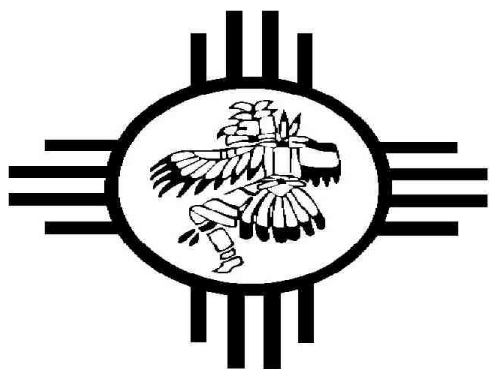




American Contract Bridge League

Presents

Albuquerque: High Plains Drifters



Appeals at the 1997 Summer NABC

Edited by
Rich Colker

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FOREWORD

We continue with our presentation of appeals from NABC tournaments. As always, our goal is to provide information and to stimulate change (hopefully for the better), and we hope we have done this in a manner that is entertaining as well as instructive and stimulating.

As in previous casebooks, we've asked our panelists to rate each Director's ruling and each Committee's decision. While not every panelist rated every case (just as every panelist didn't comment on every case), most did. The two ratings (averaged over the panelists) are presented after each write-up, expressed as percentages. These ratings also appear in a summary table near the end of the casebook for handy reference.

I wish to thank all of the hard-working people without whose efforts this casebook would not have been possible: the scribes and Committee chairs who labored in Albuquerque to set the details of each case down on paper; the panelists, for their hard work and devotion to an arduous task, for nothing more than the "glory" of seeing their names in lights and receiving our praise (and occasional abuse); John Solodar, who helped write up the cases for the Daily Bulletin; and, of course, Linda Weinstein, who led the preparation of the write-ups; as always, she is truly the indispensable one in this operation. My sincere thanks to all of you. I hope that any revisions that I have made here have not diminished your earlier work.

Rich Colker,
February, 1998

THE EXPERT PANEL

Bart Bramley, 50, was born in Poughkeepsie, New York. He grew up in Connecticut and Boston and is a graduate of MIT. He currently resides in Chicago with his longtime companion Judy Wadas. He is a stock options trader at the CBOE. Bart is a sports fan (especially baseball and specifically the NY Yankees), a golf enthusiast, enjoys word games and has been a Deadhead for many years. He is proudest of his 1989 Reno Vanderbilt win and his participation in the 1991 Bermuda Bowl. He was captain of the 1996 U.S. Olympiad team. He also credits Ken Lebensold as an essential influence in his bridge development.

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

Larry Cohen, 38, was born in New York. He is a graduate of SUNY at Albany. He currently resides in Boca Raton, Florida. He is a Bridge Professional and author of three books, two that are best sellers: *To Bid or Not To Bid* and *Following the Law*, and a third book published recently, *Bridge Below the Belt*, written with Liz Davis. Larry is a Co-Director of the *Bridge World* Master Solver's Club. He enjoys golf in his spare time. He has won sixteen National Championships.

Ron Gerard, 54, was born in New York. He is a graduate of Harvard and Michigan Law School (JD). He currently resides in White Plains, NY with his wife Joan (District 3 Director) where he is an attorney. Ron is a college basketball fan and enjoys classical music and tennis. He is proudest of winning both the Spingold and Blue Ribbon Pairs in 1981. Each year from 1990 to 1995 he made it to at least the round of eight in the Vanderbilt; he played in three finals (winning in Fort Worth, 1990) and one semi-final without playing once on a professional team.

Barry Rigal, 39, was born in London, England. He is married to Sue Picus and currently resides in New York City where he is a bridge writer and analyst who contributes to many periodicals worldwide and is the author of the recently published book, *Precision in the Nineties*. He enjoys theater, music, arts, and travel. Barry is also an outstanding Vugraph commentator, demonstrating an extensive knowledge of the many bidding systems played by pairs all over the world. He coached the USA I team to the Venice Cup in 1997. He is proudest of his fourth place finish in the 1990 Geneva World Mixed Pairs, winning the Common Market Mixed Teams in 1987, and winning the Gold Cup in 1991.

Michael Rosenberg, 44, was born in New York where he has resided since 1978. He is a stock options trader. His mother, father and sister reside in Scotland where he grew up. His hobbies include tennis and music. Widely regarded as the expert's expert, Michael won the Rosenblum KO and was second in the Open Pairs in the 1994 Albuquerque World Bridge Championships. He was the ACBL player of the year in 1994. He believes the bridge accomplishment he will be proudest of is still in the future. Michael is also a leading spokesman for ethical bridge play and for policies that encourage higher standards.

Dave Treadwell, 85, was born in Belleville, New Jersey and currently resides in Wilmington, Delaware. He is a retired Chemical Engineer, a graduate of MIT, and was employed by DuPont for more than 40 years where his responsibilities included the initial production of Teflon for introduction to the marketplace. He has three grown children, three grandchildren and two great-grandchildren. His hobbies include blackjack and magic squares. The bridge accomplishment he is proudest of is breaking the 20,000 masterpoint barrier. He believes bridge can be competitive and intellectual, but above all can be and must be fun.

Howard Weinstein, 44, was born in Minneapolis. He is a graduate of the University of Minnesota. He currently resides in Chicago where he is a stock options trader at the CBOE. His brother, sister and parents all reside in Minneapolis. His parents both play bridge and his father is a Life Master. Howard is a sports enthusiast and enjoys playing golf. He is a member of the ACBL Ethical Oversight Committee, Chairman of the ACBL's Conventions and Competition Committee and has been a National Appeals Committee member since 1987. He has won five National Championships, and is proudest of his 1993 Kansas City Vanderbilt win.

Bobby Wolff, 65, was born in San Antonio, and is a graduate of Trinity U. He currently resides in Dallas. His father, mother, brother and wives all played bridge. Bobby is a member of the ACBL Hall of Fame as well as a Grand Life Master in both the WBF and the ACBL. He is one of the world's greatest players and has won ten World Titles and numerous National Championships including four straight Spingolds (1993-96). He served as the 1987 ACBL president and the 1992-1994 WBF president. He has served as tournament recorder at NABCs, and is the author of the ACBL active ethics program. His current pet projects are eliminating Convention Disruption (CD) and Hesitation Disruption (HD), and the flagrant propagation of acronyms (FPA).

CASE ONE

Subject (Tempo): He Who Hesitates

Event: Bracketed KO, 26 July 97, Afternoon Session

Bd: 17	♠ J108	
Dlr: North	♥ A432	
Vul: None	♦ AJ107	
	♣ 53	
♠ 76532		♠ AKQ94
♥ 9		♥ 86
♦ K986		♦ 5
♣ A87		♣ KQ642
	♠ ---	
	♥ KQJ1075	
	♦ Q432	
	♣ J109	

West	North	East	South
	Pass	1♠	2♥
4♠	5♥	5♠	Pass
Pass	Dbl(1)	Pass	6♥
Dbl	All Pass		
(1) Break in tempo			

The Facts: 6♥ doubled went down two, plus 300 for E/W. At North’s third turn to bid, he considered his alternatives for 15-25 seconds before doubling. The players all agreed to the length of the break in tempo. East called the Director immediately after North doubled. After establishing the facts, the Director allowed play to continue. At the completion of play, E/W called the Director and asked him to determine if pass was a logical alternative to 6♥. After consulting with other Directors, he returned and ruled that pass was a logical alternative since the decision to bid 6♥ may have been influenced by the lengthy hesitation prior to the double. The Director changed the contract to 5♠ doubled made five, plus 650 for E/W.

The Appeal: N/S appealed the Director’s ruling. All four players appeared at the hearing. South explained that their partnership agreement was to play intermediate strength jump overcalls and that he therefore had to make a simple overcall with his possibly defenseless hand. South noted that his partner was a passed hand and North made no five-level cue-bid to show a strong raise to 5♥. Since South judged that it was unlikely that North had three defensive tricks, he deemed it prudent to pull the double. E/W stated that South’s hand might not have been defenseless and that South might have considered passing had North doubled in tempo.

The Committee Decision: The Committee conceded that South’s arguments were thoughtful and well-reasoned, yet fell short of persuasive. On the actual hand, if East’s red suits had been reversed, passing the double would have been the winning action. Since passing was a logical alternative for South, the likely result of that contract was assigned. The Committee changed the contract to 5♠ doubled made five, plus 650 for E/W.

Chairperson: Jon Brissman

Committee Members: Mark Bartusek, Dave Treadwell

Directors’ Ruling: 97.0 **Committee’s Decision:** 90.7

This is a classic case of its type, so let’s analyze it more closely, beginning with South’s second call. South must make a decision directly over 5♠. If 6♥ were either cold or a good save, South would need to bid it immediately — or risk North passing. If both 5♠ and 6♥ were unmakeable, then South should defend (preferably after doubling, to prevent North from saving). If 5♠ is cold, South should consult an oracle to determine whether 6♥ is a good save.

If South passes, he must then abide by North’s decision. (This would be true even if the pass were forcing [which no one claimed], since in this auction pass followed by a pull of North’s double cannot suggest slam.) To see why, consider North’s possible actions. If he passes or bids 6♥, the decision has been made. If he doubles, South is in no better position to judge what to do than he was a round earlier. In fact, North’s double suggests defending. To bid 6♥ now would be an admission by South that he should have bid it directly over 5♠, or that he thought the double had changed minus 450 into minus 650. The former is indefensible (see below), while the latter would only happen if South had reason to believe that North’s double was doubtful and that 6♥ doubled would go down exactly three tricks. Why exactly three? Because down four would be too expensive (minus 800), while down two (or less) would make 6♥ a good save that should have been bid directly.

For the Committee to allow South’s pull would require compelling evidence (from authorized sources) that 5♠ doubled was likely to make and that 6♥ doubled was unlikely to be down more than three. But the evidence, both from North’s double and from South’s own hand (with potential tricks in both minors), argues against this. Consider the following layout:

	♠ xxx	
	♥ Axxxx	
	♦ x	
	♣ Kxxx	
♠ J10xxx		♠ AKQxx
♥ x		♥ x
♦ J109x		♦ AKxx
♣ AQx		♣ xxx
	♠ ---	
	♥ KQJ10xx	
	♦ Qxxx	
	♣ J109	

Everyone has their bids, yet N/S are likely to collect 300 against 5♠ doubled (one heart, one diamond, and two clubs) while 5♥ is the limit for N/S. Thus, the slow double, not South’s “possibly defenseless hand,” is the only reason for South to pull. If North doubles in tempo, then South can (illogically) use his judgment. Otherwise, the pull cannot be permitted.

That leaves two burning questions in my mind. First, why did the Committee make the fatuous statement, “South’s arguments were thoughtful and well-reasoned”? Second, why wasn’t this appeal found to be lacking in merit? (Actually, the first question seems to hold the answer to the second.) Let’s hear what the panel thinks of this.

Bramley: “Leading off with an easy one. The Committee was right, but I think they were charitable about South’s arguments, which were just barely clever enough to avoid a finding of ‘no merit.’ Why does the inconsistency of the auction never occur to players like South?”

He was willing to try to defeat 5♠ when he passed on the second round, but not when his partner (supposedly) expressed the opinion that 5♠ was going down! That's bad bridge, but if you want to play that way, you can't use an assist from partner."

Cohen: "Routine. South had no business bidding. All of South's arguments are 'the usual,' and should be ignored. To me, this appeal borders on frivolous and I would tend towards keeping the deposit."

Exactly. The next panelist agrees, adding the old "matchpoints-versus-IMPs" argument.

Rosenberg: "The question must always be asked: 'Is 5♠ more likely to make because North doubled?' South could not expect to hear from North over 5♠, so why not save directly? At matchpoints, South could make a case about minus 500 versus minus 650 as opposed to minus 450, but this was IMPs. This was not a 'bad' huddle, because usually partner would not be involved."

The next panelist seems to have missed the point about South's initial pass of 5♠.

Rigal: "The Directors' ruling was straightforward enough, with the link between the hesitation and the removal of the double being persuasive enough to allow them to adjust the score without further consideration. The Committee made the important point in the decision that passing the double would have been right if North's hand had the minors reversed. I can understand South's actions. I feel the Committee should have made the point more clearly than the write-up suggests that South is barred from his choice of actions by the hesitation on his actual hand. The Committee did not consider making the point more clearly to South by saying that on his actual hand an opening club lead to 5♠ doubled might be right (partner has ♠xxx ♥xxxxx ♦Jx ♣KQx and you need to get club tricks going when declarer is 6-1-3-3), which leads to minus 850. Depending on South's demeanor, I might have considered that."

Weinstein: "Good straight-forward decision."

Wolff: "N/S to get minus 650 is clear, and in a team game E/W plus 650, but in a pair game they should get either an Average or an Average Plus to protect the field."

An Average would actually be a "penalty" for if E/W was having an above average game, and an Average Plus should only be assigned when a result cannot be determined. Without the infraction, E/W would have played 5♠ doubled. If it is reasonably likely that it would have made, then E/W are entitled to that result. Even if protecting the field was a lawfully ordained principle (which it is not), this would be carrying it way too far. The rest of the field would not be entitled to be "protected" from non-offenders being assigned a result they were clearly headed for without the infraction. If this principle could be applied at all (dubious under the current laws), it would only be to avoid assigning the non-offenders a "windfall"-type result which had a low (in absolute terms) probability of occurring.

Subject (Tempo): He Who Hesitates (Part Deux)

Event: Life Master Pairs, 26 July 97, First Session

Bd: 25	Rob Stayman
Dlr: North	♠ J8
Vul: E/W	♥ 875
	♦ AQ7
	♣ QJ543
Jon Brissman	Jonathan Steinberg
♠ Q95432	♠ 107
♥ Q642	♥ K
♦ 9	♦ KJ10642
♣ 87	♣ A1096
	Reno Bianchi
	♠ AK6
	♥ AJ1093
	♦ 853
	♣ K2

West	North	East	South
	Pass	2♦	2♥
Pass	3♥	Pass	4♥
All Pass			

The Facts: 4♥ went down one, plus 50 for E/W. The play proceeded (the lead to each trick is underlined):

West	North	East	South
<u>♦9</u>	♦A	♦6	♦3
♥2	<u>♥5</u>	♥K	♥A
♣8	♣3	♣6(1)	<u>♣K</u>
♥Q	♥7	♦2	<u>♥3</u>

♣7
(1) Break in tempo

E/W were playing standard carding. Both sides agreed that there was a noticeable break in tempo before East played the ♣6 at trick three. The Director ruled that a spade shift by West at trick five was a logical alternative and changed the contract to 4♥ by South made four, plus 420 for N/S.

The Appeal: E/W appealed the Director's ruling. E/W stated that the club play by declarer suggested that he did not have the ♣A, and that East's discard of the ♦2 at trick four had suit-preference implications. N/S stated that if declarer had the hand in question with the black-suit holdings reversed, he might have made the excellent deceptive play of the ♣K, to misdirect the West defender, before playing a second trump. Because of the break in tempo, West no longer needed to consider this possibility.

The Committee Decision: The Committee quickly agreed that there had been a break in tempo, as often occurs in defensive carding situations, and that there was unauthorized

information present on which West was not allowed to base any subsequent action. The Committee then had to decide if the presence of unauthorized information demonstrably suggested the club play over other logical alternatives, or if there was a reasonable bridge argument for the club play. While the Committee was deliberating, West asked to return to present new evidence. While they were waiting for the decision, South had stated how he would have made the contract after a spade shift. His stated line was, however, flawed. He still would have been down one. The Committee dismissed out of hand the overheard statement by South. The Committee had not asked South to state a line of play because South was not required to take the best action for his side if an infraction had been committed by E/W. The argument that the $\diamond 2$ was a suit-preference signal was considered reasonable by some Committee members and self-serving by others. The Committee decided, however, that the threshold of bridge argument had been met by E/W and that the club play would be allowed. The contract was changed to $4\heartsuit$ down one, plus 50 for E/W.

Chairperson: Robb Gordon

Committee Members: Larry Cohen, Bobby Goldman, Ed Lazarus, Walt Walvick

Directors' Ruling: 70.0 **Committee's Decision:** 78.1

This case involves an issue that is potentially relevant to the play of every hand. It is common for defenders to think before playing. This thought could involve whether to give a particular signal (e.g., count), which of several signals to give (e.g., count, attitude, suit-preference), or, as here, whether to win a trick; it could also involve tricks other than the one being played to. While an attempt should be made to maintain an even and deliberate playing tempo, there will always be situations which require longer thought than can be maintained on a trick-by-trick basis. While easy plays can always be made to appear deliberate, the most difficult ones can rarely be made quickly enough to appear merely routinely deliberate.

Defense is generally conceded to be one of the most difficult aspects of the game. Is it reasonable to expect every trick to be played in the same tempo, and to demand accountability when this doesn't happen? It is one thing to hold a player accountable for a deceptive action on defense (e.g., thinking when there is no demonstrable bridge reason for doing so, thereby leading declarer to play him for a holding he does not have), but it is quite another to hold him accountable when there is a valid bridge reason to think. The situation which occurred in the present case has the potential to occur, in one form or another, on virtually every play on every hand (just as a foul could be called on virtually every play in professional sports).

This raises the question of whether different standards should be applied in the bidding versus the play for allowing actions which could have been suggested by the unauthorized information. According to this philosophy, any reasonable action should be allowed in the play, while only an action that is overwhelmingly clear-cut should be allowed in the auction. Our first panelist espouses this position. Let's look at his reasons for championing it.

Wolff: "Certainly the most important and far-reaching case in Albuquerque and a 'Watershed' decision. My view is that certain decisions on defense are extremely difficult and require time, creating a tempo break. Allowing leeway to the defender in these cases will result in less ethical burden on his partner. Contrasting this, during the bidding "in the high-level game" when a competitive decision looms, there are hardly ever more than three possibilities: bid on, pass, or double. The experienced player encounters these situations often

and always knows (or should know) that this being a partnership decision will make it tempo-sensitive. He is then required to act in the proper tempo or, according to our rules, be put in a disadvantageous position. Since this has become commonplace to most experts, we can, and generally have, adjusted to and live by these standards. On defense, however, a player can have a much more complicated decision, one that requires much review (bidding, opening lead, and the play up to then). It is unrealistic and, in my opinion, not what bridge is all about to make this defender play in a normal tempo.

"My proposed solution is this: When a defender faces: (1) a genuinely difficult defensive play; (2) where there is no practical way to predict that your tempo will necessarily influence your partner later; (3) when declarer's play tends to place a certain card or cards with you; and/or rarely when (4) a very unusual and unpredictable situation arises; then his partner is not totally barred from taking advantage of the extraneous information accrued to him. His play still must meet certain minimum standards, such as not having been chosen without good reason over another very reasonable alternative play, but our rules should not be nearly as strict as our 'logical alternative' test that is used in the bidding. In this case, while it is true that declarer could first lead the $\clubsuit K$ from $\clubsuit AKx$ and then go about his business, it is more likely that 'if it looks like a duck, it quacks like a duck, and it walks like a duck it. . .' I know all the Committee members, and certainly N/S in this case, all make the king play every session while holding the ace. But here the basic conditions are met for allowing West to lead a club.

"Finally, let us try to mold our rules/laws for the "expert game" around what is best for the playing of our game — not what is best for a good bridge lawyer to study and claim later. This Committee was granted a reprieve, but we need to deal with this situation before it comes up again, so that we all know and play by the same rules and, more importantly, so that some brighter person than I can take this crude skeleton of a rule and make it better and more intelligible."

Agreeing with Wolffie about the Committee's decision (although not necessarily with his philosophical position) are. . .

Rigal: "I think the Director made the right ruling here. Personally, I prefer the Director not to get involved in complex bridge judgement questions in this sort of case. Leave it to the Committee to work it out, since people appeal Directors' rulings whatever they do!

"Reluctantly I agree with the Committee here. Given the standard of the event, the $\diamond 2$ play does carry suit-preference overtones, and the club play is permissible. We can't stop people playing Bridge I think. I hate to rule in favor of the offenders by imposing my ideas of 'correct defense' on them. That is to say, I think Committees frequently fall into the trap of saying, 'Because I would play a club here — since it is the winning defense in theory and practice and I do not make mistakes — the offender can do so too.' But at the same time you have to allow people to make the normal bridge play, and I think E/W made their case well enough here."

Treadwell: "South's play of the $\clubsuit K$ at trick three made it crystal clear that he did not have the $\clubsuit A$; else why play it so early and risk a ruff. This, coupled with the suit-preference signal of the $\diamond 2$, made the club play automatic. The Committee got this one exactly right."

Bramley: "South's argument is ingenious. And I'll have to remember his hypothetical play. But, of course, he is suggesting that West might have gone wrong on the actual hand if East

had ducked the ♣A so smoothly that West didn't believe he had it! So it's okay for West to take advantage of fast tempo on the hypothetical hand, but not slow tempo on the actual hand. Well, I don't believe East's tempo is relevant in this situation. When declarer leads the ♣K here, the defenders are going to assume that declarer does not hold the ♣A. Thus the Committee was right to rule that the 'threshold of bridge argument had been met.'

"West was completely out of line to attempt to introduce 'new evidence' while the Committee was already deliberating, especially a statement 'overheard' from his opponents. Did he also follow them around between sessions to try to gather additional 'evidence' from their casual conversation? The Committee should have been harsher in their criticism of these bully tactics by West, who certainly should have known better."

Let's hear from the "culprit" whose audacity Bramley challenges.

Brissman: "There was a breakdown in procedure here. Before an Appeals Committee hears an appeal, there must be an articulation as to how an opponent's action caused damage. As Rich Colker succinctly stated in a decision from the ITT (reproduced in the Dallas Casebook as CASE NINETEEN), 'The Laws require only that the non-offenders show damage from the opponent's infraction and demonstrate that without it they were reasonably likely to have improved their position.' In this case, the declarer was never asked by the Director, Screener or the Committee how a spade shift would have benefitted him. I asked for such an explanation when I appeared before the Committee, but the Committee did not inquire nor respond. The line of play which the floor Director proposed, and the basis on which he adjusted the board, was flawed: after a spade shift, win the ♠J, cash the ♠AK (pitching a diamond from dummy), and lead a diamond, with the intent to ruff the remaining diamond in dummy. However, this line of play could easily be foiled by West ruffing the diamond and continuing with a trump. Since no one had asked South how he would have played the hand had he received a spade shift, I did so while the Committee was deliberating on this case. South thought for a few minutes and then proposed the same line of play that the floor director had offered. Although there is a line of play that would produce ten tricks after a spade shift, South could not find it ten hours after he had played the board and after he saw all four hands.

"Directors, Screeners and Committees should insist that the non-offenders present a prima facie case of damage before a ruling is made or adjudicated. To this day, no one has ever offered me a rationale as to why a spade shift would be a logical alternative on this hand, and I resist the notion. If West was not going to continue a club (based on the line of play adopted by declarer and the suit-preference signal given by East), a trump continuation seems the only logical alternative. Lastly, the play of the ♣6 was not clearly a signal: from West's vantage, it could have been the start of an echo from ♣A1062 or ♣A962. Note that if declarer had held K9 doubleton in clubs, partner would properly have held up and signaled with the six spot."

Since a logical alternative is simply a play which West might have made, I think a spade shift probably meets the requirement (although Weinstein disagrees with me, below). After all, West failed to find the right play of ducking the second heart (see Gerard's comment for more about this), so maybe he was anxious to obtain diamond ruff(s). (His shift to a club, putting East in, rather than continuing trumps to kill any spade ruffs in dummy, is consistent with this.) While a spade shift may not be the most calculated play, and a heart continuation technically better, ducking the second heart would have catered to all possibilities. If West

was not up to that play, then why assume he was up to finding the best shift? A spade shift was not necessarily wrong for three reasons: One, there is some doubt about whether East's ♦2 play had suit-preference implications (we have only E/W's self-serving word for that); two, even then the ♦2 could have been a careless discarding error; and three, as Jon himself points out (see below), South still may not be able to make 4♥, even if the spade shift works out badly.

However, there is another argument to be considered. East's discard on the second heart clearly "should" have some implication. With several diamond discards available, including ambiguous middle spots (in case East had no high black-suit honors — after all, his presumed ♦KJ and the ♥K were all he needed for his weak two-bid), East's ♦2 could have shown the ♣A (but see Gerard's comment below). But what if East's ♦2 discard had been careless, or simply random? If South held all the missing black-suit honors, then West's return probably wouldn't matter (unless the club suit was blocked) and South's ♣K play would have been gratuitous. If East really held a high spade honor, then West would still survive a club return if the clubs were blocked, since there would be no way for South to both draw trumps and ruff a spade as an entry to run the clubs. In fact, in this case E/W would do well to force South to play spades himself. Even if he could manage to lead them from dummy (unlikely), he is likely to guess wrong given East's 2♦ opening. So a spade shift is not necessarily critical, even if East has an honor, and it can be critically wrong. In contrast, a club return is unlikely to cost, and will do so only if East has misdefended, holds the ♠A, and the clubs are not blocked.

Jon is correct about the play following a spade return. The only line which produces ten tricks is: win the ♠J, draw West's remaining trumps, cash at least one high spade (saving the ♦Q7 and ♣QJ in dummy), and then exit with a club. With only minor-suit cards remaining, East will be forced to yield declarer's tenth trick either in clubs or via a diamond endplay. The only question that remains is whether South might have found this line. (The fact that he did not come up with it at the hearing is not directly relevant; what is relevant is whether such a line is deemed beyond South's capability.) This issue is critical, since even if a spade shift by West was a logical alternative, if it is still unlikely that South would have made 4♥, then N/S should not be assigned plus 420. (Of course, E/W may still be assigned minus 420 if the spade shift is deemed a logical alternative and it is judged "at all probable" that South would have made 4♥.) Whether any of this would have been the Committee's judgment remains an open question, but Jon is certainly correct in pointing out that this line of inquiry should have been pursued.

Supporting Jon's position about the likely result in 4♥, but not his audacity, is . . .

Weinstein: "Yes, the huddle did make the club play easier, but it seems unreasonable to believe that West would shift to a spade. The attempted reintroduction of evidence was out of line. More importantly, the basis for the Director's adjustment for the non-offenders needs to be examined. It is my understanding, and I believe the Laws Commission's understanding, our editor's understanding, and Brian Moran's (as the Directors representative for rulings) understanding, that Directors and Committees are to give the non-offenders the likely result had the irregularity (which created the unauthorized information) never occurred. In this case, even if the Directors not unreasonably ruled against the offenders, clearly the most favorable result that was likely for the non-offenders had the huddle never occurred was minus 50. I am under the impression that the ruling for non-offenders was to be made on that basis starting in Albuquerque. [It didn't just start in Albuquerque; it has always been made on that basis — *Ed.*] I also am under the impression, despite Mr. Moran's and our editor's claims

otherwise, that almost no one is making decisions under this guideline. This could have applied to CASE ONE also had the Committee believed that pulling the double was the normal, highly likely action and consequently assigned E/W plus 300.”

If, as Howard claims, almost no one is making decisions under this guideline, it is not because it does not exist. It is either because they are unaware of it or because they do not understand how to apply it properly. Hopefully, these casebooks will remedy that before long. I must say, however, that my experience in this matter does not coincide with Howard’s.

The remaining panelists all disagree with the Committee’s decision. Let’s hear first from the one who served on this case.

Cohen: “I was a dissenter — I believe the vote was three to two to allow West’s club play at trick five. Sure, I see the bridge logic of a club play, and maybe I can buy the (self-serving) argument that East’s carding suggested clubs. However, a spade is a ‘logical alternative’ that could be chosen, so I’d make West choose it. For the record, I thought this was close, while the Committee members who allowed it were more sure of their position. In general, I lean towards the ‘not allow it’ side, so my views on this decision shouldn’t surprise anyone.”

But that begs the question of whether 4♥ would (might?) have been made.

Rosenberg: “Threshold of bridge argument? My argument would be all the hands on which Zia, Hamman or I lost our minds after partner did not ‘help’ us. This was a ‘bad’ huddle. Plus 420 to N/S.”

Now, now. Let’s not be bitter. This also assumes that South is likely to make 4♥.

Gerard: “No. Just because the wording of Law 16 has changed, it is not the case that a reasonable bridge argument for the club play allows it to be made. What is the case is that West cannot lead a club if a spade is a logical alternative, since everyone will agree that the unauthorized information demonstrably suggested a club play. So the only question that the Committee should have decided was whether a spade switch was a logical alternative. [The only question? It doesn’t matter whether South could or would make 4♥ after a spade switch? — *Ed.*]

“E/W succeeded in obfuscating this issue for the Committee. The ♦2 at trick one would have been suit preference playing serious bridge, especially given E/W’s apparently sound preempting style. Once the deuce did not appear under the ace, the ♣A was not a card East should hold. Therefore, the argument about the suit-preference implication of the ♦2 was completely self-serving. The ♣K would have been a great play from ♣AKx, preventing East from making a meaningful discard on the second round of trumps. West’s attempt to reconvene the evidentiary hearing was out of line and should not have been allowed. The Committee was correct to disregard the deficiency in South’s line of play since it really amounted to hearsay, but I would have preferred that West never made it back in the door or that he was admonished about interfering with the process on the basis of what he should have known to be inadmissible evidence.

“I suppose the realists will argue that no one would play the ♣K from ♣AKx, so East’s hesitation was irrelevant. This particular West obviously belongs to that school of thought. However, there is a famous B.J. Becker hand involving exactly that kind of play, a marvelous

combination of psychological and technical considerations. Only shallow thinkers would claim that there is no alternative to playing East for the ♣A.

“Finally, was anyone else bothered by the fact that West hopped on the second round of trumps when he might have needed two discards from East to clarify the situation because of the ♣K play? How did he know he was going to get a ‘suit-preference’ ♦2 when he went up with the ♥Q? Do you think he broke his wrist playing back his other club? I suppose he could have been preserving his last trump for an exit after getting a ruff from East, resulting in down two (declarer erred here), but that depended on his knowing that his partner had the ♣A — the ♠A would not have been enough because East could not have four clubs. It feels a lot like the ♣A was an exposed card.”

Ouch! Woffie, a shallow thinker?

Ron’s point about the diamond play at trick one being the one which should have been suit preference is excellent, and bolsters the argument against E/W’s claim. But why could East not have four clubs (♣10962)? He surely could, but if he did, then the club suit would be blocked and my earlier argument about that possibility would then apply.

Whether you agree with Woffie’s philosophy or not, the laws (specifically, Law 73) do not provide for different standards to be applied to unauthorized information deriving from the bidding versus the play. (His “minimum standards” for allowing a suggested play are quantitatively, although not qualitatively, different from those applied to determine logical alternatives.) Thus, we need to address the present situation by applying the usual standard of whether West’s play was “demonstrably” suggested by East’s variation (both sides agreed that there had been a break in tempo), whether there was a logical alternative to West’s club switch, and finally (if needed) deciding what would have happened after West’s spade play.

East’s tempo “everyone will agree” (— Ron Gerard) made it easy for West to find a club return, one that he might not have found on his own (although there are good arguments why he should). While a spade shift may not have been indicated, it seems (to me) to pass the test for a logical alternative. I would force West to lead a spade. As a practical matter, I do not believe that South would have made his contract — but he might have. Whether this is “at all probable” we could go on debating for another six pages. Let me just say that, for my part, I do not believe it is even that likely — but it’s close. I therefore agree that both pairs should keep the table result of 4♥ down one, minus 50. Does this mean that I agree with the Committee’s decision? Not if that means endorsing their reasons for reaching it.

As any reader who is not “deaf in both eyes” will have surmised, this was an extremely difficult case. The decision involved a number of separate judgments, most of which were quite subjective in nature. If I had to make this decision entirely with my heart, I would have allowed the table result to stand for N/S and assigned E/W minus 420. That “feels right,” and more importantly sends the message I would like to send. I think E/W’s arguments for being allowed to lead a club were strained at best, and they only survived because (in my judgment) the contract would not have been made at the table. Thus, while E/W plus 50, N/S minus 50 may have been a fair decision, E/W minus 420, N/S minus 50 would have been a just one.

CASE THREE

Subject (Tempo): Confusion Over Hesitations

Event: Flight B Swiss Teams, 27 July 97, First Session

Bd: 4	♠ AK109642	
Dlr: West	♥ 6	
Vul: Both	♦ 973	
	♣ 83	
♠ 873		♠ ---
♥ J8		♥ AKQ9742
♦ Q108		♦ KJ542
♣ AK1096		♣ J
	♠ QJ5	
	♥ 1053	
	♦ A6	
	♣ Q7542	

West	North	East	South
Pass	3♠	4♥	4♠
5♥	Pass	Pass(1)	5♠
6♥	All Pass		
(1) Break in tempo			

The Facts: 6♥ made six, plus 1430 for E/W. The Director was called by West before South bid 5♠. West thought South had ended the auction with a verbal pass. In reality, South stated that he thought East had hesitated before saying pass. The Director ruled that South had not bid and the auction continued. After the hand was over the Director was called back to the table. The Director ruled that bidding 6♥ was demonstrably suggested over the alternative of doubling 5♠ after the break in tempo. The contract was changed to 5♠ doubled down two, plus 500 for E/W. West stated in screening that he did not agree that there had been a break in tempo. The screening Director stated that North, East, and South had all previously agreed that there had been a break in tempo.

