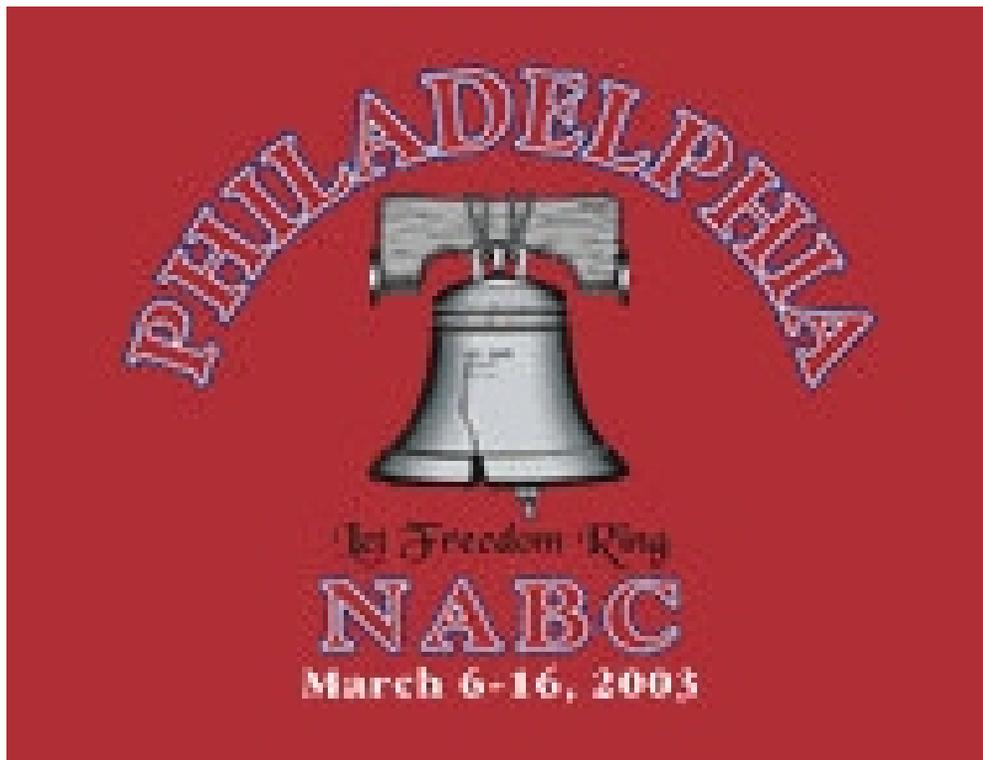




American Contract Bridge League

Presents

The Philadelphia Experiment



Appeals at the 2003 Spring NABC

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Abbreviations used in this casebook:	
AI	Authorized Information
AWMW	Appeal Without Merit Warning
BIT	Break in Tempo
CC	Convention Card
LA	Logical Alternative
MP	Masterpoints
MI	Misinformation
PP	Procedural Penalty
UI	Unauthorized Information

FOREWORD

We continue our presentation of appeals from NABC tournaments. As always, our goal is to inform, provide constructive criticism, and foster change (hopefully) for the better in a way that is not only instructive but entertaining and stimulating.

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

Each panelist is sent all the cases and invited to comment on as many or as few as he wishes; some choose not to comment on every case.

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

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

In 2003, under the guidance of Joan Gerard as Director and Barry Rigal as Chairman of NAC, an attempt has been made to increase the presence of top players on Appeal Committees. To this end a number of top players who are not members of NAC have been asked to donate their time and serve on Appeals Committees

for one or two nights at a Nationals. We hope this will increase the level of bridge expertise (or at least the perception of that level) that goes into each appeal decision. While the cases here represent only the beginning stages of this effort, we hope this leads to better appeals decisions—or at least better acceptance of those decisions in the bridge community.

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

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

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

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

Rich Colker
October, 2003

THE EXPERT PANEL

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

Bart Bramley, 54, was born in Poughkeepsie, NY. He grew up in Connecticut and Boston and is a graduate of MIT. He currently resides in Dallas with his longtime companion Judy Wadas where he is a technical analyst for a risk-management company. Bart is a sports fan (especially baseball and specifically the NY Yankees), a golf enthusiast, a Deadhead and enjoys word games. He was 1997 Player of the Year. His NABC wins include the 1989 Reno Vanderbilt and the 1997 Reisinger. In 1998 he was second in the World Par Contest and third in the Rosenblum Teams. He also played in the 1991 Bermuda Bowl and captained the 1996 U.S. Olympiad team. Bart is currently the chairman of the ACBL Conventions and Competition Committee.

Larry Cohen, 43, was born in New York City and is a graduate of SUNY at Albany. He currently resides with his wife, Maria, in Boca Raton, Florida. He is a former computer programmer and options trader but presently makes his living from writing/publishing bridge books/articles/software and playing bridge professionally. Larry has played bridge in special invitational tournaments in a dozen different countries. His biggest passion/hobby is golf and watching sports, especially his beloved Yankees. He has won seventeen National Championships and was second in the 1998 World Open Pairs and third in the 2000 World Teams Olympiad. He also won the 2002 ACBL Player of the Year award.

Ralph Cohen, 77, was born in Montreal, PQ. He currently resides in Memphis, TN. He has held several positions with the ACBL from 1971 until 1991 including Executive Director from 1984 to 1986. He has been a member of ACBL Laws Commission since 1984 and is currently a Co-Chairman. He is a Vice-Chairman of the WBF Laws Committee. He wrote the *Ruling the Game* column for two years along with other contributions for *The ACBL Bridge Bulletin*. He represented Canada in the World Team Olympiad in 1964 and has won four National Championships. He has been attending NABCs since 1947.

Ron Gerard, 58, was born in New York. He is a graduate of Harvard and Michigan Law School (JD). He currently resides in White Plains, NY with his wife Joan (District 3 Director), where he is an attorney. Ron is a college basketball fan and enjoys classical music and tennis. He is proudest of winning both the Spingold and Blue Ribbon Pairs in 1981. Each year from 1990 to 1995 he made it to at least the round of eight in the Vanderbilt; he played in three finals (winning in Fort Worth in 1990) and one semi-final without playing once on a professional team.

Jeff Goldsmith, 41, was born near Schenectady, NY. He has lived in Pasadena, CA, for the last 20 years. He graduated from Rensselaer Polytechnic Institute and Caltech. He is a software engineer, focusing on computer graphics and animation and internet programming, all with a heavy mathematical perspective. He created computer animation for JPL for several years, including the movies about Voyager's encountering Uranus. He ice dances and plays many other games, particularly German board games.

His web site (<http://www.gg.caltech.edu/~jeff>) contains lots of bridge and other material.

Mike Passell, 55, was born in Yonkers, New York. He currently resides in Plano, Texas, with his wife Nancy and daughter Jennifer. Mike, one of the ACBL's top professional players, enjoys movies and playing golf and softball. He ranks #2 all-time in masterpoints and holds the most ACBL regional titles (eat your heart out, Soloway). He won the Bermuda Bowl in 1979, the World Transnational Teams in 2001, and has victories in all four of the major NABC team events. He has enjoyed serving on the ACBL Hall of Fame and National Appeals Committees.

Jeffrey Polisner, 61, was born in Buffalo, NY and currently resides in Northern CA where he has been a practicing attorney since 1967. He is a graduate of Ohio State University (BS) and obtained his JD from Case Western Reserve. He is currently the WBF Counsel and former ACBL League Counsel. He is a member of the ACBL and WBF Laws Commissions and former Co-Chairman of the ACBL National Appeals Committee.

Barry Rigal, 44, was born in London, England. He currently resides in New York City with his wife, Sue Picus. A bridge writer and analyst, he contributes to many periodicals worldwide and is the author of the book, *Precision in the Nineties*. He enjoys theater, music, arts, and travel. Barry is also an outstanding Vugraph commentator, demonstrating an extensive knowledge of bidding systems played by pairs all over the world. He coached the USA I team to the Venice Cup in 1997. He is proudest of his fourth-place finish in the 1990 Geneva World Mixed Pairs and winning the Common Market Mixed Teams in 1987 and the Gold Cup in 1991. In 2003 he was appointed chairman of the ACBL National Appeals Committee.

David Stevenson, 54, was born in Kumasi, Gold Coast. He currently resides in Liverpool, England with his wife Elizabeth, cat Nanki Poo, and new kitten Minke. His hobbies include anything to do with cats and trains. David has won many titles as a player, including Great Britain's premier pairs event, the EBU Grand Masters, twice. He was the Chief Tournament Director of the Welsh Bridge Union, is active internationally as a Tournament Director and serves on WBF Appeals Committees.

Dave Treadwell, 91, was born in Belleville, NJ, and currently resides in Wilmington, DE. He is a retired Chemical Engineer, a graduate of MIT, and was employed by DuPont for more than 40 years where he was involved in the production of Teflon for introduction to the marketplace. He has three grown children, three grandchildren and two great-grandchildren. His hobbies include blackjack and magic squares. The bridge accomplishment he is proudest of is breaking the 20,000 masterpoint barrier. He believes bridge can be competitive and intellectual, but above all can be and must be fun.

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

Bobby Wolff, 69, was born in San Antonio and is a graduate of Trinity U. He currently resides in Dallas, TX. His father, mother, brother and wives all played bridge. Bobby is a member of the ACBL Hall of Fame as well as a Grand Life Master in both the

WBF and the ACBL. He is one of the world's great players and has won ten World Titles and numerous National Championships including four straight Spingolds (1993-96). He served as ACBL president in 1987 and WBF president from 1992-1994. He has

served as tournament recorder at NABCs and is the author of the ACBL active ethics program. Among his pet projects are eliminating both Convention Disruption (CD) and Hesitation Disruption (HD).

CASE ONE

Subject (Tempo): An Appropriately Considered Action?
Event: Silodor Open Pairs, Flight A, 07 Mar 03, First Qualifying Session

Bd: 5	Sherwin Moscow		
Dlr: North	♠ 32		
Vul: N/S	♥ J109864		
	♦ J87		
	♣ J7		
Gennifer Binder	Aaron Silverstein		
♠ AJ975	♠ 1064		
♥ A73	♥ 52		
♦ KQ94	♦ A103		
♣ Q	♣ 108653		
	Connie Coquillette		
	♠ KQ8		
	♥ KQ		
	♦ 652		
	♣ AK942		
WEST	NORTH	EAST	SOUTH
	Pass	Pass	1♣
Dbl	1♥	Pass	1NT(1)
Pass	2♥	Pass	Pass
2♠	Pass	Pass	Dbl(2)
Pass	3♥	All Pass	
(1) 15-17 HCP			
(2) "Agreed" BIT (see The Facts)			

The Facts: 3♥ went down one, +100 for E/W. The opening lead was the ♠4. E/W called the Director immediately after South took some time to double 2♠. N/S agreed that South took 4-5 seconds to double; E/W believed South had broken tempo (5-7 seconds) before doubling and that North should not be allowed to pull. The Director ruled that passing 2♠ doubled was not an LA for North (Law 16A) and allowed the table result to stand.

The Appeal: E/W appealed the Director's ruling. E/W said that South took 5-7 seconds before doubling 2♠ which they believed constituted a BIT and that North should not be allowed to pull the double since, in their opinion, pass was an LA. N/S said that South's failure to bid 1♠ over 1♥ denied four spades and with almost nothing to contribute to the defense North could not visualize a South hand that would produce six defensive tricks opposite his.

The Committee Decision: The Committee believed that the statements made by both sides indicating that South took 4-7 seconds to double 2♠ constituted an agreement that there had been a BIT. As for the LA issue, the Committee agreed with the Directors that passing 2♠ doubled was not an LA for North and allowed the table result to stand. (It was also noted that E/W might easily have defeated 3♥ by two tricks rather than just one.)

Concurring Opinion (Jeff Polisner): While I agree that passing 2♠ doubled was not an LA for North, I disagree that the 5-7 second pause before South doubled 2♠ was out of tempo under the circumstances. In fact, a faster double would have been out of tempo the other way, making it impossible to allow North to pass. A player must be permitted (even required) to consider his calls briefly before acting (especially when doubling in a situation like

South was in here) and the 5-7 seconds South took were entirely appropriate within that context.

DIC of Event: Henry Cukoff

Committee: Jeff Polisner (chair), Darwin Afdahl, Robb Gordon, Abby Heitner, Mike Passell

✍ Was the double out of tempo or was it, as Polisner claims below, appropriately deliberate? Was South's double here penalty or was it cooperative (sitting as she was under the spade bidder)? Perhaps it showed an interest in competing to 3♥ with a hand also willing to play 2♠ doubled if North was amenable (although N/S failed to make that argument). Did the 1NT rebid really deny four spades, even for a pair playing weak notrumps? So many questions, so little time.

All but one panelist supports the Committee's decision. Most agree with the dissenter that 4-7 seconds is simply not a BIT in this situation, and some even think the appeal lacks merit.

Allison: "I agree with the Committee's action as well as with the concurring opinion. Five seconds to double doesn't seem to me to be overly long and a double under the strong bidder (doubled and then bid 2♠) can't be other than cooperative in my opinion. So what was the merit of this appeal?"

L. Cohen: "I agree with the concurring opinion: 4,5, 6 or even 7 seconds are all normal tempo for a competitive double. So, there was no BIT. Even if there was, North's pull is routine (especially if we believe them that South denied four spades). In either case, where was the merit? This was an obvious AWMW missed."

Treadwell: "An easy decision to allow North to pull. I particularly agree with the concurring opinion which pointed out that 5-7 seconds is not a BIT. But why did E/W escape without an AWMW? We must eradicate the all too prevalent feeling that if an opponent hesitates, even briefly, we are entitled to a score adjustment either from the Director or an Appeal Committee."

✍ I'm with them—albeit guardedly. As Adam mentions below, while players should always take a few extra seconds to make their calls in complex or competitive situations, many do not. So a pause of even 5-7 seconds can *seem* like a BIT. On the other hand, it is difficult for me to even consider calling the Director when a player makes a cooperative/competitive double in a contested auction and simply does so in a deliberate (but not agonizingly slow) tempo. And once North showed up with the hand he did, how could E/W ask for anything?

Next let's hear from the concurrer himself.

Polisner: "As evidenced by my concurring opinion, I did not believe that the first step in the analysis was met: finding that there was an unmistakable BIT. If there was not (which I believed was the case), the matter was over and the table result stands. We must recognize that especially in competitive auctions, a delay of 5-7 seconds should be mandatory before calling. I also agree that North had no LA to pulling to 3♥ given the initial 1NT rebid."

✍ Yes, it's important that everyone on NAC be on the same page on this one. In complex or competitive auctions, calls (especially doubles) that take 5 seconds or so are *not* out of tempo while those that take only 2 seconds or so are out of tempo *the other way* and place the doubler's partner at risk for failing to pull the double if it is cooperative and pulling is an LA. Right Adam?

Wildavsky: "Yes, players ought to always take 5 seconds or so to double here, but many do not. Until we consistently adjust the

score for players who pass doubles that were made after only 2 or 3 seconds Directors and Committees will have to judge what tempo would be 'normal' for any given player. Note also that before we adjust the scores for players who pass doubles made after a 3-second pause we must issue and publicize clear guidelines. All that said, I agree with the Director and Committee's decisions not to adjust the score."

✍ Yes, but before a Director can adjust the score an opponent must call him when a double takes only 1-2 seconds, something players are currently not prepared (or attuned) to do.

More support for the concurring opinion...

Stevenson: "I agree with Jeff Polisner: there are some positions where a certain amount of thinking is normal without really showing doubt and thus there is no UI transmitted."

R. Cohen: "It looks like our Committees will not allow contestants the opportunity to think. I endorse the concurring opinion, that 4-7 seconds is not a BIT, in accord with Jeff's and my viewpoint. It's not even necessary to determine if 3♥ is an LA."

Bramley: "I'm with Polisner. The majority makes the ludicrous assertion that agreeing on a length of time is the same as agreeing on the *meaning* of that length of time. We've been harping on this fallacy for years now, but Committees, Directors and players all still seem to have difficulty grasping the concept. Let's try again: A BIT is an *interpretation* of a length of time and can only be judged in context. Occasionally 7 seconds is a BIT. In different circumstances 20 seconds may not be a BIT. Here I agree that 5-7 seconds seems just right for doubling the opponents in a partscore opposite a partner who could be contributing little to the defense.

"I agree with everyone that North has no LA to pulling. Having decided to respond with North's hand, you know that your defense is less than partner will be hoping for. Yes, you *might* set 2♠, but it's unlikely. Even a great defensive maximum for South such as ♠AKx ♥xx ♦Kxx ♣AKxxx needs a club ruff *and* a diamond trick to set 2♠. Of course, I would want some corroboration of N/S's assertion that 1NT denies four spades."

Rigal: "The Director got this right but perhaps for the wrong reasons, as did the Committee. The result in 3♥ is completely irrelevant since 2♠ doubled making is a better score than 3♥ down, and in any event the play in 3♥ has no bearing on the decision in question. The concurring got this absolutely right to my mind. If the non-offenders agreed that the pause was 5-7 seconds, I am slightly surprised that the Director was called in the first place. To my mind, that is the appropriate length of time to make a double. Three seconds might be too fast. No hesitation; no case, no problem. As to the issue of whether North can pull a slow double, I think the Director and Committee got it right."

✍ As I mentioned in my closing comments in the last casebook (Phoenix), along with the introduction of our new format I've asked panelists to refrain from making harsh, critical comments aimed at Directors, Committees and Panels and to focus instead on what should have been done to get it right. In other words, focus on the positive rather than the negative. As one might expect, this will definitely put a cramp in the style of a few of our panelists, most notably our resident curmudgeon...

Gerard: "This is going to be a challenge. Stay positive, keep it clean, be of good cheer, steer clear of the Thought Police. You might as well have suggested a personality transplant. When the Kantar or Vancouver cases come up again, do we just all refrain from commenting? [Actually, I thought we'd try a few choruses of Kumbaya.—Ed.] Hmm. Let's see how it plays out.

"In UI cases, the first priority is to determine whether there

was UI. I know you all hate legal analogies, but you can't get to the substance of a case before you decide if there's jurisdiction. Among other advantages, this approach might help discourage litigiousness and unwarranted access to the system. Therefore, the Committee ordered its proceedings correctly when it first considered whether there was a BIT. Yea, Committee!

"So we've got agreement on 4-7 seconds, is that a BIT? In responding to Stayman or RKC, sure. In making a Forcing Pass, no. In a limited hand's doubling a part score when the auction has taken a slightly unusual turn? Try timing a 5.5-second pause on your watch before doubling 2♠. Is that really an 'unmistakable hesitation' under the circumstances? No, I don't think so either. Doubling any quicker would be out of tempo. No BIT, no case (see, we actually save time). I pledge my blood and my soul to you, O Polisner!

"If you force me to reach the merits, I would gently suggest that South's failure to bid 1♠ over 1♥ did not deny four spades. Surely someone on the Committee had heard of weak notrumps, even if they don't play them. Making a statement like that taints all of N/S's arguments, which were self-serving anyway. Of course North could not visualize down one, it wasn't in his interest to do so. In my world the relevant hands are West: ♠A9xxx ♥KQx ♦AQx ♣Qx, South: ♠KQ10x ♥Ax ♦10xx ♣AK9x. Sometimes West even has three clubs and North gets a club ruff. Don't you have to at least consider it? I don't know North's peer group, but it was Flight A in a National Championship.

"The Committee, keen analysts they, correctly note that E/W might have defeated 3♥ two tricks. And the point is...? How does that recover +570 or +670?

"You guys can debate over whether pass was an LA, but by my lights you don't need to go there."

✍ Ron makes many excellent points but I have a question. Would a weak-notrumper really rebid 1NT rather than 1♠ with Ron's "relevant" South hand? To me that hand begs for a suit contract if possible, though I agree that some weak notrumpers automatically rebid 1NT with any balanced 15-17.

More along these lines, but with a very different sense of what is an LA than everyone else on the panel...

Goldsmith: "Many if not most who play weak notrumps bypass a four-card spade suit to rebid 1NT, so N/S's claim that South can't have four spades should be considered self-serving unless they have some evidence to demonstrate otherwise. Since his LHO suggested spade length with the double, it seems even more likely that South would bypass a four-card spade suit, so I reject that claim by N/S without express system notes to prove it.

"Let's give South a great defensive hand for defending 2♠, say ♠AQJ9 ♥Ax ♦Qxx ♣A10xx. 2♠ doubled looks touch-and-go. Since that's about the best hand for defense South can have, it's probably wrong for North to leave in the double, though that does not make it fail to be an LA. I think the decision to pull is closer than the Committee and the Director did, but it's pretty close to the borderline. I suspect some would seriously consider passing, but I'm not sure if anyone actually would. [The Laws Commission has said we must believe some players would actually pass for pass to be an LA.—Ed.] If N/S were white, no one would pass. But as they are red, and it looks as if 3♥ is going down, if E/W double or beat N/S two, pulling would not salvage many matchpoints. So I think some players would shoot out 2♠ doubled and hope to beat it. That makes pass an LA, though just barely. Come to think of it, why didn't East double 3♥?

"If South truly cannot have four decent spades (perhaps N/S's system notes discuss this; my weak notrump notes do), then I think just about no one would pass 2♠ doubled, thinking along LTT lines (8 spades + 8 hearts = bid 3♥). The report simply states that N/S said they don't bypass spades; they needed to establish this more conclusively.

“Was there a BIT? Again, a borderline decision. Does 5 seconds in this position constitute a BIT? I think that depends on the player. Is South normally a quick player or a deliberate one? Usually the best way to tell if there’s been a BIT is to look at the player’s hand. I think quite a few, perhaps most, players would not double. Some would bid 3♥ and many would pass 2♠. Since the double does not look obvious, it’s likely that South’s hesitation made it clear she had a problem, which suggests bidding 3♥ over other LAs. If we accept that pass is an LA, North cannot choose 3♥.

“I’d assign 2♠ doubled making four to N/S. What about E/W? While I judge that passing 2♠ doubled is an LA for North, it’s certainly not the normal action, which means E/W get to keep their table result.

“I think the logic coming to this decision is correct, but despite that, I don’t like it. The reason the decision feels wrong is that there are two decisions each of which must be made in a specific direction in order to adjust the score, and each one is close and independent of the other. If there were a continuum of results available (imagine that we could rule that 90% would bid 3♥ and 10% would pass 2♠ doubled, therefore we’d assign a weighted average of the matchpoints) then that decision would not be close to the adjusted score above, but much closer to the table result. This is sort of a bug in the rules; it’d be nice if it were to be fixed.”

 Jeff refers to Law 12C3 which, unfortunately, is currently not available for use in the ACBL. (As regular readers know, I’ve been campaigning to have it made available for our use for a number of years now. My sense is that when the new law revision that is now under way is completed, Laws 12C2 and 12C3 will be integrated and 12C3-type rulings will become the norm—though hopefully only for the non-offending side.)

The standard for making the sort of non-reciprocal adjustment Jeff advocates (even though he appears to have second doubts in retrospect) is that passing the double need only be “at all probable” to adjust the offenders’ result but it must be “unlikely” for the non-

offenders to keep the table result. An LA is an action that some (non-negligible) number of the player’s peers would take. If a call is an LA then logically it must be “at all probable,” else it would be too rare to be considered an action that the non-offenders might reasonably take. But that certainly does not make it “likely.”

The two decisions Jeff refers to (was there a BIT: just barely; was pass an LA: just barely) *must* be applied independently if the process is to be logical and consistent. We should not be placed in a position where we judge that UI was present (even though it’s a close decision) and a certain action was an LA (even though just barely) but fail to take corrective action because the two decisions taken together “feel” less than likely. If the laws intended that sort of approach they would have instructed us to consider these issues as one, making a single judgment about whether it is sufficiently likely that there was an infraction *and* that it produced damage to adjust the score. As Jeff himself writes, “If we accept that pass is an LA, North cannot choose 3♥.” Not, “If we accept that pass is an LA, North cannot bid 3♥—unless it’s a close call and we’re not even completely certain there was UI.”

Finally, one panelist practices his understatement...

Passell: “Good work by all and an interesting comment from Polisner.”

 ...while another practices his “diplomacy.”

Wolff: “While not many can argue against North taking his partner’s slow (assuming it was slow) double out, the hesitation sometimes causes a different problem of making it more difficult to read who has what. Here E/W can make ten tricks in spades but sold out to 3♥. The striped tale ape thrives in chaos. Polisner’s dissent was on target: We all know that some 10-second actions are in tempo and some 5-second actions are still too slow.”

CASE TWO

Subject (Tempo): Bid Now Or Forever Hold Your Peace
Event: Knockout Teams, Bracket 4, 07 Mar 03, Afternoon

Bd: 16	♠ Q8732		
Dlr: West	♥ 1083		
Vul: E/W	♦ 96		
	♣ 843		
♠ J9		♠ AK1064	
♥ QJ976		♥ A5	
♦ K832		♦ Q74	
♣ 75		♣ KQ9	
	♠ 5		
	♥ K42		
	♦ AJ105		
	♣ AJ1062		
WEST	NORTH	EAST	SOUTH
Pass	Pass	1♠	2NT
Pass	3♣	Pass(1)	Pass
3♥	Pass	3NT	All Pass
(1) BIT			

The Facts: 3NT made four, +630 for E/W. The opening lead was a club. N/S called the Director after the 3♥ bid and said that there had been a substantial BIT before East passed 3♣. All agreed that the pass took 30 seconds or more. The Director ruled that the UI demonstrably suggested not passing and that pass was an LA for West. The contract was changed to 3♣ down three, +150 for E/W.

The Appeal: E/W appealed the Director's ruling. West argued that with a five-five minor-suit hand on his right East was more likely to have hearts, and he had a tolerance for spades as a fall-back. N/S both thought that pass was an LA to 3♥.

The Panel Decision: The Panel decided that there had been a significant hesitation before East's pass. Four experts were consulted about West's bidding. Two passed and a third said he might either double or pass; of these, two thought the huddle suggested bidding. The fourth expert thought both 3♥ and pass were possible and wondered if a double would have been takeout. Three of West's peers (Flight B) were also polled. One seriously considered doubling 2NT; all accepted West's pass over 2NT and would then have passed out 3♣. The Panel decided that pass was an LA to 3♥ and changed the contract to 3♣ by North (Law 16A2). Next the number of tricks declarer would take in 3♣ was explored. Two experts were consulted; both believed that seven tricks was the most likely result. The Panel deemed that the UI demonstrably suggested action over inaction and that pass was an LA to bidding 3♥. Based on the input from the experts, the contract was changed to 3♣ down two, +100 for E/W (Law 12C2). E/W were each assessed an AWMW since they chose to continue the appeal when pass was an obvious alternative to 3♥ and both the table Director and Reviewer had explained the law to them.

DIC of Event: Patty Holmes

Panel: Matt Smith (Reviewer), Su Doe, Charlie MacCracken

Players consulted: for the bidding: Glen Eisenstein, Jill Mellstrom, Barnet Shenkin, Danny Sprung, three Flight B players; for the play: Norm Rubin, John Zilic

✍ The panelists unanimously support the Panel's decision, most endorsing the AWMW as well (as I do).

Allison: "I have nothing to add to the excellent review by the Panel and I applaud their awarding of an AWMW. My only question is: how many hearings have there been about AWMW collectors? I certainly have not heard about any further actions to those who have more than one AWMW. How many are considered too many (I'd say two) and what is being done about them?"

✍ The Board resolution establishing the AWMW Point System requires that a player receive three AWMWs within a 3-year period for disciplinary action to be considered. Only points received within the most recent 3 years count. To date only a handful of players have received two or more AWMWs and the only player I know of who to date has received three points took more than 3 years to accumulate them.

Bramley: "Good decision. The AWMW is accurate despite E/W's score improvement since the basis of their appeal was the bidding, not the play. The adjustment to down two is correct as well."

R. Cohen: "There is no disagreement here that a score adjustment was in order, in accord with Laws 73C and 73F1. While declarer might only win six tricks at a club contract, Law 12C2 makes seven tricks (+100 for E/W) the correct adjustment. The AWMW was certainly appropriate."

Passell: "Excellent Panel work. The AWMW was well earned. Seven tricks seems like the most likely result for N/S. Did the Director arrive at six tricks on his own? Did he consult?"

Polisner: "Good work by Panel—especially the AWMW."

Goldsmith: "Mostly right all around, but two small issues. It'd be nice if the Panel had said something along the lines of, 'Down two and down three both might be likely results, but we must choose the one most favorable to the non-offenders. And since a likely result is also at all probable, both sides gets reciprocal 100s.'"

"Upon some reflection, I agree with the AWMW. I don't tend to give them to Flight B players except in very obvious cases. This one seems just obvious enough, but it's close and I wouldn't argue with not giving it to them. It'd be automatic in Flight A."

L. Cohen: "Well done on all counts (although I could have lived with any result for 3♣; hard to tell how many down it should be)."

Wildavsky: "I agree with the Director and the Panel."

Wolff: "Simple case, but important. An accurate result."

Stevenson: "Interesting. My bridge judgment tells me that pass is not an LA. However, the methodology was excellent and convinces me I am wrong. Still, that means I am dubious about the AWMW."

Rigal: "Excellent work by the Panel, especially the AWMW, and the only issue here was whether the Director should have scored it as 3♣ down two originally. But I won't hold that against him too much given the form of scoring. With Bracket 4 players involved, I suppose a PP is out of line."

✍ Not necessarily. It's never too early to begin their education.

CASE THREE

Subject (Tempo): An Automatic Matchpoint Double?
Event: Silver Ribbon Pairs, 10 Mar 03, First Final Session

Bd: 26	Stanley Roth		
Dlr: East	♠ KQ		
Vul: Both	♥ Q9		
	♦ QJ10763		
	♣ AK2		
William L. Bauer III	William Mumbaur		
♠ A83	♠ 42		
♥ AK1085	♥ 76		
♦ A85	♦ K94		
♣ 94	♣ Q87653		
	Alvin Galland		
	♠ J109765		
	♥ J432		
	♦ 2		
	♣ J10		
WEST	NORTH	EAST	SOUTH
		Pass	Pass
1NT	Dbl(1)	Pass	2♣(2)
Pass	2♦	3♣	Pass
Pass	3♦	Pass(3)	Pass
Dbl	All Pass		
(1) Alerted; unspecified one-suiter			
(2) Alerted; pass-or-correct			
(3) BIT			

The Facts: 3♦ doubled went down two, +500 for E/W. The opening lead was the ♥7. The Director was called after West's double of 3♦. There was an admitted BIT by East over 3♦. The Director ruled that there was UI and that passing 3♦ was an LA to doubling for West. The contract was changed to 3♦ down two, +200 for E/W.

The Appeal: E/W appealed the Director's ruling. None of the players attended the hearing: E/W submitted a written statement (the last train to take them back to their lodgings left before the hearing began). West's statement read: "I based my double of 3♦ on my hand and the auction prior to the hesitation by my partner. With a weak hand containing seven clubs headed by the queen-jack he could have transferred by bidding 2♠ directly over the double of 1NT. Instead he passed and came into the auction later. I believed his actions prior would normally produce one trick to go with my four tricks which would be down one for +200 to protect against our making +110 in 3♣."

The Committee Decision: The Committee believed that the hesitation, which was agreed to by E/W, suggested values and made West's double more attractive. They also believed that pass was an LA to doubling. Therefore, the Committee changed the contract to 3♦ down two, +200 for E/W. The Committee considered an AWMW but because the case was not screened and one member thought that West's double was fairly automatic at pairs, it was decided not to award one.

DIC of Event: Henry Cukoff
Committee: Michael Huston (chair), Dick Budd, Ralph Cohen, Chris Compton, Howard Weinstein

✍ Most of our panelists support both the Director's ruling and the Committee's decision, although a difference of opinion exists about whether an AWMW was warranted. Our first panelist makes a very salient point about West's version of inference drawing.

Bramley: "The supposed defensive inference from the delayed 3♣ is a smoke screen. You can make up any inference you want to suit the occasion. Maybe East was so weak that he preferred to wait until entering the auction looked safe. However, the inference from a BIT is much clearer. Despite West's four quick tricks pass is an LA. I'd have voted for the AWMW, but if one member thought that double was automatic, then I guess the case had merit. The Committee probably wished that they, too, had a train to catch."

✍ I agree. And I'd add that from West's perspective, for 3♣ to make there must be no more than two club losers (East's clubs must be at least queen-jack-ten sixth) and East must contribute an outside card—a king or a working queen—since otherwise 3♣ will have five losers (try giving East ♠xxx ♥xx ♦xx ♣QJ10xxx) and West's argument about protecting his +110 falls flat. But if East has such a hand it's really E/W who are protecting against N/S's +110 in 2♦ (although N/S could still successfully compete to 3♦). Change the spades in the above hand to ♠Q10x and now West's argument is reasonable. In fact, even if East holds only ♠xxx but can obtain a heart ruff to go with West's four defensive tricks the double could work. Thus, the double may be attractive to some players—even if it is a bit of a gamble—but it's surely not the automatic action one Committee member made it out to be.

Right Mike, Karen, Larry?

Passell: "Good work by all. The appeal had little merit but without screening I agree no AWMW should have been given."

Allison: "I'm comfortable with not assigning an AWMW because the case was not screened. 'Fairly automatic' to me does not mean there is no LA to the double."

✍ So failing to screen a case gives the appellants a free ride does it? I think not. Merit judgments are made in tournaments all over the ACBL (and the world) where screening is never done. Surely screening cannot be made a prerequisite for assessing AWMWs at NABCs when players are regularly assessed penalties for meritless appeals at other tournaments. Players must still be held responsible for making sure their appeal is reasonable (although in borderline situations at NABCs we could allow the failure to screen a case to be one of the factors we consider—for inexperienced players).

L. Cohen: "West's double is quite reasonable, but just not obvious enough to allow it after the BIT. So I agree with the Committee. I see enough merit—near the border of what should be allowed after a BIT. (Incidentally, the BIT was most unlikely to be a penalty double—it probably showed extra shape—which doesn't necessarily make a penalty double more attractive. However, you could argue that the slow pass showed some extra values, so that's enough logic to tell me that the BIT suggested the double.)"

✍ Another good argument against West's rationalization of his double comes from...

R. Cohen: "If the statement submitted by E/W was correct—i.e., that the pass and subsequent 3♣ bid implied more defense than an immediate transfer to 3♣—then there was no need for East's BIT over 3♦. The BIT was insurance that West got the message. Normally an AWMW would be in order."

✍ The next panelist points out a flaw in the first part of West's

written statement to the Committee.

Wildavsky: “I agree with the Director and the Panel. I might have ruled differently if E/W could have demonstrated that they had an agreement that East’s sequence promised some defense. West showed that he did not understand the law when he said ‘I based my double of 3♦ on my hand and the auction prior to the hesitation by my partner.’ This is not relevant and it ought to have been explained to him in screening. It didn’t help his case that what he said subsequently was inconsistent.”

✍ Yes, it should have been explained to him in screening—had there *been* a screening.

Rigal: “The Director got this right and to my mind the AWMW was very close. I was present at the discussion and indeed one Committee member was convinced on a blind preview that it was right to double. On our current standards this means an AWMW should not be awarded and certainly at least two of the other four members of the Committee had sympathy for West’s action. Would those two sympathizers be enough without the stand-out member? I think not.”

✍ Three panelists agree with the lone Committee member who thought the double automatic.

Polisner: “A tough case and certainly not worthy of the AWMW the Committee considered. I would have thought that, as a double would have been routine at this form of scoring and given what a poll of West’s peers would have revealed, all five Committee members would have doubled. The decision is poor.”

✍ Sorry Jeff, but as Barry just confirmed only one Committee member thought that doubling was right.

Goldsmith: “I think West’s double is automatic. He can expect the auction at other tables to start with 1♥. If partner has three hearts, most pairs will reach 3♥ or 3♦ doubled; it’s unlikely that 3♦ undoubled will beat those scores, though it is possible. If partner does not have three hearts, we rate to beat 3♦, so again it is right to double. With nothing and long clubs, I don’t agree that East would bid 3♣ immediately (however they do that) but he would

pass over 2♦ (–100 is worse than –90). On the other hand, I’m not convinced that my judgment is mainstream; that’s why we have Committees of more than one player. If the rest of the Committee thought that passing was an LA, I’d go along with them, but the argument that the 1NT opening created an unusual auction that needs to be considered should have been discussed. Did E/W have to bring this up in order for the Committee to consider it?”

✍ They did if they thought of it and wanted to make sure that the Committee considered it. Besides, it’s not at all clear that a player who chooses to open 1NT with the West hand thinks it will be opened 1♥ at most other tables. It’s also not clear that East has the values to respond to a 1♥ opening—even if he has three hearts—or that he is likely to hold three hearts when he holds at least six clubs (his most likely shape is 3=2=2=6). So projecting those happenings at other tables seems a bit of a stretch.

Smart players don’t go out of their way to gamble during the auction to try to beat other pairs at matchpoints. They wait until they know more about the hand before trying to reach what they believe will be a superior though anti-field contract, and otherwise they simply try to reach the normal contract and rely on their superior dummy play or defense for their good results. Of course that’s not to say that doubling the opponents is not the right strategy in situations where one must protect one’s plus score—it is. But one must know who’s hand it is and that there’s a plus score to be protected before doubling—especially after the BIT.

Note also that East heard the same auction that West did and could have doubled 3♦ directly if he had some defense. After all, he’d already shown his offensive potential with 3♣ and failed to take a positive action (such as redoubling or bidding 3♣ directly, hoping to shut out E/W’s suit) immediately over the double.

Stevenson: “As in CASE TWO, I’m not sure I believe that pass is an LA, but see no reason to disagree with a Committee who does.”

✍ And finally, a one panelist is here to inform us that this case really isn’t as complicated as we might think it.

Wolff: “Another slam dunk to penalize a BIT violator.”

CASE FOUR

Subject (Tempo): Declarer's Right(?) To Hesitate
Event: NABC Mixed Pairs, 12 Mar 03, First Final Session

Bd: 22	Jill Meyers		
Dlr: East	♠ KQ4		
Vul: E/W	♥ 1074		
	♦ AKQ1063		
	♣ 3		
Erez Hendelman	Melody Bi		
♠ AJ975	♠ 1083		
♥ QJ	♥ K932		
♦ 875	♦ J2		
♣ A65	♣ K1074		
	Sid Brownstein		
	♠ 62		
	♥ A865		
	♦ 94		
	♣ QJ982		
WEST	NORTH	EAST	SOUTH
		Pass	Pass
1♠	3NT	All Pass	

The Facts: 3NT made three, +400 for N/S. Prior to the opening lead East asked about the 3NT bid and was told it was undiscussed, but to play. The opening lead was the ♣4, J, A, 3. West returned the ♥Q and declarer paused (N/S conceded 10-15 seconds) before playing the 4, 9 (encouraging), A. At trick three declarer led the ♠2 from dummy; West rose with the ace and played a club. When East showed up with the ♥K later in the play West called the Director and told him about the pause by declarer at trick two. The Director determined that declarer's pause at trick two was not necessarily indicative of her holding the ♥K and that West had all the information he needed from East's encouraging ♥9 to continue the suit. In addition, three players were given West's problem at trick two and all thought the heart return was routine. The Director ruled that Law 73D1 (inadvertent variations) and not Law 73F2 (illegal deceptions) applied and allowed the table result to stand.

The Appeal: E/W appealed the Director's ruling and were the only players to attend the hearing. E/W said that declarer played fairly quickly from dummy at trick one (perhaps after 5 seconds). When West switched to the ♥Q she paused for about 15 seconds before playing from her hand, then won the ace in dummy. West claimed to have been misled by declarer's hesitation into thinking that she held the ♥K, and thus wanted to be sure of getting his side's club trick. E/W said that when the Director arrived at the table they told him of declarer's 15-second hesitation and N/S did not disagree. The Director then said "That's quite a bit of time" to which North said it was no more than 5-10 seconds. During declarer's pause at trick two she neither asked about the opponent's signals nor looked at their CC.

The Committee Decision: The laws state that if an innocent player has drawn a false inference from the tempo of an opponent who has no demonstrable bridge reason for his action, and who could have known, at the time of the action, that the action could work to his benefit, the Director shall award an adjusted score. When North hesitated at trick two, she was not attempting to determine the opponents' signaling methods, in an effort to determine which card would make it most difficult for West to read his partner's signal (according to the E/W statements). Apparently

she was deciding whether or not to hold up the ♥A. That card was in the dummy and it was not dummy's turn to play. Thus, she had no demonstrable bridge reason for breaking tempo before playing from her hand, and could have known that the BIT might deceive the opponents. The Committee did not believe that declarer deliberately hesitated hoping to deceive the opponents. However, if she chose to pause before playing one of the small cards from her hand, it was her responsibility to tell the opponents that she was thinking about the entire hand (rather than about what she was going to play from her hand to this trick). Thus, the Committee changed the N/S result to 3NT down one, -50 for N/S. However, the non-offending side is still required to continue to play bridge to the level of their ability in order to receive redress. East's play of the ♥9 at trick two was a very clear signal to West that he should continue hearts. The Committee judged that the primary cause of E/W's result was West's poor play in ignoring his partner's signal of the ♥9, and therefore E/W were not entitled to be protected from their own clear error. Thus, the table result of 3NT made three, +400 for N/S, was allowed to stand for E/W.

Dissenting Opinion (Bart Bramley): The majority asserts that declarer had no demonstrable bridge reason to think before playing from her hand at trick two. I disagree. Declarer is entitled to decide whether to duck or win in dummy before playing from her hand. That is, when declarer has a decision pertaining to the current trick, even if it does not pertain to the first card she plays, then a demonstrable bridge reason exists. In addition, declarer's pause, rather than suggesting that she held the ♥K, strongly implied that she lacked that card. I am not reluctant to punish both sides when they deserve it, but this was not such an occasion. E/W blew the defense and then asked a Director and a Committee to give them redress when they had no chance to get it. This deserved an AWMW. N/S should not have been subject to a penalty for an irrelevant hesitation just because their opponents were overly litigious.

DIC of Event: Henry Cukoff

Committee: Doug Doub (chair), Bart Bramley, Gary Cohler, Ellen Melson, Robert Schwartz

✍ Throwing down his gauntlet...

Bramley: "I admit that I made an arguable assertion: that Declarer can think before making an automatic play from hand in second position when the real problem is dummy's play in fourth position. I'm sticking with it, but the other panelists are welcome to try to dissuade me."

✍ I agree and would add that a player is not required to inform her opponents what he is thinking about when he has a legitimate bridge reason for thinking. (However, if his thought is unrelated to bridge—e.g., he was daydreaming or didn't realize it was his turn to call or play—he owes them an explanation.) What if North was thinking about whether to win the first trick in dummy, eventually deciding that it depended on the card East followed with? She then also considered trying to influence the appearance of East's signal by the size of the card she played from her own hand. Are the opponents entitled to know this? Isn't she thinking about what to play from her own hand in that case?

The Committee's belief that a player should say something like "I was thinking about the entire hand" when he is not expressly considering what to play from his own hand is just so much PC silliness. Saying this is the equivalent of a pro sports player saying "It's not about the money." It's *always* about the money. Whenever a bridge player says "I'm thinking about the whole hand" one thing is certain: at least part of what he's thinking about involves what

to play from his own hand to the current trick. That's because his long-range plan will often affect whether he needs to unblock a card, falsecard or, as in the present case, hold up or win the current trick. And since declarer has two hands to manage, he will usually need to think before he plays from *either* hand.

Players are not entitled to know the content of their opponents' thought process, except where it is clear that the thought *must* be related to the hand that's about to play—and it's not. For example, if declarer had followed in normal tempo from her own hand and then, after East played a card, sat and thought before playing from dummy, the opponents *might* be entitled to infer that declarer was thinking about what to play from dummy, either to the present trick or to the next one (if dummy wins). But notice I said "might" since even then declarer might be planning ahead rather than thinking about the present trick and simply neglected to call a card from dummy first.

My main point is that bridge should not normally require the sorts of disclaimers this Committee recommended, except when a player has done something inadvertent (like pause for no bridge-related reason) that could easily be misinterpreted. In that case saying something like "Sorry, I didn't realize it was my play" or "Sorry, I was daydreaming" is appropriate. In all other situations, if declarer has *anything* bridge-related to think about in playing from *either* hand she is entitled to think before playing from either hand, and the opponents draw inferences at their own risk.

Happily, most of the panelists support the dissenter's position.

Polisner: "This type of case brings out my very strong opinions about the law(s). I believe that if North was believed to have been coffee housing (why would she on this layout?) she should be referred to a disciplinary Committee for violation of the proprieties and, if found guilty, be appropriately disciplined. The table result should be maintained under any circumstances—for both sides. In this case, it is neither necessary nor appropriate for North to say something inane such as 'I'm thinking about the whole hand' or 'No problem.' Should she say that only when she doesn't have the ♠K? There is no regulation about this type of situation which mandates North to play fast and then think about the trick at the end. She might as well expose her hand. I would have maintained the table result for both sides and awarded an AWMW as the dissenter suggests."

✍ Yes, this was certainly deserving of an AWMW.

Allison: "In this case I believe declarer should not be obliged to say anything. Her hesitation before playing to the trick indicated uncertainty about winning the trick (if one believes it could have been uncertainty about which hand to win in, then the ♡9 was a bizarre card for East to have played). I certainly agree with the dissent here. There is a fine point about when declarer should hesitate about taking the trick or ducking it. I tend to agree with Bart that it should not matter when declarer hesitates. However, I would be interested to hear other opinions about this matter."

L. Cohen: "I once declared with something like Qx in dummy and AKJx in my hand. At notrump, RHO got in and switched to the suit. I took about 15 seconds and played low from my hand and won with dummy's queen. Later, the defenders (each thinking I was missing a high card in the suit) complained that I should have said, 'No problem, thinking about the full deal.' Well, I *was* thinking about the full deal. I needed to know whether to win in my hand or in the dummy and to consider later entry problems. Did I need to orally announce, in effect, that my suit was solid? In this case did declarer have to, in effect, tell the defenders that she lacked the ♠K?"

Passell: "Awful stuff. The ♡9 spoke for itself. Why did West fly with the ♠A if not to continue hearts? Perhaps North was

determining whether or not to win the ♡A now rather than later. Who knows? The cards speak for themselves. Bramley was 100% on in my opinion."

Treadwell: "The Director and the Dissenter got this one right: West had all the information he needed for the correct defense and should not have tried to read something into declarer's quite legitimate pause before winning the ♡A."

R. Cohen: "No question that E/W were only entitled to -400. *They failed to play bridge*. I also believe that Law 73D1 is applicable—the defender's inference was 'at his own risk.'

Rigal: "I find this one very tough. I'd like to hope we could produce some definitive rationale for future cases of this sort. I was sufficiently worried by this case that I polled about 20 experts at Philadelphia to get their gut reaction as to whether North was entitled to think about her play from hand at trick two. I was slightly surprised to discover that slightly more than half did not approve of the thought without some indication that it was the play from dummy that was causing the problem. Some suggested that North should detach a card face-down. My own personal belief is that North (who certainly damaged her case by not attending the hearing to explain what she believed the length of the pause was as there was conflicting evidence on the appeal form) is entitled to think about her play to the whole trick at this point in the hand. After all, depending on what card East plays her strategy might vary. But I do not feel that strongly about it that I could not be persuaded otherwise. Overall, I would agree with the dissent."

✍ As expected, several panelists side with the Committee.

Stevenson: "The laws do not permit players to mislead opponents by their actions such as tempo variations. They go further and make it clear that players should be careful in tempo-sensitive positions. Note the second sentence of Law 73D1: 'It is desirable, though not always required, for players to maintain steady tempo and unvarying manner. However, players should be particularly careful in positions in which variations may work to the benefit of their side.' In this case declarer has not exhibited the care required by Law 73D1 and should not benefit. It is important that players should never gain from such actions since otherwise the players who exhibit more care would be at an unfair disadvantage. Note that I do not suggest in any way that declarer did anything wrong deliberately. However, players must learn to follow Law 73D1 so we can have a fairer game."

Wildavsky: "I agree with the Committee decision. Bart could be right, but the laws are subject to interpretation here. I hope the WBFCLC will clarify this point in the next set of laws, or that our Laws Commission will do so in the meantime. The Committee could have called on them in this case."

✍ I disagree. This case required a bridge judgment, not a law interpretation. On almost every play someone might draw a false inference from an opponent's tempo. The key here may be found in a part of Law 73 that David Stevenson conveniently failed to include in his quote. Law 73F2 says: "If...an innocent player has drawn a false inference from...an opponent *who has no demonstrable bridge reason for the action, and who could have known, at the time of the action, that the action could work to his benefit*, the Director shall award an adjusted score (see Law 12C)." A player who is busy thinking about the bridge issues in a given situation should not need to be constantly concerned with how his thinking might be misinterpreted by the opponents. He need only make sure that he is thinking about bridge-related matters and not being inattentive or daydreaming. (In the latter cases a disclaimer would be proper.) So what was needed here was for the Committee

to determine whether North had a legitimate bridge reason for her thought and if not whether she could have known at the time that her pause could work to her advantage (knowing that East would have the opportunity to signal, which she did with the ♡9).

