

# Appeals at the 2004 Fall NABC



presented by



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Abbreviations used in this casebook:

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

## FOREWORD

The casebooks are now being compiled, edited and printed by ACBL headquarters in Memphis. The editor no longer takes an active role in the commentary, leaving that part to our expert panel.

While the way the casebooks are developed has changed, it is hoped that their purpose and usefulness has not. It is supposed to be a tool to help improve Appeal Committees, particularly at NABCs. The ACBL will also continue to make these casebooks available on our web site to reach a wider audience.

There were 29 cases heard in Orlando. Eighteen of them were NABC+ cases, which means they were from unrestricted championship events and heard by a peer committee. In most cases the appeal passed through a screener, usually a senior Tournament Director. The names of the players are included in NABC+ appeals.

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

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

One more thing, you may also wish to visit our web site to view this casebook or previous ones.

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

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

ACBL Headquarters Memphis  
May, 2005

## THE EXPERT PANEL

**Jay Apfelbaum:** Jay Apfelbaum, of Philadelphia, is a former tournament director, national champion and member of the ACBL Board of Directors. He continues to be an avid player, regularly placing in the Barry Crane Top 500 list. He has won many regional events. Mr. Apfelbaum also writes a number of bridge articles for District 4, his home district. In real life, he is an administrative law judge presiding over unemployment compensation claims.

**Rick Beye** is the Chief Tournament Director based in the ACBL headquarters in Memphis, TN.

**Michael Carroad** is a Tournament Director who lives in Cheverly, MD.

**Ralph Cohen** was born in Montreal, QC. He currently resides in Memphis, TN. He has held several positions with the ACBL from 1971 to 1991 including Executive Director from 1984 to 1986. Mr. Cohen has been a member of the ACBL Laws Commission since 1984 and is currently a Co-Chairman. He is a Vice-Chairman of the WBF Laws Committee. Mr. Cohen wrote the *Ruling the Game* column for two years along with other contributions for *The ACBL Bridge Bulletin*. He represented Canada in the World Team Olympiad in 1964 and has won four NABC Championships. Mr. Cohen has been attending NABCs since 1947.

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

**Adam Wildavsky** was born in Ohio and grew up in Berkeley and Oakland, CA. He is a graduate of MIT and since 1986 he has resided in New York with long-time companion Ann Raymond. He is an employee of Google, Inc. and works in their New York City office as a software engineer. Mr. Wildavsky has won three NABC Championships, most recently the 2002 Reisinger BAM teams. He and his Reisinger team went on to win the 2003 Team Trials and took a bronze medal in the 2003 Bermuda Bowl in Monaco. Mr. Wildavsky is a member of the National Laws Commission. His study of the laws is informed by his study of objectivism, the philosophy of Ayn Rand.

**Bobby Wolff** was born in San Antonio and is a graduate of Trinity University. He currently resides in Dallas. His father, mother, brother and wives, including

present wife Judy, all played bridge. Mr. Wolff is a member of the ACBL Hall of Fame as well as a Grand Life Master in both the WBF and the ACBL. He is one of the world's great players and has won 11 World titles and is the only player ever to win world championships in five different categories: World Team Olympiad, World Open Pair, World Mixed Teams, World Senior Bowl and seven Bermuda Bowls. Mr. Wolff has also won numerous NABCs including four straight Spingolds (1993-1996). He served as ACBL president in 1987 and WBF president from 1992-1994. Mr. Wolff started the ACBL Recorder system in 1985, has served as tournament recorder at NABCs and is the author of the ACBL active ethics program. Among his pet projects are eliminating both Convention Disruption (CD) and Hesitation Disruption (HD).

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

CASE ONE

Subject: UI  
 DIC: Cukoff  
 LM Open Pair 2<sup>nd</sup> Qualification

<b>Bd: 7</b>		<b>Albert Lochli</b>	
<b>Dlr: South</b>		♠ A K 4	
<b>Vul: Both</b>		♥ Q J 7 3	
		♦ K Q 8 3	
		♣ 3 2	
<b>Fred Hamilton</b>		<b>Mark Itabashi</b>	
♠ Q 10 8 7 2		♠ J 5	
♥ A 6 5		♥ 4	
♦ —		♦ 9 6 4 2	
♣ Q J 10 8 6		♣ A K 9 7 5 4	
<b>Stephen Brauss</b>			
♠ 9 6 3			
♥ K 10 9 8 2			
♦ A J 10 7 5			
♣ —			
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
Pass	1NT	3♣	Pass
5♣	Dbf <sup>(1)</sup>	Pass	5♦
Pass	5♥	All Pass	
(1) Agreed-upon BIT			

**The Facts:** The director, who was called after the 5♦ bid, determined that the double was preceded by an extended break in tempo of about 25 seconds. The STOP card had been used prior to the 5♣ bid. NS play 15-17 1NT. NS had not discussed whether 3♥ was forcing, but both treated it as highly constructive. EW play DONT over their opponents' 1NT opening bid.

**The Ruling:** The director ruled that the break in tempo suggested doubt that the double of 5♣ was the best call. This in turn suggested that 5♦ would be a more attractive alternative for South. Pass, however, is a logical alternative to bidding 5♦. Hence, the result was adjusted to 5♣ doubled for a score of +750 EW.

**The Appeal:** South disagreed with the director's finding that pass was a

logical alternative, especially against top level players.

**The Decision:** The Committee considered many typical North hands and estimated that pulling the double would produce a better result than passing a little more than half the time. However, this clearly did not make passing an illogical alternative.

Since the slowness of tempo suggested that bidding was more attractive than passing, the Committee determined that South must pass.

The play in 5♣ would easily achieve eleven tricks and no more. Therefore, the adjustment of the result to +750 for EW was made.

The Committee determined that NS were experienced players and should have been familiar with Law 16, Unauthorized Information, which governs situations such as this. The Committee decided that the appeal was without merit and an AWMW was issued.

**The Committee:** Richard Popper, Chair, Gail Greenberg, Ellen Melson, Bob Schwartz and Larry Cohen.

**Wildavsky:** Good work by the TD and the AC. The TD's wording is a little off, though. The issue of what the UI suggested is separate from the question of whether Pass was an LA.

**Wolff:** The lesson from this hand is: Bid in tempo, particularly when we make a penalty double.

Do you think that: "Give bridge a fair shake, bid in tempo" is as effective as "If you drink don't drive?"

**Cohen:** In agreement with the ruling and decision, including the AWMW.

**Goldsmith:** Easy one. Good job all around.

**Beye:** If this hand had been played behind screens, there would be no question about the auction and the table result. Either the 5♣ bid or the double could have caused a slow tray pass. Against two pressuring opponents, and an in tempo auction, aren't you always bidding 5♦?

That being said, without the screen, North put his partner in a pickle. Pass is a logical alternative. An AWMW may be too much for these two players playing only their second session together.

**Rigal:** Very sensible ruling; the AC seemed to hit the nail on the head, down to the AWMW. If 3♥ was not forcing, South's bidding is absurd.

**Zeiger:** Am I the only person who dissolved in laughter upon noticing that EW play DONT, not HAMILTON? Freddy, how could you? Easy decision. Easy AWMW. Also correct to not mention PP, since South took a normal action.

**Apfelbaum:** I have no disagreement with the result, including the AWMW. I add that North already promised at least two cards in the club suit with his opening bid. Therefore, a pass should show no wasted values in the club suit and a double should show wasted club honors.



## CASE TWO

**Subject:** UI  
**DIC:** Ron Johnston  
**Event** LM Women's Pairs 4<sup>th</sup> Session

<b>Bd: 26</b>		<b>Kathleen Sulgrove</b>	
<b>Dlr: East</b>		♠ J	
<b>Vul: Both</b>		♥ Q 10 8	
		♦ 8 7 6 3 2	
		♣ J 5 3 2	
<b>Cindy Sealy</b>		<b>Patty Adamle</b>	
♠ K Q 8 5 3 2		♠ A 7 4	
♥ 6		♥ A K 7	
♦ 9 5 4		♦ A K Q J 10	
♣ K Q 4		♣ A 6	
		<b>JoAnn Sprung</b>	
		♠ 10 9 6	
		♥ J 9 5 4 3 2	
		♦ —	
		♣ 10 9 8 7	
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
2♠	Pass	2♣	Pass
5♦	Pass	5♥	Pass
5♠ <sup>(1)</sup>	Pass	7NT	All Pass
(1) BIT			

**The Facts:** The final contract was 7NT making for +2220 for EW after the lead of the ♣10. The 5♦ bid showed one key card. There was an extended pause (about 30 seconds) before the 5♠ bid, which happened to be observed by the director. East, in consultation with the director and away from the table after the auction was completed, said that she thought that her partner was confused and that she thought the King sixth of spades would be enough for her to justify her bidding 7NT.

**The Ruling:** The director ruled that unauthorized information existed from the hesitation and that it suggested that West was confused and might have the ♠Q, which was systemically denied by the 5♠ bid. Applying Law 16A, the director adjusted the score to 6♠ making seven, E-W +1460, per Law 12C2.

**The Appeal:** The EW pair acknowledged that there was a significant BIT over the 5♥ queen ask. The pair also said that the positive 2♠ response could be made on as little as the king sixth of spades and an outside queen. East acknowledged that she thought her partner could be uncertain about the meaning of the 5♥ bid.

The NS pair contended that the BIT should constrain EW from bidding at the seven level. NS also pointed out that 6♠ could be held to six with a diamond lead.

**The Decision:** The Committee determined that the BIT suggested that West's 5♠ response might not be accurate and, therefore, made bidding a grand slam more attractive. The Committee found that without the BIT there were logical alternatives to bidding a grand slam.

Applying Law 12C2, the AC determined that the most unfavorable result at all probable for EW was 6NT, not 6♠. The Committee considered that the same rationale used by East to opt for 7NT instead of 7♠ would also lead East to

choose notrump at the six level, if a grand slam were not to be bid. Therefore, the best result likely for NS was 6NT by EW.

Also the worst result at all probable for EW was 6NT. The contract easily makes all the tricks for reciprocal 1470s.

Since the Committee's decision gave EW a better score than the director had done, the Committee did not seriously consider whether the appeal was without merit.

**The Committee:** Jon Wittes, Chair, Riggs Thayer, John Solodar, Ed Lazarus, Aaron Silverstein

**Wildavsky:** I prefer the TD's ruling to the AC's. The reasons for bidding 7NT instead of 7♠ in no way apply to bidding 6NT over 6♠, since declarer expects to have to lose a trick. Suppose West held something like ♠Kxxxxx ♥Qx ♦xx ♣xxx..

**Wolff:** When a player's bid asks a question and her partner's response is negative does it make sense to then bid the maximum? Certainly not if your partner gave a BIT.

**Cohen:** Certainly East was in violation of 73F1, and the AC was right on.

**Goldsmith:** I don't see why 6NT is a better choice than 6♠ if partner has ♠K109xx ♥QJxx ♦xx ♣xx. There are hands on which 6NT is better, but clearly 6♠ is a likely choice.

Assigning a score is interesting. Let's say we think 6♠ is 50% and 6NT is 50%. Against 6♠, there's a reasonable argument for the lead of any suit except trumps, so let's call them all one-third. The lead doesn't matter against 6NT. So the "probabilities" of results are:

1470 50%  
1460 33%  
1430 17%

By most guidelines I've seen, each of these results is surely at all probable, so it's easy to assign EW's score: +1430. 1 in 3 is surely likely, but as a rule, 1 in 6 has been judged not to be. So NS's score is -1460. This seems odd, since a diamond lead against 6♠ is surely likely, but the parlay of both EWs getting to 6♠ and North's leading a diamond combines to drop the odds below our threshold. Tinkering with the chances of each event could change the results and thus the assigned scores, but these are reasonable. Note that this finding is not in variance with the AC's; they simply felt that 6NT was a 100% action. I disagree, but that's a judgment call. Their judgment seems a little black-and-white to me.

Let's tinker with the odds a little, because it will demonstrate a quirk in the laws. Let's say, instead, that 6NT is a 60% action, and again, each lead is 1/3. Then we get:

1470 60%  
1460 27%  
1430 13%

All of a sudden, no 6♠ result is likely. Yet 6♠ is definitely a likely contract. In this case, the OS gets +1430 and the NOS gets -1470. That seems wrong to me, but not horribly so.

East stated expressly that she violated L73 (“[I bid 7NT because I] thought [my] partner was confused”). Since the AC didn't award a PP for a knowing infraction of L73, EW must have been inexperienced. The committee ought to have stated this and explained that it was why no PP was given. The appeal would have had merit had NS filed it, but EW's choice was ridiculous. The AC was in a generous mood.

**Beye:** Law 12C2 says that “... for a non-offending side, the most favorable score that was likely had the irregularity not occurred or, and for the offending side, the most unfavorable result that was at all probable.” If West could have as little as ♠Kxxxx and an outside Queen, isn't 6♠ the right assigned score. I like the staff's decision on the adjustment, rather than the committee's.

**Rigal:** I can go along with the AC ruling – I think the AWM point is a sensible one. The slow answer to a queen ask suggesting the equivalent of the queen (an extra card perhaps) makes both the TD and AC ruling sensible enough. Even if the hesitation simply says “Help, I do not know what is going on!” it turns the chance of the strong hand finding the ♠Q opposite from 0% to 50%.

**Apfelbaum:** I agree the hesitation demonstrably suggests to East that a grand slam might be making. However, the EW pair stated “that the positive 2♠ response could be made on as little as the king sixth of spades and an outside queen.” Given that, I question how the worst result at all probable would be 6NT. A Club lead could easily put a notrump slam at risk. Even without a club lead, East could have the difficult problem whether to duck the second spade (if needed to preserve communication) or play for the spade suit to break 2-2. I have no particular problem with splitting the score and giving the non-offending pair a -1470 in 6NT. That is a 1-in-3 proposition.

**CASE THREE**

**Subject: Claim**  
**DIC: Cukoff**  
**LM Pairs 1<sup>st</sup> Final**

<b>Bd: 17</b>	<b>Marvin Shatz</b>		
<b>Dlr: North</b>	♠ A J 8 5 4		
<b>Vul: None</b>	♥ K J 10 7 6 4		
	♦ K		
	♣ 4		
<b>Roger Lord</b>	<b>Peggy Kaplan</b>		
♠ 9	♠ K Q 6 3		
♥ 9	♥ Q 5 2		
♦ Q J 6 4 3	♦ 10 8 7 2		
♣ K Q J 8 6 3	♣ A 5		
	<b>Peter Wolf</b>		
	♠ 10 7 2		
	♥ A 8 3		
	♦ A 9 5		
	♣ 10 9 7 2		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	1♥	Pass	2♥
3♣	3♥	4♣	Dbl
All Pass			

**The Facts:** West played 4♣ doubled with the ♥J lead. The result was disputed. The last four cards in declarer's (West's) hand were ♣KQ8 and ♦6. The ♦6 was the only remaining diamond in play. South still held three clubs and the ♠10 and North held the ♠A.

The play had gone: ♥J led and won; heart to ♥A and ruffed; ♦Q losing to ♦K; heart winning (declarer pitching ♠9); another heart ruffed by the ♣5, ♣9, and ♣J; a diamond to South's ♦A; a diamond ruffed by North; heart ruffed by the ♣A; a spade ruffed by declarer.

At this point, West put the ♣K and ♣Q on the table and after a brief pause placed the ♦6 and the ♣8

on the table sequentially. Declarer did not immediately make a statement and a discussion arose. The director was summoned. West told the director that the diamond was good and that he would know about the bad club break when North failed to follow, in which case he would be unable to pick up the trump.

**The Ruling:** The director ruled that under Law 70D, which governs contested claims, the play of the Club eight before the Diamond six would have been careless or inferior, but not irrational for a declarer who had made no statement about trumps. Therefore, the director awarded the final two tricks to NS by forcing the lead of the Club eight at trick 12. Down four for -800 for EW.

**The Appeal:** EW said that when declarer put his cards on the table, South kept stating that the losing club had to be played first and did not give West a chance to state the order of play. So, the EW appeal was based on their perception that South had deprived West of the opportunity to make a timely statement and on their belief that the order in which West placed his cards on the table manifested his intent to play them in that order.

**The Decision:** The Committee determined that since declarer had not made an oral statement of claim, his actions may be decisive. The Committee believed that declarer's play of the cards in the order he did manifested his intent to make his claim based on that order of play. Playing two high trumps, an off

suit winner, and then the final trump is sufficiently unnatural for it to manifest declarer's intent to base his claim on the play of the cards in that order.

Had he thought his whole hand was winners, he would likely have placed all the cards down at once or placed the clubs down first and then the diamond. Therefore the Committee awarded only one of the last two tricks to NS. The result: EW -500, N-S +500.

**The Committee:** Barry Rigal, Chair, Michael Rosenberg, Danny Sprung, Jeff Roman and Chris Willenken

**Wildavsky:** The TD's ruling seems ill considered. The AC rectified what would have been a grave injustice.

**Wolff:** A thorny situation resolved well by the committee.

**Cohen:** I'm with the AC on this one. On many occasions, when claiming, I will place my remaining cards face up, one at a time, in the order I propose to play them, in lieu of making a statement which an opponent can interrupt. This seems to be what transpired here.

**Goldsmith:** The AC was right. This is a common way to make a claim statement, though oral corroboration is best. The director really ought not to have blown this one. Had he ruled as the AC did, an appeal of his ruling would surely have obtained an AWMW.

**Rigal:** A complex example of an incomplete claim. The AC was persuaded that declarer's actions did not constitute an attempt to play his trump before his side-suit winner. Since I was there at the time I guess you would not expect me to change my mind. (Maybe there are just so many cases involving this appellant that there would be an argument to rule against him to try to stop the flow.... But that would not be appropriate, would it?)

**Apfelbaum:** The Committee got this one just right. I have to wonder if the Directing staff got the same facts. Any player who puts his or her cards on the table in the manner suggested by the write-up must be showing the intended order of play. What possessed North-South to call the director in the first place?

## CASE FOUR

**Subject: UI**  
**DIC: Cukoff**  
**Event LM Pairs Final Session**

<b>Bd: 19</b>	<b>Wayne Stuart</b>		
<b>Dlr: South</b>	♠ J 8 7 4		
<b>Vul: EW</b>	♥ K 8 7 6		
	♦ J 10		
	♣ Q 10 3		
	<b>Ralph Katz</b>	<b>Michael Rosenberg</b>	
	♠ K Q 2	♠ A 10 9 6 5 3	
	♥ A J	♥ 10 5	
	♦ 5 4 2	♦ K 7	
	♣ A 8 7 6 2	♣ K J 4	
	<b>Wafik Abdou</b>		
	♠ —		
	♥ Q 9 4 3 2		
	♦ A Q 9 8 6 3		
	♣ 9 5		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
1♣	P	1♠	Pass
Pass	3♣	Dbl	2NT <sup>(1)</sup>
Pass	3♥ <sup>(2)</sup>	3♠	3♦
4♠	All Pass		Pass

(1) Explained as for the minors.  
(2) South explained as red suits.

**The Facts:** The final contract was 4♠ by East making four for EW +620 after the ♥2 opening lead. The director was called at the end of the hand.

**The Ruling:** The director ruled that since passing 3♣ doubled was not a logical alternative, the result would not be adjusted, even though there was unauthorized information available to South.

**The Appeal:** Only East attended the hearing. East's contention was that a pass of 3♣ doubled was a logical alternative: if North's 3♣ bid showed clubs, then South had a good hand for playing clubs.

