



# American Contract Bridge League

*Presents*

## Alabama Drama



Appeals at the 2000 Fall NABC

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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 usually 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. Additionally, we should bear in mind that we see here only a subset of all table rulings: those with which some players disagreed. Thus, our sample may not be typical of all table rulings.

Director Panels are expected to obtain bridge advice from appropriate players where a decision involves bridge judgment. The Panel's choice of consultants and their use of the input received may be used by our panelists in their ratings.

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 Department. 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.

Thanks to Fred Gitelman and Sheri Winestock for their suggestion of the title of this casebook. As always, suggestions for improvements are welcome.

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

Rich Colker  
May, 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.

**Jon Brissman**, 56, was born in Abilene, TX. He attended Purdue University and earned a B.A. from Parsons College, an M.A. from Northeast Missouri State University, and a J.D. from Western State University College of Law. He operates a small law office in San Bernardino, California, teaches at the Los Angeles College of Chiropractic, and serves as a judge pro tem in small claims and municipal court. He was Co-Chairman of the National Appeals Committee from 1982-88 and was reappointed in 1997. A Good Will Committee member, he believes that a pleasant demeanor coaxes forth his partnership's best efforts.

**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.

**Ton Kooijman**, 59, was born in Rotterdam, The Netherlands, and currently resides in Gouda with his wife Annelie. He has two grown children. Ton is an inspector in agricultural schools, higher vocational schools and a university. In his spare time he enjoys stamp collecting, reading and wine. He is one of three Chief Tournament Directors in the European Bridge League, Chairman of the Dutch National Appeal Committee, Operations Director of the WBF (since 1991), and a member (since 1993) and Chairman (succeeding Edgar Kaplan) of the WBF Laws Committee.

**Jeffrey Polisner**, 61, 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**, 43, 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.

**Michael Rosenberg**, 47, was born in New York where he has resided since 1978. He is a stock options trader. His mother, father and sister reside in Scotland where he grew up. His hobbies include music. Widely regarded as the expert's expert, Michael won the Rosenblum KO and was second in the Open Pairs in the 1994 World Championships. He was the ACBL Player of the Year in 1994 and won the World Par Contest at the 1998 World Championships. He believes the bridge accomplishment he will be proudest of is still in the future. Michael is a leading spokesman for ethical bridge play and for policies that encourage higher standards.

**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**, 88, 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.

**Howard Weinstein**, 48, was born in Minneapolis and graduated the University of Minnesota. He currently resides in Chicago where he is a stock options trader at the CBOE. His brother, sister and parents all reside in Minneapolis. His parents both play bridge and his father is a Life Master. Howard is a sports enthusiast and enjoys playing golf. He is a member of the ACBL Ethical Oversight Committee, Chairman of the ACBL's Conventions and Competition Committee and has been a National Appeals Committee member since 1987. He has won five National Championships and is proudest of his 1993 Kansas City Vanderbilt win.

**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 both Convention Disruption (CD) and Hesitation Disruption (HD).

CASE ONE

**Subject (Tempo):** The Sound of One Hand Clapping

**Event:** Life Master Open Pairs, 16 Nov 00, Second Qualifying Session

Bd: 15	Terry Michaels		
Dlr: South	♠ 3		
Vul: N/S	♥ J843		
	♦ K9543		
	♣ Q75		
Bill Hagenberg	Dennis Goldston		
♠ A1065	♠ 84		
♥ Q	♥ 109765		
♦ AJ8762	♦ Q		
♣ 63	♣ K9842		
	Don Blum		
	♠ KQJ972		
	♥ AK2		
	♦ 10		
	♣ AJ10		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			1♠(1)
2♦	Pass	Pass	3♠(1)
Pass	3NT	Pass	4♠(1)
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 to the table after the 3♠ bid. E/W objected to South's long hesitations before each of his three bids. South said the pause before opening 1♠ was to allow the others time to sort their hands. The Director ruled that the 3NT bid was not suggested by the break in tempo but by the strength South had shown with his rebid. The Director allowed the table result to stand (Law 16).

**The Appeal:** E/W appealed the Director's ruling. There had been a slow initial pass by South. (This was the first round.) E/W claimed that the slow pass and slow 3♠ bid in combination implied extras, making 3NT a more attractive action. N/S said that the slow 3♠ bid could have been based on all sorts of reasons. Extras was one possibility but not the only (or obvious) reason. They also clarified that North's 3NT was not

slow. E/W said there was no suggestion that South's 4♠ bid was based on an out-of-tempo action by North.

**The Committee Decision:** The Committee quickly established that the Director had correctly ruled that the initial break before 1♠ was irrelevant and that the slow 3♠ bid pointed in no direction. The Committee members were all in agreement that the 3NT bid was not made more attractive by the slow 3♠ bid; to their minds it was unattractive whatever the tempo of the 3♠ bid. Given that the Director had made the correct ruling and that E/W had brought no new facts to the hearing, E/W were each issued an AWMW.

**DIC of Event:** Henry Cukoff

**Committee:** Barry Rigal (chair), Dick Budd, Barbara Nudelman, Marlene Passell, Riggs Thayer

**Directors' Ruling: 98.9**

**Committee's Decision: 99.6**

☞ South was slow when he opened 1♠, slow when he rebid 3♠, and (no doubt not wishing to tarnish his record) slow again when he rebid 4♠. It's one thing to break tempo—i.e., make one call slower than the others—but it's quite another thing to make all calls slowly. In the former case one conveys UI to partner about the out-of-tempo action but in the latter case no UI is conveyed since no attention is drawn via tempo to any one action over the others. Law 73D advises players: "it is desirable, though not always required, for players to maintain steady tempo and unvarying

manner." It does not say in what tempo calls must be made. So if all the calls were slow, then there was no break in tempo to convey UI or to suggest North's 3NT bid. Thus, the real reason for the table ruling should have been that *there was no break in tempo*—not that 3NT was not suggested by a break in tempo.

What about the allegation that the slow 1♠ and 3♠ bids *in combination* implied extras? If so, then habitually slow players should always hold extras (they don't), slowness should never occur with off-shape minimum-valued hands (it does), and, conversely, calls made in normal or brisk tempo should deny extra values (they don't). The following panelist accurately expresses my attitude toward E/W here:

**Polisner:** "It doesn't get any more routine than this one. A more severe penalty than an AWMW was warranted."

☞ The Committee made a valid point (had there been a break in tempo) that a 3NT bid with the North hand is unattractive whatever South's tempo. North has a misfit for spades, minimal high-card values, and a ♥J that is only of use because the ♥Q falls (singleton) under South's honors. In addition...

**Bramley:** "3♠ showed a very good hand, approximately as good as South held. Thus, this was a preposterous complaint by E/W, who must have been reading too many appeals cases. A no-brainer for both the Director and the Committee."

**Endicott:** "This is one of those appeals that we all wish would not happen. A pair stumbles blindly into a contract that makes, opponents are put out and complain—not of their bad luck but of imagined grievances over the opponents' actions. Commendable is the politeness with which the Committee gives judgment."

**Treadwell:** "This is a typical example of a case which should never have been brought before an Appeals Committee. A good job by both the Director and the Committee."

**Weinstein:** "Perfect. Whiny Director call, whinier protest."

**Wolff:** "Excellent all around decision. Probably some education could be helpful to advise high-level players (and others who are interested) how to be good citizens of the game."

☞ As for the implications of the allegedly out-of-tempo 3♠ call.

**Rigal:** "Good Director ruling. Even given the tempo breaks he made the correct decision that the pause did not point one way or another. The Committee correctly lowered the boom on E/W who were part of the "If it hesitates, shoot it" brigade. Now if North had bid 3NT slowly..."

**Stevenson:** "Sometimes players forget that a break in tempo is not enough: If it does not suggest the action taken then there is no infraction."

☞ One panelist raise a minor technical point.

**Brissman:** "While I agree with all the decisions, I do not think the standard for assessing an AWMW is whether or not the appellants brought new information to the hearing. Appellants are allowed to simply disagree with the Director's ruling and ask a Panel to review it, as long as they remain cognizant that they are at risk for an AWMW if the Director's ruling is deemed reasonable. A patently unreasonable Director's ruling, if appealed, will not subject appellants to an AWMW even if they bring no new facts to the hearing. The same comments apply to CASE EIGHT."

☞ I agree with Jon in general, but here the phrase "brought no new facts to the

hearing” must be interpreted within the context of the preceding phrase, “Given that the Director had made the correct ruling...” As Jon clearly realizes, when the Director’s ruling is deemed reasonable, a failure to introduce new facts which cast doubt on the appropriateness of the ruling *is* grounds for an AWMW.

Finally, two panelists challenge the basis for the AWMW.

**Rosenberg:** “I don’t think the AWMW was awarded on a fair basis. How could E/W be sure ‘that the Director had made the correct ruling’? I worry that players may use tempo to describe their hands on auctions such as South’s. For example, you could say that a prompt 2♠ shows a classic 2♠, a slow 2♠ shows a hand between 2♠ and 3♠, a prompt 3♠ shows a classic 3♠, and a slow 3♠ shows a forcing 3♠ (especially when put in conjunction with a slow 1♠ bid, suggesting a possible 2♣ opening). Am I reading too much into this situation? Probably, because a slow 3♠ bid was not surprising. In fact, a prompt one would be. A slow 2♠ bid would be more revealing and would be a ‘bad’ huddle. However, given the initial pause, there could be little doubt that the huddle 3♠ bid was based on extras. So I feel torn. I think disallowing 3NT would be reasonable, although I would probably have gone along with the Committee. But certainly no AWMW.”

**Kooijman:** “Good start by the Director. Yes there was a hesitation; no it did not suggest bidding 3NT instead of something else. How are AWMWs assigned? The criterion that the Director had made the correct ruling doesn’t sound too convincing. How can the appellants know? (Sorry Henry, nothing to do with you.)”

☞ Maybe E/W could not be sure that the Director had made the correct ruling, but they should then have presented some basis for disagreeing with it and on which the Committee could adjust the score. For example, they might have believed that the ruling was unlawful (then present the points of law on which it fails), wrong on the facts (then present new facts not already in evidence—e.g., that 3♠ was slower than South’s other calls), or wrong on bridge grounds (then present evidence that South’s slowness carried bridge implications which made 3NT more attractive). They did none of this. Instead they took a player’s uniformly slow tempo, alleged UI having no basis in bridge fact or logic, and presented no new evidence in support of that view or which refuted the Directors’ position.

If South had a near 2♣ opening, he could easily have cue-bid 3♦ to suggest that North carry on with any semblance of values. He could also have simply bid game himself. As Bart points out, South has about what one would expect for his 3♠ bid—especially in light of North’s inaction over 2♦.

To characterize South’s second action as a “huddle 3♠” simply ignores the fact that all three of his actions were slow. Couldn’t South have just been a slow player? In fact, my own experience is that he *is* a slow player who I have never seen take a quick action. I have long advocated that each player, at every turn to call (or play), take a few seconds to study his hand and give the appearance of considering the call he is about to make. If uniformly slow, steady, deliberate play is taken as conveying UI, then we have finally made ours a game that is unplayable by humans.

E/W’s actions, in not demonstrating a *break* in tempo and in not showing how one would have suggested North’s 3NT bid even if it existed, was nothing less than an attempt to profit from vague allegations. To be considered a break in tempo a call must be made in a different tempo from the player’s other calls and from what would be considered normal tempo for the bidding context in which it occurs, thus suggesting that some action consistent with the UI would work out better than other LA actions available. There was no such UI in the present case and thus no reason to ask what a slow 3♠ implied. There was no basis for adjusting the score and thus this appeal lacked even the barest shred of merit.

**Subject (Tempo):** Six of One and Half-a-Dozen of the Other  
**Event:** Life Master Open Pairs, 18 Nov 00, First Final Session

Bd: 14	Dave Treadwell		
Dlr: East	♠ A983		
Vul: None	♥ J83		
	♦ 952		
	♣ A97		
Jeff Meckstroth	Perry Johnson		
♠ 105	♠ K		
♥ ---	♥ K10742		
♦ AQJ8	♦ K764		
♣ KQJ10852	♣ 643		
	Bob Schwartz		
	♠ QJ7642		
	♥ AQ965		
	♦ 103		
	♣ ---		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		2♦(1)	Pass
3♣(2)	Pass	Pass	3♠
4♣	Pass(3)	Pass	4♥
Dbl	4♠	Pass	Pass
Dbl	All Pass		

- (1) Alerted; weak two-bid in either major
- (2) Alerted; non-forcing
- (3) Break in tempo

**The Facts:** 4♠ doubled made four, +590 for N/S. North hesitated before passing 4♣ and South called the Director to note the hesitation. The Director ruled that UI was available to South and that pass was a LA. The contract was changed to 4♣ made five, +150 for E/W.

**The Appeal:** N/S appealed the Director’s ruling. South knew that North had taken extra time. Some of that time was taken by North reading the Defenses to Artificial Preempts booklet but North also took an additional 10-15 seconds to call after reading it. South said that he needed to find as little as Kxxx in either major and a doubleton in the other with North to go down only one against a making 4♣. South also stated (in screening) that he thought he could expect even more in his partner’s hand from the AI from the auction itself. West believed that bidding was dangerous since he could easily have held length and strength in one major and his partner in the other. He further stated that in his opinion

slow passes almost always were marginal raises and not close penalty doubles.

**The Committee Decision:** The Committee focused on two issues: whether UI from the slow pass demonstrably suggested that bidding would be more successful than passing and whether pass was a LA to bidding. In discussing whether there was message content in North’s hesitation the Committee agreed that North might have been debating between pass and double or between pass and bidding. The Committee then focused on what type of holding would cause an out-of-tempo action and concluded that this would almost always be “hard values,” e.g. aces and kings, not queens and jacks. From South’s perspective, aces and kings rated to be good, and transferable to offense. Thus, the conclusion was that the slow pass did suggest that North would have useful values for offense, even if the alternative he was considering was a double. The Committee also concluded that had North passed in tempo, a pass by South was a LA. The Committee then considered whether East’s failure to bid 5♣ over 4♠ represented a “failure to continue to play bridge” (i.e., was an egregious enough bridge error to break the connection between the hesitation and the damage). They decided it did not. Therefore, the contract was changed to 4♣ made five, +150 for E/W.

**DIC of Event:** Henry Cukoff

**Committee:** Henry Bethe (chair), Lowell Andrews, David Berkowitz, Ed Lazarus, Peggy Sutherland

**Directors' Ruling:** 77.0

**Committee's Decision:** 64.8

✍ For a start, players whose methods require their opponents to use the “yellow” defenses booklet shouldn't be advantaged by the lack of familiarity or complexity of their methods. It can take time to assimilate the information from the booklet and that should not compromise the opponents. But E/W alleged here that even allowing for time spent with the booklet, North subsequently broke tempo (took an additional 10-15 seconds) in making his next call. Let's see what Dave has to say about that.

**Treadwell:** “I think I have never before commented on a case in which I was an appellant but I feel I must in this instance. There is no question that I broke tempo after reading the defense booklet to see whether the delayed 3♠ bid by my partner had special significance. Read what you will into this possible UI, but my partner had a great deal of AI to guide him. First, LHO, known as an aggressive bidder, made no attempt to find out which major suit his partner held and hence, obviously, was not interested in either one. Second, LHO could not have too much in the way of HCP else he would have explored for a possible game contract. This means that his partner must have at least a three-card holding in each of the major suits and also should have at least 10 HCP. With this information and a six-five come-alive hand, it becomes virtually automatic to bid on. I cannot imagine a competent player selling out in this situation. One may disagree with just what action to take, but pass is not one of them.”

✍ It sounds as though Dave concedes that South had UI from his tempo but is hanging his hat on the assertion that pass was not a LA for South over 4♣. When I was given the South hand as a bidding problem and led through the auction (with no indication of any UI) I bid 3♠ and later 4♥ over West's club calls. I had no sense that either of my bids was clear but I'd guess that 3♠ comes much closer to having no LA than 4♥. In the latter case I could find arguments for double as well as pass. Most of the panelists agree that pass is a LA to 4♥.

**Rosenberg:** “Here I agree, but think the Committee was too analytical. North thought and South has a very unclear action which is helped by the thought. I tend to get analytical only when considering (apparently) ‘normal’ actions by the offending side.”

**Polisner:** “I have sympathy for South in that I believe that he would have always bid 4♥; however, unfortunately that is not the test and the Committee's finding of UI, which demonstrably suggested bidding on, and LA were correct.”

**Rigal:** “Clear and correct ruling from the Director. As to the Committee; I think they got too involved in essentially a clear position. When there is a tempo break we do not have to bend over backwards where, as here, North wanted to bid 4♠ but could not bring himself to. South appears to have worked out to bid on in the face of poor tempo from his partner, and can't be allowed to do that. Correct decision regarding East's failure to bid on to 5♣ to my mind.”

**Kooijman:** “Pass by South was certainly a LA, and he should have known it. Was it automatic to question whether East's failure to bid 5♣ was egregious or did one of the Committee members really think it was?”

✍ While I can't speak for the Committee, I suspect they did not like either of West's doubles and were searching for a way to leave E/W with the table result. We'll have more to say about this shortly.

**Endicott:** “North's actions are incomprehensible. When South bids 3♠ he should certainly be in four—and probably press on to five if pushed. He does not want to defend. West's double smacks of a two-way action—‘either we happen to beat this or we get a score adjustment.’”

✍ Yes, West's double of 4♠ was an action that only a “mother” could love. N/S should not be allowed to profit from North's timidity and poor tempo when passing was a LA for South. On the other hand, West seems to have gotten his –590 the old fashioned way: he earned it. Still, even with perfect defense declarer would have to misplay trumps (finesse) to go down in 4♠. Thus, E/W could not have done as well defending 4♠ as declaring 4♠ and were in a no-win position. Before disclosing my own position, let's hear what the other panelists have to say.

**Bramley:** “I disagree. The auction was unusual even in the context of Multi. North had a lot to think about. Time spent reading the Yellow Book does not automatically coincide with thinking time, so 10-15 seconds additional time to chew and swallow is not excessive. North, after reading the book, had to consider what kinds of hands justified delayed entry into a misfit auction and what inferences to draw from his partner's failure to act on the first round. I would have found no break in tempo.

“But even if we grant a break in tempo, I find South's 4♥ bid virtually automatic after North failed to double 4♣. Yes, North's values (and he was marked with some values by the auction itself) could have been all in misfitting quacks, but that was quite against the odds. Then, note that nobody is vulnerable, best for partscore competition. Finally, West's argument that he might have held one major and his partner the other is specious, because he almost certainly would not then have bid 4♣. When he did bid 4♣ he strongly suggested extreme shortness in both majors, reinforcing the weaker inference in that direction from his earlier 3♠ bid. Therefore, South could be confident of finding a fit.

“Take your pick. For either reason I would have let the table result stand.”

✍ True, North's time reading the Yellow Book does not automatically coincide with thinking time, but North's hand is such a clear 4♠ bid in my book that I have trouble dismissing the notion that there was a clear sense at the table that North was doing more than just assimilating “yellow” journalism. Had he been two-two, two-three or worse in the majors North would not have taken nearly so long to ponder South's possible hand types. It would have been easy to show that his time had been spent working out the inferences from South's failure to act initially and then backing in later. North's failure to offer any such explanation, either then or now, suggests that the division of his time between assimilating the auction and deciding whether his hand warranted action was readily transparent to all at the table.

Having been given the South hand (by South himself) earlier in the day as a bidding problem, with no suggestion of UI, I can confirm that bidding 4♥ was not automatic (even though I eventually made the bid), contrary to Bart's contention. I think North's huddle dramatically increased the chances that the values he was marked with on the auction would be in useful form rather than quacks. In addition, Bart's claim that West was marked with extreme shortness in both majors, making North more likely to fit one of South's suits, seems more illusory than real. After all, West could easily have been 2=1=2=8 (or 2=1=3=7), East 3=5=[3-2], and North 2=2=6=3.

The next panelist fails to draw the proper inference from North's huddle and failure to double 4♣.

**Stevenson:** “South knows North has values from the opponents' willingness to play a partscore. Does a slow pass show a particular type of strength? The Committee thought yes. I think it merely shows a borderline hand. I do not believe that the break in tempo suggests bidding rather than passing.”

✍ I'm not sure what David considers borderline, but any hand approximating North's actual point count but without significant club values would almost have to provide several cards that would be useful to South on offense.

**Weinstein:** "I mildly disagree. I believe that a penalty double is much more likely from South's perspective. 'Transferable values' has become the new over-considered buzz phrase. It seems much more likely to find North with length in both minors, and transferable values or not, his hand will be awful for South with at least one of the majors splitting poorly. I would allow the table result to stand as the UI did not demonstrably suggest 4♥."

✍ Again, with length and values in both minors North would almost certainly have doubled 4♣ after South showed some life with 3♠. Buzz phrase or not, transferable values are what North figures to have—even without a spade fit—and that figures to be enough to make bidding 4♥ considerably more attractive.

The next panelist is on the right track, at least as far as E/W are concerned.

**Wolff:** "I don't like it! Other than the often lame argument of 'we shouldn't have to face that problem,' there is no reason why E/W deserve any better than they got at the table. N/S can keep their +590 but with a matchpoint penalty of ¼ to ½ of a board, depending on the Committee's judgment of how serious they think bidding after the huddle was. Basically, this Committee gave E/W either +100 or +300 in 4♣ doubled or 4♣ making five for playing awful bridge (not reaching 5♣ which they almost surely would have made and then misdefending 4♠ doubled). For them two wrongs made a top."

✍ I don't see how E/W can be criticized for misdefending 4♣ when it is cold on any lead and subsequent defense. Also, the proper way to deal with N/S's actions is to adjust their bridge score, since 4♥ was suggested by the UI,—not issue them a PP. After all, South's "come-alive" shape makes 4♥ quite attractive and possibly an odds-on winner in the long run. It is therefore difficult to view it as being egregious and to penalize it procedurally, which is what PPs should be reserved for.

Finally, one panelist has it all together on this difficult and confusing case.

**Gerard:** "Well I'm partially responsible for the 'huddles show extras' mentality, but I don't think this particular West was sucking up in absentia. In fact, I don't like those statements from a contestant. They remind me of 'I couldn't tell what the huddle demonstrably suggested' and similar attempts to interpret the law.

"South was bidding to make. If Kxxx and a doubleton would have produced nine tricks, the more that he expected based on the AI from the auction would let him make game. But he was willing to settle for 3♣ last time, so the extra round of bidding shouldn't have been that revealing. There was also nothing about the auction that suggested king-fourth or anything-fourth in partner's hand—North could easily have held 2-3-5-3, and without those luscious heart fillers. Players who take inconsistent actions in the face of suggestive huddles by their partners need to think long and hard before committing a labored explanation. The overtrick in 4♣ seems appropriate, since it would be macabre to visualize a ruff in the dummy.

"Having said that, I think the Committee was way off base in assessing E/W's possible failure to continue playing bridge. Of course East had to pass, just as you would if your partner had doubled 4♥. East judged accurately for clubs and had no reason to suspect 4♣ was making, particularly opposite this partner. But where is it written that East was the only one capable of an egregious bridge error? Does winning world championships make it okay to double 4♥? Wasn't West marked with some values on the same theory that North was, that the opponents were willing to stop in a partial? If so, what extra defense was West suggesting by doubling with a void—wasn't he lucky to have two cashing minor tricks as it was? We all know how successful West has been with numerous 'cut my tongue out'

actions, but belief in one's own infallibility is a delicate matter.

"You don't see the relevance of citing West for an egregious bridge error? How could he recover better than +150 once the infraction took place? Lesson time. Might not East bid 5♣ after 4♥-Pass-4♣? Wouldn't you? What reasons would you need other than your holdings in spades (short), hearts (finessable), diamonds (secondary fit) and clubs (support)? What's double dummy about any of that? If you weren't calculating how you could best take advantage of the situation, shouldn't you feel mentally challenged if you couldn't scarf up 5♣ (and screw 'em if they can't take a joke)? Do you think North would have bid 5♣ over that?

"Look, the toothpaste is already out of the tube. This isn't about apple-biting, Nietzsche complexes, killer reputations or anything other than an egregious bridge error. If it hadn't happened, the perpetrator might well have ended up +400 or +550—there's a little more case for the trump lead but you go find it first. That being the case, N/S -150, E/W -590."

✍ Ron is right when he observes that nothing happened during the final round of the auction which suggested to South that game in a major would make when he was willing to settle for 3♣ on the previous round—nothing, that is, except North's huddle. He is also right that East had no choice but to pass 4♣ doubled, especially after West's masterminding double of 4♥. Had West not been so quick with the whip, East would have had a fair shot at trying 5♣, as Ron's line of reasoning demonstrates, with a chance at +400 without a trump lead. Thus, it was West's actions which were the direct cause of his side's poor result. Had West not doubled 4♥ or 4♣ and had East then found the 5♣ bid (and North led a trump), E/W would have been entitled to redress. Thus, Ron's is the proper decision. N/S -150; E/W -590. Perfect and just.

This would have been a much tougher case had West not doubled 4♥ or 4♣ and East still not bid 5♣, either directly over 4♣ or after 4♣. Clearly N/S's score should still be adjusted to -150, but how about E/W? We'll assign this as homework—for extra credit.



### CASE THREE

**Subject (Tempo):** The Devil Made Him Do It  
**Event:** Flight B/C Pairs, 18 Nov 00, Second Session

Bd: 16	♠ AJ73		
Dlr: West	♥ J96		
Vul: E/W	♦ J105		
	♣ Q94		
♠ KQ8		♠ 4	
♥ KQ8743		♥ 1052	
♦ 9		♦ A876432	
♣ 873		♣ K5	
	♠ 109652		
	♥ A		
	♦ KQ		
	♣ AJ1062		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
2♥	Pass	4♥	4♠
Pass(1)	Pass	5♦	Pass
5♥	5♠	Pass	Pass
Dbl	All Pass		
(1) Break in tempo			

15 seconds.

**The Panel Decision:** Three expert players said they would pass out 4♠ and thought that partner's hesitation suggested not passing. A fourth expert did not believe that the hesitation suggested anything that would help East make a winning decision. The Panel decided that an "unmistakable hesitation" had occurred and that it "demonstrably suggested" East's 5♦ bid when pass was a non-suggested LA (Law 16A). The contract was changed to 4♠ made four, +420 for N/S.

**DIC of Event:** John Ashton

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

**Players consulted:** Bill Cole, Lynn Deas, Keith Garber, Jonathan Greenspan

**Directors' Ruling:** 96.7

**Panel's Decision:** 91.1

✍ This case poses two questions. First, was there a hesitation? While East thought West had paused for only about 5 seconds, the other players agreed to a longer pause (10-15 seconds). While I think it would be improper for West to make his call in less than 4-5 seconds in a situation like this, 10-15 seconds goes too far in the other direction and constitutes a break in tempo. As for what the break in tempo suggests, there can be little doubt that it suggests action over inaction and that East cannot be permitted to bid after the break. This leads me to my second question: Why no AWMW?

**Bramley:** "Worthy of an AWMW."

**Rigal:** "Why can't we take the money (metaphorically speaking) from the B/C

**The Facts:** 5♠ doubled went down one, +100 for E/W. The opening lead was the ♦9. North called the Director when East bid 5♦. All players but East agreed that West had hesitated noticeably before passing 4♠. The contract was changed to 4♠ made four, +420 for N/S (Laws 73F1 and 16A).

**The Appeal:** E/W appealed the Director's ruling. East said that if he had been West he would have passed immediately. He agreed that there had been a 5-second pause before West passed 4♠. East said they were a first-time partnership and that he did not expect West to have anything to think about. 5♦ was lead directing if his partner had a singleton or to play if West had a fit. West said he had no idea why he hesitated. N/S said that the hesitation had been 10-

characters? An AWMW would help to focus these characters' minds if they ever reach the glorified heights of national events. Just such an AWMW appears later on in this casebook. As clear a case at this vulnerability as I have ever seen. Of course West might have been thinking of doubling here—but East did not know that when he committed his foul."

✍ For every time a weak two-bidder is thinking about doubling in a situation like this there are scores of times when he is thinking about bidding one more.

**Kooijman:** "I would have liked the Director to say that 5♦ could have been suggested by West's hesitation, clarifying his decision. But I myself am joining the minority. West described his hand very accurately with his opening bid, so what extra information does the hesitation convey? Probably that he has spades, which makes bidding 5♦ less attractive. I would have liked the Panel to demonstrate the suggestion given by the hesitation. Here the question of egregiousness was not asked automatically. 5♥ doubled is down 800. But no, 5♠ seems reasonable."

✍ Opening with a weak two-bid in this day and age does not mean that one has completely described his hand. In a recent *Bridge World* Master Solvers' Club Zia said he would open 2♦ holding: ♠Q9732 ♥104 ♦AJ10832 ♣—. I suspect a good many players agree with him. Certainly if the spades and diamonds were reversed 2♠ would garner many votes. Thus, West's hesitation could easily suggest bidding on. Is this significantly more likely than that West was thinking about doubling? Overwhelmingly, I think.

**Polisner:** "Vulnerable against not no less. I would have liked to assign E/W -500 in 5♥ doubled and N/S +420. Certainly at this vulnerability West may well have had something to think about; i.e., doubling 4♠ as partner should not have a bust. Close to an AWMW as far as I'm concerned."

**Rosenberg:** "It looks to me as if East misread West's hesitation. So the Committee ruled correctly, but why was there no AWMW issued? East's action was flagrant, even for Flight B."

✍ Well, if you weren't in the AWMW camp already that should certainly cement it for you. If Michael suggests that an AWMW was appropriate, you can be sure the appeal must have been borderline felonious.

More (even if more moderate) support for the Panel's decision...

**Weinstein:** "Similar to the last case, yet entirely different in that the weak two bidder is highly unlikely to be considering a penalty double. The 5♥ call is therefore demonstrably suggested and pass clearly a LA."

**Stevenson:** "As in CASES ONE, TWO and SEVEN, the main question is what does the break in tempo suggest. Not passing, surely."

**Treadwell:** "East would have to be a lunatic to bid 5♦ at this vulnerability and N/S could have reaped 500 or 800 had they doubled 5♥. I suppose the Panel made the right decision, since even a lunatic would not bid 5♦ without a bit of UI to help."

**Wolff:** "Right-on decision."

✍ One panelist expresses some sympathy for West here.

**Endicott:** "A 5-second hesitation? I have some sympathy for West's need to think—it is a difficulty encountered in competitive auctions, especially at high levels. Given his hand he was probably contemplating how close he was to a double, and I am not sure the message to East is quite as clear cut as the consulted

believed. However, pass is clearly a LA for East although, if he reads West's interest as penalty, to pass might be more suggested than a bid. Given the expert opinion, the Panel's reaction is not surprising.

As I mentioned earlier, players should not pass too quickly in any auction and especially in a high-level competitive one such as this. But taking a few seconds to contemplate (or give the appearance of contemplating) one's impending action is not the same as stewing for the length of time alleged here. My sympathy for West evaporated at somewhere around 5 seconds and my revulsion at East for acting with his hand after West's huddle would be difficult to put into words—so I'd put it into an AWMW and a good lecture on top of that.

## CASE FOUR

**Subject (Tempo):** Do As I Do, Not As I Say  
**Event:** Open BAM Teams, 19 Nov 00, First Session

Bd: 30	Roy Welland		
Dlr: East	♠ Q953		
Vul: None	♥ KJ		
	♦ A53		
	♣ AK93		
Rose Meltzer		Kyle Larsen	
♠ A10764		♠ J82	
♥ A94		♥ 108653	
♦ Q104		♦ 86	
♣ 106		♣ Q82	
	Bjorn Fallenius		
	♠ K		
	♥ Q72		
	♦ KJ972		
	♣ J754		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	Pass
1♠	1NT	Pass	3NT
All Pass			

### The Play (lead underlined):

Trick	West	North	East	South
1	♠A	♠3	<u>♠2</u>	♠K
2	<u>♠6</u>	♠Q	♠8	♣4
3	♥4*	<u>♥K</u>	♥3	♥2
4	♦Q	<u>♦3</u>	♦6	♦J
5	<u>♠4</u>	♠5	♠J	♣5
6	♥A	♥J	<u>♥5</u>	♥7

\* Break in tempo

**The Facts:** 3NT went down two, +100 for E/W. The opening lead was the ♠2. The play went as shown in the diagram. N/S called the Director when the hand was over and indicated that West had hesitated before following small to North's ♥K at trick three. E/W estimated that the hesitation was 5 seconds; N/S estimated it at 8-10 seconds. The Director ruled that East had UI that West held the ♥A, that this UI suggested his play of the ♥5 at trick six, that a club shift was a LA, and that it was not at all probable that declarer would play the ♣J. The contract was changed to 3NT down one, +50 for E/W (Laws 12C2 and 16).