Wolff: “I think as perfect a decision as can be made. The defense, when victimized, fell prey to the deception of the declarer, in spite of strong indications to go right. Consequently, they get –400. But the illegal deception is penalized by changing N/S’s +400 to –50. The key question, of course, is whether declarer (with no problem) should play from her hand in tempo and then, if she chooses, study before playing from dummy. I think no question that she should and when she didn’t she should pay the price. Bramley’s dissent seems to be emotional against the poor defense, seeming to say that no amount of hesitation should force such a poor defensive display. Perhaps that is correct, but nevertheless declarer’s theatrics are an important part of the whole case and must be dealt with properly, which they were. It would be helpful if possible deceptive tactics are explained somewhere so we can all come together on right and wrong.”

Goldsmith: “The Committee got it right. Sorry, Bart, no dice on the dissent. The laws do not state anywhere that declarer can think about the play from one hand when the other is to play. [Nor do they say she can’t.—*Ed.*] The times in which hesitations are under no constraints are at trick one and between tricks. When declarer is to *lead* to a trick, she is welcome to think about what card she will play from the other hand on this trick. For that matter, she is welcome to think about what she’ll play to subsequent tricks. But not as second hand. The Committee did well to note that their decision did not imply that North’s hesitation was an intentional deception. The Committee instructed declarer to announce she was thinking about the whole hand, not just the current trick. This is common practice, but it is not supported by the laws. The defense is allowed to take inference from extraneous comments by declarer, but entirely at their own risk. That’s not sufficient to reduce declarer’s responsibility to avoid potential misleading hesitations.”

☞ Lest anyone think there is no middle ground on this case, Ron is here to disabuse us of that notion.

Gerard: “Well, yes and no.

“It is legitimate to hesitate with a problem to the current trick, even if not to the current card, and no clarifying announcement is necessary. Declarer can plan the play to subsequent tricks, so she can’t be any worse off as to the here and now. The defense is not entitled to know what your problem is. I think that renders the clarifying announcement mostly bogus, since the failure to make it spills the beans to the opponents. We don’t require declarer to say anything when she huddles at trick one, even if about to win the lead with the singleton ace. That’s not just to encourage good technique; the negative implications of an enforced policy would give the defense too great an advantage.

“But on this hand, declarer had no problem. It could never be right to duck the heart—East couldn’t have six clubs or five hearts so both hands had to have an entry. Ducking could only unblock the hearts, whoever had the length. North clearly realized that the problem was nonexistent since she didn’t play East for five hearts, the only theoretical holding where ducking wins. Thinking you have a problem is not the same thing as having one.

“So could declarer have expected that the hesitation could

work to her advantage? Well the ♡9 did come up, so maybe she thought the position was clear. But she had already made up her mind not to duck (no evidence of dithering over the ♡9) and she didn’t know at the point of decision that the ♡9 would appear. Maybe the opponents were playing upside-down carding. Maybe she thought that it was just common practice for a hesitation to relate to the trick or the hand, but she wasn’t particularly deliberate at trick one, even though a high club and a heart switch was the predictable defense. By reputation North is not a plodder, so maybe she waits until she senses a problem before doing her thinking. I do know that once declarer rejected her ‘problem,’ even if it took her a few seconds to realize that she didn’t have one, she should have said something or risked creating a false impression.

“None of this is to excuse West’s later defense. The best I can do is give North ♠KQx ♥Kx ♦AKQ10xx ♣xx, deciding on the likeliest way to ten tricks, but that ♡9 was too revealing. However, for N/S’s purposes, the elements of Law 73D1 were still present. So the dissent was right in a vacuum but wrong on this hand. Both sides deserved the worst of it.”

☞ The idea that once declarer realized she had no problem she was obligated to speak up seems self-defeating. If it took her some time to decide that holding up the ♡A would not work, then that itself was a bridge problem which, by Ron’s own admission, would entitle her to think before playing from either hand. The opponents are not entitled to know what that problem was. I remind those enrolled in the “I’m thinking about the entire hand” school that a problem is not a problem only when one decides that it’s soluble or that there is a winning play. A problem is a problem any time there’s a pertinent bridge issue to work through—even if the final conclusion turns out to be that it doesn’t matter what you do. So if declarer worked out that it could never be right to duck the heart, that didn’t mean she didn’t have a problem—only that ducking couldn’t win in the present situation.

Suppose declarer has two possible lines of play. After working through them it turns out that they’re equivalent: they win the same percentage of the time, or both require the same placement of cards in the opponents’ hands, or both have to fail because the required distribution of cards is judged impossible on the bidding. Would any of those conclusions mean that declarer didn’t really have a problem? Of course not. And what if declarer tells her opponents, “I thought I had a problem but it turns out it doesn’t matter what I do,” and based on that the opponents misdefend because declarer has mis-analyzed the situation and her conclusion turns out to be invalid? Could they then call the Director and claim they were misled on defense by declarer’s “gratuitous” comment?

And finally, where do the laws authorize a player to comment to the opponents? Now I’m not suggesting that the laws bar players from trying to prevent the opponents from being damaged by the player’s inadvertent act (such as forgetting whose turn it is to call or play). But this stuff about having to decide whether you really had a problem after you just spent a fair amount of time working out what to do (even if you concluded it doesn’t matter) strikes me as unfair and virtually impossible to implement—even for experts. No, I believe the laws have it right. A player must be afforded the right to think as long as he has a demonstrable bridge reason for doing so (but not when he doesn’t, as when he was daydreaming); and the opponents draw inferences at their own risk. That places the onus on the thinker to demonstrate a bridge reason—*no matter what conclusion that thought led to.*

CASE FIVE

Subject (Tempo): The Balance Of Power
Event: NABC Mixed Pairs, 12 Mar 03, First Final Session

Bd: 11	Bernace De Young		
Dlr: South	♠ A1097		
Vul: None	♥ KQJ		
	♦ A76		
	♣ 864		
Alexander Ladyzhensky	Irina Ladyzhensky		
♠ ---	♠ KQJ852		
♥ 109752	♥ 8		
♦ 109853	♦ Q4		
♣ 1053	♣ AK92		
	John Russell		
	♠ 643		
	♥ A643		
	♦ KJ2		
	♣ QJ7		
WEST	NORTH	EAST	SOUTH
			Pass
Pass	1♣	1♠	Dbl
Pass	1NT	2♠	Pass(1)
Pass	Dbl	All Pass	
(1) BIT			

The Facts: 2♠ doubled went down one, +100 for N/S. The opening lead was the ♣Q. The Director was called after the double of 2♠. The Director ruled that there was a BIT by South, that the BIT suggested extra values, making the double of 2♠ more likely to succeed, and that pass was an LA for North. The contract was changed to 2♠ down one, +50 for N/S.

The Appeal: N/S appealed the Director's ruling and were the only players to attend the hearing. They said that South's double of 1♠ (forcing North to the two level if she could not rebid 1NT) showed at least 8 HCP. Therefore, North knew that her side held the balance of power and she was as close as possible to a 1NT opener including two almost certain trump tricks. South said he had not agreed to a BIT and never really considered taking additional action; as far as he was concerned, he'd described his hand and it was up to his partner to do anything more. North said that South's tempo over 2♠ was not unusual and did not affect her action.

The Committee Decision: The Committee believed that there had been a BIT and that pass was an LA to double for any number of reasons. In determining that there had been a BIT the Committee relied heavily on the statements of the table Director who said that South had not objected either when the opponents described the hesitation as about 7-8 seconds or when the Director, in giving her ruling, said that there had been a BIT. Furthermore, it was thought that the South hand was some evidence of a BIT since South had the same inference about N/S's minimum combined HCP holding as North did (South's 11 plus North's minimum of 11 gives N/S at least 22 HCP) and might consider doubling 2♠ or bidding 2NT. As to pass being an LA, shifting South's ♦K or ♣Q or ♣J would allow 2♠ doubled to make on the presumed club lead, notwithstanding N/S's 22, 23 or 24 HCP, respectively. In the Committee's judgment passing 2♠ when South could not take further action was an alternative that many of North's peers would seriously consider and some would actually choose. Since the BIT demonstrably

suggested North's double, the Committee changed the contract to 2♠ down one, +50 for N/S. The appeal was judged to have merit because of the uncertainty as to whether a BIT had occurred.

DIC of Event: Henry Cukoff

Committee: Ron Gerard (chair), Dick Budd, Ed Lazaras, Adam Wildavsky, Bobby Wolff

✍ Anything to add, Mr. Chairman?

Gerard: "If this hadn't been so easy, we would have pointed out that some experienced Norths would have devalued their heart honors on the auction. In effect, the relevant HCPs were North (8), East (13), South (10), West (0), Trash (9), so the dumpster actually controlled the balance of power. Left to our own we would have guessed that there was a BIT, but the Director's statements clinched it."

✍ Well, if it was that easy then...

Allison: "If you believe that South did not break tempo, there's a very nice bridge in Brooklyn I'd like to sell you. I believe an AWMW was indicated on this so-called appeal. North had no reopening and, as for South's claim that he didn't break tempo..."

Bramley: "Where is the uncertainty about the BIT? Besides, N/S's main argument was that North's double was clear, a certifiably lame assertion. This was a classic 'try everything; maybe something will work' approach. I'd have given the AWMW."

Goldsmith: "Everything was perfect except the failure to award an AWMW. There was no uncertainty about the BIT. That was an illusion N/S tried and failed to create."

Polisner: "Once the fact finder has determined that there was a BIT, this case is over as pass is certainly an LA for North. This is a situation where any hesitation beyond 3-4 seconds should be construed as a BIT as it would (and did) convey to North that South had extras. I would have awarded an AWMW."

Rigal: "Sensible Director ruling, and the Committee made the right call for the right reason. It is very close to an AWMW. As an aside, just because a fact is hard to determine does not mean that (when you've determined it) you should rule differently from the way you would have done if the fact-finding had been easy. This is not the same as when you have a close judgment call to decide one way or another, when the difficulty of the judgment makes an AWMW inappropriate."

Passell: "Good job by all, even if an AWMW wasn't given. N/S should have been embarrassed to pursue this one."

✍ I agree that an AWMW was entirely appropriate; the alleged uncertainty about the BIT the Committee gave as an excuse for not issuing one was merely an illusion. Everything about South's hand suggests he could not have passed contentedly. And with her first-bid suit consisting of the ♣864 and her only four-card suit having been overcalled and rebid by East, "pushy" (as Treadwell calls it) understates the audacity of North's double. If we could not manage to assess an AWMW on this so-called appeal, what hope is there?

Oh, and while you're at it, consider how egregious you think North's double was. I think a PP might have been considered.

The remaining panelists all fail to mention the AWMW, many missing the forest for the trees.

R. Cohen: "Is an elapse of 7-8 seconds a BIT which might create

conditions for a score adjustment? In a competitive auction we would expect South to pause for at least 5 seconds over the 2♠ bid. Is a 2-3 second variance that significant? It looks like we no longer allow players to think even momentarily in competitive auctions. For all the forgoing, the Director at the table made a ruling based on his determinations, and the Committee did not find enough evidence to overturn the Director's ruling. So be it."

L. Cohen: "Would be nice to have established the BIT facts. If a BIT, I wouldn't let North double."

Stevenson: "E/W were a bit lucky here. While the decision was probably perfectly correct, an argument over what happened (i.e. whether there was a BIT) is always likely to be decided in favor of the people present at the hearing."

 When I first read the above comment I was sure he meant N/S

were a bit lucky. As it turns out, he meant what he said. Pity.

Treadwell: "I regard a double of 2♠ by North in this auction to be a very pushy action to gain an extra 50 points. Hence, the BIT made it a more likely action and hence cannot be allowed."

Wildavsky: "I haven't changed my mind. I agree with the Director and the Committee."

Wolff: "Simple case to serve as an example of a BIT forbidding partner from taking the winning action because the decision was illegally made easy. All of us, in our special role as representatives of the high-level game, must accept our responsibilities to not illegally advantage ourselves and if such circumstances arise, we must lean over to not accept."

CASE SIX

Subject (Tempo): Standards Upon Standards
Event: NABC Mixed Pairs, 12 Mar 03, Second Final Session

Bd: 4	Mark Bartusek		
Dlr: West	♠ K10632		
Vul: Both	♥ A94		
	♦ 9743		
	♣ 5		
Joan Brandeis	John Jemmott		
♠ 9	♠ AJ7		
♥ KJ63	♥ Q752		
♦ AJ65	♦ 10		
♣ 10987	♣ AKQJ6		
	Ellen Melson		
	♠ Q854		
	♥ 108		
	♦ KQ82		
	♣ 432		
WEST	NORTH	EAST	SOUTH
Pass	Pass	1♣	Pass
1♥	1♠	3♦(1)	3♠
4♥	Pass	4♠	Pass
5♦	Pass	5♥(2)	Pass
6♥	All Pass		
(1) Alerted; splinter			
(2) BIT (followed by "Sorry")			

The Facts: 6♥ made six, +1430 for E/W. The opening lead was the ♠2. The Director was called after the 6♥ bid. East agreed that he had hesitated for about 20 seconds before bidding 5♥, after which he said, "Sorry." The Director ruled that 6♥ was not demonstrably suggested by the hesitation and comment and allowed the table result to stand. Subsequently, in screening, the contract was changed to 5♥ made six, +680 for E/W.

The Appeal: N/S initially appealed the Director's ruling, but when it was changed in screening N/S dropped their appeal and E/W then appealed the (changed) ruling. 3♦ was described as a "mini-maxi" splinter, showing the values for either a three-level raise or a hand too good to merely force to game (by bidding 4♦). West said she bid 4♥ to accept game opposite a minimum hand and that once East cue-bid to show the "maxi" she could not visualize a hand that did not have a play for slam. She did not explain her 5♦ and then 6♥ bids as a try for seven; rather, she said she just bid what was in front of her. In response to a question posed by her opponents about an East hand that included the ♠AK and no ♥Q she said she didn't think that hand would force to the five level but would simply have bid 4♦ over 1♠. The play of the hand had been: spade lead, won with the ace; heart to the king and ace; spade return. When asked why he didn't duck the ♥A North admitted that he should have considered it but was "worried about the jack of trumps." N/S argued that West had UI from East's BIT and should not be allowed to bid 6♥.

The Committee Decision: The Committee believed that the West hand would have been worth a slam drive if they had been East, but tried to put themselves in the place of a player who had a partner who obviously had lesser standards for the auction. West did not explain her sequence as a try for seven, nor had she bid 6♣ rather than 6♥ to offer an alternate contract. The Committee was

fully aware that many players do not plan the auction beyond their current bid, but it could not assume that 5♦ committed E/W to slam when 4NT was available for that purpose and would have got them there on this hand. If West intended to try for slam and then respect partner's decision she would have bid 5♦ and then passed 5♥, so there was no way to tell that this West wouldn't have done the same without the BIT. Furthermore, West's play of the hand had not been optimal (she should have ruffed a spade at trick two and played a high heart); this suggested that West's judgment was somewhat below the level of a player for whom passing 5♥ was not an L.A. Therefore, the Committee changed the contract to 5♥ made six, +680 for E/W. The Committee then considered whether North had earned his side's -1430 by not ducking the ♥A (or returning a club once he won the ♥A). Although either play was indicated on an expert level, the failure to pursue a winning defense was not judged an egregious enough error to leave N/S with the table result. Therefore, both sides were assigned reciprocal 680s.

Concurring Opinion (Ron Gerard and Mark Feldman): We concur separately only as to the issue of N/S's score. Under current principles, North's failure to duck the ♥A or continue with a club constituted an error but not an egregious error sufficient to leave N/S's score at -1430. In fact this issue was considered by the Committee but there was a lack of enthusiasm for such a position, specifically on the basis that winning the ♥A was not a "fall off the chair" type of error. While personally we believe that possession of the ♥9 made it clear to duck the ace (because declarer could not be planning to finesse against North's hypothetical jack), it is the standard for judging the failure to continue "playing bridge" that we suggest needs rethinking. A supposedly expert player can not make an error like winning the ♥A in the last session of a National Championship and expect to be protected by the offending side's score adjustment, whether or not that error was an all-time stinkeroo. Or, if the egregious standard still has validity, then we are much too lenient in applying it. In the present case, North made a clear error, one that even at the time had no merit and could not possibly result in gain or avoidance of loss. That others might have made the same error or that it wasn't among the worst in the history of recorded time should not be relevant. To the extent that the standard for egregiousness allows North to benefit from the adjustment imposed on the offending side, that standard must be revised.

DIC of Event: Henry Cukoff

Committee: Ron Gerard (chair), Dick Budd, Chris Compton, Mark Feldman, Bobby Wolff

✍ There are two issues here: Should E/W's score be adjusted? What standard should be applied to N/S's play subsequent to the infraction to determine whether they've forfeited their right to redress? Regarding the first, the panelists are of a single mind: West should not be permitted to bid the slam. Mr. Chairman.

Gerard: "East was fine about the whole thing until we explained the decision. 'Would you pass?' he demanded to know. I tried to tell him we couldn't just take his word for it, but he really objected to anyone substituting their judgment for his. Oh well, one more enemy. Yes it looks clear to drive to slam, but we bent over backwards to avoid the Intelligence Transfer. We gave West every opportunity to mutter grand friendly noises or even to assume them for her, but we just couldn't convince ourselves that that was why she bid 5♦. So we were faced with a typical case of just moving the auction along, no problems for now. As usual, when partner then commits an oops you pay for your laziness. None of us had any desire to play mind reader."

Bramley: “East’s huddle was an overbid. He had already bid plenty. I agree that West cannot be allowed to bid the slam. Having already failed to cue-bid over 3♠, she can hardly be credited with making grand slam tries at her next turn.”

L. Cohen: “Shouldn’t it be SOP by now to disallow the 6♥ bid after the BIT? How is it that ‘6♥ was not demonstrably suggested by the hesitation’? This makes me wonder if these casebooks are being read. The slow 5♥ clearly made 6♥ attractive, and although I can believe that West has a slam drive opposite the ‘or better’ splinter, it’s just not me to allow it.”

Wildavsky: “I believe players deserve an explanation for every Director ruling. One advantage is that it would then be available to a Committee, and to us. Here it seems self-evident that the UI suggests bidding on. Why did the Director think otherwise? As for the decision, I agree with the Committee. This point deserves special attention: ‘If West intended to try for slam and then respect partner’s decision she would have bid 5♦ and then passed 5♥. So there was no way to tell that this West wouldn’t have done the same without the BIT.’”

Polisner: “I certainly concur with the LA analysis even though West did have a stiff spade she had not shown as well as decent trumps. Close, but no cigar.”

Treadwell: “The UI from the BIT and comment by East is enough to bar the somewhat aggressive slam try by West; hence, an E/W score of +680 was correct.”

Passell: “Tremendous job on a tough one. The Committee’s decision was well thought out.”

✍ Two panelists think the Committee was wrong in disallowing West’s 6♥ bid.

Goldsmith: “I understand the Committee’s reasoning, but I don’t agree with it. I think it’s far more likely that West just bid 5♦ without thinking about it than that she had any intention of passing 5♥. It likely didn’t occur to her that partner might choose a slow 5♥, for which she’d be unprepared. I don’t know why she didn’t bid 4NT, but partnership dynamics in Mixed Pair events can be hard to fathom. So I don’t think passing 5♥ was an LA. With the opponents’ bidding spades, West’s singleton is working overtime; she knows 6♥ is going to have play. I don’t buy the argument, ‘she should know East might be this light’; rather instead, I think that given that East was remarkably light and 6♥ was the right spot, if East had had his bid, 6♥ would have been cold. In other words, to infer from East’s bidding and actual hand that West knows he overbids in this situation seems to be too much of a stretch. Result stands.”

Rigal: “The score should have been adjusted at the table but it got switched in screening, before the players came in to the hearing. Personally, I think West bid the hand just fine. Sign off facing a mini-splinter, drive to slam facing extras, look for a grand with 5♦, and do not look for more than this when partner denies holding both solid clubs and the top hearts (he’d do more over 5♦ with that). So I’d want the Director to rule against the offenders and the Committee to give it back to them.”

✍ I sat in on this hearing and, for what it’s worth, I believe Jeff may be right about West having bid 5♦ without thinking about it. But that’s beside the point. As Ron points out, Committees should not be playing mind readers. We must not allow ourselves to be placed in a position where one Committee allows West to bid 6♥ because they “believe” and another disallows it because they don’t. In this regard, Adam’s point is key: “If West intended to try for

slam and then respect partner’s decision she would have bid 5♦ and then passed 5♥. So there was no way to tell that this West wouldn’t have done the same without the BIT.” No way, that is, except for those who place too high a premium on their ability to read other peoples’ minds. We should strive as much as is practical to require tangible evidence (system notes, CCs, valid bridge arguments, or at least strong plausibility support) before attaching credibility to self-serving statements.

Moving on to the second issue—the standard for protecting the non-offending side when they commit a bridge error after the infraction—most panelists agree with the Committee’s decision and think the existing standard is right where it should be. Not so the Committee chairman and author of the concurring opinion.

Gerard: “In my youth I just would have dissented as to N/S, but everyone (including some not named Rich Colker) tells me I’m too rigid. So let’s get this out in the open: Do the laws let North get away with his defense (I believe yes) and should they (I believe no)? Too much has been made of Edgar’s comment that ‘It is common to make most bridge errors.’ Feldman felt even stronger than I did, but I think I convinced him that not ducking didn’t measure up procedurally.

“On another matter, the original write-up of the appeal has been altered, so it does not reflect the fact that the Committee expressed concern about the table ruling. We were told that this was a collective decision, as all Director rulings are, and that +1430 was the collective judgment of the staff, not necessarily that of the table Director. That it was changed in screening should tell you something about its validity and even more about the process that led to it.”

✍ Well, at least he agrees that the present standard was applied correctly and that the issue is only whether to try to convince the law makers and/or the policy makers to set the standard higher for protecting the non-offenders from their own subsequent errors—at least in high-level events.

Support for the chairman’s position comes from...

R. Cohen: “The only bone I can pick with the Committee is the score for N/S. When a contestant qualifies for the finals of a NABC+ event, a higher standard of play is expected. I would not have objected to a –1430 for N/S.”

Wolff: “I now agree with the concurring opinion here which holds a higher standard for an expert player to defeat contracts that can be defeated if he comes to a Committee for a score adjustment. Similar in natural law to coming into a court of equity with ‘clean hands.’ While he didn’t make a fall-off-the-chair error he did make a clear error and should have to live with –1430. N/S returning to +680 instead of +1430 was a slam dunk because of the possible use of UI in arriving at 6♥. Until we keep the ‘candy store’ closed for at least a year we will have too many cases of using and abusing UI.”

✍ Arguing that the current standard is right where it belongs...

Rigal: As to the dissenting opinion. They have not allowed for Rigal’s first law of Director calls. As soon as a Director is called, the level of play always declines to a point where establishing subsequent damage is almost impossible. I’m happy with the standards the way they are.”

✍ Barry’s point, though briefly stated, is so important that it deserves emphasis. Once an irregularity occurs and a Director is called—especially when an infraction as obvious and egregious as Hesitation Blackwood is involved—it is difficult for many (most?) players to regain their equanimity and play normal bridge. Of course the question is whether high-level players (or those who

aspire to high-level play by entering NABC+ events) should be expected not to allow that sort of thing to affect them. But bridge, like physical contests, has a significant emotional component and it seems appropriate to afford players—even high-level ones—a bit more leeway under those circumstances. In addition, it is difficult to conceive of a useful standard that does not allow Directors and Committees a degree of subjectivity in determining the severity of the error unless we simply always require the table result to stand for the non-offenders—which might suit Hamman and Wolffe but surely not the rest of us.

Goldsmith: “The theory issue as to what constitutes an error sufficient to break causality is a good one. I agree with the concurring opinion that at this level, North’s defense was terrible. Personally, I would not be willing to appeal once I realized I’d defended so badly, but not everyone is so easily embarrassed. It would be nice if we could judge that this error was bad enough that it caused N/S’s bad result, but the problem with moving the standard away from where it is is that it’s too hard to judge degrees of guilt. While the current standard is not optimal for fair rulings, it’s reasonably easy to implement. Perhaps we could all agree on this error, but imagine that Kit Woolsey missed a straightforward double squeeze. Is that a sufficient error for him that he shouldn’t get an adjustment? Or suppose that Zia missed a spectacular false card, one we would normally expect of him? What if those plays can be demonstrated to be 100%; the actual chosen ones nullo? Do we want to be making those decisions? I don’t, and I’ll accept that lots of errors will end up going unpunished as a result.”

Bramley: “I understand the complaint of the concurring members, but they too have overbid. North’s defense would be matched by many players: Capture a king with an ace and try to cash a winner, with a running suit in dummy staring at you. Wooden, but not egregious, not even close to a ‘failure to play bridge.’ The concurring make a valid point about the too liberal interpretation of ‘continuing to play,’ but they have chosen to ride a poor horse for their purpose.”

L. Cohen: “As to all the talk about the play and defense, nothing is even close to the threshold of ‘failing to play bridge.’ Winning the ♠A and returning a spade might not be the defense of the year, but I don’t think it warranted all the discussion and opining. Declarer’s line of play was also poor, but it was ‘bridge’—which not everyone (anyone) plays perfectly.”

Polisner: “As far as N/S’s score, the standard for breaking the connection for reciprocal results is grossly poor bridge—not just a mistake which Appeals Committee members are unlikely to make at the table (and certainly not in the post mortem). Thus, 680 for both sides. Where was the poll of the player’s peers?”

☞ Committees don’t poll peers since if they did hearings, which

often begin at midnight or later, could take days. But Director Panels, which have a Reviewer to do the leg work, hold their hearings during or between sessions and do not possess the same level of bridge expertise that top players possess, can and do poll peers.

Allison: “To the extent that the standard for egregiousness allows North to benefit from the adjustment imposed on the offending side, that standard must be revised. The concurring make a valid point and I would be interested to see what sort of standards they would wish to set for such cases. I meanwhile believe that the error, under current usage, was definitely not one that would cause a Committee to determine that the defense requires N/S to be –1430.”

Stevenson: “One thing that surprises many people that are not used to bridge is the idea that players whose opponents commit infractions do not automatically benefit. Can you imagine a player roughing the passer in American football but not being penalized because the wide receiver failed to catch the pass? I find it strange enough as it is. The standard to get redress in North America is already too high in my view, and I see no reason why it should be higher. If there had been no infraction the score would have been –680. The fact that it is the final of a championship and a first-class player is involved is no reason why he should not get redress. Against an opponent who understood UI better he would have been defending 5♥.”

☞ For those who read David’s last sentence too quickly, allow me to repeat it: “Against an opponent who understood UI better he [North] would have been defending 5♥.” That North should have to live with his error in the form of being assigned –680 rather than –650 or even +100 is entirely appropriate; that he should be made to suffer –1430 is not (unless +100 required only that he merely follow suit).

Treadwell: “N/S were given an opportunity for a fine score with the rather obvious defense of holding up the ♠A. Should they be penalized for this when E/W had taken uncalled action based on UI? A close call, but I guess N/S should get –680.”

Wildavsky: “I disagree with the concurring opinion. By failing to duck the ♠A North received –680 instead of +100, and he had to appeal to get that much. That seems to me more than a sufficient price to pay. More important, if North could not expect a score adjustment he would not call the Director after the hand, nor would he appeal, and we’d lose two chances to adjust the E/W score as they deserve.”

CASE SEVEN

Subject (Tempo): Trick One May Be Easy—But It's Not Free
Event: Stratified Open Pairs, 12 Mar 03, Second Session

Bd: 28	♠ QJ3		
Dlr: West	♥ 10874		
Vul: N/S	♦ 876		
	♣ A106		
♠ 972		♠ A8654	
♥ KJ92		♥ Q	
♦ J4		♦ K953	
♣ Q953		♣ J42	
	♠ K10		
	♥ A653		
	♦ AQ102		
	♣ K87		
WEST	NORTH	EAST	SOUTH
Pass	Pass	1♠	1NT
2♠	All Pass		

The Facts: 2♠ went down two, +100 for N/S. The opening lead was the ♣7. The Director was called at trick three. Declarer played a low card from dummy at trick one “in tempo” (N/S said almost immediately) and North then thought at length before playing the ♣10. East won the ♣J and led the ♥Q. South won the ♥A and returned the ♠K. East believed that South knew North had the ♠A because he thought before playing the ♣10. E/W also said that North had broken tempo before his second pass, so that his partner knew he had some values. South said he had difficult decisions to make because he was endplayed both times he was in. He had led a club at trick one so he decided to continue them as the lesser of evils at trick three. The Director ruled that North was entitled to think at trick one about his defense, even when declarer played relatively quickly from dummy. No inference could be taken from a pause for thought before third hand's play to the first trick. Since there was no UI South could play whatever he wanted at trick three. The table result was allowed to stand.

The Appeal: E/W appealed the Director's ruling. East said that North hesitated for about 30 seconds before his final pass and again for 30 seconds before playing to trick one. West agreed with both time estimates. East also claimed that North played to trick one “with particular emphasis.” E/W were an experienced partnership, both players having about 10,000 masterpoints. N/S both agreed that North's hesitation in the bidding and the play each lasted about 30 seconds. They disputed the statement that North's play to trick one was made with any special emphasis. South said he continued clubs as the “lesser of evils” believing he was endplayed. N/S had 1800 and 1300 masterpoints.

The Panel Decision: The Panel believed it was significant that South shifted to the ♣K rather than continue with a small club at trick three. This suggested the presence of UI since there was no real advantage gained by playing the king which could have been very wrong had declarer started with the doubleton ♠AJ. Three players were consulted and all ducked the ♥Q at trick two. When asked what they would have played had they won the ♥A two of them said they would play ace and another diamond while the third said he would continue with a small club but did not think it was clear. All three believed that a 30-second hesitation by North was significant and suggested that North had ducked the ♠A. Four players in the 1000-2000 masterpoint range were consulted. All

four played the ♥A and then the ♦A and ♦Q. Two of them believed that 30 seconds by partner at trick one suggested he had ducked the ♠A; the other two believed it meant nothing. The Panel decided that the 30-second hesitation by North at trick one did constitute UI which demonstrably suggested South's defense. Since most of the consultants who were N/S's peers said they would have played the ♥A followed by the ♦AQ, and since that would have led to an overtrick, the contract was changed to 2♠ made three, +140 for E/W (Laws 12C2 and 16).

DIC of Event: Millard Nachtwey

Panel: Ken Van Cleve (Reviewer), Su Doe, Patty Holmes

Players consulted: Allan Falk, Fred Hamilton, Michael Seamon, four players with 1000-2000 masterpoints

✍ Normally, third hand has a right to think freely at trick one, to plan his defense, and declarer's quick play from dummy should not abridge that right. In fact, had declarer taken a more appropriate 15 seconds or so before calling a card from dummy this appeal might not have been necessary. On the other hand, South's ♣K play at trick three seems clear evidence that he drew an illegal inference from North's tempo. Surely this cannot be permitted. So here we have the protection of third-hand's right to think at trick one (a very important right) pitted against the likelihood that his partner was advantaged by his tempo. And after all, aren't partners fairly attuned to each other's tempo variations—even slight ones?

Most panelists support the Panel's decision, though some have their doubts about the table ruling. Ron says it's as easy as a, b, c...

Gerard: “(a) With fourth best leads, the right play was the six. With third best, the ten and the six were technically equal but the ten was psychologically better (South rated to have the king). So North had a lot to think about. (b) This recalls the 1981 Vanderbilt semifinals. West led low from length against 3NT, dummy had Qx, East tanked the ten from A10x. Declarer finessed a nine-card two-way queen into West, knowing that if it lost West would switch. And he did. (c) Great work by the Panel. North could take extra time, but because he had the right to think didn't mean that UI was ruled out. Apparently South didn't claim that North played a suit-preference ♥4, which would have made things a lot trickier.”

L. Cohen: “Had declarer played to trick one in 0 seconds and North in 9-10 seconds, I'd let South do whatever he wanted at trick three. With the actual (well-described) tempos, I think that even a dead man would know that North had the ♠A. Accordingly, I would not allow South's defense.”

Rigal: “Another fine decision by the Panel. Well done. All the right questions and the right answers. The table ruling here is rather surprising, frankly. The point about the ♣K shift as opposed to a low one at trick three is apposite.”

Allison: “There could be only one reason for a 30-second pause by North before playing to trick one and South flagrantly took advantage of it. The Director got it wrong. The only thing I would do differently here is to assess a PP to N/S for that flagrant action as a deterrent to continuing in their wicked ways.”

✍ Hmm, I guess North couldn't possibly have been thinking about how many HCP declarer had for his third-seat opener (given South's 1NT bid), or whether N/S could make some contract their way and how many tricks they would have to defeat 2♠ undoubled to obtain a reasonable result, or even whether he should split his spade honors if declarer later on led a trump from dummy...or could he?

Polisner: “At last we deal with the right of third hand to think before playing to trick one—but not for too long. How long is too long? Could North think when he holds J102 at trick one and be subject to a 73F2 adjustment when declarer goes wrong with AKx? I guess Directors and Panels are required to divine whether the BIT relates to the trick in question, or the whole hand. Not an easy job.”

✍ As Jeff indicates, this sort of situation can be quite difficult and, as in his example, it can sometimes turn out to be a double-edged sword. I’d venture to say that without the smoking gun of South’s ♣K play there wouldn’t be much justification for a score adjustment.

R. Cohen: “If there were in fact two 30-second BITs, the ruling seems hard to understand. Was consultation sought for the ruling? A very competent performance by the Panel, enforcing Law 73F1.”

✍ Would it really be so surprising if the table ruling were based on the perceived need to protect third-hand’s right to think at trick one from declarer’s improper quick play from dummy?

Stevenson: “Players have a right to think about the hand at trick one without conclusions being drawn. Declarers are recommended to pause for a reasonable time before playing from dummy. Once they have done so they have also provided time for the defense to consider the hand as well. Unfortunately, some declarers play too quickly from dummy at trick one. When this happens, the next player should take his time and think for a reasonable time whatever his holding in the suit led. He does not need to make a disclaimer. But what constitutes a reasonable time? The agreed 30 seconds sounds rather longer than normal, so I would not challenge the Panel’s view that in this case there appeared to be UI.”

Wildavsky: “I don’t think the table ruling was terrible but I agree with the Panel. I like the way they approached the problem.”

Bramley: “Good investigation. Good decision.”

Wolff: “Tough, but probably correct. Perhaps North should reason that the ♠10 is correct (if South has the king-jack) but partner may be caught in an ethical bind if declarer has the jack. Some players think that way but refuse to take the worst of it. Instead they want the opponents to take the worst of it and our laws say that should not happen.”

✍ Sure, he hides behind the laws when it suits him.

The next two panelists disagree with the Panel’s decision, albeit for very different reasons. The first thinks South had plenty of AI on which to base his trick-three play.

Goldsmith: “I think the bridge logic was wrong here. From South’s perspective, if declarer had ♣AJ4, would he not at least consider playing the ♣9 from dummy at trick one? There’s some inference from declarer’s fast play, therefore, that declarer didn’t have that holding. Could he have had the ♣AJ tight? If so, why would partner have played the ♠10 from ♣10642? That could only be right if declarer had ♣A8, which also is counter-indicated by declarer’s fast play to trick one. He’d at least consider playing the ♣Q. I think South had enough AI to work out where the ♣A was.

“South played the ♣K because he didn’t want to be on lead after the third round of clubs. I don’t buy that argument either.

“That doesn’t mean there wasn’t UI. There might well have been, but as a rule, I believe each player should have reasonable time to think after the dummy hits before he has to play a single card. So unless a situation were very striking, I don’t believe we ought ever to decide that hesitations there constitute UI. As a result, sometimes defenders will be able to abuse UI, but to choose the alternate judgment is to punish too many innocents, so this is the better choice.

“I would have given E/W an AWMW to boot. Declarer doesn’t get to fast play at trick one and then ask for redress for reasonably slow play by a defender immediately thereafter.”

✍ Jeff’s analysis is technically sound, but if any of that had been part of South’s thinking shouldn’t he have reproduced it for the Director—or at least for the Panel at the hearing? But from South’s actual comments and his ♣K play it must have seemed clear to the Panel that none of that went through his mind at any time.

The final panelist disagrees only with the size of the score adjustment for E/W, and makes a point that should at least have been considered—even if ultimately rejected.

Passell: “I think +140 is too much for E/W. I agree with the assessment that South would switch to the ♦A unless they could convince me that North would give suit preference with his heart play (not likely at the experience level of the players). But upon seeing the low diamond from partner, wouldn’t he go back to clubs? Plus 110 seems an adequate adjustment to me.”

✍ Okay, suppose South shifts to the ♦A and North plays low (the ♦6). East drops the ♦9 (or ♦5) and North’s six looks high, as if he started with ♦K653 and East with ♦987 (or North with ♦K63 and East with ♦9875). So wouldn’t South continue a diamond? But even if South could work out to shift back to clubs, his ♦A only blew one trick. N/S would still take two spades, one heart, one diamond and two clubs for down one, +50 for N/S, not –110.

This type of situation is tricky, and Jeff Polisner’s example illustrates just one of the many pitfalls that await those who would deny third hand the right to think at trick one without presumption of UI. But as I mentioned earlier, partners have the opportunity to acquire a good sense of one another’s tempos, and it is easy to take advantage of a partner who normally does not plan ahead much at trick one and who suddenly takes time in a situation like this one. So the opening leader must have bridge reasons for any subsequent plays which could have been suggested by his partner’s trick-one tempo. (But any reasonable bridge justification should, I believe, be accepted. It should take the sort of smoking gun we see here to deny the opening leader’s subsequent play and adjust the score.) Thus, given South’s failure to provide a credible bridge basis for his ♣K play at trick three, I agree with the Panel’s decision to adjust the score to reciprocal 140s. But it’s close, *very* close.

And finally, the fact that the opening leader is obliged not to take advantage of his partner’s tempo at trick one (Law 73F1) does not mean that declarer can draw inferences from third hand’s trick-one tempo and then expect to be protected if he is wrong. Declarer still draws inferences at his own risk (Law 73D1).

CASE EIGHT

Subject (Tempo): His BoD-Given Rights
Event: Red Ribbon Pairs, 13 Mar 03, First Qualifying Session

Bd: 1	♠ A105		
Dlr: North	♥ 7		
Vul: None	♦ AQJ9643		
	♣ 109		
♠ 632		♠ J	
♥ K10986		♥ AQJ432	
♦ K		♦ 10872	
♣ QJ54		♣ A2	
	♠ KQ9874		
	♥ 5		
	♦ 5		
	♣ K8763		
WEST	NORTH	EAST	SOUTH
	1♦	1♥	1♠
2♠	Dbl(1)	3♥	4♠
Pass(2)	Pass	5♥	All Pass
(1) Alerted; three-card spade support			
(2) BIT; E/W: 6 sec; N/S: 10-15 sec			

The Facts: 5♥ went down one, +50 for N/S. The opening lead was not recorded. The Director was called after the 5♥ bid. N/S said that West had broken tempo after the 4♠ bid and muttered “hmm” before passing. N/S estimated that the pause was 10-15 seconds. E/W agreed to a BIT but estimated it at about 6 seconds. The Director ruled that an unmistakable hesitation had occurred which demonstrably suggested the 5♥ bid and that pass was an LA (Law 16A). The score was changed to 4♠ made five, +450 for N/S.

The Appeal: E/W appealed the Director’s ruling. The players all confirmed what they had told the table Director regarding the length of the pause: N/S characterized it as 10-15 seconds, West as 6 seconds, and East agreed it was “in that range” [6 seconds—*Ed.*]. West said that N/S told the table Director at the table that it was a “slight hesitation.” West asked about the Alert of the double of 2♠ and the above time estimates all relate to the time taken *after* the question was answered. E/W said that 2♠ had shown a limit raise or better and West agreed that she had been considering her options during the pause. East agreed that his 3♥ bid could have ended the auction but after the opponents bid 4♠ he thought they would make it. He intended 5♥ as a sacrifice and did not see pass as an option. South told the Reviewer he did not use the Stop Card before bidding 4♠ and said that he never uses it since he is afraid he will forget to always use it. N/S described a “hmm” sound by West while she was thinking over the 4♠ bid. N/S argued that the decision over 4♠ should belong to West given the limit-raise-or-better explanation of 2♠, the 3♥ bid by East and the fact West’s pause afforded East an advantage in solving the problem.

The Panel Decision: The Panel was not convinced by the players’ statements that an unmistakable hesitation as defined by Law 16 had occurred. West was entitled by regulation to think for approximately 10 seconds after a Skip Bid even if the Stop Card was not used, and West’s pause appeared to be in the prescribed range. The “hmm” that West uttered was not afforded much weight as UI since a player in that position is expected to give the appearance of thinking anyway. Since the Panel determined that no UI existed East was free to act as he saw fit. The table result of 5♥ down one, +50 for N/S, was restored.

DIC of Event: Millard Nachtwey
Panel: Matt Smith (Reviewer), Mike Flader, Peter Marcus
Players consulted: none reported

✍ Most panelists support the Panel’s decision, although some are convinced that East may have acted on UI but is protected in this situation by the laws.

Allison: “With or without a Skip Bid warning, West was within the range of ‘about 10 seconds’ for her bid. She should be cautioned about humming, talking or making other noises (if indeed she did that) but I don’t believe she hesitated longer than her entitlement. I have concerns about players who do not use Skip Bid warnings and then complain about hesitations. When this happens, the hesitations they complain about really should be bell ringers.”

Bramley: “Please call them ‘hesitations.’ They don’t become BITs until a Director or a Committee judges so. I agree that up to 10 seconds, or even slightly longer, is acceptable here. Remember that at West’s turn to call there was an unexplained Alert about which she had not yet had a chance to inquire. Even though she took time after her question, we must assume that some of that time was spent in assimilating the answer as it applied to the whole auction.”

L. Cohen: “My table feel from afar tells me that West was just slow enough to convey a desire to bid 5♥, but not slow enough to be deemed a BIT by the letter of the law. So, East can do whatever he wants.”

R. Cohen: “Again the Panel did a competent job. The only matter left undone was that West’s ‘hmm’ should have been reported to the Recorder. This is the best way to make a permanent record of these actions (sounds?).”

Polisner: “Excellent Panel decision in allowing West 10 seconds to call whether the Stop Card was used or not. Since the fact finder determined no BIT, table result stands.”

Goldsmith: “The Panel got it right. If West really did say, ‘hmm,’ that’s acting beyond the pale of what’s expected with respect to Skip Bid hesitations. It’s existence was not established, so we can’t go anywhere from there. Despite that, I think East acted on UI (the auction doesn’t make sense otherwise), but the rules cover him. Our current Skip Bid rules, while sensible in theory, do not work in practice. Many players refuse to use the Stop Card. Some use it only when they are preempting. Very many players refuse to comply with the required 10-second pause. Many of those simply claim they hesitated when, in fact, they did not. If a player has a problem, much of the time, even though he doesn’t take 10 seconds, it is obvious; he behaves very differently from when he doesn’t have one. Given players’ poor compliance with the Skip Bid rules, I don’t see a solution.

“Anecdotally, I remember a very egregious case. I placed the Stop Card on the table in a tempo-sensitive auction. LHO acted instantly, in well under a second. I gently said, ‘I guess we need to call the Director.’ LHO screamed at me, loud enough that everyone in the room heard her, ‘I waited 10 seconds, and if you say otherwise you are a *&*& liar.’ ‘No, ma’am, I’m not claiming we need to call the Director because you acted too quickly. We need to call the Director because you have bid out of turn. You see, I have not bid yet.’”

✍ Hmm. That sounds suspiciously apocryphal to me.

Jeff’s right, though: the Skip Bid procedure is broken. Some of us would like to see the WBF’s procedure (also used in Europe; see the next panelist’s comment) for using the Stop Card adopted

by the ACBL. In that procedure, the Skip Bidder is required to use the Stop Card (there's no penalty if he doesn't but he may not then complain about the tempo) and does so by placing it on the table in front of him before he makes his bid and leaving it there for about 10 seconds, then returning it to his bid box. The next player may not bid until it is returned to the bid box. In this way, if the Stop Card is still on the table when the next player makes his call it is easier for the Director to determine that the next player bid too quickly. This procedure also makes it easier to determine whether the next player has taken longer than 10 seconds to make his call since the removal of the Stop Card is an objective reference point for determining when the appropriate amount of time (or at least one opponent's idea of it) has elapsed.

Of course nothing is perfect. Even using the WBF procedure, if the Skip Bidder removes the Stop Card very quickly (but claims it was there for 10 seconds) the next player will not be afforded enough UI-free time to consider his action. Also, the next player may bid as soon as RHO starts to reach to pick up his Stop Card from the table or he may wait until it is completely back in the bid box. He can stare off into space, look up at the ceiling, count under his breath or in any number of other ways make it clear that he is not really occupied with thinking about his action—all of which would be highly improper and an infraction. (Of course this can also happen with the ACBL's present procedure.) And of course some players will resent being "controlled" by their opponents every time a Skip Bid is made.

Stevenson: "The regulations over Skip Bids in North America have somewhat diverged from European usage, since the use of the Stop Card is not mandatory in North America and the side making the Skip Bid does not regulate the length of the pause. While I would not go so far as to say that the North American approach is wrong, I do feel that at the very least it could be reviewed.

"It is very strange to have a regulation covering using a Stop Card and then make it optional. Actually, the regulation does not read as though it is optional, but I have been assured by ACBL officials that it is. The general effect of this is that in European tournaments most players follow the regulations over Skip Bids: while when I have played in North America, the pause over a Skip Bid is far rarer."

✍ An excellent argument for adopting the WBF/European usage.

Rigal: "I'm happy that the Director ruled the way he did initially and that the failure to use the Stop Card resulted in the offenders getting the worst of it. That said, it is rather tough to work out how long West actually paused (6 seconds or 6 seconds after the mandatory 10 seconds). We should clean up our appellants' acts here. I agree with the Panel, even if I can't help feeling that West's song and dance should be recorded somewhere. Too late for that now."

Passell: "Wishy-washy to say the least. The Director ruled a BIT occurred, the Panel decided a BIT did not occur. No players were consulted? Why was no one asked whether they would bid 5♥?"

✍ Because with no BIT the popularity of East's 5♥ bid became irrelevant. It's certainly not unusual for a player to walk the dog in competition, willing to defend a partscore but intending to save if the opponents bid game (and partner doesn't double). Whether East's strategy was a popular one on this hand is irrelevant if there is no UI to constrain his course of action.

The next two panelists believe East had UI and consequently his 5♥ bid should have been disallowed (as was done at the table).

Wildavsky: "Hmm. I could argue this either way. South didn't use the Stop Card and then complained that his LHO took the required 10 seconds before making her call? Outrageous! Or, West gave a

vocal indication that she had a problem deciding on her call? Outrageous! I'd let the cards resolve the conflict. West's hand indicates to me that she thought she had a problem over 4♥, and so I am convinced that she made UI available to her partner, one way or another. East's options were therefore constrained. Pass was an LA, the UI suggested bidding, so East was obliged to pass.

"The Panel went seriously wrong when they decided that the 'Hmm' merely reinforced the message of the enforced pause. Hesitations are legal, vocalizations are not. West is required not to indicate that she has a problem, but to give no indication as to whether or not she has a problem. To look at it another way, N/S could validly infer from the 'Hmm' that West had a problem. If West in fact had none and N/S went wrong on account of that inference they would deserve, and usually receive, an adjusted score. Thus, West cannot afford her 'Hmm' unless she has a real problem. This is precisely the information to which East is not entitled."

✍ Adam's argument about West's "Hmm" seems strained to me. If he is right, then if a player in West's position feigns to study her hand when she really has nothing to think about she would be in the same situation as West here was when she vocalized. A player who is under a Skip Bid warning is required to pause and to give the appearance of considering their next action. Whether they stare at their cards, grab their chin and assume the position of Rodin's Thinker, or vocalize "Hmm" as they appear to ponder their next action all seems the same to me. Of course I am in no way arguing that West's vocalization was proper. I'm merely saying that to attach credibility to one aspect of a player's manner (humming) and not to another (staring intently at her cards, rubbing her chin, etc.) seems a stretch. West gave the appearance of thinking, and it's likely that she was thinking (from her hand as well as her manner), and that's precisely what she is was supposed to be doing during the 10-second pause. And there is no evidence that West took any more time than she was legally entitled to take.

Oh,, and one other thing. Say Adam is right and it's decided that West passed UI. Precisely what action did that UI suggest? West surely could have been thinking about doubling 4♠. After all, she had shown a good hand (a limit raise or better) and might hold near opening bid values in high-cards (she was not even a passed hand). She could also easily hold four spades and three or fewer hearts. So did West's (presumed) BIT demonstrably suggest that East's 5♥ would work out well? I am not convinced.

