

**2013 Spring NABC
Appeals Casebook**



Foreward

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 Tournament Directors and to communicate decisions and the process to arrive at those decisions to the membership at large.

A total of sixteen (16) cases were heard.

Ten (10) cases were from unrestricted (by masterpoints) North American Bridge Championship Events. The names of the players involved are included.

Six (6) cases were from all other events. The names of the players involved are included when the event from which the appeal came was a Flight A/X event or was the 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 and any corrections to the cases, the commentary is added, corrections are 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 Appeals Committees, Review Panels and as commentators. Without their considerable contribution of time and effort, this publication would not exist.

ACBL Headquarters
Horn Lake, MS

Abbreviations used in this casebook:

AI	Authorized Information
AWMW	Appeal Without Merit Warning
BIT	Break in Tempo
CoC	Conditions of Contest
LA	Logical Alternative
MI	Misinformation
NOS	Non-Offending Side
OS	Offending Side
PP	Procedural Penalty
TD	Tournament Director
UI	Unauthorized Information

Expert Panel

Jeff Goldsmith is an American bridge player originally from Schenectady, NY, currently residing in California. He graduated from Rensselaer Polytechnic Institute and Caltech and works as 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. Goldsmith is an ACBL Platinum Life Master and serves on the ACBL Competitions & Conventions Committee and ACBL Laws Commission.

Rui Marques was born in 1962 and grew up in Portugal. He is Chemical Engineer, with a M.Sc. in Applied Mathematics and a Ph.D. in Chemometrics. Married to Connie Goldberg, he currently splits his time between Philadelphia (U.S.A.) and Cascais (Portugal). Having started as a Tournament Director in 1989, he directed his first international championship in 1992. He has been the Assistant Chief TD for the WBF since 2011, Chief TD for the EBL since 2015, Sports Personality of the Year in Portugal in 2016. He also is a Lecturer and Group Leader in the EBL International Tournament Directors Courses. He joined the ACBL Tournament Director Staff in 2017 and was promoted to Associate National Tournament Director in February of 2021.

Tom Townsend lives in London, England. He is a full-time bridge pro and many-time England international. He writes a daily bridge column for the London "Daily Telegraph".

Adam Wildavsky was born in Ohio and grew up in Berkeley and Oakland, CA and London, England. A graduate of MIT, he is a retired software engineer and now spends winters in Keystone, CO and much of the rest of the year in New York City. Mr. Wildavsky has won numerous national championships, including the Blue Ribbon Pairs twice, the Reisinger BAM Teams once, and the USBF Open Team Trials twice. He won a bronze medal for the USA in the 2003 Bermuda Bowl and represented Switzerland in the 2012 World Bridge Games. Mr. Wildavsky is a member of the WBF Executive Council, vice-chair of the ACBL National Laws Commission, a member of the WBF Laws Committee, and a former chairman of the ACBL National Appeals Committee. His interest in the Laws is informed by his study of Objectivism, the philosophy of Ayn Rand.

Kit Woolsey is a world-class bridge and backgammon player, analyst, and writer, born in Washington, DC. He graduated from Oberlin College in 1964 and earned a master's degree in mathematics from the University of Illinois at Urbana-Champaign. He is a three-time World Champion and holds more than a dozen NABC titles. His most recent major victory was winning the Cavendish Invitational Pairs in 2011. He was elected to the ACBL Hall of Fame in 2005 and lives in Kensington, CA. He has been one of the Panelists on *The Bridge World*' Master Solvers Club since 1984. He also serves on the ACBL Competitions & Convention Committee and the Bridge Integrity Task Force.

APPEAL	NABC+ ONE
Subject	Misinformation
DIC	Doug Grove
Event	Platinum Pairs
Session	2 nd Qualifier
Date	March 15, 2013

BD#	23
VUL	Both
DLR	S

		Daniel Gerstman			
		♠	K32		
		♥	--		
		♦	K9653		
		♣	A10973		
John Diamond				Bob Hamman	
♠	J976			♠	A84
♥	AJ743			♥	KQ65
♦	7			♦	A102
♣	Q65			♣	KJ4
		Kenneth Kranyak			
		♠	Q105		
		♥	10982		
		♦	QJ84		
		♣	82		

West	North	East	South
			P
P	1♦	1NT	2♦⁽¹⁾
X	P	P	P

Final Contract	2♦X by North
Opening Lead	♥K
Table Result	Making 4, N/S +580
Director Ruling	2♦X by North, Making 4, N/S +580
Committee Ruling	2♦X by North, Making 4, N/S +580

(1) Alerted and explained as “majors”

The Facts: North alerted South’s 2♦ bid and explained it was for the majors, but that there was a possibility that South had forgotten. West doubled to show values. The Director was summoned at the end of the auction. North was then sent away from the table and South, upon being asked for the meaning, explained it was for the majors. After the opening lead of the king of hearts, 2♦X made four for N/S +580.

The Ruling: South had forgotten his agreement when he bid 2♦ but explained their partnership agreement correctly when asked so there was no infraction and the table result was allowed to stand.

The Appeal: East and West appealed the ruling and East, West and South attended the hearing. East/West were willing to stipulate that North/South’s agreement was as explained, but East alleged that North’s failure to bid 2♠ over West’s double indicated that North knew that South did not have majors and therefore, East/West were damaged by the misinformation.

South, who said he had forgotten his partnership agreement, was reminded of it by his partner’s explanation and gave that same explanation when asked about the meaning of his 2♦ bid, thinking that his obligation was to

describe his partnership agreement and not his hand. He also said that the conventional meaning was described in his partnership's system notes that he had earlier in the week, but that were no longer available.

The Decision: The Appeals Committee held that there was no indication from North's Pass that he had any undisclosed knowledge or that the meaning of 2♦ was not as explained. North had no unauthorized information that prevented him from passing and he could always bid 2♠, if necessary, on the next round. The AC discounted East/West's stipulation as to the meaning of 2♦, since the AC is obliged to argue the non-offenders' best case for them, but it found that the Law's presumption of mistaken explanation rather than mistaken call does not apply when both partners agree as to the meaning. South's delayed agreement after North's explanation was troubling, but whereas South was not entitled to base any bridge action on North's explanation he was obligated to describe his partnership agreement to the opponents. Therefore, the committee upheld the Director's ruling, but felt that because of South's original uncertainty the appeal had merit.

As an aside, South asked whether it was his obligation to include in his explanation of 2♦ for the majors a statement to the effect of, "But that's not what I thought at the time." Under current laws and regulations, he is not required to do so. However, voluntarily disclosing his confusion (in effect, describing his hand as well as his agreement) would not have been wrong. The Laws Commission is considering whether to recommend that the Laws be interpreted to require such a statement.

The Committee: Ron Gerard (Chair), Mitch Dunitz, Patty Tucker, E.J. Kales and Ray Miller

Commentary

Goldsmith: South is right. Law 16 says that only authorized information may be used to base a call or a play. It doesn't say you cannot use UI to answer questions.

Let's say South thinks North's explanation is right, but he's not 100% sure. What ought he do then? What if he thinks it is 50/50? I think unless you are 100% sure that partner's explanation is correct and that you just forgot, then you must correct the explanation with what you thought it was originally. Of course, you may add, "but he might be right."

Good job, AC.

Marques: As long as the AC is satisfied with "2♦ majors" being the correct explanation, I don't see any merit on the appeal.

Should South have said something at the table pointing to the fact that his hand did not conform to the system? Under the current laws, 40C2 ("No player has any obligation to disclose to opponents that he has deviated from his announced methods") says "no".

Townsend: Why did North pass 2♦? That should be better than K9653. Looks like he had no great confidence that 2♦ was majors and was hedging his bets. Right, he was, as South thought it was natural (at least until prompted). I would revert to the presumption of mistaken explanation rather than mistaken call and split the score between 4♥ made and down one.

Wildavsky: It seems strange to allow the result to stand, but at first I see no irregularity on N/S's part. North explained both the partnership agreement and the critical knowledge that South might have forgotten. What more could he have done? I'd have bid 2♠ with his hand, but he had no UI and could do as he pleased.

The TD and AC might have gone wrong when they allowed that "Majors" was, in fact, the N/S agreement. I see no basis for their finding that "the Law's presumption of mistaken explanation rather than mistaken call does not apply when both partners agree as to the meaning." South did not agree as to the meaning until he heard North's explanation, and if the Law allowed for an exception it could have stated as much. I would tend to rule on the basis of "mistaken explanation" unless N/S could produce system notes or other compelling evidence for their agreement.

Woolsey: North didn't have any UI and his actions look reasonable opposite a hand with majors - if partner is willing to sit 2♦ doubled that is fine with him. South has UI that North has misinterpreted the 2♦ call, but his passing out the double is clear.

The issue is MI. If E/W were told the 2♦ call was a diamond raise, at least one of them probably would have taken a different action. The question is whether they received the right information.

The committee said that the assumption of mistaken explanation rather than mistaken call doesn't apply when both partners agree to the meaning. I don't see that. If that is the criterion, then all the offending side would need to do is for both partners to say that it was a mistaken bid and they will never be ruled against. We don't want that.

I think the offending side must produce written documentary evidence about their agreements. If they are unable to do so, then it should be assumed that there was a mistaken explanation. Therefore, I disagree with the committee, and would adjust the result to what seems most likely - probably 2♥ making 3 by E/W.

APPEAL	NABC+ TWO
Subject	Unauthorized Information
DIC	Doug Grove
Event	Platinum Pairs
Session	2 nd Qualifier
Date	March 15, 2013

BD#	23
VUL	Both
DLR	S

Venkatrao Koneru	
♠	K32
♥	--
♦	K9653
♣	A10973

Joaquin Pacareu			Alejandro Bianchedi	
♠	J976		♠	A84
♥	AJ743		♥	KQ65
♦	7		♦	A102
♣	Q65		♣	KJ4

Stephen Landen	
♠	Q105
♥	10982
♦	QJ84
♣	82

West	North	East	South
			P
P	1♦	1NT	2♦⁽¹⁾
P	2♠	P	P
X	P	P	3♦
X	P	P	P

Final Contract	3♦X by North
Opening Lead	♦2
Table Result	Making 3, N/S +670
Director Ruling	2♠X by North, Down 4, N/S -1100
Committee Ruling	3♦X by North, Making 3, N/S +670

(1) | Alerted and explained as showing the majors

The Facts: The Director was summoned after the dummy was tabled. During the auction, South's 2♦ bid was duly alerted and explained by North as takeout for the majors. This agreement was specifically listed on the North/South convention card.

The Ruling: The Director ruled that North's explanation of "Majors" constituted unauthorized information. Law 16 states that a player may not choose from among logical alternatives one which may have been demonstrably suggested by the UI. The explanation of "majors" demonstrably suggested that 3♦ would be a more attractive contract than 2♠X. Accordingly, the Director adjusted the result to 2♠X by North, down 4, N/S -1100.