Furthermore, East said that his double of 3♣ was a card-showing double, not a penalty double. Therefore, according to East, South could not tell from the auction that North did not have a hand of a 4216 pattern. Hence, on the basis of the

auction, pass was a logical alternative.

**The Decision:** The Committee tried to discover what the NS partnership understanding was. From what the Committee could determine from the screening director and East, NS had neither system notes nor convention card marks indicating the precise meaning of the 2NT bid. If South felt that his 2NT bid was clearly for red suits per partnership understanding, then North's explanation of 2NT constituted UI for South. If this were the case, then passing 3♣ might have been a logical alternative.

However, at the pre-hearing screening, South stated that he always meant to bid 3♦ to show the red suits if North were to bid 3♣. Therefore, the Committee found that passing 3♣ doubled was not a logical alternative. The Committee also felt that it was unlikely that North would have a club suit worth bidding at this point since he did not pre-empt clubs over West's opening club bid.

The Committee asked its chair to counsel the NS pair about full disclosure of

their agreements since this appeal would not have been made if North had said that the 2NT bid was for the minors but correctable to being for the red suits.

**Dissent** (by Aaron Silverstein): I believe that without evidence that the conventional agreement for NS is that with red suits they show minors and convert (which the offending side never even claimed), the 3♣ bid must be treated as natural. For that reason, the contract should be changed to 3♣ doubled, down eight. Without the explanation it is possible that the final contract would have been 3♣ doubled. On a trump lead down eight is the natural result.

South's testimony that he would always convert 3♣ to 3♦ is self-serving and should be discounted. No matter how much one believes and respects South, his professed state of mind is irrelevant.

**The Committee:** Jon Wittes, Chair, Ed Lazarus, John Solodar, Aaron Silverstein and Bill Passell.

**Wildavsky:** The improbability of North's holding a club suit must be tempered by the fact that he did in fact bid 3♣. Most players would pass 1♣ with 4=2=1=6 shape.

I agree with the dissent.

**Wolff:** EW were unduly bloodthirsty to want +2000 in 3♣ doubled. +620 is all they should ever get even if the committee would award down eight. Then only NS should go -2000. Protect the Field (PTF) should always be a motto of an appeals committee.

**Cohen:** I have read on the web a plethora of comments this case has perpetrated. There is no doubt there was UI. When South called over 1♠, NS could have three distinct calls available for takeout- Double, 1NT and 2NT. Double could have been an agreement showing a semi-unbalanced red two-suiter, 1NT might be a fully unbalanced two-suiter (at least 5-5), and 2NT might be an unbalanced minor two-suiter. The 1NT and 2NT agreements might be flip-flopped.

Because of the UI, South cannot be allowed to bid 3♦ over the double of 3♣. Pass is a logical alternative, and no self-serving comment by South, as the dissenter states, is acceptable.

My adjudication is NS -2000.

**Goldsmith:** This one has been the subject of a long debate over the internet. It's a hard one to decide. Not surprisingly, the AC didn't have a firm grasp on the major issues. We may never have one.

Was 2NT for the red suits? North vehemently stated it was minors. South loosely suggested that it was either minors or reds. We don't have evidence to know, so we must assume that it is the reds as is most commonly played, and as South's hand suggests; Law 75 tells us to assume misexplanation without very strong

supporting evidence to the contrary.

North's claim, no matter how sure he is, is insufficient. Written notes should routinely be available at nationals. So I think we should assume that South had UI from a misexplanation. Written system notes saying "2NT is for the minors, but once in a while could be red suits; the 2NT bidder will correct later in the auction if so" would have given NS a strong case. They didn't have these notes, so even assuming that such a claim (had it been made) were true, we can't accept it.

An important datum is the systemic meaning of 3♣ assuming that 2NT was for the red suits, now that we assume it was. My system notes expressly state that it is strong, artificial, and forcing. If that is the NS agreement, passing is not a logical alternative, and the obvious call is 4♦. Given that South chose not to bid 4♦, we can infer that the meaning of 3♣ was either unknown or undiscussed. In that case, it could be natural and partner will know what to do if South passes. That makes passing an LA, which will lead to a contract of 3♣ doubled, down eight.

East's claim that the double was a card-showing double is (a) irrelevant, since South couldn't know that at the table, and (b) dubious given that the double was not alerted at the table. This is not to say that EW are not believable characters, but when table evidence contradicts possibly self-serving testimony, the testimony ought normally be disregarded. This is a very common occurrence; in committee players will often state that a call means something unusual and that meaning supports their case. System agreements are not normally considered self-serving **if they are clearly documented**. Very often such a call will be unaccompanied by an alert. In those cases, it is very hard to accept the agreement as fact.

The committee's request about full disclosure is a fine thing in general, but has nothing to do with this hand. If, in fact, 2NT were normally the minors and South judged to try it with the red suits, that's his business. In any case, such an approach is so common that the opponents hardly need to be notified. For example, after the auction (1♠)-Pass-(2♠)-Pass; (Pass)-?, 2NT as either the reds or the minors is normal (though not clearly best).

**Rigal:** The cause celebre of the event – much ink was subsequently wasted by me to try to persuade my colleagues not to let this sort of ruling occur again. I agree with the dissent – though I wish he had worked harder at trying to persuade his colleagues of his rationale. Without the double I might have felt differently, but here I think partner can act or pass as appropriate when the double comes back to him. You only pull in front of him if you know from UI that he has misunderstood your action.

**Zeiger:** Let's see. My partner just explained my bid as showing the reds. Way to go pard! Now why did he bid 3C? He surely isn't cue bidding. Is it natural? Hmm. Hey Mr West, what's the double? Oh, it's cards, not penalty? OK pard. I got a great dummy for you, all things considered. Pass. But I really hope you correct!



The dissent is correct. PP to South!

**Apfelbaum:** A majority of the Committee decided to believe South. I understand the dissent chose not to, but there is no **requirement** to disbelieve him. Once the Committee accepted South's statement as true, there was no reason to do anything but allow him to bid 3 ♦.

I also agree that it is logical to believe that North could not have a sufficiently strong club suit to play at the three level, considering that North passed over the opening 1 ♣ bid.

## CASE FIVE

**Subject: UI**  
**DIC: Bates**  
**Open BAM 2<sup>nd</sup> Qualifying**

<b>Bd: 24</b>	<b>Bryan Maksymetz</b>		
<b>Dlr: West</b>	♠ K J 9		
<b>Vul: None</b>	♥ 7 6		
	♦ Q 10 7 4		
	♣ 8 5 4 3		
<b>Daniel Dennison</b>	<b>Mary Lou Dennison</b>		
♠ 10 6 5 4 2	♠ A 3		
♥ K 9 3	♥ A		
♦ 9 8 6	♦ A K J 5		
♣ A 6	♣ K Q 10 9 7 2		
	<b>Lars Andersson</b>		
	♠ Q 8 7		
	♥ Q J 10 8 5 4 2		
	♦ 3 2		
	♣ J		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	2♣	3♥
Pass	Pass	4♣	Pass
5♣ <sup>(1)</sup>	Pass	6♣	All Pass
(1) BIT of approximately 30 seconds agreed			

**The Facts:** The final contract was 6♣ by East making six for +920 for EW. The opening lead was not recorded. The director was called at the end of play. He ruled that passing was not a logical alternative for East. Therefore, there could be no adjustment under Law 12.

**The Appeal:** NS appealed on the grounds that passing 5♣ was a logical alternative and should have been the adjusted result on the board.

**Other Facts:** The case was not screened and EW could not be located to be notified of the existence of the appeal. The screening director was even unable to identify the parties sitting EW. The table director reported that East made no

statements as to their methods while West said that the pass of 3♥ showed some values, but West was unsure about whether 4♣ was forcing.

**The Decision:** The Committee found that there was a BIT. The BIT did convey UI. The UI did suggest bidding 6♣. The Committee reasoned that the BIT certainly did not suggest that West's choice was between bidding and passing; it reflected West's uncertainty about what to bid. The Committee decided that since most of the bidding options other than 5♣ suggested a greater likelihood of the success of a 6♣ bid by East, 6♣ was demonstrably suggested by the BIT.

The AC believed that while passing would likely not be a good matchpoint result – bidding on in a BAM team game was also problematic. Therefore, the Committee found that pass was a logical alternative to bidding 6♣ and the contract reverted to 5♣, making six for +420 for EW.

**The Committee:** Bob Schwartz, Chair; Gary Cohler, Ed Lazarus, Eddie Wold, Darwin Afdahl.

**Wildavsky:** The AC improved a poor TD ruling. TD ought to conduct a poll before ruling that there is no LA to a call. It was poor form to force the NOS to

appeal.

**Wolff:** Very harsh on EW. The important thing is consistency and in my view West had an unusual problem when his partner bid 4♣. I would have allowed the 6♣ advance by East.

**Cohen:** Since the TD considered whether pass was an LA after the 5♣ bid, he must have determined there had been a BIT. On what basis did he decide “pass” was not an LA? There are a lot of holes in the East hand for a 2♣ opener, and certainly West would be expected to bid over 3♥ if he was to fill enough gaps necessary to make a 6♣ a contract that was a favorite to succeed.

Huzzahs for the AC.

**Goldsmith:** Good job AC. There was a BIT, there was UI, the UI suggested bidding over passing, and the bid damaged the NOS. So we adjust. And why can't 5♣ simply be the right spot? If partner does not have the ♣A or a heart stopper, 3NT will be awful.

**Rigal:** I can buy into the committee reasoning – 5♣ making scores better than 6♣ down one. It certainly seems reasonable to argue that as 5♣ is the weakest option a slow 5♣ demonstrably suggests doing more.

**Zeiger:** EW should have been the appellants. Was West's pass alerted as value showing? Slam dunk. 5♣ making six.

**Apfelbaum:** Law 16A requires that the extraneous information **demonstrably** suggest one action over another. It is certainly possible that 5♣ suggests West was considering stronger action. I would prefer to have a more detailed analysis so that I could be certain the committee fully explored and understood the EW methods. If West is correct that the 4♣ bid is not forcing, then the hesitation before West bid 5♣ does not demonstrably suggest anything.

**CASE SIX**

**Subject: UI**  
**DIC: Cukoff**  
**Blue Ribbon Pairs 2<sup>nd</sup> Qualifying**

<b>Bd: 21</b>		<b>Judi Radin</b>	
<b>Dlr: North</b>	♠ A J 9 5		
<b>Vul: NS</b>	♥ 9 7		
	♦ A 9 5 2		
	♣ A 9 6		
<b>Xiaodong Zhang</b>		<b>Peter Sun</b>	
♠ K Q 10 7		♠ 8 6 2	
♥ K J 8		♥ Q 6	
♦ Q 4		♦ K J 10 7	
♣ K Q 5 4		♣ J 10 7 2	
	<b>Valerie Westheimer</b>		
	♠ 4 3		
	♥ A 10 5 4 3 2		
	♦ 8 6 3		
	♣ 8 3		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
	1♦	Pass	2♥ <sup>(1)</sup>
Pass	Pass	2NT	Pass
3♣	All Pass		
(1) Weak jump shift			

**The Facts:** The contract was 3♣ by West down one for +50 for NS after the ♥9 lead. The director was called when the dummy came down and again at the end of play. When called originally NS said, according to the director, that they “sensed a hesitation after the 2♥ bid above and beyond the required skip bid pause.” They claimed that the BIT was 10-20 seconds beyond the required pause. West denied the hesitation and East acknowledged a “slight break in tempo.”

**The Ruling:** The director ruled that UI existed and therefore applied Law 16 -- the UI clearly suggested action and pass was clearly a logical alternative. Therefore, the contract was adjusted to 2♥. On the lead of the ♠K, 2♥ can be made. That was a likely lead, so the score was adjusted to + 110 for NS and - 110

for EW.

**The Appeal:** East did not appear at the hearing and West claimed that his hesitation was no more than two seconds.

**The Decision:** The Committee found as fact that the BIT was unmistakable at the table and that it suggested bidding to East. Pass, however, was clearly a logical alternative. 2♥ making and 2♥ down one were judged to be likely results and no other results were even probable. The adjustment of the score to + 110 was therefore made.

Since it seemed extremely obvious to everyone except EW that the disputed BIT occurred and that they were experienced enough to know better, an AWMW was issued.

The Committee also found that East’s bid of 2NT was blatant misuse of UI. Therefore, a one-quarter board PP was issued to EW. NS were reminded to use the STOP card in the future.

**The Committee:** Jeff Goldsmith, Chair, Bob Schwartz, Riggs Thayer, Marlene

Passell and JoAnn Sprung.

**Wildavsky:** I presume 2♥ was alerted. The write-up doesn't say.

Good work by the TD and excellent work by the AC. The TD could also have assessed a procedural penalty.

**Wolff:** I agree only because of the very light balance by East. EW must learn not to break tempo.

**Cohen:** A fine job by the AC, including the PP. The TD fell down on the job not assessing the PP.

**Goldsmith:** The cards made any dispute over whether there was a BIT easy to resolve. Obviously there was one.

It seems odd that anyone would care, however, since EW look cold for 3NT. Was there really much difference between the other scores?

**Beye:** Wait a minute – how can an unmistakable hesitation only be ‘sensed’ after the dummy comes down. She ‘sensed’ a 20-second hesitation beyond that required by the skip bid pause? That’s a long time. A procedural penalty ... and an AWMW too! Something must be missing from this committee write-up.

**Rigal:** Although a committee rarely should do this, in this case the East hand is prima facie evidence of West’s BIT. EW deserve the book thrown at them – the PP is entirely appropriate.

**Zeiger:** Since EW pretty much disputed the tempo break, why did the Committee find “as fact” the break occurred? Was it because they hated the 2NT call? Given the warp speed at which North plays, if West had really broken tempo 10 to 20 seconds BEYOND the required break, she wouldn’t have merely “sensed” a tempo break. She would have had time for a smoke while waiting! Maybe there was a break. Maybe there wasn’t. The write-up suggests there wasn’t a Committee. There was a lynch mob which had its verdict, and didn’t need a hearing. The PP was gruesome.

**Apfelbaum:** It never fails to amaze me that experienced, top-flight players will try to justify the use of extraneous information by saying it was very brief. UI is UI. Congratulations to the committee!

## CASE SEVEN

**Subject: Played Card**

**DIC: Cukoff**

**Blue Ribbon Pairs 2<sup>nd</sup> Qualifying**

<b>Bd: 6</b>	<b>Marjorie Michelin</b>		
<b>Dlr: East</b>	♠ A J 7 6		
<b>Vul: EW</b>	♥ A 7 2		
	♦ 6 2		
	♣ 8 7 6 3		
<b>Pirkko Savolainen</b>	<b>Svetlana Gromenkova</b>		
♠ 10 9 8 2	♠ 5		
♥ J 5 4	♥ K 9 3		
♦ 8 5	♦ K Q 10 9 7 3		
♣ Q J 5 4	♣ A 10 2		
	<b>Gerald Mindell</b>		
	♠ K Q 4 3		
	♥ Q 10 8 6		
	♦ A J 4		
	♣ K 9		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	2♣	1♦	1NT
Pass	4♠	Pass	2♠
		All Pass	

**The Facts:** In a two-card ending with South holding the ♦ J ♦ 4 and East the ♦ K ♦ 10, North led the ♦ 6. NS stated that East played the ♦ 10 and South won the ♦ J. EW said that East played the ♦ K and South played the ♦ J under it.

**The Ruling:** The director ruled that with no agreement of the facts regarding which card was played, Law 85 applied and awarded the trick to neither side, resulting in the scores of N-S -50 and E-W minus 420.

**The Appeal:** NS appealed the ruling.

**The Decision:** The only dispute was the order of the cards played at tricks twelve and thirteen. Since East had shuffled her cards by the time the director arrived at the table, the Committee awarded the disputed trick to NS under of Law 65C and D.

**Committee:** Jeff Roman, Chair, Bill Passell, Ralph Cohen, Danny Sprung and Ed Lazarus.

**Wildavsky:** I see no basis in Law 85 for the TD's ruling. The AC ruling seems reasonable.

**Wolff:** The double minus score is great for getting the opponents to decide and because of the petty argument is probably deserved.

**Cohen:** The write-up of this case is very deficient in detail on what transpired at the AC hearing. The two sides were totally at odds as to what East had played at trick 12. They did agree that South had played the ♦ J, and no one denied that EW had returned their cards to the board, and that NS's cards were still in quitted trick order when the TD arrived at the table.

The floor TD appeared before the AC. When asked by the AC if he had tried to apply Laws 65D and 66D to the case, he replied that in his long experience he had never seen it applied to tricks 12 and 13.

There is nothing in the Laws that restricts the application of these Laws to the first eleven tricks, and the AC, based on what it heard, properly awarded the trick to NS.

An A+ for the AC, a C- for the TD.

**Goldsmith:** Seems easy enough. The director ought to have ruled as the AC did and encouraged EW to appeal.

**Rigal:** An obscure law by which to divide up the Solomonic baby. Somehow it seems wrong for EW even to be trying to get this trick here.

**Apfelbaum:** Law 65D states that “a player should not disturb the order of his played cards until agreement has been reached on the number of tricks won. A player who fails to comply with the provisions of this Law jeopardizes his right to claim ownership of doubtful tricks or to claim a revoke.” Kudos to the committee for getting this one right.

## CASE EIGHT

**Subject:** UI  
**DIC:** Henry Cukoff  
**Blue Ribbon Pairs** Session 2<sup>nd</sup> Qualifying

<b>Bd:</b> 6	<b>Michal Kwiecien</b>		
<b>Dlr:</b> East	♠ A J 7 6		
<b>Vul:</b> EW	♥ A 7 2		
	♦ 6 2		
	♣ 8 7 6 3		
<b>Ole Jonny Tosse</b>	<b>Martin Andresen</b>		
♠ 10 9 8 2	♠ 5		
♥ J 5 4	♥ K 9 3		
♦ 8 5	♦ K Q 10 9 7 3		
♣ Q J 5 4	♣ A 10 2		
	<b>Piotr Bizon</b>		
	♠ K Q 4 3		
	♥ Q 10 8 6		
	♦ A J 4		
	♣ K 9		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
		1 ♦	1NT
Pass	2 ♣	2 ♦	2NT
Pass	3NT	Pass	4 ♦
Pass	4 ♠	All Pass	

**The Facts:** The 4♠ contract made four for +420 after the ♦K opening lead. 2♣ was Stayman. It was determined later by the AC that Stayman, for this pair, promised at least one four-card major. The NS pair play that the bid of 2NT shows both majors in non-competitive sequences.

Here, 2NT was not alerted and NS disagreed as to the meaning in this sequence (in competition) and discussed it in a foreign language after the hand.

**The Ruling:** The director ruled that since South already had authorized information that North held at least one four-card major, he should be permitted to bid relative to that knowledge. The failure to alert 2NT

was not substantially different from the knowledge that South already had.

**The Appeal:** EW contended that 3NT should be treated as an offer to play and that pass is a logical alternative to going on to four of a major. If North had wanted to insist on playing in a suit, he would not have bid 3NT.

South argued that with his lack of side Aces, even a double diamond stop would not give him enough time to establish all his tricks in notrump. Therefore, it was clear to remove to the safety of a trump contract.

