



American Contract Bridge League



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Appeals at the 1996 Summer NABC



Cast



Joan Gerard as the Chairman
Alan LeBendig & Peggy Sutherlin
. . as the Co-Chairmen
And the members of the NABC
Appeals Committee . .
. . as Themselves



*With Your Editors
and Hosts*



Eric Kokish & Rich Colker



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INTRODUCTION

Have you heard the news?? *The Philadelphia Story* has made the #1 Best Seller List for the 5th straight week . . . To get serious, I want to thank Eric and Richard for putting together an Appeals Book that was not only informative but interesting to read. I know there are a few people who have made some constructive criticisms, but for the most part we have had nothing but rave reviews. Commentators are clamoring to write for the book, and readers are carrying this book along with the *ACBL Bulletin* in their back pockets to be sure they have it always available. I feel certain that the editors of the various publications that we have sent *The Philadelphia Story* to will review it favorably, and copies have also been bought by the World Bridge Federation for distribution to all the countries. We have had a smash hit with a rather mundane subject.

I think that our Appeals Committees are working towards becoming more professional. We seem to have more people willing to serve a bit more often and to try to work with our chairpeople in attempting to reach a consensus. Scribes are working harder to report completely and accurately. This does not happen without a great deal of dedication. Special thanks not only must be given to Eric and Richard, but to Alan and Peggy, Peter Mollemet and Brian Moran as well as many, many others too numerous to mention. But trust me, you are not going unnoticed. Hopefully, the players who bring us all our work appreciate our efforts. They can show us how much they appreciate us by trying to understand that many of their protests should not even be heard. But that too will come in time. Perhaps enough players will appreciate our new Classic Bridge Game where there are no appeals. I know we all hope so. It will surely be better for our game if problems can be solved at the table instead of the committee room.

Joan Levy Gerard, Chairman

FOREWORD

The appeals process at NABCs continues to improve, in part, we can dare to hope, due to the publication of appeals cases in the Daily Bulletin and the follow-up analysis by expert panelists in these casebooks. But at times change can be slow and frustrating. A number of appeal-related issues continue to require development and/or standardization of their procedures. These include: the role of procedural penalties; the conditions for judging an appeal to be “substantially without merit;” policies for dealing with cases involving lesser-skilled (non-Flight A) players; the integration of Active Ethicals into the high-level game; procedures for dealing with hesitations at the table; special procedures for tempo-sensitive situations during the auction; more effective bidding-screen and bidding-box procedures; the role of the screening process in dealing with meritless appeals; “restoring equity” and the adjudication process; policies for balancing “the obligation to Alert and fully disclose partnership methods,” and “the responsibility of players to exhaust all reasonable means of seeking information they require from their opponents;” avoiding abuse of the judicial process; the criteria for when a call or play by a non-offender subsequent to an infraction will jeopardize the non-offenders’ rights to redress. The thirty-three cases published here raise concerns involving many of these issues. We will make our own recommendations regarding each of them, and have included a “Blueprint” for Appeals which appears in our Closing Remarks. We invite you to join us in actively exploring ways to resolve these and other issues as we move ahead. Talk to us. Give us feedback about our recommendations. Share with us your own solutions. Help us to identify other problem areas. Let’s actively work on improving the appeal process, and do so as expeditiously as possible.

As in the previous casebook, we’ve asked our panelists to rate each Directors’ ruling and each Committee’s decision. While not every panelist rated every case (just as every panelist didn’t comment on every case), most did. The two ratings (averaged over the panelists) are presented after each write-up, expressed as percentages. These ratings also appear in a summary table near the end of the casebook for all thirty-three cases, for handy reference.

We wish to thank all of the hard-working people without whose efforts this casebook would not have been possible. The scribes and Committee chairs who labored in Miami to get the details of each case down on paper for us to publish (we’re pretty sure the cattle prod marks will heal, with minimal scarring); our esteemed panelists, who graciously undertook the arduous task of commenting on the thirty-three cases from Miami for nothing more than the “glory” of seeing their names in lights, and receiving our praise (and occasional abuse) in these pages; Karen Lawrence (Hawkeye), whose long hours in Miami helped immeasurably with the editing process, and whose proofreading skills have saved up from many an embarrassing gaff; and last, but by no means least, Linda Weinstein, our irreplaceable (and irrepressible) executive editorial assistant (and gal Friday, as well as Monday, Tuesday, . . .) who even gave up a golf game once to meet one of our deadlines (okay, so it was raining). Our sincere thanks to you all.

Eric Kokish and Rich Colker,
October, 1996

THE EXPERT PANEL

Karen Allison, ageless, was born in Brooklyn and is a graduate of Brooklyn College. She currently lives in Jersey City, NJ, with her two cats, Stella and Blanche. A former options trader, Karen is currently a bridge teacher and writer. When she isn’t “catting” around she enjoys traveling, reading, the theater and concerts. She is a Vice-Chairman of the National Appeals Committee, has served on the National Laws Commission since 1982, and has worked on several revisions of both the Laws of Contract and of Rubber Bridge. Karen is proudest of her silver medal for the Womens’ Teams in Albuquerque in 1994 and winning the CNTC and representing Canada in the Open Teams Olympiad in Monte Carlo in 1976.

Bart Bramley, 48, was born in Poughkeepsie, New York. 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, enjoys word games and has been a Deadhead for many years. He is proudest of his 1989 Reno Vanderbilt win and his participation in the 1991 Bermuda Bowl. He is captain of the 1996 U.S. Olympiad team. He also credits Ken Lebensold as an essential influence in his bridge development.

Larry Cohen, 37, was born in New York. He is a graduate of SUNY at Albany. He currently resides in Little Falls, New Jersey. He is a Bridge Professional and author of two books that are both best sellers: *To Bid or Not To Bid* and *Following the Law*. Larry is a Co-Director of the *Bridge World* Master Solver’s Club. He enjoys golf in his spare time. He has won sixteen National Championships.

Ron Gerard, 52, 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 (Chairman of the National Appeals Committee) 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, 1990) and one semi-final without playing once on a professional team.

Bobby Goldman, 57, was born in Philadelphia. He currently resides in Dallas with his wife Bettianne and his twelve year old son, Quinn. He is a Bridge Professional and Financial Analyst. His hobbies include tennis, volleyball, basketball and softball. While Bobby was a member of the original ACES from 1968 to 1974, he was a pioneer in writing computer programs that generate bridge practice hands and evaluate bidding probabilities. Bobby has won four World Championships and more than thirty National Championships.

Nick Krnjevic, 37, was born in Australia. He is single and currently resides in Montreal, where he is an insurance lawyer. Nick has recently become obsessed with golf, and can be found on the links until well past dusk on many summer evenings. His proudest bridge accomplishments are his multiple appearances in the final stages of the Canadian National Teams Championship. Nick is our token Canadian panelist.

Alan LeBendig, 48, was born in Cleveland. He currently resides in Los Angeles with his longtime companion Suzanne Trull. He has a 23 year old son, Marc, who is a Senior at UCLA. He is the co-owner of the Barrington Bridge Club. His hobbies include playing Blackjack and surfing the Internet, and attending Dodger games. Alan has been Co-Chairman of the National Appeals Committee since 1988. He is proudest of his second place finish in the 1993 Washington Life Master's Pairs and winning the 1993 Seattle North American Swiss Teams.

Chip Martel, 43, was born in Ithaca, New York. He is Department Chair and Professor of Computer Science at the University of CA at Davis, and currently resides in Davis, CA, with his wife Jan. His other hobbies include reading and bicycling. Chip is a member of the ACBL National Laws Commission, the current Drafting Committee for the new laws, and the ACBL Competition and Conventions Committee. He is proudest of his four World Championships, current ranking of fifth in the world, and seventeen National Championships. He was also the captain and coach of our only world championship Junior team, as well as for the Junior team which won a bronze medal.

Mike Passell, 49, was born in Yonkers, New York. He currently resides in Dallas, Texas with his wife Nancy and his 14 year old daughter, Jennifer. Mike is a Professional Bridge Player who also enjoys movies, all sports and playing golf. Mike ranks #2 in all-time masterpoint holders. Among his many outstanding bridge accomplishments, he is proudest of his Bermuda Bowl win in 1979 and his victories in all four of the major NABC team events.

Barry Rigal, 38, was born in London, England. He is single and currently resides in New York where he is a bridge writer and analyst who contributes to many periodicals worldwide. He enjoys theater, music, arts, and travel. Barry is also an outstanding Vugraph commentator, demonstrating an extensive knowledge of the many bidding systems played by pairs all over the world. We are not at all surprised at his ability to confuse the audience with his remarkable grasp of the most convoluted bidding sequences. He is proudest of his fourth place finish in the 1990 Geneva World Mixed Pairs, winning the Common Market Mixed Teams in 1987, and winning the Gold Cup in 1991.

Michael Rosenberg, 42, was born in New York where he has resided since 1978. He is a stock options trader. His mother, father and sister reside in Scotland where he grew up. Widely regarded as the expert's expert, Michael won the Rosenblum KO and was second in the Open Pairs in the 1994 Albuquerque World Bridge Championships. He was the ACBL player of the year in 1994. His hobbies include tennis and music. He believes the bridge accomplishment he will be proudest of is still in the future. Michael is also a leading spokesman for ethical bridge play and for policies that encourage higher standards.

Peggy Sutherlin, 58, was born in Kansas. She currently resides in Dallas with John, her husband of twenty-nine years. She has been a flight attendant for the past 35 years with American Airlines. Her main hobby is genealogy. Peggy has been Co-Chairman of the National Appeals Committee since 1990, is a member of the Ethical Oversight Committee, and is a member of the ACBL Laws Commission. She is a WBF World Master, finishing second in the World Mixed Pairs in 1982, fourth in the 1987 Venice

Cup, and has won several National Championships. She has served as a contributing editor to *The Official Encyclopedia of Bridge*.

Dave Treadwell, 84, was born in Belleville, New Jersey and currently resides in Wilmington, Delaware. He is a retired Chemical Engineer, a graduate of MIT, and was employed by DuPont for more than 40 years where his responsibilities included the introduction of Teflon to the marketplace. He has three grown children, three grandchildren and two great-grandchildren. His hobbies include blackjack. 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, 43, was born in Minneapolis. He is a graduate of the University of Minnesota. He currently resides in Chicago where he is a stock options trader at the CBOE. 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 a member of the ACBL Ethical Oversight Committee and has been a National Appeals Committee member since 1987. He has won three National Championships, and is proudest of his 1993 Kansas City Vanderbilt win.

Bobby Wolff, 63, was born in San Antonio, and is a graduate of Trinity U. He currently resides in Dallas. 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 greatest players and has won ten World Titles and numerous National Championships. He served as the 1987 ACBL president and the 1992-1994 WBF president. He has served as tournament recorder at NABCs, and is the author of the ACBL active ethics program. His current pet projects are eliminating Convention Disruption (CD) and the flagrant propagation of acronyms (FPA).

CASE ONE

Subject: Slow Double Not Cooperative
 Event: Stratified Open Pairs, 02 Aug 96, First Session

Board: 8 ♠ J532
 Dealer: West ♠ ---
 Vul: None ♠ K10
 ♠ AKQ7542

♠ A6
 ♠ J1083
 ♠ AQJ983
 ♠ 3

♠ K9874
 ♠ K72
 ♠ 542
 ♠ 96

♠ Q10
 ♠ AQ9654
 ♠ 76
 ♠ J108

WEST	NORTH	EAST	SOUTH
1♠	2♠	Pass	2♠
3♠	DBL (1)	Pass	4♠
All Pass			

(1) Break in tempo

The Facts: 4♠ by North, made six, plus 170 for N/S. The Director was called immediately following the alleged hesitation by North and determined that the break in tempo was “not as long as 30 seconds” (according to North . . . possibly 10-15 seconds). The Director changed the contract to 3♠ doubled made three, plus 470 for E/W.

The Appeal: N/S appealed, disputing the notion that there had been a “major” break in tempo before the double, or “any significant hesitation” (according to North). North acknowledged in her testimony that she had a problem and stated that she did not “take long enough” to solve her problem. The table Director appeared before the Committee to resolve the dispute over the length of North's break in tempo and it was confirmed that the initial finding was correct. The Committee determined that N/S were both Life Masters, that there had been a significant break in tempo, and that the break in tempo suggested that it would often be better for South to bid than to pass. The Committee considered the possibility that North's double was cooperative rather than penalty, an argument not made by the appellants. There was no evidence to suggest that this might be so.

The Committee Decision: The Committee voted unanimously to change the contract to 3♠ doubled by West made three, plus 470 for E/W.

Chairperson: Alan LeBendig
 Committee Members: Mike Huston, John Solodar

Directors' Ruling: 98.6 **Committee's Decision:** 94.2

North in one breath claimed that there had been no significant hesitation before her double (while admitting to a possible 10-15 second hesitation), and in the next breath admitted that she had a problem which she didn't take long enough to solve. The Committee looked at North's hand (finally) and decided that South could not make the questionable pull. We're betting that the Committee members (appropriately) took less time to make their decision than the actual length of the break in tempo itself. (How quickly could you make a penalty double of 3♠ with the North hand—even at matchpoints?)

Most of the panelists found the Committee's decision to be an easy one.

Weinstein: “The Committee's decision seems straightforward, but I'm a little fuzzy on the basis for N/S's appeal.”

Wolff: “Right on.”

Goldman: “I agree.”

Allison: “I hope someone pointed out to North that "10-15 seconds" is a definite break in tempo. Perhaps we need some guidelines so that players can understand what comprises a tempo break.”

Cohen: “I agree with the Committee as long as there really was a huddle. I'd like to have seen a little more detail as to the length in seconds of the tempo break. Clearly South must sit for an ‘indecent’ double.”

Passell: “A very good decision since N/S made no claim toward a cooperative double, which would have made this case much more complex.”

Our senior panelist was a bit more cautious.

Treadwell: “A close call, but certainly the correct decision by both the Director and the Committee. North made a silly double after a break in tempo and South read it, although with an in-tempo double South has a somewhat difficult decision as to whether to leave it in for plus 100 or try for plus 130. Suppose North had ♠K10xx and fewer black cards, as he should for this double. Then pass was the winning action.”

Gerard took an indirect route to the same destination as his colleagues .

Gerard: “The Committee owed us more insight into its reasoning. I thought of a perfectly normal, perhaps typical, penalty double (♠ Kxx ♠ x ♠Kxx ♠ AKQxxx) that is plus 100 against the same West hand with the ♠10 in dummy, but makes 5♠. Still the tempo made it obvious that North didn't have the eat ‘em alive double (♠ Kxx ♠ x ♠K10xx ♠ AKQxx), which was likely enough to have been dealt so that pass was a logical alternative. Otherwise, there looks to be something random about South's decision, so there should have been some comment about why minus 470 was forced.”

The issue in such cases is not whether South's pull was reasonable (i.e., whether it could be the winning call in some situations, such as the one Ron constructed). It is, rather,

whether it was an overwhelmingly clear action (once it was determined that it could logically have been suggested over other alternatives by the hesitation). N/S's argument was that North had a problem which she didn't spend enough time working out as it was, so she didn't take "too much time" for her call. But that is irrelevant to the Committee's decision. Only South's call is at issue here.

An inexperienced pair can be allowed to occasionally get away with only an educational lecture for an appeal like this one. But an experienced pair, such as N/S here, should know better. The following panelists got it exactly right.

Bramley: "Clear-cut. The Committee should have called this appeal frivolous even though no deposit was required. This is one of many cases that level-headed players would never have brought to Committee."

Rigal: "The Director's ruling seems clear-cut to me; a slow double and a pull on less than automatic grounds. No problem there."

"What about the Committee's decision? They were dealing with Life Masters who should know better than to do this sort of thing. South had club length (almost certainly bad for the defense) and was minimum for his auction, but the slow double clearly suggested pulling, and so South is fixed. Michael Rosenberg would doubtless classify this as a bad hesitation [Oops! See Michael's comment below - *Eds*]—not that there is a good one—and my main beef with the Committee is that they did not take the money and/or tell off the offenders sternly. I don't think that the Committee should use as a reason for not finding the appeal frivolous the fact that they spent time discussing an argument not put forward by the defense. Voltaire had it right when he approved the execution of a British Admiral for cowardice, *pour encourager les autres*; a few more procedural penalties may achieve more sleep time for Committees."

Rosenberg: "Good. Huddle then pass would have been 'bad'."

This Committee should have found this appeal to be substantially without merit.

CASE TWO

Subject: No Second Chance
Event: Life Master Pairs, 02 Aug 96, Second Session

Board: 8
Dealer: West
Vul: None

Ray Miller
♠ AKQ10
♥ Q542
♦ K102
♣ K6

Lou Ann O'Rourke
♠ 4
♥ 973
♦ A987
♣ A10543

Billy Miller
♠ J9532
♥ AJ108
♦ Q3
♣ J2

Wayne Ohlrich
♠ 876
♥ K6
♦ J654
♣ Q987

WEST	NORTH	EAST	SOUTH
Pass	1NT	Pass	Pass
2♠ (1)	Pass	2♠	DBL
3♠	3♠	DBL	All Pass

(1) Alerted; no explanation requested

The Facts: 3♠ doubled by North went down two, plus 300 for E/W. After East Alerted West's 2♠ and took out to 2♠, South doubled for penalty. West, who had heard East's Alert, bid 3♠. North asked no questions about West's 2♠ or 3♠ and competed with a natural 3♠, counting on South for spade length for his penalty double of 2♠. The Director determined that West's 3♠ bid could have been influenced by the unauthorized information from East's Alert of 2♠. The 3♠ bid was therefore canceled, and the E/W contract was adjusted to 2♠ doubled down two, minus 300 for E/W. The Director further determined that North was aware at the time of the 3♠ bid that West did not have the hand that her partner had "described." (He had examined the E/W convention card after West's 3♠ bid, and drawn the right conclusion.) Nevertheless, North elected to bid 3♠, taking the chance that South (based on his double of 2♠) would have the support required to make 3♠ a good contract. In so doing, he had relinquished his right to redress from damage due to West's infraction. The Director therefore allowed the table result (3♠ doubled, minus 300 for N/S) to stand for N/S.

The Appeal: North appealed, claiming that he had been placed in the position of having to decide whether or not to bid 3♠ by a call that was later disallowed by the directing staff because it might have been influenced by unauthorized information from East's Alert. To say that N/S should be given the score for 3♠ doubled was to say that North's 3♠ call was completely unreasonable. With a full maximum, very good spades, and a well-placed club holding North thought that 3♠ was a clear-cut action. The Committee determined that

East had alerted West's 2 \heartsuit bid, but that no questions were asked. The E/W convention card indicated that 2 \heartsuit was takeout for the majors with better clubs than diamonds. North testified that he knew when West bid 3 \heartsuit that she had forgotten their methods. He believed that West was an inexperienced player, while he knew East to be a top-flight player. South testified that the double of 2 \heartsuit was for penalty, not a "values" double. North stated that he was attempting to be ethical when he bid 3 \heartsuit , assuming that the Director (if called) would instruct that play continue and then assign an adjusted score later—if appropriate. He stated that if West had committed an infraction that he (North) should not have had to face this problem. North also pointed out that if West had long clubs and figured to go minus 100 in 3 \heartsuit doubled, N/S could probably make at least 140 in spades.

The Committee Decision: The Committee considered that West had dealt and passed nonvulnerable, and so was unlikely to hold very long clubs. North had failed to call the Director over 3 \heartsuit , and South had made an unusual penalty double of 2 \heartsuit (giving North the wrong impression of his hand). The Committee determined that the damage to N/S was caused not by the E/W infraction, but rather by N/S's actions. Although the Committee members were somewhat sympathetic to North's problems, the Committee decided by a 2-1 vote to adjust the contract to 3 \heartsuit doubled by North down two, minus 300 for N/S.

Chairperson: Peggy Sutherlin

Committee Members: Abby Heitner, Carlyn Steiner

Directors' Ruling: 77.3 Committee's Decision: 59.1

First, let's take care of some accounting. As several panelists noted, 2 \heartsuit doubled by East should go down three—that's minus 500 for E/W. Committees must be careful to conduct a thorough independent analysis of their own before they assign an adjusted result. Many panelists missed this as well. We might have done so ourselves.

Several aspects of this case deserve to be addressed. First, North failed to call the Director when West bid 3 \heartsuit , at which point it should have been apparent that something was likely to be amiss. (In fact, North stated that he knew then that West had forgotten her methods.) While under some circumstances this could have jeopardized N/S's position, in the present case (because of South's double, which will be discussed below) it was largely inconsequential.

Second, although West's 2 \heartsuit bid showed both majors, East bid only 2 \heartsuit although he held an excellent fit for both suits. Although many players might bid more than 2 \heartsuit (3 \heartsuit or a game try of 2NT, or even 4 \heartsuit), we can understand East's caution opposite a passed partner, particularly in these devalued days where "anything goes" to disturb the opponents' notrump (can a royalty check be in the mail for mentioning the popular mnemonic parenthetically in our learned tome?). A largely unspoken problem arises when someone has the wit or brass to suggest that perhaps East knew or could have known something that he wasn't telling. Perhaps this West was inclined to forget this convention. You can see how far this sort of suspicion might go. That's not good for the game. Without attempting to reach a definitive conclusion, we have an idea to share with you. We suggest that in situations where someone forgets a treatment or an explanation proves to be incorrect, and the burden of proof lies on the erring side, our first reaction should be to protect the innocent opponents and resolve doubtful issues in their favor.

Third, although South's double of 2 \heartsuit looks a bit off-center, it was made at a point where there was no reason to expect that anything unusual had occurred; and, in fact, it was about to net N/S a juicy penalty worth far more than any partscore (or even game). While it would not have been the bid of choice (first, second, . . .) for most mere mortals, it could not have been made in an attempt to take advantage of the situation (a wild gamble, a double shot) and it did create a plus position for N/S.

And fourth, North's 3 \heartsuit bid does not seem to us to constitute a failure to continue to play bridge—a crucial prerequisite for N/S to be denied redress. Given South's double, it is not unreasonable for North to suspect that his side can score as well or better in a spade partial than they might net against 3 \heartsuit doubled. Give South a hand such as, \heartsuit J9xx \spadesuit J10x \clubsuit A J x \diamonds xxx, which isn't even a particularly attractive double, and N/S figure to be cold for at least 3 \heartsuit and perhaps four (change the \heartsuit J to the queen, or give South a fifth spade), while 3 \heartsuit doubled figures to go down no more than one (two would be surprising)—and could even make.

Whatever you might think of N/S's plight, it seems clear to us that E/W deserved to play in 2 \heartsuit doubled. Even given the Committee's feeling that N/S were responsible for their own damage, it was wrong to allow E/W to profit from their impropriety.

The following panelists agree with our assessment of the proper disposition for both pairs. Now listen up.

Gerard: "Lesson time. E/W committed an infraction. N/S shouldn't lose their equity unless they stop playing bridge after the infraction. Under Law 16, for an adjusted score to be awarded the infraction must 'result in' damage, meaning that the damage must come about as an effect or consequence. How could this damage not have been a consequence of the infraction when the infraction forced on North a real problem that he shouldn't have had to face? If this decision is correct, we would have to hold North to task every time he made a losing 49% decision after an infraction rather than the winning 51% one. Whatever you think of South's double of 2 \heartsuit is irrelevant, since he didn't know West was about to commit an infraction. Over 3 \heartsuit North didn't need to call the Director since the Laws, not the Director (Law 16: 'he should summon the Director'), protect him.

"The only question should have been, 'Was North's 3 \heartsuit unreasonable based on the information available to him?' In fact, the Committee report hinted at the answer to this question when it suggested that its members were 'somewhat sympathetic to North's problems.' Maybe passing over 3 \heartsuit (if forcing—it should be) and respecting South's decision would have been better, but how could 3 \heartsuit have constituted a failure to continue playing bridge? Both the Committee and the Director overreacted to South's double, which had nothing to do with the case at hand. If West had the hand she was supposed to have, South's double would have put his side at risk in defending 2 \heartsuit doubled. Once an infraction takes place, the burden shifts. N/S's damage was not only subsequent to the infraction, it was a consequence of it. As for minus 300 for E/W, what computer was analyzing the play? N/S should have been plus 500, E/W minus 500."

Ron has threatened to appear, bearing arms, at the doorstep of any Committee member who bases a future decision on the wrong criteria. Then there will be hell to pay. Avoid heartbreak; do the right thing.

Allison: “I don't think that North's action was poor enough to cause a Committee to eschew giving protection, given West's abuse of unauthorized information. North's argument that he should not have had to be presented with this situation is sound, in this case.”

Goldman: “West's 3 \heartsuit bid was a foul, and a rather blatant one. I disagree with the Committee and agree with the Director. I would have changed the E/W contract to 2 \heartsuit doubled down two, minus 300. I am not sure what should be done about N/S. I don't think that they needed to be held to an exacting standard of what to do after an apparent foul. For that reason I'm inclined to also change the N/S contract to 2 \heartsuit doubled down two, plus 300. If a referee were watching he would call foul at the 3 \heartsuit bid, stop play, and exact the appropriate penalty. Why shouldn't that occur here?”

Krnjevic: “I disagree with the Committee. Once it has been determined that the offenders have committed a causal infraction, their innocent opponents should be judged with considerable lenience as they struggle to cope with bidding and/or play decisions that they should not have had to deal with. Consequently, unless the innocent pair messes their collective pants to such a degree that the chain of causation between the initial offense and the ensuing damage has been completely severed, they should be awarded the most favorable likely result. In this case, although one can question the soundness of South's double, as well as North's subsequent 3 \heartsuit call, I don't think that the N/S actions were so ghastly that the chain of causation was broken. This debacle was caused by West's quite improper removal from 2 \heartsuit doubled, which should have been the final contract. I would have given N/S plus 300.”

Rosenberg: “The Director should have ruled minus 300 to E/W for both sides. Unless the Committee believed that North's 3 \heartsuit bid was a deliberate effort to take advantage of the infraction, they should have decided likewise. The 3 \heartsuit bid seems reasonable to me. West flagrantly took advantage of the Alert procedure, but since she was inexperienced, an explanation would suffice (perhaps E/W did not attend the appeal—this was not documented).”

Unless it is otherwise stated, we are to assume that everyone attended the hearing.

Weinstein: “Although North and South were both very aggressive in the bidding, their bids were not absurd and certainly did not figure to put them in a better position over the infraction. If spades were three-two or four-one the contract would probably have been changed to 2 \heartsuit doubled. I don't believe that North took a cheap shot. The N/S result was certainly directly affected by the infraction, and their actions were not so egregious as to relinquish their right to an adjusted score—though South's questionable double helped create the situation.”

Martel: “West pulled to 3 \heartsuit after getting unauthorized information, so E/W clearly get minus 300. In my opinion neither North nor South did anything outrageous, so they should have been given redress. (North was afraid to pass since he knew that it was his side's hand, and he had good reason to hope that 3 \heartsuit would score more than 3 \heartsuit doubled.) I don't see how North's knowing that E/W had a mixup, or calling the Director over 3 \heartsuit , would have helped him). South's double of 2 \heartsuit was pushy, but not so unusual as to lose his rights.”

Rigal: “I don't like anybody's behavior here: not the Director, nor the Committee, nor E/W, and not even N/S. First of all, it is clear to me (even if I can't call it automatic or routine) that E/W should get no better than minus 300. Allowing them six tricks seems very generous however, since, as indicated below, I do not think much of the N/S performance in 3 \heartsuit . A normal defense of a diamond lead and a heart switch to the king for a club back nets an eventual heart ruff for minus 500. No reason for this not to be a possible result. Second, I have a lot of sympathy with N/S in the auction. South made a good bid for his side (they were about to collect 100 or 150 against 2 \heartsuit , and he put them in the position to get more). If West had not used UI he would have gotten his top. Unluckily, as North argued, he now had to guess what to do, and he got it wrong. Why penalize him for a reasonable action that didn't work? Finally, in 3 \heartsuit on a club lead, if declarer plays a heart up and a diamond to the king, and then the \heartsuit Q, the defense gets 100 (at the most). I suppose North should not be blamed too much. Does this get me the Ron Gerard award?”

While we realize, Barry, that when you wrote this it was campaign time in the States, we don't encourage politicking in these pages. Our “Ronnie” award isn't just given to anyone who requests it. You'll have to get it the old fashioned way . . . you'll have to “Earn it!”

The following three panelists agree with the rest of us about E/W's due, but, like the Committee in the present case, they find fault with poor North.

Cohen: “I don't agree with the Committee. I'd make the unpopular decision that N/S keep their minus 300, but E/W must play in 2 \heartsuit doubled! (See my diatribe about reducing the number of appeals.) Decisions such as this won't have players rushing for the appeals form. I'd like more information on this deal. What did West think 2 \heartsuit meant? If he thought he was showing, say, clubs and diamonds and his partner bid 2 \heartsuit , can't he run? (If 2 \heartsuit meant, say, clubs and another suit, then 2 \heartsuit could have meant pass or correct—it's essential to know what 3 \heartsuit was intended as). I have no sympathy for North, who took a two-way shot—he knew that something fishy had happened.”

Passell: “A very shaky decision. Allowing West to run to 3 \heartsuit on a five-card suit after East's Alert seems somehow overly generous. E/W should have received no better than Average Minus. I don't understand South's penalty double, and N/S's delay in calling the Director seems to jeopardize their right to an adjustment.”

Treadwell: “N/S dug their own grave by failing to ask the meaning of the Alerted 2 \heartsuit bid, and then fell into the grave by their subsequent bidding actions. However, I think the Director's decision regarding the E/W score was correct: minus 300 at 2 \heartsuit doubled, since West's 3 \heartsuit bid could have been influenced by the Alert of 2 \heartsuit .”

Backing the Committee 100% were these two panelists. Hey, guys, watch your doorsteps!

Bramley: “Good Committee decision, even with sympathy. Excellent split ruling by the Director, which should have obviated the Committee. North, who was fooled by his partner into a losing action, should have taken his lumps.”

Wolff: “Simple, but a landmark type of case. Convention Disruption (CD) can never be adjudicated properly, with a constant and steady movement toward eradication being the

only satisfactory answer at the expert level. I would allow the table result to stand because of normal playing luck (NPL). Appeals Committees should be a players' court, with the whole field being represented in a pair game, and not a 'candy store' to make wrongdoers and/or their opponents feel good. The Directors in this case deserve a bonus."

It's not 'candy' to redress a wrong perpetrated by a player using unauthorized information. Bidding 3 \heartsuit with the West hand under these circumstances seems to us to have crossed the line at which Wolffie has been standing guard for many years. It's no overstatement to say that we're more than a bit surprised at his response. However, we do like Wolffie's image of a Committee being like a "players' court, with the whole field being represented . . ."

Unhappily, the "Luck" which occurred here was the result of an ill-conceived Committee decision rather than the "Playing" cards. We only hope that future Committees will prove it to be anything but "Normal."

CASE THREE

Subject: Pause Precludes Dubious Advance
Event: Life Master Pairs, 02 Aug 96, First Session

Board: 12 Seymon Deutsch
Dealer: West \heartsuit 984
Vul: N/S \spadesuit 4

\heartsuit K72
 \heartsuit AK9873

Arthur Hoffman

\heartsuit AKJ3

\spadesuit K6

\heartsuit AQ86

\heartsuit QJ6

Paul Quodomine

\heartsuit 1052

\heartsuit Q7532

\heartsuit J4

\heartsuit 1054

Michael Rosenberg

\heartsuit Q76

\heartsuit AJ1098

\heartsuit 10953

\heartsuit 2

WEST	NORTH	EAST	SOUTH
1 \heartsuit	2 \heartsuit	Pass	2 \heartsuit
DBL	Pass	2 \heartsuit (1)	Pass
2NT	All Pass		

(1) Pronounced break in tempo

The Facts: 2NT by West made two, plus 120 for E/W. East bid 2 \heartsuit after considerable thought (about 12 seconds) and West converted to 2NT. North led a small club. Declarer won in hand and led a low diamond toward the jack. North played low and the jack won. Declarer took a spade finesse and was able to build a heart winner, South having no direct link to North's winners before declarer could come to eight tricks. The Director was called after the play had been completed. The Director ruled that West's 2NT was an action that might have been suggested over other logical alternatives (pass and 3 \heartsuit) by East's break in tempo (Law 73F1). He canceled the 2NT bid and assigned E/W an adjusted score of minus 50, the likely result in 2 \heartsuit . Although it was possible to assign N/S plus 50 on the same basis, the Director (pursuant to ACBL Regulations) ruled that N/S could easily have been plus 100 against 2NT after the actual club lead (if North had taken the \heartsuit K, cashed clubs for one down, and then led a heart to the ace), and therefore awarded them the result achieved at the table, minus 120 for N/S.

The Appeal: Both N/S and E/W appealed the Director's decision, but E/W withdrew their appeal before the Committee convened. N/S claimed that North's duck of the \heartsuit K could not lose if West had two or three spades, and would gain if South held the \heartsuit Q. Although playing the \heartsuit K would ensure a one-trick set, at pairs it might have been important to exact the maximum penalty. North's play, while perhaps not best, was certainly not unreasonable under the circumstances, and was not sufficiently bad to deprive N/S of the right to redress.

The Committee Decision: The Committee first considered the question of unauthorized information and agreed with the Director that the slow 2 \heartsuit bid suggested that it would be more successful for West to bid 2NT than to pass (without reference to the prospects for 3 \heartsuit as an alternative). Thus West's 2NT was not allowed and E/W were assigned minus 50, the most probable result in 2 \heartsuit . As for N/S, the question was whether North's play had been sufficiently egregious to deprive them of the benefit of an adjusted score. Although some Committee members judged that the duck might be wrong, there was general agreement that from North's vantage point it was unlikely to allow the contract to make—and might gain. West was unlikely to hold four spades or 20 HCP (E/W's 2NT opening showed 20+ to 22 HCP). Given that North's defense was not irrational, N/S were therefore entitled to redress under Law 12C2, with the non-offending side to be assigned the most favorable result that was likely had the irregularity not occurred. Thus, N/S were assigned plus 50, the likely result in 2 \heartsuit . E/W were advised of their responsibilities when unauthorized information was made available to them, and the notion of “logical alternative” was explained fully.

Chairperson: Howard Weinstein

Committee Members: Ralph Cohen, Mary Jane Farrell, Eric Kokish, Bill Passell

Directors' Ruling: 65.3 **Committee's Decision:** 85.3

Here we go again. How egregious does a “non-offender's” play (or bid) have to be to compromise his right to receive redress? In our opinion it has to constitute a serious break with normal bridge-related practice. Any reasonable play, or call, which does not go out of its way to seek a “double shot,” should be all right. Even plays which are poor, or inferior, should not jeopardize the right to redress, as long as they are not totally irrational, or do not constitute wild, gambling, tactics designed to create possible windfall results with the safety net provided by the infraction.

A good analogy can be found in American football. When the ball is snapped and an official throws a yellow penalty flag, if the quarterback suspects that the infraction is against the defense he can take advantage of a “free play.” What this means is that he can, for example, try to throw a touchdown pass (even though he may have had no intent to do so before the infraction) and, should his attempt fail, accept the penalty against the opponents and get to replay the down. He gets a true double shot, totally acceptable within the rules of the game.

This is not the case in bridge. Once there has been a suspected infraction by an opponent, a player (the “quarterback”) may not attempt a call (bidding a slam, for example) or a play that is inconsistent with the ongoing context of the hand (minus the infraction). He may not make a wild, gambling, game or slam bid on the off-chance that it might work, and if it doesn't, call the “cops” and get his score adjusted back to a normal contract. He may, however, take any reasonable action subsequent to the infraction, either in the bidding or the play, and still get his “double shot” if he was damaged by the infraction. Notice that this double shot is afforded him by the opponents' infraction. It is not, like the quarterback's “free” touchdown attempt, undertaken on his own initiative.

If a bridge player makes a poor, or inferior, judgment during the ensuing bidding or play he is still entitled to redress. Miscounting a hand, playing partner for an unlikely (but not

a clearly impossible) holding on defense, taking an obviously aggressive or conservative view in the auction, ducking a trick defensively with some risk in order to possibly beat the contract extra tricks (when the extra undertricks may be worth additional matchpoints), all of these are acceptable actions which should not jeopardize a non-offender's right to redress, because they are all still well within the realm of normal bridge decisions. They are not wild, gambling actions designed to achieve a double shot.

Does North's play constitute a wild, gambling action? Absolutely not! Even if North's play could be demonstrated to be clearly inferior (which it cannot, as we'll see in the following comments), North is entitled to err and still retain his right to redress. Only if his play was judged to have been made in search of some windfall result, or ignored clear or compelling evidence that it stood little chance of success, would it have overstepped the bounds and disqualified North from receiving redress. Let's listen to our panelists' take on this.

Cohen: “I agree with the Committee. We're crediting North with a fair amount of bridge ability, but I think even if North were a lesser player, he'd be entitled to get the benefit of the doubt.”

Rosenberg: “The Directors should not have forced N/S to appeal unless they were certain that the error was egregious.”

Weinstein: “There currently exists no guideline on what constitutes a bid or play that is sufficiently poor to deprive non-offenders of their right to redress under Law 12C. This was a close decision, and there may be many who will disagree with the Committee's decision. However, since a rational construction of hands exists where it would be correct to duck the \heartsuit K, even though the duck might be very poorly-judged, it was deemed that N/S had not ceded their right to an adjustment. Perhaps the basis for the decision should be expressed in the same language as the offending side's logical alternative guideline, i.e. if some number of North's peers would have seriously considered North's play (or bid), then it should not abrogate his side's right to redress. After reading the Committee's decision in CASE TWENTY-FIVE, though, I've decided that I dislike graded adjustments. Twenty-five percent redress for the non-offending side would have seemed more equitable. I personally would have felt better with that decision had any of us considered that a graded adjustment could have been applied to the concept of loss of redress for the non-offending side when a non-normal action was taken.”

Howard's notion of affording the non-offenders less than 100% redress when they may have taken a non-mainstream action is clearly contrary to the provisions of Law 12C2. While the Committee in this case applied the law correctly, Howard seems to be having some second thoughts about this decision, dampened by his negative evaluation of the graded adjustment assigned by the Committee in CASE TWENTY-FIVE. We agree with Howard's negative opinion about the later case but that merely reinforces the correctness of the decision in the case under discussion here. It seems normal to entertain doubts about overprotecting a pair that might have contributed to some extent to its bad result, but the laws make it clear that they are entitled to full redress unless their fault is overwhelming.

LeBendig: “I like the reasoning process and the decision that was reached as a result.

Good writeup.”

Martel: “The Committee got it right. The Director should indeed be overruled for being too harsh to the non-offending side.”

Passell: “A solid decision.”

Allison: “While I am a bit uncomfortable with North's duck of the diamond, since South was clearly out of clubs, and diamonds were the only path to the club tricks, I concur that it appears, after the auction, that West wouldn't be able to find more than seven tricks and that the play would at worst break even.”

The next two panelists feel that the Committee did not go far enough in exacting their pound of flesh for E/W's transgression.

Sutherlin: “West's decision to remove his partner's slow 2 \heartsuit bid was totally inappropriate. How can this action be justified? Therefore, a procedural penalty against E/W should have been added to the Committee's otherwise correct decision.”

Treadwell: “The Committee got the bridge score for both sides just right, but did they consider a procedural penalty against E/W for West's acting on obvious hints from East's break in tempo? It seems quite egregious to me.”

The appropriate remedy under the laws is score adjustment, not a procedural penalty. If there were no other way to penalize E/W (say that there had been no damage to N/S), then the procedural penalty would be appropriate.

Wolff thinks that E/W should have been assigned the result for down one (as they would undoubtedly have been had they played in spades), but that North's action was taken at his own risk, and so his result is a product of normal playing luck (NPL).

Wolff: “This case is very similar to CASE TWO. I would have assigned E/W a score of minus 50 in 2 \heartsuit for Hesitation Disruption (HD), and N/S minus 120 for NPL (when North ducked the diamond). We must Protect the Field (PTF). Once we eliminate CD and HD, bridge becomes a much better game.”

And once we eliminate the acronyms . . .

Goldman may be running for office. He seems to have covered every base . . . or, just maybe, no bases at all.

Goldman: “This decision just doesn't feel right. After the huddle, no call by West would have been allowed which corresponded to East's hand. On paper, the contracts of 2 \heartsuit and 2NT lead to the same result of down one. Did East's slow bid suggest: a very weak hand, a fairly strong one (a possible 3 \heartsuit bid), uncertainty about bidding 3 \heartsuit with four diamonds and four spades, thoughts of passing the double, thoughts of whether the double was penalty, etc? I don't know that the huddle suggested any of these over any others. It does seem that 2NT was an attempt to cater to the huddle. So is this a case of the huddle giving no clear information, but someone trying to take advantage of it? Did North explain his

thoughts about ducking the diamond? Was it ducked quickly? My decision would have depended on the answers to those questions. I would need to have been convinced that North analyzed the possibilities at the table and didn't just duck the diamond quickly.”

No, no. “Corresponded to East's hand” is not the issue at all. Rather it is whether West's call could have been suggested over other logical alternatives by East's tempo. But much more dangerous than this creative gambit by the resourceful Bobby is his suggestion that North must rise to untold heights both at the table and in the post-mortem (the hearing) to retain his rights to redress. While the Goldman standard might seem like a noble goal, we consider it neither wise nor desirable. The protection afforded by the laws makes good sense to us and allows for normal, occasionally sloppy, typically run-of-the-mill bidding or play.

And now we invite you on a journey . . . a long one, over many a winding road.

Gerard: “Since we have to focus on how reasonable North's defense was, let's do the job that neither the Director nor the Committee did. First, South wasn't likely to have the \heartsuit Q since Declarer didn't play the \heartsuit 10 at trick one. Secondly, West figured to be unbalanced once he rebid 2NT. Therefore, he could have held \heartsuit AKJ \heartsuit A \heartsuit AQxxxx \heartsuit QJx, in which case ducking would cost the contract. What about \heartsuit AKJ \heartsuit A \heartsuit A108xxx \heartsuit QJx? Ten of clubs at trick one. Same with any hand with only two spades. \heartsuit AKJ \heartsuit Ax \heartsuit A109xx \heartsuit QJx? Down two whether North wins or ducks (South gets strip-squeezed). \heartsuit AQJ \heartsuit Ax \heartsuit A109xx \heartsuit QJx? Down two if North ducks, but down three if he goes up (Declarer gets strip-squeezed). \heartsuit AQJ \heartsuit KJ \heartsuit A109xx \heartsuit QJx? Down three either way. \heartsuit AKQ \heartsuit Kx \heartsuit A109xx \heartsuit QJx? Ducking gains a trick. However, should West really have any of those 2NT rebids?

