



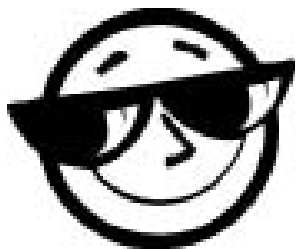
# American Contract Bridge League

*Presents*

## Mickey Mouse (and Goofy) Happenings in



Appeals at the 1998 Fall NABC



*Edited by*  
**Rich Colker**

*Dedicated to the memory:  
Brian Moran & Bobby Goldman*

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Abbreviations used throughout this casebook:

AWMPP	Appeal Without Merit Penalty Point
AI	Authorized Information
LA	Logical Alternative
MI	Misinformation
PP	Procedural Penalty
UI	Unauthorized Information

## FOREWORD

As we continue our presentation of appeals from NABC tournaments, our goals remain to provide information, to stimulate change (hopefully for the better), and to do this in a manner that is entertaining as well as instructive.

Our panelists have been provided the opportunity to comment on and rate each Director's ruling and Committee's decision, and while not every panelist rated or commented on every case, many did. The two ratings (averaged over the panelists) are presented after each write-up, expressed as percentages. These ratings also appear in a summary table near the end of the casebook, for handy reference. These numerical ratings are intended to give the reader a general idea of the panel's assessment of the performance of the Director and Committee relative to the best possible resolution that could have been achieved. The reader is advised that these ratings are not valid for the purpose of comparing the performance of Directors and Committees. Each group is rated on a different set of criteria and scale. Directors are rated on their handling of the situation at the table. They are expected to quickly determine the pertinent facts, apply the right laws and often, because of limited time and bridge-expertise, to make "provisional" rulings so the game may progress normally, expecting that their rulings may be reviewed and overturned on appeal. Committees, on the other hand, are rated on all aspects of their decisions including their finding of facts, application of the laws and use of bridge judgment appropriate to the event and the contestants involved. Their ratings also depend on such things as a panelist's view of the use of procedural and appeal-without-merit penalties. Panelists who oppose the use of such penalties could down-grade the Committee's rating even though they agree with other aspects of their decision.

I wish to thank all of the hard-working people without whose efforts these casebooks would not be possible: the scribes and Committee chairs who labored to chronicle the details of each case; the panelists for their hard work and devotion to a truly arduous task, for which they receive only our praise (and our occasional abuse); and of course Linda Trent, who manages the case write-ups at NABCs. As always, she is indispensable in this operation. My sincere thanks to all of you. I hope that my revisions have not diminished any of your earlier work.

As we were preparing this casebook we learned of the death in mid-April of Brian Moran. Brian was a friend, a long-time columnist for the ACBL Bulletin, an invaluable asset to the ACBL's Directing staff, an expert on the laws, and for many years served as head Screening Director and the backbone of the appeals process at NABCs. Then again, as we were putting the finishing touches on this casebook, we were shocked to learn of the sudden death in mid-May of our good friend Bobby Goldman. One of the world's leading professional players and bridge theoreticians, Bobby was also an activist on the ACBL Conventions and Competition and ITT Committees and served as a casebook commentator almost since their inception. Named ACBL's 1999 Honorary Member for his contributions to bridge, Bobby had also just recently been elected to the ACBL Bridge Hall of Fame in his first year of eligibility. (His induction will take place at the Summer NABC in San Antonio.) Bobby was perhaps proudest of his son Quinn's sports accomplishments (most notably in baseball and track). When we spoke just before his return home to Dallas after finishing sixth in this year's Cavendish Teams, he told me he was planning to spend much of his time until the Team Trials attending Quinn's baseball games and helping him with his continuing athletic development.

We are saddened immeasurably by the loss of these two friends and colleagues and our sincerest sympathies go out to their families and many friends.

Rich Colker,  
May, 1999

## THE EXPERT PANEL

**David Berkowitz**, 49, was born in Brooklyn, New York. He currently lives in Old Tappan, New Jersey with his wife Lisa, daughter Dana, and son Micheal. He is an options trader on the AMEX. In his spare time David says, “What I live for is beating Larry [Cohen – his regular bridge partner] at golf.” David is a Co-Director (with Larry) of the Bridge World Master Solver’s Club. He is an ACBL Grand Life Master with several National Championships and a WBF World Master. Although too modest to mention it in response to our request for biographical information, David won the 1999 Cap Gemini Pairs in The Hague and was second in the 1998 World Open Pairs in Lille. The next time you’re at an NABC, look for David’s witty, often hysterically funny, repartee as a VuGraph commentator for the ACBL in its late-round coverage of the major National events, if he’s not still competing, that is – and maybe even if he is.

**Bart Bramley**, 51, was born in Poughkeepsie, New York. He grew up in Connecticut and Boston and graduated MIT. He credits Ken Lebensold as an essential influence in his bridge development. He currently resides in Chicago with his longtime companion Judy Wadas. He is a stock options trader at the CBOE. Bart is a sports fan (especially baseball and specifically the NY Yankees), a golf enthusiast, enjoys word games and has been a Deadhead for many years. He was 1997 ACBL Player of the Year. His NABC wins include the 1989 Vanderbilt and the 1997 Reisinger. In the 1998 World Championships he was second in the World Par Contest and third in the Rosenblum Teams. He also played in the 1991 Bermuda Bowl and was captain of the 1996 U.S. Olympiad team.

**Jon Brissman**, 54, was born in Abilene, Texas. He attended Purdue University and earned a B.A. from Parsons College, an M.A. from Northeast Missouri State University, and a J.D. from Western State University College of Law. He operates a small law office in San Bernardino, California, teaches at the Los Angeles College of Chiropractic, and serves as a judge pro tem in small claims and municipal court. He served as Co-Chair of the National Appeals Committee from 1982-88 and was reappointed in 1997. A Good Will Committee member, he believes that a pleasant demeanor coaxes forth his partnership’s best efforts.

**Ron Gerard**, 55, 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, 1990) and one semi-final without playing once on a professional team.

**Bobby Goldman**, 60, ACBL’s 1999 Honorary Member, was born in Philadelphia. He currently resides in Dallas with his wife Bettianne and his son, Quinn. He is a Bridge Professional and Financial Analyst. His hobbies include tennis, volleyball, basketball and softball. While Bobby was a member of the original ACES from 1968 to 1974, he was a pioneer in writing computer programs that generate practice bridge hands and evaluate bidding probabilities. Bobby has won three Bermuda Bowls, a World Mixed Teams and a World Swiss Teams as well as more than thirty National Championships.

**Barry Rigal**, 41, was born in London, England. He is married to Sue Picus and currently resides in New York City where he is a bridge writer and analyst who contributes to many periodicals worldwide. He enjoys theater, music, arts and travel. Barry is also an outstanding Vugraph commentator, demonstrating an extensive knowledge of the many 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, winning the Common Market Mixed Teams in 1987 and winning the Gold Cup in 1991.

**David Stevenson**, 51, was born in Kumasi, Gold Coast. He currently resides in Liverpool, England with his wife Elizabeth and his two cats, Quango and Nanki Poo. His hobbies include anything to do with cats and trains. David has won many titles as a player, including Great Britain’s premier pairs event, the Grand Masters, twice. He is proudest of becoming the Chief Tournament Director of the Welsh Bridge Union and is interested in gaining international experience as a Tournament Director and Appeals Committee member.

**Dave Treadwell**, 86, was born in Belleville, New Jersey and currently resides in Wilmington, Delaware. He is a retired Chemical Engineer, a graduate of MIT and was employed by DuPont for more than 40 years where his responsibilities included the initial 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**, 46, was born in Minneapolis. He is a graduate of the University of Minnesota. He currently resides in Chicago where he is a stock options trader at the CBOE. 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 a member of the ACBL Ethical Oversight Committee, Chairman of the ACBL’s Conventions and Competition Committee and has been a National Appeals Committee member since 1987. He has won six National Championships and is proudest of his 1993 Kansas City Vanderbilt win.

**Bobby Wolff**, 66, was born in San Antonio and is a graduate of Trinity U. He currently resides in Dallas. 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 Convention Disruption (CD) and Hesitation Disruption (HD) and the flagrant propagation of acronyms (FPA).

**CASE ONE**

**Subject (Tempo):** Don't Bother Volunteering To Be Ethical

**Event:** NABC Women's Pairs, 20 Nov 98, First Qualifying Session

Bd: 24	Jan Assini		
Dlr: West	A9753		
Vul: None	! 72		
	" AQJ2		
	È J2		
Leigh Mathis		Jan Omley	
6		KJ108	
! KJ10986		! AQ	
" 10		" K98753	
È 109874		È 5	
	Laurie Kranyak		
	Q42		
	! 543		
	" 64		
	È AKQ63		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
2!	2!	3!	4!
Pass	4!	Pass(1)	Pass
Pass			
(1) Break in tempo			

**The Facts:** 4! went down one, plus 50 for E/W. The Director was called after the hand was over and was told that East had huddled, made faces, and asked questions about the auction before she passed 4! . West, after the hand was over, stated something to the effect of "good thing your barred me, I would have bid 5È." The Director allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling and were the only players present at the hearing. N/S stated that West should be made to bid 5È, permitting N/S to defend 5! .

**The Committee Decision:** The Committee decided that West's comment, after the play of the hand was completed, was not

relevant to the result. West's comment suggested that she had made the "ethically correct" decision to not bid over partner's break in tempo. West was under the mistaken understanding that she was barred by her partner's break in tempo. The Committee allowed the table result of 4! down one, plus 50 for E/W, to stand.

**Committee:** Bob Glasson (chair), Jeff Goldsmith, Michael Rahtjen, Ellen Siebert, Riggs Thayer

**Directors' Ruling: 84.4**      **Committee's Decision: 79.6**

The least of my problems with this appeal, granting the existence of UI from East, is determining what the UI suggests. East could have been thinking of bidding more hearts (or making some other lead-directing bid) but she could also have been considering doubling 4! for penalties (as her hand suggests). Thus, East's behavior did not "demonstrably" suggest any particular action by West over any other and there should be no restrictions on West's action (unless a case could be made that *this* type of huddle in *this* partnership means East was thinking of bidding on.)

But the real problem is that this appeal is quite odious. N/S deserved a stern lecture on how bridge events should be contested. With no further invitation to the auction from her partner, pass is the normal and expected action by a preemptor. West laudably suppressed her instinct to take an abnormal action in the presence of the UI from her partner – an ethical and proper instinct. What N/S, in effect, are saying is that they want West to take an ethically dubious action because it works to their advantage. Had West bid 5È and had it turned out to be right, N/S would have protested that action as well. Since then West would have been vilified by the Committee and panel alike, in this case we get to be just as indignant with N/S.

Agreeing with me about the poor merits of N/S's appeal (and attitude?) are...

**Berkowitz:** "Obviously the correct decision, but both pairs needed a little talking

to. East is entitled to ask questions but should be admonished to stop making inappropriate gestures. N/S's behavior is the type of thing that we should be discouraging. To me, taking this hand to Committee should run into some sort of sanction, at the least a stern talking to."

**Bramley:** "Maybe West really would have bid without partner's huddle, but it would still have been a bad bid. What have we wrought when we inspire players to lodge an appeal based on such convoluted logic as N/S's? This appeal has no merit."

**Brissman:** "Why did the Appeals Committee not comment about (and possibly act upon) the merit of this appeal?"

**Rigal:** "Clearly the Director made the right ruling here since, as the Committee established, the comment was irrelevant. The Committee might well have decided that the appellants, while setting new heights of chutzpah, were nonetheless dangerously close to getting an AWMPP."

**Treadwell:** "Another case illustrating the view (false) that if an opponent hesitates, there will be redress if you don't like your result on the board. In this case, I don't blame N/S too much for going to Committee in view of the gratuitous remark by West after the hand was over. (Was it said in jest?) The Director and Committee got this just right."

**Weinstein:** "Ridiculously litigious. That N/S call for a Director and then a Committee when West revealed she tried to be ethical is absurd. If it turned out that East was thinking of bidding on, and West did successfully bid on, they would have called for a Committee in that scenario also. In order to penalize E/W, pass must be the demonstrably suggested action that was taken because of the UI. From West's comment (that N/S were so gung-ho to penalize) clearly the suggested action from her viewpoint was bidding on to 5! . There should have been a penalty point assessed, only because apparently there can't be more than one assessed."

The remaining two panelists have a rather different view of the proprieties involved in this case for the E/W pair, but first things first. We welcome David Stevenson, the newest member of our happy panel. He brings with him a fresh viewpoint, coming, as he does, from England. David is a respected (and prolific) commentator on the laws of bridge and directing the game. He is also the Welsh Bridge Union's Chief Tournament Director and in charge of their Director training.

**Stevenson:** "While it is true that West's ethics are not in doubt, the same can not be said of East, and the failure of the Director to adjust under Law 72B1 is very surprising. Since the Committee did not mention it either, could it have been that this Law was overlooked? In view of the Weak Two and raise there is always a possibility that West will bid again, and East knows this is not in the partnership's interests. It is also likely that 'pulling faces' will bar an ethical partner, so East knows her antics may work to her opponents' disadvantage. So I believe the Director should have adjusted to 5! . It would not be unreasonable for the Committee to re-instate the table result, but surely then a PP should be applied to East?"

Indeed, Law 72B1 allows the Director to adjust a score if he determines that "an offender could have known at the time of his irregularity that the irregularity would be likely to damage the non-offending side." This law further instructs, "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." Certainly East's behavior in making faces was highly improper. She should have been disciplined for her performance by the Director at the table with

a PP, as David suggests. But worse was asking questions and then passing with the hand she held. What answers did she need to be prompted to action? That sounds like the sort of irregularity that Law 72B1 was intended to deal with. But contrary to David's suggestion, I think the table Director should not have adjusted the score. My reasons are quite simple: I can find no way that N/S were damaged by East's actions, nor can I envision how East could have known at the time that West would be tempted to act again (both prerequisites of Law 72B1). But good work by our newest panelist in pointing out the applicability of Law 72B1 to this case.

And on the same track, but for a quite different reason, was...

**Wolff:** "N/S minus 50 for both pairs but E/W to be penalized one matchpoint for hesitation disruption (HD), which might have influenced West's final pass. I would have tended to overlook this penalty were it not for West's unnecessary 'needling' remark. Maybe there is a place for technical fouls in bridge."

Yes, Virginia, there is a Santa Claus...and a Devil as well. HD is still not a punishable offense, but the solution lies in 72B1. And yes, there is a place for PPs in ruling the game, as our last two panelists point out.

## CASE TWO

**Subject (Tempo):** The Road To Hell Is Paved With Good Intentions

**Event:** NABC Life Master Pairs, 20 Nov 98, First Qualifying Session

Bd: 15	Fred Gitelman		
Dlr: South		A97	
Vul: N/S	!	AQJ1083	
	"	---	
	Ê	Q642	
Claude Vogel			George Jacobs
62			1084
! 754			! K6
" AQ62			" KJ8754
Ê K853			Ê A7
		Brad Moss	
		KQJ53	
		! 92	
		" 1093	
		Ê J109	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1!	3"	Pass
4"	4!	Pass(1)	Pass
5Ê	Dbl	5"	5!
All Pass			
(1) Break in tempo			

**The Facts:** 5! went down two, plus 200 for E/W. The break in tempo was agreed by all players. The Director ruled that pass was a LA for West (Law 16) and changed the contract to 4! made four, plus 620 for N/S.

**The Appeal:** E/W appealed the Director's ruling and were the only players present at the hearing. West stated he always intended to bid 5". He bid only 4" in case game was not reached. He bid 5Ê to muddy the waters in case the opponents were headed for slam.

**The Committee Decision:** The Committee believed that there was no LA to West's bidding to a 5" contract at favorable vulnerability. The Committee further determined that even 4! should go down because the line of play should include a heart

finesse followed by the Ê AK and a club ruff. 5! had put N/S into a minus position achieved on their own. Therefore, the contract was changed to 5! down two, plus 200 for E/W.

**Committee:** Bill Passell (chair), Harvey Brody, Lou Reich, Robert Schwartz, Phil Warden

**Directors' Ruling: 80.4**

**Committee's Decision: 60.0**

The break in tempo was agreed by all, so next we must determine whether the hesitation could have suggested bidding on. In my experience, players who have had their preempt raised by their partner rarely have to think about whether to double the opponents later in the auction (although here, judging by his hand, it's quite possible). Thus, I think the break in tempo makes bidding on more attractive.

Finally, we consider whether there is a LA to bidding (5Ê or 5") over 4! with the West hand. Many players (maybe even most) would bid 5" (or 5Ê) over 4! with the West cards, but might a West player pass 4! ? Some would, if only because they would fear that N/S might find their (cold) slam, the save against which could go for more than the value of the game. Would a West player bid only 4" initially, planning to save only if N/S bid game? Holding a hand which the Committee believes is so clearly worth a save, it seems doubtful that West would expect N/S not to bid on to (at least) game. Thus, the 4" -then-5m ostrich-like strategy seems a losing one, providing N/S extra room to look for the best game or slam while standing little chance of winning the contract a level lower than the rest of the field. Add to that the fact that some 4" bidders think that is the limit of their hand (with its sterile distribution – i.e., no shortness) and the case for disallowing West's bid is well above the threshold for barring such a bid.

Can West, then, never change his mind after starting with 4" or never adopt the sort of strategy West claimed to have been following in the present case? West can do any of these things, provided his partner does nothing to jeopardize his plan such as introduce UI which suggests the continuation.

The Director was right in adjusting the contract (but not in his judgment of the bridge result of that contract); the Committee was wrong. The contract should have been adjusted for both pairs to 4! , but why judge that 4! would make (plus 620) when 5! went down two at the table? Ron will argue that (1) North, in declaring 4! , should be allowed to judge that insuring plus 620 will be a good score when E/W clearly have a profitable save and (2) that he should also be allowed to use East's huddle (what could he have been thinking about if not an "out-of-the-blue" double, so East can't really have two or three small hearts for his huddle) to judge not to take the trump finesse (which can't win if East has the ! K or West four trumps). I disagree. There could be many reasons for East's huddle (six-four with two small hearts on the side, for example) and North doesn't know that plus 650 isn't necessary to compete with the other N/Ss who bid on to the five level over 5" . Thus, he is likely to take the trump finesse. Down one, minus 100 for N/S, is the score I would assign to both sides. (I'm willing to listen to arguments for a non-reciprocal adjustment: minus 100 to N/S and minus 620 to E/W.)

The following panelists express utter incredulity at the Committee's decision.

**Bramley:** "No alternative to 5" ? The Committee must be joking. The Director had it right. In fact, bidding 5" was probably a losing action on this hand, turning a probable plus into a minus. We can't really know what West's plan was in the auction, or even if he had one, but he surely cannot be allowed to bid 5" after an assist from partner. The real question on the hand is what the result would have been in the assigned contract of 4! . Here I must agree with the Committee that the most likely result by far in 4! is down one, which is the result I would award to both sides."

**Gerard:** "Way to go, Committee. It's tough to set the tournament standard for incompetence as early as CASE TWO, but I'd be surprised if anything can outrank this performance, olfactorily speaking. First, let's dispense with the foolishness. ! Kx ! xxx " KJ10xxx E xx. The aces are where they rate to be. North is not void in diamonds. Minus 800. Lots of matchpoints.

"Next, let's try to wipe the oatmeal off the Committee's chin. North should go minus in 4! so therefore it's okay for him to go minus more in 5! in light of possible UI? Well, North shouldn't go minus in 4! . After East's huddle, you don't need to be Zia to figure out that East doesn't have two or three little hearts. There's nothing wrong with guaranteeing plus 620 when the opponents have a worthwhile save, even at matchpoints. And so what, anyway? Was the Committee trying to accuse N/S of failing to continue to play bridge? I sure hope so, because otherwise awarding minus 200 is about as dumb as it gets. This N/S does seem to get caught in these five-level huddle things more than usual, but did the screen go blank when they bid 5! ? Would doubling 5" have given them a chance at a better score than plus 620? 5! looks inferior but not terrible, so let's hold all the 'double shot' references and pretend we're intelligent.

"Now listen carefully, folks. Try to give more weight to the Laws than to 'I was always going to...' How do you know what he was always going to do? One of the advantages of paying attention to the right things is that you don't have to decide whether you believe someone. My conventional understanding is that 4" (and similar one-under auctions) are save suggestive, not operational. Why tell the opponents that their small doubleton is working, not worthless? I think that is the normal expert meaning. Sometimes partner has six-four or some other reason to bid. Bidding 4" , not 5" , is what a West who wasn't flying solo would have done, so why should he be allowed to claim otherwise? Did the committee (I'm sorry, I just can't capitalize this one any more) trust him to play the table because East was a client? And did the committee really think that anyone believes that '4" might have

shut them out' bilge? You wave a red flag, the bull charges.

"Finally, what did East's huddle suggest? Normally it would have been extra offense ('I want to bid 5" '), but it was possible that it was an out-of-the-blue double to show a good preempt. I'm not sure I know looking at East's hand, but either way it clearly suggests bidding 5" on West's hand. If East has out-of-the-blue, 4! might go down one if he passes in tempo, but West isn't defending with that hand. So 5" was demonstrably suggested by the hesitation, either as a clear save if that's what the huddle meant or because North would play the hand to best advantage if it meant out-of-the-blue. Of course, none of this was important enough for the committee to consider once it had decided that there was no alternative to 5" . It's truly amazing how many difficult questions you can avoid when you don't think logically.

"This decision should be Page 1 in the League's Negative Primer on Appeals. Almost every imaginable offense against the Committee process (it's generic so it's back to upper case) is right here, in black and white. Did Hamman and Compton and Blaiss bribe these guys to prove that it can't be worse under the Directors? No, I think they achieved this monstrosity on merit. A line from Edward R. Murrow comes to mind: 'If you're not confused, you don't really understand the situation.'"

I'm with Ron in believing that N/S's 5! bid was reasonable but unlike Ron, I didn't detect any (cloaked) references to an attempted double shot by N/S. Ron is also 100% on target in observing that Committees should not be deciding who to believe (except in certain situations, such as determining disputed fact) in these types of cases. The laws are written to remove the need for such leaps of faith.

More of the same...

**Berkowitz:** "Of course the Committee thought there was no LA. As usual, they were incorrectly imposing their bridge judgment on E/W. But were they right? Did they notice that West was a passed hand? Most play that not vulnerable versus vulnerable a preempt opposite a passed hand can be absolutely anything. But, could it be anything? No, the huddle took away that possibility; it could only be offense. As to the Director's ruling, nine tricks were achieved at the table and I see no reason to disturb that."

When he's right, he's right.

**Rigal:** "The Director made the correct ruling in a situation where there was a hesitation and at least a chance that West's action was dubious. The Committee made a very bold statement when they said that it was automatic to bid 5" here. Anyone who bids 4" will have to work hard to persuade me that he has not transferred the decision to his partner. Here I guess one should consider whether East was actually considering doubling 4! . I wish that had been established. But in practice if West assumed that his partner was considering sacrificing and then did so himself, I'd like to rule against both E/W and N/S, who, as was established, deserve no sympathy."

I don't believe it matters what East was thinking about over 4! (and it would be taking at face value a potentially self-serving statement to even ask him); the issue is only what the huddle suggested. Barry appears to have fallen prey to the same "Shadow"-type of reasoning as the Committee (like Lamont Cranston, they "look into the hearts of men"), but with a healthier sense of skepticism. And why do N/S deserve no sympathy (unless we're looking at their history which, as Ron points out, has several other recent incidents similar to this one)? What did they do that was so wrong here?

**Weinstein:** "I don't know where to start, but since I have to, let's start with West. Whether he would have always bid 5" is completely irrelevant once his partner provides UI. Whether East is thinking about doubling showing a maximum with



defensive values or is thinking of bidding with extra shape, that provides West with the knowledge that the save is unlikely to go for more than 500. The bid cannot be allowed for E/W. If the Committee decides that 5<sup>n</sup> was the overwhelmingly likely call without the UI, they can let the table result stand for N/S. Unless the Committee believes the 5<sup>n</sup> call to be egregious, the fact that N/S might have done better is irrelevant. They should not have been in that position. Had the Committee properly disallowed the call for both sides, then the adjudicated result in 4<sup>n</sup> becomes a problem. N/S should probably receive minus 100 as the score most likely to occur. However, if there is a significant possibility that N/S would have made 4<sup>n</sup>, then E/W should receive minus 620. That is a close decision.”

Howard’s analysis is right on target on all accounts, and he elucidated it in far less space than either Ron or I could have hoped to – even in our wildest dreams. But never fear, this is not the end of the universe as we now know it. Howard will more than make up for his sin of economy in his comment on CASE FOUR.

Our next panelist accurately points out the irrelevance of West’s statement, but seems not to have appreciated the other issues surrounding this case.

**Stevenson:** “While the decision looks reasonable, it should be noted that West’s comment has no relevance: the Law on UI takes no notice of previous intent.”

Our last panelist is partly on track and partly derailed over this case. Does that make him a half track? (Sorry about that, Wolffie.)

**Wolff:** “N/S minus 200, E/W plus 100. West is not entitled to a ‘free’ study from partner when West claims and the Committee determines that West would ‘always’ bid 5<sup>n</sup>. How convenient for West.”

If Wolffie is agreeing with the Committee that 5<sup>n</sup> was clear-cut, then the table result should stand in spite of the UI from East’s huddle. You can’t adjust a pair’s score simply because one of them broke tempo if alternative actions by the huddler’s partner were not “at all probable.” The laws were meant to redress damage, not to punish minor procedural variations. If Wolffie believes that the UI could have significantly improved the chance that West found a bid over 4<sup>n</sup>, then the score for both sides should be adjusted. But then why minus 200 for N/S? What have they done that is so egregious? 5<sup>n</sup> doesn’t strike me as even approaching that standard.

### CASE THREE

**Subject (Tempo):** To Be Slow Is To Be Sorry

**Event:** NABC Life Master Pairs, 20 Nov 98, First Qualifying Session

Bd: 20	Howard Weinstein		
Dlr: West		9642	
Vul: Both	!	5432	
	"	103	
	£	932	
Tobi Sokolow			Richard Katz
AQ3			KJ875
! K9			! 106
" AQ9754			" J862
£ K5			£ Q6
		Steve Weinstein	
		10	
		! AQJ87	
		" K	
		£ AJ10874	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1 <sup>n</sup>	Pass	1 <sup>n</sup>	2NT
Dbl	3 <sup>n</sup>	Pass	Pass
Dbl(1)	Pass	3 <sup>n</sup>	Pass
3NT	All Pass		
(1) Break in tempo			

**The Facts:** 3NT made six, plus 690 for E/W. There was a clear break in tempo before West doubled 3<sup>n</sup>. The Director ruled that the break in tempo suggested a lack of penalty intent and that pass was a LA for East. The Director changed the contract to 3<sup>n</sup> doubled made three, plus 730 for N/S.

**The Appeal:** E/W appealed the Director’s ruling. West and North attended the hearing. West told the Committee that East had a personal emergency that prevented his attendance. The tempo of the auction until the double of 2NT had been normal. Both sides agreed that the break in tempo was extended and West did not dispute North’s contention that it lasted about one minute. E/W was a first-time partnership with no

understandings about the meaning of the double of 2NT. West stated that she thought that passing 2NT and then doubling the correction would be for penalty and that doubling twice would have been non-penalty and strength. She stated that she thought that requiring East to pass the second double would be totally uncalled for. She also stated that E/W did not play support doubles beyond their suit at the two-level. North believed that it was fairly normal to double 2NT to show a desire to penalize at least one of the opponents’ suits. He noted that if West were 1-4-4-4, 3<sup>n</sup> might go down several tricks. North stated that he thought a pass by East was not only a LA, it was the bid called for in this auction.

**The Committee Decision:** The Committee fully recognized West’s right to take time to consider what to do in a difficult situation. However, East’s options may have been limited when the hesitation suggested a line of action. Because the partnership had no agreement about the meaning of the first double, the remaining auction became very sensitive to any information which may have been conveyed by subsequent tempo breaks. In this case, the Committee found that the non-penalty intent of the double of 3<sup>n</sup> was strongly suggested by the one-minute hesitation. Since a substantial minority (if not a majority) of East’s peers would opt to pass the double, the Committee changed the contract to 3<sup>n</sup> doubled made three, plus 730 for N/S. The Committee also found this appeal to be without substantial merit. E/W were each issued an AWMPP.

**Committee:** Michael Huston (chair), Doug Doub, Jerry Gaer, Ed Lazarus, Marlene Passell

**Directors’ Ruling: 94.1**

**Committee’s Decision: 97.8**

E/W should have quit while they were ahead with only minus 730!

**Berkowitz:** “Couldn’t agree more. Still waiting to see the first four-trump-trick quick penalty double that gets pulled.”

**Bramley:** “Well done.”

**Brissman:** “Splendid.”

**Stevenson:** “A perfect ruling and appeal decision!”

**Wolff:** “Superior decision by the Committee and instructive for all to see.”

**Rigal:** “Nice Director ruling: clear-cut, in my opinion, but still good to see the right thing being done. The Committee made exactly the right decision in my opinion, and the AWMPP was appropriate.”

I saved our resident protagonist’s comment for last.

**Weinstein:** “Despite my testimony it is highly unlikely on bridge logic that West can be 1-4-4-4. This was not pointed out by E/W though. However, there are many other hands where pass is clearly the winning call by East. Unfortunately, the huddle eliminates most of those hands. East at the table provided no cogent arguments for pulling the double other than it felt like the right bid. He seemed to be truly ignorant of his ethical responsibilities once his partner took forever to double. Had the double been in tempo, I believe that it may well have felt right by East to pass. Had the Committee believed that East’s action was the likely call in absence of the UI, they could have let the N/S table result stand. From the Committee write-up they clearly did not decide this was the case.”

But they clearly did recognize pushy when they saw it.

## CASE FOUR

**Subject (Tempo):** Slowness – A Way Of Life

**Event:** NABC Life Master Pairs, 20 Nov 98, First Qualifying Session

Bd: 20	John Fout		
Dlr: West	9642		
Vul: Both	! 5432		
	" 103		
	Ê 932		
Paul Erb		George Pisk	
AQ3		KJ875	
! K9		! 106	
" AQ9754		" J862	
Ê K5		Ê Q6	
	Bryna Kra		
	10		
	! AQJ87		
	" K		
	Ê AJ10874		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1"	Pass	1	Dbl
Rdbl(1)	2!	Pass	3!
4" (1)	Pass	4	Dbl
All Pass			
(1) Break in tempo			

**The Facts:** 4| doubled made four, plus 790 for E/W. N/S stated that the redouble was made after a minor break in tempo and the 4" bid after a major break in tempo. E/W disagreed that there was any break in tempo before the redouble but agreed that there was an obvious break in tempo before the 4" call. The Director ruled that the table result would stand.

**The Appeal:** N/S appealed the Director’s ruling. North, East and West attended the hearing. N/S stated that both tempo breaks suggested that West had spade support. E/W stated that the redouble showed at least a spade tolerance and therefore it was the redouble that led to the 4| bid and not the break in tempo after 4". The Committee asked West

what he would have bid with short spades and a good hand. He admitted that he would have redoubled.

**The Committee Decision:** The Committee decided that the break in tempo before the redouble was not material but that there was a significant break in tempo before the 4" bid and that E/W did not have the agreement that the redouble showed spade support. The Committee determined that East’s choices of bids after 4" were pass, 4|, and 5". The Committee further decided that the 4| bid was demonstrably suggested (Law 16A) over the other LAs and, therefore, could not be allowed. In the Committee’s judgment pass and 5" were equally likely after an in-tempo 4" bid. They decided that the double of 4| was egregious enough to jeopardize N/S’s right to full protection (the non-offending side must continue to “play bridge”). They considered allowing the table result to stand for N/S. However, South would have had a much easier decision had East passed 4" rather than correcting to 4|. It was therefore decided to treat N/S as being only “partially at fault” (Law 12C1) when adjusting their score. The Committee assigned E/W (the offenders) Average Minus and N/S (the non-offenders) Average.

**Committee:** Doug Heron (chair), Lowell Andrews, Phil Brady, Corinne Kirkham, Richard Popper

**Directors’ Ruling: 68.9**

**Committee’s Decision: 64.4**

Let’s take this by the numbers. (1) The huddle before 4" was agreed by all. (2) Did the huddle demonstrably suggest spade support from West, and thus East’s bidding 4| as opposed to his passing or bidding 5"? Most of the panelists believe the slow 4" could have been based on any number of different types of hands, and thus did not demonstrably suggest spade support. If you believe this, then you bow

out at this point and allow the table result to stand. If you think there was a link to spade support, then we go on to... (3) Was there a LA to East's 4♠? Gerard (and Bramley similarly) will argue that 4♠ "on the way to 5♠" is either "clear" or "very reasonable," depending on whom you wish to study under. I agree that in a top expert partnership the reasoning of these players would be compelling, but nothing in the present case convinces me that this link existed either by agreement or by logical inference in the minds of the E/W players. (A statement by East at the hearing explaining the connection between West's bidding and East's 4♠ bid would have helped.) If you buy the Bramley-Gerard arguments, then again the table result stands. If not, then the scores for both sides need to be adjusted under Law 12C2.

Having arrived at this point, the Committee improperly applied Law 12C1 (no result can be obtained) to the 12C2 situation (a result was obtained at the table). Since I've railed against this many times before, I'll let our newest panelist and expert on the application of the laws take the lead on this issue – assuming, for the moment, that the Committee was right to have gotten this far.

**Stevenson:** "Since West had not shown spade support, East's 4♠ seems very strange and it is surprising the Director did not adjust. The Committee understood the issues clearly, but their decision is completely illegal. They quoted Law 12C1 which only applies when no result has been obtained. A score must be assigned under Law 12C2, and since the Committee determined that East's choices were to pass 4♠ or bid 5♠ they should have seen where these led. If East passes then South will presumably double, and North will pass or bid 4♠. This leads to credible auctions to 4♠ doubled, 4♠ doubled, 4♠, 4♠ doubled, and 5♠ doubled. Note the auction to 4♠ is via a pass of 4♠, doubled and pulled to 4♠, not via East's actual 4♠ bid which is disallowed. An adjustment to 4♠ doubled, down one, would seem correct for E/W. As far as N/S is concerned then, either the Committee should decide South's action in doubling was 'irrational, wild or gambling,' in which case N/S keep their table score, or it was not, in which case 4♠ doubled, down one, seems right for them. Their attempt to achieve equity by compromise, while laudable, is only legal in Europe under Law 12C3: this law does not apply in the ACBL so the actual decision was illegal."

Yes, the Director seems to have missed an easy ruling here. Adjust the score and let the offenders plead their case before a Committee, if they wish. And where was the Screening Director, who should have instructed the Committee about its obligations with regard to score adjustments and forestalled the application of 12C1 to this situation? While David's characterization of the Committee's use of the 12C1 concepts as "completely illegal" may be an overbid, clearly 12C1 is intended to be used as an artificial assignment when no result has (or can) be obtained at the table. For a Director or Committee to use it, in my opinion they must make a strong case that no projected result is possible – due, perhaps, to factors such as the uncertainty or complexity of the situation. Otherwise, they are copping out.

However, as Gary Blaiss has pointed out to me, the last sentence in 12C2 gives Directors (and Committees) the right to assign adjusted scores in matchpoints (or, presumably, in imps which are arguably just a different kind of matchpoints – "international" ones) as well as total points. So if the Committee can assign a score of 7.2 matchpoints, presumably they can assign a score of Average Plus. Still, the intent of 12C2 seems to me to be that scores be assigned in place of table results which reflect the "likely" and "at all probable" bridge outcomes if at all possible.

The following panelist would have fit right in with this Committee ("there are several possible results, so let's not try to decide among them").

**Treadwell:** "Another good decision. Normally a Committee should try to establish a table result if the infraction (of bidding 4♠) had not occurred. Here there are several possible outcomes, South might pass, or might bid 4♠ and, perhaps, push E/W into 4♠. Since it is impossible to determine which of these actions might have occurred, the Average Minus for E/W and Average for N/S seem correct."

As for the bridge issues involved in assessing points (2) and (3) above, with all due respect to Stevenson's expertise on the laws, we need bigger guns to handle this aspect of the decision. First, did the huddle demonstrably suggest 4♠ (point 2)?

**Bramley:** "I disagree strongly. If the 4♠ bid was 'demonstrably' suggested by the huddle, then could the Committee please 'demonstrate' why? Over 3♠ West could have been considering many different actions besides 4♠ (his choice) and 3♠ (the Committee's choice). How about double, pass, and 3NT on this hand, or perhaps 4E or 4♠ or 5♠ on a different hand? Furthermore, the arguments in favor of 4♠ by East are compelling, although no one bothered to make them. East had passed over 2♠, which must surely limit his spade length and quality. Thus, a 4♠ bid 'on the way' to 5♠ is very reasonable since partner should pass only with decent support. And despite the Committee's seal of approval, I don't consider pass a LA for East, whose partner has redoubled and driven to the four level in his own suit. This auction shows close to a strong two-bid (the West hand is minimum). East, with four-card support and a full response (in the modern style), would be crazy to pass. I would have let the result stand and I would also have ruled 'no merit' against N/S. South at least had the sense to skip the hearing, but she has a right to be upset that North pursued this case and thus exposed the bad final double in public."

**Rigal:** "I think the Director might have ruled Average Plus/Average Minus if he could not work out the details of the case. The 4♠ bid is not obvious under any circumstances. First, as a side issue, regarding the Committee's comment that the double of 4♠ was way out of line, while the bid might not be my choice, calling it egregious is not fair. Having said that, however, I do not think the basis of the decision is sound; the slow 4♠ does not point to spade support at all. If the redouble is not support, who knows what a slow 4♠ shows? I think the Committee looked at East's successful action and assumed that the slow bid pointed towards that action. In my opinion there are no inferences to be drawn from the action; I think East's gamble should be permitted to stand. I'd leave it at the table result."

**Weinstein:** "Very poor. First, the slow 4♠ doesn't demonstrably suggest spade support (nor does the slow redouble). West could have been thinking about 3NT with good diamonds, passing, doubling, 5♠ or who knows what. It's unlikely that West is going to have an automatic action when the bidding is at 3♠ at his third turn to call. Secondly, East can't have great spades since he failed to bid 2♠. South's bidding was, to put it politely, absurd. Also, had East passed, she could just as easily have doubled 4♠. To allow N/S anything but their table result for a 'very thin' protest after their own egregious bidding is, again politely, distasteful. Since the Committee thought that 4♠ should be disallowed, they should have assigned E/W plus 150 in 4♠."

"WARNING: THE FOLLOWING WILL BE LENGTHY, EVEN COMPARED WITH ONE OF MR. GERARD'S TYPICAL INSIGHTFUL (INCITEFUL?) COMMENTS. Question: Is a Gerard legal brief an oxymoron?"

"This seems as good a spot as any to continue my running battle with Mr. Gerard et. al. on the philosophy of non-offenders' adjustments under 12C2. Mr. Gerard's view is that the laws, if followed to the letter, will lead us to the proper adjudication of bridge disputes. The law will lead to justice. Mr. Wolff, on the other hand, believes that we should decide what seems just and fair, rule that way, and totally disregard any laws that happen to get in the way. Mr. Kaplan's view, as expressed to me, was to interpret the laws, however possible without actually breaking them, to accomplish justice. While I have a lot of sympathy for Wolfie's view, the world doesn't seem quite ready to disregard the bridge laws totally or to change them (in this country, anyway) to provide tremendous leeway. So I have tried to follow Mr. Kaplan's methods as much as possible for a person lacking Mr. Kaplan's ability to articulately and creatively interpret the laws to provide a just result. I find this a much better approach for the good of bridge than Mr. Gerard's strict constructionist viewpoint. Unlike Mr. Gerard, I am not an attorney. So, in

spite of faithfully watching Dr. Kingsfield on television, I do not have the same compulsion to following the letter of the law as might an actual lawyer. So sue me.

“Having said that, I would like to put some historical perspective on this discussion. A few years ago Mr. Colker shared with me the concept of non-symmetrical adjustments of bids under 12C2, where a disallowed call for the offenders is not automatically disallowed when considering the non-offenders’ score. This had received the blessing of Mr. Kaplan. Previously, when Directors disallowed a bid for the offenders because of UI, in practice they routinely also disallowed the bid when considering the non-offenders’ adjustment. 12C2 was only used for differing thresholds for adjusting the offenders’ and non-offenders’ scores after disallowing the questionable call. Because of this practice, I was surprised to learn that the determination of an irregularity as it applied to the non-offenders could be considered separately. The irregularity is the possibility that UI was used (yes, I know it’s not the huddle that’s the irregularity). For the non-offenders, the adjustment could be made by determining the likely result had the presumed use of UI (the irregularity) not occurred. That is, we may consider what would have happened in a vacuum without the presence of the UI. The non-offenders’ result should remain the table result if the offenders’ irregularity was an entirely normal, likely, or expected action. If there was a sufficient likelihood that the suggested call would not have been found without the UI, then the non-offenders would also be protected from that questionable call. For example, if LHO successfully bids on over a slow game signoff, an 80% but not a 100% action, it is disallowed for the offenders, but should be allowed when considering the non-offenders’ score.

“When I first heard that Mr. Kaplan supported this idea (despite what Mr. Gerard implies on page 179 in the St. Louis casebook) I personally went to him to make sure I wasn’t misunderstanding his interpretation or Mr. Colker’s relating of that interpretation. He assured me that I wasn’t. Yes, Ron, I assume that this would be considered hearsay testimony in a court of law. After Mr. Kaplan’s passing, I went to the Laws Commission on this subject. Unless I misunderstood them, they also acceded to this viewpoint at which time Mr. Moran expressed surprise that this wasn’t the way that the Directors were ruling. Because of some ambiguous commentary by Mr. Colker in the last couple of casebooks, I discussed this topic in late February with our editor over the phone to make sure that this was his understanding of the interpretation and that indeed Mr. Kaplan had shared this view. So in spite of Mr. Gerard’s attribution of the Weinsteinian viewpoint, it is my understanding that this represents a viewpoint not disputed by our editor, Mr. Kaplan, the Laws Commission, and philosophically by at least Goldman, Hamman, and Wolff. I point out the last three partially out of deference to Mr. Gerard’s comment about Texas yahoos in the first case of the Chicago casebook. By the way, at the current market price, if Yahoo spun off their Texas business, a Texas Yahoo would be worth several billion dollars.

“The best practical argument against this viewpoint is that the non-offenders will suffer because ‘ethical’ opponents would not have made the normal call suggested by the UI. This has validity, but I believe should be considered rub-of-the-green, just as it is rub-of-the-green that their opponents created the problem for themselves. Other rub-of-the-green situations occur when the ‘unethical’ opponents bid to a slam, taking a 50-50 action on the irregularity. Now the non-offenders are in a more favorable position than the field because if the slam goes down, they will get the table result, but if it makes, the non-offenders’ score will also be adjusted under either philosophy. The only situation where the rub-of-the-green is a problem is in KO events, where a non-adjustment for the non-offenders partially accrues to the offending side. I can understand having more symmetrical scores in this situation to perpetuate the credo that the offender can never benefit by taking an ‘unethical’ action. The other problem with asymmetrical scores is that, as a side effect of eliminating whiny protests, it also may eliminate an occasional valid Director call or protest against the offenders when the non-offenders’ self-interest isn’t as well served. I believe that this is only a very minor consideration, as most players would automatically scream for the law if they believed the opponents had

achieved their score through less-than-ethical means or because the non-offenders’ score would still be adjusted in the majority of cases.

“I have always had a visceral reaction in life toward unfairness or injustice over and above ‘unlawful’ actions. I do not view them as even remotely synonymous. If this spills over into my bridge philosophy, I cannot apologize. If I am starting to sound like the Texas trio of Wolff, Hamman, and Goldman, you can virtually move me to Dallas where I can be reunited with the old Minnesota North Stars of my youthful home. Unlike Mr. Kaplan, I would like to see 12C3 adopted by the ACBL to give Committees full use of the laws to achieve fairness and justice for the non-offenders, so that we do not need to parse the word ‘irregularity’ or look for an arguable interpretation of the laws to support our rulings. I do not favor 12C3 for the offenders, which was Mr. Kaplan’s prime objection to its adoption. We could adopt 12C3 and instruct our Directors and Committees to apply it only for the non-offenders with standards for appropriate adjustments.”

Wow! Howard may have set a new length-of-comment record with that one.

The next panelist seems to believe that the huddle does suggest the 4<sup>♠</sup> bid (although he does not explicitly state this) or at least that the point is moot. He argues that the AJ from West’s bidding and his own hand clearly indicate the winning action (4<sup>♠</sup>). Bramley agrees on this point.

**Gerard:** “I have a lot of respect for the Chairman, so I’ll try to be gentle. East’s choices of bids after 4<sup>♠</sup> were pass and 4<sup>♠</sup>, the latter as pass-or-correct on the way to 5<sup>♠</sup>. 5<sup>♠</sup> may have been a LA to some of the Committee members, but they obviously didn’t think about the auction. Since everyone agreed that the initial break in tempo either wasn’t relevant or didn’t exist, did the real break in tempo demonstrably suggest bidding game rather than passing? Who knows what an in-tempo 4<sup>♠</sup> bid is? How about 1<sup>♠</sup> Ax! Kx AKxxxxx E Kx? All the hands with one or two small spades would have bid 3NT by now, so it seems clear for East to raise an in-tempo 4<sup>♠</sup> to game. Once you get there, it’s just as clear to bid 4<sup>♠</sup>. The break in tempo was neutral, not suggesting anything that East shouldn’t have done anyway. In other words, pass was not a LA. The Director’s ruling was correct (aargh, I hate that) and the Committee was caught leaning toward second base. The Committee fell victim to system mentality, the idea that bridge is a computer game with no room for thought. Even though E/W had no agreement that redouble showed spade support, West’s total auction virtually guaranteed a useful spade holding. It’s really simple if you think of the big picture instead of the crapola. 4<sup>♠</sup> is not my idea of a bridge bid either – further evidence of how total tricks syndrome has stifled judgment – but there was nothing about it or the associated break in tempo that should have led to this decision.

“I don’t like this being nice stuff, I’m reverting to form.”

How did West’s total auction virtually guarantee spade support? Was a hand like 1<sup>♠</sup> Q! Jx AKQ109xx E AKx impossible? Would West have bid 3NT given the likely heart lead? Of course 5<sup>♠</sup> could make on many hands on which West would bid 4<sup>♠</sup> (change a low heart to a spade in my example), and East should probably bid game. But is 4<sup>♠</sup> really the right bid? Wouldn’t West pass 4<sup>♠</sup> holding 1<sup>♠</sup> Qx and 1<sup>♠</sup> x in my example, and wouldn’t 4<sup>♠</sup> then go down fairly often when 5<sup>♠</sup> might make? (How about a diamond ruff in 4<sup>♠</sup> when North has a singleton diamond and South the stiff 1<sup>♠</sup> A?)

No, I’m more comfortable with the judgment that West’s huddle did not demonstrably suggest 4<sup>♠</sup> than I am with the judgment that it implied hidden spade support but that East’s 4<sup>♠</sup> bid was clear on the AI in spite of that. I would have inquired about E/W’s partnership experience. If they were a frequent or practiced (long-standing) partnership, I might have judged that in such a partnership the huddle was more informative than we could appreciate. I would then have adjusted E/W’s score to plus 150 in 4<sup>♠</sup> (or plus 100 in 4<sup>♠</sup>, if I could justify a 4<sup>♠</sup> bid and no double by West – unlikely) and N/S’s score to minus 150 (or minus 790 if there was

strong sentiment that South's double of 4 $\heartsuit$  was egregious – a judgment which finds little support among the panelists). If E/W were a casual or a new partnership, I would go with allowing the table result to stand since in that case I see no demonstrable link between the huddle and the 4 $\heartsuit$  bid.

The next panelist is a man after my own heart.

**Berkowitz:** “The Director should have ruled 4 $\heartsuit$  made five, plus 150; not allowed the 4 $\heartsuit$  call. As to the Committee’s decision, I would clearly give E/W plus 150 for 4 $\heartsuit$  made five, the worst of the three results they were in the running to get. (So if all other E/Ws doubled 3 $\heartsuit$  for minus 730, this E/W would get a top because of the 4 $\heartsuit$  bid.) Average Plus/Average Minus is the chicken’s way out. Make the decision!”