Gerard: "Is it okay if I stop being nice now? The Panel did the reverse of what management has asked Committees to do: it gave no credence to the Director's determination. This without even the benefit of expert input. Does it really think that the amount of time spent questioning North about the Alert wasn't relevant? What about the fact that West's obvious show of interest in the auction (question, pause for thought, 'hmm') passed information in a situation in which it would be routine to pass? Just tell me with a straight face that East didn't know West had a problem. Saying 'hmm' should have been afforded more weight since it is not sanctioned by the laws. There is the appearance of a problem and then there is the appearance of a *problem*, and in either case the emphasis on the amount of time elapsed is much too mechanical. The Panel needs to reacquaint itself with Law 16—unmistakable hesitation is only one example of a way in which UI can be made available. Others are 'a remark, a question,... special emphasis, tone,... mannerism or the like...' So put your watch away and stop counting to ten, just be more skeptical of East's auction and explanation next time. And try to consult on matters that require consultation, as the less distinguished Panel in CASE SEVEN did about the length of a hesitation.

"There, that felt good."

✍ I'm not convinced (see my previous comment) that West's

“*problem*” came in a situation where it would be routine to pass. As I just mentioned, West could hold near-opening-bid values in high-cards including fair defense against 4♣, so that combined with East’s two aces E/W would have an excellent shot at defeating 4♣ while still having three (or more) losers on offense. So I’m not convinced, considering all the forms of UI, that disallowing the 5♥ bid and adjusting the score is appropriate.

But whatever the Panel decided to do regarding the score, West surely deserved some instruction about her obligations after a Skip Bid and her inappropriate vocalization. I seriously doubt N/S made that up.

And now, for something completely different...

Wolff: “I’m really not quarreling with the Panel’s decision, but rather with our process and the disruption that any BIT may cause. When there is a potential BIT (as here) the opponents’ judgment would have to be influenced by it. Surely West, with three spades

(not two), a singleton ♦K in front of the diamond bidder, and five trumps should have thought about sacrificing. East, as well, has a good reason to sacrifice from his hand so E/W (to my mind) did nothing really wrong (I agree with the Panel). The problem is whether N/S should bid 5♣ or at least double 5♥ (on a finesse). My purpose in describing this is not to give an answer, but to get our group to think about what is involved. It seems that the hesitating side has both a possible UI advantage and also has possibly misled the opponents, depending upon what hesitator’s partner does. If he bids is he or is he not bidding on UI, which may cause the opponents’ judgment to change? Bottom line: Makes bridge a lesser game.”

✍ Once more Wolffie has managed to amaze me. I’m simply at a loss for words. That being said, I’ll cut my losses and move on. Next case.

CASE NINE

Subject (Tempo): They Were So Good I Just Had To Rebid Them
Event: Red Ribbon Pairs, 13 Mar 03, First Qualifying Session

Bd: 12	♠ A863		
Dlr: West	♥ K8		
Vul: N/S	♦ Q54		
	♣ A752		
♠ Q		♠ K72	
♥ Q942		♥ A7653	
♦ AJ102		♦ 86	
♣ Q964		♣ J83	
	♠ J10954		
	♥ J10		
	♦ K973		
	♣ K10		
WEST	NORTH	EAST	SOUTH
Pass	1♣	Pass	1♠
Dbl	2♠	3♥	Pass(1)
Pass	3♠	All Pass	
(1) Alleged BIT			

The Facts: 3♠ made three, +140 for N/S. The opening lead was a low heart. The Director was called after North bid 3♠ and told that South's pass had been slow. North said he did not notice any BIT and that South was always deliberate. The Director ruled that many if not most players would have bid 3♠ with the South hand, making it unlikely that he passed 3♥ in tempo. Since the UI from the slow pass made North's 3♠ bid more attractive, the contract was changed to 3♥ by East down one, +50 for N/S.

The Appeal: N/S appealed the Director's ruling. An effort was made to establish the tempo for South's pass of 3♥. North thought South took 6-8 seconds, South believed he took 5-7 seconds, East thought 10-15 seconds and West thought 8-10 seconds. In addition, North said he believed he always had a 3♠ bid; his 2♠ bid only suggested three spades since they did not play support redoubles. South said he liked his fifth spade but after thinking about the vulnerability passed. E/W believed that North had already bid his values and should pass.

The Panel Decision: The Panel concluded that an unmistakable hesitation had occurred (Law 16A) which made North's 3♠ bid more attractive. Several Red Ribbon players were consulted, three of whom passed saying they had already bid their hand and two of whom bid 3♠ but believed pass was an option. Three experts were also consulted, all of whom passed saying they had already bid the full value of their hand. Based on this input the Panel decided that the hesitation demonstrably suggested the 3♠ bid and that passing 3♥ was an LA for North. The contract was changed to 3♥. Two of the experts were consulted on the play in 3♥; both believed the contract should go down one. Therefore, the Panel assigned the result for 3♥ down one, +50 for N/S.

DIC of Event: Millard Nachtwey

Panel: Candy Kuschner (Reviewer), Terry Lavender, Matt Smith, Ken VanCleve

Players consulted: Peter Boyd, Shawn Quinn, Steve Robinson, five Red Ribbon players

✍ Not surprisingly, most panelists mention the obvious...

Bramley: "Fine except for the missing AWMW."

Polisner: "Routine. Should have resulted in an AWMW."

Allison: "The Panel did just fine except where was the merit?"

Goldsmith: "Good job, except for the failure to award N/S an AWMW. This one is so easy that even Flight B players should get it right."

Wildavsky: "I agree, but I find no merit in the appeal. The write-up does not suggest that they even discussed an AWMW. This must always be considered when the decision is the same as the Director's ruling."

Stevenson: "I wonder if we shall ever have a case where one of the players on the side that made the hesitation claim the length of time to be longer than the other side claims? This looks so completely standard that I wonder whether the appeal has merit."

Rigal: "South's admission that he thought of bidding 3♠ gives him slightly less than a zero percent case. This is as clear an AWMW as we've had in this book, given the Red Ribbon input. 3♥ down one seems more in point than down two."

✍ Barry's right about 3♥ being down only one (given that E/W are the non-offenders) in spite of E/W having six apparent losers. South leads a normal ♠J to North's ace and unless he shifts to a low club immediately N/S lose their club ruff. (East plays ♠K, ruffs a spade, ace and another trump and his third club either goes on a diamond or he can guess the doubleton ♣K with South as most of the high cards are already accounted for.) Surprisingly, no one else mentioned this.

L. Cohen: "This 'huddle' sounds a few seconds longer than the one in CASE EIGHT. In both instances, I'm willing to go with the Panel who were there; it is easier to get a read when you interview the participants. Once there was a BIT, we clearly can't allow North's 3♠ bid. So as to not disappoint anyone, I will just mention the words 'law of total tricks' and guess that at least one of my fellow panelists will elaborate."

✍ Ask and ye shall receive...

Gerard: "There were at least two total tricksters among the consultants, so either they committed an Intelligence Transfer ('my 2♠ bid showed four so I'm done now') or pass is really clear."

R. Cohen: "Director and Panel on the ball. Another proper application of Law 73F1."

Passell: "Good job by all, especially with the consultants."

✍ If anyone doubts that the appeal lacks merit, the following all-too-rare "hootchie" call should remove all doubt.

Wolff: "Clear-cut. North should not be allowed to bid 3♠ after the BIT. I don't see a semblance of an appeal so why not a hootchie for N/S—assuming there was a BIT."

CASE TEN

Subject (Tempo): Twist And Shout
Event: Red Ribbon Pairs, 13 Mar 03, Second Qualifying Session

Bd: 20	♠ A5		
Dlr: West	♥ A6532		
Vul: Both	♦ J95		
	♣ K64		
♠ K9864		♠ QJ103	
♥ 7		♥ 84	
♦ KQ8		♦ 107643	
♣ QJ107		♣ 93	
	♠ 72		
	♥ KQJ109		
	♦ A2		
	♣ A852		
WEST	NORTH	EAST	SOUTH
1♠	Pass	2♠	Pass(1)
Pass	3♥	Pass	Pass
3♠	Pass	Pass	4♥(1)
All Pass			
(1) BIT			

The Facts: 4♥ made four, +620 for N/S. The opening lead was the ♠Q. The Director was called after North's 3♥ bid. E/W said that South hesitated for 15-20 seconds and then passed 2♠, after which North balanced with a hand she did not think was good enough to overcall with the first time. South hesitated again after West's 3♠ bid came back around to her and then bid 4♥. The Director ruled that West's pass of 2♠ was based on an inference drawn from South's hesitation (he said he would have bid 3♠ as a blocking action had South passed in tempo but thought North would be barred), but Law 73D1 says that players draw such inferences at their own risk. Therefore, it was decided that pass was not an LA for North after 2♠-P-P; the table result was allowed to stand.

The Appeal: E/W appealed the Director's ruling; only North and West attended the hearing. West said that if South had passed 2♠ in tempo he would have bid 3♠ as a block against North balancing. He believed that with the hesitation (and fumbling with the bid box) North would be barred so he did not have to bid 3♠. North said her partner always bid slowly and deliberately though she did agree that South's pass over 2♠ was slower than some of her other calls. She did not bid 2♥ directly over 1♠ because her suit was not good enough, but in the balancing seat she knew her partner had some values and she did not want to sell out to 2♠.

The Panel Decision: The Panel decided that a BIT did occur by South over 2♠ which demonstrably suggested bidding by North. To determine whether passing with the North hand in the balancing seat was an LA the Panel interviewed twelve of North's peers from the Red Ribbon Pairs. Five said they would always bid 2♥ directly over 1♠ with the North hand but would pass in the balancing seat; three said they would not bid 2♥ directly and would not balance; four said they would not bid 2♥ directly but would have doubled in the balancing seat. Two experts were also consulted. One said that he could live with either a pass or a double of 1♠ with the North hand the first time but that if he passed he would reopen with a double. The second wanted to bid 2♥ the first time but when forced to pass said he would not reopen. Based on this input, the Panel determined that pass was an LA to balancing for North (Law 16) and the contract was changed to 2♠. The Panel determined that

there was a defense to beat 2♠, but when two Red Ribbon peers were consulted about the play neither found it. Therefore, they assigned the result for 2♠ made two, +110 for E/W.

DIC of Event: Millard Nachtwey

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

Players consulted: Eddie Lazarus, Danny Sprung, twelve Red Ribbon players

✍ The panelists adapted nicely to the diverse opinions displayed by the consultants as to whether to enter the auction with the North hand, and if so, when and how.

Allison: "Live and learn. It would never occur to me to pass 2♠ as North in balancing chair but here we have several players thinking it's normal. If that's the case at that level (and I have no reason to believe the Panel made it up), then pass is an LA for North and, indeed, E/W should play 2♠. I'm not sure what to make of the table ruling that West should bid 3♠ as a bar bid. If the players consulted had believed (as I do) that the North hand is a mandatory balance, then I would have no sympathy for West on the question of not bidding 3♠ thinking North would be barred: There is no barring a player from making an obligatory bid. Perhaps the Panel might have educated West on the question of 'barred' opponents."

✍ Unfortunately, there's a common misconception, especially among less-experienced players, that once a player hesitates his partner is barred. Indeed, we should seize upon every opportunity we get to disabuse them of that notion.

More support for educational activism...

Bramley: "Correct decision, but somebody should tell West that his assumption about North's obligation to pass is dead wrong. If you act on such an assumption you may be unable get recourse if things don't work out. West got lucky here."

L. Cohen: "Right decision, but allow me two small nitpicks. (1) Who cares about South's tempo for the 4♥ bid? It is completely irrelevant, yet mentioned twice. (2) 'North said her partner always bid slowly and deliberately...' I'm really tired of people making this claim. Can we create some term (other than self-serving) to describe this silliness?"

✍ Well, my all-time favorite TV lawyer (is that an oxymoron?) Perry Mason—personified in the form of Raymond Burr—called this sort of thing, "incompetent, irrelevant and immaterial." How's that?

R. Cohen: "Both here and in CASE NINE North said his partner was a deliberate bidder. Did the Panels ever ask the opponents about the respective Souths' tempos on the first board of the round? Invariably we hear, or see in the write-ups, this self-serving statement by slow bidding partners. Again Law 73F1 does the job."

✍ I'm sure he means 'incompetent, irrelevant and immaterial' rather than self-serving there.

Gerard: "Do you remember Edgar's article *R*A*T*S**? A thoughtful ruling by the Director. We've had this 'blocking' 3♠ argument before, and it remains uninformed and irrelevant. The Panel did well to focus on the substance of the issue. South should not be allowed to find the winning defense since without help he would almost always try to cash two hearts."

✍ Don't let the slack I cut you on CASE EIGHT go to your head.

And actually, it's North who's on lead against 2♠ and who would have to make the critical decision after (presumably) his ♠A holds at trick one, South contributing the king. A thoughtful (no *R*A*T*S**) ♠Q by South might get the crucial diamond shift.

Still, Ron is not alone in finding the table ruling lacking...

Rigal: "Excellent work by the Panel after a table ruling against the non-offenders which seems out of step, philosophically, with what we should be encouraging Directors to do. As to letting 2♠ make; live by the Red Ribbon, die by it too. The diamond ruff is not that easy to get, but won't North lead one? South might play the ♥K next, but would South really continue the suit?"

✍ North might lead a diamond, but he also might lead the ♠A or the ♠A (to get a look at dummy, to help him decide what to do next). Surely we cannot allow him to make the most advantageous lead for his side (the offenders) when reasonable LAs exist.

Polisner: "How could they rule that pass is not an LA for North? Had the ruling been made correctly and N/S appealed, it would deserve an AWMW at a minimum."

✍ Not everyone feels the same way about the table ruling...

Passell: "Good job of research by the Panel. Such a close call. It is hard to blame the Director although he could have sought help."

Wildavsky: "The facts include a conclusion that does not follow from its premises. What West might have done has no effect on the LAs available to North. This was an excellent job by the Panel. I'd like to see the table Directors take such polls before making their rulings. [Here, here—*Ed.*] While we're here, look at that pass by South. All that is needed to make game is ace-fifth of hearts, a doubleton club, and any king. It appears that South was aware that his hesitation encouraged his partner to bid, and he assumed that his partner had already bid the values he'd shown by his hesitation.

The hand ought to be recorded."

✍ I'll inform the Recorder when I see him. I'm sure actions like South's pass are recorded all the time—especially by players at this level—so it'll be easy to pick up on this pattern. By the way, how's that bridge up your way I hear you bought recently?

Goldsmith: "Good job, Panel. This is exactly how the Panel system is supposed to work."

✍ One panelist seems to have gone well off the deep end here (gasp)...

Wolff: "N/S -110, E/W Average-Plus. N/S deserve their -110. However, because of West's balancing 3♠ bid in spite of his hand and his being at the table E/W should be reduced from a top to an Average-Plus (and lucky to get it). Justice, Justice, Justice. Let freedom ring!"

✍ ...while another is out of step on a couple of levels...

Stevenson: "West's reasons for not bidding 3♠ were based on a misunderstanding of the law; probably he had learnt 'If it hesitates, shoot it!' which has fortunately been discredited. Still, he was lucky. I would be very surprised at anyone not protecting with 12 points and a five-card suit."

✍ I'll assume David is referring to the popular saying rather than my article, whose title was obviously intended in an ironic—not an instructive—sense. As for David's view of what any North would do with his 12 points and five-card suit, he inexplicably disregards the input of nine of the fourteen consultants who said they would not balance even though some of them would have acted earlier in the auction.

CASE ELEVEN

Subject (Tempo): The Old “I Was Always Gonna Bid Game”
Ploy Strikes Again

Event: Stratified Open Pairs, 13 Mar 03, Second Session

Bd: 17	♠ Q1098		
Dlr: North	♥ J		
Vul: None	♦ A862		
	♣ KJ53		
♠ 75		♠ A3	
♥ Q653		♥ A10984	
♦ 94		♦ Q753	
♣ A10986		♣ 72	
	♠ KJ642		
	♥ K72		
	♦ KJ10		
	♣ Q4		
WEST	NORTH	EAST	SOUTH
	Pass	Pass	1♠
Pass	3♦(1)	Pass	3♠(2)
Pass	4♠	All Pass	
(1) Alerted; limit raise			
(2) 8-10 seconds (disputed)			

The Facts: 4♠ made four, +420 for N/S. The opening lead was the ♥5. E/W called the Director following the 4♠ bid and said that South had paused 8-10 seconds before bidding 3♠. This was disputed by N/S. The Director determined that North had at least one other call (a splinter) available to show a stronger spade raise. North said she always intended to bid game when she bid 3♦. The Director ruled that there had been a BIT which suggested the 4♠ bid and that pass was an LA for North. The contract was changed to 3♠ made four, +170 for N/S (Laws 73F and 12C2).

The Appeal: N/S appealed the Director’s ruling. West did not attend the hearing. In screening N/S disputed the alleged 8-10 second pause, contending that South’s 3♠ bid took him no longer than 5 seconds. At the hearing North said she was always going to bid game. When asked if she had any other raise methods over major-suit openings she said they played splinters. When asked why she did not splinter with 4♥ originally she said she thought 3♦ was the best description of her hand. N/S also said that over 3♦ they were supposed to cue-bid an ace if they had one. When asked why, given that agreement, South would then break tempo they said the BIT was disputed. East said South had paused prior to bidding 3♠ and estimated it at 8-10 seconds. He added that if 3♦ was invitational then passing 3♠ was an LA for North.

The Panel Decision: The Panel interviewed three of North’s peers to see if passing 3♠ was an LA. When given the auction without the UI two of them said they would pass while the third said he would always bid 4♠. When asked what they thought constituted a BIT they said that a 5-second pause would not qualify but that 10 seconds or longer would. The Panel decided that there had been a BIT (particularly in light of N/S’s stated methods over 3♦) and that passing 3♠ after a third-seat opening was an LA. The contract was changed to 3♠ made four, +170 for N/S.

DIC of Event: Doug Grove

Panel: Mike Flader (Reviewer), Patty Holmes, Matt Smith, Ken VanCleve, Gary Zeiger

Players consulted: Three players with about 3000 masterpoints

✍ Another “He said, she said” tempo case (shocking!) with a new twist: consulting about what constitutes a BIT.

Bramley: “Now we’re asking the peers how long is a BIT? I didn’t know that was in their jurisdiction. This decision is okay, but it’s hard to see what South was thinking about.”

✍ Since BITs are context sensitive, that makes them matters of bridge judgment and thus, I’d think, fair game for consultation.

Bart is not the only one to wonder what South could have been thinking about over 3♦. But that isn’t all that’s strange about this case...

Allison: “The agreement about bidding aces after a passed-hand limit raise seems bizarre. I will believe there was a BIT although I can’t imagine thinking over a limit raise with that uninteresting South hand. These folks are just full of self-serving arguments and I agree with the Panel that they should play 3♠. What was the merit in the appeal?”

✍ Karen is right: If 3♦ was only invitational it could not logically request a cue-bid (how does opener cue-bid an ace after 1♥-3♦ and still stay out of game when she has a bad hand?). That, combined with North’s self-serving and virtually non-responsive answer to the question of why she did not bid 4♥ if she was always going to bid game (what was there about the artificial 3♦ bid that was more descriptive of her hand than a heart splinter?) make the question about the appeal’s merit a good one. And Karen is not the only panelist to raise it—not by a long shot.

L. Cohen: “Good title. Yes, that was the ploy, and I don’t like it. I agree entirely with the Director and Panel but would have given an AWMW. Good point about the 4♥ splinter which clearly would have been more descriptive if North was always bidding game, anyway.”

Goldsmith: “Good job, except for the failure to award an AWMW. Again, this is so clear that even Flight B players should get it right, and the consulted players suggest that N/S were better than that.”

Gerard: “Where do people get these methods? If South was really supposed to cue-bid an ace, his problem could only relate to whether to bid 3♠ or 4♠. Nice to see that the Panel took input concerning a BIT, unlike in CASE EIGHT. I’m sure I didn’t get the full write-up since the part about an AWMW was left out of my materials.”

✍ Sorry, I’ll forward it to you—as soon as it comes in.

Polisner: “Another routine case. If North wanted to bid game, I assume that she could have bid 4♦ or 4♠ the round before. Where is the AWMW?”

Rigal: “Again, the Director and Panel seem to be doing a good job. Is this appropriate for an AWMW? Given the results from North’s peers I can live with not awarding one, but it is distinctly close.”

✍ One panelist suggests that an AWMW does not go far enough.

R. Cohen: “Apparently North had about 3000 MPs. In this case her 4♠ bid is reprehensible and warrants a PP. Only if N/S were a pair of non-LMs would I consider allowing the 4♠ bid. Who knows what information a hesitation at that level conveys?”

✍ I agree. An AWMW *and* a PP for North's flagrant 4♠ bid seem more appropriate to me.

Passell: "Good job. Clear decision once North did not splinter. All other comments, especially the forced cue-bid statement, became self-serving."

Stevenson: "Does anyone believe North? The trouble is that she has probably convinced herself by now. It is this sort of argument that has given 'self-serving' arguments such a bad name. I doubt that N/S are convinced even now that the ruling and decision were correct, which of course they were."

Treadwell: "To say one would always bid 4♠ with the North hand is going a bit far; hence with the BIT it cannot be allowed."

Wildavsky: "Excellent work by the Panel."

✍ And finally, the Wolff-man once again comes through with something completely different...

Wolff: "With a BIT North cannot bid 4♠. End of discussion. Can you ever see us penalizing N/S if South returned to 3♠ *in tempo* and North passed and 3♠ was the limit of the hand? Why do we even accept North's statement 'I was always going to bid it'?"

✍ Uh, maybe I'm missing something here but why would we wish to penalize N/S if South bid 3♠ *in tempo* and North *passed*?! And who said anyone *accepted* North's statement? We have to allow players to make whatever statements they wish in their own defense (that's inherent in any system that pretends, or aspires, to impart justice), but we're certainly not obliged to believe them. And it's clear from the table ruling, the Panel's decision and the above comments that no one does.

CASE TWELVE

Subject (Tempo): If Bidding 4NT Is Wrong I Don't Want To Be Right

Event: Open Pairs, 14 Mar 03, Second Session

Bd: 28	♠ KJ873		
Dlr: West	♥ J97		
Vul: N/S	♦ A7		
	♣ KJ2		
♠ 102		♠ ---	
♥ AQ8		♥ 1065432	
♦ KQJ932		♦ 86	
♣ AQ		♣ 109643	
	♠ AQ9654		
	♥ K		
	♦ 1054		
	♣ 875		
WEST	NORTH	EAST	SOUTH
1♦	1♠	Pass	4♠
Pass(1)	Pass	4NT	Pass
5♦	Dbl	5♥	Pass
Pass	Dbl	All Pass	
(1) BIT			

The Facts: 5♥ doubled made five, +650 for E/W. The opening lead was the ♠A. The Director was called after E/W left the table. N/S said that West hesitated and then passed over 4♠ (South did not use a Stop Card). West admitted to hesitating but did not know how long it had been. The Director ruled that East's 4NT bid would not be allowed and changed the contract to 4♠ made four, +620 for N/S (Law 73F1).

The Appeal: E/W appealed the Director's ruling and were the only players at the hearing. West admitted pausing over 4♠. He said that South had not used a Stop Card for his 4♠ bid but believed he had taken more than 10 seconds anyhow. E/W objected to N/S calling the Director after the round had ended. East thought his 4NT bid was clear-cut saying that letting the opponents play in 4♠ was "ridiculous." West didn't think his pause suggested one action over another.

The Panel Decision: The Panel sought opinion about whether East's balancing action was clear-cut. Three players in the 2000-5000 masterpoint range were consulted. All passed 4♠ saying that bidding was guessing and they weren't willing to guess at the five level. Five experts were also consulted. Three said that they were never bidding ("action is not clear"; "partner couldn't act—I'm done"; "I'm not guessing at the five level—I pass") while the other two said they would never sell out to 4♠ ("bidding is 100%, would never sell to 4♠"; "bidding is 100%, it can't be right to sell to 4♠"). Based on this input the Panel decided that pass was an LA to 4NT since all but two of the consultants' opinions favored passing. The Panel decided that there was UI which strongly suggested action, that pass was an LA for East and that N/S were damaged by the 4NT bid. The contract was therefore changed to 4♠ made four, +620 for N/S. One Panelist wished to award an AWMW to E/W but the other two believed that with two strong opinions from expert consultants that bidding was 100% and that pass could never be right the case did have some merit.

DIC of Event: Sol Weinstein

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

Players consulted: Tom Carmichael, Bobby Gookin, Steve Robinson, John Solodar, Haig Tchamich, three players with 2000-5000 masterpoints

✍ The panelists have varying opinions of the AWMW issue...

Allison: "I have nothing to add here. I think the reasoning for not issuing an AWMW is acceptable."

Passell: "Good job by all. The consulted players' input was very meaningful. Not giving an AWMW is also clear. I believe 4NT is a fairly clear choice, but I wouldn't allow it after a hesitation."

L. Cohen: "I'd have given the AWMW. How can anyone say it is automatic to bid 4NT with the East hand? Couldn't West be 4=2=5=2 or the like; a routine in-tempo pass over 4♠? The slow pass clearly showed interest and made 4NT demonstrably more likely to work. Whether or not a few loose canons think 4NT is automatic doesn't change the 'chain of logic' which goes: (1) Was there a BIT? Yes. (2) Did it demonstrably suggest East's 4NT bid? Yes. Case closed. No merit. Have a nice day, and collect your consolation prize on the way out."

✍ He forgot: "(3) Was pass by East an LA to 4NT? Yes." But we get the picture.

Hear ye, hear ye, the "hootchie" man approaches.

Wolff: "Regarding a hootchie for E/W, just because two 'experts' said that East has to bid, why does that warrant this East bidding after his partner's BIT? Mercy, mercy Mr. Percy, distribute the hootchie."

✍ Two panelists ratify the Panel's decision...

Stevenson: "Until we train players to follow the dictates of Law 73C there will always be a lot of unpleasantness on this type of hand. A player who understands his responsibilities under the law will never consider bidding at the five-level with no guaranteed fit when partner has indicated some interest in the auction."

Bramley: "Okay."

✍ Some panelists express concern about the exact timing of West's alleged BIT...

R. Cohen: "I am unhappy about this case, or maybe it's the write-up. Did the Director talk to E/W before ruling? Were both sides present at screening? Something seems omitted in the write-up. Was the so called BIT over the jump to 4♠ appreciably more than 10 seconds, West being required to at least huddle over the bid? None of this is clear. Directors and Panels must be cautious about adjusting scores in preemptive auctions (see also CASE THIRTEEN). Otherwise, all a player has to do is pose a problem for the opponents, and call the cops when an opponent takes a little extra time to solve it."

Wildavsky: "Look at the facts: 'N/S said that West hesitated and then passed over 4♠ (South did not use a Stop Card).' Kudos to West: He seems to have hesitated for about 10 seconds, as our regulations require him to. N/S intentionally refrained from using the Stop Card, they did not call the Director immediately after the hesitation, nor did they call after an unusual bid that could have been influenced by the alleged BIT, nor did they call at the end of the hand. As John Stossel would say, 'Give me a break!'"

"Look at the hand from East's perspective. He knows that the Stop Card should have been used and wasn't, and he knows his

partner hesitated for a while. How is he to judge whether or not he has UI? UI is transmitted by a deviation from standard procedure. South was the one who deviated from standard procedure. He does not lose his rights by doing so, but his rights will be more difficult to enforce. That's as it should be. I'd need a clear indication of a problem from West—say a hesitation of well over 15 seconds or a verbal cue as in CASE EIGHT—before concluding that UI was present.

“The write-up leaves much to be desired. How can a ruling be made without asking N/S how long the hesitation was? If the question was asked surely the answer must be indicated on the appeal form. [There's nothing on the appeal form about N/S being asked or volunteering how long they thought West paused over 4♣.—*Ed.*] Fact gathering doesn't get much more basic than this.

“Max Hardy had a great approach to determining the length of a hesitation. He would ask the players to demonstrate how long the hesitation had been. I once called for a Director after I'd used the Stop Card and my LHO passed quickly. I was lucky enough to get Max. LHO swore he'd hesitated for 10 seconds. Max asked him to demonstrate and had me pull out a bid. LHO waited 2 seconds and then put out a pass card.”

✍ ... and some express concern about the implications of the BIT (if indeed there was one)...

Goldsmith: “How much longer than 10 seconds? 12? 15? 20? Players generally do not have a good feel for how long they spend thinking. West's admission that he was thinking over 4♣ just means he had a problem. If he thought hard for 10 or 15 seconds and passed, he should be protected by the Skip Bid rule. If the answer to the first question is ‘enough that there was a clear BIT,’ then everyone got it right. I just wish it had been clearly stated whether the pause was in the 10-second range or far beyond it.

“Does the hesitation really demonstrably suggest action? A fast pass would strongly suggest action; that means West has a weak notrump, and East has both a reasonable chance of catching a fit and the knowledge that 4♣ is definitely making. But a slow pass—no, partner was most likely considering either doubling 4♣, which suggests that bidding on might be wrong because partner has a balanced 19-count and bidding converts a plus to a minus (but it might still be right to bid with all that negative defense) or partner has a slew of diamonds and was considering bidding 5♦, in which case a trump lead might make dummy nearly worthless.

“I don't really think a slow pass, if there was one, demonstrably suggests bidding over passing. If partner promised me he had 12-14 balanced, without four great spades, I think bidding would be completely automatic. That he doesn't have that hand can only make action more risky, not less. Result stands; the action taken wasn't demonstrably suggested by the UI.

“The appeal would have merit in either direction, regardless of the Director's ruling. The bridge judgment is far from obvious.”

Polisner: “My concern about this decision is the lack of analysis about whether the BIT demonstrably suggested bidding. Couldn't West have been considering a penalty double? If the BIT was ambiguous (I think it is more likely to be a possible penalty double than anything else), the East action has more risk of a poor result. Perhaps a double by West would not have been penalty. I need more facts. East took his life in his hands when he bid: West could have had a 4-1-6-2 hand or the like with a close penalty double which he chose not to make. I would have allowed the 4NT bid.”

Rigal: “I think the Director did the right thing but I do not think the Panel focused on the key issue here. What does a slow pass of 4♣ mean to you? To me it means either that partner has diamonds, in which case a sacrifice may be ill-judged since partner does not have clubs or hearts, or (and this is my guess) that partner most likely has a penalty double of 4♣ that he can't bid, since a double would be takeout. Accordingly, action by East is counter-indicated. Indeed, sacrificing in 5♥ is wrong double-dummy: 4♣ is down one and 5♥ also goes down on a club lead.”

✍ I may be missing something here, but how is 4♣ down one?

I'm drawn to a couple of statements West made, the first at the table (“West admitted to hesitating but did not know how long it had been”), the second at the hearing (“West admitted pausing over 4♣. He said that South had not used a Stop Card for his 4♣ bid but believed he [West] had taken more than 10 seconds anyhow”). Clearly West was entitled to take about 10 seconds to consider his action over 4♣ and South's failure to use a Stop Card did not help the situation. But here West admitted that he took longer than the normal 10 seconds (worrying about *how much* longer seems nit picking), so in my opinion there was a BIT. If you don't believe it, just look at his hand, with its semi-solid six-card diamond suit and 18 HCP.

But as Barry and both Jeffs so deftly point out, what does the BIT suggest? East's yarborough and spade void make it a good bet that West was considering doubling. (Why did no one ask what a double of 4♣ by West would have meant? Since E/W had 1500 and 800 masterpoints I'd bet it was undiscussed and would have been treated as penalty, in spite of Barry's assertion that it's takeout.) If I gave you two guesses about what West's BIT implied, you'd be right to guess that it showed diamonds *or* that it showed a good hand—West had both. And both made East's 4NT bid ill-advised.

So was there a BIT? Yes. Did it suggest bidding 4NT? No. Was passing 4♣ an LA for East? Yes (in fact, it was probably the demonstrably-suggested action)—but who cares? Once we answer no to the second question we're done. Table result stands.

CASE THIRTEEN

Subject (Tempo): Another "If It Hesitates, Shoot It"?
Event: NABC Open Swiss Teams, 15 Mar 03, First Qualifying Session

Bd: 31	Jordan Cohen		
Dlr: South	♠ K985		
Vul: N/S	♥ QJ1074		
	♦ 2		
	♣ J107		
Hal Hindman		Mark Cohen	
♠ J762		♠ Q104	
♥ 3		♥ 96	
♦ KJ10983		♦ 7654	
♣ A3		♣ 9654	
	Ralph Cohen		
	♠ A3		
	♥ AK852		
	♦ AQ		
	♣ KQ82		
WEST	NORTH	EAST	SOUTH
			2♣
4♦	Pass(1)	5♦	Dbl(2)
Pass	5NT(3)	Pass	6♥
All Pass			
(1) Alerted; shows values			
(2) BIT			
(3) Intended as showing at least two suits in which to play			

The Facts: 6♥ made six, +1430 for N/S. The Director was called after North bid 5NT. The Director ruled that the table result would stand because the BIT did not demonstrably suggest the 5NT bid.

The Appeal: E/W appealed the Director's ruling. Both sides agreed that South took at least 1 minute before doubling (E/W thought it might have been as long as 2 minutes). E/W argued that the BIT suggested pulling the double and that North had at best moderate playing strength and minimal controls, making pass an LA. N/S said that it would not be unusual for a 2♣ opener to take a minute to make his first rebid when it was forced to come at the five level. Also, the double did not clearly suggest North's selected 5NT bid. North's pass of 4♦ showed four or more HCP with at least an ace or a king. His 5NT bid was undiscussed, but was intended to suggest two or three suits in which to play.

The Committee Decision: The Committee decided that there had been a BIT which clearly suggested that South's hand was better for offense than if he had doubled in tempo. Although it would be normal for South to take more than the "usual" 5 seconds or so to select his call, given the level and the nature of the auction a pause of at least 1 minute was definitely a BIT which passed UI to North. Although the BIT did not specifically suggest the 5NT bid, it did suggest that a bid by North might be more successful than a pass. The Committee decided that North's suggested pull of the double could not be allowed, given the UI that was present. Therefore, the contract was changed to 5♦ doubled. In 5♦ North would almost surely lead a high heart and then probably continue the suit. Declarer would ruff and either try to guess which diamond to lead out of his hand or, alternatively, try to reach dummy in the spade suit. Regardless, he can not legitimately get to dummy to lead a diamond toward his hand and South would make his ♦Q in

addition to the ♦A, two top spades, one heart and one club for down four. The contract was changed to 5♦ doubled down four, +800 for N/S.

DIC of Event: Steve Bates
Committee: Doug Doub (chair), Dick Budd, Ed Lazarus, Howard Weinstein, Kit Woolsey

☞ Only seven more Cohens and we'd have a *minyán* (six if we count Larry). Papa Cohen *davens* first...

R. Cohen: "While I had a personal interest in this case, I believe I can judge the Committee's decision dispassionately. What UI did my BIT convey that was not available as AI from the 2♣ bid? Either pass or double would have shown a balanced hand. With a one-suiter, the suit could be bid at the five-level after partner's value-showing pass. The Directors got this right, the Committee got it wrong as did my partner by not bidding 5♥. We are making it impossible for players to think at the card table (see CASE TWELVE). I doubt that any member of the Committee would have bid over 5♦ any faster than I did. In fact, I know two who would have taken longer. Oh, well."

☞ Larry Cohen refuses to be counted for the service...

L. Cohen: "Shoot it. The Committee explains it perfectly. I agree 100%. The Director's ruling is completely wrong. He should have changed the contract to 5♦ doubled and made N/S appeal, and I'd have found zero merit."

☞ Our resident curmudgeon is predictably worked up over the plethora of Cohens, not to mention shootings...

Gerard: "Too many Cohens.

"This is almost the Malta case that the Editor got so worked up over. So let's stipulate that that case was wrongly decided. When you open with your big bid and next see the tray flash 6♠ on your right, you can be forgiven for taking extra time. The Committee's dictum in that case that you should just accept the situation and double in tempo isn't workable. Plus partner (the North equivalent), for his simple takeout over his RHO's preempt, was void in their suit, had ace-king-ten-nine-seventh in his suit and king-queen-third on the side. And he didn't really have a choice of levels. Barring a miraculous 6NT stab with his spade void (the winning call, by the way), it was either pass or grand slam.

"Apparently that memory is enough to crank up the old rhetoric linking hesitations with shootings. But since we've been instructed to act like adults, just maybe we can discern some differences between the two cases (the other one is on the European Bridge League web site, Appeal 6 from Malta).

"Sure South was entitled to think about it. I mean, you have a good news-bad news hand, there they are at 5♦ and your side has exchanged no specific information. An in-tempo double in this situation has to allow for the level of the auction and consideration of the alternatives. At least some part of the 1- or 2-minute hesitation was on the house.

"But that doesn't mean there was no such thing as a BIT. After the free time expired, whenever it was, the whole world knew South had a problem, especially since he had a relatively painless forcing pass choice available. In Malta, you could argue that there was no BIT because the big hand's decision involved the seven-level and you can take all the time you want to consider inviting a grand slam. Here there was a lot still in play. When South's double suggests not bidding one over game, that's a much stronger statement than if it had come two levels higher.

"So it did hesitate? The clear message was 'five-over-five is

really okay if you feel like it.' North's hand wasn't extreme enough to justify a takeout and it wouldn't even be safe to do so. Give South ♠AQ ♥AKxxx ♦KQ ♣KQxx and a singleton club beats 5♥ when 5♦ was going for 500 (maybe 800 if South was 2=4=2=5). Any bets on how long it would take South to double with that hand? North couldn't even claim the usual encouraging meaning of 5♥, since South's double should preclude any possibility of slam. In the face of all that, North forced to slam. To me that's blatant misuse of UI. Queen-jack-ten-fifth are trumps when partner has a sort-of-notrump hand. Suggesting two places to play would be wonderful opposite ♠AJxx ♥Kx ♦AQ ♣AKQxx. Suggesting three places to play would be just as wonderful opposite ♠AQJ ♥Kxxx ♦Ax ♣AKQx. If South had hesitated and bid 6♣ (why didn't he, by the way?), would you let North bid 6♥? Time to wind it up. South hesitated before issuing a clear warning about bidding on. North had a normal hand, but took the demonstrable suggestion of the hesitation to a new level when pass was an LA. Malta is a long way away and hard to get to. In answer to the subject question, I would say 'Yup, I'll go first.' The Committee was right on top of things."

✍ Most of the remaining panelists favor the "Shoot It" option, where I just happen to live as well (sorry to disappoint you, Ron). Many of them mention that a 1-minute huddle is just too long not to be considered telling. So in no particular order...

Allison: "Once there was an agreement that the pass over 4♦ showed values, then a pass over 5♦ would be forcing and I believe the double should show a hand much more suited to defense than offense. The extra length of the hesitation belied that meaning and I must agree with the Committee that the pull of the double cannot be allowed. If South doubled very quickly (within 3 seconds) should the Committee not make North bid on?"

Bramley: "Good analysis, good write-up. A healthy pause over 5♦ should be acceptable, up to about 20 seconds. However, a full minute is long enough to suggest doubt about defending. In particular, it suggests that South does not have a classic balanced pattern, and also that he is not missing two aces."

Wolff: "I agree that 1 minute is just too long and provides UI to partner. So I concur with the decision."

Goldsmith: "The Committee got it right. If South had passed, the slow pass wouldn't really suggest anything other than he didn't know what to do, which duplicates the AI from his actual choice. I wonder what it'd take to make a clear BIT here. A minute seems to be enough. 30 seconds, however, seems as if it ought not be a problem; maybe even a little more than that would be okay."

Stevenson: "Close, but enough players would consider a pass of 5♦ doubled, or even make it. A long hesitation by partner shows doubt so suggests bidding rather than passing. It does not matter that it does not actually suggest the bid found."

Wildavsky: "I don't understand the rationale given for the ruling. A slow double by its nature suggests doubt about defending, more

so when a pass would be forcing. I agree with the Committee's decision. Had the ruling gone the other way I don't think this one would have been appealed. Were we reluctant to adjust the score of the co-chair of the Laws Commission?"

Rigal: "Very strange ruling and unfortunate that it was made in favor of 'the establishment.' What else did a slow double suggest as opposed to 'bid' over 'pass'? Correct adjustment by the Committee."

Passell: "Another good job by the Committee. Did the Director consult anyone about whether the 1-2 minute huddle indicated 5NT would be a winner? Will they ever learn?"

✍ The only two panelists offering to help Papa Cohen with his *minyán* are no strangers to unpopular minority positions...

Treadwell: "E/W bid in order to give South a difficult decision at his second turn. They succeeded and should not have been surprised that a BIT occurred. North also knew his partner had a problem from the auction rather than from the BIT. North also knew that South did not hold many diamonds and probably did not hold a seven-card or longer suit to bid. Hence, his hand completely warrants taking some action rather than meekly passing. The Director got this one right but the Committee must have been sound asleep."

✍ I agree that *someone* must have been sound asleep.

Polisner: "What did the BIT show? Does the slow double suggest that South was unsure about his ability to beat 5♦ after having opened 2♣? I think not, especially when North had shown values. I really don't think that North possessed any UA which assisted his decision to bid. Table result stands."

✍ To paraphrase a panelist who shall remain nameless (Ron, in CASE EIGHT), "there are problems and then there are *problems*." South's hesitation made it clear that his problem was of the latter type, and since a pass would have been forcing that can only imply that his "penalty" double wasn't really as penalty-oriented as it might have been under the circumstances. Now the same huddle followed by a pass would not have been a problem since the BIT would have been redundant with the pass itself ("I'm not sure what to do. You decide"). And by a similar token a huddle followed by a bid would not have been a problem either since the bid would have been committal and it's unclear what the UI would suggest anyhow ("I wanted to bid one more" or "I'm stretching here"). But as with all slow penalty doubles (and this double was penalty, by definition), South's tempo suggested he was not too sure he wanted to defend 5♦ rather than that he was concerned about beating it (as Jeff Polisner suggests). Was this same information available from the auction, as Dave suggests? Hardly, since South could easily have passed with a less directional hand.

So the Committee was right to disallow 5♥ and roll back the contract to 5♦ doubled down four, -800 for N/S.

Now repeat after me. "*Baruch Atoch Adonai...*"

CASE FOURTEEN

Subject (Tempo): Who Do You Trust?

Event: NABC Open Swiss Teams, 15 Mar 03, First Qualifying Session

Bd: 31	Suzy Burger		
Dlr: South	♠ 5		
Vul: N/S	♥ A86		
	♦ AQ754		
	♣ 9873		
Andrea Buratti	Giorgio Duboin		
♠ AKQJ62	♠ 10874		
♥ J72	♥ 93		
♦ 62	♦ J108		
♣ 106	♣ Q542		
	Lynne Schaefer		
	♠ 93		
	♥ KQ1054		
	♦ K93		
	♣ AKJ		
WEST	NORTH	EAST	SOUTH
Pass	3NT	Pass	1NT(1)
Dbl	Rdbl(2)	Pass	4♥
All Pass			
(1) 14+-17 HCP			
(2) BIT			

The Facts: 4♥ made six, +680 for N/S. The opening lead was the ♠A. The Director was called following the 4♥ bid. Everyone agreed that there had been a significant BIT before the redouble. N/S were a 12-year partnership who expressed certainty that North's redouble showed doubt, although they could not document it with system notes. The Director ruled that the agreed BIT made pulling the redouble more attractive than it would have been otherwise. The contract was changed to 3NT redoubled down two, +1000 for E/W.

The Appeal: N/S appealed the Director's ruling. In addition to all four players, E/W's teammates also attended the hearing to assist with any language difficulties (E/W's English was limited). North said she hesitated because she was considering what call to make to run from 3NT doubled and not because she had any doubt about her partnership agreement for the redouble. N/S said they did not play redoubled contracts; their agreement on low-level suit redoubles were that they showed high cards and that a redouble of 1NT was for rescue. However, this agreement did not appear on N/S's CC. E/W pointed out that it was very strange that N/S would have an agreement that redouble showed doubt when they apparently did not have an agreement on how to show the type of hand North had in responding to 1NT.

The Committee Decision: The Committee questioned N/S about their agreements concerning redoubles and determined that many, but not all, partnerships with N/S's level of expertise play this type of redouble as doubt. The Committee also noted that this auction is highly unusual. One Committee member recounted having had discussions with North's husband about his treatment of redoubles that was consistent with the method N/S claimed to be playing. The Committee found this a very difficult decision, but believed that N/S did have a general agreement that redouble showed doubt in

these types of auctions. Accordingly, they decided that the UI from the BIT was the same as the AI conveyed by the redouble, and therefore South was free to bid 4♥. The Committee restored the table result of 4♥ made six, +480 for N/S.

Concurring Opinion (Richard Popper): Although I was part of the majority on this case, I believe that even if N/S did not have an agreement that redouble shows doubt, passing 3NT redoubled with South's hand is not an LA. A bridge player of West's very high standing could be doubling only with either a running spade suit, a semi-solid diamond suit missing the king but containing an outside ace, or with ♠KQJ(10?)x(x)x with an outside ace. Any such hand is likely to produce a large set in 3NT, while 4♥ rates to have some play and could quite possibly be cold. Mark Feldman also indicated that he believed it highly unlikely that South would pass an in-tempo redouble.

Dissenting Opinion (Chris Willenken; with Adam Wildavsky similarly): This Committee was unanimous in its belief that North's 2-minute huddle before redoubling demonstrably suggested that South run from 3NT. Passing an ambiguous redouble is inherently an LA to running because the redouble may have been intended as penalty. Therefore, unless the Committee found that N/S had an unambiguous agreement that redouble suggested running, the law compelled it to support the adjusted score assigned by the table Director. I object to the Committee's decision on two grounds. First, N/S made it clear that they had never discussed or encountered a similar auction in their 12 years of partnership experience. They claimed to have the understanding that redoubles of notrump were universally for rescue, but might there not have been some nagging doubt in South's mind as to whether that understanding applied to such an unfamiliar auction if North had redoubled in an auction-appropriate tempo? The UI made sure that South never had a moment's doubt about her partner's intentions on this hand. In cases where there is any ambiguity about agreements, pairs should not be allowed to benefit from poor tempo. Second, N/S offered no evidence to support their claim that their redoubles of notrump are always for rescue. It is true that N/S have 12 years of partnership experience, but I believe Committees start down a dangerous road when they accept unsubstantiated assertions as conclusive evidence of partnership agreements. If Committees make it a policy to always trust such assertions they open the door to much larceny. If Committees pick and choose whose uncorroborated assertions to accept, then their decisions effectively sort bridge players into two groups, those who are trustworthy and those who are not. Appeals Committees would be wise to avoid that scenario for a variety of reasons. Therefore, although I personally believed N/S in this case, I would hold them to a higher evidentiary standard.

DIC of Event: Steve Bates

Committee: Richard Popper (chair), Mark Bartusek, Mark Feldman, Adam Wildavsky, Chris Willenken

 To say this decision was difficult would be an understatement. The Committee members argued (literally) for hours over whether to accept N/S's undocumented claim that they played all redoubles as showing doubt. When one member noted that North's husband plays redoubles the same way this pair claimed to be playing them and that North learned her bridge from him, the discussion turned to whether such information should be accepted from a Committee member. We have traveled this same route before (CASE SEVEN from Kansas City, Summer 2001). As long as the information has been acquired coincidentally from past experience with the players, there is no reason why it cannot be considered (although it is up to each Committee to make its own judgment).

The decision about whether the evidence—that N/S played all redoubles to show doubt and that North was deciding *how* to run, not *whether* to run—was sufficiently convincing to allow South to pull turns out to be as difficult for our panelists as it was for the Committee. First, those who allow South to pull.

Allison: “In cases where there is any ambiguity about agreements, pairs should not be allowed to benefit from poor tempo.’ I agree in principle with this statement but I don’t think we should simply discount the statement made by an established pair when there is evidence that their statement is true. In this case, the evidence presented by a Committee member (along with my own knowledge that the treatment ‘redouble shows doubt’ is quite common among experts) would have been enough to persuade me to join the majority.”

L. Cohen: “I agree with the majority. Why should the tempo of the redouble indicate whether it is business or S.O.S.? Does a fast redouble mean business? Does a slow redouble mean S.O.S.? Why? I must be gullible and/or naive. Anyway, unless a pair specifically had an agreement that this redouble was business, then I’d think everyone would take it as S.O.S.”

Rigal: “The Director got it right. In cases of doubt leave it up the offenders to argue their case in Committee. Popper has also got it absolutely right. South’s own hand tells her that partner does not have a solid minor, so even if her side has one spade stop, there are not nine tricks to cash. Why would a world champion double unless he had the hand beaten? The 4♥ bid is a standout. I don’t agree with the dissent.”

Stevenson: “In a UI situation, to adjust there has to be an LA to the action taken. Is pass an LA? If redouble shows doubt then pass is not an LA. So it cannot be right to adjust the score if redouble shows doubt. But suppose redouble is to play. Now surely pass is an LA. If you believe in fairies and Father Christmas then I suppose so. What do you suppose West has for his double of 3NT? Does anyone really believe he has anything but solid spades? It was a pity that North’s redouble was slow but what does that show that South does not already know? There are only really two possibilities: either West is crazy or 4♥ is better than 3NT.”

Treadwell: “Even without discussion, I would, as South, interpret the redouble as expressing doubt, particularly when the double is made by an expert. Greed alone is not a sufficient reason to redouble at either matchpoints or IMPs; hence, it must suggest doubt. The Committee was on the ball with this decision.”