**The Appeal:** E/W appealed the Director's ruling. West did not attend the hearing. East said that when the ♥K was led and the suit abandoned, he thought that North held the king and jack, as he did. Therefore, when he was on lead with the ♠J he did not think to continue with any other suit: the heart lead looked as if it would be most successful or, at least, not harmful. Since the return was so clear, the table result should stand. North said that the hesitation made it unmistakably clear that West held the ♥A and that shifting

to either minor was a LA. North said that if East led a club, there was a reasonable chance that he would have risen with the ♣J and made four.

**The Committee Decision:** There was no dispute about the ♥4 being played after a noticeable hesitation at trick three. No credible argument was presented that the slowness did not suggest that West held the ♥A. If it had been played at a less revealing speed, East may have had to consider that North might have played the ♥K from a holding including the ace-king just to pose a problem for East. West's carding, the ♠4 at trick five and the ♥4 at trick three, did not suggest a heart lead. In fact, it suggested a club from East. The fact that West did not win the ♥A while still possessing a diamond entry also suggested that West did not have the ♥A,

which simply reinforced that the carding suggested a club lead. In the Committee's judgment, the fact that two clubs had already been discarded from the South hand made it reasonably likely that North would have played the ♣J at trick six and taken ten tricks (four clubs, four diamonds, one heart, and one spade). The Committee found that 3NT made four was both the most favorable result that was likely for N/S and the most unfavorable result that was at all probable for E/W. The contract was thus changed for both sides to 3NT made four, +430 for N/S.

**DIC of Event:** Henry Cukoff

**Committee:** Michael Huston (chair), Doug Doub, Simon Kantor, Becky Rogers, Michael White

**Directors' Ruling:** 68.1

**Committee's Decision:** 77.8

✍ As we'll soon see, the panelists' opinions are divided on this decision. There are two issues which need to be discussed: (1) what standards should apply for UI during the play (as opposed to the auction); and (2) what special/unique information was there, if any, in the present case to justify the Committee's decision.

Regarding (1), it makes good sense that different standards should apply to UI in the play as opposed to the auction. The reason for this is that defense requires far more thought than bidding, and that thought is often less revealing of its motivation than thought which occurs in the auction. Competent defense requires constantly reconstructing the unseen hands, working out possible positions based upon the evolving information, and then deciding on the right play for each possible construction once it is visualized. All of this takes time. If every defensive hesitation compromised the defenders' rights, this part of the game would become impossible. Thus, for a defensive hesitation to warrant a score adjustment there must be compelling evidence that a LA exists and that it is at least as attractive a play as the one taken at the table (and suggested by the UI). This may be contrasted with the standard for adjusting the score after UI is available in the auction, where the LA must only be one which "some number" of the players peers would have "seriously considered" (and would actually have chosen).

So, in applying this standard to the present case a club play by East needs to be at least as likely as the heart play actually made to justify an adjusted score (issue 2). Three pieces of evidence from the play bear on this. First, if West had the ♠A she might (should) have won it at trick three and cleared spades, knowing that she would have a later diamond entry. Second, when she won the ♠Q she returned the ♠4, a clear suit-preference signal for clubs over hearts. Third, North could have attacked diamonds immediately, at trick three, before playing either a high heart or a high club. Since he was in a position to try to mislead the defense by playing the king of either side suit before trying the diamond finesse, East's argument that West held the ♠A because declarer played the ♠K and then abandoned the suit must be wrong; he could equally have played the ♠K from which East would have concluded that West had to hold the ♠A. At best this was inconclusive evidence which was in conflict with the first two indicators. But, you might argue, if North had played the ♠K wouldn't West have followed low smoothly, suggesting she did not hold the ♠A? Ah, but by East's own admission North's play of a king and not West's tempo was the only pertinent factor. Right. You can't have it both ways.

Had West not had a chance to give suit preference with her third spade and had she not had a reentry in diamonds which made winning the ♠A at trick three clear, I'd agree that her hesitation on the ♠K might not have been sufficient to warrant an adjusted score. But here, with overwhelming evidence from legitimate sources that her entry was in clubs and with the hesitation the only indicator pointing to the heart play, requiring a club return by East seems clear.

Finally, should declarer then be allowed to play the ♣J or forced to play low? It may seem that the same information which suggested East's club play should also lead declarer to duck, playing West for the ♣Q. After all, if West shows up with the ♣10 declarer can still choose to finesse West for the ♣Q later, after she has made

several pitches on the diamonds. But this ignores the fact that declarer had already pitched two clubs from dummy and the suit would be blocked if declarer played low on the first club. Also, *declarer* is allowed to know that West has the ♠A from her hesitation, that she has mis-signaled with her spade spot, and that East may well have the ♣Q when he returns a low club. (Might not East have led high from a low doubleton?) Thus, I support the Committee's decision to assign +430 both ways.

Let's hear from the panelists who support the Committee's decision.

**Brissman:** "The Director was on the right track when he or she forbade a heart continuation, but then derailed in not allowing declarer to make a winning club guess. Directors should apply the same standard as did the Committee ('the most favorable result that was likely')."

**Endicott:** "West chooses her lowest spade to lead to the knave; this also suggests a club return. A heart return could have been indicated had she led the ♠7. East has relied upon the tempo violation, not on the carding."

**Stevenson:** "Would East have played a club without the tempo break? I do not know, but maybe. Would declarer have risen with the ♣J if so? I do not know, but maybe. That is enough to make the decision correct."

**Rigal:** "The Director's heart was in the right place: I'd certainly take E/W to -430 though whether I give N/S -50 or +430 might depend on some detailed calculations. I accept Bramley's view that from East's perspective playing declarer to be a genius is maybe unreasonable, but we are talking about a Spingold finalist here—we can cut him a little slack when it comes to finding sneaky plays."

"Another aspect of this case that warrants discussion is that players need to be entirely above suspicion when it comes to drawing inferences from their partner's tempo. Everyone would respect East's ethics, of course, and there is no question that the better the player the more attuned he is to his opponents' tempo. But we must also guard against sending the message that one can draw any inference from partner's tempo without risk."

"Also, it is a little known fact that Ron Gerard and I are equally responsible for this case arising. In an earlier casebook he mentioned the possibility of this sort of deceptive play by declarer and at the start of the Nationals I constructed a problem to test out some intellectual defenders. Then Morphic Resonance took over and affected the computer to generate this deal."

✍ We applaud Barry's decision to finally admit his cosmic unity with the forces that shape the universe, a relationship whose existence we have long suspected.

We would also be quick to agree that, especially in the case of professionals playing with clients, there is no *carte blanche* to read partner's tempo and try to justify it by arguing that partner's plays are random (not to imply that any of the players here are random), so the only information to go on is declarer's actions. After all, if partner can be random so can declarer, and if West had followed smoothly to the ♠K East would not have been obligated to play West for the ♠A even had she given suit preference for clubs.

**Kooijman:** "For some reason hesitations during play seem more difficult to handle than during the bidding. Adjusting scores happens less frequently then. Convincing analysis by the Committee to support this brave decision not to allow the heart lead. And the Director demonstrated that the laws are his, but the play isn't. Good reason to consult some players before making such a decision. Can anybody tell me why N/S did not appeal? And what if E/W had been less greedy? 3NT down one? Br."

**Treadwell:** "A very close call by the Committee, but I guess their analysis of the problem is correct."

**Rosenberg:** “This was a very important case, because it concerns card play. So many improper things occur in card play that we never get to hear about (often because players have no idea they have been damaged.), that it’s a pleasure to have this come up. Every time I see a good player make a ridiculously bad play, I always think of what would have happened if his partner had ‘helped’ him in some way. Then the expert gets it right, and if you complain you would be laughed out of court (with an AWMW to boot). I would suggest that, for a while, there be no AWMW’s for card play cases.

“This case would have been harder had West played the correct suit-preference spade. Now, most Committees would decide for E/W. But what about when West ducked smoothly, played the correct spade, and East got it wrong. These things happen all the time, even among experts. Doesn’t that prove there *is* a problem when West huddles, plays the correct spade, and East gets it right? I think it should be up to the huddlers to prove their innocence, rather than the reverse.

“As to the play of the ♠K being indicative of no ♥A, this is one of Zia’s favorite plays (with the ace-king). Does that mean that only he and his ilk (if he has any ilk) should get a ruling in his favor?

“The Committee went too far in allowing declarer to guess the club. No reasonable player would get this right.

“Peter Weichsel, a member of the ‘losing’ team, wrote a commentary on this case for the Daily Bulletin. In my opinion, everything he said was either inaccurate or irrelevant. Rich Colker wrote a sensible reply.”

☞ And now, let’s hear another view of this issue.

**Bramley:** “The latest brouhaha. This case is remarkably similar to CASE TWO from Albuquerque (Summer 1997), in which declarer also led a king early, which was ducked after thought, and the partner of the ducker led to the ace later when an alternative play might have failed. I commented at that time that the tempo of the duck was irrelevant, because the defenders were always going to place their side with the ace based on declarer’s play. That case also featured suit-preference sloppiness by the defender with the ace. I remain consistent in my opinion that the table result should be allowed to stand (in Albuquerque it was).

“The crux of the matter is whether an in-tempo duck would have made a club play a LA. I say no. In his commentary on the Albuquerque case, Gerard cited a B. J. Becker hand, in which he befuddled the defenders by leading the king from AKx, as proof that a LA existed. I disagree. If you find Becker’s play, you deserve to gain, and in the real world no amount of subtle signaling by the defenders will convince them that their partner does not have the ace. Suit preference becomes irrelevant, because the location of the entry is known. To ignore that knowledge because partner leads a deuce rather than a three later on is to succumb to the dread disease ‘suit preference fever.’ Furthermore, in an informal poll of world class players I found none that had ever seen this deceptive play, nor had conceived of it themselves. (Sorry, Ron.) Thus, East had all of the authorized information he needed to make the winning play.

“Even if we grant that a club was a LA, the Committee’s score adjustment was wrong. That North had already discarded two clubs from dummy had no bearing on his guess in clubs. He was very likely to guess wrong, so N/S should have been assigned the score for 3NT down one, –50. I suppose a winning club guess is probable enough (at all probable) to assign E/W –430, but just barely. A poor performance all around.”

**Wolff:** “A very difficult decision. We need a clear opinion about the ethics of hesitating on defense so we can establish ‘Common Law.’ This situation is probably the most common of the controversial defensive problems. My own view is that a much greater latitude be given the defenders, especially if (1) the hesitator has a valid problem and (2) it is hard for the defender to know that he is compromising his partner’s options by his study. I believe these two elements are present here so

I would allow the heart return. It is very necessary for us to deal with this now.”

**Polisner:** “I strongly disagree. My estimate is that 99% of players of East’s caliber would have played a heart even without a hesitation by partner. Only in made-up bridge stories does North play the ♠K with the ace and then switch. In real life the hand is exactly the way it was with or without the UI. I would have decided that yes, there was UI which suggested playing a heart, but there was no LA coupled with the AI which was available. It is nice for Committees in a non-competitive environment to take inference from the spots played by a non-expert to make their decision. However, we all know that such inferences are not reliable when there is a clear path to success. Down two is the result to be kept. I suggest that Mr. Gerard could write a nice Sherlock and Watson essay about this hand.”

☞ Ask and ye shall receive.

**Gerard:** “Global thermonuclear war.

“I’m sick of all the posturing that has accompanied this case, so it’s time for the truth squad to emerge from hiding. You’ve probably read how outstanding the heart duck was, guaranteeing down two instead of down one. Wrong. The play for down one, according to West’s professional teammate, involved North’s knowing to set up clubs after spades were established, as apparently he did at the other table. Maybe there declarer could trust the size of West’s third spade. But at this table, trust as we know it was out to lunch. North could just as well have continued with another heart, won the third heart and cashed out the reds ending in his hand, then endplayed East with a spade. That’s no more double dummy than the suggested play for down one when West is playing random cards.

“No, the heart of the matter (maybe the spade of the matter) is that East was engaging in his own kind of trust, trusting his partner to have played a careless card rather than for North to have made a deceptive play. None of West’s teammates will admit that, but hypocrisy abounds when they claim that this was all about East’s knowing from the ♠K play that West had the ace. The unstated 50% of their argument is that East knew that the ♠4 did not have its normal expert meaning. We can all see why that wasn’t mentioned, so let’s give up the high-minded pretense about the caliber of the card play.

“The last time we saw this situation (CASE TWO from Albuquerque), Wolfie told us that the faux ♠K gambit doesn’t exist outside of books. Mebbe, mebbe not. Lots of flim-flammery doesn’t usually happen at non-Zia tables. Does that mean you shouldn’t consider it? Depends on who you are and whom you’re playing against. East probably knows about that ♠K play, especially if he saw the Albuquerque casebook, but he’s also capable of reading the table and protecting his partner. Should he be denied the right to make the play he likely would have made without help just because West needed a little extra time to work out the right defense? Isn’t this what the if-it-hesitates-shoot-it naysayers are always railing against, the death penalty for thinking?

“Well, appeals ain’t beanbag. You want to play in the bigs you have to bring the A game. The law says that a heart is barred if some number of East-peers would seriously consider a club instead. East said he intuitively placed West with the ♥A and had no reason to change his mind, which may be the legitimate reaction to solving problems involving client reliability. But the fact that he didn’t seriously consider the alternative didn’t preclude some number of his peers from thinking ‘What about that ♠4—isn’t partner supposed to be telling me that North did make that rare ♠K play to trip me up?’ If the answer to that would be ‘Nope, West just miscarded, not even worth a nanosecond of thought,’ a club was not a LA. But it’s difficult to be objective when you know the hand. Even among honorable pros (and there is no suggestion to the contrary here), admitting the plausibility of alternatives is unlikely to occur when you have a hand diagram. If West wants to be a player, not just a winner, East has to think that she used the key point of the hand to transmit relevant information. Somehow, though, that exposed ♥A just keeps

getting in the way.

“If I were conflicted about it, I would come down to this: West made a ‘bad’ hesitation in an automatic situation and then defended carelessly so as to theoretically cancel the meaning of the hesitation. I know West took the ace at the other table, but ducking seems automatic on general principles and I doubt that the other East would have given it a moment’s thought. In light of that, how could this East be permitted to make a play consistent with the hesitation and not the carding? Maybe on the computer with an unknown partner anything goes. Here, we’re talking about players with international aspirations. West isn’t the sort of player opposite whom you deliberately lie in responding to Blackwood.

“I don’t agree about +430. Discarding clubs gave no clue to North’s two-way guessing strategy. For E/W, who must get the worst of it, –430 seems right. For N/S, –50 seems at least as likely. Actually, this is a poster child for 12C3 (gasp!)—N/S would end up with somewhere between .5 and .75 of a board. Forcing a Committee to choose between random queen-ten finesses is not what appeals should be about.

“So is this an important case? As one ex-casebook moderator was fond of saying, you bet it is. Let’s hold all the Hall of Fame nominations and see the indignant appellants admit that lack of trust is the only way the table result could be upheld. And for all the pragmatists who worship at the altar of their table presence, I won’t rest until I’m dealt ♠Q9xx ♥AKJx ♦Axx ♣Kx and hear West say to East, ‘My ♠4 said to play a club.’”

✍ Also looking for a split score is...

**Weinstein:** “Disclaimer: North will be my teammate in Kansas City and at this year’s team trials at a minimum. Every NABC seems to have one extremely controversial hand. This was it, or at least became it, after one of E/W’s teammates decided to vent in the Daily Bulletin. In the absence of UI do I think East would get this right? More likely than not. However, it’s not an easy play for West to duck in tempo and perhaps he would have formed a different impression in his mind had West done so. A question that is relevant, but the answer discounted anyway, is how careful is West with her carding in general. Is it also possible that declarer has ♥AKJx and is just trying to get a feel for the distribution? I believe the correct decision was made for E/W. Playing a club is a LA and playing a heart was definitely suggested by the UI. One could argue that N/S should receive their table result, since in the absence of UI East’s most likely play would be a heart.”

✍ Sorry, but I still can’t see assigning N/S the score for 3NT down any number. A heart return by East has been effectively discredited by several panelists, perhaps most compellingly by Michael. And having already pitched two clubs from dummy, declarer would be forced to play the ♣J on the club return to avoid blocking the suit. Then, of course, there is the AI from the earlier play (cited earlier) which also leads to the same conclusion.

On the question of what the criterion should be for adjusting scores due to UI in the play as opposed the bidding, it seems almost self-evident that these should differ. But the laws do not provide for a difference. In this regard, the discussion in CASE TWO in Albuquerque provides a good summary of the arguments. Perhaps after a bit of light reading as homework the Laws Commission could take this up at their next meeting.

**Subject (Tempo):** “...At His Own Risk”

**Event:** Open BAM Teams, 19 Nov 00, First Qualifying Session

Bd: 7	Brian Maksymetz		
Dlr: South	♠ A1052		
Vul: Both	♥ 10962		
	♦ KJ52		
	♣ 7		
Darren Wolpert	Aaron Silverstein		
♠ 73	♠ QJ9864		
♥ J754	♥ K8		
♦ A104	♦ 86		
♣ J654	♣ K82		
	P.O. Sundelin		
	♠ K		
	♥ AQ3		
	♦ Q973		
	♣ AQ1093		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1♥	2♠	1♣
Pass	Pass(2)	Pass	Dbl(1)
(1) Not Alerted; intended as support			
(2) Break in tempo			

**The Facts:** 2♠ doubled went down four, +1100 for N/S. The opening lead was the ♦7. The Director was called during the next round. After West passed South’s double, North questioned him about the 2♠ bid and then hesitated for about 5 seconds before passing. The Director ruled that North had a bridge reason for thinking (considering a 3NT call) and that East drew any inference at his own risk (Laws 73F2 and 73D1). The table result was allowed to stand.

**The Appeal:** E/W appealed the Director’s ruling. East said that the 5-second hesitation by North indicated more of a trump suit problem than the ♠A10xx he actually held. Since East feared losing four spade tricks, he thought it appropriate not to finesse against the ♠10. There were no Alerts. The partnership agreement about the double of 2♠ was that it was card-

showing. On inquiry, it was explained as card-showing. South passed East a note under the table indicating that the bid was intended as a support double. E/W made no claims of MI about the auction. After the hand was over, North openly said that he always hesitates briefly in situations like this (and other situations like 1♥-P-2♥-P; P-?). He indicated that he does this so as not to reveal the contents of his hand through the speed of his call.

**The Committee Decision:** The Committee determined that North’s statement (made after the game) that he was considering a 3NT call was self-serving and somewhat at odds with his earlier statement that he always paused a few seconds in situations such as this. Accordingly, the Committee discounted the statement as a bridge reason for his pause. The Committee was split on the issue of whether brief pauses in tempo-sensitive situations (“hot seat auctions”) were permitted under the laws. It is clearly an intentional deviation from normal tempo in some other situations (ostensibly not permitted by the laws). However, it was driven by a motive not to make a call with unwonted speed and not to be revealing his holding to any of the other three players. The majority of the Committee believed that tempo should be defined “situationally.” One does not expect the same tempo from a player who is a non-participant in an uncontested auction as when the auction is toughly contested to the four or five level. Similarly, a call made when one’s opponents are playing highly complex or unusual methods must be much slower than normal before the hesitation is considered “unmistakable.” Some members of the Committee believed that East adopted such an inferior line of play based on the auction that he forfeited his right to an adjustment. By ducking the opening diamond

lead, East would have learned (on the likely continuation) that South's distribution was 1=3=4=5, in which case a spade finesse would have been much easier (after North won the  $\diamond$ K at trick one). Since the Committee could not find a reason to adjust the score, the table result was allowed to stand.

**DIC of Event:** Henry Cukoff

**Committee:** Michael Huston (chair), Doug Doub, Simon Kantor, Becky Rogers, Michael White

**Directors' Ruling:** 92.5

**Committee's Decision:** 90.4

✍ Every player has not only the right but the obligation to try to make all of their calls and plays in a steady, even tempo. Since no one can take an action any faster than the time it takes to think through the alternatives, the only way to maintain any semblance of even tempo is to think, or give the appearance of thinking (even if only for a few moments), about every action, even those that are easy or automatic. Thus, the 5 seconds North took before passing the double, whether he was thinking about bidding 3NT or about whether his socks matched, is entirely appropriate and especially so in a tempo-sensitive situation. In fact, East's play of the hand (given the information provided him by South that the double was intended as support) was quite poor.

Looking at North's hand, and given his agreement that the double showed extra values (was card-showing), would anyone pass quickly? At the very least one would think about the prospect of defending a two-level doubled contract holding near game-going high-card values opposite a strong notrump, and consider the option of trying 3NT or some other action. Even if E/W were unaware of the tempo issue involved, 5 seconds is well within the normal range of time one would expect North to take to consider his options after a non-penalty double by South.

In light of all of this, I would have voted to assess an AWMW against E/W for burdening a Committee (let alone a Director) with this nonsensical complaint. The following panelist has it exactly right.

**Bramley:** "Five seconds is a telling break in tempo on this auction? East must be kidding. This was hopeless whining by E/W and deserved an AWMW."

"The Committee is wrong to suggest that a brief pause in a tempo-sensitive situation is an 'intentional *deviation* (my emphasis) from normal tempo.' Rather, it *is*, or should be, normal tempo. Failure to pause would be the deviation. To propose that the opponents are obligated to provide infallible inferences with the tempo of their actions is incredibly perverse logic by E/W."

✍ If any of that escaped you, try this shorter—and more direct—statement.

**Gerard:** "Tree waste."

✍ Most of the other panelists' comments embraced Bart and Ron's perspective.

**Rigal:** "I feel strongly that pauses of five seconds cannot be construed as tempo breaks or an attempt to mislead the opponents. Here North was doing his best to make a bid in neutral tempo and if East misread the position he has only himself to blame. This is another example of there being certain bids that cannot be made in *any* tempo without upsetting someone."

**Polisner:** "Since the only possible infraction was North's failure to Alert a card-showing double which East agreed was not relevant, there doesn't seem to be any basis to consider any adjustment. A 5-second pause in a doubled partscore contract is hardly an attempt to mislead the declarer. I am still an advocate of reverting the laws to have all actions taken after such hesitation to be at the taker's own risk, with or without a bridge reason. If the Committee believes that the hesitation was a

'coffee house,' the player should be referred to a Disciplinary Committee. I will continue to lobby for this change in the upcoming laws. Table result stands."

**Rosenberg:** "The double of 2 $\spadesuit$  should be Alerted unless penalty. Still, there was no MI case due to South's illegal note-passing. North's brief hesitation policy is commendable, if used consistently. But I think 5 seconds is a little too long. Still I wouldn't give E/W anything. And if North were legitimately thinking of not passing, a longer huddle should not result in an adjustment."

**Treadwell:** "I fail to see why the hesitation by North denied the 10 $\spadesuit$ . East dug his own grave by bidding a rather frisky vulnerable 2 $\spadesuit$  and then sought to have the -1100 he earned by poor play reduced to -800. A fine decision but why not an AWMW to E/W"

**Wolff:** "A good decision and the dictum about calls when the opponents are playing highly complex or unusual methods is worth noting."

✍ The next panelist discusses the issue of tempo variations in unusual/unexpected situations from a "world" perspective, where it is recognized that extra tolerance as well as the introduction of deliberate tempo variations is not only acceptable, but even desirable.

**Endicott:** "We have the dread phrase 'self serving' again. They mean that they disbelieve him. The Committee is up with the game in its remarks on 'hot seat' auctions. Compare the WBF Code of Practice on action behind screens where it recognizes the desirability of additional tolerance in unusual situations. I can cite the deliberations of the authors of the Code of Practice. They were inclined to write in a requirement, behind screens, for a 20-second delay after a skip bid and there was also the thought that it might extend to abnormal situations created by opponents' extraordinary methods. When random timing of the tray was advocated discussion of these possibilities ceased, but the subject may return. We may be forced to look at it again if we fail to secure the desired irregularity of tempo in moving the tray.

"The aspect that seems especially significant, where the player who deliberates has encountered a quite unusual bidding situation, is how clearly it is apparent to partner what the nature of the problem is. It happens often enough that a player has to think from scratch how to deal with the situation in the light of his holding, and it is not altogether rare that he may have all the options of pass, double (redouble) or bid, and a choice to make. A Director or Committee inclined to find partner's action to be suggested by such a breach of tempo must first make the judgment that one action is suggested over another and that the 'message' from the tempo is not unclear. It is particularly an area of the auction in which the law should be handled sympathetically."

**Kooijman:** "Several statements in the description of the Committee Decision are confusing. Did East forfeit his rights to redress by playing badly 'Since the Committee could not find a reason to adjust the score...'? Isn't that the question to start with? Well, I don't like North's hesitation (maybe someone can explain to him that by bidding in normal tempo he doesn't reveal that much) and I don't like North's questioning the meaning of the 2 $\spadesuit$  bid. But since it seems ridiculous to consider the possibility that North intentionally misled his opponent concerning the spade holding, or 'could have known, etc....', there can't be a score adjustment."

✍ In the ACBL players are held more stringently than in most other parts of the world to continue to play reasonable bridge (given their skill/experience level) and take adequate precautions to protect themselves following an opponent's infraction. While there was no infraction in the present case, had there been one East would still have been required to play reasonably to preserve his rights to receive redress.

And that is what the Committee was referring to in the latter part of their decision. In fact, I agree with the opinion of those who believed that East's line of play was so inferior for a player of his ability that he forfeited his right to redress.

North is entitled to ask about the meaning of his opponents' bids when it is his turn to call and frankly I find nothing improper in his asking about the 2♠ bid here. It certainly bore on his own course of action and we've all seen players neglect to Alert intermediate or strong jump overcalls. We've also all heard panelists make remarks such as: "North should have asked if he needed to know." It is far better to ask and avoid such problems than to be forced to deal with them after the fact.

And just because North said that he always pauses briefly in situations like this doesn't mean he didn't think about any bridge issues here. I can't imagine passing a card-showing double with the North hand without at least considering alternative actions. And even if he did only pause out of principle, as many of the panelists have noted it is entirely proper and in keeping with Law 73D1 to tailor one's tempo to the demands of the auction. A pass by a player about to convert a general strength-showing double to penalty should not be made in the same tempo as a 1NT opener passing partner's raise to 3NT. The former requires at least a brief pause to suggest thought since a prompt pass could easily provide useful UI to partner on defense about the strength of North's trump holding.

Our final panelist seems to have a view of North's tempo not too dissimilar from the previous panelist's. Even so, his conclusion as well as his interpretation of the pertinent laws seem unwarranted.

**Stevenson:** "While the idea of raises in hot seat auctions is interesting, it is not a matter for an Appeals Committee. Its legality or otherwise should be decided by the Laws Committee of the ACBL. Without guidance from them to allow such pauses, a Committee should just apply the law as written—and misleading pauses are not permitted."

"However, there seems no reason to suppose that East was actually damaged, so no adjustment is suitable. A PP should have been levied against North for a breach of Law 73D1, which says: 'It is desirable, though not always required, for players to maintain steady tempo and unvarying manner. However, players should be particularly careful in positions in which variations may work to the benefit of their side.'"

"North's policy of deliberate tempo breaks is the antithesis of the particular care required by this Law."

As David notes, Law 73D1 says players should be careful of "variations" which may work to their advantage. Since variations include unnecessarily quick as well as slow actions, players must be just as careful when a quick action could benefit them as when a slow one could. Suppose North held ♠AKQx ♥Jxxx ♦xxx ♣xx and it was clear as soon as partner doubled that he would pass for penalties. Should he pass without any pause for thought? I doubt that the law makers would advocate that. In fact, it is quite appropriate for North to pause before passing for about as long as it might take him to decide to pass with a more ambiguous trump holding, while appearing to consider his call. If North held ♠A10x ♥Q9xxx ♦AJxx ♣x, he would think before passing for penalties at BAM and no one would suggest he had no bridge reason for thinking. As the actual North hand (and spade holding) falls somewhere between these examples, it seems appropriate that North's easy pass approximate (though not exaggerate) the time for a more difficult one. Thus, contrary to David's contention, such tempo maintenance is more an evening out of the tempo than a tempo break. It is not the antithesis but rather the embodiment of what the law requires. (Else why the intentional screen delays Grattan mentions?)

Of course, even if one objects to North's pause (hard as that is to fathom), since a player might easily think for 5 seconds before passing the actual North hand for penalties, East was clearly not damaged. Thus, no damage, no score adjustment.

**Subject (Tempo):** Phantoms Can Be More Than Saves  
**Event:** Open BAM Teams, 20 Nov 00, First Final Session

Bd: 15	Yi Zhong		
Dlr: South	♠ 6		
Vul: N/S	♥ 763		
	♦ A8432		
	♣ 10984		
Alfredo Versace		Lorenzo Lauria	
♠ 1053		♠ AJ874	
♥ A102		♥ KQJ4	
♦ QJ6		♦ 7	
♣ KQ63		♣ A52	
	Rouyu Fan		
	♠ KQ92		
	♥ 985		
	♦ K1095		
	♣ J7		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			Pass
1♣	Pass	1♠	Pass
1NT	Pass(1)	2♣(2)	Pass
2♠	Pass	3♥(3)	Pass
3♠	Pass	4♠	Dbl
All Pass			
(1) Alleged break in tempo			
(2) Alerted; checkback			
(3) Forcing			

**The Facts:** 4♠ doubled went down one, +100 for N/S. The opening lead was the ♣J. The Director was called after the double of 4♠ and was told that North had hesitated 5-6 seconds before passing 1NT. N/S denied any hesitation. The Director ruled that there had been no unmistakable hesitation and allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. The E/W team captain (George Jacobs) attended the hearing along with the players. E/W claimed that a hesitation of approximately 5-6 seconds occurred after the 1NT call and that South's double might have been suggested by the hesitation. North said there was no reason for him to hesitate holding only four points, vulnerable, and with his partner not showing any values. He thought he had taken 2-3 seconds to call over 1NT. N/S explained that at a previous regional the Director had been called to the table because they had bid too quickly. The Director had suggested that they hesitate briefly before each bid.

N/S pointed out that risking a double in a BAM event was a good gamble with South's holding, even if his partner could not contribute to the defense—especially since, although East had shown extra values, West had rejected his two game tries.

**The Committee Decision:** The question of the hesitation was discussed fully and the Committee found no reason to believe North had hesitated. Therefore, since there had been no irregularity there was no restriction on South's subsequent actions. The Committee also decided that this appeal lacked substantial merit and should not have come to Committee. E/W and their team captain were each issued an AWMW.

**DIC of Event:** Henry Cukoff  
**Committee:** Doug Heron(chair), Bart Bramley, Barbara Nudelman, Marlene Passell, Riggs Thayer

**Directors' Ruling: 98.8**      **Committee's Decision: 97.5**

North's hand is prima facie evidence that there was no huddle and E/W's arguments (and play) are prima facie evidence that the AWMW was well-deserved.

So say...us all.

**Bramley:** “This was the most contemptible excuse for an appeal that I have ever seen.”

**Rigal:** “What the \*%/& do E/W think they are doing here? One look at the North hand makes it clear that North was not contemplating bidding, so more than an AWMW is required here (not that there is much that can be done I suppose). I think a strongly worded warning to some of E/W’s team members is in order. We have seen way too much of this squad in the last three years in the Committee room.

**Polisner:** “Excellent work by all concerned, especially the AWMW. I would have been interested to know what North’s tempo was on his other bids on this hand, as well as the other(s) during this round. Such evidence could have changed the Committee’s mind.”

**Wolff:** “Right-on ruling. When ethical experts claim a hesitation by their opponents there is a tendency to believe them. Here the North player would really be stretching to be thinking about entering the bidding, but that doesn’t necessarily mean there wasn’t a hesitation. When different nationalities (here Italy and China) compete, strange things sometimes happen, which to me only means we must have patience and equanimity when we consider a protest. Here, the Italians should have known better.”

**Endicott:** “Aye.”

✍ Some panelists thought 1AWMW an “insufficient bid” here.

**Treadwell:** “An absurd case! Is the Committee entitled to award more than one AWMW to each of the appellants?”

**Weinstein:** “My second disclaimer: I was not on the Jacobs team. If I had been on the team, this hand would have gone to Committee over my dead body or resignation. My comment is Mama Mia!, which is the only pseudo-Italian exclamation I know. I can think of many English (i.e. American) ones regarding the merit of this protest, but I will save the censors some time.

