. Other than that, good decision.

Polisner The committee's critique of E/W's methods is uncalled for and totally irrelevant. The long and short of this hand is that East and West were not on the same track. West's 5♦ which he intended as exclusion is evidence of his confusion in that; A) they were not playing exclusion and B) exclusion requires a jump to 5♦ to apply. It reasonably follows that he would not know what the responses would be. He did know that hearts was trump and thus he couldn't pass 5♠ no matter what it showed. I would have found this appeal without merit.

Rigal Very feeble argument (I would call it legalistic except any lawyers commenting would probably consider it libelous). In my opinion N/S were lucky to get away without an AWMW. Once the director has turned down this argument there must be more salutary ways to earn matchpoints.

- Smith** Good decision by the directors and the committee. I don't see too much meat to the N/S argument.
- Wildavsky** I agree with the director and committee rulings. I think a large part of the confusion was caused by West's description of his bid as "Exclusion Blackwood," when it seems clear that his intent was to show a first round control in diamonds and let partner decide whether or not to play 6♥. Most of us would call that a cue bid.
- Wolf** I would allow 6♥ since everyone is guessing and the normal playing luck (NPL) of the hand had 6♥ being bid and made. To change the score is a case of the committee being overactive. It would be hard to believe that West could think that 5♦ is Exclusion Blackwood so what difference does it make what he does once his partner bids 5♠. That might not show the king so he wants to play hearts and it is hard to get there after someone has bid 5♠.

APPEAL	NABC+ SIX
Subject	Unauthorized Information (UI) - Tempo
DIC	Steve Bates
Event	Victor Mitchell Open BAM Teams
Session	Second Final
Date	November 30, 2009

BD#	25
VUL	E/W
DLR	North

Harald Nordby	
♠	K J
♥	A Q 9 2
♦	A 9 2
♣	K 7 4 3

Mike Cappelletti		Fall 2009 San Diego, CA	David Grainger	
♠	Q T 8 5 2		♠	A 6 4
♥	6		♥	8 5 4
♦	K Q J 7 3		♦	8 6
♣	9 6		♣	A J T 8 5

Arve Farstads	
♠	9 7 3
♥	K J T 7 3
♦	T 5 4
♣	Q 2

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

Final Contract	4♠ by West
Opening Lead	♥A
Table Result	Down 2, E/W - 200
Director Ruling	3♠ W making 3 -140 N/S 3♠ W down 1 -100 E/W
Committee Ruling	4♥ N down 2, N/S -100 for N/S 4♠ W down 2, E/W -200 for E/W ¼ Board Penalty to N/S

(1)	15-17 HCP.
(2)	Transfer to hearts.
(3)	Four hearts.
(4)	Slow.

The Facts: The director was called when dummy was faced and returned after the play of the hand was completed. There was a break in tempo (BIT) before South passed over 3♥.

The Ruling: The director judged that the BIT demonstrably suggested bidding 4♥ over a logical alternative of pass. Therefore, the score was adjusted to 3♠ by West making three, N/S -140 as the most unfavorable result that was at all probable for the offending side and 3♠ by West down one, E/W -100 as the most favorable result that was likely for the non-offending side, per laws 16B and 12C1(e).

Appeal: E/W appealed the director's decision. Only West and South attended the hearing. There was an admitted hesitation by South. West claimed that he would have easily made 3♠ if he was playing that contract. He also said that he felt East would pass 3♠.

South admitted that North should not bid 4♥, but said he would never defend 3♠ on the auction, that he almost bid 4♥ over 3♥, and would always have bid it over 3♠.

The Decision: The committee had to decide what results were likely and at all probable.

The possible results were:

3♠ W = E/W + 140

4♥ N -2 N/S - 100

4♥ N -1 N/S - 50

3♠ W -1 E/W - 100

4♠ W -1 E/W - 100

4♠ W -2 E/W - 200

The committee judged that East was likely to bid 4♠ directly over 3♠, and if not then over a balance of 4♥. Declarer would then take the same number of tricks so the committee assigned the non offenders minus 200. For the offending side, the decision was that it was at all probable that 4♥ would be passed out, with declarer misguessing the spades if not doubled by East and guessing correctly if doubled, in either case minus 100. In addition the committee assessed a ¼ board procedural penalty against N/S for North's 4♥ bid. The appeal was found to have substantial merit.

Dissenting opinion by Ed Lazarus:

I concur with E/W -200 and the procedural penalty, but feel that East would almost certainly have bid 4♠ either directly or after 4♥, based on the fact that West has shown a powerful distributional hand at unfavorable vulnerability. Therefore, in my judgment the adjustment for N/S should be to 4♠ by West, down two, N/S plus 200.

The Committee: Aaron Silverstein (Chair), Gene Kales, Ed Lazarus, Danny Sprung and David Stevenson.

Commentary:

Goldsmith I'm with the dissent. East did, in fact, bid 4♠ over 4♥. Why would he not bid it if South bid 4♥ instead of North? I'd bid it even if North passed and don't think it's remotely close. Result stands.

The procedural penalty is a good choice. Despite the committee's overturning it, the director's initial ruling was reasonable. He gave the non-offending side the benefit of the doubt, which is normal.

The committee's reasoning and use of the laws was good I prefer the dissent's judgment, but I'm pleased to see Law 12 being carefully worked through.

- Polisner** I'm confused (not unusual). If the committee found that East "was likely to bid 4♠ directly over 3♠," it seems that the blatant use of the UI by North was irrelevant to the table result. As such, the result should be 4♠ minus 200 for both sides and a procedural penalty assessed against N/S.
- Rigal** The dissenter has a reasonable point that N/S were somewhat hard done by here. Given that N/S did bid 4♥ and E/W did bid 4♠ I'm not sure under which scenario N/S get landed with playing 4♥, AND a procedural penalty. Still, I'm happy to see the blatant foul by North harshly (if excessively) punished.
- Smith** Good for the committee in giving North a penalty for the 4♥ bid. As for the rest, there seem to be many possibilities and the committee analyzed them thoroughly and properly according to the standards of the law, so I have no quarrel with this decision.
- Wildavsky** It's not clear to me that East would bid 4♠ had North passed. That would often, as here, punish partner for balancing. 4♠ would be even less attractive over South's 4♥ bid. I also don't understand why West would take one more trick at the three-level than he did at the four-level. Whatever the score adjustment, the procedural penalty imposed by the committee seems appropriate.
- Wolff** North should not bid 4♥ after his partner's slow pass to 3♥, but why wouldn't East support his partner after his partner did so much bidding. I sort of like the ruling since North should not have bid and East probably would have bid regardless of North's action. Partner is already known to have a singleton heart.

APPEAL	NABC+ SEVEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Edgar Kaplan Blue Ribbon Pairs
Session	First Qualifying
Date	December 1, 2009

BD#	14
VUL	None
DLR	East

Alan Sontag	
♠	7 6 4 3
♥	J T
♦	Q J 9
♣	Q J 9 8

David Lindop		Fall 2009 San Diego, CA	Doug Baxter	
♠	Q 5		♠	A K 9 8 2
♥	A 5 3		♥	K 9 8 7 2
♦	A 8 6 2		♦	K 5 4
♣	7 6 5 3		♣	

David Berkowitz	
♠	J T
♥	Q 6 4
♦	T 7 3
♣	A K T 4 2

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

Final Contract	4♥ by East
Opening Lead	♣A
Table Result	Made 6, E/W +480
Director Ruling	2♠ E made 3, E/W +140
Committee Ruling	2♠ E made 4, E/W +170

(1)	Forcing.
(2)	Slow.

The Facts: The director was called at the end of the deal. All four players agreed that there was at least a 10 second pause before West bid 2♠.

The Ruling: The director judged that there was a break in Tempo that demonstrably suggested bidding rather than passing. Pass was judged to be logical alternative. Therefore, the result for both sides was adjusted to 2♠ by East making three, E/W plus 140.

The Appeal: E/W appealed the director's ruling. North and East attended the hearing. East said he would have taken 10 tricks in spades by ruffing three clubs in his hand and ruffing a heart with dummy's spade queen, although he did not argue with ruling the contract to be 2♠.

North stated that he was certain that East would have made 10 tricks in spades.

The Decision: UI was available that demonstrably suggested pass over 3♥. Four committee members believed that Pass was a logical alternative, so the committee considered the possible results in 2♠. The committee accepted the reasoning of the players as to the number of tricks that East would take and adjusted the result for both sides to 2♠ by East making 4, E/W plus 170.

The Committee: Aaron Silverstein (Chair), Ellen Kent, JoAnn Sprung, David Stevenson (Scribe) and Jim Thurtell.

Commentary:

- Goldsmith** Another oops. Law 12 doesn't say anything about awarding East the number of tricks he would have taken. It says that the offending side gets the "most unfavorable result at all probable." It is obviously at all probable that only 9 tricks might be taken in 2♠, so that's the correct adjustment.
The committee is welcome to give East sympathy that he didn't get to play the hand as well as he said he would have, but they should inform him that if he wants to get to play the hand to his best ability, he has to pass 2♠.
Is a procedural penalty warranted for the 3♥ bid? It's close. Somewhere between some and many would bid 3♥ without UI. But I can see an East's thinking, "I have UI. It tells me to pass rather than to bid 3♥ or 3♦. Is bidding on so clear-cut that I can do it in the face of the UI? I think so." If that reasoning is at all plausible, no procedural penalty. This case is right around the borderline, so I'm happy either way.
- Polisner** Well done and excellent ethics by North agreeing that ten tricks could be made in spades.
- Rigal** I can live with the decision to adjust to 2♠ plus 170 rather than plus 140 – maybe North's indication was what tempted the committee. The basic adjustment of the contract seems a no-brainer (and I'm not sure that this does not get close to procedural penalty territory).
- Smith** I'm not as convinced as the committee that E/W deserves ten tricks in spades. Is it really "the most unfavorable result that was at all probable had the irregularity not occurred" (Law 12C1(e)[ii])? I am guessing that the committee was perhaps swayed too much by North's kind offer and his force of personality. I agree with the rest of the committee's analysis.

Wildavsky I don't like the committee's reasoning here. Yes, ten tricks can be made, but the winning line is difficult to spot. It took me several minutes to find it even looking at all four hands. The fact that West could come up with a successful line after the end of play is not relevant. Neither is his opponent's judgment as to the likely number of tricks. North was not a member of the committee, and in any case may well be unaware of the legal standard for adjusting the score. To award the offenders plus 170 we must believe that it was not even at all probable that declarer would take only nine tricks in a spade contract. Surely declarer would score only 140 at least one time in six. Perusal of the recap sheet would show that most of those who played in spades took nine tricks. I prefer the director's ruling to the committee's.

Wolff Some common situations are breeding grounds for providing UI to partner and placing him or her at risk. The tempo involved with going back to two of a major when a forcing NT'er does so after partner's response of two of another lower ranking suit. Our bridge world should write some articles discussing the ethics of that common situation which has a wide variance, particularly so when Bart is not played by the opening bidders side. That article, if read, might help our bridge world far more than any appeals committee ruling ever could.

APPEAL	NABC+ EIGHT
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Edgar Kaplan Blue Ribbon Pairs
Session	First Qualifying
Date	December 1, 2009

BD#	14
VUL	None
DLR	East

Mike Kovacick	
♠	7 6 4 3
♥	J T
♦	Q J 9
♣	Q J 9 8

Makiko Sato		Fall 2009 San Diego, CA	Kyoko Shimamura	
♠	Q 5		♠	A K 9 8 2
♥	A 5 3		♥	K 9 8 7 2
♦	A 8 6 2		♦	K 5 4
♣	7 6 5 3		♣	

Robert White	
♠	J T
♥	Q 6 4
♦	T 7 3
♣	A K T 4 2

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

Final Contract	4♥ by East
Opening Lead	♣A
Table Result	Made 6, E/W +480
Director Ruling	4♥ E made 6, E/W +480
Screeener Ruling	2♠ E made 3, E/W +140
Committee Ruling	2♠ E made 3, E/W +140

(1)	Forcing.
(2)	Slow.

The Facts: The director was called after the 3♥ bid and again after the play of the hand was completed. The director asked each player what the length of the hesitation by West was before bidding 2♠.

N = 10 seconds, S = 10 seconds, a noticeable break.

W = 2 seconds, E = not noticeable, but a slight break.

The Ruling: The director judged that there had been a break in tempo by West but that the UI did not demonstrably suggest one action over another. Therefore, the table result of 4♥ by East making six, E/W plus 480 was allowed to stand.

The Appeal: N/S appealed the table director's ruling. The screening director changed the ruling to 2♠ by West making three, E/W plus 140. E/W appealed the decision of the screening director. All four players attended the hearing. East and West were accompanied by an interpreter.

West said the time taken was about two seconds. She had to decide between pass, 2♠, 2NT, and 3♥. East did not think there was any BIT.

East said she would have played a spade contract as follows:

Club lead ducked pitching a diamond – next club ruffed – three rounds of hearts – accept force – draw trumps.

The BIT was clear to North and South who each called the director immediately after the 3♥ bid because of the BIT.

The Decision: The fact that West explained that she had several choices to consider makes a BIT more likely than not even though the two sides disagreed as to whether there was a BIT.

UI was available that demonstrably suggested pass over 3♥. Four committee members believed that Pass was a logical alternative, so the committee considered the possible results in 2♠. The line of play stated by declarer was accepted even though it was not best.

Since the committee heard nothing to suggest overruling the table director on his finding of fact, it ruled as the screening director had and adjusted the result for both sides to 2♠ by East making three, E/W plus 140

The committee found that the appeal had substantial merit.

The Committee: Aaron Silverstein (Chair), Ellen Kent, JoAnn Sprung, David Stevenson (Scribe) and Jim Thurtell.

Commentary:

Goldsmith Very good job all around, particularly by the screening director. I don't believe in giving people appeal without merit warnings (AWMWs) if the screening director changed the ruling. Players in such circumstances don't have time to think clearly about the new issues, don't have time to consult their friends, and are more or less stuck upstairs at an appeals case anyway. Furthermore, that the appeals screener disagreed with the table director suggests that the case is not clear-cut, and it is completely natural for a bridge player to take that inference. If, however, the director had originally ruled as the screening director, then there would have been no merit to this appeal.

Polisner Good work except an AWMW should have been issued.

Rigal I like the committee's rationale for the decision and the tricks taken. The question as to tempo break seems decisively answered by West's comment about having something to think about.

- Smith** This committee made the right decision on the number of tricks in spades. But, it really had no choice given the testimony of East. Good for the screening director to make the ruling the same on this and the previous case before this one got to committee.
- Wildavsky** The committee had an easier time of it here than they did in case 7, since declarer's stated line would lead to plus 140. The fact that the committee made two different adjustments on essentially the same set of facts is not necessarily a sign of inconsistency, but I prefer its ruling here.
- Wolff** See NABC+ Appeal number 7. The next question worth pondering and then further discussion might be: What percentage of fairly experienced players, playing in an early round of the Edgar Kaplan Blue Ribbon Pairs, would break tempo on the subject hand, while sitting West and in response to a 2♥ rebid by East, before choosing to only prefer 2♠ thus providing UI to partner?
A provocative and perhaps gauche question, you say, well perhaps no more gauche than your doctor inquiring into your sex life as part of an annual physical. At least to me, something very topical is always in season to inquire, especially so since our group, by its very presence, helps run an ethics clinic as well as an appeals forum. I agree with this committee decision, but unless we go public with these situations and their byproducts, our group will be failing miserably.

