

# 2017 Summer NABC Appeals Casebook



American Contract  
Bridge League

# 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 ten (10) cases were heard.

Four (4) 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 Review Panels and 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.

**Rui Marques** 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.

**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 summers in Sarasota, FL and winters in Keystone, CO. He has won numerous national championships including the Blue Ribbon Pairs twice, the Reisinger BAM Teams once, and the USBF Team Trials twice. He won a bronze medal in the 2003 Bermuda Bowl in Monaco. He is vice-chair of the National Laws Commission, a member of the WBF Laws Committee, and a former chairman of the National Appeals Committee. His interest in the laws is informed by his study of Objectivism, the philosophy of Ayn Rand.

**Chris Willenken** was born in New York City, Willenken graduated from Collegiate School and Williams College. Chris is an ACBL Grand Life Master and a WBF Life Master. In 2011, he won the gold medal at the inaugural Sport Accord World Mind Games Individual Championship. In WBF competition, He reached the semifinals of the 2010 Rosenblum Cup and 2011 World Transnational Open Teams Championship and finished fourth in the 2014 World Open Pairs Championship.

**Kit Woolsey** is a world-class bridge and backgammon player, analyst, and writer, born in Washington, DC. He graduated from Oberlin College 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.

<b>Subject of Appeal:</b>	Card Designation	<b>Case:</b>	N1
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<b>Event</b>	von Zedtwitz Life Master Pairs	<b>Event DIC</b>	McKenzie Myers
<b>Date</b>	07/21/2017	<b>Session</b>	First Qualifying

### Auction

West	North	East	South
1♣	Pass	1♦	Pass
1NT	Pass	2♦ <sup>1</sup>	Pass
2♥	Pass	3♣	Pass
3♥	Pass	3♠	Dbl
4♣	Pass	4♥	Pass
5♣	Pass	Pass	Pass

### Explanation of Special Calls and Points of Contention

1: Game Forcing

### Hand Record

Board	23	N	Fernando Piedra
<b>Dealer</b>	<b>S</b>	♠ Q652	
		♥ J752	
<b>Vul</b>	<b>Both</b>	♦ 1092	
		♣ 92	
<b>W</b>	Ken Wu		
♠	J10		
♥	A986		
♦	A65		
♣	QJ103		
		<b>S</b>	Bartlomiej Igla
		♠	AK87
		♥	43
		♦	J43
		♣	7654
		<b>E</b>	Gene Li
		♠	943
		♥	KQ10
		♦	KQ87
		♣	AK8

<b>Final Contract</b>	<b>Result of Play</b>	<b>Score</b>	<b>Opening Lead</b>
5♣ by W			♠

### Facts Determined at the Table

The opening lead was a spade, and the defense took the first two tricks. At trick three, South led a spade and Declarer ruffed it.

With the lead in dummy with three tricks remaining, dummy held the ♥10 and the ♦Q8. South held the only remaining trump, a good spade, and the ♦J.

At that point, Declarer said, "play a diamond". Dummy asked which, and Declarer called for the queen. N/S then called the Director and reported those facts. East initially told the Director that Declarer had called for a diamond, but then said he had said "diamond queen". West was adamant that he called for the diamond queen and denied that dummy had asked "which diamond?"

### Director Ruling

The Director ruled that the ♦8 was played from dummy to trick eleven per Law 46B2: "If Declarer designates a suit but not a rank he is deemed to have called the lowest card of the suit indicated." He ruled that given dummy's interference in the play in violation of Law 43A1(c), it was impossible to prove that Declarer's intent was incontrovertibly to play the ♦Q. Therefore, the exception listed in Law 46B ("except when Declarer's different intention is incontrovertible") did not apply. The defenders took the ♦J and the last two tricks for down three.

<b>Director's Ruling</b>	<b>5♣ by W, Down 3, N/S +300</b>
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### The Review

E/W appealed the Director's ruling. All of the players attended the review at the end of the session.

The players told the Reviewer that the play had been spade to South's ace; king of spades; low spade ruffed by Declarer. Declarer played a club to dummy's ace and king, and a club back to his queen. He continued with a diamond to the king and a diamond back to his ace. He then played a heart to the king and queen to arrive at trick eleven and the ending described by the Director.

Both Declarer and dummy agreed that there was a delay after the word "diamond" that gave dummy time to ask which one, and essentially agreed with the N/S version of events. The Reviewer explained to E/W that dummy's remark made it more difficult for the Director to determine that a low diamond was not Declarer's "incontrovertible intention". N/S said they would not have even called the Director if Declarer had made the correction without prompting from dummy, and that they were offended at his actions.

## Panel Findings

The Director Panel appreciated that the laws' expectation is that the Director be quite strict and clearly convinced before he allows a Declarer to change a designated card under the "different intention is incontrovertible" clause. The default is that, when Declarer calls just a suit, he must play the lowest card of the suit. Often in these cases Declarer may have missed the fact that the card he called is not really good, he may have gotten a trick ahead of himself and called the card he intended to the next trick, or he may have mistakenly thought he was playing a low card from dummy believing he had played a high one from his own hand already or was leading towards it. None of those factors seemed at all likely to the Panel in this case.

This Declarer apparently was taking great care to cash his tricks in the right order before a disastrous defensive ruff occurred. The Panel could think of no confusion he might have been suffering to intend calling a low diamond to trick eleven. While dummy's statement was improper and made it much more difficult for the Director to rule in Declarer's favor, the Panel did not believe that it was enough of a factor to outweigh the Panel's conclusion that Declarer never intended to call for a low diamond. The score was therefore changed to 5♣ by West, down two, N/S +200.

<b>Panel Decision</b>	<b>5♣ by W, Down 2, N/S +200</b>
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## Panel Members

<b>Reviewer</b>	Matt Smith
<b>Member</b>	Gary Zeiger
<b>Member</b>	Jenni Carmichael

## Commentary

**Goldsmith:** I agree with the Panel. The order of play makes it clear that Declarer meant to call the ♦Q, that the call for "a diamond" was inadvertent. Therefore it ought to be allowed to be changed. Had dummy just played the ♦8 as he was required to, Declarer surely would have said, "no, not the 8, the queen," or the equivalent. As far as I can tell, dummy's action doesn't give up Declarer's rights, but it is allowable to award a PP for it.

Good job, Panel.

**Marques:** Law 46B deals with an incomplete or invalid designation of a card from dummy and is known to be one of the most misapplied laws in the book, because of the "except if different intention is incontrovertible" clause. When using this Law, the TD must judge what Declarer's intention was in naming the card and apply the rest of the law to the card(s) that fall within Declarer's intention.

In the current case, the problem is simple: "Did West intend to name any diamond?" The TD at the table judged that it was not incontrovertible, but if he had gathered the information about the play of the whole hand as the Panel did, he would have probably come to a different conclusion. Good call from the Panel.

**Townsend:** I think the TD got it right. Dummy's role is to follow Declarer's instructions, not query them. After the infraction by dummy, the benefit of the doubt (however minimal that doubt) must go to the defenders.

In an ideal world, I might like to see the declaring side get the trick and receive a PP, but I don't see it in the book.

**Wildavsky:** Both the TD and Panel rulings were reasonable. To be clear, the proper procedure would have been for dummy to play his lowest diamond when Declarer called "diamond." Then Declarer, if that were not his intention, would have the opportunity to correct his incomplete designation if he did so immediately. See Law 46A and B.

Because this was a close call I think the Panel ought to have upheld the TD's decision, per the procedure introduced in the summer of 2015.

Only a tiny number of matchpoints were at stake - I checked. The issue must have been a matter of principle for the appellants. Were it me I'd have opted for more sleep or more time at the bar!

**Willenken:** The juxtaposition of this case and case R3 from Orlando is troubling. In Orlando R3, the apparent inadvertence of Declarer's designation was far more obvious (Declarer was looking at a solid suit and was pointing

upwards as she designated, 'diamond') but "the Panel decided that if East had time to query partner about which diamond she wanted played from dummy, that was enough evidence to suggest pause for thought and that Declarer's intention was therefore not incontrovertible to play a high diamond from dummy." More consistency is needed in handling these recurring situations.