Finally, still marching to his own tune (“The Eyes Of Texas?”)...

**Wolff:** “N/S minus 790 (why not minus 990?) What did they do to not deserve it? E/W either Average or Average Minus – depending how egregious E/W were determined to be. Average seems right. If East would have raised to 5 $\heartsuit$  (instead of 4 $\heartsuit$ ) hair-trigger South would probably have sawed it off, but E/W were not entitled to any doubt.”

## CASE FIVE

**Subject (Tempo):** One More For The Gipper

**Event:** NABC Life Master Pairs, 20 Nov 98, Second Qualifying Session

Bd: 23	Larry Hansen		
Dlr: South	1 1092		
Vul: Both	! K1086		
	" 95		
	É 10632		
George Whitworth		Jim Hayashi	
1 K63		1 QJ854	
! J94		! 732	
" KQ		" 43	
É KQJ97		É A85	
	Dave McLellan		
	1 A7		
	! AQ5		
	" AJ108762		
	É 4		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			1"
Dbl	Pass	1 $\heartsuit$	2"
Pass	Pass	2 $\heartsuit$	3"
Pass(1)	Pass	3 $\heartsuit$	All Pass
(1) Admitted break in tempo			

**The Facts:** 3 $\heartsuit$  made four, plus 170 for E/W. The Director ruled that West's break in tempo suggested values that made 3 $\heartsuit$  more attractive, and passing 3 $\heartsuit$  was a LA for East. The Director changed the contract to 3 $\heartsuit$  made four, plus 130 for N/S.

**The Appeal:** E/W appealed the Director's ruling. East cited the Law of Total Tricks (his side had at least nine spades and the opponents had at least nine or ten diamonds so there were eighteen total tricks available) and stated that regardless of partner's break in tempo his hand merited a competitive 3 $\heartsuit$  bid. N/S stated that West's break in tempo suggested that a 3 $\heartsuit$  bid was likely to be successful.

**The Committee Decision:** The Committee agreed that a break in

tempo was more likely to show a spade raise than a penalty double. If the West hand contained one fewer spade and the " KQx he might have overcalled 1NT originally or made an in-tempo penalty double of 3 $\heartsuit$ . However, the majority decided that the fifth spade and the É A offered safety at the three-level and East could have competed to 2 $\heartsuit$  with a little less. In fact, as the cards lie, 3 $\heartsuit$  was down one off the top and should have been minus 200 (undoubled) with a club lead or the " A lead and a club shift at trick two. The Committee changed the contract to 3 $\heartsuit$  made four, plus 170 for E/W.

**Dissenting Opinion (Bill Passell, Robert Schwartz):** We believe that East adequately described his hand by bidding 1 $\heartsuit$  and 2 $\heartsuit$  vulnerable at matchpoints. Given the hesitation, a 3 $\heartsuit$  bid which at best would have been a close call, should not have been allowed. Even if the Law of Total Tricks could be used to justify bidding, that would be reason for West to compete, not East. The fact that two of the Committee members indicated they would have passed was prima facie evidence that pass was a LA. N/S should not have been penalized for bad defense of a contract they should not have had to defend. Pass by East was 100% a LA. We would have changed the contract both ways to 3 $\heartsuit$  made five, plus 150 for N/S, on a club lead and continuation (the most unfavorable result that was at all probable).

**Committee:** Bill Passell (chair), Harvey Brody, Lou Reich, Robert Schwartz, Phil Warden

**Directors' Ruling: 78.5**

**Committee's Decision: 47.0**

The Committee we all loved from CASE TWO is back, this time with all the charm of their original performance – and then some!

While some (myself included) might jump to 2 $\heartsuit$  initially with the East cards,

1 $\heartsuit$  is certainly acceptable, if a bit conservative. With a lot in reserve, 2 $\heartsuit$  the next time is quite clear. But for a player who thought the hand worth only 1 $\heartsuit$  the first time, 3 $\heartsuit$  is not automatic. Thus, if the admitted break in tempo suggested acting over 3 $\heartsuit$ , and I believe it did, then pass must be a LA. What about West's huddle? He failed to double 2 $\heartsuit$  to show extras (usually about a 17 count with three spades) and he could not raise spades at the two level (showing four trumps), so he cannot now be thinking of doing either of those things (he hasn't enough spades or HCP). He must, by inference, have extras (14-16 HCP), exactly three spades (probably not good spades) and secondary diamond values (but not two diamond tricks). And voila, you have the West hand!

The Directors got this one half right (adjust the contract to 3 $\heartsuit$ ), the dissenters got it exactly right (West might lead the  $\heartsuit$  K and continue the suit so 150, not 130 – but see Ron's analysis of N/S culpability on defense, below), but the rest of the Committee – well, Ron, what about them?

**Gerard:** “Now this is more like it. Clearly the Mensa meeting for the day was canceled. I'm going to commit a Wolff acronym: SOBALOTT (Stamp Out Basing Arguments on Law of Total Tricks). Not buying into the gospel is a LA to fingers-and-toes thinking. If anyone cites the Law of Total Tricks when I'm on a Committee I make sure to mention that it is not illogical not to use the Law of Total Tricks. East got it wrong, anyway. There was no way that West could have the prototype distribution (by the way, ten diamonds is at least nine). Most players would have known that it was eight and nine. Therefore, on a double-dummy basis it was wrong to bid 3 $\heartsuit$  – one side or the other has to be going for 'at least 200 or 500.' Unfortunately, there's something about citing the Law that mesmerizes Committees and causes them to achieve pure wussdom. C'mon, people, you don't forfeit your birthright just because someone intones the magic words. Who was that Peanuts character who said 'Keep the Brane Clean'? Words to live by.

“The Committee majority was nuts. It didn't focus on LAs in an UI case. That's like a murder trial without a corpse. I can just hear the thought processes: 'It's reasonable to bid 3 $\heartsuit$ , 75% of Easts would have bid 3 $\heartsuit$ , the opponents dropped three tricks on defense, we'll let East bid 3 $\heartsuit$ . After which they'll get in their Edsels and drive away. That two-thirds of the majority would have passed, according to the dissent, shows that Attention Deficit Disorder is more than just a theory. Jeez, just read the Lawbook.

“The dissent was on firm ground for a while, until they refused to penalize N/S for bad defense. N/S had the opportunity for plus 200 in 3 $\heartsuit$ , better than they could do in 3 $\heartsuit$ . That they shouldn't have had to defend that contract impacts E/W's score, not their own. Defending 3 $\heartsuit$  is the essence of the obligation to continue to play bridge, since N/S couldn't know during the play that they shouldn't have had to defend. If the defense was incompetent enough instead of merely unlucky or inferior, minus 170 trumps everything. Sure, we can see how to take six tricks but how many of them were N/S really supposed to take? In my opinion, if they had achieved down one they would have preserved their right to an adjusted score. Perhaps “A, diamond, win the  $\heartsuit$  A and cash three hearts. Or club lead,  $\heartsuit$  A,  $\heartsuit$  A,  $\heartsuit$  5 (don't want partner overtaking the queen) and a third heart. But the actual defense appears to have involved never cashing the  $\heartsuit$  A, which was egregious. East couldn't have  $\heartsuit$  A,  $\heartsuit$  K and five spades to at least the jack-ten but if he did, the  $\heartsuit$  A wouldn't cost anyway. So N/S got minus 170 the old fashioned way, they earned it.

“In the matter of E/W's score, I suppose minus 150 was just barely enough probable. It shouldn't happen, of course, since it requires playing East for almost specifically  $\heartsuit$  Jxxxx  $\heartsuit$  Qxxx  $\heartsuit$  xx  $\heartsuit$  E Ax and no 2 $\heartsuit$  bid, but it's the kind of thing that a careless defender could contrive. So N/S minus 170, E/W minus 150. Everyone stays after school, although the dissent gets out earlier than the rest.”

Ron could be right about N/S deserving their minus 170, but I see the failure to find the  $\heartsuit$  A shift merely careless for N/S's presumed level of play. Of course I could be wrong, as the next two panelists suggest. Now if we just knew how the

defense actually went...why didn't the minority pursue this issue?

**Weinstein:** “With a split Committee often the truth (as I see it) lies in between. So, what should one do? Give both sides the worst of it. Pass was clearly a LA, and was probably demonstrably suggested. So E/W get minus 150. However, I believe that 3 $\heartsuit$  was the very likely action had the irregularity not occurred, and would therefore assign N/S their table result. Even if 3 $\heartsuit$  wasn't the very likely action, it would take some convincing to get me to believe that not beating 3 $\heartsuit$  two tricks wasn't egregious. Yes, a pair can be and should be penalized for a bad defense (if its bad enough) for a contract they arguably shouldn't have faced.”

**Wolff:** “Minus 170 for N/S. Why grant a better result to a pair that defended the way they did (awful) and didn't compete to their 4 $\heartsuit$  make (speculatively)? E/W should get plus 170 but a one-quarter board penalty for West's studying (could be thinking of doubling, in spite of what the Committee determined), but when East bids on he is saying 'To hell with ethics, I want to win.' He should be saying 'When this session is over I'm going to talk to my partner about bidding in tempo so I'll be a free man to do what I want.' When this happens (albeit too infrequently), everything good happens including PTF.”

If we start penalizing players for “studying,” as Wolffie would have it, we could also start holding our NABCs in the basements of Holiday Inns.

**Bramley:** “I agree with the dissenters. While 3 $\heartsuit$  was plausible for East, West's huddle strongly suggested that 3 $\heartsuit$  would be the winning action. Once East had chosen a timid basic plan (1 $\heartsuit$  instead of 2 $\heartsuit$  at his first turn), he was obligated to follow through and could not change his mind with help from partner. I also agree with the dissenters' play analysis and their decision to assign 150 to both pairs.”

**Brissman:** “The NABC Appeals Committees have done a pretty good job on LA cases as a whole, but this one is a setback. Although many players may choose to bid 3 $\heartsuit$  with these cards, all of them would have at least considered passing before selecting the more aggressive action. The Director got this ruling right. Later, I discussed the decision with two members of the majority and each indicated that, upon reflection, perhaps pass was a LA. In my view, this was the only one of the forty cases in which the Appeals Committee seriously erred.”

The Directors got this one only partially right and (sadly) this was not the only case in which an Appeals Committee seriously erred. We've already seen two other examples of glaring errors (CASES TWO and FOUR), and there's more to come.

**Rigal:** “The Director made the clearly correct ruling here – the usual concept of adjusting after a hesitation and subsequent action was properly enforced. The Committee lost their minds here and the dissenters got it right. There is nothing in the East hand that suggests this action is right; partner clearly has three spades and two diamonds, so bidding is a violation of the Law. But common sense is more important than the Law. However, partner's tempo suggested that it was right to bid, and no doubt that was what West was thinking of. The dissenters were spot on.”

**Stevenson:** “The dissenting opinion from Passell and Schwartz was correct. East's explanation of the Law of Total Tricks (LoTT) showed why pass was a LA: there was no guarantee of nine spades and having shown five, it was West who would bid 3 $\heartsuit$  because of LoTT to show he had four spades. No doubt East's second call would have been double with only four spades.”

**Treadwell:** “The Committee majority was out to lunch on this one; the dissenters got it right. Frankly, I don't know why East did not bid 2 $\heartsuit$  at his first turn, but, once having failed to do so, cannot take TWO later forward-going bids (*the second*) after

partner breaks tempo.”

The following panelist has the proper perspective on this case, right down to the recommended staging of a sit-in.

**Berkowitz:** “The Director almost made the correct ruling (plus 150). Nice try. The Dissenting Opinion is exactly correct. They should not have left the room until convincing one more to their side.”

The 60’s are not dead. Power to the people!

## CASE SIX

**Subject (Tempo):** A Solid Pull Of A Shaky Double

**Event:** Strati-Flighted Pairs - Flight A, 21 Nov 98, First Session

Bd: 26	Jo Morse		
Dlr: East	AJ73		
Vul: Both	! 932		
	" KQ92		
	É 104		
William Poole		Betty Grandoff	
Q82		5	
! 854		! AKQJ1076	
" 63		" A75	
É KQ975		É 82	
	Lewis Richardson		
	K10964		
	! ---		
	" J1084		
	É AJ63		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
2!	3!	1!	1!
Dbl(1)	Pass	5!	Pass
Pass	Dbl	All Pass	
(1) Break in tempo			

**The Facts:** 5! doubled went down one, plus 200 for N/S. After the play of the hand, when the nature of the E/W holdings was known, the Director was called to the table and told that there had been a 12-15 second break in tempo before West’s double of 4! . The auction had been in tempo up until that point. The Director decided that the break in tempo suggested doubt about how penalty-oriented the double was and that some people would sit out the double with the East hand (without the extraneous information). The Director ruled to disallow the 5! bid and changed the contract to 4! doubled made four, plus 790 for N/S (Law 16A).

**The Appeal:** E/W appealed the Director’s ruling. E/W agreed that there was a clear pause that

could have been 12 seconds. The 2! bid had limited the West hand. It was very likely that North or South had a heart void. East said it was not reasonable to think that West could contribute three defensive tricks and bidding 5! must therefore be best. Bidding 5! had two ways to succeed: it might make and it might be a good save against 4! .

**The Committee Decision:** The Committee agreed that there had been an unmistakable hesitation that suggested doubt about the double and, therefore, that partner should pull it if their hand was not defensively oriented. East had then taken the action that was demonstrably suggested over other LAs. The Committee believed that it was close whether enough people would sit for the double without the UI. However, it was not clear to East that no hearts would cash, that West did not have either four spades or sure spade trick(s), and that West could not contribute sufficient tricks to beat 4! . West could have had a hand such as | Q10xx ! xxx " J108 É AQx or | QJx ! xxx " J10x É KQxx. In both cases, if one heart trick cashed, 4! would have been in serious trouble. Therefore, not only was 5! dubious but 4! doubled might score more for E/W. The Committee changed the contract to 4! doubled made four, plus 790 for N/S.

**Committee:** Michael Huston (chair), Phil Brady, Abby Heitner, Michael Rahtjen, Dave Treadwell

**Directors’ Ruling: 93.0**

**Committee’s Decision: 87.4**

I think the Committee’s analysis was exemplary, here. Agreeing with me are...

**Bramley:** “I agree. I think the Committee should have considered a finding of ‘no merit.’”

**Berkowitz:** “Exactly correct. About time.”

**Gerard:** “Bidding 5♠ had three ways to succeed: make, save or assignment to the CASE FIVE Committee. They probably would have gone all limp in the face of East’s contention that a heart void was very likely. I wonder, was a heart void very likely before East knew what the hand was or only afterwards? Actually it was better than 7-to-2 against, the odds of a two-one rather than a three-zero break. That South bid 4♠ didn’t make the latter any more likely than it was a priori. Maybe we need a math consultant to be available in order to help refute self-serving statements. But please, take the diatribe against bridge lawyering and stuff it. Offenders make self-serving statements, Committees are directed to disregard them, and therefore they can’t affect the Laws because they’re not part of the evidence. Bridge lawyering is a phrase coined for the specific purpose of shutting off intelligent discussion. A scarlet ‘BL’ for everyone found guilty. Good job by the Committee in not swallowing the bait.”

Disputing Ron’s analysis of the odds is...

**Rigal:** “Again the Director correctly enforced the ‘hesitation’ rules. The Committee had little sympathy with East but frankly, I think playing partner to have two defensive trump tricks is absurd; North bid 3♠, not 3♥, after all. I’d agree with the Committee just because I do not like hesitators to get away with infractions. But it is hard to say that someone with seven solid hearts must defend in this auction when in reality the likelihood of taking a trick in hearts is less than 10%.”

Why didn’t South’s 4♠ bid make the odds of a three-zero heart break any more likely? Assume that exactly three hearts are missing (would West double holding four hearts?) and that the opponents are more likely to bid 4♥ when hearts are three-zero than when they’re two-one (reasonable). Then the a priori probability of a three-zero heart split is Ron’s 2/7 (= .22) while the a posteriori probability (that is, given a 4♠ bid by N/S) of a three-zero heart split is given below ( ). Then the a posteriori and a priori probabilities will be equal only when ) = 0 which implies either that the assumption that N/S are more likely to bid 4♥ when they have a heart void is wrong (unlikely and counter-intuitive) or that ) > 0. Assuming the latter, the denominator of the a posteriori formula will be less than P and the ratio greater than .22, which makes intuitive sense since, if three-zero hearts is an inducement for N/S to bid 4♥, then the fact that they bid it must be evidence that hearts are more likely to be three-zero (assuming that N/S don’t know this and manipulate their 4♥ bids to induce East to pull West’s double when he shouldn’t).

Barry’s claim that “the likelihood of taking a trick in hearts is less than 10%” would only be correct (under my assumptions) if three-zero hearts made N/S thirty-two times more likely to bid 4♥ than if they were two-one. This is intuitively and mathematically highly unlikely (given the a priori odds in favor of a two-one heart division, ) must be about 97% of P). So what is a more realistic estimate of the likelihood that a heart will cash? Well, if N/S are about twice as likely to bid 4♥ when hearts are three-zero as when they’re two-one, a heart will cash about 64% of the time. Maybe this would affect Barry’s sympathy for East’s pessimism about passing the double.

Certainly the following panelist is on safe ground...

**Stevenson:** “While I am not sure I agree with the decision, the Committee has considered all matters well.”

Our last two panelists are looking hard to deprive the non-offenders redress.

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$.22P/(P-.78)$  ) (where  $P = \text{prob of } 4\heartsuit \text{ if } !s\ 3-0;$  ) =  $\text{decr. prob of } 4\heartsuit \text{ if } !s\ 2-1$ )

**Weinstein:** “Nobody inquired whether 3♠ promised spade support, even if probable. If it didn’t promise support then East’s pull was more difficult to justify. I believe the Committee’s decision for E/W was clear and correct. I would have liked the Committee to address the issue of East’s 5♠ call being sufficiently likely without UI to allow N/S to keep their table result.”

East has five losers, four outside the spade suit. Asking West, who raised only to 2♠ and then doubled the opponents in 4♠, to cover three of them (East must be bidding for a plus with two likely defensive tricks) seems, well, rather optimistic.

**Wolff:** “E/W minus 790 in 4♠ doubled. N/S plus 200 in 5♠ doubled or Average Plus, whichever is better, but not plus 790. The field should not be subjected to an artificial result not obtained at the table (PTF). We must work to keep our candy store closed if only because some people (the ones that don’t appeal) are not allowed in.”

If the field should not be subjected to artificial results not obtained at the table, then why impose a “tainted” 5♠ bid or an Average Plus on N/S when they clearly would have declared 4♠ doubled had East made a normal pass of West’s (slow) double? N/S bid to 4♠, got doubled, and earned their result there. Has PTF now become an obscure acronym for “I Know What’s Fair for Everyone”?



CASE SEVEN

**Subject (Tempo):** The Maximum Made Me Do It

**Event:** NABC Life Master Open Pairs, 21 Nov 98, First Final Session

Bd: 26	Roger Doughman		
Dlr: East	! AKJ5		
Vul: Both	" A98		
	" KJ9		
	É Q82		
Kay Schulle		Gerald Sosler	
! Q10		! 862	
" KJ62		" 104	
" A853		" Q10642	
É K75		É A43	
	Michael Crawford		
	! 9743		
	" Q753		
	" 7		
	É J1096		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	Pass
1"	1NT	2"	Pass(1)
Pass	Dbl	Pass	2!
All Pass			
(1) Break in tempo			

**The Facts:** 2! made three, plus 140 for N/S. The Director ruled that there had been a break in tempo before South passed 2" and that pass was a LA for North. The contract was therefore changed to 2" made two, plus 90 for E/W (Law 16A).

**The Appeal:** N/S appealed the Director's ruling. N/S stated that a maximum hand of 18 HCP called for a further bid in competition and that the pause had not been an extended one. E/W stated that they thought that doubling and then bidding notrump was the correct action with the North hand. They believed that the break in tempo made doubling on the second round a more attractive and suggested alternative.

**The Committee Decision:** The Committee believed that once North decided to treat his hand as a vulnerable 1NT overcall, it was dangerous to reopen with a double – whether there had in fact been a break in tempo (which would certainly have made pass a viable alternative) or not. All four players agreed that South's pause before passing was no more than 5 seconds. However, North agreed that he had detected a break in tempo. The Committee therefore decided that although in context a 5-second pause did not automatically convey a break, in this case North had identified a break and so there was one. The Committee changed the contract to 2" made two, plus 90 for E/W.

**Dissenting Opinion (Richard Popper):** I am only disagreeing with the score adjustment. The "most unfavorable result that was at all probable" (Law 12C2) for N/S was minus 110, not minus 90. North may have tried a passive defense of three rounds of spades (instead of shifting to clubs at trick two) and South might fail to cover the ! 10, allowing West to discard a club from dummy on a heart. West would then lose two spades, one heart, and one diamond. I do not consider this defense likely enough to be the "most favorable result that was likely" and agree with awarding E/W plus 90.

**Committee:** Bill Passell (chair), Richard Popper, Barry Rigal, Ellen Siebert, Michael White

**Directors' Ruling: 88.5**

**Committee's Decision: 83.7**

The dissenter made a thoughtful point, but failing to cover the ! 10 seems a questionable play. Thus, I agree with the majority. I find more open to discussion the issue of whether it was clear for North to act again over 2" in spite of South's break in tempo. North can count on E/W to have eight, maybe nine, diamonds and thus South to have at most two (and likely one). With only one diamond it is likely

that South would wish to compete, but with few HCP and shortness in diamonds being a negative on defense, he could hardly risk a competitive double for fear of it being left in. With short diamonds and a five-card suit South would likely have risked competing (unless, perhaps, his suit were clubs), so he figures to be 4-4-1-4, 4-3-1-5 or 3-4-1-5. But then North's balancing double figured to get N/S to either an inferior four-three heart fit or a risky 3É contract (minus 100 or 200 rather than minus 90 or 110); only occasionally would it get them to a four-four spade fit (plus 110?). Vulnerable, and with lots of losers (in the round suits, especially), North's double seems anti-percentage: if South's huddle reflected a desire to compete (with short diamonds) and no useful five-card suit to bid cheaply, then his hand figured to be a liability rather than an asset to North.

However, if South's huddle suggested useful values (say 6-7 HCP), especially in a more balanced hand, then North's action stood to gain. It is this possibility that compels me to disallow North's balancing action. In fact, I find this appeal to be quite unappealing (pun intended), especially given North's silly explanation for his balancing action. Echoing many of these points is...

**Gerard:** "N/S deserved a speeding ticket writ large. Not just for pursuing the appeal but for the gratuitous bridge lesson that the way to handle a 4-3-3-3 18 count vulnerable is to overcall 1NT and then bid again. A tip of the cap also to the expert E/W, who know the real way to handle extras when they see them, but they were on the side of the angels. However, if anyone tries to tell you that KJ9 is two stoppers so you can count it as the equivalent of AQx, ask East to recommend a good brain surgeon. Despite what all the participants were saying, it's pretty trivial for North to describe his hand with a 1NT overcall followed by shunten der mouth. Both vulnerable is the worst time to compete for the partial. So this case was a big, fat slowball, similar in difficulty to tickling the Pillsbury Doughboy. Richard Popper was right, N/S could go minus 110 without anyone doing anything wrong. North can't switch to a club if the round-suit jacks are exchanged and South can't cover the ten of hearts in case West has ! Q10! KJ98 " AJxx É Qxx, ! Q10! KJ9x " AJxx É Q8x or ! Q10! AJ98 " Axxx É Qxx. Good, clear thinking by the dissent."

I disagree with Ron's analysis of not covering the ! 10. If West has one of the hands he proposes, he will get one useful pitch (dummy's third club) whether South covers or not. Any further tricks South might give up by covering are secondary, since most of the matchpoints will hinge on E/W going plus. But covering will be of primary importance if West has a hand of the type he actually holds, since then E/W are virtually guaranteed a plus score and the overtrick will become crucial. Supporting my analysis of South's actions is...

**Berkowitz:** "Are E/W required to continue playing bridge? The Committee didn't address the 'minus 140' aspect as fully (or at all?) as I would like. Nevertheless, I would give them plus 90. Asking South not to lead the É J and not to cover the ! 10 with the queen is a bit much."

Of course E/W are required to continue playing bridge, but when good bridge gets them no equity (minus 110 is not any bargain), they can still receive redress.

I hate to switch horses after receiving support for my position, but given the complexity of the defense which Ron's analysis reveals, I've reassessed my stand and I'm willing to admit that he and the dissenter are correct: N/S should have been given the poorer result. So change my vote to plus 90 for E/W and minus 110 for N/S. Sorry, Berko.

**Bramley:** "North saved the Committee a headache when he admitted to noticing a break in tempo. Otherwise the agreed 5-second pause is slender evidence. I like the dissenter's analysis in favor of a split ruling, although I might not have the heart to punish North even further for his honesty."

**Brissman:** “The arguments in Richard’s dissent are plausible. I wish the Appeals Committee had addressed the issue and disclosed its reasoning for rejecting the split score assignment.”

**Weinstein:** “Good Committee work. Kudos to North for his honesty. I do agree with the dissenter’s analysis of the proper adjudication in 2”. Also, on the second round of diamonds, South might pitch a heart making covering the heart ten irrelevant. Maybe 110 should have been assigned to both pairs.”

Let’s not go completely overboard, Howard. The remaining panelists side with the majority on the split score issue. Let’s begin with a member of the Committee.

**Rigal:** “Good Director ruling. I was on this Committee and the key issue (not well brought out by the write-up) was whether there really was a hesitation. Strangely, E/W agreed that the pause was less than 5 seconds, but North concurred that he had noticed a break in tempo . . . all very odd. Given the pause, the decision seemed clear-cut.”

**Stevenson:** “The idea of double being dangerous was not the criterion, of course. Was pass a LA? I expect this was more the write-up than a mistake by the Committee. While playing three rounds of spades was quite a likely defense, it did not lead to nine tricks without a major misdefense, so the Committee was correct to adjust to eight tricks.”

But South could surely have gotten this one wrong, which seems likely enough to exceed the “at all probable” criterion for the offenders. (See, I’m really not ineducable, as some have claimed.)

**Treadwell:** “Another good Committee decision. The dissenting opinion about the score adjustment is giving E/W too much since it requires two errors by N/S to let E/W take nine tricks.”

**Wolff:** “E/W minus 140. E/W did nothing, except defend poorly, to deserve anything better. My guess is that the study was a ‘red herring’ in spite of North’s admission that he noticed a slight break. Give N/S plus 140 but penalize them one-quarter of a board or so, but don’t give a pair something for bad bridge. Again, PTF and also stand up for an actively ethical player, North. Committee, where is your common sense, not to mention your heart? South’s hand doesn’t and probably didn’t get much of a hesitation.”

Once N/S competed to 2! , E/W lost most of their equity in the board. Even a good defensive effort could have yielded a minus score. After ace and another diamond, South wins in dummy, passes the ! 9 to West’s jack, ruffs the diamond continuation and then knocks out the top clubs. South takes any further diamond taps and eventually leads his ! Q, pinning East’s ten. E/W can come to only two hearts, two clubs and a diamond. While E/W defended poorly to give up the overtrick, they should never have been placed in that no-win situation. This is very different from CASE FIVE, where it could at least be argued that the non-offenders were placed in a better position by the infraction than they could have hoped for otherwise. Then, if they fail to “play bridge,” they get to keep their poor result.

The issue is not *whether* South’s hand warranted a hesitation; it is that South’s hand is exactly what one would expect for this hesitation. Yes, North was ethical when he admitted he noticed the tempo break, but that doesn’t excuse his action in balancing. If you don’t want to excuse (the innocent) E/W pair’s poor bridge when they had nothing to gain even if they played good bridge, then why excuse North’s egregious balancing action in the face of South’s hesitation and reward him for bringing this distasteful appeal simply because he honorably admitted noticing South’s hesitation? Isn’t honesty a quality that we expect of our players? Is it so

fleeting a quality that we kowtow to it, lest we scare it away?

Maybe heart isn’t all it’s cracked up to be. Give me more logic and common sense and less heart if this is what it leads to.

CASE EIGHT

Subject (Tempo): No Free Lunch, Zia

Event: NABC Open BAM Teams, 22 Nov 98, First Qualifying Session

Bd: 21	Michael Rosenberg		
Dlr: North	! KQ5		
Vul: N/S	! K8		
	" J9854		
	É K85		
Joel Wooldridge	P. Morris		
! J1043	! A96		
! QJ6	! 10753		
" Q106	" K		
É AQ7	É J10942		
	Zia Mahmood		
	! 872		
	! A942		
	" A732		
	É 63		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	1"	Pass	1!
Pass	1NT	Pass	Pass
2!	Pass	Pass	Dbl
All Pass			

**The Facts:** 2! doubled made two, plus 470 for E/W. North led a diamond, won by South, and a low heart was returned at trick two. The Director was called at the conclusion of play and was told that at trick two, declarer had paused for "a considerable time" before playing the ! Q. West stated that his hesitation was to consider which card would be the best falsecard to avoid a heart ruff. The Director accepted declarer's statement; he ruled that Law 73F2 had not been violated and that the table result would stand.

**The Appeal:** N/S appealed the Director's ruling. North, East and West attended the hearing. Both sides agreed that the hesitation by West prior to playing the ! Q had been approximately 15

seconds. North claimed that he was misled by the hesitation, thinking that his partner held the ! J. He therefore defended by shifting to the ! K in an effort to stop a diamond ruff in dummy. West stated that his hesitation was not an attempt to deceive. He was thinking about which falsecard would be best to avoid the impending heart ruff.

**The Committee Decision:** Law 73F2 reads "If the Director determines that an innocent player has drawn a false inference from a remark, manner, tempo, or the like, of an opponent who has no demonstrable bridge reason for the action, and who *could* have known, at the time of the action, that the action *could* work to his benefit, the Director shall award an adjusted score" (italics added). The Committee decided that, although there was some merit to declarer's claim of a bridge reason for his hesitation and that falsecarding is a legitimate form of deceit, nevertheless such actions are tempo sensitive. The Committee agreed that an infraction had occurred under Law 73F. The Committee assessed a PP against E/W of one-quarter of a board, emphasizing that this did not imply that the break in tempo was believed to be a conscious effort to deceive the opponents.

In spite of an infraction, the non-offending side must continue to play bridge. The general test of this is whether a subsequent error is egregious. At trick two a low heart (attitude) was led to North's king. North led the ! K in an effort to stop a diamond ruff in dummy. South played the ! 8 on this trick (suit-preference for hearts) to strongly suggest a heart continuation. Declarer won the ! A and continued spades. When North won the ! K it was still not too late to take his heart ruff; instead he continued with his last spade. The Committee decided that the misdefense was not due to the hesitation and that the North defender should have known from the play of the second spade that declarer had no plan to ruff diamonds in dummy. Thus, the misdefense met the standard of egregious and the Committee allowed the table result to stand for N/S.

**Committee:** Doug Heron (chair), Dick Budd, Jerry Gaer, Riggs Thayer, Dave Treadwell

**Directors' Ruling: 73.3**

**Committee's Decision: 79.3**

Let me get this straight. The Committee found a legitimate bridge reason for West's thought before playing to trick two, yet they still penalized him for taking time to work out the right play. Hmm, this sounds like a case for...SuperWolffie.

**Wolff:** "Excellent decision except it is not necessary to comment on whether West did it on purpose or not. If he didn't why penalize him? The rules are not supposed to penalize players for playing the game. West might have thought he had a demonstrable bridge reason for his play and if he did, he was entitled to make it. If he was wrong, he was not entitled to make it. The Committee ruled he was wrong. That's okay, but it is fatuous to say that his reason was not good enough, meaning that he can't do it. Who are we or this Committee to say that we know so much more about the game? Are we kidding ourselves? Why not refer this type of situation to a competent Committee to determine whether a player has the right to study, which could deceive, but might have a pure bridge reason?"

Now that's some fancy footwork from a man not generally known for his ability to cha-cha. But he is right about one thing: The laws do not provide for penalizing players for playing the game. If the Committee found a legitimate bridge reason for West's thought, as appears to be the case, then they had no legal right to adjust the score or to penalize him. Their action could only be justified if they found he had *no* demonstrable bridge reason for his thought.

As for the opponents, North is entitled to draw any inferences he wishes from E/W's actions. If he chooses to base his plays on West's tempo, and to ignore his partner's cards and the bridge logic of the situation, then that is his prerogative. But unless West could have known that his action could work to his advantage and unless there was no demonstrable bridge reason for his action, North must draw his inferences at his own risk and is not entitled to redress.

Now don't get me wrong. I'm not advocating allowing performances at the bridge table which are suitable for best actor or actress nominations at the academy awards to go unpunished. If the Committee believed that West had a legitimate bridge reason for his thinking, then they should not have taken any action against him. If they believed that his thought was beyond reasonable for the situation, then they should have come out and said so and then adjusted E/W's score – not let the result stand and then imposed an illegal penalty on West for playing the game.

The issue of North's defense can be dealt with separately. Just because E/W's score is adjusted does not mean that N/S's score must also be adjusted. The non-symmetrical provisions of 12C2 still apply. If, subsequent to the infraction, N/S failed to play bridge commensurate with their level, then they could be denied redress. I'll have more to say about this following Howard's comment.

I'm not certain that West had sufficient bridge reason to justify his thought. I find insufficient detail in the write-up about what questions were asked of West and his justification for his actions. Also, I am not familiar enough with this particular player's ability and experience to have a firm opinion. If I was sure that his tempo was disproportionate to the bridge problem confronting him, I would adjust E/W's score to 2! doubled down one, minus 100. If I believed his thought was reasonable for a player at his level and the bridge issue involved, then I would allow the table result to stand for E/W. In either case, I would allow the table result to stand for N/S since I find North's actions negligent for a player at his level; I believe the bridge cues were sufficiently compelling for him to have gotten the defense right.

If I had to take a position based on the information available, I would allow the table result to stand for E/W and warn West that in the future he will be given no leeway to think in marginal situations where the bridge issue is a familiar one.

I think my position has the general support of most of the panelists, regardless

of how they viewed West's actions.

**Bramley:** "Right for N/S, injustice for E/W. This was another gratuitous PP when no damage ensued. If the Committee believed that the tempo break was not 'a conscious effort to deceive' then it should not have issued a PP. If they believed the tempo break was intentionally deceptive they should have said so. I do have some concern about declarer's tempo here, because the key play occurred at trick two and should have been anticipated by declarer before he played to trick one.

"Despite N/S's success in inflicting a PP on E/W, I would have found no merit in their case. North's defensive self-immolation deserves no compensation, since his partner's signals and the overall logic of the hand provided overwhelming clues to the right defense. Although North drew the wrong inference about the layout of the heart honors, he failed to draw the strong inference (from the huddle) that declarer must hold THREE hearts, making a heart continuation clear even before consideration of the corroborating evidence from partner's lead of the deuce.

"The bigger issue here is whether one is ever allowed to hesitate before playing from equals. Surely the answer is 'yes,' and the more cards held in the suit the bigger the problem the holder may have. Since this would be a 'demonstrable bridge reason' for the huddle, then Law 73F2 would not apply. Here declarer would probably want to vary his play depending on which honor North held, playing the jack when North held the ace, and the queen when North held the king. As I have stated before, I think declarer is under no obligation to issue a disclaimer for his huddle. I dislike when my opponents say 'No problem' because they almost always DO have a problem, and we can't expect them to say 'I have a problem, but it may not be the one you think I have.'"

I like Bart's point about West varying his play based on whether he believes North is more likely to hold the king or the ace. That provides justification for my intuition to allow the table result to stand. I wish West had articulated that kind of reasoning (or if he did, that it had been reported in the write-up) at the hearing. On the other hand, I don't think Bart should encourage Committees to look for intent in players' actions without concrete, corroborating evidence. Neither the laws nor common sense support making potentially serious accusations of unethical conduct without substantial evidence. Here, the evidence is too subjective. Supporting this latter point is...

**Stevenson:** "The comment that the Committee did not imply that there was a conscious effort to deceive puts the effect of Law 73F2 nicely. No accusation need be made to rule against the offender and it is somewhat surprising that the Director did not do so. Note that the WBF has laid down the standard as 'irrational, wild or gambling' rather than 'egregious' and it is an interesting question whether the Committee was a little harsh on N/S. It is easy to misdefend these contracts, especially when a fixed idea results from a tempo break."

I'm a bit confused here. If West's actions were unjustified (from a bridge perspective), then a score adjustment would be appropriate. Only if West's actions were believed to be flagrant should a PP be considered. But since the Committee found some bridge justification for West's action, shouldn't a PP be deemed entirely inappropriate? David?

Regarding David's point about a fixed idea diverting a player's attention from the best defense, that would be true for a mere mortal. But in this case North is far too experienced and accomplished a player for that argument. If anything, South's ! 2 should have created the "fixed idea," not to mention West's trump plays.

On the other side of the "Was West's thinking justified?" issue is...

**Gerard:** "Wow! Vegetarians can skip over this one, it's a carnivore's delight.

"First, young West, you do not get to stew over touching honors. Suppose you're behind dummy's AJ109 with the protected king-queen. Do you think you

can fumble over which honor to win the first finesse with so as to work out the best falsecard? Or if you have AQ-length in front of dummy's KJ-length, can you go for the Golden Globe award before ducking when declarer leads up? What about the slow jack from KJx behind dummy's AQ in a strip squeeze situation? What about queen-jack doubleton against a fifth-best deuce? The more you think about it, the more you realize that you're on to a good thing here. Try to achieve your results by the cards that you play, not the way that you play them. And if you're going to force us to endure another round of bridge lawyering bashing, couldn't you at least have come up with the right falsecard after all that time? The jack could be from AJ9, the queen is from the actual holding or hunger. I can't imagine that the coach of your junior team is too happy with this performance.

"No, the huddle was an infraction of law. It was an attempt to mislead the opponents by the manner in which a card was played (Law 73D2, not 73F2). It required score adjustment, not a PP, in the same way that an infraction of Law 16A requires a score adjustment. The adjustment was under 12C2, the most unfavorable result that was at all probable without the infraction. That was minus 100. I would not have joined in the Committee's statement that it did not believe there was a conscious effort to deceive. If there was, it was reportable. If there wasn't, it didn't matter. Score adjustment was still mandatory. When you rule according to the Laws, you don't have to make those value judgments. Sometimes those "we're not implying..." statements are added so that inexperienced players don't feel they are being accused of sharp practice or worse. In this case, that did not apply. I refuse to extend any sympathy to West. He deserves a good lecture from someone he respects, if there is such a person.

"And now, the main act. We know that we hold N/S to a higher standard in determining egregious action and, in my opinion, to a higher standard in pursuing appeals. To preserve their right to any score adjustment, they had to pass a basic competency test after the infraction. After trumps were drawn, I'm assuming that declarer led the E Q or a club to the queen, either of which North ducked. Even so, the defense is dead. West can play the ! J or a low heart to the ten, coming down to some version of " Q10 E Ax of clubs and North can't escape. If that's what happened, N/S's only possible egregious action was in not securing their heart ruff. And what about that? The better South's hearts were, the less necessary it was to switch to a heart. Given that South showed good hearts and that West couldn't have the jack, I haven't yet come up with a hand where either play shows an advantage. ! J10xxx! Qxx " Q10x E AQ is a push and anything without the E Q or " 10 wasn't possible. I admit I'm getting lazy and haven't spent as much time as I could analyzing all of West's conceivable hands, but it looks like it didn't matter. Maybe on that theory it was egregious for North not to return an equal best heart, but that would be the bridge equivalent of a bill of attainder, punishing N/S for who they are, not what they did. Only when West had a hand he couldn't have was it clearly right to return a heart. If you think that's egregious action, you're nuts.

"I suppose you could concoct a theory that if West was willing to draw trumps it was wrong to help him do so, without anything more specific than the general 'what's good for the Hog....' notion. Well, if I ever get to the point where I'm expected to play West for the ! J because he continued trumps I'd take up some other form of entertainment because clearly it would be good for the game to let someone else win once in a while. Do you really think this Committee could ascribe that standard to N/S? Is that the standard to which the Committee aspires without benefit of the hand records? I'm a non-offender's nightmare when it comes to continuing to play bridge, but this one just doesn't cut it, not even for this particular N/S. The Committee was clearly wrong that West didn't need to ruff a diamond, since South wouldn't have passed 1NT with 2-4-5-2. Therefore, all of their arguments are suspect in light of their obvious inability to grasp the problem.

"Let's not talk about the Director. He probably didn't even have a license to perform abortions."

Agreeing with Ron right down the line is...

**Berkowitz:** “The Director made the correct ruling. This case is too complicated for staff. I think E/W must pay a different price and I would make their score minus 100. As to N/S, if Rosenberg could (and I think he not only could, but did) produce any hand where he was right, I would give him plus 100.”

First, I object to Ron’s reference to West’s tempo as an “attempt” to mislead the opponents. It may have had the *effect* of misleading them, which is all the laws require if the player “could have known at the time” that it could work to his benefit. If intent is what Ron really means and he wishes to invoke Law 73D2, then he should have more compelling evidence than he provides in his comment. As it is, Law 73F2 seems to me the most applicable. Second, I agree that West may need counseling from someone whom he respects. Third, Ron and David and I will just have to “agree to disagree” on *this* North’s culpability for his defense. That they are alone among the panelists in believing that North’s defense was reasonable is offset by the fact that two players of such high stature as theirs believe it was. I, however, remain unconvinced.

The next panelist also holds North accountable for an egregious error and raises the question of what the standards for such a determination should be.

**Weinstein:** “I like the Committee’s decision. If declarer needs to work out which card is the best falsecard, he should be aware that it is likely that the tempo could influence the defenders. The PP was appropriate, although I would have preferred to see a score adjustment provide the penalty in most cases. Although I generally don’t like procedural penalties in these situations, 15 seconds to determine which play was more deceptive is too long when declarer could (and should) have known the tempo could be deceptive. The decision of which card is best should have been made before playing from dummy at the first trick. I believe there should be a strong double standard for the two sides getting adjustments under Law 73F. The offenders should have their score adjusted if it was at all probable that the inadvertent deception could have worked to their benefit. The non-offenders should receive redress only if it was likely that the inadvertent deception directly caused damage and that most peers faced with the same inadvertent deception would have gone wrong because of it. I will leave it to someone else to find someplace in the laws that allows this viewpoint.”

I do not hold Howard’s view of the acceptability of the PP. If West took too long to make this bridge decision, it would have been appropriate for the Committee to say that they found no demonstrable bridge reason for *this* length of deliberation and then to adjust E/W’s score. I do, however, support Howard’s recommended basis for adjusting the two sides’ scores. I don’t view North as a non-offender in the same sense as in a UI or MI case. North decided to use West’s actions, a source of information he knew not to be without risk, of his own volition. Thus, I would require a direct and compelling causal link between that and the damage before I would award redress, as Howard suggests.

**Brissman:** “A just result obtained. Nonetheless, I’m curious about the standard the Committee applied in determining that West had “no demonstrable bridge reason for the action,” so as to apply Law 73F2. It must have concluded that ruff avoidance considerations were not bridge reasons. There is a tension between Laws 73D1 and 73F2. In one, a player draws an inference at his own risk, but in the other the player giving the inference has liability therefor. We don’t have clear guidelines on when to apply which law, and I’ve not heard anyone articulate reasonable guidelines.”

The problem with this decision is that the Committee decided that West *did* have a demonstrable bridge reason for his action, then penalized him for it anyway. As for the difference between Laws 73D1 and 73F2, my understanding (from many discussions with Directors and law makers) is that the former applies to inadvertent actions while the latter instructs us on what to do once damage occurs. Inadvertent

actions include anything a player does that is not involved in consciously trying to control the tempo (including thinking and daydreaming, but not holding the tray or otherwise attempting to even out the tempo). Damage from an inadvertent variation can be redressed if an *innocent* opponent drew a false inference from it *and* the player *could* have known that it could work to his advantage *and* there was no demonstrable bridge reason for the action. Otherwise, variations cannot be redressed if an opponent bases a call or play on them.

I think Barry has a good fix on the bottom line on this one.

**Rigal:** “A very tough one. Perhaps the Director was misapplying Law 73 when he ruled as he did. Given the Committee interpretation I think he did. The Committee had a tougher job still. West thought he was entitled to select the right bridge card to create ambiguity; the line between that and coffee-housing is especially fine. I agree with the decision for N/S, but I think that E/W were harshly treated since the spirit of what West did was not to deceive.”

**CASE NINE**

**Subject (Tempo):** The Partner Of He Who Hesitates Is Lost  
**Event:** NABC Open BAM Teams, 22 Nov 98, Second Qualifying Session

Bd: 5	David Yang		
Dlr: North	5		
Vul: N/S	! KJ1097		
	" AJ876		
	È J8		
Tim Mann		Paul Erb	
10986		AKJ4	
! A6		! 532	
" Q105		" 94	
È Q975		È A1042	
	Raymond Shih		
	Q732		
	! Q84		
	" K32		
	È K63		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	1È	Pass
1	Dbl	2	Pass(1)
Pass	Dbl	Pass	3!
All Pass			
(1) Break in tempo			

**The Facts:** 3! made four, plus 170 for N/S. The Director found that there had been an agreed 5-second break in tempo before South passed 2|. He ruled that pass was a LA for North and changed the contract to 2| made two, plus 110 for E/W.

**The Appeal:** N/S appealed the Director's ruling and were the only players to attend the hearing. N/S believed that bidding was automatic with the North hand. They said that South's tempo was normally slow. South stated that when the Director was at the table he had at first denied the break in tempo but later agreed with him that he had hesitated. He told the Committee that he wished to withdraw that agreement.

**The Committee Decision:** The Committee decided that, while most players would take action with the North hand, a significant minority would pass, since South could be 4-2-2-5 or 5-2-2-4 and the vulnerability was unfavorable. The contract was changed to 2| made two, plus 110 for E/W.

**Committee:** Lou Reich (chair), Harvey Brody, Robb Gordon (scribe)

**Directors' Ruling: 98.1      Committee's Decision: 94.4**

North, a passed hand opposite a passing partner, at unfavorable vulnerability, chose double rather than 1NT (which in most partnerships would have shown more distribution) to show his five-five in the unbid suits. Had he bid 1NT he could then have lived with South's decision to let E/W play 2|. Instead, when South failed to compete, he acted again, only this time South's break in tempo made his action more attractive. Yes, some players would act again with North's hand, but clearly some would pass, treating the three level as unsafe at this vulnerability. I may be alone in my view of N/S's actions, but I find this appeal to be very unsavory and the score adjustment very clear (at least for N/S). I don't know N/S or their skill or experience level, but I would hold experienced players responsible for knowing better than to bring this appeal and find it lacking in merit. As it is, I'm willing to defer to the Committee's judgment, but backing my stand on this issue is...

**Berkowitz:** "How about some sort of penalty or warning to N/S for a borderline protest?"

The remaining panelists who commented on this case found this decision just right.

**Bramley:** "'Significant minority' is just right."

**Rigal:** "Good ruling by the Director and decision by the Committee. Yes, North's bid was defensible, but after the hesitation, North should have known better. Pass was certainly a LA."

**Stevenson:** "A perfect ruling and appeal decision!"

The next two panelists think that E/W might have been given too much.

**Wolff:** "Good decision, although allowing E/W to make 2| is quite strong. The alternative is to award N/S minus 110 and E/W plus 110 or Average Plus, whichever is worse (which would be my choice)."

Another "artificial" adjustment?

**Weinstein:** "The Committee believed that most players would take action with the North hand. If that 'most' was over two-thirds, then E/W should have retained their table result."

The adjustment that E/W deserve is certainly debatable, since in my mind most North's would have bid 1NT the first time instead of doubling. I could live with either assignment to E/W – and with far fewer appeals of this sort from N/S.