The Appeal: E/W appealed the Director's ruling. South and West appeared at the hearing. West stated that he was under the impression that during an auction that quickly escalated to high levels players should slow their tempo. He was disconcerted by the fact that North had made a rather fast pass after the 5♥ bid. South stated that due to a physical problem with manipulating the bidding cards his partner's tempo did sometimes vary. West stated that he bid 5♥ over 4♠ because his partnership (each had about 250 masterpoints) was inexperienced and he did not think they had the mechanics to get to 6♥. He could safely bid 5♥ after partner's vulnerable 4♥ bid. He thought that there were no heart losers but there might be a spade and diamond loser. West did not consider bidding 5♣ over 4♠. Once South bid 5♠, West no longer thought his side had a spade loser, and both 5♠ and 6♥ might therefore make. When asked to demonstrate the length of the tempo break, South simulated an 8-second break.

The Committee Decision: The Committee decided that there was a break in tempo and that the 6♥ bid could not be allowed. They did not agree with West's analysis of probable losers. They did agree that there was probably no spade loser and probably only one diamond loser, but not that the hearts were guaranteed to be solid. The Committee next decided whether West would double 5♠. West had stated that part of the reason he bid 6♥ was because 5♠

might make. The Committee, however, believed that, if East had passed in tempo, West probably would have doubled 5♠. The Committee then considered whether East would have pulled an in-tempo double to 6♥ as cheap insurance. Since E/W was the offending side, the standard required to allow East to take the best action for his side is quite high. In this case, the standard could not possibly be met because East had chosen not to appear before the Committee. Based on the statements heard, the Committee decided that they could not find any basis to overturn the Director's ruling. The contract was changed to 5♠ doubled down two, plus 500 for E/W.

Chairperson: Bobby Goldman

Committee Members: Harvey Brody, Steve Weinstein, (scribe: Linda Weinstein)

Directors' Ruling: 96.7 **Committee's Decision:** 89.6

The Committee seems to have covered every base on this one. East's hesitation could leave no doubt that he was considering slam, and the Committee's appraisal of the trump situation was equally on target. I find a double of 5♠ by West almost "routine," in spite of West's (self-serving) statement that he was afraid that 5♠ might make. This was an excellent decision, and the panel unanimously agrees with me — with the usual minor variations.

Rosenberg: "West needs it to be explained that 6♥ was a flagrant violation. Why should partner have solid hearts? Why the ace or king of diamonds? His 4♥ bid did not show all this, but his huddle did."

Treadwell: "If East had not hesitated over partner's raise to 5♥ (a totally uncalled for hesitation) West might well have gambled 6♥ over 5♠. However, the Laws do not allow successful somewhat gambling bids that could have been based on the unauthorized information conveyed by the hesitation."

Cohen: "Being a 'not allow it' guy, I agree with the Committee — however, this is another close one. It's a tough decision, but Wests have to learn in the future that they can't take marginal actions in these situations."

Wolff: "Good reasoning and decision."

The following panelist's suggestion would have had much to recommend it if this had occurred in a Flight A or NABC+ event. For players in the 250 masterpoint range, however, it is severe.

Bramley: "Good decision, but the Committee should also have found no merit in this appeal. Even without a deposit the Committee should always make such a finding when appropriate, as here. West's 6♥ bid was outrageous, and his stubborn insistence on appealing, despite contrary evidence from everyone else, including his partner, should have prompted the Committee to call him on it."

Weinstein: "Our editor recently introduced the concept of 'Dark Points' (see *Dallas: They Fought the Law*), not for good club game performance, but for various misconducts or ethical lapses. Unfortunately, the idea was not effective in time for this West. Can we assign them

retroactively? I do believe East would have likely bid 6♥, but I strongly agree with the Committee in the setting of a high standard and the virtual impossibility of meeting this standard in East's absence. The Committee could have decided that East would have been highly likely to have bid 6♥ and not adjusted the non-offender's result (see CASE TWO)."

Our final panelist agrees that East was likely enough to bid 6♥ anyhow to have assigned that result to N/S.

Rigal: "Again, the Directors did a good job in determining a break in tempo (at least I think that they did determine this). It is quite central to the case and a little unfortunate that there is still some residual doubt here. That being the case, the ruling seems right.

"The Committee had to deal with a tough case. Trying to put myself in the shoes of West, would I ever bid 6♥? No, but I am not sure an 8-second pause by partner would sway me. Clearly the hesitation, if such it is, points towards bidding; however, I think if West had passed 5♠, which he might well have done, then East would bid 6♥. Indeed he might even have done so over 5♠ doubled. I think N/S should be left with minus 1430 here, and E/W with plus 500. But I could live with the table result being returned also."

CASE FOUR

Subject (Tempo): An Altered State Of Consciousness

Event: Fast Pairs, 27 Jul 97, First Session

Bd: 2	♠ 6		
Dlr: East	♥ J6542		
Vul: N/S	♦ J92		
	♣ Q1052		
♠ 84		♠ J10	
♥ AQ3		♥ K987	
♦ KQ10875		♦ A43	
♣ KJ		♣ 9763	
	♠ AKQ97532		
	♥ 10		
	♦ 6		
	♣ A84		

West	North	East	South
		Pass	2♣
3♦	Pass	Pass	4♣
Pass(1)	Pass	5♦	Dbf
All Pass			
(1) Break in tempo			

The Facts: 5♦ doubled went down one, plus 100 for N/S. The Director determined that West considered his action for 20-30 seconds after South bid 4♣. After consultation, the Director ruled that unauthorized information was present and that pass was a logical alternative for East. The Director changed the contract to 4♣ by South made four, plus 620 for N/S.

The Appeal: E/W appealed the Director's ruling. East stated that she did not raise diamonds at her first opportunity because the opponents may not have bid game. East decided that the sacrifice at 5♦ was indicated by her hand. She also stated that the slow tempo of her partner's pass did not influence her choice of actions.

The Committee Decision: The Committee decided that there had been a break in tempo and that unauthorized information was present. The Committee applied Law 16, which mandates that they examine the logical alternatives East had to choose from and preclude any action that could demonstrably have been suggested by the unauthorized information. The Committee decided that the break in tempo could have suggested the 5♦ bid and that pass was a logical alternative. The contract was therefore changed to 4♣ by South made four, plus 620 for N/S.

Chairperson: Jon Brissman

Committee Members: Mark Bartusek, Alan LeBendig

Directors' Ruling: 92.2 **Committee's Decision:** 86.7

I am curious whether West's jump to 3♦ was intended as strong or weak. If the latter, then for West to think and pass over 4♣ and East to then bid 5♦ was egregious, even in this event. If 3♦ was strong, then E/W's actions were not so bad — although still objectionable. While E/W needed to be educated about their actions, and it is possible that the appeal lacked merit (if E/W were experienced), this was another excellent decision. The panel agrees with me, although some (unaccountably) see it as a close decision.

Bramley: “Acceptable, but I make it a close call, which naturally should go against the hesitators. The Committee defends their decision tepidly by saying the hesitation ‘could’ have suggested 5♦. Does that mean the hesitation might also have suggested passing? That’s how I would have argued had I been E/W. Looking at only the E/W cards, mightn’t you want to defend rather than save?”

The next three panelists target East’s “the opponents may not have bid game” ruse.

Weinstein: “Sporting double by South. Was the Stop Card used? East’s statement about seeing if the opponents get to game before saving, rates a 10 out of 10 on the odious self-serving statement scale. Did she suggest an auction? Get the ‘Dark Points’ out retroactively again, and bar West from the Fast Pairs.”

Rigal: “The Directors did the right thing here by letting the offending side appeal, I think, although there is less obvious causal link between the hesitation and the action taken than usual. The Committee had to deal with East’s action after West’s pause. I am sorry that East raised the absurd and self-serving argument that she did about the opponents not reaching game. It helps to distract from a reasonable case that she might have presented, namely that a slow pass by partner implies a decent hand (how could she have a hand worth 5♦ now). If that is the case, does it make bidding 5♦ more or less attractive? I’d say less attractive; look at dummy after all. If North’s queen was in diamonds or hearts game is nearly hopeless. I do not think the pause suggests bidding -so the table score should stand.”

Cohen: “A routine ‘disallow.’ This kind of auction (action) can't be allowed. Why couldn't East raise diamonds earlier? Isn't 4♦ the first time more sensible, and at the same time won't it avoid the very predicament which East eventually faced? The statement that East made in Committee (‘the opponents may not have bid game’) is quite a stretch (how often does a 2♣ opener stop in a partscore? — and even if they did stop in 3♠ wouldn't you want to compete to 4♦?). She also stated that the slow tempo of her partner's pass did not influence her choice of actions. Well, duh. And when was the last time an appellant said ‘I only bid on because of my partner's slow pass.’”

More than a year ago, in our first casebook, Eric vetoed my “Duh” response to a dumb remark. Note my liberal editorial policy (above). I am currently working on League Counsel whose red pen hangs, like the sword of Damocles, suspended over my manuscript.

Rosenberg: “East could have bid 4♦, since 3♦ couldn't buy it. Not a ‘bad’ huddle.”

And finally. . .

Wolff: “Good reasoning and decision.”

I know he’s up to something. Maybe he’s trying to lull us into a false sense of security.

Subject (Tempo): He Who Hesitates (Part Redeux)

Event: Fast Open Pairs, 27 July, First Session

Bd: 30	♠ Q62		
Dlr: East	♥ K10752		
Vul: None	♦ ---		
	♣ 87543		
♠ 108		♠ A	
♥ Q		♥ J9843	
♦ AQ87652		♦ KJ93	
♣ Q106		♣ K92	
	♠ KJ97543		
	♥ A6		
	♦ 104		
	♣ AJ		

West	North	East	South
		1♥	1♠
3♦(1)	3♠	Pass	4♣
Pass(2)	Pass	5♦	All Pass
		(1) Alerted; preemptive	
		(2) Break in tempo	

The Facts: 5♦ went down one, plus 50 for N/S. West’s 3♦ bid was Alerted as preemptive. West broke tempo before passing 4♣. The Director ruled that a pass of 4♣ was a logical alternative to East’s 5♦ and changed the contract to 4♣ by South made four, plus 420 for N/S.

The Appeal: E/W appealed the Director’s ruling. East passed over North’s 3♠ bid, content to defend that contract. East bid 5♦ because minus 300 in 5♦ doubled or plus 50 against 5♠ would both be better results than minus 420.

The Committee Decision: The Committee sympathized with East, but decided that West’s hesitation made some action by East more attractive. Without the hesitation, a significant number of East’s peers would consider passing 4♣ due to the possibility of being minus 500 in 5♦ doubled at equal vulnerability. Pursuant to Law 12C, the Committee changed the contract to 4♣ by South made four, plus 420 for N/S.

Dissenting Opinion (Bruce Keidan): We got this one wrong in my view. West, though he had preempted with 3♦ on the first round, had not hesitated at the point that East passed over 3♠. Why did she pass? She said it was in the hope that N/S would not reach game, and I think her hand supports that contention. She had a very bad hand to defend 4♣ opposite a partner who had preempted in diamonds. She was hoping for minus 170.

West’s subsequent hesitation may have conveyed unauthorized information, but what was that information? Unexpected length? Unexpected defense (as in ♠J10xx)? Furthermore, East already had enough information to bid 5♦ without the hesitation based on (1) the Law of Total Tricks, and (2) the danger of being minus 420 when the field was minus 300 in 5♦ doubled or plus 50 defending 5♠ when the opponents took the push to the five level. I think the “danger” of being minus 500 or some other theoretically “wrong” number is something we dwell on to excess. In matchpoints, the worst-case scenario isn’t being minus 500; it is getting no matchpoints. Bidding 5♦ gives East protection from that possibility. Passing, the

action we imposed upon East, does not.

My fellow Committee members argued that a significant number of East's peers would have considered passing rather than bidding 5♦, but I think that concept needs to be re-examined. If 100% of East's peers considered passing and decided that to do so would be illogical, that is no reason to impose a pass on East. The real question is not whether a significant number of her peers would have considered the action, but whether a significant number would have selected the action.

In short, I think we forced East to take a clearly inferior action because she had received unauthorized but useless information. If we are going to make decisions like this, perhaps we should go all the way and make a break in tempo followed by pass or double an automatic matchpoint deduction.

Chairperson: Bruce Keidan

Committee Members: Nell Cahn, Bruce Reeve

Directors' Ruling: 84.1 **Committee's Decision:** 76.3

If West held a natural trump trick (♠J10xx) along with the ♦A, he would double 4♣ at his second turn; if he held only a single defensive trick (in spades or elsewhere), he would have had no reason to think over 4♣. Therefore, West's hesitation does suggest bidding on, as the Committee correctly determined. In addition, while I also have sympathy for East (whose strategy in not raising diamonds directly might have worked out better than it did), there seems to be as much danger of recording the dreaded minus 500 (or of taking a phantom save) as of getting a poor matchpoint score by either not saving or failing to push N/S a level too high. From East's perspective, change West's seventh diamond to a heart, for example, and minus 500 (or worse) becomes a distinct possibility. On the other hand, if West holds a defensive bust (e.g., ♠x ♥xx ♦Q108xxxx ♣xxx) E/W have little chance of beating 5♠, not to mention the danger of pushing N/S into an otherwise unbidable slam.

Considerations such as these are why most experts bid immediately to the level they deem correct, or pass and remain silent (if West holds something like ♠xx ♥Qx ♦AQ10xxx ♣Q10x, 4♣ could even go down a trick or two). And of course bidding immediately also has the advantage of avoiding this type of tempo problem.

Sorry, but East does not get to bid 5♦. West's hesitation removes some (much?) of the danger associated with East's 5♦ bid. Even if the situation were a bit closer to the dissenter's appraisal than mine, I would still go with the majority decision; West's huddle is "bad," and players must learn to bid in tempo if they wish to preserve their partner's options.

Echoing many of these same arguments was. . .

Cohen: "Closer than CASE FOUR, but I still wouldn't allow the 5♦ bid. Couldn't West have ♠xx ♥xx ♦AQ10xxx ♣xxx, which is a likely minus 500? As in the last problem, why don't people just 'support with support' when they first have the chance and avoid these late decisions? East had an easy 4♦ over 3♣. Again, the argument that 'they might have played 3♣' is bad bridge, as well as self-serving. The fact that it's bad bridge is not relevant to the Committee's decision, but the general theme out of this and CASE FOUR is that suppressing support on Round X should bar you from supporting on Round X+1 if partner breaks tempo."

Gerard: "I think the hope that E/W would go minus 170 is something that players holding a hand like East's dwell on to excess. They don't realize their potential offensive value or that

minus 170 isn't necessarily a good score. In fact, in theory it's under average since par is for E/W to be minus 100 in 6♦. I also think that the possibility that West was considering doubling 4♣ is something that Committee members dwell on to excess; in real life a hesitation like West's shows extra offense, just as it did here.

"The problem with the dissenter's argument is that we really don't know why East passed 3♣. Maybe they have low standards for 3♦, perhaps ♠xx ♥xx ♦Q10xxxx ♣xx. We have only East's word for what her plan was, something that does not prove the case. Obviously, if 100% of East's peers would consider passing only long enough to decide that it would be illogical, it is not a logical alternative. But it looks like the Committee's decision was based on its opinion that a significant number of East's peers would consider passing seriously enough to make it a logical alternative, even if most of them would then choose 5♦. If the real question should be whether a significant number of East's peers would have chosen to pass, we'd be usurping the function of the National Laws Commission and returning to the wonderful old days of the 75% rule.

"The decision should have been plus 450 for N/S. If East has to use a crutch to help her make competitive decisions, next time she would be wise to rely on an axiom like 'don't pass with a big fit' rather than on the Law of Total Tricks."

Hey, now wait a minute. You guys are supposed to be on the same side here. No sniping.

Treadwell: "This case is quite similar to CASE THREE. East might well have taken the 5♦ save in the absence of West's hesitation, but it is certainly not so clear-cut an action that a Committee may allow it. After all, West could easily have had a hand where the save would go for 500 or even 800. The hesitation tended to reduce the possibility of this. The dissenting opinion that the hesitation conveyed unauthorized but useless information is not correct, in my judgment."

Rosenberg: "Dissenter is wrong. East could equally claim that 4♣ would likely be defeated if partner had a stiff heart and the ♦A. Not a 'bad' huddle, since the auction is usually over."

Weinstein: "The dissenter is correct that peers selecting a bid, not peers considering a bid, is the proper criterion for the consideration of whether a bid should be allowed. However, the huddle does strongly suggest enough extra shape (or possibly enough extra values) to make the save less likely to go minus 500 or more. The information was not useless and demonstrably suggested that 5♦ would be successful. So the question is whether some number of East's peers would actually pass without the unauthorized information. I believe that there would be enough who pass to disallow 5♦, but few enough that I would give N/S plus 50 (see CASE TWO).

The above panelists would probably agree with me that most East players would raise diamonds directly. Taking as this East's peer group those who would not (as this East failed to do), I doubt that 5♦ is the "likely" action over 4♣. In other words, while most players would bid 5♦ with the East cards, not many of those would be members of East's peer group, as defined above. Thus, I think Howard has applied the right principle to the wrong set of Easts.

Even so, I think Howard is closer to being on the right track than the next group of panelists, all of whom agree with the dissenter.

Bramley: “The dissenter is right. His arguments are persuasive. The majority seems to have been using the philosophy ‘if it hesitates, shoot it.’ Do they really believe that a ‘significant’ number of players would consider passing? You must be kidding. 5♦ is one of the clearest bids we have ever seen in these pages. I think the Director should have gotten this one right also.”

5♦ (or at least 4♦) on the previous round is clear, but after passing?

Brissman: “A close decision, this case turned on the bridge judgment of the Committee. I think the dissent is the better reasoned and more persuasive.”

Rigal: “The Director made the right ruling, leaving the decision to the Committee. Alas, he had the wrong team working for him.

“I agree entirely with the dissenting opinion here. East figured she had a shot to go minus 170, and that 5♦ would probably be minus 300. Partner’s extra shape limited the damage to one down. But that extra shape was not suggested by the pause. I think you can’t stop East from playing bridge, and 5♦ is so clear-cut (partner is likely to be short in hearts with two or three spades so your hand is gold-dust) that pause or no pause the 5♦ bid should stand.”

I’m sorry, what was that? A player preempts, then huddles and finally passes on the next round, and that does not suggest extra shape? Does it suggest Larry’s example hand? You can bet your bippy not. With extra defense he would have an automatic double (having already preempted, East can’t play him for a lot of defense), so what else can the huddle suggest? I agree that East’s hand looks great (with her singleton spade opposite likely heart shortness), but it looked just as great a round of bidding earlier; and as Ron pointed out, minus 100 beats minus 170 any day.

Our final panelist has a “heart-mind” problem similar to mine from CASE TWO. I went with my “mind”; he’s a “heart” man. But in this case, the “mind” part is an illusion. Still, we Committee-ites are willing to take our votes any way we can get them.

Wolff: “While I tend to agree with Bruce Keidan’s dissent, I disagree with the lesson it conveys. This case is ‘off-limits’ for the likes of my ideas (not a high-level game). The evil (even though it is not stipulated as such in the laws) is the break in tempo by West. A requisite for playing bridge in the high-level game is not to break tempo in judgment situations in the bidding; if you do, partner must lean over backward to not take advantage.”

Why can’t this game abide by (at least some of) the same principles as the high-level game? When partner huddles, you can’t change your strategy in mid-stream. The evil is not the break in tempo (at least, not for most of us), but the change in strategy after the unauthorized information is. In this case we can deal with it in precisely the same manner as Wolfie would deal with a huddle in his game. So why not do it? Good work by the (whole) Committee.

Subject (Tempo): Stop! In The Name Of Love
Event: Flight A Pairs, 29 July 97, Second Session

Bd: 9	Joyce Menezes
Dlr: North	♠ J73
Vul: E/W	♥ AJ106
	♦ Q7643
	♣ 2
Karen Nelson	Drexell Smith
♠ K94	♠ AQ1086
♥ 953	♥ ---
♦ 98	♦ 1052
♣ Q7643	♣ AK1098
	Patrick Clark
	♠ 52
	♥ KQ8742
	♦ AKJ
	♣ J5

West	North	East	South
	Pass	1♠	2♥
2♠	3♥	4♠	Pass(1)
Pass	5♥	Dbl	All Pass
(1) Break in tempo			

The Facts: 5♥ doubled went down one, plus 100 for E/W. East did not use the Stop Card when he bid 4♠. South agreed that he paused longer than 10 seconds before he passed. The Director changed the contract to 4♠ by East made five, plus 650 for E/W.

The Appeal: N/S appealed the Director’s ruling. Only N/S appeared at the hearing. South admitted his hesitation, but stated that he did not believe that it was excessive.

The Committee Decision: The Committee discussed the issue of the effect of not using the Stop Card on the timing of the next player’s call. Use of the Stop Card affords the next player both an external aid for judging when it is time to bid as well as access to the opponents’ judgment of how long an appropriate (10-second) pause should be. On the other hand, failure to use the Stop Card in a very real sense relinquishes the right to have input to the opponent’s judgment of what constitutes a 10-second pause, as well as places an extra burden on the next player to remain aware of how much time has elapsed during consideration of their call. The opinion was expressed that, when the Stop Card is not used, some additional variance should be permitted the next player in making his call, as long as it is not extreme (7-17 seconds was considered reasonable).

While South had probably bid within the protected (7-17 second) time period, the Committee members nonetheless believed that it was likely that North still had available unauthorized information that South had a problem over 4♠. They also believed that E/W shared some of the responsibility for this (since East failed to give N/S adequate protection through use of the Stop Card) and that North’s 5♥ call was one which a large proportion of her peers would have made at this vulnerability. However, while the losing action (pass) by North was not judged to be “likely,” the Committee did believe that it met the standard of being “at all probable” (as per Law 12C2). Based on this the Committee assigned N/S the

result for 4♠ by East made four, minus 620 (believing that N/S would have found the club ruff on defense), and E/W the result for 5♥ doubled by South down one, plus 100.

Chairperson: Henry Bethé

Committee Members: Harvey Brody, Bill Laubenheimer

Directors' Ruling: 77.0 **Committee's Decision:** 73.7

In speaking with Henry about this case he suggested that the Committee believed that there may have been extraneous information present other than South's tempo. Unfortunately, he was not more specific about just what this other information was. Could this information have demonstrably suggested bidding 5♥ with the North hand rather than passing or doubling? We seem to have no alternative other than to accept the Committee's word for this.

I'm afraid that much of the Committee's discussion dealing with the use (or non-use) of the Stop Card is incorrect. After a skip bid the next player is required to pause for about 10 seconds to consider (or give the appearance of considering) his next call, for the purpose of concealing from his partner the ease or difficulty of that call. This is true whether or not a Stop Card is used, and, if it is used, whether it is left on the table for some time or is removed immediately (see the discussion of this issue in CASE FIVE in *Dallas: They Fought the Law*). Since South is not bound by East's estimate of when 10 seconds has elapsed, and since the ACBL's recommended procedure is to remove the Stop Card at once (thus eliminating the time cues the Committee talks about), the only thing that matters is whether the next player's tempo is clearly much longer or shorter than expected. (Time spent looking at the opponents' convention card is not considered part of the pause.) In fact, the use of the Stop Card is only intended as a reminder to the next player of his obligation to pause—not to control or signal when the next player should call. Since the skip bidder doesn't properly have any input to the next player's tempo, the failure to use the Stop Card cannot relinquish it.

Regarding the auction, I believe that North trapped herself when she failed to bid 4♥ the first time. Given this initial action, I have no problem in deciding that she is not entitled to bid 5♥ after South makes that alternative more attractive. So a result needs to be determined in 4♠. I disagree that N/S were likely to find the club ruff. South's opening lead is far more likely to be the ♦A than a heart. Since South cannot know that a club shift is now safe and necessary, he is likely to try either a trump or a heart — bzzzz, too late! To think about this another way, in order to allow N/S to be minus 620, one would have to determine that minus 650 was not even "at all probable." That is clearly not the case here. Therefore, I would have assigned N/S the score for 4♠ made five, minus 650. Good work, Directors.

Regarding E/W's score, I believe that it is likely that North would have bid 5♥ had there been no unauthorized information. Therefore, E/W should keep the table result of 5♥ doubled down one, plus 100.

The first three panelists are reading my mind on this one (a scary thought, for all of us), right down to their analysis of the club ruff issue.

Bramley: "The Committee's argument is contradictory. If they thought that South deserved more leeway in his tempo over the 4♠ bid because of the failure to use the Stop Card, then they should have granted him protection when his tempo fell within their own guidelines. (Apparently, they put more weight on his honest admission of a greater-than-ten-second

huddle than on their theoretical guideline.) The information available to North should have been deemed authorized, even if it came from South's tempo. Obviously, the Committee was not comfortable with this line of reasoning. [Right, because they thought the unauthorized information came from another source, and then they were afraid to come out and say so. — *Ed.*]

"I have a quibble about the analysis of the play in 4♠. N/S will never find their club ruff unless their violations are a lot more serious than the ones being discussed in this case. If the Committee wanted to judge that East would take his safe ten tricks rather than risk his contract for eleven, then 620 was fine. But no club ruff, please."

Gerard: "This is a trick, right? We're supposed to figure out that it was only a minority position that there should be an extended time period, otherwise how could South have transmitted unauthorized information? Or that the Committee was just noodling and wished to suggest a modification of the Laws to incorporate its opinion? Either way it seems that the Committee didn't have the courage of its convictions, although I think it was right to adjust the score. I don't like the number fixation, anyway. The best aid in determining whether a break in tempo occurs is often Justice Stewart's observation in the Obscenity Cases: "I know it when I see it."

"The adjustment for N/S should have been minus 650. South would have been at least 50-50 to lead a high diamond, after which it would have taken a miracle to find the club ruff (East could have had, for example, ♠AQ10xxxx ♥x ♦xx ♣AKx)."

Rigal: "The Director did the right thing here — a straightforward ruling. North had in a sense stopped herself from bidding 5♥ when she bid only 3♥, not 4♥, at her first turn. In my opinion, it becomes inconsistent to imagine a hand that might bid 3♥ then 5♥. So it seems entirely reasonable that N/S get landed with minus 620 or minus 650. (It seems generous to me to allocate minus 620 here though a check of the travelers for action from the other tables might help me decide just how automatic the defense is). As to E/W, well I approve of the policy of letting people know that if they do not use the Stop Card they put themselves in jeopardy. It's the rules; follow them or pay the price."

Also on the same general wavelength were. . .

Rosenberg: "East caused the problem in this form by not using the Stop Card. So let N/S take their reasonable actions, and maybe they, and everyone who reads this case, will not neglect to use the Stop Card. Plus 100 for E/W."

Treadwell: "The decision here is similar to the decisions of CASE THREE and CASE FIVE; we cannot allow rather reasonable bids when logical alternatives are available, if the reasonable bid may have been suggested by the unauthorized information conveyed by the hesitation. Here, however, the opponents contributed to the problem through failure to use the Stop Card, and the Committee, in effect, penalized this minor infraction by allowing the successful 5♥ bid by the opponents. I think this was a bit too severe and would have been inclined to allow the matchpoints for a 650 result less a nominal procedural penalty."

Weinstein: "This is a very important case. The Committee did two excellent things and two questionable things. The consideration of the failure to use the Stop Card was eloquently stated and right on target. It could be used as a model for Committees and Directors when

considering whether a break in tempo actually occurred. However, the Committee then decided that unauthorized information actually did occur without an explanation and in seeming contradiction to the previous discussion. Having determined that unauthorized information did exist, the Committee failed to consider whether 5♥ was demonstrably suggested by that unauthorized information (it was).

“For the non-offenders this Committee was again right on target with the ruling that should be made, but isn’t being made. However, the Committee also considered Law 12C2 for the offenders instead of the more stringent standards we’ve been applying, presumably under Law 73C, in order to allow use of a suggested action after unauthorized information. I do believe that 12C2 should be used for the non-offenders all the time, or the offenders in other than unauthorized information infractions where equity rather than deterrence is the stronger goal. The often used one-third standard for the non-offenders is fine, but one-sixth is not strict enough for the offenders after unauthorized information infractions. The meaning of Law 12C2 is vague (and somewhat confusing) on ‘the most favorable result that was likely’ and ‘the most unfavorable result that was at all probable.’ This allows some leeway to Committees and Directors to apply standards depending on the blatantness of the infraction and the equity of the particular situation. Edgar Kaplan was always in favor of using (massaging) the laws in order to arrive at an equitable, yet legal, outcome. Laws Commission, am I misinterpreting what Edgar’s intent and your intent was?”

I wish Howard had omitted his third and fourth sentences. As eloquent as the statement about the use of the Stop Card was, it was wrong. Also, maybe Howard should keep track for a while of the frequency of the proper, and improper, assignments of non-offenders’ scores under 12C2 in our casebooks. I think he’ll discover that it’s generally being done properly (at least as much as anything is), just as it was here.

The next two panelists found fault, in one way or another, with both the Committee’s decision and the modification of it which the previous group and I support.

Brissman: “Split scores in this situation are an abomination. The Committee should have decided that either (1) an infraction occurred, and assigned a score to both pairs on that basis, or (2) no infraction occurred, and left the table result undisturbed.”

Why are split scores wrong? The standards for assigning adjusted scores to the two sides are non-symmetrical in Law 12C2, so reciprocal scores are only appropriate when the most favorable result for the non-offenders is also the most unfavorable result for the offenders (and no less favorable result has any significant probability of occurring). Here that clearly is not the case, and therefore split scores are appropriate. (We just wish that both of the split scores that were assigned had been the right ones.)

The next panelist is way out on a very shaky and dangerous limb.

Cohen: “Not a bad decision given the complicated issues. Had East properly used the Stop Card, and had South’s tempo been poor over that, then I would not allow North to bid 5♥. But given the combination of no Stop Card and the ambiguity over the exact length of the tempo break, I think I’d rule that the tempo was acceptable and allow North to do whatever she wants. Furthermore, to me South’s hand indicates that he probably didn’t think too long over 4♠ — it doesn’t look like he had anything to think about (a fairly normal 2♥ overcall with no special features to warrant any action over 4♠).”

And finally we have our man with his heart in his hand.

Wolff: “Superior decision, reminding that a goal is to make offenders pay, and the real non-offenders (the field) be the benefactors.”

Maybe my brain (and my heart?) is mushy as I write this in the wee hours of the morning, but this time the N/S “field” was not protected — it was disadvantaged. Every other N/S pair that was minus 650 (which should be most of them) ended up losing one-half matchpoint to this N/S pair. Even for Wolffe, this is carrying things a bit too far.

CASE SEVEN

Subject (Tempo): Huddle, Huddle Toil And Trouble

Event: Flight A Swiss, 30 July 97, Second Session

Bd: 17 Bruce Cobb Dlr: North ♠ 75 Vul: None ♥ KJ109873 ♦ 7 ♣ KQJ Kassie Ohtaka Mimi Bieber ♠ 1098 ♠ AK6 ♥ A2 ♥ Q ♦ QJ9 ♦ AK86542 ♣ 105432 ♣ 76 Merrell Anderson ♠ QJ432 ♥ 654 ♦ 103 ♣ A98	
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West	North	East	South
	3♥	4♦	4♥
Pass(1)	Pass	5♦	Pass
Pass	5♥	Dbl	All Pass
(1) Break in Tempo			

The Facts: 5♥ doubled went down three, plus 500 for E/W. The Director ruled that pass by East was not a logical alternative, but that bidding 5♦ rather than doubling was demonstrably suggested by the unauthorized information. The contract was changed to 4♥ doubled down two, plus 300 for E/W.

The Appeal: E/W appealed the Director's ruling. East did not believe that defending with her hand was a logical alternative.

The Committee Decision: The Committee first decided that unauthorized information was present. There had been a clear enough break in tempo to make it obvious that West had values. The Committee next considered whether the unauthorized information demonstrably suggested that 5♦ would be the winning bid. The Committee agreed that this was not the case. There were several actions that West (an unpassed hand) could have been considering such as 4♠, Dbl and 5♣. Some of those would have resulted in 5♦ by East being a poor choice. The Committee believed that double was a more suggested alternative than the unilateral bid of 5♦. Once the Committee decided this, no further deliberation was necessary and the contract was changed to 5♥ doubled down three, plus 500 for E/W.

Chairperson: Alan LeBendig

Committee Members: Harvey Brody, Larry Cohen

Directors' Ruling: 78.1 **Committee's Decision:** 75.2

Whatever E/W may have done wrong (I'll get to that in a minute), North's 5♥ bid was a serious breach of discipline. Apart from his rather unorthodox choice of opening bid, he

then chose unilaterally to bid again at the five-level after South had been willing to defend. While there is no guarantee that 5♦ would have been beaten, it is certainly possible to do so with an original spade lead. Since N/S voluntarily relinquished this chance to obtain what would have been a better result than any they could have hoped for without the infraction, their damage stemmed from their own action. Therefore, they should keep the table result of minus 500.

As for E/W, I agree with the Committee that West's break in tempo suggested values, but did not indicate that 5♦ would be the winning bid. Nevertheless, it did suggest that taking some further action would be more successful than passing. While it is true that East's action would have worked out badly if she had been left to play there and South was able to find the lead of a spade honor, in my opinion the combination of West's break in tempo and East's 5♦ bid significantly increased her side's equity in the board. While East's action did not result in direct damage to N/S, it did result in an advantage for E/W, due to North's ill-judged 5♥ bid. Even without West's huddle, it is hard to imagine East not doubling 4♥. I would therefore have allowed the table result to stand for E/W, but assessed a procedural penalty against them equal to the IMP difference between the table result and the result for 4♥ doubled down two (plus 500 versus plus 300).