**Woolsey:** Suppose the dummy had been Declarer's hand. The play goes the same, and at trick 11 Declarer places the 8 of diamonds on the table, without immediately grabbing it and making it clear that it was a mechanical error. The ruling would be that the 8 of diamonds was played, even if the play would be an absurd play and it was pretty obvious that Declarer should be playing the queen of diamonds.

I don't see how this is any different. We don't know what happened to cause Declarer to call "diamond" rather than "high diamond". Maybe he had a mental lapse. Maybe he thought there were no more diamonds out. Maybe anything. However, the call was "diamond", which by the rules is calling for the 8 of diamonds. The Director who was in best position to judge the facts determined that Declarer didn't have an incontrovertible intent to call the queen of diamonds. I can't see any justification for the Panel to overrule the Director here.

A card played is a card played. We have all seen players, even experts, make totally absurd plays. If we start trying to judge whether or not the player intended to make the absurd play, we are opening a very dangerous can of worms.

<b>Subject of Appeal:</b>	Misinformation	<b>Case:</b>	N2
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<b>Event</b>	von Zedtwitz Life Master Pairs	<b>Event DIC</b>	McKenzie Myers
<b>Date</b>	07/22/2017	<b>Session</b>	First Semifinal

### Auction

West	North	East	South
			Pass
1NT <sup>1</sup>	2♥ <sup>2</sup>	3♣ <sup>3</sup>	3♦
Pass	3♥	3♠	Pass
4♠	Dbl	Pass	Pass
Pass			

### Explanation of Special Calls and Points of Contention

1: 12-14 HCP
2: Hearts and a minor
3: Explained as Natural

### Hand Record

<b>Board</b>	11	N	Adam Wildavsky		
<b>Dealer</b>	S	♠	Q4		
		♥	Q109862		
<b>Vul</b>	None	♦	(void)		
		♣	A9832		
W	John Jones			E	Rick Roeder
♠	K1082			♠	AJ765
♥	AKJ3			♥	7
♦	853			♦	AKJ1097
♣	Q6			♣	5
		S	Ron Gerard		
		♠	93		
		♥	54		
		♦	Q642		
		♣	KJ1074		

<b>Final Contract</b>	<b>Result of Play</b>	<b>Score</b>	<b>Opening Lead</b>
4♠X by E	Made 6	E/W +790	♥5

### Facts Determined at the Table

The Director was called at the end of the auction. East explained that 3♣ was actually transfer Lebensohl showing diamonds. South was offered the chance to change his final Pass; he declined to do so. The Director spoke to South away from the table to see what he would have done over a properly-alerted 3♣. He said he would not have bid 3♦. The Director also spoke to North away from the table. He said he would not have doubled 4♠ with the right information.

### Director Ruling

The Director determined that there had been misinformation, and that with the proper information the auction would have gone somewhat differently. She judged that E/W would still get to 4♠, but it would not be doubled. Therefore, per Laws 21B3, 40B4, and 12C1c, the contract and result were changed to 4♠ by East, making six, +480.

<b>Director's Ruling</b>	<b>4♠ by E, Made 6, E/W +480</b>
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### The Review

N/S requested a review of the ruling. Each pair spoke to the Reviewer separately. E/W did not add considerable information; they felt that N/S were trying to have a bad score repaired by the Director.

N/S made several points. They felt the Director did not explore enough possibilities when making the ruling. They felt that if South had passed 3♣, it might have been the final contract. They also felt that with the right explanation, E/W would reach 4♠ by East; N/S would now bid 5♣ and either play in 5♣X or defend 5♣X. They would defeat 5♣X by a trick after two diamond ruffs, using the ♠K as an entry for the second ruff. Another possible scenario included South's bidding 5♣ over 3♣ which might have led to 5♦ or 5♣X being the final contract.

## Panel Findings

The Reviewer spoke to several experts to explore the many avenues presented by the appellants. None thought the auction would end in 3♣; few considered bidding 5♣. They focused on Double or 4♣. All thought the auction would continue as N/S described—the Double or club bid would be passed back to East who would bid 3♣ or 4♣. They thought a 5♣ bid by South was quite likely, and that when that happened E/W would invariably compete to 5♣. North's Double would make it certain that N/S would indeed defeat 5♣X as suggested with two diamond ruffs and the ♣K scoring the first three tricks.

While results other than 4♣, making six (no chance to Double meant N/S would likely defend as they did at the table), and 5♣X, down one, had non-trivial probability, the Reviewer elected to amalgamate these outliers into a ruling of 80% of 5♣X by East, down one, N/S +100 and 20% of 4♣ by East, making six, E/W +480.

<b>Panel Decision</b>	<b>80%: 5♣X by E, Down 1, N/S +100 20%: 4♣ by E, Made 6, E/W +480</b>
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## Panel Members

<b>Reviewer</b>	Matt Koltnow
<b>Member</b>	David Metcalf
<b>Member</b>	Matt Smith

## Commentary

**Goldsmith:** The Panel's basic approach seems pretty sound. I don't like their final score. If 3♣ were alerted and explained correctly, South would surely Double. West will Pass or bid 3♦. I think most Norths would bid 5♣. That gives East a huge problem. I'd guess that Easts will bid 5♦ 75% of the time, and Double 25% of the time. I don't see E/W's finding spades; 5♣ by East should be forcing, because it's a reverse. In 5♦, I think Declarer would find the ♠Q 80% (probably more often, but I'm giving the NOS an edge here) of the time after seeing the 4-0 diamond break. I come up with this adjusted score:

60% 5♦ by E making +400  
15% 5♦ by E down one -50  
25% 5♣x by S down two +300

I can be convinced that my guesses are off by a bit. More results can be added by figuring North will sometimes bid only 4♣, as some will. Still more can arise if East bids 5♣; that will get E/W to 6♣x. I think that'd only be down one; it'd take a lot of guts for North to underlead the setting trick.

Law 12C1c rulings are hard. I think Directors need to do several polls to find out what is likely to have happened and how often. Furthermore, these polls need a lot of pollees; with only five or six players' opinions, we won't be close to converging on the percentage of the time each result will occur. This strikes me as a lot of work, but guessing what will happen on a hand as complex as this seems as if it will sometimes produce vastly different results than desired. So while I think 12C1c rulings are fairer than the old 12C1e rulings, I think they are impractical to get right pretty often.

**Marques:** The initial decision, from the write-up, seems to have been a bit hasty (no poll?) and the request for a review comes as no surprise.

Regarding the Panel's decision, this is a good example of the problems of polling players when the misinformation happens early in the auction. It's almost impossible to poll each hand separately, and analyzing the diversity of answers is a nightmare. In these circumstances, the approach apparently followed by the Panel works reasonably well. The main question seems to have been something like "what do you think will happen with these hands," and the expert answers offer a good insight into possible outcomes and the reasoning behind. Furthermore, when faced with a multitude of possible marginal outcomes, it's a good practice to focus on the main ones, and although we haven't been given the frequencies of the hand, the final weights seem to be good. Again, a good call from the Panel.

**Townsend:** Why not 3♣ all Pass? West described the bid as "natural". From where I come from, the land of the weak no-trump, that means non-forcing. N/S +250 is my ruling. Probably way out of left field.

**Wildavsky:** I was an appellant - I still like the Panel ruling, but I cannot be objective about it.

**Willenken:** A complicated case, but I'm not sure the Panel hit the two key issues. Firstly and most importantly, the consulting experts judged that with correct information, N/S would reach 5♣ through South taking unilateral action. However, this actual South did not take his opportunity to reopen the auction with 5♣ even though at that time he had 100% correct information. Therefore, the only way N/S could be entitled to an adjustment is if South testified persuasively that North's Double had discouraged him from saving.

Secondly, on the actual auction, North's Double was based on the premise that his partner held a strong diamond suit. If South had not bid 3♦ but instead had saved in 5♣, it would be riskier for North to chance a Double when the opponents pushed on to 5♠. I would judge that the chances of both 5♠ making five (♣A lead, diamond shift) and 5♠ making six were more likely than 5♠ doubled down one.