“This brings up two points though. First, why, oh why, Board of Directors, is one AWMW the maximum? Secondly, years ago Bobby Goldman (and myself) had a suggestion. Since I haven’t participated in the last two casebooks, it is time to reintroduce another theory for our editor to castigate (always one of his primary joys). If it was not clear what someone was thinking about and his partner makes a call that questionably might have been suggested by the UI (or questionably was UI), there is de facto evidence (take it easy on me here, Mr. Gerard) that the UI didn’t suggest the call (or didn’t exist) if the huddler’s hand would in no way have indicated the action taken by his partner. For example, suppose the auction goes 1♠-P-2♠-3♥; 3♠. The 3♠ call is slow and his partner proceeds to 4♠, making. The opponents call the cops saying the slow 3♠ suggested extra values compared to a quick 3♠. It turns out that the 3♠ bidder had nothing and was deciding between a pass and 3♠. Since it is arguable whether the slow 3♠ suggests a particular action—some would say it does, some would say it doesn’t—, the huddler’s hand is evidence that it did not suggest 4♠. We could call it the ‘law of non-coincidence.’

See CASE TWELVE for a further repetitive ranting on this subject. If this suggestion were employed we probably wouldn’t have to read about some execrable protests like this one.”

✍ One panelist noted (with some surprise) that the team captain as well as the players were in jeopardy for an AWMW.

**Kooijman:** “So even captains are in jeopardy concerning AWMWs. I know captains who never argue about appeals: if the players want to appeal let them, for the sake of tranquillity. That attitude seems not possible anymore.”

✍ Right. Regardless of his policy regarding his team’s appeals, Law 92D makes it clear that “An appeal shall not be heard unless both members of a pair...or the captain of a team, concur in appealing.” Thus, whether the captain actively concurs with the appeal or does so by default, by failing to withhold his concurrence, he is held responsible under the laws since he could have stopped it. Thus, he is equally culpable with the players if the appeal lacks merit. Team captains, be forewarned!

Two panelists commented on East’s failure to make 4♠ doubled.

**Gerard:** “Mindless to go down.”

**Rosenberg:** “Okay. The man who dropped the doubleton ♠Q to make 3NT in the World Championship final should have found the route to making 4♠ doubled.”

✍ And finally, one panelist pointed out that E/W’s timing could stand some work.

**Stevenson:** “The best time to establish a tempo break is immediately, and the best person to do it is the Director. He gets to hear the evidence when it is fresh.”

✍ Even a “fresh” Director call couldn’t have saved this one.



## CASE SEVEN

**Subject (Tempo):** The Law Says “Demonstrably” for a Reason

**Event:** Stratified Open Pairs, 20 Nov 00, First Session

Bd: 2	♠ K84		
Dlr: East	♥ 32		
Vul: N/S	♦ AKQ973		
	♣ J7		
♠ Q9762		♠ AJ	
♥ J84		♥ AK97	
♦ 6		♦ 8542	
♣ KQ84		♣ A95	
	♠ 1053		
	♥ Q1065		
	♦ J10		
	♣ 10632		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		1NT	Pass
2♥(1)	3♦	Pass	Pass
3♠(2)	Pass	4♠	All Pass
(1) Transfer to ♠			
(2) Break in tempo			

**The Facts:** 4♠ made four, +420 for E/W. The Director was called after the opening lead. N/S contended that the 3♠ bid was slow. The Director ruled that the break in tempo did not demonstrably suggest the 4♠ bid. The table result was allowed to stand.

**The Appeal:** N/S appealed the Director’s ruling. N/S said it took a long time for West to bid 3♠ and that East’s 4♠ bid should not be allowed because of UI. E/W said that 3♠ was either competitive or invitational and showed a six-card suit. East could choose to bid on with the right type of hand and East believed he had it: all primes, two honors in the trump suit, and no wasted diamond values.

**The Panel Decision:** The Panel talked to three expert players

and asked them what information the break in tempo conveyed and whether pass was a call they would consider. All three believed that the hesitation showed a weaker hand rather than a stronger one. Hence, pass was not suggested by the UI. The Panel allowed the table result to stand.

**DIC of Event:** Susan Patricelli

**Panel:** Mike Flader (Reviewer), Chris Patrias, Matt Smith

**Players consulted:** Stasha Cohen, Beth Palmer, Dave Treadwell

**Directors’ Ruling: 99.3**

**Panel’s Decision: 97.0**

☞ The hesitation in the present auction is analogous to that in the (natural) auction 1NT-2NT: in both cases it is not at all clear whether the hesitator was considering a more or less aggressive alternative. Thus, 4♠ (in the present auction) was not demonstrably suggested by the hesitation over a pass (in the absence of a history of that sort of thing in the partnership) and East’s action should be allowed.

The panelists all agree with me in supporting the Panel’s decision.

**Brissman:** “Here’s evidence that not all experts adhere to the ‘hesitations always show extra values’ school of thought.”

**Rigal:** “Another excellent ruling by the Directors. Although I generally have no complaints about the Directors ruling against non-offenders in the case of doubt, I am very pleased to see another example of the Directors establishing that a break in tempo does not always point in one direction—as here, where the Panel drew exactly the right inferences to my mind. Well done.”

**Rosenberg:** “Okay, but I worry that East might have passed after a prompt 3♠ (six-card suit, no game interest). And let’s explode the Gerard ‘huddles always show extras’ myth (even though the theory is borne out by this hand!). When a player huddles and bids with minimum or sub-minimum values, and his partner bids assuming extras, they usually fail in their contract. Thus, in these instances the Director is either never called or not called back. So we never see any of these cases. Yes there are some instances where huddles clearly show extras. These are ‘bad’ huddles and we should bend over backwards to make sure those who use them do not profit.”

☞ Yes, the pass after a quick (and clearly thoughtless) 3♠ would be a problem as well. But that’s an argument for recognizing that *any* out-of-tempo action, whether fast or slow, should be reported to the Director who in turn should consider any UI that is present vis-à-vis Law 16A, and then apply Law 12C2 if appropriate. (Just such a case is coming up in the next casebook—Kansas City—involving, guess who. Debbie [Mrs. Michael] Rosenberg!)

**Endicott:** “It seems to be intended to say that the 4♠ bid was not suggested over a pass by the UI. This seems a fair comment.”

**Kooijman:** “Another of those and handled perfectly again. This evaluating job eventually causes its own collapse. No, we are not there yet.”

**Polisner:** “I would have liked to know if 3♥ would have been a re-transfer. In any event, I don’t see in what direction the hesitation was pointing and thus East was free to take whatever action he felt was appropriate.”

**Stevenson:** “Again, as in CASES ONE, TWO and THREE, the main interest is in what the tempo break shows. The correctness of this decision is further evidence of why the ‘If it hesitates, shoot it’ brigade is completely wrong.”

**Treadwell:** “Very good.”

☞ Two panelists even went so far as to suggest that this appeal lacked merit.

**Bramley:** “Excellent argument by East. Allow me to observe that we should stop calling statements ‘self-serving.’ All arguments by someone on his own behalf are self-serving, regardless of their validity. What we really mean when we say ‘self-serving’ is ‘not believable,’ so let’s say that instead. Note that East’s argument is perfectly self-serving, but we would never call it that because everything he says is obviously correct.

“By the way, this appeal was pathetic and should have gotten an AWMW.”

**Weinstein:** “Good job all around. The ‘demonstrably suggested’ part of the chain of logic leading from UI to a possible score adjustment is too often overlooked. Both the Panel and Directors did well to focus in on that. If this was explained to the appellants then an AWMW should have been issued.”

☞ Finally, if you’ve not yet been convinced, the following should do it for you.

**Wolff:** “Hooray! Everyone is eating their Wheaties because they are agreeing with me.”

☞ As Eric Idle (of Monty Python) might add: “Say no more, say no more.”

## CASE EIGHT

**Subject (Tempo):** Running From the Void

**Event:** Blue Ribbon Pairs, 21 Nov 00, Second Qualifying Session

Bd: 11	Katharine Feiock		
Dlr: South	♠ Q53		
Vul: None	♥ AQ65		
	♦ AQ92		
	♣ J9		
Shawn Samuel	Russell Samuel		
♠ K108642	♠ AJ97		
♥ 9	♥ 874		
♦ 53	♦ K864		
♣ AK74	♣ 86		
	Greg Parker		
	♠ ---		
	♥ KJ1032		
	♦ J107		
	♣ Q10532		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			Pass
1♠	1NT	2♠	2NT(1)
3♠	Pass	Pass	4♥(2)
4♠	Dbl(3)	Pass	5♣
Dbl	5♥	Dbl	All Pass
(1) Alerted; Lebensohl			
(2) Hearts plus a spade control			
(3) Break in tempo			

**The Facts:** 5♥ doubled went down one, +100 for E/W. The Director was called after the 5♣ bid. There was an agreed break in tempo before North doubled 4♠. The Director ruled that pass was a LA for South and changed the contract to 4♠ doubled made five, +690 for E/W.

**The Appeal:** N/S appealed the Director's ruling. North and West did not attend the hearing. South said his intent was to bid 2NT followed by 3♥, then to remove 3NT to 4♣. His 2NT bid showed a spade control and, given it was shortage rather than a high card, he did not intend to defend on the hand. N/S were a new partnership and South had approximately 1200 masterpoints. E/W believed that the tempo of the double pointed in an obvious direction.

**The Committee Decision:** The Director correctly identified that the tempo of the double denied a trump stack. The auction, in the abstract, was entirely consistent with North having the ♠AJ97 instead of East. The play in 4♠ doubled was not trivial but declarer had a blueprint

for the first-round spade finesse to take eleven tricks. In the Blue Ribbon Pairs, eleven tricks was by far the most likely outcome. The appeal dealt with an issue already covered by the Director. No new evidence or argument was brought by South. Therefore, the appeal was judged to be lacking in merit and N/S were each issued an AWMW.

**DIC of Event:** Henry Cukoff

**Committee:** Peggy Sutherland (chair), Mark Bartusek, Jeff Meckstroth, Ed Lazarus, Barry Rigal (scribe)

**Directors' Ruling:** 97.8

**Committee's Decision:** 95.2

✍ The outcome here was a foregone conclusion and the Peanut Gallery has erupted in a chorus of cheers.

**Bramley:** "Hear, hear!"

**Endicott:** "Aye."

**Polisner:** "Excellent work by all."

**Weinstein:** "Not only would I have agreed with the Committee's assessment of the AWMW, I would have added a PP for blatant use of UI."

**Wolff:** "Another reasonable decision."

**Gerard:** "Do you realize how many appeals could be avoided by just playing bridge? So far it's half of them (CASES TWO, FIVE, SIX and EIGHT)."

**Kooijman:** "In CASE ONE I joked when reading that the Committee used the argument that the Director had made the right decision and no new evidence was given. The reason was that such argument is only valid when the Director does his utmost to make the best possible decision, forgetting about a non-offending side. Which is not always the case, and certainly not in the ACBL. Have you changed? Hurray then. We just adopted the same approach for our National Appeal Committee: The Director is presumed to have made a good decision and without good arguments to the contrary, his decision must be accepted. But we still have to introduce the AWMWs."

✍ This approach is not part of ACBL Regulations (see the discussion in Anaheim, CASE ELEVEN). In fact, ACBL Appeals Committees are instructed to set aside the Director's ruling (apart from any applications or interpretations of law) and rehear each case anew, to emphasize the Director's status as a "neutral" party. However, if the facts or other (non-bridge) issues are in doubt we treat the Director's findings (as a neutral party) as having greater weight. And experienced chairmen typically ask the appealing side to show why the Director's ruling should be changed.

**Rigal:** "The only issue here is ten or eleven tricks. I think it is far from clear, but frankly N/S certainly deserve -690 and I can live with E/W getting the inverse of that too. In the Blue Ribbon pairs we must give our declarer's the benefit of the doubt, I suppose. (Mind you if the other case involving this partnership had come up first we might have been less sympathetic!)"

**Treadwell:** "This is a rather close case since, without the UI from North's slow double, South might well bid 5♣. However, unlike my position on many other cases, pass is certainly a LA. Good work."

✍ Close? When South had already described his hand to within one spot card?

**Stevenson:** "One slight question that may have been addressed, but is not mentioned: Can North really have ♠AJ97 or similar? My own methods have always been to pass with too strong a holding in the opponent's suit. Of course, my methods are old-fashioned and no longer mainstream, but the question of N/S's methods are relevant. Still, I expect N/S would have told the Appeals Committee if it had been part of their decision-making process that North could not have too strong a spade holding."

✍ I'm unfamiliar with that approach. Is ♠AJ97 really too strong a holding in West's suit to overcall an otherwise suitable 1NT!? Must North wait for a reopening double (I hope not holding his breath) to pass for penalties? Odd. Is this one of those "cultural" differences between England and the rest of the civilized world? (I know, I know, the English don't consider the rest of the world civilized.)

**Rosenberg:** "Okay. Incidentally, a first-round spade finesse is not necessary to make 5♠."

✍ Maybe not an *immediate* first-round finesse but surely a finesse on the first round of spades nonetheless.

## CASE NINE

**Subject (Tempo):** Psychic Exposed,...and More

**Event:** Blue Ribbon Pairs, 21 Nov 00, First Qualifying Session

Bd: 23	David Siebert		
Dlr: South	♠ K10		
Vul: Both	♥ J97653		
	♦ A107		
	♣ 32		
Helen Jinks	♠ QJ98	Scott Stearns	♠ A7643
	♥ K84		♥ Q10
	♦ ---		♦ Q84
	♣ AKQ1096		♣ J84
	Allan Falk		
	♠ 52		
	♥ A2		
	♦ KJ96532		
	♣ 75		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			3♦
Dbl	3♠	Dbl	Pass
Pass	4♦	Pass	Pass
Dbl(1)	Pass	4♠	Pass
5♦	Pass	5♠	All Pass
(1) Break in tempo			

**The Facts:** 5♠ made six, +680 for E/W. The Director was called when East bid 4♠. West took at least 20 seconds before doubling 4♦. East did not bid 4♠ over 4♦ in case West wanted to cue-bid hearts. He bid 4♠ over the slow double because he believed North wanted to play 4♦ doubled. He also knew that West could not be doubling with trumps. The Director ruled that East was allowed to believe his partner held the suits she had promised with her takeout double and that pass was not a LA. The table result was allowed to stand.

**The Appeal:** N/S appealed the Director's ruling. North did not attend the hearing. East stated that he had shown his spades when he doubled 3♠ and that he did not have any real values to suggest that 4♠ would be successful. He also wanted to give his partner the opportunity to cue-bid hearts. South said he thought that the out-of-tempo double suggested doubt and that

pass was a LA to 4♠.

**The Committee Decision:** The Committee discussed the bridge logic of East's actions. The double of 3♠ adequately described the hand and exposed the psychic. The 4♦ bid by North allowed East to get more information since partner might pass with a minimum, bid 4♠, or cue-bid 4♥. The reopening double showed better than minimum values and offered a choice to defend or bid 4♠. The Committee decided defending was not an option and that 4♠ was clearly the bid required by bridge logic. The Committee believed that N/S should have known that their psychic had been exposed and after seeing the East hand should not have appealed the Director's ruling. Thus, N/S each received an AWMW.

**DIC of Event:** Henry Cukoff

**Committee:** David Berkowitz (chair), Nell Cahn, Jim Linhart, Bob Schwartz (scribe), Riggs Thayer

**Directors' Ruling: 96.3**

**Committee's Decision: 94.4**

☞ Most of the panelists support the Committee's decision, including the AWMW. The prevalent view (and my own as well) is: How dare N/S psych, then call the Director when the opponents take a bit of extra time to work out the difficulties the psych has created for them, and then appeal when they aren't given something.

**Bramley:** "The Committee was too kind to the double of 4♦. West could not really have wanted to defend 4♦ if partner couldn't double it. However, the logic supporting the pull to 4♠ is very strong, so I agree with the decision and the AWMW."

**Treadwell:** "An excellent decision. Poor N/S; they psych, which frequently leads to problems for the opponents, and they want redress because a little thought was given? Again, can't we issue more than one AWMW in these sorts of cases?"

☞ One panelist, a co-leader of the appeal team which heard this case but who was not present in Birmingham, had some "special" thoughts about this case.

**Gerard:** "That's my appeals team, so this is the first thing I've seen that made me wish I were in Birmingham.

"South pursued this appeal? *South?* The universal critic of official malfeasance and organizational incompetence? The purveyor of ceaseless vitriol towards the appeals process? The decryer of artificial intelligence, such as the notion that anyone not suffering from rectal cranial inversion could be deceived by North's shenanigans? If we think pass was a LA, I guess we're not so smart, are we?"

"This is brutal abuse of the system, displaying a lack of objectivity that some have long suspected. It deserved more than an AWMW—or a change in regulations to allow for a more serious sanction. The Director's ruling (nice touch, that) and what I hope was skepticism in screening should have warned South away from the appeal. A random visitor from Mars would have said 'If you're not a lawyer, you're trying very hard to act like one.'"

**Endicott:** "Absolutely. In fact I would go as far as to say it is pretty hot if a player psychs and then gets aggrieved when the opponents cope with it ethically and competently."

**Polisner:** "Excellent Committee analysis. I think that N/S had a lot of gall to even call the Director in this case when they had created the scenario by North's psychic bid. Had he merely bid 4♦ East would have bid and the auction would have ended.

**Kooijman:** "How consistent."

**Stevenson:** "Routine: no infraction. Hesitations are allowed in bridge!"

**Wolff:** "Fair decision. N/S wanted something for nothing. The criteria should be stricter for unusual conventioners or psychers who seem to expect redress for hesitations when it is the complainers who have muddied the water and caused the consternation."

**Weinstein:** "Perhaps a bit harsh on the appellants, but I have little sympathy for whining after a psych doesn't work."

☞ Not so certain that, as Bart put it, "the logic supporting the pull to 4♠ was very strong"...

**Rigal:** "I am not entirely happy with this ruling, and I can't help feeling that if the players had been rotated 90 degrees, things might not have been deemed to be so clear-cut. It seems to me that East's argument in Committee was specious and self-serving and can be ignored. The slow double was pulled in a situation where it looks normal to bid 4♠ the round before. And why was the double pulled? We know the answer to that."

☞ Looking at that East hand, including the clearly-of-questionable-value ♦Q and the poor spade spots, I wonder what is normal about bidding 4♠ directly over 4♦.

It seems eminently reasonable to me that East should not be so ready to commit his side to the four level unless West can act again—especially after East has already shown his spades (by doubling 3♠). And why not leave room for partner to cue-bid 4♥ when opposite the right 15 HCP (but what a 15 HCP!) slam is possible. Self-serving though his statements may be (see Bart’s comment about such statements in CASE SEVEN), they are anything but specious. I think they present not only excellent logic, but winning bridge tactics.

The next panelist presents a similar view, but with a more credible argument relating to West’s second double.

**Rosenberg:** “This doesn’t make much sense to me. If East does not need to bid 4♣ over 4♦ as he would over 3♦-Dbl-4♦ because he has already shown spades and values by doubling 3♠, then West should be bidding 4♣, not doubling.. Only if East’s double showed values but not spades should West not bid 4♣. Maybe I just don’t understand this auction too well, but couldn’t West’s double be 3-4-1-5 or even less shape? I think East must pass the slow double. If West’s double just showed extras, why couldn’t it be made in normal tempo? Basically, the Committee allowed West two doubles—one with 4-card spades (slow) and one without (prompt).”

✍ It is difficult to defend West’s second double (as opposed to bidding 4♠ or cue-bidding 4♥), but West had no UI so she is entitled to bid as well (or as poorly) as she wishes, with no constraints. Moreover, we cannot punish East’s logic because of our dim view of West’s bidding. Certainly West could have 3-4-1-5 or even less shape, but that does not alter the fact that even if we exchange one of West’s clubs for one of North’s diamonds and one of her spades for one of North’s hearts, E/W would still score up +650 in 4♣ and would only collect +500 in 4♦ doubled (and then only if they switched to hearts early enough—otherwise they’d get only +200). Call East’s actions what you will, once North psyched spades he had every reason to believe his side might be cold for bigger and better things.

Finally, given East’s diamond holding and North’s (obvious) diamond fit, West was known (from authorized sources) to hold at most one diamond—and more likely none. So what other UI did West’s slow double communicate? That she was afraid that East might pass? That she really had four spades instead of the three that her double showed? The former was known from authorized sources and the latter was fairly inconsequential, as we just saw. Sorry, but none of this cuts it.

Most importantly the last two panelists seem to have ignored the issue of N/S’s tactics: psych, then hold the opponents’ feet to the fire when they need extra time to figure out what’s happening. I thought we had established the principle that when one side psychs, trying to confuse the opponents by making the meanings of their calls ambiguous, they owe the opponents extra leeway time-wise to make sense of the auction. I’m also under the impression that this same principle applies to pairs who employ complex, conventional methods in the opponents’ strong auctions (such as after a strong club opening). Perhaps in the Blue Ribbon Pairs, entrants should be better prepared to deal with such tactics, but—especially in the early qualifying sessions—this does not jive with my view of reality. Psych if you will, but don’t be too quick to claim UI when the opponents take extra time for their calls because of the confusion you’ve sown.

**Subject (Tempo):** It May Not Be Florida, But We Want a Recount  
**Event:** Stratified ACBL/ABA Open Pairs, 21 Nov 00, First Session

Bd: 27	♠ 10		
Dlr: South	♥ A9653		
Vul: None	♦ J3		
	♣ AKQJ10		
♠ J84		♠ AQ965	
♥ 10872		♥ KQ4	
♦ K1087		♦ AQ4	
♣ 87		♣ 93	
	♠ K732		
	♥ J		
	♦ 9652		
	♣ 6542		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1♥	1♠	Pass
Pass	2♣	Dbl	Pass
2♠	3♣	Pass(1)	Pass
3♠	All Pass		
(1) Break in tempo			

**The Facts:** 3♠ went down one, +50 for N/S. The opening lead was the ♥J. The Director was called after the 3♠ bid. He ruled that 3♠ was bid on the known double fit and not on the break in tempo and allowed the table result to stand.

**The Appeal:** N/S appealed the Director’s ruling. North and East did not attend the hearing. South stated that East’s break in tempo before passing 3♣ was marked and that she did not believe the West hand supported the 3♠ bid. During screening N/S indicated that the times for the three bids by East were: 2-3 seconds for 1♠; 5-7 seconds for double; and 10-12 seconds for pass. West insisted that her diamond fit with an honor plus her three-card spade fit (as opposed to the doubleton she might have had) made the 3♠ bid clear-cut. E/W estimated the

times for East’s three bids as: 2-3, 5-7, and 5-7 seconds, respectively. West said her partner always took considerable time and that there had not been a break in tempo for this bidder.

**The Panel Decision:** The Panel first determined that an unmistakable break in tempo had occurred (Law 16A). The second issue was whether that break in tempo could have demonstrably suggested bidding 3♦ or 3♠ rather than passing. They decided that it could have. Finally, there was the question of whether there was a LA to bidding 3♦ or 3♠. The experts’ opinions ranged from 3♠ being automatic with the diamond fit and spade honor third to, “West cannot be allowed to bid on these cards after the obvious hesitation.” One expert considered pass a slight possibility, but said that Flight A players would see the double fit and unrevealed values and bid. Three other experts polled as a group said that West might pass if she was not paying attention, but they mainly discussed whether 3♣ or 3♦ was the better choice, West certainly being better than her 2♠ bid had indicated. The Panel believed that pass might not be a LA based on the advice of these players, but since pass had been mentioned as a possibility it was decided to poll players with 2000-4000 masterpoints. Six players were polled in the 1500-6000 masterpoint range. Only one of them bid 3♠ or 3♦. Most of them suggested that partner would have had to start with a double to get them to bid 3♠. Even with some prodding the players insisted that pass was the right bid. The Panel finally decided that pass was a LA and relied on the advice of senior Directors and two players to determine that there were two possible results in a 3♣ contract: making nine or ten tricks. In order to assign scores under Law 12C2, it was determined that ten tricks did not even rise to the level of “at all probable.” The Panel therefore assigned the score to both pairs for 3♣ made three, +110 for N/S.

**DIC of Event:** Kathy Whidden

**Panel:** Ron Johnston (Reviewer), Susan Patricelli, Matt Smith

**Players consulted:** Arnie Fisher, Jim Linhart, Randy Pettit, Chuck Said, Zeke Jabbour, six players between 1500 and 6000 masterpoints

**Directors' Ruling:** 55.9

**Panel's Decision:** 90.7

✍ This looks like a thorough, well-reasoned decision with the poll of players in the 1600-6000 masterpoint range providing the proper resolution—even if it might be counter-intuitive to Flight A players. The panelists (in alphabetical order) agree.

**Bramley:** “The secondary poll showed that pass was a LA for this class of player. Adjusting the contract to 3♣ was therefore automatic. The determination of result in 3♣ is also correct.”

**Endicott:** “It is right to listen to players of the same category as those involved. Of course, in some climes the chances of nine tricks or ten tricks could be accommodated!”

**Kooijman:** “Impressive actions to get to a decision. At least 20 people involved. What is there more to say than to admire the procedure where peers decide the outcome: They pass, so that choice *is* a LA. I feel pity for the Director who can't get a high mark here...except for his playing capabilities.”

✍ Yes, the table decision does seem to have been made in a vacuum.

**Polisner:** “I agree with the Panel's decision and applaud the basis by which it was reached.”

**Rigal:** “Adjusting to 3♣ is clearly right—we don't want the Panel being prodded to take actions they do not find automatic—however good we think the 3♣ bid is. I think the initial Director ruling is way out of line. Arguing for double fits in hesitation auctions is really extreme, to my mind. +110, not +130, seems right on the normal trump lead. While I could also live with +130, I think this is the right ruling (club, spade to the ace, diamond ace...).”

**Rosenberg:** “Very, very good. All bases covered.”

**Stevenson:** “I wonder what the Director meant? In UI cases, Directors are meant to consider LAs and whether there was UI, not whether a bid is made ‘on the break in tempo.’ If the Director's remarks have been portrayed accurately, it suggests a lack of understanding of the UI laws.

“On the other hand, the Panel seems to have approached this hand by considering the effects of the laws and reached a very sensible decision.”

**Treadwell:** “A competent player in the West chair would always bid 3♠ (or perhaps 3♦) at this vulnerability. However, the write-up claims a poll of 1500-6000 masterpoint players indicated that most players in this range would pass. So I guess the Panel made the right decision, but I am very uncomfortable with it.”

✍ I hear medical science is doing miraculous things nowadays for discomforts of that sort.

**Weinstein:** “Nice determination by the Panel. This demonstrates that in non-NABC events, not only are the Director Panels doing a good job but they also have the inherent advantage of being able to poll less-experienced peers when appropriate. Had this gone to a Committee of good players, I suspect that 3♠ would have been allowed.”

✍ Finally, a bit of a back-handed slap...er, pat...on the back.

**Wolff:** “Thoughtful and accurate Panel decision. However, I think the Panel spent way too much time on the LA issue. Since the double of 2♣ can be used just to show a good hand (and not necessarily diamonds), it becomes a question of whether West had a clear 3♠ bid. Most players would certainly consider a pass with 3♠ and 4 HCPs so West should not be allowed to take advantage of the huddle and bid. Coming down from academia into reality should always be preferred.”

## CASE ELEVEN

**Subject (Tempo):** What a Difference a Flight Makes

**Event:** Stratified Swiss Teams, 22 Nov 00, First Session

Bd: 35	♠ 9765		
Dlr: South	♥ J53		
Vul: E/W	♦ 72		
	♣ K974		
♠ AKQ8		♠ J102	
♥ 864		♥ A	
♦ 984		♦ KQJ63	
♣ A63		♣ Q1052	
	♠ 43		
	♥ KQ10972		
	♦ A105		
	♣ J8		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	3♥	Pass(1)	Pass
3♠	Pass	4♠	All Pass
(1) Break in tempo			

**The Facts:** 4♠ made five, +650 for E/W. The Director was called after West bid 3♠ and was told that East had broken tempo before passing 3♥. The Director ruled that pass was not a LA for West and allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling. 2♥ was a sound preempt in first position and 3♥ was a standard further preempt. North estimated that the hesitation had been 15-20 seconds. E/W did not think they could let N/S play in 3♥ after the further preempt. West agreed that East had taken extra time to pass 3♥ and said he had shrugged his own shoulders before bidding 3♠, to indicate that he was bidding despite his partner's out-of-tempo pass.

**The Panel Decision:** The Panel consulted four experts, all of whom would have taken action over 2♥

with the West hand but would not have bid over 3♥ after partner's break in tempo. Four Flight B players were also consulted. None of them took action over 2♥ but all took a bid in the balancing seat (some doubled, others bid 3♠) on the theory that partner had points and heart shortness and they didn't want to miss a vulnerable game. Despite the Flight B players' input, the Panel decided that allowing West to balance after the hesitation was illegal according to Law 16A. The Panel changed the contract to 3♥ down one, +50 for E/W. The Panel educated E/W as to why passing was a LA in this type of situation.

**DIC of Event:** Sol Weinstein

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

**Players consulted:** Dick Budd, Martin Caley, Marty Fleisher, Debbie Rosenberg, four Flight B players

**Directors' Ruling:** 49.3

**Panel's Decision:** 84.8

☞ Here is the flip side of CASE TEN. To several panelists this decision seemed inconsistent with that one.

**Bramley:** "Rejecting the secondary poll here seems inconsistent after having relied on it so heavily in the preceding case. However, the critical point in both cases was that a LA was established by some portion of the pollees. I am curious, however, how the expert pollees in this case showed such poor judgment compared to the Flight B pollees. The description of the experts' answers ("would not...bid...after partner's break in tempo") suggests that the bidding problem was not properly posed to them. Would they all have balanced without the hesitation, as the Flight B players claimed they would do? If so, then pass was *not* a LA. However, if we accept the experts' input, the decision is right. Grudgingly, I concur."

**Endicott:** "We lack the answers to some key questions here. For example, what the 'experts' would do as West after East has broken tempo is not at all what we want to know. The question is what would they do if 3♥ came back to them with East having passed in tempo. We do not want to know what action they would take as West over 2♥. They must put themselves in the mind of the lesser player whose method is to pass this hand; the pass is given to them and they must exercise their bridge judgement in the situation on the second round with no UI received from East. It is important to put the right questions to players who are consulted, and to have them answer the right questions. Here I am profoundly skeptical that any West player of any reasonable experience would pass on the West hand when the auction comes back to him. I doubt, therefore, that pass is truly a LA to other actions and it is my view that the Panel should have ensured they had the opinions that were relevant to the decisions they had to make. In my judgment, the table result stands."

☞ Bart and Grattan are correct that "What would you bid if East huddled?" is not the question that should have been put to the consultants; and I don't believe it was. I say this because I myself was "unofficially" polled by the Reviewer after she had already completed the poll reported here. Without telling me the results of the poll she gave me the West hand, then each bid in turn, and asked what I would do at each of my turns. I deduced on my own that East had likely huddled after the 3♥ bid and volunteered that while I would balance, I thought it would be improper to so after a huddle. (I was told that the players were in the 900-2700 masterpoint range.) Only then was I told of the discrepancy between the advice given by the experts and the Flight B players. (I suggested that she poll additional Flight B players—maybe ten or more—until she had enough to a determine with greater confidence whether a significant number would pass 3♥. In other words, when the data is ambiguous, collect more data.) Thus, I believe it is the write-up that is in error here and not the actual procedure followed.

**Rosenberg:** "Okay. Bridge question: should West double 2♥?"

☞ I would have, but I can understand why some players would not.

As for the procedural inconsistency with CASE TEN Bart mentioned, I don't see them as inconsistent. In CASE TEN the expert consultants advocated the same action that was suggested by the UI and taken at the table. In CASE ELEVEN the experts thought that an action *not* suggested by the UI and *not* taken at the table was indicated. This difference is critical. To allow an action suggested by UI it must be clear-cut for the level of player involved. In CASE TEN the experts chose the "tainted" action so it was important to determine whether that was also the clear choice of players at the level of the player in question. If not (perhaps because the experts' inferences were not available to them), then the bid should not be allowed since the player's peers demonstrated that a non-tainted LA existed.

But in CASE ELEVEN experts chose a non-tainted action, so there were bridge inferences which made the tainted bid less attractive. The fact that the players' peers chose the tainted action did not mean it was clear-cut—only that for them it was *more* attractive. But if bridge logic (as portrayed by the better players) makes a non-suggested action a LA, then as The Great Ron-a-Roni will soon explain the tie must be broken in favor of correcting the limited thinking and/or bad bridge habits which obscure the ethical considerations from the lesser players.

