American Contract Bridge League

Presents

Looped in Chicago

Appeals at the 1998 Summer NABC
Plus cases from the 1998 ITT, CNTC and
World Bridge Championships

Edited by
Rich Colker

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Abbreviations used throughout this casebook:

LA	Logical Alternative
MI	Misinformation
UI	Unauthorized Information

FOREWORD

We continue our presentation of appeals from NABC tournaments. As always, our goals are to provide information and to stimulate change for the better. We hope we have done this in a manner that is entertaining as well as instructive.

As in previous casebooks, we've provided our panelists with the opportunity to comment on and rate each Director's ruling and Committee's decision. While not every panelist rated or commented on every case, many did. The two ratings (averaged over the panelists) are presented after each write-up, expressed as percentages. These ratings also appear in a summary table near the end of the casebook, for handy reference.

A few words about these numerical ratings are in order. They are intended to give the reader a general idea of the panel's assessment of the performance of the Director and Committee relative to the best possible resolution that could have been achieved. They can be interpreted as percentages. They are not valid, nor should they be used, to compare the performance of Directors and Committees. Each group is rated on a different set of criteria. Directors are rated on their handling of the situation at the table. They are expected to quickly determine the pertinent facts, apply the right laws and often, because of limited time and bridge-expertise, to make "provisional" rulings so the game may progress normally – expecting that their rulings may be reviewed and overturned on appeal. For example, the laws in many situations require the Director to rule in favor of the non-offending side when in doubt, allowing a Committee to sort things out later. Committees, on the other hand, are rated on all aspects of their decisions including their finding of facts, application of the laws and use of bridge judgment appropriate to the event and the players involved. Committees' ratings also depend on such things as a panelist's philosophy about the use of procedural and appeal-without-merit penalties. A Committee which issues such penalties could be down-graded by panelists who dislike the use of such penalties, even though they agree with the Committee's assessment of the behavior involved.

Once again, I wish to thank all of the hard-working people without whose efforts these casebooks would not be possible: The scribes and Committee chairs who labored 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 (formerly Weinstein, a Christmas bride – congratulations!), who manages the case write-ups at NABCs and is in charge of "quality control" for these casebooks. As always, she is truly indispensable. My sincere thanks to all of you. I hope that my work has not diminished any of yours.

Rich Colker,
January, 1999

THE EXPERT PANEL

Henry Bethe, 54, was born in Los Alamos, New Mexico. He is a graduate of Columbia University and currently resides in Ithaca, New York. He has a son, Paul, who is 21. His other interests include stamp collecting, baseball statistics and other mathematical recreations. He is a Vice-Chairman of the National Appeals Committee. He won the Life Master Men's Pairs in 1969 but is proudest of winning the third bracket of a Regional Knockout partnered by his son Paul at the Chicago NABC.

Bart Bramley, 51, was born in Poughkeepsie, New York. He grew up in Connecticut and Boston and graduated MIT, where Ken Lebensold was an essential influence in his bridge development. 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, enjoys word games and has been a Deadhead for many years. He was 1997 ACBL Player of the Year. His NABC wins include the 1989 Vanderbilt and the 1997 Reisinger. In the 1998 World Championships he was second in the World Par Contest and third in the Rosenblum Teams. He also played in the 1991 Bermuda Bowl and was captain of the 1996 U.S. Olympiad team.

Jon Brissman, 54, was born in Abilene, Texas. 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 served as Co-Chair 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.

Larry Cohen, 39, was born in New York. He is a graduate of SUNY at Albany. He currently resides in Boca Raton, Florida. He is a Bridge Professional and author of four books that include the best sellers *To Bid or Not To Bid* and *Following the Law*. Larry is a Co-Director of the *Bridge World* Master Solver's Club. He enjoys golf in his spare time. He has won sixteen National Championships and was second in the 1998 World Open Pairs.

Ron Gerard, 55, 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, 1990) and one semi-final without playing once on a professional team.

Bobby Goldman, 60, ACBL's 1999 Honorary Member, was born in Philadelphia. He currently resides in Dallas with his wife Bettianne and his son, Quinn. He is a Bridge Professional and Financial Analyst. His hobbies include tennis, volleyball,

basketball and softball. While Bobby was a member of the original ACES from 1968 to 1974, he was a pioneer in writing computer programs that generate practice bridge hands and evaluate bidding probabilities. Bobby has won three Bermuda Bowls, a World Mixed Teams and a World Swiss Teams as well as more than thirty National Championships.

Jeff Meckstroth, 42, was born in Springfield, Ohio. He currently resides in Tampa, Florida with his wife Shirlee and his two sons, Matt, 13, and Rob, 15. He is a Bridge Professional who enjoys golf and movies in his spare time. Every year his name can be found near the top of the *Barry Crane Top 500* list. Jeff is a Grand Life Master in both the WBF and ACBL. He has won four world titles (his first at age 25 in 1981) and numerous National Championships including eight Spingolds, four of which were won consecutively from 1993 to 1996.

Barry Rigal, 40, was born in London, England. He is married to Sue Picus and currently resides in New York City where he is a bridge writer and analyst who contributes to many periodicals worldwide. He enjoys theater, music, arts and travel. Barry is also an outstanding Vugraph commentator, demonstrating an extensive knowledge of the many 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, winning the Common Market Mixed Teams in 1987 and winning the Gold Cup in 1991.

Michael Rosenberg, 44, 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 Albuquerque World Bridge Championships. At the 1998 World Championships he won the World Par Contest. He was the 1994 ACBL Player of the Year. He believes the bridge accomplishment he will be proudest of is still in the future. Michael is also a leading spokesman for ethical bridge play and for policies that encourage higher standards.

Dave Treadwell, 86, was born in Belleville, New Jersey and currently resides in Wilmington, Delaware. He is a retired Chemical Engineer, a graduate of MIT and was employed by DuPont for more than 40 years where his responsibilities included the initial 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, 45, was born in Minneapolis. He is a graduate of 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 six National Championships and is proudest of his 1993 Kansas City Vanderbilt win.

Bobby Wolff, 66, was born in San Antonio and is a graduate of Trinity U. He currently resides in Dallas. His father, mother, brother and wives all played bridge. Bobby is a member of the ACBL Hall of Fame as well as a Grand Life Master in both the WBF and the ACBL. He is one of the world's great players and has won ten World Titles and numerous National Championships including four straight Spingolds (1993-96). He served as ACBL president in 1987 and WBF president from 1992-1994. He has served as tournament recorder at NABCs and is the author of the ACBL active ethics program. Among his pet projects are eliminating Convention Disruption (CD) and Hesitation Disruption (HD) and the flagrant propagation of acronyms (FPA).

CASE ONE

Subject (Tempo): Not Exactly Sacco-Vanzetti
Event: Life Master Pairs, 25 July 98, First Semi-Final Session

Bd: 13	Jay Korobow ♠ QJ103 ♥ J4 ♦ 109 ♣ J10643	
Dlr: North		
Vul: Both		
Howard Gianera ♠ A762 ♥ A95 ♦ A76 ♣ 987		Joe Sacco ♠ K95 ♥ K10632 ♦ 82 ♣ AKQ
	Craig Ganzer ♠ 84 ♥ Q87 ♦ KQJ543 ♣ 52	

West	North	East	South
	Pass	1♥	2♦
Dbl	Pass	2♠ (1)	Pass
4♥	All Pass		

(1) Break in tempo

The Facts: 4♥ made four, plus 620 for E/W. The Director was called when the dummy was put down. N/S stated they believed the slow 2♠ bid demonstrably suggested that 4♥ would be a better contract than 4♠. The Director ruled that Law 73F1 had not been violated and that the table result would stand.

The Appeal: N/S appealed the Director's ruling. North and West attended the hearing. North stated that there had been a 20-second break in tempo by East. He believed that the break in tempo created the UI that East may have only a three-card spade suit. West stated that he had paused for 60 seconds before he bid 4♥. He reasoned that he was 4-3-3-3 and if his partner had to take ruffs during the play of the hand he would be ruffing with high trumps, since he himself held ♠A762. For that reason West believed 4♥ was a better contract.

The Committee Decision: The Committee determined that there had been a break in tempo. The Committee questioned West and found that there was no unusual meaning for the negative double. It was also determined that E/W were not playing Flannery. West did not assert that he intended to give his partner a choice of contracts. The Committee believed that there were three possible bids by West over 2♠: 3♦, 4♥ and 4♠. The Committee believed that most players would bid 3♦ or 4♥ but that 4♠ was a LA. The Committee agreed that the out-of-tempo 2♠ bid suggested that East had only three spades and that 4♥ was a LA that could demonstrably have been suggested by his partner's break in tempo (Law 73F1). The Committee decided to award an adjusted score (Law 12C2). For E/W, the offenders, the Committee decided that the most unfavorable result that was at all probable was 4♠ down one, minus 100, as it was probable that players in West's peer group would choose to play in the four-four spade fit rather than the five-three heart fit. For N/S, the non-offenders, the Committee decided that the most favorable result that was likely had the irregularity not occurred was 4♥ made four, minus 620, since it was likely that West's peer group would choose to play 4♥ for the exact

reasons stated by West.

Committee: Ed Lazarus (chair), Lowell Andrews, Harvey Brody, Abby Heitner, Chris Moll

Directors' Ruling: 51.2 **Committee's Decision: 74.8**

One of my New Year's resolutions is to emphasize correct procedure. In tempo cases, there are three questions to be answered (not necessarily in the following order): (1) Was there an unmistakable break in tempo? (2) Did it demonstrably suggest the action taken by the hesitator's partner? (3) Was there a less successful LA to the action taken? (I will occasionally refer to these question by number in future cases.) If all three of these questions are answered in the affirmative, the score should be adjusted; one "No" answer and no adjustment should be made. No matter how obvious the answer to any question may appear, the importance of confronting each one directly during the deliberations cannot be overestimated. Too often a question is neglected, resulting in an improper score adjustment.

In the present case, all three questions were addressed – though not necessarily accurately. First, East admitted breaking tempo before bidding 2♠. Second, did this demonstrably suggest that East held only three spades and that 4♥ was therefore more likely to be the winning action? The Committee said "Yes," but I think not. East could easily have been deciding between raising to 2♠ versus 3♠ (what would you bid as East after the negative double holding ♠KJxx ♥K10xxx ♦xx ♣AK?). Most huddles tend to show extras, as opposed to off-shape actions.

Whether E/W were playing Flannery is relevant. The Committee was told they were not. Thus, East could have held either three- or four-card spade support in a minimum strength hand (playing Flannery, four-card support is unlikely). So while East's huddle could have concealed a three-card raise, in my opinion it could also have concealed a 2½♠ raise. (Not surprisingly, elements of both were present in the East hand.) Thus, to me the huddle does not demonstrably suggest West's 4♥ call.

Pursuing this, I gave the West hand to a number of players at the tournament. All started with a negative double and most followed up with either 4♥ or a 3♦ cue-bid, while some just jumped to 4♠. 4♥ seemed the "normal" action to give East a choice of contracts. The Committee placed great emphasis, here, on their belief that West didn't intend 4♥ as a choice-of-contracts (they believed he intended it to play). While on that basis I have sympathy for the Committee's decision, just as I wouldn't place too much faith in a self-serving statement from West, neither would I hang my decision on what might simply have been a "sloppy" statement.

At this point, in my opinion the third question becomes moot.

What if East held ♠Kxx ♥KQ10xx ♦x ♣AQxx and West bid 6♠ after the slow 2♠? Spades are three-three, hearts three-two (the jack with South), and the slam rolls home. (East wins the opening diamond lead, ruffs a diamond, finesses the ♥9, ruffs dummy's last diamond, cashes the ♠K, plays a heart to the ace and then ♠A and a spade – claim!) Would you adjust E/W's score on the presumption that East's huddle showed extras (and it was just incidental that he held only three spades)? Would you adjust it to 4♥ (West's likely action after an in-tempo 2♠) making five or to 4♠ – making six?!

I think the Directors exercised good bridge judgment here (after all, they agreed

with me), while the Committee got caught up in the "if it huddles, shoot it" syndrome. I'd have allowed the table result to stand for both pairs.

The Committee rates another bad mark for its decision to split the score. This would be correct only if West's 4♠ bid was significantly less likely than 4♥ or 3♦ (the main alternatives), yet was still "at all probable." Even if I agreed that East's huddle "demonstrably" suggested a three-card raise, I would not agree that for West's peers 4♠ was markedly less likely than the alternatives (as my poll suggested). If I believed, as the Committee did, that the huddle suggested 4♥, I would have adjusted the score to 4♠ down one for both sides.

The one panelist I expected to agree with me was "Let's Play Bridge" Dave.

Treadwell: "I am not an ardent fan of split scores, but this is one where the split score is called for; the Committee got it just right."

That just goes to show, you can't trust old men. But Dave wasn't alone in agreeing with the Committee. Several other panelists joined him on the bandwagon.

Brissman: "This is an example of why players dislike appeals Committees. The Committee did exactly the right thing but both pairs left dissatisfied. This was a thoughtful application of our guidelines. From the Director's perspective, I would have thought that the possibility of UI from the huddle was strong enough to have ruled for the non-offenders and place the appeal burden on E/W."

Meckstroth: "An interesting case. 2♠ on three is normal and so is the 4♥ bid. East, however, with his tempo made it clear he had only 3♠ and West's statements were self-serving. The problem was East's hesitation; it must be sanctioned."

Weinstein: "Yes, yes, yes! Regardless of the Committee's assessment of various likelihoods and possible semantics aside, this is exactly how these cases should be considered separately for the offenders and non-offenders. Not once in St. Louis did a Committee (or Director in any case that reached Committee) assign a two-way decision. I know that Rich was very frustrated in Chicago this summer at the beginning of the tournament when he tried to instruct appeals Committee members regarding the appropriateness of two-way decisions, and got the impression that he might as well have been speaking Greek. Well, apparently the message has gotten through, both on this case and several other cases as well."

Unfortunately, this Committee seems to have misapplied the separate-adjustment-criteria principle. The likelihood of a rash 4♠ by West is high enough (in my opinion) that the separate standards should have produced the same result for both sides.

The most comprehensive discussion of the principle involved in the score adjustment came, not surprisingly, from…

Gerard: "No fair, Colker. If I knew you were coming back I wouldn't have said all those nice things about you in the St. Louis Casebook.

"I have to be careful in commenting on these cases, since the climate of the times is vehemently opposed to legalistic wordsmithing. This is red meat for the

yahoos, even the ones outside of Texas, who will find even more reason than usual to rail against 'bridge lawyering.' Rest assured, I'm not going to redefine the meaning of the word 'alone.' I know what it means, usually as an adjective to describe my position.

"Suppose this were Problem (D) in a Master Solvers set (warning: plan required). Over 2♦, would you (a) bid 3♦, intending if Partner bids 3♥, to (a1) bid 4♥, (a2) Pass; or (b) Double, intending if Partner bids 2♠, to bid (b1) 4♠, (b2) 4♥, (b3) 3♦, (b4) other? I'd be a (b2) voter and I have no doubt that that is the correct choice on an expert level. Among the (b) choices, (b1) would be precipitate and (b3) would introduce confusion about trumps – if East rebids 3♠, 4♥ by me on the next round would be a cue-bid. Nevertheless, I would expect votes for (b1) and (b3) and I'd be surprised if anything garnered a majority. Even though I'm for (b2), it wouldn't occur to me to think (b2) so clear that neither (b1) nor (b3) is a LA.

"Therefore West committed an irregularity by choosing (b2) from among LAs, since it is clear that East's hesitation demonstrably suggested either (b2) or (b3). According to Law 73F1, an adjusted score must be assigned. Under Law 12C2, that score depends on what result was at all probable or likely in the absence of the irregularity. In this case, West's 4♥ bid was an irregularity. West doesn't get a second chance to bid 4♥ once it has already been deemed an irregularity. He doesn't even get a chance to bid 3♦ if that too was demonstrably suggested by the hesitation. To my mind any action that involved an alternative to spades was demonstrably suggested, so it is not contradictory to say that either (b2) or (b3) was or would have been an irregularity. Whether his motives were pure was immaterial.

"So the Committee's decision as to N/S was wrong as a matter of law. They were seduced by the Weinsteinian theory that East's hesitation was the irregularity and that in the absence of the hesitation there wasn't a likely chance that West would have bid 4♠. This is superficially attractive to the PTF crowd but it has no basis in law, either old or new. If you feel that 4♥ was clear, 4♠ was not a LA. But once 4♥ was deemed to be an irregularity, the only result that could have occurred in its absence (and in my opinion in the absence of the related 3♦ bid) was 4♠, down one. This is not like the plus 2000 case from St. Louis [CASE TWENTY-EIGHT – *Ed.*], where it wasn't clear what would have happened to the non-offenders in the absence of the misexplanation.

"If you think this case is about wordsmithing and bridge lawyering, you're missing the point. In part it's about the predetermined approach to difficult bidding problems I argued for in the Albuquerque Casebook (clearly you should be at least as prepared to rebid 2♠ on East's hand as you are to respond 2♤ to a takeout double of 1♠ on ♠xxxx ♥xxx ♦xxx ♣xxx). In part it's about rejecting the fatuous argument that East might have been thinking about passing or jumping in spades or anything else that didn't necessarily suggest (b2). In part it's about misplaced longing for the right to invoke Law 12C3, still not allowable in the ACBL. But mostly it's about applying the law as written and interpreting it as intended."

That's okay, my position clearly shows that Ron's kind words didn't go to my head. This case is helping me to understand his definition of "alone."

Ron's assessment of the MSC Problem D (b) choices agree both with my own and the results of my poll. This is the core of the argument for the symmetrical adjustment (once an adjustment is deemed appropriate).

I would agree with Ron's last paragraph (fatuous `R us) if Law 16A still defined LA in terms of "reasonably" instead of "demonstrably." East's huddle "reasonably" suggests a problem with strain (i.e., spades versus hearts) but not "demonstrably" as opposed to level (i.e., 2 Í versus 3 Í). It's true, as Ron suggests, that players should be prepared for expected follow-up actions but there's a limit to how many different auctions one must be prepared for. Suppose East opened 1 ! with 4-5-1-3 shape and a good (14 HCP) minimum, anticipating rebidding 2 Ê after West's forcing 1NT. Must he then also be prepared for West calling spades into the picture via a negative double (requiring a minor-suit overcall by South)? And what if North raises South's minor? Preparing for such continuations when one opens would be nice, but I bet that's the exception rather than the rule. Why expend energy for minimally likely eventualities?

Anyhow, I guess I'll (begrudgingly) concede that East's huddle demonstrates a three-card spade holding, since the all but one of the panelists find it a foregone conclusion. They challenge only the Committee's decision to make non-symmetrical adjustment (as Ron and I do). Their comments…

Bramley: "I'm confused. West's peers will bid 4 Í or 4 !, depending on which result the Committee would like to award. I agree with awarding E/W the result of 4 Í down one but I think N/S should also receive this result. 4 Í is quite a likely contract after East bids 2 Í. Only if West wiggles around to cater to the possibility of a three-card suit can he end up in 4 !. Why bother with a negative double at all if you don't plan to play in spades when partner bids them? [To offer the *choice*? – *Ed*.]

"Furthermore, the Committee buys into West's analysis much too quickly. If East has four spades he can easily afford to ruff twice in his own hand without hurting his trump holding. If spades split four-one he will usually still have the same number of losers. In many cases 4 Í is the contract that can withstand a bad split, not 4 !. For example, if East holds Í Kxxx ! Kxxxx " x Ê AKx, then a four-one spade split will defeat either major-suit game but a four-one heart split will defeat only 4 !, while 4 Í makes in comfort. In this example, if both majors split ten tricks is still the limit in hearts but eleven tricks roll in spades. When East has four spades the partnership will almost always fare at least as well in spades. West's argument was merely a rationalization for an action he suspected would be better on this particular hand; that is, a hand where his partner had bid a three-card suit. I doubt that he did this consciously but the mind can play tricks when it knows what answer it is looking for."

As I demonstrated in my 6 Í slam example, even a *four-three* spade fit could play a trick better than the five-three heart fit.

Bethe: "The Director seems to have gotten this one substantially wrong. The Committee did better. East broke tempo. Did this convey information that was not otherwise evident form the auction? Yes, it said 'I am not certain what's right with this hand.' It could have been doubt whether to bid 2 Í or 3 Í, or, as on the actual hand, whether to rebid a moth-eaten heart suit or to support spades. Whichever one of those it was, West's 4 ! took care of the problem: partner with four spades would correct back, with three spades could pass in comfort. Now this might be the right

bid anyway. I would like to think that over an in-tempo 2 Í by East I would bid 4 !, being alert to the possibility. But I, and many others, would not – even in the semi-finals of the Life Master pairs. Thus, as the Committee noted, 'it was probable that players in West's peer group would bid 4 Í over 2 Í.' Therefore, 4 Í down one was both a possible unfavorable result for E/W and a likely favorable result for N/S. At worst I would protect N/S to Average Plus. While I don't believe in outrageous windfalls I do believe that the non-offenders are usually entitled to some protection from their opponents' transgressions."

Cohen: "It's easy to see that West should want to play in spades opposite a four-card suit; simply consider that opener is 4-5-2-2 with, say, KQJ in both majors – spades should produce an extra trick. Once we realize that 4 Í is a LA we must not allow 4 !. So far, so good. But, why does the Committee assign N/S minus 620? East chose to bid 2 Í, perhaps a bridge error. That error could easily have propelled E/W into 4 Í down one if not for the UI. So, why shouldn't N/S get their good score of plus 100? I'm all for decisions that will reduce future appeals cases but this kind of decision is going too far. If all that N/S get for their time and effort is their same minus 620, there would be little incentive for N/S to appeal. That would let E/W keep their ill-gotten 620 and the world would be a worse place for everyone."

Rigal: "An excellent decision with which to begin, by stirring up the commentators' bile. The Director ruling is demonstrably wrongheaded; there is clear evidence of a possible hesitation issue and the 4 ! bid is highly dubious. The initial ruling should be for N/S. I am surprised that this ruling came from a team of Directors – or did it? The Committee came to an intelligent decision when they ruled against E/W. (West's bid is worthy of penalty points in my opinion.) The arguments put forward by West are absurd. (Not that he could not have raised an intelligent defense along the lines of 'this sequence guarantees four spades…'). If you do not want to play spades when you have a fit, why not bid 3 " instead? The Committee decided that all 'sensible' ways to handle the E/W cards lead to 4 !. I am not so sure I agree; might not some careless Wests 'know' there is a four-four spade fit and not look any further? However, I can live with the Committee's decision – it's a subjective call after all (particularly in the context of not wanting to give too much benefit to those who appear too regularly before the Committee)."

Barry is much too kind in his willingness to live with the split adjustment.

Rosenberg: "This is a situation where very few players, even experts who know there is no choice, are able to bring themselves to bid a smooth 2 Í. I find this sad. Obviously, since East 'should' bid 2 Í with this hand, West is 'correct' not to jump to 4 Í with his hand. Incidentally, it would be irrelevant that E/W were playing Flannery unless *West* used this as an argument.

"The 'real' problem occurs when East bids a prompt 2 Í with Í Kxxx ! KQxxx " xx Ê Ax and West raises to 4 Í making five. What can be done about that? More than likely, no one would realize there was a problem. This is somewhat analogous to the problem regarding passing certain forcing bids. I maintain that it is usually unethical to pass a forcing bid made in normal tempo, since the passer knows his partner is more likely to have a 'classical' hand for the bid. What can be done about

someone *bidding* over a forcing bid? Nothing.

"In this case, West should be offering a choice and, unless he can show his 4♥ bid by agreement guaranteed four spades, he failed to offer that choice. West should have bid 3♦. His actual bid possibly suggests that he wanted to clear up things quickly after hearing the huddle – sort of like a guy who bids Drury and then jumps to four of the major when partner fails to Alert. However, this may be very unfair to this West. In the end, it is up to the Committee to determine whether *this* West would have reached 4♥ after a smooth 2♠. Once it determines, as it did, that this West should not be allowed to play 4♥, why on earth should N/S not get the score they would have gotten against a West who was more aware of his ethical obligations?

"As I have been saying for years, it would be good for the bridge community to feel they do no worse against unethical actions taken by the opponents. Maybe if that were the general feeling, there would be far less emotion in all these proceedings."

Finally, mild support for my view that the huddle did not "demonstrably" suggest three-card spade support came from…

Wolff: "Puts pause to me. Not necessarily wrong, but possibly a little too harsh for E/W. Should be recorded as part of the common law for other Committees (and Directors) to consider for similar cases. The overriding decision to make is, does a hesitation in this situation convey any or enough improper information to partner for him to shy away from 'running for the roses' (trying for a top) and bid 4♠ instead of the percentage 4♥. Second, should good (probably) but not top-level players be subject to the same ethical standards as the best? This Committee ruled yes and yes. I accept that but more importantly I would expect this decision to be known by all prospective jurors and Directors for the future. Whatever it takes, we must get this done."

This decision appears to speak more to the Committee's estimation of the level of bridge in the LM Pairs (or perhaps their own level) than it does to establishing case law for future decisions. But given the panel's view, I could be wrong.

CASE TWO

Subject (Tempo): Defense In A Vacuum
Event: Life Master Pairs, 25 Jul 98, Second Semi-Final Session

Bd: 4 Dlr: West Vul: Both	Sam Nelson ♠ K9 ♥ AQ10754 ♦ --- ♣ Q5432	
Mark Bartusek ♠ AQ74 ♥ K6 ♦ K76 ♣ 10976		Marshall Miles ♠ J1062 ♥ J ♦ QJ8542 ♣ J8
	Frank Pancoe ♠ 853 ♥ 9832 ♦ A1093 ♣ AK	

West	North	East	South
1♣	1♥	Dbl	2♣
2♠	4♥	4♠	Dbl(1)
Pass	5♥	All Pass	

(1) Break in tempo

The Facts: 5♥ made six, plus 680 for N/S. There was an agreed 30-second break in tempo before South doubled 4♠. The Director ruled that pass was a LA for North but that E/W were not damaged because the likely result in a 4♠ doubled contract was down three, minus 800. The Director allowed the table result to stand.

The Appeal: E/W appealed the Director's ruling. North, South, and West attended the hearing. West stated that he believed that passing 4♠ doubled was a LA for North. West also believed that the following defense was most likely and would lead to minus 500: ♥A lead, club to the ace, ♣K, ♦A, diamond ruff by North, club. When South can not overruff dummy on the third round of clubs, the position of the ♠K would be exposed. North stated that he bid 5♥ because his defensive values were doubtful and he had great playing strength.

The Committee Decision: The Committee decided the actual result that would have occurred without the break in tempo was so unclear that it was impossible to assess whether damage to E/W had actually occurred; reasonable defense could lead to minus 800 (♥A, club to the king, ♦A, diamond ruff, club to the ace, diamond ruff) while imaginative defense could lead to minus 200 (underleading the ♥A to get partner in to lead diamonds). The Committee decided that E/W had not been damaged because it was most likely that the defense would lead to minus 800. Therefore, for E/W the table result was allowed to stand. N/S were assessed a procedural penalty (Law 90A) in matchpoints equal to the difference between the score for plus 680 and plus 500.

Committee: Jerry Gaer (chair), Karen Allison, Phil Brady, Lou Reich, Mary Vickers

Directors' Ruling: 69.7 **Committee's Decision: 62.7**

First, was there a break in tempo. The write-up indicates there was no dispute of this. Second, could it have suggested that pulling the double could work out best? Did the double work out best? N/S could have achieved plus 800 against 4 Í doubled but, as several panelists will explain, the defense to get 800 may (arguably) be difficult to find. But the difficulty of the actual defense notwithstanding, the slow (penalty) double does suggest pulling. That leads us to the third question: Was there a LA to North's 5 ! ? With potential tricks in both E/W's trump suit and West's first-bid suit, it is hard to argue that passing South's double is not a possible action. That leaves us only the job of exploring the proper score adjustments for the two sides.

It strikes me as more than just possible for N/S to get 500 or even 200 against 4 Í doubled. But even if such defenses were judged careless, that should not have deterred the Committee from assigning one of those scores to N/S. The Committee was correct that scores ranging from minus 200 to minus 800 are possible for E/W. I see no basis for awarding them minus 200 (it is too unlikely) so minus 500 seems right by a good margin. That is what I would have assigned them and I can find no reason why the Committee didn't do the same. At the very least they should have protected E/W to Average Plus or minus 500, whichever is least favorable.

The panelists were all over the map on this one. To better understand the diversity of opinion, I'll try to separate the aspects of this decision that are bridge-judgment related from those stemming from other sources (such as law). We begin with the fact that South broke tempo before doubling 4 Í. It is bridge judgment whether this break in tempo makes pulling the double more attractive. Similarly, it is bridge judgment whether passing the double is a LA with the North hand. Finally, determining what would likely have happened had N/S defended 4 Í doubled is also bridge judgment.

If one concludes that either the break in tempo did not suggest pulling the double or that there was no LA to pulling with the North hand, then by law there was no infraction and the score must stand for both sides. If, however, one concludes that the break in tempo could have made the pull more attractive and that sitting for the double was a LA, then (by Law 16) there was an infraction and each side's score should be adjusted using the different criteria (according to Law 12C2) – provided that the infraction resulted in damage. (This is where it gets complicated, so stay with me.)

If the result on the board ends up being better for the non-offenders than what they would have obtained without the infraction, then there was no damage – hence (by law) there can be no score adjustment. For example, if 5 ! had gone down, then E/W, who would have gone minus in 4 Í doubled, would go plus – no damage, so no score adjustment. However, if the Committee believes that the action taken by the offenders based on the UI was egregious, they can assess a (disciplinary) procedural penalty to deter them from repeating their action in the future.

If there was damage and it was a direct result of the infraction, then the non-offenders (by Law 12C2) get the most favorable result that was likely without the irregularity and the offenders get the most unfavorable result that was at all probable. Determining what these results would have been is then a matter of judgment.

If there was damage but it was not a direct result of the infraction, then (until recently) there could be no score adjustment. For example, if 5 ! should have gone down but E/W misdefended egregiously and allowed it to make (i.e., they failed to

continue to play bridge up to some minimal standard for players at their level), then E/W get to keep their poor score. What happens to the offenders (N/S) depends (in the ACBL) on whether the incident occurred before or after the ACBL Laws Commission met at the 1998 Fall NABC in Orlando. (In this case before.)

Prior to Orlando, damage was determined by whether the bridge result occurred as a consequence of, or merely subsequent to, the infraction. For there to be damage, the result must have been a consequence of the infraction. (One had to determine what the result on the board "should have been.") In the example above, if 5 ! should have gone down but made because of an egregious error by the non-offenders, then the poor result occurred subsequent to, but not as a direct consequence of, the infraction. Thus, there was no damage and should be no score adjustment. As Edgar pointed out to Eric Kokish and me when we were preparing the *Miami Vice* casebook, in such cases the laws provided a remedy for removing the offenders' good score, obtained through their infraction. That was to assess a procedural penalty for taking advantage of UI. The size of the procedural penalty, according to Edgar, should just cancel the score gain (in matchpoints or IMPs) from the infraction. The penalty could be increased further if the infraction was judged flagrant enough to warrant an additional disciplinary penalty. Eric and I discussed this in our "Blueprint for Appeals," section (1)(a).

NOTE: IMPORTANT CHANGE IN THE ACBL'S INTERPRETATION OF THE LAWS. In Orlando, close upon the heels of a similar action by the WBF Laws Committee, the ACBL Laws Commission redefined "damage" (with regard to the offenders) as any outcome resulting in a more favorable score than would have been obtained without the irregularity. In other words, damage has occurred if the offenders obtain a better score with their infraction than they would have otherwise, regardless of whether or not it occurred as a direct consequence of the infraction. Now we can legally adjust the offenders' score if it was made possible by their infraction, even if it was caused by the opponents' subsequent negligence or bridge error. No longer is there a need for a procedural penalty to accomplish this. No longer will the "field" be disadvantaged by our inability to adjust a score which benefited from an infraction. But note: this change has only been in effect since Orlando; it was not in effect in Chicago.

Two panelists agree with my assessment of the bridge judgments involved in this case and their implications regarding the laws.

Cohen: "The CASE ONE problem is here again. E/W received no benefit from their opponents' foul. E/W had earned themselves a reasonable chance at minus 500 for a good score. N/S deprived them of that potential minus 500 by using UI from the tempo break. The defense to get 800 is far from obvious. When South wins the ÊK, it would be wrong for him to lay down the "A if declarer held, say, ÍKQxx !Kxx "– ÊQ10xxxx. We can't give the benefit of the doubt to the sinning side and presume they'd have gotten 800 against 4 Í doubled. If the Committee believed that they couldn't determine a result in 4 Í doubled (I'd determine 500), then they should have gone Average Plus/Average Minus. Forcing E/W into that illegal minus 680 is not fair to them. Again, this sort of decision sends the message to potential E/W appellants that all they can get for their efforts is to keep their bad score and perhaps have their opponents suffer a penalty."

Bethe: "North pulled a slow double on a hand which had no reason to pull. So the contract should clearly go back to 4 Í doubled. Now let's look at the defense. North leads the ! A and switches to a club, declarer's first-bid suit. Why wouldn't South be afraid that West's hand was, say, Í AQxx ! Kxx " x Ê Qxxxx, in which case not cashing the second club would lose that trick for the defense. It seems to me that down 500 is a reasonable likely result in 4 Í doubled, sufficiently likely that N/S should do no better. What about E/W? Of the plausible results in 4 Í doubled, minus 500 is clearly the likely favorable result, so they should be awarded that score. Once you decide that bidding 5 ! was improper there is no excuse for the Committee abdicating its further responsibilities. If you truly believe that no score can be determined for 4 Í doubled, then assign E/W Average Plus, but not less than minus 680 and not better than minus 500; and the reciprocal for N/S."

Rosenberg: "This is the type of double that 'must' be made in an even tempo. Maybe North would have bid 5 ! – maybe not. I feel the message must be sent that thinking in this type of situation is going to hurt your side. The message can be reinforced by analysis of the play that is unfavorable to the side that committed the infraction. Even if North leads the ! A instead of underleading, he may continue hearts (leading to plus 500 or maybe plus 200), fearful of switching to declarer's suit or hoping declarer may have a club guess. Alternatively, even if he finds the club shift, South may shift to trumps after cashing two clubs, leading to plus 500.

"Again, E/W should get the full benefit of whatever score is assigned to N/S. Why should they do worse than they might have against a pair who were aware of their ethical obligations? Maybe E/W, as well as N/S, will remember that hesitating and making bids suggested by partner's hesitations are actions that do not help you win. Maybe people will read about it and remember the same thing."

Other panelists held divergent opinions, to varying degrees, on the judgment issues involved. The next panelist agrees with Larry, Henry, Michael and me right up until his final determination of a score for E/W. He effectively ends up assigning both pairs the same scores as the Committee but for entirely different reasons.

Bramley: "This case seems to have posed an awkward problem for the Committee. They wanted to punish N/S but could not do so based on their own finding of no damage. Therefore, they had to resort to the dreaded procedural penalty to satisfy their blood lust. I disagree on many points.

"If the Committee found that there was no damage, then there should have been no adjustment for either side. Procedural penalties should be given only for gross violations, such as blatantly taking advantage of UI. The N/S actions do not come close to meeting this standard.

"However, the Committee states that the analysis of the play in 4 Í was too difficult to determine whether damage had occurred. I think that this statement proves that damage *did* occur, since they found a significant chance that the defenders would not get all of their tricks. The Committee need not have found that this was the *most* likely occurrence – merely that it had a *substantial* likelihood. Then, the Committee should have assigned N/S a score of plus 500 against 4 Í doubled, the most unfavorable result that was at all probable. (I think plus 200 would be too severe.) For E/W the Committee could still have assigned the table

result, the most favorable result that was likely. A finding of damage needn't lead automatically to an adjustment for the non-offending side. Note that this line of reasoning leads to the same end result as the Committee, but avoids wimping out on a determination of a table result and also avoids handing out an undeserved procedural penalty. And of course it still lets the Committee give both sides the worst of it, which presumably would have made their day."