**The Decision:** The Committee determined that the failure to alert 2N gave South UI, that North's hand might not be as good for notrump as the bid should indicate. Thus, the UI demonstrably suggested moving from 3NT to a major. The Committee considered several North hands with which North would find notrump more attractive with the knowledge of two four-card majors in South. Hands with one weak major and strong secondary club values would offer notrump opposite South's likely 4=4=3=2 (in that order) shape, e.g. ♠ A J x x ♥ J x x ♦ x x ♣ Q J 10 x or ♠ J x x x ♥ J x ♦ x x ♣ A Q J 10 x would make 3NT and fail in 4♠. Therefore, pass was a logical alternative for South.

In 3NT, nine tricks was the likely result on any plausible sequence of play and defense. Therefore, the result was changed to 3NT making three, plus 400 to NS



and minus 400 for EW.

**The Committee:** Bart Bramley, Chair, Peggy Sutherlin, Aaron Silverstein, Michael Rosenberg and Jon Wittes.

**Wildavsky:** This was a close case. I like the AC's ruling better than the TD's, but it could have gone either way.

**Wolff:** Very tough ruling on NS. It is true that an alert might have been given, but on another hand that may have tipped off something to partner. I think the committee was biased against NS and should have allowed 4♠ to be the contract. After all, ostensibly no one was disadvantaged. Let's not go out of our way to create discord.

**Cohen:** I'll buy the AC decision, but am not convinced I would rule the same way. Knowing there is an eight-card major suit fit, at matchpoints, playing in notrump may be a top or bottom type situation. The TD may have been correct.

**Goldsmith:** Simple judgment call: is passing 3NT an LA? I'd say, "no," but obviously there is room for disagreement. Most of the hands which would want to play 3NT after hearing about two four-card majors in South's hand would not have bid 2♣ in the first place (including one of the AC's examples), so passing 3NT looks like a pretty deep view, particularly at matchpoints.

In my opinion, passing would be an LA under the "seriously consider" guideline, but I don't think a significant number of players would actually do it. Add another queen to South's hand, making it a maximum, and 3NT then has a fair bit more to be said for it. But as I said, this is a judgment call, so if the AC feels that passing 3NT is reasonable, their ruling works.

**Rigal:** Good AC ruling, questionable TD decision though I can understand where they were coming from. I could see this one go either way, but I think I prefer the AC decision – and maybe in a case of doubt the initial ruling might have gone to the non-offenders?

**Zeiger:** Committee correct. The UI did NOT duplicate the AI. This should have been the table ruling.

**Apfelbaum:** The committee discussion did not consider whether North would have bid Stayman holding either of the example hands. Or what inference South was entitled to take from this authorized information. The committee decision may be correct, but I would hope for a better analysis to justify that decision. Personally, I believe that South is entitled to know that North wants to play in a major suit based on the inference that North would not bid 2♣ otherwise.

The above written, I will not criticize the committee absent knowledge whether it considered this argument.

## CASE NINE

**Subject:** MI/Misbid  
**DIC:** Henry Cukoff  
**Event:** Blue Ribbon Pairs 1<sup>st</sup> Semifinal

<b>Bd:</b> 21	<b>Pirkko Savolainen</b>		
<b>Vul:</b> NS	♠ A K 9 7		
<b>Dlr:</b> North	♥ 10 4 2		
	♦ 4		
	♣ J 10 8 6 2		
<b>Connie Goldberg</b>	<b>Wafik Abdou</b>		
♠ Q 6	♥ J 4 3		
♥ J 9 8 6 5	♠ A K Q 7 3		
♦ K J 10 5 3	♦ Q 9 8		
♣ 5	♣ Q 4		
	<b>Svetlana Gromenkova</b>		
	♠ 10 8 5 2		
	♥ —		
	♦ A 7 6 2		
	♣ A K 9 7 3		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
	Pass	1NT <sup>(1)</sup>	2♣ <sup>(2)</sup>
2♥ <sup>(3)</sup>	3♣	3♠	Pass
Pass	4♣	All Pass	
(1) 14+ to 17, announced (2) Alerted as Clubs and a higher suit (3) Announced as a transfer			

**The Facts:** The final contract was 4♣ making six for +170 after the ♠Q lead. The director was called at the end of the round. It was determined that East gave an incorrect explanation of “transfer” of the 2♥ bid. The EW system notes do not support transfers over two suited overcalls of a 1NT opener.

**The Ruling:** The director changed the contract to 4♠ making five for +650 per Law 12.C.2. This was the most favorable result for the non-offenders without the irregularity and the most unfavorable result at all probable for the offenders.

**The Appeal:** EW appealed and were the only ones to appear at the Committee meeting. They produced two identical (one photocopy, one original) convention cards. Both showed “system on over 2♣ and artificial doubles.” Abdou described

his partnership methods and indicated that West had simply forgotten them.

**Other findings:** EW are an irregular partnership playing their second national event. They have a system file distilled from West’s manifold sets of notes. East had completed the convention card and had given it to West. EW practiced some on the internet.

**The Decision:** While rulings of this sort might normally go against the offenders, the AC had no doubt that the convention cards had been properly completed to reflect the actual EW agreements and that West had simply misbid.

EW had dramatically “fixed” their opponents with the 1NT opener, the misbid, the raise (to stop East bidding 3♦ over 3♣ in the balancing seat). That was not illegal, simply lucky. There is, as yet, no law against that. The AC was surprised in the context of the identical and properly completed convention cards that the TD had determined MI and not a misbid. They restored the table result of +170 to NS.

**The Committee:** Doug Doub, Chair, Ed Lazarus, Bill Passell, Eddie Wold and Barry Rigal, Scribe.

**Wildavsky:** Like the AC, I do not understand the TD decision. It seems to ignore the evidence.

**Wolff:** Convention disruption strikes! I'm for the ruling since CD is very difficult to recover from.

**Goldsmith:** A little good and a lot not so good.

The good: the finding of a misbid looks right.

Not so good: West abused UI by passing 3♠. If 2♥ was, indeed, natural, 3♠ is a huge super-accept for hearts, showing hearts roughly like what East actually had. She must bid 4♥. Lucky for her, however, she'd reach a reasonable spot. But an unlucky one — it goes for about 500. So -170 is not a possible result. What would happen if she had bid 4♥? That's very hard to tell, but at that point, it seems to me that North is trapped into doubling, figuring two top spades and a ruff, and partner's card should beat it one, maybe two.

Someone who was willing to play only 3♣ is unlikely to bid 5♣ now. From East's perspective, 4♥ shows 5-5 or 5-4 in the majors, so he has an easy pass. That means 4♥ doubled is the likely contract. Now West will announce that 2♥ was not a transfer, giving the defense a chance.

The defense against 4♥ doubled is still not easy, but after giving it out as a problem, I judge that getting 500 is likely. The diamond shift at trick two looks clear-cut. The hard part is deciding between cashing partner's ♣K or your ♠K at the end. Partner's diamond spots are such that declarer can make it really tough for a second suit preference signal.

At worst, though, that's a 50/50 guess, so 500 is likely. I don't think NS's getting to 4♠ or 5♣ is at all probable (they were probably never getting there regardless of the opponents' problems; their methods and the 1NT opening pretty much did that), so award reciprocal 500s.

**Beye:** So where were these convention cards and notes during the first session? Wouldn't you think this pair could just take their convention cards to the event DIC and get this straightened out during the afternoon session, rather than inconvenience nine or 10 people at midnight?

**Rigal:** Amazing fluke by EW (not the first one either?) but just because they are lucky does not mean we should take their good fortune away.

**Zeiger:** Perhaps the table director should have been summoned to the hearing and asked why his findings were different than the Committee's.

**Apfelbaum:** Granted the committee accepted the East-West convention card as correct, there is no violation of law and no basis to make any score adjustment.

I am curious what happened at the table when the tournament director arrived. I assume that East-West had a convention card to show him or her. I would have liked that fact documented in the discussion.

CASE TEN

**Subject: MI**  
**DIC: Henry Cukoff**  
**Blue Ribbon Pairs 1<sup>st</sup> Final**

<b>Bd: 3</b>		<b>Peter Bizon</b>	
<b>Dlr: South</b>		♠ J 10 4	
<b>Vul: EW</b>		♥ J 8 5	
		♦ J 10 4 2	
		♣ A J 9	
<b>Ai-Tai Lo</b>		<b>Alan Schwartz</b>	
♠ A 6		♠ K Q 7 5 3	
♥ 10 4 2		♥ 9	
♦ A K 9 3		♦ Q 7 5	
♣ K 6 5 4		♣ Q 10 3 2	
		<b>Michael Kwicien</b>	
		♠ 9 8 2	
		♥ A K Q 7 6 3	
		♦ 8 6	
		♣ 8 7	
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
			1 ♥
Pass	2 ♥ <sup>(1)</sup>	Pass	3 ♥ <sup>(2)</sup>
All Pass			
(1) 2 ♥ was a constructive raise, no alert			
(2) See Facts			

**The Facts:** The final contract was 3 ♥ down two for -100 for NS after the ♦ A lead. The director was called at the end of the hand.

East inquired before his final pass about the 3 ♥ bid and was told that it was constructive with six trumps. South felt that their agreement was that the bid was preemptive. South said that he informed the opponents of the MI before the opening lead. EW insisted that he had not. East said he would have balanced with 3 ♠ if he had known that 3 ♥ was preemptive.

**The Ruling:** The director ruled that North's explanation of the 3 ♥ bid was MI and adjusted the contract to 4 ♠ EW +650 per Law 21.

**The Appeal:** NS appealed and all four persons appeared at the Committee meeting. NS stated that South corrected his partner's explanation of 3 ♥. North had told East that it was a game try (which it would have been if spades were bid instead of hearts, i.e., 1 ♠ 2 ♠ 3 ♠). South believed his 3 ♥ bid was preemptive. South accepted some responsibility for not speaking louder (he has a very soft voice and a significant accent), but he thought that awarding EW +650 was too generous.

**Statements by the other side:** Over 3 ♥, East was considering some action, either 3 ♠ or double, when he asked North about the 3 ♥ bid. North's incorrect explanation made it less attractive to balance, and thus helped NS get a better score. EW did not hear South's correction of his partner's misexplanation of 3 ♥.

**Other findings:** NS had not actually discussed the meaning of 1 ♥ - 2 ♥ - 3 ♥. Thus they had no agreement and North's explanation was misinformation. NS have been playing together for only a couple of months.

**The Decision:** The Committee ruled 3♠ making five and -200 for NS.

A Player is responsible for making sure that his opponents are aware of all alerts and explanations. Although South told the opponents that his partner's explanation was incorrect, he was not forceful enough to make sure that they heard. Thus, NS were guilty of misinformation.

East has three plausible choices at his second turn to call: Pass, double or 3♠. The MI clearly makes pass more attractive than the other alternatives. 3♠ figures to work far more often than double. East does not have a good defensive hand, nor does he wish to hear his partner bid 4♣ or 4♦. As a matter of percentages, there is a strong possibility that West will have three spades, making a contract of 3♠ EW's best spot to compete in. The Committee considered a 3♠ bid by East attractive enough to allow that bid.

Would West raise a 3♠ balance to 4♠? East is bidding much of West's high cards when he bids 3♠, though probably not all of them. However, East is probably also hoping to catch some spade length in West's hand and West does not have it. West will keep in mind that his partner already passed over 2♥, limiting his hand. If East has a nice, fitting hand such as ♠ Q 10 x x x ♥ x ♦ x x x ♣ A x x, it may require a successful spade guess just to make 3♠. The Committee thought that few players would "hang" their partner with a raise to 4♠, and thus assigned a contract of 3♠ to EW.

How would the play go? The defense would start with two rounds of hearts. Declarer would ruff and play a club to the ♣K and ♣A. After ruffing a third round of hearts, declarer would play a spade to the ♠A. With spades 3-3, he could cash out for nine tricks. However, it is fairly attractive to take the club finesse while dummy still has a trump to prevent the force. This would result in 11 tricks for declarer. The Committee considered that play likely enough to assign that result to both sides.

**Dissenting (Ed Lazarus):** The Committee unanimously felt there was MI given by NS in the explanation of the 3♥ bid. The Committee then analyzed the possible bidding by EW had NS correctly related that 3♥ was competitive and felt unanimously that more than one of six persons in the East seat would bid 3♠. The majority of the Committee felt that less than one of six persons in the West seat would then bid 4♠.

I disagree for the following reasons:

1. West has three hearts. East most probably has a singleton heart
2. The ♣K is well-placed with the opening bid by South
3. East is probably not bidding 3♠ vulnerable versus not without both length and high cards in the spade suit

I feel that more than one out of six Wests would bid 4♠. Hence, the result of the Committee should have been that the contract is 4♠ by EW making five for -650 NS.

However, the Committee never discussed a split decision for NS and EW. Had the Committee agreed that more than one of six would bid 4♠, further discussion might have resulted in a split decision.

**The Committee:** Doug Doub, Chair, Ed Lazarus, Howard Weinstein, Tom Peters and Bob Schwartz.

**Wildavsky:** This was another close case. The TD ruling and AC decision were both reasonable, as was the ruling proposed in the dissent. I do not understand one point made by the dissenter. If he thought a split decision was appropriate why didn't he speak up?

**Wolff:** Again Convention Disruption peeks through, causing uncertainty for the opponents. Proper ruling,

**Cohen:** The AC was correct in assigning +200 to EW. However, it should have seriously considered -650 for NS, and probably assigned it. See Law 12C2.

South was the primary culprit. Under Law 75D2 at the conclusion of the auction-before the opening lead- he was obliged to call the TD and inform EW of the MI. This would have allowed the TD to cancel East's last pass and reopen the bidding had he thought it appropriate under the circumstances. East might have actually bid 3♠, and a table result of EW+200 achieved.

**Goldsmith:** Good job by the committee. I don't think very many players would bid 4♠ with West's hand, so I agree with the failure to give a split score.

**Rigal:** I could buy into either the majority or the dissent here. I think West's doubleton spade might persuade me to give a split score with NS getting the worst of it in 4♠.

**Zeiger:** If Ed Lazarus argued for EW +650 during deliberations, surely someone should have thought a split score might be in order. Was any blind polling done by the event TD? Would have been a great help here. My own guess is EW +200, but why should I have to guess?

**Apfelbaum:** The dissent covered the real issue on this board. South had an obligation to make certain that EW knew about the MI. The majority correctly analyzed the play, but not the bidding problem facing West after East balances with 3♠. East is balancing at the three level at unfavorable vulnerability. It must be clear that EW hold at least 23-24 high card points, and that there are no wasted heart honors. Such combinations frequently make game. I agree with the dissent that at least one in six would find the spade game. The question is closer for the one-in-three analysis that applies to the non-offenders. I could be persuaded either way on that point.

## CASE ELEVEN

**Subject: MI**  
**DIC: Henry Cukoff**  
**Blue Ribbon Pairs 1<sup>st</sup> Final**

<b>Bd: 19</b>			
<b>Russell Samuel</b>			
Vul: EW    ♠ A Q 7 6 5 3 2			
Dir: South    ♥ J 8 6			
♦ Q 10			
♣ 3			
<b>Alan Schwartz</b>		<b>Ai-Tai Lo</b>	
♠ 9 4		♠ J 10	
♥ K Q 9 7 5		♥ A	
♦ 3		♦ A 9 8 4 2	
♣ K Q J 10 7		♣ A 9 8 5 2	
<b>Harry Tudor</b>			
♠ K 8			
♥ 10 4 3 2			
♦ K J 7 6 5			
♣ 6 4			
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
			2♦ <sup>(1)</sup>
2♥	2♠	Db1 <sup>(2)</sup>	Pass
3♣	Pass	3♦	Pass
4♣	Pass	5♣	All Pass
(1) Weak 2 bid			
(2) When asked was told "I don't know"			

**The Facts:** The final contract was 5♣ making seven for +640 to EW after the ♦Q lead. The director was called at the end of play.

**The Ruling:** The director determined that EW did not have an agreement on the meaning of the double. No adjustment was made as NS were not misinformed as to the meaning of the double. This is not one of the common situations which partnerships are expected to discuss. Laws 40A, 40B, and 40C.

**The Appeal:** NS appealed and all persons attended except South. North indicated that had he known the double was not penalty, he would have led the ♠A and would have bid 3♠ or 4♠ over the 3♣ call. NS are not a regular partnership. They treated 2♠ as not forcing (and their convention card was so marked).

**Statements by the other side:** EW had not discussed the meaning of this double. They have played as a partnership about six years. They play snap dragon doubles (confirmed on their card) but both agreed this applied only after opening one bids.

**The Decision:** No member of the AC had discussed the meaning of this double with his partner. Since this was true, it was judged normal for any partnership not to have discussed the call.

The Committee determined that there was MI because of West's inability to explain East's bid.

The Committee determined that even if North bid 3♠ or 4♠ over 3♣, 5♣ would still be the final contract. The result was not adjusted because (1) North did not call the director immediately. Some directors might have sent West away from the table so that East could explain his own bid, (2) South did not double 3♦, a clue that suggested a diamond lead might not be best, and (3) EW did not bid 3NT suggesting neither had much in spades.



The Committee felt that lack of information about the meaning of the double did not cause NS's result. The contract of 5♣ making seven for a score of EW +640 was left in place.

North was faced with an unusual situation and the Committee felt North's appeal had merit.

**The Committee:** Richard Popper, Chair, Chris Willenken, Chris Moll, Darwin Afdahl and Mark Feldman.

**Wildavsky:** Reasonable rulings all around. The committee's comment regarding North's reputation for bringing appeals, though, is profoundly irrelevant. The committee is called upon to decide whether the appeal before it has merit. The merit, if any, lies in the appeal in and of itself. Any suggestion otherwise is *ad hominem*.

**Wolff:** I would be in favor of forcing partnerships to discuss the meanings of doubles. Since the modern game seeks more ways to transmit AI, doubles need to be understood by partnerships and then explained properly to their opponents. Without this we are an accident waiting to happen and harms our game. Even though I doubt North would lead a spade anyway, the point is that he should know what is going on.

**Cohen:** No problem with the AC decision. I do have a problem with the AC statement that there was MI because of West's inability to explain East's double. EW had no agreement and so informed the opponents. To do otherwise would have been MI.

**Goldsmith:** The committee got it right, but I don't see any law supporting the relevance of their statement, "This is not one of the common situations which partnership are expected to discuss." The laws don't require partnerships to discuss anything. If so, emergency partnerships would be illegal. There are situations in which an unscrupulous pair might gain an advantage by claiming to have no agreement when in fact they do, but those cases can be handled by disciplinary measures and by the AC's simply disbelieving incredible testimony.

In any case, it seems as if East thought that his double was artificial, based on an extension of some other agreement. He ought to have told NS at the conclusion of the auction what he thought his double meant. Something like, "the statement that we have no agreement is undoubtedly correct, but I thought we played ... in this position. Upon reflection, we do not." The reason he must make such a statement is that to fail to do so is to use UI. Other than the explanation and failure to alert, how does he know that his partner didn't judge that the double meant exactly what East originally thought it was? Would that affect the final result? I don't see how. North would lead a diamond and the table result would have been achieved.

For the second case in a row, the AC forgot to consider the UI implications in an MI case. East had UI that his partner didn't know what the double of

2♠ was. That means he now knows that his partner has real clubs, not just a (perhaps forced) preference on a doubleton. Is stopping below game an LA, then? It's probably close, but I'd say that three aces and a stiff opposite partner's unfavorable two-level overcall is going to drive to game, and doing so in one's best suit after getting support looks right. Still, the auction takes on a completely different character sans the UI, so if an AC were to rule +190 for EW, they would not be totally out of line.

**Rigal:** I agree that EW had no obligation to know the meaning of this sequence – since I have no agreement with my partner either. I agree there is merit, however tired one might be of seeing North in committee pursuing marginal appeals.

