



# American Contract Bridge League

*Presents*

## Anaheim Angels?—Not Exactly



Appeals at the 2000 Summer NABC  
Plus cases from the World Teams Olympiad

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Abbreviations used in this casebook:

AI	Authorized Information
AWMW	Appeal Without Merit Warning
LA	Logical Alternative
MI	Misinformation
PP	Procedural Penalty
UI	Unauthorized Information

## FOREWORD

We continue our presentation of appeals from NABC tournaments. As always, our goal is to inform, provide constructive criticism, and foster change (hopefully) for the better in a manner that is entertaining, instructive and stimulating.

The ACBL Board of Directors continues its test at NABCs in 1999 and 2000 of having Director Panels, comprised of pre-selected Directors, hear appeals from non-NABC+ events (including side games, regional events and restricted NABC events). Appeals from NABC+ events continue to be heard by the National Appeals Committee (NAC). We review both types of cases in our traditional format.

Panelists were sent all cases and invited to comment on and rate each Director ruling and Panel/Committee decision. Not every panelist commented on every case. Ratings (averaged over panelists and expressed as percentages) are presented with each write-up and in a table at the end of the casebook, with separate summaries for Panels and Committees as well as an overall summary.

The numerical ratings are provided to summarize our assessment of Director and Panel/Committee performance. They are not intended, nor should they be used to compare the performance of Directors and Panels/Committees as each group is evaluated on different criteria: Directors on their handling of situations at the table, including determining facts, applying appropriate laws, and making rulings which allow the game to progress normally, expecting that they may be reviewed and possibly overturned on appeal. Panels/Committees are rated on their fact finding, application of law, and use of bridge judgment appropriate to the level of the events and players involved. Both types of ratings may also be affected by panelists' views of PPs and/or AWMPPs.

Table rulings are typically made after consultation among Directors, including the DIC of the event (who is responsible for the final ruling). This is true even if we occasionally lapse and refer to a ruling as the table Director's. At management's request, only the DIC's name is included in each write-up. Panels are expected to obtain bridge advice from expert players on cases where the ruling involves bridge judgment. They are judged on their choice of players and their use of the input.

From our Ambiguity Department: Write-ups often refer to such things as "an x-second break in tempo." Our policy is to treat all tempo references as the *total time* taken for the call (unless otherwise specified) and *not* how much longer than "normal" the call took (which poses the additional problem of what is "normal" for the situation). Chairmen and scribes should adjust their reports accordingly.

Mild Disclaimer: While we try to insure that write-ups appearing here are complete and accurate, we cannot offer any guarantees. Since even minor changes in the reported facts can affect our evaluations, the opinions we express are valid only for cases which match the facts reported. Otherwise, the discussions here should be regarded merely as theoretical exercises.

Our thanks to those whose efforts contribute to these casebooks: to the scribes, reviewers and chairmen who labor to chronicle the details of each case; to the panelists for their hard work and devotion to a truly arduous task for which they receive only our praise (and occasional abuse); and to Linda Trent, NABC Appeals Manager. Our sincere thanks to all of you. I hope our efforts have not in any way diminished your good work.

Rich Colker  
January, 2001

## THE EXPERT PANEL

**Bart Bramley**, 53, was born in Poughkeepsie, NY. He grew up in Connecticut and Boston and is a graduate of MIT. He currently resides in Chicago with his longtime companion Judy Wadas. He is a stock options trader at the CBOE. Bart is a sports fan (especially baseball and specifically the NY Yankees), a golf enthusiast, a Deadhead and enjoys word games. He was 1997 Player of the Year. His NABC wins include the 1989 Reno Vanderbilt and the 1997 Reisinger. In 1998 he was second in the World Par Contest and third in the Rosenblum Teams. He also played in the 1991 Bermuda Bowl and captained the 1996 U.S. Olympiad team. Bart is currently the chairman of the ACBL Conventions and Competition Committee.

**Larry Cohen**, 41, was born in New York City and is a graduate of SUNY at Albany. He currently resides with his wife, Maria, in Boca Raton, Florida. He is a former computer programmer and options trader but presently makes his living from writing/publishing bridge books/articles/software and playing bridge professionally. Larry has played bridge in special invitational tournaments in a dozen different countries. His biggest passion/hobby is golf and watching sports, especially his beloved Yankees. He has won seventeen National Championships and was second in the 1998 World Open Pairs and third in the 2000 World Teams Olympiad.

**Ralph Cohen**, 74, was born in Montreal, PQ. He currently resides in Memphis, TN. He has held several positions with the ACBL from 1971 until 1991 including Executive Director from 1984 to 1986. He has been a member of ACBL Laws Commission since 1984 and is currently a Co-Chairman. He is a Vice-Chairman of the WBF Laws Committee. He wrote the *Ruling the Game* column for two years along with other contributions for *The ACBL Bridge Bulletin*. He represented Canada in the World Team Olympiad in 1964 and has won four National Championships. He has been attending NABCs since 1947.

**Grattan Endicott**, 77, was born in Coventry, England and currently resides in Liverpool. He is divorced and has two sons, three granddaughters, one grandson and one great granddaughter. His late brother has furnished him with multitudinous blood relations across Canada including a great-great niece. He was invested in 1998 by the Queen as an Officer of the Order of the British Empire (OBE). He has been a dedicated member of many Laws Committees and is currently the secretary of the WBF Laws Committee. He has kept impeccable records and is a respected authority on the chronology of Laws interpretations.

**Ron Gerard**, 57, was born in New York. He is a graduate of Harvard and Michigan Law School (JD). He currently resides in White Plains, NY with his wife Joan (District 3 Director), where he is an attorney. Ron is a college basketball fan and enjoys classical music and tennis. He is proudest of winning both the Spingold and Blue Ribbon Pairs in 1981. Each year from 1990 to 1995 he made it to at least the round of eight in the Vanderbilt; he played in three finals (winning in Fort Worth in 1990) and one semi-final without playing once on a professional team.

**Jeffrey Polisner**, 60, was born in Buffalo, NY and currently resides in Northern CA where he has been a practicing attorney since 1967. He is a graduate of Ohio State University (BS) and obtained his JD from Case Western Reserve. He is currently the WBF Counsel and former ACBL League Counsel. He is a member of the ACBL and WBF Laws Commissions and former Co-Chairman of the ACBL National Appeals Committee.

**Barry Rigal**, 42, was born in London, England. He currently resides in New York City with his wife, Sue Picus. A bridge writer and analyst, he contributes to many periodicals worldwide and is the author of the book, *Precision in the Nineties*. He

enjoys theater, music, arts, and travel. Barry is also an outstanding Vugraph commentator, demonstrating an extensive knowledge of bidding systems played by pairs all over the world. He coached the USA I team to the Venice Cup in 1997. He is proudest of his fourth-place finish in the 1990 Geneva World Mixed Pairs and winning the Common Market Mixed Teams in 1987 and the Gold Cup in 1991.

**David Stevenson**, 53, was born in Kumasi, Gold Coast. He currently resides in Liverpool, England with his wife Elizabeth and his two cats, Quango and Nanki Poo. His hobbies include anything to do with cats and trains. David has won many titles as a player, including Great Britain's premier pairs event, the EBU Grand Masters, twice. He was the Chief Tournament Director of the Welsh Bridge Union, is active internationally as a Tournament Director, and serves on the WBF Appeals Committee.

**Dave Treadwell**, 87, was born in Belleville, NJ, and currently resides in Wilmington, DE. He is a retired Chemical Engineer, a graduate of MIT, and was employed by DuPont for more than 40 years where he was involved in the production of Teflon for introduction to the marketplace. He has three grown children, three grandchildren and two great-grandchildren. His hobbies include blackjack and magic squares. The bridge accomplishment he is proudest of is breaking the 20,000 masterpoint barrier. He believes bridge can be competitive and intellectual, but above all can be and must be fun.

**Bobby Wolff**, 68, was born in San Antonio and is a graduate of Trinity U. He currently resides in Fort Worth. His father, mother, brother and wives all played bridge. Bobby is a member of the ACBL Hall of Fame as well as a Grand Life Master in both the WBF and the ACBL. He is one of the world's great players and has won ten World Titles and numerous National Championships including four straight Spingolds (1993-96). He served as ACBL president in 1987 and WBF president from 1992-1994. He has served as tournament recorder at NABCs and is the author of the ACBL active ethics program. Among his pet projects are eliminating Convention Disruption (CD) and Hesitation Disruption (HD) and the flagrant propagation of acronyms (FPA).

CASE ONE

**Subject (Tempo):** A New Low

**Event:** Life Master Pairs, 11 Aug 00, First Qualifying Session

Bd: 4	Madhusudan Patel		
Dlr: West	♠ KQ943		
Vul: Both	♥ J43		
	♦ QJ4		
	♣ 93		
Irina	Alexander		
Ladyzhensky	Ladyzhensky		
♠ 1076	♠ 8		
♥ Q9862	♥ 1075		
♦ 108	♦ 952		
♣ 862	♣ AKJ1074		
	T. Seng Tjoa		
	♠ AJ52		
	♥ AK		
	♦ AK763		
	♣ Q5		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	3♣	Pass(1)
Pass	3♠	Pass	4♠
All Pass			
(1) Break in tempo			

**The Facts:** 4♠ made five, +650 for N/S. The opening lead was the ♣A. The Director was called after the 3♠ bid. No Stop Card was used. South had an obvious problem over 3♣. South asked West what 3♣ showed and was given no answer. South asked again. West said she was still thinking about the previous hand and answered the question. N/S claimed South took 10 seconds to call; E/W thought it took 40 seconds. North said he had a balancing hand with five spades and that South would have raised. The Director did not allow North's 3♠ bid and changed the contract to 3♣ down one, +100 for N/S (Law 21).

**The Appeal:** N/S appealed the Director's ruling and were the only players to attend the hearing. South said that after 10 seconds or so he was distracted when East starting talking about diamonds on the previous hand.

That's why it took him so long to pass. North said he was a very aggressive player and would always balance with 3♠.

**The Committee Decision:** The South hand rates as one of the strongest the Committee had ever seen bid this way, i.e. hesitate, stall, fumble, then pass. This was UI at its ugliest. The contract was changed to 3♣ down one, +100 for N/S. Persuaded that the lack of screening may have been responsible for this case reaching Committee, it was decided not to assess an AWMW, even though one would normally have been issued.

**DIC of Event:** Henry Cukoff

**Committee:** Martin Caley (chair), Doug Doub, Simon Kantor, Richard Popper, Judy Randel

**Directors' Ruling: 89.6**

**Committee's Decision: 78.5**

✍ A lack of screening is no excuse for N/S's actions here. It was bad enough that North actually bid after South's performance, but choosing to pursue this on appeal was completely beyond the pale. An Appeal Without Merit Warning (AWMW) is just what the name suggests (even though we were still calling it an AWMPP in Anaheim): it's a *warning*—not a penalty. Our NAC members need to learn this and issue the little beasties whenever it is appropriate to warn appellants that they shouldn't have wasted everyone's time.

Perhaps Ralph's solution has the merit this appeal so clearly lacked...

**R. Cohen:** "When do you issue a speeding ticket? I hope this Committee gets the next appeal from this N/S pair. They deserve the extra time."

✍ Almost everyone agreed that the Committee should have issued an AWMW.

**Bramley:** "I would have given the AWMW anyway. N/S's pursuit of this case is so warped that lack of screening should not let them off the hook."

**Wolff:** "Okay decision, but N/S desperately need to be educated. From a judgment standpoint, the Committee needn't do anything more but from an educational view, we need to make sure that this pair and any others who may think this way are informed just how wrong and unjust they are. It is not wrong to play terrible bridge (who knows, he may be right in passing), but for South to study and then North to bid with that hand deserves for them to be locked up and the key thrown away. They must be made to see that or the Committee has failed in its duty!"

✍ Wolfie is exactly right. The AWMW should come with a free lecture.

**L. Cohen:** "What a way to start! Obviously North's action was egregious, and the contract has to be changed to 3♣. That part is easy. But, here are my small objections to the Committee Decision. (1) Who cares that 'the South hand rates as one of the strongest the Committee had ever seen bid this way?' The hesitator's hand never has been and never will be germane to tempo cases. All we care about is the partner's (North) actions. I don't care if South slow-passed with a 37-count; it's not relevant. North's action, is, to paraphrase the Committee, 'One of the weakest I've ever seen bid after a slow pass.' (2) Screening or no screening, if this isn't an AWMW case, then there never will be one. (3) I think the Committee should at least have considered the defense to 3♣. Any good pair would get a heart ruff (North signals with the ♦Q on the ♦K and South underleads). I would deem this defense easy, but not easy enough that I'd give the benefit of the doubt to the offenders, so down one it is."

**Treadwell:** "An outstanding example of probable use of UI and a good decision by both the Director and the Committee. I am not sure I agree with the decision not to issue an AWMW because cases like this should not occur at the table and certainly should never be appealed to a Committee."

**Rigal:** "I am torn on this appeal because although the Director ruling is clearly correct and N/S should get landed with their bad result, E/W might be due only -650 if a reopening with the North hand was considered automatic. However, since I cannot see that North's reopening is compulsory, I suppose I'd live with the ruling—and I must say I would need very good reasons not to give N/S an AWMW. (I guess I would have had to have been there to see whether the lack of screening was enough.) We have in the past identified problems where the screening has been insufficient. I hope this was just teething troubles at the start of the tournament."

✍ Going one step further than Larry regarding the defense to 3♣ is...

**Gerard:** "No, it should have been +200 in the Life Master Pairs. For the same reason, you don't need a Screening Director to know not to pursue this appeal."

✍ The following panelists even wanted a PP against N/S for their chutzpah in bringing this case.

**Endicott:** "Has the report forgotten to mention a 25% PP? Life Masters? What need have Life Masters here of screening? If anyone should tell you the better players' judgment of their actions should be treated any differently from that of other players because they know better, forget it. This pair did not know better and the foremost

players also make subjective judgments of their own actions.”

**Stevenson:** “Did anyone actually ask South why he passed? Even with no AWMW, a simple PP might have woken N/S up to their obligations under Law 73C.

“But I wonder if this case is as simple as it looks? Suppose you were asked to rule on whether North was allowed to bid 3♠ without being aware of what the South hand was? My guess is you would disallow a bid of 3♠ but consider it fairly close. It is not North’s actions that are really worrying, but that South apparently believed that the way to show this hand after a tempo break was to pass—and it is South I would like to see taught a lesson.”

✍ Just to refresh everyone’s memory, Law 73C states:

*“When a player has available to him unauthorized information from his partner, as from a remark, question, explanation, gesture, mannerism, special emphasis, inflection, haste or hesitation, he must carefully avoid taking any advantage that might accrue to his side.”*

Here the meaning behind South’s hesitation (“I have something useful and want to take some action.”) so clearly suggests acting with the North hand that it is not very difficult to understand immediately what one must do to comply with 73C: just pass, baby. And since pass is clearly a LA to a vulnerable 3♠ on North’s pile of garbage (pardon my French), North should have found it.

On a related matter, it is not clear that the current phrasing of Law 73C is best. Since UI, especially a break in tempo, often conveys meaning which many players would have difficulty identifying, it does not seem wise to require them to figure out that meaning at the table and then to adjust their actions to avoid taking advantage. It seems wiser to ask them to ignore the UI and take only that action which they believe they would have taken without the UI. Of course when that action is unclear they should then avoid taking any advantage. This distinction may seem trivial but conceptually the idea of not allowing the UI to affect a player’s action (when it is clear) seems preferable to forcing him to guess what the UI means and then adjust his action accordingly. Of course a Director or Committee may still not agree that the player was able to successfully ignore the UI or always would have taken that same action without it.

Our final panelist has both some nits and some larger vermin to pick.

**Polisner:** “I am disappointed with the Committee write-up of the case as it fails to deal with any of the issues involved in an UI case. The Committee failed to make a finding of whether there was UI. Since only N/S attended the hearing and they contended only a 10-second hesitation, on what basis did the Committee find that there was an unmistakable hesitation? Of course, the lack of use of the Stop Card is irrelevant to the issue. However, certainly if the Committee decided that UI existed, the second question of ‘demonstrably suggests’ is an easy one. The last test of LA is not quite so easy as, after all, this is the LM Pairs; however, my guess is that any player who would pass the South hand would have a partner who might pass the North hand in the absence of presumed UI. Therefore, I would agree that pass is a LA although most players in this event would likely balance if they would have had a chance to do so. We need to have Committees understand their duties in the analysis and write-ups.”

✍ Since N/S were the offenders, I don’t see why their estimate of the length of the hesitation should be afforded any credibility, despite their being the only players at the hearing. E/W thought the hesitation was closer to 40 seconds and the table Director ruled that UI was present—either from the break in tempo or South making it known to everyone at the table that he had an “obvious problem over 3♣.” It seems clear that this was as much due to his manner (who in the Life Master Pairs asks what an un-Alerted third-seat 3♣ opening shows?) as to his tempo. Besides, just look at the hand he passed and tell me it was East’s discussion of the previous hand that caused this break in tempo. Good grief! In the ACBL the non-offenders

needn’t attend the hearing. Although we often find ourselves wishing they had been there, in this case, when they had nothing to add to the facts given the Director at the table, what difference did it make? Did they have to act out the 40 seconds to be believed? Would it matter if they acted out only 25 seconds?

To suggest that balancing with the North hand is automatic stretches credibility to the breaking point. North acted at the three level—not the one or two level—with an eight-loser hand, one control, and vulnerable. Even if I were somehow convinced that many players in this event would have made the bid, suggesting that it had no LA is preposterous, regardless of what one’s partner is capable of. I don’t have to resort to, “any player who would pass the South hand would have a partner who might…” to justify this decision; it’s (you’ll pardon the expression) *automatic*. And so should the AWMW have been.

I’m willing to negotiate whether South Florida votes should be recounted. I’d be happy to argue either side of “Who would have made the worst President, Bush or Gore?” I’d even be willing to discuss whether North’s balancing or Ron’s +200 is appropriate as a non-reciprocal score adjustment for E/W. But I agree with Larry when he said, “What a way to start!…if this isn’t an AWMW case, there never will be one.” Players must be held accountable for their actions. Screening is useful to make sure players understand how the laws apply to their case. But it’s not needed to impart the good sense not to bring an embarrassment of an appeal like this. Shame, shame. Turn in your Dr. Laura Warrior badges, Committee people.

## CASE TWO

**Subject (Tempo):** Extras, Extras, Read All About It

**Event:** Life Masters Pairs, 12 Aug 00, Second Semi-Final Session

Bd: 25	Ruoyu Fan		
Dlr: North	♠ 7652		
Vul: E/W	♥ ---		
	♦ KQJ742		
	♣ J65		
Paul Boudreau		Steve Mager	
♠ AQJ108		♠ ---	
♥ AK3		♥ QJ109764	
♦ A103		♦ 86	
♣ 92		♣ AKQ7	
	Jiang Gu		
	♠ K943		
	♥ 852		
	♦ 95		
	♣ 10843		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	3♦	4♥	Pass
4NT	Pass	5♣(1)	Pass
5NT	Pass	6♣(2)	Pass
6♦(3)	Pass	6♥(3)	Pass
7♥(3)	All Pass		
(1) One or four keycards			
(2) Showed the ♣K			
(3) Break in tempo			

**The Facts:** 7♥ made seven, +2210 for E/W. The opening lead was the ♦9. The Director was called after the 7♥ bid. There was no disagreement that there had been a break in tempo. The Director ruled that passing 6♥ was not a LA for West (Law 16) and allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling. The total time taken to make each bid by E/W was disputed: 6♦ had taken 10-30 seconds, 6♥ had taken 30-60 seconds and 7♥ had taken 10-30 seconds. The 6♦ bid was directed to a spade control. There were no slow bids earlier in the auction. East's pause over 6♦ was partly based on his surprise that he had the ♥Q and could not understand why West had not asked for it. West confirmed that his final thought was still about whether to bid 7NT. E/W were a partnership of 3-4 years who played together on average once a week until recently. West and East had approximately 3500 and 6000 masterpoints, respectively.

**The Committee Decision:** The Committee found it easy to determine that East's failure to bid 7♥ was a serious bridge error (he could see that his diamond loser would go on a spade). That being the case, there was no reason to stop West from playing bridge. While a very small sample of hands existed where East could not make 7♥ (♠--- ♥QJ109xxx ♦Qxx ♣AKQ), the grand slam would still be somewhat better than a ruffing finesse. East's jump to 4♥ had indicated a very good hand. If he produced an eighth heart or a fourth club the grand would be excellent; if he had a spade it could be no worse than a spade finesse. Accordingly, while the hesitation had been established and pointed toward a 7♥ bid, the Committee could find no LA to West's raising to 7♥. Therefore, the table result of 7♥ made seven, +2210 for E/W, was allowed to stand.

**DIC of Event:** Henry Cukoff

**Committee:** Barry Rigal (chair), Bart Bramley, Ed Lazarus, Barbara Nudelman, Becky Rogers

**Directors' Ruling: 75.9**

**Committee's Decision: 71.1**

✍ I don't buy much of the Committee's argument. Since the following panelist

"stole" one of my counter-example hands in which 7♥ depends on a straight finesse (the other is ♠xx ♥QJ109xxx ♦x ♣AKQ), I'll let him lead off.

**L. Cohen:** "For the second time (in two tries), the Committee is wasting words on irrelevancies. Why must we read the first three sentences about East's failure to bid 7♥? What does that have to do with the key issue, which is West's 7♥ after the slow 6♥? At the risk of being redundant: I don't care if East bid his slow 6♥ with 37 HCP, it has nothing to do with the case.

"I'd hardly say I could 'find no LA.' to 7♥. I could give many hands where the grand isn't cold. The example about the ruffing finesse can be offset by, say, ♠xx ♥QJ109xxxx ♦x ♣AK; now the grand is on a regular finesse. Once East bids a slow 6♥, it's easy for West to know about the extras and bid 7♥. But even though I don't mind 'shooting hesitators,' here I can understand that West has enough to bid 7♥.

"The key issue is missing. What I'd want to know is: was West always planning to bid 7♥ and just looking for 7NT because it was matchpoints? My reading between the lines (I wish I was actually reading the lines) says that West's 5NT asked for specific kings. East showed the ♣K and then 6♦ asked for other kings. If East had shown the ♠K, no doubt West was going to bid 7NT. I'd like to have heard him say to the Committee 'I was bidding 7♥ no matter what, just trying for 7NT opposite the ♠K.' I'm gullible, but I think I would have believed that."

✍ So Larry finds a flaw in the Committee's logic that "While a very small sample of hands existed where East could not make 7♥..., the grand slam would still be somewhat better than a ruffing finesse," yet he still thinks West has enough to bid the grand (although he'd like to have heard West confirm the connection between the ♠K and 7NT in his own words).

The next two panelists, both of whom were on this Committee, also (still) think West has "the goods" to permit him to bid on.

**Bramley:** "I haven't changed my mind. Our inability to punish East for his poor tempo and worse bidding still rankles, but the logic allowing West to bid on was overwhelming."

**Rigal:** "The semi-finals of the Life Master Pairs implies reasonable standards of play. The Committee believed at the time that passing 6♥ was not a LA, and on revisiting the case it still seems that way to me. I guess as the Director I might have ruled the other way initially but I can see why they did what they did. The vulnerable 4♥ jump made West's contention that he was only looking for 7NT as opposed to 7♥ a fair one."

✍ And two more votes for allowing 7♥...

**Polisner:** "Here we have no issue about the presence of UI which demonstrably suggests West bidding more than 6♥. Thus, the only issue to discuss is whether there is a LA to not bidding 7♥. Of course, it is recognized that in this type of auction which essentially starts at the 4♥ level, we must allow some extra time for all bids—including Blackwood and responses thereto. I would have liked to know whether the 6♣ bid denied the ♠K. Of course, East's bidding is rather poor in light of West's auction; however, I agree that passing 6♥ is not a LA for West with his duke. On the other hand, I know the frequency of 7♥ in the fourth session of the LM Pairs, which was only about 75%. Of course we can't know how the other pairs bid the E/W hands to put this in perspective. The long huddle by East (which clearly suggests that he wanted to bid more) can certainly cause West to possibly reconsider what might have been only a rejected grand slam try. West knew from the tempo that East did not have ♠xx ♥QJ109xxxx ♦x ♣AK. This is a case where I would have wanted to use a 12C3 adjustment rather than all-or-nothing. I would have wanted to give 80-85% of the grand and 15-20% of 1460."

✍️ Sorry Mr. WBF Legal Counsel, but there is no 12C3 in the ACBL. Perhaps you could use your influence with the Board of Directors to have them rescind their “specification otherwise.” Better yet, as a member of our Laws Commission get Law 12 changed in the upcoming law revision to combine 12C2 and 12C3 into a single law with no option for Zonal Organizations to “specify otherwise.”

**Treadwell:** “Just one more example of a pair trying to improve their score based on an opponent’s hesitation.”

✍️ And now for the skeptics. First, those who oppose the decision on general principles.

**Stevenson:** “While the logic of the Committee seems impeccable, the trouble with these auctions is that players do misjudge by accepting fast signoffs. Thus, when the signoff is slow they are reminded to think about it carefully. I wonder whether West’s 7♥ really stands up to the full scrutiny of Law 73C?”

**R. Cohen:** “If East couldn’t bid 7♥ over 6♦, then West shouldn’t be allowed to. East had the clearest 7♥ bid in history and failed to make it, but the tempo invited West to bid 7♥—not the prior auction.”

**Endicott:** “A powerful Committee. But their report lacks one ingredient to satisfy me. If West was unable to bid 7♥ one round earlier, how come he has found the means at the last? What is there in partner’s 6♥ bid to increase his knowledge? When ‘playing bridge’ West should have an answer to this question.”

✍️ Those arguments are familiar, but they don’t cut it with me—even though I would not have allowed 7♥. If West was searching for 7NT (plausible, given his rock and this being, after all, matchpoints), he needed to find out about the ♠K. So the real crux of the matter is whether 6♣ denied the ♠K, as Jeffrey mentioned earlier. If not, then 6♦ could legitimately have been aimed at finding out about that card. So in this case West couldn’t have just bid 7♥ last round—or could he?

**Gerard:** “I was hoping to be able to ease into these fifty-five cases, but it was obviously a pipe dream.

“At the risk of enduring another Colker allegation of membership in the National Rifle Association, I don’t like this one bit. West’s own explanation of his 6♦ bid implied that East had already denied the ♠K, but it should have been easy enough to find out. If that were in fact true, what was the point of 6♦? After 5NT-6♣-7♥, East can convert to 7NT so 6♦ was not necessary to ferret out 7NT unless it asked for the ♠K that I suspect East couldn’t have. Are you getting the picture here? If 6♦ asked for a spade control that could only be shortness, West was committed to passing 6♥. 6♦ was lazy bridge, designed to postpone the decision. Someone is bound to say, ‘Well that’s the way people bid.’ Too bad. Learn to bid correctly in Blackwood auctions. They’ll have to pry this computer from my stone cold hands before I’ll give up this battle.

“Now I admit I may have missed the part where the Committee determined that 6♣ didn’t deny the ♠K. No way would they have told us about that if they looked into it, preferring to keep us in the dark and let us guess what it meant for West to continue playing bridge. So at the very least the Committee gets no props for documentation. And at the worst they should move to Texas so the Governor could execute them.”

✍️ I don’t see where West said anything which implied that East’s 6♣ denied the ♠K. The only thing Ron might have taken to suggest that is the statement “The 6♦ bid was directed to a spade *control*” (emphasis mine). But if 6♦ asked for a spade control, why couldn’t that control be the king? And if it could, then West could not

have thought that East had already denied it.

No, the word “control” is key, not because it implies that East already denied the ♠K but because if West was willing to bid 7♥ opposite spade shortness, he must have expected that he would have a two-way finesse for the grand. But there are two flaws with that thinking. First, if East had a spade void, as in the Committee’s example hand, the grand would be reduced to a one-way ruffing finesse—unsuitable for a grand. Second, if East didn’t have a spade control, *West must have been willing to settle for 6♥*—precisely as Ron pointed out. Good work, Kemosabe.

To review, if East had a spade control West was willing to bid a grand. If the control was the king, West would bid 7NT; if it was a singleton, West would settle for 7♥. (Forget that East might have a spade void; West probably didn’t think of that.) But when East signed off in 6♥ he denied a spade control. Thus, he should have held one of the hands that Larry, Jeff or I suggested would be unsuitable for a grand. If West had been willing to bid 7♥ regardless of East’s spade holding, then Ron is right and he should have bid it directly over 6♣, in which case East could have converted to 7NT with the ♠K. The fact that West didn’t do that means he was not 100% committed to the grand. So 7♥ can not be allowed

So, Ron, have you paid your 2001 NRA dues yet?

Our final panelist supports this conclusion—but with a (slight?) twist.

**Wolff:** “An exceptionally awful decision. In my opinion East, not West, had a 7♥ bid. He made a bad bridge bid when he returned to 6♥, but he left it open for his partner to bid seven by studying. When we allow it we lose sight of our objective. It should not be decided whether West had no LA to raising to seven but whether it is possible not to make seven using the AI gleaned from the auction (studies don’t count). [Those two may effectively be the same thing.—*Ed.*] If it is possible, then seven should not be allowed; otherwise, we are going along with the scammers’ game. Why should they be allowed to get lucky when the Committee decides seven should be bid? Shouldn’t we continue to get the message across that if you bid in tempo (some leeway will be given in slam auctions) you may bid anything you want but if you don’t bid in tempo you will be very restricted as to what you can do? Everyone gains, especially the future of bridge. Give N/S –2210 but E/W +1460 and trumpet the ruling.”

✍️ Oh, and he was doing so well, right up until the very end, there.

There are two things to discuss. First, players can’t be barred from taking clear-cut actions just because their partner breaks tempo. For example, say at matchpoints you pick up ♠AKQJxxxx ♥Axx ♦A ♣A, a good hand even for you. You open 2♣ and partner waits with 2♦. You rebid 2♠ and partner splinters with 4♥. Since you can count thirteen tricks (eight spades, three aces and two heart ruffs) you decide to see if partner can provide two high-card tricks (two minor-suit kings or a king-queen combination) for 7NT (it *is* matchpoints). You bid 4NT and partner responds 5♣, no key cards (surprise!). As per plan you continue with 5NT, to see if partner can bid 7♠ (you will convert to 7NT) or cue-bid a king, planning if he does to bid 6♦ over 6♣ or 6♥ over 6♦, trying for seven one last time. But now partner huddles and bids 6♠. Are you now barred from bidding 7♠? Would it be “allowing you to get lucky” if the Committee allowed 7♠? Bah! “Very restricted” isn’t “barred.”

Second, why should N/S be stuck with –2210? As Michael Rosenberg has said here many times, innocent players should not be forced to suffer a worse score than they would have obtained against completely ethical opponents. Wolfie touts PTF (Protect the Field). While that can’t be our primary goal (it isn’t in the laws), let’s consider that approach using the present case as a test. It is not difficult to imagine that most other E/W pairs stopped in 6♥. By assigning N/S –2210 we’d be giving them a (near) bottom. What did they do to deserve that? And worse (from a PTF perspective), we’d be giving every other N/S pair in this comparison group an extra ½ matchpoint. Again, why? What did those other N/S’s do to deserve that? Sorry, but PTF just doesn’t work; it must be reciprocal 1460s.

Let me digress for a moment to discuss what Wolfie really sees as the problem



CASE THREE

with the way the laws are currently written (and how we're asked to enforce them). Let's say that in a competitive auction N/S have a slam decision to make. North bids the good, but not cold, vulnerable 6♠ and East hesitates before passing. Now West, who has already shown his hand, takes the lucrative non-vulnerable 7♣ save. The Director is called and instructs that the hand be played out and after E/W escape for -500 he is called back. He then determines that East's hesitation suggested West's save and adjusts the score to +1430 for N/S. But the slam, as I said, is not cold. It rests on deciding which of two finesses to take: take the right finesse and it makes; take the wrong one and it's down one. This is in theory as well as in practice (on this hand) a 50-50 proposition.

Wolffie agrees that the offenders, E/W here, deserve the score for 6♠ making, -1430. "Punish the guilty." Fine. But he objects to the fact that in the ACBL we are forced to give N/S the score for 6♠ making, +1430, "the most favorable result that was likely." Had N/S been allowed to play the slam they had only a 50% chance of making it. Why, he argues, should the rest of the field be disadvantaged by giving N/S the result for making it when they might have gone down? Had the slam been cold he agrees that +1430 would be just for N/S. But when the slam is uncertain, by giving them (or any non-offenders in general) the best of all likely outcomes we are putting the field at a disadvantage simply because E/W happened to commit a foul.

The problem is our inability in the ACBL to use Law 12C3 after Law 12C2 has proved inadequate for our purposes. What N/S deserve is something akin to their equity in the board. Since the slam is 50% to make they should receive 50% of +1430 and 50% of -100 (give or take a few percent). Then the rest of the field is not disadvantaged (at least not in the long run). But giving them +1430 every time is unfair to the other players. If 6♣ had gone for 1700 or if the slam went down, then N/S would have kept the table result. So why should they also get 100% of +1430 when it is not even certain that they would have made it?

But Wolffie's solution to this dilemma, sticking the non-offenders with the table result, is wrong for two reasons: First, it's wrong because N/S shouldn't be disadvantaged by E/W's infraction any more than the *field* should be disadvantaged by it. His way punishes N/S unduly and actually advantages the field. Second, it's wrong because the laws of bridge require us to bend over backwards to give the non-offenders the benefit of the doubt. If they might have made the slam, then they must not be denied the (most favorable) result, which is +1430.

While the latter sounds good (it's certainly lawful), Wolffie views it differently. "In the real world this would be the right approach since compensating someone who is damaged (say in an auto accident) does not affect or disadvantage anyone else. If Driver A is responsible for injuries to Driver B, then compensating him for medical and even punitive damages does not affect anyone else (except possibly in increased insurance costs). So in the real world that approach works. But in bridge, everything you give to Pair B for damage caused by Pair A (beyond their fair equity in the deal) disadvantages the rest of the field. The philosophy of the laws needs to be changed. We need to re-examine the premise that "the most favorable result that was likely" is what the non-offenders deserve. They deserve equity and no more."

The way to avoid this problem would be for us to be allowed to use Law 12C3 when it is appropriate, just as they can do almost everywhere else in the world. (Our Board of Directors has passed a motion prohibiting its use in the ACBL. They could rescind this motion any time they wished to do so.) Obviously when the slam is cold 12C3 is not needed since N/S simply get +1430. But when the slam's outcome is in doubt, 12C3 allows us to assign N/S a weighted score which reflects their likely result over the long run, based on percentages. "Fair to all and justice is done."

So when Wolffie says to leave N/S with the table result, he is expressing his wish that the laws were different. He is not claiming that this is legal at present. He thinks that at present this is the most just thing to do. I disagree with him on that point. It is not just. It unduly disadvantages the non-offenders while advantaging the rest of the field. It goes too far in the other direction. Sorry, Wolffie, but while your philosophy has merit, your practical solution doesn't. It is just plain wrong.

**Subject (Tempo):** He Who Hesitates Is Lost, Yet Again  
**Event:** Life Master Pairs, 12 Aug 00, Second Final Session

Bd: 1	Gary Macgregor		
Dlr: North	♠ 98		
Vul: None	♥ J52		
	♦ J106		
	♣ AJ1075		
Arnold Malasky	Dick Wegman		
♠ K7	♠ A10532		
♥ 104	♥ KQ73		
♦ AQ982	♦ 53		
♣ Q642	♣ 83		
	James O'Neil		
	♠ QJ64		
	♥ A986		
	♦ K74		
	♣ K9		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	Pass	1♦
Pass	1NT	Pass(1)	Pass
Dbl	Pass	2♠	Dbl
All Pass			
(1) Break in tempo			

**The Facts:** 2♠ doubled made two, +470 for E/W. The opening lead was a small diamond. The Director was called after the 2♠ bid and before South doubled. N/S alleged there had been a break in tempo by East over 1NT; E/W did not notice one. The Director ruled that passing 1NT was a LA for West and that balancing was made more attractive by the break in tempo. The contract was changed to 1NT down one, +50 for E/W.

**The Appeal:** E/W appealed the Director's ruling. East said that he paused for perhaps 10 seconds to consider his action over 1NT. West said that he did not notice any break in tempo and that he thought his action was justified with both sides non-vulnerable at matchpoints. North and South both stated that they noticed an unmistakable break in tempo.

**The Committee Decision:** The Committee judged that a hesitation had likely occurred, based on the statements of three out of the four

players. The Committee believed that pass was a LA to double since, in theory, East could have held a 4-4-2-3 5-count and the break in tempo demonstrably suggested action on West's part: whether it was based on extra high cards or extra distribution, West's double was more attractive with that knowledge. Therefore, the Committee canceled West's double and reverted the contract to 1NT. In 1NT, with the likely spade lead, the following play was projected: spade ducked to West's king, low diamond to North's ten, ♠9 ducked all around, club to the king, ♠Q to the ace, diamonds run, heart to the ace, spade cashed, club finesse, ♣A. Different variations were possible but seven tricks seemed both at all probable and likely. The Committee considered whether N/S's defense to 2♠ doubled had been egregious, in which case N/S would have failed to take advantage of the opportunity for a better score than was available in 1NT. This was not judged to be the case since the ♣K shift at trick three, although a favorite to succeed, was not clear. The contract was changed to 1NT made one, +90 for N/S.

**DIC of Event:** Henry Cukoff  
**Committee:** Ron Gerard (chair), Lowell Andrews, Mark Bartusek, David Berkowitz, Ed Lazarus

**Directors' Ruling: 80.4**      **Committee's Decision: 94.4**

☞ The Committee seems to have covered all bases on this one. Given the nature of East's hand (a tempting takeout for the majors) and when the Director was called

(before East's hand was known to N/S), there's no doubt in my mind that there was a break in tempo. Moreover, East even admitted he considered his action for about 10 seconds before passing 1NT. Combine this with West's balance on marginal high-card values and nine cards in the suits held by his opponents (five in the suit opened on his right and four in the one invariably held on his left—isn't four the expected number of clubs that a 1NT responder to 1♦ will hold?) and E/W have at best a *nolo contendere* plea. To appeal the ruling on the face of it strikes me as a waste of a Committee's time. In fact, as the Committee demonstrated by correctly adjusting the score to 1NT *making* (instead of the Directors' down one), E/W had actually been given more in the ruling than they had any right to expect. So where was their AWMW?

**Polisner:** "Excellent Committee work except for the non-award of an AWMW. Certainly if you come out of an appeal with a worse result than that which you appealed, at least a consideration of such an AWMW is appropriate. However, I believe that this appeal is so egregious that I would have awarded it in any event."

**L. Cohen:** "Once the Committee believed there was a tempo break (this wasn't absolutely clear to me from the facts), then the rest was automatic. West can't possibly be allowed to act over a slow pass. The only lingering issue is the fact that 2♠ doubled made 470. I presume (why isn't it written?) that declarer won the ♦Q and played a heart to the king and ace at trick two. South apparently played the ♣K and then what? Anyway, I can't say that it is easy to beat 2♠, so I'd agree that N/S did nothing egregious and I'd give them their +90. One other thing. If indeed East's pass was slow, then to me West's balance is outrageous and should warrant an AWMW. But, I presume one wasn't given because West says he didn't notice a tempo break."

**Wolff:** "N/S -470, E/W -90. N/S's actions deserve a zero and -470 is appropriate. West's double, after East's study, is too bad for words. So, according to Gilbert and Sullivan, 'let the punishment fit the crime, let the punishment fit the crime.' Justice requires PTF also. E/W took advantage, N/S blundered, the field was innocent. Repent sinners, hallelujah!"

✍ I don't see why N/S deserve a zero. South's double may not have been a thing of beauty but he did have four reasonable trumps and a solid opening bid. Neither justice nor the law advocates PTF. We are charged with judging what should have happened at *this* one table. How our decision affects others should not concern us. And even worse, assigning -470 in a misguided effort to PTF creates the same "field" problems as I discussed in CASE TWO.

I'm incredulous that these three panelists were the only ones who agreed with me that this appeal was egregious. "Earth to panelists, hello out there. Testing."  
Next let's hear from the Committee chair.

**Gerard:** "So here's what it came down to: the ♠6 versus the five. With ♠QJ54, even the ♣K isn't good enough. With the actual holding, we had to spend all that extra time deciding on the egregiousness of the defense. Slip this into your memory bank the next time someone asks what Committees think about or why they take so much time. Then go back and compare CASE TWO. Probably earns me a zero tolerance penalty for gloating."

✍ We'll let it slide this time, Ron, since in the casebooks here we treat truth as a valid defense. Here are some other compliments on the Committee's work.

**Bramley:** "Well argued, well written. This is a model of good Committee work. Note that E/W did worse by appealing, always a pleasing result for those of us trying to cure 'Committee fever.'"

**Treadwell:** "This is a close call, but I think the Committee got it right. Double by West is an action many players would seriously consider, but some would elect to pass; hence pass becomes a LA. A good analysis of the play at 1NT by the Committee."

✍ How was this a close call? Why would many players seriously consider a double with the West hand when about 70% of their cards and HCPs were in the opponents' suits?

**R. Cohen:** "This is a great example of why you should stick to the proprieties of the game. If West had passed out 1NT and East had led a spade, declarer might or might not have played a spade honor at trick one. By taking improper action, a Committee was able to adjudicate the deal and impose the winning play. Maybe North would have found the winner, but West took away the opportunity to find out."

**Rigal:** "I like the Director and Committee putting the contract back to 1NT; the double in the context of the break in tempo seems a very dubious action and I would probably ensure that the offenders got the least possible number of tricks on defense as a result! Is the diamond shift so likely at trick two? I can't say, but -90 one way or another for the offenders seems right and I can certainly settle for that for the non-offenders. As to the defense to 2♠, I am moving closer to Michael Rosenberg's position here—it has almost got to be a revoke to break the chain."

✍ Barry (and Michael) are right. Egregious means just that—*egregious*. An error must not just be careless or inferior (for the class of player involved) but blatantly negligent. Contrast this with Wolffie's view.

**Stevenson:** "The calculations done by the Committee follow the interpretations that the Editor says are ACBL practice, though comments from other authorities and examples in these casebooks do not always follow this approach. He says, in effect, that a Committee should assign the non-offenders the most likely score if it is a fair amount more likely than the next possible result. This does not sit well with the wording of the actual law, which suggests a Committee should consider all the likely actions and then take the most beneficial for the non-offenders. Possibly the result would be the same here. See CASE FOUR."

✍ Actually, what I've said is that in the ACBL we've chosen to consider a result "likely" only if it is either *most* likely or one of several which are approximately tied for most likely (in this latter case the most favorable of the tied results is chosen). Since Law 12C2 leaves it open for each Director or Committee to determine what is "likely," and since the stated approach is simply the NAC's adopted criterion, I fail to see how we are at odds with the wording in 12C2, which is "...for a non-offending side, the most favorable result that was likely..." We assign the most favorable of the likely results to the non-offenders, but simply have a high standard for judging "likely"—much like our requirement for non-offenders to "continue to play bridge commensurate with their skill and experience level." In both cases our criteria may be more demanding than used elsewhere, but we have a right to our criterion just as they do. (England and the WBF use "irrational, wild, or gambling" as their criteria for an action sufficient to break the causal connection between the infraction and the damage.)

On another note, we've now seen this E/W in two successive casebooks (see Cincinnati: CASE TEN) break tempo in a competitive auction, be ruled against, and then bring an appeal which, in many of our estimations, lacked substantial merit. But in both of these cases the Committees failed to issue AWMWs. Shall we invite them back for a hat trick or will the next one finally be the bonus round?

**CASE FOUR**

**Subject (Tempo):** Where Have You Gone, Joe DiMaggio?  
**Event:** Life Master Pairs, 13 Aug 00, First Final Session

Bd: 6	Sharon Meng		
Dlr: East	♠ AK		
Vul: E/W	♥ 95		
	♦ AQJ8543		
	♣ K6		
Pat McDevitt	Lloyd Arvedon		
♠ QJ109652	♠ 83		
♥ J2	♥ Q763		
♦ 10	♦ K6		
♣ Q32	♣ 109854		
	Nancy Heusted		
	♠ 74		
	♥ AK1084		
	♦ 972		
	♣ AJ7		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	1♥
2♠	3♦	Pass	4♦(1)
Pass	4♠	Pass	5♣(1)
Pass	5♦(1)	Pass	6♦
All Pass			
(1) Break in tempo			

**The Facts:** 6♦ made six, +920 for N/S. The opening lead was the ♠8. The Director was called at about trick four and was told about the breaks in tempo. N/S did not agree that there was a hesitation before the 5♦ bid. 4♦ was non-forcing (this was only revealed in screening) and 5♣ showed the ace or king. The Director ruled that pass was not a LA for South with her heart control and allowed the table result to stand (Law 16).

**The Appeal:** E/W appealed the Director's ruling and were the only players to attend the hearing. E/W believed that pass was a LA for South.

**The Committee Decision:** The Committee determined that North undoubtedly broke tempo before bidding 5♦ and that a slow 5♦ suggested extra values. The discussion then focused on: (1) whether pass was a LA; (2) whether North's 5♦ bid might be forcing at matchpoints; and (3) the fact that the Director was

not called until it was clear that 6♦ was making rather than when the dummy came down. The Committee's discussion was made difficult by the scarcity of evidence: they knew only that 4♦ was non-forcing and that N/S seemed to be playing Italian-style cue-bids, which should have meant that South's 5♣ call promised a heart control. After extensive discussion of the bridge questions, namely whether at matchpoints 5♦ is always forcing and whether in this auction it was clearly looking for heart control, the Committee decided that pass was a LA. A pass of 5♦ was therefore imposed on South for the purpose of adjusting N/S's score. The Committee also decided that a pass of 5♦ was sufficiently likely that this result met the standard of "the most favorable result that was likely..." for E/W as well, as set forth in Law 12C2. This was a close decision. The contract was changed for both pairs to 5♦ made six, +420 for N/S.

The Committee found that N/S's absence made this a particularly difficult case; it denied the Committee the much-needed opportunity to explore at length N/S's agreements, expertise, partnership experience, and information about the tempo at the table. If the non-appellants will not be present at the hearing the Director must provide more complete information than was available here.

**Dissenting Opinion (Bob Schwartz):** I would have allowed the 6♦ bid because of the matchpoint factor and the unannounced heart controls. However, once it was not allowed, the standard for the non-offending side is "the most favorable result that was likely had the irregularity not occurred." Since some Committee members would have allowed the bid with no information as to N/S's methods (Italian cue-bids, etc.), I would have allowed the table result to stand for E/W.

**DIC of Event:** Henry Cukoff  
**Committee:** Henry Bethe (chair), Michael Rahtjen, Barry Rigal, Bob Schwartz, John Solodar

**Directors' Ruling: 57.0**      **Committee's Decision: 78.1**

✍ First, we must recognize that in slam auctions, especially competitive ones, the tempo of the auction slows down, sometimes considerably, so that any alleged break in tempo must be pronounced before it is presumed a source of UI. Unfortunately, we have no details in the present case for assessing whether the N/S tempo met this criterion. But since the Committee had no doubts that North broke tempo before 5♦, I'll (conditionally) accept their conclusion—but I'm not very comfortable with it.

The next step is easy, since the break in tempo following the 4♣ cue-bid clearly suggested a desire to bid more—i.e. extras—, so finally we are left with the issue of whether passing 5♦ was a LA for South. Let's look at some of the Committee's assumptions which bear on this issue. Why did they accept that 4♦ was non-forcing? If we add the ♦K and ♣Q to South's hand, would she have been forced to jump to 5♦? Cue-bid her ♠xx? What? North bid a new suit "freely" at the three level and South showed a fit. On what basis are we supposed to presume that the auction could have suddenly gone pass, pass, pass? This seems nonsensical to me.

Next, what I know of Italian cue-bids suggests that cue-bids show either first- or second-round control (subject to whatever other logical constraints there are in the auction). So how did the Committee presume that South's 5♣ cue-bid promised a heart control, especially when North could not have cue-bid 4♥ over 4♦ (which is needed if N/S are ever to play 4♥, which could be their only making game: game before slam)? What if South had held ♠x ♥QJ10xx ♦Kxxx ♣AQJ? When North cue-bid 4♠ was she supposed to sign off in 5♦ rather than return cue-bid 5♣ (for lack of a heart control)? Bah!

And now the pièce de résistance: is 5♦ is always forcing at matchpoints? Aren't plus scores better than minus scores at matchpoints any more? What if North holds ♠Ax ♥xx ♦AKQxxx ♣Kx and South ♠K ♥QJ10xx ♦Jxxx ♣AQJ? Is North supposed to not cue-bid 4♠ to look for a possible slam? Is South supposed to carry on over 5♦ when, unfortunately, 5♦ is the limit of the hands? (Yes, 3NT—or 4NT or 5NT—would have scored better than 5♦, but sometimes you can't get there from here.) Good grief!

And what did N/S's absence have to do with the Committee's decision? Bart?

**Bramley:** "Raw meat at last. Luckily for the Committee this case was easy, else they would have been there all night. Why was it harder to find against N/S in their absence than it would have been in their presence? The Committee seems to have made some impressive arguments on N/S's behalf. 4♦ not forcing? Prove it. Italian style cue-bids? Get real. 5♦ forcing at matchpoints? No way!

"The Committee accepted the contention that 4♦ was not forcing. When was this assertion made, and to whom, and with what supporting evidence? I suspect most pairs would judge this auction by feel rather than explicit agreement. Certainly N/S's case is stronger if 4♦ is not forcing, because then South has a better hand in context. But that's a big if, and even with two prime cards, South has a minimum opener with bad distribution and bad trumps. Further, if South's slam bid was 'automatic,' then why didn't she bid Blackwood over 4♠, easing the pressure on partner and keeping a grand slam in view if partner had all the missing keycards?

"The Committee was in outer space on the issue of the search for a heart control. The reality was that after South bid 4♦, North had no auction available to focus on the need for a heart control. South had no inference about North's lack of heart control, because 4♥ by North would have been to play. (Was this point really beyond the Committee's grasp?) Equally, North had no inference about South's 'implied' heart control from the 5♣ bid because heart control was not yet an issue. The only reason that heart control came into focus was that North took so long to

bid 5♦, which South correctly interpreted as asking for a heart control! Sorry, that's a no-no. North simply had to make her best guess whether South, who had opened the bidding 1♥, could control hearts.

"The argument about the matchpoint factor magically transforming 5♦ into a force is one of the worst I have ever seen advanced by good players. (There were some good players on the Committee!) The theory is that when you have bypassed 3NT for five of a minor you might as well bid a slam, because the minor-suit game will not get many matchpoints anyway. Why does that apply here? Nobody bid notrump or even tried for notrump. If anyone should have been concerned about this angle it was North, the player with a double spade stopper, not South, the player with none. And even in those cases where both players know that five of a minor may be inferior to 3NT, the argument for bidding slam is based on logic rather than some hypothetical 'force.' Certainly most players would settle for five of a minor rather than bid a slam that they knew was at best a poor contract. The dissenter got totally off track in his support of the matchpoint argument.

"The Committee's struggle with itself was so torturous that I nearly forgot that they did make the right decision. The Director's ruling, however, was pathetic. If he had ruled properly against N/S and they had appealed, I would have given them an AWMW."

✍ Bart hits the nail right on the head. These crowded, competitive slam auctions often have to be judged "by feel rather than explicit agreement." Sometimes good trumps are the key; other times a control in a side suit. Here N/S could not find out about everything for all of the reasons mentioned above, so someone had to make a decision with incomplete information. And the huddle certainly made this decision easier. As Bart points out, with all of the Committee's nonsense it is hard at the end to remember that they made the right decision. And as for the table ruling...once again Bart expresses my sentiments quite adequately.

Next let's turn to the question (that earlier made me so uncomfortable) of whether there was really a break in tempo.

**L. Cohen:** "First of all, I'd have advised E/W that calling the Director at trick four (instead of during the auction or at least when dummy came down) is not appropriate timing. The Facts say that 'N/S did not agree that there was a hesitation before the 5♦ bid' while the Committee Decision says 'North undoubtedly broke tempo before bidding 5♦.' I'd like to know how they decided that when N/S weren't even there. Did E/W say so? Undoubtedly that's what we'd expect them to say. Of course, N/S got what they deserved for not attending; even if they had any defense, they didn't get to express it. And what is all this talk about '5♦ being forcing at matchpoints?' I can only hope that's a typo and the discussion was meant to still be about the nature of 4♦. Is it illegal to play in five-of-a-minor in a matchpoint event? I don't agree that this was a 'close decision.' If North's 5♦ was really slow, then South's 6♦ is not allowable. As always, North's slow 5♦ 'showed extras.' South can't take advantage."

✍ Right. If 5♦ was really slow...

**Polisner:** "I appreciate that the Committee determined that 'North undoubtedly broke tempo before bidding 5♦.' However, without N/S to explain their version of the tempo, coupled with the timing of the Director call and N/S's earlier denial of a break in tempo, it leaves me a bit uneasy. But since N/S chose not to appear, they must take the worst of factual determinations such as this. It is easy (with the benefit of looking at both hands) to believe that N/S's auction was a request for South to focus on heart control, but South might have been concerned about trump quality. Was 4♦ really non-forcing? Under these circumstances, the Committee really had little choice in reverting the contract to 5♦ for both sides. I wonder why the Directors ruled in favor of the offending side unless they believed that there was no offense; i.e., no break in tempo. If this is true, it should have been forcefully

presented to the Committee, in which case I may have gone with the table result."

✍ And more support for the issues we've identified.

**Gerard:** "My dominant reaction is that E/W could easily have been in charge of the Exxon Valdez but are beyond the reach of the authorities because of the non-punitive nature of Law 11. [Law 11: "The right to penalize an irregularity may be forfeited if either member of the non-offending side takes any action before summoning the Director."—Ed.] Please, someone, tell me I'm wrong, but the fact that action following the irregularity could no longer be affected by calling attention to it meant that E/W don't suffer for their silence. In the same vein, I don't buy the Dissent's argument. So some people would have allowed 6♦; big deal. How does that matter?"

"In response to the Committee's framing of the issues, (1) of course pass was a LA. Both players had Blackwood bids but neither made one, so they did not bid any differently than they would have had they been intending to rely on partner's judgment. South may try to answer that with 'I bid 5♣ in case we had a grand slam', but if North jumped to 6♦ over 5♣ there was no way South would do anything but pass. The world demands a hand—okay, how about ♠AK ♥--- ♦AKQJxx ♣109xxx? And the 'non-forcing' nature of 4♦ doesn't sway me. First, it's self-serving. Second, it's impossible considering the circumstances—the auction was not, after all, 1♥-(1♠)-2♦-(P); 3♦. Third, the most you could give N/S is 'non-forcing but almost never passed,' so therefore somewhat wide range. So the attempt to create an air of inevitability about 6♦ because of extra values has to be rejected. (2) If anyone claims 5♦ was forcing at matchpoints, I'm asking for an injunction. I've vowed to stay out of the business of conjuring up hands, but just this once I'll make an exception: ♠AK ♥xx ♦QJ10xxxx ♣KQ. Notice how inappropriate Blackwood is. That also explains (1). If North didn't bid 4NT, maybe she had a reason not to. (3) See above.

"Look, this is the old story. People don't bid the way they should in slam auctions because they're afraid to make a decision. As here, it's not limited to post-Blackwood syndrome. The same way that answering kings instead of bidding the grand passes the buck, cue-bidding instead of grabbing el toro by los cujones is positioning for the post-mortem. We can't just throw up our hands and say, 'You're free to do that when there's UI.' There wouldn't be an appeal without UI, so it's not arrogant to try to teach good bridge habits when it occurs."

✍ In response to Ron's plea, in this case E/W's failure to call the Director earlier than they did doesn't seem as critical to their case as it might have been in another situation. For example, suppose they claimed they had been deterred from, say, taking a questionable save which was later clarified by the sight of all four hands. By not calling the Director earlier they escaped committing their intentions before they knew the whole deal. Thus, they might lose their rights to redress (although the score should still be adjusted for the offenders). As it was, if the slam had gone down E/W would not have been damaged by the hesitation-then-6♦-bid. Thus, until it was clear that 6♦ was actually making there was really no good reason to call the Director, except perhaps to establish the fact of the break in tempo at a point closer to when it allegedly happened, and when the reality of the moment was clearer in the players' minds; not a bad idea, generally.

Next, one of the Committee members strategically divorces himself from several of the Committee's questionable arguments—especially "5♦ forcing"—, and not one moment too soon, we might add.

**Rigal:** "Some of the comments passed by Committee members about 5♦ being forcing made little sense to me at the time—nor indeed on re-reading! If N/S had been present we would have been able to ask them some of the questions regarding Italian cue-bidding that needed to be clarified and claims regarding non-forcing 4♦ bids. I cannot believe that a pair who are described as competent could conceivably

even claim to be doing this. However, I do not intend this to be a criticism of the system, which allows non-appellants not to be present—albeit at their own risk. I believe the dissenter is wrong; passing 5♦ was to me clearly an alternative (the South hand is, after all, a 12-count for heaven’s sake). We ‘experts’ can all work out why to bid on, but at the table the tempo plays too big a part to ignore.”

**R. Cohen:** “The Committee got this one right. If 4♦ was not forcing, certainly 5♦ can’t be forcing. The dissenter makes a strong case, but based on the write-up the facts just fall short of E/W –920. In the WBF they would probably apply 12C3.”

**Endicott:** “If the allegedly offending side does not wish to defend its actions the outcome is always likely to go against it—on margin of doubt if nothing else. Without hearing N/S the Committee had little option.”

**Stevenson:** “N/S shot themselves in the foot by not attending the appeal and do not deserve our sympathy. But the interesting question is what score E/W should receive. The Committee seems to have considered both 5♦ and 6♦ as ‘likely’ outcomes, and have used the opposite approach to CASE THREE (namely, they have not considered which is more likely, the Editor’s approach, but which is more favorable, the World Bridge Federation approach).

“It is not up to me to say which is right. It would be better for international bridge if the ACBL’s interpretation were in line with the rest of the world, true, but there are other interpretations which are different in the ACBL and it manages to survive. But here we have inconsistency within the ACBL and it is time someone whose authority is absolute propounded on the subject. Yes, I have a lot of respect for the Editor’s views. But I have had the opposite view expressed by other Americans whose views I also respect.”

✍ It is often recognized that different parts of the world have different needs when it comes to applying subjective aspects of the laws or deciding on proper table procedures. For example, the WBF treats a defender’s comment during the hand, “No spades, partner,” as an infraction, establishing the revoke and penalizing the offenders accordingly. But in North America this practice is so ingrained among our members that we have made it legal. So it is with deciding what is “likely,” à la 12C2. In North America we have a problem with litigiousness that the rest of the world seems unconcerned about. Perhaps this is due to our large tournaments and the increasing number of appeals in recent years. Thus, we’ve adopted a permissible (Edgar suggested it) way to judge “likely” to make appeals less attractive to non-offenders who need to be weaned of expecting favorable score adjustments when the result they covet has a clearly secondary likelihood, although it is not totally improbable. And from what I’ve seen of appeals in the WBF, the same forces are at work there as here, the only difference being the absolute numbers of cases. Perhaps the rest of the world should realign themselves with the ACBL’s position.

I shouldn’t be surprised to find one lost lamb in our fold, but two is harder to accept. I had hoped that everyone would have gotten *this* one right. Oh, well.

**Treadwell:** “I tend to agree with the dissenter, here, but appreciate the difficulty the Committee had because of the absence of N/S at the hearing. In light of North’s cue-bid of 4♣ in a non-forcing auction, South’s hand fairly screams to bid 6♦ with first-round heart control.”

**Wolff:** “N/S +420, E/W –920 indicates that I agree with Bob Schwartz’s dissent. If E/W would have beaten 6♦ they would have accepted it, so in fairness they should be stuck with it. Again, PTF! Justice doesn’t march on with both sides at 420.”

✍ Sorry, but I don’t see Wolffie’s argument. It’s another example of “frontier justice” at its worst.

Whenever our opponents take an action that was suggested by UI, whether their illegally gained contract ends up a poor one, or they misplay it, or suits break badly, or their save ends up being a phantom or being too expensive, or whatever, we have not been damaged and get to keep our good score. In fact, often the Director is never even called to the table. But just because we get to keep our good result under those conditions doesn’t mean that we must also keep our poor score on all the other occasions where the illegally-bid contract produces a good result for them.

This type of situation is often misconstrued as a “double shot” (thought to be improper) for the non-offenders and their good score denied them for that reason. But that is wrong thinking. Whenever an infraction makes a score adjustment appropriate, the non-offenders are given this sort of “double shot.” It is not evil or improper. It is provided them by the laws. They did not improperly orchestrate it for themselves out of avarice. The laws provide redress for damage, damage due to revokes, damage due to MI, or damage due to the use of UI, as here. (Damage is defined as the opponents receiving a better score following their infraction than they were likely to have received had there been no infraction.) When there’s no damage, as when the illegal contract backfires, the result stands—by law. The innocent side is entitled to their good result partly as rub-of-the-green and partly as a disincentive to the offenders to not take such actions in the future. And when there is damage the non-offenders are again, by law, entitled to a score adjustment (redress for the damage)—unless they did something “egregious” subsequent to the infraction which broke the causal link and caused their own damage. Who are you to deny them the redress that the laws say they are entitled to? If you don’t like the laws you may try to change them (through the proper channels), but you may *not* ignore them!

So the fact that E/W would have accepted their good result had 6♦ gone down (just as they would have kept the good result had the opponents revoked) is totally irrelevant. E/W did nothing to cause this situation—N/S inflicted it upon them—and the law says they’re entitled to protection if they are damaged.

And PTF considerations are irrelevant, not to mention illegal.

CASE FIVE

**Subject (Tempo):** If It Hesitates, Shoot...Er...Don't Shoot It!  
**Event:** Stratified Open Pairs, 13 Aug 00, First Session

Bd: 6	♠ 873		
Dlr: East	♥ K1063		
Vul: E/W	♦ A763		
	♣ Q6		
♠ AKQ1062		♠ 94	
♥ A		♥ 2	
♦ Q84		♦ KJ1092	
♣ K104		♣ AJ973	
	♠ J5		
	♥ QJ98754		
	♦ 5		
	♣ 852		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	2♥
4♠	5♥	Dbl(1)	Pass
5♠	All Pass		
(1) Break in tempo			

**The Facts:** 5♠ made six, +680 for E/W. The opening lead was the ♠8. The Director was called after West bid 5♠. After discussion, both sides agreed that East took about 5 seconds to double. N/S called this a break in tempo while West explained it as East's normal tempo. The Director ruled that the 5-second pause was a hesitation. The contract was changed to 5♥ doubled down three, +500 for E/W (Laws 16A1, 16A2, 73F1, 12C2).

**The Appeal:** E/W appealed the Director's ruling. South did not speak with the Reviewer. E/W stated that they said all along that East's pause was less than 5 seconds. West said he originally evaluated his hand as 2½-losers. During the hearing he admitted he had no logical reason for doing so. He also believed East had to have values outside the heart suit for his

double. East said that he could not bid any faster. North said that East broke the tempo of the auction. When North was questioned about the length of the hesitation, he said it was "3-5 seconds, maybe a little more." All three players agreed that the first four calls had taken about 6-8 seconds in total. No one had used the Stop Card.

**The Panel Decision:** North (about 3,200 masterpoints) and West (about 200 masterpoints) were told that they should always pause 8-10 seconds after their RHO skips one or more levels of bidding. That would have given East a chance to think about his hand. Two expert players were consulted about the amount of time that East was entitled to take. The Panel believed that given the very rapid tempo of the first four calls, East was entitled to at least 5 seconds. The table result of 5♠ made six, +680 for E/W, was allowed to stand.

**DIC of Event:** Michael Carroad

**Panel:** Charlie MacCracken (Reviewer), Ron Johnston, Susan Patricelli

**Players consulted:** Mark Lair, Jim Linhart

**Directors' Ruling: 60.4**

**Panel's Decision: 85.9**

In the best of all possible worlds, West would know from his heart holding and the auction that East's double could not be based on good trumps: he must hold "transferrable" values (those suited to both offense and defense). Thus, vulnerable versus not at pairs, pulling to 5♠ (or even bidding six) is quite attractive. (Only the possibility of a diamond ruff defeats the slam: had clubs been four-one instead, the slam would be cold.)

But the huddle certainly made the pull easier so is there any reason to allow it? How about the fact that the first four calls averaged less than 2 seconds per call, leaving East with a difficult five/six-level decision after two Skip Bids when no one

had bothered to even come close to pausing the required 10 seconds? East had to assimilate an auction which, in the blink of an eye, had reached the stratosphere and where his partner had shown a very good hand (with his jump to 4♠) with a good suit or exceptional trick-taking potential. Couple this with North's admission that the "hesitation" had been only 3-5 seconds and...well, I think you get the idea.