“On balance, North's defense gains only when (a) South holds specifically queen-ten doubleton of diamonds, (b) Declarer has misplayed the hand or holds precisely \heartsuit AKJ or \heartsuit AKQ and \heartsuit K, in a hand that probably wouldn't have been bid the same way. Ducking can lose a trick or the contract. I think that North's play was clearly inferior, but I'm guessing that it wasn't fully thought out. I agree that North couldn't consider West's holding four spades, but he had every obligation to allow for a 20 or more count if West had the unbalanced hand his auction suggested.

“So, was North's play unreasonable? I don't know, I wasn't in the Committee room. I would have liked to have questioned North (not South) about his thought processes. I certainly would have needed more facts than appear in the writeup to make a decision. I do know that I would have written ‘Although the duck might gain in unlikely circumstances, it seemed clearly against the odds and could allow the contract to be made.’ You tell me whether that's irrational or not.”

Not!

The next panelist has his own answer to Ron's question. We warn you, the following may not be suitable for those with weak or impressionable minds.

Bramley: “Sorry, I disagree. Just because North's play was unlikely to cost does not make it rational. And it could have cost against layouts other than this one (West is 3-2-5-

CASE FOUR

Subject: Is That How We Play It?
 Event: Life Master Pairs, 02 Aug 96, Second Session

Board: 8 Dealer: West Vul: None	Louis Levy ♠ AKQ10 ♠ Q542 ♠ K102 ♠ K6
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Robb Gordon
 ♠ 4
 ♠ 973
 ♠ A987
 ♠ A10543

Linda Gordon
 ♠ J9532
 ♠ AJ108
 ♠ Q3
 ♠ J2

Gloria Levy
 ♠ 876
 ♠ K6
 ♠ J654
 ♠ Q987

WEST	NORTH	EAST	SOUTH
Pass	1NT	Pass	Pass
DBL (1)	Pass	2♠ (2)	Pass
Pass	DBL	Pass	Pass
2♠	DBL	All Pass	

- (1) Both majors, or clubs, or diamonds
- (2) Semi-forced

The Facts: 2♠ doubled by West went down two, plus 300 for N/S. West asked South about her partnership agreement for North's double of 2♠. South said that North's double was for penalty. In fact, they had not discussed this type of auction. South maintained that they had a principle which would make this a penalty double. The Directors ruled that the information received by West did not significantly affect West's decision to bid 2♠, and allowed the table result to stand.

The Appeal: E/W appealed. West claimed that he ran from 2♠ doubled because, with the information he had been given, trumps figured to be stacked behind him. In his estimation 2♠ doubled would not have gone down two.

The Committee Decision: West was the only player at the table to appear before the Committee. He stated that it was not his style to run out in such situations, but here he bid 2♠ when he was told that North's double was "always penalty." The Committee decided that South's explanation of North's double constituted misinformation since there was no evidence that N/S had a firm agreement that this double was penalty. Since the Committee could not determine with confidence the result that was likely to have occurred on the board had West not been given the misinformation, E/W were assigned Average Plus and N/S Average Minus. The Directors were instructed to advise N/S that

3, for example). Also, if South has ♠Qxx, the defense will still get two diamond tricks if North takes the king, plus whatever else they can set up after squeezing West on the run of the clubs. In any case, West was a big favorite to hold the ♠Q, so North needed a better excuse than this to justify ducking with six(!) tricks ready to roll.

"This was pure sour grapes by N/S. Notice that they had a better score available against 2NT than against 2♠. If you want to make sure that crime doesn't pay, you should punish it yourself, rather than making the cops do it for you. Once again, as in CASE TWO, the Director made an excellent split ruling, and N/S should have taken their lumps. The most they deserved from the Committee was sympathy. One last point: can twelve seconds possibly be 'considerable' thought?"

To Bart's credit, he did start out by apologizing for his position. There is a definite undercurrent of expert thought that seeks to resolve this sort of case by thinking in terms of perfect justice, reward for meritorious play, penalty for the other kind. There is a certain charm to this line of reasoning, but it simply ain't the law. Our job is to apply the laws as written or to change them if they're too unpleasant to bear. But that's all.

Expressing similar sentiments was our "royal" (we thought that vice-regal was going too far) panelist.

Rigal: "I am not sure that I agree with the Director's ruling. I think, as a general rule, that Directors should not be seeking to penalize a play that to me was clearly "not unreasonable" when it comes to the non-offenders. This has the result of generating more Committee time, it seems to me, rather than less. (I bet if N/S were sitting the other way around the Directors would have assumed North's play was reasonable.)

"The Committee decided that 2NT was a bid to 'cover the bases.' I do not see it in quite the same light (it might miss the four-four fit when partner was deciding between 2♠ or 3♠). The fault to which Committee members (including myself) are certainly prone is to see a winning action after a hesitation and deduce from it that the hesitation pointed to it. Having said that, I can accept that you might have to disallow the bid, again if for no other reason than to discourage West in future from taking such actions after partner's out-of-tempo action, and that means minus 50 and plus 50. (The line of reasoning that says, 'West's action was correct facing a three-card spade suit and, as it happened, East did have such a suit—therefore the hesitation suggested it' is not convincing to me. Is it to you?)"

Actually, it is. This is not a version of *post hoc, ergo propter hoc*. The 2NT bid could clearly have been made in an attempt to avoid the less-than-satisfactory trump fit which East's tempo could have suggested. West's club stopper did not need to be protected against a lead from South, as it would have had his minor suit holdings been reversed. There was no obvious risk of a club ruff by South. Nor was there any reason for West to have doubled 2♠ (as opposed to bidding 2NT directly) when he was planning to come in notrump even after East bid spades. No, this was not a case of *post hoc* thinking. This was just the Committee doing its job.

the correct explanation in situations that were not specifically defined should be “no firm agreement.” If there were “principles” or experiences pointing in one direction or another, then disclosing this additional information would also be proper.

Chairperson: Jan Cohen

Committee Members: Phil Brady, Marlene Passell, Bruce Reeve, Barry Rigal

Directors’ Ruling: 69.4 **Committee’s Decision:** 70.8

This case engendered a variety of opinions among the panelists. Several, such as Krnjivic, Allison and Bramley, felt that West was the architect of his own misfortune (or even worse), while others, such as Rigal and Gerard, were disposed to afford him protection—although nobody in this second group was very enthusiastic about the prospect of doing so. Let’s listen to the debate. First up, an anti-Committee-ite.

Bramley: “This is the first appearance of the ‘trick question.’ By that I mean a line of inquiry where the questioner ‘knows’ the answer already, or knows that the situation is probably too complicated for his opponents to have an agreement, yet he requests enough information to nail his opponents for a ‘wrong’ answer. The Committee was wrong to let the ‘trick questioner’ get away with it. His opponents were unlikely to have an agreement about this auction (do you?), and he knew it. Therefore, he was on his own.

“I also have no reason to disbelieve South, who presumably was applying the principle that when the opening notrumper doubles a balancer it is a penalty double. (I play this way, don’t you?) On the other hand, North was presumably applying the principle that when the opening notrumper balances with a double, it’s a takeout double. (I play this way, don’t you?) Exactly what is South supposed to do when her hand says one thing and her ‘principle’ says something else?

“Let’s look at a few hypothetical cases to see how the ‘trick question’ works. Suppose South has a doubleton club and says it was a penalty double, but North also has a doubleton. However, West runs and goes minus. Director! Or, South says ‘no agreement’ and West guesses wrong. Director! Looking at this another way, if you told West that his partner had $\hat{E} Jx$ he would have run for sure. But even if North had the club length instead of South, $2\hat{E}$ would still have been an awful contract compared to $2\hat{E}$. Again, I think the Director got it right and the Committee got it wrong. That’s four in a row for the Directors, and four in a row that should not have gone to Committee.”

To what extent (remember, this was the LM Pairs) are players expected to be able to contend with familiar conventions (this was Meckwell, a not uncommon defense to 1NT)? If we play Jacoby transfers, and our opponents get confused over whether a double of a $2\hat{1}$ transfer bid shows hearts, or a takeout of spades, are we to blame because we are the conventioners? Are we on the hook for any ill which befalls them? Are we asking a “trick question” if we wish to know how they play their double?

Next, a pro-Committee-ite.

Gerard: “North couldn’t have corrected the explanation before play ended, so West didn’t have the legal right to change his call (Law 21B1). When it is too late to change a

call, the Director may award an adjusted score if it is ‘probable’ that West made the call ‘as a result of misinformation given to him by an opponent’ and the non-offenders have been damaged ‘through’ the misinformation. West’s decision looks random, but how does it not satisfy those standards? In fact, it’s so random that it could only have been caused by the misinformation. Therefore, E/W should have been minus 100 in $2\hat{E}$ doubled (I played this hand out with ten different rational defenses and came to seven tricks every time). The Laws thus achieve the right result: no one gets to benefit from the misinformation, but E/W have to pay for their use of the convention, which converted minus 90 into minus 100.

“The only problem I have is with the idea that N/S could possibly have discussed North’s double. [The ‘trick question’ - *Eds.*] People who play these types of conventions do so in no small part because of the opponents’ unfamiliarity with them. Should E/W really be able to rely on what N/S tell them? Shouldn’t the onus be on E/W to clear up any confusion? If that were the rule, then E/W would have been on their own here. Not even Wolff could criticize N/S for Convention Disruption in that case.”

We suspect Gerard of being an anti-Committee-ite in pro-Committee-ite clothing. Is Ron really saying that E/W should have turned South upside down and asked her if she was absolutely certain of her confident answer to West’s direct question? If West had conducted a third-degree interrogation, would we not look upon his tactics with scorn after the fact? And would not his partner have been given some unauthorized information by the ferocity of his inquisition?

Holding no club spots except the ten, what difference could it have made to West whether the bulk of the missing clubs were held in front of, or behind, him? The play was going to be complicated for West in both cases and it seems like a stretch to us to project substantial advantages for him when the trumps were actually onside. Is it any wonder that the panelists are having a hard time working up a great deal of sympathy for poor West—even those who wish to protect him. Let’s hear from the rest of our panelists.

Krnjivic: “I disagree with the Committee. I am not at all convinced that West would not have run from $2\hat{E}$ doubled to $2\hat{E}$ even if he had been told that the double showed a maximum with good support for the unbid suits and South had passed for penalties. Given his moth-eaten club-suit, and considering the likelihood that the notrumper also had a club holding of some consequence, I have trouble accepting at face value West’s assertion that ‘it was not his style to run out in such situations.’ This statement was self-serving and should have been treated as such by the Committee. I would have upheld the Director’s ruling.”

Rigal: “I don’t like the Director’s ruling. If he thought that there was an infraction (and implicitly he did), then the only real justification for his ruling was to ensure that the issue went to appeals. (Not unreasonable I suppose.)

“The Committee was forced to rely on a well-reasoned argument from West. Once they established misinformation, the damage argument depended on West’s having been encouraged to pull by virtue of the presumed trump stack over him. That seems reasonable even given all the usual thoughts about self-serving arguments, and all doubts being resolved in favor of the non-offenders, etc. I think that this was a reasonable, if

slightly subjective, decision. Maybe the Committee should have checked the matchpoints for plus 100 for N/S (in case Average Plus was too high for E/W), but since 2 \bar{E} might easily be let through, it may not be relevant. I think the decision was clearly slightly favorable to the side present at the appeal, but we could not help that.”

Goldman: “I disagree with the Committee. I would have allowed the table result to stand. The E/W convention created a slightly confusing situation, and it does appear that N/S had an agreement that doubles over the bidder were penalty.”

Martel: “The same as for CASE THREE. (Note that if West had known that N/S had no firm agreement about double, he would have been less likely to run.)”

LeBendig: “It’s clear that West decided to play hero after East passed the double of 2 \bar{E} knowing that West held the minors. I feel that any adjustment for E/W is ill-advised. If it was clear that there was misinformation (i.e., no agreement about this auction), then I could understand some discussion about a N/S adjustment—but I still have trouble believing that I would actually agree with such an adjustment.”

What is clear is that Alan has misread the annotation describing West’s double. There is some semblance of reasoned argument remaining, however. Allison fell into the same trap, but we could not find a way to breathe life into her comments. Sorry.

Rosenberg: “The Director should make the pair who misexplained file the appeal. The Committee should have analyzed the play in 2 \bar{E} doubled, giving the benefit of the doubt to E/W. Down one seems reasonable.”

Wolff: “This case raises another important principle. Once a pair’s unusual convention causes the opponents confusion, and leaves them unable to adequately describe, with any degree of certainty, the meaning of their bids, the doubt should be decided against the unusual conventioners. Hence, I strongly support the Directors’ ruling of minus 300 for E/W. This Committee became a candy store for E/W.”

More candy. It’s a wonder that Wolffie has any teeth left at all!

Passell: “Okay, but I would have liked to have heard from N/S.”

Treadwell: “The Committee decision is almost right in my opinion. N/S earned an Average Minus by their misinformation, but to give E/W an automatic Average Plus is a bit much. I would give them Average Plus or minus 100, whichever is worse; after all, they did decide to compete against a strong 1NT opening with minimum values.”

Now there’s a novel idea. If you take a risky action on minimum values, then you deserve whatever ill befalls you. Don’t mess with Mr. Treadwell.

We hate giving West anything, just like the rest of the panel. We’re more persuaded by the “trick question” argument. Furthermore, we’re more persuaded by West’s failure to connect his damage to the answer to his question than by the claim that West’s run must (may?) have been influenced by the misinformation (since there’s little in the way of an alternative explanation for it).

On the whole, we believe that bridge would be far better off if cases such as this one were never even called to the Director’s attention, let alone brought to a Committee. Hang them.

CASES FIVE AND SIX

An Allegory

Once upon a time, in a prestigious North American Pairs Championship, all the North bears were dealt an eight-card heart suit and a good hand in fourth seat. When the Wicked Witch of the West put it to them with a third-seat preempt of 3 \heartsuit at favorable vulnerability, each North bear elected to jump to 4 \heartsuit , knowing full well that he was strong, perhaps even too strong, for his action. At (at least) five different caves across this great wide world, the Evil East Witch went on to 5 \heartsuit and South Bear took quite a bit of time before doubling. All five of our North bears removed this slow double to 5 \heartsuit since they did, after all, hold a special hand for their “practical” 4 \heartsuit on the previous round. Much to no one’s surprise, the Director was summoned on each of these occasions.

Although the Directors were universally impressed with the quality of the North bear’s hand, its undeniable trump texture, its undoubted potential for producing ten tricks with no assistance from South Bear, they ruled in each instance, pursuant to Law 16 and after consultation with the most knowledgeable Directors in the land, that the 5 \heartsuit bid would be canceled, and the auction rolled back to 5 \heartsuit doubled.

Now all of our North bears were less than pleased with this decision since they felt that 5 \heartsuit was a clear-cut action that would have produced plus 650 while the penalty against 5 \heartsuit doubled was only 500. Nonetheless, two of these bears (Dopey Bear and Timothy J Bear) bit the bullet and accepted plus 500. The other three bears filed appeals. At the screening stage, Baby Bear rubbed his tummy and withdrew his appeal, so then there were but two.

It was a dark and stormy night. Over at Appeals, customers had to take a number. Five different Committees were formed and they all proceeded into deliberations immediately. Among the cases heard in the first shift was Mama Bear’s 5 \heartsuit adventure. The Committee decided in favor of Mama, giving her plus 650.

As luck would have it, this was the first Committee (of the five in deliberation) to break. And still waiting to be heard was Papa Bear’s 5 \heartsuit case. Since it was not only a dark and stormy night but also a very late one, it seemed unkind to keep Papa Bear and the Witches waiting any longer. And so it came to pass that the same Committee heard the second of the 5 \heartsuit cases immediately after rendering a verdict in the first. Although there were some small differences in the fact patterns of the two cases, they were not sufficiently meaningful to lead the Committee to decide the second case differently. Plus 650 to Papa.

For those of you keeping score, here’s the bottom line: five impugned 5 \heartsuit bids; three of the 5 \heartsuit bidders eventually settling for plus 500 against 5 \heartsuit doubled, two of them recouping plus 650 after going through litigation.

Although there were some in the forest of the night who felt that there was something distasteful about the same set of contentious circumstances yielding two different results, these were, after all, litigious times. Many were willing to accept the fact that the bears who took the time and trouble to go through the Appeals process (poor Baby Bear couldn’t stay up that late) were the ones who fared best in the end. And although there were some rumblings about the same Committee hearing two virtually identical cases, most were willing to concede that it might have been better than having two different

Committees decide differently on essentially the same fact patterns. There were even some shouts about justice and equal rights for all Bears and Witches, but these were minor compared to the rumblings from the Directors, whose dicta were as easily overturned as Alice’s by the Queen of Hearts.

Meanwhile, back in the Real World . . .

The Right Honorable Henry Cukoff: “Your Committees have really done it this time. Didn’t any of these people realize that if the Chief Director supported five of these rulings, then just maybe they should have asked him why he thought that North should not be allowed to bid 5 \heartsuit under the circumstances?”

The Special Appeals Consultant: “We’d like to have a high-ranking Director appear before every Committee to explain the Laws, and if necessary, the constraints under which the Committee members must operate in deciding the particular case before them. Many Committees include the Director’s input as a matter of course, but others would need to feel totally confused before they took such a step. But even if the Director was technically correct in his ruling, it is quite likely that we couldn’t find a Committee of five at this tournament that would have decided these cases differently. It’s not just that these Committee members see North’s decision to bid 5 \heartsuit as clear-cut despite the unauthorized information transmitted to him by South. The truth is that most bridge players in North America (or at least in the United States) would look at the situation the same way. Although you may be on the side of the angels in refusing to allow North to bid 5 \heartsuit , it is going to be a very tough sell when it comes to crunch time.”

Sure, enough, when the Special Appeals Consultant discussed the case with about a dozen of the most respected players in the game at the swimming pool the next morning, all of those MRPs admitted that they saw nothing wrong with North’s 5 \heartsuit bid; they would have done the same themselves. Perhaps this was just unlucky sampling, but we think not. If this is truly where expert bridge stands today, we’ve got a lot of work to do in restoring its good name.

Here are the reports of the cases of Mama Bear and Papa Bear, back to back. Belly to belly.

CASE FIVE

Subject: Overruled
Event: Life Master Pairs, 03 Aug 96, Second Session

Board: 2 Jim Cunningham
Dealer: East | AK
Vul: N/S | AKJ108542
| 103
| 8

Nadine Wood
| J976
| 6
| 76
| AQJ976

Brian Trent
| Q104
| 9
| KQ985
| 10532

Marshall Tuly
| 8532
| Q73
| AJ42
| K4

WEST	NORTH	EAST	SOUTH
3	4	5	DBL (1)
Pass	5	All Pass	

(1) Break in tempo

The Facts: 5 | made five, plus 650 for N/S. N/S agreed that there had been a 10 to 15 second hesitation before South doubled 5 |. The Director changed the contract to 5 | doubled down three, plus 500 for N/S (Law 16A).

The Appeal: N/S appealed the Director's ruling. E/W did not appear at the hearing. The N/S pair was an experienced regular partnership, and played a standard system. They claimed to have no specific agreements about forcing passes. North stated that he thought that the double showed values, and since he had ten tricks in his own hand and was vulnerable he needed to try for plus 650 in order to get a good result on the board.

The Committee Decision: The Committee believed that South's double in this auction did suggest that North should not bid, and that the hesitation suggested that it was correct to bid. However, the Committee was inclined to accept N/S's statements that, in the absence of any specific agreement, South's double was more likely to indicate values than to suggest a bad hand. Since East had passed in first seat and West had preempted, and due to the exceptional nature of North's hand, the Committee decided that it was overwhelmingly clear-cut for North to bid. The contract was changed to 5 | made five, plus 650 for N/S.

Chairperson: Jan Cohen
Committee Members: Barry Rigal, Dave Treadwell, (scribe: Linda Weinstein)

Directors' Ruling: 80.6 Committee's Decision: 89.4

CASE SIX

Subject: Still Overruled
Event: Life Master Pairs, 03 Aug 96, Second Session

Board: 2 Torsten Bernes
Dealer: East | AK
Vul: N/S | AKJ108542
| 103
| 8

Marinesa Letizia
| J976
| 6
| 76
| AQJ976

Lisa Berkowitz
| Q104
| 9
| KQ985
| 10532

Klaus Adamsen
| 8532
| Q73
| AJ42
| K4

WEST	NORTH	EAST	SOUTH
3	4	5	DBL (1)
Pass	5	All Pass	

(1) Break in tempo

The Facts: 5 | made five, plus 650 for N/S. N/S agreed that there had been a significant break in tempo before South doubled 5 |. The Director changed the contract to 5 | doubled down three, plus 500 for N/S (Law 16A).

The Appeal: N/S appealed the Director's ruling. E/W did not appear at the hearing. N/S were not a regular partnership, although they had played together in the past. They were playing a strong club system. They had no agreement that this was a forcing pass auction, but South thought that common sense dictated that it was. North thought that South's double showed values, and that to bid was clear-cut because he knew his partner was short in clubs and was therefore likely to have at least two hearts. (He was concerned that 6 | might even be the correct contract.)

The Committee Decision: The Committee believed that a double in this auction did suggest that North should not bid, and that the hesitation suggested that it was correct to bid. The Committee noted that N/S's argument that the double of 5 | was value-showing rather than indicating possession of a bad hand might be self-serving. However, since East had passed in first seat and West had preempted, the Committee decided that it was overwhelmingly clear-cut to bid. Part of the (largely unspoken) rationale behind this decision was that North's 4 | bid was considered significantly atypical. Normally one

might expect eight and one-half playing tricks or so, as opposed to the (likely) ten playing tricks North actually held. It was for that reason that the contract was changed to 5 \heartsuit made five, plus 650 for N/S.

Chairperson: Jan Cohen

Committee Members: Barry Rigal, Dave Treadwell, (scribe: Linda Weinstein)

Directors' Ruling: 80.6 **Committee's Decision:** 89.4

Allison: "Well, giving both of these cases to the same Committee certainly assured that there would be consistency in decisions. I suspect that most Committees would come to the same conclusions that this one did, but should we be pleased that this hypothesis wasn't put to the test?"

Weinstein: "I do believe that if logistically possible, different Committees should have heard these two analogous cases (see CASE SIX)."

Bramley: "I would have preferred to have different Committees decide cases involving the same board, but perhaps that is just a theoretical ideal. Look at CASES SEVEN and EIGHT to see what I mean. At least they made the right decision. However, I find it peculiar that in CASE FIVE the Committee accepted N/S's statement that the double showed values, but in CASE SIX they thought that the same statement was self-serving."

Although we sympathize with the reasons behind the decision to give CASE SIX to the same Committee that decided CASE FIVE (consideration for the parties involved; they had been waiting a long time to have their case heard), we believe that it would have been much better to wait for the next Committee to break. The Committee's views on self-serving statements seem to be related to their assessment of the relative sophistication of the two partnerships. As always, it is difficult to appreciate the findings of a particular Committee after the fact unless you were at the hearing yourself. Which is as much as we're going to say about the depth of the Committee's exploration of the forcing pass issue at this time. Perhaps we should hear about this from the mouth of the horse . . .

Rigal: "The problem was that, although N/S in CASE FIVE were a pair good enough to reach the Life Master Pairs finals, and in CASE SIX they had represented Denmark in international competition, the Committee decided that the nature of N/S's forcing-pass agreements were non-existent in CASE FIVE while in CASE SIX the argument was made and accepted that double was value-showing—not discouraging. While this could have been self-serving, N/S in CASE SIX were generally frank and forthcoming, and the Committee did not feel especially inclined to disbelieve them. So the bottom line is that in both cases the Committee was swayed by the significantly atypical nature of the 4 \heartsuit bid. With one-and-a-half extra tricks they decided that the scoring and vulnerability meant that North's action was marked. This is still a convincing argument to me. (I may be biased by the fact that my partner in the identical position expressed the view that, had I doubled 5 \heartsuit instead of bidding, he too would have pulled it.)

"The Director clearly made the right decision—not an issue at all I would say."

Barry's partner, you will note, is one of thousands willing to admit that his partnership

lacks the ability to go plus whenever North is dealt this hand and South one of the many that do not combine to produce eleven tricks. Perhaps this, too, is a reflection of the current state of North American bidding.

Cohen: "I agree with the Committee. The Director also did the right thing—he's supposed to lean towards not allowing the action which might be suggested by the poor tempo. However, this bridge situation was well-judged by the Committee(s)—if North can't pull this one, he'll never pull! This auction probably occurred at many tables, and I'd be surprised if many Norths sat."

If North can't pull this one, he'll never pull? The last time we looked, North did not hold a ten-card suit. Or even a nine-card suit. Those are the hand types that justify definitive statements like Larry's. What North has here is a strong 4 \heartsuit bid that he gambled with (that there was no slam and that he'd be in a position to judge correctly later, if there were a later) at his first turn. Many would double 3 \heartsuit with this North hand because they would bid 4 \heartsuit with hands as weak defensively as king-queen-jack-eighth of hearts and an ace, but our North players thought that the straightforward 4 \heartsuit might be more effective. When they chose that approach, they may well have intended to bid 5 \heartsuit themselves under pressure. Or they may have planned to double at their second turn to show this type of hand if they felt that 4 \heartsuit did not establish a forcing pass situation. Or they may not have given the future any consideration at all. Should the Committee allow North to pull a slow double just because he has an extra heart in an otherwise normal hand for his bidding? Yes indeed, if we are to believe . . .

Bramley (continued): "The Director made the normal ruling here, but why was he asked to make a ruling? E/W may not have liked the tempo of the auction, but they should have recognized the futility of their position as soon as they saw the North hand. It was irresponsible of them to ask for an adjustment. Can E/W be fined a deposit for this?"

We shudder to think that this might well have happened to an E/W pair bringing one of these cases before Bart and two or four like-minded Committee members. Would their crime be that their appeal had no merit or that they should have known that they would be wasting a Committee's time? Does Bart really believe that an examination of the North hand should convince any realistic E/W pair that the 5 \heartsuit bid was above reproach after a slow double?

Weinstein: "Though a case could have been made for forcing North to pass the double, I agree with the Committee in allowing the 5 \heartsuit calls. Had the double by South been for penalties in their system then the decision might have been different."

Might have been different? We'd say so. While it's true that neither N/S pair had an agreement that the double was for penalties, it is equally true that neither pair had an agreement that the double showed general values. Does it seem reasonable that in a situation where there is no partnership agreement in place, the Committee should be willing to accept a statement that in effect creates the ad hoc agreement that is most favorable to the offending side?

Gerard: "I have to be careful here, what with the libel laws and all. The Committee wanted to reach a particular result, and then found a way to do it. Just look at its

explanation: ‘double . . . did suggest that North should not bid, and the hesitation suggested it was correct to bid.’ Then, faster than you can say ‘mental dyslexia,’ South’s double did not suggest that North pass. In what universe is double value-showing? N/S was an experienced, regular partnership playing in the Life Master Pairs. They claimed to have no ‘specific’ agreements about forcing passes, but surely they had heard of them. Didn’t they have any generic agreements that would apply, such as, ‘when the opponents are stealing from you non-vul versus vul, pass is forcing’? If the Committee had asked N/S whether they thought the auction could end in 5 \heartsuit undoubled, what do you think the answer would have been? South’s double was either penalty or an ‘unwillingness-to-compete’ spinoff—not a statement of useful values.

“Note how I’ve avoided the use of the term ‘self-serving.’ The Committee did it for me in CASE SIX. My real concern is with the notion that North had clear-cut action. Yes, I can see North had a nice hand. Couldn’t South have held, \heartsuit QJxx \spadesuit Qx \heartsuit QJxxx \heartsuit Kx? Or even, in today’s world, \heartsuit Jxxx \spadesuit Qx \heartsuit QJxxx \heartsuit KQ? If North’s hand was a 4 \heartsuit bid, shouldn’t South have known to bid or invite with a reasonable holding? Oh sure, North could probably make 5 \heartsuit opposite \heartsuit KQ and out, a hand that South wouldn’t dream of inviting with, but once South hesitated North had an absolute lock. I thought that’s what the Laws were supposed to prevent.

“I think that the Committee bailed out here, afraid of peer pressure if it did the right thing. I assume that this was a popular decision, but just think what a message it would have sent if the Committee had shown the courage of its convictions. For those who think North had no choice at any stage, read on [there’s more Gerard later - *Eds*]. Also, what do you think of any reasonably competent player who didn’t bid 5 \heartsuit with the South hand? Isn’t this Telltale and Crypto all over again?”

We’re starting a branch office of the Ron Gerard Fan Club, but so far we’ve had very few subscribers. Read those comments a couple of times, take a deep breath, and try to say, “Five hearts is okay” five times without choking.

Krnjevic: “Although I sympathize with the Committee’s sentiment that the North hand is sufficiently unusual that North was entitled to pull, I don’t think it is quite as clear-cut as they suggest. Although the same people sat on both Committees, in CASE FIVE they didn’t come to grips with the issues at all because they drew the wrong conclusions from the offending pair’s lack of a specific forcing pass agreement. Given that the N/S pair is ‘an experienced regular partnership’ I have difficulty accepting the CASE FIVE Committee’s conclusion that in today’s LM Pair event, ‘in the absence of any specific agreement, South’s double was more likely to be values than a suggestion of a bad hand.’ If the same pair had been asked whether they could possibly have defended 5 \heartsuit undoubled, they, like any other pair in that field, would have snorted ‘of course not!’ I think the CASE SIX Committee, which was not dealing with a regular partnership, got it right when they concluded that ‘a double in this auction did suggest that North should not bid.’ Once you come to the conclusion that North did exactly the opposite of that which his partner’s bidding told him to do, and instead did that which was consistent with his partner’s hesitation, then his hand has to be truly extraordinary before we can discard the presumption that his bidding was influenced by his partner’s tempo. Although *prima facie* this hand is pretty spectacular, there are a great many South hands that will yield minus 100 (e.g., switch South’s and East’s red-suit holdings). What troubles me is that South’s

tempo has transformed a high probability of success into an absolute certainty. I must admit, however, that this is a much easier call to question in retrospect—at the table I am sure I would have bid on, secure in the ‘knowledge’ that I had the hand that justified my blithe disregard of both partner’s warning and his problematic tempo.”

There goes a man who has seen the light but realistically expects others to reach his state of grace much more slowly. We think he can join the RGFC without taking a blood oath.

LeBendig: “I like seeing evidence that we do not subscribe to the ‘If it hesitates, shoot it’ philosophy, as has been suggested by some. Both CASE FIVE and CASE SIX are well-reasoned decisions.”

Gazing down the sights of our elephant gun, we confess that we wholeheartedly agree with Alan’s first sentence.

Passell: “100% Okay both times.”

Rosenberg: “Two good decisions. Also, to hesitate on this auction was normal. A fast pass would be more open to scrutiny.”

Goldman: “I agree with the Committee. Also, what was the tempo of the 5 \heartsuit bid? Was it a full STOP? South should be allowed time, and forced to use it in this situation. The skip bid warning needs to be extended to the next three players. North has an apparent ten-trick hand with probably only two defensive tricks. 4 \heartsuit the first time did not do justice to his offensive values.”

Yes, yes. We’ll join you in repeating this warning about maintaining proper tempo in sensitive auctions, even without a skip-bid warning. Not too slow but not too fast. The reports suggest that South was clearly out of tempo and neither N/S pair denied it. It is true that a ten-second pause over 5 \heartsuit would be the break we’d like to see, but even in CASE FIVE, the suggestion that it might have been fifteen seconds was not disputed. Furthermore, South’s cards suggest that he would not have doubled 5 \heartsuit without considerable thought. And why should these caveats by Michael and Bobby lead them to condone North’s 5 \heartsuit bid?

Wolff: “The Committee’s decision was reasonable, and a one-matchpoint penalty against N/S for HD (Hesitation Disruption) might entice South to develop better tempo at the table. CASE SIX is identical to CASE FIVE.”

Sorry, Wolffie, we must raise a joint and several eyebrow. A penalty of one matchpoint in the Life Master Pairs won’t improve anyone’s tempo. Certainly not if poor tempo carries a reward of tens of matchpoints when it helps partner to make a winning decision. If we want to entice, I think we need to bring that elephant gun out of mothballs.

Gerard: “In CASE SIX the Committee felt even stronger since the forcing pass issue was properly resolved. Yet it did the same about face, giving us all a bridge lesson in the process. Whatever the minimum standard for a 4 \heartsuit bid (8-1/2 was a good movie, not a bridge commandment), North can’t bid 4 \heartsuit and then claim that he didn’t have a 4 \heartsuit bid. Was South really supposed to raise over East’s pass with \heartsuit Q, \spadesuit Q, and \heartsuit A? How could

North have been worried about 6 \heartsuit — doesn't the dreaded 'S-S' word (self-serving) apply to that argument? At North's first turn to bid, he could reasonably expect to make 11 tricks opposite a normal, unexceptional dummy. Opposite greatness (1 \heartsuit Q, 5 \heartsuit A, and 5 \heartsuit A, expected heart length) he could make them all. Certainly a slam was not out of the question. If North has read the Committee's book, he just has to miss some cold slams (my grand slam example doesn't even produce a sure 11 tricks opposite the Committee's 8-1/2). But if he's read some bridge books, he should express the fact that he has other than a 4 \heartsuit bid by bidding other than 4 \heartsuit . Yes, East's 5 \heartsuit bid meant that North really did have the 10 tricks he thought he had going in, but South's action over 5 \heartsuit was supposed to bear some relationship to his cards. North had no right to assume that the 5 \heartsuit card had been removed from South's bidding box in both CASE FIVE and CASE SIX.

"Put yourself in South's position. You hold one of the many hands that justifies a warning double, with no trick taking potential for 5 \heartsuit . The opponents have gone nuts, carrying the modern game to ridiculous extremes. When the hand is over and North is down one in 5 \heartsuit , how do you feel when he says 'I was too good for my 4 \heartsuit bid'? Do you have an urge to respond 'I'm sorry, but I really did have the hand that double described'? Do you think about giving up forcing pass auctions? Do you think about giving up your partner?"

"I applied Edgar's acid test. South slams down his double, folds up his cards and starts writing the final contract on the score ticket. Would a not-very-ethical North still have bid 5 \heartsuit without thinking of passing?"

We're all out of acid. Vitriol too. 5 \heartsuit is (dare we say it) unbearable.

CASE SEVEN

Subject: Serendipity
Event: Red Ribbon Pairs, 03 Aug 96, First Session

Board: 29 1 Q1093
Dealer: North 1 A4
Vul: Both 5 A1074
 5 Q97

1 72
1 8532
5 98
5 J10653

1 A864
1 QJ6
5 KQJ653
5 ---

1 KJ5
1 K1097
5 2
5 AK842

WEST	NORTH	EAST	SOUTH
	1 5	DBL	RDBL
All Pass			

The Facts: 1 \heartsuit redoubled went down two, plus 1000 for E/W. The hand was played before N/S asked any questions. When West was asked what the double meant, he replied "takeout, promising 4-3 in the majors." North then called the Director and stated that he would have bid 1NT after the redouble had he known that it was possible for East to have so many diamonds. The Director changed the contract to 3NT made four, plus 630 for N/S.

The Appeal: E/W appealed. East stated that if her partner had bid clubs after her takeout double she would have bid notrump or corrected to diamonds. When West was asked why he did not bid his four-card heart suit (with partner promising hearts) or his five-card club suit he stated that he did not want to bid with only one jack in his hand. If his partner bid hearts he planned to pass, and if she had bid spades he planned to bid clubs. He stated that he was amazed to hear his partner pass. The Committee asked West how he would have interpreted a diamond bid by East if he had bid clubs. West replied that a subsequent diamond bid by East would have been a cue bid. N/S observed that East's double was highly unusual and, given that West had passed holding a four-card major, it could have constituted a partnership understanding that should have been Alerted.

The Committee Decision: The Committee examined E/W's convention cards and compared the written information with their statements regarding their requirements for overcalls, takeout doubles, doubles with the rebid of a suit, and direct cue bids (which they played as strong). It was decided that, even though E/W have an established partnership of two-and-a-half years, the hand was extremely unusual. The Committee members believed that a pass by West was an acceptable, though not a unanimous, choice for the reasons stated. It was agreed that E/W needed more information on their convention cards regarding their possible shapes and point ranges for various competitive actions, and that their opponents should be Alerted to any unusual understandings. E/W

were cautioned about their responsibility to disclose agreements that were part of their partnership experience. The Committee allowed the table result of 1 \bar{E} redoubled down two, plus 1000 for E/W, to stand, believing that the hand was an aberration and that N/S had simply been “fixed.”

Chairperson: John Solodar

Committee Members: Karen Allison, Mary Jane Farrell, Bruce Reeve, Jon Wittes, (scribe: Karen Lawrence)

Directors’ Ruling: 61.9 **Committee’s Decision:** 88.3

For most of our panelists, this was an easy one.

LeBendig: “I agree with the Committee.”

Wolff: “Right on!”

Passell: “A good decision. How could North have possibly gone down in this contract?”

Perhaps East led a spade in the early going and declarer did not play on trumps. Although we can see how to make 1 \bar{E} redoubled, we can also see that North might have taken a losing line without doing anything awful (we won’t say “egregious”). Furthermore, we can see why N/S might feel aggrieved after this strange auction, so we feel that what follows is too much to expect . . .

Sutherland: “There’s a lesson here for those people who seem to have the attitude: if in doubt, appeal! Not the correct decision. Sometimes the opponents’ bad methods (or strange ideas) get them a good board. You are fixed! Accept it and get on with the next hand.”

At least until after a thorough investigation by the Committee. Perhaps N/S were more accepting after their case was heard. We are inclined to believe that East tried something new and fell into a windfall profit. Which is why we agree with . . .

Gerard: “Everyone was looking to gig E/W here. The Director accused them of having concealed understandings, while the Committee lectured them about ethical responsibilities. I’ll bet E/W still don’t know what they did wrong. Maybe the Committee could have told them that the unbid minor(s) is still part of bridge, so that takeout doubles that promise the majors only need to be Alerted. As for passing with the West hand, most players who don’t have a penalty pass agreement would do the same. As for the Director, what could he possibly have been thinking about?”

Goldman: “I don’t have the impression that E/W did anything wrong.”

Bramley: “The two Committees (see CASE EIGHT) found something different here, but I don’t. I agree with the Committee on this case, and I think that the other Committee should have done likewise. Notice that each Committee overturned the Director’s ruling. I strongly disagree with the Director in this case. He seems to have had no basis for his adjustment. There was no misinformation. This Committee got it right, although I think

they were harsh to describe West’s pass as ‘acceptable’ when it was surely correct.”

Weinstein: “Although I sat on the Committee in CASE EIGHT (with the same basic fact pattern) which allowed an adjustment, the Committee clearly made the correct decision in this case. Based on their testimony E/W did not have a partnership understanding, and West’s pass of the redouble was normal (and, I believe, completely correct)—assuming that it wasn’t for penalties.”

If this were the Master Solvers’ Club, we could argue about the relative technical merits of West’s pass and the main alternative—1 $\bar{1}$. Bramley and Weinstein (who work in the same office) consider pass to be the clearly superior action, but the argument for 1 $\bar{1}$ is presented with equal vigor (and more detail) by the only panelist who disagrees with the spirit and content of the Committee’s decision . . .

Treadwell: “A bid of 1 $\bar{1}$ by West is automatic after the redouble in either the climate of 1996 or that of 1956. It is particularly called for when it is known that partner has at least four-three in the majors. Suppose partner pulled the redouble to 1 $\bar{1}$. Would West now bid 2 \bar{E} if that was doubled, and thereby give up the chance of playing at the one-level in 1 $\bar{1}$? This seems to be a case where N/S should have received Average Plus and E/W Average Minus.”

But Dave’s argument would lead him to play in 1 $\bar{1}$ (doubled) on a four-three fit with 2 \bar{E} almost certain to be a five-three or five-four fit. Perhaps Bramley and Weinstein thought this reasoning was too obvious to explain. More worrisome, however, is Dave’s belief that this E/W pair were sufficiently experienced and/or sophisticated to adopt this sort of approach rather than one that deals simply with the notion of passing with weakness. E/W did not do anything to merit an Average Minus. Nor did N/S do anything to merit an Average Plus.

Rigal: “I see why the Director adjusted the score, but North’s argument is paper-thin and in my opinion it should have been him appealing. I am amazed that the Directors bought North’s argument that he would have pulled the double because East might have six diamonds [so are we - *Eds*]. Still, the hand was an interesting one and perhaps worth hearing in Committee—one way or the other.

“It is a pity we do not know more about E/W and their ability levels. I think the Committee would have been able to establish (I hope) that this was the first time East had held such a trump stack for the bid. If this is so, then the decision seems correct. N/S were fixed; tough. What should E/W say in the future, ‘Takeout promising four-three in the majors—minor-suit shape completely undefined.’ or the like? I don’t see how that will help future pairs (or themselves, come to that) to bid intelligently.”

Yes, E/W should say just that. Even though such an announcement might create a misapprehension for the opponents. Full disclosure is a good thing. And before long, E/W will grow so tired of repeating their forced litany that they will play their takeout doubles the same way as everyone else.

Rosenberg: “Weird. What do E/W do with three-three in the majors and 20 HCP? If East could double with this hand systemically it should have been Alerted, since it was non-

standard. If East just went nuts and invented something, maybe the Committee was right.”

We don’t think West meant that East had to be four-three in the majors. He was trying to convey that their normal expectation was at least four-three in the majors. Yes, the Committee was right. No maybes.

Allison: “E/W now have a post-Committee agreement, and are required to give proper information.”

We think that E/W will (continue to) be good citizens for ever after.

CASE EIGHT

Subject: The Part They Didn’t Reveal
Event: Red Ribbon Pairs, 03 Aug 96, First Session

Board: 29 | Q1093
Dealer: North | A4
Vul: Both | A1074
 | Q97

| 72
| 8532
| 98
| J10653

| A864
| QJ6
KQJ653

| KJ5
| K1097
| 2
| AK842

WEST	NORTH	EAST	SOUTH
	1 (1)	DBL (2)	RDBL
All Pass			

- (1) Alerted; could be as few as zero diamonds, limited hand
- (2) Alerted; 16+ HCP, says nothing about distribution

The Facts: 1| redoubled went down two, plus 1000 for E/W. South asked West the meaning of the double and was told that it promised 16+ points and said nothing about distribution. That was the E/W agreement. When the play was over, South asked to see the East hand. When asked why he had doubled, East said that he was unprepared for the 1| opening bid and thought that the best solution was to double and then bid diamonds. The Director ruled that the table result stood. Law 40A states that a player may make any call or play, including one that deviates from commonly accepted or previously announced practice, as long as such call or play is not based on a partnership understanding.