Perhaps an example will help. Say a Flight C player opens 3♥ (at unfavorable vulnerability) holding ♠x ♥AKQJ10xx ♦xx ♣xxx. The next player bids 3♠ and partner huddles, then doubles (for penalties). Even if a group of Flight C players all bid 4♥ (citing their "solid suit"), the bid cannot be permitted. Less experienced players often bid their hands more than once, not realizing that their partner already knows about their hand. Whether they don't trust their partner, are projecting their own bad bidding habits onto him, or simply can't see beyond their own cards, their actions can't be allowed just because most players at that level would automatically rebid their hand. If partner doubled loudly and firmly surely some of them would

have passed. Thus, their actions must be corrected with a view not to their present level but with an eye towards the level which we hope they will some day attain.

And now, without further ado, The Great Ron-a-Roni.

**Gerard:** “Apologies to Oscar the Owl, but it’s a curious hand; both factions are right.

“The experts are right because their partners are marked with dreck. The Flight Bs are right because they always bid partner’s hand for him/her/it. And the Panel was right to break the tie against bad bridge habits that have been drained of all their risk by the table action.

“I’ve read one Euro view attacking this decision and I don’t agree. It takes the experts to task for the irrelevance of their ‘would’ve bid last time, can’t bid now after the huddle’ opinion. The bit about last round was just normal expert ego talking: ‘I never would have been in this position because I’m just so much smarter than your average player.’ And the reference to the hesitation indicated that it wouldn’t have been clear enough to bid on a pure auction. Finally, to claim that any reasonably experienced player wouldn’t even dream of passing is just pure fantasy. At some point, as West progresses up the ladder of experience, he realizes that partner is capable of looking at his own cards.

“Having said all that, it would have been nice if the Panel had shared some of its reasoning with us. They have to be held to the same standard of documentation that a Committee would under the circumstances.

“By the way, being able to raise with that North hand sometimes works against Flight A players also.”

☞ And what about the table ruling? I’m not the only one who finds it lacking.

**Polisner:** “I am surprised by the Director’s ruling as this could hardly be a clear-cut action when West couldn’t/didn’t bid over 2♥. The Panel was correct to change the result to 3♥ down one, in spite of the feedback from the four Flight B players.”

**Rigal:** “After so many good Director rulings for the offenders, two appalling rulings in a row. Pray, what about that West hand makes it automatic to bid? The great shape? Being vulnerable? A cynic would guess that the correlation between Directors’ and Flight B players’ actions can’t be coincidence, but I respect the Director Panel for changing their mind in the face of a split decision. This is the sort of application of principle I assume we were hoping to see when we instituted the system. A side issue: to what standard do we hold players in a Stratified Swiss?”

☞ Side answer: For bridge skills and ability, the player’s own peer group. But for ethical and lawful conduct, the level appropriate for the event. Always.

Two panelists think this was a close decision. Is it a coincidence that both are (as Ron would say) “Euros”? If so, then what should we make of Grattan’s position?

**Kooijman:** “This is a difficult case. If I am delighted, and I am, with the procedure followed in CASE TEN, then I have some problems here. Let us assume that the Director consulted some Flight B players (I assume, that is the level of the players involved) and based his decision on that. Were any new facts presented by N/S? It seems that consultation can be ignored if we do not like the outcome. You don’t need to consult if the answer is known already, and it avoids frustration. No choice but to be tough again. The Panel does not understand Law 16, so the Director should have tried to explain it. Maybe he did. He knew what he did when he made the ruling. That is what Law 16A says: To demand a pass by West it must be a LA.

“What I miss in the Director’s considerations is the question, ‘What would have happened had West doubled instead of bid 3♠?’ That certainly is a LA. It seems too harsh to let East bid 3NT or 4♦ and West then pass. And with 4♥-4♠ or 5♦-Pass the result is similar.

“‘The Panel educated E/W as to why passing was a LA in this type of situation.’ What did it say? ‘It seems that none of your peers passes in this situation, so you should have passed?’ Good education.”

☞ Forgive me if I’m mistaken, but Ton’s comment suggests he may not realize that a Panel is made up of a group of *Directors* who have been assigned to appeal duty for that tournament (or, more usually, for the year in which the tournament occurred). A Director on a Panel may be more experienced than, or senior to, the DIC of the event or any of the other Directors involved in making the table ruling. Thus, to suggest that the Directors on the Panel do not understand Law 16 while those who made the table ruling do, and that the latter group should explain it to the former, is somewhat like saying that Zia should give Hamman bridge lessons.

**Stevenson:** “It is interesting to consider whether this decision would have been the same elsewhere in the world. When considering what constitutes a LA, all jurisdictions consider the actions of the player’s peers. But the standard used varies. Currently, the ACBL standard is an action that at least a number of the player’s peers would [seriously—*Ed.*] consider. Recent further interpretation has weakened this from its earlier very harsh interpretation: It has now been agreed that it is not a LA if none of the player’s peers would actually choose it, and the number of the player’s peers must be significant.

“Much of the rest of the world uses the 25% rule that used to be used many years ago by the ACBL: A LA is an action that at least one in four of the player’s peers would find. England and Wales use 30%, not 25%. Some jurisdictions, notably Denmark and the WBF, prefer to use an approach which is closer to ‘I know one when I see one.’ However, they are probably not that far off a 20% mark.

“So, is pass a LA? My feeling is that it is in the ACBL, but not elsewhere, so I am happy with the decision, but it was close.”

☞ All right, it’s time to put this LA red herring to rest, once and for all. Let’s start with the term *logical* alternative. What is a *logical* alternative, as opposed to, say, a *practical* alternative or a *sensible* alternative? To my simple mind, a LA is a call which can be justified by logic, i.e., there must be bridge inferences supporting it and a sufficient number of cases for which the call in question would be the winning action. Thus, if I raise partner’s 1♠ bid to 2♠ holding ♠J10x ♥KJxx ♦xx ♣KJxx and he then makes a natural game try of 3♦, I can think of hands which would make 3NT (♠Q9xxx ♥Qx ♦AKQx ♣Qx), 4♠ (♠AKQ9x ♥x ♦AKxxx ♣xx), and even 3♠ (♠KQxxx ♥xx ♦AKQJ ♣xx), rejecting the game try, the winning call. Each of these actions (except for the last: which will be right so rarely that even logic cannot save it) are *logical* alternatives. Thus, the issue is whether the call can be justified and stands to win a fair portion of the time. (Thus, a LA must be a practical one as well.)

Next, when you use numbers as David has done to define a LA, where do those numbers come from? I’m not asking how you know that a double finesse with AJ10 opposite xxx (and adequate entries) is 75%. That can be calculated mathematically. No, what I’m asking is how you know that at least 25% of players, the very same players who account for an 800 on a passout board or a +420 on a hand that can take only eight tricks, will find a particular call. When you ask whether an action will be found by at least one out of four of a player’s peers, how do you answer yes (or no) with any certainty? What tells you that, say, 27% or 33% will find it rather than only 22% or 15%? Don’t think too long, you might get a headache. I’ll tell you from where such numbers come.

They come from thin air, raw intuition, the ozone, a guess, a hunch. They come from books, articles, conversations, your ego (“I’d never make *that* dumb a call,” “Any player worth his salt would bid 4♠—it’s clear!”), experience filtered through your memory (which is better for more recent and more important events like slams and games, and worse for more distant and less important events like partscores and passouts). They come from the deep, dark recesses of our psyches. In short, they

come from the same process that gives rise to our dreams and fantasies—hardly a ringing endorsement for objectivity, accuracy or precision.


When you say that one in four players (25%) would find a particular call, does that mean that any given player will either always find it (ignoring bad hair days, flying cows and headaches) or never (absent divine intervention or a lucky guess), but that there are three times as many of the latter type of player? Does 25% mean that most players will find it only occasionally (25% of the time)? Then how come some players seem to find it so much more often than others, who would never even think of it? Maybe the percentage varies but on average 25% of the time a player will find it. So when you pick up ♠Jxx ♥KJxx ♦xx ♣Kxxx and partner opens 1♥, you raise to 2♥, and partner bids 2NT, will you sometimes bid 3♥, sometimes 3NT, sometimes 4♥, and other times pass? I'd bet, given a fixed set of conditions (e.g., playing IMPs or MP, vulnerable or not), you would pretty much always make the same call. So who are these random players who make a call 25% of the time?

The answer is, they don't exist. Such numbers are illusory, meaningless. They are random constructions with little validity. To allow a bid if 30% or more would find it but not if only 25% would (or if 25% would but not only 20%) is lunacy. The numbers are invalid and unreliable. The differences between the various numerical standards used around the world are arbitrary and capricious. And on top of all that, there's the additional problem that a numerical criterion must vary with the number of alternative actions. As I've pointed out before, if five equally likely alternatives exist (each 20%), then by both the 25% and 30% rules none of the actions could be considered a LA (though Denmark and the WBF could slide by—just). Reduce the number of alternatives to four and the ACBL could find a LA, but not England or Wales. This makes no sense. Numerical criteria are just so much rubbish: they're arbitrary at best and the numbers we compare them to lack validity and reliability.


So then what is a LA? It's an action that is justifiable on logical (bridge) grounds and which a Director or Committee judges would be chosen often enough by the player's peers that it shouldn't be ignored as a possibility. No numbers, just logic and bridge judgment. Take a player poll if you wish, but only to determine which alternatives to consider or to help you to get a fix on the bridge ability of the player in question (what calls would players at that level make). But even then don't count frequencies, because practical poll sizes are too small to be reliable.

So is pass a LA in this case? You betcha, and not only here but in England, Denmark and the WBF too. Can your decision and mine differ? Of course, but not because we use different numbers—only because we have different judgments.

**Treadwell:** “Good decision.”

 Look for the gem in our final panelist's comment.

**Wolff:** “Well decided again by the Panel. In addition to the normal LA rule I would think that a workable caveat might read: If a player considers his hand not good enough to come in at his first chance, it will always be a LA to not come in on the second (or later) round. Any Roth-Stone styled player will argue with this, but then all they have to do is stay beyond suspicion on either side. To me there is not a decent player around who doesn't now realize that when he studies and passes in a tempo-sensitive auction (as East did here), partner will not be allowed to pull a rabbit out of a hat. We are finally forcing players to realize this by ruling against them time after time.”

 If you didn't spot it, the gem to which I refer is, “If a player considers his hand not good enough to come in at his first chance, it will always be a LA to not come in on the second (or later) round.” This principle could equally have been applied to Cincinnati's CASE FORTY-FOUR (from the World Transnational Open Teams in Bermuda, 2000). Thanks, Wolfie.

**Subject (Tempo):** “On His Own” In the Big City  
**Event:** Blue Ribbon Pairs, 23 Nov 00, First Final Session

Bd: 23	Stelio DiBello		
Dlr: South	♠ K53		
Vul: Both	♥ AQ6		
	♦ J85		
	♣ 10954		
Mark Lair	♠ 74	George Steiner	♠ 92
	♥ 84		♥ KJ109732
	♦ 10943		♦ AQ6
	♣ AQ876		♣ 2
		Pinhas Romik	
		♠ AQJ1086	
		♥ 5	
		♦ K72	
		♣ KJ3	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			1♠
Pass	2♠	3♥	3♠(1)
Pass	3NT	All Pass	
(1) Break in tempo			

**The Facts:** 3NT made three, +600 for N/S. The opening lead was the ♦A. The Director was called at the end of the play. The Director ruled that there had been a break in tempo which suggested a further bid by North and that pass was a LA (Law 16). The contract was changed to 3♠ made three, +140 for N/S.

**The Appeal:** N/S appealed the Director's ruling. N/S said that in the absence of an agreement the break in tempo (estimated by N/S to be around 10 seconds) did not point to South having extra values. North was on his own when he bid 3NT and since he took a chance he should not be penalized, nor should his opponents get a double shot. N/S played five-card majors and a 1NT response would have been non-forcing. Thus, 2♠ did not show extras. N/S did not know whether they were playing maximal doubles. E/W said the

hesitation was about 30 seconds and that the long break in tempo suggested extra values, not a stretch. Thus, bidding on by North was indicated. E/W reserved their rights to call the Director at the end of the auction.

**The Committee Decision:** The Committee determined that a 30-second pause in this situation did point to South's having extras. Thus, the break in tempo pointed towards action, passing was a LA, and North could not be allowed to bid on. The contract was changed to 3♠ made three, +140 for N/S. Since N/S had received a clear ruling from the Directors setting this out, the appeal was found to lack substantial merit and N/S were each issued an AWMW.

**DIC of Event:** Henry Cukoff

**Committee:** Barry Rigal (chair), Phil Brady, Doug Heron, Michael Rosenberg, Riggs Thayer

**Directors' Ruling: 91.5**

**Committee's Decision: 84.4**

 Quite clear, and N/S were experienced enough to have known it. Two of our panelists were on this Committee. Let's hear from them first.

**Rigal:** “Another group of people who should know better, I believe, and the AWMW may help North and South to realize this. Also, perhaps next time they will agree on maximal doubles. Whereas here North reads South's tempo correctly, we should in my opinion not spend too much time trying to work out if that is what the tempo-break normally means. North got it right, and that is enough. I'd like to see



this principle enshrined in the logic of Committee decisions.”

**Rosenberg:** “East will probably lead a minor suit against North’s auction, so 3NT is not even as attractive as it first appears. Incidentally, I asked South during the hearing what he would have bid over 3♥ if the ♦K were a small one. He said he would have passed, which I regard as self-serving.”

**Bramley:** “Severe but correct. A better guess on opening lead, the ♦Q perhaps, would have obviated the problem.”

**Kooijman:** “No problems with this decision.”

**Gerard:** “Well the appeal may have lacked merit, but it wasn’t because of any clear message from the Director. Maybe in the WBF, where the Director’s ruling is presumed to be correct, N/S proceed at their own risk. But over here, the Director is basically just a conduit to a Committee. Since this was a matter of bridge judgment, not law, the Committee reasoning was a copout. For purposes of an AWMW, which is also a bridge decision, experts are deemed to know the law anyway. I’d hate to see South in CASE NINE get away without a warning based on a less caustic Director ruling.”

**Weinstein:** “The auction I discussed in CASE SIX comes up here. I agree with the Director and Committee. However, say South showed up with ♠AJ10xx ♥xx ♦Kxx ♣KJx and 4♠ was allowed to make or was cold. Then I believe a 4♠ call (but not 3NT) could be allowed since it wasn’t suggested by this hypothetical huddle. The reason that 3NT can’t be allowed here, is that it was still suggested because South’s huddle indicates either extra high cards or at least a couple of hearts, since without extra values and heart shortness, three spades would be automatic. Either extra high cards or heart length make 3NT more likely to be a winning action.

“Every casebook seems to have a couple of cases where there was either a marginal huddle, a likely pull of a slow double, or a bid after a huddle that may not rise to the standard of a LA. Yet the huddler has nothing in particular to suggest that the questioned action their partner took would be successful. It should demonstrate that the partnership is bidding in an unreadable tempo (good) or at least one of the players is so inexperienced or out to lunch as to make their tempo meaningless regarding UI (random). A Director or Committee doesn’t have to consider this if they choose, but they should be allowed to assume this alleged uninformative or dis-informative UI truly isn’t UI.”

✍ I think what Howard means is that when the huddle or its implications are fuzzy, and the huddler’s hand doesn’t fit with his partner’s action, then the Director or Committee should have the option of treating the huddle as random and uninformative. As things currently stand, the Director or Committee can do just that if they really believe that the huddle was uninformative (see CASES ONE and SEVEN) or that the players were inexperienced enough (Flight C?) to render their huddles meaningless. The present case, however, does not fall into that category and deciding that South’s huddle was meaningless because N/S had no firm agreement about maximal doubles or because South’s hand is neither fish nor fowl is a cop out.

I have argued before that the content of the huddler’s hand can not and should not be used to judge the appropriateness of a score adjustment. Suggestive huddles that induce partner to take a specific action (e.g., bid on) without justification must be dealt with firmly, regardless of whether the huddler seems to have evaluated his hand well enough for his huddle to be an accurate indicator. A huddle may not mean precisely what we think it should but nonetheless be informative. For example, a huddle which we think shows extras may, in some cases, simply imply “I’m not opposed to your bidding again, partner,” or “I have no exceptional defense against their contract,” or “My values are not unfavorably placed,” even though the huddler holds minimum high cards. CASE ONE from Vancouver is an excellent example

of just this sort of transmission (assuming there was a break in tempo in that case). If we start ignoring such possibilities we’ll lose it completely and end up trapped in a quagmire of minutia. Poor players transmit UI too, even if it’s less unreliable.

**Stevenson:** “Yet again, the methods of the players are relevant, but not mentioned. Is 3♠ a game try? If it is even a mild one, then 3NT looks automatic. If it is to play, then the ruling and decision seem perfect.”

✍ Actually, the relevant methods were mentioned. Witness, “N/S did not know whether they were playing maximal doubles.” Playing maximal doubles, 3♠ would be to play while double would be an artificial game try. Without an agreement to play maximal doubles, South’s 3♠ is ambiguous—but not his tempo.

Thinking this closer than did the Committee...

**Endicott:** “The decision is closer than the Committee makes it seem. South has shown length (six cards or a good five-card suit) by his 3♠ bid; part of the basis for the bid is the singleton heart. North has a top honor in partner’s suit, but needs perhaps another queen to justify his action. The AWMW is a trifle harsh; some ‘education’ might have sufficed.”

**Treadwell:** “At first reading, I disagreed with the decision, since I was not at all sure that the hesitation by South showed extra values. However, I guess the extreme length of the hesitation correctly swung the Committee to not allowing the bid. However, the decision is close enough that I would not have issued an AWMW.”

✍ Judging by the preceding panelist, the next one could not have read the case more than once.

**Polisner:** “I disagree. Where were the “extra values” for notrump in the South hand? Since it wasn’t a 6-2-3-2 twelve count, North had a maximum and would want to protect the ♥Q on opening lead. I don’t agree that the hesitation showed extra values (since the issue of maximal doubles was unclear); however, if it did I think it is a close question as to LA. In any event, the AWMW is way out of line in this case. If I were inclined to change the contract to 3♠, I would have ruled down one—not made three (heart lead won by the ace, minor suit play by North, down one).”

✍ As I said before, when South will compete to 3♠ with any minimum hand with six spades (e.g., the hand Michael suggests), the huddle must show just what South has: an extra king or so or perhaps an exceptional suit rather than the one West had in CASE EIGHT. The fact that maximal doubles were not in use makes the hesitation *more* informative—not less. It becomes a huge factor in discriminating a 14-17 HCP hand from one with 10-13 HCP (or only a five-card suit). And could North’s flat and uninspired 10-count with his awkwardly placed heart values have produced a game opposite a normal but minimal 3♠ bid such as ♠Q10xxxx ♥x ♦Qx ♣AKxx? Sorry, but pass is the action that has no LA.

The following panelist is right on target, so we’ll give him the final word.

**Wolff:** “I agree with the ultimate decision, but the key for me was not necessarily the slow 3♠; it was not knowing whether they played maximal doubles. When they claimed they didn’t know, it meant that 3♠ could be considered forward going and then North had his 3NT advance. If they were playing maximal doubles then 3♠ would be competitive and North is supposed to pass, especially if South broke tempo. North would, of course, be allowed to do anything he wanted if there was no tempo break.”

## CASE THIRTEEN

**Subject (Tempo):** Just Pay the Ticket

**Event:** Stratified Open Pairs, 23 Nov 00, First Session

Bd: 12	♠ A963		
Dir: West	♥ A9		
Vul: N/S	♦ J8742		
	♣ 87		
♠ J102		♠ K75	
♥ J8765		♥ 1032	
♦ Q95		♦ AK3	
♣ J2		♣ Q1065	
	♠ Q84		
	♥ KQ4		
	♦ 106		
	♣ AK943		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	1♣	Pass
1♥	Dbl	1NT	Dbl
Pass(1)	Pass	2♥	All Pass
(1) Break in tempo			

**The Facts:** 2♥ went down one, +50 for N/S. The opening lead was the ♣8. The Director was called when the 2♥ bid was made. It was agreed that West's pass had been out of tempo. The Director ruled that the slow pass could have suggested pulling 1NT doubled. The contract was changed to 1NT doubled down two, +300 for N/S (Law 16A).

**The Appeal:** E/W appealed the Director's ruling. East said his partner had hesitated for a long time before passing 1NT doubled. He believed that bidding 2♣ would have been illegal because his partner's break suggested club length, but that his 2♥ bid was not similarly proscribed. He said it was not right to play in 1NT doubled when he had only a 12 count and the auction indicated that

his partner's hand was weak. N/S said that West had hesitated a long time before passing and that passing 1NT doubled was a LA with East's hand.

**The Panel Decision:** The Panel decided to ask three questions of expert players: (1) Was passing 1NT doubled a LA? (2) What information was transmitted by West's hesitation? (3) What was the likely outcome in 1NT doubled? The answers were uniform. (1) Pass was a LA. One of the players would not have bid 1NT over the double. (2) West's hesitation suggested weakness with some shape. (3) A spade lead was deemed to be the most likely choice which would lead to three spades, three hearts, and two clubs for the defense, defeating 1NT doubled by two tricks. The Panel changed the contract to 1NT doubled down two, +300 for N/S. Since East had clearly chosen from among LA's one that could have been suggested by the break in tempo, the Panel found that this appeal lacked substantial merit and assessed E/W each an AWMW.

**DIC of Event:** Rick Bey

**Panel:** Charlie MacCracken (Reviewer), Doug Grove, Ron Johnston, (scribe: Mike Flader)

**Players consulted:** Peter Boyd, Steve Garner, Bobby Wolff

**Directors' Ruling: 99.3**

**Panel's Decision: 99.6**

✍ The Panel nailed this one. The only flaw I can find in the procedure (or write-up) is that the experts should have been asked what action(s) they might have taken as East when 1NT doubled came back around to them—not whether pass was a LA.

The few panelists who chose to comment on this one agree.

**Rigal:** "Nice work by everyone here. I am not sure whether the defense still get 300

on a club lead—I think so—so 300 looks clearly right. Perhaps next time East will think before bidding 1NT whether he really wants to bid at all, when no one has twisted his arm to do so."

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

**Wolff:** "On target and for the right reasons."

**Endicott:** "Aye."

**Stevenson:** "I am really curious to know what E/W expect to get out of an appeal."

✍ What indeed!

Two of our eagle-eyed panelists noted that N/S unaccountably managed only six tricks defending 2♥, instead of the readily available seven. So while E/W deserved -300, maybe N/S deserved only +100. It's hard to argue with that position but I'd like to see how the play actually went before committing to it.

**Weinstein:** "Routine, but did anyone ask how 2♥ only went down one? Since we usually impose the same number of tricks even if the level of a contract is adjusted but the strain remains the same, is there anything to be said for taking into account the reasonableness of the defense that actually occurred at the table, when assessing the various thresholds of likely?"

**Rosenberg:** "My problem with this is that if N/S couldn't beat 2♥ two tricks, what makes you think they could beat 1NT two tricks? So maybe +100 to N/S, -300 to E/W?"

✍ I'm convinced. Just tell me how the play went.

CASE FOURTEEN

**Subject (UI):** Everything In Its Proper Time

**Event:** Non-Life Master Pairs, 17 Nov 00, Second Qualifying Session

Bd: 30	♠ 854		
Dlr: East	♥ A92		
Vul: None	♦ KQ753		
	♣ 54		
♠ J106		♠ K9	
♥ J76		♥ KQ1083	
♦ 10		♦ AJ9864	
♣ AKJ976		♣ ---	
	♠ AQ732		
	♥ 54		
	♦ 2		
	♣ Q10832		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
2♣	2♦(1)	1♦	1♠
Pass	Pass	2♥	2♠
Pass	Pass	3♥	3♠
4♥	All Pass	4♦	Pass
(1) Explained as a limit raise in spades			

**The Facts:** 4♥ went down one, +50 for N/S. The opening lead was the ♦2. Before the opening lead, North volunteered that his partner’s explanation of the 2♦ bid had not been correct. The Director was called and instructed South to pretend she hadn’t heard the remark and to make her normal opening lead. The N/S convention card confirmed that the partnership agreement was that 2♦ showed a limit raise in spades. The Director ruled that the ♠A or a club was a LA to the diamond lead chosen (Law 16A) and that North had violated Law 75D2. The contract was changed to 4♥ made four, +420 for E/W.

**The Appeal:** N/S appealed the Director’s ruling. East asked the meaning of 2♦ prior to bidding 2♥. E/W thought that a club or spade was a non-suggested LA to the diamond lead. Neither

East nor West noted that 4♥ was cold on a diamond lead. The play at 4♥ had been: diamond to the queen and ace; heart to the jack and ace; spade to the queen; spade ace. The players could not recall what happened next (presumably a heart was led for declarer to have gone down one. South said that she would always lead a diamond and that she didn’t register that her partner’s remark meant he had a diamond suit. N/S did not point out that the hand was cold with a diamond lead.

**The Panel Decision:** The Panel noted that the 4♥ contract was unbeatable on normal play after a diamond lead if declarer ruffs a diamond at trick two, so E/W apparently were not damaged by any possible illegal choice of leads by South. Of the three players consulted, the first thought that the ♠A was certainly a possible lead and that the remark by North argued in favor of the diamond lead. The second player thought that a spade lead was inferior to a diamond lead but that it was a possibility. Both were surprised at declarer’s play to trick two and doubted that this declarer would have made the contract on any lead. A Flight C player, when given the problem, led the ♠A and shifted to a heart. The Panel concluded that the diamond lead was an illegal choice but did not, in and of itself, disadvantage declarer or leave N/S in an advantageous position. It seemed that this declarer had a blind spot and would not have made the contract on any lead. The table result of 4♥ down one, +50 for N/S, was restored. North was educated on his obligations regarding the timing of disclosing MI. No penalties were assessed.

**DIC of Event:** Ron Johnston

**Panel:** Matt Smith (Reviewer), Mike Flader, Charlie MacCracken, Susan Patricelli  
**Players consulted:** Jim Robison, Chuck Said, one Flight C player

**Directors’ Ruling:** 53.7

**Panel’s Decision:** 99.3

☞ I like the way the Panel handled this. Yes, there was UI and yes, it could have suggested the diamond lead. Yes, there were LAs to a diamond lead but no, the lead did not damage E/W since the contract was cold on any defense other than a heart lead and a spade shift. I also like educating North on his disclosure obligations.

The panelists are right on top of this one as usual.

**Bramley:** “The diamond lead looks like the only lead to let declarer make *five*. The ♠A is certainly a possible lead, but a club, dummy’s suit, would be strange. A trump lead, suggested by nobody but certainly possible (my own first choice), is the only lead that can beat the hand legitimately: trump to the ace, spade back to cash two spades, second trump. Since declarer made the least of the most favorable lead, he deserves nothing.”

**Treadwell:** “An excellent analysis of the problem. Just because an opponent violated a law or regulation, does not relieve one of the obligation to play bridge. East failed in this respect and is entitled to nothing.”

**Endicott:** “Aye.”

**Weinstein:** “I am changing my ‘when things seem strange, don’t let the table result change’ to ‘when nothing makes sense, no recompense.’ It doesn’t mention in the write-up whether 2♦ was intended to show diamonds.”

☞ If it wasn’t, then it must have been a spade raise. But since North seems to have denied the latter, it must have been the former, eh, Sherlock?

**Rigal:** “In a non-LM pairs we can’t hold people to the precise niceties of the laws, I think North was doing his best, rather than doing anything underhanded. Similarly South’s lead was unremarkable. In fact, after the diamond lead, was not the play easier for East? Oh well, the Directors made a brave effort, (their hearts were in the right place) but I prefer the Panel’s decision. To my mind their analysis of declarer’s play is spot on.”

**Rosenberg:** “N/S smelled here and, in light of the facts, South’s diamond lead was suspicious at best. Certainly, if the ♠A were a losing lead, we could provide redress, but it is undeniable that 4♥ is much more difficult to make after ♠A and a trump shift. So unless we can impose a club lead or non-heart shift on South we’re stuck.”

☞ One panelist has a particular aversion to the table Director’s performance here.

**Stevenson:** “As I have made clear in earlier casebooks, I believe that the contents of Law 73C are not well-known enough to the players. I believe they should be educated in this Law by rewriting it in bridge-player-friendly language and promulgating it through bulletins and posters. But I do expect Directors to get it right! I am *appalled* at what the Director said. South should never have been instructed ‘to pretend she had not heard the remark.’ When a player is in receipt of UI from her partner some actions become illegal, and players are *required* to ‘bend over backwards’ not to take advantage. Ignoring what they have heard or seen is not good enough. Since the Director has given the players the wrong instruction, I would normally expect the decision under Law 82C to be 4♥ down one, +50 for N/S, and 4♥ making, +420 for E/W. However, the Panel’s view that this declarer is never making 4♥ is persuasive. I think the Director should be charged with a PP!”

☞ The following two panelists appear to be suffering from the belief that a diamond lead is automatic (i.e., has no LA). Are we looking at the same hand?

**Polisner:** “Since it is most likely that the same lead was going to have been made regardless of the comment, the table result should stand. Based on the subsequent bidding, a diamond lead was very poor when South could assume that they were 6-5-1-1 if she believed that the 2♦ bid actually showed a suit. However, failure to make at least ten tricks after trick one should deprive E/W of any adjustment.”

**Kooijman:** “Curious case, this first non-tempo. Lead suggestions are more difficult to handle than those during the auction. There are LAs everywhere, so I am not fond of applying Law 16 in such cases. I prefer a stronger relation between the chosen lead and the irregularity before deciding not to allow the lead, and in this case I don’t believe the lead is made more attractive by North’s statement. It is the singleton that makes South lead it. So my decision would have been the same. But I do not agree with the Panel’s decision. If it considered the diamond lead illegal it should have awarded an adjusted score (the most unfavorable result that was at all probable) to N/S if such a score was lower than the one obtained. And isn’t that –420? I have no problem with the result for E/W, though I would have made the Director’s decision myself had I not allowed the diamond lead.”

✍️ Curious contention: North’s comment implies he intended 2♦ as natural but that doesn’t provide a strong enough relation to South’s lead of a diamond to adjust the score? Weren’t spade, trump, and club leads LAs to a diamond? Are players *required* to lead singletons in declarer’s first-bid suit? But if we assume the connection between the UI and the lead, Bart’s point becomes pertinent: The diamond lead allows declarer to make 4♥ easily (with an overtrick if North covers the ♦10; otherwise declarer gets tapped out and can score only ten tricks). Sorry, but since declarer’s failure to make 4♥ was due to his own inferior play (the lead gave him his only chance for an overtrick!) he was not damaged by the UI; thus no score adjustment was appropriate.

Right, Wolffie?

**Wolff:** “An all-around good decision where non-offenders are not given the moon for bad bridge.”

**Subject (UI):** Know Thy System

**Event:** Bracketed KO II, 18 Nov 00, Afternoon Session

Bd: 35	♠ KQ76		
Dlr: South	♥ K10942		
Vul: E/W	♦ 106		
	♣ 109		
♠ A4		♠ 102	
♥ AQ865		♥ 7	
♦ AK		♦ QJ73	
♣ AJ43		♣ Q87652	
	♠ J9853		
	♥ J3		
	♦ 98542		
	♣ K		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
2♣	Pass	2♦(1)	Pass
2NT(2)	Pass	3♠(3)	Pass
3NT	Pass	5♣	Pass
6♣	All Pass		
(1) Waiting			
(2) 22-23 HCP			
(3) Not Alerted; relay to 4♣			

**The Facts:** 6♣ made seven, +1390 for E/W. The opening lead was a club. The Director was called after dummy was faced. East failed to notify N/S before the opening lead about the failure to Alert. North said away from the table that she would have led the ♠K. The Director ruled that the opening lead was immaterial to the hand. The Director also ruled that 3NT was an impossible call in the E/W system since a 4♣ call was required of West after 3♣. That being the case, the Director decided that any call by East was allowed and that the table result would stand.

**The Appeal:** N/S appealed the Director’s ruling. N/S thought the failure to Alert helped E/W to get to a good contract. They were concerned that the 6♣ bid should not be allowed after what had occurred. N/S did not claim any damage through MI. E/W were a long-time partnership. East said she planned to bid 5♣

over the expected 4♣ bid and that 3NT was not systemically defined. Because 3NT was not part of their system, E/W thought East should be free to realize that an accident had occurred and make the 5♣ bid she had planned to make before West bid 3NT. The E/W convention cards showed that 2♣ was Minor-Suit Stayman over 1NT, but over a 2NT opening (which they played applied to this auction) 3♣ was shown as a relay to clubs to show clubs or diamonds. They had no particular method to show minor two-suiters in this auction.

