



American Contract Bridge League

Presents

Beached in Long Beach



Appeals at the 2003 Summer NABC
Plus cases from the 2003 Open
and Women's USBC

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Abbreviations used in this casebook:

AI	Authorized Information
AWMW	Appeal Without Merit Warning
BIT	Break in Tempo
CoC	Conditions of Contest
CC	Convention Card
LA	Logical Alternative
MP	Masterpoints
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 stimulate change (that is hopefully for the better) in a way that is instructive and entertaining.

At NABCs, appeals from non-NABC+ events (including side games, regional events and restricted NABC events) are heard by Director Panels while appeals from unrestricted 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 as many or as few of them as he wishes. Some panelists may choose not to comment on every case.

Table rulings are normally made after consultation among Directors, which typically includes the DIC of the event (who is responsible for the final ruling). This is true even if on occasion we refer to a ruling as the table Director's. In addition, in 2003 we are witnessing an increase in Directors consulting with expert players (or peers of the players involved in the ruling situation) on bridge-judgment issues before making a final ruling. While this has not yet become policy (as it is in the WBF) we enthusiastically applaud the Directing staff's efforts in this direction.

At management's request, only the DIC's name is included in each write-up. Additionally, we should bear in mind that in these pages we see only a subset of all table rulings that are made at an NABC tournament—specifically those that some players disagreed with. To that extent their representativeness of all rulings is open to question.

In 2003, under the guidance of Joan Gerard as Director of Appeals and Barry Rigal as Chairman of NAC, an attempt has been made to increase the presence of top players on Appeal Committees. To this end a number of top players who are not members of NAC have been asked to serve on Appeals Committees for one or two nights at each NABC. We hope this will increase the level of bridge expertise (or at least the perception of that level) that goes into each appeal decision. While the cases here represent only the beginning stages of this effort, we hope this leads to better appeals decisions—or at least better acceptance of those decisions in the bridge community.

Ambiguity Department. Write-ups often refer to “an x-second BIT.” 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 of a case can have a large affect on our evaluations, the opinions expressed should be considered valid only for cases that match the facts reported. Otherwise, discussions of cases reported here should be regarded merely as theoretical exercises.

Suggestions for improvements are welcome. They may be sent via e-mail to: Rich.Colker@acbl.org or via U.S. mail to the editor, c/o ACBL, 2990 Airways Boulevard, Memphis TN 38116-3847.

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 praise (and occasional abuse); and, of course, Linda Trent, without whose efforts the quality of these casebooks would surely suffer. My sincere thanks to all of you. I hope my efforts have not in any way diminished your good work.

Rich Colker
January, 2004

THE EXPERT PANEL

Karen Allison, ageless, was born in Brooklyn and is a graduate of Brooklyn College. She currently lives in Las Vegas, NV, with her two cats, Stella and Stanley—and is loving it. A former options trader, Karen is currently a bridge teacher and writer. When she isn't "catting" around she enjoys traveling, reading, the theater and concerts. She has served on the National Laws Commission since 1982 and has worked on several revisions of both the Laws of Contract and of Rubber Bridge. Karen is proudest of her silver medal for the Women's Teams in Albuquerque in 1994 and of winning the CNTC and representing Canada in the Open Teams Olympiad in Monte Carlo in 1976. More recently, at the 2002 World Women's Pairs in Montreal she and partner Peggy Sutherlin placed "as close to a medal as one can without getting one...sigh."

Ralph Cohen, 77, 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.

Grattan Endicott, 80, was born in Coventry, England and currently resides in Liverpool. He is divorced and has two sons, three granddaughters, one grandson and one great granddaughter. His late brother has furnished him with multitudinous blood relations across Canada including a great-great niece. He was invested in 1998 by the Queen as an Officer of the Order of the British Empire (OBE). He has been a dedicated member of many Laws Committees and is currently the secretary of the WBF Laws Committee. He has kept impeccable records and is a respected authority on the chronology of Laws interpretations.

Ron Gerard, 59, 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.

Jeff Goldsmith, 42, was born near Schenectady, NY. He has lived in Pasadena, CA, for the last 20 years. He graduated from Rensselaer Polytechnic Institute and Caltech. He is a software engineer, focusing on computer graphics and animation and internet programming, all with a heavy mathematical perspective. He created computer animation for JPL for several years, including the movies about Voyager's encountering Uranus. He ice dances and plays many other games, particularly German board games. His web site (<http://www.gg.caltech.edu/~jeff>) contains lots of bridge and other material.

Jeffrey Polisner, 64, 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, 45, 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. In 2003 he was appointed chairman of the ACBL National Appeals Committee.

Dave Treadwell, 91, 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, 50, 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).

Adam Wildavsky, 43, is the proprietor of Tameware LLC, a computer consulting company in New York City specializing in Extreme Programming. He has been interested in the laws ever since he became the Director of the MIT Bridge Club, more than a few years ago. Adam is a member of the NABC Appeals Committee, a regular contributor to the Bridge Laws Mailing List and appeals editor for the Greater New York Bridge Association. He's won three National Championships, most recently the 2002 Reisinger Board-a-Match teams, and a Bronze medal for his third-place finish in the 2003 Bermuda Bowl in Monte Carlo. His study of the laws is informed by his study of Objectivism, the philosophy of Ayn Rand.

Bobby Wolff, 71, was born in San Antonio and is a graduate of Trinity U. He currently resides in Dallas, TX. 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): Three Bids And You're Out

Event: Grand National Teams, Championship Flight, 16 Jul 03, Second Session

Bd: 34	Chris Compton		
Dlr: East	♠ AK102		
Vul: N/S	♥ Q743		
	♦ J95		
	♣ 105		
Garey Hayden	Roger Bates		
♠ 65	♠ J73		
♥ KJ6	♥ A8		
♦ K2	♦ A10843		
♣ AJ8764	♣ Q92		
	Hemant Lall		
	♠ Q984		
	♥ 10952		
	♦ Q76		
	♣ K3		
WEST	NORTH	EAST	SOUTH
		Pass	Pass
1♣	Pass	1♦	Pass
2♣	Pass	2♥	Pass
3♣(1)	Pass	3NT	
(1) BIT			

The Facts: 3NT made three, +400 for E/W. The opening lead was the ♠4. The Director was called after the 3NT bid. West had taken up to 2 minutes before bidding 3♣. The Director ruled that 3NT was suggested by the BIT and that pass was an LA (Law 16). The contract was changed to 3♣ made five, +150 for E/W.

The Appeal: E/W appealed the Director's ruling. East said that the BIT did not suggest that any one bid would be more successful than any other. West might have been considering many actions with many possible hands. He also said that he would expect his partner to bid 4♣ with a singleton spade. E/W claimed that 3NT was not a very good game that happened to make, and was not a result of any UI.

The Committee Decision: After analyzing the possibilities, the Committee determined that the only LAs for East were pass and

3NT. Did the BIT demonstrably suggest bidding over passing? Was pass mandatory under Law 73C? The Committee eventually decided that bidding 3NT was demonstrably more likely to be successful than passing. The 3NT bid was not allowed and the contract changed to 3♣ made five, +150 for E/W. Since there was enough sentiment on the Committee that bidding 3NT was lawful in spite of the BIT, the appeal was deemed to have merit.

DIC of Event: Henry Cukoff

Committee: Kit Woolsey (chair), Chris Moll, Bob Schwartz (scribe)

☞ Most panelists think it was clear not to allow East's 3NT bid and raise serious questions about the merits of the appeal.

Allison: "In my partnership I could produce notes to show that 2♥ in this auction is game forcing. Failing that, I would give no relief to an East player who took advantage of UI by bidding on after an agonized 3♣. It is quite clear that the West player had something to add to this auction—extra offense, extra points, but no clear way (other than the huddle) to communicate it. I'm not convinced of the merit of this appeal."

R. Cohen: "If East wanted to bid over 3♣, wasn't 3♠ asking for at least a half stopper appropriate? I don't understand the last sentence in the decision. What was at all legal about 3NT? An AWMW was in order."

Goldsmith: "There are two issues. One, is passing 3♣ an LA? Of course it is. If it were not, East would have bid 3NT on the previous round. Two, is 3NT demonstrably suggested by the hesitation? That's easy. If West isn't sure 3♣ is the right contract, it isn't. The Director got it right. Is this appeal meritorious? I can see why the Committee thought it was: some of them would have bid 3NT and not thought it a problem. Perhaps, however, they overlooked the fact that they would have bid 3NT at their second turn. E/W are experienced enough to know better and should have been awarded an AWMW if not an AWMW and a PP. The fact that 3NT isn't much of a contract has no bearing. I suspect that West's huddle was actually his trying to figure out what 2♥ was all about, not judging whether or not to bid more than 3♣. 3NT was an awful contract, partly because West didn't have his huddle. Regardless of why West really did huddle, from East's perspective, the overwhelmingly likely reason is that partner had a 3-1/2♣ bid, so the adjustment is appropriate. This would have been a much more interesting case if West, after 30 seconds of thought, had Alerted 2♥. Then it is clear that what he was thinking about was the meaning of 2♥. Would the UI from the slow Alert mitigate the UI from the BIT or ought it be treated the same as any other UI? In theory, the latter."

Wildavsky: "East said that the BIT did not suggest that any one bid would be more successful than any other.' I double. A slow signoff demonstrably suggests doubt, all the more so since West could not have passed 2♥. As Kaplan put it, 'Would it have been obviously foolish to pass, an egregious error, absurd? No, it wouldn't—pass would be right quite often.' As for the E/W claim that 3NT was not a good game, that's true. Had it gone down they'd have kept their score. That's their incentive to follow Law 73C. E/W were lucky to avoid an AWMW. I'd have argued for a PP as well, for blatant use of UI."

☞ I agree with Jeff and Adam that there's a pretty strong case for a PP here.

Endicott: "If the Committee accepts East's argument it remains the case that pass is an LA and less suggested by the BIT than bidding. I consider the merit of the appeal in great doubt for this reason, and the Committee's decision consequently rather benign."

Rigal: "I like the direction this appeal went. Regardless of whether E/W had malice in their hearts, it seems wrong to me that East should have been permitted to follow the route he chose. Once he passed initially, to treat his hand as a drive to game seems strange and the table action may have been partly responsible. West had four stronger or different actions than 3♣ and the one he chose was the weakest. His partner's tempo deprived East of the chance to be brilliant. N/S were due the benefit of this ruling: it was going to be nothing like automatic for E/W to bid this hand to game, so there is no question in my mind that the most favorable outcome that was likely was defending 3♣. That should have been mentioned in the write-up. My instincts are that the length of discussion here was enough reason not to give an AWMW but I might have been persuaded otherwise in different circumstances."

Weinstein: "The Committee decided that 'bidding 3NT was demonstrably more likely to be successful.' If I'm holding thirteen top tricks, bidding 7NT is demonstrably more likely to be successful and I would feel very disappointed to have an Appeals Committee take that away from me if my partner huddled. Whether 3NT was demonstrably suggested seems the more appropriate question to ask, and that is a tougher question. The corollary is that an in-tempo 3♣ suggests that 3NT will not be a winning action. Although 3NT is not directly suggested, it becomes a much higher percentage action when the quick 3♣ bids are eliminated. On the surface it should not be allowed. Which brings us back to an old Bobby Goldman suggestion that has always held some appeal to me. If the hand providing UI turns out not to have the hand that would have suggested the questionable action taken by his partner, then it becomes de facto not demonstrably suggested. For

example, the bidding goes: 1♠-P-2♠-3♥; 3♠-P-4♠. The 3♠ bid was slow, but it turns out that the 3♠ bidder had nothing resembling a game try. Then by definition the 4♠ bidder can't be liable for using UI, since the BIT obviously didn't demonstrably suggest the 4♠ bid. Returning to the hand in question, the 3♣ bidder didn't really have anything forward going to consider and I am not sure what alternatives he was considering. However, I would still decide as the Committee did since it is likely he was considering either 2NT or a more forward-going action, both of which could suggest 3NT. Is there a case for using the Goldman suggestion, even if it shouldn't apply in this case?"

✍ I opposed Goldie's proposal when he first offered it and I am still opposed to it today. Cases arise regularly where one player breaks tempo and his partner takes an action that may have been based on it. The problem with allowing the partner's action when the hesitator's hand does not "match" his tempo is that it gives players license to take advantage of their partner's tempo (see CASE FIVE) when they often know more about what that tempo means than we do. And this is no more acceptable when done by weaker players than by players whose skills are better or whose hesitations less random. Additionally, adopting such an approach requires Directors and Committees to evaluate the hesitator's hand to determine whether it matches his table action—that is, whether he "has his huddle." What if he has a minimum but good controls, or his points are in the right places? What if his fit for partner could prove useful even though he has fewer HCP than one might expect? How aggressive or conservative are the players in question? This approach opens up a whole new can of worms. And what about the exceptions, like the present case where Howard admits that the BIT suggests a more forward-going action even though the player's hand does not match his BIT? Sorry, but this is a bad idea. In most cases where this approach appears useful I find that the same decision can be reached simply by examining the "demonstrably suggests" issue with greater care.

The next panelist is prepared to tell us the truth—if we can handle it.

Gerard: "Yes, it could have been that East planned the auction. He didn't just blast 3NT over 2♣ and didn't invite with 2NT or 3♣, so he could easily have intended a two-step to stay out of 3NT opposite spade shortness or weakness. But he could also have changed his mind. The 2♥ bid wasn't such an alarm clock that we have to believe him. He could just have been another expert who bids what's in front of him and doesn't worry about things in advance. Since most of the lead plaintiff's case was about demonstrably suggested rather than LAs, East set himself up for the inevitable conclusion that the UI pointed to 3NT. After that he was toast, since some of his peers would have passed 3♣ even after having bid 2♥ and more would have considered it. If you read between the lines, it looks like the one thing the Committee didn't struggle with was the notion that pass was an LA.

"But I happen to know that wasn't true. One Committee member was so adamant that 3NT was the right bridge bid that the decision nearly went the other way. This would have made us all look foolish (the system always gets the blame when one or two loose cannons go off on frolic and detour), so thankfully reason prevailed. But why wasn't there a dissent? I hadn't heard that the vocal minority caved in at the end.

"I don't think a Law 73C violation is the only thing that gets you an AWMW. There's a difference between the standards of the Proprieties and those of appeals. You can bid over the slow signoff without necessarily taking advantage under Law 73C, but you have to recognize that appealing after the wheel back adjustment can be too much of an offense against the system. Law 73C seems more like PP territory anyway. I think East should have known not to pursue this, notwithstanding that he might have convinced himself that he was careful to avoid taking advantage. But clearly this Committee could not issue an AWMW, given the significant sentiment that 3NT was just bridge, mister."

✍ Ron is right. One Committee member almost convinced another who was

initially on the fence to vote with him to allow the table result to stand, which would indeed have been a black eye for the appeal process. I think this member was thinking too much like a bridge expert and not enough like an appeals person. While it is not too difficult to find reasons to bid 3NT (see Dave's comment below), there are equally compelling reasons why East might not have done so (see Barry's earlier comment).

Now let's hear from two panelists who errantly echo the sentiments of the "adamant" Committee member, and a third who operates by his own set of laws.

Treadwell: "I agree that bidding 3NT was more likely to be successful than passing, but not because of the BIT. After all, the game is IMPs and games are, and should be, bid aggressively. I would never dream of passing 3♣; after all, the opponents have not bid spades and my failure to bid notrump earlier implies a weakness in spades, so partner can pull with a singleton or void in that suit. Furthermore, I have made a game-forcing reverse and cannot pass, partner may have been considering slam."

✍ I think Dave missed the fact that East was a passed hand (passed hands cannot usually make game-forcing reverses). But apart from that, why would 3♣ ever be taken as constructive? Call me crazy, but opener's rebidding his suit twice sure sounds regressive to me. As for the argument that the aggressiveness dictated by the form of scoring justifies the 3NT bid, that might be fine if West guaranteed a full opening bid (although even then I would not allow 3NT). But a third-seat opening could be made on as little as ♠xx ♥QJx ♦Kx ♣KJ10xxx—but of course West's tempo made that impossible. Sorry, but the last time I looked +110 and +130 were better scores—and even earned more imps—than -50 or -100.

Polisner: "I am not concerned about the decision, but I am about the process employed by the Committee if the write-up is accurate. UI requires a three-step process and the steps must be taken in order: (1) Was there UI? If no, end of case. If yes, (2) did the UI suggest that one action would likely be more successful than another? If no, end of case. If yes, (3) was there any LA to the action chosen at the table? If no, end of case; if yes, adjusted score. I think that I would have allowed the table result to stand as once East rebid 2♥ rather than 3♣ he was pretty much committed to get to at least 3NT. Look at West's hand. What might he have been thinking about? Only 3♣, 3♦ or 3♥. The BIT only shows that West was thinking of which one to bid. This was what Wolfie calls NPL (Normal Playing Luck) and even though non-vulnerable, 3NT at IMPs is still a 6-imp gain."

✍ Why must the three steps be taken in that order? If we first judge that there was no LA to 3NT, wouldn't that eliminate the need to evaluate the other two questions? Or if we first judge that the BIT did not suggest any particular action (or class of actions), wouldn't that also render the other questions moot? While Jeff's order certainly makes good sense, that does not alter the fact that logically, when several conditions all must hold for a conclusion to be judged valid, disproving any one of the conditions (in any order we choose to test them) invalidates the conclusion. And why did East's 2♥ bid commit his side to at least 3NT? Opposite the example third-seat 1♣ opening I proposed earlier 3NT has no play. Remove the ♣10 from that hand and even 3♣ is not safe.

Right on cue, here's Wolfie to remind us "How Things Ought To Be."

Wolff: "We should not interfere with results where after possible infractions the final contract is iffy. Here E/W should go +400 and N/S -400 and then E/W should be penalized a proper amount to reflect the degree of guilt. Here is a small degree so perhaps E/W should forfeit 3 imps back to their opponents. This is especially important in matchpoints (this was IMPs) where the field is involved. Normal Playing Luck (NPL) determines whether close contracts make (in the absence of misplays or misdefenses) and should be respected."

✍ Basing our decision on whether an illicitly-reached contract is “iffy” is akin to requiring the tempo breaker’s hand to be consistent with his huddle before adjusting the score: both are bad ideas. PPs should be reserved for addressing disciplinary matters, not for redressing damage. Score adjustments serve the latter purpose and the two should not be confused. The Director and Committee did well to adjust the score and as Ron suggests an AWMW would have been warranted but for the rogue Committee member. East’s 3NT bid is pretty flagrant, so for that reason (and only that reason) a PP against E/W is also justified here.

CASE TWO

Subject (Tempo): A Withdrawal With Prejudice

Event: David Bruce LM-5000 Pairs, 18 Jul 03, Second Qualifying Session

Bd: 12	♠ A5		
Dlr: West	♥ AKQJ542		
Vul: N/S	♦ 5		
	♣ 1063		
♠ KQ8763		♠ J1094	
♥ 98		♥ 3	
♦ AQ109		♦ K8762	
♣ K		♣ J98	
	♠ 2		
	♥ 1076		
	♦ J43		
	♣ AQ7542		
WEST	NORTH	EAST	SOUTH
1♠	2♥	2♠	3♥
4♣	Pass(1)	Pass	5♥
All Pass			
(1) BIT			

The Facts: 5♥ made five, +650 for N/S. The opening lead was the ♠J. The Director was called after South bid 5♥. Although the Stop Card was not used, it was agreed that North took 11-15 seconds before passing 4♣. North made a move to bid, withdrew and then passed. The Director ruled that South knew her partner had greater values than a simple 2♥ overcall, which made a 5♥ bid appear safer (vulnerable vs non-vulnerable). The Director decided that pass was an LA and changed the contract to 4♣ down one, +50 for N/S.

The Appeal: N/S appealed the Director’s ruling. E/W did not attend the hearing. North said she started to lean forward right after the 4♣ bid and then remembered she was supposed to wait even though the Stop Card was not used. While she was waiting she did think about what

to bid and passed after about 11-14 seconds. North said she was trying to be ethical and believed she was being punished because she went just a little over the time limit. South believed she could bid anything she wished because her partner observed the Skip Bid requirements. She could give no reason for bidding only 3♥ and then evaluating her hand upward enough to bid at the five-level at unfavorable vulnerability.

The Panel Decision: The Panel heard from three experts on two subjects. The first question put to them was whether 11-14 seconds was enough over the 10-second limit to become a BIT. All said yes. The second question was whether pass was an LA. Again all said yes. Normally a few seconds over the requirement would not be a BIT. But here the combination of North leaning forward to bid, then sitting back and thinking, and then taking more than the normal 10 seconds appeared to create a BIT. With the experts fully in support, the Panel decided pass was an LA to 5♥ and changed the contract to 4♣ down one, +50 for N/S. Since the Panel departed from normal guidelines on the timing question, the appeal was deemed to have merit.

DIC of Event: Millard Nachtwey

Panel: Charlie MacCracken (Reviewer), John Ashton, Ken VanCleve

Players consulted: Darwin Afdahl, Ed Lazarus, Jeff Polisner

✍ While a majority of the panelists believe a score adjustment is clear, there is some controversy over whether the appeal has merit, whether South’s 5♥ bid was so egregious as to warrant a PP, and whether the score should be adjusted to 4♣ down one (allowing North to find the diamond shift at trick two) or to 4♣ making (after a club shift at trick two). Our first panelist tackles all of these issues.

Goldsmith: “Sometimes it’s easier to work with the forest than the trees. It doesn’t matter if North hesitated 10 or 11 seconds; what matters is whether or not South had UI. Everyone at the table knew she did. North’s hand said she did. South’s hand says she did. Therefore, she did and an adjustment was indicated. Was the adjustment that was chosen appropriate? Most defenses will beat 4♠, but not all. At IMPs, North would have to play partner for a club entry, so shifting to the stiff diamond is the best chance to beat the hand. It might blow an overtrick (and once in a while resolve West’s diamond guess for the contract), but it’s the most likely defense to beat the hand. Not at matchpoints. Shifting to a diamond could easily blow an overtrick; imagine declarer’s holding ♠KQxxxx ♥xx ♦AQ10 ♣Ax. Is shifting to a club at all probable? Definitely. Is it likely? I think so. N/S –420, E/W +420. It’d be nice to have a frequency chart of the actual results to help judge how likely the losing defense is. The appeal had no merit; it’s close whether or not to give South a PP for flagrant abuse of UI.”

✍ After the presumed ♥A lead, South will normally give suit preference. The ♥6 (the lowest outstanding spot) should mark her with club values, suggesting a shift to that suit. A diamond shift will beat the contract if South has either minor-suit ace, but if she has the ♠KQ, as in Jeff’s construction, then a club shift is needed to deny E/W the overtrick (unless West’s ♣A is singleton, in which case nothing matters). Since a diamond shift will be right more often and its payoff for being right will be far greater (+50 versus –420), I judge the diamond shift a clear favorite, though I’d accept a decision judging a club shift to be “at all probable” but not “likely.”

Additional support for an AWMW comes from...

Allison: “There is no doubt in my mind that this was a BIT. I’m not sure what ‘normal guidelines’ the Panel departed from but the combination of the extra time taken and the move to the bid box made it eminently clear that North had something to say in this auction. South taking advantage of that UI makes this appeal seem to my mind without merit.”

Polisner: “All fine except a clear AWMW.”

✍ Several panelists think the Panel’s decision is fine as is.

R. Cohen: “All neat and tidy by all officials. The actions and mannerism of leaning forward mitigate against South’s 5♥ bid under Laws 16A and 73F1. Nuff said.”

Treadwell: “Taking a vulnerable versus non-vulnerable save after you have given but a single raise is quite an unusual action. The BIT definitely must have contributed to the decision to bid 5♥. A good decision by the Panel.”

Wolff: “Good. result.”

Rigal: “The Panel created a dangerous precedent when they used non-experts to determine whether a specific pause might or might not be a BIT. Having said that, I agree with their conclusions; North’s sequence of actions surely did convey something to South to get her to take a remarkable action. Her comment about thinking she could do anything she wanted somehow implies to me that she knew her partner’s actions *were* unusual. As for the defense of 4♠, I suppose playing for the diamond ruff is clear enough that we have to let N/S find it. I can quite see why no AWMW was issued. I think that there was certainly enough meat there to support that decision.”

✍ Barry is right about South’s action over 4♠ being “remarkable” (at unfavorable vulnerability, by a player who bid only 3♥ the last time). To my mind had a PP been issued to N/S at the table for South’s (egregious) 5♥ bid we might not have seen this appeal. And if South really thought her hand worthy of an unfavorable

vulnerability save, bridge logic would dictate bidding 5♣ both because that might get partner off to a better lead if E/W bid on to the five level and because 5♣ might well be a better contract—though that’s not as likely after North’s table action.

Endicott: “This is the kind of case in which the Director’s ‘feel’ at the table is likely to be the best guide to whether the pause is enough to convey UI. In my mind, therefore, there is a question about the freedom of the Director to make that judgment. Does ACBL place trust him to do so? European sentiment currently dislikes too rigid an imposition of specified numbers of seconds (see my comments on CASE FIVE).”

✍ The ACBL’s position on this issue is unclear. My sense is that ACBL Directors are afforded much the same freedom as European Directors. Unless extenuating circumstances exist, a player who calls in about 10 seconds following his RHO’s Skip Bid, give or take a few seconds, regardless of whether a Stop Card was used, is presumed not to have transmitted UI. It is difficult to envision making such a judgment without getting a sense of just how much time elapsed, so numbers *are* an important ingredient in the ruling. However, they are not the only factor that needs to be considered, as we’ve seen numerous times in previous casebooks.

As if to emphasize Grattan’s point, our next panelist demonstrates what can happen if hen we focus on the timing issue to the exclusion of everything else.

Weinstein: “North said she leaned back because she remembered she was supposed to wait. The fact that she now recognized that maybe she should think about bidding seems irrelevant unless she somehow telegraphed that information in a way other than the double take. In any case, 11-14 seconds constituting a BIT seems harsh, especially when no Stop Card was used. The allowable time to bid should range from 5 to 20 seconds before a non-Stop Card user gets any adjustment. Do what you will to N/S, but leave E/W with their table result.”

✍ As Jeff Goldsmith said earlier, “... what matters is whether or not South had UI. Everyone at the table knew she did. North’s hand said she did. South’s hand says she did. Therefore, she did and an adjustment was indicated.”

Our final panelist introduces his own set of facts.

Wildavsky: “I spoke to the appellants and suggested that they should bring their case; there’s more to it than would appear at first glance. West failed to use the Stop Card, then E/W didn’t call the Director immediately after what they considered an out-of-tempo pass. Outrageous. They trapped South, who had no reason to believe that Law 73C applied. The Facts section indicates that North made a move to bid, but there is nothing in the players’ statements to corroborate this. North claimed that she was reaching for the bid box, presumably to pass (pass is a call, not a bid), and then realized that she was required to wait even though the Stop Card had not been used. I find that completely plausible—even likely. The wording of the write-up is especially troubling. ‘Although the Stop Card was not used, it was agreed that North took 11-15 seconds before passing 4♠.’ That makes it sound as though such a pause would be perfectly appropriate had the Stop Card been used.”

✍ Not calling the Director at the time of North’s out-of-tempo pass was neither outrageous nor inappropriate. E/W called promptly when they had reason to suspect South might have taken advantage of the UI—when she bid 5♥. While they might have asked N/S right away if they agreed about North’s actions, that was certainly not mandatory and the Director call was timely. And it is not the opponents’ job to tell a player when Law 73C applies. It is each player’s own responsibility to determine that. So the allegation that South was “trapped” is simply untrue. And why is there any doubt about North corroborating her table actions when she clearly admitted to them at the hearing? A player who reaches for the bid box and then withdraws may be sending an ambiguous message (maybe she forgot to wait or

maybe she wanted to bid but changed her mind), but that is due to her own actions and she surely does not deserve the benefit of the doubt when her partner then takes a “remarkable” and unexpected (judging by South’s hand) bridge action.

Finally, the quote Adam cites (“Although...”) seems fairly non-committal to me. In isolation, waiting 11-15 seconds following a Skip Bid before calling is normal, regardless of whether or not a Stop Card is used. A Stop Card, we should remember, is merely a reminder to the next player that he needs to pause about 10 seconds and give the appearance of considering his action before he calls. But an experienced player is expected to know that already and the fact that a Stop Card was not used is not an excuse for him to do anything other than what the regulations ask of him. So an 11-15-second pause is normally considered acceptable tempo, as Adam points out, but the write-up clearly says that North’s taking (slightly) more than the normal 10 seconds was only considered UI when taken in combination with her leaning forward and then sitting back and thinking. In Jeff Goldsmith’s terms, this whole complex of actions suggested to everyone at the table that South had UI—not to mention the evidence from the North hand that 4♣ was not passed easily and the evidence from the South hand that 5♥ was nothing short of remarkable.

CASE THREE

Subject (Tempo): The Old Fear-Striking Double Ploy

Event: David Bruce LM-5000 Pairs, 18 Jul 03, Second Qualifying Session

Bd: 12	♠ A5		
Dlr: West	♥ AKQJ542		
Vul: N/S	♦ 5		
	♣ 1063		
♠ KQ8763		♠ J1094	
♥ 98		♥ 3	
♦ AQ109		♦ K8762	
♣ K		♣ J98	
	♠ 2		
	♥ 1076		
	♦ J43		
	♣ AQ7542		
WEST	NORTH	EAST	SOUTH
1♠	Dbl	3♠	Pass(1)
4♣	5♥	Pass	Pass
5♠	Pass	Pass	Dbl
All Pass			
(1) BIT			

The Facts: 5♠ doubled went down two, +300 for N/S. The opening lead was the ♦5. E/W called the Director after South hesitated over 3♠. N/S agreed to a long hesitation by South (about 2 minutes) and that pass was an LA, but they did not believe that North’s 5♥ bid was demonstrably suggested by the UI. The Director decided that North’s intent over 1♠ had been to double and then bid hearts. He also decided that South’s BIT did not suggest values but could have been based on a long suit in a weak hand. Therefore, North was permitted to bid 5♥ and the table result was allowed to stand (Law 16).

The Appeal: E/W appealed the Director’s ruling. North did not attend the hearing. E/W pointed out that the North hand had five potential losers and that bidding 5♥ risked going down three vulnerable doubled undertricks for –800 against E/W’s

420 or 450. Taking a vulnerable vs non-vulnerable save is always difficult, but South’s (agreed) 2-minute BIT, which suggested some high-card strength in a minor, made North’s 5♥ bid less dangerous. South brought a note from his partner (who could not attend the hearing) that said he (North) had sensed that the hand would be bid competitively and chose to double 1♠ and then bid hearts so that the opponents wouldn’t double him later fearing his strength. North also wrote that if the opponents were bidding competitively his partner (South) would have some cards. Further, if West had a big enough hand to bid game after East showed weakness then N/S would have a good save.

The Panel Decision: The Panel analyzed South’s 2-minute (at least) BIT and decided it showed values—not just weak minor-suit length—that could have suggested bidding. Four players, each with 2500-4000 MP, were then consulted. One player said that with the North hand he would bid either 2♥ or 4♥ immediately. When a double was imposed on him and the auction came back around at 4♣ he said he would not bid again at that vulnerability. The other three players considered a double after the 1♠ opening and one of them bid 5♥ over 4♣. When the players were asked their opinion of the implications of South’s 2-minute BIT, all thought it showed values. Based on this input, the Panel decided that passing 4♣ was an LA for North and that West would then have declared 4♣ undoubled (South would have passed, consistent with his having failed to act over 3♠). Therefore, the contract was changed to 4♣ by West down one, +50 for N/S.

DIC of Event: Millard Nachtwey

Panel: Patty Holmes (Reviewer), Ken VanCleve, Candy Kuschner, Charlie MacCracken

Players consulted: four players with 2500-4000 MP

✍ The panelists unanimously support the Panel's decision to adjust the score, several noting the more-than-superficial resemblance to the previous case.

R. Cohen: "The flip-flop of CASE TWO. This time it was the weaker hand that broke tempo, but the message was the same. A good job by the Panel."

Treadwell: "Same as CASE TWO, although the BIT was by South rather than North. The Panel made the same, correct decision."

Endicott: "Wasn't I here a few moments ago? This deal has the seeds of hesitations in it."

✍ Raising a valid point about the table ruling are...

Rigal: "The Director committed the all-too-frequent error of ruling for the offenders in a case of doubt. When a Panel or Committee overturns such a ruling, does it not mean that there has to have been enough doubt for the initial ruling to go the other way? We are not talking here about encouraging frivolous Director calls; we are talking about encouraging people not to commit infractions because they will get ruled against. Good Panel determinations. They followed due process and came out with a sensible answer."

Polisner: "If the correct ruling had been made, an appeal would have been unlikely and without merit."

✍ The next panelist was apparently thinking along similar lines but got confused about what the table ruling was.

Allison: "Once more, consultation with peer players gives the necessary input to the Panel and I agree with their analysis. Since one of the four players consulted actually bid 5♥, I will agree with the Panel decision not to award an AWMW."

✍ And now, down to the nitty-gritty...

Gerard: "Let's decide, once again, that we aren't supposed to decide what a player's intent was. If you double 1♠ with that hand, you don't necessarily intend to bid 5♥ over 4♣ vulnerable versus not. When we had this situation in CASE SEVEN in Vancouver, several commentators said that the Committee's attempt to engage in mind reading similar to what the Director did here was futile: How could you judge the intentions of a player who was off center the first time around? Sure the tendency for the-level-is-not-a-deterrent crowd is to get your suit in, but someone has to remind them that some levels are a deterrent on a bad day. North's post-facto justifications were about the quality you would expect. Saying that N/S would have a good save if West had the values to bid game recalls Edgar's reason for disallowing the pull of a slow penalty double made in fourth seat: Surely the contract was more likely to fail after a double than before it. The arguments were self-serving and North wasn't even there to defend them. The conclusion as to demonstrably suggested wasn't compelled, since South could have had mostly diamond values. Then North wants to double 4♣ rather than save over it. But I agree with the Panel, although they missed a key point: Wherever South's values were, her BIT guaranteed spade shortness. Then North has nine tricks in hearts and the ♠A plus South's taking tricks in the minors. So the risk likely bottomed out at -200 and the adjustment was clearly correct."

✍ I'm not sure North could count on South to be quite so short in spades. South could easily have held a doubleton, and West been five-five or such for his 4♠ bid. But Ron is right about the location of South's values: If they are in diamonds North

will be wiser to defend. But players at this level don't always think about those things. South's BIT suggests values and North, already holding a tempting 5♥ bid, lunges for the brass ring. Ka-ching!

Bzzz. Sorry, not this time.

Wildavsky: "The Director decided that North's intent over 1♠ had been to double and then bid hearts. I have no doubt that was North's intent, but at what level? Would North have bid 7♥ over 6♣? We know from the previous case that some Norths would not venture to the five level even after hearing a heart raise from partner. The fact that South could have held a different hand is not relevant. All that matters is whether we can demonstrate that if South was considering anything other than pass then North's 5♥ bid is more likely to be successful. That's not difficult: the hands where 5♥ goes for 500 are all hands where South would have had no trouble passing. N/S's claim was nonsensical: 'If West had a big enough hand to bid game after East showed weakness then N/S would have a good save.' That's some new law I don't understand: the more my RHO holds the more tricks I can take. North doesn't even hold a tenace! The Panel did a fine job. I'd have considered a PP for North, but I understand not assessing one when the table Director failed to do so. The write-up contains some assertions in The Facts section but gives little indication that the law was followed. Did the table Director believe that the hesitation demonstrably suggested bidding, and if so did he believe there was no LA to 5♥?"

✍ The Facts section is somewhat ambiguous since it vaguely implies that North's intent to double and then bid hearts meant that pass was not an LA for him. But it also explicitly indicates that the Directors believed the BIT did not demonstrably suggest bidding 5♥ since South could have had a weak hand with long diamonds, given which the LA issue becomes moot.

Wolff: "Good decision. The Souths of the world must know that once they study and pass they are always going to get the worst of any ruling. We run into trouble when 'wise guy' Committee (or Panel) members or Directors think without justification that this should be an exception. As long as we have exceptions the players will always argue that this one is it."

✍ I think it's clear that Wolffie disagrees with the table ruling here but applauds the Panel's decision. One point though: There will always be exceptions. For example, suppose North has ten solid hearts and a side trick. I'm sure we'd all agree that she could bid 5♥ then.

Goldsmith: "Good job by the Panel. Their polls seem to be more conclusive than I ever would have guessed a priori. I wonder, however, if South would really pass 4♣. Isn't it very likely that he would bid 5♣? He knows that LHO is bidding 4♣ on spade length, not total power, so bidding on even at unfavorable is likely to work out well; he is somewhat unlikely to be doubled. North, however, prevented South's being able to make that decision, so the question returns as to what to do about the score in 4♣. With South's having shown no values, a singleton lead or switch seems to have less attractiveness than in the actual case. I think 4♣ will make often enough that reciprocal 420s are in order."

✍ If South didn't bid 4♣ in the actual auction why would he bid 5♣ over 4♣-P-P? In an open event (this one was limited to 5000 MP) one could assume South would have doubled 3♣ with values, so the Director's judgment that the BIT did not suggest values but could be based on a long suit in a weak hand would be more reliable. But here South's failure to double 3♣ or bid 4♣ weaken that conclusion. The Panel wisely used peer input to reach the proper decision.

CASE FOUR

Subject (Tempo): Hesitation Blackwood Rides Again

Event: Sally Young LM-1500 Pairs, 18 Jul 03, Second Qualifying Session

Bd: 17 ♠ 4 Dir: North ♥ J63 Vul: None ♦ 109754 ♣ J732 ♠ AQ986 ♠ KJ532 ♥ A10 ♥ 98 ♦ Q83 ♦ AKJ2 ♣ A108 ♣ KQ ♠ 107 ♥ KQ7542 ♦ 6 ♣ 9654	WEST NORTH EAST SOUTH 2NT Pass 1♠ Pass 4NT Pass 3♠ Pass 5NT Pass 5♥ Dbl 6♠(1) Pass 7♠ Pass (1) BIT
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The Facts: 7♠ made seven, +1510 for E/W. The opening lead was the ♥K. N/S called the Director after East's 7♠ bid saying that West hesitated for 20-seconds (E/W agreed West took about 15-20 seconds) before he bid 6♠. E/W played "specific kings" over 5NT. The Director ruled that bidding on was demonstrably suggested by the BIT and changed the contract to 6♠ made seven, +1010 for E/W (Law 16A).

The Appeal: E/W appealed the Director's ruling. E/W agreed that the 6♠ bid took about 20 seconds but said that the whole auction had been slow and that the tempo of the 6♠ bid was indistinguishable from the other bids. East said he never showed his ♦K and knew West had the other three aces and the ♠Q (since he didn't use the queen-ask). He showed his lowest king because he didn't know if his partner wanted to play notrump, but he was always going to bid seven. When asked what 6♦ over

6♠ would have meant E/W said they did not think it would have asked about the ♦K. N/S said there was a noticeable (20-second) BIT before the 6♠ bid making it easier for East to bid seven. East could have bid seven over 5NT if he wanted to.

The Panel Decision: The Panel consulted five experts and five players with less than 1500 MP (E/W's peers). Two experts bid 7♠ over 6♠ because the East hand had a source of tricks—not merely extra values. A third expert was uncomfortable bidding 7♠ after the BIT. The two remaining experts passed 6♠ because West hadn't bid six of either red suit over 6♣. All five of the peers bid 7♠ over 5NT but passed when told that 6♣ was the bid made at the table and that West bid 6♠ over that. All knew that 6♦ was a further probe and thought the BIT suggested bidding seven. The Panel decided that there had been a BIT which player input indicated could have suggested bidding on to this pair. East's 7♠ bid was disallowed and the contract changed to 6♠ made seven, +1010 for E/W.

DIC of Event: Millard Nachtwey

Panel: Patty Holmes (Reviewer), Ken VanCleve, Candy Kuschner

Players consulted: Kenny Gee, Petra Hamman, Joan Jackson, John Mohan, John Sutherlin and five players with less than 1500 MP

The panelists are divided into two distinct camps on this one. One camp thinks this should have been a "Slam Dunk" AWMW while the other is a gnat's eyelash from allowing East to bid 7♠. We'll hear from the latter group first.

Treadwell: "I believe, in an expert field, the 7♠ bid could, and should, be allowed. After all, partner has guaranteed all of the key cards and is exploring for a grand

and East has a far better hand than he has shown. All five of the peers said they would bid 7♠ over partner's 5NT bid but would pass the subsequent 6♠ bid in the actual auction. This ambidextrous position does not make much sense. I suppose the Panel had little choice in not allowing the 7♠ bid, but I am uncomfortable with it."

Even in an expert field many players bid reflexively—unless some table action (like a BIT) wakes them up. So I'm not convinced that the issue of whether to allow 7♠ is much different there than it is here. But this event had a 1500 MP upper limit, so even by Dave's standards allowing the 7♠ bid is problematic. Dave is right that bidding 7♠ over 5NT but passing 6♠ if you first bid 6♣ and partner signs off makes no sense, but then that's the point, isn't it. Players at this level often bid with little logic or forethought, so attributing expert-level planning to their bidding is in effect an Intelligence Transfer error.

Rigal: "Again a sensible Panel decision-making process, although I am not sure whether we should hold it against E/W that they did not have an agreement about the missing 6♦ bid. I suppose East did know that his partner's jump to 4NT should have delivered extras and that unless partner produced a doubleton club the grand slam figured to be good. But we have to punish E/W for West's 5NT-then-huddle rather than the reverse. Note that here was a case that one would need to seriously consider whether East's 7♠ bid was so clear that N/S should be left with the Grand Slam. I'm sure Howard might have an opinion there."

Sorry Barry, but Howard was conspicuously mute on this one.

Allison: "Certainly the Panel cannot allow an iffy grand slam to be bid with UI from West. This is close enough (twelve tricks are easily seen unless West has a doubleton club) that I'd agree with not awarding an AWMW. As well, 20 seconds in an auction that already included a definite invitation to bid a grand slam is not overwhelming, though it definitely is a BIT."

Polisner: "A very reasonable decision; however, I am concerned about how the peers knew that there had been a BIT before the 6♠ bid. Granted, it might be presumed; however, the Director should try to have them bid in a vacuum. In an IMP event the decision is 100%; however, the matchpoint consideration of notrump could be enough for West to have been thinking of 6NT and thus the BIT may not be suggesting seven any more than the 5NT bid already had."

Aha! The old "I was thinking about bidding 7NT at matchpoints" ploy. And Jeff is buying it—sort of. Let's hear what Ron has to say about that.

Gerard: "Good for the peers, who bid a lot better than the experts. But did the Panel think that it couldn't issue an AWMW because two experts bid 7♠? There's not even any indication that it was considered, in what should have been a slam dunk case. I mean, haven't these casebooks been clear enough that you don't have any merit here? Even East's justification proved the point. Next time, won't someone please ask 'How does partner know when to bid 7NT, especially after you just showed a short-suit king?' This hand is living proof that 'trying for 7NT' is completely bogus; there are thirteen top tricks and absolutely no way to bid 7NT short of a relay system."

Ron forgot to mention that if East really was looking for 7NT and was not influenced by the BIT he would have bid 7♦ over 6♠ to give West another chance to bid 7NT (the one he was logically planning to give him when he bid his "lowest king because he didn't know if his partner wanted to play notrump"). One only bids one's lowest king when one plans to bid one's highest king as well, provided there is room. Note that the ♦K is the more important of the two kings to bid for notrump purposes since it might promote the ♦Q in West's hand into a trick. On the other

hand, showing the ♣K when you also hold the queen is less useful since it cannot promote extra tricks in partner's hand—it can only count as one high-card trick. More on the AWMW issue.

Goldsmith: “I think the last paragraph must have been accidentally omitted from the Panel decision, which was otherwise quite excellent. Here it is: ‘E/W were given an AWMW, as this case obviously had no merit. Furthermore, they were given a one-quarter board PP for blatant use of UI and were offered the opportunity to become more well-educated about their legal responsibilities in UI situations.’”

✍ A PP may be an overreaction when as little as a doubleton diamond with West makes 7♠ a claimer. (After all, West had to have something more than three aces and the ♠Q in a flat hand to justify his 5NT bid.) On the other hand, East's failure to bid 7♦ or to provide any competent justification for his 7♠ bid argues that the 7♠ bid was egregious and the PP justified.

Endicott: “All I would ask is ‘What are AWMWs for?’ East may be an inexperienced player, but that can be recognized in the subsequent treatment of the record. This player has something to learn.”

R. Cohen: “If you want to play in NABC+ events, you'd better think ahead when you ask a specific question, particularly in a Blackwood situation. If you ask a question, be it 4NT or 5NT, or any variant to Blackwood that you have in your arsenal, plan ahead and decide your rebids for each possible response that may arise. Correct decisions by both the Director and Panel.”

Wildavsky: “The write-up is good to a point, but it needs to mention that pass was considered an LA to 7♠. It would also be useful to know what agreement, if any, E/W had about the 3♠ bid. For that matter, I expect 2NT was Jacoby which, as far as I know, still requires an Alert. The E/W contention that the entire auction had been slow is not relevant. Some pauses are more pregnant than others, slow signoffs especially so. Still, it's useful to know that West paused before bidding 5NT. He could have used that time profitably to consider what he'd do over 6♣, 6♦, or 6♥. Then he'd have been able to bid in tempo on the next round and East would be free to do as he judged best.”

✍ These write-ups aren't professionally done, so let's cut those who do them some slack. The score adjustments strongly imply that the Directors involved in the table ruling as well as those on the Panel believed that pass was an LA to 7♠. It's also a fact of life that auctions, Alerts and explanations are often not documented on appeal forms as well as they might be. While we can't take it upon ourselves to insert Alerts for calls we think “must have been Alerted” if they were not put on the form by the Director, it's likely that the 2NT bid in the present case was properly Alerted at the table (no mention was made of any problem caused by a failure to Alert) but overlooked when the form was filled out. (Other frequent omissions are Alerts of common conventions, like 2NT here, and ranges for notrump openings.)

While it might be useful to know E/W's agreement about the 3♠ rebid (extras with no shortage or second five-card suit), it is difficult to see how that could ever justify allowing the 7♠ bid after the BIT.

I agree with those who think it is clear to disallow 7♠ and change the contract to 6♣ made seven, +1010 for E/W. But E/W also deserve an AWMW. It would take some persuading, but I could probably be talked into Jeff's PP as well.

Having said that, we leave the final word to...

Wolff: “Good decision and the only possible ruling. The argument about thinking about 7NT often comes up but pairs dealing with it are not relieved of their duty to be actively ethical.”

CASE FIVE

Subject (Tempo): Livable Or Laughable?
Event: Spingold, 23 Jul 03, Round of 16

Bd: 15	Walid Elahmady		
Dlr: South	♠ A65		
Vul: N/S	♥ 5		
	♦ 10542		
	♣ AQ1094		
Paul Soloway		Bob Hamman	
♠ K97		♠ 43	
♥ K98764		♥ AJ1032	
♦ ---		♦ K8763	
♣ K852		♣ J	
		Tarek Sadak	
		♠ QJ1082	
		♥ Q	
		♦ AQJ9	
		♣ 763	
WEST	NORTH	EAST	SOUTH
			1♠
2♥	2NT(1)	4♥	4♠
5♥	Pass	Pass	Dbl(2)
Pass	5♠	6♥	Dbl
All Pass			
(1) Alerted; 8-10, 4-card ♠ support			
(2) BIT			

The Facts: 6♥ doubled went down one, +100 for N/S. The opening lead was the ♠A. E/W called the Director after the tray returned to the N-E side of the screen with the 5♣ and 6♥ bids. E/W said that South had broken tempo before doubling 5♥ (E/W thought the double took 30-35 seconds; N/S did not contest this but later said they thought it took only 20-25 seconds). In any case, all four players agreed that South's double of 5♥ had been out of tempo. (South said it took him some time to decide if North's pass was forcing; he eventually decided it was and doubled.) North said he passed 5♥ intending, if South doubled, to pull to 5♠ to show a maximum. The Director noted the ACBL screen conditions that state: “It is considered that there can be no implication if a tray returns after 25 seconds or less. This period may be extended in the later stages of a complicated or competitive auction without necessarily creating implications. The Director ruled that South's tempo did not constitute a BIT in the context of the present auction and allowed the table result to

stand.

The Appeal: E/W appealed the Director's ruling. The appeal was heard between the third and fourth segments but, because the timing of the hearing was awkward the case was not screened. In addition to the four players at the table, the N/S team captain appointed another team member to attend as an advisor. E/W said that South's double had clearly been out of tempo and suggested doubt about defending 5♥ doubled. Since the North hand was well-suited to defense with only three trumps (North said that when he bid 2NT he did not realize it showed four-card support) and good controls, once South took a long time to double E/W believed he was no longer entitled to override that decision and bid 5♠. South said that when 5♥ came around to him he took time to decide whether North's pass was forcing. He had a minimum for his previous bidding, poor defense, and would have passed 5♥ had he thought he was permitted to do so. However, he thought he was forced to bid or double so he doubled. When asked what their partnership rules were regarding when a pass is forcing, N/S said that normally when they held at least 22-23 combined HCP they treated passes as forcing, but at the five level only about 20-21 HCP were needed. N/S's advisor pointed out that N/S's actions at the table clearly indicated that they both considered North's pass forcing since North passed with 2-1/2 quick tricks opposite an opening bid and South doubled with a hand that had no reason to do so unless he thought he was forced to take further action. South

additionally said that his hand was a minimum with unexceptional shape (5431) and controls—not even a six- or seven-card suit to suggest further action. Thus, his tempo did not convey UI to his partner. North said he erred when he bid 2NT over 2♥ and might better have bid 3♥ (showing 11+ points with at least three trumps) or even 4♥ (a splinter raise). However, when he bid 2NT he did so with the hope that he would have a chance to show extras later in the auction (by bidding 4♥ over either South's 3♠ signoff or East's competitive 3♥). When asked how he planned to show his extras if, for example, South jumped to 4♠ over 2NT he said had not anticipated that and reiterated that his decision to bid 2NT had been a poor one.