**Woolsey:** It is clear that N/S received MI. South certainly wouldn't have bid 3♦ had he known the agreements -- he did so because he thought North's minor was diamonds from West's natural 3♣ call. Whatever would have happened, the final contract wouldn't have been 4♠ doubled.

I have a strong objection to the weighted average chosen by the Panel. While certainly E-W would have gotten to 4♠ in all variations, is it so clear that N/S would have saved? Neither North nor South has a singleton major. South has some diamond strength, and he has no reason to think North is so distributional. North has some shape, but unless he discovers that South has big club support, North won't be tempted to go so high.

Even assuming that E/W get pushed to 5♠, the adjudication of 5♠ doubled down one is absurd. If North doubles 5♠, that isn't in any way a Lead-Directing Double. It is an old-fashioned Penalty Double. North's hand could be considerably stronger, and it might be E-W who are taking a save against 5♣. There is no way South will ever be leading a diamond away from the queen. In fact, North isn't going to be doubling 5♠ in the first place.

The number of tricks taken in spades is not clear. Declarer can be expected to misguess the spades on the distributional information he will have -- remember, he won't be hearing North Double 4♠ as happened at the table. Thus, on a heart lead Declarer will take 11 tricks, while on a club lead he will take 10 tricks. I would expect a heart lead to be more popular, but a club lead is certainly possible. My weighting (for the E/W score) would be:

+450: 50%  
+420: 15%  
+300: 25%  
-50 : 10%

<b>Subject of Appeal:</b>	Misinformation	<b>Case:</b>	N3
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<b>Event</b>	Spingold Knockout Teams	<b>Event DIC</b>	Matt Smith
<b>Date</b>	07/25/2017	<b>Session</b>	Round of 64, First Quarter

### Auction

West	North	East	South
	Pass	Pass	1♠
Pass	3♣ <sup>1</sup>	3♦	4♦
5♦	6♠	Pass	Pass
Pass			

### Explanation of Special Calls and Points of Contention

1: Fit showing, No Alert

### Hand Record

<b>Board</b>	5	N	Ron Bishop		
<b>Dealer</b>	N	♠	J10854		
		♥	9		
<b>Vul</b>	N/S	♦	Q96		
		♣	AK32		
W	Reese Milner			E	Hement Lall
♠	63			♠	(void)
♥	AQ62			♥	108543
♦	10874			♦	AKJ532
♣	1086			♣	74
		S	John Duquette		
		♠	AKQ972		
		♥	KJ7		
		♦	(void)		
		♣	QJ95		

<b>Final Contract</b>	<b>Result of Play</b>	<b>Score</b>	<b>Opening Lead</b>
6♠ by S	Made 6	N/S +1430	♦

### Facts Determined at the Table

East called the Director after North bid 6♠. He took the Director away from the table and told her that if 3♣ was spades, he wants to bid 7♦. If not, he wanted to Pass. The Director asked East whether he asked what 3♣ was. He said he did not want N/S to exchange information. The Director retrieved the N/S convention card and looked at it with East away from the table. Although fit-showing jumps were clearly marked in the Other Conventional Calls portion of the card, neither the Director nor East were able to find it. The Director indicated she did not have any more information than East had. East returned to the table and passed.

The Director was later informed of an additional fact. At West's turn, before he bid 5♦, he turned to South to ask about the 3♣ bid. East interjected, "Don't ask, because it was not alerted."

### Additional Factors Determined Away from the Table

The Director polled nine players regarding the UI available to North from South's failure to Alert 3♣. None bid 6♠ immediately, but all felt a 5♥ cuebid was nearly automatic which would lead to 6♦ by South and 6♠ by North.

The Director asked about East's decision to bid 7♦. All of them knew or suspected that 3♣ was a fit-showing jump. Half had sympathy for East's difficult decision; the other half felt he knew what he needed to before deciding whether to bid 7♦.

### Director Ruling

As there were several opportunities for East to get the information he wanted from the opponents, the Director felt it was not appropriate to go beyond helping East look at the convention card. Per the Alert Procedures and the General Conditions of Contest, a player, who by experience or expertise believes that the opponents have failed to properly Alert a

call, is required to protect themselves. The proper way to do this is to ask for an explanation as, per Law 16B, the explanation is Unauthorized Information for the opponents. The table result was allowed to stand.

<b>Director's Ruling</b>
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<b>6♠ by S, Made 6, N/S +1430</b>
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## The Review

E/W requested a review of the ruling. East, North, and South attended the review. N/S felt the ruling spoke for itself. East felt that he did nothing wrong. When at the critical moment in the auction he asked for the Director's help, he made it clear he was not trying to take a double-shot. He was willing to commit to either 7♦ or Pass upon confirmation of the meaning of 3♣. He suggested that a critical piece of information was whether 3♣ was an artificial spade raise or a fit-showing jump, even though the Director had not understood that as part of his request for help. East felt let down; he asked the Director for one piece of information, yet the Director did not make it clear the onus was on him to make the determination which affected his choice of call.

## Panel Findings

The Reviewer spoke to six experts to find out whether East had done enough to protect his position. One player thought this player was being ethical—he called the TD at the critical point and made clear his intention to commit to one action versus another depending on a piece of information he wanted the TD to help him find. The other five were surprised that East did not recognize the fit-showing jump as standard expert practice. They ranged from surprised to appalled that a player would instruct his partner not to ask the question mid-auction, particularly when his next call might well depend on the answer to that question.

The Reviewer convened a Panel of three additional Directors. They voted unanimously to rule 6♠ by South, making six. East simply did not ask the question whose answer he required. They voted unanimously to give E/W a procedural penalty of 4.5 IMPs for his illegal admonition to West to not ask a question during the auction. They voted 2-1 that the appeal was without merit.

Experts Consulted: Drew Cannell, Geir Helgemo, Tor Helness, Mark Itabashi, Dan Korbel, and Ulf Nilsson

<b>Panel Decision</b>
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<b>6♠ by S, Made 6, N/S +1430 E/W 4.5 IMP Procedural Penalty</b>
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## Committee Members

<b>Reviewer</b>	Matt Koltnow
<b>Member</b>	Jenni Carmichael
<b>Member</b>	McKenzie Myers
<b>Member</b>	David Metcalf

## Commentary

**Goldsmith:** I like the Panel's ruling. If East had just asked or let his partner ask about 3♣, there wouldn't have been any problem. This entire situation was self-inflicted.

**Marques:** East, trying to be ethical, brought this upon himself, for the most part. It's a common misconception that when a call is not alerted one should not ask about it, and because of that East ended up missing the information that he needed. Furthermore, admonishing West for trying to ask is highly irregular.

Should East get a mulligan because the TD could not help him? I don't think so. On the contrary, the TD tried to be helpful beyond his obligations.

The AWMW decision seems a bit harsh. East asked for the TD's help, and the TD failed to find the information on the CC, so probably East felt let down. Because it's such an uncommon situation, I would not have voted for the warning. As for the procedural penalty, nothing to add.

**Townsend:** Good strong job by AC. Love the PP. What I don't like is that East wouldn't have suffered it if he'd not been stubborn enough to appeal. Tut, tut.

**Wildavsky:** The rulings look right to me. I don't understand why the TD did not suggest simply asking the opponents about the call since at that point both UI and MI would have been moot. For that matter, I don't understand why East would have needed the TD's help to know he had the right to ask. The procedural penalty could be seen as overly severe since the TD was not as helpful as he ought to have been, but the action being penalized took place before the TD was summoned.

**Willenken:** Great work all around.

**Woolsey:** East was clearly angling for a double-shot. Granted at the time North bid 3♣ East didn't know it was fit-showing, but East would have bid 3♦ whatever 3♣ meant. However, when North bid 6♠ the kibitzers five tables away and the janitor knew that 3♣ was fit-showing, and East knew that also. If East really didn't know he could always ask. If South gave a wrong answer that would be UI to North, so East could not be damaged by asking. Letting the table result stand is clear, and East fully deserved his AWMW.

What I really liked about the ruling was the PP. The original Director should have given that, but as things went it worked out better. East made his frivolous appeal, and wound up with a worse score than if he had kept quiet. I love it!