The Appeal: North/South appealed the ruling and attended the hearing. South stated that he had forgotten their methods which were clearly marked on their convention card (as verified by the ruling Director). He knew that the "train had gone off the tracks" and passed 2♠ with a known poor fit. After West doubled 2♠ he felt that bridge logic demanded that he return to the known 8+ (probably 9) card diamond fit.

The Decision: The Appeals Committee discovered that North/South were playing Standard with 1♦ generally promising four cards in the suit. Based upon the appellants' convention card it was clear that the alert and the explanation of the 2♦ bid were correctly given. The only appeal issue was South's bid of 3♦ after 2♠ had been doubled. South had already passed 2♠ when the UI had suggested otherwise. However, the double changed the likelihood of salvaging an acceptable result from playing in a fit that is either 4-3 or 3-3. The AC decided that there was no logical alternative to running to 3♦ after 2♠ had been doubled, especially when the diamond fit was known to be at least 4-4 and maybe better. The actual table result was merely the "rub of the green" for East/West. Thus, the AC adjusted the result back to the original table result of 3♦X by North, N/S +670.

The Committee: Mark Bartusek (Chair), Craig Allen, Chris Moll, David Caprera and Marc Rabinowitz

Commentary

Goldsmith: South's passing 2♠ was a violation of Law 16. If there had been no alert, South would have assumed 2♠ was a natural-ish game try and rejected by bidding 3♦. With the UI, South knows that North will think he has a substantially better hand than he does when he bids 3♦ and is quite likely to bid more, which will get N/S in bigger trouble than 2♠. This time, however, North has nothing, and won't bid, but the violation still damaged the NOS, because no one will be doubling 3♦ if it is bid immediately.

This looks backwards from what we're used to. Normally, just accepting a bad result is what you are supposed to do with UI, but I think South really is supposed to "sign off" in 3♦, and doing so is pretty risky, but this time works out.

I'd rule N/S +110 in 3♦ undoubled when South bids 3♦ as he ought. No PP, as South was trying to do the right thing.

Is 1♦-(1NT)-2♦ the new Ghestem?

Marques: I agree with the AC. If the TD had made a poll, he would likely have concluded that there is no logical alternative to 3♦, sparing the non-offending side from the trouble of going through the appeal process.

Townsend: South used unauthorised information to pass 2♠, which he should ethically have converted to 3♦. Then the cat would be out the bag, and E/W might find 4♥. Again, sometimes making and sometimes down one. Procedural penalty for N/S.

Wildavsky: The AC corrected a faulty TD ruling. He should poll before determining that Pass of 2♠X was a logical alternative.

I agree with Jeff and Tom's contention that South's pass of 2♠ was suggested by the UI. I don't know about a procedural penalty - many players would believe, mistakenly, that the ethics set force in Laws 73 and 16 require a pass.

Woolsey: At this table, unlike the previous case, N/S were able to document that the agreement was majors. Thus, E/W did get the correct explanation, so there was no MI. The issue is UI.

South had the UI that his partner thought the 2♦ bid showed spades. Does that suggest passing 2♠ as opposed to going back to 3♦? No, it does not. In fact, the pass of 2♠ is contra-indicated, since from the UI South knew that North might be bidding a 3-card spade suit, while with no UI North would definitely have 4 spades. Thus, while South's pass of 2♠ is questionable from a bridge point of view, it certainly isn't suggested by the UI. As for the run to 3♦ when 2♠ is doubled, that is simply an obvious call, since presumably (with no UI) partner has 4 spades and 5 diamonds for the sequence. Thus, letting the table result stand is correct.

APPEAL	NABC+ THREE
Subject	Break in Tempo
DIC	Su Doe
Event	IMP Pairs
Session	Second Qualifier
Date	March 15, 2013

BD#	24
VUL	None
DLR	W

Carl Sharp	
♠	KJ10983
♥	42
♦	97
♣	A32

Lloyd Arvedon			Glenn Robbins	
♠	A42		♠	5
♥	KQJ965		♥	107
♦	QJ4		♦	K1053
♣	K		♣	J108764

Steven Kreiner	
♠	Q76
♥	A83
♦	A862
♣	Q95

West	North	East	South
1♥	1♠	P	2♥
3♥	P	P	3♠ ⁽¹⁾
P	4♠	P	P
P			

Final Contract	4♠ by North
Opening Lead	♥10
Table Result	Making 4, N/S +420
Director Ruling	4♠ by North, Making 4, N/S +420
Committee Ruling	4♠ by North, Making 4, N/S +420

(1) Break in Tempo

The Facts: The Director was called after the play of the hand was complete. All four players agreed there had been a noticeable hesitation before South's 3♠ bid.

The Ruling: The Director ruled that there was unauthorized information available to North from South's hesitation, but that a slow bid of 3♠ did not demonstrably suggest bidding 4♠. Accordingly, no adjustment was made. The table result stands, 4♠ by North, making 4, N/S +420.

The Appeal: East/West appealed the ruling and attended the hearing. E/W contended that when someone pauses to think in a position like this, they are always thinking about bidding more. Further, they asserted that no one who has made a limit raise sells out at the three-level so it is impossible that South was thinking of passing.

The Appeals Committee determined that the BIT lasted 10-20 seconds.

The Decision: With such clear agreement on the facts, the only question was whether the BIT demonstrably suggested bidding 4♠ over passing. Since it appears that South was actually considering passing 3♥, the appellants' claims seem incorrect. The AC judged that, from North's perspective, South could have been considering passing, doubling or bidding 4♠. In the AC's experience, "Slow shows extras," but at IMPs, many people just bid game in close decisions. So, the chances that South was considering bidding game are reduced and the ambiguity of the hesitation is increased.

Under the old rules, where the BIT only had to "suggest" a line of action, perhaps this case would fit the criteria; but with the new rule, since the suggestion is only one of a group and is not the dominant element thereof, 4♠ is allowed. The table result stands, 4♠ by North, making 4, N/S +420.

The appeal was found to have sufficient merit.

The Committee: Jeff Goldsmith (Chair), Michael Huston, Aaron Silverstein, Ed Lazarus and Jim Thurtell

Commentary

Goldsmith: Did I really write this? I don't think I've ever written the phrase "dominant element thereof."

While it seems clear that South was not thinking about bidding 4♠, it also seems clear that North thought he was. Which is why N/S got to a silly contract that required a stiff king and a squeeze to make. But I think the ruling is correct. Perhaps we might give North a small PP for trying to take advantage of UI.

Marques: A complicated case.

Many Norths would have bid 2♠ on the first round, or 3♠ on the second. By passing 3♥ North was left guessing on the third round...

The AC refers South's reasons for the hesitation as an eroding factor on the appellants' claims, but what is important here is North's perspective of the hesitation, not much South's motivation for it. It would have been interesting to hear from North why did he pass over 3♥ and why did he bid 4♠ over 3♠ after the hesitation...

Does "slow show extras" in this case? I made a small private poll among top players about the perceived meaning of the hesitation. Some of the polled players thought that it didn't carry any special meaning, others were adamant that it showed extras, and others thought that South was probably thinking about passing... What now?

I'm not completely sure about the final decision, because even if on average the pause means nothing, suggesting a number of different options for different players, for a given North player (maybe this one) it might suggest bidding 4♠ and for another it might suggest passing!

In this type of cases, I think that we need to poll an extended number of players and try to establish if the majority consider that the BIT makes it easier to bid 4♠, or not. My final decision would depend on the answer (and it might be wrong, because the perfect decision would require us to be able to identify what player is North, regarding his read from the hesitation, and that is almost impossible to achieve).

But the AC decision is perfectly reasonable.

Townsend: Concur with TD and AC, except appeal had no merit.

Wildavsky: The TD ought to have taken a poll as to the bridge judgment of what the UI demonstrably suggested.

I don't understand the AC's point about old versus new rules. I wish they'd just follow Law 12. As I understand it, once they've established that UI was present, the following question to ask is always, "Did the UI make the action taken more likely to succeed than it would have been absent the UI?"

I also don't understand the AC's contention that South was considering passing 3♥. Where is the evidence for that?

I appreciate Rui's note that North passed over 3♥, surely non-forcing, and then "hung" his partner by bidding game. It seems that for this North, the hesitation suggested extra values. We should always keep in mind that those who play together regularly know more about their partner's mannerisms and proclivities than we do. I'd rule N/S +170.

Woolsey: It is true that in a constructive auction, a BIT usually indicates extra values and suggests bidding on. In a competitive auction, that is not the case. A BIT usually indicates that the player was choosing between defending and declaring. The actual South hand is a good illustration of this. South certainly wasn't thinking about bidding game. He was deciding whether it was better to defend 3♥ or declare 3♠. Thus, if the BIT suggests any action it suggests to not bid game, since the indication is that the South hand is defensively oriented. A fast 3♠ call would be more of a suggestion to bid game. North just lucked out. Good analysis by the committee.

APPEAL	NABC+ FOUR
Subject	Misinformation
DIC	Doug Grove
Event	Platinum Pairs
Session	2 nd Qualifying
Date	March 15, 2013

BD#	18
VUL	N/S
DLR	E

Peter Fredin	
♠	AQ106
♥	754
♦	K876
♣	95

Sabine Auken	
♠	94
♥	A962
♦	5432
♣	1073



Roy Welland	
♠	KJ87
♥	QJ83
♦	Q
♣	AKJ6

Gary Gottlieb	
♠	532
♥	K10
♦	AJ109
♣	Q842

West	North	East	South
		1♣ ⁽¹⁾	P
1♦ ⁽²⁾	P	2NT ⁽³⁾	P
3♦ ⁽⁴⁾	P	3♥	P
P	P		

Final Contract	3♥ by East
Opening Lead	Low ♣
Table Result	Making 4, N/S -170
Director Ruling	3♥ by East, Making 4, N/S -170
Committee Ruling	3♥ by East, Making 4, N/S -170

(1)	Announced as 2+ clubs
(2)	Shows hearts
(3)	Unbalanced with four hearts, strong
(4)	Puppet to 3♥

The Facts: At the end of the auction, South asked about the minor suit length. East said the sequence just showed an unbalanced hand and could contain five clubs or five diamonds.

After the session was over, North talked to Bjorn Fallenius who plays a similar system to East/West and was told that East could not have five diamonds for this sequence. They asked for a ruling, saying that South would not lead a club if told East showed four clubs, which North claimed it does.

The Ruling: Given that East/West was unavailable to verify either the facts or that the E/W system was identical to that played by Mr. Fallenius, the Directors ruled that they could not establish that an infraction took place. The table result was allowed to stand, 3♥ by East, making 4, N/S -170.

The Appeal: North/South appealed the ruling and North attended the hearing.

The Decision: The Appeals Committee found no basis for a score adjustment. East/West had explained the meaning of 1♣ and had not been aware that hearsay testimony had called that explanation into question. The AC felt that such extrinsic evidence could not establish that E/W had given any misinformation when they had no opportunity to refute the allegation. The AC upheld the Directors' ruling. The AC informed North that an appeal was not appropriate under the circumstances and that his proper course of action would have been to file a Player Memo with the Recorder. Accordingly, the AC assessed an Appeal Without Merit Warning.