The Committee Decision: The Committee considered two conflicting issues. On the one hand, the screen regulations state that there should be no presumption of UI when the tray returns within 25 seconds or less. But while the BIT was allegedly longer than this (30-35 seconds), the regulations also say that this period may be extended in a complicated or competitive auction, which this surely was. So the Director's ruling, while subjective, was consistent with the regulations and supported the intent behind them: to induce players to vary the tempo of their auctions so that a delay of about 25 seconds in a complex or competitive auction would not stand out as a BIT. On the other hand, the Committee had no doubt that there had been a defacto BIT, that the UI made pulling the double more attractive, and that the North hand had every reason to sit for the double with only three spades and excellent defensive values. And while South's 3♠ bid suggested that he might have extra spade length, his double of 5♥ suggested otherwise. To help the Committee resolve this conflict, the chairman described a case he had presented to the ACBL Laws Commission a few days earlier in which the Directors at the USBF Open Team Trials had adjusted a result on a board, ruling that a delay (behind screens) of only 20 seconds constituted a BIT (all four players agreed that the tray had been moving back and forth very fast and that the 20-second delay made it clear that a specific player had broken tempo). The consensus of the Laws Commission was that the Directors had ruled appropriately in that case, in effect giving Directors (and therefore Appeals Committees) the authority to treat the 25 seconds specified in the screen regulations as an approximate rather than a fixed standard, which can be adjusted downward or upward and in which not only the context of the auction (complicated or competitive) but also the perceptions of the players can be taken into account in judging whether a BIT occurred. Given this added information, the Committee decided that there had been a BIT in the present case that made North's 5♠ bid more attractive and that pass was an LA. The Committee disallowed North's 5♠ bid and discussed the possible results in 5♥ doubled. While several leads were possible, it was judged to be both "at all probable" and "likely" that North would lead the ♠A, just as he had against 6♥ doubled. Therefore, the contract was changed to 5♥ doubled made five, +650 for E/W.

Dissenting Opinion (Mark Feldman): While I personally disagree with the screen regulations' choice of 25 seconds as the period within which there is to be no presumption of UI (15-20 seconds seems more realistic), the regulation makes it clear that it is the players' responsibility to make sure, by controlling the pace of the tray as suggested in the screen regulations, that delays of about 25 seconds are not perceived as BITs—especially in high-level, competitive auctions as in the present case. We should not condone the players' failure to accept this responsibility by adjusting the result, especially when it was never established (at least not to my satisfaction) that the delay was actually as long as 25 seconds. The regulation is clear that delays of up to 25 seconds or so should not be considered BITs, and in this auction the tray should have been delayed on the S-W side of the screen for about that long even if South had acted quickly over 5♥. It was only because the players established through their quick tempo that they would not do this that this problem arose. Thus, the regulations should have been enforced as the Directors did in making their ruling. I would have allowed the table result to stand.

Chairman's Note: Good arguments have been given for deciding this case both as the Committee did and as the dissenter suggests. The problem is that the ACBL Laws Commission has chosen to allow the screen regulations to remain in effect specifying a "UI-free" time period—25 seconds—that on practical grounds is too long to live with comfortably; their ratification of the ruling from the 2003 Open Team Trials is evidence of that. Everyone who has played in or Directed screen events knows that 25 seconds can be an eternity behind screens; most players will not hold the tray for anywhere near that long. The EBL and WBF screen regulations specify a 15-second UI-free time period in these situations and there is no reason why we should not change ours to be consistent with theirs and to make our screen regulations more livable. If it is accurate to say that it takes about 10 seconds for the tray to return normally, players should be willing hold it for another 5-10 seconds (making a total of 15-20 seconds) in tempo-sensitive situations. But asking them to delay it for an extra 15 seconds or even longer is simply asking too much. The Laws Commission and/or the Conventions and Competition Committee should review the screen regulation and shorten the specified time period to 20 seconds (or perhaps even to 15 seconds) and have ACBL Directors enforce the new 15- or 20-second time period strictly as written.

DIC of Event: Roger Putnam

Committee: Rich Colker (non-voting chair), Ralph Cohen, Mark Feldman, Bobby Levin, Lou Reich, Steve Weinstein

✍ So, should we stick to the letter of the screen regulations or base our decision on the principle that what really matters is not whether some arbitrary condition has been met but rather whether UI was made available to the player that could have affected his action (see Jeff Goldsmith's comment in CASE TWO)?

Most of the panelists follow the latter principle, led by...

Goldsmith: "I don't believe the regulation quoted is legal. If it's known that a player has UI by everyone at the table, the exact amount of time it took for him to get UI is irrelevant. No regulation can say, 'yes, we know you have UI, but you officially do not.' The only way to make such a regulation work is to make it a violation of procedure to return a tray in less than 25 seconds. That will slow the game down way too much; players simply will not comply with it. So while the idea seems rational, it's not ready for use yet. When we play major events with computers, we'll be able to enforce such delays. Perhaps we can even make the rule (then, not now) 10 seconds below game and 25 seconds above game. A player will not be barred from taking longer, of course, but as soon as he does, all four screens will indicate that the situation has become a possible UI candidate.

"Back to reality. Everyone knew South had tanked before doubling. Therefore, there was UI, regardless of the details. Was North's passing 5♥ doubled an LA? Of course; many would choose it. Two aces and only three spades? Looks pretty obvious to me to pass. Partner only needs to supply one trick. After a few months, I've finally come around to believing that N/S each agreed that they were in a forcing auction. I don't see why they ought to be unless their system description was missing a bit, but that happens. Clearly they were in agreement on the topic. Still, while their argument is cogent, it fails at the sentence starting with 'Thus.' South's slow double does provide UI; this is not the same situation as a slow pass in a forcing auction. The Committee got it right; North's pull is illegal. How to adjust? That North led the ♠A against 6♥ doubled is a strong argument for requiring him to lead it against 5♥ doubled. But there's also an argument that he led an ace because he was on lead versus a slam with two aces. Personally, I think I'd have led a trump against either contract, but a quick poll showed that most would lead the ♠A, so the Committee got it right. By the way, 'Alerted and explained' isn't a full description of what happened behind screens. It ought to be a matter of course to include each explanation in these casebooks."

✍️ Jeff may be overstating the illegality of the screen regulation. That's because the opponents, by not insuring that the tray tempo is controlled better, helped make the UI possible (i.e., they are guilty of something akin to contributory negligence). This is similar to the situation that confronts us when we give a player greater-than-normal latitude to vary his tempo from the usual 10 seconds if his RHO makes a Skip Bid and does not use a Stop Card (see Weinstein's and Wildavsky's comments on CASE TWO). In essence, we are saying that ambiguous situations may be resolved against a side that does not follow recommended procedure and thereby helps create a problem. Note that if the situation is not ambiguous (say the next player takes 2 minutes rather than 15 seconds to bid over RHO's preempt, or stares at the ceiling muttering "What to do, what to do...") normal procedure is followed and there is no "contributory negligence." And in the present case the alleged 30 seconds or so South took is surely close enough to the 25 seconds afforded him in the screen regulations to be considered ambiguous.

A cogent (if not totally historically accurate) discussion of the application of the 25-second specification in the screen regulation is provided by...

Gerard: "Red meat for lawyers. The lack of a presumption is not the same as a safe harbor, it just means you have to look elsewhere. The conditions really mean 'there can be no implication [merely because] a tray returns after 25 seconds or less.' Twenty-five seconds is not a 'UI-free' zone. If the players act in accordance with the intent of the screen conditions and vary their tempo, 25 seconds will carry no implication and there really is nothing else to overcome the presumption. If they don't, 25 seconds still will carry no implication but other evidence may rebut the presumption. The players lose the benefit of the presumption of no UI by not delaying the tray early on. Without that presumption, it is likely that 25 seconds or even less as in the USBF example will be deemed a BIT just because it was and everybody knew it. Rewind Justice Stewart's quote from the Obscenity Cases.

"So I disagree with the Dissent. The regulation is clear that delays of up to 25 seconds or so should not be considered BITs only if the players live up to their responsibility to control the pace of the tray. Whether the result is adjusted is not a direct consequence of failing to accept that responsibility. No one was 'condoning' that failure, they were just looking to real rather than presumed evidence to determine whether there was a BIT. No one could know in the early stage of this auction which side would have the high-level competitive problem, so it wasn't as if E/W could potentially put N/S at risk by rushing the tray. It was the table as a whole that forfeited the presumption through its earlier quick tempo. Adjusting the result is certainly one of the possibilities once the presumption is forfeited, just because a BIT is easier to establish. The Director wasn't enforcing the regulation, he was treating 25 seconds as a safe harbor even though the preconditions for the safe harbor did not apply.

"The rest of you can decide what the appropriate holding period is, but under the conditions in effect for this event the majority was correct that there was a BIT. Even though the BIT was due to forcing pass uncertainty, that uncertainty was not demonstrably suggested when North himself had no such doubts. So the UI did demonstrably suggest bidding 5♠, notwithstanding that South didn't have his suggestion. The only issue is whether pass was an LA to a North who passed 4♣ with that hand. As in CASE ONE, it could have been that North planned the auction to show a maximum. But pass-then-pull is really only useful as a slam try. If South were to double 5♥ he wasn't bidding a slam over 5♠. Just because North passed with a maximum didn't mean that he was committed to pulling a double. And it's déjà vu all over again: how would he show his extras if South bid 5♠? N/S's advisor was engaging in a bit of bridge lawyering by telling us what we already knew, that North thought the auction forcing. That didn't prevent the forcing pass from having its usual meaning, as an invitation to bid on or a willingness to sit for a double. If North felt so strongly he could have bid 5♠ directly, sending basically the same message as pass-then-pull and avoiding the guess when South would have

had his own 5♠ bid. Doesn't North's hand just look like a pass-then-abide, even to N/S's advisor? As in CASE ONE, some of North's peers would have passed the double even after having passed 5♥ and more would have considered it. As for the adjustment, the lead against 5♥ is different than the lead against six. But either ace lets the hand make and there can't be any quarrel with the Committee's judgment. Too bad. N/S seem like honest, believable types, even though their forcing-pass agreements are going in the wrong direction. And the screen conditions are in there pitching knucklers also. Appeals can be a messy job at times."

✍️ In addition to being cogent, Ron's analysis is incisive and compelling.

As an aside, Ron's conclusion "So the UI did demonstrably suggest bidding 5♠, notwithstanding that South didn't have his suggestion" is yet another good example of why Bobby Goldman's suggestion—i.e., that an action is not demonstrably suggested if the UI-transmitter's hand does not match the UI (see Howard's comment in CASE ONE and my response to it)—is unworkable.

More support for "principle" over "the letter of the regulation"...

Endicott: "In Menton, with screens in use, the European Bridge League Tournament Appeals Committee was generally reluctant to tie decisions to precise counts of 15 seconds, more or less, when forming a view about the existence of UI. The tendency was to stretch the 15 seconds specified in the CoC to something a little longer. A difficulty with such regulations is that specified durations of hesitations take no account of the regular flow of the tray movement (or the auction) at the table in question. A BIT is a breach of the tempo at that table, not of some universal law of motion. At my suggestion, EBL and WBF CoC have picked up the phrase 'hot seat ruling' from an earlier NABC Appeals Casebook and given it shape. This covers a special subset of such occurrences. (See the amendments to the WBF GCoc for Monaco, 2003, and section 10.2.4 of the EBL CoC for Menton re Law 74D.)"

Rigal: "I sympathize with the Director—I'd certainly like to see him following the CoC—and also with the dissenter, especially in the context of my view that the Committee should not be making the law, just enforcing it. However, everyone has a breaking point and I think the Committee did exactly the right thing, helped by the chair. No matter what the Laws Commission says, the 25-second pause is way too long; I hope this case influences them to amend that period."

R. Cohen: "Conditions of Contest may not supercede the laws. If, because of the tempo of the previous bidding, a Director or Committee determines that the return of the tray in 25 seconds was an 'unmistakable hesitation' (see Law 16A), the law takes precedence and the result may be subject to adjudication. This is where the dissenter went astray."

Allison: "I discount completely North's statement that he did not know that 2NT showed four trumps (it is not established in the write-up what North did tell East). I agree fully (having played often behind screens) that as much as 25 seconds is an eternity when you are waiting for the tray to come back and that even such a delay would constitute a BIT. That having been said, it is easy to come to the conclusions that the Committee did; that there was a BIT and that North's hand was well-suited to defense. Therefore, I vote with the Committee on this case."

✍️ And now for those who favor form over substance.

Polisner: "If we have a regulation, we must abide by it and if it is wrong, we should change it as the dissenter suggests. Table result stands."

Treadwell: "Let us suppose that screens were not being used and South had tanked before doubling 5♥. Would we allow a pull by North? I think not, particularly at

unfavorable vulnerability, since North has good defensive but scant offensive values. Behind screens, the problem is somewhat different and I tend ever so slightly to agree with the dissenter, but do not believe the Committee made an outrageously poor decision.”

Weinstein: “A tough call, but I slightly prefer the dissenter’s position and for the reasons he expresses. Since this case (and the one cited by our Editor), the USBF has modified their screen procedures to create a 15-second UI-free window and presumably the Conventions and Competition Committee will consider and recommend the new timing for ACBL screen events as well. The regulation may have provided too long a window, but it was the guideline in effect at that time. Had North claimed that he thought he had time to consider his call because of the window provided, how could we rule against him (assuming we weren’t able to establish that the break was sufficiently outside the 25-second window)? However, I could be persuaded that both sides should be ruled against. Rule against N/S for creating a de facto BIT; rule against E/W for not fulfilling their obligation to control the pace of the tray that allowed the de facto BIT to occur.”

✍ More on the recent USBF and ACBL modifications of their screen procedures below.

Wildavsky: “I agree with the dissent that the regulation, while perhaps a poor one, ought to be enforced as written. I also agree that if E/W do not accept their responsibility to vary the tempo then they forfeit their right to redress. I do not agree with the Director that the auction in question was so complex that it should be expected to take more than 25 seconds for South to make his decision. I would adjust the score only if I concluded that the tray remained on the S-W side of the screen for more than 25 seconds.”

✍ I do not believe the Director said that South was expected to take more than 25 seconds to act over 4♠. Rather, I think he decided that this auction satisfied what the screen conditions describe as “the latter stages of a complicated or competitive auction” and that South was therefore entitled—by regulation—to take up to 25 seconds (or perhaps more, subject to the Director’s judgment) to make his call with no presumption of UI. This auction was surely competitive and I agree with anyone who thinks that forcing-pass situations are complicated—almost by definition.

Confused? So is...

Wolff: “Confusing case, as it seems North should double 5♥ himself. But once he passes it to his partner and then takes partner’s double out it seems he is telling the truth about his intentions. [However illogical those intentions are in this auction (as Ron explained earlier)?—*Ed.*] We need more dictum on this type of case so that we can have precedent to pass on and to back up decisions better. This case confused the Committee as much as it confuses me.”

✍ The modification of the screen procedure that introduced an x-second window for passing the tray within which there was to be no presumption of UI was intended (I know, since I was the one who proposed it) to force players to take responsibility for controlling the tempo of the tray and making sure that a tray returned within that time would not clearly convey UI. The intent was that if players did not accept responsibility for the tray’s tempo they could not seek protection from UI when they not only failed to protect themselves but, in fact, acted to actually *promote* UI if the auction were to turn complex or competitive. However, the time period I originally requested was only 15 seconds (I was prepared to accept up to 20 seconds). The 25 seconds that was eventually adopted was simply too long to expect players to abide by it. Thus, by specifying such a long time period we created a situation that would be impossible to rule on a practical level, as we see here (and in the case I presented to the ACBL Laws Commission just a few days

before this case arose).

Obviously, as Ron pointed out, part of the intent behind this window was not that it be unconditionally UI free. That is, other UI (such as the sound of writing or of bid cards clicking on the tray or bid box) could create UI even within the specified window. However, the mere fact that the tray did not return until 15 seconds had elapsed would not, in and of itself, be sufficient for a player to claim UI and seek protection. His side was responsible for making sure that 15 seconds was not long enough to convey UI. If they were unwilling to do that then they had no right to ask for redress. (Of course that did not have to give the hesitating side *carte blanche* if it is judged that UI was present and potentially influenced their actions.)

If I were happy with the time period specified in the screen procedure I would decide this case as per the letter of the law—no UI—since no UI other than the tempo was alleged to have been present. But the evidence is that South took 25 seconds and perhaps (likely?) a bit longer, that this suggested pulling the double, and that even though (as Ron said) South’s hand does not match this suggestion, North’s hand looks so much like a normal pass of the double that it seems likely that the UI could have influenced the 5♠ bid. In reaching this last conclusion I am influenced by the illogic in a player who announces having 8-10 points in support but when his partner merely competes to game he suddenly feels the need to show a maximum and then bid at the five level in the face of his partner’s opinion that they not bid on. After all, if North’s pass was forcing then *the pass itself* indicated a willingness to have South bid on, and thus showed extras (or a maximum) making the subsequent pull superfluous. The way to show a minimum in a forcing pass situation is to double, which is more illogic since, given the many other hands North could hold for his 2NT bid, he could not be confident that they could beat 5♥. The illogic in playing North’s pass of 5♥ as forcing and the problems that could have arisen (and that North said he failed to anticipate) had South jumped to 4♠—then how would North “show his maximum”—all lead me to believe that N/S had no real, well thought-out agreements in this type of situation and relied on their “table feel” to see them through. Sorry, but I’m not buying any of it. South broke tempo (he took at least 25 seconds) suggesting the pull to 5♠ (even if his hand didn’t reflect it). North had a normal pass and pulled. Change the contract to 5♥ doubled made five (on a lead of either ace by North), +650 for E/W.

Editor’s Postscript: Since this case arose, the USBF and ACBL Conventions and Competition Committee both (wisely) revised their screen regulations, dropping the section that specified the “25-second” window and replacing it with the following:

A bidding tray returned in 15 seconds or less normally creates the presumption that there is no Unauthorized Information (UI). A tray returned after a longer period may be considered to have made UI available if it is apparent that one side is responsible for the delay.

In tempo-sensitive situations and at random times, players may delay the tray but only to insure that it remains on their side of the screen for up to 15 seconds. A player whose actions (e.g., asking or answering questions audibly, clicking bid cards against bid box or tray, etc.) permit players on the other side of the screen to identify when a specific action on his side was taken may be liable for UI and/or may abrogate his side’s right to claim damage due to UI.

Under certain circumstances, questions asked may be considered the equivalent of holding the tray.

CASE SIX

Subject (Tempo): They Fought The Law And The Law Won

Event: Flight A/X Pairs, 23 Jul 03, First Session

Bd: 27	Betty Fleischer		
Dlr: South	♠ KQ1076		
Vul: None	♥ K		
	♦ 7		
	♣ AQ9763		
David Oakley	David Walters		
♠ 95	♠ A2		
♥ 6543	♥ AJ109		
♦ AJ6532	♦ Q108		
♣ 10	♣ J542		
	Susan Duval		
	♠ J843		
	♥ Q872		
	♦ K94		
	♣ K8		
WEST	NORTH	EAST	SOUTH
			Pass
Pass	1♣	1♥	Dbl
2♣	4♣(1)	Pass(2)	Pass
5♦	5♠	Dbl	All Pass
(1) Stop Card used			
(2) After a 20-second hesitation			

The Facts: 5♠ doubled went down two, +300 for E/W. The opening lead was the ♦8. The Director was called when West started to bid 5♦. All four players agreed that East hesitated for 15-20 seconds over 4♣ before passing. The Director changed the contract to 4♣ down one, +50 for E/W (Law 16).

The Appeal: E/W appealed the Director's ruling. West believed his 5♦ bid was justified because he had a good hand for offense, he expected N/S to bid 5♠, and he thought a diamond lead would be the best defense to beat 5♠. (West had about 2300 MP; East about 1500.) N/S said they called the Director on the hesitation and thought West's hand did not justify further bidding over 4♣. They also said they thought 4♣ would make without a diamond lead.

The Panel Decision: The Panel consulted six players from the A/X game about West's action over 4♣. The consensus was that West had already been aggressive with his 2♣ bid and passing 4♣ was likely. In

addition, they thought that further action could have been suggested by the BIT. Since N/S had said that 4♣ would make without a diamond lead and since the 5♦ bid was being disallowed (Law 73F1), the Panel analyzed the play. The ♥A lead was judged likely, after which West's play and the fact that he had made a limit raise would have suggested a diamond shift at trick two. And since E/W found their club ruff against 5♠ doubled after a diamond lead, it seemed likely that they would also have found it after the ♥A lead against 4♣. Therefore, the contract was changed to 4♣ down one, +50 for E/W. At screening E/W were told that this appeal might be judged without merit since West had chosen such an aggressive action at his second turn. Since the consultants had overwhelmingly expressed the opinion to pass 4♣, E/W were each assessed an AWMW.

DIC of Event: Henry Cukoff

Panel: Candy Kuschner (Reviewer), Patty Holmes, Matt Smith

Players consulted: Marty Caley, Kenny Cohen, Chris Compton, Cecil Cook, Donna Morgan, Michael White

☞ Pretty much all of the panelists agree with the AWMW. The only question in some panelists' minds is, "Why no PP as well?"

Wildavsky: "West was lucky to escape without a PP. When we make it clear that an appeal risks a reduction in score we'll see fewer appeals. That said, the Director

could have issued one himself. If he had I'm confident the Panel would have left it in place."

R. Cohen: "E/W were lucky to escape a PP. The 5♦ bid was egregious. A one-quarter-board PP would have gotten the message across."

Allison: "Well done by the Panel. Was a PP considered for the blatant use of UI? Are we now listing names in Regional event appeals?"

☞ Pay attention. For the umpteenth time, names are included in unlimited NABC+ events and in Flight A events *if they are played separately*. Flight A/X Pairs and Strati-flighted Flight A Pairs are separate events from the lower flights; *Stratified* Flight A Pairs are not since then players from all flights/strata are intermingled in a single event—the strata are only separated for scoring purposes.

The next panelist's mind is still in Goldman Rule-land since East's hand does not match his huddle. This makes him a bit uneasy with the decision, but there's an easy cure for that: Get your head out of Goldman's Rule. Even if you think it's a better procedure, it's not how the law makers intended that these cases be decided.

Weinstein: "East was hardly thinking about whether to bid 5♥, and I am not sure he was really thinking about doubling either. This one could perhaps fit under the Goldman Rule if the huddle didn't indicate either a reasonable hand or an offensive hand, both suggesting that further action might work. This is one of those cases where, after looking at everyone's hand, the laws require us to decide as the Panel did. But somehow it doesn't feel particularly equitable. Even if the decision is fairly clear-cut, it's one of those that can drive some players away from bridge. At least the Panel didn't allow 4♣ to make."

☞ The next two panelists make no mention of a PP, perhaps because they choose a score adjustment that's harsher for E/W. Welcome to Howard's worst nightmare.

Polisner: "I would have given 420s both ways as the standard for the non-offenders is 'at all probable.' After the ♥A lead, East might shift to the ♦Q rather than the ♦8 and West might duck—unless N/S had confirmed that North's auction guaranteed five-six in the black suits."

☞ Jeff seems a little confused here. The standard for the non-offenders is "likely," not "at all probable." The latter is the standard for the *offenders*.

Gerard: "Really? The club ruff against 5♠ is easy after the tainted diamond lead. But 'they would also find it after the ♥A lead against 4♣'!? On the ♥A lead, West plotzes for a diamond. Might not East switch to the queen when partner asked for the suit? Try to find the club ruff after that. If declarer ducks there is no chance. If declarer covers, wouldn't West have to try to cash a diamond in case declarer started with ♠AQ10x ♥K ♦xx ♣AJ9xxx and refused the spade finesse? I think this is Law 12C2 at all probable and likely so I would have ruled 420s all around. Also, is it up to the Screener to tell the players how badly they bid? Shouldn't that warning have been 'If the Panel finds your 2♣ bid to have been overly aggressive, they have the option of judging this appeal to be without merit'? Don't get me wrong, West and his 2300 MP deserved the AWMW even without the Screener's suggestion, but it feels a little heavy-handed."

☞ While the write-up may or may not reflect precisely how the Screener phrased the warning about the appeal's merit, we've asked Screeners to be more committal in judging merit and firmer in warning players about the possibility of an AWMW. (See Barry's comment, below.) By most standards, West's 2♣ bid was pretty aggressive (even if it was done intentionally, for tactical reasons) and I don't think the Screener was telling West that he bid "badly" (unless that equates with being

aggressive, which seems unlikely). Rather, he was saying that the aggressiveness of the 2♣ bid combined with the 5♦ bid and the UI from East's BIT was judged unlawful and West had not adequately justified it as would be required for his appeal to have a chance to be successful.

Rigal: "Again, everyone did all the right things and the warning at screening was definite enough (well done; this has not always been the case in the past) that the AWMW was certainly appropriate. Of course East was not thinking about bidding on—I wonder why he did pause—but regardless of that, it seems West inferred that he was."

Treadwell: "Very good Panel decision, including the AWMW."

✍ The next panelist suggests the possibility of an artificial adjustment. The ACBL does not use such adjustments in cases where a result has been obtained at the table; the Europeans obviously have a different view of the matter.

Endicott: "The assessment of the play is a little precise for my liking. However, one presumes the Panel believed it had little choice in the matter. This is the type of case where Ton Kooijman might like the possibility of an artificial adjustment to be available and, most strange, I might agree."

✍ It is hard to see what an artificial adjustment accomplishes here. I'd be more receptive to a 12C3 adjustment (for the non-offenders only)—if it were legal.

The next panelist provides a very cogent and analytical rationale to justify his agreement with the Panel's decision.

Goldsmith: "I don't think this one is as clear as the Panel does. The main question is whether the UI demonstrably suggests some actions over others. In fact, East was thinking of doubling 4♣, not of bidding 5♥. As a rule, when the hesitation is being assumed to show something that the player doesn't have, we ought to think twice about believing that it demonstrably suggests that action. From West's perspective, is that likely? Either North has a balanced 19-count or is five-six in the blacks. If the former, West can't have enough even to consider a double. If North is five-six, partner could have either shape or strength. The 19-count is much more likely than the five-six, so the percentages say East was thinking of bidding. So, while the actual hand does not fit the bill, I think it is very likely that the hesitation showed that East was thinking of bidding on. Is this 'demonstrably suggests?' Not in a mathematical sense, but we can demonstrate that it's very likely, and that's enough for bridge. Do we assess an AWMW? If West had argued, 'From my hand I thought partner was much more likely to be thinking about doubling 4♣ than bidding on, so I thought the hesitation suggested passing rather than bidding,' they wouldn't get one. Thinking about the right things and making an error in judgment is acceptable behavior. They didn't do that, so they get their AWMW."

✍ Finally, the guardian of the Candy Store is here to make sure the rest of the field is protected.

Wolff: "Maybe East was only trying to gauge 10 seconds because it is hard to think that he was thinking about bidding. In any event, West's 5♦ bid gave N/S a chance to go plus but they gave it back so it doesn't seem to me right to give N/S another chance to improve their score. Remember, Protect the Field (PTF). Maybe we should give N/S -300 and E/W -100 in 5♦ doubled."

✍ Bah! Why stick N/S with -300? North's 5♠ bid was reasonable after he was denied the chance to play in 4♠—either making or down one (undoubled). I agree with Ron and Jeff: 4♠ making, +420 for N/S. E/W also get the AWMW and a PP.

CASE SEVEN

Subject (Tempo): Is There Such A Thing As Contempt Of Court In The ACBL?
Event: Flight B/C/D Pairs, 23 Jul 03, First Session

Bd: 21	♠ KJ9		
Dir: North	♥ 85		
Vul: N/S	♦ 4		
	♣ AJ97542		
♠ Q		♠ 105432	
♥ 643		♥ AQJ107	
♦ 1097653		♦ A2	
♣ 1083		♣ 6	
	♠ A876		
	♥ K92		
	♦ KQJ8		
	♣ KQ		
WEST	NORTH	EAST	SOUTH
	3♣	4♣	4NT
Pass	5♦	Pass	5NT(1)
All Pass			
(1) Slow			

The Facts: 5NT made six, +690 for N/S. The opening lead was the ♥3. E/W called the Director after the pass of 5NT. North said that South was entitled to take 10 seconds to bid and did not take that long. She further said that she could bid anything she liked. The Director ruled that there had been UI and disallowed North's pass of 5NT. The contract was changed to a six-level contract (either 6♣ or 6NT) down one, +100 for E/W.

The Appeal: N/S appealed the Director's ruling and were the only players to attend the hearing. North said that in their methods N/S never asked for kings, so 5NT was natural. Since N/S were both Life Masters they were asked to produce system notes confirming this. They had none. (North had about 900 MP; South about 1500.)

The Panel Decision: The Panel decided that South's 5NT bid had been slow and that North's pass had been egregious (Law 73C). The contract was changed to 6NT down one, +100 for E/W. N/S were also each assessed an AWMW since after having had the seriousness of their actions explained to them in screening they still insisted on going ahead with the appeal (Laws 73F1 and 16A2). N/S were also assessed a one-quarter board PP and the incident was referred to the Recorder.

DIC of Event: Jay Albright

Panel: Candy Kuschner (Reviewer), Patty Holmes, Matt Smith

Players consulted: none reported

✍ Many panelists prefer the short and direct approach, much like...

Allison: "Perfection by the Panel!"

Polisner: "Excellent penalty to N/S."

✍ The (only slightly) longer version goes...

R. Cohen: "Unlike CASE SIX, this same Panel got this one exactly right, PP and all."

Treadwell: "Very good Panel decision, including the AWMW."

✍ Some panelists just couldn't contain their sarcasm...

Wildavsky: "A slam dunk—but wait, there's been a foul. The Panel goes to the line and sinks one, it's a three-point play!"

Gerard: “I’m surprised North bid over 4NT; didn’t consistency also demand that N/S never ask for aces? 6NT undoubled was correct because East couldn’t risk South’s having five spade tricks.”

✍ Rejected Ron’s rationale for not allowing a double is...

Goldsmith: “The type of behavior N/S engaged in needs to be prevented. However, a score ding would have had a much stronger effect. I’d adjust both sides to 6NT doubled down one, +200 for E/W. Lightner doubles are all well and good, but I don’t normally ask partner to lead dummy’s seven-card suit, particularly when I have shown a good hand. That double should just be upping the penalty.”

✍ Want some analytical objectivity with your sarcasm?

Rigal: “In my life I’ve rarely heard a claim as unbelievable as the one N/S made to this Panel. Having said that, the Panel did have to consider what the implications of the slow 5NT bid were. If North picked it up, then I suppose we have to assume that they were on the same wavelength. Either N/S were honest or incredibly naive; the Panel were there and made the decision. On the facts as presented I see no reason to disagree with them. Good to see the Panel treating this case with the appropriate severity.”

Endicott: “Egregious? A word for all seasons. Perhaps in the ancient sense of ‘outrageous’? Or ‘shocking’? Or did they really mean ‘outstandingly bad’ in the modern idiom? No, I think they merely intend to say that North had UI and could not avoid taking advantage of it, contrary to the requirement of Law 73C, so why not say just that?”

✍ Why interpret a word in the modern sense when an archaic one exists, or use a single, common descriptive word when an entire sentence will do?
Next we have the proverbial “odd man out”...

Weinstein: “I sure hope there was stuff that didn’t come out in the Panel report. Otherwise, I have a real problem with this decision. On the surface, we have neither a BIT nor UI that demonstrably suggests the pass of 5NT. Instead, we have a PP, an incident to record, and an AWMW. Less than 10 seconds to bid 5NT is entirely normal tempo, perhaps even too quick. And the tempo certainly doesn’t suggest passing. If South is contemplating a try for seven, South will (and should) always take some time to consider future actions as well as the best current action. A very quick 5NT (perhaps aided by folding one’s cards up) would be more suggestive of passing. Now, if the Panel wants to rule under Law 40 that there was an undisclosed partnership understanding, or that there was extraneous UI, or even under the presumptive law of coincidence (wherever that exists in the laws [it doesn’t; it was part of ACBL policy for many years, but in the modern culture of casebooks and well-publicized appeal decisions it is widely considered outdated—*Ed.*]), it is a different matter. It does seem that N/S were perhaps trying to put one over on the Panel/Director and reeked of guilt, but then the Panel’s decision should have reflected that rather than making a decision that is seemingly preposterous and punitive. Otherwise, we have a definite case of, ‘If it hesitates, shoot it.’”

✍ First, 5NT was not a Skip Bid here so a 10-second pause was not appropriate. Yes, bids in ace-asking sequences (some, including me, would argue in almost all sequences) should be made deliberately, but taking anything approaching 10 “real” seconds to bid 5NT in such a sequence is, in practical terms, a virtual eternity and a clear BIT—especially for players at this level. And if the tempo didn’t suggest passing, then why would a player in North’s position pass what we would presume was a grand slam try? Sure, a teeth-clenched 5NT bid while placing one’s cards face down on the table, folding one’s arms across her chest, and glaring at partner

would send the same message—perhaps more emphatically. But a long, labored 5NT from a player who may well not know how to legitimately sign off in 5NT will do as well in a pinch.

✍ Finally, waxing philosophical about the litigiousness of today’s players...

Wolff: “Harsh but well deserved. It sometimes puzzles me that players can be warned about the egregiousness of their actions but they still continue to pursue remedies. People tell me that this is the great American way. If so, we should attempt to change the image.”

✍ I like the Panel’s decision, right down to the AWMW and especially the PP. I’d like to see more table Directors adopt this approach when a player takes a flagrant action.

CASE EIGHT

Subject (Tempo): No Hesitation, Just A Thought
Event: Flight B/C/D Pairs, 23 Jul 03, First Session

Bd: 14	♠ J1098		
Dlr: East	♥ 953		
Vul: None	♦ A95		
	♣ J65		
♠ Q764		♠ A32	
♥ Q872		♥ AKJ104	
♦ K1082		♦ Q6	
♣ 9		♣ 743	
	♠ K5		
	♥ 6		
	♦ J743		
	♣ AKQ1082		
WEST	NORTH	EAST	SOUTH
		1♥	2♣
2♥	Pass	Pass	3♣
3♥	4♣	Pass(1)	Pass
4♥	All Pass		
(1) Slow			

The Facts: 4♥ made four, +420 for E/W. The opening lead was the ♣A. N/S called the Director after the 4♥ bid. East said “I didn’t hesitate over 4♣—but I had to think about it.” N/S thought the hesitation was 30 seconds; E/W thought 5 seconds. The Director changed the contract to 4♣ down one, +50 for E/W.

The Appeal: E/W appealed the Director’s ruling. West said he was never allowing the opponents to play 4♣ and thought his 4♥ bid was justified. N/S said that East thought for a long time over 4♣ and seemed uncomfortable with her pass. (E/W each had about 1700 MP.)

The Panel Decision: The Panel consulted two experts, one Flight A player and one Flight B player about West’s action over 4♣ (without any BIT). One expert said he would bid 4♥ because “I never get a good score defending four of

a minor in competitive auctions.” The other said “I’ve said my all with 3♥. It’s up to partner, I pass.” The Flight A and Flight B players both passed saying they had shown their hand with 3♥. The Panel decided that there had been a BIT that demonstrably suggested bidding 4♥ and that pass was an LA. The contract was changed to 4♣ down one, +50 for E/W. The Panel decided not to assess a PP for West’s action over 4♣ due to the disagreement about the length of East’s hesitation. But with E/W reluctantly agreeing to a BIT the Panel believed the appeal had no merit and E/W were each assessed an AWMW.

DIC of Event: Jay Albright

Panel: Candy Kuschner (Reviewer), Su Doe, Patty Holmes

Players consulted: Kenny Gee, Mark Lair and one Flight A and one Flight B player

✍ My final comment on the previous case should make it clear that my sympathies lie entirely with...

Gerard: “Shouldn’t we know who the 4♥ bidder was so the Panel can think twice about consulting him next time? What if that consultant’s opinion was the reason the next Panel decided not to issue an AWMW? As for the PP, I’m for it. Law 73C refers to a ‘hesitation,’ not an ‘unmistakable hesitation.’ If your action is egregious, you can’t dodge the PP by denying the hesitation. Thirty and five averages out to an unmistakable hesitation anyway. And notwithstanding the first expert, 4♥ does not seem to constitute careful avoidance of taking advantage.”

R. Cohen: “Same comments as CASE SIX. E/W were lucky to escape a PP.”

✍ They may have been lucky, but the rest of the bridge world continues to suffer with the fallout from the failure to issue PPs at the table for flagrant actions like 4♥.

Goldsmith: “The reason for not giving a PP isn’t sufficient; once the Panel judges there was a BIT, that the offending side denies it ought not work to their benefit. I don’t see where the Panel considered whether or not the BIT demonstrably suggests bidding 4♥. Some consideration ought to be given to the possibility that East was judging whether or not to double 4♣. West’s stiff club makes that a reasonably likely scenario, particularly given that East has no business bidding 4♥. Regardless, when it’s clear that East was considering 4♥ and West acted in that direction, we normally assume that the UI told West what East was thinking.”

Weinstein: “Pretty routine. East could have been considering a double, but this would indicate reasonable and (though I hate this word) transferable values. Perhaps a good follow-up question after getting an initial response from East’s peers would be to ask what they think East was thinking about before passing. I would be curious for future cases what enters the mind of Flight B/C/D players in these types of situations where partner’s huddle is ambiguous.”

✍ Transferrable values almost certainly. It’s clear that East wasn’t thinking about doubling because he held dense clubs, sitting as he was under the 2♣/3♣ bidder.

Wildavsky: “‘I didn’t hesitate over 4♥—but I had to think about it.’ That’s my nomination for the prevaricator’s hall of shame. The Panel knew what to do about it.”

Treadwell: “Very good Panel decision, including the AWMW.”

Allison: “‘I was always gonna do it’ is no excuse. I agree fully with this Panel’s action.”

Polisner: “Good work by the Panel.”

Endicott: “Routine.”

✍ A bit more reluctant about issuing the PP is...

Rigal: “The Director made the right ruling and the Panel also consulted a reasonable number of players (who was that first expert?). Down one seems a reasonable outcome for both sides. Good AWMW. However, this was not to my mind an ideal position for a PP, though I have no objection to it being considered. We certainly err too far on the side of not considering them when they are appropriate rather than the other way around. But we do not want Panels or Committees considering a PP the default: Unless the action is blatant, it should be the exception rather than the rule. Still, if the offending side does appeal, I suppose we’d like them to feel they are putting themselves in jeopardy.”

✍ And finally, still issuing his own brand of Texas justice is...

Wolff: “Since N/S’s result was NPL or rub of the green I’d rather have N/S –420, E/W +420, and give E/W a 66.67% matchpoint penalty. PTF!”

✍ Is that what they call it in Texas—rub of the green—when a player bids his hand, then bids it again, and then bids it a third time after his partner huddles (just to let him know he too has something extra to bring to the party)? And who could have guessed, under the circumstances, that 4♥ would actually make? Good grief!

CASE NINE

Subject (Tempo): No Reason Not To

Event: NABC IMP Pairs, 24 Jul 03, First Qualifying Session

Bd: 28	Guy Green		
Dlr: West	♠ 1084		
Vul: N/S	♥ 54		
	♦ J1063		
	♣ AJ107		
Suzette Wynn	Marianne Spanier		
♠ QJ765	♠ K932		
♥ AK7	♥ Q108632		
♦ Q8	♦ 5		
♣ K86	♣ Q2		
	Victor Chernoff		
	♠ A		
	♥ J9		
	♦ AK9742		
	♣ 9543		
WEST	NORTH	EAST	SOUTH
1♠	Pass	3♦(1)	Dbl
3♠(2)	Pass	4♠	All Pass
(1) Alerted; 7-9 points, four spades			
(2) Alleged "hitch"; not agreed by E/W			

The Facts: 4♠ made four, +420 for E/W. The opening lead was the ♦J. South called the Director following the 3♠ bid, while East was thinking. E/W did not agree that there had been a BIT. E/W said N/S constantly discussed and argued about the previous board during the current auction. The Director ruled that there had been a BIT (Law 16) and by choosing not to jump to 4♠ immediately East indicated that she would be content to play 3♠ if her partner couldn't bid game herself. The contract was changed to 3♠ made four, +170 for E/W.

The Appeal: E/W appealed the Director's ruling and were the only players at the hearing. E/W disputed that a hitch occurred. East had a hand that she decided was too good to bid 4♠ directly so she chose to temporize with a Bergen raise. E/W also said that because of the acrimony between

N/S during the auction, caused by resulting the first hand of the round, the disputed hitch had not occurred.

The Committee Decision: The Director gave no reason on the appeal form why she chose to invoke Law 16 since there had been no agreement to a BIT. If West discounts her ♦Q, as the double seemed to suggest, the Committee saw no reason to suspect any BIT. Similarly, the double would also make East's singleton diamond even more valuable. Given this, the Committee could find no reason not to carry on to 4♠ with the East hand. They also agreed that bidding 4♠ initially was possible but the East hand was too good to do so. Two Committee members had held the East hand and both made other bids followed by 4♠. The Committee restored the table result of 4♠ made four, +420 for E/W, noting that had the Director allowed the table result to stand and had that been appealed, they would have issued an AWMW.

DIC of Event: Henry Cukoff

Committee: Lou Reich (chair), Lowell Andrews, Dick Budd, Bob Schwartz (scribe), Mike Passell

☞ Most panelists see no basis for finding a BIT, especially given the squabbling between N/S over the previous board. And once there's no BIT, everything else is best left unsaid.

R. Cohen: "The Committee, unlike the Director, found no BIT. End of case. Table result stands."

Gerard: "Sorry, that's really sloppy (oh, sorry, 'unfocused'). There was no BIT, end of case. People can disagree about evaluation, so don't go there when you don't need to. It wasn't harmful, it's just a bad habit."

Polisner: "Since the first step is to determine if there was an unmistakable BIT, the table ruling seems questionable. Players can do whatever they choose—even if it does not comport with the Director's concept of bidding—if there is no UI. Good work by the Committee."

Endicott: "The Director seems to have invented an understanding for E/W."

☞ Or perhaps he just misapplied some flawed but common bidding logic.

Goldsmith: "Good job. I particularly agree with the Committee's last sentence. I think Committees ought to be able to award AWMWs to players who call the Director and get a ruling in their favor if the Committee overturns it and has the opinion that the original Director call was ridiculous. By the way, why wasn't a ZT penalty awarded to N/S if, as E/W claimed, N/S's constant discussion and argument was sufficient to disturb play?"

☞ Since E/W didn't make a big issue of the squabbling to the Director when they called him, perhaps he thought a ZT penalty was inappropriate. (I agree.) As for the idea of issuing an AWMW retroactively to a pair whose Director call is judged "ridiculous" even though it received a favorable ruling at the table, well, the term "ridiculous" still comes to mind. Surely we do not want to inhibit players from calling the Director when they believe there's a problem, even if their Director call is later judged to have been questionable. AWMWs are for players who abuse the appeal process, not for those who take up the Director's time unnecessarily. Dealing with the latter is best left to the discretion of the table Director.

The next panelist's judgment of the table ruling shows just how "ridiculous" some ideas can be—in retrospect.

Rigal: "The Director made the right ruling in a case of doubt. The Committee believed they were able to find out the full facts (although I have to admit some disquiet given N/S's absence) and they believed E/W. What makes me especially uncomfortable though is that per the write-up East thought before raising to 4♠, so she did not have a plan. Had she raised to 4♠ at once and claimed she had mapped out the auction, I might have been more inclined to believe her."

☞ Sorry, but there's nothing in the write-up to suggest that East "thought before raising to 4♠." Perhaps Barry took "she chose to temporize with a Bergen raise" as referring to East's tempo. It doesn't. It merely indicates that East chose to first make a Bergen raise (3♦) intending to bid 4♠ later.

More about the ZT issue...

Wildavsky: "I'd like to think a Director would be aware of 'constant discussion and argument' in his section; that ought to attract a ZT penalty for a first offense. I'd like to hear from the Director whether he was aware of it and chose to do nothing or whether the E/W claim came as a surprise to him. Nevertheless, since N/S apparently did not dispute the claim I give it credence."

☞ Directors, especially when working large, multi-section events, do not remain in any one part of the room throughout the session. Thus, there is no guarantee that a Director called to a table would be "aware" of any problem. Besides, there is no indication that the "discussion and arguing" were loud enough to be overheard from a distance.

Treadwell: "Good decision."

Weinstein: “Good job by the Committee, and I agree fully with their assessment of the Director’s ruling and AWMW had N/S appealed. Can the Director ever rule against both sides where there is a dispute about the facts? As long as we are invoking Goldman’s name, he also thought the non-offenders should often be considered suspects as well. This is the type of situation he may have had in mind.”

✍ I’m not totally sure what Howard is asking here, but I think he wants to know whether a Director can find a different facts for each side and thus make different rulings. In that case my answer is no. This is not the same as applying the different standards set out in Law 12C2 for the two sides in judging what result might have been achieved if some irregularity had not occurred. I do not believe a Director can rule that it is probable enough that a BIT occurred to adjust the offenders’ score but not likely enough that it occurred to adjust the non-offenders’s score. (The same would apply to Appeals Committees.) Either he must decide that a BIT did occur, in which case the two sides’ scores may need to be adjusted, or that it didn’t, in which case no score adjustments are possible.

Wolff: “I suspect bias. I think there was a BIT but the Committee decided to rule against N/S anyhow.”

✍ I suspect that what N/S perceived as a BIT was at least in part caused by N/S’s constant squabbling about the previous board, thus making it problematic to interpret it as a BIT. Right, Karen?

Allison: “I quite agree with the Committee here. The absence of agreement to the ‘hitch’ and the statement (very believable to me) that there was table talk during the bidding of this hand leads me to disallow any talk of UI in this case. I concur with the Committee’s addendum that had the Director ruled correctly, an appeal by N/S would have engendered an AWMW.”

✍ Right.
One man’s bias is another man’s justice.

Subject (Tempo): The Eye Of The Beholder
Event: NABC IMP Pairs, 24 Jul 03, Second Qualifying Session

Bd: 22	Stanley Snyder		
Dlr: East	♠ QJ		
Vul: E/W	♥ KQ532		
	♦ K1052		
	♣ A10		
Roberta Grubb	L. Andrew Campbell		
♠ 872	♠ AK10953		
♥ J97	♥ 106		
♦ A7	♦ J964		
♣ K7543	♣ 6		
	Duane Kennedy, Jr.		
	♠ 64		
	♥ A84		
	♦ Q83		
	♣ QJ982		
WEST	NORTH	EAST	SOUTH
Pass	3♥(1)	All Pass	Pass
(1) BIT, 5-10 seconds			

The Facts: 3♥ made three, +140 for N/S. The opening lead was the ♠A. The Director was called by East when dummy was displayed. South explained that the 3♥ bidder had less than 17 points or he would have doubled and then bid his suit. E/W believed South should have bid 4♥. The Director ruled that the BIT did not demonstrably suggest one bid over another and allowed the table result to stand (Law 16).

The Appeal: E/W appealed the Director’s ruling. Only North and East attended the hearing. East believed that the BIT conveyed to South the UI that the 3♥ bidder was minimum. When the dummy appeared, the Director was called immediately. When questioned, N/S both stated that overcalls typically denied 17+ HCP.

The Committee Decision: The Committee did not find that any

UI was conveyed by the BIT. Thus, South was free to make any call he chose. The appeal was deemed to have merit.

DIC of Event: Henry Cukoff
Committee: Lou Reich (chair), Lowell Andrews, Dick Budd, Mike Passell, Bob Schwartz (scribe)

✍ The following panelist echos my own thoughts on this case quite nicely.

Weinstein: “I am grubbing around looking for merit, but I can’t seem to find any. Maybe because there was no BIT, because there was no reason to believe that even had a BIT occurred it would suggest sub-minimum values rather than a stronger hand, and perhaps because North actually had a near maximum, reasonably automatic 3♥ bid. Show me the merit! Note: I would have had much more to say, but we are now instructed to operate under PC, Barney-like, guidelines. Mr. Gerard justly complained that this was unconstitutional (or at least was cramping his style) in the last casebook. I missed commenting there so this is my first entreaty to give us our freedom back. If we can’t give E/W an AWMW, can’t we at least say what we really think of this (adjectives inserted here would be removed by the Editor, so I will save him the time) appeal?”

✍ There are lines that we should not cross in our comments and then there are lines. Howard’s note makes it clear that less is more. In fact, he may have managed to cross a line there without actually crossing it.
More along the same lines.

Rigal: “The Director did well to spot the inference that the slow action does not point one way or another. An excellent ruling up to a point. I think I was present at this hearing and that there was a sizeable minority voting for an AWMW. Note that North had extras for a balancing action, so South was not fielding his partner’s tempo. E/W were guilty of petty lawyering, and should have been told so via the AWMW.”

Treadwell: “Good decision, but why not an AWMW? I am a bit shocked that a pair would make an issue of South’s failure to bid 4♥.”

R. Cohen: “Since when is 5 seconds a BIT? A player is allowed to think a few seconds to consider a call. No UI, no adjustment.”

✍ A player is not only “allowed” to think for a few seconds to consider his call, he’s *expected* to.

Endicott: “In this situation is 5-10 seconds really thought to be a BIT? Certainly I do not think North has asked South to bid; he has merely competed and a disciplined South does not have the hand to raise.”

Polisner: “Here we see that slow doesn’t always show extras—right Ron? It just shows what it shows. Since the BIT (if we consider 5-10 seconds to be one at the three level—which I don’t), it certainly doesn’t convey UI. Good work. Very close to an AWMW.”

✍ Closer than he realizes. And even if one chose to argue that this was a BIT, the response is clear...

Allison: “It’s a rare appeal that addresses the question of whether UI indicates a bid rather than a pass. In this case, I agree that there is no inference from the BIT that South should be compelled to bid on. Balancing bids are typically deemed to be about a king short of direct bids in strength and the South hand is certainly not clearly a raise; much more normally a pass.”

Wildavsky: “I agree that the slow 3♥ bid did not suggest one action over another. In fact, North did not hold a minimum. I would like to know what took North so long? What other calls was he considering?”

✍ One panelist answers Adam’s last question by referring to some extra-curricular information he apparently has about this case.

Goldsmith: “The Committee was brief; so shall I be. What merit?
“Upon reflection, I have something to add that oddly was not reported. E/W do not play standard weak two-bids; they play Bailey Two-Bids. 2♣ was Alerted and explained as ‘five or six spades, two or three hearts, 7-11 HCP, spades at least Qxxxx, not ten cards in two suits.’ (Yes, East violated the agreement, as would most.) So there was more for North to think about than was immediately apparent. Also, the East and West players were reversed. [While that may be true, E/W’s positions in the bidding diagram are those recorded on the Appeal Form and neither the chair nor the scribe indicated otherwise.—Ed.] This seems to happen a lot; players ought to be careful about evaluating a player’s behavior or judgment by actions attributed to him in these pages. Often, the perpetrator was his partner.”

✍ The last word goes to...

Wolff: “From the facts given why does this appeal have merit? I don’t think so.”

