



# American Contract Bridge League

*Presents*

## They Felt "Lucky" in Las Vegas



Appeals at the 2001 Fall NABC

*Edited by*

**Rich Colker**

ACBL Appeals Administrator

*Assistant Editor*

**Linda Trent**

ACBL Appeals Manager

## CONTENTS

Foreword .....	iii
The Expert Panel .....	v
Cases from Las Vegas	
Tempo (Cases 1-18) .....	1
Unauthorized Information (Cases 19-28) .....	58
Misinformation (Cases 28-41) .....	84
Other (Case 42) .....	139
Closing Remarks From the Expert Panelists .....	142
Closing Remarks From the Editor .....	144
Advice for Advancing Players .....	148
The Panel's Director and Committee Ratings .....	150
NABC Appeals Committee .....	151

Abbreviations used in this casebook:

AI	Authorized Information
AWMW	Appeal Without Merit Warning
CC	Convention Card
LA	Logical Alternative
MI	Misinformation
PP	Procedural Penalty
UI	Unauthorized Information

## FOREWORD

We continue our presentation of appeals from NABC tournaments. As always, our goal is to inform, provide constructive criticism, and foster change (hopefully) for the better in a way that is entertaining, instructive and stimulating.

At NABCs, appeals from non-NABC+ events (including side games, regional events and restricted NABC events) are heard by Director Panels while appeals from NABC+ events are heard by the National Appeals Committee (NAC). Both types of cases are reviewed here.

Each panelist is sent all cases and invited to comment on and rate each Director ruling and Panel/Committee decision. Some panelists may choose not to comment on every case. Ratings (averaged over panelists and expressed as percentages) are presented with each write-up and in a summary table at the end. Separate summaries for Panels, Committees, and all cases combined are included in the table.

The numerical ratings are intended as a general index of Director, Panel, and Committee performance. They are not intended nor should they be used to compare the performance of Directors with Panels/Committees; each group is evaluated on different criteria. Directors are rated on their handling of situations at the table, including determining facts, applying appropriate laws, and making rulings which allow the game to progress normally. Their rulings may be reviewed and possibly overturned on appeal. Panels/Committees are rated on their fact finding, application of law, and use of bridge judgment appropriate to the level of event and the players involved. (Director Panels are expected to obtain bridge advice from appropriate players where a decision involves bridge judgment; their choice of consultants and use of the input received may affect their ratings). Ratings may also be affected by panelists' views of PPs and/or AWMWs that were assessed or should have been.

Table rulings are usually made after consultation among Directors, including the DIC of the event (who is responsible for the final ruling). This is true even if we occasionally refer to a ruling as the table Director's. At management's request, only the DIC's name is included in each write-up. Additionally, we should bear in mind that we see here only a subset of all table rulings—those with which some players disagreed. To that extent they may not be representative of all rulings made.

Ambiguity Department. Write-ups often refer to “an x-second break in tempo.” Our policy is to treat all tempo references as the *total time* taken for the call (unless otherwise specified) and *not* how much longer than “normal” the call took (which poses the additional problem of what is normal for the situation). Chairmen and scribes should adjust their reports accordingly.

Mild Disclaimer Department. While we make every effort to insure that write-ups are complete and accurate, we cannot offer any guarantees. Since even minor changes in the reported facts can affect our evaluations, the opinions expressed are valid only for cases which match the reported facts. Otherwise, the discussions here should be regarded merely as theoretical exercises.

New Feature Department. This issue marks the start of a new feature—Advice for Advancing Players—following my Closing Remarks. In this section I plan to focus on lessons to be learned from some of the cases reviewed; lessons that will help avoid problems at the table and enhance our enjoyment of the game.

Suggestions for improvements are welcome. They may be sent via e-mail to: [Rich.Colker@acbl.org](mailto:Rich.Colker@acbl.org) or via USPS to the editor, c/o ACBL in Memphis.

Finally, my thanks go to everyone whose efforts contribute to these casebooks: the scribes, reviewers and chairmen who labor to chronicle the details of each case; the panelists for their hard work and devotion to a truly arduous task for which they receive only our praise (and occasional abuse); and, of course, Linda Trent, NABC Appeals Manager and my assistant editor. My sincere thanks to all of you. I hope my efforts have not in any way diminished your good work.

Rich Colker  
May, 2002

## THE EXPERT PANEL

**Bart Bramley**, 53, was born in Poughkeepsie, NY. He grew up in Connecticut and Boston and is a graduate of MIT. He currently resides in Chicago with his longtime companion Judy Wadas. He is a stock options trader at the CBOE. Bart is a sports fan (especially baseball and specifically the NY Yankees), a golf enthusiast, a Deadhead and enjoys word games. He was 1997 Player of the Year. His NABC wins include the 1989 Reno Vanderbilt and the 1997 Reisinger. In 1998 he was second in the World Par Contest and third in the Rosenblum Teams. He also played in the 1991 Bermuda Bowl and captained the 1996 U.S. Olympiad team. Bart is currently the chairman of the ACBL Conventions and Competition Committee.

**Jon Brissman**, 56, was born in Abilene, TX. He attended Purdue University and earned a B.A. from Parsons College, an M.A. from Northeast Missouri State University, and a J.D. from Western State University College of Law. He operates a small law office in San Bernardino, California, teaches at the Los Angeles College of Chiropractic, and serves as a judge pro tem in small claims and municipal court. He was Co-Chairman of the National Appeals Committee from 1982-88 and was reappointed in 1997. A Good Will Committee member, he believes that a pleasant demeanor coaxes forth his partnership's best efforts.

**Larry Cohen**, 41, was born in New York City and is a graduate of SUNY at Albany. He currently resides with his wife, Maria, in Boca Raton, Florida. He is a former computer programmer and options trader but presently makes his living from writing/publishing bridge books/articles/software and playing bridge professionally. Larry has played bridge in special invitational tournaments in a dozen different countries. His biggest passion/hobby is golf and watching sports, especially his beloved Yankees. He has won seventeen National Championships and was second in the 1998 World Open Pairs and third in the 2000 World Teams Olympiad.

**Ralph Cohen**, 74, was born in Montreal, PQ. He currently resides in Memphis, TN. He has held several positions with the ACBL from 1971 until 1991 including Executive Director from 1984 to 1986. He has been a member of ACBL Laws Commission since 1984 and is currently a Co-Chairman. He is a Vice-Chairman of the WBF Laws Committee. He 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 National Championships. He has been attending NABCs since 1947.

**Ron Gerard**, 57, was born in New York. He is a graduate of Harvard and Michigan Law School (JD). He currently resides in White Plains, NY with his wife Joan (District 3 Director), where he is an attorney. Ron is a college basketball fan and enjoys classical music and tennis. He is proudest of winning both the Spingold and Blue Ribbon Pairs in 1981. Each year from 1990 to 1995 he made it to at least the round of eight in the Vanderbilt; he played in three finals (winning in Fort Worth in 1990) and one semi-final without playing once on a professional team.

**Jeffrey Polisner**, 60, was born in Buffalo, NY and currently resides in Northern CA where he has been a practicing attorney since 1967. He is a graduate of Ohio State University (BS) and obtained his JD from Case Western Reserve. He is currently the WBF Counsel and former ACBL League Counsel. He is a member of the ACBL and WBF Laws Commissions and former Co-Chairman of the ACBL National Appeals Committee.

**Barry Rigal**, 42, was born in London, England. He currently resides in New York City with his wife, Sue Picus. A bridge writer and analyst, he contributes to many periodicals worldwide and is the author of the book, *Precision in the Nineties*. He

enjoys theater, music, arts, and travel. Barry is also an outstanding Vugraph commentator, demonstrating an extensive knowledge of bidding systems played by pairs all over the world. He coached the USA I team to the Venice Cup in 1997. He is proudest of his fourth-place finish in the 1990 Geneva World Mixed Pairs and winning the Common Market Mixed Teams in 1987 and the Gold Cup in 1991.

**David Stevenson**, 53, was born in Kumasi, Gold Coast. He currently resides in Liverpool, England with his wife Elizabeth and his two cats, Quango and Nanki Poo. His hobbies include anything to do with cats and trains. David has won many titles as a player, including Great Britain's premier pairs event, the EBU Grand Masters, twice. He was the Chief Tournament Director of the Welsh Bridge Union, is active internationally as a Tournament Director, and serves on the WBF Appeals Committee.

**Dave Treadwell**, 87, was born in Belleville, NJ, and currently resides in Wilmington, DE. He is a retired Chemical Engineer, a graduate of MIT, and was employed by DuPont for more than 40 years where he was involved in the production of Teflon for introduction to the marketplace. He has three grown children, three grandchildren and two great-grandchildren. His hobbies include blackjack and magic squares. The bridge accomplishment he is proudest of is breaking the 20,000 masterpoint barrier. He believes bridge can be competitive and intellectual, but above all can be and must be fun.

**Howard Weinstein**, 49, was born in Minneapolis and graduated the University of Minnesota. He is a retired options trader who currently resides in Sarasota, FL, with his fiancée (the wedding is planned for this fall). His brother, sister and parents all reside in Minneapolis. His parents both play bridge and his father is a Life Master. Howard is a sports enthusiast and enjoys playing golf. He is co-chair of ACBL Ethical Oversight Committee, former chair of Conventions and Competition Committee, and former National Appeals Committee member. He has won eight National Championships and represented the USA in the 2000 World Teams Olympiad (where his team finished third).

**Bobby Wolff**, 68, was born in San Antonio and is a graduate of Trinity U. He currently resides in Fort Worth. His father, mother, brother and wives all played bridge. Bobby 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 and has won ten World Titles and numerous National Championships including four straight Spingolds (1993-96). He served as ACBL president in 1987 and WBF president from 1992-1994. He 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).

CASE ONE

**Subject (Tempo):** Take-Backs Cause Confusion  
**Event:** NABC Life Master Pairs, 18 Nov 01, First Qualifying Session

Bd: 21	Earl Glickstein		
Dlr: North	♠ K2		
Vul: N/S	♥ J10942		
	♦ Q8532		
	♣ 7		
Cherif Khoury	Gabriel Tawil		
♠ 109764	♠ QJ3		
♥ AQ7	♥ 86		
♦ K	♦ J9		
♣ Q986	♣ AKJ1054		
	Bob Bell		
	♠ A85		
	♥ K53		
	♦ A10764		
	♣ 32		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	1♣	Pass
1♠	1NT	Pass	3♦
Pass(1)	Pass	3♠	Pass
4♠	All Pass		
(1) Break in tempo			

**The Facts:** 4♠ made four, +420 for E/W. The opening lead was the ♣7. The Director was called after East bid 3♠. North believed it took West 25 seconds to pass 3♦; E/W believed West took 5 seconds. The Director ruled that there had been a break in tempo. The contract was changed to 3♦ made four, +130 for N/S.

**The Appeal:** E/W appealed the Director's ruling. South Alerted North's 1NT bid, then withdrew the Alert commenting: "I guess there is no Alert since he's a passed hand." South bid 3♦ and West began a questioning period, which included an explanation by North that the 3♦ bid was weak. West finally passed. There was a dispute as to the length of time between the completion of the questions and the pass. E/W stated that the table Director never asked them to quantify the alleged break in tempo but had just said to proceed with the auction and call again if there

was a problem. (The Committee made every effort to reach the table Director and was unable to do so. In the future it is requested that table Directors ensure that complete and detailed information appears on the appeal form if they will not be available to attend the hearing.) East said that a preemptive bid on his left and a passed hand on his right made bidding 3♠ the only alternative. E/W were playing support doubles.

**The Committee Decision:** The Committee found it highly probable that a hesitation had occurred and that the questioning in and of itself also conveyed information. South's 3♦ bid facing a passed hand was merely bidding to the desired level he was willing to play. The Committee thought that an East who did not choose to call over 1NT (double, 2♣ or 2♠) might not bid at the three level without the UI. Therefore, pass was an LA. The Committee next addressed the Director's ruling that a spade would be led against a 3♦ contract and that ten tricks would be the result. The Committee determined that the most logical lead was a low club, resulting in a heart shift and only nine tricks for declarer. Therefore, the contract was changed to 3♦ made three, +110 for N/S. This appeal was determined to have substantial merit since the Committee had changed the result on the board and there had been confusion over the withdrawn Alert.

**DIC of Event:** Henry Cukoff  
**Committee:** Bob Schwartz (chair), Doug Doub, Michael Huston, Judy Randel, Jon Wittes

**Directors' Ruling: 87.6**      **Committee's Decision: 87.9**

☞ The Committee was right on target in noting that "an East who did not choose to call over 1NT (double, 2♣ or 2♠) might not bid at the three level without the UI," and correctly disallowed the 3♠ bid. As for the result in 3♦, spade and club leads both look reasonable (i.e., "likely") to me. Since the non-offenders are entitled to the most favorable of these, the Director was correct to assign a score of +130 and the Committee should have come to the same decision. Agreeing with me are...

**L. Cohen:** "Great start by the Committee in that the first three lines of the decision are both well-reasoned and also the correct logical chain to make the right decision to disallow East's 3♠ bid. The only questionable issue is the result in 3♦. I agree that a club lead is the 'most logical' and that it would lead to 110. But since when is 'most logical' the criterion? I can't claim to have memorized the exact wording, and I'm too lazy to look it up (yes, I'm lazy even on the very first problem), but I'm sure the Editor will have the energy to state clearly for everyone that determining the right result for the non-offenders involves giving them the benefit of the doubt. Whatever the wording, I think it's possible that West would lead a spade and allow -130 (I'd guess it's right on the threshold for 110 or 130)."

☞ The exact wording to which Larry refers is: "the score is, for a non-offending side, the most favorable result that was likely had the irregularity not occurred" (Law 12C2). For the Committee to adjust the score to 110 for both sides it would have to determine: (a) a club lead was "likely"; (b) a spade lead was not "likely" (i.e., had a markedly lower probability than a club lead); and (c) a spade lead was not even "at all probable" (i.e., there was not even a small, non-negligible chance that a spade would be led) so that, while +110 would be the right score adjustment for the non-offenders, -130 would be appropriate for the offenders. I tend to agree with Larry that both club and spade leads are likely (even if it's close).

**Rigal:** "Perhaps I've assigned too generous a mark for the Committee, who seem not to have understood the proper rationale for allocating scores to offenders and non-offenders. Why was the issue of split scores not sensibly discussed (and might the Appeals Administrator not have put the team right). The offenders should clearly have been landed with -130, but the choice between black-suit leads is so close that I think the non-offenders should equally clearly have been left with +130. (Just because a lead is 'most logical' does not make the alternative unlikely.) And leaving the Director's score in place would have allowed us to award an AWMW with a clear conscience; frankly, it would take a lot to prevent me from doing so."

☞ Right. Had the Committee allowed the Director's ruling to stand, I too would have judged this appeal to be without merit.

**Weinstein:** "Reasonable job by the Committee in determining whether UI occurred. I especially like the Committee's look at East's pass over 1NT after claiming that 3♠ was the only alternative. I would assign E/W -130 (and maybe even N/S), since I don't think the club lead and heart shift in combination are sufficiently likely to preclude the offenders from that result. If E/W actually took the 5 seconds they alleged, then they are guilty of breaking tempo in the other direction. Anybody ask whether a Stop Card was used?"

☞ Exactly. Even if one judges a spade lead not likely, it surely must be "at all probable" (especially in combination with a heart shift). And of course a Skip Bid requires the next player to pause 10 seconds, whether a Stop Card is used or not.

**Polisner:** My main concern relates to the initial question of whether or not there was an unmistakable hesitation. The Committee found it 'highly probable' which does not satisfy my interpretation of 'unmistakable,' especially in light of the Skip

CASE TWO

Bid which gives West 10 seconds to think and complicated by the confusion about the Alertability of the 1NT bid. However, once the Committee determined that there was UI, I would have decided as the Director did: 10 tricks on a non-club lead coupled with a club lead and heart shift satisfies the ‘likely’ standard of Law 12C2.”

West’s questions about the self-Alerting passed-hand 1NT bid and the strength shown by South’s jump to 3♦ are completely transparent. With significant high-card values (most of them in N/S’s suits) and knowing East does not hold three spades (no Support Double) or six reasonable clubs (no 2♣ bid), West has a clear double of 3♦ (however E/W treat the double—South’s confusion over the Alertability of 1NT notwithstanding). If West’s performance, together with a possible pause, is not UI, we need to rethink what we view as UI (which may be the case in any event).

The remaining panelists agree with the Committee’s rejection of a spade lead. The first proposes (plausibly) that the Director’s presumption of a spade lead was influenced by the 3♠ bid.

**Gerard:** “Support doubles just confused the issue, since that wouldn’t have been a support double to me or to this E/W. On the other hand, how often does an explanation say ‘weak’ or ‘strong’ when it really should be ‘follows the Law’? Whether South was weak or strong merely transferred the location of N/S’s high cards and didn’t change the West holding. The Director’s spade lead must have been based on the advance knowledge that East would bid 3♠, but even for a Director it was ridiculous.”

But *why* was a spade lead so ridiculous? What makes it so implausible? Reinforcing Ron’s point about the location of N/S’s high cards.

**Stevenson:** “Good decision, reasonable ruling. Preemptive bids opposite passed hands are not guaranteed to be weak, and South or North could have had more.”

The next panelist’s “obvious choice” of a club lead presupposes the defense’s need to cash their club tricks before they disappear on the spades.

**Bramley:** “‘Substantial merit’ is an overbid; marginal merit is more like it. I agree with changing the result to 110. The issue for opening leader appears to be to cash tricks in one black suit before they disappear on the other black suit. Then a club, which is both partner’s suit and the location of our black-suit honor strength, is the obvious choice.”

Why couldn’t a spade lead have been necessary to set up a spade ruff for East, whose non-Support Double makes it likely that he has at most a doubleton?

The final three panelists offer no rationale for their support of the Committee’s decision. That’s unfortunate, given the previous panelists’ lack of rationale for treating the spade lead as less than “at all probable.”

**Treadwell:** “Even though not vulnerable, it is hard to conjure up a logical reason for bidding 3♠ on this auction, particularly after taking no action over the sandwich 1NT bid. Good work by the Committee, particularly in reducing the score to 110.”

**R. Cohen:** “The Director was half right—he disallowed the table result. All’s well that ends well.”

**Wolff:** “Appropriate ruling.”

Club and spade leads against 3♦ both look quite normal to me—unless you’re blinded by the sight of all 52 cards. If you need to be convinced, just give a friend the auction (without the UI) and the West hand as a lead problem.

**Subject (Tempo):** Huddles Show Extras: The Counterexample?  
**Event:** Stratified Open Pairs, 19 Nov 01, First Session

Bd: 19	♠ 10875		
Dlr: South	♥ J6		
Vul: E/W	♦ AQJ8		
	♣ 432		
♠ J4		♠ AKQ962	
♥ 972		♥ 1054	
♦ K9642		♦ 105	
♣ K65		♣ Q8	
	♠ 3		
	♥ AKQ83		
	♦ 73		
	♣ AJ1097		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1NT(1)	2♠	1♥
Pass	3♥(2)	Pass	3♣
All Pass			4♥
	(1) Announced; forcing		
	(2) Break in tempo		

**The Facts:** 4♥ made four, +420 for N/S. The opening lead was the ♠J. The Director was called after South’s 4♥ bid and told that there had been a marked break in tempo (agreed by all) by North before his 3♥ bid. The Director ruled that the UI from the break in tempo did not demonstrably suggest the 4♥ bid. The table result was allowed to stand (Law 16A).

**The Appeal:** E/W appealed the Director’s ruling. The two pairs were interviewed separately. When asked for their estimates of the length of the hesitation East said he thought it was 20 seconds, West 15 seconds, and both North and South thought 1 minute. West thought North was more likely to have a problem holding extra values than with a minimum and the only weak alternative he could have been considering was passing 3♣. East said he thought the hesitation suggested club tolerance with extra

values and quoted Bulletin articles which argued that such hesitations tend to show extra values. N/S said they played 1NT as forcing and 2/1 Game Force. They did not play constructive raises. When asked about how they showed limit raises within their (forcing notrump) structure they did not seem to have any firm agreements or even to have a good understanding of what they were being asked.

**The Panel Decision:** To adjust the score the Panel needed to determine that an unmistakable hesitation occurred, that the hesitation demonstrably suggested South’s action (bidding 4♥), and that LAs to that action existed (Law 16A). They sought input on the last two points from four experts and three players considered to be N/S’s peers (North had 100 masterpoints, South 60). Most of the players in each group (experts and peers) chose to pass 3♥, clearly making it an LA. As to whether a slow 3♥ demonstrably suggested bidding on rather than passing, the three peers all agreed that it did not help South at all in making a decision. One of the experts thought it suggested strength, thus making South’s decision to bid on more attractive. Based on this input, the Panel decided that the information from North’s hesitation did not demonstrably suggest South’s action and allowed the table result of 4♥ made four, +420 for N/S, to stand.

**DIC of Event:** Bernie Gorkin

**Panel:** Matt Smith (Reviewer), Doug Grove, Gary Zeiger

**Players consulted:** Steve Beatty, Cam Doner, Fred Gitelman, Zia Mahmood, three players with 600, 500 and 30 masterpoints

**Directors’ Ruling:** 89.6

**Panel’s Decision:** 94.2

☞ Did North's hesitation demonstrably suggest bidding on? I think not. Logically North could have been considering passing 3♣, with a weak hand and two-two or two-three in the round suits and concern about giving South a chance to bid again, or suggesting a diamond contract with long diamonds and a weak hand. Remember, the previous (1987) version of Law 16A ("After a player makes available to his partner extraneous information...the partner may not choose from among logical alternative actions one that could *reasonably* have been suggested over another by the extraneous information.") was changed in 1997 to create a more rigorous standard for disallowing a call by the partner of the UI-providing player, replacing "reasonably" with "demonstrably." As the ACBL's guide for Directors (*Duplicate Decisions*) points out, "The use of the word 'demonstrably' is intended to remove from consideration logical alternatives that are not obviously suggested over another by the UI. Directors should not change a result unless the action chosen can be shown (demonstrated) to have been suggested in an obvious, easily-understood way—it must be readily apparent rather than a product of some subtle bridge argument." So before it can be disallowed, an action must be clearly suggested over alternative actions (or be a member of a class of such actions—e.g., bidding rather than passing) and not simply one of several actions that could *reasonably* have been suggested. In the present case North's huddle could certainly suggest extra values, but it could also suggest weakness, a reluctance to give South another chance to bid again, or that North was considering playing in diamonds. Thus, bidding 4♥ was not *demonstrably* suggested even though one could argue it was *reasonably* suggested.

As for East's argument that "hesitations tend to show extra values," that must be interpreted within the context of the auction. Suppose, for example, that partner opens 1♠ and RHO bids 2♥. You bid 2♠ (holding three hearts) and LHO bids 3♥. Partner then huddles and passes and 3♥ comes back around to you. Here partner's huddle tends to show offensively-oriented extras for several reasons. First, sitting "under" the 2♥ bidder he is unlikely to have been considering a penalty double. Second, with hearts having been bid and raised, your own heart length marks him with shortness. Third, partner was not expected to take an action over 2♠; with most misfitting minimums he would simply pass. Thus, by inference he must have been considering an action based on extra values and/or shape. Thus, if some players would pass 3♥ holding your hand, you must pass.

In the present case North's 1NT bid limited his hand to at most 11 HCP or so. South's 3♣ bid asked him to choose between clubs and hearts, although North may suggest playing in diamonds (3♦) with a long suit in a hand of less-than-invitational strength. North's decision will frequently require thought independent of strength considerations. Thus, North's thought carries no specific implications regarding strength and in fact is unlikely to suggest strength since a priori he is far more likely to hold a hand in the weak than in the invitational range. Thus, the Director and Panel were right in allowing the table result to stand.

Agreeing that there is no implication to bid more from the slow 3♥ bid...

**Bramley:** "No inference from the tempo break that South should bid more. There is a mild *authorized* inference from North's having kept the bidding alive that South should bid more. The only inference from the tempo break is that North was uncertain whether to keep the bidding alive. His uncertainty could easily be fear that South would bid more rather than desire that South do so."

**Stevenson:** "This correct decision shows the danger of the (hopefully) defunct 'If it hesitates, shoot it' mentality. While there was a tempo break and LAs to the chosen action, the UI has to suggest choosing the action taken rather than one of the LAs for an adjustment. Here it does not."

**Polisner:** "If the hesitation did not suggest bidding 4♥, then the rest of the analysis is moot. I agree that it did not so suggest."

**Weinstein:** "Very well done by the Panel. Good consideration and methodology for determining whether the demonstrably suggested LA test was met."

**Wolff:** "Well directed, well ruled and orderly."

**Treadwell:** "There is little strength in the North hand, so the hesitation did not show that. South merely took a shot and was lucky the cards lay so well—three-three trumps, finesses on, etc."

☞ A hesitator's hand does not have to agree with the implications of his hesitation for his partner's action to be disallowed and their score to be adjusted. Suppose, for example, that South has a clear pass of 3♥ but that the slow 3♥ bid does suggest extra values. Suppose also that North has a very poor hand and his hesitation was due to daydreaming—he didn't realize it was his turn to bid until several seconds had elapsed. If South bids 4♥, and it makes by virtue of several near-miraculous breaks, the score should still be adjusted. The implication of the UI (extras) and the clarity of South's action (pass is normal) determine whether to adjust the score—*not* whether the North's hand is consistent with his huddle.

**R. Cohen:** "Only because N/S have under 200 masterpoints between them do I agree. Actually, it is shameful to even call the Director against such a pair."

☞ N/S's experience (or masterpoint holding) have nothing to do with the decision here. Either the hesitation demonstrably suggests bidding on or it doesn't. It doesn't.

The final two panelists disagree with the ruling and decision, although they still have good things to say about them.

**L. Cohen:** "Again, it's good to see the Panel drawing conclusions in the perfect logical order (was there a huddle—yes; did it suggest bidding on—yes). I agree that a slow 3♥ tends to suggest bidding on. I'm not 100% sure why, other than that experience tells me so. I would have liked the Panel to ask if 3♣ showed extras (Good-Bad?), but I'd guess from the other comments that N/S weren't playing anything special."

**Rigal:** "Instinctively I would have expected the Director to suggest there was a connection between the hesitation and the 4♥ bid. However, I understand the opposite approach. I think it is unwise to rely on relatively inexperienced players' ideas about ethics—better for the Panel to make their own decision and only ask players for their judgment on the hands. Although I disagree with their conclusion (we all know 'slow shows') I understand why they came to that decision."

☞ "Slow shows," just like "if it hesitates, shoot it," is a dangerous concept to apply by rote. Both conclusions should be approached very carefully and drawn only when the evidence, within the context of the auction, warrants.

The Director and Panel did an excellent job here in allowing the table result to stand. Kudos to all.

CASE THREE

**Subject (Tempo):** Six-Six Is Not Enough

**Event:** NABC Open BAM Teams, 20 Nov 01, First Qualifying Session

Bd: 6	Dan Morse		
Dlr: East	♠ KJ8654		
Vul: E/W	♥ J5		
	♦ KQ105		
	♣ 8		
Jim Thurtell		Phillip Grothus	
♠ 107		♠ ---	
♥ AK76		♥ Q109843	
♦ A763		♦ 9	
♣ KQJ		♣ A96542	
	Bobby Wolff		
	♠ AQ932		
	♥ 2		
	♦ J842		
	♣ 1073		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		2♦(1)	Pass
2NT(2)	Pass	3♠(3)	Dbl
4♥	4♠	5♣	Pass
5♥	5♠	Pass	Pass
Dbl(4)	Pass	6♣	Pass
6♥	All Pass		
(1) Multi			
(2) Asks for clarification			
(3) Good heart preempt			
(4) Break in tempo			

**The Facts:** 6♥ made seven, +1460 for E/W. The opening lead was the ♦K. The Director was called at the end of the auction and told that West had broken tempo before doubling. The Director ruled that there was UI from the slow double (Law 16A) and changed the contract to 5♠ doubled down one, +100 for E/W.

**The Appeal:** E/W appealed the Director's ruling. Only North and East attended the hearing. East stated that he was making a grand slam try with a pass-and-pull sequence to show his extra distribution. He produced detailed system notes documenting the pass-and-pull treatment when they were vulnerable against non-vulnerable and had bid a game. East also stated that the initial 5♣ bid showed length with a club control, but he couldn't bid 6♣ over 5♠ because that would guarantee both first- and second-round club control as per his notes on cue-bidding. In addition, the Director ruled initially that the table result would stand but returned later to say that the contract was being changed to 5♠ doubled.

When asked if the failure to cue-bid 5♦ denied first-round diamond control East stated that West could have it if he thought it was inappropriate to cue-bid with a minimum hand.

**The Committee Decision:** East had already shown a good 2♥ preempt with at least four-plus clubs on the side. West had not tried for slam over East's 3♠ and had not cue-bid the ♦A following East's 5♣ bid. Additionally, East's trump suit was poor given the vulnerability and his previous bidding. Evidence was also available that a nearly identical auction had transpired between two experts in the same event where East had passed partner's double of 5♠. The Committee agreed that East had UI from West's slow double which demonstrably suggested bidding at the six level, and passing was clearly an LA. The contract was changed to 5♠ doubled down one, +100 for E/W. The issue of the appeal having merit was shelved not only because of East's extreme (six-six) distribution but also due to the fact that the Director had initially ruled in E/W's favor.

**DIC of Event:** Henry Cukoff

**Committee:** Mark Bartusek (chair), Ed Lazarus, Richard Popper, Dave Treadwell, Jon Wittes

**Directors' Ruling:** 88.3

**Committee's Decision:** 88.9

East's hand is not everyone's choice for a weak two-bid, but since East chose that action we must presume his hand fell within the allowable parameters—even if he planned to take some additional action later to show an exceptional hand. As the Committee pointed out, while his extra distribution might have argued for bidding on rather than defending, the poor quality of his hearts (especially given the vulnerability), the fact that he had already shown a good preempt, and the facts that West did not cue-bid the ♦A, did not need to hold such good hearts, and could only manage to bid 5♥ over 5♣—not even trying for a *small* slam—made passing West's double an LA. And as the Committee also pointed out, East's unorthodox shape and the Director's initial ruling all suggest that the appeal was acceptable.

Most of the panelists are on the same wavelength.

**Gerard:** "That's an underbid, that four-plus clubs. Given that East had to have at least six-five, why did E/W bother with such detailed notes if West could only bid 5♥ over 5♣?"

**Polisner:** "Sometimes it is unfortunate that partner can put your side in a lose/lose situation by doubling out of tempo, thus essentially barring you from removing unless no LA exists. This is such a case."

**R. Cohen:** "Director and Committee covered with glory. No speeding ticket because the Director changed his mind in order to come up with the right ruling."

Somewhat more skeptical of E/W's arguments...

**Rigal:** "Again I disagree mildly with the failure to award an AWMW. Yes, the East hand has a six-six shape, but partner made no slam try and then doubled 5♠ in a situation where East's 5♣ call, coupled with the pass of 5♠ in a Forcing Pass auction, implied spade shortage and extra shape. Were it not for the initial ruling against the non-offenders (and well done the Director for correcting this) I'd feel more strongly on the AWMW issue."

**L. Cohen:** "More good Committee work. I wouldn't buy East's story, either. That was nice documentation he produced, but apparently it was for some other auction. Who makes grand slam tries when partner asks about your hand, you show extras, and he signs off in *game*? West didn't even try for a small slam and East is making grand slam tries?"

**Stevenson:** "Is the East hand a weak two or not? Of course, once West has shown doubleton heart support and no slam interest the hand becomes worth a grand slam, doesn't it? I believe East's arguments were creative, and I am willing to bet that there is nothing in his notes about for trying for grand slams on this auction."

**Weinstein:** "It would be nice somewhere in the write-up to be told anything about the actual length of the huddle and whether E/W acceded to having broken tempo. Did East consider his pass of 5♠? It seems like a lot of information to process in tempo: whether to make a grand slam try, bid right away, or leave the decision to partner. Nice lawyering by East, but the Committee did well not to buy in."

The next panelist argues for paying more attention to the systemic evidence presented by E/W. He then doubles back, raising some of the same questions as Howard.



**Bramley:** “Why weren’t E/W’s system notes given any credence by the Committee? With no systemic agreement East should have been worried that 5♣ would be passed out. Then he would have had no case for pulling a double. But since E/W appear to have had an agreement that pass was forcing, the Committee should have considered the merit of East’s argument that he was always going to bid. Their only comment on this point was to observe that some other pair, on a similar auction, passed the double. So what?”

“Nevertheless, I also reject East’s argument. He claims he was making a grand slam try, which is a very tall action opposite a partner who has made no positive move since responding 2NT. If East was trying a tactical auction to buy the hand at 6♥, then he had to risk being compromised by partner’s tempo. While committing to bidding is reasonable in a vacuum, passing is an LA because he has already shown extra values and extra distribution.

“By the way, how long was West’s hesitation? On this auction he should have been entitled to at least 20-25 seconds before there was any suggestion of a break in tempo.”

✍ The final panelist is content to wax Socratic, decrying what he considers a lack of affirmative action by the Committee.

**Wolff:** “An important case because it concerns new areas. Let’s call East’s 2♥ opening a tactical psychic; it can be very good or very bad, depending upon the fit. Did the later bidding indicate that West fit hearts? I don’t know; maybe, maybe not. If one thinks yes, then East was at least worth what he bid. West’s judgment was not good but who is to say? Consider a specific problem: If one makes a tactical psychic should he have a greater responsibility to not take advantage of UI (West’s slow double of 5♣)? I think so, but others may differ. What about the opponents being disadvantaged in not knowing whether East is using good judgment or merely being unethical? I think these are important questions, and when a case like this comes up we need to use it to establish precedent and common law. Here the Director, and especially the Committee, did nothing, which, sadly, I have found all too often to be the case.”

✍ There have been several recent cases (e.g., CASE THREE from Toronto) where a player made what Wolffie calls a “tactical psychic” and then lost his right to be brilliant when his partner broke tempo. So this is not quite the precedent-setting case Wolffie imagines it to be. And while I am normally reluctant to speak for other panelists, I feel safe suggesting that there would not be much disagreement with Wolffie’s suggestion that a player who has bid tactically should have a greater than usual responsibility to not take advantage of UI from his partner.

As for the Committee’s alleged lack of assertiveness, while they may not have done as much as Wolffie would like, it is difficult to see just what more they could have done—unless one wishes to ignore the initial Directors’ ruling and follow Barry’s inclination regarding an AWMW.

**Subject (Tempo):** Checking For Lurking Spade Values  
**Event:** A/X Pairs, 20 Nov 01, First Session

Bd: 19	Gerri Knilans		
Dlr: South	♠ KQ654		
Vul: E/W	♥ 103		
	♦ A10632		
	♣ 3		
Birger Holmquist	Art Gillbrandsen		
♠ A7	♠ 93		
♥ AQ876	♥ K42		
♦ 974	♦ Q8		
♣ KJ5	♣ AQ9874		
	Hal Knilans		
	♠ J1082		
	♥ J95		
	♦ KJ5		
	♣ 1062		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1♥	2♥(1)	3♣	4♠(2)
Pass	Pass	Dbl(3)	Pass
5♣	All Pass		
(1) Michaels (♠+minor)			
(2) No Skip Bid warning used			
(3) Agreed hesitation, about 1 minute			

**The Facts:** 5♣ made five, +600 for E/W. The opening lead was the ♦5. The Director was called following East’s double and again at the end of the hand. The Director ruled that East’s break in tempo before his double suggested doubt, that pulling the double was demonstrably suggested by the hesitation, and that pass was an LA to 5♣ for West (Law 16A). The contract was changed to 4♣ doubled down one, +100 for E/W.

**The Appeal:** E/W appealed the Director’s ruling. East did not attend the hearing. West said he made a forcing pass over 4♣ to see what his partner would do, in case East had heart support. Subsequently, when East doubled West opted to bid 5♣. When asked if he thought an immediate 5♣ bid would have helped his partner evaluate his hand West expressed uncertainty. West (who had about 4,900 masterpoints) said it was inconceivable to him that his partner would double because he (West) held the ♠A. When East did double West knew he had to have diamond values and thought these would be useful in playing 5♣. South said he did not believe West should be allowed to pull East’s slow double.

**The Panel Decision:** The Panel found that there had been a break in tempo before East’s double of 4♣. Three experts were consulted regarding West’s action in pulling the slow double. Two thought that passing the double was an LA while the third thought that the pass followed by the pull to 5♣ was fine. Those who thought that pass was an LA believed that the break in tempo demonstrably suggested pulling. Based on this, the Panel determined that pass was an LA to 5♣ by West and that the latter had been demonstrably suggested by the slow double. Law 73F2 states: “if the Director determines that a player chose from among logical alternative actions one that could demonstrably have been suggested over another by his partner’s...tempo, or the like, he shall award an adjusted score (see Law 12C2).” In assessing the result in 4♣ doubled the Panel determined that it would go down one or two tricks, depending on whether declarer finds the ♦Q. On most defenses West can be determined to be 2-5-3-3 with 13 HCP (14 HCP if South ruffs clubs before deciding how to play the diamonds), suggesting that East needs the ♦Q for his 3♣ bid. Thus, the Panel thought declarer was likely enough to hold his losses to four tricks to assign the score for 4♣ doubled down one, +100 for E/W, to both sides according to Law 12C2. In addition, West was given the reasons for the table ruling and told at the start of the hearing that he would have to present a cogent

reason for reversing it. Since he failed to do this the appeal was found to lack substantial merit; E/W were each assessed an AWMW.

**DIC of Event:** Gary Zeiger

**Panel:** Charlie MacCracken (Reviewer), Doug Grove, Matt Smith

**Players consulted:** Bruce Ferguson, Barry Harper, Dave Treadwell

**Directors' Ruling:** 97.9

**Panel's Decision:** 96.9

☞ West said he thought it was “inconceivable” that East would double 4♠, but he passed it around to him in case he had heart support. Why? With his mediocre heart suit, did he really want to hear East bid 5♥ with what might be secondary support (Jxx, Kx) when South rated to have any outstanding trumps stacked against him? Why couldn't East show his heart support (if it was really worth showing) over an immediate 5♣ bid? If it was inconceivable that East would double 4♠, what was he supposed to do if he didn't have heart support? Rebid his unsupported ace-queen-empty club suit at the five level when one of the opponents figured to have the suit stacked against him? Bid 4NT with a broken suit and no known fit for West? Of course not. With no good alternative bid available he would have to double. But of course the less penalty-oriented his hand, the slower the double.

And why did West need to hear East double 4♠ in order to work out that he held diamond values? He already knew that East had at most 9 or 10 HCP in the round suits and probably didn't hold spade values (given his own holding and N/S's bidding), so he had to hold diamond values or he didn't have his 3♣ bid in the first place (unless he held a seven- or eight-card suit, in which case it was right to bid 5♣ immediately). Bah.

West's pass left the final decision to East, and after the slow double West's pull was pretty egregious. Maybe at the table he didn't work out all the implications of the auction before he passed 4♠, but once East took a minute to double he should have looked for reasons to pass (as required by Law 73C)—not to bid. And those reasons were so easy to find that his failure to do so should have earned him an immediate PP from the table Director. The AWMW was entirely appropriate, but didn't go far enough to impress upon West the seriousness of his actions.

This one was a slam dunk for everyone, even though there was a bit of testiness about the details of the decision.

**Gerard:** “What? He needed a cogent reason—why? What was special about this ruling or this situation that required such a warning? And who determined that it was uncogent? I don't buy the explanation—East could show his heart support over an immediate 5♣—but have we adopted the European view of the presumed sanctity of the Director's ruling? What if West had argued that he passed and then pulled to make a club slam try, would that have been cogent? Isn't that a lot closer to his hand than his heart support explanation (give East ♠xx ♥J10x ♦Ax ♣AQxxx and you'd want to be in seven)? This looks like the old days when the Directors kept score and went berserk if their ruling was overturned. Not so great on the high cards either, since East could easily false card the ♣A at trick one, but down one was certainly at all probable.”

**L. Cohen:** “It looks wrong to defend with West's hand, but he made his bed and should be forced to sleep in it. Again, I don't buy the self-serving pass/pull argument. I think that pass/pull plans need to be 100% obvious to survive partner's slow doubles. This isn't 100%, so 4♠ doubled it is. Just like CASE ONE, I'd like to see the official wording on how to assess what would have happened to the non-offenders. But it feels that we surely should let them guess the ♦Q.”

**Bramley:** “Good, including the AWMW. Certainly the adjudication of the result in 4♥ should be resolved in favor of the non-offending side on close points. There must be a compelling reason to deprive that side of going right on a straight two-

way guess. I wouldn't have needed to get into it as deeply as the Panel did to give South the benefit of finding the ♦Q.”

**Rigal:** “Nicely done all around. No point in wasting ink on this one. The Panel was diligent in pursuing the details of the play, but I might have been tempted to award matching 100s a little earlier in the process. The AWMW was clearly in point.”

**Stevenson:** “West appears to have only played against opponents whose bidding is completely trustworthy, and needs to learn what people do in the real world. If I was North or South, East could easily have a high spade honor (or two!). Only the hesitation tells West otherwise.”

☞ Unfortunately, David's real world may be more real than we'd like to imagine (shudder).

**Polisner:** “Excellent work, including the AWMW.”

**Weinstein:** “Perfect, including the AWMW.”

**Wolff:** “In line, orderly decision.”

**R. Cohen:** “So far the decisions seem straightforward. Nothing complex here. No doubt this will change.”

☞ No doubt.

CASE FIVE

**Subject (Tempo):** Six-Six—Pack It In  
**Event:** B/C/D Pairs, 20 Nov 01, First Session

Bd: 6	♠ KJ8654		
Dlr: East	♥ J5		
Vul: E/W	♦ KQ105		
	♣ 8		
♠ 107		♠ ---	
♥ AK76		♥ Q109843	
♦ A763		♦ 9	
♣ KQJ		♣ A96542	
	♠ AQ932		
	♥ 2		
	♦ J842		
	♣ 1073		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		2♥	Pass
2NT(1)	3♠	4♣	4♣
Pass(2)	Pass	5♣	Pass
5♥	All Pass		
(1) Alerted			
(2) Agreed hesitation, 7+ seconds			

**The Facts:** 5♥ made seven, +710 for E/W. The opening lead was the ♠A. The Director was called after East's 5♣ bid. East agreed that West hesitated over 4♣. The Director changed the contract to 4♣ made four, +420 for N/S.

**The Appeal:** E/W appealed the Director's ruling. Only E/W attended the hearing. The E/W partnership had been formed the previous day. East had 900 masterpoints and West 550. E/W conceded the hesitation; East said it was she who suggested that N/S call the Director. West said he was planning to go to 4♥ at least. Over 4♣ he was trying to remember if and how Ogust responses applied after interference (for East's 4♣ bid). East said that without the 3♣ bid over 2NT she planned to jump to 4♣ to show (she hoped) an ultra-distributional two-suiter. After the 3♣ bid she hoped West would read her 4♣ bid as clubs.

She thought that since West had not either raised hearts directly or after the 4♣ bid the chances were that he bid 2NT with a hand that was interested in playing 3NT. In that case she expected that a club fit existed. She said she always planned to bid again and that she was surprised that the auction died at 5♥.

**The Panel Decision:** The issues for the Panel to decide were: (1) Did an unmistakable hesitation occur? (2) What were East's LAs after 4♣-P-P? (3) If West did hesitate over 4♣, did it demonstrably suggest any action or actions over another (Law 16A)? Three experts were consulted as well as two players considered (more-or-less) East's peers (one with 500 and another with 1300 masterpoints). Of the three experts, one duplicated East's actions exactly saying that 5♣ was "absolutely automatic." He said he would even consider bidding 5♣ had West doubled 4♣. The other two would not have opened 2♥ but neither considered passing 4♣ with the East hand a real possibility. The player with 1300 masterpoints would have opened 2♥ but would have passed out 4♣ since partner was in charge and didn't raise (and thus probably didn't have hearts). Also, partner might have bid 2NT with spades and diamonds hoping for a contract of 3NT. The player with 500 masterpoints was willing to accept the 2♥ opening (although that was not his style); after the given auction he considered pass the only reasonable action. He was offended when he was later told that East had bid 5♣; he thought it was a flagrant attempt to take advantage of West's hesitation. Based largely on the input of the latter two players (the actual East player's peers), the Panel decided to change the contract to 4♣ made four, +420 for N/S.

**DIC of Event:** Susan Patricelli  
**Panel:** Matt Smith (Reviewer), Doug Grove, Charlie MacCracken

**Players consulted:** Mike Cappelletti, Sr., Marshall Miles, Bobby Wolff, two players with 500 and 1300 masterpoints

**Directors' Ruling:** 81.6      **Panel's Decision:** 82.3

✍ Shows you what I know about Flight B/C/D players. I would have thought that 5♣ is so clear with the East hand once partner fails to double 4♣ that I'm shocked (shocked, I tell you) to learn that some players consider it questionable. But if East's peers say that passing 4♣ is possible, then I guess we must resign ourselves to that view of B/C/D level bridge—but not the decision that was reached here.

There was an agreed break in tempo and we have learned that passing 4♣ is an LA for East. But we still have another question to answer before we rush to adjust the scores. Did the UI from the hesitation demonstrably suggest bidding 5♣ (or any bid other than pass)? I say no. West could have held three, four, or even five good spades, and been afraid of doubling 4♣ with a vulnerable trump holding positioned under the Michaels bidder. Looking at East's spade void I would be worried that West would turn up with something like ♠KJxx ♥Kx ♦AKxx ♣Qxx. West will correct 5♣ to 5♥ (after all, this *is* matchpoints) and I'll be left trying to avoid *four* (count them) losers while 4♣ was down one, and possibly two or three, tricks.

Sorry, but from where I sit even, if the 5♣ bid is not clear enough to allow (and several panelists argue that it is not), I don't see any demonstrable suggestion from West's hesitation that bidding is more likely to be right with the East hand.

Several panelists agree that the table result should stand. The strongest (or at least the best elaborated) support comes from our prodigal son, Howard (someone grab the putter from him), who has resurfaced following his exile to Florida.

**Weinstein:** "5♣ a flagrant attempt to take advantage of the huddle? Wow, these consultants with 500 masterpoints are tough. Doggone peers made an easy case more difficult.

"So here we have the iffy combination of a questionable break in tempo (7 seconds in this auction seems pretty reasonable to me, regardless of West's hand), an alleged huddle which may well suggest a consideration of doubling (I know this may show enough values in any case to be useful—i.e. one of my least favorite expressions: 'transferable values'), and what I thought (until the Flight B players spoke) a pretty automatic call.

"I wouldn't be upset if the table result were allowed to stand under any of the three criteria, but the combination of all three and my sense of justice would prevent me from ever adjusting the non-offenders, and it would take a good deal of convincing to get me to adjust the offenders. I suspect even Wolfie would agree if he hadn't been the victim on this hand a couple of cases ago."

✍ Sorry, Howie, but Wolfie's asleep at the switch on this one...

**Wolff:** "If the process of consulting peer players is right (I have no opinion) then the Directors are doing a good job."

✍ More support for Howard's and my position...

**Rigal:** "Although I like the concept of an initial ruling against the offenders (to encourage others) and can understand the Directors' ruling, the key difference between this case and the previous one (CASE THREE) is that West's pass of 4♣ leaves East clear to do what he wants. Once West shows invitational-plus values and does not double 4♣, any action but 5♣ by East is almost inconceivable. No matter what level E/W are at, I think they were robbed by this decision."

**Bramley:** "I always knew that a jury of one's peers was dangerous and unpredictable. Here's the proof. Wow!"

✍ The next panelist discusses some issues which he believes the ACBL is remiss in not resolving.

**Stevenson:** “The methodology used by the Panel is convincing, but would anyone at the table really pass 4♠, especially as partner has not doubled?”

“Let us consider what West has shown. This is one of the areas where the ACBL has failed to deal with a known problem: allowing people to play a ‘tactical’ 2NT without disclosure (i.e., bidding 2NT on a weak hand against poor players who think it shows something). Not everyone plays this way, especially poorer players; some show at least a game try when they bid 2NT. I recommend a box on the CC saying ‘Check if 2NT shows values.’

“Here we are not worried with the ethics of this situation, just the meaning of 2NT. So we should ask the players. Of course the answer is self-serving, but so are many answers in appeals, and the answer is vital. If 2NT shows at least game-try values, then not one East in a thousand is passing 4♠, and pass is not an LA. On the other hand, if 2NT can be weak, then West is in control, and ‘partner was in charge’ as one of the players consulted put it.

“This hand shows the importance of finding out what a pair actually plays rather than assuming they play as the majority do. It also stresses that this particular sequence has disclosure problems.”

✍ Given E/W’s statements, I’ll take that as support for keeping the table result. Some panelists wanted the table result to stand, but thought the consultants’ (peer) input left them with no choice but to adjust the score.

**R. Cohen:** “I disagree with the Director’s ruling.; I don’t even care for the Panel’s ruling. But since the ‘offender’s peers’ would have passed, I won’t criticize the Panel. They had better be consistent throughout the tournament, however.”

**Treadwell:** “A very close call. I would have been inclined to allow the 5♣ call since the lack of a double by partner implied his values were outside of spades. But the fact that the player’s peers would not make this call would sway me to disallow it. Good work by the Panel.”

✍ Another panelist thought the decision very close; he could have lived with allowing the 5♣ bid.

**L. Cohen:** “I can live with the decision, but this case is different from CASE THREE where E/W already had gone to the five level and forced the opponents to 5♠. Here East’s opponents were only in 4♠, making it more tempting to press on. On the other hand, there was no guarantee of a good fit and partner’s huddle was suggestive. As we will see in many cases later on, it helps to pretty much rule out that ‘partner might have been thinking of making a penalty double’ (that is very rare; he is almost always thinking of bidding on). I could have lived with the Panel allowing East’s action—I think it’s close.”

✍ I agree that most huddles of the type on display here are about bidding on and not whether to double. But in this case there’s just too great a chance that West holds some nondescript strong-notrump-range hand (see my earlier example) with a vulnerable spade holding. And David Stevenson’s point about the possibility of 2NT being a tactical bid doesn’t seem to apply at this vulnerability as that would place West with just too perverse a sense of humor (or self-destructiveness).

That leaves two panelists who give the decision (and ruling) their unqualified support. The most eloquent (by far) is...

**Gerard:** “Yes, this shows the Panel procedure at its best. Don’t be seduced by East’s arguments for showing off her six-pack. It’s too much of an offense against

the bridge gods for West to pass 4♠. The second peer had it nailed when he more or less implied that there was no way West could have anything remotely resembling his actual hand. If you don’t believe in that kind of frontier justice, then fall back on the following theory: don’t let the hesitator’s partner bid again when all she is showing is an extra deuce. East’s hand may not be normal, but it is not impossible for someone to whom it is a 2♥ bid.

“In the matter of 2♥, too bad West didn’t have ♠J10xxx ♥--- ♦Axx ♣KQJ10x. Down in 2♥, odds on for 7♣.”

✍ “All she is showing is an extra deuce”? How about two (or three) extra deuces and an extra void? Couldn’t East hold something like ♠Jx ♥QJ10xxx ♦Qx ♣Axx for her 4♣ bid? Must one hold a second five-card suit to bid under the pressure of a competitive auction? That puts too much pressure on partner. 4♣ accepts what could be only a game invitation and provides partner with what could prove to be critical information for the upcoming five-level decision. But despite West’s powerhouse, if East holds the above hand for her 4♣ bid E/W will have three losers at the five level.

Maybe West should double 4♠, but this looks like a good time (and vulnerability) for forcing passes to be on, since West has shown invitational-plus values and East has accepted game with her 4♣ bid. Now East can double with the more balanced, high card-oriented hand and bid on with six-four or greater shape.

**Polisner:** “At this vulnerability, pass must be an LA for East; thus the correctness of the ruling and decision.”

✍ Sorry, Jeff, but this may be the *one* vulnerability where pass is not an LA. West can hardly be joking with his 2NT bid, he doesn’t have a penalty double of 4♠, and East has the world’s fair. Reduce West’s high card holding to ♠xxx ♥AKxx ♦Axxx ♣Kx and E/W are still cold for a *grand*.

Pass indeed.

CASE SIX

**Subject (Tempo):** The Huddle That Trumped A Three Heart Bid  
**Event:** Senior Pairs, 20 Nov 01, Afternoon Session

Bd: 11	♠ AKJ1064		
Dlr: South	♥ A6		
Vul: None	♦ 87		
	♣ A42		
♠ 52		♠ 93	
♥ KQ1093		♥ J875	
♦ AKQ		♦ 965	
♣ J97		♣ KQ103	
	♠ Q87		
	♥ 42		
	♦ J10432		
	♣ 865		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			Pass
1NT	2♠	Pass(1)	Pass
3♥	All Pass		
(1) Break in tempo, 8-10 seconds			

**The Facts:** 3♥ made three, +140 for E/W. The opening lead was the ♠A. The Director was called after East's hesitation. The Director ruled that there was an admitted break in tempo which "allowed West a good opportunity to find a bid which couldn't be punished too badly." The contract was changed to 2♠ made two, +110 for N/S (Law 16A2).

**The Appeal:** E/W appealed the Director's ruling. West conceded that East had taken 8-10 seconds to pass over 2♠. He defended his action by saying that East always took that long to call. East admitted to giving the hand some thought but believed her pause was closer to 5 seconds. North estimated the length of the hesitation as at least 10 seconds. The Reviewer demonstrated an interval of 10 seconds and West, North and South confirmed that this was a reasonable approximation of the

time taken. The auction on the companion board on which E/W had reached a spade game was discussed. East conceded that her calls on that deal were more rapid because there was less to consider. The E/W methods after interference over 1NT were: transfers for the majors, a double of a bid which would have been a transfer (generally diamonds and hearts) was a transfer, doubles of "other" bids were penalty. Negative doubles were not part of their system. E/W met at the partnership desk although they had played together 10-15 years ago. East had about 4000 masterpoints, West about 1700.