The Committee: Ron Gerard (Chair), Mitch Dunitz, Patty Tucker, E.J. Kales and Ray Miller

Commentary

Goldsmith: Why did East explain his own call? He's supposed to let his partner do that and correct any errors. Failing to follow correct procedure here can sometimes prevent the opponents from gaining some information to which they are entitled, though that is not the case here.

It's hard to say if East answered fully, as we don't know the exact questions asked.

Would East really open 1♣ with 1453 shape? That seems pretty strange. Did the sequence promise at least 3 clubs? If so, the explanation was incomplete.

I have no idea if the ruling is correct. The AWMW is absurd. If E/W had appeared and said, "oops, you are right. There is no hand where opener could have five diamonds, and he's sure to have at least four clubs," then the AC would have adjusted the score. They couldn't know that wouldn't have happened if E/W had been present. All we know for sure is someone ought to have called E/W.

Marques: N/S did not have a way to verify at the table if the E/W explanation was right or wrong. When N/S got the alleged information about the system of E/W, they were led to believe that they were misinformed. Being inside the protest period, they called for the director. Not being able to find the E/W pair because they had already left, the TD had no other option than to let the score stand. However, this was the second qualifying session on a Friday. E/W is not exactly an unknown pair, so wouldn't it have been possible to locate and contact them, postponing the final decision until E/W had been heard? Should N/S have shrugged their shoulders and just file a Player Memo? It sounds to me that classifying the appeal as not appropriate under the circumstances is a bit harsh. If E/W could not be found in time for the appeal to be heard before next day's first session, letting the score stand is the only possible decision. But I feel that N/S got a rough deal on this hand.

Townsend: This appears to have been a denial of justice. The hearing should have been postponed until E/W could attend (or had the chance to give input). The AWMW was pure Kafka.

Wildavsky: One could argue that it's the TD's responsibility to contact E/W. That said, with no evidence of UI, the AWMW seems justified.

There is a conflict in the ACBL's regulations here. They allow an appeal to be filed up to 30 minutes after the score is posted but (sensibly) do not require players to stay in the playing area for that span. It would be reasonable to require players to provide contact information on their entry form. In my experience, though, any player can be found with a bit of effort, certainly a pair as well-known as this E/W.

Woolsey: I don't see why the N/S appeal should be dismissed so quickly. Granted that it might not have been possible to locate the E/W pair after the session, but they certainly could have been located the next day before start of play and the truth about East's sequence could have been determined. If N/S did get a mistaken explanation and were injured from the MI, they deserve redress.

That being said, I don't think an adjustment would be called for even if N/S received MI. The only shape where East doesn't have 4 clubs is specifically 4-1-5-3. I don't think that possibility is sufficient to make the club lead more or less attractive. The lead is a gamble on hitting North with a club honor. In fact, the lead might be more profitable if East has 4 clubs, since that increases the chances that North can get a third round club ruff.

APPEAL	NABC+ FIVE
Subject	Misinformation
DIC	Su Doe
Event	IMP Pairs
Session	1 st Final
Date	March 16, 2013

BD#	13
VUL	Both
DLR	N

Richard Chan	
♠	AQ1064
♥	765
♦	A8
♣	Q72

George Krizel	
♠	975
♥	1092
♦	QJ109762
♣	--



Albert Shekhter	
♠	J83
♥	K3
♦	4
♣	AKJ10943

Shan Huang	
♠	K2
♥	AQJ84
♦	K53
♣	865

West	North	East	South
	1♠	3♣ ⁽¹⁾	3♥
P	4♥	P	P
P			

Final Contract	4♥ by South
Opening Lead	♠7
Table Result	Down 1, N/S -100
Director Ruling	4♥ by South, Making 6, N/S +680
Committee Ruling	4♥ by South, Down 1, N/S -100

(1) Explained as preemptive

The Facts: When asked by South, West described the 3♣ bid as preemptive. East/West's convention card showed it was intermediate. The Director was summoned at the end of the hand. Declarer (South) stated that if he had known that the 3♣ bid was "intermediate" then East could easily have had the ♥K. If he takes the hook, he makes six hearts. After winning the opening lead with the ♠K, he played the ♥A and ♥J to guard against ruffs.

The Ruling: Law 40.B.4 states that, "A side that is damaged as a consequence of its opponents' failure to provide disclosure of the meaning of a call or play as these Laws require is entitled to rectifications through the award of an adjusted score." Accordingly, the Director adjusted the result to 4♥ by South, making 6, N/S +680.

The Appeal: East/West appealed the ruling and attended the hearing. They contended that South's losing line of play was not the result of misinformation. East and West both claimed that the explanation that they played intermediate jump overcalls vulnerable vs. non-vulnerable and weak otherwise was accurate and consistent with their filled out convention card. They also stated that vulnerable they would not make "suicidal" jump bids and that they had volunteered that information.

The non-offending side was not present at the hearing, but South claimed at the table that the explanation led him to believe the king of trump was offside and he feared a ruff in both spades and clubs were he to take the finesse and it lost.

The Decision: The Appeals Committee felt that although East and West would have done better to describe their vulnerable jump shifts as “heavy”, South’s line of play was inferior. Taking the heart finesse at IMPs would still allow North/South to make their contract, even if it lost, unless West had led from a five card spade suit. The ♠7 made that improbable. Therefore, South’s line of play though reasonable, in IMPs was inferior and did not entitle him to redress.

The AC recommended that East/West use the word “heavy” in the future to describe their pre-emptive vulnerable jump overcalls in the future.

The table result was restored to 4♥ by South, down 1, N/S -100.

The Committee: Gail Greenberg (Chair), Jim Thurtell, Ray Miller, Josh Parker and E.J. Kales

Commentary

Goldsmith: If West will ever base action on the possibility that East has a hand as strong as he did, then there was MI, and I'd adjust the score. If East just took a flier and was a little heavy for a normal preempt, then the explanation was correct, and no infraction means no adjustment.

I don't see why the AC needed to make value judgments about West's explanation and South's line of play, though I'm sure I've been guilty of it many times.

Marques: A very heavy preemptive style.... The E/W convention card might be somewhat misleading, but it's hard to see any reason to adjust, considering the way that South played the hand. Good AC decision.

Townsend: "Pre-emptive" means "weak" to many less sophisticated players, although the two terms are not logically synonymous. This, however, looks like a straight case of UI. Concur with TD.

Wildavsky: No law states that a player who takes a reasonable but inferior line loses his right to redress. The question here is whether UI was present. On the facts as given, it seems to me that N/S were properly informed. I would have liked to see the TD or AC tell us, though, precisely what was written on the E/W CC. Per the E/W testimony it was marked "Intermediate at unfavorable", a common enough treatment.

Woolsey: The facts are that the call was explained as preemptive, and the convention card was marked intermediate. That means that N/S received MI. No doubt about that. The evidence is there. The question is whether or not N/S were damaged.

Suppose declarer had received the correct information that the jump overcall was intermediate. That would make taking the heart finesse a lot more attractive, since without the king of hearts it is hard to see East coming up with the values for an intermediate jump overcall.

Was South's line of play reasonable? I think it was. Clearly West is void in clubs. West figures to be leading a long side suit. His choice of dummy's side suit indicates that West has 5 spades, as otherwise a diamond lead would be more attractive (I'm amazed that West chose a spade lead on the actual hand). The fact that West led the 7-spot which could not be the "proper" lead if he had 5 spades is meaningless, since in this sort of situation West might be leading any random spot from a 5-card holding. West's shape is quite likely to be 5-3-5-0. If West has the king of hearts, declarer had to play as he did. While one could dispute whether or not declarer took the percentage play, the conclusion that it was definitely inferior is not valid.

The committee simply blew this one. There was clear damage from the MI.

APPEAL	NABC+ SIX
Subject	Disputed Claim
DIC	Richard Beye
Event	Silver Ribbon
Session	First Qualifier
Date	March 17, 2013

BD#	2
VUL	N/S
DLR	E

Michael Cassel	
♠	AQ42
♥	32
♦	A1095
♣	1093

Richard Zucker	
♠	K95
♥	J8
♦	KQ842
♣	AQ5



Scott Levine	
♠	108
♥	Q109754
♦	J73
♣	J8

Kenneth Shatoff	
♠	J763
♥	AK6
♦	6
♣	K7642

West	North	East	South
		2♥	P
P	P		

Final Contract	2♥ by East
Opening Lead	♦6
Table Result	
Director Ruling	2♥ by East, Down 1, N/S +50
Committee Ruling	2♥ by East, Down 1, N/S +50

The Facts: With six cards left, East claimed. The play up until that point was as follows:

- Trick 1: ♦6 won by ♦K
- Trick 2: ♥J won by ♥K
- Tricks 3-5: Spades, Declarer ruffing in at Trick 5
- Trick 6: ♥Q won by ♥A
- Trick 7: Low ♣ won by ♣J

After playing to the first seven tricks, East exposed his cards and North/South said, 'Don't we get a diamond trick?' East confirmed that they did. Neither North nor South heard East say anything about pulling the last trump, so the director was summoned. When asked by the director, West was not sure that East had said anything about pulling trump either.

The Ruling: Law 70.C.3 says that the Director will award a trick to the defense if Declarer fails to mention an outstanding trump at the time of his claim if it is at all likely that he is unaware of it and a trick can be lost to that trump through normal play. Accordingly, the Director ruled that the Declarer loses the ♦A and a diamond ruff, 2♥ by East, down 1, N/S +50.

The Appeal: East/West appealed the ruling and all four players attended the hearing. East felt that his pulling the last trump was obvious even though he failed to mention it during the claim. The non-offending side maintained that East failed to mention the outstanding trump during the claim.

The Decision: The awarding of a trick to an unmentioned outstanding trump during a claim is not automatic. The Declarer played the hand in a way that appeared he was conscious of the outstanding trump until the very end. When Declarer was last in his hand, he claimed the remaining tricks. When told that the ♦A was still out and would win a trick he conceded the diamond trick but still failed to mention the outstanding trump. The Appeals Committee felt that with the amount of time and confusion with the claim, East's failure to mention the outstanding trump was a sign that he did not remember it. Accordingly, the AC upheld the Director's ruling that East/West was down one with the outstanding trump winning a trick. The appeal was found to have merit.

The Committee: Jim Thurtell (Chair), Craig Allen, Ed Lazarus, E.J. Kales and Marc Rabinowitz

Commentary

Goldsmith: Contested claims are hard. It seems to me that declarer was almost certainly aware of the trump; not conceding the ♦A doesn't imply that he had totally lost focus. He might even have known about the ♦A's being out, as he didn't specify a number of tricks in his claim. If I were there, I'd probably rule for equity, making two, but the director was, and he judged that there was a substantial chance that declarer was unaware of the outstanding trump. This is the sort of ruling in which we should start with the director's ruling and uphold it without strong reasons to overturn it, so as the AC, I'd rule down one.