The Appeal: South stated that when he asked for an explanation of the double he was told by West that it showed “16 points, absolutely,” and said nothing about distribution. South also said that at the end of the hand he asked to see East’s hand, asked West about their agreements again, and was then told that the partnership doubled and bid diamonds to show diamonds over a 1| opening (East nodding assent). N/S then called a Director and asked for an adjustment. E/W did not appear at the hearing. North stated that he would have run to 1| had he been given an accurate explanation.

The Committee Decision: The Committee decided that North’s statement that he might have run to 1| was self-serving. However, it was also noted that, given a proper explanation, South might well have found a different call than redouble, especially since his hand suggested that East might hold the “diamonds” type of double rather than the “16 points, any distribution” type. While the Committee noted that 1| redoubled was makable, it further noted that plus 230 for N/S would still have been a below-average

result. The Committee decided that N/S had been given misinformation and, pursuant to Law 40A, awarded N/S Average Plus and E/W Average Minus because the likely result could not be determined. The Committee voiced disappointment that E/W did not appear to help clarify the facts.

Chairperson: Howard Weinstein

Committee Members: Phil Brady, Mike Huston, (scribe: Bruce Keidan)

Directors' Ruling: 76.4 Committee's Decision: 68.3

Let's lead off with the Leader of this particular pack . . .

Weinstein: "South asked for an explanation of the double before redoubling—a very unusual question to ask. He stated at the hearing that he did so because he was concerned about redoubling with a stiff diamond, a position supported by the unusual nature of the question. From their statements E/W had a clear understanding that this was how they showed diamonds, but they failed both to Alert it or to offer an explanation when directly questioned. Had the proper explanation been given South should have been able to work out that East must have diamonds, since if East had held 16 plus HCP North probably couldn't have an opening bid. Whether South (there is no reason why North should ever consider 1 $\bar{1}$) would have worked this out or not, or would have acted differently anyway, we'll never know. However, I believe that, had N/S received all of the information to which they were entitled, there was a sufficient possibility that the table result would have been different to assign them an adjusted score."

Treadwell: Here, with the same hand and the same auction as in CASE SEVEN, albeit with somewhat different connotations to the meanings of the bids, the Committee came up with the right answer—Average Plus/Average Minus."

Allison: "The principal difference between these two cases (see CASE SEVEN) is that here E/W actually had an agreement about how to handle a hand with length and strength in diamonds. E/W in CASE SEVEN have a post-Committee agreement, so now both pairs need to give proper information."

If E/W had the agreement that a double of a potentially short Precision 1 \bar{E} would be diamonds or a strong hand, then they had an obligation to reveal it to their opponents. Their failure to do so was an infraction and if their opponents were damaged as a result, they were entitled to redress. But what sort of redress?

Gerard: "Strange. Directors and Committees are just destined to disagree about this auction. Reminds one of Oscar the Owl: 'Curious hand. Both sides can make four hearts.' Here, the Precision factor made it a different case than the previous one. If E/W really had the agreement they claimed, they were guilty of misinformation. But the Committee blew hot and cold on the score adjustment. It properly characterized North's 1 $\bar{1}$ runout statement, but tried to get South to stand on his head to avoid redoubling. What should he have bid, 1(forcing) $\bar{1}$? 2 \bar{E} ? It all looks pretty contrived to me. However, why didn't the Committee follow through and apply Law 12C2? Wasn't there a one-in-six chance that E/W would be minus 630? N/S's score was more complicated, but I would have expected either 630 for both sides or E/W minus 630, N/S Average Plus. Having decided that South

might not have redoubled, wasn't 3NT by North the contract that should have been considered?"

Yes, this seems to us to be a Law 12C2 case, with the non-offenders entitled to the most favorable result that was likely had the infraction not occurred (plus 630) and the offenders the most unfavorable result that was at all possible (which seems to be minus 630). The Committee had the right idea but chose a slightly less drastic adjustment than it might have.

Krnjevic: "The case write-up is ambiguous. The **Appeal** segment states that at the end of the hand South 'was then told that the partnership doubled and bid diamonds to show diamonds.' If this sequence did not also show 16+ HCP then I think N/S should have been given redress, since then South would [or should - *Eds*] 'know' that East had to have diamonds (16+ HCP would place North with an unlikely ten-count for his opening bid) and he would consequently have chosen a call other than redouble. If, however, E/W always promised 16+ HCP when they doubled 1 \bar{E} , irrespective of whether they then rebid diamond's, then the result should have stood."

Rosenberg: "It appears that the Director did not ask enough questions. The Committee appears to have given South a large benefit of the doubt in saying that South might not have redoubled. However, if they were going to do this, they should have gone the whole way and given N/S plus 630."

Another panelist who can live with protecting N/S might be convinced to change his mind with a shred of new evidence. Or perhaps on a whim.

Rigal: "I think that the Director did the right thing here, although it is not clear to me if, at the time, he was in possession of the information brought out at the appeal. If he had been, he might have elicited some useful facts from E/W."

"The Committee believed South's comments (I guess they had to, in the absence of the E/W pair). I am not convinced. I would rather have postponed making a decision if I could (I probably could not) than decide against E/W on a head-shake. If you have to come to a decision then it does look as if, in theory, you have to go for N/S and decide as indicated, on the grounds that who knows what might have happened. But having said that, my heart says to leave the score in place because of the random fix nature of the E/W bidding. Again, just because East might have six diamonds does not mean he actually has. Damn the torpedoes, leave it as plus 1000. If necessary, assess a procedural penalty against E/W."

Hark! Did he say "procedural penalty?" What do we think of that? Not in this situation, where we can see an infraction and damage resulting from it. In order to protect N/S, we don't hold them to an exacting standard, so we don't see why the procedural penalty would apply. We are prepared to accept the fact that they might well have done much better had they been given all the information to which they were entitled. To do what Barry is angling for at the end of his comments, we would have to conclude that N/S would have played in 1 \bar{E} redoubled even if they knew about the second arrow in East's quiver.

Cohen: “Isn't the key issue missing? What did East think his agreement was? Did he think double could be this hand, or did he knowingly violate his methods? Did West misexplain the system? What was the actual system? E/W were needed at the hearing.”

We believe that in the end, Larry would protect N/S, but we can't be sure whether he'd go all the way, following 12C2 to arrive at plus 630 for N/S.

Much less sympathetic to N/S and anxious to express themselves to this effect are . . .

Bramley: “I strongly disagree with the Committee. This looks like another version of the ‘trick question,’ where N/S got E/W to say that they might have diamonds for the double. I find this irrelevant. When E/W had already described the double as 16+ HCP, any shape, what does it matter whether East had ‘only’ 13 HCP with this shape? And I cannot believe any N/S pair that claims that they would have acted differently, regardless of the description of the double. This is more sour grapes. Apparently some players just cannot accept a bad result. And look at poor E/W. They got jobbed out of a once-in-a-lifetime result, the kind you read about in entertaining bridge books, not Committee handbooks.”

Martel: “Personally I think that this was just an unlucky hand for N/S. East would rarely have a hand to pass out 1 \ddot{E} redoubled regardless of the E/W agreements, so South would likely have redoubled even knowing the E/W agreements exactly. Further, it is not at all clear that misinformation was given. ‘Sixteen points, absolutely,’ which could include diamonds, is not such a bad description of a double of an artificial 1 \ddot{E} opening. Also, it is likely that the E/W agreements were not very crisp over a 1 \ddot{E} opening showing a void. When faced by somewhat unusual conventional methods it should not be assumed that all pairs will know exactly how they deal with them.”

Wolff: “E/W did nothing wrong, particularly in a Red Ribbon game. Label this hand NPL. Minus 1000 for N/S!”

Passell: “I can't agree with this judgment. How far must E/W go in explaining second-round auctions without being asked? This looks like another ‘fix’ to me.”

We believe that E/W must go at least as far as informing their opponents that East's double is, by agreement, a two-way bid. You might believe that South would redouble anyway, but it is improper for Committee members to impose a subjective evaluation of this nature on the players involved. Unless it would be completely unreasonable to believe that South was capable of the reasoning required to avoid the dangerous redouble, he deserves the benefit of the doubt. That is what 12C2 tells us to do. And finally . . .

LeBendig: “I'm a little confused by the reasoning set forth by this Committee. It appears that they adjusted the result because East could later have shown diamonds by a ‘cuebid.’ Do we really feel that such a treatment should have been Alerted with the double? I don't. I'm more curious about why West passed the double. The previous Committee went to a lot of trouble to find out. Neither North player (see CASE SEVEN) inquired as to whether there was any discussion of what West's pass of the takeout double showed. Had there been an agreement that it was a penalty pass, then it would have been Alertable. But it's unusual enough that a player should protect himself and ask. Surely either North or South should have inquired when the auction ended there.”

CASE NINE

Subject: Saved By The Auction
Event: Life Master Pairs, 03 Aug 96, Second Session

Board: 17 Dennis Kasle
Dealer: North \dot{I} J763
Vul: None \dot{I} 1062
 \ddot{E} Q76
 \ddot{E} Q97

Paul Trent
 \dot{I} 102
 \dot{I} 74
 \ddot{E} AJ104
 \ddot{E} K10832

Sandy Trent
 \dot{I} K984
 \dot{I} KQ95
 \ddot{E} K9532
 \ddot{E} ---

Steve Sion
 \dot{I} AQ5
 \dot{I} AJ83
 \ddot{E} 8
 \ddot{E} AJ654

WEST	NORTH	EAST	SOUTH
	Pass	Pass	1 \ddot{E}
Pass	1 \ddot{E}	DBL	Pass
1NT	Pass	2 \ddot{E}	Pass (1)
2 \dot{I}	Pass	Pass	DBL
2NT	Pass	Pass	DBL
Pass	Pass	3 \ddot{E}	DBL
All Pass			

(1) South asked about the meaning of 2 \ddot{E}

The Facts: 3 \ddot{E} doubled made four, plus 570 for E/W. Before South passed 2 \ddot{E} he asked West what 2 \ddot{E} meant. West said, “We don't have an agreement, I'm not passing it,” implying that the bid was not natural. The Director determined that West's statement constituted unauthorized information, changed the result to Average Plus/Average Minus, and told West that he should have said only that there was no agreement.

The Appeal: E/W appealed the Director's ruling. N/S did not appear at the hearing. E/W stated that the timing of South's question was inappropriate, and that the subsequent auction showed that East did have diamonds.

The Committee Decision: The Committee believed that the auction revealed that West held more than two diamonds. The auction was patently muddy as soon as West ran from 2 \ddot{E} . West's 1NT bid, then his run from 2 \dot{I} doubled to 2NT, reinforced the idea that West had something in diamonds. The Committee believed that East had acted ethically when she passed 2 \dot{I} and 2NT. Although there was unauthorized information, East's bid of 3 \ddot{E} was clear based on the authorized information from the auction. The Committee allowed the table result of 3 \ddot{E} doubled made four, plus 570 for E/W, to stand. The Committee also

questioned why South would pass the double of 1 \heartsuit and then question East's 2 \heartsuit bid.

Dissenting Opinion (Howard Weinstein): South's question, although self-serving, was clearly within his rights, and properly phrased as asking whether the opponents had an understanding. Perhaps asking whether this sequence had been discussed would have been better. Still, while it is enormously unlikely that a partnership has discussed this sequence, that does not preclude the question—even though the asker may have been groping for information to help his position. West unfortunately added to his reply a comment that clearly implied that he was not taking the call as natural. East, having heard that reply, clearly had available to her the unauthorized information that West believed that her 2 \heartsuit call (intended as natural) had been for takeout. East was then under an obligation to bid as though her partner had described the bid as natural, and had chosen to play 2NT opposite East's probable 4-4-5-0 maximum passed hand. I disliked South's question about 2 \heartsuit , as well as his double of 3 \heartsuit , and the outcome of 2NT doubled was not clear. Nonetheless, I believed that there was enough doubt about East's action over 2NT doubled that the 3 \heartsuit bid should not have been allowed.

Chairperson: Michael Huston

Committee Members: Phil Brady, Jerry Clerkin, Abby Heitner, Howard Weinstein, (scribe: Karen Lawrence)

Directors' Ruling: 70.3 **Committee's Decision:** 86.7

We'll start off with a rear-guard action from our resident dissenter.

Weinstein: "Although I dissented, I would never have adjusted the N/S score from the result achieved at the table, since South should not have benefitted by what I believe was a gratuitous question. However, as inappropriate as South's question might have been, I do believe that East had unauthorized information that might have influenced the 3 \heartsuit call. Had the response to the question been that 2 \heartsuit was natural (or undiscussed) there is a possibility that the 3 \heartsuit call might not have been found. However, from an equity standpoint I am not comfortable with this position, and I am glad that this was a dissenting opinion and not that of the majority."

You can relax, Howard. Virtually every panelist agreed with the Committee—not with your dissent. The one exception was . . .

Cohen: "This was easy. Howard Weinstein had it completely right and everyone else was wrong (no, I am not on his payroll). I don't see that South did anything so bad."

Well, are we buying that? Did South do anything so wrong? Did West do anything so wrong? Did anyone's behavior put anyone else at either an unfair advantage or disadvantage? Does it ever rain in southern California?

We'll let the panel answer these and other pressing questions.

Allison: "The Director correctly told West that he should not make extraneous comments. However, the auction did indeed reveal for East's benefit the minimum length in diamonds held by West. That South got caught in a doubling rhythm (there's no

justification for his double of 3 \heartsuit) was the cause of his disaster, and the Committee did well to let him have the full effect of his double. I particularly dislike South's choice of when to ask about the 2 \heartsuit bid."

Wolff: "I strongly agree with the majority opinion. For my money West acted ethically when he said, "We don't have an agreement, I'm not passing it." The rest was NPL with N/S getting punished for penalty doubling with a singleton, and bidding a three-card suit."

Treadwell: "North bid 1 \heartsuit on somewhat less than normal values, and South took a gambling double that turned out poorly. As the Committee decided, East acted quite ethically throughout, despite the slightly improper comment from his partner. A very fine decision."

Bramley: "The 'trick question' strikes again. I agree strongly with the majority. This was a revolting performance by N/S. South's question had very little to gain, other than the knowledge that it was being interpreted as forcing. South obviously intended to double whatever E/W bid. Then, when his opponents finally stumbled into their best contract after four rounds of bidding, and North had responded on a three-card suit and 5 HCP (so that 3 \heartsuit was cold), they called the cops! While West's response to the question was poorly phrased, he did provide South with the one piece of information that he (South) was presumably looking for—whether 2 \heartsuit was forcing. How can you take West to task when that is what South wanted to know? And that is why it is a 'trick question.' As soon as West indicated uncertainty about the meaning of 2 \heartsuit he was screwed! This is yet another case in which N/S should have accepted their poor result and gone away."

Rosenberg: "Very hard. I don't believe it is proper for a player to ask a question (about a bid that is not Alerted) to which he knows the answer (whether for the purpose of helping his partner or fixing the opponents). However, I don't know what the current rules are about Alerting cue bids, and I guess it is possible that E/W had some kind of general agreement about cue bids. So perhaps the question was reasonable, planning to bid 2 \heartsuit if the answer was 'natural' or 'in similar situations we play natural,' or maybe even 'no agreement.' West's inappropriate addendum was exactly what South wanted to hear. East naturally felt that 3 \heartsuit would play better, given that partner probably had at most two-two in the majors. Since West did say too much, the question arises: what if West had said 'natural'? Would East then have passed? Possibly. So E/W should go minus 100 in 2NT doubled. South's double of 3 \heartsuit looks like an unjustified double shot to me. He had already doubled 2 \heartsuit and 2NT, and could be fairly sure that East had a club void. Couldn't he let his partner double 3 \heartsuit ? Perhaps I (and the Committee) let personality sway my (our) reasoning. You may find this hard to believe, after all my complaints about split rulings, but, depending on South's testimony, I might have awarded minus 570 to N/S and minus 100 to E/W."

Martel: "I agree with the Committee's decision, but I don't understand questioning South's pass of the double of 1 \heartsuit (a reasonable action) and then questioning the 2 \heartsuit bid (he didn't know what it was, and might have wanted to bid)."

Passell: "Although Howard has some good points in his dissenting opinion, I readily agree with the Committee's decision. East ethically passed both 2 \heartsuit and 2NT, and then knowing by her hand that 2NT doubled would be a disaster made a judgment based on

partner's known diamond length to retreat to an eight- or nine-card fit.”

CASE TEN

LeBendig: “I agree with the Committee here. Given the auction, I don't believe that a pass of 2NT doubled qualifies as a logical alternative—at least not in my mind.”

Subject: The Long Or The Short Of It
Event: Life Master Pairs, 04 Aug 96, Second Session

Goldman: “A good decision by the Committee. West's 2♠ bid expressed that he didn't think that 2♣ was natural, and East was free thereafter to play bridge.”

Board: 13 Bob Jones
Dealer: North ♠ A9862
Vul: Both ♡ 83
 ♣ Q762
 ♠ 109

Rigal: “Although I am all for ruling against the offenders, on this occasion I might have made a different ruling; but I can see either side of the issue. Was the 1♣ bid Alerted, or was it a psych? I know of some partnerships who play the equivalent of controlled psychs at the one-level. A little more information here would have been nice.

Linda Smith
♠ 4
♡ AK97
♣ AK953
♠ KQ3

Ron Smith
♠ K753
♡ QJ1042
♣ 108
♠ 75

“The Committee made the right call here. This was a rare auction where East knew from West's removal to 1NT and 2NT that West had diamonds. South did it to himself and should have taken the consequences. I do, however, have no problems with his asking about 2♣; he might have been considering bidding 2♠ or the like. Yes, there was some UI from the comment, but East had a clear action, I think, and no amount of UI should stop it. We can't stop people from playing bridge.”

Lee Rautenberg
♠ QJ10
♡ 65
♣ J4
♠ AJ8642

We strongly agree with the Committee's decision. South's question and doubles, together with West's run to 2NT, gave East all of the information she needed to bid 3♣. What was really unfortunate about this whole affair was that South called the Director to the table at all, that the Director then made a *pro forma* ruling for the “non-offenders” when the unauthorized information was freely available from authorized sources, and that the Committee could not then keep N/S's deposit when (if) the ruling was appealed.

WEST	NORTH	EAST	SOUTH
	Pass	Pass	1♣
DBL	1♠	2♠	Pass
3♠	Pass	4♠	Pass
5♠	All Pass		

The Facts: 5♠ made five, plus 650 for E/W. N/S stated that 4♠ could have been a cue-bid and that West might have bid 6♠. 3♠ was intended as a splinter bid and was not Alerted. Therefore, West knew that East could have interpreted 4♠ as natural. West stated that 4♠ could not have been a cue-bid in their system because it was ace-asking. West stated that she knew from her hand that it was impossible for East to be asking for aces. The Director changed the contract to 6♠ down one, plus 100 for N/S.

The Appeal: E/W appealed the Director's ruling. East stated that he knew that the 3♠ bid was ambiguous because they had no agreement. West thought that 3♠ was a splinter bid; it did not occur to her that it could be interpreted as natural, exposing a psych. East bid 4♠ knowing that he would have to play the hand at the five level if West had hearts. East stated that he had figured out what had happened and realized that he could have taken advantage of the situation by bidding 4♠. He thought that once he had put the partnership at risk by bidding 4♠, E/W should not have been forced to declare at the six-level. North stated that East's failure to Alert gave unauthorized information to West. North perceived 4♠ as an acceptance of a slam try, and that West should then have bid the slam. North did not address the fact that E/W's agreement was that 4♠ was ace-asking, and that 4NT would have been a spade cue-bid.

The Committee Decision: The Committee accepted E/W's explanation of their understandings and agreed that West could figure out that 4♠ was not ace-asking. The Committee changed the contract to 5♠ made five, plus 650 for E/W. The Committee

noted that East had put himself in more jeopardy than was required in an effort to be fair.

Chairperson: Mike Aliotta

Committee Members: Phil Brady, Bill Passell, (scribe: Linda Weinstein)

Directors' Ruling: 76.1 **Committee's Decision:** 72.2

It was the best of decisions, it was the worst of decisions, it was wisdom incarnate, it was foolishness unleashed, it was a celebration of good faith, it was a desecration of skepticism, it was an omen of hope, it was a harbinger of despair—in short, it was just another case for our National Appeals Committee. So say the panelists. We'll let those who agree with the Committee fire the first volley. Hee, hee, hee.

Bramley: “Variations on a theme: sour grapes. Here N/S were unwilling to accept a normal result after their opponents had some confusion. Their reasoning seems to have been: if my opponents can't get a bad result when they don't know what they're doing, then we'd better get the Director to help them. At least the Committee straightened it out.

“This hand raises a common but little-discussed theme. What is the difference, if any, between unauthorized information from an Alert and from a failure to Alert? I believe that the difference is significant. An Alert is positive information; it expresses the opinion that the Alerted call is conventional in some way. On the other hand, a failure to Alert is negative information; it implies, but does not guarantee, that the un-Alerted call is being treated as natural. Other reasons are possible for the failure to Alert: inattention, forgetfulness, uncertainty and unwillingness to give the show away.

“Looking at the situation on this hand, the information from the potential Alert of 3♠ could only benefit E/W. If East Alerts he may or may not be right, but he has told West how he is taking the bid. If East does not Alert, then theoretically he should not be telling West anything. In this obviously-ambiguous auction, why should E/W get the benefit of knowing how the auction is being interpreted? They shouldn't. Only by not Alerting, regardless of the interpretation of 3♠, can E/W preserve the essential ambiguity of the auction.

“This makes ten hands out of ten that should not have gone to Committee. On CASES ONE through FOUR the Director got it right but the players couldn't take it. On CASES FIVE through TEN the players couldn't take the table result, which should have stood in every case!”

We've heard Bramley's argument before, and it doesn't work any better in the present context than it did when we first heard it. In essence this argument goes: “Partner has made a bid which I believe means ‘X’, but which he might not have intended as ‘X’. Therefore, I won't Alert it because my Alert might clear things up for partner (at least as far as how I interpret his bid).” Based on this argument one should never Alert any bids but those whose meanings are common or self-evident (splinters, responsive doubles, etc.), since you could always argue to a Committee that you didn't want to inform partner how you were interpreting his call.

The regulations say that it is every player's duty to Alert certain bids, and it is partner's

responsibility not to hear or act upon the Alert (except to correct any misinformation given the opponents, at the appropriate time). Should partner fail to perform accordingly, the opponents' rights will be duly protected by a Director (or Committee). Players may not decide for themselves whether they will obey this regulation.

Let's take the present case in point. East didn't Alert 3♠ because he didn't know that it was a splinter. He then bid 4♠, an action that his hand tells us makes sense only if he believed that 3♠ was natural. In fact, we have no way of knowing whether the splinter possibility really occurred to East at that point in the auction, despite his claim to the Committee. Then West, without an Alert of 3♠, must have known that her partner thought that 3♠ was natural and intended 4♠ as a raise. Consequently, holding a hand which could produce slam opposite as little as a black ace and ♠ Qxxxx, she failed to cooperate with East's 4♠ slam try (whatever 4♠ should mean in E/W's system, it must be a slam try of some sort, given that she was not prepared to treat it as natural) and signed off in 5♠, which East happily passed. West claimed that she knew from her hand that East could not be asking for aces, but after West's splinter why couldn't East have held ♠ xxxx ♠ Q10xxx ♠ x ♠ Axx? Also, if East had Alerted 3♠ as a splinter and then bid 4♠, would West ever have thought of questioning the bid? Wasn't East's failure to Alert a wake-up call that West could not be permitted to answer?

East then testified that he bid 4♠ knowing that he would have to play 5♠ if West really had hearts, and that bidding 4♠ would have been taking advantage of the situation. We plead mystification. What advantage could he have been taking? He had no unauthorized information. After all, it was he who failed to Alert his partner's bid.

Bart would have East refrain from Alerting 3♠ without prejudice because he believes that is the only way to leave West in doubt about whether East really knows the meaning of her 3♠ bid. Then West could bid as she did because East's failure to Alert was ambiguous (he could have really been cue-bidding).

Hee, hee, hee . . . guillotine, guillotine.

While one of us sits here knitting, the other is rolling a donkey cart through Paris. Readers wishing to guess which of us is playing Madame Defarge in tonight's performance are invited to send their completed ballots to ACBL Headquarters in plain brown envelopes.

Let's see what other arguments the panelists proposed to allow E/W to get away with this.

Treadwell: “E/W had a slight bidding misunderstanding, and wound up in a fairly normal contract of 5♠ after unraveling it. No evidence was presented to indicate that either player had used unauthorized information. In fact, as the Committee decided, East bent over backwards in an effort to be fair. A good decision.”

Wolff: “Everyone was ethical here, with the only culprit being CD. Perhaps E/W should have been penalized 1 matchpoint for CD. If West would have Blackwooded over 4♠ and then signed off, no CD penalty.”

Next you guys'll be telling us that there really is a Santa Claus—and an Easter Bunny.

Weinstein: “The line of reasoning leading to making E/W get to 6^l down one is overly litigious. Although N/S’s contentions may not be incorrect, this type of adjustment tends to drive less experienced (clearly not in this case) players away from tournaments. However, I don’t understand what East meant by ‘figured out what happened and realized that he could have taken advantage of the situation by bidding 4^l .’ It’s now taking advantage to correctly interpret partner’s bidding?”

Bah! Humbug! Oops. Hee, hee, hee . . . guillotine, guillotine.

Passell: “A good decision—pretty picky to go to a Committee on this type of hand.”

Rigal: “The Directors’ ruling does not seem to have addressed the issue fully. As against that, it may not have been practical to do so in the time available, and E/W may not have produced their Blackwood argument in time.

“The Committee obviously believed West, and in the circumstances the failure to Alert should not, in my opinion, have driven West to slam. After the 4^l bid, if that were Blackwood, I assume that it would have continued: 4NT (0 or 3 keycards, or Blackwood) - 5^É (queen of trumps? or no aces response to presumed Blackwood), 5^l (no queen of trumps, or to play) - Pass.

“I agree with the Committee’s view that plus 650 was the sensible result on the board. Why did East not think that his partner would have bid 2^l had she had a spade suit, and thus 3^l agreed hearts? I suppose there are some things we are not supposed to know.”

Allison: “Unfortunately, the Director seems not to have been given the information that the spade cue bid would have had to be 4NT, else he could have ruled as did the Committee, which elicited that information. I believe that, given the information available to the Director, the ruling was, in fact, appropriate.”

Guillotine, guillotine.

Now for the voices of sanity in this wilderness.

Cohen: “Awful. Awful! Awful!! If I was West and partner cooperated with my slam try by bidding 4^l , why would I ‘know from my hand that it was impossible for East to be asking for aces?’ Let me get this straight. I make a slam try and partner can’t bid Blackwood? Why should the Committee accept E/W’s explanation that ‘West could figure out that 4^l was not ace-asking?’ Why should it be anything else? If I were East holding $\heartsuit\ xxx\ \spadesuit\ Qxxx\ \clubsuit\ KJx\ \diamondsuit\ Kx$ and partner splintered I’d be thrilled to bid RKC, expecting to drive to six opposite a typical slam-try splinter such as $\heartsuit\ x\ \spadesuit\ AKxxx\ \clubsuit\ AQxx\ \diamondsuit\ Axx$. I would definitely adjust the score to 6^l down one.”

East obviously can’t have either the $\clubsuit\ K$ or $\diamondsuit\ K$ —West has them. But that notwithstanding, Larry’s arguments still ring true.

Gerard: “Oh please. A self-proclaimed Active Ethics award. East wouldn’t have been taking advantage of anything by bidding 4^l , he just would have been bidding his hand. The notion that the Committee shouldn’t apply the Laws because East refused to let

himself figure out the auction is unworthy of comment. Not unworthy of comment is West’s contention that East couldn’t have an ace-asking hand. What about $\heartsuit\ xxxx\ \spadesuit\ Qxxxx\ \clubsuit\ \heartsuit\ Axx$? East would know that since West doubled with a singleton spade, she must have a good enough hand so that a three-control response to Kickback would make slam nearly laydown. I’m sorry I don’t still have my baseball card collection to try to sell to the Committee.

“Let’s put the auction behind screens, without West knowing about East’s non-Alert. West responds 4NT (0 or 3). Does East cut the cord and sign off in 5^l , finally asserting his right to figure out the auction, or does he cling to his Active Ethics award and respond 5^É? What would 5^É mean to West, assuming that 5^É would be the queen ask? I bet West would have bid slam, thinking that East had to have one ace to bid 4^l and the $\heartsuit\ Q$ not to ask for it. Unless E/W could prove that 5^É in this situation would have kept them out of slam they should have been forced to bid it. If East had instead signed off in 5^l West would likely pass, playing East for $\heartsuit\ xxxx\ \spadesuit\ Qxxxx\ \clubsuit\ \heartsuit\ x$ (hoping for a four-control response). So maybe the case comes down to whether there was a one-in-six chance that East would have bid 5^É rather than 5^l . Do you get the feeling that the Committee might have missed a point or two? I think E/W’s arguments were specious and, yes, self-serving. I know that the Committee didn’t earn its script.”

We couldn’t have said it better, but we did say it. Guillotine.

Goldman: “If West bid 3^l as a splinter slam try, how could she figure out that 4^l was not Blackwood—as Blackwood is what you usually hear when partner has a good hand over a slam try? I don’t understand how East would have been taking advantage by bidding 4^l , unless something irregular occurred in the making of the 3^l bid. There is no problem on the East side of the auction. Regarding West, she should have been forced to treat 4^l as Blackwood. Following through on this scenario West would bid 4NT (three key cards, unless they play something else). The question then becomes, could East salvage the auction from there? If he bid 5^É or 5^l it appears that he would, as both bids lead to signoffs. If he bid 5^É (showing his key card to her 4NT Blackwood) he may not. It seems that the auction would likely stop at 5^l , but I would need to have asked a few questions to decide. A very good ruling by the Director. Sloppy work by the Committee, although I am inclined to agree with their final verdict.”

Very good work by Goldie, although we are inclined to disagree with his final verdict.

Krnjevic: “I don’t agree with the Committee’s conclusion that West could figure out that East couldn’t be asking for aces. Why couldn’t East have held $\heartsuit\ xxxx\ \spadesuit\ QJxxxx\ \clubsuit\ \heartsuit\ Ax$? I agree with the Director’s decision to make E/W declare at the six-level.”

East must have been wearing a very big truss to have held the hand that Nick suggests and have bid only 2^l the first time. But by now, we hope you get the idea.

LeBendig: “I full well understand how West could tell that 4^l was not ace-asking. If my 3^l bid had not been Alerted I would also suspect that something had gone wrong. I don’t feel that E/W did anything noble on this hand. I feel that the Director made the correct ruling, and the Committee should have decided in the same manner.”

Martel: “The Committee lost its focus. West had unauthorized information (the non-Alert of 3♠) which helped her to know that 4♠ was not a slam try. There were logical alternatives to 5♠ which might have gotten E/W too high. Thus, there should have been an adjustment (probably to 6♠ down one, though perhaps Average Minus). The final comment from the Committee makes no sense to me. East was under no restrictions and presumably was making the best bridge bid.”

Hee, hee, hee.

Rosenberg: “I don’t understand the Committee at all. If East ‘figured out what had happened,’ why didn’t he just bid 4♠ (with or without an Alert of 3♠)? It looks as if East thought that West might have spades, in which case it would not be safe to bid 4♠, especially after an Alert. Now turn to West, who blatantly took advantage of partner’s failure to Alert (Blackwood was ‘obvious’ after a 4♠ ‘cue-bid’). Presuming that E/W played Keycard, East might well have responded ‘one,’ thinking spades were agreed. Therefore, E/W minus 100, N/S plus 100. West should have been strongly censured.”

Hee, hee, hee . . . guillotine, guillotine.

It’s amazing how great minds think alike.

We wish we could say of this case, “It was a far, far better decision that they reached, than they have ever done; it is a far, far better rest we go to, than we have ever known.” But alas, we can only say, “It needs work.”

CASE ELEVEN

Subject: Saved By The System
Event: Flight A Swiss, 04 Aug 96, Second Session

Board: 5 Sharon Hait
Dir: North ♠ QJ2
Vul: N/S ♠ A95
♣ J8
♦ Q9763

Ayako Amano
♠ K10864
♠ KQ8
♣ AQ
♦ 854

Kenji Miyakuni
♠ A973
♠ 104
♣ 652
♦ KJ102

Barbara Sartorius
♠ 5
♠ J7632
♣ K109743
♦ A

WEST	NORTH	EAST	SOUTH
	Pass	Pass	2♣
2♠	Pass	3♣ (1)	Pass
3♠ (2)	Pass	4♠	All Pass

- (1) Conventional (hearts or a constructive spade raise); not Alerted
- (2) Break in tempo; conventional, but not Alerted

The Facts: The Director was called when the 4♠ bid was made and again when the dummy was tabled. E/W agreed that there had been a hesitation. There were no Alerts or explanations at the table. Initially the Directors canceled East’s 4♠ bid and adjusted the contract to 3♠ made four, plus 170 for E/W. The Director was called back and E/W explained that, although West had failed to Alert 3♣, the net systemic effect of the sequence culminating in her 3♠ bid was to show a good hand rather than a bad one (see below). The Directors accepted the belated E/W explanation and changed the score to 4♠ made four, plus 420 for E/W.

The Appeal: N/S appealed the Directors’ ruling. East stated that 3♣ was either a transfer to hearts with a relatively weak hand or a medium spade raise. The E/W convention card has a reference in the “Overcalls” section that reads “cue-bid is transfer,” but nothing referring to the two-way nature of these transfer advances. West admitted that she had forgotten the dual meaning of the 3♣ call. East stated that in their methods West would usually bid 3♠ over 3♣ with a normal-range hand. The main alternative to 3♠ is 3♠, which shows three or more hearts and a maximum (essentially a super-acceptance if hearts were trumps). On that basis East said that he had to bid 4♠. In reply to a question, East stated that with seven spades and one heart West might also bid 3♠, but in that case the partnership would have to reach 4♠, for better or for worse. The partnership employs a sound overcall style and as a result is willing to accept this risk. The Committee asked

what a 3[♠] bid by East directly over 2[♠] would have meant. East stated that the bid had no firm meaning, but he believed that this was the way the partnership would look for 3NT: East showing a heart stopper rather than a suit (since he had not bid the suit earlier) and looking for a diamond guard. East stated that he did not Alert West's 3[♠] bid because he was afraid of Alerting West to the 3[♥] bid. No explanations were given prior to the start of the defense. East stated that the Director was called so quickly after his 4[♠] bid that he got sidetracked before he was able to explain.

The Committee Decision: The majority of the Committee, after a thorough investigation of E/W's methods, decided to accept East's explanation and his rationale for bidding 4[♠] as a consequence of the systemic meaning of 3[♠], and allowed the result achieved at the table to stand. A procedural penalty of two Victory Points was unanimously assessed against E/W for East's failure to Alert 3[♠], his failure to inform N/S about the un-Alerted bids when the auction had ended, and E/W's failure to properly document this complex agreement. E/W were advised that, although there is no room on the ACBL convention card to fully document many systemic agreements, the obligation to properly disclose them remains. Pairs using complex methods are under a special obligation to make certain that their opponents are not disadvantaged, and the failure to provide clear evidence of partnership agreements creates difficulties for players and officials when something goes wrong.

Dissenting Opinions

(Dave Treadwell): East was in possession of two pieces of unauthorized information: (1) that West had probably forgotten the specific meaning of the 3[♥] bid, although it was possible, of course, that West had merely forgotten to Alert, and (2) that West's hesitation suggested that she was considering other bids, among which was 4[♠]. This combination may have made a 4[♠] call by East more attractive than the logical alternative of pass. Hence, the 4[♠] bid should not have been permitted.

(Bruce Reeve): West's hesitation, in combination with her failure to Alert the unusual nature of East's 3[♥] bid, may have delivered a message to East that West did not remember their methods. East stated that he decided not to Alert West's 3[♠] bid even though he knew that it was Alertable. Furthermore, East did not explain any of this to N/S prior to the start of the defense. These failures suggest that East was unsure of West's actions, and might be indicative of the possession of unauthorized information. The contract should have been changed to 3[♠] made four, plus 170 for E/W.

Chairperson: Dave Treadwell

Committee Members: Mary Jane Farell, Eric Kokish, Marlene Passell, Bruce Reeve

Directors' Ruling: 54.7 **Committee's Decision:** 63.6

The following panelists will explain why the dissenters were right on with their opposition.

Bramley: "Finally, a real case. I agree with the dissenters. Note that Treadwell placed the proper relative emphasis on the two forms of unauthorized information. That is, the failure to Alert was possibly informative, but the hesitation was surely informative. The dissenters' recommendation to change the result to 3[♠], plus 170 for E/W, was correct. The majority's remedy was inequitable and oddly -reasoned. They accepted East's

argument that E/W had conducted a systemic auction in which he was obligated to bid 4[♠], even though West said she forgot their agreement. Clearly her hesitation was based on uncertainty as to whether to bid 3[♠] or 4[♠]. (She offered remarkably little testimony, so we don't really know what she was thinking about.) East's defense of his bid was clever, but if ever an argument was self-serving, this was it. The Committee then attempted to even the score for E/W by slapping them with a procedural penalty. If the Committee decided that the E/W offenses were grave enough to warrant a procedural penalty, then they shouldn't have allowed E/W to keep their score, either. Wouldn't it have been simpler to do what the minority wanted, and then to forget about the procedural penalty? And why shouldn't N/S get some equity? This is not a rub of the green situation, because 4[♠] is odds-on to make. The E/W system, as described by East, was poorly thought-out with respect to most continuations and alternatives. It was obviously too much for West to handle on this hand. Surely West's proper 'system' bid was 3NT or 4[♠]. Why did E/W get the benefit of the doubt for this ill-conceived and virtually undocumented treatment?"

Gerard: "How can this be? If Multi has taught us anything, it's that West has a simple set of rebids over 3[♥]: 3[♠] rejects hearts; 3[♣] accepts hearts, and rejects spades; 4[♠] accepts both. All of these auctions are pass-or-convert. In particular, 3[♠] would likely show minimum spade wastage opposite East's presumed shortness, perhaps 1 Qxxx 1 KQx 1 Axx 1 xx. If only the Committee had thought to ask about the meaning of a putative 4[♠] bid by West over 3[♥], maybe the fog would have lifted."

Martel: "I think that both the Director and Committee should have been far less inclined to accept self-serving statements without support. First, I doubt that E/W had a firm agreement that 3[♥] showed hearts by a passed hand after an overcall of a weak two-bid. Second, to accept that 3[♠] promised 3[♠] and a maximum with no evidence is incredible (this agreement makes no sense; South bids 3[♠] when he knows he wants to play four of a major, but has to bid 3[♠] when he knows he wants to play 3[♠]!)."

Passell: "A sickening decision. Everything that E/W said was protective of their result. If 3[♥] was indeed a transfer why wouldn't West bid 3[♠] with a maximum and three hearts? Clearly the huddle showed a problem by West. If E/W indeed played sound overcalls, why didn't East bid 4[♠] himself? Too many holes—pass was clearly a logical alternative."

Sutherland: "E/W were uncertain of their methods and agreements after West's overcall of 2[♠]. It would seem that systemically 3[♠] was pass-or-correct—bid 4[♠] with hearts and pass 3[♠] with spades. After the hesitation and non-Alert, East then knew that confusion had set in. West may or may not have a good hand for spades since the table action had made the 3[♠] bid unclear as to strength. 4[♠] now had a lot more going for it, and therefore should have been disallowed. E/W plus 170 should have been the Committee's decision."

Weinstein: "My first instinct was to agree with the majority, with East seemingly having made a good case for 4[♠] being automatic. However, with East's failure to Alert N/S prior to the opening lead (supporting the dissenters' contention that East played West for having forgotten), and the failure to initially mention to the Director the partnership's alleged methods, East's testimony should have been entirely discounted as self-serving."

Rigal: "Either these cases are much more difficult than those from Philadelphia, or the standard of rulings and Committees seems to be on the decline. As these things go it

seems to me that all the circumstances (non-Alert, forgetting system, no proof of methods) that should lead a Director to rule in favor of the non-offending side were present. As to the Committee, I think that the dissenters got it absolutely right. Whatever the methods really in use (and I think one would have needed to be there to check this out) I can, with my arm severely twisted behind my back, just believe that East was right about the system. But the tempo issue is too much. All that guff (or something earthier) about a 3^l bid being constructive—nonsense; a la lanterne! Put it back to 3^l and toss out the procedural penalty; the talking to is enough, I think.”

LeBendig: “I agree with the Committee on the procedural penalty. I agree with the dissenters as to the final result. There are good bridge reasons for continuing on to 4^l. The bid becomes routine when you factor in the unauthorized information. Because of that, I would vote not to permit it.”

Krnjevic: “I think that the minority has the better of the argument. First, E/W failed to Alert a highly unusual treatment. Second, they had bad tempo in a circumstance that could have influenced the hesitator's partner. Third, they failed to explain the missed Alerts until after the Director had been called. Fourth, the system understanding that they invoked in order to justify their bidding was incoherent. East's explanation that West's 3^l call was a super-accept for hearts was entirely unconvincing, given his admission that she would also have bid 3^l with a seven-bagger and a stiff heart. Surely 4^l, and not 3^l, would have been the appropriate call if E/W were actually playing the methods they claimed. I would have upheld the Directors' original decision and assigned plus 170 to E/W.”

[R.C.] One crucial point that was not mentioned by any of those panelists is that West was effectively out of the auction at the point where East decided not to Alert 3^l (for fear of alerting West to the meaning of 3^E). And that still doesn't explain his failure to Alert the opponents at the end of the auction. Together, the preceding arguments make a compelling case for not allowing East's 4^l bid.

Here, for the sake of completeness, is the other side of the argument—such as it is.

