

APPEAL	Non-NABC+ Nine
Subject	Unauthorized Information (UI)
DIC	Michael Roberts
Event	Bracketed Knockout – Bracket 1
Session	Second Round
Date	July 27, 2009

BD#	<b>24</b>
VUL	<b>None</b>
DLR	<b>West</b>

<b>James Rezihan</b>	
♠	T
♥	Q 9 8 6
♦	T 8 7
♣	A K 7 4 2

<b>Patricia Wright</b>		<b>Summer 2009 Washington D.C.</b>	<b>Robert Lavin</b>	
♠	A J 7 5 4		♠	K Q 8 6
♥	T 7 3		♥	A K 5 4
♦	K J 9 4		♦	2
♣	3		♣	9 8 6 5

<b>Estelle Margolin</b>	
♠	9 3 2
♥	J 2
♦	A Q 6 5 3
♣	Q J T

West	North	East	South
Pass	Pass	1♣	1♦
1♠	Pass	2♠	Pass
Pass <sup>1</sup>	3♦	4♠	Pass
Pass	Pass		

Final Contract	<b>4♠ by West</b>
Opening Lead	<b>♣A</b>
Table Result	<b>Made 4, E/W + 420</b>
Director Ruling	<b>3♠ W made 4, E/W + 170</b>
Panel Ruling	<b>4♠ W made 4, E/W + 420</b>

(1) Break in tempo (BIT).
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**The Facts:** The director was approached after the first half of the match to question the bidding after the BIT. North said the BIT was about 10 seconds, the other three thought it was 6-7 seconds.

**The Ruling:** No ruling was given until after the match was completed. The director did not allow the 4♠ bid, but did feel East would have bid 3♠. He felt that, since West did not make a game try, she would not bid 4♠ and ruled that the result was 3♠ by West making four, E/W plus 170. Laws 16, 73C and 12C1(e).

**The Appeal:** E/W appealed the director's decision. All four players attended the hearing. East said that after North's 3♦ bid he knew West's values were all working and that she would not have freely bid 1♠ without a little more than the minimum 6 points. West was asked if she would have bid 1♠ with, say, the Qxxx of diamonds instead of the KJ and she said yes. She also said that if we forced her partner to pass she would have doubled 3♦ (which has to go down at least two). West said she wanted to make a game try over 2♠, but could not come up with the right bid. She said she would bid 4♠ if her partner bid 3♠. North said he wished he had not balanced after the BIT. South did not think E/W should be allowed to reach game after the BIT.

Eleven pairs were asked to bid the E/W hands. All eleven reached game, although only two passed 2♠ and so got to game with North's help.

West wanted to bid more, but did not think of 3♠ (invitational in their system) in time. All consultants agreed that East had a 3♠ bid, so it appeared that 4♠ was the only possible contract.

**The Decision:** Given the above, the panel found the violation of Law 16 did not affect the end result and so restored the table result of 4♠ by West making four, E/W plus 420 for both pairs.

A player memo was filed on East for his apparent use of U.I. for his 4♠ bid.

**The Panel:** Charles MacCracken (Reviewer), Su Doe and Candace Kushner.

**Commentary:**

**Polisner** I would never have allowed E/W to receive plus 420 and in fact, would have assessed a procedural penalty for blatant use of UI. A player memo is insufficient.

**Rigal** E/W should get the procedural penalty (PP) they deserve to bring their result to no better than 3♠making four. As for the non-offenders I think I'd let them keep 3♠ making four too. My view is that bidding 4♠ with KJ94 of diamonds facing a singleton is far from automatic. Plus partner may have been bidding on my hesitation in which case I've bid my hand already (only joking...I think).

**Smith** I actually like the directors' ruling better than the panel's, although with more polling I could be convinced the panel is correct. I think the nub of this problem is whether a West who passed 2♠ would necessarily bid 4♠ when partner competed to 3♠ over 3♦. All that shows is short diamonds, which doesn't tell me that a player who couldn't even make a game try a minute ago would think it is automatic to bid game now. So, more of a sampling of that issue would be useful for me. I am offended at East's 4♠ bid, and in the top bracket I think it deserves a penalty as a violation of Law 73C (“When a player has available to him unauthorized information from his partner, . . . he must carefully avoid taking any advantage from that unauthorized information”).

**Wildavsky** The panel ruling seems to me a miscarriage of justice. What point is there in polling E/W pairs who do not pass 2♠? It's always difficult to reach game once a pair has stopped in a part score. The director's ruling looks right to me, except for the lack of a procedural penalty for East's egregious 4♠ bid, which was consistent with an attempt to take advantage of UI.

**Wolff** More than a player memo should be filed against East for a flagrant ethics violation! His 4♠ jump, after his partner's hesitation and pass and then a balance is as unethical as it can get. East has no fear of overt unethical conduct (perhaps we should look at ourselves for having this happen).