

APPEAL	NABC+ NINE
Subject	Unauthorized Information (UI) - Tempo
DIC	Harry Falk
Event	Wernher Open Pairs
Session	First Qualifying
Date	July 28, 2009

BD#	27
VUL	None
DLR	South

Peter Clark	
♠	A 8 4
♥	A T 9 5 2
♦	9 4
♣	T 8 4

Mike McNamara		Summer 2009 Washington D.C.	Marius Agica	
♠	J T 7 6 5 2		♠	
♥	K J		♥	8 7 6 4 3
♦	8		♦	T 6
♣	K J 3 2		♣	A Q 9 7 6 5

Mariko Kakimoto	
♠	K Q 9 3
♥	Q
♦	A K Q J 7 5 3 2
♣	

West	North	East	South
			1♦
2♠	Dbl	Pass	3♦ ¹
Pass	3NT	Pass	6NT
Pass	Pass	Pass	

Final Contract	6NT by North
Opening Lead	♥8
Table Result	Made 7, N/S + 1020
Director Ruling	3♦ S made 6, N/S +170
Committee Ruling	3♦ S made 6, N/S +170

(1) Alleged hesitation.

The Facts: The director was called at the end of the round, but he was not able to speak to N/S until just before the start of the second session. E/W alleged that South broke tempo before bidding 3♦. South said there was no break in tempo (BIT). North at first said there was a short break, then, after being told of the score change, said there really was no BIT. He said he bid to show his spade card.

The Ruling: The director judged that there was a BIT (Law 16). 3♦ was not forward going. The BIT demonstrably suggested bidding and pass was a logical alternative. Therefore, the result for both sides was adjusted to 3♦ by South making six, N/S plus 170.

The Appeal: N/S appealed the director's decision. All four players attended the hearing. In screening, E/W said the hesitation was 20-25 seconds. N/S said there was no hesitation.

N/S said that North waited an appropriate amount of time over 2♠ and that South bid 3♦ in normal tempo. North said he thought he would likely make a 3NT bid over a normal 3♦ bid.

E/W said that South hesitated for 20-25 seconds before her 3♦ call.

The Decision: The committee noted that North had initially said there was a BIT when talking to the table director. The committee believed that South's hand required too much thought for there not to be a BIT. Therefore, the committee found it overwhelmingly likely that there had been a BIT. N/S are a new partnership. North has over 6,000 masterpoints and South over 5,000.

North said he had not seen South bid conservatively earlier in the session. South admitted she could have a lot less for her 3♦ call.

The committee determined that there was a BIT, that it demonstrably suggested bidding, and that pass was a logical alternative. A diamond contract will result in 12 tricks on the likely spade lead. The committee determined that, per Law 12C1b, East's failure to lead a club against 6NT was not an error serious enough to deny them redress. Therefore, the score for both sides was adjusted to 3♦ by South making six, N/S plus 170.

Throughout the hearing, South vehemently denied hesitating. Because of that and the timing of the director call and the fact that the director had to wait until the second session to question N/S, it appeared there was a genuine factual issue that gave the appeal substantial merit.

The Committee: Richard Popper (Chair), Darwin Afdahl, Mark Bartusek, Ed Lazarus and Jeff Roman.

Commentary:

Goldsmith It is obvious that South broke tempo; her hand screams that she did, and her partner's does, too. The basic ruling is a slam-dunk.

The only question is the appeal without merit warning (AWMW). That N/S was not informed about the case until long after the session is a reasonable argument against giving a clearly-deserved AWMW, because N/S might have wanted to consult friends before deciding whether to appeal. Two players with 5000 masterpoints, however, ought to know better. I'd give them an AWMW despite the mild reason not to.

Regardless of the AWMW, a procedural penalty for blatant misuse of UI ought to have been automatic.

Polisner Under the facts as given, where North admitted to a "short break." My concern is whether the UI demonstrably suggested that North bid 3NT. Could't South be thinking about passing for penalties or bidding 3♣ with a 3154 with say good diamonds and weak clubs? I don't think the BIT demonstrably suggested that North bid 3NT and would have reinstated the table result.

- Rigal** If the hesitation was established (and let's say it was) I'd like to have seen the question addressed of whether anyone would really have passed 3♦ here. Alas, a split score is not possible here – if passing is a logical alternative we rule under that principle and can't look at more or less favorable results. I'd have needed persuading that it is not 100% automatic to bid 3NT here. But on balance I'd like to see 'offenders' punished so I'll live with this.
- Smith** The committee's reason for not issuing an AWMW in this case is not nearly convincing enough for me. AWMW's don't really have much teeth, but if they succeed in discouraging a few appeals like this they might be worth it. Why are committees so often reluctant to issue them where we would be astonished to see the ruling overturned?
- Wildavsky** South claimed that with an 8-4 hand with two losers she rebid 3♦ in tempo after her partner showed values. Words fail me. I'm glad that East did not find the club lead, otherwise we'd never have had a chance to see this case.
- Wolff** And the beat goes on with "he said that she said...."