**Zeiger:** MI? What MI? West said they had no agreement. The Committee determined they had no agreement. So where, pray tell, was the MI? Lack of an agreement is not MI, as long as each partner believes there is no agreement. No infraction. No adjustment. No merit.

**Apfelbaum:** I agree with the result, but not the analysis. The tournament directors got this exactly right. Sometimes there is no agreement about the meaning of a bid. Law 40A states “a player may make any call or play, without prior announcement, provided that such call or play is not based on a partnership understanding.” I also agree this is not the sort of situation where a pair must have had an understanding. This sort of thing happens frequently, and we as players are required to use our respective imaginations to find a solution to whatever problem we may face.

On another note, the committee does itself a disservice by mentioning that South has pursued marginal appeals in the past. It does not matter who takes an appeal. An appeal either has merit or it does not.

## CASE TWELVE

**Subject:** UI  
**DIC:** Henry Cukoff  
**Blue Ribbon Pairs 1<sup>st</sup> Final**

<b>Bd: 1</b>	<b>Piotr Bizon</b>		
<b>Vul: None</b>	♠ 2		
<b>Dr: North</b>	♥ A 10 9 7		
	♦ K 7 6 5 4 3		
	♣ 9 3		
<b>Nikolay Demirev</b>	<b>David Yang</b>		
♠ K 6 5	♠ A 10 8 4 3		
♥ K Q 6 4 3	♥ J 8 2		
♦ Q 10 2	♦ A J 8		
♣ K 6	♣ 10 2		
	<b>Michal Kwiecien</b>		
	♠ Q J 9 7		
	♥ 5		
	♦ 9		
	♣ A Q J 8 7 5 4		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
	Pass	Pass	1 ♣
1 ♥	2 ♦	2 ♥	3 ♣
Pass <sup>(1)</sup>	Pass	3 ♥	4 ♣
Dbl	All Pass		
(1) BIT agreed			

**The Facts:** The final contract was 4♣ doubled down one for +100 to EW after the ♥K lead. The director was called at the end of play.

**The Ruling:** No adjustment was made. Pass of 3♣ was not thought to be an LA for East. Law 73F1.

**Other Findings:** The screener determined that West asked about the 2♦ bid and South's 3♣ bid and then thought for a significant amount of time before passing over 3♣.

**The Appeal:** NS appealed and are the only ones who attended the hearing. They thought that West's questioning and break in tempo could have helped East make the winning decision to bid 3♥.

**The Decision:** The Committee determined that West's break in tempo suggested extra values, but

did not point toward 3♥ versus double. East held a three-card limit raise. The AC judged that at matchpoints and no one vulnerable, very few players would seriously consider passing 3♣ with the East hand.

Since the break in tempo did not suggest bidding rather than doubling, the AC allowed East's 3♥ bid to stand and thus the table result was upheld.

The appeal was judged to have merit.

**The Committee:** Doug Doub, Chair, Ed Lazarus, Howard Weinstein, Tom Peters and Bob Schwartz.

**Wildavsky:** Fair enough. I'd have liked to have seen some discussion of the EW overall style though. Opposite a partner who overcalls light or with four-card suits it is dangerous to bid on with the East hand.

**Wolff:** Agree with most everything that was said. Also I agree with the question marks and would be in favor of an AWMW for NS.

**Cohen:** In agreement with the decision. Certainly East had a lot in reserve for his 2♥ call, and pass was not an LA.

**Goldsmith:** Reasonable choice. I'd double with the East cards and go -470. Shows what I know.

The write-up was a little garbled, but it looks like the AC got it right.

**Rigal:** It is far from clear to me that NS were not entitled to either 3♣ making, or something similar. Where an infraction has taken place we do not have to give EW the best of it. Certainly a split score (EW landed with 3♣ making while NS keep the table result) is far from unreasonable. After all with a ten-count we do not all go on to the three level with an eight-card fit facing an overcall – unless partner tells us to?

**Zeiger:** Would North or South ever have passed out 3♣ with East's cards? No merit again.

**Apfelbaum:** I agree that East has a limit raise opposite an opening bid, but not an overcall. The break in tempo suggests that West has extra values. Those extra values guarantee that either 3♥ or double must be right and that pass must be wrong. The committee needed to analyze East's choices based on West having a minimum overcall at the one level. Some players, for example, will overcall four card suits at the one level when not vulnerable. Others might make the same overcall without the ♠K and ♦Q. Competing to the three level opposite either of these hands could be disastrous.

## CASE THIRTEEN

**Subject:** UI  
**DIC:** Steve Bates  
**Reisinger Teams 1<sup>st</sup> Qualification**

<b>Bd:</b> 9	<b>Peter Weichsel</b>		
<b>Vul:</b> EW	♠ K Q 2		
<b>Dlr:</b> North	♥ K 8 5 4 3		
	♦ 7 4 2		
	♣ 7 3		
<b>Magnus Lindkvist</b>	<b>Peter Fredin</b>		
♠ 7 4	♠ 8		
♥ Q 10 9	♥ J 7 6 2		
♦ K Q J 8	♦ A 10 9 6 3		
♣ Q 9 8 4	♣ J 10 6		
	<b>Alan Sontag</b>		
	♠ A J 10 9 6 5 3		
	♥ A		
	♦ 5		
	♣ A K 5 2		
<b>West                  North                  East                  South</b>			
	Pass	Pass	1 ♣ <sup>(1)</sup>
Pass	1 ♦ <sup>(2)</sup>	Dbl <sup>(3)</sup>	2 ♠ <sup>(4)</sup>
Pass	3 ♠	Pass	4 ♠ <sup>(5)</sup>
Pass	5 ♥	Pass	6 ♠
All Pass			
(1) artificial 16+ (2) artificial 0-8 (3) Diamonds (4) Game Force (5) BIT			

**The Facts:** The final contract was 6♠ making six for +980 for NS after the ♦K lead. The director was called at the end of play although EW noted the break in tempo before the opening lead.

NS said South took 8-10 seconds before bidding 4♠. EW said longer.

**The Ruling:** The contract was changed to 4♠ making six for +480. Law 16, UI. The hesitation suggests bidding over 4♠ and pass is a logical alternative.

**The Appeal:** NS appealed and stated they thought that 5♥ was automatic. North, East and West were present at the hearing.

**Statements by the other side:** EW thought bidding 5♥ was an error. They are experienced big club players and stated they would have passed 4♠.

**Other Facts Discovered:** If North had bid 3♦, it would have been a double negative. 3NT by South over

3♠ might or might not be artificial.

**The Decision:** This was purely a matter of bridge judgment. If passing 4♠ is a logical alternative, the 5♥ bid is not allowed and the director's ruling must stand. All the members of the Committee felt that this case was near the borderline; most felt that bidding was about an 85% action. One member stated that the presence of such an action disallowed any possible other LA and his position of Chair of the National Laws Commission gives his claim substantial weight. The Chair disagreed.

The Committee based its feelings on (1) North was super maximum for 1♦, so no silly slams would be reached, (2) South heard the double of 1♦, so he doesn't have soft diamond values and a marginal hand, and (3) most players seem to overbid the North cards at their tables.

After two hours deliberation and a vote of 4-1, the Committee voted to allow the 5♥ bid and thus the 6♠ bid and therefore the table result of 6♠ making +980 was ruled to stand.

The appeal was judged to have merit and no AWMW was issued.

**Dissent (Jeff Goldsmith):** An informal poll of three experienced big club players was made after the hearing. All passed, one without much thought, and the other two reluctantly. This confirms that passing is indeed an LA and the AC got it wrong. In any case, if wrong, it is not far wrong, however.

The answer may depend on the definition of LA. If the “seriously consider” criterion were used, passing would obviously be an LA. If Edgar Kaplan’s 75% rule were in effect, it surely would not be. Our current rule is somewhere in between. Where exactly? There appears to be room for judgement.

**The Committee:** Jeff Goldsmith, Chair, Gary Cohler, JoAnn Sprung, Ralph Cohen and Chris Moll.

**Wildavsky:** To me it’s clear that pass is a logical alternative. Many players would pass with the North hand. Opener eschewed a chance to make a slam try below game and going to the five level risks a minus. Partner could hold, for instance,

♠ A J 10 9 x x x ♥ A ♦ Q x x ♣ A K or ♠ A J 10 9 x x ♥ A ♦ Q x x ♣ A K Q

While these hands may not be likely there’s little to be gained by bidding on, since South would almost surely have found a try with a hand similar to the one he holds. The actual 4♠ call was a serious underbid.

The dissent confuses the issue by mentioning a “75%” rule since no such rule is in effect. For Kaplan’s most accessible writing on the ACBL Law Commission’s definition of a Logical Alternative I will once again cite:

[http://www.bridgeworld.com/default.asp?d=article\\_sampler&f=samed.html](http://www.bridgeworld.com/default.asp?d=article_sampler&f=samed.html)

The LC has made other pronouncements on LAs since then, but so far as I know none of them counteract this one.

**Wolff:** As is so often the case when high-level pairs are dealt with, the committee puts on their best bib and tucker and tries to match wits with them. Once Sontag bid only 4♠, theoretically he says no more, but since he did it slowly Weichsel thought he was worth a try. A real fly in the system since all players, no matter how respected, should be treated the same.

When a player signs off, but does so slowly they must be held to a very strict standard of, unless partner was tactically doing something that is obvious to all then it is over. It should have been but it wasn’t. Sad, but true.

**Cohen:** This was a real close case. As the auction evolved, a pass was not an LA, at least in the eyes of the AC. Maybe the AC should have had at least some

forcing 1♣ bidders on it, and perhaps a different conclusion would have been reached.

Actually, the auction that occurred was equivalent to that of 2/1ers, or Eastern Scientific auctions, that might have gone (without interference) 2♣ (strong artificial and forcing)-2♦ (waiting); 2♠-3♠; 4♠. If presented with this auction, would the AC have considered pass an LA, or would it have allowed 5♥? I think the AC would have allowed the 5♥ bid: at least I would in the circumstances I heard on the AC.

**Goldsmith:** EW were robbed. After discussing the hand with many players since, I now believe that 5♥ is such a clear infraction that I'd give it a PP. The "room for judgment" claim was overly kind to the rest of the committee. The AC lost its mind.

**Beye:** I disagree; this is not a matter of bridge judgment. UI is available. This pair has all the tools you could hope for. South had several calls, cue bids, and (probably) asking bids available. After two hours of deliberation (isn't bridge a timed event) how can this auction be allowed to go beyond 4♠? Sadly, this committee bent over backwards to allow North to bid on. The staff got this one right, as did the dissenter.

**Rigal:** I think the dissenter has a good case. It is obviously a close call, but I believe when in doubt we should try to punish the offenders, and the way to do it is obvious. Again a split score might have been a possibility here? I think I'd stick with the TD adjustment for both sides.

**Zeiger:** NS said South took 8-10 seconds to make his call. For this South, it was an agonizingly long BIT. Some documentation is missing. What would other possible rebids by South, over 3♠ have meant? OK, 3NT is unclear. What about the other four-level bids? These inferences are critical to proper resolution of this case. Put me on the fence until you give me more information.

**Apfelbaum:** I have long thought that "seriously consider" meant that a significant number of players of the same skill level would actually take the action. In this case, then, my question is whether a significant number of North players of the same skill level would actually pass South's 4♠ bid. I believe the answer is no. To start, North has two spade honors opposite a hand that could unilaterally set the trump suit. Second, North has a heart control. Third, North has a doubleton club. I expect that North's length in hearts will prove important if South has short clubs, and North's doubleton club will provide a ruff or two if South has length in clubs. A final point is that the five level must be safe.

So, would many players wonder if they should pass? Of course. Good players must carefully evaluate the pluses and minuses of any action. However, I do not believe that a significant number would actually pass.

## CASE FOURTEEN

**Subject:** UI  
**DIC:** Gary Zeiger  
**NABC Swiss 1<sup>st</sup> Qualifying**

<b>Bd:</b> 22	<b>Judy Nassar</b>		
<b>Dir:</b> East	♠ J 10 9 3		
<b>Vul:</b> EW	♥ J 9 4		
	♦ Q 10 5 3		
	♣ J 9		
<b>George Retek</b>		<b>Phil Silverstein</b>	
♠ K 8 4	♠ A Q 7 6 5		
♥ A Q 10 6	♥ 3 2		
♦ K 7	♦ A 9		
♣ A K 8 5	♣ 10 6 4 2		
<b>Tony Ames</b>			
♠ 2			
♥ K 8 7 5			
♦ J 8 6 4 2			
♣ Q 7 3			
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
		Pass	Pass
2NT	Pass	3♥	Pass
3♠	Pass	3NT	Pass
4♠	Pass	4NT <sup>(1)</sup>	All Pass
(1) 12 second BIT agreed			

**The Facts:** The final contract was 4NT by West making five for a score of EW +660 after the lead of the ♣J. The director was called after the dummy was faced.

The 3♥ bid was a transfer to spades. EW have played together about five to 10 times a year for a few years and this is the first time they have played transfers, usually preferring Gladiator. West was unfamiliar with any “super-accept” bids after the transfer. EW’s range for a 2NT opener is 20-22. There was an unmistakable hesitation before the 4NT bid – about 12 seconds. The opening lead against 4NT was the ♣J and the result was EW making 5, plus 660 EW.

**The Ruling:** The director who presented the case to the Committee said that the staff ruled that there was no logical alternative to passing 4NT. Therefore, in spite of the UI, there was no infraction of Law 16.

**The Appeal:** South did not attend the hearing. North said that she thought that the West hand valued at 20.5 hcp in support of spades and that if East had bid in tempo, West might well have answered RKC, thereby committing the side to slam, since all controls were present.

**Statements by the Other Side:** East said he intended 4NT as RKC. West felt that the 4NT bid was “quantitative in nature” since his partner was limited by being a passed hand and having offered 3NT as a playing spot. West was also not used to playing transfers as he ordinarily plays two-way Stayman over 1NT and Gladiator over 2NT.

**The Decision:** The Committee first decided that answering RKC was a logical alternative. In most normal circumstances, when one’s partner asks a question, answering it is a logical alternative. The limitations on East’s strength, noted by West, are altogether rational and might convince many to agree with him in



his judgment, especially considering his sub-20 hcp opening bid, but passing remains a logical alternative.

However, the Committee then visited the question of whether the hesitation “demonstrably suggests” passing to West. Since West was already aware of authorized information that his partner did not have an opening bid and that his partner would have been content to play 3NT if West had only two spades, the Committee found that any unauthorized information from the hesitation was effectively duplicated by authorized information.

Furthermore, East’s deliberation over his bid could easily have suggested that he did not know whether 4NT was the best way to advance his hand towards slam (he may have been thinking about bidding 5♦). On this basis, the Committee decided that the hesitation did not demonstrably suggest passing any more than the already present authorized information did. Accordingly, the table result of 4NT making five for plus 660 E-W was allowed to stand.

The appeal was judged to have merit and no AWMW was issued.

**Dissent (Danny Sprung):** I feel that the slow 4NT did demonstrably suggest pass would be more successful. While partner is a passed hand some shapely maximum non-openers could become worth a move towards slam once the eight-card fit comes to light. West’s unfamiliarity with transfers suggests he probably wouldn’t have cue bid along the way with a maximum and three spades.

Since the Committee clearly felt that responding to Blackwood was a logical alternative, West’s sub-minimum (in hcp) notwithstanding, I would assign reciprocal 100’s for 6♠ down one.

**The Committee:** Michael Huston, Chair, Gail Greenberg, Ed Lazarus, Ellen Melson and Danny Sprung.

**Wildavsky:** The TD made the right decision for the wrong reason. Bidding over 4NT is surely an LA. I agree with the AC majority — the UI did not suggest one call over another.

**Wolff:** I don’t think East picked West up but rather since they were not used to transfers they screwed up but NPL took care of them (bad trump break). I would have allowed the pass and I think it is a stretch to make West bid.

**Cohen:** The dissenter is right that responding to 4NT is an LA. However, there is a second factor that is necessary under Law 74E1 before adjusting the score: The bid selected must have been chosen as a result of the UI. In this case there was so much AI, that West was privy to, he was entitled to exercise his judgment and settle for 4NT.

**Goldsmith:** What was West really thinking about? Probably trying to decide if East’s sequence was a slam try, as many play it if also playing Texas transfers. If so, he was going to bid slam. East probably thought that he was just putting the

contract into partner's hand and saying nothing about slam. When East bid 4NT, West knew something was wrong, but didn't know what. Since slam seemed out of the question, he simply did the prudent thing and passed before some disaster ensued. The BIT had nothing to do with anything. Result stands. AWMW is indicated.

**Beye:** I was walking through the playing area when the staff was first considering this ruling. I was certain the ruling was going to be 6♠-1 (I am a 5♣ bidder or whatever shows three key cards). To see if my game is still improving I gave the West hand, and the auction, to four players (five NABC+ titles) and three TDs of various experience levels. All seven answered key card, with three mentioning that partner was going to love the ♠K.

The slow 4NT can be a couple of things: (1) Well, maybe partner forgot transfers – this is the first time we have ever played them. Partner must really have hearts and can't figure out how to get out of this mess. Is pass one way to escape? (2) Maybe partner has some goodish passed hand (but not nearly as good as his real hand) and has decided to make one more forward move, albeit a slow move. Missing that jack or queen certainly makes it easier for West to pass 4NT. Demonstrably suggested? (3) Partner was thinking of blasting to 6♠ (already having forgotten to open the hand) and just decided to make one more check on the way. Missing that jack or queen makes it easy to pass here too.

No logical alternative to passing? Didn't partner already ask me if I wanted to play in notrump? We have a spade fit, we are in an NABC+ event and this is IMP scoring - we are playing in spades. One thing 4NT cannot be is quantitative. We aren't playing notrump here. The dissenter has this case right, low marks to everyone else involved.

**Rigal:** One of the rare cases where I buy into the majority decision and reject the dissent. The situation is unusual but I think the majority made a decent fist of getting to the bottom of the tempo and AI issues.

**Apfelbaum:** The authorized information shows East to have a maximum passed hand with five spades. I fail to understand how the extraneous information provided by the break in tempo is in any way different from the authorized information already available. Perhaps the committee decided to not assess an AWMW because of the dissent. After all, a committee member believed the appealing side should win. I would have awarded an AWMW despite the dissent.

## CASE FIFTEEN

**Subject: MI**  
**DIC: Steve Bates**  
**Reisinger Teams 2<sup>nd</sup> Semi-Final**

<b>Bd: 9</b>	<b>Steve Weinstein</b>		
<b>Dlr: North</b>	♠ J 9		
<b>Vul: EW</b>	♥ K J 6 3 2		
	♦ 4		
	♣ A 7 6 4 3		
	<b>Barry Piafsky</b>	<b>Jessica Piafsky</b>	
	♠ 10 8 6 5 3	♠ K 2	
	♥ 8 7 4	♥ A 9 5	
	♦ 8 6	♦ A K J 10 7 3 2	
	♣ K Q 5	♣ 2	
		<b>Robert Levin</b>	
		♠ A Q 7 4	
		♥ Q 10	
		♦ Q 9 5	
		♣ J 10 9 8	
	<b>West</b>	<b>North</b>	<b>East</b>
		Pass	1 ♦
	1 ♠	2 ♦	3 ♦
	Pass	Pass	Dbl
			4 ♣
			All Pass

**The Facts:** The contract of 4♣ doubled was down one and -100 for NS after the ♦ 8 lead. The 2♦ bid was for takeout. South asked West after dummy came down about the double and was told, “penalty, primarily.” The director was called away from the table after the play was completed.