<b>Subject of Appeal:</b>	Misinformation	<b>Case:</b>	N4
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<b>Event</b>	Freeman Mixed BAM Teams	<b>Event DIC</b>	Matt Koltnow
<b>Date</b>	07/27/2017	<b>Session</b>	Second Final

### Auction

West	North	East	South
			Pass
1NT <sup>1</sup>	2♥ <sup>2</sup>	2NT <sup>3</sup>	3♥
3NT	Pass	Pass	Pass <sup>4</sup>

### Explanation of Special Calls and Points of Contention

1: 15-17 HCP
2: Explained as ♥ & minor
3: Lebensohl
4: Changed explanation

### Hand Record

Board	15	N	Cheri Bjerkan		
<b>Dealer</b>	<b>S</b>	♠	AJ109		
		♥	QJ1043		
<b>Vul</b>	<b>N/S</b>	♦	J5		
		♣	85		
<b>W</b>	Gloria Bart			<b>E</b>	Les Bart
♠	KQ3			♠	8752
♥	A6			♥	K7
♦	AK42			♦	Q1086
♣	7432			♣	KJ9
		<b>S</b>	William Pettis		
		♠	64		
		♥	9852		
		♦	973		
		♣	AQ106		

Final Contract	Result of Play	Score	Opening Lead
3NT by W	Down 3	N/S +300	♥Q

### Facts Determined at the Table

The Director was called prior to South's third call. South had corrected his explanation of North's 2♥ call as showing the majors instead of hearts and a minor. East/West were taken away from the table by the Director. East was offered the opportunity to change his final Pass, but he declined. He said if he had received the correct explanation at his first turn to call, he would have doubled, showing interest in penalizing one or both of the majors per the E/W agreements. With the incorrect explanation, he could not Double as that would be penalty for hearts under his partnership agreements.

West stated, that with the proper explanation, she would not have bid 3NT over 3♥. The Director and players returned, to the table, and South was allowed to make his final call. The Director instructed the players to play out the hand, and call him back if E/W believed that they had been damaged by the misinformation, which they did.

### Director Ruling

As the incident occurred in the final session, there was insufficient time to poll players about the likely course of the auction with the correct explanation of the 2♥ bid. After discussion with the rest of the Directing Staff, it was ruled that after 1NT-2♥-X, the most likely course of the auction would continue with South passing and West calling 3NT, resulting in the same final contract and result. While E/W did receive misinformation, it would not have caused any greater damage than the normal course of the auction. Therefore the ruling was to allow the table result to stand.

<b>Director's Ruling</b>	<b>3NT by W, Down 3, N/S +300</b>
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## The Review

E/W requested a review of the ruling. They believed additional polling would show that there were more possible results than just the 3NT result posited by the Directing Staff.

### Panel Findings

The Reviewer polled additional players with the E/W hands, the E/W systemic agreements, and the correct explanation of the 2♥ overcall. 50% of the players bid 3NT directly with the East hand, 50% doubled. Following a Double, one third of the players bid 3NT with the West hand, while two thirds only bid 2NT. None of the players continued to 3NT with the East hand over a 2NT call.

Based upon the poll, it was determined that one third of the time the result on the hand would be 2NT, down 1, while two thirds of the time the table result would occur. The Reviewer ruled that, with a favorable adjustment for the non-offenders, the result would be 50% 3NT by West, down 3, N/S +300, and 50% 2NT by West, down 1, N/S +100. The adjusted score resulted in the appellants gaining ¼ of a board.

<b>Panel Decision</b>	<b>50% 3NT by W, Down 3, N/S +300 50% 2NT by W, Down 1, N/S +100</b>
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### Panel Members

<b>Reviewer</b>	Kevin Perkins
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### Commentary

**Goldsmith:** I like the Director's ruling better than the Panel's. If playing normal Lebensohl, West's 3NT was an irrational action. It can only be explained if West thought 2NT promised invitational or better values. In that case, she demonstrated that she was accepting an invitation, so this pair was never stopping below game. Furthermore, N/S bid to 3♥, so judging that the auction could stop at 2NT is a tough sell.

**Marques:** Typical last round action, with no time to properly poll a judgment case. The TD's decision is a good one, under time pressure. The Panel went with the results of the poll, but I think that most of the damage was caused by West's 3NT bid. East could have a weak hand with a minor, so the 3NT bid is unilateral. The poll seems incomplete. The most important question is whether West would have acted differently with both explanations (and it should also be asked from the pollees what do they think about the 3NT bid.)

**Townsend:** Beats me why 3NT is down three, and 2NT down only one. Still, the Panel's ruling is fair enough on balance. E/W bid poorly over 2♥ = major/minor, but I don't believe that's relevant as it's not a problem they were supposed to face.

**Wildavsky:** At first, I thought that the Panel improved upon the TD's ruling, but Kit's reasoning convinces me otherwise. E/W's explanation of their methods makes no sense, and the auction they propose after an accurate description of 2♥ would indeed have made West's 3NT more attractive than it was on the actual auction. The TD did well even though he failed to take into account the likely raise to 3♥ over a Double had one occurred.

To go by the book, yes, there was MI, but per Law 21B3 N/S gained no advantage thereby. If anything, the MI made it easier for E/W to go plus.

As per my usual, I don't understand why the Panel had only one member.

**Willenken:** Good ruling-- the MI didn't really change much.

**Woolsey:** East's explanation of the pair's methods is a little suspect to me. How can one Double 2♥ showing interest in doubling one or both majors? How does West know which major?

Assuming 2NT was Lebensohl, that means it could be bid with the desire to play in 3 of a minor. What is West's 3NT call all about? That isn't bridge. If West had sensibly passed East could have doubled 3♥, and E-W could have gotten a plus score. I would rate 3NT as a wild gambling bid, so I wouldn't grant E-W redress under any circumstances.

Furthermore, why would one think that South would have passed had East doubled? South was willing to bid 3♥ over 2NT, so he would have bid 3♥ over Double. Had East doubled that would make West's 3NT far more attractive than it was on the actual auction.

All things considered, E/W were only damaged by their own actions, not the mis-explanation. The table result should stand as the Director ruled. The Panel got carried away with polling, as is so often the case, and failed to look at the big picture.

<b>Subject of Appeal:</b>	Misinformation	<b>Case:</b>	R1
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<b>Event</b>	1 <sup>st</sup> Saturday Daylight Swiss	<b>Event DIC</b>	Bernie Gorkin
<b>Date</b>	07/22/2017	<b>Session</b>	First Session

### Auction

West	North	East	South
		Pass	1♣ <sup>1</sup>
2♦ <sup>2</sup>	3♣	3♦ <sup>3</sup>	Pass
3♥	Pass	4♥	Dbl
Pass	Pass	Pass	

### Explanation of Special Calls and Points of Contention

1: Could be short
2: Michaels; no Alert
3: E- ♦ raise, W- pick a major

### Hand Record

<b>Board</b>	6	N	13,800 MPS		
<b>Dealer</b>	E	♠ K74 ♥ 9 ♦ 10932 ♣ KQ1073			
<b>Vul</b>	E/W				
W	9700 MPS			E	5400 MPS
♠ AJ985 ♥ Q108752 ♦ 4 ♣ J				♠ 103 ♥ KJ643 ♦ AJ86 ♣ 62	
	S			5300 MPS	
	♠ Q62 ♥ A ♦ KQ75 ♣ A9854				

<b>Final Contract</b>	<b>Result of Play</b>	<b>Score</b>	<b>Opening Lead</b>
4♥X by W	Made 4	E/W +790	♦K

### Facts Determined at the Table

West corrected his partner's failure to Alert 2♦ before the opening lead was made and the Director was summoned. Away from the table, South said he would not have doubled and might have bid 5♣. The hand was played and West made 4♥X, E/W +790.

### Additional Factors Determined Away from the Table

The Director polled six players as to their action with the South hand. Four felt that the hand had a clear Pass over 4♥, one waffled between 5♣ and passing, and the other bid 5♣. No one doubled.

### Director Ruling

The Director ruled that South's Double was cancelled per Laws 12B1 and 21B3 and adjusted the score to 4♥ by West, making 4, E/W +620.