Cohen: “I agree with the majority—not the dissenters. I definitely would admonish E/W for not explaining everything before the opening lead, but I would allow the 4^l bid. The best way to see this is to look at the ‘opposite.’ Suppose East was ‘alerted’ that he had messed up, and he decided to pass 3^l and only nine tricks were available. N/S find out what happened and call the Director and say, ‘Hey, East meant blah and ended up passing. We want you to make him bid 4^l and go down one.’ The lesson to be learned here is that the Alert procedure really had no effect on the decision for East to pass or go on. You could make an argument either way, and the fact that the actual hand produced nine, or in this case ten, tricks shouldn't really be relevant as to whether we make East pass or bid 4^l.”

Rosenberg: “The Director should have made E/W appeal. Even if correct, this case was too complicated to let E/W keep their score without a Committee hearing. The method E/W claimed to be playing is kind of sick. It means that if West had seven spades, a heart void, and a minimum, she would have a choice of playing 3^l or 4^l. There is a huge danger here, given that West was unsure of their methods, that if West bid a prompt 3^l

over 3^E she would be ‘signing off.’ Now East, if he had the spade-raise hand, could pass, say nothing, and the opponents would never know. Even if East had the heart hand and explained his 3^E bid at the conclusion of the auction, he need not reveal the conventional nature of the 3^l call—in fact, he may himself forget. The only reason the Director was called was the break in tempo. Without the hesitation East would have been ethically bound to bid 4^l (probably a losing action if West forgot, and certainly contra-indicated). With the huddle it is more complicated, but the fact still remains that if East had passed and been correct, then N/S would have had an iron-clad case. Therefore, I would have allowed the 4^l bid. To the dissenters I can only say that possession of unauthorized information is not a crime—only using it.

“I don't feel as nauseated as usual by the assessment of a procedural penalty. E/W committed three infractions: West forgot, or didn't know, to Alert 3^E; East deliberately failed to Alert 3^l; and East inexplicably failed to explain the auction after it was over, for which he should have been censured. His failure to Alert 3^l brings up an important point. Many players, including experts, will not Alert their partner's conventional response to their conventional bid after their partner has failed to Alert. They claim that they are protecting the opponents by not giving their partner information. This is erroneous—they are only protecting themselves. The correct procedure is to Alert just as if nothing untoward had happened. This gives unauthorized information to partner, who must continue to bid as though he still forgot (and the Director or Committee should assume that he forgot the system rather than that he just forgot to Alert). The opponents are then entitled to redress if any advantage is taken by either player. Not Alerting the response is taking advantage of unauthorized information—partner's failure to Alert.”

This is akin to our counter-argument to Bramley's suggestion on CASE TEN. It applies just as forcefully here as there. East's behavior was unacceptable, of that we are in complete accord.

[R.C.] As for Cohen's and Rosenberg's point about the strength of the “opposite” E/W case, it hinges on the inference that West's hesitation suggested not bidding on to 4^l. This argument is clearly fallacious. Given West's failure to Alert 3^E, his 3^l bid is more likely to suggest a “reluctant” sign off, perhaps due either to uncertainty about East having support for spades, or to West's lack of working cards opposite East's “diamonds.” Considered together with the fact that bids like 3^l in ambiguous auctions like Multi and the present are typically played as “pass-or-correct” (as pointed out by Gerard and others), and with the inherent intractability of the E/W system (as described), this suggests that East had every reason to pass 3^l rather than bid 4^l—every reason, that is, except West's hesitation.

Wolff: “The Committee did a good job here, with the dissenting opinions adding reason. The original disposition (a 2 VP penalty) seems appropriate, and justifies allowing the 4^l bid. Pairs using unusual treatments (such as here) have a Special Ethical Responsibility (SER) to get them right—otherwise, they become disruptive. Play what you want, but play it right!”

Allison: “I think that, given the system as explained by East, pass was not a logical alternative for him. I fully concur with the procedural penalty.”

Goldie is making a strong run for our “LeBendig Fence-Sitter of the Casebook” Award.

CASE TWELVE

Goldman: “A complex situation. I would have needed to ask more questions of E/W. I tend to agree with the dissenters, except for the scenario of East suspecting (from the lack of an Alert) that West forgot, and so took advantage of the huddled three (and one-quarter) spade bid. East’s 3 \heartsuit bid would have been perceived as a limit raise, and East has a bare minimum (if that) for it. Therefore, I agree with the majority.”

Subject: The Trouble With Redouble
Event: Flight A Swiss, 04 Aug 96, Second Session

When that man makes up his mind, he’s full of indecision.

Board: 33
Dealer: North
Vul: None
Dennis Kasle
1 \heartsuit K
1 \spadesuit A108
2 \heartsuit 95
2 \heartsuit KJ98642

[EOK] Can the majority fend off the sea of venom flowing inexorably downstream into its unguarded loins? Looks odds-against, doesn’t it. This hearing took well over an hour, with more questions than even the question-crazed Goldman could have hoped to ask. The Committee determined that E/W’s methods were full of holes, extracted the inconsistencies, and revealed all the old scar tissue. But most important of all, as Rigal and (by implication) a few others intimated, E/W managed to convince the Committee members of their honesty.

John Fout
1 \heartsuit A10764
1 \spadesuit KJ73
2 \heartsuit J2
2 \heartsuit AQ
Eugene Kales
1 \heartsuit 532
1 \spadesuit Q64
2 \heartsuit Q1064
2 \heartsuit 753

East bid in keeping with the system that the Committee was satisfied to believe that E/W were playing, regardless of personal feelings about its effectiveness or even about its playability. Many of the panelists’ comments purport to teach E/W how to play their system and perhaps E/W will be grateful for these lessons when they read the casebook . But the Committee, thank goodness, was able to rise above that and deal with the events at the table.

Steve Sion
1 \heartsuit QJ98
1 \spadesuit 952
2 \heartsuit AK873
2 \heartsuit 10

Rosenberg’s point about the use of unauthorized information (rather than its possession) being the crime was central to the Committee’s decision. I am pleased to see this case provoke the sort of no-holds-barred discussion that it has, and I believe that there are some valuable lessons to be learned from it, none more important than the value of being present at the hearing. Which in turn is one of the best arguments for maintaining the Appeals process in its present form.

WEST	NORTH	EAST	SOUTH
	Pass	Pass	1 \heartsuit
1 \heartsuit	3 \heartsuit (1)	Pass	Pass
DBL	RDBL	3 \heartsuit	DBL
All Pass			

(1) Alerted by South after East had passed

Rich has suggested that the Committee report would have been more effective if it had included a strong statement about the Committee’s perception of E/W’s honesty, and in retrospect, I believe he is right. My initial thought was that if we didn’t say that E/W’s credibility was suspect, the clear implication would be that we believed them. Now I wonder whether the panel would feel differently if we had been more expansive on this matter.

The Facts: 3 \heartsuit doubled went down three, plus 500 for N/S. After East passed 3 \heartsuit South produced his Alert card. East then tapped his pass card, already on the table. At his turn to bid West asked for an explanation and was told that 3 \heartsuit was a weak jump shift. After the hand was over E/W called the Director, stating that they thought that North may have received unauthorized information from the explanation of the Alert which could have facilitated his redouble. The Director ruled that the table result would stand.

Next time, remind me to use a sledgehammer.

The Appeal: E/W appealed the Director’s ruling. Only East appeared before the Committee. E/W thought that the redouble, while attractive, might be considered redundant if North had already shown his hand. Whether or not North realized the implications of his action, the redouble could serve to Alert South that the North hand might not be the one he had described in response to West’s inquiry at his second turn.

The Committee Decision: The Committee decided that there was a good chance that North meant his 3 \heartsuit bid as a maximum pass, and was reminded of his partnership agreement (weak jump shifts in competition) by South’s Alert and explanation. While North’s redouble would normally be a valid call, the unauthorized information from South’s explanation made it particularly attractive, since North was made aware that South expected him to hold a weak hand rather than the strong one he actually held. The Committee removed both North’s redouble and the subsequent double of 3 \heartsuit which it

precipitated. (East stated that South had said that he would not have doubled 3 \heartsuit without the redouble.) The contract was changed to 3 \heartsuit down three, plus 150 for N/S.

Chairperson: Mike Aliotta

Committee Members: Phil Brady, Bobby Goldman, Bob Gookin, Bill Passell (scribe: Linda Weinstein)

Directors' Ruling: 40.0 **Committee's Decision:** 94.4

It's hard for us to understand on what basis the Directors ruled to allow the table result to stand. There was potential unauthorized information from South's misdescription of North's hand which could have influenced North to redouble in an attempt to clarify the position to South. Aren't we supposed to rule in favor of the non-offenders in cases where there is any chance that they might have been injured by a possible infraction?

It appears to us that this should have been a straightforward case to adjudicate properly, and the panel thinks so, too.

Bramley: "A clear-cut Committee decision. The Director should have gotten this one right. I notice that N/S were two for two with the Directors (CASE NINE), but zero for two with Committees."

Martel: "The Committee's decision was correct. Why didn't the Directors rule for the non-offending side?"

Passell: "An excellent job. Hopefully N/S were admonished for their actions."

Rosenberg: "The Directors should be censured."

Sutherlin: "Excellent work by the Committee in deciding that unauthorized information resulting from the Alert had substantially affected the table result. Therefore, removing the redouble and the double was the best way to restore equity to E/W."

Weinstein: "There was no mention of what North intended 3 \heartsuit to mean. I think the Committee was correct and may not have gone far enough. If North intended 3 \heartsuit as weak, then a procedural penalty should have been considered, but an educational warning given as a minimum alternative. I also believe that (alleged) offenders should have to appear at a hearing when their statements are very likely to be relevant. It is not fair to the event for the protesting pair to be credited with the most favorable version of the facts when those facts may be in doubt."

Wolff: "Letter prefect by the Committee. (More possible CD.)"

Even the dullest case needs some life, so let's resort to some rigalia . . .

Rigal: "See my comment in CASE ELEVEN about Directors' rulings. North's hand apparently did not coincide with the description (note: it is critical to know what 2 \heartsuit would have meant; I am assuming natural, but if it were some sort of diamond raise it creates a whole new position), and there is a *prima facie* case of UI and damage—so the

Directors should have ruled for the non-offenders.

"I agree that the redouble is not particularly attractive; if you have already shown a maximum facing a third-in-hand opening bid, you have already described your hand exactly, it seems to me. But who plays a 3 \heartsuit bid as maximum? It is surely either weak or fit-showing, and it is at least arguable. I would have thought that North could have made this case quite strongly had he been there: that an eight-count plus a stiff king equals a weak hand. So, therefore, North had the hand he promised, and the redouble was reasonable—because he was not worried about being passed out there, and he did have a maximum for what he had shown. I don't like to rely on East's comments about what South said he would have done. (Personally, I do not think that this South would ever have made the admission that East said he did!) I am sure that if N/S had been present this decision would have gone the other way, and I think I would have decided to make the score minus 500."

A unique perspective, has our Barry. At least he was in agreement with the rest of the panel on the Directors' role.

And now that everyone is patting one another (and themselves) on the back, and admiring their perspicacity, we'll have our friend Nick tell you why they're all right . . . but wrong!

Krnjevic: "While I agree with the actual score that the Committee awarded on this board, it is purely a coincidence. Instead of holding that E/W should have played in 3 \heartsuit for minus 150, they should have ruled that N/S were plus 150 in 3 \heartsuit on a spade lead. Once you conclude that West should have been told that 3 \heartsuit was a maximum for a passed hand, then you should also conclude that West, with his wasted club values and bland distribution, would not have reentered the auction had he been properly informed. Although E/W can hold 3 \heartsuit to plus 110 with an inspired heart lead, it seems more likely that East would have led his partner's suit."

There is perspicacity, and then there is perspicacity.

CASE THIRTEEN

Subject: Transfer Of Responsibility
Event: Flight A Swiss, 04 Aug 96, Second Session

Board: 24 Stephen Schnee
Dealer: West | ---
Vul: None | Jxxxxxx
 | Kx
 | Jxxx

Liane Turner
| QJ10x
| AK9
| Qxxx
| Ax

Don Turner
K9x
A1098x
Q1098x

Joan Dziekanski
| Axxxxx
| Q10x
| Jx
| Kx

WEST	NORTH	EAST	SOUTH
1NT	3	4 (1)	Pass
4	Pass	5	All Pass

(1) Alerted; transfer to spades

The Facts: 5| by East went down two, plus 100 for N/S. The Director was called after East's 5| bid. West believed that 4| had been a transfer to spades (Texas), even over the interference (E/W's actual agreement). East forgot his partnership agreement and intended 4| to simply show a good hand, not promising any specific suit or suits. The Director ruled that unauthorized information was available to East from West's Alert of 4|, and that East's 5| bid could have been influenced by that information. The contract was adjusted to 4| by West down two, plus 100 for N/S.

The Appeal: N/S appealed. E/W did not appear at the hearing. South testified that she would have doubled 4| had East not bid 5|, and had she known that there was unauthorized information available to East (which she believed would have barred him from pulling 4| doubled to a better contract). N/S believed that they were entitled to the score for 4| doubled down two, plus 300 for N/S.

The Committee Decision: The Committee decided that East had unauthorized information available from West's Alert and explanation of 4| as a transfer (Texas, which they played through overcalls as high as 4|). It was also decided that East's 5| bid could have been made to avoid the difficulties which were likely to arise following a 4NT bid (intended as "pick a minor," although some players might play it as Keycard for spades), and that this could not be permitted in light of the unauthorized information. The Committee believed that East was a good-enough and experienced-enough player to have bid 4NT over 4| to elicit a minor-suit preference from West. The issue of what the final

contract would have been had East bid 4NT was then investigated. West would probably have interpreted 4NT as Keycard for spades, and responded 5| (two key cards with the queen of trumps). East might then have passed 5|, recognizing from West's "impossible" 5| bid that there had been a misunderstanding and bailing out in the first playable contract (the four-three spade fit, in light of West's natural 4| bid), or he might have corrected to six of either minor. Play analysis revealed that results of down two and down three were possible, depending on the final contract and play variations. In accordance with Law 12C2 the Committee assigned the offending side (E/W) the most unfavorable of these results (minus 150 for down three). The Committee members agreed that the non-offenders (N/S) were not entitled to the reciprocal score of plus 150, since a result of down two was overwhelmingly more likely than a result of down three; nor were N/S permitted to double 5|. In addition, the Committee took an unfavorable view of N/S's attempts during testimony to teach the Committee members how to do their job. They were therefore assigned the score for down two, plus 100 for N/S. Finally, the issue of a procedural penalty against East for his 5| bid over 4| was considered. While one Committee member was sympathetic to such a penalty, the view that the assigned score of minus 150 for E/W adequately conveyed the situation to East prevailed.

Chairperson: Jan Cohen

Committee Members: Rich Colker, Barry Rigal

Directors' Ruling: 80.6 **Committee's Decision:** 67.2

N/S were adamant at the hearing that East was obligated to pass 4|, and that they (N/S) had the right to double it, with the guarantee that East could not bid again due to the unauthorized information. Don't give us any "moving targets"! Then N/S had the audacity to lecture the Committee on what their job was, and how they were supposed to adjudicate cases like this.

Perhaps the Committee's decision appears to have a hint of vindictiveness to it, and perhaps that is not a totally inaccurate perception. When faced with a range of possible actions to take in adjudicating a case, it is hard to know what "intangibles" may influence the final decision. What seems clear, in retrospect, is that the write-up of the case which appeared in the *Daily Bulletin* (and which was somewhat different from that which appears here) was unnecessarily (and publicly) unkind to N/S—if only because that was an inappropriate platform from which to vent Committee members' displeasure with the pair's attitude.

Allison: "I hope the Committee didn't really assign N/S the score of plus 100 as a punishment for their behavior in Committee. A talking-to is the appropriate means of conveying that lesson. I'm not keen on giving differing scores in such a case, and I'm not sure, either, why South is precluded from doubling the putative 5| contract with ace-sixth of trumps. Surely she can expect to provide her partner with a spade ruff in any minor suit contract. I see no reason to protect E/W from any bad result deriving from a flagrant abuse of unauthorized information."

An appropriate concern regarding the possibility of the score adjustment having been used as a means of punishment (especially given the tone of the write-up), but that was certainly not the intent of any of the Committee members. On the other hand, it is

puzzling why Karen opposes the awarding of differing scores in such cases, since the Law (12C2) specifically advocates that procedure. With regard to the last issue, N/S were not permitted to double 4♠, not to protect E/W from a bad result, but because such a double would almost certainly drive E/W into their best six-of-a-minor contract, leading to a more favorable result for E/W.

Bramley: “Apparently N/S needed to get a good bridge lawyer. They obviously upset the Committee, even though their arguments look pretty good to me. I disagree with the Committee, and I find it irrelevant whether East was ‘good enough’ to bid 4NT over 4♠, which ‘might’ be interpreted correctly or might not. The analysis of the possible bidding and play after 4NT is totally tangential. What is relevant is whether East was planning to pass 4♠, whether it would have been reasonable for him to pass 4♠ even if he claimed that it was not his plan to do so, and whether it would have been reasonable for him to pass again if 4♠ got doubled. These issues were not discussed by the Committee. I don’t know whether East was planning to pass 4♠. I would have believed him if he had said that he was going to pass, and I would have found all other plans self-serving. Would it have been reasonable for him to pass 4♠? Yes, indeed. He could easily have been planning to pass whatever partner bid, and have been hoping that ten tricks in spades would be easier than eleven in a minor. (Did the Committee find out if West could have had a five-card spade suit?) Would it have been reasonable for East to pass 4♠ doubled? I think it’s a close call. He can be pretty sure that 4♠ won’t be easy, but he has no guarantee that any other contract will be better. I would have resolved the benefit of the doubt against him, and assigned a score of minus 300 to E/W—the worst result that was at all probable.

“Do N/S deserve plus 300 as they requested? I think not, because the parlay that leads to 4♠ doubled includes all of East’s decisions and also South’s decision to double. South knew that E/W were having an accident, and she stated that her decision to double would have been predicated on the assumption that E/W could not ethically remove themselves to a better contract. I find this a marginal basis for an action when a likely good result was already at hand. So, I agree with the Committee on plus 100 for N/S. However, please feel free to try to convince me that they deserve plus 300.”

Bramley’s analysis is intriguing, if not entirely complete. While East might have passed 4♠, and while he might have been (strangely) concerned that eleven tricks in a minor might be a stretch, it is far more likely that his aspirations following his four-level (intended) cue bid were more ambitious than that. Opposite a hand such as ♠ QJ10x ♣ xxx ♠ Kx ♠ AJxx (which isn’t even an opening bid, let alone a 1NT opener), five clubs is cold, and six has play. Opposite ♠ AQxx ♠ Kxx ♠ QJxx ♠ Kx, 6♠ is on no more than a finesse. And opposite ♠ Axxx ♠ AJx ♠ Kx ♠ KJxx, 6♠ is almost cold. It was even easy for the Committee to construct West hands (without heart wastage) opposite which seven required no more than a three-one trump break.

Is Bramley’s analysis unduly pessimistic? Is it realistic, given the appropriate Committee attitude toward offenders? We think the Committee took a reasonable middle-of-the-road approach. Given the combined strength of the E/W hands, East was entitled to deduce that South’s double of 4♠ was based on trumps, rather than high cards, so a run to 4NT (likely to be interpreted as “pick a minor” at that point) by East was reasonable. Now, even if South doubled the resulting 5♠ contract, the best that could be hoped for was down one,

plus 100 to N/S—and that’s what they were awarded. E/W, on the other hand, were (appropriately) treated more harshly, by assigning them the score for down three (which they could have received in other contracts).

Many of the above arguments were also made by Gerard and Sutherlin, although they each reached a different set of assigned scores for the two pairs.

Gerard: “Yes, it must be annoying to be told how to decide a case. East’s legal obligation was to pass 4♠. East suggested very nearly his hand type and West picked a contract, so overruling West would have been complete guesswork. South should have been allowed to double 4♠, since she was right that the unauthorized information would have prevented East from pulling. But the authorized information would not have. It would have been clear to bid 4NT if South doubled 4♠—what else could South have but lots of trumps? West could pass 4NT and make it (what a great play problem!) or bid 5♠ and make that (South wouldn’t always double 4♠ with ♠ Axxxx ♠ Q10x ♠ Jx ♠ Jx). But there was a one-in-six chance that West would go down in 5♠, so the E/W score should have been minus 50. If West was reasonably competent, there was not a one-in-three chance that N/S would have been plus 50, so the N/S score should have been minus 400. The two scores would then be impeded separately and the average assigned to both teams (Law 86B). N/S would think twice before lecturing the next Committee they appeared before.

“East’s 5♠ bid was blatant misuse of unauthorized information. It could not have occurred but for the Alert to 4♠. The appropriate penalty for the infraction was a procedural or disciplinary penalty.

“N/S’s apparently unpleasant behavior should not have affected their result, and therefore was only relevant as a cause of disciplinary action. Since the Committee didn’t take such action, its comments were gratuitous. It’s very dangerous for Committee writeups to give the appearance of vindictiveness.

“I admit it’s a stretch to achieve the result I suggest, and the procedure should be used infrequently (see CASE FIFTEEN for a contrary example). It might even be seen as vindictive, although that’s not my intent. I’m merely trying to determine what was likely or at all probable to have happened in the absence of the infraction.”

Sutherlin: “A very strange case. If East had acted in his most ethical manner and passed 4♠ he would probably have landed in 5♠ making or down one. After South’s self-proclaimed double of 4♠ East would probably remove to 4NT, which would obviously be ‘pick a minor.’ Since West would be playing the hand North could be end-played on the second round of diamonds (after West had stripped hearts) and forced to open up clubs, giving West a chance to guess correctly and make the contract. As it was, the Committee was faced with a most difficult decision trying to determine what could or should have happened. There would seem to be too many variables involved for proper analysis. However, in no case should E/W have been forced to play 4♠ doubled. Upholding the Director’s decision to adjust the score to N/S plus 100, along with a procedural penalty against West, would have been my decision.”

Goldman (and Weinstein, similarly) thought that E/W should have been allowed to play in 5♠.

Goldman: “A good job by the Committee. However, in this contentious circumstance the Committee could have allowed the double of 4♠, thus giving East cause to run with 4NT and resulting in a contract of 5♣ down one (or it might even be made).”

Weinstein: “N/S protested because South wanted to double 4♠, knowing that East would be barred by the unauthorized information. This leaves a terrible taste in my mouth. If I had sat on the Committee I would have been tempted to allow the double, let East run to 4NT, and then let E/W play 5♣ undoubled for minus 50 (for N/S). That, combined with the minus 150 assigned to E/W, might have been the first time that both pairs achieved worse than the table result without any procedural penalties.”

With a slightly different take on the hand—as well as on the meanings of both the direct and the indirect bids of 5♣ by East—was . . .

Treadwell: “The Committee report did not mention that the 5♣ bid by East carried the same message as 4NT (without the Alert): pick a minor. Hence, the theorizing as to what would have followed if East had bid 4NT was wasted effort. West did not interpret 5♣ correctly either. Further, if East had passed 4♠ and South had doubled, as she testified she would, East would have had every justification for bidding either 4NT or 5♣. I believe that the table result of minus 100 should have applied to both sides, with perhaps a procedural penalty of, say, 1 Victory Point against E/W.”

Rosenberg, on the other hand, had a very different perspective on the happenings at the table, as well as on the result which he felt should have been assigned to the two pairs.

Rosenberg: “Question: how did West know to pass 5♣? How did East suddenly deny spades? It looks to me as if East did something to inform West that the Alert was a mistake. The Committee does not seem to have investigated this aspect. East would have been smart to pass 4♠. Once he didn't, the final contract for both sides should have been 6♠ doubled, down three.”

As the write-up indicated, E/W did not appear at the hearing, and N/S made no allegations about the issue Michael raises here. The Committee attempted to induce the E/W pair to come in to speak with them the next evening, but they declined (they were playing in morning Senior events and needed their rest). They made additional statements to Brian Moran, but they contained little useful information beyond what the Committee already knew. As for Michael's idea of the appropriate final contract, well, our opinion of that is unprintable.

Cohen: “I sort of agree—but I'd want to admonish East for his poor ethics by assigning a 3-imp penalty. I think two key points were missed. (1) If South doubled 4♠ I'd now allow East to run. Say he bid an honest 4♠, meant as takeout, and there was no Alert, and partner bid 4♠. Yes, I'd try the four-three undoubled, but once South doubles I'd run. (2) Shouldn't West have been made to bid 5♠ over 5♣?? East transferred and then made a slam try. How did West ‘figure out’ that East had ‘forgotten?’ Did East make faces after the Alert?”

Maybe Cohen and Rosenberg know something the rest of us don't? Although West's pass of 5♣ does seem suspicious, E/W's absence precluded their being questioned about the

matter. N/S didn't broach the subject.

The next two panelists agreed with the Committee's decision, but didn't think that they went quite far enough with E/W.

LeBendig: “Good work by the Committee. My only point of contention is that if the procedural penalty were considered appropriate, then a score adjustment would not negate the necessity for assessing it.”

Wolff: “While minus 150 did convey the seriousness of East's lack of ethics, perhaps a VP penalty in addition might have served as an appropriate reminder. Committees need to assume responsibility for the future improvement of expert ethics.”

Noble sentiments from Wolffe, but they are wasted in this case. Flight A events are not restricted to expert players, and these Flight A players weren't required to appear to explain their actions or defend their position.

Also willing to accept the Committee's decision were . . .

Martel: “The notion that the auction 1NT - (3♠) - 4♠ - 4NT is normally played as pick-a-minor is wrong. Most would play it as Blackwood. Pass to 4♠ is clearly a logical alternative, so the auction should have been adjusted to 4♠ - Pass - Pass. It is not at all clear what would have happened next. South might have doubled, and East might then have run. Thus, minus 150/plus 100 is an okay adjustment—though not entirely clear.”

Passell: “A very fair decision. Attempting to double 4♠ is a stupid attempt, since that would allow E/W to get back to 5♣.”

And finally, one of our panelists expresses his unique perspective on the proceedings.

Rigal: “The Director had a complex position to decide on and made a reasonable ruling, I think. This decision has a lot in common with Philadelphia Case Fifteen (see Weinstein's comments, and the editors' follow-up). The non-offenders were trying to have their cake and eat it, too. This was, however, less close to frivolous than the earlier ruling. Note that 4♠ here comes close to making on a minor-suit lead.

“I did not agree with the consensus that 4NT by East would have meant pick a minor (I think it would have been RKCB for spades), so I would not have compelled him to bid it; his 5♣ bid seemed reasonable if he were going to bid. But I think he should pass 4♠, and on that basis a procedural penalty seemed the most appropriate action. E/W were due nothing more than the table result.”

The word from the Committee room is that most of these issues were either not raised or not pursued at the hearing.

Given the diversity of opinions from the panelists regarding the proper disposition for each of the pairs involved, we can't help but think that the Committee did about as well as any Committee could have done. Although there are several interesting aspects to this case, the complications caused by the protagonists seem to preclude a completely

objective resolution. Nonetheless, we can conclude that an appeal with a righteous premise will rarely be treated favorably when it seeks disproportionate redress.

CASE FOURTEEN

Subject: What It Might Have Meant
 Event: Stratified Open Pairs, 05 Aug 96, First Session

Board: 3	♠ Q5	
Dealer: South	♠ AK6	
Vul: E/W	♣ 92	
	♣ AJ10963	
		♠ ---
♠ K964		♠ Q1084
♠ J753		♣ AKJ8754
♣ Q		♣ Q2
♣ K754		
	♠ AJ108732	
	♠ 92	
	♣ 1063	
	♣ 8	

WEST	NORTH	EAST	SOUTH
Pass	2NT (1)	3♣	DBL (2)
Pass	4♠	Pass	Pass
DBL	All Pass		

- (1) Alerted, no questions asked
- (2) Break in tempo of “several seconds”

The Facts: 4♠ doubled made four, plus 590 for N/S. The Director was called after the 4♠ bid. Although this was the first time that North and South had played together, they had a mutual partner and were playing that common system. Without interference a 3♣ response would have shown an eight-loser hand with one top trump honor, 3♣ an eight-loser hand with two top trump honors, 3♠ a seven-loser hand with one top trump honor, etc. After the auction South explained his double as showing an eight-loser hand with one top spade honor. Although they were not sure about these agreements, both North and South were in agreement that the double could not be for penalty. Both North and the Director shared the opinion that the double had to show extra values in any case. The Directors believed that, given North's hand, the hesitation did not rule out 4♠ as a logical alternative, and allowed the score achieved at the table, plus 590 for N/S, to stand.

The Appeal: E/W appealed the Director's ruling. No further information concerning the testimony given was available.

The Committee Decision: The Committee decided that pass was a logical alternative for North at that vulnerability and form of scoring, and holding only a doubleton spade. The Committee decided that North's 4♠ bid was made more attractive than pass by the agreed-upon hesitation. The score was adjusted to 3♣ doubled by East, plus 200 for N/S. There was no discussion of the defense to 4♠ doubled.

Chairperson: Mike Aliotta

Directors' Ruling: 48.2 **Committee's Decision:** 81.5

The North hand certainly contains plenty of defense, and this did not change when South expressed a propensity to defend 3 \heartsuit . A pass by North was clearly a logical alternative to the 4 \heartsuit bid he chose at the table. The Directors' ruling seems strange for two reasons. Not only did it favor the offending side, but it identified the "winning" 4 \heartsuit bid as a logical alternative when the "losing" pass is the call which needed to be considered in this regard. The nature of South's double was crucial to North's second action, and if there had been no break in tempo, North would have been free to interpret it as "natural" (penalty) or systemic as he saw fit. When South colored the double with a shade of uncertainty, the Committee had to deal with the possibility that North was swayed toward the systemic interpretation over the alternative. There is more to this case than just that, however, as we will see in due course.

The anomalous Directors' ruling notwithstanding, the Committee was on the right track on this one—or at least on the half-track. Most of the panelists agree with the Committee.

Allison: "The Directors got it wrong by examining the wrong bid as a logical alternative. Pass is the call that needed scrutiny, and pass certainly is, as the Committee determined, a logical alternative in the auction."

Martel: "The Committee got it right. Again, why didn't the Directors rule for the non-offending side?"

Passell: "Passing 3 \heartsuit doubled at this vulnerability is clear-cut with an in-tempo double. Good work once again by this Committee."

Wolff: "Harsh, but appropriate. Pairs should not be allowed to use doubles to have more meanings than possible through tempo variations. Not many will admit it, but that's the way it is."

Gerard: "If North thought that the double was not for penalty and showed non-specific extra values, he should have Alerted. If the Committee thought that 4 \heartsuit could have been defeated, I want a backgammon cube."

Cube or no cube, it's certainly possible that 4 \heartsuit might fail, but we can assume that the issue was mentioned by the Committee for the sake of completeness. There was no suggestion that E/W might have done anything in the defense to deprive themselves of the right to redress.

Ron's point about North's failure to Alert the double is telling. How could North decide to treat the double as systemic when there was no such agreement in place, act on that basis in a murky situation, and expect anyone to accept his interpretation without providing the evidence (suspect though it might be) inherent in an Alert?

LeBendig: "I feel that I could be persuaded to agree with the Committee's conclusion. At the same time, my gut instinct tells me that South's double suggests an interpretation

other than for penalty. A slow double clearly leads in some other direction. The Committee heard the testimony, so with no other evidence to go on I will vote with them."

We think that Alan is saying that the evidence suggests that neither North nor South considered South's double to be for penalty, extrapolating from an agreement they might have had (but had never encountered) with their mutual partner. He is willing to accept the Committee's opinion that South's huddle (rather than a meeting of the minds) was responsible for North's *ad hoc* interpretation. Alan's willingness to go with the Committee's investigative competence seems reasonable.

Goldman: "Several seconds in a competitive auction is not an infraction in my mind. However, a valid hesitation seems to preclude a bid over 3 \heartsuit ."

Yes, it is a bit worrisome that this particular tempo break was characterized as "several seconds," since it would be good form for South to pause briefly before taking any action (even a clear-cut pass) after East's interference. More on this in a bit. A problem that seems to surface over and over again is that players normally bid too quickly when they have no problem. When the slightest roadblock gives them cause to reflect, even for a few moments, they are caught "out of tempo" and can't really argue to the contrary. Human nature is going to be a major hurdle for us to try to overcome, but let's get the word out and hope that someone is listening.

Rigal: "Oh dear, I seem to be unable to agree with anybody at the moment. I do not like the Director's ruling, since it really does seem apparent to me that a slow double makes pass (which at the vulnerability is an option) less attractive, and it is ridiculous to say that North with his quick tricks and only two spades should remove a penalty/defensive double. It is clear that a slow double is less for penalties than a fast one in an undiscussed position?"

"The Committee correctly put the contract back to 3 \heartsuit doubled (I suppose it always goes down—I am not convinced that some will not let it through, but I will let that pass). Relatively clear cut, I'd say."

Letting it pass is the easy way out. Far less inclined to do so is . . .

Rosenberg: "North did not Alert the double. North might well have passed a fast double, since 'system off in competition' is standard. Why does the Committee only get a two? Because in 3 \heartsuit doubled South leads his club and East drops the queen. North might well lay down the \heartsuit K and South discourages. North gives South a club ruff and South plays a heart to North's ace. North might now play 'safe' and cash his partner's spade ace, the possibility of a seven-card suit not occurring to him, and perhaps also not realizing that South 'couldn't' encourage hearts. Too deep? Maybe, but this is what Committees should be looking at—the possibility that the side that committed the infraction may have made a mistake."

That's good, Michael. A generous (or realistic) reading of Law 12C2 might well deem the appropriate result for the non-offenders to be E/W plus 670, the most favorable result that was likely had the infraction not occurred. And it would certainly be possible to assign the

same result to the offending side as the most unfavorable result that was at all probable. There would be some debate about the wisdom of the putative misdefense since South might be inclined to cash the ace of spades before leading the second heart when the ace was cashing. Nonetheless, it's easy to see that a harsh interpretation for the offenders might win the day.

Cohen: "I agree with the Committee as long as there was a real huddle [perhaps we have to take it on faith that the Committee investigated this issue thoroughly - *Eds*]. The easy way to see that you must sit for a slow double is to consider the opposite situation. If South had made a booming double, I think North would sit. Now what if that netted plus 800 and E/W complained, saying, 'How can you sit for a fast double with that hand?' North would say, 'Well, I had two trumps, and lots of quick-tricks . . .' In other words, sitting is certainly possible, so don't give me all the excuses. North must sit."

Two of our panelists seem to be on a very different wavelength. Could it be something in their office water-cooler?

Bramley: "This decision troubles me for two reasons. First, the 3 \heartsuit overcall introduced an unexpected element into the auction. South, who probably would have taken 'several seconds' to make his call even without competition, now had extra things to think about. He had to decide what his calls would now mean and whether his coded response scheme was still in effect. He also had to consider whether to use one of the two additional calls now available (pass and double), and what meanings those calls would have. I believe that the standard for what constitutes a break in tempo should be relaxed when the opponents interfere in this manner. (I discussed this same issue in the previous casebook.)

"Second, I must question the finding of a break in tempo of 'several seconds,' which implies that the 'acceptable tempo window' is less than 'several seconds' wide. (Most tempo breaks, of course, occur at the slow end of the "window.") This cannot be so in an auction where the bidder is an active participant. And it certainly cannot be so in an auction subject to the relaxed standard suggested above. Therefore, I would have found there to be no infraction and would have let the table result stand. (By the way, while there was no discussion of the defense to 4 \heartsuit —which can be beaten only with double-dummy defense—there should have been a discussion of the defense to 3 \heartsuit , which could easily make with slightly imperfect defense. The play would not matter to me, of course, but it should have mattered to a Committee which decided on a contract of 3 \heartsuit .)"

Weinstein: "I'm confused. I will assume that the write-up misquoted the Directors when it stated that 4 \heartsuit was not ruled out as a logical alternative, since that was clearly not the issue. The Committee disallowed the 4 \heartsuit call without discussing their logic in saying that pass was a suggested call. They apparently chose to ignore the N/S testimony as self-serving, since if one accepts the N/S testimony there is no apparent reason to believe that the huddle conveyed information that would suggest a 4 \heartsuit call over a pass. Without some insight into the Committee's deliberations, this seems like the wrong decision."

There is an unfortunate side to this case, which Bramley is willing to make its central issue. We might believe that this N/S would have arrived at the right interpretation of South's double if there had been screens in use. The marginal tempo break would have been largely neutralized by the mechanics of screen procedure and N/S might have

reached 4 \heartsuit for the right reasons in untainted fashion. But going as far as Bramley suggests is a dangerous concept when a bid like South's double might well have a natural interpretation and that possibility is precluded to a degree by the huddle.

Determining the result in 3 \heartsuit doubled is very important, and the Committee did not deal with it comprehensively. We can't be sure whether the Committee simply overlooked the possibility that 3 \heartsuit doubled might have been permitted to make or whether they considered it unduly harsh to inflict that result on a N/S pair who did not strike them as unsympathetic. Had the second possibility been the case, we would have welcomed such a statement in the report.

CASE FIFTEEN

Subject: Be Careful What You Ask For—You Just Might Get It!
 Event: Stratified Open Pairs, 05 Aug 96, First Session

Board: 3 ♠ AK3
 Dealer: South ♠ 1098
 Vul: E/W ♠ AQ3
 ♠ 8532

♠ Q1082 ♠ J9764
 ♠ K32 ♠ A54
 ♠ KJ652 ♠ 87
 ♠ 4 ♠ KJ7

♠ 5
 ♠ QJ76
 ♠ 1094
 ♠ AQ1096

WEST	NORTH	EAST	SOUTH
Pass	1♠	Pass	1♠
DBL	RDBL(1)	1♠	2♠
2♠	2♠	2♠	3♠
All Pass			

(1) Three-card heart raise; not Alerted, but revealed to E/W by North before the opening lead

The Facts: 3♠ by South made five, plus 200 for N/S. Although North explained to E/W before the opening lead that his redouble was intended to show three-card heart support, the Director was called because South had not Alerted when the bid was made. Play continued. The Directors elected to let the score achieved at the table stand. (West led the ♠ 4 to the king and ace. A spade was then led to dummy followed by a heart to West's king. West's diamond switch was won by dummy's queen. A second round of hearts was ducked by East, followed by a third round. Eventually declarer finessed against the ♠ J.)

The Appeal: E/W appealed, claiming that they might well have competed to 3♠ had they been aware of the meaning of the redouble. At screening the Directors ruled that North's 2♠ bid might have been influenced by the unauthorized information from South's failure to Alert the "support redouble" (which suggested that South may have been unaware of North's three-card support), and adjusted the contract to 3♠ by North making four, plus 130 for N/S. E/W consequently withdrew their appeal while N/S appealed the new score adjustment, claiming that they were entitled to the result achieved at the table.

North testified that her hand had improved after West's 2♠ bid and that she wanted to compete to the three-level if necessary, intending to double if her opponents competed that high. She stated that she believed that her partner had only forgotten to Alert her redouble, but knew what the bid meant. North claimed that she bid as though South had Alerted. Having opened in third seat she wanted to confirm that she had a full opening

bid, and not simply a marginal hand with three-card support. South claimed that she thought that North's redouble showed honor third. E/W, who had withdrawn their original appeal, testified that they probably would have competed to 3♠ had they known that N/S were on a four-three fit. E/W thought that the redouble showed extra values. When West was called away from the table by the floor Director he said that he would have bid on to 3♠ if there had been an Alert and proper explanation by South. West stated that he did not understand the rationale behind North's 2♠ bid with no values in hearts or clubs.

The Committee Decision: The Committee decided that pass by North was a logical alternative to 2♠, and that the 2♠ bid would not be permitted since it was suggested by South's failure to Alert North's redouble. The Committee also concluded that South knew all along that the redouble showed three hearts. The limited 2♠ call indicated that South knew that North's redouble was not a natural strength-showing call. Without North's 2♠ bid it was unlikely that N/S would have played the hand in hearts. The Committee decided that N/S would normally have played in 3♠ and made four, plus 130 for N/S. E/W did not indicate that they were unhappy because N/S had arrived at a higher scoring strain. They stated that had they been properly informed, and had the auction been the same through 3♠, that West would have bid 3♠. Pursuant to Law 12C2 the Committee decided that 3♠ would have been the most probable contract had the redouble been Alerted, and the most favorable result for the non-offenders (E/W) would then have been down two undoubled, minus 200 for E/W. The matchpoint result for minus 200 was therefore assigned to E/W. The Committee discounted West's argument that the auction would have had to be identical (but with the Alert) in order for him to bid 3♠. The only significant argument for not bidding 3♠ presented by West was that the redouble deterred him because it was, ostensibly, a power bid.

Chairperson: Alan LeBendig
 Committee Members: Bart Bramley, Ralph Buchalter, Mike Huston, Bruce Reeve

Directors' Ruling: 63.9 **Committee's Decision:** 76.4

Virtually every panelist agrees that the Committee's decision to adjust N/S's contract to 3♠ was correct. Only Passell wants to allow N/S to keep the score achieved at the table, since he believes there was enough evidence to conclude that South interpreted North's redouble as support-showing and so reached 3♠ "cleanly."

Passell: "A good decision for E/W, making the silly 3♠ statement a sword to be skewered on. All of South's actions indicated that she was aware of the support double, and I would have let the N/S result stand."

Even if we agree (no comment on whether we do) with Mike's view of the evidence, it's difficult to believe that South would have bid 3♠ without North's 2♠ bid, and it's 2♠ that is tainted in everyone's opinion. Had North not competed over 2♠, South would have bid clubs again over East's 2♠. Even though South may have bid 3♠ for the wrong reasons (she thought that North had "good" three-card support), North would not have bid 2♠ if she had been certain that South knew that the redouble promised heart support. The Committee did not see any merit in North's stated reasons for bidding 2♠. We'd be surprised if Passell did.

Many panelists agree with Mike that the score assigned E/W by the Committee (and for which they had lobbied) was appropriate. Others think that E/W were treated rather shabbily in this case. We believe that the latter group is right.

Allison: “It seems like this Committee ended up showing E/W the truth of that old warning, “Watch out, lest you get what you ask for.” The Committee deserves an extra point in the ratings for cruelty. I’m not sure that I’d have done what they did, but how can we argue against it, given the facts of the case?”

We can argue against it by simply noting that, just as a Committee should properly discount players’ statements which are self-serving, so should they be willing to make the best arguments for the non-offenders. A pair should not be penalized just because they are not good bridge lawyers, or expert players or analysts (we are not saying that this E/W pair falls into one of those categories). Take the case of a Flight B pair that argues that the opponents’ failure to Alert a certain double as takeout talked them out of their game. They ask to be permitted to bid and make 4 \heartsuit . If the Committee notes that 4 \heartsuit would always make five it would be terribly remiss of its members to assign them a bottom on the board for 4 \heartsuit made four just because the B pair only asked to be allowed to make four.