**The Ruling:** The director ruled that there was no misinformation and, therefore, no adjustment.

**The Appeal:** NS argued that “penalty, primarily” was misrepresentative when West knew his partner had little or nothing in trumps. They said that a better answer would have been “undiscussed.” South was worried about losing to the KQ doubleton of clubs and/or suffering a spade ruff

if West held the ♥ A.

EW said that they had discussed these situations and that most four-level doubles were penalty, to be pulled only with unexpected offense or negative defense or both. They said the double should have been readily understood as an “extra high-card double.” They did not have system notes.

**The Decision:** The Committee thought that this was a good example of the “trick question,” unlikely to shed any more light that the questioner already had, but possibly yielding an answer that might be perceived as defective in some way.

The Committee noted that the hands cited by South were virtually impossible on the auction. East was almost certain to hold the ♥ A, which meant that West almost certainly held at least one club honor for his one-level response. The Committee thought that all of the above should have been sufficiently clear to NS that they should have known not to bring the appeal.

The Committee declined to adjust the table result of 4♣ down one NS minus 100. Further, the Committee assigned an AWMW on both North and South.

**The Committee:** Bart Bramley, Chair, Lowell Andrews, Aaron Silverstein, JoAnn Sprung and Tom Peters.

**Wildavsky:** I don't understand the AC's reasoning. West explained the double at the table as "penalty, primarily" but in committee he said the double should have been readily understood as an "extra high-card double". Surely there's a difference. Why didn't West describe the call that way at the table? South did not readily understand the meaning of the double — that's why he asked about it, as is his right. I hope I'd have asked about the double too, since knowing what it means is crucial to the play of the hand.

Claiming that declarer ought to have gone right anyway is poor form. Many players respond with weak hands nowadays, and even if he ought to have made it the EW score should be adjusted if they committed an infraction which contributed to damage.

NS could have made a better case, though. West is obliged only to explain his side's agreements, not what he can conclude from the cards he holds.

The AWMW was unwarranted. This is a case that could easily have gone the other way with a different committee.

**Wolff:** Best judged hand of the tournament by the committee. Sock it to NS for bringing this action.

**Cohen:** This is not the first time this South has asked the "trick question." At the four level in competitive auctions, at match points, the message is almost always "I doubt that you will make your contract". I'm with the AC.

**Goldsmith:** If there were a way to be more harsh to NS, I'd choose it. Edgar would have found one. This is exactly the sort of appeal that the AWMW system is supposed to prevent.

**Rigal:** Entirely appropriate ruling here; no sympathy for NS for the trick question and what followed on from it.

**Zeiger:** One of my heroes, Pete Seeger, said it best. "When will they ever learn? Oh, when will they ever learn?"

**Apfelbaum:** I disagree with the reason for the tournament director's ruling, but agree with the result. The committee got this one just right, including awarding the AWMW. We should never forget our obligation to play bridge. South has to know that West holds some values for his response. In due course, he will find out about the ♠K and ♥A. The only cards left for West to hold are club honors.

## CASE SIXTEEN

**Subject: MI**  
**DIC: Steve Bates**  
**Reisinger Teams 1st Semi-Final**

<b>Bd: 15</b>		<b>Adam Wildavsky</b>	
<b>Dlr: South</b>		♠ 10 9	
<b>Vul: NS</b>		♥ K J 10 9	
		♦ A 8 5	
		♣ A 6 3 2	
<b>Larry Cohen</b>		<b>David Berkowitz</b>	
♠ A Q 8 6 5 2		♠ 7	
♥ 6		♥ Q 8 7 5 4 2	
♦ K 7 6		♦ 10 4 3 2	
♣ K 9 4		♣ J 8	
		<b>Doug Doub</b>	
		♠ K J 4 3	
		♥ A 3	
		♦ Q J 9	
		♣ Q 10 7 5	
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
2♦ <sup>(2)</sup>	DbI <sup>(3)</sup>	2♥ <sup>(4)</sup>	1NT <sup>(1)</sup>
2♠	3NT	All Pass	Pass

(1) 12-14  
(2) Hearts or Spades  
(3) "cards"  
(4) See Facts

**The Facts:** The final contract was 3NT making three for +600 after a spade was led. When asked about the 2♥ bid, East said Hearts. West said he was unsure but that over pass (instead of double) it would be pass or correct. The director was called after the round ended.

**The Ruling:** The director decided that EW did not have an agreement as to the meaning of the 2♥ bid resulting in MI. This is not an unusual auction and EW are expected to have discussed it. Damage to NS resulted so the score was adjusted to +630, Law 75C.

**The Appeal:** EW presented their system notes. The notes did not cover this situation. East said he told North that it was for hearts because that is what he held.

**Statements by the other side:** If South had been told by West that

the 2♥ call was a suit rather than a pass or correct bid, he could have passed the ♥J through East at trick two and easily make four. Since he did not have that information, he feels he should be entitled to keep +630 that had been awarded.

**Other information:** The line of play was:

♠ 6 to the ♠ 9  
♣ A unblocking the seven  
♣ 2 to the ♣ J, ♣ Q and ♣ K  
♣ 9, ♣ 6, a heart pitch, ♣ 10  
♠ 4 to the ♠ Q  
♠ A cashed  
exit a spade (North pitching a diamond).

**The Decision:** The Committee changed the contract back to 3NT making 3 for +600 for NS and -600 for EW.

Under the conditions of contest, a pair is responsible for knowing when their methods apply in probable (to be expected) auctions. “A pair may be entitled to redress if their opponents did not originally have a clear understanding of when and how to use a convention that was employed.” The committee found that the double of 2♦ was a probable auction covered by the conditions of contest. South was entitled to a clearer explanation of the 2♥ call.

However, there were two considerations that, together, caused the committee not to award the redress to NS. 1. South should have made ten tricks even without complete information, and 2. South had, by ACBL regulations, had an affirmative obligation to seek clarification of 2♥ when West told him he was unsure of the meaning. South’s ignoring his obligation to protect himself should not accrue to his benefit. South could have called the director when dummy came down, explained his need for clarification, and gotten it from East. These two considerations caused the Committee to let the table result stand.

EW were in violation of the regulation that specifies the obligation to know the application of their conventions in reasonable expected situations. Therefore, the Committee decided to apply a one-fourth board procedural penalty to EW.

The appeal was judged to have had merit and no AWMW was issued.

**The Committee:** Michael Huston, non-voting Chair, Mike Passell, Danny Sprung, Eddie Wold, Jeff Roman and Chris Moll.

**Wildavsky:** The AC ruling is inconsistent. If EW committed no infraction then no procedural penalty is warranted. If EW did commit an infraction then they cannot be allowed to keep a score that they achieved partly as a result. The basis for adjusting their score but not the NS score is Law 72b1.

As for whether the declarer’s actions were so poor as to deny his side redress I don’t think they were, but I may be too close to the case to be objective on that point.

**Wolff:** It is somewhat confusing as to what David Berkowitz meant when he said “hearts.” Was he saying that his partner had hearts (how would he know)? I think he thought he was showing a suit not a pass or correct deal. If declarer only made nine tricks I agree with the 600 score. As long as the 1/4 board penalty is there for EW, I would prefer +600 both ways. When the punishment feels right for the offenders, try and use the actual bridge result if possible. Such is this case.

**Goldsmith:** Declarer had correct information; there was no agreement, and he was told that. The director was confused.

The correct ruling is result stands, no PP. The Conditions of Contest (CoC) allegedly in play are illegal. I assume that the CoC quoted by the AC are correct, though I don’t know that to be the case. It is reasonable for those CoC to be used in international qualifying events; they don’t have to be bridge events, because

they are used to pick our international teams. Similarly, a qualifying event in which the winners may be chosen by fiat after play rather than by score is not a bridge tournament in a sense, but the “winning” criterion is surely acceptable. The Reisinger, however, is, or at least ought to be, a real bridge tournament. The laws of bridge are therefore in force, so any CoC which contravene them are irrelevant and cannot be used for making rulings.

Why is this rule illegal? It is possible that the PP can be awarded under Law 90A, but that requires the OS’s behavior to be an “offense,” presumably against the laws. Their behavior was not one, so Law 90A does not apply. Law 90B8 says a PP may be awarded if a contestant fails to comply with tournament regulations (the CoC). Webster’s says “comply” means “to conform one’s actions...to a rule.” “To conform” implies obedience, suggesting that compliance needs to be voluntary, which certainly is the normal meaning of the word. Therefore, inadvertent failure to comply with tournament regulations (perhaps through ignorance) is not subject to penalty under Law 90B. Of course, it may be subject to disciplinary penalty, but that’s a different kettle of fish. So, best I can tell, the CoC are illegal and must not be followed by an AC.

Ought this CoC (aka “convention disruption is illegal”) be legal? No, of course not. We allow players to enter the Reisinger regardless of skill level or strength of partnership. Common sense says that if we allow them in, we shouldn’t be penalizing them for what is going to happen to them normally. Let’s say a player gets sick just before the finals. His partner finds a replacement (allowed by whatever CoC rules apply). They have no time at all to discuss methods, agree on “2/1, strong notrump, Roman Key Card,” and start playing. Some simple question comes up, and, of course, they don’t have a firm agreement about their methods. Does this mean that their opponents ought to get score corrections in their favor as a result? Of course not. Nor ought the players be penalized.

Is this rule even reasonable in any case? I think it isn’t. It’d be almost reasonable if there were a piece of paper given to players well in advance of entry listing all the sequences to which they must have express agreements. That hasn’t been done; indeed, it’s nearly impossible. So to allow some group of players to judge what are probable auctions and penalize other players for not having express agreements about them is patently unfair. Moreover, the laws provide redress to players when they have been damaged by misinformation from the opponents. This is surely sufficient. If a pair decides to flaunt the laws and claim “no agreement” about many common auctions, then the laws have a solution. A pair may claim no agreement as long as they don’t use any concealed information. If they do use such information, they are subject to score correction, and the NOS will get redress. And the violators will go to Conduct and Ethics if their violations are frequent or blatant. We don’t need more. CD is not illegal, nor ought it be.

**Beye:** Sometimes the auction just speaks for itself. I see no infraction here.

**Rigal:** The committee seems to have investigated the matter thoroughly. The ruling is reasonable, the PP harsh (I think we do not give enough but I’m really

not convinced one was appropriate here — or if one was given, maybe a tenth of a board). Let him who is without sin cast the first stone, I say.

**Zeiger:** Maybe declarer should have taken 10 tricks anyway, but it would have been much easier if he knew what was going on. If his play severed the connection between the infraction and damage, shouldn't we have a split score? NS +600 EW -630.

**Apfelbaum:** I agree with the Committee. South had the means to protect himself, and chose not to.

A point of technique. After winning the opening lead in dummy, declarer should be taking finesses through East because West is the danger hand. With two aces in dummy, there is no risk of losing the heart suit. The best finesse to take first is the heart finesse. Any minor suit play risks exposing an entry to the long hearts.



## CASE SEVENTEEN

**Subject:** MI  
**DIC:** Gary Zeiger  
**NA Swiss 1<sup>st</sup> Final**

<b>Bd:</b> 18	<b>Claire Tornay</b>		
<b>Dlr:</b> East	♠ A Q 10 5		
<b>Vul:</b> NS	♥ K Q 5		
	♦ Q 8 6 5		
	♣ J 2		
<b>Ken Stuckey</b>	<b>Marshall Miles</b>		
♠ K J 6 3	♠ 4 2		
♥ A 8 3 2	♥ J 10 7		
♦ K 7	♦ A J 3 2		
♣ 9 6 5	♣ A Q 10 8		
	<b>Paul Morris</b>		
	♠ 9 8 7		
	♥ 9 6 4		
	♦ 10 9 4		
	♣ K 7 4 3		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
1♥	Pass	1♦	Pass
3♣ <sup>(1)</sup>	Pass	2♥	Pass
		3♥	All Pass
(1) Disputed meaning, see text.			

**The Facts:** 3♥ made three for EW +140 after the lead of the ♠A. The director was called after the play of the hand.

Playing behind screens, after the 3♣ bid North asked about the agreement of 3♣ and was told natural. She then asked if 3♦ would be forcing and was told no. She then asked again about 3♣ and East quoted their system notes as proof – 3♣ is natural, not a help suit try.

**The Ruling:** The director originally ruled the table result of 3♥ making stood. After the round, EW produced system notes clearly stating a new suit by responder would be a help suit game try. Thus the result was changed to 3♥ down one –50 for EW. The director felt he should

protect the non-offenders unless EW could offer clear and convincing defense for their action.

**Other Information:** The director explained that the initial ruling relied on the ACBL's definition of length as being at least three cards when the suit is a minor. The revised ruling was based on the EW system notes in combination with the directing staff's belief that a holding of three small was consistent with a help suit game try but not with a standard game try.

**The Appeal:** EW appealed and explained that although they had voluminous system notes, they were in fact a new partnership and that this was the first event they had played together. Since each had sent the other a set, they actually had two sets of system notes and it was not clear to either of them which set, if either, they had agreed to play.

East showed the Committee a hand-written list of sequences he had discussed with his partner where he disagreed with the treatment in the notes he had been sent. He explained that he would never have agreed to play a treatment such as "help suit game tries" when the partnership did not yet know whether it held an eight-card fit.

West explained that part of his reason for bidding 3♣ was that he hoped to attract a spade lead.

**Statements by the other side:** North explained that had she been informed that EW were using help suit game tries, she would have made a different lead.

**The Decision:** Based on two differing sets of system notes and the EW testimony, the Committee determined that EW did not have any agreement about the 3♣ call. They found that East, while perhaps trying to be helpful, did provide MI to North by representing that EW had a firm agreement.

The Committee discounted West's testimony that he had simply chosen to make a deceptive call since he had apparently not mentioned such intent either at the table or in screening.

The Committee determined that an infraction had been committed and examined Law 40C: "If the director decides that a side has been damaged through its opponents' failure to explain the full meaning of a call or play, he may award an adjusted score."

They then considered what information was passed by the actual explanation of "length" as opposed to the proper explanation of "no special agreement." The Committee felt that without any special agreement, both North and East would expect West's 3♣ bid to deliver at least three clubs. Given the ACBL's definition of "length" they concluded that the information conveyed from the incorrect explanation was substantially the same as the information that would have been conveyed by a correct explanation. Therefore, NS were damaged by an unlucky opening lead rather than through their opponent's infraction. The table result of EW making 3♥ for +140 was allowed to stand.

Since the director's assigned result was adjusted, the appeal clearly had merit.

**The Committee:** Adam Wildavsky, Chair, Mark Feldman, Doug Doub, Chris Willenken and Chris Moll.

**Wildavsky:** I found this case annoyingly difficult. In retrospect, I agree with Ralph Cohen. I think we ought to have considered adjusting only the EW score, on the basis of Law 72B1.

**Wolff:** One of the oldest ploys available is psyching to try to stop a lead and it is done here, in my opinion. It worked and probably should be policed or at least recorded but we don't shine with investigative matters. Edgar would not have liked EW losing since he always thought that a person has the right to psych anytime he wants. However, there are two sides to this question and I'll accept this ruling.

**Cohen:** I'm not sure that my teammates were entitled to +50, but I believe that EW were not entitled to +140. A split score, EW -50 and NS -140 seems correct. From the testimony at the hearing, there was no partnership agreement about

their actual agreement, but that was not the message conveyed to North at the table.

**Goldsmith:** This is a tricky one, so let's do it step by step. Was there MI? Yes. East told North that West had a club suit, not just three small, something akin to what he actually held himself. That was not the actual agreement. It appears that the actual agreement was "disagreement." Did the MI damage the NOS? That's the hard part. Surely it is more attractive to lead a spade once the other three suits had been bid naturally than it would have had North been told that 3♣ was a help suit game try. Much more so---had North been given correct information, it's likely she would have led a club.

I think that in order for the NOS to be damaged by an infraction, it is simply necessary for it to have been likely that they would have achieved a better score had the infraction not occurred. That is surely the case. Therefore, they were damaged. Did the infraction lead directly to the NOS's bad result, or was North's perhaps wild gambling spade lead the cause of it?

The AC states that the lead was "unlucky," which is enough evidence to me that it didn't break the chain of causality between the infraction and the NOS's bad result. I can't tell, but I expect that a club lead would lead to NS +50 as the director ruled. EW -50.

Actually, I think common sense makes this less close than carefully following the bridge laws. East misexplained his methods in a way that caused his side to gain. It wasn't intentional, but that's what happened. So NS get redress. Simple enough.

By the way, the ACBL "rule" that three cards in a minor makes bidding the suit "natural" has nothing to do with hands like this. It's only used for convention charts, to help define what the ACBL has decided is a legal convention. The ACBL has no jurisdiction whatsoever over what a player deems is appropriate for a natural call (except 1NT opening bids with fewer than 10 HCP and opening bids at the one level with a king or more below average strength).

**Rigal:** Sensible adjustment by the AC though I like the initial TD ruling that forced the offenders to appeal.

**Apfelbaum:** I am unsure of the difference between a help suit game try and a standard game try. Nor do I understand how that difference would have guided North away from the spade lead she chose. The tournament director analysis should have included an explanation to justify the ruling.

I agree with the committee. North's choice of opening lead was unfortunate, but was not influenced by the explanation. Granting the misinformation, there is no causal connection between the misinformation and the opening lead.

## CASE EIGHTEEN

**Subject: MI**  
**DIC: Gary Zeiger**  
**NA Swiss Final**

<b>Bd: 8</b>	<b>Jeff Schuett</b>		
<b>Dlr: West</b>	♠ 3 2		
<b>Vul: None</b>	♥ A 10 8 5		
	♦ 10 9 6		
	♣ Q J 10 9		
<b>Jim Griffin</b>		<b>Pat Griffin</b>	
♠ J 9 6 5		♠ A K 4	
♥ Q 9		♥ K 7 6 4	
♦ 7 5 3 2		♦ A K Q J 8	
♣ K 8 7		♣ 3	
	<b>Kerry Smith</b>		
	♠ Q 10 8 7		
	♥ J 3 2		
	♦ 4		
	♣ A 6 5 4 2		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	1 ♣ <sup>(1)</sup>	1 ♦ <sup>(2)</sup>
Pass <sup>(3)</sup>	2 ♥ <sup>(4)</sup>	Db1 <sup>(5)</sup>	2 ♠ <sup>(6)</sup>
2NT	Pass	3NT	All Pass

(1) Artificial 16+  
(2) two suits same color on West side of screen, Majors or Minors on East side  
(3) 5-7 HCP  
(4) pass or correct  
(5) Shows strong hand (or takeout of hearts)  
(6) 2 ♠ confirms blacks to West and Majors to East

**The Facts:** The final contract was 3NT down one for a score of NS +50 after the ♣Q lead. The director was called after the play was over.

Three other players were consulted and all bid 3♦ with the correct explanation.

**The Ruling:** EW were damaged by an incorrect explanation of CRASH. With the consultation with and input of expert testimony, the non-offenders were assigned the most favorable result likely 5♦ making five and the score was changed to EW +400 (Law 40C and Law 12C2).

**The Appeal:** NS appealed. They felt that Law 12C2 should not lead to an EW recoup of the full benefit of playing 5♦.

**Statements by the other side:** East assumed South had both majors with 6-4 shape, for example, for the 2♠ call.

**The Decision:** The AC felt that there was clearly MI. It had damaged EW. East might have been

more tempted to bid 3♦ instead of 3NT had she been properly informed.

