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Abbreviations used in this casebook:

AC	Appeal Committee
AI	Authorized Information
AWMW	Appeal Without Merit Warning
BIT	Break in Tempo
CD	Convention Disruption
CoC	Conditions of Contest
LA	Logical Alternative
MI	Misinformation
NOS	Nonoffending Side
OS	Offending Side
PP	Procedural Penalty
TD	Tournament director
UI	Unauthorized Information

FOREWORD

The casebooks are intended to be a tool to help improve appeal committees, particularly at NABCs. The ACBL continues to make these cases available on its web site. Printed casebooks from previous NABCs remain available from the ACBL product store.

Forty-six cases heard in Atlanta are reported here. Twenty-two of them were NABC+ cases. That means they were from unrestricted championship events and heard by a peer committee. In most cases the appeal passed through a screener, usually a senior tournament director. The names of the players are included in NABC+ appeals.

Twenty-four are from regional events. They include the regional championship events, some side events and any NABC event that carried an upper masterpoint restriction. These cases were reviewed by a panel of directors (usually three). In this category, the names of the players are included only when the event had no upper masterpoint limit

We thank everyone who contributed. This starts with committee members, chairpersons, scribes and screeners and later on the expert panelists who comment on the various cases. Without the time and efforts of these people the casebook would not happen.

You can visit the ACBL web site to view this casebook or previous ones.

1. Go to the ACBL home page <http://www.acbl.org>
2. Across the top find "Play" and under that, click on tournaments
3. From the next page, across the top is a green banner. Find and click on "Charts, Rules and Regulations"
4. Under "Tournament specific regulations" find and click on NABC casebooks

We hope you find these cases instructive, educational and interesting.

ACBL Headquarters Memphis
December, 2005

THE EXPERT PANEL

Jay Apfelbaum: Jay Apfelbaum, of Philadelphia, is a former tournament director, national champion and member of the ACBL Board of Directors. He continues to be an avid player, regularly placing in the Barry Crane Top 500 list.

Mr. Apfelbaum also writes a number of bridge articles for District 4, his home district. In his professional life, he is an administrative law judge presiding over unemployment compensation claims.

Ralph Cohen is a Grand Life Master who was born in Montreal QC, but currently resides in Memphis TN. He has held several positions with the ACBL from 1971 to 1991 including Executive Director from 1984 to 1986. Mr. Cohen has been a member of the ACBL Laws Commission since 1984 and is currently a co-chairman. He is a vice-chairman of the WBF Laws Committee.

Mr. Cohen wrote the *Ruling the Game* column for two years along with other contributions for *The ACBL Bridge Bulletin*. He represented Canada in the World Team Olympiad in 1964 and has won four NABC Championships. Mr. Cohen has been attending NABCs since 1947.

Marvin L. French is a retired aerospace engineer for General Dynamics and Cubic Corporations. He has written many bridge articles for *Popular Bridge* (now defunct), *The Bridge World*, ACBL Bridge Bulletin, and the Western Conference Contract Bridge Forum. He is the author of Party Bridge and many conventions and treatments, including the amBIGuous Diamond System, Marvin's Checkback Stayman, Stoplight (Wolff Signoff), Defense Against Precision One Diamond, Unbalanced Heart Convention, Valentine Raises, Omnibus and Non-jump Splinters.

Mr. French has been an active participant in debates and discussions on Bridge-Laws Mailing List (BLML) for many years. The BLML has given him a good understanding of the Laws and their proper application, including table rulings and the processing of appeals.

Jeff Goldsmith was born near Schenectady NY. He has lived in Pasadena CA, for the last 20 years. He graduated from Rensselaer Polytechnic Institute and Caltech. Mr. Goldsmith is a software engineer, focusing on computer graphics and animation and internet programming, all with a heavy mathematical perspective. He created computer animation for JPL for several years including the movies about Voyager's encountering Neptune. He ice dances and plays many other games, particularly German board games. His web site (<http://www.gg.caltech.edu/~jeff>) contains lots of bridge and other material.

Mike Passell, Plano TX, is a full-time bridge player who is a world and many time NABC champion. He is the number two all-time ACBL leader with over 55,000 masterpoints. Passell holds the WBF rank of Grand Master and won the Bermuda Bowl in 1979. He captured the McKenney Trophy (now called the Barry Crane Top 500) in 1976 and is a perennial contender for that title.

Adam Wildavsky was born in Ohio and grew up in Berkeley and Oakland CA. He is a graduate of MIT and since 1986 he has resided in New York with longtime companion Ann Raymond. He is an employee of Google, Inc. and works in their New York City office as a software engineer.

Mr. Wildavsky has won three NABC Championships, most recently the 2002 Reisinger BAM teams. He and his Reisinger team went on to win the 2003 Team Trials and took a bronze medal in the 2003 Bermuda Bowl in Monaco. Mr. Wildavsky is a member of the National Laws Commission. His study of the laws is informed by his study of objectivism, the philosophy of Ayn Rand.

Bobby Wolff was born in San Antonio and is a graduate of Trinity University. He currently resides in Las Vegas. His father, mother, brother and wife Judy all played bridge. Mr. Wolff 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 great players. He has won 11 World titles and is the only player ever to win world championships in five different categories: World Team Olympiad, World Open Pair, World Mixed Teams, World Senior Bowl and seven Bermuda Bowls.

Mr. Wolff has also won numerous NABCs including four straight Spingolds (1993-1996). He served as ACBL president in 1987 and WBF president from 1992-1994. Mr. Wolff started the ACBL Recorder system in 1985, has served as tournament recorder at NABCs and is the author of the ACBL active ethics program. Among his pet projects are eliminating both Convention Disruption (CD) and Hesitation Disruption (HD).

Gary Zeiger is an Associate National Director living in Phoenix AZ. He currently oversees all Regional Appeals heard at our NABCs.

CASE ONE

Subject: UI

DIC: Steve Bates

Grand National Teams, first session qualifying, July 20, 2005

Brd: 16 **Brad Carmichael**

Dlr: West ♠ A 10 2

Vul: EW ♥ A K Q 4 3

♦ Q

♣ J 10 7 5

James Glickman

♠ 7

♥ J 9 8 7 6 5 2

♦ J 4 2

♣ A 6

Howard Einberg

♠ K Q 9 6

♥ --

♦ K 9 8 5

♣ K 9 8 4 2

Jeffrey Miller

♠ J 8 5 4 3

♥ 10

♦ A 10 7 6 3

♣ Q 3

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
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Pass	1♥	Dbl	1♠
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Pass	2♣	Pass	2♦ (1)
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Pass	3♠	All Pass	
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(1) 2♦ Alerted, no questions asked.

The Facts: 3♠ failed by two tricks. The director was called at the end of the match. At the end of the auction, South stated that he did not think that the 2♦ bid was Alertable as fourth suit forcing since he did not redouble in the first place.

The Ruling: The director ruled that North's Alert of 2♦ was UI to South and that it suggested passing 3♠ rather than bidding on. South could thus deduce that North expected him to have a better hand (Law 16). Four players were polled on South's action over 3♠, assuming no UI. Three bid 4♠. Therefore 4♠ is logical alternative to passing.

Two players were given the East and West hands as problems over 4♠. Each passed and saw no alternative. Therefore, according to Law 12C2, the score was changed to 4♠, not doubled, by South down three, EW +150

The Appeal: EW appealed, requesting they be allowed to double 4♠.

The Decision: The committee found that the 3♠ call showed a hand with a 3=5=1=4 pattern and 16-17 HCP regardless of whether the partnership were playing fourth suit forcing in this

sequence or not. Therefore, South had no relevant UI. Because of this, the committee let the Pass of 3♠ stand, returning the result to the table result: EW +100

The Committee: Bill Cole, chair, Jo Morse and Sheri Winestock.

Cohen: Was there UI? Yes. Was 4♠ an LA? It appears so. Then the TD was right and the AC was wrong.

Rigal: The committee made the logical decision that the authorized information from the 3♠ call duplicated the UI from the Alert. Therefore, since South was not in possession of UI, he could do what he liked. Sensible adjustment.

Wolff: While the director's decision shows a lack of understanding of the high-level game (the director should realize that most experts would not risk a forcing 2♦ rebid with the South hand and he was hoping for a miracle when he chanced it. His prayer was somewhat answered by his partner bidding spades (although he hoped for 2♠ rather than 3♠) Once he did it, he would be throwing that miracle away by bidding again. Nothing at all was done badly except perhaps the bid itself. The committee sensed what I am saying and allowed the result to stand.

Zeiger: Was there UI for South? Sure. The Alert of 2♦ told him the North expected a better hand. Did the UI demonstrably suggest passing? Of course. Was 4♠ an LA? Unless you discount player polls, it was not only an LA, but the majority choice. Clearly, the committee ruled 4♠ down three, +150 EW. Oh, wait. They didn't?? The AI duplicated the UI? If that's the case the TDs must have consulted morons. This committee is saying if they had bid 2♦, had partner explain it as natural and non-forcing, saw partner rebid 3♠, they might have passed?? Baloney. I hope it gets better from here. I don't know which side appealed but if it was NS, give them an AWMW. While we're at it, give this committee a DWMW.

French: The AC decided there was no UI. If true, the poll results are irrelevant. But it's not true. As the TD must have thought, the 3♠ bid showed a much better hand opposite a possibly weak two-suiter than it would opposite a fourth suit forcing hand --- something like ♠A K x ♥A x x x x ♦x ♣K J x x. With that valuable ♣Q, South has a 4♠ bid.

The TD's ruling was correct, except that 4♠ quite possibly would be doubled. The contrary opinion of just two players is not sufficient reason to rule otherwise.

The first three appeals were heard by non-members of the Atlanta NABC Appeals Committee, a bad idea. They lack the training and experience for correctly applying the Laws and regulations in NABC appeal cases, and explaining their decisions, whatever their expertise as players. I doubt that many read the NABC casebooks or the minutes of the Laws Commissions.

Goldsmith: The write-up is pretty far off. South did not state that he thought 2♦ was not Alertable, but that he thought 2♦ was natural and weak, not artificial. Who appealed? I don't know, and I was there! No appealing statement is included. Why not?

What really happened? I think NS appealed because they didn't like the director's ruling. EW were going to appeal, because I thought that East had the ♣A, not the ♣K, in which case, East's doubling 4♠ looks pretty normal. (I gave the hand thus to a few players then and all doubled.) In practice, I (EW were my teammates) found out that the club honors were as they were (clubs were never played at my table!) just as the AC was being set up. I wasn't given the chance to judge to drop the appeal, so I have to assume that NS chose to appeal. No one told me, despite my asking. Maybe no one knew.

The decision: the AC's bridge analysis is wrong. If 2♦ shows strength, then 3♠ just shows enough to accept a game try; typically 2♠ is not forcing unless 2♦ is forcing to game. If 2♦ is natural and weak, 3♠ shows a big hand, because 2♠ shows about 16 HCP and 3=5=1=4 shape. With a weaker hand, opener raises to 2♠ on his second turn. I can't believe this committee didn't know that. Bidding 4♠ is automatic without the UI.

If NS appealed, I'd give them an AWMW.

If EW appealed wanting to double the enforced 4♠, on the actual cards I'd reject their appeal and give them an AWMW. Switch the ♣A and ♣K and I'd uphold their appeal.

Wildavsky: The committee members seem to believe that a singleton queen is worth 2 HCP. I disagree, and so I disagree with their ruling. The TD got this one right.

Apfelbaum: I agree with the committee decision. North has almost exactly the hand he is supposed to have, whether or not South's bid is natural or artificial. Therefore, I have no problem with his bid. Moving to South, the North bid shows the same hand regardless whether South's bid is natural or artificial. Therefore, I have no problem with any of South's choices.

This is a case where there is no relevant unauthorized information that is not also authorized.

CASE TWO

Subject: MI

DIC: Steve Bates

Event: Grand National Teams, first session, July 20

Brd: 14 **Michael Shuster**

Vul: None ♠ Q

Dlr: East ♥ K 10 6 5 2

♦ K Q 8 5 3

♣ K 9

Fred Gitelman

♠ J 9 8 2

♥ 8

♦ 9 7 6

♣ 8 6 5 3 2

Billy Miller

♠ 10 6 5 4 3

♥ A 9 7

♦ 10 4

♣ A 10 7

Jeffrey Goldsmith

♠ A K 7

♥ Q J 4 3

♦ A J 2

♣ Q J 4

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
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		Pass	1♣
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Pass	1♥	Pass	3♥
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Pass	4♣	Pass	4♦
------	----	------	----

Pass	4NT	Pass	5♠
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Pass	6♥	All Pass	
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The Facts: The contract was 6♥ making six for NS +980 after a spade lead. At the end of the auction, South explained that 4NT was a spade cue bid by agreement and that 4♠ would have been ace asking. East led a spade and the contract made at the table.

The Ruling: The NS pair provided to the director a set of system notes (the director had not requested them) at the end of the round. The director ruled that the NS pair did not have the agreement as stated. As a result of the misinformation, the director adjusted the result to 6♥, down one, +50 to EW.

The Appeal: North explained that he forgot that by agreement 4NT was a spade cue bid but did not correct South's explanation since it was correct.

The Decision: The committee could not agree on whether there was misinformation. It did, however, determine that if there was misinformation, East was not injured – he should lead one of his aces and not relinquish the lead. Accordingly, the committee allowed the table result to stand: NS +980.

The Committee: Bill Cole, chair, Kit Woolsey and Ken Kranyak.

[Editor's note: The East and West names were reversed when this hand was sent to panelists for comment. What is shown above is correct.]

Cohen: This is an AWMW case. What was East looking for? Another ace?

Rigal: I'm sorry the ruling was made the way it was so we could not give East an AWMW; mind you, if I'd failed to lead an ace I surely would not have taken this to appeal. I would not even have called the director – in case someone else saw my performance.

Wolff: Another good committee decision. The directors, while meaning well and following their rules, are a little bit like the 1,000 pound golf-playing gorilla who hit a 450 foot drive which landed three feet from the hole, well up on the green and then went on the green and hit another 450 foot drive that landed well past the second green. System notes, or for that matter, partnership understandings, are not important on this hand. This would be a good hand to discuss in a director's seminar to determine what is important to find out.

Zeiger: Better than CASE ONE --- a little. System notes were provided, presumably to support the NS contention that 4NT was a spade cuebid, yet the TD ruled otherwise? Why, pray tell? The committee couldn't decide at all if there was MI? Why, pray tell? The decision cannot be right. If there was no MI, the table result should stand. If there was MI, NS should be -50. If you want to split the baby because you think East's failure to lead an ace was egregious, then stick EW with -980. To say that whether or not there was MI doesn't matter, shows no knowledge of how to apply the Laws.

French: We are not told what the NS system notes said, or how the TD determined that NS did not have the agreement that 4NT was a spade cue bid. But what difference does it make? Did Gitelman lead a spade because he was told 4NT was a spade cue bid? The ruling seems very strange.

This “ad hoc” AC seemed to think that offenders cannot be penalized score-wise if the non-offenders lose redress by doing something crazy, like not taking two aces to beat a slam. They do not have the training that would tell them "damage" for the offending side is defined as gaining an advantage in the score by virtue of an irregularity, regardless of whether the other side is damaged or not. That's not in the Laws, it's an interpretation by the Laws Commission. But no matter, in this case there was no damage of either type so table result stands.

Wildavsky: I agree with the committee's decision, but the way that they arrived at it was not 100% correct. The AC is not and ought not be in the business of deciding what an innocent opponent ought to have done. The proper way to arrive at the decision is to note that even if there was misinformation, East was not damaged through the misinformation.

Had the TD ruled the other way I'd be astonished to see EW appeal.

Apfelbaum: This is a very strange director ruling. Why did the director not consider that East was on lead with two Aces? Surely East must realize that NS had a misunderstanding. The only real question is how to profit from it.

CASE THREE

Subject: UI

DIC: Steve Bates

Grand National Teams, second session, July 20

Brd: 1 **Michael Zerbini**

Vul: None ♠ A 9 8

Dlr: North ♥ K Q 9 7 5 4 2

♦ Q

♣ 10 4

Robert Levin

♠ J 10 6

♥ A 10

♦ A J 9 3

♣ A K Q 9

Steve Weinstein

♠ Q 7 5 3 2

♥ J

♦ K 7 4

♣ 6 5 3 2

Perry Johnson

♠ K 4

♥ 8 6 3

♦ 10 8 6 5 2

♣ J 8 7

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
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	1♥	Pass	1NT
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Dbl	2♥	2♠	Pass
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Pass (1)	3♥	3♠	Pass
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4♠	All Pass		
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(1) Agreed BIT.

The Facts: 4♠ made five for +450 EW. There was a long, agreed-upon hesitation by West before his Pass. The director was called by NS before the play of the hand.

The Ruling: The director ruled that pass was a logical alternative to East's 3♠ bid. The director adjusted the result to 3♠ making five, +200 EW.

The Decision: In a decision without comment, the committee allowed the table result to stand.

The Committee: Bob Hamman, chair, Steve Robinson and Bruce Keidan.

Cohen: Hooray for the TD. These BITs almost always show extras. Pass was certainly an LA. Hisses for the AC.

Rigal: A terrible committee ruling – I'm shocked, shocked. A slow 3♠ bid conveys no information; all we know is East either has more or less than he might, not which. His failure to invite game the round before suggests less. He might have been thinking of doubling as well.

West was allowed to bid 4♠ when his partner suggested five spades (West's own hand marks East with not many HCP, thus a fifth spade in all likelihood after his second call). The tempo is irrelevant.

Wolff: To me and to most of my peers a long study and then minimum sounding bid is almost always a stronger hand than the bid shows, but with a deficiency (here it is only three-card support). For that reason and basically for the BIT 3♠ bid itself, East should not be allowed to bid 4♠. Here the director was right in following his rules. The BIT definitely helped the EW partnership.

Zeiger: In an opinion without comment, this panelist disagrees with the committee.

French: The TD's statement is possibly correct, but that matter is moot. If East were to pass 3♥, West would not bid 3♠. He would double again, showing a strong hand of this type: just three spades and support for both minors. Having more than enough for the 2♠ bid (five spades, and a singleton heart), East would then bid 4♠. This is normal bidding for GNT players, who after all have won the right to represent their districts. One way or another, I doubt that any GNT pair would fail to reach 4♠ legally after the 3♥ bid by North. The table result should not have been changed.

It's a pity that this "ad hoc" AC did not explain their decision, but they were perhaps unaware of their obligation to do so. I suspect they based it on the fact that they would all bid 3♠ with East's hand, ignoring the UI issue altogether.

Goldsmith: C'mon, guys. The first two write-ups were substantially wrong. In the third, the AC refuses to do it at all?

I guess we need to arrange to have an AC organized beforehand for the Grand National Teams.

I can't tell what the actual auction was. It would surprise me somewhat to find that the one printed here was accurate. It doesn't make a lot of sense to me as written. Perhaps South bid 3♥ and West paused, but that can't be; West has an obvious double of 3♥. We'll never know.

This set of write-ups may be the worst I've ever seen, but the main reason I think that is that I know about several of the cases first- or second-hand. If I hadn't known extra information, I would never have known how poor was the information supplied to the panel. How can one judge other people's actions when their information is so suspect? Is it really all that hard to get this information right?

Let's imagine that the auction is as stated, even though it is pretty unlikely to be true. Is passing 3♥ an LA with East's hand? It seems very unlikely to me that anyone would pass. If 3♠ is the only reasonable call, then there was no infraction, and the result stands.

Wildavsky: It is not acceptable for an NABC AC to rule without comment.

The TD ruling is incomplete. He presumably considered that Pass was a logical alternative to 3♠ and that had East passed the most likely results were 3♠ and 4♠ after a reopening double by West. Applying Law 12C2 he adjusted the score to the likely result most favorable to the non-offenders, 3♠. He also judged that 3♠ was the most unfavorable result that was at all probable for EW.

Let's do this by the numbers. Was there UI? Yes. Did it demonstrably suggest 3♠ over Pass? Certainly it did. Was Pass a logical alternative? That's the crux of the matter. I thought it was close, so I took a poll.

I polled 42 experts, trying to stick to peers or near-peers of Levin and Weinstein. Of those polled, 27 responded. Of those 27, 18 bid 3♠, three passed, and six thought it was close. Does this shed any light on the matter? Here's the help we get from the powers that be:

The ACBL Laws Commission in 1992 attempted to clarify the definition of a Logical Alternative as "an action that some number of your peers would seriously consider in a vacuum." In 2000 they noted further that "It is generally accepted, however, that 'seriously considered' must imply that some number of one's peers would actually make the call considered."

The AC has no access to a poll, and it's not clear to me that polls would help. The AC must instead introspect. While I might complain that this AC did not share the results of their introspection, complaining will not help us when trying to figure out how to rule in similar cases.

When considering what East's peers would do should we look for players of similar strength, or also similar disposition? East is an aggressive bidder. If we didn't know that we need look no further than West's pass over 2♠. With that said, even aggressive players sometimes take conservative positions. By the ACBL Laws Commission standard, Pass was a logical alternative. As I have before, I urge ACs to take an expansive view of logical alternatives and remember that even the best players sometimes make losing decisions.

Apfelbaum: Without an explanation from the committee, there is no way to understand the ruling. That written, my view is that West will never allow North to play in 3♥, undoubled. After West doubles, there is no clear choice for East. Many, but not all, Easts would bid 3♠. There is no certainty that West will go on to 4♠, especially considering that West was willing to play 2♠. My personal choice is for an average plus for NS and an average minus for EW.

CASE FOUR

Subject: UI
DIC: Henry Cukoff
Von Zedtwitz Life Master Pairs first qualifying, first session

Brd: 18 Jim Pestaner
Dlr: East ♠ Q 10 6 4
Vul NS ♥ A J 7 6
 ♦ Q J 3 2
 ♣ 5

Winthrop	Jaggy
Allegaert	Shivdasani
♠ K 8 7 2	♠ A 9 3
♥ T 9 3	♥ K Q 5
♦ K 10	♦ 9 6 5
♣ 9 8 6 4	♣ A Q 10 3

Lucy Pestaner
♠ J 5
♥ 8 4 2
♦ A 8 7 4
♣ K J 7 2

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
	1NT		All Pass

The Facts: North hesitated six to eight seconds before passing in pass-out seat. South led the ♠ J. The contract failed by one trick, NS +50. The director was summoned after the hand was played.

The Ruling: North’s hesitation gave South unauthorized information that North may have been thinking about bidding. The UI suggests that the ♠J is more attractive a lead than it might otherwise be. A club lead is a logical alternative and would likely lead to a result of 1NT making. The director adjusted the result to 1NT making, +90 EW.

The Appeal: NS disputed the hesitation. South estimated a pause of two seconds while North provided a demonstration which suggested it was three seconds. South stated that she would always lead the ♠J. NS also questioned the timing of the call for the director – after the play of the hand.

The Decision: The committee decided that there was UI suggesting that North was considering balancing after the 1NT opener. The length of the hesitation itself was not necessarily the deciding factor and other behavior at the table may also have contributed. Since the table director had also come to that conclusion, the committee decided that there was UI available to South.

The committee considered whether the UI demonstrably suggested leading the ♠J. It decided that the UI suggested an unusual lead. South’s statement that she would always lead the ♠J was deemed to be self-serving. Having arrived at that conclusion and having considered South’s obligations under Law 73 to ignore any UI, the committee selected the lead of a low club to

satisfy Law 12C2 for both sides. The committee noted that the director was called only after EW discovered how unusual a lead South had made. While the timing of the director call might have been a bit unusual, the committee could not fault EW for it.

The committee ruled that on a club lead 1NT would make and, therefore, adjusted the result to +90 EW.

The Committee: Bob Schwartz, chair, Dick Budd, Ellen Melson, Ed Lazarus and Jeff Roman.

Cohen: As to the timing of the TD call, only late in the play did EW become aware that South may have contravened Law 73C. Since the TD and AC both determined the BIT and resulting UI, the decision was correct.

Rigal: South's decision to lead the ♠J looks like she was trying to locate partner's suit (yes if she were focusing she would know in DONT that spades was the least likely suit for partner to hold). Regardless of whether South was trying to utilize the UI intelligently, the *prima facie* assumption would be that she was trying to use it. My experience is limited (only 30 years of bridge, but I've never seen anyone lead a doubleton spade on this auction). Excellent TD ruling and should have been AWM and/or PP.

Wolff: I don't like the committee ruling. What has EW done to deserve +90, *nothing*. If the committee thinks NS helped each other (I do not) then give them -90 and EW -50. Or give them NS +50, EW -50 and penalize NS 1/4 to 1/2 a board. In that way justice is totally done, EW gets the natural bridge result and what they deserve. NS gets the natural bridge result but pays a PP. But, above all, the field is protected (this table gets less than one board's match points). Why does not everyone agree with this logic? Could it be that it takes the committee's (and or director's) power toys away from them?

Zeiger: What's this? A case where the committee considered the facts, attempted to apply the Law, and then took the time to explain its rationale? Surely you jest.

The committee says the length of any BIT might not have been the deciding factor, but "other behavior at the table may have contributed." If the behavior was relevant to the TD's and committee's finding of a BIT, then we should be told what it was. If time alone is the issue, and EW alleged six to eight seconds, score it up! I would think five seconds is the minimum I would take in pass out seat of 1NT, regardless of my hand. If other factors led me to decide a BIT existed, then EW +90 is correct for both sides.

French: Now here's an AC that recognizes that a slow pass is not the only way to convey the message of strength, and it's good to see an AC's acceptance of the TD's judgment as to the existence of UI. South's statements were irrelevant, but they should not have been doubted and described as "self-serving." That is an insult, because "self-serving" carries a strong implication of deceit (look it up). Instead, such statements should be simply declared irrelevant, without characterizing them.

What was "unusual" about the timing of the TD call? Law 16A2 says the time to call the director is when there is evidence, not mere suspicion, of an irregularity, and L16A2 is not an option for sponsoring organizations. The ACBL does permit the TD to be called at the time of the hesitation, but waiting until there is evidence of damage is not a bit unusual. If we were to call the TD for every opposing break in tempo that might cause damage, games would last forever.

The ruling and decision were both pretty easy and an AWMW would have been appropriate.

Goldsmith: Nicely done, AC. Where's the AWMW? A PP for South is arguable if South is an experienced player.

Wildavsky: Unless NS disputed the existence of the hesitation, I see no merit to the appeal.

Apfelbaum: A break in tempo can suggest a great many things. Law 16A applies only when the extraneous information demonstrably suggests one (or more) actions over others. In this case, the break in tempo demonstrably suggests that North has a suit he thought about bidding. That makes a spade lead more attractive because of the potential gain in finding North's suit.

After it correctly barred a spade lead, the Committee was absolutely correct to force South into guessing to lead the "wrong" minor suit.

CASE FIVE

Subject: UI

DIC: Henry Cukoff

Von Zedtwitz LM Pairs first qualifying, second session

Uttam Gupta
Brd: 15 ♠ K J 9 7 6 2
Dlr: South ♥ J 3 2
Vul: NS ♦ A K 9
 ♣ 4

David Berkowitz **Larry Cohen**
♠ 5 4 ♠ A Q 8
♥ 10 8 ♥ A 7 6
♦ J 10 5 4 3 ♦ 8 6
♣ A K 10 8 ♣ Q J 9 7 6

Prashanth Palakurthi
♠ 10 3
♥ K Q 9 5 4
♦ Q 7 2
♣ 5 3 2

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
			Pass
Pass	2♠	2NT	Pass (1)
Pass	3♠	Pass	Pass
Double	All Pass		

(1) BIT.

The Facts: The contract was 3♠ doubled making three after the lead of the ♣J for a score of NS +730. The director was called after the 3♠ bid. He determined that South asked questions and took a considerable time to pass (EW say about a minute).

The Ruling: The director changed the contract to 2NT making two for EW +120 (Law 12C2). South's tempo and questions made it demonstrably more attractive for North to bid. Pass is a logical alternative (Law 16).

The Appeal: NS appealed the director's ruling. NS and West attended the committee meeting. South stated he was a relative newcomer and was in awe playing against his famous opponents. He stated he had read several of their books. When he asked about the 2NT bid, he claimed he was originally told 15-17 but after further questioning told 14-18. North stated he had extras for his conventionally 5—10 HCP weak two bid with good distribution. The opponents had failed to bid game, marking his partner with a few cards. It was also noted that East had thought for a while before bidding 2NT.

The Decision: The committee learned that the appellants played online about four or five times a week to practice and that this was their first NABC.

It was decided that South's hesitation had clearly given UI to his partner and that North could not be allowed to bid 3♠. The defense to 3♠ was noted. There was a double dummy defense to beat it, but the actual one was not egregious. Therefore, the score of +120 to EW was assigned to both pairs.

In discussions with the screening director, it was discovered that the appellants were explicitly warned that they could easily be given an AWMW. The committee clearly believed this case had no merit, so they awarded one to both appellants and tried to educate them on the rules and regulations of the ACBL.

There was some sentiment for giving an additional procedural penalty for North's blatant use of UI, but it was deemed best to educate them instead. They were warned that some committees would have assessed a one-fourth board PP for North's 3♠ bid given the circumstances.

The Committee: Mark Bartusek, chair, Gail Greenberg, Ellen Melson, Mike Kovacich and Danny Sprung.

Cohen: The AWMW was merited and a PP of one-tenth of a board would have been even more educational. Also, a reading of Law 73C would have been in order.

Rigal: The committee covered all the bases intelligently and the point about the PP was a reasonable one. Yes, a different pair might have been given a PP.

Wolff: Again EW doesn't deserve to go +120. The natural bridge result, contributed to by EW's actions (sub-standard 2NT overcall and hungry double with all defense in one suit). The candy store was opened wide for EW's pleasure. If one deems NS guilty of UI (what has South got to even consider bidding?), then perhaps they should get -120. But it is so wrong to gift EW when they started well by West passing 2NT. It's like football. If you recover an opponent's fumble in their territory but then throw an interception on the next play that is run back for a touchdown, you are in worse position than before the fumble recovery. So should it be for EW who are and should be penalized for their poor collective judgment. When will we ever learn?

Zeiger: Hooray! Committee is just about perfect. A PP might have been a tad heavy-handed since North had a 1♠ bid, but the AWMW was clear.

French: It's a pity that EW did not attend the AC meeting, because they had some explaining to do. If South's statements were correct (and we can't accept them without corroboration), the change of disclosed HCP range was rather odd, going from a statement that was probably correct to one that matched East's hand better. What caused the revision? A lifted eyebrow? A very direct stare? If East "thought awhile" before bidding 2NT, wasn't that UI? Is West's hand really not worth a raise to 3NT? There could possibly have been a case for adjusting the score to 3NT down one, -50/+50.