So you betcha there's good reason to allow the pull. How could N/S have even called the Director when no one had observed correct skip-bid procedure, East took a "normal" (for the context of the auction) 3-5 seconds to double 5♥, and the AI available was completely redundant with the (alleged) UI. How could N/S claim a break in tempo? How could the Director rule this way and adjust the scores?

I love the Panel's decision and I hope they educated the Directors who were involved in the original ruling. (Fat chance!?) I also hope they apologized to E/W for the grief the aberrant table ruling caused them.

Happily, our panel (as well as the force) is with me on this one.

**Wolff:** "As long as the Panel decided there was no hesitation, then their decision was consistent."

**Bramley:** "Let's see. East passed as dealer and soon thereafter found himself with a five-level decision, for which he took 5 seconds. Gendarmes!"

"We've seen this scenario too many times before. A hair-trigger Director call induces a bad ruling and a Panel has to clean up the mess. Once again, a correct ruling for E/W and an appeal by N/S would have deserved an AWMW, but we'll never know."

"A small point. The Panel observed that East was entitled to 5 seconds because of the rapid tempo of the auction up to that point. Not exactly. East should always have been entitled to at least 5 seconds, regardless of the tempo of the preceding auction. The pace of the actual auction, however, should have afforded East even longer before he was accused of breaking tempo."

Right on, Bart. That last comment deserves study by everyone. This was "If It Hesitates, Shoot It" at its worst. Along similar lines...

**L. Cohen:** "If anything, 5 seconds is fast on such an auction! I'd let East take 8-10 seconds and consider that to be reasonable tempo. In effect, 5♥ was like a skip bid; East should always take at least 3-5 seconds before taking any action. The silly Director ruling ('silly' is meant to be modifying 'ruling,' but read it however you want) wasted everyone's time. Had the Director correctly ruled 'result stands' and had N/S appealed, it would have been without merit."

**Polisner:** "Excellent Panel decision. If East had passed in 2 seconds, that would be UI. Even an out-of-tempo double does not demonstrably suggest that West bid 5♠. After all, East could have held ♠xx ♥xx ♦Axxx ♣xxxxx and been thinking of passing."

Jeff's first point is right on target. A quick 2-second call by East would have been bad tempo. Jeff's second point is questionable. Players don't huddle with thin doubles here—at least not with ones that don't also contain offensive potential. No, East's huddle suggests a choice of actions not limited to double versus pass.

**Rigal:** "The Panel got this right. No tempo break, no problem. I do not mind the Director's initial ruling incidentally, but I think they might have come to the same conclusion."

"This is an important case for future reference though; when is a pause not a pause? We still seem to be hung up on the idea that in some auctions a break as short as 5 seconds constitutes a pause while in other more sensitive situations an action in less than 5 seconds is deemed to be unacceptably fast. Even with known fast players how can this be?"

✍ I'm not sure I follow that last paragraph, but Barry is clearly on the right track.

**Stevenson:** "Is it that difficult to enforce Skip Bid regulations in the ACBL? They were invented there, and other countries that have taken them up seem to be able to get their players to follow the rules without too much difficulty."

"As for the Director, I cannot imagine how he thought there was a tempo break. Does he not know the skip bid regulations either? East had a right to more time."

✍ To try to answer David's first question, we appear to have converted the idea that everyone has certain inalienable rights to the premise that people's rights carry with them no corollary responsibilities. We have a Skip Bid policy which, to a certain extent, protects the game but we don't require players to follow it. Yet those same players think they have all of the rights attendant to the Skip Bid policy, even though they haven't lived up to any of their obligations. I don't understand this sort of thinking. It's like saying, "I don't have to use the Skip Bid Card and if it turns out that you needed the time it would have afforded you, tough! That may not explain but it describes many players' attitudes at the table. Negligence, irresponsibility."

As for David's second question, I can't even attempt to answer that one.

Our resident NRA champion (that's No Reflection Allowed—also known as, If It Huddles, Shoot It!) makes his first appearance here for the Dark Side.

**Gerard:** "So if the Panel is correct, the Stop Card is redundant. Why shouldn't West pay the price for not using the Stop Card? The result of the offensive skip bidder's use of the Stop Card is to filter out his own side's UI, exactly the reverse of the situation for the preemptive skip bidder, who wouldn't normally be expected to have another decision to make. Seems weird that in effect West was allowed to benefit from his opponent's tempo."

✍ Well, Ron's point is not *totally* without merit. West should have taken his requisite 8-10 seconds over 2♥ and used the Stop Card. The fault was just as much his as N/S's. But regardless of whether Stop Cards are used, everyone is responsible for conducting the auction as if they were. Whoever abrogates that responsibility has no right to complain. Even forgetting about Stop Cards, as most of the previous panelists have pointed out East was entitled to far more time than he actually took; taking any less time would have been improper. Thus, regardless of West's culpability, East was due sufficient time to think. And 3-5 seconds was not revealing within the context of the auction. In point of fact, given the ACBL's position that the use of a Stop Card is optional, they are clearly redundant—but not irrelevant!

The next panelist's position seems obscure.

**R. Cohen:** "This is a case of whether East's 'break in tempo' was a transmittal of UI. Since there was an agreement of 5 seconds, I buy the Panel's decision. Had it been 10 seconds or longer, I would have favored the Director's ruling."

✍ I fail to see what difference 10 seconds as opposed to 5 would have made. And now, moving from the merely obscure to the ridiculous...

**Endicott:** "I am surprised that East needed any time to think. Inexperience? For me a lift in spades is obvious at this vulnerability; the double bizarre. The Panel's justification of its decision is marginal."

✍ Isn't all this irrelevant? While I agree that 5♠ would probably be much easier for an expert East (this one had about 300 masterpoints), even then it might require (and he should take) several seconds before acting. So what's your point?

**Subject (Tempo):** I Thought I Was Entitled  
**Event:** Flight A/X Swiss, 13 Aug 00, Second Session

Bd: 25	Kathy Flynn		
Dlr: North	♠ ---		
Vul: E/W	♥ A1073		
	♦ K965		
	♣ KJ1085		
Marvin Shapiro	Michael Huston		
♠ KJ754	♠ A8632		
♥ K9	♥ J864		
♦ Q10874	♦ A2		
♣ 9	♣ 74		
	Tony Petronella		
	♠ Q109		
	♥ Q52		
	♦ J3		
	♣ AQ632		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	Pass	Pass
1♠	Dbl	2NT(1)	Pass
3♠(2)	Pass	4♠(2)	Dbl
All Pass			
(1) Not Alerted; limit raise plus			
(2) Break in tempo			

**The Facts:** 4♠ doubled made four, +790 for E/W. The opening lead was the ♦5. The Director was called after the 4♠ bid. West did not Alert 2NT and when asked said it was undiscussed. E/W's convention card was marked "limit raise +." The critical break in tempo came before the 3♠ bid. East estimated the time as 18-20 seconds (certainly a marked break). N/S said they believed the break to be more on the order of 30-40 seconds. This difference did not seem significant since both pairs acknowledged a noticeable break. The Director changed the contract to 3♠ made four, +170 for E/W (Law 16A).

**The Appeal:** E/W appealed the Director's ruling. East said that to show values after a fourth-seat opener, he could not bid 4♠ directly; he had to go through 2NT, then bid 4♠. Although he recognized this statement as self-serving, he said his plan was always to follow up by bidding 4♠. He emphasized that his partner had opened in fourth seat

rather than third. West stated that he would open almost any hand that included the spade suit. He normally played Drury in these situations and had recently played with a partner who checked the "2NT=limit raise" box on the card; East had copied the card, including this marking. East said he took 20 seconds to sort out in his own mind whether he could bid 4♠ on this auction. He eventually decided that he had his bid without the UI. N/S said there was a break in tempo not only before 3♠ but also before 4♠. They did not accept the 4♠ bid as appropriate after a break in tempo and thought that pass was a LA.

**The Panel Decision:** Three players were consulted. The first player had sympathy for East's 4♠ bid but didn't think he would always commit this hand to game opposite a fourth-seat opener. Having decided to make a limit bid, pass must be reasonable. Also, South must have known that 2NT by a passed hand was unlikely to be natural. If it was important to his action, he needed to check E/W's convention card. The second player said that East's hand did not warrant a 4♠ bid; it appeared to be just about right to make a limit bid and abide by partner's decision. The third player said that pass was certainly a strong possibility after making a limit bid. The Panel determined that, while MI was present and South might have bid 3♠ with the information on E/W's card, the primary problem was the UI that West's 3♠ rebid was not based solely on rejecting game opposite a limit raise. While East said he thought his action was justified opposite a fourth-seat opening, and thus not a bad hand, West refuted this by saying he routinely opens light in fourth seat when he

holds the spade suit. The third player was consulted to help determine whether MI contributed to South's decision not to bid 3♣ and whether the Panel should consider that in their decision. His view was that, while South was entitled to hope that E/W were derailing, if he really needed the information for his bid he had several clues that he had failed to use. Because it is unusual for a 2NT bid to show natural values in this auction, and considering South's own values opposite North's double, the Panel decided not to include this issue in their decision. The consulted players indicated that they considered East's hand not to be worth 4♠. Once a limit raise was made, and a rejection given, pass was a LA. The Panel changed the contract to 3♠ made four, +170 for E/W.

**DIC of Event:** Richard Strauss

**Panel:** Matt Smith (reviewer), John Ashton, Ron Johnston

**Players consulted:** Henry Bethe, Geoff Hampson, Marinesa Letizia

**Directors' Ruling:** 94.4

**Panel's Decision:** 89.3

✍ This decision should have been easier than the write-up suggests (although the write-up and decision were both excellent). The break in tempo was agreed by all, the UI's meaning seems indisputable (West had either full values for his 1♠ opening or, if light, extra distribution), and it would be hard to find a competent player who would not consider passing with the East hand after a signoff by West a possibility—even if they'd all be tempted to bid 4♠ anyhow. Combine that with East being an experienced NAC member and it's difficult to see how East could have expected a Panel to allow his 4♠ bid. Thus, I'd have voted for an AWMW. The only thing East had going for him was that this was a *closer* decision (but still not close) at IMPs than it would have been at matchpoints. Agreeing with me are...

**Gerard:** "Not good enough. How come the players who agonize over doing the wrong thing end up doing it anyway? Thinking about it doesn't cleanse the result. Positions of authority carry with them certain responsibilities, which were not honored in this case. Look how unanimous the consultants were in dismissing the arguments for 4♠. I would have argued for an AWMW."

**Rigal:** "This did not seem close to me (it was closer to an AWMW) and it is a good indication that even the most ethical of Committee members can be blinded by their proximity to a case. The East hand is some way removed from a drive to game on the actual auction and really cannot bid again, the break in tempo fixes him. N/S certainly do not deserve anything more: South's failure to focus at the table should stop us from considering the consequences of his reaching 5♣ even without the very real possibility of this sacrifice going for 300."

**Polisner:** "I'm shocked that a member of the National Appeals Committee would even consider bidding 4♠ under these circumstances, and have the gall to appeal the ruling. I'm just as shocked that the Panel did not assess at least an AWMW or more for what I consider terrible conduct by East for the bid and E/W for the appeal. My only real issue is whether the result should be +170 for E/W in 3♠ or +130 or +150 for N/S in 4♠. I would be inclined to go for +150 for N/S for both sides, but I could be persuaded to go for 400."

✍ Since the previous two panelists raised the issue of N/S buying the hand in 4♣ or 5♣, let's consider the arguments. Although no one mentioned it, suppose South was tempted to bid 3♣ over 2NT bit was afraid his partner was light for his takeout double. The big question I would ask is, "Where are all the spades?" If North has a light, shape-double then either West has a seven-bagger or East has a spade fit, in which case 2NT was not natural. The next question for South is, "When was the last time he played against a Flight A (or A/X) pair who played 2NT after a takeout double as natural?" Sorry, but South should have known or suspected that 2NT was

some sort of spade raise. Certainly, as the consultants pointed out, he is expected to look at E/W's convention card if it might make a difference for his action. So I agree with the Panel (and disagree with Jeff) that no consideration should be given to assigning either pair a score for a N/S club contract. Right Bart, Larry?

**Bramley:** "Good work here. By the way, if West had bid 3♠ in tempo and East had carried on to 4♠, I would have allowed it. That is, I would reject the argument that 4♠ was based on UI. This was simply a tempo problem."

"The Panel's analysis of South's maneuvers was right on. This auction is so common that South must be held accountable for failure to get any information he might have needed. If your attempt to catch the opponents in a misunderstanding causes you to bid your own cards abnormally, then you have no recourse when your plan goes awry. Here, South's decision not to bid 3♠ was a calculated risk and he had to live with the consequences."

**L. Cohen:** "I can't let East bid 4♠ over a slow 3♠; there are numerous fourth-seat openers opposite which game could be anywhere from poor (♠KQxxx ♥AKx ♦xxx ♣xx) to no-play (♠KQxxx ♥Kxx ♦Kx ♣Jxx). As to South's actions (and claims that the MI hurt him), I'm not thrilled with his case. I suppose I could live with giving him -170, since that's not such a great result anyway."

**Treadwell:** "I agree that, with the auction as shown, East is not entitled to bid 4♠ since pass is a LA. If South had made the rather clear-cut bid of 3♠ over the un-Alerted 2NT and North had raised to 4♣ over 3♠, I think it becomes a very close call as to whether East may bid 4♠. Of course, in that case a club will be led and 4♠ will (may) be set. Good work by the Panel."

**R. Cohen:** "Director and Panel seem to have it right. A close call though at IMPs."

✍ I agree. At IMPs it was close—though still no cigar for E/W.

**Stevenson:** "The adjustment was obvious for E/W, despite East trying to follow Law 73C by at least considering the ethical ramifications. But what was South doubling on? Well, yes, his partner had doubled 1♠ so the points will not be far off 20-20, but his ♠Q looks dead. My guess is that he might have been considering the double shot here and I wonder that N/S did not get to keep their score—from both Director and Panel."

✍ David makes an interesting point about South's double being an attempt at a double shot and perhaps earning his side the table result. However, South has a reasonable hand for defense, the trumps are breaking badly (only the jack needs to be with East to guarantee N/S at least one trump trick), and partner figures to have just enough for his double to give E/W a problem. Sorry, but I don't see the double as being egregious. In fact, I have quite a lot of sympathy for it. I've seen doubles of this sort pick up 200, 500 or more out of thin air.

And finally, straight from The Halls of Justice down there in Ft. Worth...

**Wolff:** "E/W definitely +170. Since this occurred during a Swiss team it would be hard to give N/S -790. [Why. Separate VPs can be assigned in Swiss Teams.—Ed.] Maybe the laws should include the ability for the Director or Committee to rule +170 but assign a 2-imp penalty to N/S for bad bridge. Again, I think justice would be achieved and all the bases would then be covered."

✍ I'm flabbergasted. What gives us the right to think we're entitled to punish people for what we consider bad bridge? Certainly not the laws and just as certainly not the bridge-playing public. Good grief!



## CASE SEVEN

**Subject (Tempo):** No Show, No Go

**Event:** Red Ribbon Pairs, 16 Aug 00, First Final Session

Bd: 17	♠ J1042		
Dlr: North	♥ A106		
Vul: None	♦ 76		
	♣ AQ96		
♠ A9	♠ K8		
♥ 98752	♥ K4		
♦ AJ104	♦ Q853		
♣ 103	♣ KJ542		
	♠ Q7653		
	♥ QJ3		
	♦ K92		
	♣ 87		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	1♦	1♠
Dbl	2♦	Pass	2♠
3♥	3♠	Pass(1)	Pass
4♦	All Pass		
(1) Break in tempo			

**The Facts:** 4♦ made four, +130 for E/W. The opening lead was a spade. The Director was called after the 4♦ bid. East had taken 3-5 seconds before her second pass. She said she had taken time to consider North's 2♦ bid. The Director changed the contract to 3♠ down two, +100 for E/W (Laws 16A2, 73C, 12C2), since 3♣ had six obvious losers and if hearts were led and continued and East were to win the first trump, seven tricks could be lost.

**The Appeal:** E/W appealed the Director's ruling and were the only players to speak with the Reviewer. East said that she did think before each of her passes but believed she had taken about 2-3 seconds both times. She said she didn't think her hand warranted a 3♣ bid after her partner's negative double. West

said he thought East had taken 2-4 seconds for each of her passes, nothing unusual for her, and that after the opponents had cue-bid and made a minimum rebid, the relative strengths of the two sides was known. When partner was unable to raise hearts, she had to have at least four diamonds. He also pointed out that after a heart lead 3♠ should go down three. N/S did not appear for the review even though they had been told where it would be held and despite their being paged. The table Director said that they had raised no objection to his assessment that it took East 3-5 seconds to pass and that one of the N/S players had written on the appeal form that the break had been more on the order of 15 seconds with body language.

**The Panel Decision:** Three experts were consulted. The first said that 3-5 seconds didn't seem like much of a hesitation and hoped the Director would not have been called to his table under similar circumstances. A hesitation a round earlier may actually have suggested a heart bid, but here at most it confirmed that the points were split between the two sides. He thought East was known to have at least four diamonds and he would not have considered passing 3♠. The second player hoped that 3-5 seconds was not routinely considered to be a hesitation. There was nothing remarkable in this auction except perhaps the 3♥ bid, but by the time the choice was made to bid 4♦, East was known to hold at least four of them and probably more. Passing was not a LA for West. The third player was surprised that East didn't rebid 3♣ after the negative double. The failure to do so made it even more likely that East had four diamonds and that West would always have competed to 4♦. All three players would have led a heart and expected to defeat 3♠ three tricks. The Panel had to balance the claim of 2-4 seconds with the Director's notation of 3-5 seconds, the experts' reaction that this did not constitute a meaningful break, the note on the form by N/S that the break was longer than they had said at the table, and that the hesitation was accompanied by body language. Perhaps if N/S had met with the

Reviewer and their opponents, their point of view would have carried the day. The Panel found that there had been no meaningful break in tempo over the 3♠ bid. The table result of 4♦ made four, +130 for E/W, was restored.

**DIC of Event:** Millard Nachtwey

**Panel:** Ron Johnston (Reviewer), John Ashton, Mike Flader, Susan Patricelli

**Players consulted:** Mike Passell, Nancy Popkin, Don Stack

**Directors' Ruling:** 67.4

**Panel's Decision:** 92.6

✍ The decision that there was no "meaningful" break in tempo over 3♠ looks like a good one. I'm not sure whether the term "meaningful" in the Panel's decision was intended as a synonym for "unmistakable," but in my mind the former implies that while there was a noticeable pause, it did not convey any useful information (i.e., it did not suggest any particular action) while the latter implies that there was no discernable pause at all. I think there may have been an unmistakable pause but I find it difficult to see what it implied to West—especially what it implied that was not available through the AI from the auction. As the consultants pointed out, East was marked with at least four diamonds (probably five) and N/S's aggressive competition coupled with East's failure to bid again suggested that the points were evenly divided. It is difficult to imagine not competing to 4♦ with the West hand (his 3♥ bid was a bit strange, however). I agree totally with the consensus view of the consultants that 3-5 seconds isn't much of a hesitation and they would have hoped that the Director would not even have been called. But even if the hesitation was agreed, it is hard to demonstrate that it suggested West's 4♦ bid.

Once again, Bart closely mirrors my own reactions.

**Bramley:** "No break in tempo was established, and even if it had been, the case for bidding 4♦ anyway is very strong. This decision was clear-cut.

"The analysis of the play in 3♠ became irrelevant, but one point is worth noting. If the Panel had decided in favor of N/S, then, in determining a result in a hypothetical contract of 3♠, they should resolve doubtful points also in favor of N/S. The defense to beat 3♠ three tricks is far from automatic, requiring a specific opening lead and specific defense several times thereafter. Thus, assigning N/S -100 in that case would be proper, not a windfall."

✍ Also echoing much the same sentiments are...well, everyone.

**Rigal:** "A trying case; I would bet that N/S had the rights of it as to the tempo break but the facts as stated meant the Panel had really little choice but to determine there was no break, and thus no case to answer. I wish the Director had done more work to clarify this issue but I suppose he was unaware of the fact that the N/S pair would not turn up. I like the idea that non-attendance means you lose in cases where the facts are not established and in dispute. Why should Panel members be the only ones to suffer?"

✍ Barry's sense of whether there was actually an "unmistakable" pause seems to coincide with my own. I wish we knew whether the Panel really intended to use the word "meaningful" rather than "unmistakable" and all that it implies.

**R. Cohen:** "This is a matter of fact. If the Panel decided there was no hesitation then no UI, no adjustment. It seems you can't stop and evaluate any more without a Director call. Maybe all our events should be rapid transit."

**Stevenson:** "No doubt a correct decision in N/S's absence. West does seem to have done a fair amount of bidding in view of partner's lack of interest in the auction, but somehow the description sounds more like the dominant partner in a mixed partnership than use of UI. Whether the Director was right to adjust or not, I do not

think the heart lead anywhere near automatic against 3♠.

**Endicott:** “N/S did themselves no favors in the appeals procedure. The question of a ‘meaningful break’ in the auction is more difficult than the expert players admit: at times a short pause can carry more information than some longer ones and body language is significant. But N/S needed to put in an appearance to make the case. The Committee took the sensible option.”

**Polisner:** “Excellent Panel decision and a very questionable Director ruling even if it was an attempt to rule in favor of the non-offending side. At this level of bridge, it is silly to expect that 2-4 or 3-5 seconds is out of bounds.”

✍ Waxing a bit prophetic...and wistful...

**Wolff:** “Probably a good decision. Even if it wasn’t it was well thought out and in line with the direction bridge should be going since 3♠ may have been going three down; so 130 becomes Solomonic (not Sodomitic). Perhaps we should run an experiment. Give the same bidding but add a small spade and a small heart to the East hand and take away two small clubs. Now let’s see and hear East’s tempo over 2♦ and 3♠ and then see if West keeps bidding. My guess is that he wouldn’t and if he doesn’t, does N/S have a Director call? Nice to have this one as part of our case studies; it might be an eye opener for some Committee members. If our health experiments beginning in the 1930’s had included something like that with tobacco, a lot of us might still have loved ones around.”

✍ Somehow I knew a fight about The Law of Total Tricks would break out in this case. Well, take your seats. “Batter up.”

**Gerard:** “SOBALOTT. If there was no meaningful break in tempo (yeah, that looks about right), don’t bore us with total trick irrelevancies. West was free to do as he pleased in the absence of an unmistakable break in tempo.”

✍ For those who don’t remember the last time Ron sued this acronym: Stamp Out Basing Arguments on the Law of Total Tricks.

We now pause for a word from our sponsor...Remember, the Panel found that there had been “no *meaningful* break in tempo,” not “no *unmistakable* break in tempo.” Next batter.

**L. Cohen:** “Nothing I read makes me think East’s tempo was poor, so West was free to ‘break The Law’ if he wanted to. If N/S appeared and somehow convinced everyone that there was a tempo break, then we’d have to decide about the merits of West’s 4♦. Given that the panelists didn’t think there was a tempo break, I wish they’d have left it at that. I think 4♦ after a slow pass is totally non-allowable and am saddened to see the second consultant say ‘Passing was not a LA for West’ and the third say ‘West would always have competed to 4♦.’ Don’t these people know The Law? As to the discussion of 3♠ being down two or three (probably depends on where declarer wins the second round of hearts; if in hand, his trump lay will let East win the king for down three.), isn’t it besides the point once we determine that there was no tempo violation? This is about the fourth or fifth case now where we are reading about and discussing irrelevancies. Shouldn’t the chain of logic go: If A then B. Who cares about C and D? Here the reasoning is: If no tempo break then 4♦ (or even 7NT) is okay by West. Who cares about West’s LAs and how many tricks N/S make in spades? Gee, I’ve missed commenting on these cases.”

✍ We’re as glad to see Larry back as he appears to enjoy being back.

If the decision was that there was no break in tempo, then Ron and Larry (and others) are quite right that the discussion should end there. No huddle, no trouble. But if it was decided that there was an unmistakable break in tempo, as Barry and

I both suspect, then the questions of what the huddle demonstrably suggested and the clarity of West’s action become relevant. I am of the opinion that the hesitation did not demonstrably suggest West’s action and that even if it did, the same information was readily available from authorized sources. Thus, I would still have allowed the table result to stand. But for those who believe the huddle made West’s 4♦ bid significantly easier, the issue of the clarity of the bid becomes critical. With his controls, good trumps, and the likely heart shortage opposite, I would allow the bid. But Larry seems to be of the opposite mind, primarily because of The Law. Is this a self-serving statement? (Just kidding, Larry.)

But remember, The Law is not the law.

## CASE EIGHT

**Subject (Tempo):** No Harm, No Foul?

**Event:** Stratified Open Pairs, 16 Aug 00, First Session

Bd: 7           ♠ QJ Dlr: South   ♥ A65 Vul: Both    ♦ AK8 ♣ 109863  ♠ A103                       ♠ K98742 ♥ Q3                           ♥ J1087 ♦ Q7                           ♦ 3 ♣ AKQ742                   ♣ J5  ♠ 65 ♥ K942 ♦ J1096542 ♣ ---																																	
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 12.5%;">West</th> <th style="width: 12.5%;">North</th> <th style="width: 12.5%;">East</th> <th style="width: 12.5%;">South</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td style="text-align: center;">Pass</td> </tr> <tr> <td>1NT</td> <td style="text-align: center;">Pass</td> <td style="text-align: center;">2♥(1)</td> <td style="text-align: center;">3♣</td> </tr> <tr> <td>Dbl</td> <td style="text-align: center;">Pass</td> <td style="text-align: center;">Pass</td> <td style="text-align: center;">3♦</td> </tr> <tr> <td>3♠</td> <td style="text-align: center;">Dbl(2)</td> <td style="text-align: center;">Pass</td> <td style="text-align: center;">4♦</td> </tr> <tr> <td>Dbl</td> <td colspan="3" style="text-align: center;">All Pass</td> </tr> <tr> <td colspan="4">(1) Announced; transfer</td> </tr> <tr> <td colspan="4">(2) Break in tempo</td> </tr> </tbody> </table>	West	North	East	South				Pass	1NT	Pass	2♥(1)	3♣	Dbl	Pass	Pass	3♦	3♠	Dbl(2)	Pass	4♦	Dbl	All Pass			(1) Announced; transfer				(2) Break in tempo				
West	North	East	South																														
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3♠	Dbl(2)	Pass	4♦																														
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**The Facts:** 4♦ doubled made four, +710 for N/S. The Director was called after the 4♦ bid. North had asked about the 1NT range (15-17) before she passed and later hesitated 5-7 seconds before doubling 3♠. When the Director returned at the end of the play, South stated that he originally bid clubs for the lead against a spade contract, then bid his real diamond suit and eventually pulled his partner's double of 3♠. The Director ruled that there had been no violation of Laws 16 or 73 and that E/W had not been damaged since 3♠ doubled would have gone down one on a club lead. The table result was allowed to stand.

**The Appeal:** E/W appealed the Director's ruling. All players at the hearing agreed that West told the table Director that the hesitation before the double of 3♠ was at least 5-10 seconds, South stated it was 2 seconds,

East believed it was at least 10 seconds and North did not offer a time estimate. All agreed that North had asked about the 1NT bid's range at her first turn. N/S were told that, given current Alerting and Announcing regulations, an experienced player is expected not to ask. East thought that South's initial action was an unreasonable call (it could have been safer later if E/W stopped short of game) that was suggested by North's question over 1NT. He also thought the pull to 4♦ was suggested by the slow double and that 3♠ might make on imperfect defense. N/S played that a double showed a one-suiter over a strong notrump and a good hand over a weak notrump. South stated that he chose a 3♣ bid to obtain a club lead against a possible spade contract by West. He said if the auction had continued 3♠-P-P, "that's fine with me." North said she "didn't jump right in" with her double but was unable to specify an amount of time. She agreed, as did South, that she "broke tempo." North said that she thought her partner had clubs and diamonds and that his contribution of high clubs would be enough to defeat 3♠ doubled. South said that he would have allowed the opponents to play 4♠ if they had bid it.

**The Panel Decision:** Three players were consulted. The first believed that North's question argued against South entering the auction since it increased the chances of partner later making an unwelcome double. Passing partner's double of 3♠ is a reasonable action and a slow double argued for pulling it. In 3♠ doubled he thought down one was an overwhelmingly likely result. The second player agreed with the first player. The third player believed that the question created UI but he was hesitant to make a connection between the question and the 3♠ bid. He thought that a slow double "somewhat suggested" pulling but that the auction was strange and

he would be surprised if partner could have the hand to make a fast double. Passing the double was reasonable. With this input, the Panel applied Law 16A (South may not "choose from among logical alternative actions one that could demonstrably have been suggested over another" by the UI). The question transmitted UI under current regulations but it did not seem to "demonstrably suggest" that South should bid rather than pass. As for the hesitation before the double, the Panel, while aware of the unusual auction, attached significance to N/S's own agreement that a break in tempo occurred and that they are a longtime partnership. Certainly South perceived North's action as a break in tempo and since the advice obtained indicated that pass was a LA and that a slow double suggested pulling, the Panel assigned a contract of 3♠ doubled for N/S. The assigned result was down one (the estimation of the players consulted). As for E/W, the Panel discussed whether the double of 4♦ was such an egregious error as to sever the link between the infraction and the damage. Since none of the players consulted mentioned this as a consideration, the same result was assigned to E/W as per Law 12C2. Therefore, the score was adjusted for both pairs to 3♠ doubled down one, +200 for N/S.

**DIC of Event:** Gary Zeiger

**Panel:** Matt Smith (Reviewer), John Ashton, Mike Flader, Ron Johnston, Susan Patricelli

**Players consulted:** Haig Tchamich, Howard Weinstein, Adam Wildavsky

**Directors' Ruling:** 60.0

**Panel's Decision:** 80.0

This difficult case contains many levels and shades of judgment. Since Bart seems to share my view of its complexity, let's hear his perspective first.

**Bramley:** "A close case. The sum of North's transgressions may lead to the conclusion that South had UI to pull the double, but each element is debatable. With the advent of notrump range announcements many players routinely confirm the 15-17 range when they do not hear an announcement. (In the near future *all* notrump ranges will be announced, precisely to avoid the problem seen here.) Then, the peculiarity of the auction up to 3♠ could indeed have given North a lot to ponder, regardless of his hand. A huddle in the range of 10 seconds does not seem out of line to me on the given auction. Finally, even if South had UI, the contention that the UI suggested that bidding 4♦ would be more successful than defending 3♠ is doubtful. South has probably directed the best defense with his 3♣ bid and East could be broke. Holding two spades, South knows that North is doubling primarily on high cards. Meanwhile, 4♦ could easily have no play. Therefore, I would have let the table result stand. I expect my view to be unpopular, but perhaps the other commentators can make the case more compelling to me than the Panel and their consultants did."

So Bart's position seems to follow the principle espoused by Howie Weinstein (who is currently on hiatus but promises to return soon—perhaps by Kansas City): If nothing is clear, don't change the table result.

Let's see if any of our other panelists find a reason to do otherwise.

**Gerard:** "In certain states the Director would have been a candidate for the death penalty, given his obvious deficiency on the IQ test. Very thorough by the consultants and the Panel, who know that -710 is rarely a better score than -200."

Predictably, Ron is on the hanging side. That makes the score 1-to-1.

**L. Cohen:** "Another Silly Director Statement: that E/W were not damaged 'since 3♠ doubled would have gone down...' Let me get this right. -710 and -200 are identical results, so there was no damage!?! As to South's pull, my first question was 'Was there a tempo break?' There was lots of writing about 'at least 5-10 seconds,'

‘2 seconds,’ ‘10 seconds,’ and ‘no estimate.’ But then came the clincher when the write-up says that North agreed that she ‘broke tempo.’ So, then the issue is whether or not South can pull. Not easy. I’d usually make South sit after the tempo break, but he does have a poor defensive hand and knows his partner doesn’t have a trump stack.”

**Polisner:** “The last time I checked the scoring chart, –200 was better than –710, but I am not privy to the frequencies in this section. If, in fact, the two results have the same matchpoints, then the issue is moot. If not, then: South has thrown a big curve ball which would normally cause North to work out what was going on or what he thought might be going on. A 5-7 second hesitation under these circumstances should not be construed as UI. A 2-3 second double by North would be UI. I would have allowed the table result to stand as this case is too close to change it.”

✍ For those keeping score, that’s two more votes for keeping the table result, making the score 3-to-1. I agree with Jeff that the write-up may have glossed over the fact that the Directors knew from the score frequencies that –200 and –710 were the same matchpoints.

**Rigal:** “Another murky case. Whether or not North paused initially or later, I could not imagine defending 3♠ doubled with the South hand, having laid such a path of deception. On that basis, since I would say that passing 3♠ was not a LA, I would let the table result stand. However as a Director I might have initially ruled +200/–200. But I freely admit that this case is very close to the borderline; from my perspective I think a hand with zero defensive tricks does not have to sit for partner’s double. Call me undisciplined but it is just too much of a deception here.”

✍ That makes it 4-to-1.

**Endicott:** “The technicalities are based in the esoterica of ACBL regulations. The Panel explains itself clearly.”

**Stevenson:** “‘The Director ruled that E/W had not been damaged since 3♠ doubled would have gone one down...’ I do not understand this. Surely NS+200 is better for E/W than NS+710?! There is not much sign of the Director getting to grips with this case while the Panel seems to have covered all the bases.”

✍ Okay, Ron now has company as the score becomes more competitive, at 4-to-3. The next two panelists also align themselves with Ron.

**Treadwell:** “In general, successful weird bidding after there has been UI cannot be allowed. Hence, the Panel made the right; decision.”

✍ That’s hardly a ringing endorsement for changing the table result. Presumably if South had bid 5♦ (even weirder bidding), gotten doubled, and gone down one he would have also changed the table result. Bah. There must be a demonstrable connection between the UI and the partner’s action to adjust the score. This “adjust the scores on general principles” stuff is just silly and has to stop.

And now... for something completely different.

**R. Cohen:** “I have a major problem with the Panel’s decision. All three consultants agreed that there had been UI from North’s inquiries over 1NT, yet the Panel seems to have completely overlooked this fact in determining its adjudication. Without the UI, would South have intervened over East’s 2♥bid? Plenty of doubt here. So let’s come up with a couple of auctions that might have transpired. 1NT-P-2♥-P; 2♠-P-P-3♦; P-P-3♠-P; P-4♦ (or P)-All Pass. Never would North have doubled 3♠ and maybe—just maybe—he would have bid 4♦. Based on Law 12, the adjudication should have been N/S +100, E/W –100.”

✍ Well, that’s quite a nice fantasy about the auction that might have been. I’ll spare the reader a similar account of my own trip along the Yellow Brick Road and save a couple of trees. If you’re still keeping score, that’s 4-to-5 to adjust. (I’ve ignored that some of the votes for adjusting differ in just what the adjustment should be.)

**Wolff:** “N/S +200 but E/W –710, primarily based on the poorness of West’s double. Again, justice for all and PTF.”

✍ Wolffie seems to have turned into a frothing-at-the-mouth opponent of redress for non-offenders. So I called him and discussed his new found passion for denying redress to non-offenders. He admitted that he might have gone overboard in that direction. He said he tends to treat each case as if top players were involved. Here he thought West’s double of 4♦ was such bad bridge that West deserved his poor result. I agree that the double was poor, but the West player here had about 500 masterpoints. Was it really so egregious for a player at that level? I have my doubts. So if you are going to adjust the score for the offenders here, then you must also adjust for the non-offenders.

Wolffie’s vote brings the total to 4.5-to-5.5 for adjusting. Now for my view of this case. Be careful if you think you know where I stand. You might be surprised.

North’s question about the un-Announced 1NT opening is far from unusual, in spite of N/S having been told, “given current Alerting and Announcing regulations, an experienced player is expected not to ask.” This is a situation where expectations and reality simply don’t coincide. In my appeal and recorder work I see many cases where players have inquired about an opening 1NT bid’s range if there is no immediate Announcement. In addition, in my countless hours of kibitzing I’d estimate that a question or a glance at an opponent’s convention card follows a 1NT opening the majority of the time (except, perhaps, in extended IMP matches where the 1NT opening has come up recently or several times previously). And perhaps contrary to expectation, in my experience the question or glance at the opponents’ convention card has occurred pretty much as often when the next player had a bad hand as a good one, a distributional hand or a balanced one. Clock it yourself.

This is why, when Announcements of 1NT ranges were first being considered, I recommended to Goldie (who originated and championed them) and Conventions and Competition Committee that the range for 1NT openings should either always be Announced or never be Announced—specifically to avoid this problem. While my plea was ignored back then, recently C&C embraced the change and in the new Announcement policy coming out shortly *all* 1NT ranges will be Announced. (See Bart’s comment.)

So I would argue that questioning a 1NT bid’s range is irrelevant. But let’s assume for a moment that it isn’t. What then does North’s question suggest? One possibility is that North has values and was considering doubling for penalties. That would make bidding with South’s hand more attractive. But it is equally possible that North has an unbalanced (possibly weak) hand and was considering bidding if her methods allowed her hand to be shown (remember, N/S’s methods varied with the notrump’s range). But if North has a distributional hand, what suit is she likely to hold? Clearly not spades or diamonds. Give up? How about clubs? So if North was considering bidding, then South’s hand makes bidding more risky. What’s more, if North really has clubs, then South’s 3♣ flight (giggle) will almost certainly get N/S into trouble since it is likely to hit North with a big fit (as it did on the actual hand, although oddly North’s high cards were all outside clubs). North might then leap to an unsuitably high level with no promise of a fit for South’s diamonds. So I’d argue that North’s question does not make bidding more attractive with the South hand and even if it did, it didn’t point to a specific winning action. Moreover, South’s actual choice (3♣) was the worst possible bid he could have made as it is the one most likely to get his side into trouble, even when North’s hand is balanced with values. I’d also argue that the longer North thought, the more likely it was she

was thinking of bidding (not doubling) and the riskier 3♣ became.

Next, what about North's 5-7 (or 2, or 5-10, or 10) second pause before doubling 3♣? Didn't North have enough to think about in this auction? After all, South bid 3♣, got doubled, and then ran to 3♦. What did that mean? Did South show both minors? If so, then with what relative lengths? How did South's failure to bid 2NT (unusual?) at his first turn affect this? Would that take you 2, 5, 5-7, 5-10, or 10 seconds to think through? Could North have possibly acted more quickly without creating UI from the undue haste of her action? South has a doubleton spade, East at least five, and West at least three (for his 3♣ bid). How many does that leave North? I make it somewhere between one and three—most likely two. Could anyone double easily in this situation? I couldn't.

In case anyone has failed to recognize the subtle cues I've sprinkled about, my vote goes to allowing the table result to stand (not leaving the table result for one side and adjusting the score for the other, Wolffie). As I said initially, this is a complex and difficult case. But in my opinion the evidence argues for allowing the players to "play bridge." (Where is Dave when I need him?)

By my count that makes the vote 5.5-to-5.5. It also makes Bart's prediction that his position would be an unpopular one somewhat of an overbid.

## CASE NINE

**Subject (Tempo):** Slow Shows—But What?

**Event:** Red Ribbon Pairs, 16 Aug 00, First Final Session

Bd: 22	♠ 62		
Dlr: East	♥ 1097532		
Vul: E/W	♦ Q4		
	♣ A74		
♠ 93		♠ AKQ54	
♥ J86		♥ ---	
♦ 10876		♦ AK532	
♣ KQ109		♣ J83	
	♠ J1087		
	♥ AKQ4		
	♦ J9		
	♣ 652		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		1♠	Pass
1NT(1)	Pass	3♦	Pass
3NT(2)	Pass	4♦	Pass
5♦	All Pass		
(1) Announced; forcing			
(2) Break in tempo			

**The Facts:** 5♦ made six, +620 for E/W. The opening lead was a high heart. The Director was called after the session (timely). West agreed that he had hesitated before bidding 3NT. The Director ruled that pass was a LA to bidding 4♦ and changed the contract to 3NT down three, +300 for N/S (Law 12C2).

**The Appeal:** E/W appealed the Director's ruling. All four players agreed that West took 20-30 seconds to bid 3NT. East stated that he anticipated (among other things) a smooth 3NT bid and had already planned to bid 4♦ over it, looking for a possible slam and fearful that 3NT might be a poor contract. He stated that if West could not bid 3♥ over 3♦ he did not think 3NT could be a good contract and slam was made that much more likely. He did not think the hesitation necessarily suggested doubt about 3NT. No

hesitation occurred before the 4♦ or 5♦ bids.

**The Panel Decision:** Three players were consulted. The first thought that pass and 4♦ were both possible actions by East but that 4♦ was the best call. He thought the slow 3NT suggested not passing. He estimated that 3NT would have gone down three if it had been the final contract. The second player thought that 4♦ was clearly a superior call to pass to the extent that he did not believe pass warranted serious consideration. He did not think the slow 3NT bid suggested pulling to 4♦: partner may have been considering 3♥, which argues in favor of passing 3NT. The third player agreed with the second player. Due to this conflicting advice, two Flight B players were also consulted. Both believed that pass was a reasonable action and both believed that the slow 3NT bid expressed doubt about 3NT as a contract (thereby suggesting a non-pass by East). Both also mentioned that they thought the chance of a slam was increased when partner bid 3NT slowly, which also argued for not passing 3NT. Law 16A states, "After a player makes available to his partner extraneous information that may suggest a call or play, as by means of... unmistakable hesitation...the partner may not choose from among logical alternative actions one that could demonstrably have been suggested over another by the extraneous information." The Panel found that pass clearly met the law's standard as a LA. As to whether it "demonstrably suggested" a 4♦ bid, the Panel found the balance of the players' advice indicated that it did. Therefore, the contact was changed to 3NT down three, +300 for N/S (Law 12C2).

**DIC of Event:** Millard Nachtwey

**Panel:** Matt Smith (Reviewer), John Ashton, Mike Flader, Ron Johnston, Susan

Patricelli

**Players consulted:** Haig Tchamich, Howard Weinstein, Adam Wildavsky

**Directors' Ruling: 93.0**

**Panel's Decision: 85.9**

☞ The Panel Decision says it all. Bidding 4♦ after the break in tempo becomes far more attractive than passing 3NT and the Flight B players make it clear that for these players pass was a LA. The only point I would argue is that (an expert) West was unlikely to have been agonizing about whether to bid 3♥ over 3♦ since he would have known that East could still bid 3♠ to allow him another chance to bid “ends all auctions” (3NT). Thus, I do not think the hesitation in any way suggests passing 3NT, as the second player suggested.

The panelists (almost) all supported the Panel on this one, especially their polling of Flight B players.

**Gerard:** “Back by popular demand, it’s CASE NINETEEN from St. Louis. It’s such a golden oldie that ‘Is it live or is it Memorex?’ comes to mind.

“Could 4♦ have been demonstrably suggested over pass by West’s hesitation? Are you kidding me? Fast 3NT shows ♠xx ♥KJ10x ♦xx ♣KJ10xx. Slow 3NT shows doubt about notrump. For that, West could hold (1) weak hearts, (2) diamond support, (3) near slam values in diamonds, (4) minimum with long clubs, (5) spade preference, (6) good hearts. Only (6) suggests a pass by East. But if West held (6) and had made the winning guess, the auction would continue 4♦-4♥-4NT—probably a slow 4NT—Pass. So the partnership could play in 4NT, not exactly risk-free but pretty close. How does that satisfy Law 16? The behavioral assumption with a limited hand switches somewhat from slow shows extras to just plain doubt. Therefore, West was likely to have (1), (2), (3) or (5)—get me rewrite, three out of four!—and I think East’s action was closer to flagrant than allowable.

“Okay, the fun stuff is over. How supremely ironic that it took two Flight B players to pound some sense into the Panel. This must be how all those banana republics felt while watching the U.S. election shenanigans—who are you to judge us? Kudos to the Panel for knowing what the right result was and then finding someone to justify it. Next time they’ll ask Chauncey Gardener.

“Finally, note that (‘timely’) non-reference to Laws 9 and 11. I guess that means there really isn’t anything we can do to the E/W polluters in CASE FOUR.”

☞ Others will have more to say about the “E/W polluters” momentarily.

**Bramley:** “I, too, think that 4♦ is much better than pass. The input of the Flight B players was critical here, but the write-up obscures how those players were questioned. Even if they knew they were being consulted for a Panel situation, they should first be given the problem without the UI. (This method should be used with all consultants.) Would these players really have passed 3NT? That’s what I want to know. If they would have passed, or considered it close, then the Panel made the right decision. But if their advice was obtained only in the context of a huddle by partner, then their answers are less reliable. In the end, I must assume they did it right.”

**R. Cohen:** “Who says the ‘experts’ always have the right answers? Hooray for the Flight B consultants. They know UI when they hear—oops—see it.”

**Stevenson:** “If all Panel decisions were as carefully researched as this one I could eventually become a convert to the system—maybe!

☞ Right. Just about the same time that you take up swimming the Channel.

**L. Cohen:** “Surely the slow 3NT suggests bidding on, and I can’t allow it. Pass is most certainly a LA. West wouldn’t bid 3♥ (as East touched on) with ♠x ♥AQxx

♦Qxx ♣10xxxx.”

**Endicott:** “I must stop agreeing with Panel decisions. The hesitancy does suggest to East that there is doubt about one of his unbid suits.”

☞ A couple of panelists declared, “Shame on East.” Perhaps they should have sued for unlawful “pollution.”

**Polisner:** “Good Panel decision. Clearly, Pass is a LA after UI which demonstrably suggests pulling. I would have been inclined to issue an AWMW against more experienced players, but would counsel these players about their ethical responsibilities in these situations.”

**Rigal:** “Fine Director ruling and East should be ashamed of himself. The Panel should clearly have awarded an AWMW and the failure even to discuss it is clearly an omission on their part.”

☞ If you predicted that Wolffie would not give redress to N/S, you’d be right. If there’s a chance that impressionable youngsters (of any age) might get their hands on and read the following, you might want to take steps to prevent it.

**Wolff:** “Not too unfair, although I suggest N/S –620, E/W –300. A little harsh to N/S, but what would we have done if 3NT had made four or five and 5♦ not made so many or gone down? Obviously N/S would have kept their result defending 5♦. Again, reasonable justice for the players and especially the field.

☞ Being a “little” harsh on N/S here is like being a “little” pregnant. Doesn’t it matter that the opponents illegally huddled their way to a great contract? Why should N/S be punished here? Even if you forget that this was the Red Ribbon Pairs and treat N/S as you would top players, what did they do to deserve such a fate?

And finally, our little lost lamb has once again lost his way...

**Treadwell:** “I fail to see where the hesitation by West made the 4♦ call more attractive. As pointed out by two of the players consulted, West may have been considering bidding 3♥ and then pass could be the right action; or it could be the wrong action if N/S could run off a number of club tricks. We must not automatically bar a player from making a superior call just because it turns out right when the inferior call would have been wrong. Suppose West had the right cards for 3NT to be the right contract. Would we force East to bid 4♦ if he had chosen to pass at the table?”

☞ Baah, baah,...Bah!

CASE TEN

**Subject (Tempo):** Bitter Irony

**Event:** Red Ribbon Pairs, 16 Aug 00, Second Final Session

Bd: 11	♠ ---		
Dlr: South	♥ QJ93		
Vul: None	♦ Q94		
	♣ AKQ754		
♠ KJ1076		♠ Q8543	
♥ 87		♥ 64	
♦ AKJ86		♦ 10	
♣ 2		♣ J10963	
	♠ A92		
	♥ AK1052		
	♦ 7532		
	♣ 8		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1♠	3♠(1)	4♠	1♥
Pass	5♥	All Pass	Dbl(2)
(1) Alerted; splinter			
(2) Break in tempo			

**The Facts:** 5♥ made five, +450 for N/S. The opening lead was the ♦K. Two bids into the next deal the Director was called about the break in tempo after the 4♠ bid. At the conclusion of the round, all players agreed that South had taken approximately 10-15 seconds to double 4♠. The Director ruled that passing 4♠ doubled was a LA. For N/S the contract was changed to 4♠ doubled down one, +100 for N/S. For E/W the table result was allowed to stand since they should have defeated 5♥.

**The Appeal:** N/S appealed the Director's ruling. N/S agreed to a 10-15-second hesitation before South's second action. They also noted that although there was discussion at the table about the North hand, E/W did not call the Director until the auction had begun on the next deal.

North stated that he doubted that any top player would choose to defend 4♠ doubled with the North cards. He believed that 5♣ was the correct bid at the time he pulled, but feared that action would be more likely to be considered a result of partner's hesitation. E/W said their bickering about their poor defense was the reason why the Director was not called until the auction had started on the next deal. They believed that the Director should have been told of the obvious (12-15 second) break before South doubled 4♠.

**The Panel Decision:** Four expert players were given the bidding problem faced by North. All four believed that 5♥ was the minimum action required. Both 5♣ and 6♥ were mentioned as alternative actions. All agreed that, because of the spade void, good trumps and excellent side suit, passing 4♠ doubled was not a reasonable consideration. The Panel decided that pass was not a call that North should be forced to take (Law 16A). While they appreciated the irony of the fact that defending 4♠ was the last chance for a N/S plus score (unless there was a major defensive blunder), they nevertheless allowed the table result of 5♥ made five, +450 for N/S, to stand.

**DIC of Event:** Millard Nachtwey

**Panel:** John Ashton (reviewer), Ron Johnston, Matt Smith

**Players consulted:** Geoff Hampson, Linda Smith, Ron Smith, Eddie Wold

**Directors' Ruling:** 75.6

**Panel's Decision:** 74.4

Where were the Flight B consultants on this case? And where was the logic behind the four "experts'" judgment? I'll let Larry, explain what's wrong here.

**L. Cohen:** "I don't get it. Those are good players that were consulted, but I don't agree with them. Why can't South's double of 4♠ be based on ♠KQ10x ♥Kxxxx ♦Kxx ♣x? I guess he wouldn't take 10-15 seconds with such a hand. Even opposite South's actual 'offensive' hand, it was right for North to sit. I don't see the irony. I think the actual layout just reinforces that North has no business pulling a slow double. The Director got it perfectly right; N/S must defend 4♠ doubled (and I'd love to find a way for them to let it make, but I'll allow them to cash out for down one) and E/W get -450 for apparently not getting their ruff. By the way, it seems that 450 is impossible. If West laid down the other high diamond, surely he'd give a ruff for +50. If he switched, declarer makes six by throwing diamonds on clubs (the sixth club sets up). I suppose declarer got careless."

That last bit of play analysis was a bonus. I suspect Larry is right about South just having gotten careless, but this was a Flight B event. Which brings me back to the question, where were the Flight B consultants here?

**Polisner:** "Since we are dealing with non-expert decision making, it makes little sense to see what experts would do. My guess is that some relevant percentage of Red Ribbon players would both seriously consider a pass and a significant number would pass having believed that they already described their hand. After all, couldn't South hold ♠AQxx ♥K10xxx ♦J10xx ♣---? It is my opinion that pass should be construed as a LA and therefore the result should have been adjusted to +100 for N/S and -450 for E/W for failing to play bridge."

Right, Jeff. That's where my head is on this one also: +100 for N/S and -450 for E/W. Other panelists who share our opinion are...

**R. Cohen:** "This ruling resolves itself as to whether pass was a LA by North after South's slow double. Couldn't South have held ♠AKx ♥K10xxxx ♦Jxx ♣x? The Director got this one right."

He/she certainly did.

**Rigal:** "I happen to like this decision. Perhaps I am putting myself too firmly into North's shoes but I would not punish him unduly here; I just pay off to partner's trump stack here. I believe voids do not defend here and once in a while I am wrong. Yes, partner's action points me in the right direction. Tough. Passing is not a LA and we can't stop people from playing bridge."

Then perhaps you shouldn't have splintered with a void when that wouldn't describe your hand well enough that you could abide by partner's decision. Didn't you expect to hear East bid 4♠ over your 3♠? I'd have guessed that 3♠ was pretty close to being a "transfer" to 4♠. And besides, since you're only one card off from what partner should expect (make a small club a spade), why can't you abide by his decision?

**Stevenson:** "Don't defenders ever preempt without top cards in their suits? I think if I pulled to 5♥ with the North hand South would hold the ♠K instead of the ♥K, and even with the misdefense we would need the heart finesse. Mind you, I think South's double is crazy; perhaps an out-of-tempo double shows his hand best.

"I wonder what was the defense that was so bad as to deny E/W redress? What is the current ACBL standard? Did the WBF's 'irrational, wild or gambling action' ever become accepted here?"

Clearly West must have shifted at trick two, erroneously (for several reasons) expecting East to be the one holding four diamonds. As for our standard, it hasn't changed. It's still that non-offenders must continue to play bridge to a reasonable standard for players of their skill/experience level.

And now, time out for a bit of pro bono work. (Did you like that, Ron?)

**Endicott:** “The Director did the right thing in the absence of a procedure for him to consult players. The Panel would have little case not to apply the judgment of the players consulted.”

☞ I would agree—had they consulted the *right* players.

**Wolff:** “I prefer the Director’s ruling of +100 for N/S and –450 for E/W, but the Committee changing it to N/S +450 both ways is okay, especially for the Red Ribbon Pairs. While E/W certainly should be saddled with –450, perhaps South’s double was not out of tempo enough to prohibit North from taking out.”

☞ So Red Ribbon players get “modified” justice?  
Oh where, oh where, can our little lamb be?

**Treadwell:** “If ever an appeal earned AWMW consideration, this was it. E/W blew their chance for a plus score and wanted a chance to get a lesser minus score.”

☞ Uh, Earth to Dave. N/S were the appellants...not E/W.  
To wrap this one up, we’ll call on a man who still has his shining moments.

**Gerard:** “The irony of the situation was that South didn’t have his hesitation. Given that this was almost certainly not a forcing-pass auction, the meaning of South’s double was supposed to be penalties, which was the right evaluation. Opposite a singleton spade and relatively spread minors, South would pass if North doubled again. Passing it out if North were minimum wouldn’t be terrible, but the odds favored a set even then. (Let’s put it this way, since at least one heart was likely to cash, wouldn’t you take your chances?) And if North were void, double was clearly right. So the irony was that North took action that was demonstrably suggested by South’s hesitation, which would typically have been a mistake with minimum spade wastage and side values, but South shouldn’t have huddled. As a result North took the losing action, to be saved only by the Battling Bickersons. In accordance with longstanding principles, N/S don’t benefit but E/W pay the piper. The Director was spot on, as at least one other New Yorker among the commentators would say. [I just wish he’d said it here.—*Ed.*]

“The consultants’ attitude represents the intelligence transfer syndrome. None of them would ever bid 3♠, so they couldn’t put themselves in the mind of someone who did. Maybe they visualized 3♠ with 5♣ over a 4♥ signoff, but it wasn’t the same auction when East bid 4♠ and South doubled. And North had to anticipate the auction going that way (nice avoidance of the Flannery issue, Panel), so the fact that he chose to emphasize spade shortness rather than fit or club values at least suggested that he was willing to abide by partner’s decision over 4♠. I don’t know and neither do you, but the point is that we shouldn’t have to guess at it.

“So the real irony is that the Panel didn’t appreciate the irony. I remember Steve Martin in the movie *Roxanne*: ‘Oh, irony. We don’t have that around here anymore. We haven’t had it since 1983, when I was the only practitioner of it.’ Leave the irony to the experts, folks.”

☞ Yes. That sort of thing should come with a warning: Don’t try this yourself at home. These are trained experts.

I still haven’t heard an answer, so I’ll return to my earlier question: Where were those Flight B consultants?

## CASE ELEVEN

**Subject (Tempo):** No Cogent Rationale

**Event:** NABC Fast Open Pairs, 17 Aug 00, First Qualifying Session

Bd: 13	Diana Schuld		
Dlr: North	♠ KQ5		
Vul: Both	♥ A543		
	♦ ---		
	♣ KQJ865		
David Dobrin	George Bessinger		
♠ J7	♠ A2		
♥ 9	♥ KQ106		
♦ AKJ764	♦ Q9532		
♣ A1072	♣ 94		
	Nancy Kalow		
	♠ 1098643		
	♥ J872		
	♦ 108		
	♣ 3		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	1♣	Pass	1♠
2♦	2♥	3♦	3♥
Pass	3♠	4♦	Pass
Pass	4♥	Dbl	Pass(1)
Pass	4♠	All Pass	
(1) Break in tempo			

**The Facts:** 4♠ made four, +620 for N/S. The opening lead was the ♥9. The Director was called to the table after the 4♠ bid and told there had been a break in tempo by South following East’s penalty double. N/S agreed to a break in tempo. The Director ruled that North’s 4♠ bid was made more attractive by South’s break in tempo and that pass was a LA. The contract was changed to 4♥ doubled down two, +500 for E/W (Law 16).

**The Appeal:** N/S appealed the Director’s ruling and were the only players to attend the hearing. N/S admitted to an elapsed time in excess of 20 seconds following the penalty double. South said she originally thought that 3♠ was a cue-bid in support of hearts, but had to reevaluate her view after the penalty double. North offered no cogent rationale for bidding 4♠. The defense to 4♠ went: ♥9 to the queen, ♠A, ♠2. The Screening Director told the Committee that E/W were

content with +500 in 4♥ doubled down two.

**The Committee Decision:** The appellants provided no substantive rationale for allowing North to bid 4♠. The Committee decided that the break in tempo by South clearly made the 4♠ bid by North more attractive and that pass was a LA for a significant number of N/S’s peers. The Committee returned the contract to 4♥ doubled. To decide the probable result in 4♥ doubled, the defense to 4♠ was reviewed. Since E/W had previously displayed contentment with +500 and had not made an appearance to procure a larger penalty, the Committee believed that down two was an appropriate and most probable result. The contract was changed to 4♥ doubled down two, +500 for E/W. North and South had 4200 and 1900 masterpoints, respectively, and were experienced enough to know that North’s options were restricted after a lengthy hesitation by South. In addition, at least one member of the N/S partnership was actively engaged in the daily running of a bridge club. The Committee decided that this appeal lacked substantial merit and assessed an AWMW against N/S.

**DIC of Event:** Millard Nachtwey

**Committee:** Mark Bartusek (chair), Dick Budd, Jim Linhart

**Directors’ Ruling:** 97.0

**Committee’s Decision:** 95.2



☞ The following panelist says it all.

**Bramley:** “Excellent.”

☞ Need amplification? Then try these.

**Polisner:** “Good work by all in a routine UI case.”

**R. Cohen:** “Director and Committee both got this right, including the speeding ticket.”

**Rigal:** “Well done both Director and Committee and the AWMW is exactly in place. Really concisely summed up by the Committee and I wish we had more decisions like it.”

☞ Still not satisfied? Then how about...

**L. Cohen:** “Obviously, after South’s slow pass North can’t bid 4♠ and deserved the AWMW. But, there are two issues that aren’t clear. (1) The result in 4♥ doubled. Since this is impossible to determine it is a little strange to pick the 500 number out of thin air, but I can live with it. I could believe anywhere from 200 to 1100. (2) More importantly, we have to at least consider the E/W defense to 4♠. If it was egregious, then they get –620. East obviously could have given his partner a heart ruff, and his play of ♠A and a spade seems strange. But, I suppose that East couldn’t know that South was six-four in the majors (in spite of the tempo)—so I’d consider his defense within the realm of reasonable bridge. I just think the Committee should have mentioned the issue. Good job by the scribe in giving us the defense to 4♠—at least he thought it was relevant.”

☞ While East couldn’t know that South was six-four in the majors, he certainly should have known that she was five-four (she’d have bid hearts first with four-four and would not have raised hearts without four of them), and that West could obtain a heart ruff. Perhaps the appearance of dummy’s imposing club suit scared him. Or perhaps he thought no farther than trying to prevent ruffs in dummy.

**Wolff:** “N/S –500, E/W Average –. Since E/W misdefended 4♠ so badly they are not entitled to anything more than Average –. Their actual result of –620 would have been close to a zero, so they probably get the best of it with an Average –.”

☞ E/W’s defense was poor, but as players with 1200 and 400 masterpoints it was no worse than we have a right to expect. (Larry considered it “within the realm of reasonable bridge.”) Besides, artificial scores like Average – are inappropriate when replacing a result obtained at the table, as we’ve pointed out here repeatedly.

**Endicott:** “ACBL reports continue to adopt this fancy wording that pretends the Committee’s job is anything but to hear an appeal of a Director’s ruling as Law 92 says it to be. Committees should establish what the appellant argues to be wrong about the ruling, what he says the Director has misjudged, where the appellant believes the Director has erred. If the appeal does not succeed it is the Director’s ruling that stands. Here it was South who could appreciate the dangers in a heart contract and who should have found the 4♠ bid. Applause for the Director, modified rapture over the Committee’s support of the ruling.”

☞ Actually, it isn’t just fancy wording. While the WBF has adopted the procedure of starting with the presumption that the Director’s ruling is correct, the ACBL has a different policy. The ACBL Handbook for Appeals Committees states:

*“[Appeals Committees] are completely free to find facts and make bridge*

*judgments that are completely at odds with the facts and bridge judgments found by the Tournament Director...When announcing a decision that is identical to the Tournament Director’s ruling, the Appeals Committee should emphasize that it found the facts and applied its collective bridge judgment independently. It should refrain from describing that decision as ‘upholding the director’s ruling.’ This will help preserve everyone’s image of the Tournament Director as a neutral person, rather than as an advocate or even a party with a personal stake in the outcome.” (ACBL Handbook of Rules and Regulations, Appendix B, p. 8.)*

In the ACBL, an Appeals Committee is supposed to reevaluate the evidence and decide the case independently, to insure an unbiased assessment. However:

*“An Appeals Committee is bound by the Tournament Director’s statement of applicable law and regulations. If a committee finds the same facts as the Tournament Director and makes the same bridge judgments, then it must make the same ruling. A committee cannot overrule a Tournament Director on a point of law or regulation. A Committee may decide that a different Law applies and inform the Tournament Director of the facts that led to this conclusion. The Committee may not apply a different law if the Tournament Director disagrees....*

*“A committee should recognize the Tournament Director is impartial. That alone may be enough to convince the committee of a particular set of facts. A party disagreeing with the facts as set forth by the Tournament Director is most likely speaking out of self-interest. An appellant or appellee may truly believe what he or she is saying, but remember each party had time to consider what they were going to say. This is a matter of credibility...” (Ibid, p. 8.)*

Thus, while we still operate under Law 92 (“A contestant or his Captain may appeal for a review of any ruling made at his table by the Director”), we are not bound by the Director’s fact-finding or bridge judgment. We set these aside to consider the case anew, to avoid the appearance of bias. However, when applying the laws and regulations, the Director is the ultimate authority. Also, in the fact-finding stage the Director’s assessment is given greater weight since “...the Tournament Director is impartial” while the players are “...most likely speaking out of self-interest.”

I am not suggesting that we dismiss Grattan’s point about starting out by asking the appellants why they think the Director’s ruling is in error. I take this approach myself whenever I chair a hearing and I suspect most others do as well. However, we do this within the context of asking the appellants why they are appealing the Director’s ruling rather than from the presumption that his ruling is correct. In essence, the ACBL treats the Director as a “neutral” (or disinterested) party and we attempt to maintain this aura of impartiality so far as the laws permit.

Our final panelist thinks the AWMW to be a bit much.

**Stevenson:** “Just a little harsh to issue an AWMW, I think. When 4♥ gets doubled with all those black cards, then if East has not gone mad he has a heart stack. I think 4♠ quite a normal bid, not perhaps normal enough to be automatic.”

☞ But as while 4♠ may be “quite a normal bid,” that is not the standard by which actions are judged when UI is present. N/S were experienced enough to know (or *should* have known—especially the club director) that they could not win this case on appeal, especially when they failed to present any “substantial rationale for allowing North to bid 4♠.” None of us would have advised them to pursue this appeal, and it was ultimately a waste of the Committee’s time. That, by definition, is what AWMWs are for.

## CASE TWELVE

**Subject (Tempo):** Down For The Count

**Event:** NABC IMP Pairs, 17 Aug 00, First Qualifying Session

Bd: 6	David Bryant		
Dlr: East	♠ KJ9843		
Vul: E/W	♥ A9754		
	♦ ---		
	♣ 43		
Mac Kowalczyk	Ross Willingham		
♠ AQ765	♠ 2		
♥ J8	♥ Q2		
♦ 984	♦ AJ7653		
♣ Q95	♣ K1087		
	Nancy Ferguson		
	♠ 10		
	♥ K1063		
	♦ KQ102		
	♣ AJ62		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		2♦	Pass(1)
3♦	Dbl	All Pass	
(1) Disputed break in tempo			

**The Facts:** 3♦ doubled went down three, +800 for N/S. The opening lead was the ♠10. The Director was called at the end of the auction and again after play ended. E/W believed it took South 20-30 seconds to pass over 2♦. South said she was not contemplating bidding but counted “one-one-thousand, two-one-thousand,” etc. to ten. That may have taken more than 10 seconds but she did not believe she hesitated. The Director ruled that pass was not a LA for North and allowed the table result to stand (Law 16).

