

|         |                          |
|---------|--------------------------|
| APPEAL  | NABC+ SEVEN              |
| Subject | Unauthorized Information |
| DIC     | Gary Zeiger              |
| Event   | Roth Swiss Teams         |
| Session | First Qualifying         |
| Date    | July 31, 2010            |

|     |           |
|-----|-----------|
| BD# | <b>3</b>  |
| VUL | <b>EW</b> |
| DLR | <b>S</b>  |

|                       |      |
|-----------------------|------|
| <b>Karen McCallum</b> |      |
| ♠                     | J83  |
| ♥                     | AT83 |
| ♦                     | 982  |
| ♣                     | T72  |

|                     |       |  |                   |       |
|---------------------|-------|--|-------------------|-------|
| <b>Colby Vernay</b> |       | <b>Summer 2010<br/>New Orleans, LA</b> | <b>Tom Kniest</b> |       |
| ♠                   | AKT   |  | ♠                 | 74    |
| ♥                   | 97    |  | ♥                 | KQ652 |
| ♦                   | K74   |  | ♦                 | QJT   |
| ♣                   | KJ965 |  | ♣                 | A43   |

|                   |       |
|-------------------|-------|
| <b>Lynn Baker</b> |       |
| ♠                 | Q9652 |
| ♥                 | J4    |
| ♦                 | A643  |
| ♣                 | Q8    |

|      |                 |                |                 |
|------|-----------------|----------------|-----------------|
| West | North           | East           | South           |
|      |                 |                | 2♠ <sup>1</sup> |
| P    | 3♦ <sup>2</sup> | P <sup>3</sup> | P               |
| 3NT  | P               | P              | P               |

|                  |                              |
|------------------|------------------------------|
| Final Contract   | <b>3NT by West</b>           |
| Opening Lead     | <b>♠3</b>                    |
| Table Result     | <b>Made 4, EW +630</b>       |
| Director Ruling  | <b>3♦ N down 5, EW +250</b>  |
| Committee Ruling | <b>3NT W made 4, EW +630</b> |

|     |  |
|-----|--|
| (1) | Alerted as 3-9 HCP with a five-card suit     |
| (2) | Alerted as 0-18 HCP, natural and non-forcing |
| (3) | Undisputed break in tempo                    |

**The Facts:** East asked South about the alerted 3♦ bid. The explanation was a bit unclear with North urging South to give a complete explanation of their agreement. East may have asked more than one question. He then took about five seconds before passing. West said that he did not believe East took that long to pass. When it was his turn to bid, West also asked more than one question, with North again contributing to the exchange. He noted to the committee North-South's reputation for light action. Considering those facts, West stated that he believed 3N was a gamble worth risking. North-South maintained that there was a clear break in tempo of about ten seconds.

**The Ruling:** The Director ruled that there a break in tempo that conveyed unauthorized information to West and that pass was a logical alternative to 3NT.

Accordingly, the Director ruled that the final contract should be 3♦ by North down five for a final result of East-West +250 under laws 16B1(a) and 12C1(e).

**The Appeal:** East-West appealed and all four players appeared at the Committee hearing. The Appeals Committee ruled that since the issues of logical alternative and “demonstrable suggestion” could easily be resolved against appellants, the crux of this case lies in whether there was unauthorized information. The Director told the Committee that as a matter of ACBL regulation, East’s question of South concerning North’s alerted 3♦ bid is protected from application of Law 16. That leaves only the alleged break in tempo to resolve.

The Committee ruled that East was in a very “hot” seat. He was fourth to bid after a non-vulnerable weak two which could have been as light as 3 HCP, a passed partner, and a bid on his right which could have been made on an enormous range of high-card strength. His obligation was to attempt not to convey unauthorized information. Both a fast pass and an extended huddle would violate that obligation. The Appeals Committee believed that he fulfilled his obligation by asking about the alerted 3♦ bid (which is eminently desirable regardless of his hand) and by waiting a few seconds after hearing about the very unusual agreement before making his call. By doing so, he makes interest in the auction appear the same as lack of interest.

**The Decision:** In this context, the Appeals Committee decided the evidence showed that East’s pass did not constitute an “unmistakable break in tempo” as referenced in Law 16. Therefore, the Appeals Committee ruled that the table result of 3NT by West making four should stand.

**The Committee:** Michael Huston (Chairman), Curtis Cheek, Jeff Roman, Fred King, and Ed Lazarus.

### **Commentary:**

**Bramley:** Outstanding decision. A more literal-minded Committee could easily have decided otherwise. If they had it would have left a really bad taste. (Note the contrast with the Case Six decision.)

We have seen this kind of situation before. One side takes strange and unusual action for the express purpose of giving their opponents a big problem. Then, when the opponents DO have a big problem, the perpetrators call the cops on them! Here, we have a weak two-bid within N/S’s hyper-aggressive and wide-ranging style, in conjunction with a NON-FORCING response with an even WIDER range, that also happened to be a PSYCH. Give me a break. When your opponents overcome all of that you should congratulate them, not accuse them of hosing you. Highly unusual actions automatically bestow extra time on the opponents to work out what is happening. East clearly acted within an appropriate amount of time. End of case.

**Goldsmith:** Look at East's hand. It seems pretty clear that he wasn't thinking about anything but the alert and explanation, and was very unlikely to have paused more than a couple of seconds.

I like the AC's ruling.

**Kooijman:** The facts tell me that there was an undisputed break in tempo. But the appeal committee is wiser than the facts and decide that there was no unmistakable break in tempo. What to do? I even have the feeling that West bids 3NT (gamble of course) to escape from the accusation to have used the huddle. But once he enters the auction EW will end in 3NT, so his choice doesn't matter. -250 to NS.

**Rigal:** My sympathies are entirely with E/W. The highly unusual destructive methods played by N/S are likely to produce tempo problems and incomplete explanations make matters worse for their opponents. Good ruling.

**Wildavsky:** I prefer the AC's ruling to the TD's ruling. Their reasoning is compelling.

**Wolff:** Players, like NS, will stop playing their conventional psychic bids or have to get used to being taken advantage of by undue hesitation. Because of that I would allow the questionable antics of EW and charge it off to parrying with the enemy.