However, the TD did not record all this information even if it may have been available, so it must be ignored. North cannot be allowed the vulnerable 3♠ bid after South's dithering, so both

the TD and AC were correct to disallow it. And why did South dither so much with that garbage? He seems to be one of those annoying players who question interminably for no reason other than to show off. Had he not done so, North would quite possibly have bid 3♠ and he would have had a top.

The threat of a PP and an AWMW was a bit harsh. A North who would bid a weak two with that hand would probably consider himself justified in bidding 3♠. The "rules and regulations of the ACBL" have nothing to do with it. It is a Laws matter, and the Laws are the same worldwide.

Goldsmith: Well done, AC. AWMW was fully deserved. A PP is reasonable, but if NS are inexperienced, giving them one is too heavy-handed. The AC did well to mention why they gave the AWMW and not a PP.

Wildavsky: I agree that the appeal had no merit. I would have assessed a procedural penalty in addition for North's blatant disregard for Law 73C.

Apfelbaum: North opened a weak two-bid. He has no business in bidding again, except that South broke tempo. That written, there is a very easy and obvious line of defense to defeat 3♠. All East has to do is lead clubs at every opportunity. If North plays on Hearts before drawing trump, East should duck the first round. Now, if North plays on trumps, East continues with clubs. If North continues with hearts, East wins and plays a third round for West to ruff.

I do not think that this defense is so easy that the defense's failure is a clear failure to play bridge. I would have found it interesting to hear arguments on both sides.

When high-level competitors are involved, I tend to favor allowing the table result to stand on hands that are close calls. The reason is that most experts are quite capable of figuring out the correct play. Considering my own tendencies, I still would back up the contract to 2NT. But it is a very close question.

CASE SIX

Subject: UI

DIC: Henry Cukoff

Von Zedtwitz Life Master Pairs, first qualifying, second session

Bd: 19 **Mark Molson**

Vul: EW ♠ A J 10 4

Dlr: South ♥ 9 3

 ♦ A 8

 ♣ 9 7 5 4 3

Jaroslav Piasecki

♠ 6 5

♥ K 7

♦ K 7 4 3

♣ A K Q 6 3

Pawel Boruta

♠ K 7 3

♥ A 6

♦ Q J 10 9 6 2

♣ J 10

Mark Gordon

♠ Q 9 8 2

♥ Q J 10 8 5 4 2

♦ 5

♣ 2

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
			Pass
1NT	Pass	3NT	4♥
Pass	Pass	Dbl (1)	Pass
4NT	All Pass		

(1) BIT.

The Facts: 4NT made six, +690 for EW after a heart lead. EW said that the 4♥ bid was made quickly over 3NT even though EW used the STOP card with the 3NT bid. East also said that his bidding box was not arranged and he had to look for the Double card. The director was called after the 4NT bid.

The Ruling: The director ruled 4H doubled down one for NS -100. West's forcing Pass over 4♥ (rather than Double or 4NT) establishes Pass of a subsequent double as a logical alternative. The hesitation demonstrably suggests the 4NT bid. NS said that the break in tempo was 10 seconds. EW said that the hesitation was only seven to eight seconds.

The Appeal: West said that since he had length and strength in both minors, he wanted to buy the contract. He thought that if he bid 4NT directly over 4♥, his opponents were more likely to take a good save in 5♥. East said that he had bid in proper tempo for a player who figured to be making the final competitive decision in a high level auction, neither too fast nor too slow. The

appearance of a break in tempo was caused by the additional time it took him to locate and pick up the misarranged Double card.

The Decision: The committee determined that for the auction, allowing a few extra seconds to locate and pick up the misplaced card, East's double was within the normal tempo range. Thus, it did not convey UI and West was free to make whatever call he judged best. The table result of NS -690, EW +690 was allowed to stand.

The Committee: Doug Doub, chair, Mike Kovacich, Mark Bartusek, Ellen Melson and Danny Sprung.

Cohen: The AC heard the testimony and who am I to say they were wrong. Certainly East was entitled to 10 seconds to make a call in an unusual auction. In fact, a fast call could carry UI as well as an inordinately slow call. Ten seconds seems about right.

Rigal: On the facts given, the AC made an intelligent ruling. I think one would have had to be there to be sure what was happening, but West seemed to make his case very efficiently. Some people will have views about whether seven to eight seconds is appropriate here; I happen to think it is.

Wolff: I agree with the committee's decision in spite of another long drive by the gorilla. Some situations lend themselves to slower action and, unless it is flagrant should be allowed.

Zeiger: West's argument about why he passed 4♥ sounds like hot air. Regardless, I agree with both the TD, rule against the "offenders" in doubtful cases, and the committee. Since NS did not dispute East's statement about looking for the double card, I suspect his tempo was okay for the auction.

French: The TD's ruling was a good one, if not well-explained. When a player makes a forcing pass, ostensibly asking for partner's decision, only when it is clear-cut may the passer pull partner's double (e.g., when a "Pass-and-Pull" slam-try agreement is applicable). Doing so comes close to being *prima facie* evidence of UI. This is like hesitation Blackwood. The call of the player "in command" must never be overridden without a very clear reason. The hasty 4♥ bid (UI to North, if true) was irrelevant, since it caused no perceivable damage and was a long way (time-wise) from East's double. Note that a consequent break in tempo by West before passing would be harmless, as it would not suggest anything other than a fast pass would, which is "Partner, you decide."

The AC ignored the TD's finding of UI, buying the baloney explanation by East about having trouble with finding the Double card. Directors are better placed than ACs for determining UI, and their findings should rarely be dismissed. If West was justified in pulling the double, why did he not bid 4NT over 4♥? What further information did he get to change his mind? It could only have been unauthorized information.

Goldsmith: I suspect East thought just long enough to go through this sequence: "4♥ doubled isn't going to get us rich; we probably will get a bad score there. 5♦ is also going to be a poor matchpoint spot. What can I do? Double." He probably didn't think of 4NT. East probably thought he bid in tempo, but it's very likely that everyone knew he didn't want to double 4♥.

I'd rule 4♥ doubled -300 for both sides.

Wildavsky: I can see this one going either way. I don't disagree with either the TD or the AC decision. I think this is one where you had to be there.

Apfelbaum: West knows that East does not have four cards in either major suit. Therefore, NS have a double fit in the majors. Considering the vulnerability and the form of scoring (matchpoints), the odds strongly favor continuing onto 4NT. The club suit figures to provide five tricks at notrump, and probably no more than one on defense. The shortness in both majors probably means that South can get an extra trick in spades. Given favorable vulnerability for NS, it is altogether too likely they will be able to make at least seven tricks.

The question, of course, is whether the break in tempo before doubling makes an action (bidding 4NT) that is already odds on so much clearer that it brings Law 16A into play. My conclusion is that it does not.

Every player of expert-level skill would consider a pass. The fact that most would consider a pass is meaningless when no one would choose that course. I believe that the odds so favor bidding 4NT that almost no expert-level player would choose to pass.

CASE SEVEN

Subject: UI

DIC: Henry Cukoff

Event: Von Zedtwitz Life Master Pairs, first semifinal.

Bd: 9 **Connie Goldberg**

Vul: EW ♠ K 9 7 6

Dlr: South ♥ K 2

♦ Q J 7 4

♣ A K J

Zejun Zhuang

♠ 10

♥ 10 9 8 5

♦ A 6

♣ 10 9 8 7 6 3

Shi Haojun

♠ A 5 3

♥ A Q J 7 6 4

♦ 8

♣ Q 4 2

Wafik Abdou

♠ Q J 8 4 2

♥ 3

♦ K 10 9 5 3 2

♣ 5

West North East South

1NT (1)2♦ (2) Pass

2♥(3) Pass Pass 3♥

4♥ Dbl (4) Pass 4♠

All Pass

(1) 15-17.

(2) One suit, major.

(3) Pass or correct.

(4) 20 second BIT.

The Facts: The contract of 4♠ made four for NS +420 after the ♣10 opening lead. The director was called after the 4♠ bid.

The Ruling: The director ruled that North's slow double suggested doubt about whether to defend and thereby suggested that bidding might be more successful. It was UI and Pass was a logical alternative. Therefore, the director imposed a Pass on South and adjusted the result to 4♥ doubled, making, for +790 EW. Law 16 was cited.

The Appeal: South claimed that he bid 3♥ (which, according to their system, showed a heart stopper) in anticipation of pulling partner's expected 3NT rebid. He claimed that bidding in this

manner (and distorting the auction), he would eventually get across a powerful two-suited hand that could conceivably make a slam in spades or diamonds.

The Decision: Assuming the accuracy of South's descriptions of his intentions, the danger for making a deviant bid is that when partner breaks tempo one's follow-up bid can only be made if it clearly would have been made without the unauthorized information. In this case there were two factors to consider: 1) that South forgot his agreement and North's explanation of his 3♥ bid told him that his bid showed rather than denied a heart stopper; 2) Passing 4♥ doubled is a logical alternative even if his bid showed a heart honor because his singleton heart would make it quite possible for partner to have a heart stack and a NT opener with weighted heart values.

The slowness of the double provided UI that this was not likely to be the case. Accordingly, the committee adjusted the result to +790 EW in 4♥ doubled and -790 for NS.

The Committee: Gail Greenberg, chair, Jay Apfelbaum, Bruce Rogoff, Eugene Kales and John Luskey.

Cohen: TD and AC right on.

Rigal: Well written AC ruling. I think an AWMW might well be appropriate (particularly for a pair who come before committee with such regularity) given that there would have been no new arguments produced in appeal by NS after the TD ruling.

Wolff: Again, I agree with the director and committee's decision. Slow doubles should require special handling which will tend to rule against the doubler.

Zeiger: The committee forgot one small detail, the AWMW that NS deserved.

French: Good findings by both the director and AC, but surely NS should have received an AWMW. There is no indication that it was even discussed.

Goldsmith: I don't like how the AC stated their result, but their ruling is clear. Unless NS could document the system information South supplied, an AWMW is in order. Probably not a PP, as some would do the same in a confused auction.

Wildavsky: A good ruling and a well-reasoned AC decision.

Apfelbaum: I sat on this committee, and support the committee decision. Here, the question is not whether 4♠ can make. That is rather unlikely considering partner's failure to show a spade suit. The question is whether 4♥ can be defeated. Partner's double suggests that 4♥ can be defeated. Partner's break in tempo suggests just the opposite.

It is in just these situations that Law 16A applies to protect us from having extraneous and unintended information help our opponents.

CASE EIGHT

Subject: UI

DIC: Henry Cukoff

Event: Von Zedtwitz LM Pairs, first semifinal

BD: 6 **Linda Green**
Vul: EW ♠ Q 10
Dlr: East ♥ A 10
 ♦ A K 10 6 4 3
 ♣ J 10 8

Joel Wooldridge	John Hurd
♠ A 7 6 4	♠ K J 8 5
♥ K J 6	♥ Q 9 8 3
♦ J 7 2	♦ 9
♣ 6 5 3	♣ A K 7 2

Kathie Wei-Sender
♠ 9 3 2
♥ 7 5 4 2
♦ Q 8 5
♣ Q 9 4

West	North	East	South
		1♣	Pass
1NT	2♦ (1)	Pass	2♥
Pass	3♦	All Pass	

(1) Alerted and explained as majors.

The Facts: The final contract was 3♦ down one for a NS score of -50 after the ♣A opening lead. The director was called when the 3♦ bid was made.

Before bidding 3♦, North moved a napkin that had partially obscured the 1♣ bid (but which was not on the 1♣ bidding card) and said, “Partner, did you see that he opened 1♣?” South has some vision problems. 3♦ failed by one trick for NS to be -50.

The Ruling: The director ruled that although North’s action was improper, Passing 2♥ was not a logical alternative with the North hand. The director further ruled that the 3♦ bid would awaken South with or without the UI and that 3♦ would be the final contract. Therefore, the table result was permitted.

The Appeal: EW said that they thought South should not be permitted to pass 3♦. They also explained that the napkin on East’s side of the table was not resting on any portion of the 1♣ card, that it was a slightly elevated flap of it which was partially obscuring the bidding card.

NS apologized for the UI, but contended that it should not have affected North's obligation to rebid diamonds, especially in light of the fact that South could not overcall 1♥ on the previous round of bidding. Furthermore, South should be permitted to pass 3♦ since nobody corrects for a better partial score

The Decision: The question by North and the moving of the napkin for South's benefit were sources of UI. The evidence before the committee was that even if part of the 1♣ card was obscured, it was only partially obscured. The committee decided that a player must be held to the standard of knowing what the auction is when she Alerts and when she bids. South failed to know what the auction was when she Alerted and when she bid. The UI by her partner served to change South's understanding of the auction.

The committee decided that without the UI, there was a reasonable likelihood and probability that South's understanding of the auction would not change and she would return to the "known" heart fit at the three level. The committee considered various lines of play and defense and found it highly probable that South would take four tricks in a heart contract: one club, two hearts, and one diamond. Therefore, the adjusted result was 3♥, down five, +250 EW and -250 NS

The Committee: Michael Huston, chair, Dick Budd, Jeff Roman, Ellen Melson and Robert Schwartz.

Cohen: I'll accept the AC's decision. They had more time than the TD to go into the details of what transpired during the auction.

Rigal: The AC addressed the right issues and came to a sensible conclusion. I have a little more sympathy for North than some might. When partner has a mild physical disability (South's eyesight is poor) the temptation to set matters straight can be overwhelming. Had North simply moved the napkin without comment, I might have let the score stand.

Wolff: I agree with the committee ruling, not the director's. To me, once my partner bids 2♥, she is going to play the hand in hearts unless the opponents bid. How can the director say that passing 2♥ is not a logical alternative. If partner had five or six hearts to the king or king and queen, why must she overcall one heart? What if she had six hearts to not much with something on the side? Why must she overcall one heart? What are the directors smoking? The mechanical things that were happening should be virtually ignored.

Zeiger: Uh-oh. Trouble in River City. Why didn't the committee address the first issue? North had UI from South's Alert and explanation of 2♦. If the committee agreed with North that passing 2♥ was not an LA, they should have said so, and explained why. Notwithstanding the vulnerability and South's failure to act over 1♣, I think pass by North might well have been an LA, certainly so if NS play intermediate jump overcalls. Put me down for EW +200 against 2♥.

French: It is hard not to wonder if TDs are sometimes loath to rule against an influential player. The 3♦ bid would not "awaken" South, it would show both majors and diamonds also, in a 5-4-4-0 hand, and South would bid 3♥, as the AC properly decided, adjusting the score to 3♥ down five, -250. But why wouldn't 3♥ be doubled? Then North could bid 4♦, also doubled, for -300. I

doubt that NS would fear the 4♦ run-out, holding more than half the high-card strength. Based on L12C2, this scenario doesn't have to be very likely in order for it to be assumed. A 3♥ doubled contract could even be argued.

Someone should have speculated as to whether the NS irregularity interfered with EW reaching their spade game. It doesn't look at all probable, but it should have been discussed. West actually lost the spade game on his own when he bid 1NT instead of 1♠.

North deserved a player memo write-up for her unethical actions, an apology doesn't do it.

Goldsmith: North violated L74C4. Doing so ought to carry an automatic penalty. I'd give NS an extra half board PP and consider that to be generous; each of North and South blatantly violated L73.

Why didn't the AC mention that North had UI from South's explanation and blatantly abused it?

The AC really needed to write "paper serviette" instead of "napkin." That's how we all heard the case in Atlanta.

I'm not impressed by the decision. Is it unlikely that North would bid 4♦ over 3♥? West will double. I'd even let West double 3♥ since he expects to double 4♦. I think 4♦ doubled is a likely result.

So reciprocal 300s are better than 250s. It might be at all probable that NS were going for a larger number still. I'll just make sure they get a big PP and not try to figure out all the auctions which are at all probable. OK, I'm lazy.

Wildavsky: A poor decision by the TD. Did he poll any players before determining that Pass was not a logical alternative? I think a poll ought to be a required before making such a ruling.

The AC corrected an injustice after North's outrageous behavior. Had NS brought this appeal, I would have found it without merit and imposed a procedural penalty as well. The TD ought to have imposed such a penalty even though he did not adjust the score.

Apfelbaum: Another good committee decision. The extraneous information clearly "awakened" South. Without it, South would have an auction with North showing both major suits and a diamond suit (or a game try). Either way, a retreat to 3♥ is marked. I have no reason to disagree with the committee's analysis of the play.

CASE NINE

Subject: UI

DIC: Henry Cukoff

Event: Von Zedtwitz LM Pairs, first semifinal

Bd: 10 **Kevin Collins**

Vul: Both ♠ 9 2

Dlr: East ♥ 9

♦ K Q J 9 6 4

♣ A K 5 2

Henry Moss

♠ A K 7 3

♥ 10 6

♦ A 10 3

♣ Q J 7 4

David Moss

♠ J 10 5 4

♥ Q J 8 7 2

♦ 8 5

♣ 10 9

Patricia Tucker

♠ Q 8 6

♥ A K 5 4 3

♦ 7 2

♣ 8 6 3

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
		Pass	Pass
1♣	1♦	Dbl	1♥
1♠	2♦	Pass	Pass
2♠	Pass (1)	Pass	3♦
All Pass			

(1) BIT.

The Facts: NS took nine tricks in 3♦, scoring +110 after the lead of the ♣10. The director was called after the 3♦ call. The director determined that North's Pass over 2♠ was out of tempo (the players agreed).

The Ruling: The director ruled that there was UI that suggested bidding, but that Pass was not a logical alternative at matchpoints. The table result was permitted to stand.

The Appeal: The EW appellants said that at this vulnerability (both), +200/-200 either way from either 2♠ or 3♦ was a live possibility, making bidding less attractive.

The other side pointed out that the 2♦ rebid showed extra values and this made South's hand worth another call.

The Decision: NS had no firm agreement as to the nature of the extra values shown by North for her free 2♦ call. The opponents had produced an opening bid plus three free bids – it was

relatively unlikely they had bid this way with 18 HCP (even if this was indeed the case). With eight trumps against eight, bidding to the three level was far from automatic. If North had less shape, 3♦ might be in jeopardy; if more defensive, then 2♠ might go down two tricks (+200). The ♠Q was possibly useful on defense, but likely not on offense.

Accordingly, given that there was a break in tempo that suggested taking action as opposed to passing, and that passing 2♠ was a logical alternative at this vulnerability, the committee decided the contract should revert to 2♠ down one. While 2♠ could be beaten by two tricks, the defense of two top clubs, heart switch (with West false-carding) and a diamond switch looks so likely and probable that the committee ruled that 2♠ would fail by only one trick for +100 NS and -100 EW.

The Committee: Barry Rigal, non-voting chair, Aaron Silverstein, John Solodar and Tom Carmichael.

Cohen: A close call, but I'm with the AC on this one. Pass is certainly an LA with the South hand.

Rigal: Regardless of the logic of the 3♦ call, it was made more attractive by the tempo, so the AC ruling looks logical. Slightly surprising for the TD to rule in favor of the offenders. Whenever the committee thinks the ruling might go in favor of the non-offenders, surely the TDs have an obligation to go the other way?

Wolff: I agree with the committee's decision, but not for the technical reasons given. Once North studies over 2♠ and passes, South should not be allowed to make a judgment decision to bid 3♦. No more, no less! Forget all the eight card mumble jumbo and about the "Law of Total Tricks." All of that is superfluous. Get to the reason and skip the bridge lessons!

Zeiger: Half a loaf is better than none. I agree with the committee that pass by South is an LA, and the BIT demonstrably suggested taking action. The contract should be 2♠. I disagree with the trick analysis. Down one is arguably at all probable. I can live with it. No way is it likely. I can't believe the possibilities of leading the ♦K, the stiff heart, or a club honor followed by a high diamond, aren't high enough to render down only one unlikely. EW should surely be -110 defending 3♦, since -200 was their most favorable result that was likely in 2♠. The more I think about this, the less I think down one is even at all probable. Oh well. Maybe I have more respect for expert players than other experts do.

French: The TD was called at the wrong time. You either call at the time of the BIT (L16A1) or when there is good evidence of an irregularity (L16A2), not when an irregularity is suspected. The AC did well to decide on a 2♠ down one score adjustment. However, there is no way to beat 2♠ two tricks, even if South wins the first two heart tricks. Expert analyst Barry Rigal should have told them that.

Goldsmith: Well done. Nice write-up, too.

Wildavsky: A dreadful ruling by the TD --- did he take a poll? See CASE EIGHT. The AC rectified an injustice.

Apfelbaum: North rebid his diamonds and then broke tempo. This clearly suggests a hand worth another bid. South's hand does not suggest another bid, except for the extraneous information North provided. I do not suggest here or elsewhere that these break-in-tempo hands involve anything deliberate. The standard in Law 16A has nothing to do with deliberate action --- it has everything to do with inadvertent information being passed to partner because we are all human beings. None of us are able to react instantly and thoughtfully in every situation. The challenge is for all of us to ignore the extraneous information partner may provide through these breaks.

It is time for all of us to rethink these situations. When they arise, we should recognize this possibility. If a director misses some important point, take the hand to a committee. A panel should have superior bridge judgment. Let them sort matters out.

CASE TEN

Subject: UI

DIC: Henry Cukoff

Event: Von Zedtwitz LM Pairs, first semi-final

	Walter Lee	
Brd: 18	♠	Q 2
Dlr: East	♥	Q 5
Vul: NS	♦	A 10 7 3
	♣	K Q J 7 5
	Steven Ashe	Sean Ganness
	♠	9 3
	♥	A K 10 9 8 7 6 3
	♦	J
	♣	A 6
	♠	10 4
	♥	J 4
	♦	K Q 9 8 5
	♣	10 4 3 2
	Jonathan Weinstein	
	♠	A K J 8 7 6 5
	♥	2
	♦	6 4 2
	♣	9 8

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
		Pass	3♠
4♥ (1)	4♠	Pass	Pass
Dbf (2)	Pass	5♥	Pass
Pass	Dbf	All Pass	

(1) and (2) see facts below.

The Facts: 5♥ doubled failed by two tricks after the lead of the ♣K for a result of NS +300. The STOP card was not used before the 3♠ bid because of physical disability, but the South player did say “Stop” before making his 3♠ call. The speed of the 4♥ bid was disputed with NS believing that it was fast. Both sides agreed that the bid was made in less than 10 seconds. The tempo of West’s double was also subject to some difference of opinion, with West conceding that it was slightly out of tempo and East denying that it was. The director was called after the 5♥ call.

The Ruling: The director changed the contract to 4♠ doubled, making five for NS +990 and EW -990, per Law 16. After a player makes available to his partner extraneous information that may suggest a call or play, that partner may not choose from among logical alternative actions one that could demonstrably have been suggested over another by the extraneous information.

The Appeal: EW appealed. West disputed that he had bid 4♥ in only about five seconds after South bid 3♠, but agreed that he bid quickly. He also agreed that he took about seven to eight seconds before doubling.

The Decision: East did not have a particularly good fit for hearts, so there was no great reason to bid 5♥. The auction itself did not suggest that West had doubts about defeating 4♠, but the relatively fast 4♥ bid followed by the relatively slow double demonstrably suggested a hand with strong offensive values but only marginal defensive values. It is this extraneous information that makes bidding 5♥ more attractive than the auction itself suggests.

Once the committee decided to back up the auction to 4♠ doubled, it then considered the possible lines of play in that contract. West could give South a problem by shifting to the ♦J after cashing a high heart. South must duck if West holds a doubleton diamond and win if it is singleton. The committee did not think that this was an obvious shift at trick two, however, and decided that South was likely to get it right if put to this guess. Most lines of play led to 11 tricks (seven spades, one diamond, and three clubs), so the committee awarded both sides that result: +990 NS and -990 EW.

The committee then considered whether to assign an AWMW. EW were playing in the second day of the Life Master Pairs. They are both relatively experienced players who should be aware of what Law 16 and 73 require. East's hand contains nothing that would suggest that bidding would be more successful than passing. The committee decided that EW should have known that this appeal had no merit and so awarded an AWMW.

The Committee: Jay Apfelbaum, chair, Eugene J. Kales, John Lusky, Doug Doub and Gail Greenberg.

Cohen: Gotta watch your tempos in the West seat. Pass was certainly an LA by East after the double of 4♠.

Rigal: Good and harsh ruling against the offenders. The points about the tempo breaks and what it conveyed were well-taken ones. The score adjustment looks exactly right.

Wolff: East should not be allowed to take out an out of tempo double unless he at least begins to have a good reason. Obviously East should not expect West to be doubling on spade tricks (although it is possible that West has the AQ) but when one is short in partner's suit (hearts), has the kiss of death doubleton spade and nebulous values on the side, he needs to be ethical. If partner's tempo is exemplary partner can make as bad a decision as he wants and no one will complain. Here partner's tempo was not perfect.

Zeiger: Another perfecto.

French: Use of the STOP card is optional and irrelevant. Players are supposed to pause after any skip bid, whether a STOP card/announcement or no. It is good to see an over-hasty action get its deserts for a change. Considering both the fast 4♥ and the slow double, the case becomes an easy one, as together they suggested the 5♥ bid, with pass a logical alternative. Yes, players in the Life Master pairs should be aware of what Laws 16 and 71 require, but how many are? A well-deserved AWMW.

Goldsmith: Another well-done decision and write-up. The AWMW is deserved. PP for abuse of UI is also probably owed to EW. What possible reason could East have for pulling the double other than UI?

Wildavsky: Good decisions and a good write-up. I agree that the AWMW was warranted.

CASE ELEVEN

Subject: UI

DIC: Henry Cukoff

Event: Von Zedtwitz LM Pairs, first semi-final

Bd: 9 **Ed Lazarus**

Vul: EW ♠ K 9 7 6

Dlr: North ♥ K 2

♦ Q J 7 4

♣ A K J

Debbie Rosenberg

♠ 10

♥ 10 9 8 5

♦ A 6

♣ 10 9 8 7 6 3

Ken Kranyak

♠ Q J 8 4 2

♥ 3

♦ K 10 9 5 3 2

♣ 5

Sabine Auken

♠ A 5 3

♥ A Q J 7 6 4

♦ 8

♣ Q 4 2

West North East South

1NT Dbl (1) 2♠ (2)

Pass 2NT(3) Pass 4♠

All Pass

(1) One suit, if major it would be a good hand.

(2) Alerted as transfer to clubs.

(3) Alerted, no explanation asked or given during auction.

The Facts: The final contract was 4♠ making four for a score of +420 for NS after the ♦A opening lead. The director was summoned at the end of the auction. North's 2NT bid was intended to show that he liked clubs. South interpreted the call as showing extra values in support of his natural 2♠ (probably three).

After the opening lead of the ♦A, West shifted to a heart and 4♠ made four for a score of +420 for NS.

The Ruling: The director consulted with some players who felt that the 4♠ bid may have been suggested by the UI and that 3♦ was a logical alternative. Then, even if 4♠ were reached, West would not lead the ♦A. If the ♦A were not led, then it would be relatively easy for EW to defeat 4♠ one trick. Therefore, the director adjusted the result to 4♠ down one, +50 EW and -50 NS.

The Appeal: South explained that having heard his partner describe his 2♠ bid as a transfer to clubs, he was bound to treat 2NT as a maximum hand with three spades per their agreement over transfers. Hence he jumped to 4♠.

West said that she knew from her hand that 2♠ was natural, but the Alert and explanation of the bid changed the meaning of her potential double from “Please bid your suit” to “Spades.”

The Decision: The committee decided that an agreement did not exist, since one convention card was filled out and the other one wasn't. The committee premised its decision on the idea that a pair in the third session of the LM Pairs should know what the bids mean in the first round of a fairly common auction.

The committee found that if West had been able to double, asking her partner to bid her suit, East would have done so even at the three level. This would have led to an easy defeat of 4♠.

Therefore, the result on the board was the adjusted result of 4♠, down one, +50 E-W, -50 NS.

The committee considered issuing a procedural penalty to the NS pair for not having their cards identically made out, but decided this would be inappropriate. Because the committee spent considerable time coming to its verdict, an AWMW was not considered.

The Committee: Bob Schwartz, chair, Dick Budd, Tom Carmichael, Jeff Roman (scribe) and Ellen Melson.

Cohen: A case of both MI and UI. NS cannot be allowed to benefit from the dual infractions. Both TD and AC right on. Two such experienced players as NS should not be allowed to avoid an AWMW.

Rigal: I agree with the chain of reasoning given by EW. The score adjustment looks apposite given MI not a misbid.

Wolff: I think the ruling was appropriate (allowing EW to defeat 4♠), although I don't think it is as easy as is said. Obviously NS were having a misunderstanding and they got lucky. Random misunderstandings, when the perpetrators come out unscathed, still quite often hurt the opponent's judgment. While convention disruption is not automatically a crime, it should be discouraged for the good of the game, if for no other reason. Having said that, it is easy for me to agree to allow EW to defeat 4♠ because if they couldn't, the bidding still may have hurt EW's chances of finding the 5♥ save.

Zeiger: I like this case. West wasn't entitled to know South intended 2♠ as natural, since NS had no agreement, but without an agreement, 2♠ shouldn't have been Alerted, thus giving West her chance to double. Sweet. The committee's reasoning was excellent, except at the end. It's ridiculous for a pair in the semi-finals of an NABC+ event not to have two matching convention cards. The TD should have issued a PP. Failing that, the committee should have. If one of the NS players had lost his CC two rounds ago, we should have been told.

French: South thought that 2NT opposite a natural 2♠ had to show good spade support, because 2NT over a club transfer shows good club support? What kind of reasoning is that?

As to the TD's ruling, how did he think 4♠ would be reached without the UI? 2NT denies spade support, so South will bid 3♦, showing diamonds and longer clubs in North's mind. Take it from there, the rest is difficult to determine but the final contract will not be 4♠. The best NS will do is 4♦ down one, but a worse final contract is very likely.

The AC accepted the 4♠ down one adjustment without saying why. That contract could only be reached by UI, so this was wrong. It doesn't matter if an agreement existed or not, North said 2♠ showed clubs and South didn't know that. South must assume that 2NT merely denies spade support, and then 4♠ cannot be reached legally. Even 4♦ down one would be very generous, but the decision must be made by an AC that reasons better than this one did.

But let's look at the contention that the Alert explanation prevented West from doubling, after which East would get to bid hearts. Then South, acting legally, would bid 4♦. This would probably get raised to five, but as I said that is a conclusion better reached by a knowledgeable AC, not by me.