**The Appeal:** E/W appealed the Director’s ruling. E/W initially placed the contested hesitation at 20-30 seconds duration; later at 25-30 seconds. They alleged it was unmistakable. They added that they thought it suggested doubling over other actions. North claimed not to have

noticed any untoward hesitation, noting that his partner always hesitates over Stop Card usage. South said she clearly had no bid over the 2♦ opener, and counted to ten using the “one-one-thousand, two-one-thousand” method. She said she may have taken more than 10 seconds to complete the count, but she did not think it was as long as E/W alleged. North said that on reflection he thought his best bid would have been 4♦, but that bid did not occur to him at the table. N/S had about 400 masterpoints each and E/W about 2000 each. Dummy called for the Director at the conclusion of the auction after which the opening lead was made and dummy spread. When the Director arrived, she told dummy that since he was dummy he could not speak. Declarer did not then know why dummy had called. The Director left after some questions about the opening lead had been answered. Dummy again called the Director at the end of the play.

**The Committee Decision:** Whether there had been an “unmistakable hesitation” was a murky issue. The fact that declarer did not know why dummy had called for the Director and the believable, though self-serving, nature of N/S’s statements suggested there was no “unmistakable hesitation.” Perhaps “10 seconds sometimes seems like an eternity at the bridge table” would describe dummy’s reactions. Nonetheless, his claim had to be examined. South’s explanation that she had no bid and counted the time indicated that she really took little consideration of bidding and was very concerned with the tempo issue. Some Committee members believe that players of South’s experience often take a bit of extra time to confirm and re-confirm that they have nothing to bid. The Committee was undecided on the issue of whether there was an unmistakable hesitation. They therefore assumed that there had been, to see if they could find another way to dispose of the issue. They considered whether the UI was different from the AI from the auction itself. North

could tell from the auction alone that South had unbidable values. His opponents hadn’t made any move toward game in an IMP event and he had only 8 HCP. Therefore, his partner must have some unbidable values and diamond length. South could have had a 2-2-4-5 hand with poor defensive diamonds and slightly under minimum values for an overcall. In that case, a 3♠ bid by North might have been best. Accordingly, the Committee decided that South’s presumed hesitation did not demonstrably suggest a winning line of action to North, who clearly would act somehow. Therefore, the Committee believed that North could choose any action he desired and allowed the table result of 3♦ doubled down three, +800 for N/S, to stand.

**DIC of Event:** Henry Cukoff

**Committee:** Michael Huston (chair), Martin Caley, Simon Kantor, Corrine Kirkham, Richard Popper

**Directors’ Ruling:** 83.7

**Committee’s Decision:** 90.4

✍ I agree with the Committee’s initial observation that if declarer had no idea why dummy called the Director, then South’s tempo over 2♦ was probably not so out of line for the situation. (Of course dummy just may have been more sensitive about tempo than declarer.) South’s hand, while containing opening-bid values, is not even close to justifying an action over 2♦. But South reportedly had only about 400 masterpoints so it is possible, though unlikely, that some thought may have occurred. The Committee seemed aware of this possibility when they observed, “...players of South’s experience often take a bit of extra time to confirm and re-confirm that they have nothing to bid.” But the real problem here, I suspect, is that after RHO’s Skip Bid most players nowadays take only 2-4 seconds to act. If South took anywhere close to the appropriate 10 seconds, I can understand why West thought there had been a break in tempo. However, by the end of the play, when the Director was called back, West should have realized that North’s hand plus the AI available from the auction justified North’s action. On the other hand, the Director’s conduct when first called to the table was...well, I’ll let Bart describe it.

**Bramley:** “The Director’s refusal to let dummy speak was bizarre. The laws prevent dummy from calling the Director ‘during play,’ certainly an arguable distinction here. The delay in resolving the facts probably obscured them even further. However, the eventual Director’s ruling and Committee were solid.

“We have seen several appeals based on the premise seen here: a supposed break in tempo after the Stop Card has been used. I am always bothered when a player is accused of a break in tempo for honoring the Stop Card obligation too well. Since that player is supposed to look like he is thinking, he should not be subject to accusation when he succeeds in his objective. Only hesitations of significant extra length should bring the player under scrutiny. The debate here is whether 20-30 seconds is too long. I would put the line at around 20 seconds.”

✍ Perhaps 20 seconds is a bit on the long side, but I agree with Bart in principle. If players routinely took a “realistic” 8-10 seconds over Skip Bids instead of the more typical (and improper) 2-4 seconds, this problem would all but disappear.

More on the table Director’s behavior...

**Gerard:** “‘You’re a dummy, shut your mouth.’ And the legal basis for that remark is what? Appalling arrogance by the Director. The auction period doesn’t end until the opening lead is made (Law 17E), so any player has the right to call attention to an irregularity (Law 9A1). Perhaps it would be a good career move for Directors to know the rule book.

“But hey, mistakes happen. No biggie. We’ll just sort it out later. Aside from the patent absurdity of a statement expressing indecision about an absolute—how could it be unmistakable if they couldn’t decide?—the Committee introduced an

acceptable surrogate by its adoption of the worst case scenario. Luckily for their reputation they determined that double was not demonstrably suggested, otherwise they would have had to enter the murky world of indecision. It feels like they would have done the right thing (i.e., no hesitation), but they were on firmer ground this way.”

✍ Yes, that was one of my initial reactions as well: If the Committee thought the hesitation issue was a “murky” one, then how could it be unmistakable?

**Polisner:** “Since the first step in a UI case is to determine whether or not there was an unmistakable hesitation and the Committee was unconvinced, the case is over. Table result stands.”

✍ Next, Barry makes an excellent point about whether the double could have been demonstrably suggested even if there had been a hesitation.

**Rigal:** “I like the ruling and Committee decision. The North hand to me is an absurd double, but partner’s tempo break if any actually militates against it because, even at the vulnerability, I can’t see that I want to defend here. In other words, the tempo break does not make double more attractive because it is completely unattractive under any circumstances.

“The Committee, perhaps simply covering all bases, determined to rule on the basis that there had been a break in tempo when the facts had not suggested it (I would have ruled that there had not been) but the logic they used thereafter was fine by me.”

✍ Larry also makes an excellent point about the types of hands South might huddle with over a weak 2♦.

**L. Cohen:** “A tough case, because it is not easy to determine if there was a tempo break. I was pleased to read all the details of the deliberations. If there was a tempo violation, I’d still allow North to either double, bid 3♠, or 4♦. I don’t think a slow pass would necessarily argue for one action over the other, so I could like the Committee’s skirting the first issue and going directly to North’s actions. As to why a slow pass doesn’t suggest a double, I don’t think South would huddle with good diamonds: that hand type is usually easier to pass with than hands that are thinking of bidding a suit or making a takeout double. I’d be afraid to double with North’s hand over a slow, medium, or fast pass.”

**Stevenson:** “While the same result was obtained by the Committee as the Director, the Committee made the right decision; the UI did not suggest anything particular. Therefore, whether pass was a LA was not relevant.

“There seems a pattern through these casebooks that alleged hesitations are getting longer. I am beginning to think that a real hesitation is one that the non-offenders consider longer than 30 seconds and the offenders consider longer than 6 seconds! See CASE THIRTEEN.”

✍ Hmm. What about CASE SEVEN, where the alleged hesitation was only 3-5 seconds?

**Endicott:** “A North who does not stir on this hand has died. The Committee wasted a bit of time noticing as much. E/W had no case and should not have appealed. Another loss of \$50.”

✍ Yes, I agree that E/W’s case is pretty thin. And just for the record, in North America we’ve achieved a level of enlightenment beyond that which practices assessing monetary penalties for meritless appeals. Perhaps England should give our approach a try.

**R. Cohen:** “Nobody will argue that pass was a LA for North. The possibilities are 3♠, 4♦ or double. A strong case can be made that if South’s hesitation was excessive, then the double was a violation of Law 73F1. The Committee’s reasoning was wrong if this decision was based on the fact that there was no UI.”

✍ Ralph might wish to read Larry’s and Barry’s comments before arguing his position too vehemently. So with the possible exception of Ralph, it seems all the other panelists are in agreement that all roads lead to allowing North’s double—or any other action he might have chosen. All, that is, except...

**Wolff:** “Under our current thinking this was a reasonable decision but...how about ‘If, after a hesitation, their bidding actions fit, you must not acquit.’ Using that caveat, N/S would get +650 in 4♥ instead of their windfall +800.”

✍ Wolfie thinks North’s double blatantly catered to his partner’s huddle, which suggests diamonds. (Wolfie considers 3♠ the standout action and thinks that 4♦ would be right if North’s major-suit lengths were reversed, so that the right two-two fit could be found.) Even if I could get past the issue of the huddle, I am not so sure I’d agree that he’s right about the double. I think many players would close their eyes and double with the North hand, although I do agree that 3♠ is the more attractive call (and that 4♦ would be best if North had equal or longer hearts).

But something else bothers me about Wolfie’s approach here. According to his philosophy, if someone “allegedly” hesitates and his partner takes an action which caters to the hesitation, we should automatically adjust the score—forget whether partner’s action was clear from his own hand. And when adjusting the score, make sure you don’t assign anyone too good a result (you can invent one if necessary)—i.e., no “windfalls.”

Now I trust it will not come as a shock to anyone to learn that there is nothing in the laws which says that you should always adjust the score whenever a player hesitates and his partner makes a winning call. Nor is there anything in them which suggests that in assigning adjusted scores you should avoid giving anyone too good a result (a “windfall”), even if that is what was likely to have happened without the infraction. I wonder, do you think he made any of that up?

Back in the real world, I like Bart’s idea best. When a Skip Bid is announced, the next player must be afforded substantial leeway to honor it. Only a *truly excessive* pause should elicit a Director call.

CASE THIRTEEN

**Subject (Tempo):** Speed Kills

**Event:** NABC Fast Open Pairs, 18 Aug 00, Second Final Session

Bd: 12	Jiang Gu		
Dlr: West	♠ A1086		
Vul: N/S	♥ J65		
	♦ 84		
	♣ 7653		
Kou-Ping Cheng		Jeffrey Hu	
♠ KJ3		♠ 4	
♥ Q42		♥ AK10983	
♦ AJ103		♦ K92	
♣ AJ8		♣ KQ2	
	Ruoyu Fan		
	♠ Q9752		
	♥ 7		
	♦ Q765		
	♣ 1094		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1NT	Pass	2♦(1)	Pass
2NT	Pass	3♥	Pass
3NT	Pass	4♣(2)	Pass
4♠	Pass	5♥(3)	Pass
6♥	All Pass		
(1) Alerted; Game-Forcing Stayman			
(2) Agreed break in tempo			
(3) Disputed break in tempo			

**The Facts:** 6♥ made six, +980 for E/W. The opening lead was the ♠10. The Director was called at the end of the play; N/S claimed that there had been a significant break in tempo before the 5♥ bid. E/W denied any hesitation. West stated that 4♠ showed the number of aces he held, although he was unsure 4♣ was Gerber. The Director ruled that a break in tempo had occurred which demonstrably expressed interest in further bidding and that pass was a LA for West (Law 16). The contract was changed to 5♥ made six, +480 for E/W.

**The Appeal:** E/W appealed the Director's ruling. [The appeal was heard immediately after the final session of the Fast Open Pairs. There was insufficient time for screening as N/S were scheduled to play another event at 7:30 that same evening.] N/S claimed that East's break in tempo was somewhere between 1-2 minutes; E/W claimed a total elapsed time of only 2-3 seconds. The Director was not called during the auction

because only a few minutes remained in the round. South stated that West initially indicated that 4♠ was a cue-bid. West initially said that 4♠ was a Gerber response but after questioning admitted that he might have mumbled something about a cue-bid. (After the conclusion of the appeal, a discussion with the table Director revealed that West had stated that 4♠ was a cue-bid in support of hearts and clubs. When asked why he hadn't cue-bid 4♦, he changed his statement to indicate that 4♠ was a Gerber response.) West said he thought 3NT would be a better game contract, despite holding heart support, but indicated that after showing two aces he was obliged to show the queen of trumps by raising to 6♥. Examination of E/W's convention card revealed that a direct 3♥ bid over the 15-17 notrump would have been natural and slammish. East said he bid forcing Stayman to conserve room in the auction.

**The Committee Decision:** The Committee decided that a break in tempo had occurred prior to the 5♥ bid. East and West, having 1000 and 1700 masterpoints, respectively, produced contradictory statements and appeared confused as to the meanings of their bids. The Committee discounted most of E/W's statements as being self-serving and constructed several hands were E/W were missing two of the five "aces." Since pass by West was deemed to be a LA (Law 16), the contract was changed to 5♥ made six, +480 for E/W. The Committee considered assessing a PP

against E/W for taking blatant advantage of UI, but declined to do so due to the lack of screening, the timing of the Director call, and the lack of solid evidence confirming the disputed hesitation.

**DIC of Event:** Mike Flader

**Committee:** Mark Bartusek (chair), Doug Doub, Jeff Goldsmith, Michael Schuster, Kevin Wilson

**Directors' Ruling:** 93.0

**Committee's Decision:** 87.4

✍ The Committee was correct to discount E/W's statements, but not because they were self-serving. They should have discounted them because of E/W's lack of forthrightness, because of the inconsistencies in their statements, and because of their continual recanting of earlier statements whenever they were confronted with conflicting evidence. When E/W's statements came unraveled like a bad artichoke they should have been issued a PP, given a stern lecture, and assigned an AWMW. What did the lack of screening have to do with any of this?

Some of the discrepancies and twists in the players' statements are almost too bizarre to be believed. First, the time discrepancies boggle the mind: 2-3 seconds versus 1-2 minutes! Next, West explained 4♠ as a cue-bid. Then he denied saying that and claimed he said it was a Gerber response. Then, when the table Director confirmed that he *had* said it was a cue-bid and he was asked why he had bypassed a 4♦ cue-bid, he admitted it was a Gerber response—but that he had been unsure that 4♣ had been Gerber. Finally, he showed his aces, East signed off, but then he claimed he had to show his queen of trump. I guess queens make up for missing aces—and East's huddle certainly couldn't have had anything to do with this. Bah!

I'd have thrown the book at them and so would...well, just about everyone.

**L. Cohen:** "I'm so annoyed by West's actions that I'd find some way to dish out the AWMW—screening or no screening. First of all, when N/S said 1-2 minutes, I don't know if that was totally accurate, but I can be sure that E/W's contention of 2-3 seconds must be wrong. No N/S would concoct such a lie. If this world ever gets to the point where N/S can claim a 1-2 minute break when in fact it was 2-3 seconds we are in big trouble. If West were cue-bidding he'd have bid 4♦ over 4♣, not 4♠. West clearly thought he was showing two aces in response to Gerber (he even said so in one of the versions of his story as he was scrambling to figure out a way to win). Then he bids on after a sign-off? Isn't this your basic Hesitation Blackwood scenario? Case closed."

✍ A classic case of Hesitation Blackwood...uh, Gerber. I'd caution Larry to watch his blood pressure if mine weren't in the same state.

**Wolff:** "Good decision. The importance of this appeal may revolve around a new aspect to Hesitation Blackwood (this time Gerber): can a partnership, if they are not sure that the bid is ace-asking, hesitate their way to success. My answer (quite predictably) would be not only no, but 'Hell No!'"

✍ His blood pressure may be even higher than mine and Larry's.

**Bramley:** "The Committee was too gentle. Although I am strongly opposed to PP's in most cases, the raise to 6♥ by West is a strong candidate. West clearly made an ace-showing response to 4♣, admitted to it only under pressure, then raised a putative signoff. The Committee's grounds for withholding the PP are reasonable, but certainly they should have given E/W an AWMW."

**Endicott:** "Considered a PP? Well, yes, it is nearly as blatant as in CASE ONE. What is holding back these Committees is a mystery; there should be a price on brazen impropriety."

**Rigal:** “All fine but there should have been an AWMW. I know that I myself am too complaisant when it comes to awarding them but I can spot other people’s weakness in this area too. I would not have awarded a PP though—that seems too harsh to me.”

✍ I don’t find both penalties too harsh at all. The AWMW is for wasting the Committee’s time with a nonsense appeal and the PP is for West’s flagrant bid after East’s slow signoff and the duplicity that oozes from the E/W players’ statements.

**R. Cohen:** “No way to allow 6♥. How about an East hand of ♠x ♥KJ10xxx ♦KQx ♣KQX? It wouldn’t have taken East long to bid 5♥.”

**Stevenson:** “See what I mean in CASE TWELVE! 1-2 minutes, 2-3 seconds! If the ACBL really want disputed hesitations cleared up then it is time they reinstated ‘Reserving your Rights’ so that tempo breaks are established without Director calls; and when there is no agreement everyone knows they must call the Director immediately. The present election by the ACBL is bad for the game.

“Of course, ruling it back is automatic if there was a tempo break and when in doubt I go with the Director on such matters.”

✍ If you really doubt that there was a tempo break, perhaps you should go back and re-read Larry’s comment.

As for reserving one’s rights, there’s nothing in the ACBL regulations which prevents a player from saying to his opponents, “Can we agree that there has been a break in tempo here?” If they don’t agree, you call the Director. Delaying calling the Director does not *automatically* abrogate a players’ rights. (It may, however, compromise one’s right to redress if the delay prevents the Director from backing up the auction or from determining what a player would have done before knowing the whole deal—neither of which occurred here.) In fact, the Board’s specification reads, “...competitors will not be allowed to announce that they reserve the right to summon the Director later. They should summon the Director immediately when they believe there may have been extraneous information available to the opponents *resulting in calls or bids which could result in damage to their side.*” Clearly this requires that the Director be called *following the action that is suspected of having taken advantage of the UI*—not when the extraneous information itself (e.g., the hesitation) occurred. Thus, establishing the fact of a hesitation at the time of its occurrence is not at all in conflict with the regulations. That is, in fact, the best way to handle things at the table. It requires no reinstatement of reserving your rights. In fact, simply reserving your rights once you have reason to believe that extraneous information may have resulted in damage is a bad idea: It prevents the Director from determining the players’ intentions before they know the whole deal.

**Polisner:** “I wonder what the Committee would have decided in the absence of West’s lack of candor about the purported meaning of 4♣? I wonder what was the evidence which convinced the Committee that there was an unmistakable hesitation considering the vast disparity in the testimony and the belated Director call by N/S? However, since they decided UI existed, the decision is fine.”

✍ I wonder if Jeff was reading the same case as the rest of us.

**Subject (Tempo):** The Way Forward

**Event:** NABC IMP Pairs, 18 Aug 00, First Qualifying Session

Bd: 15	Michael Galante		
Dlr: South	♠ Q105		
Vul: N/S	♥ 2		
	♦ AQJ982		
	♣ A108		
Pam Wild		Jim Handy	
♠ 4		♠ K832	
♥ 9753		♥ 1084	
♦ 107654		♦ K	
♣ K94		♣ QJ532	
	Jim Sgro		
	♠ AJ976		
	♥ AKQJ6		
	♦ 3		
	♣ 76		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			1♠
Pass	2NT(1)	Pass	3♥(2)
Pass	4♠(3)	Pass	4NT
Pass	5♥	Pass	5NT
Pass	6♣	Pass	6♠
All Pass			
(1) Alerted; forcing spade raise			
(2) Alerted; no explanation requested			
(3) Break in tempo			

**The Facts:** 6♠ made six, +1430 for N/S. The opening lead was the ♣4. The Director was called at the end of the auction. South’s 3♥ was a misbid. There was an agreed unmistakable hesitation before the 4♠ bid. 4NT was regular Blackwood. The Director ruled that the break in tempo demonstrably suggested extra values. He ruled that pass was a LA and changed the contract to 4♠ made six, +680 for N/S (Laws 16A2, 73F1, 12C2).

**The Appeal:** N/S appealed the Director’s ruling. North stated that his hesitation was about 6 seconds. South said the hesitation was probably 10-15 seconds. South said he believed his hand warranted further action once his partner made a forcing spade raise. He further said that he did not normally play 2NT as a forcing raise and was unsure whether to bid 3♥ or 4♥. However, he always planned to continue over 4♠ and believed that Blackwood was the normal way to reach slam. South, a club player, had about 500 masterpoints and last played

with North 2-3 years ago. East believed that the hesitation was closer to 1 minute and West believed it was more than 15 seconds.

**The Committee Decision:** The Committee believed that South’s hand was a five-level drive opposite a forcing raise and that 4NT was the way to go forward—for this player. The Committee did not believe that pass was a LA and restored the table result of 6♠ made six, +1430 for N/S.

**DIC of Event:** Henry Cukoff

**Committee:** Henry Bethe (chair), Bart Bramley, Dick Budd

**Directors’ Ruling: 68.5**

**Committee’s Decision: 87.0**

✍ First, let’s hear from one of the Committee members.

**Bramley:** “The Committee was strongly in agreement.”

✍ Well, not quite everyone is strongly in agreement.

**L. Cohen:** “I barely agree. I would like to know when South discovered his misbid. What did he think 3♥ showed? If, for example, 3♥ was supposed to mean ‘dead minimum’ and then South realized that he had made the wrong response, then clearly he could bid again. But, what if 3♥ was supposed to mean, ‘super-maximum and short hearts.’ Then, upon discovering his mistake, he might not really have extras any more—just a different kind of shape. Anyway, I suppose this South hand is good enough to act even over the poorly tempoed sign-off. However, it bothers me that North could have had : ♠KQxx ♥xx ♦KQx ♣QJxx. That would be a fast 4♠. If I keep thinking about it I might have to change my mind.”

**R. Cohen:** “Are we supposed to judge second flight players in NABC+ events by a different standard than experts? Couldn’t North have held ♠KQJxx ♥x ♦KQJx ♣Kxx or something comparable? If you enter a National Event you are no longer playing at the club level and should not expect to get away with these shenanigans. If you want that treatment, play in Flight B pairs. The opponents may not even call the Director over there.”

✍ It sounds as if 2NT was Jacoby and 3♥ was supposed to show shortness (with a jump to 4♥ being used to show a second five-card suit, South’s actual hand). South certainly has a lot of extra trick-taking capability and good controls, so I can sympathize with his desire to bid on opposite a signoff—even an enthusiastic one. In fact, North’s huddle seems to me to suggest *not* bidding on since if South realizes he has mistakenly shown heart shortness, then North’s huddle is likely to mean that North was surprised by South’s shortness, probably suggesting that he has short hearts himself. But the main point is that irrespective of North’s signoff (forgetting his huddle), he has shown a strong, game-forcing spade raise and South has considerable extras—both in high cards and tricks. Opposite as little as ♠K10xx ♥xx ♦Axxx ♣Axx (almost a sub-minimum for a Jacoby bid) 6♠ would be virtually cold (and even 7♠ would have play). Add the ♠Q to the example hand—still nothing exceptional—and now 7♠ becomes excellent. So I must admit I am closer to the Committee’s strong agreement than to Larry’s reluctant one, as are...

**Endicott:** “Once North makes a forcing raise only a shortage of first-round controls should keep N/S from the slam. The Director needed a bridge player to help him.”

**Gerard:** “No Blackwood a round earlier, a flawed Blackwood after a slow signoff, a ridiculous king ask opposite a minimum forcing raise, and yet I suppose we have to let South bid. Whether South bid Blackwood was immaterial, since any move would produce cooperation. However, in accordance with my elitist philosophy, I wouldn’t let experts do this.”

✍ I’m not sure that even an expert should not be allowed to bid on over the slow 4♠. Of course, an expert would not have made the bids South did here, as Ron points out, and, in fact, an expert would not have bid Jacoby with only three trumps in the first place.

**Polisner:** “Presumably, the Committee believed that there was UI which demonstrably suggested bidding over 4♠, although the write-up doesn’t state it. Did the Committee inquire if N/S had any agreement about fast or slow arrival even though it is not likely that they did? Such an agreement could be extremely relevant. I don’t think the case is clear enough to adjust the table result. In this case, both the Director and the Committee did the right thing even though they came to contrary conclusions.”

✍ No one that I know or ever heard of plays North’s jump to 4♠ in this auction as extras. It invariably shows precisely what everyone has assumed it shows—a disinterested (slam-negative) signoff. In fact, consider how you would react to a N/S who claimed that 4♠ showed extras. Wouldn’t you suspect they had made it up just

to justify South’s action? Wouldn’t you have discounted it as largely unbelievable? I would.

**Rigal:** “The Director did the right thing, and the Committee clearly formed their opinion based on the players concerned. The masterpoint rankings are clearly relevant. I can live with this decision even if I might not have come to the same conclusion.”

**Wolff:** “Okay, but the key to me is that North’s slow 4♠ bid is not indicative of good or bad. We’ll never arrive at many black and white situations so we should do everything we can to force the high-level players to respect the game and each other.”

✍ And last—but certainly not least—we come to the “David” twins.

**Stevenson:** “Good decision. This is the way club players play.”

**Treadwell:** “Good decision. Let’s play bridge.”

## CASE FIFTEEN

**Subject (Tempo):** Hoist By Their Own Petard?

**Event:** NABC IMP Pairs, 18 Aug 00, First Final Session

Bd: 12	Ash El-Sadi		
Dlr: West	♠ 9842		
Vul: N/S	♥ A954		
	♦ K853		
	♣ 2		
Ginny Schuett	Ora Lourie		
♠ J73	♠ K6		
♥ K1083	♥ QJ7		
♦ J	♦ 1092		
♣ J10763	♣ AKQ94		
	Larry Washington		
	♠ AQ105		
	♥ 62		
	♦ AQ764		
	♣ 85		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	1NT	Pass(1)
Pass	2♦(2)	Pass	2♠
All Pass			
(1) Break in tempo			
(2) Alerted; majors			

**The Facts:** 2♠ made four, +170 for N/S. The opening lead was the ♣J. The Director was called after the 2♦ bid. E/W both claimed that there had been a 5-second hesitation before South passed 1NT. N/S both denied that there had been any break in tempo. 2♠ directly by South would have shown five-five in spades and a minor. The Director ruled that while there was disagreement over the break in tempo, South's hand would seem to indicate that it did take place and pass by North was a L.A. The 2♦ bid was canceled and the contract was reverted to 1NT (Laws 73C, 73D). The Director ruled that the diamond suit would be run and that 1NT would go down two tricks. The contract was changed to 1NT down two, +100 for N/S.

**The Appeal:** N/S appealed the Director's ruling. N/S said that South bid in the same tempo that he always does and that

there had been no break in tempo. They agreed that the Director's ruling would have been correct had there been a break in tempo. E/W said that South's hesitation was noticeable, at least 5 seconds, and slower than his other calls.

**The Committee Decision:** The Committee used the logic employed by the Directors in noting that South had a hand with which he would have liked to enter the auction but it did not meet the parameters for the two-suited bid he would have liked to make. Being close to a bid he wanted to make was evidence that he may have considered his call longer than if it were clear. The Committee used this, along with the statements made by the players, to conclude that an unmistakable break in tempo had occurred. Since N/S agreed that the Director's ruling was correct if there was an unmistakable break in tempo, and since discarding on the five diamond tricks, while awkward for East, would not be too difficult to make down two the likely result, the Committee changed the contract to 1NT down two, +100 for N/S.

**DIC of Event:** Henry Cukoff

**Committee:** Michael Huston(chair), Lynn Deas, Jerry Gaer, Bob Schwartz, Dave Treadwell

**Directors' Ruling:** 91.7

**Committee's Decision:** 87.9

✍ Decisions like this are always difficult. For one thing, the hesitation was only alleged to have been 5 seconds. When an opponent opens 1NT, the next player is well-advised to pause for a couple of seconds longer than usual to allow opener's

partner to announce the range—if that is appropriate. Also, over a 1NT opening, particularly in today's aggressive game, conventional options are often available for the player in second seat to bid with quite weak, distributional hands. This makes it even more imperative for the next player to pause a few extra seconds and give the appearance of considering his action—even with a weak *balanced* hand.

On the other hand, E/W did call the Director at the time of the 2♦ bid, before the whole deal was known, which tends to suggest a legitimate basis for the alleged break in tempo. All of this leaves me perched precariously on the fence over this decision. Let's hear the panelists' comments. Maybe someone will be able to point me more decidedly in one direction or the other.

**Bramley:** "The Director call immediately after the 2♦ bid offers compelling evidence that a break in tempo did occur. Once the break in tempo had been established, the rest of the decision was automatic."

✍ Yes, it's true that the timing of the call is suggestive (compelling is a bit strong) of a real break in tempo. However, I am concerned that the alleged 5-second pause is well within what is proper tempo for the next hand to call after a 1NT opening.

**R. Cohen:** "A close call, but the Committee got it right. Supporting the Director seems appropriate since he was there almost from the outset. It's beginning to seem that we should use a Stop Card when opening 1NT. Nobody allows it to go P-P-P anymore unless they have 4-3-3-3 distribution."

✍ Ralph makes two excellent points. First, the Director was there at the table and we weren't—although his stated rationale does seem to be based on a failure to establish any clear facts. Second, using something like a Stop Card really is a good idea after a 1NT opening. I'd call this a "Pause Card," which calls for an obligatory 5-second (rather than 10 seconds, as with a Skip-Bid) pause by LHO while studying his hand and giving the appearance of thinking about his call. In fact, when I made this proposal (not just for 1NT openings but for any call which creates a tempo-sensitive situation) to management recently it met with considerable resistance. And perhaps they're right. Perhaps such a procedure would confuse or be an imposition on most players. Perhaps it would only be appropriate for use in top-level play, such as the ITT and the Vanderbilt, Spingold, and Reisinger.

The next panelist raises another excellent point.

**Gerard:** "I'm surprised that the discussion didn't extend to what was demonstrably suggested by the hesitation. If N/S were playing Hamilton, as seems indicated, they must have had a way to show a true one-suiter (2♣, I think), so North would not have to worry about facing long clubs. Anything else guaranteed at least one seven-card major fit, so North was improving his position considerably by taking action."

✍ True, once we established an "inappropriately-long" pause by South there would be ample reason to conclude that the UI demonstrably suggested North's action. But then there would be the LA issue to confront as well. Holding both majors and a third suit to fall back on as well, given the current DONT-pass-an-opponent's-1NT-opening mentality, is pass really a LA for North? The Director thought so, but I'm not 100% convinced. Of course the unfavorable vulnerability and the form of scoring (there are some in the expert community who would reject this last argument) also argue for the Director's position.

**Stevenson:** "One of the ways that ACBL appeals differ from those at World level and in some other countries is that an ACBL Appeals Committee starts from scratch and examines the whole case without worrying too much what the ruling was. At World level the presumption is made initially that the Director is right, and when I serve on WBF appeals I ask the players 'In what way do you consider the Director has got this wrong?'"

“In some ways, this appeal looks a bit like a WBF one: the Director ruled and the Committee considered his approach perfect and saw no reason to argue with it.”

✍ And why is that so surprising? (See my response to the similar comment by Grattan on CASE ELEVEN.)

**Endicott:** “The Committee found no reason to change the Director’s ruling.”

**Rigal:** “It is relatively unusual for the non-offenders to allege a time-period of hesitation which does not constitute a break, but for the Committee to determine that there was such a break in tempo. Although I am opposed in general to the retrograde analysis that argues that since the Committee might have paused with this hand, the player did too, I can see the logic of it. Where it comes to a dispute of fact I am reluctant to argue with the Committee here.

“Having said that, I agree with their decision; if you can’t bid with the South hand then why would North feel he was worth a bid? The difference in aggression between the two actions is really peculiar.”

✍ I don’t really see Barry’s “difference in aggression” argument. After all, N/S did make ten tricks—not just eight or nine. (I personally would have jumped to 3♣ with the South cards, even though North was a passed hand. After all, wouldn’t you expect to have a reasonable play for game opposite as little as ♠KJxx ♥KQxxx ♦xx ♣xx?) Then North might play South to hold something like ♠KQxx ♥xx ♦Q10x ♣QJxx (or a similar hand with the majors or black suits reversed).

**Polisner:** “The ruling and decision may well be correct, but I abhor the way it was reached. (1) Is 5 seconds, if it was, an unmistakable hesitation? Maybe. (2) If it was UI, did it demonstrably suggest bidding 2♦ with the North piece of cheese? Maybe. (3) Was pass a LA to 2♦? Certainly. I object to the decision on disputed facts of whether or not there had been a break in tempo to be determined by looking at the South hand and concluding that he must have had a problem. Did every South who passed with this hand have a problem? Did the Committee make any effort to verify the validity of the N/S contention that South bid in his normal tempo? Lastly, just because N/S agreed that the ruling was correct if there was UI present does not make it so. It is up to the Committee to decide steps (2) and (3) in the analysis regardless of what the parties believe.”

✍ Jeff mirrors my own thinking on just about every point he makes except one. I don’t care whether every player who passed with the South hand had a problem. In all of those other auctions (or at least most of them) the opponents didn’t call attention to a break in tempo before the auction ended. Also, I don’t know how one would go about verifying N/S’s contention that South bid in his normal tempo. Even discrete attempts to observe the pair from afar (but not so far that the bidding can’t be seen clearly) would be difficult to carry out without N/S being aware that they were being observed. And finding another deal where 1NT was opened on South’s right in third seat would be difficult as well.

I especially like Jeff’s final point: N/S agreeing that the Director’s ruling was correct if there was an unmistakable break in tempo is completely irrelevant.

If I were confident that N/S didn’t typically make their easy passes in these situations in a flash (as most players improperly do), or if I could at least come up with some evidence that they were deliberate bidders in general, I would be persuaded (as Barry and Jeff suggest) that 5 seconds did not constitute a break in tempo over a 1NT opening. I think the Committee (and perhaps the table Director) should have pursued the general nature of N/S’s tempo further. But failing that, it is difficult to be strongly opposed to the Committee’s decision, even if, as Jeff says, one abhors the way it was reached.

Let’s see how that meets with Wolfie’s demanding standards.

**Wolff:** “I agree and it would then follow that ‘if a partnership is playing a minority convention (MC) that fewer than 5% of partnerships play and there is a dispute about a tempo break, then, in the absence of compelling evidence to the contrary, they did break tempo.’ If this becomes part of the common law, a partnership could then do extra work on their MC to make sure they don’t abuse tempo. *This type of lawmaking makes a lot of sense to me.* I wish it did to others, but somehow many seem to want to plead their case before Committees with no assumptions.”

✍ There you have it—an equal-opportunity decision.



CASE SIXTEEN

**Subject (Tempo):** A Great Double-Dummy Problem  
**Event:** NABC IMP Pairs, 18 Aug 00, First Final Session

Bd: 18	Ken Christiansen		
Dlr: East	♠ J732		
Vul: N/S	♥ AKQ65		
	♦ 4		
	♣ K62		
Leroy Abinanti	Al French		
♠ Q865	♠ 109		
♥ J1073	♥ 94		
♦ K1083	♦ AQJ76		
♣ 7	♣ QJ98		
	Janet Daling		
	♠ AK4		
	♥ 82		
	♦ 952		
	♣ A10543		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	Pass
Pass	1♥	2NT	Dbl
3♦	Pass	Pass	Dbl(1)
Pass	3♥	Pass	4♥
All Pass			
(1) Break in tempo			

**The Facts:** 4♥ made four, +620 for N/S. The opening lead was the ♣Q. The Director was called before the 3♥ bid. The double of 2NT showed defense against a minor and the double of 3♦ was very slow. The Director change the contract to 3♦ doubled down one, +100 for N/S (Law 16).

**The Appeal:** N/S appealed the Director's ruling. N/S disputed (1) the decision to change the contract to 3♦ doubled and (2) the determination of the number of tricks that would have been taken in that contract. As for (1), North argued he had minimal defense against diamonds and a powerful heart suit that he had not rebid. South admitted that she had thought for "about a minute" before doubling 3♦. Regarding (2), N/S said a trump lead was automatic with them holding the balance of the power against a two-suiter, but even if North leads a high heart (West declares), a trump shift at trick two would guarantee down two. E/W said they thought that pass

was a LA for North and had no comment on the play in 3♦.

**The Committee Decision:** The Committee quickly decided that the admitted 1-minute hesitation by South constituted a clear break in tempo, that it demonstrably suggested pulling the double, and that pass was a LA for North—indeed, the only LA. Thus, the contract was changed to 3♦ doubled. If the appeal had been based solely on this point, the Committee would have found no merit. The Committee then analyzed the play in 3♦ doubled. They recognized that many players would have considered a trump lead "normal," but that a high heart lead would receive a lot of support and that many Norths might even cash a second heart before shifting to a trump. Many lines of play were considered after these starts, with some leading to down one and more leading to down two. Declarer might reasonably work on any of the three side suits, not just clubs, and it was noted that playing spades, attractive with E/W holding the combined 10-9-8, would almost certainly garner eight tricks. Declarer might initially have intended to play South for the ♠J, but South would surely have won the ace and king to continue trumps, allowing declarer to win the ♠Q, pitch a heart, then play on clubs or alternately, if North cashed two hearts, to ruff out the remaining high heart for the eighth trick. The analysis is extremely complex and the Committee judged that the probability of eight tricks was sufficiently probable, i.e. "at all probable," to assign N/S the score for 3♦ doubled down one, +100. As for E/W, the Committee judged that down one, while perhaps not the most likely result, was sufficiently likely to be reciprocated. The complexity

of the analysis assured that this part of the case had merit.

**Chairman's note:** The play analysis is even more complicated than the Committee thought. The trump spots create entry difficulties on certain lines for declarer (even the spade line we recommended). If South, after winning the second high spade, does not lead her last trump but instead leads her remaining heart to North for a subsequent low heart return, declarer can be held to seven tricks. However, when I ran this hand on my Deep Finesse program (a great double-dummy analyzer), I found that West can take eight tricks on any defense (even an opening trump lead) by shrewd maneuvering in the side suits. I still think that declarer, even at single dummy, will win eight tricks significantly often: in the 35-50% range. Therefore, our assigned scores for both sides were correct.

**DIC of Event:** Henry Cukoff  
**Committee:** Bart Bramley (chair), Dick Budd, Harvey Brody

**Directors' Ruling: 94.8**      **Committee's Decision: 93.0**

✍ If North was unprepared to sit for 3♦ doubled (when he was obviously prepared for South, a passed hand, to pass out 3♦) he should have bid 3♥ directly over 3♦ with his "powerful heart suit that he had not rebid." Once he passed, he was not entitled to pull the slow double. As for the play in 3♦ doubled, the Committee's analysis was excellent and they reached the right decision. Let's hear first from the Committee's chairman.

**Bramley:** "This is one of the most complicated analytical problems I have encountered in a Committee. When the analysis proved hard enough to leave doubt about the outcome, we could reasonably resolve that doubt in favor of the non-offenders. By the way, even with Deep Finesse I needed a lot of time to examine all of the variations."

**Wolff:** "Excellent decision with expert analysis. An A+ from me."

**R. Cohen:** "Unlike CASE FOURTEEN, this time Bart and Dick got it right. A tough job well done."

**Polisner:** "Excellent ruling, decision and writeup."

**Stevenson:** "This seems to be all about the analysis of the hand and the effects. Unfortunately, the final analysis is unclear. It seems that the Committee decided that eight tricks would be made some of the time and seven tricks some of the time. Unfortunately, the write-up does not make this clear. Assuming that eight tricks are going to be made a fair percentage of the time then the decision seems correct."

✍ The write-up certainly makes it clear to me that down one and down two were both competitive results. It says that down one was "at all probable" and that, while perhaps it was not *the* most likely result, it was sufficiently likely to be reciprocated (i.e., to be considered "likely" as well). I agree that the analysis was complicated, but the conclusion was far from unclear.

And now for the coup de gras.

**L. Cohen:** "Great work by the Committee and I agree that Deep Finesse is wonderful. Even without the complex play analysis, I would have done anything possible to allow eight tricks for E/W. North's pull of the slow double is so horrendous that I wish we could have found a way for 3♦ doubled to make! Yes, N/S's appeal of 300 versus 100 had merit, but since the form clearly states: (1) the decision to change the contract to 3♦ doubled and... I would have found that sufficient to hit them with an AWMW. If their appeal mentioned only (2), then

they'd slide."

I like Larry's style here. He's won my vote to give N/S an AWMW. Agreeing with us are...

**Rigal:** "Good Director ruling and the Committee did the right thing as regards the decision—but not the penalty. What was at issue was the tricks, not the behavior of North who committed to my mind a gross infraction and might well have been hit with a PP (is this not precisely the situation where one is appropriate?). I would not have produced such soul-searching but settled more comfortably for one down (and I might have gone with an AWMW despite the problems the Committee had)."

I could go with a PP for the flagrant pull to 3♥. That sits quite nicely.

**Treadwell:** "It was blatant use of UI for North to pull the double of 3♦, and I think a PP is warranted in such cases. How about giving N/S +100 for setting 3♦ one trick and then a 2-imp PP for the infraction. The Committee did a good job on the defense analysis."

For those readers who would use their side's tempo to their own advantage, we leave you with the following thought.

**Endicott:** "If you double you are likely here to live or die by the outcome. If you hesitate and double, you are sure to do so."

### CASE SEVENTEEN

**Subject (Tempo):** On Second Thought...

**Event:** Stratified Open Pairs, 18 Aug 00, Second Session

Bd: 32	♠ 10942		
Dlr: West	♥ 3		
Vul: E/W	♦ 10872		
	♣ 10954		
♠ Q75		♠ A83	
♥ QJ852		♥ K1096	
♦ KQJ		♦ A4	
♣ J6		♣ Q872	
	♠ KJ6		
	♥ A74		
	♦ 9653		
	♣ AK3		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	1♣	1NT
Dbl	Rdbl(1)	Pass	2♣
Pass(2)	Pass	Dbl(2)	Pass
3NT	All Pass		
	(1) Alerted; asked and explained as a relay to 2♣		
	(2) Break in tempo		

**The Facts:** 3NT made three, +600 for E/W. The opening lead was the ♠10. The Director, who was called after the 3NT bid, ruled that no action was demonstrably suggested by the hesitations (Law 16A) and allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling. The players estimates of the amount of time taken by E/W were as follows:

Player	West	East
North	30-60 sec	10 sec
South	? but signif.	signif.
East	10 sec	a few sec
West	15 sec	< 5 sec

A N/S kibitzer was interviewed separately who estimated that both times were 4-5 seconds. N/S believed that West seemed to give East an option and then overruled him. 2♣ could easily go down more than the value of a game (if one existed) and a slow double denied a trump stack. E/W said that the double of 1NT set up West's later pass

of 2♣ as "almost a force" (only not if East had a sub-minimum opener). West said he passed to "leave it to partner" and that partner's double was penalty, but the vulnerability made him decide to go for the game bonus.

**The Panel Decision:** Three players were consulted. All agreed strongly that not only was pass a consideration, it was clearly the correct call. Two of the players used words such as "outraged" and "absurd" when told that this player pulled a double that may have been out of tempo. All agreed that a slow double clearly suggested pulling on his hand. Two of the players projected that if West passed, it was quite likely that North would run to 2♦, which would be doubled by West. One of the players gave some consideration to a final E/W contract of 4♥, but that player did not see it as likely enough to be a possible score adjustment. The Panel was satisfied that an "unmistakable hesitation" occurred, despite the wildly differing estimates of time taken for the two hesitations. Importantly, while E/W disagreed with N/S on the length of the time taken, they did acknowledge that some "unmistakable hesitation" had occurred. Law 16A prohibits a player from "choosing from among logical alternative actions one that could demonstrably have been suggested over another" by any extraneous information. Therefore, the Panel applied the players' advice to disallow the 3NT bid and changed the contract to 2♦ doubled down one, +100 for E/W.

**DIC of Event:** Bob Woodward

**Panel:** Matt Smith (Reviewer), John Ashton, Steve Bates, Ron Johnston, Susan Patricelli

**Players consulted:** Roger Bates, Geoff Hampson, Barry Rigal

**Directors' Ruling: 34.2**      **Panel's Decision: 84.6**

✍ The Panel's decision is certainly reasonable. West's action in pulling the double is in the same class as several of the others we've seen previously (CASES ONE, THREE, SIX, THIRTEEN and SIXTEEN) and was flagrant enough to warrant a PP (it would serve everyone well to review Law 73C). Given that, I find it difficult to comprehend the table ruling and so do...

**Rigal:** "The Director was way out of line here and the Panel put him right. Since the ruling was overturned we can't go the AWMW route, but I think we can look at PPs here can't we? (It does not seem inappropriate to hit West with a PP for his actions.)"

**R. Cohen:** "The Director was out to lunch on this one. The consultants and Panel were right on."

**Endicott:** "The Director's ruling is unexpected: one would see him leaning the other way. I do wonder why he thought as he did. The Panel performs a routine manoeuvre without letting go of the wheel."

**Bramley:** "Cancelling the 3NT bid is clear. I am less certain about North's subsequent action. Remember, North *is* allowed to use the information from the breaks in tempo. In his position I might well have judged that 2♣ was as good a spot as any, with hesitant doublers on both sides and partner guaranteeing a stopper. Running from 2♣ might easily lead to a worse contract on other layouts. The result in 2♣ doubled would very likely be down two, +300 to E/W. However, if two out of three panelists would have run to 2♦, I will accept their judgment.

"I'm curious whether -100 was a good score for N/S. Presumably most E/W pairs would be in 4♥ going down, so any minus score was probably poor for N/S."

✍ Yes, it's not certain that North would have run from 2♣ doubled, but N/S clearly deserve the benefit of the doubt as the non-offenders. Plus, it does not seem that escaping to 2♦ (doubled) is any less likely than sitting it out in 2♣ doubled.

**Stevenson:** "I think we should know the N/S methods before assigning a score in 2♦ doubled. Would they really have reached there? Some thought might be given to an assignment of 2♣ doubled down two. As for the Director, if he does not know what a slow penalty double means then it is time he took an extended holiday."

**Gerard:** "Not best to turn up the rhetoric, since it may affect your objectivity at crunch time. Here, it seems that the two vocal consultants let their own outrage persuade them that North would run to 2♦. That might or might not have happened, but describing it as 'quite likely' is outrageous and absurd. I suppose E/W as the offenders are stuck with the result of this speculation, but I'm not there for N/S. I would have ruled -300 for N/S, +100 for E/W. Try not to engage in punitive analysis next time."

**Polisner:** "I can accept everything except the Committee's determination that North would run to 2♦. Where did that come from? Why wouldn't North run to 2♣ after 2♦ was doubled by West? I believe the correct decision should be the likely result in 2♣ doubled which may be the same as 2♦ doubled, although it has a much greater chance to go for a number."

✍ One usually runs up-the-line, so 2♣ seems a reach. Perhaps Ron's split score is right, but I'm still a runner.  
Finally...

**Wolff:** "No question that E/W took advantage and +100 versus 2♦ doubled seems about right. Whether N/S deserve only -100 is questionable. Since N/S could have scored +100 versus 4♥ I'll accept -100. In other words, be careful what you give the non-offenders: PTF."

✍ Once again, Directors and Committees are not entitled to base their actions on Protect-the-Field types of considerations—at least not until (and unless) the laws are revised in the future to reflect such a philosophy.

## CASE EIGHTEEN

**Subject (Tempo):** Flexible Flyer Passes Inspection

**Event:** NABC Mixed BAM Teams, 19 Aug 00, Second Qualifying Session

Bd: 8	Gray McMullin		
Dlr: West	♠ 2		
Vul: None	♥ KJ65		
	♦ AQ1086		
	♣ 1054		
Nick Martino	♠ 10	Candy Scott	
	♥ AQ7	♠ 943	
	♦ K7542	♥ 8432	
	♣ J832	♦ 93	
		♣ K976	
	Solange Graziani		
	♠ AKQJ8765		
	♥ 109		
	♦ J		
	♣ AQ		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	Pass	2♣
Pass	2♠(1)	Pass	3♠
Pass	4♦	Pass	4♠(2)
Pass	6NT	All Pass	
(1) Alerted; an ace and a king			
(2) Break in tempo			

**The Facts:** 6NT made six, +990 for N/S. The opening lead was the ♠4. The Director was called after play had ended and E/W claimed there had been a significant break in tempo before South's 4♠ bid. N/S agreed to a total elapsed time of approximately 40-50 seconds. This was a first-time partnership which had practiced together only once earlier in the tournament. The Director ruled that the 6NT bid by North was not demonstrably suggested by South's hesitation (Law 16) and allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. E/W claimed that the hesitation by South generally showed extra values and made it safer for North to bid beyond the game level. They admitted that they should have called the Director during the auction (East was a part-time Director). North and South (1000 and 1400 masterpoints, respectively) stated that they were a first-time partnership

with very few bidding agreements. North claimed that with "2½ quick tricks" opposite a strong 2♣ bid he was entitled to "take a flyer" at BAM scoring (adding that it could have been a disaster if South's rounded suits had been reversed). N/S had not discussed the meaning of a second-round 4♠ bid by South. South stated that she didn't know what North's 4♦ bid was; just that she "had to keep the bidding open and not pass." 4♦ wasn't necessarily a suit or a cue-bid.

**The Committee Decision:** Although the hesitation could have implied extra values (which was arguable for this South, given her understanding of the auction; strain was also deemed to be a consideration), the Committee believed that North's peer group would always take another call opposite a strong 2♣ bid. The Committee saw no evidence that 6NT was demonstrably suggested by the hesitation and allowed the table result of 6NT made six, +990 for N/S, to stand.

**Dissenting Opinion (Ed Lazarus):** The majority believed that North would have made some call over an immediate 4♠ bid by South. North had already shown an ace and a king as well as a diamond suit over which South signed off. It was not clear that the additional queen (in the bid suit) and jack would always bring a further bid from North. It is this situation to which Law 16A clearly applies. Pass was a LA. The hesitation clearly gave extraneous information and suggested that a further bid would be successful. South could easily have made a bid other than 4♠ to show that she was interested in a slam. Instead she showed interest by the

hesitation. I would enforce a pass on North and change the contract to 4♠ made six, +480 for N/S.

**DIC of Event:** Henry Cukoff

**Committee:** Mark Bartusek (chair), Lowell Andrews, Ed Lazarus, Ellen Siebert, Jon Wittes

**Directors' Ruling: 60.4**

**Committee's Decision: 65.0**

☞ The 2♠ control-showing response crowded the auction and South's slow 4♠ rebid carried ambiguous implications: either extra values or doubt about strain. If South had extra values she might have jumped to 5♠ or temporized with a new suit (forcing). If she had doubt about strain, as she might have with six or seven broken spades and marginal diamond support, then there was no good alternative to 4♠. But the one thing the hesitation did suggest was that South had other contracts in mind. This might have been a diamond contract, notrump (wouldn't North take 4NT as ace-asking?) or doubt about whether 4♠ reflected the right strain or level. But given all of that, I find nothing in South's tempo which makes 6NT more attractive. Suppose, for example, South held ♠AKQJxxx ♥AQ ♦Kxx ♣x and was agonizing over whether to show her diamond support or rebid her good spades. As N/S pointed out, 6NT could have been an unmitigated disaster. In fact, with North having already shown his controls, South's huddle seems more likely to reflect concern about strain than about level.

So while I have sympathy for the dissenter's position, I think the Committee made the right decision. The panelists mostly support the dissenter.

**Bramley:** "The dissenter is right. His analysis is impeccable and his write-up is excellent. North had already shown most of his hand, including all of the key features. Maybe players unaccustomed to control-showing responses would have a harder time here, but when responder has already shown his aces and kings in bulk, the opener is responsible for announcing that the partnership has adequate controls for slam. South, who was still unsure about North's exact controls and their usefulness for slam, transmitted his doubt by hesitating. The only argument in North's behalf (not made by anyone) was that if South had no interest in slam she would have signed off in 4♠ over 2♠. Lazarus answers this point well by observing that 'the additional queen (in the bid suit) and jack would... (not)... always bring a further bid from North.' 'Nuff said.'"

**Endicott:** "I think Mr. Lazarus makes the case well. If you disregard the E/W hands, would you really want to be in 6NT—unless you need the score? South judged soundly and it was a pity he needed time to think about it. North has taken a shot based upon what he thought the pause might suggest. I'm with Ed, and we don't know where the rest of the Committee has gone."

**Polisner:** "Clearly the only question is that of LA although the answer is not apparent. Parts of North's hand militate towards bidding beyond 4♠ and other parts (stiff spade and no club stopper) are contrary. I know that I wouldn't pass 4♠, as there are no LA's for me; however, players of the N/S caliber may well decide to pass a 'signoff' by South after North had shown his hand. Having said this, it seems right to give the benefit of the doubt to the non-offending side."

**R. Cohen:** "Hooray for the dissenter. I reiterate my comments about NABC+ events from CASE FOURTEEN."

**Rigal:** "As usual, Ed has the right of this one. I can't believe the Committee bought the Brooklyn Bridge here—not to mention the Director as well. Perhaps I am just too cynical but I thought we had covered this sort of case (Goldman and Lair were the non-offenders) an NABC or two ago. [More than that. It was Orlando, CASE

TWENTY-THREE.—Ed.] Just because you have a moderate hand does not mean you have to drive to slam facing a 2♣ bidder who has signed off. I'd feel even happier with this view if we knew what a jump to 4♠ over 2♠ was—or a jump to 5♠ over 4♦. These questions should have been asked.”

**Stevenson:** “As the holder of 5 masterpoints myself (I have just made Junior Master!) I am not too clear what level is suggested by 1000 masterpoints, but the Committee’s comments suggest that N/S were not the strongest players ever, in which case their deductions are totally wrong: The weaker the player, the more the temptation to overbid strong hands and underbid weak ones. I think the Dissenting Opinion was perfect.”

✍ My two soul mates on this one are not panelists I would have put on my short list of those I would have guessed would agree with me.

**Gerard:** “Ed Lazarus must have the lowest standards for 2♣ bids this side of Precision players. If you told me 4♠ was forcing, I wouldn’t quibble (a trick and a half opposite at least nine should make the five-level safe).”

✍ The more I think about it, the less I see any connection between the hesitation and the 6NT bid. I agree there was a hesitation. I agree that pass is a LA for North (even though Ron thinks bidding on is clear), but I just don’t see how 6NT was “demonstrably” suggested.

The argument that North had already shown his hand and that the hesitation suggested taking another call, coupled with David’s point that weaker players tend to overbid more on strong hands (and the implication that the hesitation is more of an inducement to such a player), is seductive. I can certainly understand why most of the panel sided with the dissenter. But just as I argued in CASE EIGHT, one has to demonstrate a connection between the UI and the damage. Just because there was UI doesn’t mean that any random subsequent action must be disallowed. 6♠ was cold and 6NT easily would have failed on a club lead. Perhaps North was affected by what he interpreted as South suggesting extra values. On that basis, if his gamble paid off and was motivated by the UI—even though that UI did not suggest his specific action—then I can see adjusting the score.

**Wolff:** “Minus 990 for E/W. NPL [Normal Playing Luck—Ed.]. The only alternative ruling would be ½ a board which would figure to be better than –990. Perhaps N/S, if thought somewhat culpable, should get ¼ of a board. I would give them their +990 along the same reasoning as the Committee, although I think Ed Lazarus’ dissent had substance. Very close.”

✍ Wolfie’s artificial adjustments are inappropriate.

In the final analysis, this one is just too close to call. You’ll have to form your own opinion.

## CASE NINETEEN

**Subject (Tempo):** Moving On..., Moving On...

**Event:** NABC Mixed BAM Teams, 19 Aug 00, First Qualifying Session

Bd: 18	Jan Soules		
Dlr: East	♠ K102		
Vul: N/S	♥ Q8654		
	♦ 2		
	♣ A542		
Barbara Lehman		Craig Jacobson	
♠ 4		♠ AQJ863	
♥ K973		♥ A	
♦ AK1076		♦ QJ9	
♣ KJ6		♣ Q103	
	Gary Soules		
	♠ 975		
	♥ J102		
	♦ 8543		
	♣ 987		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		1♠	Pass
2♦	Pass	2♠	Pass
2NT	Pass	3♦	Pass
3NT(1)	Pass	4NT	Pass
5♥(2)	Pass	6♦	All Pass
		(1) Disputed break in tempo	
		(2) Agreed break in tempo	

**The Facts:** 6♦ made six, +920 for E/W. The opening lead was the ♣A. The Director was called two tricks into the play. The Director ruled that there had been a break in tempo before the 3NT bid and that pass was a LA. The contract was changed to 3NT made five, +660 for E/W.

**The Appeal:** E/W appealed the Director’s ruling. During the initial statement of facts, the tempo of the auction was discussed in detail. It appeared that all of West’s actions were deliberate but the 3NT bid was slower than the other actions. It was disputed that this pause was a break in tempo. E/W stated that 2♦ was game forcing and 2NT showed real diamonds. 1♠-2♦; 2♠-3NT would have shown a minimum. East’s 4NT bid was intended as quantitative; West interpreted it as KCB since she thought that 4NT over 2NT was the way to invite quantitatively. 2♠ typically showed six spades. While the opening lead was face down, N/S asked some questions and then tried to call

the Director, but none was available. The play had gone: ♣A; a club to the jack; spade finesse; spade ruff, setting up the suit; draw trumps.

**The Committee Decision:** The Committee decided there had been a break in tempo and then had to decide whether a pass by East was a LA. In the context of West being certain to hold five diamonds and at least an opening bid, the Committee believed that East had no LA to acting. As between the bridge merits of 4♦, 4♥ and 4NT, the Committee did not have to decide. Had West understood 4NT correctly that would have been the final contract. East had no comfort in 4NT had West held the ♥Q instead of the ♥K, but with that hand West might have bid 3NT on the previous round. Despite the possible self-serving nature of E/W’s comments about their methods, the members of the Committee believed they would have moved over 3NT with the East hand. While pass was an alternative, the Committee did not believe it was a LA: some action was called for. Accordingly, the table result of 6♦ made six, +920 for E/W, was restored.

**DIC of Event:** Henry Cukoff

**Committee:** Barry Rigal (chair), David Berkowitz, Nell Cahn, Bob Gookin, Dave Treadwell

**Directors’ Ruling: 82.5**

**Committee’s Decision: 85.8**

✍ I agree that passing 3NT, which arguably showed better than a minimum, was not a LA for East, holding as he did a good six-card suit, good three-card support for West's known five-card suit, and at least an ace over minimum in high cards. Agreeing with me, though not without an occasional pang of doubt, are...

**Bramley:** "I agree. Pass is not a LA for East over 3NT. I know West to be a very deliberate player. Distinguishing her breaks in tempo from her normal tempo can be difficult.

"West found an inspired line of play to make 6♦. I would probably have put myself in jeopardy by relying on a three-two trump split and playing to ruff out the spades. The hand can still be made on this line by guessing South's distribution. If West had chosen this line they might still be playing!"

**Gerard:** "I don't buy that fast arrival bilge, but 2NT is pretty wide ranging. So I'm (just barely) in there with the Committee's bridge judgment. The likelihood that West had a singleton spade diminished the value of East's hand for notrump, but that didn't rule out diamond-oriented actions."

**R. Cohen:** "Both the Director and the Committee did their jobs well, even though they came to different conclusions. In each circumstance they made the right adjudication."

**Endicott:** "When West bids 5♥ East knows they have got their wires crossed and that West may well have been thinking about their partnership agreements. If a hesitation in bidding 3NT is established there is more to the question. I think I can just be persuaded to go along with the Committee, but it is a lot closer than seems to be suggested. Probably it is the diamond fit that swings it. The Director did what was right for him to do."

**Rigal:** "The Director made the correct ruling and the Committee correctly determined that even without the tempo break East is worth one more try (the fact that West misread the meaning of that try is I think irrelevant). Having said that, I have a twinge of anxiety. This is the sort of decision where the Committee is prone to second-guessing. Since *we* would have bid we impose 'good bridge' on East. Is that fair to the non-offenders? Maybe not, but we cannot stop E/W from playing bridge at the appropriate level of the event. In a different event we might well have come to a different verdict."

**Stevenson:** "If a bid is slower than other actions by the same player in the same auction then it is a break in tempo; it is difficult to see how this can be argued. At one time the ACBL seemed to have an unnecessarily vicious interpretation of a LA. This shows that they have moved some way from that by admitting that passing 3NT was an alternative, but not a LA, with which I concur."

✍ Finally, two panelists seem to have more than just a pang of doubt.

**Polisner:** "I'm troubled by this decision. If West had bid a snappy 3NT, would East be required to bid more if he passed? I doubt it. If I am correct, then the contract should be adjusted to 3NT."

✍ Yes Jeff, I agree that fast signoffs have not yet reached a level of consciousness among the majority of players sufficient to draw regular Director calls. But if West had huffed, folded her cards, placed them firmly on the table, looked East directly in the eye and bid "Three notrump," I'd bet there would have been a Director at the table pretty quickly. These two situations are not really symmetrical and should not be treated as such.

Along similar lines...

**Wolff:** "Could it be that 2-over-1 below-game out-of-tempo slam tries make the system more effective for some? Oh my! Forget I said that. It shows my paranoia, insults a significant percentage of the expert bridge world, and demands Active Ethics for its correction. Yes, please forget it. Hester Prynne did not commit adultery; she couldn't have—her boyfriend was a minister. I think in this case the secretary of state (Committee) certified that playing 2-over-1 canceled West's UI. In reality, until we can bring East to a Committee for passing a rapid return to 3NT by partner we must not allow East to bid over a slow 3NT."

✍ I love it when he's sarcastic. Unfortunately, his cynicism about the "expert bridge world" may have more than just a grain of truth to it.

In the final analysis, West's disputed hesitation was as likely to suggest concern about one of the unbid suits as to show extra values. For example, give West ♠x ♥Qxx ♦AKxxx ♣KJxx and she would not have a convenient bid over 3♦ other than 3NT. On a low heart lead E/W might be lucky to score eight tricks (with the ♠K onside, but not doubleton) so 4NT could have lost the board by an extra undertrick. Add to that Ron's point about 2NT being pretty wide ranging and the significant, unshown qualities of East's hand and I simply cannot see adjusting the score. As for Jeff's and Wolfie's argument about forcing East to bid again over a quick 3NT, I cannot even imagine passing 3NT under any conditions. After all, give West almost the same hand as above but with a low club exchanged for a sixth diamond and E/W would be odds-on for 6♦—even on a trump lead (just ruff out the ♠K).

CASE TWENTY

**Subject (Tempo):** Improvement Is Good For The Soul  
**Event:** NABC Mixed BAM Teams, 19 Aug 00, Second Qualifying Session

Bd: 26	Alex Kolesnik		
Dlr: East	♠ K3		
Vul: Both	♥ 97		
	♦ K952		
	♣ KQ987		
Lynn Baker	Matt Granovetter		
♠ AQ	♠ 109742		
♥ KJ853	♥ Q		
♦ AQ1087	♦ J43		
♣ 10	♣ AJ54		
	Georgiana Gates		
	♠ J865		
	♥ A10642		
	♦ 6		
	♣ 632		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	Pass
1♥	Pass	1♠	Pass
2♦	Pass	2♥(1)	Pass
3♦	Pass	3NT	All Pass
(1) Break in tempo			

**The Facts:** 3NT made three, +600 for E/W. The opening lead was the ♣6. The Director was called at the end of the auction and told that there had been a hesitation prior to the 2♥ call. The Director ruled that pass was a LA for West and changed the contract to 2♥ down one, +100 for N/S (Law 16).

**The Appeal:** E/W appealed the Director's ruling. N/S believed that the slow 2♥ made bidding on by West clearer. E/W said the preference to 2♥ could conceal extras, even in tempo. The West hand was just short of a jump-shift and bidding on was clear.

**The Committee Decision:** The West hand had significant extra values. In the context of BAM, the Committee believed that while pass was conceivable and would be considered, the vast majority of players would bid again. The Committee believed

that this would be clear at IMPs and virtually clear at matchpoints; only at BAM would pass be considered by any players. Given these factors, the Committee allowed the 3♦ bid and restored the table result of 3NT made three, +600 for E/W.