APPEAL	NABC+ NINE
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Edgar Kaplan Blue Ribbon Pairs
Session	Second Qualifying
Date	December 1, 2009

BD#	26
VUL	Both
DLR	East

Jessica Piafsky	
♠	9 6 5 4
♥	A K Q
♦	A 9
♣	A 6 4 2

Jim Gordon		Fall 2009 San Diego, CA	Dick Benson	
♠	Q T 8 7		♠	A K J
♥	T 8 7		♥	J 6 4 3 2
♦	T 2		♦	J 8 3
♣	K Q 8 5		♣	J 9

Bob Drijver	
♠	3 2
♥	9 5
♦	K Q 7 6 5 4
♣	T 7 3

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

Final Contract	3NT by North
Opening Lead	♠A
Table Result	Made 3, N/S +600
Director Ruling	2♥ E down 1, E/W -100
Committee Ruling	3NT N, made 3, N/S +600

(1) Alleged 5 second break in tempo (BIT)

The Facts: The director was called after the play of the hand. South contended that there was no BIT and that in any case his hand would always balance with 3♦.

The Ruling: The director judged that there was a BIT by North over 2♥. This demonstrably suggested action over inaction (pass) by South and pass was judged to be a logical alternative. Therefore the result for both sides was adjusted to 2♥ by East down one, E/W minus 100.

The Appeal: N/S appealed the director's ruling. North and South were the only players to attend the hearing. According to the screening director E/W claimed that North took five seconds to pass over 2♥. South said that there was no hesitation and that it took at most three seconds for North to pass. By the time E/W called the director, North had left the table for a break.

N/S said that E/W made no comments about any hesitation during the auction or when dummy was displayed. After the completion of play, one of the E/W players remarked that North had quite a good hand. They then apparently decided that there must have been a hesitation.

South also argued that since the opponents had found a fit and stopped in 2♥ that North was marked with a good hand and that it was clear to balance by bidding his good six-card suit.

The Decision: When there is a BIT that might provide UI, players are encouraged to either call the director or announce that they reserve the right to do so, per Law 16B2. By delaying the director call, E/W considerably weakened its claim of a tempo break. Based on the facts presented by the screening director and N/S, the committee decided that the time it took North to pass did not constitute an "unmistakable hesitation." Thus, the table result of 3NT by North making three, N/S +600 was restored for both sides.

The Committee: Doug Doub (Chair), Michael Kamil, Fred King, Hendrik Sharples and Riggs Thayer.

Commentary:

Goldsmith Of course there was a BIT - look at North's hand,. However, 3♦ by South seems automatic, so passing is not a logical alternative, and the result stands.

Polisner Good work all around except for the failure to issue an appeal without merit warning (AWMW).

Rigal Sensible decision and I agree that E/W's failure to call the director at the appropriate time (and experienced players should know that) is a strong indication of there not being a BIT.

Smith E/W weakened its case considerably by not calling the director earlier. I agree with the committee that the significance of that fact along with the testimony of the players was not convincing enough to rule that an "unmistakable hesitation" had occurred according to Law 16.

Wildavsky I like everything about this committee ruling. One could say that the director did as he ought by ruling for the non-offenders in a close case. I would not, since it's not clear to me that N/S did anything irregular.

Wolff An apparent good decision by the committee since, no BIT, of course, no penalty. E/W were very slow in bringing up a possible BIT before calling the director and by doing such, severely prejudiced their case. Whether we, the appeals brigade, want to pursue further this all too common competitive sour grapes attitude or not might make a major difference in getting our word out to the masses as to what is expected of them. I suggest that Adam, presiding, and on behalf of the appeals committee write a summary as to what is to be expected so that we will be enabled in the future to give this complaining partnership a procedural penalty for appealing after the fact.

Upshot: We need to raise the stakes for poorly timed complaints so that, at least the complaining parties suffer some jeopardy in their attempts to get something for nothing.

APPEAL	NABC+ TEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Edgar Kaplan Blue Ribbon Pairs
Session	Second Qualifying
Date	December 2, 2009

BD#	6
VUL	E/W
DLR	East

Josef Piekarek	
♠	Q 7 6
♥	Q T 9
♦	A 8 2
♣	J 9 7 2

Mario Rodrigues		Fall 2009 San Diego, CA	Sarah Wiener	
♠	A 3		♠	T 4 2
♥	A 6 5 2		♥	K J 8 7 4
♦	Q 7		♦	J T 3
♣	A Q 5 4 3		♣	K 8

Alexander Smirnov	
♠	K J 9 8 5
♥	3
♦	K 9 6 5 4
♣	T 6

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

Final Contract	4♥by West
Opening Lead	♠7
Table Result	Made 4, E/W +620
Director Ruling	3♠ N down 1, N/S -50
Committee Ruling	3♠ N down 1, N/S -50

(1)	15-17 HCP.
(2)	Transfer to hearts.
(3)	Hesitation. (*N/S = 1 minute; East = only a second)

The Facts: The director was called after the 4♥ bid and again after the play of the hand. There was disagreement on the length of the hesitation by East as noted above. West said that there had been some joking during the time East was thinking.

The Ruling: The director judged that there was an unmistakable hesitation by East, that the hesitation demonstrably suggested action over inaction, and that pass by West over 3♠ was a logical alternative. Therefore, he adjusted the result for both sides to 3♠ by North down one, N/S minus 50.

The Appeal: E/W appealed the director's ruling, and East and West were the only players to attend the hearing. N/S were joking before the hand to such an extent that East requested them to be quiet until the end of the round. N/S pre-Alerted their Polish Club system. Before South bid 2♥, he said, "Let's see what should I bid?"

East agreed that she had asked questions about both opponents' bids. The answer to the query about South's bid was ambiguous; it might be one or two-suited and, if two-suited, South could have only four spades. North's 3♠ was explained as "natural based on the auction."

The committee asked several questions about how much time was consumed between North's 3S bid and East's Pass." East said she just wanted to understand the auction. West said she only paused for a second or two and that he didn't notice a hesitation.

The Decision: A player is allowed to take any legal call that he believes is in his side's best interest, so long as his partner does not make extraneous information available to him that suggests a line of action. N/S alleged to the director (who could not be present at the hearing) that East took one minute. East admitted to "a second."

East's consumption of time was disputed but it is clear that West noticed East's thinking since he told the table director "there had been some joking during the time East was thinking." East's questions about the opponent's auction also provided UI to West and suggested that East had enough values to consider further action.

Regardless of the improprieties that E/W suggested N/S may have committed, these items were sufficient to convince the committee that UI was made available to West. Upon the determination that UI was present, suggesting a 4♥ bid, while pass was a less successful logical alternative, the committee adjusted the result for both sides to 3♠ by North down one, N/S minus 50.

The appeal was found to have merit because of the dispute over the existence of UI.

The Committee: Michael Huston (Chair), Darwin Afdahl, Mark Feldman, Robb Gordon and Patty Tucker.

Commentary:

Goldsmith Right most of the way. Appeal without merit warning (AWMW) to E/W and a 1/4 board penalty for abuse of UI.
If there is a dispute about the existence of UI, and the committee finds that there is indisputable evidence thereof (which of course there was), then the dispute ought to be considered resolved. It is inconsistent to rule that there was UI for the score adjustment, but not for the AWMW.

Polisner Correct ruling and committee decision.

Rigal I agree with the decision as to there being a BIT. Again the contemporaneous evidence suggests that N/S thought there was a break – and East's hand clearly suggests it. I can live with the failure to award an appeal without merit warning (AWMW); I might have done the same.

Smith So I can avoid an AWMW simply by having my version of events be that different from the opponents' version? Once the committee decided there was UI (and there was apparently lots of it) this decision was clear. And so should have been the award of an AWMW to E/W. I wouldn't even object to a procedural penalty for the 4♥ bid. This committee was far too kind to E/W.

Wil.davsky Good work all around.

Wolff Clear cut decision, with the only question, at least to me, is whether E/W deserve a procedural penalty for bringing this case to a committee. To me, this point should be determined by this committee by simply asking East, "does she really think that whatever delay was made by her asking questions didn't influence her partner to continue while in the passout seat over 3♠?" And furthermore, that if she had a poor hand would she really ask questions or would she pass first and then possibly ask questions later? I think E/W got off easy with this ruling.

APPEAL	NABC+ ELEVEN
Subject	Unauthorized Information (UI)
DIC	Henry Cukoff
Event	Edgar Kaplan Blue Ribbon Pairs
Session	Second Semifinal
Date	December 2, 2009

BD#	26
VUL	Both
DLR	East

Clement Jackson	
♠	A K 9 6
♥	5 2
♦	J 4 3 2
♣	9 4 3

Jill Meyers		Fall 2009 San Diego, CA	Jill Levin	
♠	8 7 5 4		♠	J T
♥	J T 6 4		♥	K Q 9 3
♦	K 9		♦	A 8 7 6 5
♣	A J 5		♣	8 6

David Caprera	
♠	Q 3 2
♥	A 8 7
♦	Q T
♣	K Q T 7 2

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

Final Contract	3♥ by West
Opening Lead	♥2
Table Result	Down 1, E/W -100
Director Ruling	2♥ W making 2, E/W +110
Committee Ruling	2♥ W making 2, E/W +110

(1)	Support redouble, not Alerted.
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The Facts: The director was called at West's turn to bid over 2♠. Just prior to the director call, West had asked about the meaning of the redouble. North said, " Oh sorry, I failed to Alert."

The Ruling: The failure to Alert was determined to be UI for South. The UI demonstrably suggests balancing with 2♠ and pass was judged to be a less successful logical alternative. Therefore, the result for both sides was adjusted to 2♥ by West making two, E/W plus 110, per laws 16B1 and 12C1e.

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

N/S contended that:

- 1) There was no information conveyed by North's failure to Alert (they are an established partnership and they have never before forgotten a support double or redouble).
- 2) The failure to Alert did not demonstrably suggest that South bid 2♠.
- 3) There's no logical alternative to bidding 2♠ at matchpoints since it is likely that defending 2♥ will lead to a poor score.

E/W believed that pass is clearly a logical alternative.

The Decision: Per Laws 16 and 73, a failure to Alert an Alertable call is extraneous information that is unauthorized if it demonstrably suggests a line of action. Although South said that N/S is an established partnership who have never forgotten the support double/redouble convention, he also said that they have never before forgotten to Alert it. So, while it is clear that North has forgotten either the convention or its Alertability, it is not clear which North has forgotten. This lack of clarity demonstrably suggests that South bid 2♠ in order to assure that his partner understands that he does have support. This is not to say that such was South's intention; merely that South was in a position to use the information if he did have such intent.

South's claim that he would "always" bid 2♠ at matchpoints is irrelevant. The question of logical alternative does not derive from South's proclivities or bidding style, it depends on what a group of South's peers would do. The committee decided that a group of South's peers would contain a substantial number of players who would pass rather than bid 2♠. Hence pass is a logical alternative.

The committee considered the bridge merit of West's 3♥ bid and decided that it was not a serious enough error to break the chain of causality, per law 12C1(b).

Eight tricks were taken in 3♥ at the table and E/W did not suggest more would be taken if the contract were 2♥, so the committee adjusted the score for both sides to 2♥ by West making two, 110 for E/W.

The appeal was judged to have substantial merit.

The Committee: Michael Huston (Chair), Ellen Kent, Bob Schwartz, David Stevenson and Jim Thurtell.

Commentary:

- Goldsmith** The scribe's claim, "South's claim that he would 'always' bid 2♠," is inconsistent with the description of the appeal. There, he stated that N/S claimed that pass was not a logical alternative, which is an entirely different statement.
The core of the appeal is whether or not pass is a logical alternative to 2♠. It seems pretty automatic to me to bid 2♠; there's even a reasonable argument that pass is forcing. After all, the opening side has committed to playing at least 2♠ unless responder can bid a lower suit at the two-level. It's not obvious to me that it is best to play that passing turns that off. I suspect most have not discussed it, or at least few have reached that conclusion. Given that pass is an option, I suspect that some would take it, but not many. I'd guess that the decision is at the borderline of the guideline, so either ruling is okay. I hate ruling that a non-ridiculous action isn't a logical alternative, so I'd go with the committee.
- Polisner** I agree that South should not be allowed to bid 2♠ after he had already told his story that he had exactly three spades. He also has a minimum hand and is vulnerable. Thus, it is reasonable to assume that the failure to Alert "could" have meant that North forgot support doubles and might have then not bid 2♠ with 5+ Spades. Good ruling and decision.
- Rigal** Not sure where the merit lies here. South's decision may not have been influenced by the UI – but to the naked eye the argument that it was is overwhelming. Certainly not appropriate to appeal this – closer to a procedural penalty.
- Smith** Like the previous case, I see no merit at all here. This was clear.
- Wildavsky** The committee's reasoning seems especially clear. It's not clear to me that this appeal had merit.
- Wolff** A good decision by this committee since the combination of no Alert and then a further bid by his partner suggests the use of UI. While E/W certainly do not deserve more than plus 110 in 2♥ making it is possible that N/S deserve an additional procedural penalty, but since it is close I'll be satisfied with this, in all other respects, well thought out and explained ruling.

APPEAL	NABC+ TWELVE
Subject	Unauthorized Information (UI)
DIC	Henry Cukoff
Event	Edgar Kaplan Blue Ribbon Pairs
Session	First Semifinal
Date	December 2, 2009

BD#	6
VUL	E/W
DLR	East

Jacob Morgan	
♠	7
♥	K 9 6 3
♦	9 8 5
♣	A Q 8 7 5

Doug Baxter		Fall 2009 San Diego, CA	David Lindop	
♠	J T 8 5 4		♠	K Q 9 6 3
♥			♥	Q 8 4 2
♦	Q J 6 4 3 2		♦	K
♣	9 2		♣	T 4 3

Michael Polowan	
♠	A 2
♥	A J T 7 5
♦	A T 7
♣	K J 6

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

Final Contract	3♦ doubled by W
Opening Lead	♠7
Table Result	Made 3, E/W +670
Director Ruling	3♦ Dbl W made 3, E/W +670
Committee Ruling	3♦ Dbl W made 3, E/W +670

(1)	15-17 HCP.
(2)	By agreement one-suited with either hearts or spades.
(3)	Game try in your major.

The Facts: The director was called after the 3♦ bid and again after the hand. West stated that he thought East had opened 1♣ and his bid of 2♦ was to play. West did have UI from East's Alert of 2♦. South stated that passing 2NT was inconceivable without the UI.

The Ruling: In the absence of an Alert Procedure, the 2NT bid in the supposed auction is unusual enough that anyone would reexamine the auction and notice the original pass. Therefore, no UI, no infraction and no adjustment. The table result stands for both sides.

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

N/S maintained that if West did not see the auction, then his partner's Alert awoke him to the fact that his partner's opening call was pass rather than 1♣. Given that they were in the middle of a misunderstanding, pass was demonstrably suggested by the UI.