Why not a PP for NS's not having identical convention cards? The Daily Bulletin reiterates this requirement every day, and Lazarus is a member of the Atlanta NABC appeals committee. Why the leniency? And just because a case is difficult to unravel does not mean an appeal has any merit. The UI offense was very plain, as Lazarus should have known, and only the score adjustment was difficult. He was lucky not to get a worse score from the AC.

Goldsmith: What was NS's actual agreement about 2♠? The AC judged that there was no agreement, because one convention card was not filled out. I don't know what that means precisely; was there only one CC on the table or was the single field "system on over ____" left blank on one and not the other? Did the players assert with confidence that there was an agreement? It is pretty normal to play system on over an artificial double; I'd be very hesitant to assume otherwise without strong evidence.

I suspect that South misbid. If so, there was no MI infraction, and West's inability to ask partner to show her suit is THE rub of the green. The AC thinks North misexplained. If 2♠ was, in fact, natural, then the explanation was MI and West could double to ask partner to bid. East would get to bid 3♥ and South would have the same UI problem. His partner likely would have bid 2NT thinking that he likes clubs, in which case, South would bid 4♠. There is no reason to bid diamonds once partner super-accepts spades. Yes, slam is possible (♠A K x ♥A x x ♦A x x x ♣x x x), but a player who makes a non-invitational bid at the two level isn't going to look for slam later in the auction. 4♠ is the normal and pretty much only action for South. The question then is not whether EW can beat 4♠ (as far as I can tell, just about no one did), but whether West would save in 5♥. I would. For all she knows, 5♥ is making. Swap the black aces, for example. If 2♠ actually means clubs, then EW can't act and result stands, subject to...

Why did North pass 4♠? How did he know that 4♠ showed spades? I'd like to have been able to ask North that. I'd think it was exclusion Blackwood for clubs. (In fact, one set of my system notes expressly states it is.) I suspect he had UI from South's behavior or actions. If he can't come up with a good reason for that (perhaps they don't play exclusion or any complicated slam methods), then he has to bid 5♦ (two without). East will pass and South has AI that there has

been a catastrophe, so he'll just pass. West will double and 5♦ doubled will be beaten one or two depending on the meaning of 2♠. If there was no agreement or South believes it was spades, then South has to announce this before the opening lead, and EW will find their spade ruff.

All in all, a complicated ruling. I don't buy the AC's finding of misexplanation. It is normal to assume MI rather than misbid (L75D expressly instructs us to), but with one CC filled out to suggest misbid (whose CC, by the way?) and the other left blank, it is routine to conclude that the system is as marked.

The AC's idea that a pair needs to know what their bids mean on the first round of common auctions is dangerous and needs to be fixed. The laws do not require this and include express ways to handle such cases. The National Appeals Committee needs to inform its members to stop thinking along those lines and to follow L75.

Wildavsky: A reasonable ruling by the TD and a well-reasoned decision by the AC. All roads lead to Rome.

Apfelbaum: I agree that a pair in the third session of the Life Master Pairs is supposed to have a basic understanding about many auctions. However, I would be more comfortable with the committee's decision if I knew how something about the experience of these two players as partners.

CASE TWELVE

Subject: UI/AI

DIC: Henry Cukoff

Life Master Pairs, Final

Bd: 21 **Russ Ekeblad**

Vul: NS ♠ K Q 7

Dlr: North ♥ A Q J 5
 ♦ K Q J 10 7
 ♣ J

Valerie Westheimer **Hjordis Eythorsdottir**

♠ A J 5 ♠ 10 9 8 6 3

♥ 10 6 ♥ K 8 7 2

♦ A 9 5 3 2 ♦ 8 4

♣ A 8 6 ♣ 7 2

Eric Greco

♠ 4 2

♥ 9 4 3

♦ 6

♣ K Q 10 9 5 4 3

West **North** **East** **South**

1♣ (1) Pass 1♦ (2)

Dbl (3) Rdbl 2♠ 3♣

Pass 3NT All Pass

(1) Artificial, forcing.

(2) Negative.

(3) Alerted, majors.

The Facts: 3NT by North failed by one trick after the lead of the ♥2 for a score of EW +100. The director was called after the play was over.

The Ruling: The director ruled, without written comment, that the table result stands.

The Appeal: NS felt that West's passing 3♣ was unlikely without the UI from the explanation of the Double. They also believed that the 2♠ bid was unduly conservative, partially "catching" the error.

EW felt that with any hand which could have bid 2♠ on the second round, East could have bid something on the first round (East saying, "I'm not shy."). EW said that they play Mathe over the 1♦ response to a forcing 1♣ and that West simply forgot. They also said that in their unsophisticated partnership, they have no agreements about direct versus delayed action over the big club. They do not use fit jumps.

The Decision: The committee first considered the 2♠ choice. It could not find a source of UI available to East. With nothing to suggest an infraction that might suggest a 2♠ bid, there was no further reason to question East's choice of bids.

West, however, was in possession of UI. She also had AI (authorized information) from the 2♠ bid. Would that wake her up to the error even without East's explanation? The committee judged that with no express agreements in the auction, West was guessing about why East bid 2♠. That is not sufficient to duplicate the available UI. So there was UI providing useful information.

Most West players would either pass or bid 3♠ in response to East's 2♠ call where there no UI. The UI obviously suggested Pass over the 3♠ call. So, passing is an infraction. A 3♠ bid was imposed on West. Over the imposed 3♠ call, there were still several possible final contracts and scores: 3♠ doubled down one, 4♠ doubled down two, 4♣ down one or 3NT down one.

After some consideration, the committee deemed 4♣ not to be at all probable. Both 3♠ and 4♠ were judged to be likely and 3NT was judged to be at all probable. Therefore, by Law 12C2, the committee assigned +300 to NS (the most favorable result likely) and -300 to EW (the most unfavorable result at all probable).

The appeal had obvious merit. Due to the non-obvious issue of AI versus UI, the committee did not issue a procedural penalty for abuse of UI.

The Committee: Jeff Goldsmith, chair, JoAnn Sprung, Bruce Rogoff, Riggs Thayer and John Lusky.

Cohen: I agree that there was UI for West, but disagree that 4♠ was an LA for East should North pass a 3♠ bid by West. My adjudication is 3♠ down one, NS +50.

Wolff: Well-reasoned and judged by the committee. However, our end results are all wrong at match points. EW did commit convention disruption (CD) which probably didn't hurt NS, but it likely changed the bidding. Therefore, to keep the "candy store" closed and to protect the field, NS should get their 3NT -100 but EW should be penalized.

In my opinion the penalty should be either the likely match point score most unfavorable to EW (3♠ doubled down two) -300 or +100 with a PP of one-half a board. In this way all masters are served. Natural result to NS, penalty to EW (but preserving some bridge on the hand), which will be a forceful reminder of their responsibility not to commit CD --- the field doesn't have to be concerned with some pair getting what they haven't earned.

Rigal: A complex ruling given the problems for East and West at their second turns to speak. I'm happy for the penalty to accrue to EW; were NS given a windfall? Probably – but it is not so clear what they should have received instead. Leaving them with the table result would have been ungenerous; but, arguably, it is all they were entitled to.

Zeiger: Either the write-up was truncated somewhere between the chair's pen and my computer, or the committee isn't telling us something. They judged 3♠ down one, 4♠ down two, and 3NT

down one, all to be likely results. Even a moron like me can work out how contracts of 3♠ or 3NT might be reached. Please tell me what auction would lead to 4♠.

Given the imputed 3♠ call by West, if North bids 3NT, is the committee saying East might bid 4♠? Really? After bidding only 2♠, in an auction which cries for preemptive tactics, she would be forced to bid her hand twice? Please don't tell me the committee thought it should force West to bid again. Why do I think there is more going on here than we've been told about?

I agree West must be forced to bid 3♠. I disagree about the final contract. 3NT by North, down one, and +100 for EW.

French: The TD should have explained his ruling even if he thought it was an obvious one.

Why would the AC "consider" the 2♠ bid, when it is the obvious call for a player who thinks partner has shown both majors? The pass over 3♣ was reprehensible, with East presumably having a good spade suit and West originally believing that his double merely showed diamonds. It is quite common for a player to pass a Big Club with a good hand, as when hoping to describe the hand better later, so East's first pass means very little. Not vulnerable, no one would pass over 3♣ after East's supposedly voluntary jump to 2♠.

By what route would NS get to 4♠ after a 3♠ bid by West? The AC rejected the possibility of a 4♣ bid by South, and didn't consider an immediate 4♠ bid by West, instead imposing a 3♠ bid, so the only way to reach 4♠ would be for North to bid 3NT and East to "save" with a 4♥ bid, converted to 4♠ by West. That's a remote possibility, but in view of the 1♦ response and North's singleton club, it is extremely likely that North would double 3♠, making the right adjustment 3♠ doubled down one for reciprocal scores of plus and minus 100.

Goldsmith: I think the AC did a good job.

Wildavsky: The TD ruling is unacceptable. As Jeff Rubens has mentioned to me, even if every decision were perfect, without an explanation no one will be satisfied.

The AC ruling was well reasoned. Had the TD properly ruled the other way, I'd have found an appeal without merit.

These cases ought to be simple. When we have evidence of a misunderstanding, we cannot allow for the possibility that a pair has gained from the availability of unauthorized information. Players must take their Law 73C responsibilities seriously, and to encourage them to do so we must routinely rule against players who fail in their obligation.

Apfelbaum: I do not have a major problem with the committee decision, but there are several items missing from the write-up. First, what would be the meaning of a 2♠ bid directly over North's 1♣ opening bid? Second, what would be the meaning of a 2♠ bid on the actual auction if we assume that West's double showed a diamond suit? Without answers to these questions, I

cannot be certain that West had extraneous information that demonstrably suggests that raising spades will be wrong.

Let us assume that an immediate 2♠ bid would be a standard type weak jump overcall. Let us also assume that a delayed 2♠ bid shows a hand that was improved by West's double. Perhaps long (bad?) spades with a diamond fit. Now, without the extraneous information West has a clear raise to at least 3♠. A raise to four is not out of the question. Partner could have something like ♠K x x x x ♥x x x x ♦K Q x ♣x. However, with the extraneous information West has a clear pass because she knows East could have four little spades. The partnership could already be slated for a big penalty because they do not have a spade fit.

CASE THIRTEEN

Subject: UI
DIC: Roger Putnam
Spingold Teams, round of 64

Bd: 18 **Michael Shuster**
Vul: NS ♠ J 5
Dlr: East ♥ Q J T 8 7
 ♦ 9 6 4
 ♣ Q 7 6

Ron Rubin

♠ K 9 4 2
♥ A K 6
♦ 5
♣ A 10 9 4 2

Russ Ekeblad

♠ A 6 3
♥ 4
♦ A K Q J 8 3
♣ J 8 3

Jeff Goldsmith

♠ Q 10 8 7
♥ 9 5 3 2
♦ 10 7 2
♣ K 5

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
		1♦(1)	Pass
1NT(2)	Pass	3♦(3)	Pass
3NT(4)	Pass	4♠	Pass
6♦	All Pass		

- (1) 4+ diamonds, possible major suit canapé.
- (2) 4+ spades and 10+ HCP.
- (3) Solid suit, 7+ tricks, game force.
- (4) BIT.

Facts: 6♦ made six, +920 for EW after the lead of the ♥5. The director was called at the end of the auction. There was an agreed BIT before 3NT. East said his hand was good enough for a strong club, but felt he could better describe it with 1♦. He said he intended to correct to 4♠ unless West cue bid hearts.

Director's Ruling: The director ruled that under Law 16, the 4♠ bid was not demonstrably suggested by the acknowledged UI. Accordingly, the director permitted the table result to stand.

The Appeal: NS said that the slow 3NT suggested that further bidding could be successful. In defense of their actions, EW noted that the East hand was super-maximum within the context of their strong club system. It even qualified for a 1♣ opener. Since it was still possible that EW had an eight-card spade fit, a spade slam was easily possible and bidding on was "automatic."

The Decision: The committee found that within the constraints of a strong club system, where the high card content of non-club openers is limited; this hand has so much potential that a bid of 4♠ is much more likely to be successful than not. Either a safer game or a slam is more likely than over-reaching, even with hands where partner might bid a fast 3NT. Accordingly, the committee ruled that there was no logical alternative to bidding over 3NT and it found that any bids would lead to a slam. The table result was permitted to stand.

Dissent (Robb Gordon): A variation of this hand appears in bidding contests every few years. The theme is whether to show support or not. I am not persuaded by the argument that this pair's system justifies taking action with this hand. I know that many, if not most, players would pass over a "fast" 3NT. Once conditions are met for UI, and an action is identified as suggested by the UI, the merit of the action is not the issue. The issue is "Would this player's peers consider and possibly select the *less* successful action?" I think so.

The Committee: Richard Budd, chair, Chris Willenken, Robb Gordon, Steve Weinstein and Ralph Cohen.

Cohen: This was a 3--2 decision. I sided with the dissenter, but did not register a dissent. I believe the extreme BIT by West tied East's hands against proceeding further. Had the 3NT bid been made in tempo, 4♠ would have been acceptable, but Law 16A forbids the action taken by East after the UI.

Wolff: Why do we constantly allow likeable high-level players to get undeserved results? I'd always like to be able to use my partner's slow or fast decision in a frequent situation. No excuse for a slow 3NT except to allow partner to be able to go further with the hand he had. It worked again!! No kidding, Dick Tracy. We will begin to learn when committee members place the game itself ahead of their personal feelings --- harder than it sounds. Thank you Robb Gordon for speaking out!

Rigal: The dissent has this one right. We can't be seen to allow marginal actions facing tempo breaks, however obvious they may seem in the post mortem or looking at all 52 cards. This sort of ruling does a disservice to the appeals process.

Zeiger: What would 4NT by West, over 4♠ have meant? If this would have been a natural sign off, I agree with the committee. If 4NT would have had some other meaning, or was undefined (unlikely I know), then I think NS got jobbed. Is it just me, or has write-up after write-up failed to address at least one important issue?

French: Robb Gordon is right in his dissent. The AC decided that the 4♠ bid was much more likely to be successful than not, with East's strong hand. But "much more likely" isn't good enough opposite a BIT. The 4♠ bid, perhaps prompted by the BIT, must have no logical alternative if it is to be accepted, and passing is not illogical.

Goldsmith: The dissenter was right. EW's claim that the East hand was super-maximum is irrelevant; that's what the 3♦ rebid showed. Considering passing not to be a logical alternative seems to be a gross error in judgment. At least the facts were materially correct.

Wildavsky: The TD ruling is incomprehensible to me. A slow 3NT implies doubt that 3NT is the best final contract. Of course it suggests bidding over passing.

The AC ruling is better reasoned, but I agree with the dissent. Yes, East might well go on --- it's probably the best call. A Pass would not be an egregious error, though -- it would be right quite often. We should adjust the contract to 3NT, and if East has any complaints they should be lodged with his partner, whose tempo preventing him from taking the winning action.

Apfelbaum: There is a break in tempo. Law 16A states that if the extraneous information made available by the break in tempo demonstrably suggests one action over another, then the partner may not take that action if there is a logical alternative. First, does the extraneous information provided by the break in tempo before bidding 3NT demonstrably suggest anything? I think it does. It suggests that West was thinking about bidding more than 3NT. East's 3♦ bid was game forcing. Granting that West has only a four-card spade suit, the weakest bid available to West is 3NT.

There is a demonstrable inference that West has extra values. That brings us back to East, who has the best hand imaginable for his auction. I am willing to agree that most expert-level Easts will bid on. I am not willing to agree that nearly all expert-level Easts will bid on. A significant number would pass. A minor suit slam, at IMP's, is 11-10 against odds compared to 3NT. And that is some risk that if partner has the wrong hand (meaning secondary heart values), a minor suit game could go down.

I side with the dissent.

CASE FOURTEEN

Subject: UI

DIC: Roger Putnam

Spingold Teams, second Day

Yeshayaho Levit
Brd: 7 ♠ J 10 7 5 3
Dlr: South ♥ 8 7 5 4
Vul: Both ♦ 4
♣ J 4 2

David Smith (CA)	Doug Dang
♠ K 6	♠ A 9 2
♥ K J 10 2	♥ A Q
♦ J 7 6 3	♦ A K Q 8 2
♣ A Q 3	♣ K 10 6

Pinhas Romik
♠ Q 8 4
♥ 9 6 3
♦ J 9 5
♣ 9 8 7 5

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
			Pass
1♥	Pass	2♦	Pass
3♦	Pass	4NT ⁽¹⁾	Pass
5♦ ⁽¹⁾	Pass	5NT ⁽³⁾	Pass
6♦ ⁽⁴⁾	Pass	7♦	All Pass

- (1) RKC for diamonds.
- (2) One or four key cards.
- (3) Undiscussed except they talked about specific kings.
- (4) BIT, 30 seconds.

The Facts: The contract was 7♦ making seven for +2140 EW after the 9♣ lead. The director was called after East claimed.

The Ruling: The director ruled 6♦ making 7 (Law 16A). The hesitation suggests responder had at least some interest in a grand. Pass is a logical alternative.

The Appeal: EW play a four-card major system. The 3♦ bid confirmed a full opener (no supporting system notes). East stated that he had made a careless 5NT bid given the lack of a firm agreement regarding king responses. However, given West's 3♦ bid, he knew that 7♦ rated to be a good contract. The 1♥ opener is not made on less than ♥Q J x x.

All four players attending the committee meeting.

The Decision: The committee ruled 7♦ making seven.

The committee tried to construct possible hands that West could hold and not have a very good play for 7♦. The possible hands were:

- (1) ♠K J ♥J 10 x x x ♦J 10 x x ♣A Q or
- (2) ♠K ♥J 10 x x x ♦J 10 x x, ♣A Q x or
- (3) ♠K ♥J 10 x x x, ♦J 10 x x x ♣A Q or
- (4) ♠K Q ♥J 10 x x x ♦J 10 x x ♣A J.

With hands one and four, West would most likely bid 2NT to slow down the auction. With hands two and three, it is at worst on a heart finesse.

The committee knew that history and precedence suggests not allowing a bid of 7♦, but felt that this one was such an odds on favorite that the bid should be allowed. The 6♦ response conveyed no information without an agreement in place and the BIT was inevitable without such an agreement.

No AWMW was issued since the appeal was upheld.

The Committee: Mike Huston, chair, Bob Schwartz, Jeff Roman, Dick Budd and Ellen Melson.

Cohen: 7♦ is unacceptable. Had West bid anything else, say 6NT, 7♦ would have passed muster.

Wolff: To me (and to the committee) it is so obvious to bid the grand slam that it must be allowed. Doug Dang's careless 5NT bid (done often with infrequent partners) almost did him in and I could be persuaded to penalize EW one to three IMPs for CD and overriding the response, but no more than that. "Let the punishment fit the crime."

Rigal: I'm not sure I agree at all regarding the tempo of a response to 5NT, but I can just about see the logic of why there was deemed not to be a logical alternative to the 7♦ call. The problem is that the slow 6♦ bid gives East more time to think about what partner was reflecting on than he should have. 7♦ for the non-offenders seems clear, but if we were allowed to use Law 12C3, I'm sure some adjustment would have been appropriate.

Zeiger: Oy. I just hate letting EW get away with this atrocious auction. Sure 5NT was careless. Did West apologize to the committee for not bidding 7♦ over 5NT? Yuck. Isn't there some penalty for offending the gods of good bridge? Here's my solution. Any West who couldn't bid a grand over 5NT might well be silly enough to bid 3♦ on committee example hands one and four. 6♦ making seven, +1390 EW. I feel much better now.

French: In a four-card major system (which I have played for over 50 years), raising a 2♦ response does indeed show extra values, but in a pinch four-card support will do. This is necessary to accommodate a minimum opening hand with 4-4 in hearts and diamonds. I'd be surprised if a 1♥ opening with ♥J 10 x x x could not be made by EW, so that blows one of East's statements away. However, with ♥J 10 x x x, it is usual to rebid 2♥ with a weak hand, suppressing any diamond support, so the hands suggested by the AC are probably inappropriate.

ACs are quick to assume that players of systems with which they are not familiar would bid as they do, which is not fair. In a well-constructed four-card major system, a 2NT rebid shows extra values, it doesn't "slow down" the bidding, and moreover the hands suggested are not necessarily opening bids (I'd open none).

The "inevitability" of the BIT is nonsense, as West would have no reason for it without that ♥J 10 and ♣Q. But would West open a hand such as ♠Kx ♥K x x x ♦J x x x ♣A J x? Almost certainly these days, but no matter. Even that hand is cold for 7♦ (spade ruff). Had East bid the cold 7NT (14 tricks) we would have had a more difficult case.

I give the nod to the AC's decision despite doubtful reasoning.

Goldsmith: I grudgingly agree with the AC's conclusion, but they should have written words to the effect, "We believe that no one with East's cards would pass 6♦. That means 7♦ is not an infraction, so the result stands."

Wildavsky: Yes, East made a careless 5NT bid. That ought to have kept him from bidding 7♦. Yes, the grand might be on a finesse, but the IMP odds are heavily against bidding 50% grand slams. Yes, West might have bid 2NT to slow down the auction with an unsuitable hand, but he also might have found it more straightforward to support with support.

Whatever the EW agreements, 5NT must show interest in seven, and a slow 6♦ must imply interest in a higher-level contract.

The bottom line is that when East fails to bid seven over the response to Blackwood we must assume that there are some hands where he'd be willing to stop in six. According we ought to adjust the score. The TD got this one right. The AC tried too hard to rule in favor of the offenders in what ought to have been a straightforward case.

Apfelbaum: There is a break in tempo. Law 16A states that if the extraneous information made available by the break in tempo demonstrably suggests one action over another, then the partner may not take that action if there is a logical alternative. First, does the extraneous information provided by the break in tempo before bidding 6♦ demonstrably suggest anything? In this case, not really. The break in tempo suggests that West has a king, but was uncomfortable about showing it. However, opening hand must have a king, so there is no new information here. Therefore, no reason to prevent East from doing whatever he wants.

Even if the break in tempo did demonstrably suggest something, consider that East holds a 22 point monster opposite an opening bid. He has the ♥A Q, which makes that suit a potential source of tricks. At IMPs, the odds for the grand slam (assuming small slam at the other table) need to be at least 17-13 in favor to justify the grand slam. Most people who open four-card major suits promise extra values by raising partner's two-over-one response to the three-level. That lends some credibility to the East-West argument. It is virtually impossible that partner's hand will offer less than a 50% chance to make the grand slam. On most hands, the grand slam will be cold, or virtually so. There is no way to be certain about any slam, but it would be wrong to not try.

CASE FIFTEEN

Subject: Tempo

DIC: Roger Putnam

Spingold KO Teams, round of 64

Bd: 3 **Ron Smith (SF)**

Vul: EW ♠ 7 6

Dlr: South ♥ K 9 5 4
 ♦ Q 10 7 2
 ♣ Q 7 6

Jason Feldman

♠ Q J 10 5 4

♥ Q 2

♦ 8 5 4

♣ K 10 8

Leslie Amoils

♠ K 8

♥ A J 10 8 7 3

♦ K J

♣ J 3 2

Billy Cohen

♠ A 9 3 2

♥ 6

♦ A 9 6 3

♣ A 9 5 4

West North East South

1♠ Dbl 2♥ 1♦
Pass (1)Pass Pass

(1) BIT.

The Facts: 2♥ by East made two for a score of +110 EW after the opening lead of the ♣A. The director was called after comparison of scores. West agreed that his final pass was slow. NS had played many boards against this pair and knew West's tempo to be "glacial".

The Ruling: The director ruled that as there was no intent to deceive in West's slow pass, the table result would stand.

The Appeal: The issue before the director and committee was whether West's slow pass might have improperly influenced North's decision to pass. North claimed he would have bid 3♦ over an in-tempo pass.

This was a first-time EW partnership. West considered 2♥ to be forcing by extension from their partnership agreement that it would be forcing without intervention. He explained that he simply took his time before deciding that breaking partnership discipline would provide the best result for his side.

The Decision: The only Laws under which an adjustment might be considered are 73.D.1 (Variations in Tempo to Mislead) and 73.F.2 (illegal deception). The committee determined that the slow tempo of West's Pass was innocent and entirely logical in the circumstances (intentionally violating what he believed to be the partnership agreement). North had not asked about 2♥ and had passed immediately. He knew West's natural tempo was slow.

EW committed no infraction. Although the committee would have liked the director and screener to have quoted the relevant Laws to the appellants, it was still comfortable awarding an AWMW to the NS pair.

The Committee: Barry Rigal, chair, Jeff Goldsmith, Riggs Thayer, Doug Doub and Bill Pollack.

Cohen: Sorry son! You had no case and earned the AWMW.

Wolff: I agree with the committee's decision, but there is something else so much more important. This was an end of the match protest after losing by just a few IMPs. I've been railing out about putting in legislation that gives the committee the right to issue a punitive penalty against a team that does this (e.g. not be allowed to play in next year's event or possibly even not be allowed to play the next day at that tournament).

We must discourage the unsportsmanlike conduct that placing this kind of appeal does. There are always two or three teams making this type of appeal at every NABC since there is very little to lose. *Why won't we attempt to stop it?*

Rigal: It was only the circumstances of the match which led to this frivolous appeal being brought. The AWM was necessary – but maybe not sufficient, though as the rules stand no further penalty was appropriate --- maybe in the future.

Zeiger: How about a penalty for the DCWM? That's Director Call Without Merit, folks. If I had been the team captain, I hope I would have had the sense to say, "Forget it, guys." Oh well.

French: If North knew West's tempo to be "glacial," then what's the problem? NS were victims of their own poor system, which evidently did not permit a 2♦ raise over 1♠. That would possibly have enabled South to compete at the three level. It's no wonder players overcall vulnerable with hands such as West's, when opponents don't know how to cope. I don't see the need for the TD to cite Laws in support of this clear-cut ruling, considering that experienced Spingold players should know them all too well. A well-deserved AWMW.

Goldsmith: Gee, I was involved in a lot of these. We did the right thing.

Wildavsky: I agree that the appeal had no merit.

Apfelbaum: This bridge appeal is about whether West deliberately hesitated to influence North into passing. A violation of the Laws of Duplicate Contract Bridge is punishable under the Code of Disciplinary Regulations (See CDR 3.1). An innocent break in tempo is no reason to change the table result. The opponents may take advantage of a break in tempo although, to a certain

extent, they do so at their own risk. I cannot imagine how a bridge appeal committee could change the table result without also finding a deliberate violation. I also cannot imagine how someone could make this appeal without realizing they would have to offer some evidence that West hesitated with the intention of influencing North's next bid.

An AWMW does not seem sufficient here.

CASE SIXTEEN

Subject: UI

DIC: Henry Cukoff

Event: Wernher National Open Pairs, first final

Bd: 15 **Arthur Hoffman**

Vul: NS ♠ 5

Dlr: North ♥ A 8 3 2
 ♦ J 10 6 2
 ♣ A 10 6 5

Joyce Regan

♠ J 9 6 3

♥ Q 6

♦ A K Q 7 3

♣ Q 7

Phyllis Chase

♠ K Q 10 8

♥ 10 4

♦ 9 4

♣ K J 9 8 3

Bart Vohn

♠ A 7 4 2

♥ K J 9 7 5

♦ 8 5

♣ 4 2

West North East South

Pass Pass Pass

1♦ Pass 1♠ 2♥

2♠ 4♥ Pass (1)Pass

Dbl All Pass

(1) BIT, 12-15 seconds.

The Facts: The 4♥ contract failed by one trick after the ♦A lead for a score of NS -200. North used the STOP card with the 4♥ bid. East took about 12-15 seconds after the 4♥ bid to pass. The director was called after West's double.

The Ruling: The director determined that East's 12-15 second pause constituted UI for West. He ruled, however, that there was no logical alternative to West's double. West had opened in fourth seat and had equity in the hand of +110 or +140. She could not expect much of a matchpoint score for +100, so against two passed hands a double was mandated (the adjustment provisions of Law 16A do not apply).

The Appeal: NS believed that West was in possession of UI which suggested doubling and that there was a logical alternative which would have been less successful for EW.

East said that she didn't think "all that long" after the STOP card was removed. West said that her opponents were both passed hands and she had 14 HCP, so she thought her double was justified.

The Decision: The committee determined that there was a break in tempo by East and that it suggested doubling. Since, when specifically addressed on the point, West was unable to enunciate the arguments made by the TD in the write-up, the committee felt comfortable in assuming that these were not the arguments she had used before doubling.

While the committee members are supposed to put themselves in the shoes of the parties concerned, it is inappropriate to introduce sophisticated matchpoint logic if the players themselves are not capable of it.

Further, the committee judged that a sizeable percentage of West's peers would pass in this circumstance. Accordingly, the score was adjusted to +100 EW by the committee's removal of the Double.

The Committee: Jeff Roman, chair, John Solodar, Bob Schwartz, Mark Bartusek and Dick Budd.

Cohen: The double by West was a joke. Without the BIT, where were four defensive tricks coming from? Give South the ♠Q and the auction would be the same, and 4♥ makes. Oh! But there would be no BIT. EW +100 is my adjudication.

Wolff: To me this is a close decision and I can abide the committee's choice. This case, however, should be a precedent which clearly says that if two passed hands bid game, their opponents cannot use their previous passing and double them if their opponents were in possession of UI. In this way we start cutting the excuses for getting away with the abusing of UI, which is a worthwhile goal.

Rigal: The committee correctly identified that while the TD argument is correct in abstract, in practice West could not enunciate it, thus her decision to double might have been based on the UI from partner's tempo, not the logic of pairs bidding.

Zeiger: Elitism rears its ugly head. We won't let you double because we don't think you are good enough. WE certainly would have doubled, but YOU can't. Give me a break. She did say her opponents were both passed hands. So what if she didn't talk like a bridge lawyer. Inability to enunciate sophisticated matchpoint logic does not, by definition, mean an inability to apply it. Awful committee decision.

I find it curious that three members of this committee saw fit to give West, in CASE FOURTEEN, credit for decent bidding when he had already bid awfully, but ruled against this West even though she took the same action they would have.

Just to make sure, I looked up the EW pairs' masterpoint holdings, and that of West from case fourteen. EW have 5200 and 4200 respectively. The gentleman from CASE FOURTEEN has 2800. I think I'm getting ill.

I respect each of these committee members, but not this decision.

French: The TD might have added that West led three rounds of diamonds, the only way to beat 4♥. Bad TD ruling and good AC decision.