Subject (Tempo): No Longer A Thinking Man’s Game?
Event: NABC IMP Pairs, 24 Jul 03, Second Qualifying Session

Bd: 24	Laura MacDougall		
Dlr: West	♠ Q64		
Vul: None	♥ 10		
	♦ KJ1076532		
	♣ Q		
Ruth Nakano	Dick Yarrington		
♠ AK10973	♠ J8		
♥ J854	♥ AQ96		
♦ ---	♦ 84		
♣ 1095	♣ AJ732		
	Tim Ayers		
	♠ 52		
	♥ K732		
	♦ AQ9		
	♣ K864		
WEST	NORTH	EAST	SOUTH
2♠	3♦	3♠	Pass
4♠	Pass(1)	Pass	5♦
Pass	Pass	Dbl	All Pass
(1) “Slight” BIT			

The Facts: 5♦ doubled went down one, +100 for E/W. The opening lead was the ♠J. The Director was called after South bid 5♦ and told that there had been a “slight” BIT by North before she passed 4♠. The Director ruled that South had passed at his first turn and had no reason to bid 5♦ at his second turn. South’s 5♦ bid was cancelled and the contract changed to 4♠ made four, +420 for E/W (Law 16).

The Appeal: N/S appealed the Director’s ruling. E/W did not attend the hearing. South, who had about 1400 MP, said he noticed no BIT; his partner had taken no more than 2-3 seconds to pass 4♠, which was her normal tempo in competitive auctions. South said he didn’t bid at his first turn because he didn’t want to push the opponents to a game they could make. He decided that the only reason West bid again after initially preempting was because

she had a diamond void. He added that the table Director never asked him why he did not bid over 3♠.

The Committee Decision: The Committee decided that it had probably taken North 2-3 seconds to bid over 4♠. It also decided that 2-3 seconds was an appropriate amount of time for North to take in this auction. Therefore, Law 16 had not been violated and the table result of 5♦ doubled down one, +100 for E/W, was restored.

DIC of Event: Henry Cukoff
Committee: Lou Reich (chair), Lowell Andrews, Dick Budd, Mike Passell, Becky Rogers

✍ With just one exception the panelists support the Committee’s decision. Some are surprised at the table ruling (much as in CASE NINE).

Goldsmith: “North passed in only 2-3 seconds on that auction? I’ve taken longer after the curious 4♠ bid just to make sure they weren’t playing strong two-bids or the like. Had the ruling been ‘result stands’ and had N/S then appealed, the appeal would have been without merit.”

R. Cohen: “Some of our members are getting paranoid. It takes 3 seconds to fish out the bidding card.”

✍ Some panelists are divided about South’s pass of 3♠ and his rationale.

Treadwell: “Although it is a bit strange that South chose not to bid over 3♠ but to bid 5♦ later, there seems to have been no BIT and hence no UI. Good decision.”

Wildavsky: “I think this is one where you ‘had to be there.’ I don’t understand why South assumed that the hand belonged to the opponents, but if he had no UI he was free to do as he pleased.”

Allison: “Once again, we are hearing this case because a Director believed there was a BIT with only a couple of seconds’ delay in a high-level auction. I understand the Directors would like to rule in favor of the non-offenders, but when there is no offense it is a poor ruling. South’s reasoning for not bidding 4♦ was just fine and I agree wholeheartedly with the Committee’s decision.”

Polisner: “The Director should have found out South’s thought process at the time—not after he had time to perhaps think about it—although I believe South’s reason for passing over 3♠, especially at IMPs.”

Rigal: “I was also present for this appeal and was rather unhappy about the final decision. N/S seemed to be more competent than the statements coming out of their mouths. North has played Junior International bridge for England, I believe. It is hard to imagine a player not looking for game with the South cards as opposed to being worried that the opponents could make game. Still, the Committee drew some sensible inferences about the ‘impossible’ raise to 4♠ having a mandatory pause built in to it. And 2-3 seconds if agreed is normal tempo after all. Was it agreed? I suspect not but that is the price E/W pay for not attending the hearing.”

Weinstein: “How could South possibly have bid in tempo over 3♠? When I first glanced at the case, I assumed that South hitched and North bid 5♦. Two to three seconds should not be a BIT, but I always wonder about statements regarding normal tempo. The Directors seems to be missing the step about establishing a BIT and noting it on the appeals form. Without a statement from the Director or E/W’s presence the Committee had to decide as it did. I harped on this a few years ago, but I would like to see more steps taken to ensure the non-appealing side is present when they are responsible for the score adjustment in the first place.”

☞ Can we justify requiring a pair who received a favorable ruling being forced to attend an appeal if they have nothing to add to the facts the Director determined at the table? Don’t they have a right to relax—or do whatever—after the game without being deprived of it by (potentially) overly-litigious opponents?

This next comment is difficult to understand.

Endicott: “Two to three seconds is too long to spend in passing over 4♠. North has nothing to think about; this should have been a smooth, quiet pass without delay.”

☞ On the previous case Grattan argued that taking 5-10 seconds to balance at the three level was not a BIT. Now he argues that 2-3 seconds *is* a BIT in an unusual and highly competitive four-level auction. (A preemptor bids game after his partner raises competitively with no intervention by his RHO.) Sorry, but 2-3 seconds is normal (actually, it’s too rapid) tempo here. All calls should appear deliberate. If 2-3 seconds is too slow players with no problem will be forced to convey that fact to the rest of the table by acting immediately. That makes no sense whatsoever.

Looking at North’s hand I find it likely that she thought about bidding over 4♠. But given the unusual nature of the 4♠ bid and the appropriateness of thinking for a few seconds before calling, this cannot be judged a BIT. Table result stands.

Once again, the final word goes to...

Wolff: “Good decision.”

CASE TWELVE

Subject (UI): We Hold These Truths To Be Self-Evident

Event: Flight A/X Pairs, 19 Jul 03, Second Session

Bd: 27	Karen Manfield		
Dlr: South	♠	Q9653	
Vul: None	♥	64	
	♦	Q7	
	♣	J1082	
Sam Haweson	Nina Glazer		
♠	KJ4	♠	A1087
♥	AK3	♥	QJ109875
♦	J986	♦	A5
♣	A97	♣	---
	Ken Zukerberg		
	♠	2	
	♥	2	
	♦	K10432	
	♣	KQ6543	
WEST	NORTH	EAST	SOUTH
			3♣
3NT	Pass	4♥	Pass
4♠(1)	Pass	5♥	All Pass
(1) W thought, then said 4♥ was a transfer			

The Facts: 5♥ made seven, +510 for E/W. The opening lead was the ♠2. The Director was called after the 5♥ bid. The Director determined that 4♠ could not have been natural (it was illogical to assume that West held long spades and was trying to improve the contract: in that case he would have passed 4♥); it could have been a cue-bid agreeing hearts. The Director ruled that the AI from the auction was sufficient to allow East’s 5♥ bid; the table result was allowed to stand.

The Appeal: N/S appealed the Director’s ruling. N/S said they thought East had UI that should prevent her from bidding hearts again. East said she could not see playing in a spade contract when she had all those hearts.

The Panel Decision: Six players with 2500-3300 MP

were given the auction through 4♠. None wanted to play in spades even if West had a spade suit. Five of them worked out that East must have thought 4♥ was taken by West as a transfer; one of those five then bid 6♥, the others all retreated to 5♥. The player who could not work out what his partner’s error was bid 5♣. Since 7♥ and 7NT both made with an (easy) spade guess, the Panel decided that there had been no violation of Law 16A and allowed the table result to stand. Since N/S produced no cogent reason for changing the Director’s ruling, each was assessed an AWMW.

DIC of Event: Gary Zeiger

Panel: Charlie MacCracken (Reviewer), Candy Kuschner

Players consulted: six players with 2500-3300 MP

☞ Most panelists support the Panel’s decision as well as the AWMW.

Weinstein: “These cases involving acceptances of non-transfers sometimes get messy, but East’s hand made retreating to hearts clear. Had 6♥ or 7♥ gone down this would be somewhat more problematic. As it was, the AWMW was entirely appropriate.”

Allison: “I actually have a stated agreement with my partner that after a 1NT or 2NT opening, 4♥-4♠; 5♥ means ‘I forgot it was a transfer.’ There surely was no indication that East had done other than forget a convention. There is no reason to believe that 5♥ is a forward-going bid in this sequence and the AWMW was entirely appropriate.”

Treadwell: “Good decision by the Panel.”

Rigal: “I’m surprised North did not take better advice before pursuing this appeal. A number of phrases such as pettifogging and abuse of process come to mind but I am sure Ron will have some better ones. The AWMW was wholly appropriate.”

✍ On another day Barry might be justified in expecting a clever phrase from Ron, but on this day Ron focuses on what he sees as a flaw in the Panel’s decision.

Gerard: “No, it didn’t matter that 7♥ or 7NT were cold. The number of tricks available doesn’t determine whether there is a Law 16A violation. If East should have passed 4♠, her poor score in 5♥ should have become a zero in 4♠. For the correct interpretation, reread the Director’s ruling. Had the Panel followed the Director’s reasoning, the AWMW would have been justified. But this Panel punished N/S for being greedy and for not agreeing with its bizarre interpretation of Law 16A. That doesn’t compute. You can’t penalize N/S for failing to show why the Director was wrong when you don’t adopt the Director’s logic.”

✍ Unless I’m mistaken, the Panel’s rationale for their decision was that: (a) none of the consultants wanted to play in spades even if West’s 4♠ bid showed that suit; (b) all but one of them worked out—even without any UI—that West’s 4♠ bid probably meant that West mistook 4♥ for a transfer; and (c) all of the consultants bid again over 4♠, most rebidding their hearts (but even the one who didn’t work out West’s mistake bid 5♣, which would have gotten E/W to a making slam). Thus, the Panel decided, in effect, that sufficient AI existed to allow East to bid 5♥ and, in addition, that N/S had not been damaged (Law 16A requires that the Director determine that the UI resulted in damage before assigning an adjusted score) since even if East plays West for spades she would cue-bid and reach one of several making slams (one of which is 7NT).

Speaking of punishing N/S for being greedy, here’s a man who’s quite up to it but who realizes which side his bread is buttered on.

Wolff: “Spell N/S G-R-E-E-D-Y. If I were on the Panel I might let N/S talk and act me into changing their –510 to –1510. I only wish I could do it—but know I can’t.”

✍ The next panelist focuses on the damage issue, whose surface I only scratched.

Goldsmith: “I really like Panels’ polls, but they come with one grain of salt: the polled players know it’s an appeal hand, so something has gone wrong. That points them in the right direction sometimes. Much of the time, they are unlikely to guess the issue; this time, however, it was pretty obvious. I thereby judge that thinking partner has interpreted 4♥ as a transfer is not the only LA for East. So, back to basics: (1) Was there UI? Most definitely: gratuitous Announcements are the biggest problem caused by the Announcement system. (Aside later.) (2) What were East’s LAs? This is the tough question. Does West have ♠KQJxxxx ♥x ♦Kx ♣AQ10 or does he have ♠KQxx ♥AKxx ♦Kx ♣AQx? That somewhat depends on West’s personality; that he bid 4♠ without the ace lends some credence to the former hand. If West were Marshall Miles, we would, of course, assume he had spades (though he would have bid 4NT, not 4♠, over 4♥, having been in this position innumerable times before), but averaged over all bridge players, the latter hand seems overwhelmingly more likely. (3) Was the action taken suggested over others by the UI? Most definitely. There is no doubt that East violated Law 73C. (4) Was the non-offending side damaged by the infraction? Probably not. Ought not East bid 5NT over 4♠? That seems totally obvious. Partner will then bid 6♠ assuming no graded responses to the GSF. Or if he treats 5NT as a small slam force and grand slam try, he’ll again bid 6♠. East will never stop in spades; she’ll bid 6NT or 7NT depending on how she interprets West’s bid. Since those contracts make and score more than 5♥, most likely the non-offending side was not damaged.

Result stands. East probably ought to be given a PP for not even trying to avoid using UI. The AWMW is perhaps the first one I’ve seen that certainly ought not have been awarded; while I think N/S were not damaged, they knew their opponent violated the UI laws. It’s not trivial to figure out that all the likely legal sequences would not be in N/S’s favor.

“As an aside: we need to do something about gratuitous Announcements. I suggest simplifying them substantially to the following: 1NT opening bid ranges unless they are 15-17 exactly (most players hate saying 15-17 and many refuse to comply, so we might as well face reality); forcing or semi-forcing 1NT responses; and minimum-level Jacoby transfers (into a major) after 1NT or 2NT openings only. After 2♣-2♦; 2NT, make Alerting or Announcing Jacoby transfers optional. The other transfer Announcements come up rarely and confuse players, so let’s dump those Announcements. After all, the point of Announcements is to simplify the Alert procedure in frequently-occurring cases.”

✍ Well, Jeff has convinced me that the AWMW is not really justified. (Before I read his comment I was prepared to support it.) However, I disagree with him about two things. The first is that E/W deserve a PP. Jeff’s own examples (not to mention the results of the poll) show that East had good reason to bid on over 4♠. Whichever of Jeff’s hands West has for his 4♠ bid, E/W will be odds-on for a slam. Plus, the auction itself screams that West is unlikely to have interpreted East’s 4♥ bid as it was intended. (And West need not be Marshall Miles for this inference to be valid.) So there really is no LA to East’s bidding on over 4♠.

The second thing I disagree with is Jeff’s suggestion to not Announce the range for 15-17 notrumps. When no Announcement follows a 1NT opening many players pause to give an opponent who may have forgotten to Announce his range or who is simply slow in Announcing it time to do so. Others check the opponents’ CC to see what the range is. The problem, as I have noted before, is that when some range(s) do not require an Announcement one cannot be sure when an opponent opens 1NT and nothing is said that everything is as it should be. We will never get players to go ahead and bid in tempo over 1NT followed by silence (it’s just human nature to give LHO a little extra time in case he’s slow to make his Announcement) or not to grab a CC, and these actions tend to cause Director calls (the notrump openers think the next player’s pause or grabbing of their CC is UI) and appeals. The requirement to Announce *all* notrump ranges makes the most sense as long as any notrump ranges must be Announced (it’s all or none). And remember, if a pair does not wish to Announce their 15-17 HCP range they need not Announce it: there’s no penalty for not Announcing it. However, if they choose not to Announce they give up the right to complain about UI if an opponent asks the range, pauses to wait for an Announcement, or grabs their CC. And of course clubs can do as they wish regarding these Announcements—require them or not—to suit their clientele.

The next panelist must have misinterpreted something in the write-up.

Polisner: “I hate to see the beneficiary of UI get the best of it on the basis of AI, especially when she acknowledged that 4♠ could have been a cue-bid agreeing hearts, in which case East can’t stop short of seven. The 5♥ bid was acting on the UI and should have been penalized even though I suspect the matchpoint result was quite poor. I certainly wouldn’t have given an AWMW to N/S.”

✍ There’s nothing in the write-up to indicate that *East* “acknowledged that 4♠ could have been a cue-bid agreeing hearts.” The only thing similar to this is in The Facts where the Director said that West’s 4♠ bid “could have been [interpreted as] a cue-bid agreeing hearts” as a justification for allowing the table result to stand.

Another panelist (inappropriately) lobbying for a PP is...

Wildavsky: “I’d like to see a PP for E/W here. East was obligated to treat 4♠ either as natural or as a cue-bid for hearts. In neither case is her 5♥ bid appropriate. N/S must have had a good score on the board already. I expect N/S appealed in large

CASE THIRTEEN

part to educate E/W. Had a PP already done so they'd have had no need to appeal. Could 4♣ have been natural? Perhaps. How about ♠KQJ9xxx ♥x ♦AQ ♣AQJ? So I'd also support an adjustment to 6♣ down a few. In any case, I find merit in the appeal, though filing a Player Memo might have been a more appropriate action."

✍ The next two panelists seem confused about who had the UI, East or West.

R. Cohen: "How would West have expected East to bid ♠A10xxxx ♥QJxxxx ♦—♣x, or something similar? What actions or mannerisms of East convinced West to pass 5♥? There is a strong aroma about the E/W auction. Maybe the consultants should have been presented with West's problem and asked what they would have bid with 4♥ as a transfer. Maybe the adjudication should have been to allow the result to stand, with a one-quarter-board PP against E/W."

✍ With was no suggestion by N/S that West had any UI, why presume that such UI existed? And even if it did, on what basis would one issue a PP to E/W? If UI was present that damaged N/S, an adjusted score would be appropriate and not a PP. We should also recognize that in any situation that resembles a transfer auction it will be fairly obvious to each player that his partner may have forgotten and treated the situation differently from their agreement. So this is not even a situation where one might consider West's action a flagrant one.

Another reason for not following Ralph's suggested course of action comes from our other dyslexic panelist.

Endicott: "West is looking at cards that tell him this is not a transfer to spades followed by a cue-bid or slam try. I think he has the information on which to pass the 5♥ bid."

✍ At pairs (or BAM) I've seen experts, none of whom were Marshall Miles, bid 3NT over an opponents' three-level preempt with a solid six-card (or longer) major. Does East's spade holding preclude that here? I think so (in most cases) but if West can have spades, East must at the very least investigate slam holding an undisclosed super-fit plus two side aces. And if West has a heart fit and is cue-bidding a non-ace East must now drive to slam facing a hand that must put E/W in the grand slam range opposite the seventh heart and two undisclosed aces, none of which were needed for the 4♥ bid. I believe it's clear that either East had sufficient AI to know that the wheels had come off and to rebid her hearts or to know that a small slam was certain and a grand slam a distinct possibility. Thus the table result stands, but no AWMW.

Subject (UI): Natural Lead Renders Play Issues Moot

Event: Tuesday-Wednesday Bracketed KO, 22 Jul 03, Second Match

Bd: 34	♠ 762		
Dlr: East	♥ 1062		
Vul: N/S	♦ 9		
	♣ J107643		
♠ AKJ54		♠ 1083	
♥ A3		♥ KQJ874	
♦ QJ4		♦ A75	
♣ A95		♣ K	
	♠ Q9		
	♥ 95		
	♦ K108632		
	♣ Q82		
WEST	NORTH	EAST	SOUTH
		1♥	Pass
1♠	Pass	2♥	Pass
3♣	Pass	3♠	Pass
4♣	Pass	4♦	Pass
5♣	Pass	5♠	Pass
6♠	All Pass		

The Facts: 6♠ went down one, +50 for N/S. The opening lead was the ♦9. The Director was called to the table after the play to trick two. The declarer (West) said that after the auction North asked several questions about the bids above the four level; then South asked about the meaning of the diamond bid. After a little thought North led the ♦9, ducked to the king, and the diamond return was then ruffed. The Director admonished South for asking a question before the opening lead was made face down on the table. After consulting with another Director he returned to the table and ruled that the table result would stand, explaining that the ♦9 "seemed like the natural lead against the slam" and that, while Law 41B (dealing with reviewing and asking questions about the auction) had been violated, the staff believed declarer had several ways to make the contract as long as he won the ♦A at trick one.

(North had about 2800 MP, South about 4600; E/W each had about 2200 MP.)

The Appeal: E/W appealed the Director's ruling. E/W were concerned that the untimely question about the diamond bid suggested a diamond lead and that another lead might make it easier to make the contract. North said he was not influenced by his partner's question and indeed had not even heard it.

The Panel Decision: The Panel considered North's statement about the effects of South's question on him to be self-serving. Four experts and three players with between 2000-2500 MP were given the North hand and the auction and asked what they would lead against 6♠. All of them led the ♦9, several asking why they were being given such a trivial problem. Based on this input, the Panel decided that there was no LA to the diamond lead and allowed the table result to stand. Since the questions asked by the leader's partner were inappropriate and created an awkward problem, it was decided not to issue an AWMW to E/W. Finally, the fact that the slam could be made even after the diamond lead was noted but was not a part of the decision since the player input indicated that there was no LA to the diamond lead and, therefore, any play issues were moot.

DIC of Event: Susan Patricelli

Panel: Su Doe (Reviewer), John Ashton, Patty Holmes, Millard Nachtwey

Players consulted: Drew Casen, Gaylor Kasle, Steve Scott, Kit Woolsey, three players with 2000-2500 MP

✍ Were N/S sufficiently experienced to deserve a PP for the problems created by South's ill-timed question? Was a non-diamond lead probable enough to adjust only

N/S's score? Only one panelist thinks N/S's score should be adjusted.

Endicott: “The question period in Law 41B begins when the leader has selected his lead and placed it face down. If the sponsoring organization specifies that the opening lead is to be made face up, the corollary should be that the question period does not begin until the lead is selected and faced. The wording at the beginning of Law 41B should not give licence to a player to commit the heinous crime that was perpetrated here. The result ought to have stood for E/W, but it is not desirable that N/S should benefit.”

✍ But isn't the point of deciding that there was no LA to leading the ♠9 that N/S did not benefit from the infraction? If the lead has no LA then there was no damage to redress. So adjusting N/S's score under those circumstances is the equivalent of penalizing N/S for the timing of South's question. But if that's your intent, then the following panelists have a much more direct and accepted route to that end.

R. Cohen: “Did the Panel consider a PP against N/S for the inappropriate, and illegal, timing of South's question? Taking some number of imps away from them—maybe enough to throw the match into a tie—would be a real learning experience for N/S.”

Rigal: “The Panel made a number of excellent points and I particularly appreciate their putting the staff right on the play issue in 6♣. The Director's comments worry me. I'd really want to record South and might, I suppose, even consider a PP here for a repeat offense. And I would really like to make sure South understood how close he came to a score adjustment—but certainly I would not adjust here since the diamond lead is so obvious. South's questions, by the way, might have helped West make the contract if he was on the ball.”

✍ What “repeat” offense? Perhaps Barry knows something we don't.

As for Barry's concern about the Director's comments, the fact that “the ♠9 ‘seemed like the natural lead against the slam’” and that “declarer had several ways to make the contract as long as he won the ♠A at trick one” are both irrelevant. A “natural” lead may still have a less successful LA; what matters is whether some of North's peers might have led something other than a diamond. And if the ♠9 lead is allowed, the fact that declarer could have made 6♣ by rising with the ♠A at trick one when he failed to do so at the table is irrelevant. There is nothing to justify allowing declarer to change his line of play if the ♠9 lead is judged permissible.

More on the logic provided by the Director and Panel for their actions.

Wildavsky: “Yes, North's statement was self-serving. What of it? The point is that it is irrelevant. All we need to know is that North *could have* heard South's inappropriate question. Remember, when we adjust the score we are not saying that North acted on the UI, but rather that he failed in his Law 73C responsibility to ‘carefully avoid taking any advantage’ of it. As Michael Rosenberg has pointed out, that responsibility means that one must make oneself aware of all the UI provided by partner in order to bend over backwards to avoid using it. It is also irrelevant that declarer could have made the contract anyway. So he could have, but what of it? Perhaps he judged that North was capable of leading the ♠9 from ♠K98x. Even if we decide his duck at trick one was an egregious error, that would not affect the adjustment of the N/S score. I suppose we must consider the diamond lead a standout, even though South did not double 4♠. That being the case, I'd assess a PP against N/S. There is no other effective way to educate them.”

Gerard: “Play issues were moot no matter what. For N/S, there is no longer any damage-safe harbor. For E/W, they could only get back to even. I continue to believe that that places the non-offenders in a protected zone; but even if not, it doesn't look egregious to duck the diamond.”

✍ That's a good argument for adjusting the score for both sides *if* one decides there's an LA to the ♠9 lead. I assume, since he didn't actually come out and say it, that Ron agrees that the ♠9 lead is clear and is only addressing “what if.”

Goldsmith: “Sounds right all around, except I'd like to know if N/S played ‘jack-denies’ leads. If not, the lead itself strongly suggested any of the winning lines; in that case, even if N/S were to have been deemed culpable due to abusing UI, then E/W would still not get an adjustment, in which case an AWMW is appropriate for E/W.”

✍ How would knowing if N/S played “jack-denies” leads provide any assurances when normal lead agreements are usually suspect against slams? True, if North's lead could be trusted it denies the king. But as Adam and Ron both point out, North could be doing almost anything so West's play from dummy at trick one would be hard to condemn.

As for that AWMW...

Weinstein: “AWMW! AWMW! AWMW! The questions asked about the lead led to a whiny Director call. Now they are being used to justify the appeal. I know, count to ten and think about warm fuzzy places before commenting further. Maybe if I turn to the next case quickly enough my blood pressure will return to normal.”

✍ The remaining panelists support the Panel's decision as is, without any PP or AWMW.

Polisner: “Good analysis by the Panel, as if there is no LA to the lead the table result must stand.”

Allison: “I think this was well handled by the Panel. I really have nothing to add to their deliberations. Indeed, every line of play that starts with ♠A, two rounds of trumps, works to make thirteen tricks.”

Treadwell: “Good decision by the Panel.”

Wolff: “All that was done was good.”

✍ I too agree with the Panel's decision, but I favor a issuing a PP to N/S for the problems South created with his mis-timed question. If he has not learned that such acts are unacceptable by the time he's amassed 4600 MP, it's high time he learned that lesson. The timing of his question smacks of sharp practice and a PP is the best way to express our disapproval.

CASE FOURTEEN

Subject (UI): Legal But Risky

Event: Wednesday Fast Pairs, 23 Jul 03, Second Session

Bd: 12	♠ 10542		
Dlr: West	♥ 82		
Vul: N/S	♦ 1065432		
	♣ 6		
♠ K6		♠ Q97	
♥ A943		♥ ---	
♦ 9		♦ AKQ87	
♣ KJ8532		♣ A10974	
	♠ AJ83		
	♥ KQJ10765		
	♦ J		
	♣ Q		

WEST	NORTH	EAST	SOUTH
1♣	Pass	1♦	Dbl
1♥	Pass	2♠	Pass
3♣	Pass	6♣	Pass(1)
Pass	Pass		

(1) After asking about East's 2♠ bid

The Facts: 6♣ made six, +920 for E/W. The opening lead was the ♠2. The Director was called before the opening lead and told that South had asked about the 2♠ bid before her final pass. The Director ruled that South's question transmitted UI to North suggesting a spade lead and that a non-spade lead was an LA. The result was changed to 6♣ made seven, +940 for E/W.

The Appeal: N/S appealed the Director's ruling and were the only players to attend the hearing. South said that she did not think it was out of order to ask about the 2♠ bid at her turn to call even though it was at the six level. Then, at the end of the hand, when she realized that East had only three spades and that 2♠ should have been Alerted, she appealed the ruling. North said she thought a small spade was the only logical lead in any case.

The Panel Decision: The Panel recognized that there had been a failure to Alert but thought that South could have asked at the time of the 2♠ bid and that 2♠ should have been self-Alerting to an experienced opponent in any case. (South had over 7600 MP, North over 2000.) That South waited to ask the question until the opponents were at the six level and that she was not intending to bid was dangerous from a UI perspective and could have suggested a spade lead. Because of the failure to Alert the Panel asked three experts their opinion about the lead (with 2♠ having been Alerted). One of them led a small diamond, the other two led the ♥8. All thought the question about the 2♠ bid suggested a spade lead. When the experts were asked whether they would have doubled for a spade lead with the Alert they all said no, it was not clear that doubling with the ♠AJ83 was right. The Panel disallowed the spade lead and changed the result to 6♣ made seven, +940 for E/W.

DIC of Event: David Cotterman

Panel: Candy Kuschner (Reviewer), Su Doe, Patty Holmes, Matt Smith

Players consulted: Dick Budd, Donna Morgan, Debbie Rosenberg

✍ As we've noted before, there are right ways and wrong ways to ask about the auction. South should wait until North places her opening lead face down on the table and then asked for a complete "review with explanations" rather than asking about a specific bid (2♠). Had it then come out that 2♠ should have been Alerted the Director could have allowed North to change her lead (or even her final call). On the other hand, West caused the problem. By not Alerting the 2♠ bid she denied N/S the opportunity to ask about the bid at the time of the Alert and thus avoid the specter of UI. So E/W should not be permitted to profit either.

Two panelists see this for what it is: a bilateral effort requiring bilateral action.

R. Cohen: "Law 20F1 covers the explanation of calls, with a cautionary footnote that Law 16 may be applicable if UI was present. West's failure to Alert 2♠ put South in a difficult situation. Had she been Alerted, she would have had an opportunity to inquire immediately without compromising her side. Also, had she requested 'a full explanation of the opponents auction' without reference to any specific bid at her final turn, UI was unlikely. Since both sides were partially at fault, N/S -940 and E/W +920 seems a proper adjudication."

Weinstein: "The experts didn't lead a spade? The Panel should have consulted players with 2000 or so MP like North had. South's timing was horrible, but with ♥KQJ10xxx I am surprised that she didn't ask about the 1♥ bid. I am also surprised that we didn't get enough spade leaders to lead to a split ruling, but the Panel certainly made the correct decision with the input they received."

✍ Right. Players with about 2000 MP should have been consulted. But remember, only three players were consulted. If a few more had been asked it seems likely that a spade leader would have turned up, which is all the Panel needed to judge a spade lead "at all probable."

The next panelist also sees the need to adjust for both sides, but, alas, chooses the wrong way to go about it.

Wolff: "It doesn't seem right to bar a spade lead since it seems to be the normal one. Maybe a spade lead could have been allowed but N/S penalized 3 matchpoints for poor behavior: Asking at the wrong time. If South had larceny in her soul that would remind her that big brother is watching and if she didn't it still emphasizes the high-level game and its responsibilities."

✍ While a spade lead may be "normal," other leads are certainly more than just possible against slam. Thus, disallowing a spade lead for N/S seems clear, direct and to the point. A PP seems a bit harsh, but given South's obvious experience (7600 MP take a fair amount of time to accumulate, even in today's inflated bridge economy) it is well within the realm of possibility.

The next group of panelists includes some who also consider a PP appropriate, but most focus on another aspect of this case that seems to have been overlooked, perhaps because of E/W's role in failing to Alert the 2♠ bid.

Rigal: "Excellent Director ruling and the Panel did everything right except give an AWMW. This one is also close to a PP, but given South's heart suit, it is not clear to me that the player had any guilty motives; after all, would you not expect that a heart lead might be necessary here on some layouts?"

Goldsmith: "It's not free to ask questions about the auction when partner is about to be on lead. What other reason could South have for asking? Doubling? She found out 2♠ was artificial and didn't double. Bidding? She didn't. The only reason was to guide a lead. N/S's appeal was without merit."

Wildavsky: "Wording is important. The Director needs only to show that South made UI available to North. 'Transmitted' implies intent, which is not relevant. N/S need to understand that they should not have appealed. An AWMW might have accomplished that, but a PP would have done so with more vigor."

✍ Why would the word "transmit" imply intent? After all, you can "transmit" a disease you don't even know you have.

Allison: "For an inexperienced South, this question about 2♠ might have been excusable (though the timing would not); for an experienced and presumably expert South it was egregious and I would have fought for an AWMW."

☞ That sounds more like an argument for a PP than for an AWMW.

Endicott: “I find it unclear when the Director was called. It is unbelievable that the lead was selected after the Director had called attention to the UI situation, but this is how it appears to read. South is in need of education; time enough to ask the question after the opening lead has been selected.”

☞ The write-up seems clear about when the Director was called. What seems to have Grattan off balance (and legitimately so) is the issue of whether North was instructed at the table, before she led, about her obligations regarding UI. I assume that she was and still led a spade, which of course led to the adjusted score. As far as I know, a Director cannot properly *bar* a spade lead here; he can only stand ready to adjust the score if he judges that the spade lead resulted in damage.

Gerard: “I don’t believe those leads, but they did establish LAs and make the decision easy. South must have been treading on her 7600 MP to suggest that 2♠ was Alertable because East had only three spades rather than because it was fourth-suit forcing. But maybe it wasn’t—no one has said so yet. It would be useful if the write-up covered one of the key points.”

Treadwell: “Good decision by the Panel.”

☞ Our final panelist has a suggestion that strikes me as well intended but a bit awkward.

Polisner: “Perhaps a good rule would be that one must ask about a bid or call at his first opportunity or be barred from asking until the appropriate time—after the auction is over—although this was not relevant here as 2♠ was not Alerted. I disagree that 2♠ is self-Alerting. Since the question could have conveyed UI, the ruling and decision were correct. Couldn’t a sharp player ask about a call in a suit in which a lead was not desired in hopes of barring partner from leading that suit?”

☞ It is not uncommon for one to not need to know the meaning of an opponent’s call when it is made, but the auction later develops in such a way that one needs to ask about the meaning of the bid (in the right way, by getting a review of the entire auction) so that one can double for a certain lead or take some other appropriate action, depending on the explanation. Barring a player from asking about a call later in the auction, while it might help avoid certain problems, might unintentionally create more problems than it solves. And as Jeff notes, it wouldn’t have helped here since the present problem was with a *failure* to Alert. On the other hand, fourth-suit forcing is a common enough treatment that a fourth-suit bid *may* come with a built-in Alert for an experienced opponent (which South clearly was even if North wasn’t). And in this case the fact that the fourth-suit bid was a jump may have added to this likelihood.

As for a player asking a question in order to bar his partner from a lead he does not want, in such cases the motivation for the question would likely be clear enough (at least after the hand is over) for the perpetrator not to hold out much hope of escaping detection—and punishment.

I would adjust E/W’s score to +920 and N/S’s to –940, then issue an AWMW to N/S and perhaps a PP as well. If I couldn’t issue a PP (because I was outvoted) I’d at least threaten South with a PP (or worse) the next time she does anything like this.

Subject (UI): What’s A Girl/Guy To Do?

Event: NABC Fast Pairs, 26 Jul 03, First Qualifying Session

Bd: 26	Michael Polowan		
Dlr: East	♠ 942		
Vul: Both	♥ QJ7		
	♦ 32		
	♣ J9854		
Harold Feldheim		Jim Murphy	
♠ AJ8		♠ K3	
♥ 32		♥ 98	
♦ A865		♦ KQJ97	
♣ AQ107		♣ K632	
	Sharon Hammer		
	♠ Q10765		
	♥ AK10654		
	♦ 104		
	♣ ---		
WEST	NORTH	EAST	SOUTH
		1♦	2♦
Dbl	3♣	Pass(1)	3♥(2)
Pass	3♠	Pass	Pass
3NT	All Pass		
		(1) Asked about 2♦; told (correctly)	
		♠+♣	
		(2) Slow, expressive and slow	

The Facts: 3NT went down two, +200 for N/S. The opening lead was the ♥Q. The Director was called after the 3♥ bid. He determined that N/S’s agreement had been correctly explained (South had misbid: 2♦ showed spades and clubs) and that South had UI that she had forgotten her agreement. Had South heard her 2♦ bid explained as “the majors” and then heard her partner bid 3♣, pass would have been an LA. Since bidding 3♥ was demonstrably suggested by the UI, South’s 3♥ bid was disallowed. For N/S the contract was changed to 3♣ doubled down five, –1400 for N/S. For E/W, however, West’s 3NT bid without a heart stopper was considered egregious enough to break the connection between the infraction and the result. So for them the table result was allowed to stand.

The Appeal: Both sides appealed the Director’s ruling. South said that since she had hearts and spades she had to bid

them. North believed that 3♥ was the right action and said he bid 3♠ assuming his partner had a big 5=3=0=5 hand. Everyone at the table knew 3♥ was natural. E/W believed 3NT may not have been a great bid but they did not know what else could be done. West did not know what bids other than 3NT would have meant when 3♠ came back around to him.

The Committee Decision: Several Committee members said that as South they would have passed 3♣ and sat for the double, so pass was judged to be an LA to 3♥. The play in 3♣ doubled would likely have resulted in down five. As for West’s 3NT bid, several Committee members said they would also have bid 3NT when 3♠ came around to them. Thus, 3NT was judged not to be an egregious error. Consequently, the contract was changed for both pairs to 3♣ doubled down five, +1400 for E/W. The Committee also believed that North was sufficiently experienced to know that passing 3♣ was an LA for South. Therefore, the appeal was found to lack substantial merit and N/S were each assessed an AWMW.

DIC of Event: Henry Cukoff

Committee: Jeff Goldsmith (chair), Gary Cohler, Richard Popper, Chris Willenken, Jon Wittes

☞ Four panelists are happy with the Committee’s decision.

Allison: “I agree with the Committee’s decision, including the AWMW. South, by the way, is also fairly experienced although North was surely more responsible for knowing that bringing this appeal was wrong.”

Rigal: “The ruling against the non-offenders was harsh. I can hardly believe that anyone would have been prejudiced against them personally but it does look as if they were being held to the highest standards. The Committee’s decision is harsh to the offenders but arguably they deserved it. Some people (will Bart be one of them?) would say that South’s distribution is extreme enough never to sit for 3♣. I do not buy that argument today, but there are hands where I might be persuaded; change the ♥4 to the ♥J, for example, and I might listen to it.”

Polisner: “The Director needs to check the definition of ‘egregious’ before making such a ruling as West should place East with a 3=4=5=1 pattern or close thereto.”

Wildavsky: “Fine work by the Committee.”

✍ Our next panelist half agrees with the Committee but thinks E/W earned their –200.

Wolff: “I agree with the Committee’s reason on the culpability but believe that E/W should keep their earned –200.”

✍ Outside of those responsible for the table ruling and Dave (below) I think he’ll have trouble finding anyone to agree with his view of E/W’s actions.

Our next group thinks North deserved an additional PP for his conduct in this affair. First, the Committee chair explains that there was some sentiment for the PP—though not quite enough.

Goldsmith: “N/S’s PP was just barely voted down as they’d already managed a zero on the board. I don’t know why Committees feel sorry for players who use illegal methods to try to weasel out of their disasters when the disaster is a real calamity, but are willing to ding offenders when canceling the illegal action restores them to an average, but that seems to be the case.”

Gerard: “West was short on imagination, since surely he knew what double would have meant when 3♣ came back around to him. I make it –800 in 3♣ doubled, so there was no way to recover the 1400 that E/W were entitled to. That makes all the hoo-ha about the egregiousness of 3NT irrelevant. I agree that it wasn’t even close to failure to continue playing bridge. North’s justification was unacceptable. Not only as to 3♥, but what would constitute a ‘big 5=3=0=5 hand’? ♠AKxxx ♥Axx ♦--- ♣KQxxx? 5♣ is just on a heart finesse through the opening bidder, and 4♣ makes on most three-two trump splits. Since everyone at the table knew 3♥ was natural, I would have issued a PP to North for his 3♣ bid and explanation.”

R. Cohen: “It looks like a certain pair has problems with their two-suited interventions. They are a nuisance to the game and their opponents. The only thing lacking in here is a PP.”

✍ If PPs were issued to everyone who forgot their agreement or was a nuisance to the game and their opponents, who would be left for Ralph to play bridge with?

Weinstein: “When both sides appeal it usually means the table ruling was excellent. However, I sentence this table Director to a lifetime of facing impossible Master Solver problems with all answers being ruled egregious. Good job by the Committee, including the AWMW to N/S. N/S could have been assessed a PP for the 3♥ bid.”

✍ Two panelists question whether South would ever sit for 3♣ doubled.

Endicott: “After a pass by South and a double by West, passed back to South, is pass now an LA to 3♥ for the class of player? This is the appeal that N/S might reasonably have entered and that I would have liked to have seen the Committee consider.”

Treadwell: “Although South should pass her partner’s 3♣ bid, it is a different matter after the bid is doubled. No player in their right mind would sit for it. What would happen then is a bit fuzzy; E/W certainly would not get to 3NT, but would either double for penalty or push on to 4♦ or 5♦. Since 5♦ is easily defeated (after the ♥A lead North plays the queen, South then underleads to the ♥J for the obvious club ruff), I would assign reciprocal scores of +130 to E/W. This is generous to E/W for the rather outlandish 3NT bid and sufficient punishment to N/S for the use of UI.”

✍ If Dave is right that South’s peers would never sit for 3♣ doubled with a club void and extra heart length and a good suit (I agree; bidding discipline is fine, in its place, but passing that South hand looks too much like hari-kari to me), then the best E/W can do is collect 200 against 3♥ doubled. Is that likely or at all probable? If not then Dave’s reciprocal 130s looks like the best result possible for E/W. What if West held four good hearts? I think 3♥ doubled is likely enough to be assigned to both sides: +200 for E/W, –200 for N/S.

As for the PP, I think North treated South’s 2♦ bid as just what his partnership agreement said it was: top and bottom (spades and clubs). He bid a normal 3♣, preferring his five-card suit to his three-bagger, and then, when South bid 3♥ before any doubling had begun, he reasonably assumed that South had a good hand with both black suits and a heart fragment and showed his modest three-card spade support with 3♠. This is consistent with his stated belief that 3♥ confirmed the black suits but showed extra strength and a heart fragment. It also explains West’s double of 2♦ as possibly showing good diamond support for East but not necessarily a good hand. So I find nothing in North’s actions that warrants a PP, although the same may not be said about South’s immediate 3♥ bid. If any action is questionable it is South’s, not North’s. But I find South’s extra heart length together with the reasonable quality of the suit and the club void sufficiently seductive for a player at her level to not issue her a PP and instead to educate her as to her responsibilities in these situations in the future.

I have much the same feelings about N/S’s decision to appeal the table ruling. I think it was reasonable to ask a Committee to evaluate South’s decision to bid her hearts and not to sit and wait for the doubling to begin. I agree that South cannot be allowed to bid 3♥ immediately in the presence of the UI from North’s explanation and I would adjust the score for both sides to 3♥ doubled down one, +200 for E/W. But I find the appeal justified even though the Committee judged that South should sit for 3♣ doubled. I find it not unreasonable for N/S to ask for a “second opinion” on what turns out to be a highly arguable case of bridge judgment.

CASE SIXTEEN

Subject (UI): Not Normal—Blatant

Event: NABC Fast Pairs, 27 July 03, First Final Session

Bd: 2	Bob Morris		
Dlr: East	♠ AKJ97		
Vul: N/S	♥ J8		
	♦ K42		
	♣ J92		
Michael Polowan	Sharon Hammer		
♠ 653	♠ 82		
♥ 3	♥ Q10974		
♦ 1053	♦ QJ876		
♣ A108743	♣ 6		
	Bob Etter		
	♠ Q104		
	♥ AK652		
	♦ A9		
	♣ KQ5		
WEST	NORTH	EAST	SOUTH
		Pass	1♥
3♣(1)	Dbl	3♠	Dbl
4♣	4♠	All Pass	
(1) Alerted; ♠+♣, reasonable hand			

The Facts: 4♠ made four, +620 for N/S. The opening lead was the ♣6. The Director was called after the 4♣ bid. West admitted that he had forgotten his agreement. The Director ruled that if West thought 3♣ was a preempt then East's 3♠ bid either promised club support or was an unusual enough action to awaken West to his agreement, and therefore the UI did not affect the auction. The table result was allowed to stand.

The Appeal: N/S appealed the Director's ruling. North believed that West had UI available from the Alert and explanation of 3♣. Without that information, it would have been logical for him to pass the double of 3♠, resulting in a contract of 3♠ doubled. West believed that since his partner was a passed hand it was unlikely that she could have long spades to contest with opposite a partner with a weak hand. E/W played that after a weak two-bid and a

double, a new suit was forcing and lead directing, showing a raise of partner's suit. West believed this auction was analogous and that returning to 4♣ was normal.

The Committee Decision: The Committee agreed with N/S that passing 3♠ was an LA to the UI-suggested 4♣ bid. Even if East were making a lead-directing bid with club support, after the double West could pass and East would correct to clubs herself. Thus, the Committee changed the contract to 3♠ doubled. As for the result in that contract, one Committee member thought N/S were likely enough to obtain their diamond ruff and hold E/W to one trick to assign a result of down eight (at least to E/W). The other members judged it overwhelmingly likely that upon seeing dummy, the defense would clear trumps, resulting in down seven. The contract was therefore changed to 3♠ doubled down seven, +1700 for N/S. Additionally, the Committee was unhappy with West's 4♣ bid, which they considered blatant use of UI, and consequently assigned an additional one-quarter board PP to E/W.

DIC of Event: Henry Cukoff

Committee: Doug Doub (chair), Jeff Goldsmith, Chris Willenken

✍ Not surprisingly, the Committee received glowing reviews for their decision (hear, hear) while the table ruling was universally rejected. Here is the "sanitized" version of what our merry band of commentators had to say.

Weinstein: "Do all bids in this partnership show spades and clubs? Was there evidence that this was a forget and not a misexplanation? Is there a one-quarter board limit for a PP? Two of the three Committee members had already witnessed

the CASE FIFTEEN travesty involving this pair. One would think that West, an extremely experienced player, would have gotten the message from the previous evening's appeal. Had the Director not had blinders on, this use of UI would not have come to light. I beseech the Board of Directors to remove our kinder, gentler casebook policy. There are things that need to be said and at times kinder and gentler is just not sufficient."

Gerard: "Please, please, *please* can we go back to the pre-censorship days? 'Disparaging' wouldn't even be in the same county. What is the strongest disciplinary-type action that a Committee can recommend? As in CASE FIFTEEN, West's justification was suspect. The weak two-bid treatment doesn't prove anything without a specific agreement, while West has very high standards for weak two-bids so he himself might have passed originally with a long suit. And if my A10xxxx were in hearts and the auction had started 2♥-(Dbl)-2♠-(Dbl), I would pass as West. After the last two cases, isn't Wolffie owed at least a partial apology for the years of abuse (from me, too)?"

✍ Actually, Wolffie back peddled a bit on this one.

Wolff: "E/W really represented 'raw meat' to the Committee's lions. A little too much, but has my blessing if 'we start spreading the news' of this public flogging."

Treadwell: "Good decision by the Committee, including the PP to E/W for the gross use of UI."

R. Cohen: "Hurray for the Committee! (See my comment for CASE FIFTEEN.)"

Polisner: "This E/W pair clearly should not be allowed to play bids that show the black suits (see CASE FIFTEEN). Since the Director should have followed my advice to look up the definition of egregious, he might have found West's bid of 4♣ to be an example thereof. Such a clear use of UI should at least be recorded."

Allison: "Awaken West to his agreement, indeed! Why protect a West who was blatantly taking advantage of UI? Had the Director ruled correctly (as did the Committee), I would assign an AWMW to a pair that appealed. The PP was richly deserved."

Goldsmith: "PP the second time around. I'd like to put on record something already known in Europe: If a pair uses Ghestem or one of its cousins and forgets it, either by the bidder or his partner, they get the worst of it in Committee. Bids of this sort are very easy to forget, so just take your disasters when they happen without complaining while you are learning the convention. Or stop playing it."

Rigal: "The Director might have ruled more harshly against the offenders in the light of CASE FIFTEEN. The Committee correctly picked up on the fact that West has an 'obvious' pass of 3♠ and that he used the UI to correct the contract. West must be held to the highest standards and the PP is reasonable under those circumstances. Seven down is also fine by me."

Wildavsky: "E/W were unlucky that the Director ruled in their favor. If he hadn't they might have avoided the PP."

✍ E/W were lucky they weren't issued a PP at the table—they should have been.

CASE SEVENTEEN

Subject (UI): The Re-Return Of The Shadow

Event: NABC Fast Pairs, 27 Jul 03, Second Final Session

Bd: 18	Fred Hamilton		
Dlr: East	♠ Q10832		
Vul: N/S	♥ 863		
	♦ 3		
	♣ K972		
Stan Christie			Sandi Hart
♠ AKJ6			♠ 4
♥ AQJ			♥ 954
♦ AJ985			♦ KQ642
♣ J			♣ A1054
	Lenny Ernst		
	♠ 975		
	♥ K1072		
	♦ 107		
	♣ Q863		
WEST	NORTH	EAST	SOUTH
		Pass	Pass
1♦	Pass	3♦(1)	Pass
5♦	Pass	6♦	All Pass
(1) Alerted			

The Facts: 6♦ made seven, +940 for E/W. The opening lead was a small spade. The Director was called when dummy came down. E/W’s actual agreement was that 3♦ was weak. The contract was changed to 5♦ made seven, +440 for E/W (Laws 16 and 12C2).

The Appeal: E/W appealed the Director’s ruling and were the only players to attend the hearing. E/W said they had been playing together for 10 years and that 1♦-2♦ was inverted and showed 10+ HCP. East (who had 850 MP) explained that her hand only contained 9 HCP so she couldn’t bid 2♦. When her partner jumped to 5♦ East reasoned that she had an ace more than she promised, so if West could make 5♦ opposite what he expected her to have, he should be able to make 6♦ opposite what she actually held.

The Committee Decision: The Committee believed that East was

being honest and was simply playing less-than-expert bridge, not doing anything untoward. The evidence suggested that there was no UI, that the Alert was accurate and that East had meant to make a preemptive raise. Since there was no UI, there was no infraction and the table result was allowed to stand.

Dissenting Opinion (Jeff Goldsmith): This case is very similar to CASE ELEVEN from Phoenix. The offending side made an apparently good non-bridge case justifying their not having UI when the cards and actions suggested otherwise. In cases like this, I think Committees ought to err in the direction of disbelieving self-serving testimony if it is at all close. Sadly, doing so does feel a little like throwing out the baby with the bath water, but in exchange we prevent unscrupulous players from taking unfair advantage that they might get away with otherwise. The Committee’s only rationale for believing the offenders was that the 3♦ bidder had only 850 MP; they believed this meant she was inexperienced enough to have bid as she did completely innocently. If she had 5 MP, I might agree with that assessment, but 850 is way too many MP to argue that “it was just less-than-expert bridge that happened to work.” In any case, the damage done by believing rank beginners is small; they don’t stay beginners very long. I think the Committee ought to have assigned 440s to each side, but explained to the offenders very gently: “We have a great deal of sympathy for what is happening to you; you must feel that you are being punished unjustly. But we hope you can look at the situation from our perspective. Imagine a pair of villains, one of whom thought 3♦ was a limit raise. When he heard the Alert, he knew there was a misunderstanding and he thought, ‘I have a lot of catching up to do,’ and so bid 6♦. Then he made exactly the same statements you did, hoping to get away with his actions. How can we tell the

difference between you and him? Probably, we can’t, so we simply look at the cards. We think it’s much more likely that any given player thought he was making a limit raise with your cards than that he chose to make a very heavy preemptive raise, so we decide on that basis. This is not to say we think *you* did that; we are certainly not accusing you of anything. But over the long run, we’ll be more accurate by going with the odds rather than our perception of your integrity. Please understand the problem we face. We are not mind readers. Since it is so difficult to judge when people are being truthful, particularly when they are prepared well and it is in their best interest not to be, it works best on balance simply to follow the cards and not the people. Sometimes it hurts honest players, but in the long run, they gain far more because dishonest players will lose many times more often as a result of this policy.”

DIC of Event: Henry Cukoff

Committee: Jeff Goldsmith (chair), Jon Brissman, Adam Wildavsky, Chris Willenken, Jon Wittes

✍ Most panelists side strongly with the dissenter and applaud the eloquence of his dissent. We begin with the man himself.