**The Panel Decision:** Expert opinion was varied. The first expert said it was 50/50 whether he would open 1♥ or 1NT but if he opened 1NT, reopening with 3♥ was automatic; pass was not an LA. The second expert, who would have opened 1♥, would not have reopened as long as they were not playing negative doubles. He agreed that the tempo variation suggested action. The third expert considered that with a good or expert partner a reopening was obligatory with a small doubleton spade. He would reopen with a double and pass any suit response. He deemed pass to be an LA, albeit reluctantly. The fourth expert, who would also have opened 1♥, thought that both pass and double were LAs with 3♥ a "distant third." He believed the tempo variation made double more attractive. Two other players with 2600 and 3000 masterpoints were also polled. Neither would have opened 1NT; one balked at being asked to assume that 1NT was even a plausible opening bid. Both would have passed rather than reopen. The Panel concluded that UI from East's slow pass suggested action over inaction (pass) for West, that passing was an LA, and that an adjustment was appropriate (Laws 73F1, 16A). The contract was changed to 2♠ made two, +110 for N/S.

**DIC of Event:** Margo Putnam  
**Panel:** Doug Grove (Reviewer), Terry Lavender, Charlie MacCracken

**Players consulted:** Mike Cappelletti Sr., Brian Glubok, Ralph Katz, Sam Lev, two players with 2600 and 3000 masterpoints

**Directors' Ruling: 96.2**      **Panel's Decision: 94.6**

✍ Opening 1NT with the West hand is not the bid of choice for many players, myself included, which colors one's view of which actions are acceptable after a 2♠ overcall. But knowing what his partnership methods were after competition, West thought that 1NT was a satisfactory description of his hand. Thus, the following assessment seems right on point.

**Bramley:** "I agree. Reopening is attractive, especially at all white, but not automatic. Despite the low doubleton spade, the danger of not reaching the right strain is significant with any reopening action, which reduces the merit of doing so. East's statements revealed that she was really thinking of bidding, rather than passing in normal tempo. Note that she bid faster on the previous board where her side bid a game."

✍ But is that all there is, my friend? Is that all there is? ...Not by a long shot.

**Brissman:** "Let's see... E/W admitted the break in tempo, took action suggested thereby and received an adverse ruling. They appealed, brought no new information or cogent arguments to the hearing and received nearly unanimous non-support from the players consulted. So the Panel reinstated the table ruling and then..."

✍ And then..., and then..., eh, eh. And then along came Jones...eh, Jeff.

**Polisner:** "Certainly the slow pass makes doing something other than pass an LA. It was good work to determine that East only takes a while to bid when she has something to think about. Good ruling and decision."

✍ Yes. The Panel engaged in excellent detective work to catch East in what one might either consider a lie or a self-deception. Nonetheless, that haunting refrain from that old song still hangs heavy in the air...is that all there is?

**Rigal:** "Well done all around. In my perhaps jaundiced view E/W (or specifically West) are due some sort of PP for the outright lie re East's tempo. Nice detective work by the Panel. Only the absence of a PP and an AWMW spoils this one."

✍ Right. The sort of knee-jerk response that E/W offered here, that East always takes that long to call, is just too convenient. Players will never learn to honor their obligations regarding breaks in tempo if we accept such ingenuous arguments as the basis for appeals with no negative consequences for wasting so many peoples' time. Howard has exactly the right attitude about appeals of this sort.

**Weinstein:** "So East defended her call by saying she always takes that long to call, but later qualifies it by saying 'only when there is something to consider.' Nice! Good thing this hand was played first, otherwise she might have bid really, really fast on the second hand.

"Given my slamming of our anonymous E/W, you probably won't be too surprised to learn that I would have recommended an AWMW as well. It was the 'always took that long to call' that got me mad, so if the appeal has any actual merit change my recommendation to an AWMW: Appellant Weaseling & Mealy-mouthed Warning."

✍ And what about that "expert" advice from the first consultant?

**Gerard:** "I wonder if the expert consultant who needed a soap sandwich was the

CASE SEVEN

same one as on the previous hand. Calling 3♥ automatic shows the wisdom of the peers who refused to open 1NT. This time it's an extra jack, not an extra deuce. If you're such a slave to distributional thinking that you can't rebid 2♥ (better than most six-card suits) or 2♥ (better than most four-card suits) over 1♠, don't tell me how 3♥ or double is automatic or obligatory. At least here there were a couple of experts who bid almost as well as the peers."

☞ Ron may have something to discuss with the following panelist when next they meet.

**L. Cohen:** "Personally, I think it's clear to reopen, but I can be convinced that passing is an LA for this pair so that part of the ruling is okay. Maybe 110 in 2♠ is right, but I'd like to have seen a discussion of 140 or 170. On a diamond lead, for example, West would have to find a club switch to hold it to nine tricks. A trump lead also could result in nine or ten tricks on the wrong defense. On a round-suit lead, the defense has to cash out correctly (not too difficult) to hold declarer to eight tricks. One other thing. It really bugs me to see West say, 'East always takes that long too call.' Yeah, right. I'd like to see East take 'that long' with a 3-3-3-4 yarborough."

☞ Nice recovery, Larry, after that inauspicious start. Assigning E/W a score of -140 or even -170 would have definitely been a nice touch. Did the Panel consult any experts on the possible results of the play in 2♠? If not, future Panels (and advocates for Directors' rulings being final) take careful note.

**Stevenson:** "Was there a hesitation? If so, this is the sort of hand where players will argue forever. Highly ethical players will pass 2♠ routinely with a shrug of their shoulders."

☞ But this is the age of "I have rights"—not obligations—and the ACBL chooses not to hold players to high ethical standards lest we embarrass anyone. It's PC-ness run amok, and ultimately very sad when you stop to think about it.

The remaining panelists also support the Panel's decision, though without any reference to the merits of the appeal.

**R. Cohen:** "Keep 'em rolling. No problem here for the adjudicators."

**Wolff:** "It takes too long to get an obvious result."

☞ So Directors should just rely on their judgment, or intuitions, to speed up the process, eh? And just when should they trust their judgment and when should they seek consultation? I'd guess that depends on whether their idea of what's obvious agrees with Wolffie's. Isn't getting it right more important than doing it quickly? I wonder whether, if someone had taken a bit more time before ruling in Vancouver (think "Oh, s\*\*t!"), we might all be a lot happier.

**Subject (Tempo):** All Roads Lead To Rome?

**Event:** NABC Open BAM Teams, 21 Nov 01, First Final Session

Bd: 25	Drew Casen		
Dlr: North	♠ A3		
Vul: E/W	♥ Q952		
	♦ KJ10653		
	♣ A		
Eric Greco	Geoff Hampson		
♠ 5		♠ QJ109642	
♥ J10843		♥ K6	
♦ 2		♦ AQ	
♣ KJ9874		♣ 103	
	Harry Tudor		
	♠ K87		
	♥ A7		
	♦ 9874		
	♣ Q652		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	1♦	1♠	1NT
2♣	2♦	2♠	3♣
Pass	3♦(1)	3♠	4♦
Pass	Pass	Dbl	All Pass
(1) Break in tempo			

**The Facts:** 4♦ doubled made four, +510 for N/S. The opening lead was the ♠Q. The Director was called after the 4♦ bid. North's hesitation before bidding 3♦ was agreed but South said it was not prolonged. The Director ruled that South had shown his values with his previous calls and that pass was an LA. The contract was changed to 3♠ down one, +100 for N/S (Laws 16A2, 12C2).

**The Appeal:** N/S appealed the Director's ruling and were the only players to attend the hearing. South claimed that his earlier bids made it clear that he intended to continue and that North's slow 3♦ bid did not affect his intentions. Furthermore, North would have bid 4♦ if South had passed so N/S were going to act over 3♠ in any case. N/S conceded that North had hesitated for 15-25 seconds before bidding 3♦.

**The Committee Decision:** The Committee believed that UI was

present. North's slow 3♦ clearly indicated a choice of actions, and the alternatives could only have been stronger after South's cue-bid. On the other hand, the fact that South had already shown his values did not prevent him from taking further action consistent with his hand and the previous auction. North had shown extra offense and a sixth diamond with his free 2♦ bid and competing to 4♦ with the South hand was consistent with the auction without any UI present. In addition, the Committee agreed with North's statement that even if South was constrained to pass, North would have bid 4♦. The table result of 4♦ doubled made four, +510 for N/S, was restored.

**DIC of Event:** Henry Cukoff

**Committee:** Henry Bethe (chair), Lowell Andrews, David Berkowitz, Ed Lazarus, Bob Schwartz

**Directors' Ruling: 67.6**

**Committee's Decision: 84.6**

☞ Our first panelist raises an important question.

**Bramley:** "Just a minute. Isn't North entitled to bid in a tempo that suggests a choice of actions? To put it another way, wouldn't North be *out of tempo* if he bid 3♦ in a way that suggested no alternative? Furthermore, the auction is unusual, granting North extra time to decipher what South's 3♠ bid means. I make the finding of a break in tempo marginal at best.

"E/W's persistence in recalling the Director after seeing North's hand, with

which he surely would have competed to 4♦ himself, was out of line. If the Director had let the result stand, then an appeal by E/W would have been meritless.”

✍ Certainly a quick signoff in 3♦ by North would have conveyed just as much UI as a slow 3♦, and for that reason it should be considered equally out of tempo. But taking a bit of extra time to consider (or give the appearance of considering) one’s options, as one would after a Skip Bid (say 5-10 seconds), is not quite the same as taking perhaps 25 seconds (which to my mind constitutes a clear huddle—not just a normally deliberate action) and then signing off. Thus, I agree with the Committee that there was UI from the tempo, which can only suggest bidding on.

So we’re left to decide whether pass is an LA to bidding 4♦ (or doubling 3♠) for N/S. The next panelist covers most of those bases rather thoroughly.

**Gerard:** “Naive. South produced a ‘trust me’ explanation that is from the standard self-serving playbook. Free bids like 2♦ have nothing to do with extra offense these days. This was purely a Total Tricks justification, which no one wanted to own up to. As for North’s 4♦, what would he have done before he knew the whole hand? I’m not forcing him to pass, but if South couldn’t bid 4♦ then double by North was certainly a possibility.

“Still, I guess you’ve got to let them do it. There is something inconsistent with cue-bid then pass—the minimum number of diamonds at one turn or the other seems necessary for a match. Down one in 4♦ needn’t be a guaranteed loss. And there is the matter of East’s double, with all that extra defense. Everyone had about what they figured to, and yet the opponents were the ♡J away from being cold for game. Even if 4♦ were an infraction, the alternative to it was +200 for N/S, not +100. Then East’s double would have forfeited his right to an adjustment, since it constituted egregious action. Stronger words would not be inappropriate.

“So if you really hate 4♦ you could rule +200, –510, probably not changing the result any. Of course that would incur another round of ‘If it hesitates, shoot it’ accusations. Me, I’m with reciprocal 510s, taking the easy way out as usual.”

✍ Now let’s see what the other panelists have to say. First, those who agree with the Committee’s decision.

**R. Cohen:** “Finally, a case with a little meat and potatoes. However, all the calls are based on AI. While some of the bids are close, the hesitation prior to the 3♦ bid did not convey any information that the prior auction had not conveyed. Certainly South was not about to pass 3♠. His LA to 4♦ was to double—not pass. With perfect defense that result would be N/S +200, not likely to win the board for E/W.”

**Wolff:** “The UI and bidding choices are all part of our game, but what shouldn’t be is E/W’s wanting ‘daddy’ to make their well-earned bad result go away. E/W’s behavior borders on disgraceful.”

**Treadwell:** “Good reasoning by the Committee, correcting a poor ruling by the Director.”

**Stevenson:** “I do not like South’s assertion that his earlier bids showed he intended to continue. Very creative. Nevertheless, North will bid 4♦ so I would adjust to 4♦. I see no reason why East should not double still, so I award N/S +510. (Note, this is not restoring the table result; it is actually an adjustment. The reason for the difference is to consider whether South’s breach of Law 73C was enough for a penalty: it was not. It is important to distinguish sometimes, admittedly rarely, between restoring the table result and awarding an adjusted score which happens to be the same.)”

✍ David is right that a distinction should be made between restoring the table result (allowing South to bid 4♦) and disallowing South’s 4♦ bid, requiring him to

pass, but then deciding that North would inevitably bid 4♦ and East would still double, leading to 510s. The write-up suggests that the Committee allowed South’s 4♦ bid. I personally don’t agree with allowing it simply because it’s “consistent with the auction without any UI,” and certainly not based on the premise that North showed “extra offense” with his “free 2♦ bid.” As Ron points out, bidding 2♦ with a sixth diamond in a poor hand is *de rigueur* these days. Also, the criterion for allowing a call that was suggested by UI is not that it is would have been the normal action without the UI. It must be an action that virtually all of the player’s peers would have taken without the UI. So the only reason I can see for assigning the result for 4♦ doubled made four, +510 for N/S, is if the Committee believed it was clear that North would have bid 4♦ even had South passed. (No, I don’t agree with Ron and Ralph that doubling 3♠ is clear, given South’s diamond length and poorly located ♣Q.)

Our next panelist opposes allowing a 4♦ bid, making many of the points I just made. In the final analysis he finds 4♦ by North not quite clear enough to allow—at least not for N/S.

**Weinstein:** “I wouldn’t have allowed 4♦. It isn’t unreasonable, but it’s hardly automatic and is certainly suggested. It’s not like the ♠K or ♣Q are prime values even if the ♠K figures to be onside. North could easily have made the same bid with five reasonable diamonds and a much worse hand. I do have more sympathy for the view that North would have always bid 4♦. I would not give E/W anything since it I believe that 4♦ is pretty likely, but I’m not sure it is sufficiently likely to leave N/S with their table result.”

✍ After a similarly close analysis, Barry and Jeff go the other way.

**Rigal:** “I think this case is very close, although the Director was right to my mind to decide against the offenders. Here the form of scoring and vulnerability makes a reasonably strong case for N/S. Certainly South’s game try (the only one over 2♠ and thus not specifically suggesting club values) makes it sensible for North to compete over 3♠. Having said that, I am worried that this may be taking too generous a position to the offenders by forcing the ‘winning’ action on them. Oh, well. Given the nature and level of the event, I believe it to be the right decision.”

**Polisner:** “A close case, but I think that pass is an LA for South, and thus I would have agreed with the Director.”

✍ The final panelist makes this case a “jump ball.”

**L. Cohen:** “Very close—it looks easy in retrospect to bid 4♦ with either North or South, but it’s not clear. I consider this right on the threshold.”

✍ As is usual with “threshold” cases, a non-reciprocal decision is always possible. But somehow that seems to be begging the issue. (So much for the “easy way out.”) As I said earlier, I do not think any action (even doubling 3♠) is clear for South, and he’d already shown his full values when he cue-bid 3♠. Thus, I would force him to pass. However, I have little doubt that, after South’s cue-bid, North would not pass 3♠. He has good (well...reasonable) diamond intermediates, especially in light of South’s implied support, his six-four distribution is right for bidding on, he has a king better than he might have for his “free” 2♦ bid, and none of his black-suit values have been decreased by E/W’s actions. In fact, opposite as poor a hand as ♠Qxxx ♡Kx ♦Qxx ♣xxxx (too poor for a cue-bid) he would be cold for 4♦ and E/W might well be cold for 3♠. Thus, I agree with the Committee and the majority of the panelists that North would have bid 4♦. I would have adjusted the result to 4♦ doubled made four, +510 for N/S.

## CASE EIGHT

**Subject (Tempo):** Close, But No Cigar

**Event:** Blue Ribbon Pairs, 22 Nov 01, First Qualifying Session

Bd: 30	Manfred Michlmayr		
Dir: East	♠ K93		
Vul: None	♥ AJ4		
	♦ A52		
	♣ AK93		
Larry Cohen	David Berkowitz		
♠ AJ842	♠ 1065		
♥ 87	♥ KQ1095		
♦ KQJ73	♦ 1084		
♣ 4	♣ 107		
	Clark Millikan		
	♠ Q7		
	♥ 632		
	♦ 96		
	♣ QJ8652		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	Pass
1♠	1NT	2♠	Pass(1)
Pass	Dbl	Pass	3♣
3♦	4♣	All Pass	
(1) Break in tempo			

**The Facts:** 4♣ went down one, +50 for E/W. The opening lead was the ♦K. The Director was called after North doubled. The Director changed the contract to 3♠ made three, +140 for E/W (Law 16).

**The Appeal:** N/S appealed the Director's ruling. North believed that his great strength, his high cards all likely to be working, the opponents having found a fit, and the attractive vulnerability for competing all made his balancing double a standout action. He accepted his opponents' opinion that 4♣ could not be allowed, given South's hesitation, but argued that against 3♠ he would have led a high club. Upon seeing the dummy, a diamond switch would have been attractive, given the 3♦ bid by West. Then, upon gaining the lead with the ♠K, he would have given his partner a diamond ruff to defeat the contract. N/S played Lebensohl after a 1NT opening, but had not discussed whether it applied after a 1NT overcall. So while South wanted to compete to 3♣, he was afraid that either 2NT or 3♣ might be misinterpreted by his partner. North was an experienced player from Austria and was likely capable of finding the winning defense against 3♠. E/W argued that their third-seat 1♠ opening might be made on a four-card suit, so an eight-card spade fit did not necessarily exist. Thus, N/S could not count on finding a good fit of their own. South's hesitation clearly suggested interest in competing, and although most players with the North hand would not sell out to 2♠ at matchpoints, pass was a possible action that would be seriously considered by some. E/W believed that 4♣ should not be allowed: North had a flat hand and his partner had promised nothing. Although N/S could defeat 3♠, the defense was not clear cut. E/W believed that as the offending side, N/S could not be given the benefit of the doubt on defense.

**The Committee Decision:** The Committee was divided as to whether to allow North's double. One member did not think the double was sufficiently obvious to be permitted. Another would have felt constrained to pass at the table. The others, despite North's conservative 1NT overcall, thought it would be very difficult to find winning matchpoint players who would not double 2♠ with the North hand. The opponents had found a fit, the third-hand opener could be shaded, the vulnerability was attractive, and North held nearly half the deck in prime values. However, the 4♣ bid could not be allowed after the suggestive hesitation. North's claim that he would have shifted to a diamond was much easier to see when looking at all four hands than it would have been at the table. Without that advantage, a club continuation would have been the normal play. After ruffing, declarer would likely

lead a heart. If North ducked, the contract could possibly be made by leading a spade to the jack and king and then dropping the ♠Q later. If North took his ♥A, a count signal from South could guide North as to which red suit to lead in an attempt to give his partner a ruff. The alternate defense of repeated club leads would fail if declarer judged correctly and ruffed in his hand each time. Although North might well win the ♥A on the first round of the suit and defeat 3♠, he had deprived himself of that opportunity with his improper 4♣ bid and the Committee could not give him the benefit of the doubt. In a close call, the Committee judged that North's duck of the ♥A was likely enough to change the contract to 3♠ made three, +140 for E/W.

**DIC of Event:** Henry Cukoff

**Committee:** Doug Doub (chair), Phil Brady, Nell Cahn, Doug Heron, Simon Kantor

**Directors' Ruling:** 91.2

**Committee's Decision:** 88.3

Several panelists will argue that North's double of 2♠ was so attractive that it should be allowed. While that claim may have a certain superficial ring of truth to it, I suspect that those whose 1NT overcalls systemically show up to 19 HCP (e.g., 16-19) or who are conservative enough to overcall a 15-17/18 notrump with that 19 count would not be as quick to reopen as those who judge the North hand too strong for 1NT. (Yes, I know East's 2♠ bid makes it more likely that N/S have a fit, but would you like to declare 2♦ or 2♥—maybe doubled—opposite ♠Qx ♥xxxx ♦Jxxx ♣xxx or worse?)

Okay, let's say we accept North as being up to bidding 1NT as a lesser-of-evils bid, intending to listen to the auction and judge whether to back in again, later. But once South huddles, shouldn't North's "tactical" intentions be forfeit (see CASE THREE)? How can we expect the average player to live up to the proper ethical standards when we allow players to get away with this in the Blue Ribbon pairs? And to make matters worse, not only was North permitted to double 2♠ after South's huddle, but when he later bid 4♣, a mind-blowing action which, by the Committee's own admission, was totally unacceptable, they simply adjusted the score and failed to issue either an AWMW or a PP—both of which were clearly called for. Good grief.

Now don't get me wrong. I do think that overcalling 1NT is a reasonable action (playing 15-18, but not 15-17; why weren't we told N/S's notrump overcall range?), intending to listen to the auction and possibly come back in later. And I myself would have come back in after the spade raise (but not after the huddle). And I do sympathize with the Committee, the majority of whom felt similarly about the reopening. But to allow the double of 2♠ and then not take strong exception to the 4♣ bid and subsequent appeal is simply inexcusable. Right, Howard?

**Weinstein:** "In a close call? Couldn't West have 5-3-4-1 shape when he leads the heart towards dummy? North basically admits blatant use of UI in his 4♣ call, and now wants to be credited with best defense against 3♠. As the Committee says, too bad he deprived himself of that opportunity. AWMW."

And now for the *pièce de résistance*...

**L. Cohen:** "Sorry about all the E/W opinions in the appeal, but those came about because N/S (knowing we were Appeals Committee members) kept asking (during the session) our opinion about the merits of appealing. We told them that North's double was borderline, but there was some merit to such an appeal. As to 4♣, that is ridiculous and if I were North I wouldn't want to see it in print. Anyway, once they realized that they could beat 3♠ (this took them until the evening session for an afternoon deal), they decided to appeal. I suppose it had merit in that 3♠ might have gone down. As to bidding 4♣, why do people commit such egregious sins?"



✍ Got that? N/S didn't even realize they could beat 3♠ until the evening session. They thought that, as the offenders, they had a right to a defense that was obscure enough to take them that long to find it. Good grief.

Most of the panelists support either reciprocal 140s or -140 for N/S and +50 for E/W. First, let's hear from the reciprocators.

**Gerard:** "Let's start at the end. Club, club, heart ace, club. Declarer ruffs in hand. Heart to dummy, now what? Spade to the jack and king, fourth club. Ruff in hand, spade ace, low diamond. +140. But what about spade to the jack, *ducked?* Now what? No winning option. Either concede the diamond ruff or go down a bunch. Bad marks for analysis. And what does bidding 4♣ have to do with ducking the heart ace? All that the improper 4♣ bid deprived North of was the opportunity to bid 4♣. North was no less experienced or capable just because he bid 4♣. If you allow him to double, the defense to 3♠ seems clear. If West's queen were in spades (♠AQJxx ♥KJxxx), there would be no defense to 3♠ (heart ducked, diamond to the jack, etc.) It's when South has a spade honor that it's critical to rise on the heart. Perhaps that was just too complicated for this Committee.

"But the defense to 3♠ should have been irrelevant. The Committee's own proceedings marked pass as an LA to double. There is no correlation between winning at matchpoints and doubling 2♠. If you want to win at matchpoints, get your partner to bid 3♣ or 2NT, according to methods. We had this once before where someone claimed that the way to show extras was to overcall 1NT and then bid again, with a flat 18-count yet (CASE SEVEN from Orlando). As I recall, they were laughed out of court. If this is a 1NT overcall (it is for me), it's within range. What is the correlation between winning at matchpoints and South's holding ♠xx ♥10xxx ♦J10xx ♣Qxx? It just drives me nuts when committees substitute rhetoric for reason. How can anyone read the first sentence of the Committee decision and not stop right there? In 2♠, without a 3♦ bid, the defense would have been far less obvious.

"Therefore, +140 was indeed the correct score. However, 3♠ made three was not. It's just as inconsistent as cue-bid then pass on the previous board. This was too deep for the Director, but if the Committee hadn't been so intent on showing its mastery of defensive card play it might have saved itself some embarrassment. Amazing how sticking to the Laws often yields the right result."

✍ An utterly compelling argument for reciprocal 140s—not in 3♠ but in 2♠. The rest, as they say, is all postscript.

**Rigal:** "I'm having a lot of trouble with understanding the rather elliptical write-up; the ruling and arguments seem somehow topsy-turvy. If the double of 2♠ is not allowed, then the score should be that for a contract of 2♠ made 140, not 3♠. And if the double is permitted, then North should perhaps be allowed to bid 4♣ over 3♠ since he is not really in possession of UI. Note that if North is not permitted to bid 4♣ maybe South is.

"If we accept that 3♠ should be the final contract for both sides (I am not sure why, -140/-130 is certainly a possible split score here), then matching 140s seem to be the logical score to me, since we have determined that there is an offender and we should give them the worst of it."

✍ Perhaps Barry is more than just elliptically challenged. While it is (just barely) conceivable to imagine a Committee allowing North to double 2♠, it should not be difficult to see why North's 4♣ bid took advantage of the UI that South wanted to bid over 2♠. After North virtually forced South to bid over 2♠ doubled, he could easily end up declaring 4♣ facing a dummy such as ♠Jxx ♥xxx ♦Jxx ♣xxxx—but not after South's huddle.

And if South was too timid to bid 3♣ (or 2NT) over 2♠ (with that six-card suit), might he not also have been too timid to compete to 4♣?

**Polisner:** "Certainly North can't bid 4♣ even if he is allowed to double earlier. Since the standard under 12C2 is the most unfavorable result at all probable, then E/W + 140 appears correct."

**Treadwell:** "The huddle by South on the second round certainly conveyed some UI, but the reopening double by North is justified by his hand—overly strong for the 1NT overcall. However, his hand, as the Committee decided, was not so good that competition to the four-level was warranted."

✍ And now for the non-reciprocators.

**Bramley:** "Almost. The logic leading to an assigned contract of 3♠ is reasonable, but I don't like the assigned result there. For N/S the score of -140 is okay, the worst result that was at all probable. For E/W, however, I find that result too unlikely (not 'likely'), as it requires a parlay of misguesses and misplays by the defenders, as well as perfect guessing by declarer. Going down in 3♠ is by far the most likely result, but since E/W cannot receive worse than their table result, I would assign them +50."

**R. Cohen:** "No question the 4♣ bid is out. The problem comes down to assigning scores under Law 12C2. N/S -140 seems 'probable.' Was not E/W -50 a 'likely' result? The Committee, according to the write-up, seems bent on punishing North for his 4♣ bid and never seems to have fully considered, in assigning an E/W result, whether based on AI North's peers would have 'likely' found the winning defense."

**Stevenson:** "If North accepts that his 4♣ bid could not be allowed, why did he make it? Would not 4♣ by South (who has no UI from partner) be routine? [Surely just as 'routine' as 3♣ was the first time.—*Ed.*]

"I rarely mention Law 12C3 here since we all know the ACBL has not enabled it. But if ever there was a hand that cried out for it, with ifs, maybes and perhaps's, surely this is it."

**Wolff:** "Somehow E/W do not deserve +140 but I suppose that is the law. I'd rather have N/S -140, E/W +50."

✍ I'm devastated that only one panelist thought this appeal deserved an AWMW. Even if you favor a non-reciprocal score assignment, N/S had no chance of having their score favorably revised and that was their sole reason for bringing this appeal. Good grief.

## CASE NINE

**Subject (Tempo):** A New, Natural, Ace-Asking 4NT Convention

**Event:** Blue Ribbon Pairs, 22 Nov 01, First Qualifying Session

Bd: 15	Victor Markowicz		
Dir: South	♠ Q107432		
Vul: N/S	♥ A9		
	♦ 1084		
	♣ K4		
Robert White	Michael Kovacich		
♠ AK5	♠ J98		
♥ Q86432	♥ KJ		
♦ J65	♦ KQ73		
♣ 8	♣ AJ72		
	Victor Melman		
	♠ 6		
	♥ 1075		
	♦ A92		
	♣ Q109653		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			Pass
Pass	2♦(1)	Dbl(2)	Pass(3)
3♥(4)	Pass	4♠	Pass
4NT(5)	All Pass		
(1) Multi			
(2) 13-15 balanced or any good hand (complex defense, provided by N/S)			
(3) Diamond tolerance			
(4) Alerted; transfer to ♠, invitational			
(5) Break in tempo			

**The Facts:** 4NT made five, +460 for E/W. The Director was called after West's 4NT bid. E/W both agreed to play the complex defense to Multi, but West misread the written defense N/S provided. The length of the pause was neither defined nor denied. The Director changed the contract to 4♠ down one, +100 for N/S.

**The Appeal:** E/W appealed the Director's ruling and were the only players to attend the hearing. When North opened Multi, N/S provided a printout of the ACBL approved defense. After East doubled and South passed, West asked South to show him where the continuation auctions were provided on the sheets. South was unable to comply. N/S suggested that "E/W just play bridge." West bid 3♥, but East had already found the relevant section which said that 3♥ was invitational in spades, and jumped to 4♠. West said he was convinced that North had a weak two-bid in spades and that he therefore could not pass. He thought about his alternatives and decided to bid 4NT. East said there was considerable confusion at the table and, because his partner was a passed hand, 4NT could not be Blackwood.

**The Committee Decision:** The defensive material from the ACBL web site that was available at the tournament was truncated in width and badly formatted, making it confusing and difficult to navigate. When it took the Committee members about 10 minutes to find the relevant section on the sheets, they decided to spend some time considering whether players of a Mid-Chart convention have a responsibility to be familiar with the defense offered. While it was concluded that no such responsibility exists, there was considerable sentiment that it should. Having decided that N/S were not culpable for contributing to the problem, the Committee turned to the issues of law. West was in possession of UI from his partner's Alert of 3♥. Thus, the Committee had to decide whether 4NT would have been appropriate without the Alert. East had potential UI from the tempo of West's 4NT bid. The Committee decided as follows: 4NT was a reasonable, even correct, action if East had bid 4♠ to show a strong hand with spades. It would also be allowable if West believed East had misinterpreted his 3♥ bid and North had a weak two-bid in spades. Since 4NT was probably correct under both interpretations, it was allowed. The Committee then considered whether East had UI from the slow 4NT bid. West could have, for example, a six-five or five-six black- or pointed-suited hand with

king-queen, king, which he thought unsuitable for either a 1♠ or 2♠ opening. West might then bid Blackwood over 4♠, but he would bid it slowly. Therefore, the Committee concluded that the slow 4NT bid conveyed no information as to whether it was to play or Blackwood, and East was therefore not in possession of UI and free to choose. The table result of 4NT made five, +460 for E/W, was restored.

**DIC of Event:** Henry Cukoff

**Committee:** Henry Bethe (chair), Barry Rigal, David Stevenson, Steve Weinstein, Adam Wildavsky

**Directors' Ruling:** 60.6

**Committee's Decision:** 94.9

While ACBL policy may be that players of Mid-Chart methods need not be familiar with the approved defenses, N/S were certainly responsible for providing a usable copy of an approved defense for E/W. They were also responsible for their unapproved advice to "just play bridge." When one opponent is reading the written defense and the other is being told "just play bridge," it shouldn't require Solomon to realize that a share of the responsibility for any confusion rests with the advisors. At the very least they should have called the Director to help with the problem.

Consider an analogous situation where a player with a visual problem cannot read the printed defense. Is that just his "tough luck," or should the Mid-Charters be responsible for ensuring that the opponent has access to the information (which doesn't require being familiar with it, only that they read it to him)? Clearly they are responsible for the latter—or at least calling the Director for assistance.

The introduction to the Defense Data Base on the ACBL web site contains the following passage: "The intent of these requirements is to permit responsible pairs a reasonable amount of freedom to determine the methods they wish to play while insuring that no advantage is gained from a method that is unknown and/or whose submitted defense is inadequate." This makes it clear that the ACBL intends that no advantage be gained from the unfamiliarity of an artificial preemptive method or the lack of an approved defense. (It would be preferable if approved defenses had to pass a more objective standard of satisfactoriness as well. See Gerard's comment.)

This situation is so obviously analogous to the Alerting side's obligations under our Alert procedure that I cannot believe the Director ruled as he did. Consider the following excerpts from the ACBL Alert Pamphlet: "It is the responsibility of the Alerter to ensure that the opponents are aware that an Alert has been made." "The bidding side has an obligation to disclose its agreements according to the procedures established by ACBL. When asked, the bidding side must give a full explanation of the agreement. *Stating the common or popular name of the convention is not sufficient.*" "The opponents need not ask exactly the 'right' question. Any request for information should be the trigger. Opponents need only indicate the desire for information—all relevant disclosures should be given automatically." And if that doesn't convince you, consider these instructions to the Director: "In all Alert situations, tournament directors should rule with the spirit of the Alert procedure in mind and not simply by the letter of the law." Shades of CASE FIFTY-SIX from Boston.

The ACBL requires written defenses so the opponents are not disadvantaged by their lack of familiarity with artificial methods and have a defense adequate to cope with such methods. Did N/S act in that spirit here? Did the Director rule in that spirit? E/W agreed to use the complex defense and tried to use it. The material was poorly formatted and confusing. Even if the preemptors weren't familiar with the defense, they were surely obligated to make sure it was available in usable form for the opponents. If the version they brought to the table (even if the League provided it for them) was inadequate, or the opponents couldn't read it or find what they needed, the convention users were ethically obligated to help with the problem. And the Director should have acted to protect the victims rather than the Victors.

N/S's attitude toward E/W seems to have been, "We've done all we're required

to do; you deal with it.” Well I’m sorry, but that just doesn’t cut it. Right, Bart?

**Bramley:** “To the Victors go the spoils? I guess not. The Committee got it right at the end, but they would have gotten there faster if they had answered their own question about N/S’s responsibilities differently. When E/W go off the rails after South declines to decipher his own proffered defense and further tells E/W to ‘just play bridge,’ then South is *extremely* responsible for the mess that results. Perhaps N/S weren’t obligated to know every nuance of the defense they provided, but the bid at issue was the *first response* to a normal minimum action.

“Let’s review what happened here. N/S, who were playing Multi, gave their opponents a poorly written defense, advised them, in essence, to ignore it, saw their opponents have a significant misunderstanding as a result of that advice but nevertheless land on their feet, and then called the cops. The Director should have let the table result stand. If N/S had appealed, it would have been an easy AWMW.”

✍ Along the same lines...

**Weinstein:** “Justice triumphs. I don’t know what N/S’s responsibilities are, but they do not include suggesting that E/W just play bridge and calling the Director when they have a resultant mix-up and survive it anyway. Kind of like Clinton telling people not to dissemble, or George W saying we should put drug and alcohol abusers in prison. This was a Kaplanesque (and correct) determination to arrive at the truly just result. Bravo to the Committee.

“Now turning to the Director, suggesting that E/W will take nine tricks in spades seems quite friendly for E/W, especially when he is supposed look for the worst reasonable outcome.

“Turning to the Mid-Chart question, it’s a good thing E/W were experienced; otherwise it might have really been confusing. By the way, since the complex defense is simpler (despite the transfer responses to double) than the simple defense, it’s time to eliminate the simple defense as an option. It just provides another source for possible confusion. I kind of thought that we had planned to do so, or maybe we just talked about it.”

✍ You’re right about the simple defense to Multi, Howard. It was eliminated from the approved defenses long before this NABC began. Perhaps the name “complex defense” has just been carried over out of habit.

Next we’ll hear from one of the Committee members.

**Rigal:** “A highly confusing case made more so by the appalling performance by the ACBL in failing to print a comprehensible Multi defense (about three lines of text missing or not wrapped around) and not ensuring that the players who use the bid are required to be able to explain it to their opponents. If you believe (as the ACBL apparently does) that people need to be protected against Multi, then do the whole job and don’t stop halfway.

“Having said that, I have nothing to add to the Committee decision. As I recall, most of us were surprised and none of us were ecstatic with the general thrust of the decision, but at the time it seemed the facts pointed that way. If there was an element of trying to ensure that the ACBL printing and photocopying did not claim yet another victim, so be it.”

✍ No need to apologize, Barry. The Committee did a commendable job (albeit through the “back door,” so to speak), as the following panelists attest.

**L. Cohen:** “Good work by the Committee in coming up with an equitable solution. I’d bend over backwards to interpret the law in a way that E/W don’t get screwed by the confusing defense to Multi. While the benefit of the doubt usually goes to the ‘ethical/tempo non-offenders,’ here, I’d like to give the benefit to the pair that had to face unusual methods. True, Multi isn’t so unusual, but the transfer mix-up really

was a bit unlucky for E/W to have to deal with. Sorry about not following the letter of the appeals law (which is what we are supposed to do), but I consider these to be special circumstances.”

**Polisner:** “Excellent work by the Committee. Much of the problem related to the table conversation and the fact that E/W were on different pages, (no pun intended) which seemed to be N/S’s fault.”

**R. Cohen:** “ACBL has left a gap in our regulations. The Director took the easy way out and passed the buck to the Committee. Presumably the C&C Committee will fill the hole in Houston. I believe the Committee took the right position. By the way, if you use esoteric conventions, you better learn the possible defenses available. South is culpable in this case, and deservedly took the worst of it.”

**Treadwell:** “A very tough case. UI was floating around from the Alert by East and the hesitation by West. But did E/W take advantage of it? A good analysis by the Committee showed it really had no bearing on the action taken.”

**Stevenson:** “The villain of the piece is without doubt the approved ACBL defense. While the Committee members thought N/S should have a responsibility to explain the defense, this would require a regulation. It does not seem unreasonable for the ACBL to provide a clear defense that can be used easily. The only equitable result here would be: N/S +100, E/W +460, and charge the ACBL with the difference.”

✍ N/S can have +100 over my prostrate body—even if we charge it to the ACBL. An expanded view of the League’s responsibility for this fiasco—and others yet to come...

**Gerard:** “That’s not the main problem with the suggested defenses. They’re totally ridiculous, as if the people who wrote them are laughing at you for agreeing to play those methods against their Multi, etc. Here, for example, East doubles to show what could be a strong distributional hand, yet West is asked to assume that East has 13-15 balanced. I’ll bet there are no follow-up auctions after 3♥. What does East do with a balanced 21 count? With a strong two-bid in spades? It’s not N/S who contributed to the problem, it’s the ACBL. Just as a for instance, I’ve long believed that one of the most effective defenses against Multi is to be able to overcall their weak 2♠ with 2♥, natural, yet I’m sure that’s nowhere to be found in the Defense Bible. This was a breakdown in procedure caused by the tournament organizers and E/W were rightly held not accountable for taking reasonable action.”

✍ The definitive philosophical statement comes, not surprisingly, from...

**Wolff:** “An excellent decision based on what I think should always be present—an equity bias favoring non-disruptors merely playing bridge. Here E/W were taken down the primrose path: ‘E/W just play bridge,’ having to play a complex defense and read it from the opponents’ notes (which the Committee had trouble with). If N/S think that the opponents’ confusion is one of the reasons they play Multi, then they should rethink and apologize to the game itself. There are many that disagree with me and I’ll continue to wear their disagreement as a badge of honor. Bridge is a gentleman’s game encouraging strict high moral conduct, not a back yard melee with players trying for every edge. I’m disappointed that N/S didn’t encourage the misunderstanding to be corrected (as best they could) at the table instead of doing the opposite.”

✍ In case you didn’t get it, reread that last sentence. That’s the obligation that not only the N/S pair here but every pair that uses complex and/or unfamiliar methods owes to their opponents.

Read it, know it, live it.

CASE TEN

**Subject (Tempo):** Take A Hint

**Event:** Fast Stratified Pairs, 22 Nov 01, First Session

Bd: 31	♠ 1096542		
Dlr: South	♥ KJ3		
Vul: N/S	♦ 6		
	♣ 1076		
♠ Q7		♠ K83	
♥ 6		♥ AQ9842	
♦ KQ95		♦ 2	
♣ Q95432		♣ AK8	
	♠ AJ		
	♥ 1075		
	♦ AJ108743		
	♣ J		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	1♥	2♦
Pass(1)	Pass	Dbl	Pass
2NT	Pass	3NT	All Pass
(1) Break in tempo (agreed)			

**The Facts:** 3NT made four, +430 for E/W. The opening lead was the ♦6. The Director was called after East's double and ruled that East's balancing double was clear and that West's 2NT bid showed enough values that there was no LA to 3NT for East (with his 16 HCP). The table result was allowed to stand.

**The Appeal:** N/S appealed the Director's ruling. South did not attend the hearing. North said that it was not clear to him that West's 2NT bid suggested values. This, in his opinion, made pass an LA for East. East stated that in his experience in Flight A events, 2NT showed values. West added that theirs was a new partnership. She also said that she had broken tempo over 2♦ to decide whether she was worth a 3♣ bid.

**The Panel Decision:** All players involved in this case were Flight A

players with between 3000 and 4000 masterpoints. All agreed that the only issue was whether any of East's peers would consider passing 2NT. To determine this, three experts were given the East hand and the auction through 2NT-P. The first thought that West's 2NT bid showed 8-9 HCP and a double diamond stopper, and said he would bid 3NT. The second expert thought West's 2NT showed 7-9 HCP, a double diamond stopper, and said he would choose between 3♦, 3♥ and 3NT for his third call—pass was not an option. The third expert said he would bid rebid 3♥; since West had shown values, pass was not an option. When North was apprised by the Reviewer of the experts' opinions and the likely ruling by the Panel, he said he still wanted the Panel to decide. On that basis the Panel allowed the table result (3NT made four, +430 for E/W) to stand. N/S were each assessed an AWMW.

**DIC of Event:** Stan Tench

**Panel:** Mike Flader (Reviewer), Terry Lavender, Charlie MacCracken

**Players consulted:** Gary Cohler, Mike Edwards, Ken Gee

**Directors' Ruling:** 91.8

**Panel's Decision:** 94.0

☞ This is the sort of appeal that bridge doesn't need. If I were in a slightly less gracious mood I might have said...

**Bramley:** "Good here. Would South prefer going back to 2♦ doubled down 500?"

☞ Or maybe 2♠ doubled, which ought to net E/W at least a cool 800.

**R. Cohen:** "Director correct, and the Panel followed the right procedure in reaching its decision. N/S were lucky West didn't pass 2♦ doubled."

**Treadwell:** "I am glad to see that the Panel awarded an AWMW in this meritless case."

**Stevenson:** "Does 2NT show fair values? If so, there can be no argument with East progressing over 2NT."

**Wolff:** "An appropriate decision."

☞ The next panelist sees this decision in a somewhat different light than did the Panel.

**Rigal:** "The Director may not have explained the grounds for letting the score stand clearly, and the Panel likewise did not seem to focus on the main issue. On the basis that we decide that the double of 2♦ is permitted, break in tempo or not, as I assume we do else the bid would have been canceled, we then have to address the next question. Given that there was a break in tempo, what did the combination of that and the 2NT bid suggest? Well, clearly not a penalty pass of 2♦, which is what in my ignorance I would think it suggested since West did *not* pass 2♦ doubled. That is surely the only hand type indicated. On that basis East can do what he likes since no action has been suggested by this route. (Contrast an immediate pass and slow 2NT bid.) On that basis, going to the players was unnecessary, even if I concur with their decision. If the Panel had agreed with me (and thus indirectly come to the same conclusion but from a totally different angle) would that have been enough grounds not to award an AWMW? I think not."

☞ West typically has a hand with diamond strength but not length for this auction, perhaps something like ♦AQ. If West is slightly undervalued for a direct 2NT (say in the 7-9 HCP range), this is how she handles it. The combination of West's break in tempo and her 2NT bid suggests she is closer to an immediate 2NT bid or to a pass of 2♦ doubled. The fact that the hesitation came directly over 2♦ and not after East's double hints that West is more likely to be near the top of the range for a direct 2NT bid rather than close to a penalty double of 2♦. But this is all rather tenuous. Whatever West has, 2NT still shows constructive values (unless she was thinking that this might be a Lebensohl-type situation, a possibility that no one suggested) and East pretty clearly has what he needs to carry on.

The final two panelists think the AWMW was a bit too much.

**L. Cohen:** "Two notrump should show values, but the hesitation did make it easier for East. Is passing 2NT an LA? Close, but raising does seem pretty clear. If we use the old guideline of about 75-80% for an action to be allowable, I have to say that many of the first ten cases have been right in that zone. This is no exception. If the ruling had been that East must pass 2NT, I could have lived with it. Accordingly, I think there was no need for the AWMW."

**Polisner:** "Okay, but I feel the AWMW was overkill here."

☞ If the AWMW had been issued by a Committee in a typical appeal setting, I would not feel as strongly about its appropriateness as I do here. But the write-up clearly indicates that the Reviewer polled the expert players and gave N/S feedback that there was no support for their position; but they still persisted. At that point N/S should have known that their appeal, which was a thin one to begin with, had no chance to be won. Putting the Panel through their paces at that point was really beyond the pale. Sorry, but N/S worked hard at it and truly earned their AWMW.

CASE ELEVEN

**Subject (Tempo):** A Change Of Tack

**Event:** Blue Ribbon Pairs, 23 Nov 01, Second Semi-Final Session

Bd: 23	Harry Steiner		
Dlr: South	♠ 1098762		
Vul: Both	♥ 10		
	♦ 875		
	♣ J72		
Sid Brownstein	Mark Singer		
♠ KQ4	♠ J53		
♥ KQ7654	♥ A93		
♦ KJ102	♦ Q963		
♣ ---	♣ Q105		
	Craig Zastera		
	♠ A		
	♥ J82		
	♦ A4		
	♣ AK98643		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			1♣
1♥	Pass	2♥	3♣
4♥	Pass	Pass	Dbl(1)
Pass	4♠	Pass	5♣
Pass	Pass	Dbl	All Pass
(1) Break in tempo			

**The Facts:** 5♣ doubled went down one, +200 for E/W. The opening lead was the ♥K. The Director was called after the 4♠ bid. All agreed there had been an unmistakable hesitation. N/S had no special agreements. The Director ruled that pass was an LA for North and changed the contract to 4♥ doubled made five, +990 for E/W (Laws 73C, 16A, 12C2).

**The Appeal:** N/S appealed the Director's ruling and were the only players to attend the hearing. North believed that pass was not an LA with a hand which contained "negative defense." He believed, while it was possible that 4♥ would be defeated, that it was very unlikely with his club length negating South's trick-taking potential. South's double was explained as penalty-oriented with extra values. N/S also stated that they were a pro/client partnership with several dozen sessions of experience playing together (they had 6000 and 950 masterpoints). North had the opportunity to bid 2♠, weak, on the first round of the auction but declined to do so due to the vulnerability. 2NT by South at his

second turn had not been discussed, but would probably have shown diamonds with longer clubs. When asked why he didn't bid 5♣ directly over 4♥, North said he considered it but wasn't sure it was best. South said with all his controls he was thinking about whether to double or bid 5♣. N/S believed the hesitation had been 15 seconds.

**The Committee Decision:** The Committee believed that the balancing double did indicate extra defensive values and generally requested North to pass lacking a distributional hand. South's hesitation was likely to have been driven by a choice of actions from among pass, double and 5♣. The Committee had difficulty deciding whether the hesitation demonstrably suggested that bidding on by North would be more successful, so it decided to shift its focus to North's 4♠ bid. It was decided that even if South held some hand such as ♠x ♥KJ94 ♦Ax ♣AK109xx, 4♥ could still be made given a probable club void in one of the opposing hands. Holding "negative defense," the percentage action for North's peer group overwhelmingly was deemed to be bidding on (South having indicated sufficient values to hold the set to -500). Thus, pass was not deemed to be an LA for North. The Committee changed the contract to 5♣ doubled down one +200 for E/W.

**DIC of Event:** Henry Cukoff

**Committee:** Mark Bartusek (chair), Bart Bramley, Jerry Gaer, Abby Heitner, Riggs Thayer

**Directors' Ruling:** 67.6

**Committee's Decision:** 86.3

☞ Look at the North hand. South has shown at least six reasonable clubs and the minimum equivalent of a strong notrump in high cards, including good defensive values. North's hand has zero defensive potential of its own and its club length will negate some of South's anticipated defense. (Not sure? Compare the actual North hand with the same hand with the round suits switched). "Negative defense" is an apt description of what North holds.

This is the panel's majority view, and it is best expressed by...

**L. Cohen:** "It wouldn't occur to me to pass with North's hand. To me, this double says nothing about hearts—it just shows extras. If South happened to have ♥KQJ and two aces, he couldn't risk doubling for fear partner might pull. I don't like the Committee's example hand (opposite that hand, I'd take my chances defending), and I'm not sure I follow their exact logic. But since I can't imagine passing with North's hand, I'd let the result stand."

**Bramley:** "South's double should show a hand with extra high cards for the auction so far, but those high cards could be anywhere. That's a good description of South's actual hand. I thought North's argument about 'negative defense' was compelling. His only plus value for defense, the heart ten, hardly offsets his numerous minus features, and partner's announced extra values meant that a good save was now more likely. I admit that when I held North's hand at the table I bid 4♠ directly over 4♥ on the same auction up to that point."

**Gerard:** "Well, if they couldn't decide whether the hesitation demonstrably suggested bidding on, it didn't. But they ended up not going there anyway, just as if they had started at the right end and analyzed the LAs. Once pass was deemed not to be an LA, it wasn't necessary to consider 'demonstrably suggested.' Keep the brane clean."

**Polisner:** "In normal bridge, this double by South is cooperative. I believe that a very high percentage of North's peers would bid 4♠ in these circumstances."

**Stevenson:** "Unless South's double says 'Pass whatever you have' North's hand is not a pass opposite a jump rebid in clubs."

☞ Yes, we must be constantly vigilant for those phantom jumps to 3♣ over 2♥.

**Treadwell:** "Bidding 4♠ with the North hand in this auction is a move which might work out well or be wrong. The slow double by partner gives no hint whatsoever as to which action should be taken: bid 4♠, or pass. Therefore, North is free to do whatever he chooses. A good analysis by the Committee."

**Weinstein:** "It hardly seems likely that South could have a pure penalty double. The huddle could have suggested that South was concerned that his hand was too defensively oriented and didn't want to risk partner pulling the double. This is one of those hands, similar to CASE FIVE, where if one looks closely from a laws standpoint the score should probably be adjusted. However, from an equity standpoint one would prefer to let the table result stand. 5♣ does seem like the percentage action, but probably doesn't meet the LA standard. Taking a long time before doubling 4♥ gives some useful UI, but not all that much. So I like the Committee's decision, even if they seemed to really stretch to arrive at that outcome. I'm not a mathematician, but the opposing hands having a probable void seems like an overbid, especially from North's viewpoint."

☞ Howard's point would have been an excellent one had this been an expert-expert partnership or had South been the pro. Then South's hesitation could easily

be due to his assessing the risk of North pulling the double. But probably not here.

**Wolff:** “Hesitation disruption (HD) almost always causes ethical problems. However, sometimes hesitations are hard to avoid and hence part of the game and this hand is an example. With an imperfect game in an imperfect world I agree with the Committee, although I don’t know how anyone can say that passing the double is not an LA. Consequently I think different wording should be used in making determinations on this subject. I propose the following exception to the LA rule, to be used only when the equity of the ruling seems to lend itself to allowing the questionable action. ‘Even when a player’s study may be deemed to suggest a winning action, and his partner did in fact take that action, it still may be deemed permissible if: (1) there is at least one other LA available which the study did not either rule out or render highly unlikely; (2) the situation at the table is deemed to be a classic decision time which experience shows often leads to an innocent tempo break; (3) the players or pair in question are not officially connected to previous unethical conduct.’”

✍ That proposal requires a lot of finely-tuned judgment, which does not really recommend it as a prime candidate for an official position. Nonetheless, the idea behind it is sound and intelligent Committee members (like you and I) will be guided by those same considerations when deciding the “demonstrably suggested” (1) and “unmistakable hesitation” (2) issues.

Unfortunately, there is also a minority opinion on this case. Oh well, I guess we owe them the chance to appear foolish in print.

**Rigal:** “I do not agree with the Committee’s decision here. I think bidding 5♣ is the right action, but South made it too easy for North by describing his hand inappropriately. South’s tempo break deprives North of his chance to make the right bridge bid, no matter how good a player he is. In a pro/client partnership, one hard rap across the knuckles may have a salutary effect. Passing a four-level double is always an option. On that basis, while N/S should be left with –990 there is still a fair case for giving E/W the table result. But I do not feel strongly about that. The adjusted score is a reasonable outcome for them too.”

**R. Cohen:** “Would it really have taken South so long to double if he had ♠x ♥KQJ ♦Ax ♣AKxxxx? The ‘tank’ was UI: ‘Partner, I have extras but no trump tricks.’ This is particularly the case in a pro/client partnership. The Committee failed to take proper cognizance of this fact.”

✍ Since when did a double by a player sitting under the overcaller of a suit that has been bid, raised, and *jump* rebid promise trump tricks? And how often would such a double deliver them?

Now, look at the North hand again and this time *really* look at it.

## CASE TWELVE

**Subject (Tempo):** A Question Of Demonstrability

**Event:** Blue Ribbon Pairs, 23 Nov 01, Second Semi-Final Session

Bd: 20	Bjorn Fallenius
Dlr: West	♠ K83
Vul: Both	♥ 7
	♦ QJ65
	♣ J10874
Igor Savchenko	Aviv Shahaf
♠ J10	♠ A95
♥ J963	♥ Q108
♦ K109743	♦ A82
♣ 9	♣ AQ32
	Roy Welland
	♠ Q7642
	♥ AK542
	♦ ---
	♣ K65

West	North	East	South
Pass	Pass	1♣(1)	2♦(2)
Pass	2♠	Pass (3)	Pass(4)
3♦	Dbl	All Pass	
(1) Alerted; Polish Club			
(2) Majors; E/W’s suggested defense			
(3) Alerted; not strong adjunct			
(4) Long break in tempo, agreed by all			

**The Facts:** 3♦ doubled went down two, +500 for N/S. The opening lead was the ♥7. The Director was called at the end of the play. He ruled that there had been no violation of Law 73C or 16A (both dealing with UI). The table result was allowed to stand.

**The Appeal:** E/W appealed the Director’s ruling and were the only players to attend the hearing. E/W described their methods. West said from his perspective it was likely that East had a balanced 15-17 HCP and that was why he chose his final call.

**The Committee Decision:** The Committee acknowledged the hesitation and the fact that it made acting over 3♦ with the North cards more attractive. The issue was therefore whether pass was an LA for North. Even considering the level of the event and North’s ability, double was not, in the Committee’s opinion, anything like a sure thing. For example, switch the ♣Q and ♣K and 3♦ would have been laydown. In fact, even as the

cards lay the contract was very close to making. On that basis the Committee decided to disallow the double. They then considered the appropriate score adjustment for each side. Scores ranging from +100 to +200 were considered for N/S and from –100 to –500 for E/W. It was decided that the probability associated with North passing 3♦ and South reopening with 3♠ rather than double met the appropriate criteria for both sides. The contract was changed to 3♠ made three, +140 for N/S.