Players should not be expected to make perfect on-the-spot arguments, or expert bridge judgments, for either a Director (when he takes a player away from the table and asks, “What would you have done if your RHO had passed instead of doubling?”) or a Committee (when a player may be terrified, or incapable of clear thought, in front of a group of formidable, even intimidating, bridge presences). The statements players make under such circumstances should be analyzed, and different arguments substituted when appropriate.

Gerard: “No, the Committee applied Law 12C2 too narrowly. Was there really between a two-thirds and five-sixths chance that E/W would have bid 3 \heartsuit ? Where did the wheel stop spinning? In effect, E/W were punished for being bad bridge lawyers. Should it really have mattered that they couldn’t articulate their case? They did recognize that there was an irregularity, did call for the Director, did withdraw their appeal when the Screening Staff ruled plus 130, minus 130. The fault here was with Directorial procedures. Taking a non-offender away from the table and asking ‘what would you have done differently?’ puts pressure on all but the most experienced players to say something or else feel inadequate. Sometimes the answer comes out confused, as in this case. The correct response should be ‘I don’t know. There’s been a possible infraction, you guys figure it out—you’re the experts.’

“But the question shouldn’t be asked in the first place, just as it should not have been asked of Eddie Kantar. And if it is, the answer should be discounted whether it is self-serving or an admission against interest. E/W knew that an injustice had been done. They weren’t mentally facile enough to realize that it wasn’t that they were prevented from bidding 3 \heartsuit . Why should they be penalized for not being quick analysts, especially when some Director was hovering over West requesting an alternative auction? As for the Screeners, I agree with their disapproval of the Director’s ruling (I didn’t know they had the authority to do it).

“Back to the Committee. Under Law 12C2, the following rulings were possible: plus 130,

minus 130; plus 200, minus 200; plus 130, and minus 200. The last of these required the most specific assessment of the likelihood of E/W’s bidding 3 \heartsuit , so it was the most dubious of the three, especially without supporting analysis from the Committee (which appeared to view each side’s score in a vacuum). However, it was the process that was really at fault. E/W should not have been forced to give the Committee the opening it needed to adjust the E/W score to minus 200.”

Krnjevic: “I followed this Committee all the way up to the point where they decided to take E/W’s unfortunate statements at face value and impose a 3 \heartsuit contract on them. The point of the hearing was to determine how to handle N/S’s infraction. Once the Committee had decided, correctly, that N/S were not entitled to compete in hearts but instead were restricted to the club suit, the matter should have ended. Although E/W may have made some unfortunate statements in the heat of the moment, when the Director was called, with respect to how they would have bid had they been properly informed about the N/S auction, I don’t see how the Committee could treat those statements as gospel and force the non-offenders to bid accordingly once the offenders’ auction had been adjusted. Committees are supposed to disregard self-serving statements by any party—even if they are unwittingly shooting themselves in the head—and should apply the Law to the concrete evidence before them. Instead, this Committee chose to treat these statements as incontrovertible evidence of the E/W pair’s future course of action in respect of an auction that hadn’t occurred, and stuck it to them. While I can appreciate that the Committee may have been influenced by the desire to hoist upon their own petard an E/W that may have been perceived as trying to get more than they were entitled to, I think that the final result should have been N/S plus 130.”

Bramley: “I found this case difficult for both sides. It is yet another example of why a failure to Alert provides much fuzzier inferences than an unnecessary Alert. North’s 2 \heartsuit bid suggests that he thought his partner didn’t know that he had hearts, yet South bid as if he did not expect a strong hand opposite. South’s decision to play a known four-three fit seems peculiar regardless of what assumptions he was making. However, the auction was sufficiently tainted to warrant an adjusted score of plus 130 for N/S. The decision for E/W looks peculiar, but they were quite insistent that all they wanted was to be allowed to bid 3 \heartsuit —so that is what we gave them.”

Did they send you a thank you note? Was this Wolffie’s candy store?

Martel: “The screener got it right. North should not have been allowed to bid 2 \heartsuit , so South would likely have then bid 3 \heartsuit (as the Committee agreed). It is much more likely that East would then have sold out to 3 \heartsuit (with \heartsuit KJx) than to 3 \heartsuit . Thus, plus 130 is surely right for N/S. I would also have given E/W minus 130, but I could understand giving them Average Plus.”

The next two panelists think that E/W could have been assigned the result at the table, albeit, perhaps, for differing reasons.

Rigal: “What is going on here? Yet another Director ruling in favor of the offending side! I would have been considering Average Plus/Average Minus as the initial ruling, given the complexity of the position. There was a *prima facie* case of UI; North’s 2 \heartsuit bid is inexplicable on any other grounds, I believe. So the initial ruling should have been more

favorable to E/W.

“As to the Committee, the fact that E/W made their case badly should not have prevented them from having a shot at defending 3 \heartsuit ; certainly I would be happy to give N/S 130. I can live with E/W getting minus 200, but I think I would have given them Average Plus.”

Wolff: “E/W’s minus 200 was NPL and should stand. CD should revert N/S’s score back to plus 130. CD almost always leads to confusion and an assigned result.”

Here are the remaining panelists, all of whom fail to perceive the inequity in what they are advocating, or acceding to (or, in some cases, reveling in).

Cohen: “I sort of agree—but I’d need to give E/W lots of abuse for wasting Committee time. How did this get past screening? I’d double 3 \heartsuit and get 500 with the North hand; E/W were lucky they didn’t get assigned that score! This must be one of the most ridiculous appeals ever. ‘Hey judge, I appeal my sentence of five years—could you please give me seven years?’”

Weinstein: “E/W got what they asked for, and certainly what they deserved. Since E/W protested on the basis that they would have bid 3 \heartsuit with the proper explanations, they could have been assigned a frivolous appeal penalty had they been the appellants. (By the way, I thought that the screening staff tried to discourage unnecessary appeals—not adjust Director’s rulings, even if basically warranted.) Even though E/W’s names will not be published, their arguments are so nauseating that they should be remembered.”

Sutherlin: “Excellent split decision. North was not allowed to take advantage of South’s failure to Alert and stumble back into hearts. E/W’s contention that they should be allowed to play 3 \heartsuit was met. As a result, they achieved the same score of minus 200 that their poor defense had brought them at the table.”

Rosenberg: “In my opinion, unusual but brilliant Committee work.”

One of the Committee members wants to provide us some additional information.

LeBendig: “After reading this write-up, I realized that this decision was going to be very disturbing to several of the commentators. I’m not making any excuses for the decision we reached, but there are a couple of details that I wasn’t sure should have been in the writeup. I’ve now decided that I was wrong not to include them in some fashion, since they were very much a part of our decision. The first problem was that the E/W pair had been showing up more and more frequently in front of Committees. They had been the ones bringing the appeals, as was originally the case here. This problem occurred during the first session, which had given E/W plenty of time to consider their case. And yet they still maintained that they would have competed to 3 \heartsuit without the misinformation. We wanted them to leave with the message that bringing an appeal can be costly. It was our hope that this would make them think twice in the future when they are considering seeking relief from a result they don’t like. This Committee was not trying to suggest that we should force players to be accountable for bad analysis in front of a Committee.”

But unfortunately that’s the impression the Committee has given everyone by making the

decision it did. The appropriate way to achieve Alan’s goal would have been to wait until the E/W pair brought another weak, or overly contentious, or outright frivolous appeal. Looking for a way to punish them for past transgressions when the appeal they had filed was so obviously righteous that it was upheld in screening was a self-defeating act. We’ve tried to keep an open mind about this case, but we can’t help but feel that the Committee’s decision comes across as silly and vindictive.

And finally, our senior panelist has some original ideas about the disposition of this case.

Treadwell: “I think the Committee got this one completely wrong. In the first place, Alert or no Alert, North had every right to bid 2 \heartsuit with three and one-half quick tricks and the knowledge that a haven existed in a 3 \heartsuit contract. This would have been true whether or not N/S had an agreement that the redouble showed three-card support. Secondly, the E/W defense was poor: after the club lead, it should have been easy for East to rise and give his partner a club ruff for minus 170. Thirdly, and again without regard to the meaning of the redouble, E/W would have placed themselves in great jeopardy by bidding 3 \heartsuit : minus 200 was the best they could have hoped for, and N/S might have found a double for minus 500. The table result of 2 \heartsuit made five should have stood for both pairs.”

The issue was not whether bidding 2 \heartsuit with the North hand was “reasonable,” but rather whether it was a clear-enough action to allow with the unauthorized information. It clearly is not a sufficiently mainstream action to allow under these circumstances. The E/W defense, although poor, becomes irrelevant once the 2 \heartsuit bid is disallowed, especially when there is likely to be little difference between the matchpoint scores for the two results (plus 170 and plus 200 for N/S). Dave’s third point has already been addressed, at great length.

CASE SIXTEEN

Subject: Can't Do That
 Event: Flight A Pairs, 06 Aug 96, Second Session

Board: 9 Arnie Frankel
 Dealer: North ♠ KQ1075
 Vul: E/W ♠ Q10
 ♣ K986
 ♣ 43

Mildred Di Falco
 ♠ A84
 ♠ 96532
 ♣ J10
 ♣ Q96

Nofrio Florio
 ♠ 3
 ♠ KJ7
 ♣ Q42
 ♣ AKJ875

Russell Divvens
 ♠ J962
 ♠ A84
 ♣ A753
 ♣ 102

WEST	NORTH	EAST	SOUTH
	Pass	1♣	Pass
1♠	2♠	3♣	3♠
Pass (1)	Pass	4♣	All Pass

(1) Break in tempo

The Facts: 4♣ made four, plus 130 for E/W. Both pairs agreed to the hesitation. The Director initially allowed the table result to stand. However, after consultation with other members of the Directorial staff, and pursuant to Law 16, it was ruled that East's 4♣ bid was suggested over other logical alternatives by West's break in tempo. The 4♣ bid was therefore canceled, and both pairs were assigned the score for 3♠ by North down one, minus 50 for N/S.

The Appeal: E/W appealed, claiming that the East hand was strong enough to merit a further bid.

The Committee Decision: The Committee determined that there was no disagreement about the facts in the case, and concluded that West's hesitation suggested competing further in clubs. Since pass was determined to be a logical alternative, the Committee decided that the 4♣ bid would be disallowed and a pass imposed on East. Two issues remained to be determined: the result in 3♠ by North, and the use of unauthorized information by East. The Committee decided that the defense against 3♠ would most likely start with two clubs, after which East would exit with either a diamond or a spade. In either case West, upon winning the spade ace, would return a heart and the defense would win two clubs, one spade, one heart and one diamond for plus 50 for E/W. The Committee considered East's 4♣ bid to be a serious infraction, but chose to deal with it by educating E/W about their ethical obligations rather than assigning them a procedural

penalty. As to the merits of the appeal, the Committee decided not to assess a penalty since it could have been motivated in part by the table Director's initial decision to permit East's 4♣ bid to stand.

Chairperson: Ralph Cohen
 Committee Members: Nell Cahn, Mike Huston

Directors' Ruling: 80.3 **Committee's Decision:** 85.6

Here we go again. Bart, explain about the Committee's assessment of the play of the hand.

Bramley: "The Committee was correct to impose neither a frivolous appeal penalty nor a procedural penalty. However, the assigned result should have been 3♠ made three, plus 140 for N/S. The Committee's assumptions about the defense to 3♠ are incredibly favorable to E/W. I think that a diamond or a spade play by East at trick three is very unlikely, and even if he gets that one right West must return a heart when he wins the ♠ A—hardly an automatic play. This was sloppy analysis."

Chip, anything to add to that?

Martel: "The first Director's ruling is bad beyond belief. Not only is pass a logical alternative to 3♠, but it would get a large majority of votes in a bidding panel. The later adjustments to 3♠ are clear, but it should have been 3♠ making! After two rounds of clubs a heart could easily be the winning play (give declarer ♠ Axxxxx ♠ xx ♣ Kxx ♣ xx)."

Michael, could you expand upon Chip's analysis just a bit?

Rosenberg: "The Committee decided that 'East would exit with a diamond or a spade.' They, of course, would all be too smart to do anything silly like switching to partner's suit, as you, I, or East might have done. Also, when West wins the ♠ A, the Committee would immediately play a heart. No way they would ever return a spade or diamond allowing East to be employed. If you haven't guessed yet, I would rule plus 140 for N/S. West's huddle was 'bad.' East's 4♣ bid was not close to being justifiable."

Two other panelists also picked up on the suspect analysis of the play.

Wolff: "Good decisions all around, except that I would have been in favor of allowing 3♠ to make. When there are offenders (E/W), why should we assume that they would have defended properly when we adjudicate the result? Another artificial result caused by HD."

Weinstein: "The Committee was on track here, but I believe missed a clear alternative decision. I believe that there was certainly a sufficient possibility that East would have shifted to a heart as to merit assigning E/W a result of minus 140, and probably likely enough to assign N/S plus 140. Fortunately, the initial Director had better judgment in his use of consultation than in his ruling."

The remaining panelists all find East's 4♣ bid to be unacceptable, and adjust the contract to 3♠ (although they apparently failed to check the play analysis). Two of those panelists,

Cohen and Passell, also recommend assessing E/W a penalty for an appeal substantially lacking merit. Let's hear their reasoning.

Cohen: "I don't care what influenced E/W to appeal—this was frivolous. East's 4 \heartsuit bid showed terrible ethics, and then E/W had the nerve to bring this to Committee?? Stop this nonsense."

Passell: "An excellent decision, although more than a reprimand for East may have been called for."

Well, not much rationale, but an understandable sentiment. However, in situations like this, where the Committee members spoke to the players involved, and we didn't, we believe that the Committee's judgment about assessing penalties shouldn't be second-guessed. After all, players with any number of masterpoints (and any amount of playing experience) are still permitted to play in Flight A events. Education for these less-polished players, rather than punishment, is still the best road to education, goodwill, and membership retention.

The rest of the panelists' comments:

Rigal: "Finally, a Director ruling I can agree with (although only on the second time around!) The Committee decided that the hesitation favored bidding; I suppose so, but surely West could have been thinking about doubling. I can live with the Committee's interpretation here, in which case the ruling has to be right. I do have some sympathy with East—but not a lot."

Treadwell: "An easy and correct decision by the Committee. The only question would be that of assessing a procedural penalty against E/W for a serious infraction. Such a judgment here requires first-hand appreciation of the attitude and knowledge of the E/W pair. Not being privy to that, I have no quarrel with the Committee's judgement."

Gerard: "Yes it could have been a penalty double, but huddles usually show extra values. I assume that this is a case where Goldman would argue that the table is stuck with plus 130, minus 130; E/W made the theoretical losing decision and were saved only by a remarkable lie of the cards. That misinterprets the intent of the Laws. Whether the infraction resulted in damage is not determined by the random location of minor cards that could have at most a negligible effect on the auction. Surely everyone would have bid identically if the \heartsuit 6 and \heartsuit 10 were interchanged."

Don't rush out to apply for any clairvoyant jobs, Ron.

Goldman: "I agree."

CASE SEVENTEEN

Subject: Just Enough Unwanted Assistance
Event: Flight A Pairs, 06 Aug 96, Second Session

Board: 2 Richard Zucker
Dealer: East \heartsuit A54
Vul: N/S \heartsuit Q7
 \heartsuit AQJ752
 \heartsuit K5

Eileen Paley
 \heartsuit Q9732
 \heartsuit A4
 \heartsuit 98
 \heartsuit A973

Kenneth Masson
 \heartsuit 8
 \heartsuit KJ932
 \heartsuit 104
 \heartsuit QJ1082

Emily Seiden
 \heartsuit KJ106
 \heartsuit 10865
 \heartsuit K63
 \heartsuit 64

WEST	NORTH	EAST	SOUTH
Pass	1NT	Pass	Pass
Pass	3NT	2 \heartsuit (1)	DBL (2)
		All Pass	

(1) Hearts and a minor
(2) Break in tempo

The Facts: 3NT made four, plus 630 for N/S. The double of 2 \heartsuit was made out of tempo, and the Director was called when North pulled it to 3NT. After considering Law 16 the Director determined that South's clearly out-of-tempo double did not suggest that bidding 3NT was more likely to be successful than the other logical alternatives (pass, 2NT, or 3 \heartsuit), and North's action was judged to have been consistent with his cards, the auction, and the vulnerability. (North contended that he bid 3NT because he felt that, if his partner held cards in hearts and a few points, he was likely to make 3NT and less likely to score plus 800 against 2 \heartsuit doubled.) The Director therefore ruled that there had been no damage from any infraction, and allowed the table result, plus 630 for N/S, to stand.

The Appeal: E/W appealed, alleging that the double of 2 \heartsuit (made after 30 to 40 seconds) allowed North an attractive chance to gamble on a jump to 3NT, and that passing the double would have been a very reasonable alternative. If the double had been in tempo, North would have had no problem understanding it.

The Committee Decision: There were three issues before the Committee. First, was there a hesitation prior to the double? There seemed to be clear evidence that this was the case. Second, did the hesitation suggest that one action by North might be more successful than another? Law 16A states that "... the partner may not choose from among logical alternative actions one that could reasonably have been suggested over another by the

extraneous information.” On this issue the Committee was split. South was a Flight C player, and it was judged that there were several possible sources for South’s problem prior to doubling. While it was agreed that not all of these would make 3NT a good contract, the Committee decided (LeBendig dissenting) that there was a significant suggestion from the hesitation that 3NT would be the winning call. Finally, the Committee had to determine whether a pass of 2 \heartsuit doubled was a logical alternative. The Committee was unanimous in deciding that it was. Once it was decided to disallow the 3NT bid and change the contract to 2 \heartsuit doubled, the Committee had to assign a result for that contract. This seemed to be totally dependent on the lead. If South led a diamond or a spade honor the result might well be down two, while a club or a heart lead would usually allow the contract to be made. After much discussion it was decided that a result could not be determined due to the uncertainty of the lead (given the player involved). The Committee therefore assigned Average Plus to E/W and Average Minus to N/S.

Chairperson: Alan LeBendig

Committee Members: Phil Becker, Larry Cohen

Directors’ Ruling: 48.3 **Committee’s Decision:** 76.9

In case it matters to anyone, North was a professional, playing with a client. Most of the panel agreed with the Committee’s decision, as do we. Allowing the doubled contract to make seems like too deep a position, even to tough law-and-order guys like us, when South (a relative beginner) could easily have been thinking about almost anything. While her hesitation does suggest that pulling the double could be the winning call, doing so is not without some risk, and bidding 3NT has its own set of dangers. Let’s see what the panelists have to say about this. Ron?

Gerard: “It is inconceivable that anyone could think that 3NT was not suggested by South’s break in tempo. The meaning of a slow double is most likely high cards outside of hearts and some length in hearts, so 3NT was strongly indicated. I have the following question for the panel: could impermissible action taken by a pro playing with a client constitute blatant misuse of unauthorized information when it might not be by a member of a different partnership?”

Why do lawyers always answer a question with a question? Why do editors always respond to a question given in response to another question with a question about the question? Hmm, we’d better drop this line of inquiry.

Impermissible action taken by any player playing with any other player could constitute blatant misuse of unauthorized information when it might not be by a member of a different partnership. Any number of factors are involved in such determinations (for example, the players’ bridge skill and experience levels, the length of time they have been playing as a partnership, the “offending” individual’s past record, etc.). It would seem to be wrong to single out professionals in this regard.

Martel: “Why didn’t the Director rule for the non-offending side? The final decision is reasonable, but the huddle suggests not good hearts, but rather values which make the 3NT bid more attractive. (A shorter huddle might be good hearts in a weak hand, but not a 30-40 second one.)”

Passell: “I agree with this Committee’s final decision to punish South for her huddle. This principle must be constantly reinforced: When a huddle occurs you always get the worst of all close calls. I have sympathy for North, since I would always bid 3NT with any partner.”

Wolff: “A well-reasoned Committee decision.”

Allison: “Certainly when there is a tempo break the Director should lean over backwards to rule for the non-offending side. In this case pass was a logical alternative for North, and the Director should not have ruled it out.”

Cohen: “I believe that some information is missing. I remember that E/W originally appealed, but that the table ruling got changed in screening and N/S ended up being the appellants.”

The next two panelists agreed with disallowing North’s 3NT bid, but had other ideas about what score should be assigned at 2 \heartsuit doubled.

Bramley: “A decent analysis by the Committee. However, it was irrelevant that South was a ‘Flight C player,’ because in a Flight A event she should be held to Flight A standards. More importantly, the adjustment for E/W should have been 2 \heartsuit doubled down two, minus 300 or Average Plus, whichever was better, since minus 300 was the worst score available to E/W in the directed contract of 2 \heartsuit doubled. Similarly, N/S should have been assigned a score of plus 300 or Average Minus, whichever was worse.”

We disagree about the standards for Flight C players, as we’ve said already. Is it not the way of life under Law 12C2 to afford the non-offenders the full extent of its protection if it can be determined that a particular result (here a very good one: 2 \heartsuit doubled, plus 470) is the most favorable one that is likely had the infraction not occurred? The Committee and some of our panelists may not wish to go that far, but if their analysis convinces them that this result might reasonably occur at the table, they are duty bound to assign it to the innocent side.

And if they do not believe 2 \heartsuit doubled sufficiently likely to meet the 12C2 standard, then there is no reason to assign E/W an Average Plus just because they were at the table for an infraction by their opponents. If eight tricks is deemed to be too unlikely, then the Committee should award them seven or six, as long as the result chosen meets the standard of “likely” in the Committee’s eyes. The offenders, who are held to a more stringent standard, would be assigned five, six, or seven tricks, the minimum number conforming to the Committee’s evaluation of “at all probable” in these circumstances. Again, the assignment of Average Minus seems inappropriate.

Rosenberg: “North must be the one made to appeal and defend his action in cases of this type. This particular situation was very tough on North, who might well have bid 3NT over an in-tempo double, but the Committee was correct. North was a professional, and might pass a prompt double believing his client really had her bid. E/W should get the benefit of the doubt in 2 \heartsuit doubled, and should go plus 470. If N/S want the chance to beat 2 \heartsuit , then they must defend it. I think Committees have a tendency not to give rulings such as plus 470 when they feel that the offending side’s action is close, but E/W deserve their chance also. This is the best way to educate players to double in tempo.”

Michael makes good points both about N/S having to defend to prove they can go plus, and about E/W deserving their chance as well. Michael is also right in his assessment of Committees' tendencies, especially when they feel that the offenders' action is close. However, although we endorse the Committee's decision to cancel the 3NT bid, we feel that in fairness, we must acknowledge that North's action was hardly without risk. Opposite South's $\heartsuit KJx$ $\spadesuit xxx$ $\diamondsuit Ax$ $\clubsuit AQxxx$, East could lead a high heart honor and cash the first six tricks, or opposite $\heartsuit KQx$ $\spadesuit Jxx$ $\diamondsuit xxx$ $\clubsuit AJx$, there could easily be five losers before there are nine winners. And, although we hesitate to say it, dummy might be much more disappointing than the example hands we've mentioned. Much, much more disappointing.

The following three panelists come down against the Committee's decision, although for differing reasons.

Rigal: "Another ruling for the offending side. Am I losing it or are the Directors? This one does not seem close; with North an expert, make him take it to Committee and argue his (reasonable) case.

"Well, as to the Committee, this is clearly a difficult hand. Knowing North, I believe that when he opened 1NT it was with the view of taking more bidding. I therefore thought that his action was reasonable, and relatively unaffected by the hesitation (that did, after all, increase the chance that hearts would run against him). I would have let N/S have plus 630. I might have explained in more detail to South the hesitation rules, and even considered the possibility of a procedural penalty. But, since I would have let the score stand, I don't see any grounds for issuing one."

There is no penalty for hesitating, procedural or otherwise. Mentioning it is a serious overbid, not to mention a misbid. And as for giving N/S 630, Barry would have to overlook the fact that passing the double was a logical alternative to 3NT. We don't think he believes that, but we do believe that his familiarity with the people involved distracted him. Just momentarily, of course. And on paper.

Treadwell: "What information was conveyed by South's huddle before doubling? Was it to consider whether passing might be better, or was it to consider some other call, such as 2NT? The huddle certainly does not suggest that partner should jump to 3NT. Therefore, the 3NT call should be allowed."

Weinstein: "Is passing the double an alternative which some number of North's peers would consider? Would they still consider it playing with a Flight C player at this vulnerability, after an in-tempo double? I haven't experienced this situation myself, but my intuition is that no pro would pass under these circumstances. (I certainly may be wrong. The Committee's decision is obviously a reasonable one, and is probably the correct one even if it is not equitable.)"

Each of these arguments has some merit to it, but we need to remember: (1) We are not concerned with whether North's action was merely reasonable. It must be overwhelmingly likely if it is to be allowed. (2) We are not concerned with whether South's huddle could have suggested other things than jumping to 3NT, if it reasonably could have suggested that 3NT might be the winning call. (3) We are not concerned with

whether most pros would be likely to trust their clients under these circumstances. As Rosenberg points out, "A professional . . . might pass a prompt double believing his client really had her bid, [so] E/W should get the benefit of the doubt . . ."

CASE EIGHTEEN

Subject: The Weight
Event: Flight B Pairs, 06 Aug 96, First Session

Board: 24 | K9
Dealer: West | AT87
Vul: None | T654
 | KT9

| Q754
| 43
| KJ
| Q8642

| JT862
| Q9
| A3
| AJ73

| A3
| KJ652
| Q9872
| 5

WEST	NORTH	EAST	SOUTH
Pass	Pass	1	2
2	3	Pass	Pass
3	DBL (1)	Pass	4
All Pass			

(1) Agreed break in tempo

The Facts: 4| by South made four, plus 420 for N/S. North broke tempo before doubling 3|, and the Director was called when South bid 4|. After play had been completed the Director ruled (based on Law 16) that North’s break in tempo suggested that bidding 4| with the South hand could be preferable to the logical alternative of passing 3| doubled. The 4| bid was therefore canceled, and the contract adjusted to 3| doubled by East down one, plus 100 for N/S.

The Appeal: N/S appealed. South stated that it was her five-five offensive hand which dictated her pull to 4|. North’s double had shown that she was at the top of her range, but with South’s poor defensive hand and extra offense it seemed wrong to sit for the double.

The Committee Decision: The N/S players were inexperienced, with a total of 500 masterpoints between them (over less than two years). Both were very forthright and truthful about North’s hesitation. South testified that she knew that five-five hands were good for offense and not usually for defense. She felt that her partner had doubled on values rather than a trump stack, given her own spade holding. North explained that she didn’t know how to show a maximum raise to 3|, but concluded (after hesitating) that double might get the idea across to her partner. The Committee explained to N/S that, after North’s hesitation, a significant number of South’s peers would have to be likely to bid 4| in order for them to allow such an action. There was a heavy burden on a player who had received unauthorized information to avoid choosing among possible alternative actions one suggested by the tainted information. The Committee decided to adjust the result to 3| doubled by East down one, plus 100 for N/S.

Chairperson: Peggy Sutherlin
Committee Members: Lynn Deas, Robb Gordon

Directors’ Ruling: 97.0 **Committee’s Decision:** 86.7

This case was almost a no-brainer, with the Committee taking the only conceivable course of action (in a Life Master Pairs, a Committee might have added a procedural penalty for a N/S pair deemed to know better). We’ll let the panelists’ comments speak for themselves.

Bramley: “Well-handled by the Committee. In a higher-level event this appeal would have been frivolous.”

Cohen: “The usual—I’d censure North. Cut out this crap. If partner is slow, do whatever it takes to be ethical. Avoid Committees. I’d call this a frivolous appeal. Just accept the ruling and get on with life.”

Passell: “Very well done. A good decision, with a good explanation to the offenders.”

Rigal: “Finally a Directors’ ruling and Committee’s decision that I agree with. No issue for the Director; adjust and move on, I think. As to the Committee, I think that they dealt with this well; yes, South might want to run, but her singleton and ace of trumps were good for defense. A good decision all around.”

Rosenberg: “Good.”

Weinstein: “I agree with everything except the explanation to N/S. I hope that when the concept was explained to them a word such as overwhelming rather than significant was used.”

We’re glad that someone said that. Thanks, Howard.

Wolff: “A good Committee decision, complicated by Flight B mentality.”

Treadwell: “Again, I think the Committee missed the point on this case. North, who had not been able to open the bidding, doubled 3|. South, with Ax in spades, knew from her hand that her partner could not have a spade stack, and hence must be doubling on outside values. Hence, the pull of the double was virtually automatic. The table result should have been allowed to stand.”

Well, someone missed the point on this case.

CASE NINETEEN

Subject: Should Have Known Better
 Event: Stratified Open Pairs, 07 Aug 96, First Session

Board: 31 Rick Goldstein
 Dealer: South ĩ A62
 Vul: N/S ĩ 9842
 Ę ---
 Ę AKQJ87

Ī J9754
 Ī KQ75
 Ę A5
 Ę 32

Ī 103
 Ī AJ106
 Ę KQ10643
 Ę 4

Laura Brill
 Ī KQ8
 Ī 3
 Ę J9872
 Ę 10965

WEST	NORTH	EAST	SOUTH
Pass	1Ę	1Ę	Pass
DBL (1)	2Ī	DBL	2Ę
Pass	3Ę	DBL	3Ę
Pass	4Ę	All Pass	Pass

(1) Intended as responsive; not Alerted

The Facts: 4Ę by North made six, plus 170 for N/S. The Director was called when it was discovered that West had intended his double as responsive. The Director discovered that E/W, a pickup partnership, had agreed to play responsive doubles, but each player had a different impression of when the treatment should apply. East, who thought that West's double was for penalty, did not Alert it. North introduced his hearts as a long-suit game try without inquiring about the meaning of West's double. When East doubled that for penalty South retreated to clubs—a suit that (in theory) had already been doubled for penalty. North then made a second game try with 3Ę, returning to 4Ę after East's second double. South took no further part in the proceedings. Since there had been a failure to Alert, and since N/S's actions might have been influenced by the belief that West had doubled for penalty, the Director ruled Average Plus for N/S, Average Minus for E/W.

The Appeal: E/W appealed claiming that N/S had not been damaged by the failure to Alert the responsive double, and that it was impossible for East to Alert a treatment that she had good reason to believe was not part of the partnership methods. South admitted that she was sure when North bid 4Ę that West's double had not been for penalty, but earlier she had been concerned that North might have had only three clubs. She was somewhat frustrated that she had not been able to describe her promising hand. North had clearly not been concerned about the meaning of West's double, since all of his actions were geared toward reaching game.

The Committee Decision: The Committee determined that there were many clues that should have enabled N/S to do the right thing, and that their poor result was primarily of their own doing. The Committee unanimously decided to restore the table result of 4Ę by North made six, plus 170 for N/S, for both pairs. The Committee advised N/S that they should have realized that there was no reason to seek redress. E/W, who claimed that they had spent a full hour discussing their agreements after arranging to play at the partnership desk, were upset that the Director had chastised them for not knowing their agreements when their misunderstanding had been purely the result of different East coast and West coast variations. East testified that she had no idea that responsive doubles might be employed in this situation. The Committee sympathized with E/W, but reinforced the notion that agreeing to play a convention or treatment carries with it a responsibility to discuss and agree on (at least) its basic elements.

Chairperson: Bill Passell

Committee Members: Karen Allison, Bob Gookin, Eric Kokish, Bruce Reeve

Directors' Ruling: 56.1 **Committee's Decision:** 90.6

Allison: "I don't think the Director went deeply enough into the auction. North's sequence of bids, followed by 4Ę, clearly demonstrated the nature of West's double, and the Director should have ruled accordingly."

This is the only issue which needs to be addressed in this case. Otherwise, the Committee appears to have handled this situation perfectly. We only wish the Directors had ruled more appropriately, for E/W, so that the Committee could have judged an appeal by N/S to be substantially without merit.

Most of the panelists see it just this way.

Bramley: "This was brutal abuse of the system by N/S, and they did it against a Flight B or C player. The Director also was too harsh with E/W. Chastising them was bad enough, but ruling against them was ludicrous. If the Director had let the table result stand, as he should have, then at least the Committee could have kept N/S's deposit had they been foolish enough to pursue the case. It's stuff like this that drives players away from the game. This was another example of the nebulous nature of 'failing to Alert'."

You tell them, Bart.

Gerard: "East was right. West's double is by definition not 'responsive,' so it requires a specific agreement to be treated that way. It also needs to be on the convention card, such as 'Thru 3Ī (+ Overcalls).' Therefore, this was mistaken bid, not mistaken explanation, or perhaps mistaken assumption. As an avowed opponent of the concept of Convention Disruption, I don't think there was any basis for doing or saying anything to E/W. The Director was clearly out of line.

"N/S should have been dealt with as harshly as the Laws allow. Excessive litigiousness should be discouraged, even if it is prior to the appeal stage. Currently, it's a free shot to call the Director; either he rules in your favor or you can decide not to appeal and thereby avoid the risk of a procedural penalty. E/W obviously had no agreement, so there was no

infraction from which damage could result. And even if N/S mistakenly thought that they had been damaged, just look at North's bidding and tell me how they ever get to the right contract. South had a right to feel frustrated with her partner, not with E/W. We all have a right to feel frustrated with the Director, who condoned N/S's abuse of process (AOP, as Wolff would say). This is not the first time I have complained about AOP or the pairs that constantly engage in it."

Excellent, Ron! Aren't they wonderful, our panelists?

Goldman: "The fact of the matter is that E/W did not have an agreement about this double, and a first-time partnership (via the partnership desk) should not be obligated to know their agreements in depth. I think the chastising that occurred was unfortunate."

LeBendig: "I am very bothered by the fact that N/S missed their game (slam) and then called the Director for help. Had the Director ruled (properly, in my opinion) that the failure to Alert had not caused the damage, and had N/S then appealed, I would have wanted to not only keep a deposit but send them a bill for a larger one. Since no deposit would have been required because of the event, I would have felt that a large procedural penalty would have been in order."

These guys are really good!

Martel: "One point missing in the report is, did N/S ask about the double? While North might not have wanted to tip off E/W early in the auction, clearly there was no harm in asking later."

Passell: "Another well-thought out, conscientious, decision."

Treadwell: "This Committee used logic quite properly in deciding that N/S were not damaged by the E/W failure to Alert, but by their own inadequacies in evaluating their hands. Pairs should not seek to win in Committee what they did not win at the table. An excellent decision."

Weinstein: "To paraphrase Mr. Bramley regarding similar cases, "The opponents committed an infraction and I didn't get a good result, so I want redress." As long as Directors at least occasionally rule semi-automatically for the non-offenders, without regard to the merits of the whine, we'll continue to get too many requests for adjustments."

Here, here.

In our experience, there's always 15% who'll vote for Nixon, no matter what . . . and here they are.

Rigal: "I think that the Directors' ruling might have been to adjust the score to plus 620/minus 620, but certainly the initial concept of adjusting seems right.

"The Committee was rather harsh on N/S here, who certainly had their chances of reaching game reduced. I do not know that it is so clear that the bad score was all their

fault (note that the Committee used the word largely in their ruling). I do not think that the score should have been 170; some factoring in favor of 620 (maybe a 20% element) would have been preferable. Yes, E/W did not have to know this double, but that is just tough on them. Any accident must result in some penalty coming their way. (In any event, this is not in, my opinion, a responsive double—which can only follow an initial double; it's competitive in England.)"

Does the term "Secretary Bird" come to anyone's mind?

Rosenberg: "The Director should have ruled plus 600 for N/S. Perhaps the Committee got into personalities here. Their decision only made sense if both North and South knew that the double was intended as responsive. An important issue that was not mentioned is, what did South think when West, having doubled 2 \heartsuit , passed 3 \heartsuit . North presumably knew that East intended the double as 'responsive.' It looks as if South's failure to bid 3 \heartsuit over 3 \heartsuit was partly caused by East's failure to Alert. This failure to Alert was an infraction, since 'responsive' was agreed. It was not too difficult for East to Alert and say 'we agreed responsive, but . . .' If East didn't know enough to do this, she shouldn't play the convention."

Oh, good grief!

And finally, we leave you with a word from the wise.

Wolff: "This being a stratified open pair event, I have no conviction. However, N/S may have been damaged by having doubt creep into their judgment. While I don't recommend requiring or educating lower flight players, they should be made to recognize their responsibilities (which the Committee did). They probably are playing a game that is more fun than bridge, and should be left alone."

CASE TWENTY

Subject: Poor Guy Couldn't Beat Anything
 Event: Flight A Swiss, 07 Aug 96, Second Session

Board: 10 Carol Pincus
 Dealer: East 1 6532
 Vul: Both 1 KQ
 2 QJ1063
 3 J9

Edward Lovell
 1 A
 1 97432
 2 AK8
 3 AKQ2

John Wong
 1 K4
 1 1065
 2 97542
 3 1065

Brenda Jacobus
 1 QJ10987
 1 AJ8
 2 ---
 3 8743

WEST	NORTH	EAST	SOUTH
		Pass	Pass
11	Pass	Pass	21
32	31	Pass	Pass
DBL (1)	Pass	41	DBL
All Pass			

(1) Break in tempo

The Facts: 41 doubled made four, plus 790 for E/W. There was an agreed break in tempo before West doubled 31. The Director ruled that the 41 bid was a violation of Law 73F1, and changed the contract to 31 doubled made three, plus 730 for N/S.

The Appeal: E/W appealed the Director's ruling. East stated that he did not think that 31 would go down, nor did he expect to make 41. He did not think that passing 31 doubled was a logical alternative.

The Committee Decision: The Committee had to determine whether a pass of 31 was a logical alternative. They decided that (at imps), while East could not possibly expect 31 to go down, or 41 to make, it was reasonable to hope that 41 would produce the "least minus" position. The Committee therefore decided that pass was not a logical alternative for East, and changed the contract to 41 doubled made four, plus 790 for E/W.

Chairman: Karen Allison
 Committee Members: Bob Gookin, Abby Heitner

Directors' Ruling: 76.9 **Committee's Decision:** 70.3

Change the deal slightly to:

1 xxxx
 1 Jx
 2 AQJxx
 3 Jx

1 A
 1 Axxxx
 2 Kxx
 3 AKQx

1 Kx
 1 xxx
 2 xxxxx
 3 xxx

1 QJ10xxx
 1 KQx
 2 ---
 3 xxxx

and 31 doubled goes down one, while 41 doubled also goes down (other constructions also produce the same result). We believe that East's statement was not only self-serving but inaccurate, as inaccurate as the Committee's assessment of what East could possibly expect of the two contracts. And didn't East hold a king more than he might have (and in the opponents' trump suit, no less)?

Most of the panelists take similar exception to the Committee's decision.

Bramley: "I disagree. Pass was a logical alternative for East. If you have any doubt, look only at the E/W cards and decide how many tricks you would expect to take against 31. From East's point of view he was limited by having passed his partner's opening bid, he had a king (more than he might have), and it was in the opponent's suit. Therefore, E/W should be minus 730 against 31 doubled. Before assigning a score to N/S I would need to know how the defense went against 41. Normal defense starting with the lead of the 2Q sets the contract. If I felt that the actual defense had been egregious, I would have given N/S their table result of minus 790. Otherwise, I would have given them plus 730."

Goldman: "I strongly disagree. The language of this double is 'penalty . . . I certainly have five tricks, with possibilities for six.' Therefore, passing is a very logical alternative. Someone who passed an opening bid is not expected to take any defensive tricks. The Committee is way off base on its logical alternative analysis."

Martel: "The Committee's reasoning for East's pull seems foolish. East had promised nothing, so to double at imps West should have 31 set. East had the unpromised 1K, so why should he pull?"

Rigal: "The Directors' ruling was correct, I think. I do not agree with the Committee. East actually had a trick; what more did he need to sit? The pull was made more attractive by the slow double. So I think the decision to remove should be canceled, and the score for 31 doubled made three assigned. At the very least, some form of partial penalty should have been implemented. This is not the first time that I have come across situations where a hand that has shown nothing pulls a penalty double. Why is this continually allowed? The hand has more, not less, than might be expected. Another example of the Committee seeing a winning action and thus being prejudiced to take it,

rather than making a single-dummy analysis.”

Rosenberg: ““The Committee decided that East could not possibly expect 3♠ doubled to go down.’ Why? Didn’t he have Kx of trumps more than he promised? West described his hand perfectly—with the huddle. Maybe East would have removed an in-tempo double. Tough. Plus 730 to N/S.”

Sutherlin: “Why shouldn’t East pass his partners penalty double? East had promised nothing in the auction and he has a trick and only three hearts. West knew that his side had the balance of power and decided to take a chance and double. This time West was wrong and should have been minus 730, as the Director ruled.”

Krnjevic: “I disagree. I see no reason why East should consider a pass of 3♠ doubled to be an illogical alternative. There was a chance that partner’s high cards and his ♠ K would produce plus 200, so I don’t see why East should summarily dismiss this potential plus position—and anywhere from 5-15 imps—and automatically opt for the vulnerable undertricks which he expected to incur in 4♠. The only thing that made a pass of 3♠ doubled illogical was his partner’s hesitation, which strongly suggested that it was right to pull. East was not entitled to this information and should have been made to defend 3♠ doubled.”

Allison: “I think that the Directors’ ruling was fine. It is up to the pair that bids in the face of a hesitation to make their case when there may have been a violation.”

The force of the preceding arguments makes the following especially troubling.

Cohen: “Even the janitor wouldn’t sit for this double. (I hope nobody reading this is a janitor; no insult intended.)”

Gerard: “Let’s say that pass was a logical alternative. West’s hesitation suggested not passing, so the Laws seem to require East to pass. But West’s hand didn’t correspond to his hesitation—it was a double, pure and simple. Would this mean that the infraction (pulling the double) could not result in damage? No. The English language seems to preclude that kind of reasoning. So if pass was a logical alternative, then the Director was correct. I can argue that East should consider passing. The ♠ K isn’t necessarily useless, since West’s double typically shows values outside his suits. Seven or nine imps could be important in a seven-board Swiss match. The Committee couldn’t have meant to say that some contracts are more likely to make at imps. They were concerned about the risk of passing, especially if West had shaded his double as the hesitation suggested. On a single dummy basis, 3♠ doubled certainly looks like E/W’s optimum spot. Yet the Committee was right that almost no one would consider passing with the East hand. Almost all of East’s peers would look no further than their heart holding. Total Tricks addicts would mumble about plus 200 versus plus 620. Nobody really thinks about the strategy of Swiss matches. N/S themselves would have bid 4♠. The Committee’s loose language was unfortunate, but the right result was reached.”