Marques: It's a judgment call, to ascertain if it is at all likely that declarer forgot the trump. Often, the TD at the table is best placed for this, because he's getting a version of the facts just moments after they happened. In the AC room, sometimes hours later, it's much more difficult...

In this case, the evidence tends to support the AC's opinion, and the benefit of the doubt should go to the opponents, so nothing to add.

Townsend: Concur with TD and AC, except appeal had no merit.

Wildavsky: Sound TD and AC rulings. I see no merit in the appeal.

Woolsey: If this had happened at your table with declarer just throwing his hand on the table, wouldn't you fold up your cards, write -110 on your scorecard, and be on to the next hand. Declarer is clearly intent on drawing trumps with his line of play. There isn't the slightest indication that he doesn't realize there is a trump out. The only reason the defenders were even calling the director was probably that they were annoyed that they failed to defeat the contract when they should have.

In the committee decision, they state: When declarer was in his hand, he claimed the remaining tricks. I don't see anything in the facts which indicate this. It looks to me like simply declarer exposed his hand. When N/S asked, declarer said - yes, you get a diamond trick. This in no way indicates that declarer wasn't pulling the last trump before playing a diamond. This ruling is just plain wrong.

APPEAL	NABC+ SEVEN
Subject	Break in Tempo
DIC	Mike Flader
Event	Mixed Pairs
Session	1 st Final
Date	March 20, 2013

BD#	24
VUL	None
DLR	W

Ellis Feigenbaum	
♠	AK3
♥	Q1073
♦	AQJ2
♣	74

Rebecca Rogers			John Grantham	
♠	8542		♠	QJ1097
♥	A862		♥	K
♦	K87		♦	4
♣	K3		♣	Q98652

Marjorie Michelin	
♠	6
♥	J954
♦	109653
♣	AJ10

West	North	East	South
P	1NT ⁽¹⁾	2♣ ⁽²⁾	P
2♥	P	2♠	3♦
3♠	4♦	P ⁽³⁾	P
X ⁽⁴⁾	P	4♠	P
P	P		

Final Contract	4♠ by East
Opening Lead	♦10
Table Result	Down 1, N/S +50
Director Ruling	4♦X by North, Making 4, N/S +510
Committee Ruling	4♦X by North, Making 4, N/S +510

(1)	15-17 HCP
(2)	Clubs & a Major
(3)	Disputed BIT
(4)	BIT, estimated as 30 seconds by N/S & 7-8 seconds by E/W

The Facts: The Director was summoned at the end of the auction. North/South claimed that East had broken tempo after the 4♦ bid. E/W vehemently denied that East had broken tempo. West did state at the table that she had taken some time before doubling.

After the session, South approached the Director and asked about the ruling. The Director advised South that since they had not been called back after the hand, no ruling had been made. South then contended that due to West's admitted BIT, East should not be allowed to bid 4♠.

The Ruling: The Director polled three players from the Vanderbilt. All passed the double with the East hand. A slow double expressed doubt, so the action taken by East was demonstrably suggested by the BIT. Since the player poll determined that pass was a logical alternative to 4♠, the contract was adjusted to 4♦X by North, making 4, +510.

The Appeal: East/West appealed and all four players attended the hearing. East said that he had passed 4♦ expecting it to make and that he intended to pull if partner doubled because 4♠ was likely to be down only one trick. Further he said that he did not bid 4♠ directly for fear of pushing the opponents to a makeable 5♦. He felt that passing 4♦X was not logical.

North/South maintained that passing was a LA and that the Director's ruling was correct.

The Decision: The Appeals Committee determined that there had been a BIT and that the break did suggest doubt about the double of 4♦. The AC then determined that the BIT, by suggesting doubt, did suggest bidding 4♠. The AC then discussed whether passing 4♦X was a logical alternative. The AC noted that the people polled by the Director were unanimous in passing 4♦X. The AC also thought that pass was a LA and affirmed the adjustment of the result to 4♦X by North, +510. The AC discussed whether the appeal had merit and determined that it did.

The Committee: Michael Huston (non-voting chairman), Craig Allen, Ed Lazarus, Ron Gerard, Chris Moll, Jim Thurtell

Dissent by Ed Lazarus:

"I respectfully dissent from the decision of the Appeals Committee to revert the final contract to 4♦X for the following reasons:

1. West was a passed hand
2. West supported spades freely, showing at least 4-4 in the majors.
3. West was competing for a better matchpoint result when doubling 4♦.
4. The agreed upon out-of-tempo double by West was irrelevant since it is not a logical alternative for East to pass 4♦X with a 6-5 hand and no defensive values except the ♥K. The 2♣ overcall by East is usually 5-4 in two suits. East would have passed 4♦X if he held a 5-4 hand with some defensive values."

Commentary

Goldsmith: What was the nonsense about East's breaking tempo? He surely didn't, and it's irrelevant whether he did or not. West admitted to having done so.

The poll evidence suggests that bidding 4♠ might not be a LA. A wise man once said, "at matchpoints, never pull partner's penalty double to a sure minus score." Apparently, the polled players agree.

I think the appeal had merit, only because E/W didn't know about the ruling until after the session, giving them very little time to think about an appeal. I very much doubt they found out about the poll results before the appeal. Had the timing been normal in this case, that is, had the director been summoned, did his polling, came back, made a ruling and explained it, then I think an appeal wouldn't have any merit.

I'd like to see a much larger poll. If eight players had been asked and none pulled 4♦X, then 4♠ would not have been a LA and was suggested by the UI, and would therefore deserve a PP. But I suspect had five more players been polled, the vote would have been close to even, unless the poll was systemically flawed, which wouldn't surprise me.

Marques: If the poll was done properly, Pass was established as a logical alternative and there would be no reasons for a dissent opinion. Clearly, Ed Lazarus felt very strongly about this. Only three players were polled, which is a bit short, but the fact that all of them actually passed the double with the East hand makes it very clear and in my opinion in a definitive way that Pass is indeed a LA. Good decision.

Townsend: Concur with TD and AC, except appeal had no merit.

Wildavsky: The dissent is well written, but I agree with the TD and AC rulings. West explained that he did not bid directly over 4♦ because, while he expected to go down one, he did not want to push his opponents into a making 5♦. This is not sound reasoning at matchpoints. If they sell out to 4♠ he will have gained, and if they take the push they will often go down.

Woolsey: Clear. It was concluded that there was a BIT. The UI certainly suggests pulling the double. The poll leaves no doubt that passing the double is a LA.

As to the dissent, that is just a bridge opinion. Lazarus is certainly entitled to his opinion that East should bid 4♠. I might agree. However, when the poll is unanimous in favor of passing, that ends the discussion.

APPEAL	NABC+ EIGHT
Subject	Misinformation
DIC	Terry Lavender
Event	Whitehead Women's Pairs
Session	2 nd Qualifier
Date	March 21, 2013

BD#	16
VUL	E/W
DLR	W

Vonnie Lavender	
♠	A10973
♥	95
♦	1074
♣	Q97

Brenda Bryant	
♠	KQ8
♥	K1076
♦	J9
♣	8542



Sylvia McNamara	
♠	J
♥	J842
♦	KQ62
♣	KJ106

Ann Lindley	
♠	6542
♥	AQ3
♦	A853
♣	A3

West	North	East	South
P	P	1♦	1NT ⁽¹⁾
P	2♥ ⁽²⁾	P	3♣ ⁽³⁾
P	3♥ ⁽⁴⁾	P	3♠
P	P	P	

Final Contract	3♠ by South
Opening Lead	♦J
Table Result	Down 1, N/S -50
Director Ruling	3♠ by South, Down 1, N/S -50
Committee Ruling	3♠ by South, Down 1, N/S -50

(1)	12-15 HCP, Not Alerted
(2)	Transfer to spades, Announced
(3)	Four spades and a maximum, concentrated values in clubs
(4)	Re-transfer to spades

The Facts: The Director was summoned at the end of the hand. The play of the hand had proceeded as follows:

Trick 1: ♦J led and held the trick

Trick 2: ♦9 led, covered by the ♦10, ♦Q and won by ♦A

Trick 3: Small ♠ to ♠A

Trick 4: Small ♠ won by ♠Q, East discarded the ♣6

Trick 5: ♠K, East discarded a ♦

Trick 6: ♥ led

When asked, South had explained that 3♣ showed a maximum with concentrated values in clubs. East/West felt that they did not receive a complete explanation and that the result should be down two.

The Ruling: Director decided that information from the auction indicated South had four spades and four diamonds; therefore, the discard of ♣6 led East's partner to the wrong conclusions and severed any link between the irregularity and the damage. Accordingly, the Director ruled that the table result stands, 3♠ by South, down 1, N/S -50.

The Appeal: East/West appealed the ruling and North, East and West attended the hearing. East/West maintained that the explanation of 3♣ showing a concentration of values in clubs and the failure to alert the range of the 1NT overcall (12-15 HCP) constituted misinformation. West could have shifted to a club instead of a heart after cashing her spades.

The Decision: The Appeals Committee pointed out that the heart shift was immaterial because the Declarer had a pitch of a losing heart available in the diamond suit and was down one. The heart shift cost nothing. Therefore, the misinformation did no harm and no adjustment was appropriate, 3♠ by South, down 1, N/S -50.

Since neither the appellants nor the directors appeared to be aware that no harm had occurred, the AC decided that the appeal had merit.

The Committee: Adam Wildavsky (Chair), Ed Lazarus, Craig Allen, Chris Moll, Jim Thurtell

Commentary

Goldsmith: The director appears not to have discovered whether 3♣ showed a concentration in clubs or not. If it, instead, showed a doubleton, which is what it looks like, then E/W were misinformed, and that MI might have affected the opening lead.

It would be nice to know E/W's carding and the cards pitched, not just the suits.

Marques: Switching to hearts at trick seven gave the contract away: Queen of hearts, Ace of hearts, heart ruffed, diamond endplaying East. As declarer actually went down, equaling what the defense might have achieved on the play of a club instead of a heart, the AC decision is perfect. It's a pity that the TD didn't realize that there was no damage at all.

Townsend: Concur with AC.

Wildavsky: I don't understand how the information from the auction indicated South had four spades and four diamonds. Also, it would be nice to know what kind of carding E/W were using. That said, if I do say so myself, the AC made the same ruling but for a better reason. It would be helpful if the screening TD had caught this one.

Jeff's point that the TD did not determine what 3c showed is a good one.

Woolsey: As the committee accurately noted, nothing matters.

APPEAL	NABC+ NINE
Subject	Misinformation
DIC	Olin Hubert
Event	Vanderbilt
Session	Afternoon
Date	March 21, 2013

BD#	21
VUL	N-S
DLR	N

Sabine Auken	
♠	A3
♥	K104
♦	987432
♣	J10

Geir Helgemo	
♠	10962
♥	AQ762
♦	--
♣	9852



Tor Helness	
♠	KQJ7
♥	98
♦	AKQJ
♣	K76

Roy Welland	
♠	854
♥	J53
♦	1065
♣	AQ43

West	North	East	South
	P	1♦	P
1♥	P	2NT	P
3♦ ⁽¹⁾	P	3NT ⁽²⁾	P
P	P		

Final Contract	3NT by East
Opening Lead	♠5
Table Result	Making 3, N/S -400
Director Ruling	3NT by East, Making 3, N/S -400
Committee Ruling	3NT by East, Down 1, N/S +50

(1)	West to South: Shows five hearts East to North: Shows five hearts and denies four spades
(2)	West to South: Denies three hearts and denies four spades East to North: Denies three hearts

The Facts: The Director was summoned at the end of the hand. South said he might have led a heart with the correct information. N/S lead 4th best and middle from three small.