The discussion among the Committee members focused on West's 2NT bid and East's decision to bid 3NT instead of 3♦. While EW might have ended up defending 2♠ doubled instead of bidding 2NT, his decision was hardly unreasonable. The AC thought less of the 3NT bid. However, while it seemed better to bid 3♦ instead of 3NT, there was no feeling by the majority that the call was bad enough to sever the connection between the MI and the damage.

One member of the AC did feel that the combination of the 2NT and the 3NT bid was enough to sever the link. However, the majority felt that given the level

of East and West, both calls were reasonable actions. Therefore, the adjusted result assigned by the director of 5 ♦ making five stands.

Given the position of one member and the relatively uncommitted position of a second, no AWMW was issued.

**The Committee:** Barry Rigal, Chair, Doug Doub, Mark Feldman, Chris Moll and Chris Willenken

**Wildavsky:** This appeal had no merit.

**Wolff:** Convention Disruption again and again it is penalized. Hooray, and especially in a Swiss Teams event where the field is not affected.

**Cohen:** Based on Law 12C2, the AC came up with the correct ruling. You gotta know your agreements and explain them properly or pay the price.

**Goldsmith:** Blech. Nice survey staff, if you want to show a good example of how not to do one. So what that everyone polled having the right information bid 3 ♦? Everyone having the wrong information would also bid 3 ♦.

Result stands. East knew that the explanation was wrong. South corrected 2 ♥ doubled to 2 ♠. That means he must have spades and some minor. On a good day, even I can tell that it's probably not diamonds. So the explanation was irrelevant except that it told East that NS were having a bidding misunderstanding. The MI had no bearing on the NOS's bad result, so there's no reason for an adjustment.

**Rigal:** Anyone who forgets their strong club defenses and confuses the opposition does not come to ask for equity with clean hands – and should not expect to get the best of it in a close case. Neither East nor West did enough wrong to stop playing bridge, to my mind.

**Apfelbaum:** This hand shows more than most exactly why appeal committees are a vital part of the bridge appeal process. A majority of the panel had to first agree about East's skill level before it could decide whether her action was reasonable. I respect its judgment that her skill level is such that bidding 3NT was a reasonable choice. Committees are supposed to make this sort of judgment. The members play bridge at a high level, which requires (among other talents) the ability to read the actions of the opposition and correctly interpret them. The members were there and heard what was said. We were not there.

CASE NINETEEN

Subject: Claim  
 DIC: Tom Whitesides  
 Senior Pairs 1<sup>st</sup> Session November 19, 2004

<b>Bd: 23</b>	<b>North</b>		
<b>Dir: S</b>	♠ 5 4		
<b>Vul: Both</b>	♥ J 2		
	♦ J 10 7 6 5		
	♣ 9 7 6 3		
<b>West</b>	<b>East</b>		
♠ J 10 9 8 7 2	♠ 6		
♥ A K 10 9	♥ Q 8 6 4		
♦ A 9	♦ K Q 8 4 2		
♣ J	♣ Q 8 5		
	<b>South</b>		
	♠ A K Q 3		
	♥ 7 5 3		
	♦ 3		
	♣ A K 10 4 2		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1 ♠	Pass	1NT	1 ♣
2 ♠	All Pass		Pass

**Panel:** Charles MacCracken (Reviewer), Chris Patrias, Roger Putnam, Matt Smith and Terry Lavender

**The Facts:** The contract was 2 ♠ and the ♦ J was led to the ♦ A. Declarer led the ♠ 2 to the ♠ 6 and South's ♠ Q. South cashed the ♣ K and led a heart, which West won with the Ace. He led the ♠ J to the king and won the second heart with the ♥ K. West led the ♠ 10 to the ♠ A pitching a heart from dummy. South led a heart to dummy's ♥ Q and declarer claimed without making a statement, in the following end position.

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

**The Ruling:** Since declarer made no statement about the outstanding trump he must lead the ♦ K, losing a trick to the outstanding trump (Law 70C) for a result of 2 ♠ by West, making two.

**Statement from the appealing side:** West led trump at every opportunity. Although he claimed with one trump outstanding, it is totally unreasonable for him to have miscounted spades and he should not be forced to lead a diamond rather than ruffing a club to his hand to draw the last trump.

Statement from the other side: Declarer had no idea there was an outstanding trump.

**The Panel Decision:** Law 70A states that the director shall adjudicate a contested claim as equitably as possible to both sides, but any doubtful points shall be resolved against the claimer. The majority of the Panel believed that while the appealing side has a good argument, it is possible that West did not notice North's failure to follow suit the third time trumps were led (thus creating a "doubtful point").

Since declarer made no mention of the outstanding trump at the time of his claim, and since a trick could be lost to that trump by careless, but not irrational, play, the declarer must lead a diamond, allowing South to ruff. The Panel ruled 2♠ by West, making two (Law 70A, 70C).

Two members of the Panel, MacCracken and Smith, dissented. They believed the possibility that declarer might not have noticed North's show out in trumps on the third round did not rise to the level of a "doubtful point." When at trick seven declarer played the ♠10, he proved that he had knowledge of two outstanding trumps (otherwise why would he lead trump just to knock out the ace?). Since that was the culminating point to his line of play, it is unreasonable to suggest that he would not pay attention to what the North hand played. Law 70C refers to the adjudication of claims made with an outstanding trump.

The director is instructed to award a trick to the other side if the claimer did not mention the trump, if it could be lost by any normal play, and if "it is at all likely that claimer at the time of his claim was unaware that a trump remained in an opponent's hand." (Law 70C2) The dissenters believed that declarer's line of play to the point of the claim made it clear that he was aware of the outstanding trump.

As an analogy, declarer has K Q 10 x x opposite A 9 x x and claims needing five tricks in this suit. Had he played the K or Q before claiming, he would be given all five tricks. When he doesn't, directors are taught that the Ace has to be played first. Thus, if the Jxxx is sitting behind the K Q 10 x x, the defense gets a trick. If the J x x x lies under the K Q 10 x x, the claim is valid. On this hand the declarer has proved he knows there are two trumps outstanding by his previous play, so at the key point of his line of play he is just as likely to be watching both hands as is the declarer with the nine card fit above.

Since part of the Panel did not concur in the ruling, the appeal was judged to have merit.

**Players Consulted:** None

**Wolff:** While I do not feel strongly one way or the other I do believe the committee was totally on point, but I will suggest the following: This case should, at least, begin precedent setting on what constitutes a valid claim and what does not. Here the committee decided three to two that the claimer

forfeited his right to draw the last trump by not so announcing. So be it, but the three panel members who voted one way should be named, leaving the other two to also be named. Until we get a consistency of individuals getting into what they are doing and desiring to be accountable we will be lacking in moving forward. To worry about someone looking bad is a lame excuse for reporting what happened and who thought what about what.

Also on this case everyone was a trick off in the reporting. Declarer, even with the forfeited trick, still made eight tricks in spades and not seven. Perhaps, if we deemed these panels as important as they should be, this would never happen.

**Cohen:** Based on Law 70C, the majority is correct. This is in accord with precedents established by the Laws Commission.

**Wildavsky:** The case seems to miss the point. The laws require the declarer to make a statement, but do not impose a time limit. If he has not made a statement by the time the TD arrives at the table then the TD should require him to make one then and there. There's no indication here that that happened. In fact the write-up does not tell us what happened. With the information given there is no basis on which to make a decision.

**Beye:** Is it any wonder club directors hate to take these claim rulings. It is just so easy to state a simple line of play and save everyone the trouble. The panel had to decide if this was a bad claim or a badly stated claim. These are always difficult.

**Zeiger:** Clearly the most important of the Regional cases. We have begun a swing, in the last two years, towards examining the entire line of play, rather than just assuming a "forget." Some would argue this trend is long overdue.

In this case, it is no more possible for declarer to be unaware of the trump situation, than in the dissenters' example. If the Panel decision is correct, then the defense should get a trick in the hypothetical case, regardless of the location of the trump Jack. After all, a declarer who claims while still missing Jxxx might certainly be silly enough not to notice a show out.

Nope. I'm a recent convert, but I've become a true believer. The cards speak. The dissenters are correct.

**Apfelbaum:** One of my problems with commenting on this sort of hand is the absence of any knowledge of the skill level of the players involved. In hands such as these, where the skill level of the player can be crucial, this lack of knowledge could render any comment completely inane. I believe that the tournament directors owe the readers an assessment of the skill level of the player(s) involved where the laws on claims require us to consider a player's skill. By this, I do not mean some conclusive statement that tracks the law. I mean a substantive assessment. That is the only really effective way to defend a decision where we must consider the skill level of a player.



In the absence of that assessment, my comments will be based only on the line of play chosen by the declarer. This declarer played trump at every opportunity. This declarer was careful enough to play a low spade to the six in dummy. It is incomprehensible to me that a declarer who played this hand this way would fail to return to hand with a club ruff to draw the rest of the trump.

## CASE TWENTY

**Subject:** UI

**DIC:** Olin Hubert

**A/X Pairs 1st Saturday Afternoon Nov. 20, 2004**

<b>Bd: 16</b>		<b>Bill Schreiber</b>	
<b>Dlr: West</b>		♠ J 6	
<b>Vul: EW</b>		♥ Q 9 8 7 4 3 2	
		♦ Q 6	
		♣ 9 2	
<b>Kenneth Hilbrich</b>		<b>Wayne Clay Whalen</b>	
♠ A K 10 5 3		♠ 2	
♥ A J 6 5		♥ K	
♦ 7		♦ A K J 10 9 8 3 2	
♣ A 7 3		♣ 10 5 4	
		<b>Gene Freed</b>	
		♠ Q 9 8 7 4	
		♥ 10	
		♦ 5 4	
		♣ K Q J 8 6	
<b>West      North      East      South</b>			
1 ♠      3 ♥      5 ♦ <sup>(1)</sup> Pass			
6NT      All Pass			
(1) East said "huh" before bidding 5 ♦			

**Panel:** Matt Smith (Reviewer), Tom Whitesides and Ron Johnston

**The Facts:** The table result was 6NT by West making seven, EW + 1470 after the lead of the ♣9. The director was called after the 6NT bid. The players agreed to the director that East said "huh" in apparent surprise before bidding 5 ♦. NS made no claim that East took fast or slow action in bidding 5 ♦.

**Director's Ruling:** The director ruled that "huh" as a sound of surprise does not demonstrably suggest that 6NT (or any other call) would be more or less successful (Law 16A). The table result was therefore allowed to stand.

**The Appeal:** NS appealed the ruling. North, East and West attended the hearing. North had 4300 masterpoints, South 26,500, East 2360, and West 225 (although he had played many years while not a member and he estimated that he had the equivalent of 2200 points). All players agreed to the facts as described by the director. North and West also agreed that "huh" sounded like an expression of surprise by East upon seeing the 3 ♥ bid. North said that after the hand East explained his "huh" as surprise since he originally believed that he had the ♥AK, so the UI suggested a high heart card thus making 6NT more attractive given the lack of a diamond fit. West argued that opposite a vulnerable jump to 5 ♦ his hand justified a 6NT bid and that in retrospect the UI suggested heart shortage if anything.

When asked by the reviewer about the possible differences between this auction and one that had East starting with 4 ♦, both East and West stated that 4 ♦ would not have been forcing. Their convention card made no note of this and both players said that this is what they thought it would mean, but they had not specifically discussed it. The reviewer told East that he should avoid doing or saying anything that may give extraneous information to partner and that doing so risked an unfavorable score adjustment and/or a penalty.

**The Panel Decision:** The panel consulted four experts and four approximate peers of West. The experts were asked if any unauthorized information from the exclamation of a surprised “huh” by East might have suggested any particular direction for West to take. Two thought the “huh” gave no useful information to West. Another expert thought it was not particularly suggestive of anything, but if forced to guess what it meant he said he thought it would indicate a stronger rather than a weaker hand. The fourth said he thought it did suggest a stronger hand and it suggested that West should bid more rather than less.

The peers were asked what call they chose in the auction without any mention made of the UI. Two bid 6♦, one bid 5NT, and the other was torn between 5NT and 6NT. When they were later told of the UI, none of the peers thought that any information available from East’s “huh” was suggestive of any particular action by West.

Based on the input from the peers, the Panel decided that East’s actions did not demonstrably suggest any action to West so he was free to choose any call he wanted (Law 16A). Due to the conflicting opinions of the experts, the appeal was found to have merit.

**Players consulted:** Fredrik Nystrom, Fulvio Fantoni, Claudio Nunes, Mark Itabashi, and four peers of West.

**Wolff:** In some respects this is a ho-hum case, but in a rather important aspect it illustrates something worth addressing. I certainly concur with the finding that “Huh” is unlikely to have influenced anything and even if it had, who is to know, even now, what should have been bid by partner.

What stands out to me is that NS were interested in getting all they could from whatever they could. 6NT is indeed a very risky contract and if the partner of the preemptor would have had the Qxx in diamonds the hand would have gone down a bunch. What I am so against is for a pair, not having done anything noteworthy, to be in a double shot situation so that if 6NT goes down they accept their top, but if 6NT makes they try and get an adjustment. Sometimes, in the event of some blatant offense, a double shot may be warranted, but in this and many cases we should try and discourage players from trying for something for nothing.

Here, at least an admonishment from the committee stating that they should not have brought this action, would help to get them from bringing future actions. Even a procedural penalty (small) as a reminder would be appropriate. The TD’s should accept the responsibility of not only policing the game, but making it a more ethical one. If we ever start doing this I will be the first one to jump for joy, knowing that the result will be great for the game.

**Cohen:** If a 4♦ bid would not have been forcing - as the write up states - then the 5♦ bid did not have to be quite as strong as it actually was. Perhaps the “huh” was not as innocent as EW made it out to be, and might have convinced West to carry on the auction.

I don't see any consideration by the panel of the foregoing. The panel seems reliant on the consultants for its decision. But were the consultants told that the 4♦ bid would not have been forcing?

**Wildavsky:** I agree with the decisions, but not with the panel's methodology. As much as I like polls, in and of itself a poll regarding what the UI suggested cannot be sufficient to adjust the score. Per Law 16.

“After a player makes available to his partner extraneous information that may suggest a call or play, as by means of a remark, a question, a reply to a question, or by unmistakable hesitation, unwonted speed, special emphasis, tone, gesture, movement, mannerism or the like, the partner may not choose from among logical alternative actions one that could demonstrably have been suggested over another by the extraneous information.”

The key word is “demonstrably.” The poll is useless unless the players polled are willing and able to demonstrate how the UI suggested the action chosen.

**Zeiger:** The expert consultants who thought the “huh” meant anything were throwing spaghetti against the wall, hoping something would stick. Nonsense. This appeal had no merit. Since East had 2300 mps, I wish he had been hit with a PP by the event TD.

**Apfelbaum:** The committee got this one right. “Huh” could mean just about anything on this auction. With no demonstrable suggestion, West could do anything.

## CASE TWENTY ONE

**Subject: Tempo**

**DIC of Event: Janet Case**

**Senior Pairs 1<sup>st</sup> Session - Nov. 22, 2004**

<b>Bd: 25</b>	<b>North</b>		
<b>Dlr: North</b>	♠ 8 3		
<b>Vul: EW</b>	♥ 4 2		
	♦ J 10 6 2		
	♣ 10 7 6 4 3		
<b>West</b>	<b>East</b>		
♠ A K Q 7	♠ J 6 4		
♥ A 8 7 6	♥ K Q J 5 3		
♦ 9 8 7 3	♦ Q		
♣ A	♣ K 8 5 2		
	<b>South</b>		
	♠ 10 9 5 2		
	♥ 10 9		
	♦ A K 5 4		
	♣ Q J 9		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	Pass	Pass
1 ♦	Pass	1 ♥	Pass
4 ♥	Pass	4NT	Pass
5 ♣ <sup>(1)</sup>	Pass	5 ♥ <sup>(2)</sup>	Pass
6 ♥	All Pass		
(1) zero or three key cards			
(2) Hesitation (10 seconds, agreed)			

**Panel:** Bernie Gorkin (Reviewer),  
Matt Smith and Su Doe

**The Facts:** The contract was 6♥ by East making six, EW +1430 after the lead of the ♦ A. The director was called after the 6♥ bid and again at the end of play. The players agreed that East hesitated noticeably before bidding 5♥.

**The Ruling:** The director ruled that there was a break in tempo. East could have had more high cards outside the heart suit and thus be missing two key cards. Thus pass is a logical alternative and the hesitation demonstrably suggested bidding on. The score was changed to 5♥ making six, EW +680 (Laws 73F1 and 16).

**The Appeal:** EW appealed the ruling. All four players attended the hearing. West (275 masterpoints) stated that her teacher had explained that in these situations of zero or

three key card responses (or one or four) that you are supposed to bid on when holding three or four. Thus, she felt her bid was automatic.

**The Panel Decision:** The panel decided that an unmistakable hesitation had occurred and that it demonstrably suggested bidding the slam (Law 16). Five of West's peers were given her hand to bid with no mention made of the UI. Four of the five passed while one bid 6♥. This made it clear to the panel that pass was an LA to bidding 6♥. Using Laws 73F1, 16, and 12C2 a result of 5♥ making six EW +680 was assigned. An AWMW was discussed. Based on the players' inexperience and the belief that their teacher had told them to bid on, no AWMW was issued.

**Players consulted:** Five peers of West.

**Wolff:** OK and the only sane way to rule. Is it possible that we are too gentle on the perpetrators? After all, they violated "Hesitation Blackwood?"

**Cohen:** Did the panel find out who the bridge teacher was so that a copy of this case can be mailed to the party? I hope our accredited bridge teachers are better acquainted with the Laws than this case indicates.

**Wildavsky:** If East was confident that her partner would bid on with three key cards then she'd have had no reason to hesitate before bidding 5♥. Once East does hesitate before signing off West has no option but to pass.

I don't think that the agreement that a player will invariably bid on with the higher number of key cards is a good one. If a pair has that agreement, though, they can avoid the problem EW encountered here by noting the agreement on their convention card.

**Apfelbaum:** A perfect example of hesitation Blackwood. West is right that holding three controls, she is supposed to go on to slam. However, East does not have the right hand to use the convention. Frankly, there is no hand West can hold that is consistent with the bidding and which holds no controls. East needed to know which controls West held, not how many.

East hesitated because she did not know what to do over West's 5♣ response. Her hesitation meant that West could never bid slam and hope to keep a good result. I suggest that every player who uses Blackwood decide in advance what he or she will do over each response. At least then Partner will be free to pass or bid on without worry of a director or committee taking the board away.

**CASE TWENTY TWO**

**Subject: MI**  
**DIC of Event: Mary Duncan**  
**Side Pairs Monday Afternoon Nov. 22, 2004**

<b>Bd: 4</b>	<b>North</b>		
<b>Dlr: West</b>	♠ 10 6 4		
<b>Vul: Both</b>	♥ A Q 9 5 2		
	♦ Q 2		
	♣ 10 8 2		
<b>West</b>		<b>East</b>	
♠ A K 5 2		♠ J 8 7 3	
♥ 8 6 4		♥ 10 7	
♦ A K 9 5 4		♦ J 7 3	
♣ 9		♣ A Q 7 6	
	<b>South</b>		
	♠ Q 9		
	♥ K J 3		
	♦ 10 8 6		
	♣ K J 5 4 3		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1 ♦	1 ♥	Dbl	Rdbl <sup>(1)</sup>
3 ♠	All Pass		
(1) Both West and East asked about the redouble at their turns			

**Panel:** Bernie Gorkin (Reviewer), Charlie MacCracken and Gary Zeiger

**The Facts:** The contract was 3♠ by West making five for EW +200 after the lead of the ♠4. The director was called after the change for the next round.