If we read the English translation of Ron’s thesis correctly, he is saying that logic and inference suggest that East should pass West’s double, while West’s huddle suggests that East pull it. But the pull should be allowed, because almost no one would consider

passing with the East hand. As our lamented mothers would have said, clutching their hearts when we went out in the cold without a jacket, “Oy vay.” What a fine kettle of fish we have here.

Treadwell: “This case is similar to CASE EIGHTEEN, but here the Committee decided, quite correctly, to let the players play bridge. West’s double, whether lightning fast or very slow, is obviously for takeout, and East, just as obviously, took it out to the winning spot.”

In what universe is West’s double for takeout? West has bid his two suits already, while N/S bid and raised a third. West has 20 HCP, and the vulnerable opponents have competed up to the three-level. East may easily have no support for any of West’s suits (i.e., he may hold a four-two-four-three Yarborough), and any contract that East chooses gets his side to the four-level. Probably not even Mr. T’s cohorts would suggest that West’s double is, by definition, for takeout—even though it very likely has been made on short spades.

Weinstein: “I’m not sure that passing 3♠ isn’t a logical alternative, but I don’t think that’s relevant. An in-tempo double would hardly have suggested two or three spades, so I don’t believe that an out-of-tempo double would indicate that bidding 4♠ is a suggested action.”

We’ll let our sage from Dallas (How ‘bout them Cowboys!) have the final say, since (for perhaps the first time in our collective writing careers) words fail us.

Wolff: “A terrible decision. How could this Committee have said that it wasn’t a logical alternative to pass 3♠ doubled? Totally inconsistent decisions like this ruin our credibility.”

CASE TWENTY-ONE

Subject: Correcting Misinformation
 Event: Spingold Knockout Teams, 08 Aug 96, Round of 32

Board: 29 Karen McCallum
 Dealer: North ♠ AK
 Vul: None ♠ K6432
 ♠ A32
 ♠ K98

Lea DuPont Benito Garozzo
 ♠ J763 ♠ 52
 ♠ Q ♠ J10875
 ♠ KJ876 ♠ 1054
 ♠ AQ4 ♠ 532

Cenk Tuncok
 ♠ Q10984
 ♠ A9
 ♠ Q9
 ♠ J1076

WEST	NORTH	EAST	SOUTH
	1NT (1)	Pass	2♠ (2)
Pass	2♠ (3)	Pass	2NT (4)
Pass	3♠	Pass	3NT
All Pass			

- (1) 14+ to 17 HCP
- (2) Transfer to spades
- (3) Denied four spades
- (4) Transfer to clubs; invitational or better

The Facts: The ♠ 5 was led (attitude leads). 3NT by North made three, plus 400 for N/S. The Director was called to the table at the end of the play, when it was discovered that North held five hearts. East said that he had asked about North’s 3♠ bid before making his opening lead, and was told by South that it showed five hearts. North corrected this saying that she did not have to hold five hearts (although she might), but that the bid simply showed heart values and sought direction. East then led a heart, allowing the contract to make. East said that he would have led a diamond had North not corrected South’s statement, and that a diamond lead would have defeated the contract. The Director ruled that there had been misinformation by N/S and adjusted the score to 3NT down two, minus 100 for N/S.

The Appeal: N/S appealed, testifying that at the end of the auction, and before making his opening lead, East had asked for a review with explanations. South then conducted the annotated review, explaining (when East asked) that North’s 3♠ bid showed five hearts. At that point North intervened saying that the bid did not show five hearts (although she could have five), but rather showed heart values in search of the correct game—an interpretation confirmed by N/S’s system notes.

North stated that she felt obligated to correct South’s explanation (even though her hand coincidentally conformed to the mistaken explanation) for two reasons. The first was that she felt that E/W were entitled to know the bases on which South had bid 3NT (that he didn’t have three-card heart support) and on which North had bid 3♠ (that she was concerned about the N/S diamond holding for notrump—being somewhat protected in hearts by her length in the suit). If a diamond lead was best for E/W it could help them to know that North had intended 3♠ to elicit help from South in diamonds. Such an inference would not be available to E/W if they believed that North’s 3♠ bid had been a search for a heart contract, since then it would not as clearly imply concern about diamonds. (N/S’s notes also made it clear that in their methods 3♠ could never suggest playing in hearts.) North’s second reason for correcting South’s statement was that the erroneously disclosed (but accurate) information about her heart length might act to deter a reasonable (or even normal) heart lead when, given the poor quality of her heart spots, it was possible that such a lead could prove best for E/W. North also stated that her 3♠ bid was equally intended to keep alive the possibility of a 4♠ contract, and that she almost bid 4♠ over 3NT anyway—taking a long time before she finally passed.

The above was not disputed by E/W, who testified that the “emotional” nature of North’s disclosure gave them the distinct impression that North wanted to avoid inhibiting a heart lead in case that lead proved to be best for the defense, and that North was attempting to act in E/W’s best interest. In addition, East stated that, although he initially “had his finger on a diamond lead,” North’s emotional reaction caused him to change his lead to a heart. He reasoned that, since North was sincerely concerned that a heart lead could be best for E/W, the heart lead must therefore be right.

The Committee Decision: The Committee members strongly agreed on the following points. First, North had acted properly in correcting the misinformation given by South. In general, a player should be cautious about correcting a misexplanation which accurately describes his actual holding. However, when the misexplanation also contains inaccuracies which could damage the opponents, such as by suggesting a false inference, or by denying them potentially useful information, then that player has an obligation to correct the misinformation. This should be done in such a way that makes it clear that the player may indeed have a holding consistent with the original explanation (but the player need not divulge his actual holding). The misleading aspects of the explanation should then be corrected. For example, North might have said “While I could certainly have the hand that my partner described, our agreement is that my bid shows . . .” North’s actual statement, that she “could have five hearts,” was in keeping with this principle.

Second, North could hardly have done any more than she did to make all of the relevant information available to E/W. She disclosed the meaning that she had intended for her 3♠ bid (showing heart values and seeking direction for notrump), thus providing the inference that diamonds was of concern to her. (The inference that South’s 3NT bid was not necessarily based on diamond values, but rather on the absence of three hearts, was available from his misinterpretation of the 3♠ bid.) The emotional nature of North’s reaction suggested that she was concerned that hearts could be the winning lead, even though she had shown heart values—and made it clear that she wanted E/W to know it.

And finally, East, by his own admission, based his heart lead wholly on the emotional content of North’s statement (that she was concerned that a heart lead could be best for

the defense). Of course, given who East was he was correct! But by ignoring the informational content of North's statement, including the intended meaning of her 3 \heartsuit bid and the inferences available from it, the winning alternative of the diamond lead was rejected. East was certainly entitled to draw these inferences from the manner of North's statement, but, as suggested by Law 73D1, he did so at his own risk.

Based on the preceding analysis the Committee (unanimously) decided to restore the result originally achieved at the table: 3NT made three, plus 600 for N/S.

Chairperson: Alan LeBendig

Committee Members: Rich Colker, Bill Pollack, John Sutherlin, John Wittes

Directors' Ruling: 72.2 Committee's Decision: 88.9

This case rocked the NABCs when it occurred, and raises an issue of long-standing concern. Several cases have occurred in recent years in which a player has "volunteered" information about his hand, or "corrected" (at the appropriate time) information given the opponents by his partner, when the volunteered or corrected information did not accurately describe the player's hand and, in fact, worked to his side's advantage. One recent instance involved an auction which was something like: 1 \heartsuit - (1 \heartsuit) - 1 \heartsuit - (P), 2 \heartsuit - (P) - 3NT - All Pass. While the opening leader was considering his lead, the declarer volunteered that his partner had failed to Alert his 1 \heartsuit bid, which showed a five-card suit (they played negative doubles). In fact, he had "psyched" the bid holding three small spades.

The present case raised the spectre of the earlier cases once again, and the North player became the target of a firestorm of criticism. Although public sentiment shifted once the write-up of the case appeared in *The Daily Bulletin*, we are still left with the original problem. When (under what circumstances) should a player "correct" misinformation, or "volunteer" information which his partner technically should have provided the opponents but failed to, when the original information described the player's holding accurately?

Some people, including many of our top Directors, think that the answer to this question is "Never!" Only information which corresponds to the player's actual holding should be provided in such situations. When pressed, many of these people will concede that a "correction" which may be useful to the opponents may be made, but the player making it should then explicitly say that their hand does not correspond to the new description. In the present case this would be the equivalent of saying something like, "While on this hand I actually happen to hold five hearts, in fact my 3 \heartsuit bid did not show a five-card suit, but rather was intended to show heart values and seek direction for notrump."

Others believe that inaccurate or missing information should be corrected any time that information may be of value to the opponents, but not when it is clearly immaterial, or when it can only work to the "correcting" side's own advantage. When such information is provided, the player doing so must be very careful to make it clear that he may actually hold a hand which is consistent with the original explanation (that is, that his hand may not conform to the correction), but that the meaning of the bid according to partnership agreement is . . . Those who hold this view typically maintain that the player doing the correcting should not tell the opponents what his hand actually is. This is because the

opponents are not entitled to this information (by Law). Nor is it proper to give some pairs a selective advantage every time a player is obliged to correct his partner's slightly erroneous description of his hand; or when the failure to announce his actual holding informs the opponents that he doesn't hold the hand his partner described. This principle is similar to that which forbids players from making their own rulings, such as allowing an opponent to retract a played card, because everyone should be subject to the same rules—a level playing field.

Why would it be important for a player to correct partner's explanation of his hand when that explanation describes it accurately? Because an inference from the intended meaning of the bid might be more important, or useful, to the opponents than the coincidentally accurate information from the misexplanation. In the present case this amounted to the correct explanation providing E/W with information about the North player's concern with the diamond suit for notrump purposes, which the inaccurate explanation, even though it accurately placed five hearts in North's hand, didn't convey. That is, if 3 \heartsuit by North simply offered South a choice between 4 \heartsuit and 3NT (suggesting that North held both a five-card heart suit and diamond values) then E/W would be deprived of the inference from the intended meaning of 3 \heartsuit (which only showed heart values and not necessarily length) that North needed help in diamonds for notrump (and which, as it turned out, suggested the winning diamond lead on the hand).

Let's consider this issue from both an ethics and a practical perspective. What we do not want is for each player (given the diversity in ethical sensitivities, and the wide range of experience levels) in each potentially sensitive situation to have to make a complex and subjective ethical determination (and to have to make it almost instantaneously) as to whether or not to correct partner's explanation. There has to be a simple, clear, and right-thinking principle which can be applied consistently in all situations, and which will work well in most of them—even if it doesn't handle every conceivable problem. What such a principle would lack in not being universally accurate would be more than balanced by its simplicity and ease of use.

We propose the following principle: Correct any mistaken or incomplete explanation by partner even if such a correction does not describe your actual hand, or even if partner's inaccurate or incomplete explanation was a better description of your actual hand. Also, make certain that in doing so you clearly state (up front) that the correction you are about to provide is not necessarily a more accurate description of your hand, but that it only more accurately describes your partnership's agreements. That is what the Laws, and ACBL regulations, require you to do; accurately disclose your agreements—not your hand.

If we can later identify exceptions to applying this principle, and if those exceptions are few, and fairly easy to communicate and understand, then we can supplement the principle with a list of exceptions. Otherwise, we should be willing to live with and accept that this procedure will not work infallibly in every situation. What it does do unfailingly well is embody the important principles of complete disclosure and correcting misinformation.

This principle looks even better when we compare it with the alternative, which in essence says that you don't correct partner's misexplanations, and don't tell the opponents

the truth about what your bids mean unless you are absolutely certain that the correct information will help them. Which principle do you want to govern bridge ethics (or would you want to teach your children)? “Honesty is the best policy,” or “Don’t tell the truth unless you have to.”

Happily, all but one of our panelists supports the Committee’s decision on this important case.

Gerard: “I wouldn’t normally comment on such a clear-cut decision, but this was the obvious *cause celebre* of the Nationals. North acted properly. East made a nullo lead, admitting that he based it on psychological considerations rather than technical ones. His actions were similar to the declarer who finesses against the opponent whose partner inquires about the queen ask and then asks for redress when trumps are two-two. If the Director had ruled correctly, E/W’s appeal would have been without merit. The Committee’s thought processes and documentation were superb.”

Rosenberg: “Critical case. On the facts presented the Committee did a superb job, which was very well documented. There is a lot of disagreement about this type of situation. Say, for example, partner opens 1 \heartsuit playing four-card majors and you respond 1NT, partner raising to 3NT. It so happens that your agreed style is that you can bid 1NT with one or two four-card majors. On making the final pass, LHO asks partner ‘can your partner have a four-card major?’ Partner, momentarily forgetting that he is playing four-card majors, answers no.’ Obviously, you would correct partner’s explanation if you had a major. But what should you do if you don’t have one? Many would say nothing, thinking it would be self-serving to correct partner. But what if West now leads a spade letting 3NT make, when a club would have set the contract and would have been led if West had been in possession of the correct information. Isn’t it ridiculous that the opponents are doing worse because you, on the pretext of helping them, misinformed them (by omission)? No, you should correct partner’s explanation regardless of your hand. You should simply say ‘there was a failure to Alert—I can have one or two four-card majors.’ You should not need to add ‘although I’m not saying I have one.’

“When in the above situation LHO does not ask any question (as most would not), what should you do? (This is why I used this example instead of the more normal 1NT response to 1 \heartsuit playing Flannery. In that case many experts would think of asking whether responder could have a four-card spade suit.) Again you would obviously volunteer the failure to Alert if you had a major. And again you should volunteer the correct information even if you don’t have a major. This may seem slimy, but there is nothing slimy about it. As long as it is clear in everyone’s mind that you should always give the correct information, there is no question of damage. The reason that there is currently a problem is that so many people believe that if an ethical opponent volunteers information, they must be describing their hand. We must rid the game of this notion. If it were universally accepted that you always give correct information, this problem would not arise.

“The third problem that could occur: your agreement is that 1NT denies a four-card major, but you violated your agreement and have one. LHO asks, and your idiot partner says that you can have a major. Here, you should not correct partner’s explanation. You were trying to deceive your opponents, but your partner got in your way. Also, perhaps

your violation wasn’t really a violation.”

Michael makes a number of excellent points here. We concur.

Weinstein: “When I first heard of this case my reaction was to string up the alleged offenders. By the time I heard all of the facts (and now read the write-up) I agreed with the Committee. The Committee did an outstanding job of dealing with the very touchy area of misleading information from an explanation correction. Clearly declarer was in a position that ethically required a correction to protect the opponents, and tried to do it in such a way as to avoid giving them misleading information. Giving the opponents an adjustment based upon misleading information in this case (though not necessarily in every similar case) would have been an injustice. Next, even given the impression that declarer had heart strength and not length, the opening leader, without the possibility of an entry, made at best a poorly-judged lead that should have abrogated his right to redress even had there been gratuitous misleading information. And finally, why did the Directors adjust the score based upon misinformation? Declarer corrected the misinformation prior to the time that it would have been relevant to the opponents. Even if the Directors did not have access to N/S’s agreements at the time, if declarer tried to give the opponents information that her hand may not conform to her partner’s explanation, correct or incorrect, that should not create liability for misinformation—only for possibly misleading information.”

Goldman: “Superb Committee work. Much closer to a frivolous E/W position than to an adjustment. I would like to see procedures that force more of the people who want a table result changed to do the appealing. When in doubt, the Director should let the table result stand—and there is no innocent side in many of these matters.”

Passell: “The toughest test so far for a Committee, and they passed with flying colors. North did everything right in the explanations.”

Rigal: “A very well-handled issue, given its sensitivity. One related question arises. If (as I believe is the case here from a chat with Alan LeBendig) Alan has had N/S in front of him three times in the last three years on issues relating to forgetting system, at what point do procedural penalties or other such issues arise?”

A good question. N/S’s tendencies have not gone unnoticed among those involved in the appeal process. North also has a history of creating problems for opponents and Appeals Committees alike here with psychic/tactical bids, both in the ACBL (see CASE THIRTY-THREE in this casebook) as well as in international competition. However, in this case her actions were (arguably, as we’ll see below) entirely appropriate, and that is the sole issue before us here.

Treadwell: “An excellent decision in a rather difficult case. The rationale stated for this decision says it all.”

Allison: “If the system notes were available to the Director, then he should have ruled to let the result stand.”

Our Texas sage appears to be playing this one from both the Dallas and the Fort Worth

side of the issue.

Wolff: “A much hashed and re-hashed decision. While I grudgingly agree with the reasoning and the decision, I whole-heartedly disapprove of North volunteering that she did not have to have five hearts (even if she was right as to her partnership understanding). Putting it another way, from a practical point of view if a player corrects her partner’s explanation the opponents have a right to expect that player to hold something different than the explanation described. Here she wasn’t, so she shouldn’t.”

Our lone dissenter has much to say about the tyranny of this decision. Bart’s anger is quite intense (as witnessed by the fact that it spills over into some quite unfounded allegations), so you might wish to fortify yourself with a Valium, or a snifter of your favorite libation, before you proceed further.

Bramley: “The Committee found only one villain here, East. I believe that the real villain was North. A closer examination of North’s ‘corrective’ statements shows that they were contradictory, obfuscatory, and, in the end, deceptive. North gave two reasons for her statements. One was that she was afraid that East might not draw the proper inference about her concern over the diamond suit. The other was that East might not know about her concern over the heart suit. The first of these was based on systemic inferences backed up by system notes. The second was based on her own hand. The reason she had this problem was that her heart ‘concentration’ consisted totally of length, not strength. I maintain that: (a) If she was worried about diamonds, then she should have corrected her partner’s statement in a way that made it clear that she was worried about diamonds, while also strongly suggesting that she might indeed have five hearts. And she shouldn’t have said anything about ‘concern about hearts.’ (b) If she was worried about hearts, she shouldn’t have said anything, because then her systemic implication was invalid and her partner’s statement, while not systemically accurate, was the best description of her hand. (c) If she was worried about both suits (the actual case) she shouldn’t have said anything, for the same reason as in (b). If that made her feel guilty, she should have tried (a). But she should never have said what she did.

“The Committee was naive to claim that North was a solid citizen for doing what she did. Her actual statements had the effect of depriving East of any systemic inferences, since what she said was contradictory. Why was East supposed to infer that a diamond was best when he had been told that a heart might be best? The Committee’s statement that ‘North could hardly have done any more than she did to make all of the relevant information available to E/W’ was preposterous. On the contrary, North could hardly have done any more than she did to confuse E/W. Telling East only the systemic inference, or, better yet, saying nothing, would have been much more ‘relevant’ to him.

“I am upset not only by the Committee’s praise for North here, but also by their continued rationalization of their decision for several days thereafter in the Daily Bulletins at the NABC. [The Committee engaged in no such ‘rationalization.’ The case write-up appeared the next day—as reported here. Any other published discussion of the case to which Bart may be referring was the sole product of the Daily Bulletin’s editors or other contributors. - R.C.] While North’s initial statement may not be technically justifiable, I see no reason to applaud such action. This is not the kind of behavior I would want to encourage.

“East may not have been blameless. His interrogation may have included a version of the ‘trick question,’ although the description here does not suggest so. His eventual choice of a heart lead was poor, though not hopeless (in my opinion). After North’s statements he had contradictory information on which to base his decision. The Committee suggests that he should have drawn the indirect system inference about diamond weakness while ignoring the direct inference about heart weakness from North’s own statement. If East could draw the ‘heart weakness’ inference only at his own risk, then presumably he could draw the ‘diamond weakness’ inference only at his own risk as well. Thus any lead he made was ‘at his own risk!’

“While North was technically justified in correcting her partner’s (accurate) description of her hand, she had an obligation to do so clearly and simply, thus providing East the systemic inferences to which he was entitled. However, her gratuitous suggestion of her weakness constituted misinformation. Therefore, I would have let the Director’s ruling stand, minus 100 for N/S.”

And finally, we’ll leave this case on the positive note suggested by the overall sentiment of the panel’s comments.

Cohen: “An important and difficult case. Great documentation and a good Committee job. Well done.”

CASE TWENTY-TWO

Subject: Ehh?—Speak Up!

Event: Flight A Swiss, 07 Aug 96, Second Session

Board: 18 Jakob Kristinsson

Dealer: East

Vul: N/S Immaterial

Jurek Czyzowicz

Ewa Harasimowicz

♠ J9

Immaterial

Gary Oleson

♠ K8

The Facts: Four spades by North made four, plus 620 for N/S. Towards the end of play the trump position in the South (dummy) and West hands was as shown above. North led a heart to be ruffed in dummy and said, “Trump.” West, believing that North had said “King,” detached the ♠7 from his hand and was about to play it when he saw dummy play the ♠8. As West attempted to withdraw his card declarer said, “Spade king.” In the ensuing squabble the Director was called, who was unable to get an agreement about where the ♠7 was held or which, if any, players had seen it. Since West had detached a card he did not want to play which, in the Director’s opinion, created the problem, the ♠7 was ruled a played card—even though West could have overruffed.

The Appeal: E/W appealed the Director’s ruling. They did not think that the ♠7 should have been considered a played card.

The Committee Decision: The Committee found themselves dealing with a difficult situation, and with players who were decidedly agitated. Since the players themselves were unable to agree on the facts, the Committee concentrated on determining equity. They believed that West had probably played too quickly, but that North had also tried to take advantage of the situation by calling for the ♠K before the ♠7 was part of a quitted trick. The Committee therefore assigned a split score of plus 620 for N/S and plus 100 for E/W. The Committee was concerned that, by awarding extra imps (converted to Victory Points) on the board, they might have affected the ultimate results of the event. However, this was believed necessary due to the unusual circumstances surrounding the incident.

Chairperson: Bill Passell

Committee Members: Eric Kokish, Bruce Reeve

Directors’ Ruling: 76.7 **Committee’s Decision:** 56.7

This case ultimately boiled down to a determination of fact: who did what, and to whom? By all accounts West’s ♠7 was likely held in such a position that it could have been seen by East, and was therefore (technically) a played card. However, given the abbreviated state of the hand diagram, and the fact that whatever other cards may have been present

were apparently considered immaterial, it seems reasonable to assume that the diagramed situation occurred very late in the play (perhaps at trick ten or so), and that even had East seen the ♠7 it could probably not have affected the subsequent play. It is also likely that West had not been paying adequate attention to what was happening at the table.

And then we have the declarer (North), who by all accounts seems to have tried to entrap West into playing the ♠7 (once he saw it dangling above the table) by calling a card (the ♠K) to the next trick before the current trick had been quitted (perhaps even before West’s card had technically been played, thereby contributing to West’s confusion and helping to further induce the card being played). North knew that West’s card had been pulled inadvertently, and Law 81C8 allows the Director to waive a penalty “for cause, at his discretion, upon the request of the non-offending side,” an act which North (under the circumstances) should have been only too happy to permit.

Since both sides seem to have been (at least partially) at fault here, it seems particularly inappropriate for the Committee to have awarded them both the disputed trick. At the very best, neither side seems to have deserved better than average on the board (whatever that is, at imps, in relation to the result at the other table), and the most appropriate decision would probably have been to give both sides the worst of things by denying everyone the disputed trick. The two resulting scores would then have been impeded against each respective team’s result at the other table, and the two imp scores averaged and assigned to both sides.

The panel seems to be somewhat divided over this adjudication, but no one (except Allison) supported the Committee’s decision to give both sides the best of it.

Allison: “No matter how the Director ruled, this agitated group was sure to come to Committee. I believe the Committee handled a difficult situation as well as was possible.”

Martel: “Did the Committee really give both sides the best of it when each side did something questionable? That should only happen when there is an outside error (by a Director or a bystander). This is hard to believe. If the situation was really unclear, each side might be given average, but not this. Also, it would have been nice to have seen more of the card position at the table.”

Rigal: “A plague on both their houses. The Committee abrogated responsibility on a rather confusing set of facts for fear of offending anyone. If they cannot work out what to do at first hand, I certainly cannot work out what to do from here. I personally find playing the role of God (that is to say, making a Solomonic decision about the facts as opposed to ruling on the facts) rather awkward, and here is a perfect case where I can refuse to do so with a clear conscience. Average (not Average Plus) to both sides, as a sort of penalty to both camps for generating the previous bad will at the table that made this all happen. Let’s also note the players names in the Recorder files.”

Weinstein: “Excuse me while I search for a Compazine (or whatever they use). The Committee concentrated on determining equity, and this was the result? I must have plus/minus dyslexia. Equity is probably plus 100 for E/W and minus 100 for N/S. If the Committee didn’t feel comfortable, they could have split the scores, given both pairs

average, or decided that the Directors' ruling should automatically stand. But to take a situation where the players were agitated and unable to arrive at a sportsmanship-like resolution, and end up giving everybody everything, is beyond comprehension. My feelings about giving more than a 100% outcome when the table has not been influenced by matters out of their control is not suitable for this publication. Sorry, Eric, at the risk of exposing myself to ridicule on thirty-two other cases, I've always considered this sort of decision up there with telephone solicitations."

That's okay, Howard, I'll protect you (if you deserve it). - [R.C.]

Wolff: "We must start out with the assumption that it is illegal (in the absence of someone else's error) to award more than a match's worth of Victory Points. PTF! Why should possible offenders get more than average?"

Bramley: "There's not enough information here. Based on what there is, this looks like a cheap shot by North to gain a trick by forcing West to make an irrational play. Also, might not there have been language difficulties between North and West? I wouldn't have been so generous to North."

Gerard: "The worst hand diagram I have ever seen. If the Committee felt that North had done something wrong by changing his play, it should have considered a disciplinary or procedural penalty. As a matter of law, the $\bar{E}7$ was a played card. There was no equity in the Committee's decision, as was the basis improper (see CASE TWENTY-FIVE)."

LeBendig: "I certainly understand the lack of agreement as to the facts in this case. However, I don't feel that the Committee in any way achieved equity. Equity would have been simply to award West a trick. It could only be right to award both sides a trick in a case of Directorial error, which certainly wasn't the case here. It is the Director's job (and subsequently the Committee's job) to determine the facts and then rule based on those facts. The Director made such a determination of fact. The Committee failed to do so. The only clear 'evidence' that I see here is the fact that West was about to play a card (apparently the $\bar{E}7$) when he looked up and noticed that dummy had detached the $\bar{A}8$. That would tend to be enough to lead me to the conclusion that West misheard the call and made no effort to wait and see what card was played from dummy. I believe that I would have felt that this disputed trick should go to N/S."

Passell: "I don't fully understand what happened, but it seems to me like North tried to pull the old 'Alcatraz Coup'."

Rosenberg: "It seems to me as if down one was equitable, but I have little respect for the rules in this type of situation."

"He's a rebel and he never, never does what he should . . ."

Treadwell: "An awkward situation. In general, I dislike handing out split scores which, in this case, give both sides the best of all worlds. It would have been better, in my opinion, to have decided, for better or worse, whether the $\bar{E}7$ actually was a played card, but perhaps the Committee decided this was impossible to do."

But the best advice comes from our Man of the Law . . .

Cohen: "This is disgusting. First of all, the write-up is confusing—I'm still not sure what happened, but I don't really care. The gist of this is that the people at the table acted like animals, not bridge players. Grow up. If the declarer said whatever he said, then let him play the card he wants and let West play whatever he wants. Who wants to win so badly that this kind of childishness takes place? A big waste of a Director's time, a Committee's time, and paper."

Save a tree. Amen.

CASE TWENTY-THREE

Subject: A Grand Education
 Event: Unit 128 Bracketed KO Teams, 08 Aug 96, First Session

Board: 25 | AK10
 Dealer: North | KQJ93
 Vul: E/W | 3
 | J432

 | 976532
 | 8754
 | 104
 | 9

 | Q
 | A10
 | AK9875
 | A765

 | J84
 | 62
 | QJ62
 | KQ108

WEST	NORTH	EAST	SOUTH
	1	2NT	DBL
3	Pass	3	Pass
4	Pass	5	DBL
All Pass			

The Facts: 5| doubled went down four, plus 1100 for N/S. West interpreted South's double of 2NT as a negative double. The Director was called and ruled that the table result would stand.

The Appeal: E/W appealed. They believed that the double of 2NT should have been explained as penalty-oriented.

The Committee Decision: E/W were relatively inexperienced players with three years experience and about 500 masterpoints each. The Committee explained to West that she was entitled to ask about her opponents' partnership understandings, and that this double was usually treated as penalty. The result at the table was allowed to stand. Because of their lack of experience, E/W were not assigned a procedural penalty for bringing an appeal without merit.

Chairperson: Peggy Sutherlin
 Committee Members: Dave Treadwell, Bill Passell

Directors' Ruling: 97.0 **Committee's Decision:** 95.7

This case generated a virtual firestorm of disinterest. The few panelists who did comment on it were squarely behind the Committee, with several questioning the wisdom of this case even making it as far as the hearing room.

Cohen: "Why did this go to Committee? I know E/W were inexperienced, so couldn't the Director or a screener have explained to them that this was not an appropriate appeal

case?"

Weinstein: "Is this an infomercial for eliminating Committees in non-nationally rated (all?) events? Was screening done? Even though a penalty for an appeal lacking merit was almost certainly irrelevant to E/W here, not doing it because they had only 500 masterpoints each seems sort of like not toilet training kids until they're teens."

Like Ron, Howard's just got to learn to come out of his shell a bit more.

Passell: "An educational problem which should have been handled in screening, or by a floor Director. Why waste a Committee's time?"

Rigal: "Not a ruling problem at all; but I do not know why, on the facts presented, anyone let this get through screening."

Is that okay with you, Bart?

Bramley: "Okay."

Michael?

Rosenberg: "Okay."

Sage?

Wolff: "Right on."

Say goodnight, Gracie.

CASE TWENTY-FOUR

Subject: The Dog Ate The System Notes
 Event: Junior Team Trials, 08 Aug 96

Board: 21 Barry Piafsky
 Dealer: North ♠ 1085
 Vul: N/S ♠ A102
 ♣ Q1062
 ♣ AJ8

Darren Wolpert
 ♠ AQJ43
 ♠ 8
 ♣ A85
 ♣ 9753

Frederic Pollack
 ♠ 976
 ♠ J3
 ♣ KJ9743
 ♣ Q4

Colin Lee
 ♠ K2
 ♠ KQ97654
 ♣ ---
 ♣ K1062

WEST	NORTH	EAST	SOUTH
	Pass	Pass	1♠
1♠	2♣ (1)	2♠	3♠
Pass	4♠	All Pass	

(1) Not Alerted

The Facts: 4♠ made five, plus 650 for N/S. 2♣ had been intended as Drury by North, but was interpreted as natural (and therefore not Alerted) by South. The Director was called, and ruled that unauthorized information had been received by North due to South's failure to Alert. The contract was changed to 3♠ made five, plus 200 for N/S.

The Appeal: N/S appealed, stating that they played the 3♠ bid as forward-going and that, according to their agreements, the Drury 2♣ bid could have been made with as few as 8 HCP. For this reason they believed that 4♠ was a logical action by North (although he held only three trumps), based on the extra heart length shown by South. North had a maximum in HCP, no wastage in spades, and values which included two aces. E/W observed that North had received unauthorized information by South's failure to Alert, and noted that South's 3♠ bid could have been construed as merely competitive had South Alerted 2♣ as Drury. The Committee inquired about N/S's agreements regarding the meanings of various possible actions that South could have taken over 2♠, including Pass, 3♣, 3♣, and 2NT. N/S were unable to produce their system notes, which they said they had not brought to the tournament. South stated that 3♠ showed values in their Drury system, 3♣ and 3♣ would have been game tries, 2NT was not used as good/bad, and double was penalty. North would have been allowed to pass 2♠ had South passed. South stated that he would have jumped to 4♠ had he remembered that 2♣ was Drury.

The Committee Decision: The Committee noted that N/S had not indicated a way in

their system for South to show a hand willing to compete to 3♠. For this reason they were not convinced that 3♠ would normally have been interpreted as a game try. They then focused on the North hand, and based on the assumption that the system information was correct (i.e., that 3♠ was not "drop dead") considered North's possible actions. The Committee believed that, although North held 11 HCP that included two aces, he could logically have chosen to pass 3♠ due to his sterile shape and three-card trump support. The Committee determined that unauthorized information based on South's failure to Alert may have influenced North's decision to bid 4♠, and that system alone did not make the bid automatic. The contract was changed to 3♠ made five, plus 200 for N/S.

Chairperson: Bill Passell
 Committee Members: Mike Huston, Barry Rigal, (scribe: Karen Lawrence)

Directors' Ruling: 89.7 **Committee's Decision:** 81.1

Was 3♠ explained at the table as "forward-going"? From their answers to the Committee's questions it sounds as if they were trying to convey the idea that, while 3♠ was not really game-invitational after North's Drury bid, neither did it suggest minimum values. While North might well have gone on to game in this scenario (we could make the case that this is the less complicated action at imps), he might also have passed (we're dealing with imps philosophy, hand evaluation, intangibles here). When South failed to Alert 2♣, however, North had the information that the 3♠ bid promised extra length in hearts and extra playing strength, perhaps extra high-card values as well. 4♠ was a straightforward action with the unauthorized information he had available to him. North was obligated to bid on the assumption that South knew that 2♣ was Drury, and in that scenario, 3♠ required considerably less. Since pass was certainly a logical alternative for North in the Drury situation (the feelings of some of our panelists notwithstanding), it was not permissible for North to select from the two logical alternatives the one suggested by the infraction.

Agreeing with us are . . . well, most of the panelists.

Bramley: "A nearly frivolous appeal. N/S's contentions (that 3♠ was constructive, and that North had his game bid) were exotic. Ah, but they do appeal like their elders."

Weinstein: "I don't believe N/S's contention about 3♠ for a second. The decision seems completely straightforward, and verges on being an appeal without merit."

Cohen: "A good decision. The usual B.S. explanation by N/S—a waste of time. Why didn't South raise to 3♣ (over 2♠) instead of bidding hearts?"

Because, dear Larry, seven-card suits don't grow on trees. And the club "fit" makes the hand even better for play in hearts. And, just to raise a thorny issue, do you believe that most partnerships have discussed whether 3♣ would be forcing facing a passed hand?

Goldman: "I agree with the Committee, but I would have given far less credence to the self-serving statements of N/S."

Martel: "It's good that the Committee didn't believe that 3♠ was a game try. However,

why did they then go on to say ‘They then focused on the North hand, and based on the assumption . . . (that 3♠ was not ‘drop dead’) . . .’ Why waste time on this?”

Rigal: “I think that the decision here was sound, since the Committee was unconvinced of any really constructive element in the 3♠ bid. The Committee did not believe the appellants’ arguments that 3♠ here was constructive, and that they had no ways of dealing with purely competitive hands. (No 2NT Lebensohl.) Since North had nothing to spare over the typical Drury bid, given the likelihood of poorly placed spade cards, he would have to pass. It was possible that the pair in question simply had a non-coherent system, but it was decided that doubt had to go to the non-offenders. A reasonable view.”

Give the kid a break, Barry. N/S testified that their Drury started at around eight points. North had something in reserve and had no wastage in spades. There is more than one way to look at that spade holding. And besides, when you’re young everything looks good.

Rosenberg: “South’s 3♠ bid was very weird—it looks as if he intended it as forcing, was walking the hand, or had no judgment. After that, plus the failure to Alert, North’s 4♠ bid could not be allowed. Once the Committee determined that 3♠ was not agreed as a game try and could have been merely competitive, it was not relevant to focus on North’s action ‘based on the assumption that the system information was correct’.”

Sutherland: “A good example of how Directors and Committees can and should rule when players may have improperly benefited from the Alert system. In the interest of fairness those players must be expected to get the worst of it.”

The following panelists have a very different view of the North cards. We’ll start with our “shrinking violet” from Westchester.

Gerard: “This cannot be. South showed willingness to play in 3♠ opposite a minimum Drury hand. Which of the Committee members, competing for a spot on the non-Junior Team, would pass 3♠ under the circumstances? North has an acceptance even without the sacred fourth trump. The Committee committed a Total Tricks analysis, claiming that South’s bid could relate not to his hand but only to his trumps, and that most N/S’s would see it that way. Some people actually play that if you don’t have any reason to bid you don’t bid. Whatever South’s reason, could you imagine the Junior coaches suggesting that North pass 3♠ and reel in all of 6 imps across the field? Where do you want to be opposite ♠xx ♠KQxxxx ♠Kxx ♠Kx? I know I’m not unbiased here, but I’ve argued for some time against Total Tricks justification of seemingly indefensible actions. That it was imposed by a Committee to prohibit clear-cut bridge action is no better in my view.”

LeBendig: “I disagree. A 3♠ bid at unfavorable vulnerability can logically be interpreted as extras by a rational person. I would have allowed the continuation, and spanked the dog.”

Passell: “I can’t possibly agree with this decision. How could anyone with the North hand possibly not bid game holding three spades and a maximum in high cards and controls—whatever 3♠ meant? Raising seems clear to me. If East had said that he wouldn’t have bid 2♠ if he had known that 2♠ was Drury, the problem would have been

much tougher.”

Also opposing the Committee, but with a slightly different take on the outcome, was . . .

Wolff: “Very harsh, since (in my opinion) 100 out of 100 pairs would get to 4♠ one way or another. However, the CD might have kept E/W from saving at 4♠, so I would have adjusted the result to 4♠ doubled down two, minus 300 for E/W. Perhaps an additional 1 VP penalty against N/S for CD.”

CASE TWENTY-FIVE

Subject: The Answer, My Friends, Lies Blowin' In The Wind
 Event: Junior Team Trials, 08 Aug 96, Second Session

Board: 26 Shannon Lipscomb
 Dealer: East ♠ 104
 Vul: Both ♠ J85
 ♠ AJ8643
 ♠ 94

Craig Ganzer Shawn Samuel
 ♠ KJ97 ♠ 83
 ♠ AQ74 ♠ K62
 ♠ K7 ♠ 1052
 ♠ A83 ♠ QJ652

Scott Lewis
 ♠ AQ652
 ♠ 1093
 ♠ Q9
 ♠ K107

WEST	NORTH	EAST	SOUTH
		Pass	Pass
1♠	2♠	2NT (1)	Pass
3NT	All Pass		

(1) Not Alerted

The Facts: 3NT made four, plus 630 for E/W. Opening lead: ♠Q. At trick one North asked several questions about the meaning of 2NT, receiving no clear answers except that West believed 2NT to be natural. North then won the ♠A, at which point the contract could no longer be beaten. The Director determined that East had intended 2NT to be a weak raise to 3♠, while West thought that the partnership agreement was that it was natural. ACBL Regulations require that, in the absence of clear evidence to the contrary, a mistaken explanation be assumed (i.e., that West had failed to properly Alert 2NT) rather than a misbid (that East had forgotten his methods). The Director therefore ruled that East's failure at the end of the auction to correct West's explanation of the 2NT bid constituted misinformation, and adjusted the score to 3NT down two, plus 200 for N/S.

The Appeal: E/W appealed the Director's ruling. East testified that he had intended 2NT as a weak raise to 3♠, based on the fact that E/W played "good-bad 2NT" in some other auctions (although the present situation was undiscussed). East assumed, when West failed to Alert 2NT, that he (East) had misbid, and so did not attempt to correct West's (accurate) explanation of 2NT as natural. North testified that she won the ♠A at trick one because she decided that the only way to beat the hand was to play South for an original holding of queen-third of diamonds. The Committee determined that an original opening 1NT bid by East would have shown a balanced 10-12 HCP, and that, West's explanation notwithstanding, East's passed-hand 2NT bid could thus not have shown that hand type.

The Committee Decision: The Committee found no evidence of a misbid by East, and determined that his failure to correct West's misexplanation of 2NT constituted an infraction. Once West had misdescribed the 2NT bid, East was obligated to inform N/S either that the bid had been intended as a weak club raise (if he believed that to be the actual partnership agreement) or that E/W had no agreement about the bid's meaning. A 3-imp procedural penalty was thus assessed against E/W for this infraction. Next, the Committee members debated the appropriate adjudication of the bridge result. In their opinion the misexplanation of 2NT had clearly affected North's thinking about the defense. Still, North's explanation of why she had won the ♠A at trick one was found to be deficient—for her level of play. While it was believed that North would have always beaten the hand had she been given accurate information about the 2NT bid, it was also the strong opinion of the Committee members that the hand should have been beaten anyway, given the actual events at the table. It was finally decided to attempt to restore equity to both sides. Since it was estimated that about 80-90 percent of North's peers would have beaten the hand under the actual circumstances, N/S were given the benefit of the doubt and protected to the extent of being allowed to beat the hand 20 percent of the time. Both pairs were assigned an adjusted score equal to 80 percent of 3NT making four (plus 630 for E/W) and 20 percent of 3NT down two (minus 200 for E/W).

Chairperson: Karen Allison

Committee Members: Bobby Goldman, Mike Lawrence, Jo Morse, Rebecca Rogers

Directors' Ruling: 88.1 **Committee's Decision:** 64.2

We were about to prepare our opening statement when we just happened to glance down at Gerard's comment. It's good that we did. It saved us a good deal of duplicated effort.

Gerard: "J'accuse. Blatant disregard of the Laws. The renowned Goldman view that the purpose of appeals is to restore equity (see also CASE SIXTEEN). People who deliberately avoid applying the Laws should not serve on Committees. Either the infraction resulted in damage, in which case the result should have been down two, or it didn't, in which case there should have been no adjustment. Either way, the Committee's decision was impermissible. The Director should have advised the Committee of that as a matter of law. Personally, I think it was clear that the infraction resulted in damage. North was placed in the position of trying to figure out which miracle to play for. Even a 20% line of defense (too low, in my opinion) isn't unreasonable by a non-offending side, since the 'at all probable' standard of Law 12C2 applies to determine whether the non-offenders committed an egregious error.

"One of the purposes of these writeups and comments is to serve as a training tool for actual and potential Committee members. It would send completely the wrong message if the Committee's approach were not disavowed by the Panel and the Moderators. We would be saying 'We know we have laws, but we'll do what we feel like when we don't agree with them'."

Good evening, Mr. Goldman. Your job, should you chose to accept it, is to assemble your IM force and proceed to the hearing room, where you will adjudicate appeal CASE TWENTY-FIVE. As usual, should you or any member of your team be caught blatantly attempting to enforce your own notion of "restoring equity" in flagrant disregard of the

Laws, the Moderators will disavow your decision. That decision will self-destruct in five seconds.