**Dissenting Opinion (Bob Schwartz, Jon Wittes):** Was there a break in tempo? Yes! All parties agreed it was unmistakable. Law 16A1 says "When a player makes available to his partner extraneous information... the partner may not choose from among logical alternative actions one that could demonstrably have been suggested over another by the extraneous information." In the given hand, the only possible bridge calls over 2♥ are pass and 3♦. Was pass a LA? It is reasonably clear that pass was not a winning action given the break in tempo. At IMPs, bidding over 2♥ would probably be a 99+% (maybe 100%) action with the West hand and we would allow the 3♦ bid. In BAM, however, the result on any board is subject to only three possibilities: 1, ½, or 0, so a finer line may need to be drawn. Many hands could be constructed where 2♥ is the last plus score available—including most weak hands with two-two in the red suits or 5-1-2-5 or 4-1-2-6 patterns. Given the form of scoring, the 3♦ bid has two possible justifications: to improve the partscore or to find a game. If it was to improve the partscore, then 4♦ would have to make rather than 2♥ or it would be a wash at +110. If it was to find a makeable game, the most likely one would be 3NT. The chances of making 3NT opposite a simple 2♥ preference is somewhat questionable; it would seem that the chances of making exactly 2♥ in this scenario would be significantly better than a successful 3NT. Therefore, at this form of scoring a 3♦ bid presents some degree of risk, making a pass of 2♥ more of a LA.

**DIC of Event:** Henry Cukoff  
**Committee:** Henry Bethe (chair), Michael Rahtjen, Robert Schwartz, Ellen Siebert, Jon Wittes

**Directors' Ruling:** 79.6      **Committee's Decision:** 87.4

☞ Anyone who'd pass 2♥ with the West hand at BAM must be an escapee from the local chicken farm. Plus. I can't imagine what the hesitation before 2♥ means. Was East thinking of passing 2♦? Raising to 3♦? Bidding 2♠? Jumping to 3♥? Bidding 2NT? Wishing he could play in his six-card club suit? Wishing he'd passed 1♥? While more of these point to bidding than passing, since bidding again is the normal (obligatory?) action with the West cards we shouldn't hold that against her.

As for the dissenter's arguments, first let's consider the premise that for 3♦ to improve the partscore it would be necessary for 4♦ to make. But what if 3♦ makes and 2♥ goes down? Wouldn't that qualify as improving the partscore? As for the argument that if 3♦ was bid to find a makeable game, the most likely one would be 3NT, just because 3NT is arguably the most likely game doesn't mean it's the only game possible. Certainly both 4♥ and 5♦ are still in the picture. The former might make if East holds ♠Kxxx ♥Ax ♦Jx ♣xxxxx; the latter if East holds ♠Kxxx ♦Q ♦Kxx ♣xxxxx. In fact, even 4♠ is possible opposite something like ♠J10xxxx ♥Qx ♦Jx ♣Axx. So while 3NT may be more likely than any one of these, the possibility of the group as a whole may well be greater than 3NT. And finally, while of course 3♦ presents a risk, that is not the criterion for whether or not to allow such bids. The appropriate consideration, when UI demonstrably suggests the winning action, is whether the latter has a LA. There are many risky bids which we all would make and which have no LA—unless you are playing back at the chicken farm.

Let's see who agrees with me this time.

**Bramley:** "I'm with the majority. The West hand is very strong and should always take another call. (I think 2♠ is a possible call. I'm sure it would get some Master Solvers votes.) Matchpoint considerations can skew the bidding only so far. The dissenters fail to point out some other possible winning scenarios for 3♦: 3♦ making three versus 2♥ going down, or even 3♦ down one versus 2♥ down two.

"How did the play go in 3NT? If declarer won the ♣A at trick one and led the ♦J, then the contract can be set if North wins and leads a low club. Neither the play nor the defense is clear-cut, however."

**L. Cohen:** "I'm not big on allowing actions after tempo breaks, but I believe the West hand easily qualifies to take another action. West has a prime 16-count with five-five and her two-card suit fitting well after the 1♠ response. If you reversed West's black suits, maybe we could talk, but with the actual West hand it wouldn't occur to me to pass.

"I have probably offended enough people already so I'm calling it a day. Tempo cases are my favorite anyway. I'll let the other panelists do the dirty work on the rest of the cases."

☞ Well, you haven't offended me yet, so you'll just have to return for the next casebook and pick up trying where you left off. As panelists are always extended the option of commenting on as many or as few cases as they wish, I guess we'll just have to settle for only twenty from Larry—this time.

**Gerard:** "The dissent is wrong. East could have taken a false preference with two-three in the reds. Given West's disparity in suit quality, 2♥ could be down with 3♦ making. Or East could have held ♠109xxx ♥Q10 ♦KJ ♣Q9xx and 3♦ would ferret out 4♥. The only way passing could win if it was the last plus or the least minus. The upside was a lot more promising."

**Rigal:** "As Director I would have gone that route, but I am torn as to what I would

have done on the Committee. It feels right to bid 3♦ as West, keeping 3♦, 5♦, 4♥, 3♥ and 3NT all in the picture. On that basis I can't decide if I would view pass as a LA since I think bidding is the right action and we should assume a high standard in a National Qualifying. I would probably put myself with the majority and not the dissidents."

**Treadwell:** "The dissenters are wrong: a 3♦ rebid is the correct bridge action in view of the extra length and HCP in the West hand."

**Stevenson:** "A well-argued case about the different effects of a different method of scoring on what constitutes a LA."

☞ Of the four panelists who side with the dissenters, three present a cogent argument for the minority carrying the day... which is not to say that they should have. I'll explain what I mean after we hear their perspective.

**Polisner:** "This is a close case; since two out of the five Committee members believed that pass is a LA. It therefore is and the Director's ruling should have been affirmed. This is a type of case where the minority should control as it established that a significant number of peers would seriously consider passing."

**R. Cohen:** "Again, hooray for the dissenters. According to the write-up even the majority seem to agree that pass was a LA. The Committee seems to have overlooked Laws 16A and 73F1."

**Endicott:** "When two members of a Committee of five think pass is a LA, there is a strong case for the Committee as a whole to consent to that view. On the question of LAs, a substantial minority is a majority. Anyway I do think in this case that pass was a LA."

☞ The dissenters speak of bidding over 2♥ being a "99+% (maybe 100%)" action at IMPs. But whatever it is at IMPs, it's close to that at matchpoints (and BAM as well). As Bart said, "Matchpoint considerations can skew the bidding only so far." But the dissenters focused on whether passing 2♥ was a LA rather than on whether they, themselves would have passed. It is easy to conceive that some players might pass 2♥ out of timidity, a misguided idea of good BAM strategy, or for some other reason. But if you asked 100 players what they would do with the West hand, I'd bet that virtually all of them would bid again. As Larry pointed out, "If you reversed West's black suits, maybe we could talk, but with the actual West hand it wouldn't occur to me to pass." I don't think it would occur to most players—unless you tainted the picture with the "is pass a LA" issue.

I agree that two members of a Committee saying *they would pass* should make pass a LA—even if the others seriously disagree with that judgment—since there is prima facie evidence that they are wrong. But here the minority seems to have thought that since bidding on carries some risk, a percentage of players might therefore pass. But that's fallacious reasoning since many risky bids are clear-cut.

**Wolff:** "I completely agree with the dissenters. Whether it is right or wrong to bid again with West's hand is not the point. What is the point is that East's hesitation told her to bid again. The recent election should be telling all of us that since even our Supreme Courts (US and Florida) can't keep bias and corruption away from their members, maybe we should just rule in favor of bridge and its future and make people aware of how much they will lose by fiercely breaking tempo."

☞ One point is whether East's hesitation told West to bid again, but an equally important point is whether bidding on is clear from West's own hand. West can't be prevented from making a clear-cut bid just because East hesitated.

**Subject (Tempo):** Reopening Is Not Automatic—Even Playing Negative Doubles  
**Event:** Flight A/X Pairs, 19 Aug 00, Second Session

Bd: 30	Robert Keston		
Dlr: East	♠ 5		
Vul: None	♥ A974		
	♦ AQ752		
	♣ AQ7		
B. Patel	Richard Rogers		
♠ AQ84	♠ KJ73		
♥ KQJ85	♥ 62		
♦ 108	♦ KJ63		
♣ 64	♣ KJ10		
	Philip Leung		
	♠ 10962		
	♥ 103		
	♦ 94		
	♣ 98532		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	Pass
1♥	2♦	Pass(1)	Pass
Dbl	Rdbl	Pass	2♠
Dbl	All Pass		
(1) Break in tempo			

**The Facts:** 2♠ doubled went down five, +1100 for E/W. The opening lead was the ♥K. There was an agreed pause (several seconds) by East over 2♦. E/W were playing negative doubles which would have shown spades. The Director ruled that the out-of-tempo pass suggested the reopening double and that pass was a LA (Laws 16A, 12C2). The contract was changed to 2♦ down three, +150 for E/W.

**The Appeal:** E/W appealed the Director's ruling. E/W believed that West's double was automatic playing negative doubles. West believed he could bid 3♥ if his partner bid 3♣. East explained that he thought about a notrump contract or a negative double, but decided that with his near opener he wanted to try for a penalty double by converting partner's automatic double. N/S contended that the reopening double was made after a value-showing break in tempo. North defended his redouble in the face of values on both sides as

likely to find partner with diamonds and to make the contract. South defended his 2♠ bid by saying that he was influenced by the fact that E/W hadn't bid spades.

**The Panel Decision:** The Panel relied on the advice of a number of expert players in determining that a break in tempo associated with East's pass made reopening this auction a sure thing. Without the hesitation, the experts were split about whether or not to reopen. Several thought that the shortness in clubs made the risk too great. Others said that since partner couldn't double (negative) the prospects for the hand were not great. Several others would always reopen any sound third-seat opener. The Panel determined that there had been a meaningful hesitation and that West had chosen from among LAs a call which could have been suggested by it. Therefore, for E/W the contract was changed to 2♦ down two, +100 for E/W. N/S took actions (redouble, then pull) that were highly aggressive and without clear understandings. These actions were determined to have been taken at their own risk. For N/S the table result of 2♠ doubled down five, -1100 for N/S, was allowed to stand.

**DIC of Event:** Jim Chiszar

**Panel:** Ron Johnston (Reviewer), John Ashton, Mike Flader, Charlie MacCracken, Matt Smith

**Players consulted:** Jim Barrow, Henry Bethe, Dick Freeman, Geoff Hampson, Marinesa Letizia, Chuck Said, John Solodar

**Directors' Ruling: 84.2**

**Panel's Decision: 84.2**



✍ The first question is always, “Was there a break in tempo?” I’m not convinced that “several seconds” constitutes one, and neither is...

**Bramley:** “The basic decision is right, but the details are wrong. I am curious where the dividing line is between a pause of ‘several seconds’ and a break in tempo. Since E/W did not dispute the finding of a break in tempo, then I suppose it did occur. The Panel was correct to interpret the split vote of the consultants as an indication that pass was a LA.

“I have a big quarrel with the assignment of the adjusted scores. For E/W I would have left the Director’s assigned score of 2♦ down three, +150 for E/W. I don’t find a route to six tricks for declarer without massive help from the defense. The defenders will usually get a spade, two hearts, three trumps, and two clubs. For N/S the question is whether they failed to continue ‘playing bridge.’ If not, then the Panel’s assigned score is correct. However, I find their actions questionable rather than irrational. North, who knew he might be in trouble and could not count on the Director to rescue him at that point, perhaps hoped to muddy the waters with his redouble. Indeed, it might have worked if South had passed. But South, who *knew* he was in trouble, looked for greener pastures immediately. Only N/S’s inane defense of these actions suggest that they were truly irrational. Note that 2♦ doubled down three would have been terrible for N/S, so there was some justification for their desperate efforts to find a better spot. Thus, I would have given N/S the score for 2♦ down three, -150.”

✍ Since none of the other panelists mention the time issue for the hesitation, and since E/W both agreed there had been a pause, I’ll follow Bart’s lead and accept the judgment that there was UI present. However, if players would always take just a couple (2-4) of seconds over their RHO’s call to look at their hand and appear to be considering their next action, even if that action is quite clear and “automatic,” then this sort of thing would not happen.

Another view of how to deal with this problem comes from...

**Stevenson:** “This is a common problem that Directors seem to be facing regularly. Players should be aware of it and solve it in one of two fashions. First, they can get in the habit of passing smoothly over the overcall, even with a reasonable hand. All experienced players can find a quick pass when RHO opens their long suit so they should try for the same approach here. Second, if they do reopen light and want responder to be able to take his time over an overcall, then they should document their reopening habits. In this case, if E/W had been able to produce a notation on their convention card that said ‘We always reopen with a doubleton or less in overcaller’s suit,’ then they would have had no LA to a double. Without these solutions E/W must expect to lose these rulings, and I am surprised they bothered to appeal. Of course N/S’s antics got what they deserved from the Committee.”

✍ Returning to the other issues, assuming there was a break in tempo, the next question is: what did the UI demonstrably suggest to West? Clearly it suggested values and made reopening both more attractive and safer. This seems so self-evident that none of our panelists even mention it (although all of them clearly act on the assumption that it’s true), but it is a step which must not be ignored.

Next we must consider the issue of whether reopening is “automatic” with the West hand: in other words, was pass was a LA. As we’ve already seen, Bart uses the input from the consultants to conclude that pass was a LA. Other panelists lend support to this view.

**R. Cohen:** “Without the ‘tank,’ pass is a LA for West. The Director and Panel are right on.”

**Wolff:** “An excellent and thorough decision. E/W got treated fairly when they got

2♦ down two, -100. When N/S had to live with -1100 for their ridiculous flight to 2♠ it was fair because, even if for no other reason, it practiced active PTF.”

**Endicott:** “E/W ‘believed that West’s double was automatic.’ Could they show that their agreement is always to reopen with any full strength opener? I presume they could not, since if they were able to establish that fact all the advice of the expert players counts for nothing. The bridge judgment has to be based upon the proven agreements of the partnership, and when there is UI they must be held to them. This apart, so be it. (If the E/W pair do consider they have that agreement it is in their interests to add a few words to the Convention Card to say so.)”

**Polisner:** “My only concern is East’s contention that West was required to reopen. If E/W could prove that contention by notes or convention card, I would allow the table result. Otherwise, I agree with the LA conclusion.”

✍ One panelist disagrees and thinks the reopening double was “clear-cut” and had no LA.

**Rigal:** “The Director made the right decision to impose the harsh view that reopening was not automatic, but unless West put his case badly at this vulnerability I would say bidding was clear-cut, and there was no LA to his double. As to down two or three, I think two down is correct if you want to go that route. I do not; I would let the table result stand at 1100 for both sides.”

✍ So except for the Lone Panelist (“Hi-yo Silver, away”), the rest agree with the consultants and Panel that pass was a LA. So we have reached the final stage of our little journey, and now must decide what score adjustments to impose on the two sides. Let’s start with the offenders, E/W. Here the question is, “Is it live or is it Memorex?”...uh,...that is, “Would 2♦ undoubled be down two or down three?”

Bart thought the original Director’s ruling of down three was correct, while our Lone Panelist, Barry, thought the Panel’s assignment of down two was correct—“if you want to go that route.” Agreeing with Barry and the Panel are...

**Gerard:** “Down two was correct.”

**Treadwell:** “A balancing double with the West hand would have been virtually mandatory had not partner been a passed hand. As it is, however, it is touchy to balance with this minimum holding and the UI removes much of this touchiness. Hence, it cannot be allowed and E/W are entitled only to the result at 2♦. I don’t see how the Panel arrived at a result of down two tricks: It is quite easy to set 2♦ three tricks. So, the table Director got this right. Furthermore, although N/S took some rather foolish actions after the balancing double, they should not have been placed in this position. The score for both sides should be 2♦ by North down three.”

✍ I could find lines which beat 2♦ either two or three tricks, but to resolve the issue once and for all I asked a guest expert, Deep Finesse, to look into the matter. DF “said” that declarer could always be held to five tricks but to do this East had to lead a low trump or a spade. I don’t think either of these is a LA to a heart lead, so I think Ron and the Panel were correct and down two should have been assigned.

As for the non-offenders, the panelists were split on whether they thought N/S’s actions compromised their right to redress. Here I agree with Bart that, while their explanation of their actions was questionable, the actions themselves did not quite constitute a “failure to continue to play bridge to a reasonable standard”—nor were they irrational, wild, or gambling. Thus, I would also have assigned N/S the result for 2♦ down two, -100 for N/S.

## CASE TWENTY-TWO

**Subject (UI):** Queen, What Queen?

**Event:** Grand National Teams Flight B, 10 Aug 00, Second Session

Bd: 4	♠ AQJ96		
Dlr: West	♥ J		
Vul: Both	♦ KJ32		
	♣ 1015		
♠ K83		♠ 1074	
♥ 9832		♥ Q654	
♦ A987		♦ Q64	
♣ 86		♣ 732	
	♠ 52		
	♥ AK107		
	♦ 105		
	♣ AKJ94		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1♠	Pass	2♣
Pass	3♥(1)	Pass	4NT
Pass	5♣(2)	Pass	5♦
Pass	6♣	Pass	6♥
Pass	6NT	All Pass	
(1) Not Alerted; intended as a splinter			
(2) One or four keycards			

**The Facts:** 6NT made six, +1440 for N/S. The opening lead was the ♠K. 3♥ was intended as a splinter in support of clubs. South bid RKCB for hearts and then 5♦ to ask about the ♥Q. North, believing that clubs were trump, decided he would not show the ♣Q. Before the opening lead was made, North told the opponents about the failure to Alert. The Director was called. E/W believed that the failure to Alert could have influenced North to not show the ♣Q. The Director ruled that even if North had shown the ♣Q, South would never have gone to the seven level knowing that an ace was missing. The table result was allowed to stand.

**The Appeal:** E/W appealed the Director's ruling. They believed that there was a fair chance that North would have bid at the seven-level if the 3♥ bid had been Alerted. North said that he

decided not to show his ♣Q because he had only three clubs. South said he believed that hearts were trump but in any case would never have bid over 6NT because he knew that an ace was missing.

**The Committee Decision:** The Committee decided that even if North had bid 6♦ over 5♦, the auction would have proceeded: 6♥-6♣, 6NT-P. Therefore, the table result was allowed to stand. The Committee assessed a 2-imp PP against N/S for violating Law 73C ("When a player has available to him unauthorized information...he must carefully avoid taking any advantage that might accrue to his side.")

**DIC of Event:** Henry Cukoff

**Committee:** Jeff Meckstroth (chair), Lynn Deas, Walt Schafer

**Directors' Ruling: 96.7**

**Committee's Decision: 89.2**

I think it is important that players be made to understand that in the presence of UI, it is *expected* that they will actively try to avoid taking any advantage that might accrue to their side. So *in theory* I agree with both the Committee's decision as well as the PP. However, in a grass root Flight B event I would have been more inclined to settle for a stern warning and a discussion of the ethics of allowing partner's non-Alert to influence your actions. Of course the bridge issue was a foregone conclusion and perhaps E/W should have realized this and not brought the appeal: it seems contentious at best. All of the panelists were in agreement about

allowing the table result to stand. (We don't really need to review the rationale here, do we?)

**Stevenson:** "Good decision. UI was used but it did not affect the result."

But the panelists were quite polarized over the PP/AWMW issue. First, those who agree with me that the PP was a bit much, in increasing order of passion.

**Treadwell:** "The assessment of PPs to Flight B players in this case is a bit rough. Personally, I would have been satisfied with an admonition."

**R. Cohen:** "The Committee's bridge decision was correct, but the PP was unnecessary. Let the play at the table decide an event, not the pique and opinion of some Committee."

**Bramley:** "Loathsome PP. This was not blatant abuse. The ones deserving a penalty were E/W, who should have received an AWMW. Clearly N/S were never bidding seven and E/W should have known it. We've seen this act many times before. One side has an accident that doesn't happen to hurt them so the other side asks the Director, and then a Committee, to hurt them. I'd like to assign a monitor to these appellants to penalize any bidding or play errors they make that are not properly punished. Maybe then they would understand."

Next, the panelists who thought the PP was quite in order.

**Wolff:** "Another wonderful decision, especially the 2-imp penalty for violating Law 73C."

**Polisner:** "I agree with the decision and the 2-imp penalty, although 3 imps should be the standard penalty for such offenses."

**Rigal:** "Good ruling and decision. However much we know North did something underhanded we can't do more than give him a PP (to accrue to E/W), and is 2 imps enough? I'd like to make it more and make sure that it was recorded, but of course the Editor, who is also the National Recorder, has done that already, has he not?"

First, PPs are disciplinary in nature and should never accrue to the opponents (unless the form of scoring necessitates it). If this was a head-to-head KO match there would have been no way to prevent this, but if it was a Swiss or Round Robin match or any VP-scored match, then PPs should be assessed in VP and affect only the team being penalized.

As for this having been recorded, it would be a breach of confidentiality for me to discuss a specific case publicly. What I can say is that I take all Player Memos referred to me by NACs seriously.

Finally, one panelist takes the position that "you had to be there."

**Endicott:** "For this one you need to be in the Committee room to know what goes on. It is a question of credibility. I have commented upon the point in relation to the Maastricht appeals."

I have included Grattan's general comments on the Maastricht cases in the Closing Remarks From the Expert Panelists section (he declined to comment on individual cases for personal reasons). The reader can refer to that section for his remarks pertinent to this case.

CASE TWENTY-THREE

**Subject (UI):** The Best Laid Plans

**Event:** Stratified Open Pairs, 17 Aug 00, Second Session

Bd: 14	♠ AK1076		
Dlr: East	♥ Q109		
Vul: None	♦ K8		
	♣ AQ10		
♠ 8		♠ J93	
♥ KJ8653		♥ 4	
♦ J10742		♦ AQ63	
♣ 7		♣ J9652	
	♠ Q542		
	♥ A72		
	♦ 95		
	♣ K843		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	Pass
2♥	Dbf	Pass	2NT(1)
Pass	3NT	Pass	4♠
All Pass			
(1) Not Alerted; intended as Lebensohl			

**The Facts:** 4♠ made four, +420 for N/S. The opening lead was the ♦J. South intended her 2NT as Lebensohl and was planning to invite game with 3♠. North was not aware that Lebensohl applied in this situation. The Director ruled that the 4♠ bid was demonstrably suggested by the failure to Alert and changed the contract to 3NT down one, +50 for E/W (Law 12C2).

**The Appeal:** N/S appealed the Director's ruling and were the only players to attend the hearing. North was from the USA (Chicago) and South from Australia; they were not an experienced partnership. North said he always has four spades for his double. South disputed the comment on the appeal form that she had planned to invite game. South said she always intended to bid 4♠ over the

expected 3♣ to show the ♥A (as opposed to bidding 4♠ immediately, which would deny the heart control). N/S also thought that if 3NT was the assigned contract, the diamond lead was far from automatic.

**The Panel Decision:** The first player consulted believed that bidding 4♠ took advantage of the failure to Alert. After an Alert, North's 3NT bid would show a huge hand, possibly without four (or even three) spades, and likely with running diamonds. The other two players consulted didn't understand bidding Lebensohl with the South cards. Clearly the 3NT bid is offered in Lebensohl to play, not as a choice of contracts. The Panel decided that since South clearly expected North to Alert 2NT, UI was available to her that North was simply raising a natural 2NT bid to 3NT. Since passing 3NT was clearly an alternative to bidding 4♠ (in fact, the clear favorite in a Lebensohl auction), the 4♠ bid was disallowed. The Panel believed that the diamond lead was as likely against 3NT as against 4♠ and assigned the score for 3NT down one, +50 for E/W. While players who have thoroughly discussed conventions like Lebensohl should understand that they have little chance to prevail with an appeal, the Panel believed that N/S probably had not had the opportunity for such a discussion. Therefore, an AWMW was not issued.

**DIC of Event:** Jacques LaFrance

**Panel:** Ron Johnston (Reviewer), John Ashton, Mike Flader, Charlie MacCracken  
**Players consulted:** Jade Barrett, Jim Fellows, Hugh MacLean

**Directors' Ruling: 85.0**

**Panel's Decision: 71.2**

✍ North's failure to Alert 2NT as Lebensohl suggested that he was "simply raising [what he thought was] a natural 2NT bid to 3NT." This means that he is

more likely to hold a normal (if perhaps sound) takeout double with four spades rather than a super-strong notrump (with which he planned to double and then bid notrump himself) or some other strong hand type (perhaps with running diamonds). In either of the latter cases, North would be less likely to hold spades. Thus, the failure to Alert suggested that North was more likely to have a spade fit and insufficient values to support a 3NT contract—or to hope that 3NT might make as many tricks as 4♠ (matchpoints). Thus, the UI demonstrably suggested bidding 4♠ and pass was clearly a LA.

And what of South's contention that "...she always intended to bid 4♠ over the expected 3♣ to show the ♥A (as opposed to bidding 4♠ immediately, which would deny the heart control)?" What proof was presented that this was N/S's actual agreement? Have you ever heard of such an agreement before? And even if it was N/S's agreement, what bearing did that have on her 4♠ bid? If North showed a big notrump hand with no guarantee of spades, would she still have blindly pursued her original plan? Unlikely, I think.

Next, what of N/S's contention that a diamond lead was "far from automatic" against 3NT? Is that really relevant? A diamond lead against 3NT was certainly a reasonable choice since N/S were clearly prepared for a heart lead. And even if it was somewhat less likely than a heart lead, for offenders (N/S) it only needs to be "at all probable," which it clearly was—if for no other reason than that it was the actual lead at the table!

The Panel said they did not issue an AWMW because, "While players who have thoroughly discussed conventions like Lebensohl should understand that they have little chance to prevail with an appeal, the Panel believed that N/S probably had not had the opportunity for such a discussion." What bearing did that have on the fact that they should have known that the UI from the failure to Alert made the 4♠ bid more attractive and that passing 3NT was clearly a LA for South? Sorry, but my thinking is that the AWMW was still the way to go with this one.

Agreeing with me are...

**R. Cohen:** "Panel right on again. North showed a hand better than a 1NT opener. Why would South go to 4♠ except for North's failure to Alert. North may say he guaranteed at least four spades, but in an inexperienced partnership did South know that? An AWMW was merited."

**Gerard:** "When in doubt about the merits of an AWMW, consider the arguments. Here, South's flimflammy about the ♥A on the way to 4♠ just can't go unpunished. Even if there were any such method (have you ever heard anything more obscure in your life?), trying to fool the Panel has to be dealt with as strongly as possible."

**Polisner:** "It sounds like South is making it up as she goes along. I seriously don't believe that even in Australia, Lebensohl followed by 4♠ shows a heart stopper. I would have given N/S some sort of penalty for South's blatant attempt to deceive the Committee, albeit rather unconvincingly."

✍ Not everyone favored the AWMW.

**Wolff:** "Thanks, Panel, for another great decision that will help to make bridge a better game. At some point, maybe soon, I would be in favor of using an event like this (a Stratified Open Pair) as an experimental event where these actions are discussed, but not necessarily penalized, for educational purposes. We are growing!"

**Rigal:** "Well reasoned by the Director, and also by the Panel. The point at issue is an obscure one and I think I would not consider an AWMW here. How many spades has North shown? I do not know but I'd have to think about it. My view is four or else he would have bid 3NT on the previous round. But I suppose he might

have a monster. Either way, it is right to bid on is it not, though not necessarily with 4♣ (4♥ might be better)?”

✍ Why would it be right to bid on with a balanced 9 count opposite a (presumed) balanced 19-21 or even 22 count?

One panelist thought South should be allowed to bid 4♣.

**Bramley:** “I don’t get it. The UI for South was that North was bidding under the assumption that South had a balanced hand with about 9 HCP and a heart stopper. Since that’s exactly what she does have, why does the UI suggest bidding 4♣ instead of passing 3NT? And why would an Alert by North have made passing 3NT clearer? I could see it at IMPs, where 3NT with excess high cards is often the safest game. But at matchpoints, the chance of making an extra trick in an eight-card major-suit fit must be weighed against the chance of making an equal number of tricks in notrump with two relatively balanced hands and adequate high cards and stoppers. What inference does South have, with or without an Alert, that she will (a) find enough spades over there, and (b) take more tricks in spades than in notrump? I think South took an anti-percentage view and got lucky. Note that 3NT fails not because North has a classic takeout double, in which heart shortness might be bad for notrump and good for suit play, but because North, despite significant extra values including heart help, has fatal weakness in a side suit that West might actually lead. Since I don’t think the UI demonstrably suggested 4♣, I would have let the table result stand.

“I have a few notes in passing. This is another example of alleged UI from a *failure* to Alert. I have argued many times that the standard for proving UI in such cases is much stricter than in cases of UI from an Alert that was made. Apparently that standard was met here, in part because N/S’s statements suggested that they were aware of what was happening. Finally, N/S destroyed much of their credibility with their nonsensical defenses of their actions. That failing, more than anything else, led to their downfall.”

✍ I think Bart is confusing the AI to North from his interpretation of South’s 2NT bid (natural, with a heart stop) with the UI to South that North is likely to have a normal (in this partnership), extra-valued, spade-oriented takeout double rather than some non-spade-oriented strong hand. The issue is not whether 3NT might be a good contract at matchpoints and make as many tricks as 4♣ (with a spade fit). Rather, it is whether South really took an anti-percentage view as Bart claims. The rest of us see 4♣ as demonstrably suggested by North’s failure to Alert 2NT, since then it is more likely that he has a normal but sound spade-oriented takeout double.

The next panelist also is confused—this time about Law 12C3 being in effect.

**Endicott:** “The result in 3NT is worthy of a weighted adjustment. A diamond opening lead is much more likely than any other but not 100%.”

✍ The final panelist seems just confused.

**Stevenson:** “Having seen several cases, I was finally beginning to think there might be something in the Panel approach and then we have this horror. What is the point in asking expert players who ‘do not understand bidding Lebensohl with the South cards’? How can anyone expect to give a decision on South’s later actions if they do not understand the earlier ones? Now a Committee would have (a) spoken to South and asked her why Lebensohl and (b) discussed with each other so as to talk through the implications of a bid that some of them would not have made themselves.

“It appeared to the Director that South played Lebensohl in a particular way: namely, that 2♣ would have been to play, 3♣ would have been forcing, so Lebensohl then 3♣ was a game try. Very reasonable, and the ruling should have been based on playing this approach. Suppose you bid Lebensohl, playing this way,

and partner bids 3NT. Now what? Presumably 4♣. Your hand is hardly suitable for notrump play and partner did not overcall 2NT. That is, unless you play this sequence as showing a hand too strong for a 2NT overcall, when a slam try is in order, possibly 4♥. Certainly a pass of 3NT is not a LA.

“In fact, South said she was showing the ♥A on the way to 4♣. Did the experts ignore this? Were they told this? It explains the Lebensohl bid, but the problem over 3NT is the same.

“Despite the lack of an Alert it is difficult to see a pass of 3NT as a LA. I feel this one we should chalk up to the failure of the Panel approach: I am confident a Committee, having spoken to the players and understood the ramifications of the sequence as *this* pair play it (rather than as the experts play it), would have reverted to the table score.

“The comment about the AWMW showed the bias against conventions except when used in the normal, standard fashion. Here the players’ actual use of it was ignored in the discussion. See CASE TWENTY-FIVE.”

✍ Where to begin. First, as David has said many times, the players’ statements may be assigned whatever credibility the Committee/Panel wishes, based on their familiarity with the players and their methods, any documentation they provided, bridge logic, or any other sources they choose to bring to bear. Here, South claimed to be using a method that is not in general use (she claimed to be showing a heart *control* through her Lebensohl sequence). It is not that the consultants didn’t “understand” the method that was being claimed, they didn’t understand why the method would be used (especially with this specific South hand)—nor do I. Is the heart control supposed to suggest a slam-oriented hand? If so, South does not have such a hand opposite a normal takeout double. If she would simply have jumped to 4♣ without a heart control—say with her red suits reversed—then what good did showing her heart control do? And what would she have bid with a stronger hand such as ♠QJxx ♥xx ♦AQJx ♣KJx? Would she have cue-bid 3♥ directly without a heart control to show slam interest? Would she have gone through 2NT first? If the latter, how would she distinguish the above hand from the one she actual held, one being slam-oriented without a heart control and the other being non-slam-oriented but with a heart control? Of course none of this makes any sense and this is what the consultants were getting at—that they didn’t understand the *value* of the stated methods, not that they didn’t understand the methods. And don’t suggest that players needed to be found who did understand the methods as they were being played by N/S. Such players don’t exist. Sorry, but the consultants did well to dismiss the statements about N/S’s methods as specious (and irrelevant in any case).

Second, even given the Lebensohl method David presumes the Directors based their ruling on, why would one ever bid 4♣ over 3NT? As I alluded to in response to Barry’s comment, opposite a balanced 19-20 HCP, ♠AKxx ♥KJx ♦AQx ♣QJx for example, you are likely to be off several top tricks (two in this example) and, even if there is no heart or club ruff, you would still need to worry about a bad trump split or a diamond lead. So no slam try or conversion to 4♣ is appropriate. Sorry, David, but passing 3NT would be the clearly indicated action as nine tricks at notrump will likely be far safer and easier than ten at spades.

Thus, I’m afraid that the Panel approach, even though it has its shortcomings, was not responsible for any miscarriage of justice here. No Committee would have reverted this contract back to the table result (unless some critical information has somehow been omitted from the write-up). I don’t detect any bias against non-standard variations of conventions, except the usual expectation that players must be careful to document such methods or be prepared to suffer the consequences in Committee, as you yourself pointed out in CASE TWENTY-ONE.

## CASE TWENTY-FOUR

**Subject (UI):** A Plethora Of Opinions

**Event:** Stratified Open Pairs, 17 Aug 00, Second Session

Bd: 12	♠ 4		
Dlr: West	♥ AKQ84		
Vul: N/S	♦ Q1097432		
	♣ ---		
♠ A1062		♠ J7	
♥ 95		♥ J763	
♦ J86		♦ 5	
♣ A1096		♣ KJ7543	
	♠ KQ9853		
	♥ 102		
	♦ AK		
	♣ Q82		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	Pass	1♠
Pass	2♦(1)	Pass(2)	---
---	---	3♣(2)	3♠
4♣	4♥	Pass	4♠
Pass	5♦	All Pass	
(1) Alerted (after East's pass); ♠ raise			
(2) East's pass was canceled by the Director and a change of call allowed			

**The Facts:** 5♦ made five, +600 for N/S. The opening lead was the ♠J. The Director was called after the late Alert and again after the 5♦ bid. The Director allowed the table result to stand, ruling that passing 4♠ was not a LA for North.

**The Appeal:** E/W appealed the Director's ruling. They believed that without the UI from South's (late) Alert of 2♦, passing the suit South had bid three times must be an option for North with singleton support, a void and 3 quick tricks. North admitted forgetting they were playing 2♦ as three-card Drury. He said that his five-seven distribution and the opponents' bidding clubs led him to believe that his partner must have one or more diamond cards that would be useful.

**The Panel Decision:** It was clear that UI was present since both N/S convention cards were marked that 2♦ was Drury. The issue was whether North was

entitled to bid 5♦ or whether passing 4♠ was an option. Eight experts were consulted and their opinions varied widely. Some believed that 5♦ was the only call on North's hand because passing 4♠ might actually allow N/S to stay out of bigger trouble. Some believed that 5♦ was the right call but that passing 4♠ couldn't be criticized. Several pointed out that without the potential ruffing value, 5♦ would be clear-cut. Two experts said that passing 4♠, when partner had opened 1♠ and rebid them at the three and four levels, must be the right bid without the UI. The play of the hand in 4♠ was complicated, but an expert player helped the Panel determine that down two was the most favorable result that was likely for E/W. The contract was changed to 4♠ down two, +200 for E/W.

**DIC of Event:** Jacques LaFrance

**Panel:** Ron Johnston (Reviewer), Mike Flader, Charlie MacCracken, Susan Patricelli

**Players consulted:** Karen Allison, John Mohan, John Rengstorff, Barry Rigal, Carol Simon, Peggy Sutherland, Steve Weinstein, Peter Weichsel

**Directors' Ruling: 52.1**

**Panel's Decision: 90.8**

☞ We are not told whether N/S played Namyats so presumably South could have held a hand such as ♠AKQJxx ♥xx ♦x ♣Qxxx, which clearly makes passing 4♠ a LA. This makes me wonder what prompted the Directors to argue that passing 4♠ was not a LA for North. Perhaps reliance on a catchphrase such as "never put freak

hands down in dummy" or a failure to note that South rebid his spades *three* times was responsible. The following panelist seems to be fixated on the catchphrase.

**Rigal:** "This is yet another freak hand where the Panel produced a decision that does a disservice to the game. To my mind when I pick up five-seven shapes I am not concerned about partner's suits—it is a question of which of my suits to play in. I believe the Panel has lost touch with reality here. It is not just *any* old seven-card suit either is it?"

☞ Happily, none of the other panelists agree.

Since 4♠ goes down two tricks (as confirmed by Deep Finesse), it looks to me as though the Panel's decision was right on target. Agreeing with me are...

**Gerard:** "I don't understand the 'logic' of the first group, since they appear to think that passing 4♠ was demonstrably suggested by the UI. Dyslexia has probably set in. Only the gang of two who voted for passing 4♠ got it right, but at least the Panel had the good sense to adopt their reasoning. This looks a lot like CASE THIRTY-EIGHT from Philadelphia, where not even South's passed-hand status and the opponents' double justified North's pull."

**Stevenson:** "Looks a very simple case where 5♦ is a reasonable action, but since passing 4♠ is a LA, there was UI, and it suggests 5♦ would be more successful, then 5♦ must be disallowed. I am surprised the Director thought otherwise."

**Bramley:** "I agree that passing 4♠ was a LA. The determination of down two in 4♠ also looks right. This was a harsh judgment to impose on a seven-five hand, but the ruffing value makes passing a clear LA."

"Forcing a wild hand to be dummy is not unprecedented. I served on a case a couple of years ago in which we decided, properly I believe, that a player with a nine-card suit (that's right, *nine*) had to give up after a similar misexplanation."

**R. Cohen:** "A reasonable decision. Maybe next time North will open the bidding and avoid the hassle. The Director should have made N/S appeal by ruling as the Panel did."

**Endicott:** "When this many players are consulted you should be able to find an argument for anything you like. North must assume South has understood his calls as he intended them and has shown a suit that will play opposite a singleton, even perhaps a void. The Director's ruling is dreadful; he should have consulted the Chief Director."

☞ Since it is normal procedure to consult the DIC on any judgment ruling, there's no reason to believe that he wasn't consulted here.

**Polisner:** "By the very title of the case, it is shown that passing 4♠ is a LA, thus the correct decision. Down two seems reasonable. I suspect the Committee from CASE TWENTY-TWO would have assessed a penalty for a Law 73C violation."

☞ Given North's freak hand, that would have been a bit much, don't you think?

**Wolff:** "Right on. CD is now getting it in the gebreezer, which will soon mean, if it hasn't already, that partnerships will more likely discuss, for example, three-card Drury because if they don't their percentage chance of a good score, in case of a misunderstanding, is decidedly less. The result is, better law, better understandings, better bridge, and above all, less corruption in applying the law."

☞ Ah, corruption in applying the law. Now there's a thought to ponder.

CASE TWENTY-FIVE

**Subject (UI):** How Much Trouble Is *Real* Trouble?

**Event:** KO Teams, 19 Aug 00, First Session

Bd: 13	♠ xxx		
Dlr: North	♥ xxx		
Vul: Both	♦ KQJ10x		
	♣ A9		
♠ AQ10xxxx		♠ x	
♥ AQJ8x		♥ K109x	
♦ x		♦ Axxxx	
♣ ---		♣ Jxx	
	♠ KJ		
	♥ x		
	♦ xx		
	♣ KQ108xxxx		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	Pass	4♣(1)
Pass	4♦(2)	Pass	5♣
All Pass			
(1) Alerted; agreement: Namyats			
(2) Not Alerted; agreement: relay to 4♥			

**The Facts:** 5♣ went down two, +200 for E/W. The opening lead was the ♥A. The Director was called after the 5♣ bid. E/W believed South should not be allowed to bid 5♣. West said he was aware that N/S were having a misunderstanding but he took no action at his first two turns because he wanted to wait until they were in real trouble. The Director allowed the table result to stand (Laws 40 and 75).

**The Appeal:** E/W appealed the Director's ruling. West said that had he known that 5♣ could be passed, he would have bid at that time. He thought his side had been damaged by MI. He did acknowledge that he was aware that the opponents were having a misunderstanding. N/S said that Namyats had only come up once or twice in their lengthy partnership. 4♦ over 4♣

had always been a relay to 4♥ and never a prelude to a cue-bidding sequence.

**The Panel Decision:** The Panel believed that N/S had violated Law 73C when South bid 5♣ over 4♦. Four experts were polled about this bidding sequence. Two of them said they had no choice except to pass 4♦. The third said he would consider passing 4♦ but would bid 5♣. The fourth said he would bid 5♣. Therefore, for N/S the 5♣ bid was canceled and a pass substituted. From that point, there were many reasonable sequences that would lead to a 6♥ contract by E/W. However, the Panel believed that a player (West) who was aware of an irregularity but who took no steps to protect himself was not entitled to an adjustment. The Panel decided to assign a two-way score per Law 86B. N/S were assigned the score for 6♥ made seven, -1460 for N/S; E/W were assigned the table result. In the comparison N/S lost 5 imps and E/W lost 14 imps. These were averaged to produce a 4.5-imp pickup for the N/S team.

**DIC of Event:** Patty Holmes

**Panel:** Mike Flader (Reviewer), Ron Johnston, Charlie MacCracken, Matt Smith  
**Players consulted:** Lowell Andrews, John Heldring, Steve Lawrence, Jim Leary

**Directors' Ruling:** 71.2

**Panel's Decision:** 69.2

☞ Hmm, let's see. Partner passes in first seat, I open 4♣ (preemptive, typically an eight-card suit—which I have), and partner now decides to play the hand in 4♦. This is a joke, right? I could easily be convinced that 4♦ is a lead director on the way to 5♣. I could also buy that 4♦ is a cue-bid, in case South has a hand such as ♠---♥x♦KQxx♣AKxxxxxx. I would even swallow that 4♦ is some sort of control ask in search of 6♣ (hard to imagine for a passed hand, but how about if North held

♠---♥AKQx♦xxxx♣Jxxx: 6♣ could make opposite a singleton diamond). What I would not buy (and I wonder how the consultants bought it) is that 4♦ was to play. Thus, South can bid 5♣ since the bridge logic for it is both clear and authorized.

As for E/W, since N/S's agreement was that 4♣ was Namyats, E/W had not been misinformed; they were correctly told N/S's agreement. They were not entitled to know the content of South's hand. Additionally, by West's own admission (and probably his own hand) he knew that N/S were having a misunderstanding. Thus, West was simply fixed by South's having forgotten his agreement—which is not an infraction.

E/W would have had a right to redress if the UI from North's Alert was linked to South's 5♣ bid. However, North's passed-hand status made the meaning of 4♦ obvious. Contrary to what the consultants said (except the fourth consultant, who seems to have been the only one who had his head on straight), the 4♦ bid was "self-Alerting" and could not be to play—whatever else it might have meant—, so South could bid 5♣. Thus, the original Director's ruling was correct: the table result should have been allowed to stand.

Agreeing with me are...

**Bramley:** "Fire those consultants. Everyone would bid 5♣. I don't believe anyone who says he wouldn't. Nobody, including a passed hand, bids 4♦ to play over a 4♣ opening by partner. I would interpret 4♦ as a cue-bid in support of clubs in case the preempter has a little extra. This looks like poor presentation of the problem to the consultants, who apparently were aware of the UI while they were considering the bidding question. Since I find no LA to 5♣, I would let the table result stand.

"The Panel correctly denied E/W the reciprocal adjustment. West, who admitted he knew what was happening, took his chances and lost. As I commented in CASE SIX, when you knowingly try to nail your opponents in a misunderstanding, you must live with the result. Since this was a KO match the 9.5-imp net gain to E/W might have been enough to win the match anyway, but I sincerely hope not.

"For extra credit, I observe that the result at the other table must have been +1250 to E/W in five of a major doubled making seven, the only result that could produce the given imp scores."

**Endicott:** "I would like to hear about the 4♦ bid. It is uncommon to remove a preempt into an alternative contract. There are often connotations of a fit in partner's preempt suit. The record does not show any investigation of this, but if it is the case then I do not think pass is a LA to 5♣. West made his own bed and must lie on it."

**Polisner:** "What kind of hand could a passed hand (North) bid 4♦ to play over a 4♣ preempt? None come to mind. I would never pass 4♦ and would believe it was a raise to 5♣ with diamond values. Gee, exactly what it was, even though by accident. I would have allowed the table result to stand for both sides."

**Stevenson:** "Here again we have a Panel at work and experts giving opinions on whether to pass 4♦. Is 4♦ forcing? New suits over preempts always are. Aha, you say, but North passed originally. Fine, that just means that 4♦ shows a diamond feature and a club fit and is still forcing, does it not?"

"I do not know, but I would not just proffer an opinion without finding out how N/S play a change of suit over a natural preempt. If they play it as forcing then disallowing the 5♣ bid and replacing it by a pass would not seem right. 4♣ might be possible, dependent on meaning. An in-depth investigation was necessary here and as in CASE TWENTY-THREE, the Panel approach seems to be found wanting.

"As for not allowing E/W any redress because West knew a wheel had come off, perhaps the Panel would like to explain how they would expect to show a 7=5=1=0 after an opening bid showing hearts? West knew he was totally done in by the 4♣ bid so his only sensible options were to bid 6♣ and pray it was right or

to pass and see if something happened to make things easier. Over 5♣ it is true he might have tried 6♣, but this would still not show his hand unambiguously. When the non-offending side is put in an impossible position by an infraction, Directors, Committees and Panels should offer them sympathy (see CASES THIRTY-FOUR and THIRTY-NINE).

“I wonder why North passed 5♣? Not based on partnership experience, I trust.”

✍ David is exactly right: an in-depth investigation was needed by the Panel since, even if the club-fit inference was lost on them, there was still the issue of whether new suits were forcing opposite preempts in the N/S partnership. I would add that the Panel’s position is even harder to defend with North being a passed hand. (Bart may be right that this was poor presentation of the problem to the consultants.)

But David is wrong that the opponents deserved redress because they were fixed by the wheel coming off N/S’s auction. Since E/W’s damage was the result of South forgetting his agreement—which wasn’t an infraction—this was all just rub-of-the-green.

The remaining panelists think the Panel’s decision was correct and the table ruling in error.

**R. Cohen:** “The Panel did a good job wending its way through the morass. The Panel had more time to ferret out more facts than the Director. I have a question. What action could West have taken to protect himself without transmitting UI to his partner? It’s easier to chastise West than to tell him what he might have done.”

**Wolff:** “Perfect for N/S. For E/W it may be a little harsh since over a natural 4♣, West would have bid at least 4♠, +710. Again, certain CDs are insidious to the opponents. Here, as the Panel said, E/W did not do enough to protect themselves but they were really disadvantaged by what happened. While I applaud the entire Panel’s decision, I would have voted for +710 for E/W.”

✍ If I thought there really was MI and that 4♦ was passable, I would agree with Wolffie that 710 would be the right adjustment. How could E/W realistically ever reach 6♥!?

**Gerard:** “I guess this stands for the proposition that damage is still relevant for the non-offending side and players who sit on their rights can’t be heard to complain about being damaged. There’s been a lot of confusing talk about the role of damage, so I’d like to see a definitive statement explaining the recent directive. I think it would go something like this: ‘The offenders can be awarded an adjusted unfavorable result after an irregularity without regard to whether it caused damage to the opponents; the non-offenders can not be awarded an adjusted favorable result unless they were damaged by the irregularity, not by their own willful negligence or egregious error.’

“I’m glad that North’s passed-hand status wasn’t even considered, since it’s evidence that the mandatory preempt theory doesn’t count for much in appeals. 4♦ may be self-Alerting in in-your-face gospel, but these cases are still decided by UI rather than any particular school’s view of the optimum tactical approach.

“If my abacus is working properly, the result at the other table was five of a major doubled making seven for E/W. It would have been fun being a fly on that wall.”

✍ Ron’s description of current policy is accurate. Damage for an offending side is defined as obtaining a better score than they would have had they not committed their infraction. Whether the opponents’ bad result was due to the infraction or to their own incompetence is, in both the WBF and ACBL, irrelevant. This is another way of saying that for offenders, the distinction between subsequent damage and consequent damage is irrelevant (damage need only be subsequent). However, damage for the non-offending side must be consequent, a direct consequence of the

infraction, to entitle them to redress.

Ron gets Bart’s extra credit. I trust he will put it to good use—such as paying his 2001 NRA dues. Is this the new “If It Errs, Shoot It!”?

**Rigal:** “The Director seems to have missed some of the critical issues here in the initial ruling, but the Panel focused on the salient points and produced a reasonable compromise. I’d certainly want to give N/S as bad a result as I could but I think E/W got lucky to receive as much as they did. Frankly, West seems to have lost all sight of winning at the table instead of in Committee.”

✍ Well, *some* combination of Directors and panelists certainly missed some of the critical issues here. Shall we discuss which group it was in the next casebook?

CASE TWENTY-SIX

**Subject (UI):** No Further Judgment Requested

**Event:** Flight A/X Pairs, 19 Aug 00, Second Session

Bd: 30	Eileen Becher		
Dlr: East	♠ 5		
Vul: None	♥ A974		
	♦ AQ752		
	♣ AQ7		
Harry Sacks	Hayim Ninyo		
♠ AQ84	♠ KJ73		
♥ KQJ85	♥ 62		
♦ 108	♦ KJ63		
♣ 64	♣ KJ10		
	David Becher		
	♠ 10962		
	♥ 103		
	♦ 94		
	♣ 98532		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	Pass
1♥	2♦	3NT(1)	Pass
4♥	Pass	4NT	All Pass
(1) Alerted; forcing heart raise			

**The Facts:** 4NT made four, +430 for E/W. The opening lead was the ♠10. 3NT was Alerted and explained as a forcing heart raise but that the partnership had no agreement after an overcall. The Director was called during the explanation of the Alert of 3NT. West was asked to leave the table and East said he didn't think it applied by a passed hand after an overcall. The Director (who never left the table) was called again after the 4NT bid. The Director determined that no actual agreement about this particular type of auction existed. The Director allowed the table result to stand (Law 16A2) because 4NT was not more likely to succeed than 4♥. In fact, if West had opened light in third seat, 4NT might well be a worse contract.

**The Appeal:** N/S appealed the Director's ruling. N/S believed that East had shown a balanced

maximum for a passed hand and could not be allowed to insist upon notrump when partner had presumably shown six or seven hearts. The UI made it more likely that West had only five hearts. E/W had played that 3NT by a passed hand without competition was a heart raise for a long time. West forgot that it did not apply after an overcall. East said that he thought about doubling the opponents, then decided to play 3NT. He thought his diamond holding made it likely that N/S would score diamond ruffs in 4♥ and that 4NT was likely to score as many or more tricks as a heart contract. He liked his positional values better for notrump than for hearts.

**The Panel Decision:** Four players were consulted. All of them believed that after East had made a descriptive bid which West had removed, there was no reason to do anything but pass 4♥—unless West had done something to cast doubt about a 4♥ contract. East did have UI from West's mis-Alert of 3NT. According to Law 16, partner may not choose from among LA actions one that could demonstrably have been suggested over another by the UI. West should have at least six hearts and be making an active choice to play in hearts. In a 4♥ contract, four defensive tricks are routine (three aces and the ♥9) and five were deemed likely in a Flight A game because a diamond lead and continuation promotes South's trump holding. The contract was changed to 4♥ down two, +100 for N/S.

**DIC of Event:** Jim Chiszar

**Panel:** Ron Johnston (Reviewer), Charlie MacCracken, Matt Smith

**Players consulted:** Dick Freeman, Geoff Hampson, Ralph Katz, Marinesa Letizia

**Directors' Ruling:** 41.7

**Panel's Decision:** 92.1

☞ Bart has the right idea about this one...

**Bramley:** "Apparently opening bid requirements are more stringent in Flight A/X Pairs (see CASE TWENTY-ONE), but passing that East hand led to nothing but trouble in both cases.

"The Director made a bad ruling. He must have been swayed by West's waffling on his explanation, but the damage had already been done. The Panel decision restoring a 4♥ contract was automatic, and assigning a result of down two was also clear."

☞ The rest of the panelists were on top of this one as well, most going a couple of steps further by calling the Directors' ruling into serious question and all but one recommending a PP for East.

**Wolff:** "Still another excellent decision, including the determination that E/W would likely go down two in 4♥."

**R. Cohen:** "East was lucky he didn't receive a PP. Partner is marked(?) with a six- or seven-card heart suit and the 4NT bid is outrageous. Too bad West didn't hold something like ♠Qxx,♥KQJxxxx,♦void,♣Axx. We'd have never seen this deal."

**Stevenson:** "Committees are needed because of rulings like these. East made a total mockery of Law 73C—why does not the ACBL make Law 73C cards and distribute them to people?—and the Director saw no reason to adjust. If I had been on the Committee I would have issued a PP to East to make sure he remembered Law 73C in the future."

**Endicott:** "I am not clear what the Director is saying about his reason for ruling as he did. Presumably he believes the one action is not suggested over the other. Would he not agree the possibility that East used the UI to convert to a contract that he thought would be more successful? Did the Panel consider a PP?"

**Polisner:** "I'm puzzled by the Director's ruling as it is obvious that East violated Law 73C. Without the UI, passing 4♥ is 100%—even at matchpoints—after East described his hand perfectly with 3NT. I would have imposed a PP against E/W."

**Rigal:** "Another misguided Director ruling, but the Panel put him right. Again I wish the initial ruling had gone the other way so we could consider an AWMW. No case for a PP here—East's offence is relatively minor."

☞ I agree with the latter panelists. Whoever was responsible for the table ruling needs some education—as does East, who should have been educated and issued a PP on the spot. I wish I could be as certain as David that a Committee would have handled this any better (I'd like to think so). Ralph hit the nail on the head when he called East's 4NT bid "outrageous." It should have been soundly rebuked.

Why is it so difficult to understand that by failing to take a firm stand against actions of the sort exemplified here by East's 4NT bid we are condoning a practice which threatens to destroy our game? A PP against East was the proper way to make the point that players may not take advantage of partner's UI. Failing to adjust the score compounded the problem with a ruling which completely misses the UI issue. Sure, West could have a weak, third-seat opener and 4NT could be a worse contract than 4♥, but the odds are against it. The Director's reasoning was much like the argument that slow passes in competition don't necessarily show extra values—but they inevitably do! East's 4NT was indefensible and flagrantly catered to the UI, protecting against the (substantial) likelihood that West had a normal 1♥ opener with only a five-card suit. Even if West held slightly sub-minimum values, East's positional super-maximum would cover him.



CASE TWENTY-SEVEN

The important point is not that East might have been wrong to bid 4NT; it was that 4NT was unjustified from a bridge perspective and was a flagrant violation of Law 73C. Now that E/W have gotten away with it (again?), is there any reason for them not to do the same thing the next time? Is this the lesson we want them to take back to their local clubs and tournaments?

Directors are entrusted with safeguarding our game. They cannot continue to ignore this problem. Just as the policeman who ignores street crime will ultimately foster the very acts he is hired to prevent, so Directors who condone actions like the 4NT bid here by ignoring them will ultimately help to destroy the game which it is their job to protect. Directors are the first (and all too often the last) line of defense against such anti-bridge behavior. They must own up to their duty or step aside and make room for those who will.

**Subject (MI):** No Agreement, No Infraction, No Adjustment, No Merit  
**Event:** Life Master Pairs, 11 Aug 00, Second Qualifying Session

Bd: 2	Pratap Rajadhyaksha		
Dlr: East	♠ 2		
Vul: N/S	♥ KJ108653		
	♦ J3		
	♣ A104		
Lois Borok		Eli Borok	
♠ Q107		♠ K953	
♥ A7		♥ 92	
♦ AQ92		♦ 108765	
♣ QJ62		♣ K7	
	Steve Landen		
	♠ AJ864		
	♥ Q4		
	♦ K4		
	♣ 9853		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	Pass
1NT	2♣(1)	Dbl(2)	Rdbl(3)
Pass	2♥	Pass	Pass
3♣	3♥	Pass	4♥
All Pass			
(1) Alerted; any single-suited hand			
(2) Not Alerted; intended as Stayman			
(3) Alerted; bid your suit			

**The Facts:** 4♥ went down two, +200 for E/W. The opening lead was the ♣K. After play ended, the Director was called because the double of 2♣ had not been alerted. East meant his double as Stayman while West took it to show clubs. East said he just assumed West would take it as Stayman since this is how he played it with other partners. The Director determined through extensive questioning that even though E/W had been playing together for 20 years, they had not discussed this auction and therefore had no agreement. The Director allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling and were the only players to attend the hearing. N/S each played their partner to have club shortage based on the opponents' implied club fit. Otherwise, they would not have bid 4♥.

**The Committee Decision:** The Committee accepted the Director's representation that E/W did not have an agreement.

The table result of 4♥ down two, +200 for E/W, was allowed to stand. In evaluating the merits of the appeal, it was discovered that the case had not been screened. The Committee believed that, had proper screening been conducted and the appropriate laws explained to the appellants, this appeal would have been withdrawn. For these reasons, the Committee did not assess an AWMW and recommends that *all* cases be screened in the future.

**DIC of Event:** Henry Cukoff  
**Committee:** Martin Caley (chair), Doug Doub, Simon Kantor, Richard Popper, Judy Randal

**Directors' Ruling: 85.8**      **Committee's Decision: 72.9**

☞ N/S are experts, nationally-known players who regularly do well in NABC+ events. They are also no strangers to the appeal room. Thus, screening should not have been required for them to realize that if E/W had no agreement, they were entitled to no score adjustment. Therefore...

**Bramley:** "Aw, give them the AWMW anyway. This was hopeless whining by players who should know better, another example of a pair asking a Committee to

punish the opponents' accident when they could not punish it themselves at the table."

☞ Right. Along similar lines.

**Stevenson:** "Good ruling and decision. So long as the ruling was explained to them carefully, I do not see why lack of screening affected the AWMW. They must have known they would lose the appeal."

**Treadwell:** "It is inexcusable for an experienced pair to claim damage in this case—whether screened or not. The Committee made the correct decision but should have awarded an AWMW to N/S."

☞ E/W's absence from the hearing meant that they could not be questioned about their history and understandings, providing information which some panelists would like to have had available.

**Endicott:** "A naive Director—played together for 20 years and never been there before? Pull the other one. And oh, come on, Committee, where is your due skepticism? This is a situation that will arise from time to time and the E/W assertion is simply not credible. The lady must be wide-eyed and beautiful; Judy should have seen through her."

**Polisner:** "This is a hard one to expound upon. No agreement, no Alert, no misexplanation, but false inferences drawn by N/S. This seems like a rub-of-the-green case if the Committee believed E/W had no agreement. I doubt that was true in a 20-year partnership. Did East just make up the rather universal use of this double? With whom does he play it? To merely accept the Director's word on this critical issue of face is an abrogation of the Committee's responsibility."

**Rigal:** "I would have expected a ruling the other way initially from the Director. And I think I would have assumed there was prima facie MI until proved to the contrary. East's presumption of their playing Stayman had to come from somewhere. I certainly think N/S had a far better case than was suggested by the Committee; though both players took aggressive positions, they were hardly unreasonable ones."

☞ I'd be interested to know how the last three panelists expected the Committee to pursue this information in E/W's absence. The table Director was convinced that E/W had no agreement, so shouldn't the Committee accept this as true unless N/S present convincing evidence to the contrary or unless it is found to be absurd (or not credible) on the face of it? E/W had about 1850 and 2450 masterpoints, so either they don't play many tournaments (for a 20-year partnership) or don't win a lot. It is not unusual that casual players don't have such agreements. I'd guess that the adoption of the use of a double as Stayman in this auction by the general bridge public is not much more than a decade old.

Let's suppose, for a minute, that E/W attended the hearing and were asked, "Hasn't this situation come up before? What would you normally think the double would mean?" East says, "Our partnership is not a sophisticated one. Normally we would play this double intuitively as penalty. My partner clearly thought it showed clubs; hence her 3♣ bid. We both play a fair amount with other partners and I read about bridge and keep up with modern methods much more than my partner. I've been playing this for some time with several of my other partners and I guess I just bid too quickly, forgetting that this partner was not on the same wavelength on this. I just forgot who I was playing with."

So then where would we be? The table Director determined that they had no agreement. That was represented to the Committee. The ACBL does not require the non-appellants to attend the hearing, but they did make statements to the Director

at the table which were clearly accepted. Why should they have to come to the hearing to defend what was already accepted by an official? The Director described their statements on the appeal form, clearly stating that E/W had not discussed this auction in spite of their 20-year partnership.

Just because a pair (especially a married couple, as here) admit to a 20-year partnership does not mean that they played together exclusively, or even regularly, over that period. According to the owner of the club they play at they both play with several other partners. Is it so difficult to believe that this partnership does not play this method and East either hoped that West would read it in spite of their not having discussed it or simply made the bid reflexively, before he realized that it didn't apply with this partner? This sort of thing happens all the time.

**Wolff:** "Generally agree, but I think the following legal philosophy should apply: 'If one side is playing a relatively obscure convention which may create unique situations for their opponents such as here, then the conventioners may be deprived of accurate descriptions of what their opponents think they are playing as long as the opponents are forthcoming about their best guess as to what their partner meant. If a partnership is creating a mini-monster in the form of an obscure convention or a special handling of a better known convention, then that partnership will be responsible for the aberrant fallout that misexplanation may cause, as long as it is determined that the opponents are forthcoming and honest.' This caveat would be easy to apply and, somewhat ironically, appears to be brutally fair."

☞ I don't think that philosophy is enforceable. Too much about it is difficult if not impossible to judge. For example, what qualifies as an obscure (or even "relatively obscure") convention? I would not classify a double here being used as Stayman to be obscure by today's standards. Most experts play it this way, as do many non-experts. And how would you know if the opponents are being "forthcoming and honest"? I'm not inclined to believe that this N/S had no idea that the double might be Stayman nor do I believe that they were damaged by it. After all, just reverse the E/W club holdings East has a "penalty" double. But the real issue is that regardless of what philosophy is in use, one first must determine whether E/W had an agreement. If they didn't, as I believe was the case here, then the bottom line is...

**R. Cohen:** "No agreement, no Alert, no MI, no adjustment."

CASE TWENTY-EIGHT

**Subject (MI):** Support Offered, None Taken

**Event:** Life Master Pairs, 12 Aug 00, Second Semi-Final Session

Bd: 3	Jonathan Greenspan		
Dlr: South	♠ 65432		
Vul: E/W	♥ 9432		
	♦ 76		
	♣ AQ		
Bill Pollack	Michael Moss		
♠ J108	♠ AQ		
♥ J106	♥ KQ87		
♦ A82	♦ KJ94		
♣ 10976	♣ J84		
	Beverly Perry		
	♠ K97		
	♥ A5		
	♦ Q1053		
	♣ K532		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			1♦
Pass	1♠	1NT	Dbl(1)
Pass	2♥	Pass	2♠
All Pass			
(1) Not Alerted; intended as Support			

**The Facts:** 2♠ made two, +110 for N/S. The Director was called after dummy was displayed. South believed she had made a Support Double. North did not believe that anyone played Support Doubles after 1NT overcalls. North was unsure as to the meaning of the double. The Director allowed the table result to stand since neither East nor West had any clear action.

**The Appeal:** E/W appealed the Director's ruling. North and West were the only players to attend the hearing. West believed that, had he known South was making a Support Double, he might have bid 2NT. He thought North should not have removed the double. North told the Committee that South was a relatively inexperienced player (a student of his, though a Life Master) and that he had explained at the table that she might have intended the double as Support, though he wasn't

sure. He believed that removing the double was the right action with his hand.

**The Committee Decision:** The Committee believed that North went out of his way to explain the possibilities for his partner's double (that it was possibly meant as Support) and that she was relatively inexperienced. At that point E/W could have asked North to leave the table and had South explain the intended meaning of the double. The Committee believed that the decision North had made to bid 2♥ could just as well have worked out badly for his side. The result was "rub of the green" for E/W. The Committee allowed the table result to stand and believed the appeal just barely met the standard of having merit because N/S were not totally clear on their agreement.

**DIC of Event:** Henry Cukoff

**Committee:** Jon Wittes (chair), Harvey Brody, Dick Budd, Jerry Gaer, Dave Treadwell

**Directors' Ruling: 86.7**

**Committee's Decision: 86.2**

Now wait just a minute. The Director's rationale for allowing the table result to stand—that neither East nor West had a clear action—was not the issue here. The issue was whether N/S had an agreement about the double that was not properly disclosed to E/W and if so, whether E/W were damaged by the MI. It sounds like N/S had no specific agreement about this double. South assumed that Support doubles applied after a notrump overcall just as after suit overcalls while North

assumed that a double of a notrump overcall was a special case and would be for penalties. In addition, the write-up says that North even explained to E/W that his student partner might have thought her double was Support. What more could he have done? And since North had no UI he was free to bid over the double in any way he wished. I might have pulled the double with the North hand myself.

The Committee was right on target with their decision, except they missed the boat about the merits of the appeal—it had none. Right panelists?