CASE TEN

**Subject (Tempo):** Some Alternatives Aren't Logical  
**Event:** Stratified Open Pairs, 23 Nov 98, First Session

Bd: 23	!	963	
Dlr: South	!	AQJ8762	
Vul: Both	"	10	
	Ê	A4	
!	!	---	!
"	"	103	"
Ê	Ê	AJ87643	Ê
AK			
K5			
K52			
Q108763			
	!	QJ1087542	
	"	94	
	Ê	Q9	
		J	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass(1)	Pass	5"	4
Pass	5	Pass	Pass
Dbl	All Pass		
(1) Break in tempo			

**The Facts:** 5| doubled went down one, plus 200 for E/W. South had not used the Stop Card before the 4| bid. All players agreed that there had been a significant hesitation by West before he passed. The Director ruled that pass was a LA to the vulnerable 5" bid (Laws 16A2, 73C, 73F) and changed the contract to 4| made four, plus 620 for N/S. The Director could not state the length of the break in tempo; only that it was "substantial," which meant longer than 10-12 seconds.

**The Appeal:** E/W appealed the Director's ruling and were the only players to attend the hearing. Each player had about 250 masterpoints. West stated

that he was a 77-year-old man who was a slow bidder and had trouble with his hand coordination, so that sometimes it took him longer than usual just to sort and examine his cards. He admitted that it took him a moment to consider whether to bid and added that he knew he was supposed to take some time after a skip bid. East said he thought his partner took 10-12 seconds to pass but that he wasn't paying much attention to the amount of time his partner took, because he was going to bid 5" if his partner passed. East said he thought everyone would bid 5" with his hand.

**The Committee Decision:** The Committee noted that failure to use the Stop Card does not have any impact on the obligations required of the player next to call. Improper use, however, can be considered in close cases. In this case there was no factual evidence that West had egregiously failed to follow proper procedure. The Director could not give a definitive answer as to the amount of time taken and the other side had decided not to attend the hearing. The Committee decided that pass was not a LA to the 5" call and that East was right, a substantial majority of players would bid 5" with his hand. The Committee changed the contract to 5| doubled down one, plus 200 for E/W.

**Committee:** Mike Aliotta (chair), Nell Cahn, Michael Huston (scribe)

**Directors' Ruling: 81.1      Committee's Decision: 76.3**

With no clear sense of the time it took West to pass, no use of the Stop Card, and more importantly N/S not at the hearing, I would have had no trouble finding no evidence of an unmistakable break in tempo by West beyond the requirement of the skip bid – in spite of the table Director's finding. This would have made determining whether pass was a LA to 5" unnecessary. But having arrived there, the Committee should first have examined what the break in tempo demonstrably suggested. What would a double of 4| by West have meant? If it would have been for takeout, then West could hold a penalty double of 4| with little in the way of help for a five-level contract by East. Perhaps West's huddle suggested a weak hand

with a long suit of his own, such as South's but with long hearts. But even if that hurdle is passed, and West's tempo is believed to suggest high-card help for East, there is still the issue of whether there is a LA to East's 5" bid. I think one would be hard pressed to find a significant number of players who would not bid 5" with that hand. Not that 5" is without risk; but everyone would bid it and worry about it later. And even if pass were a LA to 5", 5" is such a majority action that I believe N/S should have kept the table result even if E/W's score were adjusted.

Most of the panelists agree with me about the tempo issue.

**Rigal:** "The Director made what might be technically the right ruling here, however there did seem to be a contrast between the significant hesitation implied in the write-up and the 10-12 seconds referred to elsewhere. The Committee made a sensible decision when they penalized N/S for the misuse or non-use of the Stop Card. Of all the non-punishable crimes this is the one that upsets me the most, and I agree with their decision to rule in favor of E/W in the absence of N/S. I wish the Director had buttoned down the hesitation length, though."

**Brissman:** "I don't disagree with the decision, but I disagree with the Committee's reasoning. If West acted within 10-12 seconds, the time frame mandated after a Skip Bid warning, then East was under no constraints and the LA analysis is superfluous. If a break in tempo beyond 10-12 seconds occurred, only then would the panel consider East's LAs. So the Appeals Committee should first have stated whether it found an 'undue' hesitation, then proceeded accordingly."

The write-up does state that the hesitation exceeded the usual 10-12 seconds.

**Gerard:** "Well, to be brutal about it, problems with hand-eye coordination seem to be directly related to possession of extra high cards. If I were cynical, I would ask why East's statement that everyone would bid 5" isn't prototypical bridge lawyering. It's a lot closer than the usual examples, since it directly bears on the interpretation of law that is at the heart of the case. I guess if you agree with the conclusion you don't need to wheel out the tried and true tag lines.

"If this case didn't exist, I would suspect the Moderator of dreaming it up to prove his pet point about what 'seriously consider' means. That is, pass can't be a LA if no one would do it. Very nice, maybe one of these days the Laws Commission will climb on board. For now, that is not the case. To me, 'seriously consider' means 'think about long enough as a viable alternative,' regardless of the action finally taken. If I think 'I know I should pass, it's a crap shoot to bid but I just can't resist because everyone else will bid,' pass is a serious consideration. If I think, 'Some people might pass but it's nuts to pass, that's how you lose,' pass is not a serious consideration. Value judgments are required either way, but whatever the meaning the focus of the law is still on LAs. Thus it's not whether 'a substantial majority of players would bid 5"' but whether an appreciable minority of players would consider doing something else. The Committee seemed to go at this from the wrong end, since their only statement in support of the latter was the former. Old habits are hard to break.

"The Committee also didn't make clear whether they were actually deciding the case on its merits or merely throwing in its opinion about 5" for the record. It looks like the decision was that there was no UI, therefore East was free to do as he wished (and by the way, we think almost everyone would bid 5"). Of course the Director couldn't pin down the amount of time, he wasn't at the table. What was there about the word 'substantial' that confused the Committee? Wasn't a 'significant hesitation,' to which all players initially agreed, clear enough? The Committee appears to have said that age plus tempo uncertainty = lack of UI. From my politically incorrect standpoint, that was wrong. The facts were sufficient to decide on the merits. If the Committee had paid more attention to the merits, they might have paid more attention to the Laws. If they actually did decide on the merits, they did a poor job of documenting it.

"I think that in expertland, pass is not a LA to 5". Everyone knows the risks, but it's a bidder's game and Wolffie has convinced us all that sometimes it's too risky to pass. Edgar's original explanation of the new emphasis of Law 16A used the situation 4! -P-P to 1 KQ10xxx! x" Kx E QJxx. He conceded that 4! might be the choice of all good players, even though pass would be the enforced action in Committee. Even more top players would bid 5" here without giving it a second thought, perhaps without giving it any thought. This hand is a good example of why this continues to happen: 5" is not the right spot for E/W but 4! is worse. People tend to overreact to preempts, but if you don't bid 5" you'll wait a long time for that perfect hand. If this were a Master Solvers' problem, the extent of my consideration of pass would be 'If Berkowitz and Cohen ever find out I'm even thinking about it, I'll have to go into hiding for about a year.'

"In 250-point land, I'm not so sure. More of the peer group would worry about it, and even among the eventual 5" bidders I'd guess that the tempo would be a lot slower than in Flight A. I'd usually defer to the Committee's judgment provided it wasn't arbitrary and capricious, but there's reason to question the soundness of the Committee's thought processes. Given all that, I just can't get rid of the notion that West at this table was unlikely to hold 1 AKx! Kxxx" x E Q10xxx. In my mind, East can't just refuse to worry about that hand or dismiss it as abnormal. Any claims to the contrary are subject to the UI that it couldn't happen here – it's difficult to give an opinion when you know the hand. Yes, it's E/W's hand for either of two game contracts, but maybe that argues for West's taking flawed action or for another recital of 'preempts work.' On a high level, East's diamond holding in front of a big preempt is less exposed to a misfit or a trump stack than usual – maybe that's why the expert intuition is more right than wrong. But, to quote a recurring Colker theme, look at the actual cast of characters. In 250-point land, I don't allow 5".

"As a final point, are Hamman and Compton out there screaming about what a travesty of justice the Director's ruling was? If so, the news hasn't traveled East yet."

Well, our Laws Commission has certainly declined my repeated invitations to come out with a clear statement that "seriously consider" carries the implication that some players would actually take the action. However, in conversations with some of the members I encountered none willing to admit they believed that a call which merits serious consideration would be one that no one would actually take. Even the few who clung to the belief that this is theoretically possible were unable to provide an example of this that they were comfortable with.

Here again is my view of "considered" versus "seriously considered" (see also my comments in *St. Louis, Misery*, Closing Remarks from the Editor, p 187 and *Looped in Chicago*, CASE THREE, pp 16-17). An action has been "considered" if it is given some thought but ultimately rejected without a sense that one might actually take the action. It could have been rejected quickly and easily or only after an analysis which revealed it to be inferior or anti-percentage. An action has been "seriously considered" if, after being "considered," it remains an action which you might still take. In other words, if an action cannot be rejected outright, even after consideration, and remains a viable alternative (at least under some conditions), then it has been "seriously considered." The key is not the time taken to "consider" the action but rather whether it was rejected outright or retained as a possibility.

Consider Ron's statement "To me, 'seriously consider' means 'think about long enough as a viable alternative,' regardless of the action finally taken." If Ron ponders the "crap shoot" in his example, does that mean he gets to *always* resist it, *never* bid, and still claim the risky alternative has been "seriously considered"? Bah! If "viable" doesn't mean a plausible action that some of the player's peers *might* take, then Ron's definition of the term differs significantly from my and Webster's definition (capable of working; having a reasonable chance of succeeding). Question: Does a slow or unusually thorough thinker "seriously consider" every action he contemplates by Ron's definition?

Ron is correct to point out that the Committee wrongly focused on the idea that a substantial majority of players would bid 5" rather than whether an appreciable minority would pass. This is a running problem with our Committees that must be corrected. I also tend to agree with Ron that in 250-point land there will be more passes than in expertland, and in this case E/W had no letters before their ACBL numbers. Still, I find it hard to imagine even players at that level passing with seven-four distribution with a hint of adequate honor structure in their long suits. But this E/W were probably living in the Sun City subdivision of 250-point land, and our resident panelist from there agrees with Ron on the LA issue.

**Treadwell:** "I think pass is definitely a LA for the East hand when vulnerable. However, apparently it was not established that there was an informative break in tempo by his partner, hence East may do what he wishes. It looks as though the Committee got this one right for the wrong reason."

That's my view: They got it right for the wrong reason – at the end of a faulty process. But back in expertland, while Ron is ashamed to admit that he'd even think about passing 4! (David and Larry are mailing his certificate of appreciation, even as you read this), Bart has a different view of this action from his residence in that suburb of ACBL-land. (For the record, as I said earlier, I'm with Ron here.)

**Bramley:** "The Committee should finish with the apples before it moves on to the oranges. Was there a break in tempo or not? If the Director thought the break was 'substantial' then there must have been a break in tempo. But if it was only 'longer than 10-12' seconds, then, in the context of a skip bid, there was not a break in tempo. (By the way, can we once and for all agree on terminology for these huddles? A 'break in tempo' is the amount of EXTRA time taken, which is usually a subjective judgment. The 'length of huddle' is the TOTAL amount of time taken, which is a more objective standard. Tell the Committee the TOTAL time and let them decide whether it constitutes a 'break in tempo.') If there was no break in tempo, then the existence of LAs is irrelevant and should not be considered. If there was a break in tempo, then I disagree about the analysis of LA's, since I think pass is definitely a LA for East."

Another country, but a consonant voice, comes from...

**Stevenson:** "It is very strange that the use of the Stop Card is not mandatory in the ACBL. In other parts of the world the Director and Committee would rule routinely for E/W because N/S did not follow procedure and thus created an UI position. When there is a disagreement about the facts of the case, it is correct to take little notice of the arguments of a pair who do not attend – and the Committee would have been well advised to decide no infraction. Unfortunately, they did not, but decided that pass was not a LA to 5". While I would not quarrel with the Committee's right to make such a judgement, I do not think that a 'substantial majority' meets the ACBL's criterion for considering a call to be evident. I believe the Committee gave the right decision for the wrong reason."

This certainly reinforces what Ron and I have been saying.

The next panelist had his feet planted...on the fence between the Director and the Committee – but a bit more on the Director's side. Do I detect a hint that he wishes someone would save him from himself?

**Berkowitz:** "In the absence of anything else, I do not think I would allow the 'automatic' 5" bid. However, it seems to me that perhaps there was no hesitation, but the Director at the table seemed to think so. I have to back his judgement, not the Committee's."

I would if I could but I can't so I won't.



Still aimin' to enforce his own Law West of the Pecos, Judge Roy "Wolffie" Bean is ridin' to the strains of "The Eyes."

**Wolff:** "The 77 year-old sold the 'bridge' to the Committee. However, I'm not inclined to bring out the 'soap box' in the Stratified Open. If asked, I'd rule plus 200 N/S with a procedural one-quarter board against East."

Hmm. Ever been to Langtry, Wolffie?  
The bottom line here is captured nicely by...

**Weinstein:** "If the Committee apparently didn't find that a break in tempo occurred, then the consideration of 5" was irrelevant. However, the fact that a substantial majority of players would have bid 5" doesn't mean that pass wasn't a LA. Had there been a finding of UI, then N/S should clearly have received their table result. For E/W it was not as clear."

## CASE ELEVEN

**Subject (Tempo):** All Huddles Don't Lead To Redress

**Event:** Mixed Pairs, 23 Nov 98, Second Session

Bd: 5	!	873	
Dlr: North	!"	Q42	
Vul: N/S	"	AQ	
	Ê	KJ642	
!	AKJ94		!
!"	J105		!"
"	K5		"
Ê	953		Ê
	!	10652	
	!"	763	
	"	J10943	
	Ê	7	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	1Ê	Pass	1"
1!	Pass	2Ê	Pass
2!	Pass	3!	Pass
4!	(2)	All Pass	
	(1)	Break in tempo	
	(2)	Accompanied by "What the heck"	

**The Facts:** 4! made five, plus 450 for E/W. East broke tempo before she bid 3! . Her partner made a comment to the effect of "What the heck" and bid 4! , at which point the Director was called. Before he saw dummy, West stated he thought his partner had a minimum. At the end of the play, the Director returned and ruled that since East had shown a trap pass when she bid 2Ê and then invited with 3! , West had a good enough hand to accept. The Director allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling. North, East, and West attended the hearing. North stated that East had hesitated from a minute to a minute-and-a-half before bidding

3! ; North thought that West should pass. West thought, after having bid only 1! and then 2! , that bidding 4! was clear. East and West both thought that the hesitation could have been one minute. After the Director was called and before he saw the dummy, West did state that he felt compelled to bid since the hesitation would make pass the suggested alternative. He also believed that the " K was well placed.

**The Committee Decision:** The Committee decided that a problem would have been created had West chosen to bid 3NT but that there was no LA to the 4! bid. The contract was changed to 4! made five, plus 450 for E/W. The Committee found that the appeal lacked substantial merit but chose to educate North about the situation that had occurred rather than issue an Appeal Without Merit Point to him and his partner.

**Committee:** Michael Rahtjen (chair), Phil Brady, Harvey Brody, Barbara Nudelman, Robert Schwartz

**Directors' Ruling: 89.6**

**Committee's Decision: 79.6**

First, there was a break in tempo. Second, what action did the UI demonstrably suggest? East's 2Ê bid on the previous round already showed invitational values, so her 3! bid must have shown a strongly invitational hand with opening-bid values (remember, she could have passed 2! ). So the break in tempo suggested that East was either overstrength or offshape (which she was) or both and that West should either stretch to bid game or look for an alternate contract to 4! . But here West has full opening-bid values for his previous bidding and thus no LA to carrying on to game. Therefore, only a bid which sought to avoid 4! should be disallowed. So the Committee was right on target when they said that there would only have been a problem had West chosen to bid 3NT. But since 4! was not suggested by the UI and West had enough values to make accepting the invitation clear, there was no

alternative to allowing 4 $\frac{1}{2}$ . I agree that the appeal lacked merit and I'll defer to the Committee's judgment that education rather than punishment was indicated.

Agreeing with me are...

**Wolff:** "Sound decision. N/S's appeal was probably 'sour grapes' but all part of the educational process."

**Rigal:** "Good Director ruling here. West had a good hand in context and the hesitation did not point in any direction. The Committee should have used the AWM point procedure, but I admit I have sympathy with Committees who because of the personalities involved do not impose penalties of this sort."

**Brissman:** "I agree: The AI justified the game bid."

**Treadwell:** "West bid just 1 $\frac{1}{2}$  when some would bid 2 $\frac{1}{2}$ , and then signed off after partner cue-bid. Having slightly underbid thus far, he had every reason to go on, particularly when the hesitation by partner could just as well have been for fear of getting too high. Good Committee reasoning and a good decision."

Wouldn't 2 $\frac{1}{2}$  by West have been weak, Dave? West's poor side-suit holdings probably induced him to underbid the second time with 2 $\frac{1}{2}$ , but Dave is correct that he had every right to go on with his extras and the hesitation could have suggested a stretch (though, as we've established many times before, these hesitations almost invariably show extras).

The following panelists questioned the meaning of the UI.

**Berkowitz:** "Correct. The bridge of the matter is that the huddle does not point to either action. It can just as easily be a marginal raise to 3 $\frac{1}{2}$  (as against pass)."

**Bramley:** "I agree with the decision but not with the logic. I think that bidding 4 $\frac{1}{2}$  is the majority action for West, but that pass is a LA. However, I don't think the hesitation by East suggests that bidding will be more successful than passing, so I would allow the bid."

**Weinstein:** "The Committee statement that there is no LA to the 4 $\frac{1}{2}$  bid is wrong. It was not particularly suggested, but there were plenty of LAs. As the Committee correctly pointed out, 3NT could have created a problem. The Committee had more forbearance of N/S's protest than I would have had. Give them the point so they get the point, if we can in non-NABC events."

The AWMPPs can be assessed in any event at an NABC. In fact, it is my understanding that Units and Districts have been encouraged to develop their own point systems. Personally, I'd like to see an ACBL-wide system put in place.

**Gerard:** "Shows why all bids can't be made in tempo. 3 $\frac{1}{2}$  shows extra values beyond 2 $\frac{1}{2}$ , slow 3 $\frac{1}{2}$  shows more extras and probable awkwardness. West's comments don't wash since the hesitation couldn't suggest less than a minimum. The statement that pass was the suggested alternative was – gasp – bridge lawyering maximento. Huddle clearly suggested 4 $\frac{1}{2}$ . West's hand pretty clearly suggested no LA (favorable at matchpoints, the red-suit stuff was a bonus), so the Committee was right not to adjust the score. But the lecture was out of place. West's inconsistent statements (some may call them self-serving) should have protected North from speeding point jeopardy."

"I'll lay off the bridge lawyering kick if the rest of you will too."

I think Ron is developing a thin skin about "lawyering" references. But he is right about West's statements not washing. The UI suggested extra-extras and/or an offshape hand, and West's hand suggested no LA to going on. But N/S's appeal

was still contentious and unbecoming and I agree with the Committee's educational actions.

Finally, our laws expert is in danger of receiving substandard marks for hand evaluation – at least on this side of the pond.

**Stevenson:** "It is surprising that the appeal was considered without merit. Has West really got a lot to spare for his overcall?"

Yes. Not for his overcall, but certainly for his 2 $\frac{1}{2}$  rebid.

CASE TWELVE

**Subject (Tempo):** Do You Play Non-Responsive Responsive Doubles?

**Event:** Mixed Pairs, 23 Nov 98, First Session

Bd: 25	!	108752	
Dlr: North	!	AQJ10	
Vul: E/W	"	---	
	!	Q852	
!	!	A4	!
!	!	875	!
"	"	KQJ95432	"
!	!	---	!
	!	KJ63	!
	!	K642	!
	"	108	"
	!	J97	!
	!	Q9	!
	!	93	!
	"	A76	"
	!	AK10643	!
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	1 $\bar{E}$	Pass
1"	Dbl	2 $\bar{E}$	Dbl(1)
3"	3!	4"	Pass(2)
5"	5!	Pass	Pass
6"	All Pass		
(1) Intended as responsive, not Alerted			
(2) Break in tempo			

**The Facts:** 6" went down one, plus 100 for N/S. The Director was called when North bid 5! . North told the Director that he had guessed that South had the majors from both the auction and his hand; they did play responsive doubles, although not in this situation. South hesitated before she passed 4" . The Director ruled that pass by North over 5" was not a LA and allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. N/S had played together twice in the last five years. South stated that she was a non-Life Master and North stated that he was an experienced Life Master. The Committee discovered that 1NT by North at his second turn would have been undiscussed. The double of 2 $\bar{E}$

was read by North as responsive based on his own club length – N/S had no agreement in this sequence.

**The Committee Decision:** The Committee looked at the pass of 4" . Since South had no five-card major and at most three clubs, the possibility of whether the pause could be based on a diamond stack had to be considered. The diamonds could have been seven-two or six-three with South having two or more diamond tricks. It was believed that North might have been able to infer from West's 5" bid that his partner was contemplating bidding 4! , so the question was whether that fact alone made the 5! bid more attractive. Given that two heart tricks were almost certainly cashing on the auction if partner had the ! K, the next issue was whether partner had a quick trick in spades or diamonds. If so, then 5! was a heavy favorite to go down while 5" was also failing. In the context of the ability of N/S, it was believed that South's contemplation of acting did not suggest anything particular about high cards. This was to some extent borne out by South's actual hand, which certainly did not seem to merit a break in tempo before the pass. That being so, the 5! bid was not made more attractive by the tempo break. The Committee decided to allow the table result of 6" down one, plus 100 for N/S, to stand.

**Chairman's Note:** Two points were not considered by the Committee in the context that no adjustment was necessary: (1) Would the Committee have decided differently if N/S were a stronger pair, where South's slow pass might have suggested more offense and less defense? (2) If the score had been adjusted for N/S would 6" have seemed like a double shot, so E/W might have kept minus 100?

**Committee:** Barry Rigal (chair), Doug Doub, Jerry Gaer, Abby Heitner, Dave Treadwell

**Directors' Ruling:** 63.7

**Committee's Decision:** 82.6

Consider the AI available to North. South was not making a penalty double of 2 $\bar{E}$  on what was almost surely a three-card holding missing the queen, nor could she even hold something like  $\bar{E}$  AK10, since East would not bid 2 $\bar{E}$  over North's double on a six-card suit headed by the jack. Thus, it was overwhelmingly likely that South's double was intended as takeout. Did that suggest that she was four-four in North's suits rather than three-three? No, but her break in tempo over 4" suggested that she was either four-four or had an uncomfortable excess of high cards in the majors, all of which made competing further more attractive. "Could South have had diamond values?" the Committee asks. Yes, but E/W's persistence in diamonds argued otherwise and there's good reason to assume that huddles such as South's are forward-going (or two-way actions) and not defensively-oriented. Thus, the UI made North's 5! bid more attractive, even though it did not totally exclude the possibility that both 5! and 5" would go down.

Given the above, it is hard to imagine the Director ruling as he did. North was a passed hand, had already shown values with his first double, and had then bid his five-card suit at the three level. If his partner had passed contentedly over 4" , a pass by him would clearly have been a LA. All things considered, including the Committee's conclusion that the UI did not suggest anything particular about South's high cards, I'd have disallowed North's 5! bid and assigned both sides the result for 5" made five, plus 600 for E/W. The following three panelists were in agreement with my analysis.

**Bramley:** "No way. Whatever South meant by the double of 2 $\bar{E}$  , she had maximum length and strength in partner's suits. Most people would play the double as penalty, but even if N/S had an agreement that it was responsive, South did not have to have four-card support for both suits. Three-card support for both suits would be reasonable. For his part, North had made a passed-hand double and then competed at the three-level, strongly implying a five-card suit. If there was supposed to be more bidding by N/S, then South had to do it. Instead, South 'bid' by huddling. Apparently she couldn't bring herself to make a decision, but luckily she had the 'system' to send the decision back to partner. I would assign a contract of 5" made five, 600 for both sides. If the Director had properly ruled for E/W, and N/S had appealed, I would have found no merit. The Director's ruling is hard to fathom, particularly given the Directors' excellent record on the cases so far.

"To answer the chairman's queries: (1) The Committee should have decided differently anyway. (2) No. 6" was reasonable and should not be punished since it might have been cold."

**Berkowitz:** "The Director's statement that pass was not a LA was wrong. He should rule plus 600. As to N/S, the chances that South had a penalty double were non-existent. It seems to me that North took advantage of a huddle that South didn't have. Since I abhor that, all the time I choose to ignore the South hand and give everybody 600."

**Gerard:** "This is more like it, the Director showing why these guys shouldn't be entrusted with appeals. The Committee has labored and brought forth a mouse. N/S were not a pair, they were probably a pro and his client. North played the table, backing his judgment to the hilt. The ability of N/S was in whatever North could breathe in from the atmosphere. There was no comparison to be made with a more established pair, since North was always going to make an intelligent guess at what South was doing. By bidding only 3! , North put himself in a position to make a five-level decision that wasn't a total guess. He could be pretty sure that E/W expected to make 5" , an inference that wouldn't have been available had he jumped to 4! . By the way, think about that the next time you're considering purely obstructive tactics. So it would have been reasonable for North to bid 3! and 5! on a pure auction whereas it wouldn't have been to bid 4! and 5! – win with in-your-face, lose with in-your-face. But reasonable or not, clearly pass was a LA. The big score goes to plus 100, not minus 300. Some number of North's peers would have

seriously considered passing 5" without help from partner.

"In my experience, South's hesitation over 4" is never a penalty double. In the context of an intended responsive double, it always means 'bid more.' Whether or not South had the stray setting trick, the implication of her huddle was more offense, less defense; thus it demonstrably suggested bidding 5 $\heartsuit$ . That South's hand didn't match the suggestion was irrelevant; for all North knew South had her huddle. It's not a matter of partnership ability, it's human nature. Slow shows and North knew it. The 5 $\heartsuit$  bid was made more attractive by the tempo break. The Committee would have us believe that if South huddled with this hand she might also huddle with the setting trick, but the logical inference to North is that South's high cards/length are in the majors, not the minors. N/S deserved minus 600.

"E/W didn't do anything so terrible. East couldn't double 5 $\heartsuit$  in case West had  $\heartsuit$  x! Axx " KQJxxxx  $\heartsuit$  xx. West had to worry about  $\heartsuit$  xx! Ax " Axx  $\heartsuit$  A10xxxx. Maybe the prudent move for East would have been to double 5 $\heartsuit$  once West didn't cue 4 $\heartsuit$ , and if E/W were experienced enough you could sell me that. But E/W were the ten-seven of diamonds interchange and a spade lead away from making 7", so failure to continue playing bridge by less than experts would be dubious. On the assumption that E/W weren't expert (e.g., West thought 3" was forcing, East didn't), E/W plus 600.

"The Director needs to keep the brane clean. Not a LA indeed. I don't fault the Committee, it tried hard, but the case wasn't that complicated. The race isn't always to the swift nor the battle to the bold, but that's the way to bet."

If those two comments don't make it for you, might I recommend therapy.  
Practicing his British penchant for understatement is...

**Rigal:** "I think the Director ruling might have been against the 'offenders.' Although the Committee (of which I was part) decided that North had a bid, it was far from clear. Hence, the Director's ruling should have gone the other way. The Committee's ratio was mine – thus of course it would be impossible to improve on it (joke)."

Not practicing his understatement (he must get his fill of it, living, as he does, in England), but still struggling with Hand Evaluation 101...

**Stevenson:** "One wonders whether the Director was accurately reported: it is quite incredible that anyone should think pass by North was not a LA, especially for a player who is not sure what his partner's double means. Fortunately, the Committee approached the hand correctly."

David's valuation garners support from the next two panelists' comments.

**Wolff:** "I agree that the hesitations were not revealing so the table result of plus 100 should stand. In any case E/W, under my aegis, would always have to live with minus 100 brought about in part by the 'double shot' meaning. Only N/S should be adjusted."

**Brissman:** "The Tournament Director ended up with the correct result, but the basis (and bridge judgment) on which she ruled was far off-the-mark. The ruling flow chart (decision tree) for this situation first calls for an analysis of whether the UI indicated that one course of action was more likely to be successful than another; if so, the LA analysis follows. The Appeals Committee, following the flow chart, found the initial analysis dispositive (correctly, in my opinion). Thus, the Appeals Committee never reached the LA analysis step in the decision process. Regardless, even if the Director believed the LA analysis test to be warranted, how could she find that pass was not a LA?"

But our last panelist brings us back to the proper path to score adjustment.

**Weinstein:** "I like the Committee's analysis that South's huddle was probably meaningless with regard to strength. However, the 5 $\heartsuit$  call suggests that it wasn't meaningless. When West bids 5" it means that South probably wasn't thinking of doubling. It is the charge of the Committee to decide the case in the context of N/S's peers. Although there should be some leeway given, perhaps there was too much given here. In answer to the Committee's questions, (1) I certainly hope so; (2) No."

## CASE THIRTEEN

**Subject (Tempo):** Remanded From The Custody Of The Warden(s)

**Event:** Blue Ribbon Pairs, 24 Nov 98, First Qualifying Session

Bd: 4 Dlr: West Vul: Both Mary Warden Phil Warden Dick Bruno West Pass Pass All Pass (1) Break in tempo	Sangarapil Mohan   AK ! QJ943 " 6532 Ê AK   82 ! A7 " AKJ97 Ê J1065   82 ! 65 " Q8 Ê 843 North 1! 2! (1)
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**The Facts:** 2 $\heartsuit$  made three, plus 140 for N/S. The Director was called at the end of the play. The 2 $\heartsuit$  bid was made after a break in tempo which was agreed by both sides as being 10 seconds or longer. The Director changed the contract to 2 $\heartsuit$  down one, plus 100 for E/W (Law 16).

**The Appeal:** N/S appealed the Director's ruling. South attended the hearing and stated that bridge logic rather than the hesitation strongly suggested bidding 2 $\heartsuit$ .

**The Committee Decision:** The Committee found that there had been an agreed break in tempo which constituted UI. However, after constructing various hands for North which would have been bid in tempo, the Committee concluded that bidding 2 $\heartsuit$  would

almost certainly be better than passing 2 $\heartsuit$  no matter what North held for his reopening bid. Any high cards would still be working with spades as trumps, while even a spade void in the North hand would still allow spades to be a playable spot. For example, if North held as little as the singleton  $\heartsuit$  10 it would produce four more tricks with spades instead of hearts as trumps. Therefore, the 2 $\heartsuit$  bid was strongly indicated by South's hand and not by the hesitation; South was entitled to make a bid which had no LA. The Committee changed the contract to 2 $\heartsuit$  made three, plus 140 for N/S.

**Committee:** Doug Heron (chair), Lou Reich, Ellen Siebert, Peggy Sutherland, Riggs Thayer

**Directors' Ruling: 56.3**

**Committee's Decision: 69.6**

I support this decision 100%. I consider 2 $\heartsuit$  quite clear with the South hand, although I know of at least one top expert (and panelist, although he does not comment on tempo cases) who believes that South should pass. Agreeing with my (and the Committee's) view of 2 $\heartsuit$  are...

**Bramley:** "E/W's decision to call the Director AFTER the play, when the obviousness of the 2 $\heartsuit$  bid should have been clear, is unfathomable, as is the Director's ruling. I disagree with the Committee's statement that the 'break in tempo...constituted UI.' I don't think that a break in tempo automatically transmits UI. Am I right? In this situation I think the only obvious inference from opener's huddle is that his shape is imperfect for a balancing double. Even that inference is not ironclad, since opener might hesitate to balance with a bare minimum. The range of possibilities is so broad as to be of little use to partner. Had the Director ruled correctly in favor of N/S and E/W still appealed, it would have had no merit."

I agree with Bart, especially that extraneous information from a break in tempo does not always become UI. One example is a slow invitational bid (e.g., 1NT-2NT natural) which may mean "I'm stretching to invite" or "I'm afraid to bid game myself." Another is a slow forcing pass. The FP itself says "I'm not sure what's right; you decide," while the slowness says "I'm not sure what's right; you decide."

**Treadwell:** "A tempo break in this situation imparts little if any useful information. In any event, South's hand, with a decent six-card suit warrants a bid. I am surprised the Director did not rule this way and force E/W to appeal. Frankly, it would not have entered my head to call the Director on this matter in the first place, after having seen South's hand. A good Committee decision."

**Stevenson:** "This one seems so clear that I wonder why the Director did not rule for N/S."

The next panelist proposes an answer to David's query – a safety play.

**Berkowitz:** "The Director's ruling is okay. I prefer that they err on the side of the non-offenders. As for the Committee's bridge judgement, it looks entirely reasonable to me."

**Brissman:** "The disparity between the Director's and the Committee's decisions is exemplary of the bridge judgment differential between the two ruling bodies."

And now, shame on all of you for forgetting the "automatic" HD penalty which has become legal in the ACBL...err, in Texas...uhh, in Dallas?

**Wolff:** "Plus 140 N/S for both sides with an one-eighth board penalty for N/S because of Hesitation Disruption followed by the right action. HD by partner could be defined as: 'A recognized break in tempo conveying for all to see that the bidder had choices followed by an aggressive (small, medium, or large) action by partner which, although perhaps logical, could have been influenced by the HD.'"

Good definition!? If we can just get the Laws Commission to buy it. And now, for the dark side of this case...and the panel.

**Weinstein:** "I don't think this is as clear as the Committee indicated. I do agree that 2 $\heartsuit$  was the right call, but it was made easier by the UI. There are players who would pass with the South hand, and it is a LA and I believe a suggested LA. However, it was likely that enough Souths would have bid 2 $\heartsuit$ , to preclude E/W from receiving an adjustment."

It's nice to know what every huddle means, but this one is uninterpretable. What if North has a spade void and fears balancing with a double, lest South bid them? What if North has a thin balance and is thinking about passing? What if North has only five hearts, or weak diamond length, or wants to bid 1NT but isn't nearly strong enough? Maybe he wants to bid 3 $\heartsuit$  but thinks that would get N/S too high. Maybe North has extra heart length and wants to bid 3 $\heartsuit$  – but isn't strong enough. Does the huddle "demonstrably" suggest South's 2 $\heartsuit$  bid? Bah!

And now, children, it's time for Captain Kangaroo.

**Gerard:** "Move over CASE TWO, you've got company."

"Why do we continually have these decisions? It's an embarrassment to have to explain this stuff to people who should know better. It makes Committees look bad. It leads to calls for the Directors to administer appeals. It makes me wonder whether I should be putting in less time rather than more commenting on these cases. I'll try to explain this like you're a 6-year old. North could have been dealt  $\heartsuit$  10 (see, I gave you the ten),  $\spadesuit$  KQJxxxx  $\clubsuit$  Kxx  $\diamondsuit$  Ax. South's hand then produces

one trick with hearts as trumps and, let's be generous, five with spades as trumps (it won't because of the overruff/promotion, but forget that). Why then do N/S make 2! but go down in 2! ? Could it be because North contributes at most two tricks to the spade cause but seven in hearts? Could it be that North's king, queen, jack and fourth through seventh hearts aren't working with spades as trumps? Could it be that it's still combined partnership assets that take tricks? Could it be that the Committee didn't construct this hand for North or that he wouldn't have bid it in tempo? Could it be that the Committee confined its search to hands with overall strength, relatively weak hearts? Could it be that North was required to rebid any six-card suit or give up his membership in the Total Trick Society? Could it be that opening and rebidding hearts didn't deny the possibility of taking more tricks in hearts than in anything else? Could it be that the Committee was thinking how reasonable it was to bid 2! , not whether it would have been unreasonable to pass 2! ? Jeez, I feel like the teacher in charge of detention.

"It's pretty simple. Pass was a LA. Hesitation made it clear that pass would have been a different kind of LA (losing alternative). 2! was barred. N/S are due an appeal without merit penalty. Next time, North will learn to pass 2" with that hand and South will learn that failure to reopen with a double generally shows shortness in spades. The Committee will learn that one of the things that North could hold for his reopening bid is exactly what his bidding suggests.

"This is really depressing. I feel like Howard Beale in Network, mad as hell and not about to take it any more. I want a rating system for Committee members. People who make these kinds of decisions don't deserve to play in the big leagues."

Where to begin? We all see that Ron's North hand plays much better in hearts, but isn't that the point? If North could hold a hand like that and have been thinking about who knows what – maybe bidding 3! instead of two – that argues that his huddle didn't demonstrably suggest South's 2! bid. And if it didn't demonstrably suggest 2! , then South gets to bid 2! . Okay, okay, so maybe the rationale in the write-up was deficient. Maybe the write-up spent too much time defending the reasonability of the 2! bid when it should have spent its time addressing how the huddle didn't suggest spades over hearts, or high cards over weakness.

It was not unreasonable for South to pass 2! (although I believe it's losing bridge), but why worry about it if the huddle doesn't logically restrict South's actions? And what is this about "Hesitation made it clear that pass would have been a different kind of LA (losing alternative)"? How so, when Ron's own example hand makes it clear that that isn't so? Does Ron deny that some North's would huddle with his example hand? If so, just add the ! 10 and/or the E Q or E J.

I hate to be the bearer of bad news guys, but I think we're all barred from "Ron's Big Leagues." Maybe we should start our own Texas...err, uhh...make that Arizona League.

**Rigal:** "Correct Director ruling, awful Committee decision. North's slow 2! bid suggested doubt about the strain – it is the first time I've seen the bid made on a five-card suit. Hence South's action was absolutely indefensible. Yes, the bid might be reasonable but for sure so is pass, and 2! was indicated by the tempo break."

Ron, I think we've found you a promising pitcher.

**Subject (Tempo):** Flyer Crashes And Burns

**Event:** Blue Ribbon Pairs, 25 Nov 98, First Semi-Final Session

Bd: 2	Jonathan Steinberg		
Dlr: East		A982	
Vul: N/S	!	QJ92	
	"	J109	
	E	109	
Linda Sundbye			Richard Laver
	Q763		
!	10874		!
"	K86		"
E	J8		E
		Doug Heron	
			KJ4
		!	5
		"	42
		E	AQ76432
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass(1)	Pass	1NT	3E
(1) Break in tempo		3"	All Pass

**The Facts:** 3" went down one, plus 50 for N/S. West asked about the meaning of the 3E bid, was told it showed clubs, looked at the N/S convention card, waited (a disputed amount of time) and then passed. The Director was called when East bid 3" . N/S stated that West's pause was considerably in excess of the time required by a skip bid and E/W acquiesced to that fact. When the Director was called back to the table after the hand was over, E/W stated that they had only agreed there had been a break in tempo because they had not wanted to "make a fuss." The Director determined that pass was a LA for East, especially given the diminished value of the E K. West might have led a spade against 3E but even had

she led her "top of nothing" ! 10 the defense might have faltered. The Director changed the contract to 3E made four, plus 130 for N/S.

**The Appeal:** E/W appealed the Director's ruling and only East attended the hearing. He stated that he "took a flyer" when he bid 3" .

**The Committee Decision:** The Committee decided that the 3" bid would not be allowed after West's expression of interest in the meaning of the 3E bid and consequent break in tempo. They also decided that a spade lead against 3E was not sufficiently likely to be "at all probable" as required by Law 12C2. The contract was changed to 3E made three, plus 110 for N/S.

**Committee:** Henry Bethe (chair), Doug Doub, Barbara Nudelman, John Solodar, Riggs Thayer

**Directors' Ruling: 85.9**

**Committee's Decision: 81.8**

Why was a spade lead not sufficiently likely to be at all probable? I think it is the most likely lead (certainly among the most likely), as do...

**Bramley:** "I disagree with the Committee's decision. I can't follow the analysis of the play, either by the Director or by the Committee. They all imply that certain leads or defenses, especially a spade lead, would allow declarer to make eleven tricks. I make ten tricks the most likely result by far, on any lead, with nine a distant second and eleven a very remote third. A spade lead virtually guarantees exactly ten tricks. I also do not understand the Committee's statement about the improbability of a spade lead, which I would consider the most likely lead. The correct decision is 3E made four, plus 130 for N/S."

Bart is right about the improbability of declarer scoring eleven tricks. Only a

club lead makes that possible and only on the double-dummy line (and misdefense) of playing East specifically for the 10x and either banging down the K and then leading the jack and West covering or leading the J first and having West cover. A spade lead guarantees only ten tricks and then only when declarer wins and plays a second spade to dummy's ace to take the club finesse. Some misdefenses (such as top hearts at tricks one and two) could lead to eleven tricks but all other leads produce only nine tricks. Reinforcing this are...

**Berkowitz:** "Plus 110 is wrong. On a heart lead even plus 150 is possible, but I would personally not go past 130."

**Brissman:** "Without a spade lead, what line of play was sufficiently likely to occur to result in ten tricks? I might have found that a spade lead was sufficiently likely; however, without it, plus 110 seems indicated."

That's true. Of course even on a red-suit lead declarer *can* come to ten tricks on a double-dummy line: after getting in with a red-suit ruff he immediately leads the J; if West covers he wins the ace and takes the club finesse; if West doesn't cover he passes the jack, leads a second spade to the ace, then finesses the club. But while it's just barely debatable whether this line is "at all probable" (I don't think so), it certainly isn't "likely."

**Rigal:** "I am in complete accord with the Director here. I think 130 is the right adjustment because a spade lead *is* sufficiently probable as to be demanded. Having said that, I would have bid 3" with the East cards without the hesitation – but that is not the point; pass is an alternative."

**Weinstein:** "Good until the determination that 'spade lead was not sufficiently likely to be at all probable.' I agree with the Director and don't understand the Committee's reasoning."

The following two panelists went for the jugular against E/W.

**Gerard:** "Plus 130. Appeal without merit penalty. Next case."

**Stevenson:** "West's antics are not suitable for a game of bridge. Since 3E was presumably not Alerted why did she ask its meaning? Having asked, why did she look at the convention card? But for E/W to agree to the tempo break and later deny it, giving as a reason that they did not want a fuss, means they have a complete contempt for the ethics of the game. A PP of a half-board should have been given at the very least, and some thought have been given to further action. There is no doubt that the appeal was completely without merit and should have been dealt with accordingly."

I could live with some of that.

Our last two panelists appear to have stopped their analysis once they found out that the Committee disallowed East's 3" bid.

**Treadwell:** "The Director was right; both pairs plus 130 in 3E making four. I trust the Committee told East that 'flying' is illegal, or at least highly questionable, after partner transmits UI."

**Wolff:** "Plus 130 based on HD. Some players thrive on bids like non-classic 1NT openings in order to 'feel' the table and do the right things later, not an acceptable quality if combined with partner tells."

"He who ignores important details misses the essence of the problem." – Confucius.

## CASE FIFTEEN

**Subject (Tempo):** A Convincing Argument

**Event:** Blue Ribbon Pairs, 25 Nov 98, Second Semi-Final Session

Bd: 17	Pablo Lambardi		
Dlr: North	1	5	
Vul: None	!	QJ1087	
	"	9	
	E	KQ10762	
Sid Brownstein		Perry VanHook	
1	K108743	1	QJ
!	AK	!	92
"	Q5	"	AKJ108764
E	J84	E	9
		Hector Camberos	
		1	A962
		!	6543
		"	32
		E	A53
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	1"	Pass
1!	2! (1)	3" (2)	3!
3NT	4!	Pass	Pass
4!	Pass	Pass	Dbl
Pass(3)	Pass	5"	Dbl
All Pass			
(1) Hearts and a minor			
(2) Strong suit			
(3) Break in tempo			

**The Facts:** 5" doubled made five, plus 550 for E/W. The Director was called when East bid 5" and was told that there had been a break in tempo before West passed the double. E/W agreed there had been a break but estimated it at about 10 seconds while N/S thought it had been longer. The Director ruled that pass was a LA for East and changed the contract to 4! doubled down one, plus 100 for N/S.

**The Appeal:** E/W appealed the Director's ruling. South, East and West attended the hearing. East made a series of well-judged points regarding eight-card suits not being anything but trump, 5" being laydown facing nothing but two aces, the internal solidity of the spades (partner could have had 1 A87643 or the like) being critical to a 4! contract but irrelevant in a 5" contract, and that bad splits were irrelevant in 5" but not in 4!. West had been contemplating pass, redouble (to show doubt), or 5". West stated that not jumping to 4! over 3" denied great spades. E/W played Good/Bad 2NT and hence the 3" bid showed good diamonds and a good hand. E/W were playing Precision so 3! by West at his second turn would have been non-forcing. South believed that East could not have pulled the double with two spades in his hand and so led the ! 6 instead of trying to give his partner a spade ruff.

**The Committee Decision:** The Committee liked East's reasoning behind his 5" bid. They believed that even if the slow pass suggested pulling to 5" there was no LA to the bid. To some extent this view was made even more attractive by the fact that 4! seemed laydown double dummy and was also likely to be made at the table after a heart, diamond, or club lead. The Committee changed the contract to 5" doubled made five, plus 550 for E/W.

**Committee:** Barry Rigal (chair), Jerry Gaer, Abby Heitner, Bill Passell, Robert Schwartz

**Directors' Ruling: 75.9**

**Committee's Decision: 72.2**

I'd be interested in learning how the Committee planned to make 4! after a trump or a diamond lead. (Bart will explain why.) I'd also like to know why East's arguments didn't persuade him to convert 4! to 5" before South doubled. If West held 1 K1098xx ! Kx " Qx E AJx or the like, 4! would be cold while 5" would be down off the top (assuming that North holds the ! A). Sorry, but the Directors got

this one right. I'd adjust the contract for both sides to 4 $\heartsuit$  doubled down one, minus 100 for E/W.

**Bramley:** "The Committee was pretty gullible if they found E/W's argument convincing. If 5 $\heartsuit$  was such a clear bid, then why didn't East find it BEFORE he got doubled in 4 $\heartsuit$ ? East's spade holding could hardly be better on the auction. If his holding wasn't good enough to fill partner's suit maybe partner shouldn't be bidding 4 $\heartsuit$ . Therefore, pass is a LA for East.

"The analysis of the play in 4 $\heartsuit$  is superficial. Had the Committee analyzed the play of 4 $\heartsuit$  more thoroughly perhaps they would not have found East's reasoning so 'attractive.' On a diamond lead 4 $\heartsuit$  is defeated easily. If declarer leads a trump South wins and leads a second diamond, killing the diamond suit. South then grabs the first club and leads a second trump. Eventually the defense gets three club tricks. If declarer instead leads a club at trick two, South wins and gives partner a diamond ruff, after which the defense must get the trump ace and one more trick in either trumps or clubs. On a heart lead 4 $\heartsuit$  MAY be defeated. Declarer will win and lead a club. The defenders should win this and duck a trump to dummy, a strongly suggested defense. To make 4 $\heartsuit$  declarer must cross to hand in a red suit, ruff a club, and run diamonds through South, who must either pitch on the third diamond and let declarer pitch his last club, or ruff the third diamond and lose his second trump trick. This line requires declarer to play North for singletons in both spades and diamonds. However, declarer might play North for two spades and one diamond. Then the above line will fail. Instead, declarer, after ruffing a club, would have to cross to his remaining red suit entry to lead another trump, losing only two clubs and a trump. This line would fail against the actual layout. On a club lead and a trump shift declarer has the same guess for the contract. On a trump lead, ducked by South, 4 $\heartsuit$  should always be set. In short, when North leads a singleton 4 $\heartsuit$  goes down and when he leads a long suit 4 $\heartsuit$  may go down. I make the chance of 4 $\heartsuit$  going down sufficiently high to change the contract to 4 $\heartsuit$  doubled down one for both sides."

That's all so compelling that it makes me wonder how the Committee managed to arrive at their conclusion. The next panelist poses the same questions as Bart and I and (remarkably) even reaches the same conclusion about the appropriate score adjustment.

**Weinstein:** "Two things bother me significantly. First, if 5 $\heartsuit$  was so obvious, why wasn't it so obvious before 4 $\heartsuit$  was doubled? Secondly, why was 4 $\heartsuit$  going to be made after any lead? As long as South didn't play ace and another spade, the contract probably wouldn't make on some leads, and double dummy or not can't make on other leads. E/W definitely should have been minus 100 and N/S either plus 100 or minus 550 if the Committee believed, as they obviously did, that 5 $\heartsuit$  was probable without UI. I slightly prefer plus 100."

Along the same lines...

