

APPEAL	Non-NABC+ Two
Subject	Unauthorized Information (UI) - Tempo
DIC	Harry Falk
Event	Daylight Open Pairs
Session	Second Session
Date	November 22, 2008

BD#	<b>17</b>
VUL	<b>None</b>
DLR	<b>North</b>

<b>80 Masterpoints</b>	
♠	8
♥	K Q 9 3 2
♦	Q 8
♣	K J 9 8 7

<b>277 Masterpoints</b>		<b>Fall 2008 Boston, MA</b>	<b>406 Masterpoints</b>	
♠	J 9 4		♠	K Q T 7 6 3 2
♥	A 8 5		♥	T 7 6
♦	A 3		♦	K
♣	Q 6 5 4 3		♣	T 2

<b>305 Masterpoints</b>	
♠	A 5
♥	J 4
♦	J T 9 7 6 5 4 2
♣	A

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

Final Contract	<b>5♦ by S</b>
Opening Lead	<b>♠4</b>
Table Result	<b>Made 5, N/S +400</b>
Director Ruling	<b>4♠ dbld, E, down 1, E/W -100</b>
Panel Ruling	<b>4♠ dbld, E, down 1, E/W -100</b>

(1) Break in tempo (BIT) with a range of time between 15 and 30 seconds
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**The Facts:** The tournament director was called after the slow double. The players agreed on a BIT with a range of time between 15 and 30 seconds. (The play: spade to the ace, spade ruff, heart to the ♥J and ace and West cashed the ♦A.)

**The Ruling:** Law 16B does not allow a player to select from a logical alternative (LA). one that could demonstrably be suggested over another by the UI. The BIT suggests doubt about the double and thus probable diamond support. Thus, the contract was changed to 4♠ doubled by East. While five tricks are available to the defense, a slight slip would result in only four. Therefore, the result was changed to 4♠ doubled by East, down one, E/W minus 100. N/S got the worst of it because they were the side that created the problem. *(Editors note: According to Law 12C1(e), the director judged, obviously, that down one was the most favorable result that was likely for the non-offending side and that down one was “the most unfavorable result that was at all probable” for the offending side.)*

**The Appeal:** Only the appealing side (N/S) appeared. The reviewer spent 15 minutes explaining the reasons for the ruling and answering questions. After the explanation the North player (79 MPs) still wished to pursue the appeal and South (305) acquiesced. South said he bid 5♦ because he had such a poor suit. North's (irrelevant) comments were all about why he took so long to make up his mind.

**The Decision:** A large (9) number of peers (260-500 MPs) were consulted because only two were found who overcalled 4♦ (two bid 5♦ and five passed initially - all seven believed 4♦ was reasonable, so their further opinion was sought). All nine passed partner's double.

The panel also considered E/W's defense of 5♦, but given the experience level of West (277 MPs) decided the error of crashing the top diamond honors was not egregious for this player.

From the consultants' responses it is apparent that pass is not only an LA, but the preferred choice of South's peers. Therefore, in accordance with Laws 16B and 12C1(e), the ruling of 4♠ doubled by East, down one, E/W -100 was affirmed. An appeal without merit warning (AWMW) was given because North was not receptive to the education proffered.

**The Panel:** Charles MacCracken (Reviewer), Jay Albright and Bernie Gorkin.