West said he had a lapse of concentration and thought his partner opened 1♣. If East had opened 1♣, then the 2NT rebid over the 2♦ bid would be natural not artificial. As it was he made a tactical pass over 2NT – he had no idea what contract to play and they were not yet doubled.

E/W play Woolsey over 1NT. After 2NT, they had no agreement as to continuations.

The Decision: Law 16A1(a): A player may use information in the auction or play if it derives from the legal calls and plays of the current board.....and is unaffected by unauthorized information from another source.

It was established to the committee's satisfaction that West did indeed miss-see his partner's pass.

For an adjustment to be made it had to be established that there was UI, that it demonstrably suggested West's pass of 2NT, and there was a logical alternative to that pass that might have been less successful.

After discussion with two tournament directors and a member of the ACBL Laws Commission, and following a diligent perusal of Law 16A1(a), the committee ruled that it could not be UI for a player to be made aware of the calls actually made – as opposed to the meaning of those calls.

Parallel examples of ACBL current tournament director practice suggested that this is consistent with the way the Law is applied. For instance, if a player intends to open 2♣ but pulls out the 1NT card he will find out when his partner announces the range for 1NT. He is not allowed to change his call, but he is allowed to know that he opened 1NT.

Thus there was thus no UI and so no grounds to adjust the score.

The table result of 3♦ doubled by West making three, E/W plus 670 was allowed to stand for both pairs.

The appeal was judged to have substantial merit.

Dissent from Michael Rosenberg

My dissent stems from the Committees' "diligent perusal of Law 16A1(a)." The Committee "determined that it could not be UI for a player to be made aware of the calls actually made, as opposed to the meaning of those calls." Here is what the law states:

"A. Players' Use of Information

1. A player may use information in the auction or play if:
 - (a) 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;

Now, I don't want to get into a semantic or parsing discussion. But it seems pretty clear to me that the intent of this law was NOT to say that a legal call or play is always authorized information to a player, but that an exception is provided when this information is affected by unauthorized information. Therefore, I dissent with the Committees' interpretation.

So, to me, the Alert of 2♦ was what first "woke up" West to what had actually occurred. West claimed that he would anyway have realized what was going on because of his partner's 2NT bid – we'll get to that in a minute. The committee did not get that far, since it decided there was no UI.

If the Committee was, in fact, correct on their parsing of the law, then I must dissent with the law itself. Why should we want the laws to state that it is fine for a player to benefit from his partner's Alert? How about an emphatic double in an agreed penalty situation (just to clear things up)? After all, the double and the information that it is penalty, are authorized. Or let's take an analogy in card-play. A player slams down his encouraging signal. His partner has no especially logical alternative, but now is certain what his partner wants. No problem – the information is authorized.

Both these cases are less clear than the extant case, but I would feel queasy about allowing the winning action. I would look to see if there was any way to foist the losing action on the offenders (especially looking into whether they might not know their methods thoroughly).

Going back to the actual case, are there grounds for saying that the 2NT bid would anyway have "alerted" West to the fact his partner had not opened 1♣? Some, but not enough, in my opinion. 2NT is an unusual bid, but not an impossible one. An example of an "impossible" bid is 1NT-4♥ (intended as natural), 4♠ (since he thought it was Texas). Here, even though the Alert does tell the responder what is happening, the "impossible" 4♠ makes it equally clear. So we should allow the responder to do whatever he wants at this point (EXCEPT FOR REACTING TO THE ALERT IN SUCH A WAY THAT HIS PARTNER ALSO BECOMES AWARE OF THE PROBLEM).

The "unusual" bid should NOT be sufficient to make this leap, in my opinion. I remember a case that was prevalent in the 90's – I haven't seen it so much lately; Player A opens or overcalls 1NT, and his partner, Player B, raises invitationally to 2NT. Player A Alerts and bids 3♦ (or maybe 3♣), obviously taking it as a transfer (even if the opponents don't actually ask). Now player B claims it is "obvious" that his partner (or he) has forgotten the system, and bids 3NT. While it is quite likely that B would figure this out behind screens, it is far from a sure thing. That 3 of a minor bid is unusual not impossible. It would show a minimum with a 6-card minor suit in a hand more appropriate for suit play. So I would disallow the 3NT bid, as we usually (but not uniformly) did in the 90's.

And, in the actual case, I would disallow the pass of the "unusual" 2NT as taking advantage of the UI of the Alert. It is far from clear what would have happened then – West would bid 3♦ or 3♠, and North would double. The pass of 2NT also had the effect of clueing in East that something was wrong. With the pass disallowed, East would still think his partner had a major suit (though that might actually help him compete in spades over hearts). Anyway, what ruling I would make is not, to me, the important issue here.

The director who was consulted gave, as an analogy, the (recurring) case of a player who intends to open 2♣ strong, but leaves the 2♣ card in the bidding box and puts 1NT on the table. His partner announces “15-17,” causing the player to realize his mistake. Here, the ruling has been that the player (though not his partner) is allowed to know that his partner thinks he has a 1NT opening.

I disagree with this also. I think it would be correct for the player to say nothing, and continue to act as if he had opened 2♣ and nothing untoward has happened (as might well occur behind screens). Of course, he may get lucky and have someone bid 2♣ – that would obviously clear things up!

To summarize:

- a) I think information that is not authorized should never be used to solve a problem – unless that problem would obviously be solved in any event.
- b) If Law 16A1(a) does not say that, it should be changed so that it does.
- c) Where the wording of a law is unclear, committee members should be loath to allow transgressors to gain. It behooves the members to protect the innocent parties if there is any doubt.

The Committee: Barry Rigal (Chair), Jeff Aker, Mark Feldman, Michael Rosenberg and Danny Sprung.

Commentary:

Goldsmith The entire approach of the committee was way wrong. Committees ought not be in the business of judging the veracity of implausible stories. They are not good at it, and it's the wrong thing to do in the first place. Let's say that the committee was 99% sure that West was telling the absolute truth. They can never be that sure, but let's say they were. For every one time that someone does something goofy because he didn't see a bid, someone forgets system at least 1000 times. So it's still 10-1 more likely that West forgot system than his story is true. But we don't want to be put in the position of having to make that judgment, so we simply ought not. If we have to rule against an honest player one time in a thousand, it's absolutely worth it not to have to judge the truth of all the weird stories we get or will get if it is known that we are judging them. So, yeah, it's possible that West's story is true, but since it is overwhelmingly more likely that he forgot his system and misbid for whatever reason, it is clearly best to rule that he did. We can apologize to him for doing so, but he's just out of luck if he did something honest that 'looks' like a common error.

Given that we should assume he misbid, then he has UI from the Alert, so passing 2NT is an infraction. He should bid 3♦. Assuming E/W are playing DONT, 2NT should probably be some sort of game try. 3♦ seems like the obvious rejection. East will probably think that shows a minimum with spades. Regardless, he's bidding 4♠. North will double that and nip it a trick. If North had been told that 2♦ shows diamonds and a major, he would likely have done something other than pass, but since the E/W agreement is that 2♦ was one major, he was not misinformed.

That he has no way to find his game or slam in hearts now is just rub of the green. I don't see a likely result more favorable to the non-offending side nor a result at all probable that is less favorable to the offending side, so I'd rule N/S plus 200 and E/W minus 200. That's probably a terrific score for E/W, nearly the same as plus 670, but that is the way it goes. N/S were badly damaged by West's misbid. They were partially damaged by his abuse of UI. They get redress for the latter, but not the former. The hard part is whether to give a procedural penalty for abuse of UI to E/W. I'd be willing to let it slide here if the rest of the committee believed West's story, and if he had been given one in NABC+ case 7. Clearly the rest of this committee bought the story, so they'd never give him a penalty.

- Polisner** A complicated situation, but such situations occur frequently when a player misbids for whatever reason. His explanation that he thought East opened 1♣ is self-serving and should not be accepted. A reasonable alternative would be he forgot that they were playing Woolsey and partner's 2NT alerted him that he had misbid, thus giving him UI and his pass was to try to avoid a worse situation. However, nobody would ever pass 2NT doubled and his running to 3♦ is not the result of the UI, so all bets are off as to West. I think the real focus should be on East's actions. West's failure to Alert 2NT was UI to East who should have bid 3♥ (pass or correct) and West would have bid 3♠ which would have been doubled for minus 200. I would have assigned E/W minus 200 for both sides. I don't see how to award N/S their game or slam in hearts.
- Rigal** No comments further than what was written already. Some guidance from above would be welcomed here – alas, Kaplan may be too far above to provide reliable input....
- Smith** I agree with this decision. I accept West's statement of what happened and I agree with the directors that even without an Alert by the time West's next turn came he would have looked at the auction and realized what had happened. This kind of thing occurs more often than people might expect, and my personal rule of thumb as a director is that by a player's next turn he is overwhelmingly likely to have seen the real auction and therefore free to do what he wants.
The 1997 and earlier versions of the Laws made it pretty clear that the auction itself was always authorized. The curious addition of the phrase “and is unaffected by unauthorized information from another source” is new to the 2008 Laws. As the dissenter points out, it makes things murkier. But I choose to interpret it as meaning that a player is allowed to act on the auction if it screams at him what has happened, therefore by definition making it “unaffected by unauthorized information from another source”. Maybe our the ACBL Commission should clarify this issue.

Wildavsky It's nice to hear from Michael -- I wish he were still commenting on appeals! I wish this law, and many others, were written more clearly. That said, it seems to me that the intent of the lawmakers was that knowledge of the calls of the actual auction should always be authorized. I agree that East's alert of 2♦ makes UI available to West. I disagree that the UI suggests one action over another, because I think any such suggestion must be evaluated in the context of the actual auction, not one that existed only in West's mind. While the meaning of this law may not be clear, I think Michael would agree that where the laws are clear the director and committee are bound by them, even when they do not agree with them. I do take issue with one aspect of the director's ruling. He noted that the 2NT bid would surely have caused West to reexamine the auction. I don't think this is relevant. If the calls of the actual auction are always authorized information then it doesn't matter whether West would likely have "woken up" in the absence of an Alert. Jeff Goldsmith suggests that it's more likely that West forgot his methods over 1NT than that he mis-saw partner's initial call. Neither seems likely to me. If West intended 2♦ as diamonds and a major and then decided to illegally take advantage of the UI from partner's Alert then passing 2NT seems a strange way to go about it. 2NT undoubled will likely be down at least 500, while E/W could easily be on for nine or ten tricks in spades. Yes, sometimes we have to reject a claim like West's simply because it could be misused by a miscreant, but I see no need to do so here.

Wolff Michael Rosenberg's dissent regarding Law 16A1(a) is certainly worth noting and discussing. It seems very on point and worth notifying tournament directors as to its logic. Getting back to the case, while West was guilty of a mechanical error, not a bridge crime, and by doing so committed convention disruption (CD), also, at least as yet, not a bridge crime really got lucky with their final result, although 3♦ doubled down one would equal those E/W players who bid 4♠ over the opponent's 4♥ and would also go down one in presumably 4♠ doubled. However N/S understandably did not get their spade ruff and suffered minus 670. Since N/S are certain to score up at least plus 710 in four hearts or higher E/W were always due for almost a top board since this disruption was very hard for N/S to overcome. Although cases involving CD (in any form) are almost always impossible to adjudicate, and directly destroy bridge on any one hand, I am not suggesting on this unusual variation of it to do anything worth noting, except to go on to the next hand.

APPEAL	NABC+ THIRTEEN
Subject	Misinformation (MI)
DIC	Henry Cukoff
Event	Edgar Kaplan Blue Ribbon Pairs
Session	First Semifinal
Date	December 2, 2009

BD#	25
VUL	E/W
DLR	North

Jan Jansma	
♠	J 2
♥	A Q 8 7 4
♦	J 5 2
♣	K 9 8

Christal Henner-Welland		Fall 2009 San Diego, CA	Thomas Bessis	
♠	Q 5 3		♠	T 9 7
♥	9 6 2		♥	K 5 3
♦	A 6 3		♦	K Q T 7
♣	Q T 7 6		♣	A J 2

Jay Borker	
♠	A K 8 6 4
♥	J T
♦	9 8 4
♣	5 4 3

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

Final Contract	3♦ by East
Opening Lead	♠A
Table Result	Down 1, E/W -100
Director Ruling	2♠ dbld S down 3, N/S -500
Committee Ruling	2♠ dbld S down 3, N/S -500

The Facts: The director was called after the play of the hand was complete. Before she bid 3♦, West asked the meaning of 2♦ and was told it implied spade support. N/S have the agreement that over a pass, the 2♦ bid shows hearts. There was no evidence on the convention card to indicate that the 2♦ bid was a spade raise. Polling of West's peers suggested that West would pass with the correct information,

The Ruling: Per Law 21B, the director judged that there was MI and damage to E/W (i.e. if provided with proper information, West would pass the double). Therefore, the result for both sides was adjusted to 2♠ doubled by South down three, N/S minus 500.

The Appeal: N/S appealed the director's decision. West was the only player not to attend the hearing.

N/S play transfer advances. North thought they applied after 1NT; South did not. N/S thought E/W's bad result was self-inflicted and not dependent on the meaning of 2♦. East made a double that would normally show penalty interest, and West pulled with an unexceptional hand. If East wanted to compete he could have bid 2NT, offering West the chance to pass or remove to a minor.

East thought his partner had two spades and at most three hearts, so he expected his side to have a minor-suit fit of at least eight cards. His double was in the European competitive style, which gave his partner the option of passing with extra defense. West, with a minimum and no certain trump trick, retreated to a known fit. Had she known the opponents had no great fit, passing the double would have been much more attractive.

The Decision: The key was whether North misbid or South misexplained. If the former, then there was no infraction. If the latter, then there was misinformation. The burden was on N/S to show that they had a firm agreement matching South's explanation, either via convention card or system notes. The convention card said "transfers" in the overcall section and nothing about cuebids. In cases of partnership disagreement or lack of any agreement, the finding is misinformation per law 21B1b.

Next, the committee had to determine if E/W could reasonably have done better with correct information. If so, there was damage. West might well have passed the double for the reasons given by E/W. Thus damage was established.

Finally, the committee examined whether West had seriously erred by removing the double with the information she was given. While passing is possible, it is far from automatic when the opponents have announced a strong spade fit. Therefore, the committee rejected the "self-inflicted" argument of the appellants. Even had it applied, the N/S score would have been adjusted per law 12C1b.

Based on all of the above, the committee assigned a contract of 2♠ doubled for both sides. Routine defense scores eight tricks for down three. The assigned score was minus 500 for N/S and plus 500 for N/S.

The committee found that the appeal had merit.

The Committee: Bart Bramley (Chair), Ed Lazarus, Chris Moll, Josh Parker and JoAnn Sprung.

Commentary:

Goldsmith I agree with most of the well-reasoned and well-written up ruling, but I'd rule E/W plus 150. Yes, there was misinformation. But East would not have doubled had he the correct information. The only likely result was 2♠ gets passed out, so E/W get plus 150. It does not seem at all probable that anyone would double 2♠, so N/S get 150, too. I don't see any legal basis for letting East be misinformed and West not be.