**Berkowitz:** "To me all E/W statements were self-serving. That said, I change the contract to 4 $\heartsuit$ . Will it go down? Spade lead? No. Heart lead? No. Diamond lead? Well, at trick two a spade to the queen, ducked, may be down one. Although down one is unlikely, I give E/W minus 100 and N/S plus 100. I consider it outrageous to remove 4 $\heartsuit$  doubled to 5 $\heartsuit$  and would love to watch any pair remove a 'prompt' 4 $\heartsuit$  to 5 $\heartsuit$  with the 1 QJ."

And now we turn to that psychic and clairvoyant, the world-renowned Ron-a-Roni. The Great Seer divined Mr. Gerard's position on this case so accurately that when we compared his prognostications to Ron's actual comments, the two were indistinguishable. So here, for your amazement and reading enjoyment, is the one, the only, the Great Ron-a-Roni.

**Gerard:** "The Commentator's Decision: The Commentator disliked East's reasoning behind his 5 $\heartsuit$  bid. He believed that all of East's well-judged points applied equally as well to the previous round of bidding, when East was willing to treat his eight-card suit as something other than trump or West's spades as more internally solid than after the break in tempo. In effect, East's pass to 4 $\heartsuit$  set up a guessing game with the opponents; they could double with impunity regardless of their hands and force East to retreat to the safety of 5 $\heartsuit$ . The logic by which East could take a flyer at the wrong contract until he got doubled somehow escapes him. Perhaps East didn't recognize his opponents, but if the Commentator has to rely on the enemy to tell him whether he's made the right decision he'd rather it not be someone who has represented his country in international competition. To some extent this view was made even more attractive by the fact that 4 $\heartsuit$  had no play against a spade or diamond lead, the latter not at all improbable. The Commentator expressed amazement that anyone could question whether the slow pass suggested pulling to 5 $\heartsuit$ . Finally, he believed that South should have known that East had two spades and that for a player of his caliber it was fairly egregious not to lead the spade ace. Since plus 100 against 4 $\heartsuit$  was not 12C2 'likely' for N/S (even though it was 12C2 'probable' for E/W), N/S flubbed their toe against 5 $\heartsuit$  and are stuck with minus 550.

"The Commentator was chagrined that none of the Committee thought to ask East any of these questions or to raise the point in discussion. Were he a cynical sort, the Commentator might suggest that intellectual bankruptcy results from reliance on self-serving statements."

He even captured the essence of Ron's style, right down to the signature cynical barb at the end. The next three panelists could have sat on this Committee (in fact, the first actually chaired it) without missing a beat.

**Rigal:** "Moderate Director ruling – the old adage about eight-card suits not going down in dummy is a fair one. The Committee had problems analyzing the 4 $\heartsuit$  contract – I will leave it to Gerard to spell out what should happen there. However if East is permitted to play Bridge he must pull 4 $\heartsuit$  doubled to 5 $\heartsuit$ . This is not a hand that I want to have to play in 4 $\heartsuit$ ."

**Brissman:** "I can accept the Appeals Committee decision. But wouldn't it have been more interesting if N/S had won their appeal and been awarded minus 590 in 4 $\heartsuit$  doubled for their efforts?"

I don't see why. 4 $\heartsuit$  doubled is slated for down one on most defenses, as these panelists clearly must be claiming. Surely Jon doesn't believe that N/S should be held to a standard for score adjustment reserved for the offenders.

**Stevenson:** "This is the perfect hand to show the advantages of the Appeals Committee system. The Director has given a reasonable decision based on a superficial analysis and the Committee has looked into it more deeply and come to a correct conclusion."

Based on their own superficial analysis! Sorry David, but the Director's analysis was not as superficial as it might (superficially) appear.

And finally, "Hear ye, hear ye. Court is now in session. The Honorable Judge Roy 'Wolffie' Bean presiding."

**Wolff:** "N/S minus 550. South earned this score because of his opening lead against 5 $\heartsuit$  doubled. (What about the E A?) E/W should also receive plus 550 since they were in a risky situation that turned out good for them (NPL). However a penalty of one-quarter of a board fits the crime. East defended himself well in the Committee. His satanic side might have said instead of, 'If the glove don't fit we must acquit,' 'If partner studies long a simple pass is wrong.'"



Yes, leading a heart instead of the  $\hat{E}$  A certainly was an egregious error – once you see all fifty-two cards. Had West held  $\hat{K}$  1087xx  $\hat{A}$ x, " $\hat{Q}$ x  $\hat{E}$  KQx and East a second club and the singleton  $\hat{Q}$ , I'm sure Wolffie would be first in line to adjust N/S's score to plus 100 after they went minus 550 on the  $\hat{E}$  A lead. And what about that E/W luck? I'd suggest that East might have had more than a passing role in creating that luck, but I wouldn't want to usurp Ron's role as the cynic around here.

## CASE SIXTEEN

**Subject (Tempo):** Some Things Never Change

**Event:** Blue Ribbon Pairs, 25 Nov 98, Second Semi-Final Session

Bd: 17	Mike Cappelletti Jr.		
Dlr: North	$\hat{K}$ 5		
Vul: None	$\hat{A}$ QJ1087		
	" 9		
	$\hat{E}$ KQ10762		
Zane Gray		Ed Johnson	
$\hat{K}$ 108743		$\hat{Q}$ J	
$\hat{A}$ K		$\hat{A}$ 92	
" Q5		" AKJ108764	
$\hat{E}$ J84		$\hat{E}$ 9	
	Dan Jacob		
	$\hat{A}$ 962		
	$\hat{A}$ 6543		
	" 32		
	$\hat{E}$ A53		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	$\hat{A}$ 1	$\hat{A}$ 2	$\hat{A}$ 2
$\hat{A}$ 2	$\hat{E}$ 3	$\hat{A}$ 3	$\hat{A}$ 4
Pass(1)	Pass	$\hat{A}$ 5	Dbl
All Pass			
(1) Break in tempo			

**The Facts:** 5" doubled made five, plus 550 for E/W. West hesitated for about 20 seconds over South's 4! bid before passing. The Director ruled that pass was not a LA for East and allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling. South stated that West's break in tempo made East's bid easier. When asked by the Committee several times how it did he simply reiterated his contention that "It did." West stated, "I was thinking maybe we could beat 4! ." East stated, "I was going to bid diamonds until I bought the hand." The Committee determined that E/W were a long-time but basically inexperienced partnership.

**The Committee Decision:** The Committee decided that there

was no LA (Law 16A) to East's 5" bid and that this appeal lacked substantial merit. The Committee also believed that North, in particular, should have abandoned the appeal once East's hand was known. Therefore, N/S were each assessed an AWMPP.

**Committee:** Henry Bethe (chair), Doug Doub, Barbara Nudelman, John Solodar, Riggs Thayer

**Directors' Ruling: 92.2**

**Committee's Decision: 90.7**

Opposite a typical "book"  $\hat{A}$  2 bid ( $\hat{A}$  AKxxxx  $\hat{A}$  xx " xx  $\hat{E}$  Qxx) East would do well to bid on to 5" . But partner huddled over 4! , so we have to ask whether the UI demonstrably suggested that 5" would be the winning action. I think it is at least as likely that West was thinking of doubling 4! as of saving in 5" , especially if E/W were playing fit-showing jumps (did anyone ask about this?), so I don't see where the UI suggests any particular action over another. Thus, I'd say that East was free to bid or not, as he wished, and the table result should stand.

If I believed that West's huddle suggested the 5" bid (which I don't), I'm not so sure I would allow East to bid it. I believe that pass may well be a LA, but it's very close and I think most players would bid 5" – almost reflexively. In any event, I think N/S's appeal was foolish and I don't fault the Committee for offering them an inducement to think harder about their appeals the next time.

**Bramley:** "I agree. The appearance of dummy should have made it clear that West was thinking of doubling, which would have made a 5" bid less attractive to East. I am not as convinced as the Director and the Committee that pass was not a LA for East, but I think that the huddle does not suggest that bidding 5" will be more successful than passing. Also, I don't understand why the Committee singled out

North as the one who should have seen the light. South was in an equally good position to grasp the futility of this appeal.”

**Gerard:** “The Committee needed to have its collective mouth washed out with soap. It went in with a chip on its shoulder and then criticized North for not engaging in bridge lawyering, thereby denying it the opportunity to criticize him for doing it. The Committee knew the answer to the question it asked North – West showed substantial extra values not confined to spades, so if you can’t see how that improves East’s hand you’ve got stuffing for brains. The Committee’s attitude seemed to be ‘If you don’t tell us we won’t figure it out’ when its true role is to disregard self-serving statements and construct the best and worst arguments for both sides. The Committee’s question was a red herring, anyway, since they decided on the basis of LAs, not ‘demonstrably suggested.’ Unless an appellant acts rudely or contemptuously, a Committee should treat him with respect.

“East wasn’t going to bid diamonds until he bought the hand. If N/S bid 5<sup>h</sup>, East wouldn’t have bid 6<sup>h</sup>. He could expect 3<sup>h</sup> not to end the auction, but I have no idea what his strategy was. He probably didn’t have one. Players at this level, in fact at most levels, are notorious for not planning the auction. If you buy into his statement, you shouldn’t. If you don’t know why, you’ve got stuffing for brains.

“I don’t know about there being no LA to 5<sup>h</sup>. If East from CASE FIFTEEN had been on the Committee, he probably would have argued for bidding 4<sup>h</sup>, with 5<sup>h</sup> in the bull pen if he got doubled. In the real world, not bidding 5<sup>h</sup> is too deep a position to meet the serious consideration standard. That’s not because East was always going to bid 5<sup>h</sup>, but because that’s just what you do when 4<sup>h</sup> comes around to you and you don’t really think about it. I suspect North would have done the same thing. I mean his bidding on this hand wasn’t exactly conservative, so the Committee’s penalty point assessment was probably of the ‘What would you have him do?’ type. I guess I agree with the conclusion, although not with the heavy-handed way in which it was reached.”

**Weinstein:** “I mildly disagree with the Committee about the lack of a LA to 5<sup>h</sup>, but I don’t think the huddle particularly suggests that partner was thinking of bidding 5<sup>h</sup>. I think this argument was effectively brought out by South when he couldn’t come up with any reason that the huddle made 5<sup>h</sup> easier. Sort of like the old adage that the man who represents himself has a fool for a client. An experienced player that takes a case to Committee with no cogent argument deserves the penalty point.”

**Rigal:** “Good Director ruling and Committee decision, down to the penalty point. It is not clear what a slow pass by West points to; but East’s action was really outstandingly obvious.”

**Stevenson:** “A perfect ruling and appeal decision!”

**Treadwell:** “At last a pair is assessed an AWMPP in a hesitation situation where the hesitators got a good score and a ruling in their favor.”

**Brissman:** “Were these the same Tournament Directors that ruled pass was a LA over 4<sup>h</sup> doubled on CASE FIFTEEN? The Directors (and the Committee) got it right this time.”

Objecting to the AWMPP is...

**Berkowitz:** “Agree 100% with everything (except the severity of the penalty).”

“Hear ye, hear ye...”

**Wolff:** “Plus 550 for both sides – one-half board penalty to E/W for HD. How can West’s slow pass be justified? West was probably using his version of the forcing

pass. ‘Why pick and choose when partner, armed with the right information, can’t lose?’ We must stop this behavior by penalizing it out of existence. It won’t go away by this Committee’s decision.”

I’ve got a better idea. Why not change the law so that huddles in “tempo-sensitive” situations become procedural violations? Then we can penalize these huddles out of existence and start a new argument over which auctions are “tempo-sensitive.” Then, once we get that settled, we can debate which players we will hold responsible for knowing which auctions are tempo sensitive. Then...

CASE SEVENTEEN

**Subject (Tempo):** Five-Five, Come Alive

**Event:** Stratified Open Pairs, 25 Nov 98, Second Session

Bd: 25	! J52		
Dlr: North	! 6		
Vul: E/W	" K7432		
	Ê 9653		
! K		! Q83	
! AQJ32		! K97	
" J6		" A985	
Ê KQ842		Ê AJ7	
	! A109764		
	! 10854		
	" Q10		
	Ê 10		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	1"	2!
3!	4!	Dbl(1)	Pass
5Ê	Pass	5!	All Pass
(1) Break in tempo			

**The Facts:** 5! made six, plus 680 for E/W. East broke tempo before his double of 4! . The N/S pair alleged to the Director (on consultation privately a round or two later) that the hesitation was less than 30 seconds but noticeably longer than the 10 seconds expected after a Stop Card is displayed. The Director believed that the break in tempo suggested convertible rather than strictly defensive values, making West's pull more attractive. If East had heart support he could have made a forcing pass instead of doubling. The Director believed that pass was a LA (Law 16) and changed the contract to 4! doubled down three, plus 500 for E/W.

**The Appeal:** E/W appealed the Director's ruling and were the only players present at the hearing. West had recently become a Life Master and East had about 1500 masterpoints. E/W said that the Director was called after the hand was over. They stated that the Stop Card had not been used before the 2! bid. They also said that the break in tempo was about 10 seconds from the time the 4! bid and the Stop Card were put on the table. E/W believed that the 5Ê bid was clear vulnerable versus non-vulnerable. The Committee asked to speak to the table Director. She said that she was called to the table during the auction and returned at the end of the hand. She had not determined the amount of time E/W thought had elapsed between the 4! bid and the double but did report that E/W agreed there had been a hesitation.

**The Committee Decision:** On the auction, West could expect his partner to have three spades to an honor and perhaps some extra values. While the ! K was a reasonable defensive value, it could also serve to promote a spade trick for disposal of a diamond. West had considerable extra values offensively with a good second suit and support if partner was compelled to rebid diamonds. Surely it was possible to construct hands for West where passing the double was the winning action, but there were few of them in comparison to the hands that made bidding the winning action. The Committee decided that bidding was so heavily favored that there was no LA and changed the contract to 5! made six, plus 680 for E/W.

**Chairman's Note:** If in 4! doubled the ! K is led and won by South, plus 800 would have been available to E/W, a result which would have made the table result modest by comparison.

**Committee:** Michael Huston (chair), Phil Brady, Marlene Passell, Ellen Siebert, Dave Treadwell

**Directors' Ruling: 80.0**

**Committee's Decision: 74.1**

First, the huddle clearly suggests pulling since the Director determined that a pass by East would have been forcing. Second, how could the Committee have believed that pass is not a LA for West? Give East something like ! QJx ! xx " KQxxx Ê Axx and any five-level contract by E/W could easily be unmakeable while 4! doubled would usually be set anywhere from 300 to 800. Even with a better hand for West, E/W still stood to collect 800 on many hands where slam is unlikely and getting there even more doubtful. Sorry, but the Director was right again to revert the contract to 4! doubled. As for the result in 4! doubled, good defense could result in plus 800 for E/W, even without the double-dummy (but correct) lead of the ! K (club lead to the ace; spade shift, ducked; " J to the ace; low spade, ducked; diamond to the queen and heart to East; ! Q), but it is more likely that 4! will go down three for 500. I would have assigned N/S minus 500 (judging down three to be "likely") and E/W plus 500 (judging that result to be the most unfavorable that was "at all probable").

Ron comes close to echoing my sentiments.

**Gerard:** " ! Q10x ! xx " AKxxx Ê Axx; ! Q10x ! Kx " AKxxxx Ê xx; ! QJx ! xx " KQxxxx Ê Ax; ! QJx ! Kx " AQ10xx Ê xxx.

"Everyone outside of the Committee room knows why East couldn't have any of those hands. Passing the double would not be an egregious, irrational action. With normal tempo, West's diamond disposal on a spade trick shouldn't be necessary. The Committee was guilty of looking at East's actual hand rather than the one he was supposed to hold. Go back to ! KQ10xxx ! x " Kx Ê QJxx. Here you can't even say that 5Ê would be the choice of all good players.

"West is not entitled to lead the ! K in 12C2-land. Yes, it's the right lead but it's likely that he would lead the " J, or the ! A or a high club (not overtaken) and a non-spade to trick two. Down three was correct, as the Director ruled.

"Where is that rating system?"

**Berkowitz:** "Horrible. First they say it is 'auto' to bid 5Ê . Ridiculous. Then they say plus 800 is available on good defense. 'Who cares?' The Director got it exactly right, the Committee exactly wrong. You snooze, you lose!"

The next panelist has a few choice words – and a big stick – for E/W.

**Weinstein:** "This is the second case where a disputed huddle goes to Committee without the appearance of the non-offenders (in case you need a scorecard, the ones who failed to use the Stop Card, then called the Director after the hand was completely over and got an adjustment). Can we start giving the non-offenders a penalty point? I don't think the pull is quite as clear as the Committee thought it was. Don't the Committee's opponents ever have an eight-card fit not vulnerable vs. vulnerable? As the chairman points out, E/W could have scored plus 800, even facing East's non-penalty penalty double. The Director reported that E/W agreed that there was a hesitation. There is supposed to be a hesitation. What we don't know is if anybody actually broke tempo. Right decision, but possibly not for the best reason. If a huddle was established I would assign E/W plus 300 or 500, and give N/S their table result as the most likely contract without the UI."

I am taking Howard's position as akin to Ron's and mine, since the Director determined that a break in tempo occurred and this was confirmed by the players. The rest of the panelists range from wishy-washy acceptance of the Committee's decision to criticism of the Director for her performance. Bart takes a non-committal stand, but also reiterates some of the above points.

**Bramley:** "No strong feeling. The prime nature of East's hand made it good both for defense and offense. If East's shape had been 3-2-6-2 or 3-1-6-3 the offensive prospects might not have been as good. Also, 4! can be beaten 800 even without the double-dummy lead of the trump king. If West leads the club king East should

overtake to shift to a trump. Whether declarer ducks or wins the ace, the defense should be able to lead more trumps in time to hold declarer to six tricks. Even on an opening diamond lead the defenders can force declarer to guess perfectly by shifting to trumps at trick two.”

Bad Director...

**Brissman:** “The Director’s first task upon arrival at the table was to determine whether a break in tempo occurred beyond the 10 seconds allowed by the Skip Bid. Although a Committee can attempt to determine the length of time later, it will never be as well placed to ascertain the facts as was the Director. The finding of a 10-second break, for example, would have been dispositive. Without adequate and timely fact-finding, the Director was ill-prepared to rule.”

**Stevenson:** “While there is nothing to suggest anything is wrong, it is strange that the Director was not called at the time. Where any matters of fact are to be considered, it is extremely bad practice for the facts to be presented by anyone except the table Director.”

Good Director...

**Rigal:** “A messy case; the right Director ruling in the case of doubt, I think. The Committee made the right decision for what seems to me to be the wrong reason. It seems to me that assuming East must have a top spade, it is not clear whether bidding or passing is indicated on this actual hand. Accordingly I would say that West can do what he wants.”

But East’s holding a top spade is only part of the UI which the break in tempo conveys. More importantly, it suggests convertible values and not a complete misfit (in actuality, three-card heart support). But perhaps most importantly it conveys the sentiment that East is not really happy with defending – and thus can be expected to be in possession, in addition to the above, of at least modest extra values beyond a scratchy 11- or 12-point opener. And while I still don’t want to usurp Ron’s role as the resident cynic, if I were one I would suggest that the break in tempo implied that East might be expected to show up with only a doubleton spade – and thus be more likely to have prime defensive values and a hidden fit for either hearts or (more likely) clubs.

Finally, a somewhat surprising response from Northeast Langtry.

**Wolff:** “Slight deviations in tempo should be accepted in some situations. This is one of those, since any double after lengthy trumps are represented has to be unclear. Fast doubles, however, must be severely penalized as they are much more dangerous and disruptive. I agree with the Committee decision of plus 680 for E/W.”

## CASE EIGHTEEN

**Subject (Tempo):** Is It Sominex, Or Is It...?

**Event:** Blue Ribbon Pairs, 26 Nov 98, First Final Session

Bd: 26	Christal Henner-Welland		
Dlr: East	!	J87	
Vul: Both	!	K10764	
	"	1075	
	Ê	63	
Robert Stolinski		Mariusz Krasnicki	
!	A1032	!	KQ
"	A92	"	Q853
"	J	"	AQ932
Ê	AJ1072	Ê	Q5
		Roy Welland	
		!	9654
		"	J
		"	K864
		Ê	K984
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		1"	Pass
2Ê	Pass	2!	Pass
2NT(1)	Pass	3NT	All Pass
(1) Forcing			

**The Facts:** 3NT made three, plus 600 for E/W. The play to the first eight tricks was as follows: (1) a spade to the queen; (2) a low diamond to the jack; (3) a low club to the queen and king; (4) a spade to the king; (5) " A, West pitching the ! 2; (6, 7 & 8) clubs, leaving the position below:

	!	J	
	!	K104	
	"	10	
	Ê	---	
!	A10		!
"	A9		Q85
Ê	7		Q9
		!	---
		!	96
		"	J
		"	K8
		Ê	---

When declarer led his last club, North’s play of a small heart was out of tempo. Declarer pitched dummy’s " 9 and then continued with ! A and a heart to North’s king, playing for an endplay in spades. North exited the " 10 and South took the last two tricks. The Director was called and, applying Law 73D1, ruled that the tempo variation was inadvertent. Any inference West took was at his own risk. The table result was allowed to stand.

**The Appeal:** E/W appealed the Director’s ruling. West stated that the break in tempo lasted 5 minutes. West thought it was unlikely that North had ! J! K10x " 10 because with that hand there would be no bridge reason for the long huddle. Therefore, he placed North with either ! Jx! Kx " 10 or ! Jx! K10x and played the ! A. When the ! K did not fall, he attributed the second of these holdings to North and continued with a second heart. He took no more tricks. He thought North could have known that her huddle might have a deceptive effect and he thought an adjustment was appropriate. N/S played tournament bridge about three times a year. North was usually a deliberate player and wanted to review the auction in her mind and consider her play options. She considered the possibility that her partner held the ! A, believing E/W to be quite aggressive bidders, and also the possibility of giving West a losing option by playing the ! 10. Ultimately she played the ! 4. During the play of the hand South had followed high-low in spades, North low-high in spades, and North’s hearts were played in the order six and then seven. N/S’s signaling methods were standard. South discarded the ! J on the last club.

**The Committee Decision:** Based on the statements made by the players the Committee believed that North had no intent to deceive. North’s statements indicated that she may have been so involved in counting the hand and analyzing West’s holding that she could not have known that her hesitation might have a deceptive impact. The Committee found that there was considerable evidence from the play of the cards to suggest West’s selected line of play would be unsuccessful.

The Committee believed that it was unlikely that North had blanked the ! K after this hesitation. Therefore, even though the huddle was considerable, under Law 73D1 the hesitation must be deemed inadvertent and West must bear the responsibility for his guess. The Committee allowed the table result of 3NT made three, plus 600 for E/W, to stand.

**Dissenting Opinion (Mike Aliotta):** I think this was a “Sominex Coup.” Law 73F2 states: “...if the Director determines that an innocent player has drawn a false inference from a remark, manner, tempo, or the like, of an opponent who has no demonstrable bridge reason for the action, and who *could have known*, at the time of the action, that the action could work to his benefit, the Director shall award an adjusted score (see Law 12C).” There was no dispute when declarer first stated that it took North 5 minutes to make her play. There was “no demonstrable bridge reason” for the hesitation because she should have had a complete count on the hand. North also had stated that she “wanted to give declarer a losing option” which indicates to me that she “could have known” her actions might influence declarer. Also, declarer should not be made to rely on an honest count by defenders in the finals of the Blue Ribbon pairs for his selection of plays. According to Law 12C2, declarer should be awarded the “most favorable result that was likely,” which in this case would be obtained by cashing the ! A10 for two additional tricks. I would award both sides the result of 3NT made five, plus 660 for E/W.

**Committee:** Michael Huston (chair), Mike Aliotta, Harvey Brody, John Solodar, Michael White

**Directors’ Ruling: 85.2      Committee’s Decision: 77.0**

In deciding whether Law 73D1 (and subsequently 73F2) applies, the question is whether the variation was inadvertent. Any variation may have the *effect* of deceiving an opponent and intentional deceptions are dealt with separately under Law 73D2. In either case there should be no score adjustment unless the following three conditions all apply: (1) there was an “innocent” opponent (if so, go on to #2); (2) was there no “demonstrable bridge reason” for the variation (if not, go on to #3); and (3) the player “could have known,” at the time of her action, that it could work to her benefit (if so, adjust the score). I agree with the Director that North’s actions were inadvertent (i.e., North was not consciously trying to control her tempo): if she was thinking about bridge then, by definition, her variation was inadvertent. Next, the above three issues need to be assessed.

Was West an “innocent” opponent? I think so. An opponent is not innocent, in my opinion, if he has either: (a) Provoked or manipulated the situation and then attempted to take advantage of it. An example would be if West took 3 minutes to play his last club, lulling North into a state of inattention, then suddenly played his club and claimed that North’s failure to play “in tempo” had deceived him. (b) Taken a clearly inferior line of play, given all the information available to him on the deal up to the time of the variation (and given his level of skill and experience), and then tried to attribute responsibility for his action to the (irrelevant) variation of his opponent. Ron will later propose that the present case is an example of (b).

Was there a “demonstrable bridge reason” for North’s variation? I think so, although a 5-minute delay is pushing things a bit. (See David Stevenson’s comment regarding this.) But if we determined that North’s variation was not bridge related, then we would also need to consider whether North could have known at the time that her delay could work to her advantage. Note that we must not try to determine whether North was aware of the possible consequences of her action – only if a comparable player in her situation *could* have known that her variation could work to her advantage. In this case North *could* have known the possible consequences of her actions, since she had to know she was the object of an attempted squeeze-endplay.

While I would have allowed the table result to stand based on (2), as the

Committee did, I disagree with their reasoning. Their statements about North’s possible deceptive intent and her absorption in her analysis of the hand were inappropriate attempts by the Committee to speak to and penetrate the content of North’s mind. Her intent is immaterial (unless they planned to invoke Law 73D2) and they could not possibly know whether North was so absorbed by her analysis for 5 full minutes that “she could not have known that her hesitation might have a deceptive impact” (and they were being gullible if they claimed they did know). She had bridge issues she was working out. Period. Result stands.

Finally, the legitimacy of West’s line of play is important for determining both “innocence” (1) or whether West deserves protection *if* it is decided that the score should be adjusted. For example, North’s actions might have provided West an opportunity to commit an error which he should never have committed. (See Bart’s comment, below.) Then N/S’s score could be adjusted while E/W would keep the table result (applying the non-symmetrical provisions of 12C2 to the two sides).

**Bramley:** “Plenty to dislike all around here. When the heart layout became apparent on the play of the heart ace, West should have realized that North had no obvious reason to huddle regardless of what her remaining cards were. Therefore no inference was available. As for North, what WAS she thinking about? Her explanations are lame. Another point that was not made is that South apparently pitched a spade on the ! A. Maybe this had more of an effect on West than anything North did. I like the dissenter’s description of North’s play as a ‘Sominex Coup,’ but I disagree with his conclusion that West deserves compensation. While North’s huddle may have worked to her benefit, the primary reason was that West was lulled into a different universe rather than that he drew a valid (false) inference.”

Willing to give West full compensation, as was the dissenter, is...

**Berkowitz:** “I agree with the dissenting opinion. Players are responsible for their huddles. It doesn’t matter that the other plays ‘suggest’ declarer is taking the wrong line – a five-minute huddle tells him he is right. I couldn’t agree more with plus 660 and would consider a strong talking to North.”

I think we are sometimes too quick to throw around accusations of Sominex Coups and the like. A player’s mind may wander, he may need to brush some cobwebs out of the way (tiredness), he may be a slow or fuzzy thinker, he may have failed to notice some spot cards in the early play until suddenly the early plays becomes relevant, or he may simply need to check his thinking over and over to avoid dumb or careless mistakes (and he usually ends up making them anyway). West chose to use the information from North’s tempo when it should have been clear that no one needed 5 minutes to mull over which major suit to pitch in this situation. He got what he bargained for and I don’t see how North is responsible.

I’m with the following panelist and his appreciation of the problems which confront the average (expert) player at the table.

**Stevenson:** “There is a very important principle here: when players make their first or last discard it is normal for them to think. In many cases (including this one) the answer may be clear, but the think is necessary to assess and check the information. On the hand in question, North had a ‘demonstrable bridge reason’ for her pause and the fact that she can count the hand does not affect that in any way.”

The next panelist understands the relationships between the various laws better than either the Directors or the Committee in this case.

**Gerard:** “The dissent was correct that this was a Law 73F2 case, not a Law 73D1 one. However, West was not an ‘innocent player’ and therefore the adjustment was not triggered. ! A, not ! A, was clear at trick ten. If West went wrong after that,

playing for North to have started with (1) ♠ Jxxx ! Kxxx " 10xx ♠ xx when she actually started with ♠ Jxxx ! K10xxx " xx ♠ xx or (2) ♠ Jxxx ! K10xxx " xx ♠ xx when she actually started with ♠ 987 ! K10xxx " 10xx ♠ xx, maybe he would have had a case. But the overwhelming likelihood on the carding to date, starting with trick one, was that the ♠ A would reveal North's last spade and declarer would then know whether he was making four or five. Certainly, honest count wasn't required in the finals of the Blue Ribbons, but South couldn't afford to falsecard on opening lead before anything was known about the hand. The ♠ A would have preserved all of West's options, would have let him get critical additional spade information (North might have shown 987 or 876, the latter making it a lock to cash the ♠ A) and would have cashed in on the single most likely spade holding given the carding. Leaving the ♠ A on the bench forfeited West's right to any adjustment.

"It may feel like N/S should have been adjusted, but failure to satisfy the innocent player requirement prevents any adjustment under 73F2. Assuming that there is no violation of 73D1, deliberate tempo for no demonstrable bridge reason by a player who could have known that the action could work to his benefit is not an infraction of law. It is not punishable in the same way as acting on UI because it is not an irregularity. Without an innocent player, there is no adjustment, period.

"The Pasadena case that adjusted the score in a similar situation was miles away from this one. There, declarer had no stronger alternative to the guess in the end position. There was even less of a reason for the opponent to hesitate then, although we may be talking angels on the head of a pin. And, if League Counsel lets me get away with it, I would suggest that the behavioral assumptions may have been different in the two cases.

"It would have been nice if someone – Director, Committee or Dissenter – could have put all this together. The Dissenter came closest, but he needed to go one step further in his interpretation of the provision that he correctly applied. Neither the Director nor the Committee get any credit for coming to the right decision through the wrong reasoning."

While I don't agree with Ron's analysis of the right play (♠ A) at trick ten (maybe I just don't understand his arguments), and while I don't agree with his characterization of North's actions as having no demonstrable bridge reason (although I would be willing to have someone convince me using more compelling, and humane, arguments than I've heard so far), at least his decision makes logical sense and correctly applies the laws to the situation.

Seeking clarification of this area of the laws is...

**Brissman:** "As in CASE EIGHT, the tension between Laws 73F2 and 73D1 arises. Lacking objective guidelines, both Directors and Committees render decisions that appear subjective. This is our least-consistent area of rulings. I favor the dissenting opinion here, because in 5 minutes North could have agonized over all the bridge considerations she stated and still been aware that her delay could work to her benefit."

So how, then, did North's 5-minute delay affect West's adopted line of play? I agree (as I stated in CASE EIGHT) that even a long bridge-related huddle could be deemed non-bridge related if it is so lengthy as to be clearly excessive. But here I can envision North thinking about any number of things. And the situation North had to be facing was so simple that West could not possibly have thought that after 5 minutes of thinking North was baring her ♠ K. (I think I just convinced myself that Ron's finding that West was not innocent is a valid basis for not adjusting.) Consider this. You've just thought for 2 minutes on defense and suddenly realize you've miscounted declarer's hand. You adjust your analysis, which takes another 2 minutes, and now your opponent goes wrong, claiming that you had no demonstrable bridge reason for your 4-minute huddle. His play has a thin and tenuous connection to your tempo. Should we get out the noose for you? Bah!

**Rigal:** "Good Director ruling and Committee decision by the majority. In these positions you have to give North credit for a great deal of depravity (and North is not that sort of a person) to assume that she could see the whole position and was playing a deeply tricky game. West was misled by an innocent pause – tough."

I agree; not that I know North, who is from Barry's neck of the pavement.

**Treadwell:** "The dissenter has a point but I don't agree with it. Some defensive positions are quite difficult to analyze and a defender is entitled to take time to figure out what is going on before deciding on her play, which might have been a purely deceptive one. Allowing declarer eleven tricks on this case opens the door for scores of similar cases where a declarer seeks redress simply because an opponent had hesitated. Good Committee decision."

**Weinstein:** "I agree with the majority. North wasn't nearly as experienced or as strong a player as in CASE EIGHT. I don't think there was sufficient likelihood that North knew that her slowness was causing a problem. I have already expressed what I believe the basis for a non-offenders adjustment in this situation. North seemed to be out to lunch. If she had wished to be deceptive, 20 seconds would have been sufficient to create the same illusion. It does bother me slightly that she was considering the play of the ♠ 10, realizing her play may have an effect on declarer misguessing the hand. On that basis I might assign a token PP so she is aware in the future of her obligations in similar situations."

Stop trying to read players' minds, people. Otherwise, I agree with Howard's points.

**Wolff:** "Plus 600 for E/W. I agree with the Committee's decision but would like to be present to determine North's credibility. What does 'could have known' mean? Does it mean that any personality could have known or that this person could have known. [The former is the standard interpretation used by Directors. – *Ed.*] Obviously almost anyone anytime could have known, but I think we should define the parameters for future Committees. For what it's worth I think 'could have known' should be defined as: 'a rational player with his individual personality and expertise should have thought of how this particular opponent may take his hesitation and be bound not to deceive him by body language, time or comment.' Appeals people need to agree on this."

Uh..., what was that definition again? If I were sure I understood it, I'm still not sure I'd agree with it.

CASE NINETEEN

**Subject (Tempo):** Much Ado About Nothing  
**Event:** Blue Ribbon Pairs, 26 Nov 98, Second Final Session

Bd: 25	Chris Compton		
Dlr: North		A4	
Vul: E/W	!	AQ109	
	"	KQ10983	
	É	5	
Christal Henner-Welland		Roy Welland	
9			KQJ753
! 86532		!	J7
" J4		"	52
É A8732		É	1094
		Barbara Kasle	
			10862
		!	K4
		"	A76
		É	KQJ6
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	1" (1)	2!	Pass(2)
Pass	Dbl	All Pass	
(1) Altered; Precision			
(2) Break in tempo			

**The Facts:** 2! doubled went down two, plus 500 for N/S. The Director determined that the pass by South over 2! was out of tempo. He ruled that the table result would stand.

**The Appeal:** E/W appealed the Director's ruling. E/W stated that North's double was made easier by South's slow pass. North stated that he acknowledged that the pass had been slow before calling at his turn. He said he considered other calls but that 3" and 3! had substantially less bridge merit and in his opinion double was the only conceivable call. The Committee was told that 3É by South would have been forcing; N/S's system did not include a way for South to show long clubs in a weak hand.

**The Committee Decision:** The Committee agreed that the only bridge bid over 2! was double. They also believed that E/W, after seeing the North hand, should have agreed and not appealed the Director's ruling. The appeal was found to be without substantial merit; E/W were each assessed an AWMPP.

**Committee:** Henry Bethe (chair), Barry Rigal, Robert Schwartz

**Directors' Ruling: 91.8**      **Committee's Decision: 89.6**

Yes, South broke tempo over 2! and this made North's balancing double more attractive. So what's your point, E/W? Does that bar North from the continued occupancy of his seat? Perhaps he should have prostrated himself on the table and begged you to take his matchpoint allotment for the entire round.

Bart, what's really behind this appeal?

**Bramley:** "E/W's only apparent reason to appeal seems to be that they already had to show up for the preceding case. One worthless appeal deserves another?"

Aha! That explains it. Even Standard American players would reopen with the North cards, but it's even clearer (if that's possible) playing Precision, where North has a maximum for his non-1É opening and safety in 3". Double is the standout balancing action (3" fails to bring hearts into the picture and 3! is a large overbid) and the UI really doesn't suggest it over the other actions. Calling the Director once North's hand was known was foolish, but appealing the ruling took real chutzpah.

**Weinstein:** "Perfect. However, now I want to go back to the last case and reconsider my decision."

**Gerard:** "Is there any procedure for issuing warnings about appeals without merit?"

Directors or Screeners should be able to do this in appropriate cases, not for the Committee's benefit but for the appellants'. If ever a case called for a warning, this was it. Maybe we should rethink that jurisdictional issue from CASE EIGHTEEN."

**Rigal:** "Good Director ruling, and the Committee correctly imposed the AWMPP. I hope to see more of these, and hence fewer appeals, in the near future."

**Treadwell:** "Good – some more AWMPPs handed out."

**Brissman:** "Well done."

**Berkowitz:** "Agree with the ruling and decision. Need some guidelines as to what penalty severities are possible."

Guideline 1: Either assess an AWMPP or don't; Guideline 2: See Guideline 1.

**Stevenson:** "If the North hand was given to the MSC I believe there would be some votes for 3" and 3! . To say that double was the only bridge bid (call, surely?) seemed wrong. However, all the tempo break indicated was that South had some values. While it suggested bidding or doubling rather than passing it gave no indication of what was likely to be the successful positive action. Thus, while 3" and 3! were LAs, double was not suggested over them. Result stands. It is a pity the Director's ruling did not give the reason."

The following panelist appears to be either auditioning for the role of Sybil or refining a new agenda.

**Wolff:** "Ridiculous to say this appeal had no merit. True, double was the standout choice and should be allowed, but 1 matchpoint for HD, otherwise we advantage the possible bad guys. Certainly no frivolity should be cited."

I'm *still* appalled at this appeal.

CASE TWENTY

**Subject (Tempo):** What, Me Huddle?

**Event:** Stratified Open Pairs, 27 Nov 98, Second Session

Bd: 30	∫ J3		
Dlr: East	! 53		
Vul: None	" A10874		
	Ê 8742		
∫ A1084		∫ Q92	
! QJ8762		! K104	
" K2		" QJ93	
Ê 9		Ê 1063	
	∫ K765		
	! A9		
	" 65		
	Ê AKQJ5		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	1NT
2! (1)	Pass(2)	Pass	3Ê
All Pass			
(1) Alerted; majors			
(2) Break in tempo			

**The Facts:** 3Ê made three, plus 110 for N/S. After East's second pass South began to reach for the bid box. East immediately spoke up and told South that if he planned to bid, East was calling the Director. South then bid 3Ê and East called the Director, who questioned the players and found that North had broken tempo for 2-3 seconds before she passed. The Director ruled that UI was present (Law 16A) and that pass by South was a LA. The contract was changed to 2! made three, plus 140 for E/W.

**The Appeal:** N/S appealed the Director's ruling. The N/S pair claimed that there had been no break in tempo. South stated that he would always bid 3Ê because

of his maximum, even if there had been a break in tempo. E/W stated that a break in tempo was agreed to when the Director was called to the table.

**The Committee Decision:** There was a dispute about whether North broke tempo. N/S were playing Lebensohl over interference bidding and the Committee agreed that North probably had to think for at least some time before she passed. There was also initial agreement that a break in tempo had occurred. Therefore, the Committee decided that there had been a break in tempo by North and that UI was present. Law 16A states that "...partner may not choose from among LA actions one that could demonstrably have been suggested over another by the extraneous information." Was pass a LA for South? Although the hand contained good clubs and a maximum, the spade holding was particularly worrisome, especially in view of East's preference for hearts. This suggested short spades with East, who may have been forced to take a false preference with only a doubleton heart and a singleton spade, hence long clubs. The Committee believed that without the break in tempo pass was certainly a LA. The tempo break strongly suggested that bidding rather than passing would be more successful. The Committee changed the contract to 2! made three, plus 140 for E/W.

**Committee:** Doug Heron (chair), Ron Felton, Jim Gordon

**Directors' Ruling: 81.8**      **Committee's Decision: 77.8**

I differ with the Committee (and Director) on whether pass was a LA to 3Ê for South, and possibly on the break-in-tempo issue as well. I'll defer discussion of the tempo issue until later. First, let's hear Bart's eloquent comment on the LA issue.

**Bramley:** "I disagree. We have to draw the line somewhere, and I would draw it here. South has a solid suit, which increases his chance of success and lessens his chance of getting doubled. He has only a doubleton heart, and many of his high cards will likely be worthless on defense. He needs at least two tricks from partner,

more likely three, to set 2! . If either 2! or 3Ê is making he will be right to bid, and often, as here, they will both make. The vulnerability, nobody, is best for competing, since it lowers the penalties for both sides. Thus, bidding 3Ê is clear, sufficiently clear that passing is not a LA. Contrast this with CASE FOURTEEN, which is superficially similar. However, in CASE FOURTEEN the balancer's suit was relatively poor, increasing the chances of a set and of being doubled. His defense against 3Ê was better, with all of his high cards being possible tricks. The opponents were one level higher and were vulnerable, meaning he could be wrong to bid even if he were making because he might be getting 200 on defense. Thus, pass was a LA in CASE FOURTEEN. N/S were unlucky that one member of this Committee was a participant on the winning side of that (CASE FOURTEEN) appeal. I suspect that he was loath to undercut his winning argument from that case by taking the other side on this apparently identical hand."

Echoing Bart's sentiments (as well as my own) are...

**Rigal:** "In this situation where North may not have paused, and South had extreme distribution coupled with minimum defense, the action should be allowed in my opinion. Here there was no LA to acting – though double for take-out might also be on the cards; passing would have been just wrong at this vulnerability."

**Berkowitz:** "I think we are going overboard. Even though I hate huddles, I think any player, whether he considers that a (15-17?) notrump or not, should be allowed to bid 3Ê . However, when South bids 3Ê , I will not allow N/S to compete to 4Ê (over 3! by East or West). So, the result stands at 140 for all the wrong reasons."

The remaining panelists are more-or-less content with the Committee's decision, but raise the spectre of my second reason for questioning this decision.

**Brissman:** "The Director could have settled the disputed facts by noting in the "Director's Comments" section of the appeal form whether the players agreed on the tempo break when the Director was present. Although many players would try 3Ê , pass is a LA and thus the Director and Committee decided appropriately."

The Director noted in the "Facts" section of the appeal form that "all at table agree at the time that a small break did occur." Although this was not clearly stated in the final write-up, it does say that the Director "questioned the players and found that North had broken tempo for 2-3 seconds before she passed" and that E/W reasserted that this was the case at the hearing.

But what exactly did N/S agree to at the table? I believe they agreed that North took 2-3 to pass over 2! – not that this represented a break in tempo. These are two entirely different things, as several panelists have pointed out (most recently Bart's comment on CASE TEN). Bart argued then for using the terms TOTAL time and EXTRA time to refer to this distinction. I believe this is unnecessary and in practice won't be done consistently enough to make it a feasible policy. In my experience, when we are told something like "North broke tempo for 10-12 seconds after the Skip Bid Warning" the author invariably means that the TOTAL time North took was 10-12 seconds. When referring to the EXTRA time taken, the write-up usually says something like "North hesitated for 10-12 seconds longer than usual for a Skip Bid." I recommend making this our new defacto procedure: Time estimates always refer to TOTAL time, unless explicitly stated otherwise.

So is the following panelist right in his appraisal of the break-in-tempo issue?

**Stevenson:** "Was pass a LA? Yes. Was there a break in tempo? The Director so ruled, and it should be very rare that an Committee overrules the Director on a matter of fact. Of course, the presence of the Director at the Committee hearing is mandatory in such cases so the Committee can speak to the table Director. Thus the decision was clear."



I don't know. I would have asked the players (and the Director, had he been available): "What was North's tempo when making all of her other bids during the round (not just on this board)?" If North took, say, 1-3 seconds before making her other calls, then the 2-3 seconds she took to pass 2! was effectively within the normal time range of her actions, even though it might have seemed, in isolation, like a break in tempo. While I cannot state precisely how long I personally take to make my calls, I always pause and give the appearance of considering every one of my actions (even one as obvious as the final pass in the uncontested auction: 1NT-3NT-Pass!) When every call gives an appearance of alternative actions having been considered, then thinking in a situation such as in the present case provides no basis for a legitimate claim that UI has been conveyed to partner.

The next panelist reinforces this attitude. Do you think we are being too unrealistic in our request?

**Weinstein:** "Good. The write-up stated that North broke tempo for 2-3 seconds. Does this mean 2-3 seconds more than the 2-3 seconds that she should be taking? I still look forward to the day when a 2-3 second huddle is automatic, not a break in tempo. Had N/S not agreed to a break in tempo, the 2-3 second hesitation over a conventional bid was proper tempo. Can't we standardize the use of hesitation to mean the time actually taken, rather than specifying a number of seconds as a break in tempo, which is a judgment call for the Directors and Committees within the context of the hand? If the Directors and Committees use these terms interchangeably, how can we expect the players to not admit to a break in tempo, even if they really mean they believe they hesitated appropriately for the situation? If 3E was a very likely call for South, then E/W could have been left with the table result."

Howard raises an excellent point. Even in the current climate, a 2-3 second pause after a conventional bid should be considered proper tempo. But this can only be enforced if the player's other calls are made deliberately, not so quickly that a 2-3-second pause seems like an eternity by comparison.

**Wolff:** "I agree with the ruling, but some people would bid on this hand who would not reopen with a double on the hand in CASE NINETEEN. Some see a swan and some see a duckling. Let's all see that HD makes it hard to adjudicate our game. Let's inoculate our players against it by penalizing it every chance we get."

Isn't that a contradiction? Wolffie voted to allow the balancing double in CASE NINETEEN (albeit with a penalty for HD). Now he acknowledges that "some people would bid on this hand who would not reopen with a double on *that other hand*" but then agrees with the Committee's not allowing the 3E bid. Huh? I'd really rather he vote to allow the 3E bid here and then assess a HD penalty. At least that would show consistency, without which his philosophical tree appears just a willow in the wind of the moment. The goal of "punishing HD (and CD) out of existence" is being enforced through arbitrary and capricious methods. The process appears disturbingly post hoc. One simply decides on the desired end result, then assigns a score, penalty, or whatever to achieve that goal.

With this "end justifies the means" approach, it is no wonder that Edgar has assumed an even more exalted position in death than he ever held in life (if that's possible). Edgar was the master of knowing how to achieve what he believed was the right decision, but he found the means to his ends *within the laws*. The "punish out of existence" approach recognizes no such restrictions. It ignores the laws in favor of a sense of personal justice. So how do we mere mortals administer proper justice using this approach? With many ways to achieve any desired end, and no rules to follow, getting there should be no problem if you know the desired goal. But how do we know the right goal? Hmm...I guess we just ask Wolffie.

Speaking for those who see a duckling, "Quaack!"

**Subject (Tempo):** Oh, To Have Been A Fly On The Table  
**Event:** Reisinger BAM Teams, 27 Nov 98, First Qualifying Session

Bd: 27	Neil Silverman		
Dlr: South	! Q93		
Vul: None	" A73		
	" KQ10		
	E J1042		
Steve Weinstein		Bobby Levin	
! KJ654		! 2	
" KJ1064		" 82	
" 8		" A7532	
E 86		E AKQ93	
	Jeff Wolfson		
	! A1087		
	" Q95		
	" J964		
	E 75		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1"	2E	Pass
Pass(1)	Pass	Rdbl	Dbl
2!	Pass	Pass	Pass
Pass	Pass	Dbl	3"
(1) Disputed break in tempo			All Pass

**The Facts:** 3" doubled went down three, plus 800 for E/W. N/S called the Director at the end of the play and alleged that West had hesitated for about 10 seconds before passing the double of 2E. E/W denied the allegation. The Director allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling. N/S said that West took about 10 seconds to pass the double of 2E. North said that West's bids were usually in a normal tempo but that this was a clear break from the norm. South said that his partners coach him to maintain a greater table awareness because he is often oblivious of what happens, but even he noticed that West "had a problem." N/S contended that the play in 2E doubled was not clear and asked for an artificial adjustment. E/W

said they had discussed tempos and had agreed that they should not make quick calls in competitive situations: they should pause about 4 seconds in these situations. They said that to act faster might carry untoward ethical implications. East explained his redouble by saying that he thought North might be five-five in the minors and his partner might be five-five or six-four in the majors. If that was the case, then he would have to "eat" the small diamonds, when the damage could be less in West's major for which his hand could provide speedy tricks in the minors. East said that if he had observed a break in tempo, he never would have bid, believing a judgment like the one he made would have been prohibited. A kibitzer at the table was brought to the hearing by E/W. He said he did not observe any noticeable break in tempo. N/S said they had no reason to believe that the kibitzer, a friend of all four players, would have any reason to distort his report based on a desire to favor one side over the other.

