

APPEAL	Non-NABC+ Five
Subject	Misinformation (MI)
DIC	Millard Nachtwey
Event	Flight A Open Pairs
Session	First of Two
Date	July 25, 20092

BD#	27
VUL	None
DLR	South

Aaron Silverstein	
♠	A K
♥	Q 9 5 3 2
♦	J T 5 3
♣	5 2

Eugene Kales		Summer 2009 Washington D.C.	Richard Ferrin	
♠	J 7 2		♠	Q T 9 8 5 4
♥	J T 8 7		♥	A 6
♦	9 8 2		♦	4
♣	J T 7		♣	A K Q 9

Scott Levine	
♠	6 3
♥	K 4
♦	A K Q 7 6
♣	8 6 4 3

West	North	East	South
			1NT ¹
Pass	2♦ ²	2♠	Pass
Pass	Dbf ³	Pass	2NT ⁴
Pass	3♦	Pass	Pass
Pass			

Final Contract	3♦ by North
Opening Lead	♣A
Table Result	Made 4, N/S +130
Director Ruling	3♠ E made 3, E/W +140
Panel Ruling	3♦ N made 4, E/W + 130

(1)	11 – 14 HCP.
(2)	Transfer to hearts.
(3)	Cards, takeout.
(4)	See facts below.

The Facts: The director was called at the end of the auction and again after the play of the hand. North explained that though he didn't know if it applied in this specific auction, they play scrambling 2NT in other auctions (South intended 2NT as a scramble). East said he would have bid 3♠ had 2NT been Alerted.

The Ruling: The director judged that an implicit agreement existed, which required an Alert of the 2NT bid. Per Laws 21B and 12C1(e), the score was adjusted to 3♠ by East making three, E/W +140 for both sides.

The Appeal: N/S appealed the director's decision.

The Decision: The panel determined that the 2NT bid did not require an Alert, therefore, there was no infraction. The table result of 3♦ by North making four, N/S plus 130 was reinstated for both sides. It was nice of the N/S pair to inform E/W of its agreement. There was no violation of the Alert Procedure or Law. The appeal was determined to have merit.

The Panel: Tom Marsh (Reviewer) and Bernie Gorkin.

Commentary:

Polisner One can only wonder if the directors don't know which bids are Alertable, how can the ACBL expect the players to know?

Rigal I think both director and panel did something reasonable here. In North's seat I would have done exactly the same. I'm not sure I would have described the call as scrambling as opposed to 'do something intelligent – one option being to pass.'

Smith Appeals committees do not have the authority to overrule the director on a point of law or regulation (93B3). What is Alertable is a regulation, and therefore in the province of the director. What authority a panel of directors has in this regard has never been addressed in my recollection. While it was indeed "nice" of North to volunteer the information, we need to know whether it was required or not. It would have been nice if the panel told us what led it to the conclusion that 2NT was not Alertable by quoting from the Alert regulations. Or, by at least telling us that the Head Director had deemed it not Alertable (and why). The writeup is not complete without that information. I will say that even if 2NT does need an Alert, I would expect that it would make little difference to a Flight A East's decision to bid 3♠, so I think justice was done by the panel. The panel's reason for the ruling made a poll moot, but where was the directors' poll of how reasonable East's argument was?

Wildavsky I prefer the panel's ruling to the director's.

Wolff Another correct ruling.