

APPEAL	NABC+ SIX
Subject	Card Played
DIC	Henry Cukoff
Event	Rockwell Mixed Pairs
Session	First Qualifying
Date	March 13, 2007

BD#	7
VUL	Both
DLR	South

Joanne Antonicu	
♠	
♥	J T 8
♦	A J 9 3
♣	J T 6 4 3 2

John Richards		Spring 2007 St. Louis, Missouri	Joanne Yeager	
♠	J 4		♠	A Q T 8 7 6 2
♥	A K Q 3		♥	9 5
♦	K Q 8 4 2		♦	T 6
♣	8 7		♣	K Q

Jack Weingold	
♠	K 9 5 3
♥	7 6 4 2
♦	7 5
♣	A 9 5

West	North	East	South
			Pass
1♦	Pass	1♠	Pass
1NT	2♣	4♠	Pass
Pass	Pass		

Final Contract	4♠ by East
Opening Lead	♣A
Table Result	4♠ by E down 2, E/W -200
Director Ruling	4♠ by E down 2, E/W -200
Committee Ruling	4♠ by E down 2, E/W -200

The Facts: The defense started with the ♣A, The shift to the ♦7 was won by the ace. The ♣J return was won by declarer with the king. Declarer then led a heart to dummy and then the ♠J was ducked around, and another spade was won by South with the king. South then returned the ♦5 and declarer called for a diamond and then said "I mean the queen". The director was called at this point.

The ♦J was on the table when the director arrived, but declarer and dummy claimed she played it after declarer's statement. The defenders claimed she said it after the ♦J was played.

The Ruling: Declarer's call of "diamond" was careless, not incontrovertibly not her intention. She could have forgotten that the ♦J was out. As per Law 46B2, it was ruled that a low diamond was played. The result assigned was 4♠ down two, with an uppercut on a diamond return after the ♦J won.

The Appeal: East stated that she knew all her cards were high. She stated that she always intended to play the ♦Q. She then said that her statement “I mean the queen” was simultaneous with the play of the ♦J.

North and South both stated that declarer said “play a diamond” and North played the ♦J before declarer said “I mean the queen.”

The Decision: The director provided the committee with the following instructions from the ACBL Laws Commission regarding Law 45.C.4(b):

1. IN DETERMINING “INADVERTENT”, THE BURDEN OF PROOF IS ON THE DECLARER. THE STANDARD OF PROOF IS “OVERWHELMING”. Unless there is such proof to the contrary, the director should assume that the card called was the intended one.
2. IN JUDGING “WITHOUT PAUSE FOR THOUGHT,”
 - a. IF DECLARER HAS MADE A PLAY AFTER MAKING AN INADVERTENT DESIGNATION FROM DUMMY, A “PAUSE FOR THOUGHT” HAS OCCURRED. Making this interpretation has essentially put in a time limit without rewriting the law. If declarer has made a play (usually a play from hand but it can be a play from dummy to the next trick) after an alleged inadvertent call of a card from dummy’s hand, we are to rule that there has been a pause for thought. Therefore, we may not permit declarer to change the play from dummy.
 - b. IF DECLARER’S RHO HAS PLAYED AND THERE IS ANY REASONABLE POSSIBILITY THAT INFORMATION GAINED FROM RHO’S PLAY COULD SUGGEST THAT DECLARER’S PLAY FROM DUMMY WAS A MISTAKE , A “PAUSE FOR THOUGHT” HAS OCCURRED. If we determine that the play by declarer’s RHO suggested to declarer that some type of mistake had been made, the Commission is saying that this constitutes pause for thought. As in a. above, we cannot permit declarer to change the play from dummy.

The committee discussed the relevant law and the Laws Commission instructions, focusing on 2.b.; “If declarer’s right hand opponent (RHO) has played and there is any reasonable possibility that information gained from RHO’s play could suggest that declarer’s play from dummy was a mistake, a ‘pause for thought’ has occurred”. The committee made the point that the ♦J play by North, even if simultaneous with declarer’s statement of “I mean the queen”, suggests that some time elapsed before declarer made her statement. North would not expect a small diamond from dummy, and would not play the ♦J quickly. There had to be a finite length of time – an interval of some time – to allow North to detach and play the ♦J. Thus the director’s ruling of 4♠ down two by E, E/W -200 was upheld.

No consideration was given to issuing an appeal without merit warning.

The Committee: Dick Budd (Chair), Ed Lazarus, Chris Moll, Riggs Thayer and Jim Thurtell.

Commentary:

Goldsmith This is all about timing. The write-up gives three different versions of the relative timing between the corrected call and the play of the ♦J.

1. In "The Facts," E/W are said to claim that the DJ was played after the correction.
2. In "The Facts," N/S are said to claim that the DJ was played before the correction.
3. In "The Appeal," E/W are said to claim that the DJ was played simultaneously with the correction.

We can't know which of these is true. The apparent contradiction within the E/W testimony is not necessarily an indication that N/S's claim is accurate; the change could easily have been caused by an inaccurate write-up or edit, or just imprecise statements or memory.

If situation (1) above is the case, I think 45C4 allows the change of call. If (2) or (3) is the case, the committee's reasoning seems sensible. Which happened? Who knows? Probably, therefore, it's best to go with the director's ruling.

Polisner Good work on a difficult case.

Rigal The director and committee applied the rule properly. I’m happy that no AWMW was awarded, although in a sense it did come close. Once the rule is stated the merits of the E/W case are clearly negligible. But, somehow defining the law to be applied always seems to take more time than in other areas of the game.

Smith Harsh, perhaps, but fair and according to the law. The Laws Commission interpretation quoted is not directly on point to this law (this case hinges on Law 46, not Law 45) but the same principles apply. Good reasoning by the committee.

Wildavsky I would have considered an AWMW, but I understand not doing so when the facts are in question.

Wolff Not unlike NABC+ case one. This case presented a nice description of inadvertence and was no doubt properly decided, but.....it seems that declarer, at the very least, recognized her error and quickly changed her "diamond" call to the queen. However, even if the play of the queen passes scrutiny declarer must return to her hand by leading a high heart and then ruffing the next heart low rather than ruffing an immediate diamond low. To me, the combination of saying "diamond" plus the necessity for coming back to her hand in the "winning" way is enough to rule against her (maybe only down one instead of two). What I am saying is that, at least at the National level we should try and be reasonable according to the bridge of it.

To me, it is showing more respect for the game rather than to liaise with the greed shown by their opportunistic opponents.

Zeiger Why no consideration of an AWMW? If the Laws Commission notes were provided to the appellants no later than screening, this appeal had less than zero merit. I feel like a vegetarian. Isn't there any meat on this menu?