Goldsmith: East thought for 12-15 seconds? Why? What problem did she have? She sure wasn't bidding 4♠ or doubling. I don't believe the finding. Given that no one really knows what 12-15 seconds is, I bet there wasn't more than a 10-second pause. So I'd probably rule no hesitation, therefore no UI. If East had said, "I didn't have a problem. I was waiting ten seconds after the skip bid warning," would anyone think that wasn't obviously true?

If there was UI, what did it suggest? There's no way East was considering doubling; she had to be thinking of bidding 4♠. Therefore, the UI doesn't demonstrably suggest doubling over passing and West is free to do as she pleases.

Is passing 4♥ an LA? I think doubling is automatic. The difference between -620 and -790 is probably zero matchpoints. The difference between +100 and +200 is probably a full board. While doubling feels wrong, those matchpoint odds cannot be ignored. I think passing is not a LA, so result stands.

I don't remember ever disagreeing with an AC on three different matters of judgment.

Wildavsky: Good work by the AC, correcting an unjust TD decision. Yes, West had 14 HCP, but HCP don't take tricks, and her hand looks especially poor defensively. With a weaker East hand this could have been making an overtrick. The TD's argument also does not take into account the fact that NS contracted for game voluntarily.

Apfelbaum: The committee considered that players in West's class would consider pass to be a logical alternative. I am not in a position to challenge that assessment. East's break in tempo certainly suggests extra values. That makes a double more attractive. Therefore, the decision is reasonable.

CASE SEVENTEEN

Subject: MI

DIC: Henry Cukoff

Event: Wernher Open Pairs, first final

	Alexander Kolesnik	
Brd: 8	♠ A K 7 5 4 3	
Dlr: West	♥ 7 6 4 2	
Vul: None	♦ J 10 5	
	♣ --	
	Jeff Fang	Erez Hendelman
	♠ 9	♠ 10
	♥ A K J 9 8 3	♥ Q 10
	♦ 7 6	♦ Q 9 8 2
	♣ K 10 9 4	♣ Q J 8 6 5 2
	Bob Etter	
	♠ Q J 8 6 2	
	♥ 5	
	♦ A K 4 3	
	♣ A 7 3	

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
1♥	2♠	2NT ⁽¹⁾	3♥
4♥	4♠	All Pass	

(1) Intended as good/bad 2NT, not Alerted.

The Facts: The contract was 4♠ making six for +480 NS after the ♥Q opening lead. Before the opening lead, East stated that there was a failure to Alert his 2NT bid. This was an obvious error in procedure and at this time West indicated that East should say nothing else at this time. Neither West nor NS summoned the director before the opening lead. The director was called after dummy was faced at what appeared to be a claim of 12 tricks.

After the hand, South claimed that he didn't make a slam try because he expected a heart and a spade loser. The director polled several players and found no one that played 2NT as good/bad in this sequence.

The Ruling: Although the footnotes in Law 75D2 put the onus on the defenders to prove what is and is not their agreement, the director clearly believed that this was a case of mistaken bid. Thus, there was no infraction of Law 40, and the table result was allowed to stand.

The Appeal: NS appealed the ruling with only the appellants attending the hearing. South claimed there had been MI and that he was clearly worth a slam try (a 4♥ splinter bid) with his impressive hand. This would result in North cue bidding 5♣ and thereby reaching 6♠.

The Decision: The committee determined that East was a foreign internationalist and West was a west-coast player with approximately 2400 masterpoints. (See Editor's note below.)

Upon questioning NS, they found out that North's 2♠ call was very wide ranging with a minimum of about ♠K 10 9 x x x and out. North's actual hand was a maximum for their system.

Without the defendants being present, there was no way to determine EW's actual conventional agreements regarding the 2NT bid. As Law 75D2 footnotes state, we are to assume mistaken explanation without evidence to the contrary.

Two committee members stated for the record that they knew a small minority of players that actually played 2NT as good/bad in this sequence. Thus, it was fairly clear to rule that MI had occurred (also partially based upon the original disagreement in methods stated by West to the director).

The committee believed that given the correct information at the table, it was extremely likely that NS would reach 6♠. Therefore, the result for both pairs was changed to 6♠ making six for +980 for NS (Law 12C2).

A procedural penalty for East's statement prior to the opening lead was considered, but it was decided not to assess one to this foreign player. Unfortunately he was not present to educate regarding ACBL laws.

The committee was quite upset that the non-offending pair was forced to appeal a case where the Laws clearly state the director is to assume MI in cases of doubt concerning a bid's meaning.

No AWMW was issued since the appeal was upheld.

Editor's Note: Prior to soliciting a review of this case by the expert panel, it was discovered that the defendants' names listed in the East and West positions were reversed on the appeal form. They are listed above in the hand diagram as show on the appeals form and how the AC thought they sat when they made their decision. In fact East was Fang and Hendelman was West, the reverse of what is shown in the diagram above.

The AC chair was contacted, but he could not say by himself (without knowing the views of other AC members) whether this would have affected whether or not the pair received a PP.

The Committee: Mark Bartusek, chair, Bruce Rogoff, Dick Budd, Bob Schwartz and Jeff Roman.

Cohen: The AC got this right. What was the TD thinking about? If players won't attend an AC hearing, why should we decline to assess a PP? If they have no interest in the appeal result, we should not be so polite as to not assess the PP.

Wolff: Again CD causes a bridge hand to be unplayable. As you might have gleaned by now I am usually against awarding a pair a possible tough-to-bid slam just for this reason or that. But

here, EW's CD clearly makes it more difficult, although South, looking at his hand, might have suspected some misunderstanding. I would split the baby giving NS average plus or the medium match points score between +980 and +480, whichever is higher, and giving EW the lowest between average plus or -980. Again all the masters are served. We *must* do away with CD

Rigal: It's unfortunate that EW were not present as it was subsequently discovered that East and West were occupying seats opposite to that described in the appeal form. Hence, the whole chain of reasoning that led to the score adjustment may have been flawed. I looked for the players concerned for 15 minutes and even rang hotel rooms with no success.

Had the form been correctly completed, or EW present, things would surely have gone differently, given the importance attached to the positioning of the two players.

Zeiger: Nice going. Clearly, this pair had no agreement about 2NT. Clearly, there should not have been an Alert, which there wasn't. Clearly, South can only assume natural or undiscussed as the only possible explanations for the meaning of 2NT. Clearly, if he wanted to know which, he could have asked. Clearly, the committee members were mad at EW for not showing up at the hearing. Table result stands.

French: The TD should have been called immediately when East made the comment, as required of everyone at the table by Law 9.B.1(a). The AC did not award a PP for the comment, because the player was foreign? The Laws are the same world-wide, being a foreigner is no excuse. A defender is not permitted to call attention to partner's failure to Alert until play ends (Law 75.D.2), it's not something peculiar to the ACBL. However, the transgression was not a serious one and the UI caused no damage, so a PP would have been inappropriate.

The TD ruled mistaken bid without explaining why, the AC decided MI and explained why, citing the applicable law. With MI to be assumed in the absence of evidence to the contrary, the AC decision seems like the right one.

Goldsmith: C'mon, there's no way this pair had the agreement that 2NT was good-bad. Good-Bad 2NT, in fact, only applies to opener's 2NT rebids, not responder's. East simply misbid egregiously. That should be obvious. I'd rule result stands. Yes, L75 tells us to assume misexplanation rather than misbid, but when a misexplanation is implausible, that's sufficient to rule misbid.

Who cares what East bid? NS's bad result was a simple result of South's bad bidding. It had nothing to do with the 2NT bid. South knows that 2NT isn't natural unless West psyched. Not to bid 4♥ the first time is egregious and clearly breaks the chain of causality between the putative EW infraction and NS's good result. So I'd never give NS any score other than what they got on their own. If I were to be convinced that the failure to Alert 2NT was a misexplanation, then EW get -980 and NS get +480. How can bidding 4♥ hurt? If we have a spade and a heart loser, we can find that out with Blackwood.

AWMW to NS. It's not close.

"...educate regarding ACBL laws"? These are the laws of bridge, not something idiosyncratic to the ACBL.

Wildavsky: Good work by the AC. Had the TD ruled the other way there likely would have been no appeal.

Apfelbaum: The Laws provide that MI is assumed, giving the presumed offending pair the burden to prove there was no MI. As the presumed offending pair was not present, the committee was correct to assume MI. I have a problem with South's choice of only 3♥ — a 4♥ bid was available. Apparently, the committee did not ask South about his choice. I cannot approve of the decision without knowing the answer to that question, because there remains for me the question whether South failed to play bridge.

To me, a jump to 4♥ (if it shows a singleton) seems obvious. If partner has a maximum, he can go beyond game. If partner has a minimum, he can stop at 4♠.

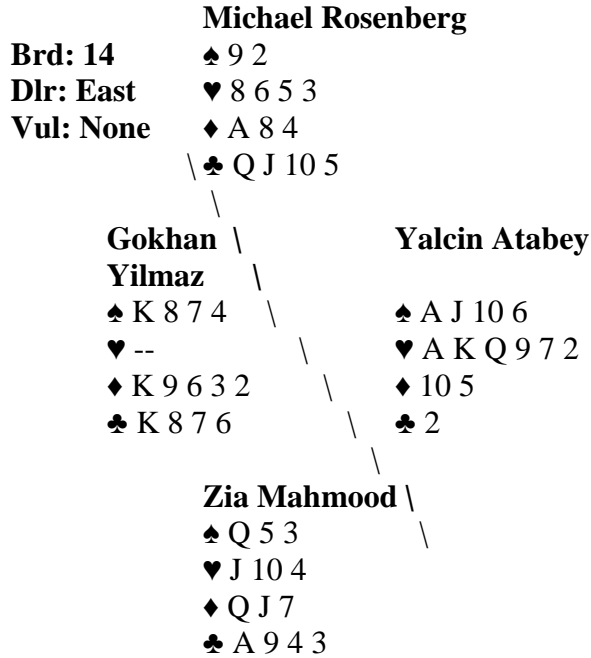
However, if 4♥ was not available as a splinter bid I could easily support the committee decision.

CASE EIGHTEEN

Subject: MI

DIC: John Ashton

Spingold Teams, round of 16



<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
		1♥	Pass
1♠	Pass	3NT(1)	Pass
4♣(2)	Pass	4♠	All Pass

- (1) East to North: explained as minimum splinter.
 West to South: explained as 4=5=2=2.
- (2) East to North: explained as asking.
 West to South: not queried.

The Facts: The contract was 4♠ making four for +420 EW after the ♦4 opening lead. The director was called after the hand was over.

The Ruling: The director determined that the opening leader had a correct explanation and therefore ruled no adjustment.

The Appeal: NS appealed with North, East and West attending the committee meeting.

North stated that the misinformation suggested a diamond lead. West had asked for shortness and signed off facing club shortness. The implication was that West would have been interested in slam opposite diamond shortness. Therefore, whatever West’s diamond holding, it could scarcely include the ♦K.

North further pointed out that when he and his partner declare a hand and they have any doubt as to whether their opponents have been correctly informed, they pass their written explanations to the opponent on the other side of the screen.

Adam Zmudzinski testified for EW regarding the meaning of 4♣ in the Polish club system. He explained that his friend Krzysztof Martens has been engaged as coach of the Turkish National Team and had taught the system to EW, both team members, in that capacity. He explained that 3NT is always treated as an unspecified splinter in that system.

East explained the EW system and that with 4=5=2=2 and a strong hand, he would have bid a descriptive 4S, denying side shortness.

West explained that he was confused, that he intended 4♣ as a cue bid, and over a 4♦ cue bid, he would have bid 4♥.

The Decision: The committee found that the EW agreement was that 3NT showed a mini-splinter, that West's explanation was incorrect but irrelevant to the result, and that West's 4♣ bid was a mistake that was lucky not to get his side overboard and doubly lucky to induce a favorable lead.

The committee examined Appendix G to the conditions of contest, "Special Conditions Pertaining to the Use of Bidding Boxes and Screens" and found two relevant items:

Law 20, Explanation of Calls, Item 2, "Prior to the Opening Lead:"

- a. the opening leader is permitted to ask for clarification in writing from his or her opponent on the other side of the screen
- b. the declaring side *may*, on their own initiative, confirm explanations given on the other side of the screen and is encouraged to do so for complex and potentially ambiguous auctions.

On account of the "may" in item b, the committee determined that EW had no obligation to exchange notes.

The committee had sympathy for North, who had made a well-reasoned lead. They found, however, that EW had committed no infraction and that North was not damaged through West's infraction; rather he was damaged by West's mistaken bid, which is not a violation of Law 75. Accordingly, there were no grounds to adjust the score.

The committee found the appeal to have merit both because of the question of the fact regarding the actual EW agreement and because the director had not explained the special conditions of contest to the appellants during the screening.

The Committee: Adam Wildavsky, chair, Mike Kovacich, Bob White, John Solodar and Chris Willenken.

Cohen: North was wrong to charge MI. He had been correctly informed of the EW agreement and was unlucky to encounter a lucky (for EW) mistaken bid. Sometimes the opponents do get lucky.

Wolff: A difficult decision and I applaud the committee's final decision, although I don't really agree with it. (By the way it was my team that won the appeal.). From a high-level bridge point of view, Michael Rosenberg is entitled to believe that he is getting accurate information. Otherwise, we might as well be playing poker.

In the expert game, many slam or almost slam auctions require expert bidding and expert opening leads and defense even against possible slams that stop in game. Because one side has a misunderstanding and gets "lucky" is no reason for all of us to have to put up with home-brew treatments that are not explained alike by the partner's. By doing so we are honoring Edgar Kaplan in a way that he would not like to be honored. He was always talking tongue-in-cheek about wanting to allow players to psyche their system and, if it was a misbid and not a misunderstanding, it would be allowed.

Since Law 20 was quoted, how can we have a law to let the good guys go out of their way to play fair and the non-volunteering "foxes" hide behind the law? Are we kidding ourselves, or what? There is no doubt in my mind that the Turkish pair was not trying to get away with anything, but so what. Our team was lucky that we had a "brilliant" opening leader defending against us to let us win a game swing.

Shouldn't this situation be a topic of discussion among people who care about the process, instead of just a grain of sand in the desert? *I think so!!*

Rigal: Reasonable ruling and AC position. I can see both sides of this; the evidence brought to bear to show what the EW agreement really was unusual – the first time I've seen this in 10 years. (The Beijing 1995 Bermuda bowl finals was the last such occasion.)

Zeiger: Finally, I catch a break. Well reasoned. Well written.

French: Good work by both TD and AC. As with face-to-face play, the ACBL should require, not encourage, a complete explanation of the declaring side's auction when there are undisclosed agreements that opponents may not be aware of. Not doing so seems to be a disregard of Laws 40B and 75A, which require complete disclosure of special partnership understandings.

Goldsmith: Nicely done, AC. Quoting the right laws is good practice.

Wildavsky: I had, and have, a lot of sympathy for NS. I would prefer to see the conditions of contest changed so that the declaring side is obligated to pass their written explanations across the screen at the conclusion of the auction.

Apfelbaum: A good decision. North was on lead, and had a correct explanation. West did not make a correct bid, but there is no violation of law in that. East has just about as strong a hand as anyone could hold for a minimum splinter, but without a diamond control he probably had to retreat the 4♠.

CASE NINETEEN

Subject: UI
DIC: Henry Cukoff
NABC+ Fast Pairs, second Qualifying

	Michael Schreiber	
Brd: 27	♠ 10 2	
Dlr: South	♥ Q J 10	
Vul: None	♦ 6 4	
	♣ Q 10 9 7 6 2	
	Brian Duran	Gloria Tsoi
	♠ K J 8 7 6 5 4	♠ Q
	♥ K 8 7 4 3	♥ 6 5 2
	♦ 8	♦ J 9 5 3 2
	♣ --	♣ A K J 5
	Tony Kasday	
	♠ A 9 3	
	♥ A 9	
	♦ A K Q 10 7	
	♣ 8 4 3	

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
			1NT
Dbl(1)	Pass	2♦ (2)	Pass
2♥	3♣	Pass	Pass
3♠	Pass	4♥	Pass (3)
Pass	Dbl	All Pass	

- (1) Two suits (not clubs).
- (2) Prefer diamonds over either major.
- (3) BIT.

The Facts: The contract was 4♥ doubled down one for NS +100 after the ♥Q lead. The director was called after it was passed out but before the opening lead. Over 2♦, South pulled out the double card, then replaced it with a pass.

The Ruling: The UI from the slow pass of 4♥ demonstrably suggested double. Pass is an LA (Law 46) so it is a violation. Therefore, 4♥ undoubled was assigned to both sides.

The Appeal: NS appealed. Their statement was that double was automatic at matchpoints. The North, East and West players attended the committee meeting.

The Decision: The committee found that North had approached the director and requested screening. He stated, "I want this screened. If there is any chance of a penalty, I'll drop it." The case, however, proceeded without screening.

South's *faux* double of 2♦ produced UI, but that UI was not germane to North's double. It was relevant to the opening lead. To North's credit, he did not lead a diamond, which appears to beat 4♥ two tricks.

South's slow pass of 4♥ was surely based on consideration of doubling, not bidding. South could have bid 4♣ on the previous round if he wanted to bid. So the BIT produced UI for North. It seemed clear to the AC that pass is an LA, so doubling is an infraction and is disallowed, as was done by the director.

Further, the AC felt that passing was the normal action, a substantially more than 50% action. That means the double was a serious infraction, typically warranting a one-fourth board procedural penalty.

North's express statement to the director, however, and their failure to comply with his request, caused the AC to be unwilling to award an AWMW or a PP.

The Committee: Jeff Goldsmith, chair, Bill Passell and Dick Budd.

Cohen: Why wasn't the case screened? It might have avoided a committee. TD and AC correct.

Wolff: A well-reasoned decision by the committee which seemed to take into consideration all the important aspects.

Rigal: North certainly does not appear to have a double. I'm not sure though whether the tempo suggests South is considering sacrificing or bidding. If this is not clear, then North can do what he likes.

As to the argument about penalties etc., I think North is not entitled to obtain relief from the TD in this way.

Zeiger: I must be getting worn down. I like this decision too. I do *not* think a PP would have been appropriate though.

French: It's hard to understand how the case could proceed without a requested screening, which is supposedly automatic for NABC+ appeals. Other than that, the TD and AC seem to have done the right thing. With a big major two-suiter in the West hand, mere possession of Q J 10 of trumps does not make a double automatic, even when partner has a strong notrump opening.

ACs like to impose Procedural Penalties (PPs) for irregularities already treated by other Laws, something that TDs don't seem to do. The Laws do not provide additional penalties for "serious infractions."

Ethical transgressions should be the subject of Player Memos (PMs), not PPs. PMs are recorded and filed, so that habitual offenders can be dealt with. PPs are for procedural irregularities such as the examples in Law 90.B (passing wrong boards, etc.) and are not recorded. That PPs are not meant for disciplinary purposes was made clear in 1975, when the title of the law was changed from Disciplinary Penalties to Procedural Penalties, with no significant change of content.

Wildavsky: The NS argument is specious when the opponents have bid game voluntarily. I would have assessed an AWMW anyway -- it is after all only a warning. Even a PP ought to have been possible -- when NS pursue the appeal without screening they have the possibility of gain and so must accept the possibility of loss.

The actions of the TD are inexplicable. Screening appeals is the responsibility of the directing staff.

Apfelbaum: I am not so sure the committee was correct in its judgment that pass is the correct action. North knows that EW have at most 20 high card points and at most an eight-card trump fit. At matchpoints, particularly when it appears that very few (if any) players will get to game, I see almost no downside to a double. If the contract makes, NS get a zero whether or not the contract is doubled. If the contract goes down, a double greatly increases the chances of NS getting a reasonable or even a good score.

I understand and agree that South's break in tempo might suggest more defense. It also might suggest a hand that is considering bidding on to 5♣. No one would suggest that South should ever raise North's 3♣ bid on the previous round. For this reason, I question whether South's break in tempo demonstrably suggests that a double would be more successful than a pass. Remember that even if South has a big fit in clubs, it is still more likely than not that 4♥ will fail. So, giving South a chance to show a big fit in clubs is not necessarily in North's interest.

CASE TWENTY

Subject: UI

DIC: Steve Bates

Chicago Mixed B-A-M Teams, second final

Keith Garber
Brd: 23 ♠ A K Q J 8
Dlr: South ♥ Q 10
Vul: Both ♦ K 5 3
♣ Q 7 6

Debbie Rosenberg **Louk Verhees**
♠ 5 2 ♠ 10 7 3
♥ 9 7 6 ♥ A K 3
♦ A Q J 9 7 2 ♦ 8 6
♣ J 5 ♣ K 10 9 4 2

Elaine Said
♠ 9 6 4
♥ J 8 5 4 2
♦ 10 4
♣ A 8 3

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
			Pass
2♦	2NT(1)	Pass	3♦(2)
Pass	3♠	All Pass	

(1) 15-18.

(2) Intended as transfer, not announced.

The Facts: The contract was 3♠ making three after the ♦8 lead for a score for NS of +140. The director was called after the auction was over. South thought transfers were on over 2NT. North thought 3♦ was stayman. Both players stated they have an agreement that super-accept bids are shown only by bidding four of the major or 3NT. They have no written record of this, however.

The Ruling: The contract was adjusted to 4♠ down one for a score of NS -100. UI was available to South when she did not hear her transfer announced (Law 16A).

The Appeal: NS appealed and all but East attending the committee meeting.

South stated that the relevant discussion with her partner was that their super-acceptance over 1NT would be to jump to three of a major with four trumps or to bid 2NT with three trumps that includes two of the top three honors, both with a maximum.

She further pointed out that 3♠ as a super-acceptance made no sense since there was nowhere to go below 4♥ and a slam try is out of the question.

The Decision: The committee determined that 3♦ was a transfer and therefore UI was created when North did not so announce. The committee felt that if North had said “transfer” and then bid 3♠, South would have taken action. There was mixed feelings by committee members between bidding 4♥ and 4♦ as a retransfer. Therefore, the director’s ruling was upheld.

There was discussion regarding what contract would be reached and how many tricks would be taken. Finally, the AC judged down one to be the appropriate final result.

No AWMW was given.

Dissent (Jeff Roman): While south had UI (the failure to announce), she also had the AI that her partner bid 3♠. At this point, one of two things has happened. One is that there is a misunderstanding (partner has interpreted 3♦ as Stayman). The other is that partner, who overcalled 2NT, has such a huge hand for hearts that he’s not content with merely jumping to 4♥ (which would show a powerful playing hand for hearts). No, his hand is so outstanding that he has to make a slam try opposite a passed hand.

I believe that behind screens, pass is absolutely what this South would have done and I think she should be allow to pass in the situation she was in.

The Committee: Barry Rigal, non-voting chair, Jeff Roman, Ellen Melson and Tom Peters.

Cohen: A close case. While I have some sympathy for the dissenter's position, I can accept the two to one decision of the AC. There is UI and AI. Which should take priority?

Wolff: Another case involving the impossibility of adjudicating CD in a completely fair way. While I don't disagree with either the committee's or the dissent's reasoning, I will happily accept either.

At the risk of appearing too overwhelming, we need to eliminate CD and it could start, at the high level (which is the only level I preach to), with the admonition that if a partnership plays transfers at certain levels (most partnerships do not discuss all the possibilities), then if they commit CD they will pay a severe price. I think this would lead partnership's to either not play something until they are sure they know it. This would be a great thing we could do for our game!

Rigal: In all these sorts of situations it seems to me there is enough doubt as to what constitutes an LA or not that the AC ruling is correct and the dissent wrong. South has to play her partner to have made a mistake on the previous round (not doubling or bidding 2♠) to pass 3♠. This is made easier by the non-Alert.

Zeiger: Back to abnormal. The write-up makes no sense. If the committee believed South should be required to bid 4♦ or 4♥, why did they uphold the director's ruling of 4♠ down one? I agree with the committee that South cannot pass 3♠.

The dissenter is correct that South would likely have passed 3♠ behind screens. Unfortunately for the dissenter and South, this wasn't behind screens. Some years ago, don't make me look up the minutes, the ACBL Laws Commission stated, in effect, when not behind screens, a player must assume affirmative knowledge, not lack of knowledge. In this case, South is required to act as though North had announced transfer, and then bid 3♠. Under this circumstance, South would not have passed.

If the partnership's methods are relatively straightforward, I'm not sure an AC can force a 4♦ rebid on South, so let's assume she bids 4♥, which gets passed out. Looks to me as if the result is either making four or down two. If West leads the ♣J, wildly unlikely, or shifts to it at trick two, after cashing the diamond ace, EW get five tricks. Otherwise, 10 tricks are there for the taking. I say result stands for EW. The defense required to beat 4♥ is not likely, so they were not damaged by South's pass of 3♠. I can live with -200 for NS as at all probable, under Law 12.C.2.

French: Not an easy case, but 4♠ down one seems like a good adjustment. The club switch by West that would have gained another trick against 3♠ was not found, and there is no reason to suppose that it would be more likely against 4♠.

The dissenter should know that what "this South" would do behind a screen is not a criterion. It's what a typical player in this event *might* do, and passing 3♠ does not seem very likely. South should have tried 3NT, a normal bid that might have worked. If West doesn't switch to clubs, East has to sacrifice the club king to beat the hand.

Goldsmith: Why not follow the standard pattern when writing up an unambiguous UI case? This will avoid the AC's writing possibly insulting statements. (Not that I have hesitated to offend in this book!)

Was there UI? Yes. South learned through the failure to Alert that 3♦ was interpreted as Stayman, not a transfer.

Was the UI useful? Yes --- it is possible that 3♠ was a super-accept. Despite NS's claims that they only use 2NT and a jump in the major as super-accepts over 1NT bids, this was a 2NT overcall and many or most play that 3NT is not a super-accept, but shortness in the major. So the claim that the pair does not play any other form of super-accept needs stronger verification than was given. Since this looks like an approach some pairs might want to take, writing "no descriptive super-accepts" on the convention card might be sufficient evidence in a case like this. But if a pair uses one with that written, a PP must immediately be given. I suggest a full board.

Was there a LA to passing 3♠? Yes, bidding 4♦ as a retransfer or bidding 4♥ are surely actions some players would take.

Did the UI suggest passing 3♠ over other alternatives? Of course. So passing 3♠ is an infraction and can't be allowed.

So while I agree with the dissent that behind screens, South would likely pass 3♠, that's not relevant. The standard for a player in possession of UI is not "do what one would do behind

screens," but those quoted in Laws 16 and 73. The laws don't try to achieve equity for players in possession of UI from their partner; on average, having UI is slightly bad for a player. ACs need to understand this --- in a UI case, we aren't just trying to do what's fair. We know that the OS will get the worst of it a bit more than would have happened in a perfect world. In the long run, that's a good thing; if we only tried to achieve equity, then it would be good strategy (though poor ethics) for players to try to take advantage of UI. The laws as written make that poor strategy, which is what we want.

Wildavsky: Reasonable rulings all around. I especially like the question the AC posed: What action would South have taken had North Alerted 3♦ and explained it as a transfer?

The dissent misses the point. Yes, this South might well have passed behind screens. That is not relevant, however. Under Law 73C a player is required, not to take the action he would have taken without UI, but to "carefully avoid taking any advantage that might accrue to his side."

It seems to me that had South bid then 3NT is a reasonable choice with a 5-3-3-2 hand. This is down two with best play, or down three if declarer ducks the first diamond, so using Law 12C2 I'd adjust the score to EW +200 and NS -300.

Apfelbaum: I have no problem with the committee deciding that 3♦ was a transfer, but there is nothing in the write-up to show why the committee came to that conclusion. Given both that 3♦ is a transfer and the failure to announce a transfer, I believe that South should not be allowed to pass North's 3♠ rebid. South should be required to retreat to 4♥. Now, a club lead from West produces five tricks for the defense. For me, the logical conclusion of the committee's reasoning is +200 for East-West and -200 for NS. Why did committee not come to this same conclusion?

As with so many other decisions, the flaw in this decision may be in the write-up and not with what the committee actually considered.

CASE TWENTY-ONE

Subject: UI
DIC: Steve Bates
Chicago Mixed B-A-M Teams, second Final

	Dano Defalco	
Brd: 2	♠ A 8 2	
Dlr: East	♥ Q	
Vul: N-S	♦ A J 9 8 2	
	♣ 10 8 4 2	
	Deepak Khanna	Susan Khanna
	♠ 10 6 4 3	♠ J 7 5
	♥ A J 5 3	♥ 10 9 6 2
	♦ Q 5	♦ 10 7 3
	♣ A K 6	♣ J 9 5

Gabriella Olivieri
 ♠ K Q 9
 ♥ K 8 7 4
 ♦ K 6 4
 ♣ Q 7 3

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
		Pass	1♣
1NT (1)Dbl	Pass	(2)Pass	
2♥	All Pass		

- (1)14-18.
- (2) Alleged BIT, see below.

The Facts: The contract was 2♥ down one after the ♣4 opening lead for a score of NS +50. The director was called after the 2♥ call. No one would state a time estimate but East said she had to stop and think about whether to bid. 2♣ would have been Stayman and redouble would have been SOS.

The Ruling: The director ruled that pass was a logical alternative to 2♥. The pass was out of tempo and suggested not sitting for the double. Damage occurred per Law 16A2. The result was adjusted to 1NT doubled by West, down three for a score of +500 for NS.

The Appeal: EW appealed the ruling with all players attending the hearing. NS believed that East’s pass over the double had taken somewhere between eight and 10 seconds. EW claimed there had been no hesitation and that West was always going to pull the penalty double with his dead minimum hand. He stated that it was clear from the auction that he was in trouble and that action was warranted. West was the much stronger player in the partnership and it was implied that he would make the important decisions in the auction with East making a lot of temporizing calls.

The Decision: One member on the committee knew the appellants and confirmed that in the EW partnership, West made practically all the decisions. This included significant attempts to allow West to play all the hands. East had admitted that she had not thought of making an SOS redouble at the time. The committee determined that there had indeed been a break in tempo, and that this had passed UI to West.

Despite the proclivities, Pass was deemed an LA for West and the contract was adjusted to 1NT doubled by West, down three for +500 to NS.

The appeal was judged to be without merit and an AWMW was given to EW for providing no new evidence for overturning the director's ruling.

The Committee: Mark Bartusek, chair, Chris Willenken, JoAnn Sprung, Kathy Sulgrove and John Solodar.

Cohen: TD and AC covered with glory, including the AWMW. A PP would not have been out of line.