Polisner Even given MI, it appears to me that West's 3♦ is pathetic. Couldn't he be the exact distribution he had? Didn't West already describe her hand? Shouldn't the poll also attempt to establish what West should do given the information received? I suspect that every peer would pass the double which would establish that the bad result was West's failure to play bridge and not the result of any MI.

Rigal N/S was fortunate to avoid an appeal without merit warning (AWMW) here. The way the laws work N/S committed MI and damaged West – who was confronted with a position where passing would have been far more attractive than one in which no spade fit had been demonstrated. Hence there is an adjustment – and an AWMW on appeal. E/W may have misguessed or misjudged, but that does not break the chain.

Smith Good job by the directors and a very thorough job by the committee. I don't see much merit here.

Wildavsky I see no merit to this appeal. I can't imagine that N/S thought they ought to be able to profit through misinforming their opponents. Jeff Goldsmith suggests that, had E/W been informed correctly, the contract would have been 2♠, not 2♠ doubled. The director and committee adjusted as if the infraction were only that West was misinformed. Where we can in some sense consider multiple infractions (here one is misinforming East and another is misinforming West) the principle I use is that we should make the adjustment most favorable to the non-offending side. Thus, I have no quarrel with the rulings. I do wish that this principle were made explicit in the laws -- right now they are silent on the matter.

Wolff Another case involving a modern convention disruption based on the interpretation of whether transfer responses pertain in unusual situations. I am pleased that committees are beginning to recognize the destructiveness of convention disruption and consequently it is being severely penalized when present. I only further wish that, because of this all partnerships, especially modern, feel responsible to make sure both partners are on the same wave length before difficult to remember conventions are attempted.

APPEAL	NABC+ FOURTEEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Steve Bates
Event	Reisinger BAM Teams
Session	Second Qualifying
Date	December 4, 2009

BD#	6
VUL	E/W
DLR	East

Nick Demirev	
♠	K 2
♥	K 8 6 4
♦	4
♣	A Q J T 7 3

Josh Parker		Fall 2009 San Diego, CA	Bruce Rogoff	
♠	A Q 8 5		♠	T 4 3
♥	7 2		♥	A Q J 5
♦	K Q 7		♦	J 8 6 3
♣	K 8 4 2		♣	9 6

Jason Feldman	
♠	J 9 7 6
♥	T 9 3
♦	A T 9 5 2
♣	5

West	North	East	South
		Pass	Pass
1♦ ¹	3♣	Db1 ²	Pass
Pass	Pass		

Final Contract	3♣ doubled by North
Opening Lead	♠3
Table Result	Down 2, N/S -300
Director Ruling	3♣ dbld N down 2, N/S -300
Committee Ruling	3♣ W down 3, E/W -300

(1)	Precision.
(2)	Break in tempo (BIT) of 15-20 seconds.

The Facts: The director was called after the play of the hand was completed. There was a break in tempo of more than 10 seconds. N/S felt that the BIT indicated that something was wrong with the double and that it suggested passing rather than bidding 3♠ with the West hand.

The Ruling: The director judged that the BIT did not demonstrably suggest passing, therefore there was no violation of Law 16B1(a) and the table result of 3♣ doubled by North, N/S minus 300 was allowed to stand.

The Appeal: N/S appealed the director's decision. South was the only player not to attend the hearing.

N/S argued that not only is 3♠ a logical alternative, it's the normal action. They said they had asked a top expert who bid 3♠ without the hesitation and considered that action to be completely normal. Also, because this is BAM and N/S was not vulnerable, even if they beat 3♣ doubled one trick it might not outscore a plus 140 available in 3♠.

E/W said that their double promises 8 to a bad 11 HCP and at least 4-3 in the majors. If partner does not have four spades then 3♠ is probably a silly contract. If he has a classic 4441 shape then the law of total tricks says that if 3♠ is making then 3♣ is going two down, so passing should work well. "Overall, we think that bidding is not even remotely close. Also, a hesitation of 12-15 seconds when we are supposed to wait 10 does not seem like a break in tempo."

The Decision: There was, as usual, some disagreement about the length of the hesitation. E/W thought it was 12-15 seconds; N/S thought it was 15-20. We judged that everyone at the table knew East had a problem, so even if the hesitation had been only 12 seconds that was an "unmistakable hesitation" and per Law 16 B1(a) UI was available.

What did this UI suggest? This turns out to be much clearer than it is most of the time.

E/W play a version of Precision and open most 11-counts.

Since a hesitation in this situation tends to be either extra values or incorrect shape, and it cannot be extra values, it clearly indicates that East was off-shape.

What are the logical alternatives for West? Some would pass and some would bid 3♠, so each are logical alternatives. The committee thought the choice was a close one.

Does the UI suggest one logical alternative over another, less successful one? Yes. If East is known to be offshape, pass is clearly suggested over 3♠. Therefore, passing was a violation of Law 16 and the contract must be adjusted to 3♠. The only at all probable result in 3♠ is down three. North will lead a minor and however N/S arrange their ruffs, they'll take the first seven tricks and West will claim the balance. The committee adjusted the score for both sides to 3♠ by West, E/W minus 300.

Ought we assign E/W a procedural penalty for blatant misuse of UI? No. Firstly, West took a normal action, perhaps even the majority action. Secondly, he judged that bidding 3♠ wasn't a logical alternative, that passing was clear-cut. We think that is a misjudgment, but misjudgments do not beget procedural penalties. In other words, if West had carefully thought through the choices and tried carefully to avoid taking advantage, it was reasonable for him to conclude that his choice was correct. That being the case, no procedural penalty was warranted.

The Committee: Jeff Goldsmith (Chair), Migry Zur-Campanile, Hendrik Sharples, David Stevenson and Chris Willenken.

Commentary:

Goldsmith I still buy our reasoning.

- Polisner** If E/W's statement that the double shows at least 4-3 in the majors and 8 to a bad 11 HCPs, why did it take East more than 10 seconds to make the bid which accurately described his hand? If anything, East must have been thinking of passing and not a weird distribution. That being the case, it would make West's pass even clearer as now the chances of game would be out of the question. I agree with the committee's decision but for a different reason. Certainly this is not a case for a procedural penalty.
- Rigal** Alas, this was a ruling against my team-mates. Fortunately in the first instance we had already failed to qualify for the second day of the Reisinger via a split tie, and secondly the ruling seems clear-cut correct to me. As witness what happened in the other room in a similar position.
- Smith** Was there UI? I think the committee correctly decided there was. Did it suggest passing instead of bidding 3♠? The committee's analysis has convinced me. Was bidding 3♠ a logical alternative? Yes, so good job by the committee on this one.
- Wildavsky** Both the director and committee rulings seem reasonable. Since the case is a close one, I'd have rather seen the director rule in favor of the non-offenders.
- Wolff** The committee simply said that, when West hears a slow negative double which implies a flaw, it will automatically force the responder to make the normal bid, judged to be 3♠, rather than the professional pass chosen. Good enough, but very harsh and for it to be acceptable MUST then be applied by other committees around the ACBL, otherwise no good will develop from it. It is up to us to make sure that this happens with someone designated to oversee that it does. A lot to expect, and dream worthy, but unlikely to happen.

APPEAL	NABC+ FIFTEEN
Subject	Misinformation (MI)
DIC	Steve Bates
Event	Reisinger BAM Teams
Session	Second Qualifying
Date	December 4, 2009

BD#	17
VUL	None
DLR	North

Rafal Jagniewski	
♠	K J 9 7 4 3
♥	2
♦	A J 4
♣	A J 4

Jan Jansma		Fall 2009 San Diego, CA	Louk Verhees	
♠	8		♠	6 5 2
♥	A 9 7 5 4 3		♥	K J T
♦	T 7 5		♦	K 9 8 6
♣	T 6 2		♣	K 9 3

Michal Kwiecien	
♠	A Q T
♥	Q 8 6
♦	Q 3 2
♣	Q 8 7 5

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

Final Contract	4♠ by North
Opening Lead	♦8
Table Result	Made 5, N/S + 450
Director Ruling	4♠ N made 5, N/S + 450
Committee Ruling	4♠ N made 4, N/S + 420 for N/S 4♠ N made 5, E/W – 450 for E/W

(1) Forcing by agreement.

The Facts: The director was called after the play of the hand was completed..

1. North tapped the Alert strip but did not say “Forcing” aloud.
2. At the end of the auction, East asked if the 1NT was forcing. North heard the question as “Was 3NT forcing?” and answered, “No.”
3. East led the ♦8 and claimed he would have led a trump had he known 1NT was forcing.

The Ruling: The director judged that the auction demonstrated that South had at least some additional values, therefore there was not sufficient correlation to adjust the result.

The Appeal: E/W appealed the director's decision and were the only players to attend the hearing. E/W confirmed the director's finding of the facts. East didn't think that N/S had a spade fit.

The Decision: The committee found that there was misinformation. The proper method of Alerting or Announcing is a verbal assertion combined with a tap of the Alert strip. However, the misinformation ought to have had little impact on East's interpretation of the auction, which was consistent with what the defense should expect from the South hand. If East had a concern over the bidding, he could have asked what kind of hand would bid that way before he made the opening lead

The committee admonished N/S for not following proper ACBL Alert procedures. N/S did not fulfill their obligation to make sure that East understood that 1NT was forcing before the opening lead was made. However, the infraction was not one that warranted a procedural penalty. The committee judged that it was not likely that East would have found a better lead and followed it up with a successful defense had he been properly informed, so it assigned to E/W the score for 4♠ by North making five, E/W minus 450. It judged that 10 tricks were at all probable had correct information had been provided, however, so the committee assigned N/S a score of 4♠ by North making four, N/S plus 420, per law 12C1(e).

The Committee: Aaron Silverstein (Chair), Steve Garner, Robb Gordon, Ed Lazarus (Scribe) and Howard Weinstein.

Commentary:

Goldsmith I'm still waiting for E/W to explain to me how the difference between a non-forcing and a forcing 1NT affects the lead. Result stands. For E/W to have a chance at this sort of adjustment, they must call the director immediately when it has become clear that they were misinformed. This occurred when dummy hit. If East had said, "stop play, please. I need to call the director," before a card had been played from dummy, then told the director away from the table that had he been informed correctly, he would have led a trump, then he might get to change his lead. After the hand, however, no dice.

In this case, however, didn't the 3NT rebid make it completely obvious that 1NT could not have been non-forcing? So even if East had called the director immediately, I would have told him to carry on. Result stands.

Polisner I agree with the director and not the committee. For a world-class player like East to claim that he didn't understand what kind of hand South had is disingenuous at best. The subsequent auction revealed that West was not only forcing, but strong enough to bid game. The table result should stand for both sides as the MI caused no damage.

- Rigal** While the non-offenders did not deserve anything from this appeal I might have given N/S plus 450 and then some sort of procedural penalty. After all, the Alert Procedure was not properly followed AND East asked the right question...and got the wrong answer. For sure N/S did not deserve to keep their result one way or another.
- Smith** I would be more convinced of the righteousness of the E/W argument if the director had been called upon the sight of that surprising dummy. In a close case, I prefer the directors' ruling for that reason.
- Wildavsky** Both the director and committee rulings seem reasonable.
- Wolff** At least to me, a perfect decision minus 450 for E/W who got off to the wrong lead, but, in the committee's opinion (and mine) by chance but only plus 420 for N/S since they slightly bungled their responsibility. Since this was a B-A-M appeal, I guess, assuming that a normal result was obtained at the other table, that some kind of fraction would appear on the result screen. To me this is an important progressive decision, although quite simple.

APPEAL	NABC+ SIXTEEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Nancy Boyd
Event	North American Swiss Teams
Session	Second Semifinal
Date	December 5, 2009

BD#	4
VUL	Both
DLR	West

Peggy Kaplan	
♠	K 8 7 5
♥	A K 2
♦	A
♣	A Q J 8 2

Andreas Babsch		Fall 2009 San Diego, CA	Martin Schifko	
♠	A 3		♠	T
♥	9 6 5		♥	Q J T 7 4 3
♦	Q T 7 6		♦	8 5 3 2
♣	K 7 4 3		♣	T 6

Claude Vogel	
♠	Q J 9 6 4 2
♥	8
♦	K J 9 4
♣	9 5

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

Final Contract	6♠ by South
Opening Lead	♥5
Table Result	Made 6, E/W +1430
Director Ruling	4♠ S made 6, E/W + 480
Committee Ruling	6♠ S made 6, N/S + 1430

(1)	Claimed to be slow but only presented as evidence after ruling was delivered and not agreed to by North.
(2)	Agreed break in Tempo (BIT)

The Facts: There was an agreed BIT over 3♥. Peer polling was conducted of four players with over 2000 masterpoints. None passed 2♥ with the South hand so further polling is necessarily hypothetical. With an enforced pass over 2♥, all bid 3♠. All but one bid 4♠ over 4♥. The player who bid 5♦ said he would not bid 5♦ if partner had broken tempo as indicated above. North stated that she would make another move over 4♠, even though she chose a call over 3♥ that could have ended the auction.

The Ruling: The director determined that the BIT by North demonstrably suggested the 5♦ call over a less successful logical alternative of pass. The result was changed for both sides to 4♠ by South making six, N/S plus 480.

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

N/S said that after 1♣ (2♥): 2♠ shows 10+ HCP and 3♠ is preemptive. North said she had such a strong hand that she would likely have made another slam try even over 4♠. South said he had extras for his 3♠ bid.

The Decision: While South's first pass was alleged to be slow, this was not agreed. It was suggested late on and the E/W pair was not present to explain this. Therefore, the committee accepted there was no adequate evidence of any BIT by South over 2♥. It was agreed that North broke tempo before passing over 3♥, so UI was available to South.

The committee judged that there were no logical alternatives to 3♠ by South. However, 4♠ over 4♥ was a logical alternative to 5♦. This was supported by the director poll, though there was some feeling among the committee members that 5♦ was a very clear action.

However, it was felt that North had such a strong hand she would almost certainly bid again over 4♠ and slam would be reached anyway. In fact, 5♦ opposite her singleton ace was not necessarily more encouraging than 4♠. Thus, E/W were not damaged by South's choice of 5♦ over 4♠ and the table result of 6♠ by South making six, N/S plus 1430 was restored for both sides.

The Committee: Gail Greenberg (Chair), Ellen Kent, Ed Lazarus, Chris Moll and David Stevenson (Scribe).

Commentary:

Goldsmith OK, I'll buy the argument that if North was willing to drive to slam over 5♦, the second-least encouraging action South can make over 4♥; then she would not have passed 4♠. Once she bids past game, South will drive to slam.

Polisner Good work by all.

Rigal I don't think the right question was asked or answered. Given that South is deemed to be allowed to bid 3♠ and North can then freely bid 4♥, does the earlier break in tempo make the 5♦ call more attractive? I don't think it has any bearing on the bid in the very slightest. As South you showed a weakish hand; thus partner has a VERY strong hand flawed for a take-out double of 3♥...bridge logic, not the tempo, tells you that. You can do what you like now, regardless of the tempo. Hence a sensible committee decision, though I would have reached it from a different direction.

Smith I find the analysis of the committee compelling. Good job.