Bart is correct on several accounts. The procedural penalty was clearly misapplied in this case. The Committee's inability to determine whether damage occurred is prima facie evidence that it did occur. And N/S should have been assigned a score of plus 500 for precisely the reasons Bart states. But why was the table result the most favorable result that was likely for the non-offenders? Bart gives no insight into his bridge judgment about North's pull. Apparently he believes that pulling is the majority action with the North hand. I wish he had said so explicitly and shared his reasoning with us.

The next panelist provides some valuable insight into the bridge judgments which impact this decision. His assessment of the implications of South's break in tempo is especially enlightening. Unfortunately, he also brings with him some heavy baggage.

Gerard: "It's the fourth session of the Life Master Pairs. Do you really think N/S would produce the defense that either West or the Committee argued for? After the deuce of hearts at trick one when clubs is the obvious switch? After North's count card in clubs at trick two (even if West has 4-3-0-6, North can't have a hand that makes it necessary to cash the second club)? Would any of the Committee defend the way they suggested? Would West? Even if North has Í Kx ! AQ10xx " K Ê xxxxx, doesn't South want to play the " A at trick three, not trick four? Arguing that South would cash the Ê AK, now that's bridge lawyering. If South needs representation in a defamation suit against West, I'm available.

"So if the Committee had to decide by disregarding the irregularity, it should have ruled no damage. However, someone put a bug in its head about using procedural penalties to accomplish what the Laws won't let you do through score adjustment. I've heard that there's this movement afoot (let's call it the Colker Equity Adjustment) and it should be stopped right now before it becomes cancerous. Law 90A deals with undue delay or obstruction of the game, inconvenience to other players, violations of correct procedure or events that require adjusted scores at other tables ('How could you not bid the grand?' at the top of one's lungs). Offenses subject to penalty under Law 90 include tardiness, slow play, loud discussion, comparing scores, playing the wrong board, none of them having anything to do with score adjustment. It seems that N/S's offense was that the Laws didn't let the Committee attribute a ridiculous defense to them. There is nothing in the Laws that allows procedural penalties to take the place of score adjustment.

"But the case should never have gotten that far. The only thing that South's hesitation indicated was that his values were likely to be outside of spades. How could North know whether he had his actual hand or Í xxx ! Kxx " AKJx Ê xxx? What about Í Axx ! xxx " Kxx Ê xxx? Given that South couldn't have a trump stack on the opponents' auction and North's hand, what was demonstrably suggested by South's hesitation? What about South's huddle told North that his second suit

would play for as few as one loser, let alone none? Couldn't it even have been right for North to pull an in-tempo double (♠AQJ ♥Jxxx ♦Kxxx ♣xx)?

"Plus 680 was an entirely random result. The Committee went completely off the tracks, deciding on the basis of lack of damage (irrelevant) and procedural equity (legally wrong). I'd like to know who steered them towards Law 90A. If it was the Directing staff, that's a wonderful advertisement for their ability to take over the appeals process."

I appreciate the attribution for the "Equity Adjustment" but, as I explained above, I was not its author – only its messenger. (And happily the Laws Commission's new interpretation of "damage" now makes this whole issue irrelevant.) The Committee's decision that it couldn't tell whether or not there was damage was impossible. As Bart pointed out, that very determination implies damage. The Committee was trying to do several things at once (determine damage, adjust scores, assess penalties) without determining the proper basis for doing any of them, with the result that it did none of them correctly. When one tries to mix apples and oranges in such situations – one ends up with something less than fruit salad. The problem was not with the principle behind the pre-Orlando use of procedural penalties in such situations; it was with their attempt to apply it in an inappropriate situation. As Ron points out, the Committee made a similar misapplication of Law 90A to this situation. That didn't make Law 90A a cancerous malignancy in Ron's eyes, so why should their misuse of the (now defunct) "Equity Adjustment" produce such a violent reaction?

While I disagree with Ron's conclusion about South's hesitation, his analysis is stimulating. If North, looking at the ♠K, can expect South not to hold trump tricks, then should he also expect South not to hold any club tricks? What was there to prevent South's black-suit holdings from (roughly) being interchanged (♠AQx ♣xx)? Frankly, I would look towards the hesitation for such insight.

Agreeing with Ron's assessment of whether a score adjustment should have been an issue, but for different reasons, was…

Rigal: "The Director did what I would have done, namely he looked at the North hand and said that pass was not a LA facing heart support notwithstanding the slow double. I'd bid 5♥ facing a slow double and expect E/W not to appeal it. If the Committee had felt that way too we could have avoided a lot of adjustment time.

"If I had come to the Committee's decision that there had been an infraction, I would also have found damage and awarded 500 to both sides. The procedural penalty here seems wrong to me. With that North hand bidding just seems normal to me. Yes, I know I showed a good hand of sorts but why should partner assume I have clubs not diamonds if he has values in clubs? Despite my trump trick my honor structure argues for bidding – even facing a slow double."

Barry is right-on with his analysis of the proper adjustment if damage is found.

The next panelist finds solace in E/W's having been spared a minus 800 penalty.

Treadwell: "The Committee decision with regard to E/W is certainly okay; they may well have been spared a minus 800 penalty. I am troubled a bit by the probable

severity of the procedural penalty meted out to N/S. I suspect the difference in matchpoint score for plus 680 and plus 500 is close to half a board – far too much, since North's bid of 5♥ was not a blatantly improper action and, in fact, deprived his side of the opportunity to collect 800. A penalty of one-eighth to one-quarter of a board would have been more reasonable."

If that is solace, then what of E/W's (greater) chance of going minus 500 or even 200? And it's not the size of the procedural penalty imposed on N/S that's the issue here; it's the legality of assessing one at all.

The next panelist likes almost nothing about this case – and justifiably so.

Meckstroth: "I don't like the appeal. I don't like the slow double but the 5♥ bid seems clear. I think this appeal lacked merit and I'm not sure I approve of the procedural penalty given to N/S."

I'm *sure* I don't approve of the procedural penalty and I suspect Ron doesn't either. But I'm afraid Jeff's on the wrong side of that merit issue, judging from the variety of opinions expressed here.

Concerned more with form than with substance was…

Weinstein: "Again, regardless of the merits of the Committee's judgments in reaching the decision and method for adjusting the score, the Committee again made a two-way ruling. No adjustment for the non-offenders. Bravo!"

And finally…a wonderful comment.

Wolff: "A complete job where all the bases were touched by this wonderful Committee."

CASE THREE

Subject (Tempo): Peer-ing At Ace-Queen Sixth Of Clubs
Event: Life Master Pairs, 25 Jul 98, Second Semi-Final Session

Bd: 17
Dlr: North
Vul: None

Allen Hawkins
♠ 972
♥ 72
♦ 73
♣ AQ8743

Saul Teukolsky
♠ KJ1083
♥ A106
♦ K10
♣ K95

Roselyn Teukolsky
♠ Q654
♥ Q943
♦ J96
♣ 62

Jim Foster
♠ A
♥ KJ85
♦ AQ8542
♣ J10

West	North	East	South
	Pass	Pass	1♦
1♠	Pass	3♠(1)	Pass(2)
Pass	4♣	All Pass	

(1) Alerted; preemptive
(2) Break in tempo

The Facts: 4♣ made four, plus 130 for N/S. North called the Director immediately after he bid 4♣. The Director determined from all parties that South had hesitated a minimum of 15 seconds, perhaps more than 30 seconds. The Director ruled that pass was a LA and imposed a pass on North (Law 16A2) after determining that the break in tempo suggested further action and that N/S had improved their score by bidding 4♣. The contract was changed to 3♠ down one, plus 50 for N/S (Law 12C2).

The Appeal: N/S appealed the Director's ruling. N/S stated that: (1) a very high percentage of their peers would bid 4♣ in this position; (2) the hesitation did not suggest action; and (3) the auction militates in favor of bidding since South will hold at most one spade, very likely at least two clubs, and if 4♣ fails 3♠ may well make. Through questioning the Committee ascertained that N/S's methods did not include any descriptive method for North to bid directly over 1♠. E/W stated that: (1) they agreed that probably more than half the field would bid 4♣ but thought that the break in tempo made the bid easier; (2) the hesitation suggested extra values and extra safety; and (3) North hit his partner with 15 HCP and distribution.

The Committee Decision: The Committee found that: (1) there had been a break in tempo by South; (2) the break in tempo suggested bidding; and (3) pass was not a LA. The Committee decided that North's peers in the Semi-Final of the Life Master Pairs would bid 4♣ sufficiently often to satisfy this criterion. The Committee acknowledged that an occasional expert might pass but decided that there would not be a significant number who would do so. The 4♣ bid was allowed and the contract was changed to 4♣ made four, plus 130 for N/S.

Chairman's Retrospective Note: This Committee (the Chairman included) may have erred in failing to pursue questions about the defense and play of the 4♣ contract. North must play the hand very well to make 4♣ against good defense. It

is possible that E/W may have erred in the defense to permit the contract to make. If E/W had a chance at a better score on defense than they had playing 3♠, then the Committee should have probed the quality of the defense to determine whether E/W forfeited their right to an adjustment. However, if the answer had been affirmative, the Committee decision would have still have been E/W minus 130. Then the Committee's principal finding would also have supported assigning N/S plus 130.

Committee: Michael Huston (chair), Nell Cahn, Jim Linhart

Directors' Ruling: 84.5 **Committee's Decision: 71.5**

The hesitation was agreed by all parties and clearly suggested acting with the North hand. The only question left to resolve was whether pass was a LA to 4♣ for North. One panelist raises an important question, so I'll turn the podium over to him.

Bramley: "Close but correct. While we might be able to find a few players who would pass, the vast majority would bid 4♣. The recent change in the wording of the definition of LA means that just because most players would consider passing doesn't make it a LA, because very few would *choose* pass. (Am I right on this point?) I agree that the Committee should have investigated the play and defense that allowed 4♣ to make."

The question of "consider" versus "choose" is an important one which I have been pursuing the Laws Commission about for several years. A LA is currently defined as: "A call that some number of the player's peers would seriously consider." I hold that a call cannot be "seriously considered" unless it is one which the player would actually make some of the time – or under some conditions (i.e., given the right vulnerability, opponents, state of the match/game, mood, etc.). To me, simply considering a call means evaluating whether it is practical (i.e., "Might I go for more than the value of their game when, even when successful, the sacrifice will only gain a few matchpoints/ IMPs?"). Even if it takes some time to do this evaluation, if the result leads to a clear-cut "Nah, it's unlikely to gain and runs a substantial risk," the fact that it took some work to arrive at that decision is still only "considered." To *seriously* consider means that I've really wrestled with the possibility of taking the action, something along the lines of: "Hmm, it could work, especially if they don't find the double; minus 50 instead of minus 90 will be worth a lot of matchpoints. Do they look good enough to double?" If the call ends up being one that every player would think about but almost no one would actually make, then it hasn't really been *seriously* considered in my opinion. Here's a concrete example. We'd all *think* about overcalling RHO's first-seat 2♠ opening with 3♣ (both vulnerable) holding ♠xx ♥Jx ♦Kx ♣KJ109xxx, but few of us would actually do it. (If that hand doesn't meet your standards, tweak it until it does.) By my standards 3♣ has been considered, but not *seriously*. Unfortunately, our Laws Commission has declined (perhaps in deference to Edgar) to change the phrase "seriously consider" to "choose to make" – but I'm still working on it.

Here, my judgment tells me that some number of North's peers would "seriously consider" passing 3♠. Some might have bid 2♣ last round, being a

passed hand, but considering only those players who would not have bid at the two-level, the number who would also fail to bid at the four-level with this sterile 3-2-2-6 shape is, I believe, significant. The possibility of a four-card overcall also comes into play here, as many panelists pointed out. Thus, I consider a pass by North "at all probable" and N/S should therefore have been assigned a score of plus 50 for 3 Í down one. However, I also agree with Bart (and most of the other panelists) that 4 Ê is the most likely bid over 3 Í with the North hand. Thus, I would have assigned E/W the table result of minus 130 for 4 Ê making. (As near as I can tell, 4 Ê should always makes with reasonably careful play – i.e., playing West, the non-preemptor, for the !A and minor-suit kings. Thus, I can't see where the Chairman's Note affects the final adjudication.)

Many of the other panelists agreed with me that pass was a LA for North.

Brissman: "I dislike substituting my judgment for that of Committee members who heard the testimony, but it seems like pass with an eight-loser hand is a LA."

Bethe: "This case hinges on the definition of LA. Is 4 Ê so clear that a vanishing small number of North's peers would not bid? I guess so. At least this Committee thought so. Would all Committee's? I don't believe so. Particularly in these days of frequent four-card overcalls on good suits. I know I would probably pass – which is why I lose at matchpoints."

Poor baby. Unlucky at matchpoints, lucky at IMPs. By the way, welcome back to the panel, Henry.

Meckstroth: "I completely disagree. South could have two spades. The hesitation made 4 Ê clear. Pass was a LA."

Cohen: "We could have avoided this entire case if we started out with the 'retrospective notice.' It is far from clear that 4 Ê will make, so there is no way to give the offending N/S pair that score – they should be content to accept plus 50 against 3 Í. Even if 4 Ê were cold, I'd still disallow North's 4 Ê. Many people overcall on four-card suits. The E/W spades could easily be something like ÍAKJ8 opposite Í10xxx. South would pass 3 Í in tempo if he was dealt ÍQx !KQ10x "KQxxxx Êx. To quote my fellow panelist and ex-partner from Westchester, 'The huddle always shows extras.' By the way, whose word was 'militates?'"

Actually it was Michael "Old Blood and Guts" Huston's.

The next panelist added the usual "Good/Bad" huddle issue to the mix.

Rosenberg: "This could go either way. South had no reason to think his partner was 'involved,' so this was not a 'bad' huddle. North might have asked 'Do you ever overcall four-card suits' and only bid if the answer was rarely or never. At least that would have shown he was considering his ethical obligations. But this is very deep and I would not dream of chastising North for failing to do so.

"The Chairman's Note is totally off base. If North is permitted to bid 4 Ê that ends the matter. If not, the E/W defense is not important unless they lose their minds. The fact that they may have 'erred' is irrelevant."

A believer in the "what they think is important, not what they'd do" philosophy of LA is…

Gerard: "Okay, so 4 Ê should have been defeated. After ÍA and ace and a diamond, every defender in the world (the Chairman included) would have tapped the dummy, pitched a heart on the diamond queen and another heart on the fourth diamond. Let's just make an example of E/W and tell the world they forfeited their right to an adjustment that they weren't entitled to in the first place. LOL [Laughing Out Loud – *Ed.*], as they say on the Internet.

"More experts than not might well have bid 4 Ê in North's position, but the last time I looked it still matters what they would think, not what they do. If I were North I'd wonder about the possibility of a four-card overcall, even though I'd probably reject it because so many opponents would be afraid of screwing up partner's total trick count. I don't think I'd worry about it long enough to agonize unless E/W told me they frequently overcalled four-card suits, but notice that this North didn't even have to ask. This isn't like CASE TWO where the opponents' bidding had guaranteed no more than three spades in partner's hand; here a singleton may have been likely in the abstract but it was guaranteed after a hesitation. In much of non-French Europe, North might be the one with short spades. I'm tempted to repeat the story about minus 1400 when partner balanced against the opponents' bid-and-raised four-two fit (against Augie Boehm, not exactly a Meckwell disciple) but I won't. I'm also tempted to punish the Committee for not doing what North should have done, although my guess is that it wouldn't have mattered. On that assumption the decision was correct, but the best grade I can give the Committee is incomplete."

Give a lawyer a computer (Ron and Joan may be the last people in White Plains to own one), teach him to click his mouse, and he spends all his time on the Internet.

I think Ron's on a sort of fence, perhaps leaning slightly towards the Committee's side. He thinks 4 Ê is the right bid and he really wants to allow it, but he can't quite reconcile that with what he considers the sloppy job the Committee did.

On the other hand, sitting squarely on the LA fence was…

Rigal: "The Director correctly put the contract back to 3 Í. In this instance I'd much rather see the offenders make their (good) case for bidding 4 Ê rather than see the other side appealing. I suppose I agree with the Committee view that passing is not a LA here. The fact that North could not bid 3 Ê at his first turn means we do not have to hold him to cautious standards when looking at the 4 Ê call. Though I would bid 4 Ê here, I think, I am not sure whether passing meets the criteria of not being a LA. The Chairman's Note regarding the defense is worth pursuing; I agree that 4 Ê is by no means laydown. Still, the bottom line is that that path is irrelevant."

The next panelist is so enamored of the Hamman philosophy ("Don't adjust the non-offenders' score – ever!") that he's willing to overlook his "true" belief that pass was a LA for North.

Weinstein: "Three decisions against the non-offenders. At the risk of sounding like

Hamman, so far so good. I'm not sure the Committee met the definition for no other LA for consideration of the offending side, but this was the Committee's judgement call. I like the way the decision was considered and I like North's Director call on himself. This is a hand where I feel the Director could have ruled against both sides, though the Director's ruling disallowing the call was entirely reasonable."

I like North's Director call, too. After all, the best defense…

And finally, from an unexpected source (shudder) comes the only panelist who sees this one exactly as I do.

Wolff: "E/W minus 130, N/S plus 50 because it boggles me to even suggest that it is automatic to bid 4Ê with the North hand opposite a third-seat opener. Not that it is not the right bid, only how can it be automatic? – and how much easier it becomes when partner studies. When a Committee says automatic after a hesitation it is often the result of mind illusion (MI)."

That's really the key, how much easier it becomes to bid 4Ê once partner huddles.

When a Committee says automatic I find myself flashing back to an ESPN Sports Center in which an athlete is saying in a press conference, "It's not about the money." Heck, it's always about the money.

CASE FOUR

Subject (Tempo): Trouble With Huddles — Part 673
Event: Flight A Pairs, 25 Jul 98, First Session

Bd: 24
Dlr: West
Vul: None

Jason Feldman
Í Q10543
! 1054
" Q10
Ê KQ3

Kassie Ohtaka
Í 982
! A8732
" A9652
Ê ---

Carlos Munoe
Í K
! KQ6
" K874
Ê AJ542

Lynne Feldman
Í AJ76
! J9
" J3
Ê 109876

West	North	East	South
Pass	Pass	1Ê(1)	Pass
1!(2)	Pass	2Ê	Pass
2"(3)	Pass	2!	Pass
3"	Pass	4Ê	Pass
4!(4)	Pass	4NT	Pass
5!	Pass	6!	All Pass

(1) Alerted; Precision (16+ HCP)
(2) Alerted; 8+ points, 5+ hearts
(3) Alerted; at least 5-5, not minimum
(4) Break in tempo

The Facts: 6! made six, plus 980 for E/W. The Director ruled that passing 4! was a LA (Law 16). The contract was changed to 4! made six, plus 480 for E/W.

The Appeal: E/W appealed the Director's ruling and were the only players at the hearing. E/W stated that the auction had indicated probable extra values and that it would be safe to play at the five-level. The West hand had a superb minimum (8 HCP, but two aces) for the auction.

The Committee Decision: The East hand was minimum for its previous bidding and had a probable wasted ÍK. This player, mis-evaluating his values, might well have bid the 27% slam but Law 16 made allowing further action after the break in tempo inappropriate. The contract was changed to 4! made six, plus 480 for E/W.

Committee: Dick Budd (chair), Mark Bartusek, Robb Gordon

Directors' Ruling: 92.4 **Committee's Decision: 90.9**

We must assume there was a break in tempo, since there is nothing in the write-up to contest it. The UI demonstrably suggested bidding on with the East hand and yes, there was a LA (pass) to East's 4NT bid. The only issue that remains is, "Why are we here?" That question, for those readers not privy to the inner workings of the appeal process, is one of the early warning signs of an appeal lacking merit. So why was none issued in this case?

Cohen: "Of course East can't bid but why not rule this lacking in merit? These were Flight A players who should have known better – if this appeal isn't meritless,

then what is? The other thing I don't quite understand is that in The Appeal it states: 'The West hand had a superb minimum for the auction.' What does that have to do with East's flagrant violation?"

What, indeed, so why are we here?

Rigal: "The Director ruling is sound and straightforward. I'd like to know what West does with a minimum five-five at her second turn. If the answer is to jump to 3♥, why no jump here? If the answer is sometimes to jump to 3♥ – then footnote (3) is at best irrelevant and at worst misleading – there are no inferences. The Committee followed the right reasoning and might have made the point more clearly to East as to why the continuation was inappropriate."

Yes, it would have been clearer to ask, "Does your mother know you're doing this?"

Rosenberg: "Okay."

Meckstroth: "Right on target here."

Still on his mission was…

Weinstein: " I agree with the Committee's decision. However, I would like to see in the write-up the length of the huddle and when the Director was called. In the spirit of no adjustment for the non-offenders in the first three cases, I would love to have a way to avoid giving N/S a two way shot when a poor slam is bid that could have been based on UI. Unfortunately, two-way shots are inherent in the system until Director calls are mandated before the opening lead is made and the non-offenders score is backed up to minus 450 instead of plus 50 when the slam goes down. I know it can't be done but I (and Goldman) can dream, can't I?"

Dream on, Macduff. But hark, who goes there?

Wolff: "N/S minus 980 – Normal Playing Luck (NPL). How can we allow a pair to defend a 28% slam, defeat it, keep their plus 50 (and never hear about it), but if the opponents make it, only go minus 480 (approximately Average Plus or 60%)? What has this pair done so well that they deserve this bonanza? What about all the other innocent pairs sitting the same direction? Let's update our crime and punishment and windfall control. E/W plus 480."

They did the same thing you did the last time an opponent revoked against you and you collected a "bonanza" penalty when the revoke had no affect on the play.

Wolffie's idea is doable if Howard's recommendation could be implemented– i.e., we require the non-offenders to call the Director before the play has begun (or the opening lead has been faced) in order to qualify for a score adjustment and then, if UI is ruled, the adjustment is made for both sides whether or not the slam has made. Calls for the Director made after play had begun would only qualify for a score adjustment for the offenders.

But none of this is possible unless the laws are changed. Appeals Committees have no authority to decide cases any way they want. Their job is to apply the laws which exist – not make up new ones of their own (even if they're better than the existing ones). It does no good to continue to cry over our inability to decide cases this way. Change the laws!

By the way, before you run off to complain to your favorite Laws Commission member (like Wolffie), let me point out that the Weinstein-Wolff approach does have its own drawbacks. For one, it removes an incentive for players to call the Director unless they're sure the slam will fail. For another, it leads to the related problem of players having to make bridge judgments about whether to call the Director. It should never be to a player's disadvantage to call a Director, but this approach makes calling risky. For a third, do we really we want to instill in players' minds the attitude that every time an opponent breaks tempo the Director needs to be called? The cure could be worse than the disease. It would create a climate of contentiousness at the table and a lot of extra Director calls and associated work, all of which could be avoided if the players could just wait to see whether the hesitator's partner actually had his bid.

To appreciate how much extra work would be created, consider that once the Director is called he would need to remain at the table until the play ends. (It would not be sufficient for him to say, "Call me back if you need me.") A determination would have to be made as to whether UI existed and what effect it had. Then, regardless of the outcome of the deal, someone's score would have to be adjusted: If the contract made, both sides would receive adjustments; if the contract failed, the non-offenders' score would still need to be adjusted (and who would call the Director back if he left?).

And finally, the law takes the general view that players should be protected from their opponents' infractions. The new approach would take the position, "We'll protect you against your opponents' infractions but only if you're willing to give up any good scores you might get when their infractions backfire." We could then enjoy a whole new class of appeal: those against the score adjustment for the non-offenders when the "illicit" contract goes down. The new complaint would be: "My opponent really had his bid after all, so my good score really shouldn't have been adjusted." Thus, we'll hear complaints (1) when the tainted contract makes and the Director fails to adjust the score and (2) when the tainted contract fails, the Director changes the non-offenders' score, and there is a question as to whether the subsequent actions of the hesitator's partner really were justified. Thus, players would stand ready to argue either side of the issue, depending on the outcome of the play. Now wouldn't that be just wonderful. If you think today's appeals are distasteful, then just you wait for the new order.

CASE FIVE

Subject (Tempo): Two Camps Of Opinion
Event: Life Master Pairs, 25 Jul 98, Second Semi-Final Session

Bd: 3
Dlr: South
Vul: E/W

Elizabeth Reich
Í AKQ95
! AQ852
" ---
Ê AJ9

Gene Prosnitz
Í 64
! 1063
" 9732
Ê 7652

Arch McKeller
Í 7
! J4
" QJ1054
Ê KQ1084

Uday Ivatury
Í J10832
! K97
" AK86
Ê 3

West	North	East	South
			1 Í
Pass	2 !	Pass	3 !
Pass	3 Í	Pass	4 Í
Pass	5 Ê	Dbl	5 "
Pass	5 ! (1)	Pass	6 "
Pass	7NT	All Pass	

(1) Break in tempo

The Facts: 7NT made seven, plus 1520 for N/S. The Director ruled that there had been a break in tempo. The contract was changed to 7 Í made seven, plus 1510 for N/S.

The Appeal: Both sides appealed the Director's ruling. E/W stated that South should pass 5 ! since it was possible to construct a North hand consistent with prior bids that would make any advance dangerous but the slow 5 ! bid suggested otherwise. N/S stated that spades were clearly established as trumps and therefore, while hearts had previously been bid naturally, 5 ! was an obvious cue-bid. After the second diamond cue-bid North could count thirteen tricks.

The Committee Decision: The Committee decided that North had all the information necessary to count thirteen tricks in a notrump contract. Since spades were not bid at the seven-level and N/S had never considered a 6 Í contract, the Committee could find no basis to change the contract to a strain other than notrump. As for E/W's appeal, to suggest that 5 ! could be meant to be the final contract was considered impossible for players of this level. The Committee believed that its time had been completely wasted by the whole incident which was caused by the objections of E/W at the table. The contract was changed to 7NT made seven, plus 1520 for N/S. N/S's deposit was returned. E/W's deposit was retained and a one-quarter board procedural penalty was assessed. [*Editor's Note:* Although the ACBL Board of Directors had just rescinded the regulation requiring a $50 deposit for appeals in NABC+ events just prior to the start of this tournament, the Committee was informed that the new policy had not yet gone into effect as of the time of this appeal.]

Committee: Jerry Gaer (chair), Karen Allison, Phil Brady, Lou Reich, Mary Vickers

Directors' Ruling: 43.6 **Committee's Decision: 70.9**

While 5 ! is a cue-bid in my own philosophy, I recognize that others consider 5 ! passable. In an impromptu poll of expert players at the tournament, I found about equal numbers who believed each version of the meaning of 5 !. Thus, whatever else the Committee may have believed, this appeal clearly did not lack merit. (That's not to say it was an action that I would have even considered bringing myself.) Now, as for the procedural penalty on top of the penalty for a lack of merit…(expletive deleted)!

North is quite a deliberate player. (Her tempo can be measured in geological time.) I am inclined to wonder whether her earlier bids were made in her usual slow tempo or in an uncharacteristically normal tempo. Even though N/S did not contest the slowness of the 5 ! bid, I just hope it was slow *relative* to the earlier bids and not just in *absolute* terms. I'll assume it was (arguably) slower than the previous bids.

Next, did the UI suggest that South should bid on? Let's try an experiment. You (North) hold ÍAx !AQJxxx "xx ÊKQx. Partner opens 1 Í, you bid 2 ! and partner raises to 3 !. With slam a possibility and hearts trump, you cue-bid 3 Í to let partner know you have help in his suit. He raises to 4 Í. You try 5Ê and get a return 5" cue-bid. Have you anything left to say? No (partner could have opened the actual South hand), so you sign off in 5 !. If partner can't bid the slam after your two "clear" slam tries, then you don't belong there.

Rewind. You hold the actual North hand and "know" spades are trumps (after all, you established that with your 3 Í bid, setting trumps). After exchanging cue-bids in clubs and diamonds you try a 5 ! cue-bid. Isn't it obvious that 5 ! is forcing?

Logically, North's huddle could mean that she wanted to sign off in 5 ! but was afraid South might not pass it or, alternatively, that she considered it forcing but was afraid South might pass it. It all hinges on N/S's partnership philosophy of bidding (if they have a partnership philosophy). I find no compelling a priori reason to interpret 5 ! as either forcing or sign-off, and the huddle really doesn't help resolve the issue. Therefore, I would allow the table result to stand for both pairs.

I regret to say that I can find no justification for the ruling made at the table. If the huddle provided UI suggesting that South bid on, then a pass of 5 ! should have been imposed. If it did not suggest bidding on then South should have been allowed to bid to…wherever. But how the huddle suggested notrump over spades is beyond my ken.

The panel is split between those who believe 5 ! is forcing and those who believe it isn't. Since I'm of the former group, I'll flip a coin and…hey, I called "heads," not "tails"…hmm…oh well, the latter group get's to go first.

Bramley: "No way. The Committee is sadly mistaken if they think that 5 ! cannot be the final contract. North could easily have intended to play in hearts all along but still bid spades to focus on the other key suit for slam. Or North could have decided to protect a vulnerable club holding after 5Ê got doubled. Not only *could* 5 ! have been passed, but it *should* have been passed. South has a dead minimum opener, awful spades and short weakish hearts. The only plus features of the South hand are its excellent minor-suit controls. North might hold ÍAKx !Qxxxxx "xx ÊAQ or ÍKQx !Axxxxx "xx ÊAQ. Slam is mediocre with the former and hopeless with the latter.

"Clearly N/S should score plus 510 in 5!. I think E/W should also get this score but you might convince me that enough players would bid over 5! so that E/W should receive their table result. Apparently E/W did something in Committee that so offended the Committee members that they couldn't think straight. E/W got one of the worst Committee hosings that I have ever seen. The Director's ruling also defies understanding."

Weinstein: "Now hold on a minute! Whoa! Why does 5! have to be a cue-bid? The N/S statement that spades were established as trumps was self-serving and should not have been considered without corroborating evidence. Show me the notes! This is an auction that has never been specifically discussed with my current partner, nor any past partner. I would not inflict a 5! call on any of them (I've liked all my partners) unless I could stand a pass of 5!. I consulted one of my regular teammates to see if I was losing my mind and he not only shared my sentiments but said he probably would have passed. Apparently, when the Committee said that it was impossible for players of this level to pass 5!, they must have meant that less than a top expert would never pass.

"Now you could suggest that the break in tempo doesn't demonstrably suggest either a cue-bid or sign-off, but if it's 50-50, then the possibility it's a slow sign-off still suggests bidding on. I believe N/S should have been stuck in 5!. I would have let E/W keep minus 1520, since it was sufficiently likely that N/S would have reached 7NT without the UI to preclude a score adjustment under 12C2. I don't even want to know the Director's rationale for adjusting the score to 1510. Needless to say I don't agree with keeping E/W's deposit or the procedural penalty assigned in addition."

Rosenberg: "Shoot the Committee. Maybe players of this level would consider it impossible that 5! could be playable but a player of my level thinks it is. I would never risk 5! in this situation. If North bids a prompt 5! and South passes, what can E/W do? Must they lose (and N/S win) both cases? Even if I were wrong on this case, the retaining of the deposit and the procedural penalty sends exactly the wrong message to the bridge community. Another Committee might have assigned a penalty to N/S, saying they should have been satisfied with 1510. I would have disagreed just as strongly with that but would have felt it was a lesser injustice."

And now, leading off for the home team, number twenty-three in your programs but number one in your hearts…

Gerard: "According to the Director, it was okay for South to bid 6" but not for North to hear (see) him. Terrific. When do these guys take over? Will someone ask Hamman if he recognizes the name Don Denkinger?

"I believe E/W (maybe only West) claimed afterwards that they asked a number of their peer group whether they would have considered 5! forcing and a majority said no. They need to find a new peer group. Edgar would be appalled at the thought of a nonforcing 5! after 5Ê and 5".

"I understand the Committee's frustration, but the procedural penalty was inappropriate. E/W committed no offense against correct procedure. Remember, they were the non-offending side. They had the right to appeal and were already

penalized for an appeal without merit. No further penalty should have been considered. The Committee could have expressed its extreme displeasure in the write-up and indicated that it wished the Laws allowed it to assess an additional penalty, but that is all."

Cohen: "The Director is not supposed to try to be a genius. I could live with 1520 or 510, but I'd like to know what basis he used for 1510. I agree with the Committee that N/S should be entitled to reach 7NT (North's 5! is extremely unlikely to be nonforcing – responder sets trumps – spades). However, I do see E/W's point – an argument could possibly be made that South should pass 5! – not a great argument but still a marginally acceptable argument – so I would not have decided this to be meritless."

Wolff: "Harsh for E/W but probably justified. The real culprit is the ACBL appeals system that rewards non-offenders much more often than it should. Once the playing community realizes that non-offenders should not be in a superior position to any other pair, we may begin to put morality back into bringing an appeal."

Treadwell: "There was a break in tempo, we got a bad board, so let's call the cops (oops, I mean the Director or Committee). The procedural penalty incurred by E/W was obtained the old-fashioned way – they earned it."

And now for the Hallelujah Chorus…

Brissman: "Splendid."

Bethe: "And West wanted to become a judge!"

Our resident Mary Poppins has managed to find a conceivable justification for the ruling at the table…

Rigal: "I do not understand the Director ruling at all – unless it was to make sure that both sides appealed! In that case well done. The Committee failed to point out that a slow 5! bid here did not really convey any particular message in any event. But leaving that issue aside, E/W should indeed have known better and, although the decision is harsh as regards deposit and penalty, I think we need to see more of this approach and less shilly-shallying."

Shilly-shallying, indeed. Take that!

Three panelists, all top-level players, think that 5! is clearly passable. A majority of the panelists, including an even greater number of top-level players, think that 5! is clearly forcing; others among the majority believe that the huddle carries no clear message for South. Some of the majority think, as I do, that the appeal-without-merit penalty was ill-conceived; others think that it was well-deserved – a few of them also like the additional procedural penalty. Neither group (the majority or the minority) seems to recognize the existence of the other. Help!

Maybe I should become a pollster for the ACBL. Nah., they'd never hire me!

Jeffrey, can we ask you for some assistance on this issue?

Meckstroth: "I agree that passing 5! was not logical and that E/W's claim was bogus. However, the hesitation may have made the 6" cue-bid clearer. South had a minimum and 5Í over 5! was a very possible bid. I don't like giving N/S 7NT."

There you have it. Pass was illogical, but since the huddle made the continuation clearer and South made a bid that we feel was unjustified by his hand (how dare he not bid as well as we do) we'll just adjust N/S's score from 7NT to…something else. Good grief!

I think I have Excedrin headache number 37.

CASE SIX

Subject (Tempo): "A Horse Is A Horse, Of Course, Of Course…"
Event: Spingold, 28 July 98, Round of 64

Bd: 5
Dlr: North
Vul: N/S

Brad Moss
Í xx
! AKQx
" AQxxxx
Ê J

Scott Gates
Í KQx
! xx
" J10xx
Ê AQxx

Russell Shoup
Í J10xxx
! xxx
" x
Ê xxxx

Fred Gitelman
Í Axx
! Jxxx
" Kx
Ê K10xx

West	North	East	South
	1"	Pass	1!
Pass	4"(1)	Pass	4!
Pass(2)	Pass	4Í	5"
Dbl	All Pass		

(1) Alerted; showed four hearts and six diamonds
(2) 2-3 second pause

The Facts: 5" doubled went down one, plus 200 for E/W. The Director was called after the double of 5" and was told that West had broken tempo before he passed 4!. The Director found that there had been a break in tempo that suggested action (Laws 73F1 and 16A2). East had then bid 4Í, successfully pushing his opponents to the five-level and into an unmakeable contract. The Director determined that a pass by East was a LA to 4Í and changed the contract to 4! made five, plus 650 for N/S (Law 12C2).

The Appeal: E/W appealed the Director's ruling. They acknowledged that West took 2-3 seconds to pass over 4!. However, they contended that this was not a break in West's tempo. East said that he noticed no break in tempo and West said he thought a moment about what was happening but tried to do that all the time. East noted that there was nothing in West's hand to suggest a reason for him to hesitate. Both East and West said that they had discussed as a partnership the importance of maintaining an even tempo and had agreed never to bid fast. East referred to his hand as a "classic," a pure sacrifice. He said that he expected to "buy" 10-12 HCP in his partner's hand with at most two hearts, three or four spades and three or four clubs. He said that if West's values were well placed there might be a very good sacrifice at favorable vulnerability. East said that his team finished the first quarter about two boards after the rest of the field and that this was largely because of the deliberate tempo that he and his partner employed, even in passout seat when they had no intention of bidding. E/W also submitted that this kind of bid was not out of character for East. East noted that he had gone down 1100 earlier in the match in a "solo dive" he took against a game (meaning, in this instance, introducing a suit at the five-level in a highly competitive auction). E/W presented a character witness who noted East's proclivity for taking flyers ("He makes highly unusual bids").

