

APPEAL	NABC+ SEVEN
Subject	Misinformation (MI)
DIC	Henry Cukoff
Event	Rockwell Mixed Pairs
Session	Second Final
Date	March 17, 2010

BD#	<b>20</b>
VUL	<b>Both</b>
DLR	<b>West</b>

<b>Rick Kaye</b>	
♠	K 8
♥	K 5 4
♦	Q 9 7 6 5 3
♣	A 7

<b>Lynda Rosenblatt</b>		<b>Spring 2010 Reno, NV</b>	<b>Marvin Rosenblatt</b>	
♠	T 4		♠	Q J 9 5
♥	9 3 2		♥	A Q J 8 6
♦	K J 4 2		♦	A
♣	K Q 9 3		♣	J T 6

<b>Beverly Gardner</b>	
♠	A 7 6 3 2
♥	T 7
♦	T 8
♣	8 5 4 2

West	North	East	South
Pass	1♦	Dbl	1♠ <sup>1</sup>
INT	Pass	2♥	Pass
3♥ <sup>2</sup>	Pass	4♥	Pass
Pass	Pass		

Final Contract	<b>4♥ by East</b>
Opening Lead	<b>Not Relevant</b>
Table Result	<b>Down 1, E/W - 100</b>
Director Ruling	<b>4♥ E down 1, E/W - 100</b>
Committee Ruling	<b>4♥ E down 1, E/W - 100</b>

(1)	Transfer to clubs, not Alerted until after West had passed to 2♥ and before North called..
(2)	West was given an opportunity to change her pass over 2♥ and did so by bidding 3♥.

**The Facts:** The director was called before West's call after the auction had gone 2♥ pass to him and again after the play of the hand. 1♠ was not Alerted by North until after West had passed over 2♥ and before North called in the passout seat.

The director determined that there had been misinformation because of the late Alert. The director reopened the auction and allowed West to change her previous call. She chose to bid 3♥. She had said away from the table that had 1♠ been alerted and explained she would have still bid INT but would have raised 2♥ to 3♥ instead of passing.

West said that the new information increased the value of club honors and her partner's possible spade honors.

N/S had marked "transfers over takeout doubles" on both convention cards.

The director was called back after the hand as the South hand did not match the late Alert information.

**The Ruling:** The director determined that there was no misinformation that impacted the result as West was given a chance to change her call at an opportune time in accordance with Law 21B1. Therefore, the table result of 4♥ by East down one was allowed to stand for both sides.

**The Appeal:** E/W appealed the director's decision and all four players attended the hearing.

West felt that the location of her and her partner's honors was improved after being informed of the opponent's agreement.

N/S apologized for their errors.

**The Decision:** The committee saw no justification for E/W to bid 3♥ and 4♥. In any case 1♠ seems to have been a misbid, since both N/S convention cards were marked identically, so aside from the late Alert there was no irregularity. Therefore, the table result of 4♥ by East down one was allowed to stand for both sides.

While the committee did not feel the appeal had merit, it was informed by the screening director that the players had not been advised during the screening process that their appeal might lack merit, and so had no reason not to continue with the appeal.

[Editor's note: The committee was mistaken regarding the prerequisites for assessing an AWMW. E/W had signed the appeal form which states "I understand that ... a Committee, should it judge this appeal to be substantially without merit, may assess discipline or refer the matter to the Director-in-charge.]

**The Committee:** Dick Budd (Chairman), Ellen Kent, Ed Lazarus, Tom Peters and Jim Thurtell.

**Goldsmith** Result stands looks correct. The question is the AWMW. The screening director doubtlessly read L75 to E/W. He probably told them that two identically filled-out convention cards normally met the burden of proof for misbid. They, then, had to judge if the fact of the misbid plus the failure to alert combined suggests that perhaps the agreement wasn't as written. If E/W had argued in their appeal statement that the two errors suggest that the agreement wasn't as stated, or perhaps that N/S had no agreement, then they get no AWMW. If they just appealed (as it seems) on the basis of "maybe we'll get a better score," then they get an AWMW. In other words, it helps that when you appeal, you have a good reason.

**Polisner** Good.

**Rigal** Sensible ruling but the AWMW should have been awarded as explained in the write-up.

**Wildavsky** This appeal had no merit. EW got off easy, in part because the TD was screening his first case.

I've been asked what goes on in screening. The TD establishes the facts of the case in so far as they can be agreed by both parties and explains the applicable laws. Occasionally, for instance if new facts come to light, he changes the ruling and gives the other side the chance to appeal. He does

not judge the merit of the case -- that is not his responsibility. Were he to do so many players would, rightly or wrongly, take it amiss.

**Wolff**

I think the right ruling, They pay their money, now raising to 3♥, they take their chances..... . keeps the candy store closed.