**DIC of Event:** Henry Cukoff

**Committee:** Barry Rigal (chair), Doug Heron, Marlene Passell, Richard Popper, John Solodar

**Directors’ Ruling: 57.0**

**Committee’s Decision: 78.1**

✍ When I thought about E/W’s system and its implications for East’s pass of 2♠, I was surprised to hear West’s claim that East was likely to hold a 15-17 notrump. (In the Polish Club book a 1NT opening shows 15+ to 18-.) Moreover, I consider West’s Alert of East’s pass as denying one of the strong adjuncts to be misleading. (Is 15-17 not a “strong” adjunct?) In regular Polish Club, the 1♣ opening shows one of four hand types: (1) 12 to 15- HCP balanced; (2) 4=4=1=4 (short diamonds), 12+ HCP; (3) 16-18 HCP with clubs (six-plus clubs or five clubs and a four-card major);

(4) strong: 18+ HCP if balanced, at least an Acol two-bid if unbalanced. But of course there may be as many variants of the Polish Club as there are of Precision or Standard American.

I expected some panelists to point out that N/S were playing East's suggested (and presumably unfamiliar) defense to 1♣, and therefore were due some leeway in their tempo when those methods come into play. But South's 2♦ was effectively a Michaels bid and once it was made I see no reason why further leeway should be afforded him. Of course North must have known that South had to have some values based on E/W's relative silence. But South's hesitation over 2♣ was definitely revealing and North was then under a special obligation not to take any questionable actions. Was the double speculative? Is the Polish Club (I bet you thought I was going to say "Pope") Polish?

We don't know why the Director ruled as he did. Did he decide there had been no break in tempo (possibly because of the E/W methods)? The annotation of the auction suggests otherwise. Did he decide the hesitation did not demonstrably suggest any particular action? If so, I disagree; South's slow pass clearly suggests extras. And shouldn't cases involving doubt be resolved against the hesitators?

I would have canceled North's double. Then, when 3♦ comes around to South, he might pass it out or compete to 3♠. 3♦ should fail by one trick on a heart lead (unless West finesses the club in a last-ditch attempt to make it) and 3♠ might make or fail by one trick (depending on how declarer plays trumps). Might N/S be assigned a minus score in 3♠? The ♦A looks like the normal lead and North ruffs to play on hearts. After ruffing the (say) third round North must now play a low spade toward the queen (the Morton's Fork mentioned by Gerard below) or the contract will fail. Therefore, it seems at all probable that N/S might go down in 3♠, so I'd assign them -100 (no one can double). Is another result so much more likely for E/W that this seems unlikely by comparison? I think not. Therefore, I would reciprocate this result for both sides.

The specter of unfamiliar methods raises its ugly head...

**Bramley:** "Acceptable. But I note that once again N/S got into uncharted territory using their opponents' suggested defense. I also note that E/W must have been playing a strange version of Polish Club. Normally, the only balanced hands that qualify are 12-14 and 18+. To Alert that East's pass denied the 'strong adjunct' was misleading. N/S were entitled to expect a balanced 12-14, or maybe a minimum opening with clubs, but this East hand is neither fish nor fowl. If North had been there to argue his side, he might have been able to persuade me that double was a reasonable shot against limited opponents bidding into a misfit. Since he wasn't there, he loses."

✍ Yes, this was definitely a "be there or be square" situation for N/S. But why assign 140s to the two sides?

**L. Cohen:** "Difficult case. First of all, my usual petty snipe: Why on earth is West telling us about East's likely hand and West's final call? What do they have to do with the main issue? As for the case, I agree that North can't be allowed to double 3♦ when he 'knew' from the tempo that South had extras. The reason the case is difficult, is that once we make North pass, we can't figure out what would have happened. I think South should act again, but it's hard to know if he should double. I suppose the idea is not to rule Average Minus, but in a case such as this I don't see how anyone can arrive at N/S +140 as a probable result. Too tough."

✍ Not really that tough. N/S might defend 3♦ undoubled for +100. (Many players will not double with a void when partner may pass, so we may eliminate the double from consideration. Besides, it does not lead to one of the better results for the non-offenders so there's really no reason to consider it.) N/S might also declare 3♣ for either +140 or -100. The last of these seems about as likely as any of the others, and is the most favorable for E/W as well as the most unfavorable for N/S. So -100 for

N/S in 3♠ it is. Simple, really. Right, Ron?

**Gerard:** "How about South reopening with pass? Wasn't that at all probable? If so, N/S's 12C2 result should have been +100, since West could easily reject the desperate club finesse for the contract that he felt mandatory in 3♦ doubled. To me this feels like a choice between double and pass, not double and 3♣. Even using E/W's defense, N/S should know enough about their standards for interference to judge whether South had extras. If so, as most would assume, 3♠ is a client's bid. North would chirp 2♣ with 2-1-4-6 distribution.

"Still, I agree that at this table E/W's 12C2 result should have been -140. The play is extremely complicated after the ♦A lead, but declarer can always come to nine tricks with a Morton's Fork variation. As for the offenders (that double was really execrable), South's break in tempo clearly indicated that he was close to bidding again. Therefore, pass over 3♦ was not going to happen. Plus 140 was at all probable. Good job by the Committee."

✍ I take exception only to Ron's last point—but it's very a big point. South's break in tempo suggested he was considering a forward going action at that point. But once West balanced with 3♦ and North passed, the location of the majority of the high cards had to swing to E/W (at least in South's mind). Thus, I do not think he is guaranteed to balance anymore.

**Polisner:** "I would have rather remove the double and score +200 for N/S rather than presume what South would do if North passed as well as the result in 3♠."

✍ Why 200? If he's not doubled in 3♦, will West really risk the -200 number on a finesse?

**R. Cohen:** "South compromised his side by his 'unmistakable hesitation.' North knew his approximate strength (their side was vulnerable after all). Perhaps North might have doubled without the hesitation, but he now had a sure thing and pass was an LA. The Director was 'soft' on this one, and needed an instant replay to get it right."

✍ In all fairness the Director may have been blinded by E/W's unusual methods. Still, he should have given the reason for his ruling.

**Rigal:** "Poor Director ruling. This case fits my criteria of 'pet peeve' for a \*P\*P\* point—a Director ruling against the non-offenders where the Committee takes a long time to come to their verdict—whatever that verdict might be.

"I like the Committee decision here (but I would say that wouldn't I?) Since North is a very fine player, it made the decision far harder; with a less strong player, the decision would have been easier. But in a pro/client relationship, however excellent a player the client, we have to use the same criteria as CASE ELEVEN."

**Stevenson:** "After the double of 3♦ is disallowed, which seems routine (why did the Directors not do so?) there comes the question of to what should the Committee adjust. As is often the case, the Committee needs to know some facts about the systems played (compare CASE FIVE) but N/S did not attend.

"In England, most good players play low-level doubles as pure takeout. Since 2♣ could have been bid on a doubleton, no competent English player would reopen with 3♠ since he has a perfect hand for double. North will pass this happily. Of course, the Committee might judge that South would pass despite his perfect shape since he has only 12 HCP opposite a partner who would not compete, but 3♠ by South is not credible.

"My impression of North America is that players there tend to use optional doubles rather than takeout doubles, so the South hand is unsuitable for a double and 3♠ becomes a more reasonable action. But what was *this* pair playing?

CASE THIRTEEN

“As a Committee, I would give the benefit of the doubt over the methods played to E/W, since N/S did not bother to attend, and adjust to 3♣ made three. Since the methods are relevant to the ruling, the Director should have found them out.

“However, if N/S had attended, and demonstrated that double was takeout in this position, then I would have adjusted to 3♦ doubled down two. As in CASE SEVEN, this is an adjustment that has no effect since it is the same result reached by a different route.”

✍ An interesting excursion into the English bidding style. David is quite right, in principle, that N/S’s tendencies regarding balancing doubles are pertinent. But in practice there is virtually no chance that N/S would play South’s double of 3♦ as strictly takeout. And of course West would go down only one in 3♦ undoubled.

**Treadwell:** “I suppose with the long break in tempo that North may not bid. However, a couple of aspects of the case bother me. First, 3♦ went down two tricks. It must have been because declarer took the club finesse in an effort to make the contract. It failed and then the Director was called at the end of play. I wish I could call the Director when a finesse loses. West apparently thought he had a free finesse because if it lost he would get a ruling to disallow the double. Next, why is a balancing 3♣ bid by South so clear? To me it is no more clear than the double by North. The third thing that bothers me is deciding that N/S would take nine tricks. There are several lines of defense that would have held declarer to eight tricks. I would have awarded a result of –100 to N/S and +100 to E/W, albeit reluctantly since I think the decision to bar the double of 3♦ was very close.”

✍ Sorry, Dave, but 3♣ is cold (although, as Ron and I pointed out above, it takes a very astute declarer to make it). But I still like your reciprocal 100s.

**Wolff:** “I would allow the actual result, N/S +500, to stand. South’s hesitation was not telltale and besides, should West be able to act after the hesitation and know that North is disadvantaged? I don’t think that should be automatic because it gives West too large an advantage. As was pointed out on another day with this layout, E/W would score +670. Here there was nothing flagrant; South could have had fewer high cards but more distribution and still pass the double. I would like other opinions on my questions and statements.”

✍ South’s hesitation was not telltale? Tell me you’d have doubled 3♦ as North if South had passed 2♠ quickly, with complete indifference. South would show up with ♠AQJxx ♥Q1098x ♦—♣Qxx and you would be –670 or maybe even –870.

West may act after the hesitation with whatever advantage it affords him. After all, his side was not responsible for the UI. Is West not entitled to balance just because South hesitated? Is he forced to live with whatever happens to him when his opponents take advantage of UI from a hesitation to find a double that was not at all clear? If he passed and later learned he was cold for 3♦, would you protect him because he complained that South’s huddle talked him out of balancing? Bah.

Players are *not* entitled to seek their own double shots through clearly abnormal (i.e., wild or gambling) actions, trusting that an opponent’s irregularity has insured them a good result. But they *are* entitled to be protected when an opponent’s action could have been assisted by UI from his partner.

**Subject (Tempo):** The Proof Is On The Convention Card  
**Event:** A/X Pairs, 23 Nov 01, First Session

Bd: 25	Vandana Vidwans		
Dlr: North	♠ K3		
Vul: E/W	♥ QJ10983		
	♦ K1042		
	♣ 5		
Greg Resz	Jeffrey McKee		
♠ A10652	♠ Q87		
♥ K64	♥ A75		
♦ J97	♦ A8		
♣ A10	♣ QJ942		
	Rajeev Gupta		
	♠ J94		
	♥ 2		
	♦ Q653		
	♣ K8763		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	2♥	Pass	Pass
2♠	Pass	3♥	Pass
3♠(1)	Pass	4♠	All Pass
(1) Break in tempo			

**The Facts:** 4♠ made four, +620 for E/W. The opening lead was the ♠5. The Director was called at the end of the auction and told that West had hesitated before bidding 3♣. The Director canceled the 4♠ bid and changed the contract to 3♣ made four, +170 for E/W.

**The Appeal:** E/W appealed the Director’s ruling. E/W said they did not balance when vulnerable with less than 11 HCP (or 10 and a six-card suit). East’s 3♥ bid was a probe for which game to play—not a game try—and West’s 3♠ bid simply denied a heart stopper for notrump. With 13 HCP East was always going to bid a game. (While they generally played cue-bids as a “limit raise or better,” East’s game bid was automatic since he had the “or better,” not the “limit.”) E/W both estimated that West’s 3♠ bid took 15-20 seconds. N/S simply confirmed West’s break in tempo. An inspection of E/W’s CC indicated “sound actions in overcall and balancing positions.” When

East was asked why he hadn’t just bid 4♠ he said he would have been happy to pass 3NT if West bid it over 3♥. When asked why he hadn’t bid 3NT over 3♥ West said if he bid 3NT and East had a limit raise he (East) would have to correct to 4♠ and West didn’t want to be in game opposite a limit raise—but he knew that East would bid again if he held the “or better” hand.

**The Panel Decision:** Two experts, told the agreements documented on E/W’s CCs, both said they would raise 3♣ to 4♠ with the East hand even if partner broke tempo, but only if it was clear that the “sound” agreements were in effect; otherwise they would pass. The Panel and experts agreed that the documentation made it clear that 3♥ was a choice-of-games probe and not a game try, and thus Law 16A did not apply. The table result of 4♠ made four, +620 for E/W, was restored.

**DIC of Event:** Bob Katz

**Panel:** Terry Lavender (Reviewer), Doug Grove, Matt Smith, Gary Zeiger

**Players consulted:** Steve Robinson, Ron Sukoneck

**Directors’ Ruling:** 73.6

**Panel’s Decision:** 81.9

✍ I’m very troubled by some of E/W’s statements. East seems to hold a number of inconsistent beliefs about the auction and his system: (1) 3♥ showed a limit raise or better; (2) East’s hand was good enough opposite West’s sound balancing action (at least 11 HCP or 10 with a six-card suit) to force to game, so 3♥ was not just a game try but a search for the best game; (3) 3♥ asked West to bid 3NT with a heart



stopper, irrespective of strength, so 3♠ only denied a heart stopper but not extra values. And East's beliefs about his methods were clearly different from West's.

This all leads to a number of inconsistencies in the E/W bidding. If (3) is true, then why didn't West bid 3NT with his heart stopper, as the 3♥ bid requested? If (2) is true, then why was West afraid to go past 3♠ opposite a limit raise? How can both (1) and (3) be true? West thought 3♠ only denied extras while East thought it only denied a heart stopper and could have extras. Logically, if East could have a limit raise (1) then 3♠ must deny game-going values, to keep E/W from getting too high; it cannot also deny a heart stopper. But then why didn't East try 3NT over 3♠, giving West a chance to pass with his heart stopper? After all, 3♥ already confirmed spade support (1). But if 3♠ denied extras, then the hesitation must have conveyed UI that West was close to accepting a (presumed) invitation.

What about E/W's requirements for their sound actions? Suppose West holds ♠AKJxx ♥xxx ♦Kx ♣xxx or ♠KJ10xxx ♥xxx ♦Kx ♣Kx. Both hands seem to be clear, albeit minimum, balancing actions according to E/W's stated standards, but neither makes East's hand worth a game bid (4♠ has no play on the expected heart lead). So if the hesitation suggests extras, we can't allow East to bid 4♠.

Maybe E/W had agreed (in principle) to play the methods they claimed, but what they were in effect playing did not correspond with their agreements. Their bids and statements convince me that no firm agreement existed; their bids clearly meant different things to the different players and there were logical inconsistencies even within each individual's own understandings.

One of the things that bothers me is E/W's purported agreement to play sound actions in *both* direct and balancing positions. Of course they are entitled to use any legal methods they wish—even poorly designed ones. But in the cold, hard light of an auction, when the seams in their methods were coming apart and the lack of a firm agreement was revealed, UI became a possible factor in their recovery.

As an aside, consider these two E/W hands: ♠Axxxx ♥xx ♦Kx ♣Kxxx and ♠Kxxxx ♥xxx ♦Axx ♣Qx. If North opens a weak 2♥ bid, neither hand satisfies E/W's rules for a sound action in either seat. Thus, E/W would not be able to compete to 2♠; they would end up defending 2♥, which would probably make with an overtrick, when they were cold for 4♠ (barring three-zero trumps). You just can't play sound actions in every seat and expect to be successful at this game. Ask Roth and Stone.

The logic of the auction suggests 3♥ was not game forcing. West's statements and his 3♠ bid all confirm that he bid as though neither 3♥ nor 3♠ was forcing. The UI from the slow 3♠ bid demonstrably suggested further action. And East's hand, after a 3♥ bid that logically and inferentially could have been only a game try, is not a clear-cut 4♠ bid. Thus, I would not allow East to bid 4♠, even though his hand makes allowing it tempting. I'd adjust the contract to 3♠ made four, +170, for E/W. A more difficult decision is whether to adjust the score reciprocally for N/S. I prefer the reciprocal adjustment, but could be convinced to allow the table result to stand.

Unfortunately, like the Panel, some of our panelists are willing to buy E/W's story—hook, line and sinker.

**Bramley:** "East's argument is good to me. I wouldn't require documentation of sound balances to let him bid game. He's too strong to stop below game, and looking for 3NT was a good idea. The Director's ruling was weak."

**Weinstein:** "I believe the Directors made an entirely appropriate initial ruling and the Panel made the proper overrule. Normally I would not allow the 4♠ spade call, but just as the Panel found, the documented partnership agreement made the 4♠ raise automatic."

**Stevenson:** "Did the Director check the details of the system?"

✍ Apparently. So how about you and I playing, David. We'll write "sound actions in all positions" on our CCs, then bid with fairly light hands (that can't afford to

pass out 2♥) and claim we evaluated those hands (see Ron's example hand, below) as being "sound." What a scam.

**Rigal:** "E/W made a good case in Review and on their CCs. I hope it was typed in advance. Notwithstanding that, the Director probably did right to rule against them initially and the Panel did a fine job here too. However, even without the system notes, I might have bought into East's argument if he made it convincingly (as that is how I'd bid the hand too). Call me a sucker if you want."

✍ Sucker.

Some panelists are justifiably suspicious, but in the end go the flow.

**L. Cohen:** "I don't know, I must be very gullible. Somehow, I buy it—but just barely. Without the documentation, I'd find the appeal meritless; with it actually on their CCs, I reluctantly have to believe East. This really annoys me."

**R. Cohen:** "The Panel failed to get all the necessary information. They should have asked more questions. (1) Did 3♥ guarantee a spade fit? (2) If yes, why didn't East bid 3NT, offering West a choice of contracts? (3) If no to (1), I would accept the raise to 4♠, but barely. Actually, the problem resolves itself to whether 'pass' was an LA after the 3♠ bid. The consultants did not believe it was, so the Panel had no recourse but to decide as it did."

✍ Some panelists are having none of it; they side with me and the table Director.

**Polisner:** "I agree with the Director that the contract be reverted to 3♠. It is clear that East meant 3♥ as a game try in spades, although he may have passed 3NT. The tempo made it easier to bid game."

**Wolff:** "It is clear to me that NPL makes it N/S -620, but unless the Panel is 100% sure that 3♠ is forcing (and why should it be since if it was, West would and should bid 3NT), E/W +170."

✍ And one panelist...well, you can make up you own mind. I'm guessing he's with the lollipops.

**Gerard:** "Boy, they don't have a lot of Standards in Washington, do they? Is ♠AKxxx ♥xxx ♦xx ♣Kxx a 'sound' balance? If 3♥ could be a limit raise, how do you get to game? If I didn't have that indication written on my CC, would my partner have to pass 3♠? Mel Brooks redux: 'It's good to have side aces.'"

CASE FOURTEEN

**Subject (Tempo):** Asking Is Automatic—Isn't It?  
**Event:** A/X Pairs, 23 Nov 01, First Session

Bd: 12	Paul Schommer		
Dlr: West	♠ ---		
Vul: N/S	♥ QJ52		
	♦ AJ10942		
	♣ 1076		
Elizabeth Refaie	Mohsen Refaie		
♠ Q8432	♠ AJ765		
♥ 1074	♥ 98		
♦ KQ8	♦ 7653		
♣ 84	♣ AQ		
	Rob Rouch		
	♠ K109		
	♥ AK63		
	♦ ---		
	♣ KJ9532		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	1♠	2♣
4♣(1)	Pass(2)	4♠	5♣
Pass	Pass	Dbl	All Pass
(1) Alerted; 6-9 points, five spades			
(2) After hesitation (disputed)			

**The Facts:** 5♣ doubled made six, +950 for N/S. The opening lead was the ♠3. The Director was called by West before South's 5♣ bid. E/W said that North had asked some questions about the meaning of 4♣ and then hesitated before passing (West had not used the Stop Card), even allowing for the 10 seconds required by the Skip Bid. North denied any hesitation; South said he didn't care since with North's known spade void (both East and West had shown five spades) he believed he had a clear 5♣ bid. The Director ruled that there had been UI from the hesitation (Law 16) and changed the contract to 4♠ down three, +150 for N/S.

**The Appeal:** N/S appealed the Director's ruling. East did not attend the hearing. In screening North agreed to a 20-second hesitation over 4♣ and to having asked about the meaning of the bid. He believed he should ask questions even though he had no intention of bidding at that point. South said he believed that North's questions, then the

break in tempo, should not keep him from bidding 5♣ and that a penalty double of 4♣ was not a possibility for him. West said that North asked two or three questions about 4♣, then hesitated for about 20 seconds before passing, after which South could figure out from North's interest that there was safety in bidding on.

**The Panel Decision:** Four experts and two Flight X players were consulted about South's action over 4♣. One expert said he would bid 5♣ since partner had at most one spade and he had a very offensively-oriented hand. Two other experts said that pass was a reasonable action. The fourth expert thought that bidding 5♣ was out of the question; he would have doubled 4♣ but thought pass was an LA. The two Flight X players (with 1900 and 2300 masterpoints) both passed 4♣ saying they would not consider bidding or doubling. The Panel determined that the majority of those questioned, including both the experts and Flight X players, thought that bidding 5♣ was suggested by partner's tempo since the extra time taken (10 seconds more than the 10 seconds required by the Skip Bid) told South that it was safe to bid on. In addition, South's remarks in screening made it clear that doubling 4♣ was never an LA to bidding on for him. Based on this input and according to Law 16A the Panel decided that there had been an unmistakable hesitation which conveyed UI to South which demonstrably suggested not passing, and that passing was an LA. The contract was changed to 4♠ down three, +150 for N/S.

**DIC of Event:** Bob Katz

**Panel:** Terry Lavender (Reviewer), Doug Grove, Matt Smith, Sol Weinstein

**Players consulted:** Eric Greco, Geoff Hampson, Sam Lev, Alan Sontag, two Flight X players

**Directors' Ruling:** 82.6

**Panel's Decision:** 79.9

☞ So there was a hesitation which demonstrably suggested bidding 5♣ and pass was an LA for South over 4♣. What would have happened then? Would North have passed out 4♣? Hardly. Yes, I know he passed 4♣. But that was reasonable since South might want to double 4♣ (assuming the double would be penalty; see Bart's comment below and my reply). Once South didn't double, a 5♣ bid by North seems clear. Personally, I find South's 5♣ bid on that broken suit, and following the break in tempo, pretty egregious. I would have liked to see the Director issue a PP at the table. The Panel should have disallowed the South's 5♣ bid and then allowed North to bid 5♣ (or 4NT, which South would have converted to 5♣). Thus, the score for 5♣ doubled made six should have been assigned due to North's action.

Sadly, only two panelists consider North's unfulfilled role in the auction.

**Bramley:** "Finally, a truly vile decision. Didn't anyone notice that North had another call coming over 4♣? Isn't 5♣ by him automatic? With North's hand wouldn't you want to be in 5♣ opposite most normal minimum overcalls? That's why they made six, because North had his own 5♣ bid. Yes, South's bid was pushy, but even without UI he could expect to catch a useful dummy. Also, the discussion of South possibly doubling was way off the mark. Such a double should be takeout, not penalty, or possibly extra values in context, like South's double in CASE ELEVEN. N/S have a big fit, two voids, and more than half the deck. Preventing them from bidding 5♣ is a travesty."

☞ Yes, an expert N/S partnership might (should?) play the double of 4♣ as Bart suggests, but in practice the double will be interpreted as merely showing extra/two-way values. (How often will South have significant spade values when E/W have a guaranteed ten-card fit?)

**L. Cohen:** "Clearly, South can't bid 5♣—is this a joke? But, two key issues weren't discussed. First of all, why 4♣ down three? There are many ways for down two, and I'd give the benefit of the doubt to the non-offenders. (Example line of play: Defense leads hearts (best) and declarer ruffs third round and plays ace and a spade. Defense plays another spade (best). Declarer leads a diamond up and later plays ♣A, ♣Q to endplay South). Second of all, this is a lot like CASE TWELVE. Even though we take back South's unauthorized action, his partner is still there. Did anyone address the fact that North might not have been done? Did he lose his rights? If so, then South on CASE TWELVE lost his."

☞ Yes, the result in 4♣ (if one were to wrongly impose that contract) might be assigned as down two, but on South's high heart lead North would play the ♥Q. South could then underlead at trick two to obtain the diamond ruff (though it would not distress me if the Panel decided this parlay was not sufficiently likely).

The remaining lemmings...er, panelists, must have their views of North's hand blocked by the tips of their noses.

**Wolff:** "But what took them so long. Basically this is a huddle/UI situation which was taken advantage of by South. Sure he might have bid, probably would have, but should not be allowed after the UI. We need to be clear, otherwise this old-time coffehousing will feel validated."

**Weinstein:** "Seems pretty straightforward. South decided after the huddle that he had to bid his partner's cards for him. I would assign both sides N/S +100 since after the ♥AK, it is cold for down two. To beat it three tricks legitimately, South must underlead a heart after leading one honor. Why wasn't an AWMW

considered?”

☞ Good question. If I heard N/S argue that South should be allowed to bid 5♣, and either North’s hand was different (making a 5♣ bid unlikely) or I missed the issue of North bidding 5♣ (as the Panel and these panelists have), I certainly would consider this appeal to be without merit.

**R. Cohen:** “The Panel could only follow the advice of the consultants. That is the instruction they follow. Had I been consulted, I would have had a lot more sympathy for North. He is faced with a preemptive bid on his right in a competitive auction, with a bid that was Alerted, and without a Stop Card warning. He needed at least 10 seconds to absorb all the information, and to come to a decision about his own bid. Actually, 20 seconds was not an ‘unmistakable hesitation’ in these circumstances.”

☞ Twenty seconds is an eternity in today’s game—under *any* circumstances. The next panelist makes the same error of thinking that 20 seconds would not be an unmistakable hesitation. But he also recommends a useful technique which I have advocated in the past.

**Polisner:** “This hand raises a good point about asking questions vis-à-vis UI. I suggest that players put out a sign which states: ‘We ask the meaning of all Alerted calls’ and then actually do it. In this way, no UI would be available from this process. In this case, it is clear that UI was present which suggested taking further action by South. Since Pass was an LA, the Committee’s decision was correct.”

☞ Always asking about Alerted calls (disabuse yourself of the fear that this will help your opponents avoid misunderstandings) and documenting this practice on your CC can be a valuable approach. Just make sure you *always* ask.

**Rigal:** “A tough case here, well determined initially by the Director. The Panel eventually consulted the right players, and put their faith in the right answers. Yes acting is attractive, but not without risk. That being so, the tempo break is revealing. Despite West’s failure to use the Stop Card, North went beyond the acceptable limits with his pause and questions and South has to pay the penalty. As to whether E/W deserve a split score, I could buy into some adjustment but I can’t think of one I’d be confident to propose, so I guess I’ll let them get away with it. Curses! By the way, nice system gadget, West.”

**Stevenson:** “South deserved an AWMW for a trivial attempt to ignore the UI laws. But what of East? With East’s hand, and a big club hand on the left, including a likely spade void, East can hope to beat 5♣ about one time in three or less. Why did he double? This is an old-fashioned double-shot attempt, and neither Director nor Panel should have considered giving E/W anything but their table score.”

☞ Double shot my posterior. East has “book” (two aces) against 5♣ (despite West’s announced five-card fit) and West has shown constructive values. While the double may not be a great one, at pairs it is surely not wild or gambling. In fact, the only thing I can see that it has going against it is the vulnerability.

A 5♣ bid by North when 4♣ comes back around to him looks pretty clear to me. And a PP should have been issued for South’s 5♣ bid. If you disagree about North bidding 5♣, then the Panel’s decision may be right—but only for the non-offenders. But the best adjustment in that case would be reciprocal 100s, giving the non-offenders the benefit of the doubt.

Oh, and an AWMW for N/S.

### CASE FIFTEEN

**Subject (Tempo):** A Clear and Present Action

**Event:** Open Pairs, 24 Nov 01, First Session

Bd: 21	♠ QJ7632		
Dlr: North	♥ 10972		
Vul: N/S	♦ J5		
	♣ 7		
♠ 10		♠ K4	
♥ AJ5		♥ 8643	
♦ 93		♦ K764	
♣ AQJ10832		♣ K96	
	♠ A985		
	♥ KQ		
	♦ AQ1082		
	♣ 54		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	Pass	1NT
2♣(1)	2♠	Pass	Pass
3♣	3♠(2)	4♣	4♠
All Pass			
(1) Alerted; unspecified one-suiter			
(2) Break in tempo			

**The Facts:** 4♠ made four, +620 for N/S. The opening lead was the ♣6. The Director was called after South’s 4♣ bid. E/W stated that North had taken 20-30 seconds to bid 3♠; N/S did not think North took that long. N/S were playing Lebensohl. The Director ruled that playing Lebensohl North’s 2♠ bid was weak, but the hesitation before bidding 3♠ implied that North held more (Law 16). South’s 4♠ bid was therefore canceled and the contract changed to 4♣ down one, +50 for N/S (Law 12C2).

**The Appeal:** N/S appealed the Director’s ruling. The Reviewer determined that N/S played weak two-bids which did not promise a great suit, although six-cards were required in first and second seats. They also played Lebensohl after interference over their 1NT openings. North agreed that he had broken tempo over 3♣ but not the 20-30 seconds E/W alleged. He said he was deciding between 3♥ and 3♠ and never considered passing. He

decided on 3♠ because there was at least an eight-card spade fit while the heart fit would be at most eight cards. South said he never considered passing 4♣ because North had to have a maximum 2♠ bid when he bid 3♠. Citing the Law of Total Tricks, South said that North’s 3♠ bid meant that they likely had a ten-card spade fit and thus he should bid 4♠, which figured to either make or go down one. E/W said that it was reasonable to pass 4♣ with the South hand. They said that the LOTT was not clear here since South admitted North might have only five spades (and thus a total of only nine trumps).

**The Panel Decision:** Three expert players were consulted. Two passed 2♠ and then bid 4♠ over 4♣. Neither believed that this decision was close. The third expert said he would have bid 3♣ directly over 2♠. Having been deprived of that bid, he quickly bid 4♠ and thought that passing was clearly wrong. None of the experts thought that any break in tempo by partner carried any implications one way or the other. North’s 3♠ bid itself sent the message to bid 4♠. All three experts said they would have bid 4♠ over 3♠ even if East had passed. Based on this input and Law 16A, the Panel restored the table result of 4♠ made four, +620 for N/S.

**DIC of Event:** Patti Lee

**Panel:** Gary Zeiger (Reviewer), Doug Grove, Charlie MacCracken

**Players consulted:** Doug Dang, Billy Miller, Hugh Ross

**Directors’ Ruling:** 33.6

**Panel’s Decision:** 98.2

☞ The experts are square on the mark: Not only does North’s 3♠ bid convey precisely the same information as the break in tempo, but it is not at all clear what

the break in tempo even suggests. Why couldn't North have been stretching to bid 3♠? (In fact, that's probably what it should suggest.) On another note, I agree with the third expert and would have raised 2♠ immediately as South.

The Director's ruling looks quite poor to me, as it does to... well, everyone.

**Bramley:** "Pathetic Director's ruling. What does Lebensohl have to do with it? 2♠ wasn't forcing, so 3♠ was limited. I agree with bidding 4♠ even if East passes, but that's irrelevant. There is absolutely no demonstrable inference to bid 4♠ from the hesitation before the 3♠ bid. Aren't Directors supposed to consult *someone* before changing a table result?"

✍ Not our Directors, who usually consult other Directors before ruling but rarely consult players (although they are not barred from doing so). Player consultations are expected from our Director Panels (on appeal) and Directors in WBF events (before making their table rulings).

**L. Cohen:** "Lots of talk for nothing. I don't see how North's tempo was relevant here. There is no connection with the speed of 3♠ to the strength of 3♠, so South can do whatever he wants (even talk about my favorite topic)."

✍ We're considering a toll on all references—even oblique ones—to the LOTT.

**Gerard:** "Waiting to be enlightened by the Director as to (1) what Lebensohl has to do with the strength of 2♠ and (2) how North would know to lead the ♦J."

✍ Excellent point. That ♦J lead is a killer, and as oblique as Larry's reference.

**Rigal:** "This Director ruling was completely off-base, part of the IIHSI (If It Hesitates, Shoot It) crowd. North's slow 3♠ bid suggests less than the values for his 3♠ call, in light of his earlier sign-off, not a more than satisfactory hand. So any bid by South is entirely at his own peril. But given his actual hand, to suggest that he should not act over 4♣ is especially idiotic. Had the Director ruled the other way this would be well into AWMW territory, even without the 4♣ call to make the action more attractive."

**Weinstein:** "Terrible table ruling. The Director clearly has taken the 'if it hesitates shoot it' curriculum. Whether or not 4♠ is clear (any action a player tries to justify through LOTT should automatically be suspect), a huddle before 3♠, but not before 2♠, could hardly now be taken to suggest bidding game and rates to be weak. E/W would be on far firmer ground had South not bid 4♠ when it was going down."

**R. Cohen:** "The hesitation showed no extras. North was only deliberating between pass and 3♠. No way South could pass 4♣. The Director was way off base."

**Polisner:** "After bidding only 2♠, how could 3♠ show extras? Very poor Director ruling and good work by the Panel."

**Stevenson:** "While 2♠ may be on five cards, surely 3♠ shows six, despite the E/W comments. The ruling was surprising in such an obvious case."

**Treadwell:** "South had a clear bid after two independent bids by partner, although I am surprised he did not raise at his first opportunity. Good decision by the Panel."

**Wolff:** "The Committee got it right, the Director didn't. What difference did North's slow 3♠ bid make? This is probably the area (bridge playing) that the Directors need to work on."

## CASE SIXTEEN

**Subject (Tempo):** The Unseen Beacon Of Light

**Event:** North American Swiss, 25 Nov 01, Second Qualifying Session

Bd: 23	Ron Feldman
Dlr: South	♠ ---
Vul: Both	♥ AKJ4
	♦ AQ109764
	♣ 76
Magnus Lindquist	Peter Fredin
♠ 852	♠ KQJ976
♥ Q53	♥ 976
♦ J3	♦ 52
♣ AJ1092	♣ 54
	Joan Stein
	♠ A1043
	♥ 1082
	♦ K8
	♣ KQ83

West	North	East	South
			1♣
Pass	1♦	1♠	Pass(1)
2♠	3♥	Pass	3NT
Pass	4♦	Pass	5♦(2)
Pass	5♠	Pass	5NT
Pass	6♦	All Pass	
(1) Alerted; denied three diamonds			
(2) Slow, 7-10 seconds			

**The Facts:** 6♦ made six, +1370 for N/S. The opening lead was the ♣5. The Director was called after the hand. E/W believed that the slow 5♦ bid suggested bidding on. North said he was always bidding a slam. The Director ruled that the break in tempo did not demonstrably suggest that bidding on was more likely to be successful. The table result was allowed to stand.

**The Appeal:** E/W appealed the Director's ruling. E/W believed South's slow 5♦ bid suggested that North should bid on. They suggested that there were many hands where South would have a singleton diamond and where slam would be unsuccessful. North said he was always bidding more; in fact, he was looking for a grand slam. South said that after the 4♦ bid she analyzed the hand, decided she had a minimum, and bid 5♦. (She had opened the bidding and showed spade cards when she bid 3NT.) The appeal form indicated that South had taken 10-20 seconds to bid 5♦. This was agreed by the players to be incorrect; the actual time had

been closer to 7-10 seconds.

**The Committee Decision:** The Committee decided that, even though South had taken 7-10 seconds before bidding 5♦, it was likely that she would have taken even longer to bid 5♦ had she had a singleton. The Committee also decided that passing 5♦ was not an LA for North. Therefore, the table result was allowed to stand. The Committee further believed that E/W should have realized during screening that a player with the North hand was always going to bid again after a 5♦ bid by South. Thus, E/W and their team captain were each assessed an AWMW.

**DIC of Event:** Henry Cukoff

**Committee:** Ed Lazarus (chair), Nell Cahn, Barbara Nudelman, Simon Kantor, Dave Treadwell

**Directors' Ruling: 87.6**

**Committee's Decision: 86.6**

✍ I don't like that statement that South "would have taken even longer to bid 5♦ had she had a singleton." Not only is that immaterial, it's improper to suggest (even indirectly) that partner's tempo might influence a player's action. (If South is not likely to have a singleton diamond slam is more attractive.) It's sufficient to say

that when the auction has just become slammish, 7-10 seconds is not out of tempo. Of course North's hand makes a pretty strong case for bidding slam regardless of what South has—even as little as ♠KJxx ♥Qxx ♦Jx ♣KQxx makes slam a fair bet. (Even with her minimum South has a pretty clear 4♠ cue-bid on the way to 5♦.) So the Committee's decision was right on and the AWMW perfect.

Most of the panelists are on the same wavelength, even down to the AWMW.

**Bramley:** “Get the terminology right. If South took 7-10 seconds to bid 5♦, she did *not* break tempo. Even 20 seconds would be doubtful. I agree strongly with the AWMW.”

**Wolff:** “I agree with the Committee's reasoning, and most of all with the AWMW given E/W.”

**Weinstein:** “Once again we have the CASE FIVE trilogy, marginal huddle at best, nothing particularly suggested, and a completely normal, if not automatic, action taken by the partner. Nailing the team captain for an AWMW is excellent. If one of the two appellants was team captain, could we nail him with two?”

👉 Howard is making an early bid on his return to the panel to be this year's poster child for PUSHY (Pummel SHYsters).

**Treadwell:** “Nice to see that some clear-cut bids are allowed even after partner has broken tempo. Also nice to see the AWMW award to E/W.”

**Polisner:** “Good work all around.”

**Stevenson:** “On this sequence South is as likely to be thinking of less encouraging action (e.g. a signoff 4NT) as more encouraging. The reason given for the ruling was spot on.”

**R. Cohen:** “Certainly South is allowed a few seconds of contemplation when North makes a serious slam try over 3NT. Maybe in Sweden E/W would gain an edge, but not in the USA. Not far from an AWMW.”

👉 One panelist likes the decision, but disagrees with the AWMW.

**Rigal:** “The Director should clearly have ruled the other way, in a situation where there was a break in tempo and a marginal action thereafter, thus making him eligible for a \*P\*P\* (pet peeve). Having said that, the slow 5♦ call here is capable of many interpretations; shall I cue-bid, sign off in 4NT, sign off in 5♦, or go back to hearts with three? My general inclination is that when a player picks up on his partner's tempo correctly, he or she should be treated as having picked up on the inferences, even if we might not be able to draw those inferences as the Committee. But on looking at the South hand, I still can't work out what she was thinking about. So I guess the Committee decision is okay. Had the initial Director ruling been correct, an AWMW would not have been an issue since the other side would be appealing. Even as it is, I'd still feel a little sympathy for the appellants here.”

👉 A strong opposition to the Committee's decision comes from...

**Gerard:** “I'm not a big fan of military tribunals, but I'm willing to make an exception here. Due process was already completely out to lunch in the Committee room, so the precedent has been set. Haven't you people learned anything? What did the Swedes do to deserve this, other than trust their partner?”

“First, can we agree that there was a break in tempo? ‘Slow’ seems not to have been disputed. 7-10 seconds was beyond being in tempo. The Committee accepted that there was a break in tempo. If you want to hide behind the lack of a hesitation,

color yourself yellow.

“Next, what did the break in tempo demonstrate? I guess the Director would have us believe that South's alternative could have been signing off in 4NT. It could have been do I split tens, also, but that's not the way to bet. Isn't it just amazing that South had extras worthy of a 5-1/2♦ bid—she had shown a minimum when she bid 3NT, had a useful spade holding (as opposed to the king-queen, say), had good heart spots (give North ♠x ♥AJ9x ♦AQJ10xx ♣Ax), no attackable club holding, and just about maximum diamond support. South may think she had a minimum, but she wasn't overly motivated to think otherwise. I know I'm going to hear from some quarters that South's study was just the normal process of considering her options, therefore unremarkable. Hooey. South's theoretical options were 5♦, 4NT, cue-bid (4♠ or 5♣) or 4♥ (♠KQxx ♥Qxx ♦x ♣AJxxx). It doesn't take long to bid 4♥ with that last hand. 4NT seems an unlikely spot but you would know what you needed to have to bid it (all black honors with three-one or two-two in the reds). The real choices were between signoff and cue-bid, or, for experts only, slam drive. Now tell me again how the break in tempo didn't demonstrably suggest bidding on.

“Okay, so the Committee didn't understand South's huddle. Their only statement on the matter was that South couldn't have a singleton diamond so passing was not an LA. They probably think that they did their job because they refuted E/W's argument about the singleton diamond. What about all the other hands where slam would be unsuccessful? Would any of the Committee members open any of the following hands: (1) ♠KQxx ♥xx ♦xx ♣AQxxx (2) ♠AJxx ♥Qxx ♦Kx ♣QJxx (3) ♠KQxx ♥Qx ♦xx, ♣AJ109x (4) ♠K10xx ♥xxx ♦K ♣AQxxx? And what about this hand with a singleton diamond: ♠K10xx ♥Qxx ♦K ♣Axxxx? Isn't that a hand that should be considering a cue-bid?”

“This was fundamentally flawed Committee thinking. E/W didn't present their best case but they did suggest the nub of the matter: there were many hands where slam would be unsuccessful. It's up to the Committee to take that argument and run with it, even beyond a singleton diamond if need be. If the non-offenders verbally shoot themselves in the foot or have language problems or aren't first-class analysts, that does not let the Committee bail out on its responsibility. This gang wouldn't have come to any different conclusion, but they didn't even try.

“Finally, just to square the circle, the Committee came up with its totally incomprehensible AWMW. I don't know which ARF North was, but in either case let's take him at his word about bidding again (witness his 5♠ bid). So what? How could E/W know that there was no LA to bidding again just because North said he would? They come from a different culture, where you respect partner's opinion without a reason to do otherwise. If they produced N/S's slow-signoff/bid-again auction, they would be off the Swedish team, although for different reasons. And yes, I can see North's grand slam try. Irrelevant. It just showed he couldn't evaluate a hand either. If North was BARF, so was 5♠.

“Lots of people are owed apologies here. E/W. Their team captain. Other teams that may not have qualified or may have lost carryover. The Director, who at least had a reason for his ruling. The Appeals Chairman with respect to his appointment power. All casebook commentators for having to put up with this bilge. Investors who didn't anticipate the run on Prozac that I can personally vouch for.

“I can not recall a worse decision. The casebook ranking system starts at 33-1/3 for a zero percent decision. Mine had always started at 0. *Res ipsa loquitur.*”

👉 If this decision hinged solely on the tempo issue I'd be Ron's first convert. Sure, there are many hands opposite which the North hand will not produce a slam, but there are also many minimum and even sub-minimum openers opposite which slam will be cold (or at least have reasonable play) and where it will be impossible to convince partner to comply with a mere *try*. Some examples: (1) ♠Q10xx ♥xx ♦KJ ♠KQxxx, (2) ♠Qxx ♥Qxx ♦Jx ♣AQxxx, (3) ♠J10xx ♥Qx ♦Kx ♣Axxxx, (4) ♠Axxx ♥Qx ♦xx ♣Axxxx, (5) ♠J10xx ♥Qx ♦Kx ♣AKxxx, (6) ♠Q10x ♥Qxx ♦Jx ♣Axxxx, (7) ♠J10xx ♥xx ♦xx ♣AKJxx (8) ♠J10xx ♥Qxx ♦K ♣Axxxx. (How's that for dueling counter-examples? I can almost hear the banjos twanging in

Appalachia.) There are lots of auctions where you just have to grit your teeth and bid what you think you can make. That does not mean that bidding any less-than-guaranteed slam must be barred. In fact, North's 5♠ cue-bid is precisely on point, since opposite the 13-count in (5) 7♦ is virtually laydown.

Also disagreeing with the decision, but lingering in the "I suppose I could be talked into it" camp...

**L. Cohen:** "I see merit. In fact, South was thinking of doing something more positive than 5♦ (maybe cue-bidding 4♠). With a dead minimum, South would bid 5♦ faster. Even with the useful South cards, slam was far from laydown—which makes it clear that North needs some help for a slam. If it were matchpoints, I could say that by driving past 3NT, North must surely have slam in mind. But at IMPs he could easily be willing to settle for 5♦. I suppose I could be talked into allowing the 6♦ bid, but this is far from meritless—no AWMW."

## CASE SEVENTEEN

**Subject (Tempo):** Practice Versus Theory

**Event:** North American Swiss, 26 Nov 01, Second Qualifying Session

Bd: 18	Connie Goldberg		
Dlr: East	♠ 3		
Vul: N/S	♥ KJ3		
	♦ AQ		
	♣ AJ86432		
Richard Oshlag	Mary Oshlag		
♠ KJ86542	♠ AQ		
♥ 54	♥ A106		
♦ 543	♦ J9762		
♣ 9	♣ Q105		
	David Levy		
	♠ 1097		
	♥ Q9872		
	♦ K108		
	♣ K7		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		1♦	Pass
1♠	2♣	Pass(1)	2♥
2♠	4♥(2)	Pass(3)	Pass
4♠	Pass	Pass	Dbl
All Pass			
(1) Alerted; denied three spades			
(2) Stop Card used			
(3) Break in tempo			

**The Facts:** 4♠ doubled went down one, +100 for N/S. The Director was called after West's 4♠ bid and determined that there had been a noticeable out-of-tempo (beyond the time required by the Stop Card) pass by East over 4♥. West estimated the total time East took to pass as 15 seconds. Even though the break in tempo, on the face of it, did not demonstrably suggest the 4♠ save, in practice, when partner has a marginal penalty double, she makes it. Thus, it was judged that the hesitation was likely to suggest bidding on. The contract was changed to 4♥ made four, +620 for N/S.

**The Appeal:** E/W appealed the Director's ruling. E/W claimed that East's hesitation could have been predicated upon a possible penalty double, given that both partners had been bidding. In addition, they believed that a 4♠ sacrifice by West was clear given the conditions of contest (especially since North had bid 4♥ quickly and confidently). E/W were playing a 2/1 GF system with five-card majors and strong notrumps. 2♠ by West at his first turn would have been strong, while 3♠ would have been a splinter. N/S insisted that

the hesitation indicated a desire to bid on at this vulnerability.

**The Committee Decision:** The Committee agreed with the Director that there had been a break in tempo, but judged East's hesitation to be ambiguous in nature. East could have been contemplating a penalty double with spade shortage given that West had promised some values by bidding twice. Thus, West was free to bid as he wished. The table result of 4♠ doubled down one, +100 for N/S, was restored.

**Dissenting Opinion (Mark Bartusek):** The claim that East's hesitation could just as easily mask a potential penalty double in this auction is possible but clearly not likely from West's viewpoint. East had not shown any extra values on the second round (the absence of a 2♦ or 2♥ bid eliminates some possible hands) nor could she count on any defensive values from West given their systemic agreements. West knew that East had at most three hearts given his heart doubleton so the penalty double interpretation was extremely unlikely (especially at this vulnerability). Additionally, vulnerable opponents generally do not go leaping to game on minimal points with both opponents bidding unless they have little wastage in the opponents' main suit. Finally, there is much truth in the table Director's comment that players rarely hesitate with marginal penalty doubles. As for West's "clear" 4♠ bid, he had already described his hand to within one card and had a modicum of defense with

a stiff club and doubleton trump. Pass was definitely an LA for him. Therefore, the contract should have been changed to 4♥ made four, +620 for N/S.

**DIC of Event:** Henry Cukoff

**Committee:** Mark Bartusek (chair), Jerry Gaer, Michael Huston, Dave Treadwell, David Stevenson

**Directors' Ruling: 90.1**

**Committee's Decision: 60.3**

✍ The key issue here is: Was there a break in tempo? If not, the Committee was correct in their decision. If so, the dissenter was right. Bart?

**Bramley:** "This case hinges on whether there was a break in tempo. A hesitation of 15 seconds should not generally be deemed a break in tempo if the Stop Card is used. After all, you're supposed to look like you're thinking, so you shouldn't automatically be screwed if you really are thinking. Only a pronounced hesitation well in excess of 10 seconds should be considered a break in tempo. On that basis I would have found no break in tempo and allowed the table result to stand.

"However, if I had found that a break in tempo had occurred, I would then agree with the dissenter. He argues effectively that the break in tempo demonstrably suggests bidding 4♠. He also makes telling points about West having described his hand within a card and having a singleton to lead. Thus, pass is an LA and the assigned result should be 4♥ made four, +620 for N/S."

✍ Get out your score sheets, kids. That's one for the Committee.

**R. Cohen:** "East had no reason to think, except half her values were in partner's long suit. The dissenter was right on. Pass was definitely an LA for West."

**L. Cohen:** "I disagree completely with the majority: these huddles are 'never' about penalty doubles and all rulings should make this assumption (unless there is some strong reason to suggest that the huddle might have been for a possible penalty double, like maybe a heart *void* with West on this deal). So, we don't allow 4♠, and I'd consider this one to be without merit. To see this, just imagine that East held ♠x ♥Q10x ♦KQxxx ♣KQxx. She'd have passed 4♥ promptly, and West would notice the difference. Now how 'clear, given the conditions of contest,' would a 4♠ sacrifice be?"

✍ No question about the presence of a break in tempo, Larry?  
That's Committee one, dissenter two.

**Polisner:** "I agree with the Director and the dissenter that the contract should have been 4♥. Although I have little doubt that West would have bid 4♠ absent the huddle, he should not be allowed to do it here when the bidding was at least (and probably more) 60% likely to be based on a spade raise."

✍ One-three, top of the fifth.

**Stevenson:** "E/W's view that 4♠ was obvious is the sort of self-serving statement that has given such statements a bad name: a post facto argument that sounds good and bolsters the position of a player who has ignored Law 73C. Regrettably, here West does not know what East holds, so gets away with this unfortunate argument."

**Rigal:** "Appropriate Director ruling in the case of an established break in tempo and a dubious action thereafter. As to the Committee, my sympathies are far more with the dissenter. As he points out, West's hand is one card removed from what he had described to a nicety, and all of our experience has been that slow passes feature hands that are closer to bidding than doubling. And on a generally cynical note,

well-established husband/wife partnerships are often surprisingly in tune here."

**Brissman:** "The dissent is unconvincing."

**Weinstein:** "The dissenter's (and chair's) only mistake was not staging a filibuster until the rest of the Committee listened to reason. If an unmistakable break in tempo was established, then certainly the huddle suggests the save when West is holding two small hearts, and 4♠ is far from a clear call. I could see letting N/S keep their score, but I would adjust the result for both sides to +620 for N/S."

✍ If your scoreboard broke, it's now three to five.

**Wolff:** "I completely agree with the dissenting opinion. East's huddle over 4♥ was at least 8-to-1 in deciding whether or not to bid 4♠, and why then after the huddle and pass should West be able to bid 4♠? Without the huddle he might worry about a singleton spade or less. This is the area where Committees and Directors have been known to show bias even if it is only to believe what certain players tell them. As far as I'm concerned, once East studied, her decision became final."

✍ So, with one batter to go, the dissenters lead, four to five.

**Gerard:** "Kudos to the Director and Dissenter. One of these days, the support doublers will learn bridge. They would have shown support for a one-level response with xxx but can't find a raise for a rebid suit with ace-queen doubleton. Don't they understand that their methods provide some negative inferences? West needn't rebid a moderate six-card suit with a minimum opposite no more than a doubleton. And when are we going to make the connection between what people actually hold and what they might hold? Not just the phantom penalty double that only occurs in the Committee room, but the 'values' that West didn't have or promise to have just because he rebid spades. I think I mentioned once the landlord who decided that a tenant's failure to pay rent for ten consecutive months constituted a pattern.

"I see that E/W thought that 4♠ was clear given the conditions of contest. I wonder how quickly and confidently someone would have doubled 4♠ if East had an unremarkable minimum with a small singleton trump. West committed an extra duce infraction (see CASE THREE) and then tried to justify it with some rhetoric similar to 'This is how you win at matchpoints' (see CASE EIGHT). The way to take the clear 4♠ sacrifice is for East to bid it.

"I'm unrepentant about Slow Shows. The majority just didn't get it, which is only 25% surprising to me. This is almost as outrageous as the previous case. The lack of an AWMW here is nearly as stunning as the assessment of it last time. Could it be the Support Double that causes such lack of focus? Maybe it's the presence of foreigners in the Committee room. On successive hands, we've managed to insult players from Sweden and France. Who's next?"

✍ So there you have it, a five-to-five tie and I get to cast the tie-breaking vote. More than most, I'd like to see pauses of about 10 seconds in auctions like the present one (and 15 seconds is close enough to 10) not to be viewed as out of tempo. But in the real world, with 10-second pauses averaging only 3-5 seconds "real" time, a 15-second pause is, unfortunately, out of tempo.

Most of the arguments have already been voiced. Ron is right: the Committee just didn't get it. And that's sad. Breaks in tempo like East's are overwhelmingly more likely to conceal support for partner than an almost-penalty double. (See the analysis of this issue in my Closing Comments in the 2001 Toronto casebook.) The husband/wife factor is also a valid one, as Barry pointed out; they have a special burden to show compelling bridge reasons for their actions in these UI situations.

Cheers for the Director and dissenter.

CASE EIGHTEEN

**Subject (Tempo):** Go Fourth And Bid

**Event:** Reisinger, 26 Nov 01, First Semi-Final Session

Bd: 14	Hugh Grosvenor		
Dlr: East	♠ KQJ6		
Vul: None	♥ J10842		
	♦ K5		
	♣ K9		
Fred Gitelman	Brad Moss		
♠ 1095	♠ A874		
♥ Q	♥ A75		
♦ Q973	♦ J108		
♣ Q10542	♣ J87		
	Bob Richman		
	♠ 32		
	♥ K963		
	♦ A642		
	♣ A63		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	Pass
Pass	1♥	Pass	2♦(1)
Pass	2♥(2)	Pass	3♥
Pass	4♥	All Pass	
(1) Alerted; four-card Drury			
(2) Break in tempo			

**The Facts:** 4♥ made four, +420 for N/S. The Director was consulted at the end of the segment when the players came to the Directing table. All agreed that there had been a break in tempo. N/S pointed out that North had opened in fourth seat, not third, and South said he had the most he could have. The Director ruled that passing 2♥ was not an LA for South and allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. Only South and West attended the hearing. West believed that although bidding 3♥ was an 80% action, pass was still an LA for South. Additionally, West said he had polled various experts with the following results: several said that 3♥ was automatic, a couple passed, and some indicated that it was close between passing and bidding 3♥. South said that he was maximum for his previous pass and he upgraded his hand due to the side-suit controls and excellent trump support. N/S were playing 2/1 GF with five-card majors, strong notrumps, and semi-forcing

INT. Upon questioning, South admitted that North could easily have only a four-card major in fourth position or could conceivably have opened with 10-11 HCP if he thought it appropriate. It was also determined that N/S used short-suit game tries without competition, but that follow-ups to Drury had never been discussed.

