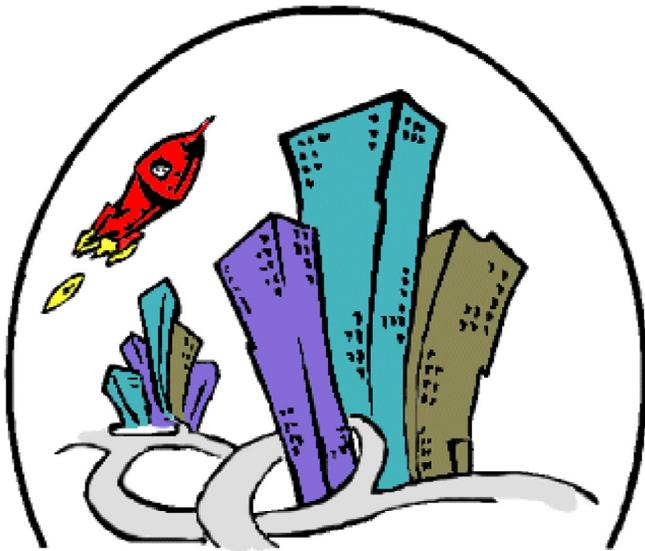




# American Contract Bridge League

*Presents*

## "Houston, We Have a Problem"



Appeals at the 2002 Spring NABC

*Edited by*

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Abbreviations used in this casebook:

AI	Authorized Information
AWMW	Appeal Without Merit Warning
BIT	Break in Tempo
CC	Convention Card
LA	Logical Alternative
MI	Misinformation
PP	Procedural Penalty
UI	Unauthorized Information

## FOREWORD

We continue our presentation of appeals from NABC tournaments. As always, our goal is to inform, provide constructive criticism, and foster change (hopefully) for the better in a way that is entertaining, instructive and stimulating.

At NABCs, appeals from non-NABC+ events (including side games, regional events and restricted NABC events) are heard by Director Panels while appeals from NABC+ events are heard by the National Appeals Committee (NAC). Both types of cases are reviewed here.

Each panelist is sent all cases and invited to comment on and rate each Director ruling and Panel/Committee decision. Some panelists may choose not to comment on every case. Ratings (averaged over panelists and expressed as percentages) are presented with each write-up and in a summary table at the end. Separate summaries for Panels, Committees, and all cases combined are included in the table.

The numerical ratings are intended as a general index of Director, Panel, and Committee performance. They are not intended nor should they be used to compare the performance of Directors with Panels/Committees; each group is evaluated on different criteria. Directors are rated on their handling of situations at the table, including determining facts, applying appropriate laws, and making rulings which allow the game to progress normally. Their rulings may be reviewed and possibly overturned on appeal. Panels/Committees are rated on their fact finding, application of law, and use of bridge judgment appropriate to the level of event and the players involved. (Director Panels are expected to obtain bridge advice from appropriate players where a decision involves bridge judgment; their choice of consultants and use of the input received may affect their ratings). Ratings may also be affected by panelists' views of PPs and/or AWMWs that were assessed or should have been.

Table rulings are usually made after consultation among Directors, including the DIC of the event (who is responsible for the final ruling). This is true even if we occasionally refer to a ruling as the table Director's. At management's request, only the DIC's name is included in each write-up. Additionally, we should bear in mind that we see here only a subset of all table rulings—those with which some players disagreed. To that extent they may not be representative of all rulings made.

Ambiguity Department. Write-ups often refer to “an x-second BIT.” Our policy is to treat all tempo references as the *total time* taken for the call (unless otherwise specified) and *not* how much longer than “normal” the call took (which poses the additional problem of what is normal for the situation). Chairmen and scribes should adjust their reports accordingly.

Mild Disclaimer Department. While we make every effort to insure that write-ups are complete and accurate, we cannot offer any guarantees. Since even minor changes in the reported facts can affect our evaluations, the opinions expressed are valid only for cases which match the reported facts. Otherwise, the discussions here should be regarded merely as theoretical exercises.

Suggestions for improvements are welcome. They may be sent via e-mail to: [Rich.Colker@acbl.org](mailto:Rich.Colker@acbl.org) or via USPS to the editor, c/o ACBL in Memphis.

Finally, my thanks go to everyone whose efforts contribute to these casebooks: the scribes, reviewers and chairmen who labor to chronicle the details of each case; the panelists for their hard work and devotion to a truly arduous task for which they receive only our praise (and occasional abuse); and, of course, Linda Trent, NABC Appeals Manager and my assistant editor. My sincere thanks to all of you. I hope my efforts have not in any way diminished your good work.

Rich Colker  
September, 2002

## THE EXPERT PANEL

**Bart Bramley**, 54, was born in Poughkeepsie, NY. He grew up in Connecticut and Boston and is a graduate of MIT. He currently resides in Chicago with his longtime companion Judy Wadas. He is a stock options trader at the CBOE. Bart is a sports fan (especially baseball and specifically the NY Yankees), a golf enthusiast, a Deadhead and enjoys word games. He was 1997 Player of the Year. His NABC wins include the 1989 Reno Vanderbilt and the 1997 Reisinger. In 1998 he was second in the World Par Contest and third in the Rosenblum Teams. He also played in the 1991 Bermuda Bowl and captained the 1996 U.S. Olympiad team. Bart is currently the chairman of the ACBL Conventions and Competition Committee.

**Jon Brissman**, 57, was born in Abilene, TX. He attended Purdue University and earned a B.A. from Parsons College, an M.A. from Northeast Missouri State University, and a J.D. from Western State University College of Law. He operates a small law office in San Bernardino, California, teaches at the Los Angeles College of Chiropractic, and serves as a judge pro tem in small claims and municipal court. He was Co-Chairman of the National Appeals Committee from 1982-88 and was reappointed in 1997. A Good Will Committee member, he believes that a pleasant demeanor coaxes forth his partnership's best efforts.

**Larry Cohen**, 43, was born in New York City and is a graduate of SUNY at Albany. He currently resides with his wife, Maria, in Boca Raton, Florida. He is a former computer programmer and options trader but presently makes his living from writing/publishing bridge books/articles/software and playing bridge professionally. Larry has played bridge in special invitational tournaments in a dozen different countries. His biggest passion/hobby is golf and watching sports, especially his beloved Yankees. He has won seventeen National Championships and was second in the 1998 World Open Pairs and third in the 2000 World Teams Olympiad.

**Ron Gerard**, 58, was born in New York. He is a graduate of Harvard and Michigan Law School (JD). He currently resides in White Plains, NY with his wife Joan (District 3 Director), where he is an attorney. Ron is a college basketball fan and enjoys classical music and tennis. He is proudest of winning both the Spingold and Blue Ribbon Pairs in 1981. Each year from 1990 to 1995 he made it to at least the round of eight in the Vanderbilt; he played in three finals (winning in Fort Worth in 1990) and one semi-final without playing once on a professional team.

**Ton Kooijman**, 60, was born in Rotterdam, The Netherlands, and currently resides in Gouda with his wife Annelie. He has two grown children. Ton is an inspector in agricultural schools, higher vocational schools and a university. In his spare time he enjoys stamp collecting, reading and wine. He is one of three Chief Tournament Directors in the European Bridge League, Chairman of the Dutch National Appeal Committee, Operations Director of the WBF (since 1991), and a member (since 1993) and Chairman (succeeding Edgar Kaplan) of the WBF Laws Committee.

**Mike Passell**, 55, was born in Yonkers, New York, He currently resides in Plano, Texas, with his wife Nancy and daughter Jennifer. Mike, one of the ACBL's top professional players, enjoys movies and playing golf and softball. He ranks #2 all-time in masterpoints and holds the most ACBL regional titles (eat your heart out, Soloway). He won the Bermuda Bowl in 1979, the World Transnational Teams in 2001, and has victories in all four of the major NABC team events. He has enjoyed serving on the ACBL Hall of Fame and National Appeals Committees.

**Jeffrey Polisner**, 61, was born in Buffalo, NY and currently resides in Northern CA where he has been a practicing attorney since 1967. He is a graduate of Ohio State University (BS) and obtained his JD from Case Western Reserve. He is

currently the WBF Counsel and former ACBL League Counsel. He is a member of the ACBL and WBF Laws Commissions and former Co-Chairman of the ACBL National Appeals Committee.

**Barry Rigal**, 44, was born in London, England. He currently resides in New York City with his wife, Sue Picus. A bridge writer and analyst, he contributes to many periodicals worldwide and is the author of the book, *Precision in the Nineties*. He enjoys theater, music, arts, and travel. Barry is also an outstanding Vugraph commentator, demonstrating an extensive knowledge of bidding systems played by pairs all over the world. He coached the USA I team to the Venice Cup in 1997. He is proudest of his fourth-place finish in the 1990 Geneva World Mixed Pairs and winning the Common Market Mixed Teams in 1987 and the Gold Cup in 1991.

**Dave Treadwell**, 90, was born in Belleville, NJ, and currently resides in Wilmington, DE. He is a retired Chemical Engineer, a graduate of MIT, and was employed by DuPont for more than 40 years where he was involved in the production of Teflon for introduction to the marketplace. He has three grown children, three grandchildren and two great-grandchildren. His hobbies include blackjack and magic squares. The bridge accomplishment he is proudest of is breaking the 20,000 masterpoint barrier. He believes bridge can be competitive and intellectual, but above all can be and must be fun.

**Howard Weinstein**, 49, was born in Minneapolis and graduated the University of Minnesota. He is a retired options trader who currently resides in Sarasota, FL, with his fiancée (the wedding is planned for this fall). His brother, sister and parents all reside in Minneapolis. His parents both play bridge and his father is a Life Master. Howard is a sports enthusiast and enjoys playing golf. He is co-chair of ACBL Ethical Oversight Committee, former chair of Conventions and Competition Committee, and former National Appeals Committee member. He has won eight National Championships and represented the USA in the 2000 World Teams Olympiad (where his team finished third).

**Bobby Wolff**, 69, was born in San Antonio and is a graduate of Trinity U. He currently resides in Fort Worth. His father, mother, brother and wives all played bridge. Bobby is a member of the ACBL Hall of Fame as well as a Grand Life Master in both the WBF and the ACBL. He is one of the world's great players and has won ten World Titles and numerous National Championships including four straight Spingolds (1993-96). He served as ACBL president in 1987 and WBF president from 1992-1994. He has served as tournament recorder at NABCs and is the author of the ACBL active ethics program. Among his pet projects are eliminating both Convention Disruption (CD) and Hesitation Disruption (HD).

CASE ONE

**Subject (Tempo):** The Sound Of Silence

**Event:** NABC Open Pairs I, 09 Mar 02, Second Final Session

Bd: 18	Elaine Landau		
Dlr: East	♠ K7		
Vul: N/S	♥ ---		
	♦ Q109865		
	♣ AK972		
Brad Moss		Eric Greco	
♠ A9632		♠ 54	
♥ 94		♥ AKQJ6	
♦ K42		♦ A3	
♣ J86		♣ Q543	
	Craig Robinson		
	♠ QJ108		
	♥ 1087532		
	♦ J7		
	♣ 10		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		1NT	Pass
3NT	Pass(1)	Pass	Pass
(1) BIT			

**The Facts:** 3NT went down two, +100 for N/S. The opening lead was the ♠Q. The Director was called after the end of the round. E/W stated that North's final pass took approximately 45-60 seconds; South claimed it had taken only 30 seconds. When declarer allowed the ♠Q to hold at trick one, South shifted to the ♦J. The Director ruled that the UI from the bidding suggested a shift to a short suit. He disallowed the diamond shift and changed the result to 3NT made three, +400 for E/W, based on the assumption that South would shift to a heart at trick two (Law 16).

**The Appeal:** N/S appealed the Director's ruling. Only South attended the hearing. N/S were a long-time partnership with 4000 and 4900 masterpoints, respectively. South said he wasn't sure where the ♠K was, and that he was trying to set up some suit in his partner's hand as she had the entries to run a

suit while he did not.

**The Committee Decision:** The Committee believed that a noticeable BIT did occur at North's second turn to bid which gave UI to South concerning the nature of North's hand. The UI strongly suggested that North possessed either a one-suited or two-suited hand wishing to enter the auction. Without this information the Committee believed that the likelihood of a minor-suit shift was extremely remote, given the probability that the declarer held at least seven (if not eight) cards in the minors. Although the location of the ♠K was fairly well marked in partner's hand, South's statement regarding the ♠K made it seem very possible that South would switch to the "apparently" safe heart in hopes of hitting North with three-card support. The Committee changed the contract to 3NT made three, +400 for E/W, in anticipation of declarer adopting the correct view in the club suit. The possibility of assigning an AWMW was discussed and rejected.

**DIC of Event:** Henry Cukoff

**Committee:** Mark Bartusek (chair), Ed Lazarus, Mike Passell

**Directors' Ruling: 89.0**

**Committee's Decision: 82.3**

☞ I agree that North's hesitation tended to suggest a distributional one- or two-suiter that wished to enter the auction (why didn't she?), making a minor-suit shift at trick two more attractive. But wasn't such a shift clear from the AI alone?

Once the ♠Q held, the distribution of the spades was clear: East would not have opened 1NT with a small singleton while with ♠Kx or ♠Kxx he would have won the queen and with the latter holding led a second spade toward dummy and

ducked when South split to set up dummy's two long spades. So with no hope in spades and no re-entry to his hearts, even if he could set them up (East would have to be two-two in the majors—unlikely), a minor-suit shift seems clear. Still, South admitted he was not sure where the ♠K was so he might have continued the suit or shifted reflexively to a heart, hoping his partner had three of them. Thus, in the final analysis the minor-suit shift cannot be allowed.

A spade continuation at trick two beats the contract, but a heart shift presents declarer with his eighth trick immediately, after which a ninth trick can easily be established in clubs. Given South's confusion, I see no basis for allowing him to choose a spade at trick two over a heart. Thus, the Director and Committee were correct to impose a heart shift, allowing the contract to make.

Several panelists agree that reciprocal 400s was the proper adjustment. In fact, most are so certain about it that they question the failure to issue an AWMW.

**Bramley:** "Why did the Committee reject the AWMW? South's argument is lame. North is marked with high cards, but she is not marked with a long suit. Even if she were, it is more likely to be clubs than diamonds. A better argument would have been that South had to use his lead to take partner off of a later endplay. That argument might have persuaded me to eschew the AWMW."

**L. Cohen:** "All well-reasoned by the Director and the Committee. The slow pass definitely could have influenced the unusual diamond shift, so it can't be allowed. The most favorable result that was likely for declarer was a heart shift and a good guess in clubs, so +400 for E/W seems to be a routine decision. I don't see any merit in the appeal, so I can't give 100% marks to the Committee."

**Kooijman:** "Good ruling by the Director. In Europe nowadays the decision made by the Committee might be more equity oriented, at least for E/W. If the rest of the field has problems in making 3NT, and we need the frequency table to find out, awarding this E/W pair 3NT might be too much. Another plea to let the ACBL consider to use Law 12C3. I had expected an AWMW here."

**Rigal:** "The write-up should refer to whether the Stop Card was used.

"The offenders certainly do not deserve more than -400. I'd like the issue of a PP to be considered, and the whole case certainly seems to fall well within the ambit of an AWMW. For the non-offenders I do not believe the position is entirely clear-cut, but the length of the pause coupled with the 'foul' contributes to my feeling that N/S should be punished, and conversely that E/W should get the best of it. Given that a heart shift by South at trick two is entirely rational, I would allocate them the reciprocal score, though I might just be swayed by convincing argument to the contrary."

☞ Reaching a different conclusion about a reciprocal adjustment for E/W are...

**Treadwell:** "Obviously, South cannot be allowed to shift to a minor after the excessive tempo break by North. (It is a meaningless quibble as to whether it was 30 seconds or 45-60 seconds.) But for 3NT to make, South must lead a heart and declarer must guess to put up the nine and then guess the club position correctly. It is almost double dummy and I believe giving E/W -50 and N/S -400 would be the correct decision under our guidelines."

**Wolff:** "The official reopening of the candy store. N/S might deserve -400, but E/W down two, -100. To me it is somewhat random what players do, so why should a random opponent get a windfall? What have they done to deserve it? Often strange shifts (♦J) lose an important trick but, of course, we don't hear about it."

☞ The only way for declarer to go down two is to allow South's diamond shift. But that is one of the shifts suggested by the UI, and surely a heart shift is just as

likely. Thus, I see no basis for assigning E/W down two since they are legally entitled to the most favorable result that was likely and *not* the most unfavorable.

**Polisner:** “There was clearly UI present which may have affected the opening lead as well as the shift, although the heart shift was a long shot to be successful needing partner to have three which weren’t all honors. I am reluctant to give E/W all of the best of it as the likely result absent UI is far from clear. I think N/S –400 and E/W Average-Plus would be a reasonable result as I’m guessing that +400 was a top for E/W.”

✍ If one believes that E/W should receive a non-reciprocal adjustment, then an actual result should be assigned. Artificial scores (like Average-Plus), as we have said many times before, is both lazy and (arguably) illegal. If Jeff believes artificial adjusted scores are both proper and legal (in private that’s what he claims), perhaps next time he’ll enlighten us and explain the legal basis for his belief.

Standing by his position of not favoring an AWMW, we welcome back a prior panelist (he last appeared in the Vancouver casebook, Spring 1999) whose interest in appeals has undergone recent renewal.

**Passell:** “Good work (since I was on the Committee).”

✍ Finally, one panelist discusses some of the same issues that I did earlier but reaches a very different conclusion.

**Gerard:** “Wrong. A spade would have been safe, if that was the object. Even if South wasn’t sure about the ♠K (why not—didn’t he notice that seven of spades?), he should have been sure that East didn’t have king-third. Playing safe isn’t part of the entry fee and a heart when East was marked with a doubleton spade could only help declarer’s timing (entries, etc.).

“Furthermore, the Committee uttered so much gobbledygook that their judgment is suspect. Eight cards are ‘at least seven.’ Switching to a heart in hopes of finding partner with three (by the way, it wouldn’t have been ‘support’) was attacking, not safe. And any notion of an AWMW was ridiculous. Still, there was a chance of a passive spade at trick two, so the correct result was 3NT down one. In a perfect world, East would have to pay for his play to trick one—what if North held ♠K ♥10 ♦Q1098x ♣AK109xx, or the non-huddle ♠Kx ♥10 ♦Q8765 ♣AK109x? In the latter case, I’d dare East to argue that South can’t be allowed to switch to the ♦J.”

✍ Is the chance of a passive spade at trick two sufficient to assign down one to both sides? Surely the aggressive heart shift is equally likely and it is both more favorable to E/W and more unfavorable to N/S.

Aside from the gobbledygook that Ron rightfully points out, the Director’s and Committee’s decisions seem correct to most of us. I cannot agree with those who believe that N/S’s –400 should not be reciprocated to E/W. A heart shift seems to be a serious possibility for a South player who is not sure who holds the ♠K and who might hope to find partner with three hearts that are not all honors.

As for an AWMW, I am not convinced this appeal rises to that level. There is much to be said, once dummy comes down with five spades and no reentry, for South to try to hit his partner’s suit (if she has one) at trick two. A switch to either minor could cost dearly if North holds a one-suiter in the other. Thus, I do not think South was out of line to ask for another opinion on the matter.

## CASE TWO

**Subject (Tempo):** Much To Think About

**Event:** NABC Open Pairs II, 12 Mar 02, First Qualifying Session

Bd: 7	Bryan Maksymetz		
Dlr: South	♠ 10		
Vul: Both	♥ K832		
	♦ Q94		
	♣ AK1098		
Scott Merritt	Adam Miller		
♠ KQJ942	♠ 753		
♥ A765	♥ Q10		
♦ A	♦		
	1086532		
♣ 75	♣ 62		
	Magnus Magnusson		
	♠ A86		
	♥ J94		
	♦ KJ7		
	♣ QJ43		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			1♦(1)
1♠	Dbl(2)	Pass	1NT(3)
Pass(4)	2♣(5)	2♠	3♣
3♥	Dbl	Pass	Pass
3♠	Dbl	All Pass	
			(1) Precision
			(2) Takeout; doesn’t promise four hearts
			(3) 11-13 HCP
			(4) BIT
			(5) Alerted; non-forcing

**The Facts:** 3♠ doubled made three, +730 for E/W. The opening lead was the ♣A. The Director was called after the bidding had begun on the next board. There was an agreed out-of-tempo pass by West after South’s 1NT rebid. The Director ruled that passing 2♣ was an LA for East and that the auction would likely proceed: 2♣-P-P-2♠; P-P-3♣-AP. The contract was changed to 3♣ made four, +130 for N/S (Laws 16A, 12C2).

**The Appeal:** E/W appealed the Director’s ruling. West thought it was unusual that the Director was not called until the bidding had already begun on the next board. The strangeness of North’s takeout double of 1♠ required extra time to process what he was showing. West saw a sure set against 1NT and was trying to decide whether to jeopardize that by bidding 2♣. East had limited his hand by passing at his first turn, so the 2♣ bid was not unreasonable. West, by making a game try of 3♥, played his partner to have a maximum hand that could not bid 2♠ at his first turn. Finally, the defense had erred: had North shifted to a trump at trick two N/S could have scored +200.

South thought East had taken advantage of West’s hesitation in bidding 2♠. Had East passed, West would have balanced with 2♣, North would have competed further, and neither East nor West would have bid 3♠. In a club contract, the opening lead would be a spade, after which declarer would eliminate the black suits and play a diamond to the king. Upon winning the ♦A, West would play a low heart. Declarer would then have enough information to work out to play the ♥K (West would have shown six spades with his 2♣ bid and followed to two clubs; he would have played a safe diamond if he had 6=3=2=2 distribution, so it would be quite likely that West had a 6=4=1=2 pattern). When the ♥K wins, declarer would cash the rest of his diamonds and play another heart to force a ruff and discard and make eleven tricks. The play in 3♣ doubled went: ♣A (queen from South); ♣10 to the jack; ♠6 to West’s king. When West then led the ♥5, North rose with the king, after which declarer could not be prevented from ruffing a heart for his ninth trick.

**The Committee Decision:** There was an agreed BIT which suggested that West had a good hand (so that 2♠ would have a better chance of making), and thus

clearly suggested East's 2♠ bid. Further, a pass by East was definitely an LA to 2♠. Thus, East's 2♠ bid was canceled and the Committee's attention turned to how the auction would likely continue. South would pass 2♣ and West would compete with 2♠. North's next call was not clear, but he would certainly bid something; Double, 2NT, and 3♣ were all likely. Since North had shown at least five clubs, South would remove a double to 3♣ and might well bid 3♣ over 2NT. It was not considered likely that East or West would bid over 3♣, so the contract would likely be 3♣. North, an experienced player, was capable of making the winning play in hearts to take eleven tricks; while the ♡K might not be the most likely play, the Committee decided that it was likely enough to award +150 to N/S and -150 to E/W. (At one Committee member's table declarer had in fact taken eleven tricks in a club contract.) The defense to 3♣ was not deemed to constitute failure to play bridge. (One Committee member had taken nine tricks in 2♠ doubled against an expert pair on the same defense.) The Committee discussed the merits of the appeal, and decided that the lateness of the Director call, the inexperience of the E/W pair, and the questionable nature of the defense of 3♣ doubled argued for not issuing an AWMW.

**DIC of Event:** Henry Cukoff

**Committee:** Doug Doub (chair), Darwin Afdahl, Phil Brady, Gail Greenberg, Judy Randel

**Directors' Ruling:** 90.1

**Committee's Decision:** 93.3

✍ West's undisputed BIT clearly suggested extra values, making East's 2♠ bid more attractive. Thus, East's 2♠ bid should be canceled. West would then balance (probably with 2♠ since North's 2♠ bid must have confirmed hearts or he would likely have raised clubs directly at his first turn) and North would then bid 2NT for the minors. (I know he has 12 HCP but he did bid a non-forcing 2♣.) Neither East nor West has a clear bid when South converts to 3♣, but the real question is whether North would bid over 3♣. He might try 3♠, but that seems unlikely given his choice of a non-forcing action. Besides, 3NT would fail and I can not see South bidding on to 5♣. That makes 3♣ (or 4♣) the right final contract.

The Committee was better placed to judge North's skills than I am. Their analysis of the play in 3♣ is quite plausible and the heart play seems clear since East, who is marked with three spades, failed to raise. Thus, reciprocal 150s would have been my choice *had N/S not had a better score available in 3♣ doubled*.

Look at North's defense. Dummy threatened to take ruffs in both round suits. North knew that South had at least four clubs from his 3♣ bid but he also knew that he did not have four hearts from his failure to bid 3♥. Thus, West had to hold at least four hearts and might well need to ruff at least one of them in dummy. Thus, a trump shift at trick two should have been clear. The ♣J could then be used later (when North comes in with the ♡K) to reach South's hand for another trump lead.

I would have assigned E/W -150 and left N/S with the table result of -730. I would not have issued E/W an AWMW, but a PP is quite a different matter (which we'll discuss a bit later).

Focusing on the strength of North's hand and the obvious flaw in the Director's assessment of how the subsequent auction was likely to go is...

**L. Cohen:** "First, in the facts, the proposed auction is ridiculous in that it has North passing on the third round with his 12-count. After that, everything is very well explained. I presume N/S pointed out the line of play to make 150, even though they were not the appealing side. It seems harsh that E/W tried to improve their -130 and ended up with a worse score, but I am sold (barely) on the entire chain of logic. Disallowing 2♠ is the easy part. Letting N/S buy it in 3♣ isn't clear, but we give the benefit to the non-offenders. Letting North play skillfully to make eleven tricks is a stretch, but again we look favorably upon them (the line of play is not so far-fetched; we discussed it during our table's postmortem). Lastly, we have to

decide if the defense to 3♣ doubled 'broke the chain.' A trump switch seems like good bridge, but I suppose it's not egregious to defend as North did. So, on every point we give in to N/S. Only one thing bothers me. If North (an 'experienced' player), was bad enough to misdefend in a fairly easy situation, maybe he wouldn't have been skillful enough to take eleven tricks in clubs. I could have lived with +130 for N/S, but can also stand the +150."

✍ Arriving at the same conclusion but in far fewer words...

**Bramley:** "Clear to assign a contract of 3♣. Less clear to award eleven tricks, but acceptable. Generous to omit the AWMW, but also acceptable."

**Passell:** "Another case for the Director to get better help in determining the likely result."

**Treadwell:** "Good reasoning by the Committee."

✍ The next panelist has a different view of the likely result in a club partscore.

**Rigal:** "The question of whether the Director was supposed to allocate 130 or 150 is a minor one—I think I agree with the Director—and might have left it that way in Committee too. The cancellation of the 2♠ bid makes the rest of the auction very murky. While East might well have joined in over 3♣, N/S might similarly compete to 4♣ themselves. So the Committee decision to revert to a club partscore seems right, given the mandates in terms of offenders and non-offenders. The defense to 3♣ in no way constituted failure to play bridge, bearing in mind that calling the Director invariably makes the bridge go downhill."

✍ Our lone European panelist points out a possible problem with the timing of N/S's Director call and a likely oversight by the Director and Committee.

**Kooijman:** "This is an interesting case from a law point of view. The questionable bid is 2♠ by East and his hand was put on the table as dummy. Law 16A2 tells us that a player who believes an opponent has used UI should summon the Director forthwith. Combined with Law 11A the question arises whether N/S are not too late with their call. This aspect should get more attention when dealing with this kind of situation, otherwise Law 16A2 is meaningless. Normally I try to be careful in expressing my opinion about calls made after receiving UI. But I consider this 2♠ bid quite objectionable, as I do not think it would be the choice of any player (and even less so the less experienced the player). The Committee in my opinion should have expressed its disgust in a firm manner and after deciding not even to issue an AWMW my suggestion is to throw all AWMWs in the Houston river."

✍ I have no problem with the timing of the Director call since N/S were in all likelihood busy planning their defense. (Not that it did them much good.) Besides, had they beaten 3♣ doubled there would have been no damage and no need to call the Director. And consider what would have happened had they called when dummy first appeared. They would have been distracted from the task at hand while they explained the situation, and the Director would invariably have told them to play on and call him back later if they still needed him (which is what Law 16A2 tells the Director to do). So not calling until they were sure they need the Director does not seem so unreasonable in this situation.

As for East's 2♠ bid, I agree with Ton completely. I would have liked a PP to have been assessed at the table, and failing that the Committee should certainly have issued one. But since AWMWs deal with an entirely different type of infraction, I find Ton's "river" suggestion to be a case of apples and oranges.

The next panelist argues the other side of the PP issue.

**CASE THREE**

**Polisner:** “Another tough hand to determine how the auction would have proceeded absent the UI. It is reasonably clear that E/W were relatively inexperienced, thus a high standard of bidding should not be applied. I think it is more likely than not that somehow E/W would have competed to 3♠ as West can practically count eight tricks opposite a balanced 0 count (which he knows when the opponents stay so low is not the case). Of course, the location of East’s honors are critical. I would award plus/minus 130 or Average-Plus/Average-Minus—whichever is worse.”

✍ Another improper (if not illegal) score assignment. And worse *for who*? Also expressing a strong sentiment for issuing a PP...

**Weinstein:** “An AWMW is a warning. It is not a penalty. It does no harm to issue other than maybe prevent a future poor appeal. If a pair is playing in a NABC event, I am not worried about their delicate sensitivities. I am worried about a 2♣ call with East’s pile of trash after an admitted BIT. E/W could have been issued a PP for the 2♣ call. Nice consideration to get N/S the extra trick in 3♣.

“Didn’t Magnus Magnusson win a few World’s Strongest Man competitions? Must be a different one. Otherwise, South could just have scowled at E/W and we would never have had to read about this case.”

✍ Our last panelist is the only one who agrees with me about the egregious nature of North’s defense...which should come as a surprise to no one.

**Wolff:** “N/S –730 and E/W either –130 or +730, with a 1/2-board PP for bidding after partner’s hesitation. The E/W determination should be based on how culpable the Director/Committee determines the E/W offense. An important case. Let’s not fall back; let’s penalize wrongdoing but not award windfalls, particularly to bad bridge. Since this Committee gave N/S +150 (a harder feat than defeating 3♣ doubled), nothing makes sense.”

✍ The Committee did not consider North’s failure to find a trump shift at trick two egregious, apparently since one Committee member achieved the same result against “expert” opponents. I’ve tried to give North every possible benefit of the doubt, but after looking long and hard at the hand from his perspective I can find no alternative to a trump shift at trick two. South’s is pretty well marked with 3=3=3=4 distribution (unless West has five hearts, in which case the trump switch still can’t hurt), so the defense should have been largely double-dummy. Therefore Wolffie is right and North earned his poor result through his defense—but only because he could have achieved a better score with the infraction than without it; *not* because +150 was a windfall result for him.

Strange, even when I “agree” with Wolffie I don’t *agree* with him.

**Subject (Tempo):** The Smallest Of The Small  
**Event:** NABC Mixed Pairs, 13 Mar 02, First Final Session

Bd: 15	Mike Katz		
Dlr: South	♠ ---		
Vul: N/S	♥ AK10654		
	♦ KJ642		
	♣ A3		
Kerri Sanborn	David Berkowitz		
♠ AJ9763	♠ Q10854		
♥ J	♥ 72		
♦ 95	♦ 108		
♣ KQJ10	♣ 9852		
	Jill Richmond		
	♠ K2		
	♥ Q983		
	♦ AQ73		
	♣ 764		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1♠	2♥	4♠	Pass
Pass	5♦	Pass	6♥
6♠	Pass	Pass	Dbl(1)
Pass	7♥	Pass	Pass
7♠	Dbl	All Pass	
(1) BIT; disputed			

**The Facts:** 7♠ doubled went down four, +800 for N/S. The opening lead was the ♥A. The Director was called when North bid 7♥. West believed South had taken maybe 4-5 seconds to double 6♠; East said the BIT was noticeable. N/S did not agree to a BIT. The Director believed that some BIT had occurred and was tacitly agreed to at the time of the table call. The contract was changed to 6♠ doubled down three, +500 for N/S (Laws 73, 16, 12). After the dinner break the DIC restored the table result saying that E/W would have to appeal the ruling.

**The Appeal:** E/W appealed the Director’s ruling. West did not attend the hearing. N/S said that the BIT did not occur. South said the only time she took was to locate the Double Card and reach into the bid box for it. East said the tempo break was the “smallest of the small.” North said his pass of 6♠ was forcing so he knew he could pass and then bid 7♥ later.

**The Committee Decision:** The Committee decided that South’s

double of 6♠ had been made in an appropriate tempo, given the high level of the auction. Since there was no BIT, North could make any call he chose, even if his bridge logic was inconsistent.

**DIC of Event:** Henry Cukoff  
**Committee:** Dick Budd (chair), Lowell Andrews, Doug Doub, Ed Lazarus, Jim Linhart

**Directors’ Ruling: 66.7**      **Committee’s Decision: 81.2**

✍ North’s statement that “his pass of 6♠ was forcing so he knew he could pass and then bid 7♥ later” makes no sense. Essentially this is an admission that his calls are not based on logic. If he planned to bid 7♥ and passed for no other reason than that the pass was forcing, he deserves to suffer the consequences when his partner’s BIT removes his options.

That being said, and as much as I would like to see North taught a harsh lesson, I simply cannot bring myself to believe that the 4-5 seconds South took to fan her cards, locate a Double Card, reach into her bid box and extract it constitutes a BIT. East’s admission that South’s hesitation was the “smallest of the small” (an exact quote) indicates that South spent no more than a few moments reflecting on her call, something she was entitled—even obligated—to do. It is proper to briefly consider

every call before making it; that is expected. To bid quickly, thereby making it clear that you had nothing to think about, would be the impropriety. (Note that North's pull of South's double to 7♥ was a losing action. The only seven-level contract that makes is 7♦. Thus, E/W needed only to pass 7♥ for an excellent result.)

I agree with allowing the table result to stand, and I would have seriously considered an AWMW for E/W (sorry, David). Agreeing with me are...

**Bramley:** "4-5 seconds is not a BIT. Even 10 seconds would not be a BIT. If E/W were the ones that ended up appealing (who can tell?), they deserved an AWMW, but I'll let them slide because of the confusion by the Directors. Notice that 7♥ has no play, although 7♦ would make. E/W would have been better advised to take their top rather than to misjudge the auction and then complain about a non-existent infraction."

☞ Yes, the double clutch by the Directors would be a good excuse for letting the AWMW to E/W slide.

**Wolff:** "Frivolous appeal by E/W. First they took a phantom and then they wanted something for nothing. Not good coming from some of our best players. To listen to this appeal and not penalize the pair who appealed has to be wrong. E/W, by virtue of what they said, were given a chance for a great result (7♥ down) but instead took a phantom and then wanted it changed to something more favorable to them. Shouldn't it be addressed from this standpoint?"

**Gerard:** "Why didn't East take the hint from his partner and not pursue this? Maybe the notion of smallness is just too foreign in some quarters."

"North's comment about the auction suggested that there was a huddle. Without a hand that could tolerate 7NT, what else but a reevaluation could justify pass-then-pull? It reminds me of the 'I'm bidding seven' hand, where the possibility of 7NT was almost as ridiculous. I don't disagree with the result, but I'd like to find a way to pair North's analysis with East's spade duck in CASE ONE."

☞ Hmm. North's only comment (at the end of The Appeal section) addressed his reason for passing 6♠. I fail to see how that suggests that South huddled.

**Weinstein:** "Back in the 70s, Kerri Sanborn (then Kerri Shuman or something) was one of Barry Crane's regular partners. I believe Barry had a rule something like (a Jewish version perhaps) 'Only Jesus saves.' I can hear Barry screaming from his grave about the 7♠ call. In any case, I agree with the Committee that this did not constitute a BIT on this auction."

**Treadwell:** "High-level auctions, particularly if competitive, often require thought, and usually little can be read into it."

**Rigal:** "A tough case. I talked with the appealing side and was not persuaded that the inconsistency of North's bidding implied a BIT. Once the Director has ruled against E/W maybe the right forum for this case was a Player Memo (dollars to doughnuts that was not done and no member of the Committee passed it on to the Recorder). Overall I feel very unhappy about this case, but as it stands I do not see what a Committee can do about it under the present laws."

**Kooijman:** "I still see no good reason to have Directors decide during dinner that their previous ruling wasn't a very good one. It creates agitation, appeals, unclear decisions, etc. A well-respected ACBL member told me the reason is that players need to know the standings as accurately as possible to apply the best strategy. This sounds strange. Isn't it better to leave them in some doubt with estimating the likely outcome of a Director ruling themselves than to give them a complete wrong ruling on which they base their strategy?"

"I agree with the approach that on this level of competitive bidding 4-5 seconds should be considered a normal tempo. Otherwise, serious bridge can't be played anymore. The Director should have brought this case to the Committee himself."

**Polisner:** "Excellent work by the Committee as if there was not a clear hesitation (which 4-5 seconds is not in this type of auction) there is not UI and the table result stands. The Director deserves recognition for changing the ruling even if the DIC had the appealing side wrong."