Wolff: While East's tempo demands some penalty, I think this committee went overboard. First of all, NS didn't shine with North meaning his pass of 2♥ as forcing and South not complying. With very good (but not off-the-wall) defense, 2♥ doubled can be beaten 300.

I also think that forcing West to stand for 1NT doubled is draconian and way too much. It seems that this committee took to Dana Defalco (I also really like him). This is human and helps the good guys, but doesn't do diddly for our game.

Rigal: Excellent ruling by the AC; if you can systemically overcall 1NT with this hand, and partner has an SOS redouble available, and does not make it, bidding is inappropriate. Close to PP territory, though I think it is acceptable not to give one. The AWM is certainly apposite.

Zeiger: Right on! Even a PP to West for his 2♥ bid, would have been acceptable.

French: Well done all around, except for listening to the baloney from EW and the irrelevant comment by "one member on the committee." Without system notes to say that West must pull a double of 1NT, the runout can't be accepted after a BIT. All players must be treated the same in an event, as there is no provision in the Laws for treating players differently based on reputation.

Goldsmith: Pretty good job. What about a PP for abuse of UI? If these players can get a AWMW, they are experienced enough to be strongly encouraged not to abuse UI in the future.

Wildavsky: 100% without merit. A procedural penalty in addition would have been warranted, for blatant failure to follow the requirements of Law 73C.

Apfelbaum: I must admit that I also know this EW pair and their proclivities. They are exactly as described in the write-up. That written, the laws make no allowance whatsoever for the arguments implied by EW that West should be allowed to remove the double. Pass is a logical

alternative for West whenever East fails to sound an alarm after North doubles. This type of method allows West to play 1NT doubled (not redoubled) with a maximum or a source of tricks, and to run with other sorts of hands.

Not only would I impose an AWMW, I would assess EW the maximum procedural penalty possible for even implying they use unauthorized information. They need to know in the clearest possible way just how wrong West was to run from the double.

I fully support the right of any pair to appeal a director's ruling. That written, I have rarely seen a case where that right is so obviously abused. Even in the absence of the express or implied arguments presented by EW, I believe a procedural penalty is appropriate.

CASE TWENTY-TWO

Subject: UI/MI

DIC: Roger Putnam

Spingold Teams, Semifinal

Brad Moss
Brd: 2 ♠ 10 6 4
Dlr: South ♥ A 6
Vul: Both ♦ K J 7 6 5
 ♣ 10 6 3

Alfredo Versace \ **Lorenzo Lauria**
♠ 5 3 ♠ K J 8
♥ K J ♥ 7 4 3 2
♦ 10 9 8 3 2 ♦ A Q
♣ A Q 9 2 ♣ K J 8 7

Fred Gitelman \
♠ A Q 9 7 2
♥ Q 10 9 8 5
♦ 4
♣ 5 4

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
			Pass
Pass	Pass	1♣ (1)	2♣ (2)
Dbl (3)	2♦	Pass	Pass
Dbl (3)	3♣	Dbl	Pass
Pass	3♠	Dbl	Pass (4)
Pass	Pass		

- (1) Natural, could be a doubleton, not Alerted.
- (2) South to West, Michaels.
North to East, clubs.
- (3) East to North, takeout.
- (4) South passed West a note, see below.

The Facts: The final contract was 3♠ doubled by North down one for a score of EW +200 after a heart lead. The director was called by East after the dummy was spread. No mention was made to the director that 1♣ was not Alerted.

At South's final pass, he passed West a note saying "He might think I have clubs, but I think Michaels is our agreement." NS said that the EW 1♣ bid creates ambiguity in their methods. No system notes were available.

The Ruling: Due to screens, UI was not an issue. MI did occur, however, on both sides of the screen. EW were entitled to know that NS did not have a firm agreement in this situation (Law 75). After consulting with a top expert, the only different outcome deemed likely per Law 12C2 was 2♦ down two. Therefore, a score of NS -200 was assigned. Laws 21B3, 40C and 12C2 were cited.

The Appeal: EW appealed the ruling. They asserted that the table action on the South/West side of the screen helped North to decide to bid 3♠. While North was thinking, South wrote a note to west as described in the facts above. East had not heard the note being written, but suggested that North, who was more tuned in to his partner, might have heard it. Also South had banished a kibitzer who had been talking. EW thought that North might have heard the writing, and that the disturbance with the kibitzer might have indicated to North that South was not comfortable with the auction.

The designated captain made a different argument on behalf of EW. He claimed that the differing explanations of the 2♣ bid on the two sides of the screen meant that one or the other (or both) of the EW players had MI, and that with a correct explanation they might have judged to pass out the auction and leave NS in a inferior minor-suit contract. Clearly West was in a position to pass out 2♦. Later, East might have passed 3♣ (according to the designated captain), which would have been the final contract since South did pass 3♣ doubled and would have likely done the same over 3♣ passed.

In furthering this argument, East said that North (initially) described 2♣ emphatically as natural. North disputed this characterization and said he indicated doubt immediately when describing the meaning of 2♣. No notes were written; this exchange was all whispered and with gestures.

Statements by the Other Side: South stated that he was careful to write his note as quietly as possible, using a ballpoint pen. The note (in pen) was presented in evidence. South said the banished kibitzer had been talking several times before he was sent away (West confirmed this). NS thought that extraneous activity on the South/West side of the screen provided no demonstrable reason for any particular action by North. North said that initially he thought 2♣ was natural, but was never certain. He changed his mind after East doubled 3♣ “strongly.” Eventually he concluded that with his own holding of three clubs, there were not enough clubs to go around if his partner had the suit, so he decided that 2♣ must show the majors.

South said he passed the double of 3♣ because his partner would get another chance to bid. He feared what was happening, but did not want to think a long time and then pass. He assumed that if North understood 2♣ correctly, then North would know what to do. If 3♣ had been passed, however, he would have bid 3♥. If North had clubs good enough to play 3♣, he would have passed 2♣ doubled. Also, passing out 3♣ would be final and would, in effect, be passing a cue bid. Passing over 3♣ doubled was different in that partner had a call coming.

NS said they had differing agreements over various 1♣ openings. South thought that over “mostly natural” 1♣ openings, they played Michaels, but that over “less natural” 1♣ openings they played 2♣ as natural. Over Precision or other completely artificial 1♣ bids they played natural. A couple of days earlier, they played natural over Welland-Fellenius “somewhat natural” (could be

two, frequently a weak 1NT hand). Their treatment to this EW 1♣ “could be two,” but only with 4=4=3=2 shape had not been discussed.

The Decision: The committee first considered the UI argument. They found it tenuous at best. They thought it unlikely that the writing of the note could have been perceived across the screen, nor did they think it would have carried any special meaning, even if it had been perceived. The barring of the kibitzer seemed similarly irrelevant. Although the timing of his banishment was unfortunate, the fact that he had been bothering both South and West was undisputed. Therefore, the AC found no UI that helped North to bid 3♠. He simply worked it out on his own.

Then the AC considered the MI argument. Clearly, at least one member of the EW pair had received MI. NS’s obvious disagreement about the meaning of 2♣, along with their lack of documentation about any agreements they might have had, caused the AC to decide that there was “no agreement” rather than any specific agreement that only one of them got right. Therefore, East and West *both* received MI, because they should have been told that there was no specific agreement.

The AC then examined whether any contracts, starting with 2♣, might have been passed out. 2♣ itself was least likely to have been passed out, as both West and North were very likely to duplicate their actions at the table; even if West had passed, North would certainly have tried 2♦ for all the same reasons that he bit it at the time. Next was 2♦, which did get passed around to West. Here the AC thought there was some chance that West would have passed had he known that NS were improvising. Finally, could 3♣ have been passed out? East might have passed, but the AC thought that South would have then bid 3♥. The reasons South gave for doing so were compelling: partner’s run from 2♣ doubled and the finality of passing 3♣ when West could pass it out.

Since passing out 2♦ was a possibility for EW if they had correct information, the AC assigned that as the contract. After analyzing various lines of play, the AC decided that down three was by far the most likely. Therefore, they assigned a result of 2♦ down three for both sides, +300 to EW and -300 to NS.

The appeal was found to have substantial merit.

The Committee: Bart Bramley, chair, Mark Feldman, Mike Lawrence, Mark Bartusek and Dick Budd.

Cohen: The TD was on the right track. 2♦ was the properly assigned contract. Under Law 12C2 down three was the correct determination by the AC.

Wolff: An awful lot of rhetoric, signifying nothing. CD almost never can be adjudicated. It is time we stopped trying to instead of coming up with some totally artificial almost impossible result to be obtained such as 2♦ not doubled down three. How can West pass 2♦ since EW may have a vulnerable game?

But whether it may or may not have been passed and deciding if UI was being passed around by possibly overhearing notes that may be written, why don't we nip the root cause? How much longer do we have to deal with it? Moses was only out in the desert for 40 years and we probably have passed that time figure.

Why not just declare the hand void and determine what happened at the other table. If the offending side's partner had a terrific result call it a push, but if it was more or less even at the other table give EW six IMPs. If the result was bad for the offenders at the other table give the other side 12 IMPs. In other cases try and determine about what the result should be by penalizing NS at the offender's table six IMPs. Arbitrary you say, yes but then what else can we do to stop CD??

Rigal: I deprecate the arguments used by NS to suggest UI might have been conveyed; apparently the committee did too. The actual adjustment seems entirely appropriate, since South made his case very clearly for not passing out 3♣.

Zeiger: At least they saved the best for last. A top-level match gets a top-level AC, and a well-reasoned result. Thorough write-up.

French: A very difficult case. It's hard to see how North could pull a 3♠ bid out of the air in the absence of any UI, but UI has to be evident, not suspected, and neither the TD nor the AC could determine it. The Solomon-like score adjustment equal to the table result for NS (-200), but from a contract of 2♦ off two instead of 3♠ doubled off one, is probably the best they could do.

North ran to 3♠ when 3♣ was doubled "strongly?" How does one do that with bid cards? Slam them down on the table? And South says he would have bid 3♥ if East had passed instead of doubling 3♣, isn't that getting it backward? No, South thought North had both minors, which is why he passed the double of 3♣. North did not "run" from 2♣ doubled, because he was told that was a takeout double, not a business double. He bid 2♦ to give South information about his hand (e.g., for lead direction), perhaps thinking it was forcing or believing it would not get passed out.

South's claim that he would bid 3♥ over a pass by East makes no sense except in the committee room, where it looks like an attempt to avoid a score adjustment of 3♣ undoubled down five, -500, and that's probably the right outcome for this mess. If it would not have eventuated had the irregularity (MI) not occurred, then +200 for EW for 2♦ down one, but -500 for NS in 3♣ undoubled, the most unfavorable result at all probable (subsequent to the irregularity). As always, testimony that is possibly self-biased is irrelevant and ACs should not be taken in by it.

Goldsmith: North claims he gave East the proper explanation immediately: 2♣ is supposed to be clubs (he knew that 1♣ could be short), but partner may think it is Michaels. If North knew what 1♣ meant, then he gave correct information to East. East appears to dispute this claim. Given EW's other claims about the kibitzer and the note, I believe North.

South told West that 2♣ was Michaels. That is MI. That MI, however, likely would not have occurred if West had Alerted 1♣ as a possible doubleton. Still, West was given MI.

But so was South. If West had Alerted 1♣, South would probably have overcalled 1♠. If so, the likely results are all over the place, most centered around EW +100. I could be convinced otherwise, but for simplicity, let's say that pretty much NS would reach 3♣ undoubled and go down one. A typical auction is

1♣ - 1♠ - 2♣ - 2♠
3♣ - 3♠ - All Pass.

Perhaps West might bid more or East or South less. Again, let's assume this for simplicity. If an AC thinks other results are likely or at all probable, they can substitute appropriately.

Did NS's bad result stem directly from the EW infraction, or was it substantially caused by something else? This is a close call. NS clearly did not know what they were doing. I think they reached the point where their bad result was substantially their own fault.

So I'd award EW -100 in the normal spot. (or whatever the least favorable at all probable result is for them). Then I'd let NS keep their -200.

The AC's ruling is reasonable. They judged that the MI from West to South was not contributory to NS's debacle. I think it was. Just the reminder that 1♣ could be short might easily have caused South to choose the safer path of overcalling 1♠ rather than possibly perpetrating a disaster. Without the warning, he did the natural thing. He might have anyway, but he might well not, which is sufficient to judge that the MI damaged NS.

If one judges the West MI to be irrelevant, then the AC had to judge if East or West had MI. I think West did and East did not. Again, that's a judgment call. I judge as I do because I think EW felt they needed to stretch to win the case, so that implies to me that North's claim was accurate. Given language difficulties, both may be right; North may have stated what he thinks he did, and East may not have understood it. That's too bad; North made a good effort to explain all he knew, and that's what East deserves. Without a doubt, however, West had MI. South's explanation was not correct. Given that, West has the option to withdraw his double of 2♦ and the AC's ruling emerges.

Either my split ruling or the AC's ruling is reasonable. I choose mine by a nose, because I think the wake-up from hearing the Alert of 1♣ is likely to cause South not to bid 2♣, maybe. And I don't like EW getting full benefit from a problem they partially caused.

Wildavsky: Oy vey. One would like to think that players in a Spingold semifinal would be better prepared for their opponents' methods.

I do not understand why the AC write-up makes no mention of the failure to Alert. Was 1♣ Alerted on neither side of the screen? It seems at least possible that the failure to Alert was the proximate cause of the misunderstanding, in which case NS might be entitled to an adjusted score!

All told I don't have enough information to assess the decisions.

Apfelbaum: An excellent decision and write-up. There is no relevant extraneous information, but there is misinformation. The misinformation might have led EW astray. Given the benefit of the doubt, it is quite possible for EW to get eight tricks in defense against a 2♦ contract.

CASE TWENTY-THREE

Subject: Tempo/UI

DIC: Gary Zeiger

Education Fund Pairs, Thursday Evening, July 21, 2005

Panel: Bernie Gorkin (reviewer), Matt Smith and Harry Falk

Bd: 10 North
Dlr: East ♠ K J
Vul: Both ♥ 7
♦ A Q 8 6 5 4
♣ K Q 3 2

West East
♠ 8 4 ♠ A 6 5
♥ K J 10 8 ♥ A Q 9 6 2
♦ J 7 3 ♦ 10 9
♣ A 9 6 4 ♣ J 10 8

South
♠ Q 10 9 7 3 2
♥ 5 4 3
♦ K 2
♣ 7 5

West North East South
Pass Pass Pass Pass
Pass 1♦ 1♥ 1♠
3♥ (1) Pass (2)Pass 3♠
Pass 4♠ All pass

(1) Explained as weak.
(2) Agreed BIT.

The Facts: The result was 4♠ by South making five, NS +650. The director was called after the 3♠ bid and told that North had hesitated before passing 3♥. All agreed to a hesitation of at least 15 seconds after the explanation of 3♥ was given.

The Ruling: The director determined that an unmistakable hesitation occurred, that pass was a logical alternative action for South after 3♥- Pass-Pass, and that the hesitation demonstrably suggested a 3♠ bid. The score was changed to 3♥ by East, down one, NS +100 (Law 16A, 12C2).

The Appeal: NS appealed the ruling. All players attended the hearing. North had 480 points, South 1560, East 880, and South 5100. The players confirmed to the reviewer the facts noted by the director, including that the hesitation was at least 15 seconds after the explanation of 3♥. NS

claimed that North's fourth seat opener was surely sound. South argued that since EW were both passed hands and West made a preemptive raise, North was marked with more than a minimum, thus making action clear to him.

The Decision: The panel polled four players in South's peer group. Most said they would have bid 2♠ over 1♥, but all could accept a 1♠ bid. After 3♥-Pass-Pass, they all passed due to the poor quality of the spades. After offering their opinions about South's action over 3♥-Pass-Pass, the polled players were then asked what they thought a hesitation might suggest. They were unanimous in believing that it suggested spade values since the South heart holding indicated that partner was not thinking of doubling 3♥.

The panel therefore found that an unmistakable hesitation occurred, that pass was a logical alternative, and that the hesitation demonstrably suggested bidding 3♠ (Law 16A). The panel assigned a score of 3♥ by East down one, NS +100 (12C2). NS had made some good arguments about North's fourth seat opening, and the significance of the opponents' bidding, so the panel decided the appeal had merit.

Players Consulted: Four peers of South.

Passell: Good ruling by both the director and panel, although 4♠ should have been defeated by small trump switch.

Wolff: Simple but good. What new evidence did the appellers present to not get a warning?

French: The BIT showed a desire to act, thereby suggesting action on South's part, with pass by South an LA. There is no point in speculating on the specific reasons for the BIT. Good ruling, good decision.

Cohen: The consultants had it right when they bid 2♠. So did the TD and the panel with their adjudication. An AWMW was also appropriate for South, a player with 5100 MPs.

Wildavsky: Good "by the book" rulings by the TD and the panel. I fail to see the merit in the appeal. A PP would not have been out of place. North hesitates for 15 seconds over a skip bid and then South, who has bid freely, balances with a five count? Outrageous!

It is always distasteful to see an appeal by pair who made UI available and then took the action suggested by the UI. An AWMW ought to discourage such appeals, but it cannot have the effect unless it is applied whenever appropriate.

Apfelbaum: EW surely misdefended 4♠ on this hand. After a heart lead, East defeats the hand by shifting to a low spade. However, I do not believe this defense is so obvious that East-West failed to play bridge.

That written, the break in tempo suggests that North was thinking about raising spades. South has the heart length, marking North with shortness. Also, North is marked with a sound opening

bid at the least. He opened the bidding in fourth chair with a hand that has mostly minor suit cards.

However, South barely has enough to squeak out a response. A second call at the three level is just about unthinkable. Therefore, I agree with the committee decision to adjust the contract to 3♥, down one.

CASE TWENTY-FOUR

Subject: UI

DIC: Gary Zeiger

Education Fund Pairs, Thursday Evening, July 21, 2005

Panel: Bernie Gorkin (reviewer), Matt Smith and Harry Falk

Bd: 21 North
Dlr: North ♠ 6
Vul: NS ♥ A K 3 2
♦ A J 9 7 6 4
♣ J 7

West East
♠ 8 5 4 2 ♠ A Q 9 3
♥ 9 ♥ Q 4
♦ 5 3 ♦ Q 10 8 2
♣ Q 10 8 6 4 3 ♣ A K 9

South
♠ K J 10 7
♥ J 10 8 7 6 5
♦ K
♣ 5 2

West North East South
1♦ 1NT 2♥
2NT (1)4♥ Dbl Pass
5♣ Dbl All pass

(1) Intended as lebensohl, no Alert.

The Facts: The result was 5♣ doubled by West down three, NS +500. The opening lead was the ♥A. The director was called after the auction ended when West explained that his 2NT bid should have been Alerted. North told the director that he still would have bid 4♥ if he had been Alerted.

The Ruling: West had UI from his partner's failure to Alert. The UI demonstrably suggested not passing the double of 4♥ and pass was a logical alternative action (Law 16). The score of 4♥ doubled by South, NS +790 was assigned (Law 12C2).

The Appeal: EW appealed the ruling. All players attended the hearing. North had 4300 points, South 100, East 1000, and West 1150. The players confirmed to the reviewer the facts noted by the director. West stated that he would never have passed the double with his hand even if his partner had Alerted. North felt that lebensohl could easily be this weak, and that partner doubled

knowing West could have little or nothing. North said that at the table. West even said that East probably doubled because she thought he had a little something.

The Decision: The panel agreed the UI demonstrably suggested West should not pass the double. To determine if pass was a logical alternative action, the panel polled four of West's peers. Given an auction where 2NT was Alerted, one bid 5♣ stating he wouldn't hang partner, and two passed saying partner was in charge. The fourth player said he would bid 5♣ with his regular partner since they have specific agreements in this auction, but otherwise he would pass.

Since the failure to Alert 2NT constitutes UI, West could not choose from among logical alternatives one suggested by the UI (Law 16A). Since at least half of the players polled would have passed, West could not bid 5♣ by law.

The panel assigned the score of 4♥ doubled by South making four as both the most favorable result that was likely (for NS, the non-offending side) and the most unfavorable result that was at all probable (for EW, the offending side) as per Law 12C2.

Since at least one of the players polled bid 5♣ (and one other wanted to), the appeal was deemed to have merit.

Players Consulted: Four peers of West.

Passell: I believe a frivolous appeal should have been rewarded on this one. Partner had no wasted heart values which would not be a possibility on this auction if 2NT had been Alerted and minus 500 would be the very best he could hope for.

Wolff: Another case revealing the impossibility of litigating and judging CD. Not as important at the regional level, but some of these players graduate to the NABC+ level without knowing of the horror of CD.

French: If the auction had ended, there was no point in asking any questions of NS other than to ask South if s/he wanted to change the last pass to something else, as it was too late to change any other call. Other questioning only wastes the table's valuable time, with nothing to do at that point except play on.

That a single weak player would consider 5♣ to be the only logical call means nothing. I suspect the wrong question is being asked in some polls. In this case the right question is "Would you ever consider passing?" rather than "What are the calls you would consider?" The fact that some players would bid 5♣ is irrelevant if some would consider passing. I don't see any merit in this appeal.

Cohen: Everybody right on except EW.

Wildavksy: Another pair of good "by the book" rulings. The criteria for finding merit were wanting, though. With no special agreement East's double must show that he has the contract set in his own hand, perhaps by more than one trick. West's hand makes this possibility all the more

likely -- would it be surprising to find East with KQJ9 of trump and a couple of aces on the side? A pass would have been logical no matter what the outcome of the poll and EW ought to have known that. This appeal had no merit. See my comments for CASE TWENTY-THREE.

Apfelbaum: If the committee thinks that West had no reason to know better, then this decision is reasonable. Most West players holding 1150 masterpoints have some knowledge of the laws, so I would have preferred to see something about how aware West is of his obligations under Law 16. If West showed some knowledge of what Law 16 requires, I might be willing to do something more than merely educate everyone about what the law requires.

CASE TWENTY-FIVE

Subject: Tempo/UI

DIC: Millard Nachtwey

NABC LM–5000 Pairs, 1st Qualifying, Friday July 22, 2005

Panel: Gary Zeiger (reviewer), Harry Falk and Tom Whitesides

Bd: 8 **North**

Dlr: West ♠A76

Vul: None ♥A10852

♦J9

♣J102

West

♠QJ5

♥Q73

♦KQ65

♣986

East

♠K1092

♥ --

♦108742

♣AK53

South

♠843

♥KJ964

♦A3

♣Q74

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
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Pass	Pass	1♦	1♥
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2♥ (1)	4♥	Pass (2)	Pass
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Dbl	All Pass		
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(1) Limit raise in diamonds.

(2) Agreed 30 sec BIT.

Panel: Gary Zeiger (reviewer), Harry Falk and Tom Whitesides

The Facts: The contract was 4♥ doubled by South, down two, +300 EW, after the opening lead of the ♦K. The director was called when the dummy was tabled. NS did not think West was entitled to double after the BIT by East.

The Ruling: The table result stands. West's 2♥ bid promised another bid (or double). Pass was not an LA. Law 16.A was not violated.

The Appeal: NS appealed the ruling. All players attended the hearing. North has 3145 masterpoints, South 1461, East 1326, and West 1326. NS argued that East's pass over 4♥ didn't have to be forcing, particularly since West was a passed hand. West's hand is not great defensively, and double marks the ♥Q. West's hand is an absolute minimum limit raise, opposite a third seat opening bid, which should not create a force at the four level.

EW said North's 4♥ bid could have been preemptive. East had at least 10 HCP for his opening Bid as they do not open extremely light in third seat.

The Decision: Four players with 1500-2000 masterpoints were given West's hand as a bidding problem, without any UI. All four players duplicated West's actions, except they all passed out 4♥. The panel decided the UI from East's BIT demonstrably suggested action over inaction by West. The player poll clearly established pass as an LA. Based on Laws 16.A and 12.C.2, the Panel adjusted the score to 4♥ by South, down two, +100 EW.

Players consulted: Four players with 1500--2000 masterpoints.

Passell: Why not plus 150? Why would anyone guess the right way to start hearts without the double?

Wolff: Two things worth noting: 1. once East studied and passed both East and West must (or should) know that if West acted with anything but pass their side was going to get the worst of it and 2. once this happens, NS should not be in a bonanza position of being able to get the best of it whatever happens. Here it is right to cancel West's lucky double, but if West does something else and gets lucky, NS should not automatically reap big (or any) rewards.

French: The TD got this wrong. A cue bid, showing an invitational raise, does not promise further action at a high level. Good work by the TD panel.

Cohen: West should earn a PP for his double. Where were the tricks coming from opposite a possible light third seat opener? He had shown his values on the previous round of bidding. He's lucky to have avoided the PP.

Wildavsky: The 2♥ cue-bid does not establish a forcing pass at the four level without a special agreement. The TD should have ruled for the non-offenders unless E-W provided evidence that it did establish a forcing pass for them.

The panel got this one right. One could argue plausibly that given the West hand East was more likely considering bidding than doubling, so double was not suggested. The flaw in that argument is that double gives East another chance to bid. The panel was right to use the "double suggests acting over passing" argument.

Apfelbaum: The problem with going to "peers," who merely happen to have about the same number of masterpoints, is that there is no certainty (or even likelihood) of finding someone of similar skill. EW effectively argued the cue bid promised another bid because East had to have a reasonable opening bid. That is a reasonable and accepted principle of matchpoint bidding. I would like to know why the committee chose to disregard (not find credible) this EW argument. Its statement that others with similar masterpoint holdings would pass does not address the decision to find their statements not credible.

CASE TWENTY-SIX

Subject: Tempo/UI

DIC: Millard Nachtwey

LM-5000 Pairs, 2nd Semi-Final, Saturday, July 23, 2005

Panel: Gary Zeiger (reviewer), Bernie Gorkin , Harry Falk and Matt Smith

Bd: 6	North		
Dlr: East	♠ Q J 7 5 4 3 2		
Vul: EW	♥ 6		
	♦ A 10		
	♣ Q J 7		
West		East	
♠ A 10 8		♠ 6	
♥ J 9 8 4		♥ A K Q 5 3 2	
♦ K 4 3 2		♦ 7 6 5	
♣ A 4		♣ 5 3 2	
	South		
	♠ K 9		
	♥ 10 7		
	♦ Q J 9 8		
	♣ K 10 9 8 6		

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
		2♥	Pass
3♣ (1)	3♠	4♥	Pass (2)
Pass	4♠	Pass	Pass
Dbf	All Pass		

(1) Alerted as asking for more information about East's hand.

(2) BIT, amount of time disputed.

The Facts: The contract was 4♠ doubled, by North, making four for a score of +590 for NS, after the opening lead of the ♥K. The director was called after the 4♠ bid. The amount of the BIT was disputed, but was at least 5 seconds.

The Ruling: The contract changed to 4♥ by East, making four, +620 EW (Law 12.C.2). The directors agreed with EW that the UI from the BIT demonstrably suggested values and thereby demonstrably suggested that passing 4♥ would not be best. Passing by North was an LA, thus Law 16.A did apply.

The Appeal: NS appealed the ruling. All players attended the hearing. North stated that with one defensive trick he was willing to risk a fit for a cheap save. Also, South's BIT was "only a tick or two" longer than other bids. Also, he didn't think the BIT suggested bidding and not doubling. EW stated the break was not very long, but she was looking at her cards. They said she seemed like she wanted to bid (implied some table action, but couldn't really say what).

The Decision: The panel decided that there had been no unmistakable BIT based on two factors. First, South was faced with an unusual convention 3♣ that she needed to process. Secondly, when North stated that the BIT was only a tick or two longer than other bids, EW did not disagree. The fact that the preemptor bid 4♥ was deemed to give South an extra second or two. Therefore, there was no BIT and thus North was free to bid whatever he chose.

Players consulted: None.

Passell: If no break in tempo was established, why was this case heard?

Wolff: Disturbing Case! The TDs bought the Brooklyn Bridge. This is probably the worst aspect of BITs. Once North knows he will buy something in spades from his partner the save becomes automatic. The BIT showed something since players rarely hesitate about doubling (giving their hand away to the opponents). *Judging this hand is not about rules, but rather about how bridge has to be played.* Shame on the TDs.

French: North must have known that 4♥ was coming and could have made his 4♠ bid immediately. Was it too dangerous? What made it safe later?

It is very rare that a TD panel or AC is justified in overruling a TD's ruling that a meaningful BIT has occurred. It doesn't matter that South *needed* a little extra time for the call. If partner was told that by some behavior or other, then it becomes UI. We don't know whether this South always pauses after a skip bid, as is required, but most players don't. Typical lower-level players are incapable of pausing in the same way, with a problem or without one.

Players can usually tell whether an opponent is dithering or not, and seldom make a false accusation. When a player's hand seems to corroborate a BIT contention, as this one does, the opponent's opinion should be given great weight. "She seemed like she wanted to bid," they said. It is not necessary to have iron-clad proof of UI, the TD makes that decision on the basis of "preponderance of the evidence." He is in the best position to judge UI cases, when the evidence is fresh, and his opinion should not be dismissed in this fashion.

EW's "unusual convention," Alerted, could have been investigated by South when East bid 4♥, merely by asking for an explanation of the auction and thereby avoiding a suspicion of UI (such questions should be routine). But she didn't need an explanation, did she? All she needed was time to think about bidding 4♠. Good TD ruling, bad panel decision.

Cohen: No unmistakable BIT, no infraction, no adjustment. It was an unusual auction --- the 3♣ bid and the 4♥ bid by the preemptor. South was entitled to a tick or two to assimilate it all.

Wildavsky: I prefer the TD's ruling to the panel's. There are two reasons to believe that there was a hesitation. The first is North's own testimony that South's pass took longer than the other calls in the auction. This is strong evidence in and of itself. Further, if we take into account that South was required to hesitate for ten seconds over East's 2♥ opening then North may been

telling is that South's hesitation over 4♥ was truly lengthy. The second reason is North's bidding. Having shown his hand once, more or less, he had no strong reason to bid again.

The panel's attempt to excuse South's hesitation as caused by the attempt to process an unusual convention was misguided. Once North bid 3♠, the 3♣ ask was equivalent to a 2NT ask. That's a convention almost everyone plays, likely including this South.

Further, I see no reason to believe that EW agreed with the testimony by failing to break in to correct it. I don't know about the rules for panels, but in AC hearings the players are instructed not to interrupt one another.

As for "a tick or two longer," it would be a good policy to solicit and report testimony as to the actual length of each alleged hesitation, in seconds.