**The Committee Decision:** Although the break in tempo clearly made further action by South 100%, the Committee decided that pass was not an LA for South's peer group on the second day of the Reisinger. The South hand was deemed to be a solid opening bid after partner's 1♥ bid, thus warranting further action. A different decision might have been reached in a lesser event or for players of different skill levels. The table result was allowed to stand.

**Dissenting Opinion (Mark Bartusek):** Admittedly 3♥ rates to be the majority action, but pass was still an LA for a minority of players. South had already typically shown four trumps with his 2♦ Drury bid when North could easily have opened a four-card heart suit. In addition, South's hand had no shortage and lacked the normal allocation of intermediate spot cards. Therefore, a pass must be enforced upon South. I would not have been averse to assigning -420 to the non-offenders.

**DIC of Event:** Henry Cukoff

**Committee:** Mark Bartusek (chair), Jerry Gaer, Michael Huston, Dave Treadwell, David Stevenson

**Directors' Ruling: 77.3**

**Committee's Decision: 67.9**

✍ They still don't get it (see CASE SEVENTEEN).

The non-reciprocal adjustment mentioned by the dissenter is the way I would prefer to go, although if I had to put all my eggs in one basket I'd make South pass 2♥. Passing might be a minority action, but the poll (albeit conducted by one of the appellants) suggests that pass was "at all probable." If nothing else it's a bid which an aggressive player might make in an unguarded moment. The UI simply makes the raise too obvious. I'd have assigned N/S +170 and E/W -420.

If we're looking for validation of West's opinion poll, try this...

**L. Cohen:** "Strongly disagree with the Committee. My Turkish table-opponent South bid Drury and then passed 2♥. My teammate at the other table produced the same (mis)judgment: a push at 170. Furthermore, these Souths had only promised three trumps with their Drury bid; they had even more reason to bid again than the South player here, who had promised a fourth trump. Based on my sample of two, I can't help but revert the score to 2♥ made four for both pairs. As usual, when the Committee thinks something is 'obvious' they tend to be blinded by the actual deal. Just give North some prompt 2♥ bid like: ♠Qx ♥AQJ10x ♦Qxx ♣Jxx to see how ridiculous it is for South to bid on."

✍ Hmm. That's pretty compelling. Maybe reciprocal 170s is the right adjustment after all. Even stronger support for reciprocal 170s...

**Gerard:** "No, South's peer group on the second day of the Reisinger trusts their partner. It's the lesser events where players feel obliged to repeat their values. The Committee was so aching to open the South hand that they committed the Intelligence Transfer—we would have opened, but once we didn't we clearly can take further action with our 'solid opening bid.' Much as you dislike it, folks, you have to accept South's first-round pass and put yourself in his position. It's not surprising that they got this wrong, since any connection between the majority and the second day of the Reisinger is purely coincidental.

"Here's the problem with bids like 3♥: they don't pass any useful information. Nonspecific game tries don't give partner any tangible basis for valuing his hand, unless he has already understated his values. Using 3♥ as a jack-asking bid is ridiculous; game would have been almost as cold if North held 108xxx in trumps or a small spade instead of the jack. On the second day of the Reisinger, South's peer group prefers to pinpoint location of values or shortness to help partner's decision. The main virtue of 3♥ is to give North a chance to reevaluate when he couldn't even make a game try over 2♦. Gee, you don't think his break in tempo had anything to do with that, do you? I see follow-ups to Drury were undiscussed. If North didn't know what their game tries were (how about 3♥ if everything else was a short suit), why should they be able to overcome North's poor judgment this way? I mean, if partner were barred wouldn't you rather bid 4♥ than 2♥? North can not solve his problem of how to try for game by huddling and then signing off—it's a bad huddle, placing an extra burden on N/S to justify their actions.

"That business about fourth-seat openers was self-serving and irrelevant on the second day of the Reisinger. In fact, they contradicted themselves upon being questioned. In an IMP game, of course South gets to bid again. Lots of North's peer group would open a balanced 11 or 12 count with five hearts. Here South doesn't get to bid again. The Dissent was correct on all counts, but only if you believe bidding 3♥ was an 80% action. Then E/W get stuck with -420. In my view it's nowhere near that, so I would rule 170 for each side.

"Good work, Mark. If only you could get rid of that load of a majority, we might see some progress."

✍ Well, I'm convinced. Reciprocal 170s it is. Along similar lines...



**Weinstein:** “I am quickly becoming a Mark Bartusek fan. This must be some sort of record. The chair being the only dissenter two cases in a row with the same Committee. If the Committee believes this to be an 80% action, then they should adjust the N/S score and leave E/W (my teammates) with their score.

“I personally think pass is less than an 80% action. My partner Steve Garner and I play one-way Drury. If partner signs off you must have four trumps and a stiff to continue. Admittedly, we have an intermediate 2♦ call available, making it easier to pass hands such as South’s. But on the other hand we lack the ability to show four trumps, something South has already done. Given this is matchpoints, not IMPs, I don’t think the 3♥ call can be allowed. I think it is very close (like the chair) whether to adjust the E/W score, and I could go either way.

“Now that Mr. Ridge, our Director of Homeland Security (or whatever), has instituted a color warning system, perhaps the colors of our appeals groups should now represent something. For this particular Committee’s last two decisions, maybe we could assign them something in a nice pastel, or some color that clashes with the dissenting chair.”

**Rigal:** “What an awful ruling by the Director and Committee. \*P\*P\*s again. South had already described his hand to a nicety, and at pairs scoring there is something to be said for +110 or +140 against –50, I believe. After CASE SEVENTEEN the dissenter must have been wondering what kind of colleagues had been dealt to him. I agree with the possibility of assigning the non-offenders –420; I think the dissenter got it exactly right in mentioning it, but not proposing it.”

✍ At the other end of the spectrum...

**Stevenson:** “I find it difficult to believe that anyone would ever pass 2♥.”

**Polisner:** “Yes, the huddle made the 3♥ bid 100%, but it was pretty close to that without it. I think it’s a close call as to LA, but I would have kept the table result.”

**Wolff:** “A simple yet important case since there is an abundance of bridge litigation in this area. While I agree with the majority decision, I would accept the dissenting opinion as long as E/W gets –420. After giving E/W –420, it is easier to give a disciplinary penalty to N/S.”

✍ And finally, two panelists were less passionate about the decision.

**Bramley:** “Close all around. I don’t like E/W’s complaint after dummy is known. From South’s point of view nine tricks should be safe, and if partner bids game it should have decent play and might be cold. Note that North is on a finesse for eleven tricks, and would as well with the same high cards and 3-5-2-3 distribution, a hand that might pass 3♥. But the dissenter is right that some players with the South hand might pass 2♥ rather than hang partner for opening light. I like his suggestion of a split score: N/S get +170 as the worst result that was at all probable, E/W get –420 as the most favorable result (for them) that was likely. The Chairman seems to have had a hard time rallying the troops to his side on this night.”

**R. Cohen:** “Only because it was a fourth-seat opener is this case close. Did anyone inquire what a direct 3♥ bid would have conveyed to North? Would that have been weaker or stronger than 2♦, or would it have said I have five trumps? What other options were available to North to show a marginally sound opening bid? It’s real close, but this is not the deal for the NRA.”

✍ It was for *our* NRA (Not Ron Acceptable).

**Subject (UI):** If You Can Buy A Vowel, Why Not An Honor Card?

**Event:** NABC Life Master Women’s Pairs, 18 Nov 01, Second Qualifying Session

Bd: 12	Ellen Melson		
Dlr: West	♠ Q9732		
Vul: N/S	♥ AJ1095		
	♦ 9		
	♣ K4		
Barbara Boswell	Jill Wooldridge		
♠ 4	♠ A865		
♥ K6	♥ 74		
♦ AKQJ5	♦ 874		
♣ J8632	♣ AQ109		
	Bernace De Young		
	♠ KJ10		
	♥ Q832		
	♦ 10632		
	♣ 75		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1♦	2♦	3♦	3♥(1)
Pass(2)	Pass	4♣	Pass
5♦	All Pass		
(1) East dropped the ♠A on the table			
(2) Forced (Law 24B)			

**The Facts:** 5♦ made five, +400 for E/W. The opening lead was the ♥A. The Director was called when the ♠A was dropped on the table; (the penalty) West was required to pass for one round (Law 24B). N/S believed that the ♠A made it easier for West to bid game. The Director ruled that with the diamond raise and 4♣ “game try,” bidding only 4♦ was not an LA for West and the UI that East held the ♠A was irrelevant. The table result was allowed to stand (Law 16A).

**The Appeal:** N/S appealed the Director’s ruling. North did not attend the hearing. N/S believed that knowledge of the ♠A made it easier for West to bid 5♦ since the combination of the ♠A and club values were a fantastic fit. E/W were a new partnership. They had not discussed actions over two-suited interference. West believed her hand evaluated to 17-18 points with diamonds trumps, so after the game try bidding was automatic.

**The Committee Decision:** The first issue the Committee discussed was whether the exposed card was UI to West. Law 24 (Card Exposed or Led During Auction) avoids the issue for the side that eventually declares. However, Law 16 states “Players are authorized to base their calls and plays on information from legal calls and or plays, and from mannerisms of opponents. To base a call or play on other extraneous information may be an infraction of law.” Deciding that the ♠A was UI to West, the Committee turned to the question of whether the UI directly suggested that bidding 5♦ would be more successful than bidding only 4♦ and decided that it would. However, the Committee also decided that bidding only 4♦ with the West cards and without UI would not be seriously considered by West’s peers. Therefore, 4♦ was not deemed to be an LA and the table result was allowed to stand.

**DIC of Event:** Henry Cukoff

**Committee:** Henry Bethe (chair), Lowell Andrews, Dick Budd, Lou Reich, David Stevenson

**Directors’ Ruling:** 81.6

**Committee’s Decision:** 84.2

✍ Why did the Director call 4♣ a “game try”? Surely it was nothing more than a lead director or possibly an offer of an alternative strain to compete in.

The issue of whether the ♠A was AI to West in the subsequent auction turned out to be far more controversial than the write-up suggests...

**Stevenson:** “The matter of law here is interesting. No doubt an exposed card is always treated as UI to partner, but proving that is correct is extremely difficult.”

**R. Cohen:** “There is no doubt that the ♠A was extraneous and UI to West. While Law 24 says nothing about the matter, Law 50C makes knowledge gleaned from a minor penalty card extraneous, unauthorized. If that is the case with a minor penalty card, how much more must that be the case with a possible major penalty card? Also, reference to Law 73A1 would only reinforce this fact. As to the decision to allow the 5♦ bid, *thumbs down*. It sure is nice to know that there are no wasted spade values opposite the singleton in West’s hand. The Committee must have had a couple of beers to come up with that decision.”

✍ Yes, the correct interpretation of the laws met with considerable resistance, but prevailed in the end.

As for that 5♦ bid, either the ♠K behind North’s (presumed) ace or the ♥Q with East would give 5♦ play—even without the ♥A lead. Wasn’t that 4♣ bid the key? No, say...

**Polisner:** “I disagree. From West’s perspective, East could be bidding 4♣ just to protect West’s forced pass. However, with knowledge that East’s values consisted of the ♠A (as opposed to the ♠K) along with the AI as to club values makes 5♦ an easy call. I would revert the contract to 4♦, +150 for E/W.”

**Weinstein:** “If South has the ♠K as she rates to, then 5♦ will not make, despite putting down a dummy with great clubs and a side ace. Is it even clear that East’s call is a game try as opposed to looking for a better fit (East did have xxx of diamonds)? Bidding 5♦ was certainly reasonable, but hardly the only LA. I would rule against both sides, since 5♦ was likely but not clear.

“Having said what I believe is the proper ruling under the laws, I will toss this out there. The laws should be less strict when the UI was accidental. I believe the standard for both sides should be likely (closer to the old 75/80 % guidelines) to allow actions. While we have strict LA standards to prevent giving out and taking advantage of UI like huddles, I don’t think we need to worry too much about intentional dropping of cards on the table. Maybe this is too subtle a distinction and I am off the wall, or else this is too rare to worry about.”

✍ Howard makes an excellent point. Give East something like ♠Kxxx ♥Jx ♦xxx ♣AQ10x and there will be three inescapable losers. (On the other hand, ♦xxx is not exactly what you’d expect for a 3♦ bid when 1♦ might be opened on three.)

**Gerard:** “Boy, that ol’ ♠A has a way of turning up at the most opportune times, doesn’t it?”

✍ “Yes,” say...

**Bramley:** “Well done. The Committee navigated through an unusual situation without ever losing their way, considering each issue in the right order. I agree with their interpretation of the laws on the point of whether the exposed card is UI. Clearly the UI suggested bidding 5♦. Equally clearly, West had no LA to 5♦. Bidding books do not offer much help on the subject of bidding after you have been barred on the previous round, but surely West has a mountain on the auction even without knowledge of the ♠A. The Director got it right, too. N/S should have given up when they saw West’s hand, but I would let them skate on the AWMW because the circumstances are so unusual.”

**L. Cohen:** “Perfectly reasoned by the Committee. Yes, the ♠A was UI, but West’s 5♦ was 100%. When East bids 4♣, she rates to have two top clubs and a major-suit ace. Without those cards, she wouldn’t be worth 4♣. Opposite those cards, West has

good reason to bid game. If anything, the ♠A was a *negative*. The ♥A would be a much better card. (Opposite, say, ♠Ax ♥xxx ♦109xx ♣KQ10x, you need the ♥A right. But if you switch the major-suit aces, game is much better).

“As per usual, when there are many (more than 20?) problems, I am contenting myself with answering just the tempo cases. I accidentally answered this one so I’ll leave it.

✍ That’s okay. Accidents will happen. We forgive you.

**Rigal:** “The Director made a bold decision, but I think he was right. If the West hand passes 3♥ and hears partner make a game try—with known very poor diamonds—I think the West hand is closer to a slam try than a sign-off. (Of course the fact that West was barred alters the perspective a bit, but it is still clear to bid on.) I would not consider this appropriate for an AWMW because of the bizarreness of the circumstances. (They say that if you stand at Piccadilly Circus in London you will eventually meet everyone in the world. Similarly, receiving these casebooks exposes you to every peculiarity the laws could foresee... and some they couldn’t.)”

**Treadwell:** “The UI that partner had the ♠A certainly made the 5♦ call more attractive. Suppose it had been the ♠K, that might or might not be a good card. However, after the 4♣ bid by partner, I think 5♦ is warranted by the West hand. Nice work by the Committee.”

**Wolff:** “A very good decision. If West would not bid 5♦ over a 4♣ game try when would she ever bid 5♦? We need to look into whether, after an infraction and a penalty, UI can still exist. I suspect there are two sides to that answer.”

✍ The part of Law 16 cited in the write-up makes it clear that a player may not base his actions on extraneous information from his partner. A card that is exposed during the auction is clearly extraneous and thus information from it cannot be used by that player’s partner. In addition, Law 16C2 establishes what the lawmakers intended as a general principle: information from withdrawn actions is unauthorized to the offending side. Is accidentally dropping the ♠A on the table an “action”? (It is not a call or a play.) Who knows? But the lawmakers clearly intended that any information arising from withdrawn actions, irregularities or infractions be unauthorized to the offending side.

Law 24 says the Director shall require cards exposed during the auction (if partner could have seen their face) to be left face up on the table until the auction closes; and should that side become defenders, the cards become penalty cards. But here the ♠A droppers became the declaring side; worse, even had they become the defenders, Law 24 would not make them penalty cards until the auction ended. Thus, I do not see how Ralph’s reference to Law 50C applies.

As for the 5♦ bid, I think Jeff and Howard make compelling arguments for not allowing it. I had great difficulty constructing an East hand containing wasted spade values that made 5♦ a good proposition. The closest I could come was ♠Kxx ♥xx ♦xxxx ♣AK10x. Even accepting that this hand is *only* worth a raise to 3♦, if South holds ♣Qxx (as expected) there will be three losers—on any lead.

But the fact that the panelists are conflicted over the 5♦ bid is clear evidence that pass is an LA. So I would disallow the 5♦ bid and change the contract to 4♦ made five, +150 for E/W. And I don’t consider this even close to leaving N/S with the table result.

CASE TWENTY

**Subject (UI):** The Chances Of Sandbagging

**Event:** NABC Life Master Open Pairs, 18 Nov 01, First Qualifying Session

Bd: 14	Tom Lyon		
Dlr: East	♠ KJ106542		
Vul: None	♥ A2		
	♦ 86		
	♣ K8		
Riggs Thayer	Cathy Strauch		
♠ ---	♠ Q83		
♥ 9865	♥ J4		
♦ AJ97532	♦ Q104		
♣ 73	♣ QJ962		
	Jacqueline Karlen		
	♠ A97		
	♥ KQ1073		
	♦ K		
	♣ A1054		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	1♥
4♦(1)	Pass	4♠	Pass
Pass	Dbl	Pass	Pass
5♦	Dbl	All Pass	
(1) Alerted; transfer			

**The Facts:** 5♦ doubled went down two, +300 for N/S. The Director was called at the end of the play. West thought 4♦ was natural while East thought it was a transfer. The Director determined that West had UI from his partner's Alert and explanation and, since East did not correct 4♠ doubled to 5♦ directly, perhaps East really was concealing a long spade suit. The Director ruled that pass by West was an LA to 5♦ and changed the contract to 4♣ doubled down nine, +2300 for N/S.

**The Appeal:** E/W appealed the Director's ruling and were the only players to attend the hearing. West said he was willing to play 4♣ undoubled but not doubled. Thus, he removed it to 5♦.

**The Committee Decision:** The Committee believed that West had AI from the auction that East, a passed hand, was extremely unlikely to be bidding 4♣ on a long, strong spade suit. East had not opened 1♠, 2♠, 3♠, 4♦ or 4♣. The Committee

permitted West's 5♦ bid and changed the contract to 5♦ doubled down two, +300 for N/S. The Committee also believed that table ruling should have been changed in screening.

**DIC of Event:** Henry Cukoff

**Committee:** Henry Bethe (chair), Lowell Andrews, Dick Budd, Lou Reich, David Stevenson

**Directors' Ruling: 45.8**

**Committee's Decision: 79.1**

☞ Yes, we've all been here before...

**Bramley:** "We've seen it many times before, and it doesn't get any easier. This one differs from some earlier versions in that N/S might not have gotten a good result defending 4♠ undoubled. North could figure as much, and his attempt to get a number from whatever the opponents bid was reasonable. I agree with the Committee's analysis that West doesn't have to sit for 4♠ doubled, but it would be different if East were not a passed hand. N/S were just fixed here. By the way, if the contract had been 4♠ doubled by East, the result should have been down ten, plausibly achievable on the ♥K lead, overtaken for a trump shift. The same defense against 4♠ undoubled might have salvaged a good score for N/S."

☞ I agree with Bart that had East not been a passed hand, West could not be allowed to pull to 5♦. But here the only issue was...

**Stevenson:** "Note the title. The only argument to suggest East could have spades is that she was sandbagging with a solid suit. However, if she is then it is up to her to correct 5♦. Pass of 4♠ doubled is not an LA for West."

☞ It's been many decades since the late Ron Andersen went to bed with a solid spade suit. I have not seen it happen since.

**R. Cohen:** "The Director at least got E/W to appeal. That part was okay. However, West was never going to play 4♠ doubled, and the Committee was correct."

**Polisner:** "West tried to be as ethical as he could even to the point of not correcting to 5♦ on the previous round. North knew that E/W were in the middle of a mix up and has to pay the price for doubling. Granted, it would have been difficult for N/S to reach 6♣ after the MI and perhaps that should have been the subject of the ruling/appeal. However, as it was presented, table result stands."

**Rigal:** "In general, I am fairly firm in disagreeing with adjustments back to 5♦ in Texas/Namyats accidents. However, if playing with myself (and yes, I can foresee the comments here) 4♠ is a fit-showing bid with diamonds as a passed hand, and so the retreat to 5♦ would be wholly authorized. Unfortunately, the Committee and E/W missed this whole line of reasoning."

☞ What comments?...

...Oh, *those* comments.

Barry is right that some players would treat 4♠ as a cue-bid with a diamond fit, perhaps showing a hand such as ♠AKxxx ♥xxxx ♦Qxxx ♣---. Opposite a West hand such as ♠x ♥x ♦AKJ10xxxx ♣xxx slam would be excellent.

**Treadwell:** "A terrible ruling by the Director. Who, with a void in spades and a seven-card suit of his own, would allow a passed-hand partner to play 4♠ doubled?"

**Wolff:** "I agree with the Committee, although it is close."

☞ A skeptic to the very end, and perhaps rightfully so...

**Gerard:** "Yes, the table ruling should have been changed to +2600. I have a lot of sympathy for the Director's position, but I guess East's peer group on the first day of the Life Master Open Pairs bids the way the Committee says they do. Still, I would have liked to see what West would do if East's Alert had been 'That's natural, I bid 4♠.'"

☞ As right as the Committee's decision feels, there is still that nagging suspicion.

CASE TWENTY-ONE

**Subject (UI):** The Wages Of Sin

**Event:** NABC Life Master Open Pairs, 19 Nov 01, Second Final Session

Bd: 3	Jon Brissman		
Dlr: South	♠ KJ9		
Vul: E/W	♥ A105		
	♦ Q6		
	♣ AJ964		
Jill Levin	Barry Rigal		
♠ A42	♠ Q6		
♥ 4	♥ KJ87		
♦ KJ954	♦ 108732		
♣ KQ72	♣ 85		
	Alan LeBendig		
	♠ 108753		
	♥ Q9632		
	♦ A		
	♣ 103		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			Pass
1♦(1)	1NT(2)	2♣(3)	2♠(4)
Pass	3♣(5)	Pass	3♥
Pass	3♠	All Pass	
(1) Precision			
(2) 15-18 HCP			
(3) Unspecified one-suited hand			
(4) Alerted; Minor Suit Stayman			
(5) Natural			

**The Facts:** 3♠ made three, +140 for N/S. The opening lead was the ♥4. N/S's CC listed 2♠ as Minor Suit Stayman. Had 2♠ not been Alerted 3♣ would have shown an excellent hand for spades. Even if 3♥ was taken as a rejected game try, the Director believed that a significant number of South's peers would have bid game. Therefore, the contract was changed to 4♠ down one, +50 for E/W (Law 16C, 12C2).

**The Appeal:** N/S appealed the Director's ruling. South was aware that the Alert and explanation of 2♠ as Minor Suit Stayman was UI to him and that he was required to bid as if North's 3♣ bid showed a maximum INT overcall with four-card spade support and something in clubs. He believed that with only 6 HCP and the potential for wasted diamond honors in his partner's hand a counter-try of 3♥ was all that his hand warranted. North was aware that with an opening bid on his right and LHO showing competitive values, it was unlikely that South could have a hand suitable for a high-level minor-suit contract, and that probably "the wheels had come

off." Had South bid 4♠ instead of 3♥ it would not have been defined in the partnership. North possessed no UI and was free to bid as he judged best. E/W argued that 90% of the time the 1NT bidder would pass a natural 2♠ bid in this sequence and thus the 3♣ bid showed an exceptional hand for spades. Driving to game with the South hand was believed to be an LA as a significant number of players without the UI would elect to bid game. South's decision to stop short of game was suggested by the UI and thus should not be allowed.

**The Committee Decision:** The Committee agreed with E/W that many players would elect to bid 4♠ with the South hand after North's 3♣ bid. Five-five hands greatly improve in value when partner shows a good fit. Further, a 1NT overcall of a Precision 1♦ opening might well be made with a rather moderate diamond holding. Note that North had a minimum 1NT overcall with a wasted ♦Q and only three-card spade support and game still had a play. Change North's ♦Q to the ♦K and add a spade to the hand and 4♠ would be an attractive contract, though North would still have nearly a minimum. The UI that South possessed demonstrably suggested that he not bid game, and bidding 4♠ was definitely an LA to his choice of 3♥. Thus, the Committee imposed a 4♠ contract on N/S. The play in 3♠ went as follows: heart to the king followed by a diamond shift to South's ace. Declarer then

played a spade to the king and another spade to take nine tricks. In a contract of 4♠, the first two tricks would likely be the same, with West playing a discouraging diamond at trick two. In an effort to make his contract declarer would play a spade to the jack at trick three and thus suffer a heart ruff for down two. This sequence of plays was considered likely enough to assign a result of 4♠ down two, +100 for E/W. The Committee believed that South should have recognized at the table that making only a game try (instead of bidding game) was suggested by the UI, that bidding game was an LA, and that he was required to bid the game. After the Director changed the contract to 4♠, N/S certainly should have seen the pointlessness in pursuing their case any further and should not have appealed. Therefore, N/S were each assessed an AWMW.

**DIC of Event:** Henry Cukoff

**Committee:** Doug Doub (chair), Larry Cohen, Simon Kantor, Judy Randel, Adam Wildavsky

**Directors' Ruling:** 90.7

**Committee's Decision:** 93.2

☞ Caught with his partnership's hand in the cookie jar, North has a lament—not to be confused with an apology.

**Brissman:** "I disagree with the Committee's conclusion of LAs. I've presented the South hand as a bidding problem without any Alert or explanation to fourteen experts (someone with more masterpoints than I). Twelve of the fourteen interpreted 3♣ as a move toward a spade game; all twelve bid 3♥ and passed 3♠. The other two thought North's 3♣ showed six or seven strong clubs with no spade support (one mentioned a stiff honor) and passed 3♣. I could find no one of the 'significant fraction of South's peers' who would have bid 4♠ over 3♣. Readers, conduct your own bidding contest and see if your results mirror mine.

"Assuming that South must read 3♣ as advancing spades, he can still bid scientifically rather than blindly blasting to game. South could project possible hands for North: ♠AKQJ ♥xxx ♦Q109 ♣AJx or ♠AKxx ♥KJ ♦Qxx ♣AJxx, for example. South's well-judged 3♥ bid would allow North to reject the game try on the first hand type and accept it on the latter. In the majority of cases, when the hand makes 4♠, North will accept the 3♥ game try. The table Director correctly ruled as he did in order to place the burden on the offending side. But the Committee was hasty and wrong in its analysis and purely spiteful in assessing an AWMW."

☞ Based on the following, I suspect Jon's analysis won't cut it with the panelists any more than N/S's original arguments.

**Gerard:** "It's even worse than it seems. I hear South (clearly the moving force behind this appeal) was advised not to bring it but persisted. That's pretty embarrassing. Putting the best light on it, people really are oblivious when it comes to the merits of their own appeal. Taking the other approach, maybe we ought to reconsider some of those appointments.

"Great work by the Committee, including the analysis that left N/S with less than they started with. You bring an appeal like this, you'd better be prepared to have your nose rubbed in it."

**Bramley:** "I agree. Trying to salvage the board during the bidding is a sin to which many would succumb, but going to Committee for a second helping is unfathomable. A further reduced score and an AWMW were exactly what N/S deserved."

**Weinstein:** "Excellent job all around, including the reexamination of the likely play had N/S been in game. The AWMW was totally appropriate. I am assuming N/S didn't claim ignorance of the appeals procedure."

**Stevenson:** “Law 73C requires a player to make every effort to avoid using UI from partner, and this South completely failed to do. For him to appeal as well... words fail me.”

**R. Cohen:** “A well-done job by the Committee. The Director almost got it right.”

**Rigal:** “In these situations players often feel their ethics are being impugned and lose all sense of proportion. Here I understand and have just a tad of sympathy with South’s reasoning, but the Committee had it right down to the AWMW. (Sympathy to North for getting entangled; it is tough to stop partners from pursuing these cases.)”

**Wolff:** “While there is nothing major wrong with the Committee’s decision of 4♠ down two, we must do this on all hands and not just the ones that we happen to think of it.”

✍ One panelist thought the AWMW “excessive.” If not here, then where?

**Polisner:** “I agree with the result except that an AWMW seems excessive.”

## CASE TWENTY-TWO

**Subject (UI):** I Like To Feel Close To My Bid Cards

**Event:** Senior Pairs, 20 Nov 01, First Session

Bd: 21	♠ K87		
Dlr: North	♥ KQJ86		
Vul: N/S	♦ J		
	♣ K1032		
♠ A2		♠ J10543	
♥ 1073		♥ A92	
♦ A753		♦ KQ82	
♣ 9876		♣ Q	
	♠ Q96		
	♥ 54		
	♦ 10964		
	♣ AJ54		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	1♥	1♠	Pass
Pass	Dbl	Pass	2♣
Pass(1)	Pass	2♠	All Pass
(1) After touching cards in the bid box			

**The Facts:** 2♠ went down one, +50 for N/S. The opening lead was the ♥5. The Director was called at the end of the auction. North stated that West had fingered the bid cards before passing 2♣. The Director canceled East’s 2♠ bid, changing the contract to 2♣ made three, +110 for N/S.

**The Appeal:** E/W appealed the Director’s ruling. Only E/W attended the hearing. (N/S declined to appear as they had a very poor game, and even though the hearing was held close to where they had played and began immediately after the session.) West said that he put his thumb on the Pass Card and his forefinger behind the Alert Card for about 2 seconds, while he silently reviewed the bidding, and then passed. When asked by the table Director why he agreed at the table that he had touched bid cards in the

rear section of the bid box he said he did not hear North’s accusation, but that he had held some of the cards in the front of the bid box briefly. He added that North was very soft spoken. The table Director was asked about West’s actions. She said North had not demonstrated West’s actions with the bid cards at the time of the ruling. She also agreed it was possible that West had not understood what he was agreeing to at the table.

**The Panel Decision:** Since N/S were not present to support their contentions, the Panel found insufficient evidence of any irregularity to warrant a score adjustment. The table result of 2♠ down one, +50 for N/S, was restored.

**DIC of Event:** Margo Putnam

**Panel:** Charlie MacCracken (Reviewer), Matt Smith

**Players consulted:** none reported

**Directors’ Ruling:** 75.3

**Panel’s Decision:** 63.7

✍ The statements N/S made to the table Director were not invalidated when they chose not to attend the hearing. They don’t have to support their own statements when the Director already supported them with her ruling. The non-appealing side is not required to attend. Besides, look at that 2♠ bid. East might balance over 2♣, but not with 2♠ on *that* suit. Good grief. I see no reason to change the original ruling. 2♣ made three, +110 for N/S, seems eminently right to me. Two panelists agree.

**R. Cohen:** “East’s 2♠ bid speaks for itself. Without the hesitation (maybe even with it) I would accept a 2♦ bid. But the 2♠ bid makes it implicit that there was some hanky-panky in West’s handling of the bid box. N/S +110 is my

adjudication.”

**Wolff:** “East’s 2♠ bid (maybe not 2♦ if he had so chosen) reeks of UI. It seems this Panel was anxious to end it.”

✍ The rest are prepared to disregard the original facts as determined by the table Director or to assume that the fact-gathering process was somehow mishandled.

**Rigal:** “If the Director had established the facts to her satisfaction, the Panel ought to need good reason to overrule her. Here the non-attendance of N/S and the facts as subsequently established might constitute enough reason—I am not entirely convinced. In their defense, East’s failure to bid 2♦ as opposed to 2♠ suggests that that player might have missed any inferences available from UI anyway.”

✍ Really? I would have thought quite the opposite. A player who thought that the hand might still belong to his side and who was uncertain of the best contract would have doubled or bid 2♦—not 2♠. A 2♠ rebid on that suit is the bid of a player who already believes his partner has support. I wonder where he got that idea?

**Polisner:** “Since it was the field which needed protection—not N/S—and the appeal is of the Director’s ruling, the Panel should have made more of an effort to determining the facts even without N/S present. If the Panel was then not convinced that UI took place, the decision was correct.”

✍ Well, let’s see. On the one side we have N/S’s claim that West fingered his bid cards before passing 2♠. He did not dispute this. Fingering bid cards while thinking is an irregularity; it conveys UI. On the other side we have West’s claim that he did not hear North’s accusation; the Director said this was *possible* (which does not mean it was true). West admitted he fingered the cards in the front of his bid box and thought before passing 2♠. Didn’t the Director determine the facts before she made her ruling? Did I miss where she recanted them? Did anyone deny that West’s fingering cards in the bid box while thinking might suggest that East not pass 2♠? When did N/S forfeit their rights to have their original statements at the table taken seriously? And finally, to decide as they did, the Panel should have been convinced that the UI did *not* take place—not just “not convinced” that it did take place.

**Treadwell:** “Although there seems to have been some probability of UI from handling of the bid cards, N/S failed to appear at the hearing to confirm the evidence on the other side of the coin. However, I would not balance with 2♠ with the East hand but might choose to bid 2♦. Much more investigation into exactly what happened and the bridge level of the players would be needed to make a logical decision. Hence, I believe the Panel acted wisely.”

✍ N/S were not required to appear to confirm what they already told the Director.

**Stevenson:** “There has got to be something wrong with the ACBL’s approach that allows this to happen. East has bid an unbelievably bad 2♠ that can hardly be believed unless UI was present, but has got away with it. Why? It is easy to say that the prime reason was because N/S did not attend. That is an over-simplification. While their arguments will not be put in their absence, the facts are presented by the Director and it is very rare that a Director is overruled on matters of fact.

“So, what happened? Did the Director carefully glean the facts? Apparently not. She did not get West to agree what he did or did not do. It is important to the whole process that Directors understand that their prime task in judgment rulings at the table is to gather facts accurately and completely.”

✍ So let’s assume West fingered his front cards and thought before passing. Does that change what the Director’s ruling should have been? The Panel’s? Hardly.

## CASE TWENTY-THREE

**Subject (UI):** Oh, What A Tangled Web We Weave,...

**Event:** IMP Pairs, 21 Nov 01, Only Session

Bd: 30	♠ AK53		
Dlr: East	♥ 952		
Vul: None	♦ K1096		
	♣ KQ		
♠ 109862		♠ ---	
♥ K43		♥ Q107	
♦ 5		♦ AQJ82	
♣ 8764		♣ A10953	
	♠ QJ74		
	♥ AJ86		
	♦ 743		
	♣ J2		

West	North	East	South
		1♦	Pass
Pass	1NT(1)	2♣	Dbl(2)
Pass	2♠	All Pass	
(1) 15-17 HCP			
(2) Not Alerted; intended as takeout, explained by N as penalty			

**The Facts:** 2♠ made two, +110 for N/S. The opening lead was the ♠5. The Director was called after dummy was tabled. East asked about the double of 2♣ and was told “Regular” by North. Seeking clarification East asked “Business?” North replied “Yes.” When dummy appeared it became apparent that there had been a language problem. The Director took West away from the table and determined that he believed at the time of the double that it was probably based on high card values with three clubs and would have bid 3♣ had he been Alerted that it was takeout. North later said that had West bid 3♣ she would have bid 3♠ because South had shown both majors. The Director decided that the most likely auction if the double had been Alerted would have been: 1♦-P-P-1NT; 2♣-Dbl-P-2♠; 3♣-3♠-AP. Based on this, he changed the contract to 3♠ down one, +50 for E/W.

**The Appeal:** E/W appealed the Director’s ruling. Only East attended the hearing, which was postponed until the day after the event when N/S could not be located. (N/S were informed at the end of the session that there might be an appeal and were asked to wait. The appeal was filed within 5 minutes of the scores being posted but N/S had already left the playing room and could not be located. When they were found the next day they refused to sign the appeal form and did not attend the hearing.) East told the Reviewer that at his second turn to call he had asked about the 1NT bid and was told “Regular.” On further questioning he was told “15-17.” At his third turn to call he asked about the double and was again told “Regular.” Seeking clarification he asked “Do you mean business?” and was told “Yes.” East said that had the double been Alerted and had the auction gone the same way, he would not have bid over 2♠ (even though he told the table Director the previous day that had the double been Alerted and had West passed he would have bid 3♣ over 2♠). When he learned from the Reviewer that West had told the table Director that he would have bid 3♣, East stated that he would have competed to 4♣ over North’s 3♣ but would not have bid if North passed 3♣. He also said he would not have competed over a 4♠ bid by either opponent.

**The Panel Decision:** The Panel decided that the failure to Alert the double of 2♣ was a violation of Law 40B and a score adjustment authorized under Law 40C. Several auctions were possible including West bidding 3♣ directly over the double (if it was Alerted as takeout) and East bidding 3♣ over North’s 2♠. In either case, the partner of the 3♣ bidder would have competed to 4♣ over 3♠ and West, being an expert, might double if N/S competed to 4♠. Five experts were consulted about West’s likely action immediately over an Alerted double of 2♣. Three said they

would have bid a direct 3♣ while two would not. Three of the experts were then asked about West's likely action over 4♠ were it to be bid by South after North's 3♠ and East's 4♣. Two said they would have doubled 4♠, one would not. Since South, a Flight C player, took an unusually conservative action when she passed 2♠ and since N/S's absence prohibited the Panel from determining what she might have done had the auction proceeded 1♠-P-P-1NT; 2♣-Dbl-3♣-3♣; 4♣, two Flight C players were given the South hand and this auction and asked what they would have done. Both bid 4♠. Based on this input, the Panel decided that a final contract of 4♠ doubled was both "likely" and "at all probable" and changed the contract to 4♠ doubled down two, +300 for E/W.

**DIC of Event:** David Gottfried

**Panel:** Doug Grove (Reviewer), Charlie MacCracken, Susan Patricelli

**Players consulted:** Ellasue Chaitt, Geoff Hampson, Alan Mazer, Larry Oakey, Peter Weichsel, two Flight C players

**Directors' Ruling:** 69.2

**Panel's Decision:** 74.4

✍ My first question is, why did North not pass South's "penalty" double? Maybe this is just how Flight C players bid (never defend low-level doubled contracts unless you have it beat in your own hand) but something smells fishy here. Next, I do not believe that a Flight C player (South) who passed 2♠ at the table, if pressed by competition, would suddenly bid to 4♠. It is simply not "at all probable." (She might compete to 3♠ but 4♠? Hardly.) Thus, I would allow E/W to buy the hand in 4♣. Analysis reveals that 4♣ would almost certainly make four (unless South leads an unlikely heart, which would allow an overtrick) so I would assign a score of +130 to E/W and reciprocate it for N/S.

Agreeing with me are...

**Gerard:** "The first recorded Flight C Intelligence Transfer. The Panel needed to stipulate to the Flight C players that they had passed 2♠ on the actual auction. In fact, based on that piece of evidence they didn't need to consult anyone. And they were probably in the wrong ball park anyway, since the actual pass marked South as a thoughtful Flight C player, as did her methods. South probably passed for all the right reasons—stale shape, worthless ♣J, death diamond holding opposite finessable honors, she had already doubled. She deserved a better sample of consultants. Plus and minus 130 was the indicated adjustment."

**R. Cohen:** "The Committee knew South was conservative; it was implicit in her pass of 2♠. How can the Committee then assume she would subsequently bid 4♠? E/W +130 is the appropriate adjudication. The Director was closer to the mark."

✍ The remaining panelists (with one exception) side with either the Director or the Panel. First, those who favor the Director's ruling.

**Rigal:** "Tough to decide when all the players at the table bar West seem driven by death wishes of various sorts. I think the adjustment given to N/S is too harsh—and way too generous to E/W. Overall the Director's mid-point ruling really seems quite appropriate, and might have had the satisfactory result of leaving nobody happy."

✍ Next, those who agree with the Panel's decision.

**Stevenson:** "If N/S were asked to wait they had a perfect right to refuse, but just disappearing is not acceptable. Add that to a refusal to sign a form, and an unhelpful approach to questions and it is necessary for disciplinary action to be taken against them.

"As to the actual ruling, I have long been a strong opponent of the method of taking a player from the table to ask what he would have done, and this hand

reinforces it. Rulings are based on looking at a variety of likely and possible actions, and the Directors here were remiss in failing to do so. No doubt they were affected by what East said but they should be looking at all possibilities.

"I feel sorry for East; not only did he have to appeal a bad and ill-thought-out ruling based on a bad procedure, he also was subject to the unacceptable behavior of N/S. Fortunately the decision was correct."

**Weinstein:** "E/W don't seem to be totally deserving of +300, but N/S were so obnoxious I guess I can live with it. In the meantime, I would assign N/S -500 in 4♠ doubled, give them a couple of PPs for refusal to sign the appeals form, and non-responsiveness to the opponent's questions. Were N/S a foreign pair, or was the language problem really an attitude problem? Can't we assign a Zero Tolerance thingy after the fact? Surely N/S deserve it."

✍ The previous two panelists have a view of N/S's behavior, beginning with their non-responsiveness to questions at the table, which is difficult to disagree with—but I'll try (or at least play devil's advocate). N/S were Flight C players, playing in a one-session IMP Pairs (essentially, a consolation/side game). Perhaps they were afraid of the appeal process, were suspicious, or did not understand why they were being asked to sign something. (Would you buy a used car from this man?) David's suggestion that we find them and retroactively penalize them is absurd. After all, the only reason why we ask non-appellants to sign the appeal form is so that we have confirmation that they were informed that a hearing was pending and that they knew that, if they did not attend, the only facts that would be available to the Committee would be those presented by the opponents and the Director. There is no reason to make a federal case of this, even if they were intentionally being obstinate. Getting their signature was a mere formality, not a necessity. And as for their behavior at the table, the Director should have handled that (if it needed to be handled).

**Treadwell:** "The Panel, as in the preceding case, got only one player's version of what happened and what would have occurred had there been no infraction by N/S. So, again, the Panel had to guess. Perhaps they were a bit overly generous to E/W, but I tend agree with their decision."

**Bramley:** "If this is 'regular' for N/S, I'd hate to see what's 'irregular.' The Panel worked hard to reach an acceptable decision."

✍ A rare "no comment" from...

**Wolff:** "No comment. Much of what was decided was speculation."

✍ And finally, one panelist (and member of the ACBL Laws Commission), in spite of our persistent efforts to eliminate the "lazy" aspect of his approach, persists in using Law 12C1 to assign a score in place of one achieved at the table just because determining the various possible results involves some speculation.

**Polisner:** "Since the final contract was the subject of much speculation, I would have ruled in accordance with 12C1: Average-Plus for E/W."

✍ Some people may just not be educable.

CASE TWENTY-FOUR

**Subject (UI):** Doubled Double Jeopardy

**Event:** Blue Ribbon Pairs, 24 Nov 01, Second Final Session

Bd: 11	Robert Levin		
Dlr: South	♠ 843		
Vul: None	♥ A875		
	♦ 985		
	♣ KQ7		
Shirley Bloom	Stephen McConnell		
♠ QJ97	♠ 62		
♥ ---	♥ K42		
♦ J432	♦ AK7		
♣ J9652	♣ A10843		
	Steve Weinstein		
	♠ AK105		
	♥ QJ10963		
	♦ Q106		
	♣ ---		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	2♥	2NT	3♥
3♣(2)			2♦(1)
4♣	All Pass		
(1) Alerted; Flannery			
(2) Director called; correction to 4♣ allowed without penalty			

**The Facts:** 4♣ went down one, +50 for N/S. The opening lead was the ♠3. The Director was called after the insufficient 3♣ bid. West said, away from the table, that 2NT had been for the minors. West was allowed to change her call to 4♣ without penalty, but she was told that UI was present. Later, during the play, declarer led a low club toward dummy on the first round of the suit and called "Small." After dummy reacted, she tried to change her play to the ♠10. The Director was called a second time, and this time ruled that the call of a small club was a mental error and not inadvertent (Law 46B). He also ruled that East's pass of 4♣ had been suggested by the UI from the earlier change of call and that 5♣ was an LA (Law 16). The contract was changed to 5♣ doubled down two, +300 for N/S. In screening, the result was changed to down one in 5♣ doubled, +100 for N/S (Law 12C2).

**The Appeal:** Both sides appealed the Director's ruling. Three issues were addressed: (1) Was bidding 5♣ an LA after West's change of

call? (2) Was the call of a low club from dummy corrected without pause for thought? (3) If not, should the misplay also apply to the assigned contract of 5♣ doubled? N/S and East agreed that East had indicated doubt when West called for a low club during the play. West said she did not notice this and immediately corrected her call from dummy. East said he thought 4♣ was non-forcing. N/S believed that West's card play mistake should carry over to the play in 5♣ doubled.

**The Committee Decision:** The Committee first considered whether raising to 5♣ was an LA for East. After considerable discussion, it was decided that some East players might well bid 5♣ over 4♣ either because they thought 4♣ was forcing or because their hand was good for clubs. The Committee next determined that 5♣ doubled would be the final contract, and then considered whether West's misplay should carry over to that contract. They decided that the language of Law 12C did not encompass the misplay in a contract not actually played. The contract was therefore changed to 5♣ doubled down one, +100 for N/S.

**DIC of Event:** Henry Cukoff

**Committee:** Henry Bethe (chair), Lowell Andrews, Dick Budd, Doug Heron, Peggy Sutherland

**Directors' Ruling:** 60.7

**Committee's Decision:** 62.5

✍ If this episode had been filmed, it would doubtless have come out in soundless, flickering black and white with several of the featured players sporting handlebar mustaches and wearing Keystone Cops uniforms.

What evidence is there that West did not simply fail to notice the 3♥ bid, or that she intended to bid 4♣ and instead simply pulled the wrong card from her bid box? Wouldn't West have bid 4♣ over 3♥ (assuming she saw it) holding a hand like the one Ralph provides in his comment (♠J10xx ♥x ♦Qxx ♣KJxxx), which makes 5♣ laydown whenever clubs are two-one or declarer guesses the suit correctly (and I'll lay odds she does)? Sorry but the insufficient 3♣ bid does not demonstrably suggest any particular action, which makes the Director's and Committee's decisions to impose a 5♣ bid on East hard to understand. But their decisions were wrong for still another reason.

Law 27B1(a) on insufficient bids specifically says that Law 16C2, the law that makes information from withdrawn calls and plays unauthorized to the offending side, does not apply when an insufficient is corrected to the lowest sufficient bid in the same denomination and neither the insufficient bid nor the corrected bid were conventional. Thus, neither the Director nor the Committee should have treated the withdrawn 3♣ bid as UI to East. (My thanks to "Deep Throat" for pointing out this legality issue.)

But there is more. Law 27B1(a) points to 27B1(b), which says if it is judged that an insufficient bid conveyed such information as to damage the non-offending side, an adjusted score should be assigned. But isn't that what the Director and Committee did: decide the insufficient bid conveyed such information to damage the non-offending side by allowing East to stop short of 5♣? Unfortunately no. To see why we need to examine what the lawmakers intended Law 27B1(b) to do and how that differs from the provisions of Law 16C2.

Law 16C2 requires a player receiving UI (as from a withdrawn call or play) not to take any action which takes advantage of that information. But Law 27B1(b) was intended to give the insufficient bidder's partner far more leeway to bid normally. 27B1(b) allows the partner of an insufficient bidder to be aware of his partner's insufficient bid and correction. For example, a player responds 1♠ to his partner's 1♠ opening and then corrects it to 2♠. Opener is allowed to know that his partner has an opening 1♠ bid and proceed accordingly; he needn't treat the 2♠ bid as if it were a single raise. Thus, the insufficient bidder need not guess where to place the final contract by changing his insufficient 1♠ bid to something other than 2♠ and thereby bar his partner for the remainder of the auction. He can simply correct his 1♠ bid to 2♠ and the auction can proceed more-or-less normally, the intent being to not hold the insufficient bidders to the same rigorous standards of UI as set out in Law 16C2. But on some rare occasions the insufficient bid might allow that side to reach a contract they could not otherwise reach, as by creating additional bidding room for them or by allowing a crucial bid to be made that could not otherwise have been made—or even causing that bid to be made from the other side of the table.

What all this means is that once 3♣ was corrected to 4♣ and East passed, that should have been the end of it—unless it were judged that E/W were very unlikely to have stopped in 4♣ otherwise. It is not sufficient that East simply guessed right to pass 4♣. Such is the more liberal standard afforded East by 27B1(b) over 16C2. The situation was ambiguous. West might hold a hand that he would not have bid with at the four level or he might hold a hand (such as the one in Ralph's example) where 5♣ was cold. East had to guess whether West had a good hand or a poor one, and he might have guessed right with the insufficient bid or without it. Therefore, the table result should have been allowed to stand.

This case raises an interesting question in situations where we find it necessary to change the contract. Let's assume a different set of facts that makes it right to change the table contract of 4♣ down one to 5♣ doubled. Should West's mental error, committed in her 4♣ contract, carry over to the 5♣ contract? (By the way, there is no doubt that West's call of a low club is considered a mental error—not an inadvertent designation.) Those who say no argue that when a different contract is



assigned, the play of the previous contract is canceled. This means that the chance that West would commit the same error in 5♣ that she did in 4♣ must be assessed a priori. The argument then goes that West would be far more alert in 5♣ doubled (after all, she's a level higher and doubled) than she was in the partscore.

Those who argue that the error *may* carry over to the new contract stress the idea that the new contract, and West's state of mind must be taken into account in deciding the issue. For example, if the expected defense or declarer's line of play in 5♣ would be too different to be considered analogous, then the error should not apply. But if declarer would be in the same situation, at the same point in the play, then the error *might* well carry over, depending on declarer's state of mind.

To see how this works, compare the actual situation with one where West bids a sufficient 4♣ over 3♥ and plays it there. In the latter case there is no evidence that West's mental error in the play was anything other than a momentary aberration. Thus, there is no reason to believe that declarer's mental state in 5♣ would be the same as the one she was in when she played 4♣. But in the actual situation there is evidence that declarer's mental state was not just a momentary aberration. First, she failed to notice the 3♥ bid on the table in front of her or pulled the wrong card from her bid box. Then, moments later, she played a small club from her hand and called low when the ♣7 appeared, guaranteeing two trump losers when a "together" player might have led the ♣J from hand, hoping to snare a cover from North with ♣Q7 and hold her trump losers to—none. Clearly the evidence suggests that West was in some sort of a funk which was anything but momentary, making it possible (or even likely) that she would have been in that same state for the same period of time, regardless of her contract. Thus, the chances of her making that same error would not be what they were a priori (negligible), but rather would be closer to what they actually were at the table. Since the strategic issues in the play of 5♣ are precisely what they were in 4♣ (as soon as West won trick three she led a small trump towards dummy), there are sound reasons for applying the error to the new contract.

Of course since the law says that there can be no UI from an insufficient bid, none of this is relevant: the table result should be allowed to stand. But *if* it would have been right to change the contract to 5♣ doubled, as both the Director and Committee did, then I believe the right score adjustment is down two, +300 for N/S.

The panelists all missed legal issue but they unanimously agree that West's insufficient bid does not suggest any particular action, and therefore the table result should stand. On the issue of whether down two would be appropriate *if* one adjusted the contract to 5♣ (*in this specific case*), there is more of a split.

**Bramley:** "Tales of the bizarre. I disagree with the initial premise that the insufficient bid created UI. Why couldn't West have been intending to bid 4♣ all along? Even granting that somehow everyone could tell that she only wanted to bid 3♣, I fail to see how that demonstrably suggested that East should pass 4♣. I don't accept the argument that an initial 4♣ bid would have been forcing. Therefore, I would have let the table result stand.

"I do agree that the misplay in 4♣ should not carry over to 5♣. I think N/S were piggish to ask for such an adjustment, especially after getting a very favorable Director's ruling."

**R. Cohen:** "The Reviewer (not the Director) was closer to the mark. However, I do not think a 5♣ bid should have been imposed on East. Wouldn't West have bid only 4♣ with ♠J10xx ♥x ♦Qxx ♣KJxxx, or something similar? With anything better, West might well have bid 3NT. Table result stands."

**Polisner:** "I dislike all aspects of the Committee's decision. I don't think that there is any implication to the insufficient bid as East shouldn't know whether West just put the wrong card on the table or whether she would have only bid if it could be at the three level. Therefore, the contract should be 4♣ down one."

**Treadwell:** "A good ruling and decision by the Director and the Committee."

**Gerard:** "I sure hope that N/S appealed the screening Director's ruling, otherwise theirs was the all-time frivolous protest.

"If the Committee was correct about 5♣ and the import of 12C2, down one was the correct adjustment. I've read the suggestion that West might eschew the trump safety play to set up a spade pitch, but it's ridiculous. Even if South switched to a diamond at trick two and declarer withheld her jack, she would have played a spade up next. More likely both diamond honors were still in dummy so there was no rush to establish a discard.

"However, I don't get 5♣. 4♣ can not be forcing and anyone who even thinks about bidding 5♣ has been spending too much time counting trumps rather than playing bridge. Such a player probably promoted the ♥K because he suspected partner was short in the suit. East's peer group on the third day of the Blue Ribbon Pairs would be insulted to think they were accused of even considering bidding 5♣. Do you really think North or South would have given a sniff to 5♣? 4♣ down one, just as at the table. The misplay didn't meet the excremental test necessary for correction.

"As for the carry over issue, I think the Committee was right to disregard the misplay. The language of 12C2 is neutral, but you can't go around attributing revokes to offenders because they are at all probable. The misplay in 4♣ may have suggested that West was careless and subject to accidents, but it was random. At most, it could have been -300 for E/W. N/S should have known better than to argue that +300 was likely."

✍ I think the combination of the insufficient bid and then the misplay argues that West's actions were not purely random, as an isolated revoke or an inadvertent card designation would be. I may be fighting an uphill battle on this one, even though the remaining panelists support my position that down two would be the correct adjustment *if* one were to change the contract to 5♣.

The next panelist agrees with Ron that East and his peer group were insulted.

**Rigal:** "The write-up seemed unclear to me at both first and second reading; I suppose the UI comes from West's corrected 3♣ call suggesting a signoff. It is tough to decide whether 2NT was really minors or strong. If East has shown a strong balanced hand, he has already overbid his hand by a trick; if he has shown the minors he has misstated his shape by at least a trick. Either way, he would never bid on over a non-forcing 4♣ would he? In a Blue Ribbon event, the Committee seem to have made some insulting assumptions about East.

"Having said that, I think the number of tricks in 4♣ must carry over to 5♣ as an obiter dicta for when, or if, the case comes up again. I'd vote for the table result for both sides, but if the contract is adjusted to 5♣, down two doubled looks right."

**Stevenson:** "To correct a call for a card from dummy the call must be inadvertent. So says the law book, so says the ACBL, and so the Committee should decide. It is not enough to say it was corrected without pause for thought. The Director ruled that it was not inadvertent; the Committee seem to have not realized this was part of the decision-making process.