<b>Director's Ruling</b>	4♥ by W, Made 4, E/W +620
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### The Review

N/S appealed the ruling and all four of their team members attended the review. South and the TD disagreed as to South's answer to the TD's questions away from the table. The TD felt that South had indicated that his first choice was to Pass and his second choice was to bid 5♣. South, however, said that the TD had only asked him if he would take his

Double of 4♥ back and did not ask him about any other calls. He therefore answered that he definitely would not have doubled (and would have passed) but mentioned that he would like to bid 5♣.

In addition, the Reviewer confirmed that the TD had not mentioned to those participating in the poll that the original 1♣ bid might have been short. South felt that given that North was guaranteed to have at least 5 clubs for his raise of the could-be-short 1♣ bid, this made bidding 5♣ more attractive than if 1♣ could not be short.

## Panel Findings

The Reviewer polled the South hand to nine additional players who had similar masterpoint holdings to South with the additional information that 1♣ could have been short. Seven bid 5♣ and two doubled. All were suspicious of the auction as given. However, all but one of the polled players agreed that 5♣ was more attractive given the correct E/W explanation. In addition, four of the players mentioned that they would have doubled 3♦ on the actual auction, increasing the likelihood that even if South didn't bid 5♣, North would have bid 5♣ knowing his side had fits in both minors.

The Panel agreed that North/South would most likely have wound up in 5♣. There was some discussion as to whether 5♣ would have been doubled (it was not at the other table) and as to whether 5♣ would go down 1 or 2. An expert player was consulted and confirmed the Panel's initial judgment that 5♣ was likely, but not absolutely certain, to be doubled and that the most likely result was down 1.

The Panel therefore adjusted the score per Law 12C1c to 75% of 5♣X by South, down 1, E/W +100, and 25% of 5♣ by South, down 1, E/W +50.

Experts Consulted: David Berkowitz

<b>Panel Decision</b>	<b>75% 5♣X by S, Down 1, E/W +100 25% 5♣ by S, Down 1, E/W +50</b>
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## Panel Members

<b>Reviewer</b>	Eric Bell
<b>Member</b>	Matt Koltnow
<b>Member</b>	Ken Van Cleve

## Commentary

**Goldsmith:** Aha! I guessed that the poller didn't mention that 1♣ could be short. That poll's results didn't make sense. I think 5♣ would go down two quite a bit. Don't people often lead their singletons?

I'm not sure I buy West's claim that they had the agreement that 3♦ was pick a major. But it doesn't really matter; 3♥ seems automatic.

**Marques:** As far as I can judge from the write-up, a poorly formulated question by the TD was answered in a way that confirmed his (wrong) initial impression that South only wanted to remove his Double. As a consequence, the possibility of the auction ending in five clubs (doubled or not) was never on the horizon for the initial decision. On top of that, the initial poll was flawed because the pollees did not receive complete information about the auction. Without these missteps, this case might never have come to an appeal.

Regarding the Panel's job, the only small question for me is the relative weights chosen for the final decision, because an expert's opinion (hardly the same class of player) was used to decide whether 5♣ would be doubled or not. This is not necessarily wrong. We have to presume that the expert was aware of the class of players at the table when he gave his opinion, and in that case, I have no objections to the final decision.

Another example, like N2 above, of how to proceed when there are several possible ramifications in the auction and properly polling about the actions of multiple table positions is too complicated and time-consuming.

**Townsend:** The TD got this one wrong. Adequate job by the Panel, except that I'm not sure who's doubling 5♣ most of the time, and it can go down two on a diamond ruff. Call it E/W +100 and adjourn to the bar. East's 3♦ bid by a passed hand, playing 2♦ Michaels, is rather mysterious, but I guess that most Wests would just shrug and correct to 3♥.

**Wildavsky:** The Panel's ruling was better informed than the TD's, but Chris' point about UI is a good one. Were East an unpassed hand I'd adjust the result to 3♦ by East down five or so. As is, I would like to know when West explained 3♦ as "pick a major" and why.

The Panel's weighting is incorrect in an instructive way. Per their ruling "An expert player was consulted and confirmed the Panel's initial judgment that 5♣ was likely, but not absolutely certain, to be doubled and that the most likely result was down 1." They took the uncertainty regarding doubling into account, but not the uncertainty regarding the number of tricks. Since we lack magic powers we can seldom project an inevitable single result that would have occurred in the absence of an infraction that was committed, and the Laws do not require us to. I'd guess that 5♣ would be doubled

seldom and down two roughly half the time, since that's what happens after a diamond lead and return, but let's use the expert consultant's judgment and suppose that it would be doubled often, down one 60% of the time and down two 40% of the time. Then the weightings would be:

45% 5♣X down 1 (75% \* 60%)

30% 5♣X down 2 (75% \* 40%)

15% 5♣ down 1 (25% \* 60%)

10% 5♣ down 2 (25% \* 40%)

Kudos to Tom Townsend for noting the straightforward route to down two and the unlikelihood of a Double.

**Willenken:** A bad miss here-- the Director and Panel were so focused on MI issues that they missed the substantial UI issues. East's 3♦ bid would be natural under normal Michaels agreements, and Pass is clearly a LA with West's hand (I would argue it is the correct action), so without specific documentation of West's self-serving 'pick a major' interpretation, the lion's share of the equitable adjustment should be 3♦ by East, down about five.

**Woolsey:** South's on the fly answer about what he would do with the correct information should be pretty much ignored. A player can give a self-serving statement he doesn't really mean in order to set up a double shot. Also, South didn't really face the problem, and giving a snap judgment he may not have fully considered the factors as he would at the table.

It looks like the Panel handled the situation properly, determining via a poll South's likely action with the correct information and adjudicating accordingly. The Director was blinded, wrongly thinking the only actions were Double or Pass.

I'm surprised that the expected result in 5♣ was adjudicated at down one. It seem like singleton diamond lead, diamond ruff, and heart exit is a pretty routine defense that leads to down two.

<b>Subject of Appeal:</b>	Disputed Claim	<b>Case:</b>	R2
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<b>Event</b>	1 <sup>st</sup> Sunday Open Pairs	<b>Event DIC</b>	Jeff Jacob
<b>Date</b>	07/23/2017	<b>Session</b>	First Session

### Auction

West	North	East	South
1♠	Pass	1NT <sup>1</sup>	Pass
2♣	Pass	Pass	Pass

### Explanation of Special Calls and Points of Contention

1: Forcing

### Hand Record

<b>Board</b>	<b>28</b>	N	10,900 MPS		
<b>Dealer</b>	<b>W</b>	♠	AQ5		
		♥	92		
<b>Vul</b>	<b>N/S</b>	♦	AJ76		
		♣	6543		
W	1700 MPS			E	2300 MPS
♠	J10432			♠	(void)
♥	A104			♥	J7653
♦	Q			♦	K105
♣	KQJ2			♣	A10987
		S	8800 MPS		
		♠	K9875		
		♥	KQ8		
		♦	98432		
		♣	(void)		

<b>Final Contract</b>	<b>Result of Play</b>	<b>Score</b>	<b>Opening Lead</b>
2♣ by W	Made 4	E/W +130	♣3

### Facts Determined at the Table

N/S called the Director when West claimed. The play had gone: trump lead won with dummy's 7; diamond to the Queen and North's Ace; club 4 won with Declarer's Jack; heart 4, 9, Jack won with South's Queen; heart 8 return won with the Ace; heart 10 to South's King; diamond 2 ruffed with West's Queen; club King overtaken by dummy's Ace. At this point, Declarer claimed stating that dummy was good. No mention was made of the outstanding trump in North's hand.

### Director Ruling

The Director believed that overtaking the club King with the Ace made it clear that Declarer was aware of the outstanding trump. He ruled the result to be 2♣ by West, making four, E/W +130, per Law 70C.

<b>Director's Ruling</b>	<b>2♣ by W, Made 4, E/W +130</b>
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### The Review

N/S appealed the ruling, and all four players attended the review. North said the sequence of play and Declarer's failure to mention the trump suggested West might have forgotten about it.

West stated he was careless in not mentioning that he would draw the last trump, but he knew it was there since South had shown out on the first round of trump.