Goldsmith: “Given that I was the chairman and the dissenter, I have to admit that I think I let the Committee get out of control. One mitigating circumstance is that it was after a Fast Pairs event and most of the Committee members and players had somewhere to go right then; the Committee didn’t want to delve deeply into the philosophical issues involved. Instead, the majority chose to go with their gut feel. They may well have been right this time, but such reasoning leads to the type of case we see as the oft-claimed reason to abolish Appeals Committees. I don’t know if this is relevant, but Adam Wildavsky stated his position as dissenter as well, but never sent in a position statement. Does that make him no longer a dissenter?”

✍ As Jeff points out in his dissent, we judge a person by his actions rather than his words, particularly when the two conflict. Since Adam did not write a dissent or ask to have his name added to Jeff’s dissent, we must count him as a non-dissenter. You may also note, as you read Adam’s comment (below), that just because a Committee member votes against the Committee’s decision does not make him a dissenter.

Wildavsky: “This was a three-to-two decision. I agreed with Jeff at the time, and I agree with his cogent dissent.”

Wolff: “Jeff Goldsmith’s dissent was one of the best I have had the privilege to read. It needs to be a precedent to be read and followed on this type of case. Thank you, Jeff.”

Allison: “I am absolutely persuaded by the dissenting opinion which is classic and could be used as a guideline for committees dealing with inexperienced players who are not beginners. It is hard to imagine someone with the amount of table time that 850 MP represents not realizing that the East hand is definitely *not* a weak jump raise of a minor, but rather a limit raise. Points Schmoints.”

Gerard: “I’ve argued the dissenter’s position many times in the past, although not (if you can believe this) in as many words. It’s simple: a player who thought he made a limit raise and didn’t hear an Alert would pass 5♦, so how do we know this East wouldn’t have been one of them but for the UI? Just because she told us otherwise? Sorry, we can’t just take your word for it when the evidence is overwhelmingly to the contrary. I don’t even have a great deal of sympathy, since the Committee’s decision is not a scorecard on a player’s virtue but is an enforced, technical reading of the laws. What is so difficult about saying ‘Sorry, we believe you but we have

to decide against you'? As the dissent suggests, the world is full of evildoers who will play us like a fiddle if we try to engage in mind reading.

"The Committee should have looked more deeply into East's reasoning before judging that she was just playing to such a low standard. Why was it only after the 5♦ bid that she felt embarrassed about her 'extra ace,' not before it? If your bid shows 0-9 the fact that you have 9 doesn't mean you have an extra ace. Why didn't she say she had an extra ace and king-queen? I might believe that an inexperienced player would judge this hand a preemptive raise, but not after later recognizing that it was too good for a preemptive raise. The majority bought both ends of the story, while condoning inconsistent evaluation in the face of UI. That's just bad for the process. Two members of the majority were on the other side in CASE FOURTEEN from Philadelphia (2003), with one of them persuasively making many of the same arguments the dissent did here. I don't care how convincing East was as a less-than-expert, her explanation was not as convincing as the evidence of her hand. Yes, as Stevenson says, we don't have to completely disregard her self-serving statement but no, as the dissent says, we can't let it persuade us when the cards and table actions indicate something else."

Rigal: "I strongly disagree with the Committee and support the dissenter. I can't understand how or why the Committee put themselves into the shoes of the offenders to support the claim of no UI. No player—even in an NABC Fast Pairs—would make a weak 3♦ raise with the East cards. It is closer to an opening bid. That being so, the dissenter said it all—in more than one way."

R. Cohen: "My sympathies are with the dissenter. Forget the 850 MP, this pair has been playing together for 10 years. Hardly novices. Look at Laws 73C and 75F1. East has been awakened by her partner's Alert. She cannot be allowed to benefit from the UI."

Endicott: "East makes a weak bid on a good hand and then tells us it is a weak hand. The majority of the Committee had drunk of the milk of human kindness."

✍ The remaining panelists support the Committee majority's decision. However, there's a problem with the next panelist's view of UI.

Polisner: "The write-up does not indicate whether N/S asked the meaning of 3♦, which could make a difference in whether East knew that West thought her bid was weak. From East's perspective, 6♦ had a 50% chance of making taking away her ♣A and West's secondary spade cards. This is a difficult case. I agree with the Director's approach to this type of problem; however, the matchpoint result for 5♦ is unlikely to be terrible as 3NT may score more than the diamond game and slam is reasonable opposite almost any hand West could have. The stiff spade is the key factor that would cause me to go along with the majority."

✍ In many cases the Alert alone constitutes UI just as surely as an explanation of the bid would have had one been given. The Alert of 3♦ here strongly suggested (since E/W were playing a standard system) that West thought it was inverted (preemptive)—why else would he Alert 3♦? Thus, if East had forgotten that she was playing inverted raises, it would not be a stretch for her to infer from the Alert itself what was happening. So whether N/S asked about the Alert was irrelevant.

You should also note that even though Alerts provide UI in many cases, they do not in all cases. For example, my partner opens 1NT and RHO doubles. I bid 2♠ and partner Alerts. If I intended 2♠ as natural, then the Alert tells me that partner thought it was artificial (UI). However, if I intended 2♠ as MSS, or a transfer to clubs, or any other conventional and Alertable usage, then partner's Alert tells me nothing useful—unless an opponent asks about it—since I cannot distinguish which Alertable meaning for 2♠ partner thinks I have based on the Alert alone.

The next panelist makes a similar error about the UI in this case.

Treadwell: "Just because a player bids in less-than-expert fashion is not a reason to disallow a somewhat gambling bid to reach a good contract. Since there was no UI, the Committee, unlike the Director, came up with the correct decision."

✍ Sorry, but there *was* UI here that clearly suggested bidding 6♦. Unless there is evidence that East's 3♦ bid was within the parameters of what the bid promised, East should not be allowed to make a "gambling" bid to reach a good contract if that bid was demonstrably suggested by the UI from the Alert.

Our final panelist alone among the majority-supporting group provides a valid argument for allowing the 6♦ bid (although he too is wrong about the UI).

Weinstein: "I love the dissenter's speech, and it is worth keeping around to present to alleged offenders in many cases—just not this one. I understand not giving the benefit of the doubt after an infraction, but we have no evidence here that there was an infraction. There are many players with 850 MP out there to whom 10 points means 10 real, actual, count 'em-up-on-the-fingers, points. This would not be throwing out the baby with the bath water, it would be throwing out the entire nursery. Even if we use the assumption that you might be guilty so you go to jail, the opponents shouldn't get the benefit of this assumption and should certainly retain their score. This all seems so un-American, at least before Ashcroft became Attorney General. (Can I say that? Is this casebook going to a library where he may be watching?) Perhaps we need a high standard for the partner of the player who gave the UI in these situations, but we should require a preponderance of the evidence, strongly leaning towards innocence, in determining whether this type of infraction occurred in the first place. Just as it is difficult to prove that this pair had UI, it is just as difficult to prove their innocence.

"I have ranted and raved about this situation before to no effect, and conceivably I have even invoked this example before. But please humor me. An expert Chicago pair (not me) who had played together for years encountered the following situation. One player made a support double on the ace-jack doubleton of his partner's suit with an 18 count and no stopper, judging it the best call. He was accused of being in possession of UI from the subsequent Alert and eventually had his score adjusted. This means that you are at serious risk if you make a call that you judge the best one available if partner will Alert or explain it as showing a different hand than you hold. There is no way to preclude this from occurring and it now means the laws (as often currently interpreted) are constraining you from playing your best bridge. This is entirely different than constraining partner with an out-of-tempo call, or him doing the same to you. Without a normal (but not free) presumption of innocence in this situation, we are distorting the game when there has been neither an irregularity nor an infraction."

✍ Well, there clearly was UI here but the force of Howard's argument applies just the same. The Committee must judge whether E/W's agreement was what they claimed or whether it was something else—something more likely. The dissenter and his followers, apparently speaking for the expert community, believe that "no player... would make a weak 3♦ raise with the East cards" (in Barry's words). Thus, East could not have intended 3♦ as the weak raise and her 6♦ bid must have been influenced by the UI. The Committee majority and their supporters (including me) believe that "there are many players with 850 MP out there to whom 10 points means 10 real, actual, count 'em-up-on-the-fingers, points" (in Howard's words). East bid her cards as per her 850-MP understanding of her agreement, and judged to gamble out 6♦ when, in her own words, she reasoned "she had an ace more than she promised, so if West could make 5♦ opposite what he expected her to have, he should be able to make 6♦ opposite what she actually held." And so he could! (That E/W may play 3♦ cold for game or slam is what East pays for her kind of thinking.)

Howard is right: a preponderance of the evidence must point to an infraction before we adjust the score. In my judgment it doesn't, so the table result stands.

CASE EIGHTEEN

Subject (UI): Right Ruling, Wrong Reason?

Event: NABC Fast Pairs, 27 July 03, Second Final Session

Bd: 23 Dlr: South Vul: Both Blair Seidler ♠ KJ8 ♥ KJ ♦ J1098 ♣ AQ43 Sangarapil Mohan ♠ 109762 ♥ AQ10832 ♦ 73 ♣ ---	Robert Gardner ♠ A43 ♥ 95 ♦ AQ52 ♣ J1062 Larry Ascher ♠ Q5 ♥ 764 ♦ K64 ♣ K9875																												
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">WEST</th> <th style="width: 25%;">NORTH</th> <th style="width: 25%;">EAST</th> <th style="width: 25%;">SOUTH</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td>Pass</td> </tr> <tr> <td>1NT(1)</td> <td>Pass</td> <td>2♣</td> <td>2♥</td> </tr> <tr> <td>Pass</td> <td>Pass</td> <td>3♣</td> <td>Pass(2)</td> </tr> <tr> <td>3NT</td> <td>Dbl</td> <td>All Pass</td> <td></td> </tr> <tr> <td colspan="4">(1) 15-17 HCP</td> </tr> <tr> <td colspan="4">(2) Asked about 3♣; told natural, but no agreement about whether forcing or not</td> </tr> </tbody> </table>	WEST	NORTH	EAST	SOUTH				Pass	1NT(1)	Pass	2♣	2♥	Pass	Pass	3♣	Pass(2)	3NT	Dbl	All Pass		(1) 15-17 HCP				(2) Asked about 3♣; told natural, but no agreement about whether forcing or not				
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his partner was primarily a rubber bridge player.

The Committee Decision: The Committee considered the issue of the form of the question; they agreed with the Director (who said he considered it irrelevant) and dismissed it. Under Law 16A the Committee had three questions to answer: (1) Was UI present? (2) Were there LAs to the action chosen? (3) Did the UI demonstrably suggest the action chosen over an LA? Regarding (1), the Committee believed there was no question that UI was present. A player may ask as many questions as he pleases, but the fact that he asks is UI to his partner. Regarding (2), the Committee was divided as to whether or not pass was an LA to North's double. Pass would be right quite often, even with South's actual holding. Give West one of East's small hearts and the only question would be whether or not the contract scored an overtrick. With no consensus on the LA issue the Committee moved on to (3). They could not demonstrate that the UI suggested double over pass. South might well have asked the meaning of 3♣ regardless of his hand, and the fact that he asked did not make North's double more attractive. (If anything it might suggest a club void, which would make the double less attractive.) Therefore, the Committee allowed the table result to stand. Finally, the Committee found the appeal had merit because the Director might have assigned the right score for the wrong reason (one Committee member believed that pass by North was clearly an LA). If so, E/W were entitled to a ruling on the issue of whether the question suggested double over

The Facts: 3NT doubled went down three, +800 for N/S. The opening lead was the ♥9. The Director was called by E/W after the play of the hand and the issue of South's questions during the auction was raised. The Director ruled that passing 3NT was not an LA for North; the table result was allowed to stand.

The Appeal: E/W appealed the Director's ruling. N/S told the Director in advance that they would not attend the hearing. E/W said that the form of the question about the 3♣ bid had not been proper (it was something like: "Was 3♣ forcing?" rather than the more appropriate "Please explain"). They also believed the question itself showed an active interest in the deal and that a hand with less defensive potential might well have passed without asking any questions. A bit later South appeared at the hearing room and joined the proceedings. In response to the Committee's questions he explained that in his style he "would not overcall on queen-jack sixth and out" and that

pass, even if in this case it did not improve their score.

DIC of Event: Henry Cukoff

Committee: Adam Wildavsky (chair), Jon Brissman, Jon Wittes

✍ The panelists unanimously support (or in some cases are merely willing to live with) the Committee's decision, if not their means of arriving at it. Mr. Chairman.

Wildavsky: "I haven't changed my mind."

✍ Excellent, and reassuring.

Allison: "Since I would pass with the North hand, I find pass an LA. I do not think the question in and of itself is a suggestion to double 3NT; indeed, a club void with South certainly reduces North's chances at successfully stopping the clubs as the double might suggest the stopper and a successful line of play to a West with two club honors in dummy. Furthermore, there is no reason to suspect that declarer has fewer than three hearts on the auction. North was out on a limb but survived."

✍ Several panelists discuss the issue of South's question. One decries it.

Wolff: "I agree with the Committee's decision, but South should stop asking so many questions. Probably nervous energy but it does cause problems sometimes."

✍ Another supports it.

Goldsmith: "Great write-up. Well done, Committee. From the result of a case in Philadelphia, we know now that asking about 3♣ here is almost free. If 3♣ doesn't promise a major, it requires an Alert and nearly no one knows that. To ask about it just to avoid a possible problem later is reasonable, so I'd go so far as to say, 'no UI from this question' had it been asked correctly."

✍ And a third refuses to deal with it.

Rigal: "The form of the question was indeed irrelevant. But it could be argued that the simple asking of it, however innocently, conveyed UI to North. Pass certainly looks like an LA to me, so the issue is whether there was UI. I can live with the Committee's decision; I do not want to get into the whole argument of whether 'question=inference conveyed' yet one more time."

✍ Coward.

The next two panelists find flaws in the write-up, but not in the final decision.

Endicott: "Technically, the Committee has four questions to answer. It must satisfy itself whether there is damage linked to the UI. If the Committee is divided on whether pass is an LA to double the likely answer is 'yes.' Only in the last line does the Committee mention the question that should be the key to its decision."

✍ Grattan is right: a link between the UI and damage is also required and the lack of a consensus on the LA issue clearly indicates that an LA exists.

Polisner: "I disagree that the question (in whatever form) constituted UI by a passed hand, vulnerable, and was most likely to be idle curiosity—which it was. In fact, I disagree with the Committee's entire analysis, including the order in which the issues were considered. I believe there was no UI. But if there was it did not demonstrably suggest any particular action. And if there was UI that did suggest an action then there was an LA. I do agree with maintaining the table result."

✍ The next two panelists suggest that an AWMW may have been in order.

R. Cohen: “E/W tried to get from the Committee what they didn’t achieve at the table. I suspect that there wasn’t much difference in the matchpoint score between –300 and –800. A tempest in a teacup and a waste of the Committee’s time.”

Treadwell: “Good analysis and decision by the Committee. The double by North is virtually automatic with the club suit stopped in addition to his other cards. I would have considered an AWMW for E/W.”

✍ Virtually automatic my posterior (see Karen’s and the Committee’s discussions of this issue).

South’s question clearly conveyed UI, but in what direction did it point? South might hold extra high cards (unlikely, given East’s 3♣ bid and North’s own hand) or extra playing strength (extra heart length or a second suit—in this case spades). Whatever South has, it surely suggests that North take a further action with so much in the way of transferrable values. So the issue is not whether the question suggested the double so much as that it suggested further action, and North’s double catered to whatever form South’s extras might take. We also know that North’s double was not clear-cut: several panelists confirm that pass is an LA. So we have UI that demonstrably suggests that double might work out better than pass. We have pass being an LA, and certainly damage resulted from the UI.

As for Jeff Goldsmith’s suggestion that there was no UI from South’s question (had it been asked correctly), I disagree with his conclusion (see *The Philadelphia Experiment*, Spring 2003, CASE TWENTY-NINE). Just because a certain class of bid requires an Alert (e.g., a Stayman bidder’s 2NT rebid if it doesn’t promise a major) and many players are unaware of it does not give everyone carte blanche to ask about those bids just to avoid a “possible” problem later in the auction (in case the bid should have been Alerted and this opponent is one of those who are unaware of it). That would open up the possibility that any player could ask a question at any time and argue, “I play against pairs who forget to Alert that bid all the time. I was just trying to avoid a problem later.” Humbug!

I would disallow the double and adjust the score to 3NT down three, +300 for N/S. Sadly, only Barry among the other panelists seems to have any inclinations along similar lines.

Subject (UI/MD): He Doubled Me And My Hand Just Fell Apart

Event: von Zedtwitz Life Master Pairs, 19 Jul 03, Second Semi-Final Session

Bd: 18	Phil Schaefer		
Dlr: East	♠ Q42		
Vul: N/S	♥ 1097542		
	♦ J9		
	♣ 104		
Fred Chang	Brian Glubok		
♠ J53	♠ K		
♥ QJ8	♥ AK63		
♦ A5	♦ Q10762		
♣ AKJ92	♣ Q85		
	Nell Schaefer		
	♠ A109876		
	♥ ---		
	♦ K843		
	♣ 643		
WEST	NORTH	EAST	SOUTH
		1♦	1♠
2♣	Dbl(1)	Pass	Pass
Rdbl	2♠	3♣	All Pass
(1) Explained by South as penalty			

The Facts: 3♣ made six, +170 for E/W. The opening lead was the ♠2. The Director was called after the 2♠ bid. The players disagreed about whether East or West had asked the meaning of North’s double. Subsequently, E/W asked for a ruling on the MI about the 2♠ bid. The Director allowed the table result to stand saying there was no connection between the MI and the inferior contract reached by E/W (Law 21B1). Additionally, neither East nor West was taken away from the table by the Director to discuss alternate bids since the MI did not come to light until several tricks into the play. (South did not correct the MI following East’s 3♣ bid.)

The Appeal: E/W appealed the Director’s ruling. West did not attend the hearing. East believed that the improper explanation of the double had induced his partner to turn overly-cautious in the bidding and miss a game. A side issue was whether East or West had asked the

meaning of the double at their earliest opportunity. N/S said that East had requested information immediately after the double; E/W believed West that had asked when the auction reached him. As far as the MI concerning the 2♠ bid, East produced a sample East hand (♠xx ♥AKx ♦KQxxx ♣xxx) where West might have taken the best action in passing 3♣ since game was unmakeable without a spade stopper and North held ♣Q10xxx. Additionally, East might have psyched his 1♦ bid or opened extremely light. East estimated that he psychs approximately twice per tournament and will occasionally open a light hand that a majority of players wouldn’t. 2♣ was not a game-force in competition and the redouble was just some flexible action not knowing how to proceed. The Committee also determined that E/W played a 2/1 structure with five-card majors and a strong notrump. N/S said this was the last board of the session and everyone was very tired. South admitted that she forgot that the double guaranteed a spade honor, typically with two- or three-card support (she hadn’t bid a competitive 3♠).

The Committee Decision: The dispute over which of the E/W players had asked about the meaning of the double was found to be irrelevant to the issue of UI since both queries were legal. The Committee then addressed the question of whether West had been damaged in the bidding by the MI. The sheer strength of the West hand suggested a follow-up bid in the auction in case either 3NT or 5♣ was a making contract. East’s 3♣ raise argued against his having psyched his 1♦ opening. From West’s perspective, N/S were apparently attempting to penalize 2♣ with approximately 12 combined HCP, which seemed very unlikely. The Committee decided to leave E/W with the table result, judging that West was a good enough player to work out what was happening. However, for N/S the contract was

changed to 2♣ doubled made six, –580, since West could very reasonably have passed the double had he been given the correct information about the double.

Concurring Opinion (Mark Bartusek, Bob Schwartz): There was no opportunity to suggest AWMWs (which were so richly deserved) because a couple of members of the Committee believed that E/W were damaged by the MI. We dare say that E/W's fate hung in the balance until the final moments of the deliberations. E/W were surely competent enough to have deduced the possibility of MI given the highly suspicious auction and the combined assets of the partnership.

DIC of Event: Henry Cukoff

Committee: Mark Bartusek (chair), Mark Feldman, Ed Lazarus, Bob Schwartz, Peggy Sutherland

☞ Was West merely being prudent to pass 3♣ or were there sufficient clues for him to work out what was happening and take further action? The panelists all agree with the Committee: West was too naive.

Gerard: “I concur with the concurers. East's effort marks a new entry in the self-serving justification department: ‘I might have psyched.’ As for East's sample top-on-a-dime reconstruction, just think of what North would have doubled a forcing 2♣ with. As to East's opening light, there is no hand that the majority of players wouldn't open and it wouldn't matter opposite the West hand anyway. As to East's psyching, the Committee disposed of that by reminding him of his 3♣ bid. Three strikes and you're out, whether in New York, Australia or somewhere in between.”

Treadwell: “E/W were greedy to make the penalty redouble and then timid to stop in 3♣. Good decision to give E/W the table result and N/S –580 at 2♣ doubled.”

Wildavsky: “First, I don't understand the parenthetical comment. Why would South correct the MI after the 3♣ bid? Presumably she still thought the double was for penalties. Second, this is one of several cases where the Directors do not seem to have followed Law 72B1. Whether or not E/W committed an egregious error subsequent to the infraction the N/S score should still be adjusted. The Committee got this right.”

☞ Regarding the parenthetical comment, following East's 3♣ bid South might well have considered modifying her explanation of North's double (if she had any inkling that “penalty” was not her partnership agreement) since at that point she had new evidence that her explanation may have been wrong. For one thing, North's 2♣ bid strongly suggested that his double was not penalty. For another, East's free 3♣ bid together with South's own club holding made it clear that North couldn't possibly have enough clubs to double 2♣ for penalty. After all, West has enough clubs to bid them competitively and for a business redouble. East has a free, delayed club raise and South has three clubs herself. Question: How many clubs are left for North? (a) at most two; (b) it's quality, not quantity, that counts; (c) North could have psyched his double to keep up with East in the psychic bidding race; (d) it hurts my head to ponder such things; (e) I was never very good at math and besides, I swore I'd taken my last multiple-choice test when I graduated high school/college.

The next two panelists believe N/S deserved a PP for the problems they caused.

Rigal: “Yes, E/W deserved their table result and N/S deserved to be punished. My instincts are that N/S might have been subject to a PP and, based on one Committee member's comments, it would also have been nice had this been recorded. But they were probably hard done by with the Committee decision.”

Wolff: “To me West was allowing for a psych from East and so deserves to be plus

only 170. N/S need to be penalized for their MI. They should keep their –170 but be penalized the major part of a board for their culpability. PTF in action.”

☞ In special, high-level events such as the Team Trials the CoC provide for us to penalize a pair who give different explanations on the two sides of the screen. But in other events like this one there are no automatic PPs for infractions such as MI unless they are judged egregious; not just that they cause a problem that requires a score adjustment but that the problem is due to gross negligence or is a repeat offense and the pair has already been warned to get their act together—or worse.

One panelist thinks an AWMW would have been appropriate...

Allison: “I would say it was naive of West to pass 3♣ once East had raised. The greatest likelihood (confirmed by North removing the redouble and East raising) was that N/S were having a mixup and it behooved West, a very experienced player, to make some forward going bid. I agree with the Committee's decision and the concurring opinion. Furthermore, I would have been lobbying for an AWMW.”

☞ ...but others reject the AWMW approach since the N/S score was adjusted.

Weinstein: “Considering an AWMW seems like an overbid, especially when N/S got a new result. West's acceptance of the explanation of the double does seem naive, but obviously led to the poor result. Is it egregious to believe an opponent's explanation? Perhaps the situation should be synonymous with the responsibility to inquire about a likely failure to Alert rather than blindly accepting a call on face value. I agree with the Committee's decision. I had much more sympathy for E/W until they introduced the possibility of a psych by the hand that took another bid.”

Polisner: “A very well-reasoned Committee decision. I think that even an appeal that only results in the opponents' score being changed cannot be without merit.”

R. Cohen: “Even if the Director was called to the table in the middle of the play, shouldn't he, under ACBL procedures, have taken East and West away from the table separately to hear their comments before they knew the result of the play? As to the decision, East paid the price for his occasional psychs and was properly left with his table result. N/S should not be allowed to benefit from the MI, and –580 seems appropriate. Since the N/S score was adjusted, no AWMW was in order.”

Goldsmith: “Why weren't N/S entitled to 2♣ redoubled making six? If South had explained correctly, would not North pass 2♣ redoubled? But West's choice to pass 3♣ is clearly egregious and while he no longer had his chance at a bonanza, the disaster was his responsibility, so he gets to keep it. It's hard to give an AWMW when N/S's score is adjusted, despite E/W's protestations' being at best lame.”

☞ If West redoubles when 2♣ doubled comes back to him it seems unlikely that North would pass. From North's perspective, South's pass of his Snap Dragon-type double (showing hearts with spade tolerance) sitting under the 2♣ bidder smacks of a misunderstanding. Combine that with North's extreme lack of high cards plus his three-card spade support and discretion would seem to me to be the better part of valor. So there is simply no way to play 2♣ redoubled. But then why not...

Endicott: “If no question is asked North bids 2♠ over the redouble. He does not obtain his information from South's explanation but from her pass of his double. As for West, he has all the information to reach his best contract. The Committee should let the table score stand for both pairs.”

☞ If West passes 2♣ doubled he gets his best score since E/W cannot legitimately bid and make 6♣. Thus, N/S do not get to keep the table result. They get –580.

CASE TWENTY

Subject (UI/MD): CD Is Alive And Well

Event: NABC IMP Pairs, 25 Jul 03, First Final Session

Bd: 10 Jeff Olson Dir: East ♠ 953 Vul: Both ♥ AKJ83 ♦ J32 ♣ 94 Walt Schafer Jeff Schuett ♠ AQ10842 ♠ KJ76 ♥ 65 ♥ 7 ♦ A9 ♦ KQ854 ♣ Q52 ♣ 876 Gene Freed ♠ --- ♥ Q10942 ♦ 1076 ♣ AKJ103 WEST NORTH EAST SOUTH Pass 1♥ 1♠ 3NT(1) 4♠ Pass Pass 5♥ All Pass (1) Alerted (agreement: five-card support, 5-9 points), then withdraw	
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The Facts: 5♥ made six, +680 for N/S. The opening lead was the ♠A. The Director was called after the auction. South Alerted North's 3NT bid, then said he wasn't sure what it was, so North had UI that South didn't know he had five-card heart support. The Director ruled that E/W were not damaged by any MI but there had been UI. The 5♥ bid was disallowed and the contract changed to 4♠ down one, +100 for N/S (Laws 16 and 12C2).

The Appeal: N/S appealed the Director's ruling. North and East were the only players to attend the hearing. North said he knew from E/W's auction that South had at most one spade and that defending 4♠ was therefore not an option at IMPs. He believed pass was not an LA and therefore the table result should be allowed to stand. E/W said they were also damaged by the MI from South's inability to explain North's bid. When North explained what his bid meant at the end of the auction the Director

was called and East told him away from the table that had he known the meaning of North's bid he would have bid 4♥ rather than 4♠. Had he done so he believed West might have led the ♦A against 5♥.

The Committee Decision: The Committee first considered the UI issue. South's inability to explain North's 3NT bid (the Alert followed by the withdrawal) was UI, but at IMPs the Committee agreed that passing 4♠ was not an LA for North. Thus, they allowed the 5♥ bid. Next, the MI issue was considered. Based on North's statement and an examination of N/S's CC the Committee concluded that N/S were playing 3NT as a good heart raise with five-card support. Had East received a correct explanation of 3NT and bid 4♥, South would pass, West would bid 4♠, and North would still bid 5♥, which would have ended the auction. Accordingly, it was judged that the MI did not affect the final contract. The Committee then considered whether a 4♥ bid would make the ♦A lead more attractive to West. They decided that in fact the ♦A would have been a less likely lead on this auction, since West would have played East for a better hand and been less likely to think that a ruff or cashing their diamond tricks immediately would be necessary to beat the contract. Further, East did not say that he had told the Director away from the table that he might have bid 4♦ over 3NT, a bid which could have made leading the ♦A more attractive. Accordingly, the Committee allowed the table result to stand. Finally, the Committee believed that South had created this situation by his inability to explain a convention. Accordingly, they imposed a 3-imp PP on N/S for their failure to remember and explain a conventional bid.

DIC of Event: Steve Bates

Committee: Richard Popper (chair), Lynn Deas, Ed Lazarus, Mike Passell, Tom Peters

✍ The panelists are divided on two issues: Is passing 4♠ an LA for North? Is a PP appropriate for simply forgetting a convention? Three panelists support the Committee's decision on both issues.

Wolff: "The waterfront was covered by this excellent Committee decision."

Allison: "I can't add a word to the good work done by this Committee except to agree with its process and its conclusion, including the PP."

✍ The next panelist wishes to dicker about the size of the PP.

R. Cohen: "If I'm sitting in the East seat, after South's provisional Alert I grab both opponents' CCs and examine them. I don't try to get two bites at the apple. If the two CCs are not in synch on the point at issue, I call the Director to perform the appropriate functions. For all that, a pass of 4♠ is not an LA. Table result stands. As to the PP, a bit heavy. One or twoimps was enough."

✍ One panelist supports the PP (perhaps in England they are more acceptable as punishment for routine infractions, such as forgetting a convention) but disagrees with the Committee's judgment about the ♦A lead.

Endicott: "I would think the 5♥ bid increases the chances of a spade void with North or South, so the diamond lead would be a possible choice. The PP is due for a class of player adjudged to be competent."

✍ As Barry, Adam and Ron mention below, East was under pressure and could easily have three (or fewer?) spades. But if N/S have more spades between them, the inference that one of them is void is more unreliable.

The next three panelists accept the Committee's judgment on the LA issue but object to the PP.

Polisner: "Everything the Committee did as far as the result is concerned is fine. I am concerned about the 3-IMP penalty for forgetting a conventional bid. Is this part of the CoC? Where is the equality for the hundreds of other forgets in this event?"

✍ Where indeed!

Treadwell: "South obviously was not sure about the 3NT bid in this competitive auction. But don't we all face this sort of problem rather frequently in unusual auctions? Good bridge decision by the Committee but the imposition of the PP was a bit too much."


Rigal: "Good Director ruling. The double issue here is what East would have bid if properly informed. Since he said he only considered 4♥ and 4♠, we do not have to consider 4♦ for him. Then there is the effect of the UI on North's 5♥ bid. I'd have liked more thought about this from the Committee; the spade length is not conclusive, opponents often have only eight spades when under pressure, as here. I think you can make a case for 5♥ but is it a good one? I'll go with the Committee but I'm not happy about it. Once you accept the 5♥ bid the rest flows the way the Committee saw it. The PP is harsh if N/S are an unfamiliar partnership. Are they?"

✍ The remaining panelists disagree violently with the Committee on both issues. I'm with them.

Goldsmith: “Grrr. I disagree with everything about this decision. Not only did the Committee buy a load of BS, they also seem to have bought into Bobby Wolff’s idiosyncratic idea of how bridge works. Of course passing 4♠ is an LA. You’ve just pushed the opponents into game; partner suggests passing them there and you have exactly what you said you had. Not only is passing an LA, bidding 5♥ is a clear error, showing lack of partnership trust. 4♠ for –100 is one of the easier rulings in this set. East really should have bid 4♦ (4♥!?! More BS); then we wouldn’t be here as 5♥ is down one and E/W would have nothing to complain about. That doesn’t meet my standards of egregiousness, though, so E/W get –100. I’d like to give each side an AWMW for B5ing the Committee if that were allowed. I can’t give one to E/W as N/S appealed, but N/S gets a richly-deserved one. The PP isn’t unreasonable, but the explanation for it is off-the-wall goofy. Giving North a PP for gross abuse of UI is okay—maybe right. But the stated reason (‘for failure to remember and explain a conventional bid’) is ill-conceived and illegal.”

Wildavsky: “This is the kind of decision that gives Appeals Committees a bad name. The Committee focused on the wrong question. Certainly pass is an LA with the North hand. How could it not be? He’s described his hand well already. Just to confirm my judgment I took a poll by asking what players would bid (with no indication of any UI), or if they thought it was close. The respondents were predominately players likely to be found in the finals of a national pair game. The results were: 32 passed, 10 bid 5♥ and 11 said it was close. The Committee focused on the wrong issue, MI, when it was clear to adjust based on UI alone. Even considering the MI issue, the Committee ought to have done better. Regardless of what he said to the Committee, at the table East might have bid 4♦ over 3NT had he been properly informed. So the best adjustment is to give both sides the score for 5♥ down one, leaving the appellants with a worse score than they had coming in. The PP the Committee imposed seems to be a sign that they knew they’d made a poor decision. There is no penalty for a failure to Alert that has not led to damage. According to the Scope of the Laws, ‘The Laws are primarily designed not as punishment for irregularities, but rather as redress for damage.’ A proper PP would have penalized North for his blatant use of UI, not to mention his statements before the Committee. What was it about the E/W auction that told him his partner had a stiff spade? On a bad day his partner could hold ♠xxx! Note that even opposite the actual hand 5♥ is wrong on a double-dummy basis, since both 4♠ and 5♥ are slated for down one. I think one useful lesson here is that Directors and Committees should take an expansive view of LAs, rejecting a call only if it would be a clear error. The Committee members should consider carefully how they could have judged differently.”

Gerard: “I agree with the Director. North had shown his hand, he didn’t rate to have spade values, South took no further action. In a jammed sequence, North didn’t ‘know’ anything from the E/W auction; East might easily have been forced into a 4♠ bid with 3-1-5-4, leaving South with two spade losers. IMP Pairs is not IMPs, the same as a 7-board Swiss is not an all-day knockout. In each of the former cases safety is not as important as in the latter. The Committee was too dismissive of the UI issue, as if they had made up their minds that they would always bid 5♥ so that’s the end of that. Maybe they couldn’t put themselves in the place of a player using N/S’s methods. Bids like 3NT are so descriptive they transfer captaincy, absent a distributional aberration. With a normal hand for his bid, North can’t reclaim control in light of UI from his partner. So pass was clearly an LA. I guess this is one of the directions that PPs are headed in, failure by an experienced pair to remember basic auctions. That has not been previous practice—in fact it’s been subject to heavy doses of ridicule—so I would rather wait until there’s a consensus to this effect.”

 North’s hand may be the “poster child” for the 3NT bid N/S were playing here, so what about the auction invited North, having already described his hand to a tee,

to bid 5♥? As the above three panelists point out, bidding 5♥ is not only a violation of partnership confidence, it is a clear bridge error—in principle and in practice. So passing 4♠ was clearly an LA. As for East’s argument that he would have bid 4♥ had he known what 3NT was, why could he not have bid 4♥ anyhow? South still opened 1♥ so why would 4♥ not have been a cue-bid even without North’s support? And even if East would have bid 4♥, why would that have made the ♦A lead more attractive? The Committee’s analysis is correct on that point: logically a 4♥ bid would have made the ♦A lead less attractive.

On a related matter, I don’t think 4♦ was a viable option for East. Although as a passed hand it could be argued that he couldn’t have a diamond suit worth bidding at the four level that would not have opened some number of diamonds (unless he had spade support), we’ve all seen this inference prove fatal far too often to spring it on an unsuspecting partner—even an expert.

And finally, for all the reasons stated by panelists above and more, issuing a PP for the reason the Committee gave was a serious violation of one of our basic tenets: that PPs are reserved for egregious or flagrant acts and are not issued for routine errors or irregularities, such as forgetting infrequently occurring conventions, failing to Alert or not having two identically filled out CCs. Unless and until the CoC specify PPs for infractions like this so that we have a level playing field, we are better off restraining ourselves both for the sake of the fairness of the event and the good of the game, which is, after all, entered by countless players playing in pick-up or occasional or last minute partnerships. On the other hand, as Jeff Goldsmith and Adam both point out, a PP for North’s blatant use of UI would have been entirely appropriate.

Thus, I would have changed the contract for both sides to 4♠ down one, +100 for N/S, and issued N/S both a PP for North’s blatant use of UI and an AWMW (hopefully the other Committee members would recognize the logic in passing 4♠ with the North hand).

The final word—or lack of words—goes to...

Weinstein: “My mother once said that if you can’t say anything nice, don’t say anything. Now that we have the ‘nice’ casebook, I will employ the rare observance of my mother’s advice. Therefore, I have nothing more to say about this case, but I am resting up for CASE TWENTY-THREE.”

CASE TWENTY-ONE

Subject (MI): A Minor Mistake

Event: GNT, Flight C, 17 Jul 03, Evening Session

Bd: 16 ♠ K2 Dir: West ♥ K Vul: E/W ♦ AQ952 ♣ J10963 ♠ 6 ♠ QJ1098753 ♥ AJ1053 ♥ 964 ♦ --- ♦ 84 ♣ AKQ8754 ♣ --- ♠ A4 ♥ Q872 ♦ KJ10763 ♣ 2	WEST NORTH EAST SOUTH 1♣ 2NT 4♠ 5♦ 6♣ Dbl All Pass
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The Facts: 6♣ doubled went down three, +800 for N/S. The opening lead was the ♦A. The Director was called during the play when it was discovered that North, who had the partnership's only CC (marked "Jump to 2NT: 2 lowest") on the table in front of him, held the minors. The Director ruled that 2NT was a mistaken bid and allowed the table result to stand (Law 75B).

The Appeal: E/W appealed the Director's ruling. West said he never would have bid 6♣ had he known that North would be five-five in the minors. N/S agreed that they should have had two CCs and said they would have two cards filled out by the next session they played. North said

he had simply misbid.

The Panel Decision: Initially, six Flight C players were given the West hand, the auction (with 2NT explained as "2 lowest") and asked what they would bid over 5♦. None were willing to bid 6♣—primarily because of the expected bad heart position. Subsequently, the Panel satisfied itself that 2NT had been a mistaken bid and not a misexplanation, rendering the poll results moot. The Panel allowed the table result to stand. An AWMW was considered but decided against when two members of the Panel were of the opinion that a Flight C team is less likely to understand the Law 75 distinction between mistaken bid and mistaken explanation.

DIC of Event: Guillermo Poplawsky

Panel: Candy Kuschner (Reviewer), Patty Holmes, Gary Zeiger

Players consulted: six Flight C players

☞ While most panelists agree with this decision, there is a split over whether an AWMW is appropriate. We begin with those who agree with the Panel's decision not to issue an AWMW.

Allison: "I agree completely with the Panel's procedures and with their decision to educate rather than punish Flight C players."

R. Cohen: "Only a Flight C pair could get away without an AWMW. Everything else properly done."

Endicott: "Only the mention of an AWMW stirs me. I think we are a long way from such an award unless the players are experienced, as these are not."

Goldsmith: "Fair enough; Flight C events don't offer AWMWs unless the players involved misbehave as well."

Treadwell: "Good Panel decision."

☞ The next (smaller) group have some sound reasons for wanting an AWMW in this case, even for Flight C players.

Polisner: "Routine except for lack of an AWMW. Flight C players are not presumed to be stupid—merely less skilled bridge players."

Rigal: "I don't think AWMW decisions are supposed to be respecters of ability, but I'll live with the Panel's decision here. The point about the mistaken bid is sound, which of course implies that most of the write-up is irrelevant; I just wish it was the worst write-up we've ever seen."

☞ Also wanting an AWMW but looking for a score adjustment as well are...

Wolff: "The opponents of a mistaken bid instead of a mistaken explanation are just as dead. Why do we keep on practicing voodoo instead of considering what is good for the game? The proponents of the current rule state that to change it would be to bar psyching. Is there any doubt in this case that North did not mean to psych when he volunteered 2NT for the minors instead of for the two lower unbid as they were playing? Easily enforced so why do we continue to operate under this rule?"

Wildavsky: "There is no specific penalty for violating the regulation that each pair must have two CCs, and in practice no penalty is ever assessed. That means that there is no incentive to comply. In a case like this the Director would normally look at both CCs and conclude mistaken bid only if both were identical in this respect. Since the offenders have denied us this chance I suggest that we should always conclude misinformation rather than mistaken bid when a pair has only one CC between them. In effect, we are assuming that if they had another CC it would be marked differently. This is as it should be; there's no reason to give the offenders the benefit of the doubt. As for the AWMW, I don't see how it is relevant whether or not the appellants understand the law when they bring their appeal. What is screening for, if not to explain the relevant laws?"

☞ Adam's proposal—if a pair has only one CC assume the other would be marked differently—seems logical (not to mention simple to administer). The problem with it, though, is that it stresses the wrong goal by taking a punitive rather than an equity-seeking approach. In adjudicating these cases our goal should be to try to determine the pair's actual agreement based on the available evidence rather than seeking to punish any flaws in the documentation of their agreement. As long as the evidence convinces us that "2 lowest" is their agreement (which should require more than just a "preponderance of the evidence"; perhaps the standard should be "beyond a reasonable doubt") we should decide the case that way. This is similar to the approach Edgar recommended for adjudicating defective claims. In *Appeals Committee, X*, he wrote: "...it is important to...avoid a punitive attitude towards minor errors in claim procedure... The basic approach is not to punish the flaw, but to rule in equity: to protect innocent opponents against any substantial chance of damage... while trying to give the claimer the tricks he would have won had he played the hand out." (*The Bridge World*, December 1982). Thus, we should decide each case based on the available evidence and not punish technical infractions such as not having two filled-out CCs. Another problem with Adam's approach raised by the present case is that it was North, the 2NT bidder, who had N/S's only CC and it was marked "2 lowest." That fact alone, to my mind, lends considerable credence to N/S's assertion that North simply forgot and misbid.

I'd allow the table result to stand. However, I'd also warn E/W that their appeal was meritless and that had they been more experienced they would have received an AWMW and that they're now candidates for one the next time.

CASE TWENTY-TWO

Subject (MI): A Call In Time—Not!

Event: Stratified Senior Pairs, 18 Jul 03, First Session

Bd: 25	♠ KQ54		
Dlr: North	♥ KJ		
Vul: E/W	♦ K1097652		
	♣ ---		
♠ A32		♠ 1097	
♥ Q8652		♥ A1094	
♦ A3		♦ ---	
♣ AK10		♣ J98762	
	♠ J86		
	♥ 73		
	♦ QJ84		
	♣ Q543		
WEST	NORTH	EAST	SOUTH
	1♦(1)	Pass	1♥(2)
1NT	2♦	All Pass	
(1) Could be a 15-17 notrump			
(2) Asked length; told at least three			

The Facts: 2♦ made three, +110 for N/S. The opening lead was the ♣7. The Director was called when dummy came down with only two hearts. North said he believed South had to have three hearts for his 1♥ bid. South disagreed: his understanding was that he only had to have two hearts. The Director determined that South had not corrected North's explanation before the opening lead. West said that he would have bid 2♥ (so as not to lose the heart suit) had he been told that South could have as few as two hearts. The Director ruled that E/W were damaged by the MI about South's required heart length and that the most favorable result likely for E/W was a heart partscore by West making five. The contract was changed to 3♥ made five, +200 for E/W (Law 12C2).

The Appeal: N/S appealed the Director's ruling. North said he thought West had chances to bid his heart suit. West said he would have bid 2♥ instead of 1NT if he had been told that South could have as few as two hearts for his 1♥ bid. This was not systemic according to their CCs. E/W's agreement was that direct cue-bids were strong (unless it was obvious that the bid was artificial) and not an offer to play in the suit named. West said that he hadn't played against anyone who had given this kind of explanation before.

The Panel Decision: The Panel decided that Law 21B1 (concerning calls based on MI) did not apply in this situation: the MI was deemed not to have caused damage to E/W as they played their cue-bids as strong and for takeout and not systemically to play in the opponents' suit. Three expert players were consulted, all of whom said they would either pass 1♥ or bid 1NT immediately and later would have doubled 2♦ for takeout in the passout seat. None of them considered the distinction between whether South promised two or three hearts material to choosing to bid 2♥ in the passout seat. Three players with 1100-1200 MP were also consulted. All of them passed originally and when informed of the 1NT bid and the subsequent auction they all passed 2♦, one of them mentioning that 2♥ might be misunderstood. None of them attached any importance to the possibility that South might hold only two hearts. Based on this input and the E/W agreements the Panel found no connection between the MI and West's action. The table result was restored (Laws 21B1 and 40C). The Panel believed that South was experienced enough (he had close to 1000 MP) to know to call the Director at the end of the auction, before the opening lead, and to correct the MI, at which point the auction could have been reopened for the player in the passout seat. For his failing to do so N/S were assessed a one-quarter board PP (3 matchpoints).

DIC of Event: Stan Tench

Panel: Patty Holmes (Reviewer), Charlie MacCracken, Matt Smith

Players consulted: Chris Compton, Ed Lewis, James Murphy, and three players with 1100-1200 MP

✍ Let's begin with some technical irregularities that were seemingly overlooked.

Endicott: "If players use methods such as these they need to get their agreements and explanations sorted out. It surprises me to learn that the regulations permit of an agreement to make a 'natural' response on a doubleton. I would have expected this to be Alertable as a convention, making South's silence on the matter even more critical."

✍ In many cases the appeal form is not filled out as accurately as it needs to be, especially when indicating which calls were Alerted (see my response to Adam's comment on CASE FOUR). The form in this case says nothing about either 1♦ or 1♥ having been Alerted (1♦ likely required a "Could be short" Announcement, but possibly an Alert; 1♥ required an Alert), which of course does not guarantee that they weren't but we may presume as much. So Grattan is right, especially about South's failure to disclose North's omission(s).

And there's more...

R. Cohen: "Whoa Nellie! This may be my first major disagreement with a Director Panel. If South had called the Director before the opening lead, as he was legally obliged to do under Law 75D2, this case might have taken a completely different turn. The Director would have taken East and West away from the table separately to inquire if they would have taken different actions, and would probably have allowed West to withdraw his final pass (see Law 21B1). Was any of this considered by the Panel? Seems the answer is 'No.' West might have bid 2♥ if given another opportunity. We'll never know. There was MI. Under Law 12C2 N/S should have been assigned -650, 'the most unfavorable result that was likely,' though a case can be made for -200. As for E/W, East's failure to bid 3♣ over 2♦ was egregious. Since 12C2 allows an adjusted score to be assigned in matchpoints, I would adjust E/W to average. After all, West might have bid 2♥ over 2♦."

✍ Ralph is right. Had South disclosed North's failure to Alert 1♥ before the lead or dummy were faced, the Director could have questioned E/W away from the table (separately) to determine what they might have done differently. He might then have backed up the auction to West, allowing him to balance over 2♦. Surely 2♥ could not have been misinterpreted by East as anything other than natural at that point. Had West bid 2♥, East might raise to 3♥ and West would likely carry on to game. So it seems likely that E/W would have reached some heart contract and 4♥ seems "at all probable" if not "likely." So N/S should have been assigned -650 (but possibly only -200) and consideration also given to an adjustment for E/W. Was East's failure to bid 3♣ egregious? E/W each had between 750 and 800 MP and from the methods attributed to them in the write-up (cue-bids were strong takeouts) it seems they played rather conservative, old-fashioned Goren (or even pre-Goren) methods. East might not have been able to fathom bidding 3♣ on only 5 HCP and it's doubtful that a lebensohl 2NT bid was available to them (see Karen's comment, below). And while this all may be viewed as rather stodgy, it does not strike me as constituting a failure to play bridge (though it does suggest that the right adjustment for E/W might be +200 rather than +650).

But there's even more...

Wildavsky: "I don't understand one thing about this case. What system were N/S playing? Is it GCC? What would 1♠ have shown? How could this system be allowed in a Stratified Pair game?"

Polisner: "Are N/S's methods legal? What does 1♥ mean? What are follow-up

auctions? I don't know enough to decide if E/W were disadvantaged by the MI, nor do I understand why Law 21B(1) doesn't apply."

Goldsmith: "Major whoops. South's claiming that 1♥ can be bid on a doubleton means that 1♥ is conventional, not a natural bid. In a Stratified Senior Pairs, it is an illegal convention. When an illegal convention is used, judging whether its use damaged the opponents is generally done strongly in favor of the non-offending side. Here, it made getting to hearts more difficult for E/W, which is sufficient damage to award an adjusted score. Without the 1♥ bid, E/W would probably have reached 4♥, which is an easy make. After that start, it's hard to judge whether N/S would save in 5♦. I think it's likely they would have, but it is at least at all probable that they would not, so E/W get +300; N/S get -650. N/S also get recorded for using an illegal convention and not disclosing it."

✍️ Jeff is right: N/S's agreement that a 1♥ response could be made on fewer than four cards was illegal in this event (stratified events are played under the GCC) and should have made adjusting E/W's score even clearer. But I'm not as confident as Jeff that N/S were likely enough to find the 5♦ save if E/W reached 4♥ to assign E/W only +300 (assuming North misguesses the heart honors, which seems likely given that most of E/W's strength will be marked with West). I judge 4♥ and 5♦ doubled to be about equally likely, with 2♥ somewhat less likely but still possible.

The next group of panelists mention their support for the PP. I agree.

Rigal: "The initial Director decision was sound to my mind, notwithstanding that the Panel overturned it. This is the way I think rulings should be made in cases of doubt. The Panel again did an excellent job and this time the PP was absolutely in point. And can we get this pair recorded?"

Allison: "I agree that the number of hearts promised by South would not change my initial action as West. Furthermore, East had an opportunity over West's presumably strong notrump to take out to clubs via lebensohl or whatever they were playing. I agree also with the PP. Players must learn to stop the action after the auction and correct any MI or failures to Alert."

Wolff: "I don't agree with the Committee decision and think that we should have a rule that with either a misbid or a misexplanation if there is a failure to Alert that turns out to be harmful to the opponents the culprits should be disciplined and the victims restored. The Committee's heart was probably in the right place since they assessed N/S a one-quarter-board PP."

Treadwell: "Good Panel decision."

✍️ Perhaps everyone's failure to pick up on the illegality of N/S's methods would induce some not to consider an AWMW, but in my view N/S sprung an unfamiliar (not to mention illegal) convention on E/W and then failed to Alert it. They heard the Director rule MI and adjust their score to 3♦ made three, +110, for the damage they had caused. Did they thank their lucky stars for such a favorable ruling? No. Instead they chose to appeal, arguing that West could have bid his queen-empty-fifth suit. They completely ignored their own responsibility for deceiving West into thinking South had at least four hearts and persisted even after learning that E/W did not have the methods to bid hearts naturally over 1♥. To me this is egregious and clearly deserves an AWMW. I would adjust the score, assigning reciprocal 650s to the two sides (I'd be willing to listen to arguments for assigning E/W only +200). I would then assess a one-quarter board PP against N/S for South's failure to correct the MI at the end of the auction and another similar PP for N/S's playing an illegal convention. Finally, I'd assess an AWMW against N/S for this truly meritless, and appalling, appeal.