Wildavsky I prefer the committee's ruling to the director's. If the director thought it was close, though, I'm pleased that he ruled in favor of the non-offenders.

Wolff

Although every bid taken could be justified (it is a little too much to stomach) and although E/W should be minus 980, normal playing luck (NPL), two BITs seem to demand that N/S should be ruled back to plus 480. If this scoring could be implemented successfully I would choose it to apply. Others will not agree with me, but on this hand I do not see a reason to break tempo and then pass with either hand. With South's hand if I passed it would be in tempo and with North's hand I would not consider passing 3♥ and either bid 3♠ or 3NT. Once I studied it would be even more so.

APPEAL	NABC+ SEVENTEEN
Subject	Misinformation (MI)
DIC	Nancy Boyd
Event	North American Swiss Teams
Session	Second Final
Date	December 6, 2009

BD#	16
VUL	E/W
DLR	West

Varis Carey	
♠	9 7 4
♥	Q
♦	T 8 7 5 3 2
♣	K 3 2

Mitch Dunitz		Fall 2009 San Diego, CA	Ifti Baqai	
♠	Q J 6		♠	A 8 5
♥	A 9 4 3 2		♥	K J 7 6
♦	A K J		♦	9
♣	A 7		♣	Q J 9 8 6
		David Caprera		
		♠	K T 3 2	
		♥	T 8 5	
		♦	Q 8 5	
		♣	T 5 4	

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

Final Contract	6♥ by West
Opening Lead	♦7
Table Result	Made 6, E/W + 1430
Director Ruling	6♥ W down 1, E/W -100
Committee Ruling	6♥ W down 1, E/W -100

(1)	East to North: ♥ fit with unspecified shortness. West to South: ♥ fit spade shortness (splinter)
(2)	Two keycards without ♥ queen.

The Facts: The director was called after dummy was displayed and again after play had been completed. Screens were in use and North and South were given different explanations by their respective screenmates.

After ascertaining the actual E/W agreement, the director took South away from the table and asked whether he might have taken a different action with the correct information about 3♠. South replied that he could have doubled 3♠.

N/S methods prevent a double of 3♠ to request a spade lead if the bid shows spade shortness. A double of an artificial 3♠ bid would request a spade lead.

The Ruling: The director judged that South was given misinformation. With a spade lead, the contract will fail if declarer attacks clubs. The director judged that N/S was damaged, therefore the result was adjusted to 6♥ by West down one, E/W minus 100 for both sides, per Laws 21 and 12C1(e).

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

E/W questioned the ruling for four reasons:

1. It was not clear to double 3♠ even with correct information.
2. Had 3♠ been doubled, West might have taken a different auction rather than bidding Blackwood without a second round club control.
3. Had South been correctly informed, it would have meant that West would have also have known the E/W agreement and would have bid more cautiously.
4. They felt that the adjustment was rather harsh, in that N/S were given two chances to achieve a good result, one by defeating 6♥ with the lead they made, and one with an assigned score.

N/S contented that while not clear-cut many players would double 3♠, and that it would be almost universal without the ♦Q.

The presenter, Matt Smith, noted that the directors had given the E/W hands to three experts and asked how they would play 6♥ on a spade lead, given an auction where South had received correct information and had doubled. All three took the club finesse and went down a trick.

The committee asked whether a poll had been taken on doubling 3♠ with the South hand, given correct information. He replied that no such poll had been conducted.

The Decision: Given correct information, two of the committee members would have doubled 3♠, one would have passed, and two thought it was close. All believed that between 40% and 60% of the field would double. West's contention that he might have bid differently after a double seemed without foundation. Given that he thought his partner had a singleton spade he'd have the same information available to him with or without the double. E/W's third point was dismissed as irrelevant as a matter of law. E/W's fourth point was similarly irrelevant. Yes, the adjustment was harsh, but that is the way the law is written. It is intended to provide a strong incentive to provide correct information, and indirectly to provide an incentive to use methods that both partners can remember.

The committee judged that South would double about half the time, that E/W would almost surely then reach 6♥, and that declarer would very likely go off a trick on a spade lead. That made 6♥ down one the most favorable likely result for the non-offenders and the most unfavorable result that was at all probable for the offenders, so the committee assigned it to both sides per Law 12C1(e), as the director had.

The committee found that the appeal had substantial merit because it was not clear to double with the South hand even given correct information

The Committee: Adam Wildavsky (Chair), Chris Moll, Steve Robinson, Patty Tucker and Kit Woolsey.

Commentary:

- Goldsmith** I was on N/S's team, for whatever that's worth. The crux of the matter is how likely South is to double 3♠ given the right information. I did a poll and found that about 20% would. That means that doubling is at all probable, but not likely. So N/S get minus1430 and E/W get minus 100. That was my gut feeling in November, but the decision is close enough that the feelings of a small sample of committee members could easily sway it. This is one of the few cases in which different committees could easily and reasonably rule three different ways. Ought the directors have done a poll? Yes, but it's hard. My poll's results were pretty noisy; some didn't read the conditions carefully and thought 3♠ was a splinter. Others thought that doubling might cause partner to save, even if it is clearly defined as lead-directing. Some thought that lead-directing at white vs. red is the same as save-inducing. N/S were clear on their agreements, fortunately, but doing a poll when players might not interpret such agreements identically to the players at the table is likely not going to give convincing results. Furthermore, a poll here has to be of a lot of players, not just four or five. We know that doubling is in the 10-50% range. To establish with a decent degree of confidence that it's in one of 0-17%, 17-33%, or 33%+ just cannot be done with a typically-sized poll during an event.
- Polisner** Good work by all.
- Rigal** A subsequent poll of the South hand (away from the tournament) produced a VERY small sample prepared to double here. To my mind the call is ludicrous. Even if E/W might get landed with the slam going down to give it to N/S seems absurd. I'd have awarded a split score. I'm prepared to be harsh to E/W but not give N/S a windfall.
- Smith** Very good and thorough job by the committee.

Wildavsky I chaired this committee and haven't found cause yet to change my mind. My write-up should have mentioned that N/S had notes saying that this double is lead directing, rather than suggesting a save. These notes were produced in screening -- we neglected to ask for them at the hearing. Steve Robinson plans to take a poll regarding doubling 3♠ with correct information. I hope to have the results before the casebook goes to press! When I saw Bobby Wolff's comment on this case I asked him "How do you intend for the ruling you find just to be arrived at under the Laws we use in the ACBL? It seems to me that law 12C1(e) is (for once) clear. The non-offending side gets the most favorable result that was likely had there been no infraction, either plus 100 or minus 1430. On what basis can we award them average or average plus?"

I found his reply enlightening enough that I asked for and received permission to quote it: "My preference (and, of course, I, long since, have already switched to) is for discussing what the laws should be, rather than what they are. To do otherwise would be cave dwelling, caretaking and Ostrich like".

I prefer to address my comments to interpretation of existing law and regulation. Where I do otherwise, for instance in kvetching about our Stop Card policy, I try to be explicit. I'm glad to learn why Bobby feels differently -- it helps me put his comments in context.

Wolff A very harsh but fitting ending to this set, since convention disruption was severely penalized, although some would have great sympathy for what happened. One final word is that if this had been matchpoints instead of a Swiss team, since N/S did not defeat the slam it seems right to give E/W minus 100 in 6♥, but N/S only an average or maybe an average plus instead of giving them credit for defeating the slam. To give them a tie for top is not to do justice under these circumstances.

APPEAL	Non NABC+ One
Subject	Unauthorized Information (UI) - Tempo
DIC	Mike Flader
Event	Sunday Evening BAM Teams
Session	Only
Date	November 29, 2009

BD#	11
VUL	None
DLR	South

3,000 Masterpoints	
♠	A 9 7 5
♥	Q 7 5
♦	A J T 8
♣	9 3

2,600 Masterpoints		Fall 2009 San Diego, CA	2,300 Masterpoints	
♠	J 8 4		♠	Q T 6 3 2
♥	K 9 6 4		♥	3 2
♦	K 7 2		♦	9 6 5 4
♣	8 7 4		♣	6 2

1,000 Masterpoints	
♠	K
♥	A J T 8
♦	Q 3
♣	A K Q J T 5

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

Final Contract	6♣ by South
Opening Lead	♣4
Table Result	Made 6, N/S + 920
Director Ruling	5♣ S made 6, N/S + 420
Panel Ruling	6♣ S made 6, N/S + 920

(1) Break in Tempo (BIT)

The Facts: The director was called after the 6♣ call and again after the play of the hand was completed. As above the director determined that there was a BIT.

The Ruling: The director determined that the BIT demonstrably suggested bidding and that passing 5♣ was a logical alternative. Therefore, the score was adjusted to 5♣ by South making 6 for both sides, 920.

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

North said he could not possibly hold a better hand to bid 6♣. - two aces and honor third of partner's second suit. He felt 6♣ was automatic regardless of the BIT.

E/W thought the BIT demonstrably suggested bidding 6♣.

The Decision: Seven players were polled with masterpoint holdings between 1,500 and 4,000 points. Given the North hand and the auction: one player passed 5♣, two players bid 5♦two players bid 6♣one player bid 5♥and one bid 6♥All seven were asked what the BIT suggested and all said they didn't know – possibly:

- passing 3NT
- asking for aces
- signing off.

All said they would make the calls they made with or without the hesitation.

Therefore, the panel determined that bidding was not demonstrably suggested by the BIT and reinstated the table result of six clubs making six for both sides.

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

Commentary:

Polisner This hand represents a good reason for conducting polls. As without one, I would have gone with the director. However, since the poll was so conclusive, the panel did the right thing.

Rigal Excellent decision – and I'm happy with the director's decision although I think he might have followed the polled players' route and decided that the slow 5♣ bid did not demonstrably suggest bidding on. It just suggested doubt as to what to do – the direction was unclear.

Smith I agree with the panel's conclusion that a slow 5♣ call in this sequence does not demonstrably suggest one course of action over another. The write-up is a bit fuzzy in explaining how that conclusion was arrived at from what the polled players said. The fact that the polled players said they would do what they did regardless of the hesitation makes me wonder if they were asked the correct questions. Their opinion on that matter should be irrelevant to the panel. All the panel needed to discover was if there was UI (was there a hesitation?), were there logical alternatives to the 6♣ bid made, and did any UI demonstrably suggest any one course of action over another? Since the answer to the last question in this case is no, the panel made the right decision.

Wildavsky I don't like the panel's ruling, though I don't know how they could have done better. It seems clear to me that a slow 5♣ suggests interest in slam. If partner were thinking about passing 3NT he could have tried 4♣, leaving the possibility of playing 4NT open. He must have been thinking about slam. The panel is bound by the results of its poll, though. Perhaps they could have asked their question more clearly. The respondents who answered that partner might have been thinking about signing off doesn't seem to have understood the question. Since he did sign off, the question is what other actions he was considering, and why.

Wolff I agree with the ruling, but here is a case when polling peers (particularly non-expert ones) does not satisfy the puzzle. All the peers determined was that, in their collective opinion, 5♣ was some kind of asking bid and so naturally they would be afraid to pass for fear of not being in the proper trump suit. Better to resort to asking the North and South players tricky questions to help determine the only question of whether North was guilty of acting because of UI.

APPEAL	Non NABC+ Two
Subject	Unauthorized Information (UI)
DIC	Tom Whitesides
Event	Tuesday Daylite Open Pairs
Session	First of Two
Date	December 1, 2009

BD#	20
VUL	Both
DLR	West

1,757 Masterpoints	
♠	A 7 6 4
♥	J 8 2
♦	T 9 2
♣	7 5 4

3,007 Masterpoints		Fall 2009 San Diego, CA	6,655 masterpoints	
♠	Q 5		♠	K 2
♥	4 3		♥	T 9 7 6 5
♦	A Q 8 4 3		♦	7 5
♣	Q J T 2		♣	A 9 6 3

54 Masterpoints	
♠	J T 9 8 3
♥	A K Q
♦	K J 6
♣	K 8

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

Final Contract	3♠ by North
Opening Lead	♦7
Table Result	Made 3, N/S + 140
Director Ruling	3♣ S down 5, N/S - 500
Panel Ruling	3♣ S down 5, N/S - 500

(1)	By agreement two-suiter – spades and clubs. Alerted and explained as such.
(2)	On convention card, is a transfer to 3♣

The Facts: After the play of the hand was completed, the director was called. 3♠ made when West covered the ♠J lead from dummy after giving his partner a diamond ruff after the ♦7 opening lead. The director was called after play ended. N/S's convention card is marked "1N > P > 2S > [transfer to] 3♣." N/S recently added Sandwich NT to its methods.

The Ruling: The Alert awakened South to the fact that 1NT was not natural. Since North's 2♠ should have forced South to bid 3♣, the contract was changed to 3♣, which would go down five for N/S minus 500. Law 16B3.

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

South said that she forgot they were playing Sandwich. It never occurred to her that 2♠ would be a transfer after the opponents bid two suits. Had they bid only one suit it would have been a transfer. Even if she had read it correctly, when the transfer was alerted her partner would have taken the contract back to 3♠. The reviewer explained to her that using the Alert of the transfer was disallowed, just as her use of partner's Alert of her 1NT was disallowed.

North wanted to know the Laws used to make the ruling and West had nothing to add.

The Decision: North's Alert of 1NT gave South UI, which led to her 3♠ bid. Law 16B1(a) states "After a player makes available to his partner extraneous information that may suggest a call or play, as for example by ... an unexpected Alert ... the partner may not choose from logical alternative actions one that could demonstrably have been suggested over another by the extraneous information."

The panel then considered what North would have done (without UI) after partner showed both black suits but took him out of his choice. Three players with 1400 – 1600 MPs were asked what they would have done (playing with an inexperienced partner). All three passed. When asked why, two said they did not know what was going on. One said she thought partner might have overcalled a natural 1NT with long clubs.

Based on this information the panel decided that Law 16B1(a) had been violated. Law 12B1 states: "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." Covering the ♠J was an egregious defensive error, but even if E/W defeated 3♠ they would not be able to achieve the same result that they would from defending 3♣.

Given the above the panel judged that the final contract should be 3♣ down five – N/S minus 500 and E/W + 500. The complexity of the case and South's inexperience led to the decision that the appeal had merit.

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

Commentary:

Polisner A very convoluted set of facts. Firstly, from the facts given, I disagree that the convention card states that 2♠ is a transfer to clubs unless there is a note that the system is on after a 1NT overcall. If this was behind screens South, who is unaware of North's Alert, would have understood North's 2♠ to be an offer to play 2♠ (assuming that transfers were off as 2♥ would be a transfer to spades if "system on"). South would likely pass on his 15-18 as it doesn't look so good with his poorly placed minor suit honors. For me, this case hinges on the finding about whether 2♠ is or is not a transfer to clubs on this auction. If not, table result stands. If yes, ruling and decision are correct.