## Panel Findings

The Panel agreed that overtaking the club King with the Ace was strong evidence that West had remembered the outstanding trump, but not conclusive. Three professionals were consulted because of their experience watching less accomplished players declare a hand. One expert agreed that overtaking the club King with the Ace suggested Declarer might have remembered the remaining trump, but it was not clear. Two other experts insisted that overtaking proved nothing. They thought it was totally random chance whether playing the Ace proved anything.

By majority decision, the Panel decided per Law 70C that Declarer might have been unaware of the outstanding trump. One trick was awarded to N/S, for a result of 2♣ by West, making three, E/W +110

<b>Panel Decision</b>
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<b>2♣ by W, Made 3, E/W +110</b>
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## Panel Members

<b>Reviewer</b>	Gary Zeiger
<b>Member</b>	Matt Koltnow
<b>Member</b>	Eric Bell

## Commentary

**Goldsmith:** "Dummy is good" suggests that Declarer might well have forgotten that there is a trump out. If he knew there was a trump left, he might have said, "drawing trump."

Something I've always wanted to try is when Declarer doesn't mention a trump is out, but says afterward that he knew it was, is to ask him, "which one is it?"

**Marques:** Was it "at all likely" that the claimer at the moment of the claim was unaware of the trump? The way that Declarer played the hand points that way, but his claim statement before removing the last round points otherwise. It's a tough decision, and the Panel did well to consult with players. However, the bottom line is that this is a matter of judgment. Makes all the sense to give the benefit of the doubt to the non-offending side and therefore I agree with the Panel's decision.

**Townsend:** Concur with Panel. It takes a second to say, "drawing trump". When you don't then benefit of the doubt goes to defenders.

**Wildavsky:** This case seems straightforward to me. Declarer claimed without referring to an outstanding trump. Had he been aware of it he could have and should have mentioned it. Any player with 1700 MPs knows this. Law 70 makes it clear that the defenders score a trick with their small trump. The Panel did well. I'm surprised that the decision was not unanimous. This shows how important it is to have more than one Panelist.

**Willenken:** Extremely well-researched and thoughtful ruling in a tough case.

**Woolsey:** I don't understand why the Panel overturned the ruling. The Director saw the cards played, and knew the issue. He was at the table while the Panel wasn't, so if anything he had a better sense of whether or not Declarer knew about the missing trump since he was able to talk to the players at the time the hand was played. Rightly or wrongly (rightly IMO), the Director ruled it a valid claim. I see no basis whatsoever for overruling this.

<b>Subject of Appeal:</b>	Break in Tempo, Unauthorized Information	<b>Case:</b>	R3
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<b>Event</b>	2 <sup>nd</sup> Friday Open Pairs	<b>Event DIC</b>	Alex Bealles
<b>Date</b>	07/28/2017	<b>Session</b>	First Session

### Auction

West	North	East	South
			1♠
Pass	1NT <sup>1</sup>	Pass	4♠
Pass	4NT <sup>2</sup>	Pass	5♣ <sup>3</sup>
Pass	5♠ <sup>4</sup>	Pass	6♠
Pass	Pass	Pass	

### Explanation of Special Calls and Points of Contention

1: Semi-forcing
2: RKC Blackwood
3: 0 or 3 Keycards
4: Agreed Break in Tempo

### Hand Record

Board	23	N	1000 MPS		
<b>Dealer</b>	<b>S</b>	♠ 107	♥ J1082		
<b>Vul</b>	<b>Both</b>	♦ KQJ87	♣ A7		
<b>W</b>	3700 MPS			<b>E</b>	8000 MPS
♠	985			♠	2
♥	K765			♥	AQ93
♦	94			♦	6532
♣	QJ65	♣	10843		
		<b>S</b>	500 MPS		
		♠	AKQJ643		
		♥	4		
		♦	A10		
		♣	K92		

Final Contract	Result of Play	Score	Opening Lead
6♠ by S	Made 7	N/S +1460	♠5

### Facts Determined at the Table

The Director was called at the end of the auction. N/S did not dispute an obvious break in tempo.

### Additional Factors Determined Away from the Table

The Director polled six players about their action over the 5♠ sign off, without telling them about the hesitation. Five out of six players passed, which established Pass as a LA to 6♠.

### Director Ruling

Based upon the poll results, the Director ruled that the hesitation demonstrably suggested the 6♠ call. The Director adjusted the result to 5♠ by South, making seven, N/S +710, per Laws 16B and 12C.

<b>Director's Ruling</b>	<b>5♠ by S, Made 7, N/S +710</b>
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### The Review

N/S requested a review of the ruling, and all four players attended the review. The facts, including the BIT were agreed. South stated that the TD's poll was invalid, because it missed a central issue: North would not have bid over 4♠ with an aceless hand. South did not know why North had signed off in 5♠.

North agreed he should have bid slam. He also pointed out that if the pollees were in the 500-1000 master point range, this was not a valid peer group. Living where they do, N/S do not have as many opportunities to attend tournaments so their experience level is higher than their masterpoint holdings indicate.

E/W said that without the BIT, N/S could have been missing two aces. The BIT removed any doubt.

## Panel Findings

The Reviewer decided to test the N/S hypothesis about North not bidding over 4♠ without an ace. In addition to further polling the actual hand, he composed a hypothetical hand of 10x-KQJx-KQxxx-xx, and polled ten players with masterpoint holdings from 1000 to 3000. The responses included 4NT, 5♠, and Pass. Three out of ten bid 4NT. Given the actual hand, one player passed, and one bid 6♠. The others cue bid 5♠.

Since the poll results invalidated the N/S claim regarding North holding an ace, the Panel upheld the TD ruling: 5♠ by South, making 7, N/S +710.

The Panel decided that the Appeal had merit, as the TD had not investigated South's reason for bidding over 5♠.

<b>Panel Decision</b>	<b>5♠ by S, Made 7, N/S +710</b>
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## Panel Members

<b>Reviewer</b>	Gary Zeiger
<b>Member</b>	Matt Koltnow
<b>Member</b>	Jenni Carmichael

## Commentary

**Goldsmith:** Good job except for the lack of an AWMW. This is a classic AWMW: the offending side was ruled against in a fairly obvious case. They appealed, trying to reinstate their infraction. Doing so gets you an AWMW.

**Marques:** Good job by the Panel regarding South's arguments. The final decision is inescapable, and it's an AAWMW (Appeal Almost Without Merit Warning)...

**Townsend:** Concur with the world except where was the AWMW?

**Wildavsky:** A straightforward case. The appeal had no merit. N/S were lucky to escape a procedural penalty.

**Willenken:** Fantastic and clever approach by the Panel. Life would be simpler and better if we decided once and for all that passing after partner utilizes Hesitation Blackwood is always a LA unless the bidder has enough key cards for slam in his own hand.

**Woolsey:** This is as open and shut a Hesitation Blackwood situation as one could find. If the ruling had gone the other way, it would have sent us back 50 years.

<b>Subject of Appeal:</b>	Disputed Claim	<b>Case:</b>	R4
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<b>Event</b>	6K Mini-Spungold KO Teams	<b>Event DIC</b>	Terry Lavender
<b>Date</b>	07/27/2017	<b>Session</b>	Round of 16, Second Quarter

### Auction

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

### Explanation of Special Calls and Points of Contention


### Hand Record

<b>Board</b>	<b>20</b>	<b>N</b>	4900 MPS		
<b>Dealer</b>	<b>W</b>	♠	J107		
		♥	105		
		♦	3		
<b>Vul</b>	<b>Both</b>	♣	AKJ7643		
<b>W</b>	600 MPS			<b>E</b>	3600 MPS
♠	AK			♠	Q9632
♥	Q7			♥	J93
♦	J109742			♦	AKQ8
♣	Q82			♣	9
		<b>S</b>	2400 MPS		
		♠	854		
		♥	AK8642		
		♦	65		
		♣	105		

<b>Final Contract</b>	<b>Result of Play</b>	<b>Score</b>	<b>Opening Lead</b>
5♦ by W			♣K

### Facts Determined at the Table

After losing trick one Declarer won the King of spades at trick two, pulled trump, cashed the Ace of spades and stated "I have to give you two hearts". Declarer immediately added: "No, one heart goes on the Queen of spades in dummy." Both sides agreed to the facts except the defenders thought there was a few seconds pause before the clarification. Both the claimer and his partner felt there was no pause.

