

APPEAL	NABC+ FOUR
Subject	Claim
DIC	Henry Cukoff
Event	Rockwell Mixed Pairs
Session	First Qualifying
Date	March 11, 2008

BD#	17
VUL	None
DLR	North

Bernace De Young	
♠	T 4
♥	
♦	K Q 8 3
♣	A K Q 7 6 5 4

Judy Nassar		Spring 2008 Detroit, MI	Richard Ekstrum	
♠	A Q J 7		♠	K 9 6 2
♥	J T 7 3		♥	K 6 5
♦	A J 5 4		♦	T 9 7
♣	9		♣	J 3 2

Cam Doner	
♠	8 5 3
♥	A Q 9 8 4 2
♦	6 2
♣	T 8

West	North	East	South
	1♣	Pass	1♥
Dbl	3♣	3♠	Pass
Pass	4♣	Pass	Pass
4♠	5♣	Pass	Pass
Pass			

Final Contract	5♣
Opening Lead	♠2
Table Result	Down 1, N/S -50
Director Ruling	5♣ by N down 1, N/S -50
Committee Ruling	5♣ by N down 1, N/S -50

The Facts: The director was called after trick ten. The play had proceeded as follows:

♠2	♠3	♠A	♠4
♦4	♦K	♦7	♦2
♦3	♦9	♦6	♦J
♣9	♣A	♣2	♣8
♦8	♦T	♣T	♦5
♥A	♥3	♠T	♥5
♥2	♥7	♣4	♥6

Declarer the played three rounds of clubs.

North was left with two clubs and the ♦Q, West held the ♠Q and J and the ♦A and East held the ♠K and 9 along with the ♥K. Dummy came down to the ♠8 and 5 and the ♥Q. At this point East stated that he would hold the ♠K. West then stated that she would hold the ♦A.

The Ruling: The table director applied Law 57 (premature play) ruling that West, in effect, lost the ♦A. Directorial review determined that the appropriate law was 68 A as this was determined to be a claim not a premature play. In accordance with law 70, it was determined that in light of the auction and play up to the point of the claim it would be irrational for East to discard the ♦A. Therefore, the result of 5♣ by North down one, N/S minus 50 was instated.

The Appeal: South claimed to have seen some or all of East's cards when he made his statement about the spade king. South wanted the committee to consider a procedural penalty (PP) against E/W.

When asked, South refused to quantify the likelihood that East would have kept a heart not a spade for trick 13 or that West would pitch the ace of diamonds prior to trick 13. Neither North nor West saw East's cards. West knew East had four spades from the auction so would never keep a second high spade to discard the ♦A.

The Decision: The committee agreed with the director's corrected ruling. Law 57 was not on point. East's statement was tantamount to a claim. The committee judged that East would keep the spade king in the one-card ending, both because she had seen North pitch on the ♥A and ruff a heart and because she said that she would keep it in her claim statement. West would then retain the ♦A as her 13th card both because she knew from East's three spade bid and the play so far that North held no more spades and because the spade queen was not a winner. The committee upheld the final director decision of 5♣ by North down one, N/S minus 50.

The committee considered a PP and determined that East's actions were possibly unfortunate but certainly understandable – a PP was not warranted.

The only conceivable reason for not awarding an appeal without merit warning (AWMW) was the initial incorrect ruling. Two members of the committee felt the incorrect ruling was enough reason not to award an AWMW. While the other three members disapproved strongly with this view, the committee decided not to award an AWMW.

The Committee: Barry Rigal (Chair), Jerry Gaer, Jeff Meckstroth, Tom Peters and Jim Thurtell.

Commentary:

Goldsmith Three in a row. AWMW. Didn't the screening director tell N/S that the original ruling was simply wrong?

Polisner What are the odds on the same pair being considered in two out of the 10 appeals from NABC + events? In my opinion both this case and the prior one should have both resulted in AWMWs.

Rigal I was a hanging judge (regarding AWMW). I've not changed my mind. I'm also perhaps unconsciously influenced by the fact that one sees some faces in the appeal room more often than others...

- Smith** N/S should not get a free shot at a meritless appeal just because the directors got it wrong initially. N/S had absolutely no case in law, and in my opinion that is the kind of case the AWMW system is supposed to help prevent. N/S had everything explained to them before they wasted the committee's time, so they should have been given an AWMW.
- Wildavsky** Kudos to the directors for correcting their error. This appeal had no merit. The appellants had the law explained to them thoroughly both before they appealed and in the appeal screening. They ought to have known they had no case. Getting two different rulings does not give a pair a free shot at an appeal, though many act as if it did. The failure to issue an AWMW here only reinforces this erroneous opinion.
- Wolff** Agree with the committee decision and allow E/W plus 50, N/S minus 50 with no procedural penalty (PP). Sometimes when the defense knows what to save, it becomes tedious to have to play it out and some leeway should be given. Here the facts are clear and the result, if all facts are equal, should tend to favor what the bridge suggests.