☞ Yes, the DIC clearly wanted E/W to appeal. I suspect this is just a type-o. The best argument for adjusting the score is provided by...

**L. Cohen:** "I know that there was griping (especially Bramley and Colker) in the Toronto Casebook about 2-second hesitations. I agree that in high-level auctions it should be normal to pause for a few seconds—no matter what. So here South is supposed to double in proper tempo. If she had an awful offensive hand (in spite of her 6♥ bid) and a bit of a spade stack, it would be wrong for her to thump a double card onto the table in 0 seconds. I agree with Bramley and Colker that 2 seconds is not a hesitation."

"That said...well, you can guess what is coming...knowing East as well as I do, I can give you a 100% guarantee that South's double said, 'Well, I double, but a small part of me wants to do something else.' Let's face it, some situations are extremely tempo-sensitive and it doesn't take Kreskin to read the table. I wasn't there, but my reading is that North was able to read South like an open book. This is not a tolerable 'slow' double, even though it wasn't so slow. When North passed 6♠ it was clearly forcing. He wanted South to either double or bid on. South doubled. So, why would North bid on? Changed his mind? Why? The only reason to change his mind would be to read South's tempo. The only legitimate bridge reason for 'pass and pull' auctions is to show extra strength, usually trying for a higher level. But we were out of levels. Was North's intent to make a 'strong' 7♥ bid? North said 'he knew his pass was forcing, so he could pass and then bid 7♥ later.' Yup—I guess he was showing interest in reaching 8♥."

"Here's another way to look at this 'slight hesitation.' If it was a normal-tempo auction, this slight hesitation would not keep North from doing anything he wanted. But in this particular kind of auction, *North had already made his decision.*"

☞ I guess we can agree that this case is more a matter of Who Do You Trust than one of principle. Still, Larry's comment raises several interesting points.

First, North's arguments, as Larry's tongue-in-cheek remark about 8♥ implies, were illogical. His approach to forcing passes treats the seven level the same as the five level. Thus, I see no indication that North changed his mind based on South's tempo. Second, South's 6♥ bid showed her red-suit values quite nicely. Had her ♠K been the ♣K she would have had something to think about over 6♠, but why would "a small part" of her want to do something else with her actual hand? Doubling was virtually automatic. Third, N/S both denied any BIT. Yes, I know this was self-serving but South's hand bears out her contention. Finally, let's grant that South did take 4 seconds to consider her action over 6♠. Is it so clear to her that North guaranteed first-round club control *and* first-round spade control with his pass of 6♠? Could North be six-six in the red suits with a small singleton club and be relying on South for two aces to bid a grand? Isn't South entitled to a few seconds to think that through? Did her "slow" double really suggest North's 7♥ bid?

**Passell:** "I don't understand why North didn't bid 7♥ directly if he intended to. My assumption would be to pass a fast double."

☞ We'll never know North's intent, but with no BIT he survived his own illogic.

## CASE FOUR

**Subject (Tempo):** Absolutely No Thinking Allowed

**Event:** NABC Open Pairs II, 14 Mar 02, Second Qualifying Session

Bd: 5	Jonathan Steinberg		
Dlr: North	♠ K642		
Vul: N/S	♥ K1042		
	♦ KJ7		
	♣ 86		
Shawn Samuel	Russell Samuel		
♠ 10975	♠ QJ8		
♥ 8	♥ Q9		
♦ Q103	♦ 96542		
♣ J7542	♣ A93		
	Christopher Davis		
	♠ A3		
	♥ AJ7653		
	♦ A8		
	♣ KQ10		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	Pass	1♥
Pass	2♦(1)	Pass	3♣
Pass	3♥	Pass	3♠
Pass	4♦	Pass	4♥(2)
Pass	4♠	Pass	4NT
Pass	5♣(3)	Pass	6♥
All Pass			
(1) Four-card Drury			
(2) Slight pause, alleged body language			
(3) One keycard			

**The Facts:** 6♥ made six, +1430 for N/S. The opening lead was the ♣2. The Director was called when North bid 4♠. E/W noticed the slow 4♥ bid. West suggested calling the Director for protection and East agreed. The Director ruled that pass was not an LA after South had made two slam tries (3♠ confirmed a slam try). The table result was allowed to stand.

**The Appeal:** E/W appealed the Director's ruling. E/W believed there was a BIT and bidding beyond 4♥ was not clear. The auction suggested North's ♦K was not what South wanted to hear about. N/S said there was no noticeable hesitation and no LA to bidding past 4♥ after North had made a non-forcing 3♥ bid. South's 3♣ and 3♠ bids each took about 2 seconds. The 4♥ call took about 5 seconds. The alleged body language consisted of South leaning forward a bit to consider his partner's bids.

**The Committee Decision:** The Committee believed that with below game-level slam tries, precipitate action is as dangerous as notably slow action. The Committee found that in this

situation any UI from the alleged body language and 5-second "hesitation" was duplicated by the auction itself. Absent UI, the Committee had no basis for considering the LA problem. The Committee did not issue an AWMW because the factual issue was something that reasonable contestants might disagree about and the Directors had not acted to resolve it. Furthermore, some Committee members thought the LA issue might require some discussion even if there was a likelihood that they would have made the same decision as the Director. The Committee allowed the table result to stand.

**DIC of Event:** Henry Cukoff

**Committee:** Michael Huston (chair), Nell Cahn, John Solodar, Dave Treadwell, Adam Wildavsky

**Directors' Ruling: 80.0**

**Committee's Decision: 85.0**

✍ The Director determined that South's 3♠ bid (not his 3♣ bid) confirmed slam intentions opposite a partner who had signed off in 3♥. North's hand was control-

rich and could not have been better for a signoff. (Indeed, that action seems pretty radical.) Thus, I see no LA to North's 4♠ bid. The tempo of South's 4♥ bid seems entirely consistent with a slam-investigatory auction. I would not have called the Director after South had made two slam tries and I certainly would not have pursued the matter after seeing the dummy. Also, I see no evidence that North's ♦K was not what South wanted to hear. North's 4♦ bid showed a willingness to cooperate with South's slam efforts but South needed more than just a diamond control for slam. Equally clearly North had that and more—right down to his doubleton club. 4♠ did not commit N/S to slam and one additional move by North was clearly indicated.

The Committee correctly pointed out that any UI (even if we concede that there was some) "was duplicated by the auction itself." Their only failing was not issuing an AWMW. Agreeing...

**Rigal:** "To my mind an excellent Director ruling. The absence of an AWMW persuades me to mark down the Committee. E/W appear far too often in Committee and in this flimsy case I'd like to see them being alerted that they need better grounds to appeal a case. I do not think that South's actions constituted a BIT, and in any event North's arguments that he had a clear-cut move on the given auction seem convincing to me."

✍ The other panelists who support the Committee's decision agree with their decision not to assess an AWMW.

**Bramley:** "Another 5-second 'BIT'? Spare me. Did the Committee decide there was a BIT or other UI? (The write-up is strangely confusing for this scribe.) I would have found neither. Apparently the Committee decided likewise, because they didn't bother with the LA issue.

"The Director preempted consideration of the tempo issue by deciding that there was no LA to bidding over 4♥. That's bad technique even if he made the right ruling. Here the Director got unlucky because E/W have a much stronger argument about whether there was an LA than about whether there was a BIT. Therefore, no AWMW."

**Passell:** "Well thought out by all, especially the AWMW issue."

**Wolff:** "Very reasonable decision and the dictum from this case should be preserved. There are no hard rules as to what constitutes UI and, as the Committee said, below-game cue-bids might be minimum, maximum or somewhere in between. Even I would allow leeway when it probably is confusing as to whether or not to continue. It usually turns on how the hands match up."

**Polisner:** "Again, if there is no clear BIT considering the complexity of the auction, there is no UI and the table result stands. In a slam-try auction, 5 seconds is acceptable."

**Weinstein:** "In an auction where a player signs off slightly slowly without having indicated extra values and the other hand bids on with some but not substantial extras, it is a much more telling huddle—or as Michael Rosenberg puts it 'a bad huddle.' In this situation, South has already made a slam try and an even tempo is the least telling. A quick signoff over 4♦ tells partner 'I don't care about a diamond control.' An even tempo (5 seconds in this situation is appropriate) reveals nothing about what South needs. This is fortunate since, if the 5 seconds it took to bid 4♥ actually suggested something, I would consider a pass of 4♥ to be a LA."

✍ When South's 3♠ bid confirmed that 3♣ was a slam try and issued a second try I fail to see how North could not carry on over 4♥. As North I would have cue-bid below game (4♦) holding ♠Q10xx ♥QJxx ♦Ax ♣Jxx and then retired if South bid

4♥. With the actual North hand being significantly better than that it would not occur to me to pass 4♥, especially when I previously rejected a “game try.” (I would have made a counter-try of 3♦.)

The remaining panelists disagree with the Director and Committee; they would have adjusted the score.

**L. Cohen:** “This ‘5-second’ huddle by South is completely different from South’s ‘slow’ double in CASE THREE. There North had already committed himself; here North was not ‘barred’ from further action. In the context of this auction, I think a good tempo for 4♥ would be 2-3 seconds. The estimated 5 seconds would seem to show a four-and-a-half heart bid, so I’m not so sure it was within reasonable tempo. 8 seconds would clearly be slow. Maybe I could be convinced to accept the determination that tempo wasn’t broken—but I would not be thrilled about it.

“If we accept that there was no tempo break, the case is over. But just for the record, the assertion by the Director and N/S that ‘there was no LA for North’ to go on is absurd. The LA was to pass 4♥. And if 4♥ was out of tempo, it is clear to me that North must pass. He had a hand that he deemed worth a signoff in 3♥. Then, when his partner made a slam try, North cooperated by bidding 4♦. He said, ‘I have a good hand for my previous 3♥ signoff.’ Message delivered. A hand that signs off in 3♥, then makes one slam try, can’t all of a sudden become worth a drive above 4♥.”

✍ That “drive above 4♥” (not to be confused with a “drive to slam”) is opposite two, count them, two slam tries and it still does not commit the partnership to slam. I agree that North’s decision not to even make a return 3♦ game try over 3♣ casts suspicion on his hand evaluation. But holding all controls he seems fully justified in confirming his *positive* (not just cooperative) slam interest with 4♠—especially in light of his previous signoff.

**Kooijman:** “I have to confess that I do not understand the facts nor the remarks. Though 3♣ for sure shows a good hand is it a guaranteed slam try? Does the 1♥ opening show a five-card suit? Are they really saying that the hesitation and body language didn’t add anything to the 4♥ bid? But it is good advice: deny any UI and nothing wrong can be done. Let us go to the North position. He used Drury, showed his four trumps, showed his diamonds, denied the ♠A or ♣K, so might well have the ♠K, what more can he do? So if South thereafter decides to bid 4♥ that is the contract to play. Wouldn’t South’s body language deny holding a hand like ♠A ♥AQ765 ♦A3 ♣QJ1074 and tell North he was still very much interested in the ♠K? This is not my way to bid slams.”

✍ The overwhelming standard in North America is five-card majors, and that is what N/S were playing here.

Nowhere does the write-up suggest that 3♣ was a *known* slam try. The Facts section indicates that it was not until the 3♠ bid that it was revealed as such.

My reading of the Committee Decision (in particular their “precipitate action is as dangerous as notably slow action” comment) suggests that the Committee was not convinced that 5 seconds constituted a BIT but that even if it was, the UI was available from the auction as well. So I believe they *were* saying that any UI from South’s tempo and/or body language was redundant with the auction.

North would have bid Drury with the hand I gave earlier, as well as even worse hands such as ♠Qxx ♥QJxx ♦KJx ♣Qxx. To suggest that all such hands, once they cooperate with a 4♦ bid, have nothing more to say—even after North’s previous 3♥ signoff—seems peculiar. I would not bid 4♦ with this last hand but I would have with the earlier one, even though it does not contain the ♠K.

Finally, there are other auctions South might have chosen to show a five-five heart-club hand (a jump to 4♣ over 2♦; cue-bidding spades and diamonds in whatever order to elicit a club cue-bid from North rather than cue-bidding the uncontrolled club suit), depending on N/S’s partnership agreements. I wonder how

we would have viewed a quick and emphatic 4♥ by South (folding his cards and placing them on the table in front of him) if North then passed and 4♥ turned out to be the limit of the N/S cards.

Our final panelist also believes that 3♣ was known to be a slam try at the time it was bid.

**Gerard:** “Excuse me, but could you be any more gullible? Everyone except North said that 3♣ was a slam try, so how could 3♥ be non-forcing? The fact that South made a second slam try over it indicates that it was just a waiting bid, not a signoff. Do you know anyone who plays 3♣ in this situation as just ♠xx ♥AQJxx ♦x ♣KQJxx? Partner in effect made a limit raise, you don’t make game tries over that.

“So either North didn’t understand the auction or he was Putting the Big One Over. But let’s give him his ‘non-forcing’ 3♥ bid, presumably because he didn’t like his pointed-suit holdings over 3♣. (My reaction is gag me with a spoon—who rejects a game try, any game try, or doesn’t at least counter offer with 3♦ over 3♣ with that North hand?) That kind of evaluator would reject a 4♣ bid when South bid hearts, clubs and spades. You know what’s coming, don’t you? It’s the Intelligence Transfer, except that this time North imposed it on himself. ‘I bid a non-forcing 3♥ so how could I not push to the five-level?’ Well, duh, do you know how incriminating that is? If you wanted to bid past game, why not just do it over 3♠? I mean, could anything possibly have changed your mind after 4♦?”

“Here’s how I look at these situations. Suppose you were North and you wanted to offer some encouragement and then trust partner’s decision—what would you do? First, you’d temporize with 3♥. (I’m the world’s staunchest Fast Arrival enemy but this is one of the few cases where it clearly applies.) Then you’d make your last below-game try and respect partner’s signoff. You would have made two forward-going moves, as much as your hand is worth. Partner could easily have ♠Axx ♥AQJxxx ♦x ♣AJ10 (looking for a black suit singleton) and 5♥ would be down on a bad day. Since that would have been the game plan of someone who intended to pass 4♥, how do we know that North wouldn’t have done the same if something didn’t happen over 4♦? If South had to lean forward to consider North’s bids, he must have been interested in taking further action.

“I expect to hear that 3♣ wasn’t really a slam try, that 3♠ converted it into one. [The Director determined that to be the case.—*Ed.*] That would be similar to common treatment after single raises—responder evaluates for game first, then slam. But single raises don’t promise four trumps and North’s auction doesn’t support that. Four-card Drury eliminates one of the reasons for making game tries. I also expect to hear that people don’t bid the way I suggest—they don’t plan the auction and do all kinds of inconsistent things. Fine, until partner gets in your way. Finally, I expect to hear ‘If it hesitates, shoot it.’ That adds as much to the discussion as it usually does. The Committee said that in relation to the tempo of the below game-level slam tries, 4♥ was different. That they misunderstood the auction meant either that they were intimidated about the fallout from finding a 5-second ‘hesitation’ or that they fell victim to ‘Let’s Play Bridge’ thinking.

“Note that in regular (three- or four-card) Drury, game tries are still useful and possible. But in context, there was no way that 3♥ was a signoff. Don’t you just get the feeling that the Committee was aching to find pass an LA to 4♠? Well it’s not so tough to go there. Just think about the bidding. And trust no one.”

✍ Confirming Ron’s darkest fears, while it is true that in some versions of Drury opener’s new suits at the three level are treated as slam tries, there are many hands which depend on the quality and placement of responder’s honors for *game*. A quick survey of the literature reveals a considerable difference of opinion on how to treat opener’s new suit rebids. Mike Lawrence, for example, says they are slam tries in *Passed Hand Bidding* (1989), but he only discusses 2♣ Drury. Max Hardy in *Two Over One Game Force, Revised* (1989) also treats new suits as slam tries after 2♣ Drury but says they are short-suit game tries over 2♦ Drury. But Marty Bergen in *Better Bidding With Bergen, Vol. 1* (1985) clearly says new suits at the

three level are game—not slam—tries. Several Internet sites also describe opener’s new suit rebids as game tries (usually Help Suit) after either 2♣ or 2♦ and several others say only that opener’s 3♣ and 3♦ rebids are forcing and promise opening values. Many texts do not define opener’s rebids, suggesting that users are expected to form their own agreements. Lastly, I asked coach and system maven extraordinaire Eric Kokish what he thought opener’s 3♣ and 3♦ bids meant after 2♦ Drury. He said, “Whatever type of game-tries you play after natural single raises.” When I told him that some theorists were recommending playing them as slam tries he said they could certainly be played that way (it made logical sense) but he disagreed that this was the “standard” meaning for these bids. He said their meaning depended solely on the partnership’s agreement.

Since the Director determined that it was not until after the 3♣ bid that 3♣ was revealed as a slam try, I think we must assume that N/S played new suits as game tries and that 3♥, as much as we may differ with North’s hand evaluation, was a signoff. The subsequent revelation of South’s 3♣ bid (absent any extra-curricular activities) thus justifies North’s 4♣ bid. As tempting as it might be to paint 3♥ as forcing and encouraging (4♥ would be slam-negative within this concept), there is simply no evidence that N/S had that agreement and none of the other panelists even suggest it as a possibility.

Ron’s most compelling argument for adjusting the score is his “gag me with a spoon” observation. While North’s 3♥ bid (signoff) clearly casts suspicion on his hand evaluation, the subsequent revelation that South was looking for slam all along and made a second slam try even after North declined the game invitation is a clear and compelling wake-up call for North to come alive with 4♦ and later 4♣. Yes, we might all be falling prey to the old Transfer of Intelligence ploy. But it is not too much of a stretch to believe North looked at his minimum in high cards and lack of a club honor to decline the 3♣ “game try,” then reevaluated his hand with its great controls (having already limited his hand and denied a club fit) for slam once South revealed his slam interest by making a second try.

So strong is my sense that North’s 4♣ bid is justified on the AI alone that I agree with Barry in finding more fault with E/W’s Director call and appeal than I do with North’s actions. And while Ron’s interpretation could certainly be right, the panel, by more than a two-to-one margin, sides with the Director and Committee to allow the table result to stand.

...Only the Shadow knows...

**Subject (Tempo):** A Matter Of Inexperience

**Event:** Stratified Open Pairs, 15 Mar 02, Second Session

Bd: 24	♠ K53		
Dlr: West	♥ Q632		
Vul: None	♦ 73		
	♣ 9543		
♠ 10742		♠ AQJ9	
♥ J84		♥ 9	
♦ K106		♦ J98542	
♣ A72		♣ J10	
	♠ 86		
	♥ AK1075		
	♦ AQ		
	♣ KQ86		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	1♠	Dbl
2♠	Pass	Pass	3♥
3♠	Pass(1)	Pass	4♥
All Pass			
(1) BIT			

**The Facts:** 4♥ went down one, +50 for E/W. The opening lead was the ♠7. The Director was called at the end of play. E/W complained that North had hesitated before passing 3♣. N/S were reluctant in agreeing to the hesitation. The Director ruled that there was UI from North’s hesitation (Law 16A) but that the UI did not demonstrably suggest one action over another. The table result was allowed to stand.

**The Appeal:** E/W appealed the Director’s ruling. East did not attend the hearing. West estimated North’s BIT to have been 10 seconds. She also believed that South had bid her values by doubling and then bidding 3♥ at her next turn. South defended her evaluation of her hand saying that she liked her ♦AQ with East having opened in front of her and she was willing to gamble with her 4♥ bid. West then pointed out, if South liked those values as winners

and if, as seemed probable, her partner was short in hearts, why wouldn’t she think she could beat 3♣ for a plus score (with the ♥AK, ♦AQ, and a club as five probable tricks)? The Panel determined that N/S played standard takeout doubles (not doubles that showed opening hands). Both N/S players knew that a takeout double followed by a bid of a suit showed extreme strength. South said her partner needed 8 points to bid freely over 2♠. She thought her partner didn’t have a suit. South said North did not hesitate too much over 3♣; just long enough to look at her hand. North also believed she did not take 10 seconds over 3♣ but allowed that she did take a few moments to evaluate the auction because she knew her partner had a very good hand with more than 16 points. She decided she was very concerned about her spade values and thus passed.

**The Panel Decision:** The Panel determined that there had been an unmistakable hesitation by North over 3♣. Seven players with under 350 masterpoints were polled on their actions with the South hand. All took the same two initial actions (double, then 3♥) but passed over 3♣. Based on this input, the Panel decided that pass was an LA to 4♥ for South; the 4♥ bid was therefore canceled. As East had 5000 masterpoints, two expert players were consulted about the possible result in a 3♣ contract (Law 12C2). The two consultants and Panel agreed that South would start the ♥AK. East would ruff the second heart, lead a diamond to South’s ace, ruff the heart return with the ♠J, and lead out the ♠AQ. If North wins the second spade East wins the return, cashes the ♠10 drawing North’s last trump, and the diamonds are then cashed. If North ducks the ♠Q East enters dummy with the ♦K and plays a spade, then proceeds as before. In either case declarer loses only three tricks (a heart, a diamond, and a spade). Since this line was judged both “at all probable” and “likely,” the contract was changed to 3♣ made four, +170 for E/W. The Panel also considered a PP for South’s 4♥ bid, but decided against it due to her skill level (she

had under 50 masterpoints). The Reviewer discussed with South her responsibility after a BIT by her partner; she seemed to understand the message.

**DIC of Event:** Ron Johnston

**Panel:** Patty Holmes (Reviewer), Mike Flader, Gary Zeiger

**Players consulted:** Rebecca Rogers, Colby Vernay, seven players with under 350 masterpoints

**Directors' Ruling:** 29.2

**Panel's Decision:** 92.5

✍ The table ruling has left me speechless, but luckily that's not the case for many of our panelists.

**L. Cohen:** "My first ever Director 0, Panel 3.0 ratings. I know this Director must have joined the ACBL yesterday, but what time yesterday? How could North's slow pass not suggest that South take some action other than pass? Thankfully, E/W were able to get justice through the Panel process. Great job of determining 170 in 3♠. Also, I suppose that educating a player with less than 50 masterpoints makes more sense than a penalty. Obviously, had the Director ruled properly and N/S appealed we could have thrown the book at them."

**Kooijman:** "Incredible ruling by the Director. Doesn't he ask any advice? No consultation? This doesn't help my plea to abandon Committees. Good procedure from the Panel, including the preachment towards South."

**Rigal:** "Gross Director ruling—the slow pass clearly encourages 'non-pass' over 'pass.' Mind you, the selection of 4♥ instead of 4♣ suggests a lack of ability that might make a high-level bridge judgment inappropriate here. The Committee came to the right factual judgment. Note that while the defense would start with two hearts, South might shift to a club after winning the ♦A. So +170 is appropriate for another reason than the one given. The decision not to award a PP under the circumstances seems reasonable."

**Weinstein:** "The Director made a ruling without merit. Even if appropriate, it is difficult for the Panel to assign a PP when the Director said the bid was okay."

✍ More support for the Panel's decision...

**Polisner:** "I agree that the 4♥ bid must be canceled if there was an unmistakable hesitation as was found by the Panel. Whatever North's reason for her hesitation, it showed cards which were likely to help South play in 4♥. 170 seems correct."

**Wolff:** "Back door result. South took advantage of the UI, still went down, but it turned out to be a good save. Excellent decision by the Panel; superior reasoning."

**Passell:** "I like the handling of not issuing the PP a lot. Good work."

✍ Our perennial little lost sheep (baa) doesn't think East will make ten tricks in 3♠. I'd have guessed it would be harder *not* to make ten tricks than to make them.

**Treadwell:** "Obviously, South cannot be allowed to bid 4♥, but I don't think it is at all probable or likely that E/W would take ten tricks. I would have awarded +140 to E/W and -140 to N/S."

✍ The next panelist thinks that even +170 isn't the limit in 3♠. For the definitive word on the play, we turn to...

**Bramley:** "Horrendous Director's ruling. The Panel did better."

"However, the analysis of the play was incomplete. Many variations are possible after two rounds of hearts and a diamond to the ace. For starters, declarer should clearly ruff the second heart with a middle spade. Then, if South continues with a third heart, declarer could ruff with the other middle spade and drive trumps, overtaking the nine with dummy's ten when South plays the eight. Now North cannot foil the plan by ducking the second spade. However, declarer might not play that way, since he doesn't know yet that the diamonds are good. If he leads a second diamond before playing trumps, he might get tempted to take the trump finesse, which will result in only nine tricks.

"Okay, we can't make him do that when another line gets ten tricks, but what about discarding a club on the third heart to keep control? Then pick up trumps with a finesse and run diamonds for ten tricks. It all comes out the same.

"Or does it? Why would South continue hearts when he wins the diamond ace? He doesn't know that declarer is on a four-card suit and that another tap sets up a trump trick. Nor does he know that declarer has a concealed *six*-card suit ready to run. Surely, South would shift to the ♣K. Wouldn't you? Then declarer can take *eleven* tricks by drawing trumps and running diamonds. So the adjusted score should have been 200 in both directions for 3♠ made five."

✍ I think Bart is on to something here. It is certainly "at all probable" that South would play East to have five spades and play to set up club tricks for the defense in case North has either ♦Jxx or ♠Ax. In fact, I would judge it "likely" as well if South did not have only 50 masterpoints. So I vote for -170 for E/W and -200 for N/S.

While I do not consider assigning reciprocal 170s an error, I regret that I can't say the same for reciprocal 140s. (Alert, Dave.)

Finally, one panelist offers what I suspect was intended as a rhetorical (perhaps even sarcastic) question.

**Gerard:** "So how do we get the Director to understand the message?"

✍ As Yul Brenner (in *The King and I*) might have said. "'Tis a puzzlement."

CASE SIX

**Subject (Tempo):** Rock-a-bye Baby...  
**Event:** NABC Open Swiss, 17 Mar 02, Second Final Session

Bd: 10	Ron Smith		
Dlr: East	♠ 10942		
Vul: Both	♥ KQ4		
	♦ KJ9		
	♣ QJ2		
Norberto Bocchi	Lorenzo Lauria		
♠ A	♠ K83		
♥ AJ752	♥ 63		
♦ AQ832	♦ 106		
♣ 97	♣ AK6543		
	Chris Willenken		
	♠ QJ765		
	♥ 1098		
	♦ 754		
	♣ 108		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		1♣(1)	Pass
1♥	Pass	2♣	Pass
2♦(2)	Pass	2♥	Pass
2♠	Pass	3♣	Pass
3♦	Pass	3NT	Pass
4♣	Pass	5♣	All Pass
(1) Alerted; could be as few as two			
(2) Alerted; asks			

**The Facts:** 5♣ went down one, +100 for N/S. The opening lead was the ♠Q. The Director was called at the end of play. At trick one declarer thought for a long time, won the ♠A, and led the ♥2 from dummy. After a short pause, North won the ♥K and led the ♣2. Declarer cashed the ♣AK, played a heart to the jack, and immediately objected when North won the queen. The Director ruled that North could have known that the slow ♥K could work to his advantage; declarer had been injured by illegal deception (Law 73F2). The contract was changed to 5♣ made five, +600 for E/W.

**The Appeal:** N/S appealed the Director's ruling. Only North attended the hearing. North said that declarer had taken 5-6 minutes before playing to the first trick. He then won the ♠A and called for a small heart. While he had been lulled a bit by declarer's lengthy hesitation, he did not believe he hesitated at all. North said that South thought it might have taken him 2-1/2 seconds to play to trick two. North told the Committee that he did not seriously consider

playing a low heart. Through a written statement conveyed to the Committee, East said: "I intended to... duck a heart and then play ace and ruff a heart, the normal play. Ron Smith is normally a lightning fast player, but he hesitated for 5 seconds, then played the king. This deceived me, so I then hooked for the queen. Director Olin [Hubert] observed the hesitation."

**The Committee Decision:** There was disagreement between the two sides as to whether there had been an unmistakable hesitation. The Committee was inclined to believe the appealing side that any BIT had been minimal, particularly in the context of the time declarer took before playing to trick one. They also noted that Law 73 states that inferences from a variation in tempo may be drawn only by an opponent, and at his own risk. Furthermore, North had a legitimate bridge reason to take time before playing to trick two. In fact, the winning play by North is a low heart, allowing South to win the trick and play a diamond, thus guaranteeing the defeat of the contract as the cards lie. The Committee decided that declarer was not damaged by an improper hesitation, and restored the table result of 5♣ down one, +100 for N/S.

**DIC of Event:** Henry Cukoff  
**Committee:** Doug Doub (chair), Mark Feldman, Mark Itabashi, John Solodar,

Adam Wildavsky

**Directors' Ruling: 52.5**      **Committee's Decision: 93.3**

✍ The Committee was right on target here. The relevant section of Law 73 (F2, not referenced in The Committee Decision) states: "if the Director determines that an innocent player has drawn a false inference from a remark, manner, tempo, or the like of an opponent *who has no demonstrable bridge reason for the action*, and who could have known, at the time of the action, that the action could work to his benefit, the Director shall award an adjusted score..." (italics added).

The table ruling focused on the "could have known at the time" part of this Law but the italicized segment is the relevant one. Even if one believes North did break tempo (a contention that I, like the Committee, find indefensible after East's 5-6 minute trance), he did, in fact, have a demonstrable bridge reason for thinking since ducking would have beaten the contract. The fact that he claimed he didn't think "seriously" about ducking is irrelevant since just flashing on the possibility would take enough time to attract East's attention. Plus, Law 73D1 makes it clear that such an inference may be drawn "only by an opponent, and at his own risk."

Several panelists who reached the same conclusion noted that a potentially important piece of information was omitted from the Committee's decision...

**Bramley:** "Isn't declarer famous for his table presence, notably dropping doubleton queens in the World Championship? I thought so. Then if he deduces incorrectly from a small tempo variation, he's on his own. Furthermore, 2-3 seconds is *not* a BIT here; 5 seconds is cutting it close, but still within the limit. (When I polled many players about acceptable tempo in this position, they *all* said 3-5 seconds.) Declarer's complaint suggests he might also have objected if North had played the ♥K instantaneously: 'He played it so fast I thought it was singleton; it's out of tempo.' This was woeful whining, unfortunately all too familiar from these parts.

"However, as the Committee astutely observed, North's winning play is low, *and declarer knew it*. Therefore, North had a legitimate reason to think with any holding that included a spot card. Since declarer knew that North would have something to think about regardless of his holding, he could draw no ironclad inference from the tempo. Besides, no player is obligated to *Reveal* his holding to the opponents by the tempo of his play.

"Another view is that after declarer thought for so long, any inference from the defender's thought is pure conjecture. That is, the defender should *not* have to think, so when he does it's hard to draw a meaningful conclusion.

"A serious problem with the description of this case is the involvement of the Director. If Olin Hubert was watching the play, we must assume he made the table ruling. Therefore, he must have thought there was a BIT. But why guess? Since he was a key witness, he should have testified. His estimate of the length of time as an independent observer is important information."

**Gerard:** "Yes, that immediate objection was out of line. Now if North didn't have the ♦K, let's talk. However, did I miss the part where Director Olin was consulted? If North actually did hesitate, it was clear that he didn't have a demonstrable bridge reason since he said he never really considered ducking. Still, that statement tends to confirm the Committee's judgment.

"I find it amazing that a certain ex-partner of mine should be called to judge whether 2-1/2 seconds or even 5 seconds constitutes an unmistakable hesitation."

✍ Actually, what he said was that he did not "seriously consider" playing a low heart (a phrase we should be intimately familiar with). Not so...

**Passell:** "I would feel better if North hadn't said he never considered ducking the heart—the only play to beat it!"

**Polisner:** “I agree with the Committee’s decision to restore the table result but not with the analysis, since North admitted he never considered playing low. Therefore, the only thought would have been which heart to win with expecting South to have a Yarborough outside of spades. What was North doing while declarer took 5-6 minutes at trick one? My problem is with the laws which have an apparent conflict between Law 73D1 and 73F2. I believe players must take all inferences from their opponents’ actions at their own risk. If it is believed that coffee-housing was going on to take the opponent to a disciplinary hearing for action—not a score adjustment hearing. What if North had told the Committee that he was thinking of ducking the heart to get a diamond through? Isn’t that a legitimate bridge reason to hesitate? Should N/S be damaged for honesty? Table result stands.”

✍️ Could it be that thinking about how to get South on lead to put a diamond through is not a demonstrable bridge reason?

The point about East’s 5-6-minute huddle was not that it gave North enough time to consider what he would do at trick two. The point was that it lulled him into a state of inattention from which it took a few moments to get his mind back into gear. This interpretation receives support from the next panelist.

**Rigal:** “I talked to North about this case and he confirmed my opinion that what happened was that he mentally left the table when East tanked. His pause simply involved returning to the table. As such, I would have given an AWMW on an appeal had the initial ruling gone the other way—which it might well have done, although I understand the Directors’ ruling.”

**Weinstein:** “Not to bring up old memories, but how were the 2♥ and 2♠ calls explained since there were no notations in the auction? Or maybe North has learned to ignore West’s bidding and explanations since Toronto.

“The Committee did well to note that there is a legitimate bridge reason for North to consider his play, though it might have occurred to North to consider his play during the several minutes it took declarer to play to trick two. I am not sure what the Committee was doing in their interpretation of Law 73. They seem to be examining the 1987 version. [Not really. They paraphrased Law 73D1 (Inadvertent Variations) from the 1997 Laws.—*Ed.*] In any case, 2-1/2 seconds for North to play after a 5-minute huddle by declarer is not a BIT, it’s a regaining of one’s consciousness. The wrong pair had to protest this. The onus in Law 73 cases should be on the alleged non-offenders to make their factual and bridge case unless it’s blatant, and if it’s that blatant the offenders should be recorded.”

✍️ Nice double whammy, Howard. That’s one point for North’s role in Toronto CASE FIFTY-EIGHT and a second for West’s role in the now infamous Las Vegas CASE FORTY-ONE. Hmm. Now who else was involved in that Las Vegas case? Strong support for the Committee’s decision comes from...

**L. Cohen:** “Beautiful work by the Committee to realize that North should have thought longer(!) as the winning defense was to play low at trick two. (In fact, one of declarer’s winning plays at trick two was the ♥J, which would legitimately have avoided the damaging diamond shift.) Even if North’s high heart play was ‘obvious’ I don’t think a few seconds would be out of tempo. Furthermore, I don’t believe that this particular North would ever intentionally try to deceive declarer.”

**Wolff:** “Agree with decision. East was being childish when he took a view, failed, then wanted to blame others. My experience is that other countries and continents have different standards of ethics with different emphasis. Just another problem in administrating the world game, but worthy of noting and being prepared.”

**Treadwell:** “Good reasoning by the Committee. The alleged hesitation was minimal and North had a good bridge reason for a pause, as the Committee pointed

out.”

**Kooijman:** “I have some procedural questions here. It should be the Director who establishes the fact that there was a hesitation by North, don’t you think? And so he did. What reason (authority) does the Committee have to doubt such an observation, using the almost meaningless expression that the BIT must have been minimal, especially in relation with the long pause for thought taken by East? True, compared with 5 minutes 20 seconds is fast. I consider it more than likely that North took some extra time to consider the play, since playing low from dummy at trick two was for sure not the expected continuation for North. The question to be answered is whether North had a reason to take some time to consider his play. My answer is yes, so Law 73F2 does not apply.

“What remains are two other law-related issues. Players of good standard do have a good feeling for sensitive situations and they should be allowed to take a short pause before playing in such situations. When a defender is presented with the lead of a jack by RHO, holding the queen he should be allowed to wait for some seconds before playing. When declarer plays a small slam, wins the first trick in hand, and then plays small to the Kxx in a side suit in dummy, LHO should be allowed to wait for a couple of seconds before playing, whatever his holding. Otherwise, the position of the ace is given away at once.

“I would also like to repeat a suggestion made at a European Championship a couple of years ago. If a player really needs a long time to decide what card to play on a lead by an opponent, he should not make a deceptive-like play. In this case it means that if North had used considerable time he should have played the queen, despite the fact that this indicates the king.”

✍️ The Laws give Committees similar fact-finding powers to Directors. If they decide the Director got certain facts wrong or interpreted them incorrectly they have the right to find a different set of facts. For example, if a Director, after learning that a player took 4-5 seconds to make a certain bid, judged that a BIT had occurred and adjusted the score a Committee could decide that 4-5 seconds was not out of tempo for the auction or that the UI was redundant with AI from the auction and restore the table result.

Next, we are not comparing 5 minutes with 20 seconds or even 2-1/2 seconds. Such a comparison would be inappropriate. North’s tempo must be compared with normal tempo for his play in that same bridge context, not with declarer’s tempo at his turn. But even that comparison is irrelevant because a declarer who just took 5-6 minutes to play cannot expect his RHO to play immediately, in tempo. As several panelists already noted, declarer created an atmosphere where 2-1/2 seconds “is not a BIT, it’s a regaining of one’s consciousness.” (to quote Howard).