**The Panel Decision:** The issues the Panel addressed were: (1) Did the UI from West’s failure to Alert 3♣ “demonstrably suggest” that East not pass 3NT? (2) Was pass a LA (Law 16A) to 5♣? All players consulted agreed that pass would have been a reasonable action or the best action after partner’s undiscussed 3NT bid, even if 3♣ had been Alerted. Both the expert and Flight B players consulted also thought that the information available to East from the failure to Alert made bidding over 3NT a more attractive action. Therefore, the Panel changed the contract to 3NT made seven, +520 for E/W (Laws 16A and 12C2).

**DIC of Event:** Patty Holmes

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

**Players consulted:** Joan Brod, Fran Esposito, Barbara Haberman, Michael Rosenberg, Claire Tornay, three Flight B players

**Directors’ Ruling:** 68.1

**Panel’s Decision:** 70.7

✍ The Director was correct that the opening lead was immaterial to the hand, but as far as 3NT being an “impossible” call, well...

**Gerard:** ““That’s a relay, I bid 3NT.’ Who knows what that shows? Maybe ♠AQJ ♥AKQJ10x ♦Kx ♣J10. It’s amazing how people in hearings can claim that partner never deliberately violates their system.”

✍ I’m not sure it’s even a violation of system. Using the analogy of 1NT-2♠, the “in between” notrump bid may show either a good hand for partner or warn of a lack of interest, depending on the partnership’s agreements. This is especially true after a 2♣ opening when opener is perhaps more likely to have a trick-oriented notrump hand such as Ron cited. As 3NT could easily be the last making game, it should be regressive for both minors on both logical as well as intuitive grounds. I wonder if the table Director inquired about any of this before making his ruling. If so, it should have mentioned in the write-up.

Of course information about the meaning of both 3♠ and 3NT did come out in the hearing, but a systemically undefined call is not the same as an “impossible” one. After the auction starts 1♠-3♠ (limit), opener’s 3NT may simply be undefined but after opener’s 4♠ a 4NT continuation by responder is impossible. The former auction does not suggest anything is wrong, but the latter makes it clear that the wheels have come off. So is 3NT in the present case merely undefined, so that East is constrained by the UI, or does it scream that something’s amiss?

**Bramley:** “The standard for UI from a failure to Alert is stricter than the standard in other situations. East’s 5♣ bid meets the stricter standard. Her choice of that bid, rather than 4♣ (or pass), is prima facie evidence that East noticed the failure to Alert. The Director exercised peculiar bidding judgment to decide that 3NT was an impossible bid over 3♠. Just because 3NT is poorly defined in the E/W system does not mean that West can’t bid it. After all, shouldn’t 3NT strongly suggest a final contract?”

✍ Exactly. So 5♣ looks to be a foul. But what do the rest of the panelists think?

**Polisner:** “This is a clear decision by the Panel. East knew from the failure to Alert that they were in the middle of a misunderstanding. Couldn’t West hold ♠AJx ♥KQJx ♦AKxx ♣Ax and decide to try to play 3NT? I suspect that had West Alerted and then bid 3NT, East would have passed.”

✍ That’s certainly true, and Bart’s point that 4♣ (or pass) would have done the East hand justice (after all, what can East hope to make opposite Jeff’s example hand?) reinforces this.

**Rigal:** “A tough position, but the Director in cases of doubt should surely lean more to the non-offenders. Here he seems to have stepped out of line. By contrast, the Panel picked up on the central issues very well and made the right if harsh ruling.”

**Rosenberg:** “Okay, I think.”

✍ Three panelists believe that the Panel should not have assigned E/W all thirteen tricks in 3NT. But with North on lead against 3NT it seems likely that she would lead her long suit, hearts, so +520 seems indicated.

**Kooijman:** “Strange approach by the Director. West bids 3NT and that being impossible, East may continue. Didn’t the fact that West bid 3NT make it a possible bid, refusing the invitation? I prefer twelve tricks in 3NT.”

**Treadwell:** “This is a close call, but I suppose one cannot allow East to bid over

3NT. Had the 3♠ bid been Alerted, absent prior discussion, the 3NT call strongly implies lack of interest in either minor. So returning the contract to 3NT is correct, but why 520? Only twelve tricks are available after the normal ♠K lead, assuming normal defense.”

✍ Why is the ♠K the normal lead? It cannot be a big favorite over a heart and some might even consider it second best.

**Wolff:** “The Panel was generally on target. Perhaps +490 rather than +520 would have been more justifiable (no heart lead) for E/W. At matchpoints I would rule an Average for N/S rather than presenting them with a windfall –520 (or –490): PTF. Here they will benefit from their opponents’ indiscretion but there is no PTF involved.”

✍ As we’ve pointed out many times, artificial scores such as Average (or Average Plus/Minus) should not be one of our options. Committees should not be concerned with whether a result is a “windfall” (although equity may be appropriate in some circumstances)—and certainly not in KO events. Their primary concern should be to remove any advantage to the offending side which might have accrued to them from the infraction and to restore to the non-offending side “the most favorable result that was likely had the irregularity not occurred.”

The remaining panelists seem to have missed the boat in one way or another.

**Weinstein:** “I don’t understand what useful UI East had in her possession. Clearly, she knew her partner wasn’t taking 3♠ as natural, since they apparently play Jacoby Transfers over 1NT as well. No matter what her partner thought 3♠ was supposed to be, it would require an Alert. It would seem the only information East likely has is that her partner forgot to Alert. Clearly unauthorized, but useless. As Bart has often pointed out, the failure to Alert is much less meaningful than the Alert of a call that normally wouldn’t be Alertable.”

✍ When 3NT is a possible final contract, as it always is in 2♣, 2NT auctions, the absence of an Alert suggests that West may still have a useful hand for the minors. While Bart’s point is certainly valid about failures to Alert being less informative than Alerts of non-Alertable bids, his earlier point about East’s failure to bid 4♣ (or pass) when West could have ♠AKJx ♥KQJx ♦AK ♣J10x (or Jeff’s example hand) certainly invalidates that argument—especially in light of the fact that 3NT must be a viable final contract and East has no safety in proceeding further.

The next two panelists see a commitment in East’s 3♠ bid. Frankly, I think the only “commitments” that may be appropriate are to rest homes in England.

**Endicott:** “I don’t believe this. East has committed herself to 5♣ by her 3♠ bid and no amount of UI should prevent her making the bid she is committed to. West has no UI and is free to raise to six. (We might have had a more interesting case if West were three-three in the blacks.) The Director gave the right ruling, if on a slightly mis-worded basis.”

**Stevenson:** “I find the Panel’s logic quite hard to believe. When a player makes a call that means they no longer can possibly play in 3NT, then I do not see that playing in 3NT should be considered a LA. The player’s peers who believe 3♠ was the correct bid on the hand have decided not to play in 3NT. When partner makes an impossible call there is no reason for this to affect that decision. Of course, West who has no UI is allowed to bid 6♣ so the table result should be allowed to stand.”

✍ What was there about East’s 3♠ call which meant that her side could never possibly play in 3NT? Wasn’t East allowed to describe her hand and solicit West’s opinion about the prospect of bigger and better things in clubs? It’s not as though her club holding is so awe inspiring that she can insist on rebidding the suit; nor is

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her hand so desperate that 3NT cannot be the last making game. It's not hard to place West with any number of hands where 3NT is just perfect and any higher club contract may be doomed (e.g., ♠KQJ ♥AKQ ♦109xx ♣AKJ, where 4♣ can easily fail on a diamond ruff). After transferring to clubs with her weakish hand, East must seek West's involvement in the final decision rather than make a commitment for the partnership herself. Like the chicken said to the pig when discussing ham and eggs for breakfast, "While I'm involved in this decision, you're the one who has to make the commitment."

**Brissman:** "Does anyone else find it strange that the opposite ruling would have obtained had the hand been played behind screens? Then East would have operated solely on the AI that West had made a non-systemic bid, and no adjustment would have been considered. I think the table Director got it right."

✍ First, West's 3NT bid was undiscussed, not non-systemic. And as has already been pointed out, on a practical level 3NT can have only one possible meaning, regardless of whether 3♠ is Alerted. The only effect of the non-Alert is to make East suspicious that West might have a better hand for clubs than the 3NT signoff suggests. And since passing 3NT must be a LA since 3NT could easily be the last makeable game, it's hard to argue even 4♣, let alone five!

As for that tired old "behind screens" argument, this event was not played behind screens, which create a whole different playing environment. Behind screens there is no UI from Alerts (or the lack thereof), unless you write with a squeaky pen or a scratchy pencil. In fact, many irregularities which normally require a Director to adjudicate are either simply ignored or corrected without penalty using screens (e.g., insufficient bids, bids or leads out of turn, etc.). Thus, the analogy is wholly inappropriate.

Finally, to tie up a "minor" loose end (pun intended), while N/S expressed concern about allowing 6♣ it was clearly the 5♣ bid that was at issue. But as the players all had under 900 masterpoints (three under 600), that is quite excusable.

**Subject (UI):** Timing Can Be Everything

**Event:** Blue Ribbon Pairs, 21 Nov 00, First Qualifying Session

Bd: 7	Nichlas Eliazohn
Dlr: South	♠ KQ1086
Vul: Both	♥ Q
	♦ A98
	♣ 10752
Mike Kuhnle	Bob Lyon
♠ J94	♠ 52
♥ 52	♥ A10873
♦ QJ63	♦ 10542
♣ AQ86	♣ 94
	Magnus Melander
	♠ A73
	♥ KJ964
	♦ K7
	♣ KJ3

West	North	East	South
			1♥
Pass	1♠	Pass	2♣(1)
Pass	2♦(2)	Pass	2NT
Pass	3♣(3)	Pass	3♠
Pass	4♠	All Pass	
(1) Alerted; ♥+♣ or any maximum			
1♥ opening bid			
(2) Alerted; 10+ HCP			
(3) Alerted; could be natural, checks for spade fit			

**The Facts:** 4♠ went down one, +100 for E/W. The opening lead was the ♣9. The Director was called after the play ended. West had asked about each of the Alerts at his next turn to call— except the Alert of 3♣, which he asked about before his final pass. The Director ruled that there was UI for East and that there were LAs to a club lead (Law 16). The contract was changed to 4♠ made four, +620 for N/S.

**The Appeal:** E/W appealed the Director's ruling and were the only players to attend the hearing. The facts were not in question. West had asked about all the Alerts at his next turn to call except for the Alert of 3♣, which he asked about one round later, before his final pass.

**The Committee Decision:** The Committee believed that West chose the one moment where it was proper to ask questions where this particular question was not appropriate. The player could at that point have asked for an explanation of the entire auction (including the 3♣ bid which had not previously been explained) or waited until after his partner had made the opening lead to ask the final question. Asking about the 3♣ bid at the point he did could emphasize interest in

the club suit and suggest club strength in his hand. While the Committee in no way believed that this was a conscious motive for the timing of the question, still, under Law 16 they could not permit East to lead a club. The Committee then considered the likely result in 4♠ in the absence of the UI and determined that it was significantly more likely that 4♠ would still have gone down one but that it was "at all probable" that it would make. Therefore, for N/S the contract was changed to 4♠ down one, -100, while for E/W the contract was changed to 4♠ made four, -620. The Committee believed that it was a very close question as to whether making 4♠, rather than going down one, reached the threshold of "the most favorable result that was likely had the irregularity not occurred." Part of the issue in making the determination was whether the irregularity was the question or the lead. If it was the question, then the likelihood of a club lead in the absence of the question came into play and the Committee believed that it did.

**DIC of Event:** Henry Cukoff

**Committee:** Henry Bethe (chair), Lowell Andrews, Phil Brady, Michael Huston, Ellen Siebert

✍ The Committee here identified an important principle long espoused in these casebooks: To avoid problems when asking questions, one should either always ask about any Alerted call at one's next turn after the Alert or wait until the end of the auction (and until partner has led, if he's on lead) and get a complete review with explanations of *all* the Alerted calls—not just select ones. While West was well on his way to accomplishing the former, his failure to ask about the 3♣ bid at his next turn after it occurred and his focus on it at the end of the auction (and before his partner led) drew inappropriate attention to the club suit. (The Committee erred in saying that if he had simply asked about the entire auction when he did—before the opening lead—he could have avoided jeopardy. The combination of the two questions he did ask and the absence of the third question might still have isolated the club bid.) Hence, with several LAs to a club lead East found himself constrained by both the Director and the Committee.

The Committee's analysis of the outcome in 4♠ is also arguable (as we'll see shortly), but I still give them credit for their work on the early stage of what was a very tough case. Several panelists agreed with the Committee's decision.

**Bramley:** “Acceptable resolution of a difficult point. The Committee did well to sort out the issues here. They correctly determined that UI existed suggesting a club lead. Leaving N/S with their table result was right, since most lines lead to down one on any lead. However, some less likely lines would lead to a make, e.g., trump lead, heart to the ace, trump (or diamond). Therefore, the assignment of –620 to E/W was also correct.

“In a vacuum I have no objection to West's pattern of questioning. Asking questions early is a good idea, because West would like to establish the basic meaning of the auction at a time when the opponents should both be sure what the bids mean. Later, however, he should be more reluctant to inquire, as the opponents may become less certain of the meaning of their bids. Then, at the end of the auction, he can inquire about any unexplained bids. West's problem was that he did not wait until the auction was effectively over, i.e., after the opening lead.”

✍ I would only add that West's question should have been postponed until after his partner led and been for a complete review with explanations, so as not to draw undue attention to clubs (since even after the opening lead East might be called upon to find a club shift later in the defense). This point is also emphasized by...

**Endicott:** “The question about clubs, and in particular the timing of it, is greatly to be deprecated. But it is the lead based on the UI that constitutes the infraction. Unless West had thoughts of taking some action he could have waited until his turn to play to the first trick to ask for a full explanation of the auction (Law 20 F2); there is no reason for him to seek explanations round by round during the auction. Justice and the law were served.”

**Weinstein:** “I agree with the way the Committee considered the issues. The subject of UI resulting from questions is a murky, difficult area. Unless you are paying very close attention, it is very easy to innocently ask questions at times that are not most opportune. Usually the questions are independent of actual holdings, yet it still may create an obligation on partner not to make a normal, even probable, lead unless it's pretty clear-cut.”

**Polisner:** “I may have titled this case “curiosity killed the cat.” West is obviously an inquisitive person based on his prior request for explanations. Had he continued with his pattern of asking or waited until the opening lead had been made, all would have been fine. Good Committee work.”

**Treadwell:** “The chances of 4♠ by North making are almost nil, unless East leads

the ♡A and fails to find the club shift. Is this at all probable? I suppose so and awarding E/W –620 will educate them about the proprieties with regard to questions. Giving N/S nothing is obviously correct.”

**Wolff:** “An excellent all-around decision. Although it is difficult to determine for sure if and to what extent West was guilty of improper timing of inquiry, the combination of the question and the lead tends to be against E/W. I think justice was served by assigning E/W –620 and at the same time forcing N/S to be –100.

“This case raises the issue of home grown or just very artificial systems and the tempo problems they can cause for the opponents. Perhaps the editor can discuss how best to address this problem.”

✍ As we've mentioned in previous casebooks, players employing very complex, artificial, or unfamiliar methods must afford the opponents considerable leeway both in their tempo and in asking questions. (This is similar to the responsibility that psychers owe their opponents; see CASE NINE.) But here West, by virtue of his conduct during the early stages of the auction, demonstrated the ability to cope adequately with the artificiality of the opponents' system. Thus, the unfortunate timing of his question about the 3♣ bid could not be protected. Thanks for raising the issue, Wolffie.

**Rigal:** “A tough case and one where I believe the Director made the right ruling and the Committee made the right decision. The Director correctly adjusted against the offenders, having determined that the question was inappropriate. The Committee then had to size up East's opening lead, given no double of 2♣. I think most would lead a club, but certainly E/W must be given –620. Then the issue is whether (given that most people would lead a club) is a diamond or other lead likely enough to give N/S +620? I'd say yes, but the Committee considered the issues very carefully and decided no; I can live with that.”

✍ While the timing of West's question conveyed UI, the question was not in and of itself inappropriate, as the next panelist explains.

**Gerard:** “I'm not sure what the Committee believed, but we should settle this confusion about the definition of irregularity. Law 9B1(a) says the Director must be summoned at once when attention is drawn to an irregularity. Law 16A2 says that when a player suspects that an opponent has chosen an LA suggested by UI, he should summon the Director forthwith. Law 20F1 says that before the final pass any player may ask for an explanation of the auction and the explanation is given by the partner of the player who made the call in question (and Law 16 may apply). An irregularity is defined as a deviation from correct procedure. Therefore, it is clear under the circumstances that West had the right to ask his question and to limit it to the 3♣ bid—compare Law 20B, where a request for a partial restatement of the auction is barred. There was no violation of correct procedure until East led a club.

“So the question should have been what were the 12C2 results in the absence of a club lead. Assuming no ♡A lead, declarer plays three rounds each of diamonds and trumps. There are lots of ways to succeed, most of them involving the ♣7 but all requiring the ♡Q at trick seven. If North instead leads a club, the defense can guarantee down one. The ♡Q should be obvious, since what if a club to the jack (1) fetches ace and a club or (2) holds? Not knowing North, I would guess he's about even money to make. That means I disagree with the Committee's split decision as well as its apparent reasoning. They seemed to say that there was still some chance of a club lead without the irregular question, so that combined with the chance of inaccurate declarer play did not meet the ‘likely’ standard. Unfortunately, the Committee needs to clean up its language and its understanding of the laws.”

✍ Actually, Law 20F1 includes the word “full” (“During the auction and before the final pass, any player, at his own turn to call, may request a *full* explanation of

the opponents' auction..." emphasis mine), as does Law 20B. Of course the fact that players are entitled to question specific calls does not immunize them against possible UI being passed to their partner from the question. In fact, that is why the word "full" appears in both parts (B and F1) of Law 20. Even proper questions are not risk free. That is why it is recommended that the best way to ask questions is to request a full review with explanations, placing no special emphasis on any specific call. Of course further questions may be asked if the initial response is inadequate (e.g., a call explained simply as "forcing" may require clarification as to whether it was natural and forcing or artificial). Note that had West asked for a *full* review with explanations *after* the opening lead, the reply would have left no ambiguity about the 3♣ bid.

Given all of that, Ron and Grattan are both right that the pertinent irregularity was the club lead rather than the question. Shedding further light on this issue is...

**Stevenson:** "The Appeals Committee asks whether the infraction was the question or the lead. Whether the question was an infraction or not, the lead was an infraction under Law 16A because the question provided UI. Thus, the adjustment should have been based on disallowing a club lead, and should have been 4♠ making, +620 for N/S, for both sides. In other words, the answer was either both were offenses or the lead was an offense."

✍ Both Ron and David disagree with the Committee's analysis and the resultant decision to assign non-reciprocal scores. (Barry also alludes to favoring this view, but then accepts the Committee's assignment.) I agree that both sides deserve 620s for 4♠ making. Both diamond and trump leads appear to me as likely as a club lead, especially when North bid the suit more-or-less naturally. In addition, Ron's analysis is just about perfect. After a diamond or trump lead it is clear for declarer to ruff a diamond in dummy, draw trumps, and lead the ♡Q. I rate this to be better than the even money Ron suggests but even given his conservative estimate, we're still left with +620 as there's no successful defense following the ♡Q. Thus, 620 must be considered a likely (and possibly even the *most* likely) result.

The next two panelists argue to allow the table result to stand. Surprisingly, the reasons Michael gives are inappropriate, and I think he knows it.

**Rosenberg:** "I think this was too hard on West, and would have decided down one for both sides. West was slightly irregular, but I see nothing to suggest there was any thought, let alone intent, of directing a club lead. East's lead was normal."

✍ Hard or not, a player who asks a pointed question about a specific suit when his partner is about to be on opening lead does so with considerable risk; he had other opportunities to ask (at his previous turn) and he will have a much safer opportunity to ask after East places his lead face down on the table. West had already demonstrated sufficient presence to keep abreast of the auction, so there was little justification for his slip. If for some reason he needed the information before passing (as he might have had he been thinking of doubling), he should have requested a full review of the auction instead of focusing on the 3♣ bid. Moreover, West's intent or consciousness of directing a club lead is entirely irrelevant. (Are we regressing here?) The laws do not address a player's intent in such situations; they are only concerned with whether UI was present and if so, whether it could have suggested the winning action. Here the answers are yes and yes. Finally, while East's lead may seem "normal," it is one of at least three leads that a substantial number of players might choose. And we all know that in these UI situations the standard for allowing an action is not whether it is normal, or even attractive, but whether it has a LA. And again the answer is yes.

The second "let the table result stand" vote comes from the same panelist who questioned applying UI constraints to opening leads in earlier cases. Unfortunately, his argument is no more compelling now than it was then.

**Kooijman:** "Another lead problem (see CASE FOURTEEN) and I have similar reservations. Isn't it legal to ask about the meaning of the opponents' calls at your turn to call? Instead of the statement 'West had asked about all Alerts...except for the Alert of 3♣' we could have said 'West asked about 2♣ and 2♦ at his second turn to call but not about 3♣ at his next turn.' That is what happened but doesn't sound the same does it? Did the Committee really want to say that West could have asked about the entire auction instead of just about the 3♣ bid at that time? That sounds ridiculous since, having asked before, that would put even more emphasis on the club bids. I agree that West should not have asked at all from an ethical point of view, but his question at that time was legal from a procedural point of view. The laws do not help us in this kind of problem. We once said that in such cases the restriction on East should be that he can't lead a card that would only be chosen by a minority, say at most 25%. I still like that approach. This would be a completely different case if West's inquiry had been intentionally lead-directing, but the Committee didn't believe so."

"My decision would have been to let the result stand, which brings us to the split score given by the Committee. A couple of years ago we discussed in the WBF the approach used in the ACBL, to assign a PP instead of an adjusted score when the damage following an infraction was not a consequence of the infraction itself but rather due to an egregious error by the non-offenders. We agreed that adjusted scores would be awarded to the offending side even in subsequent cases. Here we have another approach. Even if there is no damage at all, neither subsequent nor consequent, we still give an adjusted score to the offending side. That is not my idea of adjusting scores. If there is no damage, then there is no advantage and there should not be an adjusted score."

✍ Once again, a question being legal is not the same as its being risk free. While it's clearly legal to think before calling, an out-of-tempo call may result in a score adjustment if it transmits UI which could have suggested partner's later action. When a call is Alerted, it's normal for the next player to ask. If he does so consistently, or always waits 'til the end of the auction to ask, then there's no presumption of UI. But when he only asks when he's interested in the answer or asks at an awkward time and focuses on a specific call (as here), the same UI constraints apply as in tempo situations. There is no reason why opening leads should be immune to such constraints, especially when they are more subject to individual idiosyncracies and are less documentable than are bids.

I fail to see the difference in the sound of the two phrasings of the statement about "all Alerts," nor do I see anything wrong with the suggestion that West ask about the entire auction to displace and/or diffuse the focus from the 3♣ bid. I do agree, however, that this would have been less effective than waiting until partner's opening lead was face down before asking. The Committee did not suggest that West's question was illegal: only that, given its timing and the way it was asked, it was "inappropriate" (*not* the same as illegal) and subjected E/W to constraints which could have been avoided. Also, as I stated in reply to Michael's comment, West's intention in the situation was entirely irrelevant from a legal perspective (though not from an ethical one).

Regarding the issue of damage, is it not clear that East chose from among LAs one which could demonstrably have been suggested over another by the UI? And isn't the present definition of damage (world-wide) that: the offending side obtains a better result than they might have had there been no infraction? Had East obeyed Law 73C and avoided the club lead suggested by West's question, would E/W have scored as well as they did? Possibly, but more likely not since a diamond and a trump lead are just as likely—if not more so—than a club. So how can one say there was no damage?

Sorry, but an adjustment is appropriate and the right one is 620s for both sides. While the reciprocity may be subject to judgment, the need for an adjustment is not.



CASE SEVENTEEN

**Subject (UI):** The Little Relay That Wasn't

**Event:** Blue Ribbon Pairs, 22 Nov 00, Second Semifinal Session

Bd: 15	Andrea Culberson		
Dlr: South	♠ K74		
Vul: N/S	♥ A10		
	♦ K1065		
	♣ J1043		
Michael Seamon	Russ Ekeblad		
♠ A932	♠ Q65		
♥ 942	♥ 8763		
♦ 87	♦ J932		
♣ KQ82	♣ A7		
	Marc Culberson		
	♠ J108		
	♥ KQJ5		
	♦ AQ4		
	♣ 965		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			1♣
Pass	1♦	Pass	1♥
Pass	2NT(1)	Pass	3♣
Pass	3NT	All Pass	
(1) Alerted; explained as a relay to 3♣			

**The Facts :** 3NT made three, +600 for N/S. The opening lead was the ♠5. 2NT was Alerted by South and explained as a relay to 3♣. After the auction was completed, North explained that 2NT was natural and invitational and that South was momentarily confused. The Director ruled that North had UI that demonstrably suggested that a 3NT bid was likely to be more successful than a pass, and that passing 3♣ was a LA to 3NT (Law 16A). The contract was changed to 3♣ down one, +100 for E/W.

**The Appeal:** N/S appealed the Director's ruling. South and East did not attend the hearing. North claimed that her partnership played South's 3♣ as forcing in this sequence. With a weak distributional hand, they had to take their chances in 2NT; the 3♣ bid showed a good distributional hand. Thus, passing 3♣ was not a possible

alternative for North. West believed that 3♣ would commonly be played as non-forcing in this auction. South's Alert and explanation told North that he might not have long clubs, and thus suggested the 3NT bid. West thought that 3♣ might have been the contract without the UI. West won the opening lead with the ♠A and shifted to the ♣2, won by East's ace. East returned the ♣7 to West's ♣Q and North's ♣10. West then cashed the ♣K, and North had nine tricks.

**The Committee Decision:** The Committee judged that although it was possible that N/S played the 3♣ bid forcing, in the absence of written documentation it was also possible that no clear agreement existed. The non-forcing treatment is certainly common, if not the one most commonly used. After all, a hand like ♠x ♥KQJx ♦xx ♣KQ9xxx would offer no play for 2NT and yet anything higher than 3♣ would risk a minus score. Further, if 3♣ was indeed forcing, then the North hand was well-suited for playing clubs and 3NT was again not indicated. For example, ♠Ax ♥Kxxx ♦x ♣AKxxx would make 6♣ an excellent contract and ♠x ♥KQxx ♦Ax ♣KQ9xxx would make 5♣ lay down, but 3NT hopeless. The UI North received suggested the 3NT bid instead of pass. The Committee assigned a contract of 3♣ for both sides. The play in 3♣ is rather complex. It appears that on a diamond lead, declarer can always come to eight tricks, though he might misread the position and take only seven tricks. A spade opening lead is plausible, after which the defense should win the battle for the extra trick. Although assigning a two-trick set in 3♣ was possible, the West player (a top expert) made no suggestion that he might have led a spade against 3♣, simply asserting that 3♣ down one was the proper adjustment. The Committee changed the contract to 3♣ down one, +100 for E/W.

**DIC of Event:** Henry Cukoff

**Committee:** Doug Doub (chair), Simon Kantor, Ed Lazarus, Jeff Meckstroth, Judy Randel

**Directors' Ruling: 99.3**

**Committee's Decision: 92.6**

✍ The write-up here is excellent, providing an incisive explanation of the reasons why 3NT cannot be allowed. The example hands are right on target. If N/S could have provided convincing documentation that 3♣ was forcing, I could see allowing North to cue-bid 3♥, eventually letting South out in 4NT or 5♣. But 3NT was never a possible contract. Thus, adjusting the contract to 3♣ was clear.

As for the result in 3♣, West's arguments are largely irrelevant in deciding on the proper adjudication. The cards speak for themselves. I find a spade lead by West improbable (and not really necessary for the defense anyhow). With South having bid clubs and hearts, a diamond lead by West seems pretty obvious. After that, the primary threat is of declarer losing a diamond ruff to go with two spades (South misguessing the spade position) and three top trumps. South has few options in the play. If he plays on trumps (best), West wins and continues with a second diamond. East later gives him a ruff when he gets in with the ♠A and now a low spade, with South misguessing, cements two down. Thus, I would have assigned 3♣ down two, -200 for N/S, to both sides.

Finally, given North's failure to keep slam in the picture by cue-bidding 3♥ and in spite of the fact that I would have changed the assigned scores from 100s to 200s, I consider this appeal to be entirely lacking in merit. I would have assigned N/S an AWMW for their implausible and inconsistent arguments in support of their case, making this another example of why the guilty should just "pay the ticket."

Only one panelist saw the defense leading to down two in 3♣. That's odd, since it seems pretty straightforward.

**Weinstein:** "Nice play by North on the second club. I would have assigned N/S -200 and E/W +100. Where was the AWMW? I would be surprised if N/S had discussed whether 3♣ was forcing or not. This could be the poster child for a self-serving statement."

✍ One panelist found a creative way to achieve the magic -200 number. He at least deserves bonus style points.

**Rosenberg:** "If 3♣ was natural and forcing, as claimed by North, why shouldn't North raise to 4♣ with such a suitable hand for slam? As little as ♣AKxxxx, ♥Kxxx, and Ax and stiff in the pointed suits makes 6♣ excellent. North took complete advantage of the Alert and committed the equivalent of JTGS. I would make N/S play 4♣ (at least), down two (or three)."

✍ Most panelists simply focus on the meritless aspects of N/S's case, which is admittedly the more important issue—for educational purposes.

**Bramley:** "Clear. The Committee's selection of sample hands makes the case rather convincingly. The determination of the result in 3♣ is adequate. I think that consideration of an AWMW would have been appropriate. North may have found the 3NT bid irresistible at the table, but once she had been ruled against by the Director the futility of pursuing the appeal should have been obvious."

**Gerard:** "If that ♣2 were fourth best, East was out to lunch. But it didn't matter because North could play a second club herself, after which the endplay would have been inescapable—East wouldn't switch without the old maid and his hand counts out. And there's the chance that West's club was attitude anyway. So E/W were entitled to defend 3♣.

"I have a few words for North: Don't ever, ever try to sell that stuff to me.

CASE EIGHTEEN

Suppose the auction went 1♥-1♠; 2♣-2NT. By North's logic, South must take his chances in 2NT with ♠x ♥KQxxxx ♦x ♣AQxxx. When I hear these types of explanations, I insist on proof. Same with 'We open all 11 counts,' etc. I want them to know they can't get away with it. I would have shown that here by issuing an AWMW."

**Stevenson:** "Very creative, deciding that 3♣ was forcing. If it was, where was the Alert? Why was there no AWMW?"

**Rigal:** "Both the Director and Committee considered the correct issues and ruled the 3NT bid out of order. I assume that the length of discussion made an AWMW inappropriate. To argue that a 3♣ bid might be forcing is weak to my mind, and the Committee made all the right calls here, including the result in 3♣ in the context of the E/W statements."

**Kooijman:** "Did nobody suggest egregious play by West in not continuing spades at trick two, leading to a split score? Okay. I expected an AWMW, assuming the Director explained that without clear proof North had to take 3♣ as non-forcing."

✍ The remaining panelists seem remiss in simply supporting the Committee's decision.

**Polisner:** "I agree with the result, but I would have liked the Director to have asked N/S separately if 3♣ was forcing or not before they had a chance to discuss it. However, I agree that without written documentation, it must be assumed to the contrary."

**Endicott:** "Aye."

**Treadwell:** "A good decision with regard to the auction, but I am bothered by the defense to the actual 3NT contract. All West had to do was return his partner's good spade lead and 3NT must go down one. I suppose E/W should not have been placed in the position of having to guess, even slightly, what the correct defense was."

✍ West's defense, while not best, was not so egregious as to break the chain of causation between infraction and damage. Besides, with 3♣ easily down two E/W, even by defeating 3NT, could not have regained their equity in the board.

**Wolff:** "First, E/W -600, PTF. They had their good chance to beat 3NT but failed. Second, N/S -100 for CD and they must get the worst of what might have happened.

"Notice how CD usually comes from experienced partnerships who probably try to overextend their memories (see also CASE EIGHTEEN). At the world level many of the top pairs have occasional partnership misunderstandings over obscure situations, with no more than 40-45% (my guess) hurting themselves, 30-35% (my guess) hurting the opponents, and the remainder having no effect."

✍ The laws allow no consideration for PTF or punishing CD, but Wolff's point about the common wisdom being wrong that misunderstandings usually damage the offenders is an interesting one; it just may be more accurate than we think. But even so, I think his estimates are a bit low. Surely these accidents hurt the bidders more than 45% of the time. It's just that when they do they rarely come to appeal.

As for E/W keeping their -600, as I mentioned in my reply to Dave I think that is wrong here. The defense was not egregious and E/W could not have regained their equity against 3♣ in any case.