Ron's assertion that "... it was clear that the infraction resulted in damage" is a bit more questionable, so let's analyze the hand further. At trick one North knew that East did not have a full diamond stopper. If East held $\bar{E}109xx$, then ducking the $\bar{E}K$ could not beat the contract. In fact, if East held $\bar{A}xxx \bar{K}x \bar{E}109xx \bar{E}Qxx$, ducking the first trick would give declarer his ninth (game-going) trick. Of course, with that holding even if North won the first diamond East could still make his contract after a club shift (best) by ducking one (or two) round(s) of clubs and then playing a second diamond. But in that case North may hold in an extra overtrick or two by avoiding a later endplay on South.

An alternative play is ducking the diamond, playing East for a non-diamond stopper such as $\bar{E}10xx$ and hoping that partner could get in before declarer can come to nine tricks. But if that's the case, then East would likely have extras in the way of high cards to have bid 2NT without a stopper (so he must also be off-shape, since he didn't open 1NT originally). He might hold something like, $\bar{A}Qx \bar{K} \bar{E}10xx \bar{E}Qxxxxx$, or $\bar{A} \bar{K}xx \bar{E}10xx \bar{E}Qxxxxx$. In the first case nothing works, while in the latter case ducking the diamond would be the winning play, since declarer can only come to eight tricks.

North testified that she played South to have started with $\bar{E}Qxx$, which would give East something like, $\bar{A}xx \bar{K}xx \bar{E}10x \bar{E}Qxxxx$ (a very strange 2NT bid). Now declarer has nine tricks unless North wins the $\bar{E}A$, cashes the $\bar{E}J$ (South unblocking the nine), and runs the diamonds. But is East's 2NT bid unlikely enough with this holding to consider this plan irrational?

All-in-all, this analysis suggests that the defensive situation is complex, and that the arguments for winning the $\bar{E}A$ are sufficiently in keeping with normal bridge thinking (which would include inferior or careless, but not irrational, analysis and defense) to suggest that the Committee award N/S redress. But it's close. Good job, Ronnie!

We've gone to great lengths to deal with the bridge aspects of North's play, based on the assumption that declarer held a natural, if atypical, 2NT bid. But another aspect of the case is whether North had an obligation to protect herself when she had reason to believe that East might not have the natural 2NT bid that West had advertised. The report makes it clear that North did that at trick one. When she had satisfied herself about the meaning of the 2NT bid, she proceeded to defend on the basis that East held only two diamonds, and it is here that it would be easy for skeptics to believe that she "must have known" that East did not intend his bid as natural, and therefore no longer required protection. Being somewhat skeptical ourselves, we entertained that thought and held it for some length of time. Then we tried to see the other side of the case. Could East have tried a natural 2NT bid based on a club fit and the hope that West would supply a secure diamond stopper or that nine tricks could be run after a misdefense? A tactical, rather than a pure 2NT? Well, maybe. And if that maybe gets us into the 20+% range that Gerard speaks of, then North is entitled to the full protection of 12C2. And since the Committee did afford her 20% protection, albeit grudgingly, we can begin to see how it might be right to go all the way without unreasonably stretching our imagination.

Rosenberg: "The Director might have ruled down three—for example, East might have

tried to sneak through the $\bar{E}J$, and then play South for $\bar{E}Kx$. As for the Committee, aarghh! They guaranteed a ruling that no other Committee would give. North is allowed to try to prevent overtricks, even at imps. Why could East not have held, $\bar{A}Qxx \bar{K} \bar{E}T9xx \bar{E}KQJTx$, or, $\bar{A}xx \bar{K}x \bar{E}T9xx \bar{E}KQJTx$? It should be explained to East that it is very rarely right to stay silent when partner is misdescribing your hand. This is correct only when your agreement is 105% clear, and you surprisingly forgot."

Wolff: "A great deal of thinking went into this decision by the Committee. To me it is simple: East must speak up and say that he meant his bid as a weak club raise (after seeing the dummy and realizing that his partner did not Alert 2NT). When he doesn't he must be ruled against, so minus 200 for E/W. Why should the opponents have to go through such reasoning (10-12 NT, etc.), and then plan a case for the Committee? CD is taking over. Practically, it cannot be handled. It must be penalized out of existence, beginning at the highest level."

Bramley: "I disagree. First, I would not have given procedural penalty 'candy' for less than blatant abuse, and this does not qualify. Second, if the Committee decided that North should have beaten the hand anyway, then the connection between the infraction and the result was severed and no adjustment should have been made to the table result. North's statement about playing partner for three diamonds meant that she was already assuming that East had no semblance of a diamond stopper. I would have considered an adjustment if North had argued that she was playing East for 109xx of diamonds."

Martel: "It's wrong to say that 2NT could not have been natural. It could have been bid with 9 HCP—particularly if it was limited to 9. 'The Committee found no evidence of a misbid by East.' There is bridge logic where 2NT is rarely played this way even by good/bad 2NT players. Even when there is no direct evidence, players need not be presumed to be playing unlikely conventions. At best it is likely that E/W never explicitly discussed this auction. Thus, there was no agreement for them to disclose."

Chip makes a good point about whether East's call even required an Alert in the first place. It's one which we considered and rejected, but only by a narrow margin. The deciding factor for us was that the partnership did play "good-bad" 2NT in some other auctions. Therefore, if East had reason to believe that West should have worked this out, then West had reason to have Alerted the "possibility" that this could have been intended as "good-bad," or East at least owed N/S a voluntary statement before the opening lead to the effect that "2NT was intended as a weak raise to 3 \bar{E} ."

On this basis we similarly disagree with . . .

Rigal: "I think the Director did the right initial thing on a hand where there was clearly going to be an appeal. Although a fractional ruling was conceivable, this was more efficient.

"The Committee, correctly in my opinion, decided that East had misbid. I am not so sure that East was obliged to do any correcting here (see Philadelphia Case Twenty-Nine). In that case, as this one, a player invented an agreement and came to the conclusion that they had gotten it wrong when they became declarer, and partner did not Alert. They said nothing then, and when there was misdefense after that point there was a feeling that no

action was necessary. So I do not agree with the decision to adjust from minus 200 to the fraction. I think plus 630 is reasonable. (Having said all that, the sequence in Philadelphia was a lot more obscure than this one; where a partnership could be expected to know what bids mean. If the distinction is drawn between the two cases on that ground, I can live with it.)”

The Committee decided that East had not misbid, but Barry is right in theory. West’s explanation was correct (no misexplanation) and East had applied a convention (Good/Bad 2NT) in a situation that had not been discussed (hence its characterization as a mistaken bid). There are similarities between this case and Philadelphia Case Thirty-Nine, in which someone used a conventional 2NT (artificial weak club raise) after an overcall when the treatment applied only after an opponent’s takeout double. Perhaps we need to add a section in the Laws to cover “phantom” conventions.

Weinstein: “My biggest question is whether a subject title that refers to a song from before the Committee participants were born is appropriate? Would the Committee have assigned different percentages had North made the statement that she assumed that East had $\dot{E}10xxx$ for the 2NT call, and that she’d be blowing a trick by ducking? North’s judgment clearly was poor, since South would presumably have led small from Qxx, yet had North made the above statement I believe the Committee’s ‘contributory negligence’ decision would have been erroneous.”

We think that Howard is being paid by the members of this Committee to characterize their ages in this manner. If we’re old enough, they all certainly are.

With regard to his point about North’s poor judgment, we disagree that South’s would have automatically led low from $\dot{E}Qxx$. In this auction the lead of the $\dot{E}Q$ is a far-sighted discovery play (for North) by South. If North holds a hand including $\dot{E}AJ10xxx$ and out, the $\dot{E}Q$ tells North to duck at trick one rather than winning the ace and switching to some other suit in order to try to set up tricks for South. It takes away any guess as to whether South led the small diamond from $\dot{E}Qxx$, $\dot{E}xxx$, or $\dot{E}x$.

Cohen: “It’s tempting to give E/W minus 200 and N/S minus 600—but how do you do this in a team game? More decisions like that would make people think twice about appealing.”

LeBendig: “I’m not sure I like the weighted adjustment, but I am in total agreement as to the infraction.”

We’re not sure exactly what it is that Alan is saying. We know that he thinks that E/W committed an infraction, but should N/S therefore have received full redress (100% of plus 200), or should they have beaten the contract anyway and therefore have received no redress (100% of minus 630, which was the “general tenor” of the Committee’s decision)? Alan?

Treadwell: “Once the Committee decided that N/S should have beaten the contract despite the infraction by E/W, and I wholeheartedly agree with this conclusion, the E/W score of plus 630 should have been allowed to stand. An imp procedural penalty against E/W, and accruing to N/S since it was a team match, would have been a better way to

have resolved the problem, while still accomplishing the Committee’s objective of restoring equity.”

Krnjevic has a different suggestion for dealing with the problems created by Committee’s wanting to assign split scores. Are you listening, Edgar?

Krnjevic: “This case raises an issue that, coincidentally, was raised by Edgar Kaplan in Case Twenty-Five of the Philadelphia appeals casebook, namely, when, if ever, can a percentage award be given. While I have sympathy for the adoption of this method, since it is often the only means by which the Committee can arrive at a fair result, it would be useful if the current impasse could be resolved by petitioning the appropriate body for a modification of the Laws.”

Passell: “A terrific job on a tough call.”

It was a tough call, but weighting the two scores was not an acceptable part of this decision.

CASE TWENTY-SIX

Subject: But, He Wrote The Book
 Event: NABC IMP Pairs, 08 Aug 96, Second Session

Board: 28 Carole Weinstein Gorsej
 Dealer: West | Q
 Vul: N/S | AKQ963
 | 10853
 | K2

George Rosenkranz Edith Rosenkranz
 | KJ54 | 10732
 | 85 | J
 | --- | Q9642
 | QJ108654 | A73

Margie Sullivan
 | A986
 | 10742
 | AKJ7
 | 9

WEST	NORTH	EAST	SOUTH
Pass	1	Pass	4 (1)
DBL	4NT	Pass	5
Pass	6	All Pass	

(1) Alerted; splinter

The Facts: 6| went down two, plus 200 for E/W. East led a diamond which West ruffed. West then returned a club and got a second diamond ruff. N/S called the Director because they thought that the diamond lead was unusual given that West had not opened 3|, had doubled 4| without the | A or | K, and did not double the final contract for an unusual lead. In addition, South had recently read a book written by West that discussed doubling splinter bids to suggest the lead of the lower unbid suit. N/S thought that there had been a failure to Alert the double of 4|. The Director ruled that the table result of 6| by North down two, plus 200 for E/W, would stand.

The Appeal: N/S appealed the Director's ruling. The Committee determined that South was not at the table when the play on the board was completed, and did not find out the result on the board until N/S had a break a few deals later. When South realized that West had authored the book that discussed the conventional doubles of splinters, she called the Director, who then called E/W back to N/S's table whereupon N/S reiterated the facts they had stated to the Director. They added that they believed that the double did not promise so many clubs, and that when partner doubled for the lead of a suit, that suit would normally be led. They stated that they would not have had any concerns had East led the | A and then shifted to a diamond. In response to the Committee's questions West stated that this partnership did not have a "splinter double" agreement, that he had not opened 3| because of the quality of his spade suit, and that he did not double the final contract because he could not double if N/S chose to bid 6NT. When East was asked why

she did not lead the | A to have a look at dummy she replied that she considered it, but decided to lead her best suit. The Committee examined the E/W convention card and found that a conventional double of splinter bids was not listed.

The Committee Decision: The Committee decided that there was no indication that E/W had a concealed partnership understanding, and allowed the table result of 6| down two, plus 200 for E/W, to stand. The Committee then had to determine the disposition of the deposit. The screening Director was questioned and told the Committee that appellants are not explicitly advised that their appeal may not have merit, nor do they recommend the Recorder System to appellants when that approach is considered more appropriate. [The latter statement was disputed by the screening Directors - Eds]. The Committee, in what they considered to be a very close decision, returned the deposit.

Chairperson: Ralph Cohen
 Committee Members: Martin Caley, Nancy Sachs, (scribe: Linda Weinstein)

Directors' Ruling: 90.9 **Committee's Decision:** 88.8

A lot of coincidences happened here: West wrote the book advocating "splinter doubles" to call for the lead of the lowest outside suit; East's hand is quite suitable for a save (if West's double suggests one, which it appears to do if it's not a "splinter double"), but East doesn't comply by saving (or even suggesting one by bidding 5|); East has a "normal" club lead, but doesn't lead it; when N/S get to 6| West knows that he wants the lead of a suit other than clubs but he doesn't double 6| (Lightner?) to try to attract a diamond lead; but East leads a diamond anyhow. Wow!

Wolff: "The Director and Committee bought the Brooklyn Bridge. I realize that we are dealing with honest people, but the coincidence of the facts (if they are true) is too much to ignore. We shouldn't serve on Committees if we feel too much pressure."

Bramley: "This appeal certainly had merit, if only to assure that the hand would see the light of day. While there is no proof of an infraction from the evidence here, I find N/S's argument provocative and E/W's defense of their actions unconvincing. I think that most players would double 6| with the diamond void, since a successful run out to 6NT looks very unlikely, and partner will probably lead a club otherwise. East's argument about strong diamonds makes no sense at all. I think we would be hard pressed to find a player that would not lead the | A. Despite the absence of a basis for an adjustment, there is a powerful basis for this hand to be recorded. Apparently the screening Directors should get their story straight."

Goldman: "I believe that this appeal had a great deal of merit, and that if E/W had been of lesser stature a different decision might have occurred."

Do you really think that this Committee had "stars" in their eyes, Goldie?

Martel: "The Committee should have probed further as to what was going on, as the E/W actions appear unlikely unless the double of 4| suggested a save. (Then the double and lead make sense.) If the double asked for a club lead it makes no sense, nor does East's diamond lead. If the cards strongly suggest that a pair has an agreement, they should

normally be presumed to have it. To suggest that this was an appeal without merit was a joke. N/S were entitled to an explanation of E/W's apparently unusual actions."

Rosenberg: "The Director was correct to make N/S appeal, because there was no evidence of an infraction. The reason that West doubled 4 \heartsuit should have been documented."

Treadwell: "Another attempt to win in Committee what had been lost at the table. As the Committee report said, it was a close call as to whether the deposit should be returned."

Rigal: "An interesting position; it seems that the director was bang on, and that the Recorder system covered this position precisely. So, if N/S were not advised of their best course of action, the appeal deposit should be returned. If they were, it should be kept. We can't have such veiled accusations of unethical behavior taking place without the culprits knowing the jeopardy they potentially put themselves in."

Passell: "Insulting to E/W to have to go to Committee. The deposit can't possibly be returned in this type of case."

Weinstein: "Referring to the subject title, Mr. Bill's (Pollack) question was "but did she read it?" It's not clear to me whether N/S were aware of E/W's denial of the use of splinter doubles when the protest was made. Without that awareness the appeal had merit; with that awareness it lacked merit, and the proper N/S recourse (if they remained suspicious) was to have the hand recorded."

Did she, or didn't she? Maybe only her hairdresser knows for sure. But, whether East read West's book or not, there is no reason to impute a partnership agreement to her choice of bathroom literature. In part, that is why many of our panelists feel that there is no basis for adjustment.

Where Wolffie is prepared to go all the way and adjust the score (on the basis that the evidence is sufficient that E/W knew something that N/S did not, and that N/S might have stayed out of slam had North known that East would lead a diamond), others would have kept the deposit, tread(welling) much more cautiously. What's wrong with this picture?

Situations involving suspicions like this are always uncomfortable, but it's important that we do our best to allow human nature to have its forum. How can we deprive N/S of the opportunity to exorcise their demons about this case? By having the case aired, and by having the Committee find no basis for adjustment, N/S were able to deal with the remarkable coincidences they encountered and satisfy themselves (at least in theory) that justice was served. The appeal was certainly not one without merit, even though it might have ruffled some feathers. Perhaps such coincidences call for feather-ruffling. Just ask Wolffie, who is careful to state that he is dealing with honest people.

We're prepared to give E/W the benefit of the doubt, but would have the case recorded, if only to afford E/W the protection from innuendo that might ensue if the case were swept under the rug. Let's face it; the facts of the case must merit at least a raised eyebrow. It must be right to hear it. We feel that the merits issue was not as close as the Committee deemed it to be. Not close at all.

CASE TWENTY-SEVEN

Subject: Six Was Enough

Event: NABC IMP Pairs, 08 Aug 96, First Session

Board: 27

Dealer: South

Vul: None

Happoldt Neuffer

\heartsuit 1053

\spadesuit 854

\clubsuit AJ9

\diamonds AQJ5

Sheri Winestock

\heartsuit A9

\spadesuit 9

\clubsuit Q10875432

\diamonds 73

Martha Katz

\heartsuit J7642

\spadesuit K2

\clubsuit K6

\diamonds 10964

Bob McMahan

\heartsuit KQ8

\spadesuit AQJ10763

\clubsuit ---

\diamonds K82

WEST	NORTH	EAST	SOUTH
3 \heartsuit	4 \spadesuit	Pass	1 \heartsuit
Pass	5 \spadesuit (1)	Pass	5 \heartsuit
All Pass			6 \spadesuit

(1) Break in tempo

The Facts: 6 \spadesuit made six, plus 980 for N/S. Everyone agreed that there had been a break in tempo before the 5 \spadesuit bid. The Director ruled that there had been unauthorized information (Law 16A), and changed the contract to 5 \spadesuit made six, plus 480 for N/S.

The Appeal: N/S appealed, but North did not attend the hearing. All parties agreed that there had been a break in tempo of 5-8 seconds before North bid 5 \spadesuit . South maintained that 4 \spadesuit in this sequence showed 11+ to 13- HCP (4 \heartsuit would have shown 14+ HCP). South also said that North was attempting to even out the tempo in a competitive auction, as recommended by Chip Martel in an *ACBL Bulletin* article. South then challenged the Committee to construct a hand consistent with the jump to 4 \spadesuit which would not make 6 \spadesuit , and claimed that he did not bid 6 \spadesuit directly over 4 \spadesuit because he was investigating seven.

The Committee Decision: The Committee established that there had been unauthorized information from the hesitation, that the unauthorized information suggested that bidding over 5 \spadesuit was more likely to gain, and that pass was a logical alternative. The Committee changed the contract to 5 \spadesuit made six, plus 680 for N/S. The Committee further found the N/S appeal to be without substantial merit, and retained the deposit. They also questioned whether N/S's treatment of 4 \spadesuit in this sequence (specifically 11+ to 13- HCP) required an Alert. Finally, after giving serious consideration to an additional procedural penalty for flagrant use of unauthorized information, it was decided that N/S's forfeiture of deposit

was sufficient.

Chairperson: Jan Cohen

Committee Members: Abby Heitner, Marlene Passell

Directors' Ruling: 92.4 **Committee's Decision:** 79.4

South was out of line in challenging the Committee to find a “death” hand for North. Finding such a hand does not require great mental gymnastics (1 AJx | Kxxx ̂KJx ̂ xxx; or 1 J10xx | Kxxx ̂AKx ̂ Q10x), and the Committee members would surely have explored the possibilities in their deliberations, but South’s aggressive behavior got him off to a bad start with them. There were some other unfortunate factors in South’s approach that might have contributed to an overall negative assessment of his position, as well. There is nothing overt in the Committee report to suggest a predisposition to rule against these appellants, but if we read between the lines, we might find a great deal.

Our first reaction in seeing North’s tempo break characterized as 5-8 seconds was that North had been immaculate, neither too fast nor too slow. On that basis, we wonder how we can reach the point where the Committee saw fit to keep N/S’s deposit. At the very least, we would want to satisfy ourselves that those 5-8 seconds did not constitute the entire interval between West’s pass and North’s 5♣, but were above and beyond the player’s normal tempo to date, which had to be determined on the basis of just one bid. We wonder why North did not attend the hearing.

We also wonder what exactly South meant by his statement that North “was attempting to even out the tempo in a competitive auction”? Evening out the tempo (to us) means taking a bit of extra time to make “easy” bids appear deliberate and considered. While it is often impossible to make difficult bids in less time than it takes to work out the problem at hand, the ease of familiar or pre-planned bids can be hidden from partner by pausing longer than necessary and giving the appearance of considering the action about to be taken. The “evening out,” of course, applies only to the tempo of the player’s own bids, and not to those of his partner or the opponents. Here North had made only one previous bid in the auction (4♣). Was that bid made so slowly, and was 5♣ so obvious a call, that North had to “slow things down” at this point? While we might not have bid 4♣ (3NT, Negative Double, and even 4̂ are alternatives) with the North hand, we can’t be certain about North’s comfort level in choosing that call. Perhaps it was an easy, straightforward action for him.” But in order for any “evening out” to be necessary, we would have to believe that North thought that his 4♣ bid required more time than his cogitations before emerging with 5♣. There is no hint in the report that E/W considered it to have been out-of-tempo, or even “considered.” If they had, why would they question the tempo after 5♣? 5♣ would seem to require more than casual consideration. After all, there is no convenient cue-bid available below 5♣, and North has a hand with a potential source of side tricks (clubs), good controls, and solid values (little wastage) for his previous action. On the other hand, he has a weaker and shorter trump holding than he might have, and uninspiring distribution. All in all North has a lot to think about over 5̂, and the claim that he was only trying to “even out the tempo” sounds unconvincing to us.

But we weren’t at the hearing, of course, and neither were any of our panelists. Let’s see what they have to say.

Allison: “Too bad the Committee didn’t take North up on the challenge. They could, perhaps, have gotten another several \$50 contributions to charity from him.”

LeBendig: “If the Committee decided that there were two separate infractions (I agree), why did they not impose two separate penalties?”

Rigal: “I am surprised that a person in authority (as I believe South is) should have taken such an extraordinary series of actions as to appeal this and then to challenge the Committee in this way. If the facts are correct as stated, and I have no reason to believe them not to be, then stronger action of some sort might indeed be appropriate.”

Rosenberg: “In answer to South’s challenge I would have constructed, 1 J | Kxxx ̂Axx ̂ QJTxx. Unluckily, West led a stiff club, and 4♣ went down one. It is quite possible that this South genuinely believed that he had no problem. There should be no deposit (ever). If there was flagrant use of unauthorized information, then censure South.”

Wolff: “This case is not dissimilar to CASE TWENTY-SIX. I would also have assigned plus 480 to N/S by forcing South to lean over backwards because of HD. However, to suggest more than that is really too harsh (unless N/S acted badly in the hearing).”

Bad behavior in the hearing should not affect a decision on the merits of the appeal, plain and simple. A conduct hearing or some personal censure would have been appropriate.

Sutherland: “A blatant example of the use of unauthorized information by South; followed by the ‘intelligent’ decision to ‘challenge’ the Committee—let’s not leave out that comment about evening out the tempo in a competitive auction.”

N/S did garner support from several of the panelists.

Weinstein: “I would like to see Chip’s (Bobby Goldman’s) recommendations become the norm, but barring supporting evidence that this partnership consistently uses those recommendations I would treat their testimony as self-serving. Although I believe that five to eight seconds shouldn’t be considered a break in tempo in this unexpected auction, N/S agreed at the table that there was a break in tempo and then attempted to justify it later in a Committee based on Chip’s recommendations. If this pair consciously and conscientiously used these guidelines, then they should never have acceded to a break in tempo—only that the bid was made after a five to eight second pause. A five to eight second pause is not the same as a five to eight second break in tempo, and should be differentiated. I would have had no real problem in allowing the 6♣ call, since I believe the call to be pretty clear if the specific agreement that 4♣ showed 11-13 HCP is believed to have been discussed.”

Goldman: “I think that the Committee treated South rather shabbily. Did something occur in Committee other than bridge debate? I actually think it’s a close call whether to allow South to bid. Opposite the actual, fairly unsuitable, hand the slam is on a finesse.”

The fact that North didn’t really have his huddle isn’t relevant. It’s easy to construct hands where 6♣ has no play, and the huddle clearly suggested bidding on.

CASE TWENTY-EIGHT

Subject: You Can't Pull The Woolsey Over My Eyes
 Event: Spingold Knockout Teams, 09 Aug 96, Round of 8

Board: 12 Michael Rosenberg
 Dealer: West ♠ KQ96
 Vul: None ♠ Q94
 ♣ 6
 ♣ KQ754

Neil Silverman
 ♠ T53
 ♠ J852
 ♣ T52
 ♣ T93

Jeffrey Wolfson
 ♠ 872
 ♠ 63
 ♣ AKJ73
 ♣ J82

Seymour Deutsch
 ♠ AJ4
 ♠ AKT7
 ♣ Q984
 ♣ A6

WEST	NORTH	EAST	SOUTH
Pass	1♣	1♣	DBL
Pass	1♠	Pass	2♣ (1)
Pass	2♠	Pass	3♠
Pass	4♠	Pass	4NT (1)
Pass	5♣ (2)	Pass	5♠ (3)
Pass	6♠	All Pass	

- (1) Slow
- (2) Slow; regular Blackwood response (not Keycard)
- (3) Slower

The Facts: 6♠ made six, plus 980 for N/S. South's negative double and 3♠ bid were in tempo; all other bids were slow. The 5♠ bid was very slow. There was no disagreement about the source of the hesitations even with the use of screens. The Director changed the contract to 5♠ made five, plus 650 for N/S.

The Appeal: N/S appealed the Director's ruling. South did not appear at the hearing. The negative double ostensibly promised four-four in the majors, but the subsequent bidding by South made that unlikely. North maintained that South's obvious problem over 5♣ could have been deciding which major to play in. N/S were playing standard Blackwood. North also stated that he was known to have a singleton diamond from the auction since they played four-card majors, and that he would have opened 1♠ had he been 4-3-2-4.

The Committee Decision: The Committee spent a good deal of time dealing with the auction created by South. It was decided that the N/S agreements did not suggest that 5♠ was some kind of slam try. Next they considered the issue of whether the unauthorized information could have reasonably suggested one action over another (Law16A). After

Bramley: "Hang 'em high! You'd better beg for mercy if you ever have to go before this Committee. Once again a relatively short break in tempo in a complex auction (see CASE THREE and CASE FOURTEEN) was deemed to be fatal. The Committee effectively decided that the 'acceptable tempo window' for North's decision was less than five seconds. Was the Committee suggesting that this bidding problem is so routine that North should be able to solve it without appearing to think? Or that all Norths should be able to solve this problem in the same amount of time? I disagree strongly with this premise. North must appear to think. Because I don't believe that five to eight seconds constitutes a break in tempo for this problem, I would have found no infraction and let the table result stand. Obviously, keeping the deposit was wrong, as was consideration of a procedural penalty."

It's hard to argue that there was no break in tempo when the pair themselves admitted to one. If these players were known (as Goldie is) to always hesitate 5-8 seconds in such auctions, even with nothing to think about, before signing off then Bart's arguments would be much more compelling.

Cohen: "This was a really bad Committee decision. If I had one bid for my life with South's hand over 4♠ it would be 7♠. It is indeed hard to picture a 4♠ bid opposite which slam doesn't have good play. Maybe I'm being too naive, but I can't imagine that South was doing anything other than trying for seven. Furthermore, it doesn't even sound as if the tempo of the 5♠ bid was too bad. And lastly, South's 5♣ bid implies that he was driving to slam. How could he bypass a club control (ostensibly denying one) and box partner into signing off on any hand without a club control?"

We've already seen several North hands opposite which the South cards do not reach to 6♠. It takes a North hand with virtually no diamond wastage to make 7♠ a good proposition (the ♠ A, ♠ K and ♣ A are essential; something like ♠ Axx ♠ Kxxx ♣ xxx ♣ Ax or ♠ AJxx ♠ Kxx ♣ xxx ♣ Axx). Everyone agreed that the 5♠ bid was out of tempo. (How out-of-tempo does it have to be before there's unauthorized information?) And why should South's 5♣ bid suggest that he was driving to slam? Many players below the top expert ranks would never cue-bid a suit (such as spades here) without the ace, wouldn't bid 4NT with a void, and more-or-less reflexively cue-bid their cheapest ace when probing for slam. 5♣ fits all of these requirements. That doesn't mean that we think that 6♠ is a horrible bid under normal circumstances. Quite the contrary. It's more than reasonable. It just isn't a clear enough action to allow after the hesitation. Despite our concerns that this hesitation might not have been a HESITATION, we find ourselves unwilling to second-guess the Committee on this issue, and the case turns on that reading alone. The rest is Soap Opera material.

much discussion the majority of the members voted that, even though the tempo of the bid did not suggest that 6♠ would be the winning call, it could reasonably have suggested that N/S were not missing two aces, and therefore that there was a good chance that the six-level was safe. The Committee agreed that they would have had no problem if North had simply corrected 5♠ to 5♣. Had South then bid 6♠ everything would have been fine. Based on these considerations, the Committee decided that 5♠ would end the auction, and changed the contract to 5♠ made five, plus 650 for N/S.

Dissenting Opinion (Kit Woolsey): The issue in question was whether or not the huddle suggested that South had three aces. If so, then North's call should not have been allowed; if not, then it was permissible. I believe that it is far more likely that the huddle suggested doubt as to which major should be trump, and this is borne out by the actual hand. Given that, North should have been allowed to bid slam. In fact, an argument could be made for not allowing a 5♠ bid by North due to the unauthorized information that his partner was undecided about the best five-level contract. In fact, 6♠ is a decidedly inferior contract to 6♣, although it happens to make.

Chairperson: Alan LeBendig

Committee Members: Lynn Deas, John Solodar, John Sutherlin, Kit Woolsey

Directors' Ruling: 100.0 **Committee's Decision:** 83.9

The panel was almost unanimous in supporting the Committee's decision to not allow North's 6♠ bid. We'll let their comments speak for themselves.

Bramley: "The Committee showed too much deference to our distinguished colleague. This was as clear a case of hesitation Blackwood as I have ever seen. The Committee should have seen it the same way, and kept the deposit as well. The argument that South could have been undecided about strain rather than level is irrelevant. His hand suggests that he was undecided about both. What is certain is that South was in doubt about the right contract. Therefore it is equally certain that North can correct neither the level nor the strain, since the huddle suggests that any correction may be more successful than passing. North argued that since South was likely to be thinking about strain, then he (North) was allowed to correct both strain and level. This is a non-sequitur. That North was able to convince a Committee member to buy this argument is truly mind-boggling. That North was able to convince himself with this argument is disturbing as well, because it shows us that even our most ethical players can delude themselves into questionable actions under the intense pressure of competition."

Gerard: "Who bids Blackwood, even regular Blackwood, without knowing what suit he is playing in? Given that North was marked for his actual distribution, South's problem could not have been which major to play in. Also, what would 5♠ over 5♣ have meant? South could have held ♠AJ10 ♠AKJ10 ♠EQxx ♠EJ10. We all have enormous respect for Michael Rosenberg's views on these matters, but he was on shaky ground here. I'm surprised at the appeal and the dissent. I would have kept the deposit"

Krnjevic: "I agree with the result, but not the reasoning. As the auction progressed, it became clear that South did not have four-four in the majors, and North's raise to 4♠ suggests that he was playing his partner not to have four spades. Consequently, given the

prima facie finality of his partner's 5♠ bid, I don't believe that the auction entitled North to conclude that his partner's bidding left it open for him to overrule South both as to strain and to level. Given the foregoing, I disagree with the majority's conclusion that a correction to 5♣ would have been permissible, and agree with that portion of Woolsey's dissent which addresses this point."

Goldman: "Once North bid 4♠ over 3♠ I don't believe he can be allowed to bid anything over a slow 5♠ bid. I consider this case unusually clear-cut."

Passell: "Truly disgusting. Why can't South hold ♠xxxx ♠AKJx ♠EKJx ♠E AJ, or something similar? With this hand he is off two aces plus (very likely) an extra trump loser in spades, but 5♠ is cold. North's action was totally out of line, since the slow bid over 5♣ was much more likely to suggest three aces than guessing what was trump. I don't agree that correcting 5♠ to 5♣ would make any difference. Why is he allowed to overrule his partner, who knows that he has four spades and three hearts and no ace? If you don't keep the deposit in this case, why bother with the procedure?"

Weinstein: "I disagree with Kit's assessment that the huddle suggested doubt as to major as opposed to level. Although there is certainly the possibility that the huddle was based upon strain, I believe it is more common in these situations for it to be based on a decision regarding level. South had enough experience to be aware of the position he was putting partner in by not knowing what his action was going to be over the various responses."

Wolff: "Excellent decision and reasoning. While the dissenting opinion is right on, it is irrelevant, since instead of attempting the impossible task of invading a player's mind the Committee should merely penalize HD. Cure the disease, and you don't have to worry about the symptoms."

Treadwell: "A difficult case for which, I believe, the Committee reached the correct conclusion that the slow 5♠ could reasonably have suggested that N/S were not missing two aces, and hence the slam bid could not be allowed. Of course, as Kit's dissenting opinion stated, the huddle might have suggested doubt as to which major should be trump, but that, under the Laws, is not sufficient to allow the slam to be bid by North."

Two of our panelists (actually, one and one-half) lent Michael some support.

Martel: "I agree with Kit's reasoning."

Rigal: "I can't decide what this auction suggests, and I sympathize with both North and South for the predicament they found themselves in—even if it was all of South's making! I do not know what the hesitation suggests; I think I might allow the bid to stand for that reason, but I am so unconvinced of that that I could be persuaded to change my mind easily. This is a very unusual position; I am not sure that it sets a trend in any way."

Special, tonight on Miami Vice, we bring you an on-the-spot interview with the man (among men) who made all of this possible . . .

Rosenberg: "I have always told my friends who are upset when the Director is called against them that I would be happy if it happened to me. I was pleased to find this was

passed 5 \heartsuit , the Committee agreed unanimously that East was entitled to bid 5 \heartsuit . The Committee decided that the unauthorized information received from West did not influence East's 5 \heartsuit bid. If anything, East's club shortness made it more likely that the break in tempo suggested that West was considering doubling 5 \heartsuit , with club length and possible wasted values. East also stated that it was the suggestion of diamond length by both North and South that pinpointed dummy's shortness, and allowed him to visualize the existing crossruff. The Committee allowed the table result of 6 \heartsuit down one, plus 50 for E/W, to stand.

Chairperson: Gail Greenberg

Committee Members: Robb Gordon, Bruce Reeve, Marlene Passell, Walt Walvick,
(scribe: Karen Lawrence)

Directors' Ruling: 93.1 **Committee's Decision:** 72.2

The Committee's supporters cited the ambiguity of West's hesitation as justification for allowing East to bid 5 \heartsuit . After all, couldn't West just as easily have been thinking about doubling 5 \heartsuit as about bidding 5 \heartsuit ?

Weinstein: "From East's point of view the huddle hardly suggested that partner was thinking about saving versus doubling. It's hard to tell, looking at West's hand, what West was thinking about. East should have been free to take any action other than double."

Allison: "The Committee made a good point when it determined that a hesitation could well have been read as a deterrent to bidding, since it might have been made with the thought of doubling. The self-serving argument about the 'Law' should have been downplayed, however."

Rigal: "A good pair of decisions, to my mind. The Directors' ruling for the non-offenders seems routine. I do not believe some of E/W's self-serving statements, but I can agree with the comments that the pause conveyed no message. (But if you are a hanging judge do you say 'Well, since East bid on after a hesitation and West was, on this hand, thinking of bidding, he must have conveyed that message to partner—so we'll take it away.' I think that is second guessing.)"

Wolff: "I agree with the decision making this hand NPL."

Now we'll explain why they're wrong. Bart . . .

Bramley: "I disagree strongly. West was at least as likely to be thinking of bidding as doubling. If West was thinking of doubling, then East's bid rated to break even, with a mix of phantoms, good saves, and bad saves. If West was thinking of bidding, however, then East's bid rated to be a big winner. So the hesitation did suggest that bidding could be more successful than passing. If East intended to do more bidding after opening a slightly skewed weak two-bid, then his partner could not compromise him by hesitating in this position. I also do not accept East's contention that the 4 \heartsuit bid guaranteed four trumps. The Committee seems to have put too much weight on South's decision to bid 6 \heartsuit . If so, then they were wrong. South had a difficult decision. Obviously, he could have

bid 6 \heartsuit at his previous turn, and chose to bid 6 \heartsuit at this turn rather than settle for what was likely to be a small penalty."

And if those reasons aren't enough, we'll throw in a few more. Ron . . .

Gerard: "This is like a red flag to a bull. West can't have a penalty double if 5 \heartsuit was a Law-induced decision, since N/S would have to have ten clubs. West didn't have that much room for club length anyway, what with his likely five-four in the majors. South's 6 \heartsuit wasn't terrible (exchange North's majors) and it wasn't relevant anyway, since 5 \heartsuit would have been down only two. Have you ever seen a hand in which a player who could have been considering a penalty double actually was? See CASE SIXTEEN, for example. Those hands usually end up in Committee for a different reason. I would have titled this case" 'I Have a Bridge for Sale'."

Everyone thinks he is entitled to get into our act.

Reinforcing the above panelists are . . .

Martel: "The argument that 4 \heartsuit promised four-card support is self-serving (why no Alert?). While it is true that the hesitation could have been a desire to double 5 \heartsuit , it is also true that 5 \heartsuit is unlikely to be the winning action unless partner has a hand to consider bidding over 5 \heartsuit . (If partner has a very weak hand you will go down too much, and if he has a bit of strength, you will often defeat 5 \heartsuit .) Thus, it was wrong to allow 5 \heartsuit ."

Passell: "East's remark that 4 \heartsuit promised four-card support is totally ridiculous, as we can construct hundreds of 4 \heartsuit bids with two trumps much less three. I can't imagine in my worst dreams letting E/W bid 5 \heartsuit after the hesitation. West's pass after deliberation might suggest heart length rather than a good hand with fewer trump. I am very unhappy with this decision."

But isn't there some validity to the argument proffered by the Committee's supporters?

Rosenberg: "No! No! No! No! You cannot allow a preemptor to bid again after his partner huddled. It was too likely that the huddle influenced the action. West's huddle was not 'bad'—he could not expect East to have a problem."

Equally insistent that East could not be permitted to bid over 5 \heartsuit , but not attuned to the arguments put forward by Bramley and Gerard regarding South's 6 \heartsuit bid, is . . .

Cohen: "Sorry, but I would make East pass 5 \heartsuit . I don't buy any of the rationale for bidding—a slow pass suggests acting. I'd adjust E/W's score to minus 400. But I don't like South's two-way shot, so I'd give N/S minus 50 in 6 \heartsuit . Sorry to be so mean and unpopular, but again, this kind of decision will send things towards the direction I desire (fewer appeals, fewer bad ethics)."

Amazing. Larry was able to resist commenting on all of that "Law" stuff.

Agreeing with Cohen as far as South's 6 \heartsuit bid is concerned, but supportive of the Committee's decision with regard to E/W's fate, is . . .

Maybe this was a good decision, but we're troubled by certain things. For one, E/W's tempo was very poor. Could the Committee have found out for us (if not for themselves) how experienced the E/W partnership was? For another, while it can be argued that the information from West's huddle is noninformative to the casual observer, in practice partners usually seem to get these right. For a third, we can't remember the last time (outside of a novice game) that we saw a player huddle when he was overbidding and it wasn't correct for his partner to bid again.

The following three panelists share our doubts.

Gerard: "No. Huddles show extra values. Have you ever seen a hand in which a player who could have been stretching his values actually was? Underbidders have to think about it. Even a less cynical view would conclude that West's huddle suggested non-3 \heartsuit contracts as alternatives. Those were either three of a major, with shortness in the other major preventing a takeout double, or 3NT. Even at imp pairs, East is barred from acting accordingly."

Krnjevic: "I disagree with this decision. I don't see the basis for East's bid. In addition to having minimum honor strength, he had no stopper in opener's second suit. While it is true that one cannot determine from the break in tempo whether West was overbidding or underbidding, East had an eminently logical alternative available—'pass'—and instead chose an option that could have been suggested by his partner's tempo. I have no objection to a player engaging in a flight of fancy. However, I do not think that a player is entitled take advantage of his partner's tempo, try to guess what his partner's problem is, and then make a bid that does not correspond to his hand. This is particularly true when one considers that an experienced partnership is generally aware of the types of hands that cause tempo-sensitive auctions; consequently, there are many hands in which the huddler's partner is not truly in the dark, notwithstanding the apparently neutral meaning of the hesitation. I think that the Directors had it right and that E/W should have been awarded plus 130."

Goldman: "Long breaks in tempo at the first bid in competition often suggest strong hands. It's hard to say whether this break qualified."

The remaining panelists accept the Committee's position that West's huddle was noninformative.

Bramley: "Let's see. South opened with a bid intended to give his opponents a problem, and when they did have a problem, he called the cops. This is entrapment. I agree with the Committee."

Cohen: "I agree with the Committee. Did North have any diamond bids in his bidding box? Getting a diamond lead that way would be preferable to going to Committee. I think that this appeal was frivolous."

LeBendig: "A well-reasoned decision."

Rigal: "Another easy one; the Director did his duty correctly. Then the Committee found that the slow 3 \heartsuit bid conveyed no message of extras—just doubt. Contrast this decision with Atlanta Case One, where comments about slow bids showing extras were made by some. I have never found this to be so in my personal experience. It might be worth a review of this point to see how the average man behaves when he hesitates. Too much or too little for his bidding?"

To be fair to Barry (we decided we had to—after quite a lengthy and lively debate), it's possible that slow bids (in auctions of this type) do not overwhelmingly tend to show extras, but because we in appeals tend to see an over-representation of hands which fit this pattern (no one calls the cops when the opponents miss their game, or when the pushy contract reached in this manner goes down several tricks) it seems as if these huddles always tend to point in that direction.

Weinstein: "Can't South be penalized for being out of range? The Committee got it right. Did the 15-second pause by West include the questions? This seems like a very marginal break in tempo. Although I agree with Mr. Miller's appeal in CASE TWO, I disagree with the Director call in this case."

Wolff: "This case is very similar to CASE TWENTY-NINE: NPL with a hesitation being unreadable."