This is similar to a case that arose in the semifinals of the 1997 Bermuda Bowl (in Hammamet) involving Rodwell (USA I) and Zia (USA II). Zia, as declarer, went into the tank for 4 minutes and finally played a low club toward dummy’s king-jack. Rodwell, whose mind had wandered, eventually noticed the lead and fumbled a bit as he fanned his cards. “Sorry” he said as he refocused and pulled out a low club. Zia inferred that “Sorry” meant that Rodwell had an alternative club play which could only be the ace. So he rose with the king, lost to the ace, and called the cops. The Director ruled correctly that there had been an inadvertent variation from which Zia drew an inference at his own risk. Zia appealed and the Committee wrongly adjusted the score in Zia’s favor. The only difference is that this time the Director got it wrong but, luckily, the Committee set it right.

The idea that a player should not make a deceptive play when he has taken a considerable time is an interesting one but I fear it would create more problems than it solves. For example, a player thinks for say 2 seconds and, believing his tempo to be normal, falsecards. Declarer, sure he is entitled to presume that any card not played within a second is true, gets it wrong. DI-REC-TOR! Must we all judge how many seconds we took to play and whether that is out of tempo for the situation? Sorry, but I’ll pass on that one.

CASE SEVEN

**Subject (UI):** Anyone For A Sandwich?

**Event:** NAOP, 06 Mar 02, First Qualifying Session

Bd: 22	Rob Sewell		
Dlr: East	♠ K5		
Vul: E/W	♥ AKQ5		
	♦ Q1096		
	♣ A102		
Michael Halvorsen		Nancy Popkin	
♠ Q9843		♠ A6	
♥ 97642		♥ J8	
♦ K2		♦ 73	
♣ 9		♣ KQ76543	
	Robin Stevens		
	♠ J1072		
	♥ 103		
	♦ AJ854		
	♣ J8		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		1♣	Pass
1♠	1NT(1)	Pass	2♦
Pass	3NT	All Pass	
(1) Alerted; Sandwich Notrump			

**The Facts:** 3NT made four, +430 for N/S. The opening lead was the ♣Q. The Director was called at the end of the auction. North intended 1NT as strong. South’s Alert and explanation was UI to North. The Director ruled that 2NT and 3♦ were both LAs to North and either might lead to a 3♦ contract. The contract was changed to 3♦ made four, +130 for N/S.

**The Appeal:** N/S appealed the Director’s ruling and were the only players to attend the hearing. North said that after South bid 2♦ freely he thought he had four or five tricks outside of diamonds and five or six diamond tricks so he had to bid 3NT. He said he was unwilling to make a non-forcing bid because partner might pass and he still would make a game.

**The Committee Decision:** The Committee agreed with the

Director’s ruling and rationale that: (1) North had UI from his partner’s Alert and explanation of his 1NT overcall as sandwich; (2) both 2NT and 3♦ were LAs to 3NT; and (3) a 3♦ call would be passed by South who had assumed that North had a sandwich notrump. In discussing the merits of the appeal it was noted that one Committee member had initially favored deciding in favor of the appealing side. Thus, the appeal could not be judged to lack substantial merit. (Note: After the Committee issued their decision North stated that there had been much discussion about bad appeal decisions on the Internet and in *The ACBL Bulletin* and that this was another example of a terrible decision. He was strongly warned of the NAC’s policy against debating their decisions and eventually subsided. This attitude is an unfortunate side effect of the public airing of questionable rulings that significantly reduces any educational impact of committee decisions.)

**DIC of Event:** Henry Cukoff

**Committee:** Lou Reich (chair), Bob Glasson, Jack Feagin

**Directors’ Ruling:** 87.1

**Committee’s Decision:** 80.4

 This appeal from the NAOP occurred prior to the start of the tournament. One Committee member, to the best of my knowledge, has never before served on NAC and a second, a former member, has not served in many years. Even so, this appeal has so little merit that it is hard to imagine having any sympathy for the appealing side. I would like to have seen the other two members override the aberrant view and issue the AWMW in spite of the odd man out (whoever he was).

And while the Committee was at it they should have issued a PP for North’s

flagrant use of UI. The attitude he displayed in his final comment is as contemptible as his appeal was without merit.

It is not clear whether the final sentence in the write-up is an indication that the Committee (or its chairman) is against publishing all appeal decisions—whether “good” or “bad”—or just against publishing the “bad” ones. The price of keeping the appeal process open to public inspection is that an occasional errant decision may come to paint the entire process with a broad brush. Happily, the many benefits of openness—including accountability, education and improvement—far outweigh the drawbacks.

Most panelists join me in expressing disgust at various aspects of this case.

**Bramley:** “The public airing of *all* decisions is part of the educational process. That’s what we are doing in the casebooks.

“I assume the Committee objects to the recent publication in *The ACBL Bulletin* of many articles and letters critical of the Reisinger decision and of the Committee process in general. Here I must agree that the Bulletin, with its one-sided coverage of Committee issues and its persistent editorial bias in that direction, has undercut the consistent good work by the vast majority of committees. If the Bulletin Editor wishes to use his editorial license to undermine the work of one of the ACBL’s own bodies, I can think of several better targets than the National Appeals Committee.

“I agree with the Committee’s decision.”

**L. Cohen:** “First, a public-service terminology announcement. Technically, I suppose (see the *Official Encyclopedia*), a ‘Sandwich Notrump’ is never strong, but I don’t like the terminology. The word ‘sandwich’ refers to entering the auction between two bidding opponents—just as sandwich material is between two slices of bread. How should one play this ‘sandwich-position’ notrump overcall? Some play it as a weak takeout, others as strong and natural. Calling it ‘sandwich’ should refer only to the position—it shouldn’t refer to the meaning. So, this entire write-up is misguided in that everyone keeps referring to this particular 1NT as ‘sandwich’ without saying what they really mean. (I presume it was Alerted as a ‘weak takeout’; Alerting it as ‘sandwich’ misses the point). [Yes, it was Alerted as takeout.—*Ed.*]

“Anyway, we all know what happened. Basically, North took advantage of the UI. Bidding 3NT over a non-forcing 2♦ is ridiculous and surely can’t be allowed. I can live with 2NT or 3♦ (barely), but as that wouldn’t lead to 3NT, we clearly must change the result to +130 for N/S in a diamond partial. (I’d love to make South misguess the spades for +110, but I suppose that would be going to far.) I presume someone asked if this pair uses transfers after natural 1NT overcalls and was told ‘No.’

“On to the merit: There is none (zero, nada). North’s 3NT call is an embarrassment to the game. The appeal is a joke. North’s post-ruling attitude is even more absurd and misguided.

“What was the one Committee member who was originally in favor of the appealing side possibly thinking of? More embarrassment. Ugh.”

 We’ll have more to say about that “transfer” issue in a bit. You want more? Can you handle more?

**Weinstein:** “There are several things that should have been done in this case, which I will attempt to enumerate.

1. Toss the Committee member initially in favor of deciding for the appellants off the National Appeals Committee.
2. Have the other two Committee members file a defamation suit for not indicating which member had temporary insanity.
3. Record North’s behavior to the Committee after the ruling was made.
4. Record North’s 3NT call.

5. Assign N/S a PP. The Director and the Committee. Piling on should be permitted.
6. Assign the AWMW that is deserved regardless of the unknown rogue Committee member.
7. File C&E charges against North for lying in front of the Committee when he stated, 'this was another example of a terrible decision.' Well, actually North wasn't lying. It was a terrible decision in a way. Just not in the way North meant."

**Kooijman:** "Interesting remarks, but I missed the AWMW. Oh, no, we threw that in the river already. Did anybody tell North that he had to expect  $\diamond J85432$  with just small cards in the other suits? It is not the public airing of questionable rulings that undermines the authority of Committees, it is the questionable ruling itself. Strange remark indeed."

 I think Ton is being overly generous in thinking North can expect six diamonds from South. She could easily hold five of them and in some rare cases perhaps even four.

**Treadwell:** "A good decision by the Committee, but why no AWMW? North's jump to 3NT represented taking rather gross advantage of the UI from the Alert."

**Polisner:** "I would have adjusted the score to N/S +110, not +130, as there are 'at all likely' ways to make only nine tricks in diamonds. I would have also considered issuing a PP to North for blatant use of UI, but at least an AWMW."

 It is difficult to imagine North not playing East for the  $\spadesuit A$  after she opened the bidding when there are only 15 missing HCP between the E/W hands. Still, Jeff is on the right track as we'll see when we address the "transfer" issue.  
But first...

**Gerard:** "Wait, you can't make a fool of yourself by spouting nonsense on the Internet or in the Bulletin? My reaction to Internet or Bulletin hysteria is ask me if I care. Unfortunately, the publicity campaign is more influential than it should be. Even the Editor of the ACBL Bulletin has taken up the case against Appeals Committees. You think that doesn't feed into the frenzy?"

"I always tell the parties that they're free to discuss with their sycophants how terrible our decision is, but that any direct dialogue with the Committee ends when we deliver that decision. Proper procedure demands this—you don't get a shot at ex parte communications because we want the explanation of the decision to be reasoned rather than merely result-oriented. The case is over when the judge announces the verdict. So I don't mind that much that North here went ballistic over the decision, I mind that he directed his anger towards the Committee. If it were a standard part of every chairman's introductory statement that we will tell you the reasons for our ruling but we won't discuss it further, it would be easier to issue the kind of reprimand that was attempted here.

"The Committee's last comment was way out of line. Was the Chicago no-name Committee decision a 'questionable' one? Garozzo vs. McCallum? Shouldn't the write-up in each of those cases have convinced all but the most close-minded that the right result was reached? Who's to say whether a ruling is questionable? What reduces the educational impact of committee decisions is the inherent litigiousness of and relentless pursuit of self-interest by today's players. We can't be afraid to publicize controversial rulings since (a) they might be right and (b) they might have educational value even if they're wrong."

 Any further questions?  
Now for that "transfer" issue.

**Passell:** "Did the Committee or Director ever inquire whether or not they play transfers over strong notrump overcalls? Why wouldn't North bid 2♥ or 3♥?"

**Rigal:** "Were N/S playing transfers over INT overcalls? This should have been noted. If so, N/S might well have gone down somewhere rather than recording +130.

"Which Committee member would have voted the other way? I think we should be told. If he was convinced of the error of his ways then the path to an AWMW is clear. Frankly, I think N/S deserve one."

 Yes, if N/S played transfers after their INT overcalls (as most pairs do) they would probably also play them after a natural Sandwich Notrump. If South's 2♦ bid was a transfer, then North might bid either 2♥ or 3♥. Giving East about 11-12 HCP for her opening and West 4-6 HCP for his response, that still leaves South with as many as 7 HCP. Opposite as little as  $\spadesuit J10x$   $\heartsuit xxxxx$   $\diamond KJx$   $\clubsuit xx$  it would take a club lead to hold 4♥ to ten tricks if the  $\spadesuit Q$  was onside. Thus, a jump to 3♥ by North would not be out of the question. As 2♥ is cold and 3♥ goes down (unless East leads a low club at trick one) I would assign reciprocal 50s if N/S played transfers after INT overcalls. If not, then reciprocal 130s was right. (I assume the Committee assigned the latter.)

And now, another in our series of public service announcements...

**Wolff:** "While the Committee's decision was correct it again was because of CD. When people play conventions such as "Sandwich Notrump" they probably forget them 15-20% of the time. Why should their opponents and bridge in general be required to put up with it? What are we doing to lessen it? I think very little. Plus, Committees have ears that are too receptive. Let's require people to know their conventions by penalizing CD out of existence in the high-level game."

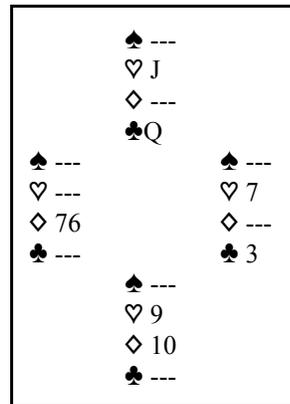
## CASE EIGHT

**Subject (UI):** A Guide For the (Brain) Dead?

**Event:** Stratified Open Pairs, 08 Mar 02, Second Session

Bd: 9           ♠ A92 Dlr: North   ♥ AJ42 Vul: E/W     ♦ 983 ♣ Q102 ♠ 1054                   ♠ K873 ♥ 3                       ♥ K876 ♦ J7654                   ♦ Q ♣ KJ97                   ♣ A643 ♠ QJ6 ♥ Q1095 ♦ AK102 ♣ 85	♠ --- ♥ J ♦ --- ♣ Q ♠ ---                   ♠ --- ♥ ---                   ♥ 7 ♦ 76                   ♦ --- ♣ ---                   ♣ 3 ♠ --- ♥ 9 ♦ 10 ♣ ---												
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">West</th> <th style="width: 25%;">North</th> <th style="width: 25%;">East</th> <th style="width: 25%;">South</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Pass</td> <td style="text-align: center;">Pass</td> <td style="text-align: center;">1♣</td> <td style="text-align: center;">Dbl</td> </tr> <tr> <td style="text-align: center;">Pass</td> <td style="text-align: center;">2♥</td> <td style="text-align: center;">All Pass</td> <td></td> </tr> </tbody> </table>	West	North	East	South	Pass	Pass	1♣	Dbl	Pass	2♥	All Pass		
West	North	East	South										
Pass	Pass	1♣	Dbl										
Pass	2♥	All Pass											

**The Facts:** 2♥ made two, +110 for N/S. The opening lead was the ♦Q. The play went: ♦Q to dummy's ace; ♥Q ducked around; ♥10 to East's king (West pitching a diamond); heart to North's ace; ♦9 to dummy's king (East pitching a spade); ♠Q ducked around; ♠J to East's king; spade to North's ace; diamond to West's jack; club to East's ace; club to West's king; ♦7 (see the diagram below).



While North deliberated, after detaching the ♣Q from his hand but before playing or facing it, South said “You can’t go wrong here.” The Director was called as North was returning the ♣Q to his hand and taking out the ♥J. The Director cautioned South about his remark; South apologized, saying he had spoken out of impatience and not with the intent of helping his partner. The Director ruled that South’s comment could be construed as suggesting a line of play (South was a top professional playing with a client) and changed the result to 2♥ down one, +50 for E/W. No PP was assessed against South (although one was considered) because the score had been adjusted (under Law 16A).

**The Appeal:** N/S appealed the Director’s ruling. North did not attend the hearing. South agreed that at trick twelve, while it was his partner’s turn to play, he had said either “It doesn’t matter what you play” or “You can’t go wrong.” He thought his partner held both of the remaining hearts (since East had not returned one earlier) but he also realized that he must have the ♣Q (he admittedly wasn’t paying full attention). He said North had been thinking for 6 seconds before he spoke and had been very slow. He thought his remark was more likely to cause North to play the ♣Q, if anything. E/W both estimated that 6-8 seconds had elapsed between West’s play of the ♦7 and South’s remark. East said that after South’s comment, North first detached the ♣Q, holding it so that only she (East) could see it, and then played the ♥J, at which point play ended.

**The Panel Decision:** The Panel needed to determine whether South’s remark might have aided North in making the winning play of the ♥J. In the absence of any statement from North, the Panel speculated on what he might have been considering but had difficulty in constructing scenarios where South’s remark would help North with his decision. In any case, the Panel consulted a number of players as to whether South’s remark could have aided or hindered North in choosing the winning play in the two-card ending. An expert player thought the comment could

have trapped declarer (North) into making the *losing* play (the ♣Q). One Flight B player also thought the comment might have caused North to do the wrong thing if he was “brain dead.” None of the other players consulted thought the comment suggested the winning play either, but most expressed the opinion that dummy should be punished for his indiscretion. Based on this input, the Panel concluded that, while South’s comment was improper (Laws 43A1(c) and 73B1), it did not “demonstrably suggest from among LA actions” the play North chose. Thus, the table result was allowed to stand. Given that the DIC considered a PP against N/S, they were assessed a 1/4-board PP for South’s inappropriate comment that could have caused damage.

**DIC of Event:** Su Doe

**Panel:** Matt Smith (Reviewer), Mike Flader, Patty Holmes, Ken van Cleve

**Players consulted:** Steve Landen, a Flight B player, several other players

**Directors’ Ruling:** 79.6

**Panel’s Decision:** 60.0

✍ I fail to see how whether the DIC considered a PP was relevant to the Panel’s decision to issue one. Either N/S deserved one or they didn’t, regardless of whether the DIC considered it. In fact, I can see arguing the reverse: if the DIC considered a PP and rejected it, perhaps there is a good reason for not issuing one whereas if he didn’t even consider it, then perhaps he overlooked the possibility or was too timid to issue it and the matter should be reconsidered. In this case I agree that N/S (South) deserved the PP and wonder about the decision not to issue one.

As for the Panel’s decision not to adjust the score, I agree with the consultants that South’s comment did not suggest the right play. If anything it seems to indicate impatience. In essence South was saying, “Play something—*anything!*” Thus, I agree with and applaud the Panel’s decision not to adjust the score. (It would have been easy to be incensed by South’s comment, lump the two issues together, and “throw the book at him” by issuing a PP and adjusting the score.)

Unfortunately, that’s the approach the first group of panelists has adopted. We start with what gives the appearance of being a case study in blind rage.

**L. Cohen:** “Outrageous! South should clearly be penalized (especially a pro playing with a client). That’s easy. Also, the result should be down one. Obviously, North didn’t know what was going on. Who saw this detached ♣Q, by the way? It seems just East, but if South saw it, surely his comment is even worse. Anyway, it seems to me that North was about to make the wrong play and South somehow got him to make the right play. Maybe I’m not following the letter of the law, but I don’t care; after South’s totally inappropriate remark, I’d never allow North to find the right play.”

✍ The next two panelists appear angry and indiscriminating.

**Bramley:** “Apples and oranges. We’ve seen this maneuvering before. The Panel should not use the PP to make things ‘come out right.’ Either South deserves a PP or he doesn’t, independent of the remainder of the decision. I would have adjusted the result to 2♥ down one *and* given South a PP.

“None of us, neither the Panel nor the expert consultant nor the Flight B consultants, can really divine the thought processes of a player who doesn’t know enough to claim in the two-card ending. What we can divine is that South’s comment *may* have influenced declarer in the winning direction. Therefore, N/S get the worst of it, down one. South, who should have known to keep his mouth shut, gets a PP. Furthermore, South, who should have known not to pursue a lost cause, should also have gotten an AWMW. This was a weak performance for a supposed ‘top’ professional.

“Since the table Director got the ruling right I can tolerate his omission of the PP. However, the Panel decision, which looks about the same, is really quite poor.”

**Weinstein:** “This is similar to CASE TWENTY-SEVEN. When dummy pipes in, it should be considered a claim with the stricter criteria applying, at least for the offenders. I have no sympathy for considering suggested or not suggested. Do what you will for the non-offenders, but give N/S –50.”

✍ Other similar reactions...

**Kooijman:** “An interesting set of rulings from Houston. I disagree once more. The wording ‘from among LA actions’ in the laws is confusing, as is the definition of ‘normal.’ In fact the players themselves decide what ‘logical’ and ‘normal’ is. And when North in this case considers to play the ♣Q, that is among the normal choices from his side. Saying it in other words, we do not expect a player to play abnormal as long as he has to make a decision, but once he considers an abnormal choice, we have to accept that as a fact of life. Turning to this case, when South had made this remark before North had taken any card out of his hand [Sorry, Ton, but the write-up says South made his comment *after* North detached the ♣Q from his hand but before he played it or South saw it.—*Ed.*], we had expected North to play the ♥J, still awarding a PP. But once he did consider to play the ♣Q by producing it, it becomes a LA for this player and how can we accept the play of the ♥J in that case? So I support the ruling by the Director, but not his waving of a penalty. The adjusted score is indicated for equity reasons, the penalty should help to educate this professional.”

**Polisner:** “I strongly disagree with the Panel as the facts, as presented, reflect that North was about to play the wrong card and retracted it only after South’s outrageous comment. I would have adjusted the score to –50, issued a PP, and referred South to a disciplining Committee. Too bad this wasn’t an NABC+ event so that South’s name would be known.”

✍ We know...but we aren’t telling.

**Rigal:** “Correct Director ruling (assuming that a combination of PP and adjustment is inappropriate—see below). I can live with the Panel decision, but my impression is that North might have gone wrong without the comment, and that I’d rule against N/S (though maybe E/W might not get the benefit). Bitter experience has taught me that there are no mistakes that cannot be made in two-card endings (I’ve played with an International who misplayed a two-card ending when he had two cards in the suit led and was fourth to play to the trick) so I’d rule the other way, *and* give the PP, although possibly a less severe one.”

✍ And now for the voices of reason, dripping with disgust with South’s comment.

**Gerard:** “I’d desperately like to analogize this to Blackwood Recount cases, but here the UI did not suggest a reconsideration. If it did, the fact that North switched from apparently being ready to make the losing play to finding the winning play would have been enough evidence that North chose a LA demonstrably suggested by the UI. For example, if South had said ‘Take your time,’ North must go down one. Unfortunately, the primary meaning of South’s intervention was ‘Hurry up, don’t think about it.’ Hard to tie that to the winning play.

“Now if you’re looking for a reason to invoke Law 16, how about this? What if North’s previous experience with his pro’s analytical ability led him to doubt the content of South’s suggestion? I would have asked, if only to embarrass the pro. In that case, North would have undergone a reevaluation, similar to the Blackwood Recounts. Short of that scrumptious irony, I support the Panel’s decision.”

**Passell:** “Excellent work by the Panel. South’s comment made it even more random.”

**Treadwell:** “It is particularly inappropriate for a top professional to make a comment of this sort when dummy. Hence, it was in order to assess a PP.”

✍ We close with an anecdote from our last Panel supporter which, as far as I can tell, has nothing to do with this case—but it’s great fun, anyhow.

**Wolff:** “‘Purr-fect,’ as Cat Woman might say. Patience is difficult, but still a virtue, particularly if one is a cat playing with a mouse or a pro playing with a sponsor. ‘Me Ow’ must have cried South. It reminds me of Jane Fonda, many years ago, appearing on Johnny Carson’s Tonight show. She sat down with a Siamese on her lap and asked Johnny if he would like to pet her pussy. He spontaneously replied he’d be glad to if she would only get rid of the cat.”

CASE NINE

**Subject (UI):** The Smoke From His Unlit Cigar Got In His Eyes  
**Event:** NABC Open Pairs I, 09 Mar 02, First Final Session

Bd: 9	David Rosenberg		
Dlr: North	♠ K10975		
Vul: E/W	♥ Q86		
	♦ 7		
	♣ QJ76		
John Potter	Simon Kantor		
♠ 32	♠ A84		
♥ 95	♥ AK42		
♦ K85432	♦ AQ106		
♣ 932	♣ 105		
	Allen Kahn		
	♠ QJ6		
	♥ J1073		
	♦ J9		
	♣ AK84		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	1NT	Pass
2♠(1)	Dbl	2NT	All Pass
(1) Announced; explained as a transfer to clubs			

**The Facts:** 2NT made three, +150 for E/W. The opening lead was the ♠Q. The Director was called after the opening lead. West said he pulled the wrong card from the bid box (he had intended to bid 2NT: a transfer to diamonds) and that there was no agreement about East's 2NT bid. Later he added that without the double 2NT would have meant that East didn't like clubs. The Director ruled that UI was present and West was not allowed to be reminded of his error by the Alert procedure. The contract was changed to 5♦ down one, +100 for N/S.

**The Appeal:** E/W appealed the Director's ruling. East did not attend the hearing. West stated that his prime motivation in appealing was to protect the field. He had not realized that he could correct an accidental misbid before his partner called. He said that he had intended to bid 2NT and had pulled the wrong bid card. The E/W pair had previously played together for only one session. Their

CC indicated that 2♠ showed clubs and 2NT showed diamonds. No continuations had been discussed. West said that in one of his five regular partnerships 2♠ was a get-out in either minor (after a forced 2NT bid, 3♣/♦ would be to play). E/W had no agreement as to what responder's 3♣/♦ bids meant after Stayman.

**The Committee Decision:** The Committee had to decide whether: (1) West intended to bid 2NT as a transfer to diamonds, in which case East's explanation was UI but his 2NT bid was AI that West had not bid 2NT himself (in which case he could do as he liked since the AI was redundant with the UI and did not taint his next action); or (2) West intended to bid 2♠ to get out in 3♦ over 2NT, having forgotten his system (in which case he would be compelled to bid 3♦). If (2) applied, East would either treat his partner as four-five in the minors, in which case -100 would be the very best E/W could do, or he would play his partner to be one-six in the minors, in which case E/W might play 3NT or somewhere higher and again -100 would be a sensible outcome for E/W. The Committee determined that there was no evidence that West had forgotten his system and on that basis he was free to guess well over 2NT. Accordingly, the table result of 2NT made three, +150 for E/W, was allowed to stand.

**DIC of Event:** Henry Cukoff  
**Committee:** Barry Rigal (chair), Bob Gookin, Abby Heitner, Jeff Meckstroth, Dave Treadwell

**Directors' Ruling: 70.5**      **Committee's Decision: 70.0**

✍ I vote for (1), as did the Committee. I do not believe West forgot a method he played in all of his regular partnerships with one exception and instead used the method from the one. It seems far more likely to me that he simply pulled the wrong bid card and did not know he could correct it. He was entitled to the AI from the auction that he did not bid 2NT himself (after all, his partner bid it) so I would have allowed the table result to stand.

Also agreeing with the Committee's decision...

**Bramley:** "I agree. Seeing partner make the bid you thought you had made yourself is significant AI. Not all errors get punished, even with the help of a Committee. However, the Director's ruling was also good. The originality of West's argument made it reasonable to force him to be the appellant."

**Brissman:** "I can't imagine the logic that the Director used to propel E/W to 5♦."

**Passell:** "Why would 3♦ be natural if he now bid it? And if it was and showed six-four in the minors, why would 6♦ or 7♦ be cold? When is West allowed to wake up? At least E/W should get a PP."

✍ Perhaps they should: each has appeared a number of times in these pages for problems he created by not knowing or forgetting his methods. Speaking of forgetting methods...

**Wolff:** "All of this convoluted reasoning made necessary because of CD. When the Committee says there is no evidence that West had forgotten his system what about East's bid? [I think the Committee was arguing plausibility here, not logic.—Ed.] He claimed that he pulled the wrong bid card, but what if he had forgotten his system? And what about South not bidding 3♠? Maybe he was waiting for West to declare what he was doing before he acted. In any event, when CD comes calling bridge is out the window. Why do we do nothing about it? I don't particularly dislike the ruling. I just wish the CD disease would stop."

✍ Why would South wait? To give E/W more room to exchange information? West didn't guarantee a good hand for his transfer, so it could have been N/S's hand. Sorry, but if South chooses to wait he risks being left in the waiting room. West was entitled to use his partner's dislike of clubs to pass 2NT. After all, he was certainly taking a risk with his ♣xxx opposite a potential (and actual) ♣xx. East didn't need to hold 17 prime HCP to help 2NT make. N/S might easily have run off five or six clubs to start and then added a few more tricks on the side while all the while 3♦ or even 4♦ was cold. That was all rub-of-the-green.

**Kooijman:** "Strange facts. What was West doing? We have to accept a mistake, but the explanation about 2NT? And the pass thereafter? But I agree with the Committee that no UI was used. Which does not necessarily mean that the right explanation was given. Should we believe the CC or could we say that a pair that uses this convention without even discussing the meaning of 2NT (it sounds silly to me to mean that declarer doesn't like clubs, but I shut up when this is played in the ACBL) doesn't have a clear agreement? This question is important because the answer could lead to MI, after which we have to consider the possibility of an alternative lead by South. Let me be friendly this time."

✍ The "in-between" bid after a minor-suit transfer auction can be used to either deny or confirm a fit (liking) for the transferred-to suit. And there is logic to playing it either way. For example, responder can use the method played by E/W here to get out in a minor if he is weak with one or both of them: With both minors he transfers to diamonds (2NT) and passes opener's rebid (if opener dislikes diamonds he will fit clubs better); with a diamond one-suiter he transfers to diamonds and passes or

converts 3♣ to 3♦; with a club one-suiter he transfers to clubs (2♠) and passes or converts 2NT to 3♣. And E/W did say they discussed the meaning of 2NT with no intervention, but not over a double. But this hardly seems negligent, as the next panelist points out.

**Polisner:** “In a new partnership, E/W should not be required to have agreements about such an auction, i.e., whether 2NT after 2♠ doubled likes or dislikes clubs. However, UI was present and requires West to bid 3♦. What would happen after that is unclear. It doesn’t make any difference whether West forgot his system or pulled the wrong card. What is clear is that the Alert could have awakened him to the problem and passing to 2NT would at least avoid a possible high-level contract which rated to be a disaster. I would have awarded Avg + / Avg – as I cannot determine the likely result absent the UI even though I would prefer to determine a likely result.”

☞ If we accept that the auction (which is AI to everyone) provided inescapable evidence to West that he pulled the wrong bid card, then we must also accept that he is entitled to know (from that source) that East thinks he has clubs, not diamonds. Thus, he knows that 3♦ will not be interpreted as a natural signoff; it will be taken as a good hand with clubs and either secondary diamonds or diamond shortness, depending on E/W’s agreement. Thus, West may gamble and bail out by passing 2NT to avoid further problems. He is not using the UI from his partner’s Alert but rather the AI from the auction. As Bart said, “Not all errors get punished.”

**L. Cohen:** “I’m with the Director, not the Committee. The Committee says there is ‘no evidence that West had forgotten his system.’ I say there is ‘no evidence that West remembered his system.’ I don’t see that this should be different than any other guidelines we use; we should find in favor of the non-offending side. The Committee did well to specify the two options. I just would have selected their (2). West even admitted that he sometimes uses 2♠ to get out in 3♦. Here, how do we know he didn’t mean 2♠ as such, and then had to scramble when his partner explained it differently? We don’t, so we rule against him.

“Closing note: ‘I am appealing to protect the field’ is a buzz-phrase (read that as ‘I’ve become cynical and wary.’)”

☞ If West admitted that 20 years ago he played 2♠ as natural with a partner he only played with once, but has played it as showing clubs with every partner since, would we still judge that he forgot his system? The Committee made a judgment based on plausibility/likeness (as the next panelist attests) and to my delicate sensibilities their judgment appears correct.

Not so (in retrospect) says...

**Rigal:** “The Director ruling is a reasonable one; deciding against the offenders when in doubt seems right. As to the Committee decision, I reconsidered my vote the next day. I think I wrongly assumed that because West only played 2♠ as a minor-suit get-out in one of his partnerships it was relatively unlikely that he had forgotten his methods, as opposed to pulling a wrong bid. I should have recalled that my frequency of forgetting system is far higher than my pulling the wrong bid.

“The quantum of the minus score to E/W is tough to estimate; –100 is as reasonable as anything else (better than Average-Minus anyway).”

☞ It’s all a matter of judgment, and Barry, Larry and their supporters could certainly be right. But my sense is that West simply mis-pulled his bid card. That’s consistent with their CC and even Deep Throat thinks the Directors’ ruling flies in the face of the available evidence. Oh, well.

That PP is beginning to look better and better.

**Subject (UI):** That Kind Of Advice Is Worth What You Paid For It  
**Event:** NABC Open Pairs I, 09 Mar 02, First Final Session

Bd: 22	Gloria Brown		
Dlr: East	♠ 654		
Vul: E/W	♥ AQ952		
	♦ 108		
	♣ J54		
Becky Rogers	Jon Brissman		
♠ J1097	♠		
	AKQ8		
♥ J63	♥ K1087		
♦ 7632	♦ K94		
♣ 82	♣ AK		
	Rhoda Prager		
	♠ 32		
	♥ 4		
	♦ AQJ5		
	♣ Q109763		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		2♣	Dbl(1)
Rdbl(2)	2♥	Dbl	3♣
Pass	Pass	Dbl	All Pass
		(1) Explained on inquiry as majors	
		(2) Bad hand	

**The Facts:** 3♣ doubled made three, +470 for N/S. The Director was called after the hand. N/S’s actual agreement was that the double of 2♣ showed clubs. The Director ruled that passing 2♥ doubled was an LA for South an that bidding 3♣ could have been suggested by the UI. The contract was changed to 2♥ doubled down two, +300 for E/W.

**The Appeal:** N/S appealed the Director’s ruling and were the only players to attend the hearing. North thought her partnership was using the same defense as over a strong 1♣, in which a double would show the majors. South defended her 3♣ bid by saying that 2♥ implied club support and that her double was lead directing rather than length showing. Upon questioning, South admitted that with club support North could retreat to 3♣ herself rather than relying on South to do so.

**The Committee Decision:** The Committee found that South had UI which demonstrably suggested her 3♣ bid. They determined that pass was an LA because North was still to

speak. They did not consider South’s options if East had passed. The contract was changed to 2♥ doubled down two, +300 for E/W. In discussing the merits of the appeal, the Committee learned that the table Director had encouraged them to appeal and that N/S had later approached the Screening Director offering to withdraw their appeal if he thought it lacked merit. The Screening Director had replied, “I don’t think you have a case but I’ve been wrong before.” Since the table Director encouraged N/S to appeal, they had clearly been reluctant to pursue the appeal, and the Screening Director had hedged his advice in a way that they thought lent (a little) support to their appeal, it was decided not to issue an AWMW.

**DIC of Event:** Henry Cukoff  
**Committee:** Bart Bramley (chair), Chris Compton, Jon Wittes

**Directors’ Ruling: 92.4**      **Committee’s Decision: 90.5**

☞ It was clearly right to change the contract to 2♥ doubled since South’s 3♣ bid could easily have been influenced by the UI from North’s explanation. Against that contract East would clearly have led a spade honor on which West would drop the jack. Most defenses after that will see North lose eight tricks (see Ron’s, Larry’s and Barry’s analyses below) for down three, +500 for E/W. Why the Director chose to assign down only two is puzzling. Few East defenders would fail to underlead on the second or third round of spades and even fewer declarers would find either

of the double-dummy winning plays (pitching a club from dummy on the third spade, allowing East to hold the trick, and ruffing the fourth spade in hand with the ♠5 so as to later be able underruff dummy's ♠4) to hold the result to down two.

And now, the rest of the story.

When I arrived at the appeals area on this particular evening I ran into N/S in the hallway while their case was being deliberated. They told me the facts, pleading that they wished to withdraw the appeal if I thought it was meritless. They said they had been encouraged to pursue the appeal by the Screening Director. I was skeptical but asked them to wait while I joined the Committee (who had just begun discussing the case's merits). When no mention was made of the Screening Director's advice or of N/S's active desire to withdraw the appeal I then told the Committee what N/S had told me in the hall. They re-interviewed the players, spoke to the Screening Director, and as a result concluded that had anyone offered N/S a clearer opinion of the tenuous nature of their appeal they would have been happy to withdraw it. Thus, appropriately no AWMW was issued.

The Committee chair reiterates the screening problem.

**Bramley:** "This case highlights a flaw in the screening process. Screeners routinely hedge their opinions, because they fear being held accountable for bad advice. Of course anyone with a poor case could likely make the same argument as these appellants about the evasiveness of the screener's recommendation.

"Do we have any figures on the percentage of cases that don't survive screening? If screening eliminates, say, half of the appeals without merit then I suppose we can applaud the screeners' tact rather than criticize their wishy-washiness. But if they eliminate, say, only 10% of the bad appeals, then we must ask them to be less diplomatic and more forceful. A screen with holes lets in too many flies."

✍ The next three panelists point out the flaws in the bridge analysis.

**Gerard:** "No, it should have been down three for +500. There were only about six ways for this to happen, so although I understand the Director's mis-analyzing the play the Committee had no excuse. Even if East doesn't underlead the second round of spades, two clubs and three spades force declarer to ruff in dummy, losing the third diamond, or pitch from dummy, letting East switch to a diamond (not continue spades)."

**L. Cohen:** "Right idea but faulty bridge analysis. Clearly South can't run and North should have to play 2♥ doubled. But why down only two? Reasonable defense (on East' high spade, West signals with the jack, getting a spade underlead for West to lead a trump) holds declarer to five tricks. (The defense takes five black tricks [not if North rises with the ♥A—*Ed.*] and three trump tricks.) As to the merit, what were the Director and screener smoking? Please, have them read the casebooks so they can recognize the lack of merit in such a blatant situation."

**Rigal:** "A likely defense to 2♥ sees the defense cash two clubs and two spades, then lead a third spade. Declarer is locked in dummy and is likely to lead a third club, letting West ruff low as East pitches a spade. Now a fourth spade produces 500.

"This is a clear-cut AWMW and if we can't give one to the N/S pair (I would) then I'd give one to the Screening Director. He should be told of the problem his equivocation presented."

✍ One panelist objects to the table Director suggesting that N/S should appeal.

**Passell:** "The Director should only inform players of their rights—not tell them they are unsure of their ruling."

✍ In theory Mike is right. But given the poor analysis of the play in 2♥ doubled perhaps such advice is still appropriate for table rulings involving bridge judgment. The next two panelists missed the problem with the score assignment.