"Once it is decided that the call for a card was not inadvertent and must stand the question is whether it should be considered as part of an assigned adjustment. To do so the misplay must be considered to reach a result that was likely for the non-offenders, or, a result that was at all probable for the offenders. The Committee decided that this language did not encompass a misplay in a contract not actually played. But assigned scores are decisions by a Director or Committee on what would or might have happened in a contract not played, so I believe the language does encompass this possibility. I do not believe the repetition of the misplay was probable enough to adjust for the non-offenders, but I would have sympathy if the offenders had been assigned 5♣ doubled down two."

**Weinstein:** "When both sides are appealing, visions of lots of AWMWs start

CASE TWENTY-FIVE

dancing in my head. Unfortunately, there were enough weird elements to preclude that possibility. Darn. I don't believe 5♣ was an LA. If East thought he had a strong notrump, he had a minimum hand with a probably wasted ♠K. If he thought he had the minors, he needs better glasses. I can't imagine 4♣ being considered forcing. In any case a 5♣ call should not accrue to N/S. As for not 'revoking' in 5♣, couldn't a player make the same mistake, or even go up with the ♣A? We generally assign the same number of tricks for a contract played at a different level, unless the level of the new contract should materially affect the play (as the Committee rightfully did in CASE TWENTY-ONE). Given that 5♣ was the assigned contract, I think the result should have been -300. The Committee never did answer the second question, but E/W should lose the trick. Hopefully the new law revisions will take away any remaining ambiguity in the current law."

✍ Finally, raising a number of questions but providing no answers...

**Wolff:** "Several important questions were raised that need consistent answers. Define UI and its application after an offense (insufficient bid), a Director call, and the penalty description. Should an actual misplay carry over to a hypothetical result? Should a Director or Committee try to balance the penalty to equity on the hand in general or follow the strict interpretation of the law?"

✍ I think we've already addressed most of Wolffe's issues, except for that last one—which we've been addressing for years. The equity issue with regard to score adjustments (which, incidentally, are not considered "penalties") in the ACBL is not what it is in the WBF. We are not allowed to use the equity-seeking 12C3 while they are. But this will very likely (if I read the current inclinations of the lawmakers correctly) change with the next revision of the laws—and not a moment too soon.

**Subject (UI):** The Play's The Thing  
**Event:** Stratified Pairs, 24 Nov 01, First Session

Bd: 8	♠ AQ74		
Dlr: West	♥ AKJ5		
Vul: None	♦ 64		
	♣ 1083		
♠ 2		♠ K10853	
♥ 87432		♥ Q96	
♦ A7		♦ 10952	
♣ AKJ95		♣ Q	
	♠ J96		
	♥ 10		
	♦ KQJ83		
	♣ 7642		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1♥	Pass	1♠	1NT(1)
Dbl(2)	Pass	2♠	Pass
3♣	Pass	3♥	All Pass
(1) Alerted; Sandwich (takeout: ♣+♦)			
(2) Alerted; Support			

**The Facts:** 3♥ made four, +170 for E/W. The opening lead was the ♦6. The Director was called after play had ended. West's double of 1NT was Alerted as showing three-card spade support. N/S did not believe West should be allowed to pull 2♠ to 3♣. The Director changed the contract to 2♠ down two, +100 for N/S.

**The Appeal:** E/W appealed the Director's ruling. Only West attended the hearing. West did not dispute the contract being changed to 2♠. However, she did believe that East would take seven tricks as the play would go: ♦K to the ace; three rounds of clubs followed by the ♣9, after which declarer would always score three trump tricks.

**The Panel Decision:** Since E/W accepted changing the contract to 2♠, the only issue was the outcome

of the play in 2♠. Three experts were consulted. The first expert thought it was close between declarer taking six or seven tricks. The second expert said it looked like six tricks but he thought he could steal a seventh trick at the table. The third expert carefully considered several lines of play and decided that six tricks was the limit for declarer. Based on this input, the Panel judged that 2♠ down two, +100 for N/S, was the most favorable result that was likely for the non-offending side (N/S) as well as the most unfavorable result that was at all probable for the offending side (E/W). After some discussion, the appeal was judged to have merit (just barely) because the experts had taken some time for their analyses to decide between six and seven tricks.

**DIC of Event:** Mike Flader

**Panel:** Gary Zeiger (Reviewer), Doug Grove, Charlie MacCracken

**Players consulted:** Matt Granovetter, Kyle Larsen, Chuck Said

**Directors' Ruling:** 96.9

**Panel's Decision:** 88.0

✍ West's 3♣ bid cannot be allowed and is the sort of action that I would like to see penalized consistently at the table. Unfortunately, we do not currently have the resolve to do this. Perhaps management can soon be convinced to find the resolve.

As for the result in 2♠, either red-suit lead holds declarer to six tricks; down two is almost a foregone conclusion. We're not in the business of giving lessons in card play. Just because a consultant who has been approached during a break in a bridge session takes "some time" to work out the play (his opinion could affect someone's score so he's careful to check his analysis) doesn't mean the appellants aren't also expected to work it out on their own. How exactly did West think East would make that seventh trick, even on the suggested line? (She can't legitimately.)

If appellants wish us to analyze their play problems for them, they must be ready to pay the price when they waste our time. I would have issued E/W an AWMW.

Unfortunately, only three panelists mention a PP or AWMW.

**Weinstein:** “Reasonably well done by the Director and Panel. However, just because it took some experts time in their analysis doesn’t bestow merit on the appeal. As an earlier Committee commented, if E/W had wanted their chance to take seven tricks, they should have passed 2♠. Shouldn’t they have been assessed a PP for bidding 3♣ for flagrant use of UI?”

**Polisner:** “I hope that West was educated about her blatant use of UI. After that display, I would have given her side the worst of any disputed point such as six or seven tricks and would have issued an AWMW as well.”

**Rigal:** “I can live with the failure to award an AWMW here, even though my first reaction was that all sensible lines point to six tricks only. In fact, though, on a top diamond lead Deep Finesse says that declarer will make seven tricks by playing a spade, unless North hops up with the ace—but he surely would. Still, that seems just close enough to me to allow E/W off with a caution. Correct (non-)adjusted score.”

✍ And now... the rest of the story. What Barry didn’t tell you is that if East wins the diamond, plays a spade, and North hops up with the ace he will hold declarer to four (count them, *four*) tricks. N/S will take seven easy tricks on the lead of a ♦H.

Pay attention. I’m going to say something that all NAC members *should* know by heart by now. An AWMW is a “caution” (to use Barry’s term), not a penalty. It’s a *warning*. That’s why we call it an Appeal Without Merit *Warning*. A player cannot be penalized unless he accumulates three *warnings* within a two year period; and even then we don’t have to penalize him if we think it’s unwarranted.

Other mis-analyses of the play...

**Stevenson:** “As in CASE EIGHT, if the player accepts that the relevant call was illegal under Law 73C then why did he make it? I do agree that after ♦A, four rounds of clubs, seven tricks are highly likely. But I think West thoroughly deserves her bad score, and would like to know why the Panel is hearing from West how East would play it? I would have given N/S only the score for 2♠ down one, and disagree with the Panel: this appeal had adequate merit.”

✍ Not only are seven tricks *not* likely, they are almost impossible.

The next panelist, like West, believes that declarer can take three trump tricks after playing four rounds of clubs. Unfortunately, it’s just an illusion.

**Bramley:** “The write-up is lacking a key element. What lines of play did the experts follow to reach their conclusion? East’s suggested line of play is nearly foolproof if he pitches *diamonds* on the clubs, and he still has chances even if he pitches hearts. Furthermore, cashing clubs is a natural and likely line. I can see that straying from that line will usually result in only six tricks, but I wish we had some details. After all, the only point of contention here is the analysis of the play. Also, given the result in 3♥, N/S were probably not going to defend perfectly.”

✍ There may be something to Bart’s observation that a pair who allowed E/W to take ten tricks in 3♥ might not take all their tricks against 2♠. Still, it doesn’t take anything like perfect defense to hold 2♠ to six tricks.

**R. Cohen:** “N/S +100 was the right adjudication. All but E/W covered with glory.”

✍ I agree. How about you, Wolfie?

**Wolff:** “Okay.”

**Subject (UI):** His Integrity As A West Coast Player Was At Stake  
**Event:** Stratified Open Pairs, 24 Nov 01, Second Session

Bd: 18	♠ KJ872		
Dlr: East	♥ J1042		
Vul: N/S	♦ 106		
	♣ 53		
♠ A10		♠ Q53	
♥ A983		♥ 7	
♦ KQJ4		♦ A9852	
♣ Q107		♣ J864	
	♠ 964		
	♥ KQ65		
	♦ 73		
	♣ AK92		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	1NT(1)
Dbl	2♠(2)	2NT(3)	Pass
3♣	Pass	3♦	Pass
3NT	All Pass		
	(1) 10-12 HCP		
	(2) Questioned		
	(3) Alerted; transfer to ♣ (not asked)		

**The Facts:** 3NT made four, +430 for E/W. The opening lead was the ♣A. The Director was called before the opening lead, when East said he had not seen the double. At the end of the hand the Director ruled that the contract would be changed to 3♣ by West down one, +50 for N/S.

**The Appeal:** E/W appealed the Director’s ruling. Only E/W attended the hearing. It was determined that E/W did not play Lebensohl in this auction. East said he did not see West’s double at first. When West then Alerted 2NT and bid 3♣ he said “He had to bid 3♦ as no West Coast player would transfer to a jack-fourth suit.” West said he was confused after East’s 3♦ bid and tried 3NT. East added that they had had a bad game so their score was not the issue; they were appealing to reduce their opponents’ score.

**The Panel Decision:** Three Flight B players (E/W’s peers) were consulted. The first wasn’t sure that partner would interpret 2NT as

unusual. When told that his partner bid 3♣ he said “Well, that worked” and passed. The other two players all passed quickly after the 3♣ bid. Based on this input and according to Law 16A, the Panel disallowed East’s 3♦ bid and changed the contract to 3♣ by West (Law 16A). Expert input was then sought to evaluate the likely play in 3♣. The expert consulted said that he would expect to make nine tricks after a heart lead but that there were several ways to mistime the play. Since E/W were the offending side and there were several inferior lines of play, the Panel assigned them the result of 3♣ down one, -50 for E/W, as per Law 12C2. In addition, E/W’s obligations in the face of UI had been explained to them when the table ruling was made. The Panel judged these players sufficiently experienced to understand their obligations and the likely futility of appealing. Therefore, this appeal was judged to be lacking in merit and E/W were each assessed an AWMW.

**DIC of Event:** Mike Flader

**Panel:** Terry Lavender (Reviewer), Doug Grove, Charlie MacCracken, Gary Zeiger  
**Players consulted:** Fred Hamilton, three Flight B players

**Directors’ Ruling: 81.0**

**Panel’s Decision: 76.6**

✍ East intended 2NT as Unusual and West’s 3♣ bid said he preferred clubs. Why would anyone ever bid again with the East hand except for the UI? And if that’s not enough, East even admitted at the hearing that he only bid again because he knew from the Alert and explanation that West thought he had transferred to his jack-fourth suit. Q.E.D.

As with the previous case, I think East's action in bidding over 3♣ was worthy of an immediate PP at the table. Had that happened I am confident that this appeal would never have materialized. We reap what we sow.

Next, how does one go down in 3♣? After three rounds of trumps West can finish trumps and cash nine tricks. On a heart lead West can ruff three hearts in dummy (using the ♥A and diamonds as entries) and then either play ace and a spade or exit with a trump. N/S will be out of hearts and eventually someone will have to concede a spade to dummy's queen for the ninth trick. Thus, the right adjustment may well be 3♣ made three, +110 for E/W (but see my reply to Barry below).

Does that mean E/W don't deserve an AWMW since their score should have been +110 and not -50? Not at all. E/W appealed because they thought East should be allowed to bid 3♦ over 3♣ and thus get to 3NT. If they had asked for their score to be changed to +110 in 3♣ that would have been fine. But not here.

Only three panelists seem to have analyzed the play in 3♣ correctly (or at all).

**R. Cohen:** "How can N/S defeat 3♣? E/W +110 seems appropriate. Wouldn't West ruff out hearts to make nine tricks?"

**Polisner:** "I think that it is very likely that East would take nine tricks in a club contract with a dummy reversal on a heart lead, or two clubs, five diamonds, one heart and one spade on ace-king and a club defense."

**Rigal:** "Intelligent Director ruling here as to the contract and tricks taken. If East meant his bid as unusual, then he must pass 3♣—and is getting close to PPs for his bare-faced lie about not seeing the double and the rest of his spiel. As to the play in 3♣, most lines involving the defense leading trumps make nine tricks simple for declarer, and on any other lead declarer surely gets to ruff three hearts in dummy easily enough. Some thought might therefore have been given to a split score of -50/-110, particularly because the defense to 3NT is trivial by the way; surely we should have had to look at that too by the way?"

✍ Barry raises an interesting issue but reaches the wrong conclusion. Since N/S were in a position to go plus against 3NT (they were certain to be -110 defending 3♣), shouldn't they keep the table result? South knew that East intended 2NT for the minors, so the ♣A lead was a poor choice. (Actually, South must have played three rounds of clubs in spite of North's discouragement for East to have the timing for the overtrick.) A major-suit lead would almost certainly have beaten 3NT, as long as N/S got the hearts going quickly enough. After a heart lead the defense has five top tricks. But after a spade lead East must rise with the ace and knock out one of South's club honors. South must then play a heart or North must win the spade continuation and shift to a heart (he knows he has no entry to the long spades). Thus, N/S may well have earned their -430 (if they were capable of a competent defense). E/W, of course, should still be assigned +110 in 3♣. Barry is correct that split scores are appropriate, but the right split scores are not -110 for N/S for 3♣ making and -50 for E/W for 3♣ down one; they are +110 for E/W for 3♣ making and -430 for N/S for 3NT making four (since they should have beaten it).

Ron is on to this theme but does not explain how he thinks it should affect the score assignments.

**Gerard:** "They don't defend very well on the West Coast either. As in not playing a non-heart after winning the ♠K or ♣K. 'I didn't see the double' ranks up there on the top-10 list of truth-challenged statements."

✍ Wolfie is on to this theme too but has his own ideas about how to deal with the situation.

**Wolff:** "CD strikes but where are we? We insist on reopening the candy store by giving N/S +50. Why should N/S get any better than their percentage score since

beating 3NT is so easy? What about E/W who play (or think they do) home brew conventions and haven't a clue. Give the disruptors (E/W) a zero. When we are so bad ourselves (Directors and Committee) how can we expect more from our players?"

✍ N/S don't even deserve as much as the percentage of their game (unless they had a *really* bad game); they deserve -430. But the disruptors (Jeff Rubens' new term for the "offenders"; a good idea, really) don't get a zero, in spite of their "high crime" of CD. Instead they get +110 in 3♣ making, a nice big PP for East bidding over 3♣, and an even nicer AWMW for their audacity in appealing and asking to keep the table result.

The remaining the panelists missed the boat and support the Panel's decision. At least Howard recognizes the need for a PP.

**Weinstein:** "Was East on drugs? I heard they use things like that out there on the West Coast. Lacking merit is an understatement. Since they had a bad game and score was not an issue, I would have added a significant PP, to ensure that it wasn't the issue."

**Bramley:** "I agree that E/W did not have much of a case, but the AWMW was marginal when it was East's forthrightness about not seeing the auction that led to the adjustment. He won't make that mistake again."

**Stevenson:** "Good ruling and decision."

✍ Hardly.

## CASE TWENTY-SEVEN

**Subject (UI):** The Next Time You Need Help, Try 911

**Event:** Evening Stratified Swiss, 24 Nov 01, Evening Session

Bd: 20	♠ 10		
Dlr: West	♥ AQ832		
Vul: Both	♦ A107		
	♣ K965		
♠ AJ	♠ 97543		
♥ KJ1095	♥ 74		
♦ KQJ6	♦ 83		
♣ A2	♣ Q843		
	♠ KQ862		
	♥ 6		
	♦ 9542		
	♣ J107		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1♥	Pass(1)	Pass	1♠
2♦	All Pass		

(1) After fumbling with bid box, tapping on table and speaking (see The Facts)

**The Facts:** 2♦ went down three, +300 for N/S. The opening lead was the ♠10. The Director was called after North's first pass. He was told that before passing North fumbled with the bid box, tapped her fingers on the table and said "I don't know what to do with this hand. I wonder if the Director would tell me what to do." The Director allowed the auction to proceed, at which point he was called to another table for a ruling. When called back after South's 1♠ bid he instructed that play continue. He was called back a third time at the conclusion of the hand and ruled that South would always act over 1♥-P-P. He allowed the 1♠ bid and the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. The players all agreed that before passing over

1♥, North had said something like "Do you think if I called the Director he would help me bid this hand?" East added that in addition to making the above statement North had paused for a considerable period of time. North was not sure if there had been a pause as claimed but admitted to making the statement. North and South had about 220 and 245 masterpoints, respectively.

**The Panel Decision:** North's comment transmitted UI to South that North had a problem with her first pass. The Panel considered whether other actions by South were LAs when 1♥ was passed around to her and whether 1♠ was demonstrably suggested by the UI from North's comment (Law 16A). Six players, four experts and two considered to be South's peers, were consulted. Of the four experts, three said they would have bid 1♠ with the South cards (although one said he would not have bid if his partner had hesitated) and one said that the decision was close but he would pass. Of the two other players, one bid 1♠ and the other passed (saying he didn't have enough to balance). The Panel concluded that passing 1♥ at IMPs was an LA to bidding 1♠ for South and that North's comment suggested action over inaction (passing). Thus, both sides were assigned the score for 1♥ by West made two, +110 for E/W (Law 12C2).

**DIC of Event:** Anna Marie Wittes

**Panel:** Doug Grove (Reviewer), Terry Lavender, Gary Zeiger

**Players consulted:** Mark Bartusek, Gary Cohler, Mark Lair, Billy Miller, two players with about 400 masterpoints each

**Directors' Ruling: 51.1**

**Panel's Decision: 81.0**

☞ The Panel covered all the bases quite nicely here. North's comments were UI suggesting action for South. Pass was an LA to 1♠, so South must pass 1♥. Eight

tricks are easy, so +110 for E/W is correct. But the real problem with this entire episode was the table ruling. It's hard to imagine why the Directors thought that South would always act over 1♥. Right, Ron?

**Gerard:** "Just in case you need convincing, anyone want to bet on the auction 1♥-P-P-1♠-4♥ at this table?"

**Rigal:** "Abysmal Director ruling. After North's gross offense, adjusting back to 1♥ seems clear-cut to me; another \*P\*P\* hand. How can the Directors be so out of touch as not to appreciate the likelihood of some Souths passing—particularly those with 200 masterpoints? I think the Panel needed to do more with North—at the very least a private word, and perhaps a real PP—to help her understand what she can and cannot do at the table. Even the finger-tapping is an abuse."

**Stevenson:** "Suppose there had been no appeal. Next time North had a heart suit over a 1♥ opening, what would she do? She would mumble about it. We must try to teach people, and telling them it is wrong is not good enough. One of the great advantages of bridge is that you have very small penalties available, half a Victory Point, 3imps or an eighth of a board, none of which make much difference at the end of the event except on very rare occasions. We must use them as a teaching tool. I know some authorities, including our esteemed editor, dislike PPs to educate, but their methods are not working. Too little respect is given to less experienced players who follow the rules; too much leeway is given to those who do not bother.

"But let us be practical: if there is an adjustment as the Panel decided then the PP is no longer necessary, because the adjustment will teach North. The purists will argue this is wrong. Stuff the purists! Let us teach people so we have a better game: let us not be afraid of very small PPs."

☞ Indeed I have spoken out against the routine use of PPs for purely educational purposes. PPs should be used sparingly, for flagrant acts or repeated infractions. And I'm especially against using them for very inexperienced players or those new to duplicate. I'm not sure what category the North player was in here, but her "table chat" seems typical of a club or social bridge player who is used to an informal atmosphere. If I'm right, a private word and perhaps a Player Memo to record the incident seem appropriate. As David points out, the score adjustment is a strong teaching tool. It's just unfortunate that the table Director fumbled this one so badly.

**Weinstein:** "Twilight Zone time again. Apparently the Director was so thrilled with North wanting his bidding advice, that he didn't adjust the score. East was right there pitching, by not preferring to 2♥, something the Committee should have at least considered before adjusting the E/W score. My prediction is that none of the players involved will move up a stratum in our lifetimes."

**R. Cohen:** "The Director was off the walls. He (or she) ignored North's histrionics. The Panel got it right."

**Polisner:** "Why didn't the Director rule in favor of the non-offending side when the decision to balance was not totally clear? Good decision by the Panel."

**Wolff:** "Why did E/W deserve +110 (East didn't prefer 2♥)? They get -300 and N/S +300 but a 6-imp penalty for UI."

☞ E/W get +110 because South's 1♠ bid was canceled and the contract changed to 1♥. At that point the 2♦ contract no longer existed. E/W deserved +110 because that is what would have happened in 1♥ had South not bid 1♠, an action suggested by North's comments, when pass was an LA. E/W did nothing to forfeit their right to redress and the laws entitle them to a have "normal" result restored—not to suffer with a poor one caused by their opponents' improper actions.


CASE TWENTY-EIGHT

Wolffie, of all people, should “get it” that the innocent side deserves to have their damage redressed. After all, he was right in there pitching for redress in the infamous “Oh s\*\*t” case, and check out CASE THREE, where he accepted a score adjustment for his own side. And his comment (“What about the opponents being disadvantaged...”) confirms his belief that his side deserved redress. Isn’t what’s good for the goose good for the gander as well?

As for the PP Wolffie would administer to N/S, even if a PP were appropriate (which it isn’t), why penalize N/S 6 imps when a normal PP is only 3 imps? This seem draconian, especially when it seems that North was either new to duplicate or used to playing in socially-oriented games. I think Wolffie has lost touch with the social aspects of the game, which many of our members actually prefer. Remember what it’s like to have only 220 masterpoints? Hmm...probably not.

For those wondering what happened to our Little Lost Lamb...he’s baa-ack.

**Treadwell:** “It seems to me that a 1♠ balance by South is warranted by the hand (even at IMPs) and is not affected by the UI. Hence, I agree with the Director and would allow the table result to stand. Incidentally, why did East not correct to 2♥?”

 Good grief.

**Subject (UI/MI):** What You Can Do With A Concealed Six-Bagger  
**Event:** Stratified Pairs, 24 Nov 01, Second Session

Bd: 21	♠ 10983	♠ ---	
Dlr: North	♥ AQ103	♥ J9542	
Vul: N/S	♦ 94	♦ J763	
	♣ A64	♣ QJ82	
♠ K642			
♥ 876	♠ AQJ75		
♦ K	♥ K		
♣ K10975	♦ AQ10852		
	♣ 3		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	Pass	1♠
Pass	2♦(1)	Pass	4♦
Pass	4♠	4NT	Pass
5♣	Dbl	All Pass	
(1) Not Alerted; four-card Drury			

**The Facts:** 5♣ doubled went down four, +800 for N/S. The opening lead was the ♠10. The Director was called at the end of the play when North announced the failure to Alert his 2♦ bid. The Director ruled that the failure to Alert 2♦ was a violation of Law 21 but was unrelated to the final contract. The table result was allowed to stand.

**The Appeal:** E/W appealed the Director’s ruling. Only E/W attended the hearing. The Reviewer learned that East had asked about North’s 2♦ bid following the 4♠ bid and was told by South that it was natural. (N/S’s actual agreement was that 2♦ was four-card Drury.) East said he wouldn’t have bid 4NT if he had known that 2♦ was four-card support Drury. (E/W admitted they played this same convention.) East expected N/S to have a double fit (spades and diamonds) and saw a profitable save in 5♣ or 5♥ on a crossruff. He also hoped that his bid might push N/S to

5♠ where his partner’s spade holding might be enough for a set. When prompted he confessed that he hadn’t thought through the implications from the non-forcing 2♦ bid regarding the likelihood of N/S having a big double fit. Neither of the E/W players had looked at the N/S CCs. (East said he usually just asked.) East also stated that he had judged N/S to be not too skilled and that he would not have bid 4NT against stronger opponents. The approximate masterpoint holdings of the four players were: West 480; East 260; North 1275; South 535. The play in 5♣ went: On the ♠10 lead West pitched a diamond as South won the ace, cashed the ♦A, and switched to the ♥K. North overtook, cashed the ♥Q, and gave South a heart ruff. The defense later scored the ♣A.

**The Panel Decision:** The two issues involved in this case were: (1) were E/W damaged by the failure to Alert or misexplanation of 2♦ (Laws 75A and 40C); (2) were E/W damaged by any possible use of UI by North from South’s failure to Alert 2♦ (Law 16A)? Three players with 150, 300 and 1000 masterpoints, all familiar with or practitioners of Drury, were individually given the East hand and the auction (with 2♦ described as natural). None would have bid 4NT but all expected that N/S had a big double fit in spades and diamonds. Only the 1000 point player was mildly tempted to bid 4NT if 2♦ was natural but not if it was Drury. An expert player was also consulted. He thought that any damage came not from MI, but from East’s judgment since he (ironically) found West with a hand that was all he could have hoped for, yet, if N/S had had only a five-three spade fit (in the 2♦ natural scenario), he might well want to defend 4♠. Considering North’s actions from an UI standpoint, four players, two with 150 and two with 1000 masterpoints (all familiar with Drury) were given North’s problem after South’s 4♦ bid (with 2♦ having been properly Alerted). All four cue-bid 4♥ in spite of the fact that the Reviewer could not tell them the agreed meaning of 4♦ (due to N/S’s absence from

the hearing). 4♥ was thus established as an LA to 4♠. Two expert players, including the one previously consulted, confirmed that the failure to Alert 2♦ suggested North's actual 4♠ bid and were then asked their opinions on where the auction might have proceeded after a 4♥ bid by North (with South still unaware of North's spade fit). Both agreed that N/S arriving in slam was a good possibility. Since East would clearly not bid 4NT over a 4♥ bid from North, the Panel deemed the MI matter moot and projected an auction where South bid 6♦ and North corrected to 6♠. This was deemed "at all probable" (for N/S) and "likely" (for E/W) to have ended down one (Law 12C2). The Panel also observed that the illegal 4♠ bid notwithstanding, North's double of 5♣ was clearly influenced by the UI from the non-Alert of 2♦ and contributed to N/S avoiding slam. The contract was changed to 6♠ down one, +100 for E/W.

**DIC of Event:** Mike Flader

**Panel:** Matt Smith (Reviewer), Susan Patricelli, Sol Weinstein

**Players consulted:** Ron Sukoneck, Chris Willenken, and three Flight B/C players

**Directors' Ruling:** 53.3

**Panel's Decision:** 72.9

✍ Why didn't the table Director find out what the jump to 4♦ meant in to N/S's methods? As the consultants' indicated, North would almost certainly cue-bid 4♥ whatever it meant. (If it showed a good second suit, in a hand such as ♠AKQxx ♥x ♦AKxxx ♣xx or ♠AKQxx ♥x ♦KQJxx ♣Kx, slam was virtually certain. If it was a splinter, less likely given North's diamond holding, in a hand such as ♠AKQxx ♥Kxx ♦x ♣KQxx, again slam is virtually certain.) And of course 4♠ minimized the chance of any further misunderstanding, so it was clearly suggested by the failure to Alert 2♦.

Had North cue-bid 4♥ in furtherance of a (presumed) diamond slam, South would bid 4NT or simply jump to 6♦ (fearing 4♠ might be misinterpreted as an offer to play there). In either case, N/S would reach 6♠ (it's clear to allow North to correct). On the likely club lead, South wins, loses the spade finesse, takes the club tap, then overtakes the ♥K to take the losing diamond finesse. He then takes a second club tap and tries to cash the ♦A, since if that lives he has the rest of the tricks on a high crossruff. But West ruffs and returns a trump, leaving South with yet another loser for down three, -300. So that is the score I would assign to N/S.

As for E/W, I would not reciprocate the N/S score if I judged that East's 4NT bid was egregious for a player with 260 masterpoints. (I think it is.) It is true, as the write-up states, that East was negligent when he failed to notice that North was a passed-hand whose "natural" 2♦ bid was non-forcing, clearly implying that he could not have a big spade fit. It is also true that East's 4NT bid was pretty dismal—even if the auction was as he thought. But the Panel was certainly right that over a 4♥ cue-bid East would not have bid 4NT. Thus, although my intuition is that E/W don't really deserve it, I would reciprocate the score for 6♠ down three to them as well.

Several panelists are with me most of the way, but are prepared to let N/S out for only two down in 6♠ (on a presumed heart lead). Why?

**Gerard:** "Down one is good bridge but bad analysis. Declarer would have to take a first-round diamond finesse against the jack. Down two would be generous but correct. I could easily construct down three for the offenders (heart ace, spade finesse, spade return, diamond finesse, spade return, diamond ace). Nice work of the Director to avoid appreciating the issue. How do we train these guys?"

**R. Cohen:** "A very tough decision by the Panel, but N/S +800 was not one of its options. N/S +620, -100, or -200 were possible results. Based on 12C2, -200 should have been assigned, not -100, if the Panel believed 6♠ was the appropriate final contract."

**Stevenson:** "I am not at all sure that East would not bid 4NT over 4♥ given his opinion of what is going on, nor do I see what the double of 5♣ has to do with it when a different auction is being considered. Nevertheless, the Panel has correctly decided that without illegal use of UI 6♠ could have been reached. But why one off? This is a very difficult hand to control, especially on a club lead, and two off is likely, more possible. As for the Directors, whenever there is MI over the description of a bid, the Director should consider both UI and MI whatever the player claims damage for."

**Bramley:** "This is a tough case because East took an outrageous flyer with an assist from MI, caught the layout he was hoping for, and still took a bath. How much protection does he deserve?"

"Despite the consultants' unanimous selection of 4♥ over 4♦, I see merit in North's choice of 4♠. His ♥Q is probably wasted, and he has no high honors in partner's suits. Furthermore, the supposed UI from failure to Alert is weaker than UI from a superfluous Alert. Therefore, I will analyze the auction assuming that 4♠ is acceptable.

"Even though East took a bid that few would find, he had some theoretical basis for his action based on his understanding of the bidding. However, without a doubt, even this East would have passed had he been properly Alerted. Then the pendulum swings to South. Regardless of his interpretation of the auction, he has another call coming, presumably Blackwood after partner has raised spades, after which a 6♠ contract is inevitable. Thus, changing the contract to 6♠ was correct, even if that conclusion was not reached in precisely the same way I would have reached it. However, the assigned result should have been down two, since declarer will lose two finesses and a diamond ruff.

"Note that just because East caught a layout consistent with his take on the bidding, he should not be deprived of the alternative action he would have taken with correct information. Indeed, if East had caught a worse layout it would have been easier for the Director to get it right."

✍ Bart's position regarding E/W's right to receive protection is well reasoned, but I have two problems with the remainder of his analysis. First, just because there may be merit in bidding 4♠ over 4♦, the consultants present compelling evidence that 4♥ was not only an LA, but *the* most attractive action. So the offenders don't get to skate by bailing out in 4♠. Second, North has two (count them) aces and it's not at all clear that the ♥Q is wasted since we don't even know what South's 4♦ bid was supposed to mean in his methods. My earlier examples show that slam is quite likely over either shortness or a diamond suit, and if 4♦ is a serious slam try with a hand such as ♠AKQxx ♥Kx ♦AKxx ♣xx, even a Grand Slam is still possible.

Some panelists inexplicably buy the Panel's adjustment to down one in 6♠ (although not necessarily for E/W).

**Weinstein:** "Good consideration by the Panel. Poor table ruling."

✍ You're right about that last point.

**Polisner:** "I hope that North was chastised for not bidding 4♥. The failure to do so was taking advantage of UI. I agree with the Panel's decision for N/S, but would have kept the -800 for E/W."

✍ Good point. Why was there no mention of the issue of North's failure to bid 4♥ in the write-up? David (Stevenson) will be happy to learn that I support a PP to N/S here for North's egregious (non-)action.

**Treadwell:** "N/S did commit an infraction and the analysis of the probability of their reaching an unmakeable slam was high enough to warrant awarding them -100. However, I do not think that E/W should get this result, particularly in view

of the fact that E/W play the same methods and East came in with an egregious gambling bid. I would have awarded E/W -650.”

✍ Just because E/W were also playing two-way Drury doesn't mean they were clairvoyant enough to know, without an Alert for a clue, that N/S were playing it.

**Rigal:** “The Director missed the points made by the Panel but I approve of his philosophical approach here since the 4NT bid was ridiculous of course. Nonetheless the Panel followed an excellent (and all-too-rarely adopted approach) of punishing North for his ‘jump-to-game’ approach. Mind you, some thought has to be given to the auction going 1♠-2♦; 4♦-4♥; 4♠-Pass, with South cue-bidding for diamonds and North passing the ‘sign-off.’ On that basis, reciprocal scores of 620 are appropriate; not 650 I think. E/W may have benefitted unfairly from the actual adjustment but I'd rather have that any day than N/S gain from the UI. (Re the non-offenders: I suspect I will be as far from Bobby Wolff on this decision as it is possible to go).”

✍ If N/S play 4♠, it's still likely that they'll go down one on a club lead. And why would you give the offenders the benefit of the doubt by allowing them to play in 4♠ when it is quite possible—even likely—that they would get to slam? Aren't you giving N/S precisely the profit from the UI that you claim you want to avoid?

Barry's prediction is right on target because, making up his own rules...

**Wolff:** “Why are we so stubborn and continue to play in the CD sandpile? Of course, E/W might have been influenced by the failure to Alert the four-card Drury. These problems *cannot* be solved by Committee; they must be solved by the players knowing their conventions or not playing them. Table result stands with N/S penalized one-half board for failing to Alert (CD).”

✍ The last time we looked, CD and failing to Alert were still not punishable offenses. But UI and MI were.

It's lonely out here, but 6♠ down *three* for both sides is the correct adjustment.

CASE TWENTY-NINE

**Subject (MI):** 20/20 Hindsight And The Self-Alert

**Event:** NABC Life Master Pairs, 18 Nov 01, Second Qualifying Session

Bd: 1	Bernie Lambert		
Dlr: North	♠ 104		
Vul: None	♥ J1043		
	♦ KQ103		
	♣ AKQ		
John Glick		Nancy	
Zakim			
♠ 9862		♠ AKQJ753	
♥ 87		♥ 95	
♦ 86		♦ 754	
♣ 108654		♣ 9	
	Helene Bauman		
	♠ ---		
	♥ AKQ62		
	♦ AJ92		
	♣ J732		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	1NT	2♣(1)	2♦(2)
Pass(2)	Pass	2♠	3♠(3)
4♠	5♥	Pass	7♥
All Pass			
(1) Alerted; unspecified one-suiter			
(2) Not Alerted; asked, explained as ♦			
(3) Director called (see The Facts)			

**The Facts:** 7♥ made seven, +1510 for N/S. The opening lead was the ♠A. After South's 2♦ bid West asked North what 2♦ meant and was told it showed diamonds. Later, after South bid 3♠, North sent South away from the table and informed the opponents that South's 2♦ bid was not natural. The Director was then called. When he arrived he took each of the E/W players away from the table individually. East stated she would have passed 2♦ had she known that it showed hearts. The Director changed the contract to 2♦ made seven, +190 for N/S.

**The Appeal:** N/S appealed the Director's ruling and were the only players to attend the hearing. N/S did not find it reasonable that East would have passed with a hand containing seven sure tricks. N/S were a new partnership and did not have the “system on over interference” box checked on their CCs. The Committee would have liked very much to address some questions to the E/W pair, but since they chose not to appear

(which was their right; the appropriate box on the form was signed) this was not possible.

**The Committee Decision:** The Committee addressed the following issues: (1) Was there a failure to Alert? Since N/S had no clear agreement in place, North's failure to Alert the 2♦ bid placed an obligation on South to act as if there had been an Alert in selecting her future actions. (2) Did this constitute MI and were E/W damaged? North's explanation (that 2♦ was natural) to West's inquiry (why was West asking?) did provide MI by stating an agreement that did not exist, although North thought it did. Law 21B3 (with Law 40C) says the Director *may* award an adjusted score when MI has been given and it is too late to correct a call. (3) Would East pass as she claimed if given the correct information? The Committee would like to have known E/W's methods in considering (2) and (3), especially what a double would have meant and other possible options. Since this was not possible, the Committee decided that pass was not an LA for East with her actual hand. (4) North's pass was self-Alerting to South that a problem had occurred, apart from the failure to Alert. Was South now permitted to recover? The Committee decided that South's 3♠ bid was allowable. (5) What about North's sending South away from the table and subsequent explanation to E/W? Once the 3♠ bid had been made, North assumed that a partner who had signed off in 2♦ and was now cue-bidding



must have meant 2♦ as a transfer. The Committee saw no reason to disallow the subsequent auction and restored the table result of 7♥ made seven, +1510 for N/S. (6) Was there an infraction by North when South was sent away from the table? While North's motives (to inform E/W of a failure to Alert) were admirable, this was also a violation. While the Committee believed that a PP was appropriate, they judged the normal 1/4-board (16 matchpoints on a 64 top) to be too severe; a 1/10-board (6.4 matchpoints) PP was assessed against N/S instead.

**DIC of Event:** Henry Cukoff

**Committee:** Robert Schwartz (chair), Doug Doub, Michael Huston, Judy Randel, Jon Wittes

**Directors' Ruling:** 49.2

**Committee's Decision:** 83.3

☞ Maybe I missed something, but when the Director was called after South's 3♣ bid, right after North sent South away from the table and told E/W that 2♦ wasn't natural (duh!), why didn't the Director back up the auction and allow East to change her 2♠ bid if she wished? According to Law 21B1, a player may change a call that was *probably* made as a result of MI, as long as the player's partner has not made a subsequent call. It was too late for West to change his pass of 2♦, since East had made a subsequent bid (not that West would have done so), but it was certainly not too late for East to change her 2♠ bid. Good grief.

Only one panelist joined me in noticing this problem. We discussed it at length by phone, consulted Memphis, and the result of those discussions is...

**R. Cohen:** "Let's start with the Director's actions at the table. When he got there he determined that there had been MI. While there probably had been no agreement about the 2♦ bid, E/W were given two explanations—"transfer" superceding "natural"—when probably there was no agreement at all. Based on determining that there was MI, he followed prescribed ACBL procedures by calling East and West away from the table and was told by East she would not have bid over 2♦ if she knew it meant hearts. Had the Director continued to follow common ACBL procedures, he would have canceled the 3♣ bid and given East the opportunity to change her 2♠ bid to pass. Had this procedure been followed, the table result would have been N/S+190.

"Why the Director did not follow normal ACBL procedure to its conclusion I don't know. The appeal should have been from N/S that, had the Director allowed the auction to continue they would have arrived at 7♥, a very tough mountain to climb considering they had proven they didn't know what their agreements were in the first and second rounds of bidding. Law 21B1 does not specifically require that East be given an opportunity to change her call, though in ACBL and invariably this opportunity is provided if an opponent says he would have made a different call in these circumstances in a timely fashion—i.e., before his partner has made a subsequent call.

"So what are the possible adjudications in these circumstances. Did the Director screw up? Partially and substantially. Should the ruling be based on this fact? Probably. When a Director fouls up, both sides should probably get the best of it. However, neither side is entitled to all the points on the board. Much as I hate to do it, I would award E/W Average Plus and N/S Average Plus or +1510, whichever is less. There are other possibilities. A case could be made for assigning Averages to both sides. Another option to be considered is E/W -190, N/S +1510 with a 1/4-board PP to N/S. I could think up a couple more but would settle for the two-way Average Plus.

"To keep ourselves aware of the various perspectives, Law 21B1 reads 'Until the end of the auction period, a player may, without penalty, change a call when it is *probable* that he made the call as a result of misinformation given to him by an opponent...' Had E/W been told there was no firm agreement in the first place (and the CC seemed to bear this out), East would have been bidding 2♠ at her own risk

with no further recourse in the matter.

"Even in this case, the Director legally had the right to allow the auction to continue if he believed the 2♠ bid was probably not caused by the MI. However, in the ACBL we almost bar a Director from exercising this option."

☞ Right. The Director should have canceled both the 2♠ and 3♣ bids, backed up the auction, and allowed East to change her 2♠ bid; it should have been "put up or shut up" time. But the situation is even more complicated than that.

Law 21B1 allows East to change her bid when it's *probable* that it was affected by the MI. But ACBL policy is that the Director does not make that judgment (or even look at East's hand) at that point in the auction. He simply cancels the 2♠ and 3♣ bids, backs up the auction to East, and allows her to change her bid *provided she believes that the MI was directly responsible for the bid*. In other words, she may change her bid only if she thinks that had she known that South had hearts (not diamonds) and that North thought South had diamonds (i.e., that N/S were having a bidding misunderstanding), she would not have bid 2♠. She may *not* change her bid based on information that only became available after the 2♠ bid. Thus, she can not use the knowledge that South has a good hand (which was revealed by the 3♣ bid) as a basis for changing her bid. She can know that if she allows her 2♠ bid to stand she will be giving N/S a chance to recover from their misunderstanding—i.e., South will get another chance to bid (which she might have been planning on)—but she cannot use the knowledge from the 3♣ bid that South *was* planning to bid again or that she had game-going (and possibly slam-going) values. If East passes 2♦ and the Directors later determine that it is not probable that East would ever have passed 2♦ with her hand, the score can be adjusted—perhaps even to 7♥ for N/S.

The Director's decision to allow the auction to continue suggests he was not aware that it could legally be backed up (or got caught up in taking the E/W players away from the table and finding out what they *might* have done differently). So he allowed it to continue and later assigned an adjusted score. Alternatively he might have departed from ACBL procedure by looking at East's hand, judging that she would never have passed 2♦, allowed the auction to continue, and then later been over-ruled by the DIC who instructed that the score be adjusted back to 2♦.

Clearly East should have been given a chance to change her call at the table. This is supposed to be one of those bread-and-butter rulings that Directors make in their sleep, but someone appears to have been asleep with their autopilot turned off. A good question, then, is why the DIC or the Screening Director didn't catch the error and either correct it or tell the Committee about it. Law 82C says that in cases of a Director error which prevents the board from being scored normally, an adjusted score should be assigned treating both sides as non-offenders. That is what Ralph appears to be basing his score adjustment on.

I agree with him in principle but not with his choices. The Director should have backed up the auction and allowed East to change her bid. East was entitled to know *at that point* that 2♦ was a transfer (South had hearts) and that N/S were having a bidding misunderstanding. East said she would have passed 2♦ and I might have too. After all, West couldn't act over 2♦ and South might easily have been counting on another chance to bid. While the hand could belong to E/W (especially looking at those spades), the odds now make it more likely that N/S have a heart fit and possibly values for game or more. A save will almost certainly cost E/W more than defending 2♦, so the odds now make defending a much more attractive proposition. I would assign E/W the score for 2♦ made seven: -190.

As for N/S, after the Director error we must consider them as non-offenders. Even so, I can't imagine a scenario in which N/S would get beyond 2♦. North explained 2♦ as natural and East knows South intended it as a transfer. I consider it very likely that East would have passed 2♦ rather than take N/S off the hook and risk having to save over a game or slam. I do not think it is likely that East would have still bid 2♠. Thus, I'd assign N/S +190 in 2♦. The table ruling ended up being right for both sides—but only serendipitously.

Next, what about the Committee's decision? Given that they didn't know the

Director's ruling was in error (Should they have caught it when the Directing staff and Screener didn't?), they acquitted themselves quite reasonably, covering most aspects of the case very thoroughly. Ultimately, for them the case boiled down to whether or not to believe East would have passed 2♦ had it been explained to her as "No special agreement." I agree with them that *under those circumstances* East would not have passed 2♦; she would have bid 2♠. (Remember, she would not have known that N/S were having a bidding misunderstanding, or that South had hearts or a good hand.) Thus, the Committee's decision to allow the table result to stand was fine *given the circumstances they believed existed*.

However, I still have a question for them: What was that PP for? It's true there was no evidence that N/S had any special agreement about 2♦, and clearly that's what North should have said in answering West's question. But in explaining 2♦ as natural North was only trying to help his opponents, which is hardly egregious and surely not deserving of a PP (unless N/S had been warned about this previously, which they hadn't). And telling the opponents about the newly discovered MI (after sending South away from the table) was not a violation, except in the most technical sense. North is required by law to correct his own MI as soon as he becomes aware of it. However, he should have called the Director before doing anything else rather than send South away from the table on his own initiative.

Since none of the other panelists caught the Director's error, their views of the decision are based on the erroneous assumption that the table ruling was legal and that the auction could not have been backed up. Given this, they mostly agree with the Committee's decision (as I would have under those circumstances). In what follows I'll consider their comments in that light, if you'll promise to remember that Director's decision to adjust the result to +190 for N/S was ultimately the correct one, even though he made it for the wrong reasons.

**Bramley:** "Good work except for the PP. This was not egregious behavior by N/S, but a misguided attempt to do something right. We shouldn't get in the habit of penalizing people who try to do the right thing. East's contention that she would have passed out 2♦ makes the highlight reel of lame assertions. The Director blew this one badly."

**Weinstein:** "What East actually meant to say was, if I knew the opponents were having an incredible bidding disaster I might have passed. Good consideration by the Committee, but I don't like the PP, even if small. North was trying to be ethical, and his ignorance should have been corrected by a simple explanation of why the Director call was appropriate. Minor trespasses, when well intentioned, should never be slapped with a PP. This is the third awful table ruling in a row."

**Rigal:** "Whatever the Director decided to adjust to, assuming East would pass 2♦ is absurd. The Committee made the right assumptions, although the PP seems out of line to me. I would have explained the position to N/S and told them how lucky they were. But a PP for an innocent attempt to rectify the position and not prejudice the opponents seems a bit tough. On the other hand, perhaps they deserve some form of punishment to make up for their almost divine rescue from +190 territory. The Lord giveth and the Lord taketh away."

**Brissman:** "East's statement sets a new record for audacity. How did the table Director buy it?"

**Gerard:** "Tortured reasoning to reach the right score adjustment. North's correct response was 'No conventional understanding,' which translates to 'natural.' Therefore, the subsequent auction was rub of the green. And yes, East probably wouldn't pass 2♦ but only because the correct information wouldn't have ruled out 2♦ being natural. To suggest that East would bid because of her own hand was fatuous. That is, if 2♦ were known to be a transfer, pass was certainly at all probable. The procedural adjustment was too heavy-handed. Nobody was damaged,

so a little lecture would have taught N/S what they needed to know."

**Polisner:** "At least the Director ruled in favor of the non-offending side. However, the decision to bid 2♠ is highly likely no matter what information was given as it could certainly be E/W's hand. It is easy for East to say she would have passed 2♦ had she known the correct information after the fact. Overall, a good decision by the Committee."

✍ Two panelists support the Committee's decision for the PP. It's hard to imagine that it's in the best interest of bridge in *the ACBL* to procedurally penalize a purely technical irregularity by a player who was only trying to comply with the law and help his opponents. Adjust the score when that's appropriate and by all means educate a player who has done the wrong thing, but don't penalize him unless he is guilty of a serious ethical infraction (and should have known better) or has repeated an egregious behavior which he'd been warned about before.

**Treadwell:** "N/S, a new partnership, had a mixup, but got out of it legitimately after East balanced. Hence, I think the Committee got it right including the assessment of the 1/10 board PP."

**Stevenson:** "The Committee seemed to have covered everything. After East bid 2♠ the auction was very reasonable. The interesting question is not whether East would have passed 2♦ with seven playing tricks, but whether East would have passed 2♦ knowing it was a transfer, and thus might be a prelude to higher things. It is notable that the Director and Committee seem to have reached different conclusions as to the system meaning of 2♦. The Committee seems to have concluded there was no agreement; the Director seems to have concluded there was MI and that 2♦ was a transfer. This considerably affects the likelihood of East bidding 2♠.

"As far as the PP was concerned, there seems a lack of consistency. Perhaps it might work better if the ACBL defined a specific PP as a 'standard' penalty, maybe a quarter-board, or 3 imps, or a quarter of a VP. Then a Director or Committee could issue a standard PP, or double or half standard if circumstances warrant."

✍ For David's information, the ACBL *has* defined a standard PP as 1/4 board, 3 imps or 1 VP, depending on the form of scoring. Directors and Committees *can* issue a "standard" PP or vary it as they see fit. And as long as they are permitted to exercise discretion in the size of the PP they issue, accusations of inconsistencies will be made whenever one is varied from the standard. The situation is precisely the same in the ACBL, England, the EBL, the WBF, and other bridge organizations around the world.

Our last panelist thinks the Committee was entitled to make up their own laws.

**Wolff:** "But something should be subtracted from the Committee's performance for continuing to deal with CD. I'm in favor of a special room at NABCs which has a sandpile in it and all who are in favor of the current rules can play in that room. A frightening Director's ruling to allow E/W (who kept the bidding alive) to have an unearned -190."

✍ The laws and regulations *require* Committees to continue to deal with CD since it is neither illegal nor punishable (unless there is evidence of continued negligence after a pair has been warned). Committees must enforce the laws, even if they don't agree with them personally. Any changes must be enacted by the Laws bodies and not by rogue Committees.

CASE THIRTY

**Subject (MI):** When You Play With The “Big Boys”...

**Event:** NABC Life Master Pairs, 18 Nov 01, First Qualifying Session

Bd: 11	Annette Caron		
Dlr: South	♠ 1096		
Vul: None	♥ QJ976		
	♦ 875		
	♣ 105		
Martin Schifko	Mike Moss		
♠ A72	♠ 854		
♥ 542	♥ K8		
♦ AK2	♦ Q1093		
♣ KQ63	♣ 8742		
	Jacqueline Karlen		
	♠ KQJ3		
	♥ A103		
	♦ J64		
	♣ AJ9		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			1NT
Dbl	2♦(1)	Dbl	2♥
Pass	Pass	2NT	All Pass
(1) Not Announced or Alerted; transfer			

**The Facts:** 2NT went down two, +100 for N/S. The opening lead was the ♠K. The Director was called when declarer lost a third-round diamond finesse at trick five. The Director ruled that the failure to Announce or Alert North’s 2♦ transfer bid did not contribute to the result. The cards visible to declarer (East) should have provided him with sufficient knowledge of the North hand. Since Law 40C did not apply, the table result was allowed to stand.

**The Appeal:** E/W appealed the Director’s ruling and were the only players to attend the hearing. The play of the hand had been: ♠K ducked; ♠3 to the ace; ♦AK; diamond to the ten losing to the jack. The N/S CCs were marked “system on” over double and 2♣. The back side of the CCs also had the “system on” box checked. East raised three issues: (1) South had failed to Alert North’s transfer and had hesitated before bidding

2♥. (2) Being from the East Coast East had never heard of anyone playing transfers in this auction. (3) East believed that the Director had acted inappropriately by immediately declaring “no damage” after hearing the auction. East had neither questioned the opponents concerning the 2♦ bid nor looked at their CC.

**The Committee Decision:** The Committee decided that a player of East’s ability was obligated to make some effort to protect himself. He neither questioned the opponents nor examined their CCs, which were properly filled out. The very nature of the 2♦ bid followed by South’s 2♥ bid should have Alerted East to a potential conventional meeting (the Committee exercised great restraint in not commenting to East on his naivete). Additionally, declarer could determine that 3=3=4=3 was impossible for North because South would be 4=5 in the majors and 4=3=4=2 would likely have resulted in a Stayman call by North. Therefore, the table result of 2NT down two, -100 for E/W, was allowed to stand for E/W. Although 2NT could have been made with proper play and the help of a misdefense by N/S, the Committee decided that the most likely result was seven tricks for declarer. Therefore, for the potential damage caused by the failure to Alert, N/S’s result was changed to 2NT down one, +50 for N/S. As to the third issue raised by East, the Committee believed that the Director’s actions fell within proper bounds and informed East that he could pursue the issue with ACBL management if he so chose.

**DIC of Event:** Henry Cukoff

**Committee:** Mark Bartusek (chair), Phil Brady, Doug Heron, Ed Lazarus, Peggy Sutherland

**Directors’ Ruling: 80.3**

**Committee’s Decision: 86.6**

☞ So East saw nothing unusual in North bidding a natural 2♦ holding only jack-fourth of the suit—right. And East didn’t have the vaguest idea that this might be a transfer, not even after South bid 2♥—right. And our East-Coast East never heard of playing “transfers on” over doubles in spite of the fact that the CC has a space reserved for it—right. And the Committee didn’t even consider an AWMW—right.

As Yogi might have said, “Tro da bum out”: table result stands for both sides. Several panelists agree, though only two mention an AWMW.

**Bramley:** “Not best. The Committee quickly spotted a petty, whiny, sour grapes appeal, and just as quickly they rejected that appeal. On the surface, that qualifies for an AWMW. However, the Committee gave the appeal merit when they determined that had declarer been Alerted he would always have gotten seven tricks, therefore reducing N/S’s score by one trick. Somehow this doesn’t feel right. N/S ought to get the benefit of playing against someone who commits an error, rather than lose that benefit for an offense that did not directly cause the error, an offense brought to light only by an otherwise meritless appeal. I find this ‘infraction’ akin to the old failure to Alert a negative double, an offense for which an experienced opponent could expect no compensation. A merely technical infraction of this type should not subject its perpetrator to a penalty.”

**Treadwell:** “The Committee started off on the right track in saying a player of East’s ability was obligated to make some effort to protect himself. The nature of the 2♦ bid with the 2♥ response by opener virtually shouts that it was a transfer. Further, in the play, after South followed to two rounds of diamonds, is it conceivable that North bailed out of 1NT doubled with ♦Jxxx? No way. This is one of the grossest attempts to get a score adjustment after a minor infraction by an opponent that I can recall. Not only should the table result have been allowed to stand, but E/W should have been issued at least one AWMW each.”

**R. Cohen:** “The only problem with the title is that the big boy behaved like a little boy. I would have been embarrassed to even call the Director to the table—let alone appeal. N/S +100 both ways.”

☞ Some panelists accept adjusting N/S’s score to +50.

**Weinstein:** “It seems only fair that if the ‘West Coast player’ in CASE TWENTY-SIX would never transfer with Jxxx, that an ‘East Coast player’ would play North for bidding with Jxxx. I agree with the Committee.”