The first group of panelists are on the right track, at least as far as N/S are concerned, but fail to look deeply enough into the E/W position. Treadwell states this position most clearly.

Treadwell: "This is a bit different from the preceding hesitation cases, in that East took action that probably was not suggested by the hesitation. Another reason for allowing the bid was that it offered N/S an opportunity for a plus score (an opening spade lead will beat 5♦). Instead, North made the rather ridiculous bid of 5♥ and deserved any poor result that was incurred as a result."

Bramley: "Yes. The Committee implies, but does not state, that pass by East is not a logical alternative. (The Director says so.) I agree. If, hypothetically, East had doubled and West had pulled to 5♦, should these actions be allowed to stand? Now East would, in fact, be taking the action suggested by the hesitation. However, if East must clearly take some action, and all actions lead to 5♦, then there would not appear to be damage in this hypothetical case either."

Brissman: "This case brings up a recurring theme in hesitation situations and illustrates a point sometimes skipped. Unless a break in tempo indicates that one action is more likely to be successful than another, the partner of the hesitator is not constrained in the selection of alternatives. This Committee appropriately focused on that step and found it dispositive."

Cohen: "I agreed with the decision when I was there, and I still agree. Besides, even if we made East double 4♥, we believed that West would bid 5♦ anyway!"

Change East's third spade (or seventh diamond) to a club (even the queen or jack) and 5♦ by West will work poorly. No, we can't assume that West would find the magic 5♦ bid only when it's correct. Passing 4♥ doubled is certainly "at all probable."

Rigal: "The Directors made what in my opinion is the right ruling (regardless of whether it gets overturned by the Committee). Namely, infraction plus possible damage leads to adjustment unless the link is too tenuous to be enforceable. A good ruling.

“The Committee made an excellent decision here. This is never an easy sort of decision, but they looked at it carefully, and came to the correct decision. If you agree that action is automatic with the East cards (is it? I think I agree with their view that no East would pass here) then double is your flexible friend, covering all of partner’s reasons to hesitate, while 5♦ is committal; so the hesitation does not point to bidding 5♦. Nice thinking.”

Does West’s hesitation really not suggest bidding 5♦? The following panelist takes careful aim at that tenet, and deals it a serious blow, ending up (in my opinion) with a much more appropriate decision for E/W than the previous group. Unfortunately, his solution also overlooks North’s role in his misfortune.

Gerard: “We really owe the Committee a tremendous debt of gratitude for deliberating as much as it did. Too bad they didn’t take a little more time to get it right. I see a disturbing pattern developing of Committees using the new, lesser standard of Law 16 to justify questionable action.

“Yes, in the abstract West could have been thinking about any of those things, as well as 4NT for takeout. In real life, there was almost no chance that 4♠ was in West’s sights when East had the ace-king. I know, I know, ♠QJ10xxxx or similar; maybe that’s why P.T. Barnum made such a good living. Double would seem remarkable, unless a bunch of quacks or a singleton in partner’s suit must double in the mistaken belief that the auction is forcing on E/W. 5♣ without diamond tolerance rates about a 1% probability on my scale. 4NT for takeout is okay for diamonds.

“I suppose the Committee would have us believe that both North and South could be in there on nothing, but it’s not safe to raise random preempts without extra length in trumps or some high cards somewhere. Especially at equal vulnerability and with so many players’ knowledge of theory limited to the Law of Total Tricks, there was very little chance that West was thinking about anything that didn’t include diamonds as an option. Placing West with some eight-card black suit is myopic. If you really think it’s a coincidence that West’s hand was so suitable for play in diamonds, maybe you’d like to win some sure cash guessing which shell the pea is under.”

The final three panelists find an even more restrictive solution for E/W (again ignoring North’s culpability).

Rosenberg: “Don’t like it. Very ‘bad’ huddle. It was contra-indicated for East to pass — any other action could have been influenced (although admittedly, double is most flexible). Why didn’t East overcall 5♦? I feel influence was likely. In fact, double is probably the normal action with the East hand, and the very fact that she bid 5♦ suggests influence or lack of judgment. I would rule plus 50 to E/W (declarer might well guess hearts after East passes and shows up with ♦AK, ♠AK). Incidentally, it would be nice if this were a skip bid situation for South and West. Maybe after a preempt, the next three actions should be subject to a skip bid procedure.”

I’ve been touting that position for years. After a skip bid, everyone should be subject to the same 10-second pause requirement on that round of the auction. I’m glad to see someone else jumping on the band wagon. Beat that tambourine, Michael. We need more recruits.

I think the answer to Michael’s question about East’s initial overcall is that if South had said “I double you” over 4♦ she would have been unhappy with even that modest action.

Once South showed heart support, 5♦ becomes a much more attractive option. Thus, I don’t think that East’s 5♦ bid was irrational based on the auction — only improper after West’s hesitation.

Michael’s suggestion that South should be allowed to guess the ♥Q in 4♥ undoubled is quite intriguing. If South didn’t guess it when he actually played the hand, why should he be allowed to guess it in the replay? An argument can be made that, if East passes 4♥ (meekly), South would have additional evidence that East doesn’t hold significant additional values beyond his two ace-kings. If he were void in hearts, then he might have bid again based on the extra distribution. Thus he should hold (at least) one heart. Once West shows up with the heart deuce, only the ace and queen are unaccounted for, and East is more likely to hold the queen. Good thinking Michael! Unfortunately, neither the panel nor I are prepared to assign South credit for working all of this out. Maybe if you were the declarer. . .

Weinstein: “And I thought the Directors were overly generous in allowing East to double 4♥. 5♦ might not have been the most demonstrably suggested call, but the unauthorized information definitely suggests 5♦ over a pass. The huddle lets East know that some action is necessary. N/S should have been minus 100, E/W plus 100, since pass is also a logical alternative to 5♦. I hope and presume our editor is using a leading and prejudicial title on this case.”

Judge for yourself.

Wolff: “Why wouldn’t East consider pass an option? 4♥ down two, plus 100 for E/W.”

Michael, Howard and Wolffie go a bit too far in wanting to prevent East from reopening. True, bidding (in some form) is clearly suggested by West’s tempo, but it is also suggested by East’s own hand. We cannot deny her access to authorized information simply because there is unauthorized information present. I’m afraid we will have to live with allowing her to double, as distasteful as we may find that.

CASE EIGHT

Subject (Tempo): Just When You Think You've Seen Everything

Event: NABC IMP Pairs, 31 Jul 97, Second Session

Bd: 26 Maurits Pino Dlr: East ♠ J5 Vul: Both ♥ 10982 ♦ J108 ♣ A764 Rebecca Rogers Nell Cahn ♠ K1082 ♠ Q73 ♥ 6 ♥ AKJ54 ♦ AKQ42 ♦ 763 ♣ K102 ♣ 83 Martin Schaaper ♠ A964 ♥ Q73 ♦ 95 ♣ QJ95	
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West	North	East	South
		Pass	Pass
1♦	Pass	1♥	Pass
1♠	Pass	2♦(1)	Pass
2NT	Pass	3NT	All Pass
(1) Break in tempo			

The Facts: 3NT made three, plus 600 for E/W. At East's third turn to bid, she considered her alternatives and bid 2♦ after an agreed break in tempo. N/S called the Director. After establishing the facts, the Director allowed play to continue. At the completion of play, N/S called the Director and asked him to determine if pass was a logical alternative to West's 2NT bid. After consulting with the other Directors, the Director returned and ruled that with IMP scoring, at this vulnerability, pass was not a logical alternative. The table result was allowed to stand.

The Appeal: N/S appealed the Director's ruling. All four players appeared before the Committee. N/S contended that East's hesitation before bidding 2♦ was unauthorized information which suggested that bidding would be more successful than passing. The Committee inquired into E/W's methods after the 1♠ bid by West. East stated that two invitational sequences were available to her (a passed hand): 2♣-2♦-2NT and 2♣-2♦-3♦. East stated that both auctions would be invitational, with the latter emphasizing diamonds.

The Committee Decision: The Committee first agreed that unauthorized information was present after East's break in tempo. The Committee then decided that the hesitation demonstrably suggested bidding. The Committee was divided as to whether or not pass was a logical alternative with the West hand. Two of the Committee members agreed with the Director that bidding 2NT was "automatic," vulnerable at IMPs, even though there had been a break in tempo. A majority of the Committee did not agree that West's 2NT bid was "automatic" at these conditions. The majority believed that East's break in tempo strongly suggested bidding and that pass was a logical alternative for West. The majority based this decision on East's statements that invitational sequences were available and that E/W was a strong established partnership. Since pass was a logical alternative for West, the Committee

assigned both sides the likely result in 2♦ by West made three, plus 110 to E/W.

Chairperson: Bob Glasson

Committee Members: Robb Gordon, Bruce Reeve, Nancy Sachs, Carlyn Steiner

Directors' Ruling: 43.0 **Committee's Decision:** 84.4

Committee Chair's Comment: The day after the hearing I was told by East that she was not a passed hand. The Appeals Form provided to the Committee by the Director, Brian Moran, showed East passing in first seat at her first turn. Since East is always in first seat on Board 26, I am not sure how this could have occurred. Did South bid out of turn? In any event, this information was not provided to the Committee by the Director or any of the players during the hearing and it would be only speculation as to what impact this may have had on the Committee's thinking.

This was a difficult case and, at the risk of appearing to encourage players to file appeals, I think it was entirely appropriate to ask a Committee to evaluate West's actions. The West hand is a mixed bag of good and bad elements. The singleton heart (East's bid suit) and only one ace are its main negatives; the strong trump suit (which has been supported), the side suit controls (kings rather than queens and jacks), and the black-suit tens in combination with the kings are its main assets. From West's perspective, 5♦ will be virtually laydown opposite as little as ♠Ax ♥xxxxx ♦Jxxx ♣Qx, and 3NT opposite as little as ♠QJx ♥QJ10x ♦xxxx ♣Q9; other (weaker) constructions for East put 5♦ on little more than one of two finesses. I make it unlikely that 3♦ will result in a minus score when 2♦ would have made as often as bidding on will lead to a successful game contract (not to mention the greater value of the game bonus versus the partscore swing). Thus, I believe that further action by West over 2♦ is justified.

Did East's hesitation make West's action more attractive? Probably, but not clearly. East could have been thinking about bidding 1NT rather than 2♦, or even passing 1♠, so her tempo does not, by definition, suggest a constructive hand. Having said that, I do believe, from many years of appeal experience, that hesitations almost invariably accompany a conservative rather than an aggressive action. Factor in that, while further action by West is (in my opinion) pretty clear, some players in the West seat may not bid (either through a failure to appreciate the West hand's potential, or due to laziness) and you have a real tough decision.

The key factor, I believe, is that East's hesitation does not "demonstrably" suggest that bidding is more likely to be successful than passing. Had this case occurred several months earlier (say in Dallas), when "reasonably" was the criterion, I would have decided as this Committee did. But here I would have allowed the table result to stand for both sides.

Finally, I don't see how East's passed-hand status could materially affect this decision, since her own bidding has itself limited her to less than opening-bid strength.

The panel, as a whole, echos my exposition of the factors involved on either side of the decision, and then unanimously opposes my final decision. An editor's job is a lonely one. In addition, they soundly rebuke the Directors for not making the appropriate ruling for the non-offenders. Let's listen to their arguments.

Gerard: "East's explanation was consistent with her belief that she was not a passed hand, since E/W apparently play jump preferences as forcing. Yawn. The fact that different

invitational actions were available to a passed-hand East (2NT or 3♦) doesn't change the meaning of a slow 2♦ bid. For those tempted to argue that East's hesitation didn't suggest bidding because she could have been thinking of passing 1♠, isn't it amazing that almost all of these slow signoffs contain extra values?

"East's hand is a nice bidding problem over 1♠, but it's not unique for experienced players. I think you have an obligation to make up your mind ahead of time how to approach this hand type and then be consistent at the table. That way you can bid 2♠, 2♥, 2♦ or even one of the invitational things in tempo. In particular, bidding a slow 2♦ is something that compromises further action by partner because it is the most tempo-sensitive situation. A similar commitment should be made by Smith users so they don't have to put on a show every time they're dealt, say, five little in the suit of partner's opening lead. I suppose this is a pipe dream, but is it really too much to ask of experienced players?"

A good practical lesson for all the Smith (odd-even, Lavinthal, etc.) users out there.

Bramley: "Correct decision. A further bid by West over 2♦ is possible, but not clear-cut. The availability of several invitational sequences that were not used (by the way, what would 3♦ over 1♠ have meant?) makes bidding by West even less clear. The suggestion by East that she was not a passed-hand is intriguing but not relevant. And why did it take a whole day for East to remember, and why didn't anybody else at the table remember it that way?"

Rigal: "Leaving aside the additional facts, I think the Director made a terrible ruling here. To act with a 15 count, however good it is, can not be considered clear-cut, and the Director should be straining to rule for the non-offending side. I am very surprised by this Director ruling. The Committee should have established (or did they parenthetically?) that 3♦ by East at her second(ish) turn would have been invitational. That being the case, West cannot take the indicated action over the hesitation of bidding on. The majority opinion is right."

Rosenberg: "The huddle was 'bad.' The Director was worse."

Weinstein: "I have lowered the Committee's rating since two members considered 2NT to be automatic and the Committee failed to consider two other possible invitational sequences, 2♥ over 1♦ and (even though it's not an option with this East's hand) 3♦ over 1♠. 2NT is certainly not unreasonable, but passing is clearly a logical alternative here. The Directors, who have correctly generally been ruling against the offenders, should have forced E/W to be the protesting party."

Wolff: "I favor E/W plus 110 and N/S minus 600 (classic double shot). If 3NT happened to go down, N/S would be happy to accept. Why should this N/S get the 'jump' on the field? They've done nothing to deserve this good fortune."

Yes they did. They played against this E/W pair on this hand. We cannot decree that players are not entitled to a favorable result simply because they did not commit some bridge brilliancy which earned it. Players get good results for any number of reasons, not the least or most infrequent of which is their opponents' mistakes or failures to take advantage of opportunities. E/W's failure to bid a close game is not a "windfall" result for N/S here, and there is simply no good reason why this N/S are not entitled to benefit from it (assuming that we accept the majority opinion that West should be forced to pass 2♦) — especially when

a sizeable segment of the remaining N/S field clearly will. We cannot force an innocent N/S to assimilate a poor result which was (arguably) obtained by questionable means unless they themselves did something to contribute to it (e.g., if 3NT had been a poor contract which only made with the help of an egregious N/S defensive error, then minus 600 for N/S would be the proper decision). This is not good for the game of bridge, and to suggest that in situations like this it is a protection which is owed to the N/S field is a perversion of even that (unaccepted) concept.

We leave the final word and morality lesson to one who is used to professing The Law.

Cohen: "Bad ruling by the Directors — they should make East pass if in doubt, and let the Committee decide otherwise. I agree with the Committee. Sure, I think I'd bid over 2♦ with the West hand, but pass is surely possible. The huddle gave West a complete lock to bid. The West's of the world that get into this situation have simply got to start biting the bullet by passing; accept their poor result, avoid Committees, feel good about themselves, and have a nice life."

CASE NINE

Subject (Tempo): Tempo They Gave At The Office

Event: NABC IMP Pairs, 01 Aug 97, Second Session

Bd: 18 Ted Ying Dir: East ♠ A108 Vul: N/S ♥ A962 ♦ A62 ♣ AQ9 Jack Brauner David Liss ♠ K6432 ♠ 95 ♥ Q43 ♥ 7 ♦ --- ♦ Q10987 ♣ K10754 ♣ J8632 Ginny Steele ♠ QJ7 ♥ KJ1085 ♦ KJ543 ♣ ---	
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West	North	East	South
		Pass	1♥
2♥(1)	2♠(2)	2NT(3)	4♥(4)
Pass	Pass(5)	4NT	5♦
Pass	6♥	All Pass	
(1) Michaels			
(2) Limit raise or better			
(3) Which minor?			
(4) No slam interest			
(5) Break in tempo			

The Facts: 6♥ made six, plus 1430 for N/S. 4♥ showed an acceptance of the limit raise with no slam interest. North broke tempo before he passed. The Director ruled that Laws 73C and 73F1, regarding unauthorized information, had been violated and changed the contract to 5♥ by South made six, plus 680 for N/S (Law 12C2).

The Appeal: N/S appealed the Director's ruling. E/W did not attend the hearing. South contended that she was sure that West had the black suits and 5♦ was meant to be an "almost automatic" refusal to let the opponents play 5♣. East had received explanations of N/S's bidding after the break in tempo, before he bid 4NT.

The Committee Decision: The Committee noted that East was also aware of the break in tempo and had bid 4NT at his own risk. South, however, had benefitted from unauthorized information that partner had far more than a limit raise. In this situation, North could only have been considering making a slam try. The Committee decided that South could not be allowed to bid 5♦ and that East had contributed substantially to his side's bad result. The contract was changed to 5♥ made six, plus 680 for N/S, and 6♥ made six, minus 1430 for E/W. Had E/W appeared, the Committee would have had the chance to question East about his decision to bid 4NT, which may have changed the decision for their side.

Chairperson: Martin Caley

Committee Members: Bobby Goldman, Bruce Keiden, Bill Laubenheimer, Robert Morris

Directors' Ruling: 75.2 **Committee's Decision:** 70.7

The Committee's statement that East was aware of the break in tempo and "bid 4NT at

his own risk" is quite distressing. I've never heard of players being held responsible for taking the opponents' tempo into account — if they don't, they act at their own risk. If East had passed 4♥ when he had a good 5♣ save, and then complained that he wanted to bid but was afraid to because North's huddle might get the opponents to their slam if he did, would this Committee have protected him and adjusted the contract to 5♣ doubled? Good grief!

The Committee got this decision half right: assigning N/S the result for 5♥ made six, plus 680. Once East bids 4NT, South cannot be permitted to bid 5♦ directly. After all, if West bids diamonds and this is passed back around to South, she'll be only too happy to say, "Double." However, West will bid 5♣, North will double, and South will now be back in the picture. Given North's initial heart raise (2♠), it is quite likely that South would pull this to 5♥ (allowing South to bid 5♦, even at this point, is giving N/S too much). Would North then go on to slam? Maybe, maybe not. Since he didn't even make a try over South's jump to 4♥, I don't see how he could possibly be allowed to bid it once South's 5♦ bid is disallowed. Requiring South to pass 5♣ doubled, which is clearly E/W's best result, would perhaps be carrying things a bit too far. And remember, N/S are the offenders, so their winning actions require a very high standard.

As far as E/W are concerned, how could anyone fault East for bidding 4NT? This is a normal bridge action which in no way deserves criticism for breaking the chain of causality between the infraction and E/W's damage. To assign E/W minus 1430 requires the conclusion that N/S are likely to bid slam once East bids 4NT — highly suspect at best. It would not be unreasonable for South to pass 4NT, hoping to get a chance to double 5♦ (certainly N/S's best spot if West has diamonds, and especially if North's heart support is less than primary or his strength is more modest). I personally do not think that either 5♦ or 5♥ by South directly over 4NT rate nearly as high as pass, but I'm willing to make this a close call (but only for the sake of argument). Once North doubles 5♣ (the clear choice), a pull by South seems likely given the vulnerability and North's initial heart raise. (Pass is mainly for those gamblers among us.) South might now bid 5♦ to prepare for a possible decision at the next level, but I would not give South the benefit (or E/W the disadvantage) of such foresight; I would have South bid 5♥, ending the auction. Thus, while several scenarios are possible after 4NT, none of them makes 6♥ the clearly most likely result that it would need to be in order to assign it to E/W. Thus, I would also assign E/W the result for 5♥ made six, minus 680.

The panel was all over the place on this one, and after reading all of their arguments more times than I care to admit, I have to say that I'm still baffled by many of them. One panelist agrees with me in all respects. Counselor.

Gerard: "E/W got jobbed. East was free to bid 4NT since no infraction had occurred yet, unless the if-it-hesitates-shoot-it crowd has taken over. Therefore, how could East have contributed substantially to his bad result when the only way that result could have happened was through a subsequent infraction? There was no chain of causality to break until South bid the poisoned 5♦, but even if there had been what was so terrible about East's 4NT? Certainly it wasn't a failure to continue playing bridge, so even under the Committee's misguided analysis it shouldn't have forfeited E/W's right to an adjustment. South got off easy. Her 'automatic refusal' to let E/W play 5♣ could have happened after they bid it, so the immediate 5♦ was blatant misuse of unauthorized information."

The next panelist agrees about E/W's mistreatment, but sees N/S's side differently.

Cohen: “How could the Director change the contract to 4♥ by South? Didn't East bid 4NT and then the possible infraction occurred? The contract has to be either 5♣ doubled, 5♥, or 6♥. Why did the Committee say ‘East contributed substantially to his side's bad result?’ It seems like they are holding East at fault when there is no reason to. Did they think he was taking a double shot? His opponents presumably were never bidding a slam, so why shouldn't he save in five of West's minor? Now his opponents end up taking advantage of the tempo and he's not 100% protected? I'd like to know why the Committee thinks South should bid 5♥ for 680 instead of passing and defending 5♣ doubled for plus 500. Couldn't North (the huddle notwithstanding) have ♠Axx ♥Axx ♦Qxx ♣KJ9x or the like?”

North could certainly hold the hand Larry suggests, but he could also hold a hand with far less defense potential against a club contract, and be doubling simply because he hasn't yet shown his game-going values. Passing North's double seems to me to be a deep position (as I stated earlier), but I have less of a problem with assigning N/S plus 500 than with. . .

Bramley: “I don't follow the connection between the infraction and the end result. If South was never going to sit for a double of 5♣, then wouldn't North have been equally well positioned to bid a slam later, after South removed the double? How did the actual auction provide North a better inference than the hypothetical slower auction? The Committee changed the N/S contract to 5♥, so they cannot have thought that defending was an option for N/S. Therefore, since North would always have had the chance to bid slam after South competed, and since the basis for this decision would not be substantially different on the Committee's proposed auction, I would have let the table result stand, 6♥ making for both sides.

“Furthermore, even if the Committee had been right to change the contract to 5♥ for N/S, they were wrong to deprive E/W of this result. How can it be a terrible bid for East to save at the five-level in his known ten-card fit? Five of a minor must be a decent save, and there is no particular reason for East to fear that the opponents, despite probable extra values, will now change their minds and bid slam. I loathe the concept that an action that is obvious under normal conditions can become a gross error after an opponent breaks tempo. The Committee is saying, in effect, that East must interpret his opponent's tempo with absolute accuracy to deduce that his own normal action is wrong, or be held accountable. I have seen this argument made in several other cases and I still do not buy it. If this Committee thought that 5♥ was the right contract for N/S, then it was plain highway robbery to give E/W a different, and worse, result.”

I like Bart's second-paragraph argument — a lot. It fits in nicely with Ron's and my earlier points. I just wish that he didn't see it as only academic.

Weinstein: “Interesting case, but I disagree with the Committee on several points. Since this seems like a certain forcing-pass situation, South under normal methods must bid now if not willing to sit for a double of 5♣. Although South might have bid 5♥, 5♦ shouldn't be any kind of slam try, especially if North doesn't promise four-plus hearts. Anyway, looking at the South hand, can anyone suggest she was making a slam try? Passing and then pulling the double to 5♦ should be the slam try. It would have been nice to have heard South's reason for 5♦ instead of 5♥.

“As far as the decision for the non-offenders, I'd like to present a hypothetical case. You can even use the hypothetical bidding screens I detest — but only since this is hypothetical.

As in the actual situation, North huddles and passes over 4♥. East then passes because he fears a slam. It turns out that North's huddle was an overbid, and 5♦ would have been either a cheap save or induced an unsuccessful 5♥ from N/S. East protests based on Law 73D2 that the opponents misled him and there was no demonstrable bridge reason for North's huddle. You don't think East would be laughed out of the Committee? Given the flip side, I don't believe East has prejudiced his sides equity by making a non-egregious call. Law 73D1 states that you draw inferences from your opponents' tempo at your own risk. This Committee has essentially set a new standard that failure to draw inferences from your opponent's tempo is at your own risk. However, E/W should be minus 1430 as the most favorable result that was likely without the irregularity, even with the Committee unfortunately disallowing the N/S result.”

I don't see what evidence there is to suggest that this pair would have treated a pass by South over 4NT as forcing. They were obligated to convince the Committee of that (if it was true) and they didn't even try to make a case for it. In addition, why would a pass be forcing in this auction? Certainly not so that a pass-then-pull slam try could be made when, with plenty of bidding room available, neither North nor South made a slam try earlier (unless you count North's huddle). Why should a pass be forcing when one partner (North) has not shown game-going values and the other partner's jump to game could have been made primarily to hinder E/W from finding their save, or been based on distributional values (as it was)?

As I began reading Howard's second paragraph the gloom lifted. There was my own argument about the flip side of the bid-at-your-own-risk coin, and a smile began to form on my lips — until that last sentence. This is the same type of misapplication of the 12C2 principle (by which non-offenders are assigned an adjusted score) that he made in CASE FIVE. E/W did nothing wrong here. As Bramley and Cohen point out, East had no reason to expect that his opponents would now bid a slam.

Since Howard assumed Chairmanship of the ACBL's Conventions and Competition Committee last year I've noticed him sitting closer and closer to Bob Hamman in our meetings. Now Bob has always believed that non-offenders should never receive redress for opponents' infractions (you heard me correctly — never). Now Howard is adopting the same radical perspective. Maybe I should try to fix it so they don't sit so close any more.

The next panelist raises many of the important issues we've been discussing.

Rigal: “Good ruling by the Directors — again a straightforward infraction and linked damage. The Committee drew some interesting conclusions here, without covering all the bases. (Would they have allowed N/S to reach 6♥ had South passed over 4NT and then removed 5♣, doubled or not, to 5♦ not 5♥?) Such interesting diversions aside, I do have sympathy with South for not choosing to wait for partner. Again, it does not seem so unreasonable, having denied slam interest, for South not to want to defend 5♣ here, so bidding 5♦ or 5♥ at some point in the auction does not look wrong. But the hesitation points that way. I think someone should have asked whether letting 5♣ doubled stand with the South cards was a logical alternative. I am not convinced it was, but I will be swayed by the Committee here. If it is not, then are we objecting to South's choice of 5♦ not 5♥? I think a different Committee might have let the call stand. E/W seem to have been a little harshly judged here, but on balance their non-attendance sways me to agree with the Committee decision.”

Well, at least now we're sure that we have an exhaustive list of all of the questions that need to be answered. Unfortunately, we're no closer to their answers.

The following panelists swallowed the Committee's decision hook, line and sinker. The line and sinker may be okay, but I wouldn't let my mouth anywhere near that hook.

Rosenberg: "Not a 'bad' huddle, but South took advantage of it. Her spade holding was very negative for bidding. Why did E/W not appear? Had they appeared (or if they had a good reason for not appearing) I would rule minus 680 for E/W, since they should not do worse than they would have against a South who did not take advantage of partner's huddle."

Of what relevance was E/W's failure to attend the hearing? As non-appellants, their attendance was not required, and I would have thought that their position spoke for itself—until, that is, the Committee convened.

Treadwell: "The Committee made an excellent decision here by not allowing N/S to take action that may well have been suggested by the unauthorized information. And, as in the preceding case, allowed E/W to keep the table result in view of their knowledge of the unauthorized information situation and their somewhat less-than-good bidding up to that point."

Were E/W supposed to curl up into a ball over N/S's unauthorized information? And what about E/W's bidding was objectionable? West made a normal looking (to me) Michaels bid and East bid 2NT to discover West's minor. East could perhaps be accused of timidity for not bidding 4NT (minor asking) immediately, but maybe E/W are from the school that treat that as ace-asking (or maybe East was afraid that West would treat it that way).

Wolff: "I applaud this split result."

I applaud the end to this discussion, which has given me a split(ting) headache.

Subject (Tempo): Bid On, Macduff

Event: Stratified Open Pairs, 1 Aug 97, First Session

Bd: 15	♠ AQ10		
Dlr: South	♥ AQ876		
Vul: N/S	♦ 10963		
	♣ 7		
♠ K52		♠ J	
♥ KJ9		♥ 10542	
♦ A84		♦ QJ	
♣ 10853		♣ AKJ962	
	♠ 987643		
	♥ 3		
	♦ K752		
	♣ Q4		

West	North	East	South
			Pass
Pass	1♥	2♣	Pass
2NT	Pass	3♣(1)	Pass
3NT	All Pass		
(1) Break in tempo			

The Facts: 3NT made four, plus 430 for E/W. The Director was called to the table after West bid 3NT. The Director ruled that there had been a "short" break in tempo before East's 3♣ bid which could have suggested that 3NT by West would work better than passing. The Director changed the contract to 3♣ by East down one, plus 50 for N/S.

The Appeal: E/W appealed the Director's ruling. N/S did not attend the hearing. E/W stated that the break in tempo had been short, a maximum of 4-5 seconds. West also stated that the 3♣ bid indicated that East had at least six clubs and, from her point of view, that there would be eight or more tricks available in 3NT. E/W stated that the break in tempo could have suggested that East was thinking of passing 2NT. West stated that she thought a heart lead through the ♥KJ9 was more likely to defeat 3♣ than a heart lead up to her hand was to defeat 3NT. Besides, as a passed hand, she could hardly have more. In combination with East's long clubs and two-level overcall (not a preemptive bid) West thought 3NT was the correct bid.

The Committee Decision: The Committee unanimously found that there was a break in tempo. The statements from E/W and the Director suggested that the break in tempo was minor. The Committee did not believe that the break in tempo demonstrably suggested that East had wanted to bid beyond 3♣ as opposed to passing 2NT. The Committee agreed with West's argument that protecting the ♥KJ9 was likely to make 3NT a more successful contract than 3♣. The Committee decided that the information on which West based her 3NT bid was available from authorized sources and changed the contract to 3NT by West made four, plus 430 for E/W.

Chairperson: Bruce Reeve

Committee Members: Lowell Andrews, Bob Glasson, Ed Lazarus, Nancy Sachs

Directors' Ruling: 71.9 **Committee's Decision:** 79.6

I've said it before and it bears repeating, "Hesitations almost invariably accompany conservative rather than aggressive actions." While the Committee was correct that East's hesitation did not demonstrably suggest extra values (he could have been thinking about passing 2NT), the slow bid was far more likely to reflect a "heavy" 3♣ bid than whether to pass 2NT or play a safer 3♣ partscore. The present case differs from CASE EIGHT in its lack of mitigating factors, and that's exactly when the "Slow Shows" principle should be applied.

In CASE EIGHT, for example, West's hand argued strongly for the 2NT bid, and East's slow action had many more alternative interpretations. Here West's 3NT bid has far less going for it. For example, if East has ♠Jxx ♥x ♦Qxx ♣AKQxxx, even a heart lead which provides declarer her eighth trick won't be enough. If East has ♠AJx ♥xx ♦QJ ♣Axxxxx, again even a heart lead will not be enough if South can obtain the lead once in clubs. Yes, yes, I know that East's hand isn't good, but he does have a good potential source of tricks. With no compelling argument for West's final bid, and based on the "Slow Shows" principle, I would assign both sides the result for 3♣ by East down one (on a heart lead and two ruffs).

As for the Committee's decision, they may have been too influenced by their knowledge of East's heart length when considering West's argument. 3♣ is far safer than 3NT when East holds something like: ♠xx ♥x ♦KQxx ♣KQJxxx, or ♠QJx ♥xx ♦xx ♣AKQxxx. In addition, I think we need to be more consistent in deciding against those who take questionable actions which could have been suggested by their partner's hesitation. I may sound like Wolfie ("We need to penalize CD/HD out of existence"), but there's a difference here: it's not the hesitation that I want to punish; rather, it's the questionable action of the hesitator's partner. (It wouldn't hurt if players learned to make their bids in tempo, but I'm not going to hold my breath.)

The following panelists agree with me.

Rosenberg: "Disaster! A 'bad' huddle, and West flagrantly took advantage by 're-evaluating'. Why didn't West bid 3NT instead of 2NT? If West passed an in-tempo 3♣, and this was winning, there would be no possibility of redress. This is unfair. Plus 50 to N/S."

Rigal: "I agree with the Directors' ruling, which looks right on the facts. I wish they had told us how long they thought the pause was, though, since 4-5 seconds does not count, does it? If one is to adjust, I am a little surprised that the score was not that of 3♣ making, though perhaps declarer did misguess clubs a few times. Are you allowed to consult the travelers to see whether misguessing the play in 3♣ is at all likely? I think the Committee was being rather more generous to E/W than is normal in these positions. A slow 3♣ does suggest a choice between 3♣ and 3NT to me. Perhaps I am being a little cynical, but I think players at the table have a much better feel for this position than the Committee. I would have let the Directors' ruling stand."

3♣ won't make often. After South leads his singleton heart, North cashes his top two honors and gives South a ruff with the suit-preference eight. South leads the ♠9 back (North noting the fall of declarer's jack) and a fourth heart enables South to score his ♣Q.