Passell: “How can the redouble be to play? N/S weren’t playing against novices. West’s double was such a bad bid, how could he ask for redress?”

Polisner: “A well-reasoned dissent; however, a better majority decision. What took North so long to redouble is a bit disturbing.”

✍ One panelist analyzes the implications of the BIT for West’s choice of action and comes to an interesting conclusion...

Goldsmith: “(1) Was there a hesitation? Yes. (2) Did it supply UI, and if so, what was it? I don’t know. Was North thinking about what redouble meant? Or did she have a tough decision between redouble and pass? (3) Did the UI suggest one action over another? If it was ‘I’m not sure what redouble means,’ then probably not. If it was ‘maybe I ought not show doubt,’ then it suggests passing over bidding. If the redouble was business and the pause was, ‘maybe I don’t have a penalty redouble,’ then it suggests bidding over passing, but bidding would be insane if partner even vaguely considered increasing the stakes, so I think we should discount

that. I don’t think the hesitation suggested the action chosen, nor was that action based on UI, so no adjustment should be made.”

✍ The write-up indicates that North said she was never passing the double; she was thinking about *how* to run (bidding 4NT for the minors; or maybe just bidding diamonds?), not *whether* to run. But it makes sense that North could have been thinking about several things for her BIT, including that she was worried that she should not be expressing doubt (or that she should not be piggy by redoubling for penalty and just accept the profit from the double), or that she was worried about the right way to run, or even that she was worried about what a redouble meant. In some ways this is like a player hesitating before making a natural, invitational raise. It’s not clear whether the alternative the player was considering was whether to sign off or whether to just bid game. So as long as there is significant doubt about what the BIT signifies, the UI does not demonstrably suggest one action over another and South can bid whatever she wants.

And now those panelists who side with the dissenters...

Wildavsky: “I’m still with the dissent. I ought to have tried harder to convince the majority. We were there literally for hours on what ought to have been a straightforward case. The point is that a South who was influenced by partner’s hesitation would have done what this South did. I believe that this South would have pulled an in-tempo redouble, but that’s not the issue. We ought to require evidence before making a ruling like this (see CASE SIX). I disagree with the concurring opinion. It amounts to saying, ‘Trust the opponents, not partner.’ In the absence of an agreement to the contrary partner’s redouble says that the opponents have made a mistake. In fact we know already that LHO has made a mistake. Either he’s doubled a cold contract or he’s given us a chance to turn a minus score into a plus score. Partner’s redouble tells us which mistake he’s made.”

✍ Adam clearly thinks the default interpretation for the redouble here is “business.” But that’s at odds with what Karen, Larry, both Davids, Mike and Jeff Polisner think the redouble means—and with the methods N/S said they were playing and which received some independent confirmation.

R. Cohen: “As honorable as N/S are, I don’t believe the Committee was correct in ignoring Law 73F1. South’s action (to which there were LAs) could demonstrably have been suggested over another by her partner’s tempo. I’m with the dissenters on this one.”

Gerard: “Chris Willenken and the Director are right, and everyone else knows it. Here’s the ‘evidence’ to the contrary, and the rebuttal:

“(1) North had no doubt that redouble was for rescue. Sure, that’s why it took forever, wasn’t on the card and wasn’t Altered.

“(2) North was only deciding how to run from 3NT, not what redouble meant. So North spent all that time dithering between redouble and 4♦?

“(3) Many expert partnerships play this ‘type of’ redouble shows doubt, even though the auction was unusual.

“Mine don’t. The ‘type of’ redouble is in direct seat by the 3NT bidder, not just any redouble of 3NT. If the auction was so unusual, how did the Committee determine what normal partnership tendencies are?

“(4) North’s husband apparently plays all redoubles for rescue. Try to say this with a straight face.

“(5) The Committee believed N/S’s agreement was as claimed. ‘Not good enough. Since it was admittedly a ‘difficult decision’, how clear could it be? Many non-lawyers struggle with the concept of burden of proof.

“(6) A player of West’s caliber could only have (a) running

spades, (b) semi-solid diamonds with an outside ace or (c) semi-solid spades with an outside ace. (a) Why would he double? Indeed, why did he double? (b) Why would he double? Why couldn't North have ♠KQx ♥AJ ♦xxxx ♣Q10xx? (c) Why would he double? Why couldn't North have ♠Ax ♥Axx ♦QJx ♣Qxxxx? Looking at South's hand, West's very high standing needs to be recalibrated when he doubles 3NT.

"(7) Mark Feldman believed that South wouldn't have passed an in-tempo redouble. Not relevant.

"I like E/W's comment on the auction: N/S were about to play a percentage slam in a no-play game yet they had the methods to run from 3NT doubled. Did E/W's teammates help them with their language difficulties or could they make themselves understood? Willenken isn't shy, so I can't imagine that he didn't express his disagreement during the proceedings. In that case, how did the rest of them not see the light? After reading his dissent, are they not now embarrassed? I would have been proud to have written this dissent."

✍ Regarding (1), North gave an explanation of her BIT which, while self-serving, was certainly plausible: she was considering *how* to run—not *whether* to run or what the redouble meant. As for (2), she said she was also considering bidding 4NT for the minors, and one person's "dither" is another person's problem. As for (3), the claim the Committee made was that many experts play that redoubles such as the one here show doubt (that it's common, not that it's universal). That Ron doesn't play it that way himself does not invalidate the claim; but that many of the other panelists do play it that way speaks for itself. Regarding (4), N/S explained that their agreement was: redoubles of low-level suit contracts show points, redoubles of notrump contracts show doubt. So the claim that North's husband plays "*all* redoubles for rescue" didn't really mean "*all*" in an absolute sense but rather "*all* high-level redoubles and redoubles of notrump contracts."

Regarding (5), why was it not good enough? Committees, like Directors, are authorized (even required) to make determinations (i.e., interpretations) of fact, as in what a certain bid means or what a pair's agreement is. In CASE FIFTY-EIGHT from Toronto, Ron chaired a Committee which made this same type of determination. A player explained a bid made by his partner that was not covered in their system notes. The Committee decided that the player had given an "inferential explanation" of the bid based on what they called "logical assumptions." Because the Toronto write-up didn't say the Committee "believed" the player's explanation (it simply said the explanation was logical) were they on more solid ground than the Committee here? Hardly. The Committee here heard all the facts (some of which were hearsay, but they were entitled to consider such evidence and attach whatever weight they choose to it) and decided that N/S's agreements were as they claimed. We may disagree with their conclusion and explain why we think they should have reached a different one, but "not good enough" seems pretty unfair, as is slighting their judgment as being inferior to a lawyer's more refined notion of "burden of proof." Committees are not required to take law classes and their judgments are not bound by the *legal* notion of "burden of proof." Committees are supposed to decide issues of fact (what was a pair's agreement) using a "preponderance of the evidence" standard, which means, simply, that they are to accept the version of the facts that they judge more likely to be true (*ACBL Handbook for Appeals Committees*, section III-H.). This often boils down to taking a vote—majority wins. And that's precisely what was (eventually) done here.

Regarding (6), West *did* have running spades and *did* double 3NT. Maybe he thought he had a couple of fish on the hook and could get away with it, who knows? (To E/W this was a random Swiss Team event being run opposite the Vanderbilt—even though

it had a NABC rating). Who cares? E/W's record in international as well as ACBL competition speaks for itself.

I was in the room for the entire deliberations and the other Committee members understood the dissenter's objections to the eventual decision quite well (they were certainly reiterated often enough during the hours of deliberation). But the issue was fairly simple: accept one set of facts (N/S's statement that their redoubles in auctions involving notrump contracts show doubt; that North's husband has this same philosophy, lending credence to this claim; that North was considering how to run from 3NT doubled—*not* whether to run or what a redouble would mean) or a second set of fact (that N/S had no documentation of their redouble agreements in their notes, and thus treat their statement as entirely self-serving and attach little weight to it). The Committee majority decided to attach sufficient credibility to N/S's statements to allow South to bid 4♥. Maybe they were wrong, but I see no reason why anyone should be embarrassed here. This was a very difficult case.

Wolff: "Wonderful case. I was in the process of being convinced that the Committee decided correctly in allowing the runoff until Chris Willenken presented his dissenting opinion. What I would like to achieve is that when North broke tempo she should realize that her partner will be disadvantaged if she now redoubles, so she needs to take a view herself (run to 4♦ or 5♦ or perhaps 4NT). After studying, a pass would be similar to the redouble and bar a runoff. However, I would not be happy under these circumstances to allow E/W to score up 1000, rewarding West for a greedy action. Greed in itself is okay but in this case the opponents did run, so E/W should pay the price against the field. To me the perfect result would be, because it happened in the NABC Swiss Teams (a Victory Point event), -680 for E/W and +680 for N/S, but a 2-VP penalty to N/S for taking advantage of UI after a BIT. I want to emphasize Chris' brilliant summation: 'In cases where there is any ambiguity about agreements, pairs should not be allowed to benefit from poor tempo.'"

✍ The suggestion of a PP seems wrong-minded to me (as usual). As Jeff Goldsmith pointed out, it is quite possible that North's BIT provided no useful UI to South since it could have been due to any number of different considerations on North's part. PPs should be reserved for punishing flagrant acts, which this surely wasn't.

Finally, one panelist recommends a middle-of-the-road course.

Bramley: "Tough case. Both sides present cogent and well-written arguments. My own experience with doubles by the opening leader is that it's always right to run, and I'm sure I have plenty of company. It is galling to let West escape the consequences of his piggish double. But let's flip the argument. Because everyone knows to run, N/S should have been able figure it out without a tempo assist. I like a split decision here. UI was present that suggested running, and pass was (barely) an LA. For N/S I would assign the most unfavorable result that was at all probable, 3NT redoubled down two, -1000. For E/W I deem this outcome not likely enough. For them the most favorable likely result (in the absence of UI) was the table result, 4♥ made six, -680."

✍ I respect the arguments of the dissenter and his supporters. In a very close decision, I (slightly) favor the Committee's decision, though certainly not as a refutation of the philosophy the dissenter espoused. Each case must be decided on its own merits. Just because N/S were unable to document their agreement does not mean we cannot accept their statement if we have good reason to do so, such as on plausibility grounds or based on independent corroboration, as here. I would allow the table result to stand.

CASE FIFTEEN

Subject (Tempo): But My Strategy Works

Event: North American Pairs, Flight C, 15 Mar 03, First Qualifying Session

Bd: 11	♠ Q98		
Dlr: South	♥ 1095		
Vul: None	♦ J763		
	♣ Q98		
♠ A753		♠ J10	
♥ J87		♥ KQ642	
♦ K102		♦ 94	
♣ AJ4		♣ 10765	
	♠ K642		
	♥ A3		
	♦ AQ85		
	♣ K32		
WEST	NORTH	EAST	SOUTH
			INT(1)
Pass	Pass	Pass(2)	
(1) 15-17 HCP			
(2) Acknowledged BIT			

The Facts: 1NT went down one, +50 for E/W. The opening lead was the ♥J. The Director was called at the end of the play. East agreed that he hesitated unmistakably before his final pass saying he was considering bidding 2♥ (hearts and a minor); by agreement a double would show a one-suiter. The Director ruled that the BIT suggested a heart lead and that a spade lead was an LA (Law 16A). The score was adjusted to 1NT made one, +90 for N/S.

The Appeal: E/W appealed the Director's ruling. East agreed that he had hesitated noticeably while trying to work out how many points West might hold and what results were likely if he bid 2♥ (showing hearts and a minor). West said they led fourth best and top of nothing at notrump. When asked why he didn't lead from his four-card suit he said he had poor cards in the spade suit, a couple of entries and wanted to hit his partner's suit. After discussing the idea of leading from length and having those entries to hopefully enjoy the cards thus established he said he understood the premise. West was asked if he noticed East's BIT in the passout seat and he said yes. When asked why he led a heart he said he was hoping to "hit" partner. When asked if he understood the UI issue he said he thought it only applied in competitive auctions. (The Reviewer educated him about his misconception, explaining that his partner's slow pass showed a desire to bid, was UI to him, and that it was incorrect for him to use that information. He indicated that he still wished to proceed with the appeal and have experts polled as to what their lead would be.) North thought the ♥J was a very creative lead. South took issue with the lead saying he thought it was suggested by the BIT and that since West held two of the top five honors in the minors and only one in hearts, the BIT was likely to suggest a heart lead because it was unlikely that someone would have a problem and want to bid with a weak suit.

The Panel Decision: The Panel polled eight of West's peers on their opening lead against 1NT. All led their fourth best spade. In addition, three experts were also polled: One led the ♦2; the other two both led a spade. When asked "what if partner broke tempo in passout seat" the peers and experts all said either that they would not change their lead or that they could not analyze what to lead based on that information. The Panel agreed with the consultants

that the BIT did not demonstrably suggest a heart lead over others. In spite of that, the Panel judged that West's own words in screening indicated that *he* believed his partner's hesitation suggested a heart lead. Therefore, they decided that the UI demonstrably suggested a heart lead as per Law 16A. Next the play of the hand needed to be assessed. Two experts were consulted on how the play might go after a lead of the ♠3; they agreed that 1NT was likely to make one. (South wins the opening spade lead and attacks diamonds. West wins and continues spades. South wins the queen, cashes two diamonds and knocks out the ♣A. West cashes two spades and leads a heart and South ends up with two spades, one heart, three diamonds and one club. Thus, the result for 1NT made one, +90 for N/S, was assigned. The Panel saw no connection between the results of the poll, where no one chose a heart lead when informed of the BIT, and the statement by West that he led a heart trying to "hit" his partner (because he knew he wanted to bid). Since this action is unauthorized and E/W had been told this in screening, they were each assessed an AWMW.

DIC of Event: Matt Smith

Panel: Patty Holmes (Reviewer), Candy Kuschner, Ken VanCleve
Players consulted: Jade Barrett, Marc Jacobus, Hemant Lall, Michael Seamon, Dave Treadwell, eight Flight C players

✍ I find the logic in The Panel Decision a bit obscure where it says, "The Panel agreed with the consultants that the BIT did not demonstrably suggest a heart lead over others. In spite of that, the Panel...decided that the UI demonstrably suggested a heart lead." More to the point, since East was unlikely to hold spades what the BIT suggested was a *non-spade* lead, and any non-spade lead that happened to hit partner would be just as unacceptable as any other. But never fear, Ron is right on top of it...

Gerard: "It's right there in front of your nose, just like in The Purloined Letter. The poll established a spade as the only logical lead. Although East couldn't know it, the hesitation almost certainly suggested a non-spade lead (only 4 out of 10 one- or two-suiters involve spades, but the cases are not equal when there is almost no chance that East holds five spades). Furthermore, to this West the hesitation did suggest a non-spade lead. The choice of non-spade was irrelevant. South's analysis of the non-spade alternatives was cogent, but it didn't matter. Once the poll produced near unanimity for a spade lead, the attempt to determine a demonstrable suggestion for the BIT was unnecessary. If West had hit partner by leading the ♦2, that would have been no better.

"The play analysis was incomplete. By the time West wins the ♦K he should know to switch to a heart. Whether he would in Flight C is a function of how the peers would defend, not the experts. Since the peers were available for polling, they should have been split into two groups: half as East to be asked what they would throw on the third diamond and half as West to ask how they would defend after: spade lead, ace and a diamond, third diamond with the ♣5 discard (or premature ♦K with no discard). If there was more than one wrong answer 1NT was likely to make one, because the success rate for cooperative defense would be no greater than 9/16. I think that would have happened, but the blithe expert assumption of a spade continuation does not speak well for either their own defensive competence or the process used to evaluate the Flight C mind.

"The AWMW feels heavy-handed because the Panel tried so hard to shoehorn the heart lead into the confines of Law 16A. Since my view is that trying to hit partner was demonstrably suggested, I would have had a lot less trouble with the concept.

"Finally, there were three experts but five named consultants. How were the other two classified and what were their votes?"

✍ Ron is also on target with his play analysis. The right group to

poll about this issue was indeed E/W's peers, not more experts.

The five experts named include three who were polled about the lead and two others who were consulted about the defense after a spade lead. We don't break them down any further.

The following two panelists have missed the point that once a spade lead was revealed as the overwhelming choice, the lead of *any* non-spade became an infraction.

Polisner: "I might entitle this 'loose lips sink ships' as without West's statement that he believed East's BIT suggested hearts, it is likely that they would have won the appeal as the BIT did not demonstrably suggest the heart lead. I think the Directors should have ruled in favor of E/W, but the Screening Director should have changed it after hearing West's statement."

Goldsmith: "The Panel got it right for the right reason, but didn't know which laws apply. This is a Law 73C ruling, not a Law 16 ruling. West took advantage of UI, but he did not use it to choose one LA over another, which is necessary to adjust using Law 16. Law 73C has no such constraints. It says that any time a player gains advantage from the use of UI, he loses it. The AWMW is appropriate; if West wanted to know what experts would lead, he can ask them. Interestingly, this suggested that West felt the reward he got out of the poll of experts was larger than what he expects the risk to be from an AWMW. That suggests West thinks (and is likely to be in the majority) that the risk from an AWMW is trivial. We ought to consider doing something about that."

✍️ Jeff is right that this is a Law 73C case, but it is related to Law 16 in that the part of Law 73C that says the recipient of UI "must carefully avoid taking any advantage that might accrue to his side" must be evaluated under Law 16. That is, in order to determine if a player has taken advantage of UI one must decide whether the UI demonstrably suggested the action taken and whether that action had an LA, all of which is detailed in Law 16A (which deals with *any* situation in which a player has UI from his partner).

As for the problem Jeff sees in our AWMW policy, be careful that the cure is not worse than the disease. A policy that would be perceived as severe enough to inhibit a player from challenging a Director's judgment of what constitutes an LA might also inhibit many justifiable appeals, thus throwing out the baby with the bath water.

Back on track...

Bramley: "I hope West learned his lesson: Get a good bridge lawyer. He could have won this case by saying just about anything except what he did say. My initial reaction was the same as all of the pollees, no demonstrable suggestion. But West conveniently made the connection all by himself."

R. Cohen: "If E/W were playing Hamilton, which appears to be the case, it is more than likely from West's hand that East has the heart suit, as part of a one- or two-suiter. Otherwise, what was the problem? Director and Panel right on."

Wildavsky: "I agree with both decisions. I like the Panel's reasoning. If the write-up is accurate then the Panel faltered slightly in describing how they assigned the adjusted score. Law 12C2 requires two adjusted scores, using differing criteria for the offending and non-offending sides. Often, as here, they are both the same (N/S +90), but the Panel must go through the motions."

Stevenson: "Oh! What a surprise. My lead worked!"

✍️ Getting back to the AWMW issue...

L. Cohen: "Agree that there was no merit. Not so sure about INT making after a spade lead (lots of ways to beat it), but we have to give N/S the benefit of the doubt."

Treadwell: "Very good, including assigning the AWMW."

Passell: "Good job by all. The ♡J was even more blatant than a small one."

✍️ If that's true, then how about...

Allison: "Perfection, however I would be in favor of a PP in addition to the AWMW. Let's apply some tough love in the education process."

Rigal: "As the Panel pointed out, partner is very unlikely to have a heart single-suiter, he is far more likely to have an unbiddable hand type such as a five-four type, long in a minor. But West was clearly trying to use the UI, and succeeded, so I guess you should try to punish such a player by following the Panel's route. Personally, I think the facts of the case are so interesting that an AWMW is not appropriate, but a PP might well have been in order and the Director might well have gone this way."

✍️ And finally, a Wolff's-...er, hawk's-eye view of justice.

Wolff: "Very close, but as hawkish as I am sometimes, I would probably allow the heart lead. Remember, if it had hit partner with ♡Qxx and declarer took four heart tricks we would never hear from them. Just another problem connected to current conventions that encourage bidding on very weak hands. Many players say that 'bridge is a cerebral game so consequently there needs to be some thinking allowed.' Some of those same people enjoy talking about and playing conventions that allow competition on some weak hands. How do these people reconcile this hand? I agree that the heart lead moves its success rate up a notch when partner studies and passes, but I do think that because of the uncertainty—and mainly because of the double-shot it accords N/S—on balance it is best for N/S to live with this kind of result. How about -50 for N/S and +50 for E/W with a one-quarter board penalty for 'hesitation disruption'? Again justice is done, double-shots are prevented and bridge is effectively served. Remember, hesitation disruption is not illegal 'per se' but rather an irritation that subtracts from the game."

✍️ So we penalize "hesitation disruption" even though thinking is legal? Good grief!

My own view of this decision, aside from the obvious (though not to Wolffie, a.k.a. Hawk-man) score adjustment and making sure it's done for the right reason, is that E/W deserve an AWMW for not listening to what they were told in screening (as Jeff Goldsmith said, "if West wanted to know what experts would lead, he can ask them.") and a PP for taking flagrant advantage of UI. I do not normally recommend the latter for Flight C players, but in this case West was so obvious in eschewing his responsibilities regarding UI that Karen's "tough-love" solution seems the most logical approach.

CASE SIXTEEN

Subject (Tempo): Don't Try To Distract Me With That Legal Mumbo-Jumbo

Event: North American Pairs, Flight C, 15 Mar 03, Second Qualifying Session

Bd: 10	♠ A10		
Dlr: East	♥ KQ9762		
Vul: Both	♦ 2		
	♣ A542		
♠ 76		♠ Q983	
♥ AJ108		♥ ---	
♦ Q1085		♦ J764	
♣ Q106		♣ KJ973	
	♠ KJ542		
	♥ 543		
	♦ AK93		
	♣ 8		

WEST	NORTH	EAST	SOUTH
		Pass	Pass(1)
Pass	1♥	Pass	1♠
Pass	2♥	Pass	3♦(2)
Pass	4♥	All Pass	
(1) Alleged BIT			
(2) Agreed BIT			

The Facts: 4♥ made five, +650 for N/S. The opening lead was the ♣7. The Director was called after the 4♥ bid. N/S said they played Reverse Drury and claimed that they opened the bidding based on the "rule of 20." North added that South's 3♦ bid "had to be constructive." The Director focused on the UI from the BIT before the 3♦ bid. He ruled that passing 3♦ was not an LA and that regardless of whether North rebids 3♠, 3NT or even 3♥ South would bid 4♥. In addition, he did not believe that the BIT demonstrably suggested the 4♥ bid. Therefore, the table result was allowed to stand.

The Appeal: E/W appealed the Director's ruling. East said that South hesitated for about 10 seconds before his first pass and for about 1-1/2 minutes before bidding 3♦. West agreed. E/W did not dispute that 3♦ was forcing and agreed that whatever North rebids South would have bid 4♥. However, East argued "I'm an ethical player and if my partner hesitated that long I'd always pass." (West appeared to the Panel to be an unwilling participant in the appeal who was just going along with his partner. The Panel also noted that E/W did not qualify for the final and would not qualify even if they won the appeal.) N/S said they did not notice a BIT before South's initial pass but agreed that there had been a long hesitation before the 3♦ bid (at least 45 seconds). South said that 3♦ was forcing in their system (even by a passed hand). North said that 4♥ had been a bad bid—he thought he should have bid 3♠. When South was asked how he'd bid with a weak four-six hand he said, with no hesitation, that he'd pass 2♥.

The Panel Decision: The Panel believed that North's 4♥ bid was not demonstrably suggested by the UI from South's BIT before his 3♦ bid, that passing 3♦ was not an LA for North, and that any action by North other than passing 3♦ would have led to the same 4♥ contract (Law 16). Therefore, the table result was allowed to stand. Since E/W did not dispute that N/S would always reach 4♥, and as they were advised by the Reviewer that if they were not disputing the final bridge result a Player Memo would be more

appropriate than an appeal, and as they could give no law-based reason for their appeal and had been informed of the law and the rationale for the ruling (E/W, and especially East, kept insisting that after such a long hesitation North "has to pass") they were each issued an AWMW.

DIC of Event: Matt Smith

Panel: Ken VanCleve (Reviewer), Mike Flader, Patty Holmes

Players consulted: none reported

✍ The right decision in this case is so painfully obvious that most panelists focus more on lamenting our inability to issue more than one AWMW than on addressing any bridge issues.

R. Cohen: "A waste of everybody's time. Too bad we can't issue a double AWMW."

Treadwell: "Very good, but can't we issue two or more AWMWs in a case with negative merit?"

Bramley: "A no-brainer."

Stevenson: "East agreed that 3♦ was forcing. I hope this has taught him that players are not required by law to pass forcing bids. The AWMW may have clarified things for him."

Allison: "An excellent Panel decision, right down to the AWMW. Hopefully the education will help this East player to understand that no one can be 'barred' from bidding."

✍ At least not unless there was an infraction of law that bars him (such as if partner opens the bidding out of turn when you are the dealer).

Polisner: "Routine, including the AWMW."

Passell: "An easy one. Why on earth did E/W appeal? What a waste of time."

Rigal: "East needs someone to explain the concept of the laws and proprieties to him. I'm not volunteering."

✍ But who better for such a mission than a man with an English accent, to make it all sound so "proper"?

L. Cohen: "Agree in full with the Panel."

✍ The remaining panelists find more to discuss than just the silliness of the appeal. They should have thought twice about it.

Wildavsky: "Okay, but what was the purpose of the 3♦ bid? Was South trying to reach slam? Would 4♣ have been a splinter? Depending on the background of the N/S pair I could be persuaded that it was 'at all probable' that South would pass 3♥. Looking at the N/S hands it's plausible that South intended 3♦ as a game try in hearts, and that North bid 4♥ to accept."

✍ Who knows why players bid as they do, especially in Flight C? It isn't too difficult for South to envision a possible slam after North's 2♥ rebid, given that he didn't open 2♥. For example, give North ♠Q ♥AKxxxx ♦xx ♣Axx, a hand with too few HCP for most players at this level to think to rebid 3♥, and 6♥ requires only trumps not being three-zero.

Goldsmith: "The decision was right, but North did commit an infraction of law. His 4♥ bid was based on UI, even though it was

not an LA. [Jeff's use of the term LA here is incorrect; he seems to mean that 4♥ was not 'demonstrably suggested.'—Ed.] Presumably he was afraid that his partner might pass 3♥ or 3♠. He wouldn't, so E/W weren't damaged by the infraction and no adjustment should be made. If this were a Flight A event, North should get at least a stern talking-to and perhaps a PP. Given that it's a Flight C event and no damage was done, a little instruction seems appropriate. While E/W's appeal was ludicrous, which reaches even my standard for Flight C AWMWs, given that North did in fact abuse UI, I wouldn't give E/W an AWMW. But I would explain that I was being kind by doing so. My guess is that E/W were a little over-vigorous in their demand that they get a score adjustment, which would tend to cause just about anyone to fail to be extra kind."

✍ If South's BIT did not demonstrably suggest one action over another, then North had no constraints on his action. For example, from North's perspective South's BIT might indicate that he was worried about any of the following: That if South held a weak six-six in spades and diamonds and a heart void North might treat his intended choice-offering get-out in 3♦ as forcing and rebid 3♥ (or, worse, 4♥). That North would pass his intended-as-forcing 3♦ bid

because South was a passed hand. That South, holding something like ♠KJ10xx ♥x ♦AQxx ♣xxx, would end up playing 3♦ (which he intended as forcing, hoping North could bid 3NT with a club stop). Certainly North's 4♥ bid might not have been a good choice. So North did not abuse UI by bidding 4♥ since that bid was not made more attractive by the BIT.

Our final panelist would not have given E/W an AWMW—er, a "hootchie"—either, but for a very different reason.

Wolff: "The decision of allowing 4♥ is obviously correct. I would not have given E/W hootchie points because this N/S pair appear to be smoking guns and it is probably wise to have them meet a Panel. Sure a Player Memo is proper but sometimes PMs cause the pair interviewed to not be in the proper environment. It is helpful to have what happened disclosed in an official manner. Every case is different with teaching, learning, and sometimes disclosing involved."

✍ Just for the record, the Recorder is an official (though Wolffie may be right in the sense that some players may not realize it).

CASE SEVENTEEN

Subject (Tempo): A Leading Choice

Event: North American Pairs, Flight B, 16 Mar 03, First Final Session

Bd: 14	♠ K1072		
Dlr: East	♥ 104		
Vul: None	♦ J10		
	♣ AKQJ3		
♠ 96		♠ QJ853	
♥ AQ987		♥ J652	
♦ A42		♦ Q63	
♣ 865		♣ 4	
	♠ A4		
	♥ K3		
	♦ K9875		
	♣ 10972		
WEST	NORTH	EAST	SOUTH
		Pass	Pass
1♥	2♣	3♥(1)	3NT
Pass(2)	Pass	4♥	Pass
Pass	4♠	Pass	5♣
All Pass			
(1) Alerted; explained as weak, no Stop Card used			
(2) Agreed BIT			

The Facts: 5♣ went down one, +50 for E/W. The opening lead was the ♥J. The Director was called after East's 4♥ bid. N/S said that the BIT lasted 20-25 seconds; E/W agreed to a BIT but believed it lasted only 10-15 seconds. West said he was thinking of saving over 3NT while East said he had no defense against 3NT but agreed that his hand was in the expected range for his 3♥ bid. The Director ruled that there had been a BIT which demonstrably suggested the 4♥ bid and that pass was an LA. East's 4♥ bid was disallowed (Law 16) and the contract was changed to 3NT by South. However, the likelihood of a non-heart lead by West after the weak raise was not deemed sufficiently likely to allow 3NT to make (Law 12C2). Therefore, the contract was changed to 3NT down one, +50 for E/W.

The Appeal: N/S appealed the Director's ruling. N/S said that there were lead choices against 3NT other than a heart. A heart lead might provide South his ninth trick or an overtrick. North was known to have five or more clubs and there was a good chance that N/S would have both the ♠A and ♠K since East's 3♥ bid was weak. West said that a heart was the only lead from his hand; if he didn't lead it at trick one he'd have to eventually because he'd be thrown in with the ♦A.

The Panel Decision: The Panel polled six Flight B players with 1000-1500 masterpoints. Three led a heart, one didn't commit to any particular lead but was adamant about not leading a heart, and two led the ♦2. Two experts were also asked what they would lead: one led the ♠9, the other led a heart. Based on the poll results a non-heart lead was deemed likely (Law 12C2), leading to eleven tricks for South (who would take the successful diamond finesse after a black-suit lead). The contract was changed to 3NT made five, +460 for N/S.

DIC of Event: Matt Smith

Panel: Patty Holmes (Reviewer), Terry Lavender, Roger Putnam

Players consulted: Bruce Ferguson, Ken Gee, six players with 1000-1500 masterpoints

☞ Many panelists express varying degrees of surprise at the poll result, then defer to the process.

Bramley: "Wow! That's a shocking poll result. But it makes the decision clear. I must admit that had I been N/S I would have expected an AWMW to be more likely than a favorable decision."

Allison: "Again I live and learn. A heart lead would be my choice, hoping the declarer can't run off nine tricks without letting me in. However, if that many players at all levels did not lead a heart (Edgar Kaplan, where are you?) then I must agree with the Panel."

Gerard: "Before reading The Panel Decision, I would have laughed at N/S's contention. Except for the ♥Q alternative, what could be more trivial than a low heart lead? But N/S obviously know their customers. The Panel did what the Panel should have done in CASE FIFTEEN, with the result that the Flight B peers are better leaders than the experts (the ♠9 indeed). I suppose that even without the poll, E/W were always booked for -460. But if this were a Committee case, I would have thought that we would have been insulting the Flight B players if we judged that a non-heart lead would have been likely."

Rigal: "A reasonable Director ruling (I might well have done the same) and yet again the Panel produce an excellent job. The right people were asked and produced an entirely reasonable answer, even if it is not the one I would have guessed they would have produced.

"As an aside; this is not the first case so far in this casebook where the Director and Panel (or Committee) produced different rulings, both having technical merit. We hear arguments that the Director should try to produce rulings that equate to the Panel (or Committee) decisions. Clearly in a case like this the possibility that this would simply take too long is a real one. I'd like to stick to what we currently have going."

Goldsmith: "Another good job by the Panel. The Director's ruling at the table seems reasonable; not considering a non-heart lead isn't a terrible error. I would have done the same. That's why we have appeals. The Panel used the procedure effectively and successfully."

L. Cohen: "Correct decision, but I don't see that a non-heart lead had to be 'likely.' All I'd need to conclude is that a heart wasn't 'obvious.' I'm too lazy to look up the laws and wording, but here is the principle: E/W screwed up in that East's 4♥ bid after the BIT is outrageous. Accordingly, the benefit of the doubt goes to N/S. So if the lead to beat 3NT isn't obvious, then we don't let West find it. I'll leave it to the Editor fill in the fine points."

☞ Larry's done quite nicely. In slightly more technical terms, if UI is present which demonstrably suggests a heart lead, then considering the offending player's peer group: if it is judged that there are LAs that would be less successful than a heart lead using an "at all probable" standard then the offenders get the most unfavorable of them; if there are less successful LAs to a heart lead using a "likely" standard then the non-offenders get the most favorable of them.

R. Cohen: "West got his just desserts for his hesitation, and East earned his score by bidding over 3NT. Nuff said."

☞ One panelist stubbornly sticks to his guns...

Passell: “This one I can’t swallow. 3NT down one seems like the result. At the table I can’t imagine not leading a heart with the diamond entry.”

✍ I can’t tell whether this is denial or just Intelligence Transfer. The next panelist has an explanation for what he considers an inaccurate poll result and suggests a different score adjustment.

Polisner: “The problem with this type of poll (i.e., ‘What would you lead?’) is that it invariably gives rise to the subconscious behavior of doing something different than the polled player would have done at the table as he/she believes that the ‘normal’ lead is wrong. I would bet that in real life 90+ percent of the players polled would lead a heart. However, since the standard should be the same as a UI case, I would have liked to see a –460 for E/W and a –50 for N/S.”

✍ If a “What would you lead?” poll is subject to this type of bias, then it follows that all polls as well as other after-the-fact bridge judgments are subject to the same bias—including judgments made by Committees, Panel and table Directors. But it’s hard to see any good alternative to polling the offender’s peers if the adjudicator (Committee, Panel or Director) is not at that player’s level.

On the other hand, knowing Jeffrey as I do I suspect there may be some projection going on here: His suspicions may not be as universally applicable as he thinks. And whether we’re once again dealing with denial or this time just with projection, the results of the Panel’s poll suggest that reciprocal 460s are appropriate.

Jeff has some company in the non-reciprocal adjustment camp.

Treadwell: “This case boils down to an opening lead problem: If a heart is led, 3NT goes down. Otherwise, it makes. I believe on this auction most West players would lead a heart; hence N/S should be –50. I am not so sure, however, that E/W are entitled to this since some of their consulted peers led otherwise. I tend to agree with the result assigned to them of –460.”

Wolff: “The Director Panel has lost its way. E/W should be –460 but N/S should be –50. Why would N/S have it ruled back (which is okay) but then speculate that West would not lead a heart? Does this Panel hate the other N/Ss in the section? Why? What has this N/S done to deserve such a favorable decision?”

✍ They don’t have to have *done* anything to deserve it other than simply be at the table when the opponents bid illegally after a BIT. The law instructs us (and the Director) to assign that result. And what the Panel did was no more speculating than what all players do when trying to take a “field” action at the table. In fact, the poll makes the Panel’s speculation a good deal more reliable than what any player would do at the table.

Stevenson: “I am pleased that East did not gain from his 4♥ bid. Of course, people will say that he may not have done so, but the possibility of West finding the wrong lead against 3NT was taken away by the 4♥ bid. This is the sort of windfall result that players in North America seem to dislike. If 3NT was passed out there was every chance it would have gone one off, but to get +50 E/W should not make bids not permitted by law. If East had not bid 4♥ we do not know what would have happened, but surely we should not penalize N/S. The important thing is they might have made 3NT, and that possibility was taken away by the illegal 4♥ bid.

“In other jurisdictions, N/S would be given a percentage of 3NT making and a percentage of it going off. [As per Law 12C3, which I’ve been trying to have made legal for use in the ACBL for years now.—*Ed.*] The ACBL has decided not to go down that road. If it is not correct to provide an approximate equity then we should allow players to be given scores they might have got if there is any reasonable likelihood they would have got them.”

✍ And so we have.

The next panelist revisits the suggestion that Directors poll players before making rulings (when it is practical to do so, of course).

Wildavsky: “Nice work by the Panel. The Directors ought to have taken a poll or given the benefit of the doubt to the non-offenders.”

✍ As we’ve said before, this is an excellent recommendation.

I too was mildly surprised by the poll results, but I think (hope?) I would have had enough doubt about what players at this level would lead to have taken a poll before making a table ruling. Reciprocal 460s is my choice based on the reported poll—but for Flight A players I think I’d choose –460 for E/W and –50 for N/S.

CASE EIGHTEEN

Subject (Tempo): Call Now Or Forever Hold Your Peace
Event: North American Pairs, Flight C, 16 Mar 03, First Final Session

Bd: 17	♠ K1086		
Dlr: North	♥ A3		
Vul: None	♦ K102		
	♣ AJ82		
♠ J942		♠ Q	
♥ J6		♥ Q987542	
♦ AQ65		♦ 84	
♣ KQ10		♣ 653	
	♠ A753		
	♥ K10		
	♦ J973		
	♣ 974		
WEST	NORTH	EAST	SOUTH
	1NT(1)	Pass(2)	Pass
Dbl	Pass	2♥	All Pass
(1) 15-17 HCP			
(2) Alleged BIT			

The Facts: 2♥ made two, +110 for E/W. The opening lead was the ♦3. N/S called the Director after play ended saying that it took East 10-15 seconds to pass 1NT; E/W thought it took 5-10 seconds. E/W played Hello over 1NT in direct seat, natural in balancing seat. East said he was a deliberate player. The Director ruled that there was an unmistakable hesitation by East before passing 1NT, that it demonstrably suggested not passing with the West hand, and that pass was an LA (Law 16). The contract was changed to 1NT made two, +120 for N/S (Law 12C2).

The Appeal: E/W appealed the Director's ruling. East said that he always bids deliberately, not quickly. West said that she noticed no abnormal BIT. East said that his pass took about 5 seconds, less than 10, and that West's double is their standard balancing action. West said that since she wasn't vulnerable, even if East went down one or two in whatever he bid that would be okay against N/S's 90 or 120. E/W also said that after East made 2♥ North said he should have beaten it. N/S said they rarely call the Director and did not notice a substantial BIT by East at the time. After West put his hand down as dummy North thought it was aggressive but not unusual and South made no comment about dummy. Later, after South found out that East had seven hearts, he decided that there had been a BIT and called the Director; he thought a double with West's hand was unusual with a doubleton heart. The Panel also discovered that when the Director asked South at the table about the BIT he said he didn't know—around 5 seconds, he wasn't timing it.

The Panel Decision: The Panel needed to decide whether there had been an unmistakable BIT by East. East thought his pass took about 5-7 seconds while West did not notice anything unusual. Neither North nor South had called the Director after East's pass, nor did they call after West's balancing action, nor did they call after West put her hand down as dummy. Since N/S had not taken the appropriate action to address a BIT, the Panel concluded that while a few seconds may have passed before East passed 1NT, an unmistakable hesitation (Law 16) had not occurred. The table result of 2♥ made two, +110 for E/W, was allowed to stand.

DIC of Event: Matt Smith
Panel: Patty Holmes (Reviewer), Mike Flader, Charlie MacCracken, Roger Putnam
Players consulted: a player poll was taken regarding West's balancing action but was made irrelevant by the Panel's decision

✍ Most of the panelists agree with the Panel that the evidence for an unmistakable BIT is tenuous at best.

Bramley: "Let me get this straight. N/S didn't notice anything unusual, but when East's hand became known they worked backward to deduce that there must have been a BIT. Sherlock Holmes would have been proud."

Allison: "I must agree with the Panel here. Normally a Director is better placed to determine if there has been a BIT but the evidence as stated by the Panel, that no BIT was noticed until the hand was over, is quite convincing."

Passell: "The timing of the Director call and the dispute in the length of the hesitation from unnoticeable to 5-7 seconds to 15 seconds makes this impossible. How did the Director after the fact make his ruling? The Panel seems to have had a better handle on things."

Treadwell: "Had N/S addressed the BIT at an appropriate time, I would be inclined to return the contract to 1NT. But since they called the Director only after the hand was over and 2♥ was made, they are not entitled to redress."

Wildavsky: "E/W need to call the Director sooner, not because they lose any rights by calling later, but because it's easier to establish the facts before so much time has passed. The Director did the best he could. The Panel, with more time at their disposal, reached a different conclusion. I have no quarrel with either the ruling or the decision."

Stevenson: "Not much sign of a BIT here."

R. Cohen: "No problem here, though I might have recorded the E/W pair in case of a future similar situation."

Wolff: "Obvious decision. No BIT was proven, but even so why didn't South compete with 8 HCP? No need to waste time except to wonder in other cases when someone says 'Well, he must have broken tempo since he had a seven-card suit.' I never have really understood that argument since it sounds like a play on words (i.e., the temptation was there, therefore he must have succumbed). We've never discussed burden of proof. It does seem that the burden should be on the original plaintiff. My suggestion is for the Committee or Panel to listen to the facts and without discussing it each member decide for himself who to believe."

✍ Some of us appear to have less insight into the South player's psyche (think *Flight C*) than others. And why should each Panel or Committee member decide for himself without discussing it? That seems oddly counter-productive when collaboration is generally acknowledged as one of the appeal system's greatest strengths.

As for East's declaring himself a "deliberate player"...

Polisner: "Since there was no unmistakable BIT, everything is proper. I would have liked for the Directors to have checked with several N/S pairs in the section to see if East does bid deliberately or was it a convenient thing to say."

✍ It sounds like this would have been a good thing for the table

Director to have done, but it was very likely too late for the Panel.

Some panelists think N/S were closer to the truth than they were given credit for...

Gerard: “Did you ever notice how many players involved in appeals are normally deliberate? I would like Committees and Panels to develop a standard response—‘Unless you can demonstrate some proof of this contention, it will have no bearing on our decision.’ Secondly, West had a firm grasp of the scoring chart. None vulnerable is the best. But her statement indicated that she knew East would remove. What if East has to sit for it with a balanced 4-count? Or what if East actually has a decent hand and South gets to run to 2♣? I don’t think the Panel had an option, but in the Oliver Stone version West’s double had a lot more going for it than just a standard balancing action.”

Rigal: “Can we take everyone who comes before us claiming to be a deliberate player, and subject them to dodgeball till they admit to trying to pervert the course of justice? My guess is that if N/S had gotten their act together properly they could have convinced the Panel that there was a BIT; again this misuse of the term BIT screws everybody up. As it was, the Panel came to a rational decision based on the evidence in front of them. But I don’t think justice was done. My experience has been that only experts (and not all of them) actually have any idea how long other people’s pauses last and no one has *any* idea how long their own are.”

Goldsmith: “While N/S’s arguments about the BIT seem unconvincing, for an unpassed hand to double a strong notrump with a 4=2=4=3 13-count seems to argue more for the existence of the BIT than the players’ statements. I think N/S were just afraid to call the Director at the appropriate time and everyone misjudged the length of the BIT. Given that, the Director ruled at the table that there was an ‘unmistakable hesitation,’ and I believe there was one. Did East bid 2♥ in tempo? If his partner really had a strong notrump, isn’t he close to a game invitation? If he’s a ‘deliberate player,’ why wasn’t he thinking then? It seems to me that the scenario N/S saw was what really happened.

“This is a pure judgment call as cases of disputed facts often are. It’s hard to overrule a Committee or Panel in such matters, as they have more information than we do now, but here a Panel overruled a Director, and I suspect the original ruling was correct. That’s just a guess, but no one can do better than that now.”

☞ Well, at least Jeff is prepared to act on his suspicions.

Wolffie questions assessing whether a player may have broken tempo by using the evidence from his hand. When a player says an opponent broke tempo and that opponent turns up with an unusual amount of high cards or distribution (or both) that would have made it tempting to take a different action than the one he took, I see no reason to not consider that as one of the elements in deciding what likely happened. If the opponent held a scattered four-triple-three 7-count when he passed his RHO’s opening 1NT

bid that would tend to argue that he didn’t break tempo since no one would think of bidding over a strong notrump with such a hand. But a seven-card suit makes it more plausible that there really was a BIT, especially when the opponents call attention to the BIT before they could have known the content of the hand. In a very real (if not literal) sense, the cards speak for themselves.

So what really sets this case off is that N/S thought nothing of East’s tempo when he passed 1NT. Only later, when they saw a dummy that looked strange, did they “reconstruct” the auction as having been out of tempo. Again this must be considered as part of the evidence. Had N/S said something about East’s tempo at the time—or at least when West balanced—they might have prevailed.

One other factor must also be considered. It is normal for a player to consider his action, at least briefly, before he makes a call. But many players do not bother to give even the appearance of thinking about their call if it is easy or automatic, and I include in this group many of those self-proclaimed “deliberate” players. With a scattered four-triple-three 7-count most players would pass 1NT without a moment’s thought, making it obvious that they had no alternative action to consider. Given that standard, when a normally nonreflective player gives even brief thought to his action (like bidding with his seven-card suit) it is easy for the opponents to pick up on it. So my guess is that Ron, Barry and Jeff are right in their suspicions that East “broke tempo,” but I’d guess it was as much East’s manner as his actual tempo that was the tip off.

Obviously we can’t bar a player every time his partner thinks before making a call. Experienced players can certainly be held to higher standards in this regard, but less experienced players have to live with this sort of thing—at least when the actions involved are relatively subtle—until they acquire enough experience to deal with it on a practical level. And in any case their hesitations tend to be far less informative, reducing the magnitude of the problem.

So Ron is right when he says that the Panel had no option, but it’s easy to see why the Director ruled as he did: East’s hand was awfully potent evidence that N/S weren’t just whistling in the wind.

On another note, why would 1NT make only two? On a heart lead from East wouldn’t North make at least nine tricks and maybe even ten? He wins the ♥A in hand, plays a spade to the ace, floats the ♠7 (restricted choice), repeats the spade finesse, cashes his last spade and exits with the ♦K. It seems he should take four spades, two hearts, and at least three tricks in the minors. Note that even if West covers the ♠7 at trick three, North can just play on diamonds to reach a comparable end position.

Finally, one panelist places this all in proper perspective.

L. Cohen: “As in CASES EIGHT and NINE, I’ll go with the Panel’s decision on the BIT. They were closer to the action.

“With the end of the tempo cases, I leave you and go back to my day job (playing golf). Commenting on twenty more cases will hurt my handicap.”

CASE NINETEEN

Subject (UI): Psychic Readings, 5¢
Event: North American Pairs, Flight A, 05 Mar 03, Second Qualifying Session

Bd: 21	Walter Johnson		
Dlr: North	♠ KQ32		
Vul: N/S	♥ J10		
	♦ AKQ543		
	♣ Q		
Vicki Laycock			Sidney Lorvan
♠ J1098765			♠ 4
♥ A85			♥ K964
♦ ---			♦ 9862
♣ 1052			♣ KJ84
	Douglas Simson		
	♠ A		
	♥ Q732		
	♦ J107		
	♣ A9763		
WEST	NORTH	EAST	SOUTH
	1♣(1)	Dbl(2)	2♣(3)
2♦(4)	Dbl(5)	Pass	Pass
2♠	Dbl	All Pass	
(1) Precision			
(2) Clubs and hearts			
(3) Natural, game force			
(4) Natural			
(5) Primary diamonds, normally five-plus			

The Facts: 2♠ doubled went down one, +100 for N/S. The opening lead was the ♣Q. N/S called the Director when dummy came down. They said they thought East had “fielded” West’s psych of 2♦ and should have to bid 3♦ over 2♠ doubled. The Director ruled that there was no evidence of a concealed understanding (Law 40) and allowed the table result to stand.

The Appeal: N/S appealed the Director’s ruling. N/S told the Committee that with four-card support for partner’s first suit (diamonds) and only a singleton in her second suit (spades) it was normal for a player to take a preference to the first suit. East’s failure to do so here suggested an implicit partnership understanding. If players adopt a destructive mentality against a strong club and are able to psych freely without fear of getting buried by their partners then strong club bidders have no chance of getting it right and psychers have an unfair advantage. East said he had shown his hand with his initial double and West’s subsequent actions were on her own. The Committee also determined that E/W had played together for more than 20 years and that East had played bridge for more than 50 years.

The Committee Decision: The Committee believed that the logic of the auction backed up East’s claim that West was acting on her own. East had shown two suits and the opponents had announced game-going values, making it highly unlikely that West would wish to compete in whichever of the other two suits East preferred. Further, if North’s double showed at least five diamonds then West could hold no more than four of them and could not possibly be bidding this way with four-four in diamonds and spades. East may not have expressed his reason for passing very well but he was experienced enough to recognize that West’s bids suggested that

she was feeling around and that East should stay out of her way. N/S seemed to be playing methods that were adequate for exposing the psychic (North’s double of 2♦) but simply misjudged what to do on this hand. Based on this logic the Committee decided that N/S were not damaged by a concealed partnership understanding and allowed the table result to stand. The Committee noted that given East’s initial action, it appeared that E/W were very active in competing against a strong club. This time West held a freakish hand with a moderate fit for both of her partner’s suits (clubs and hearts), making her efforts to muddy the waters by psyching attractive. However, E/W were advised that if they commonly bid a short suit in this type of auction the opponents were entitled to that information (“Partner has been known to bid a short suit in this type of situation”). The hand was referred to the Recorder.