CASE TWENTY-THREE

Subject (MI): We're Sorry, So Sorry

Event: von Zedtwitz Life Master Pairs, 19 July, Second Semi-Final Session

Bd: 2	Gail Greenberg		
Dlr: East	♠ KQ106542		
Vul: N/S	♥ ---		
	♦ K84		
	♣ 1064		
John Schnell	Della Schnell		
♠ A	♠ 9873		
♥ AJ9653	♥ KQ8		
♦ 92	♦ A6		
♣ 7532	♣ AJ98		
	Laurie Vogel		
	♠ J		
	♥ 10742		
	♦ QJ10753		
	♣ KQ		
WEST	NORTH	EAST	SOUTH
		INT(1)	2♦
4♦(2)	5♦	Pass	Pass
5♥	5♠	Dbl	6♦
Dbl	All Pass		
(1) Weak			
(2) Not Alerted; explained as ♥+♠			

The Facts: 6♦ doubled went down two, +500 for E/W. The Director was called after the 4♦ bid. When asked East explained 4♦ as a takeout for the majors. The Director determined that East's explanation constituted MI, but by the time North bid 5♠ (if not before) it was clear that it was incorrect. The Director ruled that North's 5♠ bid severed the link between the MI and the damage; the table result was allowed to stand.

The Appeal: N/S appealed the Director's ruling. N/S had two complaints: First, that the MI kept North from bidding a natural 4♠ since South might have taken it as a cue-bid in support of diamonds if the explanation was correct. Second, that West's 5♥ bid might not meet the standards of a call constrained by UI. E/W admitted that there had been MI (their partnership agreement was that 4♦ was a Texas transfer) and said they agreed with the Director's ruling on the MI. They believed that 5♥ was a normal bid considering the favorable vulnerability. West said she knew she might go down in 5♥. East said her pass of 5♦ was forcing.

E/W also said the UI problem was not mentioned at the table. North said she knew that 4♦ was a transfer. She asked East for an explanation of 4♦ so that she would be able to determine the meaning of her own 4♠ bid and if she should make it. Once she received the wrong explanation, she decided she could no longer risk 4♠.

The Committee Decision: The Committee discussed several issues: (1) North's question about the meaning of 4♦; (2) the MI; and (3) the UI. Some Committee members thought North's question was inappropriate since it might be designed for partner's benefit. Others believed it was an effort to achieve a legitimate bridge result and was at worst a minor technical violation. The latter view prevailed and this issue no longer played a role in the decision. The Committee decided that the MI did not deflect N/S from a good result; rather, it was North's judgment not to make any effort to bid spades below the five level (and to do so then) that caused the damage. Like the Director, the Committee found that the causal link between the MI and N/S's poor result had been broken. Since no mention was made on the appeal form of the UI problem having been addressed at the table, the Committee addressed it. West had been given UI by the misexplanation of his 4♦ bid. Presumably he had already shown his sixth heart. However, he also heard his partner's forcing pass, which likely (though not in this case) suggested spade honors which would mean better defensive prospects for E/W against 5♦. Accordingly, the Committee found that the UI did not demonstrably suggest bidding 5♥ and West was free to do so (at his own risk). Once the 5♥ bid was

permitted, the rest of the auction also had to be permitted. Thus, the Committee allowed the table result of 6♦ doubled down two, +500 for E/W, to stand.

Dissenting Opinion (Chris Compton): I agree with not changing N/S's score but disagree with failing to change E/W's score: I would not have allowed E/W the full benefit of what occurred at the table. No matter what else one feels, East screwed up the bridge game with her answer to a poorly-timed question. Whether 5♥ is an LA to double was not made more clear by the explanation that 4♦ showed the majors, so the Committee could not see UI passed to West by the answer to the question. All in all, if we are ever going to get players to take their systemic knowledge responsibility seriously, we are going to have to go with PPs. For some reason, neither Directors nor Committees believe PPs are correct. We need to examine the reasoning behind the apparent reluctance to use PPs. I would have penalized E/W in some manner for mucking up the bridge game. On a separate note, North, when asked what she thought West held for his 4♦ bid, replied "Hearts." When next asked why, if she thought West held hearts, she asked the question of West she replied "I wanted to clarify the meaning of my 4♠ bid." Note, North did not add "for my partner's benefit," but that distasteful thought was left hanging in everyone's mind. (Indeed, my own personal respect for North inhibited me from pursuing the matter with a follow-up question.) I assume that it is clearly improper to ask a question for partner's benefit (it has to be a form of unauthorized communication). North, when faced with a random answer to a random question, achieved the opposite of her intention to clarify her bid. East's answer to North's question seemed to her likely to cloud the meaning of her 4♠ bid to South (although I play bids of four-card suits shown by the opponents as natural, bids of five-plus-card suits shown by the opponents are cue-bids). Finally, in old-fashioned Standard the 4♦ bidder would likely hold at least one major, but could even have a strong one-suiter. The North hand is a 4♠ bid without asking any questions, at any form of bridge, with any answer to North's question other than "South African Texas showing spades." Do others see how asking the question has fouled the game?

DIC of Event: Henry Cukoff

Committee: Michael Huston (chair), Larry Cohen, Chris Compton, Jerry Gaer, Tom Peters

☞ This case has so many complexities that it's no wonder our panelists have almost as many views of it as Heinz has pickles. Let's begin exploring them with the following thoughtful analysis.

Gerard: "Law 73B1: 'Partners shall not communicate...through questions asked or not asked of the opponents.' The dissent was right as to this point but it didn't matter. North was within her rights since she knew that there had almost certainly been a failure to Alert; it's tough to think of a meaning for 4♦ that would have rendered it non-Alertable, notwithstanding that it was a cue-bid. However, the Committee found the question appropriate and there was no real evidence (as opposed to suspicion) to the contrary. So we can get on to the substance of the case.

"5♥ was blatant. There is no such thing as a forcing pass by East to 5♦ for at least three reasons: weak notrump, 4♦ didn't suggest values, vulnerability. 'East said her pass was forcing' is like 'I might have psyched.' So 5♥, not double, was the suggested LA and all that business about spade values making it okay to bid 5♥ was just a gigantic unjustified conclusion. I'm trying to be gentle to the Committee, but I really think a cow flew by when they agreed to the 'forcing' pass and then constructed East's hand as they did. Since everyone would double 5♦ without the UI, that should have been the adjusted contract for E/W. Although down three would seem trivial, there was no reason to posit a different defense in 5♦ than in 6♦. Down one was certainly at all probable, so E/W's result should have been +200.

"For N/S, the likely result in the absence of the irregularity was -200.

However, N/S had the chance to defend 5♥. If 5♥ were cold, N/S would be entitled to -200. In real life, 5♥ would be down one. Even if West ruffed a spade early to establish South's distribution, the diamonds could have been Jxx opposite KQ10xxx, so South wouldn't need both club honors to overcall. North would play the ♠10 on the second round of the suit, so declarer would wind up down one (diamond ducked, diamond back, ♥K, spade to the ace, ♥Q, spade ruff, club to the eight, forcing South to play back a trump). Therefore, North's 5♣ bid was relevant, not for whether it was the proximate cause of N/S's damage from the MI but for whether it was egregious enough to overcome any damage to N/S from the UI. There's not a lot of difference between Laws 16A2 and 40C—"has resulted in damage' versus 'damaged through"—so I would have let the Committee override N/S's -200 with -500. And 5♣ does have a random feel to it, as if it could be a great result but probably will be awful. But I don't feel that strongly about it. What I do feel strongly about is the complete misanalysis of the UI issue. And I think even the MI was mishandled. If I have it right, damage is presumed when adjusting E/W even if it didn't exist for N/S."

☞ There's a lot to digest there, so by way of summary: North was entitled to ask about 4♦ since she knew it had to require an Alert or an Announcement, neither of which had been given. Since East's pass of 5♦ could not have been forcing (for the reasons Ron states) and since the UI from East's misexplanation of 4♦ made West's 5♥ bid more attractive, and since doubling 5♦ is clearly an LA to bidding 5♥ for West, the final contract should have been 5♦ doubled—at least as far as E/W are concerned. Since E/W only set 6♦ doubled two tricks and since there's no reason to posit a different defense against 5♦ doubled, +200 should be E/W's adjusted score. As for N/S, Ron suggests their likely result without the MI was -200 (without naming any contract) but that North's 5♣ bid was close enough to egregious (had North passed 5♥ and had it made N/S would have been entitled to an adjustment back to -200) that he's willing to abide by the Committee's decision to allow the table result to stand for them.

I would add to Ron's three reasons for East's pass of 5♦ not being forcing a fourth reason: E/W, the offenders, produced no evidence to support their forcing-pass contention.

Our next thoughtful analyst improves a bit on some of Ron's suggestions.

Goldsmith: "Lots of issues here. (1) North's question about 4♦ is perfectly legal and ethical. It wasn't for partner's benefit: while she knows from her hand it should be hearts, it wasn't Alerted, so she is entitled (even encouraged) to ask. If she gets the answer, 'I don't know,' she's allowed to use that information to her benefit. Even if it perhaps were for her partner's benefit, there's no way to prove intent, so the laws do not prohibit someone from asking questions given any particular 'intent.' In other words, her question was legal and proper and the Committee's focusing on this was a distraction which got them away from the core issues of the problem. Furthermore, North's problem as stated seems real. If her partner thought West had five spades, how can North bid 4♠ without having something bad happen? (2) MI is definitely there and caused a problem. North's reluctance to bid 4♠ after the explanation seems quite sensible. MI put her in a position in which she chose a sensible alternative (5♦) over an action made risky by the MI. (3) West has UI. 5♥ is suggested over other alternatives (pass and double) by the UI. It is not allowed. Double seems clear to me; no other call is close. If he doubled, his partner would have left it in with her two aces. That puts a cap of +200 on E/W's score. So we need to consider the MI. Would many bid 4♠ without the MI? I think so. Is 5♦ ridiculous given the situation? No. 4♠ would have been successful. Would it have been doubled? Yes. Even if East didn't double thinking partner had spades, which she ought not, West is likely to double for the same reason he has to double 5♦: he's already shown his hearts, so now he has to tell partner he bid 4♥ to make. N/S +790, E/W -790. It is reasonable to give E/W a PP for misuse of UI. North is owed an apology by the Committee and the Director. As an aside, 'weak' as a description

of a 1NT opening is insufficient. A point range is better, though irrelevant this time.”

✍ Jeff’s analysis is much the same as Ron’s—up to a point. Implicit in it (up to that point) is that West’s 5♥ bid was suggested over other alternatives by the UI form East’s explanation of 4♦, although he does not explain why. (The Committee explained why they thought not, but Ron showed that they were wrong. So Jeff’s conclusion may have been based on something akin to Ron’s reasoning, though perhaps not explicitly.) Here Jeff diverges from Ron’s analysis by suggesting that without the MI North would have bid 4♣ over 4♦ rather than 5♦, a possibility that Ron seems not to have considered. (This is supported by Ron’s failure to name a contract when he suggested that “For N/S, the likely result in the absence of the irregularity was –200.”) After North bids 4♣ either East or West will double (East perhaps for the same reason he doubled 5♣; West to show that he bid 4♥ to make), which will result in +790. Since that is far better than the +50 or +100 N/S could achieve by defending 5♥, the question of the egregiousness of North’s 5♣ bid (or even her 5♦ bid) is rendered moot. Thus, he concludes that reciprocal 790s should be assigned and a PP issued to E/W for West’s misuse of UI to bid 5♥ when double is the normal action without the UI.

Our next thoughtful analyst provides some additional useful information on the way to agreeing with Jeff’s conclusion about the final score adjustment.

Weinstein: “Where to begin. I can only assume the Committee is a strong advocate of our armed services’ absurd policy of ‘Don’t ask, don’t tell.’ Not only is it not improper to ask the question, it is arguably improper *not* to ask the question. (I think that is five negatives in the same sentence for those keeping score. I don’t try for things like that, they just happen. I blame the educational system.) Bidding 4♣ without asking gives UI that I have so many spades that either I know 4♦ can’t include spades or I don’t care. Questions in these circumstances are fully permissible even if they seem to have the effect of being for partner’s benefit (which is equivalent to my pair’s benefit) since I have a full right to know how partner is going to interpret my call in the context of the auction. Asking a question where there is no potential ambiguity (e.g. your side isn’t involved) just to wake up partner to what is going on is a different kettle of fish.

“Let’s examine what would have happened without the alleged questionable question. North bids 4♣ and now her partner asks about the 4♦ bid. Upon hearing the answer she is obligated to assume 4♣ is a cue-bid for diamonds, even if she knows her partner intended it as natural. If she passes (even without asking about 4♦) she is taking advantage of the failure of her partner to ask about the 4♦ bid. Let’s use another example. RHO opens 1NT and I bid 2♦ (Alerted) showing hearts and another suit. LHO bids 2♥ without asking. Now his partner knows he has hearts. Had he properly asked about my 2♦ bid his 2♥ bid becomes ambiguous. The natural 2♥ bid is UI. This is a more common situation than one would imagine. Back to the present case. From North’s hand she knows what 4♦ means. She not only has the right, but the obligation, to ask in order to know how her partner will interpret 4♣. Not to repeat myself, but bidding 4♣ without asking imparts lots of UI. The Director and Committee were out to lunch on this one.

“So what happens with a proper explanation? North bids 4♣ and it is back to West. She has two aces and not much better offense than she’d already shown. Is double an LA? It sure is in my book. The correct adjustment is 4♣ doubled making four. As an aside, when the Committee decided to examine the UI when West had to consider her action over 5♦, there was some gobbledygook about the pass suggesting spade honors. These are not thoughts passing through West’s head. West’s thoughts were likely either ‘Partner thinks I have both majors, but I have just hearts, so I’d better bid them again.’ or ‘I am ethically bound to bid 5♥, knowing this could be a disaster if partner corrects to spades.’ Similar to asking non-expert peers in some Panel cases, we should be careful about considering what is an LA for the level of player involved.”

✍ Howard’s first paragraph provides a definitive explanation of the reasons why North’s question was entirely legal, proper and—dare we say it—required. The laws say that a player may not communicate with his partner through questions asked of the opponents. They do not say a player may not learn about the meanings of the opponents’ calls, and thus the meanings of his own side’s calls, through questions asked of the opponents by his partner. In fact, a player needs to learn about the opponents’ calls from his partner’s questions or else every question would have to be asked twice. In fact, in some cases if a player does not ask about an opponent’s Alerted conventional bid he pass UI to his partner that his own bid was likely to be natural. And of course North had a right know how South would interpret a 4♣ bid by her, which required asking a question since 4♦ had not been Alerted (and even if it had, Texas transfers require an Announcement, not an Alert, and she still would have needed to ask). So all of the suggestions that North’s question was improper are just so much nonsense.

The next panelist gets most of the way through this one, even to the point of assigning –790 to E/W. But when he considers how to adjust N/S’s score he fails to appreciate that with the correct information, once North bids 4♣ over 4♦, it is not at all likely that E/W would bid to 5♥; they would settle for 4♣ doubled.

Wildavsky: “I disagree with the Director, the Committee, and the dissent. Yet again the Director failed to apply Law 72B1. No matter what mistakes N/S may have made, E/W must not be allowed to profit from an infraction they could have known might work to their advantage. ‘E/W also said the UI problem was not mentioned at the table.’ What of it? Do they mean to imply that if N/S do not mention it then it does not exist? They are mistaken. Criticism of North is criminal. Some would consider it unethical not to ask about 4♦, for then partner would know 4♣ was natural. It’s decisions like this that encourage players to make UI available by bidding without asking what the opponents’ artificial call means. The Committee’s argument regarding UI seems like an attempt to find an excuse to decide in favor of the offenders. Double is clearly an LA: most players would double with only AI. The question then is what the UI suggests. The downside of 5♥ is that partner might convert to 5♣, so I have to concede that the UI suggests double over bidding. I’d have liked to hear West say that himself, though, since that may not be what the UI suggested to *this* West. North was handed a difficult problem, one she ought not have had to face. 5♣ was wrong on this deal, and likely would be wrong more often than not. It could easily have been correct, though. N/S might take thirteen tricks on a heart lead. Is there some reason South could not hold both top pointed aces? I am shocked that the Committee failed to apply Law 72B1. Apparently neither the table Director, the Directors he consulted, the DIC, the Screening Director, the NAC chairman, the NAC staff, the Committee chair, nor any Committee member realized that it was appropriate. Without the MI I expect the most favorable to N/S of the likely results would be 5♥ after a 4♣ bid by North, set one trick after the normal misguess. Accordingly, I would adjust the N/S score to 5♥ down one, +50 for N/S. While not one of the likely results, it seems ‘at all probable’ that E/W would double 4♣ and then misdefend. So I would adjust the E/W score to –790 for E/W for 4♣ doubled making. The dissent was on the right track for a while. It seems wrong to allow E/W to profit here. That’s because it is wrong—it’s unjust. Justice will usually be found in the laws if one makes the attempt. Finally, the Committee owes an apology to North, one of the most ethical players I know.”

✍ The next panelist starts off just fine...but then gets bogged down at about the same place Ron did by not considering that North, given the correct information, would simply bid 4♣ over 4♥ and end up playing there doubled.

Rigal: “I think everyone was way off beam here but maybe it is just me who is out of line. First of all North’s question is to my mind entirely proper. Any suggestion

to the contrary seems insulting. Second, once she got the answer the 5♦ bid may have been poorly judged (pass and then 4♣ perhaps) but it was not absurd. Now we come to the UI for West. Give the West hand as a problem over 5♦ and you would get votes for double...and what else? Clearly the UI from the mis-Alert could be argued to have contributed to the 5♥ bid. Whether N/S should be forced to play 5♦ doubled as opposed to playing 6♦ or defending 5♥ is more challenging. But I would certainly roll E/W back to 5♦ doubled down two for -500. I think I'd do that for N/S too."

✍ The next panelist again starts off just fine by explaining why North's question was entirely proper. But then he too goes off on a tangent.

Polisner: "Well reasoned by the majority. The dissenter did not understand what North was saying in that the meaning of her bid depends on the meaning of the opponents' bid(s). Of course, it is indirectly for South's benefit as North's bid is exactly that: for the benefit of South to understand the meaning of her bid. Since North was willing to bid 5♠, she should not have been worried about bidding four—no matter how South might have interpreted it—so I agree that the link was severed and N/S get the table result."

✍ Here's another good start followed quickly by confusion...

R. Cohen: "There was MI, there was UI, yet the E/W pair is permitted to keep its favorable result that its infractions helped perpetrate? If the Committee thought the 6♦ bid was off the walls, it could have allowed N/S to keep its -500 but set E/W back to +450 or -50 if it thought there was no LA to the 5♥ bid. A split score under 12C2 seems appropriate here. As an aside, at some stage East must have realized that his explanation of the 4♦ bid was incorrect. Under Law 75D1 he was obliged to call the Director when the realization dawned on him. No mention of this failure appears in the write-up."

✍ ...and more confusion...

Treadwell: "A difficult case, indeed. I think, as North, I would have either doubled or passed the 4♦ bid, being certain E/W were having a bidding misunderstanding. Then, depending on what ensued, I could make a clear-cut choice. Good decision by the Committee, but I have some sympathy for the dissenter's view."

Endicott: "Asking a question to which she knew the answer prepared the ground very nicely for North's appeal. If the agreement was 'both majors' as East averred, why had she not Alerted it? [Why had she not Alerted or Announced it in any case? Surely 4♦ was not natural.—Ed.] And when it was not Alerted where did North find reason to ask a question? I agree that North should just get on with bidding 4♣ and seek redress later if damaged by a failure to Alert."

✍ Since the dissenter said, in essence, "I don't care how we do it, we need to find a way to punish E/W for screwing up the game so that players will learn to take their responsibilities for knowing their conventions (CD) seriously," we can guess where the next panelist's heart—and comment—are.

Wolff: "I agree with everything Chris said in his dissent. The question then becomes: How can we sit around and deal with a subject (CD) that cannot be adjudicated? Until we try and eradicate CD from high-level bridge we will have to play a vastly inferior game that at times becomes totally random."

✍ Reciprocal 790s to both pairs and a humble and much-deserved apology to North from all the Committee members are in order.

Subject (MI): It's A Transfer...Or Not

Event: Sally Young LM-1500 Pairs, 19 Jul 03, First Semi-Final Session

Bd: 8	♠ 832		
Dlr: West	♥ J8752		
Vul: None	♦ Q87		
	♣ 86		
♠ J9		♠ KQ107	
♥ 6		♥ 103	
♦ J96542		♦ AK103	
♣ Q753		♣ J42	
	♠ A654		
	♥ AKQ94		
	♦ ---		
	♣ AK109		
WEST	NORTH	EAST	SOUTH
Pass	Pass	1NT(1)	Dbl(2)
2♦(3)	Pass	2♥	Dbl(4)
3♦	Dbl	All Pass	
(1) Announced; 12-14 HCP			
(2) Equal or better			
(3) Announced; transfer			
(4) Extra values			

The Facts: 3♦ doubled went down one, +100 for N/S. The opening lead was the ♦7. The Director was called before the opening lead. After the 3♦ bid, North asked whether 3♦ was forcing to game and was told it showed a weak hand with diamonds. Neither E/W CC was marked "systems on" over double. The information that 2♦ was a transfer was incorrect. E/W did not speak up before the opening lead to correct the MI. The Director ruled that N/S were damaged by the failure to correctly explain a bid (Law 40C); the contract was changed to 4♥ made five, +450 for N/S (Law 12C2).

The Appeal: E/W appealed the Director's ruling. E/W both thought that East's telling North that West had a weak hand with diamonds was enough to correct the MI that was given previously when East only said "transfer." North said she could not have bid either 2♥ or 3♥ because both would have been cue-bids which South would have taken out.

South gave the same reason for her inability to bid 3♥. After listening to N/S's statements E/W added that after East's explanation of 3♦ any bridge player should have worked out what had happened.

The Panel Decision: Three players, each with about 700 MP, were asked how they would bid the hand if they were told 2♦ was natural. One bid 2♥ to push E/W higher and said it might be tough for South to choose to bid if 2♦ were passed back to her. A second, on a possible auction of P-P-1NT-Dbl; 2♦-P-2♥-Dbl; 3♦-P-P-3♥, read 3♥ as exposing a psych and raised to game. The third did not know what she would do: maybe she'd bid 3NT but maybe she'd pass or bid 4♥. She thought from the information she was given that West had a weak red two-suiter, so she could not bid 3♥ because that would be a cue-bid. Given that at least two of the players consulted reached game, the Panel decided that Law 40C2 had been violated. The contract was changed to 4♥ made five, +450 for N/S. The Panel decided that the appeal lacked merit and E/W were each assessed an AWMW.

DIC of Event: Millard Nachtwey

Panel: Charlie MacCracken (Reviewer), Mike Flader, Patty Holmes

Players consulted: three players with about 700 MP

✍ Two panelists suggest some improvements that could have been made in the procedure the Director followed at the table—or perhaps just in the care taken in doing the write-up.

R. Cohen: "Something bothers me in the write-up. The Director was called to the

table before the opening lead, yet there is no mention of N/S being called away from the table or of South being offered the opportunity to change her final call (see Law 21B1). As to the ultimate ruling and Panel decision, no problems there, including the AWMW.”

Goldsmith: “Did anyone consider the UI issue? West had UI from her partner’s misexplanation of 2♦. This time, 2♥ was a super-accept of diamonds and 3♦ was clear, but let’s say that to make sure we know full procedures have been followed. As for the MI issue, in theory North has to bid 2♥ over 2♦ sans MI because to pass, then bid 2♥ over a double shows values. Do players with 700 MP know that? Probably not. If they did, North could not bid 2♥ because of the MI’s making it mean something else. Normally, that’s enough to allow an adjustment. Did N/S fail to play bridge after that? No, they did something reasonable, if not optimal. Therefore, the Panel did the right thing. Ought we reconsider because they don’t know the meaning of their actions here? Maybe. In any case, I think it’s a good rule that when someone misexplains a bid as a transfer to the suit the opponents need to play, then the non-offending side is usually going to get an adjustment in their favor if that is needed to restore equity. I see no reason to overrule it here.”

✍ Our English panelist is unfamiliar with our Announcements.

Endicott: “I am unsure how these Announcements work. When 3♦ is bid should West be drawing attention to the fact that the hand may not now include hearts? Or should East? Or is it not the case?”

✍ Four specific types of opening bids or responses are Announceable. These include: opening notrump ranges (state the range), forcing and semi-forcing 1NT responses to major-suit openings (say “forcing” or “semi-forcing”), one-of-a-minor openings that could be as short as two (say “could be short”) and transfer responses to notrump openings (or overcalls or rebids) of diamonds to hearts and hearts to spades (say “transfer”). (The 3♦ bid does not fall into any of these categories.) Announcements are made by the partner of the bidder by giving the Announcement instead of saying “Alert.” Thus, East should have included the information that West showed only diamonds and not hearts when he responded to the question about the 3♦ bid. But E/W’s infraction was worse than that. When a player may have one of several different hand types for a certain call, as West might have held for his 2♦ bid, that call must be Alerted and the various hand types he might have explained if the opponents are likely to need to know in the ensuing auction. Thus, East should have Alerted the 2♦ bid and explained it (if asked) by saying something like “for now I am supposed to assume he has hearts, but he could be weak with diamonds if he later ‘corrects’ hearts to diamonds.” Then East should have Alerted the 3♦ bid when it occurred (especially after he neglected to Alert the 2♦ bid) and if asked explained that West now showed only diamonds.

What about a PP?

Allison: “This was handled well by the Panel. With a more experienced pair I would assign a PP for not knowing their system, which led to this mixup altogether (besides their not correcting the MI at once). After hearing ‘any bridge player should work it out,’ I now think the E/W pair were experienced enough to receive a PP.”

Wolff: “The result was fair, but why should we have to find an excuse to penalize CD? What happens when a Committee doesn’t like someone and refuses to penalize CD? We allow bias instead of changing our rules. CD cannot be dealt with without completely eliminating it.”

✍ A PP for not correcting the MI at the end of the auction is certainly appropriate, even if not required. But issuing a PP because a pair does not know their system in

a 0-1500 event (or even in one with a higher upper MP limit when there is no such provision in the CoC)—unless it is a repeat offense for which the pair has already been warned—is every bit as inappropriate as the PP in CASE TWENTY was for a rather similar infraction (not being able to explain a convention).

More support for the Panel’s decision.

Treadwell: “Very good Panel decision, including the AWMW.”

Weinstein: “With some similar themes to the last case, the Panel got this right.”

✍ Several panelists correctly note that South can take twelve tricks in 4♥ unless West leads a spade—unlikely on the auction.

Polisner: “My only problem is with the Panel’s decision to award +450 rather than +480 as the latter is the result that’s ‘at all likely.’ Any non-spade lead renders 6♥ cold as a club to the nine is free.”

Wildavsky: “Explaining to E/W that their score would be adjusted even if N/S were deemed to have committed an egregious error ought to have prevented this appeal. Alas, it’s clear now that few Directors know when to apply Law 72B1. The Panel missed a chance for a slam dunk. On a diamond lead N/S should score twelve tricks by taking the free club finesse, so the correct adjustment is N/S +480.”

✍ But it’s not quite that simple. The club play would certainly not be obvious to everyone (as it was not to those who adjusted the score) so we need to know...

Gerard: “Okay, but I want to know more about South’s ability before deciding not to award +480.”

✍ Ask and ye shall receive. N/S each had about 700 MP. Based on that I’d assign N/S +450 and E/W –480. (Of course I could be convinced to assign reciprocal 480s if there is any indication that South is sharper than his MP holding suggests.) Given the level of the event, I can just about live with the 450s assigned, although I’d like to hear from the Director and Panel about why 480s were not considered.

Finally, one panelist seems to think (as E/W did) that the problems created by East’s non-Alert of 2♦ were somehow negated by the ambiguous explanation of 3♦.

Rigal: “If I understand it correctly, N/S *might* have been damaged by North’s failure to bid 2♥ the first time out. But once the auction got to 3♦ both N/S players were in possession of the correct information. East’s 2♥ bid was an accident based on misunderstanding the 2♦ bid; what the players do after that is up to them. Since N/S got it wrong, they are not entitled to more than the +100 they managed. But what about E/W? If I understand it right, they might be deserving of a PP for system misexplanation but they *did* explain at the time of the 3♦ bid exactly what happened. East said West had long diamonds in a weak hand. What more could they do? I’d let the table result stand for them too.”

✍ Accidents—like another substance we’ve dealt with in these pages—happen. But when MI is given and without it the opponents would likely have gotten it right with little or no problem, the fact that they were given a chance to recover later in the auction is of little value. Besides, the explanation of 3♦ was ambiguous enough that N/S might have thought that West’s 3♦ bid showed diamonds *in addition* to the hearts he’d already shown with his 2♦ bid. What more could E/W do? They could have properly Alerted both 2♦ and 3♦ and explained them as I suggested above.

CASE TWENTY-FIVE

Subject (MI): It's A West Coast Thing

Event: von Zedtwitz Life Master Pairs, 20 Jul 03, First Final Session

Bd: 25	Randy Pickett		
Dlr: North	♠ 542		
Vul: E/W	♥ A85		
	♦ Q109863		
	♣ 6		
Jimmy Cayne	Steve Weinstein		
♠ AQJ9	♠ 1073		
♥ 43	♥ J1097		
♦ 542	♦ ---		
♣ Q875	♣ AK10932		
	John Lusky		
	♠ K86		
	♥ KQ62		
	♦ AKJ7		
	♣ J4		
WEST	NORTH	EAST	SOUTH
Pass	Pass	Pass	1NT
Pass	2♠(1)	Pass	3♦
All Pass			
(1) Alerted; explained as MSS			

The Facts: 3♦ made three, +110 for N/S. The opening lead was a low diamond. The Director was called at the end of the play. East said that 2♠ had been Alerted and when he asked he was told it was MSS. He said he had never heard of MSS being used as a runout to diamonds and believed he'd been misinformed. Had he received a full explanation he said he would have bid 3♣. The Director ruled that South had not fully explained his side's agreement and that East would have bid 3♣ over 2♠ with a correct explanation. A possible continuation after that was 3♦ by South, 4♣ by West, and 4♦ by North. The contract was therefore changed to 4♦ by North down one, +50 for E/W (Law 40C).

The Appeal: N/S appealed the Director's ruling. West did not attend the hearing. South said that his explanation of 2♠ as MSS was accurate in that the bid requested him to bid a four-card

minor and otherwise to bid 2NT. He did not think he was required to specify all of his partner's possible hand types, in the same way that the partner of a "regular" Stayman bidder does not have to specify that the Stayman bidder may not have both majors (or, indeed, any major). He also thought that his partnership's treatment was a popular one that his experienced opponent should have been familiar with. East said he had never seen a usage of MSS that did not include at least four-card length in each minor. If he had been told of the diamond runout possibility he would have risked bidding 3♣ as a percentage action.

The Committee Decision: The Committee determined that South's explanation, though accurate, was incomplete. The diamond runout was a significantly different hand type from that expected for a normal MSS bid, particularly as North's follow-up would not depend on South's response, i.e., North always intended to play in 3♦. When East asked about the Alert of 2♠ South was obligated to provide all relevant information, even if East did not ask precisely the "right" question. The Committee was surprised by East's ignorance of N/S's treatment, but given that he asked about the 2♠ bid they were unwilling to hold him responsible for failing to probe further. Therefore, East had been misinformed. For E/W, the Committee judged that the most favorable result likely absent MI was 4♦ down one, +50 for E/W, after a 3♣ bid by East, 3♦ by South, and raises by both of their partners. (5♣, although a desirable contract, was deemed too unlikely to be reached.) This result was reciprocated for N/S as being the most unfavorable result that was at all probable.

DIC of Event: Henry Cukoff

Committee: Bart Bramley (chair), Ralph Cohen, Abby Heitner, Michael Huston, Danny Sprung

☞ So is it common to play MSS as a prelude to a runout with a weak hand with just diamonds. When I polled players at the Long Beach tournament about it I was told by many West Coast players that it was common on the West Coast but that it was not as common—though certainly not unheard of—in other areas of the country. Hence, the title. Let's hear from some non-West Coasters.

Wolff: "I side with East's dilemma. I've always thought of MSS as having both minors. Unless we want to turn our premier events into club games something needs to be done."

Allison: "I am content with the way this Committee handled this case. Players are not required to know all possible conventions that may be used and those who use them do have an obligation to be sure (unless the player declines) that the questioner has a full explanation of the possible hand types involved."

R. Cohen: "Everybody seems to have come to the right conclusions (see Law 75C)."

Weinstein: "I agree."

Rigal: "Very good work by both the Director and Committee. I too thought at the time that it was surprising that East had never come across the treatment of 2♠ as potentially only diamonds. However, some subsequent research suggested that it was less common than I had thought, and that this treatment might not be expected from the answer given at the table. On that basis the ruling seems very reasonable; getting beyond 4♣ with the E/W cards is just too tough."

Wildavsky: "The Director's ruling is worded poorly. It is not necessary for the Director to predict what East would have done with correct information. The Committee did a better job communicating their decision, but the scribe had more time to write up his decision than the Director did. It surprises me that a top expert would not be familiar with the methods made popular over 25 years ago by Max Hardy's *Five Card Majors, Western Style*, but it is not beyond belief. Apparently the Committee found that the appeal had merit. I agree. The explanation, though incomplete, was 100% accurate as far as it went."

Gerard: "Under the Alert Procedure, the issue was whether N/S's treatment was 'highly unusual and unexpected.' By saying they were surprised at East's ignorance, the Committee seemed to say it shouldn't have been unexpected (using as the standard East's peers, not this East). Highly unusual we could argue about. That's supposed to be from a historical perspective, not a geographical one, but I don't see any argument from N/S to support the local usage suggested by the case's title. Clearly if you think about it the ranking suit conversion not only makes sense but shouldn't be that strange. However, MSS over INT borders on arcane these days and the spirit of the Alert Procedure is in favor of disclosure. So I reluctantly go along with +50, although it wouldn't take much for me to disagree (like the next time I see this treatment)."

☞ Ron is right that what is considered highly unusual or unexpected must be determined historically, not geographically. The West Coast reference in the title was not intended as a statement about the geographical usage of the convention but rather as an indication of players' *perceptions* of the commonness of the method.

So let's take a moment (before we hear from our West Coast panelists) to look at the historical background of the convention, as documented in various bridge sources describing the convention and the variations that are considered common.

On the Internet one can find sites which say that MSS requires both minors, can be weak with diamonds, or do not address the issue at all. So there is little there to help us resolve the issue except that the presence of sites which claim that both minors are required suggests that enough information must be disclosed to inform the opponents just what types of hands responder may hold. Conversely, the presence of sites which say responder can be weak with just diamonds suggests that this is not exactly a “highly unusual or unexpected” treatment.

The Official Encyclopedia of Bridge (6th) says, “Details vary widely from one partnership to another. Most, but not all, require length in both minor suits. Most, but not all, permit weak hands as well as strong ones. It is usual to have at least two meanings. A popular version allows: strong with at least 5-4; weak with 5-5; weak with diamonds.” So according to our “official” source, most versions require both minors, but a popular variation permits responder to also be weak with diamonds. *Modern Bridge Conventions* (Root & Pavlicek) says, “Of the several variations played, we recommend the following: 2♠ response (to 1NT) shows at least 5-4 shape in the minor suits with interest in game or slam.” Here the requirement of having game or slam interest suggests this may not be the most up-to-date reference. *Bridge Conventions Complete* (Kearse) does not take a position on whether the MSS bidder can have only one minor. Examples are given for each assumption (responder can have both minors or may have only one) but in both cases MSS is considered a slam try, hence this reference is also showing its age. Both of Max Hardy’s books (*Five Card Majors Western Style* and *Two Over One Game Force: Revised—Expanded*) state that responder can hold both minors (either weak or strong) or a diamond bust. And finally, in *Bridge World Standard 1994* (BWS1994) 2♠ showed “both minors” while BWS2001 says 2♠ can be used “to show minors (or a weak hand with diamonds).”

From all of this we may deduce that the more modern variations of MSS tend to allow a MSS bidder to hold weak hands with either both minors or just diamonds while the older variations require both minors and at least game invitational values. Of course the *OEB (6th)* still claims that “most” variations require length in both minors. So while we cannot label the variation of MSS which permits responder to hold a diamond bust “highly unusual or unexpected,” we can assume that it is a less widely played variation. Thus, a player is not “playing the odds” if he assumes that anyone who claims he’s unfamiliar with the diamond-bust variation is what our next (West Coast) panelist paints him to be—no matter how expert the player may be.

Goldsmith: “C’mon, everybody. Maybe it’s a West Coast thing, but when I lived in Schenectady, everyone played 2♠ as either both minors weak, a weak hand with just diamonds, or a good hand with both minors. We called it ‘Jacoby 2♠’ back then and thought it was standard. My gut feel is that East pulled a sleaze, and I wouldn’t allow it. So, step by step: was there MI? N/S explained their convention by name rather than by description. That’s pretty common, though technically not perfect. Was the name sufficient? For a player of East’s caliber, definitely. If he needed to know if it promised both minors, he could have asked. His putative 3♣ bid is pretty marginal; if RHO really had both minors, he was about to get crucified. But it could be right; from his perspective, he heard his RHO bid the suit he needed to bid to get a good result. So it boils down to ‘there is MI if East could reasonably be expected not to know that North might have a single-suiter in diamonds.’ I’m not sufficiently naive to believe that, though I admit I could easily be wrong. We can, however, apply the same philosophy as in CASE SEVENTEEN. It’s possible that East had never heard of that variation of MSS. But given his experience, that seems unlikely. A dishonest East (not to imply East was, is, or ever will be) could claim not to have heard of it to his advantage. We can’t know. Therefore, we play the odds. Result stands.”

✍ Our other West Coaster takes much the same position, while expressing a bit less antipathy.

Polisner: “N/S make a good point about regular Stayman, which could contain almost no major-suit cards. If the meaning of 2♣ was explained as requesting partner to bid a four-card minor or 2NT if he doesn’t have one, in my opinion that would have been totally correct and complete. Wouldn’t East have interpreted that explanation identically with a MSS explanation? It is not incumbent on North to explain the various kinds of hands he might hold to bid 2♣. It is up to East to ignore if North could have only diamonds before passing. I would have let the table result stand.”

✍ Stayman and MSS are two entirely different conventions with different histories and technical/mechanical demands so that comparing them seems inappropriate. As for the description of 2♣ that Polisner suggests is “totally correct and complete,” I guess he must think that a pair whose system bid, when responder holds one four-card minor and one five-card or longer *major*, is 2♣, asking opener to bid a four-card minor or 2NT otherwise (responder then shows this particular hand type by bidding three of his five-card major), are disclosing appropriately by calling 2♣ MSS. Bah! (I’m not claiming this is a good convention; only that it meets Jeff’s requirements for calling it MSS but that that would be anything neither correct nor complete.) So in my admittedly contrived example, while the 2♣ bid requests opener to respond precisely as he would to a “real” MSS (2♣) bid, the hand types responder can reasonably be expected to hold depart radically from what one might expect from the name of the convention alone. A conventional bid is appropriately judged not only by the question it asks and how partner responds to it but also by the types of hands the “asker” may be expected hold when he uses it.

The only relevant issue is whether it is reasonable to believe that East here was unfamiliar with N/S’s usage of MSS and was damaged by their failure to reveal the less widely known variation (where North could hold a diamond bust) when East requested an explanation. The literature I surveyed does not permit that question to be answered with absolute certainty, but it seems sensible in cases of doubt to protect the “innocent” side in the absence of a compelling reason not to.

One East Coaster sides with the two Jeffs.

Treadwell: “I have never heard that MSS was supposed to show both minors. East had a decision to make over 2♣ and guessed wrong. He also had the opportunity to ask more about the auction after North bid 3♣. An experienced player should not be given anything when he failed to pursue the matter more diligently at the table.”

✍ Er, sorry Dave, but it was South, not North, who bid 3♣. Had North bid 3♣ over South’s 3♣ response I agree that East would have been remiss to not probe further.

Our final panelist could be described as an East Coaster several times—and thousands of miles—removed.

Endicott: “Long Beach has a passion for diamonds, and some poor soul seems always not to have any. I do wish ACBL Appeals Committees could sensibly come to terms with the fact that an appeal is an appeal for a review of a Director’s ruling and if not amended it is the Director’s ruling that stands as made.”

✍ The “problem” is not with out Appeals Committees but with our regulations, which require that an appeal be heard anew, as if the previous ruling had been set aside (with the Committee still privy to the rationale for the original ruling). The reason for this is so that the original ruling is not given any special status and does not bias the Committee against the appellants. This philosophical issue has not been addressed in many years. Perhaps it’s time it was reopened.

I support the Committee’s decision, but this case admittedly lies in a gray area among the shadows, near the Twilight Zone. There’s the sign post up ahead...

CASE TWENTY-SIX

Subject (MI): ...In The Absence Of Evidence To The Contrary
Event: NABC Senior Swiss Teams, 22 Jul 03, Second Final Session

Bd: 10	Tom Clarke		
Dlr: East	♠ AK54		
Vul: Both	♥ AKJ4		
	♦ 87		
	♣ J75		
Don Stack	Tom Kneist		
♠ Q10972	♠ J		
♥ 875	♥ 963		
♦ KQ	♦ AJ6543		
♣ A82	♣ 1093		
	Alan LeBendig		
	♠ 863		
	♥ Q102		
	♦ 1092		
	♣ KQ64		
WEST	NORTH	EAST	SOUTH
		Pass	Pass
1♠	1NT	2♣(1)	Dbl
Pass	Pass	2♦	All Pass
(1) Not Alerted; E/W CCs: Cappelletti applies after 1m-(1NT)-2♣			

The Facts: 2♦ made two, +90 for E/W. The opening lead was the ♥2. The Director was called by East at the end of the auction and told there had been a failure to Alert his 2♣ bid. West pointed out on his side's CCs that E/W's agreement was that 2♣ was natural in the present auction (had West opened one of a minor, 2♣ would have been Cappelletti, showing an unspecified one-suiter), not the artificial one-suited hand that East believed. Based on this information (and the fact that N/S had been given information they were not entitled to: that East believed 2♣ to be Cappelletti) the Director ruled mistaken bid rather than mistaken explanation (Law 75D2, Example 2 in the footnote: "...the Director is to presume Mistaken Explanation, rather than Mistaken Bid, in the absence of evidence to the contrary."). The table result was allowed to stand.

The Appeal: N/S appealed the Director's ruling. North did not

attend the hearing. South said that if he had known that 2♣ showed an unspecified one-suiter he would not have doubled. He had only 7 HCP and a flat 3=3=3=4 distribution opposite his partner's 15-18 notrump overcall. His partnership played a double of an artificial 2♣ bid as inviting competition and guaranteeing another bid. Despite the identically marked CCs South believed that E/W did not have an agreement for this auction and therefore the laws required the Director to presume MI in the absence of evidence to the contrary. He cited the example of one partner filling out a card and putting Flannery for the 2♦ opening bid on it. The other partner opens a Weak 2♦ bid not knowing he is supposed to be playing Flannery. E/W had been a casual partnership ever the past five years and this was only the second time they had played this year. They had computer printed CCs based upon the dozen or more pages of notes they maintained on computer. They admitted that this was the third time East had forgotten a convention at this tournament. East never played club games and played only occasional tournaments. E/W believed that a lot of players would double an artificial 2♣ bid with the South hand based upon the partnership owning the majority of the HCP. If South could double a natural 2♣ bid, then why not an artificial 2♣ bid?

The Committee Decision: The Committee noted that this particular East had been involved in several appeals over the last few years involving mistaken bids and/or MI. It seemed clear that East had failed to remember his conventional agreements which were carefully documented on the CC. The longevity of the E/W partnership also argued for a mistaken bid. Thus, the Committee decided that N/S had not been given any MI—they had only been told that East had misbid—and allowed the table

result to stand. The Committee was very disturbed that a player as knowledgeable about the laws as South would bring this appeal and assessed an AWMW against both N/S players.

DIC of Event: Henry Cukoff

Committee: Mark Bartusek (chair), Ralph Cohen, Robb Gordon, Abby Heitner, John Solodar

☞ The panelists all support this decision, most mentioning that they especially like the AWMW. Our first two panelists raise a question that may have no good answer.

Allison: "This is an appeal that never should have been brought and I concur totally with the AWMW. Having said this, how should we treat a pair such as E/W with an ongoing succession of boards on which they have disrupted events because of forgotten conventions? Much as I am empathic with a rare 'forget,' I am becoming disturbed by players who always seem to forget what they are playing. Can we enforce on such players simpler systems? Is there an answer?"

R. Cohen: "South raises a point that the laws and regulations do not cover completely. Here we have a player who has been before several Committees pleading 'mistaken bid' (see footnote to Law 75D2). South contended that despite the evidence of two identical CCs, East does not have an agreement because of his prior experience of poor memory relating to these matters. At what point can, or should, a Committee ignore what is normally accepted as evidence of a partnership agreement and take a position that poor memory is evidence that an agreement does not exist? At a regional a couple of weeks after Long Beach this same East player was in front of a Committee, again pleading 'mistaken bid.' Perhaps the cases this player has been involved in should be reviewed by the Recorder, and if he thinks there is sufficient evidence to warrant the action, East should be informed that 'mistaken bid' will no longer be accepted by Directors and Committees. If he wants a hearing on the matter, give him one. All appeal hearings should be on file at ACBL, from NABCs, regionals and sectionals. Chronic spoilers of the game need to be put on notice that we are no longer naive about these matters."

☞ Why would we want a record of poor memory to be taken as evidence that an agreement does not exist? I bet our senior players, especially, would resent such an assumption. (See Grattan's comment below.) Suppose we overhear a pair agree to play a certain convention (e.g., Cappelletti if their minor-suit opening is overcalled with 1NT) and later learn that one of them forgot and misbid. Would we claim that the agreement never existed? I doubt it. We need to continue our present approach of examining the evidence that the pair really had the agreement they claim (since we weren't there to witness the agreement) and then judge accordingly.

Having a poor memory is not equivalent to not having an agreement. However, if a player forgets his agreement repeatedly, disrupting the game, should that not be sufficient for the Director to instruct him to remove the offending agreement from his CC? But if we decide to do that, how would we implement it uniformly, not just haphazardly? What would we require as evidence of disruptive repeated forgetting (as opposed to the occasional forget we're all guilty of) and how would it be disseminated to our Directing staff? Ralph suggest that the League keep records of appeals from all tournaments and extract from them any evidence that a player may be a "chronic spoiler" of the game. I'm not sure that appeal forms are used at most tournaments, and as I've noted in other cases (see CASES FOUR and TWENTY-TWO), even appeal forms from NABCs often lack sufficient detail to implement Ralph's suggestion. But even if forms were used at all tournaments, and these were filled out in sufficiently accurate detail, would the League be willing to assume the task of extracting this information from every appeal form from every tournament, collating and evaluating them all, and maintaining a record of each player's appeal history? (The Recorder can't do this. The time required alone would be prohibitive.

It would have to be done by staff in Memphis.) And even if this could be done, how would a Director at a tournament somewhere access those records to use them to require a player who forgot an agreement to remove the offending agreement from his CC? I can't even imagine that this is practical and I'm certain it's undesirable.

Endicott: "Longevity is rife in Seniors events; perhaps South is showing it here."

Treadwell: "Very good, including the AWMW."

Weinstein: "I strongly agree with the Committee."

Polisner: "N/S's score and the AWMW are very reasonable: they should have chalked up their result to 'rub of the green.' We all get our judgment clouded when we think we have been jobbed."

Goldsmith: "The ruling on MI seems like a slam dunk; the CCs were clearly filled out; the ruling of mistaken bid was clear. That South would argue against that is ridiculous. His AWMW was well-deserved, and his arguments were absurd. What about the UI from the failure to Alert? Does anyone play that a pass of 2♣ doubled shows long clubs and a desire to play there? (I do in some partnerships, though not in this particular auction.) It seems hard to claim that, so 2♦ is allowed. Let's make a guideline for Committees: in all MI cases, state why you rejected issues of UI for the misexplainer's partner."

Wildavsky: "I also do not understand why South would bring this appeal. Which law did he believe the Director applied incorrectly? As for the decision, I don't understand the relevance of East's history. It seems as though the Committee was saying that they decided in E/W's favor because East had a history of agreeing to play conventions he cannot remember. In the present case, that history, whether or not accurate, does not seem relevant."

✍ Can't evidence of a player having a history of forgetting his agreements be used to help decide whether that player simply forgot his agreement this time?

Some panelists predictably take an if-you-can't-say-anything-nice-don't-say-anything-at-all approach to this case.

Rigal: "No comment. I think the Committee said it all for me and team-loyalty/self-preservation suggest a Trappist approach today."

Gerard: "Good grief. In CASE SIXTY-SIX from the 2001 Toronto NABC (the intermediate 2♦ overall in the Spingold final) we used the following words to describe the disbelieving non-offenders' appeal: travesty, outrageous, vile, distasteful, meritless, litigious, specious. And there one of the CCs was mismarked. Under the new whitewash standard, I guess the most we are allowed to be is very disturbed. In order to pursue his appeal, South had to accuse E/W of wrongly filling out both CCs and then claim that he would never bid when his side might even have a game (♠AJ10x ♥KJx ♦Ax ♣Axxx). I say bring back the good old days."

✍ I don't think South accused E/W of filling out their CCs wrongly on purpose. I think he challenged the idea that CCs should be used as primary evidence of an agreement. I think he believes that the forget is stronger evidence that there was no agreement. (I'm not sure if he wanted this specific case decided that way because of East's past history of forgetting or whether he wants it in all cases of this sort.)

Wolff: "Much ado about not much but there does appear to be a bias against N/S."

✍ Indeed, not unlike a bias against habitual CDers.

Subject (MI): Technically, But Not Substantively
Event: NABC IMP Paris, 24 Jul 03, Second Qualifying Session

Bd: 21	Rick Kaye		
Dlr: North	♠ A108763		
Vul: N/S	♥ K5		
	♦ A9		
	♣ 875		
Richard Morgan	Mark Aquino		
♠ 9		♠ Q54	
♥ A10976		♥ Q83	
♦ KQJ5		♦ 10742	
♣ J64		♣ KQ2	
	Jack Forstadt		
	♠ KJ2		
	♥ J42		
	♦ 863		
	♣ A1093		
WEST	NORTH	EAST	SOUTH
	1♠	Pass	2♠
Dbl	3♠(1)	All Pass	
	(1) Alerted; explained as "strong"		

The Facts: 3♠ made four, +170 for N/S. The opening lead was the ♦4. Before the lead South clarified his explanation of 3♠, adding that by "strong" he meant 13-14 HCP (N/S played a strong club system). The Director was called after the hand, when North said he intended his 3♠ bid as preemptive. East asked about the 3♠ bid at his next turn after the Alert. East said he passed based on this information but would have bid 4♦ if he had known that 3♠ was preemptive. The Director ruled that there was MI which was the direct cause of E/W's poor result; the contract was changed to 4♦ down one, +50 for N/S (Law 40C). Also, North did not correct his partner's explanation before the opening lead as required by Law 75D2.