Five expert players were polled and all said that a heart lead was out of the question.

North won the opening lead with the ♠A (Declarer unblocking with the Jack) and led the ♦8 (second highest, by agreement). East won the trick with the Ace, South playing the ♦6. East then led the ♥9 to the queen, losing to North's ♥K. North led another diamond. East led a second heart, South played the ♥J and Declarer ducked, making three.

The Ruling: The deal was played during the second quarter of the match. The TD delivered his ruling at the start of the third quarter, noting that his poll showed that none of South's peers would lead a heart given the

correct information. South asked that the TD take a poll regarding the effect of the UI on the defense, noting that he, South, might well have played the ♦10 (upside down attitude) on the 1st round of diamonds had he been provided the correct information.

The Director ruled that South was unlikely to lead a heart on the opening lead. Despite further discussion of the play and the Director's attempt to discuss the hand at the table, South had not mentioned the play of the ♦10. Therefore the ♦10 play was ruled unlikely and the table result stands, 3NT by East, making three, N/S -400.

The Appeal: South explained that his defense was predicated on the information that East had at most three spades. He presumed that declarer held ♠KJx, all his efforts were channeled into making sure his partner not play a second spade. The ♦8 promised a higher card, so he knew declarer could not come to nine tricks without help. North/South give suit preference in the first suit declarer plays, so he was concerned that covering the ♥8 with the ♥J might be interpreted as preference for spades. He was likewise concerned that discouraging with the ♦10 might result in partner playing spades. He also asserted that although he understood that none of the players polled chose a heart lead, he leads declarer's short suit much more often than most players. He noted that had he covered the ♥8 or discouraged with the ♦10 the contract would almost certainly have been defeated, and that both those plays would have been substantially more attractive with correct information.

East/West told the Appeals Committee that while they have no system notes, their agreement is in fact the one East provided to North, that 3♦ asks only about heart support, and that West's explanation to South was erroneous. E/W also asserted that North ought to have known that her defense would prove ineffective. She was playing declarer for three spades. East/West open 1♣ with 4-4 in the minors, so East's shape was by implication 3=2=5=3. South's play of the ♦6 was thus likely to have been forced and could not be relied on as a signal. East/West also noted that covering the ♥9 could be dangerous, sparing declarer a heart guess when he holds 109 doubleton and needs only a second heart trick for his contract.

The Decision: The AC had no reason to doubt East/West's testimony that East's explanation was correct and West's incorrect. Accordingly, South had received misinformation.

The facts of the case made it clear that the misinformation made a heart lead less attractive than it would have been with correct information, but the AC agreed with the Director that a heart lead was unlikely in any case.

The facts of the case also made it clear that the winning defense would be more attractive had South had correct information. Had East held only three spades, as South had been told, then passive defense would have been sufficient to defeat the contract. Had he been informed that declarer could hold four spades his entire thought process would have run along different lines.

E/W's contention that North should have played declarer for 3=2=5=3 did not seem correct, since North had the accurate information that East could hold four spades and could tell from the lead and play to trick three that he likely did hold four.

After winning the ♠A, North needed at least two tricks from her partner. Two could come from the ♦AJx or the ♣AQ. Accordingly, she played a diamond at trick 3, planning to continue if partner encouraged and to switch to clubs otherwise. North's defense seems perfect and would have succeeded had she received an accurate signal from her partner. South, however, had a good reason for the signal he made. His defense might not have been best, even given the information he had, but the Laws do not require perfect play in order to receive redress for damage. In particular, South's mistakes, if any, did not rise to the level of "serious error" per Law 12C1b.

The AC discussed whether the North/South argument was timely, in that the argument regarding South's carding was advanced only after the dinner break and that the initial basis for the appeal was only the possibility of a different opening lead. We found that N/S had no need to make the basis for their appeal known to the TD,

just the fact that they wished to appeal. N/S might indeed have only realized at dinner the implications of the correct information on South's defense, but the argument they made stands or falls on its own. South might have a stronger case if he immediately told the TD how and why he would have defended differently with different information, but that is not what he is, or ought to be, concentrating on during the session or even before the short dinner break.

East ought to have realized when he saw the dummy that South had likely received inaccurate information. At that point he could have and probably should have informed South of the actual E/W agreement. Not many players would realize this, and the AC judged that the failure to do so did not warrant a procedural penalty.

The AC found that MI was present and that it led to damage. The AC judged that given accurate information the most favorable result that was likely for N/S was +50, and that this was also the most unfavorable result that was at all probable for E/W. Accordingly the score was adjusted per Law 12, to 3NT by East, down 1, N/S +50.

The Committee: Adam Wildavsky (Chair), Michael Huston, Craig Allen, Craig Ganzer and Chris Moll

Commentary

Goldsmith: This is an extremely difficult case. I'm not convinced that the correct defense's occurring would have been likely had South been correctly informed. It might have been at all probable, but even that's far from clear. To judge how likely it would have been requires a very detailed poll of at least a dozen of South's peers, which is hard to achieve normally and impossible now that all of them know the hand, so I'll decline to guess.

It'd be even harder if we had to judge the exact percentage of the time 3NT makes or goes down, as we do now with the new Law 12C election. I think with the correct information, there's probably at least a 10% chance 3NT would go down, but probably not more than 50%. It wouldn't surprise me if even that range didn't include the right answer.

If I were forced to guess, I'd probably judge that 3NT down was at all probable, but not likely, so I'd rule N/S -400 and E/W -50, but that's really just a guess without much evidence.

Marques: N/S made a very good argument for their case. Good AC decision.

Townsend: Concur with AC. East could have saved the situation but didn't.

Wildavsky: Jeff suggested that a poll would not be useful because too many experts would remember the deal. Since eight years have now passed, I took the opportunity to create a poll. You can find it here:

<http://bit.ly/st-louis-2013-n9-poll>

After 48 hours the results were:

- ♦5: 6 votes (5%)
- ♦6: 75 votes (56%)
- ♦10: 52 votes (39%)

Not all respondents were experts. We'd expect an expert South to go right more often than the average poll respondent. As against that, players have longer to think in a poll than at the table, and a player at the table doesn't have the same kind of hint that this is the crucial play. These three factors might roughly balance out.

If South would play the ♦10 roughly 40% of the time when given correct information, then the ruling must be N/S +50 E/W -50.

My judgement, then and now, is that South would go right more often than that. If declarer is 4-2 in the majors then playing for one spade, two hearts, and two clubs seems to be the only way to set the hand.

I noted in the write-up that "East ought to have realized when he saw the dummy that South had likely received inaccurate information." I realize now that North might have come to the same conclusion. As a defender, though, she had no choice but to carry on, hoping that if her side were damaged through MI that they would receive an adjusted score.

I'd hate to have to tell any player that we believe that he would have mis-defended had he had proper information. We don't automatically adjust in their favor, but the non-offenders deserve the benefit of the doubt.

Woolsey: The facts make it clear that the explanation to North was correct, the explanation to South was not. The issue is whether or not there was a significant chance that South would have done better with the correct information.

I agree with the director and committee that South was never leading a heart even with the correct information.

As to covering the ♥8 with the Jack, no way. Why couldn't declarer have ♥108 doubleton? If that is the layout, covering prevents the defense from establishing a second heart trick, which could be vital.

As to signaling with the ♦10, perhaps if South had 15 minutes to work out all the possibilities he might have been able to determine that this is the proper signal if he had the correct information. In real life, South doesn't have 15 minutes for this play. He doesn't have 15 seconds. He must make a reflex play, and the clear reflex play is to hang onto the ♦10 since it might come in handy. If you gave this hand as a defensive problem to 100 experts, giving them the correct information and having them defend card by card (without telling them when the problem is), I would bet that zero of them would play the ♦10. It simply isn't a play one finds.

This kind of Monday-morning quarterbacking has to be stopped. The director knew what was going on. The committee didn't and allowed themselves to be bamboozled by South arguments.

APPEAL	NABC+ TEN
Subject	Misinformation
DIC	Steve Bates
Event	Jacoby Open Swiss
Session	2 nd Final
Date	March 24, 2013

BD#	18
VUL	N/S
DLR	E

Sam Lev	
♠	52
♥	K94
♦	109543
♣	K84

Michael McNamera	
♠	AJ109764
♥	J6
♦	--
♣	QJ73



William Ehlers	
♠	KQ83
♥	10732
♦	AKJ7
♣	9

Piotr Gawrys	
♠	--
♥	AQ85
♦	Q862
♣	A10652

West	North	East	South
		1♦ ⁽¹⁾	2♣
2♥ ⁽²⁾	3♣	4♣	P
4♠	P	5♦	X
5♠	P	P	P

Final Contract	5♠ by West
Opening Lead	♦10
Table Result	Making 6, E/W +480
Director Ruling	5♠ by West, Making 6, E/W +480
Committee Ruling	5♠ by West, Down 1, N/S +50

(1)	Precision, 10-15, could be short
(2)	Not Alerted; Transfer to Spades

The Facts: West gave the correct information about their agreements prior to the opening lead. East stated that he finally “woke up”. After the 5♠ bid, it appears that West did not take advantage of the UI – if partner cannot cuebid hearts, he is not interested in pursuing slam. South said he would not have doubled 5♦ if he’d known that their suit was spades. A club or heart lead will set 5♠.

The Ruling: Several players were polled about the double of 5♦. The players polled described it as “bizarre”, “horrific”, “insane” and similar terms. With such descriptions, the directors judged that the damage that N/S suffered had been divorced from the infraction due to a “serious error, unrelated to the infraction”, per Law 12C1b. Accordingly, the table result was ruled to stand.

The Appeal: North/South appealed the ruling and East, West and South attended the hearing. South explained that his double of 5♦ was preparatory to doubling any red suit contract E/W would ultimately bid. It was not intended as lead directing. Had East informed him at the time of the 5♦ bid that he now realized that West’s 2♥ bid showed Spades, then South would not have doubled.

East stated that he figured out the true meaning of West's 2♥ bid when his partner bid 4♠, but was under the impression that he could not Alert in the middle of the auction once he failed to do so at the time of the bid. The Screening Director informed him and the AC that this is incorrect under Law 75B and the ACBL Alert Procedures.

The Decision: The Appeals Committee decision was a two-part one. First, the E/W pair, because of the misinformation, was not entitled to benefit and make their contract with an overtrick. The normal lead of a club, probable with proper and timely disclosure of the pair's agreements, would have resulted in down one, and that result was therefore assigned.