Dissenting Opinion (Aaron Silverstein): Although I do believe that East could have worked out that West had psyched from his own hand and the auction, his statements in front of the Committee (“I had shown my hand and whatever she did was up to her” and “For all I knew she had seven hearts and was about to bid them”) led me to believe that there was a concealed partnership understanding. Even though South could, and maybe should, have worked out that it would be right to bid 3NT, I am reluctant to say that his failure to figure out that the opponents were psyching was an egregious error which severed any connection to the damage. Therefore, I believe the contract should have been changed to 3NT made five, +660 for N/S.

DIC of Event: Henry Cukoff
Committee: Doug Doub (chair), Joe Grue, Jeff Schuett, Aaron Silverstein, Claude Vogel

✍ The panelists unanimously support the Committee’s decision, some seeing the dissenter as the only impediment to N/S receiving an AWMW.

Bramley: “The majority have it. N/S failed to handle a baby psych despite having the right tools for the job. If not for the dissenter I suspect that N/S would have gotten an AWMW, which I would have heartily approved.”

Polisner: “How obvious is it to East that West had psyched her 2♦ bid? I put it at a little over 99%. Life is tough sometimes. If it wasn’t for the misguided dissent, an AWMW would be routine.”

R. Cohen: “This N/S pair was experienced enough with Precision that they should have been able to combat the smoke that E/W were blowing in their eyes. They don’t even get sympathy from me. The dissenter is all wrong.”

Wildavsky: “I agree with the Directors’ ruling and Committee’s decision. I understand the point of view expressed in the dissent, but I do not find its argument compelling.”

Stevenson: “What would East have done with a strange partner? Passed 2♠ doubled, I believe, so the psych was not fielded. As for MI, it was surely obvious to everyone that West did not have diamonds, so there was certainly no damage even if there was MI.”

Gerard: “The majority’s refusal to play verbal gotcha is correct, since it’s the Committee’s responsibility to articulate the arguments made or suggested. The dissent seems to have forgotten North’s double of 2♦, without which the evidence of a concealed understanding would have been more persuasive. The next time, though, there will be such an understanding, even if lack of intervening opportunity doesn’t make the psych ‘common.’ The

dissent was right about the second overtrick, with North the probable declarer and the winning defense tough to find.”

✍ Yes, that second overtrick was certainly a Pyrrhic victory.

Allison: “I’m with the majority on this one. When North doubled 2♦, that exposed the psych and North should have been suspicious since West bid 2♦ under no pressure to bid, whatsoever. West ran and North was in a doubling rhythm which was the author of his side’s defeat. Agreed that henceforth E/W should disclose that they have a history of psyching in this auction but I don’t like taking this result away from them.”

✍ As with all habitual psyching, once a partnership progresses to the point where one partner can anticipate when the other is likely to be psyching, an illegal agreement has been established. The reason is that the non-psyching player has information about his partner’s bid that the opponents are entitled to, but knowing in advance when and where partner is likely to be psyching is illegal in the ACBL, as are all mandatory and controlled psychics. (It is also illegal in the ACBL to have an agreement that a bid, especially one that may be weak, either shows a certain suit or does not show that suit. In other words, it is illegal to agree to make “random” bids.) Thus, one cannot legally tell the opponents “In this situation partner has been known to bid suits he does not hold” and then proceed to act on that knowledge.

Goldsmith: “I agree with both the dissent and the Committee. East suggested by his statements that he would have fielded partner’s psych even if it wasn’t obvious that there was one. From his hand, of course, it was obvious that partner had to have spades and couldn’t have real diamonds. Guessing a psych didn’t require much perspicacity. While N/S are entitled to the information that E/W might be psyching here, ‘Occasional Psychs’ being checked on the convention card seems sufficient. If a pair ever psychs, white against red against a big club and a game force seems like a likely time for one to occur. For what it’s worth, I don’t think West psyched per se. She was expecting N/S to play some big contract from the North hand and simply wanted a diamond lead. She hoped the auction would work out well for her choice and it did.

“Usually Committees do not award an AWMW when there’s a dissenter, but this seems like a good candidate. The only reason even to consider ruling against E/W was that East tried to implicate himself during the hearing. N/S could not have anticipated that and without it, this appeal had no merit. And why on Earth did the Committee send this hand to the Recorder? Must every successful psych be recorded?”

✍ Jeff covers a lot of ground here, some of it not quite accurate. Again, E/W could not legally inform the opponents that 2♦ was a possible/probable psychic here other than to tell them in advance that E/W have a general inclination to psych. But because this sort of disclosure has been found to be unreliable and potentially misleading, the current CC no longer has a section for pairs to check a box for rare, occasional or frequent psychics. So again, once a pair gets to the point where they can anticipate each other’s psychics they have an illegal agreement and may no longer continue to psych under those circumstances.

Regarding the Committee assessing an AWMW when one of its members dissents, under our present policy that is normally not possible. But suppose the dissent were based on a philosophical belief that is independent of the facts in the case. For example, suppose a Committee member believed that no appeal should ever be judged without merit, regardless of the specific facts in the case. Then in my opinion the other Committee members could decide to

discount that member’s dissenting vote in deciding whether to assess an AWMW since it would be non-responsive to the case at hand.

And finally, I like Jeff’s attitude toward recording psychics. This auction may be the poster child for a psychic waiting to happen. It makes no sense to record psychics that have occurred in situations that are self-evident and where no *undue* advantage was gained by the psyching pair. Recording such actions is at best a waste of time and come across as “sour grapes.” If, however, a player psychs in a situation in which a psychic would not logically be expected and his partner inexplicably fields it, that then should be recorded. Thus, I disagree with the following three panelists’ comments on recording the psychic here.

Passell: “Extremely well done, including the admonishment to E/W and Recorder referral. To me South had a clear 3NT bid with his diamond holding.”

Rigal: “I like the Director ruling and the actions taken by the Committee, down to the recording of the psych. I disagree with the dissent; South was just not with it, and has to suffer the consequences.”

Treadwell: “I have little trouble, as did the Committee majority, in believing that E/W did not have a concealed partnership understanding and I agree with their decision, including the reference to the Recorder. However, N/S took a gamble in doubling 2♠ that did not pay off. South made a poor decision to pass the double of non-vulnerable opponents with the information he had about his partner’s hand. Since the E/W bidding was so peculiar, I guess N/S were entitled to appeal without an AWMW.”

✍ To my mind worrying about recording psychics in situations like this one amounts to having a mind set against psychics being a legitimate part of the game. Players are allowed to adopt all sorts of strategies, and psyching is explicitly set out in the laws as one of them. And when the situation is *a priori* pregnant with the possibility, as it was here, recording a psychic seems provincial.

The following panelist makes what may prove to be an astute prediction about E/W here...

Wolff: “To my mind N/S didn’t deserve more than +100 and must live with it. I expect to see more of E/W in Committee or worse. Seems to them that anything goes and usually these partnerships overstep their bounds before they stop. Maybe we’ll see.”

✍ Clearly the Director’s and Committee’s decisions that there is no evidence of a concealed E/W understanding and so to allow the table result to stand are perfectly correct. When the opponents have announced holding the balance of the power (a strong club facing game-forcing values) and partner has fully described his hand, a player is in a position to try to muddy the waters for the enemy with relatively little risk. This derives from the logic of the auction and not from any illegal agreement. And this same logic dictates that partner should not come uninvited to the party. This is all simply Bridge 101. That E/W unfortunately chose to verbalize this against these opponents does not alter anything. It was the logic of the auction that likely dictated E/W’s actions and not some illegal understanding. Bridge is a game of strategy—sometimes poor strategy but strategy nonetheless. We should be careful not to over-officiate our game just because a player decides to operate outside normal exchange-of-information principles and emerges unscathed. Thus, I find the dissent here off base.

CASE TWENTY

Subject (UI): Clubbed Into Oblivion

Event: North American Pairs, Flight A, 06 Mar 03, Second Final Session

Bd: 12	Richard Meffley		
Dlr: West	♠ K10		
Vul: N/S	♥ J106		
	♦ KQ3		
	♣ J10973		
Mitch Dunitz	Iftikhar Baqai		
♠ A9	♠ 8763		
♥ A974	♥ 832		
♦ J8	♦ A10942		
♣ Q8654	♣ 2		
	James Tritt		
	♠ QJ542		
	♥ KQ5		
	♦ 765		
	♣ AK		
WEST	NORTH	EAST	SOUTH
1NT(1)	Pass	2♣	Dbl(2)
2♥	3♣	Pass	3NT
All Pass			
(1) Announced, 11-14 HCP			
(2) Explained as showing clubs			

The Facts: 3NT made three, +600 for N/S. The opening lead was the ♣5. E/W called the Director at the end of the auction and said North had mis-explained South's double as showing clubs when West asked about the call right after it was made. South intended his double to show 14+ HCP (N/S's actual agreement). The Director ruled that North's explanation of the double as clubs was UI to South, who had no reason to bid over 3♣ (pass was an LA). The contract was changed to 3♣ down one, +100 for E/W.

The Appeal: N/S appealed the Director's ruling and were the only players to attend the hearing. South explained that he had more than a minimum for his double with fitting club honors, heart stoppers and a good five-card suit. In addition, he believed that E/W's poor defense had allowed him to make 3NT. The play had gone: ♣5 to the king; spade to the king; ♠10 to the ace; club to the ace; diamond to the eight, king and ducked; ♥J to the ace; ♣Q (after mumbling "Oh well"); ♦J ducked all around; heart to declarer's hand, which was good. South also admitted that North's 3♣ bid had been non-forcing.

The Committee Decision: The Committee believed that South's hand was a clear minimum for his double which, together with his admission that 3♣ was non-forcing, clearly made passing 3♣ an LA. As for E/W's defense of 3NT, while it might have been somewhat careless the Committee did not believe it was egregious. The contract was therefore changed to 3♣ by North. In evaluating the possible results in 3♣, the Committee judged that after a likely heart lead (the suit West bid in response to Stayman) to the ace and a shift to the ♦J, ducked by East, the contract would easily go two down. Therefore, the contract was changed to 3♣ down two, +200 for E/W. Finally, the Committee believed that N/S had failed to present any credible evidence to support their contention that South should be allowed to bid 3NT. Therefore, this appeal was judged to be without merit; N/S were each assessed an AWMW.

DIC of Event: Henry Cukoff

Committee: Mark Bartusek (chair), Bart Bramley, Abby Heitner, Bob Schwartz, Adam Wildavsky

✍ The panelists generally support the Committee's decision, although a few "refinements" have been suggested.

Allison: "When will they ever learn? When will they ever learn? You must not take advantage of Alerts or failures to Alert. I would very much have liked for this Committee to do some educating, teach this pair that they may not take advantage of their illicitly achieved knowledge (in this case by the failure to Alert the double of 2♣). Then perhaps, just perhaps, this would not recur with this pair. How about a PP for South's blatant taking advantage of UI?"

✍ I'm with Karen. South deserved a PP for his flagrant disregard of Law 73C ("When a player has...UI from his partner... he must carefully avoid taking any advantage..."). Agreeing...

Polisner: "It's good to see that a bad appeal can result in a worse result. It should have been E/W appealing for only being given +100 rather than +200. The AWMW was not enough here."

Stevenson: "With a minimum and unarguable UI, South does not deserve a plus score. It is unfortunate that he has tried everything, bidding 3NT despite Law 73C, and then trying very dubious arguments to the Committee."

Gerard: "I would have given South subtraction points for analysis also, because the hand was cold after the second round of clubs; South just had to cash all his spades and watch West try to find a discard on the fifth one. I'm not surprised, since prior experience indicates South has a whole factory of petards. South needs to know that the quality of the defense could not affect N/S's score."

Goldsmith: "Something is wrong with the explanation. 'E/W called the Director at the end of the auction and said North had mis-explained South's double as showing clubs when West asked about the call right after it was made.' How did E/W know unless South stated so, and if so, why wasn't that mentioned? The basic decision that South has an easy pass of 3♣ seems easy enough. The AWMW is justified."

✍ The write-up suggests that E/W only found out that North's explanation of South's double as showing clubs was in error "at the end of the auction", maybe from a discussion N/S had about the bid (which would have been legal since they were the declaring side) or maybe South simply corrected the misexplanation—we aren't told how.

Passell: "A top notch job by the Committee. The Director was only off by one trick which could have been avoided by asking for help."

R. Cohen: "Well done by the Committee. The Directors almost got it right."

Rigal: "Well done by the Committee for giving the appellants less than they came in with, and the AWMW was absolutely in point. Initial Director ruling was nonetheless quite acceptable."

Treadwell: "A good analysis by the Committee and a good decision, including the AWMW."

✍ It's difficult to know quite what to make of this next comment.

Wolff: “ I have sympathy for this type of misunderstanding, and more importantly E/W’s defense against 3NT was poor. So I’d say the CD is cancelled and the actual result stands: +600 both ways. It is possible to also penalize N/S one-eighth or one-quarter of a board; either is fine with me. The reason I have sympathy for N/S is that a partnership probably needs to be playing different defenses to weak and strong notrumps and sometimes the partner who is not into the bridge (in this case probably North) tends to get his defenses mixed up and this sort of thing happens. A big reason is that the convention is necessary and not a home brew where negligence, laziness and apathy usually cause the CD.”

☞ Good grief! What does the quality of E/W’s defense of 3NT

have to do with anything? Well, at least he mentioned the PP N/S deserved—even if only because of South’s flagrant 3NT bid.

Waiting to take a bow are two of the Committee members...

Wildavsky: “Nice work by the Committee, if I do say so myself. Some would call this a slam-dunk. Yes, the write-up ought to have noted that E/W +200 was both ‘likely’ and ‘at all probable.’ In fact we considered that during our deliberations.”

Bramley: “I have no new insights. I think we got this one right.”

☞ Yep, everything except the PP N/S deserved.

CASE TWENTY-ONE

Subject (UI): Insisting On Calling A Spade A Spade
Event: NABC Open Pairs I, 08 Mar 03, First Final Session

Bd: 19	Lew Stansby		
Dlr: South	♠ A		
Vul: E/W	♥ Q95		
	♦ QJ109		
	♣ 109742		
Brooks Harris			Shou-Ling Wang
♠ J98543			♠ KQ10
♥ J87			♥ K42
♦ 765			♦ A432
♣ 5			♣ K86
	Joanna Stansby		
	♠ 762		
	♥ A1063		
	♦ K8		
	♣ AQJ3		
WEST	NORTH	EAST	SOUTH
Pass	Pass	Dbl	Pass
2♠(2)	2NT	3♣	Dbl
3♠	All Pass		
(1) Announced; 12-14 HCP			
(2) Alerted; transfer to clubs			

The Facts: 3♠ went down two, +200 for N/S. The opening lead was the ♦Q. The Director was called after the bidding started on the next deal. N/S said that West's 3♠ bid had been demonstrably suggested by the UI from the Alert of 2♠. The Director determined that E/W's agreement was that a double of a weak notrump showed at least a strong notrump, but could be based on a long suit in a strong hand. The Director ruled that West had UI from the Alert (Law 16A) which made bidding 3♠ more attractive and that passing 3♣ was an LA. The contract was changed to 3♣ doubled down seven, +2000 for N/S.

The Appeal: E/W appealed the Director's ruling. E/W said that 3♠ by West was clear since East could easily have had two-card spade support, and West's hand would be useless in a club contract. West admitted that he had forgotten that 2♠ was a transfer to clubs, but believed that passing 3♣ doubled was not an LA with his hand. He also said that East would need at least 20 HCP to double and bid a new suit, but that this was impossible given North's belated 2NT bid. The Committee determined that E/W's agreements over weak notrumps were: 2♣ showed both majors; 2♦ showed an unspecified major; 2M showed that major and a minor; three-level bids were natural showing single-suited hands with limited values. E/W said they had played together for a long time, albeit sporadically, and had 4800 and 2000 masterpoints. N/S explained their 2NT bid as passable but with takeout implications. A Committee member was able to confirm that one of the N/S players had previously passed a 2NT bid with J9x in the opponents' suit and a balanced hand. A Director was consulted and confirmed that an Alert was not required for the 2NT bid.

The Committee Decision: The Committee determined that East could have doubled 2NT if he had held a strong hand (even though he might have wanted to show his suit for competitive reasons). It

was believed that West's hand was indeed worthless in a club contract and that pass was not an LA. A Director in attendance informed the Committee that the Screening Director had conducted a poll of players in the adjoining A/X event. No specific statistics were known, but the responses ranged from "I would never pass" to "I would never bid." After much discussion the Committee allowed the table result of 3♠ down two, +200 for N/S, to stand.

Dissenting Opinion (Mark Bartusek): The Director poll clearly showed that pass was an LA for West. After the hearing I conducted my own poll of a half-dozen near-experts, every one of whom passed when no UI was available. Needless to say, the appellants' statement regarding 20 HCP was self-serving when 17-18 HCP hands can be constructed warranting strong action. In addition, East would clearly want to identify his suit (instead of doubling 2NT) in case N/S competed in a red suit. I would have changed the contract to 3♣ doubled down seven, +2000 for N/S, and would have recommended an AWMW for E/W.

DIC of Event: Henry Cukoff

Committee: Mark Bartusek (chair), Karen Allison, Ellen Melson, Jeff Polisner, Peggy Sutherland

✍ We begin with some prophetic words from one Committee member...

Polisner: "I suspect that this decision will be subject to much criticism. The facts are very similar to CASE TWO in which the Panel allowed the weak hand with a six-card suit to bid at the three level after UI and to CASE TWENTY-SIX where the Committee allowed a player with a weak seven-card suit to bid at the four level. The majority of the Committee thought that West had a zero trick hand in clubs and would take some tricks in spades and thus allowed the table result to stand. I believed it was very close, but sided with the majority for the reason expressed."

✍ Another has one leg over the rail of this foundering ship.

Allison: "I sat on this Committee and at the time sided with the majority. Now, however, I am on the fence and leaning a bit in the dissenter's direction. I think we (the majority) were swayed by sympathy for the E/W pair and in particular we believed West when he said he was certain that there was no possible trick for his hand in a club contract and several in spades. I do know that we would still be discussing this case had there not been a time limit to the Committee's deliberations. Just the Director's information that there were people polled who said they would *never* pass is enough information for me to eschew an AWMW even had we gone the other way."

✍ So let the instruction begin.

Bramley: "This is one of those cases that make Committees look bad, for all of the reasons apparent in the write-up and then some. The dissenter has it exactly right: 3♣ doubled down seven and an AWMW. Ignoring the results of polling is silly. Just because the polling was informal does not make it invalid. Who says that only Panels can poll? Anyway, the Committee should have been able to reach the same conclusion without assistance. Also, Committees should not be afraid to assign a seemingly bizarre result when that result is what would have happened without the infraction. I don't want to read about 'protecting the field' from a 'windfall' or any other such nonsense. If you happen to be at the table when your opponents commit an atrocity, you are entitled to benefit. That's what should have happened here."

R. Cohen: “I’m with the dissenter on this one. Without the Alert, pass would be an LA for West after the double of 3♣. If East held ♠x ♥KQx ♦Axx ♣AQJ10xx, wouldn’t he have bid the hand exactly as it transpired at the table? Plus 2000 for N/S. The Committee was only short one zero in its adjudication.”

Gerard: “Even though not a Panel case, the Screening Director’s poll was instructive. But the dissenter’s poll had no bearing on his decision, even though it conformed to his opinion. It didn’t play a part in the Committee proceedings. And it was irrelevant, since the Screening Director’s poll had already established the existence of an LA. These after-the-fact justifications are curiously one-sided: do you ever remember the results of such a poll disagreeing with the pollster’s view? If you can’t find a majority member whose poll would show that every near-expert bid 3♠, you aren’t trying. I would bar the practice or any mention of it.

“But the rest of the dissent was right on. The self-serving ‘20 HCP’ buttressed the earlier self-serving analysis, the one that failed to mention that East could easily have had zero-card spade support, and East’s hand would be useless in a spade contract. Doubling 2NT is a pipe dream; the undisclosed one-suiters always try to get their suit in (also using Hamilton, as in CASE FORTY-ONE from St. Louis). Even with the minor-suit implications of 2NT, East still had room for a powerhouse six-card club suit. And after the screener’s poll, the AWMW was harsh but correct. Finally, some UI is just too tainted. When, as here, it gives the recipient a complete lock, the standard for judging LAs should be at the lenient end of ‘seriously consider.’ That shouldn’t have been necessary in this case, but the majority had a shortsighted view of the situation.”

Rigal: “Excellent Director ruling. I wish I could say the same for the Committee. This is the second of the ‘have long suit will travel’ cases (CASE ONE being the first). I’m happy to differentiate between them. In one partner is potentially unbalanced (no, not that way) whereas in the other case he had promised a balanced hand. The one argument for allowing the pull (not thought of at the time by the Committee) was that partner’s decision not to double 2NT suggests he does not have long clubs and a good hand. That said, bidding is clearly not automatic. The West hand is one card away from being typical for passing 3♣ in sleep (turn a low spade into a club). The dissenter was bang-on here, and I’m disappointed he could not convert more of his colleagues. Note: the Director did not have the names of the screened players available, a pity, but the Committee was clearly at fault in not being swayed by that input. We certainly want to encourage the staff to go that extra mile for us and this is not the way to do it.”

✍ If East’s failure to double 2NT denies holding both long clubs and a good hand, that seems to me even more reason for West to pass 3♣—not less. To see why, give East something like ♠---♥KQx ♦AQx ♣KQJ108xx. This hand will contribute at least three tricks to West’s spade contract while the only useful card in West’s hand for East’s club contract is the ♥J. Yet on a diamond lead 3♠ has four potential losers in the off suits and at least four trump losers and goes for a minimum of 1100 while 3♣ has good play and could even come in with an overtrick if the defense isn’t careful to lead diamonds to their disadvantage or if the ♦K is onside and the ♥J proves to be a dummy entry. (Give East one fewer club and a stiff spade and a similar analysis still holds.)

Goldsmith: “Another good dissent for Bartusek. There was UI.

The UI demonstrably suggested bidding 3♠ versus passing. The non-offending side was damaged by the 3♠ bid. Therefore, an adjustment must be made. This is so obvious that the appeal clearly lacks merit. I’m a little concerned that the chair was the dissenter. That suggests to me that the chair failed to get the Committee to stay focused on the issues. The write-up reinforces this hunch.”

Wildavsky: “I agree with the dissent. Why would the Committee ignore the Director’s poll, or for that matter the opinion of their chair? Committees ought to learn that an action that one member considers an LA is likely in fact to be an LA. West’s reasoning was specious. He ignored the fact that he’d already shown his spade suit. Many of our members complain that too many conventions are destroying the game. I disagree, but playing conventions one cannot remember helps no one. Our Alert procedure should never be allowed to help a pair avoid paying the price for their forgetfulness.”

✍ The UI also blinded West to the fact that if North’s 2NT bid could be passed then it showed spades (the suit that West thought he had bid naturally), not clubs.

Waxing philosophical...

Wolff: “Who knows? Is it possible that CD: (1) makes this hand impossible to adjudicate fairly; (2) causes wasted time; (3) causes hard feelings; (4) makes the game cease to be a bridge game; (5) all of the above?”

✍ Sadly, a few panelists choose to disregard the evidence from the polls that shows that many players would indeed have passed 3♣ with the West hand.

Passell: “Another tough one, but I can’t imagine passing 3♣ doubled with West’s hand. However, without the double of 3♣ +700 would have been the likely result for N/S, who must have known the misunderstanding was a strong possibility. As much as I respect Mark Bartusek, he is in the twilight zone this time.”

✍ One problem with being in the Twilight Zone is that it makes you think it’s the other guy who’s in the Twilight Zone.

As for the predictables...

Stevenson: “West was lucky, but it happens: passing 3♣ was not an LA. Compare CASE THIRTY-THREE. Incidentally, I note the dissenter prefaces one of his comments with ‘Needless to say...’ Why did he then say it?”

✍ Apparently David has never heard of a figure of speech.

Treadwell: “I believe, as did the Committee majority, that West was entitled to bid 3♠ despite the UI. West’s hand is worthless in a club contract and, since the opponents had shown no interest in a major suit, partner was unlikely to have a singleton spade. While it is true that the UI makes the 3♠ bid more attractive (perhaps I should say less hazardous), I do not think pass is an LA.”

✍ And he said that straight-faced even knowing the result of the Director poll. Good grief!

The dissenter was 100 percent correct as far as he went. This should have been an easy 3♣ doubled down seven, +2000 for N/S, and an AWMW to E/W to boot. But E/W also deserved a PP for that flagrant 3♣ bid. Tsk, tsk.

CASE TWENTY-TWO

Subject(UI): An Untimely Wake-Up Call
Event: NABC Open Pairs I, 08 Mar 03, Second Final Session

Bd: 17	Louis Glasthal		
Dlr: North	♠ 74		
Vul: None	♥ QJ63		
	♦ QJ109875		
	♣ ---		
Brian Schroeder	David Standig		
♠ K105	♠ QJ96		
♥ 7	♥ A92		
♦ A4	♦ K32		
♣ K876543	♣ J109		
	Mike Massimilla		
	♠ A832		
	♥ K10854		
	♦ 6		
	♣ AQ2		
WEST	NORTH	EAST	SOUTH
	3♦	Pass	Pass
4♣(1)	Pass	4♣	Dbf
5♣	Pass	Pass	Dbf
All Pass			
(1) Alerted; takeout			

The Facts: 5♣ doubled made five, +550 for E/W. The opening lead was the ♦Q. The Director was called when West explained before the opening lead that he believed their agreement was that 4♣ was natural. The Director ruled that West had forgotten his agreement, that his 5♣ bid could have been suggested by the Alert of 4♣ and that passing 4♣ doubled was an LA for West. Thus, the contract was changed to 4♣ doubled. The Director determined that various defenses led to results ranging from making to going down more than one trick. By ducking two rounds of spades and playing on hearts the defense would come to five tricks. This was judged to be the most favorable result that was likely (Law 12C2) for N/S. The contract was changed to 4♣ doubled down two, +300 for N/S.

The Appeal: E/W appealed the Director's ruling. E/W both admitted that they played cheaper minor for takeout (as Alerted and explained by East) and that West had forgotten the convention. West believed that passing 4♣ was not an LA. He knew from the auction that spades were breaking badly and it seemed impossible that 4♣ could ever make. Partner did not overcall directly over 3♦ and therefore could not have a good hand with five spades; on the other hand there were many East hands where 5♣ would make and which would provide no play for 4♣. West also said later that he had to bid 5♣ because East did not yet know he had clubs. N/S contended that the West hand was an attractive dummy in 4♣ and that pass was therefore an LA.

The Committee Decision: The Committee decided that the UI from the Alert and explanation could have awakened West to the fact that he had forgotten his conventional agreement. West apparently did not completely understand the rule concerning UI when he said that East did not yet know he had clubs. The Committee also decided that pass was an LA to 5♣ which was demonstrably suggested by the UI. The Committee then considered the play in 4♣ doubled. Assuming that South would lead his singleton diamond, thereby giving the defense its best prospects,

declarer's problems on this deal would have been complex and the Committee considered many reasonable lines of play coupled with good defense. They finally concluded that +300 was the most favorable result that was likely for the non-offending side (N/S) but that some inferior lines of play could lead to +500 for N/S and that these met the "at all probable" standard of Law 12C2. Accordingly, -500 was assigned to the offenders (E/W). Since E/W were both experienced players (although they had not played much in recent years) the Committee decided that this appeal lacked merit and assigned each of them an AWMW.

DIC of Event: Henry Cukoff

Committee: Richard Popper (chair), Mark Feldman, Gail Greenberg, Lou Reich, Robert Schwartz

✍ The panelists overwhelmingly support the principle behind the Director's ruling and the Committee's decision, although there is disagreement about the details of the score adjustment. Our first panelist recommends a missing element that I thought should have been included...

Wildavsky: "Nice work by the Committee. This one is worth reading again. 'West apparently did not completely understand the rule concerning UI when he said that East did not yet know he had clubs.' Priceless. In addition to the change of score a PP against West was warranted."

Rigal: "Excellent work all around. Good score adjustment and AWMW. Let's give credit where it is due. Had the Director's ruling been the other way, I guess we might have used a PP as a substitute for the AWMW, even if the two are not interchangeable, just to let West know how far out of line he was. If I'd done this, the last thing I'd want to do is put it on the record by appealing it."

✍ Yes, if a PP had been issued at the table to emphasize just how unacceptable the 5♣ bid was, we might have avoided this appeal. Most panelists accept the Committee's score adjustment as is.

Allison: "Fine decision by the Committee which, one hopes, took the opportunity to educate the offenders on their responsibilities with respect to UI. West's comment about needing to bid 5♣ so his partner would know he had clubs was specious: that suit is scarcely worth removing a probable fine 4♣ (assuming no UI) contract to mention."

Treadwell: "Unlike CASE TWENTY-ONE, West's hand is pretty good if partner can freely bid spades: East could have six-plus length in a mediocre hand that was not worth an immediate overcall. Hence, there is no logical basis for running—except for the UI. Very good Committee decision including the AWMW."

Polisner: "When will they ever learn? I would have hoped that in screening the E/W pair could have been convinced to drop the appeal."

Wolff: "Another CD but along conventional lines. A tough decision for E/W, but justified."

Stevenson: "Why do players appeal when they know they are wrong?"

Passell: "Good job by all. Pulling 4♣ doubled with that particular holding and West's self-serving comments made him lucky to get off without a severe scolding as well as his AWMW. Kudos to the Director who sought help in arriving at +300 for N/S. The Committee was harsher which was also a good thing."

R. Cohen: “Again the Alert was a memory jogger. Both the Director and Committee were right on in determining an adjudication that was appropriate. I can readily accept the –500 for E/W. They earned it for appealing the Director’s ruling.”

✍ Perhaps we can anticipate the previous two panelists’ versions of *Crime and Punishment* appearing soon.

Goldsmith: “Good job. I don’t expect Directors to award split scores very often, if ever. In practice, they are just too busy to be able to consider play problems in that much detail. That the Committee judged to do so is to their credit.”

✍ Jeff may be correct—but I hope not. The play analysis for the score adjustment is just as important as determining the need for an adjustment in the first place, since appeals may be based on either.

Considering that non-reciprocal score adjustment in more detail is...

Gerard: “I examined a diamond at trick one and two rounds of trumps, ducked as per the Director’s suggestion. That’s eight or nine tricks, depending on where the opening lead was won. I tried the same, with South winning the second trump. Eight tricks. I tried $\diamond A$, ace and ruff a heart, $\spadesuit K$. South wins, plays $\clubsuit AQ$. North ruffs and plays a diamond. If East ducks (pretty marked), eight tricks. Only if East plays the king will the result be –500. The Committee was there and put in the time, but I’m struggling with the concept

of seven tricks as at all probable.”

✍ Let’s try a slight variation of one of Ron’s lines. The diamond lead is won with dummy’s ace and declarer then plays ace and ruffs a heart followed by the $\spadesuit K$. South wins and plays a *low* club for North to ruff and East ducks the diamond return, as Ron suggests. But North counters with a third diamond and South ruffs. If declarer overruffs, dummy is endplayed for two club tricks while if declarer pitches from dummy the defense scores six tricks (one trick in each suit plus two ruffs). A similar fate awaits declarer if he wins the opening diamond lead in hand.

Finally, consider this next panelist’s analysis...

Bramley: “Almost perfect. Suppose declarer makes the intuitive-looking play of winning the diamond lead in hand to lead a club. Now the defenders take $\clubsuit A$, club ruff, diamond ruff (as dummy’s ace drops), club ruff, diamond punching dummy. The defense has four tricks in and must make the trump ace and one other trick. This sequence of plays looks likely enough that I would have assigned down three to both sides, reciprocal 500s. (Deep Finesse told me that if declarer leads trumps immediately he can get out for down two unless South wins the trump ace and leads the $\clubsuit Q$.)”

✍ So –500 looks right for E/W but it may very well be right for N/S too. Any one of the above lines may not be “at all probable,” but collectively they may even be as much as “likely.”

CASE TWENTY-THREE

Subject (UI/MI): The Amazing Strong/Weak Natural/Takeout Notrump

Event: Silver Ribbon Pairs, 09 Mar 03, Second Qualifying Session

Bd: 28	Olavi Vare		
Dlr: West	♠ Q94		
Vul: N/S	♥ 543		
	♦ A4		
	♣ 98732		
David Abuhove	Dennis Wick		
♠ 108	♠ AK5		
♥ KQ9	♥ 108762		
♦ K87	♦ Q65		
♣ KQ1064	♣ AJ		
	Renee Carter		
	♠ J7632		
	♥ AJ		
	♦ J10932		
	♣ 5		
WEST	NORTH	EAST	SOUTH
1♣	Pass	1♥	1NT
Pass(1)	Pass	Dbl	2♦
2♥	2♠	Dbl	All Pass
(1) Asked about 1NT, told strong (N/S's agreement according to their CC)			

The Facts: 2♠ doubled made two, +670 for N/S. The opening lead was the ♣A. The Director was called at the end of the play. At some point after the auction ended (E/W thought before the opening lead; N/S thought after dummy came down) South said to North "I thought I was showing the other two suits," to which North replied, "I finally realized that." The Director determined that North's explanation of 1NT as natural was in accord with N/S's agreement (their CC had nothing about sandwich notrumps listed) and in any case East's own hand and the auction strongly suggested that South could not have a strong notrump. Thus, there had been no violation of Law 75B and no MI to E/W. The Director ruled that the table result would stand.

The Appeal: E/W appealed the Director's ruling and were the only players to attend the hearing. E/W were concerned that an agreement appeared to exist because of North's successful fielding of South's 2♦ bid, his free 2♠ bid and his later statement that he figured his partner had spades. If such an agreement existed they believed North owed them an explanation before he bid rather than after the hand.

The Committee Decision: Normally in cases of MI versus misbid the alleged offenders bear a heavy burden to show that a call was a misbid. In this case the Director determined that sandwich notrumps were not on N/S's CC and concluded that there had been a misbid. The Committee decided that in the face of North's comment and his free 2♠ bid, the absence of sandwich notrump on N/S's CC was not sufficient to conclude that South had misbid. N/S might have been able to convince the Committee otherwise but they were not present at the hearing. Therefore, the Committee decided that there had been MI. If E/W had been properly informed of this imputed agreement, they would have been very likely to have bid 4♥. Therefore, the Committee changed the contract to 4♥ by East. If South either leads a spade or shifts to a

spade when he gets in with the ♥A, E/W would make five. The Committee deemed this sufficiently likely to assign the result for 4♥ made five, +450 for E/W, to both pairs. The Committee briefly considered whether South's pull of 1NT doubled to 2♦ was aided by UI from North's failure to Alert 1NT and his subsequent explanation of the bid as natural. They rejected that approach since they believed that passing 1NT doubled was not an LA for South.

Dissenting Opinion (Ed Lazarus): E/W's appeal was based on their belief that before North bid 2♠ he should have Alerted that he now believed that his side had an agreement that 1NT was for takeout. However, North had already passed 1NT, properly reacting to his understanding that 1NT showed a strong balanced hand. The laws do not require a player to inform the opponents if he infers from his own hand and the subsequent auction that his partner might have mistakenly bid 1NT to show a diamond-spade two-suiter when his agreement was that it was natural, as indicated on their CCs. (However, if North later decided that his explanation of 1NT as natural was in error and that his *actual agreement* was that 1NT showed the other two suits he was required to call the Director and correct the mis-explanation.) Furthermore, it should have been clear to East, holding 14 HCP (after his partner had opened the bidding), that South was bidding on distribution. I would allow North to bid 2♠ and the table result of 2♠ doubled made two, +670 for N/S, to stand.

Dissenting Opinion (Aaron Silverstein): Although at the time I agreed with the majority's decision, after further consideration I believe we made the wrong decision for several reasons. First, I think the timing of the Director call (at the end of the hand instead of when dummy appeared) suggested that E/W were not upset with the dummy but rather were upset with the result. Second, since North passed 1NT and only later bid 2♠, E/W should have known he did not have long spades, at which point the whole table should have known that there had been a misunderstanding. I think we probably should have forced N/S to play 1NT doubled. I do believe that the onus is on the side who has bid as though they have an agreement to prove that they don't. In this case, however, 4♥ made five is the wrong decision. If we do not require N/S to play 1NT doubled we should allow the table result to stand.

DIC of Event: Henry Cukoff

Committee: Michael Houston (chair), Ed Lazarus, Jeff Meckstroth, Aaron Silverstein, Eddie Wold

✍ This case requires more than the usual preliminaries.

When a player misbids but his partner correctly explains the partnership's actual understanding about the call, there is no MI and the player who misbid is under no legal obligation to inform his opponents that he misbid. However, the misbidder still has UI from any Alert, failure to Alert or explanation that his partner gave and must carefully avoid taking any advantage (Law 73C).

I was present for the presentation of this case. The Screening Director left the hearing without even mentioning that UI might have influenced South's 2♦ bid, so I followed him out of the room and asked if there might not be an UI issue that should have been addressed. He said "There might be" but then walked away without returning to the room to address this issue to the Committee. I returned to the hearing room to find the Committee (predictably) ignoring the UI issue. I raised the issue with them but they soon dismissed it (hence the final two sentences of the write-up).

To me the MI issue was a non-starter (North's claim that they were not playing sandwich notrumps was confirmed by N/S's CCs) while the UI issue was the crux of this case. South's 2♦ bid should have been disallowed and the contract changed to 1NT doubled down five, +1400 for E/W.

Several panelists recognize the UI issue and agree that passing the double of 1NT is an LA for a South who had already described her hand and heard partner voluntarily pass 1NT anyhow.

Goldsmith: “Why isn’t passing 1NT doubled an LA? Can’t partner have ♠Q ♥K109x ♦Qx ♣AQJ10xx or the like? Nothing matters after that decision, and I think that was blatantly wrong. MI was irrelevant. This was a UI case. 1NT doubled down five for each side.”

✍ Precisely. But Jeff’s example hand seems a bit too strong as it places N/S with more than half the high cards. Something like ♠xx ♥K109x ♦xx ♣AQJ10x seems more appropriate.

Polisner: “I disagree with the majority in that South’s pull of 1NT doubled was clearly based on UI. She must pass since she had already described her hand and leave it up to North to sit or pull. The contract should have been changed to 1NT doubled.”

Stevenson: “South believed she had shown the other two suits so has no reason to pull 1NT doubled. She has not got great strength in her suits, freakish distribution or a void so the only reason to pull 1NT doubled is because she knows her partner misunderstood her bid. But that is based on UI. I am surprised that neither the Director nor the Committee ruled this as 1NT doubled minus five.”

Wildavsky: “I’d like to see a poll on what call to make with the South hand after partner passes our takeout 1NT. I suspect we’d find that pass is an LA. Thus, I agree with Aaron Silverstein’s dissent.”

R. Cohen: “Law 75B starts ‘A player may violate an announced partnership agreement, so long as his partner is unaware of the violation.’ In this case North became aware of South’s violation, albeit based on the subsequent auction. On the other side, the preamble to Law 16 states ‘Players are authorized to base their calls and plays on information from legal calls and/or plays...’ When South had UI from North’s response to the inquiry about the 1NT bid, her 2♦ bid was no longer a ‘legal’ bid. Couldn’t North have had a 2=4=2=5 or 2=5=1=5 distribution with his cards in E/W’s suits? Finally, North became aware of South’s violation of their agreement and his voluntary 2♣ bid was a violation of 75B. I agree that the Committee was correct in awarding E/W +650, but perhaps N/S should have been assigned –800 or –1100.”

✍ Ralph’s comment is puzzling for several reasons. If North became aware of South’s violation of their partnership agreement through the subsequent auction, which is AI to him, then why is North’s voluntary 2♣ bid a violation of Law 75B? If a player may make any call that is based on AI, and if the subsequent auction is AI, then North is entitled to compete in South’s “other” suit.

Even more puzzling is Ralph’s desire to assign non-reciprocal scores. How can this be appropriate? If South is not allowed to bid 2♦ then 1NT doubled should be the final contract *for both sides*. But if South is allowed to bid 2♦ then East, who was captain of the auction for his side, had to know that South could not have a strong notrump both from his own hand and from South’s 2♦ bid (see Mike’s comment below). Thus, when he decided to roll the dice and play for penalties against 2♣ he must live with the table result. As for N/S, since their “MI” was counteracted by the subsequent auction and did not damage the opponents, they should also keep the table result since it was simply rub of the green.

As for Ralph’s score assignments, the result in 1NT doubled would surely be down five, which is –1400, not –800 or –1100. As for E/W reaching 4♥ and making eleven tricks, isn’t the singleton club lead by South a standout? Mike and Bart will have more to say about this shortly but first, the next two panelists see the UI issue clearly but take a very different view (the one the Committee

took) of South’s 2♦ bid.

Rigal: “I think the Director made the correct ruling even though I’d normally rule against the offenders when in doubt. Here North made a correct assumption about his partner’s hand type and South would *never* have sat for 1NT here. Anyone (and there are plenty of lunatics out there) who believes that when you’ve bid an unusual notrump you should trust partner and imitate the boy standing on the burning deck by passing, had better start coming up with just one example of when this approach has worked. Answer: you can’t do it, people don’t do it, and no one on the Committee would do it, if for no other reason than you—not partner—will get to play the hand in your one-three fit if you do.”

Bramley: “The Committee was all over the lot on this one. The majority completely missed the boat. How could the contract ever have been 4♥? No, the result if E/W had been properly informed is the table result. When East doubled 2♠ he had essentially all of the correct information, but some of it was inferential. He doubled because he thought he had the opponents nailed, with massive high-card superiority and a good trump holding. If that is the wrong decision it’s tough luck. (It also doesn’t help when you throw away the setting trick.) The majority say that there is no LA to bidding 2♦. If that is so, then how do they justify changing the table result? They don’t say that North used UI to bid 2♣. So at which point were E/W going to change their minds and bid 4♥? Note that West had already slipped in a heart raise when East chose to double 2♠.

“The first dissenter has the right idea about leaving the table result alone, but he uses the ‘mistaken bid’ justification, which I don’t think is necessary. The second dissenter is the only Committee member who correctly sees this as a choice between the table result and 1NT doubled. If you think South had an LA of passing 1NT doubled, then that should be the assigned contract. If you think, as I do and as the Committee majority did, that South has no LA to bidding 2♦ despite the UI from North’s explanation, then the table result should stand.”

Allison: “There was *prima facie* evidence (CCs) to show that ‘strong’ was N/S’s normal meaning of 1NT. South could have been removing with a long, strong diamond suit and North took his life in his hands when he bid 2♣ (I believe) unless—and this is a BIG unless—there had been some experience of a sandwich no trump in this pair’s history. Without N/S to discuss this, I would be inclined to give relief to E/W. There are too many ifs in my mind to allow this result to stand (though I never would consider making N/S play 1NT doubled). I agree with the Committee that E/W should be allowed to bid to 4♥.”

✍ If “strong” was N/S’s agreement about 1NT, on what basis are we giving E/W relief? There was no MI (since E/W were told the correct meaning of 1NT) and no evidence of this being part of a pattern of forgetting (we can’t assume a pattern with no evidence of it just because N/S weren’t there to deny it). Karen is right that if South has a long, strong diamond suit (say AKJxxx) as part of her strong notrump then North took his life in his hands when he bid 2♣. But this is all beside the point if E/W were given the correct information about the 1NT bid. So where are the “ifs” that justify tampering with the table result? In fact, the only “if” left is whether South is entitled to run from 1NT doubled given the UI from North’s explanation. But that does not justify changing the contract to 4♥. It only justifies changing it to 1NT doubled, which Karen says she would never consider doing. But why not? If it’s because she agrees with the Committee majority that passing 1NT doubled is not an LA, then the only option left is to allow the table to stand, as Bart and the next panelist point out.

Treadwell: “Here the dissenters make a good case: It is evident

from the auction that N/S were having a misunderstanding and East chose to double the vulnerable opponents to get a big score. This did not work out (how did they let it make?) and they should be stuck with the result.”

Passell: “I heavily agree with the dissenters. East knew what was going on due to his HCP, reinforced by South’s runout to 2♦. And North would have already run to 2♠ with his assumed yarborough. How did 2♠ doubled make? How would E/W make eleven tricks in 4♥ with a singleton club lead and the easy ruff? All puzzling. E/W took a shot at +500 and failed, so called the cops. Forcing 1NT doubled to be played was never an option once East said double.”

✍ He was doing so well right up to the end there. Why would East’s double prevent the Director or Committee from judging that South’s 2♦ bid was illegal and thus changing the contract to 1NT doubled? East’s double of 2♠ may have worked out poorly but it hardly seems egregious. And allowing 2♠ doubled to make, while pretty bad, could never have restored the +1400 E/W were entitled to in 1NT doubled, which is a prerequisite for forcing them to keep the table result (the best they could do against 2♠ doubled was +800).

The next panelist has some insightful views of the (fabricated) claim made by the Committee majority that N/S essentially had a concealed partnership understanding (which is what they believed, even if the write-up doesn’t reflect that very clearly).

Gerard: “On this case, there’s the Director and Ed Lazarus and then there’s everyone else. A scintillating decision by the majority, in a R*A*T*S*ian framework.

“Most of this is so obvious as to be painful. Everyone heard the same auction that North did: South rescued herself from 1NT doubled into one of the unbid suits. North’s 2♠ bid was in the context of that action, and would seem marked on his collection after South revealed her true intentions. And his comment was totally innocuous: ‘I finally realized that’ (after I heard the same auction that E/W did). If you’re a linguist, you’ll note that North’s comment related to what South thought she was showing, not to what their agreement was. All of those facts were right out in the open, they didn’t need N/S to be present to explain them. *Res ipsa loquitur* (‘the cards talk’).

“The rest is mostly irrelevant. 1NT doubled is not the contract of choice, even in an expert game. South can figure that North’s tip-top maximum is 12 HCP with 2=4=2=5 or 2=bad 5=2=4 shape, so passing 1NT doubled is a questionable LA. But even if you force South to do that, North could figure that South’s tip-top maximum would be 13 HCP, which doesn’t measure up. So someone would run from 1NT doubled. The timing of the Director call didn’t matter, since most of E/W’s contention related to the North hand, which didn’t become known until after the play. But even the delayed reaction to the comment didn’t deprive E/W of their rights, it merely made it more difficult to establish when the comment was uttered. That had no bearing on E/W’s case or lack thereof. And the ACBL Guidelines to filling out the CC make it clear that Sandwich Notrump is to be entered in the ‘Notrump Overcalls, Conv’ section, both by checking the box and filling in the blank. So the prima facie evidence of an agreement that 1NT was natural needed a lot stronger counterweight than what the

majority cooked up to conclude that South hadn’t misbid. I understand that most of the majority was proud of their decision, but I would suggest that Committee membership needs to be monitored to assure independence.

“I disagree with most of Aaron Silverstein’s dissent (although North’s earlier failure to bid 2♠ was germane) and with the fact that he issued it. You don’t get to change your vote after you discuss it with your peers and are told you did the wrong thing. If the logic of Ed Lazarus’s arguments couldn’t convince you during the proceedings, what more could you learn outside the Committee room? Imagine what this could lead to. What if one of the majority in Bush versus Gore decided he wanted to reconsider?”

✍ With all of Ron’s insight and impeccable logic, I just wish he agreed that passing 1NT doubled was an LA. After all, who could insist on playing 2♦ (or 2♠—ugh!) with that horrible South hand if partner had duly Alerted 1NT, explained it as sandwich/takeout and then passed? As for North running from 1NT doubled, Ron is right that he “could” have worked out that South could not have the strong notrump she promised. But why “would” he? “Trust partner, not the opponents” is a good rule. Couldn’t South have tactically shaded the HCP for her 1NT bid holding good diamonds, perhaps something like ♠10x ♥QJx ♦KQJxxx ♣A10, in which case South will take at least seven tricks in 1NT doubled for a great result?

Ron makes an excellent point about the second dissent. Joan, Barry and I have agreed that in the future no dissent that was not voiced in the hearing will be published.

Finally...

Wolff: “As in CASE TWENTY-ONE, CD makes all four of the bad things come to life. E/W probably deserve -670 since they had 2♠ easily defeated and as was pointed out, East should have known what was happening. Minus 670 for E/W, +670 for N/S plus a one-half-board PP for causing yet another board to be unplayable.”

✍ Once again it must be stressed that we cannot issue PPs to everyone who happens to forget what he is playing and misbids. PPs must be reserved for flagrant actions (those which flaunt Law 73C) or those which through repetition indicate undue negligence.

I am disappointed that more of the panelists did not pick up on the UI aspect of this case or recognize that passing 1NT doubled is an LA for South, even if they themselves would not have passed. The best argument for allowing N/S to escape from 1NT doubled (Ron’s, that North would work out to run after the double) I find tenuous at best.