**Subject (MI):** "Let the Committee Decide" At Your Own Risk  
**Event:** Open BAM Teams, 19 Nov 00, First Qualifying Session

Bd: 27	Mel Colchimaró		
Dlr: South	♠ K9543		
Vul: None	♥ 5		
	♦ KJ973		
	♣ K7		
Shawn Samuel		Russell Samuel	
♠ QJ8		♠ A76	
♥ J1096		♥ A87432	
♦ A2		♦ 4	
♣ A1062		♣ Q98	
	Janet Colchimaró		
	♠ 102		
	♥ KQ		
	♦ Q10865		
	♣ J543		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			Pass
1NT(1)	2♠(2)	2NT(3)	Pass
3♣(4)	Pass	3♥(5)	All Pass
(1) Announced;	10-13 HCP		
(2) Not Alerted;	spades and a minor		
(3) Lebensohl			
(4) Forced			
(5) Not forcing			

**The Facts:** 3♥ made four, +170 for E/W. The opening lead was the ♠10. The Director was called after the hand was over and was told that the 2♠ bid had not been Alerted. The Director allowed the table result to stand (Laws 40C and 12C2).

**The Appeal:** E/W appealed the Director's ruling. East said that had he known that 2♠ showed spades and a minor he might have invited with 3♥ instead of signing off via Lebensohl. Also, he might have made five had he known that North had a five-card minor by winning the ♠A, then playing ♥A, a diamond to the ace, ruffing a diamond, and ducking a club to North.

**The Committee Decision:** The Committee believed that North's hand type should not have had an effect on East's decision. If North had a one-suiter, say 6-2-3-2, then East could hope for a doubleton spade opposite and for reasonable breaks. If North was known to have five-five, then West was more likely to have a third spade and suits

could be breaking badly. True, if North's minor was diamonds, then East's singleton diamond was an asset. East did make that last point, but he also said, in effect, "I'm not sure if I'd have been worth an invite if given the correct information, but I figured I'd let the Committee decide." The Committee decided that not only should East have invited in either case, but that the MI had absolutely no bearing on his decision. In effect, he was trying to get in Committee what he couldn't get at the table. Therefore, the Committee allowed the table result to stand and found the appeal lacking in merit. E/W and the E/W team captain were each assessed an AWMW. After the Committee reached this decision it was informed by the Screening Director that determining the play in 3♥ was unnecessary since the E/W pair at the other table (BAM scoring) was in 4♥; thus any result in 3♥ would lose the board.

**DIC of Event:** Henry Cukoff

**Committee:** Larry Cohen (chair), Sid Brownstein, Phil Brady, Corinne Kirkham, Judy Randel

**Directors' Ruling: 98.9**

**Committee's Decision: 93.7**

✍ I suppose knowing that North had a five-card minor could have helped East to

an extra trick. But as Bart points out, he should have made it anyhow. And it was certainly irrelevant, given the result at the other table, to the result on the board unless East could show that the information was somehow related to his failure to invite game. But it's hard to imagine how knowing that North has a second (minor) suit had any bearing on East's actions in the auction, as the Committee pointed out. Thus, it was right to decide that this appeal lacked merit.

For the most part, the panelists agree.

**Bramley:** "Absolutely right. This was clear abuse of the appeals process. Once East had chosen an inferior auction and an inferior line of play, his appeal was absurd. Adjudicating the play in 3♥ would also have been easy, since East had multiple winning lines available without having to know about North's two-suiter. When he failed to find one of them, he deserved nothing."

**Endicott:** "The East hand is worth an invitational raise in hearts whatever happens around the table. East judged poorly and is responsible for his side's poor table result. South should be admonished for the failure to Alert, but that apart the Director and the Committee got it right."

**Weinstein:** "Well done. I am really starting to like this nailing the captain thing a lot. Perhaps we should extend the regulations to be able to nail the whole team, since protests should be a team decision if there is no real captain. Also, we should age out AWMW similar to seeding points instead of having them disappear way too soon. Plea #2 to the Board of Directors: Let's put some teeth into the AWMW. All the idiotic protests and greedy Director calls are bad for the game and drive marginal tournament players away."

☞ More agreements, in decreasing order of verbosity.

**Polisner:** "The Committee expressed my views completely."

**Treadwell:** "Excellent decision."

**Rosenberg:** "Okay."

☞ Two panelists question the wisdom of mentioning that the result at the other table made the result in 3♥ moot. The best explanation of why comes from...

**Rigal:** "Good rationale for the decision and AWMW for E/W, going to the well once too often this Nationals. In any event, East's spade length might have been deemed to be an asset for getting a ruff in dummy. I am not sure I approve of the truncation of discussion by the Screening Director (the next time, in the absence of such a statement, there are some unfortunate negative inferences) but we all need our sleep."

**Kooijman:** "Does the fact that the board will be lost anyway make it unnecessary to decide the exact result on the board in case of an appeal (says the Screening Director)? Strange but very pragmatic."

**Stevenson:** "There is something worrying in this write-up. E/W were clearly trying it on in asking for a ruling that they would have reached 4♥, so at first sight the AWMW was reasonable. But what of the matter of the play? It seems that there is a case for the extra trick. It is then noted that the Appeal Committee did not pursue the question of the extra trick because it was moot to the scoring. Fair enough, but did that make the appeal without merit? Of course, E/W knew that the extra trick would not help in 3♥ so perhaps their appeal was without merit. However, the Committee seems to have decided to give the AWMW when they did not know the appeal had no merit. How can they give an AWMW without considering the play?"

☞ David seems to ask, and then answer, his own questions quite nicely. The one question he fails to answer is the one Bart addressed earlier: East had several lines to make the eleventh trick, with or without the information about North's five-five distribution. For example, if North is 6-2-3-2 (most likely) East simply cashes the ♥A, plays ace and ruffs a diamond, then plays ace and a second club (not a heart, since North could then exit with the ♣K, transferring his club trick to South and escape the endplay). That line would have worked in the actual layout. So if the Committee thought that declarer's line was inferior enough to relinquish his right to redress but failed to communicate it properly in the write-up, then the AWMW was appropriate. If they did not pursue the line-of-play issue and did not know that the result at the other table made the overtrick moot, then David is right and they had no basis for assessing the AWMW—until they found out about game being reached at the other table. In either case, the AWMW ended up being appropriate.

But there is one other possibility. The write-up suggests that E/W's chief concern was that the MI was responsible for East's failure to invite, and made the point about the overtrick more-or-less as an afterthought. If so, the Committee may have assessed the AWMW based on E/W's failure to in any way justify their being allowed to reach game, and then took up the play issue in the context in which it was raised—as an afterthought. Then, when the Screening Director stepped in and made the matter moot by announcing the result at the other table, they simply dropped it. Sometimes, in the wee hours of the morning, details can get overlooked. I suspect that's what happened here because of how the appeal was presented.

Finally, one panelist is still looking to punish the CDers.

**Wolff:** "N/S's team should lose either ¼ or ½ of a board for their failure to Alert. I agree that E/W should keep their +140 or +170 (for a loss). Instead of CD causing damage to the opponents or, at the very least, hard feelings, let the CDers feel it in their masterpoint pocketbook and I betcha CD will decrease rapidly."

☞ If the law makers had intended for PPs to be issued routinely for failures to Alert, they would have said so. They (wisely) chose not to make PPs for technical infractions automatic, so a PP here is unjustified and inappropriate. After all, we don't want players maliciously complaining about technical infractions which had no effect on the result just to improve their own standing or that of their friends. It seems to me that automatic PPs would cause problems similar to dumping. PPs should be reserved for special cases: egregious infractions by offenders who should know better; repeated infractions after having already been given a warning. I'm sure Wolffie would agree that the routine use of PPs could lead to worse problems than we have now ("We don't want a score adjustment for ourselves. But we owe it to the field to report the opponents' failure to Alert their 2NT bid on Board...").

If you find yourself still in sympathy with Wolffie's position, you might want to jump ahead to CASE TWENTY-FOUR.

CASE NINETEEN

**Subject (MI):** We Protect Those Who Protect Themselves  
**Event:** Open BAM Teams, 19 Nov 00, First Qualifying Session

Bd: 4	Alan Kleist		
Dlr: West	♠ 974		
Vul: Both	♥ Q1042		
	♦ AQ4		
	♣ J62		
David Reiter	Jay Wasserman		
♠ A106	♠ KQJ532		
♥ 98653	♥ K		
♦ 753	♦ J98		
♣ AK	♣ Q84		
	Leo Lasota		
	♠ 8		
	♥ AJ7		
	♦ K1062		
	♣ 109753		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	1♠	Pass
2♣(1)	Pass	2♠	All Pass
(1) Not Alerted; Reverse Drury			

**The Facts:** 2♠ made three, +140 for E/W. The Director was called at the end of the auction because the 2♣ bid had not been Alerted. When given a chance by the Director to substitute another call for his final pass North declined to do so. South said he would have bid 2NT for the minors if the 2♣ bid had been Alerted. The Director decided that further bidding would have just led to a 3♣ contract and so allowed the table result to stand (Law 40C).

**The Appeal:** N/S appealed the Director's ruling. South suspected that 2♣ was Drury but did not want to ask or look at the convention card (both cards were on the other side of the table) as it might have awakened E/W to their error. Had he known that 2♣ was Drury he would have bid 2NT for the minors over 2♠ and by

agreement North had to bid 3♣ with equal length. North didn't intend to balance, but he suspected that the 2♣ bid had been Drury and believed that his partner might want the auction backed up, so he started to ask questions. The Director ruled that North had already passed and gave him the option of changing his call. He declined. South told the Director away from the table that he would have bid 2NT had he been properly Alerted. East said that he had forgotten their agreement to play Drury (both convention cards had Drury marked on them). West said he would have bid 3♣ if N/S had competed to 3♣. E/W said that North had called the Director but that sometime during the Director's trip to the table or while talking to the players North said "I pass anyway" or put a Pass Card on the table.

**The Committee Decision:** The Committee decided that N/S were responsible for their own poor result. North and South both admitted having suspected that 2♣ was Drury. Even though there is an Alert procedure, players of N/S's experience are expected to glance at the opponents' convention card to prevent this sort of problem in such a basic situation. South should have suspected that 2♠ was going to end the auction and found out what the E/W agreement was. North tried to do so, but since he had already passed the auction could no longer be backed up to South. For N/S, the table result of 2♠ made three, +140 for E/W, was allowed to stand. Since E/W had given N/S MI, they were assigned "the most unfavorable result that was at all probable" (Law 12C2). The Committee decided that had South bid 2NT after being properly Alerted E/W might not have competed to 3♣, since East wasn't entitled to know about the spade fit and West couldn't automatically compete to the three-level, vulnerable, with only three-card support. West might then reasonably double 3♣, pass or bid 3♠. In considering the result in 3♣, while it was possible that it might go down the Committee considered nine tricks to be "at all probable."

Therefore, for E/W the contract was changed to 3♣ made three, +110 for N/S.

**DIC Event:** Henry Cukoff

**Committee:** Larry Cohen (chair), Sid Brownstein, Phil Brady, Corinne Kirkham, Judy Randel

**Directors' Ruling: 88.1**

**Committee's Decision: 75.6**

✍ I confess that I find the Committee's decision quite reasonable, which should surprise no one since they asked for my input in the process of reaching it. (I did not offer an evaluation of anyone's actions; I only discussed the logic of the decision.) While N/S could easily have prevented this simply by protecting themselves—and should have—E/W clearly contributed to the problem and should not benefit from their failure to Alert 2♣ and not having a convention card handy for each opponent. Thus, N/S should keep the table result.

As for E/W, their fate depends on whether you think it is "at all probable" that they would allow N/S to play in 3♣. West knows that East opened in third seat and could have sub-minimum HCP with only four spades, as his "This is high enough" 2♠ rebid said. Assuming South bids 2NT over 2♠, what is West's hand worth? First, he cannot bid 3♠ with only three-card support. Second, if we give East a light third-seat opening, something like ♠KQJxx ♥xxx ♦Kxx ♣xx, it's clear that N/S might make 3♣, depending on the location of the ♦A and the spade division. When the ♦A is favorable for E/W, 3♣ will fail by one trick on normal defense. When it is favorable for N/S, 3♣ will go -200, even undoubled. Since East knows West's approximate strength and spade holding, I find it arguable whether West would act over either 2NT or 3♠, especially with the bulk of his values wasted in clubs. On the other hand, East does not know of West's spade fit and has already shown his sixth spade (with his 2♠ rebid). So with "ugly" soft values he would pass 3♣, and the final decision, around to West. Thus, I agree with the Committee that it is "at all probable" that E/W would pass out 3♣ and go -110.

Unfortunately, while all of the panelists agree on N/S's fate, no one supports the Committee's and my view about E/W. Our only support comes from...

**Wolff:** "Quite correct for N/S. E/W were dealt with harshly but not unfairly. Harsh treatment and the publicity therefrom tend to make our bridge community aware of its responsibilities."

✍ The next panelist gives partial support for our position, but in the final analysis doesn't buy that West would ever sell out to 3♣.

**Polisner:** "If South asks about the auction, he must either be prepared to bid or risk UI affecting his partner's action. Thus, N/S must be protected. Certainly 2NT is reasonable as both North and South are in the balancing seat on this auction. My main concern is whether 3♣ is likely to be the final contract. Since the standard is "at all probable," I agree with the Director that the probability is that West, with ace-king ace, would compete to 3♣ at BAM scoring."

✍ Am I the only one who sees a danger in West competing to the three level opposite what might be a four-card suit and only 9 or 10 HCP? I'd accept a double from West before I'd accept 3♠.

The majority of the panelists reason along the following lines...

**Bramley:** "Not quite. I find the parlay leading to 3♣ too tenuous. South's decision to enter the auction over 2♠ is not automatic, and he might enter with double rather than 2NT (notwithstanding his statement to the Director). Then, when North bids 3♣, East is allowed to reconsider the auction. Why should the opponents have entered a live misfit auction, and then be trying to play in his partner's suit, especially when he has Qxx there? I think East would reach the right conclusion.

Even if he passes, West, who might not have read the same books as the Chairman, could bid 3♠ himself. I do not find a result other than +140 for E/W to be ‘at all probable.’

“But all of the above is irrelevant since I have a philosophical objection to determining E/W’s result in this manner. Their opponents suspected a misunderstanding and consciously chose to roll the dice rather than ask questions that would allow E/W to uncover their error. When you choose this strategy you must live with the result, and your opponents are equally entitled to live with that result. As is so often the case, when your opponents’ error does not materialize into a bad result for them, you cannot ask a Committee automatically to make it bad.

“The Committee got only halfway to the correct resolution. By denying an adjusted score to N/S, the Committee effectively said that, since both North and South suspected what was happening, MI did not apply to them. Therefore, it should not apply to E/W either. The table result should stand for both sides.”

✍ Oh, and he was doing so well...right up until the end there. The reason for the Committee’s decision for E/W was not MI—it was UI! Regardless of whether N/S had been misinformed, West had UI which clearly suggests bidding again. He did admirably in restraining himself from acting over 2♣, and must continue in the same vein if N/S balance. After all, if N/S risked balancing, vulnerable at the three level, isn’t it likely that East has a sub-minimum third-seat opener? As for Bart’s point that East would “reach the right conclusion” and work out that West has a fit, the offending side should not be given the benefit of the doubt to do this. After all, from East’s perspective when North bids 3♣ (ostensibly forced by South’s 2NT) it isn’t natural—it’s a puppet. South figures to correct (probably with both red suits or just hearts if East’s hand is any indication) but when South passes—fin!

Several other panelists vented against N/S’s conduct here. I agree: It was opportunistic or worse.

**Weinstein:** “Any legal arguments aside, I refuse to acknowledge that E/W’s score should be adjusted as a consequence of N/S’s ridiculous contentions. This one doesn’t pass the smell test, and I refuse to apply any of the stink to E/W. Besides, if I adjust the E/W result I can’t give N/S the AWMW they deserve. Send N/S a message to play bridge, not Committee. Please see a better way to deal with this situation in the next case.”

**Rigal:** “A tough case. I do not really agree with either the ruling or decision. As Director I might have accepted the N/S argument to 3♣—though the decision to discount it was a reasonable one. Having said that, as the Committee I think E/W +140 is clear and South’s arguments were so feeble as to be close to worthy of an AWMW in the context of the initial Director ruling. Talk about trying to win in Committee what you can’t get at the table. Incidentally West would surely never pass out 3♣—it would be 3♠ or 3♣ doubled.”

**Treadwell:** “The appeal by N/S has so little merit that I would have been inclined to award each of them an AWMW point. N/S really knew what was going on but hoped E/W did not and would get in trouble because of the failure to Alert. It is a bit harsh to penalize E/W for I cannot imagine West selling out to 3♣ after passing originally with a hand most players would open.”

✍ But the fact that *this* player chose not to open it suggests that he did not value it as highly as others might.

Some panelists argue, essentially, that “Since I would have opened the West hand or competed to 3♠ once I didn’t, West would surely do so.” This is the famous Gerard “Transfer of Intelligence” error and it is as fallacious now as ever.

**Endicott:** “With ace, ace-king opposite an unlimited opener, West has to do something; a bid of 3♠ could go wrong but it is probably the best shot. Nine tricks

in a spade contract looks to be the place where reasonable action will place the contract. I do not go along with the 3♣ score for EW; for me 3♠ for both sides and a small PP for East.”

✍ Excuse me!? What unlimited opener? First, East opened in third seat. Second, he rejected West’s game try. Unlimited my rear end! West will be lucky if East has anything resembling a real opening bid when N/S balance vulnerable. He rates to hold little more than a lead director with insufficient spade length to open at the two level.

The following panelist ratifies my contention that, while in a vacuum West might compete to 3♠, here “...both East and West would have their reasons for defending.” But he falls prey to the same Transfer of Intelligence fallacy that plagues several of the other panelists; and he also buys into the mistaken idea that “North’s 3♣ bid might wake up East.” Bah, humbug!

**Rosenberg:** “I sincerely doubt that South would have bid 2NT if properly Alerted and E/W are very likely to bid 3♠ (North’s 3♣ bid might wake up East). If N/S had a clear way in I would agree with the decision, since both East and West would have their reasons for defending. As it was, I would have let the result stand for both pairs. I think the Committee gave E/W too much, although I don’t find it very upsetting.”

✍ The next panelist finds another reason to deplore N/S’s actions here.

**Gerard:** “Excuse me, but North started to ask questions because he believed his partner might want the auction backed up? That’s legal? You don’t think that might have had something to do with South’s putative 2NT bid, do you? The defenders of the away-from-the-table interrogation will say that South claimed he would bid 2NT before he knew the hand so we should listen to him; I say that there’s a natural tendency to get over involved in these situations and to make those kinds of statements. I’m not proposing that South would be deemed to pass, but don’t they use those little red cards in the board-a-match? Did South see the dummy before he claimed possession of 2NT? Bidding 2NT in the hot seat is a different kettle of fish than after North has passed it out, since there is a negative inference about hearts in the latter case. If you knew partner didn’t have five hearts, the only bad distribution for 2NT would be 4-4-3-2. That’s why you have to disregard South’s statement, even though he allegedly made it with clean hands. It’s not that North couldn’t have long hearts, it’s just that South had to know more about the hand after it went all pass.

“So in my world South would have doubled 2♠. Then N/S could end in 3♥ doubled (likely), 3♣ undoubled by South or 3♣ doubled by South. Or after 3♣-P-P, East could realize what had happened and bid 3♠. Note that he couldn’t do that in direct seat because South might have had a red-suited 2NT, not marking 2♣ as Drury. But you see why it’s always easier in the passout position? There would have been a pretty good chance of a plus score for E/W (heart lead against 3♣), so –110 doesn’t look at all probable. Of course, N/S failed to heed ‘you snooze, you lose’ so –140 was appropriate.

“Finally, even if I bought into 2NT I would not have joined the Committee’s ratings of the probabilities for West’s alternatives. I went to a different law school, and I always try to keep its curriculum out of the Committee’s deliberations.”

✍ I’ve no desire to act as N/S’s defender since there isn’t much worth defending. But I see no reason why North shouldn’t be allowed to protect his partner’s right to withdraw his last call when, in the passout seat, he suspects a problem and takes the time to ask some questions. It may be illegal (unethical?) to ask questions solely for partner’s benefit but it is certainly not illegal to ask them to protect the partnership and keep open the possibility of correcting the problem before it’s irreversible. It’s true that North’s questions might have had something to do with South’s contention

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that he would have bid 2NT, but it was the opponents' infractions which caused the problem in the first place, so we can't lay this all off on N/S. Ron argues that South might have doubled 2♠ as it was. Would you double for takeout when your longest suit is the one bid naturally on your left and you hold only three cards in the unbid major—the suit your partner is most likely to bid?

The write-up clearly implies that all of this happened before dummy came down (North had not yet passed when he asked his questions; when he did pass the Director was at, or on his way to, the table), so I don't know why we need to go there. The alleged inference about North's hearts from his pass appears more illusory than real to me. You might decide it was "likely" that South would double when adjusting N/S's score, but it was clearly "at all probable" that he would bid 2NT when it comes to adjusting E/W's score.

Ron's most compelling argument, that East would lead his heart against 3♣, is a good one. But why should the defenders be given the benefit of the doubt when North might hold the ♠A and East's king might score if he doesn't lead it. Plus, East might be ruffing with a natural trump trick (the ♣Q—give West ♣Jx). While -110 may not be "likely," it's hard to believe that it's not "at all probable."

**Kooijman:** "Here we have a similar situation to CASE SIXTEEN. No damage despite an infraction, but an adjusted score for the offenders. I still don't like it. The Committee is more explicit here: 'Since E/W had given N/S MI, they were to be assigned 'the most unfavorable result that was at all probable.' Where in the laws is this supported? I read an explanation: 'With an Alert South would have bid 2NT.' But without an Alert he should have bid 2NT as well, so we can't point to potential consequent damage. I admit that the laws are not completely clear, but this approach is not known in the EBL. Let us put it on the WBFLC's agenda."

☞ Why should South bid 2NT (minors or two places to play) when West has bid clubs naturally and South has only three hearts? This is precisely the damage the Committee found.

Finally, a good idea from England. Go figure!

**Stevenson:** "There seems some evidence from this case and other sources to suggest that the ACBL does not make sufficient efforts to make sure that players make convention cards readily available to their opponents. Perhaps it is time for the English system to be adopted at NABCs: print convention cards and scorecards separately and have convention cards exchanged with the opponents at the start of each round. Also, PPs should be issued for failing to follow this regulation.

"I am pleased the Appeals Committee gave E/W a bad score on this board, which they deserved if both convention cards were on one side of the table. Unfortunately, I do not believe it. 100% of West players would have bid 3♣ over 3♠! I think the Appeals Committee's view of N/S was a bit unfair. South was put in a very invidious position."

☞ David proposes an interesting suggestion: that score and convention cards be printed separately and convention cards be exchanged at the start of each round (but no automatic PPs, please). Unfortunately, like many good ideas, this one suffers from two serious defects: (1) It is hard to overcome the inertia created by habit; and (2) It makes entirely too much sense.

**Subject (MI):** I Didn't Care—Until I Found Out I Should Have!  
**Event:** Flight B/C Swiss Teams, 19 Nov 00, First Session

Bd: 35	♠ J10987		
Dlr: South	♥ 6542		
Vul: E/W	♦ 4		
	♣ A102		
♠ 3		♠ AK52	
♥ A3		♥ K98	
♦ 108652		♦ KJ973	
♣ K8643		♣ J	
	♠ Q64		
	♥ QJ107		
	♦ AQ		
	♣ Q975		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			1♣
Pass	1♠	2♦	Dbl(1)
3♣(2)	All Pass		
			(1) Not Alerted; intended as support
			(2) Intended as a diamond raise

**The Facts:** 3♣ went down one, +100 for N/S. The opening lead was the ♦4. After the final pass, North told the table that he had failed to Alert his partner's double of 2♦, having realized his error when East asked to see his convention card. Away from the table, East told the Director that he wouldn't change his call. Away from the table, West said he didn't care what the double was. The Director determined that East knew South's double wasn't penalty yet he still didn't call the Director, apparently willing to guess what his partner's 3♣ bid was. The Director therefore allowed the table result to stand (Law 9B1a).

**The Appeal:** E/W appealed the Director's ruling. After the hand was over, West said he didn't care what the double was, unless it was penalty. He thought it was takeout. When it was pointed out that a support double is a form of takeout, he said he would

have bid 3♠ if he had been Alerted. West was asked what kind of vulnerable versus non-vulnerable overcalls his partner made if this were a penalty double. He replied that sometimes he overcalled four-card suits. East stated that KJ9xx (the suit he held) was kind of on the weak side for a two-level overcall. East also said that since there had been no Alert, he thought his partner's 3♣ was a runout bid which he had to respect. When he was asked why he had not protected himself by calling the Director before passing 3♣ (when he knew South's double was not penalty) he just repeated his statement about honoring his partner's runout. South said that after the Director left the table, West lit into East for not recognizing his cue-bid in support of diamonds.

**The Panel Decision:** West was aware when he bid 3♣ that the double was not penalty. East saw that N/S's card was marked "support doubles" so he also knew it was not penalty. Since East chose to bid on without calling the Director, he was entitled to the score he earned. Since both players effectively knew what was going on, there was no violation of Law 40C. The table result was allowed to stand. The Panel found that the appeal lacked substantial merit, but decided to educate the players rather than assess an AWMW.

**DIC of Event:** Ron Johnston  
**Panel:** Charlie MacCracken (Reviewer), Mike Flader, Chris Patrias, Susan Patricelli  
**Players consulted:** none reported

**Directors' Ruling: 95.4      Panel's Decision: 94.8**

☞ I'd have issued an AWMW (and told North that he should have called the

Director before correcting his error) but I'll defer to the Panel who was better placed to make this decision for a Flight B/C pair. Agreeing...

**Rigal:** "Bizarre but apparently true. East's decision not to think at the table—even when urged to do so, is worth an AWMW. However, the Panel was there and I was not so I can live with their decision in what for a B/C player may have been too tough a position to allow for rational decision making."

**Weinstein:** "Well done, but I would have got out the AWMW. It is the proper level of education for this case, though other cases need to have more remedial education available."

**Treadwell:** "Very good, but I would have been inclined to assess an AWMW."

**Kooijman:** "I thought that AWMWs were given mainly for educational reasons [to track multiple offenders—*Ed.*], so substituting education for AWMWs seems strange. Shouldn't you try to develop some firm criteria in applying this measure?"

"Let's look back at CASE NINETEEN. North did not Alert the double and West said he would have bid 3♠, resulting in a 4♦ contract. So doesn't consistency require an adjusted score for N/S based on 4♦ (-130)? Don't tell me this was another Committee/Panel. Do I need to say that I agree completely with the decisions regarding the scores as taken?"

✍ I'm not sure what "another Committee/Panel" means, but the key differences from CASE NINETEEN are the absence of damage and UI considerations.

**Endicott:** "This E/W partnership exhibits an aura of mutual pigheadedness. Each of them knows the double is not for penalty but each of them pursues the course of self-destruction to its conclusion. Perhaps they do not like each other very much (I have known some married partnerships that behave like this). Anyway, they have got there entirely by their own well-informed efforts and who are we to interfere?"

**Polisner:** "Now we should understand why lawyers don't want their criminal clients testifying at trial. They usually say something which will hang them. When West said he didn't care what the double was, he acknowledged that any MI was irrelevant to his decision to bid 3♣. He may have had afterthoughts when East did not understand the intended meaning of 3♣, but life is tough. Maybe E/W should feel lucky that the result wasn't -200 in 5♦ doubled. Good work by all."

**Stevenson:** "While it is required to call the Director whenever attention is drawn to an irregularity, and it is normally best to draw attention, there are some situations where it is much more important than others. In fact, the EBU Laws & Ethics Committee will soon be publishing an article on this very point, fueled by an incident at their largest event. One of the most important times to call the Director is when a player has any suspicion that his side has been misinformed. The Director has additional powers to solve such situations, but he cannot use them if he is not summoned! E/W fully deserved the result they got by failing to call the Director."

**Wolff:** "The level of bridge, as it was played on this hand, should direct rulings to be more educational than punitive. E/W appeared honest in everything they said. The opponents' timing (probably unintentional) tended to create an insoluble bidding problem for E/W. If it wouldn't have happened this time it would have happened soon. Everything considered, it was fair all around."

**Rosenberg:** "Okay."

## CASE TWENTY-ONE

**Subject (MI):** Change Is Good, But Is Not a Cure-All

**Event:** Stratified IMP Pairs, 19 Nov 00

Bd: 10	♠ AK84		
Dlr: East	♥ AJ64		
Vul: Both	♦ K87		
	♣ Q2		
♠ Q6		♠ 10932	
♥ KQ932		♥ 1085	
♦ 92		♦ A53	
♣ K1098		♣ A64	
	♠ J75		
	♥ 7		
	♦ QJ1064		
	♣ J753		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	Pass
1♥	1NT	2♥	2NT(1)
Pass	3♣	Pass	3♦
Pass	Pass	Pass(2)	
		3♥(2)	Pass
Pass	Dbl	All Pass	
		(1) Not Alerted; Lebensohl	
		(2) Pass changed to 3♥ after Director call	

**The Facts:** 3♥ doubled went down two, +500 for N/S. The opening lead was a top spade. The Director was called after East had passed out 3♦. North had not Alerted the 2NT bid, so South did not think he should Alert the 3♣ bid. The Director gave East the option of changing her final call, which she did (as shown). The Director ruled that the MI from the failure to Alert (Law 40B) had been properly corrected under Law 21B and that, even had East bid 3♥ directly over 3♣ the result would not have changed. Therefore, the table result was allowed to stand.

**The Appeal:** E/W appealed the Director's ruling. This hand was played on the first round. East said she was busy talking to the Director and did not see all of the play; none of the others could remember the play past trick six. The (reconstructed) play to the first six tricks seems to have been: ♠A, ♠K, ♠4 to

the jack and ruffed, ♥K to the ace, ♦7 to the ace, ♠10 pitching a diamond. [Reviewer's Note: "I am doubtful from the testimony that this was really the play at trick six. I think declarer may have won the ♦A and led to the ♥Q, then crossed to the ♠A, cashed the ♠10, and led a club to the ten. But on this line I think declarer would have been down three if North cashed his ♥J."] East said she would have bid 3♥ over 3♣ had she known N/S were in a Lebensohl auction. She thought that would have made it harder for North to switch to a diamond. North said he could have ducked the ♥A if his partner had not been given a chance to show his diamonds.

**The Panel Decision:** It appears that the only way to go down (only) one is to play as indicated above (and maybe as declarer did) through trick six. If declarer then ruffs a diamond, cashes the ♠K, ♠A and ruffs a diamond, she takes a spade, a spade ruff, a heart, a diamond, two diamond ruffs, and two clubs. Both experts said that North would never switch to the ♣Q at trick five but even if he did, declarer would almost certainly get it wrong and finesse North for the ♣J. One expert pointed out that even if declarer plays ace, king and another club, the defense can ruff and cash the ♥J, thus leaving South free to win his ♣J at trick thirteen. (This assumes West cashed her ♥Q earlier, which all the Panelists think she did.) Since it does not make any difference what North leads at trick six, there was nothing to gain from the appeal. The Panel allowed the table result to stand and decided that this appeal lacked substantial merit. E/W were each assessed an AWMW. N/S were also assessed a 3-imp PP because they were experienced and had a history of failing to

fully disclose their agreements.

**DIC of Event:** Su Doe

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

**Players consulted:** Margie Gwozdzinsky, Barry Rigal

**Directors' Ruling:** 98.9

**Panel's Decision:** 94.1

☞ Capturing my sentiments exactly...

**Rigal:** "Very nice reasoning in an apparently confusing but ultimately absurd case. All defenses lead to down two it seems, so E/W deserve their lousy score for their lousy bidding, and their AWMW point as well."

**Endicott:** "Vulnerable competition against a partscore calls for conservative judgment. This appeal is all about bidding judgment and the failure to Alert does not affect the judgment at all. The PP was no doubt deserved given the reason for it."

☞ Was it? Let's hope so. The following panelist expresses some concern...

**Bramley:** "In general I don't like PPs for violations of this type. N/S's history would have had to be extensive for this violation to rate a PP. Let's hope that it was."

☞ ...as do...

**Weinstein:** "My eyes glazed over thinking about the play, but E/W's contentions were so hideous I could care less whether the play would be different after a direct 3♥ call. East clearly should have suspected that 2NT was Lebensohl and could have asked. East could have made the (admittedly self-serving) statement that she would have bid directly over 2NT had it been Alerted when she was allowed to bid 3♥. This all sounds like an E/W rationalization to look for something in the courts that they messed up at the table. I don't like the PP by the Panel, though it would have been fine by the original Director. It somehow gives a modicum of credence to the appealing side, despite the AWMW, when they truly deserve no sympathy and have wasted the Panel's time."