The second part was whether the double of 5♦ was so disastrously egregious that the damage N/S received was self-inflicted. The AC felt that although the double was bad, it fell short of the requirements stipulated in Law 12C1b, which would have prevented the pair from receiving redress. The result was changed to 5♠ by West, down 1, N/S +50 for both sides.

The Committee: Gail Greenberg (Chair), Chris Moll, Michael Huston, David Grainger and Ed Lazarus

Commentary

Goldsmith: I don't agree that West failed to use the UI he had. Imagine East's red suits' being swapped. Then, slam is very good, so signing off in 4♠ looks like a violation to me. I think he should bid 4♦. This will horrify East, who'll sign off in 4♥. Hearing a heart cue bid, West can try 5♠, asking for a club control. There are lots of ways the auction can go from here, but I think the worst result at all probable is 6♠X down two, and I think that is also likely, so I'd award N/S +300. I don't think 4♠ is the normal action, so I'd award a 1/4 board PP as well. Yes, this seems harsh, but E/W were having an accident that was very likely to become a disaster, and without the UI, they'd likely have had one. Do E/W play Kickback?

Is South's double of 5♦ an egregious blunder? At least three polled people think so, so I'm OK with judging that it was, though I don't think so. I think from South's perspective, 5♦ could be the final contract, and he wants to play it doubled. In any case, it would be absurd after West cued 4♦, so I think it was consequent of West's infraction, not subsequent to it. Therefore, I'd let N/S keep their +300.

Marques: I agree with the first part of the AC decision, but not so much with the second.

South's argument is weak. Considering the information that he has at the table (2♥ natural, 4♣ probably cue for hearts, 4♠ and 5♦ cues), I fail to see the need of a "preparatory" double. The cause of damage for N/S was South's double, not the mis-explanation. It's another judgment call, but IMHO South's double looks like a serious error.

Townsend: Concur with AC. Double of 5♦ looks odd, but South did have his legitimate reasons.

Wildavsky: The AC ruling corrected a miscarriage of justice.

Woolsey: I cannot believe the comments about the double of 5♦. Remember, South doesn't know the 2♥ call showed spades. South didn't think his partner was about to be on lead against 5♠. South thought the opponents were going to be landing in 5♦ or 5♥, and he was just making an old-fashioned penalty double. It looks like a trivial double to me based on the information that South had.

I would bet that those who were polled about the double of 5♦ were told that 2♥ was a transfer to spades, in which case the double of 5♦ would be pretty bad. That is fine for determining whether N/S was injured by the bad explanation. But for the directors to conclude from the poll that South had made a "serious error" shows that the directors had no idea what was going on.

For the committee to say that it was a bad double simply means that the committee failed to look at things from South's point of view with the information he had.

Fortunately, the committee didn't decide the double was egregious and came to the right conclusion. If they had upheld the director's ruling and let the table result stand, it would have been a terrible injustice.

APPEAL	Regional One
Subject	Unauthorized Information
DIC	Scott Humphrey
Event	First Saturday AX Pairs
Session	First Session
Date	March 16, 2013

BD#	8
VUL	None
DLR	W

6605 masterpoints	
♠	974
♥	A974
♦	KQ963
♣	9

16,640 masterpoints			4218 masterpoints	
♠	K8		♠	J6
♥	QJ862		♥	K1053
♦	10874		♦	AJ5
♣	107		♣	J853

2384 masterpoints	
♠	AQ10532
♥	--
♦	2
♣	AKQ642

West	North	East	South
P	P	P	1♠
P	2♣ ⁽¹⁾	P	2♠ ⁽²⁾
P	3♠	P	4NT ⁽³⁾
P	5♣ ⁽⁴⁾	P	6♠
P	P	P	

Final Contract	6♠ by South
Opening Lead	♥Q
Table Result	Making 6, N/S +980
Director Ruling	2♠ by North, Making 6, N/S +230
Committee Ruling	2♠ by North, Making 6, N/S +230

(1)	Not Alerted – Limit Raise (Reverse Drury)
(2)	Not Alerted – Minimum Hand, agreed break in tempo
(3)	1430 RKC Blackwood
(4)	One or Four Keycards

The Facts: The TD was called at the end of the auction. West explained that 2♣ was not alerted, and that South broke tempo before bidding 2♠S. N/S agreed with these facts, and they also explained that 2♠ systemically shows a hand which does not accept a limit raise.

The Ruling: North had UI from the BIT. More importantly, South's failure to Alert 2♣ was UI to North. Per Law 16B1, North was not allowed to choose from among logical alternatives one which could demonstrably have been suggested over another by the extraneous information.

The TD determined through a player poll that the failure to Alert 2♣ suggested that partner might not have recognized it as a limit raise and that bidding 3♠ might be more successful than passing. The TD also found through a player poll that Pass was a logical alternative to bidding 3♠ for North. Therefore, per Law 12C1e,

North's 3♠ bid was changed to a Pass, and the contract and result were changed to 2♠ by South, making 6, NS +230

The Appeal: N/S appealed the ruling and North, East and West appeared. During the Review, East and West brought no new evidence. North asserted that he had a particularly good limit raise and was always planning to bid 3♠ if partner bid 2♠.

The Decision: The reviewer conducted his own player poll. All seven consultants (six peers, expert Janice Seamon-Molson) passed 2♠.

Following the standard procedure for UI cases, the Panel agreed that UI was available to North from South's failure to Alert 2♣. The information contained in the failure to Alert was that South did not recognize that 2♣ was a spade raise. As such, the Panel felt that bidding 3♠ might be more successful than passing 2♠. The player poll showed that in an untainted auction, peers of this player who employ this convention would Pass. Therefore, the Panel adjusted the score to 2♠ by South making 6, NS +230, per Laws 16B1 and 12C1c.

As N/S are experienced players, and since N/S were informed during the pre-hearing screening of the results of the Reviewer's player poll, the Panel felt unanimously that N/S should be awarded an Appeal without Merit Warning.

The Panel: Matt Koltnow (Reviewer), Matt Smith, Sol Weinstein

Commentary

Goldsmith: Good job, except for not giving a 1/4 board PP for abuse of UI.

Marques: Perfect decision. Amazing that even after being informed of the results of the poll, the N/S pair still appealed the decision.

Townsend: Concur with TD and AC, including AWMW.

Wildavsky: Good all around, including the well-deserved AWMW. I agree that Jeff that a procedural penalty was warranted in addition.

Woolsey: Simple. North had the UI that South didn't know 2♣ was Drury. The UI suggested bidding vs. passing. And, as the poll indicated, passing is a LA. Therefore, the 3♠ bid is not allowed. Quite correct, including the AWMW as this is such a clear ruling.

APPEAL	Regional Two
Subject	Unauthorized Information
DIC	Eric Bell
Event	First Sunday AX Swiss
Session	First Session
Date	March 17 2013

BD#	21
VUL	N/S
DLR	N

3550 masterpoints	
♠	10832
♥	J876
♦	973
♣	K6

120 masterpoints	
♠	AK4
♥	10
♦	AKJ6542
♣	Q7



600 masterpoints	
♠	Q65
♥	AK532
♦	Q
♣	J1093

6700 masterpoints	
♠	J97
♥	Q94
♦	108
♣	A8542

West	North	East	South
	P	1♥	P
3♦ ⁽¹⁾	P	4♥	P
6♦	P	P	P

Final Contract	6♦ by West
Opening Lead	♠2
Table Result	Making 6, E/W +920
Director Ruling	5♥ by East, Down 2, N/S +100
Committee Ruling	6♥ by East, Down 3, N/S +150

(1) Alerted and explained as a Bergen raise

The Facts: The director was called after the auction, and again at the end of the hand. The actual agreement about the 3♦ bid was Bergen as indicated on both convention cards.

The Ruling: Initially, the table director ruled without consultation that the score stood, believing the 6♦ bid was not a violation of Law 16. N/S appealed that ruling. Upon reviewing the case, the event DIC decided to poll players before having N/S proceed with their appeal. That poll of four expert players showed all of them making a slam move in support of hearts with the West hand but signing off in 5♥ after normal follow-ups by East. None considered bidding 6♦ over 4♥. Since logical alternatives existed to the 6♦ bid that were not suggested by the unauthorized information, and since those alternatives might lead to a contract of 5♥, the ruling was changed to 5♥ by East down two, N/S -100 (Laws 16 and 12).

The Appeal: E/W appealed the Director's ruling. The reviewer met with all four players together at the end of the afternoon session. West told the reviewer that he forgot they were playing Bergen raises and he intended his bid to be a strong jump shift, which to him showed a hand of opening bid strength or better. By agreement 3♦ actually showed 11-12 HCP and four card support.

The reviewer spent some time explaining the reason for the ruling and the relevant laws to E/W. Even though this occurred in a flight AX event, E/W (and particularly West with 120 masterpoints) were relatively inexperienced. West did not understand why 6♦ was not a perfectly normal bid. When he was told that a preliminary poll by the reviewer had three of four players bidding 4♠ as a way to investigate a heart slam (the other passed 4♥ stating that it should show solid hearts and no outside controls), he said that bid would never occur to him and that players of his level of experience would never make such a bid.

He accepted that the ruling might be correct for players of the experience of those polled, but asked that polling be done of players with more similar experience to his partnership. Since Law 16 refers to a logical alternative being relative to “the class of players in question and using the methods of the partnership”, the reviewer agreed to do so.

N/S said they thought the 6♦ bid was taking advantage of the unauthorized information, and they wondered if East should be allowed to pass 6♦. The reviewer pointed out to them that the auction itself was authorized to East, and a 6♦ bid after a Bergen raise and a sign-off in 4♥ certainly would be a wake-up call to East that the auction had gone off the rails. In any case, the laws don't restrict East's actions since he was not in possession of any unauthorized information.

The Decision: The panel decided that there was unauthorized information from the alert and explanation of 3♦, and that bidding 6♦ was suggested by that information. The panel thought that the appellants' point about the wrong peer group being polled was a valid one. The reviewer therefore gave the hands to two pairs of approximately the same experience level as the appellants to bid.

The polls were conducted in a way that no players were aware that there was a potential misunderstanding of the meaning of the 3♦ bid. Both Wests assumed their partner knew their 3♦ bid was a strong jump shift, and both Easts assumed that partner had made a Bergen raise. Both Easts bid 4♥ over 3♦D. Both Wests then bid 4NT, but one meant it as Blackwood and the other as natural. In the Blackwood pair, East bid 5♥ and West then bid 6♥. In the natural 4NT pair, East bid 5♦ (intending it as a one ace response to Blackwood) and West then bid 6♦. East corrected 6♦ to 6♥.

While the panel had no confidence that a more extensive poll of peers would result in 6♥ being reached all the time, it did feel that the results of this limited poll indicated that a contract of 6♥ met the standard of Law 12C1(e): “The score assigned in place of the actual score for a non-offending side is the most favorable result that was likely had the irregularity not occurred . . . [and] for the offending side . . . the most unfavorable result that was at all probable . . .” he panel assigned the score of 6♥ by East down three, N/S +150 to both sides.