The Appeal: N/S appealed the Director's ruling. South did not attend the hearing. North said that the MI had no effect on East's action. He said he subsequently gave

the hand to seven people, all of whom passed 3♠. Additionally, there were no scores of +50 in the two sections he had surveyed. At the table, South said that there was a weaker method for North to reach 3♠; namely by bidding 2NT first. E/W believed that South should have indicated a maximum HCP of 13-14 HCP for North's second bid. E/W had played together only once about 12 years ago. Although they had responsive doubles through 3♠ listed on their CC, East said he would not have risked a double but definitely would have chosen 4♦ over 3♠.

The Committee Decision: The Committee determined that E/W never asked about the HCP range of 1♠, 2♠ or 3♠ during the auction. East knew that his side possessed at least half the available HCP but had no idea as to how the opponents' HCP were distributed. Thus, North could legitimately hold 15+ HCP if South had a bare minimum. Therefore, even though East had technically been misinformed, he was not substantively misinformed as to N/S's combined assets. The Committee decided that the MI had no bearing on E/W's result and restored the table result of 3♠ made four, +170 for N/S.

DIC of Event: Henry Cukoff
Committee: Mark Bartusek (chair), Abby Heitner, Danny Sprung, Chris Willenken, Eddie Wold

✍ The panelists are divided over whether E/W were damaged by the MI and deserved protection or whether the distribution of N/S's assets was irrelevant to East, who should have bid his own cards regardless. The latter group goes first.

R. Cohen: "When are players going to learn to bid the cards in front of them, rather

than listen to what the opponents tell them about the division of strength in the opposing hands? My only quarrel with the Committee is why it didn't at least consider an AWMW."

✍ Why would they give N/S an AWMW when they decided in their favor?

Treadwell: "The moral in this case as in many others: bid your own cards and don't be deterred by imaginary threats from the opponents' bids. Good decision."

Polisner: "Excellent Committee work as E/W were seeking something they chose not to try to achieve at the table."

Endicott: "At worst East knew that the HCP were distributed more or less evenly between the two sides. Playing a strong club system the information 'strong' about North's bids may refer in part to distributional values. I think East had no complaint and the Committee was on course."

✍ Grattan's comment raises an important issue. Shouldn't players be responsible when playing against new opponents for examining their CC and noting certain things about their methods, such as the type of system they play (Standard, forcing club, etc.)? Clearly South's description of 3♠ as "strong" was misleading ("strong" implies lots of HCP, not just extra distribution). Had he said that 3♠ "shows a good hand" it would have been less misleading since East must realize that "good" must be interpreted within the context of a strong club system. We wouldn't protect a player who claimed he was damaged by an opponent who opened a 12-14 notrump and later explained his partner's 3♠ bid, in the sequence: INT-2♣; 2♦-3♣; 3NT, as "game forcing with clubs and a major" because he failed to add that the 3♣ bidder showed at least opening values (opposite his weak notrump) rather than just the 9 or so HCP he would have needed opposite a strong notrump, would we? We've become obsessed with Alerts and dependent on the opponents' explaining every inference about their actions. And worse yet, we're increasingly denying our own responsibility and shifting responsibility for everything to the opponents.

Rigal: "I sympathize with the Director's approach but this time the Committee got it exactly right. I strongly dislike South's description of his partner's action but this time there was no damage arising. No harm, no foul."

Goldsmith: "I think this one is closer than the Committee thought. Step by step: (1) Was there MI: Yes, most definitely. (2) Did the MI lead directly to the non-offending side's bad result? Unlikely, but possibly. (3) Was UI relevant? No. Would East have taken action if he had been told 3♠ was preemptive? Probably not. Most would not. So it's certainly not 'likely.' Is it 'at all probable'? On the borderline. Some might shoot out a responsive double. I don't think anyone would bid 4♦. A double will either get them to 4♦ (after 3NT) or, more likely 4♥. Neither will be doubled. 4♥ can be down two, but the defense isn't trivial, so let's call it -50. I think this result is just barely 'at all probable,' so I'd give N/S +50 and E/W -170. Should N/S be given a PP for failing to correct the misexplanation before the dummy hit? It was a pretty egregious misexplanation and led directly to the appeal. I'd say, 'not if I adjusted their score,' but 3 imps if I didn't, since the point is to make sure they are aware of their responsibility. The difference between the two assigned scores is 120, or 3 imps, so either way it comes to the same thing."

✍ PPs shouldn't be "trade-offs" for score adjustments: the two address different things. Score adjustments relate to damage by saying, "Your actions have harmed your opponents and you may have profited as well, so we're adjusting the score(s) to rectify the situation." PPs address inappropriate or unacceptable behavior by saying, "What you did here was so egregious (or negligent, or flagrant) that it really is a sort of 'crime against the game' and this penalty is a warning not to do it

again." Score adjustments are made in cases where a player took a reasonable action which we later judge cannot be allowed to stand, even if the player did nothing wrong. Not assessing a PP when a player does something egregious simply because his score has been adjusted sends the wrong message—or rather it sends no message at all—about the unacceptability of his actions. Not assessing a PP says "What you did was okay; we're only correcting the bridge damage you caused."

The next two panelists favor a score adjustment—at least for the offenders.

Wildavsky: "I like the Director's ruling better than the Committee's decision. The Committee determined that East had been 'technically' misinformed. The laws are nothing if not technical, which means the Committee determined that East had been misinformed. Their next responsibility was to determine whether E/W had been damaged through the MI (Law 40C). The argument that South might have had less and North more is specious. What matters is whether East was more likely to take action had he been properly informed. Surely he was, and his claim that he'd have acted is at least plausible. The Committee's decision may have been correct, but the line of reasoning described in the write-up is flawed."

✍ East heard his partner double 2♠ for takeout (which might have been a pre-balancing action, though how much less West could hold is unclear) requiring him to bid at the three level. Of his 9 HCP, 7 were working. And regardless of what 3♠ showed (it certainly made it more likely that West was short in spades), either his hand was worth a bid or it wasn't. Players are still responsible for continuing to play bridge even if an opponent commits an infraction. So the Committee's argument that North's 3♠ bid did not materially affect East's action, regardless of what 3♠ meant, was not specious as long as East was expert/experienced enough to be aware of those implications.

Suppose South Alerts 3♠, explains it as 13-14 HCP and East again passes, later claiming he would have bid had he known 3♠ was preemptive. Would we adjust E/W's score because, as Adam argues, we think East was more likely to have bid with the proper information? I hope not. Give North his 13 HCP and South about 4 HCP and West could have as much as 14 HCP. Opposite most takeout doubles, even ones with only 12 HCP (e.g., ♠x ♥KJxx ♦AKxx ♣Jxxx), East can be confident that he should bid (4♦ is down only one while 3♠ will almost surely make). And if West has a bit more, say ♠x ♥KJxx ♦KQJxx ♣Axx, 4♣ may even make. Looking at it another way, N/S will normally have 15-23 HCP between them regardless of what North's 3♠ bid means. How much did the MI from South's explanation affect East's action by raising North's minimum from 11 to 15 HCP and N/S's combined assets from 15-23 to 17-23? Could that have caused East to decide to pass? Perhaps. Should it have? Not if he's an experienced player (which he was) and maybe not even if he wasn't. So the Committee's argument was valid.

Wolff: "Equity suggests otherwise. South's description of North's 3♠ bid was misleading and E/W were entitled to an explanation. If North's bid was strong should not South bid game? Equity should protect E/W against being stolen from. N/S +50, E/W -50 in 4♦."

✍ Why would South bid game? While he mis-described North's hand as "strong" he still knew it would only have 13-14 HCP.

Weinstein: "I don't believe 4♦ would have been bid. The Director should either have left the table result alone and issued a very small PP for North's failure to correct the explanation or given both sides the worst of it."

✍ South corrected his own explanation at the end of the auction, so why a PP? I agree with Howard's last choice: +50 for N/S and -170 for E/W (justice in light of their misdefense of 3♠). But it's close; the Committee's decision is acceptable.

CASE TWENTY-EIGHT

Subject (MI): A New Procedure For Dealing With MI?
Event: Thursday-Friday Bracketed KO, 24 Jul 03, Second Match

Bd: 15	♠ K542		
Dlr: South	♥ 5		
Vul: N/S	♦ J1086432		
	♣ 6		
♠ QJ73		♠ 986	
♥ AQ3		♥ KJ98742	
♦ K5		♦ 7	
♣ 8742		♣ Q3	
	♠ A10		
	♥ 106		
	♦ AQ9		
	♣ AKJ1095		
WEST	NORTH	EAST	SOUTH
Pass	2♦(1)	Pass	3NT
All Pass			1♣
(1) Erroneously explained as ♥+♦			

The Facts: 3NT made three, +600 for N/S. The opening lead was the ♠Q. The Director was called after the opening lead, before dummy came down. After the final pass West asked how many points North might have for his 2♦ bid and was told 7-8. N/S's CC was marked preemptive jump shifts (their actual agreement). The Director took each of the E/W players away from the table separately and asked him what, if anything, he would have done differently (see The Appeal, below). East said he might have bid 3♥ over 2♦; West said he did not want to change his lead. The Director changed the contract to 3♥ doubled by East down one, +100 for N/S (Laws 21B3 and 12C2).

The Appeal: E/W appealed the Director's ruling. E/W said they were not given the correct information about the 2♦ bid before the Director took each of them away from the table and asked what he would have done differently. East said that 3♥ doubled was not a possible contract because with the correct information he would have passed 2♦. West said with the correct information he would have known that South was expecting red-suit cards from North but that North only had diamonds. (E/W each had about 400 MP.) N/S said that after West led the ♠Q North did not table his cards. They thought E/W knew the correct information at the table and since West never opted to change his lead against 3NT, he should not get another chance now that he knew the whole deal.

The Panel Decision: The Panel reviewed the Director's decision to change the contract to 3♥ doubled. After hearing from the Reviewer that E/W were polled about their possible different actions without knowing what N/S's actual agreement about the 2♦ bid was, and then hearing from East at the interview that he would have passed 2♦, the Panel decided to allow 3NT to be the final contract. Five experts and six of E/W's peers were then consulted. First they were given the auction with the actual explanation of 2♦ (♥+♦); then they were told that before the opening lead the explanation of 2♦ was corrected to N/S's actual agreement (weak). Of the five experts, three led a spade and two led a heart honor. Of the six peers, one led a heart, four led spades, and one was torn between a heart and a spade. The Panel decided that N/S had given E/W MI about the 2♦ bid and failed to correct it as required by law. Since three (and a half) of the eleven consultants had led a heart given the correct information, a result of 3NT down three, +300 for E/W, was deemed both "at all probable" and "likely" and assigned to both sides.

DIC of Event: Su Doe
Panel: Patty Holmes (Reviewer), Candy Kuschner, Millard Nachtwey, Matt Smith
Players consulted: Linda Lewis, Paul Lewis, Chuck Said, Harry Tudor, Steve

Weinstein and six of E/W's peers

Despite some ambiguity in the write-up as to exactly what happened and when (we'll discuss this issue later), some panelists think the Panel handled things about as well as they could have once they inherited this problem from the table.

Allison: "I like the Panel's solution to this problem. The Director got it wrong by not giving East and West the correct meaning of the 2♦ bid (presumably weak) before asking them what they would have done had they known. A heart lead is certainly not only possible but in some ways indicated (as leads after gambling notrumps) and should be allowed, as it was, for the non-offending side."

Wolff: "I agree with the Panel decision. CD again!"

Wildavsky: "Another slam-dunk for the Panel. There's something missing, though. When the Panel assigns the appellants a worse score than they had coming in there must be a strong likelihood that the appeal had no merit. The fact that there's no discussion of an AWMW seems like an oversight."

I might be missing something here, but weren't E/W the appellants and didn't they emerge from the appeal with +300 instead of the -100 they had going in?

Goldsmith: "Wow, that many led a heart. Amazing. I would have guessed far fewer. In that case, the Panel got it right. There's an issue, though, that bothers me. As explained, the convention in question is Mid-Chart. We weren't told the bracket of the KO, so if it's not a high bracket, then perhaps E/W might have realized that the explanation didn't make sense. Most brackets at NABCs, however, have a bracket designator of 1000 MP, so it's probably not relevant."

The write-up says E/W each had about 400 MP, so it must have been a fairly low bracket. Many players at the 400 MP level are not all that aware of what is permitted on the various charts. The GCC allows conventional responses which show game-forcing or better values and jump shift responses at the two level or higher to force to game. Since 2♦ showed diamonds—although it was mistakenly explained as showing hearts as well—and since E/W seem not to have been told that it was weak during the auction, it probably didn't occur to them that anything was wrong. Indeed, had 2♦ been a game force nothing would have been wrong. And as soon as E/W learned that 2♦ showed only about 7-8 points, they called the Director.

The remaining panelists think the Panel did reasonably well (given the problem they inherited from the table) but that the score adjustments for the two sides could be improved upon—though they don't agree on what those improvement should be.

Rigal: "I think the Panel followed a sensible sequence of actions. They correctly determined that if East said he was not going to bid 3♥ he should not be made to do so. Then they looked at the opening lead question; my view is that the heart lead should be legislated for N/S but the spade lead was clearly enough the majority choice that it should be enforced for E/W. Unlucky; but some days it does not pay to get out of bed."

Barry makes a good point. We were dealing with players with about 400 MP here, so even if we exclude the experts from consideration, only one-and-a-half of the six peers (25%) led a heart. While that's certainly enough to make a heart lead "at all probable" (for the offenders), the spade lead garnered 75% of the votes so in relative terms the heart lead should not be considered "likely."

The next panelist is on the same wavelength, though he falters a bit at the end.

Treadwell: "Yes, N/S are entitled to go down three tricks at 3NT because of the

possibility, albeit slight, that a heart might have been led without the MI. However, I cannot believe it was likely that this E/W pair would have found that lead. Much as we all oppose giving average scores, adjusted or not, I would vote for giving E/W Average Plus and N/S –300.”

✍ I strongly disagree with the Average Plus idea. If E/W were unlikely to have led a heart, then maybe we should assume that East would have bid 3♥ over 2♦ and that South would have doubled. What would happen to 3♥ doubled then may depend on your estimate of N/S’s (or South’s) ability. (For the record, North had about 810 MP, South about 980.)

R. Cohen: “Based on West’s statements at the table (not changing his opening lead) it’s hard to understand why the Panel even consulted the E/W peers. Legally, West could have changed his lead (see Law 47E2; the dummy had not yet been tabled) so no change of the table result was in order. As an aside, wouldn’t 3♥ down two have been the result had the Director’s ruling of a 3♥ contract been upheld?”

✍ First, it appears that West declined to change his lead *before* he knew North showed only diamonds. Once he learned that and realized South was counting on North for hearts because of his misunderstanding of the 2♦ bid, he had excellent reason to want to lead a heart. So not changing the table result was *not* in order. Second, while 3♥ might well be down two if South gets his spade ruff, might he not defend passively and fail to get it? After all, E/W were the non-offenders and any doubt should be resolved in their favor. So there’s some justification, *if* we change the contract to 3♥ doubled, that the Director’s assigned score was the right one for E/W.

Endicott: “I can’t help wondering about the way the questions were put to the players consulted. Did this tend to induce thought of a heart lead? To award –300 takes the harsh Law 12C2 view of equity and a weighted adjustment under Law 12C3 would do a better job here.”

✍ Yes, and that’s precisely the view we must take. Remember, by regulation we cannot use Law 12C3 in the ACBL.

Our next two panelists have little sympathy for E/W here.

Polisner: “The facts are confusing: what was the Director talking to E/W about if not in light of the correct meaning of 2♦? Presumably West was given a chance to change his lead and declined. Who called the Director and why since it happened before dummy was tabled? However, the Panel’s decision is fine as it penalizes the pair that disrupted the game. I could be convinced about –300 for N/S and –600 for E/W, but that does seem harsh to the non-offenders.”

✍ Assigning –600 to E/W makes sense if you discount East’s earlier statement to the table Director (that he might have bid 3♥) because in his later statement to the Panel he said he would have passed 2♦ with the correct information. Could the later statement have been due to some other motivation? The next panelist thinks so and echos some of my own concerns.

Weinstein: “I have several problems with this case, though a bit of the problem may be ambiguity in the write-up. It is not completely clear who knew what and when they knew it. Was 2♦ Alerted and when was the explanation first given? What was told individually to East and West by the Director away from the table? The Facts state that when East was taken away from the table he said he would have bid 3♥ even though it is implied later that he was then still under the impression that North had both red suits with 7-8 points. Then, in both The Appeal and The Panel Decision sections, East says that had he known that the correct explanation

of 2♦ was a weak jump shift he would not have bid 3♥. So if the write-up is correct, East was willing to bid 3♥ when he was told that 2♦ showed 7-8 points and both red suits but would never bid 3♥ knowing 2♦ was just weak with diamonds. Admittedly, East may have known when he was taken away from the table, either from his hand, the opponents’ CC, or a clarifying question to the Director, that North did not hold hearts. In any case East’s statement are either totally contradictory (he suspected or knew the correct meaning both times) or East is certifiable (bidding 3♥ in the face of North having hearts, but passing when North has only diamonds). So the Directors made an eminently reasonable table ruling relying on East’s assertion that he would have bid 3♥ based on whatever knowledge he had at that time. A good N/S pair should always beat 3♥ doubled two tricks, but for this level I agree with the Directors’ adjustment.

“But wait! It seems that E/W have lost the match by a small margin despite a reasonably favorable ruling. E/W want a Mulligan (for those non-golfers out there, a free second try when the first shot has gone astray). So now East claims that if he had known that North didn’t have hearts he would never bid hearts. And of course his partner would find the heart lead knowing that South bid 3NT based upon the presumption that North held hearts as well as diamonds. So now we have something truly unique. East, by telling the Director that he would have bid 3♥, is getting a double shot (though one that is deserved and inherent in this situation). But this is the first time I can recall seeing a player attempting the perilous triple shot: East now claims he would have passed had he known that he wasn’t leaping off in the opponent’s suit but rather in an unbid suit. Is there a golf term for this? Of course. When I was in Chicago this was called a ‘Ginsburg’ where, if the Mulligan attempt was not a sufficient improvement, you could still play the first shot. In golf this is occasionally employed in friendly circumstances on the first shot of the day as an alternative to the ‘hit one till you like it’ method or the greatly feared ‘better make it a good shot because it counts.’ In bridge I have another name for it, but there are possibly juniors reading this and I don’t want to create a problem. So moving on, East’s triple shot now brings us to the question of what West would lead with perfect knowledge. To the polls. First, only two of five experts got it right, causing experts everywhere to look for a new nomenclature and the two who got it right to ask to be identified rather than be suspected of guilt through association. On to the peers, where only 1-1/2 out of six got it right. The foreign players reading this are now wondering whether this is how George Bush got elected and will probably be re-elected. Now, if memory serves, we had a guideline for each side. If at least one-in-six get it right the offenders’ score is adjusted. If at least one-in-three get it right the non-offenders (gag) score is adjusted. So this fits perfectly between the two standards. N/S get –300 and E/W get –600, each impeded against the result from the other table and the average becomes the result. No matter what the other table’s score was or the imp margin in the match, both teams would lose the match under this scenario, but since N/S would lose by less (try it out yourself), the rules would let N/S’s team advance. Yes, I know it would be nice not to have either team advance, but I suppose rules are rules even if in other cases I am trying to say, if you’ll pardon the paraphrasing, ‘Rules! We don’t need no stinking rules.’ But instead, the Panel adjusts the score for both sides and the execution of the dreaded triple shot is successful. The only successful execution should have been the one similar to Tampa Bay Buccaneers football coach John McKay’s reply when he was once asked back in the 80s about his team’s execution after a game they had just lost. ‘I am in favor of it’ he replied.”

✍ Nice tee shot, Howard, but it’s lying in a bit of rough.

Howard is right about the problems in the write-up. For one thing it’s not clear whether the Director was called because the 2♦ bid was weak and South did not include that in his explanation or because East or West suspected (perhaps after seeing N/S’s CC?) that 2♦ showed only diamonds, contrary to what they had been told earlier. We know the sight of dummy did not cause the Director call since dummy had not yet come down when he was called. We also know that East told

the Director at the table that “he might have bid 3♥ over 2♦,” which makes sense only if East knew North had only diamonds—since then a jump to 3♥ by him would clearly be natural while if 2♦ showed both red suits 3♥ would likely be a takeout of some sort. But later, at the hearing, East said that with correct information he would have *passed* 2♦. Why would East want to bid 3♥ naturally over 2♦ when he thought North had diamonds and hearts but pass once he learned it showed only diamonds? (Howard’s explanation is somewhat pessimistic, though possible.) The situation is clearer with regard to West. If West thought at the table that North had both red suits, then telling the Director he did not want to change his lead makes sense: why lead one of dummy’s suits? Then later, when he learned North had only diamonds, he said he would have had more reason to lead a heart, which also makes sense since South may have been counting on North for hearts (he thought North showed them with his 2♦ bid). Finally, the Director should have appreciated at least some of this but even if he did not, why did he not clarify N/S’s actual agreement for E/W before taking each of them away from the table and asking him what he might have done differently? Surely the write-up could have clarified this.

I agree that a heart lead, while “at all probable,” does not measure up to the standard for being “likely.” However, even though East changed his story about bidding 3♥, he suggested the possibility at the table, before he knew the result at the other table (and the contingencies for winning the match) so I think we must accept this as a “likely” contract for E/W and assign them a result for it. While I can see assigning them –300 for 3♥ doubled down two, I think it’s close. South, with about 980 MP, might defend 3♥ doubled passively and, after cashing his three minor-suit tricks, exit with a second diamond or a third club. This might be somewhat less likely than his finding the spade ruff but, relatively speaking, I think the two are close enough to give E/W the benefit of the doubt. However, East’s change of story troubles me enough that I would be willing to go with assessing a small (perhaps 1- or 2-imp) PP against them for East’s attempt to change his story to suit the situation instead of sticking to his story. All things considered, I would assign N/S –300 for 3NT down three and E/W –100 in 3♥ doubled down one.

“Vive la triple-shot!”

Subject (MI): A Strategic Transfer Of Responsibility

Event: Chicago Mixed BAM Teams, 26 Jul 03, Second Qualifying Session

Bd: 15	B. Satya Narayana		
Dlr: South	♠ QJ8		
Vul: N/S	♥ KJ954		
	♦ AK8		
	♣ K6		
Steve Onderwyzer	Diane Audeon		
♠ K643	♠ 1097		
♥ Q863	♥ A7		
♦ Q63	♦ J1052		
♣ 84	♣ J752		
	Kiran Nadar		
	♠ A52		
	♥ 102		
	♦ 974		
	♣ AQ1093		
WEST	NORTH	EAST	SOUTH
			Pass
Pass	1♥	Pass	1NT(1)
Pass	2♦	Pass	2♠(2)
Pass	3NT	All Pass	
(1) Semi-forcing			
(2) 4-card ♦ support + extra values			

The Facts: 3NT made five, +660 for N/S. The opening lead was the ♠3. The Director was called at the end of the play. South said she knew North would explain her 2♠ bid as he did but she bid it anyhow to get her partner to decide where to play the hand. She knew she was showing 10 points and a spade stopper. N/S were unable to produce system notes describing their responses in the (constructive) auction: 1M-1NT-2m. The Director ruled that there had been a mistaken explanation rather than a mistaken bid (Law 75, Example 2 in the footnote: “...in the absence of evidence to the contrary”) and changed the contract to 3NT made four, +630 for N/S.

The Appeal: N/S appealed the Director’s ruling. E/W did not attend the hearing. South initially said she knew her 2♠ bid showed four diamonds; then later said she forgot. North said this sequence was not in their system notes even though they had discussed it in practice sessions with their international-competition teammates

present. He said that the bid had come up in their partnership several months earlier and had then shown (by agreement) a super raise in the minor with at least four-card support. South admitted that had her partner bid 3♦ over 2♠ she would have had to make the final decision herself. N/S were an experienced partnership with years of international experience. Their system notes reflected a good deal of sophistication (e.g., North could not have bid 2NT over 1NT because of its system implications). The play went: the spade lead was won with the queen and a heart was led towards the ten, East rising with the ace. A spade was continued, declarer winning the ace, and the ♥10 was overtaken with the jack and the ♥K cashed, at which point East had a problem. She chose to discard a club and declarer was then able to take eleven tricks.

The Committee Decision: Law 75 requires a Director (or Committee) to presume a mistaken explanation rather than a mistaken bid in the absence of evidence to the contrary. The Committee considered two things in judging whether the presumption could be overcome: (1) North’s clear and complete explanation of all of the follow-up sequences after a semi-forcing notrump was convincing, as was his statement that this sequence had been discussed with his international teammates. (2) North’s understanding of semi-forcing notrump bidding structure is common in the expert community. From these, the Committee decided that North’s explanation of 2♠ had accurately described N/S’s agreement, regardless of how confused South may have been. Thus, there was no MI and South had no obligation to clarify her intentions

before the opening lead. Consequently, the table result was allowed to stand.

DIC of Event: Henry Cukoff

Committee: Michael Huston (chair), Abby Heitner, Ellen Melson, Mike Passell, Tom Peters

✍ Several panelists agree with the Committee's decision.

Rigal: "A very rigorous performance by the Committee (I was there) established as clearly as it was possible to do that South violated partnership agreement and that the system was as defined. North made a very good case for backing up his statements. That being so, they made the right decision even though, in the absence of such convincing statements, the Committee's decision would have been the same as the Director's ruling (and of course the Director *was* right to rule as he did)."

Treadwell: "Very good decision. Does a possible misbid or MI cancel poor defense? If the table Director had ruled as the Committee did and E/W appealed, they would have earned an AWMW."

Endicott: "The Committee's exploration of the N/S agreements appears to have been thorough. This being so, we must abide by its conclusions. We would be, er, unwise to second guess from afar."

R. Cohen: "The Director did not have time to determine whether 2♠ was a misbid or whether E/W had received a mistaken explanation. He followed the guidelines in the law book and the Committee performed its function, which it appears it did properly. By the way, why didn't East pitch his spade on the third round of hearts?"

✍ Perhaps to preserve communications with West if one or more of South's clubs were diamonds. The next panelist thinks that still doesn't excuse East's club pitch.

Goldsmith: "Right answer, I think...not so clearly right reasoning. Yes, most experts play that 2♠ is a super diamond raise, but some play that 2♠ is either a super diamond raise or an 11-count with good clubs. (Then 2NT relays and responder clarifies.) Why South didn't bid 2NT escapes me. So while their system probably was that 2♠ showed diamonds, without substantial proof, generally we are supposed to assume mistaken explanation. Regardless, I don't see how the explanation influenced the club pitch. If South did, indeed, have four diamonds she also had four clubs, so a club pitch is very dangerous. A spade pitch isn't; East doesn't expect to get on lead ever again, so a spade is of no value. If South had ducked a spade and West had played a third round, then East would really have had a problem, but then E/W would have had three tricks already. In any case, South would probably have made eleven tricks on her own. With West's being known to have four-four in the majors and at least two diamonds (probably three, unless West has the awareness to falsecard the ♦Q), I think finessing in clubs is the indicated play. And why +630 instead of +600? Doesn't South have two hearts, two spades, two diamonds, and three clubs without the club pitch? I don't get the adjustment. It should be either making three or making five. So I think E/W's poor result was caused by declarer's play of the hearts towards her hand, East's flying with the ♠A (if she didn't, her partner would shift to a low diamond and she'd know declarer has long clubs, but then again, declarer would know East does, too), and East's poor discard, not the misexplanation. Result stands."

✍ East might have thought she would get in with a diamond (South might hold five of them—see Ron's comment below) so she chose to play West for the ♣Q instead of the ♥Q, which is consistent with her ♥A play. That gives South only ten tricks (four hearts plus two in each of the other suits). If East pitches a spade, declarer knocks out East's diamond while still holding the ♣A and scores 660.

The next panelist also questions that assigned +630 and refutes the above Jeff's notion that East shouldn't have had a problem at trick five.

Gerard: "Plus 630 was impossible, any adjustment should have been to +600. East did have a problem since South might have had five diamonds, so a spade pitch wasn't safe. But this was a much stronger case for imputing an agreement than Philadelphia CASE FOURTEEN, for example. 2♠ as described is the normal way of raising diamonds playing forcing or semi-forcing notrump. North couldn't just create an agreement out of her general bridge knowledge, but I think N/S met the minimum evidentiary requirement for establishing an understanding. 'Evidence to the contrary' is not modified by 'overwhelming' or 'beyond a reasonable doubt,' so it must be a fairly non-burdensome standard."

✍ The next Jeff disagrees with Ron that N/S satisfied their obligation to overcome the presumption of MI. Don't you just love it when lawyers argue?

Polisner: "The question for me is whether N/S satisfied their obligation to overcome the presumption of misexplanation. I don't think so and so would have decided as the Director did. The anomaly is that N/S would have been better off by merely saying that they had no understanding except that it showed a good hand without three hearts. Our rules encourage dishonesty."

✍ Another issue in this evidentiary morass is raised by...

Wildavsky: "I don't like the Committee's decision. The fact that South changed her story ought to weigh heavily against N/S. If North understands the system perfectly but South does not then in practice N/S have no agreement. In my view the Committee worked too hard to accommodate our international guests."

✍ Yes, South's change of story is certainly problematic. On the other hand, as I said in CASE TWENTY-SIX, evidence of poor memory (or confusion) should not be confused with evidence that no agreement exists. It does, however, mean that the player may be prone to forgetting and perhaps even that the agreement should be removed from her CC if the forgetting continues.

Allison: "It is clear that N/S had the agreement that 2♠ showed a big diamond raise. It is also clear that E/W misdefended, East by rising with the ♥A and then pitching a club in the face of dummy's suit. They would have had a normal result without the misdefense and there seems to be no reason to give them back that result because of a misbid by South, whose hand was faced in the play."

✍ South, with her long club suit, was declarer. North with his ♣K6, was dummy.

Wolff: "A good enough decision: E/W were definitely disadvantaged by North's explanation and South's lack of awareness. Even though I don't necessarily agree, this case should be used as a precedent in deciding how to handle slightly different explanations that turn out to be critical. Perhaps a middle road is to allow +660 to stand for N/S but to penalize them one-quarter of a board for the deviation."

✍ Not if North's explanation was correct and South intentionally lied about the fourth diamond in order to show her 10 HCP and have North place the contract.

Like Barry, I too sat in on this hearing. I was convinced at the time that South intentionally misbid her hand but I concede that her change of story and the fact that 2NT is such an easy and obvious alternative to 2♠ (though South might legitimately have been more concerned with having North place the contract) weakens N/S's case. If you believe N/S then you have to support the Committee's decision (as I do). Otherwise, the right adjustment seems to be +600 for both sides—not 630s or 660s (South should not be allowed to guess the clubs as Jeff Goldsmith suggests).

CASE THIRTY

Subject (MI): “Undiscussed” Is Not An Acceptable Answer
Event: Chicago Mixed BAM Teams, 27 Jul 03, First Final Session

Bd: 6	Jan Soules		
Dlr: East	♠ AK73		
Vul: E/W	♥ J984		
	♦ Q103		
	♣ 52		
James Griffin		Pat Griffin	
♠ J94		♠ 65	
♥ Q63		♥ K1052	
♦ J9654		♦ K872	
♣ Q6		♣ J93	
	Gary Soules		
	♠ Q1082		
	♥ A7		
	♦ A		
	♣ AK10874		
WEST	NORTH	EAST	SOUTH
		Pass	1♣(1)
Dbl(2)	Rdbl	1♠(3)	Dbl
Pass	Pass	2♦	3♣
Pass	3♠	Pass	4NT
Pass	5♠	Pass	6♦
All Pass			
(1) Alerted; strong, artificial			
(2) Alerted; diamonds or the majors			
(3) Intended as Pass-or-Correct, not discussed over a Rdbl			

The Facts: 6♦ went down five, +250 for E/W. The opening lead was not recorded. The Director was called when West passed 1♠ doubled and East could not answer what that showed (nor could West explain what East’s 1♠ was). The Director sent West away from the table and asked East to explain her 1♠ bid; she said she intended it as Pass-or-Correct. The Director instructed that the auction continue but was called back after North passed South’s 6♦ bid. When South asked if he could be excused from playing the hand the Director acquiesced and assigned a result of down five, +250 for E/W. The Director ruled that there had been no table action to enable East to work out to bid 2♦ over 1♠ doubled and that there was no causal relationship between the early confusion about E/W’s agreements and North’s pass of South’s 6♦ intended cue-bid.

The Appeal: N/S appealed the Director’s ruling. East did not attend the hearing; the N/S team captain did. South acknowledged that his side had primary responsibility for their bad result but wanted to draw attention to E/W’s actions. West was unable to explain the meaning of East’s 1♠

bid over North’s redouble and East could not say what West’s pass indicated over South’s double of 1♠, even though she explained her own 1♠ bid (after West was sent away from the table) as Pass-or-Correct. Later, South determined that East had psyched her 1♠ bid, a safe maneuver given that West had to hold a red suit. South thought that E/W did not deserve credit for a result obtained in part through their lack of knowledge of their own convention. E/W said they had been playing Suction over the opponents’ strong 1♣ openings for a couple of years. If third hand passed they played that fourth hand’s bids were Pass-or-Correct; otherwise not. They had not discussed the meaning of bids after a redouble by third hand. They said their good result came from a well-timed psych and not from their inability to answer questions about their agreements. West acknowledged that this was the “second or third time” they had psyched since they started playing Suction. The Committee learned that this had been the second board of the round and that E/W had used Suction over N/S’s 1♣ opening on the first board as well.

The Committee Decision: Despite the distaste of some Committee members at having to hear a complaint from a side seeking no gain for itself, the Committee

agreed that E/W had been extremely negligent in their duties. Even without considering the possible illegality of psyching a response to an artificial bid, the Committee determined that a pair is responsible for knowing the meaning of basic continuations over their own conventions, especially at the one level. E/W were playing an aggressive and volatile defense against the opponents’ strong club openings with neither complete knowledge of simple continuations nor the ability to explain them. Therefore, the Committee imposed a PP of two-tenths of a board against E/W and admonished them to figure out what they were playing and to be more forthcoming about it in the future. (The table result was allowed to stand.) In addition, as East had psyched her response to the “either-or” Suction bid the hand was referred to the National Recorder.

DIC of Event: Steve Bates

Committee: Bart Bramley (chair), David Berkowitz, Ralph Cohen, JoAnna Stansby, Eddie Wold

☞ Most panelists support the Committee’s decisions not to adjust the scores and to hold E/W responsible for knowing what their conventional bids and continuations mean by assessing a PP.

Treadwell: “An excellent decision including the PP and reference to the Recorder. N/S earned their poor result pretty much on their own and were left with it.”

R. Cohen: “If you come with homebrew conventions, you had better be able to properly explain all the ramifications, at least in the first round of the continuation. Let this case set a precedent for future Committees. While I am not sympathetic to Bobby Wolff’s philosophy of Convention Disruption, this case merited the Committee’s attention. No compensation was assigned to N/S because their result was self-inflicted.”

Rigal: “The Director might have looked initially at a harsher ruling against E/W. The Committee came up with a sensible compromise; the PP here seems in point to me. As an occasional strong club player, opponents who have these sorts of accidents set my teeth on edge. However, one aspect of the ruling that was maybe (deliberately?) not fully written-up was the nature of the aggravation at the table, which might have had some bearing on East’s bid. I suspect that her action was more designed to get her own back on N/S than as part of a devious plot.”

Allison: “I really would like for there to be some article in *Ruling The Game* about the responsibilities of pairs playing complex and volatile conventions to know their conventions, including continuations, and to be able to explain them clearly. In the most recent tournament (New Orleans), a pair playing Multi against us provided the ACBL defense and then when one of us bid against their Multi asked ‘What’s That?’ about our bid. Ridiculous!”

☞ Did the Committee go far enough? The following panelists think not.

Wolff: “Like CASE TWENTY-NINE, this could be a precedent-setting case since it involves a pair using an explosive (volatile) defense to a strong bid, psyching a response and not knowing the basic meanings of their simple rebids and responses. I think a full board penalty should be in order and while I would accept N/S keeping their –250, I could easily be persuaded to give them an adjustment. Furthermore, instead of being admonished for bringing an action for which they did not want an adjustment in their favor I think they should be applauded for what they did.”

Polisner: “A very bizarre case with West getting into the auction opposite a passed hand with his piece of cheese and East deciding to psych and then pull to diamonds when West presumably showed the majors [by passing the double of 1♠—Ed.].

Certainly N/S did not deserve anything, but I might have adjusted the score for E/W regardless of the disconnect between the impropriety and the result since without E/W's actions the table result would probably not have been achieved."

Wildavsky: "Once again the PP for 'Convention Disruption' is a sign that the Committee knew they had not done their job and should have adjusted the score for the offenders. The Director and Committee missed another opportunity to apply Law 72B1. The N/S result, while due to an egregious error, could scarcely have happened without the E/W shenanigans. For one thing most Suction players would bid 2♦ with the West hand over the double of 1♠. For another, if E/W have psyched responses to Suction in the past this needs to be part of their explanation of 1♠. It would surprise me if such a psych is illegal, though."

✍ While East's psychic may be legal, what is not legal is not knowing what one's bids mean when they involve a special partnership agreement (such as an artificial defense to the opponents' strong club opening and the immediate responses and rebids thereto). Law 75A says that such agreements must be "fully and freely available to the opponents." It should be noted that there is no more effective and insidious defense to the opponents' strong, artificial opening than to make some random, artificial one- or two-suited overcall and then to misexplain or claim not being able to remember what the bid or its follow-up bids show. I believe this is equivalent to playing a method "whose primary purpose is to destroy the opponents' methods," which is disallowed on all ACBL convention charts (since what it does is to conceal the identity of the overcaller's suit(s) and obscure the meanings of the opening side's subsequent bids, with little or no risk to the defenders since the auction is usually at a low level and the opponents' table manners are so revealing).

The next two panelists also discuss the legality of East's psychic 1♠ response, among other things.

Goldsmith: "Some issues in random order: (1) Minus 250 was too kind. I would have not permitted South not to play the hand, but if he insisted, he could claim his ♦A and accept -550. If his teammates managed +300, they have the right to be very upset with him. The Director probably should have given South a ZT warning or penalty. In any case, to avoid -300 requires guessing diamonds, which South is not likely to get right. (2) The PP for not being sure what 1♠ and pass meant is illegal and uncalled for. It is not the case that our CoC require pairs to know what they are doing. If they are so bad as to be substantially disruptive of the game, then a PP is okay, but that's not what happened here. (3) I don't see how E/W's not knowing what they were doing even remotely led to N/S's bad result. I have no idea why South bid 6♦ nor why North passed it. Result stands. Probably ZT penalty against N/S. AWMW for N/S. No PP for E/W. Committees need to stop giving PPs for 'Convention Disruption.' It's not permitted by the rules and sets a very dangerous precedent. The only reason the US Team Trials can get away with it is that they expressly write that rule into the CoC because they want to require a minimum standard of partnership knowledge for any team that ends up representing the ACBL in a small-field team championship. Even there it is of dubious legality, but at least there is a good reason for it. In other tournaments, there is no reason for it, so we need to stop giving out these spurious penalties. For what it's worth, psyching a natural response to a conventional call is legal; in fact, it cannot be regulated by the ACBL (who wisely refrain from trying). So the 'dubious legality' comment can be straightened out. And in any case, 1♠ probably wasn't a psych. East said she thought 1♠ was pass-or-correct, not spades. Psychs must be intentional. Screw-ups are not psychs."

✍ Other reasons why the USBF feels justified in writing the "know what your bids mean" requirement into their CoC is that the players in that event know well in advance that they are playing in it, they have weeks (or even months) to prepare for it and they are required to submit their system notes and CCs before the event

begins. Thus, it is reasonable to have stronger requirements in the area of knowing your system in USBF events than in other events where there are many last minute or pick-up partnerships and where many pairs may not know much before game time whether they are even playing.

Gerard: "If N/S were seeking a score adjustment against E/W, I would share the partial distaste of the Committee. But if they were seeking discipline, we owe them big time given the action of the Committee. As to the psych, I can guarantee it is not illegal to psych the response. Woolsey even wrote an article on it in the Bridge World, although not specific to Suction. However, if this was the second or third psych that should have been part of East's explanation. So E/W committed active MI rather than just passive CD. It still doesn't earn them a score adjustment, but it should have been one more item in the bill of particulars."

✍ As I said earlier, while psyching the 1♠ response may not be illegal, E/W's failure to adequately explain first- and second-round bids was certainly illegal given that they were an experienced partnership with a history of many such auctions. And Ron is quite right that E/W's history of psyching this convention meant that their disclosure of that possibility, even though East's psych was legal, was inadequate and fully deserving of a PP.

Weinstein: "I agree with the Committee, but may have gone even further with E/W under Law 40."

✍ Right. The fact that East's psychic was clearly based on an implicit partnership understanding (it had happened before) was a violation of Law 40A, which says (in part) "a player may make any call or play [including a psychic one] without prior announcement, provided that such call or play is not based on a partnership understanding."

Our final panelist disagrees with those who think the Committee might have gone even further than it did.

Endicott: "The bidding practices of the E/W pair should be scrutinized closely. Without clear proof of misfeasance the Committee has gone as far as it should."

✍ If this wasn't clear proof of misfeasance, I'd be interested to know what he thinks is.

CASE THIRTY-ONE

Subject (MI): Allow Me To Put Words In My Partner's Mouth
Event: Chicago Mixed BAM Teams, 27 Jul 03, First Final Session

Bd: 21	Curtis Cheek		
Dlr: North	♠ AQ6		
Vul: N/S	♥ AQJ104		
	♦ J63		
	♣ A3		
Sheila Ekeblad	Russ Ekeblad		
♠ 95	♠ K8732		
♥ 76	♥ 93		
♦ K109852	♦ A4		
♣ 1065	♣ K974		
	Lynn Deas		
	♠ J104		
	♥ K852		
	♦ Q7		
	♣ QJ82		
WEST	NORTH	EAST	SOUTH
	1♥	1♠	3♦(1)
Pass	3NT	Pass	4♥
All Pass	(1) Alerted; explained as natural and constructive, corrected before the opening lead to "Bergen Raise"		

The Facts: 4♥ made five, +650 for N/S. The opening lead was a club. The Director was called as the players were picking up Board 22. East said that with the proper information West would have doubled 3♦ and he would then have led ace and another diamond. N/S said that despite having been given multiple chances to call the Director or to say that she'd have done something different, West never said a word. Since ace and another diamond followed by a spade shift leads to down one, the Director changed the result to 4♥ down one, +100 for E/W.

The Appeal: N/S appealed the Director's ruling. South did not attend the hearing. The Committee determined that the play went: a club was led to dummy's queen followed by two rounds of trumps ending in the North hand. A low spade was then led to the jack, East ducking. Declarer crossed back to his hand with a heart and led a low diamond toward dummy. East rose with the ace. North stressed to the Committee that West had not complained herself

about the misexplanation, but East had made the complaint for her. North explained that South had not passed 3NT because that would have been an artificial slam try over a correct explanation of 3♦ (as a Bergen Raise). East said it was irrelevant who lodged the complaint for his side. West's diamond holding made it obvious that she *might* have doubled an artificial 3♦ bid, even if she did not say so herself. For his part, he could not call the Director until after the play had ended, when he knew his partner's diamond holding.

The Committee Decision: The Committee found no basis upon which to consider changing the Director's ruling. While a complaint is certainly stronger when made by the player affected directly, a potent argument loses little of its potency when made by the affected player's partner. The Committee judged that East's defense, while inferior, was not egregious. Furthermore, after the opening lead he could no longer beat the contract. Therefore, the Committee changed the result to 4♥ down one, +100 for E/W. In addition, since North had added nothing substantive to the information on which the Director's ruling had been based and had not provided any basis for changing that ruling, N/S and their team captain were each assessed an AWMW.

DIC of Event: Steve Bates

Committee: Bart Bramley (chair), David Berkowitz, Ralph Cohen, JoAnna Stansby, Eddie Wold

✍ One Committee member adds a salient point to the write-up.

R. Cohen: "There is one major fact omitted from the write-up. During the hearing, North told the Committee that after his 3NT bid—but before East's pass—he gave the wrong explanation for his partner's 3♦ bid. Under Law 75D1, he was obliged to immediately call the Director, who could at that point have cancelled West's pass and North's 3NT bid and reverted the auction to West. North's failure to follow the law negated any possibility of a successful appeal, and earned the AWMW."

✍ The majority of the panelists agree with the Committee's actions.

Allison: "I cannot add anything to this Committee's correct and excellent judgment."

Treadwell: "Good Committee decision, including the AWMW."

Polisner: "Excellent work all around."

Rigal: "West was suffering from laryngitis, which may have had some bearing on her not saying anything. A sensibly decided Director ruling and the AWMW was totally in point."

Wildavsky: "Perfect. I'm surprised N/S chose to appeal. What happened during screening?"

✍ Does it really matter? Screeners rarely offer an opinion about the likely merit of an appeal, and even if they do they usually only say enough to make sure the appellants are aware that an AWMW is possible. Besides, experienced players like N/S here are expected to be well aware of these things, especially since South is a member of NAC and North is occasionally recruited to sit on our Committees.

Endicott: "A player is not a competent witness as to what his partner might be thinking, but he may speak to the facts of a situation and the potential effects."

✍ True, and there are many players who would easily find a bid if the situation actually happened to them at the table but who would not be able to readily project their possible action into the world of "what if."

Wolff: "An okay ruling, but I'm not sure West would have doubled 3♦. I guess the CDers should always be ruled against."

✍ The next panelist is unhappy about giving redress to E/W...

Gerard: "Well, East's defense was egregious. There is no hand on which the ♦A is right. The best I can come up with is ♠AQx ♥AQJ10x ♦Kx ♣Axx for a push. That doesn't even look like a 1♥ opening. But the Committee was right that it didn't matter, since the lost overtrick could never restore down one. So let's move on. Is that what double means to you? In the past this E/W pair has exhibited some sophisticated defensive agreements, so I wouldn't have just blithely accepted the lead-directing explanation. I don't play it that way and I bet that a majority of the Committee don't either. But gee, folks, don't ask about it or anything because maybe that would have been rude to E/W. And if you did, could you at least have told us? It's only the critical point of the whole case. Assuming that the Committee did its job, I agree with the substantive judgment that East can be a mouthpiece for West. So let's move on. The AWMW is correct only if the Director is presumed to be correct. Yes, N/S didn't add to their argument in Committee, but there have been one or two instances in the past of the Director getting it wrong. Why shouldn't N/S

question whether or not East was allowed to take over the table? Even if that might be right, shouldn't a Committee tell them that? They weren't arguing that East wouldn't have led a diamond, they were just questioning a somewhat obscure point of procedure. Maybe the Director didn't even tell them that it didn't matter which opponent made the argument, in which case they were surely entitled to have someone say so. I can't tell you what I really think about the AWMW, but the title of this casebook will have the words 'Long Beach' in it, not 'Guantanamo Bay.'"

✍ ...while the next panelist is unhappy about... well, just about everyone.

Weinstein: "Off with everyone's head. First let's start with N/S. I for one do not believe that 3NT is a slam try in this situation. A serious/non-serious 3NT makes no sense when the other hand is this defined and the opponents have competed. Even if that is the partnership's general agreement, it would be at best ambiguous in this situation (I refuse to believe this sequence was discussed without seeing hard evidence) and passing 3NT is an LA. Had 3NT been a poor spot I would have left both pairs with that result, but here we have to adjust N/S to -100. Second, I would leave E/W with their table result. I do not believe East should be able to wax hypothetical for West or at the very least that should mitigate the odds that double would have occurred with a proper explanation. East's defense of rising with the $\diamond A$ after ducking the $\spadesuit K$ was poor. East should be able to work out that rising with the $\diamond A$ can't be right (assuming partner is giving any kind of count and declarer didn't open 2NT), and I suspect that the play was made out of frustration with ducking the $\spadesuit K$. The combination of contributory negligence (if not egregiousness) on defense, failure to call the Director after the infraction was discovered (and West could have then been taken away from the table) and West's later failure to speak up convinces me that the only equitable ruling is against everyone."

✍ Again, many players would readily double an artificial $3\diamond$ bid at the table but might not appreciate how the MI affected them under the present circumstances. The fact that East was the first to recognize and call attention to this and that West had laryngitis and could not speak for herself (I was there and can corroborate it; I heard her try to speak) should not diminish E/W's case. East called the Director at the end of the hand, as soon as he had time to assimilate West's diamond holding. And how could he have known that the Director needed to be called when North first corrected his misexplanation? Wasn't it North who really should have called? And as Ron pointed out, even if East had not risen with the $\diamond A$, the lost overtrick could never have compensated East for letting the contract make by leading a club.

Our final panelist seems just plain unhappy and to be looking for something to complain about.

Goldsmith: "I'd like to see system notes showing that 3NT is an artificial slam try. Was the $3\diamond$ bid intended as a limit raise or as a constructive single raise with four trumps? If the former, typically $3\spadesuit$ is Mathe and 3NT is a spade cue (or a natural bid). If the latter, 3NT is natural. South's hand sure looks more like a single raise than a limit raise to me, particularly after East's spade overcall. So I'm not sure I buy the explanation there; South may well have inadvertently taken advantage of UI. Then again, 3NT looks like a pretty good spot for N/S, so E/W were not damaged by the possible infraction. What did $3\diamond$ mean? Was it *really* systemically a raise? I want to see system notes to that effect. And was it a limit raise or a mixed raise? I personally play that a double of a limit raise is lead-directing, but a double of a mixed raise is takeout. If E/W have that agreement or no agreement, and $3\diamond$ was a mixed raise, then I don't accept the argument about a double. If $3\diamond$ was a limit raise (really? a crappy 9-count?) then E/W get to double.

"It doesn't seem completely obvious to me to return a spade at trick three after East leads ace and a diamond. I gave this out as a poll. While most returned a spade, some played a diamond trying either to kill the discard or to promote partner's possible $\heartsuit Q9$ or the like. Still, a spade shift seems likely enough to adjust; about

two-thirds of my pollees returned a spade. Note that if declarer has $\spadesuit AKx \heartsuit AQJ109x \diamond Jxx \clubsuit A$, a diamond continuation is a trick better than a spade. If we had Law 12C3 available, I'd probably rule two-thirds +100 and one-third -620. Yet again we see an example of never to trust the explanation 'Bergen Raise.' Players are not supposed to explain with the name of a convention, but this one is just an accident waiting for another place to happen."