**The Committee Decision:** In cases of disputed fact, the appealing side must carry the burden of proof. The Committee must assemble all the evidence and decide which side has the preponderance. In this case, the Committee considered the following points:

1. West's hand was evidence that he did not pause to consider acting over the double. West said his only thoughts were whether to double a major if the opponents bid one or to raise clubs if the opponents bid 2".
2. East's redouble was sufficiently bizarre to suggest it might be based on information gleaned from something other than the auction itself. That, though, is somewhat of a double-edged sword in that East said that he felt he would not be entitled to such a bid if he were aware of a break in tempo. Therefore, his redouble might be viewed as evidence that there was no "unmistakable hesitation" (Law 16A).

3. A kibitzer's testimony (in this case that he observed no break in tempo) can be considered in cases of disputed fact. The Committee noted South's statement that there was no reason to attribute distortion to the kibitzer's testimony based on any sense of loyalty to East and West.
4. Although N/S do not waive their right to redress by waiting to call for the Director until the end of the hand, failing to call after an "unmistakable hesitation" is evidence that it was not actually an unmistakable hesitation. Law 16A1 states, in part, "...a player...may, unless the regulations of the sponsoring organization prohibit, immediately announce that he reserves the right to summon the Director later (the opponents should summon the Director immediately if they dispute the fact that UI might have been conveyed)." The ACBL Board of Directors, as a sponsoring organization, has elected for Law 16A1 that "At ACBL sanctioned events, competitors will not be allowed to announce that they reserve the right to summon the Director later. They should summon the Director immediately when they believe there may have been extraneous information available to the opponents resulting in calls or bids which could result in damage to their side."

After considering this evidence and the players' testimony, the Committee decided that N/S did not carry its burden to prevail on the facts by a preponderance of the evidence. Therefore, the Committee found that, as a matter of fact, there was no unmistakable hesitation by West over 2 $\bar{E}$ . Absent evidence of UI, the Committee allowed the table result of 3" doubled down three, plus 800 for E/W, to stand.

**Committee:** Michael Huston (chair), Harvey Brody, Sid Brownstein, Bill Passell, Dave Treadwell

**Directors' Ruling: 78.5      Committee's Decision: 77.8**

I can't tell what happened from the write-up, so I'll add my own layer of silt to the already muddy waters. West is a very deliberate (some might say slow) player. He probably took about 10 seconds before he passed the double, but I suspect this was not the sort of deviation from his normal tempo that N/S made it out to be. It is likely that N/S detected a "hesitation" over the double more because of the tempo-sensitive situation than because of a contrast with the tempo of West's other calls. Two other things are important here: (1) the Director did not rule that a hesitation occurred, and (2) the kibitzer did not notice one either. I agree with the Committee and would have allowed the table result to stand for the reason stated.

One other issue. What did N/S think would have happened in 2 $\bar{E}$  doubled? I make plus 180 for E/W an overwhelming favorite after: diamond lead to the ace, diamond ruff, spade to South, club, with East later guessing hearts.

Bart may have devised a "perfect" solution for this case.

**Bramley:** "How convenient that a friendly kibitzer was able to take everyone off the hook! One wonders how the Committee would have decided without this escape route. Normally in disputes about a break in tempo the Committee assumes that a break did occur. Opponents do not, as a rule, fabricate hesitations for their opponents, but the hesitating partnership frequently 'doesn't notice anything unusual.' 2 $\bar{E}$  is a huge favorite to make, maybe with an overtrick or two. I might have given a split ruling, assigning E/W 2 $\bar{E}$  doubled making two, plus 180, and N/S 2 $\bar{E}$  doubled making three, minus 280. The BAM results for each team would depend on the result at the other table, but do not have to add up to a full point. (If the other E/W were plus 200 both teams would get a zero. One can only hope.)"

The only possible problem with Bart's solution is that E/W might then have appealed, claiming victory because they lost the board by less (plus 180 versus minus 200 = minus 20) than N/S lost the board (minus 280 versus plus 200 = minus 80). The following panelists also agree with the Committee's decision.

**Brissman:** "Good job. Most troubling to me was the timing of the Director summons. Even if a break in tempo had occurred, the summons after the bad result has a 'sour grapes' connotation."

**Weinstein:** "Good title and good consideration by the Committee of a tough fact case. Whether the Committee arrived at the right conclusion regarding the huddle, only the fly can know. However, not being a fly in this life doesn't prevent me from having my guesses about what probably happened at the table."

Whatever Howard's guess, I'll bet a Weinstein comes out smelling like a rose.

**Rigal:** "This is a nasty one. I think the Director made a reasonable ruling – I have no idea from the report whether the Director established no hesitation or no infraction. If the former, his ruling was clearly right. If the latter, I am not sure what I would have done. Probably the same. The Committee seems to have done a very thorough job of establishing the facts and used sensible criteria – I see no reason to assume that I could improve on their judgment as to the facts."

The next panelist makes some of the same points as Barry.

**Stevenson:** "It is unfortunate that the write-up does not include the reason for the Director's ruling. Certainly he let the table result stand, but why? Did he conclude that there was no break in tempo, so no UI, or did he rule that there was UI but no damage? In cases of dispute as to whether there was UI the testimony of the table Director is vital and it is mandatory that the Committee should hear it. Since no reference was made to such evidence in the write-up, it appears that such evidence was not heard. This is very unfortunate since initial reactions by players are very revealing. Given that the Committee had inadequate evidence they made the obvious decision: once the N/S players did not call the Director at that time the burden of proof shifts, so it was correct to rule no break in tempo."

The Director's notation on the appeal form states, "It is alleged but disputed that West broke tempo over South's double at 2 $\bar{E}$ ." The ruling is given simply as "No adjustment," without explanation or law reference. Also, unlike in most other cases, the Director's name is not listed on the appeal form. So we don't know what facts the Director found or even who to call to find out.

Is this the test case for having the table Director present at the appeal hearing? The issue is complex, but here are my thoughts on it based on discussions with management. In England and other parts of the world, tournaments are rather modest in size and conform to a two-session-a-day format, requiring a relatively small number of Directors. Our NABCs are huge by comparison, with sessions starting at a minimum of four (and sometimes more) different times during the day (morning events, afternoon and evening events, midnight games, and possible staggered starting times for senior or "fast" events). We employ scores of Directors who work varying schedules, having an occasional afternoon or evening session off while working one or more other sessions the same day. Other times they may work an early morning session following right on the heels of an evening session.

Take the example of a Director with an evening off who has an appeal pending from that afternoon. If he were required to show up at the hearing (scheduled, say, for 11:30 pm), he would not be at liberty to spend his evening off as he might wish. For example, he couldn't go to a late movie or dinner that would not permit him to return to the tournament by hearing time. Nor could he plan to go to bed early or watch a late sporting event on TV. Or take a Director scheduled to work the early session the next morning and who had an appeal from that day. He could be detained in the appeals area until 1:00 am or even later, yet still need be up by 7:30 the next morning to Direct that session. Clearly this is an unacceptable imposition on our Directing staff – perhaps even illegal.

Of course there are possible remedies for some of these problems. It might be

possible to give Directors a whole day off at a time instead of a single session. It might be possible to have different Directors work different time slots to prevent some of these conflicts. But whatever the proposed solution, a certain amount of inconvenience will be imposed on our Directors and management to implement it, assuming that an implementation is logistically possible (which is uncertain).

And what do we get in exchange for this potential scheduling nightmare and imposition on our Directing staff? What percent of cases would benefit from the table Director's presence. My guess is up to 5% at most. Remember, the Screening Director's current job is to review each appeal form, then consult with the table Director to acquire all of the pertinent facts in order to present the case himself to the Committee on the table Director's behalf. Also, the Screening Director or Committee may request the table Director's presence at the hearing if they judge it is needed. (Of course finding the Director and getting him to the hearing room may present a different sort of problem.) So how often will the present procedure be inadequate? Is a change warranted? My guess is probably not, as long as the Screening Directors do a conscientious job, which has generally been the case up to now. Those occasional problems which have arisen, in my experience, have been due more to Committees not recognizing the need for the table Director's presence or not knowing they can request his presence, and trying to make do without him, than to anything else. Certainly that seems to have been true in the present case.

**Berkowitz:** "A very difficult hand. All are my friends. I know there is no agreement as to the huddle, but the nature of the West hand and the peculiarity of East's bids might well persuade me that something had occurred. I don't think I have a good answer. I think I would have to have been there."

How do you think this case got its title?

And now, the case for the prosecution. (You didn't really think you were going to get off that easy, did you?)

**Gerard:** "Did you ever find that a player knew less about the hand after he saw the hand records than before? If so, do you think East is one of them?"

"Edgar used to have an acid test for determining whether there was any LA to removing a hesitant penalty double. If the hesitator had instead shattered the rafters with his double, folded up his cards and glared across the table, would a not-very-ethical partner sit for it? In the present case, if West had put on a performance worthy of CASE EIGHTEEN before passing, what call would a not-very-ethical East have made? That's right sports fans, Big Blue. Not pass, which doesn't cater to any of West's likely reasons for huddling. Not 2", which gives up on the possibility that N/S have made a mistake. Obviously, that is not an accusation or an indication of what necessarily took place on this hand. But it can be useful at times to try to determine what would have happened if there were UI and a Law 16A infraction (acting on UI). Since the answer here is that it would have been the same as what actually took place, there is at least a presumption that a case has been made. That is especially so when the action taken appears to be the result of insufficient sun screen protection. My reaction to redouble is they'd have to cut my tongue out first.

"So with the preliminaries out of the way, it's the Committee's 15 minutes. They made the following points:

1. West's hand indicated no hesitation (why, exactly, is that?) yet he said he thought about the next round of bidding.
2. East perpetrated a remarkable action, catering not only to all majors (five-four wouldn't have huddled) but also to plus 560, and then said when asked about a break in tempo, 'I don't do that kind of thing.' That sure would have been good enough for me.
3. The kibitzer supported one side's view of the facts. The bridge of it was irrelevant.
4. N/S would have called sooner if there had been an unmistakable hesitation.

Earth to Committee: this is the way top players react, especially when they're friendly towards each other and past, present or future professional considerations may be involved. You don't call for the Director because you hope you won't need him. Experts do take the law into their own hands; after all, they don't want to get reputations as bridge lawyers ('I had to call for the Director, it says so right here.') They don't think they will be questioned when they later assert their case.

I don't buy it. Sometimes the big guys just know what's going on. I haven't wheeled out Justice Stewart in the obscenity cases in a while, but his observation seems appropriate here. West's tempo was at most subtle and didn't scream 'look at me,' but the totality of the evidence establishes N/S's view of the facts. A preponderance of the evidence need only be 51%. The play in 2E doubled was clear. Plus 180, minus 180. I would bet on an overtrick, but the mandated 12C2 result was making two."

Ron makes a pretty compelling case, although it is largely circumstantial. Why wouldn't five-four have huddled? Because it's normal to play for greater length in the lower of two "shown" suits? (That's a pretty cynical view of someone's ethics.) And why was East's redouble so remarkable? With a top-heavy suit, one of the opponents (presumably North) was likely to be nervous about sitting for the double without club values. And if North has real (five-card) club length, then South (the weak link at the table) would be nervous because of his club shortage. Redoubles tend to be more frequent and to win more often at BAM than at other forms of scoring (with the possible exception of rubber bridge): they have less to lose (after all, only 1 point is at stake) at BAM scoring, even if the phone number is long-distance. With extra ways to win, I think the odds slightly favor the redouble. If N/S were right to defend 2E doubled, then using "Big Blue" figured not to make the situation any worse than it already was. And remember, the tie-breakers are still the kibitzer and the Director.

When you're not sure what happened, the only sure-fired solution is to ask...

**Wolff:** "This case is really hard to believe. My guess is that West broke tempo, North made a very aggressive bid, and East took full advantage of partner's tempo break. Why, unless he did break tempo, would East redouble - maybe 2", but why redouble? If, after the redouble, partner had 4-4-4-1 would he bid 2" and stay there if doubled? It is indeed sad to have this happen and have the culprits walk away with a good result. Anybody want to buy some snake oil? Why are the Directors and Committees so vulnerable to salesmen? Are they intimidated or do they just want to appear sophisticated? If they knew how they do look they would stop it immediately and the shenanigans would slow down."

Actually, I have a great deal of sympathy for these last two panelists' position. I also marvel at how wonderful it must be to be infallible.

CASE TWENTY-TWO

**Subject (Tempo):** A Statue Of Liberty Huddle

**Event:** NABC North American Swiss Teams, 28 Nov 98, Second Semi-Final Session

Bd: 21	Steve Bloom		
Dlr: North	98654		
Vul: N/S	! 1084		
	" 54		
	É KQJ		
Michael Crawford		Roger Doughman	
A7		3	
! KJ7532		! A96	
" AQ103		" J9862	
É 7		É A1054	
	Betty Bloom		
	KQJ102		
	! Q		
	" K7		
	É 98632		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	Pass	1
2!	2	4!	Pass
Pass(1)	4	Pass	Pass
5"	Pass	6"	All Pass
(1) Break in tempo			

**The Facts:** 6" made seven, plus 940 for E/W. N/S called the Director when dummy came down. West had broken tempo before he passed 4|. After the hand was completed, the Director ruled that the table result would stand.

**The Appeal:** N/S appealed the Director's ruling. North stated that West's hesitation after his partner bid 4| was clearly in contemplation of further action. This, he contended, made the subsequent 5" bid unambiguous as suggesting a delayed slam try and not an attempt to find the best save non-vulnerable versus vulnerable opponents. West stated that he had considered his action over 4| for a few seconds, but contended that the auction had returned to him rapidly. N/S contested this and elicited

agreement that a Stop Card had been used by East before the 4| bid and that South had paused appropriately before passing. It was also determined that E/W did not play Michaels cue-bids.

**The Committee Decision:** The Committee's decision was made in three stages: (1) was UI present; (2) was that information unambiguous as to content; and (3) without that information would some East's not raise to 6". The Committee found that: (1) UI was present; (2) under the given conditions (favorable vulnerability and not playing Michaels) it was clearly possible that West was simply looking for the best save; and (3) in the absence of the UI East might well not have raised. The Committee then considered whether East would pass or take a preference to 5| and decided that he would pass. The Committee therefore changed the contract to 5" made seven, plus 440 for E/W.

**Committee:** Henry Bethe (chair), Harvey Brody, Jeff Goldsmith, Ed Lazarus, Richard Popper

**Directors' Ruling: 65.5      Committee's Decision: 74.1**

I must admit that I initially agreed completely with this Committee's decision. Like the following group of panelists, I thought this was a slam dunk.

**Berkowitz:** "Absolutely correct by the Committee."

**Brissman:** "I'd like to be critical of this decision because the resulting score adjustment knocked my team out of final day competition. But I must concur with the Committee. Without the UI, 5" would not likely be interpreted as a belated slam

try."

**Stevenson:** "It is surprising that the Director did not adjust. It would help if the write-up included details of the Director's ruling. Did he conclude there was no UI? No real information in the UI? No damage?"

**Weinstein:** "Excellent Committee work and decision. The Committee could have left N/S with their score had they believed it was highly likely that E/W would have bid the slam without UI present."

**Rigal:** "It looks to me as if the Director missed the rather subtle point here. In context, although I think the Director ruling is wrong, it is a rather obscure issue. The Committee focused correctly on the points raised by the appellants and came to a defensible if harsh decision. Were N/S benefited unduly here? I think so, but as the rules stand I think the Committee made the right decision. I doubt whether this will please everyone though..."

That last sentence is more of an underbid than I'd bet Barry envisioned, since the next group of panelists are on the warpath over this decision.

**Bramley:** "Farfetched. Surely no rational West would be looking for a new trump suit, especially a minor, after partner had jumped to game in his first suit – a major. As long as West holds at least the ! KJ and the " AQ slam will have a play. If his suits are any stronger slam will probably be cold. And how could West realistically be weaker than that? West was lucky that East held such a good hand for him, but East was looking at his own hand when he bid a slam. North took a bad bid and got punished. He shouldn't whine to a Director and a Committee. I would have let the result stand and also ruled no merit."

Wow. No merit to boot. The next panelist sheds some light on the reasons why Bart's perspective could be the right one.

**Gerard:** "HELLO? Truly outrageous. N/S were saving. They play Precision (oh, you didn't know that?), are known to bid at every possible opportunity and probably (I'm guessing) are Total Trick sycophants. I hate the Forcing Pass, but I would have considered this auction forcing on E/W. There is nothing about unfavorable vulnerability that supports the likelihood of taking more tricks than the opponents. Both E/W and the Committee could have used a good bridge lawyer. Repeat after me: rating system, rating system, rating system."

I don't agree that East's pass over 4| should be forcing. East's 4| bid could easily have been a gambling action based on a much weaker hand (especially at favorable vulnerability). And West's 5" bid could have been intended to establish a basis for deciding how to cope should N/S compete to 5|. The anomalous information in this picture is that North initially bid only 2| and South passed 4|. That argues for treating East's pass over 4| as forcing. But as Ron might have put it, "If I had to rely on the enemy's bidding to judge whether we've made the right decision, I'd give up the game." (See his comment in CASE FIFTEEN.) Everyone here could be making, or close to making, what they've bid. And just because N/S are aggressive bidders doesn't mean that E/W can't be the ones who are "saving" here. Bart is correct to point out that the ! KJ and " AQ with West (assuming he's five-five) will produce a play for slam, and he could be even stronger. But that didn't stop East from probing that possibility over 2| instead of jumping to 4|. After all, he must have known that N/S were playing Precision, even if we haven't been made privy to that information (and why haven't we?) Bart is also mistaken when he says that West couldn't realistically be any weaker than ! KJ and " AQ, since E/W weren't playing Michaels (see **The Committee Decision**). West could hold something like | Jx ! KQxxx " Axxxx É x. But West's tempo over 4| made

it clear that 5" was forward going and not save oriented.

I respect the points made by Bart and Ron. Their questions could certainly stand some additional clarification. Still, I think this Committee made the right decision based on what I've seen so far.

For those who want to know what the right decision is, we tune you now to "The Infallibility Channel."

**Wolff:** "A terrible decision! Sure West's study over 4<sup>l</sup> indicated more. What did North expect when he bid 4<sup>l</sup>? That he had been given a bullet-proof vest to wear insuring against a slam bid against him? A study in the 'virtual' pass-out position is quite different from other studies. Sure there is some degree of responsibility, but when East passed it around to his partner and he bid 5", why would East not raise to 6"? E/W did nothing wrong and the Committee cannot see it. E/W plus 940."

Yes, North took a risk when he bid 4<sup>l</sup>. But this should not have included having to cope with the opponents' UI. If I wanted to take out insurance against my opponents finding their saves (or games), I would simply give the appearance of wanting to bid further whenever I was about to pass my partner's jump to game. (I do this now, but no more so over partner's game bids than in other situations – as I mentioned in CASE TWENTY.) That would surely dissuade my opponents from bidding again in close situations, as North did here, for fear that they'll push me into slam. And if they then try to claim UI I would say, "What did he expect when he bid 4<sup>l</sup>? That he'd been given a bullet-proof vest to wear insuring against a slam bid against him?"

## CASE TWENTY-THREE

**Subject (Tempo):** A Call In Time?

**Event:** NABC North American Swiss Teams, 28 Nov 98, First Semi-Final Session

Bd: 9	Jim Kirkham		
Dlr: North	! AQJ1086532		
Vul: E/W	! Q94		
	" ---		
	Ê A		
Bobby Goldman		Mark Lair	
! 4		! K9	
! AJ8		! 10732	
" QJ109632		" AK74	
Ê 62		Ê 874	
	Corinne Kirkham		
	! 7		
	! K65		
	" 85		
	Ê KQJ10953		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	2 <sup>Ê</sup>	Pass	3 <sup>Ê</sup>
Pass	3 <sup>Ê</sup>	Pass	4 <sup>Ê</sup>
Pass	4 <sup>l</sup> (1)	All Pass	
	(1) Alleged fast bid		

**The Facts:** 4<sup>l</sup> made four, plus 420 for N/S. After all the boards had been played and before comparison with their teammates, E/W called the Director and stated that North's 4<sup>l</sup> bid was made with undue haste. N/S denied the allegation and stated that E/W had made no indication during the hand that there had been an irregularity. The Director ruled that since he had not been called at once when attention was drawn to an irregularity (Law 9B1A) Law 16A could not be invoked since he could not establish that a fast bid had occurred. The table result was allowed to stand.

**The Appeal:** E/W appealed the Director's ruling. West stated that the Director had not been called at the time because he wanted to

consult his partner as to whether or not he too had noticed the fast bid. As soon as he had conferred with his partner and found out that his partner agreed with him, he called the Director before comparing scores with his teammates. E/W believed it was unusual for South to pass 4<sup>l</sup> and that the tempo of the fast 4<sup>l</sup> suggested not bidding. His teammates had reached 5<sup>l</sup> as had many other pairs. E/W believed the score should be adjusted. N/S stated that the 3<sup>Ê</sup> bid showed a good hand and a good suit and that positive values were required for the 3<sup>Ê</sup> bid. The sequence 2<sup>Ê</sup> - 2" - 2<sup>l</sup> - 3<sup>Ê</sup> showed a double negative in their system, 2<sup>Ê</sup> - 2" - 2<sup>l</sup> - 4<sup>Ê</sup> was a splinter and 2<sup>Ê</sup> - 3<sup>Ê</sup> - 4<sup>l</sup> showed a nine-winner hand. If the auction had been 2<sup>Ê</sup> - 3<sup>Ê</sup> - 3<sup>l</sup> - 4<sup>l</sup>, 4NT would have been Roman Keycard Blackwood; North stated that is what he would have bid had South bid 4<sup>l</sup> but that he would have signed off in 4<sup>l</sup> had his partner bid 4". South stated that she had not noticed anything during the auction because she rarely looks at her partner. She stated she did not need to bid her hand a third time. N/S stated that East had made a comment at the table which had clearly indicated he had noticed something he was unhappy about.

**The Committee Decision:** The Committee found that Law 9 does not prevent facts from being established but makes it more difficult to establish them. They also believed that Law 11 did not preclude E/W from bringing their appeal. East's comment at the table should have registered with West that he was unhappy and the Director should have been called at that time. The appellants were encouraged to call the Director in a more timely fashion in the future. East's comment after the hand and West's perception led the Committee to conclude that the 4<sup>l</sup> bid by North had been out of tempo. To some extent this may have been caused by the fact that he had time to think while his partner was deciding to bid 4<sup>Ê</sup>. Bids that might be considered over 4<sup>l</sup> are pass, 5<sup>Ê</sup>, 5<sup>l</sup> and 6<sup>Ê</sup>. Was pass demonstrably suggested over a fast 4<sup>l</sup>? Slam would make opposite some North hands, but generally 6<sup>Ê</sup> would be the only slam that would have play. South would have to just bid 6<sup>Ê</sup>; otherwise, it would be difficult to get there. 6<sup>l</sup> would be almost impossible to make

on this auction and if South bid 5 $\heartsuit$ , North would have treated this as a cue-bid in support of spades and would have bid higher than 6 $\heartsuit$ . Therefore, the Committee decided that there was no LA to pass. The Committee changed the contract to 4 $\heartsuit$  made four, plus 420 for N/S.

**Committee:** Barry Rigal (chair), Bart Bramley, Ron Gerard, Riggs Thayer, Robert Schwartz

**Directors' Ruling: 78.5      Committee's Decision: 86.3**

Let's see. The auction 2 $\heartsuit$  -3 $\heartsuit$  -4 $\heartsuit$  showed a nine-winner hand. North had a nine-winner hand. So the actual auction showed – what? A ten-winner hand? An eight-winner hand? A hand without unilateral direction for spades? I spoke to West about this hand shortly after it happened. I didn't then, and I still don't, quite see the connection between North's alleged fast action and South's pass of 4 $\heartsuit$ . That, coupled with the delay in speaking to the Director and particularly with E/W's failure to say something to North at the time the problem occurred, makes a score adjustment impossible. Therefore, I agree with the Committee's decision.

I wonder about the Director's statement that, "since he had not been called at once when attention was drawn to an irregularity (Law 9B1A) Law 16A could not be invoked since he could not establish that a fast bid had occurred." Baloney! I've seen this done many times. Barry is right when he calls this a cop-out (see below).

One other point. West has recently come out with some very strong public statements about Committees not changing the table result without a compelling reason to do so. Does he believe this case contains the sort of compelling evidence he thinks should be required of others before adjusting their scores? I wonder.

Let's hear from the three panelists who served on this Committee.

**Rigal:** "A cop-out by the Director, and a salutary learning experience for the Committee – who were not as well informed about late Director calls as one might expect. (In fact, no one seems to be!) I like the decision, but I would say that, wouldn't it? Given N/S's statement about their methods it is hard to see why South has to be forced to bid again here."

**Bramley:** "This case was difficult, but I think we got it right. In my own informal poll afterwards I found some players who thought bidding over 4 $\heartsuit$  was right, but when I asked them for matching hands for partner that would justify bidding they were hard-pressed to find any. Eventually they agreed with the Committee that 6 $\heartsuit$  was the only slam likely to have a play, that even 6 $\heartsuit$  would frequently have little or no play, and that bidding 6 $\heartsuit$  directly over 4 $\heartsuit$  was the only sequence likely to get to 6 $\heartsuit$  instead of 6 $\heartsuit$ . This case raises an awkward contradiction. On the one hand we might well find enough players who would bid over 4 $\heartsuit$  to establish bidding as a LA. On the other hand a close analysis of the hand very strongly suggests that bidding is wrong. We decided that when such a compelling analysis could be made in favor of the winning action, the existence of some players who could not handle that analysis should not invalidate the performance of the player at the table who could."

**Gerard:** "Quibble, quibble. I thought we decided that pass wasn't demonstrably suggested over any of the LAs by the tempo. That is, North could have had  $\heartsuit$  AKQxxxx  $\heartsuit$  Axx  $\heartsuit$  Axx  $\heartsuit$  —, and would have signed off quickly in 4 $\heartsuit$  when 6 $\heartsuit$  was clearly desirable. North also could have had  $\heartsuit$  AKQJxxxx  $\heartsuit$  Qxxx  $\heartsuit$  —  $\heartsuit$  A, making 6 $\heartsuit$  essentially dependent on the heart finesse. Since 6 $\heartsuit$  would have been a good contract on hands North wouldn't have even dreamed of raising 5 $\heartsuit$  on, we didn't see how the tempo of North's spade signoff demonstrably suggested any of South's LAs over another."

Ron makes excellent points. They should have been included in the write-up.

Several others also support the Committee's decision, citing some of the same reasons that I did for not responding favorably to E/W's pleas.

**Brissman:** "If the 4 $\heartsuit$  call was made with undue haste, E/W were experienced enough to summon the Director immediately. Failure to do so damaged their position and complicated fact-finding. Making unhappy noises in lieu of calling the Director is surely not an approved remedy. Regardless, I find no fault with South's final pass."

Also agreeing about the Director's cop-out is...

**Stevenson:** "Not only does calling the Director late make it more difficult to establish the facts, but the balance of proof shifts. The Director's assertion that Law 16A could not be invoked for a late call, however, is not correct."

**Treadwell:** "A very difficult case, but the Committee used very good reasoning in coming up with the right answer. I guess this could be called an upside-down hesitation case, since it hinged on an alleged super-fast call by North."

**Berkowitz:** "I am unhappy with the Committee putting their expert judgment into the South hand. We all know that in real life a slow 4 $\heartsuit$  would lead to RKC, but in this case, I guess I'll have to live with it."

**Wolff:** "If North bid a fast 4 $\heartsuit$  he deserves a severe censure. If he did, it is hard to prove since it is difficult to ticket a player's action (his partner's pass) for bad bridge. Considering all the circumstances, the Director and Committee were reasonable and only the players know if the offense was committed (I suspect it was)."

Finally, taking exception to the Committee's claim that there was no LA to a pass of 4 $\heartsuit$  ...

**Weinstein:** "I don't agree with the Committee that there is no LA to passing 4 $\heartsuit$ . There may not be a clear action, but it is certainly possible for South to envision a slam and make a move. My suggestion would be 5 $\heartsuit$ , which should imply slam interest by the failure to just pass 4 $\heartsuit$ . The Committee seemed determined to project their own expertise on South. We have tended to use the guideline of what bids might have actually been made in determining LA, rather than what bids might have been seriously considered. If this is the result we get in determining LA, perhaps we should use the latter, though an inferior standard to judge LA. Had the Committee considered LA in the context of South's peers, either standard would have sufficed in determining LA. Since the Committee seemed to accept that UI was available, and that it demonstrably suggested pass was the winning action, it should have adjusted the N/S score. If they couldn't stomach adjusting the E/W score they could have deemed the likely result to have been 4 $\heartsuit$  without the irregularity, even though Mr. Gerard apparently disagrees with our editor and myself regarding this type of remedy."

I agree that, *if* South is going to move over 4 $\heartsuit$ , 5 $\heartsuit$  stands the best chance of getting N/S to 6 $\heartsuit$  when North has the requisite number of aces and kings to give it reasonable play. I disagree with Howard's claim that "we have tended to use the guideline of what bids might have actually been made in determining LA, rather than what bids might have been seriously considered." In spite of my efforts, we are still obligated to use the (intentionally vague) "seriously considered" standard set out by the Laws Commission. (Of course we're each left to decide what we personally believe "seriously considered" really means.) I'm not at all convinced that bidding on over 4 $\heartsuit$  was a LA for South's peers, but that is a very subjective judgment. I interpret the decision as implying that there was UI, that it did suggest

bidding on, but that there was no LA to passing for *this* South. I'll leave it to you, dear reader, to decide for yourself whether that represents an unrealistic projection of the Committee's own expertise on South or, conversely, a conservative appraisal of her skill-level.

Finally, if the decision had been to adjust the score, I believe there is sufficient reason to have chosen a non-symmetrical adjustment, as Howard suggests. But sorry, Howard, I still would not have adjusted this score.

**Subject (Tempo):** Just Your Average Hesitation RKCB, 1430 Auction  
**Event:** Flight A Swiss Teams, 29 Nov 98, Second Session

Bd: 6	Mel Klein		
Dlr: East	! Jxxx		
Vul: None	! Axx		
	" A		
	Ê AQxxx		
Magnus Magnusson      Jon Baldursson			
E/W hands not available			
	Paul Morris		
	! AQ		
	! KQJ108		
	" Jx		
	Ê KJxx		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1!	Pass	1!
Pass	2" (1)	Dbl	2Ê
Pass	4NT	Pass	5"
Pass	5! (2)	Pass	6!
All Pass			
(1) Alerted; fourth-suit forcing			
(2) Break in tempo			

**The Facts:** 6! made seven, plus 1010 for N/S. There was a break in tempo before North bid 5! . The Director ruled that pass was a LA for South and changed the contract to 5! made seven, plus 510 for N/S.

**The Appeal:** N/S appealed the Director's ruling. North, South and East were present at the hearing. N/S explained that they were a new partnership that had not had a lot of Blackwood auctions. Their agreements were that they used "old-fashioned" responses to non-Keycard Blackwood, but "1430" responses to Keycard Blackwood. On this hand they were confused about which agreement was in effect. South thought that with no suit explicitly agreed the non-Keycard responses were in effect. North thought that the artificial game force followed by 4NT implied that hearts was the

key suit. North was slowed down by the unexpected response showing no keycards (1430). He paused to try to construct a hand for South consistent with no keycards and eventually bid 5! when he was able to construct such a hand (1 KQ ! QJ10xx " KQ Ê Jxxx, for example). South argued that his own hand was so strong that North could not hold a hand that would be able to bid Blackwood and then sign off opposite one ace. He contended that therefore he could "read" from the auction and his own cards that North had intended 4NT as a Keycard ask. Since he had misresponded to Keycard by two keycards he should be allowed to bid the slam. East argued that the hesitation made the reinterpretation a certainty rather than a possibility. He argued that the Blackwood responder is not allowed to reconsider after his partner hesitates.

**The Committee Decision:** The Committee agreed that the ambiguity of the auction created problems for both North and South. One member initially liked South's argument, but the other members argued that South had failed to do the same exercise that his partner had done: attempt to construct a North hand consistent with the auction. They observed that a North hand of 1 KJxxxx ! Axxx " KQ Ê x, while unlikely, was consistent with the auction. Of course this example hand might raise hearts before bidding Blackwood in order to establish a Keycard auction (or maybe not, since a 5! Keycard response buries it) but the actual North could have, and should have, done that himself. Passing was therefore a LA. The Committee changed the contract to 5! made seven, 510 for both sides. They noted that a Blackwood bidder normally takes control from his partner. His decisions are final. When the responder's hand suggests that the Blackwood bidder may have erred, the responder cannot use a hesitation to help him make that judgment in the absence of

overwhelming evidence. The evidence on this hand, while suggestive, was not overwhelming. The Committee also decided that this appeal did not differ greatly from many hesitation Blackwood cases and therefore lacked substantial merit. N/S were assessed an AWMPP.

**Committee:** Bart Bramley (chair), Robert Gookin, Richard Popper, Ellen Siebert, Phil Warden

**Directors' Ruling: 95.9      Committee's Decision: 89.3**

**Bramley:** "We got this one mostly right. Afterwards I was persuaded by one of our fellow commentators that we should have given a split ruling. N/S should have kept the score of plus 510 that we assigned, but E/W should have gotten minus 1010 because the likelihood of South bidding the slam in the absence of UI was strong enough. (Each team would compare their assigned score with their teammates' score to get an IMP result and then a VP result, but the total number of VP's for the match does not have to 'add up'.) If we had done this, then we should also not have assessed N/S a penalty point. Nevertheless, my degree of abhorrence with Hesitation Blackwood remains undiluted."

My bet on who the above (unnamed) "fellow commentator" is...

**Weinstein:** "Good Committee write-up. Although the appeal without merit penalty is close, there exists a special place in 'bad hesitation' hell for those who think before signing off over a reasonably normal Blackwood response. However, this brings up the consideration of the non-offenders' score. Unless you've started reading in the middle of the casebook, you know that I'm going to suggest that the non-offenders should have received the table result. South makes an excellent argument for bidding on and I'm convinced that without the UI he would very probably have done so. Since there is a doubt, N/S get their adjusted score. Since in absence of the irregularity the probable E/W score was the table result, that is the score they should receive."

The next group of panelists think the original decision was just fine.

**Gerard:** "Count me in, on all fronts."

**Stevenson:** "A perfect ruling and appeal decision!"

**Berkowitz:** "Yes, you snooze, you lose. It is amazing how many self-serving statements can be made in front of a Committee."

**Wolff:** "Slowly the Committee came to the right decision."

The next two panelists oppose the AWMPP – Barry the adjustment as well.

**Brissman:** "The result was fine, but the AWMPP seems heavy-handed. South's arguments, while not persuasive, were cogent."

**Rigal:** "I can just about bring myself to agree with the Committee. The Director enforced the hesitation rules correctly, and the Committee made a reasonable but not automatic decision about South's continuation. With that extra ace for hearts, I too would bid on here, I have to say, since my correct RKCB response takes me past 5! . The Committee seems to have significantly downplayed this issue – why must I play my partner to have grossly misbid the hand? The words 'Let's play Bridge' spring to mind before being forced down, severely. This is not your average hesitation Blackwood hand. I would have voted the other way on the substantive issue, and certainly disagree with the AWMPP."

Barry makes a good point. Even if South thought 4NT was not RKCB, North's 5! signoff made it clear that he intended it as Keycard for hearts. Thus, the 5! bid, not the tempo, could have revealed South's two extra keycards (and trump queen). But a cynic (sorry, Ron) would argue that, since South was looking at all the hearts except the ace, the 1 AQ, the 5 K, and the 10 J, North's 4NT could not have been notrump oriented. North could not count enough tricks by just asking for aces. (Where would they come from? Certainly not from diamonds when North hadn't bid the suit and South has the jack; certainly not from spades missing the ace-queen.) Therefore, 4NT had to be Keycard for clubs (North could easily have created a force in hearts). South had two keycards. So why didn't he work this out before responding to 4NT? Why did he stop to work it out after the 5! bid? Hmm. I know, I know. Players (even good ones) are lazy. They don't think until they have to. Why waste time worrying what North is doing when his next bid will surely make it all clear? Well the answer is before our eyes. Suppose South showed two keycards and North tanked before bidding 6! . Could South then argue that he hadn't shown the 10 Q (he assumed clubs were trumps) to justify bidding 7! ? Bah!

It's easy to rationalize Hesitation Blackwood auctions. But even when the logic is compelling, there's an alerting effect to the hesitation itself. It can stimulate a search for an answer to a question that wouldn't even have been asked otherwise. This latter point compels me to adjust the score. South's logic compels me to allow E/W to keep their minus 1010. And given all of that, I find an AWMPP inappropriate.



**Subject (UI):** I Ask Only When I Need To Know

**Event:** NABC Open BAM Teams, 22 Nov 98, Second Qualifying Session

Bd: 5	Alan Watson		
Dlr: North	5		
Vul: N/S	! KJ1097		
	" AJ876		
	E J8		
James Thomas	Cheryl Petty		
10986	AKJ4		
! A6	! 532		
" Q105	" 94		
E Q975	E A1042		
	Steve Williams		
	Q732		
	! Q84		
	" K32		
	E K63		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	1NT(1)	Pass
Pass	2  (2)	Pass	3E (3)
Dbl	3"	Pass	Pass
Dbl (4)	Pass	3	All Pass
(1) 11-14 HCP			
(2) Alerted; clubs or both red suits			
(3) Alerted; pass or correct			
(4) Break in tempo			

**The Facts:** 3| went down one, plus 50 for N/S. The Director was called to the table after the 3| bid. West had not asked about the meaning of the Alerted 3E bid before he doubled it but he questioned the meanings of both Alerts and broke tempo before he doubled 3". The Director ruled that the UI present made East's 3| bid demonstrably suggested over other LAs (Law 16). The contract was changed to 3" doubled made four, plus 870 for N/S.

**The Appeal:** E/W appealed the Director's ruling and were the only players to attend the hearing. E/W stated that the auction was in tempo until North took 3 minutes to bid 2| (showing clubs or both red suits). West stated that he had taken 5 or 6 seconds to double 3". E/W said they were familiar with the N/S convention, having played it themselves. They thought the

hesitation before doubling 3" after learning the meanings of the complicated conventional bids had been negligible. They believed that the double of 3" meant "do something intelligent," and was basically cooperative. West stated he would have been content to hear his partner bid either 3| or 4E if her hand was unsuitable for defense. East justified her 3| bid on the basis that she had little red-suit defense. If East had doubled 2| it would have shown four spades of at least fair quality.

**The Committee Decision:** When West doubled 3E with no explanation of the conventional calls, he set up a situation where subsequent questioning might have implications. His timing of questions suggested he had a clear double of 3E but a not-so-clear double of 3". The Committee believed West intended the double of 3E for penalty since a conversion to 3| seemed unlikely from East's failure to double 2| and also because a bid of 4E by East was too likely to be a losing choice. West had the right to the information about the Alerted bids but had to find an unrevealing way to solicit it. Law 16 specifically includes a question among the things that may suggest a call or play. However, the timing of West's question (primarily) and the break in tempo (secondarily) pointed to the double of 3" being on uncertain ground and therefore of a more cooperative nature. The Committee decided that without such information a substantial number of East's peers would pass. The Committee changed the contract for both pairs to 3" doubled made four, plus 870 for N/S.

**Committee:** Michael Huston (chair), Phil Brady, Doug Doub, Barbara Nudelman, Peggy Sutherland

Sitting in front of the primary diamond bidder with N/S presumably having found a fit, West's double of 3" suggests it was cooperative. Failing to ask about N/S's agreements when doubling 3E clearly identified it as penalty. Then there's East's failure to double 2| with the hand they claimed a double would have shown – odd. All this suggests that E/W were not on firm ground about the meanings of their bids as they would have us believe. West's pattern of questioning also leaves a lot to be desired for a player with over 1200 masterpoints (East had over 600). For all of the above reasons, I consider this appeal meritless, as do...

**Stevenson:** "One thing that E/W claimed was that the double of 3" was cooperative. If so, this requires an Alert; did East Alert it? While the decision appears correct anyway, this should have been asked and if there was no Alert, the appeal should have been treated as without merit."

David makes an excellent point. Since the double was not Alerted, the lack of merit was quite clear.

**Weinstein:** "The Committee was right on target. What would be questionable UI over 3" automatically became UI when the same treatment (questions and tempo) was missing over 3E. Here's a not quite analogous example that demonstrates the danger in giving UI by not asking about Alerts. RHO opens 1NT and you bid 2", transfer to 2|. LHO now bids 2| intended as natural without asking questions, yet should be clearly takeout had questions been asked about the Alert. You can't use questions to alter the meaning of bids. Doubling 3E without asking has definite penalty implications, whereas E/W claimed the double of 3" (after questions) was cooperative. Though you have the right and responsibility to ask about your opponent's Alerts, you also have the responsibility to do so in a consistent manner that doesn't provide UI. I would have assessed an appeal without merit penalty."

**Bramley:** "No merit. These doubles are penalty. The only way to play them 'cooperative' is to use some version of the E/W 'system.' This is the third repeat hand so far. Apparently some hands just lend themselves to appeals."

**Rigal:** "Good Director ruling and Committee decision, although I would have imposed an AWM point unless there was a good reason not to. Nothing in the write-up suggests one."

**Berkowitz:** "Correct. I find the appeal without any merit."

**Gerard:** "AWMPP."

**Treadwell:** "What? No AWMPPs handed out?"

**Wolff:** "Proper decision except for a ticket not being issued unless the opponents were not experienced enough."

**Goldman:** "Excellent reasoning."

As far as it went.

CASE TWENTY-SIX

**Subject (UI):** Bridge, Anyone?

**Event:** Blue Ribbon Pairs, 24 Nov 98, Second Qualifying Session

Bd: 16	Chris Willenken		
Dlr: West	!	Q8	
Vul: E/W	"	AKQ872	
	"	AK7	
	É	106	
Alice Tobin	Richard Miller		
!	!	K10654	
"	!	543	
"	"	109843	
É	É	---	
	Brad Moss		
	!	732	
	"	J96	
	"	65	
	É	KQ974	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1É	Dbl	1"	1NT
Dbl(1)	Rdbl	Pass	Pass
2É	2!	Pass	Pass
3"	Dbl	All Pass	
(1) Support double, not Alerted			

**The Facts:** 3" doubled made three, plus 670 for E/W. After West's final pass, she informed N/S that the double of 1NT was intended to be a support double showing three diamonds. The Director was called and North was taken away from the table and when asked if his bidding would have changed had he been properly Alerted, he answered no. South was given the opportunity to change his final call and he declined to do so. The Director allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling. North, East and West were present at the hearing. North believed that West's 3" bid was based upon East's failure to recognize that West had shown three-card diamond support. North believed that 3É

was a LA for West and that the 3" bid had been demonstrably suggested by the UI. East bid 1" over the double (rather than 1!) in an effort to escape from 1É and did not participate any further in the auction. East did not believe that they played support doubles over 1NT bids. West stated that she showed her six-card club suit when the 2É bid was made and that she had competed to 3" because she had such good diamond support.

**The Committee Decision:** The Committee decided that South's free 1NT bid with nebulous values and no diamond card led more to the final result than the 3" bid. West's 3" bid might not have been the best bid available but given the high likelihood that partner had five or more diamonds, it was reasonable. The Committee therefore allowed the table result to stand. The Committee did consider the possibility that this was an appeal without merit (South did have the opportunity to change his bid to 3! so he may have been taking a double shot) but decided against it. Bad things do happen occasionally and here it was caused more by N/S than E/W.

**Committee:** Martin Caley (chair), Harvey Brody, Doug Doub, Bill Passell, Robert Schwartz

**Directors' Ruling: 82.3**

**Committee's Decision: 74.3**

It's hard to have sympathy for N/S's fate after that 1NT bid by South. Still, E/W's infractions occurred subsequent to South's action, thus the effect of the 1NT bid must be clearly transcendent to break the connection to any damage. I fail to find any such evidence in the present case, but the Committee really fell from grace when they cited as their reason for allowing the table result to stand the belief that "it was reasonable." This is not, and never has been, the standard for judging the

allowability of an action in the presence of UI. The focus, as Ron and I pointed out in CASE TEN, should not be on whether the actual bid was reasonable but whether a significant minority of West's peers would seriously consider a losing alternative.

Let's get back to basics. East failed to Alert West's double, suggesting either that East forgot that the double showed three-card diamond support or he believed that it didn't apply in this situation. Thus, West cannot take any subsequent action that could have been suggested by the UI and has a LA. East heard about West's diamond support and knew from her 2É rebid that she had a six-card club suit. Does West have any more to say about her hand? She argued that she bid 3" because her diamond support was so good. Really? Queen-jack third!? I agree that West's values are well-placed to compete further (the É A instead of secondary honors; a singleton heart instead of 2-2-3; nothing wasted in hearts) and that few matchpoints may be available defending 2! , but 3" insured East's awareness of the diamond support and was demonstrably suggested by the UI. With pass, 2NT and 3É all LAs to 3" , many would choose 2NT as the obvious action (I would). But I find no evidence that West knew this (she was concerned only with showing her "good" diamond support) and would reject it anyhow because it suggests diamond support. West's clubs aren't good enough to bid a third time, so I'd impose a pass and force E/W to defend 2! – three bids are enough for West in this auction.

While I find no fault with North's double of 3" , South's pass is egregious and dooms his side to keep the table result of minus 670. As for 2! , East can lead the pointed suit of his choice but West will not be permitted to give East a club ruff if the lead is a spade. I'd assign E/W minus 170 in 2! making four.

Oh, and the Director's ruling lacks merit. Agreeing with me is...

**Weinstein:** "The Committee's reasoning is not sharp. If they think the bad N/S result was caused by themselves and 3" was reasonably likely without the UI, leave N/S with their table result. But the Committee's view that the result was caused more by N/S than E/W doesn't excuse E/W from their obligations. Certainly 3" was demonstrably suggested by the failure to Alert, and in the Committee's own words 'it might not have been the best bid available.' I assume this means they believe there was a LA. Very sloppy work undoubtedly caused by the Committee being uncomfortable adjusting the N/S result after their (in the Committee's opinion) apparently egregious bidding. The Committee could and should have had it both ways. Committees, you don't have to rule for the offenders to avoid giving an unjustified good result to the non-offenders. This does not have to be a zero-sum game. When both sides are at fault, rule against both sides when they deserve it. When the non-offenders may get an unjustified windfall when a totally normal, likely action by their opponents is barred by UI, let them have the totally normal, likely result that occurred at the table."

Howard gives no justification for not protecting N/S. Not so the next panelist.

**Gerard:** "We've had this before, so listen up and we won't have to rehash it next time. If 3" was an infraction, the [nebulosness][inferiority][stupidity] of South's 1NT bid was irrelevant. It was a legal call, occurred before the infraction and didn't forever condemn him to the scrap heap. The best N/S could do after 3" was get back to even by bidding 3! , so it would take particularly egregious action for them to lose their right to any adjustment. The only way to measure that was to look at what happened after 3" – if North had a reasonable double of 3" , the fact that it might have been caused by 1NT was a non-issue. If South should have pulled to 3! , his 1NT bid probably should have helped him. N/S's silly result wasn't enough of a reason to rule against them, nor was the fact that they may have been more at fault than E/W. So think whatever you want of 1NT, but try to rule according to the Laws the next time or you're going to have to sit through this lecture again.

"So what about 3" , was it an infraction? No, said the Committee, it was reasonable. Now there's a standard. Not what was their agreement or was there a LA but was it reasonable to bid? Irrelevant. Did East's non-Alert constitute

extraneous information that might have suggested 3" ? Sure, even if East was right about their not having the agreement. The extraneous information needn't be an infraction and it can result from silence as well as ('as by means of') a remark, question or reply to a question. From West's standpoint, the fact that East didn't think they were playing support doubles was extraneous information. So West couldn't bid 3" if pass was a LA (forget about 2NT, that was an irrelevant LA).