As for the Committee, they were blinded by their dislike for North’s 2♠ bid after he had explained South’s 1NT bid as strong. But as several panelists have pointed out, North initially passed 1NT, consistent with his explanation, and the information that later allowed him to bid 2♠ was authorized and available to everyone at the table. Unfortunately, this case shows how a few members of a group with a highly personal agenda can subvert other members to their goal. They quickly adopted a bogus (and naive) “concealed understanding” theme and before long the rest of the group were so invested in that idea that they were blinded to other ways to deal with N/S’s undeserved good result—ways that were legal and more effective (based on UI).

Sad, really.

CASE TWENTY-FOUR

Subject (UI/MI): High Cards To The Left Of Her, High Cards To The Right Of Her

Event: Open Pairs, 12 Mar 03, Second Session

Bd: 8	♠ AK106532		
Dlr: West	♥ 82		
Vul: None	♦ Q3		
	♣ A5		
♠ Q974		♠ J	
♥ AQ97		♥ KJ1043	
♦ A6		♦ J10875	
♣ Q92		♣ 106	
	♠ 8		
	♥ 65		
	♦ K942		
	♣ KJ8743		
WEST	NORTH	EAST	SOUTH
1♣	2♠(1)	Dbl	Pass
3♥	3♠	4♥	All Pass
(1) Not Alerted; intermediate			

The Facts: 4♥ went down one, +50 for N/S. The opening lead was the ♠A. The Director was called at the end of play and told that 2♠ had not been Alerted but was explained before the play began as intermediate. The Director, after consultation, ruled that Law 40C (which leaves it up to the Director to decide if a side has been damaged by its opponents' failure to explain the full meaning of a call or play) did not apply and allowed the table result to stand.

The Appeal: E/W appealed the Director's ruling and were the only players to attend the hearing. (The appeal came in at the end of the session, at which time N/S could not be found to inform them of the hearing.) East believed that her 4♥ bid was reasonable if the 3♠ bidder had a weak jump overcall as then South would have cards that could be finessed by declarer (West). But if North was the one with a good hand (behind the opening bidder) then play would be less likely to be successful and she would then have passed 3♠.

The Panel Decision: The Panel sought input regarding East's assertion that her decision to bid over 3♠ would have been different if her LHO had been the one likely to hold the stronger hand. Three experts were consulted. Two said it made no difference which of the opponents was more likely to hold the stronger hand since West was known to hold a minimum when he failed to jump to 4♥. This gave each side approximately half the deck. Both of these players would have passed 3♠. The third expert would always bid 4♥ regardless of the meaning of North's bid. East had about 2000 masterpoints so three of her peers were also interviewed. All three passed 3♠ saying that West's hand was minimum and 4♥ was not likely to be successful. The Panel concurred with the consultants' advice that the infraction had not been the cause of the damage to East (Law 40C). And while they believed that North's 3♠ bid might have been tainted by South's failure to Alert 2♠ (a player poll revealed pass to be an LA), the sense of the consultants and Panel was that East always wanted to be in 4♥, with or without a 3♠ bid by North, which rendered that issue moot. Therefore, the table result was allowed to stand.

DIC of Event: Millard Nachtwey

Panel: Candy Kuschner (Reviewer), Matt Smith, Ken VanCleve

Players consulted: Peter Boyd, Lynn Deas, Steve Robinson, three other players with about 2000 masterpoints

 This case raises a number of questions in several panelists' minds. We begin with the most emphatic in his disagreement with the Panel's decision.

Bramley: "No. East's argument is credible despite the lack of support from the pollees. 4♥ did not have to make to be the winning action since 3♠ could easily have been cold, and would have made here if North's spade spots had been stronger. Also, I don't understand the Panel's statement that 'East always wanted to be in 4♥, with or without a 3♠ bid by North.' We don't really know what East would have done without a 3♠ bid, and besides, nobody asked her. (My opinion is that East would never have bid 4♥ if North had passed.) We do know that she cared about where the opponents' strength was when she bid over 3♠. The real issue was one the Panel glossed over, the 'tainted' nature of North's 3♠ bid. I often argue that proving UI from a failure to Alert is harder than from a gratuitous Alert, but North's 3♠ bid has all of the earmarks of an 'assisted' action. He has already described his hand very closely, and his seventh spade is more than offset by his terrible shape on the side. The Panel should have been polling about that 3♠ bid. If, as I expect, it had gotten little support, then the Panel should have assigned a contract of 3♥ made three, +140 to E/W and reciprocated for N/S."

 Two other panelists echo Bart's view of the UI issue.

Wildavsky: "I'd have liked to see the UI aspects addressed more fully. I'd say that pass was an LA to 3♠ by North, that the UI (no Alert) demonstrably suggested bidding, and that it's without doubt at least 'at all probable' that East would have passed 3♥ given the opportunity."

Goldsmith: "I don't understand the part about '2♠ had not been Alerted but was explained before the play began as intermediate.' If North volunteered that, someone needs to tell him not to when he's defending. In any case, there seems to be UI available to South. It didn't appear to matter, but we weren't told the play or defense, so we don't know. There was also UI available to North due to the failure to Alert, but if the Panel ascertained that East would have bid 4♥ anyway (really?) then it is moot. I don't believe it and probably would have ruled E/W +140."

 I agree with the above panelists: North's 3♠ bid is suspect and should have been disallowed. A more appropriate poll would have been to give players the North hand and the auction through 3♥ (with the 2♠ bid appropriately Alerted and explained) and see if any of them would have passed. (My guess is that many if not most would have.) Whether East would have raised 3♥ to 4♥ without the 3♠ bid is less clear but easily addressable through a second poll. While West must clearly be minimum for his previous bidding, there are minimums and then there are minimums. For example, give West ♠J10xx ♥AQxx ♦x ♣Axxx (an 11-count) and 4♥ has excellent play (and 3♠ makes easily) while give him ♠QJ9x ♥Qxxx ♦KQ ♣QJx and even 3♥ is too high. And as Bart noted, exchange one of North's low spades for West's ♠9 in the actual hand and 4♥ would have been a good save over a cold 3♠.

Of course at matchpoints East should not play West for a perfecto and so should settle for 3♥ if North passes. This, together with her concern for where the opponents' HCP were located, indicates to me that she was not as intent on being in 4♥ as the Panel seemed to believe—only that she was intent on being in 4♥ after having been given MI and hearing North bid 3♠.

The remaining panelists support the Panel's decision, though

their arguments seem rather unconvincing.

Allison: “North’s 3♠ bid would be somewhat self-Alerting, I think. I certainly would take a look at the CC of someone who bid twice in the auction that way. I can’t think I would hold the East cards and not bid 4♥ in this auction irrespective of the meaning of 2♠, however. Consequently, I agree with the Panel’s decision.”

✍ Why should North’s 3♠ bid be self-Alerting? Couldn’t he have intentionally underbid on the previous round (I once heard of a player who walked the dog in an auction very much like this) and hold a preemptive hand with, say, seven good spades and not much else, something like ♠KQJ10xxx ♥x ♦x ♣Jxxx? We’ve all seen stranger bidding than that. Yes, East (with over 2700 masterpoints) might have inspected N/S’s CC after North’s 3♠ bid but she was certainly not obliged to do so. And East’s 4♥ bid may have been a fine (and popular) action over 3♠ whatever 2♠ may have meant, but that should not have been the auction East was forced to contend with and over 3♥-(P)-? she might easily have passed.

R. Cohen: “No problem here. E/W (and N/S as well) were guilty of not calling the Director before the play, at the time E/W were informed (illegally I might add since they were defenders; see Law 75D) of the N/S agreement. Had the Director been summoned in accordance with Law 9B1(a), he would have called the E/W players away from the table individually before the play and determined if they would have bid differently with all the correct information. In this case E/W were trying to get something post-play after they knew the result. All the consulting with the experts was a waste of time for the Panel. Had the law been followed E/W might have been entitled to redress, but not when they ignored it.”

✍ Ralph may be right about N/S prematurely (and illegally) informing E/W about the meaning of the 2♠ bid, but that depends on who did the informing and how. If South corrected his own failure to Alert 2♠, he should have called the Director before doing so but informing E/W of his error was not, in and of itself, illegal. If, however, it was North who corrected South’s failure to Alert 2♠ then this was illegal by Law 75D2, as Ralph notes. And if, after the auction, E/W asked about the 2♠ bid and were told by South that it was intermediate (not realizing that 2♠ was Alertable), then South did nothing wrong when he disclosed the meaning of 2♠, though once it was recognized that there had been a failure to Alert all four players were guilty of not summoning the Director (Law 9B). In that case Ralph is right about E/W’s culpability for waiting to see the result on the board before calling the Director. Had the Director been called in time to take E/W (especially East) away from the table at the end of the auction, before the whole deal was known, certain things (like what East thought she might have done had she known 2♠ was intermediate) could have been established with greater confidence.

Still, E/W’s failure to summon the Director as soon as they discovered the failure to Alert did not automatically deprive them

of the right to receive redress, it merely made it more difficult for them to establish that they had been damaged.

If the previous panelist’s view of the timing of E/W’s Director call can appropriately be characterized as “negative,” the following panelist’s reaction might better be described as “thermonuclear.”

Wolff: “3♠ goes down because of West’s holding of the ♠9. To me E/W overstepped ethical bounds to bring this action and should be disciplined. If we look the other way this stuff won’t go away. There has got to be a limit. N/S even explained before the round that they play intermediate jump overcalls. What I am saying as forcibly as I can is that the Directors should understand what E/W were doing and they should make them very uncomfortable for doing it.”

✍ Wolffie’s overreaction seems to be based on a misreading of the report. The write-up says that N/S explained the meaning of the 2♠ bid before *play* began, not before the *round* began. Still, E/W’s failure to call the Director as soon as the disclosure was made is a good argument for attaching less weight to East’s claim that if she had known that 2♠ was intermediate she would not have bid 4♥. However, it does not really deal effectively with the UI issue—or with North’s 3♠ bid.

Gerard: “Good (and diplomatic) job by the Panel.”

Stevenson: “East really does not have game values whatever the opponents bid.”

Rigal: “Well done by both groups. The relative closeness of the decision and the UI concerns make this a case where an AWMW is not appropriate, though my instincts are that whenever a Director ruling is allowed to stand on appeal, the Panel/Committee should at least mention that fact in passing. By the way, I think North is entitled to bid 3♠ here because of his seventh spade. In fact, I quite like the way he handled his hand.”

✍ Well, the way North bid his hand might appropriately have been described as nice had South not forgotten to Alert 2♠. As it was, though, he probably violated Law 73C.

If this next panelist is overbidding in suggesting this appeal lacks merit...

Passell: “Good job by all. Appeal was borderline without merit.”

✍ ...then this final panelist is outright psyching...

Polisner: “Where was the AWMW?”

✍ I think I’ll treat that as a rhetorical question. (See Ron, I can be diplomatic, too.)

CASE TWENTY-FIVE

Subject (UI/MI): The Reluctant Double-Whammy
Event: NABC Women's Pairs, 14 Mar 03, First Final Session

Bd: 24	Christine Urbanek		
Dlr: West	♠ 983		
Vul: None	♥ KJ1086		
	♦ 95		
	♣ Q52		
Bobbie Gomer			Gail Bell
♠ KQ104			♠ J762
♥ 973			♥ 54
♦ KQJ8			♦ 732
♣ K4			♣ A863
	Joan Rose		
	♠ A5		
	♥ AQ2		
	♦ A1064		
	♣ J1097		
WEST	NORTH	EAST	SOUTH
1♦	Pass	Pass	1NT
Pass	2♥(1)	Pass	2♠
Pass	3♥	All Pass	
(1) Announced, transfer			

The Facts: 3♥ went down one, +50 for E/W. The opening lead was the ♦K. E/W called the Director when South passed 3♥. East said she might have bid 2♠ over 2♥ had she known 2♥ was natural. North said she did not think transfers were on after a balancing 1NT bid and while she was aware she had UI, she believed South could not have a playable spade suit since she had not balanced with a spade bid. With no reason to play South for a singleton heart and no other feature to show, North simply rebid 3♥. The Director ruled that North did have UI (Law 16A) but that her subsequent actions did not violate Law 73C. Therefore, the table result was allowed to stand.

The Appeal: E/W appealed the Director's ruling. E/W said they called the Director after North's 3♥ bid and East told him away from the table that she "would" (not "might," as the Director reported) have bid 2♠ had she known that the 2♥ bid was natural. N/S said they had not discussed whether they played transfers over a balancing 1NT bid but they had discussed that the bid showed 10-14 HCP, a balanced hand and no five-card major. North did not believe it was logical that South's 2♠ bid could be running from 2♥ after having bid 1NT. N/S produced typed system notes indicating that after a 1NT opening a 2♥ transfer followed by 3♥ would have been invitational, showing five spades and four hearts. E/W did not voluntarily suggest that North had transmitted UI through either her tempo or manner when she bid 3♥. However, when asked specifically about this West said she noticed nothing while East said she believed the 3♥ bid had been fast (N/S denied this).

The Committee Decision: North had UI that her partner believed 2♥ was a transfer. The Committee agreed with N/S that 2♠ is not normally played as corrective following a signoff at the two level (the standard treatment of such a bid is as a super-acceptance of hearts—i.e., a cue-bid with support). North did not have enough to bid game so her 3♥ bid was appropriate. South had a maximum and so might have bid 3NT over 3♥. However, if she had no UI

(and there was no suggestion that she did) she was allowed to exercise her judgment and pass knowing that N/S lacked an eight-card fit and that North had failed to make a non-vulnerable one-level overcall. Thus, the Committee decided that South's pass of 3♥ was not so unusual as to indicate that she had acted on UI. East had been given MI which made it impossible for her to bid 2♠ naturally. Had E/W been given the correct information (that 2♥ was undiscussed) and had East bid 2♠, South would probably have passed assuming the bid was for takeout. West would then have passed 2♠ and North would not have had any reason to bid again. So the Committee had to decide whether a 2♠ bid by East (given the correct information) was either "likely" (the standard applied to a non-offending side) or "at all probable" (the standard applied to an offending side). Noting that East did not indicate that she would have bid 2♠ over 2♥ until North had already rebid 3♥ and South had passed, the Committee decided that bidding 2♠ over 2♥ did not meet the standard of "likely" for the non-offending side (E/W) but that it did meet the standard of "at all probable" for the offending side (N/S). Therefore, the table result was allowed to stand for E/W while the contract was changed to 2♠ for N/S. Against 2♠ South has a normal ♣J lead which declarer would win with the king and play on trumps, to prevent a diamond ruff. South would win and probably continue clubs, from which point normal defense would hold declarer to eight tricks. (It is possible that the defense could go wrong and allow declarer to make nine tricks, but having already enforced a less-than-likely 2♠ bid on N/S the Committee deemed it unreasonable to further require them to produce an inferior defense.) Thus, N/S were assigned the result for 2♠ by East made two, -110 for N/S.

DIC of Event: Henry Cukoff

Committee: Doug Doub (chair), Dick Budd, Larry Cohen, Mark Feldman, Bob Schwartz

✍ As the Committee noted, this case boils down to whether or not one believes that East might (would?) have bid 2♠ over 2♥ if she had known North's 2♥ bid was undiscussed. The Committee thought it was "at all probable" but not "likely." Most panelists think that 2♠ by East was not even "at all probable," several citing East's failure to respond 1♠ with an ace to support their judgment.

Allison: "I disagree that the 2♠ bid by East is 'at all probable.' An East that didn't respond 1♠ with an ace and a jack-fourth spade suit is now going to come in unassisted (partner could not double the balancing 1NT bid) with that suit in a live auction? I would never give N/S that result."

Bramley: "I don't buy East's statement about bidding 2♠. It's a classic 'try something different—anything' in case she didn't like her impending table result. She already hadn't bid 1♠ over 1♦ when it was much safer. Why should we believe that she would risk it later? Reverse West's majors to see an alternate outcome in 2♠. I have always disliked the policy of pulling players away from the table to ask them what they what would have done 'if.' This invites players to fantasize, since saying *nothing* can't help them and saying *something* might help them. Such statements must be regarded with the same healthy skepticism as anything said to a Committee. That is, don't automatically accept what they say; first they need to make a good case. Since I don't believe East, not even a little, I would have left the table result for both sides."

Rigal: "I think the Committee bought the Brooklyn Bridge here. A hand that can't bid 1♠ over 1♦ would bid 2♠ over 2♥? Tell me what about that hand makes this action more attractive? The whole thing stinks; leave it in 3♥ for both sides. At least the Committee gave E/W nothing."

Treadwell: “The Committee made a good analysis, except that I find it hard to believe anyone would freely bid 2♠ with the East hand, particularly after having passed West’s 1♦ opening. Hence, I think the table result should be given to both sides.”

Gerard: “Personally, I think 2♠ was subject to a different standard: attention-getting (happens only in the Committee room). If East hadn’t suggested the possibility of 2♠, do you think the Committee would have conceived of the possibility and fashioned the argument for E/W? The Committee rejected E/W’s version of the timing of the Director call, as well they might—East wouldn’t claim possession of 2♠ if South were about to jump to 4♠ over 3♥. As for ‘would’ vs. ‘might,’ it just doesn’t matter. I suspect Transfer of Intelligence syndrome—a player who would pass 1♦ doesn’t just turn up with the female onions to bid 2♠ in an unprotected situation on that hand. So I don’t buy 110 for E/W. The Committee did very well as to everything else, including its very clear write-up, but it was too naive in judging ‘at all probable.’”

✍ The next two panelists seem to suffer from the same dementia.

R. Cohen: “A strong disagreement from this corner. Based on South’s understanding of the auction, didn’t North show a hand along the line of ♠Kxxxx ♥J10xxx ♦Kx ♣x, or something similar? Shouldn’t South bid 4♥ on that understanding? What facial expressions (or other action) did North employ to tip South to pass 3♥? My adjudication: I’d assign N/S –100 for 4♥ down two.”

Passell: “This one I really don’t get. In standard, isn’t 1NT-2♥; 2♠-3♥ a forcing five-five or at least forcing? North picked up on something, why would anyone bid with the East hand? Why shouldn’t N/S be assigned –100 for 4♥ down two.”

✍ The write-up clearly indicates that the Committee investigated the possibility that South had UI for her pass of 3♥ and rejected the idea. Why are we second guessing them? South may have been timid to pass what should have been an invitational 3♥, but with no evidence of any UI I see no basis for forcing N/S to play 4♥.

As for Mike’s questions about the auction, the 3♥ bid may be forcing without prior discussion, but here N/S documented their agreement that transferring to spades and then bidding 3♥ was invitational with five-four. (This would make sense, for example, if responder could bid Smolen with five-four forcing hands and make an immediate jump—e.g., 1NT-3♠—with five-five forcing hands. But if North had either of those hand types she might have overcalled or made a Michaels cue-bid in this auction.)

✍ Thinking along similar lines is...

Stevenson: “I always wonder when a player guesses right as South does here whether it is not based on partnership experience. Is it illegal to use such experience? No, but it is illegal not to disclose it. If the 2♥ bid had been described as ‘probably a transfer, but partner has been known to do things differently sometimes’ or some such then it might be more correct.”

✍ I guess it’s difficult for David not to allow his imagination to run wild.

Our next four panelists appear to have bought Barry’s Bridge, along with the Committee.

Goldsmith: “Good job.”

Wolff: “An excellent decision and for all the right reasons. Both sides were treated equitably and the offenders paid a price. Bridge, not to mention the field, should be smiling.”

✍ That Bridge that’s smiling is undoubtedly located in Brooklyn.

Wildavsky: “There’s a lot to wonder about here. Why did E/W call the Director after the 3♥ bid? It seems as though someone besides North suspected that North did not hold both majors. If E/W had reason to suspect this then South might have also. What is the relevance of when East said she’d have bid 2♠? She did not need to say so at all. All that matters is whether she was ‘likely’ to have bid it had she been properly informed.

“The Committee could also have explained their methodology more clearly. All they needed to do was to list the results they considered ‘at all probable’ (e.g., 3♥ down one, 2♠ made two, 2♠ made three), then select the one most unfavorable to the offending side. If, in the absence of UI, it is ‘at all probable’ that the result would be 2♠ made three then that is the result to assign to the offenders. Next the Committee removes from the list any results that, while ‘at all probable’ are not ‘likely.’ From among the remaining ‘likely’ results they pick the one most favorable to the non-offending side.”

✍ If my opponent passed her partner’s forcing-sounding bid which suggested, as it clearly did here, that her explanation of her partner’s previous bid had been incorrect, I’d call the Director, too (and I wouldn’t need any other cues to help me do it).

Our final panelist may be trying for the Tappan Zee Bridge as well...

Polisner: “A very complicated case. My only concern is that East told the Director (before seeing any of the other hands) that she ‘might’ or ‘would’ have bid 2♠ had the transfer Announcement not been made. Even though a 2♠ bid would not be everyone’s choice, it should have been given more weight as it happened before the hand was known. I would have ruled E/W +110 or +140 for both sides.”

✍ Bah, humbug! East’s failure to respond 1♠ to 1♦ when it was relatively safe to enter the auction indicates she was unlikely to bid 2♠ even had she been told that 2♥ was undiscussed, especially since West did not have a good enough hand to act over 1NT and North might really hold spades. But once South passed 3♥, East had a lot more reason to suspect that 2♠ might be successful, and although she did not yet know the whole hand there was little risk in saying that she “might” (or even “would”) have bid 2♠ had she known 2♥ was undiscussed (since if bidding 2♠ turned out to be wrong there would be no damage, hence no score adjustment).

Another key point is that East did not say she would have bid 2♠ had she known that 2♥ was *undiscussed*; she said she’d have bid 2♠ if she’d known that 2♥ was *natural*. But she would never have known that 2♠ was natural since N/S had no agreement to that effect—they hadn’t discussed the bid in this auction. So East’s claim that she would have bid 2♠, while I’m sure she believed it, does not seem terribly credible to me.

Table result stands.

CASE TWENTY-SIX

Subject (UI/MI): He's No Hero With A Seven-Bagger And A Blizzard

Event: NABC Open Pairs II, 14 Mar 03, First Final Session

Bd: 15	Greg Gran
Dlr: South	♠ Q108
Vul: N/S	♥ AKJ5
	♦ KJ97
	♣ A4
Ken Cohen	Dan Gerstman
♠ AK2	♠ 54
♥ 1086	♥ 73
♦ AQ653	♦ 84
♣ Q8	♣ J976532
	Sam Miller
	♠ J9763
	♥ Q942
	♦ 102
	♣ K10

WEST	NORTH	EAST	SOUTH
			Pass
1NT(1)	2♦(2)	2NT(3)	3♥
Dbl	Pass	4♣	All Pass

(1) Announced; 14-17 HCP

(2) Alerted; red suits

(3) Not Alerted; lebensohl

The Facts: 4♣ went down two, +100 for N/S. The opening lead was the ♦10. The Director was called at the end of the auction. N/S claimed that East pulled his partner's penalty double due to West's failure to Alert his 2NT bid. Neither North nor South claimed that they would have bid any differently if an Alert had been given. South had seen lebensohl written on E/W's CC and assumed 2NT was that convention. Afterwards North claimed he would have doubled 4♣ but became too flustered at the time of the Director call to state his intention. West thought that lebensohl did not apply in this auction because the opponents had shown two suits. The Director ruled that passing the double was not an LA with the East hand and allowed the table result to stand (Law 16). The Screening Director changed the table Director's ruling, changing the contract to 3♥ doubled made three, +730 for N/S.

The Appeal: E/W appealed the Screening Director's ruling. South did not attend the hearing. East claimed that E/W played an aggressive style and that his hand contained negative defense with a seventh club, no defensive values, and a second trump. He did not believe that West had five defensive tricks in his own hand after having opened a 14-17 notrump; instead he thought West was likely trying for the magic +200 at matchpoints, assuming East had a modicum of values for his 2NT bid. West said this was a first-time partnership and that he never played lebensohl over two-suited bids. (E/W had hurriedly filled out a CC and only briefly mentioned "lebensohl, fast denies" in their discussion.)

The Committee Decision: The Committee was given East's hand ahead of time in a blind preview with no UI present. Every Committee member bid 4♣ and nobody thought pass was an LA. East clearly had UI from the failure to Alert, but he had no LA to the 4♣ bid he selected. Admittedly, West could have had 3♥ beaten in his own hand, but given the conditions of contest it was

deemed inappropriate to risk -730 with the East hand. The Committee noted that a different decision would have been likely at IMPs, but at the present form of scoring they allowed the table result of 4♣ down two, +100 for N/S, to stand.

DIC of Event: Henry Cukoff

Committee: Mark Bartusek (chair), Bart Bramley, Gail Greenberg, Ellen Melson, Bill Pollack

✍ This case boils down to whether passing 3♥ doubled is an LA for East, and our panelists are hotly divided on the issue. First, let's hear from a panelist who was a member of this Committee.

Bramley: "Yes, I was pre-pollled and pulled the double like a shot. (Each Committee member was polled independently.) Since everyone else on the Committee had the same reaction, our decision was easy. Later, I conducted my own poll, in which my pollees did not know this was an appeal hand. I was shocked to find a clear majority in favor of passing the double. I still have a hard time believing that these people would have passed at the table, but if just a few of them would have, then pass was an LA and our Committee blew it. I need another poll."

✍ Okay. Take two polls and call me in the morning.
The following panelists will no doubt be as shocked as Bart.

Treadwell: "Unless N/S are insane, it is virtually impossible for West to have five defensive tricks in his own hand. Hence, with his total lack of defense and a seven-card suit, the pull to 4♣ is automatic."

Allison: "Unless it is the policy of the ACBL that every remotely doubtful ruling should go to the putative innocent side, I believe the Director erred here. I would simply never rule that way and I applaud the Committee for not going along with this ruling."

Polisner: "We have this recurring theme with CASES TWO and TWENTY-ONE virtually identical. At least all of the decisions were to allow the possessor of UI with a very weak hand and a long suit to bid after the UI occurred. I agree that pass is not an LA for East."

Wolff: "As good a decision as was possible considering the CD. If we would act as one against CD it would soon be eliminated. Just make high-level pairs responsible for knowing their systems."

✍ So, does this first-time partnership who hurriedly filled out a CC qualify as a "high-level" pair?

Stevenson: "Pass does not seem to be an LA, and it is surprising that the Screening Director changed the Table Director's ruling, necessitating the appeal."

✍ The Screening Director's change did not "necessitate" this appeal. The Screening Director only reviews rulings which have already been appealed. Thus, N/S appealed the original ruling and the Screening Director's change only affected which side brought the appeal.

On a similar note...

Goldsmith: "Good job by the Director and Committee. Is the Screening Director really allowed to change the ruling? That doesn't seem consistent with the laws. Nor is it fair to the non-appealing side if they are not present. The Committee said they'd decide differently at IMPs. Really? At IMPs, the downside of passing is much worse and the upside much less than at

matchpoints. So what if partner's double is likely to be a little sounder? I wouldn't bet on it. For what it's worth, quite a few play that opener's double says, 'partner bid your suit; I don't want to play 3♥.' The rationale behind that convention is that opener nearly never has enough to pound the opponents unilaterally once they've found a fit and overcaller has announced a two-suiter. But he'll often have support for the other two suits and want to compete. Whoever invented that convention would certainly agree that passing 3♥ doubled is not an LA. Ever."

I agree with Jeff on the IMPs versus matchpoints issue and I too prefer the "Bid your suit, partner. I'm willing to defend 3♥ but only if you want to" meaning for West's double. But even if double was strictly for penalties, I, like Bart, would pull it. There's no way I'd defend 3♥ doubled. Yes, partner can have it beat in his own hand (but usually won't). No, I didn't promise more than I hold (but that's not the same as saying I don't usually have more than *this*—much more). The opponents have more than half the deck, perhaps a lot more. North has a two-suiter. South has shown a decent fit by bidding 3♥ freely. And partner is sitting under the heart bidder. I, on the other hand, stretched mightily for my 2NT bid and have a known nine-card or better fit. As General Custer reputedly said when the Indians attacked, "What am I doin' here?"

As far as the Screening Director's changing the table ruling, they've always been empowered to do that and have done it on numerous occasions. In essence the Directors are simply correcting what they believe to be an incorrect ruling and there is nothing in the laws that precludes it. In fact, Law 82C specifically provides for doing so if a ruling is later determined to be incorrect. Right, Ralph?

R. Cohen: "I have no problem with allowing East to pull to 4♣. However, did the Director at the table inform North that he could withdraw his final pass and change his call? The write-up does not say he did. (See Laws 21B1 and 9B2.) Maybe the adjudication should have followed the law prescribed for a Director error: +300 for N/S and -100 for E/W. (See Law 82C.)"

Well, that depends on how you interpret the write-up. It says in The Facts that "Neither North nor South claimed that they would have bid any differently if an Alert had been given." The Director may have considered backing up the auction but saw no need to do so once no one said they would have changed anything.

Wildavsky: "I'd have liked to have read the Screening Director's reasoning. Pass may not be an LA but I think it's close."

Well, maybe Adam won't be as shocked at the results of Bart's poll as the other previous panelists.

The following panelists will not be shocked at all at the results of Bart's poll...

Passell: "How can West double 3♥ with three small and live? Did he expect the 2NT bidder to have two tricks? If East had Alerted 2NT as lebensohl and pulled (unlikely) with two trumps and two doubletons we wouldn't have a problem. Minus 730 works for me."

Uh, Mike, East is the one who *bid* 2NT. *West* was the one who needed to Alert it.

Rigal: "An absurd decision by the Committee. If partner hears you say you might have a defenseless hand (which is consistent with lebensohl here) and then doubles 3♥, he has five tricks in his own hand. As West I'd not be happy—who asked partner to this party? Who asked east to disturb West's fun? This is Example 3 in our expose of how to handle long suits and so far the Committees are not doing too well."

I'm shocked. I wonder what happened to Barry's attitude from CASE TWENTY-THREE, the one that prompted him to taunt that only a "lunatic" would "imitate the boy standing on the burning deck by passing"? One man's lunatic may be another man's sage.

Also, lebensohl bidders do not promise defense but since they are forcing their side to the three level they usually have *some* values that, even if not defensive, at least require the opponents to deal with potential losers in the lebensohl bidder's suit(s).

Gerard: "Shows why the blind preview needs work. I know the Editor controls the agenda here so he'll enthrall us with a defense of the procedure. But it projects an alternate reality. First, it pretends that the problem is purely subjective: 'What would you bid?—not substitutional—'What would you bid if you had the mind set of a player who had bid 2NT?' Second, it leaves you free to interpret partner's double however you want, not necessarily in the way that this E/W play it. And it filters out the irregularity, making believe that AI always equals or outweighs UI. When MI intervenes and corrupts the auction, the AI never equals the UI, no matter what the blind preview tells you.

"So the blind preview labored and brought forth a unanimous 4♣. Did any of the pre-viewers put themselves in the place of a player who had bid 2NT and whose partnership 'played an aggressive style'? Didn't that apply to East's 2NT bid as well as West's double? Given the conditions of contest, if East's style lets him bid 2NT (by the way, what was the point of that?) West is supposed to know it. East had no right to think that West would assume that East had a modicum of values, and he had no basis for believing anything about the number of West's defensive tricks. Normal expert practice is for the potentially weak hand to double with extra values, not for the notrump bidder or the partner of the preemptor to take a shot just because the other hand made a noise.

"Then there is the nature of West's double. Okay, so West probably had only three trumps (but four was a possibility if N/S 'played an aggressive style'). I knew a guy in Big Moose who was allowed to make a penalty double with less than four trumps when he put his gun on the table. Maybe the Committee all took it as 'cards,' notwithstanding that such a treatment produces an uncomfortable continuation if East can't sit. Nowhere in the write-up do I read what E/W's agreement was, probably because it didn't exist. On general principles it should be penalties, even given the conditions of contest. If par for E/W is -140, -300 isn't that much better a score than -730. If par for E/W is +110, -50/-100 is a lot worse than +200. Just make West's two queens the ♥A to see what it really looks like to try for the magic +200.

"There were some smart and experienced people on the Committee, so this decision is disappointing. Don't blame them, though, the blind preview made them do it."

Well, Ron is right about one thing: I will address his concerns about the blind preview procedure—but not here. The interested reader is referred to Blind Previews in my Closing Comments.

For the moment I only have two questions: First, did the blind preview procedure prevent Committee members from considering E/W's mind set and block their consideration of E/W's systemic and stylistic practices, as Ron claims? I think not. Accepting E/W's claims about their mind set and practices would argue even more strongly for allowing East to pull West's double, which is precisely what the Committee decided anyhow. (The argument that West knew East might have zero defense so his double must show that he had 3♥ beat in his own hand is specious. Competitive doubles under the bidder when the opponents have announced a primary fit are not generally played as unilateral-penalty—although on some hands we might wish they were.)

My second question: What was there about the blind preview procedure that prevented all those smart, experienced Committee people from asking questions about E/W's methods? Answer:

Nothing. They asked those questions, heard the answers and it's all right there in the write-up.

As for my own position on this case, I, like Bart, was surprised to learn that pass was an LA. As I said previously, I would always pull the double with the East hand. But knowing as we do now that pass is an LA it's clear the Committee's decision was poor—not that they could have known that when they made it since their own poll indicated that pass was not an LA. I would have decided as they did had I been on the Committee, but with the benefit of 20-20 hindsight the right ruling turns out to be to change the contract to 3♥ doubled made three, +730 for N/S, just as the Director did at

the table.

By the way, in case anyone wonders, I was not the one who initiated the blind preview in this case (although I would have had I chaired this Committee and I congratulate the chair for doing it—in spite of Ron's objection). And in case anyone wonders what the chances are that a five-person Committee would judge pass not to be an LA (assuming the proportion of NAC members who believe pass is not an LA is the same as among our panelists), the chance is about 7 percent or 16 percent, depending on whether one thinks Adam's comment reveals him to be a believer or a non-believer.

CASE TWENTY-SEVEN

Subject (UI/MI): A Leading Contention
Event: Flight A/X Swiss, 16 Mar 03, Second Session

Bd: 11	Nick Straguzzi		
Dlr: South	♠ AKQ104		
Vul: None	♥ AJ		
	♦ K72		
	♣ Q102		
Henry Bethe		Paul Bethe	
♠ 82		♠ 976	
♥ Q108632		♥ 95	
♦ ---		♦ QJ109543	
♣ AK954		♣ 3	
	Donna Nattle		
	♠ J53		
	♥ K74		
	♦ A86		
	♣ J876		
WEST	NORTH	EAST	SOUTH
			Pass
1♥	Dbl	2♣(1)	Pass
3♣	3♠	Pass	4♠
All Pass			
(1) Not Alerted; transfer to diamonds			

The Facts: 4♠ went down two, +100 for E/W. The opening lead was the ♦Q. The Director was called at the end of the play. E/W played transfer advances in some auctions (a Mid-Chart convention allowed in this event; over a double the method is allowed under the GCC), but 2♣ was not Alerted. After the opening lead was made West said he could not remember if the method applied in this auction. East volunteered that he believed it did. The Director ruled that MI existed but that absent the MI it was not sufficiently likely that N/S would arrive at anything other than 4♠ to change the contract. The Director also ruled that UI existed for East due to his partner's failure to Alert 2♣. Since the UI could have suggested a diamond lead and a club lead was an LA, the result was changed to 4♠ down one, +50 for E/W, on a club lead.

The Appeal: N/S appealed the Director's ruling and were the only players to attend the hearing. North suggested that South might have doubled 2♣ if it had been Alerted. When South was asked what the meaning of such a double would be she said it would show cards. When asked why she did not double to show cards in the un-Alerted auction South gave no answer. North argued that if he had known that the E/W auction showed a misfit with West showing clubs and hearts and East showing diamonds he would have doubled 3♣ instead of bidding 3♠. He projected an auction after a double of 3♣ where East bid 3♦ and South bid 3NT. North had 500 masterpoints and South 1650.

The Panel Decision: The Panel decided that N/S had received MI and polled eight players to help determine whether the MI had contributed to any damage (Law 40C). Since South had not offered any justification for her claim that she would likely have doubled 2♣ if given the correct information, players were only asked about North's problem over the 3♣ bid assuming the correct information. Two of the polled players passed with the North hand given the correct information; the other six all bid 3♠. Since nobody doubled and since pass was not an action that North himself suggested he

might have taken, the Panel decided that the likelihood of North doubling rather than bidding 3♠ if he had the correct information was not high enough to justify changing the contract. The Panel saw no connection between the UI East had from the failure to Alert and the diamond lead he selected, so the table result of 4♠ down two was allowed to stand.

DIC of Event: Mike Flader

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

Players consulted: Ian Boyd, Chris Lubesnick, Renee Mancuso, Murray Melton, Kent Mignocchi, Jim Robison, George Rosenkranz, Kerri Sanborn

✍ Just to touch all the bases here, in addition to the UI to East from West's failure to Alert 2♣, West also had UI from East's ill-timed comment that he believed transfers applied in this auction. The latter might have aided E/W's defense, but that seems unlikely since the sight of dummy's clubs at trick one would have made it clear that East did not hold that suit.

Most of the panelists agree with the Panel's decision and have very little sympathy for N/S.

R. Cohen: "E/W committed an infraction, but South failed to play bridge when she passed 2♣. N/S do not even get my sympathy."

Allison: "I agree wholeheartedly with the methodology and the decision by this Panel. I think there was no damage and can't see (since North did not double 3♣, a very possible action—one I would take) any reason to offer relief to N/S."

Polisner: "Looking at the N/S hands only, 4♠ is a very reasonable contract if 3NT was not reached. I think this is the third case in this batch where an appeal brought a worse result than the score appealed from. I agree that the UI did not suggest a diamond lead, which was very fortuitous not to have allowed the contract to make. Thus, the table result stands."

Rigal: "Excellent work by the Panel here (incidentally, should the players be named if a Panel is in use?) Stick with the polled players' judgment, and also as to the opening lead."

✍ We've had confusion over this issue before. To reiterate our policy, names are published in all cases arising from unlimited NABC events (but not from limited NABC events such as the Red Ribbon Pairs) and from regional events where Flight A or A/X is played separately (but not those where Flight A and non-Flight A fields are combined, as they are in Stratified events, even if the players involved are all from Flight A or A/X). Since all regional cases and those from limited NABC events are heard by Director Panels, some Panel cases (like the present one) will include the players' names.

Gerard: "That's a little heavy-handed by the Panel, demanding a justification from South, but the basic idea was okay. There's not much difference between 2♣ showing clubs or 2♠ showing diamonds when it comes to South's action over it."

Stevenson: "South's pass over 2♣ looks very strange whatever 2♣ meant, and was the primary cause of N/S's failure to get to the right contract."

✍ Two panelists suggest that N/S deserved an AWMW.

Bramley: "Where's the AWMW? N/S did worse by appealing, a strong indicator of a meritless appeal. The Director made a terrible

ruling about the opening lead, although, to be fair, he did well not to fall for N/S's tale about reaching 3NT."

Treadwell: "A good decision by the Panel, but the N/S appeal has barely sufficient merit (the MI from E/W) to avoid an AWMW."

Passell: "I don't understand why East was more likely to lead a club or not. So why that table ruling?"

 Ask and you shall receive. The next panelist agrees with the table ruling and explains why.

Goldsmith: "I agree with the Director. If East heard an Alert and accurate explanation of the 2♣ bid, he probably would lead a club. It's made less attractive knowing that partner only has support, not a suit of his own."

 Yes, knowing that partner has his own club suit rather than that he merely supported yours makes a club lead more attractive, and not leading your singleton could easily preclude your ever getting a ruff.

Wildavsky: "The Panel seems to have punished N/S for not being bridge lawyers."

 As Ron and David Stevenson both pointed out earlier, South could have doubled 2♣—whatever it meant—to show values so the MI didn't really affect her action. And lawyering has nothing to do with it.

Finally, a man marching to the beat of his own drummer.

Wolff: "Good decision. I think instead of the Panel cracking down on CD by changing down two to down one it would (at least to me) make more sense to allow the result but give the forgetters (CDers) a PP more or less equal to the havoc they wreaked. The Panel's approach seems a highly artificial and contrived way of arriving at approximately the same solution. Besides, sometimes there is nothing to change. Update to quality with a regime change."

 As I've said previously in these pages and as Jeff Rubens recently pointed out in his editorials in *The Bridge World*, it is

important to keep score adjustments that are intended as redress for damage separate from PPs intended to be punitive. The purpose of the former is to compensate a side for damage sustained from MI or when an opponent took a reasonable (but non-permissible due to UI) action which happened to damage them; the purpose of the latter is to discipline a player for taking a flagrant action which he had to know would not be permissible. Players need to learn the distinction between those actions that were reasonable but just happened to damage the opponents and those they should have known were improper. (Compare North's flagrant 4♠ bid in CASE ELEVEN or West's egregious 5♠ bid in CASE TWENTY-TWO with East's very reasonable and potentially self-defeating diamond lead here).

Also, CD is not in the laws and issuing PPs for forgetting is both illegal and contrary to the spirit of the game—at least as everyone else on planet Earth plays it. Have I said this before?

I don't have much sympathy for N/S here either. The idea that North would have doubled 3♣ if he had known that East's 2♣ bid showed diamonds is simply incomprehensible to me. When North thought E/W had a big club fit (East supposedly raised clubs and West re-raised them to the three level) it would have been clear that this second double was purely takeout. But if East's 2♣ bid was known to have shown diamonds then North's second double would be a more cooperative effort with a relatively balanced hand. So if North was ever inclined to double at his second turn he had a far better shot at doing it in the actual auction (so why didn't he?) than if 2♣ had been properly Alerted.

In addition, whatever the auction meant it's hard to imagine doubling a second time with North's hand. After all, if South holds something like ♠Jxxx ♥Qxx ♦xx ♣Kxxx—not unlikely on the auction—3♠ will likely be cold. In fact, add the ♦Q and 4♠ may even make, and in both cases 3NT has no play on a diamond lead.

I favor leaving the table result intact (I agree that the non-Alert of 2♣ made the diamond lead a bit more attractive, but I am not convinced that this is not countered by East's diamond sequence and, as Jeff Polisner mentioned, the possibility that the diamond lead might have allowed 4♠ to make). I also sympathize with those who think N/S deserved an AWMW.

CASE TWENTY-EIGHT

Subject (MI): We Gotcha—Oops, Maybe Not
Event: Senior Pairs, 07 Mar 03, First Session

Bd: 30	♠ J53		
Dlr: East	♥ 65		
Vul: None	♦ A10		
	♣ KJ8753		
♠ 1092		♠ AQ87	
♥ A1084		♥ Q3	
♦ J7642		♦ KQ9	
♣ 2		♣ Q1064	
	♠ K64		
	♥ KJ972		
	♦ 853		
	♣ A9		
WEST	NORTH	EAST	SOUTH
		1NT	Pass
2♣	Dbl	Rdbl(1)	All Pass
(1) After asking about the Dbl and being told "takeout"			

The Facts: 2♣ redoubled went down two, +600 for N/S. The Director was called during the play when West realized that the explanation of the meaning of the double did not match North's hand. South said she didn't bid hearts because she realized after the redouble but before she passed that her partner's double could have been lead directing. (N/S had no firm agreement on the meaning of the double.) South did not correct her explanation during the auction because she did not know she was allowed to. She planned to do so at the end of the auction (if declarer) or the end of the hand (if a defender). The Director ruled that East might not have redoubled with the correct information (40C, 12C2) but that West's pass was such an egregious error as to sever the link between the MI and the damage. Thus, MI was given and not corrected but E/W's poor result was due to West's pass and not the MI. For N/S the contract was changed to 2♠ made three, -140 for N/S; for E/W the table result was allowed to stand (Law 40C).

The Appeal: E/W appealed the Director's ruling and were the only players to attend the hearing. East said that if he had known the double showed clubs (i.e. was penalty) he would have bid 2♠ since in that case he would have needed much better clubs (AKxxx) to redouble. When he was told the double was takeout he redoubled to show four or more clubs in case the opponents had stepped into it. South told the screener earlier that she realized at her turn that the double was probably lead directing but didn't know to speak up then.

The Panel Decision: The Panel sought opinions from a number of expert players to determine whether MI had impacted the result of the hand and whether West's pass of the redouble was such an egregious error as to sever the link between the MI and the damage as far as E/W's score was concerned. One expert said he would have bid 2♠ regardless of the explanation and thought East's redouble was an inferior action. A second said he would bid 2♠ if the double was penalty and pass if it was takeout. When asked what he would do with the West hand with the actual information West had he said he would pass in tempo expecting a runout by North. A third initially thought West's pass was ridiculous but after considering the possibility of passing smoothly to induce a runout he termed it "livable as a psychological ploy but barely." He also thought West should have known what was going on. A fourth

thought a pass by West was nuts. A fifth believed West should bid 2♦—pass was not an option. A sixth thought a pass, expecting North to run out, was not ridiculous. If West had bid 2♦ East had a routine 2♠ bid. A player with 5000 masterpoints was also consulted. He thought West should have bid 2♦—a pass was insane. Two players were consulted on the play. One believed that 2♠ by East would make 110 most of the time but that 140 was also possible (a "glitch"). The second thought that 2♠ would make 140 one time in three. The Panel decided that there was enough opinion that West's pass was not irrational and that East's redouble may have been influenced by the MI to change the contract for both sides to 2♠ made three (consistent with what consultants predicted using the guidelines of Law 12C2), +140 for E/W (Law 40C).

DIC of Event: Dianne Barton-Paine

Panel: Matt Smith (Reviewer), Su Doe, Candy Kuschner (scribe), Charlie MacCracken

Players consulted: Larry Cohen, Kyle Larsen, Randy Pettit, Andrew Robson, Haig Tchamitch, Harry Tudor, Eddie Wold, one player with 5000 masterpoints

✍ Most panelists think the Panel handled this case quite well, and a few have sympathy for the Director's ruling, too.

Goldsmith: "The Panel procedure worked very well. I don't think passing by West is so ridiculous; it depends on what he expects his partner to hold in clubs. If ♣AKJ10x, then 2♣ redoubled is game and might make. Would East have redoubled if North's double were explained correctly? That's really tough to say; we need to know E/W's understanding of what the redouble means to a level not commonly written down."

Stevenson: "The action by West is interesting. Suppose that the information had been correct. Now West might believe that his partner has five clubs, and that all his suits are held by LHO. Is it automatic to pull to 2♦? In some ways E/W have complicated things by not being sure of their agreements. If East's redouble only shows four reasonable clubs then West cannot pass with his hand. I think they were on different wavelengths, but I do think it unfair to punish players for this sort of mistake in a situation that they should never have been in."

Wolff: "Very intelligent decision by the Panel, although I have some sympathy for the Director's ruling. Whatever my criticism has been in the past it appears the candy store is very close to being closed. Hooray for equity and the field."

R. Cohen: "Can't argue with either the Director or the Panel. Well done."

Passell: "Good job by the Panel."

Wildavsky: "Good work all around."

✍ A smaller group has no sympathy for either pair in this affair and thinks the Director handled things well by not rewarding either side for their actions.

Bramley: "Ask a stupid question, get a stupid answer. I have no sympathy for either side, so I like the Director's ruling. East asked a question that shouldn't have been asked, got a response that he shouldn't have believed, and, with help from his partner, concocted a way to get a ridiculous result. If he wanted to trap the opponents, how about just passing the double and letting South worry about it? And West's pass of the redouble was on the lunatic fringe. West knew that N/S had nearly half the deck and most of the clubs, so

his 'strategy' of hoping that North would bid was way out there. If that's your plan, you should pay when you're wrong rather than run to the cops for a refund. This pair deserves redress? But N/S were aiding and abetting with a silly answer to the question. Even this E/W would have survived if South had answered correctly. So give N/S -140 for defending 2♠, but leave E/W with their table result for digging a hole and falling in. And don't forget the AWMW."

✍ "At ease. Smoke 'em if you got 'em."

One thing Bart said requires correction. The idea of passing strategically with the West hand hoping to induce North to run was suggested by several consultants, but not by West. Thus, it is unfair to refer to this as "his 'strategy'."

Another questioner of West's sanity for passing the redouble is a bit more accepting of the consultants' input.

Rigal: "Though I do not agree with the players polled (I think passing the redouble is indeed insane) I have no choice but to accept the players' opinions here. Clearly the decision to redouble was (or might have been) affected by the interpretation of the double. And had East bid 2♠ none of this would have arisen at all. But now; after a 2♠ bid by East, what would South have done? My guess is bid, and in that case N/S might well do worse than -140. Maybe someone else will analyze a likely contract; something with a couple of zeros in it?"

✍ If South thinks North's double is takeout she might venture 3♥ over 2♠, but West is unlikely to double with his meager values and I suspect 3♥ would not be a terrible contract: down two requires careful defense and down one seems far more likely. But since even down two (undoubled) is only -100, N/S are unlikely to do worse than -140 by bidding.

Allison: "Live and learn yet again. In my wildest dreams, despite any explanation, I would simply never pass with the West hand. I believe in the expert game that if the double is for takeout, then the pass by South is penalty after the redouble and with a singleton club, I'd be cooked with South's clubs sitting over my dummy. I therefore strongly disagree with this decision. In fact, it is amazing to me that two of the players consulted would actually pass with that West hand."

✍ The next panelist takes issue only with N/S's result in 2♠.