When West asked about the redouble, he was told “10+ HCP”. East looked at the convention card and saw that the box for redoubles after takeout doubles was marked as implying no fit. He asked about it at his turn and EW both said that North confirmed that this redouble denied a fit. NS said that North repeatedly stated that the redouble said nothing about a fit in hearts. East said to the director that if South had 10+ HCP and no fit then an EW game in spades was unlikely.

The director ruled the table result to stand. He did not think it clear that misinformation existed so no score adjustment was warranted (Laws 75, 21, 40C).

**The Appeal:** EW appealed the ruling. Only East and West attended the hearing. East had 2380 masterpoints and West 5000. EW reiterated the facts as stated by the table director. East felt that if there was no heart fit by NS, South might overruff hearts and game was therefore unlikely.

**The Panel Decision:** The panel addressed two issues. First, was misinformation given at the table? The answer to this was unclear. Second, if there was misinformation did it contribute to any damage suffered by EW?

The panel polled five peers of East to see what they would bid in the auction up to 3♠-P. All of them bid 4♠ and when asked they all said the meaning of the redouble was irrelevant to them. Law 40C states that: “If the director decides that a side has been damaged through its opponents’ failure to explain the full meaning of a call or play, he may award an adjusted score.” The responses of the players consulted convinced the panel that any damage was not a result of MI even if it did occur (rendering the resolution of the first issue irrelevant).

As to whether this appeal had substantial merit, the panel felt that in light of the overwhelming sentiment of the consulted players it did not. Even if East was convinced his argument had merit, West with 5000 masterpoints should have known not to pursue the case. An AWMW was issued to EW.

**Wolff:** Good decision complete with an AWMW citation. Perhaps some specific guidelines for AWMW should be drafted. Language such as “unduly taking up the committee’s time” and/or lack of respect for the process could be used as general reasons.

**Cohen:** Panel got it right on the button. East, with 2380 master points, should know better than to look under “takeout doubles” to learn what a redouble means over a “negative double.”

**Wildavsky:** I think the appeal had merit. NS may indeed have supplied misinformation, and East gave a cogent reason as for the link between the MI and his decision to pass. If there was MI then even if we allow the EW score to stand the NS score should have been adjusted under Law 72b1.

**Zeiger:** We are beginning to see a trend, which accelerated in Pittsburgh, of utter disagreement about facts in Regional Appeals cases. This is very troublesome. I wish I had an answer.

While the Panel decision is clearly correct, I wonder about the AWMW. If polled peers were explicitly told the redouble denied a fit, would they still bid game? Sure, the consultants said any information was irrelevant, but this wasn’t the information they expected to hear. Can you say, “support redouble?” Since I was on the Panel, I guess this is buyer’s remorse.

**Apfelbaum:** Great committee decision, although I disagree with part of the analysis. I wonder whether East-West would have appealed if the ♠Q and ♦Q were exchanged. The odds of losing no trick in an eight card fit missing the Queen and Ten include 40% of the 3-2 breaks (67.83%), for 27.13%. The odds also include 20% of the 4-1 breaks (28.26%), for 5.65%. The odds of losing no trick in a suit total 32.78%. The odds that at least one of these two suits will break favorably come to 54.81%. From this, we have to subtract those times when the other suit breaks 5-0, which reduces our odds to 52.67%.

There is nothing unreasonable in East passing West’s 3♠ bid.

Turning to the question of misinformation, I agree with the committee there was none. The NS agreement is that the redouble promised at least ten-high card points and, apparently, implied no fit. East is entitled to believe the redouble implied no fit, but is not entitled to believe that it guaranteed no fit. Most partnerships use a redouble, followed by a raise, to show a limit raise with only three card support. This is precisely the meaning that was explained to East.

No one can get every game invite choice correct every time. I resent EW for trying to get from the committee something they did not get at the table. I would have considered not only the AWMW, but also a procedural penalty.



## CASE TWENTY THREE

**Subject: Tempo**

**DIC of Event: Jeff Alexander**

**Morning KO's Bracket 3 1<sup>st</sup> Session Nov. 22, 2004**

<b>Brd: 23</b>			
<b>Dlr: South</b>		<b>North</b>	
<b>Vul: Both</b>		Not Recorded	
<b>West</b>		<b>East</b>	
♠ A Q 10 x x		♠ K x x	
♥ Q x		♥ A K J x	
♦ A Q x		♦ K J x	
♣ K x x		♣ Q 10 x	
<b>South</b>			
Not Recorded			
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
1 ♠	Pass	3NT <sup>(1)</sup>	Pass
4♣ <sup>(2)</sup>	Pass	4♠	Pass
6NT	All Pass		
<p>(1) BIT (duration disputed). Alerted.</p> <p>(2) Prior to 4♣ bid, NS allege that West started to pull pass card. Disputed by EW.</p>			

**Panel:** Bernie Gorkin (Reviewer) and Charlie MacCracken

**The Facts:** The contract was 6NT by East making seven for EW + 1470 after the opening lead of a low diamond. The director was called when the play was over.

Both EW convention cards showed that 3NT over a major opening was a 13-15 point spade raise. 4♣ was intended as Gerber. NS stated that the hesitation before the 3NT bid was several minutes. EW agreed to some hesitation, but said it was nowhere near as long as NS claimed.

The director ruled that the table result would stand. He found that an unmistakable hesitation occurred, but that it did not demonstrably suggest any action over another (Law 16).

**The Appeal:** NS appealed the ruling. All players except North attended the hearing. All players at the table had between 600 and 970 masterpoints. The reviewer confirmed the table director's statement of facts (and the disagreement about them) with the players in attendance. South felt that the hesitation indicated a hand out of range of the agreement and that pass was an alternative to 4♣ with the West hand. The reviewer confirmed that the EW convention cards showed 3NT as a 13-15 spade raise.

**The Panel Decision:** The panel agreed that there had been an unmistakable hesitation before the 3NT bid. The panel then focused on whether that hesitation demonstrably suggested action over inaction to West, and whether any actions by West before bidding 4♣ might have resulted in the use of UI by East.

Five peers of West were given his problem over 3NT. All bid on over 3NT, and four of the five reached slam. When they were later asked what a hesitation might suggest, all of the peers said they did not know.

With this input from the consulted players, the panel decided that pass was not

a logical alternative and the hesitation did not demonstrably suggest any action over another (Law 16).

As to West's possible transmission of UI from his use of the bid box, the panel decided that even had it occurred, it did not play a role in EW reaching slam. The score of 6NT by East making seven, EW +1470 was ruled to stand. The panel decided that the appeal had merit.

**Players consulted:** Five peers of West

**Wolff:** Again a good decision, but the basis of appeal seems worth one of those AWMW things.

**Cohen:** NS should have been assessed an AWMW. East can take all the time he wants at his first turn to respond so that he can plan likely future bids - particularly when the auction might be quite complex. This may enable East to make subsequent bids in tempo rather than with BITs. This is somewhat akin to preplanning your rebids when making a 4NT ace asking bid.

**Wildavsky:** Fair enough. I don't understand why NS thought that West should pass an artificial forcing raise.

**Zeiger:** Why do I have a feeling EW each forgot system? I wish the Reviewer had pursued West's rationale for his auction. Was 4♠ actually a RKC response or just a sign off? I think the Panel's decision was correct, primarily because the UI did not demonstrably suggest one action over another, but documentation could have been better.

**Apfelbaum:** There is something missing in the committee analysis that could prove important: was East-West a partnership of long standing? For example, a married couple might be much better attuned to the exact meaning of the extraneous information provided by East's break in tempo before the 3NT bid. I am inclined to trust the committee, but if there was the slightest indication that EW were an experienced partnership I could easily go the other way.

I have no problem with West's 4♣ bid. My problem is that West leapt to slam after East bid only 4♠. If 4♣ is ace asking, then East showed only two aces (of five) and did not promise extra values. If 4♣ is a general slam try, then East denied any slam interest with the retreat to 4♠.

## CASE TWENTYFOUR

**Subject:** Tempo

**DIC:** Dianne Barton-Paine

**Stratified Pairs 1<sup>st</sup> Session, Wednesday Nov. 24, 2004**

<b>Bd:</b> 14	<b>North</b>		
<b>Dlr:</b> East	♠ K 10 9 7		
<b>Vul:</b> None	♥ 9 4 2		
	♦ 9 3 2		
	♣ 6 5 2		
<b>West</b>		<b>East</b>	
♠ A J		♠ Q 5	
♥ Q 6 3		♥ A K J 10 8	
♦ Q J 10 8 6		♦ A K 7	
♣ K 9 3		♣ 10 7 4	
	<b>South</b>		
	♠ 8 6 4 3 2		
	♥ 7 5		
	♦ 5 4		
	♣ A Q J 8		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		1NT <sup>(1)</sup>	Pass
4♣	Pass	4♠	Pass
5♣	Pass	5♠	Pass
5NT <sup>(2)</sup>	Pass	6NT	All Pass
<p>(1) 15-17</p> <p>(2) Slight but noticeable break in tempo (agreed)</p>			

**Panel:** Gary Zeiger (Reviewer), Mike Flader and Ron Johnston.

**The Facts:** The table result was 6NT by East made six, EW +990 after the ♥7 lead. The director was called after the auction. The 4♣ and 5♣ bids were Gerber. 5NT was to play, but East contended that his partner could not know that he was at the top of his range with a good five-card suit.

**The Ruling:** The director ruled that an “unmistakable hesitation” had occurred, that it demonstrably suggested bidding on, and pass was a logical alternative (Law 16A). The score was adjusted for both sides to 5NT made six, EW + 490 (Law 12C2).

**The Appeal:** EW appealed the ruling. All players attended the hearing. North had 1935 points, South 1850, East 1500, and West 1100. The players were

unclear about the length of the tempo break. All agreed that it was slight but noticeable. EW said that 5♣ did not guarantee all four aces and that 5NT was non-forcing. East said he went on to six because he had a super-maximum and a five-card suit, neither of which West knew about. NS stated that in an ace asking sequence, even a small tempo break is significant. West’s break in tempo, however slight, suggested bidding on.

**The Panel Decision:** Four peers of East were consulted. When given the auction without any mention of UI, two passed 5NT and two bid on (one bid 6♥ and one bid 6NT). This established pass, within the confines of the stated agreements, as an LA (Law 16A). The panel found that there was an “unmistakable hesitation” (Law 16). The UI demonstrably suggested bidding on. Pass was an LA not suggested by the UI. The panel assigned a result of 5NT by East making six, EW +490 (Law 12C2). The appeal was found to have merit.

**Players consulted:** Four peers of East.

**Wolff:** The facts are clear. West used ace asking and then confirmed with partner that the partnership had enough aces to make slam. After asking for kings he hesitated and signed off. Should East be able to overrule? He had the hand for it, but to what extent did partner's hesitation bar him? I would let him do it. 1. because of his hand 2. it was a 50-50 slam and if he would have gone down he would be paying for it. Perhaps allowing +990 but with a 3 MP (1/4 of a board) procedural penalty for the UI should be given. Again as previously mentioned in case 20, NS made use of a double shot and normal playing luck should dictate -990 for NS. Appeals committees should never be candy stores, but rather correctional institutions.

**Carrod:** Even though a hesitation demonstrably suggests bidding more, so does the secondary 5♣ Gerber bid. Once the responder bids 5♣, the opener knows they are not off two aces and with his max, can bid a slam with that AUTHORIZED info.

**Cohen:** What was the merit? What did the EW pair bring to the panel that the screener had not advised them about?

**Wildavsky:** The poll was useful here. I agree with the TD and AC rulings.

**Apfelbaum:** In Case 21, I chided the use of "hesitation" Blackwood. Now, we have "hesitation" Gerber. Please, people! Decide in advance what you will do over every response. That way, your partner will be free to do whatever he or she thinks is right without fear that a director will give back a good result.

As for merit, I find none in this appeal. West took total control of the auction with the Gerber bid. The final choice of contract was West's and West's alone. East has a maximum, but is within the promised range. The only reason East has for bidding is the lack of certainty that West showed before bidding 5NT.

Can we please stop coddling these people and give them the AWMW they deserve? They have over 1,000 masterpoints each. It is not as if they are new to the game.

**CASE TWENTY FIVE**

**Subject:** UI  
**DIC:** Jay Albright  
**Open Pairs 1<sup>st</sup> Session Tuesday Afternoon 11/23/04**

<b>Bd : 16</b>	<b>North</b>		
<b>Dlr:</b> West	♠ A J 8 3 2		
<b>Vul:</b> EW	♥ 2		
	♦ 7 5 3		
	♣ A J 9 4		
<b>West</b>		<b>East</b>	
♠ 9 5		♠ Q 10	
♥ A 7 5		♥ Q 10 9 8 4 3	
♦ J 10 8 4 2		♦ A K Q 9	
♣ Q 10 3		♣ 8	
	<b>South</b>		
	♠ K 7 6 4		
	♥ K J 6		
	♦ 6		
	♣ K 7 6 5 2		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1 ♠	Dbl	3 ♦ <sup>(1)</sup>
Pass	3 ♠	4 ♥	Pass <sup>(2)</sup>
Pass	4 ♠	Pass	Pass
5 ♥	Pass	Pass	Dbl
All Pass			
(1) Bergen Raise 10-11 points, four spades (2) Agreed BIT			

**The Panel:** Tom Whitesides (Reviewer), Gary Zeiger, Bernie Gorkin and Su Doe

**The Facts:** The table result was 5♥ doubled down two for NS +500 after the lead of the ♦6. The director was called after the break in tempo over the 4♥ bid.

**The Director's Ruling:** Law 73F1, 16A2. Pass by North is a logical alternative. The slow pass could show something extra and demonstrably suggests that 4♠ will be more successful. West's 5♥ call was not so egregious as to sever their right to protection. The 4♠ call is disallowed, and the contract was rolled back to 4♥ undoubled +100 for NS.

**The Appeal:** NS appealed the ruling. North and South attended the hearing. North had 1800 mp and South had 1650. West had 1500 and East had 2100. North and South felt that either they had a great fit for 4♠ and would make or that 4♥ was a make and they had a great save. They felt 4♠ was

an automatic call by the North hand. They also felt strongly that 5♥ was such a horrible bid that the opponents should be stuck with the result.

**The panel decision:** Four players having between 1500 and 2000 masterpoints were consulted. Three of those felt 4♠ was automatic, one felt it was absurd. Since one in four would have passed, the ruling was upheld. Because of the strong feelings of some of the players consulted the appeal was found to have merit.

**Players Consulted:** Four peers of North

**Wolff:** OK ruling according to our procedure. However, should something be noted (for posterity) that if the bridge is hopelessly bad after UI is given all of the bad bridge is wiped off the slate. If this is correct, it might help the next committee.

**Cohen:** When deciding a call is an LA, I am uncomfortable when a panel bases its decision on only one vote from a consultant group. I would like to have a concurrent agreement from another consultant to ensure that the single vote in favor of the LA was not an aberration.

While I agree with the panel's decision, I am not sure that if we polled eight or 10 of North's peers that we would find another player who would pass 4♥. What say we to future panels?

**Wildavsky:** I agree with the TD and AC rulings. All the talk of whether 5♥ was an egregious error is beside the point. Once North bid 4♠ there was no way EW could do as well as the -100 they'd have scored had he passed.

The panel's note that "Since one in four would have passed, the ruling was upheld" is potentially misleading. There is no "one in four" standard, nor indeed any proportional standard, in the ACBL.

**Beye:** These types of appeals border on the need to give bidding lessons to players (1800 and 2100 masterpoints) who should know better than to bid and know how to evaluate hands and bid in tempo.

**Zeiger:** True confession: I was on this Panel. I know we considered whether 4♥ undoubled might go two down. I confess I can't recall our reason for deciding otherwise. For me this was the most interesting aspect of the case.

**Apfelbaum:** Law 16A restricts a choice when there is a logical alternative and the extraneous information demonstrably suggests the action taken. What action does the break in tempo demonstrably suggest? I suggest that South's break in tempo probably suggested something in hearts. If so, then the extraneous information suggests the opposite of what North chose to do. I fail to see how South's break in tempo could demonstrably suggest interest in North bidding on.

A point about West's 5♥ bid. I have no problem with the choice, although I believe it to be against the odds. East really overbid his hand by doubling and then bidding 4♥. He has a simple 2♥ overall.

CASE TWENTY SIX

**Subject: MI**  
**DIC: Terry Lavender**  
**Mixed Pairs, 2<sup>nd</sup> Thursday Evening, Nov. 25, 2004**

<b>Bd: 4</b>	<b>North</b>		
<b>Dlr: West</b>	♠ 2		
<b>Vul: All</b>	♥ J 10 8 7 6 4 3		
	♦ 9 6		
	♣ A J 2		
<b>West</b>		<b>East</b>	
♠ K Q J 10 8 5		♠ A 7 6 3	
♥ 5		♥ Q	
♦ K J 10 4 3		♦ A 8 7 5	
♣ 10		♣ Q 6 5 3	
	<b>South</b>		
	♠ 9 4		
	♥ A K 9 2		
	♦ Q 2		
	♣ K 9 8 7 4		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1 ♠	Pass	2NT <sup>(1)</sup>	Pass
3 ♥ <sup>(2)</sup>	Pass	4 ♠	All Pass
(1) Alerted, Jacoby			
(2) not alerted			

**Panel:** Doug Grove (Reviewer),  
 Matt Smith and Patty Holmes

**The facts:** The table result was 4♠ by West, making six, EW +680. The Opening lead was the ♥J and the director was called after trick two. Before his opening lead, North asked the meaning of the 3♥ call, and was told by East that it was a suit, and showed more than a minimum opening bid. He asked if it could be short, and was told only in the instance that the shortness was a singleton ace.

North asked the same question twice. The degree to which the answer was qualified by “in my opinion”, or “it should be...” is a matter of dispute. Before South led to trick two, she repeated her partner’s question, and was given the same response. West did not

enter the discussion at either time. South continued hearts at trick two.

In the director’s presence, East said that the partnership had not discussed Jacoby 2NT responses, and that any response did not have to be a singleton. West said that she thought it could be a singleton.

At the hearing, West confirmed that they had agreed to play Jacoby 2NT, but had not discussed responses, but that she was playing it the way she played it with other partners. This partnership has played together approximately six sessions, and states that a Jacoby auction had not arisen previously.

**The Ruling:** The director determined that West did not amend partner’s explanation before the opening lead was made. While she may not have had a specific agreement that her 3♥ call showed shortness, she needed at least to advise the opponents that the sequence was undiscussed (75D2). The director determined that damage had occurred as a consequence of East’s explanations, and changed the score to 4♠ by West, making five, EW +650 (40C, 12C.2).

**The Appeal:** EW appealed the ruling. All players attended the hearing. North

has about 1000 points plus significant additional international experience; South, 16,000; East, 6000, and West, 300. North and South maintained that East had not qualified his answers. East maintained that he made very clear that he qualified the answer with “In my opinion . . .”. West stated that East used the words “should be . . .” in his answer. South defended her trick two lead by stating that the answer made it safe to adopt a passive defense at a time when breaking any of the other suits posed a significant risk of costing a trick.