**Polisner:** "Excellent work by all."

**Wolff:** "A satisfactory ending to a routine matter."

✍ Routine? Hardly.

Our final panelist votes to allow South's 3♣ bid, recognizing that he is likely to be alone in his decision. He's right about being alone.

**Kooijman:** "In this case we probably split in hardliners and softies. I am in the latter when these cases are involved. This means that I would have allowed 3♣ by South. She never wanted to play anything other than three of a minor. And 2♥ was doubled, meaning that East really has good hearts. But no severe objections; it is a good example of the need to come to more common approaches. And if I stay alone in this case I really have to adjust my view when ruling in the USA."

✍ I can understand Ton's idea that certain South players would never dream of playing anything other than three of a minor and would have been sure that East's double of 2♥ showed really good hearts. But did it? What if East has a strong, balanced hand with four moderate hearts (like he has)? Can't North hold ♠xx ♥AQJ9xxx ♦xxx ♣x? Now 2♥ doubled is cold (assuming the diamond finesse is on) and 3♣ goes for a number. And surely in NABC+ events offenders shouldn't get to plead "I always intended to play three of a minor"—at least not successfully.

Sorry, but 2♥ doubled down three, +500 for E/W, is by all accounts the proper score adjustment for both sides.

CASE ELEVEN

**Subject (UI):** Now About Those Hybrid Clubs...  
**Event:** Vanderbilt, 10 Mar 02, First Round (79 teams)

Bd: 23	Ata Aydin		
Dlr: South	♠	9874	
Vul: Both	♥	QJ10965	
	♦	J3	
	♣	A	
Magnus Lindquist	Peter Fredin		
♠	K52	♠	AQJ6
♥	AK83	♥	4
♦	Q6	♦	10875
♣	KQJ5	♣	10962
	Gokhan Yilmaz		
	♠	103	
	♥	72	
	♦	AK942	
	♣	8743	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			Pass
1♣(1)	2♥(2)	Pass	2♠
2NT	Pass	3NT	All Pass
(1) Alerted; strong or natural (usually a weak notrump)			
(2) Explained as spades or the minors			

**The Facts:** 3NT made three, +600 for E/W. The opening lead was the ♥Q. The Director was called after the play. N/S used different methods over 1♣ depending on whether it was strong and artificial or natural. 2♥ was weak over a natural 1♣ but was as explained over a Strong Club. The Director ruled that North had UI from South's Alert of 2♥, that raising South's "natural" 2♠ bid to 3♠ at his second turn was an LA, and that East would have doubled. The contract was changed to 3♠ doubled down five (with a spade lead), +1400 for E/W.

**The Appeal:** N/S appealed the Director's ruling. In addition to the players, Billy Miller attended the hearing as the E/W team captain's designee. N/S contended that bidding 3♠ was not clear after West had shown a strong (17+ HCP) balanced hand with 2NT; South, being a passed hand, was unlikely to hold long, strong spades. They also believed that, even if the 3♠ raise was imposed, down five was not a clear result. North agreed that South could have long, weak spades and

that behind screens he might have bid 3♠. However, he said that he obviously would not do so after the misunderstanding. In N/S's system they would open most hands with six good spades a Multi 2♦ and two-suiters with spades and a minor would likely be opened 2♠.

**The Committee Decision:** The Committee determined that bidding 3♠ was an LA for North. The Committee debated at some length whether it was clear that a double of 3♠ by East would be penalty, but eventually accepted E/W's statements (with corroboration from a Committee member) that they would play this double as penalty. The defense was then discussed and three results were considered. Down four after the lead of the ♣K (declarer can win the first five tricks) was not considered "the most favorable result that was likely" for the non-offending side. However, down five after a trump lead or a high heart followed by a trump shift did meet that standard. Down six was considered possible but not "at all probable" for the offending side. Therefore, the Committee changed the contract to 3♠ doubled down five, +1400 for E/W. Some members of the Committee were not comfortable that the laws required imposing an unclear bid followed by a more successful defense that combined to create a huge windfall result for the non-offenders. The Committee requested that the proper authorities review this circumstance.

**DIC of Event:** Henry Cukoff  
**Committee:** Henry Bethe (chair), Mark Bartusek, Dick Budd, Bob Hamman, P.O.

Sundelin

**Directors' Ruling: 85.8**      **Committee's Decision: 83.7**

☞ West's 1♣ is one of those nebulous club openings (Swedish, Polish, etc.) that have become so common at our NABCs in recent years. Using these methods 1♣ can be opened with any of several hand types including: balanced hands in the weak notrump range, natural 1♣ openings, strong balanced hands with 18+ HCP, or any game force. (Some practitioners use a 2♣ or 2♦ opening to show 18-19 balanced.) If we presume the 1♣ opening was properly pre-Alerted (as we must) N/S appear not to have to discussed whether they treat it as natural or strong and artificial for the purpose of defending it. Apparently South treated it as artificial while North bid as if it was natural. So North had UI from South's explanation.

Next, what should North make of South's passed-hand 2♠ bid? If South held ♠J10xxxx ♥x ♦Axx ♣xxx (not good enough spades for a Multi 2♦ opening and not a spade-minor two-suiter) 3♠ might make on less-than-perfect defense and would likely not be down more than one (barring a three-zero spade split). Not a bad save against a likely E/W game. So a 3♠ bid by North was clearly an LA.

Finally, what would have happened in 3♠ doubled? After the lead of a trump or a high heart followed by a trump the defense can hold South to three tricks (down six) by drawing four rounds of trumps and knocking out dummy's ♣A. West must unblock a club honor (easy enough if East leads the ♠10 after drawing trump) so that East can obtain the lead later to put a diamond through. Is this "likely" or even "at all probable"? The Committee judged not and I'm not one to question *this* Committee's judgment on the matter. If E/W fail to unblock the clubs (possible) then down five is likely, while if they fail to draw trumps before losing the lead (unlikely) declarer can easily manage the first five tricks for down four. Thus, I agree with the Committee's adjustment to 3♠ doubled down five, +1400 for E/W.

Several panelists are not happy with this decision but accept it nonetheless.

**L. Cohen:** "Ouch! But, I can live with it all. I'd have more sympathy for N/S if this were a two-board round at pairs, rather than a knockout match where N/S should have discussed what they were doing over this 1♣ opening."

**Gerard:** "Get over it. Behind screens, N/S would have been -1400. It's easy to achieve down six looking at all the hands—East switches to the ten or a non-count deuce of clubs after four rounds of trumps—but it's tempting for the defenders to hold on to their sure winners. As for the 'more successful' defense, all of 2 imps were at stake on the difference between down four and down five, even though the latter was obvious."

**Treadwell:** "At first glance the penalty for N/S seemed a bit severe, but then, after all, this was the Vanderbilt and presumably basic systemic methods were discussed before the session began. N/S, therefore, should have been quite aware of what they were doing, and their agreement slip-up did create UI which North may have taken advantage of. Hence, I agree, albeit somewhat reluctantly, with the decision."

**Kooijman:** "If North himself, whom I know very well, tells the Committee that he might have bid 3♠ there is not much to decide anymore, is it? And if the Committee is convinced that the double by East is for penalties, which sounds quite possible to me, then there is even less to decide. I am interested in the suggestions to alter the laws of these 'some members.' If 1400 is a realistic outcome the decision is okay. If it isn't the Committee did a bad job. Not much to do with regard to the laws, in my opinion. Life can be tough."

☞ I see nothing in this case to suggest altering the laws. Those who consider 1400 a windfall for E/W and balk at assigning it are whistling in the wind. As Ron points out, that would have been the result behind screens (had North not known that

South thought he had spades) and thus it was simply *equity* on the board for E/W once N/S had their misunderstanding. It is *not* a windfall.

**Wolff:** “Let the punishment fit the crime. I would let the result stand. It was a maximum result for E/W but they wanted their hybrid system to give them a ‘windfall.’ What did they do to deserve it? I think we should have some shared responsibility when the complications of one system tend to contribute to the opponent’s CD. Not that the less guilty party should suffer, but they shouldn’t receive a ‘windfall.’ After all, humans play bridge. Why shouldn’t we deal with contributory negligence?”

✍ Good grief! How did N/S deserve to keep the table result? North had four-card support for his partner in a respectable six-four hand and failed to make a “normal” raise due to UI. If we let N/S keep the table result we might as well trash Law 16 and authorize *all* sources of information.

N/S’s failure to discuss their defense to E/W’s 1♣ opening in an extended KO match was negligent. E/W were not engaging in some form of germ warfare here; their 1♣ opening was not so unlike a Standard American short club. 1♣ was either clubs, a minimum balanced hand, a balanced hand too good for a strong notrump (a 2NT jump rebid), or (and here’s the only difference) a game-forcing strong two bid. N/S’s misunderstanding slated them for –1400 until UI reared its ugly face.

As a man who played a Strong Club system for several decades it boggles my mind that Wolffie thinks that E/W’s “hybrid” system has fewer rights than natural systems and must shoulder the responsibility for the opponents’ negligence.

Many different bidding systems are legal in the ACBL, and even more leeway to play non-standard methods is given in our major team events. Those who choose to play in those events must be prepared to play against such methods—not that E/W’s 1♣ opening was all that unfamiliar since the Swedish Club and its variations have been around for many years now. How can a many-time National and World champion suggest that Standard American players be advantaged over those playing other systems by making the latter responsible for their opponents’ negligence? I’d be embarrassed to voice such a view even in private.

Apparently Wolffie isn’t the only one who doesn’t get it...

**Passell:** “Don’t like this a bit. If this is just, let’s make some changes. North was too honest for his own good.”

✍ Translation: “I play Standard and I shouldn’t have to deal with anything else.” How provincial. We take pride in the multi-national fields that have been drawn in increasing numbers to our NABCs, and yet we would deny these foreign players the right to play their systems even when they are legal by our own standards? Now I’m really getting embarrassed.

**Rigal:** “While the offenders might get landed with –1400 this seems too generous to E/W. The concept of a windfall is not unreasonable. I am simply not sure whether it needs to be applied here based on the different standards for offenders and non-offenders.”

✍ The concept of a windfall is not only inapplicable in the present case, it isn’t legal in *any* case. Each side is assigned an appropriate result under Law 12C2. If one of those results happens to be a big number such as 1400, then so be it. If that number is “likely” or “at all probable” then the size of the score is irrelevant. If the result meets the standard then it must be assigned. There is no provision in the laws for us to judge, “This is too generous for *them*.” The only questions we may legally ask as long as 12C3 is not legal in the ACBL—remember, I’ve been pleading for it to be made legal—are, “Is it ‘likely’” and “Is it ‘at all probable.’”

**Bramley:** “Did the Committee ever determine N/S’s real agreement? The E/W

system type is common throughout Europe, so N/S are very likely to have an agreement about how to treat the 1♣ opening. Anyway, South’s Alert is UI to North regardless of their agreement. But North’s argument, that he did not want to dance at the three level with a passed partner against a strong balanced hand, has considerable merit. North might also have argued that the 2♠ bid, an unusual and unlikely action, rather than the Alert, tipped him off that something was amiss.

“I would have given a split decision. I think that 3♣ doubled down five is not a likely enough result to bestow it on E/W. Rather, the table result of 3NT made three is by far the most likely result. Other possibilities include North competing in hearts rather than spades, down 500 or 800 depending on level. For N/S we cannot avoid –1400, the worst result that is at all probable. I don’t know whether half the baby would have been enough to swing the match to E/W, but they deserved no more.

“Decisions like this usually get cited as another reason to dump Committees, but this Committee duplicated the Director’s ruling. The fault, if there is one, lies with the laws themselves and with ACBL’s refusal to accept 12C3.”

✍ He’s wrong about the score E/W deserve (On what basis is down five in 2♠ doubled not likely enough? Even down six was not beyond E/W’s capabilities.) but he’s right on target about 12C3.

Back on track...

**Polisner:** “Since North admitted that he might bid 3♣ behind screens, he sunk his team’s ship; however, I really detest the circumstances by which this problem arose. If this had been a pair game, I’d feel strongly that N/S shouldn’t be put in a position of having a conventional understanding against a two-way bid such as this. But the fact that this was the Vanderbilt means that N/S should have clarified their methods against the common 1♣ opener. The result must be 1400.”

✍ Even in a pairs event (as long as it was played under the Mid-Chart) E/W’s club system would have been legal—although some of their “funny” two-level openings might not have been. It should not be beyond those who enter NABC+ events to play against “hybrid” club systems (Swedish, Polish, Italian, etc.) which have been around for many years, have been published in book form, have been discussed extensively in the literature, and whose individual elements are legal.

If you’re still not convinced, here’s the definitive word on the matter.

**Weinstein:** “North admitted that he took blatant advantage of the UI, even though his bidding was pretty strong evidence in any case. I have no sympathy for the protest, nor the Committee’s examination of whether E/W would have nailed 3♣. When a pair is as blatant as N/S here in flagrantly using UI, they deserve the worst possible result the Director or a Committee can reasonably conjure up. Since it was a KO, the opponents get the same ‘windfall.’ If some Committee members aren’t comfortable with the laws that impose a windfall, I suggest they stop thinking about it as a windfall and start thinking about it as justice. Had North bid 3♠ I would have had sympathy for determining more equitable adjustments. But here I might have assigned –1700 since North might well have bid 4♠. N/S should have been additionally assessed a PP at the table and/or in Committee.”

✍ I’m with Howard. How could a PP not have been assessed to N/S here? And what about an AWMW? North admitted having taken advantage of the UI when he said he might have bid 3♠ behind screens.

Off with their heads.

## CASE TWELVE

**Subject (UI):** Does Anyone Here Play Bridge?

**Event:** NABC Open Pairs II, 15 Mar 02, Second Final Session

Bd: 10      Peter Fredin Dlr: East   ♠ QJ862 Vul: Both   ♥ 9 ♦ AQ98 ♣ 943  Mike Moss                      Bill Pollack ♠ 10754                              ♠ 93 ♥ 1087642                          ♥ AK5 ♦ ---                                      ♦ J542 ♣ 765                                      ♣ AK108  Grace Jeklin ♠ AK ♥ QJ3 ♦ K10763 ♣ QJ2																									
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 12.5%;">West</th> <th style="width: 12.5%;">North</th> <th style="width: 12.5%;">East</th> <th style="width: 12.5%;">South</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td style="text-align: center;">1NT</td> <td style="text-align: center;">Dbl</td> </tr> <tr> <td style="text-align: center;">2♥(1)</td> <td style="text-align: center;">Pass</td> <td style="text-align: center;">2♠</td> <td style="text-align: center;">Pass</td> </tr> <tr> <td style="text-align: center;">Pass</td> <td style="text-align: center;">Dbl</td> <td style="text-align: center;">Pass</td> <td style="text-align: center;">Pass</td> </tr> <tr> <td style="text-align: center;">3♥</td> <td style="text-align: center;">Dbl</td> <td style="text-align: center;">All Pass</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: center;">(1) Announced; transfer</td> </tr> </tbody> </table>	West	North	East	South			1NT	Dbl	2♥(1)	Pass	2♠	Pass	Pass	Dbl	Pass	Pass	3♥	Dbl	All Pass		(1) Announced; transfer				
West	North	East	South																						
		1NT	Dbl																						
2♥(1)	Pass	2♠	Pass																						
Pass	Dbl	Pass	Pass																						
3♥	Dbl	All Pass																							
(1) Announced; transfer																									

**The Facts:** 3♥ doubled went down two, +500 for N/S. The opening lead was the ♥9. The Director was called at the end of the auction. E/W's agreement was that 2♥ was a transfer; West forgot. The Director ruled that passing 2♠ doubled was an LA for West. The contract was changed to 2♠ doubled down five, +1400 for N/S.

**The Appeal:** E/W appealed the Director's ruling. West admitted that he had forgotten his system, but believed he was entitled to run to 3♥ based on the logic of the auction. Although E/W occasionally opened 1NT with a five-card major, it would be illogical to bid a spade suit over a 2♥ signoff in a penalty situation. In addition, how could N/S be attempting to penalize them at the two level if they (E/W) had a nine-card spade fit? E/W had only discussed that 3♠ was a super-acceptance of a 2♥ transfer with no competition.

**The Committee Decision:** Although there clearly was UI from the transfer Announcement, the Committee believed that in a penalty run-out situation West had sufficient AI from the auction to be allowed to bid 3♥: The likelihood of East running to spades before being doubled in 2♥ was remote enough that they considered the 2♠ bid itself clear evidence of a bidding misunderstanding. As for N/S, the Committee believed that the damage to them was caused by North's inferior (reckless?) penalty double on the third round of the auction. An E/W bidding mishap was patently obvious from the auction and N/S were in full possession of the necessary facts. Therefore, the Committee allowed the table result of 3♥ doubled down two, +500 for N/S, to stand.

**DIC of Event:** Henry Cukoff

**Committee:** Mark Bartusek (chair), Ed Lazarus, Jim Linhart, Mike Passell, Jon Wittes

**Directors' Ruling: 55.0**

**Committee's Decision: 92.9**

Uh, excuse me but how do N/S get +1400 against 2♠ doubled? South cashes the ♠AK and then...hmm. Whatever South does next East eventually obtains two diamond ruffs using his ♣AK as entries (holding seven clubs and nine hearts it seems irrational for East to use his heart entries to ruff diamonds and get the second one ruffed) and later cashes his ♥A. That's down three, -800, not down five. So the table ruling was in error, even if we accept 2♠ doubled as the final contract.

But should we return the contract to 2♠ doubled?

If, as the Committee claimed, the 2♠ bid itself was clear evidence of a bidding misunderstanding why did West pass 2♠? Isn't that evidence that West used the UI from the Announcement? No, because the 2♠ bid also would have made it clear to West that if he ran back to 3♥ immediately East would think West had a good hand with both majors, which would get his side into even more trouble. So the only way West could let East know 2♥ was natural was to pass 2♠ and run to 3♥ later when (and if) he got doubled.

But what if East knew 2♥ was natural and bid 2♠ anyhow? (Remember, if West ignores the Announcement, as he should, this is a distinct possibility.) In that case 2♠ should be a superior contract making West's pass mandatory. But then, as E/W pointed out, how could N/S then attempt to penalize them at the two level in a nine-card fit? So North's double of 2♠ was again compelling AI to West to run.

So the Committee was correct to allow the table result to stand and there's only one more point left to be made about 3♥ doubled.

**Gerard:** "Sporting of West to go down two in a cold contract."

Yes, West can always score the ♥AK, four diamond ruffs in hand, the ♣AK, and either dummy's fourth club or third trump. The play goes: ♥A; diamond ruff; ♣A; diamond ruff; ♣K; diamond ruff; club to South. South can then lead a second trump to dummy's king but now the thirteenth club gives South his choice of losing options: ruff and allow declarer to score his remaining trumps separately or pitch and allow the club to score, after which a final diamond ruff is declarer's ninth.

**Bramley:** "Apparently North can always get +1400 from a Director just by asking. However, that was a weak ruling, set right by the Committee. If the Director had let the table result stand, an appeal by N/S would have been meritless."

**Treadwell:** "Good reasoning by the Committee in deciding the AI from the auction countermanded the UI from the announcement; hence the table result should stand. I suspect, but do not know, that N/S got almost as good a matchpoint result for +500 as they had for +1400."

I don't know what the actual results on this board looked like but N/S are cold for at least nine tricks in 3NT (+600) and if E/W don't cash both their ace-kings declarer will make one or two overtricks. Thus, +500 doesn't seem likely to score nearly as well as 1400—or even 800—would have.

**L. Cohen:** "I think West was entitled to figure out what happened from the auction, not the UI. Note that this is different from the family of auctions that involve a response to 1NT of 2♠ or 2NT—where there are many different unfamiliar systems to which the UI could draw attention. Responses of 2♦ and 2♥ to 1NT that are followed by the notrump's next step already raise a red flag. It's not quite the same, but imagine 1NT by partner, 4♥ by you, intended to play, 4♠ by partner. Do you really need the Alert/UI stuff to let you know he took it as a transfer? Can't you 'pull' to 5♥? What happened to West here isn't as blatant, but it belongs in that family. Maybe a general Committee concept in the future should be that you can 'self-correct' a diamond-to-hearts or heart-to-spades transfer."

I'd be reluctant to posit that as a universal concept since each case needs to be examined individually. It is not inconceivable that some exceptions exist. Still, I'd be willing to go so far as to say that unless there is a compelling reason to do otherwise, the correction should be allowed.

**Weinstein:** "This is back-to-back Committees in this casebook where North has been awarded +1400, though this one is iffier than the last. I basically agree with the Committee in their determination that West had sufficient AI to get this right."

**Passell:** “Why didn’t the Directors consult some players? I was very comfortable with this decision.”

**Rigal:** “The Director might have taken the point that E/W made, but the Committee was wide awake and did well. An unusual case, but here West’s spade length speaks for itself.”

✍ An interesting question is raised by...

**Wolff:** “Dangerous Dictum! Should North have to worry ‘I think they have had a partnership misunderstanding, but will my double allow West to be released legally from correcting the misunderstanding?’ What has this to do with the game of bridge? Why not have N/S +500, because that was the table result and there is no way to guess what it might have been, but E/W –500 plus a 1/2-board penalty for taking away enjoyment for their opponents by using CD. Result: right side is penalized, future will tend to be less CD and PTF.”

✍ Yes, in some cases the opponents’ mistakes simply cannot be punished, but if North does not double 2♠ he will surely get a poor result since +150 in 2♠ will not come close to compensating him for his lost +600, +630 or even +660 in 3NT. The problem that arose for North on this hand is, to my thinking, just another type of bridge problem. The possibility that doubling 2♠ will legally release West from his plight is a rarity and I would not spend a moment worrying about it as North. Surely opposite a partner willing to double a 15-17 notrump I have a hand that, if we do not get to defend a tasty 2♠ doubled, will produce a sizeable plus in some more ambitious spot (such as 3NT). So you double and then go about your business if they run. But I do agree with the Committee that North’s double of 3♥ was a hungry one that should more appropriately have been rewarded with –730 than +500.

Arriving a day late and a dollar short...

**Polisner:** “Good work by the Committee, even if this is the first appeal West has ever won. However, as the cards lie it would be unlikely that West would take less than eight tricks with the club suit available, if no spade ruff develops.”

✍ I’d venture to say that something that actually happened at the table is not all that unlikely. And as for that spade ruff, nine tricks are cold regardless.

Finally, two panelists have a few choice words to say about the table ruling of down five in 2♠ doubled.

**Brissman:** “The decision by the Committee was fine, but: How was 2♠ doubled going down five? On any lead, it seems that N/S can’t prevent N/S from scoring two clubs, two diamond ruffs and a heart. Why was North’s double reckless—was he supposed to pass and be happy with +300? Parenthetically, I suspect that few matchpoints were at issue in this appeal.”

**Kooijman:** “Knowing my tolerant approach by now it won’t surprise anyone that I fully agree with the Committee here. And I don’t like the Directors’ ruling. They could have shown more bravery, deciding in favor of the offenders. ‘Fully agree’ as far as the decision is concerned. But I don’t like the Committee remark about inferior (reckless) bidding by North. I estimate the chance that East by now is aware and will pass at least as big as the chance that he will continue bidding. Okay an extra chance, but reckless? A last question. How could the Director decide for winning only three tricks in 2♠? Without leading a trump East makes six tricks and when South starts with ♠AK my declarer still makes five tricks. Having said this I start to doubt whether Houston really took place. Is this a joke just sent to me?”

✍ I wish it were.

## CASE THIRTEEN

**Subject (UI):** The Bad Part Of Good/Bad

**Event:** Bracketed KO, 15 Mar 02, Evening Session

Bd: 6	♠ J109		
Dlr: East	♥ 9864		
Vul: E/W	♦ QJ4		
	♣ 1087		
♠ A865432		♠ Q	
♥ AQ		♥ J7	
♦ 32		♦ 1097	
♣ Q3		♣ AKJ6542	
	♠ K7		
	♥ K10532		
	♦ AK865		
	♣ 9		

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

All Pass

(1) Not Alerted; Good/Bad 2NT

(2) Alerted; natural game try

(3) W belatedly Alerted E’s 2NT bid

after S passed 5♣; the Director allowed S to change his pass to double

**The Facts:** 5♣ doubled made five, +750 for E/W. The opening lead was the ♦A. The Director was called after West’s belated Alert of 2NT. The Director canceled South’s pass and allowed him to change his call to double. He later ruled that West’s failure to Alert 2NT could have suggested East’s 5♣ bid. The 5♣ bid was disallowed and the contract changed to 4♠ down one, +100 for N/S (Laws 16A2 and 12C2).

**The Appeal:** E/W appealed the Director’s ruling. In screening East said she suspected that West expected a doubleton spade from her. Later, at the hearing, she said she would always bid 5♣, despite the failure to Alert. She believed her hand was worthwhile only if clubs were trumps; she did not think her hand would be good for spades, especially since her partner was probably expecting a doubleton spade.

**The Panel Decision:** One Flight A player and two players with about 2000 masterpoints (the

same as East), all of whom were familiar with the Good/Bad 2NT convention, were given the auction with the proper Alerts and explanations and asked what they would do over 4♠. All said that they would pass 4♠ (one volunteered that passing was “clear-cut”). Given this input, and the unanimous sentiment of the Panel that East had violated the laws when she bid 5♣, resulting in damage to N/S, the Panel changed the contract to 4♠ down one, +100 for N/S. Consideration was given to issuing an AWMW but was rejected. Instead, the Reviewer talked to East about her obligations under the laws.

**DIC of Event:** Carey Snider

**Panel:** Mike Flader (Reviewer), Ken van Cleve, Gary Zeiger

**Players consulted:** David Better, two players with about 2000 masterpoints

**Directors’ Ruling: 92.1**

**Panel’s Decision: 92.0**

✍ The bridge decision to change the contract to 4♠ down one reached by both the Director and the Panel is crystal clear. But once again our Directors lack the resolve to impose a PP for an egregious action. East’s 5♣ bid made flagrant use of the UI from West’s failure to Alert 2NT, which she admitted when she said she thought her partner was probably counting on her for a doubleton spade. Sorry, but this one should have garnered a PP at the table and the Panel should have both corrected this

oversight and issued an AWMW as well.

Almost everyone agrees with the need for an AWMW but missed the need for a PP...

**Bramley:** "Give the AWMW. East brought the appeal even after screening. The only arguments she made for her 5♣ bid were (1) she would always bid it, and (2) partner, who hadn't Alerted 2NT, would expect a doubleton spade, i.e., a balanced hand. Apparently there is a level of cluelessness below which we are unwilling to give an AWMW. That's not right."

**L. Cohen:** "East said, 'she would always bid 5♣, regardless...' Yeah, right. Why was the AWMW rejected? There is not one iota of merit."

**Gerard:** "2000 masterpoints are enough to know not to bid 5♣, especially since East's explanation showed that she took advantage of the failure to Alert."

**Kooijman:** "Relief. Good decisions, except that we just filled up the Houston River with another AWMW."

**Passell:** "Very good work but would seriously consider the AWMW to East for the final bid and mostly the self-serving comment."

**Polisner:** "Everything okay except for the failure to issue the AWMW."

**Rigal:** "Good Director ruling. Given the extraordinary flimsiness of the E/W case, the AWMW seems totally merited. No explanation of the failure to allocate one is given. Probably just as well."

 The next two panelists fail to mention an AWMW...

**Treadwell:** "Is Good/Bad 2NT another way of saying Good/Bad bidding? Good decision by the Panel."

**Wolff:** "Good decision. Since it was a KO we don't have to PTF. Here the UI should force East to pass 4♣. It is totally irrelevant to ask East what would she do if there wasn't UI. Thanks to CD this was an easy decision. How about if East claimed she was psyching 2NT? Would she then be allowed to convert to 5♣? *Think about it.*"

 ...but our next panelist hits all the bases and he gets the final word.

**Weinstein:** "Good consideration by the Director and Panel. There is one troublesome matter though. I really don't like the final change of pass to double. South apparently figured that since E/W may have had a misunderstanding he would gamble out a double. I would have liked to have heard South's reasons for the double. This represents to me the wild, gambling sort of action that might abrogate N/S's right to redress. The fact that this occurred in a KO, where the lack of redress would help E/W, would prevent me from making an asymmetrical ruling given East's admitted use of UI. I would have assigned a player (East) with 2000 masterpoints a PP and an AWMW."

## CASE FOURTEEN

**Subject (UI):** The Shifting Sands

**Event:** NABC Open Swiss, 17 Mar 02, First Final Session

Bd: 15	Lew Stansby		
Dlr: South	♠ J		
Vul: N/S	♥ QJ108		
	♦ A		
	♣ KJ109764		
Steve Weinstein	Bobby Levin		
♠ 65	♠ AKQ107		
♥ 72	♥ 964		
♦ KQJ107653	♦ 94		
♣ 8	♣ A52		
	Chip Martel		
	♠ 98432		
	♥ AK53		
	♦ 82		
	♣ Q3		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			Pass
3NT(1)	4♣(2)	Pass	4♠
Pass	5♣	All Pass	
		(1) Four-of-a-minor preempt	
		(2) Alerted; explained as both majors, weaker than 4♦	

**The Facts:** 5♣ made five, +400 for N/S. The opening lead was a top spade. The Director was called after play had ended. N/S said their agreement was as explained: 4♣ showed both majors. After North's 5♣ bid South decided that North really had clubs and passed. E/W had no problem with allowing the 5♣ bid and the pass, but they wanted to be allowed to save in 5♦. The Director decided that 4♣ by a passed hand, while a suggestion, could not be a unilateral decision as to the final contract. Thus, both North's 5♣ bid and South's pass were ruled to be normal actions. The Director also found no Law 16 issues and no connection between what had happened at the table and what was being requested by E/W. Therefore, the table result was allowed to stand.

N/S subsequently consulted their system notes and discovered that they had no conventional agreement over an opening 3NT bid showing a four-of-a-minor preempt. (They did have the

Alerted agreement over a gambling 3NT.) They reported their finding to the Director telling him that E/W had in fact been misinformed about the meaning of the 4♣ bid. The Director canceled the initial ruling and changed the contract to 5♦ doubled down one, +100 for N/S.

**The Appeal:** E/W appealed the revised Director's ruling. Only North and East attended the hearing. East said that if he had known that N/S were having an accident he would have tried to mess up their auction (perhaps by bidding 5♦ immediately) and N/S might have ended up going down in some higher contract (such as 6♣). The Alert, however, left him with no opportunity to interfere to prevent N/S from reaching their optimum contract. Once South's Alert was revealed to have been MI there was a clear infraction of law and E/W had been damaged.

**The Committee Decision:** The Committee rejected East's argument that he would have had a reason to bid directly over a natural 4♣ bid by North. However, they did agree with the Directors' second ruling that E/W might have found the 5♦ save over 5♣. Therefore, the contract was changed to 5♦ doubled down one, +100 for N/S. In addition, the Committee noted that N/S had gone out of their way to be ethical; to check on their actual agreement and disclose it to the Director—to their side's detriment—even after they had received a favorable ruling. Given this, there was some sentiment on the Committee that E/W were asking for too much and that the appeal might not have merit. However, after discussion it was decided that the

appeal did have sufficient merit.

**DIC of Event:** Henry Cukoff

**Committee:** Henry Bethe (chair), Mark Bartusek, Bart Bramley, Gary Cohler, Michael White

**Directors' Ruling:** 91.4

**Committee's Decision:** 78.6

✍ First, E/W are entitled to know N/S's agreement about the 4♣ bid (apparently it was natural over this particular flavor of 3NT opening) but not that N/S were having a misunderstanding—unless that was discovered as a direct consequence of correcting the MI. Thus, had South corrected his misexplanation of 4♣ after North bid 5♣ but before the auction was over, East would have been entitled to know that South's 4♣ bid was made while he still thought North's 4♣ bid showed the majors. But as things were, East was only entitled to know that 4♣ was natural.

Next, would that have made East more likely to save over 5♣? Frankly, I am not certain that the MI was related to East's actions. Why would East not think that he had three (or even four) cashing tricks on defense?

I applaud N/S for their diligence and integrity in bringing their MI to light and I am correspondingly disappointed in E/W's pursuit of this appeal. They got the best of all worlds when the Director allowed them to save in 5♦—a questionable ruling at best—but then they wanted even more. Tisk, tisk.

I would have allowed the original table ruling to stand; no adjustment to 5♦. The panelists all express similar sentiments.

**Bramley:** "I was in favor of the AWMW. Indeed, my most charitable description of the E/W case is 'unconscionable'."

**Brissman:** "The rulings seem overly favorable to E/W. Had East inquired and been given the correct explanation (that 4♣ was natural and non-forcing), it would not be clear to him that N/S could make 5♣ (and possibly not even 4♣). An immediate 5♦ bid by East credits him with the prescience that only one spade trick would cash, and I think that's too much of a stretch. I submit that East was content with his defensive prospects against 5♣ and wasn't close to a 5♦ bid. I would have restored the table result."

**Gerard:** "Why do these discussions always convince Committees and Panels not to give AWMWs that are so richly deserved? Do you really believe East would have bid 5♦? Did East believe it before he knew the full hand? How did East know that N/S's optimum contract wasn't 5♦ doubled? Even if East bid 5♦, wouldn't South have made a forcing pass?"

**Kooijman:** "You only can behave like Martel and Stansby did when you hardly ever make a mistake. Which is probably true for these boys. Making much more mistakes myself I would have argued that it is obvious to have the same agreement after the same opening hand without the ace. As a Director I would have persisted in no damage and in the Committee it would have taken some time to convince me that there was damage. But from a formal law point of view I can't object the decision taken, though I don't admire it."

**Passell:** "Hopefully E/W were chastised for asking for even more after N/S's unbelievably great Active Ethics. Why wouldn't East bid 4♣, if anything, and then defend 5♣? Why would anyone save? How could he know only one spade would cash?"

**Polisner:** "If ever an AWMW was warranted, this is it. Congratulations to N/S for their actions in bringing their conventional agreements to the Director after receiving a favorable ruling."

**Rigal:** "E/W are as close to an AWMW as the decision implies. I'd go the other way here, partly because it is my impression that we have seen quite a lot of them in the Committee room although I might be mistaken here. The Committee made a number of incisive comments about the decision and I agree with them all."

**Treadwell:** "E/W have no merit with their appeal, particularly after N/S had gone out of their way to be completely ethical and had given E/W a better score as a result. To conjure possible double-dummy auctions which might have fared even better goes well into AWMW territory and one should have been assessed."

**Wolff:** "Maybe this hand will open eyes. We now have an actively ethical action challenged by a give me more, more, and still more attitude. The abomination of CD will continue to do us in until we go blind. Come to think of it, we already are blind and deaf. *There is no way to fairly adjudicate convention disruption.*"

✍ Our final panelist has a few questions to ask after adding his condemnation of E/W's actions to those of the other panelists.

**Weinstein:** "I have no sympathy for a player who expects to get redress on the basis that had he known the opponents were having a misunderstanding, he could have messed with them more. AWMW."

"This does bring up an interesting scenario. In the future when (not if) we are playing on computer, and North and South's explanations are both shown to both East and West, it creates some unusual possibilities. Can E/W have an agreement when the opponents are going haywire, that all bids are suspect in order to take advantage of the situation? Is it a private understanding if E/W Alert that should such a situation occur, their bids will be suspect? If E/W's agreements are different, depending upon which opponent's explanation they accept as correct, which explanation should they assume for their own bidding? It is hard to argue MI when E/W know more, from the differing explanations, than their opponents."

✍ There is a current analogue to Howard's situation which may hold the answer to his questions. Suppose a player opens out of turn when his RHO is the dealer. If his LHO accepts the bid out of turn, the auction proceeds without penalty. If LHO does not accept the bid it is canceled and the bidding reverts to the actual opener (RHO). If RHO now passes the player just repeats his call without penalty. But if RHO bids there is a penalty which depends on whether or not the player repeats the denomination of his bid out of turn. If he repeats it his partner must pass at his next turn; if he does not repeat it his partner is barred for the rest of the auction.

Now suppose a pair forms the following agreement for times when an opponent opens out of turn: Opener will *always* open the bidding (to exact maximum penalty from the opponents) but he will open, say, 1♠ with any non-opening hand and make some other bid with a real opener. Such an agreement is illegal (it violates an ACBL regulation that holds, "A pair may not change their conventional agreements contingent upon an opponent's irregularity. Natural methods may be altered if they are otherwise permitted.") A pair may also vary their methods with the seat or the vulnerability but not with the player making the bid (e.g., the "pro" bids naturally over partner's INT opening but the "client" uses transfers) or the ability of the opponents (play a Strong Club system against weak opponents but Standard against competent ones; use penalty doubles if a weak player preempts but takeout doubles otherwise). And finally, agreeing to treat bids—even natural ones—as suspect after an opponent's irregularity is effectively the same as playing controlled psychics, which again is illegal.

Sorry, Howie.