N/S asserted that the reason for the slowness in the earlier quarter was that East

had taken a very long time to play a couple of hands. N/S said that the E/W tempos were erratic. They presented the testimony of a teammate who had played against E/W in this match and who concurred with that evaluation. N/S said that West took 2-3 seconds to bid over South's 4♠ bid. They asserted that this was a small but decided break in tempo. N/S presented another witness (a friend from one of their home areas) who was kibitzing this table when this incident occurred. He said that he did notice some erratic tempo in general but did not notice a break in tempo over 4♠ because he was not paying much attention after the 4♠ call. "Then the next thing I knew the Director was called." N/S contended that there was a break in tempo and that it suggested action to East, which he took by bidding 4♥. N/S said that East had made no other bids when they played against him which were notably unusual. Since the action was successful (pushing them to the five-level) and pass was a LA, they said that the contract should be 4♠, which would make five. N/S also said that the double of 5♦ was noticeably faster than the pass over 4♠.

Finally, N/S vigorously contended that because at one point at the table and in front of the Director West used the words "break in tempo" to describe the 2-3 second time interval between the 4♠ bid and his pass, the full force of Law 16 should be brought to bear on this case. E/W agreed that West had used those words to describe the pause.

The Committee Decision: Both sides agreed that about 2-3 seconds had elapsed between South's 4♠ bid and West's pass. N/S contended that this constituted a break in tempo and E/W contended that it did not. The Committee considered West's hand and found nothing in it to suggest that West paused to consider bidding or doubling. This lent credence to E/W's claims. On the other hand, the bizarreness of East's 4♥ call lent credence to N/S's claims. The Committee carefully considered the testimony of the kibitzer at the table, who was a witness provided by N/S. Although he was able to confirm N/S's claim that E/W were erratic in their tempos in general, he was unable to confirm that there had been a break in tempo on this hand. Law 16A says, in relevant part: "After a player makes available to his partner extraneous information that may suggest a call or play, as by means of…unmistakable hesitation, …the partner may not choose among LA actions one that could demonstrably have been suggested over another by the extraneous information." After considering all of the evidence, the Committee found that there was no unmistakable hesitation. This was done notwithstanding N/S's contention that once West described his pause as a "break in tempo," the factual issue should be resolved such that East's bids must be constrained as outlined in Law 16. The Committee determined that West's intention was to describe a pause of 2-3 seconds rather than an "unmistakable hesitation" as that phrase is used in Law 16.

The Committee also considered whether a putative 2-3 second break in tempo would have suggested action as opposed to passing. Such a break in tempo might have suggested defending rather than passing. In that case, bidding would not have been demonstrably suggested. Accordingly, the Committee found that over 4♠ there was neither a break in tempo nor, even had there been one, a demonstrably suggested line of action. Therefore, East was free to bid 4♥ – or whatever he wished. Since it had determined that no infraction had taken place, the Committee only briefly considered the quality of the N/S auction after the 4♥ bid and what would have happened had N/S chosen to double 4♥. Ultimately it was decided that

these matters were irrelevant. The Committee changed the contract to 5♦ doubled down one, plus 200 for E/W.

Committee: Michael Huston (chair), Lowell Andrews, Dick Budd, Jerry Gaer, Ellen Siebert

Directors' Ruling: 74.2 **Committee's Decision: 86.4**

This case received a great deal of notoriety at the tournament – far more than it deserved. I've spoken to three of the primaries (South, West and the table Director) and here's what I learned. After North's 4♦ bid South took 45 seconds to a minute to bid 4♠. West said his mind wandered a bit during the long delay and when South finally bid 4♠, it took him a moment or two to refocus on what was going on; he then passed. When East reopened with 4♥, North called the Director and claimed that West had broken tempo over 4♠. West asked North what he meant by broke tempo and North said about 2-3 seconds. West agreed that he had taken 2 seconds to pass 4♠. The Director said that North was the only one he remembered to actually use the phrase "break tempo" but when West did not dispute that statement, he took it to mean West agreed that he broke tempo. West said that at no time did he ever intend to agree that the 2 seconds represented a break in tempo – only that it took him that long to pass.

West told me that he never mentioned South's long delay before bidding 4♠ either to the Director or the Committee because it wasn't until later, when all the fuss arose about the case, that he remembered that South's delay was what caused his momentary lack of focus. He insisted that his pass had not been not out of tempo and said that he emphasized that during the hearing.

Looking at the situation, the auction had suddenly accelerated from the one- to the four-level. South studied for a long time before signing off in 4♠ and West took 2 seconds to pass. Even ignoring South's long study (which I believe constitutes a form of entrapment), if I were West I would feel obliged to pause and at least give the appearance of momentarily contemplating my action over 4♠. It is unlikely that I would bid in less than 2-3 seconds and it would probably take me a minimum of 4-5 seconds. In fact, I would consider a call made in under 2-3 seconds to be improperly fast! Since North made no mention of any break in tempo at the time of West's pass of 4♠ and, given the testimony of the witness (a friend from North's or South's home area, and thus presumably not inclined to advocate for E/W) that no break in tempo was noticed (although he admitted he wasn't paying much attention to the auction at that point – understandable after South's long study), I'd have made the same decision as the Committee. In fact, I would have been inclined to lecture N/S about worrying more about their own bridge and less about minor variations in the opponents' tempo.

Two more points and I'll turn the discussion over to the panel. First, a big stink was raised by N/S about inadequate bridge abilities of the members of the Committee. Even if there were some validity to this complaint, the context in which it was raised was entirely inappropriate. This case had little or nothing to do with bridge judgment and everything to do with determining fact: did West hesitate "unmistakably" over 4♠. This Committee made an excellent decision which I believe many purportedly more "qualified" Committees would have gotten wrong.

The Committee chairman did a first-rate job of documenting the decision. (This, in spite of the fact that N/S believed that some relevant facts were left out of the version which appeared in the *Daily Bulletin*. Those facts are included in the present write-up as well as one subsequently published in the ACBL Bulletin. N/S's complaints were heard in a special meeting and the original write-up was modified by the Committee chair, even though the facts in question were minor and had no bearing on the Committee's decision. This was done to appease N/S who were extremely agitated following the decision.)

Second, West had passed (presumably) in tempo after the auction had begun 1"-Pass-1!. Then he took a couple of seconds to pass again when the auction returned to him at 4!. Let's say he did hesitate the second time. What information would that hesitation convey? With a hand which couldn't make a light, favorable-vulnerability takeout double at the one-level he couldn't have a hand with which he now wanted to invite East to bid. The hesitation, if anything, would seem to suggest that West was thinking about a penalty double of 4!/5". But this is contrary to the action East took over 4!. If West thought he might beat the N/S contract, then East should certainly not take a risky "flyer" of a save. Thus, as the Committee pointed out, even if they had found that West broke tempo over 4!, it would not have suggested the subsequent action East took and there still would have been no basis for a score adjustment.

The panel is overwhelmingly with me on this one. (Whew!)

Cohen: "When I first heard about this case (it was the subject de jour at the Spingold Round of 32) my reaction was similar to most. We thought, 'How can any Committee let East bid after a huddle.' Well, we didn't have all the facts.

"Over a 'real' huddle I don't think East should be allowed to bid. Strangely, though, a case could be made that West's huddle was a pause to make a penalty double, perhaps with a hand like ÍAx !Kx "AKxx Êxxxx. Nothing about the huddle should demonstrably suggest that East save in 4Í.

"There is no need in my mind to determine if East should be allowed to bid after a slow pass. My reading of all the minutia (and I compliment the chairman for the detailed write-up) is that this was not really an unusual tempo break. Yes, I know West sort of labeled it as such, but I'll go back to my mention of Mr. Gerard in CASE THREE – 'Huddlers always have extras.' One look at the West hand convinces me that there was no chance he really broke tempo.

"I know there were some complaints about the 'stature' of this Committee. I happen to think it was a very good decision and, for all I know, these five people are excellent Committee members. With that said, I do think it would be best for all involved to do everything possible to get a Committee composed entirely of 'Round of 32' Spingold players for a decision that determines the Round of 32! I don't think there would have been as much bitterness and complaining if this Committee was composed of, say, Rodwell, Martel, Rosenberg, Wolff, and H. Weinstein. It's hard to get those people, you say? Try harder, I say. I personally know of at least a dozen 'Round of 32'ers' that would gladly serve on such an occasion. Find them in the bar, or in their room, or wherever."

Still not convinced? The next panelist should put the cherry on your sundae.

Gerard: "I understand that some notable personages have treated this case as the equivalent of global thermonuclear war. Fans of the movie *War Games* know that you can't win global thermonuclear war. At the end of the day, after all the flash and dazzle has produced a stalemate, you wind up back at Def Con 5.

"I don't know East but I doubt that he's in great demand as a teammate. Maybe he has a Nietzsche complex. Maybe his 15 minutes never run out. Maybe he overdosed on Viagra. What I do know is that as bizarre as 4Í was, it had to be a solo effort. If West's hand doesn't convince you of that, what about his pass over 1!? Curious thing about dogs that don't bark in the night, they don't suddenly find their voice. West had only two choices over 4!, whatever his hand: pass or penalty double. If East thought he might buy four-card support, he had selective memory. His description of 4Í as 'classic' supports the notion that the movie he is a fan of is *Buckeroo Banzai*.

"But you can't let distaste for East's action translate into perversion of the appeals process. He was entitled to a lucky result if it was honestly earned. You can't take away his score just for High Crimes and Misdemeanors Against Good Bridge. I can't understand what part of the Committee's decision so upset the notable personages. That 2-3 seconds was not an unmistakable hesitation? That West's description of a break in tempo wasn't a legal conclusion? That West had nothing to think about? That any break in tempo would have suggested defending, not bidding? That N/S's handling of the auction after 4Í was irrelevant? Maybe the NPs were annoyed that the Committee didn't fall into the failure-to-play-bridge trap. Maybe years of frustration over real and perceived injustices at the hands of other Committees just boiled over. Almost certainly N/S have the ear of the expert community more than E/W. And, yes, I can see that the makeup of the Committee did not instill confidence in its ability to render judgment in this case.

"Well, I think the Committee touched almost all the bases. Oh sure, it would have been nice for the contestants to have been facing a jury of their peers. And yes, the selection process should take into account the nature of the event. But the best jurors can't serve on a Spingold Round of 64 case and even if they could you wouldn't get five Edgars for your panel. There was nothing about the case that prevented this Committee from reaching the right result – it didn't call for analysis of expert bidding judgment, card play or psychology. Trashing the decision because of who the judges were is the sign of a closed mind. I wouldn't compare scores with the Committee members any more than the NPs would, but if this were an anonymous opinion I wouldn't be surprised if its authors turned out to be some of the more perceptive members of this panel. I don't want Directors like the one(s) who handled this ruling taking over appeals.

"The whole thing reminds me of Garozzo vs. McCallum (have you come around yet, Bart?). All the passion was on one side but all the reason was on the other. To quote Joshua in *War Games*, 'How about a nice game of chess?'"

Apparently Bart has seen the light. The following has my complete concurrence.

Bramley: "First a disclaimer. This decision determined my opponent in the next day's match. As in many difficult cases I find plenty to dislike on all sides. The 4Í bid, of course, would not occur to me or most players. Perhaps I have inadequate

imagination. This lends credence to the argument that this bid could not be found without help from partner. On the other hand, does West hold anything to suggest that he would like to hear his partner bid? He has a bunch of high cards and a stopper in the opponents key side suit. What could he have been thinking about other than the opening lead? Meanwhile, the opponents passed up the chance to collect a large number in order to play in the wrong suit for no particular reason. I have little sympathy, yet I cannot rule against them for failure to keep playing, because their decisions were merely inferior rather than egregious.

"Then there is the matter of the length of the break in tempo. Does a 2-3 second pause in a position where one is expected to pass really constitute a potentially liable break in tempo? That is a harsh judgment. And I must repeat, what could West have been thinking about? Mustn't there be some correlation between the break in tempo and the action supposedly suggested by that break in tempo?

"I find most of the arguments proffered by both sides to be weak and off the point. The debate about the general tempo of the E/W pair appears to be an exercise in name-calling. In the end I must concur with the Committee's decision. I know that this decision and the makeup of the Committee that made it caused an uproar at the time. This Committee passed the test, but we cannot continue to decide National KO matches with Committees made up of players that have never, or rarely, reached the late rounds of such events. In late rounds a good Committee can almost always be gathered from players that have already lost. In early rounds we should not be afraid to choose Committees containing players still in the event, obviously using only players who would not play against the appellants until several rounds later. I believe that the players appearing before the Committee would much rather see a Committee thus comprised than one consisting wholly of players for whom they have no respect."

There's a Wolff at the door… but this time he's a friendly Wolff.

Wolff: "When I first heard about this case on site in Chicago I heard a different set of facts: nothing about N/S stupidly bidding on, not collecting a number and going set themselves. Since the hesitation was not revealing (a hitch can be very telling), however, a partner who couldn't bid over 1♠ at favorable vulnerability is usually so limited that East should expect to go down at least three (and so it was). When N/S bid on, passing up a certain plus 500 and probable 800, they waived any right to a score adjustment. While E/W's tempo break and bid with the jack-high hand is not recommended, N/S's appeal (particularly if they knew they needed it to win the match) leaves me with a bad taste. I heartily support this decision."

After that endorsement I'm tempted to recheck my spot cards – if not my honors. One panelist apparently has his eye on Paul Harvey's job.

Brissman: "Now for the rest of the story. After the Committee's decision was disclosed, N/S and teammates vociferously presented a truncated version of the facts to any who would listen, then decried the decision and the Committee's composition. A number of sycophants then trumpeted the decision as a prime example of why the current appeals process should be scrapped in favor of a panel of Directors who would hear appeals. When all the facts became apparent, it was

the consensus (and my view) that the Committee had decided appropriately. In essence, N/S were complaining, 'We were cheated when the opponents offered us plus 800!' (The club spots limit E/W to only two tricks in the suit.) Note also that the appeal would not have arisen had N/S simply bid one more in the suit upon which they had agreed. In retrospect, this case is a prime example of the efficacy and worth of our current appeals process."

Rigal: "I have a lot of sympathy for everyone here. To start with the Director made the right ruling when he set the contract back to 4♠. There did appear to be an infraction and it was sufficiently complex a case to leave the Committee to sort it out.

"The Committee did their best to establish the facts but did not address (or have it drawn to their attention) whether there was a slow pass over 1♠ on the first round. I would definitely have been interested in hearing about that; if not, then I think the Committee came to the only conclusion that was available to them, namely that there was no demonstrable evidence of a pause from West. We may hate East's bid but we can't take it away from him just on that grounds alone. But I would like it properly recorded. As a decision on a question of fact, it is not appropriate for us to second-guess the Committee.

"Incidentally the issue of the make-up of the Committee, which seemed a big issue at the time (I came to the Nationals late), seems entirely irrelevant to me. A bunch of good players are hopeless Committee members, a bunch of good Committee members are... my level or worse."

Weinstein: "There was much controversy surrounding this case, and to keep me as unobjective as possible, it determined which team we would play the next day in the Spingold. As I recall, N/S were very upset by the initial write-up. They felt the initial write-up (and possibly the consideration of the decision) left out several key facts. I know the case write-up was published and republished in the ACBL Bulletin. I don't know if N/S's concerns were met by the revised final write-up. I believe they also expressed concern regarding the make-up of the Committee as regards bridge expertise. A Committee should be comprised of members with a high level of expertise when deciding a Spingold match. As I understood it, due to the lateness of the hour and the usual difficulty in finding people not still in the event, sober and awake, the Committee was not constituted with as many top players as would have been desired. Having said all that, based purely upon the factual account presented in the write-up, I believe the Committee did an excellent job and came to the correct conclusion."

Other Committee supporters.

Goldman: "Superb Committee work."

Treadwell: "The Committee did an excellent job of ferreting out the facts and reached a sound conclusion in allowing the weird 4♠ bid by East."

Bethe: "The Committee found that there was no suggestive break in tempo. And if North had corrected to 5♠ after the double, there would have been no Committee!"

The next panelist appears to have been consumed by his aversion to East's 4 Í bid. Perhaps he'd have thought differently if N/S had "stopped-and-popped" him.

Meckstroth: "Absolutely not. East had help; his partner would not have paused with red-suit values. We *cannot* allow bids like this after a tempo break. The decision was as hopeless as East's 4 Í bid."

I still fail to see the connection between the alleged hesitation and the 4 Í bid. Our last panelist raises some interesting questions…

Rosenberg: "This case created a lot of interest and the Committee's decision came under heavy criticism, rightly so in my opinion. Some important information is missing from the write-up. West's tempo over 1 ! is relevant. Also, if East asked about the 4 " bid, then West's action over 4 ! might have been a 'responsive huddle.' Finally, no one asked East why he waited to bid over 4 !, instead of bidding directly over 4 ". This would seem more logical than what he did, since it might make things harder for South if he was not planning to bid 4 !. If East answered, as was likely, 'I didn't think of bidding then.' the next question, 'What made you think of bidding now?' might make even East realize that he might have been affected by the hesitation.

"If the E/W tempo was erratic that is their problem. The Committee might have been right in saying that the huddle doesn't suggest 4 Í will be a winning action. But what is relevant is whether *this* East was influenced. Letting him bid sends the wrong message. Plus 420 to N/S."

We'll never know whether *this* or any East was influenced, absent clairvoyant abilities. The bridge logic of the situation must be examined for the answer.

CASE SEVEN

Subject (Tempo): Committee Revokes "Brilliancy Prize"
Event: Red Ribbon Pairs, 29 Jul 98, First Final Session

Bd: 11 Dlr: South Vul: None	Í J10432 ! 764 " A106 Ê 42	
Í Q ! Q10952 " J83 Ê 10965		Í K96 ! 83 " KQ974 Ê AQ3
	Í A875 ! AKJ " 52 Ê KJ87	

West	North	East	South
			1NT
Pass	2 !(1)	Pass	3 "(2)
Pass	3 Í(3)	Pass	4 Í
All Pass			

(1) Announced; transfer to spades
(2) Alerted
(3) Break in tempo

The Facts: 4 Í made four, plus 420 for N/S. North broke tempo before he bid 3 Í. At the end of the auction North explained that 3 " showed four-card spade support, a doubleton diamond and a maximum. The Director ruled that there had been a break in tempo and that the 4 Í bid would not be allowed. The contract was changed to 3 Í made four, plus 170 for N/S.

The Appeal: N/S appealed the Director's ruling. South and East attended the hearing. South said that his was by no means a practiced partnership. He thought that had his partner not been interested in game, he would have re-transferred by bidding 3 ! and then passed 3 Í. He interpreted his partner's 3 Í bid as invitational. He acknowledged that there was a short break in tempo. He claimed that his 3 " bid only showed four spades and two diamonds, not necessarily a maximum. East stated that North had admitted at the table that they had no such agreement that 3 Í was invitational. He added that North said that his understanding of their partnership agreement was that the 3 " bid showed a maximum as well as four trumps and a doubleton diamond.

The Committee Decision: The Committee decided that once South showed a maximum notrump opening with four spades and a doubleton diamond, he had told his whole story. Without a clear understanding that 3 Í was encouraging by North, South's decision to accept his own invitation to game might have been influenced by his partner's break in tempo. The Committee was in agreement that pass was a LA to South's 4 Í bid. The Committee considered a split decision, possibly awarding E/W minus 420. However, they determined that minus 170 was an E/W result that was very likely and would probably occur about 80% of the time. The contract was changed for both pairs to 3 Í made four, plus 170 for N/S. When the players were called back South accepted the Committee's explanation and decision in an exemplary manner. It was also explained that had his partner bid 3 Í in tempo and had he then wished to "take a shot," no one would have questioned him. Once the break in tempo took place he was no longer allowed to be brilliant.

Committee: Gail Greenberg (chair), Phil Becker, Harvey Brody, Corrine Kirkham, Lou Reich

Directors' Ruling: 90.7 **Committee's Decision: 91.7**

There was an agreed break in tempo (1) which clearly suggested bidding on with the South hand (2) and there was an obvious LA (pass) to South's 4 ♠ bid (3). Therefore, the score should be adjusted. With pass such an obvious action at South's third turn, it's hard to imagine anyone not assigning 170 to both sides in this case.

So the only real decision we're faced with is whether this appeal lacked merit. A look at the event (the Red Ribbon Pairs) suggests the only possible reason for not assessing a penalty point. Since the Committee was there and I wasn't, I see no basis for second guessing their decision. The panel (those who commented) mostly agree…

Bramley: "If this case had been brought by more experienced players it would have had no merit. The Committee handled it perfectly, however. Perhaps that is why the players accepted the decision with proper grace."

Hear, hear.

Cohen: "Definitely cannot allow South's 4 ♠ – if it wasn't the Red Ribbon Pairs we'd have to consider assigning a 'meritless' tag. I suppose it's not relevant but I'd be curious to know the way the play went – it's not obvious (but is doable) to make four, especially after a heart lead from East."

Meckstroth: "Right on target. We can't allow the 4 ♠ bid."

Rigal: "A correct and straightforward Director ruling and Committee decision. I like the way that the Committee handled this. I think if South actually worked out this (intelligent) meaning for the 3 ♠ bid at the table rather than in the Committee, I would have had some sympathy with him. But either way, the decision is the right one."

Rosenberg: "South's failure to Alert 3 ♠ shows that his interpretation of the bid was self-serving. Not that I would allow anyone to make a self-serving Alert and then bid, in any case."

I'll leave the reader to work out the implications of the next panelist's comment.

Gerard: "Someone should have asked South what he would have bid with his red suits reversed. If the answer would have been 3 ♥, I would have given him a stern lecture about trying to fool the Committee."

Suddenly, the leopard (uh, make that Wolff) changes his spots.

Wolff: "E/W minus 420 (NPL), N/S plus 170 should be an easy decision, instead of Committees opening up a candy store for appeal bringers."

One more time. No one opened up a candy store here. There was a break in tempo and the Director was properly called to adjudicate the subsequent actions. It is hard to conceive of a simpler, more straightforward situation to decide than this one. South has a clear pass and UI that suggests bidding. The laws say to adjust the scores using the differing standards set out in 12C2. Not only is it "at all probable" that South would pass 3 ♠, it's quite "likely." Thus both sides deserve 170. Everyone else is going minus 170 (or 140) E/W, so why should this pair go minus 420? If one's goal is to "protect the field," why give the E/W field (comparison group) a gift of one-half matchpoint each that they don't deserve? And isn't the N/S field also disadvantaged when all those E/W's get that extra half matchpoint? PTF goes both ways.

Maybe some people should just be happy with a can of Right Guard for protection.

CASE EIGHT

Subject (Tempo): They Fought "The Law" And "The Law" Won
Event: Open Pairs, 30 Jul 98, First Session

Bd: 6
Dlr: East
Vul: E/W

	Í J7654 ! --- " AJ96 Ê Q987	
Í 10 ! AQ1097 " 8543 Ê KJ6		Í AK82 ! K864 " K10 Ê 1032
	Í Q93 ! J532 " Q72 Ê A54	

West	North	East	South
		1NT(1)	Pass
2"(2)	Pass	2!	Pass
Pass(3)	2Í	3!	Pass
4!	All Pass		

(1) Announced; 12-14 HCP
(2) Announced; transfer
(3) Break in tempo

The Facts: 4! made four, plus 620 for E/W. There was an agreed break in tempo by West before he passed 2!. The Director ruled that East had already described her hand and that even if West balanced with a 3! bid, East would probably pass. The Director did not allow East's 3! bid and changed the contract to 3! made four, plus 170 for E/W (Law 16A).

The Appeal: E/W appealed the Director's ruling and were the only players to attend the hearing. E/W did play super-accepts but East thought her hand was borderline. East stated that she bid 3! because she knew her side had nine trumps and her partner did not.

The Committee Decision: East's rationale for her 3! bid convinced the Committee that the bid would have been "automatic" for her peer group; the bid was therefore allowed. The contract was changed to 4! made four, plus 620 for E/W.

Committee: Henry Bethe (chair), Mark Bartusek, Barry Rigal

Directors' Ruling: 75.8 **Committee's Decision: 75.4**

No use beating around the bush, here. The Director was right and the Committee was wrong. By the numbers: (1) there was an agreed break in tempo which (2) clearly suggested that bidding 3! with the East cards would be the winning action. So the real issue here becomes (3) whether pass was a LA to 3! with the East cards. Let's ask "Mr. Law" himself about this one.

Cohen: "The Director did the right thing; not allowing the bid he thought might have been suggested by the UI. Personally, I like East's 3! bid with four trumps and I also like her explanation that she bid it because her side had nine trumps. (I also like the Case Title, of course). However, I don't think I would have allowed her action. Her partner would have passed 2! in tempo with Íx !Jxxxx "xxx Êxxxx in which case minus 170 against 2Í would be a great result as opposed to minus

200 or more in 3! (maybe doubled). East had a 100% 3! bid once she knew not only that her side had nine trumps but that they also had enough values to compete. I don't think we can give her the benefit of the doubt. Let's have West learn to plan the auction in advance next time and be ready to pass 2! in tempo and not bar partner."

That's the bottom line: West's break in tempo before passing 2! made East's 3! bid much more attractive and far less risky, reducing the chances of minus 200 or worse to virtually nil. Not that Larry and I (and many others) wouldn't bid 3! with the East hand. But might a careless East fail to bid 3!? I say yes (especially a random pair in an Open Pairs event). So I agree with Larry and the Director: E/W plus 170 (West would balance, and East would stay at the three-level), N/S minus 170.

Also agreeing with us are…

Weinstein: "The wrong 'law' won. Let's take stock. East has four very good spades, four mediocre hearts, is vulnerable against not, with two non-passed hand opponents and a partner who could easily have a bust. Yes, this is most certainly what Mr. Cohen had in mind when he introduced the 'law' to his innocent minions. Moses, when he came down from Mt. Sinai, only wished he had the blind trust that Larry has received from Mt. Boca, 'thou must bid the total number of tricks as trumps, damn the torpedoes, full speed ahead.' The Laws of contract bridge with its Law 16 is now mulch for the Law of Total Tricks. In case I've been too subtle, I don't agree with the Committee. I could maybe, but only maybe, be talked into a two-way decision, giving N/S their table result of minus 620 and E/W plus 170. E/W plus 620 – never!"

I hear you brother and I believe. Gosh, can't you just see the Burning Bush.

I guess you just can't win, Larry. Even when you agree with them, they won't take "Yes" for an answer.

Rosenberg: "This is very wrong. Playing weak notrumps, West might have only four-card hearts (or a psych?). Even if West has five hearts and a bad hand, bidding 3! vulnerable could easily be a disaster at matchpoints. The Committee was bamboozled. Plus 140 to E/W."

Treadwell: "East had the opportunity of using a super-accept by bidding either 3" or 3! directly over the transfer and chose not to do so. I see no basis for a change of mind in this regard at matchpoints with unfavorable vulnerability except for the break in tempo by partner. Partner could be a bit weaker and even taking eight tricks might be difficult. The Committee must have been comatose in changing the contract to 4! – the Director was right on the ball."

So much for the voice of reason. First up for the "defense" is Citizen Rigal.

Rigal: "The Director made a reasonable ruling to set the contract back from 4!. Where he stopped the auction was neither here nor there, in a way. The Committee was impressed (more so than the write-up suggests, as I recall) with East's

explanation of her actions. In a sense East's bid of 3 ! was so clear-cut and her grasp of the LAW issues so lucid that the decision was easy."

Too easy, maybe.

Bramley: "I agree. I consider 3 ! automatic. East has a prime maximum with four trumps when she might have had only two. As little as Íxx !QJxxx "xxxx Êxx provides good play for 3 !. Playing weak NT should not preclude you from competing in obvious situations even when your partner has not guaranteed any strength."

Then why didn't East make a super-acceptance? Bidding 3 ! is not a bad bid – it's a good one in my opinion. It just isn't so clear as to be allowable after partner's huddle.

Meckstroth: "3 ! was definitely automatic so this was the correct decision."

Since several panelists don't see 3 ! as "automatic," I'd suggest that that's good evidence that it's not.

As for our Wolff in leopard's clothing…

Wolff: "N/S minus 620 (NPL), E/W plus 170, but I'm close to allowing plus 620 to E/W since a hesitation in the 'virtual' passout position should be somewhat privileged since it passes control to the opponents who have the ability to protect themselves. Now it is reasonable (though risky) for East to compete with 3 !, but West didn't play East for reading him and did bid his hand when he raised. I've almost convinced myself to allow E/W plus 620. Please somebody push me over the edge."

Be still, my heart. See my final comment on the previous case.

CASE NINE

Subject (Tempo): Ya Still Gotta Play Bridge
Event: Stratified Open Pairs, 30 Jul 98, First Session

Bd: 27
Dlr: South
Vul: None

	Í KJ63 ! Q8432 " A6 Ê 108	
Í 52 ! AK7 " J43 Ê QJ643		Í Q9 ! J9 " Q10972 Ê AK97
	Í A10874 ! 1065 " K85 Ê 52	

West	North	East	South
			Pass
Pass	2"(1)	Pass(2)	2NT
3Ê	3 !	4Ê	4 Í
All Pass			

(1) Alerted; Flannery
(2) Break in tempo

The Facts: 4 Í went down one, plus 50 for E/W. The Director determined that even though East broke tempo over the 2" bid, N/S's poor result was due to their own overbids. The Director allowed the table result to stand.

The Appeal: N/S appealed the Director's ruling. N/S stated that it took East 30 seconds to pass over 2". The Stop Card was not used before the 2" bid. N/S had not discussed the meaning of bids after interference. North stated that his 3 ! bid was an attempt to make the same call he would have made without interference (a 4-5-2-2 minimum). South stated that she bid 4 Í on the assumption that 3 ! showed extra values. East stated that he believed he had considered his action for 8-10 seconds before he passed.

The Committee Decision: Without use of the Stop Card, the disparate estimates of the time elapsed made it impossible for the Committee to determine that there had indeed been a break in tempo. The Committee observed that while the 3 ! call by North may have suggested further action, in this case there was little reason for a 4 Í bid except to save against a 4Ê contract. Even if the Committee had found that there was a break in tempo, the 4 Í overbid made any damage subsequent to the infraction. The Committee allowed the table result of 4 Í down one, plus 50 for E/W, to stand.

Committee: Harvey Brody (chair), Lowell Andrews (scribe), Phil Brady, Abby Heitner, Judy Randel

Directors' Ruling: 64.2 **Committee's Decision: 58.2**

Am I missing something here ? What has the use (or non-use) of the Stop Card to do with determining whether there has been a break in tempo. Players are required to pause for approximately 10 seconds and give the appearance of studying their next action before making a call after a skip bid, whether a Stop Card was used

or not.

The Committee was also wrong on another point. If it was determined that there had been a break in tempo which could have affected the subsequent auction, the fact that N/S's later actions were the proximal cause of their own damage does not remove the need to deal with the possibility that the offenders may have profited from their improper actions. In other words, even if the Committee decided to allow N/S's score to stand, the need to consider an adjustment in E/W's score still remained.

When a Committee is in doubt about what happened, it is reasonable to decide against the side that was responsible for creating the situation. The preponderance of the evidence leads me to conclude that E/W were that side. (30 seconds is a really long time; was it so unclear that there was a break in tempo? Even if a time estimate between 10-30 seconds was used, that's still quite a noticeable pause. And look at West's hand. Isn't it compelling evidence, given North's Flannery bid, that West was helped by his partner's huddle?) But even if the Committee was unable to reach that conclusion, there are still several possible solutions: split the difference; give both sides Average Plus; give each side the score that its own version of the facts justifies. Unfortunately, this Committee did none of those things and ended up (in effect) deciding for the "offenders" by allowing the table result to stand. I'd rather they had done anything else.

I would have adjusted the score for both sides as follows. First, I believe that there was a break in tempo (1) and would not have allowed West's 3♠ bid, since it could have been suggested by East's break in tempo (2) and pass was clearly a LA (3). But North's 3♥ bid would then not have been taken by South as showing extras (North's error in bidding 3♥ and South's 4♠ bid, based on his thinking that 3♥ showed extras, were normal bridge decisions – not egregious or irrational acts – , so they shouldn't compromise N/S's right to redress), so N/S would have played in 3♠ rather than 4♠. I have no idea how N/S went down only one trick in 4♠ – E/W have five potential tricks on defense. If it was reasonable to assume that the play in 3♠ would have been the same as in 4♠, I'd assign N/S plus 140; otherwise, if I couldn't determine how the play would go in 3♠ and if I believed that N/S's failure to use the Stop Card contributed to the problem, I'd adjust their score to Average (appropriate for a side deemed to be partially at fault).

As for E/W, I'd assign them the score for 3♠ making (unless I was convinced that 3♠ could not possibly have made), minus 140, since that's where N/S were almost certainly headed.

Panel, explain what should have happened in this case.

Bethe: "I think the Committee missed the boat completely. There is no way that West could bid over 2NT with no suit and no shape unless there was help from partner. Whatever the statements were, there was a pause and it did indicate interest. If West passes, North bids 3♥ and South signs off in 3♠. Thus the infraction, West's bid, clearly led directly to the bad result. There is no severance. N/S are entitled to plus 140, E/W to minus 140 and a lecture on their responsibility to bid their own cards and not those that partner has improperly shown."

Bramley: "Awful. N/S got into uncharted waters and chose possibly inferior calls, but all of their actions were rational. Furthermore, N/S surely did better to bid 4♠

than to defend 4♠. Against the probable heart lead (remember that South hadn't bid spades yet) West would claim ten tricks with the obvious winning guess at trick one. Therefore it is ludicrous to criticize N/S for competing to 4♠. If E/W had stayed out then N/S would have an easy route to 3♠, presumably making on the same defense that took only four tricks against 4♠.

"The Committee was naive to think that it couldn't determine whether a break in tempo had occurred. Although the failure to use the Stop Card should allow East more latitude than usual, he virtually admitted to a break in tempo. West's 3♠ was a highly questionable call that might have been suggested by a huddle from partner. The Committee (and the Director) should have changed the result to 3♠ made three for both sides."

Rigal: "I am shocked, shocked, at the decision here. West appears to have fielded a hesitation (his hand in no way resembles a 3♠ bid), thus putting N/S in a position where they guessed wrongly (but not culpably) and got a bad score. That is no reason to extend them no coverage from their opponents' infraction. N/S's (the non-offenders) comments on the length of the hesitation are normally right and despite the non-use of the Stop Card it sounds to me as if there was an infraction – looking at the East hand confirms that.

"In the first instance where the infraction is established but the damage is unclear I'd expect the decision to go for N/S. I'd certainly expect the Committee not to allow the 3♠ action for E/W – whereupon they concede 140 in 3♠. Even if N/S did wrong, I think there is a case that they deserve plus 140 (the 4♠ bid is bad but not bad enough to constitute subsequent rather than consequent damage) if it were not for the contributory negligence in not using the Stop Card. The subsequent/consequent issue was not properly addressed and should have been. I can live with minus 50 for N/S but E/W should get minus 140."

Rosenberg: "Ridiculous. What difference does it make whether a Stop Card was used? If the players don't agree about the length of a break in tempo, the Committee has to make its best guess. The Committee's criticism of South's 4♠ bid seems unfair. It was natural for South to bid 4♠ and it is easy to construct hands where one side is making and the other is down one (even given that North must be 4-5-2-2). A double make is not impossible. North had an unusually light hand. Plus 140 to N/S."

Weinstein: "The Committee should have left well enough alone finding insufficient evidence of a tempo break. I don't think 4♠ is so egregious as to create damage that was 'subsequent to the infraction' – whatever that is supposed to mean. The Committee itself suggests that 4♠ could be a save against 4♠ (which it may well be on the actual hand.) The 3♠ bid is so obscene that it is likely a tempo break occurred, as the Director determined. Some E/W education might have been appropriate."