Apfelbaum: When did an admitted break in tempo stop being a break in tempo? And why is there no analysis to explain why these players should not be bound by Law 16? South said she had to process the 3♣ convention. Why is there nothing to show what that convention might be and why it was so unusual that South might be justified in taking some extra time.

These preemptive auctions are difficult at every level of bidding and with every skill level of player. This a good reason to slow the pace of the entire auction and give every player more time to bid. Law 16 makes no exception to allow taking inference from something that is out of tempo because there is a preempt, and the committee was completely wrong to say otherwise.

CASE TWENTY-SEVEN

Subject: MI

DIC: John Gram

Side Pairs, Friday Afternoon

Panel: Tom Whitesides (reviewer), Bernie Gorkin and Gary Zeiger

Bd: 27 **North**

Dlr: South ♠ 9 8 5 4

Vul: None ♥ A Q 3 2

♦ K Q 8

♣ J 5

West

♠ 10 3

♥ K J 7 6 5

♦ 9 7 5 2

♣ A 3

East

♠ A K 7 6

♥ 9

♦ A J 6 4

♣ K 10 7 4

South

♠ Q J 2

♥ 10 8 4

♦ 10 3

♣ Q 9 8 6 2

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
			Pass
Pass	1♣(1)	1♦	2♣
3♦(2)	Pass	5♦	Pass
Pass	Dbl	All Pass	

(1) See facts below.

(2) Limit raise.

The Facts: The contract was 5♦ doubled, by East, for down two and +300 NS, after the opening lead of the ♣Q. The director was called at the conclusion of play. North had bid 1♣ with a doubleton. NS were a new partnership. They had agreed to play “short club.” North thought this meant they could open 1♣ with as few as two. South thought they could have as few as three. NS had one convention card, which South had filled out. East told the director he would not have bid 5♦ if he had known North could have only two, since he was relying on West to have no more than one.

The Ruling: Table result stands. Misinformation existed, but Law 40.C was not violated, because it did not cause any damage to the NOS.

The Appeal: EW appealed the ruling. All players attended the hearing. North has 223 masterpoints, South 1035, East 995, and West 975. East reiterated what he had told the table director.

The Decision: The panel consulted three pairs with 800--1200 masterpoints. Each pair was given the EW hands to bid, and told the 1♣ bid could be as short as two. Each pair reached some game, on various auctions, although one player was concerned about West's likely club shortness. The panel decided Law 40.C had not been violated, since the misinformation had not caused any consequent damage. The panel allowed the table result to stand, 5♦ doubled by East, down two, +300 NS. The panel decided that for players of this level, the appeal just barely had merit.

Players consulted: Six players with 800 to 1200 masterpoints.

Passell: A desperate appeal at best.

Wolff: Okay.

French: NS had only one convention card. This happens all the time, despite the fact that the ACBL convention card regulation is repeated every day in the NABC Daily Bulletin. It's time to hand out procedural penalties to those who don't comply with it. East and West each have about double the masterpoints required to be a Life Master. For players at that level, the appeal had no merit and the AWMW is only a warning, after all.

Cohen: Any damage to EW was self inflicted and not a consequence of any MI. The panel had no recourse after consulting EW peers.

Wildavsky: Both rulings were good. I don't think that the "Challenge the Champs" process was useful, though. East's argument was nonsensical. A singleton club in the West hand would have been worse for East than West's actual holding. Knowing that makes the contracts reached by any number of other pairs irrelevant.

The merit of an appeal, if any, lies in the facts of the case, not the level of the players. This appeal had no merit. Panelists ought to remember that an AWMW is, after all, just a warning.

Apfelbaum: I agree with the committee. I fail to see a connection with the fact that East decided West had a singleton club and the fact that North did not promise more than a doubleton. South did not have to have five clubs to raise. The club suit could have been divided 4--3. Failing that connection, there is no basis to adjust the score.

CASE TWENTY-EIGHT

Subject: UI

DIC: Charlie MacCracken

A/X Swiss Teams, first Sunday

Panel: Tom Whitesides (reviewer), Patty Holmes and Gary Zeiger (scribe).

Bd: 11 **Donna Morgen**

Dlr: South ♠A

Vul: None ♥Q543

 ♦KQ109854

 ♣6

John Marhofer

♠Q93

♥AK6

♦A2

♣AQJ107

Mark Teaford

♠K8652

♥J102

♦J

♣9832

Gloria Rabinowitz

♠J1074

♥987

♦763

♣K54

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
			Pass
2NT (1)3♦		3♥(2)	Pass
4♥	Pass	4♠	All Pass

(1) 20-21 HCP.

(2) Intended as transfer, not announced.

The Facts: The contract was 4♠ by East, making five, +450 EW, after the opening lead of the ♦9. The director was called after the 4♠ bid. NS suspected East had intended 3♥ as a transfer, and may have taken advantage of UI by bidding 4♠.

The Ruling: The director ruled the 4♠ bid was a violation of Law 16.A and pass was an LA. The result was adjusted to 4♥ by East, down 4, +200 NS, per Law 12.C.2

The Appeal: EW appealed the ruling. All players attended the hearing. North has 6533 masterpoints, South 1440, East 1384, and West 1325. East said he knew 3♥ wasn't a transfer. He had pulled the wrong card. If West had announced 3♥ as a transfer, he would never have passed 4♥. 4♥ couldn't possibly be natural, and he certainly wasn't interested in slam.

NS argued that it certainly could be natural, with five or six hearts, a doubleton spade, and one diamond stopper. East held three hearts, so he could certainly pass.

The Decision: Five players with between 1000 to 2000 masterpoints were given East's hand as a bidding problem. They were told West had announced 3♥ as a transfer. All bid further over 4♥. Four players bid 4♠. One player cue bid 5♦. The panel decided UI was available from West's failure to announce the transfer, which demonstrably suggested that East not pass. The panel decided, based on player input, that pass was not an LA for this class of player. Law 16.A was not violated. The panel restored the table result of 4♠ by East, making five, +450 EW.

Players consulted: Five players with 1000–2000 masterpoints.

Passell: A very good job by all.

Wolff: Fun and games.

French: Pulled the wrong card? Why didn't he correct it at the time, then? 3♥ can't be a transfer unless playing "stolen bid" (not mentioned), so West was right in taking it as natural and raising to 4♥. West didn't "fail" to announce a transfer, that wasn't a partnership agreement.

Why would the TD let the bidding stop at 4♥? East thinks she has made a transfer to spades, so 4♥ is a slam suggestion with spades agreed and can't be passed. Now there is no escape, as 4♠ then becomes a slam try in West's mind, with hearts agreed.

The panel asked players the wrong question. It is not a matter of what East does over 4♥. Having transferred to spades and with no interest in slam, of course he bids 4♠. The concern should be with what West should do over 4♠, believing the 3♥ bid to be natural. The right question is, "Your partner responds three hearts, natural, and you raise to four. Now partner bids four spades, what do you do?" I doubt that anyone would pass. West must have received UI in order to pass, so it can't be allowed. Various auctions might then be possible, but I see no way for the bidding to stop below slam legally (East must treat the spade king as a key card), and adjusting the score to 6♠ down one looks appropriate. Like Blackwood mistakes, transfer errors cannot be undone with body language.

Wildavsky: I can follow the panel up to a point. Let's agree that Pass is not an LA over 4♥. The panel's own poll showed that 5♦ was an LA, and the UI surely suggested 4♠ over 5♦. The proper adjustment, then, hinges on what the likely results would have been had East bid 5♦. West, with a magnificent hand for slam in either major, would surely tried for seven and subsided in six. The likely results were 6♠ down one and 6♠ doubled down one. Once could argue that 6♠ redoubled down one might be the most unfavorable result for EW that was at all probable.

All told I prefer to TD's ruling to the panel's. While he might have misjudged whether or not pass was a logical alternative he did give the non-offenders the benefit of the doubt, as is proper.

Apfelbaum: I must disagree with the committee decision as written. It does not explain why East has a clear correct to 4♠ beyond the unexplained statements from those consulted.

Sitting East, my partner announces that I hold a spade suit. He then bids 4♠. This cannot be some kind of slam try in spades. It can only be a very good heart suit. There is good reason to play in hearts. Diamond ruffs come in the hand with short trumps. Also, it makes the strong hand the declarer. The only reason to go back to spades is the belief that partner forgot the partnership agreement. The fact that the players who were asked all believed the same thing does not justify the action.

I would be willing to reconsider if the committee could repeat a non-UI reason provided by the consulted players for East to go back to 4♠.

CASE TWENTY-NINE

Subject: Tempo

DIC: Charlie MacCracken

A/X Swiss Teams, 1st Session, Sunday, July 24, 2005

Panel: Gary Zeiger (reviewer), Harry Falk and Patty Holmes

Bd: 21 **Stefano Coppola**

Dlr: North ♠ Q 9 4

Vul: NS ♠ 10 8 3

 ♣ A K 6

 ♣ K Q J 6

John Potter

♠ 10 6 2

♥ A 9 7 6 5 4

♦ 10 3

♣ 9 8

Kathy Bumgardner

♠ J

♥ J 2

♦ J 9 8 7 5

♣ 10 7 5 3 2

Annabella Nelken

♠ A K 8 7 5 3

♥ K Q

♦ Q 4 2

♣ A 4

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
	1NT(1)	Pass	2♥(2)
Dbl	2♠	Pass	4NT
Pass	5♦(3)	Pass	5♠(4)
Pass	6♠	All Pass	

- (1) 15-17 HCP.
- (2) Transfer.
- (3) 0 or 3 Keycards.
- (4) Agreed BIT.

The Facts: The contract was 6♠ by North, making six, +1430 NS, after the opening lead of the ♦7. The director was called after the BIT, and then again at the conclusion of play. EW thought North may have taken advantage of UI when he bid 6♠.

The Ruling: The director ruled the 6♠ bid was a violation of Law 16.A, and pass was an LA. The result was adjusted to 5♠ by North, making six, +680 NS per Law 12.C.2

The Appeal: NS appealed the ruling. All players attended the hearing. North has 1009 masterpoints, South 1500, East 900, and West 11000. North said his 5♦ bid was a mechanical error, which he realized as soon as East passed. He didn't know he could still have called the

director at that point, and perhaps have been permitted to correct his error. Once he realized his error, he knew he had to raise to six.

Upon questioning by the reviewer, North said if partner had bid 6♦ over 5♦, he would not have raised to seven, since partner “knew what she was doing.” South readily admitted she should have realized North had to have at least one ace to have a 1NT opener.

EW said South’s tempo may have caused North to realize his error. North didn’t say anything about a mechanical error at the table. North also lacked a heart control, which may have been South’s problem.

The Decision: While each appeal is judged on its own merits, substantial case precedent exists that players are not permitted to realize Blackwood response errors, after an unmistakable hesitation by partner, unless some special circumstances exist. No such circumstances existed here. North’s assertion he wouldn’t have considered bidding 7♠ after a purported 6♠ bid by South, further suggests his thought process was more complicated than simply correcting a Blackwood response error. The panel therefore found that North’s 6♠ bid was a violation of Law 16.A. The panel assigned a result of 5♠ by North, making six, +680 for NS.

Two panelists thought this appeal had no merit. One panelist thought the NS arguments just barely had merit. In keeping with the panel’s preference to be unanimous when assigning AWMW’s, none was issued.

Players consulted: None

Passell: Another appeal without merit goes unpunished. Why do we have rules if they are not enforced?

Wolff: Good with no contra argument which makes sense.

French: Mechanical error? Bah! He forgot for the moment he was playing 1430 RKCB, which calls for a 5♣ bid with one key card. The BIT by South jarred his memory, so he corrected for the error. Sure, South should have realized North could not have opened 1NT without an ace, looking at her hand, but she didn’t. The TD and the panel were right, Hesitation Blackwood is hardly ever acceptable, if ever, even when holding an undisclosed void. One panelist found some merit in the appeal, but it must have been hard to find.

Cohen: Decision in accord with all our precedents. Can’t we tell our screeners to inform potential appellants of these precedents in hesitation Blackwood cases?

Wildavsky: Another good pair of by the book rulings. Again I see no merit to the appeal. See my comments on CASE TWENTY-THREE.

Apfelbaum: Many players unknowingly use "hesitation Blackwood" to find slams when the partner has some extra values. This "convention" comes up so frequently, it has become the poster child for those trying to educate the bridge public about what Law 16 requires. Of course, this is so against the Laws that any infraction deserves severe sanctions. I could understand the committee not assigning a procedural penalty, but no AWMW?

CASE THIRTY

Subject: UI, MI

DIC: Ron Johnston

Georgia KO Teams, Bracket 1 Final, July 24, 2005

Panel: Bernie Gorkin (reviewer), Patty Holmes (scribe), Charlie MacCracken and Roger Putnam

Bd: 7 **Georgi Karakolev**

Dlr: South ♠ 8 6 3

Vul: Both ♥ Q J 9

♦ A J 6 3 2

♣ 10 6

Gavin Wolpert

♠ Q 10 2

♥ A K 7 4

♦ 8 7 4

♣ Q 9 3

Vincent Demuy

♠ A 7

♥ 10 8 6 5 3 2

♦ --

♣ K J 8 5 2

Zahari Zahariev

♠ K J 9 5 4

♥ —

♦ K Q 10 9 5

♣ A 7 4

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
			1♠
Pass	2♠	2NT (1)	Pass
3♣	Pass	3♥	Pass
4♥	Dbl	All Pass	

(1) Explained as showing the minors.

The Facts: The contract was 4♥ doubled, by East, making five, +990 EW, after the opening lead of the ♦K. The director was called after the 3♥ bid, and again at the conclusion of play. NS thought the explanation of the 2NT bid was inadequate.

The Ruling: Table result stands. No violation of Law 40.C.

The Appeal: NS appealed the ruling. All four players attended the review. North and South each have 7500 masterpoints, assigned by ACBL on the basis of international experience. East has 4245 masterpoints, and West 5960. NS said that since East took an action outside partnership agreement, a better explanation of 2NT should have been forthcoming. They found it difficult to accept that this sort of auction had not been had previously by an experienced, expert partnership.

West said he was surprised by East's 3♥ bid. He initially thought it was a cue bid trying for a minor suit game. He finally decided his heart holding, and the auction to this point, made that unlikely. He decided East might have hearts. He thought his 4♥ bid was without risk, since he would be happy to hear East convert to five of a minor.

The Decision: The panel had two separate issues to address. Did NS receive MI? If so, were they damaged by it. The panel also had to consider if potential UI from West's explanation of 2NT had tainted East's auction.

Eight experts were consulted about various aspects of the hand. Four experts were given South's hand and the auction up to 2NT. Despite the explanation of "minors," none passed. One bid 3♦ and said he wouldn't have asked for an explanation. Two experts doubled. One bid 3♣ as a game try for spades. Since all the experts took action over 2NT, the panel decided any MI did not directly damage NS. The panel assigned NS a result of 4♥ doubled, by East, making five, +990 EW.

For EW, since they lacked system notes, the panel decided East might have thought he could bid 2NT with this two-suited hand. The explanation of minors was UI to him. Two experts said, if they had bid 2NT with this hand, they would have passed 3♣. Based on other expert input about likely continuations if East passed 3♣, the panel assigned a result of 4♠ doubled by South, down two, +500 EW, as the most unfavorable result that was at all probable for EW. Law 16.A, Law 12.C.2

Players consulted: Cam Doner, Chip Martel, Lynn Deas, Beth Palmer, Dave Siebert, Larry Mori, Michael Schreiber and Becky Rogers.

Passell: Tough call. I think the panel got this one wrong. Who could double 4♠ on a power auction, especially if South bids 4♠ as he surely would have if he had known 2NT could be any two suits. He might have guessed hearts to be one of the suits if West now chose to bid 5♣. There would be no reason to find hearts at all and down one would be the best EW could achieve. Saying minus 500 was the best result possible for NS is silly.

Wolff: Too many good players, usually young, bid as East did on this hand in order to get a two-suited hand into the bidding. This style is very dangerous but nevertheless used by some. While 2NT starts out being for the minors it can also include hearts and a minor.

I don't like the method, but here EW got very lucky and I don't think anything more.

French: This TD Panel seems to be working with some new version of the Laws with which I am not familiar. If MI causes no direct damage, then that's the end of it, there can be no score adjustment for either side.

I suppose a PP might be in order for a blatant misstatement of a partnership agreement when it does no harm. but this is not an example. The explanation of "minors" was not UI to East, that's

no doubt how they normally play it. He invented a bid, feeling obliged to do something with that two-suited hand rather than make an ugly 3♥ overcall, hoping that West would not do something drastic, like jumping to 5♦. His tactic worked out okay, nothing wrong with that. There is absolutely no evidence of a secret partnership agreement.

Asking experts what they would do with the East hand after bidding 2NT is, well, inappropriate. East didn't pass 3♣ with his six hearts because he thought suppressing the hearts would be dangerous. Does it matter what any of East's peers would do? If the Panel thinks this pair might be cheating they should write up a Player Memo, as there is no legal basis for adjusting their score.

My partner and I had a similar auction once, previously undiscussed. She balanced against 2♠ with 2NT (lower two unbid suits), holding 5--5 in hearts and clubs, and bid 3♥ when I bid 3♦, which I interpreted correctly. The opponents objected strenuously, but partner had the right to deviate from a convention without prior announcement since it was not based on a partnership agreement (Law 40A), and the TD agreed. At his suggestion, however, I changed our convention card to show "any two unbid" instead of "lower two unbid" for unusual notrump. This EW pair should do the same.

Wildavsky: I do not like the approach of the expert who claimed that he would bid 3♦ without asking about 2NT. I am told, though, that the ACBL considers such shenanigans perfectly acceptable.

This is a close case -- I have no quarrel with either the TD's or the panel's ruling.

Apfelbaum: I did not read that EW contributed their system notes to show that the 2NT bid shows minors instead of "any" two suits. Did the committee get this information? It may seem a minor point, but it does relate to the MI argument. I do not believe that the MI, if any, had a bearing on the final result, but I believe in completeness.

Leaving the MI aspects, I fail to understand why anyone who chose to bid 2NT would later fail to show his heart suit. West would never choose hearts on this auction, and could have a massive heart fit along with a very tenuous fit for clubs. For this reason, I would award the table result for both sides.

CASE THIRTY-ONE

Subject: MI

DIC: Guillermo Poplawsky

Stratified Open Pairs, Monday Morning, July 25, 2005

Panel: Patty Holmes (reviewer), Roger Putnam and Tom Whitesides

Bd: 22 **North**

Dlr: East ♠ A Q 3

Vul: EW ♥ 10 4 3 2

♦ A Q 4 3

♣ 7 3

West

♠ K 7 4 2

♥ 7 6

♦ 10 8 7 2

♣ A Q 5

East

♠ J 10 9 8 6 5

♥ Q 5

♦ --

♣ J 10 6 4 2

South

♠ --

♥ A K J 9 8

♦ K J 9 6 5

♣ K 9 8

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
		Pass	1♥
Pass	2NT (1)	Pass	4♦
Pass	4♥	All Pass	

(1) Game forcing heart raise.

The Facts: The contract was 4♥ by South, making six, +480 for NS, after the opening lead of the ♥7. The director was called when East showed out on the first round of diamonds. Before the opening lead, North had informed the opponents that 4♦ showed a void. The actual partnership agreement was a side suit of at least five cards. Declarer did not speak up and correct the MI.

The Ruling: Table result stands, +480 NS. The MI did not directly cause damage. Law 40.C was not violated.

The Appeal: EW appealed the ruling. All players attended the hearing. North has 1328 masterpoints, South 1330, East 1974, and West 6154. EW said they had not heard an Alert to 2NT. NS said it had been Alerted. Both side agreed the Alert strip had not been used. West claimed, with proper information, she was more likely to lead a minor suit at trick one.

The Decision: Two experts were consulted. With correct information, each would have led the ♣A, with no second choice. The panel adjusted the score to 4♥ by South, making five, +450 NS. (Laws 40.C and 12.C.2)

Players consulted: Joe Grue and Marc Jacobus

Passell: Making five seems like a very fair choice, although a diamond lead seems more likely with the misinformation.

Wolff: Another awful CD hand. Nothing more needs to be said.

French: Declarer should have received a PP for not correcting partner's MI before the opening lead, as required by Law 75.D.2 . Polling two experts when this happened, in an event populated by weak players, was inappropriate. So, on the basis of what just two experts would lead, the panel decided that no one in this weak field would lead a diamond when South has shown five? A diamond lead is not only "at all probable," but highly likely, which a poll of typical players in the event would have shown. A poor ruling and a poor Panel decision, the score should have been adjusted to 4♥ down one.

Wildavsky: The TD missed the boat on this one. He wrote "The MI did not directly cause damage." He was probably thinking of this sentence from the ACBL Alert Chart: "An adjustment will be made only when the misinformation was a direct cause of the damage."

First of all, the MI did directly cause damage. Second, the TD should note the wording which says "a direct cause," not "the direct cause." It's also worth referring to the text of law 40C itself, which reads:

"If the Director decides that a side has been damaged through its opponents' failure to explain the full meaning of a call or play, he may award an adjusted score."

I interpret this to mean that in order to adjust the score we must find that the correct information would have made the successful action more attractive.

The panel got this one right. Following Law 12C2 they could also plausibly have adjusted the EW score to -450, the most favorable result that was likely, and the NS score to -50, the most unfavorable result that was at all probable.

CASE THIRTY-TWO

Subject: Tempo

DIC: Ron Johnston

Columbia KO Teams, Bracket 3 Monday Evening, July 25, 2005

Panel: Bernie Gorkin (reviewer), Charles MacCracken and Gary Zeiger

Bd: 13 **North**

Dlr: North ♠J

Vul: Both ♥Q1087

 ♦KQ9432

 ♣97

West

♠K108763

♥AK5

♦J10

♣Q4

East

♠Q54

♥J93

♦A5

♣K10852

South

♠A92

♥642

♦876

♣AJ63

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
	Pass	Pass	Pass
1 ♠	2 ♦	3 ♦	Pass
3 ♠(1)	Pass	4 ♠	All Pass

(1) 20-30 sec BIT.

The Facts: The contract was 4♠ by West, making four, +620 EW, after the opening lead of the ♥7. The director was called after East bid 4♠, and called back at the end of the hand.

The Ruling: West's BIT before bidding 3♠ demonstrably suggested East's 4♠ bid. Since passing was an LA, East's 4♠ bid was cancelled, as a violation of Law 16.A. The director assigned a result of 3♠ by West, making four, +170 EW, per Law 12.C.2. A heart opening lead was judged even more likely against a 3♠ bid, than a 4♠ contract.

The Appeal: EW appealed the ruling. All players attended the hearing. North has 2400 masterpoints, South 1905, West 253, and East 2130. The BIT, of at least 20 seconds, was agreed to by all. This board was the third, of a four board playoff. On the previous board, EW had played the wrong game contract. East thought they needed this board to recover. East said he was always bidding game, and had gotten careless not bidding 4♠ immediately over 2♦. West has only 250 masterpoints and sometimes takes extra time to digest a seemingly straightforward auction. Her BIT's are not particularly suggestive.

The Decision: The panel consulted three peers of East about how they would bid his hand. All three players cuebid 3♦ and then passed 3♠. When informed about the state of the match, they still passed. The panel decided West's BIT had conveyed UI which demonstrably suggested East's 4♠ call.

The poll confirmed that passing, even at this state of the match, was an LA. East's 4♠ bid was cancelled, as a violation of Law 16.A Using Law 12.C.2, the panel assigned a contract of 3♠ by West, making four, +170 EW.

Expert consultation confirmed a heart opening lead against 3♠ was at least as likely as against 4♠. The panel decided the East player had sufficient experience and expertise to know he couldn't win this appeal, even given the state of the match. An AWMW was assigned to the EW pair and their team captain.

Players consulted: Haig Tchamitch and three players with 2000 to 2500 masterpoints.

Passell: Great job by all.

Wolff: East is a rascal (euphemism for something stronger) and proud of it. One technical point is that the state of the match argument should be permanently quashed since West was also on the same behind team as East. While the decision was right on, it was not made strong enough. Obviously this was another "Last chance to beat the other couples." One doesn't have to play at the top level to try anything to win. It's time for stronger discipline.

French: Good ruling and panel decision, including the AWMW, but I'm not sure that dismissing the possibility of a diamond lead against a 3♠ contract was so clear cut. East's comments were comical and irrelevant of course.

Wildavsky: A distasteful appeal, one with no merit whatsoever. See my comments on CASE TWENTY-THREE.

East needs to learn that being ethical in this situation is a matter of self-interest. The game will always be taken away if it makes. His only chance to do well on the board is to pass 3♠.

Apfelbaum: It appears the committee did not accept EW's statements that West takes extra time (therefore, no inference of extra values). I would have liked to see why the panel made that judgment. Other than that, the rest of the decision seems to flow logically. East has a minimum limit raise. If he wanted to play game, why not bid it one round earlier?

CASE THIRTY-THREE

Subject: Tempo

DIC: Marie Killoran

Senior Pairs, 1st Session, Tuesday, July 26, 2005

Panel: Charles MacCracken (reviewer), Tom Whitesides and Gary Zeiger

Bd: 2 **North**

Dlr: East ♠ Q J 7 3 2

Vul: NS ♥ 6 5

♦ Q 10 7

♣ 9 6 5

West

♠ K 10 5 4

♥ A 9 4 3

♦ A 9 6 3

♣ A

East

♠ A 9 8 6

♥ K Q 8 2

♦ K 4

♣ K 7 3

South

♠ --

♥ J 10 7

♦ J 8 5 2

♣ Q J 10 8 4 2

West **North** **East** **South**

1NT (1) Pass

2♣ Pass 2♥ Pass

4♣ Pass 4♥ (2) Pass

6♥ All Pass

(1) 15-17 HCP.

(2) Agreed 30 second BIT.

The Facts: The contract was 6♥ by East, making six, +980 EW, after the opening lead of the ♣Q. The director was called when the dummy was tabled. East was trying to remember what kind of Gerber they were playing. He finally decided RKG 1430 and answered zero aces! West thought it unlikely East opened 1NT with zero key cards, so he bid 6♥. After West decided it could not be three key cards, he thought it was not zero (even though it could have been), so he bid the slam. One card had RKG, the other just Gerber.

The Ruling: The table result stands. The BIT just suggested confusion, not how East resolved his problem. No violation of Law 16.A, since no call was demonstrably suggested.

The Appeal: NS appealed the ruling. All players attended the hearing. North has 2571 masterpoints, South 1741, East 3390, and West 5250. North said the notrump bidder has plenty

of room to have 15-17 HCP without either the ♠A or the ♥K. Also, when asked, West had to think about what the 4♥ bid showed before he responded. North thought pass was a logical alternative.

West thought something was wrong with the auction and it was unlikely his partner could have zero.

The Decision: Two experts and two players with from 4000 to 5000 masterpoints were given the West hand as a bidding problem without any UI. Both experts would have passed, as would one of the peers. The other peer would have made one more try, because either 6♦ or 6NT might make if East was loaded in the minors. All four players thought any tempo break by East would make bidding on easier.

The panel decided the UI from East's BIT demonstrably suggested further bidding, and passing was clearly an un-suggested LA. The panel changed the contract to 4♥ by East, making six, +480 EW.

Players consulted: Michael White, Barry Rigal and two players with 4000 to 5000 masterpoints.

Passell: Good choice. Playing partner to answer Gerber incorrectly in tempo is unlikely.

Wolff: Close since East should be given some leeway because he might have been wondering whether 4♣ is a splinter or Gerber. I would rule the other way but can understand the committee's choice.

French: As the NABC Daily Bulletin reminds players every day, pairs must have identical convention cards. There is no excuse for not complying, and a PP for EW would have been in order.

We have hesitation Blackwood again. West thought it unlikely that East could have zero key cards, as he has shown. Sure it's unlikely, because of the BIT. East could have had an 18 HCP hand with zero key cards (♠Q J x ♥Q J 10 x ♦K Q J ♣K Q J), which makes the TD's ruling wrong, even if hesitation Blackwood were not normally rejected. And West decided East could not have three key cards. Not a brilliant deduction, holding three himself. The panel got it right, but it's a shame they are obligated to poll players in easy cases like this one.

Wildavsky: A good decision by the panel.

Why did West think something was wrong with the auction? Could it have something to do with his partner's tempo? No key cards is unlikely *a priori*, but surely it becomes more likely when partner makes a response showing, that's right, no key cards.

Had the TD properly ruled for the non-offenders an appeal would have had no merit.

Apfelbaum: Once again a break in tempo allows a player to believe the other is confused. The table result is a successful slam bid and made (well played, by the way). Imagine your partner was asked for the meaning of your 4♣ (Gerber) bid. He responds in a confident tone that your partnership plays the "1430" variation, and then bids 4♥. This bid unmistakably confirms no ♥K or any ace. This is the situation that West should imagine after East's break in tempo. Now, pass is totally clear.

It never fails to amaze me how people will react to a partner who shows confusion. Good, honest people who will believe their partner made a mistake when the only thing suggesting that is the way partner bid and not the bid itself. We must do a better job of educating our members about what Law 16 requires of us.

CASE THIRTY-FOUR

Subject: UI

DIC: Chris Patrias

0–5000 Mini-Spangold, fourth session, Tuesday July 26, 2005

Panel: Charles MacCracken (reviewer), Tom Whitesides and Gary Zeiger

Bd: 6 **North**

Dlr: East ♠ 3

Vul: EW ♥J108742

♦J1095

♣Q8

West

♠AJ9

♥AK5

♦K643

♣AJ4

East

♠K876

♥63

♦A87

♣10652

South

♠Q10542

♥Q9

♦Q2

♣K973

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
		Pass	Pass
2NT(1)	Pass	3♣	Pass
3♦(2)	Pass	3♥(3)	Pass
3NT	All Pass		

(1) 20-21 HCP.

(2) Alerted by East, no questions asked.

(3) Intended as Puppet, denying four hearts, and showing 4 spades, no Alert.

The Facts: The contract was 3NT by West, making three, +600 EW, after the opening lead of the ♥J. The director was called at the conclusion of play. EW play Smolen over 1NT openings, but had not discussed methods after 2NT openings. West thought they were playing regular Stayman, which might still include Smolen rebids. West informed the opponents, before the opening lead, that his side had a bidding misunderstanding.

The Ruling: The Alert gave West unauthorized information. Since 3NT was suggested by the U.I. and is more likely to be successful than either 3♠ or 4♥, the contract was adjusted to 4♠, down one, under Law 16.