**The Panel Decision:** The panel determined that EW had not discussed the responses to Jacoby, that East described a very unusual Jacoby response structure in a manner that implied an agreement did exist, and that West failed to amend partner’s explanation. (Law 75D2) The panel also concluded that EW had violated ACBL policy as expressed in the ACBL General Conditions of Contest – Pairs, subsection Play, #5, which states that a partnership is responsible for knowing when and how their conventions apply in probable auctions.

Two experts were consulted in the role of the South player at trick two, and provided with the explanation given at the table. Both experts immediately realized what had surely happened. One expert stated that he would have returned a trump at trick two, accepting the risk of pickling partner’s Qx holding, because he believed that a singleton heart on his left was more likely than the resolution of a possible trump guess. He reasoned that partner could have Jack-Ten seventh of hearts and out and chosen not to preempt over one spade. The other expert assessed the risks in the opposite manner and said he would have continued hearts. Both experts believed South’s play was reasonable with the information provided.

The panel concluded that (by Law 40C and 12C2) the score should be changed to 4 ♠ by West making five for a score of EW +650. The panel concluded unanimously that the appeal was substantially without merit, and so advised the appellants. By a two-to-one vote, the panel declined to impose an additional procedural penalty expressed in matchpoints against EW for violating Law 75D2.

**Players consulted:** Jim Murphy, Eric Kokish

**Wolff:** Especially good ruling for me since I love your application of “partners are expected to know the bare essentials (at least) of their conventions.” Perhaps as a follow-up we need to advertise this more in the Bulletin so that class B players on down will realize their responsibilities and not responding will subject them to penalties.

**Cohen:** Agree with the panel’s bridge decision of EW +650. However, a PP of 1/10 of a board would have been a learning experience for West.

**Wildavsky:** I agree that the appeal had no merit.



**Zeiger:** The only reason I can live without the PP is West has only 300 mps. If he had over 1000, I would ask for his head on a platter.

**Apfelbaum:** The central question here is whether East-West have an understanding of the responses to a Jacoby 2NT forcing raise. If East misexplains West's 3♥ bid, West has to clear up any such misexplanation prior to the start of the play. East did not fix anything by inserting the phrase, "in my opinion" in his second answer.

I find it interesting that West has so few masterpoints. I think the committee would have done better to educate West on her obligations and not assess any AWMW.

**CASE TWENTY SEVEN**

**Subject: UI**  
**DIC: Bernie Gorkin**  
**2nd Fri Daylight Open, First Session**

**Bd: 19**      **North**  
**Dlr: South**    ♠ A  
**Vul: EW**      ♥ K 9 8 2  
                   ♦ A K 9  
                   ♣ J 10 9 8 7

<p><b>West</b>                  ♠ Q 10 9 7 3                  ♥ Q J 6                  ♦ J 10 5 4                  ♣ 6</p>	<p><b>East</b>                  ♠ K J 8 6                  ♥ A 10 7 4 3                  ♦ 3 2                  ♣ Q 4</p>
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**South**

♠ 5 4 2  
 ♥ 5  
 ♦ Q 8 7 6  
 ♣ A K 5 3 2

West	North	East	South
Pass	1 ♣	1 ♥	Pass
3 ♥	4 ♣	Pass	3 ♣ <sup>(1)</sup>
All Pass			5 ♣

(1) West asked for an explanation of 3 ♣. North responded “weak” then “but not all that weak.” Both North’s and South’s convention cards marked invitational.

**Panel:** Doug Grove, Patty Holmes and Susan Doe (Reviewer)

**The Facts:** 5 ♣ made seven for +440 for NS after the ♥7 opening lead. The director was called at the end of the play. South did not clarify the 3 ♣ explanation before the opening lead. West said that had she heard “invitational” she would not have bid 3 ♥. North countered that he would then have bid 3NT. North also said that South should bid 5 ♣ because North could not hold a hand where 5 ♣ would not make.

**The Ruling:** The director ruled that the explanation of “weak” was UI for South that suggested bidding with her values since 4 ♣ was non-forcing (Law 16). The contract was changed to 4 ♣ making seven and +190 NS (Law 12C2).

**The Appeal:** NS appealed the ruling. East and West stayed at the hearing briefly and said they had nothing to add to the appeal form

they had read. North said that South should bid 5 ♣ because he could not hold a hand where it would not be right to bid with South’s hand. NS agreed that 4 ♣ was non-forcing.

**The Panel Decision:** The Panel examined three aspects of this case by polling players. Might West’s action over 3 ♣ have been affected by a correct explanation of 3 ♣? If so, might North’s action after 3 ♣-3 ♥ have been different if the bidding had proceeded 3 ♣-P? Finally, could the UI South had from the erroneous explanation have affected her choice of actions after 4 ♣-P?

Six of seven of West’s peers bid with either explanation of 3 ♣ (“weak but not all that weak” as opposed to “invitational”). The comment by West that she would not have bid 3 ♥ was made after the hand was played (she should have called the director when dummy came down if she believed her call would have been a

different one). Because of both these factors, the Panel decided that MI had no effect on the hand.

Since this finding rendered the player poll on North's action over 3♣-P moot, the Panel then focused on South's UI with the table auction including the 3♥ bid. South's peers (players with 2000 to 3100 points) were consulted about her bidding problem after North's 4♣ bid. When told their agreement on 3♣ was invitational, four of the five passed; the fifth chose 5♣ but considered a pass. The panel considered that South knew from her partner's explanation of 3♣ that he did not expect such a good hand. North could have chosen 3♠, a stronger more forward-going bid.

Passing the non-forcing 4♣ was deemed an LA to bidding 5♣ and the UI demonstrably suggested bidding 5♣ (Law 16). The contract was changed to 4♣ making seven for a NS score of +190 (Law 12C2). The appeal was found to have merit.

**Players Consulted:** Seven peers of North, seven peers of West, five peers of South

**Wolff:** I probably would have allowed the 5♣ bid since "not all that weak" together with invitational on the card was enough AI to allow South to bid 5♣. Also West's raise was rub of the green and would be made by most partnerships whether or not 3♣ was weak or invitational. The emotion that continues to puzzle me is that committees can be very hard on small blips, but possible evil intent (like double shots) are shrugged off.

**Cohen:** Panel job well done!!

**Wildavsky:** This appeal had no merit.

**Zeiger:** What merit?

**Apfelbaum:** There are a number of peers consulted on this case. I have to wonder: how are peers selected and using what criteria? There are lots of players of about the same age with similar masterpoints. Yet there could be a great difference in their skill level. I cannot say whether such is the case here. What I can say is there is a question for which the analysis has no answer.

Turning to the case, I agree that the explanation for South's 3♣ bid is not accurate. The wrong explanation demonstrably suggests that North is undervaluing South's hand. That makes it easier for South to bid 5♣. With a proper explanation of South's 3♣ bid, it is not clear to bid 5♣. The singleton heart is a plus, but three small spades is a minus. Overall I rate acceptance as a favorite (just seven losers), but not so lopsided that pass is no longer a logical alternative.

## CASE TWENTY EIGHT

**Subject: Dispute of Number of Tricks Taken**

**DIC: David Cotterman**

**2<sup>nd</sup> Friday Seniors 1st session November 26, 2004**

<b>Bd: 8</b>	<b>North</b>		
<b>Dlr: West</b>	♠ J 8 6		
<b>Vul: None</b>	♥ Q 9		
	♦ Q 7 6 5		
	♣ A 4 3 2		
<b>West</b>		<b>East</b>	
♠ 10 3 2		♠ Q 7 5	
♥ 10 8 2		♥ J 6 3	
♦ K 8 2		♦ A J 9 4 3	
♣ K 8 7 5		♣ Q J	
	<b>South</b>		
	♠ A K 9 4		
	♥ A K 7 5 4		
	♦ 10		
	♣ 10 9 6		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	1 ♦	2 ♦
Pass	2 ♠	Pass	3 ♥
Pass	3 ♠	Pass	4 ♠
All Pass			

**Panel:** Doug Grove, Patty Holmes, Gary Zeiger and Susan Doe (reviewer)

**The Facts:** The director was called after the play, the cards were mixed and the players were disputing the score. East and West thought that dummy had agreed with them that the contract was down one. Dummy and declarer disagreed, saying that the contract had been made. All had shuffled their cards and, with the director assisting, they could not reconstruct the play.

The director could not determine how many tricks had been taken by either side and awarded a split score: For NS 4 ♠ down one, - 50; for EW, 4 ♠ making four, - 420 (Laws 66D, 79A, 12C2).

Tricks 1 through 6 were agreed to by both sides:

♦ A (lead), ♣ Q to ♣ A, ♥ Q, ♥ A, ♥ K discarding a club from the North hand, ♥ 7 discarding another club from North and East winning the trump 5, a low diamond won by West's ♦ K and a club played by south.

Trick seven was disputed. West contended that at trick seven he led the ♣ K and set the contract. South said that maybe he intended to lead the club, but in fact, led the ♠ 2.

South listed the last tricks as: ♠ 2 to the ♠ Q and ♠ A, ♠ 4 to the ♠ 8 finessing the (marked) ten, the ♦ Q discarding the ♣ 10, the remaining spades, and the last heart.

**The Appeal:** EW appealed the ruling. All four players appeared at the hearing. EW contended that dummy agreed with them on the number of tricks taken and they, therefore, mixed their cards and returned them to the board. EW based their appeal on this assertion and their conviction that West did cash the ♣ K.

Declarer and dummy thought dummy agreed to declarer's statement that she made the contract.

**The Panel Decision:** The Panel considered that while South gave a coherent line of play, neither South nor West was able to give compelling evidence to resolve the doubt about the order of all 13 tricks. For not agreeing to the number of tricks taken before the cards were mixed, both sides were deemed to have been in violation of Laws 66D and 79A. Therefore, the Panel awarded a score that considered both sides offenders: for NS, 4♠ down one, - 50; for EW, 4♠ making, - 420 (12C2). The appeal was found to have merit.

**Players consulted:** None

**Wolff:** I love the resolution and only suggest one improvement. If the ruling could be given to all four players (in either the case of no firm resolution as to how many tricks were taken by whom or if, in the opinion of the director, both sides were battling for position and neither would budge), then the double ruling would be enforced for NS -50 and EW -420. If, however, the table could come to a believable result the director would probably accept it.

**Cohen:** Similar to Case 25, except both sides were guilty of mixing their cards - so a plague on both pairs.

**Wildavsky:** Good work in citing and applying the relevant laws.

**Zeiger:** This case drove us nuts. We spent at least two hours on it, listening to the tape of the hearing several times. I have no idea if our final decision was correct. I'm certain it was legal, another element we discussed at length. I submit that any expert panelist who "knows" which side was right is either deluded or the "Amazing Kreskin."

**Apfelbaum:** The committee got this one exactly right, although I wonder whether the appellants were of sufficient skill that they should have known better than to appeal. An analysis of the skill and experience level of the appellants might have been appropriate as part of considering that issue.

CASE TWENTY NINE

**Subject: Tempo**  
**DIC of Event: Kathy Whidden**  
**Side Pairs 2nd Saturday Evening Nov. 27, 2004**

<b>Bd 28</b>	<b>North</b>		
<b>Dir: West</b>	♠ 6 3		
<b>Vul: NS</b>	♥ Q 10 4 2		
	♦ 10		
	♣ K Q 10 9 7 4		
<b>West</b>	<b>East</b>		
♠ Q J 8 7	♠ 9 4 2		
♥ K 6 5 3	♥ A J 9 8 7		
♦ A J 9 8 3	♦ K 7 6 2		
♣ —	♣ A		
	<b>South</b>		
	♠ A K 10 5		
	♥ —		
	♦ Q 5 4		
	♣ J 8 6 5 3 2		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	1 ♥	Dbf
Pass	3 ♣	Pass	4 ♣
4 ♥	Dbf <sup>(1)</sup>	Pass	5 ♣
5 ♥	Dbf	Pass	Pass

(1) BIT (agreed)

**Panel:** Matt Smith (Reviewer), Doug Grove and John Ashton.

**The Facts:** The contract was 5♥ doubled by East down one, NS +100. The opening lead was not recorded. The director was called after the 5♣ bid and again at the end of play. The players agreed to the director that North hesitated noticeably before doubling 4♥. West told the table director he bid 5♥ to make.

**Director's Ruling:** The director ruled that an unmistakable hesitation occurred, that it demonstrably suggested the 5♣ bid chosen by South, and that pass was an LA for South since he held two defensive tricks (Law 16A). The NS score was changed to 4♥ doubled making four, NS -590.

EW were assigned the table result of 5♥ doubled down one, EW -100.

**The Appeal:** NS appealed the ruling. Only North and South attended the hearing. The appeal was legally timely but it was filed after East and West had left the playing area, so they were unavailable to the reviewer. North had 1120 masterpoints, South 1480, East 3400, and West 14,000. North and South agreed that a noticeable hesitation occurred before North's double of 4♥. North estimated that the pause was 10 seconds, while South thought it was about 15 seconds. South said he saw no alternative to bidding 5♣ given his unexpected club length and his weak defensive hand in light of his previous actions. NS were a new partnership with no unusual agreements in this kind of auction.

**The Panel Decision:** The panel agreed that the pause NS agreed to represented an "unmistakable hesitation" (Law 16A). The panel then consulted two experts and three peers of South on his bidding problem after partner's double of 4♥. One of the experts thought it was obvious to pull the double. The other was torn, but thought he might pass the double. Both agreed after finding out that there was a hesitation before the double that it suggested pulling.

The three peers (two of whom disagreed with South's 4♣ bid—they would

have passed) all passed the double in the given auction (one with reluctance). They also all agreed that the hesitation suggested pulling the double. With this input, the panel ruled that pass was an LA and that the hesitation demonstrably suggested not passing (Law 16A). Since nothing West did after South's 5♣ bid could result in his side getting as good a score as if South had not bid 5♣ (and since 5♥ was a winning action in the given auction), the panel assigned the score of 4♥ doubled making four EW +590 to both sides. The appeal was found to have merit.

**Players consulted:** Steve Robinson, Haig Tchamitch, and three peers of South.

**Wolff:** I agree with the ruling. The case should be used as a precedent to show that after a BIT even though partner had six-card support for his partner's jump, the BIT served as a bar to allow a takeout of the double. This would serve as a commercial for proper tempo, especially in decision making positions.

**Cohen:** The TD was wrong in his ruling. If EW were non-offenders - as both the TD and panel determined - they were entitled to +590 under Law 12C2. NS were stuck with the reciprocal. The panel got it right.

**Wildavsky:** Good work in citing and applying the relevant laws.

**Zeiger:** The only question here is why were EW not the appellants? Surely they deserved +590. What was the director's rationale for sticking EW with the table result? Was the reason documented on the appeal form? I lied. I had three questions.

**Apfelbaum:** I sympathize with South, but agree with the committee. South has an enormous trump fit. In fact, the real value in the South hand is in that enormous fit. On the other side, South has two defensive tricks. North promised a trump stack with the double. I rate pass as a second choice, but going on to 5♣ is not so clear that pass is no longer a logical alternative.

There is a reasonable chance that ten tricks in clubs will be the limit, and that nine tricks will be the limit in hearts. For example, change a small spade to a small diamond to the North hand and place the ♥J with West.

## CLOSING COMMENTS

**Wolff:** I hope the TD's will talk about the necessity to spot double shots (and note the people who are trying to get them) and treat them no better than all the other players (in match points) who hold their cards. They don't deserve any special consideration since possibly others would not consider, depending on the gravity of why the director was called, summoning the director under the guise of protecting themselves, but in actuality are really trying to get something for nothing.

**Goldsmith:** We're seeing the same people in committee over and over again. The AWMW system needs to be given more teeth. Out of 18 appeals, there are 72 players involved. Nine were duplicates, or 12.5%. That's way too high, and that's not counting the half dozen or so we've seen at every nationals in the last few years. We need to put some teeth into the AWMW program.

The write-ups are bad. It's possible that the scribes are writing illegibly and/or extremely poorly, but the huge number of errors in the diagrams suggests the problem is caused by carelessness on the part of the staff. This needs to be fixed. Maybe it'd help if the scribe actually typed in his report. How about we put the form into a Word template and supplied computers to the scribes? Then the staff would only be responsible for getting the hands right; they ought to be able to handle that. On the other hand, they haven't been.

The ACs did a generally poor job this time around. Why are they still forgetting to note UI issues on MI cases? They got burned again, as they typically do roughly once per nationals. I count five clearly blown cases out of 18, or 28%. There were two more judgment calls I think could have gone either way, so five out of 16 is really atrocious. We need to do better. And this isn't just bad ACs doing their typical bad jobs; some very strong ACs blew some of these cases.

What can be done to improve AC's performances? I don't know, but I can say for certain that it is very hard for an AC to do as well in the heat of the moment as we can with lots of time afterward. Things seem a whole lot clearer on paper a couple of months later. The players introduce so much nonsensical testimony that it is very hard to stay focussed. I suspect a few of the blown calls were reactions to players clearly lying to the committee. Helpful hint to the player: being honest and straightforward to an AC helps. Even if you are right, lying to the AC will increase the chance that they'll rule against you, perhaps wrongly. Behaving helps, too; ranting and raving works against the player. Then again, one of the blown calls was against a pair who were the epitome of decorum. The other side behaved as well, so that was a wash that time.

**Rigal:** We should be encouraging the committees to look more closely at split scores. Quite a few instances arose where at the very least one maybe should have been considered.



Should the panel have strict guidelines on when a minority of the people polled will allow them to treat an action as an LA? If they already have them, what are they?

**Wildavsky:** ACs heard 18 cases in Orlando, up from the 13 cases brought to ACs in New York. The AC ruled as the TD did in seven cases. In the remaining 11 cases, I judged that the AC improved the TD's ruling four times (Case Three, Five, Seven and Nine) and worsened it three times (Case Two, Thirteen and Sixteen). I found that Case Eight, Ten, Eleven, and Seventeen were too close to call.

Panels heard 11 cases, down from 20 in NYC. They decided as the TD did in 10 of them. In the one remaining case, Case Twentynine, I judged that the panel improved the TD's ruling.

The trend in the total number of appeals continues downward as it did all during 2004.

My data can be found at

[http://tameware.com/adam/bridge/laws/nabc\\_casebook\\_summaries.html](http://tameware.com/adam/bridge/laws/nabc_casebook_summaries.html)

Panels did well in Orlando, though their cases were more straightforward than those brought to ACs. It's plausible to suppose that players in NABC events are more likely to appeal rulings that are incorrect or close and less likely to appeal correct rulings.

In my judgement ACs in Orlando improved more rulings than they made worse, but only just. Unfortunately, I have no special insights into how to improve matters beyond the suggestions I've made in previous casebooks.

I do notice that in all cases where I thought the AC worsened the TDs ruling they negated the TD's adjustment and restored the table result. I suggest that ACs should be extra careful in such a situation. When an adjustment is warranted, failure to adjust can encourage future infractions. That's bad for the game and bad for ACs.

**Apfelbaum:** I thought the committee decisions were reasonably good, but often missed a point that were important to the ultimate decision. I do not believe any committee failed to consider a critical point. I do believe the written analysis needs greater care.

Some of the points that needed more attention in the written analysis include an evaluation of the skill level of the relevant players and what constitutes a "peer." I did not mention this as part of any particular comment, but I would also like to know exactly what was told to each peer when his or her opinion was solicited. I have long known that the exact wording of the question can greatly affect the answer. By this, I do not suggest that anyone is asking a question any particular way to get a particular answer. I do suggest that a completely innocent missphrasing of the facts can render the answer meaningless.

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