### Director Ruling

Originally, the TD ruled that the defense was due the two tricks. After consulting with other Directors, it was ruled that the clarification was timely and that if normal play had continued the Declarer would have pitched a heart on the Queen of spades (citing Law 69B2). The ruling was changed to 5♦ by West, making five, E/W +600.

<b>Director's Ruling</b>	5♦ by W, Made 5, E/W +600
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### The Review

N/S appealed the ruling and all four players attended the review. The defenders felt that Declarer's original statement should stand and that Declarer should be held to it. There were no substantial differences in the facts presented by both sides.

## Panel Findings

The Panel agreed with the ruling that the clarification, without any outside influence, was a correction of a misstated claim and that had normal play continued the Declarer, having entries to the dummy, would have jettisoned a heart on the Queen of spades. Although the spade suit broke 3-3 and Declarer could have gotten rid of both hearts this was not part of his clarification so he was not due this per Laws 69 & 70. The ruling of 5♦ by West, making five, E/W +600, was upheld. The appeal was judged to have merit.

<b>Panel Decision</b>	<b>5♦ by W, Made 5, E/W +600</b>
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## Panel Members

<b>Reviewer</b>	Karl Miller
<b>Member</b>	Matt Koltnow
<b>Member</b>	Kevin Perkins

## Commentary

**Goldsmith:** Why was there merit to this appeal? N/S were trying to get something they didn't deserve. When they try twice, that's a recipe for an AWMW.

**Marques:** Law 70 - "The Director adjudicates the result of the board as equitably as possible to both sides." I don't think that any of the players at the table had any doubt that Declarer would at least made five diamonds had the play continued. In my opinion, this means that equity is 5♦ making. Even if Declarer had also appealed the ruling, not to give him a 12th trick is correct because not keeping track of the spade suit is certainly careless and inferior but always irrational (Law 71).

As to the defenders' appeal, I don't see any new facts or arguments that can justify it. I think this is a clear AWMW.

**Townsend:** It wasn't a slip of the tongue or a clarification; it was a change of mind. You can't change a blatantly wrong card when it's played face-up, so why should you be allowed to do this? One down and have a nice day.

**Wildavsky:** Declarer seemed to want to go down. Personally, I would have let him, but I can see ruling otherwise.

**Willenken:** Good ruling, siding with the equities in a close case.

**Woolsey:** All looks correct to me. It is clear from what happened at the table that if the hand had been played out Declarer would have discarded a heart on the Queen of spades.

<b>Subject of Appeal:</b>	Break in Tempo, Unauthorized Information	<b>Case:</b>	R5
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<b>Event</b>	2 <sup>nd</sup> Sunday Fast Pairs	<b>Event DIC</b>	Alex Bealles
<b>Date</b>	07/30/2017	<b>Session</b>	First Session

### Auction

West	North	East	South
	Pass	1♥	Pass
2NT <sup>1</sup>	3♣	3♥	4♣ <sup>2</sup>
5♣	Pass	6♥	Pass <sup>3</sup>
Pass	7♣	Dbl	Pass
7♥	Dbl	Pass	Pass
Pass			

### Explanation of Special Calls and Points of Contention

1: Jacoby 2NT raise
2: Asked about 3♥
3: Disputed Break in Tempo

### Hand Record

Board	25	N	1600 MPS		
<b>Dealer</b>	<b>N</b>	♠ J1084	(void)		
<b>Vul</b>	<b>E/W</b>	♥ A94	♦ QJ10742		
<b>W</b>	1400 MPS			<b>E</b>	3500 MPS
♠ K7				♠ AQ93	
♥ A1098743				♥ KJ652	
♦ KQ53				♦ J76	
♣ (void)				♣ A	
		<b>S</b>	1000 MPS		
		♠ 652			
		♥ Q			
		♦ 1082			
		♣ K98653			

Final Contract	Result of Play	Score	Opening Lead
7♥X by E	Down 1	N/S +200	♣6

### Facts Determined at the Table

The Director was called after South's Pass on the third round of the auction. West explained that South had asked several questions about East's 3♥ bid on the previous round before making her 4♣ bid. She had now broken tempo before passing following 6♥. N/S disputed the BIT.

### Additional Factors Determined Away from the Table

Four players with similar masterpoint holdings were polled and all passed with the North hand. All felt that a BIT by South suggested bidding 7♣.

### Director Ruling

Based upon the player poll, the Director ruled that North had violated Law 16B1 following the BIT. Per Law 12C, the Director adjusted the result to 6♥ by East, making 6, E/W +1430.

<b>Director's Ruling</b>	<b>6♥ by E, Made 6, E/W +1430</b>
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### The Review

N/S appealed the ruling and all four players attended the hearing, which was held just before the start of the second session.

North said that South did not break tempo after 6♥. She asked for an explanation of 3H and then bid 4♣. He was going to go to 7♣ if the opponents bid 6♥ regardless because of the favorable vulnerability. South said she did not break tempo, she bid right away.

West said there was a BIT that was a lot longer than the 10 seconds required after a skip in the level of bidding – closer to 20 seconds. East agreed that there had been a long wait before South bid. At first he was a little uncertain when it happened, but eventually decided it was not after the 3♥ bid because of the questions South asked, so it had to be after the 6♥ bid.

## Panel Findings

The Reviewer polled three more players in the 1,000 to 1,500 masterpoint range and all passed 6♥. Two thought a BIT after 6♥ strongly suggested bidding 7♣. One agreed, but thought there might be a small possibility South was considering doubling.

The Panel was troubled by East's initial uncertainty about when the BIT happened, but eventually was convinced by his reasoning. No independent witness was at the table when the alleged BIT took place, so the Panel had to figure out what happened. Looking at the South hand and at the vulnerability it seems almost certain South would pause for some time before taking action. The Panel decided there was an unmistakable break in the tempo of the auction.

Therefore, the Panel confirmed the table Director's ruling, 6♥ by East, making 6, E/W +1430. The appeal was judged to have merit because of East's uncertainty of when the BIT occurred.

<b>Panel Decision</b>	<b>6♥ by E, Made 6, E/W +1430</b>
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## Panel Members

<b>Reviewer</b>	Charlie MacCracken
<b>Member</b>	Scott Humphrey
<b>Member</b>	Marc Labovitz

## Commentary

**Goldsmith:** How can East be confused about when the BIT occurred if the Director was called immediately? "The Director was called after South's Pass on the third round of the auction." Let's guess that the Director was called after the auction was over or after North bid 7♣.

Was there a BIT? We have conflicting pieces of evidence. One is that E/W claimed that the BIT was about 20 seconds. That is usually about 5-7 seconds, which is what South is supposed to wait after a skip bid. But South was purported to have said, "I bid right away," not, "I waited my ten seconds or so after the skip bid," which means that 5-7 seconds is a BIT for this South, since he wouldn't normally wait after a skip bid. Thirdly, it's pretty reasonable for South to bid 7♣ with his hand. He probably did think about it. (This is the Panel's rationale.) All in all, there probably was a BIT.

It seems clear that the BIT demonstrably suggested bidding 7♣ over passing. Was passing a LA? Yes, clearly so. So, the Director's ruling is correct for N/S.

Was West's 7♥ a "wild or gambling action?" No. It was a judgment that the score for 7♣x was going to be terrible, and the matchpoint odds were in favor of taking a shot at 7♥. Since that's how Law 12C was written then, E/W gets redress.

In September, 2017, Law 12C was changed. Was West's 7H a "gambling action, which if unsuccessful it might have hoped to recover through rectification?" (That's the new rule.) I think so. It's much more attractive to bid 7♥ knowing that there is a pretty good chance you'll get to play 6♥ if 7♥ goes down. I think this meets the letter of the Law but is probably not what the lawmakers had in mind when they rewrote Law 12C.