**Bramley:** "Did West's hand suddenly get worse with the news that South might (or might not) have a good hand? If West thought he had a 2NT bid, he should have bid it. Despite N/S's lack of understanding, I would have given E/W an AWMW because West failed to bid his hand. Therefore, he had no case."

**Gerard:** "Billy, Billy, Billy—just play bridge, as one of the Committee members is always suggesting. South couldn't have had a penalty double unless North had a negative two count. People really do lose objectivity when it comes to the merits of their own case."

**Rigal:** "Well done the Director and the Committee, though I think I would have ruled this to be without merit. Both East and West should know better to my mind."

**Stevenson:** "I wonder what E/W wanted? To give N/S 200 in 2NT doubled down one? The appeal was totally without merit and was merely a Bridge Lawyering attempt."

**Wolff:** "Good final decision and I certainly agree to North's fair intentions. Could it be that West might have had some doubts about his partner's notrump overcall? I realize that East is sounder than Memorex, but maybe he is stretching a little (like 7 or 8 points) so maybe his partner's 6 points (plus three tens) is not enough to bid 2NT. Perhaps West thought so."

**Polisner:** "The write-up is unclear as to when North explained the possibility that the double was Support. If it was before the opening lead, the Director could have backed up the auction. Certainly North is entitled to do whatever he believes is in his side's best interest in the absence of UI, including assuming that partner is in outer space."

Yes, the described timing of the explanation is a bit ambiguous in the Facts and Appeal sections. But the Committee Decision section makes it clear that North went out of his way to explain the meaning of the double in a timely enough manner that "...E/W could have asked North to leave the table and had South explain the intended meaning of the double." Since N/S were the declaring side it would not have been necessary to send North away from the table unless someone still had a call coming, hence the opening lead must not have been faced or dummy spread.

The following panelist seems to have missed this as well.

**R. Cohen:** "Did N/S explain the meaning of the double before the opening lead, or only after the dummy was spread? From The Facts it appears the latter. Since the Director only got to the table after the dummy was spread, this would seem to reinforce the above conclusion. The Committee's assumption that North was forthcoming must be wrong. This is not 'rub of the green.' With a full explanation, West might have bid 2NT over 2♠. With a spade lead it is possible to make 2NT by attacking clubs first. The Committee should have decided between -120 and +100 for N/S. Minus 120 does not meet the standard of 'at all probable.' I go for N/S +100."

Ralph also seems to have missed Ron's point: that East's strength was known (presumably 15-18) so N/S were marked with a fixed combined number HCP (16-

19). If South had 18+ of them, then North had very few. Hence South's double was unlikely to be strong. So if West wished to bid then he should have done so since how N/S's HCPs were split between the two hands was relatively immaterial.

**Endicott:** "I would wish to be sure of the ACBL Alerting situations, but it seems to me that North might well have Alerted the double since he recognized its possibilities and did not intend to pass; if E/W then felt they had a problem with such an explanation they should have called the Director when North did not pass the double. The Committee might have spoken to this. For the rest, I suggest that it is only a Director who should ask a player to leave the table."

✍ Again, it appears that North did what Grattan suggests as far as explaining the meaning (intended or otherwise) of South's double during the auction, although he did not Alert it (since it was not Alertable). What North intended to do based on his own hand is irrelevant to this.

Grattan is quite right that in general a Director should be summoned before a player is asked to leave the table and his partner asked to explain his call(s) to the opponents, since doing so generates its own UI. However, in this situation North's explanation had already provided South with UI. Thus, it is hard to see how North's leaving the table while South explained to E/W how she intended her double could have done anything but help E/W.

## CASE TWENTY-NINE

**Subject (MI):** Protect Yourself

**Event:** Life Master Pairs, 13 Aug 00, First Final Session

Bd: 8	Mike Passell		
Dlr: West	♠ 62		
Vul: None	♥ J87542		
	♦ 103		
	♣ 652		
Andre Rakhmanin	Larry Washington		
♠ 9875	♠ A43		
♥ 109	♥ A3		
♦ J72	♦ A8654		
♣ KQJ10	♣ A43		
	Eric Greco		
	♠ KQJ10		
	♥ KQ6		
	♦ KQ9		
	♣ 987		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	1♣(1)	Dbl
1NT	All Pass		
(1) Alerted; explained, "Could be short"			

**The Facts:** 1NT made one, +90 for E/W. The Director was called when the play ended. South had not been told that E/W opened 1♣ with any strong notrump hand. South stated he might have bid 1NT rather than double had he received a proper explanation. The Director ruled that there had been no damage and allowed the result to stand.

**The Appeal:** N/S appealed the Director's ruling. Only South attended the hearing. South stated that he assumed the explanation "Could be short" meant that 1♣ could be made on any normal 4=4=3=2 distribution. Had he known that it could have been a strong notrump, possibly with longer diamonds, he would have overcalled 1NT, leading to a possible result of 2♥ down one by N/S or E/W contracts of 2♠ or 2NT down one. South said

that beating the opponents to 1NT at neither vulnerable would have been clear if he had known that East could have had a strong notrump.

**The Committee Decision:** The Committee believed that South had not done enough to explore the implications of East's explanation. For example, when asked what E/W's notrump range was, South said he did not know at the time but now knew it to be, "11-14, or maybe 10-12." Because knowledge of E/W's notrump range was critical to South's decision, failure to inform himself of that fact was in no small way responsible for his dilemma. Also, relying on the opponents to have specifically a 4=4=3=2 weak notrump in the finals of the Life Master Pairs was an inference that South drew at his own risk. Finally, it was possible that South would have been worse off had he overcalled 1NT since E/W scores of +100 (2♥ doubled) or +110 (in 3♦, after doubling North's transfer response) were reasonably likely. The Committee allowed the table result to stand since South had not sufficiently demonstrated damage stemming solely from the opponents' actions. E/W were assessed a 5-matchpoint PP for failure to disclose their agreement adequately.

**DIC of Event:** Henry Cukoff

**Committee:** Ron Gerard (chair), Mark Bartusek, Bob Gookin, Ed Lazarus, Lou Reich

**Directors' Ruling:** 94.2

**Committee's Decision:** 90.8

✍ This must be a joke. Look at South's hand and tell me that after a 1♣ opening on your right you would take one action (double) if you are told that 1♣ could be natural or short but if it's short opener has a weak notrump while you would take

a different action (1NT) if you are told that 1♣ could be natural or short but if it's short it will be a strong notrump. I would assume from the explanation that was given ("could be short") that 1♣ would be opened with any balanced hand that would normally *rebid* 1NT to show whatever range that would show in E/W's system. That would, of course, depend on what a 1NT *opening* showed. If E/W opened strong notrumps then 1♣, if balanced, would be in the weak notrump range while if E/W opened weak notrumps then 1♣, if balanced, would be in the strong notrump range. Simple when you think about it.

As far as I know, the above inference was available to South at the time of the 1♣ opening—had he bothered to find out what E/W's opening 1NT range was. But this was his responsibility and not the opponents'. Of course E/W also needed to Alert any strong 1NT rebid.

So the ruling was wrong in theory but right in practice: whether or not there had been damage wasn't the issue since *there had been no infraction*. The 1♣ opening was properly Alerted as "could be short" and any inferences stemming from that were available to N/S as they would have been had E/W played normal minor-suit openings within a weak notrump structure. For example, had East opened a natural 1♣ playing weak notrumps he would not have been required to Alert and explain that he could hold a balanced 15-17. Just because E/W always opened 1♣ with such hands rather than their better minor did not suddenly make a "could be a strong notrump" explanation necessary: "could be short" was all that was Alertable.

The Committee's decision also overlooks the fact that there was no infraction. It places the blame on South for his failure to know (or ask) about E/W's notrump range and on the jeopardy he would have been in had he overcalled 1NT as though there had been an infraction but South's negligence had broken the connection between it and the damage. How could South be damaged from the opponents' actions (see the last sentence in the Decision) when there was no infraction? Well, at least they didn't adjust the score.

But then to make it clear that they had totally misjudged the situation they issued a PP against E/W for... "failure to disclose their agreements adequately." Excuse me, what failure? It might have been a bit more precise to Alert 1♣ and explain, if asked, by saying "could be short if a balanced strong notrump." But not doing all that wasn't an infraction and it certainly wasn't deserving of a PP. This was a gross misapplication of the use of PPs.

In fact, I'd have issued an AWMW to N/S for this groundless and contentious appeal. As usual, Bart is hot on the right trail.

**Bramley:** "The Committee was doing so well—until the end. Again, as in CASE TWENTY-TWO, the Committee doled out a gruesome PP to the non-appellants instead of giving an AWMW to the appellants. Telling the opponents your notrump range when you open something else is *not* required by full disclosure, so the PP was way out of line. South was lucky to be Alerted at all because the Alert gave him a reason to investigate the opponents' notrump range, something that most opponents of weak notrumpers *don't* get. N/S should have known better than to pursue this worthless appeal."

✍ The rest of the panelists, along with the Committee and Director, missed the basic point that there was no infraction. Some of them at least saw that the PP was excessive—even though they erroneously bought the infraction idea.

**R. Cohen:** "The Director was right on. No PP was warranted on E/W, though they might have been more forthcoming in their explanations. South was too experienced not to more fully inform himself. He would have had a hard time convincing me that he would have bid 1NT rather than double."

**Endicott:** "South knows it could be a strong notrump hand whether he is told or not. His choice of action on the hand is freely made and he has to live with it. In this case I think the PP is excessive; an admonition would suffice."

**Rigal:** "The Director ruling (against the experts) seems fine but the PP seems rather harsh—or is that actually the regular percentage of a big top? I really see no reason why South was not wholly responsible for his own bad result, and while E/W might be given a mild reprimand that seems wholly sufficient to me."

**Wolff:** "Excellent decision but I think that a 5-matchpoint PP is a bit severe. Having said that, however, it does emphatically remind E/W of their general responsibilities."

✍ The remaining panelists even bought into the PP—for what?

**Treadwell:** "An excellent analysis of the problem and a good decision in view of the experience of the N/S pair. I trust E/W were advised to be a bit more precise in their Alert of the 1♣ bid in the future."

**Stevenson:** "Spot on decision. The description was not adequate, but it had no consequent damage."

**Polisner:** "Very thoughtful Committee decision, especially the PP. Since this was the fifth session of this event, one wonders how many other cases of inadequate explanations after a 1♣ opening had occurred?"

✍ I'm disappointed; perhaps more so in the panelists than in the Director or Committee. There's plenty of shame to pass around on this one.

If anyone is looking for us Bart and I will be in the bar drowning our dismay.

## CASE THIRTY

**Subject (MI):** Bergen On Raises, Part 37: Know Your System

**Event:** Flight A/X Swiss, 13 Aug 00, Afternoon Session

Bd: 9	Jim Koley		
Dlr: North	♠ QJ10954		
Vul: E/W	♥ A8743		
	♦ 6		
	♣ 7		
Evan Krantz	Danny Kleinman		
♠ K	♠ A7		
♥ J9	♥ K652		
♦ AJ87	♦ 1053		
♣ KQ10832	♣ A964		
	Gene Simpson		
	♠ 8632		
	♥ Q10		
	♦ KQ942		
	♣ J5		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	1♠	Pass	3♣(1)
Pass	3♥	Pass	3♠
Pass	4♠	All Pass	
(1) Not Alerted; agreement: Bergen raise			

**The Facts:** 4♠ went down two, +100 for E/W. 3♣ was not Alerted. The Director was called before the opening lead, when South told E/W that his 3♣ bid had been intended as a Bergen raise. E/W said they were told “strong hand” when they asked. West said he couldn’t act over 3♣ when he thought it was a strong hand because he thought he had all the E/W points and his double of the presumed natural 3♣ bid would have shown the red suits. East said he would always have bid clubs if his partner had acted. Before he saw the other hands, West said that with the correct information he would have doubled 3♣. N/S thought that North’s opening bid had stolen the board and that East was not likely to have entered the auction at this vulnerability, even if West doubled 3♣. The Director allowed the table result to stand.

**The Appeal:** E/W appealed the Director’s ruling. West said he would always double 3♣ if he knew it was artificial. East said, given partner’s double, he would always bid 4♣ if available or double the opponents. West thought he had extra values and would have raised to 5♣ if partner bid 4♣. N/S admitted their indiscretion. They were willing to accept that West would have doubled 3♣ but doubted that East would have acted at this vulnerability opposite a hand that simply showed a club suit and not necessarily outside cards. They thought that 4♠, perhaps doubled, might end the auction. They suggested that North would bid on to 5♠ if pushed.

**The Panel Decision:** Three players were consulted. The first said that when West had the MI that South’s bid showed a strong hand, even though he must have been suspicious, he had no way to show his hand but would have had an easy double to show clubs with the proper information. Not knowing about spade support, North would then have rebid 3♥. East would have had 3♠, 3NT, and 4♣ available to show his hand. Once E/W found their club fit, North would surely not sell out to 5♣. The second player agreed that West had been shut out of the auction by the MI. Given action by West, East would have acted in some way with the likely result that E/W would bid 5♣ and North would push on with 5♥ or 5♠. The third player was reluctant to allow West to act when he must have known that a strong hand by South was unlikely. However, West was not given a very good explanation of what the 3♣ bid meant and he had no real way to get into the auction. Therefore, E/W should be given the opportunity to bid their game or double the opponents.

The Panel determined that MI was given by North when he failed to Alert the partnership agreement (Bergen raise). He compounded the infraction when he

responded to West’s question by saying, “Strong hand.” The experts each pointed out the difficulty that this MI created for West. As West suggested, he could no longer double to show clubs as he likely would have over an artificial bid. North, who would have had no reason at that point to suspect that partner had a spade raise, would likely have bid 3♥, giving East room to bid 4♣ (which was what he wanted to bid, although 3NT or 3♠ would also have been available). South, having shown his hand, had no reason to bid. The Panel accepted the expert input that West had sufficient extra values to bid 5♣. In considering the likely results had the infraction not occurred, the Panel considered results of 3NT and 5♣ for E/W and 4♠ and 5♠ (both doubled) for N/S. It was judged likely that E/W would bid 5♣ and when North heard E/W bid game in partner’s jump shift, he would have realized what had happened and bid 5♠, which would have been doubled. This was deemed to be the most favorable result that was likely for E/W. The contract was changed for both sides to 5♠ doubled down three, +500 for E/W.

**DIC of Event:** Richard Strauss

**Panel:** Ron Johnston (reviewer), John Ashton, Matt Smith

**Players consulted:** Henry Bethe, Michael Seamon, Paul Soloway

**Directors’ Ruling:** 36.3

**Panel’s Decision:** 76.2

The Director’s ruling simply boggles the mind. How could he not protect E/W when there must have been at least some doubt that they might have been damaged. (Actually, it’s hard to imagine any doubt. I was just being kind.)

N/S’s argument that East was not likely to have entered the auction was a big bunch of self-serving hogwash. If I held the East hand and my partner doubled a Bergen 3♣ I would certainly bid 4♣ over 3♥—at any vulnerability. Just look. East is cold for 5♣ opposite West’s working 10-count. As for N/S’s argument that they would have bid 5♠ if pushed, that’s credible only if North would have worked out what South’s 3♣ bid meant—which he clearly didn’t do in the actual auction. I’d guess he’d be likely to work it out since otherwise his vulnerable opponents would be crazy to bid game in South’s strong jump-shift suit. North’s six-five shape, his partner’s four-card spade support and modest values, and the favorable vulnerability would argue for bidding 5♠. The down side is that E/W might bid 6♣ and make it.

As the consultants stated, even though West should have been suspicious about South holding a strong hand with clubs he was fixed by the MI, which took away his natural double. Thus, an auction should be projected with E/W knowing the correct meaning of 3♣, as the Panel did. I’d judge that E/W would bid 5♣ and North would “likely,” but not “at all probably,” bid 5♠, which E/W would double. Thus, I would assign N/S –600 in 5♣ and E/W +500 in 5♠ doubled down three.

The panelists all agree to adjust the score, citing the bad table ruling in the process, but they differ on just what adjustment(s) to make. First, those who agree with me that the non-reciprocal adjustment is appropriate.

**Bramley:** “I agree with most of the decision. The finding of MI is clear, and the adjustment for E/W is appropriate as ‘the most favorable result that was likely’ for them. However, I believe that North is ‘at all probable’ to sell out to 5♣, either because of his confusion or because of some hope of beating it. Therefore, I would have assigned N/S the score for 5♣ making by E/W, –600. The Director’s ruling was both bad and unexplained.”

**Gerard:** “Gee, that’s not my agreement as to the meaning of double. Maybe someone should have asked. As to the ruling, I think –600 for N/S was at all probable, since there was at least the necessary chance (whatever the current standard is) that North would think the opponents were having a misunderstanding.”

**Wolff:** “All well reasoned except for not allowing E/W to go +600 in 5♣. I happen to think that perhaps 30-45% of the N/Ss would not take the sacrifice at 5♣, but this

difference is certainly not worth pursuing.”

**Rigal:** “A messy case but the Director was simply wholly in error in a situation like this not to rule for the non-offenders. I am at a loss to know how a Panel of Directors could produce such a miserable decision against the non-offenders. (Incidentally, was West given the option to bid 5♣ at his final turn? He should have been, should he not?) I think that +500 certainly did E/W no favors here, but were N/S not entitled to a worse result than that (5♣ or 5♠ doubled?). Will anyone be suggesting Average +/-Average – here?”

✍ Great minds still all think alike.

Barry raises an interesting question about whether West was given an option to retract his final pass. Even had he been given that option it is hard to imagine him taking a unilateral plunge to the five level at this vulnerability. As for the improper Average +/-Average – Barry suggests, better we ignore him.

The next two panelists like reciprocal 600s. Jeff’s rationale is quite compelling.

**Polisner:** “I think that the most favorable result likely for E/W is +600. Why would North sacrifice to save 120 points when if you put the ♦J in the East hand, 5♣ may easily be defeated. The Director allowing the table result to stand had little bridge sense and he should have ruled in favor of the non-offenders. Have we created a situation where all of the competent Directors are now on the Appeals Panel, thus depriving the floor Directors of quality consultation prior to ruling?”

**R. Cohen:** “Certainly a score adjustment was in order. Did anyone consider a possible auction of 1♠-P-3♣-Dbl; 3♥-3NT-P-P; 4♠-P-P-4NT-AP? Did anyone consider a split score: maybe +500 for E/W, –600 or –630 for N/S? This is entirely a judgment call. This man believes that reciprocal 600s is the proper adjustment.”

✍ Ralph has an interesting idea. If East bids 3NT over 3♥ North would not know about South’s spade fit and thus would think that South’s strong jump shift was based mainly on long but non-solid clubs. (East might have ♣J10xx and E/W a lot of diamond tricks.) Since South’s strong jump shift would have created a game force, North might be tempted to double and that would end the auction. So then the scores should be reciprocal 750s rather than 600s. I think it unlikely that East would bid 3NT so I would not go there. But it is an intriguing idea.

**Endicott:** “Oh for a weighted score.”

✍ “If I can’t play by my rules I won’t play at all.” Use your imagination, Grattan. The remaining panelists support the Panel’s decision.

**Stevenson:** “Every so often there is an appeal where a total lack of sympathy is shown for the non-offenders (see CASE TWENTY-FIVE). It is not so bad here, though this feeling runs through this casebook. Okay, you tell me, after 1♠-3♣ what action do you take with the West hand if 3♣ is not Alerted? The Director’s failure to give redress is not easily explained except by this apparent bias. Even the Panel sounded a bit grudging, but I cannot disagree with their decision.”

**Treadwell:** “Another good analysis of a MI situation, and I agree with the determination that the most likely result would be +500 for both sides had proper information been given by N/S.”

✍ The more I think about it, the more I like Jeff’s rationale for assigning both sides reciprocal 600s. The Directors who supported the original ruling should be given –750s and remedial directing and bridge training.

## CASE THIRTY-ONE

**Subject (MI):** Your Lips Say “Pass,” But Your Eyes Say “Double”

**Event:** Flight A/X Pairs, 14 Aug 00, First Session

Bd: 13	Tom Simon		
Dlr: North	♠ A1086		
Vul: Both	♥ 104		
	♦ 72		
	♣ AJ742		
Sharon Meng	♠ J94	Nancy Heusted	♠ Q732
	♥ AJ5		♥ 32
	♦ J53		♦ AQ1098
	♣ Q1053		♣ 96
	Marion Simon		
	♠ K5		
	♥ KQ9876		
	♦ K64		
	♣ K8		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	Pass	1♥
Pass	Pass	Dbl	Pass
1NT	Dbl	All Pass	

**The Facts:** 1NT doubled went down one, +200 for N/S. The Director was called when the hand was over. N/S were playing Precision and knew that responder could pass 1♥ with as many as 9 HCP. Such a method is perfectly playable, but the opponents must be Alerted to it. East may or may not have balanced. The Director ruled that with the proper Alert, the most favorable result that was likely for E/W was ten tricks for N/S in 1♥ (Law 12C2). The contract was changed to 1♥ made four, +170 for N/S.

**The Appeal:** N/S appealed the Director’s ruling. East did not speak with the Reviewer. N/S (North in particular) strongly resisted the suggestion that a pass which could be this strong should be Alerted. North stated that he thought he only had three spades: with four spades

and 9 HCP he would usually bid. N/S agreed that 8-point hands are often passed. N/S stated that they had announced that they played Precision when E/W arrived at the table and that E/W had discussed defenses to Precision. North thought that the implication of how strong the pass could be was obvious and therefore did not need an Alert. West confirmed that they had been told N/S were playing Precision. E/W were experienced players and familiar with Precision.

**The Panel Decision:** ACBL regulation states, “Natural bids that convey an unexpected meaning must be Alerted. This includes strong bids that sound weak, weak bids that sound strong, and all other bids that, by agreement, convey meanings different from, or in addition to, the expected meaning ascribed to them.” North’s pass of 1♥ therefore required an Alert if, by agreement, it could include hands as strong as North held. Three expert players were consulted. The first said he would double with the East hand but an Alert would have slightly increased the chance of passing. The second considered both pass and double, but did not think the decision was affected by any Alert or explanation that might have been offered. The third player considered double, 2♦ and pass but thought a pair who had already been told that Precision was being used would be unlikely to have an Alert or explanation affect the decision to balance. With that input, the Panel did not believe that the threshold for a score adjustment was met according to Law 12C2 (for offenders, “the most unfavorable result that was at all probable” and for non-offenders, “the most favorable result that was likely”). The table result of 1NT doubled down one, +200 for N/S, was therefore assigned to both sides. N/S were told that if they routinely passed such hands as this they must Alert in the future.

**DIC of Event:** Rick Beye

**Panel:** Matt Smith (Reviewer), John Ashton, Mike Flader, Susan Patricelli  
**Players consulted:** Barnet Shenkin, Lew Stansby, Eddie Wold

**Directors' Ruling: 58.3**      **Panel's Decision: 94.2**

✍ This case explores the question of just what's Alertable. As the Panel observed, ACBL regulation requires bids that convey an "unexpected" meaning to be Alerted. I've discussed this issue at length with management and here's my take on the "official" position. Most players expect Precision players to respond to their limited openings with much the same range of hands that Standard players do. Okay, they might occasionally pass with a point or two more but it would not be unexpected for a Precision player to pass with a 6- or even an awkward 7-count. But here we have a pair that passes routinely with 8-counts and (apparently) even 9-counts. That is unexpected and by regulation it requires an Alert. Management also thought that "technically" the 1♥ and 1♠ openings are Alertable as well.

On the other hand, convincing a Director or Committee that there was damage from a Precision pair's failure to Alert that their pass might be a point or two stronger than normal (or that their 1♥ or 1♠ bid was limited) and that an adjusted score is therefore appropriate is quite another thing. Good luck! Think AWMW.

A corollary to this issue is that Alerting responder's pass as possibly as strong as an 8- or 9-count might create an atmosphere of apprehension in the opponents' minds that responder is trapping. Since weak passes are overwhelmingly more common, this might unduly inhibit their balancing or competing.

There is probably no perfect solution to this problem and the way a Precision pair deals with their obligation to Alert "unexpected" meanings may depend on the frequency and strength of their passes. If they frequently pass awkward 6-counts and only rarely anything stronger, then Alerting a pass would likely be misleading and unduly inhibitory, as well as unnecessary. (The rest of us tend to expect this sort of thing from Precision players without an Alert, just as we expect a raise of 1♥ to 4♥ to occasionally conceal a "good" hand—e.g., an opening bid in high cards.) But if they frequently pass 7-, 8- and even 9-counts the Alert may well serve a useful function, even though it would be rare for an opponent to be able to make a strong case that they were damaged—even without an Alert.

My own view on this is that once you've been told that your opponents are playing Precision (or any forcing-club system), you are responsible for adjusting your thinking in most "simple" auctions to take into account the limits that their basic system places on various actions by either player. For example, if an opponent playing Precision opens one of a major and jump rebids three of that major, they should not have to Alert you that this shows 14-15 HCP rather than 15-18. I think you are responsible for being aware that opener is limited to less than 16 HCP when he does not open a strong 1♣. This is similar to the more common situation where an opponent picks up ♠Qxx ♥Qxx ♦QJx ♣QJxx, and passes his partner's weak notrump opening (after Announcing it as 11-14). His partner needn't Alert you that he could hold as many as 10 or 11 HCP (you would not expect him to be this strong and a pass a "normal" strong notrump). You must adjust your own thinking to the fact that they play weak notrumps.

If I were playing Precision and partner opened 1♥ I might bid INT holding ♠Q10x ♥Jx ♦K98x ♣Q10xx or I might pass, knowing that I'd be unlikely to miss a game opposite partner's limited opening. If I passed I might hope that 1♥ would play as well as anything else and that if the opponents balance I could double them to our advantage. This is partly based on our system, which is freely available to the opponents, and partly based on tactics. No Alert should be necessary.

Therefore, I disagree with the original Director's ruling to adjust the score (since I can't imagine how East was damaged) and I totally support the Panel's decision to allow the table result to stand. The consultants' bridge judgment that the failure to Alert did not materially affect the result was right on. But I would rather be able to allow the table result to stand simply because the pass is not Alertable.

Finally, I personally would not dream of passing 1♥ with the North hand. It is

far too rich in controls and runs a significant risk of missing game (as actually happened) or even slam (and South was not even maximum for his 1♥ opening!). So I also believe North that his pass in this particular case was an aberration.

Bart also supports the position that the pass *shouldn't* be Alertable, adding a couple of new wrinkles to my arguments.

**Bramley:** "Should North's pass be Alertable? I think not. The pass of partner's bid is the most natural call in bridge. Its 'expected meaning' has always been, 'I am willing to play in the contract last named by partner. Even if a better scoring contract is available, including game or slam, I will not risk a bid to search for that contract.' Possession of a possibly slightly stronger hand for the pass does not alter its expected meaning. In any system the pass of a one-bid indicates lack of interest in game, usually based on insufficient values. The only difference between Precision and Standard is that those insufficient values, in terms of HCP, may be divided 15-8 instead of 19-4. I have not yet seen a balancing decision that depended on that distinction.

"To require an Alert of the Precision pass would open a can of worms by which virtually every call in every system would be Alertable, starting with the Precision 1♠ (limited), but including the Standard 1♠ (could be quite strong, but sometimes my partner opens light, but not with a bad suit...). You get the idea.

"North, on this hand, exercised peculiar judgment within his system, since he could have been cold for a slam opposite many normal Precision 1♥ openers. He succeeded in 'nailing' his opponents for 200 by passing out a cold game. His bidding was tactical, not conventional.

"The Director invented his own version of the Alert system. He should have let the result stand and the Panel should have had a much easier time reaching the same conclusion."

✍ The next panelist actually believes that the pass is not currently Alertable. While he is technically wrong, I like his style.

**R. Cohen:** "E/W were trapped and went crying to a Panel. The ploy utilized here was published 40 or 50 years ago in *The Bridge World* by Sonny Moyses. We have perpetrated a hoax if we have players who believe an Alert is required for North's pass of 1♥. Play the game and if you are snookered, get on with the next deal."

✍ Other panelists agreeing with the Panel's decision...

**Wolff:** "What else is new. Someone gets a bad result and cries foul. What if E/W would have made INT doubled? No Alert required, no adjusted score. It may be worth a recorder slip on this N/S pair so that we can keep track of the herd. A married pair (presumably) that misplaces a spade, passes a good 9-point hand that definitely has game potential, is something to keep in mind. However an appeal must be denied."

**Polisner:** "How could the Director adjust the score after East acknowledged that she wasn't damaged by the failure to Alert, as they were familiar with Precision? The Panel was on target. Maybe we should have the Panel make the floor rulings and there wouldn't be so many appeals."

**Stevenson:** "North's view of whether a call should be Alerted shows a strange mindset. It is not up to players to decide such things. Alerting is decided by the ACBL and its agents. In fact, it would help if North was made aware of the Principle of Full Disclosure. Still, there seems no real reason to adjust. I really do not believe East would have been affected by an Alert and explanation here."

**Treadwell:** "E/W dug their own grave and got a poor score the old-fashioned way—they earned it. However, it is most surprising to me that even a Precision



player would pass a 1♥ opening with the North hand. N/S have a play for 4♥ as it is, even with ♥AJx unfavorably placed. It was quite proper to advise N/S to Alert their practice (poor technique that it may be) of passing such good hands.”

**Endicott:** “It is all about what should be Alerted.”

✍️ Finally, one panelist finds the failure to Alert serious enough to warrant a PP. I find this view serious enough to warrant a check-up by a qualified mental health professional for possibly defective reality testing.

**Rigal:** “Good Director ruling to protect non-offenders in case of doubt. The Panel then correctly identified that East’s action would not have been affected by North’s range (it is correspondingly higher but South’s is lower). I agree with the decision though I might have considered (depending on N/S’s behavior) a PP for the failure to Alert and what seems to me to an aggressive position in the appeal on this clear failure to follow the rules.”

## CASE THIRTY-TWO

**Subject (MI):** Can You Read My Mind?

**Event:** Red Ribbon Pairs, 15 Aug 00, First Qualifying Session

Bd: 19	♠ AQ10874		
Dlr: South	♥ 843		
Vul: E/W	♦ J5		
	♣ K4		
♠ 632		♠ KJ5	
♥ AQ		♥ 10965	
♦ KQ10872		♦ A94	
♣ 97		♣ Q85	
	♠ 9		
	♥ KJ72		
	♦ 63		
	♣ AJ10632		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			Pass
1♦	1♠	Dbl	Rdbl(1)
2♦	2♠	3♦	All Pass
(1) Alerted; Reverse Rosenkranz (denies ♠A or ♠K), no question asked			

**The Facts:** 3♦ made three, +110 for E/W. The opening lead was the ♦J. The Director was called at the end of the play. During the play, declarer looked at his opponents’ convention card and asked if the redouble showed one of the top two or one of the top three honors. North responded “top two.” South stated that he had misbid; he had not seen West’s opening bid at the time and was just showing points. The Director ruled that the result would stand as declarer was not entitled to know that an opponent had misbid.

**The Appeal:** E/W appealed the Director’s ruling. During the play, declarer inquired whether the redouble showed one of the top two or one of the top three spade honors. Declarer thought the question came at trick two, East thought later. East heard the response “top two.” Declarer had

looked at N/S’s convention card and seen “Rosenkranz” in the Special Doubles box. Declarer was unsure of the order of play, but general agreement by West and East was reached that it was: trump lead, won in hand; second trump, won in dummy; heart to the queen; spade to North’s ace; question asked; ♣K, club to the queen and ace; ♣J, ruffed. A spade was then led and the moment of truth had arrived. N/S’s convention card was marked “Rosenkranz Rev. Raise = Honor.” The response “top two” was made believing declarer’s question concerned which honors the redouble *denied*. South admitted he misbid, saying he had not seen the opening 1♦ bid. South thought the question was asked after the first spade was led toward dummy and the ace played; thus, declarer had already seen the top two spades.

**The Panel Decision:** South’s explanation of the redouble was consistent with his hand. Declarer seemed confused by the answer to his inquiry, which was poorly phrased. Dummy and both defenders had heard “top two,” which were cards that had already been seen when declarer made the fatal spade play. Since the crucial guess was for the queen, even declarer’s confusion could not be attributed to any MI that North’s answer may have created. Declarer’s question was answered assuming he knew that the redouble *denied* a high spade, but that he wanted to know the definition of high spade (top two or top three). Declarer’s intention was to ask which the redouble *showed*. As the answer was “top two” and declarer had already seen both, any possible MI seemed irrelevant. The Panel believed there had been no infraction and therefore allowed the table result to stand.

**DIC of Event:** Millard Nachtwey

**Panel:** John Ashton (reviewer), Mike Flader, Matt Smith

**Players consulted:** none reported

West asks a strangely ambiguous question while looking at the opponents' convention card. The opponents "hear" and answer the only question that makes any sense. (How could they know that West had misread the card?) And now West wants to hold the opponents responsible for his own error. If West actually used the word "show" in his question (e.g., "Does the double *show* the top two or top three honors?"), then I'd just deny the appeal; if West did not use the word "show" (e.g., "The top two or top three?"), then Red Ribbon or not, I'd give them an AWMW.

**Bramley:** "A candidate for an AWMW."

**R. Cohen:** "Too bad! So sad! This is a meritless appeal, but 'mistaken bids' always get the juices flowing. Better not to issue a speeding ticket in these circumstances."

Very PC, Ralph.

**Endicott:** "The Director gives a reason for his ruling that is irrelevant. The question is whether there has been MI that may have affected the play. The misbid, and whether opponent knows about it, does not enter into the calculation at all. The Panel seems to have identified a truth: the MI, if there was any from the muddled question and answer, did not affect anything—and, incidentally, declarer might have some reason to think there are likely to be six spades in the North hand."

**Polisner:** "Here the Director got it right, but for the completely wrong reason. The Panel was perfect in its analysis and decision."

Yes. Another example of an ill-conceived ruling—but this time a lucky one.

**Stevenson:** "Good ruling and decision since there was no relevant MI."

That's easy for him to say, sitting smugly over there in England.

**Rigal:** "I am reluctant to give either side the benefit of the considerable doubt. I rather think that without the misbid and possible MI, West would have taken a further trick. And while I can't say I like giving the trick to E/W, I hardly feel that N/S deserve it either. Still and all, this should not be a precedent-setting case, should it?"

Precedent setting? No. Judgment testing? Yes. South had already shown up with the ♣AJ and ♥K and North with only the ♦J, ♣K and ♠A. As Grattan points out, could North have had only five spades and rebid 2♠ when South had not shown a fit? (Even given the misconception about the redouble, a Rosenkranz redouble does not show support in the form of length—only an honor.) I think any way you slice it, West was at least 95+% responsible for this problem—even if he used the word "show" in his question. It would never occur to me to deny N/S the table result since their contribution to it was negligible if anything at all. That's why I disagree with the following...

**Wolff:** "Much ado about not much. However, it reminds us of what CD can do. E/W were not really entitled to anything, but maybe N/S should concede their fourth defensive trick. I suspect Ron Gerard among others hates that concept, but fairness is achieved, self-esteem is improved, and respect comes in the front door."

Maybe in some future world you could do that. But in this one N/S are entitled to the table result.

**Subject (MI):** Darned If You Do, Darned If You Don't

**Event:** Red Ribbon Pairs, 15 Aug 00, First Qualifying Session

Bd: 14	♠ A9		
Dlr: East	♥ KQJ3		
Vul: None	♦ J3		
	♣ AJ1093		
♠ 87643		♠ KJ	
♥ 1098		♥ 4	
♦ K652		♦ AQ74	
♣ 8		♣ KQ6542	
	♠ Q1052		
	♥ A7652		
	♦ 1098		
	♣ 7		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		1♣	Pass
Pass	1NT	2♣	2♦(1)
Pass	2NT	All Pass	
(1) Not Alerted; intended as a transfer			

**The Facts:** 2NT made two, +120 for N/S. The opening lead was the ♣5. 2♦ was intended as a transfer to hearts; South did not disclose the failure to Announce the transfer before the opening lead. The Director was called when dummy came down. East said that she would have led a diamond with the correct information. The Director changed the contract to 2NT down one, +50 for E/W.

**The Appeal:** N/S appealed the Director's ruling. N/S said that they were confused by opener's 2♣ rebid. North thought that 2♦ was natural and South thought it was a transfer to hearts. N/S did not understand their obligation to divulge the failure to Announce the (intended) transfer and were unclear about whether the actual auction was one where transfers would be employed. East said that

she would have led a diamond if she had been told that 2♦ was a transfer.

**The Panel Decision:** South failed to inform the opponents, as per Law 75D2, that, in her opinion, North had failed to Announce her transfer. East told the Director, before seeing that her club lead was won cheaply by declarer, that she would have led a diamond. Two players were consulted. Both considered a low diamond a possible opening lead after an auction in which 2♦ was Announced as a transfer. Since a diamond lead to West's king, followed by a club shift (the suit partner had opened and rebid), could (likely) lead to the defeat of 2NT, +50 for E/W was considered the most favorable result that was likely for the non-offending side. The most unfavorable result that was at all probable for the offenders was also deemed to be -50 for N/S. The contract was changed to 2NT down one, +50 for E/W. While this appeal was found to be lacking in merit, education was chosen rather than AWMWs as the players involved were unaware of their obligation as the declaring side to correct a failure to Announce before the opening lead.

**[Editor's Note:** Upon inquiry as to whether any information was obtained about N/S's actual agreement regarding the use of transfers in this auction, we were told that the Panel determined that N/S had "no agreement."]

**DIC of Event:** Millard Nachtwey

**Panel:** John Ashton (Reviewer), Mike Flader, Susan Patricelli

**Players consulted:** Bruce Ferguson, Tony Glynn

**Directors' Ruling: 73.8**

**Panel's Decision: 71.4**

As I indicated in the Editor's Note, in investigating the Panel's findings I learned that they believed that N/S had no agreement regarding the 2♦ bid. But if

N/S had no agreement and South was simply confused, then why was there a score adjustment? Given how unusual it is to use transfers after a balancing notrump and the level of the event why assume a failure to Alert rather than a misbid? South was not obliged to tell E/W of her misbid if there was no agreement and no “correction” of North’s non-Alert was required. This was just a rub-of-the-green situation and the table result should have stood. Directors and Panels should learn to recognize confusion and misbids by inexperienced players, especially in Flight B events.

As an interesting side bar, let’s assume East was told that 2♦ was intended as a transfer to hearts. She leads a diamond. Which one? Fourth best (the four) of course. Buzz. Sorry, but we do have some nice parting gifts for you. 2NT is cold on the ♦4 lead. To see why suppose East leads the ♦4 and West wins and returns a club—best. North wins the ace and cashes five hearts. (North keeps the ♠A9 and the rest clubs.) East pitches three clubs and is squeezed out of a minor-suit winner (a spade pitch allows an overtrick) on the last heart. East is then thrown in with a diamond (West’s spots are all lower than East’s) to concede an eighth trick to declarer in spades. So East can’t lead the ♦4: She needs to retain it as a late entry to the West hand for a spade through.

So let’s say East leads the ♦A and continues with the *seven*. West overtakes and plays a club. North must rise with the ♣A and cash dummy’s hearts. East can now throw a club honor. Declarer exits with the ♦10 but East wins the queen and leads the ♦4 to West for a spade through. The defense takes four diamonds, one club and one spade for down one. But only if East retains the ♦4 until late.

Would declarer find the winning line after the ♦4 lead? If declarer inserts an intermediate club when West leads a club through, the squeeze-endplay fails (after cashing the hearts dummy has only spades, forcing declarer to break up his position in that suit). It’s a tough play to find, even for an expert, but being the offending side surely declarer would not be given the benefit of the doubt. So down one was the right score adjustment *if* adjusting were appropriate.

Several panelists agree that 2♦ was a misbid and there should be no adjustment.

**Endicott:** “I am interested in this ‘failure to announce the (intended) transfer.’ South has misbid. The opponents have not been given any MI about the partnership agreements. The Panel judged that N/S had no agreement about the 2♦ bid. The case report appears to suggest that South had a duty to supply the missing MI. Is this really the way the game is played in Anaheim? What infraction has occurred? Why are we adjusting the score—just because N/S got lucky?”

✍ Precisely!

**Gerard:** “Demand a recount. South acted properly. This is classic mistaken bid, not mistaken explanation. The obligation under Law 75D2 to inform of an erroneous explanation is, yes, only an opinion, but applies only to ‘the’ player, that is the one whose partner has given a mistaken explanation. By the Panel’s own determination that was not the case here. Therefore, its decision was completely without merit. South was entitled to guess correctly that she had misbid. The fact that she had UI from North’s failure to Alert did not force her to divulge her hand. See the final sentence of Example 2 in the footnote to Law 75D2: ‘South... has no responsibility to [correct North’s explanation after the final pass].’

“In the Blue Ribbon Pairs, they would make 2NT. Of course, they might also lead the diamond seven.”

✍ Right. And anyone who leads the ♦7 (playing fourth best) needs monitoring.

**Polisner:** “An interesting question as to whether South must tell that the 2♦ bid was ‘intended’ as a transfer if there was no agreement that it should be. Certainly it may well keep N/S out of hot water, but should there be a score adjustment? What if South knew that 2♦ was natural and psyched it for some reason? Must then South

tell E/W that the psych was a psych? I am inclined to believe that the table result should have been maintained. After all, N/S were punished enough by their own screw-up by failing to get to the easy make in 4♥. So, the question is whether or not the failure for South to inform E/W prior to the opening lead under these facts is really an infraction. Rich, please educate US.”

✍ Does the capitalized US in Jeff’s comment refer to the panelists, the readers, or the Laws Commission? Whichever, I think we’re on OUR way. Here’s another Laws Commission member, one of the co-chairs, whose comment and apparent confusion about Law 75D2 will, I think, help US to move closer to a resolution.

**R. Cohen:** “Why the Editors Note? Reread the last sentence in Law 75D2. ‘After calling the Director at the earliest legal opportunity..., the player must inform the opponents that, *in his opinion*, his partner’s explanation was erroneous.’ The phrase ‘in his opinion’ is new in the 1997 Laws. This was not done without a purpose. If there is in fact no agreement, but if South thought there was, then she was bound to so inform the opponents before the opening lead. The Law does not specify that she inform the opponents what she intended her bid to mean—only that her partner was incorrect. But what if North’s failure to Alert causes South to realize she has made a ‘mistaken bid’? What are South’s obligations now under the Law? The opponents have no MI, though there appears to be some UI to N/S. Guess it’s one for the Laws Commission.”

✍ I don’t think we need a Laws Commission meeting to untangle this. As Ron points out, Example 2 in the footnote to law 75D2 makes it clear that any time a player believes his partner’s Alert, non-Alert, or explanation was correct and that it was he who misbid, he should do nothing. And the clue need not come from the non-Alert; anything that tells him that he erred is sufficient. But if he has any doubt about who erred, or is sure it was his partner, *then* the final sentence in Law 75D2 applies. But the last sentence must be interpreted within the context of the first sentence, which says, “A player whose partner has given a mistaken explanation...” Clearly this confirms that the partner’s explanation must be the error for the last sentence to apply. Only then should the player call the Director at the first legal opportunity and inform the opponents that, in his opinion,...

The remaining panelists make the same mistake as the Director and Panel. Oh well, I had hoped that my Editor’s Note would have avoided this.

**Bramley:** “East got in under the wire. I would have been wary of her statement about a diamond lead had she made it any later, in which case a split ruling might have been appropriate. However, having made her statement in the nick of time, she was fully entitled to the result awarded by the Panel.”

**Rigal:** “A harsh ruling against the offenders, and a generous one for E/W. But in the circumstances (particularly the failure to correct the explanation and the timing of East’s comments) I think the Panel did the right thing.

**Stevenson:** “We *must* teach declarers and dummies to correct MI before the opening lead is faced. It is to their benefit, which they must be made to realize. Here the adjustment is automatic but in fact, if corrected at the right time, East might not have led a diamond.”

**Treadwell:** “A good decision by both the Director and the Panel; and I agree with the decision not to award AWMWs even though the appeal has little merit.”

**Wolff:** “Okay, with the exception that many know the obligation to try and mitigate the damage before the opening lead by telling the opponents what was intended but not done.”

CASE THIRTY-FOUR

**Subject (MI):** Protect Me, Protect My Partner

**Event:** Stratified Open Pairs, 16 Aug 00, First Session

Bd: 12	♠ Q85		
Dlr: West	♥ AKJ732		
Vul: N/S	♦ KJ109		
	♣ ---		
♠ 9		♠ AJ107432	
♥ Q1086		♥ 4	
♦ Q42		♦ 75	
♣ AQJ96		♣ 1032	
	♠ K6		
	♥ 95		
	♦ A863		
	♣ K8754		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1♥	Pass	2♠(1)	Pass
3♣	All Pass		
(1) Not Alerted; intended as weak			

**The Facts:** 3♣ went down two, +100 for N/S. The opening lead was the ♥A. North asked about the meaning of the 2♠ bid at his second turn and received the correct information that it was weak. He then passed. South then called the Director. The Director was called back at the end of the play, at which time South said she would have bid 2NT over 2♠ if she had been Alerted. West explained that she had mis-pulled the 1♥ bid card when she opened the bidding. E/W played weak jump-shift responses. West also said that she would have bid 3♣, even after a 2NT bid by South. The Director ruled that N/S were experienced enough to protect themselves when West failed to Alert and so they would keep the table result. The Director assigned E/W the most

unfavorable result that was at all probable: 3♦ by N/S made five, +150 for N/S.

**The Appeal:** Both sides appealed the Director’s ruling. North had asked the meaning of 2♠ when the second Pass Card was in his hand after the 3♣ bid. West answered “Strong.” North put his Pass Card on the table and West then corrected her explanation to the proper one (“Weak”). North left his pass on the table. South immediately called the Director, realizing that North may not have known that the auction could be backed up if his second pass was connected to the earlier explanation. South said she would have bid 2NT if she had known that 2♠ was a weak jump-shift. West said that she would still have bid 3♣ to let her partner know that her 1♥ call was a misbid. When questioned about what a double would have meant after 2NT, West indicated that it would have been penalty against one or both minors. West believed that North should have bid 3♥ over 3♣. E/W each had around 350 masterpoints and they did not seem to understand this situation.

**The Panel Decision:** Looking at her hand and listening to the auction, South had no reason to question the 2♠ jump shift. Asking questions during a straightforward and non-Alerted auction could have led to UI to her partner (Laws 16A, 73B). The Panel received advice from several expert consultants that the likelihood of South entering the auction with correct information was great enough to warrant a score adjustment (Law 12C2). The Panel did not project 5♦ as a likely enough contract under Law 12C2 to assign it to either side since, even if South did enter the auction, N/S’s (apparent) style of aggressive intervention made it more likely that North would not press on to game. Therefore, the Panel changed the score for both sides to 3♦ made five, +150 for N/S.

**DIC of Event:** Gary Zeiger

**Panel:** Susan Patricelli (reviewer), Ron Johnston, Matt Smith

**Players consulted:** Mike Cappelletti, Jonathan Greenspan, Max Hardy, Bob Jones

**Directors’ Ruling:** 69.2

**Panel’s Decision:** 70.8

✍ What a mess. ACBL policy prevents us from naming the players involved in any case from an event in which less than Flight A players are involved. But N/S, a mixed pair of New York area “experts,” are habitual abusers of the appeal process who seem to prey on opponents of lesser ability. Their specialty is making after-the-fact claims that they would have taken some obscure action which would have led to a more favorable result than they are ever able to obtain at the table.

South called the Director after the corrected explanation of 2♠ since she feared North might not have known that the Director could allow him to take back his pass and substitute another call if he was influenced by the MI. Right. But if North, an experienced player, could not act over 3♣ or call the Director once the explanation was corrected, why did South think he would change his mind or need a Director? Could it have had anything to do with South’s hand? “Are you *sure* you don’t want to reconsider your pass, partner?” Then, at unfavorable vulnerability, South claimed that she would have stepped in and bid 2NT—with no hand and no suits—had she been Alerted that 2♠ was weak. Right. Obviously North hadn’t gotten the hint. What a performance!

Meanwhile, E/W, an inexperienced pair, seem to have had little grasp of their system, no grasp of the Alerting requirements of the auction, and couldn’t find the right bids in their bid boxes (at least West couldn’t). A fine kettle of fish. But at least they had an excuse in that they each had only about 350 masterpoints.

Since I’m having such a difficult time mustering up much sympathy for either side here, perhaps I should call on our resident master of empathy, the Great Ron-a-Roni, to explain with characteristic sympathy the appropriate way to handle redress in such situations.

**Gerard:** “Sure, sure. N/S had such an aggressive style of intervention that North couldn’t even scratch out a slam dunk double over 3♣. Maybe that means South had to overcompensate for North’s timidity, or maybe it just means that South knew more about the hand after it was over than before. Bidding 2NT with that sack of scheissen should be enough to decommission any one of the consultants from their expert status. I doubt whether it was probable enough even for –150 for E/W, but I’m willing to go along with that because I don’t feel that strongly. But 2NT hot versus not—not even the infamous away-from-the-table procedure could justify South’s getting away with 2NT because by the time the failure to Alert came to light South would already have known that North had values. So perform a little test. Back the auction up to before West bid 3♣ and allow him to correct the MI at that point. Who bids 2NT with that information?”

✍ That’s my take too. I can’t imagine South ever bidding 2NT but since the consultants seem to think it “could” happen—yeah, we should all live so long—I’m happy to assign the score of –150 to E/W as being “at all probable.” After all, their incompetence here deserves some “reward.” As for N/S, I’d like to assign them an AWMW for this sadly typical bit of post hoc rationalization. But with their true identities a secret, I’d be surprised to find other panelists agreeing with me. Shame.

**Endicott:** “I am skeptical about the likelihood of a South 2NT bid in advance of West’s rebid.”

✍ Yeah, color me “skeptical,” too.

**Polisner:** “Here again, the Panel consulted experts to decide what a far lesser player woulda/mighta done with the South hand. I’m not sure that I would want to play with a partner who would even consider bidding 2NT in a live auction at unfavorable in the non-balancing seat with this pile of junk. I think the Panel bought a bill of goods from South. Table result stands.”

☞ While E/W were “far lesser players,” South was a Flight A expert who has done well in National competition. I presume this information would have made Jeff’s judgment to allow the table result to stand for N/S even more emphatic.

**Rigal:** “Another murky case. There is no normal way to my mind that either North or South could bid on this sequence after the first two calls by E/W, so I can’t see how to give them more than the table result. But the Panel came to a different conclusion. I think the Director ruling was preferable but if the Panel thought differently I’ll go along with them. (With 4♥ making for N/S it probably hardly mattered).”

☞ I agree. The table ruling was far preferable to what the consultants and Panel came up with here.

**Stevenson:** “Another hand where the strange North American lack of sympathy for non-offenders (see CASES TWENTY-FIVE and THIRTY-NINE) is present in the ruling. Why on earth should South, with her hand, ask if the un-Alerted 2♠ requires an Alert?”

“Let us consider for a moment what might have happened with a proper Alert. South asks, bids 2NT, and North has to find a bid with what is likely to be the strongest hand at the table. Let us say that three times out of four game is missed, but reached one time in four. So it is not particularly likely, and when the Panel adjusts for the non-offenders (most favorable result that was likely) they do not give them an adjustment to game, just 3♦ making 11 tricks.

“But what of the offenders? They get the worst score that is ‘at all probable.’ Surely that is 5♦ making.”

☞ Yes, I guess we Americans must seem like an odd lot to the English, what with our disdain for non-offenders. I think it was probably exacerbated by all the recent election recounts.

I’m sure North’s sudden interest in the auction after 3♣ had no effect on South, and as Ron and I mentioned earlier, surely this couldn’t have influenced South’s claim that she would have bid 2NT over 2♠ had she known it was weak. However, I do agree with David and the next panelist that *had* South had a viable 2NT bid it is surely “at all probable” that N/S might have reached game in 5♦.

**Bramley:** “The result of 5♦ making five by N/S is surely at all probable. Therefore, that result should have been assigned to E/W. Possibly the same result could have been assigned to N/S, but I will accept the Panel’s judgment that, for this N/S, a diamond partscore was much more likely than a diamond game. Thus, a split decision would have been appropriate. The Director was thinking along the same lines, but his awards were too skewed against N/S rather than against E/W, the offenders.”

☞ I’d watch who I called “offenders”—or more properly who I didn’t!

**Wolff:** “Okay again.”

**R. Cohen:** “This was a tempest in a teapot. Suspect the difference in matchpoints between +100 and +150 was minimal. Plus 170 or better in hearts was well nigh impossible after West opened 1♥. Plus 150 was the right ruling.”

☞ Yes, the “Rueful (West) Rabbit’s” off-shaped 1♥ opening certainly fixed N/S’s wagon. Even a wheelwright couldn’t have saved this one.

**Subject (MI):** Unworkable Versus Undefined  
**Event:** Stratified Open Pairs, 16 Aug 00, Second Session

Bd: 5	♠ Q75		
Dlr: North	♥ AK96		
Vul: N/S	♦ J864		
	♣ K2		
♠ J1082		♠ K9643	
♥ 5		♥ J1043	
♦ A9732		♦ K5	
♣ QJ4		♣ 95	
	♠ A		
	♥ Q872		
	♦ Q10		
	♣ A108763		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	1NT(1)	2♥(2)	3NT
All Pass			
(1) Announced; 13-16 HCP			
(2) Alerted; hearts and a minor			

**The Facts:** 3NT went down three, +300 for E/W. The opening lead was the ♠4. The Director was called after the hand had been played. N/S were told that 2♥ showed hearts and a minor, the E/W agreement over weak notrumps. Over strong notrumps their agreement was that 2♥ showed the majors. E/W had no agreement as to whether a 13-16 notrump was weak or strong. East had intended his bid to show the majors. South said he would have bid 3♣ if 2♥ had been explained as showing the majors. The Director ruled that either explanation provides information about the heart suit and allowed the table result to stand.

**The Appeal:** N/S appealed the Director’s ruling. North did not appear for the review. South agreed that he told the table Director immediately after the hand that he would have bid 3♣ if he had known that 2♥ showed the majors, but that

he was not thinking clearly due to being upset. South said that his partnership agreements were: a double of an overcall showing two known suits shows four cards in one of the suits and an interest in penalizing the opponents; when one suit is unknown, double is negative. In both cases 2NT transfers to 3♣ and 3♣ transfers to 3♦. He said he chose 3NT in the actual auction to prevent a 3♦ bid on his left and to put East to a guess leading against 3NT. The N/S convention card showed “negative doubles” and “Rubensohl.” Over strong notrumps E/W played 2♥ showed the majors; over weak notrumps 2♥ showed hearts and a minor. E/W, a first-time partnership, had not defined 13-16 as either weak or strong. They confirmed that South said at the table that he would have bid 3♣ if he’d been told that 2♥ showed the majors, but that he was upset when he said it.

**The Panel Decision:** Three players were consulted. The first believed that E/W’s MI may have contributed to N/S being damaged and with correct information there was some chance that N/S could get to 4♥, which he thought would make. However, he thought it much more likely that this would not happen. The second player believed that N/S’s methods regarding doubling two-suiters were theoretically questionable but that such an agreement would not surprise him from players of that experience. He thought that N/S would not get to 4♥ in any case if they were told that 2♥ showed the majors. The third player said that the stated method of doubling known two-suiters to show four cards in one of the suits is unworkable when the bid doubled is one of the suits. The Panel determined that West’s explanation was MI (Law75) as it implied an agreement where none existed. As to any damage, Law 12C2 directs that the offending side should be assigned “the most unfavorable result that was at all probable” and the non-offenders “the most favorable result that was likely” in the absence of the irregularity. The Panel projected various auctions had N/S been given accurate information (with West still in the dark) and believed that 1NT-2♥-Dbl would lead to a contract of 3♦ doubled

for E/W often enough to assign them that score. As for N/S, the Panel believed that enough doubt existed regarding South starting with a double (due to his earlier statement at the table, the apparent inconsistency of his stated methods, and his partner's absence from the hearing to discuss his side's methods) that the most favorable result that was likely for N/S was 3NT down three, the table result. Therefore, N/S were assigned the result of 3NT down three, -300 for N/S, and E/W were assigned the result for 3♦ doubled down two, -300 for E/W.

**DIC of Event:** Gary Zeiger

**Panel:** Matt Smith (Reviewer), John Ashton, Mike Flader, Ron Johnston, Susan Patricelli

**Players consulted:** Cameron Doner, Haig Tchamich, Adam Wildavsky

**Directors' Ruling:** 64.2

**Panel's Decision:** 62.9

✍ The rationale given for the table Director's ruling is, as they say in the legal profession, *non compos mentis*. What sort of logic suggests that because East was known to hold hearts, South had been given adequate information to judge his actions? Might South not choose a different action if he suspected that E/W had at least nine spades and possibly more than if he knew that E/W had at most nine diamonds and possibly fewer? Might South be willing to defend a diamond contract if North is amenable but not a spade contract? If E/W have spades and North cannot double, might N/S not find a suitable club contract rather than notrump—perhaps even a club slam (if North holds something like ♠xxx ♥Ax ♦AKxx ♣KQxx)? Is this rocket science?

While South might have chosen to show his club suit on the way to 3NT, his rationale for bidding 3NT directly was not unreasonable—i.e., to block E/W from finding out about their (presumed) diamond fit and put East to a guess on opening lead. Also, while I can sympathize with a first-time partnership not having discussed whether a 13-16 notrump is weak or strong, it was West's responsibility to Alert East's 2♥ bid (since it was conventional in any case) and explain it by saying something like, "We haven't discussed whether 13-16 is weak or strong. If partner treated it as weak, then 2♥ shows hearts and a minor; if he treated it as strong, then 2♥ shows both majors." This is clearly not the most desirable of explanations but just think of it as N/S's "reward" for playing such an awkward notrump range.

While N/S's methods were deficient in several ways, the real problem was that the correct explanation would still have left them guessing what their bids meant. I think South would have suspected that East held the majors (what would you think with the South hand?) and he might have chosen one of the following actions: (1) he might bid 3NT to keep E/W in the dark and make East guess on opening lead; (2) he might double and hope for the best; or (3) he might bid 2NT (showing his clubs) and then try to find the right contract from there. I would have chosen door number three and from there I think I might have reached 3NT or 5♣ (4♥ is not possible when East has shown the suit). Of course door number one would have led to the table result while door number two (unlikely) would have led to an E/W contract of—who knows? The Panel's guess at 3♦ doubled is logical since West thought East had a minor with his hearts. But this is doubtful as a final contract since South would be unlikely to double when North could not know the double's meaning (is it takeout- or penalty-oriented?).

With so much uncertainty lurking about, I'd be hesitant to guess at what might happen. But one panelist clears up all the doubt. Let's look at his comprehensive and insightful analysis.

**Gerard:** "N/S have hit upon the strategy for the ages. Just play 13-16 notrumps and some of your opponents will never know what they're doing. It's the one range that falls completely between the cracks, since it's half weak, half strong. If the opponents are playing different methods against weak and strong and don't think

to look at your card before the bidding, they won't have a clue which one applies. In fact, is there some other merit to this range? It's too wide for constructive purposes and I've never seen it in actual play.

"Okay, so E/W got snarled. The correct explanation should have covered both possibilities. South would never have been entitled to know that 2♥ showed the majors since that wasn't the agreement—the agreement didn't exist. South would have had to guess what East was showing, although on probabilities alone he would have guessed correctly. But he could never double 2♥ with 'accurate' information because he would be doubling a non-agreement. His partner would never know whether he was doubling to penalize a major or for takeout of hearts. There was not even an offender's 12C2 probability that South would double 2♥. By the way, the consultants' doubt about the merits of N/S's defense to two-suiters is about as arrogant as it gets. What was the point, to accuse them of making self-serving statements? In particular, the third player's lecture on acceptable methods has no place in this analysis.

"So South would not have doubled 2♥, he would have bid 2NT. That 3♣ misstatement could not be held against him. [He probably meant that he'd *show* his clubs. After all, he did say he wasn't thinking clearly.—*Ed.*] West, still in the dark, would likely have bid 3♦ and 3♦ doubled would have become the final contract. For both sides. Plus and minus 300 should have been the assigned result. The Panel's solution was to say that South would have chosen between doubling 2♥ (at all probable) and bidding 3NT (likely), two totally inconsistent positions. It means that on the one hand he would have played East for the majors but on the other he would have played him for hearts and a minor. By bidding 2NT he could start to show his hand no matter what East held, which, by the way, some players still see the merits of. Being Alerted to the possibility that East had majors would have been enough to steer South away from the tactical 3NT, especially when his hand lent some support to the probability that that was what East actually did hold. I understand the self-serving nature of South's putative 2NT (3♣) bid, but he's entitled to use the methods he does play. The Panel would have us believe that because he wasn't likely to double 2♥, he would have given up on playing East for the majors. Mind reading of the first order.

"I don't like this business about predicting results, but the Panel was much more guilty of this than I am. I've tried to stick to 12C2, even though I can see where there's a faulty switch or two. But the Panel's conclusion is not only to predict that South would guess randomly between two equally likely possibilities, but that he would guess differently for different purposes. Why doesn't this offend the sensibilities of the third expert as much as N/S's defense to two-suiters?"

✍ Ron's point that West would bid 3♦ once South shows clubs via 2NT is really incisive. If South has at least five clubs and North at least two, then East can't have more than three—thus he must hold diamonds. In fact, at this vulnerability West, with his two defensive tricks, might have jumped to 4♦ to try to stampede N/S into 5♣ or even 6♣. Perhaps N/S should be assigned +300 in 3♦ doubled and E/W -500 in 4♦ doubled, but otherwise Ron's decision looks fine.

Ron's points about the Panel's speculations and the consultants' arrogance are right on target. N/S get to use the methods they play and they should be applied to their best advantage as non-offenders—within broad limits.

The next panelist, usually quite level-headed, seems to have allowed a strange bias against N/S to creep into his thinking in this case. Perhaps it was their inferior methods that tainted his perceptions.

**Bramley:** "I disagree. South, thinking that East had hearts and a minor, chose to bid 3NT blindly 'to put East to a guess' rather than either bidding his clubs or attempting to penalize the opponents. Note that South had two honors doubleton in East's likely second suit, a suit that would have to be bid at the three level. Clearly this South, holding a singleton in a suit that could be bid at the two level, would never have tried to penalize a major two-suiter. He probably would have bid 3NT

anyway, 'to put East to a guess.' Even if he had shown his clubs he would have arrived at 3NT. I would have let the table result stand for both sides.

"Discussion of a possible 4♥ contract by N/S was a waste of time. When the opponents have shown hearts, your side will not find its four-four fit there.

"WARNING: The following paragraph is tangential. Read at your own risk.

"I am painfully aware of the problems that can arise from differing defenses to different notrump ranges when the notrump range is 'strange.' Suppose West had described his methods against *both* weak and strong notrumps, and then admitted that he didn't know where 13-16 fell. This should not be an infraction, because West has complied with full disclosure. You may ask how N/S, whose methods depend on the meaning of E/W's bids, should handle this situation. Here's how: (1) Let East tell everyone what assumption he made about the notrump range. The auction can proceed with minimal confusion. Or (2) Roll the dice. Everyone makes his own best guess about East's notrump assumption, and no one complains afterward. One player, presumably South, decides for his partnership whether to use (1) or (2) and his partner is bound by that decision. I hear you suggesting (3) Send West away and let East tell only N/S what he's doing. No, that would be unfair to E/W, who have honored their disclosure obligations only to be foiled by unusual N/S agreements. It should be either (1) full knowledge or (2) full guesswork for both sides of the table."

✍ I'd vote for (2): full guesswork for everyone. But a good, experienced N/S pair needn't operate by guesswork: They would have a default agreement for dealing with such situations. For example, one way to handle this would be to treat East's 2♥ bid as meaning whatever N/S would have meant had they made the bid, *just for the purposes of defining their own subsequent actions*. Another way to handle it is to treat the 2♥ bid the way the opponents would have meant it if they had treated 13-16 the same as N/S would have treated it. Yet a third way to handle ambiguous situations is to arbitrarily agree to always assume the meaning the opponents play over strong/weak [pick one] notrumps.

Thinking (or mis-thinking) along similar lines is...

**Polisner:** "I am not generally in favor of split scores, but recognize that there are hands where it is appropriate. I don't think this is one of them. Even if West had properly explained the East hand according to agreement (if one existed), 3NT is still the contract of choice for N/S; thus -300 for N/S. Why should E/W get a different score when 3NT was slated to be the contract?"

**R. Cohen:** "Something is wrong here. Had the irregularity not occurred, i.e. had N/S been told that 2♥ showed the majors, E/W would have been in at least 2♠—but never 3♦. The most favorable result for N/S would then be +130 at 4♣. As to E/W, I have no problem leaving them with the -300 the Panel assigned them."

