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| APPEAL | Non NABC+ NINE |
| Subject | Unauthorized Information |
| DIC | Ken Horwedel |
| Event | Open Pairs |
| Session | First Session |
| Date | July 25, 2010 |

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|-----|-------------|
| BD# | 11 |
| VUL | None |
| DLR | S |

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|---------------------------|-------|
| 10237 Masterpoints | |
| ♠ | KJ3 |
| ♥ | A9842 |
| ♦ | T65 |
| ♣ | K5 |

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|--------------------------|---------|--|-------------------------|-------|
| 1615 Masterpoints | | Summer 2010 New Orleans, LA | 486 Masterpoints | |
| ♠ | 54 | | ♠ | A2 |
| ♥ | Q | | ♥ | 653 |
| ♦ | AK98742 | | ♦ | QJ3 |
| ♣ | 632 | | ♣ | AJ987 |

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| 3175 Masterpoints | |
| ♠ | QT9876 |
| ♥ | KJT7 |
| ♦ | |
| ♣ | QT4 |

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|------|----------------|------|-------|
| West | North | East | South |
| | | | P |
| 3♦ | P ¹ | P | 4♠ |
| P | P | Dbl | P |
| P | P | | |
| | | | |
| | | | |

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|-----------------|-------------------------------------|
| Final Contract | 4S Dbl by South |
| Opening Lead | ♦A |
| Table Result | Made 5, NS +690 |
| Director Ruling | 3♠ S made 5, NS +200 |
| Panel Ruling | 4♠ doubled S made 5, NS +690 |

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| (1) Break in tempo over 3D bid |
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The Facts: East-West called the Director after South's 4♠ bid and alleged a 30+ second break-in-tempo by North over the preempt. North didn't deny the break-in-tempo but claimed that she was waiting for West to pick up his stop card.

The Ruling: The Director disallowed the 4♠ bid pursuant to Law 16.B.1. The Director ruled that there was a break-in-tempo by North which gave South unauthorized information. The Director determined that 3♠ was a logical alternative to 4♠. The Director also decided that North was experienced enough to be required to know the Stop Card proprieties.

The Appeal: North-South appealed the ruling and all four players attended the Panel hearing. North-South claimed that even if South only bid 3♠, North would carry on to game with her hand.

The Decision: The Panel gave the North hand to seven flight A players and all seven passed over 3♦. They also asked if they would bid over partner's balancing 3♠ bid and six out of seven passed. Then the Panel looked at East's double of 4♠ with only two sure tricks. The Panel felt that East would not sell out to 3♠ and thus would balance with a 4♦ bid. Then the Panel decided that North would revalue her hand and make the 4♠ bid. After North bid 4♠, the Panel decided that East would repeat his double and the same final contract of 4♠ doubled would be reached. Therefore, the Panel ruled that the final result was 4♠ doubled by South making five. The Panel also decided that North was an experienced player with over 5000 masterpoints so should know the stop card proprieties. Therefore, the Panel assessed a ¼ board procedural penalty against North-South for the unsubstantial nature of his reason for hesitating.

The Panel: John Gram (Chairman), Charlie MacCracken, and Bernie Gorkin.

Commentary:

Bramley: Well, did she wait for West to pick up his STOP card? This seems like the most essential fact to determine, yet the Panel makes no statement one way or the other. Many people incorrectly follow this procedure, so I would not punish North if that's what she was doing, since then her "break in tempo" would afford no inference and South could do whatever he wanted. Thus, I would arrive at the same decision as the Panel, but from a completely different angle. And of course I would not impose a procedural penalty, which is horrendous for a minor violation of proper form.

Goldsmith: I will buy the final ruling, but not the PP. Most players do not know the stop card rules, and that includes players with 10,000 masterpoints. Furthermore, PPs should almost never be given to players who are trying to do the right thing. I also will not buy North passing 3♠, despite the poll. In fact, I find the poll incredible. It seems impossible that N/S will not reach 4♠. There is a question whether East will double on a different auction, but since I cannot fathom why he did on this one, I am not going to try to figure out if he would on a different one.

Rigal: Why was NORTH penalized? Surely South is the player who has stepped out of line by his 4♠ call instead of bidding 3♠. Then North might or might not bid game (maybe it depends on how many of her values she thought she had shown already?). I can understand why the Panel left the score in 4♠x; frankly, raising a passed hand to game is not that clear an action. If the table result is going to be re-implemented the PP is the only way to go. E/W were somewhat hard done by, though.

Wildavsky: So many issues here I scarcely know where to start! I'm glad it came up, though -- it could be instructive.

The ACBL's Stop Card policy is both deeply flawed and poorly understood. Here is my 2003 proposal to replace it with the WBF policy:

http://tameware.com/adam/bridge/laws/stop_card.html

North's contention that she was waiting for West to remove the stop card is eminently plausible. Her hand gives no indication that she was considering a call. I've found many opponents become annoyed if I bid before the stop card is removed. I take the precaution of telling them that I'm waiting. Sometimes that annoys them as well -- tough!

The Panel's projection of what would have occurred after a 3♠ balance is misleading. The laws do not require us to know with certainty what would have happened in a hypothetical situation -- that is usually impossible. Rather, Law 12c1e instructs the TD to assess the possibilities and categorize them as "likely" and "at all probable".

These two rulings are legal only if the TD judged that it was not even at all probable that NS would reach 4♠ after a balance of 3♠, and the Panel judged that it was not even at all probable that NS would stay out of 4♠. That's quite a difference. Neither contention is supported by a poll.

Since I don't believe there was any UI, I prefer the Panel's adjustment, though not their reasoning.

I do not understand the procedural penalty. North's violation of procedure was caused by West's violation of procedure. ACBL policy states explicitly that there should be no penalty for West's violation. Well and good, but then there should be no penalty for North's either.

Wolff: The ruling and the reasoning for it belongs in Ripley. I do agree that NS should be allowed to bid 4 spades and be doubled making 5, but with a 1/2 board (not a 1/4 board) penalty for the undue hesitation and partner now bidding. However my suggestion satisfies all of the demons:

1. EW has to live with the result of 4♠X making 5.
2. NS, instead of a top (or near) get at best an average.
3. Most importantly the matchpoint field is protected (PTF).

I wish all of our committees would consider this scheme of deciding penalties, keeping in mind that a TD call or an Appeals meeting is not a candy store adventure, that bridge equity needs to be heard, and that PTF is alive and well.