

APPEAL	Non NABC+ SEVEN
Subject	Tempo – Unauthorized Information (UI)
DIC	Bob Leonard
Event	Stratified Open Pairs
Session	First
Date	July 17, 2006

BD#	<b>13</b>
VUL	<b>Both</b>
DLR	<b>North</b>

<b>346 Masterpoints</b>	
♠	9 8 3
♥	K 9 8 4
♦	A Q
♣	A Q J 8

<b>6,200 Masterpoints</b>		<b>Summer 2006 Chicago, Illinois</b>	<b>5,230 Masterpoints</b>	
♠	A 7 6 5 4 2		♠	K Q J T
♥	T		♥	Q 7
♦	J 9 7		♦	K 8 5 4 3
♣	6 5 3		♣	9 4
		<b>1,670 Masterpoints</b>		
		♠		
		♥	A J 6 5 3 2	
		♦	T 6 2	
		♣	K T 7 2	

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

Final Contract	<b>5♥ by South</b>
Opening Lead	<b>♦7</b>
Table Result	<b>5♥ by S making 6, N/S +680</b>
Director Ruling	<b>4♠ by W, down 1, N/S +100</b>
Panel Ruling	<b>5♥ by S making 6, N/S +680</b>

(1) Break in tempo (BIT).
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**The Facts:** The director was called during the auction and again after the hand had been played. North was alleged to have broken tempo after the 4♠ call. The stop card was used by West. While there was a disagreement as to the length of the BIT, it was determined that there was a longer than ten second pause by West, which was determined to be a BIT.

**The Ruling:** The BIT was judged to demonstrably suggest that South take action and pass was determined to be a less successful logical alternative (LA). Therefore, in accordance with laws 16A and 12C2 the table result was adjusted to 4♠ by West down one, N/S +100.

**The Appeal:** North said that West had used their stop card before bidding 4♠. Immediately after West picked up the stop card, a player came up and asked if it was okay to kibitz. The request came from an associate of E/W. North said her partner did not like kibitzers and South also asked not to have a kibitzer. When the kibitzer left, North passed without pause for thought. As such, North did not feel there had been a BIT and South agreed.

West said that he used the stop card as he always did. He put the stop card out and then his bid (4♠). He left the stop card on the table for about seven seconds and then he picked it up. West stated that after he picked up the stop card, North began to study her hand – even fingering the cards as if counting points or suit length. Then the kibitzer arrived and North said nothing. She continued to study her hand. South objected to having a kibitzer; so, the kibitzer left. After having considered her hand throughout the “kibitzer incident” thus creating a BIT, North then passed.

**The Decision:** The kibitzer request came in the middle of a “live” auction from an associate of E/W, not an independent party. The panel felt that the entire time it took to address the kibitzer issue and send the kibitzer away was not to be counted as part of a BIT. Even if North did not address the kibitzer directly, as alleged by West, this was still a distraction making thinking difficult. As any BIT before the kibitzer arrived was very brief and, after the kibitzer left, North made her pass without further thought, the panel felt that no BIT occurred. As such, law 16A2 did not apply and no adjustment was indicated by law. The table result of 5♥ by South making six, N/S +680 was restored.

**The Panel:** Peter Marcus (Reviewer), Candy Kuschner and Charles MacCracken.

**Players Consulted:** None.