✍ How would E/W have found their way to 2♠ when West believed that East had hearts and a minor, especially when South would not have doubled 2♥ (see Ron's comment) and would likely have bid 2NT (see Ron's and my comments)? Perhaps Ralph was looking at too many hands before he did his analysis. It can be difficult to ignore too much information.

**Wolff:** "Right for E/W, a little harsh for N/S since the CD probably did them in. However, I can live with it since the CDers were properly penalized and N/S now realize how insidious the CD playground can be."

**Endicott:** "N/S may be treated rather harshly here. It is by no means certain they will play 3NT if correct information is given to them. But what an astonishing basis for the curious ruling by the Director!"

✍ Yes, astonishing about sums it up—although I believe I could think of a few

other apt descriptions of that ruling.

The next panelist understandably missed Ron's point about West bidding 3♦.

**Rigal:** "Another horrible set of facts (where do we find all these cases?). I am glad that the Director did not rule Average +, but I think he was a little generous to the offenders here. Having said that, my belief is that if South had been properly informed he would have transferred to clubs and bid 3♥, then his partner would have tried 3♠ and he would have bid 3NT, hardly a terrible spot. On that basis they seem to have been generously treated here. I agree that the offenders should not be given this windfall so the ruling seems fine; -300 seems the best E/W deserve although what would really have happened to them is very hard to predict."

✍ Our final panelist returns to Ron's point about the inappropriate views of some consultants about N/S's methods. He focuses on the questionable value of such an attitude to the appeal process in general but especially to the Panel method. I'll leave him with the final word.

**Stevenson:** "While there have been some very good Panel decisions there are some cases where the Panel method is very worrying (see CASE TWENTY-THREE), even though some of them come to a reasonable conclusion. In this case, two of the players consulted had rude things to say about N/S's methods. Is that really their concern? Does that help the decision in any way? If a player is unable to project himself into the methods played by the players then he is totally useless to a Panel as a consultant, and his evidence should be discarded. Such a player might be acceptable on an appeal since there the other members will discuss his views and his input can be useful.

"Given the approach of the players consulted, it is no surprise that this Panel went off the rails. In the absence of MI, N/S might have reached a variety of places and to decide to let them keep their bad score because of this was wrong. The law requires the most favorable result that was likely and 3♣ making ten tricks was just as likely as 3NT down three. So an adjustment to +130 for N/S at the very least was automatic.

"As for the Director, the reason for his ruling is incredible: 3NT was beaten by a spade lead; the fact that N/S were not misinformed *in hearts* is of no relevance! A very poor effort all round."

CASE THIRTY-SIX

**Subject (MI):** Offenders Take The Offensive

**Event:** NABC Fast Open Pairs, 17 Aug 00, First Qualifying Session

Bd: 12	Walter Rassbach		
Dlr: West	♠ K102		
Vul: N/S	♥ A8753		
	♦ 7		
	♣ Q874		
Leo Bell	Aram Bedros		
♠ 643	♠ A975		
♥ J	♥ Q104		
♦ A9832	♦ J1065		
♣ J1052	♣ A3		
	Nancy Rassbach		
	♠ QJ8		
	♥ K962		
	♦ KQ4		
	♣ K96		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	1♦(1)	Pass
3♦(2)	All Pass		
(1) Alerted; 11-16, could be as few as 2			
(2) Not Alerted; inverted (weak)			

**The Facts:** 3♦ made three, +110 for E/W. The opening lead was a small heart. The Director was called before the opening lead. Away from the table, North said he would have doubled 3♦ if he had been properly Alerted. The Director changed the contract to 3♥ made three, +140 for N/S (Laws 21, 40 and 12C2).

**The Appeal:** E/W appealed the Director's ruling. East did not attend the hearing. West believed that: (1) 3♥ might go down; (2) N/S might get to 4♥ or pass out 3♦ doubled; (3) if N/S stopped safely in 3♥ he would have bid 4♦, being non-vulnerable. E/W played a strong club system with 13-15 opening notrumps (with 4423, 3424, 4324 and 3325 minimums they opened 1♦). After the 3♦ bid, North waited for an Alert but none was forthcoming. So he asked the bid's meaning and

was told it was a limit raise. At the end of the auction, West told N/S that 3♦ was a weak raise. South was given the opportunity by the Director to change her final pass but did not. South said she would not pass 3♦ doubled or bid 4♥ opposite a passed hand holding no aces; bidding 3♥ felt right at pairs.

**The Committee Decision:** The Committee determined that N/S were given MI and that E/W's agreement was that 3♦ was weak. The play at 3♥ was considered. Once the ♦A was found to be with West, playing East for the ♣A was automatic (the ♣J was also a possible opening lead). The Committee decided that 4♦ doubled was an unlikely result. The contract was changed to 3♥ made three, +140 for N/S. E/W were experienced enough (around 4000 masterpoints each) to have known that this appeal lacked merit. E/W were each assessed an AWMW.

**DIC of Event:** Mike Flader

**Committee:** Richard Popper (chair), Jeff Goldsmith, Michael Shuster, Marc Umeno, Michael White (scribe)

**Directors' Ruling: 85.4**

**Committee's Decision: 87.9**

☞ The Committee was perfect, so let's hear from our panelists.

**Bramley:** "Good decision. North's technique was exemplary. First he waited, then he asked, and then he called the Director before the opening lead to say he would have doubled. This was the most credible set of actions he could have taken to convince us of his intent. West's argument was weak. Once he granted the

assumption that North would have doubled his case was lost, since 3♥ making three was a very likely result. This should have been obvious to West, so the AWMW was well-deserved."

**R. Cohen:** "A slam dunk for all concerned. E/W got their just desserts, including the speeding ticket."

**Wolff:** "Again on target by the Director and the Committee."

☞ The next group of panelists object, for one reason or another, to the decision.

**Rigal:** "Strangely enough, although I am normally in favor of AWMW awards, E/W did raise a number of reasonable arguments for not having South bid precisely 3♥. Of course competing to 4♦ is absurd, but passing out 3♦ as South is far from absurd—is it? I might not have given an AWMW unless the Committee really dealt with all those issues as speedily as the write-up suggests."

**Treadwell:** "Although there is no question but what there was MI by E/W, I find it hard to believe it likely that N/S would get to 3♥ given the right explanation. Would North really double 3♦ after partner had passed the correctly-Alerted 1♦ call? I think not and would give N/S the table result. As for E/W, since they were the offenders I would stick them with the Committee's choice of -140."

**Polisner:** "I think that Average +/- is the correct ruling as I think stopping in 3♥ is too remote no matter how the auction comes up. I bet if the frequencies were checked, +140 N/S would be hard to find. It is so much easier for North to say what he would have done with his 9-count vulnerable opposite a hand which couldn't bid over 1♦ than what he would have actually done if put to the test. I definitely believe E/W's arguments had validity so that an AWMW was way off base."

☞ First of all, assigning artificial scores is not the proper way to deal with score assignments replacing a table result. (We've been over this ground thoroughly many times.) Second, North and South told the Director *before they knew the whole hand* what they would have done. North said he would have doubled: quite reasonable as South was marked with some diamond length and might not have had a convenient bid over 1♦, even holding useful values. South said if North doubled she would not have passed; she thought 3♥ "felt right at pairs." Is this so odd? Yes, I know South has 14 HCP but they're all soft values and North, a passed hand, may be doubling on shape. If South's ♦KQ are opposite shortness jumping to 4♥ would be too much. The alternatives are pass and 3NT. South said she wouldn't pass and 3NT could be risky if N/S have no source of tricks, as seems likely. So I fail to see why these panelists think stopping in 3♥ is so unlikely. I would rate the various outcomes to have comparable likelihoods and simply choose the most favorable for N/S and the most unfavorable for E/W. The Director and Committee did this.

Finally, one panelist takes off on the ACBL practice of taking players away from the table and asking them what they would have done.

**Stevenson:** "The procedure adopted by the Director, while common enough in North America, is not acceptable and should be stamped out. It comes from the continuing bias against non-offenders as in CASES TWENTY-FIVE and THIRTY-FOUR. When a player has been misinformed and it is too late to have his call canceled, then he has a right to an adjustment at the end if he might have been damaged. Some people object to the windfall nature of this but if they do not want players to benefit then they should stop the infractions against them. Bridge is the only sport where people find it surprising that people who commit infractions should be punished.

"Now this adjustment is given by looking at the possible auctions and plays, considering only those that are likely and giving the non-offenders the benefit.



CASE THIRTY-SEVEN

There is nothing in the laws to suggest that they are or should be committed to any particular call. However, the Directors take them away from the table and get them to tell them what they would have done. This is not fair because:

1. There is no reason why they should commit to a particular action.
2. Instead of being allowed to make a decision sitting down at the player's convenience he has to make it away from the table in unfortunate conditions.
3. Players are not told that the Law does not require them to answer.
4. Players are not told that the adjustment will take a variety of answers into account.
5. The rulings in such cases often take the reply as absolute and do not provide a fair reflection of Law 12C1.

West's comments are those of a budding Bridge Lawyer. He should have added that a cow might have flown by to give him a top. He is not looking to win at playing bridge but at playing Committee room games, and I am very pleased with the AWMW. Of course 3♥ might go down. So what? How does that affect the ruling or decision?"

✍ Since I've defended this away-from-the-table practice at length previously (see Cincinnati, CASE THIRTY-TWO), I won't go into great detail again here except to say that when the full mysteries of the hand are not yet known, this is an excellent way for the Director to collect additional input toward making his ruling. He is not required to accept what the players say so he can listen to their responses and either accept or discount them, as he sees fit. There is no reason not to consider such statements since more information can never be bad (unless you're Ralph—see the previous case). This is especially true if the non-offenders could be using methods which the Director might never consider unless he allows them to explain their preferences. In matters of doubt, the cards should speak louder than the players' words. But obtaining their input is a good idea if used properly.

In spite of David's dissatisfaction with our away-from-the-table practice, his view of the decision is clearly correct. I think Barry, Dave and Jeff were being unduly harsh on the non-offenders—a tendency which our English panelists have found fault with before, although here it seems well-placed for a change—and the Director and Committee were point on target. Well done by them.

**Subject (MI):** Now, Is There Anything Else You'd Like To Share?  
**Event:** Stratified Open Pairs, 17 Aug 00, First Session

Bd: 26	♠ 92		
Dlr: East	♥ K1073		
Vul: Both	♦ AK6		
	♣ K1094		
♠ AJ103		♠ KQ8764	
♥ Q8542		♥ J96	
♦ 7542		♦ 9	
♣ ---		♣ 872	
	♠ 5		
	♥ A		
	♦ QJ1083		
	♣ AQJ653		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		2♠	2NT(1)
4♠	5♣	Pass	6♣
All Pass			
(1) Not Alerted; intended as unusual			

**The Facts:** 6♣ made six, +1370 for N/S. The opening lead was the ♠K. The Director was called after the play of the hand. North said that 2NT should have been natural. He played South for a spade stopper, a good hand, and not four hearts. The Director ruled that no firm N/S agreement existed about 2NT. North may have suspected what was happening. Even assuming MI the 6♣ save is not made easier to find. Since North had no UI, the Director allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. E/W stated that North did not Alert the 2NT bid (when standard practice is for the bid to show a balanced 1NT opener), so North could not be allowed to make a call that was based upon some other

agreement. E/W believed that the only reasonable action for North was a double. N/S said that a student-teacher relationship existed between them. South had about 100 masterpoints and North 1250. South said that she had not had occasion to overcall a weak two bid with 2NT previously and that she thought (hoped) that this was similar to bidding 2NT over 1♠. North said he made his 5♣ call based on partner having two spades, not having four hearts (or she would have doubled), and therefore having eight cards in the minors. When asked, he could not explain why partner couldn't have five or more diamonds.

**The Panel Decision:** Three expert players were consulted. The first player was appalled by North's failure to disclose the information he had to have to bid 5♣ but did not think, at this vulnerability, that E/W were likely to take the 6♣ save. The second player believed it was not possible for North to bid 5♣ without some basis in prior experience to suspect a minor-oriented hand. But E/W pushing on to 6♣ was just not likely at this vulnerability. The third player hoped that someone would get penalized for not disclosing the proper information. North's bidding could not be justified or explained except opposite a minor-oriented hand. E/W bidding on to 6♣ was possible, but not a favorite. The Panel decided that North was entitled to make any call he wished but had an obligation to provide the background by which he suspected that his partner may not have held a balanced hand. While North had attempted to explain the basis for his decision, none of the experts accepted his argument, nor did the opponents, nor did the Panel. North failed to provide full disclosure under Law 40B, "A player may not make a call or play based on a special partnership understanding unless an opposing pair may reasonably be expected to understand its meaning, or unless his side discloses the use of such call or play in accordance with the regulations..." The Panel considered whether to adjust the score to 6♣ under Law 40C. Since E/W never suggested that they wanted to bid 6♣ despite several opportunities, and because the experts consulted did not think it

likely that they would bid 6♠, the table result of 6♣ made six, plus 1370 for N/S was allowed to stand for both pairs. N/S was issued a PP of 3 matchpoints for North's failure to provide full disclosure. While E/W could expect little in the way of relief from this appeal, it did prompt the Reviewer to submit a Player Memo. It was also noted that the situation was so at odds with full-disclosure practices that an AWMW would not have been issued to E/W, almost regardless of findings.

**DIC of Event:** Jacques LaFrance

**Panel:** Ron Johnston (Reviewer), Mike Flader, Charlie MacCracken, Susan Patricelli

**Players consulted:** Karen Allison, Carol Simon, Howard Weinstein

**Directors' Ruling:** 82.1

**Panel's Decision:** 77.1

✍ To paraphrase what David said in CASE FOURTEEN, "this is how beginners bid." It's a common misunderstanding among inexperienced players to treat any 2NT overcall as unusual. I have seen this one many times. The table Director was right on top of things while the Panel and consultants were guilty of a combination of intelligence transfer and arrogance. The PP was inexcusable but at least the Panel allowed the table result to stand. Right, David?

**Stevenson:** "I wonder why the Panel and players seemed to think this so bad. There seems no evidence that N/S had any particular agreements that required an Alert. If you always double 2♠ if you hold four hearts, does that make 2NT Alertable? North seemed to guess and guessed right.

"If you, the reader, were told that South was a novice who had learned to double 2♠ with four hearts, and that 2NT over 2♠ had not happened before, what would you deduce about South's hand? I tell you, you would think that South might have a balanced hand, probably with the minors, or possibly that South might have got it wrong and had both minors. Would that be based on a partnership understanding? No, it would be based on your general bridge knowledge. Would you expect to have a PP issued if you guessed this way and were right?

"I think the Principle of Full Disclosure required North to tell his opponents that he did not expect four hearts, because South had not made a takeout double, but they had no agreement otherwise. And I consider the PP issued a knee-jerk reaction to the fact that the guess was correct. And when was North asked? Not at all, from the write-up, so where was the MI?

"The Rule of Coincidence still lives. Pity, I thought we had killed it."

✍ So that about sums it up, except that there should have been instructions to N/S to get their agreement straight. Also, it should have been explained to North that until South understood the difference between this 2NT bid and the Unusual form (a jump to 2NT after a one-level opening), he had an implicit understanding that 2NT could be unusual and the opponents were entitled to be told about it.

**Endicott:** "If it is generally believed that North knew more than he had said, then I doubt that N/S should be allowed to keep their 6♣ contract. However, it does seem not the most likely thing that North would judge his partner to have a balanced hand with spade stop(s) given the opponents' auction and his own doubleton. If he has no agreement but can deduce the situation from the auction and his own cards he has no duty of disclosure. I am inclined to think some more about this one."

✍ Even if N/S had this undisclosed agreement, a score adjustment is only proper when the opponents are damaged. Since there was no damage here, there was no reason to adjust the score either on MI or damage grounds.

I love it when our panelists become outraged over a miscarriage of justice. Witness, the next panelist's comment.

**Polisner:** "Have we all gone mad? What was North to do? Should he have said 'Alert, my partner is a beginner with 100 masterpoints? This auction has never come up with us nor have we discussed it. I guess that she either has a balanced 15-18 HCP hand, a hand with the minors, the red suits, or some other kind of hand. My 5♣ bid is predicated on the likelihood that you have ten spades from your vulnerable bidding which makes it more likely that my partner does not have the balanced hand since I have two spades'? My understanding is that there is only a requirement to Alert certain, but not all, partnership agreements—not lack thereof. The criticism of North's alleged lack of disclosure is absurd. If E/W did not deserve an AWMW, then no appeal should ever deserve one. The penalty is an outrage."

✍ Right you are, Jeff. "Power to the people"—especially those wonderfully naive enough to think that *all* 2NT bids are unusual (except maybe 2NT openings). These are the people we are trying to attract to our games. Then, when they show up and make their beginner-type mistakes, we abuse and intimidate them. Outrage doesn't even begin to express it.

**Rigal:** "Very odd. Unusual 2NT bids normally do not require an Alert do they—so would North have to Alert it here (even though the meaning of the bid is not what I'd expect)? Obviously his actions seem predicated on the assumption that that was what his partner had. But I think E/W just got completely fixed, and deserve no redress other than the steps taken by the Panel. (Anyone seen that player memo?)"

✍ An Unusual 2NT is Alertable when it is a non-jump, as here, since its meaning is unexpected to those indoctrinated enough to know better. (By the way, I got the Player Memo in Anaheim and discarded it since even before I associated it with this appeal I recognized that the filer just didn't understand novice bidding.)

The next panelist sees the light—dimly.

**Wolff:** "It seems to me that North got lucky with his 5♣ bid, although it is hard to be sure. If that is true then everything is NPL. However, I can understand the concern of the Panel and the PP of 3 matchpoints against N/S."

✍ Well, I can't understand this concern. I'm therefore assessing the remaining three panelists 3 demerits each for their flagrant authoritarianism and willingness to abuse naive players. I trust they will share them with the Panel and consultants.

**Bramley:** "Acceptable. In a partnership of wide skill differential the stronger player has a special obligation to inform the opponents of inferences that may loosely be called 'extra partnership understandings.' Gross failure to honor this obligation justifies a PP.

"When matchpoint penalties are imposed, the absolute number of matchpoints is not meaningful. Write-ups that include matchpoint penalties should also state top on a board, so that we can understand the severity of the penalty."

**R. Cohen:** "The 5♣ bid carries a strong implication that North knew South was 'unusual.' Otherwise why not bid 4NT? A good decision by the Panel."

**Treadwell:** "An excellent analysis of the problem by the Panel and the consultants. North certainly failed to provide full disclosure and earned the 3-matchpoint PP while keeping the table result."

## CASE THIRTY-EIGHT

**Subject (MI):** Someone Should Have Told Me I Opened The Bidding

**Event:** Stratified Mixed Pairs, 18 Aug 00, First Session

Bd: 4	♠ Q32		
Dlr: West	♥ A108		
Vul: Both	♦ AQ863		
	♣ 32		
♠ 75		♠ A108	
♥ K42		♥ J97	
♦ J109742		♦ K5	
♣ Q7		♣ AKJ108	
	♠ KJ964		
	♥ Q653		
	♦ ---		
	♣ 9654		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1♦	1NT	2♦(1)
Pass	Pass	3♣	All Pass
(1) Alerted and withdrawn			

**The Facts:** 3♣ went down one, +100 for N/S. The opening lead was a low spade. The Director was called at about trick three. North had originally Alerted the 2♦ bid (thinking 2♦ was a direct overcall of 1NT) but withdrew the Alert when he realized what the actual auction was. The N/S agreement was that 2♦ showed the majors in this auction, which should have been Alerted. East said he would not have bid 3♣ if he had known that 2♦ showed the majors. The Director changed the contract to 2♦ down two, +200 for E/W (Law 40C).

**The Appeal:** N/S appealed the Director's ruling. N/S agreed that 2♦ showed the majors in this auction but North was confused and thought that 2♣

showed the majors. N/S did not believe that East's decision was affected by the MI. East reiterated that he would not have bid 3♣ if he had known what the N/S methods were.

**The Panel Decision:** Five players were consulted. All found the 1NT bid to be reasonable but none were enamored with East's 3♣ bid, although three of the five would not sell out to a natural 2♦ by South. Three of the players were of the firm opinion that East would be much less likely to balance if he knew that 2♦ showed the majors since the likelihood of N/S having a fit would be less, thus making balancing much more dangerous. One thought the argument made some sense but not as strongly. One thought it was slightly more dangerous to balance when South had diamonds than when he had the majors. Two of the players were asked about the result of a 2♦ contract and both estimated that it was extremely likely that declarer would take five tricks. From the players' input, the Panel concluded that E/W were damaged by MI (Law 75). The Panel, under the authority granted the Director by Law 40C to awarded an adjusted score in this situation, and by the standards set forth for adjusted scores by Law 12C2, adjusted the scores for both sides to the result in 2♦ down 3, +300 for E/W.

**DIC of Event:** Stan Tench

**Panel:** Matt Smith (Reviewer), John Ashton, Mike Flader, Ron Johnston

**Players consulted:** David Berkowitz, Mark Itabashi, Michael Polowon, Michael Rosenberg, Ron Smith

**Directors' Ruling:** 81.2

**Panel's Decision:** 92.1

☞ If East knew that North had passed a takeout for the majors, then his partner would be more likely to hold major-suit cards and less likely to have a club fit. Thus, he would be *less* likely to balance, not more likely. Therefore, adjusting the

score to a result in 2♦ by North was appropriate. As the Panel noted, five tricks are very likely the limit of N/S's trick-taking ability in 2♦, so the Director misjudged the play and the Panel got it right. Therefore, 2♦ down three, +300 for E/W, was the right adjustment for everyone.

**R. Cohen:** "The Director was generous in assigning six tricks to N/S. Five tricks is the best they can do, and the Panel got it right."

**Stevenson:** "When all that is required is a straight bridge judgment, the Panel system seems to work well."

**Wolff:** "Another good decision. Democrats say 'Count the Votes.' I say, 'Learn your System.' Without doing that the table is really not even playing bridge."

**Rigal:** "The Director made the right initial ruling, and the Panel correctly assumed that the fit established by N/S made action (whether it be double or 3♣) more attractive. On that basis even if double seems right to experts, East's actual choice was hardly so absurd that we should rule out his right to redress. The likely defense of three rounds of clubs for West to pitch a spade, followed by declarer leading a spade for East to fly with the ace and lead another top club lets declarer take six or maybe five tricks, and that in turn makes 200 or 300 the right score for E/W. I can't get worked up about the trick difference, myself."

☞ Nor would we want to see you get worked up—though it might be a sight to behold.

**Polisner:** "I would like to have a bit more information about East's experience level to know if the right level of players were consulted. My guess is that they were not. My second guess is that East's contention about his not having bid had he known that 2♦ was for the majors was solely the result of his after-the-fact knowledge of the hand and not the result of any bridge logic. When one balances vulnerable, it must be with some hope that the contract will make since, if doubled, the penalty exceeds the adverse partscore. In spite of what I previously said about split scores, I would want to give E/W -100 and N/S -300."

☞ I don't really understand Jeff's cynicism here. The logic seems pretty clear: If North passed South's takeout for the majors, he must have short majors, long diamonds, and only a few clubs. West must then have lots of major-suit cards and on balance fewer clubs than if South's 2♦ bid showed a fit. N'est-ce pas?

CASE THIRTY-NINE

**Subject (MI):** A Third Way For Two-Way Drury  
**Event:** Stratified Mixed Pairs, 18 Aug 00, First Session

Bd: 1	♠ KJ832		
Dlr: North	♥ Q1098		
Vul: None	♦ 5		
	♣ KQ5		
♠ 74		♠ 10	
♥ 5		♥ K7632	
♦ K1073		♦ QJ9864	
♣ 987643		♣ A	
	♠ AQ965		
	♥ AJ4		
	♦ A2		
	♣ J102		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	Pass	1♠
Pass	2♦(1)	2♥	2NT
Pass	4♠	All Pass	

(1) Not Alerted; intended as a 4-card limit raise (Two-Way Drury)

**The Facts:** 4♠ made six, +480 for N/S. The opening lead was the ♥5. North volunteered that there had been a failure to Alert before the opening lead. The Director was called as the opening lead was faced. East said he would have bid 3♦ if the 2♦ bid had been Alerted. E/W played Reverse but not Two-Way Drury. The Director ruled that experienced players can protect themselves and allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. East said he would have bid 3♦ over an Alerted 2♦ but without the Alert feared that a double might be misinterpreted as takeout. E/W believed this would have led to them competing to the five level and thought there was a chance they would be allowed to play 5♦ doubled or might even save

in 6♦ doubled over 5♠. South forgot her agreement. N/S had no agreement about 2NT asking for anything over 2♦ Drury. North agreed that 4♦ was a possible bid over both 1♠ and 2NT, although he didn't consider it over 2NT.

**The Panel Decision:** Three players were consulted. All mentioned that a 2♠ bid by East with the correct information would have been best but that East's contention that he would have bid 3♦ was reasonable. Two of the three players expressed the concern that North's choice of 4♠ rather than 4♦ (splinter) might have taken advantage of the failure to Alert. All thought that with the correct information, even with South still in the dark about the meaning of North's 2♦, there was very little if any chance that the final contract would have been anything other than 4♠ or 5♠, making six. The player who was most positive about 5♦ doubled becoming the final contract only gave it a 10-20% chance; the one who believed it least likely termed its likelihood "beyond the wit of man." The Panel decided that MI existed (Law 75) and that a different auction would have ensued without it. Although North's 4♠ bid was considered to be an illegal choice (Law 16A: a player "... may not choose from among logical alternative actions one that could demonstrably have been suggested over another by the extraneous information."), by the standards of Law 12C2, the Panel believed that a score adjustment was not indicated. Therefore, the table result of +480 for N/S was assigned.

**DIC of Event:** Stan Tench

**Panel:** Matt Smith (Reviewer), John Ashton, Ron Johnston

**Players consulted:** Gerald Caravelli, Marc Jacobus, Alan Sontag

**Directors' Ruling:** 69.6

**Panel's Decision:** 82.9

✍ While an un-Alerted Drury 2♣ might easily set off an alarm for experienced players, as it is quite common these days, an un-Alerted Two-Way Drury 2♦ is still rare and I would not dream of holding most players responsible for protecting themselves, contrary to the table Director's opinion. Of course it could be argued that East's diamond holding should have raised his suspicions, but even looking at the opponents' convention card in such a situation carries its own set of risks, as we've seen in the past. Thus, I would accept East's contention that he would have bid 3♦ had he been properly Alerted (although his 2♥ bid is so "aww" inspiring that I have serious reservations about it) and consider an adjusted score.

**Gerard:** "According to the Director, conventions have taken over the world. Because we play a convention, we should suspect that everyone plays the same convention. Stayman, Negative Doubles, Reverse Drury, McCabe Adjunct, they're all the same. What hooley."

✍ Does anyone else share my sense that the table rulings in Anaheim, especially those in the secondary events, hit a new all-time low?

Given that score adjustments are appropriate, we must consider what might have happened had 2♦ been properly Alerted and South continued believing that North had diamonds. East would bid 3♦ and South would think—what? If North has diamonds, East must be showing hearts and clubs. So South would cue-bid his heart stopper, hoping North could bid 3NT with clubs stopped, and now North is thinking slam. West would chime in with 4♦ and North might try cue-bidding 5♦. Thus, it is possible and I think even likely that N/S would end up playing 5♦. Thus, I would assign both sides the score for 5♦ by N/S down eight, -400 for N/S.

Okay, so my projection is arguable. But even if it sounds a bit much for your taste, it still seems likely that E/W would bid to 5♦ over N/S's 4♠—and perhaps even find the 6♦ save. And while it is likely that N/S would compete to 5♠ (South would have worked out that 2♦ was not natural when E/W saved at the five level in "North's suit"), there is still a reasonable chance that they might defend 5♦ or 6♦ doubled. Thus, in this more mainstream scenario N/S would be assigned +100 in 5♦ doubled down one (after ace and another diamond, East would go after hearts and when the ace falls third he would lose only one trick in each suit except clubs). As for E/W, I would assign them -480 in 5♠ by South made six since, with neither side vulnerable, I do not believe it is likely that they would find the 6♦ save. Hmm, I still like my first scenario better.

Let's look at what the panelists say.

**R. Cohen:** "A close call, but I can easily buy the -480 for E/W. Is +300 for N/S so remote that it was not 'at all probable'? I hardly think so. But the consultants led the Panel away from any consideration of such an adjudication."

✍ I presume that +300 was defending 6♦ doubled and not 5♦. It's hard to imagine E/W losing more than three tricks in any diamond contract—even one played N/S!

**Endicott:** "North has the cards to compete to 5♠ if he must, and N/S will play in a spade contract, or defend 6♦ doubled. I think E/W were not damaged."

**Polisner:** "North clearly took out illegal insurance as 4♦ is mandatory with his hand and should have received a penalty. Although I agree that the chances of a final contract in something other than spades unlikely (less than 50-50), I think it is greater than did the consultants—including the chance that the contract could have been 4♦ by North."

✍ When South bid 2NT she implied intermediate (and therefore wasted) diamond values (wouldn't she have cue-bid with the ♦A, assuming she knew North had a four-card spade raise?). Thus, North's 4♠ bid may not have been quite as egregious

as it seems—although I agree that it certainly looks like a penalizable infraction.

**Rigal:** “The Director’s comment seems to me to have been totally out of line: There was no reason to take that approach, even though the ruling itself is reasonable. The Panel correctly suggested that even with the right information West is never going to get involved for fear of exciting his opponents, while East’s claimed 3♦ action would never lead to his saving at the six-level. I hope North appreciated the point about his 4♠ bid. I might have tried to make the message more firm with a PP, but perhaps that is too harsh.”

✍ If it’s harsh, it isn’t harsh by much. As for assigning N/S +480 instead of +100 or +300, I am not convinced that it is unreasonable for North to sit for 5♦ doubled after South bids 3NT over East’s 3♦ (thinking North has diamonds).

**Stevenson:** “Another example in the war by Directors against non-offenders! See CASES TWENTY-FIVE and THIRTY-FOUR.”

✍ Yes, David, I agree that this looks awful. It’s beginning to seem more and more like the Directors need better direction.

**Wolff:** “Sometimes CD doesn’t really hurt the opponents, but it always interrupts the game. Good decision but without CD we wouldn’t have had an appeal.”

✍ Good decision? Wolffie, you’re a big disappointment to me. As the father of CD I was certain that you, above all others, would vote to adjust the score—at least for the offenders.

**Bramley:** “Grudgingly, I agree. The Panel was correct that the final contract was overwhelmingly likely to be 4♠ or 5♠, but I do not agree with Gerald (sorry, the ‘unidentified’ consultant), that the likelihood of a different result was ‘beyond the wit of man.’ I also disagree with the Panel when they call North’s 4♠ bid ‘an illegal choice,’ because I see no LA to 4♠, which makes the issue of it being demonstrably suggested irrelevant. The Director might have been right to expect E/W to protect themselves had North’s response been 2♣, but he was wrong to expect them to protect themselves after the 2♦ response, which is natural for a heavy majority of players.”

✍ So there you have it. The panelists agree that 2♦ needed to be Alerted and E/W deserved protection if they were damaged. The panelists were divided over the latter issue. Some thought a spade contract by N/S was inevitable. Others that E/W might get to play a doubled diamond save at the five or six level. Some of us even thought that a diamond contract by N/S (either four or five) was not unlikely. Take your pick. But whatever you pick, please don’t try to tell us that E/W should have protected themselves or that they would have been too timid to compete in the subsequent auction holding a ten-card diamond fit along with extreme distribution.

## CASE FORTY

**Subject (MI):** Just ‘Cause I’m Paranoid Doesn’t Mean They’re Not Out To Get Me  
**Event:** Flight A/X Pairs, 19 Aug 00, First Session

Bd: 22	Dave Treadwell		
Dlr: East	♠	942	
Vul: E/W	♥	9874	
	♦	Q74	
	♣	A92	
James Delgado	Sharon Hammer		
♠	K7	♠	AJ1053
♥	2	♥	10543
♦	J98532	♦	K106
♣	QJ54	♣	3
	Richard Popper		
	♠	Q86	
	♥	AKQJ	
	♦	A	
	♣	K10876	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	1♣(1)
2♦	Pass	2♠	Dbl
Pass	Pass	3♦	Pass
Pass	Dbl	All Pass	
(1) Alerted; could be short			

**The Facts:** 3♦ doubled went down one, +200 for N/S. The opening lead was the ♥7. The Director was called when E/W were walking away from the table. Before playing the hand, West asked the meaning of the double of 2♠ and was told it was penalty. Declarer told the Director that he would have played the hand differently if he thought that South didn’t have four spades. After going over the play of the hand the Director ruled that the declarer had enough information to play the hand correctly and allowed the table result to stand.

**The Appeal:** E/W appealed the Director’s ruling. West equated the penalty double with South having to have four trumps. The play went: ♥7 to the jack; heart, ruffed; ♣J to the king; ♦A; heart, ruffed; club, ruffed; ♠J; heart, ruffed; ♠K; club, ace from North, ruffed with the ♦K.

This left the lead in dummy (East) in the diagramed position (at right). For his last three cards, declarer placed North with the ♦Q7 and ♣x. He said with that holding North would pitch his club and take the last two tricks for down one if he (declarer) ruffed a spade. When asked why North had played the ♣A on the previous round of the suit he said “Falsecard.” West believed he was misinformed and had a perfect count on South’s hand: 4-4-1-4. He did not know why North had played the ♣A on the third round of the suit except that maybe North thought South had the ♣Q (even though South had won the ♣J with the king earlier, which should have denied the queen). North stated he should have told his opponent that the double was penalty-oriented (not just penalty). South said (after E/W had left the hearing) that West had played him for 14 cards.

	♠	9		
	♥	---		
	♦	Q7		
	♣	---		
♠	---		♠	A10x
♥	---		♥	---
♦	J9		♦	---
♣	Q		♣	---
	♠	Q		
	♥	---		
	♦	---		
	♣	10x		

**The Panel Decision:** Since declarer could have made his contract when spades were three-three by playing the ♣A and discarding a club and could never make his contract if North had a doubleton spade, the Panel decided to allow the table result of 3♦ doubled down one, +200 for N/S, to stand. The Panel considered adjusting

N/S's score because of the MI. However, the three experts consulted knew what South's hand was on either explanation, so the table result was allowed to stand for N/S as well (Law 12C2). The West player, even though he was playing in Flight A/X, was not a Life Master. The Panel, therefore, gave him more leeway than they would have a more experienced player and decided that the appeal did not lack merit.

**[Editor's Note:** The Panel was in error here. West is a Life Master who at the time had 1200+ masterpoints.]

**DIC of Event:** Carey Snider

**Panel:** Charlie MacCracken (Reviewer), Ron Johnston, Matt Smith

**Players consulted:** Shawn Quinn, Gene Simpson, Alan Sontag

**Directors' Ruling:** 97.5

**Panel's Decision:** 88.3

✍ I'm sorry, but this incessant whining that the opponents are supposed to lay their hands face up on the table every time you ask a question and are required to do your thinking for you is quite beyond the pale. While North might have used the term "penalty-oriented" rather than penalty to describe South's double, the double was what all such doubles are in these inherently ambiguous situations—not for takeout. South's hand confirmed that and North acted accordingly. To suggest that N/S were in any way responsible for West's fantasy that South "guaranteed" four spades is not only insane, it's outrageous. E/W deserved an AWMW and West deserved a good lecture about whining.

**Polisner:** "No reward for double-dummy *nullo* play and even worse, after the hand to appeal must be subject to an AWMW."

**R. Cohen:** "Was this case a joke or what? West should have got a speeding ticket, and for the time Charlie, Ron and Matt wasted on this case."

**Wolff:** "Since penalty doubles do not have to have four-plus trumps. E/W have no case, not that they would anyway. Bad bridge usually produces bad results. Another good decision."

**Bramley:** "The trick question rears its head. Declarer asked for specific information in what was an inherently fuzzy situation. When North dubiously gave him a specific answer, declarer contrived to lose his mind in a trivial ending. And then he wanted relief? This meaning of this auction is clearly based on general principles rather than on previously discussed conventional agreement. One should not be held accountable for the inability to express this concept lucidly to an opponent foolish enough to inquire about the auction. My advice to both sides is: Don't ask, don't tell.

"My own experience in a very similar situation illustrates that even my recommended approach has its drawbacks. The auction was 1♣-1♦-P-1♥; Dbl (I was the passer). My opponent, a fine, experienced player asked me about the double. My answer was, approximately, 'Good hand, otherwise undiscussed, no special agreement, whatever you yourself might have.' My opponent badgered me for more information and became incensed when I refused to elaborate, until directorial intervention was needed to calm him down. This was a basic trick-question scenario. My opponent attempted to gain a potential appeal advantage by coercing me to answer a question that lacked a definitive answer, in a situation where both sides had the same information. When these situations arise, 'Your guess is as good as mine' should be an acceptable answer.

"Meanwhile, back to the play of 3♦. Note that North's answer steered declarer into a winning line of taking a spade finesse through South. Also note that declarer could make the hand against the hypothetical 4-4-1-4 South hand by taking a slightly differently line. After West ruffs the third round of hearts at trick five,

South has shown so many high cards that West can reasonably hope for North to hold the ♣A. Then, ♠K, ♠A, ♠J for a ruffing finesse will make whether or not South covers, as well as on the actual hand."

**Rigal:** "When declarer follows a *nullo* line and wants redress he is entitled to something—namely, an AWMW. There is no reason to adjust the N/S score just because they got lucky, although if their opponents' error had not broken the chain in such a grievous fashion I would consider the adjustment. To my mind this error is significant enough to take away any protection West might have been entitled to."

✍ Barry seems a bit too harsh on N/S. As Bart just pointed out, a fair amount of leeway is due a pair being asked a trick question.

The next two panelists raise the real question that has been overlooked here: "Was there really MI?"

**Endicott:** "The Panel knows more than we do. The report does not make it clear that there was MI and 'penalty' does not necessarily equate with four trumps. But declarer took a 'must lose' line and there is no case to give him a second chance in the appeal room."

**Stevenson:** "While it is true that there was no damage and therefore no adjustment, was there MI? In other words, were N/S playing a double as penalty or penalty-oriented? Readers may be interested that in England there is a scale of doubles, namely: takeout, competitive, optional, penalty-oriented, and penalty in that order. They are defined in the EBU regulations including mentioning other names used for them. Many players find this helps, so maybe the ACBL might consider the same approach."

✍ Given the lack of precision in our terminology (Conventions and Competition Committee might look into adopting such a scale, mightn't we, Bart?), it is difficult to find fault with North's answer. If this auction had been specifically discussed, which I doubt, then one might hope to attach some significance to the difference between the two answers. But North was semi-guessing (with some confidence, I expect) and did well not to leave West room for doubt or try to muddy the waters enough to wriggle free if he turned out to be wrong by giving a qualified answer.

Finally, one panelist finds this case a first.

**Gerard:** "Okay, it had to happen. A write-up has succeeded in totally confusing me. Declarer couldn't ruff a spade, couldn't cash a spade, what did he do? Concede down one?"

✍ Sorry, Ron, but we only report what we're told. Declarer, in dummy with only the ace third of spades left, appears to have had only two options: try to cash the ♠A or ruff a spade. Since if he had cashed the ♠A he would have made his contract, we're going to go out on a limb here and guess that he ruffed a spade (which is the only way to go down short of discarding on a *low* spade).

CASE FORTY-ONE

**Subject (MI):** They Misinformed Me, I Erred, Therefore I Erred Because They...

**Event:** Stratified Flight B/C/D Pairs, 19 Aug 00, Second Session

Bd: 25	♠ Q82		
Dlr: North	♥ K5		
Vul: E/W	♦ 103		
	♣ AQJ1095		
♠ AK5		♠ 973	
♥ QJ72		♥ A109863	
♦ A642		♦ J	
♣ 43		♣ K87	
	♠ J1064		
	♥ 4		
	♦ KQ9875		
	♣ 62		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
3♥	1♣	1♥	Dbl
	4♣	All Pass	

**The Facts:** 4♣ went down three, +150 for E/W. The opening lead was the ♦J. E/W asked about South's double and were told it was negative. They also asked how many points it showed and were told about 10. The Director was called when dummy appeared. N/S were a new partnership and this was the first time the negative double had come up. The Director ruled that the table result would stand because West had a clear double of 4♣, even with the apparent MI.

**The Appeal:** E/W appealed the Director's ruling. E/W believed that West would have bid more without the MI. West thought his partner could have had as few as 6 points for the overcall

but that would have been very light, vulnerable. N/S were a new partnership and North did not normally play negative doubles with his regular partner. N/S had not agreed that negative doubles showed 10 points. South did not correct the explanation at the end of the auction because he judged the hand to be worth 10 points with distribution.

**The Panel Decision:** Two Flight B players were consulted. One thought that 3♥ was an underbid and he would have bid 2♣. The other thought 4♣ should have been doubled by West. The other players consulted did not see any connection between the small amount of MI and West's later conservative actions. The Panel was guided by Law 40C, which gives the Director the authority to adjust the score when there is MI, and Law 12C2, which specifies the standards for score adjustments. The belief of the Panel that the MI was slight was confirmed by the players they consulted. It seemed that any damage that occurred from West's later choices were not a consequence of the MI, even though it was subsequent to the MI. Accordingly, the Panel judged that by the standard of Law 12C2 the table result of 4♣ down three, +150 for E/W, would be allowed to stand. The Panel found that this appeal lack substantial merit but, rather than issue an AWMW, chose to educate the E/W pair about this type of situation.

**DIC of Event:** Ted Stryker

**Panel:** Charlie MacCracken (Reviewer), John Ashton, Mike Flader, Ron Johnston, Matt Smith (scribe)

**Players consulted:** Two Flight B players, Linda Lewis, Paul Lewis

**Directors' Ruling:** 97.1

**Panel's Decision:** 92.1

☞ All hail the God of Points. Every Flight B/C/D player knows that his aces and kings have no chance against the opponents' "points." So how could West possibly know to double 4♣ with his three defensive tricks on the side after his partner

merely made a vulnerable overcall?

North's answer to the "How many points does it show?" question was not only presumptuous in a new partnership but improper, since they had no such agreement. But so what. As the Director said, West had a clear double of 4♣ anyhow, after which East would likely have bid 4♥ and that would have made with an overtrick.

The way to teach Flight B/C/D players about such appeals is to issue them an AWMW. (Note: These are *warnings*, not penalties, so we can issue them with impunity.) Not surprisingly, this is the right way to teach Flight A players as well.

I'm glad E/W were educated here but I also hope N/S were educated about not volunteering guesses about undiscussed calls and correcting MI at the earliest *legal* opportunity.

**Polisner:** "I agree with the decision, but I would have liked to know at what point E/W asked about the negative double. While I agree with the education about meritless appeals, I would have hoped that South was educated to have corrected the description of his call even if to say 'including distribution' and North to not volunteer a purported partnership agreement where none exists."

☞ The appeal form suggests (but does not clearly state) that West asked about the double at the time of his 3♥ bid.

**Rigal:** "The Director made the right ruling in favor of the offenders since West's actions were clearly responsible for the problem and not the inferences about the double. While I would normally rule in favor of the non-offenders if in doubt, this seems to me to be clear-cut even for B/C/D players. The Panel should have given an AWMW but given the player level I can see why they did not—and I have just a little sympathy with them."

**R. Cohen:** "Was West a Flight B player, or a C or D contestant? Sounds like the latter. With the best hand at the table he (or she) is not even entitled to our sympathy. Only if West is not a B player is he entitled to be excused from a speeding ticket."

**Endicott:** "West has the cards to bid game opposite a vulnerable overcall that has common expectations. If he chooses to disregard what is under his nose it is a choice for which he has the responsibility. I do not think an unassuming cue-bid would convey the full content of the West hand. Had N/S been a stronger pair there could have been a price to pay for the faulty explanation."

**Treadwell:** "A silly case, but I believe the decision to educate E/W rather than issue an AWMW was judicious."

☞ The final panelist raises an instructive technical note.

**Stevenson:** "While the result seems clear enough, the Panel's logic was totally confused. In a MI case, the Director or Committee or Panel has to decide: (1) that there was an infraction, i.e. MI; *and* (2) that there was damage, i.e. the pair would have got a different and better score by a different selection of actions after the infraction; *and* (3) that the damage was a result of the MI. It requires all three for there to be an adjustment. In this case (3) was missing in the Panel's view, so there is no adjustment. The Panel quoted Law 12C2 but this only applies if there is an adjustment."

☞ David is quite right. Law 12C2 comes into play only after there is a decision to adjust the score, which didn't happen in this case (because David's third point failed). Thus, 40C was the only Law applicable here, instructing the Director to determine whether there was damage from the MI *before* adjusting the score.

CASE FORTY-TWO

**Subject (MI):** I'll Tell You About Ours If You Tell Me About Yours  
**Event:** Stratified Flight B/C/D Pairs, 19 Aug 00, Second Session

Bd: 11	♠ 7		
Dlr: South	♥ J1083		
Vul: None	♦ K9864		
	♣ J83		
♠ J8632		♠ AQ5	
♥ 75		♥ KQ94	
♦ 2		♦ AQJ105	
♣ AQ742		♣ 5	
	♠ K1094		
	♥ A62		
	♦ 73		
	♣ K1096		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			1NT(1)
2♠(2)	Dbl(3)	Rdbl	Pass
3♣	Dbl	4♠	All Pass
(1) Announced; 10-12 HCP			
(2) Alerted; spades and a minor			
(3) Alerted; explained as "likes spades," then corrected to "shows cards"			

**The Facts:** 4♠ went down one, +50 for N/S. The Director was called at the completion of play. E/W believed that South never really explained the meaning of the double of 2♠ and that West would never have bid over the redouble with the correct information. N/S thought they had given correct information, albeit slowly, and believed E/W were trying to put words into South's mouth through their persistent questioning. North said she had made a mistaken bid which caused the problem. The Director allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. East stated that when she asked about the double of 2♠ she was told that North "liked spades," which was then amended to "she has cards." South asked the meaning of redouble. He was told that it depended on the meaning of the double. If double showed cards,

it was business. If it showed spades, it meant bid your other suit. Since West believed that the N/S agreement was spades and cards, the redouble meant bid your suit. South believed he amended his original explanation of the double of 2♠ from "likes spades" to "card showing." He admitted to some confusion due to the many questions he was asked. North thought her partner tried to explain what was going on as per their agreement and acknowledged that part of the problem in the auction came from the fact that she had made a mistaken bid, having forgotten their partnership agreement.

**The Panel Decision:** The Panel believed that N/S had done a poor job of explaining their agreements, aided by E/W asking a lot questions without really listening to the answers. The Panel believed that the key to the auction was the E/W confusion over the meaning of redouble. East thought it showed a good hand and West thought it meant run. Three experts were polled regarding the possible meanings of auctions that went this way. All three believed that pass would show spades and that redouble showed a good hand. 2NT or 3♣ would have been the escape bid. None of the players consulted believed the meaning of the double was relevant. The Panel allowed the table result of 4♠ down one, +50 for N/S, to stand. The Panel did not believe that N/S should be penalized due to their lack of experience. They were educated as to their legal obligations and the need to clarify their agreements.

**DIC of Event:** Gary Zeiger

**Panel:** Mike Flader (Reviewer), John Ashton, Ron Johnston, Charlie MacCracken, Matt Smith

**Players consulted:** Grant Baze, Henry Bethe, Barry Rigal

**Directors' Ruling:** 91.7      **Panel's Decision:** 88.7

**Bramley:** "Classic trick questioning."

✍ Is this really right? If the meaning of East's redouble depends on what North's double meant, then why would the question be a trick one? Clearly East understood South's amended explanation of the double since she redoubled to show cards—not to have West bid his other suit. So both sides appear to have been a bit confused. This is not surprising since all players had less than 50 masterpoints (N/S were in the single digits).

I would have protected E/W since N/S initiated the problem with their varying explanations, even though their offense was admittedly a mild one, and I think this caused West enough confusion that he might have passed the redouble had it been clear that North was not showing spades. After East's redouble was passed back to North, she would likely have run to 3♦, which East would certainly have doubled. But would South and West have passed? In Flight D who knows? If I had to guess I'd say that West would retreat to 3♠ and that would end the auction. So I would assign both sides the score for 3♠ made three. +140 for E/W.

**Rigal:** "I disagree with the ruling and the Panel's decision. If East had been given the proper explanation, West would have known what was going on. If you look at what happened, West did the wrong thing because of the explanation, not because he did not know what his own agreements were. On that basis E/W must be entitled to defend (probably 3♦ down five). And certainly N/S should not get the windfall they managed at the table."

✍ Barry starts out reasoning as I did, but does he really believe that East would not double 3♦? If anyone thinks West would sit for the double, I would not argue except to say that that view conflicts with my intuitions about players at this level.

**Stevenson:** "This sounds like bullying by E/W. It appears they were correctly informed but as players often do in these situations, they did not listen. What reason has the Panel for finding out how other people play this redouble? What was wanted was how E/W played redouble, not some other people. Another hand where the Panel asked all the wrong questions but came up with the right decision, like CASE THIRTY-FIVE."

**Endicott:** "Shows cards? It looks to me as though North is simply making a takeout double on the first round and a lock-me-away double on the second. But East creates all the problems. In place of redouble a quiet pass by East might have been interesting. E/W end in a not-unlikely contract and it is far from clear to me that the trail to it has been confused in the long grass. Actually the misunderstanding—and the consequent 3♣ bid—gave East some chances of arriving in 3NT, not a hopeless place to be."

✍ While Grattan's bidding lessons are interesting, what E/W *should* have done is really beside the point. We are dealing here with relative novices. Had E/W been a bit more experienced (and disciplined), East's redouble might well have netted them a hefty doubled penalty against 3♦ or some higher contract. This would be worth a lot more than +400 in 3NT (if they could manage it). If I were East, with my 18 HCP, and I heard the auction go as it did, I'd certainly let partner in on the windfall that was about to befall us as soon as I could—so he wouldn't run.

**R. Cohen:** "With all due respect to Grant, Henry and Barry, did any of them ask what the N/S convention card said about how to deal with interference over their notrump openings? It's not in the write-up, so what was the agreement? I'm for



**Polisner:** “Excellent work by all.”

**Treadwell:** “E/W missed a chance for a top score due to West’s confusion over the meaning of East’s redouble. The slightly incorrect explanation by N/S had nothing to do with the final result, and I agree with educating N/S rather than penalizing them.. I would have been inclined to issue an AWMW to E/W for a meritless appeal.”

✍ Most of the panelists seem to believe that E/W were either evil or sufficiently culpable for their own demise that they deserved no protection. Barry and I disagree. David says the Panel asked all the wrong questions, got irrelevant information, and then generated a decision only to find several of our panelists agreeing with it—including David! Good grief. I’m confused.

Is that a white rabbit over there? Where is he going? Did he disappear into that little hole? Now where am I? Help, I think I’m falling.

**Subject (MI):** Forcing Stayman, The Devil’s Tool  
**Event:** NABC Mixed BAM Teams, 20 Aug 00, Second Final Session

Bd: 1	Billy Miller		
Dlr: North	♠	QJ965	
Vul: None	♥	QJ3	
	♦	98	
	♣	J107	
Marc Culberson		Andrea Culberson	
♠ 104		♠ K8	
♥ K1092		♥ A87	
♦ AQ53		♦ 10762	
♣ KQ6		♣ A954	
		LouAnne O’Rourke	
		♠ A732	
		♥ 654	
		♦ KJ4	
		♣ 832	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	Pass	Pass
1NT	Pass	2♦(1)	Pass
2♥	Pass	2NT	Pass
3NT	All Pass		
(1) Alerted; Forcing Stayman			

**The Facts:** 3NT made four, +430 for E/W. The opening lead was the ♣J. North called the Director at the end of the hand and said there had been no Alert that East’s 2NT bid did not promise four spades; he said had he been Alerted, he would have led a spade. West stated after the hand that he believed his partner had a four-card major for the 2♦ bid. East said she could have bid 2♠ in the game-forcing auction with four spades since she had another way to bid a five-card spade suit. 2NT had allowed partner to show a five-card heart suit or make another descriptive bid, including 3♠ with four of them. The Director ruled that there had been a failure to Alert and that the MI made it more difficult for North to lead a spade. The contract was changed to 3NT down one, +50 for N/S (Law 40B and C).

**The Appeal:** E/W appealed the Director’s ruling. E/W said they

did not believe that Forcing Stayman said anything about majors (it was often used to explore minor-suit slams) and that this was common knowledge. They believed that North could have asked a question if he needed to know more about E/W’s agreements. North said he believed questioning E/W would have shown interest in spades and that it was improper for him to ask because he should have been Alerted if East did not promise a major.

**The Committee Decision:** This case hinged upon whether or not a pair playing 2♦ as Game-forcing Stayman must Alert responder’s 2NT rebid if it may not contain a four-card major, and similarly whether the explanation of Forcing Stayman is in itself enough. The Committee was given the relevant part of the Alert Procedure pamphlet on which the Director based the ruling. This seemed to say, in Part B, that a notrump rebid by a Stayman bidder requires an Alert if it may not contain a four-card major. In Part A the pamphlet says that: “A Stayman (2♣) bid which does not ask for a four-card major is Alertable.” The example given in the latter case is puppet Stayman. Did this mean that Part B’s reference was only to a 2♣ Stayman bid? The Committee members were all in agreement as to their use of Two-way Stayman: it has never promised a four-card major. The Committee then asked to see the definitions of Stayman and Two-way Stayman in the Official Encyclopedia of Bridge. Under forcing Stayman it says “see Stayman.” Under Stayman it says “see Two-way Stayman.” Under Two-way Stayman it apparently says “see Stayman” (as far as the 2♣ bid is concerned). Under Double-Barreled Stayman it does address the 2♦ bid. In all of these cases, whenever 2♦ is mentioned (never as Stayman), nowhere does it say a four-card major is required. In an effort to get more guidance,

the Appeals Administrator was consulted. His opinion was that 2NT required no Alert and the explanation of Game-forcing Stayman was sufficient. The Chairman of the ACBL Conventions and Competitions Committee was then consulted and agreed that no Alert or further explanation was required. The Committee also determined that this particular defender was experienced enough to know the meaning of Game-forcing Stayman and should have asked if in doubt. The table result of 3NT made four, +430 for E/W, was restored.

**DIC of Event:** Steve Bates

**Committee:** Robert Schwartz (chair), Ed Lazarus, Dave Treadwell

**Directors' Ruling:** 51.2

**Committee's Decision:** 90.0

✍ I thought we settled this issue back in 1991, after the infamous Kantar-Sontag Spingold case. The Alert procedure was changed so that a 2♣ (regular) Stayman bid is never Alertable unless it becomes evident that the Stayman bidder does not have (or tends not to have) a four-card major, at which time an Alert was required (because of the prevalent but erroneous belief that Stayman bidders had to hold a four-card major). However, in reality a Stayman bidder never *promised* a major, even in the early days, since certain auctions (e.g., strong minor-suit oriented ones) also started with 2♣. But these were relatively rare. The increasing modern usage of a direct 2NT response as artificial (usually a transfer to either diamonds or clubs) meant that the Stayman bidder would have a four-card major even less often than previously since Stayman was now used to initiate all invitational auctions where responder used to just bid a direct, natural 2NT. The present Alert procedure served to inform the opponents of responder's more frequent tendency not to hold a four-card major, but only at the point in the auction where that becomes likely.

But today the artificial use of a 2NT response to 1NT is so widespread that most players, even those who do not employ it themselves, are aware of it, just as they are aware that a 2♣ Stayman bidder will frequently not hold a four-card major. Combine this with the fact that it is virtually impossible to demonstrate damage from the opponents' failure to Alert the Stayman bidder's 2NT rebid and it is clear that *all* Alert requirements in Stayman auctions should be eliminated. This is akin to eliminating Alerts of 1♥ and 1♠ responses to 1♣ if they could bypass diamonds or 1♦ responses to 1♣ if they tend to deny a four-card major unless responder holds game-invitational or better strength, as we have done in recent years. None of them currently serves any useful purpose and the lingering Alert requirement only serves to provide a "technical" basis contentious appeals like this one.

All of the preceding applies only to regular Stayman (2♣ over 1NT). Forcing or Two-way Stayman (2♦) has never carried any implication that responder must hold a four-card major. Playing this convention, responder bids 2♦ any time he has a game-forcing or slam-oriented hand with possible suit aspirations. So with no reason to believe the 2♦ bidder would hold a four-card major (except for the use of the word Stayman in the bid's name), this must take its place as yet another in a long line of shocking and inexplicable table rulings. Had the Director allowed the table result to stand and N/S then appealed, I would have made an AWMW a virtual certainty. Happily the Committee caught the error this time.

Let's hear first from the Committee's other consultant on this matter.

**Bramley:** "As Chairman of the Conventions and Competition Committee I was consulted about this auction without reference to specific hands or players. I think that even the currently required Alert of '2NT not promising a major after 2♣ Stayman' is dubious. After 2♦ Stayman no Alert should be needed. Furthermore, an experienced player should know to ask if it matters, or even if it doesn't matter. The vaunted Kantar-Spingold case should have laid to rest for all time the concept that a knowledgeable player might get redress for this particular form of failure to Alert.

"North's call for the cops was particularly reprehensible. He made a bad

opening lead after failing to protect himself in a rudimentary way, and then he tried to pin the blame on the opponents. The Director should have let the result stand, after which an appeal by N/S would have deserved an AWMW."

**Gerard:** "I wonder if part of North's advice to his students is to lead fourth from your longest and strongest, no matter what.

"As one who firmly believes in the merits of Two-way Stayman, I find North's attitude a continuation of the built-in Jacoby bias that the League has fostered. 2♦ transfer only has to be announced, but 2♦ Carter (for those of you old enough to remember) has to be Alerted. Familiarity with Jacoby is assumed to be so prevalent that the rest of us have horns or something. If North is truly ignorant of the details of Two-way Stayman, putting the best possible light on his position, the League is partly to blame. If on the other hand North was playing three-card monte, shame on him."

**R. Cohen:** "Where were these Committee members when they were needed in Las Vegas? By the way, if I held ♠Kx ♥Axx ♦Kx ♣KJ10xxx, and was playing 2♣ as the beginning of forcing auctions, and the auction proceeded 1NT-2♣; 2x-3♣, do we have to advise the defenders that we may not have a four-card major? [Yes, under the current (outdated) Alert Procedure; but that will be changing before too long.—Ed.] Or are the defenders on their own to ferret out the information, and put themselves in danger of transmitting UI across the table? The Director needs to learn the basics of current bidding regulations. The Committee was right on."

**Rigal:** "Excellent Committee work and yet again I feel disappointed that the initial ruling was as it was (although in the case of doubt I approve of the Director ruling this way) so that an appeal would potentially have been viewed as meritless. Why can't North ask the question if he wants to know whether dummy promised four spades? This is positively Kantarian all over again."

**Polisner:** "Hooray for excellent Committee work. I strongly disagree with North's stated reason for not asking about implications about the auction before his opening lead, which would not have shown an interest in spades, but merely an attempt to fully understand what both the dummy will look like and what declarer may have or not have."

**Treadwell:** "I am dumbfounded that an experienced player would even call the Director after the hand in this matter. Unlike my fellow Committee members, I would rule no redress to N/S even if the 2NT bid in this auction had required an Alert. If the table Director had ruled, as he should have, to let the table result stand, and N/S had appealed, an AWMW would have been quite appropriate. Fortunately, the Committee reached the correct decision based on a legal technicality rather than on bridge judgment."

**Stevenson:** "It seems very difficult to get a ruling on whether something requires an Alert, and that is all that this case is about. Admittedly the ACBL Alert Chart and Pamphlet do resemble what a million monkeys with typewriters would come up with as their first draft. But surely there must be an authority? It is not entirely clear why this went to appeal. All that seems in question is the Director's interpretation of the ACBL regulations, and under Law 93B1 this should have been appealed initially to the Chief Director."

✍ I tend to agree with David. A definitive pronouncement from either the DIC or the head of our Tournament Division (Gary Blaiss) should have laid this one to rest. But then we Americans do love to practice litigation at every possible opportunity.

**Endicott:** "Now I do think you are allowed to have sympathy for a pair that did not Alert, as well as for a pair that expected an Alert, when the Director thinks that there

should be an Alert, produces a pamphlet of guidance on Alerting that inclines to the same view, whilst an appeals Committee has no idea whether an Alert is required or not and goes on to consult encyclopedias and people of encyclopedic knowledge. Blind justice would award the N/S pair +50 and the E/W pair +430. But of course we are not concerned with justice, only with the laws and regulations—if we can establish what they require. In this case I am not sure it was established; there were certain distinguished opinions, it is true, but opinions are not conclusive and no one seems to have discovered a definitive published statement on the issue.“

☞ I'm sorry but I beg to differ. First, I see no reason to have any sympathy whatsoever for an expert who expects an Alert in this auction. Second, as we have seen too many times in this casebook already, the table rulings have been anything but confidence-inspiring. Over the past couple of years, since we've been tracking these things, the percentage of good table rulings has been drifting steadily downhill (reaching a low of 44% last time in Cincinnati). So you'll pardon me if the table Director's opinion here doesn't infuse me with confidence.

Third, the pamphlet the Committee used says *nothing* specifically about Two-Way or Game-Forcing Stayman. And it does not incline, as Grattan incorrectly states, toward the table Director's view that 2NT was Alertable for the simple reason that only the initial conventional 2♦ bid is Alertable. The only Stayman auctions the pamphlet addresses in which specific later-round Alerts are *sometimes* required are those which begin with 2♣. The fact that one could, if one chose, misapply the 2♣ auction principles to 2♦ auctions as well is about as valid as Americans choosing to apply North American traffic laws to England. (After all, they both deal with driving automobiles on roads, don't they?)

Fourth, the Committee did not have “no idea” whether an Alert was required nor did they *have* to consult the various encyclopedic sources to find out if it was. They all knew—or at least strongly suspected—that 2NT was not Alertable but they were right to take the safety play and double check just to make sure. That's what competent, experienced appeals people do when the issue they're dealing with has not arisen in their collective experience. Fifth, the sort of justice which would have awarded N/S +50 would not have been blind—it would have been ignorant.

And finally, while the EBU may have a published opinion on every conceivable Alert, we do not. What we do have is a pamphlet with illustrations of common Alert requirements, supplemented with general principles which hopefully cover the majority of other situations that may arise. This is much like the laws, which need to be interpreted from time to time by “law experts” (the members of the Laws Committees) when an odd situation emerges which they don't explicitly address (or to which there are several possible referents). I'm sure Grattan remembers the “holding the bidding tray to restore the normal tempo” situation which arose at the 1998 World Championships in Lille, where he himself had to go before the WBF Laws Committee for an interpretation of the regulations.

So the bottom line here is...

**Wolff:** “Another good decision and a very thorough job by the Committee.”

**Subject (Played Card):** Do What I Mean, Not What I Say  
**Event:** Life Master Pairs, 11 Aug 00, First Qualifying Session

Bd: 15	Roger Lord		
Dlr: South	♠ AKQJ1042		
Vul: N/S	♥ K10		
	♦ Q10		
	♣ 82		
Ora Lourie		Ginny Schuett	
♠ 9765		♠ 3	
♥ 842		♥ J95	
♦ AK97		♦ J854	
♣ K4		♣ A7653	
	John Fox		
	♠ 8		
	♥ AQ763		
	♦ 632		
	♣ QJ109		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1♠	Pass	Pass
Pass	3NT	All Pass	1NT

**The Facts:** 3NT went down two, +200 for E/W. The opening lead was the ♦7 and when declarer called for the queen, it won. Declarer then played the ♠A, ♠K, ♠Q by calling for each. Then he called for the ♦10. Dummy did not play it but said, “What?” Declarer repeated his call for the ♦10, but a bit more softly. Dummy did not hear this call and asked, “What?” again. Declarer then said “Ten of diamonds, ten of diamonds, ten of diamonds,” loudly. The Director was then called and ruled that the ♦10 had been played.

**The Appeal:** N/S appealed the Director's ruling. North and West attended the hearing. North explained that South was recovering from a grievous illness that may have affected his speech process. North said that South was pointing toward

the spade suit when calling for the ♦10. North said that it was clearly South's intention to play off the spades when he was calling for the ♦10. North likened South's action to a repeated inadvertent designation and cited a Vancouver appeal decision in support of his contention. The facts were not challenged by West. She said that the problem occurred because North wouldn't play the ♦10 when it was clearly designated.