- Rigal** The appeal certainly has merit. Why did South not pass 2♠ I wonder – and what would have happened if they had... I'm glad I do not have to decide that. Back to business: South's 3♠ bid was based on UI, so we have to try to work out what a normal South would do facing a 1NT call Alerted and explained as strong; 3♣ down five seems right. It looks wrong to reward E/W this much (I'm sure RW will have comments here!)...but the law is the law, even if the law is an ass.
- Smith** I still think this case was decided correctly. Excellent write-up.
- Wildavsky** 3000 masterpoints ain't what they used to be! I like the decisions. Good work realizing that 12C1(b) did not apply. I see no merit to this appeal.
- Wolff** Since this case was involved only with the impossibility of adjudicating convention disruption (CD), there was total confusion of what the 1NT overcall meant:
1. Natural,
 2. Sandwich and whether the responses were or transfers or best suit.
- Rather than pick wings off the poor creature N/S partnership, just severely punish N/S up to a full board while at the same time not reward a partnership who would cover the Jack of Spades and give them less than an average (certainly well deserved). Instead N/S never really realized how important it is for them to not create CD and E/W never paid any kind of penalty for their egregious defensive play. At the very least there needs to be some kind of education to these players! Just another opportunity lost together with everyone (including the directors and the panel) confused.

APPEAL	Non NABC+ Three
Subject	Misinformation (MI)
DIC	Tom Marsh
Event	0-5000 Blue Ribbon Pairs
Session	First Qualifying
Date	December 1, 2009

BD#	24
VUL	None
DLR	West

2,500 Masterpoints	
♠	T 8 6 5 3
♥	4 2
♦	Q 6 5
♣	T 9 4

3,500 Masterpoints		Fall 2009 San Diego, CA	2,000 Masterpoints	
♠	A K Q 2		♠	J
♥	A Q J T 5		♥	9 8 7 3
♦	J 9		♦	8 4 3 2
♣	Q 8		♣	K 6 5 2

2,000 Masterpoints	
♠	9 7 4
♥	K 6
♦	A K T 7
♣	A J 7 3

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

Final Contract	4♥ by West
Opening Lead	♦5
Table Result	Made 5, E/W + 450
Director Ruling	4♥ W made 4, E/W + 420
Panel Ruling	4♥ W made 5, E/W + 450

(1)	Precision – strong, forcing and artificial.
(2)	0-7 HCP or 8 balanced.
(3)	Lead directing.

The Facts: The director was called after the play of the hand was completed. The 3♣ bid (help suit game try) on a doubleton was not Alerted. South won the opening ♦5 lead and asked about the 3♣ bid. She was told it was a suit and should be at least three cards in length. She played the ♣A. When she saw partner's ♣4 she believed it had to be a singleton and tried to give him a ruff. The second diamond went away. The Director specifically asked East if West's hand was a surprise on the bidding and was told "no."

The Ruling: Law 20F6 ["If the Director judges that a player has based an action on misinformation given to him by an opponent, see ... Law 47E2(b)"], which says "When it is too late to correct a play ... the Director may award an adjusted score." was abridged so E/W was assigned plus 420. With the information that West could have a doubleton South would have cashed her second diamond.

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

E/W both said their agreement is that their help suit game tries show at least three, usually to an honor, but what bid other than 3♣ was available on this hand? It would have been unproductive to make a help suit game try in spades and 3♦ would have shown something else. They said they had made help suit game tries with a doubleton only two or three times in the last 15 years.

South said that if West had had at least three clubs her partner's ♣4 had to be a singleton [*Reviewer's note: North might have had Q4 of clubs and not shown count.*] so she tried to give him a ruff. When she was asked what she thought declarer's whole hand was on this bidding she admitted she had not given it much thought.

The Decision: Six players with 1,700 – 3,000 masterpoints who play help suit game tries were consulted. Two said they would bid 2♠ even though they needed no help in that suit. The other four bid 3♣ even though their agreement was that this try showed three, usually to an honor. Two said that sometimes you have to manufacture a bid because you are not dealt a hand that fits your agreement.

There is an apparent conflict between East's answer to the director's question and what he said in the review. The director was asking specifically about the club suit but East's answer was made looking at the whole hand. A better answer would have been 'I am surprised that he has only two clubs, but what other bid is there on this hand?'

Based on the above the panel decided that Law 20F had not been violated and restored the table result of 4♥ by West making five for both sides.

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

Commentary:

Polisner Good work by the panel.

Rigal I'm sure if East had answered the question by listening more carefully this case would not have got past the tournament director to appeal. A sensible panel decision. I agree 3♣ is unusual but West's explanation made perfect sense.

- Smith** This is an exceptionally good panel decision. It is correct on the law and extremely well reasoned and presented.
- Wildavsky** How long has it been since I quoted Kaplan? "Having an agreement with one's partner does not create an ironclad contract with one's opponents." The panel corrected an injustice.
- Wolff** Unfortunately, so many players, more than anyone could know, have no idea what help suit means or are aware of the different versions, rendering that convention unplayable. We need continuous education on that and other subjects otherwise many more cases than just this one should be penalized. Obviously at matchpoints there is a huge (probably 1/2 a board) difference between making four and five and deserves our attention. However, for South to stake 1/2 a board on playing partner for a singleton club when he didn't lead it is hard to accept. Whatever, we have a long way to go to both fairly determine these disputes and even more importantly, educate the bridge players on what the conventions they play are about.

APPEAL	Non NABC+ Four
Subject	Declarer's Claim Disputed
DIC	Tom Marsh
Event	0-5000 Blue Ribbon Pairs
Session	First Qualifying
Date	December 1, 2009

BD#	18
VUL	N/S
DLR	East

3,300 Masterpoints	
♠	T 3
♥	A 8 3
♦	9 6 5 4 3
♣	K 8 2

4,700 Masterpoints		Fall 2009 San Diego, CA	4,700 Masterpoints	
♠	K Q 8 5 2		♠	6 4
♥	Q 6 4 2		♥	J 7
♦	K		♦	A Q J 8 7
♣	T 7 3		♣	Q 9 6 4

1,600 Masterpoints	
♠	A J 9 7
♥	K T 9 5
♦	T 2
♣	A J 5

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

Final Contract	2♦ by East
Opening Lead	♣A
Table Result	Down 1, E/W - 50
Director Ruling	2♦ E down 1, E/W - 50
Panel Ruling	2♦ E down 1, E/W - 50

The Facts: The director was called at trick ten when declarer, on lead from her hand, claimed in the position shown below. She was asked what she was pitching from dummy and said it did not matter. North wanted her to play three rounds of diamonds and pitch the ♥HQ on trick 12, allowing him to win tricks 12 and 13.

	♥ 8		
	♦ 965		
♠ Q8 ♥ Q6		♦ QJ8 ♣ 9	
	♠ J9 ♥ 95		

The Ruling: The play of the fifth diamond was deemed to be irrational once South shows out on the third lead of the suit. Law 70E1. Final result: 2♦ by East down one, E/W minus 50.

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

N/S repeated its position that East should play her ♦8 at trick 12 and throw the ♥Q from dummy, which would allow North to win the last two tricks.

East (about 4700 masterpoints) said she would have noticed if both the ♦10 and ♦9 had been played and would have played her ♣9 at trick 12.

The Decision: Law 70E1 states "The Director shall not accept any unstated line of play the success of which depends upon finding one opponent rather than the other with a particular card, unless an opponent ... would subsequently fail to follow to that suit on any normal* line of play or unless failure to adopt that line of play would be irrational." *'Normal' includes play that would be careless or inferior for the class of player involved.

Declarer, having pulled only two rounds, clearly knew there were outstanding trump. The 10 and 9 are such large cards the panel judged that someone with her experience would have noticed if they both had been played and thus it would be irrational for her to continue trump after playing the ♦Q and ♦J. The claim stands - 2♦ down one, E/W minus 50.

The appeal was deemed to have merit.

The Panel: Charles MacCracken (Reviewer), Steve Bates and Candy Kuschner.

Commentary:

Polisner Okay, I guess, but I am normally very hard on incomplete claims especially when there is an outstanding trump.

Rigal Interesting and far from obvious. Any time a declarer claims (how many tricks by the way –the report is unclear but we assume 'the rest') when they have a trump loser I think there is a good case. I'd be inclined to split the score if that were allowed. But I suspect 12C3 does not apply here. So, I guess I'll grudgingly accept the panel's decision.

Smith I agree with the directors and panel on this case. We don't know if East miscounted trumps or simply expected them to split. Probably the latter I would guess. But in any case, I agree that even if they were miscounted it is beyond careless or inferior for a player to attempt to draw the last trump with the eight.

Wildavsky I don't like these rulings. Yes, it would be irrational to throw North in with the last trump, but declarer had already shown through her claim that she had miscounted trump. There's no reason to believe that she would have paid any attention to the spots, high or low. Miscounting trump is merely careless, not irrational.

Wolff Normal greed (wanting a better score) is sometimes understandable but here N/S went too far and should be chastised by at least being embarrassed for trying to get what they didn't deserve.

APPEAL	Non NABC+ Six
Subject	Misinformation (MI)
DIC	John Gram
Event	Wednesday Daylite Swiss Teams
Session	Second of Two
Date	December 2, 2009

BD#	20
VUL	Both
DLR	West

770 Masterpoints	
♠	8 x
♥	A K Q T x
♦	5 4 3 2
♣	T x

5,005 Masterpoints		Fall 2009 San Diego, CA	5,268 Masterpoints	
♠	A Q x		♠	T 9 x
♥			♥	7 x x
♦	A K Q J 9 x		♦	T 7
♣	Q 8 x x		♣	A K 5 x x

760 Masterpoints	
♠	K J x x x
♥	J 9 x x x
♦	8
♣	J 9

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

Final Contract	3♥ by North
Opening Lead	♣A
Table Result	Down 2, N/S - 200
Director Ruling	5♣ E made 7, E/W + 640
Panel Ruling	3♥ N down 2, N/S - 200

(1)	West asked meaning before passing. Told limit raise. Actual agreement is preemptive.
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The Facts: As above. Prior to opening lead South said the meaning of 3♥ was preemptive. The director was called and offered East the opportunity to change his final pass – He declined. Away from the table, West said that if informed that the meaning was preemptive, she would have doubled 3♥.

The Ruling: The director judged that with the correct information, West would have doubled and E/W would reach 5♣ and make seven. Therefore, the result was adjusted for both sides to E/W plus 640. Law 21B3.

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

N/S felt that failure to bid over 3♥, regardless of the meaning given, was what led to any damage.

E/W felt that the explanation of limit made any action over 3♥ less attractive as there were fewer values left for partner.

The Decision: A number of players with more than 4,000 masterpoints were polled as to action by West over 3♥ described as a limit raise. All made a call – four doubled and one bid 4♣. No player polled considered a pass. After they answered the question, all were asked if the meaning of the 3♥ bid was relevant to their decision. The answer in all cases was “No.”

Per Law 12C1(b) – “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 question about the hypothetical meaning of 2♦ in place of 3♥ indicated that West was aware of what was really going on at the table. This is also a question that would be acceptable during the auction. This, in addition to the peer polling results, constituted to the panel that West had made a serious error unrelated to the infraction. Therefore, the panel overturned the director's decision and reinstated the table result, N/S minus 200, for both sides.

Note: on further review, well after the ruling had been delivered to the appellants, it was thought by all three panel members that the remainder of Law 12C1(b) should have applied – “The offending side should be awarded the score that it would have been allotted as the consequence of its infraction only.” Therefore, the N/S score should have remained as the director ruled, minus 640. It was felt that it was too late to actually make this adjustment. The reviewer agreed to tell the appellants that we felt that a two-way score as above is what the panel should have awarded.

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

Commentary:

Polisner I disagree that failure to act over 3♥ is a “serious error” and the non-offenders should be given quite a bit of latitude in this type of case. Certainly acting offensively over 3♥ is more attractive over a pre-emptor than a limit raise. I would have voted for 6♣ making seven for both sides.

Rigal I'm not sure I knew how 12C1 operated here. I prefer that the offenders get landed with minus 640, given that they deserved no better. Regardless of whether you agree with the panel they followed the (complex) procedure intelligently and applied sensible judgment. A good ruling I think.

- Smith** The panel struggled here to rationalize some conflicting issues. The poll indicated that few if any would pass 3♥ even with the correct explanation. So the panel did not want to give E/W anything, and only belatedly noticed that Law 12C1(b) apparently gave it a way to do this. Actually, I'm not convinced that passing is bad enough to invoke that law anyway. The ACBL Laws Commission has interpreted it to mean an egregious error, not just an average misjudgment. So first of all, if it doesn't meet that standard then the panel is bound to give NS redress if they adjust the NS score. But the real problem here, in my opinion, is that the panel too quickly resorted to Law 12 (which dictates how scores are to be adjusted) before they read carefully enough the laws that send them there in the first place. Law 21B3: "When it is too late to change a call and the Director judges that the offending side *gained an advantage from the irregularity*, he awards an adjusted score." And 40B4: "A side that is damaged *as a consequence* of its opponents' failure to provide full disclosure of the meaning of a call or play as these Laws require is entitled to rectification through the award of an adjusted score." The poll revealed that E/W were not damaged as a consequence of the explanation of 3♥, but instead by West's own quirky judgment. No need to adjust the score at all, so I think the panel got it right the first time when it awarded both sides the table result of N/S minus 200.
- Wildavsky** The panel both improved and worsened the director's ruling. Their subsequent reflection was spot on. I'm surprised that they got this wrong. Law 12C1(b) is new, but the concept dates back to 1973: http://www.blakjak.demon.co.uk/lws_lan0.htm There are a couple of things about the write-up that puzzle me, though they don't affect the ruling directly: "The question about the hypothetical meaning of 2♦ in place of 3♥ indicated that West was aware of what was really going on at the table." What question? "This is also a question that would be acceptable during the auction." I disagree. Once he's told that 3♥ is preemptive, asking about calls not made seems like harassment. Such questions may be legal, but they are superfluous.
- Wolff** If it was determined that N/S should have announced that South's 3♥ raise was preemptive, then there is no doubt that a two-way score should be given. E/W, by their failure to act should get no better than the actual score plus 200 defending 3♥ (What terrible dummy play to go down 2 instead of 1). N/S, therefore, should trade their minus 200 for minus 640, five clubs or diamonds making seven.

APPEAL	Non NABC+ Seven
Subject	Misinformation (MI)
DIC	Jeff Alexander
Event	Wed-Thu Compact Knockout
Session	First
Date	December 2, 2009

BD#	25
VUL	E/W
DLR	North

81 Masterpoints	
♠	J 9 7 2
♥	A Q J 4
♦	Q 5 2
♣	K 7

1,214 Masterpoints		Fall 2009 San Diego, CA	266 Masterpoints	
♠	6 5 4		♠	K Q T
♥	K 3		♥	7 6 5
♦	7		♦	A J T 9 4
♣	Q J 8 6 5 3 2		♣	A 9

2,707 Masterpoints	
♠	A 8 3
♥	T 9 8 2
♦	K 8 6 3
♣	T 4

West	North	East	South
	1♣ ⁽¹⁾	1♦	1♥
Pass	2♥	Pass	Pass
Pass			

Final Contract	2♥ by South
Opening Lead	♦7
Table Result	Made 2, N/S + 110
Director Ruling	3♣ W made 3, E/W + 110
Panel Ruling	2♥ S made 2, N/S + 110

(1)	Agreement is could be a doubleton – no Announcement.
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The Facts: The director was called after dummy was faced and again after the play of the hand. N/S's agreements were such that a 1♣ opening could be as short as two clubs. A "Could be short" Announcement is required for this agreement. Away from the table, West said she would bid 3♣ if properly informed.