CASE FIFTEEN

**Subject (UI/MD):** Just In Case Partner Didn't Hear Me the First Time

**Event:** Stratified Open Pairs, 08 Mar 02, Second Session

Bd: 30	♠ A102		
Dlr: East	♥ 75		
Vul: None	♦ K42		
	♣ KJ1094		
♠ KJ94		♠ Q87	
♥ 1063		♥ AQ	
♦ A85		♦ Q10963	
♣ AQ6		♣ 852	
	♠ 653		
	♥ KJ9842		
	♦ J7		
	♣ 73		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	2♥
Dbl	Pass	3♦(1)	Pass
Pass	3♥	3NT	All Pass
(1) Not Alerted (E/W played Lebensohl)			

**The Facts:** 3NT made four, +430 for E/W. The opening lead was the ♥4. The Director was called at the end of the auction, when East explained that E/W played Lebensohl and that 3♦ should have been Alerted as showing positive values. North immediately stated that she would not have bid 3♥ had she been properly Alerted. The Director ruled that the failure to Alert East's 3♦ bid could have affected North's decision to bid 3♥ and that East's 3NT bid was a violation of Law 73C. The contract was changed to 3♦ down one, -50 for E/W (Laws 40C, 75A, 75D2 and 12C2).

**The Appeal:** E/W appealed the Director's ruling; East was read Law 12C2 prior to appealing. Only E/W attended the hearing. It was determined in screening

that both E/W CCs showed that Lebensohl applied after weak two-bids, that E/W agreed that 3♦ showed 8-12 HCP but was non-forcing (a 3♥ bid by an unpassed East would have been stronger, offering a choice of contracts), and that E/W were a relatively new partnership. East said she was concerned with a ruling based upon North not bidding 3♥. She noted that: (1) The East hand could have been exactly the same even if Lebensohl had not been in use. (2) North paused over the double and so was very likely to have bid 3♥ the second time. (3) N/S were presented with a potentially better score than they got but they gave it back with South's poor choice of opening lead (a heart). South should have expected the ♥AQ in the East hand on the actual auction and if she (South) couldn't avoid a heart lead against 3NT, why should the Director give her credit for avoiding it against 3♦? And (4) North, an experienced player, should have known to ask about a fairly common (Lebensohl) situation. The Panel asked East what changed between the time she bid 3♦ and when she bid 3NT to justify her greater ambition? She said she thought a heart lead would be more likely after North's belated heart raise but recognized that passing was still reasonable. She said she was aware that she had UI on this hand and of what her legal obligations were in the face of the UI. She said she could more easily have accepted a ruling of 3♦ made three, +110 for E/W.

**The Panel Decision:** Several players, three experts and three of North's peers, were consulted to help the Panel determine whether there was damage from MI to North (Laws 75, 21B and 40C) or, if not, from East's use of UI (Laws 73C and 16A), both stemming from West's failure to Alert the 3♦ bid, and in either case what adjustment should be made (Law 12C2) if any. The first expert would have passed as North over the double and later over 3♦ with the information that 3♦ showed values, adding that the ♦K might be evaluated a bit more if Lebensohl was not in use (but still not enough to bid). The second expert would also not have bid at either turn with the correct information and did not think that 3♥ was more suggested by

the MI. This player also thought that pass was the correct call for East over 3♥ and was very offended that a player would bid 3NT in the presence of the UI. This player estimated that 3♥ would go down one 90% of the time and that 3♦ would go down one at least one time in three. The third expert, when asked about the prospects in 3♦, said that it was dependent on the lead but that a club lead (which was seen as beating 3♦) was a strong second choice after a heart (reasoning that partner would often have a high heart when East didn't bid 3NT). Of North's three peers, one had no sympathy for North's contention that 3♥ would have been less attractive with the correct information, the second thought North's contention sensible (although he would have bid 3♥ directly over the double), and the third would also have bid 3♥ directly over the double but had he not he would have bid 3♥ in balancing seat with the MI but passed with the correct information. In addition, one of the peers was given East's problem over 3♥ and thought pass was clear-cut. Based on the above information the Panel decided that there was enough peer sentiment that North may have chosen pass over 3♦-Pass-Pass with the correct information that damage had occurred as per Law 40C. Since the expert input indicated that 3♦ was likely to produce +50 for N/S often enough for the purposes of Law 12C2, that result was assigned to both sides (being better than anything that was likely to occur after a 3♥ bid by North passed out). It was also determined that the table Director had considered a PP against East for her 3NT bid in the presence of the UI (by ACBL policy, a prerequisite for the Panel considering such a penalty). The Panel assessed a 1/4-board PP against E/W for this violation of Law 73C.

**DIC of Event:** Su Doe

**Panel:** Matt Smith (Reviewer), Patty Holmes, Ken van Cleve

**Players consulted:** Mel Colchamiro, Bruce Ferguson, Sylvia Summers, three other players with 1400-3400 masterpoints

**Directors' Ruling: 90.0**

**Panel's Decision: 85.0**

Once again (see CASE THIRTEEN) a player (East) took flagrant advantage of UI from her partner's failure to Alert and came away with the same score (-50) she would have attained if the opponents had been correctly informed. There was no downside to bidding on with the help of the UI from the non-Alert of 3♦. The table ruling (3♦ down one was clear for E/W and reasonable for N/S as well) should have included a PP for East's 3NT bid and the Panel did well to rectify that error.

In addition, the ACBL should waste no time in rethinking its policy that the table Director must have considered a PP before the Panel can consider issuing one. Director Panels are acting as Appeals Committees and have the same powers to assign PPs as the Directors who make the table rulings. Two wrongs do not make a right; just because the table Director overlooked a PP or judged poorly not to issue one does not mean the Panel should be barred from considering it. This policy makes no sense and, even worse, comes across as paternalistic, an attempt by staff members not to embarrass or second guess other staff members.

An issue that was overlooked by the Panel is the merit one. All of East's prattle was sheer nonsense and did not come close to justifying her 3NT bid. This appeal had absolutely nothing going for it and should have been firmly rebuked with an AWMW.

The panelists are unfortunately divided on the issue of the PP. First, let's hear from those who agree it was warranted.

**Kooijman:** "Impressive procedure, reasonable decision, though I fear that N/S got more than they deserve, but so say the laws. I also agree with the PP."

**Rigal:** "It could be argued that North's decision to bid 3♥ is not made more attractive by the failure to Alert. After all, you still have the same number of points, as does partner, that you had when you heard partner open the bidding. It seems to me that the bid was a gamble that failed. Conversely, East's bid was made more

attractive by the failure to Alert. I'd agree with 3♦ down one for the offenders but would give the non-offenders less if I could. The PP seems harsh but I can just about live with it."

**Polisner:** "Since the standard for an adjusted result for the offenders is 'at all probable' I would have been debating between down one or two in 3♦: down two with a club lead is dependent upon a bad trump guess. The PP against East's 3NT bid is justified and proper."

✍ Yes, down two in 3♦ is certainly possible, even more so if North doubles.

The next panelist also recognizes the need for the PP but feels strongly that N/S deserve to keep their table result. Perhaps he has not fully considered the possible plays in the trump suit...or perhaps he doesn't want to.

**Wolff:** "Again the dancing begins after CD. Without Lebensohl East's response to partner's double would probably have been a natural 2NT. Playing Lebensohl many would bid 3♦, the rest 3NT. E/W were penalized justifiably for not Alerting, but the candy store was too kind to N/S. I judge what happened largely NPL. Why wouldn't East risk 3NT with only one heart stop and that one could possibly (though not likely) be ♥Qxx? If East would have held ♥Qxx we would never hear from N/S. They had their chances and got very unlucky, but the ACBL calvary ran to the rescue giving them 75% for making a bad bidding decision and a bad opening lead. I suppose if they performed the hat trick with poor defense they would be entitled to 100%. We need to start understanding what we are doing and PTF. It's doubtful that at other tables in the section(s) our destiny darlings were playing as poorly as they did, but everyone seems to cry "Want some candy, little girl." E/W -50 plus a 1/4-board PP; N/S -430."

✍ The next two panelists join me in not only recognizing the need for the PP but also an AWMW.

**Weinstein:** "Where's the AWMW? I didn't know the Panel could only assign a PP if the Director considered it. [They *can*. They just choose not to.—*Ed.*] I guess I'd like to suggest that the Directors always consider a PP, both for the purpose of being thorough and to make this ill-considered (IMO) constraint moot."

**Treadwell:** "Very good to assess a PP against E/W for rather gross use of UI. But why not an AWMW?"

✍ The next panelist is surprisingly silent on these issues.

**Gerard:** "Great decision and write-up. Of course, according to current thinking a Committee could never have produced this result."

✍ Our final group of panelists seem to have taken a wrong turn at the PP fork (not to be confused with a Morton's fork).

**Passell:** "Maybe the result was penalty enough. Both the PP and the swing from the table result to the adjusted score should be held out only for 'hard core' cases. This obviously wasn't one. Side note: Should the actual MI auction be treated differently than if 3♦ had been properly Alerted as Lebensohl, West then huddled and passed 3♦, and then after North reopened East bid 3NT? I presume the same parameters apply."

✍ Mike's side note raises an excellent question, to which my answer is a qualified "Yes." The alternate scenario is actually a stronger version of what happened in the actual case. If West correctly Alerts 3♦ and then huddles East knows West is aware that 3♦ shows extras. Now the huddle clearly suggests that West is in the near-

game zone, perhaps worried that if East has only one heart stopper E/W will not have the time to set up their tricks before the defense prevails. Thus, there is even a stronger reason not to allow East's 3NT bid in that case. But in the actual case West's failure to Alert 3♦ may mean either that she forgot 3♦ was constructive or she remembered that 3♦ was constructive but just forgot to say "Alert." Thus, in the present case East cannot be sure that West's silence makes 3NT more likely to be successful but it certainly makes it a more attractive action than if West Alerted 3♦, explained it as constructive, and then passed in tempo. In other words, the implication of the UI is somewhat weaker in the present case, but it still points in the same direction.

**Bramley:** "Thorough and correct except for the PP. 3NT is very tempting with the ♥AQ, a holding much better for offense than defense, so this is not the outrageous action that would merit a PP."

✍ 3NT was just as tempting with the ♥AQ before East bid 3♦ as it was after she bid it. If one wants to unilaterally bid 3NT with the East hand (I have no objections) then one must force the bidding to 3NT, either by bidding 3NT immediately or 2NT followed by 3NT (whichever your version of Lebensohl dictates). But bidding a non-forcing 3♦ and then backing in with 3NT after partner fails to Alert (suggesting that she might have forgotten that 3♦ was constructive and thus making it more likely that she hasn't bid her full values) is egregious by any standard. Arguing that 3NT is very tempting with the ♥AQ is committing the transfer of intelligence. *We* know how tempting the ♥AQ are, but if East knew it before the non-Alert why did she bid a non-forcing 3♦? Why didn't she move toward 3NT directly? She says it was North's belated 3♥ bid that made 3NT more attractive since it made a heart lead more likely. But West's non-Alert made it more attractive as well. Can anyone here spell s-e-l-f-s-e-r-v-i-n-g?

**L. Cohen:** "A bit severe against East in that she could be bidding 3NT as a two-way shot against 3♥; either 3NT makes or it is a cheap save against -140. Clearly, the ♥AQ are much better in 3NT with the expected heart lead than on defense when declarer will pick them up most of the time. It's not a stretch (even on the actual layout) that *both* contracts could make. I'd have been strongly tempted to bid 3NT the first time; now, when the alternative is to defend 3♥, I'd certainly bid it the second time."

✍ Yes, but we have no evidence that East was tempted to bid 3NT the first time. All we know is that she was content to bid a constructive 3♦ and wait to see if her partner had enough extras to make a move toward game. But when West failed to Alert 3♦ the possibility arose that she might hold a 14-count and not just a shapely 11-count. I'm not suggesting that 3NT wasn't made more tempting by North's 3♥ bid or that it wasn't an attractive two-way action for an expert player. What I am suggesting is that East didn't make any such argument (not that it would have mattered to me) and in any case she was obligated by Law 73C to "carefully avoid taking any advantage that might accrue to [her] side" from the UI.

For those who believe that South's heart lead was so egregious that it broke the connection between the infraction and the damage, I would remind them that had North known that 3♦ was constructive she would not have balanced and South would never have heard a 3♥ bid, or had reason to think North had a heart honor. And the fact that East did not make an attempt to get to 3NT directly over West's double suggested that she did not hold both heart honors. In light of all that, I can see no reason for judging South's heart lead egregious. That judgment seems to me only possible after one sees all 52 cards.

Can anyone here spell s-e-l-f-s-e-r-v-i-n-g?

CASE SIXTEEN

**Subject (UI/MI):** No Harm, No Foul  
**Event:** A/X Pairs, 11 Mar 02, First Session

Bd: 9	Gary Roberts		
Dlr: North	♠ A9		
Vul: E/W	♥ Q1063		
	♦ J4		
	♣ KQ987		
Greg Loran	Pat Ellison		
♠ K76	♠ Q1084		
♥ AJ874	♥ K2		
♦ Q7532	♦ 98		
♣ ---	♣ AJ632		
	Nancy Popkin		
	♠ J532		
	♥ 95		
	♦ AK106		
	♣ 1054		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	1♣	Pass	1♠
1NT(1)	2♣(2)	Dbl	Pass
2♦	Pass	2♥	3♣(3)
Pass	Pass	Dbl	All Pass
(1) Not Alerted; agreement was takeout			
(2) Asked about 1NT, got no answer, then said he didn't care and bid anyway			
(3) Asked W about E's double, told t/o			

**The Facts:** 3♣ doubled went down two, +300 for E/W. The opening lead was the ♦9. East was unable to answer North's question about the meaning of West's 1NT. The Director was called after the 2♦ bid. When South asked about the double of 2♣, West said it was takeout. The Director ruled that South's 3♣ bid was canceled (she might have passed 2♥ had she been told that the double of 2♣ was penalty) and changed the final contract to 2♥ down one, +100 for N/S (Laws 21B3, 40C and 12C2).

**The Appeal:** E/W appealed the Director's ruling. West said that South should not be rewarded for her poor judgment in bidding 3♣ when East's double could not have been for penalties after he (West) had shown the red suits. He would have expected East to pass 2♣ with clubs. He did agree, when asked, that, in fact, his partnership had no agreement about the meaning of the double of 2♣. East added that she knew what West had all along but when asked had trouble voicing a response. South said that at the

table she thought East might have misunderstood the 1NT call and, given East's apparent doubt, thought the takeout explanation of double could have been somewhat valid. North said he would have bid 2♣ over either a natural or Sandwich notrump, so when East had trouble answering his question he simply withdrew it. During a routine inspection of E/W's CCs it was discovered that they were improperly filled out. E/W were instructed to fix them.

**The Panel Decision:** Several different elements were involved in this decision. Clearly E/W did not have an agreement about the meaning of the double of 2♣. As South had 4000+ masterpoints, several experts were given the auction and the MI South had been given and asked what they would bid over 2♥. One expert would have bid 3♣ either over the double or after the 2♥ bid; he did not care about the explanation of the double (if partner could bid 2♣, he had a 3♣ bid). A second expert said he would bid 3♣ over 2♥, but was more inclined to pass if the double was penalty. (He was not asked what he would do if he was told E/W had no agreement.) A third expert said he would always bid 3♣, explanations didn't matter. A fourth said he would always bid 3♣ over 2♥ and ignore any explanation since few people have real agreements about doubles. A fifth expert also said that if partner could bid 2♣, 3♣ had to be safe. A sixth expert said he would not have bid 3♣ over 2♥ if he was told the double of 2♣ was penalty, but over any other type of

double (including "no agreement") he would bid 3♣. Based on this input, the Panel decided that the explanation of the double (which should have been "no agreement") did not affect the likelihood of a 3♣ call. They then addressed the issue of UI from East's inability to explain the meaning of West's 1NT bid. Nine of West's peers (he had about 900 masterpoints) were polled as to what they would do over 2♣ doubled. All but one bid either 2♦ or 2♥ (they were about evenly split) and said they would not even remotely consider a pass. The ninth passed 2♣ doubled. Of the first eight, several thought East's double might show equal length in the red suits and be asking West to pick a suit. These responses, particularly the certainty of the eight consultants who would not have passed, led the Panel to conclude that passing 2♣ doubled was not an LA for West. Next, while the UI demonstrably suggested bidding 2♦ rather than 2♥ (to cater to East having forgotten), a 2♥ bid by West would not have changed South's problem. The Panel decided that although MI was present, Law 40C had not been violated since no damage had resulted. They also decided that West's 2♦ bid did not violate Law 16A2. The Panel restored the table result of 3♣ doubled down two, +300 for E/W.

**DIC of Event:** Patty Holmes

**Panel:** Gary Zeiger (Reviewer), Matt Smith, Ken van Cleve

**Players consulted:** Ken Barbour, Bart Bramley, Fred Hamilton, Danny Sprung, Jo Ann Sprung, Jon Wittes, nine players with around 900 masterpoints

**Directors' Ruling:** 75.8

**Panel's Decision:** 75.8

✍ The extensive player poll and near unanimity of its results make this decision difficult to dispute. Difficult, but not impossible...

**Rigal:** "Why would West not sit for 2♣ doubled when he had shown his hand the round before? We all know why. Given West's infraction, the Director got it right and the Panel got it wrong. Certainly letting E/W get off scot-free seems at best ingenuous on the Panel's part. But I suppose if you live by the Panel of experts, you die by them too."

**Weinstein:** "The ninth player polled passed. That's good enough for me to give E/W +100. If the ninth person hadn't passed the double I would have had to look for nine more Flight B players. However, the poll both surprised and convinced me to allow the table result to stand for N/S."

✍ Is one out of nine (or perhaps out of eighteen) really "at all probable"?

**Polisner:** "A tough problem(s) and a reasonable Panel decision although I hate to see E/W possibly rewarded when they were guilty of both MI and UI. I think that I would have preferred a split ruling of -300 for N/S and -100 for E/W."

✍ Yes, as the preceding panelists indicate it is difficult to feel good letting E/W off after their multiple infractions. I just wish they all agreed on what the assigned scores should be.

Not surprisingly, the majority of the panelists support the Panel's decision.

**Bramley:** "I don't remember which expert I was. (Sixth? Fourth? First?) Oh, well. The near unanimity of both the expert poll and the peer poll made this one easy."

**Brissman:** "I'm impressed with the number of players the Panel consulted. Good job."

**Gerard:** "Odious but correct. However, that ninth player won't have 900 masterpoints for long. A 2♦ bid by a more experienced player would be egregious."

☞ Yes, indeed, that ninth consultant is a gem in the “ruff.”

**Kooijman:** “When enough players are asked their opinion and the Panel just follows that outcome things can go right. This is a nice case where the Director without consultation comes to another ruling which also gets a plus.”

**L. Cohen:** “North’s 2♣ bid is a bit strange, but still, I don’t see why South would bid 3♣ if she thought East made a penalty double of 2♣ (which she tried to). If double was penalty, I think West should have left it in. True, he had a club void, but he had reasonable defense and his partner was doubling behind the bidder. Why should he pull unless he thought it was not penalty. Anyway, E/W did so many things wrong that I can’t see making N/S suffer from it.”

**Passell:** “Tough but solid.”

☞ Speaking of tough...

**Wolff:** “N/S Average-Plus, E/W 0, Table Director B, Panel as bad as it gets. How can we condone a pair who claimed they had no idea what each other’s bids meant, apparently had no remorse about it either, and unbelievably received a favorable ruling? E/W were playing conventions and the Panel discussed with others and concocted a ruling that will encourage partners to not know their systems. Why not, because if we tell them East’s double of 2♣ is penalty they may not bid three. My interpretation of the consultants’ opinions on what East’s double was is that no one knows so it is a waste of time to ask. How can anyone say that with the South hand he would bid 3♣ after his partner is doubled for penalties in 2♣ with an obvious trump stack? One case like this convinces me that Panels not only don’t know what they are doing but probably don’t care. Is there anything positive coming out of this? If so I don’t see it.”

☞ Panels, Directors, expert consultants, peer consultants, the Laws, conventions. Isn’t anyone or anything sacred? Jeez, Wolfie, tell us what you really think.

I hate to admit it but I’m sort of half with Wolfie and half with the first group. If it weren’t for that eight-to-one vote from the peer consultants (cheers again for that ninth peer) I would have thrown the book at E/W. I would not have thought you could find two players to rub together who would have pulled East’s double of 2♣ with the West hand. Shows what I know. I guess Flight B players have a dread fear of trump voids, even when partner doubles for penalties behind the bidder and they have shown nothing in the way of defense. That’s truly “singles” bridge.

As for South’s 3♣ bid, if her partner was prone to rebidding 2♣ on a hand like North’s she had good reason not to bid 3♣ after RHO doubled 2♣ for penalties. Since only experts were polled about the 3♣ bid I’m not sure we can trust their advice here. While it may well be true that if *their* partners could bid 2♣ they had a 3♣ bid regardless of what East’s double meant, I’m not convinced we are entitled to impose on *this* South such confidence in her partner’s bidding.

So where are we? West was clearly guilty of offering an explanation of a bid his partnership had not discussed, but I agree with Ron that his pull of 2♣ doubled suggests only inexperience. It’s close whether South should be held culpable for her 3♣ bid but I have to agree with Wolfie that there’s no way *this* South would have bid 3♣ playing with *that* North. So I would adjust the contract to 2♥ by East. As for the result, 2♥ makes on any lead except a low spade but a top diamond seems far more likely (although a spade is clearly possible). Thus, I would assign E/W the result for 2♥ down one, -100. But I fail to see how N/S would realistically do better than -110 defending 2♥ (unless someone can convince me that a spade lead is as likely as a top diamond). So N/S get -110 in 2♥.

The table ruling was actually pretty close. Good one, guys.

**Subject (MI):** Disclosing Strange Methods

**Event:** NABC Open Pairs I, 08 Mar 02, First Qualifying Session

Bd: 6	Gary Cohler		
Dlr: East	♠ K42		
Vul: E/W	♥ K985		
	♦ 9653		
	♣ K5		
Bill Hugenberg	Dennis Goldston		
♠ 87	♠ J1095		
♥ Q64	♥ A32		
♦ A1074	♦ J		
♣ AJ107	♣ Q9632		
	Gaylor Kasle		
	♠ AQ63		
	♥ J107		
	♦ KQ82		
	♣ 84		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	1♦
Dbl(1)	1♥	Dbl(2)	Rdbl(3)
2♣	2♦	3♣	Pass
Pass	3♦	All Pass	
(1) Alerted; one of three hand types: ♦, strong balanced, big one-suiter			
(2) Alerted; negative			
(3) Alerted; heart support			

**The Facts:** 3♦ went down one, +50 for E/W. The opening lead was the ♠8. North called the Director before the opening lead. After the auction was over, more questions were asked about E/W’s auction. East explained that since West had not cue-bid or jumped, he showed diamonds and clubs. Away from the table North told the Director he would not have bid either 2♦ or 3♦ if he had known that West had not shown a club one-suiter. The Director ruled that South would likely have balanced over 2♣ anyway, East would have competed to 3♣, and N/S were unlikely to double. With a spade opening lead and a heart shift, 3♣ would go down one. The contract was changed to 3♣ down one, +100 for N/S.

**The Appeal:** E/W appealed the Director’s ruling. E/W said that the double of 1♦ was Alerted and explained as one of three hand types: either diamonds, a big balanced hand, or a big one-suiter (in any suit). Further questioning by the Committee revealed that West’s double either showed a hand with four or more diamonds

and the values to overcall (approximately 7-14 HCP) or any hand too strong to overcall. East thought it should have been obvious to North, given his own 9 HCP, his partner’s opening bid, and a negative double on his left which showed the unbid suits and at least 6 points or so, that it was impossible for West to have a strong hand with clubs only. The agreement had been properly explained so there was no reason to adjust the table result. At the table West led a spade against 3♦ and eventually received a spade ruff to set the contract one trick. North told the Committee that when he saw West bid 2♣ at his second turn, it seemed natural that he was showing a good hand with clubs since that was one of the possible hands shown by the double. Had he known that the 2♣ bidder had shown four diamonds on this auction he would have competed to 2♦ but not to 3♦. North called the Director before the opening lead, after it was explained that with a strong hand West would have jumped or cue-bid at his second turn; thus, this auction showed diamonds (and clubs). North told the Director that he would have passed 3♣ had he known this. The Director did not ask North what he would have led against 3♣, nor did North volunteer any statement regarding that to the Committee. It was obvious that North’s choice of opening lead would determine the result in 3♣. Since North was not anxious to express himself on the merits of a spade versus a heart lead, the Committee chose not to ask him, believing that the answer would necessarily be viewed as self-serving and after the fact if he said he would have led a spade, or

unfairly self-deprecating if he said he would have led a heart.

**The Committee Decision:** The Committee determined that there had been MI. When playing an unusual convention the opponents should have a very minimal responsibility to draw inferences from the auction. The side playing the convention must make sure the opponents fully understand the implications of the bids that are made. However, here the Committee's judgment was that a heart lead was overwhelmingly likely from the North hand. A diamond lead was unattractive since the diamonds would be well-placed for declarer and a diamond lead could establish one or more discards for heart losers. A spade lead was certainly not safe since East had shown spades, West could hold three of them, and it was unlikely to be necessary for the defense to actively build spade tricks. N/S held a majority of the hearts, and there would often be urgency about taking heart tricks before declarer could discard them on diamond or spade winners. The Committee did not believe it was at all probable that North would lead anything but a heart, after which 3♣ would make three, +110 for E/W. Since the table result of -50 was better than the likely result of -110 in 3♣, it was decided that there was no damage to N/S. Since the Committee also considered +50 to be the most unfavorable result that was at all probable for E/W in 3♦, they also received the table result of +50. The Committee explained to West that his partnership's treatment of the double is highly unusual, and that he and his partner must be sure to explain to the opponents the meanings of the bids that ensue. Meanings that are obvious to E/W through their familiarity with their system will often not be at all obvious to the opponents.

**DIC of Event:** Henry Cukoff

**Committee:** Doug Doub (chair), Larry Cohen, Michael Huston, Ellen Melson, Adam Wildavsky

**Directors' Ruling: 67.6**

**Committee's Decision: 87.6**

✍ One of the Committee members notes a discrepancy in the write-up that needs clearing up.

**L. Cohen:** "Conflict in the write-up in that first North says he wouldn't have bid 2♦ or 3♦, but later says he would have competed to 2♦ but not 3♦. I seem to remember the latter as being correct. I still agree with the decision, but it is still confusing to me. You really have to be careful to remember who appealed and who gets the 50, -50 or 110."

✍ On the appeal form the Directors wrote that North said (away from the table) that he would not have bid either 2♦ or 3♦ if he had been told that West's 2♣ bid showed both diamonds and clubs. However, at the hearing he clearly said he would have bid 2♦ but not 3♦. (I was present for that part of the hearing and can confirm what he said.) So either North changed his story or the Director misheard or misunderstood what was said at the table.

Whatever North actually told the Director at (or away from) the table, both the table result and Committee decision look correct to me. I believe North would always have bid 2♦ and E/W would then have bought the contract for 3♣. A diamond lead would be dangerous with the suit stacked behind South, as would a lead of dummy's suit (spades). That leaves a heart as the standout choice, South having shown three-card support. Thus, I believe the overwhelmingly likely result in 3♣ would be making three, +110 for E/W. But since the table result was both more favorable for the non-offenders and more unfavorable for the offenders, there was no damage, as the Committee pointed out. Thus, the table result stands.

The table ruling here is yet another example of why Directors need to consult with players before making a ruling involving bridge judgment. There is just no way North would ever choose a spade lead over a heart on that auction.

Most of the panelists are squarely behind the Committee's decision.

**Bramley:** "Tales of the bizarre. The Committee's argument for the heart lead is overwhelming, so their decision is eminently correct. I hope that E/W will not need a more painful reminder to be more forthcoming about their methods."

**Passell:** "Why don't Directors seek outside help for likely results? Very good detective work by the Committee."

**Polisner:** "Excellent discussions by Committee about the respective responsibilities of both sides. It should be a topic for a Bulletin article to educate players as to their responsibilities when using an unusual convention."

**Treadwell:** "Very good Committee work. Players who use esoteric methods, indeed must be sure the implications are conveyed to their opponents."

**Kooijman:** "I begin to doubt again, maybe Houston has been played after all. The third good decision in a row. Nice educational point to tell E/W: they have the obligation to explain their agreements clearly, trying to imagine what difficulties their agreements may cause. I would have made the same mistake as North, inexperienced me."

✍ That tough judge from Ft. Worth would tack an extra double-strength PP onto the table result. "That'll teach them varmints."

**Wolff:** "N/S -50, E/W +50 and a 1/2-board penalty for improper explanations. The sarcastic nature of this E/W pair (expecting the opponents to pick up inferences from their home brew) should be stopped before it starts going undetected. Bridge terrorists in the making."

✍ One panelist is so intent on giving E/W the worst of it that he will turn a blind eye to the auction and allow North to make the double-dummy spade lead.

**Rigal:** "It took me some while on reading this to work out what West was showing. I think East's comments about what his opponents should have deduced are wholly inappropriate. Given the MI, I'd take the Director's ruling over the Committee's decision, but the comments by the Committee to E/W are wholly in place. I hope their names are properly recorded for future reference."

✍ Finally, our whippet from White Plains would have North work out all of the relevant inferences on his own.

**Gerard:** "North got off too easy. At the table he said he wouldn't even have competed to 2♦. Later he amended that to 3♦. West's having a strong one-suiter didn't compute, based on the actions of South, East and West (why would he have passed 3♣?) and the holdings (including ♣Kx) of North. He should have asked about the meaning of 2♣, since it was critical to his reopening decision and there was overwhelming evidence to lead him to question his assumption. I would have ruled the same matching 50's, but because of North's contributory negligence the likelihood of the heart lead (I agree) affected only E/W's score. That is, N/S would score -50 even if E/W went -100."

✍ My reading of the case suggests that N/S asked questions both during the auction and "more questions" before the opening lead, the latter resulting in the Director call. Call me naive, but if I was told the double showed either diamonds, a strong balanced hand, or some strong one-suiter and the doubler later bid a new suit (clubs), I'd probably assume that West confirmed the strong one-suiter just as North did. Anyhow, who knows how strong E/W, who play such an odd system, think one needs to be to double and then bid a new suit? Couldn't West hold ♠Jx ♡Ax ♦Kx ♣AQJxxxx, East ♠A10xx ♡xxxx ♦Jx ♣109x and South ♠Q9xx ♡QJx

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♦AQ10xx ♣x? (Note that a spade lead against 3♣ now allows the contract to make: N/S's heart trick goes away on a spade.) While you or I might not think West's hand is strong enough to double and then bid a suit, E/W might find it completely adequate (a five-loser hand; 15 HCP). How was poor North to know?

We may never know what questions North asked during the auction, but when I was present at the hearing I heard him say that he asked several questions during the auction (I can't remember exactly what they were) and the answers from E/W turned out to be entirely inadequate, though there was no way North could have known it at the time. Sorry, but I see no "overwhelming evidence" that should have led North to question his assumption (if we can call it that, given the inadequate disclosure) that West had shown a strong club one-suiter.

**Subject (MI):** I Paid My Entry Fee, And I'll Bid My Cards My Way  
**Event:** NABC Silver Ribbon Pairs, 11 Mar 02, First Final Session

Bd: 14	Bobby Jaeger		
Dlr: East	♠ J2		
Vul: None	♥ KJ1093		
	♦ J73		
	♣ 763		
Gail Greenberg	Stanley Turecki		
♠ AKQ7	♠ 953		
♥ 874	♥ Q2		
♦ Q82	♦ AK10964		
♣ K109	♣ J5		
	Georgie Jaeger		
	♠ 10864		
	♥ A65		
	♦ 5		
	♣ AQ842		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		2♦	Dbl(1)
Pass	2♥	Pass	Pass
3♦	All Pass		
(1) Alerted; penalty			

**The Facts:** 3♦ made three, +110 for E/W. The opening lead was the ♥A. The Director was called at the end of play. East ruffed the third round of hearts high and led a low diamond to the eight, losing to the jack. North said that their agreement about South's double was penalty and their agreement would continue to be penalty, but he did not have enough to either pass 2♦ doubled or to double 3♦. Both N/S CCs had double marked as penalty. The Director ruled that N/S may have given MI or South may have tried to do something outside their agreement, but E/W had bid 3♦ anyway. In the play East had seen enough cards to know that South probably didn't have a penalty double, with at most two aces, a queen, and four diamonds to the jack. Thus, the table result was allowed to stand.

**The Appeal:** E/W appealed the Director's ruling and were the only players to attend the hearing.

They believed that North had a clear pass of the penalty double of 2♦ and he should be required to pass. Failing that, he should have doubled 3♦. East believed that North should have told him that his partner had probably forgotten the meaning of the double when dummy was faced, after which declarer would have judged the play better to make an overtrick. Finally, West stated that when North Alerted the double of 2♦ she detected an almost imperceptible flinch by South, which could have tipped North off that South forgot their agreement. The table Director reported that North said he had not noticed any mannerisms from his partner when he Alerted the double. South was silent regarding whether she had twitched when her partner Alerted. At the table E/W had requested redress giving the same reasons in the same order as they presented to the Committee.

**The Committee Decision:** E/W claimed damage as a result of MI and UI to North. However, the mention of South's mannerism in response to the Alert of the double was the last thing they told the Director and the Committee, mentioning it almost as an afterthought. Neither East nor North had noticed any reaction by South. When an opponent makes a special mannerism or gesture that conveys UI, it is important to call the Director promptly so that the facts can be determined while the action is fresh in everyone's mind. In view of E/W's delay in calling the Director, the relative unimportance they apparently placed upon the gesture in mentioning it last, North's denial of any mannerism, and West's description of it as "almost imperceptible," the Committee determined that there had been no UI. Regarding the MI, N/S's CCs clearly showed that they played the double of 2♦ as penalty and North maintained that was correct; he simply did not consider his hand suitable for passing. Although one may disagree with North's judgment, his choice to remove

the double to a good suit with a weak hand was not so strange as to contradict both the CCs and his statement. Thus, the Committee decided there was no MI and allowed the table result to stand. The Committee also informed East that North was not permitted by law to tell declarer that his partner had probably forgotten her agreement when the dummy was faced.

**DIC of Event:** Henry Cukoff

**Committee:** Doug Doub (chair), Phil Brady, Nell Cahn, Judy Randel, Adam Wildavsky

**Directors' Ruling: 82.1**

**Committee's Decision: 75.0**

☞ N/S each had about 1250 masterpoints. They played “penalty” doubles of weak two-bids (perhaps all preempts) but clearly did not know what kind of hand would make such a double or how partner responds to one. (In addition, South may have forgotten her agreement.) In other words, N/S were playing a method they did not understand—and certainly not the way the rest of us think it should be played. But that does not remove their obligation to Alert and explain their methods in a way their opponents can be expected to understand; that is, in the common parlance established for communicating one’s methods. If South’s hand is a “penalty” double in N/S’s methods then they clearly misinformed the opponents. If, however, South simply forgot her agreement or misbid then there is nothing more to be done.

If North was supposed to pass a “penalty” double with most weak hands then the North hand, in my opinion, is a clear pass. But if North chose to bid 2♥ due to lack of expertise or experience (“I had only 6 HCP and a good suit...so I bid it”), then he is free to do so. We cannot prevent a player from bidding his cards as he sees fit or playing to the best of his ability just because his bridge judgment differs from ours. However, N/S are still required to describe their methods adequately using commonly accepted terms or risk being held responsible for any MI.

My judgment, based on North’s 2♥ bid, non-double of 3♦, and the statements attributed to him in the write-up, is that N/S were playing what most of us think of as cooperative—not penalty—doubles, despite the fact that South appears to have forgotten her agreement. Thus, N/S failed to adequately communicate their actual agreement to E/W and they should be held culpable if E/W were damaged by the MI. But were E/W damaged by that MI?

As the Director noted, there was clear evidence (at trick three) that South could not have a penalty double of 2♦ holding only two aces, the jack-fourth of trumps, and at most the ♣Q and ♠J on the side. Thus, East was on his own in the play. But that’s not the end of it. While East should have worked out that South didn’t have a penalty double, a more conventional explanation of South’s double might well have avoided the disaster. Thus, while I would have allowed the table result to stand for E/W I would have adjusted the score to 3♦ made four, –130, for N/S. I would then have questioned N/S on what types of hands they need to double and to pull a double and then educated them on how better to describe their methods.

Finally, E/W’s appeal was a waste of a Committee’s time and they should have known it (unless they appealed saying they did not deserve anything but N/S had received too favorable a ruling). So I would have issued an AWMW to E/W.

The first group of panelists share my general view of N/S’s role in this incident although each has a slightly different idea about what score assignments or penalties are appropriate. The closest view to my own comes from...