**The Committee Decision:** The ACBL and the bridge legislators have tried to create as level a playing field for all players as they can. The game is nonetheless a game for thinkers. When plays are made carelessly, the carelessness cannot be excused or the laws themselves superseded. Law 47C says, “A played card may be withdrawn without penalty after a change of designation as permitted by Law 45C4(b).” Law 45C4(b) says, “A player may, without penalty, change an inadvertent designation if he does so without pause for thought...” The Laws Commission's San Antonio meeting minutes contain the following note regarding Law 45C4(b). “It was clear to the Laws Commission that: (1) The presumption must be that the card named was the one intended. (2) The burden of proof is on the declarer. (3) The standard of proof is ‘overwhelming.’ (4) In judging ‘without pause for thought,’ if the declarer has made a play after an inadvertent designation, a ‘pause for thought’ has occurred.” In this case, despite the irrationality of the play of the ♦10, declarer's repeated insistence on playing it made it clear that its designation was intentional and not, therefore, subject to withdrawal.

The Committee briefly considered an AWMW for the appellants but decided against it for two reasons: (1) This appeal was based on a player's health handicap and how the laws must be interpreted with regard thereto. While accommodation for handicap has been brought before Committees before, the general public's

knowledge of the standards is suspect. (2) This appeal, based on Law 45C4(b), had some similarities with the much publicized Vancouver appeal, which, though successful, had less merit than this one. In effect, this Committee believed that the Vancouver decision cast doubt in the bridge public's minds about what constitutes cause for permitting the withdrawal of a designated card. Since the public's confusion exists in part because of the National Appeals Committee's own actions, it would be wrong to punish a player for bringing an appeal which was based on the Committee's own published statements.

**DIC of Event:** Henry Cukoff

**Committee:** Michael Huston (chair), Doug Doub, Corrine Kirkham, Richard Popper, Judy Randel

**Directors' Ruling:** 97.9

**Committee's Decision:** 94.6

☞ S\*\*t happens, but the rest of us shouldn't be held hostage on the commode forever. According to the write-up, declarer called specifically and unmistakably for the ♦10 five times, three of them emphatically and in rapid succession. He had just been running the spades (having played the ace, king and queen) and we are asked to believe that he somehow transposed the suits (diamonds for spades) due to his recent illness. But had that been the case, wouldn't he have called for the "Jack of diamonds" rather than the ten? After all, the ♠J would have been the next card in sequence to be played if he was still fixated on the spades.

Since we don't know the exact nature of South's illness (perhaps privacy was an issue here), we should assume the Committee, who must have known more about the situation than we do, handled it correctly. Thus, I agree with the following position.

**Treadwell:** "An unfortunate, but well-handled case."

**Bramley:** "Despite the unfortunate circumstances of this appeal, it should establish the proper precedent for cases based on an untimely attempt to change a played card."

**Rigal:** "Unlike some of the previous cases I can see why no AWMW was awarded here. However the facts of the case do seem to make the play of the ♦10 unequivocally compulsory, and if it were not for the pointing finger we would not have the vestige of a case to consider. We cannot be mind readers and must enforce the laws where they are clear."

☞ As for the Committee's mumbo-jumbo about the Vancouver decision's place in the public's consciousness...

**Gerard:** "Here's a word to the Committee: stick to the law and give up the role of critic. The Laws Commission, which is in effect the National Appeals Committee's boss, has done everything it could to disavow the Vancouver appeal. This panel has done everything it could to disavow the decision. All of those opinions have received widespread publicity. There may be all of two people in the world who think the appeal wasn't an aberration. There is no justifiable public confusion. Anyone who claims that he was motivated by the Vancouver case is playing the authorities for fools. That Committee's published statements have been consigned to the scrap heap of history. This Committee even evaluated that appeal as more worthless than this one, so did they think they do not represent the current view of the NAC? Also, butt out of comparisons that involve calibrations to 93 decimal places.

"I'm all for the health handicap explanation, but going further was not only unnecessary it created a dangerous situation. It appears to have perpetuated the myth that it's okay to rely on the Vancouver case, no matter how ridiculous the

contention. Sadly, we should be going in the other direction."

☞ Some panelists had less sympathy for the scant merits of this appeal.

**R. Cohen:** "This ruling is out of the book and has no business being brought to Committee—handicap or no handicap."

**Polisner:** "Who called the Director? South fully appreciated the fact that he called for the ♦10 and never attempted to change his designation. E/W would have no reason to call the Director and it would have been illegal for the Dummy to call. If it was the dummy, he should have been admonished about that matter and perhaps referred to a disciplinary Committee for his refusal to play a card designated by declarer because he suspected that it was a bad play. An AWMW should have been a minimum penalty for this outrageous conduct."

☞ And perhaps North's conduct warranted even stronger (if less official) action.

**Stevenson:** "It is unfortunate that the Vancouver appeal, which was clearly wrong in its application of law, should now be cited in completely different cases. Nevertheless, it is not unreasonable that the general bridge-playing public should quote it in unsuitable situations because of the amount of complete rubbish spoken and written about it. Personally, if I were the player with the health problem I would get a new partner. I would not accept playing with a partner who broke the laws deliberately for my sake. It is acceptable for opponents to be lenient in matters of law where health is concerned, but partner must remain ethical and law-abiding.

☞ One panelist seizes the opportunity (with tongue firmly planted in cheek—we trust), to investigate the possibilities for capitalizing on any possible precedent-setting aspects of this case in the future.

**Endicott:** "I must declare an interest. Roger and I share a common ancestor from around 1640 AD. This is a tragic case and there is little to say, except that the echoes of the Vancouver appeal do not die away. 'How can I know what I think till I see what I say?'"

☞ I am told that Grattan's "senility" defense has proved quite serviceable in the past. I trust it will continue to serve him well.

And finally, a spectre from Vancouver.

**Wolff:** "Now they get it right. Oh my!"

☞ Our condolences, Wolfie.

## CASE FORTY-FIVE

**Subject (Played Card):** Entrapment, Pure And Simple

**Event:** NABC Fast Open Pairs, 17 Aug 00, First Qualifying Session

Bd: 25      Hugh MacLean Dlr: North   ♠ A1074 Vul: E/W     ♥ 5 ♦ AQ105 ♣ QJ87  Barry Piafsky                      Jessica Hayman ♠ 32                                      ♠ 9 ♥ AKQ32                                ♥ J108764 ♦ 642                                     ♦ 93 ♣ K43                                     ♣ 10965  James Fellows ♠ KQJ865 ♥ 9 ♦ KJ87 ♣ A2																					
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">West</th> <th style="width: 25%;">North</th> <th style="width: 25%;">East</th> <th style="width: 25%;">South</th> </tr> </thead> <tbody> <tr> <td></td> <td style="text-align: center;">1♦</td> <td style="text-align: center;">Pass</td> <td style="text-align: center;">1♠</td> </tr> <tr> <td></td> <td style="text-align: center;">2♠(1)</td> <td style="text-align: center;">Pass</td> <td style="text-align: center;">6♠</td> </tr> <tr> <td colspan="4">All Pass</td> </tr> <tr> <td colspan="4">(1) Alerted; shows four spades</td> </tr> </tbody> </table>	West	North	East	South		1♦	Pass	1♠		2♠(1)	Pass	6♠	All Pass				(1) Alerted; shows four spades				
West	North	East	South																		
	1♦	Pass	1♠																		
	2♠(1)	Pass	6♠																		
All Pass																					
(1) Alerted; shows four spades																					

**The Facts:** 6♠ made six, +980 for N/S. The Director was called to the table at the end of play. Each player had two clubs left with declarer playing the ♣Q from dummy in preparation for a club finesse. N/S stated that a small club was played by South and that West had put a small club in such a position that it could be seen by his partner before immediately attempting to retract it. The Director ruled that the small club had been played (Law 45C1).

**The Appeal:** E/W appealed the Director's ruling and were the only players to attend the hearing. E/W provided a written statement indicating that the table Director was not informed that South had flashed the ♣A to both opponents prior to playing a small club. The N/S pair denied that both cards had been flashed sequentially. Additionally, the North player

exhibited discomfort over the ruling.

**The Committee Decision:** It appeared that confusion existed at trick twelve over what card declarer played and the manner in which it was played. A "draft" appeal form indicated that declarer displayed some "waffling" in the card he was planning to play; while the "official" appeal form made no mention of this action. Law 45C2 states that declarer's card is deemed to have been played when it is "...maintained in such a position as to indicate that it has been played" (touching or nearly touching the table is not a requirement). Due to the confusion at the time and the nature of the event (NABC Fast Open Pairs), the Committee decided that declarer's ♣A was deemed to have been played under Law 45C2. The contract was changed to 6♠ down one, +50 for E/W.

**DIC of Event:** Mike Flader

**Committee:** Mark Bartusek (chair), Dick Budd, Jim Linhart

**Directors' Ruling:** 59.2

**Committee's Decision:** 91.2

☞ Since this sort of case depends almost entirely on the determination of facts, like CASE FORTY-THREE it might have been handled more authoritatively by the directing staff and not reached Committee. If, in fact, South had been waffling on which card to play from his hand and had flashed the ♣A before finally playing his small club, then the following panelist expresses my sentiment quite accurately.

**R. Cohen:** "Somebody needs a lesson about the proprieties and ethics of the game.

Anybody trying to 'steal' a trick in the fashion described needs a lecture and a file with the Recorder. It is players like this who scare and chase people away from our organization."

**Polisner:** "A good practical decision by the Committee in light of declarer's antics with his cards which normally means 'if the finesse is on, I make it, if not, down one. Why wasn't the Director informed of this critical fact?'"

**Rigal:** "Here equity was clearly carried out by the Committee. I can see why the Director ruled as he did but I have a sneaking suspicion that I might have let equity overrule the laws here had I been directing. I find it hard to believe that justice was not done here."

**Wolff:** "In anything that is close, let bridge prevail."

**Stevenson:** "It is difficult to believe that N/S had any faith that this ruling was correct when they failed to attend, and the Committee could hardly decide otherwise. South's antics remind me of the Vienna coffee-houses, and I think the Committee would have probably come to the same decision even if they had a chance to speak to N/S. Did the Director know about this waving of the ♣A? If so, his ruling is somewhat suspect; if not, then why not? Are E/W really in the clear on this one?"

☞ Raising lots of questions, especially about the vagueness of the write-up, is...

**Endicott:** "Some questions remain unresolved. For example, how did it come about that the Director was not informed that South had flashed the ace? Were E/W not asked for their version of the affair by the Director? In what way and when did N/S deny the E/W version of this, since they were not at the appeal hearing? Where did the evidence of North's discomfort come from? This scribe conceals more than he reveals (it is fast reporting of a fast Committee, perhaps), but we do know that the Committee, on such evidence as they required, decided the caption that says 'pure and simple' was not referring to South. Okay, so who am I to argue?"

☞ In answer to Grattan's last question, we have a volunteer.

**Gerard:** "Bid better, play better."

☞ Any further questions?

CASE FORTY-SIX

**Subject (Claim):** A “Proven” Finesse

**Event:** Stratified Open Pairs, 11 Aug 00, Second Session

Bd: 7	♠ KQ8		
Dlr: South	♥ 1075		
Vul: Both	♦ 3		
	♣ Q95432		
♠ J976		♠ A1054	
♥ K8		♥ AQJ	
♦ A542		♦ KQ8	
♣ 1087		♣ KJ6	
	♠ 32		
	♥ 96432		
	♦ J10976		
	♣ A		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			Pass
Pass	Pass	2NT	Pass
3♣	Pass	3NT	All Pass

**The Facts:** The opening lead was the ♦J, won by the king. Declarer then went to dummy by playing the ♥J to the king. Next came the ♠J, covered by the queen and won with the ace. The ♠4 was then played to the nine and king. North shifted to the ♣4, six, ace, seven. Declarer then claimed with words to the effect, “They’re all good.” A discussion among the players ensued for some time before the Director was called, by which time the declarer was no longer at the table. Initially the table Director awarded one additional trick to N/S. After discussing the matter further with declarer, the Director reversed his decision and ruled that the board be scored as 3NT made five, +660 for E/W.

**The Appeal:** N/S appealed the Director’s ruling. All of the players were Life Masters with between 500 and 1500 masterpoints. N/S were under the impression that a finesse could not be taken after a claim, which was true in an earlier version of the laws. N/S also believed the finesse was not necessarily proven since South might have tried to deceive declarer by winning the first club with the ace when holding ♣AQx. Declarer left the table before the Director arrived because he was frustrated with the proceedings and needed to visit the restroom. Declarer stated that he knew the club finesse had worked the first time and that it needed to be repeated in order for him to win the rest of the tricks.

**The Panel Decision:** The Panel asked the table Director why he had reversed himself. He said that initially he thought that declarer had stated that his hand was high. After speaking to declarer he realized that he had been aware of the need to repeat the club finesse and pursuant to Law 70E, allowed the claim. The Panel polled several players to see if there was any possibility that the declarer could have thought his hand was high. The first player said there was no way that a player at declarer’s level would think that the ♣J was high. A group of Flight C players were consulted and all five of them believed that the ♣J was not high but that it would win a trick if the finesse was repeated. The Panel allowed declarer’s claim and assigned the contract of 3NT made five, +660 for E/W.

**DIC of Event:** Gary Zeiger

**Panel:** Mike Flader (Reviewer), John Ashton, Matt Smith

**Players consulted:** Steve Garner, five Flight C players

**Directors’ Ruling:** 86.7

**Panel’s Decision:** 95.0

☞ N/S needed an AWMW and a stern lecture about bridge ethics and winning at all costs.

**R. Cohen:** “Much ado about nothing. Again a pair trying to ‘steal’ a trick. Can’t we play the game like ladies and gentlemen?”

**Treadwell:** “N/S should have been ashamed of themselves for even calling the Director, let alone taking it to Committee after the Director made the correct ruling. Why was not an AWMW issued to N/S?”

**Bramley:** “That’s two in a row for common sense, supported by the relevant laws. Here declarer’s obvious implied line was to repeat the club finesse, if necessary. If South had false-carded the ♣A while holding the queen, declarer should have been forced to cash red tricks carelessly, setting up winners for South, before losing the club finesse.”

**Rigal:** “Again equity seems to point in favor of the revised Director ruling. I can see why the NS pair appealed but it does not look like their finest hour. I would not give an AWMW here but I don’t like their decision to appear before a Committee.”

☞ There are many claim situations that are ambiguous enough that the claimer’s intentions are unclear and substantial doubt exists about his having foreseen all of the deal’s complexities. But here it is clear that N/S were looking to take advantage of a technicality in order to gain a trick they could not have obtained legitimately by forcing declarer to act irrationally and eschew a finesse which had just succeeded. Just look at the timing of declarer’s claim, coming immediately after South won the ♣A. Sorry, but this sort of gamesmanship is quite unconscionable. N/S deserved *both* an AWMW and a good lecture.

The next panelist thinks declarer did not quite live up to his responsibilities to state his claim clearly.

**Polisner:** “Excellent work by the Director and Panel. Although Declarer should have been educated as to his responsibility to state his line of play which was merely ‘go to dummy with a spade and finesse the club.’”

☞ Our next panelist suggests the (obvious) solution for this.

**Stevenson:** “When are we going to get players to follow simple rules? A player puts his hand down to make a claim. The opposition should either accept it and score, or call the Director. It is not difficult.”

☞ I would only add that the opponents should give declarer a chance to state a line if there are any questions about the claim’s validity. Often a claimer merely leans forward and shows his hand when he expects the opponents will throw their cards in as soon as they see what he sees.

**Wolff:** “These last five or six cases should be available to form the ‘common law’ on these frequent themes. Thumbs up on all of them.”

CASE FORTY-SEVEN

**Subject (Claim):** The Fine Line Between Irrational And Careless

**Event:** Red Ribbon Pairs, 15 Aug 00, First Qualifying Session

Bd: 23	♠ 752		
Dlr: South	♥ A3		
Vul: Both	♦ J62		
	♣ Q9875		
♠ AKJ109		♠ Q63	
♥ K104		♥ J6	
♦ 10		♦ AK8753	
♣ J432		♣ 106	
	♠ 84		
	♥ Q98752		
	♦ Q94		
	♣ AK		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			Pass
1♠	Pass	2♦	2♥
2♠	Pass	4♠	All Pass

**The Facts:** The play proceeded as follows: ♠A; club to the king; ♣A; heart to dummy's jack; ♠9; ♠10; club ruffed with dummy's ♠Q; ♦AK, declarer pitching a losing club. The layout, with four cards remaining, is shown in the diagram below:

	♠ 7	
	♥ ---	
	♦ J	
	♣ xx	
♠ AKJ		♠ ---
♥ K		♥ ---
♦ ---		♦
8753		
♣ ---		♣ ---
	♠ ---	
	♥ xxx	
	♦ Q	
	♣ ---	

West faced her hand and said, "These are all good." N/S called the Director because West had not stated a line of play and a trump remained outstanding. The Director allowed the claim, ruling that the board be scored as 4♠ made four, +420 for E/W.

**The Appeal:** N/S appealed the Director's ruling. Declarer had made no mention of the outstanding trump when the claim was made. Her statement was, "My hand is good" or something similar. The Director had cautioned West about an incomplete claim. N/S believed that declarer may have forgotten the last trump since only four tricks remained. Declarer believed that the situation was "obvious" to all and that her intent was to ruff the diamond with the jack, following with top trumps and the ♥K. Both declarer and dummy agreed that no mention was made of the outstanding trump. They did not think that the Director call was made with undue haste. Declarer reaffirmed that she knew about North's trump and that not drawing it would be ridiculous.

**The Panel Decision:** Law 70C states "...the Director shall award a trick or tricks to the opponents if: (1) claimer made no statement about that trump, and (2) it is at all likely that claimer at the time of his claim was unaware that a trump remained in an opponent's hand, and (3) a trick could be lost to that trump by any normal\* play." A footnote clarifies that normal "...includes play that would be careless or inferior for the class of player involved, but not irrational." The declarer on this hand had around 350 masterpoints. The Panel noted that her early play of the hand was not best—a club should be ruffed with the ♠Q early. With the actual play, if South had started with three spades, two diamonds and two clubs, a diamond could have been discarded when the club was ruffed. South then could have trumped the second high diamond. The Panel noted that West freely rebid her (strong) spade suit. Three players were consulted. The first expert believed that there was "a

distinct possibility" that declarer was unaware of North's trump. The second expert said that "declarer might have forgotten the trump." The Flight B player stated that he thought declarer knew about the trump but that he would have called the Director if he had been a defender. The Panel was divided over the issue of whether to award a trick to the defense. Some members believed that what might be obvious if declarer claimed very early—after first obtaining the lead, say—is quite different than a claim at trick ten. Those members also believed that declarer must mention the outstanding trump at the minimum. That requirement did not seem burdensome, particularly when the opponents cannot be expected to evaluate declarer's skill, experience and intentions. While all Panel members considered the end position to be fairly simple, the failure of declarer to include any mention of the trump persuaded the Panel to award a trick to the defense. The contract was changed to 4♠ down one, +50 for N/S.

**Dissenting Opinion (Charlie MacCracken):** I wish to express my dissatisfaction with this decision. Law 70A states as the general objective: "In ruling on a contested claim, the Director adjudicates the result of the board as equitably as possible to both sides, but any doubtful points shall be resolved against the claimer." Law 70C (quoted above) deals specifically with an outstanding trump. Part of the rationale for awarding a trick to the defense in this case was that declarer might have forgotten the fifth trump because the claim was made at trick ten. However, declarer did not start playing (and counting) trump until tricks five and six. Thereafter only three tricks were played before the claim. Since everyone's play to those tricks was routine, I suspect little time elapsed. The above analysis points out that declarer could have found a superior line. However, she avoided trying to ruff both a heart and a club in dummy (which would have resulted in an uppercut and an eventual club overruff). She did not play for three-three diamonds and three-two trumps, which, while clearly inferior, would have worked. Therefore, she exhibited some forethought. For these two reasons, I believe she very likely knew there was a trump outstanding and the claim should have stood. The claim laws are unique in that the Director is instructed to rule "as equitably as possible." Recently the claim laws were changed to allow even more equitable decisions (i.e., allowing declarer to repeat a successful finesse). I believe this decision was punitive and created a bonanza for the defense at a slight detriment to the field. One other minor point. With the ♠AK and ♥K, I think it would be irrational not to play a trump, so I think this case fails Law 70C3. This is one of the few holdings where I would apply this Law.

**DIC of Event:** Millard Nachtwey

**Panel:** John Ashton (Reviewer), Charlie MacCracken, Matt Smith

**Players consulted:** Kay Schulle, Haig Tchamitch, one Flight B player

**Directors' Ruling:** 76.2

**Panel's Decision:** 63.3

✍ While I wish the claim laws would allow the sort of decision the dissenter advocates, I've seen enough of these cases to know that what he alleges would have been "irrational" (declarer not playing her high trumps before the ♥K) must fall in the "careless" category if we are to retain a meaningful distinction between the two. Claiming in a case like this should not have been all that difficult. With only four tricks left the end position was simple enough for declarer to have said something like, "Ruffing a diamond and drawing the last trump." Her failure to do this and her statement that her hand was high are strong indicators that she *had* forgotten about the outstanding trump; her hand was *not* high until that trump was drawn. I don't like either that N/S were given a plus score in this way nor that the field was even slightly disadvantaged by this decision. But the same thing would have happened had declarer not claimed and simply ruffed a diamond and then tried to cash the ♥K. In the final analysis, it was declarer who was responsible for this outcome and not the Directors—either those involved in the table ruling and who should have

disallowed the claim or those who served on the Panel and got it right. Frankly, I don't think this decision is even close and I'm distressed that the panelists are split down the middle over it.

**Bramley:** "The majority is correct. The quoted parts of Law 70C are explicit with reference to missing trumps. The law could hardly be clearer with regard to this case. The dissenter is way off the mark in his willingness to exercise his Director's discretion here. He observes that declarer played 'only three tricks' after starting to draw trumps and before the claim. Sorry, Charlie, but that's a lot of tricks. Further, if declarer were unaware of the missing trump, it would be careless, not irrational, to lead winners indiscriminately, trumps or not. The decision points out that declarer's line would fail against 3-6-2-2 distribution in South. Her line would also fail against four-one trumps. The carelessness of her line of play reinforces the obviousness of resolving all doubts against her. This decision seems so easy that I am amazed that, in addition to the dissenter, the table Director blew the call."

**Gerard:** "Charlie is confused. Declarer had only one loser to ruff and an absolute guaranteed line of play. Who would choose a 24% chance over that?"

✍ The next panelist makes an excellent point about the rhetoric used by the dissenter to justify his position.

**Stevenson:** "Do we really know whether declarer forgot the trump? No, we do not. Charlie MacCracken has one view; the other Panelists another. The result is quite reasonable. But I have absolutely no sympathy for declarer whatever. If she really remembered, then failing to mention the trump was criminally careless and she fully deserved the result.

"Note that Charlie MacCracken quoted a bonanza for the opponents and detriment to the field. This is an unacceptable method of trying to influence people. Directors, Appeal Committees and Panels make decisions because they believe them to be right. It is the laws of bridge which sometimes give a good score to another pair, and the negligible effect on the field must always be ignored.

"Assume the declarer had forgotten the trump and played it out instead of claiming. Perhaps she would have gone off and now her opponents get their 'bonanza.' Would Charlie MacCracken have said we should adjust the score? Gifts from opponents are part of bridge and if they come via a ruling it does not matter."

✍ Precisely, David.

**Endicott:** "This is a suitable place for mentioning that the footnote quoted in this appeal has been altered by the WBF Laws Committee to read: 'For the purposes of Laws 69, 70 and 71, 'normal' includes play that would be careless or inferior, but not irrational, for the class of player involved.' (It was confirmed that the previous footnote should be interpreted as though it read like this.) Charlie MacCracken produces inferential reasoning to argue that there is evidence that the player knew of the existence of the outstanding trump but the Panel generally was not persuaded. I agree that players who do not mention the trump can expect rulings to go against them, more often than not, because any doubtful points must be ruled against the claimer. The existence of a trump is always an important point and players should cover it when claiming. The Director ruled unwisely and not well."

✍ Part of my distress with some panelists' support of the dissenter's position and the table ruling is that two of them are members of the ACBL Laws Commission.

**R. Cohen:** "If the ruling is supposed to be 'equitable to both sides' and the Director is not supposed to impose any 'irrational' play on the claimer, then I'm with the dissenter. Declarer is actually sitting with the ace-king of trumps. What's the problem?"

✍ The obvious problem is that declarer said nothing about playing trumps first nor did she indicate being aware of the outstanding trump. If a claimer can get away with this then we should remove the distinction in the claim laws between irrational and careless or inferior. What would be "irrational" about returning to the hand one believed high and cashing one's high tricks in some random order? It would be "careless" not to play the trumps first, it would even be "inferior" technique, but it would *not* be irrational.

As for the part of Law 70 which says the result is supposed to be adjudicated "as equitably as possible to both sides," that instruction is *immediately* qualified by "but any doubtful points are to be resolved against the claimer." In other words, the law says to be as equitable as possible and not allow sloppiness in the expression of the claim to override the claimer's clear intent. As Edgar Kaplan wrote in 1982:

*"Thus, it is important...to avoid a punitive attitude towards minor errors in claim procedure...The basic approach is not to punish the flaw, but to rule in equity: to protect innocent opponents against any substantial chance of damage from a faulty claim, while trying to give the claimer the tricks he would have won had he played the hand out."* (Appeals Committee X, *The Bridge World*, December, 1982.)

A few paragraphs later Edgar wrote:

*"When declarer has made no statement about a missing trump...you start out with a mild presumption that declarer had forgotten."*

Amazingly, he then gives several examples of ruling in cases involving claims with an unmentioned outstanding trump. This is his Case 4, in which declarer starts with A-K-J-10-2 of trumps in hand opposite 6-5-4 in dummy:

*"Case 4. Declarer cashed the ace, everyone following low, then the king, catching a low trump to his left and the queen to his right. Next, he ruffed a loser with dummy's last trump, cashed two winners in dummy to pitch two more losers, and finally claimed—no statement about the little trump still outstanding. Has he forgotten it? Here, the sequence of plays is consistent with either answer. Even though declarer remembered, he had to leave one trump outstanding temporarily in order to ruff his loser in dummy. Yet, a lot of time has gone by since he played trumps—he might well have forgotten. This is a doubtful case, and so should be resolved in favor of the defenders. The original mild presumption, that declarer forgot, governs."*

This is eerily similar to the present case except for one critical difference: In the present case declarer did not *have* to cash two trumps before ruffing her losing club with dummy's high queen of trumps while in Edgar's case the missing high trumps threatened a potential overruff if declarer ruffed his loser early. This difference argues more strongly for not allowing the claim in the present case since declarer could simply have ruffed her losing club high and then drawn all the trumps without being threatened with an overruff or having a diamond winner ruffed out. This convinces me that declarer very likely thought all the trumps were drawn. Note that with more reason to allow the claim in Edgar's case he still advises not allowing it.

And one more point. In both cases the same number of tricks went by between declarer drawing the two rounds of trumps and the claim (a loser was ruffed and two winners cashed). Edgar says of this, "Yet, a lot of time has gone by since he played trumps—he might well have forgotten." Charlie says, "Since everyone's play to those tricks was routine, I suspect little time elapsed." Do I need to point out that the play was no less routine in Edgar's example?

**Rigal:** "I sort of like the dissenter's opinion here. My view is indirectly supported by the fact that the Directors initially ruled in favor of E/W. I can't help feeling that declarer would have made the contract at the table and that equity was not restored here. But I find it hard to explain why, so I guess I'll leave it to the laws experts."

More misguided dissenters.



**CASE FORTY-EIGHT**

**Treadwell:** “I totally agree with the dissenter on the Panel: it would be irrational for declarer not to play two more high trumps after ruffing to her hand. Had I been an opponent at the table, it would not have occurred to me to even call the Director. We must educate players not to win a score on a technicality when the chance of its affecting the table result is virtually non-existent.”

✍ I might not have called the Director either, but once he was called the game was up: he had to rule according to the law.

**Polisner:** “I agree with the dissenting opinion as to the intent of the law and would have decided in favor of the claimer; however, if I couldn’t bring myself to do this, I would be inclined to E/W –100, N/S –620.”

✍ Nonsense. There’s absolutely no justification for not giving to the non-claiming side the reciprocal of what you assign to the claiming side. Nothing that I know of suggests that Law 12C2 applies here. This is more PC “protect the field” nonsense, as David mentioned earlier. It is wholly inappropriate and without any basis in law. And speaking of PTF...

**Wolff:** “While the Committee’s decision certainly was in the ballpark, Charlie MacCracken’s dissent achieved a home run. We’ve been moving toward equity, why not allow us to get there? To me there is an enormous difference between a routine claim (albeit faulty) and an actual call of a card that leads to a stupid loss of a trick(s). With the claim, one can only visualize what is likely to happen and, in this case, almost all roads lead to making the hand. When a card is called, unless it is allowed to be retracted, all roads lead to the loss of an unnecessary trick(s). Let's follow where these roads lead and trumpet Charlie’s dissent.”

✍ I’d leave any trumpeting to those more suited to the task, like Gabriel. Now I’m really bummed out. Good grief!

**Subject (Claim):** An Oops In Time, Saves A Trick  
**Event:** NABC Mixed BAM Teams, 19 Aug 00, Second Qualifying Session

Bd: 20	Louallen Leach		
Dlr: West	♠ 75		
Vul: Both	♥ AJ9		
	♦ AJ10964		
	♣ 73		
Eli Schneider	Cynthia Schneider		
♠ K3	♠ A10982		
♥ 4	♥ KQ83		
♦ Q873	♦ 5		
♣ AQJ1095	♣ K82		
	Jack Leach		
	♠ QJ64		
	♥ 107652		
	♦ K2		
	♣ 64		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1♣	2♦	Dbl	Pass
3♣	Pass	3♠	Pass
4♠	Pass	5♣	All Pass

**The Facts:** West claimed with both red-suit queens high in the following position (E/W cards only):

♠ K3	♠ A10982
♥ ---	♥ Q83
♦ Q3	♦ ---
♣ AQJ105	♣ K

Declarer stated that he would play all the trumps, cash the ♠K, and cross to dummy to pitch a diamond on the ♥Q. Declarer tabled his trumps saying nothing about cashing the ♦Q. The Director allowed the claim because declarer would not have drawn five rounds of trumps after both opponents showed out (Law 70D). He ruled that the board be scored as 5♣ made five, +600 for E/W.

**The Appeal:** N/S appealed the Director’s ruling. N/S told the Committee that declarer’s claim had initially been careless. He had tabled his trumps, the ♠K, the ♠3 and then said “Oops.” N/S believed that in an NABC event, such a careless claim should not be allowed. E/W stated that the claim was corrected before the claim statement was completed.

**The Committee Decision:** In the nine-card ending, declarer had five trumps, two spades, a good ♥Q and a good ♦Q. The hasty claim was slightly misstated in that a literal interpretation would have led to stranding the ♦Q. The Committee believed that this was not the intent of the claim law and allowed declarer to take the rest of the tricks. The Committee further decided that seeking to get a trick was unwarranted and assessed N/S an AWMW.

**DIC of Event:** Henry Cukoff  
**Committee:** Henry Bethe (chair), David Berkowitz, Robert Schwartz

**Directors’ Ruling: 66.2      Committee’s Decision: 66.2**

✍ If the claimer’s correction was made during the course of making his claim (for example, if he said something like, “I’ll cash my high trumps, the ♠K, then play the ♠3 to the ace, ...oops...I’ll cash the ♦Q first, before the second spade...”), without prompting by the opponents, then the claim should be allowed since, as we saw in the previous case, it is important to avoid a punitive attitude towards minor errors in claim procedure. In other words, we should not punish a minor flaw in the form, or expression, of the claim when it is clear that the claimer knows what he wants to

do. The claimer must be given ample time to make a statement and the precise order in which things are stated should be irrelevant, since not everyone expresses their ideas in a logical and well-organized manner.

Unfortunately, the write-up is unclear about whether the correction was made in the course of stating the claim or whether it was an afterthought. If, for example, declarer's words momentarily ran ahead of his thoughts, but were corrected in the course of completing his statement, then the correction should be allowed. But if West completed his claim and then, after looking at his trumps on the table and noticing the stranded  $\diamond Q$  in his hand, attempted to go back and correct it (especially if something in the opponents actions or demeanor helped draw declarer's attention to the defect), then it should not be allowed. Hopefully, both the table Director and the Committee thought the former was the case.

But several aspects of the facts are disturbing and argue against the Director's ruling and Committee's decision. The facts allege that declarer said he would play all his trumps (not draw, *play!* he actually placed them on the table), then cash the  $\spadesuit K$ , play the  $\clubsuit 3$  to the ace, and pitch his losing diamond on the  $\heartsuit Q$ . He even admitted that initially his claim had been careless. This sounds to me like the correction was an afterthought. But the Director seems to have based his ruling on his analysis of the bridge logic of declarer's play (what he would have done once the opponents showed out) rather than on what he said he would do. The Director ruled that declarer would not have played all his trumps when both opponents immediately showed out (thus preserving a trump entry back to the good  $\diamond Q$ ). But how could he rule that way? Declarer must have known when he claimed that there were no trumps out (if both opponents would immediately show out), yet he still said he would "play *all* the trumps." Do players never play out all their trumps once the opponents show out? (Checking for lurkers.) And how do they effect squeezes which depend on running the trumps to operate?

The Committee then seems to have been given a slightly different version of the facts, with an "Oops" inserted strategically into the middle of the claim as if the correction was now made in the process of claiming rather than as an afterthought. And then, to add insult to injury, the Committee assessed an AWMW against N/S. Surely, if the facts were so muddy and fluid, the claim at least had merit (even if it was less than sporting or seems opportunistic).

Based on the reported facts, had I been the table Director I would not have allowed the claim. But if the corrected-in-the-process version of the facts was found to be accurate, I would have reversed that ruling on appeal. Given the ambiguities in the write-up, it is impossible to be more definitive than that.


Let's see what the panelists make of all this.

**Bramley:** "The Director and the Committee confused two different types of faulty claims. The more common type (in appeals cases) occurs when declarer makes an incomplete statement or no statement at all. The other type, seen here, occurs when declarer makes a complete but inaccurate statement, i.e., his stated line does not produce the number of tricks he is claiming. In the first type, the laws tell us that in the *absence* of a clarifying statement, we must *assume* that declarer will play rationally. In the second type, the laws do *not* say that in the *presence* of a clarifying statement we must interpret or modify that statement to *guarantee* that declarer will play rationally. The laws deal only with omissions or ambiguities in declarer's statement; they imply, quite reasonably, that unambiguous statements by declarer are to be taken literally. Thus, if declarer makes a careless or irrational statement, he's out of luck. The only reason for allowing a correction to such a statement is if declarer spots his error in a timely fashion (immediately) and corrects it himself. Other parties, such as Directors or Committees or partner, should not be allowed to correct declarer's erroneous statements, any more than they would be allowed to correct his erroneous bids or plays.

"The case at hand, therefore, hinges on whether declarer did correct himself. The write-up provides conflicting and insufficient information on this point. Declarer's statement, as described in The Facts, is clear and complete, with no

mention of an attempted correction. The Appeal says that E/W allege 'that the claim was corrected,' but N/S apparently heard only 'Oops.' The Director's stated reason for allowing the claim was not that declarer had corrected his claim, but rather that, in the Director's judgment, declarer would have *stopped* playing trumps even though he had asserted that he would play *all* of the trumps. This ruling was illegal, as the Director chose to ignore declarer's stated line. The Committee was almost as bad. They decided that declarer's 'hasty claim,' which 'was slightly misstated,' did not require 'a literal interpretation.' Why not? How are we to judge which claims are to be taken literally and which are not? If the Committee wanted to allow the claim, they should have found that declarer had corrected himself in time, even if his correction was simply 'Oops.' (Maybe they shied away from that line of reasoning to avoid comparison with the infamous Vancouver case. However, stating a line of play is much more complex than calling a card from dummy.) I would have decided for declarer because when he said 'Oops,' a timely exclamation, he implied that he was aware of his error, and because an obvious winning line of play was only slightly different from his stated line. In this case, 'Oops' additionally implied that he saw the winning line.

"The Committee's assessment of an AWMW was brutal. When a hairsplitting interpretation of the laws was needed to produce the decision, and when the Director's reason for his ruling was blatantly illegal, then surely the case had merit."

 Bart's discussion of the principles involved in claim cases and the lack of a proper basis for the table Director's ruling are perfect. We cannot impose an irrational line of play on claimer when he has not clarified his intent about some aspect of his claim, but neither can we ignore or correct his irrational line when his statement was clear.

As for the Committee's actions, I believe (at least in theory) they can ignore a claimer's literal statement if they believe it does not represent his intentions. For example, suppose in a spade contract declarer has just set up dummy's long club by ruffing out the suit. He then claims, stating that he will draw trumps (his are high) and pitch his losing diamond on dummy's good *heart* (dummy's heart is not good and no one would think it was). He then says he mis-spoke, intending to say "on dummy's good *club*." The evidence from the preceding sequence of plays may be used to rule that declarer mis-spoke: that his statement did not require a literal interpretation and he clearly intended to pitch his diamond loser on the *club*.

Having said that, in this particular case I agree with Bart that the Committee's rationale for its decision was wrong. I believe the law requires that the claimer's statement be taken literally *unless there's a compelling reason not to*. And here there is no such reason. Declarer stated a line of play which would have resulted in stranding the  $\diamond Q$ . He then said "Oops." As with "Oh, S\*\*t," this could have meant "I got tangled up in my thoughts and forgot to mention that I would cash the  $\diamond Q$  first" or "I forgot about the  $\diamond Q$ , realizing my error once I saw it stranded in my hand without a reentry." Unless the correction was made in the course of making the claim statement (and nothing in any part of the write-up suggests it was), it should not have been allowed. Bart is right that if the Committee determined that declarer had corrected himself in time (even if just by saying "Oops"), they could properly have allowed the claim. But that is not what they did.

While Bart's own judgment, that the correction ("Oops") was timely, may be correct, I fail to see evidence of that in the write-up. Nor do I see any evidence that it implied that declarer saw and intended to follow the winning line of play *before* he saw the  $\diamond Q$  stranded in his hand rather than after he put his trumps on the table and completed his claim statement. But this all depends critically on the precise timing of things, which is not reported accurately in the write-up.

As for the speeding ticket, Bart is correct, as are...

**R. Cohen:** "Whoa! A speeding ticket? A declarer misstates a claim and the defenders who get an adverse ruling are chastised for requesting a Committee? Even if I thought the Director was correct in his ruling, I would never take that

position on the speeding ticket. Both the Director and the Committee were out to lunch on this one. The laws allow for ‘careless’ play, and the claimer’s statement qualified for that depiction. Down one should have been the adjudication. Read Law 70D.”

✍️ Ralph may be right but again everything depends on the timing.

**Gerard:** “Poor write-up. Did declarer clarify his statement or not? If West was careless in originally claiming, how could this be without merit? The Director’s ruling wasn’t such a beacon of light that N/S should have known to recede.”

**Polisner:** “This case is not as simple as it appears and was certainly not deserving of an AWMW. (If so, see CASE FORTY-SIX for a similar consideration.) I don’t believe that I would invite N/S in either of these cases to my home for dinner. In this case, I think that according to the law, where Declarer has stated a specific and complete line of play which results in his losing a trick, he should lose it. The anomaly is that if he had merely said, ‘I’ve got the rest, pulling trump and pitching a diamond on the heart,’ the law would award him the contract, as playing the extra trump would be deemed irrational. Players do irrational things (see CASE FORTY-FOUR), but the law won’t allow an assumption that such a situation would occur. I have a lot of sympathy for this Declarer, but he cooked his own goose.”

✍️ Was this a righteous appeal of an invalid claim (declarer ingenuously trying to correct his error as an afterthought) or does it display an unsporting attitude by attempting to capitalize on a minor technical flaw to get something for nothing? The remaining panelists, as the Committee, see it as the latter and support the AWMW.

**Endicott:** “I cannot think why this appeal was brought to a Committee. The attitude of the appellants is ungenerous, unsporting.”

**Rigal:** “I like this ruling and the AWMW. This seems the right way to stop the barrack-room lawyers from trying for something they know they are not equitably entitled to.”

**Stevenson:** “Is this the way that N/S really want to win at bridge? An AWMW was good; tarring and feathering would be better.”

**Treadwell:** “Very good—especially the assessment of an AWMW to N/S for trying to get something for nothing.”

✍️ Valid claim or not, unsporting appeal or righteous challenge of a declarer’s attempt to correct his oversight, the write-up was poor (perhaps too poor to evaluate this case intelligently) and does not support the AWMW.

**Wolff:** “Hallelujah! This feels much better. Hallelujah!”

✍️ Is Texas considered part of the Bible Belt? Well, at least in this and the previous case he didn’t go after the whistle blower opponents.

## CASES FROM THE 11<sup>th</sup> WORLD TEAMS BRIDGE OLYMPIAD

The cases which follow are selected appeals decisions from the 11<sup>th</sup> World Teams Bridge Olympiad held in Maastricht, The Netherlands, this past August-September. Keep in mind, while evaluating these decisions, that:

- (1) Law 12C3 is in effect in the WBF, allowing a Committee or Director (expert players are consulted by Directors before making 12C3 rulings) to “... vary an assigned adjusted score in order to do equity.” This means that scores may be assigned using a weighted average (by judged likelihoods) of the various possible outcomes. To illustrate, suppose a player huddles in a competitive auction and his partner subsequently bids again after having already shown his hand; they end up playing 3♣ doubled for –300. It is believed that without the infraction the opponents might have bid on to a successful game (4♥), but it’s also possible that they might have stopped in 3♥. The Committee disallows the 3♣ bid and then considers what scores to assign the two sides. They judge that bidding 4♥, while possible, is only a one-in-three proposition while stopping in 3♥ is a two-in-three proposition. (Assume, for simplicity, that the judged chance of playing in 3♣ doubled is negligible. Otherwise, that could also be factored into the computation.) They therefore assign each side one-third of the imps for bidding and making 4♥ (620 imps against the result at the other table) plus two-thirds of the imps for playing in 3♥ making four (170 imps against the result at the other table). In Maastricht, it was expected that reciprocal scores would normally be assigned to the two sides and a separate PP assessed against the offenders if deemed appropriate. In VP-scored matches (i.e., in the round-robin stage), the results assigned the two teams were used to determine their VP scores separately. In KO matches, the two imps results were averaged and reciprocated to the two teams.
- (2) The Conditions of Contest, including the WBF’s new Code of Practice for Appeals Committees (see the Special Section in the 1999 Boston casebook), are different than those used in the ACBL. Where these issues are deemed pertinent to deciding a case, the relevant information will be presented in the writeup.
- (3) WBF Committees adopt the perspective, manifest in Law 92A, that an appeal is of a Director’s ruling and that the ruling is the focal point for the hearing. The Committee initially presumes that this ruling is correct and should be overturned only on the basis of evidence presented, based on a majority vote of the members. (As contrasted with the ACBL’s approach where the Director’s ruling is effectively “set aside” by the Committee, which decides the case independently. The original ruling need be considered only as it provides a legal context for the new decision.)
- (4) The Chairman of a WBF Appeals Committee normally has only one vote. However, in the case of a tie (if there is one or more abstentions) the Chairman casts a second vote to break the tie.
- (5) Appeals Committee members from different parts of the world have different procedures and/or perspectives on how to decide certain types of cases. Just because their frame of reference is different from ours doesn’t make us right and them wrong. We should give their perspective a fair hearing. Again, if such issues become relevant, I’ll try to provide a clear description of the “other” perspective in the writeup.
- (6) The DIC of the tournament was William (“Kojak”) Schoder (USA); his assistant (and DIC for the WTMTTC\*) was Max Bavin (Great Britain).
- (7) The WBF still requires a \$50 deposit for all appeals (which is forfeited if the appeal is judged to be without merit).

\*Note: WTMTTC = World Transnational Mixed Teams Championship

CASE FORTY-NINE

**Subject (Tempo):** All Roads Lead To...Helsinki  
**Event:** Open Teams, Round 8  
**Teams:** Hungary (N/S) versus Finland (E/W)

Bd: 13	Winkler	
Dlr: North	♠ KQ93	
Vul: Both	♥ 93	
	♦ K832	
	♣ Q75	
Kurko	Leskela	
♠ 10	♠ AJ764	
♥ AQ1052	♥ K87	
♦ AQJ6	♦ ---	
♣ 642	♣ AK1098	
	Szalica	
	♠ 852	
	♥ J64	
	♦ 109754	
	♣ J3	

West	North	East	South
	Pass	1♠(1)	Pass
2♥(2)	Pass	3♣(3)	Pass
3♦(4)	Pass	3♥(5)	Pass
3NT(6)	Pass	4♣(7)	Pass
5♣(8)	Pass	6♣	All Pass

(1) 4+ spades  
(2) 5+ hearts, 10+ points  
(3) 5+ spades, 4+ clubs, 17+ points  
(4) W to S: 4<sup>th</sup> Suit Forcing, extras or nat.  
(5) 2+ hearts  
(6) Poor hand, ♦ stop; break in tempo  
(7) Asking hearts or clubs  
(8) 3+ clubs; break in tempo

**The Facts:** 6♣ made six, +1370 for E/W. All players agreed that there had been a 1-minute pause before both the 3NT bid and the 5♣ bid. East explained that his partner was a pensive player. The hand was discussed by several Directors and several expert players were consulted. The experts unanimously offered that: (1) 5♣ was stronger than 4♥ and could not be passed with this hand; (2) passing did not appear to be a LA to them; and (3) the slowness of the 5♣ bid was as likely to reflect not knowing what to show, and therefore not be forward going, as to indicate extras or useful values. The Directors ruled that the table result would stand (Law 16).

**The Appeal:** N/S appealed the Directors' ruling. N/S said (referring to points 1, 2 and 3 above): (1) Why is 5♣ stronger than 4♥? Why not 4♦? (2) This is not true, because partner may have a worse heart suit. (3) The only meaning of the hesitation would be that he had extra values. They also pointed out that if 3♣ showed extra values, 4♣ showed more extra values and the exact distribution and strength, then West should make the final decision. E/W said they bid 6♣ because they found a fit.

N/S said they had already found a fit (hearts). E/W said that 6♥ (even 7♥) might be better without the fit.

**The Committee Decision:** The Committee believed that pass was not a LA to 6♣ and that pass was not suggested by the breaks in tempo. In fact, the Committee believed that East was closer to bidding 7♣ than he was to passing 5♣. Thus, the Committee upheld the Director's ruling. The deposit was returned.

**Committee:** Bobby Wolff (Chairman, USA), Joan Gerard (USA), Ernesto d'Orsi (Brazil), Jeffrey Polisner (USA), David Stevenson (Scribe, England)

**Directors' Ruling: 90.9**

**Committee's Decision: 90.9**

✍ The auction was quite lengthy and complex, and the breaks in tempo both occurred on later rounds of what was obviously a slam-investigatory auction. I do not think the breaks (certainly 1 minute is a break), especially the one before the 5♣ bid (which I don't think shows extras), demonstrably suggested any particular action (I would have bid 5♥ over 5♣ with the East hand). Thus, I would have allowed the table result to stand, as did both the Directors and Committee. In fact, I would not even have bothered to call the Director let alone appeal the ruling.

Three of our panelists were on this Committee.

**Wolff:** "Not much to this except to note that since tempo is being scrutinized more and more people are coming out of the woodwork to apply for a windfall. Maybe we should do what the NFL does: only allow two challenges per half or some such."

✍ An interesting idea. That would change the "strategy" for some pairs.

**Polisner:** "Having been on this Committee, we believed that East would never pass either of the two slow bids (3NT and 5♣), and should be more concerned about missing a grand."

**Stevenson:** "A perfect decision by an excellent Appeals Committee! (Oh, was I on it? I had forgotten that!)"

✍ It's not often he can say that. Other support for the decision.

**R. Cohen:** "Was there a hesitation? Yes. Was there UI? Yes. Was 5♣ forcing? No. Was 6♣ demonstrably suggested by the UI? Possibly, but there were better bids available. Were there LAs to 6♣? Yes: pass, 5♦, 5♥, 6♥. Let the result stand."

✍ Some panelists would have thought more seriously about keeping the money.

**Treadwell:** "Very good ruling. In high level auctions, breaks in tempo, more often than not, indicate uncertainty as to the proper call to make and do not indicate additional strength. This was certainly true here. Perhaps the money should not have been returned."

✍ One panelist thought there was reason not to allow the 6♣ bid, but he made no mention of why he thought the slow 5♣ bid demonstrably suggested bidding on.

**Rigal:** "I find the Director's ruling surprising but I understand that outside the USA the Director has more powers to exercise his discretion, and his view was based on a poll anyway. The Committee established that 3♣ showed extras and 2♥ was not a game force. On that basis it seems to me that East had bid his hand fully by 4♣ and West's 5♣ did not show extras and was not slam interested. Hence passing 5♣ is a LA and only the diamond void and good trump spots makes it worth another action. Since the world disagrees with passing maybe they are right. But West bid the hand so badly that I'd like to make him suffer!"

✍ Finally, the most comprehensive discussion comes from Bart, who expresses my own feeling quite precisely. So he gets the final word.

**Bramley:** "I agree, but I have a few quibbles. Some of the inferences from the 5♣ bid are open to debate, but for sure West was prepared to play there. I do not feel as strongly as the consultants about pass not being a LA, since East needed help in several areas. However, the key to this case, only mentioned obliquely, was that the hesitation before 5♣ did not demonstrably suggest anything, because a significant hesitation at that point was virtually *automatic*. What player would not take a while to absorb the meaning of 4♣ in the context of a long, complex auction? West must

consider what East is showing in both distribution and high cards, choose between at least two potential strains, judge the slam-worthiness of his hand, and decide how partner will interpret each of his potential actions in light of all of the above. Since the Committee thought that bidding over 5♣ was automatic, they should have discussed keeping the deposit.”

## CASE FIFTY

**Subject (Tempo):** To Pass, Perchance To Swing?

**Event:** Open Teams, Round 12

**Teams:** South Africa (N/S) versus Italy (E/W)

Bd: 9	Eber		
Dlr: North	♠ 4		
Vul: E/W	♥ 87652		
	♦ AQ872		
	♣ 72		
Duboin		Bocchi	
♠ 83		♠ KQJ10972	
♥ AKQ93		♥ J4	
♦ 1063		♦ 54	
♣ A86		♣ 94	
	Sapire		
	♠ A65		
	♥ 10		
	♦ KJ9		
	♣ KQJ1053		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	3♠	3NT
4♠	Pass(1)	Pass	5♣
Dbl	All Pass		
(1) Break in tempo			

**The Facts:** 5♣ doubled made five, +550 for N/S. North took some time to pass 4♠ and East called the Director to establish this fact. E/W thought the break in tempo made it easier for South to find the 5♣ bid. The Director ruled that there had been UI and that passing 4♠ was a LA. The score was adjusted for both sides to 4♠ down one, +100 for N/S (Law 73F1).

**The Appeal:** N/S appealed the Director's ruling. South agreed that there had been a hesitation but found it automatic to bid 5♣. He defended this by pointing out that the bidding at the other table had been exactly the same. It would have been poor bridge to double or to pass. East said it had been a mistake to call the Director in the way he did; normally he would not call the Director at such a time, but this was a very long pause.

**The Committee Decision:** The Committee observed that because the auction had developed so quickly, North had a difficult problem. It was clear that there had been an unmistakable break in tempo, but the 5♣ bid was dictated by the cards in the South hand and not the hesitation. South could expect North to be short in spades and to have a few clubs. There could easily be a game for both sides and 5♣ would be a cheap sacrifice or even a make. In the view of the Committee, there was no LA to bidding 5♣. The table result was restored for both sides: +550 for N/S. The deposit was returned.

**Committee:** John Wignall (Chairman, New Zealand), Richard Colker (USA), Grattan Endicott (England), Nissan Rand (Israel), Herman De Wael (Scribe, Belgium)

**Directors' Ruling:** 71.0

**Committee's Decision:** 84.8

✍ With North marked with at most a singleton spade, it is difficult to construct a hand for him that will not make 5♣ a winning action—even as a save if North turns up with a near Yarborough. At this vulnerability, it is hard to conceive South ever passing 4♠. Agreeing are...

**Bramley:** “How long was the hesitation to establish an unmistakable break in tempo? A moot point, perhaps, because there is no LA to 5♣. Here I accept the Director's ruling because the obviousness of the 5♣ bid may not have been apparent to him. Requiring N/S to prove their case was reasonable.”

**Rigal:** “Correct initial ruling and the Committee made the right conclusion that 5♣ looks very clearly indicated by the auction. That will teach West to make bids like 4♠! Incidentally, East’s decision to call the Director was hardly wrong, but in any event it is surely his right to do so and no one should question it should they?”

**Treadwell:** “Another good Committee decision involving a hesitation in a high-level auction. This one was close enough that I agree with the decision to return the deposit.”

**R. Cohen:** “This is tough. At one time, under then prevailing Laws, in the ACBL we would have said that 5♣ was a 70% action and allowed it. Did North’s ‘tank’ demonstrably suggest that 5♣ would be advantageous? Yes. Were pass or double LAs? Probably not—particularly at the prevailing vulnerability. Guess I’d allow 5♣.”

**Gerard:** “The Director’s ruling should have been down two. But what was wrong with West? Don’t world champions lead their partner’s suit?”

✍ Yes, I agree that down two in 4♠ is clear. After the likely club lead East would surely try to make his contract by pitching a minor-suit loser on the third heart, hoping the suit was three-three. When South ruffs the second round, declarer ends up down an extra trick. Good catch, Ron.

However, a spade lead would not beat 5♣ with best play. South wins and leads the ♥10 and the defense is done. If they return a spade South simply ruffs and plays trumps, pitching his remaining spade on a diamond. (West has no entry to the East hand to cash a spade.) If E/W play a trump there are two variations. If the ♣A is ducked declarer ruffs a spade and plays as before; if the ace is won declarer wins any return and uses dummy’s diamonds to pitch spades.

**Wolff:** “I do not have a major problem with this ruling. However, why should this South be in an advantageous position to another South who didn’t have the tempo break to rely on? I would have ‘fined’ N/S 2 or 3imps for taking that advantage. My dear friend ‘equity’ is a controversial, mercurial, and delicate entity that needs to be discovered first and then cherished.”

✍ When an action is clear, as South’s was here, I don’t see how you can penalize his side just because his partner hesitated. Thinking is part of the game and not an infraction. To penalize it is both antithetical to the stated purpose of the laws (which “are primarily designed not as punishment for irregularities, but as redress for damage”—Scope of the Laws) and displays a certain arrogance which I must admit I find distasteful. If a hesitation affects the results, then the laws provide redress for damage. But punishing a player just for thinking is beyond the pale. Look at North’s hand. He was five-five in two unbid suits and his partner had shown a good hand. It is not as though he had nothing to think about or had a clear-cut action over 4♠. This was unfortunate but it was not a crime.

Two panelists think that pass was a LA for South.

**Polisner:** “Since there is no question that there was an unmistakable hesitation, the UI from which suggests bidding over 4♠, the only issue is whether there is a LA to 5♣. I personally believe that pass was a LA with a five and one-half-loser hand, since with it likely that North is short in spades and being a passed hand the thought could only be about bidding 5♣. I would have adjusted the score to 4♠ doubled +100 for N/S.”

✍ But aren’t North’s passed-hand status and spade shortness AI to South? And don’t as little as the ♦10 and a few clubs with North make 5♣ an excellent save, while the ♦A10xx elevate it to a possible make? Would you *really* pass 4♠ Jeff?

**Stevenson:** “The ruling looks correct to me and the decision wrong: I would have thought that pass was a LA with the South hand even by WBF standards. It is not necessarily clear exactly what WBF standards for a LA are since they tend to be a compromise between various views, the extreme positions being held by the ACBL (‘a call that some number of the players’ peers would seriously consider) and the English Bridge Union (‘a call that at least three in ten of the players’ peers would find’). The auction went the same way in the other room, but that proves nothing. When UI is available a player is constrained in his actions so even if one player finds the 5♣ bid that does not make it acceptable after partner’s hesitation. For that and other reasons it is better if the Committee does not know what happened in the other room. On this occasion one of the players told them.”

✍ The ACBL’s standard for what constitutes a LA has (thankfully) been upgraded recently so that for a call to be “seriously considered” it must be one that some of the player’s peers would actually make at the table. Thus, it is now closer to the EBU’s standard, but (thankfully) without the numerical requirement.

CASE FIFTY-ONE

**Subject (MI):** Minor-Suit Mixup  
**Event:** Open Teams, Round 2  
**Teams:** Hong Kong (N/S) versus Austria (E/W)

Bd: 10	Wan		
Dlr: East	♠ AKQ4		
Vul: Both	♥ KQ109		
	♦ Q62		
	♣ AJ		
Vernle		Krittner	
♠ 7532		♠ 986	
♥ J7		♥ 6532	
♦ A108		♦ 4	
♣ Q965		♣ K7432	
	Chin		
	♠ J10		
	♥ A84		
	♦ KJ9753		
	♣ 108		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	Pass
Pass	2NT	Pass	3♠(1)
Pass	3NT(2)	Pass	4NT(3)
Pass	5NT(3)	All Pass	
		(1) Explained, N to E: minors	
		(2) Explained as "no interest in minors"	
		(3) Quantitative	

**The Facts:** 5NT made six, +690 by N/S. The opening lead was a small heart. East called the Director when dummy appeared, explaining that he was told dummy would have both minors. If he had known that the actual distribution was possible, he might have led differently. N/S produced their system notes showing 3♠ as Minor-Suit Stayman. The convention card was marked that "3♠=minor interest." The Director, after discussion with other Directors and some players, ruled that there were discrepancies between the information given at the table, the convention card and the system notes which resulted in damage to the opponents. The score was adjusted for both sides to 5NT down two, -200 for N/S (Laws 20F and 75C).

**The Appeal:** N/S appealed the Directors' ruling. N/S stated that their system agreement was Minor-Suit Stayman. While different pairs may play this convention differently, their

specific agreement was that the bid showed both minors with mild slam interest. The primary evidence was their system notes, furnished after the Director was summoned. The notes said: "Minor-Suit Stayman, mild slam interest, opener bids 4♣/♦ to set the suit and invite cue-bid." If 3♠ had promised only one of the minors, there would be no way that opener could set the suit on his own. So North gave the correct system meaning to East when he wrote "minors." As for South, he realized 3♠ was the wrong bid after the tray was pushed to the other side (systematically he should go through Stayman, then rebid 4♦ to show this type of hand). Consequently, for fear of complicating matters, he dared not bid 4♦ over partner's 3NT (signoff) and instead invited with a quantitative 4NT. The good diamond slam that was bid at the other table was thus missed. E/W stated that North told East that South had both minors when asked about the 3♠ bid. Consequently, East was damaged as he was talked out of his normal club lead. East said he would have asked further questions if the answer had been Minor-Suit Stayman.

**The Committee Decision:** The Committee noted that North explained "minors," the convention card said "minor interest" and the system notes said "Minor-Suit Stayman." The Committee believed that a club lead was unlikely but possible, and decided to assign a weighted score under Law 12C3 to reflect this. The Chairman expressed his concern that N/S did not know their system and that at this level,

results caused by such factors were not what should decide bridge matches. The score was adjusted reciprocally for both sides to 80% of 5NT made six, +690 for N/S, and 20% of 5NT down two, -200 for N/S. The deposit was returned.

**Committee:** Bobby Wolff (Chairman, USA), Joan Gerard (USA), Jean-Paul Meyer (France), Jeffrey Poliser (USA), David Stevenson (Scribe, England)

**Directors' Ruling: 69.0**      **Committee's Decision: 79.5**

I must be losing my grip. North explained 3♠ as the minors, N/S's system notes said 3♠ was Minor-Suit Stayman, and their convention card said 3♠ showed minor interest. Am I missing something here? Where are the discrepancies? Were these grammatical discrepancies? Was the punctuation different? If I didn't know better I'd say that someone must have had a grudge against N/S and was looking for some reason to rule against them. At least they could have had the imagination to find something more plausible to base it on.

As for East, his assertion that he "would have asked further questions if the answer had been Minor-Suit Stayman" is utter nonsense. What further questions could he have asked that would have changed anything? And once he discovered that South had both minors, slam interest, and invited North to set the suit and cue-bid, how would this have changed anything about his lead?

E/W's complaint, once they found out what N/S's system notes and convention cards said, was utterly meritless (too bad they weren't the appellants). The Directors and Committee should have paid \$50 to the WBF's coffers for not apologizing to N/S and restoring the table result immediately. The Chairman, who chose to lecture N/S for not knowing their system, could contribute an extra \$50 for pursuing his own private agenda and lashing out against imaginary evils rather than listening to what was being said and deciding the case accordingly. Sorry Wolffie, but you were way out of line here.

**Wolff:** "While I think the Committee's judgment was okay, this was like taking a machete to a mosquito. There are so many vagaries to defending 5NT that it is impossible to properly adjust a score. An analogy might be a person running a red light at 5 am with no other car within five blocks. Sure we must have laws, but the application of the penalty has to be based on bridge equity. I would rather fine N/S for CD and not get into what might have happened. Why? (I know you didn't ask.) Because CD is usually impossible to adjudicate and needs to be eliminated at the high levels"

N/S did know their system. Everything they said and that was written in their system notes and on their convention card indicated that 3♠ showed the minors. Why is that so difficult to accept?

As for CD, so are we to understand that the laws now have a provision for punishing it? Funny, but I can't find it anywhere. It's not even in the WBF Code of Practice. So this looks like another case of "vigilante justice."

Two more of our panelists served on this Committee. Let's hear what they have to say for themselves.

**Poliser:** "A good use of 12C3 to arrive at an equitable result which gave E/W something that would have been unavailable on an all-or-nothing approach without 12C3."

**Stevenson:** "This shows Law 12C3 at work and is a good example of why players like it and find it fair—assuming you accept the logic that East was misinformed. Given the correct information, what would he lead? It looks like an MSC hand, with scores something like ♠9: 10; ♥6: 9; ♣3: 7; ♠2: 6; ♦4: 3; ♠6: 3; ♣2: 2. In such cases, under Law 12C2, you would have to either: (1) Adjust to the effect of a club lead, even though the player might only find it one time in five or less, giving him

a good score he was not likely to get. (2) Not adjust, saying that a club lead was not 'likely.' Now East feels justifiably cheated because he 'might' have found that lead, and the chance was removed by the MI.

"So we have a solution under Law 12C3: we give a small proportion of the effects of a club lead, here 20%, and 80% of the effect of any other lead. I think it is time the ACBL gave this method a limited trial, say at one of their NABCs."

✍ Let's examine the issues which should have been considered before Law 12C3 was applied. Was this MI or a misbid? What evidence was there of MI? I see none. The explanation, system notes and convention card all confirmed that South misbid and that 3♠ showed both minors. So all of the wonders of Law 12C3 (I have long supported its use in the ACBL) were completely beside the point. You can't adjust the score when there has been no infraction. And CD is *not* an infraction—not even in the WBF!

Both of these panelists are still suffering from acute myopia. Right, Bart?

**Bramley:** "I disagree. This was a correct explanation of a call that was a misbid. A heavy burden was on the bidders to show that North had made the correct explanation, and they did so. Since East had the correct information, there was no infraction, nor should there have been any adjustment.

"I am curious how the Committee determined that a club lead was 'possible.' If they meant the club lead was possible if East had known that South might not hold both minors, they were wrong: East was not entitled to that information. If they meant the club lead was possible with the information East actually had, they were right in a narrow sense but they were still wrong to make an adjustment. East had his chance to find the 'possible' club lead at the table with all of the information to which he was entitled, but when he didn't find it the Committee had no basis to compensate him for the chance that he *might* have found it.

"Allow me to rephrase the Chairman's expression of concern. My concern is that the Committee did not know the *legal* system and that, at this level, results caused by such factors should not decide bridge matches."

✍ Next let's hear from a man whose happy married life could depend on his comment here.

**Gerard:** "Well, Mr. Chairman, lots of people don't know what they are doing. The purity you argue for does not exist, and I can prove it. In the semifinals of the Vanderbilt a few years ago, a strong declarer played a tricky 3NT hand against me and I had a defensive problem at trick three. With no clear action, I made a play that would have worked if declarer's carding had been accurate. This turned out to be unsuccessful because declarer had taken an inferior line of play. In fact, the right line would have worked but the wrong line was unlikely to be punished because it was difficult to visualize declarer's actual hand. So, in effect, the contract was cold no matter what declarer did. Unless the defender knew enough to insult his opponent—and it would have been a big insult—he was bound to lose whether declarer played it right or played it wrong. This match was decided by 2imps. Are factors such as these what should decide bridge matches? This is just as much a non-bridge factor as your beloved CD, since it's a random occurrence that has nothing to do with technical or even psychological proficiency. If we're going to start filtering out someone's notions of common, well-intended, unacceptable behavior, we should have a panel of jurists to adjust every result based on purity alone. Knowing what you think about lawyers, I doubt that you would go for that.