"And what about that? I guess you'd think about passing, but not for long. East's apparent shortness in clubs makes West's hand a desirable dummy, and you can mentally estimate average minus for selling out to 2! . When West doubled 1NT, she didn't necessarily plan her three-level auction. In fact, if you are playing support doubles isn't there some chance partner will play you for only two if you later support without doubling first? Have you ever said, 'I showed only two because I didn't use Drury'? I don't think pass was a LA, so it would have been unreasonable to classify 3" as an infraction.

"So the score stands, everyone was right. Even if pass were a LA, North in particular should have known not to double. The opponents apparently had eight spades, making it a near certainty that they had eight diamonds. In fact the actual distribution was almost a photo. I think they would have come pretty close to failure to play bridge (there's also South's pass), but it wasn't an issue.

"Finally, even North admitted that West should have bid again over 2! . Usually I wouldn't pay any attention to a declaration against interest, in the same way that I would disregard a self-serving statement, but really, would North himself bid 3 $\acute{E}$  ? If it was clear to bid, 2NT was what was clear to bid and West's 3" just saved a round of bidding. You should still be willing to consider N/S's case, that pass was a LA, because it's your responsibility to make the best argument for the non-offenders, but please don't try to peddle that 3 $\acute{E}$  stuff off on me if I'm on the Committee."

I disagree that a pass of 2! wasn't a LA for West. Maybe it wasn't for Ron Gerard, but that's not the applicable standard. And what of Ron's reason for not protecting N/S (after earlier tantalizing us with the illusion that he was going to protect them)? Why should North have known not to double? Was he clairvoyant? Why should E/W have an eight-card spade fit along with eight diamonds? Couldn't the distribution be: West 3-1-3-6; South 4-2-3-4; East 4-4-4-1? East was running from 1 $\acute{E}$  doubled, while South bid a descriptive 1NT. 3" doubled in the four-three fit should go for a telephone number. If the actual distribution was a photo, it came from a rogue's gallery.

Now South's pass is another issue. It ranks right up there with his 1NT bid.

While I sometimes disagree with Ron's bridge judgments (especially as they apply to less than top-level experts), I believe his grasp of the proper procedure for Committees to follow is close to impeccable. The points he makes near the end are a model for Committee's to study. Take notes, there will be a quiz.

The next panelist takes a reasonable position, but fails to hold N/S accountable for any of what happened. But that may be a secondary issue.

**Goldman:** "Don't think the Committee was on target. Not even close to an appeal without merit. Issue is, "Would West bid 3" if the double had been Alerted as support?" This is debatable enough to preclude a meritless appeal. I think it is likely that this West would have bid 3" ; however, I think the rules of UI do *not* allow it."

Looking for an honorable mention in this issue's Fence Sitters contest is...

**Rigal:** "A messy decision. West's fourth action is dubious (would 2NT have been available and unambiguous?) and there was certainly a suggestion that it was based on partner's failure to Alert. That being the case I am tempted not to give E/W plus 670 while leaving N/S with their zero. Having said that, taking action here does seem right, and it would lead E/W to 3" I think, so perhaps the Committee decision was right."

The next panelist was right on with his legal and procedural analyses, but not with his bridge analysis.

**Stevenson:** "The standards applied by this Committee are not the normal ones when disallowing adjustments. Whatever the virtues of South's 1NT bid, it hardly constitutes an 'egregious error,' or 'irrational, wild or gambling action,' the new standard laid down by the WBF. Even if it did, it occurred before the infraction (the failure to Alert the double of 1NT) and there can be no possible thought of the double shot. The reason for the Director asking North what would be different if he had been Alerted is unclear. His calls cannot be changed, and it seems an unnatural and unproductive procedure. Despite the frills introduced into this hand, it is in fact nothing more than a standard UI ruling. Whether they were playing support doubles or not West knew from the lack of Alert that East had not understood the double correctly. Was there a LA to 3" ? Of course: having shown 3" (as she believed) with the double, 3 $\acute{E}$  was a far better and more obvious bid, and 3" was so clearly dependent on the UI as to suggest a PP. The decision on this hand should have been 3 $\acute{E}$  doubled down four with a further PP of a quarter-board against E/W. The Director seemed to have concentrated on MI and ignored UI. The Committee seemed to have no idea of the Laws and principles involved. Together they made an awful showing resulting in the worst appeal by far at Orlando."

3 $\acute{E}$  is a very poor bridge bid, having already shown the suit and expecting East to be short there. Once the E/W score is adjusted, the PP seems a bit too much since the "normal" 2NT would have gotten E/W to 3" anyhow.

The next panelist is on the right track regarding N/S, but as for E/W...

**Berkowitz:** "Disagree. West is taking advantage of UI by not bidding 3 $\acute{E}$  (or 2NT). 3" was too easy for her. She gets minus 170...maybe minus 420 – yes, minus 420, but N/S must pay the price, too. I leave them their result."

I don't see how E/W can be assigned minus 420. N/S were never getting to game – not after South passed 2! . I think David let his feelings about West's 3" bid get the better of him here, not unlike the remaining panelists, who appear to be so blinded by N/S's unattractive appeal and bridge actions that they couldn't divert their attention to the greater task at hand. I have sympathy for their hearts, but not their emotional control.

**Bramley:** "Whiners. No merit. I am amazed at the number of players who are willing to reveal their own atrocities in the pursuit of worthless appeals.

"While we're here let me repeat a point that I have made in earlier books. UI from a FAILURE to Alert is much less revealing than UI from MAKING an Alert. An Alert expresses a positive opinion about the Alerter's understanding of the Alerted call. A failure to Alert may or may not express an opinion about the un-Alerted call. Thus the standard for proving UI from a failure to Alert must be much stricter than the standard of proof from making an Alert. Sometimes partner simply forgot to Alert, or didn't know that he was supposed to Alert, or judged that the Alert would help partner more than the opponents. (I know, I know. When in doubt, Alert. But sometimes not Alerting is more in keeping with the spirit of the Alert regulations.)

"Once upon a time, when I played artificial doubles of strong notrumps and penalty doubles of weak notrumps, my partner Alerted my penalty double of a weak notrump. I was momentarily alarmed, but when the opponents asked he said 'Penalty.' I then realized that Alerting my 'non-Alertable' double had been right, regardless of the regulations, because it was the only way for partner not to tip me off immediately about whether he remembered our system. I use this anecdote to illustrate the difficulty even an ethical partnership may have in not using the Alert system to their own advantage."

CASE TWENTY-SEVEN

Bart is right about the non-symmetry between an Alert and a non-Alert. In the former case you know partner thinks something different than you intended, while in the latter case all you know is that he may be on a different wavelength – or he may have just forgotten to say “Alert.” A good point to remember.

**Treadwell:** “The Committee reached the right decision, but why no AWMPP points for N/S? South made a somewhat bizarre 1NT call and had a clear-cut 3♠ bid after the double of 3♣. Of course, the 3♣ call by West was a bit questionable, and that must be the reason N/S believed they had a case.”

**Wolff:** “I agree that N/S have no case and the decision was good.”

I don’t see N/S’s appeal as meritless in light of how the Director ruled as far as E/W were concerned. However, since N/S were clearly interested in improving their own score, I have a great deal of sympathy for those who believed it lacking in merit. I guess there’s a lesson to be learned here somewhere – for those willing to learn.

**Subject (UI):** The Fit-Showing Non-Jump Convention  
**Event:** Blue Ribbon Pairs, 25 Nov 98, First Semi-Final Session

Bd: 6	Larry La Brecque		
Dir: East	1 10854		
Vul: E/W	! 1062		
	" KJ83		
	É Q2		
Kerri Sanborn		Stephen Sanborn	
1 KJ632		1 Q9	
! AK84		! QJ	
" 1074		" ---	
É A		É KJ9876543	
	Mark Bumgardner		
	1 A7		
	! 9753		
	" AQ9652		
	É 10		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1♣	2♣	Pass	1♣
4♣	Pass	3♠ (1)	3♣
		5♠	All Pass
(1) Alerted after 3♣ bid; clubs and spade support			

**The Facts:** 5♠ made six, plus 620 for E/W. After South bid 3♣ West belatedly Alerted the 3♠ bid. No questions were asked at that point and West bid 4♣. North, at his turn, asked about the Alert and was told that the 3♠ bid “probably” promised a spade fit. East then bid 5♠. East had meant his 3♠ bid as natural. The Director ruled that East had UI from West’s Alert and explanation and that passing 4♣ was a LA to 5♠. The Director changed the contract to 4♣ down one, plus 100 for N/S.

**The Appeal:** E/W appealed the Director’s ruling. E/W believed that East had a normal 5♠ bid in spite of the UI.

**The Committee Decision:** Law 16A states that “after a player makes available to his partner

extraneous information...the partner may not choose from among LA actions one that *could* demonstrably have been suggested over another by the extraneous information.” The Alert and explanation were UI for East. The Committee explored possible hands that West may have had if the explanation of the 3♠ bid matched the East hand. An obvious possibility was placing the 1 A with West instead of the É A. This would have made a 4♣ contract much preferable to a club contract, especially at matchpoints. Therefore, the Committee decided that passing 4♣ was a LA and that the bid of 5♠ could have been demonstrably suggested by the Alert and explanation. The Committee changed the contract to 4♣ down one, plus 100 for N/S.

**Committee:** Doug Heron (chair), Bart Bramley, Harvey Brody

**Directors’ Ruling: 96.7**      **Committee’s Decision: 92.7**

The Committee nailed this one. The only question is whether the appeal lacks merit. Is East’s nine-card suit enough to justify an appeal when he also holds 1 Q9? The panel was divided on this issue. The reader can make up his own mind.

**Bramley:** “We got it right. This case clearly illustrates the danger of Alerting inferences as opposed to special understandings. The Committee was worried that we might have set an unfortunate precedent that at least a *ten*-card suit is needed to overrule partner when UI is present, but we’ll have to live with that.”

**Gerard:** “No more merit than CASE TWENTY-FOUR. I mean, a jump to 4♣ when you have the undisclosed 1 Q9 doubleton and it’s matchpoints? It’s too bad about your nine-card suit, but partner could have had 1 AKJ10xx ! AKxx " xxx É —. Notwithstanding L. Cohen’s comment (See CASE TWENTY from Albuquerque),

I wouldn't have had to bend over backwards to assess an AWMPP."

**Brissman:** "A new record! This is the first time the NABC Appeals Committee disallowed the rebid of a nine-card suit. Call Guinness."

**Goldman:** "Looks like a meritless appeal."

**Stevenson:** "A perfect ruling and appeal decision!"

**Treadwell:** "Normally, a player with a decent nine-card suit will be allowed to bid it as much as he pleases without regard for UI. Here, however, East should consider 4 $\heartsuit$  a fine contract, particularly at matchpoints since, presumably, partner has a good six- or seven-card suit and East's void, 1 $\heartsuit$  Q9 and other working cards should make it a laydown. Oops, it sounds from the explanation of the Alert that partner is counting on me for spade support – better bid 5 $\heartsuit$ . The Committee rightly decided a player cannot reason in this manner."

**Berkowitz:** "Yes, yes, a thousand times yes – that's the 1 $\heartsuit$  Q9 over there!"

**Weinstein:** "The Committee was right on track. It is unfortunate that West tried to be overly ethical by Alerting her opponents of her expert judgment of partner's likely hand, rather than any explicit agreement. If the Committee thought 5 $\heartsuit$  was the likely action without the UI, they could have let N/S keep the table result."

**Wolff:** "Definitely UI, so E/W were ruled back to 4 $\heartsuit$ . Easy and proper decision."

The following panelist raises a question of relativity – or escape velocity.

**Rigal:** "Reasonable Director ruling – though I could understand going the other way. This Committee decision is just too harsh. Nine-card suits are made to be trumps, and East has a normal conversion to 5 $\heartsuit$ . I am sorry; this decision has just left planet Earth as far as I am concerned (in fact it is precisely this sort of hand that gets Committees a bad name). If we can't play our nine-card suits, something is wrong somewhere."

## CASE TWENTY-EIGHT

**Subject (MI):** Let Well Enough Alone

**Event:** Bracketed KO I (10th Bracket), 20 Nov 98, First Afternoon Session

Bd: 28	1 $\heartsuit$ AQ6	1 $\heartsuit$ K93	
Dlr: West	! AQJ83	! 9754	
Vul: N/S	" Q53	" 6	
	É 102	É AK754	
1 $\heartsuit$ J42		1 $\heartsuit$ 10875	
! K102		! 6	
" AJ102		" K9874	
É Q93		É J86	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1NT	2 $\heartsuit$	2 $\heartsuit$ (1)
Pass	2 $\heartsuit$	Pass	2 $\heartsuit$
3 $\heartsuit$	All Pass		
(1) Announced; transfer			

**The Facts:** 3 $\heartsuit$  went down one, plus 50 for N/S. 2 $\heartsuit$  was announced as a transfer. Neither one of the N/S convention cards reflected that agreement. North's card was marked "system on over dbl" and South's was blank. West stated she would have passed 2 $\heartsuit$  had she known that 2 $\heartsuit$  was a natural call. The Director ruled that West had been damaged by MI and changed the contract to 2 $\heartsuit$  down two, plus 200 for E/W.

**The Appeal:** N/S appealed the Director's ruling. North could give no satisfactory explanation as to why he didn't bid again with 1 $\heartsuit$  AQ6 and ! AQJ83 (his partner's two suits). E/W claimed

that West would not have bid 3 $\heartsuit$  had she known 2 $\heartsuit$  was a natural bid because she had defensive values.

**The Committee Decision:** North had not bid again with 1 $\heartsuit$  AQ6 and ! AQJ83. West's explanation that she would not have bid 3 $\heartsuit$  with 11 HCP and É Q93 because she had defensive values would not have been a compelling argument from an experienced player. These facts made it clear to the Committee that these were beginning players and that their statements were made with sincerity. The Committee decided to adjust the score, assuming that West would have passed South's 2 $\heartsuit$  bid. It was clear that for experienced players the most unfavorable result that was at all probable (Law 12C2) would have been 3 $\heartsuit$  down three or 4 $\heartsuit$  down four. It was less clear what the result would have been for players at this level. Since the Committee learned that the ruling made by the Director (2 $\heartsuit$  down two, plus 200 for E/W) was sufficient to decide the outcome of the match, they decided to impose that same score since any more severe adjustment was moot.

**Committee:** Bill Passell (chair), Jeanne Fisher, Walter Fontaine

**Directors' Ruling: 85.9**

**Committee's Decision: 80.4**

Is 2 $\heartsuit$  a possible contract for N/S? Is this what really happens in Bracket 10? How can North pass 2 $\heartsuit$  when 1 $\heartsuit$  Kxxx ! xxxxx " x É xxx (a 3 count) will produce a game requiring only the ! K onside? How can West pass 2 $\heartsuit$  when 1 $\heartsuit$  xx ! xx " Kx É AJ10xxx with East makes 3 $\heartsuit$  a claim on one of two finesses, and as little as the 1 $\heartsuit$  Q extra makes 3NT a reasonable contract? At this level of play, I don't see how to act on any of the players' statements. Surely we can trust no *logical* connection between any information provided by the opponents and any player's actions. In addition, the state of the match should not have been known to the Committee – although if they became aware of it only after they decided to adjust the score, I can live with it (it then just eliminated the need for detailed deliberation). Finally, I'm not convinced that sincerity goes with being a beginning player. As far as I know, the same self-serving motives exist at all levels.

Given the absence of a correlation between the MI and any bridge actions, I would have let the table result stand. Agreeing with me is...

**Bramley:** "I would have let the result stand. My own observation is that a player's level of experience has little correlation with his sincerity. The only valid inference from the players' statements was that they were beginners. West was unlucky to bid 3 $\heartsuit$  when she did, but she had failed to bid 3 $\heartsuit$  at her previous turn and was well-placed to pass again in what was clearly a forcing auction. The damage was self-inflicted. The Committee notes North's peculiar pass and implies UI by N/S, but if that was the basis of their decision they should say so. Even if the Committee had been right to find damage, they were lazy not to assign a score on their own. Decisions should not be based on external factors like the result at the other table or the overall match score."

The following panelist engages in an exercise which I find about as enticing (and as likely to be rewarding) as divining the entrails of a frog.

**Gerard:** "A statement like 'I never would have redoubled 2 $\heartsuit$  if I had observed a break in tempo' may have been made with sincerity also. Even beginning players know when they've lost a match by going minus. I'm not familiar with the 10th Bracket, but what are beginning players doing playing in a knockout at an NABC? West had plenty of offensive values to go with her defensive ones, which weren't so defensive over 2 $\heartsuit$ , so how does anyone know what she would have done over 2 $\heartsuit$  -P-P? In fact, West had already expressed some defensive values by passing 2 $\heartsuit$ ."

"North couldn't be forced to bid 4 $\heartsuit$  over either 3 $\heartsuit$  or pass. If you think he did something wrong, report him to the authorities, but passing out 2 $\heartsuit$  was his lot in life. If South put on the big show over 2 $\heartsuit$  North committed an infraction, but we weren't told about that. Therefore the ruling should have been as follows: N/S minus 200 (12C2 'probable'); E/W minus 50 (12C2 'likely'). Imp the results separately and average them. Explain to E/W you don't doubt their sincerity but things are a little more complicated than that."

"Then, when it's over, excoriate the Committee. Tell them that they've made it difficult to explain to someone like, oh say, East from CASE TWENTY-ONE, that you can't rule based on whether you believe his self-serving statements. Explain to them that appeals sometimes require heavy lifting, not reliance on circumstantial evidence. And then institute a rating system."

This Committee was not made up of NAC members. It was an ad hoc group (except for the chair) put together at the Convention Center on the first day of play because no NAC was available to hear the case. I don't think we can hold their feet quite that close to the fire on this one.

**Wolff:** "Decent decision except for not wanting the record to be straight for the proper precedent to emerge."

I wouldn't count on any precedent being set here – one way or any other.

**Rigal:** "Cop-outs all round. Assuming the Committee judgment on the players was correct, I can live with the decision – but I hope that the Committee explained very thoroughly the rights and wrongs of this situation to all four players. I hope that they understood what should have happened here, so that we don't have to meet them again in the Committee room."

Meet who, the players or the Committee members?

**Weinstein:** "Its pretty hazy on why West would bid 3 $\heartsuit$  depending on the 2 $\heartsuit$  explanation. However, I'm not especially interested in hearing any N/S protests about the adjusted score after the Alert of 2 $\heartsuit$  as a transfer and subsequent failure of

North to ever bid again. This may not be a good basis to make a decision, but I don't care. If this wasn't a KO I'd rule against everyone. Maybe I would have anyway and given a bye to the next round opponents."

Yes, that does arouse a sort of visceral of satisfaction not unlike what I imagine one would experience after a round of frontier justice. However, my approach is more in line with that of the following panelists, who recognize the importance of being gentle with players at this level.

**Stevenson:** "A very sensible and gentle approach by the Committee to a group of inexperienced players."

**Berkowitz:** "Of course I would make any experienced pair play 4 $\heartsuit$  doubled but considering the circumstances, the Committee showed wisdom and compassion with its decision."

Computer people and data analysts have a term for a process not unlike the one employed in the present case: GIGO (Garbage In, Garbage Out). Next.

CASE TWENTY-NINE

**Subject (MI):** The Simplicity Of The Alerting Life In The ACBL  
**Event:** NABC Life Master Open Pairs, 21 Nov 98, Second Final Session

Bd: 8	Eddie Wold		
Dlr: West	1073		
Vul: None	! AQ962		
	" A2		
	É Q86		
Dan Jacob		Cameron Doner	
A85		KJ62	
! KJ75		! 84	
" J1093		" Q84	
É J3		É A1072	
	George Rosenkranz		
	Q94		
	! 103		
	" K765		
	É K954		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1NT(1)	2" (2)	Pass	2!
Pass	Pass	Dbl	All Pass
(1) Announced; 10-12 HCP			
(2) Announced; transfer			

**The Facts:** 2! doubled went down two, plus 300 for E/W. The Director was called at the end of the hand. East's double, which was not Alerted, showed cards and was not specifically a penalty double. The Directors considered whether the double should have been Alerted and, if so, whether the MI led to N/S's poor result. The ACBL Alert Procedure contains two inconsistent statements, one indicating that East's double requires an Alert and another indicating that it doesn't. Because the guidelines are inconsistent and because the result may not have been causally related to the Alert issue, the table result was allowed to stand. [Editor's note: The two statements referred to above may not be inconsistent as indicated.

partner has made no call other than pass, it is early in the auction and below the level of 4<sup>!</sup>, or the double is a usual negative double made below 4<sup>!</sup> when partner has opened one of a suit do *not* require an Alert if for *takeout* (or for the lead of the suit doubled). "Type II" doubles (made when partner has made any call other than a pass, or the double is either of notrump, a call above 4<sup>!</sup>, or late in the auction) do *not* require an Alert if for *penalty* (or penaltyish). See pages 10-11 of the *ACBL Alert Procedure* pamphlet.]

**The Appeal:** N/S appealed the Director's ruling. Tricks 1-9 were played as shown at the right (the lead to each trick is underlined). South believed, due to the failure to Alert, that the heart length and strength were behind dummy (with East). He thus played to establish a favorable end position and his efforts fell short of success. South stated that he would not have embarked on this line of play had he been informed that the double was card-showing and did not promise heart values. East contended that prior to attacking trumps, South's line of play revealed that West's 1NT opening contained 6 HCP outside of the heart suit. Accordingly, South's failure to modify his initial impression was clearly erroneous.

Trick	West	North	East	South
1	" J	" A	" 4	" 5
2	É 3	É 6	É 2	É K
3	" 3	" 2	" 8	" K
4	" 9	! 2	" Q	" 6
5	A	3	2	9
6	É J	É 8	É 7	É 5
7	" 10	! Q	6	" 7
8	K	6	! 4	! 10
9	5	A	! 8	! 3

**The Committee Decision:** At trick seven, South knew that West likely started with four diamonds, two clubs, and either four-three or three-four in the majors. The play of the | A and the failure to lead a spade initially suggested that West did not begin

with the | AK. Thus, West's hand must have contained either ! KJx or ! KJxx to be within the 10-12 HCP range required for his 1NT opening. South evidently failed to reassess his initial impression that East had heart values. His subsequent line of play could not be rationally linked to any clues he may have derived from the auction. The Committee therefore allowed the table result of 2! doubled down two, plus 300 for E/W, to stand. The Committee, unable to reach a consensus that substantial merit was lacking, deemed the appeal meritorious.

**Committee:** Jon Brissman (chair), Lowell Andrews, Harvey Brody, Robb Gordon, Robert Schwartz

**Directors' Ruling:** 77.4      **Committee's Decision:** 84.4

Why didn't the Directors know (or find out) if East's double was Alertable? Inquiring minds want to know. The two statements from the *ACBL Alert Procedure* pamphlet clearly identify it as a Type II double, which is Alertable since it was not specifically for penalty (or penaltyish).

East was right that West had to have the ! KJ for his opening bid – unless he had false-carded from the | AK. This was not impossible (West could have led from the " J109 sequence in preference to the | AK sequence) but it was unlikely, as the Committee pointed out. It was also easy enough to check on by the simple expedient of leading a second spade toward the closed hand. Conversely, since E/W caused the problem, South does not have to play double dummy (only reasonably for his level) to get protection. But while West did not need to hold the ! K, he did need to hold the ! J (since the | K without the ! J would still have only brought his point count to 9). Thus South could (and should) have ruffed the fourth diamond with dummy's ! 9 and saved one trick.

This South was competent enough that his line of play should have been judged deficient. Thus, I would have allowed the table result to stand for N/S. However, I believe it "at all probable" that, had there been an Alert, South would have ruffed the fourth diamond with the ! 9 instead of the queen. Thus, I would have adjusted E/W's result to 2! doubled down one, plus 100 for E/W.

Agreeing with me that both sides should have gotten the worst of this were...

**Bramley:** "Decent analysis. The editor's note suggests that the double is Alertable. I have little sympathy for either side. I believe pairs playing an 'attack' style like 10-12 notrump openings have a special obligation to make sure that opponents understand the meaning of their bids in the unfamiliar situations that their style is likely to produce. But declarer dropped the ball when he had a lock. I would have accepted a finding of no merit."

**Gerard:** "Hopeless regulation (what means 'penaltyish?'), hopeless line of play, hopeless appeal. Arrogant to think you can fool the Committee because of your reputation. Bill Russell or Dikembe Motumbo would have said 'Don't bring that stuff in here.'"

**Berkowitz:** "I agree with all the concepts, but myself would deem that the appeal lacked merit."

I think it's close regarding the no merit issue, but I agree with the following panelists that this one had enough merit to fly.

**Rigal:** "Correct ruling, but the consideration of the AWMPP was out of order here. E/W committed an infraction; innocently enough, no doubt, but it misled a declarer who should have known better, but did not. That is not a crime for South, whose error loses him the right to the adjustment. But it does not bring him into AWMPP territory at all. The basic reason for the appeal (infraction and possible damage) was valid."

**Treadwell:** “The Committee was on the ball here in deciding that the appeal by N/S had a certain degree of merit but not sufficient to grant them a better score, since the meaning of the double is more or less standard and the poor N/S result was largely a result of a poor analysis of the play by the declarer. I believe declarer, with perfect double-dummy play, can score three more tricks than he did and easily can score two more.”

**Weinstein:** “Good job by the Committee. If double as card showing was specifically discussed, the double is an Alert. If it was likely that double was card showing based on analogous sequences, it probably should be Alerted. However, when one plays transfer overcalls and the opponents don’t have a firm understanding, I am not sympathetic to nebulous protests. Given the haziness of the Alert situation, I believe the Committee placed a proper responsibility on South to either play the hand rationally, or, though not mentioned by the Committee, to ask about the meaning of the double. South has an obligation not to be oblivious about everything.”

The following panelist reinforces what I have said about the nature of the double and the failings of the Directors.

**Stevenson:** “Partner has bid 1NT, so this is not a Type I double. Thus it is a Type II double. The Alert Procedure is clear and unambiguous on this point. Such a double requires an Alert unless it is ‘for penalty or penaltyish.’ It is surprising that the Directors did not find this clear. The whole approach by the Directors suggest a lack of attention to the job in hand. The double was Alertable, as they should have known, and there was apparent damage. Subtle arguments about the causal link should be a matter for the Committee, especially in the ACBL where Directors are not expected to use their judgement to the same degree as their European counterparts. And forcing the non-offenders to appeal was completely wrong.

“The reasons given by the Committee for failing to adjust also show a lack of understanding of the Laws. South was misinformed by the failure to Alert. He went wrong in the end-game, which is hardly a hanging offence, when he would never have reached this position if correctly informed, since the earlier play shows he was looking for an endplay. An error in complex play does not qualify as an ‘egregious error,’ or ‘irrational, wild or gambling action.’ There is little doubt that the efforts of Director and Committee on this hand brings the ACBL into disrepute. East did not Alert, the Alert Procedure is clear, it was incredibly misinterpreted, a player went wrong as a result but got no redress, and to cap a sorry performance, the Committee actually discussed whether the appeal had merit!”

I can see where David is coming from, but our requirement that non-offenders continue to “play bridge” carries a greater obligation than he appears to recognize for a player of South’s stature. Careless (not to mention egregious or irrational) errors for such players are treated more severely here than they are in Europe – the price of celebrity in the ACBL.

So what was the right decision?

**Wolff:** “Minus 300 for N/S for the reasons given but Average Minus for E/W for failure to cough up that there was at least some confusion interpreting the double.”

I think Wolffie would accept my adjustment for E/W, denying them the extra undertrick. But he would still probably want to assess a PP against them. Oh well, there’s no pleasing some people.

### CASE THIRTY

**Subject (MI):** Dueling Failures To Alert

**Event:** NABC Women’s BAM Teams, 22 Nov 98, First Qualifying Session

Bd: 36	Annette Barrett		
Dlr: West	!	K106	
Vul: Both	!	QJ3	
	"	KQ973	
	È	K5	
Beth Palmer			Lisa Berkowitz
!	J983		!
!	875		!
"	A2		"
È	10632		È
		Jane Greenberg	
		!	
		7542	
		!	
		K1042	
		"	
		J65	
		È	
		98	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1NT	Dbl	2È (1)
Dbl	2"	Pass	Pass
2!	All Pass		
(1) Stayman, not Alerted			

**The Facts:** 2! went down one, plus 100 for N/S. After bidding 2È South called the Director and indicated a desire to change her bid. After the Director explained to her that if the bid was changed, by Law 25B2 she could obtain no better than Average Minus on the board, she decided to let the 2È bid stand. 2È was Stayman and was not Alerted. E/W contended that the failure to Alert 2È prevented them from finding their club fit. The Director ruled that South’s desire to change her bid was evidence that something unusual had happened which should have prompted East or West to ask the meaning of the bid. The Director allowed the table result to stand. The screening Director was unable to state whether 2È asking for a four-card major after

the double was Alertable because he believed the answer is not defined in the ACBL Alert Procedure documentation.

**The Appeal:** E/W appealed the Director’s ruling. South and East attended the hearing. Both sides stipulated that any UI issues that had arisen because of South’s attempt to withdraw her 2È bid had nothing to do with the case and that the only issue to be addressed was simply whether E/W had been damaged by a failure to Alert an Alertable bid. E/W contended that there was no way for them to get to a 3È contract without knowing that 2È was Stayman and they believed that 2È was Alertable in this auction. They played a double of 2È to be non-penalty (and card-showing) no matter what the 2È bid meant. None of the players were certain whether East had Alerted the double of 2È. East was “fairly sure” but not positive that she had Alerted. The table Director provided no facts as to whether or not the double of 2È had been Alerted. N/S stated that their agreement was that the 2È bid was Stayman.

**The Committee Decision:** The Directing staff could not tell the Committee whether the 2È bid required an Alert. The Committee did note that the Notrump Opening Bid area of the ACBL convention card contains a line below the “5-card Major common” line that says “System on over \_\_\_\_\_” printed in black. The “How to fill out the New ACBL Convention Card” pamphlet states “...make them more aware of calls that require Alerts (in red) or Announcements (in blue).” Also, the “ACBL Alert Procedure” pamphlet (page 6) states that “No Alert is required for any bid of 2È over partner’s 1NT opening...if it requests opener to bid a four-card major...” The Committee decided that players should protect themselves in auctions where common bids can have different meanings. 2È asking for majors after a double is currently a fairly common treatment. A card-showing double of 2È in this auction requires an Alert. The table Director, in reporting the facts on the Appeal Form, had not indicated either that there had been an Alert or a failure to Alert, nor could E/W state positively that the bid had been Alerted. Another common tactic is to bid a “natural” 2È with short clubs after a penalty double, planning to redouble as an escape after 2È is doubled. The Committee therefore allowed the table result of 2! down one, plus 100 for N/S, to stand.



**Committee:** Robert Schwartz (chair), Lowell Andrews, Bobby Goldman, Abby Heitner, Michael White

**Directors' Ruling: 90.4      Committee's Decision: 95.8**

First, the Director's conclusion, that South's desire to change her 2 $\heartsuit$  bid was evidence that "something unusual" had happened and should have prompted E/W to ask about the bid's meaning, is obscure. Second, if South's 2 $\heartsuit$  is Alertable, then the failure to Alert appears to me to be a "victimless crime." I say this because the use of 2 $\heartsuit$  as Stayman after a double of 1NT is so commonplace these days that every experienced player is aware of this as a possible meaning. Those who claim ignorance had better be able to produce evidence of their 3-hour tour aboard the Minnow and their recent return with Gilligan and the Skipper. Third, the Directors that could not state whether the bid was Alertable should join the Directors from CASE TWENTY-NINE for a remedial training course. The *ACBL Alert Procedure* pamphlet reads, "No Alert is required for *any* bid of 2 $\heartsuit$  over partner's 1NT opening...if it requests opener to bid a four-card major..." (p 6, italics added). Admittedly, the example in the pamphlet includes only the auction: 1NT-Pass-2 $\heartsuit$ . However, I suggest that if it was intended that a double would make the 2 $\heartsuit$  bid Alertable, then that should have been stated – or at least the phrase "any bid of 2 $\heartsuit$ " should have been "a bid of 2 $\heartsuit$  without interference." Further, if this "obscure" variation of Stayman was not considered when the Alert policy was originally written and it has not been recognized as ambiguous and a policy established for dealing with it in the years since, then the framers of the policy and those charged with administering it are responsible for this incident.

I would not hold N/S accountable for not knowing whether 2 $\heartsuit$  was Alertable (since even the Directors didn't know and I doubt it was anyhow). Similarly, I would not protect E/W, many-time National and World Champions, from not asking about the bid. (In fact, I'm more concerned about E/W's possible failure to Alert their own double of 2 $\heartsuit$  which, as we've seen in CASE TWENTY-NINE, is a "Type II" double and clearly Alertable.) Besides, since E/W's double of 2 $\heartsuit$  would have meant the same thing (card-showing) regardless of the meaning of 2 $\heartsuit$ , I see no possible connection between the alleged failure to Alert 2 $\heartsuit$  and any possible damage to E/W. Thus, I agree entirely with the Committee and would also have allowed the table result to stand for both sides. Our first panelist speaks to the application of the laws and regulations in this situation.

**Stevenson:** "It would be a good idea if the Alert Procedure considered in rather more detail responses in competition. Notably, there are no rules on Alerts of responses to 1NT in competition: presumably that means they are the same as direct Alerts. Thus Stayman is not Alertable. There is a general requirement to Alert very strange agreements anyway. This agreement was described as 'a fairly common treatment' by the Committee so is still not Alertable. After the interpretation of Law 25B by the WBF Laws Commission in Lille, the Director should not have given South the choice to change her call. Law 25B is only permitted now to avoid playing in a 'stupid' contract, typically a response to Blackwood where the player forgets to go back to the agreed suit after deciding not to bid slam."

I agree with David that the absence of any reference in our Alert Procedure to Alerts of responses to 1NT in competition presumably means that they are the same as direct Alerts. Thus, Stayman is not Alertable – period! On the other hand, the WBF Laws Committee's pronouncements are not binding on the ACBL for events under the ACBL's sponsorship. In fact, after discussing the WBF's interpretation of Law 25B in its Orlando meetings, the ACBL Laws Commission decided that "the right to change one's call is not dependant on the reason for wishing to make a change." Thus, under the ACBL's interpretation of this law the ACBL Director in this case acted correctly (as far as Law 25B was concerned) in giving South the chance to change her call.

I agree with the next panelist's views on the Alertability of bids in common auctions which can have several frequently encountered meanings (as the one in the present case): they should be self-Alerting.

**Bramley:** "Clearly correct. The Committee went off on a tangent investigating whether the double of 2 $\heartsuit$  had been Alerted. While such a finding perhaps gave the Committee a better gauge of the pettiness of E/W's appeal, it had no direct bearing on the case at hand. The discussion illustrates the problem with Alert regulations that pertain to many common auctions in which two or three different approaches are all frequently used and well understood by the vast majority of players. Requiring Alerts for some, but not all, of the possibilities is wrong, in my opinion. 2 $\heartsuit$  over a penalty double should probably not be Alertable regardless of its meaning. Who knows what 'standard' is over a penalty double of 1NT? Clearly E/W should have recognized that several common, but different, treatments might be considered 'standard' by one pair or another. This was a gross example of 'the Committee game,' the expectation that the authorities will help you recover from a predicament that was easily preventable at the table. If you look only one way when crossing a two-way street and get hit by a car coming the other way, don't expect much sympathy from me."

**Berkowitz:** "I agree – bridge hopefully will always be a game played at the table. And you need to be there!"

**Brissman:** "Good decision. If we're voting on whether 2 $\heartsuit$  Stayman after double requires an Alert, I vote no."

**Treadwell:** "The Committee is absolutely right in stating that players should protect themselves in auctions where common bids can have different meanings. Failure to enforce this principle will result in many more cases where a pair seeks redress because their opponents did not stick to the letter of the increasingly complex Alert regulations. Oh, I'm all for the Alert procedure, but I feel an obligation to protect myself in many situations. To me, this case borders on being an appeal without merit."

**Weinstein:** "Good analysis by this Committee. However, not the best work by another Committee whose name escapes me, but also includes one of this Committee's members and also at least one of the panelists (who in order to protect the guilty and myself must remain anonymous). This is an area that will be addressed and fixed when the Alert modification moratorium is over at the end of 1999. The Committee makes the overriding point that players must protect themselves in auctions where common bids can have different meanings. This, combined with the unclear Alertability of the 2 $\heartsuit$  call, makes the Director's ruling and Committee's decision the proper result. My apologies to Ms. Berkowitz for making a poor Committee decision many years ago against her in a very similar case with the fact situation reversed. Had the Committee assessed a penalty point (I don't believe it would have been at all appropriate) I would have taken a small percentage lest my long ago poor decision helped induce the protest."

One panelist voted for adjusting the scores to Average Plus/Average Minus. I cannot imagine why, when there is no evidence of a failure to Alert (and thus no MI) and no demonstrable connection between that and any damage.

**Rigal:** "I do not want to try and work my way through the morass here. At the end of reading this, I still do not know why South should have wanted to change her bid if it was Stayman. And is it Alertable? I give up. Next case. My guess is that in such a murky situation I would have settled for an Average Plus/Average Minus decision."

Ain't that the truth.

**Subject (MI):** We Wuz Robbed

**Event:** Blue Ribbon Pairs, 24 Nov 98, First Qualifying Session

Bd: 19	Louise Kavall		
Dlr: South	107652		
Vul: E/W	! J54		
	" 103		
	Ê 1052		
Mary Vickers		Paul Vickers	
QJ43		A98	
! 963		! AKQ10	
" 85		" 7	
Ê J764		Ê AK983	
	Frank Scali		
	K		
	! 872		
	" AKQJ9642		
	Ê Q		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	2"	3Ê	2Ê
Pass	Pass	3!	3"
			All Pass

**The Facts:** 3! made five, plus 200 for E/W. The Director was summoned by E/W at the end of the play. Attention was drawn to N/S's convention card (only one of which was filled out) on which an opening 2Ê bid was marked as 20+ HCP and a 2" response marked as waiting; no mention was made that 2Ê could be 8+ playing tricks, which N/S claimed to be playing. North thought 3" was non-forcing; South thought it was forcing. The Director explained that the guidelines are being rewritten as to what constitutes a psych of a 2Ê opening. At present, no one knows exactly where the dividing line exists with a single-suited hand between a clear psych (e.g., thirteen deuces) and a valid 2Ê opener (e.g., thirteen solid

spades). The present hand is clearly in the huge middle ground. The Director ruled that the opening 2Ê bid was not a violation and that the table result would stand.

**The Appeal:** E/W appealed the Director's ruling. North, East and West attended the hearing. E/W repeated the above description of the (sole) N/S convention card, and stated that they both looked at it without asking any further questions. West said that she was worried about being doubled after East bid 3! and didn't want to give the opponents an extra shot at either doubling or bidding a game. The Director determined that N/S's partnership agreement was that 2Ê was strong and game forcing except after a "cheapest-suit double negative" from responder and a suit rebid by opener. North passed 3" (even though she thought it was intended as forcing) because the "intonation" of East's 3Ê bid made her think game was unlikely. The Committee determined that N/S were a first-time partnership and that North was a non-LM while the other three players were all LMs.

**The Committee Decision:** The Committee consulted with the Screening Director and discovered that there is a grey area regarding what constitutes an acceptable 2Ê opening based on a long suit. However, while it is difficult to identify an example hand which delineates valid from invalid 2Ê openings, a hand from a previous case that was screened at this tournament but withdrawn was available to serve as precedent. In that case a player had opened 2Ê and passed the (negative) 2" response, indicating that the decision to open 2Ê was probably a maneuver. In the present case, South's 3" rebid suggested that he evaluated his hand as (mostly) game forcing. The Committee was unanimous that E/W had no case. West had heard North pass 3" and South pass over 3! ; hence, N/S were going nowhere. The Committee members believed that West's pass of 3! represented a failure to play normal bridge, given that East had bid twice, at vulnerable versus non-vulnerable, in the face of a 2Ê opening. Therefore, West had reason to believe that 4Ê, if not 5Ê, would have play. The Committee allowed the table result to stand. In a sense South's valuation had "fixed" E/W but that valuation was not illegal. E/W had

consulted the Director at the end of the hand and had the right to contest the table ruling by pursuing the issue further. But in screening the Law was explained and they were told that pursuing the matter further, to an Appeals Committee, would be at their own risk. Here, given the level of the event (the Blue Ribbon Pairs), the Committee decided an AWMPP was appropriate.

**Committee:** Barry Rigal (chair), Lowell Andrews, Phil Brady, Abby Heitner, Marlene Passell

**Directors' Ruling: 89.6      Committee's Decision: 91.5**

Bravo! Bart, tell them how this game should be played.

**Bramley:** "This was an unlucky setup for E/W, but pursuing the appeal was a waste of everyone's time. Can't anyone take a fix and get on with the game?"

Exactly. Grow up, get a life, and play bridge. Right, Dave?

**Treadwell:** "Excellent reasoning in a rather difficult case. I am glad to see the appellants were awarded an AWMPP."

Right...ehh, Dave?

**Berkowitz:** "Agree totally. Bridge is a game and life is tough."

**Rigal:** "Both the Committee and Director found this to be clear enough – once we established what the rules were. I hope this decision will help to establish the 2 $\bar{E}$  guidelines. We found them to be very vague, although Brian Moran was as helpful as he could be. More examples please."

**Weinstein:** "Unlucky for E/W, but the Committee generally got it right including the meritless protest penalty. I don't buy that passing 3 $\bar{1}$  by West constitutes a failure to keep playing bridge, but a 4 $\bar{E}$  correction is hardly likely to lead to a better score. Time for some 2 $\bar{E}$  guidelines, not for the filing of a protest."

Two of our panelists were of the "Law and Order" persuasion. Repeat after me, "Our Lawbook, which art in Memphis (London),..."

**Stevenson:** "It is important to appreciate that a psychic is a gross distortion of values and/or distribution as compared with the pair's own system, not as compared with what anyone else may think is right. An example: suppose that a pair agrees to open 1 $\bar{1}$  with any hand with at least three hearts and at least 8 HCP. Such an agreement may or may not be legal dependent on the rules of the sponsoring organization, but if they now open 1 $\bar{1}$  on 1 $\bar{1}$  Q765 1 $\bar{4}$ 32 AK8763  $\bar{E}$  —, then they have not psyched. In this case, it is not entirely clear from the write-up whether this bid was a psychic or not. N/S claimed that they were playing 2 $\bar{E}$  as an eight-plus playing trick hand but their sole convention card stated otherwise. In view of the combination of N/S not having two convention cards, not showing eight-plus playing tricks on their card, and not appearing at the Committee to explain, it is clear that they have scant regard for the laws and regulations. They should have been subjected to a considerable PP, perhaps half a board. Nevertheless, the pass of 3 $\bar{1}$  is so dreadful that the basic decision was correct: passing 3 $\bar{1}$  was an 'egregious error,' or an 'irrational, wild or gambling action.'"

We learned recently that North actually did attend the hearing. We don't know, however, whether that would be enough to change David's overall judgment.

The other panelist in a hanging mood is none other than Judge Roy "Wolffie" Bean.

**Wolff:** "With possible shenanigans from N/S I'd refuse a ticket to E/W. I would want reported a pair that opens a strong 2 $\bar{E}$  with diamonds and substandard values."

That'll teach them varmints to try their shenanigans either East or West of the Pecos.

CASE THIRTY-TWO

**Subject (MI):** Filling In Can Be Dangerous

**Event:** Stratified Open Pairs, 25 Nov 98, First Session

Bd: 3	!	1092	
Dlr: South	!	QJ86532	
Vul: E/W	"	---	
	Ê	J84	
!	!	AJ754	!
"	"	A107	"
Ê	Ê	J7543	Ê
		---	
	!	6	!
	"	K94	"
	Ê	Q9	Ê
		AQ97653	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1!	3!	4!	1Ê
			All Pass

**The Facts:** 4! made seven, plus 710 for E/W. After the hand was over the Director was called and told that East had asked the meaning of the 3! bid and was told it was strong. N/S were a one session fill-in pair and did not have a completed convention card. The Director allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling and were the only players present at the hearing. E/W were a relatively inexperienced and new partnership. They were playing extremely light overcalls and East was unsure as to what a 4! bid

would have meant. East said he considered a constructive 3! bid or a 4Ê bid but was afraid of a club lead against 4!.

**The Committee Decision:** The Committee considered the inexperience of E/W as a partnership and as players. It was noted that East was from the United Kingdom but he admitted that he had played against and was familiar with preemptive jump shifts. The Committee decided that East had many bridge tools available to show his hand and that 4! was the worst possible choice: 4Ê, 4", 4! all being better. Even had West overcalled with 1AJxxxx and out, 7! was cold. The Committee also decided that South, facing a strong jump shift and with a singleton spade, should have made some bid over 4! unless he had realized that 3! was not a strong bid after all. N/S was assigned an Average Minus and the table result of 4! made seven, plus 710, was allowed to stand for E/W. The Committee did not consider this an appeal to be without merit because of the E/W pair's inexperience.

**Committee:** Robert Schwartz (chair), Jerry Gaer, Abby Heitner, Bill Passell, Barry Rigal

**Directors' Ruling: 83.3**

**Committee's Decision: 80.0**

A fill-in pair who didn't even have time to fill out a convention card, let alone discuss their methods, should never be penalized for a misunderstanding, for failing to Alert (unless there had been some discussion of the method) or for inconsistent bidding (as here). Notice, I said a "fill-in" pair – not a pick-up partnership. The latter are playing of their own volition, had an opportunity to discuss their methods, and are still responsible for knowing (at least to some extent) what they are doing. A fill-in pair might not even have time to discuss more than "Standard American with strong notrumps and transfers." I would have allowed the table result to stand for both pairs (yes, South should have told E/W that 3! was "undiscussed" instead of strong, but strong is the "default" assumption, lacking an agreement to the contrary) and educated N/S about their obligations. I'll yield to the Committee's judgment regarding not assessing an AWMPP.

Any doubts? Then we'll look it up for you in our "Official Encyclopedia."

**Gerard:** "WHOA. I don't think 7! would have been cold if the 'out' in 'AJxxxx and out' included some number of clubs. And I don't see any basis for assessing N/S Average Minus since the infraction caused no damage (I suppose this would be different today). At most there were grounds for a procedural adjustment, since South, facing a clearly troubled opponent and with a hand that might bid 8! if it could, should have realized that he was not facing a strong jump shift. If he did, it was okay to make a tactical pass, therefore no score adjustment, but not okay to fail to correct his explanation."

**Bramley:** "I would have let the result stand for both sides. N/S, as a fill-in pair, seem to have been a new partnership also. I would not punish them for being at the table when East lost his mind. I reject the argument that South 'should have made some bid over 4!'. Maybe South had an inkling that 3! was weak, but making a forcing pass over 4! doesn't prove it."

The next two panelists buy the Committee's decision to adjust N/S's score.

**Treadwell:** "A good Committee analysis. I would have issued an AWMPP to a more experienced pair, but agree with the Committee's decision to withhold this 'honor' in this case."

**Berkowitz:** "Accurate decision."

**Weinstein:** "Off with everyone's head. The Committee could have guessed a N/S score rather Average Minus, but it seems okay as long as their score was adjusted for the MI. E/W bidding must make the top ten for egregiousness. I'd be embarrassed to show this bidding. Even if inexperienced this is an appeal without merit, or would have been had the Director properly adjusted the N/S score. When are the Directors going to start assigning rulings against both sides when appropriate? It's currently extremely rare, and shouldn't be. However, the E/W bidding was so bad I have sympathy for not adjusting N/S for their possible culpability. Maybe the Directors had it right after all. The Directors may well have a better handle on justice in a case involving weak players than many Committees. I guess we'll get a feel after Vancouver. Yes, I know I've just swung for the fences (straddling) here."

**Wolff:** "Different rules apply that don't fit the normal high-level game. Under the scenario a good decision."

I fail to understand these panelists' (or the Committee's) position. In what way were E/W damaged (other than by their own incompetence) to justify a score adjustment for N/S, a *fill-in* pair?

