

APPEAL	NABC+ ELEVEN
Subject	Inappropriate Question
DIC	Charlie MacCracken
Event	Machlin Women's Swiss Teams
Session	Second Qualifying
Date	March 21, 2009

BD#	12
VUL	N/S
DLR	West

Marinesa Letizia	
♠	K Q 7
♥	9 7
♦	K T 8 6 4 3
♣	8 3

Jill Myers		Spring 2009 Houston, TX	Jill Levin	
♠	A J 8 6		♠	5 4 3
♥	Q J 5 4		♥	A K 8 6
♦	J 9 7 2		♦	5
♣	J		♣	K Q 6 4 2

Mildred Breed	
♠	T 9 2
♥	T 3 2
♦	A Q
♣	A T 9 7 5

West	North	East	South
Pass	Pass	1♣	Pass
1♥	Pass	3♥	Pass
4♥	Pass	Pass	Pass

Final Contract	4♥ by West
Opening Lead	♠K
Table Result	Made 4, E/W +420
Director Ruling	4♥ W made 4, E/W +420, E/W-1VP PP
Committee Ruling	4♥ W down 1, E/W - 50, No PP

The Facts: The director was called at the end of the hand. North led the spade king, dummy played the three and South the deuce. At this point West asked if N/S played upside down. She was told that N/S played suit preference at trick one if possible. West had declared the previous board in a suit contract and had asked for and received a full explanation at that time. North continued spades when West ducked.

The Ruling: N/S requested an adjustment under Law 73F. After polling a number of players, three switched to a club or a trump at trick two. The player polled who continued spades said the question was not material. Therefore, the table result of 4♥ by West making four, E/W plus 420 was allowed to stand. E/W was assessed a procedural penalty (PP) of one victory point for a badly worded question.

The Appeal: N/S appealed the director's decision. All four players attended the hearing. N/S stated that without the question posed by West, it was likely that North would have switched to a diamond at trick two.

West stated that she always asks for carding when she is declaring even if she has asked on a previous hand. East stated that she thought this was the case and confirmed that West habitually asked when she was the declarer – even when she had declared previously against the same pair.

All four players stated that the question, “Do you play upside down?” was asked after or as South followed to the first trick with the two. N/S were positive of this; West thought so and East wasn't sure if it was as the two was played or just after.

The Decision: The committee found that Law 73F was applicable. It states that: “.....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...”

The committee felt this applied because of the form and timing of the question – i.e. asking “Do you play upside down?” rather than “What's your carding?” and waiting to ask until RHO had played to the opening lead rather than asking when the opening lead was made.

Law 73F continues, “and who could have known at the time of the action, that the action could work to his benefit...” the director should award an adjusted score. The committee felt that West could have known that the question could work to her benefit. Therefore, the committee adjusted the result to 4♥ by West down one, E/W minus 50 to both sides since a shift to any other suit at trick two would defeat the contract.

The committee stressed that its decision in no way reflects on the ethics or conduct of West.

The committee removed the procedural penalty.

The appeal was judged to have merit.

The Committee: James Thurtell (Chair), Tom Carmichael, Ed Lazarus, Chris Moll and Patty Tucker.