Polisner: "I am surprised that there was enough support for West's pass to rule that it was not egregious—which I think it is. The idea of a fast pass attempting to play poker with North was an after-the-fact fabrication. I would have kept the table result for E/W and -110 for N/S."

✍ Again, no one said anything about "fast passing" the redouble. Several consultants did mention the possibility of West passing "in tempo" or "smoothly" (the latter I take to be the equivalent of "in-tempo") expecting, or hoping, to elicit a runout from North. But West didn't say any of this. And in any case, the last time I looked, attempting to influence an opponent through your manner or tempo was illegal (Law 73D2). Could it be that someone has been playing a little too much poker lately, wit the result that the lines between the two games have begun to blur for him?

Finally, one panelist thinks that E/W were totally responsible for their poor result and consequently N/S were entitled to keep the table result.

Treadwell: "Failure to bid 2♠ with the East hand after partner's Stayman bid, regardless of the meaning of the double, and West's failure to pull to 2♦ after the redouble constitute egregious bidding errors and E/W should get no redress. Since the MI, if any, should not have contributed to the table result, N/S are entitled to their bonanza, perhaps with some warnings about being more careful in the future with regard to this sort of situation."

✍ I think there's something in the water he's been drinking.

The table Director got this one right in the first place. If East could redouble with that club suit and a side four-card major then West could not afford to pass with his singleton club. If West wanted to play chicken he should have been prepared to pay the chicken piper when things didn't work out well. As for N/S, they caused the whole problem in the first place and with all due respect to Mr. T they cannot be permitted to keep their ill-gotten gain. So -140 for N/S and -600 for E/W.

And sorry, no AWMW, Bart.

CASE TWENTY-NINE

Subject (MI): The Lead-Inhibiting Silence
Event: First Friday Open Pairs, 07 Mar 03, Second Session

Bd: 4	♠ KQ8		
Dlr: West	♥ AK94		
Vul: Both	♦ K65		
	♣ Q75		
♠ J9752		♠ A1064	
♥ J6		♥ 10873	
♦ Q873		♦ 104	
♣ J6		♣ 1084	
	♠ 3		
	♥ Q52		
	♦ AJ92		
	♣ AK932		
WEST	NORTH	EAST	SOUTH
Pass	1NT	Pass	2♣
Pass	2♥	Pass	3♣(1)
Pass	3♥	Pass	4NT(2)
Pass	5♦	Pass	5♥
Pass	6♣	All Pass	
(1) May not have a four-card major			
(2) Intended as Key Card for hearts; taken as Key Card for clubs			

The Facts: 6♣ made six, +1370 for N/S. The opening lead was the ♦3. The Director was called late in the play when declarer showed up with a singleton spade. The 3♣ bid was not Alerted and West told the Director that had she known that South might not have four spades her opening lead would have been a spade. South said that he intended 4NT as Key Card in hearts; North thought clubs was the agreed suit. The Director ruled that N/S had not disclosed their agreement that 3♣ neither promised nor denied four spades, thus violating Law 40B, and that the failure to fully disclose this agreement had damaged E/W. The contract was changed to 6♣ down one, +100 for E/W (Laws 40C and 12C2).

The Appeal: N/S appealed the Director's ruling. N/S, a new partnership, agreed to play 3♣ as a natural slam try with or without spades. N/S both said they were unaware that this treatment required an Alert. South did not think it very likely that West would lead a spade with correct information, and even if she did South thought he would still have a good chance of making his contract by playing low from dummy. Even if East withheld the ace, South thought he could still make it by finessing West for the ♦Q and pinning the ten after getting a count on the hand and knowing that West had diamond length. E/W said they played four-suit transfers over 1NT openings and when they have a Stayman auction of this kind they always Alert and their experience is that others Alert it too. They assumed that in an obviously forcing auction the common treatment is for declarer to hold four spades and longer clubs.

The Panel Decision: The Alert Regulations state that no Alert is required immediately of a 2♣ bid (or a 3♣ bid over 2NT) if it asks for a four-card major. However, "...when it becomes evident that the 2♣ bidder either does not have or tends not to have a four-card major, an Alert is required at that time." By regulation, West was entitled to expect that declarer had four spades but still needed to demonstrate that the failure to Alert caused the damage in order to receive redress. To determine whether the MI may have affected

West's choice of opening lead, the Panel polled some players as to what they would lead in a situation where they knew declarer had four spades. Two said they would lead a diamond with that information; a third was unsure what he would lead. All three said they would lead a spade if they had information indicating that declarer may or may not have four spades. As to the chances of declarer making 6♣ on a spade lead by starting with a low spade from dummy, two of the three players were asked and thought the chances were poor. The Panel concluded that the MI had damaged E/W and assigned a result of 6♣ down one, +100 for E/W (Laws 40C and 12C2).

DIC of Event: Michael Carroad

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

Players consulted: Paul Lewis, Mike Passell, Steve Weinstein

Several panelists admit to being surprised about the regulation that requires a Stayman bidder's 3♣ rebid to be Alerted if it either denies or tends not to have a four-card major.

Allison: "I must admit that I was unaware of this regulation. Since it is the case, I would definitely agree with the Panel in giving relief to West. The polling that these Panels do is very helpful indeed."

Goldsmith: "The Panel followed correct procedure and did everything right, but I am amazed at their findings. Three of three led a spade! I would have expected the results to be all over the map. Given what they learned, the decision became easy. Nicely done. Unfortunately, the decision depends on a very subtle part of the Alert procedure. I know the procedure pretty well, and I didn't know that part. I doubt that 10 percent of tournament players know about it, so an adjusted score based on such an obscure rule seems wrong. Perhaps West should be expected to protect herself in this case. As the rules are written, however, the adjustment is correct. So let's fix the rules."

Indeed the "rules" should be fixed. Actually, the regulation as quoted in The Panel Decision is not worded as well as it might have been. The intention behind this regulation was to Alert the Stayman bidder's rebid as soon as the auction indicates that he *may not have* a four-card major. (So, for example, a pair playing four-suit transfers who must bid Stayman and then rebid 2NT to invite with any balanced hand—even one without a four-card major—must Alert the 2NT rebid since responder *may not* have a major far more often than those who do not play such methods might expect. This was presumably done to be more friendly to players who are new to duplicate and think Stayman is only used to find major-suit fits.) When the Conventions and Competition Committee was revising the Alert procedure a few years ago I opposed keeping the requirement to Alert any rebid by a Stayman bidder that indicated that he *may not have* a four-card major. But I was outvoted (by a sizable margin) and the requirement was retained.

Let's hear from one of the men who chaired the Conventions and Competition Committee for part of the period during which the current Alert procedure was being developed.

Bramley: "Is the Alert regulation really worded that way? If so, the words 'tends not to have' should be changed to 'may not have.' The former implies 'usually does not have' while the latter implies 'may or may not have,' which is the intent of the regulation. Anyway, I think everyone agrees what the regulation is supposed to mean, so N/S were in technical violation."

"The Panel decision looks inevitable, but I'm lukewarm about it. The lead looks like a blind shot no matter what South is showing. The spade lead works because it is passive, but one could

argue that if passive defense is necessary, then a spade is probably better even when South has four of them. Also, note East's failure to double 5♦. In the analysis of the play, I disagree with the consultants' 'poor' estimate of South's chance of success with a low spade at trick one. How could East realistically put in the ten? No way. (I do agree that if East somehow did play the ten, then South would go down.) Maybe the consultants were saying that South would never find the play of a low spade in the first place, but we know that he was sharp enough to think of it in the post mortem. Of course, the N/S treatment is common enough that if West were a very experienced player I would have little sympathy for her failure to ask in a situation where the answer was critical to her choice of leads."

Rigal: "I hate this decision but I can't see a way around it unless it is held that West should have asked about this auction. Why didn't she? Frankly, I think she should have rather than assume she knew what was going on. I thought the Alert of a Stayman bidder's rebid was introduced to deal with subsequent 2NT bids, not this sequence which is really close to a self-Alert. To me this case suggests that West was trying it on and I don't feel like giving her anything. But the regulation as it stands appears to support her position so what can one do? The Panels are supposed to interpret the regulations, not rewrite them."

✍ Barry's argument is one of the ones I used to try to defeat the requirement to Alerting responder's rebids. Virtually every book I've consulted about this auction (those modern enough to include the Stayman convention) treat responder's 3♣ and 3♦ rebids as strong and forcing, saying nothing about responder's majors (most treat responder's direct jumps to 3♣ and 3♦ as weak). These books include: Stayman's *Highroad to Winning Bridge*, Kearse's *Bridge Conventions Complete*, Kaplan-Sheinwold's *How to Play Winning Bridge*, Root & Pavlicek's *Modern Bridge Conventions* and the 6th edition of the *Official Encyclopedia of Bridge*. (None of Goren's books deals with these sequences.)

Unfortunately, while Barry is right about the Alert requirement for a Stayman bidder's rebids having been introduced to deal with the specific problem of a 2NT rebid (as the popularity of four-suit transfers rose over the past few decades), somehow the Alert requirement got overgeneralized to include any rebid for which responder *may not have* a four-card major. But since a Stayman bidder's 3♣ and 3♦ rebids have never promised a major, they should, as Barry suggests, be self-Alerting. In fact, continuing to require an Alert for any of a Stayman bidder's rebids—including 2NT—is as anachronistic as the previous requirement to Alert the Stayman bid itself was (which was responsible, as many readers will recall, for the infamous Kantar-Spingold case which sounded the death knell for that requirement and gave birth to the present generation of regulations).

The next panelist is in the relatively unique position of having been around long enough to confirm the "old" ways first hand.

Treadwell: "It is fairly common practice for the 3♣ rebid to be made without a four-card major, and opponents should be smart enough to ask at the end of the auction if interested. Also, I do not see why a spade lead becomes so attractive if South may or may not have a four-card spade suit. West's choice of opening leads is pretty much a guess and the very minor failure of N/S to Alert the 3♣ bid is not sufficient to give redress to E/W."

✍ Our next panelist reinforces Barry's point that the Alert really is pertinent only to responder's 2NT rebid.

Wildavsky: "At what point did it become evident 'that the 2♣ bidder either does not have or tends not to have a four-card major'? This is a matter of interpretation of the ACBL's regulation. If the Director's interpretation was correct then there are no

grounds for appeal. I do not think that this is the situation the regulation was intended to address, however. West could always have asked whether 3♣ promised a four-card major. Doing so would not have risked conveying UI."

✍ Well, Adam is partly right. This is not a matter of how the current regulation is *interpreted* but of what the *intent* was behind it. Unfortunately, the present regulation was not intended to apply only to a 2NT rebid. It was indeed intended (misguidedly, in my opinion) to apply to all rebids. But the trick in any case like the present one is to enforce the regulation while avoiding giving a free ride to players who were damaged more by their own laziness or inattention than by an opponent's "technical" infraction, just as in the Kantar-Spingold case (which was also decided poorly). Had E/W been novices we might accept that they didn't know to ask about the implications of the sequence for responder's major-suit holding and assumed he held a major for his Stayman bid. But E/W were not novices here (each had around 7000 masterpoints).

But before I completely spill my beans, let's hear from our remaining panelists.

Polisner: "Another example of how the ever increasing complications of the Alert System causes speculation about what would have happened. I believe that West could have (and should have) requested enough information before making the opening lead. I would have kept the table result."

✍ The following panelist's heart is in the right place, but he too misinterprets the Alert regulation.

Gerard: "By regulation, West was not entitled to expect that declarer had four spades. The Alert regulation states 'Opponents may assume that an immediate bid of clubs over a natural notrump opening is conventional, asking opener to bid a four-card major, with no guarantee that responder has a four-card major suit.' Therefore, only if 3♣ denied or tended to deny four spades was an Alert required. The example given is of 1NT-2♣; 2x-2NT, with the comment 'If the 2NT is or is most likely a raise in notrump without a four-card major, an Alert is required at the time of the 2NT bid.' That means that 1NT-2♣; 2♥-2NT denying four spades is an Alert. 1NT-2♣; 2♥-2NT with or without is not an Alert. 1NT-2♣; 2♦-2NT is not an Alert. In an obviously forcing auction, the common treatment is for declarer to have a slam try in clubs, especially if playing transfers. E/W are free to Alert their own sequence, but they can't rewrite the Alert regulations. If in N/S's experience their 3♣ bid usually was a slam try without four spades, then they should have Alerted. Or if the auction had gone 1NT-2♣; 2♥-3♣; 3♣-3NT, an Alert to 3NT would be required. Otherwise, they did nothing wrong.

"In fact, the Alert regulations are not well written. Maybe that's because the Alert itself is borderline ridiculous. [There's no *borderline* about it.—*Ed.*] Or maybe that's because the regulations conflict with the Alert Chart, which requires an Alert when the follow-up 'do[es] not promise' a four-card major. I understand that the unofficial ACBL position ratifies the view which says to Alert a subsequent call that does not promise an implied major. That seems to completely neglect the regulations in favor of the chart, when the former interpret the latter in much greater detail. It's appropriate that the Panel went right to the regulations, bypassing the chart as hopelessly ambiguous. But when they then negate the plain wording of the regulations on the basis of an unpublished, unsanctioned explanation, well, how do we poor mortals make book? I mean, just when you think you've got it figured out, someone throws you a Marlene Dietrich moment out of *Witness for the Prosecution*.

"There's a much simpler solution to this muddle, one that doesn't involve issues of nuance or conflicting interpretations. If it's so important to West to find out, she could have asked. I mean,

you're on lead against a slam—what's the harm?"

 The document that Ron quotes needs to be considered in its entirety: "Partnerships do not need to Alert their Stayman bids in order to differentiate between those that promise a four-card major and those that don't. Opponents may assume that an immediate bid of clubs over a natural notrump opening is conventional, asking opener to bid a four-card major, with no guarantee that responder has a four-card major suit." As should now be clear, this deals with the issue of whether to Alert *the Stayman bid itself* if it does not promise a four-card major. It answers this question by saying that when an opponent responds 2♣ to his partner's 1NT opening you may assume it is conventional (even though it is not Alerted) and asks opener about his four-card majors, but you may not assume *at that point* that the Stayman bidder holds a four-card major himself. However, when 3♣ was not Alerted West *may* have had the right (however much we may wish she didn't) to expect that opener held a four-card major. And as noted above, Ron's reasonable (but too literal) interpretation of the poorly worded regulation ("denied or tended to deny") is not the intent behind it, and it's the intent that matters. So regardless of whether the auction 1NT-2♣; 2♥-2NT "denies" four spades or simply "may or may not have" four spades, the reality is that it is "technically" Alertable. And while this is not, strictly speaking, what the regulation says it is what it was intended to mean.

The problem here is that the document from which Ron and I (and the write-up) have quoted *is not the Alert Regulation*. Rather, it is a revised version of the old ACBL Alert Pamphlet that was updated and placed on the web site to serve as a sort of "primer" on the revised (2001) Alert Procedure for those players wishing additional information about Alerts. The intent was to elaborate the procedure, to give examples of various Alerts and to explain the procedure in more detail than was possible on the Alert Chart itself (which was intentionally made compact so as to be easy to post on a wall at a tournament). It is now clear that the pamphlet's wording conflicts with the Alert Chart. The latter says, Alert "Rebids after use of Stayman by responder which do not promise a major," which is what the Committee intended and how the pamphlet should be interpreted. But of course, as Ron indicates, there is no way that anyone who was not involved in developing the current Alert procedure could have known this with any certainty.

But returning to the case at hand, there's another, more compelling, reason for rejecting West's claim for redress that no one has mentioned. While the non-Alert of South's 3♣ rebid could suggest (to less-experienced players) that South held a four-card major, why should that major be spades? Suppose, for example, that South held one fewer diamond and one more heart, making his distribution 1=4=3=5. His 3♣ bid would still have been natural (intended to elicit information about a possible second fit) but being forcing it did not necessarily deny a heart fit. South may have anticipated supporting hearts later, and in fact he did so when he signed off in 5♥, thinking he did not have enough key cards for slam (North having misread the intended trump suit). So West had no right to assume that South held four *spades* and was on her own when she failed to ask about the auction and chose instead to guess what to lead.

Table result stands.

Three panelists support the Panel's decision with little or no comment...

Stevenson: "The logic for leading a spade only when declarer has not shown spades is weak, but just about tenable."

R. Cohen: "Consultants and Panel correct."

Passell: "Good job by everyone."

 ...but the final word goes to...

Wolff: "I strongly disagree with the Director's ruling and the Panel's decision. There are many slam auctions after partner's strong notrump opening. It should be up to the defender at some time during or preferably after the auction to get a description of what she needs to know. This is one of those cases. Again, if that theory is not approved the very most that should happen is that we assign +1370 both ways with N/S getting a small penalty for committing a very small offense. Why would we grant such a huge result to a pair who didn't protect themselves, led the wrong thing, got unlucky but then wiggled out? Really horrendous and we should be ashamed."

CASE THIRTY

Subject (MI): When In Doubt, Ask
Event: NABC Mixed Pairs, 12 Mar 03, First Final Session

Bd: 7	Bernace De Young		
Dlr: South	♠ A64		
Vul: Both	♥ AQ9		
	♦ A10542		
	♣ K6		
Jim Kirkham			Corinne Kirkham
♠ 95			♠ KJ107
♥ 7532			♥ KJ8
♦ K86			♦ QJ9
♣ AJ43			♣ 1085
	John Russell		
	♠ Q832		
	♥ 1064		
	♦ 73		
	♣ Q972		
WEST	NORTH	EAST	SOUTH
Pass	1NT(1)	All Pass	Pass
(1) Announced; 14+ to 17 HCP			
The Play (East on lead):			
Trick	1	♠J, ♠2, ♠5*, ♠A	
	2	♦2, ♦9, ♦3, ♦6	
	3	♠10, ♠3, ♠9, ♠4	
	4	♣8 (or 10), ♣2, ♣3, ♣K	
	5	♦4, ♦J, ♦7, ♦8	
	6	♣10 (or 8), ♣Q, ♠A, ♣6	
	7	♠J, ♠6, ♠5, ♠7	
	8	♥x, ♥9, ♥J, ♥4	
	9	♠K, ♠8, x, ♥Q	
	10	♦Q, ♥6, ♦K, claim	
		* Upside down attitude	

The Facts: 1NT went down one, +100 for E/W. The opening lead was the ♠J. The Director was called at the end of play. Declarer said she asked about the ♠J lead and was told it showed the queen, the ten or shortness. The Director explained the situation to two players; both said the response did not help them understand who had the ♠K (they would have asked more questions). The Director allowed the table result to stand.

The Appeal: N/S appealed the Director's ruling. Only North and West attended the hearing. North looked at E/W's CC and then asked about the lead of the jack. She was told that it showed the queen, the ten or shortness. Additionally, E/W's CC said that the lead of the jack or ten asked for attitude. The specific cards led from various holdings were not circled or otherwise identified. North argued that had the CC been properly filled out she would have had a better chance of guessing to play the ♠Q from dummy to make another trick. E/W said they had accurately answered declarer's questions and that she had simply mis-guessed the play. E/W's CC matched the standard ACBL card but was computer generated. Unlike the ACBL CC, the only cards that were printed in bold on the computer-generated CC were ace from ace-king and low from three small, both vs suits. E/W were unaware of this and thought all standard leads were in bold on their CC.

The Committee Decision: The Committee decided that North was experienced enough to know to ask her opponents what they led from interior sequences, if that was the information she wanted. E/W had answered her questions accurately and were under the impression that any uncertainty that declarer had shown was due to their non-standard practice of leading the jack from queen-jack when attitude was desired. The table result of 1NT down one, +100 for E/W, was allowed to stand and N/S were each assessed an AWMW. The Committee also instructed E/W to circle the cards they led from the various holdings, which they promptly did.

DIC of Event: Henry Cukoff

Committee: Doug Doub (chair), Bart Bramley, Gary Cohler, Ellen Melson, Robert Schwartz

Several panelists mention the AWMW issue, some pressing for even more severe action.

Allison: "Good job by the Committee including an AWMW. This pair should have had one on CASE FIVE as well. When do we start prosecuting these multiple offenders?"

The regulations say that if a player receives three AWMWs within a three-year period he may be subject to possible sanction for abuse of the appeal process. To set this in motion, first the Chairman of Appeals and the Appeals Administrator (currently Barry and I) must be informed by ACBL that a player has received three AWMWs. We then review the cases on which the AWMWs were issued and decide whether the pattern warrants referral to a C&E Committee. If we decide to proceed, we file a complaint and request a C&E hearing. But note that it is arguably not sufficient that Barry and I, even if we are backed up by the other panelists, think that the pair deserved an AWMW on a particular case if the Committee or Panel that heard the case did not actually assess one (as in CASE FIVE). For us to include a case as part of a pattern of abuse of the appeal process, in my opinion the pair must actually have received an AWMW from the Committee or Panel that heard it. In fact, that is one of the reasons why I've been so vocal about being diligent in issuing AWMWs when they are warranted.

R. Cohen: "A waste of the Committee's time. The appellants should be fined \$50 to compensate the ACBL for the scrip the Committee members received."

The \$50 deposit we used to require when an appeal was filed and which was forfeited if the appeal was found meritless was replaced a number of years ago by the Point System (described above) because monetary deposits were wisely (in my opinion) judged to be inequitable since one pair might consider \$50 little more than pocket change while another might be inhibited from filing a righteous appeal because they couldn't afford to risk losing so much money. I think we need to stop revisiting this issue every time a meritless appeal offends us and recognize that nothing we can do will ever totally prevent meritless appeals from happening. Rest assured that we are doing everything we can to minimize the number of meritless appeals and to create a disincentive for those who would repeatedly abuse the process. It should be noted that while some panelists believe that the punishment for a meritless appeal should be so severe that it effectively inhibits others from making the same mistake, their position ignores the dire negative consequences of making the punishment so severe that it inhibits the filing of appeals that need to be heard. It also ignores the fact that there can be a significant and honest difference of opinion as to just what should be considered meritless. And remember, even if one is willing to be draconian no one has ever shown that the death penalty effectively reduces the number of murders.

Polisner: “Excellent, including the AWMW.”

Passell: “Easy one. Someone help this pair with their appeals.”

Treadwell: “Very good.”

Rigal: “The Director might well have ruled differently initially, but I can understand why (given the way the play went) he did what he did. The Committee worked out correctly that what appeared to have happened was that the deal was well defended and badly guessed. So no adjustment was appropriate.”

Goldsmith: “E/W’s explanation was succinct and accurate, but I can see how a misunderstanding might arise. North should have the right to say, ‘fill out your CC before we continue.’”

☞ One panelist expresses doubt about the AWMW...

Stevenson: “It certainly is normal when asking about a standard jack lead to be told that it is either short, or shows the ten but denies the queen. So it is quite normal even with standard leads for interior sequences not to be mentioned. Thus, a similar answer with this pair’s leads is reasonable enough. I am not sure it was really bad enough for an AWMW, however, since the CCs could have been filled in better making things clearer.”

☞ ... while several other panelists agree, adding that even though N/S did not deserve protection, E/W should not have been allowed to keep their result. After all, their CC was deficient (and they were responsible for insuring that it was adequately filled out) and their response to North’s questions was at best incomplete.

Wildavsky: “I do not believe the AWMW was warranted. E/W had committed a clear infraction, though unintentionally, and they appear to have benefitted thereby. N/S may or may not deserve an adjustment, but we should certainly adjust the E/W score.”

Gerard: “Not good enough. E/W had an inadequately filled out CC. If they had complied with ACBL regulations, North would have had a better chance of making 1NT. For E/W, the score should have been -90. No sympathy to North, but no excuses for E/W either.”

☞ The next panelist served on this Committee and seems to feel the same way as the previous panelists about E/W’s role in this affair, though he neither wrote a dissenting opinion nor suggests that E/W should not keep their result.

Bramley: “Another one where I disliked both sides. Doubtless North was at fault for failing to ask more questions when the first answer she got was incomprehensible, so preserving the table result and giving N/S an AWMW were fine. But E/W were also at fault (more so than the write-up suggests) for a poorly filled-out

CC and for what I would characterize as an ‘aggressively unresponsive’ answer to declarer’s question, especially when E/W knew that their lead agreements were well out of the ordinary. One should not be able to get away with blaming ‘the computer’ when the CC is incorrect, and this card was so bad that I had a hard time believing that E/W hadn’t noticed. Only my long-standing resistance to giving PPs to the opponents of meritless appellants prevented me from recommending one for E/W here.”

☞ In a similar vein...

Wolff: “I’ve read the case and still don’t know what the defenders lead from KJ10. Maybe it was a psychic lead, maybe it was their standard lead, but couldn’t somebody have voluntarily said what they lead from KJ10 versus notrump—preferably at the table. Always on the edge. I don’t have a real problem with the decision. I just am ignorant of the facts. P.S.: I’m also suspicious.”

☞ Dear Suspicious,
I was so sorry to learn of your ignorance of the facts, not to mention your suspiciousness.

Signed,
Empathetic

E/W were clearly responsible for making sure their computer generated CC conformed to ACBL standards, and not being aware of the differences was no excuse. In addition, their response to North’s question (the jack shows “the queen, the ten or shortness”) was inadequate since it did not mention the possibility that the jack could be led from holdings that included the king (and the ace?). Although technically E/W’s answer seems to imply that the jack neither confirmed nor denied other higher honors, the inclusion of the queen as a possibility suggests that other higher honors should not be held (else why not mention them also?). But leading the jack from both queen-jack and jack-ten holdings was unusual enough that North should have sought further clarification and E/W should have included that information as part of their original answer.

Thus, I agree with those who think E/W’s score should have been adjusted. (Bart’s idea of a PP is not, in my opinion, the right way to deal with this situation unless E/W were known to be repeat offenders.) Better disclosure of E/W’s lead agreements would still have left North with a guess, though she was experienced enough to have inquired further when the explanation was so unusual. I believe that North naively accepted the explanation at face value, assumed it was exhaustive of East’s possible holdings, and with a more complete explanation would have had a better chance to play the ♠Q. Therefore, E/W should have received the most unfavorable result that was at all probable if she had played the ♠Q: 1NT made one, -90 for E/W.

And I would not issue an AWMW to N/S as I am very close to reciprocating the table result. It is only North’s considerable experience (and her 10,000-plus masterpoints) that convinces me to hold her accountable for failing to inquire further.

CASE THIRTY-ONE

Subject (MI): The “I Knew It All Along” Effect
Event: Stratified Open Pairs, 12 Mar 03, First Session

Bd: 5	♠ 10		
Dlr: North	♥ 1094		
Vul: N/S	♦ A9876		
	♣ 9853		
♠ 87		♠ AKJ93	
♥ KQ5		♥ A83	
♦ K32		♦ J1054	
♣ KQ1074		♣ A	
	♠ Q6542		
	♥ J762		
	♦ Q		
	♣ J62		
WEST	NORTH	EAST	SOUTH
	Pass	1♣(1)	Pass
3♣(2)	Pass	3♠	Pass
3NT	All Pass		
(1) Precision; 17+ HCP			
(2) Alerted; 5+ clubs, 8+ HCP (N/S asked for no more Alerts)			

The Facts: 3NT made six, +490 for E/W. The opening lead was the ♦7. The Director was called at the completion of play. 3♣ was originally explained as 8+ HCP and five-plus clubs. After dummy was tabled the explanation was corrected to 13+ HCP and five-plus clubs. North told the Director that he would have led the ♥10 instead of a low diamond with the correct explanation. The Director ruled that had N/S called at the time the conflicting information came to light the opening lead could have been changed with no penalty. However, continuing to play prejudiced N/S's right to an adjustment. [This is not what the present law allows; we suspect that the DIC and/or the table Director believed that the MI had been corrected prior to dummy being faced.—*Ed.*] The table result was allowed to stand.

The Appeal: N/S appealed the Director's ruling. Only North attended the hearing. N/S were an experienced partnership with 2900 and 3900 masterpoints. North said that had he been aware that West had 13+ HCP he would have led a “safe” ♥10 instead of the aggressive ♦7. He said he did not call the Director when he became aware of the infraction because he was just getting back into bridge after having quit playing for almost 20 years and did not know the laws. (The Director determined that he had been back playing following his 20-year hiatus for at least 2 years.) E/W were frequent partners; each had about 350 masterpoints. The Reviewer educated them about their obligation to correct a misexplanation before the opening lead when they are the declaring side.

The Panel Decision: The Panel agreed that N/S had compromised their position by not calling the Director immediately after becoming aware of the infraction. (A player—particularly an experienced one—who does not call the Director in this type of situation before he knows the whole hand creates a presumption that he did not think it likely that his lead was affected by the MI.) Five expert players were given the auction and the North hand as an opening lead problem. All five led a diamond given the explanation at the table and said they would still have led a diamond given the correct explanation. Five players in the 2000-

5000 masterpoint range were similarly consulted. Three led a small diamond given either explanation, one led a heart given either explanation and the fifth led a heart with the explanation given at the table but a small diamond given the proper explanation. Based on this input, the table result was allowed to stand since it seemed unlikely that the choice of leads was a result of MI (Law 40C). Since N/S sought redress even though they did not call the Director at the proper time and presented an argument that had no bridge merit, they were each assessed an AWMW.

DIC of Event: Millard Nachtwey

Panel: Su Doe (Reviewer), Ken VanCleve, Candy Kuschner, Matt Smith

Players consulted: Mike Cappelletti, Jr., Curtis Cheek, Ken Gee, John Mohan, Pratap Rajadhyaksha, five other players with 2000-5000 masterpoints

✍ The panelists are unanimous in their support of the Panel's decision, and a sizable majority applaud the AWMW as well.

Allison: “In 2 years back playing after a hiatus, this player apparently learned to be litigious. I'm completely in concert with the Panel including the AWMW.”

Bramley: “North's time away from bridge didn't prevent him from learning the modern litigious game. Good AWMW.”

Rigal: “Just because you've been out of the game for a while does not entitle you to redress for such meritless and pettifogging complaints. Well done on the AWMW front.”

R. Cohen: “North's testimony was placed in doubt when the Director determined he had been back in bridge for 2 years. He got his just desserts.”

Passell: “Another ridiculous appeal.”

Goldsmith: “Good job.”

Polisner: “Good work by both the Director and Committee. It is always easier after the fact to lead something better.”

Wolff: “Similar to CASE TWENTY-NINE but with two of the same Directors on the Panel an opposite result. I like the way this case went and not the way CASE TWENTY-NINE went. As soon as dummy tabled with ♦J10xx North didn't have to be a genius to want his lead back, so the timing to me is not as important as it is to you. I scream out against CD but am willing to accept slight (?) differences much better than some others.”

✍ Two panelists object to the AWMW, one it seems on purely technical grounds...

Stevenson: “It is a little worrying that an AWMW was given when the Director made a mistake, even if the mistake did not actually affect the result.”

Wildavsky: “I'm not certain the AWMW was warranted. The Director may well have based his ruling on inaccurate facts, and N/S deserved a ruling in accord with the facts.”

✍ Me? I'm very happy with both the decision and the AWMW.

CASE THIRTY-TWO

Subject (MI): Subsequent Or Consequent?

Event: 10:00 & 3:00 Stratified Open Pairs, 13 Mar 03, First Session

Bd: 27	♠ AJ9542		
Dlr: South	♥ 10		
Vul: None	♦ J		
	♣ QJ984		
♠ 8763		♠ KQ	
♥ AK62		♥ J943	
♦ Q4		♦ 10965	
♣ K105		♣ A72	
	♠ 10		
	♥ Q875		
	♦ AK8732		
	♣ 63		
WEST	NORTH	EAST	SOUTH
			Pass
Pass	1♠	Dbl	2♦
3♥(1)	Pass	Pass	Dbl
Pass	3♠	Pass	3NT
Dbl	4♣	Pass	4♠
Dbl	All Pass		
(1) Alerted; explained as weak			

The Facts: 4♣ doubled went down four, +800 for E/W. The opening lead was the ♥3. The Director was called after West's second double. South said that if he had known that 3♥ was invitational he might not have doubled. The Director ruled that MI had occurred but that the MI did not result in damage to N/S (Law 40C). The table result was allowed to stand.

The Appeal: N/S appealed the Director's ruling. All four players were in Stratum C; North had 220 masterpoints, South 60. N/S said they opened light in third seat but used the Rule of 20. South said he assumed that the explanation meant that West had long hearts and little else, suggesting that North was more likely to have a full opener and making his ♥Q more likely to carry weight. He said he couldn't envision a situation where North could have a 9-point opener with the explanation he had been given. He did not state categorically that he would have passed with the correct information but said he would have given it serious thought. North originally said he might have passed the double if he had been given the right information, but he withdrew that contention when asked how a different layout of the opponents' cards would materially affect his decision. E/W believed that the MI did not have any bearing on South's decision in that some of the points in the West hand could have been in the East hand and the result would have been the same.

The Panel Decision: The Panel polled several players, both peers and experts, to determine whether the MI might have affected South's decision to double 3♥. Of the peers, when given correct information only one of them made the same first two calls as South and she said she would pass out 3♥. When told that 3♥ was weak she said she would then double. The next peer preferred an opening 2♦ bid but accepted a pass. He agreed with the 2♦ bid at his second turn and passed at his third turn saying he would have passed even if the 3♥ bid had been described as weak. The third peer also wanted to open 2♦ but if not she agreed with the 2♦ bid

at her second turn. At her third turn she passed but said if 3♥ was weak she would bid 3NT. When asked whether double seemed more attractive with the weak explanation she agreed it was. One expert said he would double with the South hand regardless of the strength of the 3♥ bid. A second expert said that over 3♥-P-P he would be afraid to double for fear that partner would be very likely to pull. He found the auction very strange and guessed that his partner must have a weak five-five. He did not see it as a different problem depending on the strength of the 3♥ bid. His analysis of 3♥ was that it would very likely go down two. Given that the problem seemed to be different for less experienced players than for experts, the Panel decided that there was a significant chance that South would have passed with the correct information and that N/S were therefore damaged by the MI (Law 40C). The Panel also considered whether the UI West had from his partner's Alert and erroneous explanation may have contributed to the damage to N/S, but that issue became moot when it was decided to allow South to pass 3♥. Guided by the play analysis from the experts and peers the contract was changed for both sides to 3♥ down two, +100 for N/S (Law 12C2).

DIC of Event: Charlie MacCracken

Panel: Matt Smith (Reviewer), Betty Bratcher, Candy Kuschner

Players consulted: Gary Cohler, Kit Woolsey

✍ Most of the panelists agree with the Panel's decision.

Gerard: "Too bad that the peers don't understand the concept of aggregate values (see, for example, CASE TWENTY-EIGHT from Anaheim). E/W suggested this but of course they had a motive to do so. The second expert seemed to have his finger on the pulse but so did the Panel, who didn't really have a choice given the mind set of the peers."

Rigal: "Nice recovery by the Panel who again followed the correct procedure to recover from an unpromising initial position. The initial ruling seems to have been unduly harsh to N/S. The polled players put things right. 3♥ down two seems reasonable, the play is not easy to predict."

✍ One panelist is a little confused about that polling thing...

Polisner: "When do the Directors poll players? Before the ruling is made (best if possible) or before the Panel convenes? When the results of the poll clearly indicate that the strength of the West hand dictates whether or not South doubles, that is the issue upon which the case turns. The Director guessed poorly."

✍ When the Directors poll players depends on which "Directors" we're talking about. The Directors on the Panel poll players when the appeal is heard, usually after interviewing the players involved (although it may be left to the Reviewer's discretion to poll players at whatever point in the process he wishes). As for the Directors involved in the table ruling, it is not yet part of ACBL's procedure for Directors to poll players before making their rulings, although some do occasionally seek player input on their own initiative. (Note: Directors involved in the table ruling are not allowed to be part of the appeal process.)

Wildavsky: "Good work by the Panel. Again a poll would have helped the Director rule correctly."

✍ Is anyone in Memphis listening?

Allison: "I agree with the decision by the Panel. Once again, polling players, both peers and experts, has been helpful in these

decision making sessions.”

R. Cohen: “A satisfactory conclusion to a weird situation. I guess the North hand was too strong for a 2♠ opening bid. Oh well.”

Passell: “Good Panel work.”

Bramley: “Okay.”

Wolff: “Okay. Not in my field of interest or passion. Shows just how differently this game is viewed by players at different levels. Having said this it becomes clear that people double and bid against weak action, pass against strong, and look at their hand and the bidding later (sort of opposite to other groups).”

✍ Welcome to bridge in the fast...er, slow...lane, Mr. Wolff.
The next panelist seems very confused about the standard for judging damage...

Treadwell: “As the experts consulted said, the MI did not affect their decision as to whether to double or pass. I think this should be the basis for the decision rather than the somewhat muddled peer poll answer. Basically, some of West’s HCP could be in the East hand without affecting the result. North’s skimpy opening was the real reason for N/S’s poor result. I agree with the Director’s ruling to allow the table result to stand.”

✍ So I guess Dave thinks that if a player is misinformed he must measure up to expert standards of bridge judgment and ability in the subsequent auction and play in order to receive redress. Good grief!
The next David has a more accurate view of the standards to be applied to players at various levels...

Stevenson: “The main culprit seems to be the bid of 3NT. In effect South has forced to game with a misfitting 9 points opposite an apparently distributional opening. With stronger players I feel sure that South would be denied redress since that 3NT bid is certainly an egregious error.”

✍ Yes, an expert South might very well be denied redress, which was Ron’s point and precisely what the Panel implied in their excellent decision.

Our final panelist seems to have found a nit to pick...

Goldsmith: “There’s something important missing. What was the actual agreement? It seems likely that the agreement was that 3♥ was strong, but why didn’t anyone check?”

✍ I think it’s pretty clear (albeit indirectly) that someone did check. If E/W’s agreement had been that 3♥ was weak then there would have been no MI. Since the Directors determined that there was MI, it follows that E/W did not have (or could not document) a “weak” agreement. Also, as Jeff seems to recognize, in standard bidding West’s 3♥ bid would normally be treated as weak if South had redoubled. But in the actual auction the standard interpretation is that 3♥ shows constructive values. But one can never be certain, especially at the lower levels.

The peer poll was key in this decision and the Panel did very well to consider it as primary. I suspect that both peers and experts were polled simultaneously; had peers been polled first there would have been no need for an expert poll. In an all-expert game N/S’s loss of control would no doubt have been seen as of their own making, but in this case the Panel’s decision seems correct.

CASE THIRTY-THREE

Subject (MI): A Minimum Is In The Eye Of The Beholder
Event: NABC Open Swiss Teams, 15 Mar 03, First Qualifying Session

Bd: 7	Michael Polowan		
Dlr: South	♠ 54		
Vul: Both	♥ K62		
	♦ K953		
	♣ 10654		
Ronnie Orr		Tim Smith	
♠ AKJ8		♠ 762	
♥ Q8		♥ 7543	
♦ AJ1084		♦ Q6	
♣ 83		♣ KJ92	
	Jason Hackett		
	♠ Q1093		
	♥ AJ109		
	♦ 72		
	♣ AQ7		
WEST	NORTH	EAST	SOUTH
			1♣
2♣(1)	Pass	3♣	Pass
3♦	All Pass		
(1) Alerted; natural			

The Facts: 3♦ went down two, +200 for N/S. The opening lead was the ♥2. The Director was called at the end of the auction. West's 2♣ bid by agreement showed spades and diamonds, often with longer diamonds. North said he would still have passed with proper information. South chose not to reopen the auction. The Director decided that while West did have UI, with no partnership agreement as to the meaning of 3♣, and with no club stopper, no heart stopper, and only four spades the 3♦ bid looked like the only logical action over 3♣. Therefore, the table result was allowed to stand.

The Appeal: N/S appealed the Director's ruling. South did not attend the hearing. North said that West had more than a minimum for his 2♣ bid, and thus his normal action over 3♣ would be to make some move toward game. West had UI that East intended 3♣ as a raise of clubs, which suggested bidding a conservative 3♦. Had E/W reached a contract higher than 3♦ N/S would probably have doubled for significant penalty. East said he Alerted his West's 2♣ bid and explained it as natural and non-forcing with approximately 11-15 HCP. But as soon as he bid 3♣ he saw South's 1♣ bid on the table, which he hadn't noticed until then. At that point he corrected his explanation of 2♣ (letting slip that he hadn't seen the 1♣ bid) and explained that they played 'top and bottom cue-bids' and that 2♣ normally showed five or six diamonds, four spades and usually 10-15 HCP, though it could be stronger. (In essence, the 2♣ bid showed a two-level overcall in the minor along with four cards in the higher unbid major.) It was possible, though not common, that the cue-bidder could have a five-card major (perhaps with six-five distribution). E/W said their agreements were that East could sign off over 2♣ by bidding a suit at the two level, or he could invite a game by bidding 2NT or a suit at the three level. They had not discussed what 3♣ (a cue-bid) showed. West said that he lacked the distribution to go past 3NT or the stoppers in the unbid suits to do anything other than bid 3♦. Although his hand might have been a bit weaker he did not think

that his strength was exceptional enough to call for any bid other than the 3♦ he selected.

The Committee Decision: West had UI that his partner's 3♣ bid was a natural raise of a natural 2♣ opening bid. However, he was required to treat his partner's 3♣ bid as if it were an (undiscussed) cue-bid of some kind. The Committee noted that West's diamond suit was rather minimal for a two-level overcall, and his ♥Q was a dubious value. Thus, West's strength was less than the point count would suggest. West certainly did not have exceptional distribution that would suggest a five-level contract rather than 3NT. He lacked a stopper in hearts, so a 3♥ bid would be misleading, and a 3♠ bid might suggest six-five distribution rather than the 4=2=5=2 pattern he held. When partner makes a forcing bid, if you do not have any obvious descriptive bid the default rebid is the lowest bid you can make that is not specifically mis-descriptive. This leaves partner the maximum amount of room to show whatever feature he might wish. Although there may have been alternatives to the 3♦ bid West selected, none of them were very logical. The Committee allowed the table result of 3♦ down two, +200 for N/S, to stand.

DIC of Event: Steve Bates

Committee: Doug Doub (chair), Dick Budd, Ed Lazarus, Howard Weinstein, Kit Woolsey

✍ Most of the panelists agree with the Director and Committee's view that although West had UI, there was really no LA to bidding 3♦. Many even suggested that this appeal was of dubious merit.

R. Cohen: "What happened to the AWMW? Plus 200 had to be the best result available to N/S on a reasonable bridge basis. If N/S want to steal some imps, do it with bidding and play and not via Committee."

Bramley: "Gee, the Committee said exactly the same thing as the Director. North added nothing to the discussion except his mis-evaluation of the West hand as having extra values, nor did he suggest a good alternate call for West. This appeal was a complete waste of the Committee's time. Give the AWMW."

Polisner: "I think that both the Director and Committee did the right thing in allowing the table result to stand as West's likely rebid would be 3♦ and East (who had already realized his error) would have no reason to bid on. Very close to an AWMW."

Passell: "Easy. Borderline merciless."

Treadwell: "A fine analysis by the Committee."

Rigal: "Well done by the Committee. The UI might have pointed toward the 3♦ bid but what else could West do? No AWMW seems right. The case has a number of tricky issues."

✍ Not necessarily tricky, but subtle nonetheless, as we'll see a bit later. Continuing...

Gerard: "Fine Committee work, except the bit where they institutionalized Woolsey's theory about saving space. That has never been a law, it's just one person's opinion. If you Landy with AKQxx, Jxxxx, do you have to bid 3♥ in response to partner's 2NT ask because it is not specifically mis-descriptive? Maybe it's a good principle, but who cares? In this case it was unnecessary since 3♦ was descriptive, the definition of which includes the inability to make any other descriptive bid. The fact that it was lowest was coincidental."

Stevenson: “West seems to have been lucky that despite UI 3♦ was the only logical action. Compare a similar happening in CASE TWENTY-ONE.”

Allison: “I am (just barely) in agreement with the Committee decision. Four outside losers and no particular direction don’t add up to an extra-specially good hand. I think 3♦ is well-reasoned and naturally, had East now bid 3♠, I’d expect West to raise.”

✍ So from the above comments I take it that we’re to understand that West’s hand is no better than a minimum 2♣ bid, say, ♠AJxx ♥xx ♦KJ10xxx ♣x? (E/W seem to have been playing an amalgam of Top-and-Bottom and Astro cue-bids, the former defining which suits are promised and the latter the relative suit lengths promised.) Give East a modest hand such as ♠Qxx ♥Jxx ♦Qxx ♣K109x and opposite the actual West hand 3NT requires only the ♦K with the opening bidder (not too much to ask, is it?) while opposite the above minimum hand the defense will surely prevail. How should West continue? Well, with a full heart stopper he’d just bid 3NT, so with his half-stopper how about 3♥?

The next two panelists have this one right.

Wildavsky: “I’d like to have seen a poll here. With a maximum in high cards surely there are alternatives to 3♦. It is hard to see how 3♥ could go wrong. Why can’t East hold something like ♠Qx ♥Jxx ♦KQx ♣QJxxx? In fact I’d expect more for a cue-bid.”

Goldsmith: “This one was hard because the Committee was unfamiliar with the methods E/W were playing. Fortunately, I play those methods, so I can say with some assurance (after checking with two partners) that 3♦ is not an acceptable bid. West’s correct rebid is 3♥. His partner won’t play him for more than three small or honor doubleton because he didn’t make a takeout double. 3♣ is a cue-bid, promising at least game invitational values. Since West has almost an ace extra for his bid, he can’t bid 3♦ or he’ll miss game a lot. In this hand, East will raise 3♥ to game and get doubled. Neither partner will have any reason to remove it, and they’ll get annihilated. It looks as if N/S can take eight tricks, so I’d rule N/S +1400. Again, for what it’s worth, 3♦ isn’t even the second best choice. That’s probably 3NT (give partner ♠Qxx ♥Axxx ♦Kxx ♣xxx) or 4♣.”

✍ I’m not sure which game Jeff had in mind for E/W (I suspect

4♥). But after being doubled it seems unlikely that E/W would play there. 4♠ doubled seems their most likely resting spot and their fate there is anything but certain, although –1400 seems unlikely. I’d say –1100 is about right, though if N/S don’t get hearts going early on (not an easy shift from either side) –800 is also possible.

Our final panelist has some “interesting” ideas about how to adjudicate these situations, but he does mention an important issue (in passing) that was overlooked by the other panelists.

Wolff: “Okay and well discussed according to our present MO. When CD occurs, instead of creating false guidelines (pretending that partner’s bid was in response to what the partnership was really playing) or as here, when East didn’t see South’s opening bid, why not in retrospect have bridge play—theoretically but not actually. Stop and award artificial scores based on common sense and equity. Here N/S would receive either the score at the table (I’m open on this and will go along to get it changed) or Average Plus while E/W (the offenders) get the reciprocal. Since this is not a pair game but a team game N/S could get +3imps or the table result (with all the UI involved). The result at the other table needs to be considered in determining the equity. Let’s return windfalls to lotteries and doppler machines and eliminate the plus and minus 2000’s.”

✍ Hmm. I’m not sure how exactly Wolfie’s procedure would work, and I think I detect some inconsistencies among the ideas he presents. However, his comment does remind me that there’s a big problem with East’s mentioning before the hand was completed that he didn’t see South’s 1♣ bid. Law 75D2 instructs a player who subsequently realizes that his own explanation was erroneous or incomplete to “immediately call the Director” (who will apply Law 21 or 40C). The reason for this is that in the subsequent auction—or the play if they become the defenders—the partner of the player who gave the misexplanation is not entitled to know *why* that explanation was given since it could give him additional UI about his partner’s hand. Thus, when East let it slip after his 3♣ bid that he did not see South’s opening bid he enabled West to interpret his 3♣ bid not as a cue-bid but as an intended raise of a natural 2♣ opening, which we can all see might easily have suggested that West bid *only* 3♦. Now West may have been able to figure that out all by herself, but she was certainly not entitled to the extra help.

CASE THIRTY-FOUR

Subject (Incorrect # of Cards): The Dog That Didn't Bark
Event: Charity KO Bracket 2, 06 Mar 03, First Round

Bd: 5	♠ AKQ832		
Dlr: North	♥ J9		
Vul: N/S	♦ Q95		
	♣ J4		
♠ ---		♠ J964	
♥ A743		♥ K62	
♦ AJ743		♦ K102	
♣ A1065		♣ Q8(3)	
	♠ 1075		
	♥ Q1085		
	♦ 86		
	♣ K972		
WEST	NORTH	EAST	SOUTH
	1♠	Pass	Pass
2♦	2♠	Pass	Pass
Dbl	All Pass		

The Facts: 2♠ doubled made two, +670 for N/S. The play went: ♦2 to the ace; ♥A; heart to the king; ♦K; ♥2 to the queen (pitching a club); ♠AK; ♦Q ruffed; ♥10 (pitching a second club). The board was scored and passed to the other table where it was discovered that the South hand had fourteen cards (including five clubs) and the East hand only twelve cards (including only two clubs). The Director was called. He took the board back to the first table and had the South and East players check their hands. East was sure he held only the ♣Q8 and South was sure she held only four clubs. (Clubs had never been played.) The Director ruled that the result at the first table would stand and that a club spot (the ♣3) would be removed from the South hand and placed in the East hand.