Not so accepting of the Committee's view regarding E/W's inexperience are...

**Brissman:** "So let me see if I understand East's 'meritorious' appeal: Looking at a good 15 HCP and hearing his LHO open and partner overcall, he needed to ask the meaning of the 3! jump, and upon learning it was strong he was entitled to believe it? Don't inexperienced players still know the number of points in the deck? A very charitable Committee."

**Rigal:** "A generous decision for E/W, not to give them AWMPP points, but they did indicate their inexperience in Committee. My instinct is to let relative novices off lightly. Is that against the letter or spirit of the system? So be it."

We'll leave you with some questions to ponder (especially if you were a member of this Committee), courtesy of David Stevenson.

**Stevenson:** "A confusing conclusion. Why did the Committee split the score? Why

did they give an illegal ruling? How can they have even thought about a Merit Point when they adjusted the score? Did this Committee have any concept whatever of the law? What happens if the defense cashes two clubs against the so-called cold 7<sup>l</sup> with <sup>l</sup>AJxxx and out [presumably including some clubs, as Ron pointed out above. – Ed.]? E/W were clearly misinformed, and it was made more difficult for them thereby. Being an inexperienced partnership East made a bid that will probably never cost if North is strong. It was not an ‘egregious error,’ or an ‘irrational, wild or gambling action.’ Thus the board should have been adjusted to 7<sup>l</sup> making.”

(Don’t think too long about David’s recommended score adjustment. If East believes that North can be strong, then South must have opened a 10 count and West overcalled a 0 count. That may sell in England, but over here we’re a bit more cynical about these things. Right Ron?)

**Subject (MI):** What’s In A Force?

**Event:** Blue Ribbon Pairs, 25 Nov 98, First Semi-Final Session

Bd: 14	Joan Stein		
Dlr: East	<sup>l</sup> Q109753		
Vul: None	<sup>!</sup> A109		
	<sup>"</sup> J8		
	<sup>Ê</sup> 74		
Don Caton		Randy Pettit	
<sup>l</sup> A4		<sup>l</sup> J86	
<sup>!</sup> QJ8654		<sup>!</sup> 32	
<sup>"</sup> K		<sup>"</sup> AQ7652	
<sup>Ê</sup> Q953		<sup>Ê</sup> K6	
	Jeff Miller		
	<sup>l</sup> K2		
	<sup>!</sup> K7		
	<sup>"</sup> 10943		
	<sup>Ê</sup> AJ1082		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
2 <sup>l</sup>	Pass	2 <sup>"</sup>	Pass
		2NT	All Pass

**The Facts:** 2NT made three, plus 150 for E/W. North asked the meaning of 2<sup>l</sup> after West made the bid and East explained it as forcing. After the last pass, West told his opponents that 2<sup>l</sup> had actually been invitational. The Director was called and privately consulted with North, who stated that she would probably have bid 2<sup>l</sup> if she had known that 2<sup>l</sup> was invitational. On this basis the Director ruled that since North could have been deterred from her bid by MI, an adjustment was appropriate. Since there were many permutations about what could have happened, the Director awarded the artificial adjustment (Law 12C1) of Average Plus to N/S and Average Minus to E/W.

**The Appeal:** E/W appealed the Director’s ruling and only West attended the hearing. E/W had only played together a couple of times before. They had discussed treating a new minor as non-forcing after a weak two-bid and modified the box on their convention card marked “New suit NF” to read “New minor NF” and checked it. West thought they had discussed majors being invitational but East apparently thought that the implication of saying “New minor NF” was that major-suit responses were forcing. West said he thought the strength difference between invitational and forcing was small, probably not enough to sway a decision to bid or not bid by North. Upon questioning, the table Director (who happened to also be the screening Director) told the Committee that when he consulted with North, she indicated more than mere probability that she would have bid if she had known that West’s 2<sup>l</sup> was invitational.

**The Committee Decision:** The Committee expressed its appreciation to West for his forthright correction of East’s erroneous (to his mind) explanation of the 2<sup>l</sup> bid. However, one partner thought the 2<sup>l</sup> bid was invitational and the other thought it was forcing. They did not have an agreement. If there is no agreement, then an explanation of an assumed agreement is MI. This is especially clear when the explanation is at variance with the bidder’s known intentions. The Committee credited the Director’s understanding of North’s intention to bid had she known that 2<sup>l</sup> was invitational. While her choice of words left room for doubt as to how likely she was to have bid, the Director’s impression indicated it was quite likely that she would have done so. The Committee did not think that choosing not to bid over a forcing 2<sup>l</sup> while maintaining that she would have bid over an invitational 2<sup>l</sup> was unusual. The Committee acknowledged that the difference between an invitational bid and a minimal forcing bid could be narrow indeed. However, for North to pass over an invitational bid may have been more perilous than doing so over an unlimited, forcing bid. One additional risk to passing over an invitational bid was that the contract may have just been improved and may be passed out there. Based on the Director’s understanding of North’s statements, the Committee believed

there was a reasonable chance that this North was deflected from bidding 2 $\heartsuit$  by the MI. The Committee therefore assigned Average Plus to N/S and Average Minus to E/W.

**Committee:** Michael Huston (chair), Phil Brady, Bobby Goldman, Dave Treadwell, Marlene Passell

**Directors' Ruling: 78.1      Committee's Decision: 68.9**

Why do Directors and Committees have such a penchant for making improper (or at least lazy) artificial score adjustments (via Law 12C1) in place of the table result when their job is to determine what was "likely" for the non-offenders and was "at all probable" for the offenders (as per Law 12C2)? An artificial score can sometimes play a role in the adjustment (e.g., N/S get plus 110 or Average Plus, whichever is greater; E/W get minus 110 or Average Minus, whichever is worse), but they must attempt to project a bridge result (or a level of protection/punishment for each pair, as above) to assign in place of what happened at the table.

Right David?

**Stevenson:** "While I do not believe that it would occur to me to bid on a seven-count when the opponents are known to have the values for a game try, bridge judgment is what Committees are best at. Given that, Law 12C2 requires that an assigned score be awarded, not an artificial one. The illegal and lazy application of Average Plus/Average Minus makes a mockery of the appeals process. 2 $\heartsuit$  may easily make eight tricks, and is unlikely to make more, and no-one is particularly likely to bid over it. The result of 110 to N/S should have been assigned by both Director and Committee, and there was no excuse for not doing so. This is one of the easiest assigned scores in all the Orlando appeals."

**Rigal:** "I like the Director's approach here; this is one of the rare occasions when it is very hard to predict a reasonable continuation. The Committee gave North more credit than I would for the weaselly 'would probably have.' While E/W are due their Average Minus, I would not have given North more than Average. I'd really like to try and discourage the barrack-room lawyers from getting the best of all worlds with this in-between language, and if it means being harsh to the non-offenders once in a while, my conscience is clear enough there."

What's to like in an improper ruling?

If what was reported in **The Appeal** section is accurate, I do not believe that E/W had an agreement that 2 $\heartsuit$  was strictly invitational (non-forcing). The evidence from the notation on E/W's convention cards ("New minor NF") clearly indicates that a new major wasn't non-forcing. Thus, it was West's "correction" of East's explanation (that he intended 2 $\heartsuit$  as invitational) that was the problem here. But it wasn't MI, since he was disclosing the actual content of his hand (or at least his intent) and East's previous explanation was an accurate reflection of what was on their convention card. I would not have adjusted any scores from the result achieved at the table. I might be persuaded to give E/W a 1 matchpoint PP for the confusion their lack of an agreement caused, but nothing more.

**Bramley:** "I don't buy it. North has a doubtful 2 $\heartsuit$  bid regardless of the strength of 2 $\heartsuit$ . I find the argument that 2 $\heartsuit$  is more likely over an invitational 2 $\heartsuit$  unpersuasive. In theory 2 $\heartsuit$  should show a better hand than because the likelihood is greater that you are trying to reach game rather than compete for the partscore or prepare a save. South might well bid too much here for just that reason. When 2 $\heartsuit$  is forcing North may be more tempted to bid 2 $\heartsuit$  with a decent suit and little else. Players that want to bid with the actual North hand are unlikely to be swayed one way or the other by the strength of the 2 $\heartsuit$  bid.

"This is a classic example of a hand on which both sides are suspects. E/W are

the traditional suspects because they are the offenders. (However, this hand will probably give West the incentive not to commit the offense of honesty again soon.) And N/S are suspects because North has an ironclad double shot provided by the late explanation. Of course North will argue that she would have bid 2 $\heartsuit$ , because now she can bid 2 $\heartsuit$  TOTALLY WITHOUT RISK. If 2 $\heartsuit$  would have led to a disaster for N/S there is no penalty. Many players have learned to tell the Director automatically that they would have taken a different action 'if they had known at the time.' I am not asserting that this North committed such a sin. What I am asserting is that the Committee should regard North's contention very warily, rather than accepting it at face value. North was conveniently absent and thus unable to explain the subtle line of reasoning that would have led to a different bid with the right information. I would have let the table result stand for both sides.

"For history buffs, CASE THIRTY-FOUR from St. Louis is an excellent example of a MI case in which the 'innocent' side asserted they would have made a more effective bid with the right information, even though that assertion was highly questionable. For balance, CASE THIRTY-TWO from St. Louis shows a situation almost identical to the current case, but where the player in the hot seat could argue effectively that he was damaged from improper information."

**Berkowitz:** "I find the North statement that she would have bid 2 $\heartsuit$  to be totally self-serving and unbelievable. I would leave the result achieved at the table."

I disagree with Bart's and David's position about North being unlikely to bid had she been told that 2 $\heartsuit$  was invitational. As long as she committed to an action before the opening lead, I would accept her statement and hold her to it, even if her bid works out poorly. Thus, her statement would not be without risk.

But of course with no MI here there was no reason to adjust the table result.

Ron reveals the proper way for E/W to have handled this situation at the table.

**Gerard:** "Here's what North should have been told in answer to her question about the meaning of 2 $\heartsuit$ . By East: 'I don't think we've specifically discussed it but we have discussed treating a new minor as nonforcing and our convention card, which we believe to be correct, is marked accordingly.' By West (if behind screens): 'I don't know if we've specifically discussed it, but if it's nonforcing then our convention card is incorrect.' West's at-the-table explanation was not a LA to East's, which was supported by the convention card. You can have an agreement about A because your agreement about B doesn't extend to A. If you and your partner agree to open 'four-card heart suits,' you've agreed to play five-card spade suits even if you never discussed it. The intention of the bidder does not establish an alternative to a partnership understanding. The Committee would have us believe that both East and West engaged in the meaningless exercise of modifying their convention cards to indicate something other than what they intended. If you understand the concept of statutory construction, you know that that's just blatantly wrong. If the legislature amends the Three Strikes and Out Law to make it Four Strikes and Out, or if Congress restricts the casualty loss deduction to right-handed taxpayers, the logical conclusions are Three Strikes and In and no deduction for lefties. What North would or might have done over an invitational 2 $\heartsuit$  wasn't relevant since E/W weren't playing it.

"With apologies to 'The Mozart Convention,' it was Mistaken Bid, jerko, not Mistaken Explanation."

The following view of accepting North's statement would make sense *if* there were MI. However, once the decision is made to adjust the scores, Average Plus/Average Minus is not one of the options.

**Weinstein:** "Unlike the Committee, I would normally automatically dismiss North's statement as self-serving and let the table result stand. However, there was one key bit of evidence to back up North. She went out of her way to ask about the

**CASE THIRTY-FOUR**

meaning of 2! before she bid. Unless she intended this question to set up this basis of an appeal on the remote chance there was a misunderstanding or always asks, which would be unusual in this position, it seems likely she was considering bidding over a not forcing 2! . Whether she might have only bid over a non-invitational 2! or also over an invitational 2! is open to question. It's close and I would go with the Committee on this one, but primarily not for the reasons included in their decision. Having made that decision, is plus 110 for N/S a possible result?"

To answer Howard's question, yes, plus 110 for N/S is not only a possible, but in my opinion the "likely," result. If I agreed that there was MI and therefore to allow North's 2! bid, then plus 110 for N/S and minus 110 for E/W would have been my choice too.

**Wolff:** "Okay decision, which means that opponents are entitled, without looking, to be Alerted whether change-of-suit responses to weak two-bids are forcing or not. Makes sense, but let this be the rule rather than have the next Committee or Director rule otherwise."

Under our current procedure, opponents *are* entitled to be Alerted when a new suit is non-forcing in response to a weak two-bid. If E/W had this agreement, then N/S deserved protection. If not, then there was no foul. A Committee needs to determine the facts in order to make the proper decision.

**Subject (MI):** Scuzza Me, But You See, Back In Old Napoli...  
**Event:** Reisinger BAM Teams, 27 Nov 98, First Qualifying Session

Bd: 33	Robin Klar		
Dlr: North	! J963		
Vul: None	! K64		
	" AQ2		
	Ê K104		
Lorenzo Lauria		Alfredo Versace	
! K1074		! Q85	
! 8532		! Q97	
" KJ6		" 3	
Ê J8		Ê A97653	
	Roger Bates		
	! A2		
	! AJ10		
	" 1098754		
	Ê Q2		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1Ê	Pass	1"
Pass	1NT	Pass	2NT
Pass	3NT	All Pass	

**The Facts:** 3NT made four, plus 430 for N/S. The opening lead was the ! Q. South failed to Alert the 1NT rebid as possibly bypassing a four-card major. The Director ruled that any connection between the result and the lack of disclosure was severed by the unusual lead; he allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. East, an experienced World Champion, believed that North had denied a four-card major with the 1NT rebid. He therefore decided on a major-suit lead and selected the ! Q. West subsequently played ! K then ! 10, declarer taking ten tricks. N/S's agreements included: a 1NT rebid did not deny a four-card major; opener

was allowed to use judgment in choosing whether to rebid 1NT or a major; and responder could bypass a diamond suit, but not in extreme cases. N/S stated that they had been told that this style was not Alertable.

**The Committee Decision:** The Committee first determined that there had been a failure to Alert. They then considered whether: (1) the E/W pair had adequately protected themselves and (2) there was a causal connection between the infraction and the poor result. The Committee determined, with respect to (1), that E/W had played enough bridge in this country that they should have been aware of this style. The Committee further believed that the poor result was due to an attempt to create an unusual result with the ! Q lead and that the information available – that (under East's conception of N/S's methods) *South* could easily have a strong four-card spade holding – was not sufficiently different from the actual hand to protect the result. Therefore, the Committee allowed the table result to stand. Recognizing N/S's obligation to Alert or at least disclose their agreement before the opening lead, the Committee assessed a 0.05-board PP for failure to do so.

**Committee:** Henry Bethe (chair), George Dawkins, Ed Lazarus, Barry Rigal, Robert Schwartz

**Directors' Ruling: 92.7      Committee's Decision: 82.0**

After a 1" response, a 1NT rebid by opener which can bypass a four-card major is common practice. How were E/W damaged by this? If N/S agreed that opener can routinely bypass a spade suit to rebid 1NT after a 1! response, that would be Alertable. While the 1NT rebid was "technically" Alertable, I think this was a "victimless" crime (as in CASE THIRTY). N/S didn't deserve a PP for not Alerting 1NT *in this auction*. Right Ron?

**Gerard:** "It's a silly Alert, just like 2Ê not promising a major used to be,

particularly in National events. As I understand it, under the new definition of damage the board should have been scored N/S plus 400, E/W minus 430. I guess the Committee halved the usual PP because of N/S's claim that they had been told not to Alert, but I wouldn't have bought into that self-serving rhetoric any more than in a score adjustment matter. Do you think the Committee told us their full story?"

**Berkowitz:** "I find that at this level the players should protect themselves. Perhaps a better Committee would agree. The PP is horrible – E/W must ask if they need to know."

**Bramley:** "Now just a darn minute! In CASE THIRTY-FIVE from St. Louis (apparently that was a very potent stretch of Cases) I questioned ACBL Alert policy with regard to 1NT rebids that may bypass one or both unbid majors. I argued that such bids should not be Alertable because they comprise a widely played and well understood treatment, albeit not a majority treatment. In response, our esteemed editor pointed out that the St. Louis auction (1 $\heartsuit$  -1! -1NT) was Alertable, but that 1 $\heartsuit$  -1" -1NT was *not* Alertable, because the 1" bidder (in the most popular version of this treatment) would not usually have a major, but the 1! bidder might have four spades. I haven't changed my view that neither of these auctions should be Alertable, but this Committee says that 1 $\heartsuit$  -1" -1NT is now Alertable. Is it?"

"I agree with the Committee's finding that there was no causal connection between the infraction and the result. East's peculiar lead was the cause of his poor result. But I disagree strongly with the PP. Minor, non-harmful, infractions should not be procedurally penalized depending on the whim of a disgruntled opponent, particularly one who should have had a good idea of the situation (as the Committee observes) and was trying to use an appeal to compensate for his over-imaginative opening lead. There would have been more justification for procedurally penalizing E/W for abuse of the appeals process."

I was wrong in the St. Louis casebook when I said that opener's 1NT rebid in the auction 1m-1! -1NT was Alertable, but not in the auction 1 $\heartsuit$  -1" -1NT. Not that I didn't seek advice on the matter, but the input I got was worth exactly what I paid for it. Had I simply consulted the *ACBL Alert Procedure* pamphlet I would have found, under **OPENER'S REBIDS**: "You must Alert a 1NT rebid if strong (may have 16 or more HCP) and/or if it may bypass a four-card major." The pamphlet does not distinguish between the two auctions. But while an Alert is "technically" required in both cases, it is good to ask how, in each case, a failure to Alert the 1NT rebid could result in damage. In the St. Louis casebook I said: "...bidding textbooks have for many years advised responder to bypass even a longer diamond suit to respond in a four-card major when weak. Thus, in what is now (rightly or wrongly) considered 'Standard' bidding, responder will not have a four-card major when he responds 1" to 1 $\heartsuit$  unless he is strong enough to bid his major himself on the next round. But he may have four spades after a 1! response and not be strong enough to bid again over opener's 1NT rebid. Thus, in the 1 $\heartsuit$  -1" auction opener logically need not strain to look for a four-four major-suit fit when he is notrump oriented, while in the 1m-1! auction opener is expected to rebid 1 $\heartsuit$  when he holds four of them. Of course opener may unilaterally elect to bypass a four-card spade suit in the 1m-1! auction if he thinks a 1NT rebid better describes his hand."

The Official Encyclopedia of Bridge (the real one, not "ours") confirms my last point, saying that some players prefer to rebid 1NT rather than 1 $\heartsuit$  in the auction 1 $\heartsuit$  -1! -1NT with 4-3-3-3 distribution. In the 1 $\heartsuit$  -1" auction, few would rebid 1NT holding 1 $\heartsuit$  AQ10x 1 $\spadesuit$  xx " Qxx  $\heartsuit$  KQxx, even if the system allowed it. Common practice in either auction is to look at your hand and bid intelligently. Is damage from a failure to Alert the 1 $\heartsuit$  -1" -1NT rebid possible, when all the textbooks say opener can have a four-card major? An experienced player knows this is possible (or asks if it's relevant). Newer players have either read that opener can have a major or, if unread, have no expectations one way or the other. What is your own

agreement about 1 $\heartsuit$  -1" -1NT? Do you Alert 1NT with any of your partners?"

I see no damage here, except, as Bart points out, from E/W's distasteful appeal.

**Weinstein:** "E/W are big boys (actually they're both kind of small) and should have been sufficiently aware of this possibility to protect themselves. So I agree with the Committee based on point one. However, I disagree with the Director and Committee about the dissing of the lead. If East believes that North has two or three spades and South could have four, there is a lot to be said for the lead of the queen (switch the North and South hands). However, point one makes point two irrelevant. The Alertability of the 1NT call is arguable and will be discussed. There is a range of calls that commonly have different treatments, that conceivably shouldn't be Alertable. Experienced players should not be entitled to an adjustment arising from those failures to Alert. Also, because the Alert is nebulous, the PP shouldn't be issued."

**Treadwell:** "The Committee was correct here in not awarding E/W anything, but why penalize N/S? It is not a requirement for opener to rebid 1 $\heartsuit$ , here, if he deems the hand better suited for NT and this is not Alertable; it is simply playing bridge. If an opponent in this situation cares whether N/S might have by-passed a major, he should ask before leading. Players must be educated to protect themselves."

**Brissman:** "Allowing the table result to stand was fine. Let's address the quantum of the PP. Recall that our standard PP is one-fourth of a board in matchpoint events and 3 IMPs in IMP-scored events; these PPs seem to have greater impact than 0.05-board in a Board-A-Match event. I propose that we adopt a .10-board PP as our standard for BAM events, as was imposed in CASE THIRTY-SEVEN. Of course, a Committee always has the discretion to deviate from the standard when the gravity of the violation dictates."

As they did here. They just failed to deviate low enough.

**Rigal:** "I think the Director did the right thing when he refused to adjust after the unusual (gambling) opening lead. I like the Committee points regarding who might have the four-card major; the only question was what constituted a *de minimis* adjustment. This was a situation where (yet again – why is it always the Committee's on which I serve that this is the case?) the Committee believed that the rules about procedure had changed so many times, N/S's failure to Alert was not a serious offense."

I agree. Not serious and no practical effect on the opponents.  
The next panelist makes several good points.

**Stevenson:** "Committees seem to be coming up with more creative reasons to stop people who commit infractions from suffering. Nothing in the ACBL's or the WBF's interpretations of the Law suggest that unusual leads snap the causal link. The lead of the 1 $\heartsuit$  Q had to be an 'egregious error,' or 'irrational, wild or gambling action.' The Committee did not seem to have considered this. Committees are not required to make law but to judge hands within the laws. This Committee failed to do that. If they had, then they might have decided the 1 $\heartsuit$  Q lead came within the interpretations, and the final ruling might be correct, though for the wrong reasons. If so, should the score be the same for both sides? Probably not: too many decisions support the offenders for no reason. However, as a matter of practicality, split scores are very unsuitable for BAM teams, so I would accept the Committee's decision though not their reasoning. Note that the Director appeared to have used the same faulty reasoning."

David is right about Committees not making law but judging hands within the laws. He's also right that a decision not to adjust the score should properly have



CASE THIRTY-FIVE

been based on the judgment that East failed to protect himself in a situation in which he should have known that various rebid styles are common. It's possible to believe that East's lead was so egregious as to break the connection between the MI and the damage, but Howard has already pointed out the problem with that judgment. Thus, the Committee's reasoning is faulty.

Finally, two panelists applauded the decision without apparent reservation.

**Goldman:** "Good decision."

**Wolff:** "Excellent decision that covered the bases."

**Subject (MI):** Ehh? Speak Up!

**Event:** Reisinger BAM Teams, 27 Nov 98, First Qualifying Session

Bd: 8	Malcolm Mayer		
Dlr: West	A105		
Vul: None	! AKQ107		
	" 2		
	É AJ93		
Lee Rautenberg		Randy Pettit	
864		J972	
! 32		! J865	
" 1098		" Q7643	
É KQ1052		É ---	
	Paul Marston		
	KQ3		
	! 94		
	" AKJ5		
	É 8764		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1É (1)	2É (2)	2" (3)
Pass	2!	Pass	3É
Pass	3NT	Pass	4NT
Pass	5"	Pass	5!
Pass	6É	Pass	6NT
All Pass			
(1) Strong club (15+)			
(2) Diamonds or the majors (not Alerted)			
(3) Alerted			

**The Facts:** 6NT went down one, plus 50 for E/W. 2É was not Alerted because West had missed the Alert of 1É. 2É was explained as Michaels when the actual E/W agreement was that it showed diamonds or the majors. The Director ruled that there was MI (Law 40C) and since no result could be obtained (Law 12C1) awarded N/S Average Plus and E/W Average Minus.

**The Appeal:** E/W appealed the Director's ruling. After North opened 1É, South turned to East and said "15+." East bid 2É, not Alerted, and South assumed it was natural. He bid 2" which North Alerted. West passed. When the auction reached 3NT South turned to West and asked whether 2É was natural. West said no, that it was Michaels. South asked whether they played Michaels over a forcing 1É, West asked "What forcing 1É?" and then stated that 2É showed diamonds or the majors. South

then called the Director. In a side discussion he stated that their style was to "go for penalties" on such hands and that he suspected that the final contract would have been 2! doubled. The Director instructed that the board be completed. N/S reached 6NT. After the fourth best | 2 lead, North successfully ran the É 6, then cleared hearts. On a diamond continuation, he elected to play for a minor-suit squeeze against West rather than the diamond finesse and went down one. E/W stated that there was considerable "hubbub" at the table. West did not hear or see the Alert of 1É. There was no pre-Alert of the N/S system but a highly unusual bid had come up on a prior hand. South and East had a quiet conversation, not observed by West, about an opening bid.

**The Committee Decision:** While the Committee had sympathy for West, who was hard of hearing, they believed that there was sufficient information available for him to be aware of the Alert of 1É and that he therefore had a responsibility to Alert the 2É overcall. With regard to South's claim of collecting a penalty against 2! doubled, the Committee believed that he might have been swayed subconsciously by his knowledge, by the time the auction reached 3NT, that North had five hearts. The Committee believed, however, that N/S had a significant probability of collecting a large number with the right information but also a possibility of being plus 460, plus 490, or the minus 50 actually achieved. No probable result was determinable (Law 12C2) so the Committee assigned (as per Law 12C1) Average Plus to N/S and Average Minus to E/W.

**Committee:** Henry Bethe (chair), George Dawkins, Ed Lazarus, Barry Rigal,

**Directors' Ruling: 64.8      Committee's Decision: 62.2**

Here we go again – another improper 12C1 ruling. David?

**Stevenson:** “Law 12C1 applies when no score was obtained at the table, and the ruling in this case should have been plus 490 based on the Committee’s judgment.”

The Committee knew all of the possibilities: 1100 in 2" doubled; 1400 in 2½ doubled; 460 or 490 in 3NT; 990 or minus 50 in 6NT. Why was it so hard to decide which of these were “likely” and which were “at all probable” and to adjust each side’s score according to 12C2? I think that plus 1100 in 2" doubled is the most favorable result likely (it’s close between this and 6NT for N/S) and would assign that score to both sides. I would listen to arguments that North would not sit for the double and if convinced, would assign E/W minus 1100 (since I still believe 2" doubled was “at all probable”) and N/S plus 990 in 6NT (since North would then clearly take the diamond finesse; see my reply to Bart’s comment below).

Let’s consider the following view, expressed by several panelists.

**Weinstein:** “Get me some Valium, quickly. South fails to follow anything close to correct Alert procedure and now wants an adjustment when West gives MI because he wasn’t aware of the Alert? Where is Kafka? The Committee gives West grief for not inferring the 1E was artificial (why should he?), but lets South not question a Michaels explanation over an artificial club until the second round of the bidding? Then the famous ‘we always go for penalties.’ Then why didn’t they go for penalties? East was likely to have the majors under either explanation. Now we can get to the play of the hand in 6NT. Get me another Valium. East can be counted out for 4-4-5-0 or 3-4-6-0. So naturally North plays for the squeeze against the hand that is known to hold two or three diamonds instead of finessing the hand that is known to hold five or six diamonds. Seems pretty egregious to me.

“So let’s summarize. West was entrapped into giving MI when South failed to Alert properly. South makes a self-serving statement about going for penalties when he could just as easily have gone for penalties on the actual hand. Then they bid to 6NT which is egregiously misplayed to go down. In case I’m being too subtle, I don’t agree with the Committee. Had the Director allowed the table result to stand and had N/S protested, I’d be lobbying for a meritless appeal penalty.

“This South was a protagonist in a Committee in Chicago where he wasn’t Alerted to a support redouble. The Committee lost its mind and gave him redress. In my probably worst comment of the last ten casebooks, I agreed with the Committee along with one other panelist. South, with his Australian accent, must have a Svengali-like effect on Committees. Unfortunately, after these last two Committee decisions he will now be tempted to ask for a Committee if somebody sneezes out of turn.”

**Bramley:** “East seems to have had an unlucky set of partners at this tournament (see CASE THIRTY-THREE), and an even unluckier set of Directors and Committees. I disagree strongly with this decision. For starters, I thought the responsibility lay with the Alerter to be sure that his opponents had been Alerted. What was the ‘sufficient information available’ to West that should have made him aware of the Alert? If it wasn’t a spoken Alert or a visible Alert, then it was *insufficient*. The knowledge that the opponents made an unusual bid on an earlier hand does not afford a guarantee that 1E is artificial, does it? Furthermore, the argument that N/S would have gone for the throat doesn’t hold, either. With four clubs and a good hand opposite a strong club South might have chosen that route anyway. He didn’t. And finally, declarer had all the information he needed to make the contract when the time came, and he blew it. Our guests must enjoy our tournaments, where they can muff the Alert, muff the bidding, and muff the play,

but still have recourse to higher authority for protection.

“A point worth noting is South’s contention that he would have done something different if he had known what 2E meant. This is the same kind of ‘safe’ action that was available to North on CASE THIRTY-THREE, and just about as believable. I also have a question about BAM scoring after an Average Plus/Average Minus decision like this. If I understand correctly, this decision effectively cancels the result at the other table. If so, it is a defect in the scoring rules. But, if that really is the rule, the Committee should strain to assign a real result so that the BAM scoring can proceed normally.”

Bart is right about that last issue. Directors and Committees should avoid artificial adjustments at teams since they effectively throw out the result at the other table (undesirable). And since artificial adjustments are improper where a bridge result is achieved at the table, it was doubly improper here.

Now for the other issues Howard and Bart raise. First, South said “15+” when North opened 1E. South didn’t know West was hard of hearing, so he had no way to know that West might not hear his explanation. But West knew he was hard of hearing and that he needed to pay attention when RHO was saying something to his partner. The only mitigating factor here is that South failed to follow the proper Alert procedure and tap the blue Alert strip. (His explanation was equivalent to saying “Alert.”) I may be wrong, but not tapping the Alert strip doesn’t rank high in importance to me once an explanation is underway. Second, with E 8xxx South could double 2E and maybe collect 300 when N/S are cold for any of several slams. Clearly his decision not to double was based on the MI that East held clubs. Third, I agree the earlier hand had no bearing on this case. Fourth, N/S’s statement that they would have “gone for the throat” may be self-serving, but with obstructive bidding being what it is in the post-Bergen era I would not reject it out of hand. Besides, if South had doubled 2E, after the likely continuation of Pass-Pass-2", South would double again and North would now take the diamond finesse in 6NT.

The fact that North may have misplayed his contract (Ron concurs; see below) should not affect this decision when the information that East has diamonds would have significantly increased North’s likelihood of making his contract. As for the issue of North’s misplay, let’s listen to Ron’s account.

**Gerard:** “Oh, come on. The Committee determined that N/S had a ‘significant probability’ of collecting a large number (I make it 1100 versus 2") with the right information. Ergo, E/W get minus 1100. 12C2 does not require the probable result, only an *at all* probable result. N/S deserved minus 50. Plus 1100 was not 12C2 likely, so N/S were in a better position in 6NT than they would have been without the irregularity. North’s line of play in 6NT constituted classic failure to continue playing bridge. For a player of his reputed caliber to go down in 6NT was scandalous. Plus 990 should have been a desirable result, so continuing clubs at trick three was clearly indicated – what if East had 1 J9x 1 J8xx " 10xxxxx E —? Switching to hearts at trick three seems to be playing for an overtrick that wasn’t necessary. And going for the squeeze was a monstrous error, requiring a defensive mistake for it to be correct. West could have guaranteed defeat of the hand North played for by splitting his clubs at trick two. Even if you don’t have as rigorous a view of the non-offenders’ obligations as I do, how can a supposedly world class player fail to make 6NT after the play to the first two tricks?”

Ron agrees that E/W should get the “at all probable” minus 1100, so our problem is with N/S’s due. I think Ron overlooked the information which was likely to have emerged in the auction had South had the information which would have allowed him to start with a double of 2E (see my reply to Bart’s comment above). So even if N/S were in a better position in 6NT, the different information from the other auction made the line of play here irrelevant. I agree that East was probably marked with five diamonds when he showed up with four hearts after his fourth-best 1 2 lead (did you ever lead a false spot card?) North played for a squeeze on

West rather than finesse East. Is that egregious? Do squeezes win more boards at BAM or do finesses? The “monstrous error” came when North played West to have misdefended by failing to split his club honors. Have your opponents ever misdefended? Is it “monstrous” to play for such a thing? The distribution for which West needed to split his honors didn’t exist. Should North have known this? My record for holding good players’ feet to the fire when they fail to continue to play bridge speaks for itself, but here one man’s “scandalous” is another man’s “careless or inferior, but not irrational.” And the fact remains that had West Alerted 2E none of this would have happened.

Agreeing with Ron’s adjustment of only the E/W score is...

**Berkowitz:** “N/S achieved an extremely poor table result. I am reluctant to take them off the hook. But seeing it is BAM, while I won’t split, I will punish the major offenders (E/W) and figure out the score for 2I doubled (minus 1100).”

**Treadwell:** “Good reasoning by the Committee including the non-assignment of AWMPPs.”

**Rigal:** “The problems with West’s hearing might have been a little further brought out here in the write-up, plus the fact that on the previous deal N/S had had an auction that any alert player would have known was predicated on a strong club system. Nonetheless; good Director ruling – again, there was too much murk to get a sensible ruling as to a likely outcome. The Committee drew the correct conclusion that South’s comments r.e. penalty passing were influenced consciously or unconsciously by subsequent events. Declarer’s line was so poor after the good start in 6NT that he really deserved no more than he got (and just possibly less).”

“Good” is not a word I would use to characterize either the Director’s ruling or the Committee’s decision.

**Wolff:** “N/S minus 50. After passing the club why didn’t he knock out the club rather than switch to hearts? East then gets caught in a show-up squeeze. I think a clear error. E/W plus 50 and minus one-eighth of a board penalty for a questionable Alert. Just how many chances should be awarded N/S?”

Declarer has several squeezes to select among. The minor-suit variation North chose is clearly inferior and all the “big” panelists (Howard, Bart, Ron, David, Wolfie) want to punish North for choosing it. I do too, but I’m not so intent on it that I can’t see that North could not have gone wrong had there been no problem in the auction. One can’t be blind to the fact that N/S were damaged by the MI.

If the Committee, who heard the players’ statements first hand, believed that South’s improper Alerting was so flawed that he bore a significant responsibility for West’s failure to Alert, then I’d say that N/S should get no protection because of their being partially at fault for the problem and because of North’s inferior play. But the Committee found that there was sufficient information at the table (including what South did in explaining the 1E bid) for West to be held responsible for fulfilling his obligation to Alert 2E properly. Given that, we have to move on. We can’t hold South responsible for a deficiency that the Committee determined didn’t matter. Had N/S discovered that East held diamonds, as they would have had the Alert been given, then North would have had a no brainer playing 6NT – unless you’re willing to buy that they should get to defend 2I doubled (which is what Ron and I think E/W should be declaring). Yes, he should have known that East held at least four diamonds as it was, but his decision to play West for the “Q was not irrational when East hadn’t definitely shown diamonds. I’m still for plus 990 for N/S and minus 1100 for E/W. Sue me.

**Subject (MI):** A Peculiar View Of Entrapment

**Event:** Reisinger BAM Teams, 27 Nov 98, Second Qualifying Session

Bd: 18	Lewis Finkel		
Dlr: East	! KJ532		
Vul: N/S	! K		
	" K9854		
	E Q8		
Lorenzo Lauria		Alfredo Versace	
! Q4		! A1087	
! A108		! QJ7632	
" J1062		" Q3	
E 7653		E 2	
	R. Jay Becker		
	! 96		
	! 954		
	" A7		
	E AKJ1094		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	1E
Pass	1I	2!	2NT(1)
Pass	3NT	All Pass	
(1) Good/Bad 2NT (not Alerted)			

**The Facts:** 3NT made three, plus 600 for N/S. There were no Alerts during the auction. South intended 2NT to be a relay to 3E. North did not think this was their agreement. Before the opening lead West asked about the 2NT bid and was told by North that it showed 18-19 HCP. South did not correct this explanation or the failure to Alert. West led the ! 8 and South took nine tricks. The Director ruled that N/S did not have an agreement that this was a Good/Bad 2NT situation and allowed the table result to stand. Before the appeal was heard, the ruling was changed to 3NT down three, plus 300 for E/W.

**The Appeal:** N/S appealed the Director’s ruling. (See Chairman’s Note below.) Thirty

years ago N/S were regular partners but in the past 20 years they had played together only about three times. They filled out their card together before the event and spent only about 10 seconds on Good/Bad 2NT. South did not know of any obligation to reveal to the opponents his intentions when he bid 2NT if he believed his partner did not Alert because his partner did not think that such an agreement existed between them. N/S were not sure whether the explanation was given before or after the opening lead was made. West said that leading the ! 8 and possibly blocking the suit only made sense if South’s 2NT was 18-19 HCP rather than length in clubs. E/W expressed certainty that the question about 2NT was asked before the opening lead.

**The Committee Decision:** South failed to live up to his obligations to correct both his partner’s failure to Alert and the explanation of the 2NT call. If a member of the declaring side has made a call in accordance with a convention on his convention card which is Alertable, he must inform the opponents of the failure to Alert even if he thinks he and his partner have different ideas about whether the convention applies to that situation. Furthermore, when his partner gives an inaccurate explanation of his call at the end of the auction, he must correct it (though he need not reveal his hand). If there was no agreement, then the explanation is MI and must be corrected. If E/W had been informed correctly before the opening lead, they would have had to make a lead other than a small heart to defeat 3NT, and specifically the ! A to defeat it three tricks. E/W made a cogent argument for leading the ! A in that case. Since they had been illegally denied the opportunity to do so, the Committee changed the contract to 3NT down three, plus 300 for E/W (“the most favorable result that was likely had the irregularity not occurred,” Law 12C2).

**Chairman’s Note:** The table Director originally ruled in favor of N/S, thereby forcing E/W to appeal the ruling in order to get the laws correctly applied. Not until

after the evening session and well after N/S appeared in the appeals area (only minutes before the hearing) did they learn that they would have to become the appellants. The Committee found that the original ruling and delayed correction acted to entrap N/S into appealing. But for this, the appeal would have been found to lack merit and an AWMPP would have been assessed.

**Committee:** Michael Huston (chair), Harvey Brody, Sid Brownstein, Bill Passell, Dave Treadwell

**Directors' Ruling: 61.0      Committee's Decision: 89.3**

This seems like it should have been a simple ruling for the Directors, so clear is it that West's 18 lead was based on the MI that South has shown a heart stopper. How could they have botched it so miserably?

**Bramley:** "An appalling performance by the Directors. Although they eventually made the right ruling, I think the Directors' statute of limitations was already well past. Players are entitled to a timely ruling, which should be, at the latest, by the end of the current session. (Are there rules about this?) Is European practice to ask for a do-over whenever you make a bad opening lead?"

In this case it would certainly have been my practice to ask for a "do-over" if I had been told that 2NT showed 18-19 HCP and South had not spoken up.

**Stevenson:** "Note that when the Committee says that the failure to Alert should have been corrected, they are correct. But not corrected necessarily to saying 2NT is Good/Bad. The correct explanation would be 'We do play a Good/Bad 2NT, but we have no agreement whether it applies in this position.' Why did it take so long to get a correct ruling? How did the ruling get changed? What were the Directors doing?"

The ruling was apparently changed by the Screening Director.

**Berkowitz:** "Correct in all aspects. South should have known better at this level. The Directors' procedures were poor."

**Gerard:** "Pet peeve: short cuts instead of accurate descriptions. Don't play Good/Bad 2NT (Unusual versus Unusual, Walsh, etc., etc.); play something more descriptive. Personally I think North was right, especially against passed-hand competition, but N/S got what they deserved. Clearly, North's marching to a different drummer was UI to South so he had an obligation to correct an explanation that was not clearly consistent with his announced (via the convention card) agreements. The Committee invented the following rule: 'If a member of the declaring side has made a call in accordance with a convention on his convention card which is Alertable, he must inform the opponents of the failure to Alert even if he thinks he and his partner have different ideas about whether the convention applies to that situation.' Actually, it's a pretty good rule, except for the implication that South would have been under no obligation to correct an Alert if he really held 18-19HCP. So why did some of the same people go wrong on CASE THIRTY-THREE? 'If a member of the declaring side has made a call about which his partner has offered an explanation in accordance with a convention on his convention card, he must refrain from expressing doubt about the explanation even if he and his partner have different ideas about whether the convention applies to that situation.'"

Actually, I think a better rule is: If either member of the declaring side has reason to believe that his partner has misexplained, incorrectly Alerted or failed to Alert a call, he must call the Director at the earliest legal opportunity and at the Director's instruction inform the opponents of the discrepancy. This must be done

even though he and his partner may have different ideas about how the call in question should be interpreted in that situation.

**Weinstein:** "The Committee was right on track. There was certainly an infraction, and damage was likely enough adjust the result for both sides."

**Goldman:** "Good job."

**Rigal:** "I am at a loss to distinguish this ruling (where South apparently invented a convention, and some from previous NABCs, where the same thing happened. I recall one from *The Philadelphia Story* (CASE TWENTY-NINE) where a player opened 1 $\heartsuit$  and jumped to 4 $\heartsuit$  in competition, intending it to be clubs plus his partner's suit. If that was determined not to require an Alert, why should this one? Having said that, as South I would have said something rather than lie low – perhaps the dread specter of Active Ethics requires it if not the laws themselves. In that context the Director did the right thing eventually, and the Committee, while being generous to the non-offenders, probably also did well."

In the Philadelphia case that Barry cites, the 4 $\heartsuit$  bid was neither conventional nor had it been discussed in that first-time partnership. It was intended as a standard treatment (1 $\heartsuit$  -1 $\spadesuit$  -4 $\heartsuit$  = clubs plus spade support) but the player in question had incorrectly used it in a competitive auction (the fourth hand had intervened with 2 $\heartsuit$  ) and hoped his partner would "read it." This situation could be classified as a player having a mental aberration. Had there been any evidence of an agreement about the bid, it would have required an Alert because of the unusual situation in which it was being used. Conversely, in the present case an artificial, Alertable convention had been discussed and was being played in this partnership. Even though the partners had different ideas about whether it applied in this auction (why?), they were responsible for knowing when and where their agreements applied and of Alerting them properly. When a player makes a call which he intends as conventional and believes it applies in that situation, the presumption (Law 75D2) is that it does apply and that his partner's failure to Alert and explain it properly constitutes MI – unless there is incontrovertible evidence that the attempted use is a misbid. Here there was no evidence of a misbid and the situation is one in which 2NT can logically be used to distinguish between a constructive 3 $\heartsuit$  bid and a purely competitive one.

The following panelist is applying his own laws again.

**Wolff:** "N/S minus 300, E/W minus 600. Normally West would have led the ! A and the hand would go down quietly. What have the other tables done to deserve so many double shots from one pair? NPL for the non-offenders, adjusted scores for the offenders. Doesn't rhyme, but it is time."

What has E/W done to deserve this bad result when their action was clearly induced by the MI? Where is the illegal double shot here? In the case of some infractions, the laws allow the opponents to retract their actions when it is likely that they were induced by the infraction. The "double shot" here, as Wolffie call it, was not orchestrated by E/W. All they asked for was a fair shot at contesting the hand under the conditions specified by our laws and regulations. The laws instruct that the non-offenders be given redress and "strangely" say nothing about normal playing luck (NPL) or protecting the field (PTF). Allow me to re-quote what David Stevenson said in commenting on CASE THIRTY-FOUR: "Committees are not required to make law but to judge hands within the laws." We would be well advised as Appeals Committee members to accept our responsibility to fulfill that role and leave and law changes to the Laws Commissions in proper session.

CASE THIRTY-SEVEN

**Subject (MI):** The Road Less Traveled

**Event:** Reisinger BAM Teams, 28 Nov 98, First Semi-Final Session

Bd: 30	Franco Baseggio		
Dlr: East	2		
Vul: None	! 10987643		
	" Q3		
	É Q76		
Bob Hamman			Paul Soloway
8743			KQJ5
! K2			! J5
" J965			" A84
É K102			É 9543
	Tim Goodwin		
	A1096		
	! AQ		
	" K1072		
	É AJ8		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	1"
Pass	1NT(1)	Pass	2É (2)
Pass	2! (3)	Dbl	All Pass

(1) Explanations differed slightly on the two sides of the screen (see **The Facts**)  
 (2) Natural  
 (3) Explained by N to E as long hearts in a weak hand (see **The Appeal**)

**The Facts:** 2! doubled made four, plus 670 for N/S. North explained the 1NT bid to East as non-forcing with a good 3 to a bad 9 count, which could be a bad hand with a long diamond, heart or spade suit. North's 2! bid confirmed a long heart suit with a weak hand. East knew the hand type when he doubled. On the S-W side of the screen South described 1NT as "utility," a good 3 to a bad 9 count, that could bypass diamonds, hearts or spades (not specifically stating that North could have a long suit). 2É by South was natural. After East doubled, South offered no further explanation and West asked no further questions before passing. The Director was called to the table when play was completed. East stated that West believed that North had a balanced hand with four hearts and that he would have bid 2! with the proper information. West said nothing at the table.

The Director ruled that the two explanations were different and that West might have bid 2! had he had the correct information. The Director was unable to determine what might have happened after a 2! call: 2! , 2! doubled, 3! (made four) or 4! (made four) were all possible contracts. Since the Director could not determine which result was the most favourable one likely, he assigned Average Plus to E/W and Average Minus to N/S.

**The Appeal:** N/S appealed the Director's ruling and were the only players to attend the hearing. N/S stated that East knew at the time he made his double that North had long hearts and a weak hand. On the other side of the screen West, a very experienced player, had ample opportunity to inquire further about the hand type held by North. West was playing in a relatively new partnership. Although the explanation was slightly different on the other side of the screen, a player of West's experience, especially behind screens, should have made further inquiries about North's hand type so as to elicit whether East's double was takeout or penalty. West clearly thought it was a penalty double. Although slightly unusual as a non-forcing notrump with regard to the point-count range, the situation was very similar to that played by most players who respond 1NT and then bid a long suit to play.

**The Committee Decision:** The evidence showed that the explanations were slightly different on the two sides of the screen. However, the Committee believed that West (especially behind a screen) had ample opportunity and the obligation to ask about North's hand type and failed to do so. To assume that North was bidding a four-card suit in this situation was very unusual. The Committee noted that West did not speak when the Director came to the table. The Committee did not believe that the

slightly different explanations were the cause of the poor result. Rather, the outcome seemed to be the result of uncertainty as to the meaning of double in a situation that was analogous to the standard auction: 1M-(P)-1NT-(P); 2É -(P)-2! - (Dbl). Therefore, the Committee allowed the table result of 2! doubled made four, plus 670 for N/S, to stand. With respect to N/S, the Committee believed that, as their system was somewhat unusual, they had a special obligation to be completely forthcoming with their explanations. N/S were instructed to ensure that a complete description of the possible hand types be offered on both sides of the screen in the future, with specific mention of a long major in a weak hand (Alerting as such over 2M). Because of the failure to explain fully and identically on both sides of the screen, N/S were assessed a PP of one-tenth of a board, not to accrue to E/W.

**Committee:** Doug Heron (chair), Henry Bethe, Doug Doub, Abby Heitner, Dave Treadwell

**Directors' Ruling:** 53.7

**Committee's Decision:** 84.3

This Average Plus/Average Minus cop-out has become epidemic. We need to begin a campaign to inoculate Directors and Committees against it. What if N/S at the other table had collected 1100? The Directors' ruling would have thrown the result out – quite unacceptable. Bart, would you care to repeat your point about artificial assigned scores in team games.

**Bramley:** "The Director was too quick to penalize N/S. (Also, my question in the last paragraph of CASE THIRTY-FIVE applies here as well. If the Average Plus/Average Minus ruling effectively cancelled the result at the other table, then Directors and Committees should try hard for a real score.) I agree with the Committee, except, of course, for the PP. Repeat after me: one should not be at the whim of litigious opponents for procedural penalties for minor, non-damaging offenses."