Gerard: "Yeah, right. I can't even think of a 2♣ overcall that would pass 2NT, but I certainly can't imagine one that would have to utz about it. For example, if your standards allow 2♣ with ♠AQx ♥xxx ♦xx ♣AQ98x, what's the problem? ♠Ax ♥Qxx ♦xx ♣AQ9xxx? Do you really think so? What is the chance of taking exactly eight tricks in notrump? In practice 2NT is forcing and I wouldn't be surprised to find some partnerships with that

agreement. The change in the wording of Law 16 doesn't change the fact that East was overwhelmingly likely to be thinking about bidding beyond 3♣, as he was here. Since the normal meaning of 3♣ is extra length without enough hand or suit to bid 3NT, it's a lot easier for East to determine the length part of that equation than the strength part. How long do you think it would have taken East to bid 3♣ if he had ♠AJx ♥xxx ♦x ♣KQJxxx? The Committee would have done well to heed the time-tested proverb: huddles show extra values."

That's "Slow Shows." The remaining panelists were swallowing this one just like the last three panelists in CASE NINE — only this time the line and sinker aren't even palatable.

Bramley: "I agree. Once again, we must ask how much time must pass to constitute a break in tempo, as opposed to normal contemplation between two or more possible actions. Could we define 'perfect' tempo as 'long enough' not to indicate that the action chosen was automatic, but 'short enough' not to indicate that the decision was very close? In this case, where East has been given a choice of both level and strain, a 'short' break in tempo strikes me as not only normal, but mandatory. N/S were not trigger happy here. The initial Director call is acceptable (but not my style), but clearly they must have continued the call for 'justice' when the hand was over. Apparently neither N/S nor the Directors bothered to look at the E/W cards before making their decisions. The Director should have let the result stand. Then if N/S wanted to continue the assault by appealing, the Committee would have been justified in ruling 'no merit.'

Bart's definition of "perfect" tempo is "I know it when I see it." Of course Bart is right in principle, but his definition won't solve the problem at the table. If we experts can't agree on the correct decision for some cases (see CASE NINE), how can we expect others to have uniform perceptions of "long enough" and "short enough"? Can we agree with Bart that an appeal of a "result stands" ruling lacks merit? Is the length of the break important? Panel?

Brissman: "A good decision. My view regarding breaks in tempo is that either they occurred or they did not; the length of the hesitation is immaterial, because a long pause conveys no different information than a short one. Committees should investigate length only to resolve a disputed fact of whether one actually took place."

Weinstein: "I agree with the Committee. The huddle was minor and probably should not have constituted a short break in tempo in this sequence. The huddle was at least as likely to be from the consideration of passing 2NT."

Wolff: "A properly handled case. Small breaks in tempo sometimes are difficult to read and don't convey improper information."

Hmm. No help there. The last word goes to Larry.

Cohen: "Reasonable decision, but pretty close in my mind. A diamond lead (very possible) would probably beat 3NT."

CASE ELEVEN

Subject (Tempo): Same Old, Same Old
Event: Stratified Pairs, 01 Aug 97, First Session

Bd: 2	♠ AJ		
Dlr: East	♥ A82		
Vul: N/S	♦ AQ652		
	♣ K43		
♠ Q85		♠ K109762	
♥ KQ109		♥ 743	
♦ 93		♦ 84	
♣ AQ62		♣ 109	
	♠ 43		
	♥ J65		
	♦ KJ107		
	♣ J875		

West	North	East	South
		Pass	Pass
1♥	1NT	2♠	Pass(1)
Pass	3♦	All Pass	
(1) Break in tempo			

The Facts: 3♦ made three, plus 110 for N/S. The Director was called immediately after the hesitation. When the hand was over, the Director ruled that the table result would stand. Later in the session the Director sought out both pairs and informed them that, after consultation with other Directors, he was changing his ruling. The contract was adjusted to 2♠ by East made two, plus 110 for E/W (Law 16).

The Appeal: N/S appealed the Director’s ruling. N/S stated that South’s pause for thought was short and conveyed no information. North stated that he had bid 3♦ only because of the value of his hand. South thought there had been a slight break in tempo, not a long pause. Although N/S had played together for some time, South paused briefly to think about what a 2NT bid would mean, and then passed. When asked, all four players agreed that the pause was about 5 seconds, but was a clear break in the tempo of the auction.

The Committee Decision: The Committee decided that the break in tempo suggested that a bid by North could be successful. At unfavorable vulnerability, the Committee believed that a majority of players would have passed 2♠ with the North hand. The Committee considered the play in 2♠ and decided that eight tricks would most likely be won. The contract was changed to 2♠ by East made two, plus 110 for E/W.

Chairperson: Ed Lazarus

Committee Members: Lowell Andrews, Bob Glasson, Bruce Reeve, Nancy Sachs

Directors’ Ruling: 95.9 **Committee’s Decision:** 95.9

This was precariously close to a meritless appeal. Of course we don’t know the levels of the N/S players here (because of the nature of the event), so that decision is best left to the Committee’s judgment. I would like to see some comment on this aspect of similar cases in the future (e.g., “Had N/S been a Flight A pair, the appeal would have been judged to lack

merit. However, because N/S were in Flight C, education was preferred to punishment.”)

Weinstein: “Good ruling, lousy protest. In the words of a co-panelist, this was a ‘bad’ break in tempo as compared to the huddle of similar length in the previous case. This Committee write-up used the much better phrasing of ‘X seconds of pause,’ rather than ‘X seconds break in tempo,’ an example all Committees should follow except in their conclusions.”

Right. Try to get “all” anyone to do anything.

The next three panelists are obviously not being paid by the word. (Neither am I, but I’d probably have a difficult time convincing anyone of it.)

Bramley: “Yes.”

Rosenberg: “Okay.”

Wolff: “Another excellent decision.”

So maybe there’s not much to say about this case.

Cohen: “I pretty much agree with everything, but was surprised to see the unusual wording in the Committee Decision: ‘. . .the Committee believed that a majority of players would have passed 2♠ with the North hand.’ Since when did we change from ‘pass is a logical alternative’ thinking? The barometer is not supposed to be ‘the majority would pass,’ but, instead, ‘pass is a logical alternative that would be chosen by a number of the player’s peers.’”

And you thought you were going to get off easy on this one. If the criterion is that a call must be attractive enough that it would receive serious consideration, saying that a significant number of players (e.g., a majority) would have made it certainly meets (and exceeds) that criterion. The Committee didn’t say that a majority action was required for the bid (pass) to be imposed on N/S; only that in their opinion the bid was a majority action. There’s plenty to pick on Committees (and panelists) about in these casebook. Let’s save our ammunition for the important ones.

This time we’ll leave Barry the final word.

Rigal: “The revised ruling is clearly the correct Director ruling. The offence and the link is clear-cut enough not to need further comment. I do not believe that the pause in the auction produces all that obvious an indication that bidding 3♦ would be the right action. If partner has clubs and is weak you could be in big trouble. However, if you assume that the pass shows some sort of values, than I agree with the Committee’s decision. And in these situations I fear that most partnerships can read their partner’s tempo better than the Committee sitting in judgment on them. The Committee should have established what 2NT by South would have been — that impacts North’s actions on the second round.”

CASE TWELVE

Subject (Tempo): A Logical Non-Alternative — A New Standard?

Event: Red Ribbon Pairs, 03 Aug 97, Second Session

Bd: 7	♠ 9642		
Dlr: South	♥ 95		
Vul: Both	♦ QJ65		
	♣ 975		
♠ A1085		♠ 73	
♥ K10863		♥ AQ742	
♦ A8		♦ 1094	
♣ Q6		♣ K108	
	♠ KQJ		
	♥ J		
	♦ K732		
	♣ AJ432		

West	North	East	South
			1♣
1♥	Pass	2♣	Pass
2♥(1)	Pass	3♥	Pass
4♥	All Pass		
(1) Break in tempo			

The Facts: 4♥ made four, plus 620 for E/W. 2♥ was bid after a 20-30 second break in tempo. The Director was called after play had ended. N/S stated that the break in tempo had influenced the 3♥ bid. The E/W convention card showed that a cue-bid was forcing and that a jump cue-bid was a shapely limit raise. E/W did not state that 2♥ was forcing. The Director ruled that a pass of 2♥ (Law 16) was not a logical alternative for East and allowed the table result to stand.

The Appeal: N/S appealed the Director’s ruling. Both sides agreed to the length of the break in tempo. N/S argued that, after cue-bidding, pass was a logical alternative for East who had an eight-loser hand with no singleton and the ♣K in front of the club bidder. E/W stated that the cue-bid did not necessarily show a fit. West stated that she was unsure of what to rebid. She also stated “I frequently bid out of tempo.” East stated that since he had a three-and-a-half heart bid, he was obliged to make a game try even though E/W’s overcalls could be as light as 8 HCP.

The Committee Decision: The Committee decided that East’s fifth trump made the 3♥ bid acceptable and allowed the table result to stand.

Dissenting Opinion (Rich Colker): West’s hesitation clearly made East’s 3♥ bid more attractive. While the raise to 3♥ is reasonable (based on the fifth trump), that is not the standard for allowing such bids. When unauthorized information demonstrably suggests one call (3♥) over another (pass), we must consider the losing action (pass) and determine whether it is a logical alternative — that is, whether some number of the player’s peers would have seriously considered it had there been no unauthorized information. In this case, I believe that pass is clearly an action which some number of East’s peers would have chosen. Therefore, the contract should have been adjusted for both pairs to 2♥ by West made four, plus 170 for E/W.

Chairperson: Rich Colker

Committee Members: Jim Linhart, Dave Treadwell, (scribe: Michael White)

Directors’ Ruling: 48.1 **Committee’s Decision:** 56.3

The East hand looks close enough to a “shapely limit raise” that I would have chosen the jump to 3♣ over the actual sequence. If East planned to raise 2♥ to the three-level all along (since the cue-bid did not show a fit), why was the actual sequence chosen (no singleton?) What is the difference between the two auctions? East could not answer any of these questions satisfactorily, so I could not answer his prayers.

Another important question is, “Why did the Director rule this way?” Inquiring minds want to know. Is this an application of the “other” (Larry) Law?

Gerard: “E/W’s methods were not fully explored. What would they do with a balanced limit raise? If not 3♥, then either 2♣ showed a fit or their system was impossible. Since 2♥ was not claimed to be forcing, 3♥ directly could not have been a limit raise — probably it would have been preemptive. Maybe E/W were playing that 2♣ showed either a fit or a forcing takeout to a new suit, but in that case West rebids as if opposite a limit raise. Either way East had already shown his hand, the fifth trump notwithstanding. The majority showed that it could count but little else. They must have thought their mandate was to enforce the Law, not the Laws.

“The dissent was correct, of course, and more restrained than I would have been. I would have thrown in a few references to self-serving comments (I particularly like ‘I frequently bid out of tempo’), but the bottom line is that E/W’s methods didn’t support the 3♥ bid and neither did the laws.”

He thinks the “other” Law was involved, too. Let’s ask the ultimate authority.

Cohen: “First, why did the Director rule that ‘a pass of 2♥ was not a logical alternative’? Why not? The Director is supposed to disallow and let the Committee overturn. Why couldn’t West have ♠Qxx ♥KJ10xx ♦Qxx ♣Qx? (Even 2♥ is in jeopardy opposite that ten-count). Next, the appellants’ wording is starting to get sickening to me (or maybe reading and commenting on all these cases is getting to me!) What kind of self-serving nonsense is ‘I frequently bid out of tempo’? Then, East states he had a 3½ heart bid? (See the example West hand above.) Lastly, I don’t agree with the Committee’s decision. While I would routinely allow East to compete to 3♥ if South balanced over 2♥, I would not let East try for game over the slow 2♥. Over a prompt 2♥ it’s hard to imagine that game is likely. The dissenting opinion, while not harshly worded enough for my accusatory mind, is the way I think the Committee should have seen this.”

Apparently not even the “other” Law was applied correctly here. Additional support for the dissenting opinion came from several other panelists.

Bramley: “I agree with the dissenter. The Committee’s description of the 3♥ bid as ‘acceptable’ is unacceptable. To allow the 3♥ bid must be almost automatic, which certainly is not.”

Rigal: “What a truly appalling pair of decisions! I am shocked by both of them. The

Director’s ruling is especially gross. Of course passing 2♥ with a working six-count is a possible option — what on earth suggests it is not? As Colker says, the other Committee members seem to have been in a world of their own here. Supporting 3♥ as a semi-preemptive measure is one thing, but to claim this East hand has extras is living in cloud-cuckoo land. I find this action especially offensive and am amazed by the Committee. Let’s get some re-education here for the Committee team!”

Rosenberg: “Right, Rich! To huddle and bid 2♥ is very ‘bad’. In response to West’s statement that she frequently bids out of tempo, I would say ‘Stop it!’”

The next three panelists think the majority view is correct — at least in the present event.

Wolff: “In an expert game I agree with Colker’s dissent, but in this event I have sympathy for the majority decision.”

Treadwell: “Without the break in tempo, the East hand would surely have bid 3♥. Hence, one cannot allow East to pass because of the break in tempo.”

Brissman: “Starting with the assumption that all the Committee members understood and applied the standard so eloquently stated in the dissent, this case turns on bridge judgment. I side with the majority.”

You know what they say about assumptions?!

And finally, a bit of Christmas mirth in support of the minority Committee (and panelist majority) opinion.

Weinstein: “A special award for West for the statement ‘I frequently bid out of tempo’ as an attempted defense. In the future may I suggest, Mr. Editor, various remedies when you are unable to bring the rest of your Committee to sanity (I offer 12, one for each day of Christmas when this is being written):

1. Since you live in the D.C. area, a filibuster.
2. Committing the rest of the Committee.
3. Making the Committee write the definition of LOLA 100 times.
4. Borel simulations.
5. Asking them to show where in the Laws of Duplicate Contract Bridge is the Law of Total Tricks.
6. Require the Committee to post a \$50 deposit.
7. Electro-shock therapy.
8. A very large gavel to be used for any constructive purpose.
9. Requiring the Committee to reread all previous casebooks.
10. A megaphone.
11. Forcing them to do the Committee decision part of the write-up with their own explanations.
12. Making them read each of their 100 written LOLAs.”

Subject (Unauthorized Information): I Don’t Know What — But It Must Have Meant Something

Event: Life Master Pairs, 25 July 97, Second Session

Bd: 29	Brad Moss
Dlr: North	♠ A82
Vul: Both	♥ KJ4
	♦ QJ43
	♣ K97
Kumar Bhatia	Phil Becker
♠ K7	♠ QJ964
♥ A73	♥ Q108
♦ 98	♦ A752
♣ AQ8642	♣ 10
	Elizabeth Reich
	♠ 1053
	♥ 9652
	♦ K106
	♣ J53

West	North	East	South
	INT(1)	Pass	Pass
2♣	Pass	2♠	All Pass
(1) 15-17 HCP; could be 14+ HCP			

The Facts: 2♠ made three, plus 140 for E/W. West fumbled with the pass card and then bid 2♣. The Director ruled that the table result would stand because the fumble did not suggest the 2♠ bid over any other alternative.

The Appeal: N/S appealed the Director’s ruling. North did not attend the hearing. On the first board of the round, the auction came fairly quickly to West, who was still distracted by a bad result on the previous round. She somewhat absentmindedly reached to the front part of the bid box and fingered the pass card, lifting it a bit, but not out of the box. East said that he could not see which card West had fingered. West then asked about the range of the INT bid. The 2♣ bid was natural. South maintained that pass was a logical alternative for East and that the infraction should limit East’s choice of bids.

The Committee Decision: The Committee believed West’s statement that her actions with the bid box were those of a player who had not yet considered her bid. This was an infraction. Acting in such a way may transmit considerable information. The Committee evaluated the infraction, the information, and East’s action. While the Committee believed the infraction to be bad, the information it transmitted was minimal. The Committee and the players agreed that the 2♣ bid was clear-cut. If fingering the pass card suggested bidding over 2♣, then West’s hand did not comport well with that suggestion. The Committee decided that the information conveyed by the infraction was incidental and not substantive. The Committee allowed the table result of 2♠ made three, plus 140 for E/W, to stand. They were ambivalent about whether this type of decision should be based on the quality of the 2♠ bid. 2♠ was a good bid and had a very good matchpoint rationale to support it. There was some division within the Committee about whether 2♠ would have been allowed if the unauthorized information present had been more substantial. The standards for permitting such a bid are

high.

Chairperson: Michael Huston

Committee Members: Bobby Goldman, Bill Laubenheimer, Carlyn Steiner, Jon Wittes

Directors' Ruling: 85.2 **Committee's Decision:** 83.3

This was another excellent decision, but why did the Committee not consider the merit of this appeal? There is no conceivable line of logic by which West's manner in bidding 2♣ could have suggested East's 2♠ bid. Appeals of this sort should not be encouraged. Failing to penalize this one may do just that.

I'm having trouble understanding what the Committee meant by their final conjecture about "whether 2♠ would have been allowed if the unauthorized information present had been more substantial." Unauthorized information is dependent on and specific to the nature of the information present — not the amount. Extraneous information which suggested East's 2♠ bid would have created an entirely different situation than simply more non-specific "noise" stemming from West's confusion or preoccupation with the results from the last round.

Agreeing with me about the Committee's decision and the merit of the appeal were. . .

Bramley: "Despite the Committee's lengthy debate, this appeal had no merit. While it is obviously bad form to fumble with the bid box, here the fumble sent no useful information and may have even contra-indicated the winning 2♠ bid. This should have been apparent to N/S. Keep the cash."

Rigal: "The Director and the Committee both appear to have followed a chain of reasoning that I agree with (although I am not sure how much it is supported by the rules) that since West's 2♣ bid is clear-cut on his hand, his actions were clearly accidental. As such, East should be held to lower standards of care than otherwise. The Committee have higher opinions of the bridge merits of the 2♠ bid than some might, but I am happy with it."

Not mentioning the appeal's merit, but still agreeing with the decision, were. . .

Cohen: "I agree 100% with this decision. Everything stated in the Committee Decision seems to be well thought out and well-reasoned. For a change, I'm finally a fully satisfied consumer."

Treadwell: "The fumbling with the bid box cards, a very bad practice, did not, as the Committee decided, convey any useful information in this case. Hence, the 2♠ bid was allowed. A good decision."

Wolff: "Superior reasoning for this decision."

The last two panelists find fault with the Committee's decision — or at least with their write-up.

Rosenberg: "This write-up seems biased. West's hand does want partner to bid over 2♣ (not good spots, good high cards, no misfit). North also told me that West asked several questions,

which is inconsistent with the write-up's statement that West was distracted. I don't know about East's bid. Often West might be trying to remember what convention she is playing, which conveys little information. That does not appear to be the case here, however."

If North had concerns about the Committee being properly informed of West's actions, then perhaps he should have found the time to attend this hearing. He was, after all, in the next room, having agreed to serve on another Committee.

Weinstein: "I tend to disagree. Even if East can't tell about West's original intent, there is still the unauthorized information that West was unsure about bidding 2♣. A very slow 2♣ could suggest that 2♠ would work, since the huddle makes it less likely that West has a good, long club suit, and pass is certainly a logical alternative. Fumbling with the bidding box is a bad enough infraction that I would tend to rule against the offenders if the decision was close. Again, the Committee could have chosen to rule against both pairs (see CASE TWO). Sometimes ruling against both pairs eliminates ruling for one side because of a distaste for giving the other side the reciprocal score. I can understand why the Committee might not wish to provide N/S with a windfall, and might therefore rule for E/W. This shouldn't be a consideration, and doesn't have to be a consideration any more.

"I don't understand what 'the standards for permitting such a bid are high' means in this context."

Neither did I, Howard.

Since there is no need to award reciprocal scores, and every legal reason not to in many cases (and always has been — in spite of Howard's belief that this just developed recently), I don't think Committees generally fail to make the appropriate decision for one side because they don't want to be forced to give the reciprocal result to the other side. If Howard is correct and some (many?) decisions are being made for this reason, then this is even more reason why those serving on our NABC Committees need to become more familiar with proper appeal procedure and the laws. As I have suggested before (closing comments, "A Call to Arms," in *The Streets of San Francisco*, Fall, 1996) and undoubtedly will again, more attention needs to be given to training NABC Appeals Committee members by making them committed para-professionals and having them work together in organized teams, much like officials do in pro sports. There is no better way to increase both their proficiency and their consistency.

CASE FOURTEEN

Subject (Unauthorized Information): When Is Two-Over-One Game Force Not A Game Force?

Event: NABC IMP Pairs, 01 Aug 97, First Session

Bd: 23 Rick DeLogu Dlr: South ♠ AQ986 Vul: Both ♥ 984 ♦ AQJ4 ♣ 2 Mel Elgundy Mark McCarthy ♠ J73 ♠ K105 ♥ 52 ♥ QJ6 ♦ K763 ♦ 52 ♣ 9863 ♣ AK1054 Tony Reus ♠ 42 ♥ AK1073 ♦ 1098 ♣ QJ7	
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West	North	East	South
			Pass
Pass	1♠	Pass	2♥(1)
Pass	3♥	Pass	4♥
All Pass			
(1) Alerted; game forcing			

The Facts: 4♥ made five, plus 650 for N/S. The Director was called to the table at the end of the auction and he instructed that play continue. When he was called back at the end of play, he ruled that, even though the 2♥ bid was not Alertable, passing 3♥ was not a logical alternative for South and allowed the table result to stand.

The Appeal: E/W appealed the Director's ruling. E/W stated that, since North had Alerted 2♥ as game forcing and then raised to 3♥, South's 4♥ bid was made easier and pass was a logical alternative. North admitted to some confusion in Alerting 2♥ and claimed that the partnership played that 3♥ was game forcing if partner was an unpassed hand. South did not seem certain that this was their agreement.

The Committee Decision: The Committee decided that North's statement that 3♥ was forcing was self-serving and not relevant. The Committee agreed that, vulnerable at IMPs, a majority of players would bid 4♥ with the South hand. The Committee did not believe that this would necessarily be true at matchpoints or non-vulnerable. After considerable time and discussion the Committee unanimously decided to allow the table result of 4♥ made five, plus 650 for N/S, to stand.

Chairperson: Bill Passell

Committee Members: Michael Rahtjen, Peggy Sutherlin

Directors' Ruling: 51.9 **Committee's Decision:** 51.9

The issue is not whether a majority of South's peers would bid 4♥ with the South hand,

but rather whether some number of South's peers would seriously consider passing 3♥. The South hand is rather barren looking, with good trumps but not much else to recommend it. It is devoid of useful distribution (even its doubleton is in North's suit) or controls. While North could hold a minimal hand which would provide a reasonable play for game (e.g., ♠AKxxx ♥Qxx ♦xx ♣Kxx), he could also hold a hand rich in high cards which would not provide even a marginal play for game (e.g., ♠QJxxx ♥QJxx ♦Qx ♣AK). Also, while the vulnerable game bonus swings the odds in favor of bidding game (all other things being equal, at IMPs), plus 140 is still a better score than minus 100, 200, or 500 (should North produce an unfortunate holding such as ♠Q10xxx ♥xxx ♦Kx ♣AKx, and West double) — even at IMPs.

Since there is no compelling reason to believe that North's raise to 3♥ is forcing opposite a passed hand, he would normally be expected to bid 4♥ with a hand that would produce a good play for game opposite as little as ace-king-fifth of hearts and out (such as the one he held). North's Alert of 2♥ as game forcing clearly suggested that South's passed-hand status had escaped him, and provided South with unauthorized information that North might have raised to only 3♥ with game-going values, expecting (wrongly) that South must bid again. This "demonstrably" suggests that bidding game with the South hand is more likely to succeed than passing.

I would say that passing with the South hand is a majority action, and therefore one which some number of South's peers would have seriously considered. So I would not allow South's 4♥ bid and would adjust the score for both sides to plus 200.

Now, do you think I can get anyone to agree with me? You betcha, and with a vengeance.

Cohen: "The opposite of my opinion on the previous case. This is the worst Committee decision of the tournament, maybe of the year, maybe in the history of bridge. Where do I begin my tirade?"

1. Why did the Director allow the table result to stand? Why did he state that 'passing 3♥ was not a logical alternative?' Not only was it a logical alternative, it was the only alternative! South clearly intended 2♥ as non-forcing. Two hearts by a passed hand is typically about a 10 to 11 count. South had nothing special and no reason to raise a presumably (without the unauthorized information) invitational 3♥ to game.
2. The last line of the appeal says, 'South did not seem certain that this was their agreement.' So South admits that he had no intention of his 2♥ bid being game forcing. Therefore, the only reason he could possibly have for bidding again was the unauthorized information.
3. The Committee Decision says 'a majority of players would bid 4♥ with the South hand.' *Ay caramba*. I don't think I could find one player, no less a majority, that would bid 4♥, especially given the ethical constraints.

I can't wait to see the write-up of this one — maybe I'm missing something. I hope E/W are reading this, so that they can regain some of their sense that the bridge world hasn't all gone mad."

Would someone please make sure that a medical team is standing by. We wouldn't want Larry to be overcome by an attack of apoplexy. Calm down, you're right. And so are. . .

Weinstein: "I strongly disagree. South knows that 3♥ was intended as forcing, which is clearly material unauthorized information. I don't believe that a majority of Souths would bid

4♥ with the South hand (6 IMPs is still 6 IMPs) after their partner, also playing IMPs, couldn't find a 4♥ call. South can't have much less for his 2♥ call, and can have a lot more shape. In any case, a 'majority' (at least for the offending side) has absolutely no relevance; it's whether some number of South's peers would have selected a pass. The result for both sides should be adjusted back to 2♥."

Bramley: "I disagree. The Committee apparently determined that South had unauthorized information, although they do not say so explicitly. Then, the standard for allowing South's 4♥ bid is much higher than what 'a majority of players' would do. Since at least a significant minority would pass, 4♥ cannot be allowed. (I would pass myself unless I had an explicit agreement that the auction were forcing. The hearts are strong, but the shape is awful.) Even vulnerable at IMPs players sometimes pass invitations. Also, North created this problem by not bidding 4♥ himself when it was the only possible contract. By the way, two-over-one game force is no longer an Alert anyway, right?"

The initial two-level takeout is not Alertable, but a rebid by responder that sounds non-forcing (such as 2NT, or three of his first suit) is Alertable if it is forcing.

Brissman: "I don't agree. If 2♥ was only a one-round force, then 3♥ would be the weakest call available with a fit. However, if 2♥ was a game force, then the 3♥ call was unlimited. South persisted with an eight-loser hand; his decision could have been assisted by the inference of potential additional strength."

Rosenberg: "Don't agree. North invented his agreement, and should have bid 4♥. Maybe he forgot partner was passed. I would rule plus 200 for N/S."

Gerard: "Well, if you ask the wrong questions you get the wrong answers. South either was playing forcing notrump or he wasn't and the Committee (a) misinterpreted North's statement, (b) accused the wrong player of making self-serving statements, (c) stepped out of a time machine and then (d) rewrote the 75% rule to become a 50% rule. On my Committee scorecard that's Four Strikes and You're Out, and I don't have any problem throwing the book at them (see CASE SIXTEEN).

"North was apparently correct that 3♥ would have been forcing on an unpassed South. For South to have denied that when playing 2-over-1 was not only self-serving, it was a blatant misuse of unauthorized information. It made it seem as if the Alert did not demonstrably suggest bidding 4♥ when it clearly did. I would have assessed a procedural penalty.

"The Committee decision itself would be funny if it weren't so pathetic. Just read Law 16 and tell me how South could do anything but pass. The dissent in CASE TWELVE could have been written about this case, with just a few twists and turns in the facts."

Thanks, counselor. That about wraps it up for the prosecution. Now, for a prosecution of another sort. Larry, please don't read the following. We wouldn't want the next three panelists to be responsible for jeopardizing your health. "Medic!"

Rigal: "Although I agree with the results, I do not like the way the decision was reached. The question is whether South should be allowed to bid 4♥ given the possible additional information available to him. But the point is that in 'normal' bridge where 2♥ is non-forcing

by a passed hand, North's 3♥ bid implies extras (else he passes). So South actually knew less by virtue of the information than he would have otherwise. That makes his decision to bid 4♥ one that the Committee and Director can't impugn."

If you pass 2♥ to show no extras, bid 4♥ to get to game, make some other forcing call (such as a new suit) to investigate slam, then how do you invite game? Tick, tick, tick. . . Right, you bid 3♥. So South was obligated to simply bid his own hand opposite his partner's "known" invitation. So on what basis could he justify carrying on to game with his lifeless collection? Buzz. Answer: he couldn't.

Now Barry is quite correct that North's Alert announced that 3♥ could have been intended as anything: forcing, invitational, or no extras (since North believed that both he and South were forced to bid again). He is also correct that South therefore knew less about North's hand than he would have without the Alert. However, South was still obligated to bid his own hand as he would have opposite an invitational raise. So what could have suggested to South that he should bid on? Could it be that this was IMPs, and that the odds are roughly 10-to-6 in favor of bidding game given the added uncertainty created by North's Alert? This is because N/S would pick up 10 IMPs for bidding a vulnerable game as opposed to failing to bid it if North intended 3♥ as forcing; but they would lose 6 IMPs if they went down in game as opposed to playing a partscore if North intended 3♥ as invitational or less. (I have assumed, for simplicity, that 4♥ would always make opposite a forcing raise and go down one opposite an invitation or less. The odds would change under other assumptions. For example, if game makes opposite a forcing hand but all contracts go down opposite invitational or less hands, then the odds would be roughly 10-to-3 in favor of bidding — assuming no doubles.)

So Barry is correct in pointing out that North's Alert creates added uncertainty — which none of the other panelists picked up on. (Good job.) But the conclusion he reached based on his perceptive analysis is as flawed as the Committee's decision.

Treadwell: "It is difficult to understand how a passed hand can make a game forcing two-over-one bid unless they play a weird system. The bid should not have been Alerted and the other three players at the table should have known that. A good decision."

Is it really so difficult to see that the issue is not the misinformation from the Alert, but rather the unauthorized information from it? Maybe reading the case's Subject would have helped? But if you think Dave's interpretation is hopeless (his nickname isn't "Hopeless Senior" for nothing), then try the next panelist.

Wolff: "I don't see North's Alert meaning anything. A nothing case."

Nothing. Hmm. First "Sleepless in Seattle"; now "Clueless in Albuquerque."

CASE FIFTEEN

Subject (Unauthorized Information): Two “Wrongs” Sometimes Make A Right

Event: Thursday-Friday Bracketed KO, 01 Aug 97, First Session

Bd: 8	♠ KQ104	
Dlr: West	♥ A	
Vul: None	♦ QJ83	
	♣ A752	
♠ AJ9632		♠ 87
♥ 76		♥ KQ1053
♦ K92		♦ A765
♣ J3		♣ K10
	♠ 5	
	♥ J9842	
	♦ 104	
	♣ Q9864	

West	North	East	South
2♦(1)	2NT	Pass	3♦
Pass	3NT	All Pass	
(1) Alerted; Multi			

The Facts: 3NT made three, plus 400 for N/S. South’s 3♦ bid, intended as a transfer to hearts (the N/S agreement), was not Announced. After North’s 3NT bid and East’s pass, South began to reach for his bid box. As his hand hovered over the box, North suddenly interrupted the auction by stating that she had forgotten to Announce South’s 3♦ bid, which had been a transfer. South then passed and E/W called the Director. E/W maintained that, prior to North’s belated Announcement, South had been reaching for a bid in the back section of the bid box; after the Announcement, South produced a pass. The Director allowed the play to continue. After a less-than-reasonable defense, the contract was made. The Director ruled that North was required to correct her omission as soon as she noticed the error (Law 75D1), and that South was not entitled to act on the basis of the extraneous information. While North’s correction “may” have prevented an infraction on South’s part, there was no unauthorized information present (Law 16). Because of this, and the fact that 3NT made because of E/W’s own defensive negligence, the table result was allowed to stand.

The Appeal: E/W appealed the Director’s ruling. They stated that South had clearly intended to pull a bid from the rear section of the bid box (his hand was poised directly above it) and North’s correction prevented him from doing so and taking 3NT out to a less favorable spot. After the correction South then asked, “And you bid 3NT?”, to which North responded affirmatively. South then passed.

The Committee Decision: The Committee decided that North’s correction of her earlier omission was required by law, and that she could never be in jeopardy for doing so when she became aware of her error. While E/W might have suspected South’s intentions to take out 3NT from the manner in which he reached for his bid box, there was no evidence that this was his intent. Furthermore, even had his intention to do so been clear, there was no unauthorized information to prevent him from changing his mind. The Committee believed that it would be improper (and unlawful) to suggest that South should be forced to commit an infraction (i.e. pull 3NT based on North’s failure to Announce that 3♦ was a transfer) for

any reason. Therefore, and because E/W’s defense was the proximal cause of their poor result, the Committee allowed the table result to stand for both sides. N/S were informed that they were each obliged to bid their hand at all times as if partner had properly Announced and explained all of their bids, and that any failure to do so could lead to score adjustments or disciplinary penalties.

Chairperson: Rich Colker

Committee Members: Nell Cahn, Ellen Siebert

Directors’ Ruling: 88.1 **Committee’s Decision:** 88.9

The reader should bear in mind that this appeal occurred in one of the lower brackets of this KO. E/W were inexperienced and clearly ignorant of the issues surrounding such an appeal. Having said that, I should point out that this is exactly the sort of appeal which I have spoken out against for quite some time as being distasteful, unsportsmanlike, and generally bad for bridge.