CASE THIRTY-ONE

Subject: The Price Of Negative “Free” Bids
 Event: Grand National Teams Flight C, 10 Aug 96, First Final Session

Board: 12 | A63
 Dealer: West | K843
 Vul: N/S | J
 | AKQ53

| Q109752
 | 75
 | 76
 | 864

| K
 | J2
 | AQ1042
 | J10972

| J84
 | AQ1096
K9853

WEST	NORTH	EAST	SOUTH
Pass	1 \heartsuit	1 \heartsuit	DBL (1)
Pass	2 \heartsuit	Pass	4 \heartsuit (2)
Pass	4NT	Pass	5 \heartsuit
Pass	5 \heartsuit	Pass	6 \heartsuit
Pass	6 \heartsuit	All Pass	

- (1) Not Alerted; N/S were playing negative free bids
- (2) Break in tempo

The Facts: 6 \heartsuit made six, plus 1430 for N/S. The break in tempo was not disputed. North’s 2 \heartsuit bid showed extra values, but there was no agreement about the strength of South’s follow-up bids—except that any rebid showed 10+ points. North stated that 3 \heartsuit would have been forcing. The Director ruled that there had been unauthorized information, and changed the contract to 4 \heartsuit made six, plus 680 for N/S.

The Appeal: N/S appealed the Director’s ruling. N/S were playing negative free bids, including some modifications which were unfamiliar to the Committee members. The first double, which was not Alerted, showed 10 or more HCP but not necessarily a major suit—just values. South stated that he did not know whether 3 \heartsuit or 4 \heartsuit showed a better hand (since over the double and the jump to 2 \heartsuit they were forced to game), and it took him a while to decide which bid to make. North, who was more familiar with the partnership’s methods, stated that, since 2 \heartsuit showed extra values, 3 \heartsuit would have been forcing and 4 \heartsuit would have been even stronger. Neither player was familiar with the concept of fast arrival. South was very truthful about his uncertainty, and the problem it had caused his partner. N/S had been playing bridge for about two years, and had about 300 masterpoints.

The Committee Decision: The Committee decided that the slow bid of 4 \heartsuit had conveyed a message to North, after which he could no longer be permitted to bid Blackwood. The contract was changed to 4 \heartsuit made six, plus 680 for N/S. It was explained to South that he

could take his time in selecting a bid, but that the resulting unauthorized information placed his partner in an awkward position, limiting his right to bid again without a hand that clearly justified his action.

Chairperson: Peggy Sutherlin
 Committee Members: Abby Heitner, Jim Linhart

Directors’ Ruling: 81.8 **Committee’s Decision:** 75.0

The lone champion of the Committee’s decision has this to say . . .

Rigal: “This one seems clearly right, too. I am not sure why North worked out to bid on, but without the hesitation I doubt whether he would have done so. I agree with the Committee, and approve of their way of handling inexperienced players.”

The remaining panelists see no useful connection between South’s tempo and North’s action. They may be a bit overstating it, but their decision clearly has something to recommend it. Does a Flight C player’s huddle show a signoff? Extras? Unfamiliarity with their methods or with the meaning of their partner’s bid? Or does it just indicate that they are confused about where they are in the auction?

Bramley: “I don’t follow how the hesitation conveyed useful information to North. South was not under great pressure in the auction, and the bid he chose was one of several available to him at a safe level. I hope the Committee was not suggesting that this system was so strange that N/S could communicate only by varying their tempo. I would have let the table result stand.”

Cohen: “This was a bad ruling. Why did a slow 4 \heartsuit suggest bidding on as opposed to passing? Does a slow 4 \heartsuit show extras? No. Would you make North bid on over 4 \heartsuit if the situation were reversed (i.e., if North had a marginal pass and decided to play the slow 4 \heartsuit bidder for a poor hand, passing and thus avoiding a doomed slam)?”

Rosenberg: “Maybe unfair.”

Weinstein: “Assuming that the Committee believed North’s testimony about 4 \heartsuit being stronger than 3 \heartsuit in their system (though N/S’s credibility is diminished by their failure to Alert the double), I do not understand the decision to adjust the score. If the choices were between 3 \heartsuit and 4 \heartsuit , the huddle would convey the message that North shouldn’t bid on, since South was presumably considering whether he was strong enough for 4 \heartsuit . The Committee’s write-up only states that the slow 4 \heartsuit call conveyed a message, but does not elaborate on what message they thought it conveyed. A procedural penalty (yuk!) might have been appropriate for the failure to Alert the double.”

The following two panelists have the right approach to cases like this.

Wolff: “I would have allowed 6 \heartsuit in a Flight C event, but not in Flight A.”

Goldman: “I have trouble taking a contract away from Flight C players on something this nebulous. In fact, taking away any slam contract should require very clear cause and

effect because, frankly, virtually all such auctions have a little touch of table feel in any regular partnership.”

We take exception to Bobby’s last statement, but it’s easy to see why he might believe what he’s saying. Can’t we aspire to do better?

CASE THIRTY-TWO

Subject: Backing In, Backing Out
 Event: Flight A Pairs, 10 Aug 96, First Session

Board: 4 Gerald Levine
 Dealer: West 1 6
 Vul: Both 1 86
 E AKJ52
 E 109632

W. Coleman Bitting
 1 J853
 1 102
 E Q107
 E AK75

Reece Rogers
 1 Q942
 1 AJ943
 E 98
 E J8

Ruth Windwer
 1 AK107
 1 KQ75
 E 643
 E Q4

WEST	NORTH	EAST	SOUTH
Pass	Pass	11	Pass
11	Pass	Pass	1NT (1)
DBL	2E	21	Pass
Pass	3E	Pass	3E
DBL (2)	Pass	31	All Pass

- (1) Showed a 1NT opener
- (2) Break in tempo

The Facts: 31 went down four, plus 400 for N/S. The Director was called to the table and determined that the break in tempo was not disputed. He ruled that, since 31 was a losing position and surely should have been doubled, the table result would stand.

The Appeal: N/S appealed the Director’s ruling. Only North attended the hearing, and stated that the slow double of 3E by West encouraged East to bid 31. North stated that all the commotion at the table had caused South to think she was passing 3E doubled, and requested that the contract be changed to 3E doubled made three, plus 670 for N/S. The Director quoted Law 73F as the basis for allowing the result to stand, judging that the violation by E/W was not the cause of the damage to N/S (who could have and should have doubled 31). The Committee was also informed by the Director that the 1NT bid by South could have been a strong notrump by partnership agreement, since a direct 1NT overcall was played as takeout, and was therefore Alertable.

The Committee Decision: The Committee decided that North’s failure to Alert the 1NT bid substantially affected the auction, and that few if any Wests would have doubled 3E had they been given the proper information. The contract was therefore changed to 3E made three, plus 110 for N/S. The Committee also considered assigning either a penalty

or a less favorable result to E/W because of the appearance of impropriety. However, it was strongly believed that a large majority of Flight A players would have bid 3 \heartsuit over 3 \spadesuit doubled with the East hand. Therefore, no penalty was assessed against E/W.

Chairperson: Mike Huston

Committee Members: Ed Lazarus, Bob Morris

Directors' Ruling: 77.3 Committee's Decision: 77.3

Ignoring the effect of North's failure to Alert INT for a moment, while the Directors' ruling might have been correct for the non-offenders, it could never have been the correct action for the offenders (E/W), who should have been minus 670. Whatever they knew or didn't know about N/S's system, they clearly took advantage of unauthorized information in pulling the double of 3 \spadesuit . Assigning E/W a result other than minus 670 would be like a judge voiding a speeding ticket because the offender claimed, "I shouldn't have to pay this ticket because I was given the wrong directions and wasn't really on the street I thought I was on when I was caught speeding."

As for the non-Alert of INT, N/S were playing a direct INT overcall as a weak takeout of the opening suit. Does this imply that a balancing notrump bid by that hand later in the auction shows a strong notrump, by definition? No, it does not. Couldn't it be in the weak (10+-14 HCP) range? Yes, it could. Couldn't it be a hand in either range? Yes. Did N/S have an agreement to any of these effects? We would think not.

If South's INT bid was strong, or could have been a normal, strong notrump, then E/W were entitled to that information. Could this information have affected the subsequent auction? This is tenuous, but it is possible that West might have withheld either or both of his doubles (especially the second one) had he known that South was (could be) as much as a king stronger than usual. The problem we have with protecting E/W is that there isn't much to choose between a nice 14 points (the expected maximum for a protective INT) and a moderate 15 (the minimum for a strong notrump overcall), and for everyone, including this N/S, there are several strongish types that would pass the first time and reopen with INT on the second round. Proving damage ought to require some substantive argument from E/W, at least something beyond the simple failure to Alert. The Committee's decision may not be inappropriate, but only for N/S.

But there is at least one other issue here. When East bid 3 \heartsuit N/S were presented with a potential bonanza. All South had to do was make an (arguably) attractive double (after her partner competed twice, vulnerable) to collect plus 1100 (perhaps down four might have been avoided), a score far better than she could have otherwise obtained (we're beginning to sound like Sydney Carton again). Was South's failure to take this action a sufficiently grievous error to jeopardize her right to redress? We'll see.

The panel is firmly divided on the adjudication of this case, as would seem to befit the tenuous nature of several of its component elements. Let's hear first from those who support the Committee's decision.

Rosenberg: "The Directors should not be judging N/S for failing to double 3 \heartsuit , and should make E/W appeal. If the reason for the Directors' ruling was the failure to Alert

INT, that would be okay. The Committee's decision was reasonable."

Good, Mikey. If East's pull is an infraction, N/S don't have to be perfect, or even wide-awake to retain their right to full redress under Law 12C2, but they must, as always, continue to play bridge and must avoid actions that are in effect double-shots. But if N/S earned their good (but not maximum) initial result through tainted means, then their otherwise righteous appeal subjects them to the sort of scrutiny that might yield a "surprise" worse result.

Sutherland: "Greed is a terrible thing. N/S probably had 80 or 90 percent of the matchpoints for plus 400, but decided they wanted more. They should have realized that going to Committee always has some risk, especially when you and your partner have failed to Alert an important bid (the INT balance) which would have kept the opponents whole. Very well reasoned and adjusted by the Committee."

Weinstein: "Greed is a terrible thing. Justice triumphs! N/S apparently weren't satisfied with their top; they wanted more from a Committee, instead of doubling 3 \heartsuit . The Committee did an outstanding job in serving up a sampling of justice by delving into the auction. A wonderful trend, partially emulated in a couple of other cases. Well done."

Duplication of opening lines is a terrible thing. Not to mention scary. Who writes your lyrics anyway?

Wolff: "A difficult but reasonable decision. There was no great impropriety here; only complicated facts handled fairly by the Committee."

Allison: "The Director, having ascertained that there was a failure to Alert, should have ruled the contract back to 3 \spadesuit ."

Those who oppose the Committee's decision delve somewhat more deeply into the issues underlying the case. Let's "listen" to their arguments.

Bramley: "This is strange. N/S appealed, only North appeared, and N/S ended up with a worse result while E/W, in absentia, got a better result. North must have presented a great case. Did INT show a strong notrump or did it show, say, 12 to 16 HCP? The evidence is contradictory. If it showed 12 to 16, then I would not have penalized N/S for failing to Alert a treatment only marginally different from standard. If 15 to 17 HCP, then there is a stronger case for adjustment. I would also like to know how N/S play an initial double of 1 \heartsuit . However, I suspect that many West players would double 3 \spadesuit regardless of the range shown, and also that most East players would pull the double. Since the E/W stew was mainly of their own making, I would have let them simmer in the table result of 3 \heartsuit , minus 400. As for N/S, since they clearly erred by not doubling 3 \heartsuit , thereby missing a maximum result, they deserve no better than the table result of defending 3 \heartsuit , plus 400. I would also have found their appeal without merit. However, since the Committee reduced their score, perhaps that was punishment enough."

Goldman: "I don't like the Committee's reasoning. I don't see where an Alert of the 'possibility' of a strong INT would significantly affect West's decision to double 3 \spadesuit . Likely, West was influenced by East's 'free 2 \heartsuit bid,' which suggested a near-opening bid.

I can accept the Committee's decision to allow the close decision to yank the double. I don't believe that N/S's failure to double 3 \heartsuit (which might get out for down two) has any bearing on this. I would assign N/S a score of either plus 400 or plus 670."

Krnjevic: "I'm afraid that the Committee may have botched this one. First, given that a properly informed E/W would simply have been told that the delayed 1NT might be a strong notrump, I can't believe that a normal red-blooded Flight A matchpoint-playing West wouldn't have hammered 3 \heartsuit . Second, in the absence of a hesitation I don't believe that it would be illogical for East to pass 3 \heartsuit doubled. When you consider that he is bound to get an abysmal matchpoint score for 3 \heartsuit it hardly seems illogical to risk very little in the hopes of securing a matchpoint bonanza, just in case partner can actually beat 3 \heartsuit . I think that the Committee should have scored the board as minus 670 for E/W. However, because N/S had an easy road to reap a much larger payoff than they could have otherwise attained (by simply saying 'double'), and failed to meet what I consider to be minimal standards for bridge at this level, I would have assigned them the result at the table, plus 400 for N/S."

Martel: "Personally, I doubt whether N/S ever discussed the range of this 1NT bid (I suspect that very few partnerships have). I would have let the table result stand."

Passell: "I would prefer 3 \heartsuit undoubled (down four) to be the final contract, since South did not have 15 to 17 HCP for the balancing notrump bid. Giving E/W their maximum result seems like too much."

Rigal: "What a mess! I think the Director was sensible to allow the 3 \heartsuit bid despite the hesitation, given the pile of garbage East had."

"Having said that, I am not convinced by the Committee that the 1NT bid (as a natural call) really requires Alerting. It could be a decent hand for me too—the inference about no available bid on the first round does not seem all that significant. West's problem came when he heard his partner bid 2 \heartsuit and assumed that he had a hand and not a foot. That was why he doubled, not any mis-Alert. I'd put it back to plus 400. This decision reads to me as if there were some personal aggravation in it."

Treadwell: "I'm missing something here. N/S appealed their score of plus 400 when South had a clear-cut double available to get them plus 1100? This seems to have no merit whatsoever, since East, with a sub-sub-standard third-seat opening and four-card support for partner's suit could hardly expect to set 3 \heartsuit . Further, West had a most questionable double of 3 \heartsuit after partner showed a weak third-hand opening by passing the response of 1 \heartsuit . Perhaps the 1NT balance by South should have been Alerted, although to say that it could have been a strong notrump is not the same as saying that it had to be strong, and in fact it fell short of normal strong notrump requirements. Again, I think both sides dug a grave and fell into it, so the table result should have stood, with, perhaps, a small procedural penalty against N/S, for their failure to Alert."

Cohen: "Down four? I think South should have doubled 3 \heartsuit . There can't be much at stake regarding plus 400 versus minus 670. Anyway, I think that West could have asked what 1NT meant at some point. This case is a bit difficult to sort out, since one thing leads to the next."

We're not sure why West should have known to ask about South's "normal sounding" notrump balance. Also, we don't like N/S plus 110. It strikes us as an unusual blend of punishment for the original non-offenders and exoneration for the original sinners.

At any rate, this discussion sounds a bit like the guys debating whose favorite sports team will fare better in the coming season—and probably is about as likely to be resolved. (When does the season end?)

Oh well, as Barry said just recently (see CASE TEN), "I suppose there are some things we are not supposed to know."

CASE THIRTY-THREE

Subject: The Dog That Didn't Bark—or—Wait And See
 Event: Master Mixed Teams, 10 Aug 96, Second Session

Board: 25 Cenk Tuncok
 Dealer: North ♠ 1083
 Vul: E/W ♠ 62
 ♠ K983
 ♠ AQJ4

Yvonne Hernandez
 ♠ AKJ5
 ♠ AJ875
 ♠ AQ10
 ♠ 8

Lu Kohutiak
 ♠ Q97
 ♠ Q103
 ♠ J72
 ♠ 7632

Karen McCallum
 ♠ 642
 ♠ K94
 ♠ 654
 ♠ K1095

WEST	NORTH	EAST	SOUTH
	Pass	Pass	1♠
DBL	2♠ (1)	Pass	3♠
Pass (2)	Pass	3♠	Pass
4♠	All Pass		

- (1) Alerted; limit raise in clubs
- (2) Break in tempo

The Facts: 4♠ made five, plus 650 for E/W. N/S called the Director when East bid 3♠ after the break in tempo. E/W did not agree that there had been a break in tempo. The Director ruled, based on the West cards, that there most likely had been a break in tempo, and consequently East was in receipt of unauthorized information. Pass by East was then judged to be a logical alternative, and the contract was changed to 3♠ by South down three, plus 150 for E/W.

The Appeal: E/W appealed the Director's ruling, stating that it was standard in their methods for a five-point hand to act in response to a takeout double. E/W stated that the only choices for East were to bid a suit or double 3♠.

The Committee Decision: When the facts are disputed (in this case West's hesitation) the dispute is resolved by examining the hands. The Committee was in unanimous agreement that the West hand could not have acted in the same tempo over 3♠ as it had over 1♠. The contract was therefore changed to 3♠ down three, plus 150 for E/W (Law 16). The Committee members also decided that the appeal lacked merit, and the deposit was retained. Further, the Committee determined that E/W were playing Alertable methods. The E/W convention card was reviewed and found to be improperly completed. E/W were instructed to sit down with a Senior Director approved by either Tom Quinlan

or Gary Blais to review which of their methods need to be Alerted, and the proper way to fill out their convention card so that it accurately reflects those agreements.

E/W were quite upset with the Committee's decision. They were provided a copy of the standard appeal form which contained a statement (which they had signed) informing appellants that a Committee could assess discipline against them if their appeal was judged to be substantially without merit. Nonetheless, E/W threatened to serve both the ACBL and the Committee members with a lawsuit at the San Francisco NABC.

Chairperson: John Solodar
 Committee Members: Nell Cahn, Lynn Deas, Abby Heitner, Bruce Reeve

Directors' Ruling: 100.0 **Committee's Decision:** 93.1

This could be the first case in recorded history where the panel was not only unanimous, but also extended their sympathy to the Committee members. Since we're also in accord with the sentiments expressed by the various panelists, we'll just let you read them without (much) further comment.

Allison: "I hope, if this pair cleaves to their threat to sue, that the Court also has the determination to make them pay for an action substantially without merit."

Bramley: "This was clear-cut, especially keeping the deposit. The threat of a lawsuit is consistent with the theme throughout these cases of people calling for the authorities whenever they got a bad result, no matter how richly deserved that result was."

Gerard: "E/W's threats were grounds for discipline, not comment (see CASE THIRTEEN). I'll gladly waive my normal fee to defend the Committee."

Goldman: "I support the Committee's and Director's actions. It is hard to imagine East wanting to bid 3♠, even over a pronounced huddle."

Martel: "East's action makes it clear that there was a break in tempo (no one would bid 3♠ after an in-tempo pass). Also, again, when one side claims a break in tempo and the other side denies it, there almost always was a break in tempo."

Passell: "Great Committee work. A most frivolous appeal."

Rigal: "Excellent decision; other than suggesting something with a little boiling oil in it for E/W, I do not see what more the Committee could have done."

Rosenberg: "This is almost funny, yet the matter is too serious to be dropped. Of course, I do not believe in retaining the deposit. East should be strongly censured for bidding 3♠. But after their behavior in Committee, East and West should be suspended, or at least put on probation."

Sutherland: "E/W didn't have anything going for them in this case. Bidding a three-card major with only five points as East did is clearly not justifiable. As a result, they correctly lost the appeal and the deposit."

Treadwell: “An absolutely clear-cut decision by both the Director and the Committee. East’s bid cannot be allowed after the break in tempo, since pass is an overwhelming logical alternative; in fact, I don’t know any partner of mine who would even consider, however briefly, any action other than pass.”

Weinstein: “The Committee, in retrospect, probably could have decided against E/W for having private understandings (by their own admission), and forwarded the hand to a C&E Committee, thus eliminating the need to determine the break in tempo. Does this mean that it’s not automatic to back in with 3 \heartsuit vulnerable on a three-card suit and a five count? The Committee should also have made sure that this gets recorded, although I guess that step may have become sort of automatic. Speaking of possible C&E Committees, isn’t it against the disciplinary code to threaten (to sue?) a Committee?”

Wolff: “E/W appear to be a ‘dangerous’ pair. They need some education before they get out of control. Another good decision.”

Well Larry, you get the (almost) last word, on the final case.

Cohen: “The decision seems quite harsh. What did poor E/W ever do to get this Committee so testy? No, I wouldn’t allow the dubious 3 \heartsuit bid, and yes, I’d find the appeal frivolous and keep the deposit. All the other stuff about the methods and convention card looks a bit extraneous—maybe you had to be there. Another lawsuit? Isn’t bridge wonderful!”

Poor E/W. Poor, poor Committee.

CLOSING REMARKS FROM THE EXPERT PANELISTS

Bramley: “I see a trend and I don’t like it. A high percentage of these cases were: (a) Ruled upon correctly by the Director but appealed anyway. In many of these the Director was clearly right. (b) Ruled upon incorrectly by the Director, necessitating an appeal that might have been avoided with a correct ruling. (c) Appealed for no reason except spite, stupidity, or both. (d) Incorrectly decided by the Committee. This includes incorrect basic decisions, procedural penalty decisions, and frivolous appeal decisions. Only a handful of these cases were legitimate appeals deserving of a hearing. Perhaps this is a fluke rather than a trend. I find the most disturbing aspect to be the continued growth of all-around litigiousness, and the willingness of some Committees to encourage this behavior by deciding in favor of so many of the eager litigants.”

Cohen: “My general desire is to minimize this entire (non)appeal(ing) part of the game. I don’t want to put Kokish and Colker out of business; I know what a good time they have on this project. However, I’m sure they agree with me that they’d rather use their time to focus on the bridge of bridge instead of rulings, committees, laws, etc. These casebooks are definitely a step in the right direction. I expect these books will help to simplify many rulings so that they are fairly clear cut in the future. But the best way to cut down on this ‘ugly’ part of bridge is to have fewer committees to begin with. The way to do that is for the bridge players to cooperate. Don’t take dubious actions after partner huddles. Don’t be a jerk at the table. Don’t make every hand a life and death issue that must go to Committee. Don’t have a persecution complex. Publishing people’s names is a good idea, and a possible deterrent. I’d also keep track of appeals lodged by a player, and limit them to ‘x’ per lifetime.

“It seemed like more than half of the decisions came down to ‘allow it’ or ‘don’t allow it.’ As I’ve said in previous accounts, I am a ‘conservative’ judge. I usually decide ‘Sorry, you can’t do this—go to jail.’ Others are liberal and allow anything. So, in most cases here I said, ‘You hesitate, your partner must bend over backwards—have a nice day’.”

Martel: “I was struck by two things. First, the Directors do not seem to be ruling for the non-offending side as much as they should. Second, the Committees were often presented with creative agreements by the offenders which helped justify their actions. While most of the Committees properly discounted these self-serving statements, a few were sucked in. When a pair claims to be playing some unusual method which justifies their action the Committee should give this a pretty hard look without strong evidence—particularly when the method looks unlikely to be which one anyone would play—and when no Alerts or explanations are given about these methods, these statements should be largely ignored.”

Rigal: “The summary sheet provided with the answers is very revealing; I only disagreed strongly with four Committees (CASES TWO, ELEVEN, TWELVE, and TWENTY), and in one of those cases I am not convinced that there was not some personal element in the decision. No general trend emerged from my disagreements.

“By contrast my disagreement with the Directors’ rulings is much more marked. In nine of the first seventeen (but, curiously, in none of the cases in the second half) the trend to ruling in favor of the offender (or in some cases a split ruling against the non-offender) is

bizarre. While I agree that one of the things we have to stamp out is the whining expert, virtually none of the cases fall into that bracket.

“The area of the game where there seem to be more disparate opinions expressed than any other is the adjustment to the non-offending side, when an offence has taken place and some element of luck gives the innocent side a much worse score than they might have expected. When opponents reach a 25% slam after hesitation Blackwood and it makes, we need a policy on how to score this for the non-offenders. Do we say that they keep their NPL (Normal Playing Luck) or ROTG (Rub Of The Green) zero? Or do we say ‘If their opponents had not cheated they would be getting minus 680, and that is the worst they can do’?”

“What about the argument for breaking the chain? How bad does a player’s action have to be to make damage subsequent but not consequent? Do we all accept that this dictum exists at all? We have to take into account, I believe, that the act of calling the Director will frequently result in the subsequent play being more emotion-driven, and thus less competent than otherwise.

“At what point does the double-shot theory kick in? Does doubling the opponents’ contract reached by unethical means have any impact. John Solodar has been discussing a possible action by West on CASE SEVENTEEN. If she believed that North was being ethical with his jump to 3NT (e.g. a long minor type hand), could she bid 4 \heartsuit and hope that the auction would be put back to 2 \heartsuit if North had a 17 count 4-3-3-3. Or is that a double shot? At what point does the requirement to play bridge merge into a double shot?”

“On all these issues there will be a wide disparity of views, and until some advice is given I expect to see what I consider to be an unacceptably diverse series of Committee decisions. I would prefer simplicity and consistency, even if it was to a policy with which I did not fully agree.”

Rosenberg: “In the Philadelphia casebook I suggested introducing legislation to make it illegal to think about signals. Your response was ‘why should we legislate only against thought related to defensive signals? We could also outlaw thinking about bids and defensive plays . . .’ Can’t you feel the difference? To paraphrase the old Scotsman in Hitchcock’s *The Thirty-Nine Steps*, ‘God made bridge. (Man made signals).’ There is a world of difference between deciding what bid or play will achieve the best result, and telling partner what you would like him to do.

“In bidding, every bid is chosen from alternatives (in fact, the biggest crime in bridge about which almost nothing is done is the ‘bullet’ bid). When following suit, you sometimes make a ‘signal’ because you must. As soon as you think, partner knows that you do not have, for example, a singleton. In defensive play you must be allowed to think about the best bridge play to defeat the contract, but I see no reason why you should be allowed to think in order to help partner defeat the contract. Partner can do his own thinking.

“I believe that a defender should confine his thinking to when he is on lead, and when he has a problem as to which card will best defeat the contract. Declarer should follow the same rules, except that thought should be allowed (indeed mandated) before calling for a

card from dummy at trick one. Neither defenders nor declarer should be allowed to think about which card to play from ‘equals.’

“Regarding procedural penalties, I would appreciate some answer to my complaint of their randomness. Your contention that they ‘are appropriate specifically when there has been no damage and no score adjustment . . .’ makes no sense to me, since it means that if a pair realizes at the table that they were not damaged by the infraction no penalty will be assessed, since the Director will never even be called.”

Treadwell: “The decisions in general were pretty good, if not all excellent. We, as commentators, should remember that first-hand testimony as heard by the Committee is, in many cases, not reflected completely in the write-ups, and could change one’s viewpoint.

“I am concerned about one factor which, although less frequent than several years ago, too often results in an appeal to a Committee: Some players still feel that if the opponents may have committed an infraction, they are entitled to redress if they get a poor score on the board even though the infraction, if indeed there was one, had nothing to do with the result.”

Weinstein: “There were very few cases where I thought the Directors did a poor job. However, Goldman’s contention that the Director/Committee callers should also be suspects seems to be reinforced by this set of cases. Many (most) of the cases seemed overly litigious, some absurdly so. Several of the Committee’s decisions depended on one’s philosophy of when non-offenders are entitled to redress and how tightly offenders are held to the logical alternative standard. If purely equity instead of more subservience to the laws were my guideline, several decisions/comments of mine would have been different. Perhaps I’m tilted too much to the laws (as I perceive them) side. What I do believe needs to be done to help uniformity in these decisions, is to have a stated philosophy in the areas concerning offenders and non-offenders in both unauthorized information and misinformation situations. A pure equity guideline (just do what feels right) would serve to eliminate many marginal cases and make players feel better about Committees in general.”

Wolff: “There is not much that I can add to my comments to let everyone know how I feel about appeals. We have made steady progress, even though it seems to be moving very slowly, sometimes retrogressing, but eventually righting the ship and continuing on.

“What we now need to consider is eliminating politics, bias, and inexperience from our appeal process. Too many of us are either dependent, or might be later, on other people in our small expert community. There is nothing wrong with that, but what can be intolerably wrong is for us to compromise our appeals beliefs in order to serve our false masters. The process is too important and worth putting above business or even friendships, or for that matter partnerships. The beauty is that all we have to do is to disqualify ourselves if there is a conflict, or could be a perception of conflict. The same is true of inexperience. Learn by listening, asking questions, reading, and striving for accuracy and consistency. Some of us have been dealing with this dilemma at both the ACBL and the WBF for years. There are no easy answers. As long as we answer to ourselves we will get the job done. Congratulations to so many who have shown such

Bart would like to see more competence at every level of the Appeals process. He has our vote if he's intending to run on this platform. Unfortunately, this competence issue is likely to remain quite subjective, as we've seen in this casebook and in previous editions. If we can make some sense of the cases we're examining, then we can expect to see better rulings and better results at the Committee level. As long as we continue to use volunteer staffing for our Committees, we are going to have uneven decisions. Even if we used our most experienced and knowledgeable appeals people on all our Committees, however, we would have problems with personal preferences on many key issues (as we can see in these pages).

As for spiteful, stupid appeals, the fact remains that players have the right under the Laws to appeal to a Committee (at least so far they have). With rights come abuses, as in real life. We would like to believe that the Screening process will eliminate some of the least meritorious appeals. We have seen, however, that even when the screeners explain the Laws carefully, explain the conditions that would have to exist in order for the appellants to prevail, and make sure that the appellants fully understand their case as it relates to the Laws, some of the most annoying and pointless cases simply will not go away. Unless we do away with the appeals process altogether (which would require a revision of the Laws and not merely a directive from the Board of Directors), we must continue to honor players' rights to due process. Committees occasionally rightly decide in favor of litigants whose cases strike us as petty or mean-spirited, or downright greedy because the Laws may afford protection that the Committees are duty-bound to administer.

Larry is right on target regarding the need to minimize this entire process. We are planning to go out and get a life as soon as that comes to pass. We expect Larry to circulate pledges at the San Francisco NABC for players to sign, swearing off all of the undesirable practices outlined in his closing remarks. ACBL will spring for the photocopying. Are you listening, George Retek?

Chip's belief that some Committees are giving too much credence to undocumented agreements is true to a certain extent, but the solution might be worse than the problem. We can envision a reign of terror under which every undocumented agreement is not only questioned but also discredited as a matter of course. While we believe that it is healthy to approach these cases with skepticism, we should leave ourselves open to believe what our research discloses during the hearing, even where documentation is sparse, absent, or questionable. We will make some incorrect decisions and will buy an occasional bill of goods, but that is inherent in the human process.

Barry raises the issue of normal playing luck in cases where an infraction gives the non-offenders a poor result where the percentages favored their getting a good one. We've said it before, but it bears repeating. We're with Michael on this one: the non-offenders should never be in a worse position than they would have been in had they been playing against ethical opponents. So, minus 680 rather than minus 1430 in Barry's example.

As for "breaking the chain," we favor a very lenient standard for the non-offenders. They need only avoid taking wild, gambling actions or those that might be construed as taking double-shots. Therefore, actions which are inferior but within the normal range of bridge

decisions do not deprive them of the right to protection under the Laws. The point at which “playing bridge” merges into the realm of the double-shot is inevitably a subjective matter, but we believe we’re getting quite good at sniffing out the point of no return. These casebooks, particularly bolstered by the panel’s comments, provide a wealth of examples to be used to develop the judgment of Committee members. As in most walks of life, there is no substitute for homework.

Michael has opened the door to a continuing debate on the acceptability of thinking on defense. We’re not sure we want to allow it to swing any further. If you carry Michael’s thesis to a logical conclusion, you might decide that the only conceivable “clean” carding methods are “count” always or “closest to your pinky” always, except for the few cases that Michael envisions as harmless. It is true that variants of attitude signalling require thought and risk providing unauthorized information, but so does thinking about bids. It is the responsibility of signaller’s (thinker’s) partner to avoid using the extraneous information and if the signaller feels that the act of thinking will give too much away, it is open to him to play in tempo. Should we stop striving for this state of grace just because we are so likely to fall in our day-to-day efforts to play the game in its most beautiful, pure form? It would depress us to think that would be right. It would depress Michael too, we suspect.

As for the problems relating to procedural penalties, we must state here that it is the legal obligation of a player to summon the Director when an infraction has occurred, or might have occurred, without respect to his personal evaluation of the possibility of damage. The Director will then determine whether score adjustments or procedural penalties might be appropriate. They are not mutually exclusive.

We agree with Dave’s belief that first-hand testimony does not always appear in its entirety in the case reports. However, we believe that the solution lies in the scribes and Committee Chairpeople exercising even greater care than they already do in including any information that will be of value to our panelists and readers. Although the logistics in preparing these reports can be quite daunting, we believe that getting the job done properly is not beyond our capabilities. We would like to thank our future Committee Chairmen in advance for their dedication and perseverance. But we won’t.

We have a great deal of sympathy for most of Howard’s points concerning equity as a desirable standard for assigning adjusted scores following an infraction, but until the Laws Commission endorses a change, we are bound by the current standards in Law 12C2. We feel obliged to reiterate here that some of the creative equity decisions rendered by Bobby Goldman’s Committees stand in stark opposition to the current Laws. We have petitioned the ACBL Laws Commission for changes that parallel Howard’s recommendations. Some of these changes have been recommended in turn by the ACBL Laws Commission to the International Laws Commission (they will have been decided upon in Rhodes), and we will report on the outcome of those meetings in our next casebook.

To the Sage of Dallas and the Captain of our listing ship, we offer words of encouragement. Don’t let the bastards wear you down.

A BLUEPRINT FOR APPEALS

We’re going to attempt to move forward by laying out some propositions for everyone’s consideration. If we find some consensus, we will attempt to implement them in due course and will try to use them to achieve some consistency in these areas in future appeals cases. In some cases, we will break new ground, but for the most part we will be summarizing positions or tying up loose ends.

(1) The use of Procedural Penalties:

(a) Appropriate when there has been an infraction but no damage to the non-offenders. The goal is to remove any possible advantage that the offending side may have gained through its infraction. Example: A player defends abominably to allow a hopeless slam, reached through tainted means, to make. The player should receive no score adjustment (by Law) since his damage derived from his own negligence. The opponents, however, should receive a procedural penalty equal to the slam bonus plus any additional amount deemed appropriate under section (b) below.

(b) Appropriate when there has been a flagrant foul. This penalty is completely disciplinary in nature and reflects the Committee’s displeasure regarding an ethical or behavioral impropriety. Example: A player hesitates in a Blackwood auction and signs off. His partner continues on to slam with a completely normal hand for his previous bidding. The bridge score is adjusted, but to ensure that the sinful act is not repeated, and also to create a net long-term loss for such behavior, the Committee should assess an appropriate procedural penalty.

(c) Appropriate when there has been a continuing disregard for the game. In this category we would include: Failing to adequately discuss conventional methods before playing them; failing to properly Alert and/or disclose partnership methods to the opponents; failing to correct misinformation at the appropriate time; abusing the appeals process; other ongoing behaviors that are detrimental to the game. The goal is to inhibit the continuation of such practices before taking more decisive action (i.e., a Conduct and Ethics Committee hearing).

(2) Appeals Substantially Without Merit:

(a) The players must be “experienced” (subjective evaluation).

(b) The Committee must be convinced that the players knew that their appeal could not reasonably be upheld. In this category, we would include (as representative but not exhaustive): appeals in which the players were clearly looking for “something for nothing;” appeals in which the players refused to consider the reasonableness of their opponents’ action(s); and appeals in which the players ignored feedback provided by the Screening Director regarding the weakness of their case and/or its contradiction of the provisions of the Laws.

(c) Appeals which appear to be motivated by personal or emotional factors such as spite, malice, vindictiveness, or retaliation.

(3) Policies Regarding “Less Experienced” Players:

- (a) The Laws, as well as precedent, suggest that these players (based on both objective and subjective criteria) should be held to different standards.
- (b) In general, an infraction is an infraction, regardless of the player’s experience or skill level. To an extent this must be tempered by common sense as when, for example, a player’s inexperience precludes his gaining any advantage from unauthorized information.
- (c) When “playing up,” considerations of experience or expertise may be used by Committees in adjudicating cases. These include the standards to be applied in assigning adjusted scores or in assigning procedural penalties. Examples: (relating to score adjustment) determining the point at which the chain of causality between an infraction and subsequent damage deprives the player of his right to redress (see section 6 below); (relating to procedural penalties) deciding whether to impose a penalty on a player for failing to inform the opponents (at the appropriate time) of misinformation provided by his partner.
- (d) As a general rule it makes more sense to educate than to penalize less experienced players.
- (e) As a general rule, it makes more sense to tolerate irregularities in limited competition, rather than risk dampening new players’ enthusiasm for the game. The overly obtrusive presence of “regulators” can be intimidating and inhibiting. Nonetheless, the desirability of gently encouraging adherence to the Laws should not be completely overlooked.

(4) The Integration of Active Ethical Obligations into the High-Level Game:

- (a) The golden rule: disclose to your opponents everything that you would have them disclose unto you; err on the side of overdisclosing.
- (b) Be prepared to accept the worst of a situation when your side has acted questionably (we won’t say improperly).
- (c) Accept the responsibility of knowing your methods and respect your opponents’ rights when your side is responsible for an uncertain situation.
- (d) Strive to make all calls and plays in proper tempo. To avoid some of the inevitable situations where thought is required, strive to make even obvious bids or plays with due deliberation. Be aware that when both sides are bidding, or when your side is bidding constructively toward a high-level contract, this responsibility becomes especially important. Consider “tempo-sensitive” situations to carry the requirement that all players “active” in the auction pause at their next turn to bid as if for a skip-bid warning (all four players in competitive auctions; both bidding partners in constructive auctions).
- (e) Behavior and deportment must conform to the highest standards.

(f) The use of screens and bidding boxes creates a special set of proprieties. Be aware that the handling of the bidding tray and the timing of its passing can convey information. Similarly, the bidding box should not be touched until a player has decided on his call. Players involved in “screen” matches should use their time wisely, clarifying bids in a continuous written dialogue with their screenmate.

(g) It is never wrong to play the game by its rules. Players should avoid unilateral violations of the rules in an attempt to be magnanimous, or actively ethical, toward their opponents.

(h) Never use loopholes or gaps in the rules to take advantage of the opponents.

(i) The appeals process affords players a court of last resort when they have reason to believe that a Director’s ruling has overlooked or misinterpreted an essential part of a case. It should not be used to vent displeasure, to salve wounded egos, or to seek vindication for a questionable action. Appeals should always be grounded in valid questions involving bridge judgment, systems, or the application of the Laws. The appeals process must not be abused.

(j) Related to (i), there is a constant tradeoff between the obligation for one side to Alert and fully disclose all partnership agreements and the responsibility of the other side to exhaust all reasonable means of seeking the information they require at the table. The appeals process should not be used to circumvent this responsibility.

(5) The Laws and the Concept of Restoring Equity:

While there is a common law conception that it is the province of Appeals Committees to attempt to restore equity when adjudicating appeals cases, the Laws do not provide for adjustments based on this notion in certain situations.

When there has been an infraction resulting in damage to innocent opponents, the Laws (16 and 12C2 in particular) call for separate standards for assigning adjusted scores to the two sides, based on different objectives or goals. For the non-offenders, the goal is close to that of restoring equity, with any doubt about what this might mean being resolved in their favor. For the offenders, the goal is to ensure that they will not profit from their infraction, with any doubt about what this may mean being resolved against them.

The standards for resolving doubt are different for the two sides. For the non-offenders, the goal is to assign them the score for a result which was likely to have occurred without the infraction. If more than one result is deemed likely, they should be assigned the one most favorable to them. Note that a likely result must be one which has some appreciable chance of occurring. For the offenders, the goal is to assign them the score for the most unfavorable result that had any significant probability of occurring. Note that such a result need only have some marginal chance of occurring.

(6) Actions Affecting the Right to Redress for the Non-offending Side

ACBL Regulations require players to continue to meet minimal standards (for the level of player involved) of bidding and play subsequent to an opponent’s infraction in order to retain the right to receive redress under the Laws. Players are also expected (commensurate with their experience and skill level) to protect themselves from possible damage from an opponent’s infraction.

The sorts of actions that are sufficient to compromise a player’s right to receive redress include:

(a) Making a bid or a play which appears to be designed to create a “double-shot” opportunity. Typically this means doing something active to seek a windfall result, expecting that any poor outcome will be replaced by a more satisfactory adjusted score (due to the opponents’ infraction), and thus entailing little risk.

(b) Taking a wild or gambling action.

(c) Making a clearly “irrational” bid or play. Such actions are deemed to constitute a break with the normal thought processes involved in “playing bridge.” These do not include actions which are merely careless or inferior (e.g. aggressive or conservative bids or plays; mistakes such as misanalyzing a hand or miscounting trumps; missing partner’s signal; overlooking an inference in the bidding).

(7) Thoughts on Committee Procedure:

Once the parties have been dismissed and the Committee has begun its deliberations the Committee Chairman should consider asking the Screening Director, the Director-in-Charge, or his designee to discuss with the Committee members how the Laws or Regulations apply to the case, and what constraints, if any, the Laws, Regulations, or precedents impose on the Committee’s decision.

When the Committee has reached a final decision, that decision should be examined by the Screening Director, Director-in-Charge, or his designee before the parties are recalled. If the decision reached by the Committee is judged to be in any way impermissible, the “Director” should send it back to the Committee for revision, with a comprehensive explanation of the flaws that were discovered.

The job of chairing an Appeals Committee at a NABC carries with it a responsibility to work toward improving the appeals process. An important part of this responsibility is to ensure that the essential elements of the case, the important happenings at the hearing, the Committee’s final decision, and its rationale for reaching that decision are well-documented. From this a report will be prepared for publication in the *Daily Bulletin*, and later in the appeals casebook.

THE PANEL’S DIRECTOR AND COMMITTEE RATINGS

Case	Directors	Committee	Case	Directors	Committee
1	98.6	94.2	18	97.0	86.7
2	77.3	59.1	19	56.1	90.6
3	65.3	85.3	20	76.9	70.3
4	69.4	70.8	21	72.2	88.9
5	80.6	89.4	22	76.7	56.7
6	80.6	89.4	23	97.0	95.7
7	61.9	88.3	24	89.7	81.1
8	76.4	68.3	25	88.1	64.2
9	70.3	86.7	26	90.9	88.8
10	76.1	72.2	27	92.4	79.4
11	54.7	63.6	28	100.0	83.9
12	40.0	94.4	29	93.1	72.2
13	80.6	67.2	30	70.8	90.3
14	51.1	78.9	31	81.8	75.0
15	63.9	76.4	32	77.3	77.3
16	80.3	85.6	33	100.0	93.1
17	48.3	76.9	Mean	76.8	79.7

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