Meckstroth: "I don't like the E/W actions here: first the hesitation, then West's 3♠ overcall. I would have been inclined to adjust the score to plus 140 for N/S."

Right on, Jeff!

The panelist with the best title for this case as far as the Committee was concerned was our very own…

Gerard: "Wrong subject. Ya Still Gotta Do Your Job. North said East took 30 seconds; East said he took 8-10. The likelihood is that it took 19-20. East had what he probably thought was a problem – note that he said he 'considered' his action. West took a ridiculous action that was protected by whichever minor(s) East likely had for a huddle. Not only was it not impossible to find that there was a break in tempo, it was trivial. 3♠ was among the actions demonstrably suggested by the hesitation and pass was a LA. For E/W, the final contract should have been 3♥. Because there is no compelling reason to think that they would have defended any better against 3♥ than they did against 4♥, E/W's score should have been adjusted to minus 140. Even if they might have focused a little more on the setting trick, minus 140 was 12C2 probable.

"N/S could have scored plus 300 versus 4♠ but nobody should hold them to that. By regulation, if they could have done better against 4♠ undoubled than it was 12C2 likely that they would have in 3♥, they are stuck with their actual result if it was foolishly achieved. If 3♥ had been cold, anything short of 7NT and redouble or the like would not have forfeited South's right to play in 3♥. If 3♥ had no play, N/S get no adjustment if it was a clear error to bid over 4♠. If 3♥ was touch-and-go, 12C2 throws them into one category or the other. The fact that you need to resort to 12C2 to determine the result in 3♥ means that some 4♥ bids that might have been clear errors on different facts are now okay.

"At this table, it seems clear that plus 140 in 3♥ was 12C2 likely. I mean, how tough was it for West to play ♠Q, ♣K against 4♥? At other tables, I would expect making three to be unlikely. I'm not sure of this but my instinct is that the inferential specific result trumps the global norm. Therefore, N/S were entitled to plus 140. Even under the consequent/subsequent standard N/S didn't fail to play bridge, they failed to have an understanding. It wouldn't have occurred to me to bid 3♣ as North (how about, get this, pass to show a minimum with no reason to bid?), so 4♥ was hardly the overbid the Committee deemed it to be (just give North the heart king instead of the deuce). But the Committee's willingness to accept North's explanation of 3♣ means that there must be enough of a fast arrival cult out there to make that a possible way to play. In that case, N/S's error was that they were on different wavelengths. According to the Committee, North's was reasonable; according to me, South's was preferable. In either case, who ordered the pork chops rare? In the LM Pairs, perhaps, N/S should know their agreements, but this is uncharted territory for the masses.

"The bottom line is that N/S were denied the opportunity to declare 3♥, they tried their best after the infraction and would have had to settle for an inferior score against 4♠. Even the vaunted Law wouldn't have helped them. Both the Director and the Committee were out to lunch."

My hero! And he took almost as long to say it as I did.

The following panelist was confused, but at least he started on the right track before getting derailed at the very end.

Cohen: "I can live with everything but somehow I don't feel great about any of it!

It seems to me that East's bid was out of tempo (Stop Card or no Stop Card). The Committee seems to think there was no break in tempo; if so, why do they not just leave it at that? Instead, they go on to make a decision as if there was a break in tempo. That confused me. [Think how they must have felt. – *Ed.*] And if there was a break in tempo, it's not clear to me that it suggests any particular action (such as 3♠) – it might have been thought about doubling 2♦ to show diamonds with, say ♥xxx ♣xxx ♦AKQxx ♠xx. I don't like North's 3♣ at all, so I suppose N/S deserved their bad result, but I don't understand, 'there was little reason to bid 4♥ other than a save against 4♠…the 4♥ overbid made any damage subsequent to the infraction.' Huh? I'm confused by all the wording but like I said, I think the final decision served justice."

Larry's point about East possibly thinking about doubling 2♦ with a diamond suit is seductive but ultimately unsatisfying. More likely East has general values just short of a strong notrump or both minors for his huddle. But even if he has diamonds, West is prepared for that with jack-third. Nice try, though. I think he'd have gotten it right in Committee with a few others to help him a bit.

Only slightly out of orbit this time was the Wolff man.

Wolff: "N/S minus 50 (NPL), E/W minus 140. Another easy one that reinforces (1) Equity rules, (2) The field is protected (PTF), (3) It doesn't pay to round it off in your favor (West's 3♠ bid), and (4) You can't stop playing good bridge by using poor judgment (South's 4♥ bid). To quote the democrats 'Isn't bridge better off'?"

Quoting democrats these days can be a risky proposition. As several panelists have already pointed out, South's judgment in bidding 4♥ is not faulty. Suggesting minus 50 for N/S is cavalier and at best short sighted. Why not worry about the table at which the infraction occurred, where a potential full board is at stake for the victims of the UI, rather than about the field, each pair of which has at most a one-matchpoint interest (and probably less) in the decision?

CASE TEN

Subject (Tempo): Friendly Holding Begets "Friendly" Decision
Event: Flight A Pairs, 01 Aug 98, Qualifying Session

Bd: 2
Dlr: East
Vul: N/S

Doug Handler
♠ A10
♥ 10
♦ A7432
♣ A10543

Arnold Krause
♠ 862
♥ J96
♦ QJ86
♣ QJ9

Wendy Krause
♠ K974
♥ A8543
♦ 95
♣ K6

Diana Lowell
♠ QJ53
♥ KQ72
♦ K10
♣ 872

West	North	East	South
		Pass	Pass
Pass	1♦	1♥	Dbl
2♥	3♣	Pass	3NT(1)
Pass	4♣	All Pass	

(1) Break in tempo

The Facts: 4♣ made four, plus 130 for N/S. The Director ruled that after the agreed break in tempo before the 3NT bid North's 4♣ bid was a LA that was disallowed (Law 73F1). The contract was changed to 3NT down one, plus 100 for E/W.

The Appeal: N/S appealed the Director's ruling. Only North was present at the hearing. North stated that N/S's style was to open all 12 HCP hands. North knew the N/S assets were at most 23 HCP and he could not construct any hand for South that would produce a good play for a notrump game. His aces and shape argued for suit declaration. He thus concluded that he had no LA but to bid 4♣.

The Committee Decision: The Committee determined that South could hold the ♥AQ and a minor-suit king-queen which would produce a play for 3NT. The likelihood that South held this perfect hand and that the suit distribution would also be friendly was deemed too remote to meet the criteria of LA. Therefore, the Committee accepted North's reasoning that pass was not a LA. North was escaping from a probable negative position to a contract that was likely to produce a plus score. The Committee decided that no player with the authorized information available to North would seriously consider passing 3NT. The Committee changed the contract to 4♣ made four, plus 130 for N/S. [Chairman's Note: A Committee of two was empaneled with North's agreement due to severe time constraints.]

Committee: Jon Brissman (chair), Dick Budd

Directors' Ruling: 77.7 **Committee's Decision: 62.7**

I have major problems with N/S's arguments but especially with the Committee buying the farm on this one.

The break in tempo was agreed (1) and it clearly suggested that pulling 3NT could be the winning action (2), so we are left to determine whether passing 3NT

was a LA for North. The Committee described one class of hand (♥AQ with king-queen in one of the minors) which would make game a favorite. Let me suggest several others. Give South ♠xxx ♥AQx ♦xx ♣K9xxx, a nine count, and 3NT requires only a heart lead or the ♥K on side (both likely on the auction) and clubs not three-zero. Switch a small club for a deuce in another suit and 3NT still only requires clubs to be two-two or three-one with a singleton honor (and South to guess which way). Another? How about ♠xxx ♥Kxx ♦KQ ♣K9xxx. Here 3NT requires only non three-zero clubs and even slam (6♣) has good play on the expected heart lead (and reasonable play even with the best lead the defense – a spade)! Gerard and Cohen provide additional example hands for those of you still not convinced.

The Directors were clearly correct in this case. I would have adjusted the score as they did to 3NT down one for both sides.

I feel bad for the two hard-working Committee members. This case illustrates why I am so strongly opposed to small (especially one-man) Committees. Here a two-man Committee got tunnel vision and blanked on what should have been an easy bridge analysis. Obviously a five-man Committee could have screwed this up too, but with five people working on the analysis there is far less chance of that happening.

Here is the short and the long of the support for my position…

Meckstroth: "Too friendly describes this decision. Passing 3NT is better than a LA. It's a clear bid. North took full advantage of South's slow 3NT bid. We can't allow this type of action to be rewarded."

Gerard: "It's time for League counsel to earn his keep. I know we're supposed to avoid getting personal, but that only applies to the contestants in the appeal. However, it's not libelous to question someone's thought processes. One of this Committee of two is Vice-Chairman of National Appeals, the other served on more Committees (8) than anyone else in Chicago. I have no idea whether they are anyone's political cronies (c'mon, you all know it exists) but clearly these are not merely two guys who just fell off the pickle truck. Gentlemen, WHAT THE HELL WERE YOU THINKING ABOUT? This same Committee of two also failed to consider the key issue of the other case that they presided over (CASE EIGHTEEN). The NPs from CASE SIX would have done a lot better to have been outraged about this case. Sure, we open all 12 counts, trust me. Nice work, Committee, analyzing the truth or the relevance of that statement. What about ♠Q9xx ♥QJ9x ♦KQx ♣Jx? ♠Jxxx ♥KQ9 ♦xx ♣KJxx? ♠Kxxx ♥Kxx ♦QJ10x ♣xx? Let's have a pool to see who can think of the most examples. How about the weakest hand? My entry is ♠xxxx ♥Kx ♦Kxxxxx ♣x although its likelihood is fairly remote. Since I've just cited four hands on which 3NT has excellent play with 11, 10, 9 and 6 HCPs, respectively, surely a Committee of two could do at least that well if they put their minds to it. If North couldn't construct any hand that would produce a good play for 3NT, you don't think he was overly motivated, do you? Apparently, he also hasn't heard that aces take tricks in notrump as well as suit contracts.

"This case was too simple to belabor the obvious or to risk further incurring League counsel's wrath. But just for drill, South's huddle showed that the alternative to 3NT was either three- or four-of-a-minor or punt. Since pass was a

LA, North can't bid if South has four-of-a-minor or punt. If South has three-of-a-minor, it might be right to pass 3NT but the odds favor pulling, so North can't bid no matter what South's alternative was. The Committee produced 'reasoning' out of a different era, one when the home-run record had an asterisk and abortions were performed in back alleys. These are the kinds of decisions that give lawyers, bridge and otherwise, a bad name. It's Telltale and Crypto all over again.

"I know this write-up won't be unanimous, although there are subtle indications that it won't be the Editor's fault. That's really sad. I'm taking names."

Close behind (or maybe a little ahead of?) Ron in the I'm-Mad-As-Hell-and-I'm-Not-Going-to-Take-It-Any-More Department was…

Cohen: "Time for another blood vessel to burst (are you going to ask me to stay calm, Rich?). First of all, since when did the LA terminology get so mixed up? Isn't the issue that *pass* was a LA over 3NT? Many of North's peers might have chosen to pass. In this case, it twice says (in The Facts and in The Appeal) '4Ê was a LA.' Who cares? 4Ê was the unauthorized bid – it's the pass that we have to consider as the LA.

"Anyway, on to the decision. Talk about self-serving arguments by North. And the Committee swallowed them, clubs, notrump, and stinker. South could hold numerous hands where he would bid a prompt 3NT and probably make it (for example, ÍJxxx !Q9xx "KQx ÊKx or ÍQxxx !K98x "Kx ÊQJx – and I'm sure there are many more). So, South bids a slow 3NT to show doubt (just as if it were some sort of convention like lebensohl) and North is playing the same 'methods' so he gets to pull the slow 3NT whereas he would have sat for a fast 3NT. Come on guys, how can we allow this nonsense? Has anyone been paying attention to the casebooks the last few years? Are we trying to go backwards? I'm still gagging over 'No North would seriously consider passing 3NT.' Give me a break. Okay, I'll calm down now."

Now, now, take your medication and relax. (I didn't want to disappoint Larry by not saying that.) Actually, he took it quite well — much better than I thought he would, although not as well as it would seem from the above comment: I had to edit out quite a few multiple punctuation marks and "loud" phrases typed in ALL CAPS.

Regarding the LA terminology issue, Law 16A actually says:

> "After a player makes available to his partner extraneous information that may suggest a call or play, …the partner may not choose from among logical alternative actions one that could demonstrably have been suggested over another by the extraneous information."

This indicates that all the competing actions, the one taken at the table ("may not choose from among LA actions") as well as any of the alternatives (one of which we may impose in the chosen one's place), are LAs. Thus, one can properly refer to either the action taken or one being considered in its place as a LA. If we're twins, each of us is a twin. (Sorry, I couldn't resist.)

Another panelist who agrees with our analysis, but is not as exercised about it, is…

Rosenberg: "South seems to have an automatic 3NT bid. Perhaps she suspected

that North was light. I think I would have passed 3NT with the North hand (definitely after the break in tempo). Wrong message sent here instead of the right one (breaking tempo hurts your side)."

And now…for something completely different.

WARNING: THE FOLLOWING SHOULD BE KEPT OUT OF THE HANDS OF YOUNG CHILDREN AND OTHERS WITH IMPRESSIONABLE MINDS.

Brissman: "During the testimony phase, the Committee asked North if he could construct a hand for South that would make 3NT a viable contract. His answer showed that North had given the matter no thought, because he was fixated on the notion that a combined 22 or 23 HCP could not produce a notrump game. The Committee then exercised its judgment about North's peers and concluded that a less-than-significant group would seriously consider passing 3NT.

"A Committee of two was necessitated between sessions of a qualifying event because both pairs involved were close to qualifying and the composition of the evening field could not be determined without adjudication. There was only 90 minutes between sessions and this game broke at a different time than the concurrent NABC event, so no other panel members could be located."

As Ron pointed out, North's inability to construct any hand for South that would produce a good play for a notrump game was self-serving – his motivation to do so was at issue. Based on Jon's comment, I would add that even asking the question of North was probably not judicious. A good rule of thumb is not to ask any question (at least of a subjective nature) the answer to which could be considered self-serving. I guess the Committee was just trying to determine the level of bridge thinking of which North was capable. However, they ignored the motivational issue. Why would North even think to examine the possible South hands which would make 3NT playable when he "knew" from South's huddle that she didn't hold such a hand? Had she bid 3NT quickly and confidently he probably would have passed without giving that bid much thought either and he probably would have had little trouble after the fact coming up with South holdings consistent with that action. Self-serving is self-serving.

The following panelist's comment is quite perplexing.

Bramley: "I agree with the decision but not with all of the arguments. I believe that passing 3NT is a LA for North. However, South's hand is strongly representative of the holding that North could expect on the auction. If North wanted to judge to remove 3NT opposite such a hand I would not deprive him of that right. However, if South's hand did not match so well the expectation for a 3NT bid, say ÍQxxx !Kxx "Jx ÊKJxx, then I would be less inclined to give North the benefit of the doubt. I know this is a controversial area that as of now has backing neither from precedent nor the Laws, but put me in the camp that wants to see a correlation between the huddler's hand and the suggested action before an adjustment is made."

So a player whose tempo clearly and consistently conveys his attitude about his bids to his partner (I'm comfortable with this bid; I'm stretching; I have extras; I have doubt; etc.) can get away with it if he has bad bridge judgment. For example,

if I convey that I'm unhappy with my penalty double and partner pulls, only to find me with a "normal" holding, we can get away with the pull when it's right because my hand doesn't match the suggestion conveyed by my tempo? Bah! When the winning action is both suggested by the UI and taken by the partner, the match between the conveyor's card holding and the UI is immaterial. This time it may have only been my erratic judgment that produced the mismatch, but usually there will be a match.

In bridge, sandbagging is illegal – not only for those who do it well but for those who do it poorly also. The same goes here. Conveying UI and then acting in a manner which is consistent with it cannot be permitted, regardless of the actual card holdings.

Surprising support for the Committee's decision also came from…

Treadwell: "It is difficult to imagine passing 3NT with the weak North hand opposite a South hand who had passed originally. The two person Committee got it 150% right to make up for the missing member."

and from…

Rigal: "I like both the Director ruling (in favor of the non-offenders where there is doubt) and the Committee decision. The Committee decided that North's weak suits made his action clear enough to override the hesitation issue. I agree – though a question that should have been asked was about the Good/Bad 2NT. I assume N/S were not playing it. If they were, the question gets more complex. N/S should also be warned that they were lucky that they got away with this."

And finally…

Wolff: "Agree, but much ado about not much. Should 4Ê be made, and is 3NT sure to go down? The answer is maybe. The Committee did right in selecting what actually happened at the table."

That just blows my mind. Larry, would you pass the Valium, please?

CASE ELEVEN

Subject (UI): Transfer To Oblivion
Event: Daylight Open Pairs, 30 Jul 98

Bd: 18 Dlr: East Vul: N/S	Í A1076 ! K1092 " AK7 Ê K3	
Í KJ ! 64 " Q109853 Ê J104		Í 32 ! A875 " J6 Ê AQ875
	Í Q9854 ! QJ3 " 42 Ê 962	

West	North	East	South
		Pass	Pass
2"	2NT	Pass	3 Í (1)
Pass	4Ê	Pass	4 Í
All Pass			

(1) Announced; transfer to clubs

The Facts: 4 Í went down one, plus 100 for E/W. At the table North announced that South's 3 Í bid was a transfer. The Director ruled that passing 4Ê was a LA for South (Law 16A2). The Director assigned Average Plus to E/W and Average Minus to N/S (Law 12C1).

The Appeal: E/W appealed the Director's ruling and were the only players to attend the hearing. E/W stated that they might have been able to defend 4Ê doubled.

The Committee Decision: The Committee decided that (1) North's 4Ê bid meant that North had long clubs and was not interested in a spade contract, and (2) that pass was a LA to South's 4 Í bid. The contract was changed to 4Ê down five, minus 500, for N/S (Law 12C2). E/W was assigned plus 100 or Average Plus, whichever was greater, because the Committee did not believe that E/W was entitled to the windfall result of plus 500.

Committee: Harvey Brody (chair), Lowell Andrews (scribe), Phil Brady, Abby Heitner, Judy Randel

Directors' Ruling: 66.1 **Committee's Decision: 60.0**

Well excuuuse me! "We think your opponents should pass 4Ê and we would normally let you have that result as well, but it's too good a score and you don't deserve it so we're assigning you plus 100 or Average Plus." Pass me another Valium and find me that one in the laws, would you Ron…

Gerard: "And I don't believe Yahoo shares are worth 120, either. Once the Committee decided as it did regarding 4Ê, it clearly should have awarded E/W plus 500, the score mandated by 12C2. There was no authority for the ruling they assigned.

"However, they were all wrong about the meaning of 4Ê. Without transfers 3 Í is usually forcing, so 4Ê is a cue-bid in support of spades. If 3 Í is nonforcing,

North can choose between 3♥ and 4♥, not between 3♥ and 4♠. South might have passed at unfavorable with ♥J10xxxxx ♦xx ♣xx ♠xx. This is different from the usual 2NT transfer to 3♠ problem, since 3♠ could not be a cue-bid in support of notrump. And even if you don't think the auction ever goes 1NT-2NT-3♠ (I disagree), certainly North should cue-bid 4♠ on this auction if the hands are: North, ♥Axxx ♦xx ♣AQ10 ♠AK10x; South, ♥KQ9xx ♦Axx ♣xx ♠Qxx. That North hand has a good play for game opposite either the actual South hand or ♥J10xxxxx ♦xx ♣xx ♠xx.

"So this should have been easy. 4♥ down one for both sides. The Director showed he didn't understand bidding theory but the Committee showed it was clueless both as to the bridge and the Laws of it."

And that's the true story on that one, folks. (Oh, by the way, Ron, I'll be happy to take your Yahoo shares for 120 – they just closed at over 400!)

But let's get back to basics. First, there was clearly UI from North's announcement of 3♥ as a transfer (it should have been Alerted, not announced; only diamonds-to-hearts and hearts-to-spades transfers get announced). Second, the UI available from the announcement (by the way, the same UI would have been present if 3♥ had only been Alerted) certainly made South's 4♥ bid/correction more attractive. So we are left with determining if there was a LA to 4♥ (i.e., pass). Ron covered that issue quite well (even to the point of explaining why this auction is not the same as 1NT-2NT-3♠), so I won't dwell on it here except to make three additional points.

One, if this auction had occurred a level lower (a 1NT overcall with a 2♥ bid by advancer) I would have a different judgment about passing 3♠ – it would then be conceivable that North had overcalled a comic-type notrump, so a pass by South would be a LA. At this level, however, that will not (in practice) be the case.

Two, there is just a tiny question in my mind whether a random pair in *this* event would be sophisticated enough to treat 3♥ as forcing. If North could have overcalled with a club suit (e.g., ♥J ♦Kxx ♣Kxx ♠AKQxxx) it is just possible that 4♠ could be natural. I'd want to look into that before making my final decision. (But, as Ron also pointed out, "Once the Committee decided as it did regarding 4♠, it clearly should have awarded E/W plus 500, the score mandated by 12C2. There was no legal basis for the assignment they made.")

Third, why didn't the Director attempt to determine the result of a 4♠ contract? If passing 4♠ was a LA, then it couldn't have been all that difficult to project a bridge result. After all, the Committee managed it (at least for N/S).

Agreeing with Ron and me were…

Bramley: "I don't buy it. I don't think North would ever bid 4♠ for the reason suggested by the Committee. With that hand he would either bid 3NT or pass 3♥. 4♠ ought to be a slam try in spades, presumably based on the assumption that 3♥ is forcing. I would have let the table result stand."

Rigal: "A bit of a cop-out by the Director, a total screw-up by the Committee. The Director backed out of the ruling, with some justification, but one might have expected 5♠ down some number as the ruling. However, equally, he might have followed what I believe to be the following clear-cut Committee decision.

"If South had been playing with screens at the table he would have treated 4♠ as a cue-bid for spades and bid 4♥. No question, that is what the bid means; if you bid 2NT, you can't then bid clubs – what kind of player thinks you can? Natural is absolutely impossible. So no damage, no infraction, no nothing. I can't believe an intelligent Committee could produce this travesty. The only justification is if the daylight pairs is such a bad standard that advance cue-bids do not exist. Can this be the case?

"This decision and the next turn my stomach."

Weinstein: "Let's temporarily (and I do mean temporarily) accept the Committee's premises (1) and (2). Then E/W are absolutely entitled to plus 500. It is not necessarily a windfall if N/S would have been in 4♠ except for South's alleged use of the UI. In order to not give E/W the benefit of the score adjustment the Committee has to determine that South was very likely to have bid 4♥ in the absence of the UI. The Committee's premise (1) indicates this was not their belief. However, I do believe that in the absence of UI it is highly likely from South's perspective that the 4♠ call was a cue-bid or an obvious misunderstanding. Only under this basis could the Committee have appropriately not adjusted the E/W score. The Director should have determined a likely score in 4♠ if he chose to adjust the score."

Brissman: "It seems to me that had no Alert been given, South would have interpreted 4♠ as a cue-bid in support of spades, in which case no LAs exist to the 4♥ call. I can't imagine treating 4♠ as a non-forcing contract improvement motion."

The next two panelists agree that E/W should be entitled to the reciprocal of N/S's score, windfall or not, but then introduce an additional consideration into the mix.

Bethe: "Why aren't E/W entitled to plus 500? Well, if you and I were playing and the bidding went, 2♣-2NT-Pass-3♥ (natural and forcing)-Pass-4♠, what would that mean? It would be a cue-bid in support of spades. Now, North heard his partner transfer to 4♠, then bid 4♥. What is that? Is it a suit, a short suit, or a cue-bid? Could partner, for example, have ♥KQx ♦Qx ♣xx ♠AQJxxx? Or is partner more likely to have ♥Kxxx ♦xx ♣x ♠AQxxxx. If the former, we'd better bid a slam. If the latter, we should pass. But if 3♥ is a transfer, then either 3♠ or 3♣ is Stayman and partner can't have four spades. So it is a cue-bid looking for a club slam. I suspect that the UI was not the mis-Alert but South's apparent unhappiness at North's Alert and explanation, and that North took advantage to pass 4♥. The opponents were in the middle of an accident and E/W are entitled to that accident just as much as when their opponents bid a grand off a cashing ace."

Taking this idea even further…

Rosenberg: "A few years ago there was a case like this and I was the only panelist who wanted (demanded?) to know 'how did North know to pass 4♥? What changed between the Alert of 3♥ and the pass of 4♥?' South must have done something to give it away, and that is the most important fact here. Both players now have UI. Of

course, South is entitled to know something is wrong, as soon as North bids over 3 Í – but it is too late to avert disaster. North must take South's 4 Í bid at face value (i.e., a spade cue-bid {Stayman with four-card spades?} and slam try, e.g., Íx !QJx "xx ÊAQJxxxx). Facing that hand a 6Ê bid seems indicated. East might double and South is ethically bound to pass. Whether we rule 6Ê doubled down seven or 6NT doubled down six or 6 Í doubled down three should not materially affect the matchpoint score. Any one of these will send the message that it is losing bridge to use UI to extricate oneself from a disaster. I'm sure many would say that E/W are not entitled to a bonanza but I disagree. E/W are entitled to the score they would have received against a pair who were aware of their ethical obligations."

The remaining panelists (with one lone-Wolff exception) apparently hold the opinion that 4Ê is natural and non-forcing. However, they still have the same problem with the Committee's failure to reciprocate the score adjustment that the rest of us do.

Meckstroth: "That is definitely what N/S should get. Why wasn't E/W entitled to plus 500?"

The next panelist finds, as I do, that E/W's plea that they be permitted to defend a final contract of 4Ê doubled was a bit on the odious (or odorous?) side.

Cohen: "I don't understand at all why the Director would rule Average Plus/Average Minus. Either he allows South's 4 Í or he doesn't. The result then becomes either 4 Í down one or 4Ê down five. I was with the Committee right up until the end. Obviously, South has to pass 4Ê – I won't waste any words on that issue. 4Ê down five seems fine (I'm sure you could argue for a different number of tricks but down five is good enough; besides, not many matchpoints would hinge on 500 versus 400 or 600). It also would be ridiculous to let E/W defend 4Ê doubled as they requested – I'm surprised no mention was made of that gluttonous request.

"The Committee lost me (as in CASES ONE and TWO) with their final decision. Why shouldn't the score be 500 for both sides? N/S screwed up, E/W happened to be there for their opponents' mistake, so why shouldn't they get a top? If my opponents forgot their methods and played in a three-two fit I wouldn't be bothered a bit to get all the matchpoints. If my opponents illegally maneuvered their way out of that three-two fit why should I lose my top? Here, N/S messed up and had to pay the price. E/W were entitled to get rewarded for being in the right place at the right time – that's matchpoints. Just as in CASES ONE and TWO, if this is the way the decisions are going to go, then why should E/W ever bother to appeal?"

Obviously Larry has no doubt that 3 Í was non-forcing for N/S, so he cuts right to the chase and disallows the "correction" of 4Ê. I could live with that (given a few questions of N/S to convince myself that it was appropriate) but my heart is still with those who think the default meaning of 3 Í is "forcing."

Somewhere off in the canine (Wolff-ine?) wilderness is…

Wolff: "Terrific decision by the Committee – penalize the convention disrupters (CD) and restore equity to the non-offenders, but don't allow them to get a windfall result."

Do you think maybe if we sprinkle some bread crumbs or sound loud horns he'll find his way back. Nah!

Rush Limbaugh wrote a book entitled *The Way Things Ought To Be*. Strange bedfellows, these.

CASE TWELVE

Subject (UI): I Know What I Know When I Know It
Event: Flight A Pairs, 01 Aug 98

Bd: 4
Dlr: West
Vul: Both

Patricia Buffie
Í 102
! Q42
" K876432
Ê 10

Stephen Maltzman
Í AQJ4
! 10963
" Q109
Ê 65

Leora Dubrovsky
Í 653
! AJ75
" ---
Ê KQJ973

Rajan Mehta
Í K987
! K8
" AJ5
Ê A842

West	North	East	South
Pass	Pass	1Ê(1)	1NT
Dbl	2"(2)	Pass	2!
Dbl	3"	Dbl	All Pass

(1) Alerted; could be short
(2) Announced; transfer to hearts

The Facts: 3" doubled made three, plus 670 for N/S. The Director ruled that South's transfer announcement could have reminded North of their agreement that 2" was a transfer and made her 3" rebid more attractive than passing 2! – which could have been taken as a choice of majors. The Director changed the contract to 2! doubled down four, minus 1100 for N/S, and allowed the table result of minus 670 to stand for E/W.

The Appeal: N/S appealed the Director's ruling and were the only players to attend the hearing. North announced that it was her intention to bid diamonds until her partner passed. She said that West's double had no effect on their system. She also said that she knew this was a transfer but had no intent to psych. She said that in their methods they escape to a minor over 1NT doubled by bidding 2Ê and then bidding three of the minor to which they wish to escape. North noted that South's pass of 3" doubled was clearly predicated on South's preference for diamonds. Upon questioning North said that she and her partner play together once a month; she could not recall a time when he had a five-card major for a 1NT overcall and was not sure whether he had ever overcalled 1NT with a singleton.

The Committee Decision: South's announcement that 2" was a transfer was required since that was their agreement. However, it was also extraneous information. When the information is at odds with the bidder's hand, it constitutes UI and the force of Law 16 comes into play. North's statement that she knew that 2" was a transfer was inconsistent with her statements: (1) that she wanted to bid diamonds twice, and (2) that their method for escaping to a minor was to bid 2Ê and then three of the appropriate minor. Under the circumstances the Committee was compelled to find that North did not know that transfers were operative in this situation when she made her 2" bid but that UI was available to that effect. The Committee considered what a group of her peers would do if they thought that 2" showed diamonds and 2! showed hearts in this auction. It was believed that a

significant minority of North's peers would sit out 2! doubled in hopes of reaping a windfall profit. Therefore, the Committee changed the contract to 2! doubled down four, minus 1100 for N/S.

E/W did not appeal their score and did not appear before the Committee. The Committee summarily accepted the finding of minus 670 for E/W on the grounds that the double of 3" was an egregious call which broke the chain of causality from the N/S infraction to E/W's poor result, and E/W were not entitled to protection after such a call. Had E/W allowed 3" to play undoubled they might have been entitled to the plus 1100 from 2! doubled, but that was an issue the Committee did not need to decide.

Committee: Michael Huston (chair), Lou Reich, Carol Simon

Directors' Ruling: 77.7 **Committee's Decision: 75.7**

On first blush this appears to be a fine job all around. The Directors applied the differing standards of Law 12C2 to the two sides and held East accountable for her wild, gambling two-way shot-seeking double. The Committee provided an impressive analysis and a clear, authoritative write-up. What more could we ask?

Agreeing with the above evaluation and making a tongue-in-cheek overture which will sadly be taken seriously by some, was…

Bramley: "Well argued by the Committee. Poorly argued by North. A more effective argument would have been 'I didn't know whether transfers were in effect but I intended to bid diamonds until I bought the contract.' If North had made that argument I would have been tempted to rule in her favor. We have seen other examples of players hamstrung by the notrump bidders' removal of their natural runouts. I am always inclined to let a player with a seven-card suit opposite a balanced hand insist on that suit as trump. But North cooked her own goose by describing a different method for running to a minor and by insisting that she did not intend to psych. Could the Committee possibly have been guilty of entrapment here? That is, did they ask North enough questions so that she could give some wrong answers? Anybody need a good bridge lawyer?"

Along the same lines, but with a far more convincing argument, was…

Cohen: "A real tough one. North needs a good lawyer. I might have allowed 3" if her argument was along the lines of, 'I wasn't sure what our methods were. I hoped 2" was natural but when partner bid 2!, it sure sounded like he took it as a transfer (the announcement notwithstanding) and when they doubled that confirmed my suspicions. How could I not rebid my seven-card diamond suit? All along I just wanted to somehow get to play in diamonds…,' etc. Her actual argument was confusing ('North noted that South's pass of 3" doubled was clearly predicated on South's preference for diamonds.' – What?) It bothers me a bit that I'm suggesting that good lobbying (or lawyering, if you will) would let North win her case. By the way, behind screens there's not a Committee in the world that wouldn't allow North's 3"."

You'll have to get in line behind Bart if you're trying to drum up some extra business on the days when you're not presiding over "The Law."

Raising an excellent question about the conditions under which the non-offending side should receive protection was…

Rosenberg: "This case type is very unfortunate but without screens, there is no choice but to commiserate with North as you decide against her.

"The interesting legal question is what should happen to E/W. My feeling has always been that the non-offenders' actions are only relevant to the extent that they prevented them from getting an equal or better score than they would have achieved without the infraction. For example, if the minus 110 they would have achieved in 3♥ undoubled was better than they would have scored without an opposing infraction, then they keep the bad score created, not by the infraction, but by the ridiculous double of 3♥ (even I agree it was ridiculous in this case). Here they could not have nearly achieved the same result they would have and therefore are 'entitled' to plus 1100. Am I wrong about this, legally and/or morally?"

Michael's position is philosophically similar to my own. I see nothing in the laws to prevent us from holding non-offenders accountable for "failing to play bridge" (which certainly describes East's double here) provided they could have achieved a better result otherwise (at least equal to the one they would have achieved had there been no infraction). If the non-offenders had continued to bid and defend reasonably and still couldn't have received a normal score, it would be wrong to stick them with the same poor result just because they made a silly bid or play which had no bearing on anything. Thus, I agree *in theory* with Michael that the non-offenders should be responsible only for errors which *cause or contribute to* their poor score. The operative principle is: when the non-offenders commit an egregious error subsequent to the infraction which is incidental to their poor score, they should still be given redress.

There is, however, an exception. If a non-offender subsequently takes a wild or gambling action (i.e., attempts a double shot), that should relinquish their right to redress – even though they had no equity in the board once the infraction occurred. In my mind attempting a two-way shot is unsportsmanlike conduct. No one is entitled to take an action aimed solely at gaining a windfall profit and assume that if it fails, they can still get a score adjustment. No way. This isn't the NFL where a quarterback gets a free shot at the end zone for catching an opponent off-side. The double in the present case *theoretically* could have compromised E/W's right to redress.

Wolff: "Another great decision by the Committee but, unlike CASE ELEVEN, was also shared by the Director."

I knew he'd say that. Really, I did. A bit confused was…

Meckstroth: "Why? E/W should have been plus 1100 since North took advantage of UI. I disagree that doubling 3♥ was egregious. Was East really supposed to be worried about the Committee during the hand?"

By the way, 2♠ doubled is down five (that's 1400) on West's normal-looking trump lead.

North's 3♥ bid had a lot more validity than North's arguments or the Director's or Committee's resolutions gave it credit for. Even if, as suggested by the Directors, South's 2♠ was offering North a choice-of-majors and, as the Committee determined, he was unlikely to have a singleton anywhere, 3♥ would still be the correct contract.

I'll allow the next two panelists to explain the proper resolution of this case, since it was they who convinced me of its correctness when I was merely leaning somewhat in that direction. First, the explanation you'll understand…

Rigal: "The Director should have let the score stand; though I can live with his ruling I do not like it. And if he did not, the Committee surely should not have given N/S minus 1100 for making the bridge bid. I am starting to sound like Treadwell I know, but here it is justified. How many diamonds does North need before he can play in the suit facing a notrump overcall? Even if South has a singleton honor he will not have five hearts, will he? So how can playing diamonds be wrong? Again, with screens I can't see how North would ever get this wrong, so although I might want to stop N/S from playing bridge, I do not see how you can. You can't make people with seven-card suits play in some other strain facing a balanced hand – it brings the whole Committee process into disrepute. Flight A pairs deserve more protection from insanity imposed on them by the Committee."

And now the one you might not understand, but read it twice – it's worth it.

Gerard: "This was a good effort up to a point, so let's get the preliminaries out of the way. First, it's down five for 1400. Second, East's double was the equivalent of 7NT and redouble (see CASE NINE) so E/W clearly forfeited any right to plus 1400. Third, I'm troubled that the Committee discarded its own line of inquiry about whether South could have a five-card major. If that wasn't for the purpose of judging how likely it was that North would try for the brass ring, what was the point? There's no indication that the Committee thought North's answer self-serving; in fact it would be entrapment if they did. North's peers include those who probably were facing a four-card heart suit that had just been doubled by the responder, so sitting out 2♠ doubled rather than playing 5♥ doubled in the worst case (see below) looks like an enormous gamble to me. Even at matchpoints, safety can still be a consideration.