The Appeal: E/W appealed the Director's ruling. Each player was asked if they had counted their cards. N/S said they always did; East said he usually did but had not this time (he had been upset by the defense on the previous board and was distracted). However, he said he did notice dummy's clubs; West said he noticed nothing.

The Panel Decision: The Panel decided that the preponderance of the evidence suggested that the conditions of Law 13C ("When it is determined after play ends that a player's hand originally contained more than 13 cards with another player holding correspondingly fewer, the result must be cancelled" and an appropriate PP assigned) should not apply. All of the players had seen the dummy and no one had called attention to the presence of an extra card. Thus, both sides were deemed responsible for the problem. With no basis for changing the table ruling the Panel allowed the table result to stand.

DIC of Event: Jeff Alexander

Panel: Susan Patricelli (Reviewer), Doug Grove, Candy Kushner, Matt Smith

Players consulted: none reported

✍ With two members of the Laws Commission on our panel we ought to be able to clear this one up pretty quickly.

R. Cohen: "I am guessing that East at the first table had the ♣3 in

with her spades. How else could she explain passing 2♠ doubled rather than bidding 3♦? How it got to the South hand is a mystery."

Polisner: "Seems like a matter of law."

✍ Hmm. That's not exactly what I had in mind (although Ralph's inference about East's pass of 2♠ doubled makes a lot of sense).

Some panelists hint at E/W's actions (if East noticed dummy's clubs then why did he not notice that it had fourteen cards?) while others defer (as I do) to the Director's and Panel's fact finding.

Bramley: "That's a pretty cheesy way to try to get out of a bad board. Would E/W have had the same objection if they had taken their six top tricks? This looks meritless to me."

Stevenson: "I wonder whether E/W would have been so quick to appeal if they had not allowed a doubled contract to make? Some players get very inventive in such positions. It was suggested in England that a very good player in similar circumstances had a habit of calling the Director, and appealing if necessary. It was not because he expected to get a ruling or decision in his favor, but because he could then say the bad board was not his fault."

Goldsmith: "The write-up of the Panel decision leaves a little to be desired. There are two possible decisions: 1) South had fourteen cards and East twelve. If so, Law 13C applies and the board must be cancelled, despite N/S's bonanza. 2) South and East both had thirteen cards, but one card was misplaced after the play. If so, the result stands. The Panel judged that case (2) occurred. They have more information than I do, so I see no reason to doubt their judgment, just the clarity of their writing."

Wildavsky: "I agree with the Director's ruling and the Panel decision. I think the Panel write-up could be a little clearer. As I understand it they are saying that there is no evidence that any hand 'originally' contained other than thirteen cards. This is an important distinction, as otherwise a player could place a card in the wrong pocket in an attempt to nullify a poor result."

Allison: "There is no way to second-guess the Panel's fact finding. It sounds to me that there were thirteen cards in each hand. If East noticed five clubs in dummy, he failed to state it in a timely manner and obviously no one else 'saw' five clubs in dummy."

Rigal: "Were it not for the fact that in Phoenix my World Champion partner bid a hand against a (more senior) World Champion with considerably more titles under his belt, where my partner had fourteen cards and my opponent had twelve, I would have had considerably more scorn to pour here. And no, I was not the one who noticed that dummy had fourteen cards either. The facts as decided seem plausible. No reason to argue with the Directors' finding of the likelihood as to what happened."

Wolff: "A great decision. This is similar to a couple of other recent cases, one in the ACBL and the other from the 1996 World Team Olympiad. Law 13C should expand its definition to discuss the possible hanky panky of deliberately fouling hands. Maybe every ACBL member should be allowed to do it free once in his bridge career. If we do we should state that this law will not go into effect retroactively. Otherwise too many players might object."

✍ In the final analysis, this may be the best explanation...

Passell: "Full moon or what?"

CASE THIRTY-FIVE

Subject (Withdrawn Concession): I Can See Clearly Now
Event: Flight A/X Pairs, 08 Mar 03, First Session

Bd: 29	David Chechelashvili		
Dlr: North	♠ 2		
Vul: Both	♥ AQ53		
	♦ AJ6542		
	♣ 76		
Barton Buffington	Janice Molson		
♠ QJ1064	♠ 953		
♥ K	♥ J872		
♦ ---	♦ KQ97		
♣ AKQJ543	♣ 108		
	Jiang Gu		
	♠ AK87		
	♥ 10964		
	♦ 1083		
	♣ 92		
WEST	NORTH	EAST	SOUTH
	1♦	Pass	1♥
2♣	3♥	Pass	4♥
4♠	Pass	Pass	Dbf
All Pass			
The Play (North on lead):			
Trick	1	♦A, ♦7, ♦x, ♠4	
	2	♣3, ♣x, ♠10, ♣x	
	3	♦K, ♦x, ♥K, ♦x	
	4	♠9, ♠7, ♠6, ♠2	
	5	♠3, ♠A, ♠10, ♦x	
	6	♥4, ♠J, ♥3, ♥2	
	7	♠A, ♣x, ♣8, ♣x	
	8	♣K, ♦5, ♥7, (South conceded in the position below)	
		♠ ---	
		♥ AQ5	
		♦ J65	
		♣ ---	
♠ Q			♠ 5
♥ ---			♥ J87
♦ ---			♦ Q9
♣ KQJ54			♣ ---
		♠ K8	
		♥ 1096	
		♦ 10	
		♣ ---	

The Facts: 4♠ doubled made four, +790 for E/W. The opening lead was the ♦A. The play went as indicated above. At trick eight, in the position shown in the above diagram, West played the ♣K, North played the ♦5, the ♥7 was called from dummy and South said "Making four" without playing a card from his hand. The board was scored and they moved on to the second board. East passed, at which point South realized that 4♠ was not making and said so. A discussion ensued which drew the attention of a Director at an adjacent table who came to this table on her own to assist. The Director listened to the explanation of what happened and, after consultation, ruled that it would be irrational for South to

pitch on the ♣K. However, after ruffing South might return a heart which West would ruff after which South would ruff the club return and West at the end would still have a diamond loser in dummy for down one. Thus, South was allowed to take three tricks instead of two (Law 71C, Implausible Concession: "...the Director shall cancel the concession of a trick that could not have been lost by any normal play of the remaining cards [includes play that would be careless or inferior, but not irrational, for the class of player involved].") Law 71C allows a player to retract an implausible concession up until the conceding side makes a call on a subsequent board. Since this had not happened, the result was changed to 4♠ doubled down one, +200 for N/S.

The Appeal: E/W appealed the Director's ruling. E/W said that South must have believed he was in a hopeless situation when he said "Making four," displaying a sense of abandonment. In such a state a careless play such as pitching a diamond is likely and the term "irrational" does not apply. North said he was surprised to hear that a pitch by South at trick eight would have allowed the contract to make.

The Panel Decision: The Panel consulted five players regarding South's possible actions in the position in which the concession occurred. Two players thought that not ruffing the ♣K, playing a heart, then ruffing the return was irrational. A third player gave no real reason why a player would or would not ruff except to say that he would ruff just to get the pain over with (implying that any play could be made and considered careless but not irrational). The last two players were definite that when a player gives up, probably in this case because he did not count trumps correctly and thought declarer was longer in trumps, that player could pitch a red card thinking his play didn't matter. Thus, pitching would be careless but not irrational. They added that bridge players can, on occasion, not remember an important card having been played: they'd been there themselves and made stupid plays and didn't consider these to be in the "irrational" category. Based on this input the Panel concluded that mistakes in the play, such as pitching on the ♣K, are easily made. The words "careless" and "inferior" are quite strong but in reality players make bad errors frequently. In addition, even if South did ruff at trick eight he would not be allowed to draw trumps (Laws 70C and D). In the final analysis, the Panel decided that pitching a diamond on the ♣K would be a poor play for South but not an irrational one (the standard set out in the footnote to Law 71C). Thereafter the play would go: ♣Q, ♥5, ♥8, ♠8; ♥6, ♠Q, ♥Q, ♥J; ♣J, ♥A, ♦9, and South would get only his remaining trump, as dummy remains with a trump and the good ♦Q. Therefore, the contract was changed to 4♠ doubled made four, +790 for E/W.

DIC of Event: Gary Zeiger
Panel: Patty Holmes (Reviewer), Su Doe, Charlie MacCracken
Players consulted: Bruce Ferguson, Peter Friedland, Bob Morris, Miguel Reygadas, Haig Tchamitch

✍ Most panelists support the Panel's decision, while recognizing its harshness.

R. Cohen: "After a careful review of the claim, concession, and acquiescence laws (Laws 68 to 71), the Panel came up with the correct adjudication—harsh though it is."

Passell: "Tough call. Looks like the Panel got it right though. But I don't have to like it."

✍ A few others seem to revel in it.

Bramley: “Good here. Following my usual policy in claim or concession situations, I refuse to grant a player a winning choice if I believe that he had any choice at all. By making a bad claim or concession he has demonstrated loss of contact with the actual position and deserves no credit for ‘regaining’ contact. Therefore, if South thought he had no chance, he could have played anything, including a non-trump.”

Polisner: “I am pleased to see this type of hand come up for discussion to clarify the difference between ‘careless or inferior’ on the one hand and ‘irrational’ on the other. These terms do not seem to be understood by the masses. As far as I’m concerned, ‘irrational’ means playing trumps from the bottom with AKQJ102 or playing unnecessary high cards on a trick. ‘Careless’ does not mean that a player might revoke, as that could be true on any hand. Therefore, the standard should be that a less than perfect play or defense should be presumed and the claimer/conceder should normally get the worst of it. This decision is right on target.”

Rigal: “Excellent job by the Panel to my mind. All the right points were made and the right answer reached. This seems like quite a subtle point and the Panel worked hard to come to the right answer. It is slightly surprising that the initial ruling was in favor of the offenders though. (This seems like a deal from *Why You Lose At Bridge*—and not just because of the nomenclature at the table.)”

✍ But most accept it more-or-less matter-of-factly.

Allison: “Even North added to the Panel’s decision by saying he hadn’t noted that the pitch at the relevant trick would allow 4♠ to make. It is uncomfortable to deprive South of his tricks but you really must see, in the heat of battle, what your tricks are if you’re going to take them. The concession wasn’t taken back in the same breath, but quite some time later and the benefit of the doubt, including poor (but not irrational) play must go to the non-offenders. I agree with this decision.”

✍ The concept of “in the same breath” was last a part of the laws in 1948 (has it really been that long?) and the phrase used then was “*practically* in the same breath.” This became “without pause” in 1963 and “without pause for thought” in 1975, which it remains today. But even in the beginning this concept only applied to an attempt to correct an inadvertent call or play, not to withdrawing claims or concessions. So there is no requirement that South “take back” his concession “in the same breath,” only before his side made a call on a subsequent board (or until the round ends).

Goldsmith: “Looks about right. I didn’t know that Panels could confer with players about this sort of judgment, but I’m pleased they can.”

Stevenson: “Players can withdraw a concession until the end of the Correction Period without it affecting their rights. The time that is mentioned in the second sentence of Law 71C is irrelevant since

the first sentence embodies all situations covered by the second sentence. Thus, whether the conceding side had called on the next hand was irrelevant. It seems correct that when South conceded he had ‘lost the plot’ and most plays by him thereafter would not really be irrational.”

✍ It seems if the Director considered this to be an attempt to cancel an “implausible concession”—not the concession of a trick that had already been won (Law 71A) or of a contract that had already been fulfilled or defeated (Law 71B)—then the time period mentioned in Law 71C *is* relevant. Concessions covered by Laws 71A and B, which involve conceding tricks that have already been won or lost or conceding a contract that has already been fulfilled or defeated, are governed by the same Correction Period as applies to agreeing on tricks won, which is established in Law 79. But Law 71C intentionally specifies a shorter time period for cancelling a concession of tricks that are merely implausible to have been lost and not in conflict with what previously happened on the deal.

Wildavsky: “This was a judgment call. I like the Panel’s judgment, but I wouldn’t call the Director’s ruling a mistake.”

✍ I agree with the views expressed by several of the panelists, including Bart and Jeff Polisner, about what is careless or inferior as opposed to irrational. Once a player has demonstrated through his actions that he has lost touch with the hand, irrational should include playing suits from the bottom up and throwing away one’s winners while virtually everything else is merely careless.

Our final two panelists, while differing substantially on their views of justice, have a common opinion of West’s play at trick five.

Gerard: “Is it okay if I say that that second trump play was the greediest thing I have ever seen at the bridge table? The Panel was right to accept the view of the two insistent consultants: it’s not uncommon to hold out until the end when you think you’re being ruffed down, maybe on a ‘ten for last’ theory.”

Wolff: “I think this was a bad decision. (Reminds me a little of the ‘Oh shit’ case, though not as bad.) But this case has good dictum on what irrationality should be. I think that once South conceded and didn’t immediately rescind it he should lose. Careless, I’ll show you careless. How about West after the ♠9 held? Why did he lead another one? When careless meets careless the one who acquiesces should break the tie.”

✍ Reading between the lines as to why Wolffie thinks this was a bad decision, my guess is that he would not allow N/S to beat the contract but would also not allow E/W to make it. Now that’s real frontier justice:

[*In the voice of Jack Nicholson*]: “Careless, I’ll show you careless.”

CASE THIRTY-SIX

Subject (Disputed Score): The Telltale Convention Card
Event: Red Ribbon Pairs, 13 Mar 03, First Qualifying Session

Bd: 14	♠ AQ1075		
Dlr: East	♥ Q5		
Vul: None	♦ K9		
	♣ A874		
♠ 98632		♠ J4	
♥ K8		♥ J10976432	
♦ QJ6		♦ 10	
♣ Q32		♣ 106	
	♠ K		
	♥ A		
	♦ A875432		
	♣ KJ95		
WEST	NORTH	EAST	SOUTH
Pass	4♠	Pass	5♦
All Pass			

The Facts: The opening lead was the ♥K. N/S approached the Director prior to the start of the second qualifying session to report that the posted score of +400 should have been +420. The Director found the signed ticket that read 5♦ made five, +400 for N/S, and located the E/W pair after the session had begun and discovered that East's score card showed making five while West's showed making six (-420). East had signed the ticket. E/W were unable or unwilling to recall the play of the hand either then or later during a break. Since E/W could not describe which two tricks they took and since this appeal for a score correction was timely by law and regulation, the Director decided that the likelihood that twelve tricks were taken by N/S was sufficient to change the score to +420 for N/S (Laws 72A2 and 79).

The Appeal: E/W appealed the Director's ruling. The Reviewer told both pairs that given the apparent disagreement at the time the board was scored, the law and regulations allowed the score to be changed and the Panel would decide the score based on the balance of the evidence. The table Director reported that East in particular resisted trying to recall what had happened. When the Director spoke to E/W at the hospitality break East speculated on which trick E/W might have taken in addition to the diamond. He mentioned first that they might have scored a second diamond and later thought it might have been the ♣Q. E/W told the Reviewer that they were disturbed at being interrupted twice during the session (they said the interruptions occurred during play while the Director said her conversations with them occurred between rounds). All players agreed to the auction as shown. The Reviewer looked at each player's score card and confirmed that East's and North's cards showed 400s while West's and South's showed 420s (South brought his card to the Reviewer from his room after the hearing). All agreed that the ♥K was the opening lead. N/S thought that declarer won, played a diamond to the king, a diamond to the ace, and a diamond conceded to West. North said that West returned a heart on which declarer pitched a club (South did not remember the return). N/S were adamant that they did not remember the ♠K being overtaken or a club finesse being taken. E/W said they did not remember the sequence of plays. East conceded that six was cold on paper but that people make mistakes all the time so there were ways for South to have lost a trick. When asked why he put making five (+400) on the ticket North said he

did not know for sure, but at the time he was thinking it was a poor board since they had not bid slam. When asked by the Reviewer if he and his partner had discussed missing slam at the time he said they had. E/W did not recall such a conversation. N/S realized the error when they were discussing hands between sessions.

The Panel Decision: As this matter relates to a scoring dispute, Law 92 instructing that the time to request a ruling expires 30 minutes after the official score has been posted does not apply. Instead, Law 79A states: "The number of tricks won shall be agreed upon before all four hands have been returned to the board." Law 79B states: "If a subsequent disagreement arises, the Director must be called. No increase in score need be granted unless the Director is called before the round ends..." Law 79C states: "An error in computing or tabulating the agreed-upon score, whether made by a player or scorer, may be corrected until the expiration of the period specified by the sponsoring organization. Unless the sponsoring organization specifies a later time, this correction period expires 30 minutes after the official score has been made available for inspection." The ACBL General CoC for pair games specifies that the correction period for player errors expires at the completion of play of the session following the one in which the error occurred. Law 72A2 states: "A player must not knowingly accept either the score for a trick his side did not win or the concession of a trick that his opponents could not lose." With these laws and regulations in mind, the Panel decided that N/S's request for a score change was timely and that E/W had not come close to demonstrating that only eleven tricks were taken. The fact that West's score card showed the score for twelve tricks was given significant weight by the Panel and as a result E/W's appeal was denied and they were each assessed an AWMW.

DIC of Event: Millard Nachtwey

Panel: Matt Smith (Reviewer), Ken VanCleve, Gary Zeiger

Players consulted: none reported

✍ Most panelists stop short of demanding that East be drawn and quartered—but just.

Allison: "I am really disturbed by East's refusal to remember the board. West surely would remember the lead of the king, leading to an extra pitch from dummy. Even if West had not led the ♥K, a simple unblock would allow South to make twelve tricks. AWMW is the least punishment for E/W; I wish there were some PP that could be assessed for dishonesty."

✍ E/W could have been charged under Section 3.13 of the ACBL CDR ("Knowingly submitting false information to a tournament official...") and brought before a C&E Committee.

R. Cohen: "East should be reported to the Recorder. Guess he never heard of Active Ethics."

Passell: "Horrid. Maybe Active Ethics needs to be explained at all levels. An AWMW doesn't begin to get it done for this pair."

Polisner: "Excellent analysis. In addition to the AWMW, E/W should have been counseled about the spirit of sportsmanship, of which they apparently have no knowledge."

Bramley: "North, who presumably filled out the score ticket, was dummy and could easily not have noticed how many tricks were taken. South's scorecard was correct. E/W clearly deserved the AWMW after failing to prove their case to a Director over the course of a whole session."

Treadwell: “Excellent, including the AWMW.”

Wildavsky: “Well done. If I could I’d take the trick away from E/W that they tried to take from N/S. E/W seemed to think the posted score had more reality than the result achieved at the table.”

✍ Now that’s *my* idea of justice, that or a PP for violating Law 72A2 or even filing conduct charges.

Several panelists expound on the laws that are applicable here.

Gerard: “This could be Law 79B, disagreement on tricks won, not 79C, error in score. But even under 79B (by the way, isn’t it curious that the Panel didn’t quote the rest of that Law?), calling the Director before the round ends is merely a safe harbor and nothing prevents the award of an increase in score for a later call. Under the circumstances, the right result was reached no matter what the basis.”

Stevenson: “East’s refusal to try to remember the sequence of plays might be worth a PP. The way to win at bridge is by outplaying your opponents, not by sneaking tricks to which you may not be entitled. While we cannot say that East was in violation of Law 72A2, which says you may not knowingly accept a score for a trick you have not won, he certainly appeared to be trying to breach it. Law 79B says that no increase in score need be granted after a disagreement in tricks won unless the Director is called before the round is ended. That means that the Director and Committee would be within their rights to amend the score so that E/W got –420 but N/S retained +400. This Law used to be stronger (the word ‘need’ used to be ‘may’) but now the Director and Committee are allowed judgment.

“As an aside, the reason for this Law came from an important North American event many years ago. A pair was posted as winning, but then a well-known player appeared, followed by two simpering females, who said ‘Of course dear Mr. X had made eight

tricks against them in 2♠ and weren’t they just the silliest to have put seven tricks on the score sheet?’ The score was changed, the good player won the event, many people wondered whether the ladies were just overcome by his personality and would have agreed to anything, and Edgar Kaplan said ‘This will never happen again.’

“All that this means is that Directors and Committees should not automatically adjust. But I am not suggesting this was a case for no adjustment. With both sides having one score card showing twelve tricks made and with twelve tricks easily makeable, the decision looks correct.”

✍ Confirming David’s little stroll down memory lane is...

Wolff: “Justice was done, but there used to be an ACBL rule that the number of tricks taken on a hand could not be changed after the session (to keep collusion at bay). I’m glad they must have rescinded that law when there is the likelihood that there was no collusion.”

Goldsmith: “Good job. Why isn’t the ACBL’s addendum to Law 79C in the ACBL-printed law book?”

✍ Because their specification of the expiration period for a score correction is a regulation, not a law. The ACBL’s edition of the law book is correct as it stands.

Our next panelist makes an excellent point, and so gets the final word.

Rigal: “More good work by all concerned. This case gives credence to the fact that just because the facts are not easy to establish (or the meaning of a law is not transparent) does not prevent an AWMW being awarded once the facts are determined. (See CASE FIVE.)”

CASE THIRTY-SEVEN

Subject (Claim): His Finger On The Pulse
Event: Open Pairs, 13 Mar 03, First Session

Bd: 12	♠ A863		
Dlr: West	♥ K8		
Vul: N/S	♦ Q54		
	♣ A752		
♠ Q		♠ K72	
♥ Q942		♥ A7653	
♦ AJ102		♦ 86	
♣ Q964		♣ J83	
	♠ J10954		
	♥ J10		
	♦ K973		
	♣ K10		
WEST	NORTH	EAST	SOUTH
1♦	Dbl	1♥	1♠
2♥	2♠	3♥	3♠
All Pass			
The Play (West on lead):			
Trick	1	♥4, ♥K, ♥A, ♥x	
	2	♦8, ♦x, ♦2, ♦Q	
	3	♣x, ♣x, ♣K, ♣x	
	4	♠J, ♠Q, ♠A, ♠x	
	5	♠3, ♠K, ♠x, ♥9	
	6	♦6, ♦x, ♦10, ♦x	
	7	♦A, ♦x, ?*, ♦x	
	8	♥Q, ♥8, ♥x, ♥x	
	9	♦J, claim by South	
		*not recorded	

The Facts: The opening lead was the ♥4. The play went as shown above, South claiming at trick nine, putting his hand down and saying “drawing trump—have all the tricks.” He said nothing about what he was going to do to the current trick. In the Director’s presence South then said “I will trump with the ♠8.” East said that if declarer pitches from dummy on the ♦J (declarer still has the ♦K in his hand) or ruffs low East can ruff with the ♠7, winning the trick. The Director ruled that declarer may not have appreciated this until after E/W called attention to it (Law 70). Both sides were assigned the contract of 3♠ down two, +200 for E/W.

The Appeal: N/S appealed the Director’s ruling. South had around 1100 masterpoints. South said he would always ruff the ♦J with the ♠8 and not the ♠6 since he had two high trumps in his hand and there was only one trump outstanding. E/W pointed out that when the ♥4 was led at trick one declarer played the ♥K from dummy holding the ♥J10 in his hand, thus losing two heart tricks. They further said that it was only when the ♦J was led that declarer said he would ruff with the ♠8 instead of the ♠6.

The Panel Decision: The Panel applied Law 70C, which says that when declarer claims with a trump outstanding, fails to mention it, was probably unaware of it and could lose a trick to it by any normal play (defined in the footnote to Law 70 as: “...careless or inferior, but not irrational, for the class of player involved”) the Director shall award a trick or tricks to the opponents. The Panel decided that the following facts were known to declarer: (1) East was void in diamonds; (2) East was known to have the remaining

trump, West having shown out on the second round; and (3) he had two high trumps in his hand and one high trump in dummy. Given these facts, the Panel concluded that it would be irrational rather than careless or inferior for declarer to ruff with the ♠6 or to discard on the ♦J lead when, by his own statement, he knew there to be a trump out. The score was therefore adjusted to 3♠ down one, +100 for E/W.

DIC of Event: Bernie Gorkin

Panel: Mike Flader (Reviewer), Peter Marcus, Matt Smith

Players consulted: none reported

✍ Most of the panelists side with the Panel, the key issue being that declarer clearly knew a trump was still out since he mentioned drawing it in his claim statement.

Gerard: “The right decision, but for the wrong reason. It was a Law 70D case, Law 70C not applying by virtue of its own terms (declarer was not unaware of the outstanding trump). That leads to the same ‘normal’ analysis that the Panel got right, but it was because of a proposed new line of play, not the failure to mention an outstanding trump.”

✍ I agree. Law 70D seems to be the applicable one.

Allison: “I agree with the Panel on this one. Declarer’s statement included ‘drawing trumps’ and he was obviously well aware of the missing trump and its rank. I would allow him to ruff up and draw trumps as in his claim.”

✍ The next panelist makes an excellent point ...

Goldsmith: “While I agree that the Panel followed the laws well, why didn’t South say, ‘ruffing high, drawing trumps?’ I think we needed to be there to be sure, but without good reason to think that South was about to make a pretty severe error, I’d decide as the Panel did. The table Director might have had some additional information, but since he didn’t supply it to us, we have no reason to disagree with the Panel.”

✍ But what about that ♥K play at trick one?

Bramley: “Acceptable, but it goes against the grain of my usual hard-line policy for inaccurate claims. Since South acknowledged the outstanding trump(s) we can (just barely) assume that he made a slightly faulty statement rather than that he didn’t know what was going on. Of course, his play to trick one is problematic but in the end irrelevant.”

✍ Maybe not as irrelevant as Bart thinks...

Rigal: “This is very close but I can understand where the Panel are coming from and I can just about live with it, though as E/W pointed out, the play to trick one might contraindicate this. I’d have liked to talk to N/S or find out their masterpoint level before coming to the conclusion the Panel did.”

✍ Barry clearly missed where it says in The Appeal that “South had around 1100 masterpoints.” (North had about 580.) So Barry, how much is 1100 masterpoints worth these days?

R. Cohen: “The Panel was right to judge South’s class of player (from his masterpoints) to determine what is ‘careless or inferior’ and what is ‘irrational.’ I defer to their judgment.”

Treadwell: “The Director was a bit too harsh on N/S and the Panel

quite correctly overruled him.”

Wolff: “The law seems to be going toward equity which makes me pleased.”

✍ The next group thinks the table ruling was correct, and as my comments in CASE THIRTY-FIVE suggest, I’m with them.

Polisner: “When declarer did not state that he was going to ruff with the ♠8 as part of his stated line of play, he should be –200. Failure to ruff with the ♠8 would be careless or inferior, not irrational. Harsh, but correct. How can we teach players to either claim properly or not claim unless we rule against them in this kind of case?”

✍ Precisely. I have no idea what 1100 masterpoints are worth nowadays, but declarer’s play of the ♥K at trick one suggests to me that his judgment is questionable. And while it’s clear that South knew a trump was out, it is not clear that he knew its rank or even that East had it (since the play of the trump suit occurred *four tricks* earlier). Declarer was careful to say “drawing trump” as part of his claim, which suggests (to me) that his failure to say “ruffing high” means he did not have that idea in mind when he claimed—

even though logically he had all the information to know he needed to do it. So I consider this not to have been just a flaw in the *form* of the claim, I believe it was clearly a mental lapse on declarer’s part. And as such, failing to ruff high is certainly in my category of “careless or inferior” (see my comments in CASE THIRTY-FIVE). This may be harsh, but Jeff Polisner’s final point is compelling.

Passell: “I like the –200 table ruling better. Why would declarer be allowed to ruff high?”

Wildavsky: “This was a judgment call but I prefer the Director’s judgment to the Panel’s. What evidence was there that declarer knew there was a trump out?”

✍ Maybe the fact that he said “drawing trump...”?

Our next panelist may be stating the unfortunate truth, and he gets the final word...

Stevenson: “Is playing a card other than the ♠8 irrational? No idea. This hand will get different rulings and decisions from different Directors, Panels and Committees.”

CLOSING REMARKS FROM THE EXPERT PANELISTS

Bramley: “Quite a few AWMWs were given, but even more were missed. The decisions in CASES TWENTY-ONE, TWENTY-THREE and TWENTY-FOUR were poor, and several more were marginal or worse. The litigiousness of bridge players continues to amaze me, but until we get harsher on the whiners they’ll keep coming back. Why do I have the feeling that I say this every time?”

Goldsmith: “The Panels did a terrific job in general, particularly in finding peers of the players to ask about the hands. As a rule, that sort of information isn’t available to Committees, so Panels are probably making better decisions than Committees would in low-rated events. It’s sad that numerical ratings are no longer being published. While they seemed to be very noisy, they were useful for discerning long-term trends. Even without them, however, it appears pretty clear that both Panels and Committees did a terrific job in Philly. Many of the hands were tough judgment calls; nearly always they focused on the right laws and questions to ask. Enough of them were sufficiently close calls that some diversity of opinion from the reviewers is to be expected and ought not suggest inadequacy by the Committees or Panels.”

Passell: “Overall I see more meritless appeals and better work by the Directors *only* when they seek outside help.”

Rigal: “I think the Panels did a superb job (and I am not motivated by my new position; this is not a kinder, gentler me). It is very encouraging to see that although a couple of their close decisions might be questioned, in essence they applied the law and procedure correctly and produced the right, or at least reasonable, results consistently. Not all of their cases were slam-dunks, either. This is definitely a recommendation for the system.

“As to the initial Director rulings, I also found myself more in sympathy here than in the past. There were nonetheless five (maybe six) initial rulings by Directors against the non-offenders, quite a few of which were switched on appeal (CASES SIX, SEVEN, TEN, THIRTEEN, THIRTY-TWO and THIRTY-FIVE). We need to work on this. To my mind this percentage of cases is absolutely unacceptable if you believe as I do that part of the role of the Director is to decide in cases of doubt against the offenders to get them and not the non-offenders to appeal. One argument says that this approach encourages Director calls; I do not agree. I believe you want to try to stop the initial infraction.

“As to the Committees, were it not for CASES TWENTY-ONE and TWENTY-SIX I’d be very happy with their overall performance. This is by far the best performance by everyone concerned we’ve yet seen. I hope this is not foolish optimism on my part but I really think there is hope that we might have turned the corner. Particularly encouraging is that the AWMWs also seemed generally well allocated. That is definitely a first.”

Stevenson: “Each time I look at one of these casebooks the rulings and decisions look to be getting better, and the basic understanding is improving. No doubt one of the reasons is the provision of these casebooks. In Europe it is a pity that there are not more of these casebooks. We produce them in England and in Wales, but there are few others, and they do a lot of good. However, I do feel that the behavior of the players is not improving. There are too many ‘Bridge Lawyers’ who like to have three bites of the cherry. If they get a bad score then they ask for a ruling, and if that does not work they try an appeal, often with the flimsiest of cases. Law 73C especially is often forgotten. Too many players, having UI from their partner, fail to make an effort not to gain from it. I would like to see this Law, or a more friendly version of it, posted on noticeboards and in Bulletins to remind players.”

Treadwell: “In general, the Directors, Panels and Committees made good decisions. The only truly horrible Committee ruling was CASE THIRTEEN; CASES FOUR and TWENTY-THREE were also a bit off the mark. The other thirteen Committee cases were fine. The Panels were off the mark on CASES TWENTY-EIGHT, TWENTY-NINE and THIRTY-TWO and fine on their other fifteen cases. AWMWs were awarded (appropriately) in eight of the thirty-seven cases and perhaps should have been awarded in CASE ONE also. The system seems to be working fairly well, but even this number of meritless appeals is too many. Most of these are from less-experienced players, which means we should do more to educate all players that any BIT or MI by their opponents does not entitle them to a better score, regardless of whether the incident had any bearing on the table result or not. Perhaps an occasional article in the Bulletin on this subject would help.”

Wildavsky: “‘The importance of measurement can’t be over-emphasized. If you can’t measure it, you can’t understand it. If you can’t understand it, you can’t control it. If you can’t control it, you can’t improve it.’ – H. James Harrington ‘To measure is to know.’ – James Clerk Maxwell.

“The problems started with the Editor’s letter to panelists, which stated, in part: ‘Management has asked me to eliminate all numerical ratings and/or quantitative evaluations.’ This head-in-the-sand attitude will get us nowhere. I will continue to produce my own quantitative summaries so that I can judge whether our performance is improving over time and by what amount. Whether or not they appear in the casebook they can always be found at: <http://www.tameware.com/adam/bridge/laws>. I will post the Excel spreadsheet I use, so if your evaluations of individual cases differ from mine you may check and see how the totals would come out.

“As usual, I focus my analysis on cases where the Committee or Panel made a different adjustment than the Director. This is partly because I wish to learn by what measure our decisions are affecting the justice in the system, and partly to economize on my time. Sixteen cases were decided by Committees, who made the same adjustment as the Director in nine cases. By my reckoning they improved the Director’s ruling in three cases (CASES SIX, THIRTEEN and TWENTY-FIVE) and worsened it in one case (TWENTY-ONE); three others (CASES FOUR, FOURTEEN and TWENTY-THREE) were too close to call. Twenty-one cases were decided by Panels, who made the same adjustment as the Director in twelve cases. I judge that they improved the Director’s ruling in three cases (CASES TEN, SEVENTEEN and THIRTY-TWO) and worsened it in one case (CASE EIGHT); five others (CASES SEVEN, EIGHTEEN, TWENTY-EIGHT, THIRTY-FIVE and THIRTY-SEVEN) were too close to call.

“The Committees’ improvement ratio of 75% (three rulings improved, one worsened) looks to be our worst performance since I started keeping track with the Summer 2001 NABC in Toronto. Statistics can be deceiving, though. In my judgment we got only one case clearly wrong, and I expect some panelists will disagree with me on that one. What I take from this is that Directors’ rulings are improving, giving Committees fewer opportunities to improve poor rulings. That is grand! Kudos to the Directors.

“That said, in Philly there were six truly poor Director rulings which were improved by Committees and Panels. Some form of review is still important, and I expect it always will be. I hope and have reason to believe that as rulings improve, fewer will be appealed so that there will be less work for Committees and Panels. That’s something to look forward to.”

“And finally, I’d like to thank Doug Doub, who consulted with me on a few of these cases.”

CLOSING REMARKS FROM THE EDITOR ✍

Reactions to Panelists' Closing Remarks

Bart is right about the continuing problems with AWMWs. Eight were given out in Philadelphia, two of which (CASES SIXTEEN and THIRTY) were undeserved, but another eight (CASES ONE, THREE, FOUR, FIVE, NINE, ELEVEN, TWENTY-ONE and TWENTY-SEVEN) were missed. A .375 batting average (six for sixteen) may be good in the majors, but it's pretty dismal in the AWMW leagues. Add to that another seven PPs that were missed (CASES FIVE, ELEVEN, FIFTEEN, TWENTY, TWENTY-ONE, TWENTY-TWO and THIRTY-SIX) and it's clear that we're not yet in the right ball park on this front.

As for bridge players being overly litigious, we haven't got a corner on that market since that theme currently infuses our entire society. I suggest that NAC develop a statement that should be prominently published (in the ACBL Bulletin and Daily Bulletins at NABCs) describing the reasons we consider valid ones for filing an appeal (perhaps along with some of the common reasons players file appeals that we don't consider valid). For example, some valid reasons might include: some relevant facts or system information was not obtained at the table and this could affect the ruling (the missing information must be presented at the hearing and must be pertinent to the appeal decision for the appeal to be considered to have merit); some or all of the information the ruling was based on was incorrect (the correct information must be presented at the hearing and must be pertinent to the decision for the appeal to be considered to have merit); it is suspected that the wrong law or regulation was applied (the relevant law or regulation must be cited at the hearing and must be at least plausible for the appeal to be considered to have merit); the bridge judgment involved in making the ruling was either clearly deficient or was directed at the wrong level of player (evidence of the proper bridge judgment or of the true level of the player involved must be presented at the hearing and must be relevant for the appeal to be considered to have merit).

Some common invalid reasons might include: disagreeing with the bridge judgment used in making the ruling when no supporting evidence (other than personal opinion) was presented to support the contention that the judgment was invalid; claiming that an action that could have been made more attractive by UI was the action the player "always intended to take" or was clear-cut given the pair's methods (which are undocumented); appealing a ruling because the appellants disagree with the law or regulation the ruling is based on or because they think the law or regulation is incorrect but they have no evidence to support their claim or the evidence they cite is irrelevant (as in claiming "That's not the way it's done at the club"); asking that an incomplete or inaccurate claim be allowed by arguing, for example, that "I knew there was a trump out" or "it would be irrational not to do such-and-such" with no tangible or compelling bridge evidence to support the request; any argument that a ruling be changed that is based on self-serving statements that cannot be documented, that are solely a matter of personal opinion or that do not have support based on compelling bridge logic or common general usage.

Several panelists (Goldsmith, Rigal, Stevenson, Treadwell) claim that Panels (or Committees or Directors) did an exceptional job in Philadelphia. By my reckoning the performance of all the groups was moderate (perhaps slightly above average—but well below their performance last fall in Phoenix). Panels (by virtue of their access to better bridge input from top experts, as previously noted) continue to outperform Committees by a modest amount.

Mike Passell continues to be right on target when he says that Directors need to make it standard practice (except when a ruling is based strictly on a law, regulation or fact and involves no bridge judgment) to consult with expert players (or peers, if that is more appropriate) on any ruling at an NABC that involves bridge issues if it is practical to do so. This may also be possible at many Regionals (but not at most other tournaments) around the country.

At this point in time there's really no reason not to make this standard procedure.

And finally, I must agree with David Stevenson that the effect these casebooks are having on table rulings and Committee and Panel decisions is becoming more and more apparent. While we are not yet all on the same page regarding a number of important issues, and while mistakes continue to be made (as they always will), the pieces are beginning to fall into place. Correct procedures are now being followed with greater regularity by all the groups and many issues discussed and publicized in these pages are being absorbed into our common awareness. These are all good signs and, dare we say, bode well for the future.

Blind Previews

For those unfamiliar with the blind preview procedure we've been testing at NABCs, here's a brief description. Blind previews are prototypically used in cases involving UI, where a key issue is whether the partner of the player who provided UI had an LA to the action taken at the table, and cases involving MI, where a key issue is whether an opponent's action was influenced by the MI. In both types of cases, it is important that the judgment of the action taken not be influenced by knowing the entire deal or which action will work best. The judges (Committee members) should be given a chance to experience the uncertainties that confronted the player at the table.

The actual procedure used is as follows. Before the players enter the room for the hearing to begin, the Committee chairman gives the other members the hand in question and narrates the auction up to the critical point. As the auction progresses, all calls are alerted appropriately and any explanations given at the table are repeated (this information should be on the Appeal Form), except that any UI present (in UI cases) is corrected (for example, if a bid was explained at the table as shortness but was intended as natural, it is explained as natural in the blind preview). In MI cases the MI is usually left intact since the goal in such cases is typically to learn whether the MI influenced the action taken. Any questions the members have about the bidding methods that were being used are answered as well as possible from the information provided by the Director, although sometimes an answer is not possible. If an answer is crucial, the members are asked to address the issue later to the players when they are present.

Each time it is the key hand's turn to bid the previewer asks each member to decide what his call would be, thus making it difficult for the members to predict which is the action of interest or what UI or MI was present. After each call, if any member took an action other than the one taken at the table, the table action is revealed and imposed on them as the auction continues. (E.g., "Suppose that, instead of bidding 3♣, you bid 2NT showing both minors. RHO then bids 3♥..."). When the critical call is reached and polled, the preview is concluded and the hearing begun as soon as possible.

Here are Ron's concerns about the procedure (the reader may wish to reread his original comment in CASE TWENTY-SIX). He says a blind preview projects an alternate reality. First it pretends that the problem is purely subjective ('What would you bid?') and not substitutional ('What would you bid if you had the mind set of a player who bid 2NT?'). Second, each Committee member is left to interpret his partner's bids however he wants, but not necessarily the way the pair plays them. Finally, he says that the procedure also filters out the irregularity, making believe that AI always equals or outweighs UI. When MI intervenes and corrupts an auction, the AI never equals the UI, no matter what the blind preview tells you.

Here are my responses. First, the reality created for Committee members by this procedure is not "alternate." It's the reality of the player at the table, which is precisely the one we wish to tap when we are judging which actions are LAs for a player who had no UI

or MI. Second, the procedure does not pretend the problem is “purely subjective.” Whether the Committee members are asked to consider the player’s problem after they’ve seen all four hands, as in the normal procedure, or only knowing one hand, as in a blind preview, they are being asked to judge the player’s actions *given the auction to that point* (i.e., given the mind set of a player who bid his hand as the player did). The blind preview changes nothing; it’s just as “substitutional” as the normal procedure.

In CASE TWENTY-SIX, how East judges West’s double of 3♥ would initially be an open question (as it would in a regular hearing) unless the appeal form provides that information, in which case it would be revealed during the blind preview just as it would be if the Director presented the case normally or if each Committee member read the appeal form on his own. If anything, the preview sensitizes Committee members as to how certain bids in the auction were played since they are forced to repeatedly consider that when choosing their bids during the preview. (In a normal hearing a passive member might not consider that issue at all, which is not an uncommon error—see CASE TWENTY-THREE.) Following a blind preview the Committee members can ask players during the

hearing to explain their methods and then judge whether they are swayed by the arguments, just as in a normal hearing. We all tend to form an opinion of the offender’s action when we’re first given his hand and we modify our opinion as we learn more from the players’ statements and their answers to our questions.

As for the relative importance of AI versus UI, a *strength* of blind previews is that they more effectively give the Committee members the mind set of a player who does *not* have UI or MI, so as to better judge what actions are (and are not) LAs. And that should clearly be our goal in judging what actions a player would consider taking with the critical hand. Once we know the whole deal, it’s far more difficult to judge what actions might have been considered before we knew those secrets. And if AI never quite equals UI (I agree that that’s the case), then what better way to keep the AI from being overwhelmed by the UI than concealing the UI until you’ve looked at what actions are logical based only on the player’s hand and the AI available to him? Indeed, this argues for the blind preview procedure—not against it.

ADVICE FOR ADVANCING PLAYERS

What's An Appeal Worth?

When a pair appeals a Director's ruling—especially if the Director has gone out of his way to obtain bridge advice from expert players on which to base his ruling—wheels are set in motion that require many people to invest a considerable amount of their time and energy on that pair's behalf. The sponsoring organization will incur additional expense to have the case heard. Directors will have to do extra work. The opponents will have to give up their free time after the session to protect their score. And many of the other players in the event will have to wait to achieve some closure on the event. With so many people paying a price for an appeal, the players who bring it have a special responsibility (and not just in theory, but in actual law—see the footnote to Law 92) to make sure their appeal is reasonable and credible. Unfortunately, the evidence is that this is not being done to the extent we would hope or expect.

For example, of the 37 cases heard in Philadelphia, 14 of them (in my opinion) deserved an AWMW (only six actually received one), which means that about 38 percent of the appeals filed (more than one appeal in three) were meritless. In several of those cases, the offending side deserved a PP in addition to the AWMW. That's far too many meritless appeals and only you, the players, can help remedy this.

Ten easy pieces. Below are ten tips on how to deal with problems at the table and insure that any appeal you file is credible. These tips encompass several areas including: (a) keeping the atmosphere at the table non-confrontational; (b) providing the Director with all the relevant information he needs to determine what happened and how to adjudicate it (even if different players have different views on the facts); (c) accepting the Director's ruling gracefully, even if you decide to appeal; (d) consulting knowledgeable players on the merits of the appeal before you decide whether or not to proceed; (e) making certain that you understand the laws and regulations involved before you appeal, and consulting with the Director or other experienced appeals people to find out just what evidence the Committee (or Panel) will require for you to have a chance to win your appeal; and finally, (f) accepting the Committee's (or Panel's) decision with grace and respect, no matter what the outcome.

- (1) If a problem occurs, call the Director at once, don't wait. Call calmly and discretely, but first tell your opponents politely what you are about to do ("I think we may need some help here, so I'm going to call the Director").
- (2) When the Director arrives, calmly, succinctly and without accusing anyone of anything improper (even if you believe otherwise) explain the problem. Some examples: "We have a lead-out-of-turn"; "West revoked"; "I intended to bid 3♥ but when I looked down my 3♠ bid was on the table"; "East said that 3♦ was forcing, but then passed it"; "There was a failure to Alert the 2♦ bid"; "We were told that the 2♥ bid showed spades but he really had hearts"; "South's explanation of his partner's 2♥ bid may have suggested his later 3♥ bid."
- (3) Allow the opponents to tell the Director what they think happened without interrupting them—even if you don't agree with what they're saying. You will get a chance to "correct" what they said and give your own version. Also, don't accuse anyone of anything nefarious, either bridge-wise or in what they tell the Director. For example, you might say something like "I thought East bid 3♠ before South asked about the 3♥ bid" rather than "No! East bid 3♠ first." Don't confront or challenge what the opponents say. Simply state your view of what happened as if you recognize (and you *should*) that each player may have a different interpretation of what happened and everyone may believe that what he says is the truth.
- (4) Provide as much detailed information to the Director as you can and make sure it is relevant to the issue being judged. For example, explain what questions you asked of the opponents

or what aspects of your system affected you or your partner's actions. If the Director takes you away from the table and asks what, if anything, you would have done differently if you had known [whatever], take time to consider how the new/different information would have affected your view of what was going on and what (if anything) you might have done differently.

- (5) When the Director returns with his ruling accept it (at least for the moment) with grace and decorum, even if it's not what you expected. If you have any questions about why he ruled the way he did or what the pertinent laws or regulations are that he based his ruling on, you may ask about it (either then or later, between rounds or after the session). He should explain the rationale for his ruling to you, but remember, if you are critical or disrespectful or confrontational toward him he may react negatively in return. (After all, he's only human.) You may ask him to show you in the law book or in the regulations (which he can print out on his computer from ACBLscore) the pertinent information so that you can read it for yourself.
- (6) If you are inclined to appeal the ruling, it is wise for you to first consult some knowledgeable players and/or experienced appeals people on the issues involved. If it may take some time to get the input you need to make your decision, so tell the Director right away that you may wish to appeal his ruling but need some time to seek out some advice (either bridge or otherwise) before deciding. This is simply courteous but it will also help insure that your appeal is timely. If you then decide not to appeal, let the Director know that, too.
- (7) When you consult other players on the bridge issues involved, try to ask your questions in a neutral manner, providing any important information (usually you will need to conceal any UI from them) in as unbiased a way as possible. For example, don't say which hand was yours or which player held which hand. (They might be swayed by their friendship for you or their feelings about the other players.) Don't ask questions like "Wouldn't you bid 3♠ with this hand?" Instead, ask "What would you bid over 3♥?" It may also be important to ask what actions (other than their first choice) they consider possible or reasonable in the situation. This is because in many cases the Director's decision about whether to adjust the score and what to adjust it to may depend not on what the "best" action is, but on what alternative actions are possible (that is, those actions which some players might choose, even if not the majority).
- (8) When you consult knowledgeable appeals people on ruling or appeal issues, find out what criteria the Director used to make his ruling and what information the Committee will require to change it; also, find out what standards the Committee will use to make their judgments. If the ruling was a matter of law or regulation, consider not appealing since the Committee cannot overrule the Director on such matters, they can only offer their opinion and suggest that he reconsider his decision. If bridge judgment is involved in the ruling, find out what standards are applied to the actions under consideration. For example, does an action need to be clear-cut to be allowed (and is it clear cut in the opinion of several—not just one or two—competent players) or does it simply need to be one that some players might take even if it's not the best or first choice. (Remember, offenders can be assumed to make mistakes, they just can't be forced to take completely "irrational" actions. Non-offenders, on the other hand, will not be permitted to take an "unlikely" action just because it would have worked out well for them.)
- (9) At the hearing, avoid making statements to the Committee that will be perceived as purely self-serving, such as "I always intended to bid such-and-such" or "I knew that they were cold for game" (when you only knew that later, after you saw all the hands) or "I would have led such-and-such" (when the lead is clearly double-dummy). Instead, focus on any bridge or

hand evaluation issues that favor the action you believe you should be allowed to take or that argue against the opponents being allowed to take the action they did. If you do not have sound bridge reasons or additional evidence (such as system notes documenting your methods) to support your position that was not considered by the Director in making his ruling, you should consider not appealing. If you have nothing new that is concrete to tell the Committee, you should consider not appealing. If you are merely looking for a second opinion, or sympathy, or hoping that lightning will strike in your favor you should consider not appealing. If the real reason for your appeal is to punish or get back at opponents, you should *very seriously* consider not appealing. And if your sole motivation in appealing is that you need a few more imps or matchpoints to qualify or place higher, then you should surely not appeal.

(10) When the Committee delivers its decision, accept it with grace

and respect, even if it's not what you expected. Remember, the Committee has no reason to dump on you personally; if they decided against you it was because they were not convinced by your presentation. Thank them for their time and respect their effort, even if you feel otherwise about their decision. If you have any questions about why they decided the way they did, ask the chairman if he can spare a few minutes to answer your questions. But be polite and deferent (and brief) if he agrees to your request. Don't criticize his answers or challenge them. Simply try to understand what he tells you. Remember, the case has already been lost. All you can accomplish at this point is to understand why it went against you so that next time you can do better (perhaps even by not appealing). Be grateful for whatever help you can get toward that end.

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