**Polisner:** “Very good Committee analysis.”

☞ Some panelists are caught up in analyzing how East went down two in 2NT. Does it really matter (other than for curiosity’s sake)? The fact is, he ended up down two at the table.

**Gerard:** “Where’s the rest of the story? If South didn’t shift to a heart after cashing spades, the result could have been 2NT made two, -120 to N/S. It would have meant she didn’t appreciate the value of her third heart and would have pitched it rather than a spade winner on the long diamond. The only way to achieve real life down two in 2NT was for South to shift to a club or for North to pitch two hearts (after South’s heart shift revived the fourth diamond). I’m betting on the former, but we needed to be told.”

**Rigal:** “The play in 2NT is far from trivial. E/W were robbed in the Committee I believe, since after the ♠K lead and a low spade to the ace declarer will make 2NT by running four rounds of diamonds—unless South pitches a master spade. And

how many pairs who do not know when they play transfers will get that right? Not many. While I can live with the idea that declarer's diamond finesse was poorly judged and might have robbed him of the right to redress (I am not sure I agree), a split score with N/S getting landed with -120 is far from unreasonable here. Is that not getting close to the offenders receiving the most unfavorable score possible here? (By the way, this is the third deal in six that required Deep Finesse; how did we survive without it?)

☞ Why should declarer get to cash four diamonds when he played for an absurd situation at the table, despite overwhelming evidence to the contrary? The plain and simple fact of the matter is that East must have been asleep when he played the hand. Did N/S profit from their infraction? Maybe. But the chance of that must be weighed against the silliness of E/W's appeal. I agree with Bart that this infraction is very similar to the old infraction of failing to Alert a negative double. The subsequent auction and distributional constraints around the table all make the infraction here immaterial. I would not apply this decision to cases that bear only a superficial similarity to the present case. The specifics of the hand, the level of the event, and the skill of the East player create an exceptional situation.

**Stevenson:** "As to what the Director did, the write-up is not totally clear. If he was told the facts and immediately made a ruling without leaving the table then that is inappropriate for a Director in a judgment ruling. The fact that the ruling was right does not affect this."

☞ We have only East's word that the Director made a ruling while he was still at the table, before the play of the hand was finished. Somehow I just don't buy it. One panelist just didn't get it.

**Brissman:** "Properly Alerted, I think East would have made 2NT. South could indeed be four-five in the majors for her 1NT bid (don't tell me you've *never* done it), and would have corrected a natural 2♦ to 2♥. With the correct information, East would likely have scored four diamond tricks, tabled a club (which East must duck) and exited with a spade. Give E/W +120."

☞ So South opened 1NT holding four-five in the majors and North picked this moment to bid his jack-fourth of diamonds, realizing the value of playing in a suit contract holding 3=3=4=3 opposite his partner's strong notrump. That's a joke, right? Are we on Candid Camera?

Our final panelist viewed the decision in this case as cause for celebration, although perhaps not for all of us.

**Wolff:** "Good news: this Committee really got it right. Bad news: this case has energized me to continue my critiques. Summing up the results of this decision: (1) Candy store closed. (2) Technical infraction got punished. (3) Field is protected. (4) Justice is served. Special thanks to East since without him this decision might not have been made, although there are players worse (bite my tongue) than him who are wearing sheep's clothing."

**Subject (MI):** Breaking The Chain

**Event:** NABC Life Master Pairs, 18 Nov 01, Second Qualifying Session

Bd: 22	Fred Allenspach		
Dlr: East	♠ K10987643		
Vul: E/W	♥ ---		
	♦ 5		
	♣ Q1096		
Jill Levin		Barry Rigal	
♠ J5		♠ AQ	
♥ AK76		♥ J109532	
♦ Q43		♦ J96	
♣ AK74		♣ J8	
	Janet Lee		
	♠ 2		
	♥ Q84		
	♦ AK10872		
	♣ 532		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	Pass
1♣(1)	4♥(2)	Dbl(3)	Pass
Pass	4♠	All Pass	
		(1) Alerted; strong, artificial	
		(2) Not Alerted; intended as a transfer	
		(3) Alerted; value showing	

**The Facts:** 4♠ went down two, +100 for E/W. The opening lead was the ♥J. The Director was called at the end of the auction when North explained that there had been a failure to Alert his 4♥ bid as a transfer. West chose not to change her final call. East said he would have doubled 4♠ had he been given the correct information. The Director allowed the table result to stand since a second double by East seemed clear after the 4♠ bid.

**The Appeal:** E/W appealed the Director's ruling and were the only players to attend the hearing. E/W had discussed methods for actions after a transfer. Without the Alert, East believed there could have been confusion about the meaning of a double of 4♠ where there would not have been had he been properly Alerted. Without a double by her partner, West was unsure that she could defeat 4♠ or that her side could bid successfully at the five level.

**The Committee Decision:** The Committee could not find a legal basis for protecting a pair whose methods depended on proper Alerts by the opponents. Therefore, the table result was allowed to stand. The N/S pair, however, clearly violated proper procedure by failing to Alert 4♥. Since the Committee believed strongly that players should be held to a very high standard on Alerts of uncommon competitive conventions, N/S were assessed a 1/6-board PP and this record was referred to the Recorder.

**DIC of Event:** Henry Cukoff

**Committee:** Henry Bethe (chair), Lowell Andrews, Lou Reich, David Stevenson

**Directors' Ruling: 75.7**

**Committee's Decision: 64.1**

☞ First, East wants to plead his case.

**Rigal:** "The write-up of this case is appalling. The first sentence of the decision makes absolutely no sense; how else can a pair be protected? This is not the kind of write-up that inspires confidence in what follows.

"By the way, just for reference, our partnership discussed the hand in CASE THIRTY in the meal break, before this deal came along, as mentioned in the body of the Appeal. We agreed that the diamond suit there (♦Q109x) was not good enough to double to show diamonds. Accordingly, we did have a precise and specific agreement in place re this sequence (doubling a transfer bid in a forcing-

pass auction, which we defined the one in CASE THIRTY to be). The Committee did not understand that had I been properly Alerted, I could have doubled 4♥ to show hearts and then doubled 4♠ to show values. No late Alert could ever have put my partner back to the moment where my double of a transfer could show that suit; the auction had got beyond that point. I can live with the idea of us getting left with the table score (although East should hardly be punished for not doubling 4♠ for 300 since he was trying to get the 650 that was available on the cards, while West did not realize that East's cards were outside hearts). Still, as I have stated before, where damage has occurred, breaking the chain should very much be the exception and not the rule. In any event, our opponents would always have been in 4♠ doubled had they Alerted properly. They certainly deserve no better."

✍ Barry is right. The Committee was wrong to say there is no legal basis for protecting a pair whose methods depend on proper Alerts from the opponents (in other words, on knowing what their bids mean). I spoke to the Committee chairman about his write-up and he admitted that when he wrote it he wasn't having his finest hour. Of course there is plenty of legal basis for protecting a pair under those circumstances. Suppose, for example, partner opens 1NT and RHO bids 2♥, no Alert. You hold ♠AJ9x ♥xx ♦Qxx ♣xxxx and make a negative double, hoping partner can bid spades. Instead he bids 3♦ which goes down one. At the end of the hand you learn that RHO held spades and intended 2♥ as a transfer (their actual agreement). Had you known this you obviously would not have doubled for takeout; you would have passed and hoped to get the chance to double 2♠ for penalty. In fact, you could not have doubled 2♥ with your hand because your agreement is that a double of a transfer bid shows the suit doubled (here, hearts). Had you passed all roads would have led to a plus score, even if 2♥ was passed out. Can the Committee really believe there is no legal basis for protecting you because your methods depended on being properly Alerted? If so, I'd be amazed.

If, instead, the chairman meant that there may be a legal basis for protecting the pair but they just couldn't find it (this would be sad if it were true), then I refer them to both the law book (e.g., Law 21) and the casebooks for countless examples.

Looking at the rest of Barry's argument, it is not clear how the agreement that E/W formulated based on the two-level double in CASE THIRTY would apply at the four level. Barry said (in a recent phone conversation) that any six-card suit would have been okay for a four-level double. With the proper Alert he would have doubled 4♥ to show hearts and then doubled 4♠ to show values. But this leaves open several questions: Would the double of 4♠ encourage partner to bid 5♥ or would it be mainly penalty? Do East's spades really make a 5♥ contract attractive? How do you distinguish a double of 4♠ after showing hearts where you really want to defend 4♠ from one where you just want to show values and encourage West to bid 5♥? Would a pass of 4♠ be forcing in this auction (when West could have a balanced 15-count) and suggest the latter? (After all, if North had a trump E/W would go down in 5♥ on a ruff while if East's spade values were in diamonds 5♥ would have a fighting chance.) Once South failed to Alert East said he could no longer convince West that he held a long heart suit so they had no chance to get to 5♥. Would you really want to be in 5♥ looking at those E/W hands?

Another thing the Committee chairman told me in our recent conversation was that at the hearing South said they played transfers in some other auctions, but this was not one of them. Thus, it was not clear that N/S really had an agreement that 4♥ was a transfer here and there was doubt in some of the Committee members' minds that there had really been any MI at all. But since the write-up failed to convey any of this (shame, shame) our panelists could not evaluate it.

Based on the write-up, I strongly agree with the Director that E/W were largely responsible for their own demise. East's hand screamed "Double 4♠" and West's pass of 4♠ after East had shown values for the four-level was criminal—East's pass of 4♠ had to be forcing. And on top of that, the idea of playing 5♥ on the E/W cards—while I can imagine some pairs stumbling into it—is unrealistic. I can't see West ever bidding 5♥, even had East been able to show heart length. (The double

cannot by definition show a six-card suit or what would East do over a 4♥ transfer holding five good hearts, spade shortness, and a good hand?) North's 4♠ bid made it clear that 4♥ had been intended as a transfer (of course East knew this from his own hand too, but he also knew West couldn't know it) but in practice once N/S got to the four level 4♠ was going to be the final contract—doubled or not.

One member of the Committee confirms that the write-up is in error, and adds to that an admission of his own.

**Stevenson:** "The write-up in this case is at variance with my recollection, and at the time it did not seem to accord with the chairman's recollection either. Apparently the chairman was not given a chance to approve the final write-up, which seems poor methodology. I wrote a correction immediately for the Daily Bulletin, but the correction did not appear and the write-up here is the original flawed one.

"Of course the Committee could find a legal basis for a pair to rely on its opponents' Alerts: Law 21 gives the right to adjust a score based on damage from MI, and failure to Alert properly is MI. What the Committee actually decided was that E/W did not deserve redress despite the MI because of their failure to play bridge thereafter. Whatever their methods, and East made the basis of them quite clear, either his pass was forcing and West should not pass it or it was not forcing and East, knowing his side had game values, had to take some other action.

"While I am perfectly happy with this, the Committee then erred in its treatment of the offenders. Failure to play bridge by the non-offenders only affects their right to an adjustment. We should have adjusted N/S's score, in my view, to 4♠ doubled down two at the very least. I also believe the Director should have done something similar. Sadly, I failed to argue this at the time. Not an auspicious start to my ACBL Committee work!"

✍ I'm glad to hear that David disagrees with the first part of the write-up. But my recent discussion with the chairman made it clear that he wrote exactly what he intended. He said what he wrote is what the Screening Director told the Committee (he just neglected to attribute what he wrote to the Director), but I find it hard to believe that the Screening Director really said that. Given the various problems with the write-up, it seems much more likely that the chairman simply misunderstood what the Director said or was relating his own misconceptions about the laws. The chairman assured me that neither he nor the other Committee members believed any of what they were being told. That's certainly good to know, but it's of little consolation after dealing with this colossal mess.

Next, David's bunk about the chairman not having been given a chance to approve the final write-up is as absurd as the first sentence of the decision. The chairman wrote the report and no changes (other than grammatical ones) were made in what he wrote. Thus, there was no need to give him another chance to approve what he himself had written. So no one is to blame for this write-up or this decision who was not a member of the Committee.

As for David's belated opinion that N/S's score should have been changed to -300, I agree. Had the 4♥ bid been properly Alerted there is little doubt in my mind that N/S would have ended up in 4♠ doubled; E/W would have been forced to get it right. While the non-Alert should not have affected anything, since E/W should have gotten it right anyhow, it is still true that N/S profited from the failure to Alert. So the final adjustment should have been: N/S -300, E/W +100.

Agreeing with the Committee and the Director that the table result should stand are...

**Bramley:** "Why isn't there a legal basis for protection from a failure to Alert? It happens all the time. However, I agree that no protection was needed here, since both East and West appear to have an easy double of 4♠. Furthermore, I would have skipped the PP. This was a 'forget,' not an egregious abuse. Procedurally punishing systemic screw-ups would open a Pandora's box of petty litigation. We don't need it."

I agree about the PP. Just as in CASE TWENTY-NINE, no PP was called for, especially since N/S's score should have been adjusted. What about an AWMW?

**Polisner:** "Good work by all except that an AWMW seems warranted."

**Brissman:** "The Director's conclusion that the second double by East seemed clear nails it. Unless East articulated a compelling argument that his second double could be confusing, E/W should have been assessed an AWMW."

**Treadwell:** "E/W failed to play bridge in not doubling the 4♠ bid. East surely must have known that 4♥ was a transfer after North ran out to 4♠. I agree with assessing a PP to N/S in this rather unusual situation, although, in general, I don't feel it is warranted for most failures to Alert. If E/W were trying to get a score adjustment with their appeal, I would be inclined to award them an AWMW, but probably would not since N/S were punished."

**R. Cohen:** "What is the statement in the Committee decision about no legal basis for protecting a pair? If a pair receives MI, the law provides plenty of protection if they are damaged as a result of that MI—and the methods they employ are irrelevant. If I am using different defensive methods against weak 1NT and strong 1NT openings and I am misinformed as to the agreement about an opening 1NT bid's strength, you bet the law will protect me if I can demonstrate damage. Change the result to E/W +300."

I agree with Ralph's arguments, but not his final conclusion. How exactly did E/W demonstrate damage here?

**Gerard:** "Isn't the treatment of the offenders inconsistent with the previous hand? If 4♥ had been Alerted, wouldn't N/S have been -300? In the Big Case to come, almost everyone agrees that would have been the appropriate adjustment for the bad guys."

Ron is right. The treatment of the offenders is inconsistent with the previous case. But that's because of the unusual circumstances present in the previous case. In my opinion both decisions are wrong.

Are you ready for some more PC about CD?

**Wolff:** "This Committee fiddled while the event burned. CD will ignite, fan and eventually destroy high-level bridge. We don't have a fire department, or even hoses except the one that was used to do in E/W. I would give a zero to N/S and their percentage score to E/W. Does anyone confront or even know the damage done to players facing CD in this current environment? We need to eliminate CD and require full disclosure as a starting point for all of us to again have confidence in our system."

Based on the write-up, there is no evidence of CD here (unless we expand its definition). As Bart said, South simply forgot to Alert. (As it turns out, Wolffie may actually—and unknowingly—be right that this was CD if North did, in fact, apply one of his partnership agreements to an inappropriate and undiscussed auction.) But whatever the truth, since N/S were unfairly advantaged they should have their score adjusted to -300 (not to zero) as per Law 12C2 and E/W should get to keep their self-inflicted +100 and an AWMW to boot.

**Subject (MI):** Forcing Or Not, I Pass

**Event:** Stratified Open Pairs, 18 Nov 01, First Session

Bd: 29	♠ 74		
Dlr: North	♥ 6		
Vul: Both	♦ AJ10732		
	♣ J632		
♠ A9852		♠ K103	
♥ 872		♥ KJ109	
♦ Q985		♦ K64	
♣ A		♣ 1095	
	♠ QJ6		
	♥ AQ543		
	♦ ---		
	♣ KQ874		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
All Pass	2♦	Pass	2♥(1)
(1) Not Alerted; CC not marked non-forcing			

**The Facts:** 2♥ made two, +110 for N/S. The opening lead was the ♣A. The Director was called at the end of the auction. South did not know if 2♥ was forcing and said he was not going to pass 2♦ with a void. West said he would have bid 2♠ if he had known that 2♥ was non-forcing. The Director changed the contract to 2♣ made two, +110 for E/W (Laws 21B3, 40C, 12C2).

**The Appeal:** N/S appealed the Director's ruling. South said he didn't think about whether 2♥ was forcing or not. He never considered passing with a diamond void. North said he knew they were playing Ogust but didn't know if they had discussed whether new suits were forcing. He decided to pass since he was minimum with only one heart. South said 2♠ couldn't be the final contract because he would have balanced with 3♣. While 3♣ might

not buy the contract, he certainly wouldn't sell out to 2♠. E/W said West was a very aggressive player (they were willing to cite other hands as examples if necessary) and would definitely have bid 2♠. They believed they were owed an Alert if North was treating 2♥ as non-forcing. E/W asked about the 2♥ bid before the opening lead. North said they hadn't really discussed it, but he thought it might be non-forcing because they were playing Ogust.

**The Panel Decision:** This case potentially had several issues to address, all them hinged on whether there had been an infraction. South's CC was marked Ogust. The red box marked "New Suit NF" was not checked. North had lost his CC. There was no dispute that North had, in fact, said at the table that they hadn't really discussed if new suits were forcing. The Panel was satisfied that there had not been a violation of law. Law 40B states "A player may not make a call or play based on a special partnership understanding... unless his side discloses the use of such call or play in accordance with the regulations of the sponsoring organization." No agreement of "New Suit NF" existed. Thus E/W were not due an Alert and all other issues became moot. The table result of 2♥ made two, +110 for N/S was restored.

**DIC of Event:** Terry Lavender

**Panel:** Gary Zeiger (Reviewer), Doug Grove, Matt Smith

**Players consulted:** none reported

**Directors' Ruling: 54.1**

**Panel's Decision: 85.8**

Given the facts in the write-up, I agree with the Panel that N/S had no specific agreement regarding new suit responses to weak two-bids. I would like to know how the table Director determined that N/S had an agreement to play 2♥ as non-forcing, or was his ruling simply based on the fact that North passed 2♥? Surely the

South hand, with its 14 HCP and five-five distribution, is not evidence that South intended 2♥ as non-forcing. And North's pass is not evidence that he didn't just decide to pass, as he said, because "he was minimum with only one heart." North and South seem to be "intuitive" bidders (they had about 800 and 580 masterpoints, respectively). I think it's clear that they simply hadn't discussed the issue of forcing versus non-forcing new-suit bids and were bidding by the seats of their pants.

**Gerard:** "If North's Ogust explanation had made any sense, there was an infraction. Unusual treatments derived from systemic inferences require an Alert. But it was just a coincidence, not a direct consequence of Ogust. So the Panel was right that there was no issue to consult over. The Director's ruling was too generous to E/W anyway. After three rounds of hearts, ♦A and a ruff, and a fourth heart, the odds are at least 2-to-1 to ruff high, avoiding -200."

**Stevenson:** "Fair enough. The Director seemed pretty optimistic assigning eight tricks in 2♠, but the Panel seems to have the right answer."

**R. Cohen:** "East could have protected his side if he had asked about the 2♥ bid instead of passing and then asking. Had he asked first, the Director could have been called. It would have been implicit by North's pass that 2♥ was non-forcing, and that there had been a failure to Alert. West could then have been offered the opportunity to change his pass—i.e. to bid 2♠. For E/W, I do not consider a 2♠ bid 'likely' with all those losers in the opponents' suits. They keep -110. For N/S, is a bid of 2♠ 'at all probable'? I think not, though it is close. N/S +110."

✍ So by Ralph's standard, players *must* have an explicit agreement about every bid; otherwise, whatever they bid must be assumed to be their agreement. Sorry, but that's not how it works. Alerts only apply to agreements (either explicit or implicit) and North's pass is not clear evidence of an agreement that 2♥ was non-forcing. In Ralph's world any bid, even one that has not been previously discussed, would be taken to constitute an agreement and if partner misreads it or treats it differently than intended, that would constitute MI.

But Ralph is right about one thing: North's pass was cause enough for East to call the Director before he passed 2♥. The auction could then have been backed up to West (if the Director determined that N/S did, in fact, have an agreement that new suits were non-forcing) who could have now have bid 2♠. So E/W should get no protection since they failed to act properly to protect themselves.

**Polisner:** "Before I would agree with the Panel, I would have wanted to be assured that West had not looked at the N/S CC (which I suspect is the case). Assuming that is true, then if N/S had no understanding, they committed no infraction. Thus, table result stands."

✍ Another good point regarding damage is made by the next two panelists...

**Rigal:** "Since 3♣ makes at least 110 and the likely consequence of West bidding 2♠ was for East to join in (either by raising spades at once or over 3♣) and go minus at least 200 in spades or notrumps, where is the damage? Had the Director explained this properly, this would have got close to AWMW territory. There are some interesting abstract questions arising here re the obligation of a partnership to have agreements, but the fact of the matter is that after the 2♥ bid, the best result E/W could get from the deal was to defend 2♥. And they should have been able to work this out."

**Wolff:** "The Director was precipitous when he naively gave E/W what they wanted. If West overcalls, East would raise and wind up with a minus score. Let the table result stand, +110 for N/S, with N/S getting a technical penalty of 1/4 to 1/2 a board for a technical infraction."

✍ Nice touch, Wolffe. Keep right on penalizing Flight B/C players for technical infractions (assuming, for the sake of argument, that there was even an infraction here—which is very unlikely) and in a couple of years the few dozen of us who are left will be able to hold our NABCs in church basements.

That little lost lamb is baa-ack again. In his case it's understandable that in the years since he was a beginner he has forgotten what it's like to bid intuitively, without agreements about what's forcing and what isn't. Maybe you've never seen a novice or intermediate player pass a forcing bid before, but it happens all the time. I guess they should all Alert their one-over-one and two-over-one auctions as non-forcing since their partners might just up and pass.

**Treadwell:** "The fact that North passed 2♥ strongly suggested that there was some sort of implied agreement that it was not forcing. This is a relatively common situation which a pair should be prepared for. I would have gone along with the Director's ruling, since there was a reasonable likelihood of damage to E/W."

✍ Which damage? The damage from East not asking about the 2♥ bid before he passed or the damage from E/W not getting to 3♠ down 200? Or maybe it was the damage from N/S playing 2♥ for +110 instead of 3♣ for +110. And where is the evidence for N/S's agreement? In the unchecked "New Suit NF" box on their CC?

Good grief.

## CASE THIRTY-THREE

**Subject (MI):** You Pays Your Money And You Takes Your Chances  
**Event:** NABC Open BAM Teams, 20 Nov 01, Second Qualifying Session

Bd: 17      Steve Gaynor Dir: North   ♠ 93 Vul: None   ♥ Q9873 ♦ K108 ♣ 1096  Sid Lorvan                      Barry Rigal ♠ AK75                            ♠ J842 ♥ J65                              ♥ K ♦ A7                                ♦ 9542 ♣ KJ54                            ♣ Q873  Art Ardybakshian ♠ Q106 ♥ A1042 ♦ QJ63 ♣ A2																									
<table style="width: 100%; border: none;"> <tr> <td style="width: 25%;"><b>West</b></td> <td style="width: 25%;"><b>North</b></td> <td style="width: 25%;"><b>East</b></td> <td style="width: 25%;"><b>South</b></td> </tr> <tr> <td></td> <td style="text-align: center;">Pass</td> <td style="text-align: center;">Pass</td> <td style="text-align: center;">1NT(1)</td> </tr> <tr> <td>Dbl</td> <td style="text-align: center;">2♥(2)</td> <td style="text-align: center;">Dbl(3)</td> <td style="text-align: center;">All Pass</td> </tr> <tr> <td>(1) 10-13 HCP</td> <td></td> <td></td> <td></td> </tr> <tr> <td>(2) Alerted; hearts and spades (DONT)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>(3) Penalty</td> <td></td> <td></td> <td></td> </tr> </table>	<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>		Pass	Pass	1NT(1)	Dbl	2♥(2)	Dbl(3)	All Pass	(1) 10-13 HCP				(2) Alerted; hearts and spades (DONT)				(3) Penalty				
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>																						
	Pass	Pass	1NT(1)																						
Dbl	2♥(2)	Dbl(3)	All Pass																						
(1) 10-13 HCP																									
(2) Alerted; hearts and spades (DONT)																									
(3) Penalty																									

**The Facts:** 2♥ doubled made four, +670 for N/S. The opening lead was the ♥K. The Director was called at the end of the play. The N/S CCs did not have DONT marked on them. N/S said they had agreed to play the convention while traveling to the tournament but North forgot the agreement. The Director ruled that even assuming a misexplanation there was no connection between the infraction and the result: East's penalty double seemed uncalled for. The table result was allowed to stand.

**The Appeal:** E/W appealed the Director's ruling. South and West did not attend the hearing. The Screening Director told the Committee that the Directors believed North's statement that he had misbid and that there was no MI. However, even assuming an incorrect explanation, there was no connection between the infraction and the result. East said that when he was told North's 2♥

bid showed hearts and spades, he no longer had a way to get to 2♠. He believed there was a reasonable chance that his partner held four hearts and that his side had the balance of the strength. Thus, he chose to double. He backed up his judgment by leading the ♥K. East was unaware until the Committee's questioning of North that N/S had system notes showing that their agreement was as explained. North said that he and his partner went over DONT as a runout while traveling together to the NABC. He agreed to play it but it was too late to list it on their laminated CCs. North produced the typewritten system notes for the Committee. North said he forgot his agreement to play DONT and he was just lucky that his partner had hearts rather than spades because he believed he would have been required to pass a correction to 2♠ even if doubled. North had not previously made a DONT runout error since they had made their agreement to play DONT.

**The Committee Decision:** North's explanation that he misbid was reasonably credible but became indisputable when he produced his system notes to support it. At that point it was clear that there could be no adjustment since misbidding is not an infraction and the explanation of North's bid as DONT (showing hearts and spades) was a correct statement of N/S's partnership agreement. The Committee rejected the idea of a PP since N/S had obeyed the laws of the game; North simply misbid. The Committee then considered the merit of the appeal. For the purposes of this discussion the Committee worked on the premise of what E/W knew when they brought the appeal: (1) they did not know of the existence of system notes and (2) they did know that +140 for N/S was achieved at the other table. Since they did not know of the system notes it was reasonable for them to think that the

presumption of MI might weigh more heavily than North's oral explanation of his agreement. Even assuming MI, it was both East's bridge judgment that he couldn't be competitive on the board without doing something and his self-described eccentric penalty double that caused him to be non-competitive on the board. The Committee decided that the penalty double of 2♥ so broke the connection between any imputed infraction and a possible adjustment that East should not have appealed the Director's ruling. Further, East could have asked to withdraw the appeal once he became aware of N/S's system notes but did not. E/W were therefore each issued an AWMW.

**DIC of Event:** Henry Cukoff  
**Committee:** Michael Huston (chair), Phil Brady, Jeff Goldsmith, Abby Heitner, Riggs Thayer

**Directors' Ruling: 77.3      Committee's Decision: 82.5**

✍ Back to plead his second case is...

**Rigal:** "The write-up is incomplete. N/S produced their system notes only after the Committee had finished its fact-finding. North went back to his hotel room and emerged some time later with the notes, after E/W had left the room. The penalty double was not described as eccentric: I said that I appreciated that it might be construed as such, not that I thought it was eccentric.

"I could blame jet lag for failing to appreciate that N/S were about to bring typed notes (North never said he had *type written* notes) or I could blame the Committee for not asking me if I would want to withdraw my appeal under such circumstances. The chairman made an indirect comment and I'm afraid I did not register the hint. But frankly, I had stopped being able to think rationally about the issue. All I wanted to do was go to bed after the hearing rather than stay around for the debate. Mea maxima culpa.

"The BAM problems for East over a 2♥ bid showing both majors are impossible, given my partner's antediluvian methods. Maybe we deserved our result but had North shown only hearts, bidding 2♠ would have been obvious at BAM I believe, which meant I thought I had a sensible grounds for appeal. The appeals in Las Vegas were the first I had brought since a team appeal in Buffalo in 1988. I can easily believe it will be another 13 years before I bring another one."

✍ We'll take that as a promise.

My view of the write-up is that it is so thorough and authoritative that nothing needs to be added. I agree with the decision and the AWMW. Good job by both the Director and Committee.

One panelist cites a possible precedent for this case.

**Bramley:** "Sound analysis leading to the AWMW. The system notes cinch the case for N/S.

"I am bothered by the similarity of this case to one a few years ago: CASE TWENTY-SIX from Vancouver. That time, a 2♥ overcall of 1NT was Alerted as majors, but that was *not* their agreement. Coincidentally, the bidder did have four spades along with his hearts. The other side doubled and 2♥ made. However, just as here, the doubler had four spades and might have bid them if his opponent hadn't 'shown' them. The Committee, with the approval of most commentators, adjusted the score because the doubler had been inhibited from bidding his spades. Therefore, in the present case, if N/S had not been able to produce documentation, would East have been entitled to protection, despite his eccentric double? I sure hope not, but the precedent suggests otherwise."

✍ The Vancouver case Bart refers to differs in important ways from the present case. In Vancouver the DONT (2♥) bidder was in balancing seat. When 2♥ came



back around to the 1NT opener's partner it was entirely plausible that he might have bid 2♠ on ♠QJ107, since he had already passed 1NT and was therefore unlikely to have a five-card suit. But in the present case bidding 2♠ with the East hand would have implied (for most players) at least five-spades, so bidding 2♠ on ♠J842 was unlikely. To characterize East's penalty double of 2♥ as eccentric is generous; but to claim it is main-stream is absolutely bizarre. East should know that it's rub-of-the-green when an opponent forgets his methods and "picks off" your best suit. Unless there's evidence that East was misinformed as to N/S's *agreement*—not just North's hand—he has no legitimate claim for redress.

So to answer Bart's question ("Would East have been entitled to protection had N/S not produced corroborating system notes?"), no. The Vancouver case differs in too many important ways from the present one to serve as precedent; chief among them is in this case the Alert is consistent with the 2♥ bidding pair's agreement (so there was no MI) while in Vancouver it was inconsistent with that pair's agreement (so there was MI). Add to that the implausibility of East bidding 2♠ in the present case and his questionable double and there's no comparison. Precedent is a very delicate thing; we should not rush to apply the circumstances of one case to another without careful analysis.

Other panelists agreeing with this decision...

**R. Cohen:** "It seems like a bad week for individuals closely involved with Appeals Committees. A past Chairman, the current Chairman, and another individual who chaired the most contentious case at this NABC all received speeding tickets at Las Vegas. My oh my. Everybody got it right but East."

**Treadwell:** "An excellent analysis by the Committee. A misbid, particularly when backed up with system notes, is not an infraction. E/W had no business appealing the Director's ruling and heartily earned the AWMW awarded to them."

**Stevenson:** "Seems okay. If I was East I would not be surprised to lose 470 in 2♥ doubled even if North had spades."

**Weinstein:** "Poor East. In CASE THIRTY-ONE they bid hearts and had spades that East wasn't alerted to. Now they bid hearts and were supposed to have spades and they don't (DONT). Sometimes it just doesn't pay to get out of bed. In the meantime, the Director's ruling was a bit blasé regarding the offenders, but fine for the non-offenders. If the agreement was hearts, then there was definite consequent damage, regardless of the merits of the double of a DONT call."

✍ Yes, had the 2♥ bid systemically showed hearts, the Alert would have been MI and there would have been consequent damage. But that was not the case here.

One panelist agrees, but not with the AWMW.

**Polisner:** "It appears that N/S satisfied their burden of proving misbid versus misexplanation and thus there was no infraction. I think the AWMW was uncalled for since the evidence which established the facts was not presented until the Committee hearing."

✍ And finally, we take a "theoretical" detour.

**Wolff:** "Theoretical: I've already said enough about the rule that treats misbids and misexplanations differently. This appeal represents CD in one of its more insidious forms. Some top players (East in this case) base their judgment on what is told to them which, rightly or wrongly, makes CD even worse. Furthermore, this decision could encourage this N/S pair to have more strategic misbids in the future. It is disgusting to be cavalier about not addressing and immediately changing a part of our appeal process which is harmful to serious ethical players and caters to chicanery."

✍ No one disputes that not knowing one's agreements, whether it involves natural bids or conventions, causes problems. But memory is fallible and the varied levels of bridge competence among players limits what we can expect from them in terms of understanding all the implications of the methods they're using. And this type of problem is not even unusual among experts. Suppose you and I agree to play splinters and with no further discussion you open 1♠ and the auction continues: 1♠-Db1-4♣. Well, we didn't discuss whether splinters are on after doubles, nor did we discuss whether they apply as a passed hand, after an opponent overcalls, when the suit being raised is opener's second suit (e.g., 1♦-1♥; 1♠-4♣), or when we are the overcallers. But these auctions will come up, as this one did, and someone must make a decision. Which of these auctions are "clear" if I bid 4♣? Whatever I do, you may not be thinking along the same lines. You may Alert a natural 4♣ bid as a splinter or fail to Alert a splinter thinking it is natural. Do we deserve to obtain a bad result at the table and then get penalized on top of that just because my hand doesn't match what you decide I'm doing? If we're relatively new or inexperienced players, that's a good way to convince us to take up bowling or chess. And besides, does anyone really want to see an event decided by a PP just because someone forgot or didn't know what a bid meant even though it had no effect on the result?

Next, the suggestion that not adjusting the score in this case could encourage N/S (or anyone for that matter) to have "more strategic misbids in the future" is absolutely preposterous. Who in their right mind plans to have this sort of problem, or plans to explain a bid as one thing but to actually play it some other way? In most cases we adjust the score of pairs who misinform and damage the opponents. So a pair planning to do this risks not only a poor result but having any good result they might obtain taken away from them plus receiving an additional PP (or worse) if they're caught saying one thing but bidding as if their agreement was something else. Accidents are *not* chicanery.

And it's not the appeal process which would need changing if we were to adopt Wolffie's philosophy; it's the laws and regulations themselves. To adopt Wolffie's philosophy for the general bridge public (or even the top players in the top events) would be suicidal for bridge. We cannot legislate against memory failure or try to penalize it out of existence. We can redress damage caused by MI, but we cannot accept good boards from the opponents when they forget what they're playing and then on the next deal penalize them for precisely the same thing if their error happens to work in their own favor. Rub-of-the-green goes both ways.

Sorry, Wolffie, but while your philosophy may sound good in the abstract, when you examine the details it just falls apart. But if you still believe in it why not adapt it to another game, like baseball. You could penalize balls—after all, no one likes them. They are rarely swung at. They slow down the game. And why should a batter get a free pass to first base when he hasn't earned the trip by hitting the ball and running there safely? You could penalize fielding errors, too. After all, errors give away bases to batters who haven't earned them. Hey, and while you're at it, why not apply your idea to tennis too? You could penalize unforced errors: no one enjoys seeing a player hit the ball out of the court for no good reason. It makes the game boring and far less fun to watch. Hey, and how about chess? If a player forgets his queen is in danger and makes an inferior move you could penalize him...

## CASE THIRTY-FOUR

**Subject (MI):** Better Late Than Never

**Event:** Blue Ribbon Pairs, 22 Nov 01, Second Qualifying Session

Bd: 19      Tom Miller Dlr: South   ♠ 1094 Vul: E/W    ♥ J9854 ♦ J32 ♣ 76 George Jacobs      Alfredo Versace ♠ K753                    ♠ Q62 ♥ K1076                  ♥ Q2 ♦ ---                      ♦ KQ10985 ♣ AK984                  ♣ 53 Craig Satersmoen ♠ AJ8 ♥ A3 ♦ A764 ♣ QJ102																									
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 12.5%;">West</th> <th style="width: 12.5%;">North</th> <th style="width: 12.5%;">East</th> <th style="width: 12.5%;">South</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td style="text-align: center;">INT(1)</td> </tr> <tr> <td style="text-align: center;">Dbl(2)</td> <td style="text-align: center;">Rdbl</td> <td style="text-align: center;">Pass</td> <td style="text-align: center;">Pass</td> </tr> <tr> <td style="text-align: center;">2♣</td> <td style="text-align: center;">Pass</td> <td style="text-align: center;">Pass</td> <td style="text-align: center;">Dbl</td> </tr> <tr> <td style="text-align: center;">Pass</td> <td style="text-align: center;">2♥</td> <td style="text-align: center;">All Pass</td> <td></td> </tr> <tr> <td colspan="4">                     (1) Not Announced; 14-16 HCP                      (2) Four-card major, longer minor                 </td> </tr> </tbody> </table>	West	North	East	South				INT(1)	Dbl(2)	Rdbl	Pass	Pass	2♣	Pass	Pass	Dbl	Pass	2♥	All Pass		(1) Not Announced; 14-16 HCP (2) Four-card major, longer minor				
West	North	East	South																						
			INT(1)																						
Dbl(2)	Rdbl	Pass	Pass																						
2♣	Pass	Pass	Dbl																						
Pass	2♥	All Pass																							
(1) Not Announced; 14-16 HCP (2) Four-card major, longer minor																									

**The Facts:** 2♥ went down one, +50 for E/W. The opening lead was the ♣5. The Director was called after the auction. The 14-16 HCP notrump range was not Announced; E/W played different methods over strong (15-17 HCP) notrumps than they played over weaker ones. The Director ruled that there had been MI and changed the contract to 2♥ doubled down one, +100 for E/W.

**The Appeal:** E/W appealed the Director's ruling. Only West attended the hearing. (The ruling in this case was made on day one of the event, but circumstances prevented the appeal from being heard until the end of day two.) West's double of 1NT showed a four-card major and a longer minor. North's redouble was explained as 7 or more HCP. East could not then bid diamonds naturally, since it would ask for West's major. West's 2♣ bid showed his minor. South's double was explained as takeout. When the hand was over, North said that his redouble was an intentionally

misleading call; South explained it as penalty. E/W played different methods based on the strength of the notrump opening. They orally agreed to use weak notrump defenses against any range starting below 15 HCP. Using those methods, West could have doubled to show cards, shown a four-card major and a six-card minor, or passed. He said it was not clear what would have happened had N/S announced their notrump range. He added that this case affected only his carryover in the event, but having lost the NABC BAM Teams earlier in the week by 0.01 he felt justified in bringing this appeal. On defense he had won the ♣5 opening lead and returned the ♥6, hoping East had three hearts and that pulling trumps would be good.

**The Committee Decision:** N/S's failure to Announce their notrump range was an infraction which affected E/W's defensive system. The Committee first considered what adjustment would be appropriate based on this infraction alone. Had E/W's weak notrump defense been used, according to West he most likely would have doubled (showing cards) or passed. The Committee decided that the likeliest contract after either action would have been 2♥ doubled, and that this was likely enough to render all other results unlikely. 2♥ doubled might have been played from either side of the table (the Committee had no knowledge of N/S's methods over a value-showing double of 1NT). If played by North, the weak line of defense which occurred at the table would lead to down one. If played by South, West should not be permitted to play for club ruffs since that was the defense he rejected at the table. Without the club ruffs, the most favorable result likely would be down

one. Whether North's redouble was a misbid or a psych, there was no evidence of a misexplanation and, hence, no infraction. North's explanation of South's double of 2♣ might have been accurate systemically, but in light of South's reported protestations that it was penalty the Committee decided that North's explanation was MI. However, it caused no significant damage. The Committee also chose not to waste time considering a non-reciprocal result for N/S as it could no longer have any effect on them (they were non-qualifiers) or the field (the next day of the event had already ended). Thus, the Committee changed the contract to 2♥ doubled down one, +100 for E/W.

**DIC of Event:** Henry Cukoff

**Committee:** Michael Huston (chair), Phil Brady, Jeff Goldsmith, Bill Passell, Dave Treadwell

**Directors' Ruling:** 74.4

**Committee's Decision:** 72.9

✍ The Director and Committee seem to have done all one could expect of them. West chose to show a four-card major and a longer minor over a strong notrump; I find it hard to believe he would have done anything differently over the slightly (by 1 HCP) weaker notrump with his meager 13 HCP. Thus, I would have allowed the table result to stand. One could argue that West bidding his hand differently is 'at all probable' even if not "likely," and I could live with adjusting N/S's score to -100. But even that seems to be pushing the envelope.

When the Director adjusted the score to 2♥ doubled, +100 for E/W, what more could they hope for? Frankly, I find this appeal quite distasteful and unjustified by E/W's 0.01 loss earlier in the tournament.

Several panelists agree with me that E/W were asking too much (they should have been happy with the overly generous Director's ruling) and deserved nothing more than the table result.

**Polisner:** "What a can of worms. The MI did not really cause any damage as South had the hand expected for no announcement. The claimed damage was that different methods would have been employed had there been a 14-16 announcement. I don't buy it. Table result stands for E/W and perhaps a penalty to E/W."

✍ I suspect he means "and perhaps penalty to N/S," although an AWMW to E/W is an interesting proposal.

**Wolff:** "The most that should have been done is E/W +50, N/S -50 with a 1 matchpoint penalty as a reminder to N/S to announce their notrump range. A non-offending pair should not get a favorable adjustment for such a minor offense (especially a pair that is winning major events)."

**Weinstein:** "I am not the least bit clear what E/W were protesting. The Director already changed the table contract to 2♥ doubled. West said it wasn't clear what would have happened had they known that the opponents' notrump range was one point less. I wonder if that applies to 14+ to 17 HCP as well? By George (if that expression still exists), the explanation for the defense was that returning the heart six by West, hoping that East had three hearts, and pulling trump would be good? There is so much more I could say, but I won't. I suspect others may not be as reticent."

✍ Three panelists are content with the Committee's decision, but critical of E/W's appeal.

**R. Cohen:** "It's not clear what E/W expected to get from a Committee: +300? Not likely, considering the way they defended. They should have been happy with the Director's ruling."

**Bramley:** “Nitpicker’s heaven. Scrounging in Committee for stray hundredths is an unseemly way to play. A 14 HCP lower limit is common these days for many pairs playing ‘strong’ notrumps, so E/W’s stated agreement is peculiar. I would require better documentation of that agreement before awarding an adjustment. If the Committee was satisfied on that point, then their decision is okay.”

**Rigal:** “As stated, the key issue is whether N/S play transfers after 1NT gets doubled. If not, after 1NT-(Dbl)-2♥ East will surely bid diamonds, so N/S are off the hook. Given the mess and murk present, I can understand why the Committee threw up its hands and settled for the Director’s adjustment. I might have done the same and preserved my energy for meatier intellectual fare.”

✍ The next panelist is not unexpectedly concerned with the technical infraction.

**Stevenson:** “I do wonder how a pair playing 14-16 manages to forget to announce it.”

✍ The final panelist is skeptical of E/W’s claims as to their defensive methods. He would like to have seen more probing questions asked to try to get to the bottom of that issue. In the event that E/W’s claims proved true, he finds the Committee’s analyses of the subsequent auction woefully inadequate and recommends a bigger payoff for E/W.

**Gerard:** “What a mess. E/W claim but can’t prove that they use ridiculous methods, catering to a jack light opening one-third of the time. What if the range is 14-17, does that still call for the ‘weak’ notrump defenses? It’s so counter-intuitive that I would have conducted more of an interrogation. Then North produces the deliberate system violation blather, conveniently mooting any possible UI from South’s explanation. Next, we’re not told whether N/S played transfers, the only way that the contract could be 2♥ doubled (read on). Finally, the Committee imposed West’s silly defense on himself even if he could tell for sure that his partner had no more than two hearts. Sheesh.

“Assuming I could be satisfied as to E/W’s defenses, a card-showing double by West would lead to 2♥ undoubled or a minus score for E/W. Whatever North was doing over the actual double, he wouldn’t be foolish enough to psych a card-showing redouble. If he signed off in 2♥, who could double? On the other hand, if West passed, a 2♥ signoff would again lead to 2♥ undoubled. Only if North transferred to 2♥ would East have the chance to get in the auction safely. Then West would double 2♥, most likely still played by North. So 2♥ doubled would require that West pass 1NT and that North would bid 2♦, neither of which could be known. My take is that transfers were probable and although I would bet on a shortsighted double by West, pass was just barely 12C2 likely. But it’s a far cry from ‘the likeliest contract after either action would have been 2♥ doubled,’ as the Committee claimed.

“Anyway, remember that there’s no way for South to declare 2♥ doubled: West has to pass, North has to transfer, East has to double and South would pass. So North would be the declarer in 2♥ doubled, but this time he would be known to have at least five hearts. Therefore, West would not pursue his weak line of defense and the result would have been down two. If played by South as per the Committee, West would be looking at five hearts so he again would have abandoned the weak line of defense. Maybe the Committee should have wasted more of its time considering the E/W result. Plus 300 for E/W.

“Plus 300 renders irrelevant one more Committee error. If North’s redouble was a misbid, he had UI from South’s explanation. Then the contract should have been changed to 2♣ doubled, made two. Because of N/S’s absence, we don’t know whether it was a misbid or a psych, but I have such a bias against the latter that I would have deemed UI to exist. In that case, the Committee’s +100 would yield to +180. Very poor.”

✍ Many casual partnerships (E/W play together only at NABCs, and only in pair or BAM-type games) use methods which key on an easily identifiable aspect of the opponents’ bids. The lower range of the opponents’ 1NT opening is not a surprising feature to choose for this purpose, but I do agree with Ron (and Howard) that the 1-point difference here makes such an agreement pretty ridiculous. (I personally favor the rule that if the opponents’ opening notrump range overlaps 15-17 by two or more points, it is strong regardless of the precise upper or lower limits. Thus 13-16 would be considered strong but 13-15 would be considered weak.)

But the real issue is whether we buy West’s claim that he would (might?) have chosen to bid his hand differently had he been told the 1NT opening was 14-16. While I personally don’t buy that argument (nor do several other panelists), Ron is right that if we accept it as credible there are more issues to be decided. One is whether N/S play transfers. Ron makes an excellent point that if East can double a 2♦ transfer (if West chooses to pass or double 1NT to show cards) this will deter West from any further bidding and N/S are more likely to end up doubled. And who ends up being the declarer also depends on N/S’s methods. Since we have no useful information on this issue, it is difficult to pin down a specific result. Ron’s analysis of the various possibilities seems pretty cogent. His point is also well taken that under some conditions West will know (because he sees five hearts in dummy or because North has transferred to hearts) that East cannot have more than two hearts, so his heart switch in hopes of finding East with three hearts would never happen.

If you question whether West would have acted any differently had the required Announcement been made, then you’ll allow the table result to stand. If you agree with Ron that West might have done something different had the 1NT range been Announced, then you’ll select one of the results Ron proposes (300, 180, 100) for each pair’s score taking into account N/S’s agreements and the specifications of 12C2. But in that case a virtual miracle (and information we don’t have) would be needed to arrive at the Director’s and Committee’s adjustment.

CASE THIRTY-FIVE

**Subject (MI):** The Long Way Round  
**Event:** A/X Pairs, 23 Nov 01, First Session

Bd: 6	Carol Dibblee		
Dlr: East	♠ J642		
Vul: E/W	♥ K97		
	♦ 108		
	♣ Q1084		
Patricia Thomas	Sylvia DeSerpa		
♠ AQ1095	♠ K		
♥ J10542	♥ 86		
♦ AJ	♦ KQ97632		
♣ 9	♣ K32		
	Nancy Courtney		
	♠ 873		
	♥ AQ3		
	♦ 54		
	♣ AJ765		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	1♣
2♣(1)	4♣(2)	All Pass	
(1) Michaels (majors)			
(2) Not Alerted; preemptive			

**The Facts:** 4♣ went down one, +50 for E/W. The opening lead was the ♥J. East called the Director after dummy was faced and said she would have bid 4♦ if she had been Alerted that 4♣ was preemptive. The Director ruled that although 4♣ was Alertable (it appeared to be preemptive by partnership agreement), the failure to Alert had not caused E/W any damage. Therefore, the table result was allowed to stand.

**The Appeal:** E/W appealed the Director's ruling. Only E/W attended the hearing. East said she did not bid 4♦ initially because she did not want to push N/S into a club game but would have bid it if she had known that North's bid was preemptive. E/W said their agreement about Michaels was that the bid showed either a good or a bad hand. West said that if East had bid 4♦ she would not have raised to 5♦ because her jack-empty heart suit did not look promising. E/W had 4000 and

3700 masterpoints, respectively.

**The Panel Decision:** Three experts were consulted about what action they would have taken with the East hand over an un-Alerted 4♣ bid. The first said that 4♦ might produce -200 and that ♣Kxx was a big minus factor. With or without an Alert he would have passed 4♣ (which he knew was weak even without an Alert). The second expert also would have passed a preemptive 4♣, again mentioning that ♣Kxx was a negative factor. The third expert doubled 4♣ saying he had too much to pass. He said he would pass rather than bid 4♦. In fact, all of the players polled knew that 4♣ was preemptive even without being Alerted or told and said that in an A/X Pairs players must protect themselves in such situations. Two "X" players were asked how they would interpret the 4♣ bid. Both thought it was weak and neither would have bid 4♦; one said he would have opened the bidding with the East hand while the other said he would have doubled 4♣. The Panel, based on the fact that all of the players consulted knew that 4♣ was preemptive even without an Alert and on the instructions of Law 40C, concluded that there had been no damage to E/W from the failure to Alert 4♣ as preemptive; a player with 4000 masterpoints should have known to protect herself. (The ACBL Alert Procedure says that "Players who, by experience or expertise, recognize that their opponents have neglected to Alert a special agreement will be expected to protect themselves.) In any case, after consulting with the Chief Tournament Director the preemptive meaning of the 4♣ bid in this sequence was deemed to be non-Alertable. Thus, the table result was allowed to stand.

**DIC of Event:** Bob Katz  
**Panel:** Terry Lavender (Reviewer), Doug Grove, Gary Zeiger  
**Players consulted:** Ken Gee, Ron Sukoneck, Bob Teel, two "X" players

**Directors' Ruling:** 99.2      **Panel's Decision:** 92.5

✍ With two cue-bids to choose from to show a good hand, it seems clear that 4♣ should be preemptive (not that North's hand is my idea of what the bid should look like). Furthermore, even if it was not obvious to East that 4♣ was preemptive, there is no clear majority interpretation for the bid in Standard American so East should have asked in any case. In fact, I find this appeal so unappealing that...

**Bramley:** "Where's the AWMW? The consultants' testimony is, to put it mildly, overwhelming."

**R. Cohen:** "Where was the speeding ticket for players with 4000 Masterpoints?"

**Weinstein:** "Fine, except for the lack of an AWMW."

**Rigal:** "Talk about anti-climax. If 4♣ is not Alertable why are we here, instead of issuing an AWMW to E/W? Since we want to tell them that even if the bid were Alertable they have no case, how much more so in the actual circumstances?"

**Polisner:** "I agree that E/W weren't damaged and would likely have gotten a worse result had East bid 4♦."

**Stevenson:** "What did East think 4♣ showed? The ruling and decision seem fine."

✍ Regarding that pronouncement from the Chief Tournament Director...

**Brissman:** "I am aware of no regulation that would have made 4♣ non-Alertable at the time of this tournament. But if that was true, it is dispositive and the Panel wasted its time in consulting other players."

✍ Right on that last part. If 4♣ was ruled non-Alertable, why the consultation?

**Gerard:** "Earth to Chief Tournament Director: you're wrong. You can not deem Alertable sequences not to be Alertable because there is little chance of damage. [It seems the CTD ruled that 4♣ was non-Alertable for the same reason that 1♠-Dbl-3♠ (weak) is non-Alertable; not because there was no damage.—Ed.] That's two NABCs in a row where that type of dictum was handed down and it's a disturbing trend. Since it wasn't necessary for the disposition of this case, it was entirely gratuitous and sends the wrong message about the Alert procedure. We should want players to Alert rather than assume that everyone will know what their bids mean. And sometimes the failure to Alert calls for a procedural adjustment. This happened to me in a Team Trials in only a slightly more obscure situation. I was awarded no redress ('let him ask if he's considering action') but the opponents were judged guilty of not Alerting and were assessed a significant penalty. The Panel decision was as it should be, including the disregard of the ludicrous 4♦ contention. Weren't you blown away by E/W's argument that they would produce a double-dummy auction to their par spot? Makes you think they knew the hand, doesn't it?"

✍ And finally, the usual "Ignore the rules; just make up your own as you go."

**Wolff:** "Instead of caveats from the ACBL Alert Procedure why don't we have common law from previous Committee decisions? Would it interrupt our sand pile playing and/or would it take power away from the current Committee or both?"

Because it would make every Committee a potential little Caesar. Committees administer the rules—they don't make up their own. As I pointed out in response to Bart's comment in CASE THIRTY-THREE, precedent can be a very tricky thing. And why would it be better to use common law (i.e., precedent) derived from previous decisions, when most Committees have at best a limited grasp of the rules (and of past decisions), rather than a well-thought-out published standard such as the ACBL Alert Procedure?

Committees should not be concerned with power: Whatever power we choose to place in their hands should be tightly harnessed. The real power must reside, as it presently does, in the hands of the lawmakers, who have the time and expertise to consider the full implications of whatever rules they make. Committees must be limited to applying the rules under instruction from those whose job it is to know them (the Directing staff). Whatever sand pile you choose to play in (Appeal Committee or Lawmaker), you don't get to be the emperor—only a playmate.

**Subject (MI):** When Are Ignorance and Clairvoyance Equally Desirable?  
**Event:** Stratified Pairs, 24 Nov 01, First Session

Bd: 20	♠ 54		
Dlr: West	♥ KQ7		
Vul: Both	♦ KQ9854		
	♣ 85		
♠ AK106		♠ Q972	
♥ A8		♥ 543	
♦ 72		♦ 103	
♣ AQJ93		♣ K1076	
	♠ J83		
	♥ J10962		
	♦ AJ6		
	♣ 42		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1♣	2♦(1)	Pass	2♥(2)
3♣	All Pass		
(1) Alerted; explained as Mini-Roman			
(2) Not Alerted; when asked, N explained as pass-or-correct ("He'll bid if short suit")			

**The Facts:** 3♣ made four, +130 for E/W. The opening lead was the ♦Q (Rusinow). The Director was called at the end of the hand and, after talking to the E/W players, determined that West knew at the table that the information she had been given was not correct; East agreed that she knew the Alert of 2♦ was incorrect. He ruled that no advantage had been gained and that the table result would stand.