I too agree with allowing the table result to stand (but only for E/W – see my reply to Goldie's comment below). The information that North could have a weak hand and could have bypassed diamonds, hearts or spades was available to both E/W players. As the Committee pointed out, when South showed a minor two-suiter, North could hardly be bidding a four- or five-card heart suit in a weak hand. But West was experienced enough to have asked and protected himself. He was also responsible for pleading his own case both at the table and to a Committee (if necessary). The Director made what appears to be a reflexive ruling that was ill-advised from both a bridge as well as a legal perspective; it failed to take into consideration the specific players involved as well as the effect it would have on anything that happened at the other table.

The following panelist makes an important point. Pay attention.

**Goldman:** "The natural 2É bid is a bit peculiar. When a very strange system is played, immaculate Alerting and explanations should be the required standard. Average Minus to N/S. It's a hard issue as to whether a player of Hamman's stature could and should overcome the deficient provision of information. The fact that he didn't is a major element of evidence. However, West didn't express himself at the table or in Committee. I would, therefore, go along with the Committee in letting the table result stand for E/W."

I agree with Goldie that a vague explanation requiring the opponents to draw inferences or ask questions to work out the nature of North's hand is not acceptable when playing unfamiliar methods. And I don't buy the Committee's argument that this auction is similar to standard forcing (or semi-forcing) notrump auctions. In that structure, a long suit is never bypassed to bid 1NT. For example, the analogous auction: 1! -1NT-2m-2! , does not show a weak hand with long spades. I would not

allow N/S to profit from the confusion they created and would have adjusted their score to 3! made four, plus 170, which in my judgment is the most unfavorable result that was at all probable. (I don't think North would ever pass 2! doubled with a seven-card heart suit and all of his high-cards in South's suits.)

The following panelist reinforces my position for adjusting N/S's score – and then some.

**Weinstein:** “I have sympathy with the Committee about not adjusting the non-offenders for the reasons given. However, I can see where West, not expecting a long heart suit in the North hand, would assume that his partner must have at least four hearts and that double is penalty/lead directing and not takeout. It may have been a little lazy not asking, but West apparently didn't feel the bid was ambiguous from his standpoint. However, had South given any kind of useful explanation over 1NT or 2! , West might have bid. As the Committee points out, N/S, playing a highly unusual system, have an obligation to ensure that their opponents have a complete understanding of what is going on, both regarding what the bidding shows and any likely major inferences. N/S contributed to their good result by an abysmal failure to live up to their obligations in this regard and they consequently should be guilty of MI. Their score should be adjusted over and above the PP. I might give an additional PP for calling 2E natural when it appears to be a temporizing call in case North held this hand. I would warn N/S that next time they fail to adequately disclose their methods, they may well be prohibited from playing those methods.”

Even Wolfie jumped on the band wagon about N/S's failings.

**Wolff:** “Overall a good decision, but perhaps a slightly stronger penalty (than one-tenth of a board) for N/S.”

David had more sympathy for N/S. How do you spell P-U-S-H-O-V-E-R?

**Berkowitz:** “The bridge decision is correct. It is not so easy to give exactly the same explanation on both sides of the screen. Are we so litigious that we must punish the minor error? I would not have given the PP. Could you tell?”

**Rigal:** “I like the Director ruling here – although I might have ruled for the offenders initially as well. Poor Hamman is being held to very high standards at the Nationals – but this is probably the way it should be. I agree that the unusual meaning of the 2! bid required special care in the Alerting, and thus the PP looks reasonable. But West was just asleep at the wheel and deserved his result.”

I seem to be repeating myself. What's to like in the Director's ruling?  
West caught a lot of flak from several panelists for his silence.

**Brissman:** “Any argument for an adjustment should have come from West's lips. He is surely experienced and articulate enough to dispense with the need for a mouthpiece to explain his thoughts.”

**Stevenson:** “An excellent Committee decision, covering all the points. Since West never claimed damage, it is surprising that the Director adjusted.”

**Gerard:** “The only other time West had nothing to say, he misdefended against his wife. East's argument was ridiculous. It was a blatant attempt to fool the Committee. When I told my resident National Board member about East's contention, her reaction was ‘A four-card heart suit?’ If the Director had ruled correctly, E/W would have been forced to appeal. If West did not join the appeal (can it still be brought?) [At pairs, both players must concur for an appeal to be heard. At teams, only the captain need concur. In this latter case, either player can divorce themselves from the appeal, and any possible AWMPP, but cannot stop the

appeal over the captain's wishes. Failure to attend the hearing without notifying an official of one's intent not to concur is deemed to constitute concurrence. – *Ed.*] I would have assessed East two AWMPPs. N/S's transgressions were not twice as bad as N/S's in CASE THIRTY-FOUR. North's explanations were perfect, since East knew exactly what he was doubling. South's were off only by omission of the word ‘long.’”

And if his score is adjusted to plus 170, with or without an additional PP (which I can live with), he'll remember to explain his methods better the next time.

CASE THIRTY-EIGHT

**Subject (MI):** One Good Gesture Deserves Another  
**Event:** Reisinger BAM Teams, 28 Nov 98, First Semi-Final Session

Bd: 28	Jason Meyer		
Dlr: West	943		
Vul: N/S	! AQ105		
	" KQ63		
	É 109		
Steve Weinstein		Bobby Levin	
K5		QJ1086	
! 62		! J3	
" J7		" A1092	
É AK86543		É QJ	
	Randy Corn		
	A72		
	! K9874		
	" 854		
	É 72		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1É	Dbl	Rdbl	2!
3É	Pass	3!	Pass
4!	Pass	4!	All Pass

**The Facts:** 4! went down one, plus 50 for N/S. East asked North (verbally and with gestures) about the 2! bid. North indicated it showed a weak hand. East contended that an ace and a king was not weak. The Director ruled that there had been no MI and allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. Initially, only East and West were present at the hearing. When the tray came back to the N-E side of the screen with the 2! bid, East pointed to the bid and asked if it was weak or strong by using a thumbs up or a thumbs down gesture. North shrugged and indicated thumbs down. After the hand was over, East asked North about the 2! bid in more detail. North stated

that they had never discussed it but he said, "With an opening bid, a double and a redouble, what's left?" indicating that he assumed that he was, in his opinion, standard that the bid was weak. East stated that he then poked his "head through the screen" and discussed it with South, who claimed the bid was "constructive," at which point East called the Director. East stated he would have passed 3É if he had known that 2! was constructive. The Director stated that South's only description of 2! was that it "seemed like a good place to play." After the Committee began its deliberations, E/W were called back and asked if they played Good/Bad 2NT. They stated that they did but believed that it didn't apply in this situation. North then appeared. In response to a question from the Committee he gave approximately the same story as East, adding that he had been asked to fill in for other members of the team who had been forced to leave for "personal reasons." He also stated that N/S were not a practiced partnership. When asked about his partner's statement that 2! was constructive, he looked surprised and said, "He never said anything like that. I have very good hearing; if he'd said that, I'd have known it." E/W reaffirmed their claim that South had said "constructive."

**The Committee Decision:** The Committee decided that N/S's likely agreement was that 2! was weak. In addition, East had been told by North that there was no clear agreement. East's gestural approach to questioning (instead of "Please explain 2! .") was responsible for his failure to discover exactly how unclear the agreement was; in his verbal questioning (after the hand) he learned that N/S had never discussed it. North evidently thought the shrug was sufficient to indicate that. The Committee decided that no MI was given to E/W so no adjusted score was in order and the table result was allowed to stand. The appeal was deemed to have merit (although there was some sentiment to the contrary, as it was expected that East knew what the 2! bid meant and that the actual hand could easily have been judged weak within the described methods). Finally, the Committee attributed the different stories about the "constructive" comment to differing perceptions based on personal context (perhaps South said something like "I had a constructive one," or some

such).

**Committee:** Karen Allison (chair), Harvey Brody, Jeff Goldsmith (scribe), Ed Lazarus, Richard Popper

**Directors' Ruling: 94.7**      **Committee's Decision: 89.0**

First, North's proper explanation of the 2! bid in an unpracticed partnership was that it was undiscussed. East was capable of drawing any inferences about there having already been an opening bid, a double and a redouble by himself. That having been said, the fact that South may have intended the 2! bid as constructive is irrelevant if N/S really had no agreement to that effect. East was told that there was no agreement and was also told that N/S were a "fill-in" partnership whose partners had to leave early. If E/W had to depend on the opponents knowing what they were doing in order to judge the limits of their own cards in a reasonably uncrowded auction, then they deserved their result.

I have more sympathy for the sentiment that the appeal lacked merit that I do for E/W, as do...

**Bramley:** "The trick question rears its head. East asked enough questions to trap N/S in a contradiction, when he should have been confident that he knew the answers at least as well as N/S. If West's majors had been flipped, so that he would have bid and made 3NT over 3! , then it would have been a 'well-judged auction,' rather than a hosing by N/S. No merit. Sour grapes. Off with their heads."

**Gerard:** "Brutal abuse of the appeals process. Isn't it amazing that they always would have done the double dummy thing after they know the whole hand? Nowadays, bids such as 2! show some number of trumps, not some number of high cards. As for the merit, there should have been more sentiment to the contrary."

**Weinstein:** "I agree wholeheartedly with the Committee, except that I would have judged this an appeal without merit. I have a strong distaste for this type of questioning and seeking of adjustment (see CASE SEVENTEEN from Chicago)."

**Berkowitz:** "I find East's statement that he would have passed 3É to be self-serving. I leave the result."

David, where is your righteous indignation about that third degree?

**Treadwell:** "I agree with the Committee decision and most of its reasoning, except for the failure to hand out AWMPPs to E/W – an inexperienced pair."

**Wolff:** "E/W should be hit with an AWMPP. My experience has been that a jump after a double by partner and a strength showing bid by an opponent (redouble) has a wide range, since on frequency the doubler will be minimum (exception either being a psychic by the strong sounding opponents or a highly distributional hand by the doubler). All high level players know this. It is one thing to question them, but it is another to bring an appeal hoping to overturn a board where you did the wrong thing. If we don't voice our disapproval the animals again take over the zoo. Stopping this behavior is more important than we realize and all our top players (100%) should get behind it."

We're behind you, Wolffie.

**Rigal:** "Good ruling and decision; I think the AWM argument is a little far-fetched, but certainly E/W are to blame for any bad result here (and how did the explanation affect them anyway?). Perhaps I was being too generous with my comment re AWM."

Perhaps you were.

**Goldman:** "A good case for 'not changing a table result unless there is compelling reason to do so.' I can picture Committees being talked into or talking themselves into an adjustment on this hand."

I can picture the members of those Committees collecting tolls on their very own Brooklyn Bridges, too.

**Stevenson:** "I believe the decision to be closer than the Committee thought. However, East certainly got what he deserved."

Tsk, tsk, tsk. How much is that toll, David?

**CASE THIRTY-NINE**

**Subject (MI):** Ask Me No Questions And I'll Tell You No Lies  
**Event:** North American Swiss Teams, 29 Nov 98, First Final Session

Bd: 5	Kay Joyce		
Dlr: North	AJ10863		
Vul: N/S	! A7		
	" 987		
	É 53		
Glen Lublin		Frederick Allenspach	
K95		7	
! Q92		! J543	
" A63		" QJ52	
É KQ106		É A742	
	Randy Joyce		
	Q42		
	! K1086		
	" K104		
	É J98		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	Pass	Pass
1É	1	Dbl	2
Dbl(1)	Pass	3É	All Pass
(1) Alerted: explained by E to N as "A 2NT rebid without four hearts"; by W to S as competitive			

**The Facts:** 3É made three, plus 110 for E/W. The Director was called when the different explanations came to light and it was determined that E/W in fact had no agreement as to the meaning of the double. The Director applied Laws 21, 40C and 12C2 and changed the contract to 3| made three, plus 140 for N/S.

**The Appeal:** E/W appealed the Director's ruling. East did not dispute the facts but contended that his side would have competed to 4É, going down one or two after a 3| bid by North.

**The Committee Decision:** The Committee determined that there was MI and further decided that neither East nor West would have acted over a 3| bid by North. The Committee changed the contract to 3| made three, plus

140 for N/S.

**Committee:** Henry Bethe (chair), Karen Allison, Doug Doub, Doug Heron, John Solodar

**Directors' Ruling: 80.7      Committee's Decision: 71.8**

The only thing E/W might have done differently had N/S bid on to 3| was go minus 730, if East believed that West held 18-19. In the old days this would have cost E/W \$50. As it was, it should have cost them an AWMPP. Agreeing...

**Stevenson:** "East might have bid 4É over 3| : the Committee did not need to decide whether they would. Since they might not, the actual decision was correct."

**Berkowitz:** "I find the appeal baffling, but the decision is fine."

**Rigal:** "Good straightforward decision. Since 4É might well go two down on three rounds of hearts and a club shift. E/W were getting dangerously close to AWMPP territory."

Sorry Barry, but I don't see how 4É goes down two. East eventually pitches dummy's losing diamond on the fourth heart, ruffs two spades in his hand (the second one high if necessary), and claims down one.

I can understand North being influenced not to compete to 3| at unfavorable vulnerability if she believed that West held an 18-19 count; after all, the stronger West is in high cards the more likely she is to be doubled. She wouldn't be too happy to catch South with something like | Kxx! Jxxx " Qxx É QJx and go for 500.



The remaining panelists believe that North was not misinformed and should have competed with 3♣ anyhow.

**Bramley:** “Not enough information. How strong is ‘a 2NT rebid without four hearts’? Does the West hand qualify? I think so. Or was West supposed to have 18-19? But if he had that much, wouldn’t he always drive to game? And what would 2NT by West have meant? Why didn’t anybody ask these questions? North seems to have an automatic competitive 3♣ bid regardless of what West is showing, especially with the spade finesse guaranteed to work. I would have let the table result stand. (My second choice is a split decision, N/S keeping their table result and E/W getting minus 140, but I don’t see a legal basis for such a decision.)”

Law 12C2 is the legal basis for such a decision, and it would be entirely proper if North’s 3♣ bid was judged clear enough that it should have been made anyhow.

**Goldman:** “I don’t see where the differing explanations particularly harmed N/S. They both contained the main point that the double was not penalty. Perhaps something else influenced this Committee’s decision, but I see no reason, let alone a compelling reason, to change the result.”

**Wolff:** “Disagree, since I don’t think N/S were disadvantaged by the explanations that were close to what was held. I think a case of North not being up to the table in experience. Plus 110 for E/W.”

**Brissman:** “If there was no agreement, the Alert and explanation were gratuitous. But where is the MI? Unless there was an implication that the double showed an 18-19 HCP balanced hand, the description looks accurate. I’ll assume that West could not have bid 2NT here instead of double due to a Good/Bad 2NT agreement. It’s not clear to me that North would have bid 3♣ had no Alert and explanation been furnished and regardless, I cannot find the correlation between the explanation and North’s pass.”

I think there was clearly such an implication, and I’m quite surprised that these last four panelists think otherwise. Oh well, live and learn.

## CASE FORTY

**Subject (MI):** Excuse Me, Isn’t This The Complaint Department?

**Event:** Reisinger BAM Teams, 29 Nov 98, Second Final Session

Bd: 24	Lorenzo Lauria		
Dlr: West	♠ 9		
Vul: None	♥ KQ102		
	♦ 8642		
	♣ 7653		
Peter Nagy		Hugh Ross	
♠ 1065		♠ K432	
♥ 853		♥ A964	
♦ J5		♦ 973	
♣ KQ942		♣ 108	
	Alfredo Versace		
	♠ AQJ87		
	♥ J7		
	♦ AKQ10		
	♣ AJ		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	Pass	1♣
Pass	1NT	Pass	2♣ (1)
Dbl	Pass	2!	Dbl
All Pass			
(1) Alerted; either natural with clubs or 16+ with any distribution.			

**The Facts:** 2! doubled went down four, plus 800 for N/S. The opening lead was the ♠K. The 2♣ bid was a one-round force and is a convention common among Europeans playing natural methods. The Directors found that no violation of law or regulation had occurred and allowed the table result to stand.

**The Appeal:** E/W appealed the Director’s ruling. North, South, East and both team captains were present at the hearing. The E/W team captain (Bobby Wolff) contended that the 2♣ bid either comes under the prohibition of “relay systems” or should come under that clause. East stated that his side had no opportunity to prepare a defense to this method and he therefore had to guess whether his partner meant the double for takeout or as lead directional.

**The Committee Decision:** The Committee determined that the General Convention Chart states that all responses and rebids after the opening bid and the initial response are allowed and that no convention permitted under the General Convention Chart requires a pre-Alert. Although the Committee had sympathy for E/W’s predicament, there was no basis in Law or Regulation for a score adjustment. The Committee discussed the question of whether the appeal had merit and decided that the appellants needed a forum to express their frustration even though they had been advised that there was no legal basis for a claim of damage. The Committee suggested that the general question of unusual methods in potentially competitive auctions should be referred to the Conventions and Competition Committee. The Committee allowed the table result to stand.

**Committee:** Henry Bethe (chair), Karen Allison, Doug Doub, Doug Heron, John Solodar

**Directors’ Ruling: 91.3**

**Committee’s Decision: 86.7**

The Committee was wrong: Some things permitted under the GCC do require pre-Alerts such as methods involving two systems, very light openings or other highly aggressive methods, and fundamentally unfamiliar systems (such as canapé or those using 10-12 notrump openings).

First, let’s hear from the man carrying his own monogrammed soap box.

**Wolff:** “The expert game is constantly evolving. It’s up to our lawmakers, Directors, and Committees to keep up with these changes. On the chart used for this event (the Mid-Chart) relays are not allowed that are not forcing to game. When I

asked the Directors why this caveat was included no-one (and I mean not one Director) knew why (I asked five). The Committee members didn't know either. The reason, for those who are interested and initiated by the WBF, is that the opponents in less than a long KO match should not have to prepare defenses for relays that can stop on a dime, by definition making it a competitive hand. When relays are forcing to game doubles are usually meant as lead-directing and defenses are quite simple. Here N/S were playing a relay (its main purpose being not having to open close hands with a strong artificial two-bid). Consequently, partner keeps one-bids open with almost no values and 2 $\heartsuit$  by opener is artificial and a way to get out. All of this is fine except for the opponents who by not having a chance to prepare have two different hand-patterns to separate: (1) lead-directing and (2) competitive action. Here E/W did a predictable thing; one wanted a club lead and the other feared it was competitive. Why should opponents suffer because of playing against an illegal convention? I'm not beginning to suggest that N/S played this convention for this reason, but that is what happened. Maybe after West's double, South should have allowed West to tell East what he meant by the double (that is what I always meant by Active Ethics, going above and beyond to not take advantage and make our complicated game fair). What was West supposed to do, not double, have his partner lead something else, and feel a total wimp because of the result or East pass partner's possible takeout double with nothing in clubs? Why can't the Directors and our Committees understand enough about our game to know: (1) the reason for the rule; (2) how impossible it is for everything to be covered by specific laws; and (3) to make intelligent on-the-spot decisions that restore equity? I don't think it is too much to ask!"

First, I don't think N/S's 2 $\heartsuit$  rebid was any more a "relay" than a Wolff Sign-off. Second, opener's 2 $\heartsuit$  rebid is not, by definition, weak; it can also show 16+ HCP with any distribution. Third, the convention N/S were playing was *not* illegal. It was, as the write-up points out, not only legal but allowed even under the GCC. Bart disputes a fourth issue raised in Wolffie's comment.

**Bramley:** "If an auction in which one side has already passed twice is 'potentially competitive,' then no auction is safe. This was certainly not the right forum to discuss this issue. No merit."

That's my opinion on this appeal. An appeal hearing is no more the place to protest the classifications on the Convention Charts than it is a place to invent your own laws. Hmm, come to think of it, I guess that's why this appeal seems familiar. Having the same reaction as Bart and I to the merits of this appeal...

**Rigal:** "While E/W may have been upset by the outcome, what has that got to do with the rules? The Committee should have sympathized and given out the AWM point. Assuming that E/W knew what the rules say, they can't get protection because they are Americans (well nearly) playing against Europeans."

**Brissman:** "Of course no adjustment could be made. But the correct forum for this complaint would have been the Tournament Committee, whose purview includes Conditions of Contest. They would likely have done the same thing the Committee did: refer the matter to the Conventions and Competition Committee."

**Berkowitz:** "I disagree with all the E/W contentions. I also disagree with the forum to express frustration, but I probably wouldn't take it any further. Result stands is correct."

**Goldman:** "Like the Committee, I have sympathy for East. But if explanations on both sides of the screen were proper, I see no basis to change the table result."

**Gerard:** "And at the wire, the Italians win the frequency prize over Doughman-

Crawford, the Wellands and Levin-Weinstein. If the Committee referred the general question to the Conventions and Competition Committee, the appeal had to have merit. For the future, general principles should handle the bridge of these situations, not specific agreements. You will never be able to discuss everything."

**Stevenson:** "It is not a good idea to limit conventions after the first round of bidding, but pre-Alerts would be a sensible idea. I suggest that the C&CC consider any very unusual convention after the first round should be on a pre-Alert card."

And how do you define "very unusual convention"? Does this 2 $\heartsuit$  bid qualify?

**Weinstein:** "The perfect triumvirate of protagonists for the last case. E/W will be my teammates in Vancouver, Wolffie their captain in the team trials, and N/S starting with the Spingold. However, the appellants shouldn't use this forum for their complaint about the rules. It is still an appeal without merit. Despite Wolffie's sense of Utopia, there still needs to be an infraction committed. It is now two weeks before Vancouver, and I still haven't received a letter asking me to put this on the agenda for C&C from Wolffie's team. However, if you say pretty please, just maybe."

Vancouver came and Wolffie got his application to Howard just under the wire. In the C&C meeting Wolffie got a little sympathy – but no votes for change.

## CLOSING REMARKS FROM THE EXPERT PANELISTS

**Berkowitz:** “A constantly recurring theme was my objection to the makeup of the Committees. They were not of a high enough playing-level for the Reisinger cases (CASES: TWENTY-ONE, TWENTY-SIX, TWENTY-NINE, THIRTY, THIRTY-FOUR thru THIRTY-EIGHT and FORTY). What is the matter with us? We must populate these Committees with players who have had experience playing at these levels – if not for the sake of accuracy, certainly for the sake of appearances. I do not object to these Committees’ decisions, per se; I object to the Committees.

**Bramley:** “Déjà vu. Repeat offenders on both sides, repeat hands, and the continued search for flimsier reasons to appeal. As a group I believe these cases had the least merit yet. And I find that I continue to make the same arguments again and again with no apparent effect. I hope that the Penalty Point system has a positive influence, but the early returns from this tournament are not encouraging. The increased use of split decisions would also be a good trend, although I missed one chance of my own to make such a decision.”

**Brissman:** “I have grave concerns about Directors handling appeals in all non-NABC events at the 1999 Spring and Summer NABC tournaments. Nonetheless, the Board of Directors voted for the experiment and I’ll use my efforts to try to get it a fair trial. My concerns:

1. Directors lack sophisticated bridge judgment. Lest anyone challenge that statement, compare the bridge judgment of Directors to that of Committees on CASES TWO, FOUR, EIGHT, TWELVE, THIRTEEN, FIFTEEN, SEVENTEEN, TWENTY-TWO and THIRTY-SEVEN in this casebook. Conversely, Directors exercised better bridge judgment that did the Committee in only one instance: CASE FIVE. We will be providing a list of NABC Appeals Committee members to the Appeals Directors and encouraging them to consult before handing down their decisions.
2. A great engine in Committee decisions is confrontation. Committees ask appellants to articulate their arguments in front of the respondents; the respondents are then given an opportunity to respond and rebut those arguments; and both appellants and respondents get another chance to answer the points advanced by their adversaries. The process of confrontation will necessarily be lost in Director-heard appeals.
3. I predict an increase in the number of appeals lodged. Once players recognize that no time commitment after the session is required, there will be no downside to appealing every unfavorable ruling. I don’t envision Directors assessing AWMPPs with alacrity, so a spate of appeals may be forthcoming.
4. I predict that a significantly smaller number of appeals will result in changed rulings than when the NABC Committee heard all cases. The Board of Directors has concluded that Director-heard appeals will result in a cost savings, and they are likely correct. It remains to be seen if the process is degraded as a result and if so, whether the players will accept some degradation in exchange for economic efficiency. I’ll keep an open mind for the two tournaments.”

**Gerard:** “I allowed more leeway than usual for not assessing demerits because of the newness of the AWMPP system, so the averages came out higher than they usually do. Either that or I’m going soft, as they say happens after 40.

“Nevertheless, the Directors performed as if they were in the option year of their contract. They easily left the Committees in the dust, reversing their rather miserable performance from Chicago. As one firmly opposed to the idea of DTO (Directors Taking Over), I’ll withhold judgment until I see the new system in action (beginning in Vancouver). By the way, we will get to review DTO decisions, won’t we? The Directors embarrassed themselves on only six decisions (CASES EIGHT, TWELVE, TWENTY-ONE, TWENTY-THREE, THIRTY-FIVE and THIRTY-

SEVEN) while the Committees were out to lunch on twelve (CASES TWO, FOUR, FIVE, EIGHT, THIRTEEN, FIFTEEN, SEVENTEEN, TWENTY-ONE, TWENTY-TWO, TWENTY-EIGHT, THIRTY-THREE and THIRTY-FIVE). Perhaps this is because self-serving statements aren’t developed until after the Directors’ rulings, but that doesn’t explain the susceptibility of Committees to arguments that they should know they aren’t supposed to consider. In any case, I think these decisions represent a giant step backward for Committees, any number of which have engaged in retro thinking and have failed to keep the ball in the fairway. The most disturbing aspect of these cases was the tendency of many top flight players to pursue appeals or arguments based on not much more than their reputation and a bare bodkin. CASES TWENTY-SEVEN, TWENTY-NINE and THIRTY-EIGHT were prime examples, with CASES TWENTY-ONE, THIRTY-FIVE and (especially) THIRTY-SEVEN representing fatuous arguments by the sides that should have been forced to appeal. Only in CASE TWENTY-ONE did the Committee truly fall for it, while the Directors succumbed both to Levin (CASE TWENTY-ONE) and Soloway (CASE THIRTY-SEVEN). Neither group was harsh enough on Mayer (CASE THIRTY-FIVE), but that’s because they didn’t do a thorough enough job (really any job) of analyzing the line of play in 6NT. I guess that’s not terrible, considering the weight behind some of those reputations, but the abuse of the process and evidence of continuing litigiousness is distressing. I also noticed at least one case where a speeding point warning had been issued (CASE THIRTY-ONE) but many others where it should have been. There should be a consistent policy for Directors and Screeners, in order to educate prospective appellants about the new system. See CASE NINETEEN for a clear example of that principle; the Committee didn’t need any help in reaching the right conclusion but the contestants may have been unaware of the jeopardy they were encountering.

“I want my rating system (anyone remember ‘I want my Mayo’?) With it, I would know that my average ratings for the eight Committee members with the largest number of unacceptable opinions would be as follows: 69.2, 62.8, 62.1, 61.3, 55, 54.4, 54.4 and 31.3 (overall Committee average = 66.8). That has to tell you something. I’ve had my say about the tendency to bash bridge lawyering, so I won’t rehash my view. Instead, I’ll reiterate that more boxing out in the paint and fewer break away slams would help everyone. This stuff is hard work; a lot harder than some people think.”

**Stevenson:** “The importance of the Table Director is underrated in North American appeals. It is important to the full picture that the evidence of the table Director is heard by the Appeals Committee. When there is any disagreement over the facts, the person who attended at the time is the person most likely to have picked up all the nuances and details and things unsaid that build a picture of what happened. Therefore, the table Director should be involved at all stages of the appeal process. He should attend at the table initially: if there is a recall it should be the same Director who attends. The decision as to the actual ruling should be taken after consultation with at least one other senior Director but it is the table Director who should communicate it to both sides. At the appeal, it is important that he presents the case: valuable evidence is lost otherwise. Furthermore, his name should always appear in write-ups of the appeals.

“Many rulings revolve around Law 12C2, which allows an assigned score to be awarded in place of a result actually obtained at the table. In clubs and minor tournaments where there is little expectation of competent Directors or Appeals Committees the policy has grown of giving Average Plus to the non-offenders and Average Minus to their opponents. While this is illegal it might be considered acceptable at that level. In NABCs it is not to be tolerated by either Directors or Appeals Committees. If such an illegal score is given it is because of idleness or incompetence, and it is time this practice is stamped out at the highest levels. No wonder decisions at the club and local levels are so awful when at the national level there are decisions in defiance of the laws.”

**Treadwell:** “With but a very few exceptions, I thought the quality of the rulings by the Directors and the decisions by the Committees was very good. Only for CASE FIVE did the Committee come up with an extremely bad decision.

“There are still far too many cases with little or no merit being brought to Committees. AWMPPs were issued in only five cases but should have been handed out in several others. Too many players have the attitude that, if an opponent hesitates or fails to Alert or explain a call completely correctly, they are automatically entitled to redress if they get a poor board even though the infraction may have had little or nothing to do with the result. It particularly bothers me when very experienced players take this route. We should be generous in awarding AWMPPs in such cases but should be more lenient for the less experienced players.

“I think the experiment to use Directors to handle all non-NABC appeals is fraught with hazards, but I am not vigorously opposed to giving it a trial. Much will depend on just how the Directors organize this task. They must provide time in most cases (time not available to the floor Director) to sit down with the parties involved to ferret out subtle systemic agreements and, if an infraction is deemed to have occurred, to determine the relevance of the infraction to the actual table result. Sometimes this is quite easy, but often it requires a lot of digging and analysis.”

**Weinstein:** “Committees still aren’t using non-symmetrical rulings for the non-offenders. Indeed, the Committees took a strong step forward in this regard in Chicago, only to ignore the concept entirely in Orlando. Not only does this often create unfair windfalls for whiny undeserving ‘non-offenders,’ other times it often leads Committees to not adjust offenders’ results because they can’t stand the thought of adjusting the non-offenders’ score. Committees, you can have it both ways! Goldman was so frustrated by the former that in his closing remarks in the Chicago casebook he mentioned that he couldn’t stand serving or commenting on hesitation Committees any more. One of his conclusions, ‘...the people looking for unwarranted redress are now the more serious class than the perpetrators of offenses at the table,’ has a lot of truth to it. In the situation where an offender makes an entirely normal call, there are often protests or Director calls because an opponent is looking for a windfall and hopes that a subjective determination will be made that another more favorable LA exists. I would like to see Director calls and protests made out of righteous indignation, because people believe they have been wronged, and not out of pure self-interested litigiousness.

“For every person who leaves bridge because they feel victimized by an unadjusted irregularity, there are hundreds who are driven from the game by the aura of litigiousness. I recently asked a friend of mine why a couple of very good players have apparently given up tournament bridge. His answer was that they hated Director calls because of 2-second huddles or obscure, inconsequential failures to Alert. They took exception to the implications and tournament atmosphere that was being engendered. These were experienced, excellent, and highly ethical players. One was even an attorney. The whiny, litigious Director calls and protests are a far greater danger to our game than unpunished marginal irregularities. Zero tolerance was a great idea. Is there a way we can extend it to overzealous litigiousness? Can we tell these players to get a life?

“Not to revisit old casebooks, but due to an e-mail miscommunication readers were mercifully spared a very long treatise in the Chicago casebook regarding the holding of trays and CASE TWENTY-EIGHT. I was strongly against the WBF’s decision in that case. The recommendations from the C&C Committee mentioned by our editor in that casebook, not shockingly, reflect my views on the subject. The adjustment resulting from an ostensibly legal holding of the tray for apparently ‘a couple of seconds too long’ instead of just randomly asking a question was an abomination. I really enjoyed watching the WBF parse the term ‘normal tempo.’

“Perhaps it’s time again for C&C and the Appeals Committees to file a joint request to the Laws Commission and/or the Board of Directors for adoption of 12C3. If the Appeals Committee came up with a standard basis for ruling under 12C3 if adopted, it would alleviate some of the concerns of the Laws Commission

and/or Board. 12C3 is very broad, and if we can agree on how to narrow its application, it would be a very useful tool to achieve the results we’d like to see.”

**Wolff:** “Believe it or not, I think we are continuing to improve. The Director experiment is okay with me although it has not worked well so far. We desperately need leadership which will take us from this glacier pace to where we need to go. We need to realize: (1) the expert game is ever-changing; (2) we need precedent (common law) to develop; (3) we need to lean toward equity in the interpretation of the laws (the way Edgar did it) to favor what is right for the game; (4) we need cooperation from the expert community to make it tougher on the rascals and to cut out bias; (5) we won’t be able to get where we need to without stepping on toes, so people with sore toes, please get out of the way. I differ from Gary Blaiss in that, I believe the process and eventually the result are more important than the feelings of players, Directors, and Committee members who loom in the way. They also serve who vanish and/or remain silent.”

## CLOSING REMARKS FROM THE EDITOR

### How'd We Do?

Since many of the panelists provided a summary review of the quality of the decisions, I'll add my 2¢ worth too. Both the Directors and Committees were about a coin flip from making a poor ruling/decision on any given case. The Directors made nineteen bad rulings: CASES TWO, FOUR, FIVE, TEN, TWELVE, THIRTEEN, FOURTEEN, SIXTEEN, SEVENTEEN, TWENTY, TWENTY-TWO, TWENTY-THREE, TWENTY-SIX, TWENTY-EIGHT, TWENTY-NINE, THIRTY-THREE, THIRTY-FIVE, THIRTY-SIX (corrected in Screening) and THIRTY-SEVEN. The Committees made twenty bad decisions: CASES TWO, FOUR, FIVE, EIGHT, TWELVE, FOURTEEN thru EIGHTEEN, TWENTY, TWENTY-FOUR, TWENTY-SIX, TWENTY-EIGHT, TWENTY-NINE, THIRTY-TWO thru THIRTY-FIVE and THIRTY-SEVEN. What types of errors were most prevalent?

The types of errors committed by the Directors included: poor bridge judgment leading to faulty score adjustments, poor judgment about what was (or wasn't) a LA, poor judgment about whether an action was "demonstrably suggested" by UI, failure to apply the separate standards of Law 12C2 to the two sides, improperly applying 12C1 in place of 12C2, poor judgment in determining the connection between MI and damage, and poor fact-finding. The types of errors committed by Committees included: poor judgment about what was (or wasn't) a LA, improper use of 12C1 instead of 12C2, giving an illegal PP, poor judgment about whether an action was "demonstrably suggested," poor bridge analysis in adjusting scores, failure to apply the separate standards of Law 12C2 to the two sides, and poor judgment in determining the connection between MI and damage. In a number of these instances, the Committee seemed to be led into their error by an erroneous action taken by the Directing staff. That does not excuse our Committees from not making an independent assessment of each situation, but at times Committees seem to have been induced to repeat an error made by the Directors (such as improperly applying Law 12C1 to a Law 12C2 situation) believing the Directors' actions to have been appropriate and legal. In short, both groups are still struggling to perform competently, even in many situations which should be routine for them by now.

Committees assessed well-deserved AWMP points in five cases (THREE, ELEVEN, SIXTEEN, NINETEEN and THIRTY-ONE) and failed to issue equally deserved ones in five others (CASES ONE, TWENTY-FIVE and THIRTY-EIGHT thru FORTY). Only one such point was given when I thought it shouldn't have been (CASE TWENTY-FOUR). We seem to be batting around 500 in this area, just as we are with our basic decisions.

### What's the Solution?

The solution appears even clearer now than ever. The two groups must join forces (and strengths) to eliminate sources of error that each has proven susceptible to in the past. Committees are notoriously weak in their knowledge of and proper application of the laws. Directors do not in general possess sufficient bridge knowledge and judgment. Each group also has displayed deficiencies in the areas which are supposed to be its forte. Nevertheless, a united effort is our best hope for minimizing (but not eliminating) the problems we face.

Each Committee needs to have a Director as a voting member, to input his directing experience and law expertise to the Committee process. This Director should not have been involved in the case in any way prior to its coming to appeal, either as the table Director or a consultant. The Director's presence on the Committee will help to short circuit consideration of illegal actions during the deliberations and will provide valuable training for the Director to be more aware of the bridge aspects of making rulings and performing their directing duties. This appears to me to be a win-win situation for everyone, including the players.

### Reactions to Panelists' Closing Remarks

There is little I can add to what some panelists have said in their closing remarks, but here are a few thoughts. I agree with the sentiments of several of the panelists that we need to find better ways to decrease the number of "cry baby" and overly litigious appeals at NABCs. Perhaps education could help, in the form of some instructive articles for the ACBL Bulletin. But another approach, improving the quality of our decisions and the "no-nonsense" attitude of our Committees, can go a long way toward helping in this area.

NAC members have to assume responsibility for regularly and thoroughly reading these casebooks (for more than just entertainment value) and assimilating the principles which derive from the discussions here. Continuing discussions of the issues raised here when we come together at NABCs will help to strengthen the process. The past decisions of each Committee/Team must be reviewed with an eye toward learning from our errors and improving our performance. Unresolved issues need to be discussed and policies formed to make our future decisions informed and consistent. For example, how are we planning to handle cases involving an intended natural raise of 1NT to 2NT, but Alerted by the 1NT opener as a transfer (usually) to clubs? Are we going to allow opener's 3E bid to be converted to 3NT by responder without adjustment or not? Are there other considerations which we should take into account and which could affect our decision in each specific case?

I agree with Berkowitz that we need top players on our Appeals Committees. As Linda reminds me, while a few top players serve on occasional Committees, the vast majority are not to be found anywhere near the hearing rooms at midnight, when they're needed. We're constantly told, "You can find them if you look." If we run around the hotel and make a dozen phone calls, maybe we'll find a few people, but now the hearing will start at 1 am! And while the first night we'll get maybe three or four top players to serve, on the second night we'll be lucky to get one or two, and by the third night – well, you can guess. We've now moved to a team concept with some success in Vancouver getting top players to serve. Maybe it was because we asked each of them to show up on three specific nights during the tournament. Most did. Are there more of you that are willing to be assigned to a team and show up on your three nights? We can then put together more teams with fewer (higher quality?) people on each, which will facilitate their working together as a group. We'd love to have you without hunting for you every night.

Another problem. The top players want top Committees, but no one will serve if they're still in the event. What do you want us to do on the second day of the Spingold or Vanderbilt? The first day of the Reisinger? We need some practical guidelines for recusal. Yet another problem. Cases from National events may involve potential clients for top professional players, and thus a conflict of interest. How many of the top players are not professionals? Very few. Any suggestions?

I agree with Ron that we have yet to see any consistent improvement in our performance, but we have not yet made any concerted efforts (beyond publishing these casebooks) to insure such improvement. In answer to Ron's question about the way that Director-Held Appeals will be handled, they will be written up with the NABC appeal cases heard by Committees and disseminated to panelists as part of future casebooks. They will be evaluated just as in the past, with some new panelists from the Laws Commission and senior Directors' ranks (or so I am told). A rating system for Committee members was an integral part of my team approach. However, I am not in charge of the current implementation and so far there has been resistance to using such a system. If you're in favor of seeing it come about (see my proposal in *St. Louis, Misery*, pp. 184-186), tell the Director of Appeals (Ray Raskin) and Appeals Chairman (Jon Brissman). They call the shots.

I have sympathy for David Stevenson's suggestion that the table Director be present at each appeal hearing to support the presentation of the case and answer the Committee's questions. However, the problems which this would create for our staff may be too much to pay for any possible gains. I would favor trying a partial solution first: (1) If on duty that session, the table Director should be prepared to be called to the hearing (i.e., should leave a room number or place where he can be found if needed); (2) If off duty, he should be responsible for having another

Director (the DIC of the event?) briefed and prepared to substitute for him; (3) Committees must be made more aware of the table Director's availability if they need him (but that it could take some time to find him and get him to the hearing); (4) Management should consider alternate work-scheduling plans to make the availability of table Directors at future appeal hearings more feasible.

As for the table Director's name appearing in the write-ups, most table rulings are group decisions rather than individual ones. Therefore, including the table Director's name in the write-up would be misleading since he is often not the one responsible for the ruling. Including the names of all Directors consulted for a ruling could also be a problem, since information on which of them concurred with the final ruling is usually not available. However, the DIC must always concur.

I agree with David (and Bart) that the use of 12C1 for assigning scores in cases where 12C2 is appropriate is unacceptable and a considerable disservice to our players – especially in team events. It must stop.

I agree with Howard that Orlando witnessed a giant step backwards in the application of the non-symmetrical provisions of Law 12C2 to the offenders and non-offenders separately. I counted four cases where this error was committed by Committees and two others where the Directors failed to apply it properly. Howard may have a somewhat larger count.

The English approach to redressing damage for non-offenders as long as their subsequent actions are not deemed “irrational, wild or gambling” may work in Britain, where players may be much more civil and self-inhibiting when it comes to filing appeals than they are in North America, but it would cause a stampede to the appeal table here in the ACBL. Our requirement that non-offenders “continue to play bridge” up to their general skill and experience level allows us to dispense with many cases where our players are simply looking for something for nothing. This situation is exacerbated when bridge professionalism comes into play, which is far more prevalent here than in Britain. Howard points out another unfortunate side effect of this attitude in our tournaments with his anecdote about his highly ethical player friends who have given up tournaments because of it. I remind David that we do allow redress for a player who takes a careless or inferior action when their level suggests the normalcy of such actions. But for our top-level players, they are held to a much higher standard of bidding, play and defense than I think David is used to coming from his background. But he's a bright fellow and he'll learn to accommodate our ways. I hope my kidding about his hand evaluation does not deter him from continuing to grace us with his valuable input in future casebooks.

In case it is not already abundantly clear, I join Howard in strongly supporting our National Board of Directors rescinding their specification against the use of 12C3 in the ACBL. The time for this has come. In addition, we need to find a way to permit Directors to make their table rulings under the provisions of this law.

Finally, I leave my reactions to Wolffie's suggestions to the imagination of the reader. While by and large I agree with his objectives, his impatience with due process, his disregard for the laws, and his rush-to-judgment approach to change make our working together sometimes difficult and at times impossible. We shall have to continue our work, each in his own way, for the improvement of bridge.

**CASE THIRTY from *Looped in Chicago*, Revisited:**

CASE THIRTY from the Chicago casebook (*Looped in Chicago*, p 138), which occurred in the 1998 World Mixed Pairs in Lille, France, was never formally written up by the Committee's chairman (Bobby Wolff). The report I published was a pastiche culled from discussions with Wolffie, a letter written by the South player and a response from Bobby published in the tournament Daily Bulletin, and a subsequent discussion on the Internet in which David Stevenson, two of the players involved (North and South), and Mr. Wolff participated. I made every effort to report all that was known about the case, but left out anything which was not part of the original contentions made at the tournament or which left significant doubt in my mind as to the accuracy of the memory. It turns out that Wolffie now believes an important fact was omitted from that report.

In particular, Wolffie told me in a conversation we had at the Orlando NABC (about two months after Lille) that N/S admitted to him that North (the non-psyker in the case) had himself psyched weak 1NT openings at least five times previously in this partnership and North further told him that on at least one of those occasions he had employed the same 2 $\heartsuit$  runout that South had used in the Lille case. But strangely, in all of their letters and Internet discussions North and South had both denied this had ever happened, not only in this partnership, but North also denied he had ever made such a psych in any partnership. I reported this in my closing comments on the case (p 143), saying “This issue remains unresolved. (I've tried to contact others who sat on this case to find out what was really said in testimony, but Wolffie doesn't remember who the others were...)”

Well, another Committee member has been discovered. I recently spoke to Chris Compton, who recalled North saying he had psyched a number of times in this partnership (as reported in the casebook), meaning that he had psyched 1NT openings before (although it was not clear to Chris that North meant the 1NT psychs occurred *in this partnership*). Chris was less clear that North admitted to having used the same 2 $\heartsuit$  escape, but got a definite sense that North knew that South's 2 $\heartsuit$  bid revealed a psychic and he had been less than forthcoming in his disclosure of this to the opponents. But Chris also sensed that N/S, native German speakers who spoke acceptable English, were struggling with the language. He said it was possible they had misinterpreted some of the questions and were answering subtly different questions than were being asked. For example, when Wolffie asked something like, “On previous occasions when you [North] psyched 1NT, it was doubled by an opponent, and you then ran to 2 $\heartsuit$ , what did it mean?” the Germans could have thought he was asking, “If you had psyched 1NT, it was doubled by an opponent, and you then ran to 2 $\heartsuit$ , what would it have meant?”

I think Chris's identification of a possible language problem holds the key to this decision. Other WBF Committees have had this same problem – especially ones comprised largely of Americans – and insufficient attention is given to making certain that non-English speaking players understand questions adequately. I served on a Committee at the 1996 Olympiad which had to ask a player the same question six different ways before he understood it correctly. (“Aha!, he finally said.”) To most of the Committee's members, his earlier answers seemed definitive, but I felt we weren't communicating. I asked the question three different ways myself before Naki Bruni of Italy finally picked up on my lead and asked the question (on his second try) in a way the player understood. I'd bet the same thing happened in the Lille case. Wolffie became convinced the players had admitted previous 1NT opening psychics and proceeded to pursue the details of this history. The players, believing they had already denied this, thought the later questions were “hypothetical.” In this light, the Committee's decision (at least regarding the offenders) is understandable – maybe even just. But based on the letters and Internet discussion I have seen, justice may well have been denied them.

**“Real” Auction from *Looped in Chicago*'s CASE SIXTEEN, Revealed:**

Aaron Silverstein, the West player in CASE SIXTEEN from Chicago, informed us of an error in the auction reported. The correct auction was:

West	North	East	South
Pass	Pass	1NT	Pass
2 $\heartsuit$ (1)	Pass	3 $\heartsuit$ (2)	Pass
3 $\heartsuit$ (3)	Pass	3 $\heartsuit$	Pass
3NT	All Pass		
(1) Alerted; transfer to clubs			
(2) Alerted; a good hand for clubs			
(3) Alerted; undiscussed, but 3 $\heartsuit$ / would have shown shortness			

The auction was recorded incorrectly on the appeal form (from which we take our facts), then revised in a way which was both incomplete and ambiguous. When Linda spotted the ambiguity and inquired about it, she was somehow given the wrong explanation resulting in the incorrectly reported auction. We apologize for any inconvenience or embarrassment this error may have caused anyone.

As to what effect, if any, this might have had on our evaluation of the Committee's decision: as far as I can see, none – at least for those of us who thought the appeal lacked (or approached lacking) merit. East's actual 3 $\heartsuit$  bid (recommended by several panelists, including myself) eliminates much of our criticism of East's subsequent actions, since it demonstrates that Mr. Ramos did, in fact, believe that West was short in diamonds and bid accordingly. (It still isn't clear why, in that context, he passed 3NT instead of looking for the likely 5 $\heartsuit$  contract, unless he suspected something from his own diamond shortness and the opponents' silence – which he is certainly entitled to do.)

All things considered, the Screening Directors and casebook staff owe Messrs Silverstein and Ramos an apology for the sloppy work which led to the misreported auction and undeserved criticism of their actions.

As for Wolfie's criticism of the Committee's decision, perhaps he would consider "recalling" the pox he wished upon them? Then again, perhaps not.

#### THE PANEL'S DIRECTOR AND COMMITTEE RATINGS

Case	Directors	Committee	Case	Directors	Committee
1	84.4	79.6	21	78.5	77.8
2	80.4	60.0	22	65.5	74.1
3	94.1	97.8	23	78.5	86.3
4	68.9	64.4	24	95.9	89.3
5	78.5	47.0	25	97.7	89.0
6	93.0	87.4	26	82.3	74.3
7	88.5	83.7	27	96.7	92.7
8	73.3	79.3	28	85.9	80.4
9	98.1	94.4	29	77.4	84.4
10	81.1	76.3	30	90.4	95.8
11	89.6	79.6	31	89.6	91.5
12	63.7	82.6	32	83.3	80.0
13	56.3	69.6	33	78.1	68.9
14	85.9	81.8	34	92.7	82.0
15	75.9	72.2	35	64.8	62.2
16	92.2	90.7	36	61.0	89.3
17	80.0	74.1	37	53.7	84.3
18	85.2	77.0	38	94.7	89.0
19	91.8	89.6	39	80.7	71.8
20	81.8	77.8	40	91.3	86.7
<b>Mean</b>	<b>82.0</b>	<b>80.4</b>			

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