E/W were informed at the hearing of the Committee’s view about the inappropriateness of such appeals. I refrained from putting this in the write-up at the tournament, in part because of the pair’s naivety, but also because I felt that a statement of admonishment appearing in the Daily Bulletin might publicly embarrass the pair. (Even though their names do not appear in the write-up, their friends knew that they had brought the case.) Thus, I opted for discretion. I am now somewhat embarrassed to discover that I have forgotten to include in my write-up for this casebook the original statement about the education offered the E/W pair.

Nevertheless, I think it is appropriate that the Committee (and myself in particular) goes on record here as repudiating this appeal and others of its sort. Had this been an experienced pair, I hope that the appeal’s merit would have been dealt with in a more severe fashion.

Weinstein: “Unless thinking about doing something unethical is an infraction, this is a clearly correct decision. There is no real basis for the protest, but the hand could be recorded.”

Cohen: “Reasonable decision. However, I’d like to know how 3NT made — the defenders are still obligated to play bridge. I suppose that given the decision, it’s no longer relevant. But if the decision was that 3NT was not allowed, then it would become relevant how the defenders defended. They are not entitled to get complete exemption from ‘not continuing to play reasonable bridge.’ For example, E/W huddle their way to some probably ‘unethical’ spot; now, N/S can’t take a stab at, say, 7NT, and hope to get full redress. Here, E/W might have been expecting redress, but they still have to put up some sort of reasonable defense to 3NT.”

Bramley: “I agree. North’s Announcement was poorly timed but required. In theory, East could have reconsidered his action at that point because South had not yet bid, although that was very unlikely on this auction. If I had been South I wouldn’t have had any idea whether sitting or pulling was right, regardless of the information I had. I wish the Committee had told us how the defense went, because certain misdefenses are less negligent than others, e.g., spade to the ace followed by three rounds of diamonds.”

Sorry Bart, but an account of the defense was “unavailable” beyond E/W’s admission that they misdefended. As Larry pointed out correctly, once the 3NT bid is allowed, the play is really irrelevant to the decision (the table result must stand), except as a point of curiosity. Had 3NT been disallowed (again as Larry correctly pointed out), then E/W’s right to redress would depend on their having continued to play reasonable bridge for their skill level.

Rigal: “I do not like this decision. The facts as stated seem to indicate that South was about to bid, and that (taking the worst view of North’s behavior) she decided to correct her partner’s projected action by announcing late. Once North had failed to Announce promptly, should she not wait till the end of the auction anyway, to avoid just this sort of position? [No. North must by law correct her omission as soon as she becomes aware of it. — *Ed.*] I can just about agree with letting E/W keep their bad score for letting 3NT make (I’d like more details, but I can imagine some non-gross defenses that achieve this). But should N/S benefit from some potential skull-duggery? (What did 3NT mean here, or should it have meant? A transfer break with good hearts?) I’d need some persuading to let them keep their 400.”

One cannot claim skull-duggery when N/S obeyed the letter of the law. Whatever North’s motivation for correcting when she did (as opposed to later), she may not purposefully violate the law.

Rosenberg: “Two points here. North should not correct her omission if her realization comes as a result of unauthorized information. And if N/S had committed an infraction, the E/W defense would have been irrelevant.”

That’s correct, Michael.

Wolff: “Reasonable decision, except perhaps a 1-IMP procedural penalty against N/S for the failure to Announce. However, when opponents are playing relatively new conventions (Multi) their opponents should be given more leeway than usual.”

We try to educate rather than punish players from the lower flights. But even in higher flights, a procedural penalty is only indicated if the infraction is egregious, part of a persistent pattern, or the pair/player is otherwise resistant to the correction.

Subject (Unauthorized Information): Another Type Of “Multi”

Event: NABC IMP Pairs, 1 Aug 97, Second Session

Bd: 8	John Jones
Dlr: West	♠ AQJ32
Vul: None	♥ A1087
	♦ ---
	♣ K954
Greg Gault	John Schwartz
♠ K87	♠ 954
♥ Q5	♥ K942
♦ A98642	♦ Q5
♣ 32	♣ AQ107
	Howard Ginberg
	♠ 106
	♥ J63
	♦ KJ1073
	♣ J86

West	North	East	South
2♦(1)	2♠	3♥	All Pass
(1) Alerted; explained as Flannery			

The Facts: 3♥ went down four, plus 200 for N/S. West’s 2♦ opening was Alerted and explained as Flannery (the partnership agreement); West subsequently passed East’s 3♥ bid. The Director was called at the end of the auction, when West announced to the table that he had forgotten his agreement. The Director allowed play to continue. The Director examined the E/W convention card and found that the E/W agreement was that 2♦ was supposed to be Flannery. The Director considered West’s action in passing 3♥ in light of the unauthorized information from East’s Alert and explanation. Based upon the assumption that 3♥ might be considered a forcing bid, the contract was changed to 3NT by West down five, plus 250 for N/S.

The Appeal: N/S appealed the Director’s ruling. They contended that a 4♥ bid by West was a more likely action than 3NT. Had West bid 4♥ North would have doubled, and since 3♥ went down four at the table, 4♥ doubled would have gone down five (minus 1100). West stated that he was playing Flannery for the first time and had simply forgotten his agreement. Once his partner Alerted, he realized his obligation was to bid as though he still believed 2♦ to be natural (his usual methods). Since he treated competitive bids after a weak 2♦ opening, such as East’s 3♥ in the current auction, as non-forcing in all of his other partnerships (although new suits would be forcing after a major-suit weak-two bid), and since he believed his hand had decreased in value due to North’s spade overcall and was not as good as it might have been for a heart contract, he passed. West also stated that he agreed with N/S that, had he bid, 4♥ would have been his clear preference over 3NT.

The Committee Decision: The Committee determined that Flannery was the E/W agreement for an opening 2♦ bid and that West had simply forgotten. They also believed that, without discussion, West could reasonably have viewed 3♥ as forcing (in spite of his agreements

with his other regular partners), and he was therefore obliged to treat it as such. Holding the ♠A, ♥Qx, and a potential ruffing value in clubs the Committee members believed that West's hand was well above expectation in support of hearts, making a raise to 4♥ clearly superior to 3NT. While a subsequent double of 4♥ by North was not viewed as ironclad, it was considered to be an overwhelmingly likely majority action. Based on this analysis, and after consulting with one of the National Appeals Committee's Co-Chairs (Jon Brissman), it was decided that 4♥ doubled by East would have been the likely final contract. Based on the result at the table, the contract was changed for both pairs to 4♥ doubled down five, plus 1100 for N/S.

Committee's Supplementary Comment (Rich Colker): The Committee members agreed unanimously that 4♥ doubled would have been the likely result had there been no infraction, and the laws required that the score be adjusted accordingly for both sides. At the same time, however, we wished that the laws afforded us the option of assigning some other score (one intermediate between the table result, plus 200, and the likely result, plus 1100) to the non-offenders, since plus 1100 seemed disproportionate to N/S's perceived equity on the board. The Committee sought counsel regarding its options in this matter, but was advised that the Board of Directors and the Laws Commission have both made it clear that the new Law 12C3 (allowing a Committee to use "equity" to guide their assignment of an adjusted score) shall not apply in the ACBL. Since, in the Committee's opinion, only 4♥ doubled met (and, in fact, exceeded) the standard for being considered a "likely" result (no other result came even close), we believed that we could not, in good conscience, avoid assigning this result to N/S. (Had we been willing to falsely claim that we could not determine a "likely" bridge result on the board, we could have assigned N/S an artificial adjusted score of, say, Average Plus).

It seems wrong that Committees should be faced with the choice of either assigning scores which they believe to be inequitable or distorting their judgment of the bridge results. This is similar to a jury, in our criminal justice system, having to decide on a verdict for a defendant they believe to be guilty when they know that the law mandates an exceedingly harsh penalty for a guilty verdict and denies the judge the right to use discretion in sentencing. (So-called "Three Strikes and You're Out" laws are an example of this.) The Committee therefore wishes to petition the Board of Directors and the Laws Commission to reconsider allowing ACBL Appeals Committees the right to use Law 12C3 to "vary an assigned adjusted score in order to do equity." This would create greater latitude for Committees to exercise their judgment in assigning adjusted scores (particularly, for the non-offenders), resulting in avoiding the type of unnecessary dilemma faced by this Committee.

Chairperson: Rich Colker

Committee Members: Nell Cahn, Corinne Kirkham, Ellen Siebert, Judy Randel

Directors' Ruling: 63.0 **Committee's Decision:** 79.6

This was a tremendously difficult case, and we agonized over our decision well into the wee hours of the morning. Had it not been for the chance of our decision affecting the BOD's policy disallowing the use of 12C3 in the ACBL, we might have opted for the intellectually dishonest (but more "practical") solution of assigning N/S a score such as plus 250 (the likely result in 4♥ undoubled, down five). The result we assigned is clearly the one prescribed by our laws — as unfortunate as that may be in this case.

The supplementary comment came under fire from one of the panelists (actually, I

expected more). But first, a word from our sponsor (consultant) and supporters.

Brissman: "Judicial activism has no place on appeals Committees, so it was entirely appropriate for the Committee to decide as it did and then communicate their distress in a supplemental comment. Our role as Committee members is to enforce the laws, rules and regulations promulgated by the Laws Commission and the sponsoring organization. I favor 'bright line' standards that restrict the latitude allowed Directors and Committees, because such guidelines lead to more consistent, reproducible rulings. If the bridge legislators see fit to expand the latitude, I hope they do so narrowly and within well-defined parameters."

Rigal: "The Directors might well have assigned some Average Plus/Average Minus result here in view of the follow up. It does look hard to work out what might have happened here. The Committee worked very hard here. I can accept their view that 3♥ creates a force, although it is arguable that this hand would not move facing an invitational 3♥ with a wasted ♠K. That being the case, I think the decision they came to is the only one permitted, and I agree that it seems wrong for them to have no options here."

Rosenberg: "Sorry, Rich, I don't see the problem with plus 1100 for N/S. Why are they denied the right to the score they might well have achieved against a West who properly raised what should have been a forcing 3♥ bid? For many years it has been considered 'unlucky' to encounter this sort of situation at the table. Let's reverse that trend."

Treadwell: "The Committee had no choice but to decide as they did, but I am not sure I agree with the supplementary comment by the Chairman to petition the Board of Directors and Laws Commission to grant Committees the right to use judgement in the assigning of adjusted scores. The revoke penalty, for example, sometimes inflicts an unduly harsh penalty on the offenders. Should a Committee be allowed to assess a lesser penalty in these cases?"

The Committee wasn't asking for any right not already in the laws. Law 12C3 is on the books. We are simply asking for the same right the rest of the world has to use it in those cases where it is appropriate. After all, it is only through an "exceptional" action of our BOD that we have been denied that option. This is totally unlike the revoke situation that Dave cites as an analogy. It would be inappropriate (and illegal — Law 12B) to ask to be allowed to modify a penalty prescribed by law just because we thought it was unduly harsh or lenient.

Weinstein: "The Director correctly disallowed the pass of 3♥, and then imputed the call of 3NT, which would be my choice with the West cards. However, it does seem reasonably likely that East would correct to 4♥ with only ♠Qx, putting E/W in number country again. Though the decision leaves a bit of a bad taste, I agree with the Committee and especially with our editor's supplementary comment. However, I would add a caveat in the petitioning of the Board of Directors and Laws Commission, that Law 12C3 should be amended to provide the Directors with the same latitude that it now provides only to Committees. Directors and Committees should not be operating under a differing set of Laws as is now the case for those national/zonal organizations that have adopted 12C3.

"The other issue is whether Law 12C3 should only be generally applied to the non-offenders as is my view and seemingly our editor's view. It is my impression that it is being applied to both sides where it is in use. However, I do believe that Law 12C3 should be applied to the offending side in cases other than unauthorized information, where equity is

a stronger concern.”

The next revision of the laws will occur in about ten years, so amendments to the laws at this point in time are pretty moot. On the issue of whether Directors should have the same right under Law 12C3 as Committees, there is little justification for enabling Law 12C3 as it is presently written. In essence, it gives the power to make “correct” score adjustments (those requiring 12C3) only to Committees (not Directors). Why should players have to appeal a ruling simply to obtain justice? Directors must have the power to make correct rulings. The issue of whether 12C3 should be applied to the offending as well as the non-offending side is a more difficult question. Suffice it to say that it is my belief that equity is (almost?) never a concern with respect to the offenders; they should receive the most unfavorable result that was at all probable. But I’m willing to listen to arguments to the contrary. Perhaps, if Howard will write up his ideas on this matter more detail, we can discuss them in the Closing Comments section of an upcoming casebook.

Wolff: “Please everyone read Colker’s opinion. As far as I’m concerned to award N/S plus 1100 in an IMP Pairs event is shameful. What about those poor innocent people at all those tables sitting the same direction? We can’t keep our heads in the sand. Let’s do what Colker asked: Allow Committees to use Law 12C3 to do equity.”

Perhaps the most eloquent statement about this case came from. . .

Bramley: “Meet N/S, the latest lucky winners in Committee Lotto! Let’s see how to use the tools of justice to get that really big score. We’ll start by letting the opponents play in an awful contract that goes down four. But that’s not good enough for us, so we’ll get the Director to change it to a different contract that goes down five. But that’s not nearly enough, so we’ll get a Committee to give us plus 1100. Ah, that’s more like it. Can we play again?”

“I am sorry that the Committee’s bridge judgement was that 4♥ doubled was by far the most likely contract. They were then ‘forced’ to decide as they did. My own bridge judgment is that the table contract (3♥) and the Director’s assigned contract (3NT) would each occur a significant portion of the time, as well as an occasional contract of 4♥ undoubled. The parlay needed to reach 4♥ doubled is too rich for me. Perhaps West was too honest when he admitted that he liked 4♥ better than 3NT. My informal poll found more 3NT bidders than 4♥ bidders, and many of my panelists chose to pass when they could legally do so. (I presented the auction with no unauthorized information.) I would thus have satisfied both my conscience and the law by assigning N/S the result for 3NT down five, plus 250.

I am unable to find a legal way to avoid assigning E/W minus 1100 in 4♥ doubled down five, the worst result that was ‘at all probable,’ but I am very bothered that the only way for them to get this result is for N/S, who already have gotten two good results (table and Director), to come whining for a third. This seems blatantly unfair in my opinion. West upheld his end of the bargain when he passed rather than bid 3NT, a bid that seems more suggested by the unauthorized information than the one he chose. He did volunteer for a contract that was very likely to be, and indeed was, awful. If a player does not immediately volunteer for the maximum level of punishment in such a situation, are his opponents obligated to extract it from him by any means they can?”

Cohen: “I somewhat agree in principle with the decision, including the dissenting opinion. I think it’s likely that West would raise to 4♥, but to outright assume 4♥ doubled down five

seems too one-sided. It’s too hard to predict that 1100 would be the likely outcome. I’d rather have seen some sort of ruling between 250 and 1100. [That was exactly our point. — *Ed.*] West might have bid 3NT (♠Kxx) and there is even a better reason to avoid ruling 1100: One very important bridge point seems to have been overlooked. Forget the actual problem for a moment, and presume you have picked up: ♠AQJ32 ♥4 ♦Q862 ♣AK7. You overcalled the ‘Flannery’ opening by bidding 2♠. LHO bids 3♥ and RHO raises to 4♥. And you? You’d double, of course. And what does double mean? Typically, a good hand with short hearts. And what would South do with his actual hand (♠106 ♥J63 ♦KJ1073 ♣J86)? He might pass, might bid 4♠, and might even bid 5♦ (which would probably make opposite my example hand). So, my point is that we can’t assume that North can double 4♥ for penalties on the actual hand (♥A1087) and expect his partner to know that this shows a penalty double. That’s a mighty convenient way everyone seems to be looking at the ‘expected result.’ Since I think that it’s difficult for North to double 4♥ and have South correctly interpret it, that is a further reason why I don’t believe we can presume 1100.”

I love Larry’s analysis of the double of 4♥. None of us on the Committee thought of this, and it would clearly have been relevant for an expert N/S pair. But to play devil’s advocate for a moment, give Larry’s North hand to a “good” player (say, 1000-2000 masterpoints) and ask him what he would do over 4♥. My gut tells me that doubling would never enter his mind, for fear that his partner would pass, thinking it to be penalty. If only a Committee member had come up with Larry’s argument, I would have used every wile at my disposal to employ it to avoid the decision we made. Nice going, Larry. Take an extra cookie.

And now for the Grinch I promised. This Grinch was polite enough to warn me about what was to come (“Note to Rich Colker: get over it. You knew you were going to get an argument from me on this, so here it is.”) Counselor, the floor, but not the last word, is yours.

Gerard: “The primary purpose of any system of laws is to create order out of chaos. The alternative to a society of laws is anarchy. Freedom is a wonderful thing, but sometimes it has to give way to stability. If laws are to be enforced only when it feels right to do so or when traditional notions of equity are not offended, the elements of certainty and consistency become nonexistent. The concept of preemption is based on the same principle, that there are some areas in which lawgivers must speak with one voice, not many.

“As applied to the Appeals process, there is a good reason why the equity that you argue for is inappropriate. One Committee’s concept of equity is another’s sense of injustice. You, for example, appear to be troubled by assigning 1100 as the deemed table result, even though you admit that it clearly follows from an application of the law. I wouldn’t lose a second’s sleep, not because I think that plus 1100 is what N/S necessarily deserve but because I agree with the public policy behind that section of the Laws that requires a Committee to reach that result. That purpose is to avoid trying to guess what would have happened and to give the non-offending side the best of what had any reasonable likelihood of happening while treating the offenders much more harshly. This eliminates mind reading and establishes an objective standard for score adjustment rather than a variable one. And even if I didn’t agree with the policy reasons, I do not have the right to substitute my own standard of justice for that of the National Laws Commission. It’s their job to promulgate the Laws, mine to apply them.

“Your jury analysis is just a different version of what in my opinion the Simpson jury did. It encourages jury nullification and sociological verdicts rather than those based on the evidence. Your quarrel with Three Strikes and Out laws is with the legislature; your quarrel

with the nonapplicability of Law 12C3 is properly directed but flawed. Once you admit that plus 1100 is not only ‘a’ likely result but ‘the’ likely result, what is wrong with a system in which N/S’s score is adjusted to plus 1100 no matter which Committee is assembled (assuming the Committee correctly reaches the same conclusion yours did)? You would have one Committee assign plus 200, another plus 550, another plus 650, another plus 1100 and who knows how many other possibilities. What kind of way is that to run a railroad? Why bother with laws, regulations, or conditions of contest?

“I’ve heard the Protect The Field argument for doing what you want to do, and it’s a bunch of rubbish. The field is never protected against an off-the-chart result, no matter how it’s achieved. If I score plus 800 as N/S on this hand I wouldn’t feel done in by the Appeals process if I scored 11 matchpoints, instead of 12, nor would I begrudge this N/S the 12 matchpoints that they were denied the opportunity to earn at the table. At IMP Pairs my 12 IMPs for plus 800 is less likely to be affected, and I can’t worry about N/S’s 14 IMPs for plus 1100.

“The whole effort to upgrade the Appeals process, now more than six years old, got started in part because of the seemingly random and inconsistent way in which Committees were perceived to be applying the Laws. Law 12C3 would send us back in time and would cancel a lot of the progress that has been made.”

If the process by which Committees assign adjusted scores were “objective,” as Ron claims, then I would have no problem accepting his position. Unfortunately, his very point that “One Committee’s concept of equity is another’s sense of injustice.” belies his own argument. It was subjective to claim that 4♥ doubled would have been the most likely result for N/S, it was subjective to decide that East’s 3♥ bid should have been considered forcing, it was subjective to decide that 4♥ would have gone down five tricks — many things that Committees decide end up being subjective in one way or another. To ask to be allowed (as the rest of the world is) in certain cases to assign the non-offenders what the Committee believes their long-term equity is in the hand, rather than a specific result which may not have an especially high probability of occurring (even though it is the most likely of the possible results), does not strike me as being unreasonable.

The policy reflected by Law 12C2 is one which is clearly debatable. The current view is that the offenders should have any possibility of profiting from their infraction removed, while the non-offenders should be protected to the most favorable result that was likely. But what if several results are likely on a hand (all approximately equally so), but one has a slightly higher (subjective!) probability than the others. That result (which has the contract going down) is worth 11 IMPs to the non-offenders, while each of the other (say) three (which have it making with various numbers of overtricks) are worth about 3 IMPs. The chances of the contract making are roughly 3-to-1 by the Committee’s own (subjective) determination, yet the result which the current laws say must be assigned to the non-offenders has it going down. The non-offenders figure to win about 5 IMPs on the average on the board every time it is played out without an infraction, but every time an opponent commits the infraction the opponents gain 11 IMPs. Is that justice?

I would agree that the most likely result should be assigned to the non-offenders much of the time, but I think it should not be in situations where (1) they end up with a windfall result which is (2) relatively low in probability compared to the set of other likely results. In addition, I see no problem with allowing the Committee to apply their subjective judgment to when this should be permitted — given that the rest of the process is also quite subjective.

I understand Edgar’s argument that the non-offenders are entitled to the most favorable

result which stood even a small chance of occurring, in “compensation” for those times when the infraction gets by unnoticed (the offenders profit; the non-offenders get robbed) or when the Director or an Appeals Committee fails to properly redress the damage. This is a good argument, but it is also subjective.

The issue here isn’t “Protecting The Field” (sorry Wolffie) — it’s avoiding assigning a skewed result to a pair merely because that result happens to be (subjectively) a bit more likely than the others. Why is the subjectivity in determining which result is most likely any more acceptable than the subjectivity in determining what is equity? I would rather see subjectivity reduced (it can never be eliminated) wherever possible, and making equity-based score adjustments has the best chance of achieving that. This is the same principle as the well-known statistical “Law of Large Numbers,” which says (roughly) that results based on more data (achieved here by taking all outcomes into account in assigning a score rather than just the most likely one) are less variable, and more faithful to the underlying population. Thus, equity-based decisions should actually reduce variability by removing the extremes — not by forcing complete homogeneity.

We’ve seen the effects of 12C2 in the rise in “cry baby” appeals in recent years (see Bart’s comment above). The implementation of 12C3 would at least make the benefits for bringing a case less attractive for those out to get as much as they can in Committee. If each pair figures only to get their reasonable equity in a case rather than some highly profitable windfall, then I think we’d see many more principled cases, even in the short-run.

Maybe Ron hasn’t been reading the same appeal decisions that I have over the past six years (try the San Francisco casebook again), but the progress Ron cites is nowhere apparent to me. I would like to see more consistency in our decisions (and panel), and I’ve argued for a reworking of the process to try to achieve that (see “A Call To Arms” in my closing comments from San Francisco). I would be happy if extreme decisions across different Committees could be eliminated on any given case and a bunch of variable, but relatively homogeneous, ones substituted. 12C3 has to be applied with discrimination and judgment, but in my opinion it is worth trying.

CASE SEVENTEEN

Subject (Unauthorized Information): Flipper Becomes Flipee

Event: Master Mixed Teams, 02 Aug 97, First Session

Bd: 20 Roberta Epstein Dlr: West ♠ K108 Vul: Both ♥ A82 ♦ 732 ♣ Q1095 Jenny Hartsman Jason Ciano ♠ 2 ♠ QJ64 ♥ KJ96 ♥ Q103 ♦ Q1084 ♦ A6 ♣ AJ84 ♣ 7632 Mark Epstein ♠ A9753 ♥ 754 ♦ KJ95 ♣ K	
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West	North	East	South
Pass	Pass	1♠(1)	Pass
1NT(2)	Pass	Pass	Dbf
Pass	2♣	Pass	2♦
Dbf	Pass	Pass	2♠
Dbf	All Pass		
(1) Alerted; could be a three-card suit			
(2) Announced; semi-forcing			

The Facts: 2♠ doubled made two, plus 670 for N/S. 1♠ was Alerted as possibly a three-card suit. After the 1NT bid, North asked when it could be three-cards and was told “whenever we feel like it.” More questions were asked. The Director was called when the hand was over and changed the contract to 1NT made one, plus 90 for E/W.

The Appeal: N/S appealed the Director’s ruling. E/W stated that they thought South’s decision to balance may have been influenced by the questions asked by his partner.

The Committee Decision: The Committee unanimously agreed that North was entitled to ask and, when given a flippant response, to inquire further. Her hand certainly was never going to act over 1NT and she had no surprises. South took a great risk when he balanced, correcting 2♣ to 2♦ (not 2♠) until that was doubled and then backing into 2♠. This time he survived. N/S landed on their feet and were entitled to their result. The Committee changed the contract for both pairs to 2♠ doubled by South made two, plus 670 for N/S. When a highly unusual convention is played, the Committee believed the opponents have a bit more latitude in asking about it. When an unsatisfactory explanation is provided, even more discretion is allowed.

Chairperson: Bill Pollack

Committee Members: Jerry Clerkin, Ellen Siebert

Directors’ Ruling: 53.0 **Committee’s Decision:** 97.8

This is such an outstanding decision that I wish the Director had ruled for N/S (as he properly should have) so that E/W could have brought this appeal and the Committee could

have kept their money. It was East’s totally unacceptable conduct which (not unexpectedly) precipitated this entire incident.

Bramley: “Yes. The Director should have let the table result stand. If E/W had insisted on appealing, the Committee should have found ‘no merit.’ The write-up is dry but excellent. Every statement is short and powerful. Amen.”

Cohen: “Excellent Committee decision; I agree 100%. N/S did nothing wrong and nothing unethical. East’s answer ‘whenever we feel like it’ was highly unsatisfactory and rude.”

Rosenberg: “Good.”

Wolff: “A near perfect Committee decision only smirched by not mentioning that 2♠ doubled could (should) have gone set.”

Rigal: “I like this ruling. The Directors did the right thing, since there did appear to be an infraction. Similarly, the Committee determined that North was simply trying to get a polite answer to a sensible question. They judged from her hand that she had no intention of bidding, and that South therefore was unaffected in his decision by those questions. This seems a similar chain of reasoning to CASE THIRTEEN.

“At this point in a totally non-chauvinistic manner I would like to draw attention to the defects I see in the ACBL rules that allow players to ask questions when they have no intention of bidding. I prefer the UK rules where you keep your questions till you have a reason to ask.”

And thereby telegraph your hand to your partner and opponents alike?

Treadwell: “The Committee made a good decision here in allowing the table result to stand. In my opinion one important reason for this decision is omitted from the write-up: West had doubled 2♦ showing diamonds and values and then doubled 2♠ with a singleton spade. Partner had opened in third seat with possibly light HCP values (as was indeed the case) and could have held but three spades. Any double of 2♠ was East’s, not West’s responsibility. I would have been inclined to give E/W a procedural penalty since their appeal had no merit whatsoever.”

Weinstein: “The Directing staff went way too far in trying to protect the ‘non-offending’ side. When the opponents Alert showing a possible three-card major and give a jerky non-response, they should lose the right to ask for an adjustment based upon unauthorized information (had there been any). In fact, they should have no rights other than to counsel in front of a Conduct and Ethics Committee for lack of full disclosure. N/S did nothing wrong other than failing to record the E/W behavior. The E/W attitude has no place in bridge. Have I made my feelings clear?”

Perfectly.

CASE EIGHTEEN

Subject (Misinformation): “One Spade,” Mister!

Event: Life Masters Pairs, 25 July 97, Second Session

Bd: 28 Alan Siebert Dlr: West ♠ A9 Vul: N/S ♥ 52 ♦ 10986 ♣ KQ986 Ervin Pfeifle Dick LeClaire ♠ J8632 ♠ 74 ♥ 9843 ♥ AQ1076 ♦ 732 ♦ AK ♣ 5 ♣ 10432 Joe Kivel ♠ KQ105 ♥ KJ ♦ QJ54 ♣ AJ7	
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West	North	East	South
Pass	Pass	1♥	Dbl
1♠(1)	2♣	2♥	3♣
All Pass			
(1) Alerted; showed three or more hearts and said nothing about spades			

The Facts: 3♣ made four, plus 130 for N/S. North asked about the Alert of 1♠ and was told that it promised at least three hearts and said nothing about spades. When North asked what the difference was between bidding 1♠ versus 2♥, he was told that 1♠ showed a better hand (4-7 points) than 2♥. Before the opening lead E/W clarified that, with three-card heart support and zero points, West was required to bid. The Director was called after the opening lead was made and the dummy was put down. The Director ruled that the E/W agreement had not been explained properly. During the twelfth round the Director informed both pairs that the result would be changed to Average Plus for N/S and Average Minus for E/W.

The Appeal: E/W appealed the Director’s ruling. North, South and East attended the hearing. East stated that he did not believe that N/S should be entitled to a double shot for a good board because they had failed to bid 3NT. North stated that, had he known the West hand could be as weak as it was, he would have bid 3♣. He chose to bid 2♣ because he thought his partner’s hand could not produce enough for game with the opening bid and raise. North stated that it was not known that West had to bid with any hand containing three-card heart support until the opening lead was made. The Committee determined that the E/W partnership agreement was that any hand with three-card heart support had to bid and that 1♠, 2♣ and 2♦ all showed heart support, 4-7 points, indicated a lead preference, but did not promise length in the suit bid. 2♥ would have been weaker.

The Committee Decision: The Committee decided that misinformation was present and had likely affected the N/S result. With a full explanation, North might have chosen a 3♣ bid and South would likely have bid 3NT. Since it was also likely that nine tricks would be taken, the Committee changed the contract for both sides to 3NT made three, plus 600 for N/S. The Committee decided to educate E/W about their obligations regarding full and complete disclosure of partnership agreements rather than retain their deposit. E/W were also warned

that psyching this conventional agreement was not permissible. The Committee did not agree that N/S had taken a double shot at a good result because they could not possibly have known what the full E/W agreement was from the information they had been given at the table.

Chairperson: Jon Brissman

Committee Members: Mark Bartusek, Henry Bethe, Brad Moss, Norma Sands (scribe: Linda Weinstein)

Directors’ Ruling: 59.6 **Committee’s Decision:** 54.4

E/W clearly failed to disclose their agreement adequately (even after being asked). Equally clearly West’s psych of an artificial 1♠ response to East’s natural 1♥ opening was illegal (the “psyching of artificial responses to natural one-level opening bids” is specifically disallowed under the ACBL Mid-Chart, which was in effect for this event). Nevertheless, I find myself disagreeing with the Committee’s decision. My objections involve the following:

- (1) N/S were told (correctly) of E/W’s agreement that 1♠ showed a heart raise of 4-7 points. The only thing they were not told was that 1♠ suggested a lead preference, which was irrelevant to North’s call.
- (2) The fact that N/S were told that raises could be made on worse hands than 4-7 points suggests that N/S should have been aware of E/W’s aggressive bidding habits.
- (3) North has a clear 3♣ (not 2♣) bid, regardless of E/W’s agreement.
- (4) Give East a slightly shaded third-seat (non-vulnerable) opening by removing his ♦K and placing it in the West hand. Now everyone has their bids, and South still has enough to make 3NT a good proposition (and would still even if some of his honors were removed and given to E/W). In fact, give South ♠Kxxx ♥xx ♦AQJx ♣Axx, and five of either minor would depend on little more than the diamond finesse.
- (5) After South’s (vulnerable) 3♣ bid (unlikely with only shaded values) game became a very real possibility and North had every reason to make a try (probably with 3♥).

I would therefore have allowed N/S to keep the table result of plus 130 in 3♣. However, I also believe that E/W’s negligence could have contributed to their good result. To insure that they did not gain an advantage from their infraction, I would also have adjusted their score to minus 600 (for 3NT making, by N/S).

Let’s hear first from the Chairman of this Committee.

Brissman: “Two questions were pivotal: (1) Did North’s choice of the conservative 2♣ call rather than the value-showing 3♣ call cause the poor result? If so, (2) was North’s choice of calls affected by the misinformation? The answer to the first question was clearly yes, but the answer to the second is not so clear. I felt during the hearing that North’s 2♣ call was inferior but not an egregious error that would snap the link of causality. In retrospect, I think the 2♣ call may have been egregiously conservative.”

Good, Jon. I respect a man who is willing to reconsider his position objectively, and not blindly determined to defend it at all costs.

The next panelist makes virtually all of the same points I did — kind of spooky.

Bramley: “I disagree. I don’t see how the misinformation affected the N/S bidding. North knew everything before he bid over 1♠, except that the bid showed something in spades, which doesn’t seem relevant to his choice of action. He knew that West had hearts, and that

his bid showed 4-7 points, and that a weaker action was available. Obviously if West had an action available to show fewer than four points, then systemically he was going to be bidding on some very weak hands. Thus the missing knowledge (that West was obligated to bid on all weak hands with three or more hearts) was virtually redundant.

“If the Committee wanted to argue that North was damaged because West had only one point rather than the 4-7 he showed systemically, then perhaps they would have been right. (However, I don’t think that the ban on this psych existed until the Committee imposed it. Correct me if I’m wrong on this point.) [I thought as you did, Bart, and when I looked into this issue I was given an out of date version of the Mid-Chart which confirmed my suspicions. But I subsequently (after the tournament) learned that the 1♠ psych was, in fact, illegal — but had only recently become so at the time of this incident. — *Ed.*] But the Committee did not make this argument, and I would have disagreed anyway. I don’t believe that North’s decision would have been affected at all, even if he had known that West had, say, fewer than four points. The opponents were at favorable and the opener was in third seat. Obviously E/W might have been underweight for their bids, whatever they were supposed to be showing. Notice that if you move the ♦K from East to West that all the E/W bids are perfectly systemic and N/S are still cold for 3NT.