**Weinstein:** “I feel for poor East, but the Director had it basically right when he pointed out that the alleged penalty double was pretty much impossible and E/W should keep their table result. However, I would have done some more interrogating of N/S to find out what they meant by a penalty double. If their explanation wasn’t reasonable I would adjust their score to –130.”

**Bramley:** “I’ll go out on a limb to suggest that N/S are probably a regular

partnership. If so, South’s failure to ‘remember’ a basic agreement strains the imagination. N/S appear to play the double the same way as most of the rest of the world; they just call it something different, something misleading. The Committee could find no legal ground to overturn the table result, nor can I. But they should have demanded that N/S change their CC. If the North hand is too weak to double 3♦ opposite a partner who could double 2♦ for penalty, then they are *not* playing penalty doubles, despite the matching CCs.

“We must allow leeway for different players’ judgment about the requirements for particular bids. The set of hands on which I open 1NT, for example, will be a little bit different from the set of hands on which you or anyone else opens 1NT. But we will each understand those differences of opinion around the edges of the bid. However, when the difference between the description and the reality becomes too great, as shown by N/S here, then they must change their description.

“I don’t buy the contention that the auction gave North AI that his partner had erred. E/W could have bid the same way with much less in high cards and somewhat less in diamond length and strength; that is, with hands that would leave South plenty for a ‘penalty’ double. Rather, it was North’s experience with his partner’s brand of double that led to the winning decision.

“E/W were naive to accept N/S’s explanations at face value. East had enough evidence to find the winning play, so the decision to keep the table result was clearly correct. But the Committee was nevertheless way too lenient with N/S. The Committee should have asked enough questions to ascertain N/S’s minimum standards for a ‘penalty’ double. If the answers did not conform closely enough to the general understanding of such bids, they should have forced N/S to change their CCs. In addition, this hand should have been referred to the Recorder.”

☞ Unfortunately N/S non-presence at the hearing renders some of Bart’s suggestions impractical.

**Rigal:** “A very unfortunate case, and one where I have a lot of sympathy for E/W. But all I can think to do is record the incident, not appeal the ruling. Given West’s experience an AWMW should have been seriously considered; she should know that appealing this will do her no good.”

**Polisner:** “Correct ruling and decision although I can understand E/W’s frustration. I wonder how frequently South ‘forgets’ her simple Fishbein agreement. I would want this hand recorded.”

**Gerard:** “Litigious. E/W made three arguments, all of which were ridiculous for a pair of their experience. AWMW.”

☞ The following panelist seems to have declared, “Go fish.”

**Passell:** “Did anyone ascertain the level of N/S expertise? It would seem to be an extremely important issue.”

☞ The next two panelists have a different view of who is guilty of what here.

**L. Cohen:** “Can we assign less than 0 to the Committee? They are on ‘my’ White Team, so I’ll try to go gentle. I have to serve with these people in the future. What were they thinking? N/S can’t do what they did. It’s that simple. North fielded South’s psych/forget. If double was penalty, then North should pass 100 times out of 100 with honor-third of diamonds. Even with a singleton diamond I’d expect him to pass. What does it mean when he runs? It means that this pair is not playing penalty doubles. Both of the N/S hands clearly show that they play takeout doubles. As to the ridiculous journey into the timing of when E/W pointed out the ‘face,’ again I am incredulous. Doesn’t ‘the face’ further confirm what happened? Who cares when it was pointed out. My psychological reading of the N/S reaction is that

they confirmed that the face was made.

“Don’t tell me this was ‘luck of the draw.’ If South forgot her agreement, North properly passed, and E/W then got a bad board that would be life. But here we have evidence that the N/S’s agreement was takeout doubles. Simply put, E/W got 100% screwed and they should have been given +130. I hope my ‘White’ teammates will be back to their normal good senses next time they serve with me.”

**Kooijman:** “In the Netherlands more than a few players will have something similar on their CC when doubling 2♦, probably not saying penalty but ‘diamonds.’ But this is after a Multi-2♦ opening. Are we sure this wasn’t the meaning of the explanation? It is incredible to me that this double is for penalty and South apparently didn’t believe that either. I would have liked South asked why she made the double. This seems to me the most important question for a Committee that understands its job. And I need a clear and convincing answer to decide for a misbid. We can’t play bridge like this. And what they write on their CCs becomes less and less important. You have to *play* what is written on your CC. This is not the fourth round in a complicated contested auction. This is terrible.

“Suppose N/S’s story was as follows. North plays with his wife once a year in a Nationals and to do so they have to find their CCs left somewhere deep down from last year. He normally is too busy to play bridge and she plays with a friend the whole year round and has been taught to double for take out after any not too strong natural opening bid up to the three level. Don’t tell me this description is wrong. The details are made up, I know, but not the essence. N/S don’t have an agreement. He should have explained: ‘Well when we started 27 years ago we didn’t know about take out doubles, so this was for penalty. I play only once a year with my dear wife and the last three years it never happened. Since I have three diamonds myself I doubt we still play this. The conclusions are up to you sir.’ Then I would have applauded for the analysis from the Director.

“I would adjust the score to 3♦ made four. This never would have happened with what I consider to be an acceptable explanation. East didn’t play egregiously.

“The only thing I hope for is that Bobby Wolff is in the jury. Otherwise I am completely alone. CCs seem still sacred in the ACBL.”

☞ Sorry, Ton, but you’ll have to settle for “just” Larry’s company.

**Wolff:** “E/W +110, N/S –110 plus a 1/4-board penalty to encourage N/S to step up their understandings so that both they and their opponents can play bridge. N/S’s description of penalty plus South saying ‘I’m too strong to pass 2♦ and not strong enough to reopen 3♦ so what else could I do?’ is beneath the learning curve for the Silver Ribbon pairs. It’s okay (I suppose) to not penalize South, but what about the game itself? We need to step up our effort to upgrade the non-novice events.”

☞ Well, that’s pretty close to my position and I guess I should be content to leave well enough alone. Right, as soon as you-know-what freezes over.

N/S appear to be relatively inexperienced players (just look at Ton’s fantasy about them) out to play in a Senior event—albeit a National Championship one. In addition, North’s response to the question about South’s double (“Our agreement is that it is penalty and *it will continue to be penalty.*”) reeks of defensiveness. This hardly seems the right time for a stern PP. This situation requires a bit of tact.

Their explanation of their methods was inadequate to be sure, but that may just have been due to their unfamiliarity with modern terminology or lack of expertise. We’d do better to explain that others are likely to misinterpret those terms because they mean different things in today’s bridge terminology. We’re not asking them to change their methods, only the words they use to describe them. We understand they did not intend to mislead anyone, but had they used the right terms they could have avoided the problem. Therefore, we’re adjusting their score and here’s a better way to describe those methods. I think that’s a better approach.

**Subject (MI):** Introducing The Transcendental Lead-Directing Double  
**Event:** NABC Open Pairs II, 14 Mar 02, First Qualifying Session

Bd: 3	Shawn Samuel		
Dlr: South	♠ J1092		
Vul: E/W	♥ AJ10		
	♦ KQ865		
	♣ 2		
Peter Mallela	Alan Greer		
♠ 64	♠ 85		
♥ 42	♥ K985		
♦ A10743	♦ 92		
♣ K873	♣ AQ1054		
	Russell Samuel		
	♠ AKQ73		
	♥ Q763		
	♦ J		
	♣ J96		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	4♥(1)	Pass	1♠
All Pass			4♠
(1) Not Alerted; four ♠s, singleton club			

**The Facts:** 4♠ made five, +450 for N/S. The opening lead was the ♦A. The Director was called after play ended. Before the opening lead North explained the meaning of 4♥. East played the ♦9 under the ace at trick one; declarer won the diamond continuation with the eight at trick two and lost no clubs. The Director ruled that there was MI through the failure to Alert 4♥ and that East would have doubled an artificial 4♥ bid. The contract was changed to 4♠ made four, +420 for N/S.

**The Appeal:** N/S appealed the Director’s ruling and were the only players to attend the hearing. N/S believed that East’s claim that he would have doubled 4♥ if he had been Alerted to its meaning was speculative and could have been influenced by the poor result. N/S had the system tools to allow them to redouble to show four hearts to an honor (although North was uncertain

what he would have done had he been faced with that problem). N/S also did not realize that 4♥ was Alertable since it was above 3NT. (Conventional calls above 3NT are still Alertable if they occur prior to opener’s rebid.)

**The Committee Decision:** The failure to Alert constituted MI. Even if one might speculate about the likelihood of East’s doubling 4♥ (he certainly doesn’t know about the position of the heart honors), the Committee deemed it sufficiently likely to serve as a basis for an adjustment. The Committee also found that while the first two tricks were poorly defended by E/W, that was not sufficient to break the causal chain for an E/W adjustment. At this point the issue became what North would do if South redoubled to show four-plus hearts to one high honor. It was decided that the parlay of South redoubling and North leaving it in was too unlikely to be considered a possibility. Therefore, the contract was changed to 4♠ made four, +420 for N/S. The Committee also believed that since it was hardly clear to double 4♥ with only four hearts to the king and no knowledge of the lie of the suit, it was not appropriate to assess an AWMW.

**DIC of Event:** Henry Cukoff  
**Committee:** Michael Huston (chair), Nell Cahn, Dave Treadwell, John Solodar, Adam Wildavsky

**Directors’ Ruling: 85.0**      **Committee’s Decision: 79.6**

☞ The following panelist’s comment raises an important issue.

**Bramley:** “Reject. Artificial four-level jumps over major-suit openings are nearly universal, even 1♠-4♥. Yes, East might have doubled 4♥ had it been *explained*, but his failure to request an explanation suggests that he would not have done so even if it had been Alerted. He would have assumed, as would most of us, that 4♥ was a splinter in *hearts*. Only the unusual meaning of this 4♥ bid gives East a possible double. Since I regard 4♥ as self-Alerting, I put the failure to Alert it in the same category as the failure to Alert negative doubles used to be. If you are damaged by making an unwarranted assumption about such a bid, you get no redress. Note also that East did not object after the explanation and before the opening lead.

“I would have restored the table result.”

☞ The issue I refer to is, can the ACBL require certain conventional bids to be Alerted and then we, as Appeals Committee members, judge those bids to be “self-Alerting” and deny protection to players claiming damage from their not being Alerted? To me the key lies in the regularity and conscientiousness of the process of revising and updating our Alert procedure.

To understand why, one must recall that negative doubles became Alertable when they were still a minority treatment. As they grew in popularity and eventually became ubiquitous the regulation makers failed to keep up with the times and remove them from the list of Alertable conventions. The present situation differs from that of negative doubles because a new Alert procedure had gone into effect just before Houston which had consciously addressed this very issue. In spite of suggestions from some Conventions & Competition Committee members (Bart and I among them) to make *all* conventional bids above 3NT non-Alertable, the majority of the Committee voted to have such bids remain Alertable until opener’s rebid, as they were in the previous version of the Alert procedure. Thus, while the requirement to Alert negative doubles persisted mainly through negligence, in the present case a conscious decision was made to require Alerts of bids like 4♥. Thus, I do not think we can justify disregarding that policy in the same way we could with negative doubles—no matter how ill-conceived we may regard that policy as being.

I can understand Appeals Committees in the past dealing with the continuing requirement to Alert negative doubles (thus providing players with a mechanism by which they could receive redress for their own negligence) by at some point in time adopting an internal policy to consider them so common as to be self-Alerting, so that only a complete novice could convince anyone that he deserved redress for a failure to Alert a negative double. But when the ACBL has just recently made a conscious decision that first-round bids like 4♥ still require an Alert—even though that decision was made over Bart’s and my objections—I don’t see how we can go against that decision and do as Bart suggests. While I am totally sympathetic to his position, I cannot agree with his recommendation.

But that is not the end of the story. In this case there’s another good reason for not allowing the table result to stand: A jump to 4♥ is played by many as natural so it is not unusual for a 4♥ bid not to be Alerted—unlike a jump to four of a minor. Thus, East’s failure to request an explanation is not unreasonable, especially since such a request would run the risk of transmitting UI.

One other panelist agrees with Bart that the table result should stand.

**Passell:** “Doubling 4♥ seems utterly ridiculous with the ♣AQ; very result oriented. The result should stand and a PP for failure to Alert at most is in order. Horrible.”

☞ The next two panelists present the best argument for adjusting the scores.

**L. Cohen:** “If properly Alerted, I’d certainly double 4♥ as the obvious lead choices for partner will be a diamond or a heart. I’d risk a redouble, especially at matchpoints, to get partner to lead my king suit instead of my two-small suit. I just wonder what would have happened with an Alert. Would East have assumed a heart splinter, and so not bothered asking? I guess he’d be at fault then.”

☞ Right. If East assumed (had it been Alerted) that 4♥ was a heart splinter he would have been entirely on his own, responsible for his own fate.

**Weinstein:** “The Director got it right. There was a strong enough likelihood that East would double 4♥ (what, East should want a diamond lead?) that this had no business going to Committee. AWMW or, better yet, let’s play 4♥ redoubled (as hinted by N/S) with club plays by E/W.

**Gerard:** “Unaccustomed brevity from the chairman and the right decision also.”

**Polisner:** “Good work all around. Doubtful points such as whether or not East would double 4♥ must be resolved in favor of the non-offenders.”

☞ One panelist sits firmly between the two positions, perfecting his fence-sitting skills to best advantage.

**Rigal:** “The offenders should certainly have been left with the adjusted score, whereas the position for the non-offenders is far from clear and I could live with either –420 or –450, for all the reasons stated. Despite the reappearance of N/S I agree that this is a sufficiently murky case for an AWMW not to be appropriate.”

☞ Finally, for those living in the alternate universe which includes Law 12C3...

**Kooijman:** “I read: ‘one might speculate about the likelihood of East’s doubling 4♥’ and ‘the Committee believed that it was hardly clear to double 4♥.’ Then the decision to deem the double sufficiently likely anyhow is easily taken but not so easy to support. I consider the likelihood of doubling 4♥ much less than half, which means that E/W got too much with 4♠ just made. I have less problems with N/S getting not enough, since they created the problem. This is a good example for the use of L12C3, which makes it possible to give a weighted score considering doubling (4♠ just made) in one-third and passing (4♠ made five) in two-thirds of the cases. And in Europe we think that equity is best served by giving N/S the reciprocal score.”

**Wolff:** “In search of equity it seems clearly right to return N/S to +420 and reasonable to assign E/W the matchpoint score halfway between –420 and –450. Equity and PTF.”

☞ I like the 12C3 approach but since we are not permitted to go that route in the ACBL the Committee’s decision is the correct one. I don’t like awarding the non-offenders the whole pie since the double is probably not a majority action. But to deny them the opportunity to double for a better lead (Larry’s point) or to defend 4♥ redoubled (as Howard suggests: any non-trump lead nets E/W +300; a low trump lead nets them only +100) is absurd. Thus, I would favor reciprocal 420s in the ACBL but +420 for N/S and some weighted average of –420, –450, +100 and +300 (the latter two being given very low weightings) anywhere 12C3 is legal.

And finally, I’m willing to allow N/S to skate without an AWMW...but it’s *very* close.

CASE TWENTY

**Subject (MI):** The Key Is Sincerity  
**Event:** Stratified Open Pairs, 14 Mar 02, First Session

Bd: 18	♠ AQ9765		
Dlr: East	♥ A9862		
Vul: N/S	♦ 6		
	♣ 6		
♠ ---		♠ J108432	
♥ KQ4		♥ 7	
♦ 108743		♦ QJ5	
♣ J7542		♣ A98	
	♠ K		
	♥ J1053		
	♦ AK92		
	♣ KQ103		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	1♦
2NT	Dbl(1)	Pass	Pass
3♣	4♠(2)	All Pass	
(1) After asking about 2NT and being told "15-17 balanced" by E			
(2) After looking at W's unmarked CC and assuming that 2NT was unusual for the two lower unbid suits			

**The Facts:** 4♠ went down two, +200 for E/W. The opening lead was the ♣A. After dummy was tabled, North looked at East's CC, saw that a jump to 2NT was (properly) marked as unusual for the minors, and called the Director. After ascertaining the above facts (including those annotated with the auction) the Director ruled that while North knew 2NT was unusual, he had made some effort to determine which suits were shown and therefore deserved protection against the MI created by West's unmarked CC. The contract was changed to 4♥ made five, +650 for N/S (Laws 21B3, 40C and 12C2). After the ruling was made E/W told the Director that North had looked at East's CC after the 3♣ bid and before bidding 4♠, not after dummy was tabled.

**The Appeal:** E/W appealed the Director's ruling. E/W argued that after North asked about the 2NT bid and got the wrong explanation, he looked at East's

CC, which had the correct information. Since he knew what was happening, he should not be protected. E/W agreed they had not spoken up when North gave the Director his version of the facts. East told the Reviewer this was because she was upset and not paying close attention at the time. East said she misexplained 2NT because she was confused and lapsed back to her Acol background. N/S said the facts were as originally stated to the Director at the table. After West's 2NT bid, North asked and got the wrong explanation. After the 3♣ bid he looked at West's CC. He did not look at East's CC because he did not want to wake her up to any misunderstanding. After dummy was tabled, he looked at East's CC and called the Director. The table Director was asked to recount his understanding of the facts for the Panel with both pairs present. His version was consistent with N/S's account.

**The Panel Decision:** The Panel found no substantive reason to accept the version of the facts presented by E/W. It was decided that North, a Flight B player, had made a sufficient enough effort to protect himself to retain his right to redress. In light of the MI given him, his 4♠ bid was not judged egregious. The Panel determined that N/S had been damaged by the MI (Laws 21B3, 40C) and changed the contract to 4♥ made five, +650 for N/S (Law 12C2). The Panel declined to issue a PP to E/W for their mismarked CCs since they had fixed them as soon as they were instructed to do so by the table Director. They also declined to assess an AWMW against E/W as they seemed utterly sincere in giving their version of the facts, and it was reasonable for them to expect a changed ruling if they could convince the Panel of the accuracy of their version of the facts.

**DIC of Event:** Doug Grove  
**Panel:** Gary Zeiger (Reviewer), Charlie MacCracken, Ken van Cleave  
**Players consulted:** none reported

**Directors' Ruling: 89.0**      **Panel's Decision: 81.4**

✍ Putting all the he said/she said about whose CC was looked at when aside, it seems clear that North's 4♠ bid was influenced by a belief that 2NT showed the two lowest unbid (the red) suits. He made a good-faith effort to determine the meaning of 2NT by looking at an opponent's CC, which was subsequently determined to be incorrectly marked. For E/W to suggest that he knew what was happening seems utterly disingenuous and self-interested. West had an incorrectly filled out CC. East misexplained the 2NT bid when she was asked about it directly. On what basis could E/W have thought that N/S were not entitled to protection? And which part of E/W's performance did the Panel find "utterly sincere"?

As for the score adjustment, if North had known that West held the minors he might have been able to make an immediate bid that showed both majors. If not, he could have doubled and then either bid 3♠ directly over 3♣ or cue-bid 4♣; in either case South would likely become declarer in 4♥. A club lead holds declarer to ten tricks but on any other lead eleven tricks are possible. (For example, on a diamond lead South plays the ♦AK pitching dummy's losing club and then tries to cash the ♠K. West can ruff but declarer wins any return, cashes the ♥A, and ruffs dummy's losing spades for +650.) Thus, eleven tricks seem both likely and at all probable.

Finally, this appeal looks about ugly as any we've seen. I would have issued an AWMW regardless of E/W's level. (Remember, it's just a *warning*.) But I do agree with allowing the PP to slide.

Two panelists agree with me that an AWMW was called for.

**Weinstein:** "Is there a strike against assessing AWMWs? I knew I shouldn't have missed the last dozen or so Appeals Committee meetings. Why didn't East bid spades after the explained natural 2NT bid? E/W may have been sincere, but they seemed addled. An incorrect explanation and an incorrectly filled out CC should have been sufficient for E/W to accept the Director's assigned score."

**Rigal:** "The Director made the right decision and E/W's contention that North should be able to work out his opponents' bidding misunderstanding is extremely contentious. I believe E/W should get an AWMW here, regardless of their histrionic ability."

✍ Most of the remaining panelists also support the Panel's decision, including not issuing an AWMW.

**Wolff:** "Okay all around, with the good guys receiving redress and the bad guys getting the worst of it, but also learning what happens."

**Passell:** "Good job all around. Penalties need to be avoided at all costs in lower flights."

**Treadwell:** "If N/S had been Flight A players, I would give them nothing, since the stated meaning of the 2NT bid must obviously, in view of North's holding, have been wrong. However, for this pair I agree with the Panel's decision, particularly in view of E/W's self-serving statements."

✍ I must have missed something. What was it about North's hand that suggested the explanation of 2NT was wrong? Surely not its meager 10 HCP since 10+15+11 still leaves room for an ace for East or some extras for South and/or West.

**Gerard:** "Attention, Panel: to get a result, you must consult. Maybe the consultants

would have considered the probability of +620.”

☞ Yes, we’ve seen a number of cases recently where the Panel’s failure to consult led to a poor score adjustment. It is possible that a group of consultants might have suggested the possibility of +620, but since there’s not much to choose between the minor-suit leads by West it is hard to imagine allowing the offenders to lead the more favorable (for them) club.

**Bramley:** “The Panel was lucky to encounter sincere players. They must know that most appellants are insincere.

“North said that he avoided looking at East’s CC lest he tip off East to a misunderstanding. How this would have tipped off East, or how East would have benefitted from being tipped off, is a mystery to me. But in past casebooks I have said that if you try to nail your opponents in a misunderstanding, you must live with the consequences. This case falls into a middle ground in which North did make a serious effort to find out the meaning of 2NT, but after his first two attempts came up empty (direct question, West’s CC) he gave up. Since he really tried, I must give him the benefit of the doubt. He was unlucky that his remaining attempt (East’s CC) would have yielded the right answer. Therefore, I concur with the Panel’s decision. I would also have declined to give an AWMW, because of North’s slightly tricky approach rather than any nobility on the part of E/W.”

☞ We must be looking at different dictionaries for our definitions of “tricky.”

The last two panelists must either believe in transcendentalism or think that Flight B players are clairvoyant. Sheesh.

**Kooijman:** “Is there anybody on this world playing a 2NT overcall as 15-17 balanced after a 1♦ opening? These problems are too complicated for my simple mind. Contrary to the opinion of the Panel I don’t think that North protected himself sufficiently. He just should have ignored East’s explanation, telling him that he asked for the meaning of 2NT and not 1NT. But even when the Panel judges North’s attempts acceptable I would have liked the Panel to ask what North would have done having the right explanation. Not every pair has a clear agreement what to do after 2NT for the minors (was it for the minors even after a 1♦ opening?) with this holding in North. And only a forcing 3♣ solves the bidding problem. With a double North places himself in the position as given where he knows that 2NT showed the minors at the moment he bid 4♣. [There’s nothing in the write-up that suggests North knew that 2NT showed the minors when he bid 4♣. That was E/W’s contention, later rejected by the Panel.—Ed.] I would have liked to read how the Committee came to eleven tricks in 4♥. Did the frequencies show that as a probable result? At the start East will be aware of five, or more likely six, spades in North. Spade lead? There are only reasonable chances for eleven tricks with a diamond lead. But even then? Small heart from South not covered with an honor? I consider ten tricks as the most favorable result likely. Unless the frequencies show else.”

☞ I’ve encountered one or two Flight B/C pairs that played natural 2NT overcalls—one or two in thirty years, that is. But when one looks at a CC, finds it unmarked, asks and is told that it’s natural, what is one—especially a Flight B player—to do? As for the play in 4♥, even if East is on lead the ♦Q seems pretty normal.

**Polisner:** “I don’t see a relationship between the MI and North’s poor 4♣ bid with an easy 4♣ bid available. The most unusual explanation should have Alerted North to make sure that it was correct and not have a double shot at a good result. I would retain the table result.”

☞ Did we forget that North was under the impression that West had shown the red suits? Given this, it seems reasonable to place his eggs in the spade basket.

## CASE TWENTY-ONE

**Subject (MI):** Having It Both Ways?

**Event:** NABC Open Pairs II, 15 Mar 02, Second Final Session

Bd: 5	Jeff Smith		
Dlr: North	♠ Q10875		
Vul: N/S	♥ Q3		
	♦ 32		
	♣ QJ102		
Mike Moss		Bill Pollack	
♠ J2		♠ A63	
♥ J86		♥ AK72	
♦ A87		♦ Q95	
♣ AK543		♣ 976	
	John Zaluski		
	♠ K94		
	♥ 10954		
	♦ KJ1064		
	♣ 8		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	1♣	Pass
2♣(1)	Pass	2NT(2)	Pass
3NT	All Pass		
(1) Inverted			
(2) Non-forcing			

**The Facts:** 3NT went down three, +150 for N/S. The opening lead was the ♦J. Declarer asked about the lead and was told it promised the ten or was from KQJ(x)(x). The Director ruled that there had been no MI and allowed the table result to stand.

**The Appeal:** E/W appealed the Director’s ruling. North and East attended the hearing. East requested an adjustment due to alleged MI he received concerning the opponents’ honor leads. Declarer had asked the defenders twice for information concerning the significance of the ♦J lead, but was given the same answer both times. Based on his interpretation of that explanation, East believed the lead probably denied the ♦K. Thus, he won the ♦A at trick one because he feared that North could win the ♦K and switch to a spade, causing additional problems. Declarer admitted that he did not look at the opponents’ CC or request information concerning

their leads from specific honor holdings. The Director verified that N/S possessed an over-sized laminated CC outlining their honor leads which correctly matched their explanation. North said that most pairs request that he take it off the table to make room; thus, it was on the floor at the time of the alleged MI.

**The Committee Decision:** Apparently declarer did not fully understand the explanation given him concerning the opening lead. The information accurately (if not clearly) described the opponents’ honor leads; thus, no MI had been given. In any case, the Committee believed that the cause of the damage was this competent declarer’s failure to protect himself fully by examining the opponents’ CC or clarifying their lead agreements from KJ10. The inferiority of leading the jack from J10xx(x) against notrump might also have provided a useful clue. The table result of 3NT down three, +150 for N/S, was allowed to stand. The Committee was very disturbed by what they considered N/S’s lack of full disclosure regarding their lead agreements. The declarer clearly requested additional information with his second inquiry and the defenders should have either presented their CC for inspection or delineated all the honor combinations possible. The defenders were told to be more careful in the future to fully (and clearly) disclose their lead agreements. N/S were assessed a 1/4-board PP to impress upon them the seriousness of their actions.

**DIC of Event:** Henry Cukoff

**Committee:** Mark Bartusek (chair), Ed Lazarus, Jim Linhart, Mike Passell, Jon Wittes

N/S's explanation that the jack promised the ten or the king-queen-jack was, as the Committee noted, accurate though I would add that it was not as explicit as it might have been. I would have simply told them in the future to either show their CC when asked or to state each possible holding. I would not have considered a PP; in fact, if I thought one was warranted I would have adjusted E/W's score. As for E/W, this was well over the line of what I consider meritlessness for players with this amount of experience.

Happily, a substantial majority of the panelists agree with me.

**Gerard:** "Unconscionable. East lodges one of the worst appeals I've ever seen and manages not only to avoid an AWMW but also to convince the Committee to gig N/S. East appears to have based his case on the fact that he assumed MI for not saying 'Denies a higher honor,' a risk that he takes on his own. There was nothing unclear about N/S's explanation, and even the second question showed East's lack of familiarity with the English language. The next time N/S have to explain the significance of a jack lead, how much fuller do you think their disclosure will be than it was here? The Committee's disturbance was geographically misplaced."

**Weinstein:** "Ask the right question and you'll get the right answer. The explanation was correct and the CC was correct. I think the PP is outlandish. Maybe I'll have to rethink that harangue in CASE FIFTEEN against the Director having to consider a PP constraint. N/S should have done a better job in their explanations, but they were certainly not attempting to be misleading or unforthcoming. The PP is overkill, and makes it hard to assess the AWMW that E/W deserve. Sorry Bill."

**Bramley:** "No way. N/S were not even close to deserving a PP, but E/W surely deserved an AWMW."

**L. Cohen:** "Not clear to me what is meant by South giving the same answer twice. Was he pressed further on the second question? It seems as if South basically answered, 'standard, but could be from KQJ.' Isn't saying 'promises the 10' the same as standard? Rusinow would be 'promises the Q.' 'Promises the 10' means to me, J10 or KJ10 or AJ10. South didn't say anything about 'J denies.' Maybe he should have picked up the CC from the floor, but isn't that East's responsibility? I don't agree with the PP against N/S. (But, I do think South could have done just a little better with his explanation.) I don't think this appeal had merit. It's not like East ever should have formed the impression that the jack couldn't be from KJ10."

**Treadwell:** "Declarer took a somewhat extreme position in his line of play and when it doesn't work out he wants redress because the explanation of the lead was not as complete as it might have been? Frankly, I would have been ashamed to have appealed the Director's ruling; that is, assuming I had even gone as far as calling the Director. I believe E/W earned an AWMW. As for N/S, it was appropriate to caution them about the need for full disclosure of their agreements, but assessing a PP was going much too far."

**Polisner:** "Well, Mr. Moss is back on the losing Committee track and rightfully so. East made almost no effort to protect himself by at least asking to see N/S's CC. I acknowledge that declarer would not want to give away his hand by asking about the king, but he was obviously not satisfied with the original explanation and should have asked to see the opponents' CC. I think the penalty was not appropriate. It wasn't complete, but it wasn't wrong either. That is why we have CCs."

One panelist supports the Committee's decision, PP included and without an AWMW.

**Passell:** "Well-done by all once again."

The remaining panelists all want to adjust the score. Some also think the PP was deserved and one (guess who) even judges it to be a bit on the lenient side. Well, I guess that's what makes a horse race.

**Kooijman:** "How can a Committee explain the combination of no MI being given with a PP for N/S because they were 'very disturbed by the lack of full disclosure'? In my dictionary this is called MI. Or do they play the jack also from AKQJ10(xx) or AQJ10(xx) or QJ10(xx). A player opens 2♣, explained as game forcing. At the end it appears he has a weak two in diamonds, which is also on the CC. Is this not MI? Just lack of full disclosure? Come to think of it, why is this distinction made? It suggests that only in case of MI an infraction is made and an adjustment may be given. That suggestion is wrong. Law 40C is quite clear: When there is a failure to explain the full meaning an adjusted score may be given. I consider East to have been damaged, which gives me the problem to decide upon an adjusted score. The Director had an easier job. With full disclosure he probably will place the ♠K in South and I allow him to make eight tricks. This probably will 'assist N/S in appreciating the seriousness of their actions' at least as effectively as giving them a penalty, though I don't mind awarding that penalty as well."

**Rigal:** "I had to read the write-up of the explanation several times to work out what North meant by his explanation of the lead. I find the CC on leads hard to follow and prefer to rely on an explanation myself, so I have much sympathy for East here. Rather than go into PPs for what was clearly an accidental error, I'd simply adjust the score for both sides, probably to 3NT down one."

**Wolff:** "The Committee's decision was as confusing as N/S's explanation. When a jack is led and the opponents inquire it usually is referring to either Rusinow or jack denies. I have a hard time believing the opponents are not aware of this so a penalty was definitely called for and one-quarter board was lenient. Whether East should be protected is a matter of opinion. I'm not for candy stores so the decision is okay even though deep down I think poor East was duped and deserves at least some chance to make at least eight tricks (down one). Some people are oral rather than readers. I empathize with that, but respect being out voted."

CASE TWENTY-TWO

**Subject (MI):** A Shift In Time

**Event:** NAOP Flight C, 16 Mar 02, Second Qualifying Session

Bd: 16	♠ 965		
Dlr: West	♥ J2		
Vul: E/W	♦ K85		
	♣ AKJ94		
♠ J102		♠ AK74	
♥ A10876		♥ K53	
♦ A32		♦ 1094	
♣ 63		♣ 1087	
	♠ Q83		
	♥ Q94		
	♦ QJ76		
	♣ Q52		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1NT(1)	Pass	Pass
2♥(2)	All Pass		
(1) Announced; 11+-14 HCP			
(2) Alerted; explained as ♥+minor			

**The Facts:** 2♥ made two, +110 for E/W. The opening lead was the ♣A. The Director was called at the end of the round, when N/S realized West's shape. E/W's CC was clearly marked "hearts and a minor" in all seats and versus both weak and strong notrumps. The CC also had the reference "see reverse side" where the agreement was clarified and there was a further statement: "Against non-vulnerable notrumps, anything goes, especially in balancing seat." The latter was not disclosed to the opponents at the table. The play in 2♥ went as follows: ♣A; ♣K; a third club, ruffed by declarer; a heart to the king; a heart to the nine, ten and jack; a spade from North. The Director ruled that had North known that West might not have four diamonds, he might have found a diamond switch. (If West had four-plus diamonds the pitch on dummy's spades couldn't help him.) The

contract was changed to 2♥ down one, +50 for N/S (Laws 40B, 40C, 12C2).

**The Appeal:** E/W confirmed as their agreement that 2♥ showed hearts and a minor. They said they thought N/S had looked at their system notes on the back of their laminated CC, and that was why they did not offer a more complete explanation. Both said that 3=5=3=2 was a possible distribution for West. In their view, North had enough information to judge the correct shift and N/S were not entitled to any protection under the laws. North said his opponents, in response to his question about the 2♥ bid, told him it showed hearts and a minor. He said they did not mention the fact that, in passout seat and against weak notrumps, their agreement was to be very aggressive. In their system notes, on the back of their CC, the comment was that in this situation "anything goes." This was not disclosed in response to North's question about the 2♥ bid, nor was it disclosed prior to the opening lead. He said he did not remember either himself or his partner referring to the back of the opponent's CC nor did he recall the opponents referring them to it. If he had known that 3=5=3=2 was a possibility for West, he might have led a diamond instead of a spade at trick six.

**The Panel Decision:** The Panel decided that MI was present. Four players, two Flight A and two Flight B, were polled to see if, given all the relevant information, North might have found the diamond shift. One of the Flight A players, when given the hand, shifted to a spade; the other shifted to a diamond. Similarly for the two Flight B players: one shifted to a spade, the other to a diamond. Based on this evidence the Panel decided that, had North possessed all of the information to which he was entitled, he might have found the diamond shift. The contract was changed to 2♥ down one, +50 for N/S.

**DIC of Event:** Matt Smith

**Panel:** Mike Flader (Reviewer), Patty Holmes, Terry Lavender  
**Players consulted:** Jade Barrett, Rich Gabriel, two Flight B players

**Directors' Ruling:** 93.3      **Panel's Decision:** 86.7

✍ This was a good investigation, an excellent write-up, and a fine decision. The panelists are generally in agreement.

**L. Cohen:** "Well done by all. East should have been warned to fully explain the agreement."

**Passell:** "A simple and clear-cut ruling and decision. Result changed and no PP. Good work."

**Wolff:** "Correct decision. 'Home brew' conventions need to be explained thoroughly so that opponents have a chance. If a bid shows hearts and a minor how can the opponents be protected when they don't have the minor? By penalizing CDers, that's how. It will all correct itself if we do relentlessly penalize."

**Bramley:** "'Anything goes' is not an adequate description of a conventional bid. If true, then the conventional meaning of the bid does not really apply. Ultra-aggressive balancing is a legitimate style, but systemically violating your conventions to do so is not. Despite E/W's apparent forthrightness on their CC, I would have required them to expand their definition of 'anything goes.' The decision to change the result to down one was correct."

✍ Some panelists mention the possibility of an AWMW.

**Rigal:** "This one is relatively close to an AWMW, given that no new grounds for appeal were produced. E/W need to be made aware of their responsibilities here, and the AWMW will help to remind them."

**Polisner:** "Excellent work except for the non-issuance of an AWMW or at least some education to E/W about appeals that have no merit."

✍ Remember, this was *Flight C*. Still, the next panelist makes a forceful point.

**Kooijman:** "You, the ACBL, probably have introduced the AWMW to avoid pairs like E/W here appealing such rulings. I understand why they still appeal: the river, remember? This E/W should have received a penalty above the AWMW to educate them that as declarer one is obliged to rectify a wrong explanation. I consider this specific infraction a severe one, being quite unethical. Do Panels get a good description of their power, and do they use this?"

✍ Panels make their own rules. Certainly had E/W been a Flight A or a Flight B pair I would have no doubt that an AWMW was warranted. However, a PP would be a bit much, even then. I also understand that in Europe PPs are issued much more routinely by Directors and accepted more matter-of-factly by the players.

Finally, one panelist makes a good point about what "anything goes" means...

**Gerard:** "Anything goes doesn't mean the convention is off, it just means that West might have ♠xx ♥10xxxx ♦Axxx ♣xx."

✍ Ron is right. One would not assume that the convention was off. But had North been told that "anything goes" he might at least have requested further information as to just what that entailed.