"But the Committee threw away its early promise and just went screaming mad at the end. Yes, North's obligation was to act as if South had said 'That's natural, I bid 2♠.' That being the case, North could expect South to pass 3♥. Hoping for a windfall profit in a likely four-three fit with a probable four-two or worse break seems suicidal. North's hand is not the type that plays real well in hearts, so why shouldn't she aim for a more or less normal result by bidding 3♥? I don't even think a significant minority of North's peers would give serious consideration to passing 2♠ doubled, which is the standard the Committee should have applied. If this were another Master Solvers Problem (D) with the given conditions, how many Norths do you think would say their plan was to bid and rebid diamonds unless they could play in 2♠ doubled? Maybe the Committee's view was a backhanded slap at the

competition but even in Flight A Pairs, it's possible to take the correct action rather than swinging for the fences.

"But there's a far more compelling reason for allowing, in fact requiring, North to bid 3". Without the UI, North can expect South to pass 3". With the UI, North has no safety in bidding 3" – South might jump to 4!, as he would with ÍK987 !KJx "Ax ÊAxxx, trusting partner rather than the opponents. Don't forget, even though West doubled 2! East never had to express an opinion. From South's standpoint, the opponents' heart holding could be ten-nine fourth opposite singleton. And as for 2" and then 3" to show diamonds, not both, 'Cheating' Landy and its Jacoby Adjunct are relegated to the club games, not Flight A Pairs at NABCs. In that case, North is acting on the UI by taking his chances in 2! doubled instead of possibly having to play in 5" doubled. If South had that hand and North sat it out, wouldn't you require North to bid 3" and have to deal with 4! doubled on the next round? Since North would bid 3" without the UI and would be running a risk by bidding 3" with the UI, how can passing 2! be a LA? This all seems so clear to me that I wonder if the Committee wasn't out to get North. Did they notice that it was a seven-card suit, not the usual five-bagger that gets rebid? Or did they forget that in the typical defense to notrump variant (one opponent overcalls naturally, the other Alerts and bids the conventional anchor or second suit), the advancer's length is unlimited and he may be void in overcaller's 'suit'? Here, North could be relatively certain of a seven-card heart fit and at least a nine-card diamond fit. In fact South really should have a diamond fit to bid 2!, otherwise how could he risk raising the level (see also CASE ELEVEN)?

"So despite its proper focus on how North was supposed to react to the UI and its discrediting of the 'I deliberately violated my system' contention (we haven't seen that one in a while but maybe it's making a comeback), the Committee got it all wrong. It could have gotten the scoring right, could have visualized North's rebid problem, should have recognized the inconsistency between its five-card major thread and its decision and definitely should have talked in terms of whether North's peers would give serious consideration to passing 2! doubled, not whether they actually would. Finally, they just flubbed it at crunch time. This isn't quite as bad as some of the other atrocities perpetrated to date – at least they tried hard. But they still get the Bronx cheer from this corner. The correct decision was 670 for both sides."

Not convinced yet? Try playing 2! and 5" with the North hand opposite ÍKxx !AJ10x "Axx ÊAxx – a holding that many wouldn't even bid with over 2"!

CASE THIRTEEN

Subject (MI): Welcome to the ACBL
Event: Bracketed KO (11), 26 Jul 98, Final Session

Bd: 10 Dlr: East Vul: Both	Í J10643 ! Q " 96 Ê KQ987	
Í 2 ! A76 " AQ1072 Ê J1043		Í Q75 ! K8542 " J54 Ê A6
	Í AK98 ! J1093 " K83 Ê 52	

West	North	East	South
		Pass	1"
2"	Pass	2!	All Pass

The Facts: 2! made four, plus 170 for E/W. N/S started to inquire as to the meaning of the direct cue-bid and were told by East that she didn't know what it meant. South cut her off at that point, believing that further explanation would help E/W. N/S made no effort to protect themselves. The Director ruled that N/S had not been damaged and allowed the table result to stand.

The Appeal: N/S appealed the Director's ruling. They stated that E/W had only one filled-out convention card and dummy was inconsistent with what was listed on that card as the bid's meaning. Confusion led to North's failure to balance and he subsequently misdefended. E/W were a husband and wife who have played together for many years but rarely play duplicate (they have 75 masterpoints between them). They mostly played kitchen bridge, where anything goes, and were not familiar with the use of convention cards.

The Committee Decision: N/S never asked either opponent for any explanations after the auction or before the opening lead. North was especially at fault, since even at his skill level (approximately 150 masterpoints) he should have determined that he should have acted (bid his spade suit) in the passout position. The N/S partnership could have easily defeated 2!. Instead, two overtricks were made. The Committee allowed the table result of 2! made four, plus 170 for E/W, to stand. E/W were reminded of their obligation to have some understanding of the meaning of their bids so that their opponents could be informed of what those bids mean. Also, they were told that they needed to fill out two convention cards identically and completely and have them available for the opponents. The Committee complimented the players for choosing to use the appeal process to straighten out their confusion, something that new players almost never consider. All four players were encouraged to continue having a good time at their first NABC.

Committee: Jerry Gaer (chair), Lowell Andrews, Phil Brady, Dick Budd, Dave Treadwell

Directors' Ruling: 90.0 **Committee's Decision: 89.7**

I should commend the Committee on the attitude they communicated to the players. Having fun is the primary goal for most of us (it's the ones who do so at everyone else's expense who cause most of the problems) and this Committee sent the right message. Also, letting the "authorities" sort out any problems which occur at the table is a good strategy to encourage, especially in newer players.

Having said that, I'm not convinced that either the Director or the Committee properly resolved this situation. Both sides appear to have contributed to the problem: N/S for cutting off E/W's explanation and for their failure to find out at the end of the auction (before North's terminal pass) what the E/W agreement was about 2♥; E/W for not having two properly filled out convention cards and for not knowing what they were playing in a bread-and-butter situation. Was either pair really experienced enough at duplicate to have known better? I wonder.

West appears to have thought that 2♥ was natural (maybe because he held a hand which made that meaning more desirable), while East was confused (maybe because there was no real agreement). N/S didn't want to allow E/W to clear up a potential misunderstanding and so stopped the explanation once confusion was apparent, but the one filled-out E/W convention card was marked something other than natural (none of the Committee members I've contacted recalls what was marked) and if Michaels or "strong takeout" was indicated, North certainly had adequate reason not to balance.

I favor a resolution which protects both sides as much as possible. I'd assign N/S the likely result in 2♠ (plus 110 seems appropriate) since I don't believe that, at their level, they should be held to a high standard for protecting themselves. I would assign E/W an Average for not knowing what their direct 2♥ cue-bid meant, recognizing that at this level (Bracket 11 – Flight C) confusion is more the norm than the exception.

I agree with the Committee's attitude that the primary objective should be to educate players at this level and keep them enjoying the game and having fun. With that in mind, I am not opposed to their leaving the E/W pair with the table result (in a KO, the IMPs for the different scores assigned to the two sides would be averaged anyhow, so everyone would end up with something in between). However, the N/S pair should definitely have received protection here.

The first panelist takes a fairly harsh view of the Committee's actions, given the players' inexperience and the special objectives typically invoked in such cases.

Bramley: "I encourage the Committee members to continue having a good time at the NABC. With their help we can count on seeing many more appeals like this one."

Players at this level are unlikely to be encouraged to appeal. The Committee acted well to keep things light and, in essence, say "The officials are there to help you with any problems that arise. Thank's for resolving this in an orderly fashion."

The next panelist agrees with Bart's view of not encouraging appeals. He has more sympathy for the problems the Director and Committee had with this case, but agrees that the bridge was mishandled.

Rigal: "I think that it is very hard to decide with players of this skill level. North's failure to act maybe makes the Director ruling right, but I am not sure that he was

not put in an untenable position. Would bidding 3♠ at his second turn have been absurd (partner has minors if West has majors...)? I think I'd have been more sympathetic to N/S than the Director or the Committee. There is a lot of blather that Ron G. will doubtless object to in the write-up; in fact, I object to it myself. I'd rather the last four lines did not appear – do we want to encourage appeals?"

He's wrong about Ron, who chose not to even comment on this case.

The next panelist's approach is, I think, a better one. He offers kudos to the Committee for its friendly attitude, but something less for its bridge judgment.

Cohen: "Another bothersome situation. First, let me commend the Committee for their closing statement in which they encouraged the players to have a good time. A case such as this could make a bad enough impression on either side that they might not want to play in any more tournaments.

"The Committee must defend better than me since they say 'N/S could have easily defeated 2♣.' I've only looked at the diagram for a few minutes but nothing looks easy. It's hard to judge the merit of the Committee's decision because of the level of player involved. Experienced players clearly should not be allowed to get away with the E/W violations. I have sympathy for South's cutting off the confused explanation but he should have done some more questioning in the passout seat to totally protect himself."

I agree with Larry; I see nothing easy about defending 2♣. In fact, not only do I think it can't be beaten, with good play declarer may even be cold for four (that's two, count them, two overtricks)! Try a club lead. East wins, finesses diamonds, returns to hand with the ♣K, repeats the diamond finesse and (double dummy) continues diamonds, pitching her second club. South can ruff and return a club (as good as anything) but dummy retains the ♣Ax for use in pitching and/or ruffing spade losers. In the end, declarer will lose only one spade and two trumps.

Acquiescing to the Committee's handling of this case are…

Meckstroth: "Seems fine to me."

Rosenberg: "Okay."

And now, an (unpaid) political announcement…

Wolff: "No comment because of the inexperienced players involved but the decision seems okay – please note that CD causes problems even when there is no adjustment, and usually makes us all resort to playing a poker sort of a game that barely resembles bridge."

CASE FOURTEEN

Subject (MI): The Missing Majors
Event: Red Ribbon Pairs, 28 Jul 98, First Qualifying Session

Bd: 18
Dlr: East
Vul: N/S

	Í J843 ! Q92 " 10532 Ê A10	
Í AQ62 ! K105 " AK4 Ê 972		Í K105 ! AJ643 " QJ Ê 843
	Í 97 ! 87 " 9876 Ê KQJ65	

West	North	East	South
		Pass	Pass
1Ê	Pass	1!	Pass
1NT(1)	Pass	2Ê(2)	Pass
2NT(3)	Pass	3NT	All Pass

(1) 15-17 HCP
(2) Checkback
(3) Explained as denying either three hearts or four spades

The Facts: 3NT made five, plus 460 for E/W. The E/W agreement was that 2NT showed both three hearts and four spades. West's 2NT bid was explained (upon request during the auction) as denying three hearts and denying four spades. The Director ruled that N/S's poor result was not a consequence of the MI and allowed the table result to stand. The Director assessed a one-quarter board procedural penalty against E/W for failing to notify the opponents before the opening lead that the explanation of the 2NT bid given during the auction was believed to be erroneous (Law 75D2).

The Appeal: N/S appealed the Director's ruling. North, South and East attended the hearing. On the lead of the Í3 West won the ten in dummy and led a heart to the ten, losing to the queen. North then decided that, since declarer was going to make 3NT, it was right to defend passively and continued spades. North contended that with the correct information he would have led a diamond at trick one to which South would have followed with the discouraging nine (upside down signals). He could then have played the ÊA followed by the Ê10 after winning the !Q to defeat the contract two tricks. E/W admitted that there was MI and that they accepted the procedural penalty. They thought, though, that North's stated defense was unlikely.

The Committee Decision: The Committee believed that the MI affected the opening lead and that North would have led a diamond if he had been given the correct information. On a diamond lead, it was very likely that West would have won in dummy and finessed South for the !Q. When North won that, it was very unlikely that he would continue with the ÊA10; a passive defense attempting to give nothing away was far more likely. Even though North would have had a complete count on the hand, cashing the ÊA would be too dangerous to be a likely defense or even a probable one. Although on the play of eight red tricks North would come under some pressure, the Committee thought it likely that N/S would

defend well enough to win three tricks. The contract was changed to 3NT made four, plus 430 for E/W (Law 12C2).

Committee: Michael Huston (chair), Lowell Andrews, Dick Budd, Jerry Gaer, Ellen Siebert

Directors' Ruling: 60.6 **Committee's Decision: 81.2**

Had North been told that West was four-three in the majors, a diamond lead would have been the clear favorite. South's discouraging nine would then have suggested a shift and, with declarer playing hearts and with eleven spades accounted for, North would have had a chance to find the ÊA. I'm not saying that he *would* have found it (he might have still have gone passive, as in the actual play) but his chances would have been considerably greater. I believe it is "at all probable" that he would have found the ÊA, so I would have adjusted E/W's score to 3NT down two, minus 100.

As for N/S, in the final analysis I don't think a club shift is "likely" (but it's very close and it would not take a lot to convince me otherwise). I would give N/S every advantage in the play of 3NT after not allowing a club shift, so there's no doubt that in 3NT I would assign N/S a result of minus 430.

Even in this event the Director's quarter-board procedural penalty was probably appropriate. At least the penalty or a stern lecture was in order.

Disagreeing that the club shift was "at all probable," and thus agreeing with the Committee's adjudication of the case, are…

Cohen: "I like it! The Director wasn't supposed to get involved with the complicated bridge analysis; his ruling was fine. I think the Committee did a great job of accurately assessing what most likely would have happened with the proper explanation. It's easy to believe North would lead a diamond and it's hard to believe he'd find a club switch (especially since partner didn't double 2Ê, albeit a risky action with 'only' KQJxx). After North continues diamonds, it's true that the defense would often allow declarer to make five, but giving the benefit of the doubt to the innocent side seams clear. A well-reasoned decision to 'play God' and ordain 430 for both sides. I like to see common sense, fair, practical solutions – even though there are sometimes laws to follow that get in the way."

Bethe: "Was the procedural penalty retained? I hope so."

It was.

Bramley: "Marginal procedural penalty, of course. Since E/W accepted it gracefully then I'll let it pass this time, but I do not consider their crime heinous and I do not wish to encourage players to 'volunteer' potentially misleading information with the excuse that they feared a procedural penalty. The determination of a table result was accurate. The Director's ruling is unfathomable. If he was not going to award an adjusted score, then he should not have given the procedural penalty. By doing so he encourages players to call the cops for a procedural penalty whenever their opponents do something slightly out of line. This cure is worse than the

disease."

I really don't understand Bart's position on the procedural penalty. It wasn't issued because E/W forgot (or didn't have an agreement about) their methods. It was given because they failed to comply with their obligation under the laws to disclose, before the opening lead, that there had been MI from partner's explanation. What potentially misleading information could West have volunteered? That his hand in fact contained *both* four spades and three heart instead of neither?! And what was "unfathomable" about the Director's ruling? He was certainly on firm ground in issuing the penalty based on Law 75D2 – Director's give these penalties all the time. (In fact, this is one of the few laws whose violation the Directors are pretty religious about penalizing.) Again, the penalty wasn't about damage – it was about West not complying with his legal obligation to correct his partner's MI.

Weinstein: "Great job, except the Directors, after doing well to assess the procedural penalty, forgot to give N/S their trick back as the Committee did."

One panelist finds the club shift "reasonably likely" but since he doesn't give any concrete reasons for this, I'm only slightly swayed in that direction.

Meckstroth: "With the correct information a diamond lead was clear. If North got in with a heart, a club shift was reasonably likely but not a certainty so I would give N/S Average Plus, not minus 430."

The club shift doesn't have to be a certainty (or anything close to one) in order to be redressed; it merely needs to be likely. If Jeff thinks it's "reasonably likely" (is that the same as "likely," Jeff?), then N/S deserve plus 100 (clearly the result after a club shift) – not just Average Plus. Once we decide that a club shift by North is likely, we must assign N/S the result based on that action – not some lesser score to hedge our bet about the club shift or that redress was warranted – or even (ugh!) to PTF. Average Plus is reserved for situations where we can't determine what the result would have been without the infraction.

So of course we then have…

Wolff: "N/S Average Plus, E/W Average Minus would be my choice. There is no way to predict what North would play when in with the ♥Q (or even if declarer would finesse hearts into him). These situations are probably best solved with hypothetical results so minus 430 or Average Plus, whichever is greater, for N/S and the reciprocal, of course, left for E/W."

Agreeing with me on the appropriate assignments for both sides is…

Rigal: "I like the Director ruling; the penalty seems appropriate here if no score adjustment. The Committee was harsh to North. If South shows four diamonds at trick one then North, if properly informed, could have worked out that declarer is probably marked with a 4-3-3-3 shape and 10 points in the red suits. If declarer has the ♠K you do not want to play clubs; if the ♠J or nothing, you do want to play

clubs. You probably do not want to play clubs if he has the ♠Q. It's a close call and the benefit or some of it should go to the non-offenders and the worst of it should go to the offenders. 3NT made four for the innocent, 3NT down two for the guilty would be my call."

The following panelist agrees that E/W should have received the result for 3NT down two, but goes a tentative step further and assigns the reciprocal score to N/S.

Rosenberg: "The write-up does not explain why West remained silent after the auction. If E/W admit MI then they should be minus 100. N/S is tougher but I'd give them plus 100."

And then there's our "Official Encyclopedia's" explanation of why Michael's judgment is demonstrably the correct one.

Gerard: "Just plain wrong.

"I won't bore you with all the math but the ♠A play after winning the queen of hearts would have been the right play by a margin of almost four-to-three. The gist of it is that without the MI North would lead a diamond and West would be marked with 4-3-3-3 with ace-king-king in the red suits. Of the possible black-suit holdings, going passive wins when it avoids giving West two club tricks or one club trick to go with his ♦A. Going active wins when it runs the suit or sets it up while South still has the ♦A. The latter possibilities are more likely than the alternative, primarily for two reasons: (1) small doubleton is South's single most probable spade holding and (2) fewer of the 'ace wins' holdings require West to have two club honors. In fact, running the suit by itself works more often than the 'diamond wins' holdings by better than eight-to-seven. These figures both assume that West would always guess wrong with queen-nine fourth of spades, so the real odds are even higher. 'Ace wins' is the right play by a lot.

"Now of course North won't be able to figure this out at the table. No, I'm not being sarcastic. That comes later. North might just intuit the ♠A because West has room for more in spades than in clubs. Even in the Red Ribbon Pairs, players tend to be active rather than inactive. 'Ace wins' is not inconsistent with the actual passive defense, since West was known to have eight tricks after the spade lead but would have only seven after a diamond lead. Sure, 'ace wins' is a self-serving statement but on this occasion it was justified by the odds.

"What to say about the Committee? Do you think any of them would have come up with 'ace wins' at the table? Why couldn't one of them have suggested that they get down to cases before reaching a decision? If some geek had wandered into the Committee room and said 'By the way, the ♠A would be the right play,' would the response have been 'It's too fraught with danger'? If they were willing to credit North with having a complete count on the hand, why weren't they willing to credit him with having a partial count of the high cards? If you had to choose between this decision and one that said, in effect, 'We know that 'ace wins' is the right play, not a wild shot (such as if it required South to hold KQJ fourth), but we don't think North would be able to figure it out at this level,' which has more legitimacy?

"The answer to all of this is that the Committee didn't appreciate its responsibility. It didn't support its decision, it just stated its conclusion. You have

to earn respect before you can command it. By denying 'ace wins' even to the offenders, the Committee said that there wasn't a 17% chance [one-in six, the guideline suggested by the ACBL Laws Commission – *Ed.*] that North would make almost a 57% play. Yes, it's a Big Play and not necessarily instinctive. But come on, people, you're there to do a job, Red Ribbon Pairs or not. Had you done the dirty work but still denied the likelihood of 'ace wins,' I'd be more or less bound to honor your judgment unless it was clearly erroneous. Since you didn't present any reasoning for your opinion, I'm completely free to disagree with your result.

"Don't think that the Director's performance has escaped notice. The NPs would say no problem, just train him to make better rulings. Maybe we could cure cancer in our spare time."

Four-to-three, eight-to-seven, see, I told you it was close. Well, I'm convinced. N/S deserve the reciprocal score of plus 100. Nice going, Michael. (That'll teach Ron to try to retract those nice things he said about me in the St. Louis casebook.)

CASE FIFTEEN

Subject (MI): Tell Me More, Tell Me More, Uh Huh, Uh Huh
Event: NABC Senior Swiss Teams, 29 Jul 98, Second Final Session

Bd: 3
Dlr: South
Vul: E/W

Murray Melton
Í 84
! J954
" 852
Ê K1084

Bill Hunter
Í AQJ9753
! 10
" 74
Ê J63

Shome Mukherjee
Í K2
! AK763
" AK3
Ê Q95

Simon Kantor
Í 106
! Q82
" QJ1096
Ê A72

West	North	East	South
			Pass
2Í	Pass	2NT	Pass
3Ê(1)	Pass	5Í	Pass
6Í	All Pass		

(1) Alerted

The Facts: 6Í made six, plus 1430 for E/W. Before the opening lead, North inquired of East as to the meaning of the 3Ê bid. East said that it showed a feature. West then volunteered that it did not have to be a control and was probably not a singleton. The Director decided that East had given a correct explanation of the E/W methods that required no correction from West. The Director ruled that the volunteered information may have contributed to North's decision not to lead a club. The Director changed the contract to 6Í down one, plus 100 for E/W (Law 72B1).

The Appeal: E/W appealed the Director's ruling. West, North and South attended the hearing. E/W agreed with the Director that East had said that 3Ê showed a feature in clubs. West thought that there might be various opinions about what constitutes a feature and he did not want North to make an opening lead without the benefit of their full partnership agreement. Therefore, he corrected his partner's explanation by volunteering their agreement on what constituted a feature; it did not need to be an ace or king, it could simply be West's longest side suit. N/S stated that in retrospect they agreed that West's motive was to be sure that East's explanation did not deter a club lead. North stated that West's explanation was extensive and repetitive and he could not understand why West was talking so much. He said that he intended to lead a club before West's explanation but after all West's talk about the club suit he chose not to. He believed that because he was, in fact, deterred from the club lead, he should be entitled to a score adjustment.

The Committee Decision: Law 75D2 requires a player to correct an error in explanation at the earliest legal opportunity. West believed that the lack of clarity in "shows a feature" constituted an error and he sought to be sure that North was armed with a clear description of his partnership agreement as it related to his hand. He tried to fulfill his full-disclosure obligation. Because the information he provided did comport with the contents of his hand, the Committee decided that he had no

intent to deceive and that he could not have known that his explanation could work to his benefit (Law 73F2). The Committee changed the contract to 6♠ made six, plus 1430 for E/W.

Committee: Michael Huston (chair), Dick Budd, Ellen Siebert

Directors' Ruling: 51.1 Committee's Decision: 98.3

When East explained 3♠ as showing a feature (which typically implies a suit or a control) West clarified his agreement that in this partnership a feature could simply be his longest side suit – it did not imply a control (either in high-cards or shortness). What about that confused North? The fact that he had a difficult lead decision to make? Had West not clarified his agreement and had North *not* led a club, I would be sympathetic to North's complaint that East's explanation implied a control. In other words, if the Director had ruled the other way and allowed the table result to stand, and if N/S had then appealed that decision, I would have judged their appeal to be without merit. Thus, in my opinion the Committee's decision was the only one possible. (Is there such a thing as a Directors' ruling that lacks merit?)

Agreeing with me are…well – everyone. I'm amazed. The panelist who comes closest to taking the words right out of my mouth is…

Bramley: "A correct Committee decision to fix an abominable Director's ruling. Why was North bothering to call the Director in the first place? He could see that West had given him completely accurate information. Suppose West had said nothing and North had missed the club lead. Obviously he still would have called the Director. And he still would have been entitled to nothing. This is not how the game was meant to be played. If the Director had made the right ruling and N/S had still appealed it would have been one of the least meritorious cases ever. Probably West will think twice in the future before indulging in such blatantly ethical behavior."

Bethe: "Why did N/S call the Director in the first place? Surely North was more likely to lead a club after West's correction than before."

There you go Henry, trying to confuse us with rationality and logic.

Gerard: "Abuse of process by North, even though he got a Director to agree with him. 'I know you told me to lead a club but you were so adamant about it that I didn't trust you. Oh wait, a club lead was right? I'll just sue for damages. I mean, I was damaged, wasn't I?' Recalls the Kantar case: 'Well that's why I didn't bid over 2♠.' Get a grip.

"Another virtuoso performance by the Directing staff. I know you'll find this hard to believe, but words fail me."

Goldman: "Excellent."

Meckstroth: "Absolutely correct decision. Well done."

Rosenberg: "West was perfect. Director perhaps wrong, but that's fine."

"Perhaps" is a gross underbid, Michael.

Rigal: "The Director seems to have inferred an offense when none existed. West went out of his way to be helpful and received a kick in the teeth. I'd have liked to see the ruling go the other way and N/S lose their deposit if they appealed it."

Right on, Barry.

Treadwell: "The Committee rightly decided that West's effort to clarify his partner's explanation had no element of deception in it. The fact that North assumed West had attempted to deceive was his problem. I find it difficult to understand on what basis North thought he had a basis for the appeal. I wonder if a procedural penalty against N/S for making an appeal with little or no merit was considered?"

Uh, Dave, you might want to ask for a review of which was the appealing side.

Weinstein: "Good Committee decision and an excellent, concise, right-on, write-up. The Directors were way too generous to N/S. Even if they believed that E/W had some liability, N/S should not have been given the beat of 6♠. It is way too speculative that the hazy information (not MI) actually caused (or should have caused) North's non-club lead to allow an adjustment for N/S."

Hazy? The only haze was in North's mind.

Cohen: "Talk about common sense. North happens to be a professional poker dealer. I suppose he thought that West was 'playing poker with his mind.' West was just trying to be overly ethical and I find no fault at all with what he did, especially since his hand coincided. This obviously has shades of the famous McCallum-Garozzo case from Miami. In that instance, the 'gratuitous information' did not correspond with declarer's hand and it caused quite a fuss. The analogy to this case would be West's saying 'doesn't necessarily show a control' when in fact he held the ace or king. My common-sense approach to this (I don't care what the lawyers say) is that if you correct an explanation you should always have the hand that matches your explanation. There are four possible scenarios:

(1) Partner explains wrongly and you happen to have the hand that fits his wrong explanation;
(2) Partner explains wrongly and you have what you were systemically supposed to have (doesn't match his explanation);
(3) Partner explains correctly and you have messed up – you have the wrong hand and you know you misbid;
(4) Partner explains correctly and your hand matches the explanation.

"In (1) I'd just say nothing. If you correct partner's explanation you might be legally right but I'd be awfully upset as your opponent. Just live with the double error – nobody was harmed. In (2) You must correct partner's explanation – legally and ethically and common-sense wise. In (3) You legally don't have to say anything – I'd decide in Committee that you don't have to say anything – especially if you

produce your system notes – but I'd admire you if you confessed before the opening lead. In (4) all is well.

"The present case is sort of (2)."

Yes, this is case (2) and West did the right thing. But while Larry's approach for case (1) may be common sense, I don't recommend it. As Kokish and I pointed out in *Miami Vice* (in discussing the McCallum-Garozzo case), it can never be wrong to correct partner's mistaken explanation regardless of whether or not it accurately describes your hand. However, there's a right way and many wrong ways to do it. The right way is to tell the opponents that you are correcting partner's description of your *agreement* and not necessarily your hand, something like, "While I could hold the hand that partner described, my bid does not by definition show it. Our agreement, which may or may not describe my hand, is that the bid means…"

The danger in Larry's case (1) is that someone could actually be harmed by not saying anything – as in Miami. There, after N/S had bid both black suits naturally, a 3 ! bid by North showed heart values (not necessarily a suit) and implied concern about diamonds. But South wrongly explained that 3 ! showed five hearts, which North coincidentally held (! K6432). But the misleading information that 3 ! showed a five-card suit could easily have inhibited a heart lead when that lead could have been best, or it could have de-emphasized North's concern about diamonds. So North said the equivalent of, "While I could have five hearts, my bid doesn't show that. It simply shows heart values, seeking direction." That's the best approach and I recommend it in all situations. One can never tell when withholding the correct information could damage the opponents in an unexpected way. Trying to decide if that may happen is risky and it leaves you culpable for damage. The proper explanation, if given carefully, should always protect you and your opponents to the max.

Finally, our resident Bard mixes his Shakespearean metaphors.

Wolff: "North decided to treat West as 'Cassius' 'He doth protest too much' rather than believe in humanity, as did Brutus. His result became 'As do you sow so shall you reap' since he, thinking he was being conned, led the wrong thing. Methinks a proper ending to this act."

Curtain. Polite applause.

CASE SIXTEEN

Subject (MI): Explanation By Analogy Is Good Strategy
Event: NABC IMP Pairs, 31 Jul 98, Second Final Session

Bd: 24
Dlr: West
Vul: None

Ava Grubman
Í K975
! QJ763
" 3
Ê K103

Aaron Silverstein
Í 10
! 98
" AQ1082
Ê Q9764

John Ramos
Í AQ632
! A52
" 96
Ê AJ2

Elliott Grubman
Í J84
! K104
" KJ754
Ê 85

West	North	East	South
Pass	Pass	1NT	Pass
2 Í (1)	Pass	3 Ê (2)	Pass
3 " (3)	Pass	3NT	All Pass

(1) Alerted; transfer to clubs
(2) Alerted; a good hand for clubs
(3) Alerted; undiscussed, but 3 ! / Í would have shown shortness

The Facts: 3NT made three, plus 400 for E/W. N/S were given the explanations in the diagram during the auction. South led his fourth best diamond. After the opponents had left the table, the Director was called. The Director ruled that the table result would stand.

The Appeal: N/S appealed the Director's ruling. North, South and West attended the hearing. N/S stated that they believed that West should have clarified the nature of his hand before the opening lead.

The Committee Decision: East's Alert of 3 " was proper, as was his explanation that the bid had not been discussed but that (the "similar" bids of) 3 ! and 3 Í would have shown shortness. West had no duty to disclose his actual hand since East's explanation was both correct and should not have been misleading. The Committee believed there was no basis in law for adjusting the score and allowed the table result of 3NT made three, plus 400 for E/W, to stand. After some discussion the appeal was not determined to be lacking in merit.

Committee: Henry Bethe (chair), Mark Bartusek, Dick Budd, Bill Hunter, Simon Kantor

Directors' Ruling: 83.6 **Committee's Decision: 82.1**

The panelists are somewhat conflicted over the details of this decision, although the majority sentiment seems to be along the following lines.

Cohen: "Where was the merit?"

Bramley: "Apparently two of these Committee members did not hold a grudge from CASE FIFTEEN. I'm curious why West chose not to show his singleton spade

and why he didn't choose to show a diamond suit rather than a club suit. But that's all irrelevant. This case has no merit."

Treadwell: "Once again, a pair is completely forthright in their explanations, the opponents misguess the opening lead and get a poor result, and then, of course, call the cops (oops, I mean the Director or Committee). Can't we just play bridge?"

Gerard: "What supreme irony. I want to hear LeBendig or Brissman say with a straight face that this was just a randomly selected Committee. This was easy for the Committee. All they had to do was ask Bill Hunter what he would have done as West. Since he didn't dissent, I assume he agreed with West's silence. Case closed.

"Obviously East didn't mean to imply that 3♥ showed shortness, otherwise it wouldn't have been undiscussed and he wouldn't have bid 3NT. Clearly he thought he was describing 2-2-4-5 or 2-2-3-6. Maybe it would have been better to say 'We have no conventional understanding but 3M would show shortness,' but South might not have thought that through either. South played West for specifically 3-3-1-6 not to have bid Stayman even though that would have required an explanation. The difference between this and the previous case is that here there was no incomplete explanation of an agreement, as in CASE FIFTEEN. It was not West's responsibility to say to South, 'Don't infer that I have a singleton diamond.'

"East was right to Alert because of negative inferences resulting from other partnership agreements. South drew his own inferences from the Alert itself, not from the totality of the Alert and the explanation. Unless you've seen the Oliver Stone version of this case, where East planned the whole thing to lure South into a diamond lead, there was no basis for an adjustment."

Goldman: "Good."

Raising an interesting question about South's action over 3♥ is…

Weinstein: "The only thing that seems problematic is that East implied (through his analogies) that 3♥ could conceivably be short diamonds. I would have liked to have been able to inquire of East why he failed to try 3♦, given this possibility."

I'm not sure that East "implied" that 3♥ could be shortness so much as South (and Howard) *inferred* it. All East said was that 3♥ was undiscussed and that bids of 3M would have shown shortness. As Ron points out, distributions such as 2-2-4-5 and 2-2-3-6 are also consistent with this explanation. But Howard is right – why didn't East try 3♦ if he believed that West could be short in diamonds? His failure to do that suggests that he had some reason to believe that it wasn't shortness. But then why didn't his explanation make his basis for that belief clearer?

Pursuing this point further is…

Rosenberg: "This seems okay, but one issue was not addressed. If E/W had no agreement, how did East know what to do? Perhaps E/W had a general agreement such as 'if we haven't discussed it, we're not playing it' or 'if we haven't agreed it, it's natural.' Even if East just believes that West is that type of player (from his personal knowledge), N/S are entitled to know that."

East had to bid something. Maybe he just got lucky?

Pursuing the same point even further is…

Rigal: "The Director made a ruling that there was no infraction, when I might have felt that N/S deserved protection. Should not E/W know the meaning of this sequence?

"What would jumps to 3♠/♥ over 1NT have been? Why did West choose this perverse way to describe his hand (e.g. not showing a spade singleton)? It sounds to me as if he thought he had an agreement that this showed the minors, so he should have said something. The Committee should have asked him more closely. I think E/W deserved a procedural penalty but I suppose I would have let the score stand. This appeal was well worth pursuing and not close to frivolous."

Pairs can only disclose what they have either discussed or have had partnership experience with. If we required that pairs know the meaning of all sequences (such as the one here) we would probably end up penalizing (or excluding from competition) most pairs in events like this, since many of the partnerships, even in NABC+ pairs events, are of the pick-up variety. West's bidding may be quite obscure or of less-than-expert caliber, but that's not a punishable offense. The fact that West chose this way to show his hand is not evidence that he believed he had an agreement – only that he thought his partner might be thinking along the same lines as he was or that he was oblivious to the possibility that his partner might not know what he was doing. I'd bet on the latter – a sort of fuzzy thinking that is epidemic among bridge players.

The next panelist argues for greater disclosure than the laws presently require – all things considered not a bad idea, but not totally without it's own baggage.

Meckstroth: "While I think this decision was okay, I think West should volunteer what his bid meant (even if not required by law) since it was Alerted and explained as possibly diamond shortness."

Again, I don't think East's statement implied possible diamond shortness as much as it just didn't take a position on that issue. Undiscussed usually means…undiscussed.

The final (misdirected) word goes to…

Wolff: "This Committee takes us straight to abomination. Perhaps their least damaging deed was claiming to 'follow the law.' They say that E/W described their understandings adequately ('undiscussed but 3♠/♦ would have shown shortness'). These descriptions were the same as giving away ice in the wintertime. They were also misleading since West coaxed a diamond lead while also bidding them. Why did East bid 3NT instead of 3♦ if he believed his own description and didn't know his partner had diamonds? If this Committee wasn't either lazy or incompetent how could they decide as they did? Maybe following the 'law' is an easy cop out but whatever the reason, an Average for N/S and the equivalent of a zero for E/W would be a stand-out decision because of CD, taking advantage of the opponents and failing to use normal much less active ethics. Please think about how South must be saying to himself, 'West got his minor-suit bids in, East bid to arguably the

best contract, together they deceived me as to what their bids meant, I lost the appeal, but alas they determined that my appeal was not lacking in merit. Wonderful!!!' A pox on this Committee."