“After a 1♥ opening it’s tough to bid 3NT with any confidence. (Even if North had jumped to 3♣ South could not be sure that 3NT would have any play.) Once North saw the South hand, however, he could get a lot more confident. I think East’s argument about a double-shot was well-founded. Obviously the Committee’s discussion about keeping the deposit was way off base.”

The next panelist reaches the same conclusion, but for different reasons.

Cohen: “In The Facts it was stated, ‘Before the opening lead was made E/W clarified. . .’ That is when N/S should have called the Director; not, ‘The Director was called after the opening lead.’ Now South could see both hands and his argument for getting to 3NT lost a lot of it’s steam. Had N/S called as soon as the misinformation was disclosed the Director could have talked to both of them away from the table and asked if they would have done anything differently. The last line of The Appeal tells me that West simply misbid. The agreement was explained properly, West just happened to not have what he was supposed to have. My understanding is that ‘that’s life’ and there isn’t much N/S can do about it. Perhaps the extenuating circumstances (when playing an unfamiliar convention you have more of an obligation to avoid ‘misbidding’) would get me to see it the Committee’s way (allow N/S to reach 3NT), but for now, I’d have to say that N/S just got unlucky (and called the Director at the wrong time) so they are stuck with their 130.”

Larry would be right if West’s 1♠ bid had been natural, but being an artificial convention makes it subject to the regulation that it cannot be psyched. Of course, for the reasons stated earlier that still does not entitle N/S to protection, and the violation has no automatic penalty associated with it. Thus, for the reasons he states Larry’s resolution would still be acceptable.

Regarding the timing of the Director call, Larry is 100% correct. How could North have known when he called for the Director that East’s ♦K was not in the West hand? This leaves a bad taste in my mouth. North appears to have been so predisposed to find infractions by his opponents that he saw one before there was any evidence that one had occurred.

Gerard: “Let me put this gently: No. N/S were given an adequate description of the partnership agreement concerning the 1♠ bid; the fact that it was lead suggestive had no bearing on the auction. N/S were told that 2♥ would have been, perhaps, 2-3 points when in fact they should have been told it would have been 0-3 points. Since West bid 1♠, not 2♥, N/S were under no misapprehension as to the E/W understanding. What did N/S in was West’s tactical action, not lack of knowledge of the opponents’ methods. North had no right to know that West’s hand ‘could be as weak as it was,’ since East didn’t know either.

“As for the N/S performance, both at the table and in Committee, two thumbs down. North’s arguments about bidding 3♣ showed that he belongs to the school that bids partner’s hand, not his own. As to his evaluation of the situation, I’m surprised that he even took a chance on 2♣ what with that potentially rock-crushing 1♥ in third seat at favorable and a supposedly 4-7 raise on his right. If E/W had fully described but West actually had two jacks for 1♠, do you think we would have been listening to how North would have bid 3♣ if he knew that West’s hand ‘could be as weak as it was’? The whole thing was symptomatic of the “Two Jacks Light Syndrome” that I’ve referred to before (see CASE THIRTY from San Francisco). South was in there pitching, too, with his thunderous 3♣ bid rather than a clear-cut double, after which N/S would have had to fall over backwards to stay out of 3NT. Maybe he bid 3♣ because partner’s hand couldn’t possibly produce enough for game.

“Finally, I now understand (because my wife told me so) that the Committee had the authority to warn E/W against psyching a convention, but how many people know that? Do the two-under or random-suit 2♣ preempters know that they are not allowed to psych a pass or a relay response? This could be one of the secrets of the ages. The Committee should have warned E/W that they now have a presumptive partnership agreement that must be included in any subsequent announcements (‘That’s supposed to show 4-7 but last time he had a 1-count.’)”

That should about nail the lid on N/S’s coffin. The only thing still lacking in all of this is some consideration of whether E/W were culpable for creating this problem, and if so might they have benefited from the resulting confusion.

Rigal: “The Director might have gone all-out for the 3NT adjustment directly rather than fudge the issue with averages here. This was not such a difficult hand to work out that they should settle for avoiding the issue. Even after reading the page three times I still do not know what 1♠ shows re spades and high-cards. I think E/W surely deserve minus 600. I am not convinced N/S deserve such complete protection as the Committee decided, since North’s decision to pull in his horns seems wet to me whatever the 1♠ bid shows, but I agree with giving him the benefit of the doubt I suppose.”

Treadwell: “I thought Committees were supposed to decide on the basis that good players are expected to play good bridge; and that they should not be compensated for failure in this regard just because the opponents may have committed an infraction. Although E/W were less than forthright in their explanation, N/S still must bid the value of their hands. North grossly underbid in calling only 2♣ at his first opportunity and then failed to bid 3♣ at his second opportunity. Either bid would have caused South to bid 3NT. N/S should get nothing because their failure to reach game was 99+% their own fault. Awarding E/W minus 600 because of their part in this case seems right.”

Weinstein: “N/S didn’t take a double shot, but the Committee shouldn’t be so willing to

accept North's self-serving statements instead of his playing bridge. West could easily hold the \diamond K instead of East, and now their bidding would match their explanations. North has an absolutely textbook $3\clubsuit$ call, especially knowing that the opponents were going to compete to at least $2\heartsuit$ anyway. The cause of their bad result was North's egregious $2\clubsuit$ call, not the misinformation, and they should get their table result. I have no problem with E/W being assigned minus 600 if there was a chance that their misexplanation contributed to their result."

Wolff: "I don't agree! While E/W should have had a clearer explanation (and been assessed a small procedural penalty), North had an easy $3\clubsuit$ bid (E/W were probably going to bid $2\heartsuit$ anyway and North was a passed hand.) N/S got the 'double shot' they were seeking. Also, from North's point of view three-card support opposite a third hand opening does not preclude game the other direction, but why should they take any risk when they can always get it back in Committee?"

Well, we now know that E/W's role in this is not played without jeopardy. Okay?

Rosenberg: "Okay."

Subject (Misinformation): Had I But Known

Event: Life Master Pairs, 25 July 97, Second Session

Bd: 30	Marc Umeno		
Dlr: East	\spadesuit A32		
Vul: None	\heartsuit 97		
	\diamond AK65		
	\clubsuit A753		
John Miller		Evie Cogan	
\spadesuit J94		\spadesuit 1086	
\heartsuit KQ1062		\heartsuit AJ5	
\diamond ---		\diamond J98432	
\clubsuit KQJ96		\clubsuit 2	
	Chris Willenken		
	\spadesuit KQ75		
	\heartsuit 843		
	\diamond Q107		
	\clubsuit 1084		

West	North	East	South
		$2\diamond$	Pass
$2\heartsuit$	Pass	$3\heartsuit$	All Pass

The Facts: $3\heartsuit$ made four, plus 170 for E/W. Before the opening lead, West stated that the $2\heartsuit$ bid should have been Alerted as non-forcing. The Director was called before the opening lead. North and South were each taken away from the table separately. North stated that he would have doubled $2\heartsuit$ had he known that it was not forcing; South stated that he would have bid $3\spadesuit$ over $3\heartsuit$ if his partner had doubled $2\heartsuit$. North was given the opportunity to change his final pass but declined. The Director ruled that there had been no damage and allowed the table result to stand.

The Appeal: N/S appealed the Director's ruling. All four players appeared before the Committee. N/S stated that the failure to Alert had damaged their side and that they would have competed to $3\spadesuit$ had the proper Alert been given.

The Committee Decision: The Committee agreed that there was definitely misinformation from the failure to Alert the non-forcing $2\heartsuit$ bid. They next had to determine what the result would have been had the bid been Alerted. They believed that North would have doubled $2\heartsuit$, East would have bid $3\heartsuit$ and South was likely to have bid $3\spadesuit$ over $3\heartsuit$. Since East had voluntarily raised hearts, the Committee decided that West would have bid $4\heartsuit$ and that North would have doubled rather than compete to $4\spadesuit$. Even after the lead of the $\diamond A$, North would have had an easier time defending $4\heartsuit$ than he had in $3\heartsuit$ after winning the $\clubsuit A$, because of South's $3\spadesuit$ bid. The contract was changed to $4\heartsuit$ doubled down one, plus 100 for N/S.

Chairperson: Alan LeBendig

Committee Members: Bruce Reeve, Steve Weinstein

Directors' Ruling: 56.7 **Committee's Decision:** 88.5

Normally, I would have expected North to act over 2♥ (with five quick tricks) whether it was forcing or not. But here North did commit to his double before he saw either his partner's lead or the dummy. So I'm willing to concede to him the benefit of the doubt.

I am not as sure as the Committee that E/W would have arrived in 4♥ after North's double and South competing, when they failed to get there in an unimpeded auction. If East's heart values were in diamonds (as would be expected), 4♥ would be an awful contract while E/W would stand a good chance to defeat 3♠. I therefore see no reason to adjust the contract to 4♥ doubled by West.

The most likely contract seems to me to be 3♠ by South. Given the uncertainty of the opening lead (a trump, the ♥A, and a diamond are all possible), and the continuation at trick-two, results ranging from plus 170 to minus 50 are possible. Based on the provisions of Law 12C2, I would judge plus 140 to be the most likely result for N/S and minus 140 to be "at all probable" for E/W. (The chances of minus 170 for E/W are probably a bit too remote to meet the standard, even for offenders.) I could also see a lazy Committee assigning N/S Average Plus and E/W Average Minus — which wouldn't be the worst decision I've seen lately.

The first panelist takes my ball (legal pad?) and runs with it.

Gerard: "Some people just have a thing about reading minds. Where in the world did the Committee get the idea that it 'had to determine what the result would have been had the bid been Alerted'? Didn't it ever hear of Law 12C2? And in its misguided attempt to recreate reality, what made it think that West would have bid 4♥ because East had voluntarily raised hearts? I know — West can tell better than East what East's cards are. Some people just have a thing about bidding partner's hand for him. From West's standpoint, it's a minor miracle that E/W can take nine tricks on this hand; switch East's ace to diamonds and West could serve up an easy minus 300 by bidding 4♥.

"No, let's pretend the Committee knew what it was doing. I'll even give them the benefit of the doubt and say that 4♥ doubled had a 50% chance of being the final contract rather than 3♠. Against 3♠ the defense can take five tricks, but I make that almost impossible. It was more likely that declarer would hold himself to eight tricks, but let's conservatively say that South would have been 2-to-1 to make plus 140, given that he is a decent player, and that N/S would beat 4♥ nine times out of ten. Then the range of N/S results with their probabilities is as follows: plus 140 (33-1/3%), plus 100 (45%), minus 50 (16-2/3%), minus 590 (5%). The decision mandated by Law 12C2 is 140 for each side. And that is with the most favorable estimates to the offenders on all counts. You can quibble with those estimates, but there was no excuse for the Committee not to have at least attempted a 12C2 analysis.

"Guillotine."

You've gotta love him when he's mad, don't you?

The following panelists were on the right wavelength with respect to the Directors' faux pas (which Ron, in his righteous indignation, ignored), but they weren't quite so astute when it came to determining the proper results à la 12C2.

Weinstein: "The Committee stretched to find a likely result, as they should. I kind of like Average Plus/Average Minus though, as a more equitable solution than projecting several unclear actions as a result of a 'soft' failure to Alert. Why was the table result allowed to stand by the Director?"

Cohen: "Why did the Director rule 'No damage?' Looks like damage to me. At least the

Committee knew damage when they saw it. Very reasonable Committee decision, although I'd have also considered Average Plus/Average Minus, since the likely result is not so easy to determine."

Rigal: "What a bizarre Director ruling! The Director followed the correct procedure, got the correct responses, and then made a pig's ear of the ruling for no apparent reason. Rule for the non-offenders, particularly where (as here) the full story is apparent from the N/S extra comments. The Committee made the correct decision. Note that 4♥ has very little play on a trump lead also (more likely on the modified auction); indeed, it is not clear to me how 3♥ made 170. Still, that is not the point; the Committee did the right thing here."

Treadwell: "Here again, N/S did not bid their hands. It seems to me that North has a quite reasonable double of 2♥ even if it is forcing; after all, he is not vulnerable at matchpoints. However, this action is not quite as clear-cut as the underbid in the preceding case and I therefore do not disagree with the Committee decision to award a table score of plus 100 for N/S to both sides."

The next panelist sniffed a bit more than the others at Ron's and my position, but in the end copped out for the path-of-least-resistance solution.

Bramley: "I'm not as sure as the Committee was about the likely outcome with a proper Alert, but I think they made reasonable choices leading to a fair middle position. I like this better than Average Plus/Average Minus."

That's about it for this one folks. Did you like it?

Wolff: "Well done!"

Rosenberg: "Okay."

Maybe Michael's been spending too much time talking with his new baby. His language skills seem to be regressing a bit lately.

CASE TWENTY

Subject (Misinformation): Real Men Don't Ask

Event: Life Master Pairs, 26 July 97, Second Session

Bd: 12 Michael Kamil Dlr: West ♠ Q109842 Vul: N/S ♥ 5 ♦ K1062 ♣ 98	Linda Lewis ♠ K ♥ KQ9 ♦ AQJ954 ♣ AQ4
Mark Itabashi ♠ 763 ♥ A108732 ♦ 87 ♣ 106	Michael Becker ♠ AJ5 ♥ J64 ♦ 3 ♣ KJ7532

West	North	East	South
3♥	Pass	4♣(1)	Pass
4♥(2)	Pass	6♥	All Pass
(1) Keycard asking; not Alerted, but announced before the opening lead			
(2) Showed one keycard without the ♥Q			

The Facts: 6♥ made six, plus 980 for E/W. The opening lead was a low diamond. The 4♣ bid required an immediate Alert [because it occurred on the first round of the auction — Ed.] After the announcement and prior to the opening lead South told the Director that he would have made a lead-directing double of 4♣ had he known that it was artificial. The Director ruled that the auction was unusual enough so that South should have asked about the 4♣ bid if his call depended on knowing its meaning. The Director ruled (Law 40C) that there was no damage and allowed the table result to stand. (Note: The Directors made their ruling based on their understanding that the opening bid had been 2♥. The Directors pointed out that their ruling would more likely have been in favor of the non-offenders had their understanding of the auction been correct.)

The Appeal: N/S appealed the Directors' ruling. North, South, and East appeared at the hearing. (Committee member Ron Gerard, a friend of the appellants, offered to recuse himself from this case but was told by East that doing so would not be necessary.) South stated that after the 4♣ bid he paused briefly and waited for an Alert from the opponents. The N/S agreement was that if 4♣ was natural, double would have been takeout, while if 4♣ was artificial, double would have been lead directing. South felt uncomfortable about the possibility of asking, finding out that the bid was natural, and then passing. South stated that he would have doubled had he been told that 4♣ was artificial. He was not sure if the laws placed him in jeopardy for asking the meaning of a call that had not been Alerted in this situation. He was unsure to what degree he was required to protect himself. East stated that, if South had doubled 4♣, West would have passed denying first- or second-round club control (they were not playing DOPI because they were using a five-step system to show zero, one, or two keycards). East further stated that she would then not have bid a slam because she would have known that a club would be led and that an ace was missing.

The Committee Decision: The Committee unanimously agreed that there had been a failure to Alert the 4♣ bid. In order to determine if there was damage as a consequence of the infraction the Committee had to decide if South was required to protect himself. The Committee was divided on this issue. One member believed that South should have asked about the meaning of 4♣ if he needed to know. One member believed that the pause to wait for a possible Alert met this obligation. Three members believed that it was reasonable for South to assume that the bid was natural (his clubs were just bad enough that this was possible). The Committee therefore decided that there was damage as a consequence of the infraction. They decided that South would have doubled a properly Alerted 4♣ bid and that a slam would then probably have been bid. If West had seven hearts, and diamonds were favorable, 6♥ would be a reasonable contract. After analyzing the play, the Committee decided that the best line to make the contract would have been: ♣A, ♥K, heart to the ace, diamond to the queen, ♦A ruffed by South, ♠A, spade. Unfortunately, this would have led to down three. The Committee changed the contract to 6♥ down three, plus 150 for N/S.

Dissenting Opinion (Ron Gerard): South was required to protect his side by asking about the meaning of 4♣. His hand suggested that 4♣ was not natural and he was considering making a lead-directing double that depended on the non-natural meaning of 4♣. In fact, bridge logic would also suggest that 4♣ was not natural, since it is unlikely to get out of partner's suit without bidding game. Since South did not inquire about the meaning of 4♣, he cannot get a second chance to do so because of the failure to Alert. At this level, players should know that they do not transmit unauthorized information by asking questions because the laws do not allow partner to take advantage of that information. However, E/W should not profit from their failure to Alert. The result should have been N/S minus 980, E/W minus 150.

Chairperson: Martin Caley

Committee Members: Ron Gerard, Bill Laubenheimer, Ed Lucas, Ellen Siebert, (scribe: Linda Weinstein)

Directors' Ruling: 62.9 **Committee's Decision:** 55.2

I think the Committee did the right thing, but I think it's close. Ron makes some good points. His argument that South's hand strongly suggests that 4♣ was not "natural" is correct under the (restrictive) interpretation of "natural" as length showing. If East's bid was ace-asking or otherwise artificial it would be Alertable, but if it were a club strength-showing force (i.e., a cue-bid, which would not imply significant club length) then it would not require an Alert. Thus, South's pause to allow for a possible Alert would only tell him what he wanted to know if 4♣ was conventional. Assuming 4♣ was "natural" when there was no Alert would not tell him if it was safe to double. Thus, South's actions constituted only a partial protection.

However, East's bid was Alertable and this would have eliminated South's problem. It is not, in my opinion, an egregious error for South to pause to listen for an Alert, and then to pass rather than double when the non-Alert suggested that there was (at least some) club length on his right. After all, even if E/W get to slam, a later double might still call for a club lead (as dummy's first-bid suit).

South's alternative (asking about the 4♣ bid, discovering that it is natural, and then having to deal with all of the restrictions that would be placed on North's subsequent actions

due to the unauthorized information from South's performance) is not a pleasant one to contemplate. South might have doubled 4♣ anyway, and yes, he might have asked about the bid's meaning. But, when push comes to pull, I agree with those who believe that South's actions were not egregious enough to forfeit his right to redress; they were (just) adequate to meet his obligations.

Ron has some amplifications of his dissent, so let's begin with him.

Gerard: "Really, I wasn't trying to prove a point; I was just voting my conscience.

"The requirements had recently been changed (I don't know when) so that 4♣ was Alertable, being ace-asking on the first round of bidding, whereas it had previously not been. West did not know this but South did, although he could not know at the time that 4♣ was ace-asking. This did not in any way relieve E/W of the need to Alert, but I think it does mean that in assessing a player's Kantar-type obligation to inquire we should take into account any recent change in the Alert regulations. Since it is possible that a failure to Alert in such a situation could result from unfamiliarity with the new requirement, there should be a greater duty to inquire by an interested party because the non-Alert might have been the product of inadequate information.

"Now I've heard of South and he has played the game before. He stated that in his partnership 4♣ would be an artificial slam try, asking for suit and hand quality. Clearly he was aware of the possibility that 4♣ was nonnatural, since there are plenty of other such meanings for the bid — asking for a singleton, asking for a club control, showing any number of things. He even admitted that he waited for an Alert, as if he half expected to receive one. I don't know if this was a function of his hand or of his acquaintance with the possibility of a nonnatural meaning for 4♣, but his pause could not have discharged his Kantar obligation because E/W had no way of knowing that it related to East's bid and not South's hand independent of East's bid. Because South did not protect himself, I would have ruled as indicated.

"Finally, we need to put to rest the notion of compromising partner by asking questions. In my experience South's particular partner is the last person on earth who would be affected by the knowledge of South's interest, but any partner is charged by the Laws with the obligation to disregard any such knowledge. South could jeopardize his position if an inquiry to what proved to be a non-Alertable 4♣ gave information to the opponents (for example, West makes his slam or overtricks in game by taking ruffing finesses through South when East has ♠AQ109xx opposite his singleton), but that was pretty remote on South's hand. Besides, if E/W were listening he had already transmitted some of his interest by pausing over 4♣.

"To me, this was a simple case. One opponent preempts in a suit in which you hold jack third, the other takes out into a suit in which you hold king-jack sixth. If both opponents were barred and the kibitzer had to select a denomination, which suit do you think would be trump? 4♣ as conventional may not have been quite as common as Stayman not promising a major was in 1991, but under the circumstances the obligation to ask was just as compelling."

Everyone for the dissenter, raise your hands.

Brissman: "South's dependence on the Alert procedure supplanted his common-sense bridge judgment. Failure to know and exercise one's right to inquire does not empower the alternative remedy sought here. I agree with the dissent: both pairs were culpable, and both

should receive poor results."

Rigal: "I assume the Director might have ruled 6♥ down one if correctly informed. I think that is the correct Director ruling, leaving the non-offenders to appeal. As to the Committee, I think the offenders are due some sympathy; who knows what to Alert in the way of ace-asking bids anymore? I certainly do not. I think Gerard was closer to the truth than the others here. While ♠KJx says nothing about the opponent's bidding, you know with king-jack sixth that 4♣ is artificial. No manure about "it could be natural"; of course it is not. I'd rather make people play Bridge in these sequences, by asking, than see the Committees have to dole out retroactive adjustments. I like Gerard's final decision here. (It was a good job. RG was a friend of N/ S. What would he have said otherwise?)"

Rosenberg: "Basically, I agree with Ron Gerard. The salient point is that nobody knows what is and isn't Alertable (No Alerts for Ace-asking and bids above 3NT have been in effect at various times). If South knew, he should also have known this was not widely held knowledge, and with this hand should have inquired. With other holdings, this could be a real problem."

Treadwell: "As I said in CASE EIGHTEEN, good players are expected to play good bridge. Ron Gerard, the dissenter, got this one exactly right: N/S minus 980 and E/W minus 150."

Wolff: "Ron Gerard's dissent should be bronzed for all to see. Why would South demand a club lead when he has ♠AJx? Committees should not fall for the bridge lawyering of the players as often as they do."

The next panelist makes the transition from bronze to clay.

Bramley: "For the first time I don't agree with a dissenter. If South was 'required to protect his side by asking,' then E/W should not be punished for failing to Alert, since by this argument there was no damage. However, I do agree that this South should have protected himself, and I would have let the table result stand for both sides.

"The write-up does not elucidate why this ace-asking bid is Alertable when most others are not. In my research I have found that funny bids of any kind on the first round of bidding are Alertable even if they are ace-asking. West apparently was not aware of this change, which occurred within the last two years. I wasn't aware of it either, until I asked around."

The next two panelists are closer to my thinking on this case.

Cohen: "Nothing seems 100% about this case, but I'd say I 'trend' 90% towards South's actions and might have done all the same moves. I'm sure South's motives were good, and it's always confusing in this day and age (ACBL changes the Alert procedures every year) to know what's an Alert, when to ask, etc. So, given that E/W got it wrong (didn't Alert properly) I'd rule that there was damage. As to insisting on 6♥, that seems a bit much. I'd have preferred Average Plus/Average Minus since there is no way to determine a likely result.

"A note about the dissenting opinion. I think that when your friends (ex-partners, etc.) are involved in the appeal you shouldn't serve. If anything, you end up bending over backwards so as to not rule for your friends. Now, I'm not making any accusations — just

saying that it's best to avoid these situations.”

Weinstein: “Very tough case and I have mixed feelings on the proper decision. E/W should not benefit from their failure to Alert and down three, though a stretch, is reasonable. Though unusual, one of Mr. Gerard’s points doesn’t stand up. Just because partner can’t take advantage of unauthorized information, doesn’t mean that asking questions might not create or transmit unauthorized information. If questions are inappropriately asked and it turns out 4♣ was natural, North may be obligated not to lead a club unless a club lead is clear-cut, even if a club lead might be normal. So the issue becomes whether asking questions about a possibly natural 4♣ is inappropriate or not asking questions about a likely conventional call is inappropriate.

“I believe it extremely likely from South’s viewpoint that 4♣ is conventional, but holding one or two fewer clubs, is it still likely enough to create obligations to ask? Although on this auction I don’t think asking about 4♣ should create unauthorized information (certainly not if a conventional 4♣ did not require an Alert), what is the threshold that obligates South to ask? It is a judgement call on South’s part, that needs to be made in real time, within a couple of seconds, before South may perceive the creation of unauthorized information by a break in tempo. Though South likely misjudged in this specific case, I do not believe that instantaneous misjudgement should abrogate all (though some) of South’s rights. I would have tried to give N/S an Average-Plus equity adjustment by determining that no single most result favorable to N/S existed, rather than a windfall result.”

“This is a difficult area, since we require that a reasonable effort be made to find out if there was a probable failure to Alert, yet we can be very strict in judging actions that could have been suggested by unwarranted questions (and even warranted questions as in CASE SEVENTEEN) that could have created unauthorized information.”

We’re still not up to the age of equity adjustments, unfortunately.

The range of panelists’ reactions should give the reader the sense that we’re still on pretty shaky ground in cases such as this. A lot more groundwork needs to be laid, mainly dealing with the issue of where the dividing line falls between a player’s responsibility to protect himself and the unauthorized information which can derive from his asking questions.

However, one thing is clear to me that I find flawed in some of the panelists’ comments. Until Committees are willing to allow players to ask questions about “suspicious”-sounding auctions without creating serious jeopardy for their partners; until we understand that players cannot be encouraged to ask such questions only when the answer has relevance for them because of their own hand (since that creates the very jeopardy that we must try to avoid); and until we stop changing the Alert, delayed Alert and announcement procedures associated with certain calls on virtually a semi-annual basis, and then failing to disseminate those changes well in advance of when they go into effect at local clubs, NABC tournaments, and in the pages of the ACBL Bulletin, there will be no solution to these problems.

Subject (Misinformation): Promises, Promises

Event: Stratified Mixed Pairs, 28 July 97, First Session

Bd: 28	♠ J83		
Dlr: West	♥ J85		
Vul: N/S	♦ K83		
	♣ QJ106		
♠ Q7642		♠ AK105	
♥ AQ974		♥ K32	
♦ ---		♦ AQJ965	
♣ 743		♣ ---	
	♠ 9		
	♥ 106		
	♦ 10742		
	♣ AK9852		

West	North	East	South
Pass	Pass	1♦	2♣
Dbl	3♣	4♠	5♣
5♠	Pass	Pass(1)	Pass

(1) Break in tempo

The Facts: 5♠ made six, plus 480 for E/W. Before the opening lead, North volunteered that 3♣ promised four-card support. West stated that he would have bid 6♠ had he known that his side could not have two possible club losers. The Director ruled that there had been misinformation (Law 21) and changed the contract to 6♠ by East made six, plus 980 for E/W.

The Appeal: N/S appealed the Director’s ruling. South and West attended the hearing. North arrived just before deliberations began. Over 5♠ East hesitated for approximately 10-15 seconds before passing. Before the opening lead North informed the table (inappropriately; she was informed of the proper procedure later by the Director) that her 3♣ bid should have been Alerted as showing four or more clubs. The Director was called. Since East had already passed, the auction could not be backed up to allow West to change his 5♠ bid. West was taken away from the table by the Director and stated that he would have bid 6♠ had he known that North’s 3♣ bid showed four or more clubs (thus placing East with at most one club). The Director, who had not been informed of East’s hesitation, consequently ruled that the contract would be changed to 6♠ by East made six, plus 980 for E/W.

The Committee Decision: When the Committee learned, during the hearing, of East’s hesitation over 5♠ (no mention of it was made on the appeal form) they focussed on the Director’s ruling. At their request the Director at the table was contacted and she confirmed that she had not been given this information and would likely have ruled differently had she been so informed. Next the Committee noted that N/S had bid (defensively) to 5♣ at unfavorable vulnerability, an action rarely undertaken with fewer than nine combined trumps. Thus, South’s failure to Alert 3♣ was unlikely to have deprived West of any information that he should not already have had at his disposal. It was further noted that the unauthorized information from East’s hesitation made West’s statement to the Director (that he would have bid 6♠) more attractive. Given these facts, and the new information provided by the Director, the contract was changed for both pairs to 5♠ by East made six, plus 480 for E/W.

Chairperson: Rich Colker

Committee Members: Martin Caley, Brad Moss

Directors' Ruling: 60.8 **Committee's Decision:** 97.4

I can only add that East chose an unusually tepid action by jumping to 4♠ when she had an easy cue-bid available on the way. It is hard to imagine E/W not reaching their laydown slam after a 4♣ bid by East, who then followed this with an ultra-conservative pass after West competed voluntarily to the five-level. Even if the information from the auction cited by the Committee had not been available to West (say he had held only two clubs and a sixth heart), East's combination of ill-conceived actions were enough to have denied her side any redress.

The panel was solidly behind this decision, except for one individual who was teetering on the edge of uncertainty.

Cohen: "Not clear. Interesting case. Without the slow pass I'd definitely allow E/W to 'retroactively' bid a slam. Here it seems like N/S actually committed an infraction, and that E/W would have committed one (bidding 6♠ in retrospect after East's slow pass). I don't think this one is in any books or that there is any precedent."

Treadwell: "At last; a Committee doesn't reward a pair just because the opponents may have committed a minor infraction. As a matter of fact, I find it hard to believe the N/S pair have a firm agreement that the 3♣ call showed four or more clubs. Perhaps, they meant that it tends to show four or more clubs. In any event, both pairs got what they earned at the table."

Bramley: "Yes. Definitely a cheap shot by West."

Weinstein: "Beautiful. A riskless double-shot statement is made based upon unauthorized information. Not to beat a dead horse from past casebooks, but as long as West's statement carries no risk, it should carry absolutely no weight. The huddle makes what should be a worthless statement anyway, even more irrelevant. The Committee got it right. From West's perspective there was virtually no chance, even without the Alert, that his partner had more than one club, a point unfortunately lost on the Directors. This was an incredibly abhorrent double shot by West."

Wolff: "Another good decision not falling for the bull."

Rigal: "Again, unfortunate that the facts are not properly established at the time. I might well have ruled as the Director did initially, but that is a generous ruling to the non-offenders. The Committee made the right decision (and might well have had a quiet word with West for trying to pull a fast one here in my opinion). If not an abuse of the procedure, West is treading fairly close to the line."

Okay?

Rosenberg: "Okay."

CASE TWENTY-TWO

Subject (Misinformation): Trouble With Double-Raises Over Doubles

Event: Continuous Pairs, 28 July 97, Second Session

Bd: 2	♠ 54		
Dlr: East	♥ A82		
Vul: N/S	♦ 7653		
	♣ AKQ3		
♠ J86		♠ KQ32	
♥ 1064		♥ J95	
♦ KJ1042		♦ AQ98	
♣ 52		♣ 96	
	♠ A1097		
	♥ KQ73		
	♦ ---		
	♣ J10874		

West	North	East	South
		1♦	Dbl
3♦	4♣	All Pass	

The Facts: 4♣ made seven, plus 190 for N/S. North asked for an explanation of the 3♦ bid. East stated that it was a limit raise. Before the opening lead was made, West called the Director and spoke to him away from the table. After the hand was over, North asked West what the Director had said. West told North that she had been instructed to inform the opponents after the hand was over that she had intended her 3♦ bid as a weak raise. North called the Director and stated that N/S would have bid game if North had not been misinformed. North stated that the E/W convention card was not marked. The Director ruled that the misinformation had not caused damage and allowed the table result to stand.

The Appeal: N/S appealed the Director's ruling. All four players appeared at the hearing. North stated that if she had not been misinformed, or if West had passed, she would have bid 5♣. South stated that she would have thought North had a better hand if she had been correctly informed. The Committee asked North to account for the points that had been shown. North stated that it seemed like a lot of points had been shown, causing her to believe that her partner's takeout double might have been very distributional. West, who was playing with her husband, stated that she also played with many other partners, all of whom played 3♦ as a weak raise after a double. Although E/W used to play these raises as weak, East's constant forgetting caused them to change their agreement to limit raises about two years ago. West said she forgot the new agreement. East played only with his wife. The Committee examined the single E/W convention card and found that minor-suit raises after doubles was not marked.

The Committee Decision: The Committee decided that the E/W agreement was that 3♦ showed a limit raise and West forgot. It was unanimously decided that N/S's poor result was not a consequence of the misinformation. North had a full opening bid and knew that her partner was short in diamonds. North should have taken a stronger action, perhaps a cue-bid. South also could have taken a stronger action. South had an excellent fit and should have realized that North must have a very good hand. The Committee allowed the table result, 4♣

by North made seven, plus 190 for N/S, to stand. E/W were also instructed to make sure that they had two convention cards completely filled out and that they had the same understanding about all of their agreements.

Chairman: Karen Allison

Committee Members: Harvey Brody, Bruce Keidan, Bruce Reeve, Dave Treadwell (scribe: Linda Weinstein)

Directors' Ruling: 83.3 **Committee's Decision:** 81.5

I've been looking at this hand forever and I've yet to work out how to make all thirteen tricks legitimately. Maybe it was illegitimate — or maybe it was the Continuous Pairs.