**Treadwell:** "Very good. A bit harsh on N/S but I do not know the historic background of this pair that led to the 3-imp penalty, so perhaps okay."

☞ But, predictably, one panelist rejoices in the PP.

**Wolff:** "An excellent decision and punitive penalty for N/S. I understand why the Panel delved into the play, but there is so much subjective reasoning involved that I would never think a decision on the play could be useful. Round it off to what the Panel thinks is fair and apply it. As long as the Panel is both competent and accountable nothing bad will probably occur."

☞ ...and another thinks it "timely."

**Stevenson:** "The 3♥ bid was dreadful and got what it deserved. The warning PP to N/S seems timely."

☞ More support for the decision.

**Polisner:** "Excellent ruling and decision. Obviously these were not expert players. Hopefully each pair learned a valuable lesson."

**Kooijman:** "I agree completely."

☞ The next panelist found his "Always Do Something Different When You Get a Second Chance and the Opponents Are Having a Misunderstanding" theory validated. I guess he must have been rinsing out his socks when the rest of us were discussing CASE TWENTY.

**Gerard:** "You see? There's something about the opponents having a misunderstanding that prods the non-offenders to take some action, however unsound. East could care less that she threw away 12imps; the idea was to call attention to herself before the enemy could sort it out."

☞ Actually, Ron's theory isn't that far off, as far as appeal cases are concerned. Its main problem is that the "Do Something Different" tendency is a rather weak and fickle one (as CASE TWENTY suggests) and of course we never get to see all of those cases where the opponents don't do anything different, since these rarely involve score adjustments or appeals.

Our final panelist raises an important procedural issue which we've dealt with before. But these things can never be reinforced too often.

**Rosenberg:** "South should Alert 3♣ even (especially) if 2NT is not Alerted. You should not be able to protect yourself by not Alerting. The Panel should have addressed this issue. I probably would not have given E/W anything, but I don't understand the logic of giving E/W an AWMW and fining N/S 3imps. This seems ridiculous. Am I wrong?"

☞ Michael is right. An Alertable call must be Alerted, even if partner forgets to Alert the call from which it derives its meaning. For example, partner opens 1NT and you bid 2♣, Puppet Stayman. Partner fails to Alert and bids 2♦ which shows no five-card major but guarantees at least one four-card major. You must Alert 2♦ even though it may awaken partner that he has forgotten the system. The opponents are protected from his failure to Alert 2♣ if it damages them. They are also protected against his using the UI from your Alert of 2♦. But by failing to Alert 2♦ you subject your side to jeopardy if the opponents are later damaged by thinking that partner has no four-card major. So the moral is: always Alert any Alertable call, regardless of what partner has done (or failed to do) previously.

There is logic in what the Panel did in assessing an AWMW against E/W and then a 3-imp PP to N/S. E/W's appeal lacked merit and the AWMW is clear for that reason. It would have been nice if the table had Director known N/S's history and issued a PP at the table for their continuing pattern of failing to properly disclose. But his failure to do so should not keep the Panel, who had several Directors on it who were more familiar with N/S's shenanigans, from issuing a PP to ensure that N/S take their obligations seriously and realize that they can't continue on their present course without additional risk. In other words, it was unfortunate that it took a meritless appeal to bring N/S's improper pattern of conduct to light, but two wrongs do not make a right. While this may appear to weaken the impact of the AWMW, sometimes you have to settle for the best *you* can do rather than the best *anyone* could have done.

As an aside, I would have rendered the bridge decision with both pairs present and assigned E/W their AWMW. Then I would have dismissed E/W and asked N/S to stay while I issued them their PP, citing their past history as the reason, and warned them that if they continued their wicked ways they would be subject to even more severe penalties in the future.





wordbook giving English words needed for answering questions, with explanations of the usage of them set in a variety of other languages, would be a helpful guide for those who have difficulty with the nuances of meaning. ( But how many other languages, I wonder?) A source of trouble here is the failure to summon the Director when clarification was not forthcoming.”

**Stevenson:** “While not arguing with the decision, it is important that people appreciate the difference between a transfer bid, a relay bid and a puppet bid. A transfer shows a suit; a relay asks for definition; and a puppet just asks partner to bid the next suit up. Examples of the three over INT are Jacoby, Stayman and Gladiator, respectively. It would help if the ACBL promulgated these definitions.”

✍ As surprising as it may seem, the new Alert procedure currently being worked on will contain some of these definitions.

I’m not sure what to make of our final panelist’s comment, but it seems to carry some dark (and to my mind unjustified) implication when considered along side his comments on CASE TWENTY-FOUR.

**Kooijman:** “This time you were sweet for the Austrians.”

## CASE TWENTY-THREE

**Subject (MI):** A Clear and Present Danger?

**Event:** Blue Ribbon Pairs, 21 Nov 00, Second Qualifying Session

Bd: 11	Peg Waller		
Dlr: South	♠ Q53		
Vul: None	♥ AQ65		
	♦ AQ92		
	♣ J9		
Paul Schroeder	♠ K108642	Dick Benson	♠ AJ97
	♥ 9		♥ 874
	♦ 53		♦ K864
	♣ AK74		♣ 86
	Peder Langsetmo		
	♠ ---		
	♥ KJ1032		
	♦ J107		
	♣ Q10532		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
2♠	2NT	3♠	2♥
Pass	4♥	4♠	Pass
5♠	Dbl	All Pass	5♥

**The Facts:** 5♠ doubled went down one, +100 for N/S. The Director was called after the 5♥ bid when it was discovered that 2NT was played as conventional but N/S failed to Alert it. East said that he would have bid 4♠ instead of 3♠ if he had known. The Director ruled that 2NT was not Alertable and allowed the table result to stand.

**The Appeal:** E/W appealed the Director’s ruling. East said that if 2NT had been Alerted and he had known of the implied heart fit, he would have jumped to 4♠ directly. Now North would have had a tough call and might have doubled 4♠. When asked why he did not inquire about the 2NT bid he said that he thought his opponents might be having an accident and did not want to clarify the situation for them. N/S said that 2NT was understood as Ogust but not Alerted since it was believed

that it did not require an Alert.

**The Committee Decision:** The Committee relied on the Screening Director’s statement that in this case the DIC had ruled on a specific point of law/regulation (i.e. that 2NT was not Alertable) and they did not have the power to overturn him. However, if they wished they could refer his ruling back to him for reconsideration. The situation here was confused. Relying on input from the Director, Rich Colker, and sundry other Conventions & Competition Committee members, the Committee established that it was currently believed that 2NT did not require an Alert. Therefore, there was no MI and no damage. That was a relatively clear issue. Therefore, the table result was allowed to stand. The consideration of whether to assess an AWMW was more complex. E/W originally received a table ruling in their favor which was corrected in good time to the one reported above. Although the error had been corrected in a timely manner and in screening the reasons for this had been clearly explained to the appellants, the Committee believed that there was (barely) merit to the appeal. This was because the Committee believed, in the abstract, that in competition this conventional 2NT bid should be Alertable and E/W might have prevailed in demonstrating the possibility of real damage had an Alert been required. While it would have been inappropriate for the Committee to challenge the regulations as they currently stood, they did ask for the specific sequence under discussion to be reviewed.

**DIC of Event:** Henry Cukoff

**Committee:** Barry Rigal (chair), Mark Bartusek, Ed Lazarus, Peggy Sutherlin, Steve Weinstein

☞ I have a little sympathy for the Committee's naive view that the 2NT bid "sounds" natural in competition. After all, many players would probably assume it to be natural without question in the absence of an Alert. This, together with the fact that the initial table ruling may have been similarly influenced, seem to mitigate for not being too harsh on the appellants. But shades of CASE NINETEEN!

**Bramley:** "Okay, we'll review it. But East's willingness to entrap the opponents in a misunderstanding looks a lot like CASE NINETEEN to me. If that's your plan, you must abide by the result. Further, the auction here is rare and one for which many pairs might not have an explicit understanding. I wouldn't want my opponents to Alert 2NT unless they had a firm understanding."

☞ I should further report that the Conventions & Competition Committee has subsequently considered a proposal to make conventional 2NT bids Alertable in competitive weak two-bid auctions. It was soundly defeated. This will not please...

**Kooijman:** "If you want foreigners to feel happy in your tournaments, this 2NT should be Alertable."

**Rosenberg:** "This raises an important issue (see also CASE NINETEEN). If you suspect your opponents have failed to Alert but you do not want to ask because it might help them out of a mixup, are you protected? Or do you need to protect yourself? Obviously, if you are certain of the mixup you cannot be damaged, but what if you are unsure? I would appreciate a definitive answer. In this case, almost everyone would presume 2NT was forcing. It did not guarantee a heart fit so East was not damaged."

☞ I think the answer to Michael's question is clear. If the opponents are having a misunderstanding and you ask a question, you are protected from UI transmitted by their answer. If you don't ask and they are not having a misunderstanding, you have no redress. So asking is protected and in theory a no-lose proposition (unless you transmit UI to your partner through your question), but not asking is risky if it is later deemed that you should have known to ask. As Bart says, if not asking is your plan, then you must be prepared to abide by the result.

**Rigal:** "Given the current state of the Alert rules this seemed to be the only option for Committee and Director. The crux of this case seems to me to be that if East deliberately did not pursue the explanation of a bid knowing it might have been conventional he only had himself to blame. One side issue: When this case came up I thought at the time I had seen this auction in an earlier casebook, but since no one remembered it, I deferred to my colleagues' memory. However, see Vancouver CASE TWENTY-THREE for a generically similar case and the same auction. We need a casebook index—and sooner rather than later."

☞ The case from Vancouver which Barry cites is one in which the players had no agreement concerning the 2NT bid's meaning, but the weak two-bidder explained it as natural while the 2NT bidder intended it as feature asking. Thus, while the two cases seem similar (the auctions begin identically), the issues and decisions in them are quite dissimilar: In Vancouver there was MI while here there was neither MI nor a failure to Alert.

**Endicott:** "Here it is the Screening Director who has it right. The DIC has ruled that the 2NT bid is not Alertable. We may be surprised to hear this and may wonder whether the DIC has not given the question of what the players (and others) believe precedence over the key question of what do the regulations require. Belief has nothing to do with the ruling (which should be based on knowing the regulation and

interpreting it). That is down to the DIC, but the Committee can refer the question back to him and should do so when it recognizes that experts in the regulations are making statements about what 'is currently believed' rather than about the requirements of the regulations. When the Committee says what it believes 'in the abstract' I am left feeling that there is a real possibility they could be close to the truth of what the regulations say. If the DIC was aware that the Committee was saying this I would hope that he treated it as an opportunity to review his own ruling."

☞ And so he did. But I wonder why the Committee's statement that they believed "in the abstract" the 2NT bid should be Alertable struck a sympathetic chord with Grattan, while the opinions of the Director, the Appeals Administrator, and various members of C&C Committee, that they believed the 2NT bid did not require an Alert, struck him as inadequate. ACBL regulations on what is and is not Alertable are neither encyclopedic nor do they provide definitive answers in all cases. Sometimes the answer requires interpreting how the sequence in question relates to other similar sequences, and knowing why the current regulations were formulated as they are. This is similar to what laws bodies do when ruling on an application of the law to a situation which it does not expressly cover. In addition, it strikes me as quite presumptuous to approach members of a regulatory body in the middle of a bridge tournament and ask them for an opinion on such a matter, without access to their notes or discussion with other members, and expect a definitive answer. It is most gratifying that everyone who was asked for their recollections/opinions agreed that the 2NT bid was not Alertable. Is this not more trustworthy than the intuitions of five "random" players who just happen to be Appeals Committee members?

**Wolff:** "Seems to be a lack of rapport between the Directors and the Committee. Could E/W ask North to leave the table and then ask South the meaning of 2NT? I think that question makes this hand very important."

☞ The Director was rule-oriented while the Committee, being naive about the Alert regulation in this situation (as was the table Director), sympathized with E/W when their intuitions were that the conventional 2NT sounded Alertable. In essence, the Committee's sentiment was, "There but for the grace of G-d go I." As for asking North to leave the table, I suspect that would have defeated East's purpose in not asking a question in the first place; the very act of asking North to leave would have sensitized North to the issue being probed. Of course, if East's only purpose was to conceal South's answer from North he could have asked a Director to authorize it. I see no harm in making the request.

Some see this case as simple...

**Polisner:** "No infraction, nor redress. Simple case. Was there an AWMW issued? I can't tell. If E/W was told in screening that 2NT was not Alertable, I would issue one."

☞ No Jeff, no AWMW was issued.

**Gerard:** "I don't understand this. The regulation is that 2NT is not Alertable. E/W can only avoid a warning if 2NT is Alertable, maybe not even then. The Committee thinks that 2NT should be Alertable (why—who would assume any different meaning in competition?) and if that were the case E/W were damaged. Therefore, let's pretend our view of the law was correct and that E/W were existing in our world, not the real one. Words fail me, m'lord. Salieri said it best, 'Mediocrities of the world, I absolve thee.'

"Geez, where is Treadwell's Postulate when we need it? First East, then West failed to play bridge. Just look at East's explanation, then whatever West's line of play must have been. 'I thought they were having a misunderstanding' is not a reason for being contributorily negligent. The stuff these folks come up with would

make some people embarrassed.”

**Weinstein:** “I don’t even know where to begin. I have never been called ‘sundry’ before in my life. I don’t remember being consulted, but my instinct is that 2NT is probably an Alert. However, I would put it under my ‘soft Alert’ category, where I have usually little sympathy for the allegedly damaged opponents, especially when they claim they sort of suspected what the intent was but didn’t want to clear it up for the opponents. Is this a recurring theme in this casebook?”

“Moving on to another murky area, the Committee mumbles about some merit to the appeal because of the reasonableness of it being possibly Alertable. First, the Director ruled that it was not Alertable and this position was explained to E/W. Secondly, East suspected an Alert had been missed, but did not fulfill his obligation to search out the truth. Lastly, the statement about jumping to 4♠ is self-serving and the bid is not at all likely. Tell me again why E/W did not receive an AWMW.?”

☞ Well, now that you know you are “sundry” (even if you weren’t consulted), how does it feel? Then, how does it feel to know that your instinct is wrong and that 2NT is *not* Alertable?

**Treadwell:** “Utter nonsense. East knew the 2NT call was not natural from his holding. In this situation, the actual regulation with respect to the Alert is irrelevant. An AWMW to E/W was certainly in order.”

☞ Well, looking at the North hand I for one would not be sure whether 2NT was intended as natural or conventional. So how could East tell by looking only at his own hand?

While it may not yet be apparent, I agree with those panelists who think this appeal lacked merit. Not because 2NT wasn’t Alertable and E/W were told so. And not because they should not have challenged what was purely a matter of regulation. After all, the initial table ruling had been in E/W’s favor and there was rampant uncertainty concerning the bid’s Alertability, not only among Appeals Committee members but even, as it turns out, on the part of the person who chaired the ACBL’s Conventions & Competition Committee the two years prior to this (Howard). That seems to me to be more than enough to make the appeal understandable and excusable. No, the *real* reason why I find this appeal to be without merit is that East suspected all along that 2NT was artificial; he tried to have his cake and eat it too. He chose not to ask about the bid so that his opponents wouldn’t clear up any misunderstandings. Then, when the bid turned out as he suspected, he tried to have a Director protect him from his own tactic. And finally, when the Director told him that 2NT wasn’t Alertable and it turned out the opponents really weren’t having a misunderstanding, he ignored his own responsibility in the matter and still pursued the appeal, well beyond reason.

Our final panelist focuses on a technical matter.

**Stevenson:** “It is not really the function of an Appeals Committee to decide whether something is Alertable.”

☞ Right, but it is their function (1) to *find out* whether that something is in fact Alertable (if there’s some question about it) and consider referring the matter back to the Director if they wish him to reconsider his opinion, and (2) to decide what, if any, action to take discipline-wise. And they did all of that admirably.

## CASE TWENTY-FOUR

**Subject (MI):** A Kiss Is Just a Kiss, But Forgetting Is Habit-Forming

**Event:** Blue Ribbon Pairs, 22 Nov 00, First Semifinal Session

Bd: 3	Andreas Babsch		
Dlr: South	♠ J109652		
Vul: E/W	♥ 3		
	♦ 105		
	♣ J654		
Mel Colchamiro	Janet Colchamiro		
♠ Q874	♠ ---		
♥ Q98	♥ KJ106542		
♦ 76	♦ K983		
♣ AK72	♣ 103		
	Martin Schifko		
	♠ AK3		
	♥ A7		
	♦ AQJ42		
	♣ Q98		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1♦(2)	2♥(3)	1♣(1)
Pass	2♠	Pass	Dbl(4)
3♥	All Pass		Pass
(1) Alerted; strong, artificial and forcing			
(2) Alerted; negative			
(3) Alerted; hearts and spades			
(4) Explained as takeout			

**The Facts:** 3♥ made four, +170 for E/W. The opening lead was the ♠K. The Director was called when, before the opening lead, East explained that she had forgotten her agreement. The E/W convention card was not marked but West produced his system notes which clearly indicated that the 2♥ bid showed both majors. The Director ruled that N/S were given the proper explanation of the E/W agreement and allowed the table result to stand (Law 40A).

**The Appeal:** N/S appealed the Director’s ruling. N/S believed that West’s decision to pass 2♥ doubled may have been predicated on a suspicion that East had misbid. N/S, however, did not allege that anything about East’s behavior indicated a misbid. N/S claimed that the misbid, coupled with West’s strange calls, made it very difficult for them to reach 4♠. West said that his second-round pass was not based on any implicit understanding but was a strategic choice made to gain

information about what was going on.

**The Committee Decision:** The Committee members were aware that E/W had already appeared before a Committee at this NABC because of a similar problem (see CASE EIGHTEEN) involving one member of the partnership forgetting one of their two-suited conventions. Under Law 40A, “A player may make any call or play (including an intentionally misleading call...), without prior announcement, provided that such call or play is not based on a partnership understanding.” The Committee believed that as the laws permit intentionally misleading calls, they also permit mistaken or unintentionally misleading calls. Furthermore, there was no partnership understanding in this case that would preclude the E/W auction. Law 75B states, “A player may violate an announced partnership agreement, so long as his partner is unaware of the violation (but habitual violations within a partnership may create implicit agreements, which must be disclosed).”

Based on its own knowledge of this pair’s experience in this regard, the Committee decided that an implicit understanding existed that there is a proclivity to forget their two-suited conventions. Therefore, it was an infraction to fail to include in the explanation of the 2♥ call any reference to East’s occasional forgetting of two-suited conventions. The Committee decided that West’s second-round pass was not egregious and may have been based, at least in part, on his

legitimate bridge judgment. But it was also evidence of the implicit agreement. In discussing the propriety of members bringing their own knowledge to bear on issues such as habitual forgetting, the Committee decided that enforcement of Law 75 would be very difficult and inconsistent if it depended solely on Directors' or the opponents' knowledge of other instances of a pair's forgetting. Hence, to render greater enforceability to the law the Committee decided that the introduction of special knowledge of its own members into consideration of the issue was proper.

The Committee readily determined that for E/W the most unfavorable result that was at all probable (Law 12C2) was -420. However, determining the most favorable result that was likely for N/S was more difficult. While no attempt was made to quantify precisely the likelihood of +170 and +420, the Committee generally believed that +170 was more likely to occur (50-55%) than +420 (30-35%). Although Law 12C2 refers to the most favorable result that was likely rather than the most likely result, the Committee decided that with this disparity of likelihoods, it was appropriate to choose the result that was most likely—and also favorable. Therefore, for N/S the score was changed to 2♠ made four, +170 for N/S, while for E/W it was changed to 4♠ made four, +420 for N/S. Since this was a case of “habitual violation” under Law 75B, the Committee asked the Recorder to consider further violations as cause for action (perhaps to the point of limiting the use of such conventional two-suited bids by the partnership).

**DIC of Event:** Henry Cukoff

**Committee:** Michael Huston (chair), Phil Brady, Sid Brownstein, Marty Caley, Corinne Kirkham

**Directors' Ruling:** 72.6

**Committee's Decision:** 89.3

☞ West's bridge actions suggested an awareness that East might not have the two-suited hand her 2♥ bid promised. When suspicions of forgetting rise to the level of shaping a player's actions, he must include such information in his explanations of his partner's call. Thus, a score adjustment was appropriate. So far the Committee and I are on the same page (no surprise, since they asked my help with the logic). But there we part company both in our judgments of the likelihoods of the various outcomes and especially on the distorted view of 12C2 portrayed in the write-up.

Clearly N/S might have competed successfully in spades had they been given the proper information, but to what level? While the Committee thought it was “at all probable” that N/S would reach game, and so assigned E/W -420, they did not think it “likely,” adjusting N/S's score to +170. I think the chance of N/S reaching game is similar to that of their stopping in 3♠. For one thing, North might have jumped to 3♠ over South's double with a six-card suit and a singleton heart. For another, South might have tried 3♥ directly over 2♠. And for a third, North might have bid 2♠ and then 3♠ after West balanced with 3♥, after which it would not have been difficult for South to raise to game. Thus, I would have assigned both sides the score for 4♠ making, +420 for N/S.

There is considerable support for this view among the panelists.

**Gerard:** “The Committee was doing fine until it rewrote the law. In doing so it came up with 12C4, the worst of all worlds. Under 12C2, N/S's result was clearly +420 by their own standards. You could argue that the bottom end of their range (30-35%) didn't make it likely, but they didn't say that. They tried to rewrite the law and got the usual result when third parties interfere with the legislative process. Just leave the laws to the Laws Commission and don't try to stand logic on its head. It was not appropriate to choose a result prohibited by 12C2 just because you don't agree with it (see CASE TWENTY-THREE). So N/S should have received the score for +420.

“Now if 12C3 were allowed in the ACBL, N/S would receive something less. Let's say that +170 was 50% and +420 was 33%, with -170 the rest. I don't really think -170 was in the ball park without the infraction, but go along with it for the

worst case scenario. Let's also assume that on a 12 top, +170 was 4, +420 was 8 and -170 was 0, again bending over the other way to prove a point. Then N/S's 12C3 score would have been 2/3 of a matchpoint (almost 6% of the board) better than the score for +170. That avoids the ‘windfall’ +420 that 12C2 requires for an adjustment. So what the Committee did was to give N/S even a worse result than the banned-in-the-ACBL 12C3 procedure would. In real life, my estimates are much too biased against N/S.

“Bad things happen when courts try to make up the law to fit a particular agenda.”

**Bramley:** “Convention Disruption strikes again! Punish the culprits!

“This was a reasonable decision that East's forgetfulness was habitual and therefore culpable. But the Committee, having negotiated a series of hairpin turns, veered off the road at the end. I disagree about the adjusted score for N/S. If +420 had a 30-35% likelihood, then surely that result should have been assigned to N/S. I don't get the Committee's reasoning here. They seem to have understood that N/S deserved the best score with a substantial likelihood of occurring, not necessarily the *most* likely score. Why was it ‘appropriate to choose the result that was most likely—and also favorable’?”

**Kooijman:** “This sounds astonishing to me. Is every Committee entitled to interpret the meaning of ‘the most favorable result that was likely’? What ‘disparity of likelihoods’ when the estimates are 50% and 30%? We do not need much arithmetic to understand that likely can't mean 50% or more since then the laws would have said ‘the most likely result,’ and they don't. Saying that the laws refer to ‘the most favorable result that was likely *rather* than the most likely result,’ therewith suggesting that there is some merit in choosing ‘the most likely,’ is misleading. The laws are completely clear. It is simply not appropriate to choose the result on the basis of being ‘the most likely.’ You really amaze me. In discussions with ACBL people about the laws they quite often demonstrate an attitude to stick to the laws as they are written. That is okay with me. But then a Committee allows itself to throw the laws in the air and to make the decision it likes most, by intuition. It didn't like the Austrians is my conclusion. Thirty percent as the probability for the choice of a call is and should be within the margin of what we have to consider as likely. Otherwise, Law 12C2 does not have an applicable meaning.

“I do like this Committee's analysis leading to the conclusion that N/S were misinformed about the E/W agreements. I am advocating the same in my country: An explanation should include the statement that the pair doesn't know what it is doing. I give the Director more credit if he/she didn't know anything about the previous case.”

☞ Ton's amazement is justified since the write-up (and perhaps the Committee's thinking as well) fails to accurately represent the way we assign the “most favorable result that was likely” to a non-offending side. We include as “likely” any result that is *not significantly less likely* than any other. That is, a “likely” result must be one that has a similar probability to other “likely” results—not just a probability above some arbitrary number (such as one-in-three). Thus, if one result is judged to be *at least* 50% probable and another *at most* 35% probable, the Committee must decide whether this represents a significant (a clear and pronounced) difference. While I might have made the same decision as the Committee based on their percentages, my own estimates do not place the two results (3♠ and 4♠) as far apart as theirs. In addition, the garbled logic Bart cites from the Committee Decision makes it seem that they even confused “the most favorable result that was likely” with “the result that was most likely—and also favorable.” Not their finest hour.

**Rigal:** “Correct Director ruling and nice work by the Committee to use past history (see my comments from the previous case, but louder). Given West's unusual actions, I think E/W clearly deserved -420 and I'd have considered giving N/S a

shot at that too. The Recorder action certainly seems appropriate as well; if the convention card is not marked, how much of an argument is there that E/W are not playing what is in the file? Not a good one I'd say."

**Rosenberg:** "East's mistake was very prone to lead to disaster for E/W *unless* West catches it. Since West appeared to do so, I would say West's explanation was insufficient. So I would let N/S reach game. Perhaps E/W should be barred from using the convention again."

✍ Any further repetitions of this sort of thing and they will certainly risk that.

The remaining panelists support the Committee's decision not to reciprocate the game to N/S.

**Weinstein:** "The Committee delves into many of the relevant issues, but missed one point. The Committee mentions that West's second pass was not egregious and may have been based upon bridge judgment, but was also evidence of the implicit agreement. All very reasonable by the Committee. However, balancing with 3♥ over 2♠ is a smoking gun that West was playing partner for forgetting. Whether the Committee had previous knowledge or not of E/W's penchant for forgetting conventions, West's bidding is like being found standing over the corpse, holding the knife, with a videotape of the murder. Admittedly, unless the opponents have screwed up beyond belief, their partner has forgotten. But sometimes opponents do screw up beyond belief, and this combined with the failure to bid spades or to a higher level right away, reeks that West was suspicious, given his partner's proclivity to forget conventions. Even if subconscious, this becomes a *de facto* private understanding, not available to the opponents, that violates Law 40B. Good job by the Committee."

✍ Howard makes an excellent point. The evidence from the auction alone is compelling enough to not worry about the E/W pair's past history of forgetting in justifying a score adjustment.

**Endicott:** "Bearing in mind the possibility of switching East's diamonds for West's spades, I am inclined to enquire more about the 'takeout' double by South: is that takeout of hearts, or takeout of the majors? The answer has implications for the actions of both West (who may be encouraged to pass hearts) and North (who may think of bidding spades). Leaving aside the Committee's misdirection of itself in failing to determine what results were 'likely' and then awarding to N/S the one of these most favorable to them, I think it worth questioning whether the understanding here can really be considered an 'agreement.' But then I am on record with my opposition to the continued coexistence in the laws of the terms 'agreement' and 'partnership understanding.'"

**Brissman:** "The referral to the Recorder is particularly appropriate. While West's explanations may be legitimate, his actions smell fishy. The Recorder can decide whether or not he's dealing with a fisherman."

**Polisner:** "Western justice in action. I like it and I suspect so will Mr. Wolff. My problem is that even if West Alerted that his partner sometimes forgets their two suited bids, is that enough information for N/S to reach 4♠; i.e., switch the spades from West to East which gives her the bid she made and 4♠ is still not reached? It seems reasonably clear that West knew his partner had forgotten based in part upon experience and in part upon the N/S bidding."

**Stevenson:** "It would be interesting to know what the Director thought of the pass of 2♣. It looks very strange for someone who is confident that his partner has the majors and normal for someone who thinks it might be hearts only.

"The Appeals Committee dealt with a difficult case very carefully and sensibly.

But having to work out what to do about misbids from first principles seems to put a considerable and unnecessary burden on Appeals Committees. The EBU has a procedure for dealing with misbids that makes it much easier for Directors and Appeals Committees. Perhaps it is time the ACBL Laws Commission looked into the possibility of doing the same thing.

"The decision of the Appeals Committee to give the most likely score rather than the most favorable has been defined by the editor in earlier casebooks as normal ACBL practice. [David has once again misconstrued what I have said in past casebooks (and earlier in this one: see my response to Ton's comment).—*Ed.*] It is at variance with the interpretation of Law 12C2 throughout the rest of the world and in WBF events. Unfortunately, a perusal of various casebooks shows that the ACBL is not consistent in this matter anyway, and I am sure a different selection of personnel on this Committee would have reached a different conclusion. Perhaps the ACBL Laws Commission could look at this as well."

✍ As I said earlier, this Committee's questionable decision may not so much be due to a problem in applying 12C2 as in communicating their thinking and, more directly, their judgment of the probabilities involved in the various outcomes.

Let me try once more to communicate to David how we adjust non-offenders' scores here. (The rest of you, at ease. Smoke 'em if you've got 'em.) David, pay attention this time, please. We continue to use 12C2 as it is written. We assign non-offenders the "most favorable result that was likely." Not the most favorable result, not the most likely result, but the *most favorable result that was likely*. However, we use a slightly different criterion for what is judged "likely" (a more conservative one than previously used). We don't use numbers (e.g., 25%, 33%). Instead, we use a simple rule: A result is considered "likely" only if it is *not significantly less likely* than any other result. Thus, non-offenders are never assigned a result which is clearly less probable than another. We look at the set of results that is judged likely by this criterion and assign the non-offenders the one most favorable to them. Thus, we still assign them the "most favorable result that was likely." Got it?

**Treadwell:** "An excellent analysis of the problem by the Committee to reach a good decision. I am a bit uncomfortable with the crux of the case: habitual forgetting of one's agreements. The evidence for this pair was quite strong, but I can see the door being opened for pairs who get a bad result as a result of a forget by their opponents to claim 'this pair always forgets their agreements; we should get redress.' We all forget agreements occasionally. I can recall a Committee case at a Regional where one of the most experienced pairs in the country had a mix-up. We must be very careful not to let this get out of hand."

**Wolff:** "I generally agree with the entire Committee decision. However, their application of the law is hard to follow. Shouldn't 'likely' mean at least 50%? It is my opinion that this subjective interpretation of the law allows bias, which would be okay with me if equity is always served. This case merely enforces the need to make both MI and misbid equally subject to penalty under our laws instead of just MI."

✍ Ton explained why 50% cannot be the standard for what is "likely" (if three outcomes each had a 33% chance of occurring, none would qualify as "likely"; and there are similar problems with other numbers). Also, it seems far too punitive to treat all misbids as if they were MI, even at the top levels. As Dave just pointed out, even the best pairs have occasional mix-ups and average (and lesser) players have them frequently. Not only would the great majority of these mix-ups result in self-inflicted disasters, but under this policy even the ones that didn't would lead to adverse score adjustments. Sorry, Wolffie, but this is just too draconian.

CASE TWENTY-FIVE

**Subject (MI):** Clueless In Birmingham

**Event:** Evening Stratified BAM Teams, 25 Nov 00, Evening Session

Bd: 3	♠ AJ9432		
Dlr: South	♥ 5432		
Vul: E/W	♦ 6		
	♣ 72		
♠ 108		♠ 7	
♥ 1087		♥ AQJ9	
♦ 109854		♦ AK32	
♣ KQ6		♣ AJ105	
	♠ KQ65		
	♥ K6		
	♦ QJ7		
	♣ 9843		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	1♦	Pass
3♦(1)	Pass	4♠(2)	Pass
5♦	All Pass		
(1) Alerted; weak			
(2) Not Alerted; intended as a splinter			

**The Facts:** 5♦ made five, +600 for E/W. The opening lead was a club. The Director was called at the end of the play. E/W were playing splinters over majors but had no agreement over minors. East, however, thought her call was conventional but did not post-Alert it. The play went: a club to the ace, ♦A, ♦K (North discarding a small heart), a club to the king, ♥10 to the queen and king, ♦Q (North discarding a small heart), club. Dummy's spades were then discarded on declarer's winners. The Director ruled that East had violated Law 40B by failing to post-Alert a bid she believed to be conventional. But since the defense had ample opportunity and information to cash a spade in time, the Director ruled that N/S had not been damaged (Law 40C) and allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling. Both assumed throughout the play that East had spades. North said she didn't think she could afford to discard spades. South said he didn't want to break the suit (which might cost him a spade honor if he led into the presumed ♠AJ). Although N/S played splinters themselves after opening a major, it did not occur to them that 4♣ might show a singleton. E/W had never talked about splinter bids in auctions beginning 1♦ or 1♣ although they did play them after opening 1♥ or 1♠. West said he thought of passing 4♣ but said that didn't seem logical. E/W pointed out that South had discovered that East had specifically four diamonds so 4♣ could not have been an offer to play in spades. E/W also said that North never showed the ♠A on defense.