CASE SEVENTEEN

Subject (MI): Two Assumptions Are Not Better Than One
Event: Jackpot Pairs, 31 Jul 98, Second Session

Bd: 17 Dlr: North Vul: None	♠ 976 ♥ 107642 ♦ K6 ♣ 872	
♠ AQJ104 ♥ --- ♦ Q4 ♣ KQJ964		♠ K532 ♥ KQ95 ♦ 98 ♣ A105
	♠ 8 ♥ AJ83 ♦ AJ107532 ♣ 3	

West	North	East	South
	Pass	1♣	1♦
1♠	Pass	2♠	3♦
3♥	Pass	4♠	Pass
4NT	Pass	5♥	Dbl
6♠	All Pass		

The Facts: 6♠ made six, plus 980 for E/W. Before the opening lead, North asked about the 3♥ bid. East responded "game try." North asked how many hearts the bid showed and East responded, "four, three…" Some doubt was transmitted and West did not volunteer a correction. North led the ♦K and South played the ♦7. North switched to a heart. The Director determined that E/W had no game-try agreements, so East's attempt to specify West's heart length constituted MI (Laws 75, 23, and 47). West violated Law 75D2 when he failed to prevent or correct the improper explanation. The Director ruled that N/S sustained no damage as a result of MI (Law 40C) and allowed the table result to stand.

The Appeal: N/S appealed the Director's ruling. North was the only player present for the hearing. North stated that after he cashed the ♦K he led a heart expecting his partner to ruff. He stated that he thought his partner had a heart void and that he wanted to defeat the contract two tricks. He said that he was absolutely sure the slam was bid on a good club fit.

The Committee Decision: Whether there was or was not an agreement by E/W for the type of game tries they used, West failed to fulfill her obligation to correct her partner's statement. If there was no agreement she should have said so, while if there was one she should have made sure North was told what it was (within the context of the subsequent auction). When North cashed the ♦K he had enough information to know that the continuation of a diamond was the right play. If South had a heart void she would have played her highest non-winning diamond. If she had a club void she would have played her lowest diamond. If she had neither but did have the ♦Q, she would have overtaken the ♦K. If she had eight diamonds without a side void she would also overtake the ♦K and continue diamonds. Therefore, the evidence before North clearly suggested that South neither had a void in a side suit nor the ♦Q. Also leading to this conclusion was North's statement that he was absolutely certain that E/W had a big club fit. If South was short in both

black suits (as required by this assumption) and void in hearts as well, she would have had to hold more diamonds than was possible. The only hand consistent with North's analysis was 2-0-8-3. But with that hand South would have played the ♕Q at trick one — not to mention how dangerous her double of 5♦ would have been. The Committee decided that the evidence available to North that his partner did not have a heart void broke any possible chain of causality from the MI. The table result of 6♠ made six, plus 980 for E/W, was allowed to stand. The Committee deferred to the Director's decision at the table not to issue a procedural penalty to the E/W pair.

Committee: Michael Huston (chair), Phil Brady, Ed Lazarus

Directors' Ruling: 83.0 **Committee's Decision: 83.3**

Bart nailed this one, so I'll turn the podium over to him.

Bramley: "How magnanimous of the Director and the Committee not to issue a procedural penalty! The area of explanations of game tries needs reexamination. In my opinion the only game tries that require Alerts are short-suit tries. All other 'natural' game tries are understood by the vast majority of players to show some length in the suit, usually 'three or four,' but sometimes a different number, and they ask the responder to focus on his holding in that suit. As long as the responder does so the player making the game try can have any holding at all without incurring liability. Surely we are familiar with the 'poker' tactic of bidding a side suit before blasting to some higher contract, leaving all to wonder whether the side suit is declarer's weakness or his strength. North should not have tried to get a Committee to cover for his bonehead play. This appeal had no merit."

Brissman: "The Director assessed a procedural penalty for the identical infraction in CASE FOURTEEN, but did not issue one here. The Committee should have stepped up and done so. Inconsistency in assessing procedural penalties is a recurring theme over the last few years. Whether or not procedural penalties are issued at the table, the National Appeals Committee should have uniform guidelines and become consistent in their application."

I agree, Jon, but there's one important difference between this case and CASE FOURTEEN. In that case East's explanation to the opponents was determined to have been incorrect (corroborated by the meaning West intended for his 2NT bid) and the laws required West to correct this misinformation before the opening lead. In the present case East's explanation seems to have adequately described the E/W game-try methods ("no agreement" about game tries defaults to long/fitting/help-suit tries; in my opinion East was at most guilty of not specifying that this was undiscussed). West was clearly on his own when he bid his heart void and East's jump to game confirmed that he played his partner for length, not shortness. Thus, East's omission of "undiscussed" was a minor error and West was under no obligation to correct anything other than the part about "undiscussed," again a minor omission which had no impact on anything. A procedural penalty could certainly have been assessed for this combination of minor omissions but even so,

I would have opted not to assess one or, if outvoted, to assess a nominal 1- or 2-matchpoint penalty.

The next panelist deals with this issue at greater length.

Cohen: "There are two issues here and neither of them has a clear-cut answer.

"Issue One: Was West required to correct the explanation of 3♦? Even experienced partnerships don't have exact definitions of such game tries. If I sat down with Zia and he bid 3♦ I'd expect anything from a void, to three small, to KJx. For him, a psych might actually be to have a real game try. Even with my regular partner, it's a bit vague what the try shows, especially when, as in this auction, it was the only game try available. Obviously, West had a million tactical choices and happened to try this one. East's explanation sounds like it was a bit vague and I think that's okay. My answer would be similar, something like, 'well, usually a few cards in the suit, needs help, etc.' – it's rare to have an exact definition. So, I think it's a debatable issue as to whether or not this was MI and whether or not a correction was required.

"Issue Two: Should the defense have gotten it right even with the alleged MI? Not clear. The Committee says that North should have known, but I don't see why South couldn't have a heart void. Declarer could easily be 5-4-1-3, the comment about the 'known big club fit' notwithstanding. If there was clearly MI, then I think the defense should get the benefit of the doubt. The problem is, I'm not sure there was definite MI – so this is a very tough case."

With a heart void and wishing a ruff South should find some card to play at trick one other than the seven (having bid the suit twice, unsupported, to the three-level)! The Committee had this one right – North was responsible for his own fate.

Rigal: "I am surprised that the Director determined that East's explanation of a game-try was inappropriate, even if he should have prefaced the comment by saying that there was no specific agreement. Even if I had no agreement that would be what I would say. The Committee correctly determined that North's defense got him what he deserved. As indicated above, I think the discussion of procedural penalties is inappropriate."

Wolff: "Proper decision. Note: As we all know game tries are often random, even though they are supposed to be something specific. The opponents should be informed of the tendencies of the bidders. 'Maybe three or four' is probably an attempt by East to say random, but he needs to remove any ambiguity which could deceive naive opponents."

Gerard: "Bingo. Good job all around."

Meckstroth: "Correct decision."

The next panelist believes that providing the opponents with bridge instruction at the table is free.

Rosenberg: "Perhaps East (or West after the auction) should have pointed out that

once West bid 4NT, East's description of the likely heart length of the 'game try' hand was irrelevant. I might give E/W minus 100 to send the message that it is a big deal to say nothing when partner misdescribes your hand."

If West psyched his 3! bid, is he now obligated to disclose this to the opponents just because his partner correctly described their (default) game-try methods which did not (surprise!) describe his hand? Bah!

I like the next panelist's philosophy and how he relates it to the previous case. As a reward, I'll give him the final word.

Weinstein: "This case brings up some interesting philosophical questions. While I agree with the decision, I am much more sympathetic to West than the Directors or Committee were. There was no Alert of 3! and the question was unsolicited. East gave his best explanation of the bid, given common bridge understanding, and having no other agreement to the contrary. If West also believes that the partnership has no other expressed or implied understanding to the contrary of normal bridge it would be inappropriate for West to suggest otherwise. If we allow questions that have no seeming reason to be asked of unalerted calls and the opponents answer to the best of their abilities (trying to go the extra mile to give their presumed understanding instead of the bridge lawyering approach of 'it's bridge' or 'we've never discussed it'), and they have no reason to suspect their explanation could be misleading, then we are opening a Pandora's box of frivolous, possibly entrapping questions and bridge lawyering. In CASE FIFTEEN, West tried to flesh out his partner's explanation and got into trouble for properly representing his hand. We should be playing a game where if there is no actual misunderstanding and players try their best to communicate their expressed or presumed agreements to the opponents, there must be a highly unusual circumstance to create liability under those circumstances."

CASE EIGHTEEN

Subject (MI): Misconception Over Misinformation
Event: Flight A Pairs, 01 Aug 98, Qualifying Session

Bd: 23
Dlr: South
Vul: Both

Thomas Simon
Í J8
! AK9532
" K32
Ê Q2

Jim Bachelder
Í AKQ32
! J4
" 9
Ê K7654

George St Pierre
Í 765
! 106
" J754
Ê J983

Marion Simon
Í 1094
! Q87
" AQ1086
Ê A10

West	North	East	South
			1NT(1)
2Ê(2)	4!	Pass	Pass
4Í	Dbl	All Pass	

(1) Announced; 12-14 HCP
(2) Alerted; any one-suited hand

The Facts: 4Í doubled went down two, plus 500 for N/S. 2Ê was Alerted and explained as "any one-suited hand." North cashed the !AK and shifted to the "2, won by South's ace. South then shifted to a trump at trick four. Declarer drew trumps, surrendered two clubs and was down two. The Director decided that the MI did not affect the defense and allowed the table result to stand.

The Appeal: N/S appealed the Director's ruling. South was afraid to continue diamonds because declarer may have had the king and allowed the diamond to ride around to the jack. She also wanted to return a trump in order to prevent declarer from ruffing a possible third heart. N/S agreed that a diamond would not have been led from a small doubleton. E/W, a partnership of three sessions, played DONT over strong 1NT openings but had agreed the previous evening to play Cappelletti over weak notrumps. Thus, the explanation was correct; West had forgotten and misbid. West did not believe that he had an obligation to disclose a misbid.

The Committee Decision: During the presentation the Committee discussed the defense with N/S, who admitted that South's reasoning was not sound. The Committee could find no correlation between the MI and the subsequent defense. The table result of 4Í doubled down two, plus 500 for N/S, was therefore allowed to stand. [Chairman's Note: A Committee of two was empaneled due to severe time constraints and with the agreement of all parties.]

Committee: Jon Brissman (chair), Dick Budd

Directors' Ruling: 95.4 **Committee's Decision: 83.0**

Bart, are you still there? Why is this case different from the last?

Bramley: "No merit. See my comment on the last case."

Right, it isn't. Larry has a previous case he'd like to compare this one to.

Cohen: "In CASE FIFTEEN in my example (3), I've already stated that in Committee I'd allow West to slide. He had no legal obligation to correct his misbid and tell the opponents he meant it as DONT. (While I'd like him to confess before the opening lead, I don't hold it against him that he didn't). With that said, the case is closed. But even without the MI I think the diamond return was indicated, so I'd decide again no damage. Since I'm deciding twice 'No damage,' maybe this was a frivolous protest."

That's a definite maybe. Ask Bart…or Howard or Barry…

Weinstein: " If it moves, appeal it. Given N/S's at best cursory review of their case before appealing, this should have been decided to be without merit."

Rigal: "The ruling and decision were sound – South was guilty of a misplay. I'd have liked to see the issue of meritless appeals raised here."

The next group of panelists simply agree with the Committee's resolution.

Meckstroth: "Correct decision here."

Rosenberg: "Okay."

Treadwell: "The two-person Committee again was 150% right."

Wolff: "Good decision."

Trying to out Wolffie, Wolffie was…

Goldman: "Was the agreement clearly marked on the E/W convention card? In the absence of 100% proof of the E/W explanation of their mix-up, I would adjust the E/W result. With 100% proof, I would join Wolffie in a CD (convention disruption) one-quarter board penalty. The law's the law and if I were told unequivocally that I can't do either within the law, then I wouldn't."

You can't do either within the law. And if you don't believe me, just read the next panelist's treatise.

Gerard: "They're baaack. The redoubtable Committee of two, here to dispense more wisdom.

"There was no doubt about South's brain lock, so down two was correct. Even with another diamond, West should get out for down two. The real issue was whether West should have been allowed to bid 4 Í after the Alert and explanation woke him up to the fact that he wasn't playing DONT. Since this was only the whole case, you would expect a Committee of two to mention it, unless they just

fell off the pickle truck.

"Certainly 4 Í is fraught with danger but was pass a LA? I know most defenders using conventional methods feel cheated if they never get to mention their (other) suit, but where is it written that a vulnerable DONT shows four-four, especially against weak notrumps? Don't you think that some substantial number of West's peers would worry about all those losers unless they bought a miracle dummy? If East has to bid 5Ê over 4 Í (remember, West can't know that East is playing Cappelletti), how can that not cost at least 800? One of the problems with any lower-suit method of defense is that big bidding by the opponents leaves you guessing, as it did here. I think there's no doubt that pass is a LA since I can't believe 4 Í is automatic on that hand.

"So if pass and 4 Í are both LAs, could either have been demonstrably suggested by the UI (once it was determined that West had misbid, MI became UI)? No, 4 Í looks slightly more dangerous than if playing DONT because East will always pass it, even if he holds Íxx !xx "xxxxx ÊQJ10x. I would say the UI slightly suggested passing, but neither one was demonstrably suggested. West was free to do as he wished.

"Therefore, there was no infraction. There was no correlation to find between infraction and defense because _____ (fill in the blank). The Committee didn't know what they were looking for, anyway, since they were still claiming MI even after they had said there wasn't any. The result both ways was entirely rub of the green. West bought a moderately unfriendly dummy and N/S had a chance for plus 800, but only with a diamond switch at trick two (marked) and a heart underlead for a fourth round of diamonds (tougher, but not impossible). After the actual defense of cashing two hearts, not hopeless although inferior, they had no chance for plus 800 against a competent declarer. They also could have retrieved plus 650 by bidding 5 !, although neither of them did anything unreasonable in the auction. In short, it was a random result, randomly achieved. No adjustment should have been considered.

"Now, isn't this a case of 'less filling' rather than 'tastes great'? How about we do away with this concept of a Committee of two? I appreciate that it was caused by time constraints, but based on available evidence it's not working."

He has my vote. Efficacy over convenience – even in the ACBL National Appeals Committee. Readers who don't see how declarer can hold 4 Í doubled to down two after two rounds of hearts followed by a diamond shift and continuation can send $9.95 to Ron, care of Merkle Press, for a complete analysis by return mail. Additional lessons will be billed at Ron's usual consulting rate. Oh, all right, here's my three-part hint: (1) consider the "early" value of the ÊK; (2) consider dummy's club spots; (3) consider when (not) to draw trumps. Now if that doesn't do it for you, my fees are far more reasonable than Ron's.

CASE NINETEEN

Subject (MI): Unilateral Action Jeopardizes Protection
Event: NABC Mixed Teams, 02 Aug 98, First Final Session

Bd: 3
Dlr: South
Vul: E/W

Shirley Edelson
Í A4
! AKQ10652
" 8
Ê 942

Carolyn Sessler
Í 10853
! 43
" A4
Ê AKQ63

Lloyd Arvedon
Í KQ
! 987
" KQJ653
Ê J7

Al Rosenthal
Í J9762
! J
" 10972
Ê 1085

West	North	East	South
			Pass
1Ê	4!	Dbl	Pass
4Í	5!	Dbl	All Pass

The Facts: 5! doubled went down two, plus 300 for E/W. After West bid 4Í North asked "How high do you play your negative doubles?" West answered "unlimited." After the hand was over North was told that the double of 4! was card-showing, not a negative double. Negative doubles were marked "through 4"" on the E/W convention card. The Director ruled that the MI had not damaged N/S and that the table result would stand.

The Appeal: N/S appealed the Director's ruling and were the only players present at the hearing. Against 5! doubled East led the ÍK. North drew trump, led a diamond, ruffed the diamond return and ran her hearts. East eventually discarded the ÍQ so North won a trick with dummy's ÍJ. North stated that because of the explanation she received she believed that East had spades and that she would be no worse than minus 500 against a possible spade game. She also stated that, had she been told the double was card-showing, she might not have bid 5!.

The Committee Decision: The Committee decided that North had already described her hand when she bid 4! and had no reason to save by herself over the 4Í bid before her partner had a chance to act. Although West could have explained what East's double meant, North had formed her question poorly. She should have just asked what the double meant if that was the information she wanted. The Committee did not believe that N/S were damaged by West's MI and allowed the table result of 5! doubled down two, plus 300 for E/W, to stand.

Committee: Jon Brissman (chair), Alan LeBendig, Dave Treadwell, Linda Weinstein (scribe)

Directors' Ruling: 93.9 **Committee's Decision: 90.0**

Bart, are you still there? Is merit still a theoretical ideal yet to be achieved?

Bramley: "No merit. See my comments on the last two cases.

"But seriously, folks, let's look at what constitutes a high-level double these days. I believe that most players would have doubled with the East hand in the problem position, *regardless of how they defined the double*. (Some players might bid 5". Nobody would pass.) Experienced players understand that in high-level pressure situations you must frequently double as the cheapest and safest way to show some values. No matter whether you call the double 'penalty,' 'cards' or 'negative' you will all hold approximately the same kind of hand. The crossover between 'negative' and some other kind of double is not a sharp line, but we have been misled to try to draw such a line when filling out our convention cards. Rather, the change is gradual as the level gets higher, where logic dictates that perfect distribution must give way to high-cards in general, 'transferrable values' and the ability to cope with all of partner's likely responses to the double, including pass. So please, stop trying to draw and quarter opponents who cannot give a good explanation of what the double means. You already *know* the answer. It's whatever you would have yourself for that double."

Reinforcing Bart's view of these doubles are…

Rosenberg: "Start lecture. About time this situation came up. These doubles don't mean anything and it's about time that the bridge community admitted it. East can have a huge range of strength or shape. The only sensible agreements are whether East can double with heart values and nothing else (I can't) and identify the fewest number of hearts that East can hold (for me it is one – I can't double with a void). End lecture."

Wolff: "Another proper decision. To me it is close to a meritless appeal. Is there really a difference between a 'negative double of 4!' and a card showing double? I think not."

Cohen: "Common sense prevails again. North was trying to get something to which she wasn't entitled. It's not even clear that the question and answer constituted MI but even if it did, North's 5! bid has nothing to do with the (mis)information she received. I was pleased to get to see the detail of the play (just to satisfy my curiosity – when I see 'down two' I start wondering why!). I find it hard to believe any scenario where East, an expert player, would throw a spade – but I suppose that has nothing to do with the decision.

"I'd call this appeal meritless. This is about the fourth or fifth case where I thought the decision was obvious, the Committee made the obvious decision, but didn't find the appeal to be lacking in merit."

Gerard: "When do the speeding points go into effect? Also, did East deliberately throw away a trick?"

Is that a rhetorical question or just a lawyer's attempt to badger the witness?

Rigal: "The ruling and decision were sound – North was guilty of a misbid and an ill-phrased question. I'd have liked to see the issue of the merit of the appeal raised

here."

Meckstroth: "I agree with the decision. West's bidding was consistent with her answer."

Weinstein: "West's answer was incomplete and slightly misleading, but inadvertent. I agree with the Committee that the damage was not sufficiently consequential to adjust the offenders, let alone the non-offenders."

Our last panelist favored adjusting E/W's score because North "might not" have bid 5 ! had she been given a more responsive answer to her question.

Goldman: "I think West's answer was inadequate to a normally worded question. I think North probably would have bid 5 ! anyway, but might not have. I score E/W minus 100 in 5 " and am inclined to leave N/S's score alone. I am basing my judgement on the 'at all probable' and 'likely' concepts."

Let me expand on Goldie's point. The ACBL Alert Procedure pamphlet says:

> "The opponents need not ask the 'right question.' Any request for information should be the trigger. Opponents need only indicate the desire for information – all relevant disclosures should be given automatically."

North's question clearly indicated interest in the meaning of East's double, even though it was poorly worded. West's answer was therefore non-responsive. Did this damage North? I agree with Goldie (and others) that it's quite unlikely that it affected her action, but there's a slight chance that it might have. Therefore, Goldie's two-way adjustment seems correct to me. N/S should keep the table result because North's 5 ! bid was unjustified before South had a chance to act and a better answer was unlikely to have made a difference in her action. But E/W get minus 100 in 5 " because it was "at all probable" that E/W profited from their non-responsive answer to North's question.

CASE TWENTY

Subject (MI): What A Day For A Daydream
Event: NABC IMP Pairs, 30 Jul 98, Second Qualifying Session

Bd: 6
Dlr: East
Vul: E/W

Andy Stark
Í AK642
! 765
" 32
Ê Q106

Massoud Banan
Í Q3
! 104
" J10965
Ê K984

Joseph Shull
Í J8
! AK832
" 874
Ê 753

Walter Lee
Í 10975
! QJ9
" AKQ
Ê AJ2

West	North	East	South
		Pass	1NT
Pass	2 ! (1)	Pass	2 Í
Pass	3NT	Pass	4 Í
All Pass			

(1) Announced; transfer

The Facts: 4 Í made four, plus 420 for N/S. The opening lead was the "J. The Director was called by East after South bid 2 Í. East had not heard South say "transfer" and South had not tapped the Alert strip. West did hear South say "transfer." When the Director was called back to the table he ruled that even though there was a minor procedural violation, East had not met his obligation to protect himself since at least 95% of the pairs in the room, as well as E/W themselves, played transfers. The Director allowed the table result to stand.

The Appeal: E/W appealed the Director's ruling. East, West and South attended the hearing. East stated that he had not heard the announcement and that he might have doubled 2 ! if he had. West stated that because of the Director call, he believed he was constrained from leading a heart.

The Committee Decision: The Committee was not aware of the requirement to both announce and tap the Alert strip. The Committee decided that this was not a punishable violation and allowed the table result to stand.

Committee: Henry Bethe (chair), Mark Bartusek, Nell Cahn, Barry Rigal, Nancy Sachs

Directors' Ruling: 97.3 **Committee's Decision: 95.4**

First things first. The Committee's lack of familiarity with the proper *and well-publicized* procedure for making announcements when using bid boxes (both saying "transfer" *and* tapping the Alert strip) doesn't give them the right to decide that failure to follow that procedure is "not a punishable violation." If the procedure had not been well publicized, so that players could not be held responsible for doing it right, or if there had been some extenuating circumstance which justified not penalizing it in this specific instance, then they could properly decide not to issue

a penalty. But failing to make sure that the opponents hear an announcement is equivalent to failing to make sure that they hear an Alert: It is the announcer's (or Alerter's) responsibility.

All of that aside, did this particular violation deserve to be penalized – or warrant protecting East? Heck, no! East had every reason to know, from both his hand and the highly familiar nature of the bid, that 2♦! was probably a transfer. If the announcement was clear enough for his partner to hear then there was no reason why he shouldn't have been paying closer attention once the 2♦! bid card was placed on the table – or for him to have either asked about the bid or glanced at an opponent's convention card. Thus, I agree with the Committee's final decision and would have judged this appeal to be without merit.

By the way, West is to be commended for both admitting that he heard South's announcement and refraining from leading a heart. (Isn't it sad that what should be routine proper behavior has become so rare that it needs to be singled out for praise on those occasions when it is exhibited?)

Did I hear the word "merit" again? Bart?

Bramley: "Proper. West did well by admitting that he heard the announcement and by not leading a heart."

Bart, you disappoint me. But not…

Cohen: "Who can ever keep track of the constantly changing ACBL rules of Alerting, announcing, tapping, scratching, breathing, etc. For the nth case in a row, common sense is all that was needed. Any NABC player would know to suspect that 2♦! is a transfer. Even his partner saw/heard the Alert. It's inexcusable for East to be complaining about what happened. Kudos to West for not leading a sleazy heart! No merit to the appeal, again!"

or…

Treadwell: "The only decision the Committee really had to reach in this case was to determine whether the appeal had enough merit to avoid a procedural penalty, but no mention of this is made in the write-up."

If you thought this was all cut-and-dried, then you've underestimated our Ronnie.

Gerard: "It's okay, the other 5% of us are not worse, just different.

"Not clear what the Director meant by a 'minor procedural violation.' If it was the requirement to announce 'transfer,' as his emphasis on East's need to protect himself implies, I disagree. That is a major procedural violation that should have cost N/S a trick without giving it to E/W. If it was the tapping requirement, as a reasonable person would expect, I agree. The tapping requirement predates the oral announcement and could easily have been done away with at the same time if the legislators were thinking clearly. I'd give the Director the benefit of the doubt, mostly because by regulation South is deemed to have said 'transfer,' but I have learned to be wary rather than trusting. The Committee got it right, but it also

should have recommended removal of the tapping requirement in this and other announcement cases. Protection for the hearing impaired can be guaranteed by restoring the requirement for anyone who indicates that status."

I agree about recommending discontinuance of the tapping requirement – except behind screens (see CASE TWENTY-THREE).

Goldman: "Excellent."

Rosenberg: "Okay."

Wolff: "Third straight good decision. I bet East was day dreaming when South said transfer."

Huh? Uh, sorry, I was thinking about…

Meckstroth: "I agree. East should have protected himself and asked. Clearly since West heard South say transfer there should be no adjustment."

Rigal: "Good Director ruling. The Committee at that time (maybe still now) was simply not up to date with the constantly changing regulations regarding Alerts and did not want to hold South to higher standards than they would have met. They also believed that East was simply out to lunch and wanted the Committee to protect him for his earlier lack of focus. This looks right to me; anyone with the East hand knows 2♦! is a transfer..."

Unfortunately, the standards that Committees (and Directors) have been meeting recently are (arguably) so modest that someone needs to step up and impose more realistic ones on the players. Any volunteers?

CASE TWENTY-ONE

Subject (Claim): Claim Evaluation — In Context
Event: Bracketed KO, 30 Jul 98, Semifinal

Bd: 6 Dlr: East Vul: E/W	Í 84 ! --- " 943 Ê 95	
Í 9 ! --- " 7 Ê AKQ74		Í J6 ! AQ " AJ Ê J
	Í 10 ! --- " K10 Ê 10862	

No auction available

The Facts: East was declarer in a 6! contract and claimed in the diagramed seven-card ending. East (arguably, see below) stated she had the ace-jack of diamonds and a club to get to dummy. Declarer had lost one trick at the time of the claim. The Director awarded N/S a trick with the "K (Law 70E). The assigned score was 6! down one, plus 100 for N/S.

The Appeal: E/W appealed the Director's ruling. The players disputed the phraseology of the claim, with N/S contending that declarer began with "I have the ace and jack of diamonds…" while E/W contended that declarer said "I have the "A and the jack…", the latter referring to the ÍJ. Declarer had cashed the ÍAKQ immediately before making the claim statement. The appellants raised other issues, such as which defender disputed the claim, which the Committee deemed not germane.

The Committee Decision: The Committee could not ascertain the exact parsing of declarer's claim statement, but decided that her intent was sufficiently clear to award her the rest of the tricks. The Committee changed the contract to 6! made six, plus 1430 for E/W. After disclosure of the decision, one of the appeals screening Directors stated that informal guidelines for Directors' rulings in claim situations indicated that the floor Director should have allowed the claim. Had N/S appealed a ruling in which E/W's claim was allowed, the Committee would have discussed the merit of such appeal.

Committee: Jon Brissman(chair), Henry Bethe, Dave Treadwell

Directors' Ruling: 57.6 **Committee's Decision: 94.8**

The only question I have is, why wasn't the ruling made at the table changed in screening? Why did this Committee have to waste their time on this?

Goldman: "Excellent."

Meckstroth: "I believe this decision was correct. Declarer knew that the ÍJ was good, therefore she had twelve easy tricks."

Rigal: "The Director was harsher than I would have expected – I can see why in theory but not in this particular case. Thoughtful Committee decision, and I agree about the merits of an appeal under the different circumstances."

Rosenberg: "Okay."

Wolff: "Right on with allowing the claim."

Bramley: "Perhaps declarer shouldn't have said anything. It's hard to quarrel with a declarer who has the rest in high cards."

Cohen: "It's hard to be sure but I'd guess declarer knew the ÍJ was high and also knew that the "K was outstanding. So it seems like she should be allowed to make six. What I don't understand is what actually happened at the table. Declarer said or didn't say something about the "J. Okay. Now the Director was called. Why didn't the Director simply ask East to clearly state her intent? Did declarer state 'I have the ace-jack of diamonds' and then N/S contested that? Was the Director immediately called? This entire case revolves around the details of declarer's statement and the minute that followed in which the Director was called. It doesn't seem like the Committee got to the bottom of this.

"Two trivial notes: (1) Is 'parsing' a typo, or the scribe's clever choice of words?
(2) I'd like to see the full deal and the play from trick one – that would make it easier to determine declarer's intent."

The word "parsing" refers to the way words are grouped for meaning. The phrase "They're visiting relatives," for example, could refer to people who are off visiting their relatives or it could describe some relatives who are in town visiting. I suspect the term was used intentionally (and correctly) in the write-up.

Seeing the full deal and play from the beginning would have helped. The Directors sometimes fail to provide this information, even though we've requested it for every appeal. The Screening Director should make sure that this is provided in the future. But the sequence of declarer's plays immediately before her claim (cashing the ÍAKQ) seem most relevant and suggest that the ÍJ was logically the next intended play.

Gerard: "Just think if the queen and ten of clubs had been switched. Play it out. I want to see these informal guidelines."

Yes, by all means play it out. As Edgar wrote, "Declarer should claim only when all of the deal's mysteries…have been solved, and when his difficult work…has already been done; all that remains is routine cashing of winners." – Amen.

CASE TWENTY-TWO

Subject (MI): Is It A Transfer Advance, Or Is It Memorex?
Event: ITT, 16 Jun 98, Round of Sixteen, Segment One
Teams: N/S: Ekeblad versus E/W: Jacobs

Bd: 9
Dlr: North
Vul: E/W

Russ Ekeblad
♠ 6
♥ AK4
♦ KQ962
♣ AJ74

Eric Greco
♠ QJ10832
♥ Q10
♦ 843
♣ K6

Geoff Hampson
♠ A75
♥ 852
♦ AJ107
♣ 532

John Sutherlin
♠ K94
♥ J9763
♦ 5
♣ Q1098

West	North	East	South
	1♣(1)	Pass	1♦(2)
1♠	Dbl(3)	2♣(4)	2♥
2♠	Pass	3♠	All Pass

(1) Strong, artificial, 15+ HCP
(2) Negative: 0-7 HCP
(3) Takeout
(4) Alerted by East to North as diamonds or a diamond cue-bid; explained by West to South as "No agreement, probably a cue-bid, maybe natural"

The Facts: 3♠ went down two, plus 200 for N/S. The Director was called to the table after the play of the hand. South stated that he had devalued his hand when he was led to believe that East held clubs and would have jumped to 3♥ had he been given the (correct) information that East held diamonds. North stated that he would have raised a 3♥ bid to four since the jump would have shown at least a five-card suit (South would cue-bid with only four hearts). The Director ruled that MI was present (Law 75) which could have affected South's call and assigned an adjusted score (Laws 21 and 40C). Based on Law 12 the Director ruled that, while South might have bid 3♥ at his second turn, North's 4♥ call was not likely. The score was adjusted for both sides to 3♥ made five, plus 200 for N/S.

The Appeal: N/S appealed the Director's ruling. South stated that he considered 2♥ a bit conservative and 3♥ a bit aggressive with his hand. He chose to devalue it and make the more conservative 2♥ bid based on his belief that: (1) East held clubs (or club values with spade support) and therefore his clubs were not as likely to be working; (2) there would be a danger of defensive club ruffs in 4♥ since North had shown club length; and (3) North was more likely to have wasted diamond values if East's values were in clubs. Had he known that East held diamonds these factors would have been reversed and he would have made the more aggressive 3♥ bid. North stated that his 1♣ opening started at a good 15 HCP and that he would have raised a jump to 3♥ to game (a jump would have guaranteed at least a five-card suit, while 2♥ could be bid on four). He believed that his singleton spade (he could have had two, or even more with a stronger hand), strong three-card heart support, club tenace, ♦KQ (he could have held the less useful ♦KJ) and non-dead minimum made the 4♥ bid "automatic."

The Committee Decision: The Committee decided that, while a jump to 3♥ was reasonable even if East had clubs, it would have been made significantly more attractive had South known that East's bid showed diamonds. Since the standard for allowing a change of bids after MI is somewhat liberal for the non-offending side, it was believed that South's justification (based on his stated logic) met that standard. It was also decided that North's 4♥ bid, while far from clear, was reasonable once South was known to have at least five hearts. North's values had not been significantly diminished by East's diamond-showing bid and, except for holding only three-card heart support, North had prime (albeit minimum-range) values for his previous actions. Again, the Committee believed that North's bid had sufficient justification to be allowed. The contract was adjusted for both sides to 4♥ making five, plus 450 for N/S.

Committee: Rich Colker (chair), Michael Aliotta and others (by phone)

Directors' Ruling: 60.5 **Committee's Decision: 80.8**

Since I chaired this and the next three cases, I'll try to stay in the background and let the other panelists carry the brunt of the discussion. Remember, I said "try."

Six panelists agree with the Committee's decision. They can go first this time.

Goldman: "I think the Committee got it right and explained it well."

Rosenberg: "I was actually kibitzing this hand. The Committee's decision was hard on E/W but was reasonable. The Director was wrong not to give N/S plus 450 and make E/W (the side that committed the infraction) appeal. Perhaps South was self-serving in saying he thought East had clubs, since West said 'probably a cue-bid' and the auction made East holding clubs unlikely. But it is also relevant that he might have valued his hand more favorably had he been told that East showed diamond values. So go with the Committee."

Bramley: "Correct decision, although it rankles a bit to base it on hypothetically more aggressive actions by *both* partners."

Cohen: "Nothing was 100% obvious, but I think the Committee got everything right. I think the case for South to bid 3♥ without the MI is a tiny bit sounder than the case for North to bid 4♥, but both are well within what could reasonably be believed – and the benefit of the doubt should go to the non-offending side."

Weinstein: "This is the correct ruling under ACBL law. Under WBF laws, where 12C3 can be used, a more equitable judgment could have been rendered. An approximate 50% adjustment could have been achieved under ACBL laws by ruling that reaching 4♥ fell between being at all probable and less than likely. This would allow the non-offenders to be plus 200 and the offenders to be minus 450. Since this was a knockout match, the net result is to split the difference in IMPs. Apparently the Committee considered reaching 4♥ was likely enough to not fall in the two-way ruling range."

Treadwell: "South's bid of only 2♦ at IMPs after partner has opened a strong club and made a takeout double seems ultra-conservative regardless of the MI and raises a question as to whether an adjustment is in order. However, the rationale for this action makes enough sense for the adjustment to be awarded. Good Committee decision."

The next three panelists would allow the table result to stand but would assess a penalty against the offenders (E/W) for not knowing their methods, as provided in the Conditions of Contest (see the **Committee Decision** in CASE TWENTY-FOUR).

Bethe: "I think that this would have been better to let the score stand and penalize E/W 3-5 IMPs for not knowing their agreements in a common competitive situation."

Wolff: "CD makes for impossible adjudication. My decision (although just a guess) would be 3♠ down two, plus 200 for N/S (actual happening) but a 6-IMP penalty against E/W for CD. Close to equivalent to letting N/S score 420 [450? – *Ed.*], but it seems right to include the actual result accenting the real result plus the CD."

Rigal: "Perhaps I just got out of the wrong side of the bed this morning, but I would have done this back to front. As Director I would have adjusted to 4♦ making and as Committee I would have set it back to plus 200 for N/S with a procedural penalty of 3 IMPs to accrue to both sides. E/W had an accident – one they should have known better than to have. (This method is especially prone to such accidents – E/W have a special duty of care.) But even if South jumps to 3♦, North has nothing approaching a 4♦ bid at this vulnerability, with diamonds stacked over him. This was far too generous to the non-offenders."

The next panelist believes that N/S should get no protection at all.

Meckstroth: "I find this decision remarkable. I would have bid 4♦ with the South hand regardless of the meaning of 2♣. And to say North would bid 4♦ is absurd. He has a minimum with only three hearts! I believe polling experts on the phone is *not* an effective method for evaluating a bid or a play."

I'd like a better way to do things than by phone, too. Perhaps if Jeff will spring for it we can fly three more people to the Trials, pay for their rooms, time (about nine days) and expenses, and have regular, on-site Appeals Committees.

Ron has a bone to pick with the Director, Committee, N/S and my write-up.