CASE TWENTY-THREE

**Subject (MI):** Slam, Bam, Thank You, Ma'am

**Event:** NAOP Flight B, 16 Mar 02, Second Final Session

Bd: 18	♠ AK4		
Dlr: East	♥ J10965		
Vul: N/S	♦ 84		
	♣ QJ2		
♠ QJ9832		♠ 6	
♥ ---		♥ 87432	
♦ 952		♦ QJ763	
♣ 10975		♣ 64	
	♠ 1075		
	♥ AKQ		
	♦ AK10		
	♣ AK83		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	2♣
2♥(1)	2NT	3♥	3NT
Pass	Pass	4♥	Dbl
4♠	Dbl	All Pass	
(1) Not Alerted; transfer to spades			

**The Facts:** 4♠ doubled went down six, +1400 for N/S. The opening lead was the ♣Q. The Director was called at the end of the auction, before the opening lead, when West announced that 2♥ had been a transfer to spades. East said she believed they were only playing transfer overcalls after strong 1♣ openings, not 2♣. N/S said the confusion about the heart bid kept them from bidding slam. The Director explained that it was too late to back the auction up to North, who said he might have bid something else if he had known that West's 2♥ showed spades. The convention West believed he was playing was not marked on the E/W CCs. The Director ruled that the auction had been self revealing and that N/S had all the information they needed to get to slam. The table result was allowed to stand.

**The Appeal:** N/S appealed the Director's ruling. North and East did not speak with the Reviewer. The table Director did not speak to North or South away from the table to determine what, if anything, they would have done differently had they been Alerted at the time of the 2♥ call. When the table Director delivered the ruling, she allegedly said that the reason she could not protect N/S was that subsequent to the 2♥ call, they had not played bridge. South believed that N/S were not given a chance to work things out because of the failure to Alert. He said that he and his partner had never heard of E/W's agreement (Mathe with transfer overcalls). He was upset that the auction could not be backed up, although the table Director did give him a chance to change his final call, which is all she was allowed to do by law (Law 21). He believed the Director had not done her job. West believed that, by extrapolation, Mathe with transfers applied to 2♣ openings as well as strong 1♣ openings. When West was asked by the Reviewer for his CC, the agreement was not found listed. According to N/S, East's CC was marked over Strong Club openings.

**The Panel Decision:** The Panel decided there was MI and needed to assess how it affected the auction. Three expert players were consulted. All were given the auction with the MI and all bid the slam, saying that the MI was irrelevant to their decision. Based on this input, the Panel decided that the MI was not relevant to N/S's actions and allowed the table result to stand.

**DIC of Event:** Matt Smith

**Panel:** Mike Flader (Reviewer), Patty Holmes, Terry Lavender

**Players consulted:** John Mohan, Gene Simpson, Dick Yarrington

**Directors' Ruling:** 60.0

**Panel's Decision:** 55.0

✍ The obvious question for me is...

**Bramley:** "Why no Flight B consultants this time? In several cases their input has been startlingly different from the experts'. Anyway, I would require a larger sample before reaching the conclusion that N/S 'had not played bridge,' which is quite different from not taking the same action as three experts. Note that N/S's greatest source of tricks is in the suit the opponents bid up to the four level. At North's second turn he had strong reason to fear being off two quick heart tricks (North would be declaring notrump), and at his third turn he had the tempting alternative of trying for a large number. Since the MI did impede N/S's ability to make the winning decision, I would have changed result for both sides to 6NT made seven, 1470."

**Passell:** "The Director not only didn't handle the situation, but insulted the Flight B players. Ridiculous decision. Did the experts know this was a Flight B event? Since we don't know if six or seven would be bid, Average-Plus/Average-Minus is the least penalty possible."

✍ Right. On the one hand, while three out of three experts bid the slam, I doubt it's quite that automatic for Flight B players. On the other hand, North does have 11 HCP opposite, I assume, 22+ HCP (if South is balanced). That clearly places N/S in the slam zone and North seems not to have done nearly enough to investigate that possibility. On the third hand (that's my story and I'm sticking to it), after all of E/W's major-suit bidding North must have suspected what was going on. Still, the worth of his major-suit holdings had become more and more uncertain. And yet, after South's 3NT bid (could he possibly have running diamonds?) and double of 4♥ (showing heart values?) North might well have forced to or at least invited slam by bidding 5NT. So if I were going to adjust the scores I would adjust E/W's score to -1470 and allow the table result to stand for N/S.

Did you notice that little "if" near the beginning of that last sentence? That's because...

**Gerard:** "Look back at CASE FOURTEEN. Which is the more comparable: (a)(i) a Gambling 3NT versus (ii) a 3NT opening to show a four-of-a-minor preempt, or (b)(i) a strong 1♣ opening versus (ii) a 2♣ opening? Isn't it clearly (a)? Yet one of the defenders' attempt to analogize their methods over (a)(i) to (a)(ii) was deemed to be MI. So West's extrapolation of (b)(i) to (b)(ii) was even more clearly unwarranted. Thus there was no MI. N/S were on their own."

✍ Ron's analysis is compelling. A partnership's conventional agreement over strong 1♣ openings should not be assumed to apply over strong 2♣ openings without explicit discussion. Therefore, I would treat West's 2♥ as a misbid (easy Wolffie, watch your blood pressure) and East's non-Alert as appropriate. The table result therefore stands and there is no need to address the issue of whether North's actions were influenced by MI—since there was none.

Had the issue been relevant, I would have judged North's actions sufficiently negligent to deny him redress, which colors my view of N/S's appeal as being close to meritless. And since part of the table Director's ruling was that E/W were not playing transfers over 2♣ openings (it was not marked on E/W's CCs), that makes this appeal even more suspect. Thus, I would have voted to assign N/S an AWMW.

And there's even more support for the Director's ruling, the Panel's decision, and an AWMW...

**Kooijman:** "No objections related to the decision. But a question out of curiosity. Is believing that the Director didn't do her job well a good enough reason to avoid an AWMW? Another question: Is a Director supposed to try to avoid an appeal if he/she feels such an appeal to be without merit by warning a pair that quite possibly an AWMW may be given? In that case it would be nice to give one once in a while. I am 100% sure that I would have convinced N/S, whatever country they are from, that appealing in this case would be ridiculous. This might have been a more

interesting case, though, if N/S bid up to 6NT and claimed they might have bid the grand in hearts if they had been rightly informed.”

✍ In the ACBL, the responsibility for offering the appellants feedback about the lack of merit of their appeal is (arguably) the job of the Screening Director, not the Directors who made the table ruling. However, as we saw in CASE TEN this is not always forthcoming.

**Polisner:** “Excellent by all except no AWMW. We need to do more to reduce meritless appeals.”

✍ The next panelist simply backs the Panel’s decision with no mention of an AWMW.

**L. Cohen:** “My only comment is that I presume everyone thought it routine (as I do) that West’s pull to 4♠ is kosher. After all, he did have UI.”

✍ Yes he did. But as a passed hand, can East really insist on his own suit to the four level without at least some “tolerance” for West’s spades? I think not.

The remaining panelists think the Directors and Panel lost their minds. They think there was MI and damage and would adjust the score for N/S. Indeed, several believe the UI should prevent West from bidding over 4♥.

**Rigal:** “To my mind a pair of absurd decisions. No consideration to 4♥ doubled down ten? N/S were robbed here; they are being held to ridiculously high standards when their opponents are let off scot-free for potentially heinous offences. How can the decision be taken without reference to West’s final correction of 4♥ doubled? We all know why he did that, and just how were N/S supposed to work out their opponents’ methods?”

**Weinstein:** “The least anyone could have done is made West play 4♥ doubled, down ten, for –2600. Everyone seems so caught up in the MI that West’s use of the UI is totally overlooked. Had East Alerted that 2♥ was a transfer to spades, West may well have passed 4♥ doubled.

“Even without the UI question N/S got a raw deal. Perhaps they should get to slam anyway, but with the proper explanation they certainly would have gotten to it. Just give South the ♥Kx and a 23-count and now its not so easy to make anything.”

✍ “J” is for just a minute. Since East clearly has the hearts on the auction, the ♥Kx and a 23-count would be just fine for slam. And holding only ♥Kx wouldn’t South be more likely to have a source of tricks (diamonds) for his 3NT bid? Give him (only) five solid diamonds plus the ♥Kx and he is marked with the ♣AK and ♠QJ to get up to the needed 23 HCP. Thus, North can count five diamonds, three spades, three clubs and one heart for twelve tricks.

**Wolff:** “Panel F: No bridge feel. E/W –2220, N/S Average. When opponents play destructive conventions the least they can do is know their system. When they don’t they should be severely penalized. Since N/S didn’t bid any slam (understandable to me when North is looking at J109xx in the opponents’ suit) they should be raised to Average. If they had bid a small slam I would have given them Average Plus. Terrible Panel decision that needs to be further discussed. Poison gas lab case.”

✍ “Cough, cough, choke...☹”

## CASE TWENTY-FOUR

**Subject (MI):** With The Clarity Of 20-20 Hindsight  
**Event:** NABC Open Swiss, 17 Mar 02, First Final Session

Bd: 9	Dave Glen		
Dlr: North	♠	QJ1072	
Vul: E/W	♥	KJ98	
	♦	3	
	♣	974	
Robert Ryder	♠	3	
	♥	---	
	♦	AJ854	
	♣	KQ106532	
		Joan Brooke	
		♠	A986
		♥	A6532
		♦	K6
		♣	AJ
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	Pass	1♥
2♣	2♦(1)	Pass	2♠
3♣	4♠	All Pass	
(1) Not Alerted; intended as four-card Drury			

**The Facts:** 4♠ went down one, +50 for E/W. The opening lead was the ♣Q (Rusinow). The Director was called at the end of play. Before the opening lead North told the opponents that he had intended 2♦ as four-card Drury. The Director changed the contract to 5♠ down two, +100 for E/W (Laws 40C and 21B3: Call Based on MI).

**The Appeal:** E/W appealed the Director’s ruling and were the only players to attend the hearing. East claimed he would have doubled 2♦ if it had been properly Alerted as four-card Drury. West would then have bid 5♦ and E/W might easily buy the contract there for a make. At the table North described his 2♦ bid as four-card Drury when he faced the dummy. South responded, “Oh, I forgot.”

**The Committee Decision:** The Committee would have liked to question N/S as to whether 2♦ was really Drury according to their agreements. It seemed highly

plausible that North had misbid rather than that South failed to Alert. However, since N/S did not appear the Committee had little choice but to accept the facts as determined by the Director and rule that there had been MI. The Committee then projected a likely auction. It was natural for East to say he would have doubled 2♦. He could do so with no risk of a redouble since the opponents had a good fit in hearts and he could see (at the end of the hand) that his side could make 5♦. However, with a misfit for partner’s clubs, a good holding in the opponents’ suit, only moderate diamonds, and no strong preference for a diamond lead versus a spade lead on defense pass would have been an attractive alternative to double. Over East’s pass, South would have made the same 2♠ bid but now West would probably have bid 3♦ rather than 3♣. North would still raise to 4♠ and now East would bid 5♦. South would double, with lots of defense and weak suits, and North might well choose to pass, having already shown his support for both of South’s suits and with the double of 5♦ in front of North expressing a strong opinion. This is further supported by the fact that, looking only at the N/S hands, one would surely prefer to defend 5♦ doubled than to declare 5♠. Therefore, the Committee changed the contract to 5♦ doubled made five, +750 for E/W.

**DIC of Event:** Henry Cukoff

**Committee:** Doug Doub (chair), Mark Feldman, Gail Greenberg, John Solodar, Adam Wildavsky

**Directors’ Ruling: 55.4**

**Committee’s Decision: 90.0**

✍ Since South admitted at the table that North's interpretation of 2♦ as Drury was correct and that she forgot, this does not appear to be the same situation as in CASE TWENTY-THREE where it was overwhelmingly likely that a misbid had occurred. Not so says the Masked Man, still sitting tall astride the horse he rode in on in the previous case...

**Gerard:** "You would think that with all those New Yorkers on the Committee it could have been a little more cynical. The Director didn't find any facts or make any judgment about N/S's agreements; he merely accepted North's statement. How do N/S show three-card Drury, by doubling 2♣? What if the overcall were 2♦? If 2♦ had been intended as no distinction Drury, that would have been a lot more plausible than the actual explanation. There was no way the Director could have determined that North hadn't misbid without conducting an inquiry that we weren't told about."

"So all this crystal ball gazing was unnecessary. South didn't forget. North tried another CASE FOURTEEN/TWENTY-THREE extrapolation, even further removed from reality than the assumptions involved in either of those deals. Too bad for E/W, but the table result stands. A little more skepticism would have saved the Committee the embarrassment of rejecting as self-serving East's putative double of 2♦, which would have led to 5♠ doubled down two, only to end up awarding E/W a more favorable result in its absence."

✍ He does make a good case. But is it just possible that N/S discussed playing Drury in competition but failed to anticipate those situations where only one of the two bids is available? But in either case the Director appears to have been negligent, either in determining the facts or reporting them.

Like Ron I'm cynical about what we've been told and, like the Committee, I wish N/S had been present to question about their methods. This is such a tough one that I think I'll listen to what the other panelists have to say before I take my stand.

The remaining panelists all support the Committee's decision with the next two panelists representing the extremes. The first takes South's statement at the table on face value while the second is cautiously skeptical but finally capitulates, as did the Committee. Not surprisingly, the former is a Director while the latter is a player.

**Kooijman:** "I would have liked to read the reason for the Director to adjust to 5♠ down two. The Committee made a good decision, though I don't understand its hesitation to accept that 2♦ was Drury. Is South's 'Oh, I forgot' not enough? But it describes quite openly the relation between the Director and the Committee, the Committee now having 'little choice but to accept the Director's fact-finding'."

✍ In the ACBL a Committee has the choice of accepting the facts as determined by the Director or not accepting them. While in the present case they may have said they had "little" choice we must interpret this within the context of the evidence they had available, which contradicted the Director's finding. Ron finds the bridge logic that refutes the Director's interpretation compelling; the Committee was more inclined to accept the Director's facts without stronger evidence to the contrary. But this was surely their choice and not their obligation: they could have viewed the bridge evidence as being strong enough to overturn the Director.

**L. Cohen:** "Reasonable job by the Committee and good comment about N/S not showing up. I also suspect that 2♦ was a misbid—who plays Drury in competition? If N/S had shown up and said, 'We don't play Drury in competition, North was confused,' there would be no damage."

✍ More support for the Committee's decision, some of it notably reluctant.

**Rigal:** "This should have been a reappearance for two of our more regular visitors

to Committee, although paradoxically their non-attendance hurt them this time. E/W's arguments in the appeal are specious, but the Committee created a much more convincing one for them and N/S failure to appear made the Committee's decision an entirely reasonable one. I think the Director missed the point here, but I can sympathize with him, and he did go part of the way down the right path."

**Polisner:** "I don't agree with the Committee's probable auction absent both MI and UI, but I agree that 5♦ doubled was the likely contract."

**Weinstein:** "I like the Committee's decision and their reasoning. I would also not have accepted East's self-serving statement that he would have doubled 2♦, but it is sufficiently likely that West would have shown diamonds to allow the 5♦ doubled result."

**Bramley:** "Good analysis, good conclusion. Many other auctions are possible, but 5♦ doubled is a likely enough contract to make 750 in 5♦ doubled the right adjustment for both sides. The Director could have tried a little harder to reason similarly."

**Treadwell:** "Here, finally, is a case where MI quite likely damaged the opponents, and I can agree with the Committee's decision to give redress to the non-offenders. Also, a good analysis to come up with the likely result of 5♦ doubled making."

**Passell:** "Once again the Director made a random ruling on the final contract. Sensible and well thought out by the Committee. Any thoughts of a PP against N/S?"

**Wolff:** "Okay. At least some compassion for the opponents of CD."

✍ The decision of whether to allow the table result to stand or to adjust the score for me rests on whether one believes that South's statement—"Oh, I forgot"—is evidence that N/S agreed to play 2♦ as four-card Drury. Regarding this there is one point that none of the panelists raised (probably for good reason) that for me resolves this question by undermining the credibility of South's statement. My understanding is that North was a (male) professional playing with a (female) client. At the risk of sounding chauvinistic, in my experience the latter group usually accedes to the assertions of the former, regardless of who is actually correct. This tendency is so predominant and the bridge evidence that 2♦ was Drury in this auction is so weak (see Ron's comment, especially the questions he raises about how N/S would show three-card Drury and what if the overcall were 2♦), that I am convinced that North simply made a spur-of-the-minute extrapolation and South reflexively (perhaps dutifully) agreed. In the absence of evidence of an agreement I do not believe there was MI. Therefore, I'd allow the table result to stand.

CASE TWENTY-FIVE

**Subject (MI):** Who Are You? Where Am I?

**Event:** NABC Women's Swiss, 17 Mar 02, First Final Session

Bd: 26	Debbie Rosenberg		
Dir: East	♠ Q7		
Vul: Both	♥ QJ87		
	♦ ---		
	♣ KJ109654		
Lynn Deas			Irina Levitina
♠ A52			♠ 1096
♥ K653			♥ A4
♦ AK52			♦
Q109743			
♣ A3			♣ 72
			Lynn Baker
			♠ KJ843
			♥ 1092
			♦ J86
			♣ Q8
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	Pass
1♦	4♣(1)	Pass	4♥
Dbl	Pass	5♦	All Pass
(1) Not Alerted by N to E; Alerted by S to W as clubs and a major			

**The Facts:** 5♦ went down one, +100 for N/S. The opening lead was the ♥Q. At the end of the auction West asked East what she had been told about the 4♣ bid. When the different explanations were discovered she called the Director. South said her Alert of 4♣ had been specious: N/S had no such agreement and claimed to have system notes (unexamined) to support the un-Alerted auction. West said her double of 4♥ had a different meaning depending on the meaning of 4♣. Over a natural 4♥ her double was takeout but over a pass-or-correct 4♥ her double was penalty. She said she would not have doubled 4♥ in an un-Alerted auction. Thus, West believed she was bidding in a pass-or-correct auction and that her double was penalty. East believed West's double was in a natural auction and was for takeout. The Director ruled that Law 40C applied. E/W were entitled to the correct information about N/S's

agreement, but they were not entitled to know N/S were having a bidding accident. It seemed implausible that West would not have doubled 4♥ regardless of its meaning, given the strength of her hand. If West would always double and East had the correct information, there was no basis for an adjustment under Law 12. Therefore, the table result was allowed to stand.

**The Appeal:** E/W appealed the Director's ruling. West said she might have passed 4♥ if she had been given the correct explanation of the 4♣ bid. N/S said there was no question that there had been a mis-Alert of 4♣. While N/S had no conventional agreement about the 4♣ bid, South did have the Alerted agreement with a different partner over a Precision 1♦ opening.

**The Committee Decision:** While the Committee was not convinced that E/W actually had the agreement they claimed, even if they did, with such a good hand West would have had to decide whether to simply pass or risk a double and take her chances. They believed that in this case West's hand was just too good to pass and she was likely to have doubled 4♥ even in an un-Alerted auction. (Even if East pulled the double the contract might well make.) Additionally, East was in possession of the correct information when she bid 5♦. Therefore, the Committee allowed the table result of 5♦ down one, +100 for N/S, to stand.

**DIC of Event:** Doug Grove

**Committee:** Henry Bethe (chair), Bart Bramley, Gary Cohler, Judy Randel, Michael White

**Directors' Ruling:** 88.6

**Committee's Decision:** 82.9

✍ The Director and Committee said that West had a whatever-it-means-is-what-I-have double and East had the correct information, so the table result stands. Agreeing with them are...

**Bramley:** "Another example of 'If I'd had the right information I'd have played double-dummy.' I didn't buy the theory that West's double would have had an entirely different meaning over a natural bid than over a pass-or-correct bid. I doubt than anyone has assigned meanings to such doubles, other than 'I have a good hand, do something intelligent.' Regardless of the double's exact meaning, partner might decide to take it out the with extra distribution. Of course, from the doubler's point of view pulling might have been the winning decision. This layout was just unlucky for pulling.

"The doubler had to weigh the risk of doubling against the risk of passing. Doubling risks that partner will go wrong and turn a plus into a minus. Passing risks collecting an undoubled penalty instead of a doubled penalty. However, West probably suspected that the explanation she got might have been incorrect, both from its strangeness and from her knowledge of the players involved. As I have noted before, if you try to nail the opponents in a misunderstanding and it backfires, you don't get another shot in committee. Here West could have passed with a strong expectation of a good result. (Notice that passing was the way to collect a number. North assured us that she would have bid 5♣ over 4♥ *undoubled*. Then West could double and make it stick.) By making the greedy double she had to live with the consequences either way."

**Rigal:** "This just looks like bad luck for E/W and undeservedly good luck for N/S. Still, since North has not got much out of Committees in the past I suppose that is only fair. The Committee made the right decision; sometimes it is better to be lucky than good."

**Polisner:** "Tough case, but correct ruling and decision."

**Treadwell:** "Good analysis by the Committee to determine the likely result without the MI."

**Wolff:** "From the standpoint of the rules, as I understand them, the Director and the Committee did a good job. However, from the standpoint of the high-level bridge game, what happened on this board with these players made bridge a lottery. When CD occurs most of the things we play bridge for go out the window: e.g., bids mean different things because of the nature of the CD, judgment is altogether different because the players have different hands than their partner expects. The result is uncontrolled chaos. Sure, if someone psychs he may cause the same thing but when he psychs he runs the significant risk that his partner will do the wrong thing and set their partnership up for a certain poor result. Psychs represent strategy, CD represents sloth and above all, selfishness to the opponents and to the game itself. What's more, CD was born in sloth but has now graduated to the poison gas labs where CD is basically an illegal strategy."

✍ The preceding was an unpaid political announcement. Some panelists want to add insult to injury...

**Weinstein:** "I have trouble believing E/W have that agreement. I figure that if my regular partner and I haven't talked about an auction or put it in our 150 pages of notes, then a more casual partnership is very unlikely to have talked about that

auction. Good work by all, but I would have considered an AWMW.”

**Brissman:** “Where’s the merit?”

**Passell:** “A PP to N/S seems clear cut.”

✍️ Finally, one panelist explains why they are all wrong.

**Gerard:** “Very complicated, obviously too much so for the Director or the Committee.

“First, is there any such thing as a ‘natural’ 4♥ bid in this situation? I mean, a vulnerable 4♣ opposite a passed partner. West wouldn’t have believed it and East shouldn’t have. Not enough New Yorkers on the Committee, more skepticism was needed. In fact, pass-or-correct is one of the two logical meanings I can think of for 4♥ (lead directing is the other). So West should have been allowed to assume that she was doubling the Alerted auction.

“As for the un-Alerted auction, I also don’t believe the agreement purported by E/W since no one would ever have an agreement over a nonexistent auction. But it could be that ‘takeout’ was just the field alternative to penalty or that E/W’s default agreement was that anything is natural if it could be. West can’t sit there and badger South with a law school inquiry about agreements with other partners (Did you think we were playing Precision? Etc.). She was given MI that made sense and that gave her a clear cut action. What she would have done with the correct information is pure speculation. It seems implausible that anyone could guess what West would have done without an Alert, regardless of the strength of her hand. She didn’t have to worry about it. The Committee was wrong to insert their judgment, especially when that judgment was wrong. Haven’t you ever held that hand when your RHO opened 4♥? Is your hand just too good to pass because even if partner pulls the double, the contract might make? Which contract is that, 5♣?

“Despite the consensus on this matter, East was not in possession of the correct information. She did not know that West had been given MI that made the double penalty. For reasons mentioned above, it was not egregious for her not to question the lack of an Alert, just naive.

“Everyone thinks West had such a good hand. What contract above 4♥ was she likely to make? How many times does partner have to pass to describe her hand? If N/S were having an accident that presented E/W with an opportunity, they figured to do better than their counterparts at the other table. Isn’t it right to think that you don’t have to protect against the opponents’ doing something really stupid, as long as it doesn’t compromise your own position? If E/W could make 4♥, they could have the pleasure of reading off ‘Plus 700’ during the comparison. West is at least as shrewd a player as several on this Committee and almost certainly shrewder than the Director, so who among them has the right to insist on their own version of reality?

“I make it down six against best play, down seven against an error. Since I’m such a softy at heart, +600 to E/W. But even if you let E/W’s result stand, N/S deserved –600 under the ‘at all probable’ standard.”

✍️ Does anyone think the Director(s) in CASE FOURTEEN will make Ron’s holiday card list this year?

East knew that South’s passed-hand 4♥ bid opposite a vulnerable 4♣ could not be more than a suggestion (see CASE TWENTY-THREE), perhaps implying a club fit in a hand such as ♠xxxx ♥AQ10xx ♦x ♣Jxx. Does that make West’s double takeout? Should 4♥ be treated as pass-or-correct, lead directing, or a “real” heart suit (even if not a six or seven bagger)? Would West think any differently?

Ron is mostly right on target, though his assertion that “West should have been allowed to assume that she was doubling the Alerted auction” is suspect. North did not promise a major and South’s 4♥ was not pass-or-correct in the traditional sense: she could not hold ♥10xx and ♣x.

He is right that West is a good enough player not to double 4♥ on the principle that her hand was just too good to pass because even if East pulls the contract might well make. Would West be happy if East bid 4♠ holding something like ♠Q10xxx ♥x ♦xxx ♣Jxxx? I doubt it. He is also right that East’s expectation about the meaning of West’s double colored the whole auction, not to mention her action. If partner has a takeout double of 4♥ isn’t ♦Q10xxxx in her first-bid suit and a side ace a terrific offensive holding? Isn’t 5♦ clear? But make the double penalty and now how good does East’s hand look opposite ♠AKxx ♥KJxx ♦Axx ♣Ax?

I agree that it’s likely enough that West would have passed 4♥ with the correct information to change the contract to 4♥ by South. But I disagree with Ron’s claim of down six against best play and down seven against an error. South can take five tricks against any lead by refusing to ruff in dummy, pitching low black cards on the likely diamond leads, and threatening to ruff the fourth round in hand. In essence, she can take two spades, one club, and two trumps by force as long as she does not give up control of the hand by ruffing in dummy too early. Should South be allowed to play the hand that expertly as an offender? That is a very difficult question and ultimately one whose answer must be quite subjective.

So “softie” Ron’s offer of +600 is not quite the bargain he makes it out to be. The real bargain is +500. I would assign 500s to both sides but there’s so much subjectivity involved in this decision that Ron’s offer is certainly reasonable.

Finally, in spite of the implausibility of E/W’s purported agreement about the double of a pass-and-correct versus a natural 4♥, I think it is likely that they formed their agreement for “generic” pass-and-correct versus natural auctions and were not thinking about its implications for passed hands. So while Ron is right that a vulnerable, out-of-the-blue 4♥ by a passed hand is virtually impossible as a natural bid, there is something to be said for a new partnership (which E/W were) having a simple agreement and sticking to it even if is less than optimal in a few situations. Taken in this light, one of the primary arguments against protecting E/W (that their stated agreement is unlikely) becomes even more questionable, making the decision not to protect E/W an even harsher judgment than Ron suggests.

CASE TWENTY-SIX

**Subject (Played Card):** Hold Your Cards Back!

**Event:** NABC Women's Pairs, 14 Mar 02, First

Bd: 1	Peg Waller		
Dlr: North	♠ 752		
Vul: None	♥ J86		
	♦ AK32		
	♣ K109		
Shannon Cappelletti	Leslie Reynolds		
♠ KQ8643	♠ A9		
♥ 102	♥ 543		
♦ QJ106	♦ 97		
♣ J	♣ A87432		
	Judy Schwarz		
	♠ J10		
	♥ AKQ97		
	♦ 854		
	♣ Q65		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	Pass	1♥
1♠	2♠	Dbl	Pass
3♠	Pass	Pass	Dbl
All Pass			

**The Facts:** The opening lead was the ♥6. Two rounds of hearts were followed by a diamond to North's king. At trick four North returned the ♠2 to the nine and ten, at which point West detached the ♠3 and held her entire hand so that it was near the edge of the table. The Director was called. The Director determined that the ♠3 was faced near enough to the table to be considered played. West told the Director that before he arrived she was playing another card. The Director ruled that the card was held face up and determined to be in a played position. Therefore, the result was 3♠ doubled down one, +100 for N/S.

**The Appeal:** E/W appealed the Director's ruling. West said that her cards were held in such a way that her hands were close to the table and when she sorted her hand in mid-play she was not playing any specific card. She said she had even stated during the sorting, "I

am not intending to play this card." N/S believed the ♠3 was played and any statement made by declarer had been after the card was detached.

**The Committee Decision:** The Committee decided that there was no concrete evidence to overrule the facts determined by the Director. Therefore, the result for 3♠ doubled down one, +100 for N/S, was assigned. The Committee also decided that this appeal had merit.

**DIC of Event:** Henry Cukoff

**Committee:** Karen Allison (chair), Ellen Melson (scribe), Peggy Sutherlin

**Directors' Ruling:** 85.3

**Committee's Decision:** 82.0

☞ The few panelists who choose to comment on this case fall into three distinct groups. The law-and-order group has the slightly larger numbers.

**Bramley:** "If the appellants could not add any information to contradict the Director, they had no case. On what basis did the Committee find merit here?"

**Polisner:** "Strictly a factual case and the Committee's determination is binding."

**Treadwell:** "The Director and Committee made the correct ruling if in fact the ♠3 was a played card. But I am uncomfortable with it because the facts are a bit fuzzy about just what did happen at the table. Perhaps declarer was in the process of claiming with the ♠3 being her lead to the next trick. However, I guess in the

absence of further information declarer must pay for her carelessness."

☞ What the small this-one-smells group lacks in numbers it more than makes up for in righteous indignation.

**Passell:** "This one smells. It even makes the 'Oh Shit' decision look good. Talk about getting something for nothing."

☞ And then there's the what-are-these-silly-women-doing panelist who makes my comment on CASE TWENTY-FOUR appear downright politically correct.

**Wolff:** "Women judging women are like Palestinians judging Jews and vice versa. The facts are ickey and best left untouched by me, but why did declarer claim before she knew the trumps split? My vote would be N/S -530 and E/W Average Minus for a silly and controversial claim. In that way the field is protected, N/S get what their bridge dictated, and E/W lose their great result because of a mind lock or whatever. Shouldn't we all want to see this ruling and if not, why not? Bobby Wolff being in favor of it is not a good enough reason."

☞ Oh come now Wolffie. Surely you underestimate your influence.

On the other hand, where does it say that declarer claimed? Perhaps Wolffie recognized the telltale signs of a player who was *thinking* of claiming?

Actually, Wolffie's adjustment does have the faint ring of justice which, as we know only too well, is often not the goal of the laws. If West was holding her entire hand near the table and detached a card (the ♠3?) which was similarly near the table, that does not seem to me to fulfill the requirement of Law 45C2: "Declarer must play a card from his hand held face up, touching or nearly touching the table, or maintained in such a position as to indicate that it has been played." If her cards were all held near the table then, unless the card in question was held face up over the table *and away from the rest of her hand*, I believe the part of the Law that requires the card to be "...maintained in such a position as to indicate that it has been played" is key. In other words, if declarer had detached a card and was just holding it while she considered her play—even if the card was in a nearly horizontal position—then it was not played. But of course she was negligent in the way she held her cards, for detaching a card she had not decided to play, and for making the nonsensical statement ("I am not intending to play this card.").

I do not like the Director's statement that "the ♠3 was faced near enough to the table to be considered played." "Near enough" is not near-ly enough for me. So I would reject this determination and assign both sides the result for 3♠ doubled made three, +530 for E/W. I would also assess a 1/4-board PP against E/W (not to be reciprocated to N/S) for an experienced, professional player like West engaging in negligent and improper procedure and creating such unnecessary problems.

CASE TWENTY-SEVEN

**Subject (Attempted Concession):** Lord Save Me From Myself  
**Event:** Stratified Open Pairs, 14 Mar 02, First Session

Bd: 14	♠ AKQ6		
Dlr: East	♥ AQ98		
Vul: None	♦ 76		
	♣ J62		
♠ J5		♠ 108432	
♥ KJ104		♥ 76	
♦ Q82		♦ J1094	
♣ AQ74		♣ 53	
	♠ 97		
	♥ 532		
	♦ AK53		
	♣ K1098		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	Pass
1♣	1NT(1)	Pass	3NT
All Pass			
(1) 15-17 HCP			

**The Play (East on lead):**

Trick	1	♠3, ♠7, ♠J, ♠K
	2	♣J, ♣5, ♣8, ♣Q
	3	♣5, ♠A, ♠2, ♠9
	4	♣2, ♣3, ♣9, ♠A
	5	♥J, ♥Q, ♥7, ♥2
	6	♣6, ♠4, ♠10, ♣4
	7	♥3, ♥10, ♥A, ♥6
	8	♥9, ♠8, ♥5, ♥K
	9	♣7, ♦6, ♠10, ♠K
	10	♦3, ♦Q, ♦7, ♦10
	11	West tried to concede the remaining tricks but East objected (see The Facts)

**The Facts:** 3NT went down one, +50 for E/W. The opening lead was the ♠3. The Director was called when West attempted to concede the remaining tricks at trick eleven and East immediately objected. Play was allowed to continue under Law 68B, which allowed for the possibility that Law 16A (UI) might also apply. West then led the ♦2, resulting in the contract going down one. The Director applied Law 16A2, ruling that East's objection had awakened West to the correct defense and requiring West to lead a heart instead of a diamond in the three-card end position. The score was changed to 3NT made three, +400 for N/S (Law 12C2).

**The Appeal:** E/W appealed the Director's ruling. West admitted that he hadn't been fully alert when he tried to concede the last three tricks, but he knew his partner was out of hearts. Whatever North had left in spades had to be high since East had pitched all his spades. Effectively, he placed North with four of the last three tricks after East's mistaken play of the ♦10. But despite his inattentiveness, he believed he was entitled to know that a heart return had to be hopeless. He knew North had a good heart. N/S did not question the veracity of West's statement about what he knew when he had tried to concede at trick eleven.

**The Panel Decision:** Three players with 2000-4000 masterpoints were consulted; they

were not told about the attempted concession. None of them realized that North had to be out of diamonds, but all of them led a diamond anyway because a heart clearly couldn't help. Two of them said they considered a heart shift but rejected it as a give up. Since the ACBL Laws Commission's definition of an LA is an action which some number of the player's peers would seriously consider and some would actually choose, the Panel decided a heart shift was not an LA for this player. Since West had therefore not violated Law 16A, the table result was restored.

**DIC of Event:** Doug Grove

**Panel:** Gary Zeiger (Reviewer), Charlie MacCracken, Ken van Cleave

**Players consulted:** three players with 2000-4000 masterpoints

**Directors' Ruling:** 59.6

**Panel's Decision:** 68.7

✍ If West was under the impression that declarer had the ♦J for his play of a low diamond from dummy at trick ten (and thus had a hand entry), he might have been induced to concede the last three tricks even though he would have known to return a diamond had he not misconstrued the situation. This view is supported by...

**Bramley:** "A diamond return by West in the three-card ending is consistent with his play two tricks earlier of the fourth club to dummy. That supports his contention that he knew not to put declarer in his hand. Furthermore, I don't see any special inference that West can draw from East's failure to acquiesce in the concession. Restoring the table result was the right decision."

✍ No "special" inference but the objection did suggest that West's play mattered. Agreeing with Bart that West knew enough to return a diamond...

**L. Cohen:** "I don't understand the process the Panel used here. Why are they discussing LAs? Isn't the only issue: What do the claim laws say? Law 71 says 'a concession can be withdrawn if a defender concedes one or more tricks and his partner immediately objects, but Law 16 may apply.' Well, I think Law 71 was fulfilled. It even says in the Facts that 'East immediately objected.' So, on to Law 16 which discusses UI. East didn't give West any UI (other than that he shouldn't concede), so West was entitled to play anything he wanted."

"Using the right laws (isn't that the idea here) this case is 100% clear. West can change his play—down one. The Director used the wrong law in the law book. On his reasoning Law 71 is irrelevant. Just because East didn't want to concede doesn't mean he 'awakened West.' On that basis, any objection to conceding would awaken partner. So what is all this talk about LAs? Was the Panel on the right case?"

✍ Larry is looking at the wrong Law book. He has quoted Law 71C from the Laws of Contract Bridge (the rubber bridge laws), not the Duplicate Laws. Still, the intent seems the same. A concession by a defender is canceled (treated as if it never occurred) if his partner objects immediately, but Law 16 (on UI) may apply if the objection awakens the conceder to the right play. It is Law 16 that refers to LAs.

Since East's objection suggested that there was a play which would not lose all the remaining tricks, if playing a heart is considered an LA for West then according to Law 16 he must play it.

And while it's true that any objection to a concession *could* awaken partner, it's not true that there must always be an LA. For example, if West conceded holding three low diamonds and East had a natural diamond trick there would be no LA to leading a diamond. But in the actual case a heart *could* be an LA.

**Wolff:** "Seems like a good ruling, and I have no opinion. Hooray!"

**Passell:** "A close decision. Once again we know this was a stratified event but what Flight were the players? The consulted players always need to know in this type of case."

✍ The remaining panelists support the table ruling.