The panel did not consider an Appeal without Merit Warning since the original table ruling had been reversed. Players polled by the panel: Tom Breed, Michael Roche, Michael Rosenberg, one other expert, and two peer partnerships

The Panel: Matt Smith (reviewer), Bill Michael, Patty Holmes, Geoff Greene, Kevin Perkins

Commentary

Goldsmith: The ruling is OK, but I don't see any reason not to give an AWMW. Just because the director lost his mind briefly has nothing to do with E/W's responsibilities. West blatantly abused UI, but apparently, panels do not give PPs for that. Perhaps it seems unfair to give someone with 120 masterpoints an AWMW and a PP, but the screening director should have told him that this would happen, so if he proceeds with the appeal anyway, he gets them. Or are there no screening directors for panels? If not, let's implement one. He'll take a

quick look, and in cases like this one, tells E/W they are welcome to appeal, but doing so is not without cost, and that in his opinion, that cost will have to be paid, so do you want to continue?

Marques: Very good TD ruling by the DIC, improved by the panel after an exemplary poll. Good job. The table director should have consulted. The case might look easy at first sight, but it was an optical illusion. Lesson to learn: Never decide without consulting, if possible.

Townsend: Concur with AC. Regulations permitting, would issue AWMW regardless of the score change.

Wildavsky: Perfect work by the panel except for the lack of an AWMW.

Woolsey: Of course, West had UI and rather blatantly took advantage of it. It is hard to say what would have happened without the UI, but the actual adjustment looks okay to me. If nothing else, maybe West will have learned a lesson about what he is or is not permitted to do when he receives UI.

APPEAL	Regional Three
Subject	Misinformation
DIC	Nancy Watkins
Event	Wednesday AB Open Pairs
Session	First Session
Date	March 20, 2013

BD#	10
VUL	Both
DLR	E

5200 masterpoints	
♠	Q10
♥	Q
♦	9864
♣	AKQ543

1370 masterpoints			375 masterpoints	
♠	87432		♠	A5
♥	A42		♥	987653
♦	KQJ5		♦	A1072
♣	2		♣	9

1370 masterpoints	
♠	KJ96
♥	KJ10
♦	3
♣	J10876

West	North	East	South
		P	1♠ ⁽¹⁾
P	2♣ ⁽²⁾	P	2♠ ⁽³⁾
P	3NT	P	P
P			

Final Contract	3NT by North
Opening Lead	♥9
Table Result	Down 1, E/W +100
Director Ruling	3NT by North, Down 1, E/W +100
Committee Ruling	4♣ by South, Down 4, E/W +400

(1)	N/S pre-alerted that they play Precision with Canapé
(2)	Alerted and explained as a spade raise
(3)	Explained as opener's longest suit

The Facts: The director was called by E/W, first upon seeing dummy, and then again at the end of the hand. 3NT went down one on the lead of the ♥9. West won the ace and played the ♦K, ♦Q and ♦J. East overtook the jack, cashed the ♦10, and switched to a heart. Declarer took the rest of the tricks.

E/W believed they had been misinformed about both of the opponents' hands. East told the director he would have cashed the ♠A after running diamonds if he had been correctly informed about North's hand, but that he did not since he thought it could not go away, and hoped that his side might come to more than one spade trick.

South explained that he thought his partner was a passed hand and that 2♣ was therefore Drury. The real agreement about 2♣ was natural and game forcing. South's 2♠ bid was intended as a minimum response to Drury, but North's explanation was correct according to their agreements.

The Ruling: The Director ruled that any damage to E/W was not a result of misinformation and that the table result stood. East was in possession of enough information from the previous play to realize that partner could not have any more useful cards. Accordingly, no adjustment was made.

The Appeal: East/West appealed the ruling and North, South and East attended the hearing. The reviewer met with East separately from North and South since the interviews were conducted during the evening session. East repeated what he had said to the table director.

North and South repeated the explanation of what caused the misunderstanding and explained their methods. The 2♠ bid was correctly explained by North. In their methods 2♠ shows 10-12 HCP and six spades. With 12-15 HCP and six plus spades they open 3♠.

The reviewer informed North that he was required by law to correct his partner's mistaken explanation of his 2♣ bid before the opening lead (Law 20F5b). The reviewer also explained to North that he had unauthorized information from his partner's explanation and he was obliged to avoid using it to any advantage (Law 73C). When asked about his choice of 3NT rather than pursuing spades as a final contract, he said he thought this might be a hand where nine tricks would be easier than ten.

The Decision: In deciding cases, panels are expected to consider legal issues possibly overlooked by the director and not mentioned by the appellants. In this case, the panel believed that E/W might have been damaged more by unauthorized information than by misinformation.

The reviewer polled eight players ranging from top experts down to players with 2000 masterpoints regarding North's action over 2♠. Six bid 4♠; one wanted to make a game try of some kind in spades; one considered 3♣, 3♠, and 4♠ as possible bids and could see circumstances where he might want to play in 3NT.

Law 16B1 says that after receiving unauthorized information from partner a player "may not choose from among logical alternatives one that could demonstrably have been suggested over another by the extraneous information." Unauthorized information existed that clearly suggested not bidding 4♠ and the poll indicated that 4♠ was not only a logical alternative, but that it was a majority choice among consulted players. The panel therefore assigned a contract of 4♠ by South. Consulted experts thought that South would take six tricks in that contract, so the table result was replaced for both sides with 4♠ by South, down 4, E/W +400 (Law 12C1e). Since the issue of misinformation became moot with this decision it was not considered.

Players polled: Ralph Katz, Eric Kokish, Nick Nickell, and five non-experts

The Panel: Matt Smith (reviewer), Matt Koltnow, Sol Weinstein

Commentary

Goldsmith: Good job by the panel. I'd also give N/S a 1/4 board PP for abuse of UI. 3NT is not a LA to 4♠, and it is suggested over 4♠ by the UI. Someone who takes an action that is not a LA, but is strongly suggested over other LAs by UI gets a PP.

Marques: A nice case that starts as MI and unfolds as UI, and another perfect job by the panel.

Townsend: Concur with AC.

Wildavsky: Excellent work by the panel to correct an errant TD decision.

Woolsey: The panel got it right. This was a UI issue, even though E/W and the director didn't realize this. As the poll showed, without the UI it is quite likely that North would have driven to 4♠. Good job by the panel.

APPEAL	Regional Four
Subject	Break in Tempo
DIC	Bernie Gorkin
Event	Tuesday Open Pairs
Session	Afternoon
Date	March 19, 2013

BD#	28
VUL	N/S
DLR	W

136 masterpoints	
♠	KJ832
♥	Q2
♦	AJ1032
♣	9

6455 masterpoints			8139 masterpoints	
♠	A		♠	Q106
♥	1085		♥	K4
♦	K87		♦	Q9654
♣	AKQ1042		♣	865

138 masterpoints	
♠	9754
♥	AJ9763
♦	--
♣	J73

West	North	East	South
1♣	1♠	1NT	3♠
3NT	P ⁽¹⁾	P	4♠
X	P	P	P

Final Contract	4♠X by North
Opening Lead	♣5
Table Result	Down 1, E/W +200
Director Ruling	3NT by East, Making 3, E/W +400
Committee Ruling	3NT by East, Making 3, E/W +400

(1) Disputed Break in Tempo

The Facts: The director was called during the auction, when 4♠ was bid and again at the end of the hand. West said North “had a slight break prior to the pass of 3NT”. East said it was “longer than a slight break”. North denied pausing and South denied noticing a pause

The Ruling: Initially, the ruling was that the North hand suggests that a pause had taken place, that South has logical alternatives to bidding 4♠, and that a break by North demonstrably suggested bidding. However, the director ruled to let the result stand, as 3NT can be beaten, and therefore E/W were not damaged, as they would not receive a better score in 3NT. E/W wished to appeal. However, in consultation with E/W and other players, it was determined that although a 3NT contract might fail, it is very easy for the defense to let it make, and, in fact, it did indeed make several times. Therefore, the ruling was changed to 3NT by East, making 3, E/W +400, per Law 16.

The Appeal: North/South appealed, after the director informed them of the reconsideration to adjust the score. The reviewer met with N/S, who were trying to get experience by playing in the Open, rather the novice game. In asking North about whether she had any thing to think about after the 3NT, she admitted that she briefly

thought about whether it would be worth it to bid, although she denied it causing her to break tempo. N/S were explained the law about unauthorized information and were only appealing the claim of a break in tempo.

The Decision: The reviewer conducted a poll of players of similar strength, playing in team events. Given the hand held by North, and the auction up to 3NT, many took a moment to decide, with one choosing to bid. A separate poll with the South hand found many not bidding. Given the polling information, the panel decided that the conditions of Law 16 were met, and the director's ruling was upheld.

The panel decided Appeal without Merit Warning was not appropriate since the original table ruling had been reversed.

Players polled by the panel: 6 players under 200 points

The Panel: Kevin Perkins (reviewer), Charlie MacCracken, Su Doe

Commentary

Goldsmith: Good job. OK, we've finally found a scenario in which UI abusers get enough slack that they don't get a PP or an AWMW: novices playing in an open side game when the BIT may not even have happened, and the action taken wasn't unreasonable.

Marques: The initial ruling could probably have been avoided in a very simple manner, by just checking what was happening at other tables playing 3NT. I checked the frequency sheets from 2013 and there was a lot of -400's....

From the writeup, the reviewer did a good job confirming the break in tempo. If it weren't for the initial change of ruling, the AWMW would have been evident.

Townsend: Concur with TD (eventual ruling) and AC.

Wildavsky: I agree with the rulings of 3NT making. I agree that the appeal had merit. N/S were entitled to have the fact of North's alleged break in tempo examined.

Woolsey: I would have bid 4♠ on the South hand, but I can't say that it is clear-cut. The poll apparently indicated that passing is a LA. The UI certainly suggested bidding vs. passing. Thus, adjusting the score is fine.

This is a hand where it would be nice to have been able to give a weighted adjustment, since the fate of 3NT is in doubt. At the time such weighted adjustments were not permissible, so the panel rightly resolved in favor of the NOS. Fortunately the ACBL has since changed its rules in this area.

APPEAL	Regional Five
Subject	Misinformation
DIC	Brian Russell
Event	Golder NAP Flight B
Session	First Qualifying
Date	March 23, 2013

BD#	15
VUL	N/S
DLR	S

1621 masterpoints	
♠	J96542
♥	AQ
♦	Q985
♣	4

1644 masterpoints			751 masterpoints	
♠	Q103		♠	8
♥	9876		♥	KJ
♦	K52		♦	AJ1043
♣	AK7		♣	QJ432

2022 masterpoints	
♠	AK7
♥	105432
♦	7
♣	10965

West	North	East	South
			P
1♣	1♠	3♠⁽¹⁾	X
P	P	5♣	X
P	P	P	

Final Contract	5♣X by West
Opening Lead	♠5
Table Result	Making 5, E/W +550
Director Ruling	5♣ by West, Making 5, E/W +400
Committee Ruling	5♣ by West, Making 5, E/W +400

(1) Explained as asking for a stopper

The Facts: South called the director when dummy was put down and East remarked that 3♠ should be a splinter. South claimed that he would not have doubled 5♣ if he had known that it was not a stopper ask. South thought forcing dealer with a ruff was the best defense, so he won the ♠K and continued with the ♠A. Declarer ruffed in dummy and played a club to the ace. He then played a diamond to the jack and drew the rest of the trumps. He returned to the king of diamonds, pitched a heart from dummy on the ♠Q, and finessed in diamonds. He conceded a heart at the end.