The Appeal: EW appealed the ruling. All players attended the hearing. North has 1360 masterpoints, South 1766, East 1511, and West 2054. West thought it clear that he should bid 3NT with his balanced hand and stoppers in both minors. There are many hands that will make

nine tricks but not ten. East said that even if his partner bid 3♠, any bridge player would bid 3NT with his relatively balanced hand.

South said he thought West should have bid either 3♠ or 4♥, depending on whether he thought Puppett applied, because he had UI from East's Alert.

The Decision: The EW pair is better than their respective 1500 and 2100 MPs would suggest, so four experts were consulted. They all bid 3NT over 3♣ given the un-discussed nature of EW's agreements, catering to Puppet Stayman, or avoiding a misunderstanding if regular Stayman. However, given the 3♦ response, they all felt that 3♥ showed five spades and four hearts, so 3♠ was called for. They all agreed that the Alert suggested 3NT as opposed to 3♠.

When asked about West's contention that 3NT was automatic, one felt that it was close as to whether he should raise 3♠ to 4♠ with the East hand, but the others thought they would prefer more high cards before they forsook their 4-4 fit. Also, the ace, king and doubleton tend to be more valuable in suit play.

A player with about 4000 MPs thought he would come to nine tricks in 4♠ by not pulling trump. Two players with 1500 – 3000 MPs bid the West hand. One bid 3NT over 3♥ because he was wary of the un-discussed nature of their agreements. One raised 3♥ to 4♥. Three pairs with 1800 – 2900 MPs were asked to bid the two hands using the differing methods EW used. One pair reached 4♠. The other two reached 3NT because West was wary of the un-discussed nature of their agreements.

The panel found there was UI that demonstrably suggested 3NT would be more successful than 3♠ (or 4♥). West's 3NT bid was judged to be a violation of Law 16.A Since West did not give East the chance to exercise his judgment whether or not to bid 3N or 4♠ over 3♠, the contract was changed to 4♠, down one, N-S +100, per Law 12.C.2.

Due to the number of consultants who ended up in 3NT, the appeal was judged to have merit.

Players consulted: Michael White, Barry Rigal, Tom Carmichael, Mike Shuman, one player with about 4000 masterpoints, two players with 1500 to 3000 masterpoints and three pairs with 1800 to 2900 masterpoints.

Passell: Well judged by all. This was a good, thoughtful decision.

Wolff: Another impossible CD case. Puppet or not, Smolen or not, transfer or not (yahta yahta yahta) – when the opponents get to a contract, then the defenders are the ones disadvantaged and bridge ceases and luck takes over.

French: Players in an event should all be treated equally, not classified by perceived strength, whether because of masterpoints or reputation. Any other policy is unworkable, not only because it leads to different rulings for the same situation, but because the ability of most players at an NABC is not known and cannot be known. That being so, all players in an event should be treated as equals, with bridge ability assumed to be that of a typical player in the event.

Many players do not understand that their bidding becomes constrained when there is UI. In puppet Stayman, assumed by East, the 3♥ bid shows four spades and denies three hearts (this is not "Smolen"). But West thought 3♣ was regular Stayman, so 3♥ would probably show five spades and four hearts (Smolen), as West surmised. However, the Alert of 3♦ tells West that East is assuming puppet Stayman (3♦ is Alertable and promises at least one major), which he has no right to know. He must therefore bid 3♠ over 3♥, which East would raise to game. There is no room for judgment, West must not make a call that might have been suggested by the UI.

So the TD and Panel both made the right score adjustment, 4♠ down one. As to the play in 4♠, only a low lead toward the ♣10 will bring in ten tricks, but nine tricks are pretty automatic (even if trumps are pulled).

Wildavsky: Both rulings were good. The appeal had no merit. Yes, that's right. Please see my comments on CASE TWENTY-THREE.

Apfelbaum: I have a model for situations involving extraneous information from an Alert or an explanation. I imagine that my partner is doing exactly (and confidently) what I expected to hear or see. If, based on what I imagined in comparison to what actually transpired, there is a clear inference that one logical alternative is more attractive than another logical alternative, I will choose the less attractive logical alternative.

East's Alert to West's 3♦ bid definitely Alerts West to the possibility of a bidding misunderstanding. Using my model, the Alert suggests that partner believes we are playing Puppet Stayman. My response would not be Alertable if we played regular Stayman. Over regular Stayman, the 3♥ bid shows nine major suit cards (5 Spades & four hearts if we play Smolen). However, the extraneous information definitely suggests partner believes I hold a four-card major suit (perhaps even both). His 3♥ rebid (in Puppet Stayman) denies a four-card heart suit and promises a four-card spade suit.

Looking at the West hand, there is a real weakness in diamonds. West holds the king, but the spot cards are very poor. It is likely West has only one diamond stopper. The club suit is more likely to produce two stoppers, but it is also a card shorter. I would definitely pick 3NT if I had both minor suit 10s, but the odds favor bidding 3♠ in the actual case.

If West was an accomplished, experienced player, I would award an AWMW. As he has only 2000 masterpoints, I would try to educate him about what is expected.

By the way, I remember the days when 2000 masterpoints was considered extraordinary. I know that inflation is a way of life regarding money, but why did it have to be so with masterpoints? Baseball makes a conscious effort to make the statistics of today roughly equivalent to the statistics of 80 years ago. This may be something for the ACBL National Board of Directors and management to look into.

CASE THIRTY-FIVE

Subject: Tempo

DIC: Wilson Day

Side Pairs Tuesday Afternoon

Panel: Charles MacCracken (Reviewer), Tom Whitesides and Gary Zeiger

Bd: 4 **North**

Dlr: West ♠ A

Vul: Both ♥ 9 6 4

♦ Q J 5 3 2

♣ J 7 5 3

West

♠ J 9 4 3 2

♥ J 10 7 5

♦ K 6

♣ A 2

East

♠ K Q 10 8 6 5

♥ Q 8 3 2

♦ 10

♣ Q 8

South

♠ 7

♥ A K

♦ A 9 8 7 4

♣ K 10 9 6 4

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
Pass	Pass	2♠	3♦
4♠	Pass (1)	Pass	5♣
Pass	5♦	All Pass	

(1) 15-20 second BIT.

The Facts: The contract was 5♦ by South, making five, after the opening lead of the ♠3. The director was called after South bid 5♣. North and South agreed to a “considerable” hesitation by North over 4♠.

The Ruling: The UI from North’s BIT demonstrably suggestion action over inaction. Pass by South was deemed an LA. South’s 5♣ bid was a violation of Laws 16.A and 73.F.1. The contract was adjusted to 4♠ by East, down 1, +100 NS, per Law 12.C.2.

The Appeal: NS appealed the ruling. All players attended the hearing. North has 800 masterpoints, South 2100, East 1240, and West 153.

During the review, South decided his partner did not break tempo, given the skip bid. After reenacting the auction, South thought his partner took eight seconds, North thought 15 and East and West about 21–22 seconds. West said she used the stop card and North said he always

pauses for a skip bid anyway. South said the opponents did not have values for a game because West was a passed hand and East had less than an opening for his 3rd seat weak two, so North was marked with some values.

East thought South had shown his 14 HCP with his vulnerable 3♦ overcall.

The Decision: The panel decided there was an unmistakable hesitation by North, which demonstrably suggested action over inaction by South. The Panel had to decide if pass was a logical alternative to 5♣. Five players with 800 – 1500 MPs were polled. Three of them bid 5♣ without a second's thought. Two doubled after some consideration. None gave pass more than a very brief consideration. Since both double and 5♣ would lead to a 5♦ contract, the panel ruled that pass was not a logical alternative and restored the table result of NS +600, since South's 5♣ bid was not a violation of Law 16.A.

Players consulted: Five players with 800 to 1500 masterpoints.

Passell: Can't agree with this verdict. The huddle by North gave complete safety to South's bid. I don't know how he can be given the best of it .

Wolff: At the risk of sounding overly critical the reasoning of the committee sounded like the anatomy of a camel. They decided there had been an unmistakable hesitation, but in spite of that they allowed the culprits to take advantage and bid and make 5♦. What we don't realize is that after what happened what chance do the EW players have to take (what would turn out to be) a very good save in 5♠? All judgment is distorted and basic bridge ceases. Obviously the long standing thought about there is no offense to study, there is only an offense to bid on UI is full of holes with no remedy.

It would be recommended by me that EW keeps their -600, although they are getting the worst of that (since they didn't save), and NS are given +100 (4♠ down one). Perhaps NS should be given a PP also for flagrant use of UI. How we can sit still for North not bidding 5♦ and still coming out with a maximum score (unless, of course, it turns out that EW declares 4 spades and both 4♠ and 5♦ go down one) defies what we are supposed to be doing. *Shame!*

Notice: North knew enough too, after not bidding 5♦, to not jump to 6♦ over his partner's 5♣ bid. North knew he was being protected.

French: There was a time when the 5♣ bid (or a double) would not be allowed, because passing could well work out better, making it an LA. North could be long in hearts and short in the minors, with a possible defensive ruff that would beat 4♠. However, the current guideline, based on what the great majority of peers would probably do, seems to allow the 5♣ bid. The TD Panel rightly rejected the tempo arguments in favor of the TD's finding, but had to allow 5♣ anyway because of the poll results, which supposedly establish that passing 4♠ is not an LA. I prefer the previous guideline, which Kaplan espoused at one time.

Wildavsky: North broke tempo before passing with that hand and then South bid on? Outrageous! But was it illegal? I might have been prepared to accept the panel's poll results but for the NS testimony. South claims North did not break tempo while North admits to a 15 second hesitation. North's hand tells me he had a problem --- it must have taken him a while to convince himself to pass with five-card support for a three-level overcall.

Then South asserts that the reason he bid was that EW did not have enough values for game. That doesn't mean that NS do have such values -- there's no rule that says game must make on every deal! In fact passing will often be the only way to go plus. Bidding will often be right only if NS have a ten card fit. A club fit is possible but unlikely a priori, while a diamond fit is vanishingly unlikely since partner, who after all is marked with values, passed over 4♠.

I polled mostly experts, but I have no reason to believe the results would be much different if I asked players with around 2100 MPs.

Here are the results of my poll:

Pass: 12

Double: 15

5♣: 11

Close between passing and acting: 4

Close between double and 5♣: 3

% of passers: 27

% close between passing and acting: 9

More than one player in three either passed or seriously considered it. Pass must be logical. The panel ought to have polled more players, and perhaps polled players more likely to be South's peers. I prefer the TD's ruling to the panel's.

Apfelbaum: Once the committee determined that Pass was not a logical alternative, it had no choice except to allow South to bid 5♣. While I continue to have problems about equating masterpoints and skill, I can support this decision.

CASE THIRTY-SIX

Subject: Tempo

DIC: Jack Mehrens

Hilton Head KO Teams, Bracket 1 Wednesday Afternoon July 27, 2005

Panel: Harry Falk (Reviewer), Bernie Gorkin and Gary Zeiger

Bd: 2 **Dano DeFalco**

Dlr: East ♠ J 8 7 3

Vul: NS ♥ A 8 6 5 2

♦ --

♣ K 9 7 3

Debashish Ray

♠ 9 2

♥ 9

♦ Q 9 3 2

♣ A J 10 8 6 5

Sumit Mukherjee

♠ K Q 5

♥ K J 10 4 3

♦ K J 7 5 4

♣ --

Patricia Cayne

♠ A 10 6 4

♥ Q 7

♦ A 10 8 6

♣ Q 4 2

West North East South

1♥ Dbl

1NT (1)2♠ Pass (2)Pass

3♣ Dbl Pass (3)Pass

3♦ Pass Pass Dbl

All Pass

- (1) Alerted as a transfer to clubs.
- (2) Less than three clubs or honor doubleton.
- (3) BIT, length disputed.

The Facts: The contract was 3♦ doubled, by West, making three, +470 EW, after the opening lead of the ♠7. The director was called after East's BIT. NS said the BIT was "not long." EW said the BIT was about three seconds. After the hand was played, NS defined "not long" as 15 seconds.

The Ruling: An unmistakable hesitation had occurred. UI from the BIT demonstrably suggested West pull the double. West's 3♦ bid was a violation of Law 16.A. Per Law 12.C.2 the result was adjusted to 3♣ doubled, by West, down 2, +300 NS.

The Appeal: EW appealed the ruling. All four players attended the review. North has 10340 masterpoints, South 1600, East 9000, and West 9000. The masterpoints for North, East, and West, include those assigned by ACBL to reflect experience and performance in their home countries, and internationally.

EW said the BIT was very slight, maybe one second. NS said the BIT was 10-15 seconds. West claimed that once 3♣ was doubled, he expected North to have at least four clubs. Since South's initial double implied at least three clubs, partner rated to have one at most. NS said their takeout doubles did not necessarily show club support. They play equal level conversion, showing no extra values, so South could have had diamonds, plus four spades.

The Decision: Two experts were asked how they would bid West's hand after 3♣ was doubled. They each passed. When asked what any BIT by partner might mean, they each thought it would strongly suggest a club void. Based on the table director's finding of fact, and the hands themselves, the panel decided an unmistakable hesitation had occurred. The UI from the BIT demonstrably suggested pulling the double of 3♣, and passing was an LA. The Panel changed the score to 3♣ doubled by West, down 2, +300 NS. Laws 16.A and 12.C.2

The panel also decided EW were sufficiently experienced to realize their appeal had little chance of succeeding. An AWMW was given to EW and their team captain.

Players consulted: Bernie Chazen and Chuck Said

Passell: Good and clear decision, especially the penalty.

Wolff: EW appeared pretty tuned in to what the other one was doing and deserved the decision they got.

French: Good ruling, good Panel decision, good AWMW. I especially like the use of hand evidence to corroborate the BIT allegation.

Wildavsky: Good work all around, including the AWMW.

Apfelbaum: I agree with West's argument that the auction probably marks East with at most a singleton club. That written, the break in tempo clearly suggests that East had a suit he was thinking of running too. Bidding 3♦ gives a reasonable, but by no means certain, chance of escaping. 3♣ may be going down, but the good suit makes a huge penalty unlikely. The break in tempo makes bidding 3♦ a standout. It is reasonable, based on the break in tempo, to expect 3♦ to make. This sort of choice is exactly what Law 16A was written to prevent.

I approve of the AWMW. I would also try to educate West so that he will not do this sort of thing again.

CASE THIRTY-SEVEN

Subject: Tempo
DIC: Bernie Gorkin
A/X Swiss Teams Wednesday Afternoon July 27, 2005

Panel: Harry Falk (Reviewer), Candy Kuschner and Susan Patricelli

Bd: 5 Joanne Golder
Dlr: North ♠ A Q 1 0 9 7 5
Vul: NS ♥ K Q 9
 ♦ 9
 ♣ 10 8 4

Tony Eckman Adam Miller
♠ K 3 ♠ 8
♥ 8 7 4 3 2 ♥ 10 6 5
♦ A 7 5 4 ♦ Q J 8 6 3 2
♣ 7 3 ♣ 6 5 2

Ethel Mitchell
♠ J 6 4 2
♥ A J
♦ K 10
♣ A K Q J 9

West North East South
 2♠ Pass 4NT
Pass 5♣ (1) Pass 6♠
All Pass

(1) 20+ second BIT.

The Facts: The contract was 6♠ by North, making six, after the opening lead of the ♦Q. The director was called at the conclusion of play. NS said they had decided on the way to the tournament that day to switch to RKC. Both cards were marked standard Blackwood. They had not discussed playing RKC 1430.

The Ruling: Table result stands. The BIT demonstrated confusion, not a specific direction. If the 5♣ bid was RKC, the partnership was either too high, or belonged in 7NT. Law 16.A was not violated.

The Appeal: EW appealed the ruling. All four players attended the review. North has 420 masterpoints, South 1780, East 634, and West 911. EW said any display of confusion, by North, strongly suggested South bid slam. It was certainly possible for North to have ♠Q J 10 9 x x and ♥K Q x, in which case a response of 5♣ was more likely to have been in tempo. South stated her

partner's 5♣ bid had to be wrong, because she would not have opened 2♠ without some combination of ♠AK and ♦A. When asked why she didn't bid 7NT, if the response showed three key cards, she said she was conservative and afraid of a ruff in 7♠.

The Decision: Three players with 1200-1800 masterpoints were polled as to their action after a 5♣ response to Blackwood without any UI. All bid 5♠ noting they were at the right level if off two aces, and already too high if partner was responding RKC. When asked what information they might gain from any BIT by partner, before the 5♣ bid, one thought partner might have a void. Another peer thought partner might actually have an ace, and been confused.

The panel decided there had been an unmistakable hesitation, which demonstrably suggested a 6♠ call, in violation of Law 16.A Per Law 12.C.2, the panel assigned a result of 5♠ by North, making 6, +680 NS.

Players consulted: Three players with 1200-1800 masterpoints.

Passell: Good decision by the panel. Another hesitation Blackwood is down the tubes. I would call it without merit had the director ruled it back to 5♠ and the other side appealed it.

Wolff: Ridiculous decision. What if either North had a doubleton diamond or the spade finesse was offside. Would EW turn their +100 in for an average. I don't think they would. EW -1430, NS +1430 with a PP for CD. Let the punishment fit the crime and PTF (although this was Swiss Team fewer VP's for NS is justified).

French: Hesitation Blackwood again, will they never learn? (By that I mean not only players but this TD, who must go by what both convention cards showed, ignoring the RKC comments). Good panel decision, but is it really necessary to poll players when a decision is so clear cut? If so, that rule should be changed.

Wildavsky: A dreadful ruling by the TD. Yes, the hesitation suggested confusion. That in turn suggests bidding 6♠. Opposite an unconfused partner South's logical alternatives were 5♠ and 7♠. The UI suggested precisely the action taken.

Taking South's testimony at face value, if North had to have at least one key card then South could count 13 top tricks. Her only logical call was 7NT. The proper ruling was NS -100, EW +100 for 7NT doubled by South, down one.

Had the TD ruled in favor of the non-offenders I'd have found an appeal without merit.

Apfelbaum: I would like to know what the directors were thinking before this went to a committee. The 5♣ bid promised what it promised --- in this case zero aces. The only thing suggesting that slam had any play at all was North's break in tempo.

CASE THIRTY-EIGHT

Subject: Tempo

DIC: Candy Kuschner

0-5000 Mini-Spangold KO, Wednesday July 27, 2005

Panel: Harry Falk (Reviewer), Mike Flader and Patty Holmes

Bd: 5 **North**

Dlr: North ♠K1094

Vul: NS ♥AJ98

♦K9

♣873

West

♠J8732

♥Q762

♦1043

♣Q

East

♠A6

♥K1043

♦Q872

♣K106

South

♠Q5

♥5

♦AJ65

♣AJ9542

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
	Pass	1NT ⁽¹⁾	Pass ⁽²⁾
2♣	Pass	2♥	Pass
Pass	2♠	Pass	3♣
Pass	3NT	All Pass	

(1) 12-14 HCP, without four spades.

(2) BIT 8-10 seconds.

The Facts: The contract was 3NT by North, making three, +600 NS, after the opening lead of the ♥3. The director was called at the end of the auction and advised of South's BIT.

The Ruling: The UI from South's BIT demonstrably suggestion action over inaction. Pass is deemed to be an LA. The result was adjusted to 2♥ by East, down 3, +150 EW, using Laws 16.A and 12.C.2.

The Appeal: NS appealed the ruling. All players attended the hearing. North has 2300 masterpoints, South 2900, East 4350, and West 2900.

North said he knew from the no trump announcement and the auction, that partner was short in hearts, and had some values, making 2♠ an obvious call. East said North had a great defensive hand, while EW could have as many as 22–23 HCP. EW claimed South's BIT guaranteed either values, or a long suit in which to play the hand, or both.

The Decision: Three players in the 3000 to 4000 masterpoint range were polled. They quickly passed 2♥, thus demonstrating that pass was an LA. Then they were asked what information, if any, would be conveyed by a BIT by South. Two players thought it would show an interest in bidding, especially in one or both minors. One player wasn't sure what any BIT would mean.

The panel decided there had been an unmistakable hesitation that demonstrably suggested action over inaction. The panel decided pass was an LA. The contract was adjusted to 2♥. Expert consultation suggested down three satisfied the parameters of Law 12.C.2 for both sides. The panel assigned 2♥ down three and a score of +150 NS to both sides.

An AWMW was given to NS and their team captain. Players at this level are sufficiently experienced to recognize their obligations in the face of UI, and that passing was an LA, rendering pursuit of this appeal unwise.

Players consulted: John Herrmann, Chuck Said and three players with 3000 to 4000 masterpoints.

Passell: Another AWMW in another obvious case. How do some of these get through screening?

Wolff: It seems that more and more players are defiant in their attitude toward BIT's. Perhaps they get away with it more than they should. We need to severely discipline that defiance as well as concentrate on eliminating CD by penalizing it out of existence.

French: Well done all around, including the AWMW.

Wildavsky: Excellent rulings all around. A PP would not have been out of order.

CASE THIRTY-NINE

Subject: UI

DIC: Mike Flader

Myrtle Beach KO Teams, Bracket 8 Wednesday Evening July 27, 2005

Panel: Patty Holmes (Reviewer), Charles MacCracken and Gary Zeiger

Bd: 16 **North**
Dlr: West ♠ 9 7 4 2
Vul: E/W ♥ 6 5 2
 ♦ 10 8 4
 ♣ Q J 6

<p>West ♠ A ♥ K 10 8 3 ♦ K 9 7 ♣ A K 5 4 3</p>	<p>East ♠ Q J 10 8 6 ♥ A J 9 ♦ A Q 2 ♣ 10 2</p>
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South
 ♠ K 5 3
 ♥ Q 7 4
 ♦ J 6 5 3
 ♣ 9 8 7

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
1♣	Pass	1♠	Pass
2♦	Pass	2♥	Pass
3♥	Pass	4♣(1)	Pass
5♠(2)	Pass	6NT	All Pass

(1) Gerber.

(2) Confusion about Gerber vs. Blackwood. Should have responded 4♠.

The Facts: The contract was 6NT by East, making six, +1440, after the opening lead of the ♣7. Declarer won the first trick in dummy, cashed the ♠A, then led to the ♦A in hand. She knocked out the ♠K, discarding clubs from dummy. South returned the ♣8, won in dummy. Declarer led to the ♦Q in hand and cashed her last two spades, discarding dummy's last club and the ♥3. South pitched her last club and the ♥4, while North pitched the ♥2. At trick ten, declarer overtook the ♥J with dummy's ♥K, both opponents following, then cashed the ♦K. At trick 12, this was the position:

♠ —	♠ —
♥ 6	♥ A 9
♦ —	♦ —
♣ Q	♣ —

♠ —	♠ —
♥ 10 8	♥ A 9
♦ —	♦ —
♣ —	♣ —

♠ —	♠ —
♥ Q	♥ A 9
♦ J	♦ —
♣ —	♣ —

When the ♥10 was led, dummy blurted out, “She’s got it.” Dummy was in fact referring to South. Declarer scored the last two tricks with the ♥A–9. The director was called when dummy made her comment.

The Ruling: Dummy’s action violated Law 43.A.1.c, “Dummy must not participate in the play, nor may he communicate anything about the play to declarer.” Per Law 12.C.2, the score was adjusted to 6NT by East, down two, +200 NS.

The Appeal: EW appealed the ruling. All players attended the hearing. North has 360 masterpoints, South 360, East 360, and West 190. East said he had not heard any comment. West said she didn’t understand East’s play when he didn’t run the ♥J. She acknowledged she shouldn’t have said anything and that she was referring to South, as NS had claimed. NS claimed they also had noticed eye contact.

The Decision: The panel decided dummy had violated Law 43.A.1.C. She had also violated Law 73.F.1, which specifically empowers the director to adjust the score when a player chooses “from among logical alternative actions one that could demonstrably have been suggested over another by his partner’s remark...” Per Law 12.C.2, the panel adjusted the score to 6NT by East, down two, +200 for NS. The panel further decided that while the appeal had no merit, an AWMW would not be issued, due to West’s increasing embarrassment and chagrin. The reviewer felt West had learned her lesson, about her actions and the appeal itself.

Players consulted: None.

Passell: A very thoughtful and well done effort by the panel. The result was punishment enough for a bracket eight player.

Wolff: The boldness continues and has reached a new level.

French: It appears that West had a little peek at South's hand before the heart jack was led, hence her concern that East didn't run the jack. Still agitated about that, she could not stop herself

from making the outrageous remark and probably made "eye contact." No AWMW because of West's chagrin and embarrassment? The poor dear. Why appeal the case if you're chagrined and embarrassed? This person was badly in need of an AWMW, and a Player Memo would not be inappropriate. Oh, and one for her partner too, for using the UI when there was an LA.

Wildavsky: Good rulings all around. This kind of case ought to be easy. Dummy is not allowed to speak during the play. When dummy fails this basic obligation we must cast the comments in the worst possible light. When we don't know exactly what was said at the table we must simply adjust as if Dummy instructed Declarer in what to do. By adjusting we do not assert that that's what happened. Rather, we adjust because it might have happened, and we cannot allow for even the possibility.

Apfelbaum: A sound decision on the merits. West had no business saying anything to East about how to play the hand. I certainly understand why West would be embarrassed about taking this appeal, but the committee did the wrong thing when it decided to not issue an AWMW. If West really was embarrassed, we will not hear from her again and the warning will expire over time. If we do hear from West again, we will need a record of this warning to properly address the next appeal.

CASE FORTY

Subject: UI

DIC: John Ashton

0-1500 Spingold Teams, Round of 8, 1st Quarter. Thursday Morning July 28, 2005

Panel: Gary Zeiger (reviewer), Bernie Gorkin and Tom Whitesides

Bd: 22 **North**
Dlr: East ♠K8542
Vul: EW ♥876
 ♦KQ92
 ♣J

West		East
♠AJ106		♠Q7
♥K1053		♥AQJ92
♦AJ6		♦854
♣K3		♣AQ6

South
♠93
♥4
♦1073
♣10987542

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
		1NT ⁽¹⁾	Db1 ⁽²⁾
2♠ ⁽³⁾	Pass	2NT ⁽⁴⁾	3♣ ⁽⁵⁾
4♣ ⁽⁶⁾	Pass	4♦ ⁽⁷⁾	Pass
4NT ⁽⁸⁾	Pass	5♥ ⁽⁹⁾	Pass
6NT	Db1	All Pass	

- (1) 15-17 HCP.
- (2) Minor one-suiter or both majors.
- (3) Artificial size ask, usually minor suit oriented hand.
- (4) Minimum.
- (5) Confirms club one-suiter.
- (6) Intended as Gerber, announced as transfer.
- (7) 0 or 4 aces, if Gerber response.
- (8) Intended as natural sign off.
- (9) Intended as two ace Blackwood response.

Panel: Gary Zeiger (reviewer), Bernie Gorkin and Tom Whitesides

The Facts: The contract was 6NT doubled by East, making six after the opening lead of the ♠9, +1680 EW. The director was called at the end of the auction. NS thought West may have taken advantage of UI when he bid 6NT.

The Ruling: The UI from East's transfer announcement demonstrably suggested West bid slam, but passing 5♥ was not an LA. Law 16.A was not violated. Table result stands, +1680 EW.

The Appeal: NS appealed the ruling. All players attended the review, held at the end of the first quarter. North has 530 masterpoints, South 599, East 717, and West 640. NS said that with the available UI, West should have passed 5♥, since 5♥ couldn't be an ace response after 4♦ supposedly showed none.

West said he would have known the auction was broken once he saw the 5♥ call. East could not possibly be introducing hearts at the five level, especially since he could have bid 2NT at his first call to ask for a five card major. Since his 2♠ bid tended to deny interest in the majors, admittedly an error, partner had no reason to introduce a major at the five level. He said he should have bid 2♣ Stayman at his first call. EW did not have system notes.

The Decision: The panel decided the UI from East's announcement demonstrably suggested bidding slam. The panel members were also convinced passing 5♥ was not an LA, but consistent with established panel procedure, peers of EW were polled as to their action, in a clean auction, after the 5♥ bid.

Seven peers were consulted. The auction was explained to them, up to the 4NT call. They were told 4♣ was intended as Gerber. Three players passed 5♥. They did not know what partner was doing, but were certain they didn't belong in slam. One player bid 5NT, hoping partner would pass. One player bid 5♠, expecting partner to read it as a relay to 5NT, so they could play there. Two players bid 6NT. One had no idea what 5♥ was, but knew the auction had gone haywire. The second 6NT bidder deduced that partner must have thought 4♣ was Stayman.

Given the peer responses, the panel felt obligated to decide the 6NT bid had been a violation of Law 16.A. The contract was adjusted to 5♥ by East, making six, +680 EW, per Law 12.C.2. The players were reminded that, if the 4♣ bid had actually been a transfer, this would have been a delayed Alert, not an announcement.

Players consulted: Seven players with 700-1000 masterpoints.

Passell: Too tough for me. The panel seems to have thought this one out well. It is hard to argue with the logic involved since so many peers of the players had been sought out. Well done.

Wolff: NS must keep their minus 1680. They had their chance to beat the slam with a diamond lead. EW +1680 minus a penalty for not knowing their system, confusing others and ceasing to play intelligible bridge. I'd say 8 IMPs (approximately half of their gained result) feels right.

French: So 4C is Gerber to West and 4D shows 0 or 4 aces, which West knows must be 0, and he therefore signs off in 4NT. East, a 1NT opener, then bids 5H. Could he possibly have an aceless hand? Only with something like ♠K Q x ♥Q J 9 x x ♦K Q x ♣Q x. Is 5♥ a possible bid with that hand? No, it isn't. 5♥ must be a two-ace Blackwood response, there is no other explanation.

The transfer announcement did not suggest that West bid slam, where does that come from? It was UI, but it says nothing about East's hand, only that East thought he was completing a transfer as commanded. East then justifiably thinks 4NT is Blackwood, with West having a long diamond suit, so he responds 5♥ to show two aces. Nothing wrong with that. Now West, having no UI to suggest anything at this point, and figuring his partner must have responded Blackwood, decided to bid 6NT with his 16 HCP, two suits, and two tens. All perfectly reasonable. This was labeled a UI case. Just what UI was there that affected the bidding? I don't see any.

Then North doubles for a diamond lead (supposedly dummy's only known suit) but doesn't get it. The MI concerning the transfer bid was the only way this contract could be beaten with South on lead, and, tough luck, they didn't know enough to profit from it. West evidently neglected to tell NS that 4♣ was not a transfer, probably a harmless omission.