**Marques:** Good job by the TD and also by the Panel. It's just very strange that East (Declarer), having called the TD about the break in tempo, was not sure of when it happened. Also strange that the Panel decided on not giving an AWMW because of that reason.

**Townsend:** "Looking at the South hand and at the vulnerability it seems almost certain South would pause for some time before taking action." Why? I don't see any real basis to presume a BIT, so would allow the table score to stand on the basis that there wasn't. Disputed facts are difficult to rule on; even more difficult to pass comment upon from afar.

**Wildavsky:** Looks right. I agree that the appeal had merit since the facts were in dispute. This case shows some of the problems caused by the ACBL's procedure regarding the Stop card. Unfortunately, the new policy that took effect in 2018 will not help in cases like this.

**Willenken:** Good ruling. When non-litigious players allege a BIT at the time it allegedly occurs, there was virtually always a BIT.

**Woolsey:** Handled perfectly. Most important was that the Panel was willing to look at the South hand to help resolve the dispute about the BIT. With the actual South hand, South had something to think about. However, if South had some non-descript balanced hand which wouldn't have much to think about over 6♥, then I would be inclined to believe that there was no BIT.

<b>Subject of Appeal:</b>	Break in Tempo, Unauthorized Information	<b>Case:</b>	R6
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<b>Event</b>	10K Mixed Swiss	<b>Event DIC</b>	Candace Kuschner
<b>Date</b>	07/30/2017	<b>Session</b>	First Final

### Auction

West	North	East	South
	1♠	Pass	2♣ <sup>1</sup>
2♥	Pass	Pass	4♠ <sup>2</sup>
5♦	5♥	Pass	5♠
Pass	6♠	7♦	Dbl <sup>3</sup>
Pass	7♠	Pass	Pass
Pass			

### Explanation of Special Calls and Points of Contention

1: Artificial, forcing
2: Limit Raise or better
3: Comment made by North

### Hand Record

Board	21	N	7900 MPS		
<b>Dealer</b>	<b>N</b>	♠	KJ98765		
		♥	A6		
		♦	(void)		
<b>Vul</b>	<b>N/S</b>	♣	AK82		
W	7200 MPS			E	4500 MPS
♠	10			♠	42
♥	KJ8543			♥	109
♦	Q8764			♦	KJ1092
♣	Q			♣	7543
		S	5700 MPS		
		♠	AQ3		
		♥	Q72		
		♦	A53		
		♣	J1096		

Final Contract	Result of Play	Score	Opening Lead
7♠ by N	Made 7	N/S +2210	♥10

### Facts Determined at the Table

The Director was called at South's fourth turn to bid. Following 7♦, South paused to think and North said, "It doesn't matter what you do, I'm bidding 7♠." The Director allowed South to now bid, and she doubled. The auction continued with North making his announced call, and the Director instructed the players to play the hand and to call him back at the end of the hand if they felt damage had occurred.

### Additional Factors Determined Away from the Table

Six players were given the South hand and, while there was some variation in the actual auction, five passed. Pass was deemed to be a LA.

### Director Ruling

While South had not yet hesitated over 7♦ when the Director was called, North's comment made South's actions moot. The ruling presumed South would have hesitated and doubled. Accordingly, as North had Unauthorized Information from the hesitation, and per Law 16, could not choose from among LAs an action suggested by the UI. Per Law 12C, the result was adjusted to 7♦X by West, down 4, N/S +800.

<b>Director's Ruling</b>	<b>7♦X by W, Down 4, N/S +800</b>
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## The Review

N/S appealed the ruling. After he completed the Appeal form the table Director realized that there was no unauthorized information unless South had actually broken tempo. Thus the only question before the Panel was how long South took before North's outburst. All four players attended the hearing shortly before the second session.

After the 7♦ bid North knew South had little if any wasted diamond values. North and South both said South thought for about four seconds before North's comment. South said that after the hand was over she learned that she should have passed with first round diamond control.

East, being timed by a watch, said there was a seven second BIT. West thought it was longer.

## Panel Findings

Seven experienced players were consulted about the length of time South should be allowed to think when this level of bidding is reached before she was judged to be giving UI. The experts gave answers as low as 6-8 and as high as 12-15 seconds with 10 seconds being about average. Two pointed out that South's Pass should be automatic (showing first round diamond control), but South did not learn that treatment until after the hand was over – as evidenced by her actual call. South's seven seconds (by her opponent's estimate) was well under the time most players espoused, so there was no noticeable BIT, Law 16 was not violated and North was allowed to bid whatever he chose. The table result of 7♠ by North, making seven, N/S +2210 was restored.

However, North's statement about bidding 7♠ was completely out of line. His team was given a four VP procedural penalty.

Experts consulted: Bob Bitterman, Marge Gwozdzwinsky, Barbara Heller, Jerry Helms, John McAllister, Jacob Morgan and Gene Saxe

<b>Panel Decision</b>	<b>7♠ by N, Made 7, N/S +2210 N/S: 4 VP Procedural Penalty</b>
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## Panel Members

<b>Reviewer</b>	Charlie MacCracken
<b>Member</b>	Marc Labovitz
<b>Member</b>	Ken Van Cleve

## Commentary

**Goldsmith:** I suspect 4♠ was not a "limit raise or better" since 2♠ or 3♠ was available for a limit raise.

Was there a BIT? Of course there was. North's outburst makes no sense unless there was one. Is passing 7♦ a LA to bidding 7♠? I think so. Would South have bid any differently with ♣J765? Of course not. I think that after South's Double, some Norths would Pass, so passing is a LA. But I think it's close. Why didn't the Director take a poll? Does the UI from a slow Double suggest bidding 7♠ over passing? I think so. So, the Director got it right.

A PP to N/S seems clear. North could have been trying to gain unfair advantage by violating proper procedure. 4 VPs is a lot, but I'm all for it. That he also obfuscated the fact that a BIT had already occurred caused his ploy to work, so maybe Four VP is not enough.

**Marques:** The TD was called to the table after North's comment (before South's Double). It's odd that the ruling presumes that South "would have broken tempo." How could North have UI from the "would be" hesitation? Table approach and decision is unfortunate. The Panel corrected the mistake (and assigned a deserved and missing procedural penalty that the TD could have assigned in the first place). Four VP sounds to me a bit harsh, but it's just a question of criteria.

**Townsend:** I applaud the TD on an excellent original ruling; the comment "established" the BIT. The Panel had a shocker. They really bought a crock of dung. No grand slam try over 5♠, but then 7♠ over 7♦ regardless? Do me a favor.

Having affirmed the TD ruling, I would have given the PP a miss. North's infraction was adequately punished by the ordinary rules of the game. He richly deserved an AWMW however.

**Wildavsky:** I prefer the TD's ruling to the Panel's. His logic was impeccable. North told his partner that her action was irrelevant, so she had no reason to pause to consider her call. Had North properly remained silent we have no idea whether or not South would have hesitated. Given North's shocking violation of procedure, we must presume the worst outcome for N/S, that South would have broken tempo before doubling.

While the Panel faltered in its ruling, doing an injustice to E/W, the PP was well deserved.

**Willenken:** Dangerous and misguided reasoning regarding the possible BIT here. The idea that a ten-second huddle should be considered in-tempo just because the auction is at a high level is pure hogwash. Here, South had made a nonforcing 5♠ bid and North had made a nonforcing 6♠ bid. Therefore, it is highly unlikely that South would have anything to think about over the opponents' save, and even a six-second tank would be a clear BIT in an expert game. Perhaps at South's experience level that's untrue, but the Panel's stated position on tempo made no reference to South's level.

More generally, if we are not going to adjust the score when a player huddles for ten seconds, we need to adjust the score if he acts after (say) only four seconds. Otherwise, his partner will be able to take advantage of the different tempos without penalty.

As a side note, I prefer no PP against North. The UI he conveyed could by definition never be helpful to South, so I don't see the harm in North attempting to protect himself creatively.

**Woolsey:** I think the Director was right. The fact that North said what he did is prima facie evidence that South was thinking. If South were bidding in tempo, why would North have said anything? I would restore the Director's adjudication of +800, along with the Four VP procedural penalty. As it was, N/S gained from the appeal.