How does that old TV commercial go? "You can pay me now, or you can pay me later." It seems that this E/W can play 3♦ as weak, and East will forget, or they can play it as limit, and West will forget; either way, they can pay the opponents. Well, maybe not.

South had a largely distributional takeout double, and could hardly have had much less. North should be able to see that 5♣ will be virtually cold opposite as little as ♠KJxx ♥KQxx ♦x ♣Jxxx, and should find a way to get her side at least to game. As far as how N/S should have achieved that goal, how could a cue-bid by North have helped? It was guaranteed to elicit four of a major from South (who would assume that North was trying to locate a four-four major-suit fit, perhaps with a weak distributional hand) and North would be no better off than she was before. Would 5♣ now suggest slam, or be just a correction? And how could South have envisioned North's actual hand (or even "a very good hand"), given the "limit raise" information she had received about 3♦ and her own minimal holding? Wouldn't North have bid 4♣ holding, ♠xxx ♥x ♦xxx ♣KQxxxx? Phooey!

I agree with the Committee's decision to allow the table result to stand; I have a very different reaction to their attempt to teach bridge. Most of the panelists agree with me.

Bramley: "Yes. Close to no merit."

Rigal: "What a confusing set of agreements by E/W. The Director made a tough but not unreasonable decision to assume that North should have worked out what to do, although her argument (partner has a sub-minimum hand with perhaps a 4-4-1-4 shape) has a fair amount of merit. I might have ruled the other way initially. The Committee should have left their discussions at determining that West had psyched — no adjustment necessary. Their later comments shed little further light and some confusion. There was no reason for South to assume North had a good hand — though South might have bid 5♣ nonetheless. In any event, they reached the right decision."

Weinstein: "Right ruling, but muddled reasoning in the decision. Usually a determination of misinformation is made if there is not documentation to support a misbid, or if an agreement that didn't actually exist was represented. I believe that misinformation should have been the determination here. Since the Committee didn't agree with me and decided there was a misbid, all the further deliberations were irrelevant, as there was no infraction. Then I wouldn't have to try to figure out why the Committee thought that South should have realized that North had a good hand."

The next panelist was a bit confused.

Cohen: "Why did the Director rule that the 'misinformation had not caused damage'? It certainly might have, so I think the Director should follow the general rule of ruling against the 'offending' side. I understand all of the Committee's points that N/S should have been able to recover from the misinformation — but still, I'm not totally comfortable. While I don't agree with North's 4♣ bid or South's pass, neither action is ridiculous, and perhaps N/S should be given the benefit of the doubt. In fact, if they were properly informed I have no doubt that they would have reached at least game. If anything, I'd make sure E/W were minus at least 640. A lot of this hinges on whether West misbid, or East misexplained. It doesn't seem like that was ever clearly determined. (If it was simply a misbid by West then nothing else matters — there'd be no cause for an adjustment)."

The first sentence of The Committee Decision reads: "The Committee decided that the E/W agreement was that 3♦ showed a limit raise and West forgot." That sounds like a bit of a determination to me.

The next panelist seems to think that this was the Life Master Pairs.

Rosenberg: "Nonsense. If the Committee 'decided' that West had forgotten, then there was no misinformation. Forgetting a convention is not an infraction. However, usually 'forgetting' is not that simple. If it involves a history (of forgetting), or the fact that this is a new convention for the partnership (a 'change'), or even a new partnership, this is information to which the opponents are entitled. So frequently, 'forgetting' is misinformation. Here there is no doubt that, had North been informed of the E/W history, they would have enough information to be almost sure that West intended 3♦ as preemptive. E/W should clearly be minus 640. Now the question is whether North's 4♣ bid an egregious error for that player, keeping in mind that she believed West to have a limit raise. I think not, so I would give N/S plus 640."

Unfortunately, our "Historian of Forgotten Bidding Agreements" (HFBA) was out of the room when this case occurred. It shouldn't take rocket science, or an Alert of 3♦, to figure out that West has "at best" a shaded limit raise (give opener a skimpy 11 HCP, South a skimpy 10, add the 13 that North can see and what's left barely amounts to a six-pack). Sorry, Michael, but North was out to lunch. Once the Committee decided that West had forgotten her agreement, that was that.

And now, batting cleanup:

Wolff: "Still another good decision. How could North, having bid only four (non-forcing) clubs with her slam hand, have the nerve to bring this to Committee? But it is the Continuous Pairs, so my opinion is unimportant."

In my never-to-be-humble opinion, Wolffie's opinion is never unimportant — wrong maybe, but never unimportant.

Subject (Misinformation): A Different Kind Of Logical Alternative

Event: NABC Senior Swiss Teams, 29 July 97, Second Session

Bd: 24	Norm Coombs
Dlr: West	♠ A9
Vul: None	♥ K943
	♦ K93
	♣ 7643
Sharon Bailek	Norm Bailek
♠ K84	♠ QJ10632
♥ QJ7	♥ 106
♦ 10	♦ J542
♣ KQJ1052	♣ 8
	Kyle Weems
	♠ 75
	♥ A852
	♦ AQ876
	♣ A9

West	North	East	South
1♣	Pass	1♠	Dbl
Rdbl	2♠	All Pass	

The Facts: 2♠ went down four, plus 200 for E/W. East failed to Alert West's redouble. E/W stated that they were playing support doubles and redoubles. West's redouble showed three-card spade support. South stated that he thought the redouble showed a big hand and that his partner's 2♠ bid was to play. The Director ruled that the table result would stand for N/S because South should have realized that his partner's 2♠ bid was a cue-bid and could not be to play. The Director adjusted the E/W score to Average Minus (minus 3-IMPs) for failing to Alert the redouble.

The Appeal: N/S appealed the Director's ruling. E/W did not appeal the Director's score adjustment. South stated that he would have bid if the redouble had been Alerted. South did not ask about the meaning of the redouble before he passed. The Committee determined that N/S were also playing support doubles and redoubles.

The Committee Decision: The Committee decided, in view of N/S's own agreement to play this same convention, that South was not damaged by East's failure to Alert the redouble. South had an obligation to protect himself before he passed. North obviously intended his 2♠ bid to show hearts and an invitational hand. The Committee also believed that South, an experienced player with more than 3,000 masterpoints, should have known that his partner's 2♠ bid was forcing. The Committee allowed the table result of 2♠ down four, minus 200, to stand for N/S; they allowed the score assigned by the Director of Average Minus (minus 3-IMPs) to stand for E/W. The Committee unanimously agreed that the appeal was substantially without merit and retained the \$50 deposit.

Chairperson: Bob Glasson

Committee Members: Darwin Afdahl, Bruce Keidan, Bruce Reeve, Dave Treadwell

The decision was perfect as far as N/S were concerned, but E/W got a bit of the shaft. Was E/W's infraction so serious that, if their teammates had come back with plus 800, they would deserve to say "Lose three"? Bart was right on top of this, so I'll let him lead off.

Bramley: "Fine for N/S, especially keeping the deposit. Wrong for E/W, who should not have been penalized for playing this hand against crybabies. Certainly they should not lose their good result just because their own irrelevant failure to Alert coincided with an opponent's lunacy. Even though E/W did not appeal, the Committee should have corrected, rather than reinforced, this error by the Director."

That's just about correct. The Committee should have allowed E/W to retain their table result. However, E/W were playing a common convention in a bread-and-butter auction and are a practiced partnership. If the Director believed (hypothetically) that their failure to Alert was more than just an innocent oversight (say they had been warned earlier about this; or for some reason an extra stimulus was needed to induce them to try harder comply in the future), then it would be okay to assess a 3-IMP procedural penalty against them which would not accrue to N/S (possible at VP scoring) to "encourage" them to correct their ways in the future.

The following panelist identifies a condition where one might not do even this.

Weinstein: "Excellent Directors' ruling and Committee affirmation. Passing 2♠ doesn't even come close to meeting the obligation to play something like bridge. N/S should have been embarrassed to bring this protest even if they were not embarrassed to display their bidding in public. Although it is normal to take away the E/W result if they might have contributed to their good score through an infraction, this N/S action was so bad I'd be tempted to restore the E/W result. Had this been a KO event I would have definitely let E/W keep their score."

Howard's right. Adjusting E/W's score implies that they might have benefited from their infraction. Here I don't think that's the case. Unless important facts have been omitted, I tend to agree with Bart that N/S's damage was self-inflicted. While a procedural penalty against E/W could be right, in a KO it would necessarily accrue (at least in part) to N/S. Howard is right that, in that case, one might wish to refrain from assessing a procedural penalty against them (even if you believe that it is appropriate) in order to avoid any redress finding its way to N/S. A non-score-related penalty (e.g., "Dark Points") would solve this problem.

The next panelist resists our assessment of N/S's culpability for their misfortune.

Wolff: "A harsh decision, since East's failure to Alert was the proximate cause of South's stupidity. However, why would North bid 2♠ at this point if he had spades instead of just passing? But why are we judging this non-bridge happening?"

Sorry we bothered you. We forgot it was football playoff season. Sheesh!

Cohen: "What does the opening statement from The Committee Decision: 'The Committee decided, in view of N/S's own agreement to play this same convention. . . ' have to do with the price of tea? If my opponents bid 1♥-Pass-2♠ and there is no Alert, I assume it is strong. If I myself happen to play weak jump responses (clearly Alertable) and the opponents have

forgotten to Alert, do I forfeit my rights because I am familiar with weak jump responses?

“Now, back to reality. Does South have an obligation to ask about the redouble? Should he presume, since there was no Alert, that it was ‘natural?’ I’d certainly ask, and I think most players would. However, rules are rules, and I suppose that by the act of asking you are technically breaking the rules. If the bid wasn’t Alerted you should presume it’s natural and that you are protected if it turns out otherwise. To see my point, suppose LHO opens 1NT and RHO responds 4♦. You wait for an Alert that it’s Texas, especially since you are looking at ♦KQ109x. No Alert comes. Are you supposed to turn to LHO and say “are you going to Alert?” Wouldn’t that tip partner off that you have diamonds? So this case comes down to: Should South make a small technical violation of normal procedure and ask about the redouble? Like I said, I would, and I think most people would, and common sense says to ask. On that basis, I could possibly be talked into making N/S play in 2♠ for their failure to ask the right questions. On the other hand, an Alert is an Alert and E/W benefitted from their failure to Alert the redouble. I think it’s close. Maybe I can live with the Committee decision to make N/S play 2♠, but keeping the deposit was outrageous! N/S had a good (if not winning) case.”

I’d guess the Committee’s point was that N/S were obligated to protect themselves to some minimum standard; that N/S were familiar with E/W’s convention was relevant to the judgment that they failed to meet that standard. South had evidence that the redouble was not strong (even though it was not Alerted) from three sources: (1) North had not overcalled some number of (nonvulnerable) spades at his first turn; (2) he did not pass 2♠ redoubled; and (the kicker) (3) he played the “support” convention. So I agree with the Committee’s judgment that he failed to qualify for redress. I would (almost) equate the present case to claiming damage from an opponent failing to Alert a negative double back when they were Alertable. However, I do agree with Larry that the Committee’s statement seems somewhat anomalous as written.

Rules are not rules — at least not in Larry’s sense. The ACBL Alert Procedure states: “Players who, by experience or expertise, recognize that their opponents have neglected to Alert a special agreement will be expected to protect themselves. . . Adjustments for violations are not automatic. . . an opponent who actually knows or suspects what is happening, even though not properly informed, may not be entitled to redress if he or she chooses to proceed without clarifying the situation.” Asking does not break any rules (it might provide the questioner’s partner with unauthorized information — but see Gerard’s comment on CASE TWENTY) and by not asking in the absence of an Alert one may not presume to be protected.

The remaining panelists buy the Committee’s decision in toto. Their explanations speak for themselves.

Rosenberg: “Okay.”

Brissman: “Splendid.”

Rigal: “Good ruling and decision. Given N/S’s methods, they should have been able to work this out. I agree with the deposit withholding too.”

Subject (Misinformation): The Play’s The Thing

Event: Stratified Pairs, 31 Jul 97, First Session

Bd: 2	♠ 10972		
Dlr: East	♥ AJ63		
Vul: N/S	♦ Q87		
	♣ A10		
♠ 6		♠ QJ843	
♥ 97		♥ 4	
♦ J932		♦ K6	
♣ QJ9763		♣ K8542	
	♠ AK5		
	♥ KQ10852		
	♦ A1054		
	♣ ---		

West	North	East	South
		2♠	Dbl
Rdbl(1)	3♥	Pass	3♠
Pass	4♥	Pass	4♠
Pass	5♥	Pass	6♥
All Pass			
(1) Explained as a good hand, expected to make 2♠ redoubled			

The Facts: 6♥ went down one, plus 50 for E/W. After the hand was over, West stated that there had been a failure to Alert. The E/W agreement was that the redouble forced 2NT so that responder could show a long suit. The Director ruled that this misinformation did not give North a fair chance to locate the diamond honors in the play of the hand. The Director changed the contract to 6♥ made six, plus 1430 for N/S.

The Appeal: E/W appealed the Director’s ruling. They did not believe that the misinformation was relevant to declarer going down in 6♥. North stated that because of the misinformation, he was sure that West held the ♦K. The following was the end position:

	♠ 10		
	♥ J		
	♦ Q87		
	♣ ---		
♠		♠ Q	
♥		♥ ---	
♦ Immaterial		♦ K6	plus two unknown cards
♣		♣	
	♠ ---		
	♥ KQ		
	♦ A105		
	♣ ---		

Declarer played a diamond to the ten which lost to the jack. When a second diamond was played, North played the ♦Q which lost to the ♦K.

The Committee Decision: The Committee agreed that there was misinformation. The Committee also agreed that if North had been given the correct information before the hand was played there still would have been no indication as to where the diamond honors were.

It next had to be determined whether the misinformation had led North to play the hand differently or if the misinformation was irrelevant and therefore did not damage the declarer. The Committee decided that North's line of play was inconsistent with his certainty that West held the $\diamond K$ and that this, rather than the misinformation, was the cause of the bad result. The Committee changed the contract to $6\heartsuit$ down one, plus 100 for E/W. The Committee seriously considered assigning a procedural penalty against E/W, but decided instead to warn them about their responsibility to know their agreements.

Chairman: Karen Allison

Committee Members: Corinne Kirkham, Ed Lazarus

Directors' Ruling: 58.9 **Committee's Decision:** 82.2

I'm going to go out on a limb here and predict that N/S were not from Flight A. had they been, and had the Director ruled against them, and had they then brought this case on appeal, it would have been substantially without merit. Given that, the question is whether North's line is reasonable for his level of play. A more experienced player would ruff his last spade before playing ace and another diamond. This would claim the contract whenever the $\diamond K$ was with West or held singleton or doubleton by East (the forced ruff and discard in the latter case would eliminate the second diamond loser). While I make no pretense of knowing what to expect of players at this level, my instinct is that the line adopted by North is reasonable. The play of a diamond to the ten had two ways to win (assuming West holds the king): (1) East could hold the $\diamond J$, or (2) West would be endplayed if he won the jack (presumably he had no spade to return). So I disagree with the conclusion that "North's line of play was inconsistent with his certainty that West held the $\diamond K$ "; and even for an expert, it might have been inferior but not irrational.

The real key to this case lies not in the play, but in the auction. Did East's failure to Alert hold any inference for the location of the $\diamond K$? Here I agree with the Committee that, "if North had been given the correct information before the hand was played there still would have been no indication as to where the diamond honors were." I would therefore have allowed the table result, plus 100 for E/W, to stand for both pairs. (I see no reason to deprive E/W of this result, since they gained no advantage from their infraction.) I also agree with the Committee's decision to educate rather than penalize players at this level.

The panelists are largely behind the Committee on this one.

Bramley: "Correct. The Committee barely avoided the dreaded procedural penalty for an irrelevant and unintentional infraction."

Rigal: "A messy case; I am prejudiced against North by his bidding — but let that pass. North knew perfectly well that the redouble could not possibly be strong, so any argument that follows from that is garbage. In the ending he just happened to guess badly (I can't see a 100% line, though I think there should be one). Tough luck — no adjustment. The warning to E/W is the least they deserve."

Cohen: "I agree with the decision, but have one slight doubt that actually stems from the bidding. Notice North's huge underbids at every turn. First, he bid $3\heartsuit$ when he was worth $4\heartsuit$. Then, with two aces and tons of extras he bid only $4\heartsuit$ and only $5\heartsuit$ over partner's cue-bids. Clearly, North was a man who believed that West really did have a good hand. He was so

convinced that West's redouble showed strength that he didn't listen to his partner's auction and chose instead to bid as if West had the goods. So, would it surprise anyone that in the play of $6\heartsuit$ that North still was seduced into thinking that West had all the missing cards? Anyway, I wouldn't let him make 1430, but I just had to raise this element of doubt. I would like to have seen the early play leading up to the shown ending."

Yes, I've heard of "tunnel vision" before but this is more like "Chunnel vision." And isn't it rather unlucky that dummy was not sufficient to stir North from his reverie?

Weinstein: "How could North have possibly made the weakest bid four consecutive times with that hand? He could have held $\spadesuit xxx \heartsuit xxx \diamond xxx \clubsuit xxx$. On this auction North should have bid $8\heartsuit$ or $9\heartsuit$. Wasn't the Committee curious about the N/S bidding? North should know from the combined N/S holdings that West couldn't possibly be redoubling with a good hand, expecting to make $2\spadesuit$ redoubled. In any case, a North who can't figure out something is amiss in the opponent's bidding and who bids like North did, is not going to be capable of using subtle clues (or even obvious clues) from the opponent's correctly explained bidding."

I'm uncertain what the following panelist found to be incomplete in the write-up.

Wolff: "A good Committee decision, though incomplete (it may be that the write-up was incomplete.)"

Rosenberg: "This is difficult to comment on, without actually hearing North speak. I don't really understand why North's line of play was inconsistent with playing West for $\diamond K$. I would have been inclined to rule plus 1430 for N/S."

As I pointed out earlier, North's line of play is not inconsistent with West holding the $\diamond K$. But how does this argue for plus 1430 for N/S?

We'll give Ron the last word on this one, not (as you might suspect) for his astute analysis of the bidding and play, but instead for his moral to this story.

Gerard: "Well if those were really the remaining cards, North had made some plays that I wouldn't have expected from someone who screwed up the ending. Still, by decision time North knew that West had started with a singleton spade and at most a 10-count but probably less with ten cards in the minors. So the explanation couldn't have been correct. Furthermore, the obvious line of play to support North's contention would have succeeded, although not for the obvious reason.

"Remember this case the next time someone claims that we can train people to be Committee members or that lack of bridge expertise is not a barrier to Directors' ability to administer the Appeals process."

CASE TWENTY-FIVE

Subject (Misinformation): The Right Strategy At IMPs?

Event: NABC IMP Pairs, 31 Jul 97, First Session

Bd: 26	George Drake
Dlr: East	♠ AKQ
Vul: Both	♥ 1065
	♦ J754
	♣ 942
Jonathan Ferguson	Jeff Smith
♠ J9642	♠ 1083
♥ J3	♥ 87
♦ 932	♦ KQ1086
♣ 1076	♣ AKJ
	Helen Drake
	♠ 75
	♥ AKQ942
	♦ A
	♣ Q853

West	North	East	South
		1♣(1)	2♥
Pass	3♥	Pass	4♥
All Pass			
(1) Alerted; could be short if balanced (13-14 or 18-19 HCP)			

The Facts: 4♥ made five, plus 650 for N/S. Before the opening lead was made, South informed E/W that North had failed to Alert the 2♥ bid as a strong jump overcall. E/W called the Director who instructed that play continue. When the Director was called back to the table, he ruled that the failure to Alert was unauthorized information for South. The Director ruled that South could not be allowed to bid 4♥ (Law 16A) and changed the contract to 3♥ made five, plus 200 for N/S.

The Appeal: N/S appealed the Director’s ruling. South stated that after her partner raised 2♥ to 3♥, she could not afford to miss a game.

The Committee Decision: The Committee unanimously decided that South had made a bridge decision based on her own hand and that the 4♥ bid would be allowed. The contract was changed to 4♥ made five, plus 650 for N/S.

Chairperson: Martin Caley

Committee Members: Lowell Andrews, Henry Bethe, Bart Bramley, Peggy Sutherland

Directors’ Ruling: 52.2 **Committee’s Decision:** 89.6

N/S seem to have come from the same “always bid one more” school of IMP tactics that their counterparts in CASE FOURTEEN attended. It didn’t wash then, and it still doesn’t.

Playing strong jump overcalls (SJO) requires special bidding technique to deal with the fact that the jump often uses up an extra level of bidding needed for game investigation. Normally, a single raise suggests that advancer expects to contribute at most one trick (in essence, a token raise) — often made with little more than a trump fit. With a fit and an

expectation of contributing one-plus trick, but not enough to bid game, advancer cue-bids. With more advancer either bids game directly or cue-bids first and then bids again.

In this case North’s 3♥ bid suggests a token-type raise (a hand such as ♠Qxx ♥xxx ♦Jxxx ♣xxx would be more-or-less typical). Opposite such a hand South has no reason to bid again, so the Director was correct in not allowing South’s 4♥ bid. The Committee, on the other hand, seems to have been either overly influenced by South’s six-four distribution (six-four, bid more) or unfamiliar with SJOs. To make game South would need North to produce at least one working control in a black suit as well as coverage for the length club losers — clearly too much to ask of a mere 3♥ raise. Therefore, I agree with the Directors and would have assigned both sides the result for 3♥ made five, plus 200 for N/S.

Reiterating his original vote on this case is . . .

Bramley: “I still concur. I was surprised to learn that strong jump overcalls are now Alertable, but N/S indicated that they did know of this change. Once again I would like to point out the difference between an incorrect Alert and an incorrect failure to Alert. An Alert usually carries a positive inference that a special interpretation is being used for the Alerted bid. A failure to Alert carries a negative inference in this regard. However, failure to Alert can stem from many causes other than the impending use of a specific interpretation for the un-Alerted bid. The non-Alerter could be uncertain of the meaning of the bid, or uncertain whether the bid is Alertable, or just absentminded. Or perhaps he may have judged that Alerting will help partner more than the opponents, even though the non-Alert is technically incorrect. Thus, I believe that a finding of damage from an incorrect non-Alert should be much harder than a finding of damage from an incorrect Alert. This case is a good example, because the un-Alerted bid is natural.”

One of Bart’s points is demonstrably incorrect. A player may not intentionally withhold an Alert (an infringement of law) because he “judged that Alerting will help partner more than the opponents, even though the non-Alert is technically incorrect.” (Law 72B2). While I am aware that some “experts” do this on a regular basis, it is both improper and dangerous. As far as the (other) multiple reasons why a player may have failed to Alert, the same is true of many other irregularities (such as breaking tempo) and the Committee’s job here is the same. If the unauthorized information could demonstrably have suggested one action over another, then the suggested action should not be allowed. Here the non-Alert suggested that North forgot his methods (by the way, did the Committee determine how long this pair has been playing SJOs?) and South’s 4♥ bid is consistent with that suggestion and not with the usual meaning of a single raise of a SJO.

Anyway, I seem to be in a minority of one on this one. Let’s hear first from the two panelists who express sympathy for my position.

Rosenberg: “Again, tough to comment without being there. What is ‘strong’? Maybe South had a minimum and should have passed.”

Weinstein: “What is South’s definition of a strong jump overcall? Do they ever play it as preemptive where North may have forgotten instead of having forgotten to Alert? I agree with the Committee’s decision, but I’m not sure it’s as clear as the Committee makes it look.”

The remaining panelists agree with the Committee, some expressing what amounts to near-militant support. It’s their turn to beat up on me.

Brissman: “The Committee did the right thing. There is little justification for requiring strong jump overcalls to be Alerted. Consider the man-hours spent by the players, Directors and Committees as a result of this requirement. Little harm would be perpetrated on bridge society by allowing this treatment to be non-Alertable.”

Justified or not, Jon, that’s the regulation. In CASE SIXTEEN you stated: “Judicial activism has no place on appeals Committees. . . Our role as Committee members is to enforce the laws, rules and regulations promulgated by the Laws Commission and the sponsoring organization. I favor ‘bright line’ standards that restrict the latitude allowed Directors and Committees, because such guidelines lead to more consistent, reproducible rulings.” Well, you can’t have it both ways. I appreciated your support on that other case, but now, because you have no need for this regulation, you decide to not hold this pair responsible for abiding by it. Shame.

Cohen: “Silly case. Director should learn how to play bridge. South has an obvious 4♥ bid — she was already way overstrength when she bid 2♥ and has a 100% acceptance of the invitation. From South's point of view, after a club lead game has play opposite as little as ♠xxxx ♥xxxx ♦xxx ♣x.”

As I’ve already demonstrated, while South may have a 100% acceptance of an invitation, 3♥ is not invitational (it’s mildly encouraging, within limits; a token raise). With the hand Larry cites, North should either cue-bid to invite game or (better) simply bid it himself.

Rigal: “Although I normally agree with Director rulings against offenders, does a strong jump overcall really have to be Alerted? [Yes. — *Ed.*] If not, then there is no infraction arising from the failure to Alert a non-Alertable bid. I agree with South’s judgment, and the Committee in letting the bid stand.”

Treadwell: “Another good decision. Let’s play bridge and not try to win boards on technicalities.”

Wolff: “Agree. This is an example of letting the players, not the officials, play the game. For E/W to want something is dangerous and they should be educated about it.”

I want to play on a level playing field. Shoot me, I’m dangerous.

Subject (Misinformation): A Coincidence, But No “Rule”
Event: Stratified Pairs, 01 Aug 97, Second Session

Bd: 16	♠ J3		
Dlr: West	♥ A876532		
Vul: E/W	♦ 762		
	♣ 6		
♠ Q987		♠ AK	
♥ KQ104		♥ 9	
♦ QJ5		♦ 109843	
♣ Q2		♣ K9875	
	♠ 106542		
	♥ J		
	♦ AK		
	♣ AJ1043		

West	North	East	South
1♦(1)	3♥	Dbl	Pass
3NT	Pass	Pass	Dbl
All Pass			
(1) Alerted; could be shorter than three cards			

The Facts: 3NT doubled made three, plus 750 for E/W. The Director was called at the end of the play. South stated that they had not been Alerted that the double was not negative and that she would not have doubled 3NT with the proper Alert. East told the Director that they did play negative doubles and that he had to do something. West decided to bid 3NT because she thought spades were splitting badly and the defense might begin ♥A, heart ruff. The Director thought there had been one unusual action, but not two, because of the questions asked and the explanations received. The Director ruled that the “Rule of Coincidence” did not apply, but that Law 40A, the right to choose a call or play, did apply. The Director allowed the table result to stand.

The Appeal: N/S appealed the Director’s ruling. N/S stated that E/W was a well-established partnership and that a double that did not include spades should be Alerted. South stated that she would not have doubled if she had known that East did not have spades. South stated that her’s was a new partnership and she expected that a heart would be led when she doubled. N/S stated that they did not call the Director until after the hand was over because that was when they found out that West had four spades. East stated that he had no good bid with his hand. He stated that his double normally showed spades but that here the level of the preempt had given him no room to maneuver. If West had bid spades, East planned to bid clubs to show both minors. West stated that she had considered passing 3♥ doubled, but did not want to risk collecting only plus 300 when game was probable. She considered bidding 4♠ but decided to bid 3NT, as she feared the ♥A lead followed by a heart ruff playing in spades. She also feared that spades might split badly after the preempt on her left. West stated that in the twenty-four years of their partnership a double by East always showed spades.

The Committee Decision: The Committee decided that the E/W partnership agreement was that the double showed spades. The Committee believed that the preempt by North had given the opponents a problem that, this time, they solved successfully. The Committee allowed the table result of 3NT doubled made three, plus 750 for E/W, to stand. They also informed

N/S that, if they were concerned with dummy's lack of spades, then the correct time to call the Director would have been when they first saw dummy (Law 9B1), not after the play was over and they didn't like their result.

Chairperson: Ralph Cohen

Committee Members: Mary Jane Farell, Corinne Kirkham, Judy Randel, Jon Wittes, (scribe: Linda Weinstein)

Directors' Ruling: 95.9 **Committee's Decision:** 94.1

Another fine decision. (The final admonishment, however, is somewhat puzzling. N/S's point was well-taken; how could they call the Director before they knew that West had four spades? The admonishment would have made more sense had N/S's argument rested more squarely on dummy's lack of spades. Perhaps this was the Committee's perception.) This was a crybaby appeal, and aside from the fact that this was the Continuous Pairs, the appeal had no merit. If N/S were at all experienced, I'd have penalized them for it.

Agreeing with me was... everyone. Wow! Some even wanted to keep the money (how many times do I have to remind you guys, there's no deposit in non-NABC+ events).

Bramley: "This appeal had no merit."

Cohen: "N/S should grow up. Maybe that's too harsh; for all I know they are very inexperienced and should be forgiven for not understanding that they weren't damaged. By the way, I thought the double of 3♥ isn't Alertable anyway. You can't convince me that South was anything but a sore loser looking for a second chance by complaining after seeing the result. I'd keep the \$50."

The double would be Alertable if it "denies" length in an unbid major — even if takeout. Ever the voice of reason, Gerard is right on my wavelength about the Committee's final statement.

Gerard: "Yes, if East had spades South sure had them bottled up with her ten, six, five, four, two. Are we really discussing the possibility that West violated her system by not bidding spades? Suppose one of East's low clubs had been a spade, would we still be talking about E/W as if East had violated his system by not "having" spades? The Committee was right to bury this Rule of Coincidence nonsense; some people actually do use their judgment when they play bridge. Because N/S seemed confused as to what the irregularity was, I think the lecture that they received could have been expressed differently, since if in fact they were complaining about West's having spades they called at the right time. Maybe they weren't sure from the appearance of the dummy whether E/W were playing negative doubles of spadeless negative doubles and only suspected it when West turned up with undisclosed spades."

Rigal: "The decision by South to double looks random, and as such N/S do not seem entitled to any adjustment. As to E/W; well, it looks as if they fell on their feet in an odd position. Although I would look long and hard at it, I like West's actions in the final analysis, and that persuades me to do nothing more than note it in the book of 'peculiar happenings.' I think the Committee handled this one well."

Spoken like an ideal candidate for the position of: Keeper of the Book of "Peculiar Happenings." Oops. I just realized. That's me.

Weinstein: "E/W played good bridge, and South, after making a speculative double, goes whining to a Director and then a Committee. South, if unhappy, should fill out a recorder slip — or better yet, get a life."

Treadwell: "This case is interesting because East made a non-systemic double and West bid as though she knew what the double really was. However, the bridge logic seems quite sound and I have no problem in allowing the 3NT call. Insofar as South's double is concerned, I fail to see where it is affected by whether East does or does not have four spades. The moral in this is bid your own cards and discount severely information you may try to derive from the opponents' bids."

Rosenberg: "Okay."

Still playing with the new baby a lot, Michael?

Wolff: "A good decision. Wow, it looks like a real coincidence."

Is my sarcasm rubbing off on these guys, or what?

CASE TWENTY-SEVEN

Subject (Misinformation): “Leaping,” To A Bad Conclusion

Event: Red Ribbon Pairs, 02 Aug 97, First Session

Bd: 28	♠ 10	
Dlr: West	♥ 1087	
Vul: N/S	♦ KJ10982	
	♣ J97	
♠ A873		♠ QJ652
♥ A952		♥ 4
♦ A7543		♦ Q6
♣ ---		♣ K8632
	♠ K94	
	♥ KQJ63	
	♦ ---	
	♣ AQ1054	

West	North	East	South
Pass	Pass	2♠	4♣(1)
4♠	Pass	Pass	Dbl
All Pass			
(1) Not Alerted; showed clubs and hearts (“leaping” Michaels)			

The Facts: 4♠ doubled went down three, plus 500 for N/S. The play went as follows: The ♥K lead was won by dummy’s ace. When declarer tried to cash the ♦A, South ruffed and led a heart, ruffed by East. The ♦Q was led to North’s king and a third diamond was ruffed by East and overruffed by South. East took seven tricks. After the hand was over, West asked if 4♠ was a two-suit takeout. When South answered affirmatively, the Director was called. South’s card was marked “leaping Michaels,” which North had not Alerted. The Director changed the contract to 4♠ doubled down one, plus 100 for N/S.

The Appeal: N/S appealed the Director’s ruling, stating that it was East’s poor play and not the failure to Alert that damaged E/W. North stated that they might have agreed to play leaping Michaels, but he was not sure. E/W did not play leaping Michaels. East, a player of about 900 points (most earned in the last three years) told the Committee that had she known that South had shown a two-suited hand, she would have played the hand as a crossruff and would have taken nine tricks. N/S stated that, at the end of the hand, West had pointed out the line of play that would have resulted in nine tricks. East stated that she played diamonds in an attempt to get the ♦A cashed before crossruffing, and that she might have been able to reverse the dummy.

The Committee Decision: The Committee decided that the auction as intended by South indicated a high probability of a diamond void. With no Alert, East did not have the same information. Had East known that South had guaranteed at least ten cards in clubs and hearts and enough spades to double the final contract, cashing the ♦A would be a terrible play. Without this knowledge, East’s play of the hand did not meet the standard necessary to judge a play made by a player at her level as egregious. Whether or not West was the first to suggest a better line of play was not relevant. The Committee believed that this East, with the proper information, would have taken nine tricks. The Committee changed the contract to 4♠ doubled down one, plus 100 for N/S.