The Ruling: The director judged that E/W were damaged. The result was changed to 3♣ by West making three, E/W + 100 for both sides as the most favorable likely result for E/W and the most unfavorable result at all probable for N/S. Laws 40B4 and 12C1(e).

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

N/S agreed that they had failed to Announce as required.

E/W were not present at the review as they had left. However, through several telephone calls with the West player, the Reviewer established that the set of facts were agreeable to all. The West player could not state a reason why a 3♣ bid became more attractive than a pass based upon a timely Announcement.

The Decision: Five players in the 800-1,200 masterpoint range were polled giving them the West hand and without a proper Announcement. Two would not bid and would not bid with an Announcement. Three bid 3♣ and would have done so with an Announcement.

The poll indicated that the choice of passing (not bidding 3♣) was not due to the failure to Announce the potential shortness but was due to the tendency of the West to remain silent in this type of auction.

Therefore, the panel determined that there was no damage and reinstated the table result of N/S plus 110 for both sides.

The Panel: William Michael (Reviewer), Matt Koltnow and Tom Marsh.

Commentary:

Polisner I disagree with the panel as 3♣ is more attractive with the correct information.

Rigal This cannot be right; regardless of what you think E/W are due, N/S's failure to Alert caused them to get their good result. They deserve no better than minus 110. Even if E/W get landed with the table result, (and I'd be sorely tempted to give them the benefit of the doubt) I think a split score must be put in place.

Smith Good methodology by the panel, and I agree with the conclusions that flow from it. I have yet to see a situation where I think it is right to adjust a score based on a failure to announce a "could be short" 1♣ opener that promises two or more. However, I do have little sympathy for N/S in not announcing it, and I would give them a penalty.

Wildavsky I prefer the director's ruling to the panel's. Whether West could articulate a reason or not, it's clear that the fewer clubs North needs the more room there is for clubs in East's hand. No poll is necessary to establish this.

Wolff This hand is a "poster child" as to why the Announcement of a possible doubleton club by the one club bidder is required. West should have had that Announcement made to him just in case he might want to have bid 3 clubs natural the second time around. I strongly favor the score to be either minus 110 or minus 130 N/S depending on whether West will finesse the club and guess the spade (North may lead a spade rather than the trick giving ace of hearts so I would give E/W making 4♣).

APPEAL	Non NABC+ Eight
Subject	Unauthorized Information (UI) - Tempo
DIC	Tom Marsh
Event	0-5000 Blue Ribbon Pairs
Session	First Final
Date	December 2, 2009

BD#	18
VUL	N/S
DLR	East

1,390 Masterpoints	
♠	A 9 6 3 2
♥	Q 7 3
♦	Q 4
♣	T 7 2

900 Masterpoints		Fall 2009 San Diego, CA	1,500 Masterpoints	
♠	J T 5 4		♠	Q 8
♥			♥	K 6
♦	T 9 8 6 3		♦	K J 5
♣	A K Q 6		♣	J 9 8 5 4 3

3,040 Masterpoints	
♠	K 7
♥	A J T 9 6 5 4 2
♦	A 7 2
♣	

West	North	East	South
		Pass	1♥
Dbl	1♠	3♣	4♥
5♣	5♥	Pass	6♥
Pass	Pass	Dbl ¹	Pass
7♣	Pass	Pass	Dbl
Pass	Pass	Pass	

Final Contract	7♣ doubled by East
Opening Lead	♠K
Table Result	Down 3, E/W - 500
Director Ruling	6♥ Dbl'd S made 6, N/S + 1660
Panel Ruling	6♥ Dbl'd S made 6, N/S + 1660

(1) Agreed break in tempo (BIT).

The Facts: The director was called after the 7♣ bid and again after the play of the hand. The BIT was agreed by all players.

The Ruling: The director judged that the 7♣ bid was demonstrably suggested by the BIT and that pass was a logical alternative. The score was changed for both sides to 6♥ doubled by South making six, N/S plus 1660.

The Appeal: E/W appealed the director's decision and all players attended the hearing. West stated that he passed more quickly than he would have liked over 6♥, because he didn't want to put ethical pressure on his partner. He said that he would have really preferred to bid 7♣, even without partner's action. There was no agreement on the length of the BIT. It seemed to be from 12-30 seconds. The one thing that all players agreed on was that the BIT was noticeable.

The Decision: Five players with around 1,000 masterpoints were polled. They were given the auction up to the point where 7♣ was bid, without mention of the BIT before the double. Not one “pulled” the double, or stated any belief that 7♣ would be a successful sacrifice.

Therefore, the director’s decision was upheld and the score of N/S plus 1660, E/W minus 1660 was retained.

The appeal was determined to have merit.

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

Commentary:

Polisner Good ruling and decision, but at least an appeal without merit warning (AWMW) should have been issued.

Rigal The facts of this case could go to make up the classic Appeal Without Merit case. What more did the panel need but a unanimous group who sat for the double? Yes it decided the case right...but really!

Smith This was a pathetic appeal that never should have been made. No AWMW? I would have given West a penalty for flagrantly taking advantage of UI (Law 73C).

Wildavsky Not a shred of merit. I'd have assessed a procedural penalty in addition. It could not have been more attractive for West to save after partner doubled than it was beforehand.

Wolff No merit to E/W's appeal. Be real and why wouldn't E/W be charged with an AWMW? We need to be more consistent!

APPEAL	Non NABC+ Nine
Subject	Misinformation (MI)
DIC	Tom Marsh
Event	0-5000 Blue Ribbon Pairs
Session	Second Final
Date	December 2, 2009

BD#	22
VUL	E/W
DLR	East

1,700 Masterpoints	
♠	T 9 7 6
♥	A T 7 3
♦	9
♣	T 7 6 4

2,904 Masterpoints		Fall 2009 San Diego, CA	2,349 Masterpoints	
♠	A 8 5		♠	J 4 2
♥	J 9 8		♥	6 4
♦	5 4 3 2		♦	A Q J T 7 6
♣	Q 5 3		♣	A 8

1,000 Masterpoints	
♠	K Q 3
♥	K Q 5 2
♦	K 8
♣	K J 9 2

West	North	East	South
		1♦	1NT
2♦ ¹	Pass	Pass ²	Dbl
Pass	Pass	Pass	

Final Contract	2♦ doubled by East
Opening Lead	♠K
Table Result	Made 2, E/W + 180
Director Ruling	2♦ dbld E made 2, E/W + 180
Panel Ruling	2♦ dbld E made 2, E/W + 180

(1)	Alerted – shows the majors.
(2)	Slow.

The Facts: The director was called at the end of the auction and again after play of the hand. East was slow in Alerting the 2♦ bid as both majors per the E/W agreement. The correct explanation of the E/W agreement was given even though West's hand did not match the explanation and agreement.

The Ruling: Since N/S received the correct explanation of E/W's agreement, the director judged that West had misbid, which is not an infraction. No adjustment. Law 40C1.

The Appeal: N/S appealed the director's decision after the scores were posted. By that time E/W had left the playing area.

N/S felt that they had been misinformed since the information did not match the hand held by West and East chose to pass 2♦ instead of bidding 2♠. They thought if they had been informed that 2♦ was a natural raise, the South's reopening double would have been interpreted as takeout and a heart partscore would have been reached.

When asked about the defense to 2♦ doubled, they said that the ♠K opening lead was ducked. South switched to the ♥K and when that held led the ♥2 to North's ace. North played a third round of hearts ruffed by declarer.

The table director said that she had checked only the part of the convention card that listed defense to opponents opening notrump bids. It showed that E/W played Hamilton (2♦ = majors) but did not indicate whether it applied over notrump overcalls.

The Decision: Law 21B1(b) states that the director is to presume mistaken explanation rather than mistaken call in the absence of evidence to the contrary. Law 21B3 states that: when the director judges that the offending side gained an advantage from the irregularity, he awards an adjusted score.

Law 12C1(b) states that if, subsequent to the irregularity, the non-offending side has contributed to its own damage by a serious error, 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.

Law 12C1(e) states that for the offending side, the score assigned is the most unfavorable result that was at all probable had the irregularity not occurred.

Since the E/W pair could not be located after the session and were not at the tournament the following day, the panel met to consider the possibilities for N/S. It was judged that in the defense, North's failure to lead ten of spades after she won the king of hearts was a serious error, which was completely responsible for their failure to defeat the contract and score plus 200, which is greater than they would have obtained by the adjustment requested. The table result of N/S minus 180 was left unchanged.

Two days following the appeal, one member of the E/W pair was located playing with a different partner. He did not have the card with him from the session in question but stated that Hamilton over notrump overcalls was clearly indicated on the front side of at least one of their cards in the area titled "Other Conventional Calls"

Since the cards could not be produced until the following day and since the director had not checked that area, the table result was not adjusted for E/W. Law 82C, Director's Error, states that both sides are to be treated as non-offenders in this case.

The appeal was judged to have merit.

The Panel: William Michael (Reviewer), Jay Albright (Scribe) and Gary Zeiger.

Commentary:

Polisner Correct result, East took a flyer which was unrelated to the information.

- Rigal** This is of course a messy case. E/W must be assumed (because of the director error) not to have provided MI... but the fact that dummy actually has diamonds does make this hard to judge. Anyone wrongly following the law of coincidence would come to a rapid conclusion: E/W a la lanterne! But life is not that easy. While N/S erred seriously enough for them not to be given redress –even if they deserved it – I wish we had seen a convention card properly marked in good time.
- Smith** See my comments for case #6. This was actually pretty simple. I think the panel over-complicated it. What caused N/S's bad score? I think it was their misunderstanding as to the meaning of South's double. So no need to resort to Law 12, score stands.
- Wildavsky** Good work all around.
- Wolff** Instead of Hamilton the convention's name is Mitchell-Stayman! Too many serious errors are continuing. After the defense of king of Hearts and then a second heart to the ace and the ten of spades back, all declarer needs to do is duck in hand, win the ace, ruff the heart in hand and then play the ace of diamonds and then the jack of spades (or a diamond). The analysis is below standard.

APPEAL	Non NABC+ Ten
Subject	Unauthorized Information (UI) - Tempo
DIC	Arleen Harvey
Event	Second Thursday Afternoon Side Game
Session	Only
Date	December 3, 2009

BD#	17
VUL	None
DLR	North

310 Masterpoints	
♠	J 7 4
♥	K Q 9 7 5
♦	K J T 9 5
♣	

6,269 Masterpoints		Fall 2009 San Diego, CA	176 Masterpoints	
♠	A Q 8 5 2		♠	9 3
♥	2		♥	J 6 3
♦	A 8		♦	Q 7 4
♣	K Q 9 6 4		♣	J T 8 7 3

585 Masterpoints	
♠	K T 6
♥	A T 8 4
♦	6 3 2
♣	A 5 2

West	North	East	South
	1♥	Pass	3♥
4♣	4♥	Pass ¹	Pass
4♠	Pass	5♣	Dbl
Pass	Pass	Pass	

Final Contract	5♣ doubled by West
Opening Lead	♥K
Table Result	Made 5, E/W + 550
Director Ruling	5♣ dbld W made 5, E/W+ 550
Panel Ruling	5♣ dbld W made 5, E/W+ 550

(1)	Agreed break in tempo (BIT).
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The Facts: The director was called at the time of the BIT and again after the play of the hand. The hesitation was agreed by all four players.

The Ruling: West's previous bid suggested his intent to bid 4♠ over an expected 4♥. In this auction, for this West, pass was not a logical alternative. Therefore, the table result stands.

The Appeal: N/S appealed the director's decision and were the only players to attend the hearing. E/W were present when N/S indicated they would appeal the ruling but had disappeared by the end of the session when the paperwork was ready to be signed. North and South both thought the BIT by East over 4♥ was in the range of 10-12 seconds and stated that E/W had agreed to the BIT. Each felt the BIT suggested bidding on and that pass by West was a logical alternative especially because of the lack of suit quality.

The Decision: Law 16B1 states that after a player makes available extraneous information to partner by a hesitation, partner may not choose from among logical alternatives one that could have been demonstrably suggested by that information. A logical alternative is one that, among the class of players in question and using the methods of the partnership, would be given serious consideration by a significant proportion of such players, of whom it is judged some might select it.

Seven players with a masterpoint holding similar to that of West were polled on how they would handle the West hand. Four cuebid 4♥ immediately, one bid 4♣, and two bid 3♠. One of the 3♠ bidders and one of the 4♥ bidders would consider 4♣; and they, as well as the actual 4♣ bidder, said they were then committed to bidding 4♠ if the opponents competed to 4♥.

The panel judged that although there was a BIT, and that BIT demonstrably suggested not passing, pass was not a logical alternative for a player who had elected to bid 4♣ at his previous turn. The table result was allowed to stand for both sides.

The appeal was judged to have merit.

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

Commentary:

Polisner Proper ruling and decision.

Rigal Sensible decision by both the director and panel. Not such an easy decision either.

Smith Very good by the directors and the panel. Not much merit that I can see, though.

Wildavsky I agree with both rulings. I don't see any merit to the appeal. As everyone must have been aware, West committed to bidding again when he started with 4♣.

Wolff Since NS should have beaten 5♣ with a first trick overtaking of partner's king of hearts lead and a diamond shift (an easy defense) N/S should lose all of their leverage and must go minus 550 in 5♣ doubled, making five. Whether E/W should be penalized for the hesitation disruption, before West completed his planned attack and bid 4♠ over the opponent's 4♥, is up to the committee. My suggestion is to allow E/W to keep their earned score of plus 550 but be slapped with a procedural penalty of somewhere between a 1/4 and 1/2 of a board penalty for East's slow pass over North's 4♥ bid, followed by West's 4♠ bid. In this way equity is served with most masters being tended to.

APPEAL	Non NABC+ Eleven
Subject	Unauthorized Information (UI) - Tempo
DIC	Nancy Watkins
Event	Second Thursday Open Pairs
Session	Second
Date	December 3, 2009

BD#	15
VUL	N/S
DLR	South

3,147 Masterpoints	
♠	T
♥	K J 4 3 2
♦	T 8 7 2
♣	J 7 6

1,500 Masterpoints		Fall 2009 San Diego, CA	1,600 Masterpoints	
♠	K Q J 9 8 6 4		♠	A 5
♥	A T 6		♥	9 7 5
♦	9 4		♦	A K J 6 5
♣	K		♣	A Q 5

2,398 Masterpoints	
♠	7 3 2
♥	Q 8
♦	Q 3
♣	T 9 8 4 3 2

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

Final Contract	7NT by East
Opening Lead	♥2 - out of turn accepted
Table Result	Made 7, E/W + 1520
Director Ruling	6♠ W made 7, E/W + 1010
Panel Ruling	6♠ W made 7, E/W + 1010

(1)	Shows 2 keycards and the spade queen.
(2)	Shows 1 non-spade king.
(3)	Break in tempo (BIT).