This case shows the weakness of peer polling. These players know very little about bidding, how can they stand as reliable proxies for EW in this complicated case? Just because three players are so unwise as to pass 5♥ doesn't mean this West has to be considered that unwise. West determined, using his brain, that East must have two aces, but most of those polled couldn't figure that out. If the Panel is bound by such peer responses, then the whole procedure should be discarded. As with a judge who decides that a jury finding is intolerable and must be thrown out, the panel should have the right to ignore peer opinions that are so inferior.

Wildavsky: Would anyone pass on this auction with only authorized information? I'd have trouble deciding through introspection. I know one way to find out, though. What a triumph for polls! It's a shame the TD didn't take one.

Note also the egregious failure to follow the relevant Alert regulation. It seems straightforward enough to me:

"Announcements are required in the following instances:
... * After a diamond or heart transfer response at any level to any level natural notrump opening, overcall or rebid."

The TD ought to have taken this into account and removed all benefit of the doubt from the offenders.

Apfelbaum: The committee consulted players with similar masterpoint holdings. There is nothing here to indicate these players with similar masterpoint holdings are also of similar skill. West's point about the auction being broken is well-taken. The auction makes it clear that East has no idea about the meaning of West's bids. The table result should stand.

I might have been persuaded that the committee decision was correct if the committee write-up gave more details about the exact questions asked those with whom the committee consulted. I would be interested to know if those consulted also thought the auction was "broken."

CASE FORTY-ONE

Subject: Tempo

DIC: Susan Patricelli

A/X Pairs Friday Morning July 29, 2005

Panel: Tom Whitesides (Reviewer), Patty Holmes and Gary Zeiger

Bd: 6 **Alex Kolesnik**
Dlr: East ♠ Q 10 9 8 7 3 2
Vul: EW ♥ Q J 3
 ♦ 4
 ♣ K 5

Michael Bickley **Harry Kast**
♠ 6 5 ♠ K 4
♥ 8 5 4 2 ♥ A K 9 6
♦ A 10 6 5 3 ♦ 8
♣ A 6 ♣ Q 10 9 8 4 2

Bob Etter
♠ A J
♥ 10 7
♦ K Q J 9 7 2
♣ J 7 3

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
		Pass	1♦
Pass	1♠	Dbl	2♦
Pass (1)	2♠	Pass (2)	Pass
3♥	3♠	All Pass	

(1) Brief BIT.
(2) BIT.

The Facts: The contract was 3♠ by North, down one, +50 EW, after the opening lead of the ♥A. The director was called after the 3♥ bid, and again at the conclusion of play. The BIT's were acknowledged, although West's BIT was short.

The Ruling: An unmistakable hesitation had occurred. UI from East's hesitation demonstrably suggested action over inaction by West. Vulnerable vs. not and opposite a passed hand, pass by West was deemed an LA. The director changed the score to 2♠ by North, making 2, +110 NS, per Laws 16.A and 12.C.2.

The Appeal: EW appealed the ruling. All four players attended the review. North has 4147 masterpoints, South 12695, East 482, and West 962. The masterpoint totals for EW do not accurately reflect their skill and experience, since they live in Bermuda, and seldom travel to US.

West said his action was automatic, even at unfavorable vulnerability. He bid 3♥ expecting to make. He had passed 2♦ because he was confident of defeating that contract several, even undoubled and not vulnerable. NS thought passing could easily be a winner, red vs. white.

The Decision: Four players with approximately 1500 masterpoints were consulted. Three players bid on with the West cards, while one passed. The panel decided there had been an unmistakable hesitation, which demonstrably suggested West's 3♥ call. Based on player input, pass was considered an LA, making the 3♥ call a violation of Law 16.A. Using Law 12.C.2, the

The panel adjusted the score to 2♠ by North, making two, +110 NS. EW had made some cogent arguments, and the panel thought this was a close call, so the appeal had merit.

Players consulted: Bernie Chazen and Chuck Said.

Passell: Bidding was certainly made easier by the hesitation. East was dreaming about defending 2♦ with the obvious spade suit out there. Once he passed, instead of bidding 2♥, he was dead until his partner's huddle. Another good decision.

Wolff: EW practiced the old style "hesitating your way to success." That ploy always helps the pair's judgment. What cogent argument can a pair have who help each other illegally.

French: Anyone who would pass over 2♦ would not bid 3♥ without the benefit of UI. I doubt that those consulted were questioned correctly. First they should be asked if they would pass 2♦. Only those who would do so should be asked whether they would bid over 2♠, with no further questioning of those who would either double 2♦ or bid 2♥. Anyway, the ruling and decision were correct, 2♠ by North, just making.

Wildavsky: Do anyone's MP totals accurately reflect their skill and experience? I've never thought so.

What was West hoping for when he passed 2♦, plus 150? When a player fails to bid 2♥ given the opportunity then failing to bid 3♥ must be logical.

I see no merit to this appeal. Oh, yes, and please see my comments for CASE TWENTY-THREE.

Apfelbaum: I do not believe that West could ever justify balancing with 3♥, vulnerable against not, on four small. East's break in tempo suggests bidding, but his auction does not. Good decision to back up the contract to 2♠, making two.

CASE FORTY-TWO

Subject: UI

DIC: John Ashton

Greenville KO Teams, Bracket 7 Friday Morning July 29, 2005

Panel: Tom Whitesides (Reviewer), Susan Patricelli and Gary Zeiger

Bd: 7 **North**

Dlr: South ♠ Q J 8 7 4

Vul: Both ♥ Q 10 9 8 7 2

♦ 6

♣ 7

West

♠ A

♥ A 4

♦ A K Q J 10 7 5 3

♣ 9 3

East

♠ 9 6 5 3

♥ 3

♦ 9

♣ A K Q J 8 6 4

South

♠ K 10 2

♥ K J 6 5

♦ 8 4 2

♣ 10 5 2

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
			Pass
2♣ (1)	Pass	4NT	Pass
5♠	Pass	7NT	All Pass

(1) 22+ HCP or 8 ½+ playing tricks.

The Facts: The contract was 7NT by East, making seven, +2220 EW, after the opening lead of the ♦8. The director was called before the auction began, when West asked, "Is anyone else's hand arranged?" East replied, "Mine is." The director was called back at the conclusion of play, and asked to examine the auction in light of the UI.

The Ruling: Table result stands, +2220 EW. The information from EW's comments did not demonstrably suggest one action over another. Law 16.A was not violated. A three IMP PP was assessed against EW for their inappropriate comments.

The Appeal: NS appealed the ruling. All players attended the hearing. North has 254 masterpoints, South 230, East 270, and West 269. NS thought the question suggested a claim at trick one, which thus suggested 7NT. East said seven sure tricks opposite the three missing aces, and an opening 2♣ call, had to be enough for 7NT.

The Decision: The panel consulted 4 peers and asked what the remark suggested. Three said an interesting hand that was discussed later and one said a trick one claim. Six players were given

the East hand to bid and five reached seven. The player who did not reach seven bid to a small slam. None thought the remark would influence their bidding.

Before considering any possible need to adjust the contract to a small slam, the panel researched the state of the match to this point. When the panel learned that even a small slam would not change the result of the match, the table result was allowed to stand, +2220 EW. Time constraints dictated the panel take this approach. Due to the unusual circumstances, and the players' inexperience, the appeal was deemed to have merit.

Players consulted: Ten players with 200-300 masterpoints.

Passell: Okay, but why was this appeal heard if it was meaningless?

Wolff: For once I am on the side of the possible offenders. It could be considered natural and forgivable to ask if other's had their hand sorted. On this hand East just took off after partner's opening forcing bid. I guess they were right in their assessment of the hand being a claim, but sometimes there are plenty of slips twixt the cup and the lip. I'd let 'em go and not worry about it. If anyone thinks that West was trying to get across an evil message to East then I can understand not allowing it, but I vote no evil message intended.

French: Now that is a proper use of PPs, punishing an irregularity having to do with duplicate bridge procedures. And how about one for those who did not shuffle their hands before returning them to the board? Maybe that isn't required, but it should be.

It would have served East right if West had been void in clubs. West could indeed have a 2♣ opening that would not produce 13 tricks off the top (e.g. ♠A Q J x x ♥A Q J x x ♦A x ♣ x), and I don't see why the TD ruled that the comments could have no effect on the bidding. It's too bad the matter became moot when the panel decided it was unnecessary to hear the appeal.

Wildavsky: The PP was appropriate. I agree with the rulings as well. I do think the appeal had merit. West made UI available to East, and NS demonstrated that this suggested the likelihood of a grand slam. A 3♣ response would have been logical, and it seems at least at all probably that EW would stop in a small slam after that start. I would not have adjusted the score, but doing so would not have been absurd.

Apfelbaum: I agree that the comments were inappropriate. I also agree that the comments suggested a hand that would be incredible easy to play, giving an inference that a grand slam would make. This last inference becomes obvious once East discovers the partnership holds all four aces.

However, I do not believe bidding only a small slam is a logical alternative. Even for players of this skill level. West has enough to open 2♣. East has seven sure tricks. The committee might have considered the choice between 7♣ and 7NT. I would support changing the contract to 7♣ based on the extraneous information.

Considering the inexperience of the players involved, I completely agree with the panel's decision to find that the appeal had merit.

CASE FORTY-THREE

Subject: UI

DIC: John Ashton

Raleigh KO Teams, Bracket 6 Friday Afternoon July 29, 2005

Panel: Tom Whitesides (Reviewer), Mike Flader and Gary Zeiger

Bd: 30 **North**
Dlr: East ♠ A 8 6 3
Vul: None ♥ A Q
 ♦ J 9 5 3
 ♣ A Q 5

West	East
♠ 5	♠ K 9 7 2
♥ 10 9 5 2	♥ K J 8 6 4
♦ A Q 10 8 6 2	♦ K 7
♣ K 8	♣ 6 4

South
♠ Q J 10 4
♥ 7 3
♦ 4
♣ J 10 9 7 3 2

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
		Pass	Pass
Pass	1NT (1)	Pass (2)	Pass
Dbf (3)	Pass	2♥	3♣
3♦	All Pass		

- (1) 15-17 HCP.
- (2) Agreed BIT.
- (3) One minor or both majors.

The Facts: The contract was 3♦ by West, making three, +110 EW, after the opening lead of the ♣A. The director was called after West's double, and informed of East's BIT. The director was called back at the conclusion of play, and asked to look at West's auction, in view of the UI.

The Ruling: East's BIT had conveyed UI to West which suggested action over inaction. Passing, by West, in balancing seat after the 1NT opener, was not considered an LA. West's 3♦ call was considered a violation of Law 16.A, since East's BIT suggested values, and passing was an LA. The contract was adjusted to 3♣ by South, making three, +110 NS per Law 12.C.2.

The Appeal: EW appealed the ruling. All players attended the hearing. North has 1400 masterpoints, South 1075, East 1760, and West 1300. West said she forgot partner was supposed to bid 2♣ automatically, so she thought partner could have two or three hearts. Ordinarily the

heart bid would show a definite heart suit. Having forgotten partner's expected rebid, she expected to have to bid at the three level, after she reopened.

The Decision: Five players in the 1300--1800 masterpoint range were given the West hand to bid. All took some action, other than pass, in balancing seat. Passing 1NT out was thus not considered an LA. With the given methods, three would have bid 3♥ and two would have passed. All thought any BIT by partner made bidding on easier. The panel decided West's 3♦ bid was a violation of Law 16.A. Using Law 12.C.2, the panel changed the contract to 3♣ by North, making three, +110 NS. The panel decided the appeal had merit.

Players consulted: Five players with 1300 to 1800masterpoints.

Passell: Why didn't east raise to 3♥ if that was their agreement? 3♦ doesn't seem suggested by anything other than the tempo. I would have allowed a 3♥ bid but agree with the panel not to allow the 3♦ bid.

Wolff: Strong ruling against allowing any action helped along by a BIT. OK with me, but we cannot do this frivolously and this case should be considered a precedent in not allowing a further bid after partner studied. West's initial balance was agreed to be OK, but his continuation was not. People on committees or directors on panels should not be there unless they are prepared for their names to be used and for them to be accountable for their actions. The above is *very* important.

French: West cannot be permitted to bid 3♦ after East's original BIT, end of story. There seems to be some education needed here, and not just for West. The panel thought they saw merit in the appeal when there wasn't any.

Wildavsky: A good and well reasoned ruling by the TD in a complex situation.

West's testimony regarding forgetting her system is not relevant. Her obligations are the same as those of a player who remembers her system, and we must adjust accordingly.

Apfelbaum: I agree with West's entry to the auction, but the only justification for going to the three level is if partner has a real heart suit. West spoke otherwise with her 3♦ bid. West is allowed to forget the partnership agreement for purposes of deciding whether she had a logical alternative. She had no justification for bidding to the three level without encouragement. Except, of course, for East's break in tempo. A good decision on all levels.

CASE FORTY-FOUR

Subject: Tempo/UI/MI

DIC: Brian Russell

Cape Fear KO Teams Bracket 2 Friday Evening, July 29, 2005

Panel: Gary Zeiger (Reviewer), Doug Grove and Millard Nachtwey

Bd: 3 **North**

Dlr: South ♠J654

Vul: EW ♥74

♦AKJ1097

♣7

West

♠Q8

♥AK9

♦8654

♣AQ102

East

♠K1093

♥2

♦2

♣KJ98654

South

♠A72

♥QJ108653

♦Q3

♣3

West North East South

3♥

3NT Pass 5♣(1) Pass

5♠(2) Dbl Pass(3) Pass

6♣ All Pass

(1) Agreed long BIT.

(2) Two aces. Responded as if to Super Gerber (RKG).

(3) Shorter BIT, length disputed.

The Facts: The contract was 6♣ by East, making six, after the opening lead of the ♠A. The director was called after the 6♣ call, again before play, when the misunderstanding of 5♣ came to light and, finally, after the conclusion of play. NS were concerned about possible use of UI by East when he bid 6♣. Before the opening lead, North told the director, away from the table, she wouldn't have doubled 5♠ if she had known it wasn't natural.

At trick one, North played the ♠6 to her partner's ♠A opening lead, upside down count and attitude. The ♠J would have, by partnership agreement, asked for a switch to the "impossible" suit, in this case, hearts. South continued with the ♠2, at trick two. Declarer drew trumps and claimed. When asked, after the 5♠ call, about its meaning, North was told "no partnership agreement." After the hand, East reasserted Super Gerber only applied in 2NT auctions.

The Ruling: Table result stands. No MI was given since no partnership agreement existed. In addition, a poll of five Flt A players had revealed unanimity that the meaning of 5♠ was irrelevant. Pass by North was considered automatic.

The Appeal: NS appealed the ruling. All four players attended the review. North has 2356 masterpoints, South 1860, East 2275, and West 3832. NS explained their carding agreements, as above. North said, when she was told “no agreement,” she assumed natural, but would not have doubled if she thought 5♠ might have been conventional. South said North’s play of the ♠6, at trick one, could have been from K1096, hence his continuation. He might not have led the ♠A if North had not doubled 5♠, but he wasn’t sure. EW noted the likely lead of the ♥Q, if the ♠A wasn’t led, which would also have resulted in making 6♣.

The BITs were agreed to, save for some disagreement about the length of the second BIT. East described his first BIT as “going into the tank,” whereas his second BIT was “just a hitch.” Nobody disputed the second break was shorter than the first.

The Decision: Before considering the arguments about the play of the hand, the panel first considered the auction. Could East’s BIT before bidding 5♣ have affected West’s bidding? The panel unanimously agreed a BIT by East demonstrably suggested a thought process other than a simple “shut out” bid. All panelists thought an in-tempo 5♣ call would have likely caused West not to have considered systemic possibilities. Passing 5♣ was clearly an LA, once systemic possibilities are dismissed.

The panel assigned a result of 5♣ making six, +620 EW.

Before convening the panel, since this appeal occurred late at night, the reviewer sought peer input concerning East’s and West’s separate actions over 5♠ doubled, without the UI from the BIT’s, and with West allowed to assume Super RKG. This input became moot, once the panel disallowed 5♠, but is included below for information purposes only.

The two peers given West’s hand would have bid 5NT after 5♠-Dbl-Pass-Pass. They would then have abided by East’s decision. Since they thought 5♣ was Super RKG, bidding 6♣ was not considered. Four peers were given East’s cards and the auction up to a purported 5NT call. One peer bid 6♣. One player passed 5NT, but considered bidding 6♣. Two peers bid 6♠, since 5♠ had to be natural. One player wondered why he hadn’t redoubled 5♠. These two players realized 5♠ had been doubled, but bidding 6♠ at this point seemed the only LA.

Players consulted: Six players with 2000-4000 masterpoints.

Passell: Passing 5♣ after an in tempo bid seems likely. Awarding something to a player doubling 5♠ in an auction like this, however, seems inappropriate also.

Wolff: Panel is concentrating in the wrong area. There was an obvious CD with East meaning 5♣ to play and West thinking it was Gerber. NS deserve their -1370 and should keep it. EW

+1370 minus something for CD and for a possible ethical violation of West's not standing for 5♠ doubled which if West was right and 5♣ was Gerber partner then had spades. A Solomonic ruling might be (since it was KO's) to throw the board out with the actions canceling each other.

French: My, what a clever double of 5♠. Didn't want a diamond lead? Upside-down count and attitude to an ace lead, with a doubleton in dummy, that's really advanced. The double could easily qualify as an action so irrational as to cancel any redress that might be available for NS. However, we have to consider whether 6♣ could be beaten by this pair had North not doubled, and I don't think so. Since there was therefore nothing they could do to avoid damage from the irregularity, their score should also be adjusted to reflect the score adjustment for EW.

But was there an irregularity? Yes, the 5♠ bid seems to have been inspired by the BIT, as E-W did not have any super Gerber agreement in response to 3NT. With a minimum 3NT overcall, West should pass 5♣ and hope it makes. So adjust to 5♣ making six by East, good work by the panel.

Wildavsky: To adjust the score the panel must find that the UI demonstrably suggested 5♠ over Pass. According to the write-up, they instead found that the UI demonstrably suggested a "thought process." That does not entitle them to adjust the score.

Suppose East held a weaker hand and West passed? I can see this panel adjusting the score there too. "It wouldn't have taken East much time to ask for aces. The hesitation suggests a thought process -- that implies that East was deciding whether to play in clubs or notrump."

I prefer the TD's ruling to the panel's.

Apfelbaum: I do not understand why a break in tempo would demonstrably suggest a conventional 5♣ bid rather than a natural one. Once again, the model is for East to confidently announce what West expected to hear. West expected 5♣ to ask for aces, so 5 Spades is the automatic reply.

The real problem for North-South is North's decision to double 5♠. There is nothing in the write-up to justify North taking that action. If 5♠ is natural, the double exposes the position of the ♠J. If 5♠ is conventional, there is no earthly reason to want that lead, especially when North holds such a strong diamond suit.

I would hold that West did not violate Law 16A, and that even if he did there is no relationship between any violation and the result. A poor decision.

CASE FORTY-FIVE

Subject: Tempo/UI
DIC: Matt Smith
0-1500 Spingold Teams, Finals Saturday July 30, 2005
Panel: Bernie Gorkin (Reviewer), Harry Falk and Gary Zeiger

Bd: 11		North
Dlr: South		♠ --
Vul: None		♥KQ10
		♦KJ7653
		♣J764
West	\	East
♠AJ6	\	♠KQ9853
♥AJ765	\	♥984
♦4	\	♦1092
♣AK82	\	♣Q
		South
		♠10742
		♥32
		♦AQ8
		♣10953

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
			Pass
1♥	Pass	1♠	Pass
2♣	Pass	2♥(1)	Pass
3♠	Pass	4♥	All Pass

(1) A 20-30 second BIT, agreed.

The Facts: The contract was 4♥ by West, making four, +420 EW, after the opening lead of the ♦6. The director was called at the conclusion of play. Behind screens, the tray came back to the South/West side after a 20-30 second BIT, clearly attributable to East. NS thought West should then pass.

The Ruling: Table result stands. The directors agreed with NS the UI from the BIT demonstrably suggested doubt about the heart suit as trumps, and thereby demonstrably suggested a non minimum hand, but passing by West was not an LA, thus Law 16.A did not apply. The directors thought the 3♠ bid might have been influenced by UI, but deemed that even after a 2♠ call, game would always be reached.

The Appeal: NS appealed the ruling. All players attended the hearing. North has 1022 masterpoints, South 1222, East 1480, and West 825. The BIT, of at least 20 seconds, was agreed

to by all. NS said, without the BIT, the East hand could easily be 4-2-4-3 with five or six HCP. This would make any contract higher than 2♥ risky. Pass was an LA, and the BIT suggested bidding on. West claimed he knew bidding only 2♣ was conservative, but felt he could describe his hand best, if partner took another call. If East passed 2♣, missing game was unlikely.

The Decision: The panel consulted 10 of West's peers about his action after East's 2♥ call. Nine bid on, either 2♠ or 3♠. One player passed. The panel did not think, especially in the finals of the 0-1500 Spingold, that one pass was enough to make that call an LA. Three players were given East's hand, after a purported 2♠ rebid by West. Two players bid 4♠, one bid 4♥. The panel changed West's third call to 2♠, but ruled the final contract to be 4♥, making 4, +420 EW (Law 16.A, 12.C.2). The panel further decided NS were sufficiently experienced to know passing with the West hand was unreasonable. NS and their team captain were given an AWMW.

Players consulted: 13 players with 1000 to 1500 masterpoints.

Passell: Another auto. Perhaps the screeners should be more responsible in warning pairs and or team captains about the AWMW.

Wolff: Since West had an obvious carry further bid over partner's 2♥ he should be allowed to bid whatever he thinks proper. To award NS with an AWMW is ridiculous since both our TDs and committee's have proven to be inconsistent so why shouldn't a pair appeal in case they continue to be?

French: It's a pity that panels feel obligated to listen to such irrelevant comments from both sides, which are never going to outweigh the opinion of the panel. A well-deserved AWMW.

Wildavsky: I'm a big fan of polls, but this case shows one of their flaws. It's always possible to find a respondent who makes an egregious error. Passing 2♥ is not logical, and no poll will make it logical. The NS argument that East might hold a poor 4=2=4=3 hand is not relevant. First of all, there are many other hands that East could hold. Second, if East does hold such a hand it will likely play better in spades, where the ruffs can be taken in the short hand.

The panel did well to use the poll to inform their judgment rather than as a substitute for it. I agree with the rulings and I agree that the appeal had no merit.

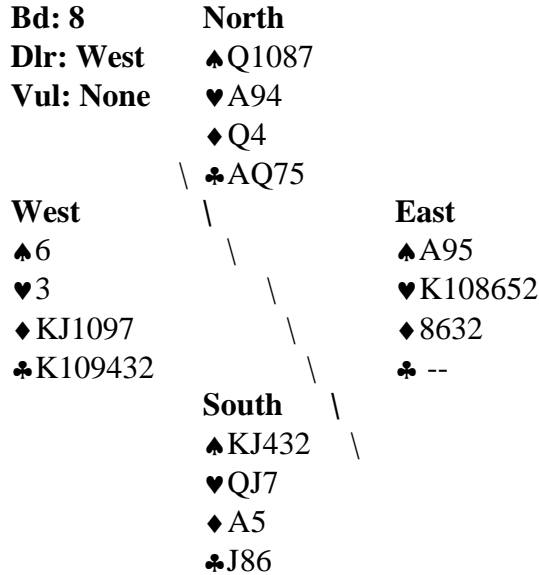
CASE FORTY-SIX

Subject: Tempo

DIC: Matt Smith

0-1500 Spingold Teams, Finals Saturday July 30, 2005

Panel: Bernie Gorkin (Reviewer), Harry Falk and Gary Zeiger



<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
Pass	1♦ (1)	1♥	1♠ (2)
Dbl (3)	Pass	2♥	Dbl (4)
Pass	4♠	All Pass	

- (1) 11-15 HCP, 2+ diamonds.
- (2) 5+ spades.
- (3) East to North “penalty.”
- (4) “Do something intelligent.”

The Facts: The contract was 4♠ by South, down one, +50 EW, after the opening lead of the ♥3. The director was called at the conclusion of play when East’s explanation of West’s double came to light. North told the director he would have bid 2♠ over West’s double, if he had been told it was takeout. He said NS could then get to 3NT, making on a heart lead.

The Ruling: Result changed to 3NT by North, down one, +50 EW, after a diamond opening lead (Law 21.C.3, 12.C.2). A diamond opening lead by East was deemed so obvious as to make a heart lead not an LA.

The Appeal: NS appealed the ruling. All players attended the hearing. North has 1022 masterpoints, South 1222, East 1480, and West 825. EW did not have a confirmed agreement about the meaning of West’s double of 1♠. North said he knew it could well not be penalty, but

he thought NS might get to play 1♠ doubled. He also asserted the double *might* have been penalty, since the spades could have been 5-4-4-0 around the table. If he had been told takeout, or no agreement, he would have bid 2♠ immediately. He projected an auction, from there, of Pass-3♥-Pass-3NT. North claimed a heart lead by East was at least as likely as a diamond, so NS should be assigned 3NT making. East said, on the purported auction, he would always lead a diamond.

The Decision: The panel gave three pairs the NS hands to bid, being told that West's double had not been discussed. Two of the pairs reached 3NT. One pair reached 4♠. This established 3NT as a plausible contract, after a 2♠ bid by North.

Six players were given the East hand as an opening lead problem, after the auction projected by NS. All six players led a diamond.

The panel assigned a contract of 3NT by North, down one, +50 EW, after a diamond opening lead, per Laws 21.C.3 and 12.C.2. The panel decided the appeal had merit, since a heart lead by East seemed like it could easily be an LA.

The panel was concerned that North might have been looking for a double shot, by passing 1♠ doubled, and then looking for redress, after he had bid 4♠ voluntarily. Since the peer poll rendered an adjustment unnecessary, the panel chose not to address this aspect.

Players consulted: Twelve players with 1000-1500 masterpoints.

Passell: Well done by all to get back to where we started.

Wolff: CD needs to be punished. What is the sense for directors and especially committees to reconstruct the bidding, play and defense to try and right the wrong of CD. It can't be done since all bridge actions then become artificial and speculative. Until we eliminate CD by penalizing it out of existence (wear your seat belt) and bridge becomes a better game. Seat belt warnings worked and so would punitive action against CD.

French: It escapes me why both the TD and the panel adjusted to a contract of 3NT by North, when 3NT by South is just as likely. TDs and TD panels should do their own thinking, not relying on the self-supporting or self-damaging opinions of players trying to project bidding scenarios.

We have to consider what would have happened If North knew the double of 1♠ was not penalty (and East must be assumed not to know that). No doubt he would bid 2♠, and East might well pass (perhaps confused), and then 2NT by South would be raised to game by North. Or, if East does bid 3♥ (down one if doubled), South might well bid 3NT, which has a good chance in this event.

Wildavsky: My brain hurts. The decisions seem reasonable.

I don't understand the panel's mention of double-shots. Which law were they concerned about enforcing?

CLOSING COMMENTS

Wolff: There was a strange happening on CASE THREE that I wanted to comment on. The chair of a three-man committee is campaigning for the directors to call the game, yet the AC deliberately overruled this director in his ruling on a purely judgment situation.

My opinion is that the directors should eventually call the game, but not until they are better schooled in how to do it. The senior course would probably be the differences in what to expect in the high-level game. We are so close but yet so far in wanting and demanding the directors to get better. How can it be wrong for all of us who care, to join in exerting the proper pressure and expecting some to advance to being able to do it. That is the great American way and there is no excuse for not allowing it to happen.

Goldsmith: I am truly appalled at how bad the information in these cases is. I would never have known how bad it is if I hadn't been there this time. To me, this revelation casts doubt on the accuracy of at least the recent several case books. That they are, therefore, essentially works of fiction doesn't make them useless. They are good exercises for AC members to work through, and hopefully they are entertaining. As a historical record, however, they are of minimal value. Readers must be careful not to judge other people by their actions as noted in these books.

I think this problem is the dominant issue in the last few books. I can't tell if the problem is simply getting worse or I just happened to be able to know about it this time. Occam's Razor suggests the latter.

Yet another problem bad information causes is that the reviewers get regular updates about what the hands and auctions, etc. actually were. Since changing the hands and auctions means that the reviewers essentially have to redo their analysis, that causes incentive for reviewers to wait until the last minute to do their write-ups. That's a bad thing; personally, I prefer to do the analysis twice, separated as far in time as possible, so as to give myself the best chance for avoiding missing something. Of course, wanting to wait until one gets accurate data cascades, because one way that the ACBL gets accurate information about the cases is that this panel corrects them.

Otherwise, most of the ACs seemed to do well, often quoting the relevant laws. The GNT ACs were disasters; perhaps we need to arrange ahead of time an AC for those two days.

French: In the NABC+ Cases ONE through TWENTY-TWO, the TDs' performance was disappointing after their good work in Pittsburgh, I figure only 12 right out of 22 cases. This time the ACs did somewhat better, 17 out of 22. When the TD and AC disagreed, I have the AC right on seven out of nine cases.

In the regional event cases, Cases TWENTY-THREE through FORTY-SIX, by my reckoning the TDs got 15 out of 23 right (ignoring Case FORTY-TWO, which became moot). The TD panels did a little better, 17 out of 23. When TDs and panels disagreed, I have the panels right on five out of eight cases.

Of course others may disagree with my findings, perhaps by a lot. We must keep in mind that these talented people had to make rulings and decisions in very little time, not being able to study them at leisure as we panelists can.

NABC+ Cases ONE, TWO and THREE were heard by appeals committees made up of players who are not on the ACBL NABC Appeals Committee. While they got two out of three decisions right, their lack of AC training showed. Expert players are not necessarily knowledgeable about the Laws and their application.

Apfelbaum: I know we live in a litigious society, but Atlanta surprised me. Forty-six appeals is a huge number compared to recent NABC tournaments. Too many were frivolous and deserved more than a mere AWMW.

I am probably in the minority on this point, but I liked the schedule times for Atlanta. Perhaps making the schedule 10 AM and 3:30 PM rather than 10AM and 3PM would give people just enough time. Lunch was definitely a rushed affair. However, dinner was really enjoyable. It was much easier to relax.

I mention the schedule times because I believe many people did not have much time to reflect on the merits of their appeal. Also, the committees met earlier in the day. Perhaps more people were willing to go to the hearing before dinner.

Overall, I thought the committees did a commendable job. It is likely that some of the poorly reasoned decisions appeared so because of the writing and not because of anything that took place at the hearing.