✍ The appeal section clearly indicates that "Bergen Raise" ($3\diamond$ =a major-suit raise with four trumps, either limit or constructive, depending on your agreement) was the correct explanation, so most of Jeff's first paragraph is unnecessary. (I don't recall for certain, but I believe Bergen Raises was marked on E/W's CCs.) Jeff is right about West returning a spade at trick three, but as E/W are the non-offenders the spade return only needs to be about as likely as a diamond (a club really cannot be right). I think it would be close and I'd certainly accept the results of Jeff's poll since even had it been 60-40 the other way the spade return should still be considered "likely."

When good players are playing against good players, it is not uncommon to assume the opponents know most common conventions like Bergen Raises—or at least that they know enough to protect themselves and ask for clarification if they don't.

I think it's clear to assign N/S -100 for $4\heartsuit$ down one, and I too would like to be able to use Law 12C3 here. But since we can't it seems clear to adjust E/W's score reciprocally. As for the AWMW, I can see Ron's point: that N/S did not claim that East would not have led a diamond, they only questioned a procedural point. But I can't see his argument that a Committee should be the judge of whether the Director was right on a point of procedure when the laws give the Director and only the Director the authority to interpret laws, regulations and procedures. To me this was an appeal that N/S could never have won, so I agree with the AWMW.

CASE THIRTY-TWO

Subject (Claim): Speak Up Quickly Or Forever Hold Your Peace

Event: Sally Young LM-1500 Pairs, 18 Jul 03, First Qualifying Session

Bd: 2 ♠ A1083 Dir: East ♥ AJ52 Vul: N/S ♦ J74 ♣ A8 ♠ 972 ♠ KJ5 ♥ 74 ♥ 1093 ♦ KQ32 ♦ 1086 ♣ J643 ♣ Q975 ♠ Q64 ♥ KQ86 ♦ A95 ♣ K102	WEST NORTH EAST SOUTH Pass Pass 1♣ Pass 1♥ Pass 2♥ Pass 4♥ All Pass
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[Editor’s Note: The write-up we received included nothing about the play to the tricks prior to the claim. It seems likely that East led the ♦6 to West’s queen and that West then returned a spade. Declarer ducked this to East’s king and East switched back to diamonds. Declarer likely rose with dummy’s ace, drew two rounds of trumps, and then made his claim statement as described below.]

The Facts: 4♥ made five, +650 for N/S. The opening lead was the ♦6. E/W called the Director before the next round and explained that declarer (North) made a claim statement that included a 5-second pause: “I guess I have to give you a diamond [pause] unless the ♠J falls.” (He also stated that he would pull the last trump first.) The Director ruled that declarer had not been prompted by his partner or

the opponents and had finished his claim statement in reasonable time. Thus, the result stood as scored (Law 68C).

The Appeal: E/W appealed the Director’s ruling. E/W said they each heard declarer concede a second diamond trick to them. There was then a delay before declarer commented on the possibility of the ♠J coming down on the play of the high spades (the ace and queen) allowing him to pitch a diamond loser on his fourth spade. They believed it wasn’t unreasonable (irrational) for declarer to just give up his second diamond loser immediately. North said a few seconds went by before he said he had spade winners to cash and if the jack fell he had the rest of the tricks. He also said he had mentioned that he was pulling the last trump.

The Panel Decision: The Panel determined that declarer had not been prompted by any of the other players at the table in his slowly delivered claim statement so as to cause him to change his mind or suggest that he cash the high spades first to see if the jack would fall for a diamond pitch. Law 68C was applied to his entire statement including the play of the high spades. (Law 70D, which instructs the Director not to accept from declarer any line of play whose success depends on finding a specific opponent with a certain card, was deemed not to apply to this situation.) The Panel allowed the result agreed at the table (4♥ made five, +650 for N/S) to stand. E/W offered no new arguments against applying Law 68C or reasoning that would suggest changing the ruling. Indeed, they only focused on the claimer’s first few words (about guessing he had to give them a diamond) to the exclusion of the rest of his statement. E/W were therefore each assessed an AWMW.

DIC of Event: Millard Nachtwey

Panel: Patty Holmes (Reviewer), Ken VanCleve, Candy Kuschner, Charlie MacCracken

Players consulted: none reported

☞ Most panelists have nothing good to say about E/W’s deplorable attitude and wholeheartedly support the AWMW.

Polisner: “Sportsmanship at its worst.”

Treadwell: “Good Panel decision.”

R. Cohen: “E/W should be ashamed to even call the Director, let alone appeal.”

Goldsmith: “Good job. The AWMW was appropriate.”

Rigal: “Excellent decision by both Director and Panel, and the AWMW was well-judged, too.”

Gerard: “Yes, this AWMW was deserved. The Director apparently explained the basis of his ruling and E/W persisted in contesting a point of law without presenting any new evidence or argument. That’s a clear contrast with the previous case.”

Allison: “I’m afraid the bridge community has been educated that claims are inherently dangerous and you can get something if the claimer isn’t completely and quickly accurate. This may be true when it comes to outstanding trumps but is ridiculous when the claimer completes his claim accurately without error as in this case. Good work by the Panel including the AWMW.”

Endicott: “What was fast here was the acceleration of E/W to seek profit from the slow thinking of declarer. Whilst there is a limit to the patient hearing of a claimant’s statement, I am glad this declarer was held not to be out of time. There would be vast numbers of claims denied to all kinds of diffident or inexperienced players if we were to jump on a case like this.”

☞ The final two panelists think the AWMW unwarranted.

Wolff: “A good ruling but the AWMW should not have been awarded as long as declarer may have said ‘I concede a second diamond.’”

Wildavsky: “I do not think the AWMW was warranted. It seems likely to me that North realized that he might be able to discard his diamond loser only after he had finished his claim statement. This is a valid issue to ask a Committee to investigate, and another Committee might have decided in favor of the appellants. The actual claim statement is missing from the write-up—it’s tough to judge what likely happened without a complete set of facts. If, as it would appear from the write-up, the Committee did not attempt determine the full claim statement then they were derelict in their duty, and the AWMW cannot possibly be justified.”

☞ The law does not prohibit players from working out their line of play while they make their clarifying statement. For example, we’ve all had an opponent ponder as he claims, saying something like, “I think I have the rest of the tricks. Let’s see, I can ruff my two losers in dummy and…” Nor is there a time limit for the statement. It is not unusual for a player, in explaining his claim, to be nervous and to take his time to think through the play as he speaks, even if he already thought it through before he starting speaking. And there’s nothing in the law that says a player can’t correct something he said earlier in his statement, regardless of whether he initially only misspoke or changed his mind—as long as no external cue from his partner or the opponents alerted him to the fact that his original line was invalid.

I agree with Jeff Polisner: this was “sportsmanship at its worst.” The AWMW was totally justified (even in a 0-1500 event) and E/W needed a stern lecture.

CASE THIRTY-THREE

Subject (Claim): How Not To Claim On A Finesse
Event: Flight B/C/D Swiss, 20 Jul 03, First Session

Bd: 23	♠ ---		
Dlr: South	♥ 10xx		
Vul: Both	♦ Axx		
	♣ QJ95432		
♠ 1093		♠ AKQ87	
♥ AKJxx		♥ 62	
♦ 9xxx		♦ QJx	
♣ K		♣ A86	
	♠ J6542		
	♥ Qxx		
	♦ Kxx		
	♣ 107		
WEST	NORTH	EAST	SOUTH
Pass	3♣	3♠	Pass
4♠	All Pass		Pass
The Play (South on lead):			
Trick:	1	♣10, ♣K, ♣2, ♣6	
	2	♠3, ♠3, ♠A, ♠2	
	3	♠K, ♠4, ♠9, ♠4	
	4	♣8, ♣7, ♠10, ♣5	
	5	♦x, ♦x, ♦Q, ♦K	
	6	♦x, ♦x, ♦A, ♦x	
	7	♦x, ♦J, ♦x, ♦x	
	8	♠Q, ♠5, ♥x, ♣9	
	9	♠8, ♠J, ♥x, ♥x	
		claim, in this position:	
		♠ ---	
		♥ 10x	
		♦ ---	
		♣ QJ	
♠ ---		♠ 7	
♥ AKJ		♥ 62	
♦ 9		♦ ---	
♣ ---		♣ A	
		♠ 6	
		♥ Qxx	
		♦ ---	
		♣ ---	

The Facts: The Director was called after trick nine with South still on lead. Declarer (East), who had already lost three tricks, claimed saying he would be able to take the rest of the tricks. South was known to hold one spade and three hearts but declarer had made no clarifying statement until after the Director arrived. The Director awarded a trick to N/S and assigned the result of 4♠ down one, +100 for N/S (Law 70E: Unstated Line of Play).

The Appeal: E/W appealed the Director's ruling and were the only players to attend the hearing. East said that when he claimed he said "I have the rest; I'll give my line of play after the lead." When the Director arrived at the table he said that on a heart lead he'd have finessed as the only way to make the contract. He said that he had the hand counted out and knew that South's remaining cards were one spade and three hearts. E/W each had 500-600 MP. The Reviewer spoke to N/S during the next session to ask them what declarer had said when he claimed. They said he only said "I have the rest, lead"; South thought East did not even say "lead" until N/S's hands had been exposed. They said that no mention was made of the heart finesse until the Director arrived at the table. N/S each had about 360 MP.

The Panel Decision: The Panel believed it was significant that the claimer said "I have the rest" (in both versions of the claim) since even on his stated line he does not "have the rest" if the ♥Q is offside (although the bidding and the play to that point indicated it was probably onside). The Panel believed there was some doubt about whether East remembered that South still held a trump. Since the Panel thought it was at all likely that claimer was unaware that a trump

remained in the South hand they did not allow East to take the heart finesse and awarded a trick in the ending to N/S (Laws 70C2 and 70E). The result was assigned as 4♠ down one, +100 for N/S.

DIC of Event: Peter Knee
Panel: Ken VanCleve (Reviewer), Charlie MacCracken, Chris Patrias
Players consulted: none reported

☞ Everyone agrees with this decision, but the majority also want an AWMW.

Goldsmith: "Good job except for the missing AWMW. This was one of the easier claim rulings."

Polisner: "All good except a failure to assign an AWMW."

Rigal: "What, no AWMW? There were no new facts or new arguments, and the missed trump is the overwhelmingly likely explanation. Hang 'em high!"

Wildavsky: "I find no merit in the appeal. Life Masters ought to know better."

☞ Even though E/W each had over 300 MP, they need not have been Life Masters (though in fact they were).

Allison: "This Panel made the right decision for the right reasons and only omitted the AWMW that I believe was justified here. Oh, and by the way, even if declarer were allowed to take the heart finesse (which would be a mistake by Director and Panel) doesn't he still lose a trick to the trump in South's hand? *Double AWMW!*"

☞ No. If East is allowed to take the heart finesse he simply cashes dummy's top hearts (pitching his ♣A on the last one) while South follows helplessly and his high trump will take trick thirteen.

R. Cohen: "A filthy case, but the Director and Panel were both correct. When North plays black on black as trumps are drawn, it's easy to miscount spades. Also, Law 70D does not allow the heart finesse after the original claim statement and Director call."

Treadwell: "Good Panel decision."

Wolff: "I agree with this tough decision."

☞ I'm not so sure I agree with everyone here.

In point of fact (and law) declarer cannot claim saying something like "I have the rest; I'll give my line of play after the lead." When a claim is made ("I have the rest" constitutes a claim) play ceases. East should then have faced his hand and been given a chance to make a clarifying statement (if he wished). Instead, the Director was called. Was East ever given a chance to make a clarifying statement? It seems not, although he did make one after the Director arrived. But that's okay since: (1) He knew at least two lines of play were possible and what he said clearly indicated that he intended to state a line of play. (2) The opponents called the Director rather than tell East that no further play was possible and to state his line of play without any lead (though I would not expect Flight B/C/D players to know to do this). (3) Law 70B1 requires the Director, upon arriving at the table, to require the claimer to repeat the clarifying statement he made when he claimed. Since there was no clarifying statement to repeat, but since East clearly said he wanted to make one and was prevented from doing so by the opponents' Director call, he should be allowed to make one. But he did make one, apparently without any prompting. He said "on a heart lead he'd have finessed as the only way to make the contract." This

CASE THIRTY-FOUR

Subject (Change of Card Called from Dummy): The Devil Made Me Do It
Event: Friday-Sunday Side Game Series, 20 Jul 03, Afternoon Session

implies he knew that if, by some chance, North started with only six clubs and South had a club left and returned it at trick nine, he could win in hand, draw the last trump, and would not need the heart finesse. (Of course had the ♡Q been offside South would have seen that he could set the hand by returning a heart when without the claim he might have erred and exited with his club.) So why was East's claim statement not accepted and his claim allowed?

The answer may be hinted at near the end of The Appeal section. When the Reviewer spoke to N/S to find out what declarer had said when he claimed, they told him, "he only said 'I have the rest, lead'" and that South thought "East did not even say 'lead' until N/S's hands had been exposed." This suggests that East knew the ♡Q was outside before he made his claim since he said "I have the rest" when he did not have the rest unless South had the ♡Q and played a heart. It also means that South may well have been right in thinking that East did not even say "lead" until after he saw the N/S hands. So it is possible that East did not know about the outstanding trump at the time of his claim but that he discovered it after he saw N/S's hands and then quickly worked out the necessary line of play.

Of course all of this is conjecture: East may in fact have included the "I'll give my line of play after the lead" part of his claim before anything else happened and may not have seen N/S's hands before he made his clarifying statement. Or N/S may have exposed their hands prematurely, as soon as they heard East say "I have the rest." The evidence is equivocal and given doubt, the Director and Panel probably did the right thing.

My analysis is as follows. (a) If East really said "I'll give my line of play after the lead," even though no lead could legally be made, he clearly indicated his desire to make a clarifying statement and he should have been allowed to do so. If he made his statement before he saw N/S's hands his claim should have been allowed. If he saw N/S's hands before making his statement, there are two possibilities: (b1) East "induced" N/S to show their hands by not saying anything about giving a line of play until he noticed a trump in South's hand and realized he would need to finesse the ♡Q. Then the claim should be disallowed. (b2) East said he would state a line of play after the lead but N/S mistakenly faced their hands, giving East information he was not entitled to, though not by his own doing. In that case both sides should probably be given Average since both were partially at fault, East by asking for a lead which he wasn't entitled to and N/S by facing their hands prematurely.

What do I think really happened? I think b2 is the most equitable resolution, given the ambiguity in the facts, but it creates the problem of determining what is "Average" in a Swiss Teams event. I would need more information to make this decision, but I think the decision the Panel came up with was very reasonable given the evidence they chose to focus on (that East did not "have the rest" even though he said he did). As Ralph and Wolffie said, a "filthy" case and a "tough" decision.

Bd: 28	♠ AQ43		
Dlr: West	♥ J73		
Vul: N/S	♦ K103		
	♣ AK2		
♠ 1095		♠ J82	
♥ A1095		♥ Q862	
♦ J54		♦ Q876	
♣ 1097		♣ J3	
	♠ K76		
	♥ K4		
	♦ A92		
	♣ Q8654		
WEST	NORTH	EAST	SOUTH
Pass	1NT	Pass	2♠(1)
Pass	3♣	Pass	3NT
All Pass			
(1) Transfer to clubs			

The Facts: 3NT made four, +430 for N/S. The opening lead was the ♡2. Declarer played low from dummy, won West's nine with the jack, and cashed three rounds of clubs ending in hand. She then played a spade to dummy's king and said "King of hearts—no, no, no" as West played the ace (see The Appeal section). The Director was called and ruled that the ♡K was a played card (Law 45C4(a)). E/W cashed their three heart tricks and declarer took the rest.

The Appeal: N/S appealed the Director's ruling and were the only players to attend the hearing. North said she never intended to call for the ♡K; she still hadn't decided in which order to cash her tricks to give herself the best chance to make six. In screening she also said that since she had not decided in which order to cash her tricks, she was not prepared to correct an inadvertent designation,


only to "undesignate" the ♡K. She had no idea why "King of hearts" came out of her mouth but as soon as she said it (and simultaneous with West's play of the ♡A) she started to sputter "No, no, no." North had almost 500 MP, South about 70.

The Panel Decision: The Panel noted two things in reaching a decision. First, West's "simultaneous" play of the ♡A may have reminded declarer that the king was not high. Second, Law 45C4(b), which states that declarer may change an inadvertent designation without pause for thought, requires that declarer had misspoken a call for one card while attempting to call for another. But since by her own admission North hadn't yet decided what card she wanted to play at trick six, it was clear that this requirement had not been met. Therefore, the Panel decided that the ♡K was a played card and the table result was allowed to stand.

DIC of Event: Jean Molnar

Panel: Ken Van Cleve (Reviewer), Charlie MacCracken, Matt Smith

Players consulted: none reported

 This case raises an interesting question about the intent behind Law 45C4(b). Our first two panelists explore this issue.

Goldsmith: "I'm not convinced that Law 45C4(b)'s wording is clear here; it says 'may...change an inadvertent designation.' I agree that the rule may mean 'change to another designation,' which makes the ruling perfectly correct, but it may just mean what it says exactly, 'change.' Retraction is change. The next edition of the laws probably ought to make the wording fully clear, perhaps 'may...change an inadvertent designation to the intended designation.' This minor ambiguity would never have occurred to me before this case arose. I'd allow the result to stand because I suspect North's call of the ♡K was due to her thinking it was good, at

least subconsciously, not just an accidental speaking of words, so either way we get ‘result stands’.”

R. Cohen: “The Panel did what it had to, ugly as it seems. Note that Law 45C4(b) states ‘change an inadvertent designation.’ ‘No, no, no’ is not a change. ‘No, king of spades’ might well have been acceptable if the Panel determined it was said ‘without pause for thought’.”

✍ I agree with Jeff that the wording of Law 45C4(b) should be changed in the next revision to reflect the law’s intent (that a new designation must be given—not just a retraction). But one additional point should be kept in mind: A player who has inadvertently designated a wrong card may become flustered and barely able to get out the words “No, no, no” or “No, I didn’t mean that.” She must be given a chance to state her change, as long as it’s clear that it’s not a change of mind, which is what “without pause for thought” really means. (Come to think of it, that interpretation could also be made clearer in the next law revision.) Of course in this case the Panel was perfectly right: by declarer’s own admission she had not decided what card she wanted to play when she called for the ♠K, so this was not a “change.”

The remaining panelists all support the Panel’s decision, which is good since it was clearly the correct one.

Endicott: “In Law 45C4(b) the clue lies in the word ‘designation.’ It is the incorrect naming of the card to be played that may be changed if it was inadvertent and the change attempted without pause for thought. What is not inadvertent is the action of calling for a card. Indeed, if you do not know what card you wish to play it is better not to call for one.”

Allison: “It is certainly clear that West’s play of the ♠A may have awakened declarer to the fact that it was not high. The Panel’s decision is, therefore, quite just. I wonder if it was just empathy that caused the Panel not to award an AWMW or if there was something more to their thinking.”

Wolff: “I agree. A played card is a played card.”

Treadwell: “Good Panel decision.”

✍ And finally, several panelists suggest that an AWMW was called for.

Polisner: “Excellent ruling and decision, except for the failure to assign an AWMW.”

Wildavsky: “What facts came to light in the hearing that would not have come in in screening? I do not understand why N/S pursued this appeal, and would have assessed an AWMW.”

Rigal: “This time I would have more sympathy with not assessing an AWMW based on N/S’s inexperience. But I would also expect the screening officials to explain it clearly enough that N/S would either withdraw their appeal or risk the AWMW. It is an area of the law where misunderstandings abound, but regrettably I’d go for an AWMW here too.”

✍ I agree. It is up to the Reviewer (or Screener in a Committee case) to explain the law to the appellants before the hearing starts so that a Panel (or a Committee) does not waste time on cut-and-dried appeals like this. It may have been appropriate not to issue an AWMW this time, but if so that was an admission that the screening process was inadequate. And the appellants’ experience level is irrelevant in this case and others like it: this was not about bridge, it was about the laws and logic.

CASE THIRTY-FIVE

Subject (Change of Card Called from Dummy): The Story of Oh
Event: Stratified Senior Swiss Teams, 20 Jul 03, Second Session

Bd: 28	♠ K103		
Dlr: West	♥ 74		
Vul: N/S	♦ Q873		
	♣ J865		
♠ QJ		♠ 98752	
♥ QJ9863		♥ AK1052	
♦ K4		♦ 9	
♣ 1093		♣ AQ	
	♠ A64		
	♥ ---		
	♦ AJ10652		
	♣ K742		
WEST	NORTH	EAST	SOUTH
2♥	Pass	4♥	All Pass
The Play (North on lead):			
Trick:	1	♥7, ♥2, ♣7, ♥8	
	2	♥3, ♥4, ♥A, ♣2	
	3	♦9, ♦A, ♦4, ♦3	
	4	♠4, ♠Q, ♠K, ♠2	
	5	♣5, ♣A, ♣4, ♣3	
	6	spade called	

The Facts: The opening lead was the ♥7. At trick six declarer, having already lost two tricks, called for a spade from dummy. South pulled a card from his hand and was preparing to play it when declarer attempted to change his call from dummy. The Director was called and ruled that there had been a pause for thought and the spade had to be played (Law 45C4). 4♥ went down one, +50 for N/S.

The Appeal: E/W appealed the Director’s ruling. West said that after calling for a spade at trick six he immediately said “Oh,” almost instantaneously. The dummy had started to reach for a spade and South was detaching a card but had not played it. He said he meant to play a heart to his hand so he could discard the ♣Q on the ♦K and simply misspoke. E/W each had about 1200-1300 MP. N/S believed that at least 2 seconds had passed between when East called for a spade and when he said “Oh.” South had detached the ♠A from his hand but had not played it and

dummy was reaching for the spade. They agreed that dummy had not flinched or otherwise indicated that he was surprised at the call for a spade. N/S each had about 500 MP.

The Panel Decision: The Panel looked at four factors in determining whether the call for a spade was inadvertent. They concluded: (1) Two seconds did not in itself constitute a pause for thought. (2) The players agreed that dummy did nothing to indicate the change. (3) South had not yet played to the trick, so declarer had gained no new information. (4) They believed that declarer had not simply gotten ahead of himself; that he had no intention of calling for a low spade any time soon. Next, the play was examined. If declarer played a heart as intended, it was a simple matter for him to discard the ♣Q on the ♦K and ruff two clubs in dummy to make the contract. The Panel determined that declarer had corrected an “inadvertent designation” without pause for thought and allowed him to play a heart from dummy (Law 45C4(b)). The contract was changed to 4♥ made four, +420 for E/W.

DIC of Event: Karl Hicks

Panel: Ken VanCleve (Reviewer), Charlie MacCracken, Matt Smith

Players consulted: none reported

✍ The panelists are virtually unanimous in agreeing with the table ruling and not the Panel’s decision. I’m with the panelists and the table Director on this one.

Rigal: “I think the Director was right and the Panel wrong. The 2-second pause was long enough that if West did not immediately say ‘heart’ he had to accept the consequence of playing a spade. I can see room for the other interpretation, I just don’t agree with it.”

Goldsmith: “Without having been there, I don’t feel confident about this one. I’d be inclined to require the spade play. If declarer really knew what he was doing, he would have claimed. Since he didn’t, I suspect he didn’t think of the winning play until a second or two too late. He could have claimed as early as North’s club shift, so there’s a very strong chance he didn’t have the hand fully under control in his mind.”

Wildavsky: “I prefer the Director’s ruling to the Panel’s decision. The Laws Commission minutes from the Summer of 1999 say: ‘It was clear to the Laws Commission that the presumption must be that the card named was the one intended. In order for the Director to determine that the designation was inadvertent there must be overwhelming evidence toward that end.’ The write-up does not say that this requirement was addressed by the Panel.”

R. Cohen: “To me “Oh” is not a change of designation. It could be an exclamation of surprise that declarer actually called the spade but it certainly isn’t a ‘change of designation.’ See my comments on CASE THIRTY-FOUR.”

Wolff: “I don’t agree. The power play by the Panel is visible. On this type of ruling bias will run rampant and has no place in our laws. When someone calls a card from dummy and there’s any pause, whether the opponents have played or not (why should they have to rush to play?), the card cannot be withdrawn. Shame on the Panel and this time the declarer only said ‘Oh’ instead of the familiar two-word phrase. *Directors. Your way cannot work!*”

✍ And now for the Editor’s-Choice Awards. May I have the envelopes, please. Our Most Pithy Comment Award goes to...

Endicott: “Dear me! The Panel’s conclusion that there was no pause for thought is remarkable. Two seconds *is* a long time for thought. Newton could react to the fall of an apple in less, and Heaven preserve us if we take 2 seconds to dive for cover in battle. The Panel should spend another 2 seconds thinking about this one again—or it might need much less than that.”

✍ Our Most Clever Comment Award goes to...

Weinstein: “Normally, I don’t comment on this type of case unless the offender starts with ‘Oh.’ Since J’oh’anna Stansby has copyrighted ‘Oh, shit’ we can now speculate about the meaning of ‘Oh.’ Perhaps, being thirsty, our declarer was beginning to say ‘Oh, I could have had a V-8!’ Perhaps, ‘Oh, I forgot to turn off the iron and the house is burning down.’ More likely, ‘Oh, I had a brain cramp and could have pitched away my club queen.’ Not knowing what was going through declarer’s mind one should take the same position as after UI, with overwhelming evidence of inadvertency needed to permit the offender a positive outcome. This situation does not meet those standards and the table result should stand.”

✍ He also gets credit for the title of this case. Our Most Pessimistic Prediction Award goes to...

Allison: “I may be alone on this one but I would call the spade a played card. You need to take your 2 seconds before you play the card, not afterwards. South stated that he had time to detach (but not play) a card to the spade. I believe that may have awakened West to what had happened.”

✍ Our Most Confused Comment Award goes to...

Polisner: “If the write-up is correct that declarer had already lost two tricks, I am very confused. What two tricks could they have been other than a spade and a diamond? In that case, declarer was intent on setting up spades for club discards from her hand and thus really did intend to lead what must have been the second spade. If I am correct, the ruling and decision were poor. How did the ♣A get played when it was critical to discard the ♣Q now? All very strange.”

✍ Yes, all *very* strange. And last, but not least, our Lost Lamb Award (“Baa, baa!”) goes to...who else?

Treadwell: “Good Panel decision.”

CASE THIRTY-SIX

Subject (Change of Card Called from Dummy): Many A Slip ‘Twixt Brain and Lip

Event: Wednesday Fast Pairs, 23 Jul 03, First Session

Bd: 27	♠ AJ		
Dlr: South	♥ KJ98		
Vul: None	♦ 1073		
	♣ A982		
♠ K		♠ 8732	
♥ A1064		♥ Q7	
♦ AK985		♦ J4	
♣ 1076		♣ KQJ54	
	♠ Q109654		
	♥ 532		
	♦ Q62		
	♣ 3		
WEST	NORTH	EAST	SOUTH
			2♠
Dbf	Rdbl	3♣	Pass
Pass	Dbf	All Pass	

The Facts: The opening lead was the ♣3, ducked to declarer’s jack. The ♠2 went to the king and ace and North played ace and another club. Declarer won in hand and cashed her other top club, drawing North’s last trump. She then led the ♦J, passing it when South followed low, and then led the ♦4 toward dummy. According to E/W, when South followed low again East said “Low diamond, no wait a minute” with no pause for thought. According to both N/S players, after East called for a low diamond not only was there time for North to follow with the ♦10 but West also touched the ♦8. The Director ruled that this was a change of mind rather than an inadvertent designation (Law 45) and that the ♦8 was a played card, with the result that 3♣ doubled went down

two tricks, +300 for N/S.

The Appeal: E/W appealed the Director’s ruling. West did not attend the hearing. East said that when South followed low to the second diamond she called for a small diamond and immediately said “No, I mean the king.” (Her partner was not present to corroborate this.) N/S were equally adamant that North had started to play the ♦10 and West had his hand on the ♦8 by the time declarer tried to change her designation.

The Panel Decision: The Panel noted that each side was adamant about their version of the facts. However, they believed that since the ♦J had won the previous trick, it was possible that declarer decided to finesse the queen again, forgetting about the ♦10. Since she had said “Small diamond,” and since the Panel decided this wasn’t inadvertent according to Law 45C4(b), the ♦8 was therefore judged a played card; the result assigned at the table (3♣ doubled down two, +300 for N/S) was allowed to stand.

DIC of Event: David Cotterman

Panel: Candy Kuschner (Reviewer), Patty Holmes, Matt Smith

Players consulted: none reported

✍ This time we’re unanimous: This was a good job by the Director and Panel.

Weinstein: “Now this is the way to decide inadvertency cases. Good job by the Panel.”

R. Cohen: “This time the Panel got it right. A definite change of mind. No inadvertence.”

Allison: “Here I agree with the Panel. There was obviously a break between the ‘low diamond’ statement and the change of mind when North was winning the trick.”

Wolff: “I agree, it didn’t take long for the chickens to come home to roost. I think this case is more so than the previous case, but in neither case should the card be allowed to be withdrawn.”

Treadwell: “Good Panel decision.”

✍ A bit of waffling came from our man in Pasadena.

Goldsmith: “Another tough call. The ♦8 could never be the right play, which suggests that the call was accidental. Also, if East had really intended to finesse, it’s likely she would have called for the nine, but again, without being there, I don’t feel confident to judge. This particular type of case depends on very fine timing. Perhaps, therefore, we might consider tinkering with those rules to make them more cut-and-dried. No, I don’t know how to do that.”

✍ Players make bad or illogical plays all the time, and it can certainly be argued, to good effect, that a Fast Pairs is more conducive to that sort of thing than most other events—with the possible exception of a Speedball Pairs.

Endicott: “If West could have attended and did not it is not hard to think he agreed with the Director. Anyway, this card was played and there is little doubt about it, even if it took less than 2 seconds for East to wake up.”

✍ Yes, West’s absence from the hearing was to this case what the dog’s “failure to bark” was to Sherlock Holmes in *Silver Blaze*.

The remaining panelists think an AWMW was warranted. I think they’re right.

Polisner: “Good work all around, except for a missing AWMW—especially since West did not appear in a case that was entirely factually based.”

Rigal: “A sensible decision with good grounds to support it. I can live with no AWMW—there were some issues to debate—but the write-up should certainly have mentioned why one was not given.”

Wildavsky: “I agree with the Director and the Panel. What merit did the Panel find in the appeal? I see none.”

CASE THIRTY-SEVEN

Subject (Exposed Cards): A Tip Off...But No Foul
Event: Saturday-Sunday KO, Bracket 2, 26 Jul 03, First Match

Bd: 30	♠ xxx		
Dlr: East	♥ Kxx		
Vul: None	♦ xxx		
	♣ K10xx		
♠ AKx		♠ QJxxx	
♥ Qxx		♥ xx	
♦ Kxx		♦ Axx	
♣ Axxx		♣ QJx	
	♠ xx		
	♥ AJxxx		
	♦ QJ10x		
	♣ xx		
WEST	NORTH	EAST	SOUTH
Immaterial (final contract: 4♠ by W)			
The Play (North on lead):			
Trick:	1	♥x, ♥x, ♥A, ♥x	
	2	♦Q, ♦K, ♦x, ♦x	
	3	♠A, ♠x, ♠x, ♠x	
	4	♠K, ♠x, ♠x, ♠x	
	5	♠x, ♠x, ♠Q, pitch	
	6	♥x, ♥x, ♥Q, ♥K	
	7	♦x, ♦A, ♦x, ♦x	
	8	♦x, ♦10, ♦x, ♦x	
	9	♣x, ♣x, ♣K, ♣x	
	10	declarer claimed	

The Facts: 4♠ went down one, +50 for N/S. The opening lead was a low heart. South, as she led to trick two, knocked over her card holder, briefly exposing her cards to the rest of the players at the table. She covered them quickly and pulled them into her lap. E/W called the Director who said they believed North had seen South's cards. The Director applied Law 50, instructing the players that South's prematurely exposed (but not led) cards would not be treated as penalty cards and to resume play. He remained at the table and monitored the play, which he reported went as shown in the diagram. At the end of the play, the Director was satisfied that there had been no damage from the briefly exposed cards (Law 16) and allowed the table result to stand.

The Appeal: E/W appealed the Director's ruling. E/W raised two issues. First, they believed that Law 50 had been improperly applied and that North had seen South's cards. Second, they insisted that a score of +420 for E/W had been agreed to at the table. When asked by both the table Director and the Reviewer which tricks had been taken or for a description of the play, East would only say that a result of +420 for E/W had been agreed at the table. Further, East told the Reviewer that

N/S had brow beaten the Director into the result of down one. South said that at the end of the hand she had asked if that was making four; her partner disagreed with her and said down one.

The Panel Decision: The Panel, although divided, believed that the table Director had upheld the spirit of the laws in applying the first paragraph of Law 50 to this situation. That paragraph reads:

A card prematurely exposed (but not led, see Law 57) by a defender is a penalty card unless the Director designates otherwise. The Director shall award an adjusted score, in lieu of the rectifications below, when he deems that Law 72B1 applies.

Law 72B1 reads:

Whenever the Director deems that an offender could have known at the time of his irregularity that the irregularity would be likely to damage the non-offending side, he shall require the auction and play to continue, afterwards awarding an adjusted score if he considers that the offending side gained an advantage through the irregularity.

They also decided that the Director's observation that no damage resulted from the incident was sufficient to uphold his application of the law. Since he was able to provide both the hand and the play (uncontested by the players) they accepted his observations and assigned the result of the board as 4♠ down one, +50 for N/S.

Dissenting Opinion (Charlie MacCracken): If an outside force (for example, a caddy spilling a drink down South's back) caused South to face her cards in the middle of play, we would rule under Law 16B:

When a player accidentally receives UI about a board he is playing...as...by seeing a card belonging to another player...the Director should be notified forthwith, preferably by the recipient of the information. If the Director considers that the information could interfere with normal play, he may...adjust the players' positions at the table...appoint a temporary substitute...or...award an artificial adjusted score.

I equated a handicapped South's knocking over her cards to such an outside force. Since North, the one time she was in, could have led any card (except the ♣K) and still defeated the hand, I believe she gained no useful information and agree with assigning +50 for N/S. Had declarer led a low club at trick three, North would have had useful information and so would have had to play the ♠K.

DIC of Event: Carey Snider

Panel: Su Doe (Reviewer), Charlie MacCracken, Ken VanCleve

Players consulted: none reported

✍ Five of our panelists sit on either the ACBL Laws Commission, the WBF Laws Committee or both, and all agree that the Director's ruling and the Panel's decision were legal and within the spirit of the game. The only thing missing here was...

Polisner: "Nice discussion by the dissenter about how these laws should be interpreted. The bottom line is that there was no damage to E/W and the ruling and decision were correct, except that E/W should have received an AWMW."

Allison: "Law 50 provides that the Director can deem a prematurely exposed card not to be a penalty card. This is what the Director did in this case and it was both lawful and in the spirit of the game. I think it is sad that E/W sought to force N/S to permit a game to make that was otherwise unmakeable and I trust completely the word of the Director who described the play and said that the game did not make."

✍ Sad is one way to put it—unsportsmanlike another (see CASE THIRTY-TWO).

R. Cohen: "The Panel and dissenter reached the same place, but took different paths to get there. Since the play was supervised by the Director, N/S achieved no advantage from South's exposed cards and the proper conclusion was reached."

Wolff: "I agree with the ruling and especially Charlie MacCracken's dissent. All roads led to -50 E/W so knocking over the card holder became meaningless."

Endicott: "Unless knocking over the card holder was deemed a purposeful action there was no infraction. South did not act to make UI available, it occurred adventitiously. If North saw anything significant as the outcome of the accident, Law 16B would apply. Everything the Director did was within the powers the relevant law gives, regardless of spirit, and I have no inclination to challenge the Director's conclusions in addressing the question of whether North had UI and took advantage of it."

✍ The remaining panelists concur with the decision, though not necessarily with how it was reached.

CASE THIRTY-EIGHT

Wildavsky: “The dissent needs to be more specific. It seems to be saying that it agrees with the decision, but that the decision ought to have been made using a different law. If that’s its contention, I do not disagree. E/W seem to be adherents of a metaphysical theory that incorporates a socially constructed reality. I’d have assessed an AWMW for their contention that what was said at the table is more important than the number of tricks actually taken.”

✍ As Ralph points out above, the dissenter simply preferred a different approach that would have led to the same place (presumably by either seating a substitute in North’s place or awarding an artificial adjusted score).

Agreeing with Jeff Polisner and Adam about the need for an AWMW are...

Weinstein: “I had to wash my hands (see, I’m trying to keep my comments clean) after reading about E/W’s behavior in this case. I don’t know E/W’s names, but whatever the ACBL sportsmanship award is called, please remove them permanently from consideration. Since deciding against them (where was the AWMW?) obviously had no impact on their free shot to win a KO match, a sentence of playing with a card rack/holder for the next 10 (or 100 or 1000) sessions seems appropriate, if for no other reason other than sensitivity training.”

Rigal: “To me the Director applied the laws in the right spirit. Clearly E/W were not damaged by anything that happened in the play after trick two. I’d have liked to give them an AWMW but in the circumstances I can see why that was not done.”

Treadwell: “Good Panel decision.”

Goldsmith: “I didn’t know that Law 50 allows Directors to judge that an exposed card provides no penalty. Law 50B says ‘a card...exposed inadvertently...becomes a minor penalty card,’ which suggests to me that Law 50 was misapplied, but I think it would be a good thing if Law 50 could be applied as it was, particularly with respect to handicapped players. McCracken’s dissent appears to have been somewhat garbled. West, of course, could have made the contract. If North had seen South’s cards, West ought to have been able to as well, so why didn’t he make 4♣ by playing a club to the queen early?”

✍ That question sounds rhetorical to me, so I’ll treat it as such...and move on.

Subject (MI): Where’s that going to get you, in the end?
Event: USBC, 01 June 03, Round Robin, Match One
Teams: Colchamiro (N/S) versus Jacobs (E/W)

Bd: 3	Mel Colchamiro		
Dlr: South	♠ KQ65		
Vul: E/W	♥ K5		
	♦ K762		
	♣ K109		
George Jacobs		Ralph Katz	
♠ 42		♠ AJ3	
♥ AQJ32		♥ 874	
♦ J985		♦ AQ4	
♣ 65		♣ AJ84	
	Janet Colchamiro		
	♠ 10987		
	♥ 1096		
	♦ 103		
	♣ Q732		
WEST	NORTH	EAST	SOUTH
Pass	1NT(1)	Dbl	Pass
2♦(3)	Pass	2NT(4)	2♣(2)
3♥	All Pass		Pass
(1) 12-14 HCP			
(2) S to W: ♣ + higher or scrambling; N to E: ♣ + higher			
(3) Intended as transfer to ♥; taken as natural			
(4) Intended as constructive game try			

The Facts: 3♥ made four, +170 for E/W. The Director was called at the end of the auction (before the opening lead) when E/W discovered that the 2♣ bid had been explained differently on the two sides of the screen and had affected their subsequent auction. South told West that 2♣ was either clubs and a higher suit or a scramble (N/S’s actual agreement). Since none of South’s suits was known E/W played “system on” and West’s 2♦ was a transfer to hearts. East was told that 2♣ showed clubs and a higher suit (the scramble possibility wasn’t mentioned) so for him, since South was known to hold clubs, all of West’s bids were natural. Since E/W had not discussed what 2NT meant after a transfer in this situation, East’s 2NT bid made West suspicious. At the end of the auction West passed the note with his explanation of his 2♦ bid (“intended as a transfer but undiscussed”) under the screen so that North would know the correct meaning of the bid in case East had mis-explained it. When East passed the note back with “not a transfer, we know one of their suits!” written on it, West realized that they had been given different explanations and called the

Director. The Director discovered that East’s double showed a good hand (14+ HCP or better), not necessarily balanced, and that E/W bid over the double as if East had opened a strong notrump. The Director ruled (based in large part on the sections of the CoC described in the Committee Decision section below) that E/W were damaged by the different explanations: with the correct explanation East would have known that 2♦ was a transfer and bid 2♥, after which West would either have bid game or at least invited it with 2NT (and East would have accepted). The contract was changed to 4♥ made four, +620 for E/W.

The Appeal: N/S appealed the Director’s ruling. The hearing was conducted via a conference call but otherwise run normally. North started by saying that the use of 2♣ as a scramble when a weak notrump is doubled is not an uncommon practice and E/W should have been aware of the possibility. He also said that while he should have included “scramble” as part of his explanation, the difference between the explanations on the two sides of the screen was not all that significant. Finally, he believed that West’s non-forcing 3♥ bid was unduly conservative after a 2NT

bid that, discussed or not, must have been forward-going (since West could have held a very weak hand with five-plus hearts). Thus, E/W should still have bid a game (either 4♥ or 3NT) and it was the 3♥ bid that was responsible for their not getting there—not the differing explanations. When asked about their methods after a double of their weak notrump N/S said responder’s pass forced a redouble, after which responder showed one-suiters. E/W had the same bidding agreements in the present auction as they had after their strong 1NT opening was interfered with: East’s double normally showed a strong notrump or better (14+ HCP, balanced), but an unbalanced hand was also possible. The latter meant that some continuations of the auction—like East’s 2NT or new suit bid—had meanings that E/W had not discussed. For example, a 1NT opener’s new suit after partner’s transfer normally showed shortness with a pre-accept, but in the present auction a new suit should be natural and deny a fit. Similarly, East’s 2NT bid need not have shown a good balanced hand with a three-card fit. West admitted that his 3♥ bid was an error. He knew that East’s 2NT bid showed a good hand of some sort and created a game-force opposite his hand. However, he failed to appreciate that East would interpret his 3♥ bid (correctly) as a signoff when he bid it to show his suit and give East a choice of contracts (since he suspected from the undiscussed 2NT bid that something had gone awry). East added that had the N/S agreement been explained properly he would never have bid 2NT (which he intended as constructive with his excellent diamond fit since 3NT was possible opposite as little as king-sixth of diamonds and out); he would have bid 2♥ with his three small hearts. West would then have bid either 2NT (and East would have gone on to game) or 3NT and the problem would never have happened.

The Committee Decision: The Committee considered each pair in turn. Regarding N/S, it was quickly decided that even if it was subsequently judged that E/W should have reached game despite the MI, without North’s incomplete explanation E/W would clearly have bid either 4♥ or 3NT. Thus, N/S could not be allowed to profit from their infraction and for them the contract was changed to 4♥ made four, –620 for N/S. Next the Committee considered whether West’s 3♥ bid was sufficiently poor to sever the link between the infraction and the damage. After a lengthy discussion it was decided that, while 3♥ was a clear bridge error, the situation created by N/S was unusual enough (given the ambiguity that 2♣ showed either two suits including clubs or started a scramble and promised no specific suit) to afford E/W protection. This decision took into account the CoC designed specially for this event, which the Directors had relied on for their ruling. The two relevant parts of those conditions read:

***IX-E: Requirement to Know Own System.** Players are expected to know their system, especially early in the bidding. If it is determined that the opponents have been disadvantaged by ambiguous or differing explanations, score adjustments may be applied.*

***X: Screens.** When a contradiction between information provided on the two sides of the screen on the same call is apparent, ANY REASONABLE doubt that harm was done will be resolved in favor of the non-offenders in determining a score adjustment.*

In addition, it was noted that the identity of the declarer would have no bearing on the number of tricks taken in a heart contract since without the MI East would have been declarer and would have had different roads available for +620. Therefore, the E/W contract was changed to 4♥ made four, +620 for E/W.

DIC of Event: Chris Patrias

Committee: Rich Colker (non-voting chair), Ira Chorush, Ron Gerard, John Sutherland

✍ Let’s hear first from one of the Committee members.

Gerard: “I thought the first two of North’s arguments duplicitous. In particular, the

differing explanations were critical, even if by word count the delta was not that significant. It’s like the comma in the sentence ‘Where’s that going to get you, in the end?’ [This inspired the case title.—*Ed.*] For North to suggest that it didn’t really matter after hearing E/W’s case (both at the table and in the introductory statement of facts) implies a finely tuned deaf ear. As to E/W’s culpability, we discussed whether it even need be considered because they could only restore equity, not improve on it. In the end we didn’t go that way, both because of the lack of established precedent when no windfall was available and because we could rely on the clear policy of the conditions to forgive the inferiority of the 3♥ bid.”

✍ The next panelist agrees that the difference in explanations was not minor when E/W’s bids depended critically on whether at least one of South’s suits was known.

Allison: “If there were an AWMW available I would have applied it to N/S in this case. To state that there was little difference between the explanations is ridiculous given that E/W had very clearly defined system understandings depending on whether there was a known suit or not. The Committee handled this appeal very well and came to what I believe is a fair and just conclusion.”

✍ More support for the Committee’s decision.

Wildavsky: “Good work all around. Kudos to the Committee for starting with a Law 72B1 adjustment for the offenders.”

Wolff: “I agree in totality, especially the use of section IX-E.”

Weinstein: “I reluctantly agree with the Committee, but only because of the specific CoC. Had Section X read ‘against the offenders’ rather than ‘in favor of the non-offenders’ I would have ruled against both pairs, since I believe West’s 3♥ bid was sufficiently poor to break the chain (as indeed happened in the similar CASE FORTY). This was in a round robin where the Committee could rule against everyone without benefitting the offenders.”

✍ The Committee discussed the issue of the wording of Section X at some length and had it said “against the offenders” I am confident they would have decided as Howard suggests: against both sides. Even as it was, the issue of whether to protect E/W was a difficult one for them; the discussion seemed to go on forever.

Several panelists point out N/S’s well-documented history in these pages of not knowing or explaining their methods adequately.

R. Cohen: “The Director and Committee had no other recourse but to assign E/W +620. The laws and CoC demanded it. This N/S pair has a penchant for creating situations that require rulings, and then appealing the adjustments. They seem to be in a class with the player in CASE TWENTY-SIX.”

Polisner: “Very complete analysis by the Committee. Hasn’t the N/S pair appeared several times with similar convention problems in prior casebooks?”

Rigal: “Yes this was generous to E/W but N/S’s history of forgetting system means they clearly deserve no more than they got. And if we accept the E/W methods, we have to assume from their notes passed at the time—good evidence—that they would have got it right if properly Alerted.”

✍ The above panelists are correct. N/S have had several problems with forgetting their agreements (usually involving their conventional two-suited bids) that have resulted in appeals at NABCs (most recently CASES EIGHTEEN and TWENTY-FOUR from Houston, Spring, 2002).

The next two panelists think the use of 2♣ as a scramble in this type of auction

is so common that E/W should have been prepared for the possibility even without it being part of the explanations, which they say really weren't so different after all.

Goldsmith: "Pretty minor misexplanation. . . 2♣ means clubs and a higher most of the time, but once in a while they might bid it with something like 4=4=4=1 (and redouble 2♣) or 3=3=3=4 (and pray). Do those exceptions need to be explained? Even if so, it seems to me that a full explanation might have led to the same issue; East judged to use their defense to the 'scramble' part while West may have judged to use their defense to the 'clubs and a higher' part. What if E/W had asked North and South (separately) what the likelihood of a scramble versus clubs was? North might have answered 5% and South 15%; would that be enough to adjust the score? I think I'd allow the result to stand, but it's a really close call."

Treadwell: "The escape method used by N/S after a double of a 1NT opening is rather widely used (Moscow escapes). South did, in fact, have clubs and a higher suit. The only hand that South might have after bidding 2♣ for which this would not be true is a 4-3-3-3 low HCP hand. The only way to escape then is to bid 2♣ and hope—in other words scramble. I am appalled that an experienced pair would even call the Director because of a few supplemental words used on one side of the screen. E/W's score was earned solely by their bidding judgment, and they should have been left with the table result. I am very disappointed that the Committee missed the point of this case."

✍ Jeff and Dave appear not to care, they're willing to dismiss the fact, that E/W's agreement was one thing if one of N/S's suits was known *for sure* and another if no suit was known for certain. Where's that going to get them, in the end?

Finally, one panelist has an interesting objection to our practice of allowing the declaring side to voluntarily check after the auction to make sure the explanations on the two sides of the screen were the same.

Endicott: "In the WBF's championship regulations all communication through the screen as to meanings and explanations is expressly forbidden, and in my opinion rightly so, until the end of play. To provide a player with two differing explanations, one possibly correct and the other certainly wrong, but who is to say which, merely sets up that player with alternative grounds for appeal. The player is entitled to know the partnership agreement. He may have been given it already, in which case all is well (on that side of the screen) and he is simply confused, and he may be damaged by receiving a second explanation that may or may not correctly state the agreement. If he has been given a wrong explanation the provision of a 'correction' does not tell him with any certainty which is the explanation he is entitled to and which is not, whilst the original MI could turn out not to damage him. Further, I think there is risk that the procedure will allow a professional player to attempt to dominate matters and to protect more particularly a client partner than the opponent. Such possible advantage to one class of player over others is depressive."

✍ Since the declaring side is the one passing the information the problems Grattan mentions seem unlikely relative to the damage control possibilities that exist. For one thing, if different explanations are found the Director may be able to back up the auction and solve the problem. For another, sharing the information may prevent further damage to the defenders during the play. And on those rare occasions where the declaring side cannot agree which of their explanations was correct, the Director can help resolve the issue. All in all, there seems little chance that the defenders will be disadvantaged or the sharers advantaged (what can a pro possibly gain for his client with the auction over and one of them about to declare?) by the practice while there is a substantial chance that a problem can be corrected or avoided.

I agree with the Committee's decision, but also with Howard's qualification.

Subject (MI): The Grand Illusion

Event: USWBC, 26 May 03, Second Round Robin

Teams: Baker (N/S) versus Bjerkan (E/W)

Bd: 26	Debbie Rosenberg		
Dir: East	♠ J943		
Vul: Both	♥ K105432		
	♦ 7		
	♣ Q3		
Pam Wittes			Stasha Cohen
♠ A76			♠ KQ10
♥ 6			♥ J7
♦ Q962			♦ AKJ10
♣ AK974			♣ J1086
		Lynn Baker	
		♠ 852	
		♥ AQ98	
		♦ 8543	
		♣ 52	
WEST	NORTH	EAST	SOUTH
		1NT	Pass
2♠(1)	Pass	3♦	Pass
3♥(2)	Pass	3NT	All Pass
		(1) Alerted; Minor-Suit Stayman	
		(2) W to S: shortness; E to N: not sure, probably conventional	

The Facts: 3NT made five, +660 for E/W. The opening lead was the ♥8. The Director was called when play ended. On the N-E side of the screen West's 2♠ bid was explained as MSS but when North asked about the 3♥ bid she was told "Not sure, probably conventional" (by which East likely meant it was not natural, i.e., it did not show a heart *suit—Ed*). At some point after the screen was raised (the Director was uncertain whether it was before or after North played to trick one), North asked East to find out from West what her 3♥ bid meant (permitted under both the USBC and USWBC CoC). West passed a note across the screen and a conversation ensued involving West, North and East. North won the ♥K at trick one and at trick two returned the ♥2 (by agreement this showed an original holding of four or more cards). South took East's jack with the queen and after some thought exited with a club, after which declarer took the rest of the tricks. N/S then called the Director claiming that South had been misinformed about the 3♥ bid because East said that an immediate jump to 3♥

directly over 1NT would have shown shortness (i.e., a hand like West's) but in the actual auction they had no agreement that 3♥ showed shortness. (East thought it might have been a cue-bid or some other type of advance, and her CC confirmed that a 3♥ response to 1NT showed short hearts.) The Director ruled that South had been disadvantaged by the MI and adjusted the score to 3NT down two, +200 for N/S.