**The Appeal:** E/W appealed the Director's ruling. West said that she never told the table Director that she knew the explanation of the 2♦ bid was wrong; she first thought something was amiss when she saw the dummy. West said she would have doubled 2♥ or bid 2♠ with the correct information. East said she never implied to the table Director that she knew what was going on; she just told him she was never bidding with her five count. However, if partner had bid 2♠ she

would have bid 3♣. N/S said that by agreement 2♦ was preemptive. South had not noticed the 1♣ bid and thus thought North had opened 2♦, which would have been Mini-Roman. He realized his mistake before the opening lead but didn't know if he was supposed to say anything. The Reviewer discovered that E/W did not play Mini-Roman nor had they ever played it. He also learned that North explained South's 2♥ bid as pass-or-correct after hearing South's Alert and explanation of 2♦ as Mini-Roman. North did not realize that he was required to ignore the Alert and explain and treat 2♥ as natural and probably forcing. The approximate masterpoint holdings of the four players were: West 710; East 1260; North 2100; South 1300.

**The Panel Decision:** The Panel believed that several issues were involved in this appeal. (1) Should E/W have realized that the Alert and explanation of 2♦ was wrong? (2) Was West's failure to double 2♥ or bid 2♠ a failure to continue to play bridge? (3) What would North's proper action have been in the subsequent auction with the UI he had available? Consultation with seven Flight B players made it clear that with the correct information, E/W were likely to have reached 4♠. That evaluation was based, in part, on the assumption that North would have bid 3♥. Therefore, N/S were assigned the result in 4♠ (by E/W) made four, -620 for N/S. The consultation also made it clear that while West's peers might believe the explanation of Mini-Roman, they overwhelmingly doubled 2♥ or bid 2♠. The question of whether West's 3♣ bid broke the link between the MI and the damage (subsequent but not consequent) was difficult. Players with 750 masterpoints (as West had) represent a wide range of bridge ability. The Panel finally decided, based on the peer input received, that West's decision to bid 3♣ was unrelated to any MI. Assuming that North would have bid 3♥ the Panel projected a 4♣ bid by East, after which everyone would pass. Therefore, E/W were assigned the score for 4♣ made

four, +130 for E/W.

**DIC of Event:** Mike Flader

**Panel:** Gary Zeiger (Reviewer), Doug Grove, Terry Lavender

**Players consulted:** Seven Flight B players

**Directors' Ruling:** 59.5

**Panel's Decision:** 72.8

✍ This case involves a number of decisions, some of them laws related and others bridge related. First, South's Alert of 2♦ as Mini-Roman was MI to E/W, as was North's explanation of 2♥ as pass-or-correct. Second, both mis-Alerts and mis-explanations are UI to the player's partner. Third, there was damage on the board if we think N/S achieved a better score after the infractions than they might have otherwise. And finally, E/W should receive redress for any damage they sustained unless we decide they knew or should have known what was happening anyhow, or unless they failed to continue to play reasonable bridge for their skill level and had they done so they could have achieved at least as good a result as they could have otherwise.

The first two issues are easy to decide: N/S were guilty of both MI and UI. The issue of damage is less clear. If we decide West's 3♣ bid was not influenced by the MI, then we must decide how the auction would have continued. The Panel was right in deciding that North would raise South's (presumed) natural 2♥ bid and East would then raise to 4♣, ending the auction. (Note: if East passes 3♥ West might double or bid 3♣, but since she did not do either on the previous round it seems unlikely that she would do so at a level higher.) So if we agree that the 3♣ bid was unrelated to the MI, which the input from the consultants suggests, then we should allow the table result to stand for E/W. The issue about whether West knew what was happening in spite of the MI is moot in this case.

So did the MI influence West's second bid? The write-up says that all seven consultants reached 4♣ with the correct information but that they overwhelmingly either doubled 2♥ or bid 2♠ even with the MI. So it seems that either West was more influenced by the idea that North had a three-suiter than her peers or that her decision to bid 3♣ was entirely idiosyncratic and unrelated to the MI. Why did the consultants' input suggest the latter rather than the former?

I am not convinced that the Panel did the right thing here. West's 3♣ bid is admittedly poor, but if she thought North had spades behind her I can see where a player with 710 masterpoints might be trapped into focusing on her clubs. Based on this somewhat generous (or condescending, depending on your perspective) view of players at this level, I'm inclined to protect E/W. This decision receives further support from West's admittedly self-serving denial that she told the table Director she knew the explanation of 2♦ was wrong and her statement that she would have doubled 2♥ or bid 2♠ with the correct information. I happen to believe the Director confused the idea that West knew during the auction that the Alert of 2♦ was wrong with her knowing it before the hand was over, but not until after dummy appeared.

I would have changed the result to 4♣ made four, +620 for E/W. (I know that on a heart lead E/W can score +650, but I see no reason why North should lead a heart rather than the ♦Q he actually led just because the contract is 4♣ and not 4♠.) Agreeing with my reciprocal adjustment to +620 are...

**Gerard:** "Double 2♥? How do E/W reach their game if everyone's majors are reversed? Jack-third is plenty of trumps to play opposite one of North's suits, so the defenders have to have a way to compete if the Mini-Romaner escapes. Doubles of possible non-suits should be natural, if they can be. If double is taken out of the equation, is not bidding really an egregious error? The more difficult that question is—the Panel said it was difficult even with double in the picture—the more the answer is no. 3♣ gets 0 in the Master Solvers Club but not necessarily +130 at the table. Philosophically, I would always have been in favor of +130 (i.e., 3♣ was hopeless). Given recent trends, however, and analyzing the Panel's decision only

as an appellate judge and not de novo, I would have expected +620.

"So now that your head is spinning, where do I stand? On my own, not bidding 2♠ earned E/W +130, but I've always had a more rigorous view of non-offenders' obligations than is customary. As a reviewer of the Panel decision, however, assuming it held the mainstream opinion of egregious action, I don't see how it can justify its +130. That about half of the peer consultants made what I consider the wrong bid shouldn't have forced the Panel to come to the conclusion that it reached. So I would adjust E/W to +620, even though I don't personally agree. And if that doesn't confuse you, nothing will."

**Polisner:** "It seems pretty clear that E/W would get to 4♠ absent the MI. I have no idea what 'Mini Roman' is and I suspect that E/W didn't either. The MI (even when it results from South not seeing the opening bid) did cause damage and I would have adjusted the result to 4♠ made four +620 for E/W."

✍ A Roman 2♦ opening originally showed a three-suiter with 17-24 HCP. Mini-Roman uses the 2♦ opening for hands in the 11-15 HCP range—hence the "mini."

**Stevenson:** "There seems quite a difference in the facts according to the table Director and the final facts. Did the E/W story change completely or did the Director give insufficient care to his investigation? Many inexperienced players rebid their original suit rather than showing another one. However, to rule on that basis seems somewhat harsh, since surely West might have bid 2♠ with a correct explanation? If North had shown four spades then a 2♠ bid is far less obvious."

✍ The remaining panelists support a non-reciprocal adjustment. Unfortunately, some of them seem to relish this more as a matter of "harsh justice" (as punishment for what they see as a horrible 3♣ bid) than as a strict application of law.

**Bramley:** "We have had an inordinate number of cases centered on the point of whether the non-offending side played badly enough to establish a disconnect with an earlier infraction by their opponents. (See CASES TWENTY-EIGHT, THIRTY and THIRTY-THREE, and there are more to come.) I agree that West's 3♣ was not related to the MI. Therefore, the split decision was correct."

**R. Cohen:** "Wasn't it 'probable' that West would have doubled or bid 2♠ over 2♥ with the proper explanation? Wouldn't E/W +130 and N/S -620 have been the correct adjudication? I think so."

**Rigal:** "Excellent split score, despite my \*P\*P\* with the Directors here for not contemplating an adjustment after infraction. This split score is a little tough on West, but arguably that player deserves it for the horrible 3♣ call. I like the idea of N/S getting landed with -620, although this is arguably equally harsh on them."

✍ A slightly different non-reciprocal adjustment is preferred by...

**Wolff:** "CD strikes in a different way by artificially making West use good judgment for the Committee. The Committee and Director decided that West didn't and so allowed E/W to only score +130. I prefer -620 N/S and +170 E/W."

✍ Once West introduces her spades it's hard to imagine E/W not getting to game, especially after North raises hearts. That argues either for reciprocal 620s or the -620/+130 favored by the Panel—but not Wolffie's -620/+170. (But if 12C3 were available the +170 possibility could certainly be factored in.)

CASE THIRTY-SEVEN

**Subject (MI):** Charmingly Strange  
**Event:** Reisinger, 25 Nov 01, First Qualifying Session

Bd: 19	Luigi Montefusco		
Dlr: South	♠ K1093		
Vul: E/W	♥ K105		
	♦ KQ843		
	♣ 4		
Michel Abecassis	Barnet Shenkin		
♠ Q875	♠ AJ642		
♥ ---	♥ Q874		
♦ AJ1052	♦ 6		
♣ 7632	♣ J95		
	Mourad Meregion		
	♠ ---		
	♥ AJ9632		
	♦ 97		
	♣ AKQ108		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			1♥
Pass	3♣(1)	Pass	3NT(2)
Pass	4♥	All Pass	
(1) Limit raise in hearts			
(2) Pass-or-correct			

**The Facts:** 4♥ made five, +450 for N/S. The opening lead was the ♠7. Based on the explanation of 3NT as pass-or-correct, East played the ♠A at trick one, after which declarer lost only one diamond and one heart. E/W believed that if the ♠J was played at trick one and declarer then played the ♥AK, East would have been able to obtain a diamond ruff. The Director ruled that there was no evidence that the explanation given was not N/S's agreement. The table result was allowed to stand.

**The Appeal:** E/W appealed the Director's ruling. South did not attend the hearing. E/W found it difficult to believe that North's explanation of 3NT as natural and non-forcing was accurate. Had East suspected that South's hand was unbalanced, he might have played the ♠J at trick one. If declarer then played hearts as he did (ace first), he would not have had the ♠K available for a diamond discard and a defensive diamond ruff would have held him to ten tricks. N/S's

agreement on the meaning of South's 3NT was that it was non-forcing, offering a choice between 3NT and 4♥. Had North held a flat hand, he would have passed 3NT; as it was he pulled to 4♥ because of his singleton club. North was of the opinion that his partner had misbid and misplayed (in playing the ♥A rather than a low heart to the king), but he saw no justification for adjusting the score. The opening lead was the ♠7 to the ten, ace and ♥2. At that point, the Director was called. 3♣ was defined as a three-card limit raise or better with any shape. N/S had been using this convention together for five years. In only one very specific auction did they play 3NT as a non-natural, forward-going bid, and that was not after a 3♣ response. N/S did not possess system notes for this convention.

**The Committee Decision:** The Committee would have liked to be able to question South about his actions, but he was otherwise occupied, as his team was far short of qualifying. Despite the strangeness of South's bid, the Committee believed that North had explained his partnership's agreement accurately, and that South had simply taken a flyer. The statements made at the table by N/S to the Director, the length of their partnership, and their relative lack of experience all pointed to South's having taken an unusual action rather than his having made a systemic conventional bid of some type. The Committee found that there had been no MI and allowed the table result to stand.

**DIC of Event:** Henry Cukoff  
**Committee:** Doug Doub (chair), Ellen Melson, Barry Rigal, David Stevenson,

Adam Wildavsky

**Directors' Ruling: 68.8**      **Committee's Decision: 70.7**

✍ I used to watch this show all the time—Who Do You Trust?

The contestants behind Door #1 (I know I'm mixing my game-show metaphors, but whose fantasy is this anyway?) accept the Committee's word that there's no reason to believe N/S's agreements were not accurately explained or that South did anything other than take a flyer.

**Rigal:** "The truly bizarre nature of the circumstances of the appeal (in terms of the behavior of North at the hearing) were rather understated here; but they did emphasize the randomness of N/S's bridge. E/W got the rough end of the stick, but the Committee could not find any circumstances to protect them here. South's wild bidding did reflect itself in his line of play too, I suppose."

**Treadwell:** "It is easy to understand the E/W unhappiness with the table result in view of the very strange 3NT call by South. But the evidence seems clear that the N/S agreement was correctly explained and that South had either taken a flyer or had misbid. A good ruling and decision by the Director and the Committee."

**R. Cohen:** "If the agreement was properly explained, as the Committee determined, no adjustment was warranted. It's not clear whether N/S had notes. If they did have notes, and this auction was not covered there, I would be a reluctant believer."

**Stevenson:** "It is always difficult to persuade people to be present for an appeal when they no longer have any interest in the event (compare CASE TWENTY-TWO), and this is a difficult case in South's absence. Why did he bid 3NT?"

✍ That's all well and good, say the contestants behind Door #2, but the burden of proof is on the offending side. We must presume MI unless they can convince us otherwise, and here they have not come anywhere close to meeting that obligation.

**Polisner:** "The Director (and Committee) are to presume misexplanation rather than misbid unless the 'offending' side establishes by credible evidence that the partnership agreement was as explained. I see nothing which even comes close to meeting that burden here and would therefore have to find MI and damage to E/W."

**Weinstein:** "I don't like the Director's statement that there was no evidence that the explanation was not N/S's agreement. I'd sure be making an effort to find some evidence that it was N/S's agreement. In the meantime, it sure looks like South thought 3NT was conventional, yet did not say anything after the auction. The Director never asked South what the heck he was doing? I would be curious about the auction where 3NT is conventional and forward going, and whether it shows anything specific. I am a big believer in taking the opponents' word for some bid that looks strange, but this is stretching the limits of credibility. Call me a fuddy-duddy, but if the bid was a flyer, I don't like this kind of randomness in the Reisinger, where the call on some small level affects the whole field. Maybe we will soon have our B-A-M KO and South can have all the fun he wants. Unlike our editor, I don't find this charmingly strange, but disarmingly strange."

**Wolff:** "A truly awful decision. Why give the benefit of the doubt to possible offenders and why does that misbid versus misexplanation continue to come up? What real chance did East have here. He didn't! It's okay to not give the non-offenders a doubtful trick (I'm for that) but allowing such awful MI to go unpunished is harmful to our game."

✍ The Door #1 crowd have several strong arguments going for them. First, North

CASE THIRTY-EIGHT

**Subject (MI):** A Not At-All-Probable Parlay  
**Event:** Reisinger, 25 Nov 01, Second Qualifying Session

has an unbalanced hand which makes his pull to 4♥ clear, so there's nothing in his action that suggests South's 3NT bid wasn't pass-or-correct, as explained. Second, given South's extreme distribution, North may be less likely to be balanced. Thus, a case can be made that South could know he will incur little risk in bidding 3NT since North is unlikely to pass. Third, people do all sorts of strange things at BAM, especially those who are less-than-experts. Given that the N/S team was "far short of qualifying" and, as Barry points out, looking at South's line of play (cashing the ♡A first and then the ♥K), it may not be such a stretch to believe that South was just taking a flyer.

And finally, there is no requirement that a player's hand must match his bids. Every player has the right to misbid or psych without his score being summarily adjusted—unless his partner's actions inexplicably take the misbid or psychic into account or there is a past history of similar suspicious actions. If I decide to open 1♦ playing Standard American holding more clubs than diamonds, that does not mean my score can be adjusted just because I happen to fool the opponents and get a good result (unless my partner's actions cater to my actual holding, such as not taking a diamond preference with longer diamonds, and he can supply no legitimate bridge reason for his action; or unless we have a habit of doing this). In other words, we require *reasonable* evidence of a concealed understanding, MI, or UI (as per the Rule of Coincidence; or differing explanations from the two players—see Law 75) before we place a pair in the position of presuming them guilty.

In this case I can find no reasonable evidence on which to base a presumption of MI. First, 3♣ showed only three-card support, so playing 3NT as natural makes a lot of sense. Second, if we suspect opener's 3NT was artificial, what do we think it meant? If it asked for responder's singleton, then why didn't North show his stiff club? And why wouldn't N/S use 3♦ as their asking bid? It would give them a lot more room to exchange information and investigate slam.

So Jeff's claim that N/S are obligated to provide "credible evidence" that pass-or-correct is their agreement is not accurate. First we need a good reason to suspect that N/S are not playing what they claim. South's hand, in my opinion, is not nearly enough to justify this presumption and the Director, the Committee and the majority of the panelists all agree with me.

Of course this doesn't mean there's no reason to be suspicious, but that's what the Recorder system is for. In fact, Wolfie has it backwards: "possible" offenders should not be presumed guilty until proven innocent—only "probable" offenders should be. If Wolfie had it his way, every misbid or psych of a natural bid (natural bids are usually not documented on our CCs) would be considered grounds for a score adjustment (which fits nicely with Wolfie's overall agenda). If East didn't have a chance, maybe it was because South chose the perfect time for a tactical 3NT bid (or a flyer). Sorry, but the evidence of a hidden agreement is, to say the least, underwhelming here. Get a life: File a Player Memo.

In case you haven't guessed yet, I'm located squarely behind Door #1. If you find yourself behind Door #2 with the other losers, don't despair. We have some very nice parting gifts for you. Johnny, tell them what they've won...

Bd: 27	Chip Martel		
Dlr: South	♠ 1054		
Vul: None	♥ J1043		
	♦ K42		
	♣ KJ9		
Tobi Sokolow	Janice Molson		
♠ J92	♠ K87		
♥ A9	♥ KQ8762		
♦ 1093	♦ QJ76		
♣ 108532	♣ ---		
	Lew Stansby		
	♠ AQ63		
	♥ 5		
	♦ A85		
	♣ AQ764		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1♥	2♥(1)	1♣
2♠	3♣	Pass	3NT
All Pass			
(1) Explained as spades and a minor			

**The Facts:** 3NT made three, +400 for N/S. The opening lead was the ♠2. The Director was called at the end of the session. E/W's agreement was that 2♥ was natural; West said she had not noticed the opening 1♣ bid when she gave her explanation. South believed that with the correct information, the auction over 2♥ would have continued 2♠-P-2NT-P-3NT. The Director changed the contract to 3NT by North made four, +430 for N/S (on a heart lead by East; Law 40C).

**The Appeal:** E/W appealed the Director's ruling. E/W admitted that they had given MI as a result of West not seeing the 1♣ bid. The issue was solely whether there should be an adjustment. East said she would not lead a heart on this auction; a diamond was automatic for her. On a diamond lead, nine tricks appear to be the limit of the hand. N/S said that had they been given the correct information, the auction would have continued over

2♥: 2♠-P-2NT-P-3NT. That would put East on lead and it was likely that she would lead a heart, after which it was reasonably likely that N/S could develop a third spade trick before the hearts could be scored. That way N/S could take ten tricks.

**The Committee Decision:** The Committee decided that MI had been given which had affected the auction. While they agreed that with the proper information North would have declared 3NT, they also believed it was unlikely that East would have risked a heart lead into the notrump bidder at BAM. A diamond lead was a standout, after which nine tricks is the practical limit of the hand. Even after a low heart lead to the ace and a heart continuation, E/W could and should unblock the spade suit so that East has the spade entry to cash her heart before the long spade can be set up, thus holding declarer to nine tricks. Hence, even with the unlikely heart lead, E/W could still hold the hand to nine tricks. For N/S to take ten tricks East would have to lead a heart and then misdefend, a combination which the Committee did not believe was at all probable. The Committee therefore decided that there had been no damage from the MI and allowed the table result to stand.

**DIC of Event:** Henry Cukoff  
**Committee:** Michael Huston (chair), Dick Budd, Ralph Cohen, Doug Heron, P.O. Sundelin

**Directors' Ruling: 67.0**      **Committee's Decision: 81.0**

✍ For me the only issue is whether East would lead a low heart against 3NT by



North. I do not think it's "at all probable," so I'd allow the table result to stand. If you think a heart lead by East is "at all probable" (it certainly isn't "likely"), I don't see how West can be allowed to find the spade unblock—nor do I think she would. In that case the proper adjustment would be -430 for E/W and +400 for N/S.

**Weinstein:** "Not that I disagree with the Committee's ruling, but after a heart and a heart, North can make ten tricks unless West drops the spade nine or jack on the finesse of the ♠Q. Do you want my assessment of the likelihood of the unblock happening? 'Could and should unblock' seem like a serious overbid."

✍ Yes, that's my assessment, too. Most of the remaining panelists agree that the table result should stand, though some seem to have side issues.

**R. Cohen:** "I happen to believe that the adjudication was closer than the Committee thought. However, a strong consensus believed otherwise. It was not 'likely' that N/S would achieve +430, but it was 'probable' that E/W would score -430—just not 'probable' enough."

**Polisner:** "Good Committee work, except that E/W weren't given the opportunity to make a mistake and allow N/S to score up ten tricks."

✍ So what does that mean? Should E/W be -430? Should N/S be +430? You can't play lawyer all your life. Sooner or later you have to take a personal stand.

**Bramley:** "I agree. The heart lead into the bidder is unattractive compared with a diamond, the unbid suit. Even on the friendlier defense of two rounds of hearts and a diamond shift, declarer will frequently have to risk the contract to try for his overtrick, whether or not the defenders unblock. This looks like 'Director Roulette' by E/W."

**Rigal:** "I agree with the Director's ruling in theory; the play is just sufficiently complex that I can see why he came to that decision on a relatively cursory review. The Committee also correctly analyzed the play and determined that the practical chances of making 430 here are sufficiently small that both sides should get the reciprocal of 400. Well analyzed."

**Stevenson:** "This is the hand that shows the advantage of the whole Committee system. The Director gave what appears superficially to be a fair ruling but a correct decision was made after consideration by a group of excellent players. In much of the world there is an attempt to cut down the use of Committees; for players to have faith in Directors to the extent that Committees are not necessary it will require Directors to get this sort of ruling right. How? The methodology suggested, and followed by many authorities, is that Directors do not merely discuss rulings amongst themselves. The suggested approach is to get the input from some good players as well, especially over the bridge judgment involved. In effect, this is done in the ACBL when a Panel decides. Now perhaps this should be extended to all Director judgment rulings."

✍ That would be a clear improvement and changes in that direction are currently under consideration. But there are considerable logistical problems to be overcome and it will not entirely eliminate the need for Appeals Committees.

The following view has much to recommend it (Dave is threatening to become a specialist in judging the merits of appeal cases that have been won)...

**Treadwell:** "Good analysis by the Committee. The appeal, in my opinion, had barely enough merit to avoid an AWMW."

✍ ...while the PP from the next panelist does not...

**Wolff:** "In a matchpoint game, N/S +400 and E/W -430. In the Reisinger, N/S +400 and E/W -400 with a 1/4-board penalty for E/W. So neat and justified."

✍ So punitive, so insensitive and so contradictory to the scope of the laws. (For more arguments against Wolffe's position here, see my discussion of his comment in CASE THIRTY-THREE.)

## CASE THIRTY-NINE

**Subject (MI):** “Shapely” Is In The Eye Of The Beholder

**Event:** Senior Swiss, 25 Nov 01, First Session

Bd: 28      ♠ KQ109x Dlr: West    ♥ QJxxx Vul: None    ♦ K10 ♣ K  ♠ Jxxx                    ♠ --- ♥ A                        ♥ K9xx ♦ Jxxx                    ♦ Axxx ♣ Jxxx                    ♣ Qxxxx  ♠ A8xx ♥ 10xx ♦ Qxx ♣ A10x	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">West</th> <th style="text-align: left;">North</th> <th style="text-align: left;">East</th> <th style="text-align: left;">South</th> </tr> </thead> <tbody> <tr> <td>Pass</td> <td>1♠</td> <td>2♠</td> <td>3♠</td> </tr> <tr> <td>Pass</td> <td>Pass(1)</td> <td>Pass</td> <td></td> </tr> </tbody> </table> <p>(1) After asking about the 2♠ bid</p>	West	North	East	South	Pass	1♠	2♠	3♠	Pass	Pass(1)	Pass	
West	North	East	South										
Pass	1♠	2♠	3♠										
Pass	Pass(1)	Pass											

**The Facts:** 3♠ made four, +170 for N/S. The opening lead was a low club. Before she passed 3♠ North asked about the meaning of 2♠ and was told “It’s for takeout,” with no other clarifying information. North called the Director, who sent West away from the table and asked East about the meaning of his bid. East said it showed “More distribution than a takeout double.” E/W both said they were not playing Michaels even though both of their CCs were marked Michaels. After the play of the hand East added that 2♠ was weaker than a double. The Director ruled the table result would stand.

**The Appeal:** N/S appealed the Director’s ruling. Only N/S attended the hearing. North said he believed that E/W should have included in their explanation of 2♠ that the cue-bid was a light takeout double and

that the explanation that it was “shapely” was inadequate.

**The Panel Decision:** The Panel decision hinged on whether or not there had been MI and if so, whether the information (or lack thereof) had damaged N/S. Five experts were polled and asked whether a takeout described as “shapely” implied fewer HCP. Four of the five said that “shapely” implied a hand light in HCP. Based on this input, the Panel concluded that there had been no MI. The table result was allowed to stand. The Panel also informed E/W that as a regular partnership (a husband-wife pair) they should do a better job of explaining their agreements. The case was referred to the Recorder.

**DIC of Event:** Guillermo Poplawsky

**Panel:** Mike Flader (Reviewer), Matt Smith, Gary Zeiger

**Players consulted:** Toni Bales, Benito Garozzo, Zeke Jabbour, Chris Patrias, Gene Simpson

**Directors’ Ruling: 94.5**

**Panel’s Decision: 96.2**

☞ Picky, picky, picky. Yes, West’s explanation would commonly be understood to imply a light, distributional takeout. No, it did not *have* to mean that; it could be construed to mean a full-valued takeout with extra distribution. But how does any of that affect North’s action? Did any of that change the fact that South made a non-vulnerable, non-invitational three-level spade raise? Did any of that change North’s five-five soft 14-count? If East had more HCP, wouldn’t West have correspondingly fewer? In my opinion, the only thing E/W did to damage N/S here was to play the cue-bid as a (light) takeout, thus depriving South of the opportunity to redouble or bid 2NT to show an invitational raise. But that isn’t an offense.

Should E/W be more precise and careful with their explanations in the future? Absolutely. Should the table Director have mentioned this to E/W? Surely. And I’m

sad and distressed if he didn’t. Was this a waste of everyone’s time? You bet. Does the term AWMW ring a bell?

Happily, the bell is also ringing for some other panelists.

**Polisner:** “Where was the AWMW? N/S never stated how they were damaged by the alleged MI (which I agree occurred). The only reason 4♠ made was due to the heart position except for a low heart lead and diamond return. No harm, no foul.”

**Rigal:** “Well done by the Committee and Director in all respects, except that an AWMW was in point here. I find it hard to believe that even in the Senior game the explanation of the shapely cue-bid was not entirely obvious to all concerned. It is about time we started punishing the ambulance-chasers (actually in the context of the Senior Swiss that may be a tastelessly inappropriate description of the barrack-room lawyers).”

☞ You can’t back your way out of that one, Barry.

The remaining panelists merely support the Panel’s decision.

**Wolff:** “A very competent decision.”

**Bramley:** “North did well to ask about 2♠ at all. I agree with the Panel.”

**R. Cohen:** “It looks like the Director called to the table didn’t do all he might have to get a complete explanation from East. However, the final decision was okay. N/S would not have been appealing had East found a heart opening lead, since there would have been no ‘damage(?)’.”

**Stevenson:** “It is difficult to see damage here, but it is important that players describe their agreements fully and freely. In fact too many players assume that their method is the only one and tend to under-explain, not with any malice, but because they expect others to understand them. Shapely certainly does not mean light. I hope E/W have learned from this.”

☞ Yes, they’ve learned that they can be hauled before a Committee by a couple of Secretary Birds with the help of a table Director who didn’t do his job very well. Unfortunately, they may also have learned that the game’s rewards aren’t great enough to continue putting up with this nonsense.

The Director should have educated E/W at the table that their explanation was inadequate. N/S should have been told (out of earshot of E/W) that their appeal had no merit since there is no evidence whatsoever that they were damaged by the explanation. And that should have ended it. All the rest was worth an AWMW.

## CASE FORTY

**Subject (MI):** The Music Goes Round And Round  
**Event:** Reisinger, 26 Nov 01, First Semi-Final Session

Bd: 13	Peter Weichsel		
Dlr: North	♠ K1075		
Vul: Both	♥ 4		
	♦ QJ1084		
	♣ 874		
Jurek Czyzowicz	Darren Wolpert		
♠ AQ64	♠ 932		
♥ A2	♥ 8753		
♦ 7532	♦ A6		
♣ KQ5	♣ J632		
	Alan Sontag		
	♠ J8		
	♥ KQJ1096		
	♦ K9		
	♣ A109		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	Pass	1♥
Dbl	2♣(1)	Pass	3♥
All Pass			
(1) Explained: by N to E as a transfer to ♦; by S to W as a good ♥ raise			

**The Facts:** 3♥ made three, +140 for N/S. The opening lead was the ♦3. The Director was called after the round was completed and told that the 2♣ bid had been described differently on each side of the screen. West did not mention his concern with the dummy until well after the round had ended. The Director ruled that there had been no damage and allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. North did not attend the hearing. E/W called the Director after the *following* round. The Director determined that North's explanation was correct (2♣ showed diamonds); it was South who had given West MI. However, he judged that E/W's defense was poor enough to sever the connection between the MI and any damage. The play had gone: ♦3 to the ace and king; ♣6, 10, Q, 4; ♠A, 5, 2, J; ♠4, K, 3, 8; heart to the king and ace; ♠Q. E/W used upside-down signals and third-and-

fifth spot-card leads. Also, the Director had been negatively influenced by the lateness of the call: West knew immediately after dummy hit that something was amiss, yet waited until much later to call. E/W stated that with proper information West would always have led a high club instead of a diamond into dummy's suit. Further, East said he had to falsecard encouragement in spades to prevent declarer from finessing on the second round of the suit. The inevitable consequence of that falsecard was to give West a nasty guess as to whether the ♠Q would cash, since East's carding had shown a doubleton. West had to decide whether his partner or declarer had made a strange play. West also knew that declarer had bid under the assumption that dummy had support, and might lose control if tapped. South argued that the defense was inferior at many points, including the opening lead, the play of the ♣6, and especially the play of the ♠Q. When asked why he didn't finesse the spade he said that he hoped for three-three diamonds if the defense led a diamond after winning the ace of trumps. He confirmed that his partnership agreement was that 2♣ showed diamonds. He noted, coincidentally, that he would have bid 3♥ anyway had he remembered his agreement correctly.

**The Committee Decision:** Clearly South had given West MI. With the correct information, West would almost certainly have led a club and defeated the contract. Thus, damage was established. The adjustment for N/S was easy to determine. They were to receive the most unfavorable result that was at all probable, which was 3♥ down one, -100 for N/S. The adjustment for E/W was more difficult to determine. First, the Committee decided that the lateness of the Director call was irrelevant, given that it was still timely. They then considered the quality of the defense since,

if they found E/W's defense to be egregious, they could leave them with the table result. (Non-reciprocal results are acceptable. Each pair's assigned result would be compared with that of their teammates at the other table to determine their BAM score; the two side's scores need not add to one.) The Committee analyzed each defensive play in turn. The opening lead, in the absence of any knowledge about side suits, was probably a minority choice but in no way an error. Next, the Committee noted that the play of the ♣6, a discouraging high spot, was more reasonable under the assumption that West, who had passively led dummy's suit, must *not* hold a club sequence, and East did not want his partner to continue clubs from a broken holding. (Note: East did not yet know about the MI.) West, having won the ♣Q, respected his partner's high club play by shifting to spades. Now East, who did not yet know the location of the ♠Q and ♠J, guessed well to encourage spades, deflecting declarer from the immediate winning play of finessing the ♠10 on the second round. Finally, West had to make a critical play after winning the trump ace. Only a diamond sets the contract, and, on the reasonable assumption that declarer has another diamond, a diamond cannot fail to set the contract. However, this was a matchpoint-type game and West might well have assumed that he needed more than down one to win the board. His partner had encouraged spades, which, as noted earlier, was a necessary deception. The position was not clear. If East had a doubleton spade, then the play of the ♠Q would result in down at least two, probably more (♠Q for a diamond pitch, diamond ruff killing dummy, club return, etc.) Declarer's play would then be peculiar, but perhaps he had misjudged the position. Furthermore, the ♠Q would concede the contract only when declarer had a doubleton spade and six hearts with all of the missing honors. Given the conflicting information that West had to deal with, the Committee decided that the play of the ♠Q was not egregious, nor did they find the defense as a whole egregious. Therefore, E/W was assigned the most favorable result that was likely in the absence of the infraction, which was 3♥ down one, +100 to E/W.

**DIC of Event:** Henry Cukoff

**Committee:** Bart Bramley (Chair), Doug Doub, Jeff Goldsmith, Abby Heitner, Riggs Thayer,

**Directors' Ruling:** 40.0

**Committee's Decision:** 92.1

✍ This was an exceptional write-up of a superb decision. Author. Author.

**Bramley:** "This hand occurred in the Reisinger Semifinals. Afterwards I noted the striking similarity between this case and the more famous case that decided the event. Of course, we knew we were deciding only carryover fractions, not the whole event, so the pressure was considerably less.

"Luckily for my Committee, determining whether there had been MI was easy, unlike the event-deciding case. But determining the potential egregiousness of the defense was just as hard as in the other case. We knew quickly that we might split the decision based on our analysis of the defense. I thought that East's misleading spot-card plays were a direct result of his assumption that his partner had the same information he had. Then it became difficult for West to figure out what was happening. Forced to guess who was kidding, he went wrong. Looked at this way, the defense was unlucky rather than egregious."

✍ I find "egregious" a totally inappropriate word to use to characterize E/W's defense. This was excellent defense, except for the "unlucky" ♠Q play.

**Gerard:** "Great Committee work. If this was egregious, I'm demanding a recount."

**Polisner:** "Wonderful analysis by a hard-working Committee."

**Wolff:** "This Committee did an excellent job giving the non-offenders the benefit

of the doubt and not even discussing N/S –100.”

✍ The next three panelists save me the trouble of pointing out the deficiencies in the Director’s ruling.

**Weinstein:** “I don’t understand the Director’s ruling, but then again I don’t understand it in the following case either. If the Directors believe that the non-offenders are not entitled to anything, they should still rule against the offenders if there was a reasonable possibility that the MI was damaging. Excellent consideration by the Committee.”

**Rigal:** “Excellent Committee decision contrasting nicely with the abysmal Director ruling—another \*P\*P\* point for the Director squad). While I might disagree slightly with the question of the merits of the ♠Q play, up to that point the defense was entirely comprehensible and really hard to argue with. I’d rather be a little generous to the non-offenders than go the other way, and in the absence of 12C3 I’ll settle for the Committee ruling happily enough.”

✍ I’ll have more to say about the defense in a moment. Suffice it to say now that I totally disagree with Barry’s criticism of the ♠Q play—or the need for 12C3.

**Stevenson:** “The Committee made a number of excellent points, namely: (1) When the defense is egregiously bad the offenders should still receive their adjustment. (2) Non-reciprocal results are acceptable, in fact normal in this situation. (3) A minority choice of defensive action is not sufficient to break the chain of causality. (4) A late call for the Director is not enough to deny redress.

“Unfortunately, the Director seemed to appreciate none of these matters. For example, concerning the late call, it might be that E/W did not realize that they were damaged until they got a chance to talk about it.”

✍ Precisely. And that’s why the next panelist’s criticism of West is totally misplaced.

**R. Cohen:** “West should have called the Director when dummy hit. However, the Committee properly ignored West’s omission and properly adjusted the result. Let’s just say that E/W’s defense was ‘soft’ rather than ‘egregious.’ Would they have ruled the same way if E/W had been Meckwell or Zia-Rosenberg?”

✍ Sorry Ralph and Barry, but E/W’s defense here was of a high caliber. I’m sure that both pairs Ralph mentions would be proud to have conducted this defense; I know I would. Faulting it is like faulting a declarer for taking a 75% line of play which unluckily happens to fail rather than a 50% play which happens to work. The problem is being able to see too many cards and not appreciating the perspectives of the players, who can’t see the concealed holdings.

## CASE FORTY-ONE

**Subject (MI):** Maybe It Would Have Been Easier In Italian  
**Event:** Reisinger BAM Teams, 28 Nov 01, Second Final Session

Bd: 14	Norberto Bocchi		
Dlr: East	♠ AKJ765		
Vul: None	♥ K		
	♦ 843		
	♣ QJ9		
Howard Weinstein	♠ 1093	Steve Garner	♠ Q42
	♥ J754		♥ A98632
	♦ K92		♦ 10
	♣ K86		♣ 1053
		Giorgio Duboin	
		♠ 8	
		♥ Q10	
		♦ AQJ765	
		♣ A742	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	1♦(1)
Pass	1♥(2)	Pass	1NT(3)
Pass	2♣(4)	Pass	2♦(5)
Pass	2♥(6)	Pass	3♦(7)
Pass	3♠	Pass	3NT
All Pass			
(1) Alerted; Normally diamonds, occasionally strong balanced			
(2) Alerted; 4+ spades			
(3) Alerted; 4+ clubs, 5+ diamonds			
(4) Alerted; Relay			
(5) Alerted; Minimum (11-15 HCP)			
(6) Alerted; fourth suit			
(7) S to W: 6+♦; N to E: “5 or more” diamonds (disputed)			

**The Facts:** 3NT made four, +430 for N/S. The opening lead was the ♥4. East ducked dummy’s king, playing an encouraging nine, and declarer then finessed the diamond. West won and returned the ♥J, assuming that East knew that South could only have one remaining heart from the auction and play. But East ducked this, assuming declarer had something like ♠x ♥Q10x ♦AQJxx ♣Axxx, and 3NT made ten tricks. The Director was called and established that South had explained to West both orally and in writing that he showed six diamonds; North’s explanation of the auction to East had been oral only. The TD ruled there was no damage; the table result stood.

**The Appeal:** E/W appealed the Director’s ruling. The following statements were made at the hearing. In an attempt to be helpful, South told West what he held (six diamonds) rather than what he had promised according to his system (five or more diamonds; holding ♠x ♥10xx ♦AKJxx ♣Axxx he would also have rebid 3♦ over 2♥). North tried to explain to East what South’s bids meant systemically. He believed he told East that South had shown “five or more” diamonds; East believed North had said that South had “five” diamonds (he said he would have remembered if North had said “five or more”). In addition,

North said the explanation had been requested and given prior to the 3♦ bid; East was uncertain just when he had received the explanation.

**The Committee Decision:** The Committee decided that there had been different explanations on the two sides of the screen and therefore there had been MI. They sympathized with South for trying to be helpful but the fact remained that his explanation had caused the defensive problems. Had West been told that South might have only five diamonds he would have played a low heart at trick three and the contract would have been set two tricks. Similarly, had East been told that South showed six diamonds he would not have ducked the second heart. Either way, it was relatively clear that N/S deserved no better than –100 in 3NT. The Committee

then had to assess the defense by E/W. West's decision to play the ♡J in what to him was a position where it was overwhelmingly likely that declarer had the bare ace left was not considered culpable. A low heart could not block the suit and was thus a sounder play, but West assumed he and his partner both knew exactly what was going on. East, on the other hand, faced with the problem of whether West had made the "wrong" play (leading the jack from a remaining holding of ♡Jxx) and his opponents' bidding made complete sense or whether West had made the right play (by leading the jack from a remaining holding of ♡Jx), the opponents had bid strangely and South had falsecarded at trick one (i.e., South did not rebid 2NT over 2♥ holding something like ♠x ♥Q10x ♦AQJxx ♣Axxx and falsecarded with the ♥10 when this might have been a card that he could not afford). As to the falsecard, the Committee was told by North that declarer might have been able to work out from the tempo to trick one (East took quite a while to play the ♥9) that East had the ♥A; in any case, East was entitled to play South (a current World Champion) to play falsecards as and when appropriate. From East's perspective, South might have known that he was likely to be finessing into the safe hand. If the diamond finesse held declarer would cross to the ♠A and finesse clubs next with the same plan of keeping East off lead. As to South's rebid, the Committee sympathized with East's being uncertain what South would choose to do on the auction as presented. While East would know what a natural, uncontested auction of 1♦-1♠; 2♣-2♥ would have meant, it was not up to him to work out the nuances of an artificial double-transfer auction. While the two auctions could be seen by the Committee to be almost equivalent, this would be absolutely impossible to work out without detailed reading of N/S's voluminous system file. East had no such obligation. East's decision to trust his partner and not the opponents at this level of the game was, in the final analysis, a reasonable one. The Committee concluded that the MI had caused the damage and that while neither East nor West had defended perfectly in practice, their plays in abstract were not sufficiently illogical to break the chain between the infraction and damage. The score was therefore changed for both sides to 3NT down two, +100 for E/W.

**Dissenting Opinion (Bill Pollack):** The Reisinger appeals committee was called upon to make what we all considered to be a close, difficult call: whether a slight amount of MI was sufficient to change the table result of 3NT making four, and to overrule the Director. After a great deal of discussion, we voted to do just that. I was the lone dissenter and will attempt to explain my rationale.

We all agreed that South had been too helpful, when he told West, after some prodding, that 3♦ showed six diamonds. Although bridge logic makes that highly likely, and was in fact what South held, would ♠x ♥xxx ♦AQJxx ♣AKxx also bid 3♦? The Italians' notes simply said "Natural" for continuations beyond 2♥. The crux of the matter is whether South's written statement of "6" diamonds versus North's more correct explanation of "Natural" was sufficient to allow E/W to be forgiven for their "charitable" defense. Four committee members thought that it was. My dissenting view is that the defenders had many opportunities to get this hand right and it was too much of a parlay to override the table result. My reasons for my position are:

1) East's trick one play of the ♥9 could have been right if partner held ♥Qxx or ♥Jxx, untangling the suit when partner has two entries. But it was otherwise unnecessary (for example, whenever partner had four hearts) or embarrassing if declarer had ♥Jx or worse. And it certainly led to confusion later on.

2) West admitted to the Committee that his ♥J play was not well thought out because he was convinced that the hand—assuming the same information was given on both sides of the screen—was now an open book. Whoops! Yes, West "knew" that South was exactly 1=2=6=4 because declarer would not strand the high spades in dummy if he was 0=3=6=4. But he knew this because he had the diamond spots to ensure that the ♦8 wasn't an entry. Partner would not have the same knowledge. He also knew hearts weren't blocking, since declarer had ♥A10 or ♥Q10. I believe the ♥J return was a sloppy play by a player who very rarely makes sloppy plays.

3) Ducking the ♡J was the final straw. Was that a reasonable play? I believe, at this level of the game, that East could have been a bit more self-protecting. Given that 3♦ was "Natural," what would 2NT or 3♥ have meant? Although N/S had limited fluency in English, my experience is that they try very hard to explain their complex system. My Committee mates felt that East had no further obligations. Partner played the ♡J, which appeared to be from an original holding of ♡Jxx, and East simply trusted his partner. But should the defenders have it both ways, allowing the ♡J to be returned because "it couldn't matter" yet blindly trusting partner to not be throwing you a curve ball?

So my conclusion was that E/W had lots of chances to get this hand right and I believed that the Committee went a bit too far in changing the result to 3NT down two. We did discuss a variety of ways to split the result (i.e., E/W get -400 and N/S get -100, or the result stands but a PP is imposed on N/S), but we unanimously rejected these options. We simply had to make a decision, knowing that our ruling would determine the Reisinger winner. As I said up front, it was considered to be a close call by all of us. In hindsight, I now see it as less close than I believed at the time, after sitting through a long appeal hearing right after playing two sessions of the always draining Reisinger final. (Mark Feldman and I beat 3NT three tricks by smoothly ducking the first diamond finesse.)

My fantasy is that the two teams, all good friends, simply walk back into the appeal room and ask that the event be declared a tie (a "cop out" that the Committee should never manufacture, I believe, by itself). Everyone would have been happy.

**DIC of Event:** Henry Cukoff

**Committee:** Barry Rigal (chair), Eric Greco, Michael Huston, Bill Pollack, Kit Woolsey

**Directors' Ruling: 65.8**

**Committee's Decision: 68.3**

✍ Our penultimate case was the *cause célèbre* of the tournament. By way of preliminaries, most readers are undoubtedly aware that numerous versions of the facts of this case have appeared on the Internet and in published form (including in *The Bridge World* and in *The ACBL Bridge Bulletin*). Committee chairmen are responsible for writing up their case unless someone else is designated to act as scribe. But no matter who does the actual write-up, there will inevitably be as many versions of the happenings as there were people at the hearing—and perhaps more.

On a practical level, it is impossible for any single individual, himself involved in the hearing process, to capture everything that was said or done. Whatever any individual recalls will be colored by their own perceptions and will occasionally reflect private thoughts as though they were actual events. All of the accounts I have read of the proceedings (and I was present from start to finish) and the rationale for the Committee's decision contain both accurate and inaccurate elements. To do better one would need video cameras and tape recorders and then spend days analyzing their content to produce the write-up, and then repeat the process forty-two (or maybe seventy-three) times at each tournament since one never knows in advance which will be the case that stirs up controversy.

Whoever is responsible for doing a write-up is free to solicit input from other Committee members or persons in attendance, but that is not required and is not normal practice. This write-up reached me within days of the hearing. I did some editing, mostly for readability, and sent it on to Memphis (at their urgent request).

Many of the panelists' comments are quite lengthy, so I will try to keep mine to a minimum—as long as I can stand it. But fear not, I shall emerge from my shell before the final bell tolls.

Let's begin with the chairman.

**Rigal:** "I would draw attention to \*P\*P\* points for the Director—yet again—for ruling against the non-offenders in a case of doubt. When will they ever learn?"

"I'd like to hope that those most offended by this ruling will realize that where

any decision the Committee reaches will be controversial, the most important issue is that procedure was properly followed. I think that was unquestionably the case here. Even if you disagree with the result, if all the Committee members believe the decision was close, what makes you decide you know better?

“My belief is that this sort of case gets decided by the individual philosophy of the Committee. My general tendency is to be generous to the non-offenders, particularly when it comes to subsequent/consequent issues. This means that if, for example, Ron Gerard or John Solodar had been in my shoes (who both take a more robust approach on this issue) they would have come to a different conclusion. Does that make them right and me wrong? No; a healthy difference of philosophy is good for the process, I believe, and nothing is going to be likely to move us from our positions in the near future. But it does suggest that when picking Committees we have to be careful not to pick either all hanging judges or a group totally opposed to the death penalty.”

✍ And now for the defense. Howard “Margaret Mitchell” Weinstein presents his version of *Gone With the Reisinger*. Get your popcorn and take care of that bathroom thing before proceeding. You’ve been warned.

**Weinstein:** “Since this is probably the most written about appeal ever, and I was involved, I intend to break my record (not easily done) for longest casebook commentary.

“I am in the unique position of knowing what was going through my mind, or perhaps more accurately, what wasn’t going through my mind. I had some time to think at trick one, though I have no idea how much time it actually was. It wasn’t enough for me, though. My thought process was, If partner isn’t winning the ace at trick one knowing declarer is six-four in the minors, then declarer almost assuredly has ♠Ax. Then I briefly (way too briefly) considered ducking the ♦K, but I figured declarer would cross over in spades, cashing both, and repeat the finesse, getting back to essentially the same position without the opportunity to get greedy by taking the club finesse later. There was also the danger in my mind that he had the stiff ♠Q, though in the cold light of day this was a red-herring mis-analysis. Then I turned my attention to what my play should be after winning the ♦K. I figured partner knew the hand, and any trace of ambiguity would certainly be removed when I pitched a heart. I didn’t want to telegraph the heart position to declarer, thinking that perhaps I could induce him into taking a losing finesse in clubs at some point, whereupon I could cross to partner’s high heart and ♠Q by this time. This is, to the best of my memory, where I was at the time I finally had to win the ♦K. I returned the ♥J thinking this would be the least informative play for declarer.

“Was my analysis flawed? Obviously. Ducking the ♦K was clearly the correct play, since it may well induce declarer to cross over in spades and take the club finesse, relying on the ♦K to be onside. However, I never expected partner to be in a position where he would have to decide whether to duck the ♥A again. It has been mentioned that from partner’s viewpoint he might have thought that declarer was 0=3=6=4, but partner holding the ♥A seemed like such an unlikely possibility that no thought was given that he would consider that declarer might strand his spade. One of the dissenter’s points was that even though I might know declarer wasn’t stranding the spades, partner wouldn’t know. However, he overlooked the fact that East had the ♠10, which declarer could not have known would drop. Consequently, partner would have most of the same inferences that I did concerning any stranding of the spades. So was my play egregious? I will let others judge, but I do not believe so. I had an almost certain picture of declarer’s hand in my mind, based on the assumption that partner would never duck ♥Axxxxx knowing that declarer was six-four in the minors. I defended upon that assumption, and I don’t think the defense was remotely egregious given what I believed and my reasons for believing it. Not ducking the ♦K was poor, but it occurred before the castigated ♥J play, leading to partner’s (seriously considered and I believe completely correct) second duck.

“I was given the impression that 2♥ was a relay, just as North’s previous call

had been, and when South wrote down ‘6 diamonds,’ that this systemically showed six diamonds, and that my partner had the same information. It never occurred to me that there was a need to ask South whether he was just being a nice guy (and Giorgio Duboin is a very nice guy) in telling me his hand or whether it really showed six diamonds. There was no ‘prodding.’ If Duboin tried to say something (he says he did, but I don’t recall him saying anything), I’m sure I just automatically pointed to the paper. I have enough trouble hearing and/or understanding whispers without a heavy Italian accent. If this is what the dissenter meant by some prodding, then I am guilty.

“Had I known the diamond length was ambiguous, as it systemically was supposed to be, there is no possibility that I would have returned the ♥J because the count would still have been ambiguous to partner. Similarly, had partner known that South showed six diamonds, he would never have ducked the ♥A either time.

“Did the resulting defense look ridiculous? Of course. And naturally it was on viewgraph as well. But when each defender is operating under a totally different set of assumptions, and has much trust in partner to defend and card appropriately for the situation, things can go terribly awry even with the best defense. Like many pairs, we will not give count when we both already know the count (or have strong reason to think we both know it, anyway) to avoid helping declarer. If you examine each of the questionable plays in isolation, from the standpoint of the assumptions you are operating under and believe partner is likewise operating under, I don’t believe any of them alone or in combination is egregious. Sort of like the old adage, “walk a mile in someone’s shoes before you judge him.”

“What is the case for ruling against us?”

“(1) The MI was minor and definitely unintentional. However, the minor MI had major consequences in each defender’s assumptions of the hand and what was reasonable play for the other defender. (2) We had three reasonable chances to go right in the defense—sort of a cumulative egregiousness. Certainly the ♥J in a vacuum was unnecessary, but there were reasons behind the play. Ducking the ♥A the first time was a well-considered play. It was definitely right if declarer had Jxx (which was a very likely holding), and may well have still been correct if declarer had Qxx. Ducking the heart the second time was perfectly reasonable, trusting that I would never play the jack from an original holding of Jxxx, since the diamond count (and therefore heart count) was ambiguous to East and from his standpoint, with the proper information, I would know it was ambiguous to him.

“There is a strong tendency to look at a hand like this, where we couldn’t run this heart suit, and say that giving us anything is ridiculous. I have sympathy for that view, since I often mention that cases where there is a layer of things that had to happen should be looked at as a whole. However, the difference in those cases is questionable UI, a questionable demonstrably-suggested call, and a fairly normal action taken. Here we have several defensive plays that all built on each other and arose from the same MI and resultant incorrect set of assumptions. If it’s all too much for you to take I understand—but I don’t agree.

“Back to the table ruling. I strongly believe the Directors should have ruled against both pairs. There’s no question that they created MI and that it contributed to our misdefense. Even if it was a reasonable possibility, they should have had their score adjusted, since egregiousness by the non-offenders does not let the offenders off the hook. If there was a reasonable possibility that our defense was egregious, we should also have been ruled against at the table. Had our team chosen not to appeal (for the record, as soon as we were given the ruling during the session, we told the Director we were appealing) it could have been unfair to the field had the N/S team barely beaten out some other team for any high position.

“As it turned out, it wasn’t even clear after the event, besides the appeal, what the N/S team’s score was, since their team had two fouled boards in one section late in the session. It turned out that both boards were still wins for them since each matchpointed better than 60%, not to mention that in the first half their team got two Average Pluses when the opponents didn’t show up for the first round. The N/S team had the option of playing the boards after the session or taking an Average

Plus. They very reasonably took the Average Plus. Then they were involved in another appeal where their other Italian pair gave MI. The case was essentially plea bargained between sessions to a push. In any case, because the N/S team had better than 60%, the Average Plus results ended up being slightly better than Average Plus and the plea bargained push a very small tinge better than a half. My impression is that this created a score that prevented our teams from being tied had the Committee ruled against everyone. I bring this up because the dissenter's closing fantasy was that both teams walk into the appeal room and ask the event be declared a tie. *The teams did do this*. But alas, we were told it couldn't be done. [The request was made to me (see my reply to Stevenson's comment, below).—*Ed.*] And unfortunately, because of the now fractional difference, any Committee decision could not result in a tie.

"This case created so much controversy largely because it occurred in the last session of the Reisinger and decided the event. Had this occurred in any other session, or had it not affected the winner, it would have been barely on the radar screen, even with the Committee constitution questions. How we deal with appeals should not result from a knee-jerk reaction to any single case. I do believe we need an appeals process, though I have nothing against Directors comprising the Committee, with blind expert opinion being solicited. We do need to provide a forum for factual input from both parties in many cases. It is not an easy task to provide the logistics to get the necessary factual information to the experts being polled, so their opinion can be formed in the proper context. If someone could show me a reasonable methodology for accomplishing this, I would have no problem turning all the cases over to the Directors.

"I believe there are steps in between that might be more doable. If the Directors forming the Appeals Committee believe that time or other complications in getting all the proper input make doing the best job impossible, they can hold the hearing after the session, or if the bridge aspect is just too difficult to sort out even with second-hand expert opinion, they can request that it be heard by an expert Panel. Also, I believe that the Appeals Casebook should be kept. Directors as well as current appeals personnel should constantly be trying to improve, and the casebook is the best method to do so.

"This is not nearly the first time there have been MI problems with the Italians, both as offenders and as non-offenders. I believe the Italian pairs on this team (as well as Ralph and George) are all highly ethical. However, they strictly demand full disclosure from their opponents but are very quick to seek redress if there was any possible MI to them. By the same token, they are very sloppy at providing that same information to the opponents in anything resembling an unambiguous way. Again, I believe their ethics are beyond reproach, and many of the problems may well be partially due to language difficulties (they are all English challenged to varying degrees) and the different bridge cultures.