Gerard: "Nope, this called for the application of Law 86B. The likely result would have been that E/W win 3 IMPs on the board, splitting their gain in two. We can all see how North would raise 3♦ to 4♦, no one needed to dwell on it. Oh, I forgot, the Director couldn't get it. When the NPs win the day, they can train the Director how to bid 4♦ with that hand. And minus 450 should have been the result for E/W under 12C2. But N/S didn't live up to the standard one has a right to expect in this event. Other than the descriptions 'out of character' and 'not my choice,' I can't say much

about 2♦. It wasn't LOL ridiculous and was within the bounds of reasonableness, if a touch conservative. I have it on good authority that the Editorial view [Not mine – *Ed.*] is that anyone who bids other than 2♦ is not a bridge player, but let's try to be mature about this. For the feared club ruffs to take place (East couldn't be bidding naturally with South's clubs), the suit would have to be distributed double dummy worst or West would have to have the trump ace – North wouldn't suggest clubs in a good hand with only jack-third. But North, well North is another story. North claimed that 4♦ would have been automatic, in part because of his ♥KQ rather than KJ. Didn't that same ♥Q instead of the three make it 'automatic' to double 2♠? That is, would you believe North if he told you he wouldn't have opened 1♣ holding ♠x ♦AKx ♥K9xxx ♣AJxx? Sure it would have been nice for North to hold a 2-3-4-4 18 count, but since the opponents had bid and raised their suit (forgetting the one-way stuff, which both North and South could discredit) North's second double should relate more to offense than defense. I don't mean to be pedantic, but as North I'd want to encourage South to bid again opposite my hand. Just think how you would feel if you passed 2♠, East passed and South went into the tank before passing. No, I think it was clear to double 2♠.

"So N/S had a chance for plus 500, better than they would likely have done in the absence of the infraction. In fact, how did that trick get away at 3♠? More likely they would have scored the normal plus 450, but either way they didn't extract the maximum that they could have with reasonable play at this level. Because they achieved plus 200 on their own, that should have been their 12C2 score. Compare each result, average them and move on. Finally, in this whole write-up do you think someone could have told us what the E/W agreement was? I'm assuming diamonds not clubs in order for MI to have been present. But everyone could have saved a lot of time if it was clubs, not diamonds. Rich? If you didn't say, it's poor documentation. If you didn't know, well we should know that too, shouldn't we? I'll bet it wasn't MI and the case should have been thrown out. It looks like E/W were playing Rubens advances but didn't discuss whether they applied against artificial opening bids. Or whether they applied only against artificial bids, since 2♣ would not have been diamonds if 1♣ and 1♥ were natural. If E/W had actually discussed this I'd be amazed."

E/W played Rubens (transfer) advances in natural auctions (the advancer having either the suit transferred to or values there with a fit for overcaller) but they hadn't discussed whether they applied in artificial auctions. (East thought the transfers were on; West thought they weren't.) So there was no agreement and thus MI. I should have put this all in the write-up (I actually thought I had). Sorry.

I lean (only slightly) toward the same two-way adjustment Ron proposes.

CASE TWENTY-THREE

Subject (MI): Double Me And I'm Outta Here!
Event: ITT, 16 Jun 98, Round of Sixteen, Segment Two
Teams: N/S: Deutsch versus E/W: Brachman

Bd: 26
Dlr: East
Vul: Both

Bobby Wolff
Í QJ94
! J732
" J63
Ê 74

Harold Lilie
Í A103
! K1085
" KQ10
Ê J83

Marc Jacobus
Í 762
! Q
" 542
Ê KQ10652

Seymon Deutsch
Í K85
! A964
" A987
Ê A9

West	North	East	South
		Pass	1NT(1)
Pass	Pass	Dbl(2)	All Pass

(1) 15-17 HCP
(2) Alerted by East to North as a one-suiter, most likely clubs by a passed hand (2Ê would have shown diamonds); Alerted by West to South (disputed, see below)

The Facts: 1NT doubled went down two, plus 500 for E/W. According to West, when the tray returned to the S-W side of the screen after East's double South passed quickly as he (West) tapped his Alert strip. South was looking in his general direction but made no acknowledgment of the Alert. West then passed and the tray went to the N-E side of the screen, where it remained for some time before returning with North's final pass. Before he led, West volunteered to South "You know that shows a one-suiter?" (referring to East's double). South said, "No, I didn't know. I think I might have bid if I'd known that." According to West, he then asked South if he wanted a Director. South responded "No," but when West then led a club South requested a Director.

According to South, who admitted that he did not recall the exact sequence of events on his side of the screen, he was surprised when West volunteered that East's double showed a one-suiter. South said that he had not been Alerted and that he considered bidding over the double even without the Alert. He finally decided to leave it up to North whether they should run. However, had he been Alerted that the double showed a club one-suiter he said he would have redoubled for rescue. He considered his hand unsuitable for playing 1NT doubled, containing, as it did, only "aces and spaces." South adamantly denied waiting for West to lead before asking for the Director ("I never would have waited to see the lead before calling for the Director"). He said he asked for the Director as soon as he was told the double showed a one-suiter. He could not say precisely when the opening lead was faced; only that at some point it was on the table.

The Director determined that South had not been properly Alerted and West was shown how to "wave the Alert strip in front of his screenmate's face." The Director subsequently ruled, however, that South was not damaged by West's

failure to Alert properly or to explain the meaning of the double in a timely enough fashion (Law 40C). The table result was allowed to stand.

The Committee Decision: The Committee decided that South had not been properly Alerted and that West's later volunteering the meaning of the double also suggested that he was aware that South might not have seen the Alert. The promptness of South's pass of the double left open the question of whether his motivation to pull the double derived from West's explanation or from the break in tempo before North's final pass. The Committee did not believe that it was normal to pull this double since most of the time it would be removed to 2Ê by the doubler's partner or North would be able to run. Also, it was not at all likely that a double by a passed hand would be intended for penalties, so South should have been aware that the double had some other meaning. The Committee allowed the table result of 1NT doubled down two, minus 500 for N/S, to stand for both sides.

Committee: Rich Colker (chair), Michael Aliotta and others (by phone)

Directors' Ruling: 86.7 **Committee's Decision: 89.4**

Most of the panel agreed with the Committee's decision.

Bramley: "One of the sorriest excuses for an appeal that I've ever seen. It's too bad a cooler head on the N/S team couldn't prevent this one from seeing the light of day."

Rigal: "The Director got this right and if N/S appealed, I am surprised that no comment was made about meritless appeals. If anyone was going to bid, it would be North; South has the world's most routine pass facing a non-penalty double. I can't believe that North let this appeal proceed. The write-up does not make it plain what method E/W were playing over 1NT – why the inference about clubs? And why did West not pass this on to South? This is the only point I can see for N/S's argument."

Most of the inferences about East's double showing clubs came from two sources, (see the annotation to the bidding): (1) 2Ê would have shown a diamond one-suiter and (2) East, a passed hand, failed to open a major-suit weak two-bid earlier.

Goldman: "Excellent Committee work."

Rosenberg: "Okay. Nobody Alerts properly under the rules, so that should only be used as a last resort."

Meckstroth: "Seems fine to me. It would not be normal for South to run. North probably should have run. Perhaps a procedural penalty for West since it was determined he did not properly Alert South."

Treadwell: "Another good decision by both the Director and the Committee. South

was out in left field and not thinking clearly and might have redoubled for rescue with his barren hand. A case also could be made for an unsolicited runout by North. The MI, if indeed there was any, should have had little or no bearing on South's action."

Cohen: "There is a trend in these cases. The more expert the players, the more likely that the Committee decision won't be easy. On some of the earlier cases where the players involved were 'unknown' there were some very easy decisions. These 'screen' cases are toughies. I can live with everything stated here – but I could have probably been convinced to go a different way. By the way, why is there no 'The Appeal' as is normal in these case presentations?"

The special logistics of the ITT (early starts, late finishes, minimal time between sessions, six-man teams with players disappearing to catch a nap or a quick meal when they aren't playing) often force me to speak to Directors and players as best I can catch them – during sit-outs, between sessions, etc. I end up speaking to individuals or pairs, often without the two sides ever being together again away from the table. Sometimes I go back and forth between the various parties several times so that the information I get eventually merges smoothly. In short, the process doesn't really lend itself to separation into a "Facts" (what happened at the table) and an "Appeal" (what was said in the testimony to the Committee) section. In fact, the players usually never see or speak to "the Committee" in person since I have to call the other members by phone, once I've gathered the information from everyone involved at the site. This year, for the first time since I started doing the Team Trials in 1995, I had one other person on site with me – Mike Aliotta. He was sometimes present to speak to the players with me but was never privy to my phone conversations with other Committee members.

Gerard: "Why would redouble be for rescue against a passed-hand club one-suiter? Why not a 17-count with ÊAJxx? If redouble of a natural double would have been for rescue, there must not be any hand on which South would do it. Apparently South had more aces and fewer spaces against a natural double than a conventional one, which is backwards. The crux of South's testimony is the statement that he decided to leave it to North to decide whether to run ('Leave it to Lobo') when it was clear to do so from his own hand. Why would South be more inclined to take unilateral action if properly Alerted than if not? I suspect 'Leave it to Lobo' is a watchword of this partnership and it would be even more likely to apply with the correct explanation.

"If you disagree and feel that South should have been allowed to run, do not hold against him his self-serving admission against interest that he would have redoubled. He should be allowed to run to 2Ê, after which North would probably declare 2!. E/W can beat 2! by North with a diamond lead (it's cold from South), but after the normal top club North would make it. I don't believe West would double 2! by North. Everyone knows 'Leave it to Lobo' is a good idea."

Now it's time for "Lobo" himself to have his say. Don't be fooled by his sheep's clothing. But of course you already know that.

Wolff: "Even though we won the match, I may be biased. Having said that, please consider the following: (1) Should North have the right to assume that his partner has been Alerted in a timely fashion? (2) If the answer is yes, then North should be able to factor this crucial point in deciding whether to escape or not. (3) If the answer is no, is there anything North can do to find out whether his partner did know in time before he passed?

"Without screens, North would be in a position to judge for himself whether South considered the Alert. If he does, is it unethical for North to use this information in making his next bid? It is my opinion (since I was the person involved) that if it is determined that South was somewhat confused by the 'late' Alert then this becomes the most important question and the focal point in making the decision. I have very good reason to believe that the Committee never even considered this conundrum, because if they had, I suspect the score would have been changed to 2! down one, plus 100 for E/W, since it is not the usual course, at least so spoken, to resolve doubt in favor of the offending side. Over the course of many years I have not participated in many appeals as a direct appellee or appellant (perhaps two or three), but I assure all that want to listen that winning or losing is not as important as recognizing fair treatment by a diligent, thorough, and competent Committee."

Words fail me (really!), so I'll let Howard put this all into proper perspective.

Weinstein: "South would never, never have bid here with proper information. He has a balanced minimum, no reason to suspect that the double will be passed, and a live partner to rescue him if necessary. Wolffie, if someone filed this protest against you, you'd be looking for a firing squad and two blindfolds."

CASE TWENTY-FOUR

Subject (MI): The Swedish Revenge
Event: ITT, 16 Jun 98, Round of Sixteen, Segment Two
Teams: N/S: Brachman versus E/W: Deutsch

Bd: 30
Dlr: East
Vul: None

Eddie Wold
Í KQ732
! J10986
" 65
Ê 9

Brian Glubok
Í A6
! 32
" AK742
Ê J432

Roger Bates
Í J85
! AQ5
" J98
Ê AQ86

Malcolm Brachman
Í 1094
! K74
" Q103
Ê K1075

West	North	East	South
		1"(1)	Pass
2!(2)	Pass	3!	Pass
3NT(3)	All Pass		

(1) Not necessarily natural (artificial club system)
(2) Alerted by West to South as both minors, game forcing; explained by East to North as natural, game forcing
(3) East retracted his original explanation and told North that 2! had been artificial, showing both minors, but he wasn't sure whether it was just invitational or game forcing

The Facts: 3NT made three, plus 400 for E/W. The Director was called to the table by North when East changed his explanation of 2! following the 3NT bid. The Director took North away from the table and asked him what, if anything, he would have done differently had he known that 2! showed the minors. North said that he might have bid 2Í but wasn't sure since he needed to know what strength was promised. They returned to the table and found that East was not certain of West's strength but thought that 2! was probably invitational, 2Í being the game-forcing bid with both minors. (In fact, East had reversed the meanings of the two bids.) When asked again what he would have done differently North said that he might have bid 2Í if 2! was invitational but he might have done something else. Initially the Director and East heard him say he would have passed a game-forcing 2!, but he later said he still might have bid 2Í. The case was referred directly to appeals for resolution.

The Appeal: North stated to the Committee that he never committed to an action over 2! because West's strength was left uncertain and "he was not willing to expend the energy to speculate about his own action depending on West's possible strength." When pressed he said he might have bid 2Í or even cue-bid 3" (showing both majors, but suggesting better or longer spades) but he could not say for sure. E/W confirmed the facts as reported.

The Committee Decision: The Committee decided that East did not know his

system sufficiently well in what should have been a bread-and-butter auction and consequently conveyed MI to North. The Committee further decided that whatever North might have done over 2! had he been properly informed, East would still have raised West's (presumed natural) 2! bid to three and West would still have bid 3NT. In a sense, all roads appeared to lead to Rome. The table result of 3NT made three, plus 400 for E/W, was therefore allowed to stand for both sides. The Committee noted that the 1998 ITT Conditions of Contest required players to "…know their system, especially early in the bidding." The ITT Appeals policy informed all players prior to the start of the event that "Partnerships are expected to know their system, conventions and treatments as they apply in all reasonably foreseeable situations, and to properly Alert and disclose them to their opponents. Failure to do so will result in warnings and possible procedural penalties." The Committee believed that players using highly unusual, complex and artificial systems have a special ethical obligation to know their methods and properly Alert and explain them to their opponents. In this case E/W were found to be deficient with regard to these obligations and were assessed a 3-IMP procedural penalty for not properly Alerting and explaining their methods to their opponents.

Committee: Rich Colker (chair), Michael Aliotta and others (by phone)

Directors' Ruling: 62.9 **Committee's Decision: 91.9**

The first panelist makes an excellent point about process.

Brissman: "The decision was fine but the procedure was wrong. It was incumbent on the Director to make a ruling. Otherwise, what was being appealed and by whom? Asking the ITT appeals Committee to exercise original jurisdiction deprives any pair(s) aggrieved by the decision of a body to which to appeal."

I'll raise this issue with the officials in charge of the next Trials, Jon. The only excuse I can make (on behalf of the Directors who worked the event) is that the players indicated, whichever decision was made, that the ruled-against side wanted to appeal. Thus, the Directors decided to "cut out the middle man" – not unreasonable from a practical perspective. Nonetheless, your final point may still be valid.

Also concerned about the Directors' non-ruling are…

Cohen: "What is going on here? Did the Director make a ruling? The case was referred to the ITT? Is this something new – the Director doesn't make a ruling?

"Other than South (who played no part) I'm not thrilled with anybody's actions. E/W were clearly at fault for playing an unusual system and getting it wrong. This isn't the first time (nor the second or third) that the 'Swedish Club' has produced confusion. So, the procedural penalty is fine. North's fence-straddling doesn't look so good either. His statements seem like those of a good politician – straddling the fence quite well. I suppose I can live with the final decision, but this entire incident leaves a sour taste in my mouth. As I've said before, I'd like to know the opening lead and the play – I suppose it's not usually relevant (and probably not here) but it would be nice to know."

Meckstroth: "I find it troubling that the Director would not make a ruling. I believe the Director's ruling is *very* important in *all* cases mainly to make the 'correct' side file the appeal. I don't think it's fair to the players to make them go to a Committee for a ruling. As far as the decision, I think it was a good one, allowing the table result to stand with a procedural penalty for E/W."

On the other hand…

Rigal: "So many 'could-of/should-ofs' around the place; North's comments do not impress me. However E/W's system knowledge impresses me less. The Committee made a sensible procedural penalty here, but even if North had bid 2♠ the most probable result would have been 3NT making by West. (The play on a heart lead is challenging – do all lines lead to success? Might declarer play off the top diamonds, concede a diamond, then rely on the club finesse?) Much as I dislike it, I think the best N/S can get is the procedural penalty on E/W; but perhaps E/W were lucky to get away with only losing 3 IMPs rather than half a non-vulnerable game."

Goldman: "Excellent again."

Bramley: "An acceptable procedural penalty, adhering well to the letter and spirit of the quoted conditions, with which I concur. The determination of the table result is more problematic. I think many roads would lead to a different contract, or to 3NT with a killing heart lead from North or a killing spade lead from South. If allowed I would assign a percentage result of 3NT making half the time and going down half the time."

Bart's 12C3 solution is, unfortunately, *verboten* in the ACBL.

But perhaps more importantly it seems Bart and the next panelist were confused by the write-up. South was correctly informed of the 2♦ bid's meaning at the time it was made, while North was informed of its meaning (both minors) after the 3NT bid and of its strength (forcing) at the end of the auction – before his opening lead. Thus, the actual table result was valid, as the Committee stated.

Weinstein: " I don't disagree with the decision or the procedural penalty. However, had North bid 2♠, East then 3♦, eventually after 3NT was reached and the explanations corrected, might not North have led a heart? [Who said he didn't? – *Ed*.] Also, there is the possibility of South raising spades, perhaps changing the auction significantly. Anyway, the procedural penalty probably sufficiently protected N/S's equity position."

Yes, South could have raised spades, which could have produced only 300 for E/W (but might have produced 500) had they doubled. Also, South could have doubled when East bid 3♦ (for the lead?) rather than "raising" spades. But since N/S didn't commit to anything in the auction, it is impossible to evaluate these possibilities.

Rosenberg: "Naturally, I disagree with the penalty. E/W were in great jeopardy with their misunderstanding and often would have lost a large swing either by their

own actions or because the UI led to damage. Here there was no damage so no penalty."

…and the Conditions of Contest and the problems E/W created for their opponents and the tournament officials through their negligence be da__ed (fill in your favorite two letters).

Wolff: "Same match except this involved teammates. I would have assessed a 6-IMP procedural penalty instead of 3 IMPs since 3NT might have gone down. Again, CD reduces us to sub-bridge."

Sub-bridge being the lowest common denominator of *ueber*-bridge.

CASE TWENTY-FIVE

Subject (UI): The Strange Case Of The Pencil That Didn't Scratch
Event: ITT, 16 Jun 98, Round of Sixteen, Segment Three
Teams: N/S: Jacobs versus E/W: Ekeblad

Bd: 36 Dlr: West Vul: Both	George Jacobs ♠ QJ63 ♥ Q82 ♦ Q98 ♣ K94	
John Sutherlin ♠ A4 ♥ 64 ♦ K7652 ♣ 8732		Russ Ekeblad ♠ K107 ♥ AK53 ♦ AJ104 ♣ A10
	Ralph Katz ♠ 9852 ♥ J1097 ♦ 3 ♣ QJ65	

West	North	East	South
Pass	Pass	1♣(1)	Pass
1♦(2)	Pass	1♥(3)	Pass
1NT(4)	Pass	2NT	Pass
3NT	All Pass		

(1) Strong, artificial, 15+ HCP
(2) Negative (0-7 HCP)
(3) Alerted by East to North as an artificial relay to 1♠; by West to South as a possible four-card suit, non-forcing
(4) Explained by East to North as 0-4 HCP with five-five in the majors (but see write-up)

The Facts: 3NT made four, plus 430 for E/W. East had been explaining his side's bids to North, sometimes by whispering rather than writing. North, with a bit of a hearing problem, had missed some of what East said after West's 1NT rebid. When the Director just happened to come into the room North asked him to accompany him and East into the hall so that he could get a complete explanation of what had been said. East then explained that in their system 1NT (breaking the Kokish-like relay) should show 0-4 HCP with five-five in the majors. However, he also said he suspected that West had forgotten their agreement. The pair returned to the table, East bid 2NT to show 19-20 HCP, and West raised to game. The board was then played out. N/S later approached the Director, explaining that when the tray was on the S-W side of the screen before West bid 1NT it remained there for a "normal" length of time, during which there were no sounds of writing or other indications that West was Alerting or informing South about East's (presumed) artificial 1♥ relay and his own artificial 1NT rebid. This, N/S suggested, could have provided East with subconscious information which then aided his decision to play West for having forgotten their system. N/S suggested that a bid of 3♥ or 4♥ was more appropriate with the East hand if West was known to be at least five-five in the majors. The Director decided that, while there was a possibility of UI, he was not prepared to adjust the score.

The Appeal: N/S appealed the Director's ruling. N/S asserted they were not implying that East had done anything intentionally wrong; they simply believed that the information from the tray's tempo and the absence of any communication cues

could have provided UI unconsciously affecting East's decision to play West for having forgotten his system. East said that his assessment was based on three pieces of authorized information: (1) in his many years of playing his system, a five-five major-suited hand with 0-4 HCP had never occurred in any of his partnerships; (2) his own seven major-suit cards suggested that it was unlikely that West was at least five-five in the majors; and (3) E/W had recently (3-4 weeks ago) made a change in their system so that this relay bid was now in effect at all vulnerabilities, whereas previously it had only applied when non-vulnerable (this board was the first occurrence of the "new" condition for the relay). East said it was these considerations which prompted his decision to treat West's bid as a "forget." West and a Committee member produced a piece of paper from the S-W side of the screen, at the table where the match was being played, which appeared to be a note written by West to South indicating that East's 1♥ bid "could be 4♥." South acknowledged the authenticity of the note. Thus, there had in fact been undetected writing on the S-W side of the screen.

The Committee Decision: The Committee noted that the scratching of writing implements, shaking of the table, whispering and other cues often provide unintended extraneous information about events on the other side of the screen. On this occasion such information was not reliable but it is potentially present on every hand. Players must take precautions for themselves and their screenmates to minimize such information, with the responsibility for this ultimately resting with both pairs. In addition, both sides can control the tempo of the tray so that cues stemming from its movement are also, except under extreme circumstances, everyone's responsibility. Based on these observations and the evidence available, the table result of 3NT making four was allowed to stand for both pairs. In addition, although it came to the Committee's attention in a rather unusual way, it was determined that West did not know his system sufficiently well in what should have been a simple auction. If the ITT's intent that the Team Trails be conducted under the highest standards of preparedness and proper disclosure is to be taken seriously by all players (see the write-up of the decision in CASE TWENTY-FOUR), enforcement of those standards must be applied as consistently and even-handedly as possible. E/W were therefore assessed a 3-IMP procedural penalty for the different Alerts and explanations on the two sides of the screen which caused this unusual problem.

Committee: Rich Colker (chair), Michael Aliotta and others (by phone)

Directors' Ruling: 76.9 **Committee's Decision: 90.0**

The panelists have much to say about this appeal.

Bramley: "This is an appalling basis for an appeal. N/S claim that East went right because he did not get the expected cues *from the other side of the screen?* Well, EXCUUUUSE ME, but I thought that's what the screens were for! And apparently there *was* some writing on the other side of the screen. Maybe South should ask West to write a little *louder* next time. I disagree with this procedural penalty, which differs from the preceding case in several ways. This was not a 'bread-and-butter'

situation. Also, the opponents were not directly damaged by the differing explanations. This procedural penalty is more of the 'nitpick' variety. I do not like to see such penalties awarded at the whim of the opponents, who are thus encouraged to call the cops whenever a mix-up occurs, trying for some 'procedural penalty candy.'"

Brissman: "Kudos for the consistent procedural penalty application."

Rigal: "Intelligent Director ruling, although I would normally expect a ruling against the offenders. This is a real try-on by N/S who in my opinion should not have appealed this, novelty value or no. The Committee was harsh on E/W for an accident on the third round of the auction. Yes they should have known better; in the circumstances I think they were severely treated, even given the ITT rules."

Meckstroth: "I agree with this decision. I believe that with experience to rely on, East is entitled to play his partner to forget but *not* if tempo or lack of writing noise was the reason. I don't believe it was here. I also agree with the procedural penalty."

So give the procedural penalty, don't give the procedural penalty. I'm confused.

Goldman: "Nice Committee work."

Treadwell: "Under ITT's policy and rules regarding knowledge of one's bidding system in the early rounds of auctions such as this, the procedural penalty meted out to E/W seems appropriate."

Cohen: "Good logic by the Committee. I think E/W should be allowed to squirm out of their mix-up (obviously, without screens they'd never be allowed to). It's close, though. I'm not thrilled with what happened, so the 3-IMP penalty feels like a nice equalizer. The subtle inference drawn about playing behind screens points out why we must have qualified individuals serving on cases involving high-level events (Like Team Trials and late stages of National events)."

Wolff: "Why should the Committee be apologetic? E/W committed a bridge offense (recognized by our conditions-of-contest but not by our laws) of not knowing their system. By ignoring this, E/W secure undue advantages: (1) their convention or system may work to get to a better contract; (2) if they do forget, they may squirm out of it, either by legal NPL or, presently, in a sympathetic Committee (should not happen); (3) the opponents have to learn to think, bid and defend differently and also, most importantly, allow and cater for the opponents forgetting and all the impossible thought processes and other ramifications that constantly occur. Isn't bridge difficult enough and don't the conventioneers owe a greater responsibility to get it right? The answer to that should be unanimous. A 6-IMP procedural penalty against E/W."

Rosenberg: "Very important case. East 'knew' his partner had forgotten, based on the speed of the bid and his knowledge of partner's unfamiliarity with the system.

He tried to tell his opponents, which was laudable. But what can be done when pard takes time and scratchily writes a long answer? Now the same East can play partner to remember the system. So this situation (assuming a system forget) is analogous to passing a forcing bid made in normal tempo (see my answer to CASE ONE). East should be forced to bid 4♦ over 1NT – minus 200. That sends a better message than the random procedural penalty. In the rare case there is no damage (like CASE TWENTY-FOUR above), who is hurt?"

Wow, force a 4♦ bid on East! If we start imposing such actions on any player who passes a forcing bid (or an equivalent "Rosenberg infraction"), we'll be faced with a general uprising or a major insurrection. But who's counting rank?!

Gerard: "East's reasons (1) and (3) were self-serving statements, without regard to their (likely) truth. But independent verification was available, partially as to (1) and completely as to (3). Please, I'm not suggesting this would have happened or even that it was reasonably likely, but if Ron Sukoneck when questioned had said 'we had that auction four or five times, in fact we had a big argument about it the last time it came up,' wouldn't that color your view? The Committee wouldn't have been making an accusation, it just would have been doing its job. It wouldn't have been automatically rejecting the statement as self-serving, which is the usual procedure. I know this goes against the grain because it makes it seem as if the Committee isn't willing to accept evidentiary statements made by the offending side, but if you think of it in a vacuum just like calling for the Director there isn't any suggestion attached to it. In this case, I'm betting that East's statement would have been corroborated. East's reason (2) is merely an opinion, not a fact. Nothing says big club bidders have to have a misfit just because the opponents, with meager high cards and no proven fit, aren't in the auction. This is a self-serving statement that should be disregarded, making it even more important that (1) and (3) be verified.

"I suspect that an unstated reason for East's doubt was (4) West wasn't comfortable with the system. Great, now both East and West will sue me and they're friends of mine. If so, I can understand why East didn't mention it but it would have helped clear things up.

"Now I have a question about CASES TWENTY-TWO through TWENTY-FIVE. Who were 'others (by phone)'? Why weren't we told this information? Was it always the same 'others'? Didn't their vote count? I want to know who shares both the credit (CASES TWENTY-THREE through TWENTY-FIVE) and the blame (CASE TWENTY-TWO). Withholding these facts is inappropriate."

No, the "others" weren't the same for all the cases. My records don't indicate who was called for which case, but those called included (in alphabetical order): Henry Bethe, Bobby Goldman and Hugh Ross. (You weren't home, Ron.) I wrote a thank-you for the Daily Bulletin and the Internet identifying and thanking those who helped with appeals but unfortunately, there was no Daily Bulletin the day after I wrote it. If my request was honored, it may yet be on the ACBL web site.

For those keeping score: seven panelists (including the next) agreed with the procedural penalty, three opposed it, and there was Ron ("If you didn't say, it's poor documentation. If you didn't know, well we should know that too, shouldn't we?").

For the record, I'd rather that I had been given more discretion to impose or not impose procedural penalties for those things specified in the Conditions of Contest. I especially disliked imposing the penalty in this case, given how the infraction came to light. But to be fair, given the current Conditions of Contest, if one was imposed in CASE TWENTY-FOUR then one had to be here as well.

Howard (deservedly) gets the final word – and the honorary title of "Pen-Man." (Hey, it's better than "Felt-Man," which can carry a whole different connotation.)

Weinstein: "I agree. Conventions & Competitions/ITT recommended the use of ball point pens to reduce the noise of writing . When I pointed out to the Directing staff at the ITT that there were no pens (in a tongue in cheek manner), minutes later about two thousand hotel pens appeared, each of which was noisier to write with than any writing utensil I have ever encountered (no, I didn't try them all). Since my mentioning pens worked so well, I'll point out felt was supposed to be installed at the bottom of the bidding boxes to muffle cards slipping back in – a common occurrence. I look forward to discovering that there is such a thing as noisy felt. Another condition of contest that was being ignored at this table was the prohibition against oral communication during the bidding. The tray is supposed to be everyone's responsibility, or was until the WBF decided to make screens ineffective (CASE TWENTY-EIGHT). The argument that there was UI (no huddle) from the lack of UI (a huddle) indicating no unusual bids is specious. It may have a tinge of truth to it, but the factors allowing any information to be passed were within the non-offender's control. It also seems ridiculous to propose penalizing a pair for playing in proper tempo. This is not analogous to a fast double without screens.

"The procedural penalty was entirely appropriate. Pairs playing highly artificial systems have a high obligation to both explain thoroughly and remember their system, especially early in the bidding when it is more likely to affect the opponents' actions. Had North (obviously with a different hand) entered the auction assuming that West had five-five in the majors and no cards and gone for a number when West misbid, he would have had no redress under normal bridge law. Uniquely for this event the conditions specify procedural penalties for failure to remember your system in certain situations"

CASE TWENTY-SIX

Subject (UI): A Gordian Knot Untied
Event: Canadian National Team Championship, 16 Jul 98, Quarter Finals
Teams: N/S: Doner versus E/W: Hargreaves

Bd: 2
Dlr: East
Vul: N/S

Gerry McCully
Í AK98
! 92
" KJ65
Ê J103

Gord McOrmond
Í QJ1073
! KQ4
" Q984
Ê 4

Bryan Maksymetz
Í 42
! 107653
" 10732
Ê 87

Felipe Hernandez
Í 65
! AJ8
" A
Í AKQ9652

West	North	East	South
		Pass	1Ê
1Í	3NT	Pass	4Ê
Pass	5Ê(1)	Pass	5"
Pass	5Í	Pass	6!
Pass(2)	7Ê	All Pass	

(1) After an approximately two-minute hesitation, acknowledged by all players
(2) See Editor's Note below

The Facts: 7Ê made seven, plus 2140 for N/S. The Director was called at the time of the hesitation and ruled that the table result would stand.

The Appeal: E/W appealed the Director's ruling. They claimed that the long hesitation strongly implied that a bid other than 5Ê was being considered. Even though the auction was being carried out behind screens, it appeared to be obvious to all that the hesitation was by North and not by his screenmate, East. E/W also claimed that North's slow 5Ê made it much more likely that bidding on would be more successful than passing. North said he was considering whether 4Ê requested a key card response or a cue-bid. He eventually made the response which could be neither. Unfortunately it took a considerable amount of time to reach this decision. North pointed out that considerable time had been taken by the opponents in other auctions (implying that the delay in returning the bidding tray could well have been caused by East).

The Committee Decision: It was easy to conclude that there had been a hesitation. It was also evident that N/S had no agreements in this situation. Nonetheless, the Committee had valuable information from some of the things that were said by South during the hearing. The following reasoning was based largely on South's comments.

First, with respect to the 5" call, had North bid 4NT over 4Ê there would have been a strong argument to force South to pass that call. The 5Ê call showing a fit was at least somewhat encouraging. While N/S did not have an agreement here, North did indicate that a cue-bid over 4Ê would have promised first-round control. (He said he did not want to bid 4! as a response to Gerber, since that would have shown the ! A). Likewise, South indicated that he would have expected a 4Í bid to

have shown the ÍA. Since South could still demonstrate that 6Ê was a possible contract (North might have the ÍK) and that 5NT would not be in jeopardy (if North does not have a spade control he must have either both red-suit kings or one red-suit king-queen, either of which will produce eleven tricks in notrump), the Committee was in favor of allowing the 5" bid. While the hesitation did suggest that bidding on over 5Ê could be more successful than passing, the fact that N/S might have a slam and could not get too high meant that bidding on was not suggested by the hesitation but rather by the cards held. The Committee noted that one consequence of South's argument was that if North had bid 5NT over 5" that should have denied any spade control.

With respect to the 6! call, some might argue that the 5Í bid must promise the ÍA because North would have bid 6Ê instead with the ÍK. As a matter of theory that is debatable, but it was considered irrelevant as N/S clearly had no such agreement. Crucially, when asked why he bid 6!, South said it was because 5Í promised a spade control and he bid 6! "in case it was the ace." This indicated to the Committee that South did not believe North's bidding alone had promised the ÍA. His reasoning must therefore have proceeded along the following lines: North's bidding has strongly suggested that he does not hold the ÍA (and if he does then his hand is somehow unsuitable for slam, else why would he not cue-bid immediately while holding trump support). The hesitation over 4Ê suggests he was considering some other call, that in the light of subsequent bidding was almost surely 4Í (the other option, 4NT, is far less likely with a hand known to hold trump support). For this partnership, 4Í would surely have shown the ÍA (as North's earlier comment attests). Therefore, the bidding suggests that North does not have the ÍA, while the hesitation suggests that he does.

Both 6Ê and 6NT were certainly LAs to South's 6! call and the hesitation certainly suggested 6! over either one of them. In fact, had there not been a strong likelihood that North had the ÍA (which, in the Committee's judgment, was demonstrably suggested by the earlier hesitation) 6! could be a very bad bid, since West would then be quite likely to hold both the ÍA and the !K, in which case 6! commits N/S to 6NT while guaranteeing that it will go down by allowing West to double for the lead. Thus, the Committee believed that it would be wrong to allow the 6! call, since it was demonstrably suggested over LAs by the hesitation.

The decision between assigning South a call of 6Ê or 6NT in place of 6! remained. From South's point of view, 6Ê is in some danger of a spade ruff, while 6NT, played by North, is in some danger of a red-suit lead, setting up a king in West's hand while the ÍA is still outstanding. (For example, give North ÍKQx !Qxx "KQx ÊJxxx or any other hand missing the ÍA and !K and not containing the "KQJx.) In accordance with the Laws, when the offending side has a choice of actions any of which could be right, they should be assigned the least favorable result that was at all probable. In this case, that result is 6Ê. As a point of interest, on the actual auction, when the decisive moment arrived, N/S judged to bid 7Ê and not 7NT. Thus, the Committee believed there was no reason to assume that N/S would choose notrump as opposed to clubs at the six-level.

A final point not raised by the players at the hearing was the question of whether a continuation should be allowed over a theoretical call of 6Ê. The Committee believed that such a continuation should not be allowed since North, who had been willing to play what he knew could be a likely slam in 5Ê

(non-forcing; he could have jumped to 6Ê at that point instead) out of fear of risking a greater disaster should they have a misunderstanding, was clearly not about to bid a speculative 6NT or 7Ê if his partner signed off in 6Ê.

The Committee adjusted the score for both sides to 6Ê made seven, plus 1390 for N/S.

[Editor's Note: After the hearing, an error was discovered in the auction which went unchallenged by the players at the hearing. Apparently, West doubled South's 6! bid at the table. This double was inadvertently omitted from the auction contained in the Director's notes – a primary source of the facts provided to the Committee. The double of 6! has been intentionally omitted from the auction in the present report since it was not part of the evidence considered at the hearing. However, as pointed out to us by Committee chairman Doug Heron, "I think this just adds to the Committee's analysis, where we contended that bidding 6! could be a very bad bid, as it would allow a double of 6! and ensure that a 6NT contract would go down."]

Committee: Douglas Heron (chair), Douglas Fraser, Don Kersey

Directors' Ruling: 63.3 **Committee's Decision: 68.8**

The panel, like Caesar's Gaul, is divided into three parts over this decision. First up are the Committee's supporters, led by…

Gerard: "I've always thought that The Great Gatsby is the Great American Novel. Until now, I didn't know what the Canadian equivalent was. Who could add anything to the Committee's explanation? I can't think of a single point they didn't touch on. I'm told that this decision was very controversial in Canada, replete with allegations of favoritism and the like and that this opinion was written to quell the uproar. It's hard to believe that could still be the case after reading this but apparently it is. Certain arguments have been advanced (electronically and in other forms) in opposition to the decision. For every argument there is a counterargument. Here are seven which have come to my attention.