**Brissman:** "When West attempted to concede, he was saying that any of the cards he might play would lead to the same result and that he was done playing bridge on this hand. The LA analysis is inappropriate because West's actions demonstrated that he thought any of his cards was a LA. Applying the LA principle forces West

to continue to play bridge despite his demonstrated abandonment. The table Director was right.”

**Polisner:** “This case is similar to CASE EIGHT, although different in that East has the right to reject partner’s concession with the potential for UI to exist. Under these circumstances where West believed the situation was hopeless, he would be equally likely to have led a heart as a diamond if not awakened by East’s objection. Therefore, for this West playing a heart was an LA and the score should have been adjusted. Ping pong at its finest.”

**Rigal:** “Good Director ruling. When a player can’t work out that his side might make a trick he should not be allowed to reapply logic and counting skills in a position where he has clearly stopped thinking. I wish I could get this dictum made standard practice. On that basis, while the non-offenders might be left with the table result, the offenders were exceptionally generously treated here.”

**Weinstein:** “I like the Director’s ruling. This is a claim case, not a UI case. In a situation where West has mentally conceded the rest of the tricks, he may just play the card nearest his thumb. Depending on how he sorts his hand, this may well have been a heart. East’s dispute of the claim awakened West to the fact that a heart is truly hopeless. E/W should never get the trick. In a claim case the non-offenders are not subject to the “likely” standard (forgive me if this inaccurate since all ten of my Laws of Duplicate Bridge books are still in a box in Chicago) and should receive the benefit of the last three tricks. I would like to see the claim law changed to “likely” for the non-offenders, both from an equity standpoint and to reduce some unsportsmanlike contentions of claims. In this case, the most favorable result likely from a random standpoint would be a diamond, since it is twice as likely with West holding twice as many diamonds as hearts.”

✍️ But this is a concession case, not a claim case, and it does involve UI. Law 68B directs us to Law 16, which says if there is an LA to a diamond lead then West must take it. So we need to decide whether leading a heart was an LA for West. We can use whatever information we have available to make that decision, including the plays leading up to the concession. And that’s where Bart’s point comes to bear on the issue. Bart believes that West demonstrated from his previous club play that he was aware of the need to keep declarer out of his hand.

The Panel decided there was no LA to a diamond play based on a poll of three of West’s peers. This was not only a very small sample on which to base a decision about LAs but the players who were polled were “into” the hand while West had demonstrated that he *might* have lost touch with some of the possibilities. The issue is not that West might have played a card at random based on the number of cards in each suit in his hand. Rather, it is whether East’s objection might have helped West to focus better or might have directly suggested a diamond return. The issue is also whether West had an LA to leading a diamond or whether he had already established that he knew what he was doing (even if he did fall momentarily under the illusion that declarer held the  $\diamond J$ , which must have been further intensified by East’s play of the  $\diamond 10$ —normally denying the jack—at trick ten) and was not too distracted to continue along his previous line of defense.

Bart’s argument is tempting and I’d be inclined to adopt it if I could just find something in West’s statements at the table to indicate that he only conceded because he thought North had the  $\diamond J$  and that his previous club play was evidence of his intent to keep declarer from reaching his hand. But I can find nothing in the write-up to justify allowing West to find the diamond return when he seems to have been under the impression that all plays were equal. In fact, he even admitted at the hearing that he hadn’t been fully alert when he tried to concede the last three tricks. Thus, I agree with the table Director and would have adjusted the score to 3NT made three, +400 for N/S.

## CLOSING REMARKS FROM THE EXPERT PANELISTS

**Bramley:** “The table Directors slipped a notch here, continuing a bad trend. The Panels were also a little weaker, but the Committees were quite good. The few Committee cases with which I disagreed were all close decisions.

“I continue to put my support strongly behind the appeal system as currently constructed. Opponents of this system must do more than complain about a few highly visible cases before they can hope to convince me that our system is broken and they have the fix. Their proposed cure is much worse than the perceived disease.”

**L. Cohen:** “The Committee/Panel decisions on at least five cases (EIGHT, NINE, SIXTEEN, EIGHTEEN and TWENTY-SEVEN) were embarrassing. That’s way too many out of only twenty-seven cases. A few other Committee decisions were far from perfect, mostly because they failed to issue an AWMW when there was no merit anywhere in sight. I suppose twenty-seven cases isn’t enough to draw any conclusions, but I was disappointed. Committee performance in recent years seemed to be improving. Let’s hope that trend continues.”

**Gerard:** “Mostly boring. Directors and Committees need to approach everyone as a combatant and not be so convinced that self-serving arguments are a thing of the past. Getting rid of Committees is all the rage, but the suggested alternative won’t solve that problem. CASE FOUR was botched by a too trusting Committee, but who among a Panel would have had the bridge expertise to know what the auction really meant? If anything, better players get more deference by Panels than Committees. And don’t think that some of the experts pushing the Panel solution don’t know it.

“As usual, the Directors were pretty bad, the Committees were better and the Panels best. This proves almost nothing. The Committees weren’t always top notch in their makeup and the Panels had ridiculously easy cases. For those who screamed and yelled about possible bias in the Reisinger Committee, did anyone think to question Sundelin’s inclusion on the CASE ELEVEN Committee? I wouldn’t have, mind you, but if staying in someone’s hotel room can make you biased what about being a citizen of the same non-U.S. country as one set of protagonists? This just shows that the ‘Antis’ pick their spots and aren’t consistent.

“CASE SEVEN is important for the procedural aspects it raises. Blaspheming a Committee to its face can be prevented by adopting the right approach to describing the process and the reasons for a decision. And fear of controversy shouldn’t govern anything. Committees can’t control what people will do or say outside of the Committee room, especially with so many of them demonstrating that it’s questionable whether they have a life outside of their computer room.”

**Kooijman:** “If my estimation of the quality of the decisions comes close to what could be called realistic, we can’t be very proud of what happened in Houston. And the problems are equitably divided between Directors and Committees. Not just decision related, if I had some influence within the ACBL I would try to change some procedures or emphasize to start using the existing ones. AWMWs, Law 12C3, upholding Director rulings unless, and coming to a well-considered decision before telling anything.

“I just read that the ACBL is throwing out Committees completely. Good decision. I am in favor of such a development. But you need improvement in the procedures to get to a ruling then. Your Directors don’t prove to be capable of deciding on their own, which is not amazing. The stuff is too complicated. So appoint two or three advisors for judgment cases and start quality assessment for both Directors and advisors. There should be written decisions including the advice given. Furthermore, you should start building a data bank with decisions taken, decisions you agree upon. Make use of the series of casebooks from NABCs over recent years. Make it compulsory to refer to such decisions when making new ones.

There are a few worthy-to-be-examples decisions in this Houston set, if you agree on them: CASES TEN, EIGHTEEN, and TWENTY-ONE.”

**Rigal:** “This casebook contains less slam-dunks than usual. Probably just chance though. It seems to me that we are still being too lax with AWMWs. No major points of principle arose, but two cases throw up minor ‘policy’ issues we should perhaps consider noting for future reference. In CASE TWENTY-SEVEN, once you have made a bum concession it seems to me that you should be held to at least the same inferior/irrational standards as on a bum claim. And in CASE TWO the fact that the Director was called prior to play starting meant that N/S were unlikely to defend as accurately as they would have had that not been the case.”

**Treadwell:** “Of course, It was nice to have a large reduction in the number of cases, but was it the rather low attendance or the effect of AWMWs? Probably some of each.

“Although I might have taken a slightly different position on a few cases, none of the decisions by either the Panels or Committees were terrible. In other words, the system is working well, despite grumbling from some sources as evidenced by letters to the ACBL Bulletin.

“I believe we must work even harder to eliminate the thinking, still prevalent among many players, that if an opponent misbids, hesitates, or gives a bit of MI they are automatically entitled to a better score, even if the table Director did not give it to them. AWMWs help to stem this but more education is needed, also. Perhaps an occasional article in the ACBL Bulletin would help. Mind you, I am not advocating that there should never be an appeal of a table ruling since some cases require the time and expertise a Committee or Panel can devote to resolve the issue.

“Let s see how this all works out in Washington, DC this summer.”

**Weinstein:** “There were no AWMWs given. None. Zilch. Nada. Considered many times (better for the post-mortem), but never given out. Panels, Committees, this is not a flogging, walking the plank, or doing hard time. It is just a warning that we think you are being a little too litigious. You think that all twenty-seven cases have merit? Admittedly there was a little less whining than usual, but no warnings? If you always look for a reason to avoid it you will: they dressed nicely, she was pretty and smiled a lot, they sounded sincere, they were in an NABC but were inexperienced, their result seemed so unlucky, it was a full moon. We way too often keep seeing the same faces in front of Committees. Send a message—or twenty.”

## CLOSING REMARKS FROM THE EDITOR ✍

### How’d We Do?

Below we summarize the performance of the various groups in Houston (Directors, Panels and Committees) by classifying their actions as either Good or Poor. Some cases in each category will inevitably display elements of the other. Table 1 presents cases heard by Panels; Table 2 cases heard by Committees.

		Panel’s Decision		Total
		Good	Poor	
Table Director’s Ruling	Good	8, 13*, 15* 20*, 22, 23*	16, 27	8
	Poor	5		1
	Total	7	2	9

\* Missed or unwarranted AWMW or PP

Table 1. Cases decided by Panels

		Committee’s Decision		Total
		Good	Poor	
Table Director’s Ruling	Good	1, 3*, 4*, 11*, 12, 19, 21*, 24		8
	Poor	6, 7*, 9, 17	2*, 10, 14*, 18*, 25, 26*	10
	Total	12	6	18

\* Missed or unwarranted AWMW or PP

Table 2. Cases decided by Committees

Looking at the table rulings for all cases combined, 16 of the 27 rulings (59%) were classified as good while 11 (41%) were judged poor (see chart on next page). While this is above the 43% registered in Las Vegas, it is still not much better than chance (50%).

Panel performance improved in Houston when 7 of the 9 decisions (78%) were judged good while only 2 of the 9 (22%) were judged poor (see chart on next page). We saw a similar pattern in Kansas City, only to be brought back to earth when Panel performance hit an all-time low at the very next tournament (Toronto). The number of cases are far too few to make much of the details, so we should avoid drawing any conclusions based only on these data. And while the only poor table ruling was improved, 25% (2 out of 8) of the good table rulings were worsened.

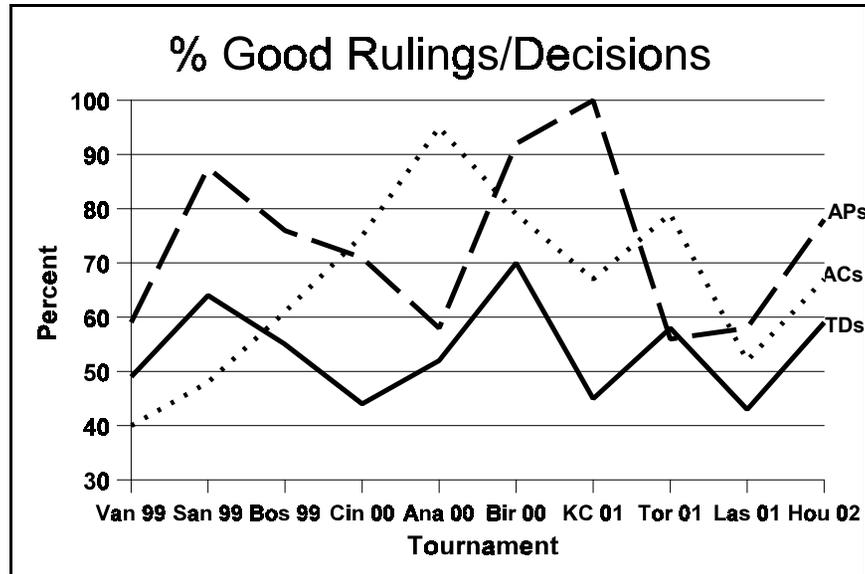
Committee performance also showed an improvement. 12 of the 18 decisions in Houston (67%) were judged good (compared to 52% in Las Vegas) while only 6 (33%) were judged poor. However, Committees were still unduly influenced by poor table rulings as 6 of the 9 poor table rulings were sustained by Committees.

Both appeals bodies need to make a greater effort to evaluate their cases independently of the table ruling if we are to overcome this problem.

Panels missed an AWMW or PP in one-third (3) of their 9 cases, Committees

in half (9) of their 18 cases. Clearly improvement is sorely needed in this area.

Overall, good appeal decisions by Committees and Panels were made in 19 of the 27 cases (70%) in Houston, compared with 55% in Las Vegas, 68% in Toronto, 77% in Kansas City, 85% in Birmingham, 75% in Anaheim, 73% in Cincinnati, 68% in Boston, 69% in San Antonio, and 51% in Vancouver.



(APs = Panels {dashed}; ACs = Committees {dotted}; TDs = Directors {solid})

### Reactions to Panelists' Closing Remarks

While I disagree with several panelists on precisely which cases were mis-judged by Committees and Panels (see individual cases for specifics), I agree with Bramley and Gerard that the present appeal system has a lot of good qualities, most of which are ignored when a controversial decision (like the Reisinger case) is publicized. Still, a lot of improvement is needed and, as I warned in *A Call to Arms* (*St. Louis, Misery*, Fall, 1997), a failure to change will lead to others doing it for us. Well, as the reader likely knows by now, the Board of Directors voted in DC to turn the appeal process at NABCs over to management, beginning in 2004. This may prove to be a good thing if the needed changes become a part of the new process; it will be unfortunate if the critical role of players in the appeals process is ignored. As the nature of the coming changes have not yet been decided, your ideas are still needed.

What worries me about the changes I have heard discussed is that too much emphasis has been placed on the role that Directors will play in the process and too little on the role of top players. Traditional Committees have several characteristics that are critical to the success of any appeals process. One of these is collaboration. Those who are involved in making appeals decisions must engage in collaborative discussion of the issues involved in the case. Bridge issues and law issues are not separable components of the process. The two can affect each other in many ways, some of them quite complex. Directors cannot shepherd the new process simply by consulting with players on the bridge aspects of the case. Bridge knowledge drives the fact-finding process and determines which Laws are appropriate to the decision. Conversely, Laws issues often shape the bridge issues which need to be explored. Directors and players need to establish and maintain a dialogue throughout the process. Consultation cannot be done at a distance.

A second aspect of collaboration that must be recognized is that a player's idea about what a certain auction means or whether an action is clear (has no LA) can

be affected by the views of other players. A player, left to his own resources, may be sure that a certain bid or interpretation is the only one possible while he may form a very different view if some of his peers voice different opinions. Unless the process is kept collaborative and interactive (players cannot simply be polled individually) this critical, self-correcting aspect of the process will be lost.

A third ingredient that is essential for the validity (and therefore success) of the appeal process is allowing the consultants access to the players during questioning. How a player reacts to a question, how immediate, confident and logical his answer is, can determine the believability of that answer. It is difficult for a Director asking questions he does not fully understand or who is busy writing down answers whose implications he does not fully comprehend to also be sensitive to the manner and tone of the players' responses and to effectively communicate all of that to the consultants. In addition, questions will often flow from one another and the timing of the reactions they generate can be as important as the answers themselves. Again this cannot be done at a distance, or through intermediaries.

Not every case will depend critically on all of these characteristics, but when information is shielded from player-consultants by the process itself things will not often work as well as they need to. Determining which characteristics are crucial to a given case will require consultants to have access to information that will not be available to them if consultation is done at a distance, as Panels currently do it.

The recommendations I made for Panels in Vancouver (Spring, 1999) and San Antonio (Summer, 1999) can be applied to whatever process management adopts. The best way to insure collaboration is the procedure I described in my Closing Comments (*What's the Solution*) in Orlando (Fall, 1998). Committees must include both Director(s) and players, with players involved in fact-finding and judging the bridge issues and Director(s) responsible for running the hearings and making final decisions. If a "blind" process is desired (where the identities of the players are kept from the expert-consultants) an option must still be left open for the Committee to interview the players (with all necessary precautions taken to minimize the risk of bias). At least then the players on the Committee can be involved in making the determination of when face-to-face questioning is critical to their judgment.

And Ton is exactly right that for any appeal process to work efficiently, which includes treating the table Director's ruling as the starting point ("Why do you think the Director's ruling is wrong?") should be the first question asked of appellants, table rulings must utilize expert bridge input, which requires that Directors consult expert players for rulings as well as appeals. Until this is done no appeal process will be truly satisfactory. We cannot allow something that is as time and resource demanding as the appeal process to be the way we routinely clear up sloppy table rulings. Appeals should be reserved for those cases requiring more deliberation than is possible at the table due to the complexity of the bridge or legal issues involved or where more detailed system information is needed than was available at the table.

As for the problems mentioned by several panelists about the failure to impose AWMWs and PPs, the recommendations I made in *Kansas City Bombers* (Spring, 2001) apply just as much now as then. Above all, we must keep in mind that AWMWs are warnings, not penalties. They should be issued whenever an appeal lacks merit and the appellants knew, or should have known, that that was likely to be the case. The only exception should be when appellants are (relative) novices. For a good refresher on this issue see Howard's closing comments.

The issue of PPs still haunts us. They are not being issued at the table nearly as often as they should be. Directors working at our NABCs need to recognize that a stronger requirement exists when playing at an NABC for players to avoid taking any action that was suggested by UI from partner. In other words, Law 73C needs to be enforced much more firmly and consistently at NABCs than at other ACBL tournaments. And the Panel "policy" not to assess a PP if one was not considered by the table Director simply has to go.

## A GUIDE FOR APPEALS DECISIONS

### Cases Involving UI (including breaks in tempo):

Before adjusting a score due to UI, several questions must all be answered in the *affirmative*. If *any* of these questions is answered in the negative, the table result should stand. The order in which the questions are answered is arbitrary. However, it may be desirable to begin with questions that appear more likely to be answered in the negative to shorten the process. Whenever possible, it should be arranged so that the various questions (e.g., Did the UI demonstrably suggest a particular action? Was there a LA?) are answered knowing only the hand of the player who received the UI. In what follows, each (bulleted) question is accompanied by an explanatory comment and/or examples.

#### *Initial Questions:*

- Was there an *unmistakable* break in tempo (BIT) or other form of extraneous information (EI) by the offending side?  
Comment: Not every BIT transmits UI. For instance, some situations normally require extra time before acting; thus, slow actions in such situations suggest nothing extraordinary. Examples of EI that *do* provide UI: undue haste or hesitation for the situation; an unexpected or pointed question with partner about to lead (e.g., “What did 3♦ mean?”); an abnormal comment or gesture (e.g., a shrug before leading; thumbing a card on the table; saying “Well, they may make it but...” before doubling). Examples of EI that *do not* provide UI: pausing about 10 seconds after a Skip Bid (whether warning used or not); taking extra time following a disruption (e.g., a PA announcement; a huddle by an opponent; a sudden or loud noise at a neighboring table; being jostled by a passer-by); taking longer than normal to bid in a demanding or tempo-sensitive auction, or against unusual/unfamiliar methods; asking about an Alerted bid at your first turn to call following the Alert if done consistently.
- Did the BIT or other EI *demonstrably suggest* the winning action?  
Comment: Examples of EI that demonstrably suggest an action: an unusually slow or fast double that is clearly for penalties or takeout; a slow pass in a save-defend situation; a *quick* action in a tempo-sensitive auction; a question about a specific non-Alerted suit bid; a comment, gesture or facial expression that indicates uncertainty. Examples of EI that *do not* demonstrably suggest a winning action: slow invitational calls such as quantitative notrump raises; slow ace-asking bids; slow transfer bids.
- Was there a *less successful LA* to the winning action?  
Comment: An LA is an action which some number of the player’s peers would have seriously considered, some of whom actually would have taken it.

#### *Additional Questions*

Once the initial questions have all been answered in the affirmative, several additional issues must be addressed before deciding whether adjusted scores are appropriate. Once again, if *any* question is answered in the negative the table result should stand.

- Was there damage which might not have occurred but for the UI?  
Comment: Damage occurs when the offending side obtains a better score following the infraction than they might have had there been no infraction, regardless of whether it was a direct consequence of the infraction or not (e.g., taking advantage of UI to find a save, whether it would always have been profitable or became so only when the non-offenders’ defense was grossly negligent).
- Did the UI make the winning action obvious when it might not have been taken even though redundant information suggesting it was available from authorized sources?

Comment: Examples of AI that is unlikely to be overlooked, even when accompanied by redundant UI: a slow forcing pass; an “impossible” or out-of-the-blue bid by a passed hand; significant extra high-cards, controls or distribution which strongly suggests further action.

#### *A Final Question for the Non-Offending Side:*

If all of the previous questions have been answered in the affirmative, an adjusted score should be assigned to the offending side using the guidelines in Law 12. However, one final issue must be addressed before deciding whether to also adjust the score for the non-offending side. If the following question is answered in the negative the table result should be allowed to stand (for the offenders only).

- Was the non-offenders’ ability to achieve a normal result (equity) impaired by the infraction and, if not, were their bridge actions subsequent to the infraction adequate, given the class of player involved, to not hold them responsible for breaking the connection between the infraction and the actual result?

Comment: If the infraction placed the non-offenders in a position to obtain a better result than they could have achieved without the infraction, and if achieving that result required only that they continue to play “reasonable” bridge for their level of ability, then they should keep the table result. (Note: wild, gambling or irrational actions, including those commonly referred to as “double shots,” should be considered “unreasonable”; bridge errors that are common for the class of player involved, including misjudgments and unlucky views, should be considered “reasonable.”)

### Cases Involving MI:

Before adjusting a score due to MI, several questions must all be answered in the *affirmative*. If *any* of these questions is answered in the negative, the table result should stand. The order in which the questions are answered is arbitrary. However, it may be desirable to begin with questions that are more likely to be answered in the negative to shorten the process. Whenever possible, it should be arranged so that the various questions (e.g., Did the MI influence an opponent’s action? Was there a LA?) are answered knowing only the hand of the player who received the MI. In what follows, each (bulleted) question is accompanied by an explanatory comment and/or examples.

#### *Initial Questions:*

- Was there MI?  
Comment: Were the opponents truly misinformed about the partnership agreement (did an agreement even exist) or was the action in question simply a misbid, a misplay, or an intentional deception—all of which are legal? If the partnership agreement was inaccurately disclosed, or if an agreement was implied where none existed, or if a required Alert was omitted, then an infraction was committed. But if the partnership agreement was accurately explained, even if the bidder’s hand does not correspond to that explanation, or if an Alert was given unnecessarily but no explanation was requested, then there was no infraction and the score should not be adjusted. (Note: Alerting a call unnecessarily is not an infraction. Players are encouraged to Alert even when they are not sure an Alert is required. An Alert by itself does not entitle the opponents to draw any inferences nor does it entitle them to receive redress.) Care must be taken to determine the actual partnership agreement or whether an agreement even exists. System notes, convention cards, agreements about similar auctions, past experiences (including previous forgets), all may provide information to help make this determination. In situations where doubt exists as to the actual agreement, the Laws require the presumption of a misexplanation rather than a misbid.
- Was a non-offender’s subsequent action influenced by the MI?

Comment: Did the MI cause a non-offender to take a less successful action than he might have taken had he been given the correct information? Just because a non-offender took an unsuccessful action after being given MI does not mean that the MI caused that action. (For example, the correct information might have made the unsuccessful action even *more* attractive.)

- Was there a *more successful LA* to the losing action?

Comment: An LA is an action which some number of the player's peers would have seriously considered, some of whom actually would have taken it.

#### *Additional Question*

Once the initial questions have all been answered in the affirmative, one additional issue must be addressed before deciding whether adjusted scores are appropriate. Once again, if this question is answered in the negative the table result should stand.

- Was there damage which would not have occurred without the MI?

Comment: Damage occurs when the offending side obtains a better score following the infraction than they might have had there been no infraction, regardless of whether it was a direct consequence of the infraction or not (e.g., MI causes a player to bid a game that he would not have bid otherwise; he then misplays it and goes down when a player of his caliber should have made it easily with normal, competent play).

#### *A Final Question for the Non-Offending Side:*

If all of the previous questions have been answered in the affirmative, an adjusted score should be assigned to the offending side using the guidelines in Law 12. However, one final issue must be addressed before deciding whether to adjust the score for the non-offending side. Again, if this question is answered in the negative the table result should stand (for the non-offenders only).

- Was the non-offenders' ability to achieve a normal result (equity) impaired by the MI and, if not, were their bridge actions subsequent to the infraction adequate, given the class of player involved, to not hold them responsible for breaking the connection between the infraction and the actual result?

Comment: If the MI placed the non-offenders in a position to obtain a better result than they could have achieved without it and if achieving that result required only that they continue to play "reasonable" bridge for their level of ability, then they should keep the table result. (Note: wild, gambling or irrational actions, including those commonly referred to as "double shots," should be considered "unreasonable"; bridge errors that are common for the class of player involved, including misjudgments and unlucky views, should be considered "reasonable.") Examples of when the non-offenders should not receive redress: They should have realized, by virtue of their experience or expertise, that the MI was incorrect (i.e., it was not plausible on the face of it). Information from other salient sources, such as the rest of the auction, the non-offender's own hand, the dummy, the previous or subsequent play, a convention card that the non-offender referred to, etc., suggests that the information in question was suspect and the non-offender failed to make a good-faith attempt to resolve the inconsistency.

#### **The Issue of Merit:**

If any of the questions have been answered in the negative, one final issue remains for the Committee to decide: Did the appeal have substantial merit. The issue here is whether the appellant(s) knew, or should have known (in the case of expert and/or experienced players), that there was no chance of the appeal succeeding. One of the keys to deciding this is if the Committee believes the appeal was a waste of their time.

Common examples of appeals lacking merit in UI cases:

The Director's ruling is a matter of law or regulation (thus the Committee has no authority to overturn it) and the Director reaffirms that his ruling was correct; an appellant took an action that was clearly suggested by UI from his partner and which lacked any basis in the AI available, and his only defense is his claim that he had already decided to take that action, or that his action was clear-cut, or that he was not aware of (or was uninfluenced by) the UI; an opponent made UI available which either did not suggest his partner's action or his partner's action was clear-cut based on the auction or his own hand (or other AI available to him), but the appellants effectively persist in the belief that they are entitled to a better result simply because there was an irregularity and in spite of the fact that they can demonstrate no connection between the UI and the partner's action.

Common examples of appeals lacking merit in MI cases:

A Director's ruling of no MI is appealed but the appellants can provide no evidence of MI (i.e., the explanation was consistent with the players' convention cards or was confirmed in their system notes); the side responsible for the MI insists that the explanation they gave was correct as per their agreement but they can provide no tangible (or otherwise acceptable) evidence of any such agreement; the Director ruling of "no damage" from the MI is appealed and the appellant(s) cannot demonstrate how the MI directly affected their actions.

Appeals found lacking in merit may be dealt with in whatever ways the sponsoring organization permits. In the case of new or inexperienced players education (and/or a warning) is usually preferred. In the case of expert and/or experienced players AWMWs may be issued (at NABCs), score penalties assessed, seeding or placement points deducted, seating rights forfeited, or other disciplinary actions taken that are deemed appropriate to the situation.

#### **Score Adjustments or Procedural Penalties?**

Score adjustments are appropriate for *all* issues involving *bridge* damage. (Procedural penalties are *inappropriate* for this purpose.) Procedural penalties are appropriate for:

- (a) Flagrant or egregious bridge acts committed by players with sufficient experience/expertise to have known better.

Comment: Examples of this are: an experienced player who makes a call or play that is in no way justified by his own hand or the AI available and which was clearly suggested by UI from his partner; a player who attempts to deceive the opponents through his manner or tempo of play; a player who intentionally commits an infraction in order to bar his partner (to keep him from getting the partnership too high, or so that he can psych "risk-free").

- (b) A grossly negligent action which caused a problem that was easily foreseeable and readily avoidable, creating a great deal of inconvenience for other players and/or officials.

Comment: Examples of this are: playing complex and/or unusual methods without discussing them adequately; playing methods which are known to be Alertable and not Alerting them; knowingly playing illegal methods; fouling a board by removing hands while the opponents are not at the table.

- (c) An infraction by a player with a history of similar infractions who has been warned to correct the problem.

Comment: Examples of this are: being told that a convention is illegal and nevertheless continuing to play it; persisting on using methods which are too complex to remember and cause repeated problems through forgetting; continually failing to Alert Alertable calls.

## ADVICE FOR ADVANCING PLAYERS

### Acting on UI:

Law 73C provides important but often overlooked advice for any player who has received UI from his partner:

*When a player has available to him unauthorized information from his partner, as from a remark, question, explanation, gesture, mannerism, special emphasis, inflection, haste or hesitation, he must carefully avoid taking any advantage that might accrue to his side.*

This means that if partner does something which conveys UI about his own action (e.g., huddles before he doubles) or that suggests he has misinterpreted your call (as by Alerting it when it was not Alertable, failing to Alert it when it was Alertable, or through his answer to an opponent's question), you must carefully avoid taking any action that might derive an advantage from this information.

For example, suppose you are sitting in fourth seat, both sides vulnerable, at pairs. You pick up ♠753 ♥Q10 ♦1086532 ♣62. LHO opens 1♦ (Precision), partner overcalls 1♠, and RHO doubles (value-showing). You pass and LHO bids 1NT (11-13 HCP). Partner passes and RHO bids 2♣ (non-forcing). What do you do? On the one hand partner must have something for his vulnerable overcall. On the other hand he did not act again over 1NT. Partner figures to have extras (after all, the opponents are willing to stop in 2♣ when you have only 2 measly HCP) but it's also possible that the opponents are having a bidding misunderstanding.

Some players would bid 2♠ at this point (risky; your hand could provide little help for partner despite its three trumps) while others would pass and hope partner reopens. Certainly no one could object to either choice. But what if partner huddled over 1NT? Now he is unlikely to hold some random 14-count with 5-3-2-3 shape and the chance that it is the opponents who are having a bidding misunderstanding has been considerably reduced. Bidding 2♠ has now become much more attractive. After all, if partner has a sixth spade (e.g., ♠KQxxxx ♥KJx ♦x ♣Axx) or even more in the way of extra values (e.g., ♠AQ10xx ♥KJxx ♦A ♣Kxx) you could be cold for +110 or more, and partner might not balance over 2♣. In the presence of partner's huddle Law 73C instructs you to "carefully avoid taking any advantage..." Thus you may not bid 2♠; you must pass. (If you think your hand looks familiar, see CASE TWO.)

Another example. At pairs, non-vulnerable against vulnerable opponents, you pick up ♠K5 ♥AKQ5 ♦Q1096 ♣A102. The auction proceeds 1♣ on your left, pass by partner, 1♠ on your right. Many would now double but suppose you bid 1NT (natural, 15-18 HCP). LHO passes and partner bids 2♦. What would you bid?

Before you decide you must know whether 2♦ is natural (partner is running, perhaps with ♠Qxx ♥xx ♦Jxxxx ♣xx), or a transfer (partner holds ♠Qxx ♥Jxxxx ♦xx ♣xxx), or something else. Suppose it is natural. Opposite my first example hand you will have at least three losers in a diamond contract (partner's club loser may go away if hearts break four-three or clubs are not led early) and the opponents will take at least three (and probably four) spades or three or more clubs to go with their top diamonds in 3NT. What if 2♦ is a transfer? Opposite my second example hand you can expect five losers in a heart contract and only seven tricks in 3NT.

So what do you bid? Pass, 2♥ and 3♥ (after all, if partner holds ♠Qxx ♥xxxxx ♦Kxx ♣x 4♥ is possible) are all reasonable, depending on your agreement, while 3NT figures to be a losing action. But now suppose partner Alerts your 1NT bid as takeout for the red suits (Sandwich) before bidding 2♦? (Sound familiar? See CASE SEVEN.) Now partner could hold almost anything; he might not even have real diamonds. Now 2NT and 3NT have become much more attractive since you know partner is playing you for a weak takeout hand and could hold enough HCP to make game a good prospect. So according to Law 73C only pass and 2♥ are acceptable actions (depending on whether or not you might play transfers in this auction) while bidding 3NT is egregious and should be viewed severely.

One final example. At pairs, in first seat, with no one vulnerable, you pick up

♠Q87 ♥AQ ♦Q10963 ♣852. You pass, LHO bids 2♥ (weak), and partner doubles. RHO passes and you are confronted with your first problem. You play Lebensohl so you could drive the hand to game by bidding 3NT immediately or 2NT followed by 3NT, depending on your agreement. You could also cut partner a little slack (he may have chosen to compete for the partscore by doubling with a shapely minimum, such as ♠KJxx ♥xx ♦AJx ♣KJxx, opposite which 3NT will not make even with a heart lead) by showing a constructive hand with diamonds by bidding a direct 3♦. Well, what is your choice?

Suppose you choose a reasonable 3♦ (my choice) which is followed by two passes. RHO balances with 3♥. What now? You could double to show your high cards and ask partner to do something intelligent (always a risk, partners being what they are). You could bid 4♦ (RHO's balance suggests that partner is likely to have a shapely minimum, and thus an acceptable diamond fit, but if my example hand is any indication 4♦ could be in serious jeopardy, even after a heart lead). You could pass and see what partner does. How about 3NT? With RHO's balancing 3♥ bid a heart lead has become more likely. But even opposite many non-minimum hands (e.g., ♠AKxx ♥xx ♦Jxx ♣AQ10xx) 3NT will not have much play, even with a favorable heart lead. So 3NT appears to be an inadvisable risk, especially when you have already shown your values and partner has declined to make a move. Well, what will it be?

What if, after you bid 3♦, partner failed to Alert your Lebensohl agreement that 3♦ showed constructive values (see CASE FIFTEEN)? Now, while partner may well have remembered your agreement and simply forgot to say "Alert," it is possible that he forgot 3♦ was constructive and that you were not just taking out his double with a bad hand such as ♠xxx ♥xx ♦Qxxxx ♣Jxx. This makes both double and 3NT far more attractive and you should not take either action, even if you firmly believe you would have had partner properly Alerted 3♦. You must pass.

CASES ELEVEN and THIRTEEN provide two more examples where players took actions that were clearly suggested by the UI from their partners. If you should be confronted with such a situation, remember your obligations under Law 73C. If there are possible constructions of the deal or interpretations of the auction where an action that is consistent with your previous actions and which was not suggested by the extraneous information from partner is reasonable, then that is the action you must take. You must avoid any action that was made more attractive by the UI from partner. Ignoring your responsibilities in these situations will expose you to a likely score adjustment and a possible PP as well.

Finally, when should you go ahead and take an action that may have been made more attractive by UI from partner? Here are my own guidelines: If it is not clear what action the UI made more attractive (giving the opponents the benefit of any doubt), or if you judge the action suggested by the UI to be overwhelmingly clear, or if the UI from partner is obviously redundant with AI from your own hand and/or the auction (see CASE FOUR for an example), then go ahead and take the action you judge best. But if there is no doubt what action the UI suggests, and if more than one action is possible (including one that was not suggested by the UI), and if one has to make even a modest inference to derive the same information from one's own hand or the auction (in other words, if the action suggested by the UI is not an entirely obvious one on the face of it, without resorting to any inferences), then you should go out of your way to take an action that was not suggested by the UI.

Fulfilling your obligations under Law 73C can be very difficult. If you should (innocently) take an action that is later disallowed, you should not be too quick to appeal the Director's ruling. (At the very least you should obtain advice from a few experienced appeals people—who are preferably not personal friends.) Remember, just because you believe you did not consciously or intentionally take advantage of UI does not mean you can keep your table result. We are often unaware of the basis for our actions. If a Director determines that your bid was suggested by UI and a LA exists, then that is the action you should be assigned, regardless of your awareness or intent at the time. That may be a hard pill to swallow, but swallow it you must.

**THE PANEL'S DIRECTOR AND COMMITTEE/PANEL RATINGS**

Case	Directors	Committee/ *Panel	Case	Directors	Committee/ *Panel
1	89.0	82.3	16*	75.8	75.8
2	90.1	93.3	17	67.6	87.6
3	66.7	81.2	18	82.1	75.0
4	80.0	85.0	19	85.0	79.6
5*	29.2	92.5	20*	89.0	81.4
6	52.5	93.3	21	93.7	81.2
7	87.1	80.4	22*	93.3	86.7
8*	79.6	60.0	23*	60.0	55.0
9	70.5	70.0	24	55.4	90.0
10	92.4	90.5	25	88.6	82.9
11	85.8	83.7	26	85.3	82.0
12	55.0	92.9	27*	59.6	68.7
13*	92.1	92.0	<b>P-Mn</b>	<b>74.3</b>	<b>77.5</b>
14	91.4	78.6	<b>C-Mn</b>	<b>78.8</b>	<b>83.9</b>
15*	90.0	85.0	<b>O-Mn</b>	<b>76.5</b>	<b>80.7</b>

\*=Case decided by a Panel; **P-Mn**=Mean for cases decided by Panels;  
**C-Mn**=Mean for cases decided by Committees; **O-Mn**=Overall mean for all cases

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