

APPEAL	NABC+ ONE
Subject	Revoke
DIC	Henry Cukoff
Event	NAP – Flight A
Session	Second Final
Date	March 8, 2007

BD#	6
VUL	E/W
DLR	East

Dan Gerstman	
♠	A J 6
♥	Q T 2
♦	K 5 3 2
♣	6 4 2

Ed White		Spring 2007 St. Louis, Missouri	Marty Hirschman	
♠	Q 9 7 3		♠	K 5
♥	7 6 4		♥	A 8 3
♦	A Q J		♦	9 8 7 6 4
♣	T 7 3		♣	J 9 5

Joel Wooldridge	
♠	T 8 4 2
♥	K J 9 5
♦	T
♣	A K Q 8

West	North	East	South
		Pass	1♣
Pass	1NT	Pass	Pass
Pass			

Final Contract	1NT by North
Opening Lead	♦9
Table Result	1NT making 3, N/S +150
Director Ruling	1NT making 2, N/S +120
Committee Ruling	1NT making 2, N/S +120

Play:

Trick 1:	♦9	♦T	♦A	♦2
Trick 2:	♦Q	♦K	♦4	♠2
Trick 3:	♥Q	♥A	♥5	♥4
Trick 4:	♦8	♠4	♦J	♦3
Trick 5:	♠3	♠A	♠5	♠8
Trick 6:	♥T	♥3	♥K	♥6
Trick 7:	♥9	♥7	♣2	♥8

The Facts: The director was called after trick seven. After following to the ♥9 with the ♣2, declarer said the word “heart.” Declarer stated that he was attempting to correct his revoke.

The Ruling: The director judged that declarer by saying “heart” was playing to the next trick. Therefore the revoke was established. In accordance with laws 61-64, a one trick penalty was imposed and the result adjusted to 1NT making two, N/S +120.

The Appeal: At the end of trick seven, declarer was in dummy in which there remained one good heart. Declarer still had one heart in his hand due to his revoke at trick seven. The declarer then said "heart." A moment later (one or two seconds), he took the heart from his hand and started to exchange it for the club he had played to trick seven. There was conflicting testimony about whether declarer's trick seven card was face down at that point. Dummy had not played the remaining heart and West had not played. After a brief exchange between the players, E/W called for the director. E/W said they thought a heart had been called from dummy. Declarer said it was not his intention to call a card from dummy; he just said "heart" because he wanted to correct the revoke.

The Decision: The committee heard the testimony of three of the players and two kibitzers (who had been sitting on either side of dummy). The kibitzers' testimony was requested and consented to by both sides.

Although Declarer had said that he had fully named each previous heart played from dummy, the committee found that his stating "heart" constituted an incomplete designation of the heart from dummy. The laws provide for incomplete designation by deeming it be the lowest card in dummy of the suit named, unless that was incontrovertibly not declarer's intention (law 46 B 2) . The testimony did not suggest that it was clear that declarer was muttering rather than naming a card to be played. Declarer did not say "heart" in a slip of the tongue intending to say something else. He was in a position where cashing dummy's last heart was the logical next play and he said "heart" in such a way that it reasonably could be construed to be a designation of a card he is proposing to play. Under those circumstances the committee decided the heart in dummy is played and the revoke on the previous trick was established. Therefore, a one trick penalty was appropriate and the decision of the table director was upheld. The committee found that the appeal had merit.

The Committee: Barry Rigal (Chairperson), Bart Bramley, Michael Huston, Chris Moll and Bruce Rogoff.

Commentary:

Goldsmith Seems pretty clear-cut. Whatever declarer intended, he had to realize that what he did by saying, "heart," was to call a card from dummy, establishing the revoke. If he wanted to correct the revoke, he should have said, "sorry, I have a heart." Note that if the previous trick was not quitted, it is inappropriate to call from dummy, but that doesn't matter; even an illegally played card by the revoking side establishes the revoke (L63A1).
Appeal has no merit, sorry. The screening director ought to have made this clear.

Polisner Not awarding an AWMW was very charitable.

- Rigal** A very difficult call. I think you had to be there, and form an opinion on the spectator's testimony to come to a conclusion – and we did not find it easy, even after all that. Finally, we could find no reason to overrule the tournament director (TD) (even though, since we had more testimony than the TD, it was within our authority to do so).
- Smith** Saying “heart” is a strange way for a player to indicate that he is trying to correct a revoke from his own hand. The directors and committee got this right, and the appellant was lucky to escape without an AWMW.
- Wildavsky** The decisions look right to me.
- Wolff** There is little argument that this case was decided correctly according to the strict interpretation of the revoke law, however: Long ago a real law scholar once told me: A "good" judge knows the law and then after tying the facts to the law makes a proper judgment and verdict. That is what this director and committee did. A "great" judge knows the law and then when tying the facts to the law always interprets the law, if at all possible, so that the equity in the case wins out. The revoke was so trivial and had nothing to do with trying to gain something or any other evil motive, but it just happened and happened in such a way that it countermanded intent and bridge justice. I hope our "bridge laws" grow to such an extent wherein sometimes in the future this will not be called a revoke. My suggestion would not work in the clubs or in any low level because of the absence of experienced judgment. However, on the big stage, IMO we are ready for this upgrade.
- Zeiger** The decision was obvious and the write up thorough. One question, the appeal had merit because...? We all know it didn't, but the Committee was too nice to say so.