"Yes, Minor-Suit Stayman was the correct reply. That must make the actual response ('minors') one of the most insignificant statistical deviations ever. I do not understand why the former rather than the latter would have caused East to ask additional questions. If East had asked those questions, North would have told him that South's expected holding was a 2=2-(4)-(5) slam invitation. South's actual hand would never have come to light, since he wasn't supposed to hold it. North's

aberration was light years away from the misplay in 3NT described above. (By the way, that 3NT hand didn't decide the match, so we're only talking about style points, not justice.)"

✍ If that bit of death-defying criticism of the Committee's decision does not convince you, then probably nothing will.

**Rigal:** "I believe East got a fair summary of his opponents' methods: the differences between the various explanations is sufficiently small that it does not constitute MI. The fact that South forgot the system should not have inspired a lupine rant from the Chairman. It seems to me that the table result should have been restored, but fortunately given the result from the other table the cost to N/S was fairly small (1 imp?)"

**R. Cohen:** "The write-up does not make clear whether the system notes verified N/S's statement on how South should have bid the hand. [Who cares?—*Ed.*] If the Committee was of the mind that South made a 'mistaken bid' (perfectly legal) then no adjustment to the table result was in order. Sounds like CD to me—which I can't find anywhere in the law book."

✍ Maybe CD by South, but certainly not MI by North!

Finally, one panelist who was not on the Committee seems to be suffering from the same form of myopia that Jeff and David evidenced.

**Treadwell:** "The Committee did an admirable job in pro-rating the score to give N/S most of the benefit of their table result but, in effect, penalizing them somewhat for MI which may, just barely, have deterred a club lead."

✍ The actions of the Directors and Appeals Committee appear to me so obviously wrong that I can only wonder if something else was going on here that we have not been told about. I can't imagine that any sort of bias existed against N/S and the only other thing I can think of is that some important facts were omitted from the write-up. But neither Wolfie nor any of the other Committee members mentioned any omissions.

Color me perplexed and dismayed.



CASE FIFTY-TWO

**Subject (MI):** Do The Right Thing—Or Else!

**Event:** Open Teams, Round 11

**Teams:** Greece (N/S) versus The Netherlands (E/W)

Bd: 14	Kotsiopoulos		
Dlr: East	♠ A6		
Vul: None	♥ 10		
	♦ KQ107		
	♣ KQ8654		
De Boer		Muller	
♠ K10832		♠ J7	
♥ 43		♥ AQ862	
♦ 9852		♦ J643	
♣ A7		♣ 102	
	Militsopoulos		
	♠ Q954		
	♥ KJ975		
	♦ A		
	♣ J93		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		2♥(1)	Pass
Pass	3♣	Pass	3♥
Pass	4♦	Pass	5♣
All Pass			

(1) Not Alerted by E to N; Alerted by W to S: 5♥s, 4+ minor, weak

**The Facts:** 5♣ went down one, -50 for N/S. The opening lead was the ♠J. After play was finished, N/S summoned the Director because North claimed that 2♥ was not Alerted. East said he could not remember if he Alerted it. N/S subsequently became confused about the meaning of South's 3♥ bid. According to North it asked for a stopper; according to South it showed a stopper since 2♥ showed two suits. North could thus not bid 3NT. The Director adjusted the score for both sides to 3NT made three, +400 for N/S (Laws 21B1 and 40C).

**The Appeal:** E/W appealed the Director's ruling. The appellants agreed to the facts as described.

**The Committee Decision:** The Committee decided that East was culpable for failing to Alert and upheld the Director's ruling (-400) for E/W. However, they also found that North had failed to protect himself adequately and that N/S should not receive full protection. Based on the fact that N/S were +430 in 3NT at the other table, the

Committee assignedimps directly to the two teams: N/S were assigned -4imps while E/W were assigned +1imp. The deposit was returned.

**Committee:** Bobby Wolff (Chairman, USA), Grattan Endicott (Scribe, England), Jean-Paul Meyer (France), Dan Morse (USA)

**Directors' Ruling: 86.7**

**Committee's Decision: 68.6**

After the previous case words start to fail me. Why were N/S not entitled to full redress? Were they only partially damaged? Was it not likely that without the MI they would have easily reached 3NT? (North would bid it over 3♥ since he would not then bid 4♦ be looking for a diamond fit.) And why did the Director not award ten tricks (+430) to N/S in 3NT? Are there not five clubs, three diamonds, and one trick in each major readily available? There's more wrong with what went on here, but I'll leave that for the other panelists.

**Bramley:** "Whoa! What was the basis for adjusting the two sides differently? How were these adjustments determined? Is the assignment of absolute imp scores legal? I don't like what I see here.

"If the Committee determined that North had been damaged by the failure to Alert, they could have assigned him an absolute score, as the Director did, or a

weighted score using 12C3. If the latter, then E/W should receive the reciprocal of N/S's score. The Committee did none of those things, nor did it explain how it arrived at the scores it did assign. Further, they say that North did not protect himself but do not say what North should have done. Maybe in a WBF event opening two-bids have enough different meanings that an opponent is liable for not checking his opponent's convention card after a two-bid. If that's what the Committee meant, they should have said so.

"I would not have given a split decision. If I thought that North had failed to protect himself, I would have found no damage and let the table result stand. If I thought that North had been damaged by the failure to Alert, I would have assigned a result of 3NT making four, 430, for both sides. (Ten tricks, not nine, seem likely on most lines of play.) Alas, the write-up is so sparing in detail that the reasons for the Committee's decision to punish both sides remain a mystery."

Law 12C2 assigns the Director (and thus a Committee) the right to alter the total-point score of each side separately. Thus, since each side may be assigned a total point score (e.g., +380) to produce some desired imp score, I can see no reason why an imp score cannot be assigned directly. (Ron will explain how the imp scores were likely to have been determined next.)

I doubt that the Committee was saying that in the WBF players are responsible for checking their opponent's convention card. I would think that if an experienced player asked about a bid and an opponent expressed uncertainty about its meaning, the player is expected to check the convention card and if the correct description is clearly listed on it then he is complicit in any damage. (Of course the opponents' score should still be adjusted to remove any advantage they might have gained.)

**Gerard:** "More frontier justice, à la CASE FIFTY-THREE from Cincinnati.

"It appears that the Committee applied 12C3 to N/S by assigning one-third of the score for -50 and two-thirds of the score for +400. In other words, they held North one-third to blame for not inquiring about the meaning of 2♥ when South bid 3♥; North had to protect himself adequately in order to get full redress, another 3imps.

"Firstly, don't force me to figure this out, simple as the equation is. When applying 12C3, please explain the math. This will make it seem as if you did your job rather than assigning a random result. Unless of course you did assign a remarkably coincidental random result, consistent with the Chairman's belief in the meaninglessness of the laws.

"More importantly, don't force North to inquire about something he had no reason to question. What was self-Alerting about the situation, the two-bid itself? The fact that West hadn't raised? The fact that E/W were from the Netherlands? How could North 'reasonably be expected' (Law 40B) to understand the meaning of 2♥? Don't you understand that it was illegal for East to bid 2♥ under the circumstances? Can't you read?

"North wasn't guilty of contributory negligence. Compare CASE TWENTY-NINE, where South needed to know about other bids in making his decision. This attempt to turn North into one of the Three Monkeys is blatant disregard of the laws. It's a Lobo-tomy."

That's "lobotomy" for the literal-minded reader.

Most panelists were on the same wavelength, some (no names) mercifully freed from the myopic effects caused by membership on the "offending" Committee.

**Stevenson:** "It is not clear what North was meant to do once he had been misinformed. He and South were effectively playing two different meanings for the 3♥ bid based on what they believed they knew about the meaning of the 2♥ bid. This does not seem to be their fault.

"At the WBF level, players are expected to protect themselves against MI to a much greater degree and especially if they have not asked questions, Directors and

Appeals Committees want to know why not. Even so, this seems unnecessarily harsh.”

**R. Cohen:** “What goes on here? East fails to Alert and the Committee decides N/S don’t get the full benefit of the ruling? N/S got gyped out of 3imps.”

**Rigal:** “The Director correctly noted that if the same explanation had been given N/S would not have had this accident. That being the case, I can’t see what North could or should have done here—assuming that a non-Alerted bid was natural does not seem unreasonable. The actual Director ruling seems fine to me.”

☞ Three of our panelists supported the Committee’s judgment that North failed to protect himself adequately. I wish they provided an explanation of just what they expected North to have done differently. I suppose we may presume that they are personally in the habit of checking all of their opponents’ un-Alerted and presumed natural major-suit two-bids just in case they’re not natural. Right.

**Polisner:** “Either N/S were damaged by the presumed lack of an E/N Alert or they weren’t. If no damage, the table result stands; if damage, an assigned score or Average +/- if no assigned score can be determined (12C2 or 12C1). It could easily have been decided that the lack of an Alert created the ambiguous meaning of the 3♥ bid and the score adjusted to N/S +430 for both sides—end of story! Or it could have been decided that the MI did not damage N/S (their poor result did not relate to the MI) and the table result been allowed to stand—which is my feeling. I could go along with the former but I disagree with the assignment of imp adjustments.”

**Treadwell:** “Similar to the proceeding case in prorating the score, except that the offenders, E/W, lost most, but not all of the benefit from their MI infraction.”

☞ Ron was right when he tied this decision to disregard for the laws. I would add a certain amount of blind hero worship. After all, there were four members of this Committee although there may have been only one vote. Speaking of which...

**Wolff:** “This type of controversy is more common in WBF events than in ACBL tournaments since outside the ACBL many players play specific defenses to fairly common conventions. I personally think that N/S should not be coddled and getting to 5♣ was ‘rub of the green’ (I’d bid 3NT with either hand). But others think differently. It is a point that could stand discussion.”

☞ If it’s discussion you want, then here goes.  
I’m dumfounded. It’s only rub-of-the-green when you’re looking at all four hands and don’t consider the problems from the point of view of the players at the table. Think about the hand from North’s perspective. South’s 3♥ cue-bid asked for a stopper since without an Alert he thought East had only hearts (when an opponent has shown only one suit, a cue-bid asks for a stopper). So why would North ever bid 3NT without a heart stopper? Of course South, who was Alerted that East had hearts and a minor (obviously diamonds), bid 3♥ to show a stopper and ask about diamonds (when an opponent has shown two suits a cue-bid in either of them shows a stopper). Should South bid 3NT when North might hold something like ♠AKx♥x♦xxx♣KQxxxx? I certainly wouldn’t. If North can’t bid 3NT over 3♥ (showing a stopper) then South should be looking for a different game (5♣, or maybe even 4♠). Only a player looking at all four hands and not thinking about N/S’s problems would “bid 3NT with either hand.” Since North wasn’t able to see through the cards like Wolffie he naturally bid his side suit, 4♦. Coddled? Rub of the green? If I wrote what I really thought about your comments it wouldn’t have gotten past the censors. I’m sorry, Mr. Chairman, but you didn’t even come close to doing your job here.

**Subject (MI):** The Watchword Is Aggression  
**Event:** University Teams, Round 18  
**Teams:** Belgium (N/S) versus USA (E/W)

Bd: 16	V.Overloop		
Dlr: West	♠ 10965		
Vul: E/W	♥ 7		
	♦ AK876		
	♣ KJ5		
Hung	♠ KJ	Lasota	♠ AQ42
	♥ AK4		♥ QJ98
	♦ J2		♦ Q9
	♣ A108642		♣ 973
		De Donder	
		♠ 873	
		♥ 106532	
		♦ 10543	
		♣ Q	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1♣	1♦	Dbl(1)	3♦
Dbl(2)	3♥	Dbl	5♦
Dbl	All Pass		
		(1) Both majors	
		(2) W to S: general T/O, extra strength; E to N: both majors	

**The Facts:** 5♦ doubled went down three, +500 for E/W. North claimed he would not have bid 3♥ if he had received the explanation that West was showing points. But given the explanation he received he thought E/W had a double major fit and wanted to steer them into spades. E/W’s convention card did not provide a definitive answer as to the real meaning of West’s first double. The Director felt compelled to rule there was MI. He adjusted E/W’s score to 3♥ made three, +140 for E/W, and N/S’s score to 4♦ doubled down two, -300 for N/S. (Laws 75A and 12C2).

**The Appeal:** E/W appealed the Director’s ruling. E/W presented their convention card which showed “responsive doubles through 3♦.” East interpreted West’s double this way while West did not. They had only been playing together for one week. North stated that he would not have bid 3♥ had he been given an explanation of

“general strength.”

**The Committee Decision:** The Committee consulted the laws and the Code of Practice to confirm that when different explanations are given, and there is no clear evidence to support either one, MI is to be presumed. Thus, an adjustment was appropriate. The Committee decided to accept North’s statement that he would not have bid 3♥ with the explanation “general strength.” The Committee agreed with the Director’s assessment (that N/S would likely compete to 4♦ over 3♥ and get doubled) and upheld his ruling. The deposit was returned.

**Committee:** John Wignall (Chairman, New Zealand), Richard Colker (USA), Nissan Rand (Israel), Herman De Wael (Scribe, Belgium)

**Directors’ Ruling: 66.7      Committee’s Decision: 68.6**

☞ North’s 3♥ bid was a gambling action aimed at confusing the opponents and I generally support the idea that a player embarking on such a tack does so at his own risk. But I think this policy should only apply when the player suspected he was misinformed or that the opponents were having a misunderstanding and he chose to try to take advantage of the situation. But when he is unaware that he has been misinformed and the MI contributes directly to his “strategy,” then he should

be afforded protection. In other words, strategic actions based on MI, when the MI is totally obscured from the player, may be protected. Of course the Director or Committee may use its judgment in such situations, since the degree of awareness of what was happening is often open to interpretation.

Even so, this case was very close. We checked the Code of Practice to confirm that the WBF expected us to lean toward the presumption of MI when there was doubt. Here E/W referred to “responsive doubles” marked on their convention card, even though this was not a situation where most experienced players would treat responsive doubles as applying. (Remember, this was a University Teams involving junior players.) We judged that East had simply misapplied this treatment in a situation which was undiscussed. Thus, East’s explanation was of a convention his partnership was not playing in this situation and thus constituted MI.

Was North’s “tactical” action sufficient to break the causal connection to the MI? We judged not. While North’s attempt at confusing the opponents would not have been many players’ choice, it was not irrational nor was it intended as a double shot or to take advantage of the opponents’ misunderstanding. He had no idea that there was a misunderstanding. Thus, we believed he should be afforded protection. I personally would not have afforded it to an expert player.

I can certainly understand (and sympathize with) anyone who thinks the table result should have been allowed to stand, speaking of whom...

**Bramley:** “North’s 3♥ bid, and his reason for bidding 3♥, are so bizarre that I am wary of accepting that he would have bid differently with a different explanation. Why was North so bent on jockeying E/W into spades when hearts, which were also splitting badly, could easily have been worse for them? Also, the two explanations were similar in tenor, but different only in the details. I find that the damage to N/S was self-inflicted, with both of them taking over-aggressive calls. I would have let the table result stand.”

**Wolff:** “Important case because of its frequency. I don’t subscribe to the protection of psychers’ rights. Not that they shouldn’t have the correct information (if there is any). East’s explanation of West’s bid could be right the next time. All bridge players tend to perceive certain treatments (doubles are the current rage) the way they would like to play them. Usually doubles nowadays show values but are somewhat random as to specifics. Here North attacked and maybe he would have attacked whatever the double showed. His psych worked out badly as his opponents were headed for a set. What else is new? 5♦ doubled is what I would have voted for with a 2- or 3-imp PP to E/W to remind them to practice, practice, practice, or play fewer conventions.”

**Polisner:** “I would have not given N/S any adjustment. The Director and Committee bought a bill of goods from North. The 3♥ bid was a failed attempt to confuse the opponents. South’s leap to game with his pathetic collection in advance of E/W bidding a game is what caused the bad result. I would have supported maintaining the table result. Merely because there is MI does not compel an adjustment as the write-up states. Before an adjustment is appropriate, the MI must cause damage. It is this latter point which is missing from this case.”

✍ While it is poorly represented in the write-up, North alleged that he was influenced by the explanation which implied that E/W had at least an eight-card (a four-four) heart fit. Had he known that West hadn’t shown *both* majors, he would not have been inclined to interfere.

**Rigal:** “The Director made a sound ruling—up to a point. But if I had the East cards and partner had shown extras would I not drive to game? If so, 4♥ down one is surely the best they can do. As for N/S, psyching and getting caught is not exactly a good reason to be demanding redress. Still –300 is not much of an adjustment in their favor. I’d guess both sides were unhappy with this ruling initially, but since it

might have been –50 for E/W and –500 for N/S perhaps they both got off lightly.”

**Treadwell:** “The MI by E/W was minimal and West could indeed have had both majors. I think North’s statement that he would not have bid 3♥ had he been given the correct explanation was self-serving to a very great extent. N/S dug their own grave when South misread North’s cue(?)-bid. Perhaps N/S should have been given some slight relief but not as much as the Committee did. How about –450 for N/S and +450 for EW?”

**R. Cohen:** “Why were E/W appealing? They got a ruling that gave them a favorable result. They jeopardized this result by appealing. The Committee might have assigned them +140 or –100. Only the insanity of 3♥ and 5♦ saved their skin. E/W should have bought the Committee members a beer with the returned deposit.”

✍ Again, although the write-up doesn’t state it (don’t blame me, I wasn’t the scribe), E/W appealed because they wanted to be allowed to bid and make 4♥.

Next, a slightly different take on the situation.

**Gerard:** “Okay, I guess the trick would have gotten away at 4♦ just like it did against 5♦. But why is the non-offending pair being forced to take ridiculous action? Even a junior North would have been thrilled to defend 3♥ opposite a typical junior preemptive raise (South was probably heavy by the ♣Q). Assuming the correctness of the Director’s ruling (standard WBF procedure) doesn’t mean paying slavish obedience to it.”

✍ Yes, there were different ideas from the various members about just what N/S deserved (if anything). With so many different countries and different approaches to appeal decisions represented on the Committee, it was difficult to get any sort of consensus. In the final analysis, we decided to uphold the Director’s ruling since we had no clear sense that it was wrong—and even if it was, what it should have been. This was what prompted our consulting the Code of Practice.

One panelist supported the Committee’s decision based on WBF procedure and with apparent clairvoyance about our deliberations (as I just described them).

**Stevenson:** “The actual ruling is complex and we see here the effect of starting with the ruling. In the ACBL an Appeals Committee starting from the beginning might have come up with a slightly different decision without any belief that the Director had erred. In the WBF, if the Director has not erred then his ruling is upheld.”

✍ I’m not convinced that approach worked out so well in this case.

## CASE FIFTY-FOUR

**Subject (MI):** Not Really Such Different Explanations

**Event:** Women's Teams, Round 19

**Teams:** Denmark (N/S) versus Indonesia (E/W)

Bd: 9	Ege		
Dlr: North	♠ A96		
Vul: E/W	♥ 1092		
	♦ KQ974		
	♣ A4		
Syofian		Bojoh	
♠ Q104		♠ K32	
♥ KQJ76		♥ A4	
♦ 106		♦ AJ82	
♣ K75		♣ J983	
	Rahelt		
	♠ J875		
	♥ 853		
	♦ 53		
	♣ Q1062		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	1NT(1)	Dbl(2)	Pass(3)
Pass	Rdbl	Pass	2♣(4)
Dbl(5)	2♦(6)	Dbl	Pass
3♦	All Pass		
(1) 11-14 HCP			
(2) 14+ HCP			
(3) Forcing to redouble			
(4) Clubs and a major			
(5) Takeout			
(6) N to E: asking South's major; S to W: either diamonds or asking my major			

**The Facts:** 3♦ went down one, +100 for N/S. North explained the 2♦ bid as asking for South's major, so East doubled, thinking she was showing diamonds. She then passed 3♦, believing it to be natural. South explained 2♦ as either five diamonds or asking for her major. West now believed that 3♦ was a cue-bid and since she knew East must hold the stopper, she bid 3♦ to get her to play 3NT from her side. The Director found that the differing explanations messed up the opponents' auction and adjusted the score for both sides to 3NT making, +600 for E/W (Laws 21 and 12C2).

**The Appeal:** N/S appealed the Director's ruling. South explained that she asked about the double of 2♦ and was told it was penalty. North stated that on the N-E side of the screen the double was not Alerted so she assumed it was penalty. South decided to pass 2♦, showing a small willingness to play there if North indeed held five of them. South added that West had asked if she had promised three diamonds, to which she had responded in the negative. N/S said they did not understand E/W's decision to play in 3♦.

E/W agreed that the double of 2♦ was indeed for penalties. West explained that she had bid 3♦ intending to ask for a stopper. She realized that East must hold one and was intending to put the contract of 3NT in East's hand. East explained that she had interpreted 3♦ as being non-forcing, suggesting playing there.

**The Committee Decision:** The Committee started by trying to decide what the real explanation of 2♦ should have been, and found that very hard to determine. They decided to follow both explanations to see where each led. It was clear that if West had received the explanation that North had provided, she would not have bid 3♦. Equally clear was that East would not have let 3♦ become the final contract had she received the explanation that South had provided. Even so, the Committee did not believe the case was so easy. The Committee was under the impression that E/W were to a great extent to blame for their bad result. They were on a course of penalty doubles and had N/S running to find a suitable fit. Then, when they had seemed to settle in what could hardly be a good place, E/W had let them off the hook.

Whatever 3♦ meant, it was a mistake for East to stop bidding and not go on towards game. So it was decided to let the table result stand for E/W. The Committee then turned its attention to N/S. There was an opinion among some members that N/S did not deserve their result of +100. But when it was noted that in bridge you are entitled to good scores from opponents' mistakes, the Committee unanimously decided to allow the table result to stand for N/S as well. Thus, the Committee decided to restore the original table result. The deposit was returned.

**Committee:** Joan Gerard (Chairman, USA), Dan Morse (USA), Jeffrey Polisner (USA), David Stevenson (England), Herman De Wael (Scribe, Belgium)

**Directors' Ruling:** 65.7

**Committee's Decision:** 90.5

☞ Were North's and South's explanations of 2♦ all that different? I don't think so. Plus, I doubt that they had ever discussed the bid after West's double; clearly without the double they played that it asked for South's major. In theory South was right to express doubt that after the double 2♦ might show diamonds, since 2♥ by North might have been pass-or-correct.

Next, once East doubled 2♦ (penalty, as E/W agreed) West had no reason to pull (East should have at least four diamonds for her double). So why would West, with diamonds, try to play in 3♦? Normally she would just pass and compete with 3♦ later if necessary. (Unless, as one bidding theorist suggested, West anticipated N/S running and wanted to bid 3♦ to block N/S from finding their best fit. But that seems inconsistent with West's double of 2♣. If the double of 2♣ was for takeout, as we are told, then why would West suspect N/S had a better fit and in what suit would such a fit lie? West should be happy to play for penalties if East chose to double some other suit.) So East should have interpreted 3♦ as a cue-bid and should not have passed.

Finally, since E/W could get only 300 against 2♦ doubled (no lead beats it more) and were cold for +600 in 3NT, it turns out West did well not to settle for 2♦ doubled. So East's pass of 3♦ was responsible for E/W's damage. Therefore, the table result should have been allowed to stand, as the Committee did. Right Jeff, David, Wolfie?

**Polisner:** "Having been on this Committee, we believed that the bad result was not related to the MI (if there really was any) but was due to bad bridge by E/W. Thus, the table result stands."

**Stevenson:** "Complex and difficult. Unlike North America, in the WBF (and other parts of the world) people are expected to play against complex arrangements without particular protection. It is felt that the middle-of-the-road game in the ACBL has become too staid and has lost its innovation."

**Wolff:** "Let the table result stand since it was well-earned. Bridge logic should play some part in adjudicating a dispute."

☞ Agreeing with us are...

**Bramley:** "I agree. The auction was complicated enough that identical crystal-clear explanations for the later bids were unlikely to be given. N/S should not be liable when the essence of their answers was similar. E/W lost their minds and the Committee was right not to let them off the hook. In many respects this case is similar to the previous one."

**R. Cohen:** "The Director could have been right, but not this time. West knew her side had enough cards for game after the business double of 2♦ by East. With honors in all suits, and vulnerable, what did she need to bid 3NT and put the strong defender on lead? You still have to play bridge, not look for results in Committee."

**Treadwell:** “Again, E/W dug their own grave and are entitled to no redress, despite the slight lack of definiteness in the N/S explanations. Very good decision.”

☞ One panelist sees it the other way and would have protected E/W.

**Rigal:** “I can’t see that E/W did so much terribly wrong here. Had they been given the correct explanations they would not have achieved their bad result. While both players maybe took an inferior action that does not mean they broke the chain. I’d have left the Director’s ruling in place.”

☞ Let’s turn it around. What did N/S do that was so terribly wrong here, and how did it damage E/W? What was the “correct explanation” of 2♦? Wasn’t West told that 2♦ *might* be diamonds (which it was) or that it might be asking for South’s major (which North confirmed was her intent)? How did this damage West? Didn’t East know that her own double of 2♦ was penalty and that West wouldn’t pull this with diamonds to play in 3♦—she’d just pass?

Sorry, but E/W controlled their own destiny here. West made an inspired pull of 2♦ doubled and East passed what seems to me to be an obvious cue-bid. As the World’s Oldest Living Panelist is fond of saying, E/W “got their poor score the old-fashioned way—they earned it.”

## CASE FIFTY-FIVE

**Subject (MI):** Sorry, Made It

**Event:** Open Teams, Round of 16, Second Session

**Teams:** Sweden (N/S) versus Austria (E/W)

Bd: 27	Sylvan		
Dlr: South	♠ A6		
Vul: None	♥ AK5		
	♦ AKJ10653		
	♣ 6		
Wernle		Kriftoner	
♠ 10854		♠ Q	
♥ 1064		♥ QJ83	
♦ 2		♦ Q987	
♣ AK973		♣ Q842	
	Sundelin		
	♠ KJ9732		
	♥ 972		
	♦ 4		
	♣ J105		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			2♦(1)
Pass	3♦(2)	Pass	3♠(3)
Pass	4♣	Pass	5♣
Pass	5♦	All Pass	
	(1) Multi 2♦		
	(2) Game force (or nearly) with ♦		
	(3) Weak two in ♠, without ♦ support		

**The Facts:** 5♦ made five, +400 for N/S. The opening lead was the ♣K. West called the Director after the board had been played and scored and complained that he had not been told that 4♣ showed shortness. The Director, who was sitting at the table to check on time problems, found that West should have called as soon as the dummy became visible and concluded there was no damage. He ruled that the table result stood (Law 40C).

**The Appeal:** E/W appealed the Director’s ruling. N/S explained that after the forcing 3♦ response to Multi, 3♠ showed spades without diamond support whereas 4♦ would have shown spades with diamond support. There were a few sequences in which 4♣ would be ace-asking, and North mistakenly thought this was one of them. When he heard the response of 5♣ he realized his mistake, but found no occasion to give any explanations about this, as the bidding was by then over. South

explained the bid of 4♣ as natural and his reply of 5♣ as showing support. West explained how he would have found a spade lead with a correct explanation. If 4♣ was conventional, either cue or ace-asking, North might have shown a secondary spade fit and few club losers. That would mean that East must be short in spades and that the ♣A would be needed as an entry for the spade ruff (if East has the right diamond holding). West also pointed out that South had not Alerted 3♠. South agreed that he hadn’t because he thought it unnecessary. He now understood that because it specifically denied diamonds, it should have been Alerted. He apologized for his failure to Alert.

**The Committee Decision:** The Committee checked N/S’s system notes, which clearly indicated that opener’s rebids of 3♦, 4♦ and 4♣ over the forcing three-of-a-minor response showed support for the minor and the corresponding major. They also explained that three of a major denied support for responder’s minor. They also indicated the use of Redwood or Blackwood in many situations. The bid of 4♣ or any other third-round bid was not discussed. The Committee then had to decide whether or not 4♣ was conventional in N/S’s system, taking into consideration their duty under Law 75 to presume mistaken explanation rather than mistaken bid (in the absence of evidence to the contrary). The Committee decided that the evidence presented was sufficient to conclude mistaken bid. They then applied the law, which

is very clear on this point. Since there was no MI, there was no basis to adjust the score. The table result was allowed to stand. The deposit was returned.

**Minority Opinion (Bobby Wolff, Nissan Rand):** We wish to make it clear that since the bid was not in the system notes, it should be termed a mistaken explanation. In that case, we believe that an adjustment of some percentage of a spade lead and subsequent defeat of the contract would have been the preferred ruling.

**Committee:** Bobby Wolff (Chairman, USA), Joan Gerard (USA), Jeffrey Polisner (USA), Nissan Rand (Israel), Herman De Wael (Scribe, Belgium)

**Directors' Ruling: 90.9      Committee's Decision: 86.2**

✍ First, a disclaimer...

**Wolff:** "I did not say what I was alleged to have said in the minority opinion. What I said was that I think the laws should treat a misbid the same as MI if the opponents are damaged. Edgar opposed this because he said that psychers would then be disenfranchised. My answer is that psyching is legal and the Director/Committee can determine whether the psycher meant his bid as a psych: if he did, then everything is legal; if he didn't, then it is subject to the MI (and I hope soon to be new misbid) law."

✍ Treating misbids and mis-explanations the same way would effectively be the same as making CD illegal. If a player forgets what he's playing and can't convince anyone that he "intentionally" psyched, then he's subject to score adjustment if his action damaged his opponents. So if I forget that I'm playing splinters in a certain situation and I splinter in my five-card suit, and the opponents mis-defend because they play me for shortness, then I get my score adjustment. I also get a bad score if my forget gets us to a poor contract. So if I forget I almost "automatically" get a bad result unless it doesn't damage anyone and we luckily end up on our feet. I doubt that this idea is practicable at any but the highest levels, with partners playing in fixed, long-term partnerships, and perhaps it is not even a good idea then. Sorry, but I doubt that we will ever see this idea find its way into the laws.

Now, let's consider the case in point. Should a bid (here 4♣) which is not listed in a pair's system notes be assumed to be conventional? How would North have bid a hand with both minors? Would he not have bid it as he did here, but in the end pass 5♣ rather than converting it to 5♦? Didn't North's 5♦ bid indicate that 4♣ had not been intended as natural (i.e., North was not looking to play in clubs), that it was instead meant as a control-showing bid? Didn't West's own club holding, in light of South's natural raise of North's "natural" 4♣, also suggest that 4♣ wasn't natural? This appeal looks to me more like an attempt by E/W to get the Committee to award them a good result that they couldn't earn on their own at the table.

I agree with the majority that all indications are that North simply confused the present auction for one of the similar ones where 4♣ would have been ace-asking. But even if that were not the case, I agree with the Directors that the timing of West's Director call was poor and that there was no damage anyhow. If it weren't for the minority, I would have thought that this appeal lacked merit.

Let's hear from one of the Committee's vocal majority first.

**Polisner:** "The Committee did not believe West's contentions. He must have believed that 4♣ was not a suit or he would have doubled 5♦ and given East a club ruff. In short, he was just making it up after the fact when he realized that a spade lead would have defeated the contract. None of the expert players that I personally polled even considered a spade lead, although you could certainly make a case for it at imps if you believe (as West must have) that the 4♣ bid was not natural. Another case of trying for a good result from the Director/Committee which the

player was unable to achieve at the table. As far as the merits of the case, the majority of the Committee was convinced that since N/S's notes were very complete as to which bids were ace-asking and 4♣ was not one of them, the 4♣ bid must be a misbid subject to no score adjustment no matter what the affect on the opponents."

✍ Well said, Jeff. Agreeing with us are...well, just about everyone.

**Bramley:** "The majority is right. I don't understand the dissenters' reasoning. When the auction moves into uncharted waters, everyone is on their own. I also do not accept West's statement that he would have found the killing spade lead. He makes a nice argument, but one that is a lot easier when all of the hands are known. If West's analytical powers are so strong, why didn't he wonder why North had retreated to 5♦ after his 'natural' 4♣ had gotten raised? Then he might have worked out that 4♣ was unlikely to be a long suit. I think this West was a big favorite to lead a high club no matter what he was told."

**Gerard:** "The minority opinion makes no sense. The Swedes are not the type to conceal their understandings, yet that is what they were accused of doing. If it wasn't in the notes, it was natural. Dyslexic."

**R. Cohen:** "Did the Directors consult with any players about the opening lead by West had N/S provided all the proper information about the 3♠ and 4♣ bids? With all due respect to the Committee—and particularly the minority—I doubt that a spade lead would have had a ringing endorsement. But I believe that based on Bermuda precedents the Directors were under instruction to consult in such situations. The Committee got it right."

**Rigal:** "Here I agree with the majority. West's post-factum arguments are really pretty obscure and the logic of the situation should have let West work out what was going on: clearly since South wanted to play clubs and North did not, 4♣ was not natural."

**Stevenson:** "The decision whether something is a mistaken bid or a mistaken explanation is sometimes delicate and finely balanced, even though mistaken explanation is assumed as the default. The minority want the uncompromising position: if it is not in the notes then they are not playing it. To be fair, at World Championship level this might be fair, though at lower levels it would appear to put a heavy burden on players.

"We must realize that Appeals Committees spend a lot of time investigating and then discussing. Appeals Committees outside the ACBL very rarely take any form of binding vote, preferring to discuss until they reach a consensus that all the members can accept. As a result, they are often in a position where they *know* quite unambiguously that something happened, even though it is difficult to see it in the report. Since this Committee found there was a mistaken bid I am happy to believe them."

✍ Committees everywhere prefer to reach a consensus when possible. The ACBL has no corner on the voting (or recounting) markets: Even WBF Committees votes when they reach an impasse.

**Treadwell:** "There are many sequences of a somewhat complex nature where partners have no explicit agreement; it is simply impossible to cover all sequences in one's system notes. This is true even with world-class players, although to a lesser extent than with average players. In this case N/S were, to some extent, in uncharted waters, and no MI existed. Even if completely correct explanations had been given for all of the N/S bids, the chances of West actually leading a spade are so slight that the Committee correctly decided that no adjustment was called for."

✍️ As we might have guessed, the Lone Wolff on this one is...

**Wolff:** “Where is the line? Should players be allowed to play a convention (in an important event) and not know what their second- and third-round bids mean? If they do and the opponents are injured (here there is some—maybe a 10%—chance of West’s leading a spade if told the right information; without it, no chance), they get the worst of it. Sure, play anything you want that is non-destructive but please assume the responsibility to know it. Otherwise, you are subject to a penalty if the opponents could have improved their result. My decision had nothing at all to do with the bid not being in the system notes. But when both of the bidders are confused, how can an opening leader possibly lead anything but a high club?”

✍️ If both of the bidders are confused about a third-round bid in a Multi auction, then I would say that that’s just the way bridge is played in the real world—even in important events at the highest levels. The argument the dissenters used to support their position, that a mistaken explanation should be assumed because the bid was not in N/S’s system notes, is probably the most compelling argument for the majority view. In any competent set of system notes, especially one complete enough to document ace-asking bids of 4♣ in some other sequences, any 4♣ bid which is not identified as conventional should be presumed to be natural. Here 4♣ was, by the minority’s own admission, not listed as conventional. Therefore a conventional explanation of the bid should not be accepted. (The idea is not that an undocumented bid leads automatically to the assumption of a mis-explanation. Rather, it is that an undocumented bid leads to a presumption that it is non-conventional.) Since natural was the “interpretation” the opponents were given (since the bid was not Alerted), it must be presumed to have been natural. Thus, there was no infraction and so no damage, as the majority found.

Wolffie says in his disclaimer that he thinks “the laws should treat a misbid the same as MI if the opponents are damaged.” What he thinks the laws *should be* and what they are aren’t the same. The decision must be based on what the laws are and not on the Committee members’ wishes about what they should be.

And finally, how was West damaged? Let’s assume that 4♣ was ace asking, as North thought. Given West’s club holding, North must be short in clubs. But why would that place longer spades in North’s hand and a singleton in East’s? At best that’s an iffy proposition. Failing to cash a club on the go could be the difference between the contract making and going down. And what of West’s failure to call the Director when dummy first came down with a singleton club? Why did West wait until the hand was over before calling the Director? Even if there was a 10% chance that West might have found the spade lead, don’t all of the other doubtful points against West more than offset that?

If Bart and Ron think the dissenters’ reasoning makes no sense then I’d say something must be wrong with it. What’s wrong is that it’s geared toward validating the idea that CD is evil and must be punished rather than examining the evidence fairly. If that same vitality were invested in understanding the laws and judging the facts fairly, then maybe we could all understand the decisions which resulted.

## CLOSING REMARKS FROM THE EXPERT PANELISTS

**Bramley:** “This stack of cases felt similar to those from recent NABCs, starting with the sheer volume of appeals. All parties, table Directors, Panels and Committees, seemed to do a little worse. Nevertheless, I sense a greater consistency in the many cases that were handled properly, and most of the write-ups are excellent. The WBF cases here suffer from inadequate write-ups, a lack of sharp reasoning, and insufficient explanation for the decisions. I hope that these cases are not representative of WBF cases as a whole.”

**L. Cohen:** “On the Tempo cases (the only ones I read), it angers me at how so many players are willing to take such blatant actions and tell outright lies to try and get a good bridge score. I hope they read this casebook and get embarrassed by how silly they look. Too many times the Committees/Panels focused on the wrong issues and didn’t get to the bottom of the right issues. Fortunately, their final decisions were reasonable in most cases.”

**Endicott:** “Regarding the WBF cases from Maastricht, having been close to the action and responsible for the make-up of Committees, I have no wish to express views on individual cases. However, there are three points of principle that I would like to set out.

“First, scribes summarize cases and it can be difficult for them on occasion to convey the atmosphere of the hearing; experiences that may have swayed the Committee are not easily communicated. One always hopes that he will manage to convey the gist of any crucial matter, although he may not always be able to say how it came out in the hearing. A critical appraisal of any Committee’s performance should always allow for the possibility of a significant gap in the information published, and be understood in the reading to reflect as much as we know.

“Second, comparison of CASES FIFTY-FOUR and FIFTY-FIVE will reveal that in FIFTY-FOUR a minority opinion is embodied within the general reporting of the Committee’s deliberations, whereas in FIFTY-FIVE it has escaped into a separate statement of dissent (as happens in some ACBL appeals). At the conclusion of the Championships I was given guidance to pass on to scribes, that since an Appeals Committee’s decisions are corporate decisions, scribes of WBF appeals should not publish separate dissenting opinions. The subject was raised in respect of another appeal, not CASE FIFTY-FIVE. The impersonal approach in FIFTY-FOUR is more to the taste of the WBF.

“Third, in CASE FIFTY-ONE the Chairman expresses his well-advertised personal concern. One can have sympathy for his feelings when players at the international championship level fail to get right their own chosen conventions, but there is a difficulty expressed by the Laws Committee of the WBF (Albuquerque, 1994): ‘One cannot devise a law which says that deliberate infringement of a partnership agreement is acceptable but accidental infringement is punishable.’ The solution would be a regulation to prohibit violation, whether purposeful or inadvertent, of the meaning of all—or I would think only some—conventional bids. The WBF has shown no inclination to embrace such an approach.

“Regarding the ACBL cases from Anaheim, amongst these appeals there are some superior judgments, mostly by Committees but also by Directors. The most evident weaknesses in the Directors’ rulings are to be found in the astonishing reason given here and there for a ruling made, whether a good one or (ahem!) an ‘inferior’ one. What troubles me about the inquiries by Appeals Committees is the absence in a number of cases, as reported, of attention to a significant question and the answer to it; often this may be no more than inadequate scribing, but there are one or two instances in which it seems plain that a Committee overlooked a fundamental point of importance.

“The Editor assures me from time to time that a significant purpose of these published casebooks is ‘education.’ I think that education, like charity, begins at home. The first to benefit should be Directors and we who sit on Appeals

Committees; we must stay alert to the basic questions, pause to think, and not rush off impetuously down some path in the woods. And for players one important chapter in the lesson book is headed ‘When not to Appeal.’ ACBL procedures do seem to encourage thoughts of appealing and perhaps management should ask itself what it is about the WBF Code of Practice that has so reduced the numbers of appeals presented.

“My attention is attracted to one other item reported in the Editor’s introduction to the selected Maastricht appeals. In (4) he remarks upon the Chairman’s second vote to break a tie. ACBL colleagues found it strange when I did not agree that the Chairman’s first vote be given added weight in these circumstances. The reason is that it has been my practice over many years, when the rare instance of a tie occurs, that as Chairman I will cast the second vote in support of the Director’s ruling unless I am persuaded that the Director’s ruling is utterly flawed.

“My personal opinion is that the ACBL sets itself up to encourage appeals principally by adopting the approach that the Appeals Committee starts from scratch, putting the Director’s ruling aside. This aids the thought that the appellant will get a second kick at the ball without any need to show that the Director went astray. Requiring the Director to consult players’ opinions in matters of bridge judgment, making this known to the players, and starting the appeal from the point of the Director’s ruling (with evidence required to overturn it), seems to me the key to what the Code of Practice has been seen to achieve. Leaving aside all questions of Law 12C3, I think the ACBL should look hard at this part of the arrangements.”

**Gerard:** “Pretty boring, actually. There was the usual hijacking of the laws from the usual source, to which I continue to object. There was the embarrassment of CASE NINE, where relative beginners had to straighten out the experts. There was the ongoing reluctance to issue AWMWs, even when faced with a blatantly contrived explanation (CASE TWENTY-THREE). Some folks may have been trading on their reputation, pushing the envelope way out there. Another Hesitation Blackwood auction where players were allowed to cultivate bad bridge habits and take inconsistent actions. More poor documentation than I have seen in quite a while. All things that we should know how to deal with by now.

“My only real concern is with the implication from CASE FORTY-FOUR that the notorious Vancouver appeal still has life. Whatever we need to do to erase that as a precedent we should do immediately. We can’t allow appellants to hide behind that abomination in pursuing cases that have no merit under the laws.”

**Polisner:** “We have too many appeals, which can only be the result of three circumstances:

1. Poor rulings by the Directors; and/or
2. Players seeking redress for results that they were unable to achieve at the table (i.e., CASE FORTY-THREE); or
3. Overly aggressive players who want something for nothing because they think they can get it (i.e., CASE FORTY-SIX).

“I make it about 40% poor rulings in this group of cases. (Of course, this does not mean that Directors make bad rulings three out of five times, since we are only seeing rulings which were appealed.) I hope that the ACBL reviews all of these rulings, speaks to the particular Directors to determine what possessed them to make certain rulings, and acts accordingly.

Better rulings and less litigious players should reduce appeals by at least 50%. I am an advocate of stronger negative ramifications to an unsuccessful appeal.

“I think the Panels did better than the Directors. Maybe the best qualified Directors are being kept off the floor to save them for the Panels; this could be counter-productive to the good of reducing appeals. The WBF has adopted a policy of giving the Director’s ruling great respect and starts the appeal process with the presumption that the ruling is correct rather than starting out from scratch. This is a good thing. I think that the Director should be an advocate for his/her ruling rather than merely a presenter.”

**Rigal:** “As to my overall thoughts. Well, here are a series of random jottings. First, ‘breaks in tempo’ made far fewer misleading appearances here. Well done the case writers. By and large the cases were very clearly written up and there were far fewer unanswered questions at the end of the day than in previous books. This is clearly an area where we have got it right.

“I thought there were many more gray area cases than in past years. I can’t explain that unless I am getting less opinionated—which I doubt—but I also thought the Committees handled the cases well enough, except for CASE TWENTY-FOUR where I really believe there is an important point of principle: You cannot stop people bidding their nine-card suits as we have had before, or showing five-seven shapes; it makes a mockery of the procedure.

“Are the Committees making too many decisions based on what they see as the winning bridge action rather than what the player at the table might have been expected to do? I think so (again mea culpas are probably not out of place here either). This cuts both ways: we give offenders too much credit when it comes to LAs and we impose winning actions on players too freely in all situations. The reason I suppose is that we like to be perceived as always capable of calculating the winning action but it is not our power of analysis that is under scrutiny. The cases I am referring to are the likes of CASES TWO, FOUR, EIGHTEEN and FORTY-NINE. We need to be less protective of our image and more empathetic at putting ourselves into the players’ shoes.”

“The Directors’ rulings I object to are those against the non-offenders where I can see doubt; there are a few of them though I won’t specify the numbers here. In any case where the Director rules for the offenders and the Committee overturns it, somebody should be doing some soul-searching because it probably means that there is a fundamental flaw in the way the laws are being applied.

“Finally, giving people AWMWs is not and should not be regarded as anything more than an expression of our displeasure at their wasting Committee time, rather than an assault on their ethics. We are way too lenient as a group in awarding them (I include myself here) because we do not like to ‘offend’ people. If we put things into perspective and considered how much Committee time we are helping to waste by failing to inform persistent offenders of what they are doing, things might seem a little clearer.”

**Stevenson:** “The Directors seem to have done a poorer job than usual, while the standard of appeals seems higher. The world-wide move towards fewer appeals does rely on players having faith in their Directors.

“As I explained in CASES TWELVE and THIRTEEN, we need more agreement over tempo breaks, not less, and the cited length of pauses is becoming ridiculous. One solution is to reinstate ‘reserving your rights’ so that players can agree at the time without having to call the Director for every tempo break.

“The Panel method continues to worry me. There are several cases where the Panel made excellent decisions and the statistics have supported this. But the players do not get to talk to the advisers and in one or two cases the advice has been a total joke. Advisers who are not prepared to give advice on the methods actually being used are as much use as vote counters in Florida.

“In CASE TWENTY-THREE the experts did not understand the point of bidding 2NT (despite it being explained) so what earthly use was their advice? In CASE TWENTY-FIVE the experts gave their advice without knowing the pair’s methods. In CASE THIRTY-THREE the experts were rude about the pair’s methods; is that meant to be helpful? I feel that none of these would have occurred if the players had talked to the experts, which is what happens in effect with an Appeals Committee. If the Panel method is to continue then we need guidelines for the expert players and also for the way the Panel asks the expert players questions.

“I have never understood why there is so much bias in North America against non-offending players, and I feel at lower levels it may be one of the reasons why the game is losing popularity there. It is seen here in CASES TWENTY-FIVE, THIRTY-FOUR, THIRTY-NINE, and worst of all in the method used in CASE



THIRTY-SIX of taking a player away from the table and asking him what he would have done. That is a totally unfair procedure as I explained there, and I think that North America needs to swing a bit towards the non-offenders: They should not be faced with this position. The Editor once said that to give more to non-offenders would be a license for professionals to gain. All I can say is that in every other sport it is expected that people who infract suffer and the same principle would be good for bridge.”

**Treadwell:** “I think the performance of the Directors, Panels, and Committees was good for the most part. I came up with an average rating of 2.5 for the Directors, 2.7 for the Panels and 2.8 for the Committees. The seven cases from the WBF were handled extremely well. My principal concern is the large number of cases (for both Panels and Committees) that had little or no merit. We must do a better job of educating players that just because an infraction may have occurred they are not automatically entitled to redress if they get a poor, or even an average, result. The AWMW procedure is rarely used (only three times in Anaheim) and is of dubious help in attaining its objective. At least we should not be lax in issuing AWMWs, but more importantly we must educate through articles in the Daily Bulletins and ACBL Bulletins. A difficult task, but one that should be done.”

## CLOSING REMARKS FROM THE EDITOR ✍

### How'd We Do?

Again we analyze the performance of the various groups in Anaheim (Directors, Panels and Committees), classifying each ruling and decision into one of two categories (Good or Poor). Some cases in each category will inevitably display elements of the other (i.e., some cases classified as Good will have some Poor aspects while some classified as Poor may show some Good qualities). Table 1 presents cases heard by Panels; Table 2 cases heard by Committees.

		Panel's Decision		Total
		Good	Poor	
Table Director's Ruling	Good	6*, 9, 23*, 32, 40*, 41*, 46*	8, 10, 25, 34, 37	12
	Poor	5, 7, 17, 24, 26, 31, 38, 47	21, 30, 33, 35, 39, 42	14
<b>Total</b>		<b>15</b>	<b>11</b>	<b>26</b>

\* Missed AWMW or PP

**Table 1. Cases decided by Panels**

		Committee's Decision		Total
		Good	Poor	
Table Director's Ruling	Good	1*, 11, 12, 13*, 15, 16, 18, 22†, 27*, 28*, 29†, 36, 44		13
	Poor	3*, 4, 14, 19, 20, 43, 45, 48†	2	9
<b>Total</b>		<b>21</b>	<b>1</b>	<b>22</b>

\* Missed AWMW or PP; †Unwarranted AWMW or PP

**Table 2. Cases decided by Committees**

Looking at the table rulings, considering all cases together, 25 of the 48 rulings (52%) were good while 23 (48%) were poor. This index continues to fall in the unacceptable range, being only marginally better than the 48% good decisions in Cincinnati and worse than most of the previous NABCs for which we have records. And not only were too many of the table rulings poor, an alarming number of them (CASES FOUR, FIVE, SEVENTEEN, TWENTY-SIX, THIRTY, THIRTY-THREE, THIRTY-FIVE, THIRTY-NINE and FORTY-THREE ) were illegal, incompetent, or utterly outrageous. It is not enough to simply hold the line here. Our players have the right to expect Better rulings than they might get from flipping a coin. As I've pointed out before, the declining quality of table rulings appears to be due to the assignment of top Directors to the appeal process (Panels). This view is further supported by the panelists' ratings (see the table following these Closing Remarks), which show the average rating for table rulings for non-NABC+ events

to be about eight points below the average rating for table rulings for NABC+ events. These ratings have been almost identical in previous casebooks. In addition, almost all of the egregious table rulings (seven of the nine I cited earlier) occurred in non-NABC+ events. (The two from NABC+ events were CASES FOUR and FORTY-THREE.) This problem, which has become critical, requires the immediate attention of management.

The Panels' performance continues to decline, this time falling dramatically. Of the 26 cases heard by Panels, only 15 of them (58%) were good compared to 71% in Cincinnati, 76% in Boston and 87.5% in San Antonio. Among the poor Panel decisions, five reversed a good table ruling while six ratified a poor one.

In stark contrast, the performance of Committees continues to show steady improvement. Of the 22 cases heard by Committees in Anaheim, 21 of the decisions were good (an astounding 95%) as compared to 75% in Cincinnati, 61% in Boston, 48% in San Antonio and 40% in Vancouver. The only poor decision once again involved failing to correct a poor table ruling.

The improvement of Committee decisions relative to those of Panels is further supported by the panelists' ratings (see the table following these Closing Remarks). In previous casebooks the Panel ratings have always been considerably higher than the Committee ratings. Here that trend was reversed for the first time.

Both Panels and Committees appeared about equally prone to miss assessing a deserved AWMW: five misses by Panels and five by Committees. But the Committees seem to have assessed three unjustified penalties as well. Hopefully this will improve in Birmingham where AWMPPs have been renamed AWMWs/

Overall, good appeal decisions were made in 36 of the 48 cases (75%) in Anaheim, compared with 73% in Cincinnati, 68% in Boston, 69% in San Antonio and 51% in Vancouver. This was due primarily to the spectacular performance of the Committees, which outperformed the Panels for the second straight tournament. This is even more impressive when it is noted that Panels continue have access to superior bridge advice from high-power consultants and on average tend to hear simpler cases.

### Reactions to Panelists' Closing Remarks

While I agree with Bart that the Directors and Panels did worse (the Panels a lot worse), I found that the Anaheim Committees did considerably better than ever before. I also find greater consistency in the cases that were handled properly and even in the opinions of the casebook panelists—with a few exceptions. When we compare our write-ups with those from the WBF (CASES FORTY-NINE to FIFTY-FIVE), the improvements in the quality of ours becomes even more obvious.

Larry is right that we need to start enforcing our laws relating to UI better, especially Law 73C. When players take flagrant advantage of UI, the Director must be prepared to issue PPs to stop the improper practice in its tracks. Such penalties are disciplinary in nature and as such cannot be appealed, which should add to the inhibitory effect they would have on the repetition of such actions; they might even reduce the number of appeals. After all, if the Director thinks that their actions were egregious enough to warrant a PP, an appeal should appear more risky. This would be good for the game, possibly cutting down on the number of meritless appeals. (See my comments on CASE TWENTY-SIX for more on this issue.) The theme of concern over Committees, Panels (and Directors) focusing on the wrong issues in arriving at their decisions (or rulings) was echoed by other panelists as well.

Having scribed my fair share of appeals I find it difficult to sympathize with Grattan's point that it can be difficult to convey Committees' decisions in writing. That it may be difficult does not excuse it being done poorly. A scribe should take notes during the hearing and call upon the Chairman or other Committee members later to refresh his memory or help fill in missing pieces of information if necessary. Preparing a write-up may take time, but it still must be done competently. There is no room for significant gaps in write-ups. Scribes who leave such gaps are about as useful as Committee members with poor bridge judgment or inadequate logical skills: Find a more competent replacement.

Grattan echoes Larry's concern that in a number of cases the Committee, Panel or Director failed to attend to a significant question. We have not heard the end of this complaint. Is anyone in management listening?

I've seen little evidence that the WBF's Code of Practice has reduced the number of appeals. There were twenty-two appeals at the last Olympiad in Rhodes, Greece, in 1996 compared to twenty-one in Maastricht in 2000. I wouldn't try to make too much out of this one case reduction. (Note that it is difficult to compare Olympiad years with those with Bermuda Bowls or Rosenblums. The number of teams entered in the "main" events and those in the "side" (i.e., transnational) events are quite discrepant. For example, there were eleven appeals in the much smaller Bermuda Bowl in 2000 in Bermuda and fifty-eight in the much larger Rosenblums in 1998 in Lille.) Nor have I detected a substantial difference in the mind set of players in the ACBL versus the rest of the world with respect to appeals. In recent years players everywhere appear to have become more and more litigious. The primary difference appears to be the size of the tournament and, to a lesser extent, where the tournament is held. For example, we typically see fewer appeals at NABCs in southern U.S. cities than northern ones. One other potent factor is whether the event is Open or Women's: the latter usually produce far fewer appeals. Otherwise, the number of appeals per table is pretty stable.

I do agree with Grattan that the ACBL embraces policies and procedures which tend to encourage appeals. The failure to enforce the laws consistently and to issue PPs when players' actions are serious enough to warrant them are high on the list of contributory factors. Other problems are the failure to disseminate and enforce uniform table policies (e.g., require use of Stop Cards; have clear and simple regulations on what is and is not Alertable; *require* two completed convention cards on the table with automatic penalties for non-compliance; etc.) and the perpetuation of a sense of entitlement among players rather than a sense of responsibility and adherence to the rules. As Grattan and David are constantly complaining, "Why is it so difficult for the ACBL to get its players to follow correct procedure?"

I don't think the ACBL's practice of having its Committees decide cases independently instead of starting with the presumption that the Director's ruling is correct has much to do with encouraging appeals. There's more than one way to accomplish most goals and we've merely chosen a different but still effective way to conceptualize the Committee's role. Perhaps there are some cultural differences at work here or perhaps we simply have not learned to trust our rulings as well as they have in the WBF or in England. I think we often conduct our hearings in much the same way as they do, at times requiring appellants to explain why they believe the Director's ruling should be changed. However, there is probably more variation in that regard from chairman to chairman in the ACBL than there is in the WBF or in Europe. Perhaps our chairmen are not as experienced as they are used to in other parts of the world and our hearing procedures are not as well known or followed as closely as over there. This is similar to our lack of a consistent approach to Alerting and Stop Card usage. (See also my comments in CASE ELEVEN.)

Ron, among others, refers to the continuing reluctance of many Committees to issue AWMWs, even in the most flagrant cases. In Birmingham I asked Jon Brissman to deliver a message to NAC members for me at the organizational meeting (I was in another meeting and couldn't attend). The message was, "We are renaming AWMPPs. From now on they will be called AWMWs (Appeal Without Merit Warnings) to remind everyone that they are not penalties and carry no disciplinary weight. They are merely markers, similar to strikes in a baseball game. There is no penalty associated with them unless a player exceeds a certain number (three within a two-year period), at which point Jon and I review the player's record and decide whether he/she should appear before a Conduct Committee to explain his/her habit of abusing the appeal process." While the returns from Birmingham are not yet in (we lent our counters to Florida to help with their recent difficulties), my personal sense is that the assessment of AWMWs was up significantly. I'm hoping that we shall all be pleasantly surprised when we see the results reported here at the next NABC.

Ron is right that Committees should attach no credence to a player's allegation that they were influenced to bring an appeal because of the Vancouver "Oh, S\*\*t" case. Enough has been written and published about it which disavows acceptance of that decision by the Law and Appeal communities that it is now a red herring. Any NAC member found sympathetic to appellants trying to justify their meritless appeal by reference to that decision will be forced to do double duty as a screener. There, you have been warned.

Jeff's three reasons for the continuing high numbers of appeals sound pretty reasonable to me. I would only add the possibility of a fourth reason, naivety. (We've also seen some appeals from Flight B/C/D events and Continuous Pairs that may have been born of ignorance.) While his first reason does not lead to *meritless* appeals, it still leads to unnecessary ones. I'm not certain what Appeals Committees can do to reduce the number of appeals (I've already discussed what I believe Directors can do) but we can certainly be more consistent in issuing PPs to players taking flagrantly illegal actions (e.g., making a bid which was clearly suggested by partner's huddle, a violation of Law 73C) and AWMWs to players who have clearly wasted a Committee's time. I hope we can resolve in this new millennium year to be more diligent in this regard.

I rated the Panels' performance well behind the Committees' (see the previous section) but I agree with Jeff (and Grattan) that Committee Chairmen should ask the appellants why they believe the Director's ruling should be changed, and require them to justify it. Asking this sort of question is especially appropriate in cases where the appeal seems dubious. If you're thinking to yourself "What is this appeal about?" then it is probably a good idea to ask a question such as "What *legal* basis do you have for asking for a score change?" or "Why do you think the Director's *bridge judgment* was wrong?" or "What *new evidence or information* do you have that the Director did not already hear which would alter our judgment in this case?" Require the appellants to address the issue rather than ramble on about the ruling being bad. If they can't (or won't) present specific reasons for their appeal (i.e., they just seem to be looking for another opinion), then an AWMW may be in order.

On another note, Committees should not use the excuse that the case was not screened for not issuing an AWMW. *Screening is not a requirement*, it is a courtesy provided by the ACBL to help players: (a) understand the legal basis for the ruling, (b) appreciate what sort of information they will have to present the Committee with to have it changed, and (c) organize their ideas and practice presenting them so that those appeals which lack merit will become more obvious to the players. The idea is that it's better to tie up one Screening Director for 10 minutes than a Committee for an hour.

It would not be a bad idea to consider trying the WBF's approach: starting with the assumption that the table ruling is correct. To do that it would be necessary for table Directors to attend hearings and advocate for their ruling. (This really can't be done by proxy—i.e., the Screening Director.) This might create some problems due to the size of our tournaments, with all the different events going on, and some Directors being on (or off) duty at times which make it awkward for them to be at a midnight hearing. But these problems might be solvable. For more on this point, see my discussion in CASE TWENTY-ONE of the 1998 Orlando casebook.

I regret that it is necessary to categorically reject Barry's idea that because a player holds a nine-card suit or seven-five distribution, he is entitled to continue to bid and rebid his hand indefinitely. In CASE TWENTY-FOUR North, with 1-5-7-0 distribution, passed initially, made a two-over-one in diamonds, and later, in a competitive auction, reversed into hearts at the *four* level. Meanwhile, his partner, South, opened 1♠ and rebid spades at the three and four levels, rejecting playing in either of North's suits. Sorry, but when a player has shown his hand and his partner rejects his overtures by rebidding his own suit three times to the four (game) level, the first player may not insist on his own hand declaring when he has UI indicating that his partner misunderstood his previous actions and thought he had shown support. The only thing approaching a mockery here is that a PP was not considered

against North for taking flagrant advantage of UI.

Barry's next point is right on target. Committees (and consultants) are too caught up in their own ideas of what the winning bridge action is (looking at all 52 cards) rather than what a player might do at the table looking at only 13 or 26 of them. If the NAC would regularly conduct blind previews of cases we might be able to significantly reduce this problem. And of course we have already addressed the problems with many of the Directors' rulings and AWMWs.

David is right that the complaints about 2- and 3-second tempo breaks in what are unexceptional situations are rapidly reaching epidemic proportions. There is nothing in the laws or ACBL regulations to prevent players from observing to their opponents during the auction that there has been a break in tempo, and calling the Director only if they cannot agree on that. The laws do not deny players their rights to possible redress simply because the Director was not called early, when the tempo break was first perceived. Only if the Director could have taken steps to prevent a subsequent problem or could have determined facts which later became lost due to the delay would rights be lost. So the solution David cites, reinstating "reserving players' rights," is really not a problem. As things now stand, players *can* agree to a tempo break at the time without having to involve the Director.

David is also right that the Panel method has its problems. The sort of questions that are put to consultants, the types of judgments they are asked to make, and the information they are provided (e.g., the methods and partnership agreements being used) are all points of some concern. In addition, the removal of the collaborative component from the decision process is a crucial defect. While I think David is off the mark about the 2NT bid in CASE TWENTY-THREE, his general concerns here and the other cases he cites are accurate.

The general purpose of the Panel approach is to provide players with a chance to have their objections to a ruling reviewed while not involving them in a lengthy, after-hours ordeal of testifying and waiting. The idea is to provide a "reasonable" decision for players by the end of the session in events where the more lengthy (and perhaps distasteful) process is not necessary. In that respect I would like to see us give players the option of a Panel hearing (getting the best decision possible in a limited time and with minimal involvement by them) or a Committee hearing (with a more comprehensive decision process but requiring more extensive involvement on their part). Just as in a grocery store, some people are happy with margarine while others prefer the high-priced spread.

I'm getting tired of having to repeatedly explain our approach to non-offenders. Non-offenders these days, especially in North America, are too often trying to get something for nothing. Complaining has become a way of life and our general litigiousness has risen to new heights. This has made it necessary, as Goldie used to put it, to treat the offenders as likely criminals and the non-offenders as suspects. To cut down on the whining, we take a more conservative view than the Europeans of when to provide redress, how much to give, and what behaviors are sufficient to break the causal link between the irregularity and the damage. See my previous discussion of this issue in the Closing Remarks from the Editor section of the 1999 Boston casebook.

I'm also getting tired of repeating why the Directors' practice of taking players away from the table is a good one. To review my discussion of the "away from the table" issue, see my comments on CASE THIRTY-SIX here and CASE THIRTY-TWO from the 2000 Cincinnati casebook.

And finally, I don't know what cases Dave was looking at when he found the performance of the Directors and Panels "for the most part good," but clearly they were not the ones I was looking at. And his view of the WBF cases is positively scary. Earth to Dave in Apollo 13, Alert! We're losing contact with you.

**THE PANEL'S DIRECTOR AND COMMITTEE/PANEL RATINGS**

Case	Directors	Committee/ *Panel	Case	Directors	Committee/ *Panel
1	89.6	78.5	31*	58.3	94.2
2	75.9	71.1	32*	80.8	90.4
3	80.4	94.4	33*	73.8	71.4
4	57.0	78.1	34*	69.2	70.8
5*	60.4	85.9	35*	64.2	62.9
6*	94.4	89.3	36	85.4	87.9
7*	67.4	92.6	37*	82.1	77.1
8*	60.0	80.0	38*	81.2	92.1
9*	93.0	85.9	39*	69.6	82.9
10*	75.6	74.4	40*	97.5	88.3
11	97.0	95.2	41*	97.1	92.1
12	83.7	90.4	42*	91.7	88.7
13	93.0	87.4	43	51.2	90.0
14	68.5	87.0	44	97.9	94.6
15	91.7	87.9	45	59.2	91.2
16	94.8	93.0	46*	86.7	95.0
17*	34.2	84.6	47*	76.2	63.3
18	60.4	65.0	48	66.2	66.2
19	82.5	85.8	<b>P-Mn</b>	72.5	82.5
20	79.6	87.4	<b>C-Mn</b>	80.8	85.0
21*	84.2	84.2	<b>O-Mn</b>	76.3	83.7
22	96.7	89.2	49	90.9	90.9
23*	85.0	71.2	50	71.0	84.8
24*	52.1	90.8	51	69.0	79.5
25*	71.2	69.2	52	86.7	68.6
26*	41.7	92.1	53	66.7	68.6
27	85.8	72.9	54	65.7	90.5
28	86.7	86.2	55	90.9	86.2
29	94.2	90.8	<b>Mn</b>	77.3	81.3
30*	36.3	76.2			

\*=Case decided by a Panel; **P-Mn**=Mean for cases decided by Panels;  
**C-Mn**=Mean for cases decided by Committees; **O-Mn**=Overall mean for all cases

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