"Obviously, this is not the way any of us want an event decided. This is the first time I can remember (no, I will not stake my life on it) that Steve and I as a partnership have ever filed an appeal. I may well be in a minority, but I believe in the rightfulness of this appeal and that the Committee made the proper decision. I make no pretense of objectiveness, but I know what occurred at the table and believe the decision was just. Was the victory worth all the resulting uproar about the ruling and complaints about the Committee? Emphatically no! Steve and I won the Reisinger about five years ago with Bramley and Lazard, and ironically I've been second twice playing with Ralph Katz, one of the members of the N/S team. But in retrospect, even totally believing that we were the rightful winners, I'd rather have had another second."

☞ There's a lot there to assimilate. "At ease. Smoke 'em if you got 'em." Ready? A very thoughtful analysis is provided by...

**Bramley:** "I participated in the voluminous Internet debate of this case right after the event. I was impressed with the breadth and quality of the correspondents'

analysis. I offered one of the first opinions, in which I proposed that the Committee should have given a split decision. Now that I have had time to weigh all of the arguments, my opinion is slightly different.

"The first issue is whether there was MI. The answers given on the two sides of the screen were very similar, but differed in the critical aspect of exact diamond length. Another critical feature in the explanations was the nature of the 2♥ bid. I disagree with those who claim it was identical to a Standard American 'fourth suit forcing,' and should have been understood as such. Not at all. The previous round of bidding (2♣-2♦) moved the auction from 'natural' bidding into the realm of relays. North asked a question; South answered. After that it would be reasonable to assume that 2♥ was another question and 3♦ another answer, using a formulaic method rather than a judgmental method. It became extremely difficult for E/W to grasp that South had a wide range of bids available at that turn, and that he could use his judgment in selecting one. The explanations 'fourth suit' and 'natural' were not sufficient to dispel the impression created by the 'relay round' immediately preceding.

"Thus, each defender was operating under the assumption that his partner had the same description that he had. The two explanations were substantively different on the issue of diamond length, so there was MI. Since one can reasonably assume that even this E/W would have gotten it right if they had had the same information (either version, as long as it was the same), there was damage. For N/S the adjusted score should be the most unfavorable score that was at all probable with no infraction, which is at least down two. However, if East wins trick one and clears hearts, as he might do with good information, then down three is the likely result when declarer cashes the top spades before finessing diamonds. (Jeff Rubens argues for down *four*. After East wins the ace at trick one and clears hearts, declarer lays down the ♦A before taking the spade finesse. That play is questionable even at IMPs, so I don't find it at all probable.) In November I did not consider assigning N/S a score worse than down two.

"The big issue is whether the defense was egregious. If so, then the Committee could have given a split decision. There were three critical defensive plays: East's two ducks and West's ♥J. Even though the two ducks look awful, they were both plausible with the information East had. But the ♥J is a hard play to defend. It is not necessary on any lie of the cards. It is a very bad play by a very good player. In November I thought that it was bad enough to render the defense egregious, which meant that E/W should have kept their table result: a split decision. Now I'm not so sure. If West thought his partner had the same information he himself had, then the hand was counted out (by assumption) and declarer could not have more than one heart remaining. The card he led would be irrelevant. But, as several Internet correspondents pointed out, declarer might have been 0=3=6=4. Yes, that would have meant stranding the high spades, but maybe declarer had a deep plan for using them later in the play. Therefore, the hand was *not* completely counted out, even under the assumption that declarer had six diamonds. Thus the play of the ♥J was egregious, rendering the whole defense egregious. So I'll stick with my original suggestion of a split decision, but now I think N/S should get down *three*, -150, while E/W keep the table result, -430. These results would be compared with the other table to determine the BAM result. Since the other table beat 3NT two tricks (I think), both sides would lose the board.

"Much ink has been devoted to criticizing the Committee's decision, its makeup, and the Appeals process itself. I'm here to defend them. The decision, while not precisely the same as I or anyone else might have produced, was easily within the limits of acceptability. The Committee was very strong, and they did a thorough job of discussing the issues. No Committee could have decided this case without inflaming a large portion of the bridge community. After all, their decision was going to determine the winner, and they knew it. The Appeals process ain't broke; eliminating it won't fix anything."

☞ Reaching the same conclusion, while indicting the Directors along the way...

**Gerard:** “By now, I think most of us among the commentators are exhausted from writing about this case. My position has been published: N/S were treated correctly, there was no direct connection between the MI and the ♡J play, East did not do enough to sort things out and the Committee deserves our respect, not the calls for abolition of the Committee system that have emanated from yahoo country. There are only a few more points left to be made.

“The Director’s ruling was comical. How do we train him to understand that N/S were responsible for damage?

“East assumed 2♥ was ‘relay,’ but then neither explanation of 3♦ made any sense. ‘Five or more’ diamonds is too imprecise for a hand that had already shown at least five diamonds. ‘Five’ diamonds is not consistent with relay methods—once South has shown 5+4+ in the minors, his next relay response shows side suit distribution, extra length in diamonds or values. Thus East had enough information to question his own assumption.

“All top players should have judicial notice of North’s language problems. Written explanations should be the obligation of both pairs.

“I agree with Pollack’s result but not some of his reasoning. East’s ♣9 was in no way culpable. West didn’t know South’s distribution, he only guessed at it. South could have stranded the spades with 0=3=6=4, hoping for two-two diamonds. And I wonder whether ‘all good friends’ isn’t an overbid. But I am glad to see that the Committee made more than a snap decision. One of the diatribes in favor of doing away with Committees alleged that it took all of half an hour for the decision to be reached. That was always seemingly impossible, so you have to question the motives of some of the people who have taken up arms about this decision.

“There was an allegation about bias and non-disclosure, but I think that was carried too far. Yes, the offending member should have suggested the possibility of recusal. But no, it did not seem to substantively affect the proceedings.

“There have been the usual imprecations about the quality of the Committee and the availability of other more desirable members. I don’t know about that last, but this is mostly a Committee more than capable of making the right call. This wasn’t even close to the incompetent decision that some of the critics have nattered on about. As I said in Bridge Today, the people who yell the loudest are usually the ones who are short on reasoning ability.”

✍ Permit a digression (actually, a screech) to address a peripheral issue that Ron raises. Where were those Committee detractors and other more desirable members when several of us were scouring the VuGraph room, gaming tables, hallways and playing rooms looking for people to serve on this case? I personally asked at least a dozen top players to serve, all of whom turned me down for various reasons including: “I have friends/enemies on one/both of the teams,” “I’m leaving town tonight and have to get to the airport/get to sleep,” “I’m meeting so-and-so,” and my personal favorites “Sorry, I can’t...” and “I’m in a hurry...,” (no specific excuse). Most of the bridge world knew about this appeal because it was announced and discussed (discourteously) in the VuGraph room well before the hearing itself took place. So where were the people who were more qualified to serve? Hiding in the coat closet? Not one of them came up to me, Linda, Alan LeBendig, or Bruce Reeve to volunteer their service—other than some of those who actually did serve. As far as I’m concerned, talk is cheap. Put up or shut up.

As for the Committee’s makeup, an experienced person was needed to chair the proceedings and write-up the case. Members were needed who were familiar with the laws, who could help the hearing run smoothly, and who could help keep the deliberations focused and goal oriented. Every member did not need to be a top player; other skills were needed as well. (It’s nice if some of the members fulfill more than one of the needs.) This Committee had at least three top players, four players who have won National events, and two who are experienced Committee people. Where were the deficiencies?

Maybe those detractors are the same ones who want the Director’s ruling to be final. (They must be quite happy with the table ruling!?) The only problem with that

is, none of the critics I have read said they thought the table result should stand.

Another vote for a non-reciprocal adjustment comes from...

**R. Cohen:** “I believe the Director made the correct ruling from his point of view. I also believe East and North were in contravention of the conditions of contest by communicating orally behind screens. Why weren’t the questions and answers written so that there was a proper record of what was stated, like there was between South and West? Finally, did anyone on the Committee ask what ‘fourth suit’ meant? Was partner allowed to bid notrump without a stopper in the fourth suit? This is played in varying fashions by different partnerships. Were E/W properly informed on the matter, or did they fail to inquire? My first reaction on hearing about the case was a split decision, N/S –100 and E/W –430. I consider the play of the ♡J woefully inferior by a world class player, but the contributing factor was the MI conveyed by South.

“The laws provide for different scores for the two pairs, so the Committee should not have been reluctant to split the decision if it thought the facts warranted such an adjudication. As to a PP, it might well be time to come down hard on the N/S pair. This is the second NABC in a row they have been involved in an MI case behind screens which determined who wins a major National Team championship. In Toronto they won the Spingold after surviving an appeal in the Round of 16. Here the Committee denied them a victory. It’s time we asked them to submit a complete resume of their agreements as they do in the WBF, along with all their notes. Let’s stop trying to guess what their agreements are. My final conclusion? N/S –100, E/W –630, and a 1/2-board PP against N/S seems right to me.”

✍ Under what point of view was the Director’s ruling correct? Protecting the non-offenders by resolving points of doubt in their favor? Or perhaps the one from which all 52 cards are visible and the resultant knowledge that ducking the second heart was catastrophic? Isn’t this the same myopic view that someone (whose name I’ll withhold to protect the guilty) espoused in CASE FORTY?

Supporting the Committee’s decision...

**Polisner:** “From East’s perspective he would have to double duck if South started with ♡QJ10 or ♡Q10x. All the ♡J did was eliminate the former as he was not possessed with the same information as West. I agree with the majority that there was MI which did cause damage—if I assume West would have led something other than the ♡4 holding ♡754 and then follow with the ♡5 and not the ♡7. East didn’t protect himself when he didn’t require North to write down his answer as required by the Conditions of Contest, but I don’t believe the defense was so bad as to break the connection.”

**Brissman:** “The decision doesn’t pass the smell test. With 1=3=5=4 shape and the Q10x of hearts, South would have bid 2NT, so 3♦ should show a sixth diamond. Note that it takes a high-level analysis to get this defense wrong; novices would have beaten the contract routinely.”

**Stevenson:** “This was a close decision, and probably does not deserve the amount written about it. It seems unfortunate that the Committee knew it would decide the Reisinger; presumably it was not possible for them not to.

“I wonder one thing, though. East basically suggested that he played for South to be 1=3=5=4 with a heart stopper, but this looks like an obvious 2NT bid on the auction. Could he not have asked North? I know there was a language difficulty, but surely he could have written down the hand he was playing for with a large question mark and shown it to his opponent.

“As for the idea of declaring the event a tie, my gorge rises. Committees should be doing their job to the best of their ability, and bridge events are there to be won or lost. I trust that if the request had been made it would have been turned down.”



☞ The sad fact is, the suggestion to declare the event a tie was made to me right before the hearing by representatives of both teams (see Howard's comment above). I was barely able to restrain myself. I won't identify the players but they should now consider that they have squandered one of their (nine?) lives.

Siding with the dissenter (who favors allowing the table result to stand for both sides—in case isn't clear from his statement) are...

**Treadwell:** "This case, a most difficult one, will be discussed for many years. My first thought on hearing about it in Las Vegas before the Committee rendered its decision was that the E/W defense was egregiously poor. Then, after a discussion with one of the Committee members later, I concluded that the Committee had made a good decision. Much later, after reading the write-up of the case, I changed my mind again and concluded that the slight MI involved did not excuse the rather poor defense. The dissenting opinion by Bill Pollack expresses my feelings exactly."

**Wolff:** "This case is well documented, but to my knowledge the most important fact has not yet been discussed. When a question is asked behind screens and the answer given, can a defender think and subsequently defend in such a way that he assumes his partner has been told the exact same thing by his screenmate? I think to answer yes is unrealistic; consequently, my ruling would be N/S +630, E/W -630 with N/S receiving a 1/4-board penalty for South's well-intended but nevertheless inaccurate description. With this ruling the game grows, not allowing E/W to discontinue playing bridge and at the same time making all high-level players aware that with the learning and cultural differences between the world's players we need to speak our bridge language better and try to guard against critical misunderstandings. This also calls in focus that when hearts mean spades and spades mean clubs or some such, that players nowadays must maintain their concentration, which requires more accurate and simpler explanations. Will anyone question that this ruling would allow: (1) justice to be done, (2) the field not to be disadvantaged, (3) proper precedent to be established? Caveat—this to be applied only at the highest level."

☞ That comment leaves me scratching my head. How can we play bridge if we may not assume that partner has been told precisely what we've been told? I'm left with visions of *Through the Looking Glass* dancing in my head.

All of the goals Wolffe asks to be met are satisfied with the procedures that are currently in place. Non-offenders are required to continue to play reasonable bridge. The ACBL's screen procedure requires questions and answers to be written, which also addresses the language differences. Proper disclosure is required, precisely as Wolffe wants. The only of Wolffe's goals that are not now satisfied are that only methods deemed to be "simple" be allowed and that the field be taken into account (not disadvantaged) in our rulings. But achieving these would require law and regulation changes over which Committees have no control.

Well, now for my view. (I promise to be briefer than Howard.)

This case has been written about and argued to death; there's little left to say regarding the MI or merits of the defense that hasn't already been said. In the final analysis, it all boils down to a matter of opinion. Almost everyone agrees that N/S deserve -100 (or 150, or 200)—everyone, that is, except the Director. I agree. Only E/W's fate is at issue.

On the merit of E/W's plays, I tend to agree with Howard. I do not think either East's or West's plays were sufficiently egregious to forfeit their right to redress (especially as this happened at the tail end of what may be the most stressful and demanding event on the NABC calendar). Read Howard's comment again carefully (if you have a few spare hours) and I think you will find that, although the ♡J play was sloppy, it was far from egregious and was helped along by the MI. Yet having said that I would still have left E/W with the table result of -430.

What? Have you taken loss of your senses, man? Hopefully not. Here's why.

N/S are experienced internationalists, World Champions, and know (or should know) the screen regulations by now. They are intimately aware of the need, when language is an issue (as it *always* is with them), to put everything in writing. In fact, I myself warned them about this ("Write down everything, speak nothing, and call the Director as soon as there is any hint of a problem") not four months earlier, after their previous controversial appeal (CASE FIFTY-EIGHT from Toronto).

When North said something like "Five diamonds plus four clubs," East thought he meant "(exactly) five diamonds *and* (exactly) four clubs." But that's not what he meant. He meant "5♦+, 4♣," or, as we would say, "five-plus diamonds and four clubs." But with North's Italian accent there was no way East could know that the "plus" went with "five diamonds" and was not a conjunctive *and*.

If North had written something like: 5♦+ 4♣,  
the spacing would have emphasized that the plus went with 5♦ and was not just an "and." He might also have used two separate lines: 5♦+  
4♣,

further reducing the possibility of confusion.

So North and East were both telling the truth: North claimed he said "five *or more* diamonds," which he did—in "Italian-speak"—while East claimed he heard "five diamonds," which he did—in "English-hear." So neither side deserves any sympathy and will get none from me. N/S were told to write everything down and they ignored my instruction. So they get the worst score that was at all probable, -100 (or 150 or 200 if you prefer, since it does not matter in this case).

E/W, on the other hand, were familiar with N/S's language problems and knew (or should have known) that they were required to ask and receive information in writing only. They had played against this and other Italian pairs many times. They have represented the ACBL in international competition (most recently in the 2000 World Teams Olympiad in Maastricht). They decided to take the "easy" way out and speak. They therefore get to keep their table result of -430.

"But didn't West ask South to write down his answer?" you might ask. Well, yes and no. There is a slight factual omission in both the write-up and in West's comment. West asked South about his 3♦ bid several times, each time orally. When West couldn't understand South's oral responses (Howard says in his comment, "I have enough trouble hearing and/or understanding whispers without a heavy Italian accent."), on the third or fourth try West finally pointed to the paper, indicating to South that he wanted him to write his reply (what Howard meant when he said he just pointed to the paper). But by now West seemed to be "prodding" South for more information (which Howard also mentions in his comment)—not just saying that he hadn't been able to understand him and wanted him to write it down. So South complied with West's apparent request for more information (with some exasperation, accompanied by a shrug of his shoulders as I recall) and told Howard he *held six diamonds*, writing "6 diamonds" on the pad.

So on both sides of the screen there were simple misunderstandings, all due to the language differences and to the four players being negligent in not complying with the screen regulation: "There shall be no oral communication at the table during the auction period...At any time a player may request, in writing, of his screen mate a full explanation of an opponent's call. The reply, also, is in writing."

So whatever your view of the quality of the bridge, both sides contributed to the problem, both sides were experienced enough to have known better, and neither side deserves our sympathy. If none of the players could be bothered to take simple precautions to avoid this problem, then we shouldn't be responsible for protecting them from themselves. Both sides *earned* the worst of it: N/S -100, E/W -430.

Finally, a strong case can be made for any of the three possible decisions: reciprocal 430s (the table result), reciprocal 100s (the Committee's decision), and the non-reciprocal -100 for N/S and -430 for E/W (the one several of the panelists and I favor). Given that all are legal and justified on bridge and other grounds, the controversy this case has engendered seems entirely unjustified.

So get a life, get involved, or forever hold your peace.

## CASE FORTY-TWO

**Subject (Illegal Convention):** What Are You (All) Doing Here?

**Event:** National 99er Pairs, 24 Nov 01, Second Session

Bd: 13      ♠ Q87642 Dlr: North   ♥ A862 Vul: Both    ♦ 87 ♣ J ♠ K109                      ♠ A5 ♥ 3                              ♥ KJ1054 ♦ Q9432                      ♦ AJ ♣ Q632                      ♣ A1097 ♠ J3 ♥ Q97 ♦ K1065 ♣ K854	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">West</th> <th style="text-align: left;">North</th> <th style="text-align: left;">East</th> <th style="text-align: left;">South</th> </tr> </thead> <tbody> <tr> <td></td> <td>Pass</td> <td>1♣(1)</td> <td>Pass</td> </tr> <tr> <td>1NT(2)</td> <td>Pass</td> <td>2♣(3)</td> <td>Pass</td> </tr> <tr> <td>2♦(4)</td> <td>Pass</td> <td>2NT(5)</td> <td>Pass</td> </tr> <tr> <td>Pass</td> <td>3♠</td> <td>Dbl</td> <td>All Pass</td> </tr> </tbody> </table> <p>(1) Alerted; 13+ HCP (but not 13-16 balanced)                  (2) Alerted; 7-9 HCP, unspecified singleton                  (3) Alerted; transfer to hearts                  (4) Alerted; singleton heart                  (5) Not Alerted; undiscussed</p>	West	North	East	South		Pass	1♣(1)	Pass	1NT(2)	Pass	2♣(3)	Pass	2♦(4)	Pass	2NT(5)	Pass	Pass	3♠	Dbl	All Pass
West	North	East	South																		
	Pass	1♣(1)	Pass																		
1NT(2)	Pass	2♣(3)	Pass																		
2♦(4)	Pass	2NT(5)	Pass																		
Pass	3♠	Dbl	All Pass																		

**The Facts:** 3♠ doubled went down one, +200 for E/W. The opening lead was the ♥J. The Director was called at the end of the auction by N/S who complained about West's 1NT bid. The Director determined that the use of an artificial, non-game-forcing 1NT response showing an unspecified singleton, when the opening bid was not strong (15+ HCP) and forcing, was not approved under the General Convention Chart (which was in effect for this event). North said E/W's methods confused her and made her afraid to bid earlier in the auction (over 1NT or 2♦). The Director assigned artificial adjusted scores of Average to N/S and Average Minus to E/W.

**The Appeal:** E/W appealed the Director's ruling. East stated that a 1NT response to 1♣ with a singleton should be allowed by point #8 under Responses and Rebids (Calls that ask for aces, kings, queens, singletons, voids or trump quality and responses thereto) on the GCC. He also said that N/S had not been disadvantaged by his partner's use of this convention—even if it was unapproved. He thought that N/S

had more information on which to base a decision than those players defending against standard bidding. N/S offered no evidence to show how they were disadvantaged by the 1NT bid. While all four players had under 100 masterpoints, it was discovered in screening that N/S had played intermittently in Europe for some 15 years and East had played "kitchen" bridge with his family for 10+ years before taking up duplicate with his (now) wife four years ago.

**The Panel Decision:** The Panel flatly rejected East's claim that 1NT should be allowed under the GCC (note: all of the other calls in the auction are permitted under the GCC) and then examined various possible Standard auctions to determine whether N/S had been disadvantaged. If East opened 1♥, West would bid 1NT and North would be in the same position except that she would not know West held a singleton. If East opened 1NT West might raise and North would be worse off. The Panel decided that North could have acted over 1NT or 2♦ and had much more information with which to play the hand than she would have playing against Standard bidders. She knew her partner had at most opening-bid values and almost certainly three hearts. Thus, there was no clear causal relationship between the use of the unapproved convention and North's choice of 3♠ as her final bid. The Panel restored the table result of 3♠ doubled down one, +200 for E/W, to both sides and also considered a PP against E/W for use of an illegal convention. However, they

decided on education instead since the Reviewer was convinced he was not dealing with "sharp practice." North, South and East (all of whom had been playing bridge for at least 15 years) were told they should play in events with higher masterpoint limits (0-200 or 300) given their level of experience.

**DIC of Event:** Priscilla Smith

**Panel:** Charlie MacCracken (Reviewer), Doug Grove, Terry Lavender, Gary Zeiger

**Players consulted:** none reported

**Directors' Ruling:** 66.1

**Panel's Decision:** 89.4

✍ I agree completely with the Panel's conclusion: I see no connection between E/W's system (specifically the 1NT bid) and N/S's poor result. In fact, had North been doubled in 2♣, best defense could still have netted E/W +200 after a heart lead (♥J to the queen; spade to the king; club to the ace; heart ruff; diamond to the ace; heart ruff; and East must still get the ♠A). I also support not issuing E/W a PP and advising the more experienced players to play in more advanced events.

As for the Director's ruling...

**R. Cohen:** "An illegal ruling by the Director. It may be a 99er event, but how will players learn if they get illegal rulings. As to the damage, it was self-inflicted by North. No adjustment was warranted. The proper ruling was a 1/4-board PP against E/W."

✍ As we've pointed out before, artificial scores should be avoided when we're replacing a result obtained at the table, unless it is impossible (or impractical) to project a normal bridge result. But why were N/S assigned a result which Law 12C1 reserves for a pair that is judged partially at fault for the problem? How were N/S at all culpable here? While North's 3♠ bid may have been a poor choice, the bridge actions of the non-offenders surely did not help to create the problem.

Happily, none of the other panelists wish to assign a PP.

**Bramley:** "That's quite a system E/W have. I agree that there was no causal relationship between the 1NT bid and North's choice of bids, and I approve of not handing out the dreaded PP. Good finish."

**Polisner:** "Good Panel decision."

**Wolff:** "A good decision in highly unusual circumstances. From this decision: (1) the game is made more comprehensible and therefore better, (2) the field is treated fairly, and (3) justice is done."

**Gerard:** "What would have happened if East had opened 1♥ was irrelevant, since East wasn't playing those methods. If West, not being allowed to respond 1NT to show a singleton, could still have responded 1NT to show 7-9 HCP, North was not disadvantaged. If West had to respond 1♦, natural, North could have bid 1♣. The Panel could have sought out E/W to determine what their alternative methods would have been. At the very least this called for consultation. It is unacceptable not to consult when matters of bridge judgment are involved."

✍ Ron is right that consultation was desirable. However, players with under 100 masterpoints playing an artificial club system would probably not have alternate methods to graft onto their artificial club to replace bids that are judged illegal. More likely, if they could not play their club system "in toto" they would revert to standard bidding. Based on that premise, the Panel's projection of an auction of 1♥-P-1NT was not unreasonable. But at the very least E/W could have been questioned on that point.

Our final panelist is struggling to grasp our inscrutable Convention Charts.

Still, he copes reasonably well and makes some sensible recommendations.

**Stevenson:** “There are some strange things that can be played under the GCC considering that it excludes some very easy conventions, like a 2♥ opening to show the majors. Fortunately this 1NT response was not one of them.

“While North’s 3♠ bid comes close to the worst bid made in Las Vegas this year (sorry, North), any result that allows E/W to get a good score from an illegal convention suggests that it is time the ACBL had a new look at what to do when an illegal convention is used. No one knows what would have happened if it had not been used because no one knows what system E/W would have used if they had realized they were not allowed to play their 1NT response. Perhaps they would have played Precision or EHAA [a system whose name aptly describes its philosophy: the acronym stands for Every Hand An Adventure.—*Ed.*]

“Law 12C2 does not really work when the whole auction is poisoned, as often happens with an illegal convention. Working out what would have happened is just not practical, so I suggest an English idea: When an illegal convention is used Law 12A2 is applied—i.e., it is ruled that ‘no rectification can be made that will permit normal play of the board.’ Then an artificial score is applied such as Average-Plus/Average-Minus in favor of the non-offenders.

“If this was decided it should be made a regulation, so that it would be applied consistently. Here are a couple of further thoughts: The hand should always be played out, and if the non-offenders get more than Average-Plus then there is no damage, so no adjustment. Also, to follow ACBL ideas, the non-offenders can be expected to play bridge and keep their bad score if they make an egregious error. Here, for example, E/W would get an Average-Minus but N/S would keep their bad score which they earned.

“One last thought. Sometimes an artificial bid is made which has various possibilities, some illegal. The result should still be canceled even if the bid used was not the illegal bid. It is still not known what would have happened if they had played a legal bid.”

✍ A 2♥ opening can be played to show the majors under the GCC. However, the hand must, by agreement, contain at least 10 HCP.

As for dealing with illegal conventions, it is normal to allow the hand to be played out (if possible) and the result to stand if the non-offenders are not damaged. In general, a pair is not allowed to obtain a good score from an illegal convention unless the illegal bid is judged not to have disadvantaged the opponents (as here, where N/S actually ended up having *more* useful information because of the illegal bid than they would have otherwise). In the present case I can see no good reason for adjusting the score. (Call this the “No harm, no foul” principle.) In cases like this, the Director should instruct the pair to remove the offending method from their CC (for the time being) and explain why the bid is illegal so they can modify their system. A PP should be imposed only if the pair had previously been warned against using the method, was clearly aware it was illegal, or if there is something egregious about their actions. I see no evidence of any of that here.

## CLOSING REMARKS FROM THE EXPERT PANELISTS

**Bramley:** “We seem to be getting a better handle on the tempo and UI cases, which typically involve one pair taking advantage of information that they shouldn’t have. The information flow is generally confined to the offending pair, so Directors and Committees have an easier time gauging culpability and damage. By contrast, the most difficult cases involve MI, in which the information flows from one pair to the other. When that information is bad, big problems arise. Directors and Committees must make close decisions about what would have happened if... Compounding the problem are the many cases in which the non-offending side takes actions that might be described as erroneous, inferior, bizarre, or eccentric. It is MI cases that lead to the most split decisions, a method that is still not universally accepted.

“Powerful forces seem to be pushing to abolish the Appeals Committee system. I disagree strongly. One common complaint is the length of time it takes for Committees to make their decisions. The abolitionists want bridge to be like baseball, where the umpire makes the call and that’s the end of it. That won’t work. In baseball the umpire can see everything that matters. His judgments involve lines (fair or foul) or timing (who got there first). He does not have to read the players’ minds. Bridge is different, because its primary tool is thought. The bridge Director cannot see what bids and plays the players are thinking about, until they make those bids or plays. Even then, he cannot see the bids or plays the player contemplated and rejected. Nor can the Director divine the players’ thought processes in selecting one action over another. When a problem occurs, the only reasonable way to find out those things is to talk to the players with no time constraints, as we now do in the Committee system. Any faster method would produce worse decisions.

“I recognize that as one who has devoted much time and energy to improving the current system, I might be biased. But look at the evidence in the casebooks. Over the last seven or eight years Committee decisions have improved dramatically, notwithstanding the occasional sensational case. There is much greater consistency across the board, and a much greater understanding of the reasoning that goes into proper decision-making. The system is improving, and the way to keep it improving is by incremental change, not by a massive overhaul.”

**L. Cohen:** “Other than the ridiculous decision on CASE EIGHTEEN, I could have lived if any other rulings had gone the other way. I answered only the tempo cases, and found the cases to be ‘closer than ever.’ On maybe 80% of them, the action taken over the tempo-sensitive action was ‘right on the border.’ Sadly, I see no way around such cases coming to appeal. They have merit, and come down to a close vote. If nothing else, it underscores the importance of having qualified and experienced Committee members to make the decision. I wonder if we should create more specialized Committees—maybe have ‘tempo specialists’ rule on the tempo cases, and ‘UI specialists’ rule on the UI cases. Over the years, I’ve found a special interest in the tempo cases, and I focus my attention on those. Meanwhile, I gloss over the other kinds of cases and don’t consider myself as expert on those. So, I’d say I am a ‘tempo-Committee’ guy; I feel more qualified to serve and comment on those cases. (In the casebooks, I’ve been commenting mostly on the tempo cases and ignoring the other ones).”

**Gerard:** “Good work by the Panels (Average: 91.1), although there’s this disturbing tendency to circumvent the consulting process. Pretty good by the Committees (Average: 82.2), with some great work (CASES TWELVE, TWENTY-ONE and FORTY) and some abominations (Cases SIXTEEN, SEVENTEEN, EIGHTEEN and THIRTY-FOUR). Distressing for the Directors (Average: 71.7), who produced far too many unacceptable rulings. By categories they are:

Inability to Recognize Obvious UI: 12, 27, 28  
Failure to Ascertain Relevant Facts: 22  
Guilty of an Apparent Vendetta: 36  
Dribbling Oatmeal: 15, 32, 40, 41 (as to N/S)

“Even if the Reisinger appeal were as bad as the Kantar one (it wasn’t), all the brouhaha has been an overreaction. Changing the Committee system should be the product of an extended analysis of decision making over a period of time, not a heat-of-the-moment call for reform that is at least partly based on the importance of the event. I’ll wager that since Panels were introduced, Committees have easily outperformed the Directors, some of whom have proven themselves untrainable. But it seems that we have this thing every 10 years in Las Vegas. So after the Las Vegas NABC in 2011, look for a demand to replace Directors with the Internet Adjudication System or whatever.”

**Rigal:** “Recent staff changes in Memphis may give us a chance to try to correct what I see as an unacceptable trend in this casebook. If you note the number of cases where I have awarded a \*P\*P\* (7 out of 42), you will see that seven offenders got away with their offences at the first hearing. This cannot be good for the game. I would far rather that the trend went in the other direction.

“We seem to have got the AWMW broadly under control; that is to say, my personal count suggests we are right for the majority of cases and most of the cases that I disagree on are relatively close decisions. But the PPs are another matter. We still do not seem to be properly addressing the issue of when they are appropriate. Maybe this would be a suitable issue for guidance at the inaugural Committee meeting of the Washington NABC.

“Two minor points: Perhaps I am getting denser (certainly physically, if not mentally) but I found the quality of the write-ups to have fallen off a little; I needed help on four or five cases. Second, Howard Weinstein’s previously raised objections to the absence of split scores seems as much in point as it was when he first raised it.

“Finally, CASE NINE reveals the problems with the ACBL Multi defense; someone *must* check it before it goes out at the next NABC. And the people who use Multi should be told that they must be able to explain the defense to it.”

**Stevenson:** “This set of appeals was especially interesting because I was in Las Vegas and sat on seven of the Committees. I also saw the Panel method in action, regrettably only on an appeal that was withdrawn part-way through.

“Whatever we say about appeals, it is clear that a lot of effort goes into them and the members are trying very hard. My impression is that the appeals are getting closer; hopefully this means that the worst rulings are disappearing. While the Directors had a couple of hiccups, their rulings were rarely very wrong although sometimes they had not gleaned the facts fully.

“The ACBL could have done better with their written defenses (see CASE NINE). They have also failed to deal with a known problem: allowing people to play a ‘tactical’ 2NT without disclosure—i.e., bidding 2NT on a weak hand against poor players who think it shows something (see CASE FIVE). I have also made a suggestion for how to deal with illegal conventions: the current method is unworkable (see CASE FORTY-TWO). It would help if they defined standard penalties (see CASE TWENTY-NINE).”

**Treadwell:** “The Directors made very poor rulings in only four cases, and somewhat superficial rulings in about ten others; really, not a bad performance. The Panel and Committee decisions were excellent for the most part, although I did disagree in a few close cases. In other words, I think the system is functioning well.

“I am still disturbed by the number of cases with little or no merit and with the reluctance, sometimes, by the Panel or Committee to issue AWMWs. On the other hand, do we really have any evidence that AWMWs operate as intended? I would be in favor of returning to score penalties for the most egregiously meritless cases. I think that even the threat of a score adjustment if the case is deemed to be without merit would eliminate most of the meritless appeals.”

## CLOSING REMARKS FROM THE EDITOR ✍

### How’d We Do?

Below we summarize the performance of the various groups in Las Vegas (Directors, Panels and Committees) by classifying their actions as either Good or Poor. Some cases in each category will inevitably display elements of the other (i.e., some cases classified as Good may have Poor aspects while some cases classified as Poor may show some Good qualities). Table 1 presents cases heard by Panels; Table 2 cases heard by Committees.

		Panel’s Decision		Total
		Good	Poor	
Table Director’s Ruling	Good	2, 4*, 6*, 10, 25*, 35*, 39*	13, 22	9
	Poor	15, 27, 32, 42	5, 14, 23, 26, 28, 36	10
Total		11	8	19

\* Missed or unwarranted AWMW or PP

Table 1. Cases decided by Panels

		Committee’s Decision		Total
		Good	Poor	
Table Director’s Ruling	Good	3, 7, 8*, 16, 33, 37	1*, 17, 30*	9
	Poor	9, 11, 20, 21, 38, 40	12, 18, 19, 24, 29*, 31*, 34, 41	14
Total		12	11	23

\* Missed or unwarranted AWMW or PP

Table 2. Cases decided by Committees

Looking at the table rulings for all cases combined, 18 of the 42 rulings (43%) were classified as good while 24 (57%) were judged poor (see chart on next page). This index continues to fluctuate around the chance level. Perhaps the new Director training program that is currently in preparation (yes, it’s really coming) will help change what continues to be a regrettable state of affairs.

Panel performance remained quite poor, rising only 2% from its all-time low of 56% in Toronto. Only 11 of the 19 decisions (58%) were judged good while 8 of 19 (42%) were categorized as poor (see chart on next page). The unfortunate trend we first noticed in Toronto, for Panel decisions to ratify poor table rulings, has continued for the second straight NABC. Of the 8 poor Panel decisions, 6 of them sustained a poor table ruling while only 2 made a good table ruling poor.

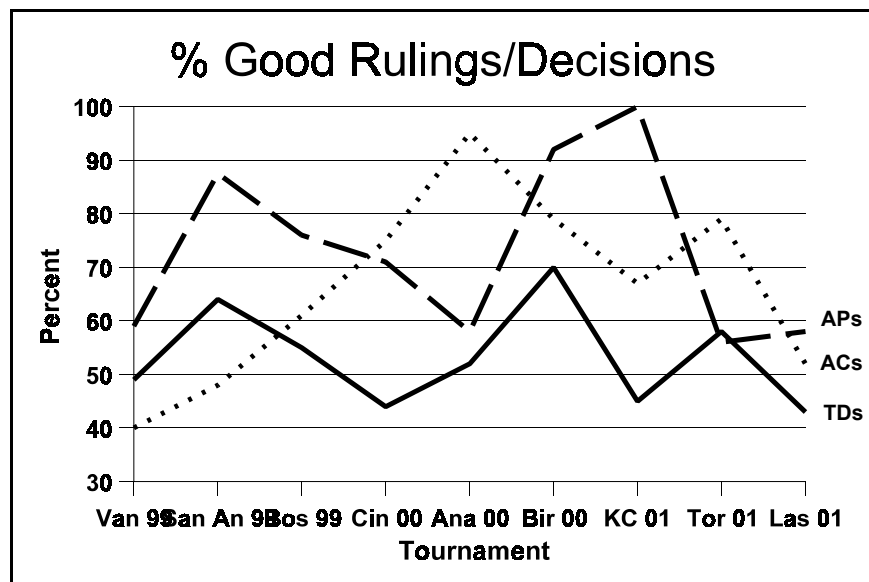
Committee performance reversed a slight upturn when only 12 of the 23 cases (52%) were classified as good decisions while 11 (49%) were judged poor. The unfortunate tendency to be unduly influenced by the table ruling continued as 8 of the 11 poor Committee decisions ratified a poor table ruling (3 replaced a good table

ruling with a poor one) and only 6 of 14 poor table rulings were “corrected.”

Committees and Panels need to make a greater effort to evaluate their cases independently if we are to overcome this problem.

The Panels failed to issue an AWMW or PP in 5 of the 19 cases they heard; the Committees missed them in 4 of their 23 cases but they issued an unnecessary PP on one case (TWENTY-NINE).

Overall, good appeal decisions by Committees and Panels were made in only 23 of the 42 cases (55%) in Las Vegas, compared with 68% in Toronto, 77% in Kansas City, 85% in Birmingham, 75% in Anaheim, 73% in Cincinnati, 68% in Boston, 69% in San Antonio, and 51% in Vancouver. This was the poorest overall performance since the Panel system was begun in the Spring of 1999.



(APs = Panels {dashed}; ACs = Committees {dotted}; TDs = Directors {solid})

### Reactions to Panelists' Closing Remarks

Several panelists (Bramley, Gerard, Stevenson, Treadwell) expressed the belief that the process seems to be improving—at least for some types of cases. Perhaps my standards are just set too high, but the percentage of “Good Rulings/Decisions” in Las Vegas was one of the lowest ever (see the chart above) for everyone, including Directors, Committees and Panels.

One possible explanation, as some panelists have suggested, is that this set may have contained an unusually high proportion of “close” cases—i.e., ones posing very “difficult” decisions. I myself found several cases that required a fair amount of soul searching (e.g., CASES NINE, TWELVE, SEVENTEEN, NINETEEN, TWENTY, TWENTY-NINE, THIRTY-TWO, THIRTY-FOUR, THIRTY-SEVEN and FORTY-ONE). However, I do not think that is the reason for the poor performance. For one thing I did not find the proportion of difficult cases to be noticeably higher in Las Vegas than in previous NABCs. For another, even if we accept the premise that there were more difficult cases than usual, the decisions on those cases were only marginally worse than on the other cases.

My own opinion (and one which I expect will not receive a lot of support from NAC members) is that the appeals process is an inherently difficult one, in large part because it involves a fair amount of subjectivity—particularly regarding bridge judgment. Such a process, by its very nature, will produce variability in the quality

of its decisions and an occasional error—as anyone who has ever asked several bridge experts for their opinions on a hand knows. (CASE FORTY-ONE is a good example of how controversy is so subjective.) But the amount of variability and the frequency of error can be reduced by imposing more stringent skill requirements on those who comprise our Committees.

The NAC roster has not been significantly upgraded since the days when we heard a wide range of cases, from lower-flighted games, to side games, to regional events, to NABC+ events. The majority of our members are competent, giving, well-intentioned people whose service on Appeals Committees has been a blessing over the years. I love them all dearly and number many of them among my closest friends. But many of them are not equipped to serve on the top NABC+ cases. That is not intended as a criticism of our members, but rather as a comment on the way the process has been run. We are not doing our job to insure that the top NABC cases have sufficient bridge talent to judge the bridge issues at that level. (A good example of the process run amok is CASES SEVENTEEN and EIGHTEEN. When one member sets out the right grounds for a decision and can't convince the other members of the basic bridge truths involved, then something is very, very wrong.)

As I said in CASE FORTY-ONE, bridge expertise isn't the only skill required of members of Appeals Committees. Knowledge of the laws, writing ability, and process-management skills are also essential, as is the ability to work with the other members collaboratively. Also, a Director should be a member of every Committee, to advise the Committee on law issues and actually sit in on the entire process. And an experienced chairman, able to exert firm control of the proceedings and run the hearing smoothly, is essential. Everyone involved in the appeals process must also be willing to study what has come before (the casebooks) and to bring a familiarity with the issues and philosophies developed there to bear on future cases. Just as no one becomes an expert bridge player in a vacuum, no one becomes an appeals “expert” in a vacuum either. It takes work and diligence to stay current.

On the other side of the coin, Directors who work at our NABCs *must* be better trained. Many table rulings are simply unacceptable (see CASE TWENTY-NINE). There is a tendency, as I've pointed out repeatedly, for Committees not to question the legality of a ruling (especially when the Directors have the sole authority to interpret the laws) and to ratify poor rulings, even when only the bridge judgment is defective. Of course Committees and Panels cannot be absolved of their share of the responsibility for such errors, but in a very real sense the process is no stronger than its weakest link.

It will come as a surprise to no one that I agree with several of the panelists' (Bramley, L. Cohen, Gerard) that the view that Appeals Committees should be abolished and turned over to the Directors is an unenlightened one. As I have said many times before, the only workable solution involves combining the talents of expert players, Directors, and skilled appeals people. A Committee made up of all top players will not work, nor will one comprised of law experts (Directors) who are not good players, nor are these two skills adequate without someone experienced in running the process smoothly and firmly.

I don't think Larry's idea of appeals specialists is practical. For one thing, there aren't enough top players to go around, let alone become specialists. For another, the concepts required to decide tempo or UI cases overlap extensively with those needed for MI and claim cases. While there are some differences (which I hope to explicate soon in a future casebook), the similarities are far more extensive.

Ron's estimates of the Panel, Committee and Director ratings are eerily close to the actual ratings (he's a little high on the Panels, though), but as a group the panelists seem to be far less demanding than I am in assigning marks.

Changes in how rulings are made at the table, in the appeals procedure (most notably at NABCs), and in the area of Director training are undoubtedly in the works as a result of the recent management changes in Memphis, which Barry mentions. I have been assured that any changes in procedure will not be imposed prematurely, before adequate consideration is given to the best way to proceed. I would suggest that anyone with ideas about the proper direction for these changes

talk to Brad Holtsberry, who is open to any and all suggestions.

As for the use of AWMWs, I wish I were as sure as Barry that we have them “broadly” under control. But he may be right that we are doing better. PPs are still a serious concern, especially when Directors all but refuse to issue them at the table, even in the most egregious cases.

The problem with the ACBL’s published Multi defense has been raised in C&C Committee several times now. They’ve clearly been remiss in not doing more than just removing the “simple” version of the defense from the approved methods. The “complex” defense is pretty hopeless. I’ll re-raise the issue in the next meeting.

David Stevenson’s suggestion for dealing with illegal conventions bears serious consideration. I suggest reviewing his (and my) comments on the issue in CASE FORTY-TWO.

I cannot agree with Dave Treadwell’s view of the Directors’ rulings. Poor rulings were made in 24 of the 43 cases, and a fair number of those involved more than just superficial, or subjective, issues. Remember, even though Directors are not required to possess expert bridge ability, they are still expected to know when a bridge action is unclear or has a reasonable alternative, and to resolve doubt in such cases against the offenders. They are clearly not doing this adequately. Perhaps we need to invent a way for them to consult on their initial rulings and not just appeals. Management (Brad Holtsberry) is currently working on this problem.

As for Dave’s view of AWMWs, he continues to beat not only a dead horse but a non-existent one. Very few players have received more than one AWMW in the years that the procedure has been in effect. Thus, there is clear evidence that it is working. The desire to return to score penalties is ill-conceived, displaying a sort of “blood lust” for a draconian approach. Those penalties did not stop meritless appeals in the days when a \$50 deposit and score penalties were in regular use, so to suggest going back to those times smacks of a “the grass is always greener” sort of futility. Nothing will ever completely eliminate meritless appeals, which seems to be what Dave is looking for, and naive, emotional, or self-centered players will always be impervious to whatever form of disincentive we utilize. The fact that we have had very few recidivists speaks for itself. AWMWs are working at least as well as anything we have tried in the past, and they have none of the drawbacks of some of our past, less desirable methods. I am not opposed to assessing two AWMWs in especially egregious cases (that was my original proposal), but other than that I’d say, “It ain’t broke, so don’t fix it.”

## ADVICE FOR ADVANCING PLAYERS

### Huddles, Questions, and Competition:

A cursory inspection of any casebook will reveal the sobering fact that tempo, more than any other source, causes problems involving UI at the table. What then can we do to minimize the occurrence of this problem?

To begin, let’s consider the following situation. Sitting in fourth seat, non-vulnerable against vulnerable opponents, you pick up ♠109764 ♥AQ7 ♦K ♣Q986. LHO passes and partner opens 1♣. RHO passes and it’s your turn. What is your plan? You have invitational values and a fit for partner’s suit, but your points are not exactly where you’d prefer them to be. Your longest suit is rather barren and 3 of your 11 points are embodied in a singleton ♦K. Still, most players would not consider doing anything less than inviting game and the idea of selling out to the opponents without a fight is virtually unthinkable. It’s pretty automatic to start with 1♠ and to make an invitational bid at your second turn. For example, if partner rebids 1NT you might consider inviting with 2NT or a jump to 3♣; if he rebids 2♣ a raise to 3♣ seems pretty clear. But suppose over 1♠ your passed-hand LHO now shows the red suits by bidding 1NT. Partner passes (a double would have shown three-card spade support) and RHO jumps to 3♦, showing diamond length but not necessarily points. (After all, he could have cue-bid two of a black suit with a strong hand.) What are your options now?

Well, some things have changed. The 9 of your 11 HCP situated in the red suits have somewhat depreciated in value. Also, partner did not bid 2♣ (which he would have done with long clubs) or show three-card spade support (by doubling 1NT), so he figures to be relatively balanced (although he could have short spades). So the chance of your having a spade contract is no longer viable. Still, your side does possess more than half the high-cards and most of what you have seems to be defensively oriented, so double seems to be a standout action.

Now none of this is intended to tell you how to bid your hand. If you double as I would, that’s fine. If you pass as I would not, that’s fine too. (Really, it is.) If you bid 3♥, hoping partner can bid 3NT, I may question your judgment (or even your sanity) but really, that’s okay too. In fact, there’s only one thing you cannot do. Can you guess what that is? If you need a hint, look at CASE ONE.

The one thing you cannot do is to sit there and think and then pass. Even worse is to sit there and think and ask questions about the 3♦ bid (Come on. You know what 3♦ shows.) and then pass.

The best thing is to have a plan in mind as the bidding develops and to make your call over 3♦ after a bit of thought, with your plan in mind. If you need to think a bit before calling, that’s okay. In fact, that’s usually necessary when the opponents interfere dramatically and unexpectedly in your auction. You’re expected to take a bit of time to think before bidding in these situations. (In fact, it’s a good idea to *always* take a few seconds to think, or even just appear to be thinking, before every call you make.) But asking questions and thinking for a long time and then passing (or doubling) will, without exception, place your side at risk for UI and having your score adjusted. Bidding in tempo is a large part of the battle here, and we should all bear in mind that what one considers in-tempo in this type of situation is a call that comes after a bit of thought.

Now change your hand to ♠10974 ♥Q73 ♦K86 ♣J96 and decide what would you do over 3♦. Do you have a problem? Would you pass without a hitch? Well, not having a problem is quite normal. Indeed, who would even consider bidding with such a hand? But you should still stop and think (or give the appearance of thinking) for a few seconds before passing. If you want the right to think for a few seconds over 3♦ with the first hand and for you and your partner to then both be free to take whatever action you wish, then you have to project the same appearance of having something to think about (briefly) with the second hand. Otherwise, even though you have no intention of doing so, you are giving your partner UI every time this type of situation arises.

Next, no one is vulnerable and once again you find yourself in fourth seat, this

time holding ♠93 ♥J875 ♦965 ♣KQ103. LHO passes and partner opens a strong (15-17) notrump. RHO bids 2♣ and it's your turn. Quick, what do you bid?

If your immediate response is "I don't know," congratulations, but that's only the third best answer. The second best answer is "If we play negative doubles I double for takeout; if we play penalty doubles and 2NT is for takeout then I bid 2NT; if we don't play anything for takeout then I need to change my bidding methods." But #1 on my hit parade, if you've been keeping up with the previous discussion, is that you shouldn't do anything quickly here—whether you have a problem or not. You should think for a few seconds and then take whatever action you think is right: double, 2NT, or pass. What you should not do is act quickly or sit there for a while, ask silly questions, and then pass (or double).

If you want to know what the latter will get you, just look again at CASE SIX. Ready for a third problem? This time you're in second seat and both sides are vulnerable. You hold ♠Q7642 ♥AK542 ♦— ♣K65. RHO opens 1♣ and you bid 2♣, Michaels. LHO passes, partner bids 2♠, RHO passes and it's your turn again. Well, what do you do?

Is your hand good enough to bid again? If that's what you're thinking about after partner's 2♠ bid, then once again you're ignoring my advice. Remember what I said earlier: bid with a plan. When you bid 2♣ on the previous round, that was the time to decide what you would do if partner took a simple preference, or if he bid freely in competition, or if LHO raised his partner to 3♣ and that came back around to you. If you think your hand is not good enough to bid again, then you must have the discipline to pass in tempo (not quickly—but not slowly either; after a few seconds of deliberate thought). If you have to sit and think for an abnormally long time, then you will find yourself in precisely the same difficulty in which the N/S pair in CASE TWELVE found themselves.

For our final example, look at CASE FOUR and focus on E/W. My question is a two-parter: Who was responsible for E/W's problem here and what could they have done to avoid it?

If your answer to part one is East, good. East should have decided when he bid 3♣ what he would do if the auction proceeded as it did; after all, the developments after the 3♣ bid were not totally unexpected. East should have been prepared to double in normal tempo, which (again) does not mean in the blink of an eye but after due deliberation, maybe 5-10 seconds or so. When East bid 3♣ he promised a rebid (otherwise West's problems after South bids are insurmountable). A double in the actual auction does not show a penalty double of spades so much as a hand with no particular direction. If you think East's hand is not worth a double, then it was not worth a 3♣ bid the last time. I would not argue (too strongly) with anyone who chose to raise hearts originally (by cue-bidding 2♠) or jump to 4♣ over 2♥ if that was fit showing. No action is perfect, but before taking it one needs to form a plan and consider what you will do next if things go pretty much as you anticipate.

If your answer to part one was West, that's good too. Since West's pass of 4♣ was forcing, if he planned to pull a double of 4♣ to 5♣ there is no reason for him not to bid 5♣ immediately. Passing and then pulling after East doubles risks East doing what he did: huddling before doubling. Why give him the chance if your own action is clear? Besides, if West wanted to hear whether East had undisclosed heart support he could find that out just as easily over a 5♣ bid as after a pass.

Bridge is a game of minimizing problems. Teachers stress planning bids and rebids in advance to avoid problems. Good defense, in addition to learning to draw inferences about the unseen hands from the bidding and play, also involves keeping partner from having unnecessary problems. Avoiding procedural problems such as bad tempo, MI and UI follows similar lines. Players who plan ahead to eliminate sources of potential problems for their partners are developing good habits which lead to winning bridge. Work on your poor habits, especially bad tempo, and watch your game grow.

## THE PANEL'S DIRECTOR AND COMMITTEE/PANEL RATINGS

Case	Directors	Committee/ *Panel	Case	Directors	Committee/ *Panel
1	87.6	87.9	24	60.7	62.5
2*	89.6	94.2	25*	96.9	88.0
3	88.3	88.9	26*	81.0	76.6
4*	97.9	96.9	27*	51.1	81.0
5*	81.6	82.3	28*	53.3	72.9
6*	96.2	94.6	29	49.2	83.3
7	67.6	84.6	30	80.3	86.6
8	91.2	88.3	31	75.7	64.1
9	60.6	94.9	32*	54.1	85.8
10*	91.8	94.0	33	77.3	82.5
11	67.6	86.3	34	74.4	72.9
12	57.0	78.1	35*	99.2	92.5
13*	73.6	81.9	36*	59.5	72.8
14*	82.6	79.9	37	68.8	70.7
15*	33.6	98.2	38	67.0	81.0
16	87.6	86.6	39*	94.4	96.2
17	90.1	60.3	40	40.0	92.1
18	77.3	67.9	41	65.8	68.3
19	81.6	84.2	42*	66.1	89.4
20	45.8	79.1	<b>P-Mn</b>	76.2	85.0
21	90.7	93.2	<b>C-Mn</b>	71.8	80.2
22*	75.3	63.7	<b>O-Mn</b>	73.8	82.4
23*	69.2	74.4			

\*=Case decided by a Panel; **P-Mn**=Mean for cases decided by Panels;  
**C-Mn**=Mean for cases decided by Committees; **O-Mn**=Overall mean for all cases

## NABC APPEALS COMMITTEE

### Director

Alan LeBendig, Los Angeles CA

### Chairman

Jon Brissman, San Bernardino CA

### Appeals Administrator

Rich Colker, Wheaton MD

### Appeals Manager

Linda Trent, Fullerton CA

### RED TEAM

#### Team Leaders

Henry Bethe, Ithaca NY  
Ron Gerard, White Plains NY

### WHITE TEAM

#### Team Leaders

Martin Caley, Montreal PQ  
Michael Huston, Joplin MO

#### Team Members

Lowell Andrews, Huntington Beach CA  
David Berkowitz, Old Tappan NJ  
Sid Brownstein, Santa Monica CA  
Dick Budd, Portland ME  
Ed Lazarus, Baltimore MD  
Jim Linhart, Delray Beach FL  
Jeff Meckstroth, Tampa FL  
Jeff Polisner, Wlanut Creek CA  
Lou Reich, Wheaton MD  
Becky Rogers, Las Vegas NV  
Robert Schwartz, San Pedro CA  
Peggy Sutherlin, Dallas TX  
Michael White, Atlanta GA

#### Team Members

Karen Allison, Jersey City NJ  
Nell Cahn, Shreveport LA  
Larry Cohen, Boca Raton FL  
Doug Doub, West Hartford CT  
Simon Kantor, Agawam MA  
Ellen Melson, Chicago IL  
John Mohan, St. Croix VI  
Barbara Nudelman, Chicago IL  
Judy Randel, Albuquerque NM  
John Solodar, New York NY  
Steve Weinstein, Glen Ridge NJ  
Adam Wildavsky, New York NY

### BLUE TEAM

#### Team Leaders

Mark Bartusek, Santa Barbara CA  
Barry Rigal, New York NY

#### Team Members

Bart Bramley, Chicago IL  
Lynn Deas, Schenectady NY  
Jerry Gaer, Phoenix AZ  
Bob Gookin, Arlington VA  
Abby Heitner, Wheaton MD  
Doug Heron, Ottawa ON  
Richard Popper, Wilmington DE  
Michael Rosenberg, New Rochelle NY  
Dave Treadwell, Wilmington DE  
Jon Wittes, Claremont CA