The Facts: The director was called when West bid 7NT and remained at the table until the play of the hand was completed.
All agreed to the BIT of 20-30 seconds.

The Ruling: The director judged that the BIT demonstrably suggested that West bid on. Pass was judged to be a logical alternative. Therefore, the result was adjusted for both sides to 6♠ by West making 7, E/W plus 1010.

The Appeal: E/W appealed and all four players attended the hearing.

All agreed that there was a BIT of 20-30 seconds. East stated that she had a lot to think about in evaluating whether to bid six or seven and whether to play spades or notrump. West stated that they played a system where any bid above 2♠ by opener at his second turn would show extra values; therefore, the 2♠ bid chosen did not show extra length as it would in other methods. He said he was always bidding 7♠ or 7NT. He did not bid it directly over 5NT because he was not sure where partner was heading and was not sure partner had a second spade. He felt he had two more tricks than partner was promised. North stated that West cannot count 13 tricks and that very small changes in location of East's honors would make a seven level contract undesirable. Both North and South felt that the BIT demonstrably suggested bidding further.

The Decision: Law 16B1 states that after a player makes available extraneous information to partner by a hesitation, partner may not choose from among logical alternatives one that could have been demonstrably suggested by that information. A logical alternative is one that, among the class of players in question and using the methods of the partnership, would be given serious consideration by a significant proportion of such players, of whom it is judged some might select it. Law 73C further states that when a player has available to him unauthorized information from partner, he must carefully avoid taking any advantage from it.

Eight players with a masterpoint holding similar to that of West's were polled on how they would handle the West hand without the unauthorized information, given the partnership's methods: Standard American, Keycard Blackwood and 5NT promises all the keycards, invites seven, or to show the number of kings outside of trump. Seven chose to bid 6♦ to show one king. Of those seven, over 6♠: one chose to bid 7NT, two bid 7♠ and four passed.

The panel judged that the 7NT call chosen at the table was demonstrably suggested by the BIT and that the poll established pass as a logical alternative; therefore, N/S was damaged. Law 16B3 requires the director in this case to assign an adjusted score in accordance with Law 12C, which states that the score for the offending side is the least favorable result that was at all probable, and for the non-offending side, the best result that was likely. The panel determined that 6♠ making seven, E/W plus 1010 fit both criteria; so the table director's decision was affirmed.

The appeal was judged to have merit.

The Panel: Jay Albright (Reviewer), Bernie Gorkin, Charlie MacCracken and Tom Marsh.

Commentary:

Polisner How many times have we seen this identical situation? How many times have we heard "I was always going to bid seven?" Here where the poll clearly indicated that pass was a logical alternative, the ruling and decision were correct.

- Rigal** Tough case; West has a surpassingly obvious drive to a grand slam in my opinion. But the panel took a poll that produced quite another opinion – bridge in the slow lane no doubt. They who live by the panel must die by it; sensible ruling, in context. I guess West will work out to bid 7NT over 5NT next time – that'll prevent partner screwing you over!
- Smith** Even though I actually have some sympathy for West since I expect she just didn't think this through when she woodenly bid 6♦, we simply cannot allow people to show any apparent profit after a slow sign off. Why should we believe that this West might not have woodenly passed over an in tempo 6♠ bid from partner? We don't, so an adjustment should be automatic. The poll confirms it. I am such a hard-liner in these cases that I would give E/W an AWMW.
- Wildavsky** I agree with the rulings. East needed to plan his auction so that he could bid in tempo over 6♦. Perhaps there is some merit to the appeal. West knew that 7NT could not be worse than on a finesse.
- Wolff** West could have (should have) bid 7NT over 5NT but didn't and so is barred from doing so after partner's BIT. The ruling should be E/W plus 1010, NS minus 1520 or minus 1510 with NPL (normal playing luck) the rational reason. For those interested in the legal description, the opponents (by whatever method) did bid 7NT so consequently, the event being a pair game, they did nothing to deserve anything less to be bid and to not do so would be unfair to every other pair in that section (or sections) sitting the same way. E/W deserved to be penalized for hesitation disruption and partner possibly taking advantage of the UI created. Until we, as administrators, steadfastly rule the same way on every one of these hands, we are doing our game a great disservice.

APPEAL	Non NABC+ Twelve
Subject	Unauthorized Information (UI) - Tempo
DIC	Jay Albright
Event	Second Saturday Open Pairs
Session	Second
Date	December 5, 2009

BD#	3
VUL	E/W
DLR	South

6,074 Masterpoints	
♠	T 3
♥	Q J 9
♦	9 8 5
♣	K Q J T 9

334 Masterpoints		Fall 2009 San Diego, CA	929 Masterpoints	
♠	Q 9 8 6 5		♠	K 7 2
♥	A 4		♥	5
♦	K 7 2		♦	Q J T 6 4
♣	A 5 2		♣	8 7 4 3

2,486 Masterpoints	
♠	A J 4
♥	K T 8 7 6 3 2
♦	A 3
♣	6

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

Final Contract	4♠ doubled by West
Opening Lead	♣K
Table Result	Made 4, E/W + 790
Director Ruling	4♠ dbld W made 4, E/W + 790
Panel Ruling	4♠ dbld W made 4, E/W + 790

(1) Disputed break in tempo (BIT).

The Facts: The director was called after the 4♠ bid and again after the play of the hand. The stop card was not used by South prior to bidding 4♥. South thought the BIT was 15 seconds but, when asked to demonstrate took 10 seconds. East and West agreed that there was a pause. West said he was thinking about what to do; East agreed but did not assign a time. North did not volunteer information about the break in tempo.

The Ruling: Law 85A requires the director to collect facts in the case of a dispute and “base his view on the balance of probabilities, which is to say in accordance of the weight of evidence he is able to collect.” ACBL Skip Bid regulations require a player to “wait for a suitable interval (about ten seconds),” irrespective of whether a stop card is used. Since West did wait about ten seconds, it was not considered UI (To be considered UI, Law 16B1(a) requires an “unmistakable hesitation.”), and the table result was allowed to stand.

The Appeal: N/S appealed the director's ruling. South, East, and West attended. In screening, South maintained that he counted a fifteen second break in tempo by West. West acknowledged that he was thinking but was not timing himself. East thought West took approximately the time expected for a jump bid, in any case no more than twelve seconds.

The Decision: The panel felt that West's break in tempo was exactly what the Skip Bid regulation requires. As such, there was no unmistakable hesitation and no infraction. The table result was allowed to stand.
The appeal was judged to have merit.

The Panel: Matt Koltnow (Reviewer), Mike Flader, and Gary Zeiger.

Commentary:

Polisner A technically correct ruling and decision. My problem is that in practice (whether the stop card is used or not) if a player does hesitate ten seconds, he is trying to decide what to do and not just a courtesy hesitation. In fact, West admitted that he was thinking about what to do and I am confident that East picked up on that. I am equally as confident if there had not been a skip bid, West would have taken ten seconds to double and that would have been UI.

Rigal An excellent lesson hand –and South got precisely what he deserved. He should have known that if he did not use the stop card West's imprecise pause before acting would be deemed not to be a BIT. The words 'And serve South right' spring to mind –to be followed by: 'Maybe he will know better next time.' But I doubt it. Sensible decision by director and panel.

Smith South's own demonstration to the table director was ten seconds. So how could this case ever have been decided differently by the directors or the panel?

Wildavsky South caused a big part of the problem here by failing to use the Stop Card, so I would give E/W the benefit of any doubt.
I do not like our current Stop Card regulation. It too often leads to insoluble problems. It's been seven years since I first proposed changing back to our old method, which is the World Bridge Federation's current method. One day soon I'll try again. For reference my proposal can be found here:
http://tameware.com/adam/bridge/laws/stop_card.html

Wolff I basically agree with the ruling, although E/W were unbelievably lucky to be able to score up plus 790 (opponents not being able to cash their club tricks and the ace of diamonds being doubleton). However, we are not here to rule on luck and, although I suspect that East acted on West's possible slow double normal playing luck demands that we accept the result. If the committee said there was a BIT then E/W Average (intervening and toning down the luck to compensate for the UI acted on), N/S minus 200 in 4♥ doubled.

APPEAL	Non NABC+ Thirteen
Subject	Questionable Call
DIC	Doug Grove
Event	Second Sunday BCD Swiss Teams
Session	First of Two
Date	December 6, 2009

BD#	32
VUL	E/W
DLR	West

1,559 Masterpoints	
♠	9
♥	K 8 4 3 2
♦	A Q 3
♣	A K J 4

652 Masterpoints		Fall 2009 San Diego, CA	1,472 Masterpoints	
♠	Q 8 7 6 3		♠	A J 5 4
♥	Q 9 7		♥	J 6 5
♦	K 9		♦	J 8 6 5 2
♣	8 6 3		♣	9

1,751 Masterpoints	
♠	K T 2
♥	A T
♦	T 7 4
♣	Q T 7 5 2

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

Final Contract	3♣ doubled by North
Opening Lead	♦2
Table Result	Made 6, N/S + 770
Director Ruling	3♣ N made 6, N/S + 770
Panel Ruling	3♣ N made 6, N/S + 770

The Facts: The director was called at the end of the auction. West said he wasn't looking at what his partner's actions were. North and South stated they saw the double card. North said she made the final pass. The director inspected East's bidding box and found the card in the following order: pass card, double card, then the remaining pass cards and finally the remaining double cards.

The Ruling: The director judged on the evidence of the auction and the order of the pass and double cards in East's bidding box that East had doubled 3♣. Therefore, the contract of 3♣ doubled was played and the table result of making six, N/S plus 770 stood for both sides. Law 85A1.

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

West reiterated that he didn't see a double and East said he, of course, wouldn't double with that hand.

N/S reiterated that they each saw a double and both remembered North making the final pass. South stated that he wouldn't have passed the jump shift if East had passed.

The Decision: Law 85A1 states that the director "... shall base his view on the balance of probabilities, which is to say in accordance with the weight of the evidence."

Three key issues were:

1. Both North and South claim to have seen the double.
2. South passed his partner's jump shift.
3. Most relevant, the order of the pass and double cards the director found in East's bidding box.

Therefore the contract was 3♣ doubled and the table result stood for both sides.

The panel issued an appeal without merit warning (AWMW) to East and West since there were no new or different facts presented at the hearing.

The Panel: Bernie Gorkin (Reviewer), Charlie MacCracken and Gary Zeiger.

Commentary:

Polisner Finally an AWMW.

Rigal Finally; we reach case 13 for the first AWMW of the set? Not before time. Two AWMWs might be applicable here – if that were legal.

Smith I'm impressed that the table director examined the bid box. I'm not sure I would have thought of that. But that added to the other facts that the panel mention make it pretty clear to me that this case was decided correctly. I'm also impressed with the panel for giving a deserved AWMW in the kind of situation where it is too often not awarded.

Wildavsky You have just entered ... the Twilight Zone! Nice work by the director in examining East's bidding box. I agree that the appeal had no merit.

Wolff A good ruling, which followed the evidence. A slam dunk decision

APPEAL	Non NABC+ Fourteen
Subject	Unauthorized Information (UI)
DIC	Kevin Perkins
Event	Second Sunday Open Pairs
Session	First of Two
Date	December 6, 2009

BD#	23
VUL	Both
DLR	South

1,250 Masterpoints	
♠	Q J T 7 2
♥	A Q J 2
♦	
♣	A Q 7 3

512 Masterpoints		Fall 2009 San Diego, CA	58 Masterpoints	
♠	K 9 8 4		♠	
♥	7		♥	K T 8 4 3
♦	A K Q T 8 5		♦	9 6 3 2
♣	K 8		♣	J 6 4 2

2,150 Masterpoints	
♠	A 6 5 3
♥	9 6 5
♦	J 7 4
♣	T 9 5

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

Final Contract	4♦ doubled by West
Opening Lead	♠Q
Table Result	Made 4, E/W + 710
Director Ruling	3NT W down 2, E/W - 200
Panel Ruling	3NT W down 2, E/W - 200

(1) Alerted. Explained as inverted minor.

The Facts: The director was called after the play of the hand was completed. East was not in agreement that inverted minors applied over a double.

The Ruling: The director judged that UI was available to East and that the UI suggested bidding. Pass was judged to be a logical alternative. Therefore the result was adjusted for both sides to 3NT by West down two, E/W minus 200. Laws 16B1 and 12C1.

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

East stated that she would never play NT with a void even if she had a good hand.

The Decision: Four peers of East were polled. Two would have passed over the double and two would have bid 2♦. All four passed 3NT. Two of North's peers were polled. They both passed 3NT (because of the pitches needed on diamonds). Both said that after 4♦ they realized that East wasn't limit and they doubled 4♦.

Therefore, by laws 16B1 and 12C1, the result assigned to both pairs was 3NT by West down two.

While the appeal had no merit, the panel determined to simply educate a player with 58 masterpoints.

The Panel: Bernie Gorkin (Reviewer), Matt Koltnow and Charlie MacCracken.

Commentary:

Polisner First of all, nobody would play 2♦ as inverted. However, after West told East that it was inverted, that was UI and the correct ruling and decision followed.

Rigal Education is all well and good but there is a time and place –and that is after the AWMW award. Maybe the panel should have recalled Dorothy Parker's modification of the line about leading a horse to water but not being able to make it drink – she used 'horticulture' as the central theme.

Smith Routine, but another AWMW missed. An AWMW doesn't really have much teeth, but it does at least say to pig-headed appellants that you wasted our time, and you should have known it.

Wildavsky A pair sophisticated enough to lodge an appeal is sophisticated enough to receive an AWMW. The AWMW is an educational measure, and it ought to have been employed here.

Wolff Again, a simple, but well-reasoned decision.

FINAL COMMENTS

Wildavsky Appeals committees heard 17 cases in San Diego. We ruled as the director had in eight of them. Of the other nine, I thought we improved on the director's ruling three times (3, 9, and 16) and worsened it twice (1 and 7), while four (3, 6, 14, and 15) were too close to call.

I never worry about the close cases. I would like to see us get almost all of the relatively straightforward ones right. How can we do that?

One way we'll be trying is by using a form for UI cases. While this would not have helped directly on case one it might help indirectly in the future by reducing the number of appeals. The fewer appeals we have, the better job we can do on each. If directors and committees both use the form, I look forward to more consistent rulings that are easier to explain to the players and easier to communicate from the director to the committee.

You can see a draft version of the form here:

<http://tameware.com/adam/bridge/laws/>

Suggestions for improvement in the form are welcome!

Over the past two years panels have heard 70 cases, ruling as the director did in 46 of them. By my reckoning, 32 of those appeals deserved an AWMW, but the panels assessed an AWMW only eight times. The trend continued in San Diego, where five AWMWs were deserved but only one was assessed. Committees also assess too few AWMWs, but the problem is more pronounced for panels because many more of the appeals they hear (46% vs 16%) lack merit.

An AWMW is not intended as a punishment. It is, after all, only a warning. Rather, it is intended to discourage meritless appeals. It serves that purpose only if it is assessed reliably, whenever an appeal in fact lacks substantial merit. Non-NABC+ appeals per 1000 tables were trending downward until 2006, but they have begun to increase. Fewer appeals would help panels just as they would help committees.