The Appeal: E/W appealed the Director's ruling. The hearing was held by phone, the chairman discussing the facts of the case (as related by the Director) with each Committee member individually; thus, it was not possible for Committee members to confer with one another during the proceedings. E/W said that even though South had received MI, it was N/S's "ridiculous" signaling system (that the ♥2 at trick two did not differentiate North's various possible lengths) that was responsible for N/S's poor result. In addition, East thought that South heard (or should have heard) the discussion that had taken place between the other players when West passed the note across the screen about her 3♥ bid and that South knew (or should have known) what the issue was. South said that she was absorbed in thinking about the defense and had not heard what the discussion was all about.

The Committee Decision: The Committee noted, in arriving at its decision, that East was obligated, by regulation as well as by the CoC of the present event, upon

seeing the unexpected singleton heart in dummy, to take steps to determine whether South had been misinformed about the 3♥ bid and if she had to correct that MI. Had East done this, whatever misconception the MI had instilled in South's mind about East's likely heart holding might have been dispelled. The Committee members initially expressed divergent opinions about how clear it was for South to continue with the ♥A at trick three. But after some discussion it was agreed that, while South *should* have found the ♥A play at trick three, it was much easier to find it when the hand was presented as a problem. The members also noted that it is difficult to appreciate how South, having been told that East bid 3NT knowing West had a singleton heart (and so surely would have a heart stopper herself), would have been affected in terms of her ability to question and eventually abandon the false impression. In the end the Committee judged that South would have had a far better chance to get the defense right had either West not misinformed her or had East made an attempt to correct the MI. The Committee decided that E/W had clearly been advantaged by the MI and South's defense, while seriously deficient, had not been egregious enough (in light of the above) to deny her side redress. Therefore, the result was changed for both sides to 3NT down two, +200 for N/S.

DIC of Event: Charlie MacCracken

Committee: Rich Colker (non-voting chair), Karen Allison, Abby Heitner, Jan Martel

✍ In hearing an appeal totally by phone, I receive the facts of the case from the Director, ask him questions to clarify anything I anticipate may require clarification, then call the Committee members one by one and present them the facts of the case. I then act as a sort of "sounding board" or "devil's advocate" for each by discussing the relevant issues with them. While this procedure does present a challenge, we've used it for many years now with satisfactory results. Last year, for the first time, the USBC employed a conference call service (at some expense) in the Open event (see CASE THIRTY-EIGHT) with me on site (as usual) to run the show. Thus, appeals in the Open event were conducted much like normal ones, the only difference being that the players and I sat around a speaker phone while the Committee members sat at home and questioned the players and discussed the case with each other by phone. I suspect the conference call approach was not used in the USWBC because it had not been fully investigated by the time that event began (it was adopted for use in the USBC shortly before the event got started; the USWBC began about two weeks earlier). However, I could be wrong about this: it may have been a cost issue, which could also be why I have never been brought to the site of the USWBC to run their appeals. (Remember, the Open event usually has about 18-20 teams entered, the Women's event about a third as many.)

I cannot urge too strongly that the USWBC seriously consider adopting the conference call approach in the future. It worked far better than I imagined it would and eliminated almost all of the problems that were previously inherent in hearing appeals by phone—the one exception being that Committee members still cannot see what the players wrote on their pads if that information is critical to the case. (I can make the written notes available to Committee members if I have access to an Internet connection on site and if each Committee member has one as well.)

So, let's begin by hearing from one of the Committee members who wishes to place a "minority opinion" on record (though she did not instruct me at the time to include one for her in the write-up if the vote went against her, as it did).

Allison: "Let me begin by stating that I never came to the conclusion that N/S should be given relief. I think this is a simple bridge problem and that any play other than running down the hearts is seeking a second bite at the apple. Players misbid. Unmakable contracts result. Trying to preserve a heart stopper by seeking a card in North that will defeat the contract (say the ♠K) before nine tricks are run is pointless. If North has the ♠K then the clubs and diamonds run. I do not allow for a 14 point 1NT in East. If the hearts don't run for the defense (and that carding

agreement of theirs surely contributed to this mixup) then there is no hope to defeat this contract. My recollection of the hearing was that I spoke only to the chair and that he tried to convince me not to cash the ♥A (but unsuccessfully). I insisted then and continue to insist now that cashing the ♥A is the bridge play and I would give nothing to a player who did not do so."

✍ Karen is correct: she was intent on cashing the ♥A from the start and I could not weaken her resolve. But I must add that I was not trying to convince her not to cash the ♥A. I was doing my job by pressing her to consider the alternatives (in other words, playing devil's advocate), just as another Committee member who favored shifting might do during normal face-to-face deliberations. It is important to do this in this appeal format no matter what the member's position is since if I didn't they could simply state an opinion and if I didn't try to "talk them out of it" they'd know I agreed with them but if I did try to dissuade them they'd know I disagreed with them. I did precisely the same thing with all the other members, asking them to consider whether cashing the ♥A might be reasonable (or necessary) as opposed to shifting. But while I could not induce Karen to consider shifting, the others agreed that cashing the ♥A might be necessary but they still voted for the shift, believing most players would shift at the table given the strong illusion, created by the 3NT bid, that East held ♥J10xx. I also discussed the possibility of a non-reciprocal adjustment but they believed that even though South erred, the MI was compelling enough that she deserved protection.

Agreeing with Karen that a non-reciprocal score adjustment is best...

Rigal: "The Director was correct to adjust the score for both sides. Frankly, I think N/S deserve no more than the table result of -660: the long argument, the ridiculous signaling methods and the fact that dummy had what she had described to South make the N/S case very weak. What hand was South playing her partner for? Answer: none. I think I would have produced a split ruling and worked out the effect of that by the averaging of the results."

Wildavsky: "The Open Trials have access to conference calls but the Women's Trials do not? I presume this lack will be remedied. Was it explained to E/W in screening that their score would be adjusted even if N/S were judged to have committed an egregious error? Law 72B1 strikes again! This appeal was distasteful and I find it without merit."

✍ Since it is not unlikely that N/S committed an egregious error and since a non-reciprocal adjustment would be to E/W's advantage (through the averaging process used in KOs—pay attention, this will become very important later), even if E/W must keep their poor result they would gain partial relief if they could manage to get N/S's score changed to -660 through a non-reciprocal adjustment. So how can this appeal be meritless? Distasteful, perhaps, especially East's attitude (see Ron's comment later), but meritless, no.

R. Cohen: "Shouldn't N/S's carding agreements have been a factor in the Committee's decision? While E/W certainly earned their -200, I believe N/S earned their -660 table result. A strong case for a split score."

✍ Forget N/S's carding, that wasn't the main problem. If East has hearts stopped (♥J10xx) the contract likely cannot be beaten (unless, for example, North has the ♦A and East only 14 HCP for her strong notrump). If North has the ♣Qxx, East must have the rest of the missing high cards (except for a stray jack) and therefore nine tricks: four diamonds, two clubs and three spades. If North has the ♠K East must have ten tricks: four diamonds, five clubs and the ♠A. If North has the ♦K, it's finessable and East must have eleven tricks (actually twelve, but N/S have already cashed two): five clubs, four diamonds and three spades. So you must either play East for less than a strong notrump, missing specifically the ♦A, or you must

cash your ♡A hoping East was bluffing about her heart stopper or that she misunderstood West's 3♥ bid. The first is far less likely than the second, so you cash your ♡A and, *voilà!*

If you think that was complicated, you ain't seen nothin' yet. The next panelist goes the whole nine yards.

Gerard: "I can't take this. Not just the bridge lawyering, which wasn't worthy of the profession, but the exalting of the egregious standard to impossible heights. Folks, it's the trials to represent the United States. Can't we expect some minimal level of competence? Let's look at that club return. I'm assuming 15-17 for 1NT, but we have to consider a 'cheating' 14 or a 14-16 range. By the way, why should I have to work this out when it's only the key component of South's alleged egregiousness? Also, why couldn't 3♥ have been a splinter, just a different splinter than an immediate 3♥ (which would tend to show a 4-4-4-1 hand type)? You think someone could tell us the actual E/W agreement? Got to do everything around here.

"If East has or could have 14, North could have the ♠A. Then East has only eight black tricks (can't have 4=4=4=2 shape) and any switch is okay. But if East has 'borrowed' a point, that leaves her with ♠KQJ ♥J107x ♦KJ107 ♣QJ, in first seat at both vulnerable. I don't think so. If you play for that specific hand when it's not within range, you pay off. North could also have ♠K, ♣J10xx, leaving East with ♠QJx ♥J107x ♦AKJx ♣Qx. Same analysis. North could also have both black queens, leaving East with ♠KJ(x) ♥J107x ♦AKJx ♣Jx(x). That hand is cold. Now suppose East has 15. If North has ♣QJ, declarer has nine tricks. If North has ♠QJ, declarer has the rest. If North has ♣Q and a stray jack, declarer has nine tricks. If North has ♠Q and a stray jack, declarer has at least nine tricks. If North has ♦K, declarer has the rest. If North has ♠K, declarer has ten tricks. Are we getting the point here? The point is that there are only two hands where it's right to switch and a club is the worst switch, cancelling out North's ♠K and jack-empty-fourth of clubs. Both of them require East to have violated system when it was nearly impossible that she had done so. But by switching to a club South showed that she probably hadn't thought too much about East's hand. I also don't see any questioning from South such as 'How often do you upgrade 14 counts?' Therefore, not only was it unlikely that East had stolen a point but either South wasn't playing her for it or her club switch was egregious. Only if E/W's range were 14-16 was a switch not wrong, but the club switch was still egregious.

"Now, is South supposed to figure this out? You mean, did 'knowing' that East had a heart stopper prevent her from counting East's hand? If that was too tough, then from counting North's hand? From knowing the difference between the ♣10 and a spot card? Did she have something else to do that day that she wasn't focusing on how to beat the contract? Do you know the meaning of a rhetorical question? Look, this isn't personal, it's business (cue 'Godfather' theme). E/W admitted that they committed MI, since East eventually browbeat West into agreeing that 3♥ couldn't have been a splinter. South reacted emotionally instead of logically to the MI and committed a near outright blunder, one that is well beyond my personal standard for egregious action. N/S deserved -660. South had to know that this wasn't just a play problem, it was obviously the key point of the hand. Whatever she did at trick three would almost certainly determine the result. That justifies taking extra time to work through the possibilities. The level of the event, if not South's ability, demanded that she live with the consequences of a club switch.

"E/W deserved -200, and East needed an attitude adjustment. N/S's signaling method was irrelevant, that's what they were playing. And East didn't live up to her legal responsibilities to correct the MI. Trying to deem South aware because of the three-way discussion was no substitute. Finally, thinking that as offenders they could profit from any N/S contributory negligence shows that the grade in bridge law wasn't too high. There's a moral here: call the Director when there's a problem. If someone, anyone, had sought help when they should have, none of this would have happened."

✍ Now for those who have other views. Our next panelist chooses to impose his own bidding methods on E/W.

Goldsmith: "I'm confused. Doesn't everyone play 2♠ MSS followed by three-of-a-major to show shortness and five-five in the minors? It seems to me that West supplied the correct information about system (but made the wrong bid if they play a direct 3♥ shows 3-1(5-4); the actual sequence should be reserved for 2=1=5=5 or some rarer hands). Is South really entitled to know that East didn't know what 3♥ meant? In theory, she's only entitled to know the actual system agreement. That would suggest that no adjustment should be applied. Imagine a set of conditions in which N/S could simply instantly look up the meaning of the bid in E/W's system notes. South was effectively in such a situation. All in all, South knew E/W's agreement; she didn't know they were having a misunderstanding of sorts. She's not entitled to that information, so result stands."

✍ There is *nothing* that *everyone* plays, especially when it comes to MSS. I would have thought that CASE TWENTY-FIVE would have taught us that lesson. But beyond that, South was entitled to know E/W's agreement about 3♥ and from E/W's CCs and East's comments it seems clear that they had no agreement. Therefore, telling South that it showed shortness was MI. (Even though shortness was what West actually had, it was not what her partner thought she had and that is often just as important in situations like this.) In other words, South was not entitled to know that East didn't know what 3♥ meant, but she *was* entitled to know that E/W had no agreement about the 3♥ bid other than that it wasn't natural. And the fact that Jeff imposes his own interpretation on West's 3♥ bid and that that happens to coincide with West's explanation does not mean South was not misinformed.

Endicott: "North should not be entitled to know 'what it meant.' She is entitled to know the E/W partnership agreement. Is there in the laws a provision that the CoC may specify otherwise? (There are some laws that allow a regulation to conflict with the law, but I have not found one that covers this pronunciamiento. Law 80E, for example, is such a law but it appertains to bidding and play, not to explanations.)"

✍ What North knew was irrelevant: she was correctly told that E/W had no agreement about 3♥ but that it could not have been natural. What South knew was indeed relevant: she was told that E/W had an agreement they didn't really have. But none of this has anything to do with the CoC and there's nothing in them that conflicts with the laws as they relate to this case. So I guess we'll move on.

The next two panelists think the table result should stand—for both sides! Their position could perhaps better be termed "Crime And No Punishment." (What about Adam's Law 72B1?)

Polisner: "At first I thought there should be no adjustment since West did tell South her hand. But I can appreciate South's problem of thus believing that East had a stopper and can accept that as a basis for an adjustment. However, I have a problem with an adjustment on the basis that there is no hand East could hold that would allow 3NT to be defeated unless the heart suit runs. At this level I believe this constitutes a disconnect between the MI and the damage, so I would allow the table result to stand."

Treadwell: "The defense by N/S was very bad. South, after seeing the dummy and partner's ♥K at trick one, should have known that partner could have little else and that the best chance of taking tricks involved cashing the ♥Q. In this event, split scores are of no avail, so I would award the table result to both sides with some sort of minor PP to E/W that would also accrue to N/S."

✍ So E/W get to keep their good score because of South's blunder? I don't think so. At the very least E/W should have their score adjusted (remember Law 72B1?) to ensure that they do not profit from their MI. But Dave is right that "in this event, split scores are of no avail." But giving E/W a PP has exactly the same effect as assigning split scores, and it's doubly flawed in that it uses a PP inappropriately to achieve what should be a simple score adjustment to redress damage—or rather to remove undeserved profit.

The next panelist wants to adjust the score for both sides, as the Committee did, which is the right decision but for the wrong reason.

Weinstein: "The Committee was right on target here. Though it is difficult to construct a hand for East that can allow 3NT to be beaten without running hearts, it is even more difficult to envision East bidding 3NT with ♠Jx(x) opposite a presumed stiff. South is entitled to know that 3♥ showing a stiff is not the partnership agreement, and this would have made it automatic to beat the hand."

✍ Yes, but as Ron and several others have argued (quite convincingly), South's play at trick three was nullo and indicated a clear disconnect with the hand. At this level that's a failure to continue to play bridge. So N/S do not deserve protection, but if we adjust their score E/W will regain part of their ill-gotten gains due to the fact that the event is a KO and the two sides' scores cannot be adjusted independent of one another. (See, I told you this was important.) So we have to decide which is the lesser evil: (1) allowing the MI givers (E/W here) to profit from their MI by assigning non-reciprocal bad scores (–660 to N/S and –200 to E/W) to the two sides or—even worse—allowing the table result to stand; or (2) protecting a side that committed an egregious blunder (N/S) by ignoring their failure to play bridge and adjusting the score for both sides to +200 for N/S.

For me the choice is clear, as it is for...

Wolff: "A difficult case that leaves me in a quandry. I would tend to agree with the decision if this case will set a precedent to be discussed in all similar future cases. It puts a big emphasis on less than full and accurate disclosure. In a pair game I would judge E/W –200, N/S –660 to reflect a N/S opportunity that had gone astray. But in a team game E/W –200 should prevail. Without the precedent we subject ourselves to RI (Ruling Inconsistency) when the next Committee decides to the contrary."

✍ I didn't know they even had a "quandry" in Dallas.

But he's right. The non-reciprocal adjustment would be correct at pairs or in a VP event where the two sides can be assigned scores independently. But in a KO match priority must be to insure that the offenders not profit from their infraction. So both sides receive reciprocal 200s, but only in a KO match. Otherwise, E/W get –200 and N/S get –660. So the Committee, like Howard, made the right decision but for the wrong reason.

We could call this the "First Offense Pays" Rule for KOs: she who commits the first offense, pays.

[Editor's Note: In the next case some panelists will argue that assigning non-reciprocal scores to the two sides in KO competition when that is believed to be the proper theoretical adjustment is what should be done, even if it allows the offenders to show a partial profit from their offense. Their argument for doing this is that it is what the lawmakers intended by writing Law 12C2 the way they did. I disagree with this view. I believe that Law 12C2 was written the way it was because that is conceptually the way the lawmakers believed adjusted scores should be assigned (giving the offending side the worst of it and the non-offending side a bit the best of it—but not an unlikely windfall), independent of the form of scoring. In events where scores can be assigned to each side independently (e.g., Pairs, Swiss Teams and other VP events) this presents no problem. However, in KO competition, where

the scores assigned to the two sides must be merged (averaged) into a single score to produce a single winner, this approach is less than satisfactory—and they knew it! What they did not know was how, sensibly, to avoid this problem in the KO case. So they left it up to each Director/Committee to assign scores to the two sides as their best judgment dictated for the facts at hand. Thus, if it was thought that the offenders not profiting from their offense was of overriding importance, reciprocal scores could be assigned to achieve that. But if an in-between result was thought acceptable for both sides (as it would be in some cases) non-reciprocal scores could be assigned and the averaging process would take care of combining them. I do not believe the lawmakers intended that offenders should show a profit in cases (but only KOs!) where the offenders' subsequent actions were sufficiently egregious to jeopardize their right to redress. I believe they simply had no good solution for the KO situation and left it up to the Director's/Committee's judgment what was best on a case-by-case basis.]

CASE FORTY

Subject (MI): A Double-Edged Sword
Event: USWBC, 27 May 03, Semifinal
Teams: Baker (N/S) versus Massie, npc (E/W)

<p>Bd: 30 Karen McCallum Dlr: East ♠ AJ1052 Vul: None ♥ 952 ♦ 5 ♣ AJ53</p> <p>Sue Picus Jill Levin ♠ 96 ♠ KQ43 ♥ J10843 ♥ 7 ♦ A9763 ♦ KJ10842 ♣ 9 ♣ K7</p> <p style="text-align: center;">Kerri Sanborn ♠ 87 ♥ AKQ6 ♦ Q ♣ Q108642</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">WEST</td> <td style="width: 25%;">NORTH</td> <td style="width: 25%;">EAST</td> <td style="width: 25%;">SOUTH</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">1♦(1)</td> <td style="text-align: center;">2♣</td> </tr> <tr> <td>Pass</td> <td style="text-align: center;">2♦</td> <td style="text-align: center;">2♠</td> <td>Pass</td> </tr> <tr> <td style="text-align: center;">3♥</td> <td style="text-align: center;">4♣</td> <td style="text-align: center;">All Pass</td> <td></td> </tr> </table> <p>(1) Alerted; Precision (1+ diamonds)</p>	WEST	NORTH	EAST	SOUTH			1♦(1)	2♣	Pass	2♦	2♠	Pass	3♥	4♣	All Pass	
WEST	NORTH	EAST	SOUTH														
		1♦(1)	2♣														
Pass	2♦	2♠	Pass														
3♥	4♣	All Pass															

The Facts: 4♣ made four, +130 for N/S. The opening lead was the ♠8. East bid 2♠ under the (correct) assumption that 2♦ was a cue-bid. However, when the tray returned to the S-W side of the screen South explained 2♦ to West as natural. The Director was called by West when dummy came down making it clear that North had not intended 2♦ as natural. Away from the table West told the Director that had she known that 2♦ was a cue-bid she would have bid 3♦, not 3♥, over 2♠. West also said at some point (it wasn't clear if it was during the auction or after the Director came to the table—the players could not remember) that East would have doubled 2♦ to show a real diamond suit. East said she decided to bid 2♠ rather than double 2♦ because she wanted to preempt the heart suit. The Director ruled that West had been affected by the MI and changed the contract to 4♦ by East made four, +130 for E/W.

The Appeal: N/S appealed the Director's ruling. The hearing was held by phone, as in CASE THIRTY-NINE. The chairman asked why West had not bid 2♦ over 2♠. She said she thought "she could come in later." When asked whether East's 2♠ bid implied that she also held diamonds (since her 1♦ opening was limited, in Precision, to at most 15 HCP) East initially said "no, she could hold five clubs or be 4=4=(4-1)." Later, apparently after further reflection, West said that she erred and probably should have worked out that East had to have diamonds for her 2♠ bid but that N/S's long-standing and very successful partnership along with South's explanation of 2♦ as natural deflected her from reaching this conclusion. (In essence, she accepted her opponents' knowledge of their system and explanations without critical analysis.) N/S said they thought the adjustment to 4♦ was unfair because they might have bid 5♣ had E/W competed to 4♦. West said the MI made it harder for her to work out what was happening.

The Committee Decision: The Committee had little sympathy for West's failure to work out that East had to have diamonds for her 2♠ bid. She would not have reentered the auction holding a balanced "weak notrump" with four spades, nor would she hold length in clubs—South's overcall suit—or have bid 2♠ instead of 2♥ with four-four in the majors. Some members thought that West's failure to support diamonds (either immediately over 2♣, over 2♠, or after North's 4♣ bid made it clear that 2♦ had not been natural and non-forcing) was sufficiently serious to forfeit E/W's right to redress. Therefore, the table result was allowed to stand for E/W. (This should not be interpreted as implying that the Committee believed that

West actually knew that East had diamonds. Quite the contrary, the Committee was convinced that had West known that East held diamonds she would have supported them at some point.) As for N/S, the Committee believed that their favorable result was aided by the MI and thus could not be allowed to stand. N/S's claim that they might have bid 5♣ was judged self-serving (South might have bid 5♣ as it was—see below—and had the ♣K been onside or singleton it would have made). The contract was therefore changed for N/S to 4♦ by East made four, +130 for E/W.

In addition, the CoC state that: "Players are expected to know their system, especially early in the bidding. If it is determined that the opponents have been disadvantaged by ambiguous or differing explanations, score adjustments may be applied." The Committee decided that South had violated this requirement by not knowing what North's 2♦ bid meant on the first round of the auction after a Precision 1♦ opening. The CoC also provide that: "When a contradiction between information provided on the two sides of the screen on the same call is apparent, ANY REASONABLE doubt that harm was done will be resolved in favor of the non-offenders in determining a score adjustment." Although E/W had lost their right to redress through their actions subsequent to the MI, N/S could not be allowed to profit from South's failure to know and properly explain the meaning of North's 2♦ bid and her subsequent failure to correct the MI when North's 4♣ bid made it clear that 2♦ could not have been natural and non-forcing (in which case West might have bid 4♦). Since the non-reciprocal adjustments chosen above would have allowed some benefit to accrue to N/S (due to the way score adjustments are computed in two-way KO matches) and because of the higher standards for pairs in this event, the Committee decided to assess an additional 3-imp PP against N/S.

DIC of Event: Charlie MacCracken

Committee: Rich Colker (non-voting chair), Karen Allison, Jill Meyers, Jon Wittes

☞ Once again our iron woman Committee member gets the first shot.

Allison: "I must be the real Hard Hearted Hannah of telephone Appeals Committees. I didn't want to give E/W relief on this hand because it was so crystal clear that East held diamonds. I can't think of a reason that East would come in with a 2♠ bid over North's diamond bid without real diamonds. Had she held five clubs with four spades I believe she could have opened 2♣. By the time West passed out this auction, I had just about passed out from insisting to the chair that I would bid diamonds, diamonds, diamonds as West. I don't think players should get extra bites at the apple when the mistaken explanations they get are negated by straightforward auctions telling them the explanation had to be wrong."

☞ Karen is nothing if not firm in her beliefs.

Agreeing with both the score adjustments and the PP are...

Rigal: "Again my well-known tact and prudence force me to refrain from comment here. I will only say that N/S's history of forgetting their system make the PP appropriate."

Treadwell: "Good decision, including the PP. E/W were not astute and should be stuck with the table result; but N/S should not be allowed too large a profit because of the MI."

☞ One PP supporter thinks 3 imps was a bit too much.

Wolff: "A difficult but somewhat small potatoes case. The ruling was okay even though the 3 imp PP was too high because of West's aberrant non-diamond raise. It is amazing to me that Directors and Committee members allow players with

serious defects in their system to use those defects to secure advantage. The important fact that comes out of this case is just to emphasize how impossible CD is to adjudicate. All the King's horses and all the King's men will not be able to rule fairly. Why don't we eliminate CD?"

✍ The next group of panelists agree with the score adjustments but not with the PP. However, they differ in their reasons for disagreeing. Howard thinks preventing the offending side from profiting is the top priority in UI cases but equity should prevail in MI cases, and the non-reciprocal adjustment takes care of that here.

Weinstein: "I agree with the score adjustments but not the PP. This is not a UI case where the offenders cannot be allowed to indirectly benefit. The non-offenders' failure to play bridge should preclude a full recovery. UI cases necessitate a more rigid standard to prevent offenders from ever using that UI to their advantage. Equity becomes a secondary consideration. In MI cases, equity should be the prevailing goal, with close decisions going against the offenders. Only if the Committee decided that equity required a PP (i.e. that 4♦ was the overwhelmingly likely result) would one be appropriate."

✍ Adam takes a similar view: that the non-reciprocal score adjustment has already treated the offenders as the lawmakers intended, making the PP inappropriate. But unlike Howard, Adam has no objection to the Committee's adopting as its primary goal to ensure that the offenders do not profit from the MI. If they wish to do that they should adjust the scores reciprocally, as I argued in CASE THIRTY-NINE.

Wildavsky: "Another correct use of 72B1 by the Committee—well done. The Director's ruling was not terrible; it's a close bridge judgment as to whether West's error was sufficiently egregious to sever the link between the MI and the damage. I disagree with the PP. The laws set out a penalty for MI that results in damage and N/S paid it. If the Committee wished to avoid allowing any benefit to accrue to N/S they could have adjusted the E/W score as well. I see no reason to second-guess the lawmakers. They knew about KO events and chose not to make special provisions for them."

✍ The next panelist, much like Howard, says the PP may be right, but not for the reason stated (to prevent profit from accruing to N/S).

Gerard: "Not that different from CASE THIRTY-NINE. It's just easier to analyze bidding errors than playing ones. But the common thread is don't trust anyone except your partner. Even if some of the opponents may be nice people, they suffer from convention overload too. And Committees need to put in a full day at the office, also. You can pinpoint East's extra shape when she bids 2♣, but you need to add up the HCPs in CASE THIRTY-NINE instead of serving up 'difficult to appreciate' and 'false impression.' The higher standard of the event referred to by this Committee applies just as well during the play.

"The PP may be right, but the reasons for it can not be. The laws entitle N/S to share in E/W's contributory negligence. A KO match is a zero sum game. If N/S's teammates in the other room achieved par (+100), N/S's MI was supposed to cost them 7imps. Because E/W were in there pitching, N/S recover half of that loss: they go from losing 7 to losing 3.5, winding up with a raw score of +2.5. The Committee didn't 'choose' the reciprocal adjustment, Law 86B did. No benefit accrued to N/S that the law did not intend. The result is pure justice to both sides. E/W were damaged through their own incompetence, so they don't profit from that. N/S benefitted through their own actions, so they don't profit from that. Each side loses 50% of its windfall. You can't penalize N/S for that.

"The higher standard for pairs in the event was already honored in determining a score adjustment, just as the CoC intended. N/S already paid a hypothetical 3.5imps for their transgressions. The MI was so inherently untrue, as the later stage of

the auction showed, that assessing a PP after a score adjustment was like double jeopardy. It wasn't even CD because everyone should have known at the end that it was not credible. If you want to tell me that the PP was justified because we had to waste time and expense hearing this ridiculous appeal, okay. But don't tell me we had to do it because we followed the rule book or because a cow flew by South and West, both of whom are top-level experts. We already apologized to Wolfie after CASE SIXTEEN, we don't need to flagellate ourselves any more."

✍ I addressed Ron's point about averaging non-reciprocal scores being what the lawmakers intended (I disagree) in my note at the end of the previous case.

The next panelist is on the same errant path he followed on the previous case.

Polisner: "Bridge at its finest. My inclination is to allow the table result to stand as both sides were equally responsible (N/S for MI and West for failing to continue to play bridge) in not knowing that East's sequence guaranteed long (probably six) diamonds and four-plus spades. However, the facts do not clarify whether there was MI or whether North's 2♦ bid was merely a misbid. If the latter, then certainly no adjustment."

✍ Failing to continue to play bridge is not an "offense" in the same way that MI is. MI is an offense against the opponents and the laws require us to redress any damage that results from it. Failing to play bridge, on the other hand, is an offense against one's own side for which your side's right to redress is lost. A similar situation exists in football: offenses like offside and holding are offenses against the other team while fumbling or throwing a pass up for grabs are offenses against one's own team (they risk losing the football). N/S committed an infraction (like being offside) and they cannot keep the table result (the down is played over and they are penalized), even if the other team plays badly (fumbles). E/W's failure to continue to play bridge does not make them "responsible," only undeserving of protection.

The other Jeff makes much the same mistake, forgetting Law 72B1.

Goldsmith: "I'd let the result stand. Yes, there was MI. West should have known the MI was false if she knew what her system meant on the second round of the auction. Therefore, the MI didn't contribute to the non-offending side's bad result, so no adjustment is required. As far as the PP goes, it seems a little harsh. Firstly, this isn't an agreement about a normal auction but about the defense to an opponent's convention. I don't think the CoC ought to apply to defenses against opening bids that could be singletons. Secondly, N/S probably do have an agreement, but South just got confused. 3imps for having a brief bout of confusion that didn't affect the score seems unduly harsh to me."

✍ Of course the MI contributed to the non-offending side's bad result. Had South explained North's 2♦ as a cue-bid (or artificial and forcing) none of this would have happened. So N/S surely deserve to have their good result taken away, even if E/W forfeit their protection. As for the argument that 2♦ is a defense to an opponents' convention—a 1♦ opening that could be a singleton—and thus deserves special treatment, a Precision 1♦ is not exactly exotic and the CoC apply to it as well.


The next panelist makes an excellent point.

Endicott: "If, before the opening lead, either North or South had dutifully corrected the MI, West would have had the opportunity to reconsider her final pass. I am less than supportive, therefore, of the decision made in the case of the E/W pair."

✍ West was denied a chance to bid 4♦ after hearing that 2♦ was a cue-bid. While this does not absolve her of the bridge errors she committed, it did deprive her of an extra chance to bid 4♦ under clearer circumstances. Perhaps that is not enough

to buy E/W redress, but it certainly is another reason to assess a PP against N/S.
I would assign +130 to E/W in 4♦ made four and the reciprocal to N/S. I could probably be talked into assessing an additional PP against N/S but I'd be more inclined to do that if it did not accrue to E/W, who already have been treated far more favorably than they have any right to expect.
And finally...

R. Cohen: "Not an unreasonable decision by the Committee. I'm tired."

 As are we all. But since this is the last case we can spend the next few months recouping our energy in preparation for the next set. See you then.

CLOSING REMARKS FROM THE EXPERT PANELISTS

Allison: "The Panel system is improving but guidance is still needed from these publications. We should also be more diligent about AWMWs and especially PPs when there's flagrant use of UI."

Goldsmith: "It looks to me as if the gains made in the last few sets of cases were not consolidated. I only see a very few patterns; this set of cases just looks harder than most."

"We aren't being careful about recognizing that for almost all MI cases, there's a UI issue. Even when it is obvious, let's be careful to say we considered and judged the UI irrelevant."

"A few Committees have fallen for self-serving testimony. It wouldn't surprise me if the Committees were right in practice, but they are wrong in theory. People are good at acting, particularly when they believe themselves. People are bad at detecting lying. Don't try. Once in a while you'll throw the baby out with the bath water, but your accuracy rate will improve dramatically. Less importantly, but more visibly, you'll avoid some real silly results that make the whole process look bad."

"We have a few 'rules' about UI that are not really rules, but are guidelines; for example, the 25-second rule for screens and the 10-second rule for Skip Bids. Just because none of those are violated does not mean UI isn't present. When everyone at the table knows someone has a problem, there's UI, no matter how long the person took to make his decision. Committees can't hide behind these guidelines; they must look at the whole picture."

"'Convention Disruption' is not illegal. Giving PPs to players for not knowing what their bids mean is illegal. Law 90 allows us to give PPs for actions that 'unduly disrupt the game.' Does not knowing whether a cue-bid of an artificial opening is natural or artificial 'unduly disrupt'? No, of course not. The Team Trials include a specific override of the rules for this purpose. That rule is technically illegal. If the folks running the event want their game still to be strictly bridge, they can, however, just claim those PPs aren't score adjustments, but modifiers to the selection criteria, which are not strictly bridge scores. In other words, in order to advance/win/whatever in the trials, one must have the highest 'selection score,' which is mostly one's bridge score, but partly other factors. For example, if it would embarrass the ACBL to have a pair play who doesn't know what they are doing or who drastically offends other players, they can add (subtract?) penalties for such things. That's legal. But taking away part of a participant's bridge score for not knowing the meaning of one of his partner's bids is neither legal nor wise, and I am pretty sure we want our national tournaments to be ranked by bridge score."

"We seem to have some confusion about psychs. Psychs of natural calls are not allowed to be regulated by NCBOs. They are legal. NCBOs cannot *de facto* regulate them by claiming that a single psych creates a implicit partnership agreement that they then can regulate. Not only does one event not cause a partnership agreement, but implicit partnership agreements about natural calls are legal. Law 75 expressly legalizes them. They must be disclosed, however; any partnership agreement, implicit or explicit, on which a player bases an action must be available to the opponents. Claiming that a bid that is either normal or a psych is a two-way bid, and therefore a convention, is also an error. If that were true, all psychs would be conventions and Law 40A would not be needed. A psych of a natural call is still a natural call, despite its seeming not to be. Frequent psyching leads to problems; if a call is psyched often, at some point the psych becomes the normal meaning of the call, not the unusual one, the 'violation.' When that happens, regulation can be performed. 'Frequent' means 'roughly as common as one of the normal hand types the call entails.' If one psychs 1♠ every time one has a balanced 3-5 HCP, one is playing a convention. If one psychs 1♠ 1% of the time one has a balanced 3-5 HCP, one is psyching. Where's the line? I don't know, but I'll guess that if 10% of the times a call comes up it turns out to be a psych, that's too often—it's a convention. One percent is not. In between is a gray area. None of the

psych cases that have come up recently deal with frequent/repeated psychs, so any discussion of their illegality has been misplaced.

“This is two NABCs in a row where an explanation of ‘Bergen Raise’ or ‘Mixed Raise’ was a problem. Let’s agree that such an explanation is equivalent to a misexplanation. Few know what Bergen wrote. Few know they don’t know what Bergen wrote. Many play only part of the convention or have swapped pieces around. Many of those don’t know they aren’t playing the same way as everyone else. The appropriate answer to explain a Mixed Raise is ‘artificial, forcing, 7-9 HCP, four or more spades,’ or the like. ‘Mixed Raise’ should simply be a misexplanation if it is not interpreted the same way it is intended. Ought we observe this policy for all conventions described by name? Probably not.”

Polisner: “I think this set of appeals reflects very poorly on the Directors and quite well on the Committees and Panels. We continue to see a lack of understanding on the part of appellants as to the lack of merit of many of their appeals. I would like to see a harsher method of dealing with meritless appeals other than this current system of toothless warnings.”

Rigal: “Yet again my first impression is of an outstanding performance by the Panels. They have followed the right general approach in almost every case (CASE TWENTY-FOUR worried me; but I’ll discuss it in another forum), I think, and emerged with the right answer (or at the very least a defensible one) as a result. Also, all the cases were well written up. Kudos to the Director responsible, who is...? The Directors did a generally good job. My one caveat is the decision in CASE THREE (and possibly the one in CASE SIXTEEN). The comments in CASE THIRTEEN will repay investigation, too. I am always happier to see decisions in cases of doubt going against the offenders. I think the impetus from that is to reduce offenses rather increase Director calls, but of course I only get to see the appeals and don’t have to deal with Director calls. The Appeal Committees also did a good job. Unlike in Philadelphia, they were more stretched by session times not coinciding, but they managed to deal with all appeals on the spot and produced sensible decisions for the most part and followed procedure intelligently. CASES SEVENTEEN and TWENTY-THREE worried me but I’ll discuss those in another forum. The one other issue I’d like to address is PPs. I think, where the offenders bring an appeal on a UI or tempo case, we are entitled to look at their behavior more harshly than we might if they had been ruled for initially and the non-offenders appealed. Even so, the PP should be the exception and not the rule. Regular partnerships and professionals should be held to higher standards than the rest of us. Likewise, players with national standing or official positions (maybe). Just because the Director has not awarded a PP certainly does not mean that one should not be awarded. The five cases where I thought a PP might have been considered (even if I would not necessarily have given one) are CASES ONE, TWO, THREE, SIX and EIGHT. I’d be interested in other opinions here.”

Treadwell: “In general, the system seems to be working well, with most Director, Panel and Committee decisions being, if not perfect, at least acceptable. I still have concerns about the number of cases lacking merit. If my count is correct, six Panels and four Committees issued AWMWs. In addition, in four cases PPs were issued. I still have reservations about how well AWMWs are doing in reducing the number of appeals and think greater use of PPs for this purpose might help. I know this is the old-fashioned way but I still think it would work.”

Weinstein: “I didn’t comment in the last casebook (Philly), but there is one case I need to vent about: CASE FOUR. In this case declarer thought for several seconds with three smallish cards opposite ♡Axxx in dummy on the ♡Q shift, likely deciding whether to duck in dummy. The opponents judged poorly to rely on this hesitation rather than on their carding and consequently misdefended. The Committee gave both sides the worst of it, but Bart Bramley dissented saying that

declarer was not under an obligation to play in tempo from her hand if she was deciding whether to win the trick in dummy. Despite majority support for the dissenter’s position from the Panel and our fearless Editor, I strongly believe this position is wrong. After trick one (where declarer’s tempo before playing from dummy and to a lesser extent third hand is not culpable) declarer may not take time to play from the appropriate hand without a bridge reason. If declarer takes time when dummy is second to play with the 432 of the suit led, that would be different for it cannot possibly mislead the opponents. It is incumbent upon declarer to take the time before he plays from the hand that has the problem. Anything else has the possibility of being misleading. Why should behavior that is totally unnecessary from a bridge standpoint transfer a bridge problem to the opponents? Certainly declarer could know that thinking before playing from the non-problem hand could work to his advantage. If he gives away information by thinking at the proper time, well, that’s just part of bridge.

“It’s always dangerous but let’s try an analogy. Dummy holds QJx and declarer leads the queen. Second hand thinks for about 10 seconds and plays small. Declarer, holding Kxxx, reasonably assumes that second hand holds the ace and goes down when it turns out fourth hand holds it. Declarer now screams at East, ‘How can you do that?’ East calmly replies, as E/W are led off to a C&E Committee, ‘But I knew partner would have to think and I didn’t want to reveal who held the ace.’ Is this really any worse than declarer thinking with xxx so as not to telegraph the location of the king to the opponents when he has to think before playing from dummy?

“From an analogy to the slippery slope (I hate slippery slope arguments, but as long as I have to listen to them, I may as well present them), assume declarer in CASE FOUR held a stiff. Is she still entitled to think under Bart’s premise? Now one could argue that declarer has a problem of which spot card is most likely to give the opponents a problem, but I have limited sympathy for this position when an honor is led and no effort is made to determine the opponents’ carding methods, just as I would have a problem in the analogy if a defender claimed he had a carding problem with three small. Allowing this behavior opens up a whole can of worms. We are basically saying that declarer has virtually free rein to take time and deceive the opponents if it is conceivable that dummy could duck a trick. I think Law 73 should totally proscribe this behavior.

“*Contributory Negligence:* A few years ago, the Appeals Chairman made a little speech, saying that the goal of the Committees was equity. Obviously, equity is often in the eye of the beholder. Edgar Kaplan used to find ways through the laws to rule in the manner he perceived as equitable. Although we do use the concept of contributory negligence (egregious play precluding an adjustment), I don’t believe we use it enough. As I mentioned in CASE NINE, Goldman believed that the offenders were suspects as well. There were several cases where the non-offenders just plain didn’t deserve a full, if any, adjustment. Here is my list (obviously incomplete) of actions that should often preclude non-offenders from full redress:

- Not using the Stop Card.
- Very weak bidding or play or combinations of each.
- Failure to ask about a likely missed Alert.
- Failure to call the Director in a timely manner, especially when remedies may have been available.
- Director calls when the BIT was iffy or disputed, or the action suggested was fairly normal (but not the only LA) or only barely suggested.

“Lesser combinations of several of the above should also be considered. If it seems that rewarding the non-offenders is rubbing the wrong way, then rule against everyone. A Director should rule against everyone in many situations where he doesn’t want to give the alleged offenders the benefit of doubt, but it isn’t clear that the table result shouldn’t be upheld. Make each pair appeal rather than reward whiny, litigious pairs who gain if the other pair doesn’t appeal. In many cases, both pairs are at fault to some degree, and their score should reflect that fact.”

Wildavsky: “I’d like to thank Doug Doub, who consulted with me on these cases.”

CLOSING REMARKS FROM THE EDITOR ✍

Reactions to Panelists' Closing Remarks

The USBF, the ITT and WITT Committees and the ACBL Conventions and Competition Committee have adopted a new version of what Jeff Goldsmith calls the "25-second rule for screens." It is now a "15-second rule." (See my postscript at the end of CASE FIVE for the exact wording of the new regulation.) I think it now addresses Jeff's concerns much better than the old version.

As for Jeff Polisner's (and Dave Treadwell's) pleas for a harsher method of dealing with meritless appeals, the present TWS (Toothless Warning System) of assessing AWMWs is intended to prevent recidivism, and it has been pretty successful at doing that. Taking a harsher approach would, I fear, have the unfortunate effect of dissuading more righteous appeals than it would stop meritless ones.

Each Reviewer writes up his own Panel case just as our chairs and scribes do with ours. In most (but not all) cases Matt Smith reads the draft and suggests any changes he deems appropriate. So Matt probably deserves the lion's share of the credit. As for Barry's PP suggestions, the only one I disagree with is in CASE THREE.

As for Howard's "vent" about CASE FOUR from Philadelphia, the reader is first referred to my comments in *The Philadelphia Experiment*, Spring, 2003. In addition, Howard's approach requires declarer to expend extra time and energy worrying about whether he can think before playing from the first hand rather than just going ahead and playing bridge. In most cases, when a defender leads to a trick declarer is presented with a bridge problem and he begins analyzing the situation. He may become so absorbed in working out the possibilities that he loses sight of the tempo issue. It is simpler and cleaner for us to just accept that before declarer plays from either hand he is entitled to think without implying anything about where his problem lies. There is no reason to follow Howard's suggestion and create an extra burden for declarer which also places him at a substantial disadvantage. A cleaner and simpler solution is simply to allow declarer to think before playing from either hand, even if he appears to have no problem about what to play from the hand that plays first. Of course, once he plays from dummy he is not entitled to a similar dispensation for his play from his own hand. At that point his tempo is subject to the same considerations as the defenders' tempo.

As for Howard's attempted analogy, I do not find it analogous. Each defender has only one hand to worry about while declarer has two hands to concern himself with. Law 73C1 says it is desirable for players to maintain a steady tempo, which means avoiding unnecessary *haste* as well as hesitation. RHO is entitled to pause to think briefly (though not for 10 seconds) before following low to the queen since every play should appear to be made with deliberation. RHO is no more required to play low immediately than declare is to play promptly from one hand just because his problem lies in other hand. There are some situation where it takes time to decide whether or not what you play from the first hand matters. For example, suppose in a notrump contract RHO breaks a side suit in the middle of the hand by leading low. Declarer holds 106 opposite A93 in dummy. If declarer is known (from the auction) to have a doubleton, what should he play? If he plays the six there is no chance that he holds a second stopper unless it is the king; if he plays the ten his second stopper can also be J10 doubleton (especially important if declarer cannot hold another king). Another similar situation would be if declare holds 987 opposite dummy's A3, where playing the nine keeps open the possibility that declarer holds J109 or even J9x. Playing the card that gives the defenders a chance to go wrong in these situations is something that many players would not think about but a player should not have to worry whether he is entitled to think ("What was your problem holding 987?") before he has a chance to work out the technical issues involved. Declarer is allowed to think before playing from either hand, even if his hand has a singleton or even if the opponents lead an honor. Asking about the opponents' carding methods can be a relevant issue, but in many (most?) cases it

is not since declarer may already be in possession of that information.

Most MI issues involving declarer's tempo can be addressed through the usual means specified in Law 73F2, involving declarer having no "demonstrable bridge reason" for his thought and whether he "could have known, at the time of the action, that the action could work to his benefit." But as with most cases, each one must be considered on its own merits.

I agree with Goldman's (and Howard's) view that non-offenders' claims should be looked upon with skepticism; they should be suspect of trying to get something for nothing. But if the offenders are suspect for a felony, the non-offenders are only suspect for a misdemeanor. Of Howard's list of actions that should often preclude non-offenders from receiving full redress, I think the first one is a bit problematic and the last one is highly questionable, especially when considered in combination with the fourth one. The Stop Card does not change the next player's obligations, nor does it serve as a useful guide as to how long a pause the Skip Bidder will find pregnant with UI. I find the use of the Stop card a non-issue in most cases, except when the decision is a very close one and the question of whether the Skip Bidder was considerate enough to use the Stop Card to give his LHO an extra few moments to prepare for what was about to happen could be used to "break the tie" on how to decide things.

If you want players, as the fourth item suggests, to call the Director as soon as a problem arises (especially when waiting may preclude the Director from applying a remedy, such as backing up the auction), then you cannot also look with disfavor on "Director calls when the BIT was iffy or disputed, or the action suggested was fairly normal (but not the only LA) or only barely suggested." Making these sorts of determinations may require waiting until later in the hand when more information about declarer's hand becomes available, and they may even be well beyond the capabilities of many players. They may also require the player to divert his attention from the play/defense of the hand to do the analysis. We do not want to dissuade players from calling the Director when they suspect something amiss may have happened. In most cases the Director is in a far more advantageous position to make all of the necessary determinations and then to rule on the matter than the players are themselves.

But of course the players are responsible for exerting proper precautions before deciding to appeal the Director's ruling.

ADVICE FOR ADVANCING PLAYERS

An important theme runs through several cases here (see CASES TWENTY-TWO, TWENTY-FOUR and THIRTY-ONE). A pair misinforms the opponents, leading to a favorable result for the misinformers. The Director adjusts the scores and they appeal, arguing that although there was MI, it was inconsequential and in any case the opponents should have known what was happening and gotten it right. Well, the moral is that in such cases an appeal should not even be considered. Let's see why.

Take a seat. With no one vulnerable you pick up ♠832 ♥J8752 ♦Q87 ♣86. RHO and you pass, and LHO opens 1NT (12-14 HCP). Partner doubles, showing an "equal or better" hand, and RHO bids 2♦. Your turn. It's possible the opponents are about to go for a number whatever they do. It's also possible that your side can make a heart partscore or game but that partner, holding a balanced strong notrump, may not be able to find another call if 2♦ is passed back around to him. On the other hand, partner may not be able to judge the ensuing auction well if you double with so few high cards (he'll play you for this much or more in any case). All things considered, bidding 2♥ is reasonable (it doesn't show any more than you have in the way of high cards) but pass and double are also understandable.

But wait. LHO Announces that 2♦ is a transfer, so bidding 2♥ is out. Given your heart holding, you briefly consider whether RHO can really have hearts. Why not? If LHO has a doubleton then partner can surely have a hand with a singleton heart, the equivalent of a strong notrump (or even more) in high cards and 4-4-4 or 3-4-5 distribution in the other suits. He surely would have doubled a weak notrump with such a hand. Obviously you cannot double 2♦ as partner will likely place you with a diamond suit—or at least with general defensive values you do not have. So you pass. Next LHO bids 2♥ and partner doubles, showing extra values. From your hand it looks like partner wants you to take out his double but if the opponents are having a misunderstanding partner may actually have hearts with you. Headache.

Now LHO bids 3♦ and you think "Aha, he intended 2♦ as natural." But wait. Maybe he's five-five in the red suits and wants to compete—not likely but possible. So what now? You ask LHO about the 3♦ bid ("Is it forcing to game?") and are told "It shows a weak hand with diamonds." Does that mean *only* diamonds or diamonds *in addition to* the hearts 2♦ showed? If the latter then double by you seems clear; if the former then you have a tough choice between double and 3♥. The disadvantage of double is that you may defend 3♦ doubled for +100 when you're cold for +140 or +170 in hearts or will get +300 when you're cold for +420 in 4♥. The disadvantage of bidding 3♥ is that partner will have a tough decision whether to pass or bid game and with your only side card in "their" suit you hardly want to encourage him to bid 4♥ holding something like ♠QJx ♥AKQxx ♦Ax ♣KJx, but you know he will. So you double and we have CASE TWENTY-FOUR.

I won't bother to go through the offenders' arguments again. Suffice it say that they're irrelevant. Even if a non-offender took an action that was far more of a bridge error than anything mentioned above, and even if it was judged to be enough to forfeit their right to redress, the Committee will remember that, but for the MI, none of this would have happened (they would have bid a natural 2♥ over 2♦ and gotten to wherever they would have gotten—probably 4♥—but wherever that was, their success, or lack of it, would have been of their own making). So regardless of how the Committee views their subsequent actions, Law 12C2 still requires that the offenders' score be adjusted as the Director did at the table (in the actual case to -450 in 4♥). So the appeal could not win and thus had no merit.

And one more thing. If you commit an offense such as MI (or UI and your side then makes a call that could have been suggested by the UI) you should be willing to accept responsibility for your infraction and accept that once you cause confusion or doubt in the opponents' minds they are entitled to perform less than perfectly and still be protected. But even if they go on to completely lose their minds, you're still not entitled to profit from it since you caused the whole problem in the first place. Just accept responsibility and move on—and next time learn what your bids mean!

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