The Ruling: East/West had no agreement to the jump cuebid, and each had a different idea as to what it should mean. South isn't entitled to what East meant but is entitled to know that the pair does not have an agreement, so that the possibility of shortness is present, and a double is less attractive. Per Law 21, an adjusted score of 5♣ by West, making 5, EW +400 was assigned.

The Appeal: East/West appealed the decision, claiming South only wanted to retract the double on the information that East was splintering, not on the much vaguer information of no agreement. East had made no

attempt to correct the information that they had no agreement before the opening lead, giving South a chance to claim damage and a desire not to double before seeing dummy.

The Decision: The reviewer attempted to conduct a poll, first giving the South hand and correct information, that there is no agreement by the opponents about the 3♠ bid. All players polled were concerned that the bid was a splinter and did not double 5♣ and thought it was very dangerous to do so. The players also maintained, that given the alternative explanation of stopper ask, they still thought the double to be unwise.

Trying to approach from the other side and find peers, the reviewer told those polled that the 3♠ bid was stopper asking. None chose to double, but most thought a double was not unreasonable, just too aggressive for them. When told about the possibility that the bid was instead undiscussed, the potential for it being a splinter was agreed to be a concern, and the double was thought to have much less merit.

With this information, the panel upheld the director's ruling of adjusting the score to 5♣ by West, making 5, E/W +400. East/West were reminded to correct misinformation at the earliest legal chance (Law 20F5), avoiding the situation of the non-offending side getting to make protests with more information than they would have otherwise.

The panel decided the appeal had merit due to the subtlety of the argument put forth by South and the difficulty in finding peers.

Players polled by the panel: 3 players of approx. 1700 – 2100 for each poll

The Panel: Kevin Perkins (reviewer), Matt Koltnow, Su Doe

Commentary

Goldsmith: East was responsible for announcing that partner's explanation of 3♠ was incorrect before the opening lead. Since he didn't know they didn't have an agreement (he thought they had one and that it was that 3♠ was a splinter), he had to tell N/S that 3♠ was a splinter. South would have called the director then and asked for his double back. Or not. East's failure to follow proper procedure gave South the chance to see the dummy when he would have had to make his decision without it had East done the right thing. I'm fine with that.

The appeal had no merit, because if East had followed proper procedure, the appeal would never have happened.

Marques: Good job, nothing to add (except that the difficulty of finding peers shouldn't be an argument concerning the merit of an appeal)

Townsend: Concur with TD and AC.

Wildavsky: A close case. Jeff's point that East failed to follow proper procedure has convinced me that E/W +400 is the proper ruling.

Woolsey: I don't think much of the double, particularly since East might well be short in spades even if 3♠ asked for a stopper. However, the double isn't of the absurd variety, and South had no reason to know he was getting a double shot. The double would be far less attractive knowing 3♠ was a splinter. Thus, the ruling is fine.

APPEAL	Regional Six
Subject	Misinformation
DIC	Kevin Perkins
Event	Sunday A/X Swiss
Session	First Session
Date	March 24, 2013

BD#	15
VUL	N/S
DLR	S

6000 masterpoints	
♠	6542
♥	93
♦	KQJ83
♣	65

6000 masterpoints			2250 masterpoints	
♠	--		♠	AJ73
♥	Q87		♥	AKJ542
♦	10976542		♦	--
♣	742		♣	KQ9

6000 masterpoints	
♠	KQ1098
♥	106
♦	A
♣	AJ1083

West	North	East	South
			1♠
P	3♦ ⁽¹⁾	3♠	4♣
4♦	X ⁽²⁾	4♥	4♠
5♦	P ⁽³⁾	5♥	P ⁽³⁾
P	X	P	P
P			

Final Contract	5♥X by East
Opening Lead	♠Q
Table Result	Down 2, N/S +300
Director Ruling	5♥X by East, Down 1, N/S +100
Committee Ruling	5♥X by East, Making 5, E/W +650

(1)	Alerted and explained as Bergen; Four spades, minimum raise
(2)	Alerted and explained as takeout
(3)	Explained as the equivalent of a penalty double

The Facts: The director was called at the end of the hand. The play had proceeded ♠Q, won with Ace (club discard from dummy, discouraging 6 from North); spade ruffed to dummy; diamond ruffed back to hand; spade ruffed to dummy; diamond ruffed low by declarer and overruffed by South; trump exit by South. West told the director that if East knew diamond length was on her right she would have ruffed the second diamond back to her hand high and made the hand. East did not speak to the director.

The director found that in some situations N/S invert the meaning of pass and double. South thought it applied to North's double of 4♦, but North did not. Both agreed that the agreement applied to their later passes over 5♦ and 5♥. N/S did not ask any questions of the E/W auction.

The Ruling: The director found that South's explanation of North's double of 4♦ was misinformation (Laws 20 and 75) and that it damaged E/W in the play since East did not appreciate the danger of an overruff by South (Law 40B4 and Law 47E2b). However, the director believed that after, a high ruff by East, it was implausible that a pair of N/S experience would not defeat the contract. After pitching a club on the diamond ruff, followed by another spade ruff in dummy, South would next win the club ace and lead his last spade for partner to uppercut declarer. If declarer refused the uppercut another diamond from North would promote South's ♥10. The score was changed to 5♥X by East, down one, NS +100 (Law 12C1e).

The Appeal: E/W appealed the director's ruling. The reviewer met separately with N/S and E/W. N/S confirmed that they had a misunderstanding about whether pass-double inversion applied to North's double of 4♦. North and South each have 6000 eligibility points assigned to their ACBL records due to experience in other bridge organizations.

E/W also confirmed the facts as stated by the director. West thought that a defense which required the right discard on the second diamond ruff, avoiding a club return upon gaining the lead, and having partner ruff with his nine was not nearly as likely as the director did. The reviewer did tell West that the argument of East ruffing high with the correct information would carry more weight if East had been the first to offer it.

The Decision: South's explanation to E/W that the double of 4♦ was takeout was not actually the N/S agreement, so legally it was misinformation. Law 40B4 states: "A side that is damaged as a consequence of its opponents' failure to provide disclosure of the meaning of a call or play as these Laws require is entitled to rectification through the award of an adjusted score."

In order to determine if East's play of ruffing low was affected by the misinformation that South provided, the reviewer gave the East hand to three of her peers with approximately the same number of masterpoints. When told that the double of 4♦ was not alerted, one player ruffed high and the other two were not sure whether to ruff high or to play South for having false carded with the ♦A and ruff low (one of those two did not agree with East's earlier line of play since he would have ruffed the opening spade lead in dummy). All agreed that on the line of play taken, ruffing low would have been normal if the double had been described as takeout.

Next, the reviewer gave the South hand as a play problem to three experts. All three pitched a club if East ruffed the second diamond high. All three won the subsequent club lead from dummy after a third spade ruff. Two of the three then returned a spade hoping for an uppercut, while one believed that couldn't be successful and returned a trump. As to whether the spade return would be ruffed, when seeing all four hands all agreed that it is clearly the correct play, but one offered that he is surprised at how often players neglect to correctly ruff when partner leads the thirteenth card of a suit. Two of the three experts took more time analyzing the hand than would have been the normal allotment of time to play it.

The reviewer also gave the whole hand to one peer of N/S and asked him what he thought the likelihood was of N/S getting it wrong. In his estimation giving N/S credit for the correct defense was "very generous".

Law 12C1e instructs that "... the score assigned in place of the actual score for a non-offending side is the most favorable result that was likely ..." and "for an offending side ... the most unfavorable result that was at all probable ..." had the irregularity not occurred. The panel was persuaded by the sum of the evidence from the consulted players to assign the result of 5♥X by East making five, E/W +650 to both sides.

While the panel was troubled by the fact that West made the bridge argument for East, the polling of East's peers clearly indicated that she had been deprived by misinformation of the chance to make a decision in the play that could have led to the ending considered. As to what might happen in that ending, the panel decided that since one expert actually got it wrong and the other two took a very long time considering the problem before coming up with the right conclusion, there was a significant chance that 5♥X would have made. The

panel also found the statement by one of the experts about how often players fail to ruff in this situation persuasive.

In addition to the misinformation that existed, the panel also realized that North had unauthorized information from his partner's explanation of the double of 4♦. That UI did not seem relevant to the case, and in any event, its possible effect was not considered by the panel since the decision made it moot.

Players polled: David Bakhshi, Bart Bramley, Bob Etter, and four non-experts

The Panel: Matt Smith (reviewer), Charlie MacCracken

Commentary

Goldsmith: I think the ruling was pretty generous. Having declarer embark on a no-play line, one that requires a favorable layout and a defensive error, then get that error seems too much to assume. To assume this line when declarer probably wouldn't have found it without dummy's help puts the assumption beyond the pale. If declarer had asked for more detail about the double of 4♦, if she had thought for a while before ruffing the second diamond low, or in any way had shown she was deciding between two lines, one of which might have been successful, then I'd consider ruling as the panel did. I'd be willing to accept it even if she had just said something like, "didn't you say the double of 4♦ was takeout," when she was overruffed, or even just acted very surprised. It is possible these things happened and were not included in the write-up, but I sincerely doubt it. I suspect that for this class of player, down two is the only at all probable result, so I'd rule result stands. It's reasonable to award a split score; if we were to judge that it's at all probable that declarer would make the contract, we can give N/S -650, but I cannot imagine judging that it is likely, so I'd definitely leave E/W with -300.

On the other hand, I very much like the process the panel followed, with the singular exception that inferring anything from the fact that some of this set of experts played slowly is fraught with peril.

Marques: A fine piece of work by the panel. If 12C1c were available a weighted score would seem to be the ideal solution, but under 12C1e as per ACBL regulations, the panel decision is perfect.

Townsend: Concur with AC.

Wildavsky: The panel improved the TD's ruling.

Woolsey: While it isn't clearly correct for declarer to ruff high on the second round of diamonds, it is definitely a possible play with the proper information about the double of 4♦. With the information that it was takeout, she had zero chance of going right. Therefore, the declaring side is definitely entitled to some redress.

Assuming it had gone high ruff, spade ruff, and club to king and ace, how obvious is it for South to lead a spade for an uppercut? I don't think it is obvious at all. For example, suppose declarer's hand is: AJxx-AKJ9xxx – void - Kx. The winning defense would be a club to the queen and diamond through for a promotion. The panel found the proper adjudication