Chairperson: Bruce Reeve

Committee Members: Bill Laubenheimer, Jim Linhart

Directors’ Ruling: 84.1 **Committee’s Decision:** 85.2

The Committee clearly overbid when they stated that South’s auction indicated a “high probability” of a diamond void; it was more like a “reasonable possibility.”

The following panelists thought that this decision was another good one.

Rigal: “I like the ruling and decision here. The Director made the right adjustment, and the Committee drew all the correct inferences about what East could and should have known. Where the card is marked up saying one thing, it would need a convincing argument to persuade me that this was not the partnership methods.”

Rosenberg: “Okay.”

Glad you’re still there, Michael. How’s the baby?

The next two panelists resurrect a recurrent issue, last elaborated in CASE TWELVE from *Dallas: They Fought the Law* (Spring, 1997, Howard Weinstein’s comment).

Treadwell: “In this case, unlike several of the preceding cases, the failure to Alert probably did damage the relatively inexperienced declarer and the Committee adjusted the result accordingly. Had the declarer been somewhat more experienced, I would have allowed the table result of minus 500 to stand, since the majority of experienced players either play the non-Alerted leaping Michaels bid themselves or have been exposed to it by their opponents often enough that they would have asked before beginning to play the hand.”

Wolff: “Although controversial, I agree with the Committee decision. This hand should become part of the ‘common law’ on ‘in the absence of an Alert what it takes for a declarer to be ruled damaged in the play.’ Future Committees could profit from this information.”

We really need to discuss in future casebooks what players (at various levels) need to do to protect themselves, and their right to redress. Work up those position statements and send them in.

The next three panelists may have overlooked the fact that this was the Red Ribbons, and that even in more elite events, sometimes these things get emotional and out of hand. But they didn’t overlook the play in 4♠, and their analysis is what this Committee should have busied itself with.

Cohen: “Okay decision. I had trouble trying to determine how East went down three (after the given start). Also, couldn’t tell how many tricks were likely without the misinformation — so I might have ruled Average Plus/Average Minus.”

That was a bit better, but still not enough. Bart, would you help?

Bramley: “I need a little more information. How did the play go to hold declarer to seven tricks? If declarer had made the obvious play of the trump ace when she regained the lead after the second diamond ruff, then she would have had eight tricks easily. Also, what was

CASE TWENTY-EIGHT

Subject (Played Card): The (Literally) Dropped Trick

Event: Life Master Pairs, 25 July 97, First Session

West North East South

No auction was provided

Bd: 20	Lou Ann O'Rourke
Dlr: West	♠ 1082
Vul: Both	♥ 94
	♦ J1064
	♣ Q842
Steve Gross	Dennis Horowitz
♠ A95	♠ Q74
♥ KQ1065	♥ A8732
♦ Q53	♦ 82
♣ 53	♣ K106
	Joan Stein
	♠ KJ63
	♥ J
	♦ AK97
	♣ AJ97

the 'suggested' line of play for nine tricks? I see two lines to get there. One is to cash the trump ace early, cross-ruff hearts and clubs (three of each), then lead the ♦A to tap South and force a lead from the ♣A. This line is not at all likely. The second line is to ruff a heart and lead up to the ♦A, then cross-ruff. Eventually you get two red aces, three heart ruffs, two (only) club ruffs, and two natural trump tricks. This line is more likely, but would still be missed by many players, including some good ones. Obviously, it's a lot easier to 'suggest' this line if you already know that South has no diamonds.

"I see no evidence that this East 'would' have taken nine tricks with the proper information. Even with the information she thought she had, South was marked with short diamonds and a void was a distinct possibility. If the Committee thought that cashing the ♦A would have been a 'terrible' play with proper information, then it should have found this play nearly as bad with the actual information. (Personally, I don't think it's terrible in either case.)

"I would have given E/W down two, minus 300, the most likely result with the proper information. I would have given N/S down one, plus 100, the worst result that was at all probable."

Weinstein: "At first I thought this was a good decision. Upon further review, it seems extremely unlikely that even with the correct information that East is going to take more than eight tricks."

That's how I see it. I go along with Bart's analysis: minus 300 for E/W, plus 100 for N/S, and everybody have a nice day.

The Facts: 4♥ doubled made four, plus 790 for E/W. The opening lead was the ♦J. South won the king and shifted to the 3♣, won by dummy's queen. When the ♦8 was led from dummy, South rose with the ace and played the ♠K. Declarer drew trumps, pitched dummy's losing spade on the ♦Q and ruffed his last spade. He then returned to his hand with a trump and, at trick ten, led a club to dummy's king and South's ace. At trick eleven, with South on lead, the following cards remained:

	♠ ---	
	♥ ---	
	♦ 10	
	♣ Q8	
♠ ---		♠ ---
♥ 106		♥ 8
♦ ---		♦ ---
♣ 3		♣ 106
	♠ ---	
	♥ ---	
	♦ 9	
	♣ J9	

South led her low club, West played the three and North "dropped" a card on the table (or in her lap), declarer winning the trick with dummy's ten. N/S then called the Director and claimed that North had not played to trick eleven; she had accidentally dropped a card. South stated that she had not seen the card. E/W both asserted that the card was played and had been face up on the table. The Director determined that two players stated they had seen the card and two players stated they had not seen the card. All players agreed that declarer had

played the ♣10 from dummy. The Director ruled that the table result would stand.

The Appeal: N/S appealed the Director's ruling. E/W both insisted that North had played the ♣8. North claimed that the card had accidentally fallen from her hand into her lap and South, while generally supportive of North's position, was somewhat less emphatic about exactly how the card reached the table and/or North's lap.

The Committee Decision: The Committee determined that North had played the ♣8, even if she didn't fully realize which card it was that she was playing. The table result was allowed to stand for both pairs.

Chairperson: Bob Hamman

Committee Members: Lowell Andrews, Martin Caley, Mary Jane Farell, Michael Rahtjen

Directors' Ruling: 81.0 **Committee's Decision:** 71.4

Since the Committee members were present at the hearing and we weren't, it seems difficult to second guess them from this distance. From the description of the happenings at the table and my own discussions with several of the Committee members, I'm comfortable with the idea that North "played" the ♣8. As long as the Committee determined that North exposed her card with the apparent intent to play it (perhaps until she noticed something she had previously overlooked about it), rather than inadvertently dropping it on the table, theirs was the only appropriate decision.

While I do not know much more of the details of how North's actions appeared at the table than have been stated here, if E/W had any sense that her "play" of the ♣8 may have been inadvertent and not negligent, I hope that they would have allowed her to play the card (the ♣Q) that she had intended. However, if North's attempt to change her play was clearly an afterthought, then the final outcome of this case was entirely appropriate.

Bramley: "This doesn't seem like an appealable ruling. If the Director determined that the ♣8 was a played card, could the Committee have found otherwise?"

The laws give a player has the right to appeal any Director's ruling — even (as strange as it may sound) one based on a point of law, which a Committee may not overturn. In such cases the Committee reviews the facts and does one of four things: (1) recommends to the Director that the original ruling be reconsidered — which the Director is not obligated to do; (2) supports the original ruling, but decides that the appeal was justified based on, say, some question as to the accuracy of the facts; (3) finds the appeal to be without merit; or (4) finds a new set of facts (for example, that new evidence not originally considered by the Director suggested that the ♣8 was not a played card) and consequently applies a different (more appropriate) law to the new facts, thus changing the ruling.

Cohen: "Why is this case here? Too much information is missing. . . The only relevant part of the case is the exact events that occurred on trick eleven, and there is not enough information to get the feel of what North's intention was."

Rosenberg: "The write-up is gobbledygook."

You can thank the Chairman for that. He never turned in a write-up, even though (I am told) he was contacted several times to provide one and promised to do so. The account that was sent to the panelists had to be pieced together from the appeal form. Even that account was not accurate when I finally got it, and I had to make additional corrections based upon the recollections of some of the Committee members many months after the fact. This final report was then sent to the panelists to replace the previous (inaccurate) version and is included here. Unfortunately, Larry Cohen, Barry Rigal and Michael Rosenberg did not get the revised version in time for their comments, so they have mercifully been excluded from this discussion.

Treadwell: "The Director's and Committee's ruling seem somewhat harsh in this case, but it is really a matter of law. If the ♣8 fell out of North's hand accidentally, it may be replaced with the ♣Q, which North obviously intended to play, and the ♣8 becomes a penalty card. On the other hand, if it was placed on the table by North, carelessly or otherwise, it may not be changed. The Committee heard the evidence first hand and decided the ♣8 met the definition of a played card."

Exactly.

Weinstein: "It is difficult to comment on these cases since they are largely based on a determination of the facts to the best of the Director's and Committee's ability. There is no reason to believe that they did not come up with the proper ruling."

Wolff: "The report is garbled, but mechanical mistakes should not be allowed to be withdrawn unless there were unusual circumstances (not clear in this case write-up.)"

(More than) enough said about this one.

CASE TWENTY-NINE

Subject (Inadvertent Call): Oops! Now How Did That Get There?

Event: Stratified Mixed Pairs, 28 July 97, First Session

Bd: 31	♠ 764		
Dlr: South	♥ AJ		
Vul: N/S	♦ AKQ1074		
	♣ 72		
♠ KJ52		♠ A1083	
♥ 10		♥ KQ865	
♦ J965		♦ 8	
♣ 10985		♣ Q43	
	♠ Q9		
	♥ 97432		
	♦ 32		
	♣ AKJ6		

West	North	East	South
			Pass
Pass	1♦	1♥	1NT
Pass	2♦	All Pass	

The Facts: 2♦ made three, plus 110 for N/S. South placed the 1♥-bid card on the table. When the insufficiency of the bid was called to his attention, South immediately stated that he had intended to bid 1NT. The Director was called. Away from the table, South was firm in his statement that he had intended to bid 1NT and did not know how he had managed to place the 1♥ card on the table. When taken away from the table West told the Director that, if he were allowed to, he would accept the 1♥ bid and bid 1♠. The Director ruled that South's 1♥ call was inadvertent and could be changed to 1NT (Law 25A). The table result would therefore be allowed to stand.

The Appeal: E/W appealed the Director's ruling. South stated that he did not notice that his call was 1♥ when he pulled the card from the box, when he transported the card to the table, or when he placed it on the table. South stated that he was left handed and had been using his right hand to handle the bidding cards — a bit clumsily.

The Committee Decision: The pivotal issue before the Committee was whether South's 1♥ call was inadvertent. South pulled a card which was not next to the allegedly intended 1NT card, but separated from it by the 1♠ card. It seemed a somewhat remarkable coincidence that South had such a clear 1♥ call had he not seen the 1♥ bid by East. On the other hand, when the insufficiency of the bid was called to South's attention, he immediately said that he had intended to bid 1NT. The problem the Committee dealt with was how to weigh the evidence of inadvertence. Clearly, South was quite negligent if inadvertent. A person careless enough not to check his own bid might have been careless enough not to notice his right-hand opponent's bid. The Committee struggled with the problem of how much imprudence should be tolerated in order to make a finding of inadvertence. In a split decision, the Committee used the Director's finding of credibility at the table to determine the issue. In cases where a finding of credibility is made at the table, it is sometimes appropriate, when the evidence is not clear, to use the Director's finding as the default position for the Committee. Therefore, the table result of 2♦ made three, plus 110 for N/S, was allowed to stand.

Dissenting Opinion (Jan Cohen): As one who does not believe in coincidence, I was too troubled by both the fact that South held five hearts and that the 1♥-bid card is two cards away from the 1NT card to vote that South really intended to bid 1NT.

Chairperson: Michael Huston

Committee Members: Jan Cohen, Ed Lazarus

Directors' Ruling: 81.9 **Committee's Decision:** 82.6

While the Committee in CASE TWENTY-SEVEN overbid with their statement, then this Committee underbid with, "it is sometimes appropriate, when the evidence is not clear, to use the Director's finding as the default position for the Committee." I would have put it another way: If you assume that the Director knew what he was doing when he determined the facts and made his ruling, you may be surprised at how much better your Committee decisions will become. This is certainly true at NABC tournaments, if recent casebooks are any indication.

The following panelists agreed with the Committee, and therefore with the Director's determination of the facts.

Rigal: "My own practical experience suggests that sometimes quite unrelated bids emerge from the box compared to the intended action. I think the Director ruling, and the Committee relying on the facts as established then, is very reasonable."

Cohen: "Nice decision by the Committee to go with the Director's ruling. Can't say that South is a liar, so let's just go with the feel of the Director who was actually there to adjudicate."

Treadwell: "Here again, the Committee heard the evidence, in a rather peculiar case, first hand and made a judgement. I do have much sympathy for Jan Cohen's dissenting opinion since the degree of coincidence is quite high."

Weinstein: "I don't believe West's self-serving statement that he would have bid 1♠ over the second 1♥ bid. Good consideration of the situation by the Committee."

The two most eloquent defenses of the Committee's decision were (not surprisingly) provided by Bramley and Gerard. Their comments begin deceptively, but I have determined that this is not punishable under Law 73F2 (on illegal deceptions).

Bramley: "I agree with the dissenter. But there was plenty of stink here in addition to South. West's statement that he would have bid 1♠ is preposterous. Some players seem to think that the slightest faux pas by an opponent is an excuse to claim that they would have played double-dummy. (The 'suggested' line of play in CASE TWENTY-SEVEN is another example.) Also, North's removal of 1NT to 2♦ is a strange bid. Could North have thought that his partner did not have a classic 1NT bid?

"However, as Jan Cohen thought, and what I think, may not be relevant. As in the previous case, I must ask whether this is an appealable ruling. If the Director ruled inadvertence, can the Committee find otherwise? The remedies for insufficient bids are clearly spelled out in the Laws. These remedies are mechanical in nature, and they allow the

auction to continue, but with constraints that weigh against the offending side. However, if the offending side reaches a normal or superior contract despite these constraints, they get to keep their result. (In the classic example the insufficient bidder, forced to pick a contract, picks a winning but otherwise unreachable contract.)

“Thus, even if we think the Director erred, we probably cannot impose an inferior result on the offending side, because we cannot assume that they would have achieved an inferior result even with the constraints of the insufficient bid law. We must, as the majority did, follow the judgement of the Director. To change a valid table result for anything less than a clear Director’s error would be wrong. (By the way, the result at the table strikes me as quite random. When N/S avoided notrump they were luckily rewarded by the four-one diamond split. This chain of circumstances doesn’t have anything to do with a possible insufficient bid, but is rather, dare I say, NPL [normal playing luck].)”

While the ruling for an inadvertent bid is spelled out in the laws, the determination of whether a bid was in fact inadvertent is not. The latter is dependent upon players’ perceptions, judgments and “facts” as determined through the interpretation of bidding and play records and other testimony — all of which are inherently subjective (see the discussion of CASE TWENTY-EIGHT).

Gerard: “I find it characteristic that Jan Cohen’s last opinion was clear, levelheaded, right on point. The majority knew it was swallowing the bait but must have comforted itself that it could blame it on the Director whose position it adopted as its own. I don’t see why the Director’s ruling on a point of fact should be given any deference at all — clearly the Committee is in possession of evidence not known to the Director. If the evidence is not clear, the Committee must decide whether South established his inadvertence by a preponderance of the evidence. That the evidence was not conclusive did not mean that the Committee could back off its responsibility. Relying on the Director’s ruling reminds me of what a partner once told me in discussing carding methods: ‘I have to play a card to every trick, so not all of them have special significance.’ The Director has to make a ruling on every alleged irregularity, so not all of them are descended from Olympus.

“Despite the fact that only Jan could see through South’s performance (I would have asked for a demonstration of South’s left-handedness), the decision was correct. West’s statement about bidding 1♠ was completely extraneous, not a necessary component of the Director’s decision. I’m strongly on record as being opposed to the away-from-the-table-what-would-you-have-done procedure because it creates undue pressure and doesn’t produce reliable responses. Here it resulted in an activist stance, one that should have been suspect as an attempt to do something clever — can you imagine any other reason for bidding 1♠? Even though West didn’t yet know East’s hand, the fact that he said he would bid 1♠ didn’t mean that it was likely or even at all probable that it would happen. This is not a matter of honesty, so don’t start serving court papers if you are West. I also don’t think it at all probable that East would have bid over a 2♦ rebid to a 1♥ response when he didn’t on the actual auction, so the final contract would have been 2♦.”

How clear is it that the “Committee is in possession of evidence not known to the Director”? Have you ever noticed how people’s recollections change over time? Have you ever played a game called “telephone”? Have you ever noticed how the fish grows bigger with each retelling? That’s why they call them “fish stories.”

There’s a difference between having to play a card on each trick when the information/

communication demands are in constant flux, and being asked to make multiple rulings where the need to be accurate and correct is constant. To be sure, the more rulings a Director makes, the more likely it is that sooner or later one of them will be wrong. This is the same principle that dictates that the more hands you or I play, the more likely it becomes that sooner or later one of us will get one wrong (well, you anyway — I haven’t logged enough hands yet to get one wrong). The argument could just as easily be turned around to argue the opposite: the more rulings an expert Director makes, the more certainly the percentage of them that are correct approaches his theoretical expert average.

The remaining panelists agree with the dissenter that the coincidence was too great.

Brissman: “Jan got it right. We will miss her.”

Rosenberg: “Personally, I wouldn’t want to punish a player for not seeing a bid. I would let them change their call (remembering that there is unauthorized information). Admittedly, I might want to punish a player for lying about it.”

Wolff: “A good decision, but Jan Cohen’s dissent should be noticed (we’re going to miss her). I agree with her but what result should we assign N/S? Maybe Average Minus, or maybe 3NT minus 100. For once I don’t have an opinion. Oh, pshaw!”

In CASE TWENTY-TWO Wolffie would have had us believe that his opinion was unimportant. Now he’d have us believe that he has no opinion. Right. Linda, are you sure that these are Wolffie’s comments? Is this a joke? Are we on Candid Camera?

CASE THIRTY

Subject (Misleading Question): At Her Own Risk

Event: Stratified Open Pairs, 31 July 97, First Session

Bd: 13 ♠ K86 Dlr: North ♥ 1094 Vul: Both ♦ KJ ♣ J8753 ♠ AJ973 ♠ Q1054 ♥ Q8 ♥ KJ5 ♦ 752 ♦ Q8643 ♣ Q104 ♣ 9 ♠ 2 ♥ A7632 ♦ A109 ♣ AK62	
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West	North	East	South
	Pass	Pass	1♥
1♠	2♥	2♠	4♥
All Pass			

The Facts: 4♥ made four, plus 420 for N/S. The opening lead was the ♣4. South asked what E/W’s leads were. East replied, “Standard.” South further inquired if they were “3rd and 5th or 4th best?” East replied that they usually led fourth best. South then played low from dummy and East played the ♣9. South then asked, “What are your discards?” East replied, “Standard.” South won the ♣A and played the ♥A followed by a low heart, won by West’s queen. West continued with the ♠10 and South played the jack, which won the trick. South eventually lost another heart and a spade. After the play was over, West called the Director and stated that South’s protracted questions had led West to believe that South could not possibly hold ♣AKxx. The Director ruled that West had been damaged and changed the contract to 4♥ down one, plus 100 for E/W.

The Appeal: N/S appealed the Director’s ruling. West did not attend the hearing. South stated that she had asked further questions about opening leads because she did not believe that “standard” was an adequate answer to her question. Only after she had already played from dummy did she remember that she had forgotten to ask about discards. South stated that she thought the ♣4 might be a singleton because West had not led the suit that her side had bid and raised. The Committee asked South if she realized that she could no longer make the contract once she failed to play the ♣J from dummy at trick one. South thought for a few moments and then admitted that she had not realized that, but she did realize when West played the ♠10 that she either “had a club loser or didn’t,” and played the jack. East could neither agree nor disagree with any of the facts as stated; only that West had told him that all the questions had led her to believe that East had the ♣K.

The Committee Decision: Declarer had made an error by not playing the ♣J at trick one. The Committee decided that South’s misplay to the opening lead was such that it alone might lure West to continue a club rather than look for a more prudent defense. The Committee found that South’s questions may have been a bit excessive, but that their nature was not such as to suggest strongly that Declarer was missing the ♣K. The Committee observed that N/S

were only moderately experienced and that South had previously had “standard” given as an answer to an inquiry when her opponents were in fact playing 3rd and 5th leads and thought that was standard. The Committee also believed that South was known to be missing the ♥K, ♥Q and ♥J. This information made it quite likely (from West’s point of view) that South had the ♣AK to bid game. It was certainly not clear if South was missing the ♣K that it was necessary to continue clubs at trick four. The Committee unanimously agreed to change the contract to 4♥ made four, plus 420 for N/S.

Chairperson: Michael Huston

Committee Members: George Dawkins, Bill Passell (scribe: Linda Weinstein)

Directors’ Ruling: 51.9 **Committee’s Decision:** 96.3

Another impeccable decision. Let me reiterate a point that I’ve made here previously. I feel strongly that, at trick one, both declarer and third hand are entitled to ask any questions, or think for as long as they wish (within limits), without prejudice. If anyone draws an inference from their tempo or questions, they do so at their own risk. While there are some limitations to this principle (they cannot, for example, play quickly without jeopardy), for the most part anything within reason should go at trick one. As one example, third hand may think without playing even though he holds a singleton in the suit led. He need not, as some believe, lay his singleton face down on the table to indicate that he has no problem on that trick, nor should he make a statement to the effect that, “I have no problem with this trick.” The opponents are simply not entitled to any such information.

The present case is typical of the problems which occur when a defender draws an inappropriate inference from declarer’s question about the opening lead. Another example is when an ace or king is led and declarer asks the opponents what are their opening leads, while he holds the other high honor in his own hand. It is not unusual to wish to know what your RHO thinks his partner may hold for his opening lead in such a situation, even though you yourself know what he has. And careful players will always find out at trick one about the opponents’ leads. If you only ask about the opening lead when you need to know right then, you end up divulging potentially important information to the opponents whenever you don’t ask. (They know that you either have the information already or that you don’t need it.) Of course, it is usually safer to get this information from the opponents’ convention card (they won’t know exactly where or what you’re looking at if you briefly scan the whole card), but that may not always be possible, for a variety of reasons. Asking consistently, and asking the question in a neutral way (“What are your leads”; not “What do you lead from ace-king”), are important techniques to employ.

I am exhilarated to announce that the panel is unanimous with me on this one. Bart is his usual eloquent self, so let’s start with him and go through them all. I don’t think they require any embellishments from me.

Bramley: “Correct Committee decision. Appalling Director’s ruling. We should establish once and for all that a player that draws inferences from an opponent’s questions does so at his own risk. One is not ‘entitled’ to assume anything about why the questions are being asked. Only when the questions are clearly intended to deceive should the questioner be at risk. This principle is especially important when declarer asks questions at trick one. For example, declarer, holding AKQ of a suit, receives the lead of the jack. Does it deny a higher honor, or is it Rusinow, or ‘standard’? Declarer would be derelict if he did not get this

information. Yet many opponents would feel slimed if he asked a question about the lead. This attitude has got to stop.”

Cohen: “Perfect decision by the Committee. The only relevant player (West) didn't bother to attend the Committee — that in itself would make me rule for N/S. Yes, South misplayed the hand, but it seems like West was trying to get something she wasn't entitled to.”

Rigal: “A good decision here I think by the Committee. The Director may have been harsh in ruling there was an offence in the first place. But the Committee made the correct decision. West's defense is hard to justify; declarer would have played a spade at trick two if she needed a club discard. And the Committee correctly pointed out that Bridge logic implied declarer had the ♣K. I think South was just confused when asking these questions — I am not sure that such confusion can be cleared up by a tactful comment from the Committee about asking questions in these positions.”

Rosenberg: “E/W have some nerve, answering ‘standard’ and then complaining about further questions. The timing of South's ‘discards’ question was peculiar, but not, I think, misleading.”

Treadwell: “Another excellent decision. South's less than good play of not playing the ♣J at trick one had much more to do with West's decision to lead clubs again when in with the ♡Q than did South's excessive questioning. Once again, E/W were trying to win by a technicality what they did not win at the table.”

Weinstein: “The Director's ruling seems to be way too protective of the ‘non-offenders.’ Perhaps a standard ruling in Law 73D cases should be against both sides if, unlike in this case, there seems to be sufficient evidence that the non-offenders were harmed. The offenders' score would be adjusted through 73D2 and the non-offenders would not get an adjustment (except in extreme cases) under Law 73D1 where they draw inferences at their own risk. I hope the Committee suggested to N/S that we have convention cards for a reason.”

Wolff: “A good Committee decision. How could West not know that declarer had the ♣AK?”

It's nice to end on a high note.

CLOSING REMARKS FROM THE EXPERT PANELISTS

Bramley: “This was an aggravating set of cases. All parties are regressing, including players, Directors and Committees.

“The whiners were out in full force here, with many more meritless cases than I can ever recall. The Directors compounded the problem by failing to distinguish the whiners from legitimate complaints in many cases, with some errors in both directions. This falloff by the Directors is especially disappointing, because they had shone for several tournaments before this. Naturally, the weak Director's rulings caused many more appeals than might otherwise have been necessary. (Or maybe not, given how many atrocious cases did go to Committee despite a correct Director's ruling.) And the Committees' accuracy was not at the same level to which we have become accustomed.

“Could it be the lack of recent feedback in the form of NABC Casebooks that has caused this regression? Let's hope so.”

Cohen: “After reading all these cases and the casebooks the past few years I have to say that it's getting easier to determine right from wrong. I found the Dallas and Albuquerque cases much easier to comment on than the Philadelphia and Miami ones.”

Gerard: “The early returns are in on the new wording of Law 16 and they're not encouraging. Committees are now going to feel free to find uncertainty instead of suggested action (CASES SEVEN and TEN, the dissent in CASE FIVE) or to completely misinterpret the new language by applying an old, discredited standard (CASES TWO and FOURTEEN, the dissent in CASE FIVE). For those keeping score, I found six relevant instances of unauthorized information involving logical alternatives (CASES FOUR, FIVE, SEVEN, EIGHT, TEN, and ELEVEN) and every one of them embodied extra offensive values. In no case was the actual alternative ‘pass’ or ‘double,’ it was always ‘bid more.’ Even with a larger sampling, I wouldn't expect to find many slow passes or signoffs containing surprise defense or minimum values. Knowledge of actuarial science indicates that the correlation between perception and reality is unlikely to be coincidental. I think Committees are in danger of dwelling to excess on the unlikely alternatives, something that will not go unnoticed by the public. Pretty soon, we'll have to deal with ‘I couldn't tell what partner was thinking about’ in the same way that we've been bombarded with ‘I was thinking about bidding 7NT,’ ‘I relied on the Law of Total Tricks’ and ‘We always bid slam with three instead of zero’ as justifications for out-of-tempo actions or explanations of subsequent decisions.

“The other area that needs to be examined is a predetermined approach to certain situations by the expert community. East's hand in CASE EIGHT is a case in point; if you've ever seen it or a relative before you should have made up your mind how to handle it. A tempo-sensitive 2♠ or 2♦ in that situation is bad, not because it deliberately conveys information but because partner is now compromised in an action he might well have taken anyway. I'd be the last one to suggest that all bidding decisions be made by formula, but it's actually a good habit to have plans and to know what your approach is to certain hand types. Obviously, you can't anticipate everything and will inevitably be faced with a first-time problem that needs your attention, but some of these cases can be kept out of Committee by adopting this approach.”

Rosenberg: “The most important case was CASE TWELVE, where only Rich Colker

dissented and got it right. You cannot let players use tempo to bid their hands. CASE TEN was really bad (we shouldn't be getting these wrong, anymore). CASE TWENTY-TWO was also important and mishandled by the Director and Committee. When Directors do not force the offending side to appeal, they had better be very sure they know what they are doing."

Weinstein: "Very disturbing set of cases. The Directors, after doing excellent work in Dallas and San Francisco, did not come close to maintaining that standard if the appeals cases are representative. I thought there were eight poor Director's rulings. Also somewhat worrisome, is that rather than generally erring on the side of the non-offenders on the rare occasions there was an error in the past, there were gross inequities both directions. The mediocre Committee performance for a change was slightly better than the Directors (at least on those that made it to Committee) with five poor decisions by my count. The write-ups which were almost uniformly excellent last time were of varying quality this time. The quality of the rulings was also weaker than last time, but better than in San Francisco.

"There were several cases where the non-offending side made ridiculously bad plays or bids, or was totally out to lunch. We should get the message across to the players that if you lose your mind subsequent to an infraction, don't bother going to a Committee or asking a Director for an adjustment for your own side. Maybe the threat of 'Dark Points' will work where deposits and procedural penalties did not.

"There was powerful progress in that the past preponderance of petty, paltry, poor procedural penalties previously preferred by Committees was not present this time.

"Several years ago the Board of Directors decided that they wanted appeals cases determined by equity to the extent possible. This is a worthwhile goal, and we should educate our Committee personnel that, when appropriate, they should attempt to achieve equity. We should also need to educate them on just how to do it within the constraints of the laws. The Blue Print might be a suitable forum for including such information. In the meantime, if the Board still views equity as a worthwhile goal, they should suggest to the Laws Commission that they consider expanding Law 12C3 and then adopt it. Board? Laws Commission?

"Speaking of equity, as mentioned in CASE TWO and others, we can take a giant leap for equity by using 12C2 for the non-offenders based upon the likely result had the huddle (or whatever unauthorized information) itself not occurred. The non-offender's result was actually based on this in CASE SIX, but should have at least been considered in CASES ONE, TWO, THREE, FIVE, SEVEN, NINE, SIXTEEN, and TWENTY.

"We could use a discussion of the obligations of opponents to determine if an Alert was missed and what the remedies might be for failure to do so (see CASE TWENTY) or for the possible creation of unauthorized information if a good faith effort is erroneously made in the attempt to make that determination. Conventions and Competitions Committee? Anyone else?"

CLOSING REMARKS FROM THE EDITOR

I noticed precisely the same pattern in the quality of the appeals and Committee decisions that Bart describes and, like him, I would like to think that this is due to the absence of our casebooks for a period of about a year. I want to think that, because the alternative is that the improvement we thought we were seeing in Committee's decisions was just a fluke (sort of like el Niño).

At least Larry's comment suggests that the panelists may be getting something out of these casebooks. Like anything in life, including bridge and appeal work, practice helps.

Gerard's comments are right on target. All I can do is encourage everyone to reread them until they are committed to memory. I don't think we will ever get all players (or even all "experts") to do the sort of planning Ron suggests, but it would be nice to think that if we keep this concept alive and in people's faces for a long enough time period we will at least see some modest improvement.

Michael only begins to scratch the surface with the problem cases from this set, but if we learn anything from him it should be that we need to set up organized discussions and workshops where our Appeals Committee members spend some time at each NABC going over and tearing apart these decisions, using the casebooks to guide them. This is part of the "A Call to Arms" plan (see my closing comments in *The Streets of San Francisco*, Fall, 1996) that needs to be implemented as soon as possible. Let's get serious about this.

As for Howard's comments, I challenge anyone to say the sentence which comprises his third paragraph three times quickly. Howard, get a life.

Howard has a good point about discussing and sharing ways to achieve equity-type score adjustments in those situations where they are appropriate. This needs to be a part of the workshops in "A Call to Arms." I would also remind the reader that I have reprinted an updated version of "A Blueprint For Appeals" in my Closing Comments section in the Dallas casebook (which should be coming out at the same time as this casebook, as I try to catch up after the year-long absence; if you haven't gotten both of them, ask someone to check on it).

I'm quite short of time right now due to the demands of producing two casebooks (Dallas and Albuquerque) and some other obligations I assumed this winter. As I write this January is winding down and I'm about to leave the country for a brief trip. I am therefore going to cut this short this issue (please, no applause) and end my comments with a plea to the new Director of Appeals (Alan LeBendig) and the two Appeals Co-Chairs (Jon Brissman and the newly appointed Karen Allison) — congratulations Alan and Karen — to assume a more active role in the coming year to implement improvements in the NABC Appeals process. My suggestions are in "A Call to Arms," so why not begin there? Here's another one. Have one of the Appeals Co-Chairs assist in the screening room at all times. Maybe this can help cut down on the number of meritless appeals.

We can't keep waiting around for someone else to do it. We're responsible — each of us. I've done my job by screaming "Do it" (I also volunteer to help). Now you guys, DO IT!

THE PANEL'S DIRECTOR AND COMMITTEE RATINGS

Case	Directors	Committee	Case	Directors	Committee
1	97.0	90.7	17	53.0	97.8
2	70.0	78.1	18	59.6	54.4
3	96.7	89.6	19	56.7	88.5
4	92.2	86.7	20	62.9	55.2
5	84.1	76.3	21	60.8	97.4
6	77.0	73.7	22	83.3	81.5
7	78.1	75.2	23	80.4	85.2
8	43.0	84.4	24	58.9	82.2
9	75.2	70.7	25	52.2	89.6
10	71.9	79.6	26	95.9	94.1
11	95.9	95.9	27	84.1	85.2
12	48.1	56.3	28	81.0	71.4
13	85.2	83.3	29	81.9	82.6
14	51.9	51.9	30	51.9	96.3
15	88.1	88.9	Mean	72.6	80.7
16	63.0	79.6			

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