**The Panel Decision:** The Panel determined that initially South did not have the information about East's spade shortness. They also confirmed the table Director's view that East should have included the information that she thought they had an agreement about the 4♣ bid as a post-Alert before the play began. The Panel obtained expert opinion that while South may have been placed at a disadvantage initially, as the play unfolded with the heart finesse and the play of the trump queen North had ample opportunity to show the ♠A and failed to do so. South should probably have been able to see the danger of West's spades disappearing on East's hearts or clubs if he didn't actively work to score the setting trick. The experts said they would have sympathy for players who were truly inexperienced, perhaps non-Life Masters or 0-300 players. However, N/S were Life Masters with 750 and 1050 masterpoints, respectively. The Panel decided that N/S had ample opportunity to defeat 5♦. North's failure to signal in spades and South's failure to lead a spade before cashing the ♦Q (or even after) led directly to their poor result. The Panel allowed the table result to stand. The Panel decided that N/S had attempted to get

a favorable result through the appeal process that had been available to them in a straightforward manner at the table. The Panel would have issued an AWMW but for the fact that the ruling had arisen on the final board of the session and the appeal was heard before the appellants had an opportunity to read and sign the appeal form.

**DIC of Event:** Chris Patrias

**Panel:** Ron Johnston (Reviewer), Olin Hubert, Matt Smith

**Players consulted:** Ralph Katz, John Mohan, Bob Morris, Shawn Quinn, Eric Rodwell

**Directors' Ruling:** 90.7

**Panel's Decision:** 87.0

✍ I think the title of this case accurately describes N/S's role in this fiasco. I also think the following is invaluable advice to those involved in the Review process.

**Brissman:** "Memo to Panel: Delay the beginning of the hearing until the appellants complete and sign the appeal form."

✍ Some panelists applaud the Panel's decision...

**Rigal:** "Good decision by both Director and Committee. South's defense certainly breaks the chain for me. We have to draw the line somewhere even given the MI and understandable absence of a post-Alert. Who can remember whether splinters in the first one/two rounds deserve an Alert?"

**Weinstein:** "Very appropriate case title. It is amazing how oblivious a player can be during a hand, yet how alert that player can be to call a Director and then a Committee."

**Endicott:** "As a matter of general bridge experience would North and South not each think it possible the 4♣ bid may be a cue? I am as darkly suspicious of N/S as was the Panel."

✍ Others understand the mind set which must have gripped N/S once the seed had been planted that East held spades...

**Polisner:** "Again we must be dealing with a very inexperienced N/S pair. Having these many masterpoints is not determinative of any skill level anymore. It is difficult for experts to dumb their game down to this level to know what (if anything) is going on in their minds. Certainly had East told N/S that she had a stiff spade, the contract would have been defeated. I would have protected N/S and ruled +100, -100 solely due to the level of the players."

**Stevenson:** "I always have some sympathy for a player who, having been told something which solves his problems, turns off the thinking process. I do dislike offenders who gain, not from the rub-of-the-green, but from too trusting opponents. Surely the E/W score should have been adjusted, even if not the N/S one."


✍ One panelist has a mind set which predisposes him to allow the table result to stand whenever feasible, and to deal with even minor technical infractions, such as East's failure to post-Alert here, with PPs. This is an unfortunate combination.

**Wolff:** "E/W +600 for both sides but a ¼ to ½ board penalty to E/W for East's failure to post-Alert. 'To protect your skirt you must post-Alert.'"

✍ Another panelist has what (I hope) is a keen sense of satire and irony.

**Kooijman:** "Let us start to write a regulation for the application of AWMWs: No

AWMW will be given if the appeal is on the last board of the session.”

 In all fairness to the Panel, the reason why an AWMW was not issued was not that this happened on the final board of the session. Rather, it was due to the turmoil which often accompanies the end of a session and contributed to someone forgetting to have the appellants sign the appeal form. Thus, they were not properly appraised of their jeopardy if the appeal was judged to be lacking in merit.

Finally, one lone panelist recognized the proper way to resolve this case.

**Rosenberg:** “Well maybe, but if playing against a player who might not realize 4♠ is a splinter, you have a duty to say something. South made a ridiculous defense, a 0% play, but this was mostly due to the mind set that East had spades. So if East behaved properly, E/W would almost certainly not have achieved this result. So I would rule down one for E/W. For N/S, I would give them down one if they were very inexperienced. Since this was not the case, I would allow the result to stand for them.”

## CASE TWENTY-SIX

**Subject (Played Card):** Incontrovertibly Tainted

**Event:** Flight B/C Swiss, 19 Nov 00, First Session

Bd: ?	♠ 10xx		
Dlr: West?	♥ KQ10xx		
Vul: E/W?	♦ Kx		
	♣ 10xx		
♠ AKx		♠ Q8xx	
♥ AJxx		♥ xx	
♦ J10xx		♦ AQ98	
♣ Ax		♣ Kxx	
	♠ Jxx		
	♥ xx		
	♦ xxx		
	♣ QJxxx		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1NT	Pass	3NT	All Pass

**The Facts:** 3NT went down one, +100 for N/S. [Editor’s Note: This board was brought to the Directors’ attention during the match in which it occurred but after it was played. The appeal was filed two matches later and somehow the board number and details were not recorded. Our best information suggests that West was likely the dealer and E/W vulnerable.] The opening lead was the ♥K. When the ♥K held, North switched to the ♣10, won by declarer’s ace. The ♦J won the next trick, followed by the ♠A and three more diamonds. Declarer cashed the ♣K, the ♠K, and then led her last spade toward dummy saying “Spade.” East (dummy) fidgeted and asked “Which one?” Declarer said she meant to call the ♠Q. The Director was called and

ruled that the ♠8 was played (Law 46B2). South won the ♠J and cashed three clubs to defeat the contract.

**The Appeal:** E/W appealed the Director’s ruling. West stated that when she played her small spade she called for a spade from dummy without designating which was to be played. A moment later she realized what she had said and stated that her intent was to play the queen. East, her partner, fidgeted when she called for a spade and said he asked “Which one?” N/S agreed that West had called for a spade without designating the rank and at that point East had fidgeted and eventually asked “Which one?” At that point West noticed what was happening and said she wanted to play the queen.

**The Panel Decision:** The Panel pointed out that accidents happen. People revoke, pull the wrong card, etc. The fact that the ♠AK were not cashed in order gives rise to the possibility that declarer had a lapse in concentration, perhaps thinking that she had played a high spade from her hand rather than a low one. The Panel decided that the burden of proof rested with declarer to show incontrovertibly that her intent had been to play the ♠Q and, based on her arguments, she had not done this. In addition, since her partner’s body language or question may have called attention to her error, any effort by her to correct her play was tainted. Therefore, the Panel allowed the table result of 3NT down one, +100 for N/S, to stand.


**DIC of Event:** Susan Patricelli

**Panel:** Mike Flader (Reviewer), Charlie MacCracken, Chris Patrias

**Players consulted:** none reported

**Directors’ Ruling:** 89.6

**Panel’s Decision:** 84.1

 This all seems so cut and dried that one wonders why no AWMW was issued. Perhaps this was due to the level of the players involved (E/W each had about 300-400 masterpoints) but after all, a warning *is* just a warning... isn’t it?



**Polisner:** “Routine except for the failure to issue an AWMW which should have been automatic.”

**Weinstein:** “Show me the AWMW. Just because these are weak players, doesn’t mean they aren’t wasting their opponents’ time, the Panel’s time, and contributing to making bridge an unnecessarily litigious game.”

**Kooijman:** “No choices and I am relieved to notice that the Panels are not inventing new interpretations of the laws for played cards. In my laws, though, these are not cases for a Committee to decide since they are technical rulings. So the decision should have read: the Panel doesn’t see any reason to advise the Director to change his decision.

“Let us expand our AWMW regulation: No AWMW will be given when the appeal is made after an unfavorable decision in the case of an erroneously played card.”

✍ Again we presume (hope) that that last comment was intended sarcastically. Several other panelists support the Panel’s decision without mentioning an AWMW.

**Bramley:** “Advice to Dummies: Play the card your partner calls. He is the only one who can correct it. Playing promptly improves the chance that partner will notice immediately and correct his play in time. Corollary: If partner tells you to discard ‘anything’ from dummy, immediately discard the highest card in dummy. If partner didn’t really mean it, you will cure him of this habit.”

**Wolff:** “Sad but part of the game and okay. As Jeff Polisner would say, ‘Aren’t we allowed to benefit from the opponent’s mistakes?’”

**Stevenson:** “Did East think he was playing the contract?”

✍ Finally, two panelists note that North would have played the ♠10 on the trick in question and find this to be incontrovertible evidence that declarer did not intend to call for a low spade from dummy.

**Endicott:** “I agree that declarer’s attempt to correct is tainted by her partner’s mannerisms. This means that she must rely on her intention being found to be ‘incontrovertible’ (Law 46B). Would I be right in thinking that North followed to West’s small spade with the ten? And we think she could have been thinking of playing the eight under it, do we?”

**Treadwell:** “This ruling seems pretty hard on E/W. Is it really conceivable that West would call for a low spade from dummy when North had already played the ♠10 on the trick? If you had been North or South would you really have accepted the play of a small spade in this situation? Note that declarer is said to have called for a spade without designating a rank. Since a high spade is obvious under these conditions, I would have allowed it.”

✍ These comments presume that declarer remembered that she originally held the ♠A and cashed it earlier—i.e., that a defender did not and still hold it. While this may be a bit of a stretch, is it really so improbable for players at this level?

Finally, one panelist places the whole incident in proper perspective.

**Rigal:** “Correct ruling. We can’t allow dummy to play the hand for declarer however apparently unreasonable the final result may be. The law may be an ass but the law is the law.”

## CASE TWENTY-SEVEN

**Subject (Played Card):** Many a Slip Twixt the Thought and the Lip  
**Event:** Morning Side Game Series III, 23 Nov 00, First Session

Bd: 11	♠ 65		
Dlr: South	♥ J764		
Vul: None	♦ AKQ73		
	♣ 74		
♠ A104		♠ KJ32	
♥ KQ532		♥ 108	
♦ 106		♦ J982	
♣ J98		♣ 652	
	♠ Q987		
	♥ A9		
	♦ 54		
	♣ AKQ103		

West	North	East	South
			1♣
1♥	2♦	Pass	2♥
Pass	2NT	Pass	3NT
All Pass			

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**The play (lead underlined):**

West	North	East	South
♥Q	♥4	<u>♥10</u>	♥9
<u>♥3</u>	♥6	♥8	♥A
♣8	♣4	♣2	<u>♣A</u>
♣9	♣7	♣5	<u>♣K</u>
♣J	♣5	♣6	<u>♣Q</u>
♣4	♣6	♣2	<u>♣10</u>
			♦—I mean ♣

**The Facts:** 3NT went down one, +50 for E/W. The opening lead was the ♥10. The Director was called during the play of the hand. Declarer was running clubs with one club left to play when she called for a diamond. As her partner reached toward dummy she changed her call to club. (She said she noticed her mistake as she was looking up from her hand.) The Director ruled that declarer’s play had not been inadvertent and that the small diamond had been played (Law 45C4).

**The Appeal:** N/S appealed the Director’s ruling. Only North and East spoke with the Reviewer. The play had gone as shown in the diagram. North, the declarer, said it was always her intent to play the last club before coming to her hand with a diamond. Thus, she believed her play was inadvertent. East stated that North’s error was brought to her attention by her partner’s reaching to play the card she had called for. She had gotten ahead of herself.

**The Panel Decision:** According to Law 45C4(b), in order for a change of play from dummy to be allowed declarer’s different intention must be incontrovertible. The burden of proof rests with declarer to

show that her designation was inadvertent and the standard used is “overwhelming.” The Panel did not believe that she had met these criteria. In fact, her own statements suggested that she intentionally, albeit mistakenly, called for a diamond at the crucial point. Therefore, the Panel allowed the table result to stand.

**DIC of Event:** Su Doe

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

**Players consulted:** none reported

**Directors’ Ruling:** 88.9

**Panel’s Decision:** 86.7

✍ Has anyone ever gotten ahead of themselves in the play and called a card they intended to play to the next trick? The Laws Commission has said that this is not

inadvertent, it's a mental slip and not correctable. So the Director was correct to rule that declarer's play was not inadvertent. We don't have to like it, but as someone recently said, "The law may be an ass but the law is the law."

That same person likes this ruling even less than the previous one.

**Rigal:** "I am not an expert in the laws. This seems to be far tougher than the previous case. Declarer's correction seems to me to be in time, but I bow to the knowledge of those who ought to know about these things."

✍ Also recognizing the correct application of the pertinent legal concept here.

**Stevenson:** "These sort of hands should never reach a Committee. The Director is best able to decide what happened. Inadvertent means that declarer intended to play the club at the moment she said 'Diamond.' Reasonably, the Director decided she had got ahead of herself and meant a diamond at the moment she said it."

**Endicott:** "There are not the same compelling reasons here as in CASE TWENTY-SIX for finding the declarer's intention incontrovertible. The final club is known to be a winner whilst the diamonds may not run, but this hardly proves that she was thinking 'club' when she said diamond."

**Polisner:** "At least the Vancouver case has resulted in a clear understanding about these situations. Bridge is a game of mistakes of all types—including this one. We must learn to accept our mistakes and move on even in a morning side game."

**Treadwell:** "This miscall differs from the preceding one in that a different suit was called for than, perhaps, was the intent of the declarer. But the Panel correctly ruled that declarer's different intention was not incontrovertible."

**Kooijman:** "See my comment on CASE TWENTY-SIX."

**Weinstein:** "See CASE TWENTY-SIX"

✍ Not wishing to be left behind in the sarcasm version of the arms race...

**Gerard:** "What's the problem? A different ninth trick is available. I'd let North convince me she watched the discards. The stage direction would read: 'Remove tongue from cheek'."

✍ One panelist finds declarer's intention "incontrovertible." I'd suggest some remedial reading of CASE THIRTY-SEVEN from Vancouver.

**Bramley:** "I disagree. No, I hadn't read this case before I wrote my comments on the previous case. Here dummy followed correct procedure by reaching promptly for the called card, and declarer noticed her error immediately. Clearly her intention to play the last club was incontrovertible. If this inadvertent designation does not meet the standard of 'overwhelming' then the standard should be changed to 'never.' The result should have been changed to 3NT making three, +400 to N/S."

✍ And finally, "Vengeance is mine..."

**Wolff:** "Oh my! Where were these Directors when we needed them? The famous 'Oh S\*\*t' case from Vancouver was much clearer than this one yet inadvertence was claimed, which allowed several cards to be replayed. Subsequently, our Head Director, his cronies, and a few esteemed members of our Appeals Committee took over and confirmed the aberrant decision. The rancid smell of 'bias' is still in the air. By the way, I agree with the decision on the present case."

## CLOSING REMARKS FROM THE EXPERT PANELISTS

**Brissman:** "Outstanding job by the Appeals Committees and a good, solid performance by the Director Panels. We're doing a lot of things right; perhaps it's due to the appeals team concept."

**Bramley:** "The small number of cases may be attributable to the small turnout in Birmingham, but our 'Matchpoint National' has sometimes produced a disproportionate number of cases. I hope this represents a trend. Only a few cases were juicy (TWO, FOUR, NINETEEN, and the EIGHTEEN-TWENTY-FOUR pair). The percentage of meritless cases remains steady, but the Committees are becoming more willing to hand out the warnings. The Panels are still a little too shy about the warnings, but they are improving.

"I noticed some new themes. CASES EIGHTEEN and TWENTY-FOUR represent the first instance that I can recall of punishing a pair for repeated similar violations. CASES TWENTY-SIX and TWENTY-SEVEN indicate that the Directors have absorbed the lesson from Vancouver perhaps a little too well. Now if you miscall from dummy, you're dead. Maybe the issue of calling cards from dummy still needs some fine tuning. Or maybe we should adopt a 'touch-move' philosophy, à la chess: 'called-played.' Such a rule would alleviate us from divining declarer's 'intent,' so that we would not have to be mind readers. Just a thought."

**Gerard:** "Far too easy. Only the Directors achieved total incompetence and then only a couple of times. Other than CASE FOUR, the only real issues were scoring adjustments. By my reckoning, more than one-third of these should never have seen the light of day. By sheer coincidence, that also happens to be the number of appeals or Director calls that were substitutes for the minimum expected level of technical competence. ten sure cases and one possible (CASE TWENTY-TWO) show that too many contestants have no shame. For the record, they are as follows:

Case 2	West's four-level shenanigans	Case 14	Underplay by two tricks in 4♥
Case 5	Trump finesse	Case 18	Failure to force to game
Case 6	Declarer revoke in 4♠ doubled	Case 21	One more for the road
Case 8	Raise partner with AQxx	Case 23	Misplay in 5♠ doubled
Case 11	Failure to make a T/O double	Case 25	Spade-losing defense

"To their credit, most of the Panels and Committees weren't taken in (CASE TWO was an exception). But every time we let an opportunity like CASE SIX go by without comment, we encourage abuse of process. The same with unquestioning acceptance of egregious self-serving statements such as CASE SEVENTEEN. If we want to restore some respect to the system, people have to know that there will be a price to pay for attempted cover up of at-the-table deficiencies. That means more than just a warning, perhaps a referral to the Recorder.

"I still hold to my distrust of the away-from-the-table inquiry. In answer to the defense of that procedure, which is based on the theory of pure heart and empty head, I submit CASE NINETEEN, where it just ain't so. The Committee was way too trusting of the 2NT explanation when it would have served them better to be cynical.

"I'm still mystified by the Colker-Weinstein position that the hesitation is the irregularity. Coming from those who leap to derogate perceived bias against hesitations, I would have thought they would realize the contradiction of that view. How can it be a deviation from correct procedure to do that which is such an inalienable right? To my mind Law 16A2 settles this issue with respect to UI: 'when a player suspects that an opponent has chosen a LA suggested by UI' is when attention is drawn to an irregularity. CASE SIXTEEN was an extension of that, with the irregularity being the act of taking advantage, not the original tempo, manner or remark."

**Kooijman:** “I think that the value of these booklets will increase even more if they give some clear guidelines in those cases where interpretations by Committees deviate from accepted application and seem no accident, or where we discover the lack of accepted application. These should be put together in a summary. It is not a Committee’s job to invent new interpretations every time they meet an interesting case. I see a tendency to do so.

“Do I notice a remarkable change in the attitude of the Directors? From almost automatic rulings in favor of the non-offending side to no damage? Don’t overdo it. Let us try to find a balance.”

**Polisner:** “I am heartened by the fewer appeals (which I hope was not merely a result of fewer tables in play), much better rulings than in Anaheim, and an exceptional Committee/Panel effort. Perhaps all of the education is paying off.”

**Rigal:** “What a spectacularly dull collection of cases. The usual bunch of meritless whiners (but a far higher percentage, given the mercifully low number of cases) who this time were appropriately harshly treated by the Committees. A very good job by the Committees, and the Directors had a bunch of appropriate rulings for the non-offenders and only a couple of slips. Can we finally be getting it right? Have we really turned the corner? I think it is too soon to say but it is certainly encouraging.”

**Rosenberg:** “I was pleased to finally see a card-play case. Hope this is a new trend. As for the others, I frequently had doubts about the correct ruling. It seems that either I am getting less opinionated or mostly close cases are being brought. If the latter, I guess that’s a good trend. I don’t think the Panels and Committees did anything terrible, although they missed a real chance on CASE SEVENTEEN.”

**Stevenson:** “The standard in Birmingham seems much higher than at earlier NABCs. Few bad rulings or decisions. Many rulings were appealed that should not have been and perhaps the Appeals Committees might have handed out a few more AWMWs.

“I think the ACBL Laws Commission should make and promulgate a few more decisions on general topics, such as how to apply Law 12C2, how to treat misbids, and the all-important Law 73C.”

**Weinstein:** “I made a few references to putting more teeth into the AWMW, and keeping them around longer. Since the casebook was light this time, it might seem that players are getting less prone to appeal. I believe the smaller quantity was because of the light table count in the beautiful metropolis of Birmingham and better and more consistent table rulings. Why do I say this? In reviewing the cases, 8 times out of 27 an AWMW was issued. 9 other times I believe one should (or at least could) have been issued. This leaves only 10 out of 27 cases that actually had any real merit to them.

“The Directors, Panels and Committees were all generally excellent. There was only one Panel ruling I strongly disagreed with and only one awful Director ruling. There were other rulings, both initially and in Committee, that I didn’t fully agree with but at least I understood.”

## CLOSING REMARKS FROM THE EDITOR ✍

### How’d We Do?

Again we analyze the performance of the various groups in Birmingham (Directors, Panels and Committees), classifying their actions 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 may have 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	3*, 7, 10, 13, 20*, 21, 22, 26*, 27		9
	Poor	11, 14, 15	25	4
	Total	12	1	13

\* Missed AWMW or PP

**Table 1. Cases decided by Panels**

		Committee’s Decision		Total
		Good	Poor	
Table Director’s Ruling	Good	1, 5*, 6, 8, 9, 12, 17*, 18, 23	16	10
	Poor	4, 19	2, 24	4
	Total	11	3	14

\* Missed AWMW or PP

**Table 2. Cases decided by Committees**

Looking at the table rulings for all cases, 19 of the 27 rulings (70%) were good while 8 of the 27 (30%) were poor. While this index has generally declined up until now (see chart on next page) we see here a welcome reversal of that trend. I should also point out that of those rulings classified here as poor, all appeared related to bridge skill/judgment issues.

Panel performance also showed a dramatic reversal. Of the 13 cases heard, 12 (92%) were good decisions and only 1 (8%) was poor—simply outstanding! The chart on the next page tracks this performance across tournaments.

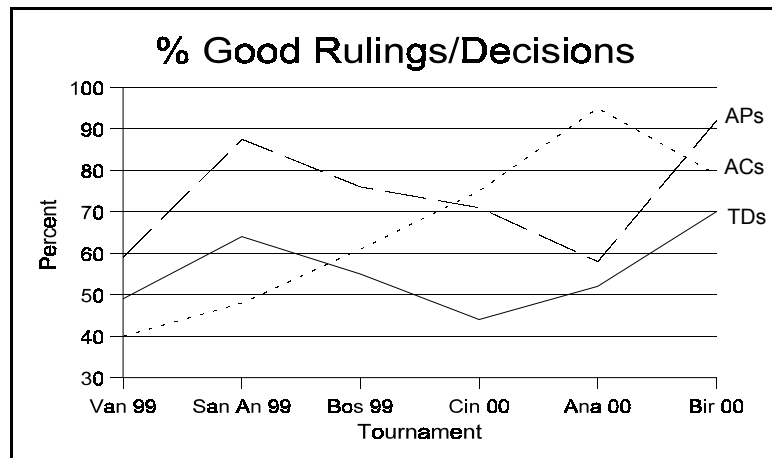
Committee performance, after a one-time rise into the stratosphere in Anaheim (95% good decisions), settled back to its previous trend. Of the 14 cases heard, 11 of the decisions were good (79%) and 3 (21%) were poor. This compares favorably with the 75% good decisions in Cincinnati, which had been a high to that point (see chart on next page).

It is perhaps worth observing that, of the four poor decisions made by Panels and Committees combined, three of them followed errant table rulings.

With the nominal switch to AWMWs in Birmingham, Panels and Committees seemed to do a far better job assigning them. Only five AWMWs were missed in

Birmingham as compared with ten in Anaheim (and three more wrongly assigned) and seven in Cincinnati. It is difficult to say for certain whether this represents a real improvement (since there were only 27 cases in Birmingham as compared with 48 in Anaheim and 41 in Cincinnati), but the trend is encouraging.

Overall, good appeal decisions were made in 23 of the 27 cases in Birmingham (85%) compared with 75% in Anaheim, 73% in Cincinnati, 68% in Boston, 69% in San Antonio and 51% in Vancouver. This represents a substantial improvement over previous tournaments which is made all the more impressive in that it exceeds even Anaheim, with its exceptional Committee performance. Kudos to all.



(Note: APs = Panels; ACs = Committees; TDs = Directors)

### Reactions to Panelists' Closing Remarks

Jon is right that we seem to be doing a lot of things right. The team concept has certainly played a major role in this improvement, as has the reduced case load due to the use of Panels, but I would also credit the work of our team leaders, scribes, and Screening and Panel Directors. As we continue to improve in other areas, for example recruiting more top players to serve on Committees and providing better resources for Committee and Panel members (including previous casebooks to use for reference and an AWMW database), we hope to see even better performance in the future.

I echo Bart's hope that we will see fewer and fewer appeals, especially as our efficiency and resolve to deal firmly with meritless ones increase. Of the four cases where AWMWs were deserved but not issued, three were heard by Panels. If Bart is right that the Panel Directors are shy about taking such action, then I can only suggest that they consult Jon or I on those cases they have even a faint inkling might be meritless and solicit our advice. I for one would be willing to go on record on any case my advice is used to issue an AWMW.

CASES EIGHTEEN and TWENTY-FOUR are not the first instance where an action has been taken in recognition of a pattern of undesirable behavior, but it may be the first time that the older instances of such a pattern have occurred at the same tournament. In my experience there have been many instances where recollections of Committee members have led to such actions. In fact, the ability to do precisely what was done here is one of the reasons for the existence of these casebooks. As for CASES TWENTY-SIX and TWENTY-SEVEN, I don't agree with Bart that the Vancouver lesson is being carried a little too far. But as Bart was the only panelist to disagree with the Panel's decision in the latter case, I can understand his concern. The real solution here, however, is as Bart notes: the laws in this area need some fine tuning. In fact, there is a proposal before the Laws Commission which will be

considered before work begins on the next revision of the laws recommending that the new laws adopt a "card laid-card played" philosophy in both bidding and play situations. In fact, the Board has even asked management to "review its procedures, interpretations and implementations of the Laws...to increase as much as legal and appropriate under the current laws the 'card laid-card played' philosophy." As I've stated before in these pages, I am in general agreement with this approach. But until a formal change is made we are still obligated to enforce the current interpretation of the laws now in existence.

I think Ron is being a little too harsh on the Directors. In some cases their bridge may not be up to expert standards but after all, isn't that what Appeals Committees are for? I agree that many of the cases seen here should never have made it to a Committee, but other than CASE TWENTY-THREE it is difficult to see exactly how they could legitimately have been removed from the docket. Unless a Director's ruling is purely a matter of law or regulation, the players have a law-given right to appeal it. The Screening Director can advise appellants either directly or indirectly (depending on his "style") that their appeal may be in danger of being judged without merit, but ultimately it is the players' decision on whether to pursue it over this advice. Somehow I don't think any of us would wish it any other way. So I guess Ron's "Hall of Shame" will just have to speak for itself. And certainly CASES SIX, SEVENTEEN and NINETEEN didn't escape our scathing comments.

As for the "Colker-Weinstein position that the hesitation is the irregularity," while I do not see hesitations in and of themselves as irregularities, management has told our Laws Commission that in some cases they view the *combination* of the hesitation and the partner's action as constituting the irregularity. When the partner takes an action that is overwhelmingly "likely" without the hesitation but which has an "at all probable" losing LA, it makes no sense to adjust the non-offenders' score to one that is little more than a statistical possibility but would rarely happen at the table. That is just too much of an inducement to whine, first to a Director and then, if necessary, to a Committee.

I guess we'll just have to agree to disagree over CASE SIXTEEN.

While Ton is right that Committees should not be inventing new interpretations every time they meet an interesting case, I do not see the tendency to do so that he does. Committees, for the most part, are simply trying to get existing policies right and apply them accurately—not invent new interpretations or applications. And if a Committee occasionally produces an errant interpretation or misapplication, such occurrences are neither endorsed nor accepted as new policy. A good example is the "Oh S\*\*t" case. The erroneous interpretation/application of Law 45 in that case gave rise to sound rebuke in these pages and our Laws Commission produced a statement clearly setting out the proper interpretation of the Law at its next meeting.

As for providing clear guidelines in cases where Committees have gone astray or where we discover the absence of accepted applications, that is precisely what we have done in these casebooks ever since we first began editing them. A good example is our Blueprint for Appeals, which appeared in these pages in 1996-1997. Each casebook represents our best attempts to correct erroneous rulings/decisions and to present the rationale for proper resolution of similar cases in the future. And while we are often able to provide a unified view of the "proper" resolution (even though a minority view may exist), in some cases we experience dissent on just how to approach a type of situation.

A good example is the question of just what is the irregularity in UI cases: the hesitation or the hesitator's partner's action. Ron thinks it is the partner's action. Howard thinks it is the hesitation. Management thinks that, at least in some cases, it is the combination of the two. My own position is similar to that of management. I think that the partner's action is an *infraction*, not just an irregularity, and that the whole combination of hesitation-followed-by-demonstrably-suggested-action is an irregularity. I find the Laws (12 and 16) to be poorly worded in that they fail to clearly define their intent. When a score adjustment is deemed appropriate in UI cases, did the law framers wish to substitute the result which was likely (or at all probable) had the partner not taken the suggested action, or to the result that was

likely (or at all probable) had there been no UI in the first place? When I have asked the Laws bodies (both ACBL and WBF) for a clearer interpretation, either they have remained mute on the subject or claimed that the present wording is clear as it is, without stating which interpretation is the one intended. My own interpretation of all this is that either no one really knows what Edgar intended, or they wish to honor Edgar’s intention to keep the interpretation vague so that one can make any decision one wishes, depending on what one wants to do in any given case. I find that as unacceptable now as I have each of the times that I raised the issue in Laws meetings. Perhaps Ton will revisit the issue in the WBF Law Committee’s meetings in Bali, and Ralph and Chip in our Laws Commission’s meeting in Toronto.

While it has long been official ACBL policy for Directors to rule as though they were making the final decision on the case, and thus not to rule “automatically” for the non-offending side, the willingness of individual Directors to implement this policy was generally lacking. I find this quite understandable since many Directors are not expert players and so are more comfortable doing things “by the book” (i.e., in a way that requires as little personal judgment or bridge ability as possible). But with the publication and widespread dissemination of these casebooks, Directors are finally being given insight into just how such rulings should be made, with the result that more and more of their rulings reflect the knowledge they have gained. But as with any new procedure, there will be an adjustment period in which the tendency to go too far in the other (new) direction will exist. Once they get their “sea legs” under them I’m confident they’ll find that balance.

David is right that our Laws Commission needs to promulgate more decisions on various topics. I have just elaborated at length on why they need to address the 12C2 issue. Their attitude about misbids and Law 73C are other good suggestions.

The remaining panelists echo the sentiment that things seem to be improving. That is certainly the present trend and we can only hope that it continues. But one thing is sure, no matter what we do to try to avoid them, errors by Directors, Panels and Committees will always be made. There will also be players who will try to take advantage of the appeal process. Let’s not overreact to these inevitable occurrences. No process is perfect, and one like ours which relies on the efforts of those who are untrained and/or non-professionals is no exception.

**THE PANEL’S DIRECTOR AND COMMITTEE/PANEL RATINGS**

<b>Case</b>	<b>Directors</b>	<b>Committee/ *Panel</b>	<b>Case</b>	<b>Directors</b>	<b>Committee/ *Panel</b>
1	98.9	99.6	16	81.5	93.3
2	77.0	64.8	17	99.3	92.6
3*	96.7	91.1	18	98.9	93.7
4	68.1	77.8	19	88.1	75.6
5	92.5	90.4	20*	95.4	94.8
6	98.8	97.5	21*	98.9	94.1
7*	99.3	97.0	22*	94.4	98.1
8	97.8	95.2	23	86.3	72.6
9	96.3	94.4	24	72.6	89.3
10*	55.9	90.7	25*	90.7	87.0
11*	49.3	84.8	26*	89.6	84.1
12	91.5	84.4	27*	88.9	86.7
13*	99.3	99.6	<b>P-Mn</b>	<b>83.1</b>	<b>90.6</b>
14*	53.7	99.3	<b>C-Mn</b>	<b>89.1</b>	<b>87.2</b>
15*	68.1	70.7	<b>O-Mn</b>	<b>86.2</b>	<b>88.9</b>

\*=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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