"Argument 1: 'The Committee was from Eastern Canada and was biased against E/W who were from Western Canada.' Bias was not alleged in Committee and it would have been the Committee's decision if it had been. The Committee's geographical roots would appear to be irrelevant.

"Argument 2: 'E/W didn't appeal until after the fourth quarter when the hand in question occurred in the first quarter.' The hand in question occurred in the third quarter. E/W notified the Directors after the end of the third quarter that they intended to appeal the ruling. If the Committee didn't hear the case until the match had ended, that was the Directors' fault.

"Argument 3: 'E/W went looking for an appeal worth at least 11 IMPs from the three hands on which they called the Director; only this hand qualified.' According to E/W, the other two hands were deemed not worthy of appeals (in fact, one of the Director calls was made only as a protective measure in case something had gone wrong, which all agreed it had not). As to E/W's motives, can you imagine not appealing when your opponents get to a grand slam after bidding on after a slow signoff? I think N/S's suggestion to the contrary is close to libelous. Popular

opinion refused to condemn Kantar-Sontag for pursuing the Las Vegas appeal.

"Argument 4: '5♠ wasn't a signoff, 4NT would have been the signoff.' 5♠ was a minimum with club support, limited by the failure to cue-bid. 4NT would have shown a different hand. North said he was afraid to cue-bid lest South was short in spades. A slow 5♠ was a bad huddle – it established doubt even if you think that 5♠ wasn't a signoff.

"Argument 5: '7♠ was a bad contract, the random result should stand.' No, no, no! First of all, you'd want to be there. If West can find the lead of an unsupported heart honor or a worthless heart to East's king-queen, he will be a huge favorite to hold the ♥Q. If West leads any non-heart, South will have plenty of clues to guess the ending. But more importantly, the argument is wrong. North would have bid no differently with the ♥Q instead of the jack, the ♦10 instead of the nine or who knows what else. When South barges on and invites a grand after a tempo-sensitive signoff, the result can not depend on how random partner's hesitation is. Just because South couldn't claim when the dummy was tabled is no reason to allow 7♠. The Laws do not concern themselves with this kind of double-dummy analysis nor should they. Tens and jacks are not the stuff on which the outcome of appeals should hinge. I know where this mind set comes from, it's protect-the-field mentality as applied to knockouts. Well shove it. Suppose E/W had called the Director at the point at which South bid 5♥. Should the Director have issued the following warning: 'You may take any action warranted by your hand but not any action based upon your partner's hesitation unless you achieve a lucky result?' The distinction between consequent and subsequent damage was never intended to be applied to the random fall of the cards. You take away 7♠ in this case in part for the same reason that there are speeding laws. Doing otherwise makes it more attractive to engage in reckless, unacceptable behavior.

"Argument 6: 'Certain ACBL notable personages thought the decision was outrageous.' Well, that about wraps it up. At least one of those persons spoke too soon and had to retract a substantial part of his comments. And I've read or discussed the opinions of most of those persons and they don't convince me. But mostly this argument doesn't convince me. My response is something on the order of 'So What?' It's just N/S grasping at straws.

"Argument 7: 'This decision was bad for bridge. It overturned the at-the-table result of the match and rewarded bridge lawyering instead of ability.' N/S's winning a match they didn't deserve to win was bad for bridge. That it took a Committee to sort it out was unfortunate but appropriate. Bridge lawyering has been held responsible for so many evils that you can almost call a halt to any serious discussion by introducing that concept; in fact that may be the intention of those who do so. Was I out of the country when the moratorium on intelligent thought was declared? Some of those who constantly hammer bridge lawyering have never stopped turning their backs on their own legal education."

In the next casebook Ron will have his own chapter.

Rosenberg: "Tray-holding should not extend to two minutes (see CASE TWENTY-EIGHT). It must be assumed that this is not happening. With screens, North had time to decide what to bid and failed to do so without imparting UI. Too much analysis is not good. The basic point is that South might well have bid 6♠

without much thought had there been no huddle.

"Now for the real question. What if North held ♦Qxxx ♣KQx ♥K10x ♠xxx? Now 6♠ goes down. And don't tell me that North should have bid 4NT with that – what if South held ♦x ♣AQx ♥Ax ♠KQJxxxx? Maybe we should make South pass 5♠, but I think South's bidding is an indication that he would not have passed 5♠, so I agree with the Committee's decision."

A bit confused, but supporting the Committee's decision, is…

Treadwell: "The statement in the Editor's Note that a heart lead would 'ensure that a 6NT contract would go down' is totally incorrect. Twelve tricks are there right off the top and the thirteenth trick comes in with an automatic squeeze regardless of the lead or whether the contract is 7♠ or 7NT."

Dave seems to have misunderstood Doug's statement. It was predicated on the possibility that the 5♦ cue-bid could have shown the ♦K rather than the ace. In that case, had West held both the ♣K and the ♦A, he would have been well-placed to double 6♣ for the lead which would have established the defense's second trick before a twelfth could be set up for declarer (seven clubs, two diamonds – three if the ♦A is exchanged for both pointed-suit queens –, and a heart make at most eleven tricks). We are all aware, on the actual layout, that there are twelve top tricks and that a thirteenth is available on any lead via a squeeze.

Next up is a one-man faction, possibly a subgroup of the supporters, who appears to believe that the Committee's decision is okay but that it could have gone either way.

Weinstein: "The Committee is trying to suggest that a pair that doesn't know what is going on over 4♠ can smoothly stop in 5NT, off a spade control (not to mention North could have ♦J108xx). If the Committee wants to say it's too ugly to force South to pass 5♠ with that hand, okay, but let's not find an esoteric rationalization for doing so. Then the Committee finds some convoluted (but not necessarily wrong) reasoning not to allow a grand slam try. I have to point out that, on a non-heart lead, seven is still cold even if West holds North's diamond king, on a progressive triple squeeze."

Finally the Committee's detractors have the floor, led by…

Bramley: "I disagree. I find the Committee's reasoning convoluted and contradictory. This hand illustrates a recurring theme in appeals that result from constructive bidding. At one or more points in the auction a 'break in tempo' occurs, after which the partner of the huddler takes an action 'suggested' by the huddle. I must question the whole concept behind penalizing breaks in tempo in constructive auctions. These auctions necessarily involve an exchange of information between partners, with each bid providing more data. Clearly, to bid in proper tempo a player must make each call in such an auction in a tempo that is neither too slow *nor too fast*. Ideally, he should bid in a tempo that suggests that he *always* has a LA, even when his own holding shows that he doesn't. In the given auction North would have been in violation, in my opinion, if he had slam-dunked

his 5♠ bid, or even if he had indicated in a less dramatic fashion that his call was automatic. Remember, North did not expect to hear from partner over 3NT, which almost always ends this kind of auction. He needed time to assimilate what 4♠ showed and then to decide what to do about it.

"But all of that is beside the point. Two other considerations are paramount on this hand. First is that South has a slam *drive* and anyone who thinks that he shouldn't drive to slam, or wouldn't drive to slam, or would even think of the possibility that North could intelligently cooperate in a decision not to bid a slam, is living in a dream world. South has a hand that some players would open with 2♠, a nine-trick hand with a solid suit and great controls and his partner has shown opening bid strength with at least a fair holding in the opponents' suit. South can hardly expect to get across to North that slam should be cold if North holds any normal hand including the king of spades or better, say ♥KJxx ♦Qxx ♣KQxx ♠Jx. Do you really believe that North would bid a slam over the supposed invitation of 5♣ rather than make the supposed signoff in 5NT? I didn't think so. Therefore, South's bidding plan should have been based on finding out whether to bid a *grand* slam. And he couldn't make his intention clear until he bid 5♣, indicating that he was driving to slam and trying for more. Until then his 4♠ bid just showed a hand unsuitable for 3NT, perhaps with slam interest. The degree of slam interest might depend on the partnership's understanding of what 5♠ would mean over 3NT. But maybe the partnership wasn't sure about the distinction.

"All of this brings us to the second consideration, which is the obvious uncertainty that N/S had about the meaning of all of the bids over 3NT. Clearly, if North wasn't sure whether 4♠ was natural or Gerber, then he had a big problem. And equally clearly, a hesitation in an ambiguous auction does not afford much of an inference. Next, look at the explanation of the 5♥ bid. Supposedly it promised 'a control' but logic dictates that it showed the ace. With the king North would simply bid 6♠ (or 5NT!). Also, South can hardly expect North to cue-bid cooperatively on a hand with zero key cards. Despite South's statement about the 5♥ bid, I think he should have been allowed to bid 6♦, because the 5♥ bid so obviously *did* show the ace. The Committee should have let the table result stand."

Rigal: "As Director I hate to think what I would have done here. But since it was always going to a Committee, perhaps I might have adjusted the score to 6♠ initially, and left both sides to appeal it.

"The Committee worked very hard here. However, although I have a lot of sympathy with them, they came to a decision based on what I consider to be an absurd statement, namely that South might have construed North to be cue-bidding a second-round spade control with 5♥. This is absolutely ridiculous. I asked a number of people whether as South they might ever read this bid that way and all said that 5♥ guaranteed first-round control.

"The point I am most unhappy about is that if I were South, heard my partner deny the ability to cue-bid and then show the ♥A, I would expect him to have a bad hand (and thus if I were unethical I would not look for a grand slam). This auction makes it less attractive for South to cue-bid for a grand slam – hence we cannot take it away from him. I hate to think what I might have decided here, but my instincts are to allow the 7♠ contract to stand."

Meckstroth: "What was the evidence that would have forced South to pass if North had bid 4NT? I don't understand or agree with this at all. You can't force South to stop below 6♠, ever. In any situation where partner bids 4♠ over 3NT it's time to pause and evaluate one's hand and also one's methods. South has a slam drive and simply cue-bid his side aces. The 6♦ bid is fine since opposite no ♥A, 6NT is probably safer. I'm almost always against the hesitaters but not here! The Committee examined many aspects of the auction but missed the relevant ones."

Goldman: "I would allow 7♠ to stand because I cannot put a compelling case together to change it. I don't believe a two-minute hesitation gives any information other than 'I'm uncertain of the meaning of…'"

Wolff: "Fun and games by this Committee. Making 7♠ or 7NT requires specific holdings that allow a squeeze (and in some cases deciding the order of plays). Consequently, E/W must go minus 2140 because it is doubtful we would have seen them if they were plus 100. Should N/S be penalized for hesitation disruption (HD)? I think not since the hesitation probably did not convey UI. It might be close but I like the Director's ruling. The Committee might do well to get a tape of the old 1940's radio program 'It Pays To Be Ignorant,' where in response to the question put to the panel of 'Did Lincoln die before or after he gave his Gettysburg address?' the first query was, 'Was Abe married at the time?' The only question this Committee should have asked itself was, 'Did N/S use UI to reach the right contract?' North had already overbid (3NT on a 12 count). Most of his strength was in the opponents' suit with partner obviously short, South left room (by cue-bidding 5♣) for North to cue-bid spades. North obliged and South then gave North a choice between 6NT and 7♠. North obliged to a mediocre contract (just as North had originally feared). It worked. We may as well penalize good luck. Committees have got to start realizing what they are doing, not just having fun and games at the players' expense."

Well, I suppose it's time for me to take my stand – unlike some people (in the second group) who shall forever remain nameless.

I agree with parts of what has been said by both sides, but since I plan to back the Committee's decision, let me focus on the arguments made by the detractors. First, I agree completely that South's hand justifies a slam drive – not just a try. His actions should therefore be geared toward investigating a grand. This is well demonstrated by the many easily constructed example hands, such as the one provided by Bart, in which random 12 counts (including a spade control) virtually guarantee six. An examination of a sample of such hands also makes it clear that 6NT will often be safe (unless N/S are missing both the ♦KQ and the ♥A and North doesn't hold the ♣KQJx, so that a heart lead sets up the defense's second trick before declarer can establish his twelfth). In fact, in many of these cases 6NT will be as good a contract as 6♠ and sometimes better (avoiding a possible spade ruff when North has five spades or West six).

Second, I also agree that, in theory, North's 5♥ bid shows the ace. When South goes beyond 5♥ North has a strong inference available that South himself has at least second-round spade control (unless South knows that he can escape in 5NT – unlikely). Thus, cue-bidding second-round control would be pointless. (Never mind

that South didn't actually hold a spade control; the rest of his hand was so good that North was virtually guaranteed to have it – we're talking logical inference here, not x-ray vision.) Also, the write-up clearly indicates that the Committee was aware of the theoretical argument that 5♥ promised the ace (since North would have bid 6♠ with the ♥K). But look again. The Committee determined that N/S clearly had no such agreement. They had earlier determined that North and South both agreed that a cue-bid at the four-level (4♣ or 4♥) would have shown the ace. Then, when asked why he bid 6♣, South said it was because "5♥ promised a spade control and he bid 6♣ 'in case it was the ace.'" This clearly indicated that South did not believe that North's bidding alone had promised the ♥A. And *that* was why the Committee did not allow South's 6♣ bid. We cannot attribute bidding methods, bridge knowledge or inferences to players which their own statements indicate they do not possess or are not aware of.

I agree with much of what Bart says about hesitations in constructive auctions. I have said it before and will say it again, "There is never a reason to make an easy bid quickly." All bids should be made in a deliberate tempo, giving the appearance of (to use Bart's term) a LA to the action taken. But when such precautions are not taken UI can result – even in constructive auctions. Take Hesitation Blackwood for example. Does the hesitation mean that the Blackwood bidder simply needed time to assimilate his partner's response? Possible, but more likely it meant that he had an alternative call in mind. Thus, when he signs off, bidding on is still in the picture.

In the present case North responded to 4♠ with a bid that could not be interpreted as either a cue-bid or a key card response. The hesitation could reasonably have meant that he was uncertain about the meaning of 4♠ or about what his own bids would mean over it. Thus, the meaning of a subsequent cue-bid (5♥) which might have been made a round earlier was properly called into question. While there was good theoretical reason to treat this as showing the ♥A, there was practical and testimonial evidence that N/S were not on that wavelength – except for the possible contribution of the UI. Thus, the Committee's decision was a reasonable one.

I would have been proud to have been a part of the effort made by this Committee. They probed the situation deeply. They asked pertinent and insightful questions. They considered the full range of implications both of the actions taken and of many which weren't. In short, they undertook a difficult task and handled it in a journeyman-like fashion. Could their decision have been wrong? Certainly it could have, as could almost any decision in this or previous casebooks – even ones which this panel has unanimously endorsed. But the process here was rigorous and competent, the write-up exceptionally detailed and comprehensive, and the decision quite reasonable – even if not to everyone's liking. Many of the judgments which contributed to this decision were necessarily subjective, so I would be astounded if the panel agreed with all of them. I personally applaud the three members of this Committee for their work. Regardless of whether this decision ultimately proves to have been right or wrong or (as seems most likely) it simply remains controversial, gentlemen, you've earned my respect for your effort.

CASES FROM THE 1998 WORLD BRIDGE CHAMPIONSHIPS

Following I have included a selection of the most interesting (and controversial) appeals decisions from the 1998 World Championships in Lille, France, last August/September. Keep in mind, while reading the comments on these decisions, that:

(1) Law 12C3 is in effect in the WBF, allowing a Committee (but not a Director) to "…vary an assigned adjusted score in order to do equity." This means that a pair may be assigned any score, such as one based on the average of the judged likelihoods of various actions. For example, with no one vulnerable let's say that a pair huddles in a competitive partscore auction and buys the contract for 3♥, going down two for minus 100. Without the infraction the opponents might have bid a successful game (4♣), but they might also have stopped in a partscore (3♣). There are several possibilities which Law 12C3 opens up to the Committee. Let's assume, for the sake of simplicity, that we agree to assign the offenders the score for 4♣ making, minus 620. However, getting to game is not all that easy for the non-offenders. We estimate that there's a one-in-three chance that they would have bid it without the infraction and a two-in-three chance that they would have stopped in 3♣. (Let's assume that we judge the likelihood that they would have defended 3♥, doubled or undoubled, to be negligible. If not, we could also factor these results into the final computation.) We thus assign them one-third of the IMP (or MP, in a pair event) result for bidding and making 4♣ (plus 620) plus two-thirds of the IMP (or MP) result for playing in 3♣ making four (plus 170).

(2) The Conditions of Contest and "Regulations" are different in the WBF than in the ACBL. In general, when these issues become pertinent to deciding a case the relevant information will be presented in the write-up.

(3) The Chairman of a WBF Appeals Committee has the authority to decide a case — unless he is unanimously opposed by the remaining Committee members. In essence, then, on a five-person Committee the Chairman gets three votes and wins all ties (in the case of abstentions). Using the example from (1) above, if the Chairman believed that the table result should be allowed to stand, that would be the final decision unless the other four members all voted against him (or the Chairman voluntarily allowed the other members to influence the final decision).

(4) The WBF has been unconcerned in recent years with the number of members on Appeals Committees. Some cases may have two, three, four, five, seven or even more Committee members present. Since the Chairman decides most cases, the presence of an even number of members is not a serious drawback. More serious is the fact that the more members there are on a Committee, the more difficult it is to unanimously override the Chairman's decision.

(5) Appeals people from different parts of the world may have different procedures and/or perspectives on how to decide certain types of cases. For example, the procedure of holding up the tray after a particularly quick call by one's screenmate in order to even out the tempo of the auction (all WBF events are played behind screens) has a different set of expectations attached to it in Europe than in North America (as you will see in one of the cases that follows). Different frames of reference don't automatically make one group right and the other wrong. (Of course, we may still decide that one way is better than the other, but both perspectives should receive a fair hearing.) Again, when such issues become pertinent, I'll try to provide a discussion of the "other" perspective.

CASE TWENTY-SEVEN

Subject (Tempo): Land Of A Thousand Inferences
Event: Rosenblum Teams, Round of 32, (N/S) South Africa versus (E/W) France

Bd: 13
Dlr: North
Vul: E/W

	Í 652 ! K875 " J72 Ê 872	
Í Q73 ! A3 " K84 Ê K6543		Í AKJ94 ! 6 " AQ105 Ê QJ10
	Í 108 ! QJ10942 " 963 Ê A9	

West	North	East	South
	Pass	1 Í (1)	Pass
2NT(2)	Pass	3 "(3)	Pass
4 Í (4)	Pass	5 "(5)	Pass
5 ! (6)	Dbl	5 Í (7)	Pass
6NT	All Pass		

(1) 5+ Í or bal wk NT with 2 or 3 spades
(2) Bal game force without four hearts
(3) Nat (5+ Í, 4+ "), may be minimum
(4) Minimum with 3 spades
(5) Cue-bid, denies Ê ctrl (very slow)
(6) Cue-bid, 1st- or 2nd-round ! ctrl
(7) Slow

The Facts: 6NT made six, plus 1440 for E/W. East bid 5 " after a long hesitation. His 5 Í bid, while somewhat faster, was still slow. At that time, North told East that he was reserving his right to call the Director, which he did immediately after West's 6NT bid. East's 5 Í bid was not forward-going and indicated a lack of interest in hearing whether West's 5 ! cue-bid was based on first- or second-round control. (He could have passed, allowing West to redouble with first-round control.) East and South both agreed with North's description of the tempo of the 5 " and 5 Í bids. The Director determined that N/S had no agreement about what a double of 6NT by South would have meant in this situation. The Directing Staff believed that the break in tempo (at the point where North doubled 5 ! and East bid 5 Í) was far more likely to have been due to East than North. They ruled that UI was available which made West's 6NT bid more attractive and that passing 5 Í was a LA. The contract was adjusted for both sides to 5 Í making six, plus 680 for E/W (Laws 16 and 12).

The Appeal: E/W appealed the ruling. East agreed that his 5 " bid was quite slow but stated that his 5 Í bid, while a bit slow, had taken at most 10-15 seconds – not unreasonable for a call in the middle of a slam investigative auction. West stated that he knew his side could make a slam once East cue-bid 5 ", but he did not jump to 6 Í immediately because seven was still a possibility. He also pointed out that his inference that East was concerned about a heart lead (and would thus hold at least a doubleton) and his choice to bid 6NT to protect his ÊK were errors and could have worked out poorly – but they were not predicated on East's hesitation. East also indicated that his partnership had no way to systemically show a distributional (say, six-five) slam try. In response to a Committee member's question North stated that, while in theory he agreed that the decision of whether to make a high-level

lead-directing double could require some lengthy consideration, the double of 5♦ here was not in that category. With a near worthless hand he had no trouble doubling the one suit in which he could stand a lead and thus, in his opinion, the hesitation was entirely attributable to East.

The Committee Decision: The Committee believed that East's 5♥ bid was a clear signoff, especially since East could have indicated further interest by passing the double of 5♦ and then bidding 5♥ over West's redouble. Since E/W stated that, by their own agreement, 5♠ had denied a club control, West's 5♦ must have shown a club control. Thus, West had already shown much of his hand. East's slam try might be such that he needed West to hold three of the four features which included the two round-suit aces, the ♥Q and the doubleton ♠K, to continue. While West was admittedly near maximum for his 4♥ bid, held three key cards (♥Q, ♦A, ♠K), and could hardly have been expected to hold more for his 4♥ bid, West still lacked two of the four critical features (♣A, doubleton diamond). Also, since many players would pass 5♥ holding the West hand, West should not be permitted to continue. The Committee canceled the 6NT bid and adjusted the contract for both sides to 5♥ by East made six, plus 680 for E/W. The deposit was returned.

Committee: Rich Colker (chair, USA), Sabine Auken (Denmark), Chris Compton (USA), Claire Tornay (USA)

Directors' Ruling: 85.7 **Committee's Decision: 79.0**

The panel was conflicted over this decision. The first panelist raises the question of whether North's failure to lead a heart was the cause of N/S's demise.

Brissman: "Why was there no analysis of the non-heart lead by North and whether the failure to lead a heart was sufficiently egregious to snap the connection between the infraction and the result? Without North articulating a reasonable justification, I would not be inclined to disturb the table result. If North did provide a credible rationalization and it simply wasn't reported, then the Committee decision was warranted."

Does not leading a heart really represent a failure to continue playing bridge – an act not merely careless or inferior but irrational? I can't even call it a bridge error. We've all seen hands where leading from a king against a slam is the only way to give declarer his slam-going trick. Ron, what do you think about this?

Gerard: "What do you do when the offender chose an illogical, unsuggested alternative instead of one of the LAs? The decision would have been correct and easy if West had bid the suggested 6♥. But 6NT is as bad a bid as I've seen from the Fifth (?) Republic in a while, even though I don't think this was the Big Team. It was just random that 6NT escaped a worse fate. If you're a bridge lawyer, you let West bid 6NT.

"Of course, that's interpreting the Laws too literally. The LAs were not 6♥ and pass, they were bid and pass. Bid was suggested by East's tempo; therefore West must pass. That the particular bid he chose was markedly inferior or irrational

doesn't matter when it results in success for miraculous reasons. E/W clearly get plus 680. N/S didn't do anything foolish after the infraction, although it is hard to see how North hoped to beat 6NT by not leading a heart. However, it was so counterintuitive after 6NT that N/S didn't forfeit their right to minus 680."

That's my reaction, as it was…

Meckstroth: "Absolutely correct."

Rosenberg: "Good."

The next panelist raises several issues along the way to his disagreement, one of which involves the "alleged" break in tempo.

Bramley: "I disagree. Many of the same arguments I made about constructive auctions in the previous case also apply here. The decision makes the peculiar argument that West, who despite being 'near maximum' with 'three key cards' and who 'could hardly have been expected to hold more,' was missing a doubleton diamond and must therefore pass 5♥. Sorry, but if you hold a maximum with good controls for the previous auction, then obviously you ought to be accepting a slam invitation. If West really needed everything the Committee thought he needed, then East wouldn't have anything resembling a slam try. Indeed, West could not really have described such a hand as 'a minimum with three spades.'

"Moreover, I must quarrel with the finding of a break in tempo. Apparently both sides agreed that the 5♥ bid took 10-15 seconds, a period that would probably be acceptable without screens and is clearly acceptable, perhaps even *obligatory*, with screens. And I haven't yet mentioned the double of 5♦. As I have suggested in several earlier casebooks, any unexpected entry by the opponents into a high-level constructive auction automatically gives the constructive side extra leeway with the tempo of the next call. The bidder must interpret the intervening call, determine the meaning of the extra calls made available (pass, redouble), decide if the meaning of any of his prospective calls is changed by the intervention, and then judge what call to make. Of course, he may not *have* to make all or any of these extra judgments, but we must allow him the time to do so."

The next panelist continues the discussion of the break in tempo issue.

Weinstein: "If a break in tempo was established I agree. However, I don't believe a break in tempo occurred based on the facts as presented. If the call took 10-15 seconds as East alleges, that is not a break in tempo behind screens in this situation. North acknowledges that his consideration of the double of 5♦ could have taken some time. That he didn't have a problem doubling in this situation is totally irrelevant since West could not have known that the double was automatic in this case. Also, anytime a Blackwood response or cue-bid is doubled it always slows down the auction as the slam probers need to assimilate the new unexpected information. The tray should not be passed back so quickly, especially in a slam auction where a bid is doubled, that 10-15 seconds reveals any UI, or creates a break in tempo. I know the Committee having heard the testimony first-hand is

usually in a better position to make the call, but the consideration of whether this was a break in tempo is not even addressed in the Committee decision. This decision is consistent with the next case. Unfortunately, I strongly disagree with the apparent WBF concept of proper tempo behind screens."

CASE TWENTY-EIGHT will bring the issue of proper tempo behind screens into sharper relief. It is hard to say that 10-15 seconds behind screens constitutes a break in tempo. However, those who play in screen events regularly know that in practice the tray is often shuttled back and forth at an alarming rate. One could argue that players who allow this to happen have no one to blame but themselves when 10-15 seconds becomes telling. But that reaction, while defensible on theoretical grounds, denies the practical realities of current screen play. Moreover, since the table Director determined that there had been a break in tempo based on the same evidence presented at the hearing, the Committee should have compelling evidence to overturn that decision. Anyhow, more about this in CASE TWENTY-EIGHT.

One more chance for each side to make their point.

Rigal: "The Director clearly did the right thing in the presence of an out of tempo sign-off and a move over it. The Committee decided that West did not have enough to move now – the ÊQ was a key card that West might have had. I agree that after East's poor decision to bid 5 Í, West must pass."

Wolff: "A bid of 6 Í instead of 6NT would have made this a fairly close case. However, since E/W bid 6NT, N/S had their shot. Again as in previous cases would we hear from N/S if either North had ! KQ or led a heart anyway? The answer is no. Consequently N/S have to live with minus 1440. If you deem E/W guilty of UI then perhaps a procedural penalty of 3-6 IMPs might be appropriate. It would be more appropriate if N/S weren't the benefactors but here they would be. Let's stop double shots and CD first, then crack down on hesitation abuse and MI next. I wish we could form a precedent for the 'Common Law' by using CASES TWENTY-SIX and TWENTY-SEVEN concerning 'Double Shots.'"

That's it! I declare this match a draw…maybe.

CASE TWENTY-EIGHT

Subject (Tempo): Adjustment Adjusted
Event: Rosenblum Teams, Round of 32, (N/S) Netherlands versus (E/W) USA

Bd: 2
Dlr: East
Vul: N/S

	Í A105 ! AKQ943 " 74 Ê 108	
Í 6 ! J1087 " AQ965 Ê J75		Í Q9732 ! 652 " 1032 Ê 96
	Í KJ84 ! --- " KJ8 Ê AKQ432	

West	North	East	South
		Pass	1Ê
Pass	1 !	Pass	1 Í
Pass	2Ê(1)	Pass	4Ê(1)
Pass	4 !(2)	Pass(3)	4 Í
Pass	5Ê(4)	Pass(3)	Pass
Pass			

(1) very slow
(2) very fast
(3) deliberately adjusted tempo
(4) fast (disputed)

The Facts: 5Ê made six, plus 620 for N/S. East, having judged the bids of 4 ! and 5Ê to have been made in too fast a tempo, took out his Pass Card immediately but held it over the tray before depositing it. South, when faced with the decision of whether to bid 6Ê, claimed that he decided not to push on because of the perceived hesitation by his partner. The Director adjusted the contract to 6Ê made six, plus 1370 for N/S (Law 73D, 73F2 and General Conditions 16.3).

The Appeal: E/W appealed. East said he counted to 8 seconds after 4 ! before placing his Pass Card on the tray, and to 6 seconds before placing his pass over 5Ê. He did so, in his opinion, to restore the normal tempo. A French spectator attended the Appeals Committee meeting to confirm these time estimates. He said that both passes were in about the same tempo. North agreed that he had bid 2Ê after a long pause for thought, that he may have been very quick in bidding 4 !, but that his bid of 5Ê was in normal tempo. South stated that he had noticed the slow return of the tray on both occasions and that this influenced him in not bidding the slam. The US Captain stated that he believed East had acted in good faith.

The Committee Decision: The Committee read the pertinent Laws and Regulations. Law 73D2 says: "A player may not attempt to mislead an opponent by means of remark or gesture, through the haste or hesitancy of a call or play, or by the manner in which the call or play is made." Law 73F2 says: "When a violation of the Proprieties described in this law results in damage to an innocent opponent, if the Director determines that an innocent player has drawn a false inference from a remark, manner, tempo, or the like, of an opponent who has no demonstrable bridge reason for the action, and who could have known, at the time of the action, that the action could work to his benefit, the Director shall award an adjusted score." WBF Condition of Contest 16.3, says: "During the auction period, after an

opponent has acted quickly, it is proper to adjust the tempo back to normal by either delaying one's own call or by waiting before passing the tray." The Committee stressed that the word "normal" in this regulation does not mean the average tempo of that one auction but the normal tempo that would not be considered to transmit any UI to partner. The Committee believed that the Director's ruling was absolutely justified. The call of 5Ê was, on the evidence of the neutral spectator, in normal tempo. While the East player no doubt acted in good faith, he did overcompensate since the requirement is to return the tempo to normal and not to a tempo consistent with any prior slow bid. It is important that this principle is understood and players are not advised to act in the manner described in Condition 16.3 unless the position clearly requires it. The Committee applied Law 12C3 and, not being satisfied that 6Ê would inevitably be bid, ruled that the score be adjusted to 50% of plus 1370 and 50% of plus 620. The deposit was refunded.

Note from Steen Moeller: The members of the Committee felt that [*East*] overdid the rectification of the tempo by a couple of seconds at least when he executed his lawful right to delay the return of the tray. We, however, gave him back half of the score correction, and it must be noted that we warned the opposing player who made all his bids of that hand in different tempos to try to avoid this for the future.

Comment from Grattan Endicott: The WBF Laws Committee holds that restoring the tempo of tray movement to "normal" means to the normal tempo of play generally and not to the tempo of play at that particular table nor to the (slow) tempo of a prior movement of the tray on that hand. Players who deliberately retard the return of the tray beyond the norm may be in breach of Law 73D2 and Law 73F2 may apply.

A thought from Bill Schoder: "Adjust the tempo" can often result in hiding improper and/or unethical actions on the part of your screenmate. I feel that in the long run bridge might be better served by bringing the variations in tempo to the Directing Staff's attention for resolution, score adjustment, penalty, etc. We can't educate and improve the individual player's propriety by sending the message that at worst my screenmate will cover my violation of Law 73D1.

Editor's Note: After this case appeared, I spoke to a few members of the Committee and to some other players active in European appeals. The perspective I gleaned from these discussions goes something like this. Players often have to think early in an auction to plan what may be a difficult or complex course, such as the investigation of a slam (as here). The experienced players know that such preparatory thought, at a point in the bidding where the delay will impose minimal ethical constraints upon partner, is necessary to avoid tempo problems later in the auction. In this case, the North player took his time early in the auction to plan his later course of action. Then, when his bids returned to "normal" tempo on the later rounds of the auction, his screenmate (East) "adjusted" the tempo, placing unnecessary ethical constraints on South. It was to South's credit that he dealt with them in a highly ethical manner, declining to carry on to the slam suggested by North's perceived slow 5Ê bid. There is no suggestion that East did this maliciously (North Americans seem to have a different mind set about these things),

but clearly his tempo adjustments were overzealous by European standards. It was partly in recognition of the naivety of East's intentions and partly because of the undue speed of North's later calls that the 50-50 score adjustment was made rather than awarding N/S 100% of the slam.

Committee: Steen Moeller (chair, Denmark), Jens Auken (Denmark), Jean-Paul Meyer (France), David Stevenson (England), Herman De Wael (Belgium, scribe).

Directors' Ruling: 76.7 **Committee's Decision: 75.9**

A few panelist's reactions to this case took me a bit by surprise. Let's look at their reaction.

Gerard: "Just like CASE SIX, too much has been made of nothing. How did the Committee have any choice? The suggestion in many quarters, that the ACBL is more enlightened than the WBF on this matter, is itself unenlightened. The ACBL has the same screen regulations the WBF does but hasn't thought as much about adjusting the tempo as the WBF has. What East did clearly invoked Laws 73D2 and 73F2. I don't think South was all that sure to bid 6Ê and might have been assigned less than 50% under 12C3 – I don't pretend to understand some of North's bids, but didn't South need a 4NT bid over 4Í to be able to bid a slam? – but the Committee's judgment wasn't irrational. East's own admission was that 5Ê was in a more normal tempo than 4!, so if South bid 6Ê after the adjusted tempo do you think East would have called for the Director?

"It's obvious that with this decision the WBF is miles ahead of us in the matter of adjusting the tempo. It ratifies the view that there can be variations in tempo. I think that adjusting the tempo is most appropriate for competitive auctions, but nowhere will you find any guidelines in the ACBL. Just look at Kojak's comments. There is no such thing as a violation of Law 73D1. Inadvertent variations in tempo are not subject to resolution, score adjustment, penalty, etc. The individual player does not need to be educated or to have his propriety improved because inadvertent variations in tempo are not violations of the Proprieties. To suggest otherwise is to buy into the Weinsteinian view of good and evil. It is all well and good to strive for consistency of tempo, but everyone knows that in the real world it's not possible. For example, do you imagine North thought before responding 1! 'I'd better slow this down in case we end up searching for slam and I have a tough decision to make later on'? Did he do something wrong by just plopping 1! out there?

"I actually would like to hear more about the Committee's evaluation of the likelihood of 6Ê, since some of the bids must have had unexplained meanings. But the grumbling about this decision in certain quarters was misplaced. The WBF's interpretation of 'normal' in 16.3 is the only one logical, the whole purpose of adjusting the tempo being to minimize transmittal of UI. The ACBL would be wise to adopt similar guidelines."

Let me address a point or two here. First, it was North, not East, who claimed that "he may have been very quick in bidding 4!, but that his bid of 5Ê was in normal tempo." The only concession East appears to have made to 5Ê having been in a more normal tempo is that he held up his pass for two seconds less after 5Ê

than after 4!.

Second, Kojak's mention of Law 73D1 seems relevant. That Law reads, in part, "…players should be particularly careful in positions in which variations may work to the benefit of their side. Otherwise, inadvertently to vary the tempo…does not in itself constitute a violation of propriety…" The warning in the first part of the quote makes it clear that variations are not risk-free – even inadvertent ones can cause problems. The second part of the quote, through use of the word "Otherwise," establishes that only in positions where variations would not (be expected to) work to the benefit of the side responsible for them is there no violation. Thus, Law 73D1 sets the conditions under which even inadvertent variations could be violations and when they would not. Law 73F then provides for adjusting the score following an inadvertent variation when it leads to UI for partner (73F1) or illegally deceives an opponent (73F2).

We're all familiar with cases where inadvertent variations have been ruled violations and led to score adjustments. A prime example is CASE THREE from *The Philadelphia Story* (1996 Spring NABC). In that case declarer hesitated in the play and an opponent claimed he was deceived by it. The Director (and Committee) failed to adjust the score for either side but both assessed a procedural penalty under Law 73D1. Edgar's comment on that case is noteworthy:

> **Kaplan:** "The rulings, both the Directors' and the Committee's, were clearly in error. If West's hesitant ËK violated Law 73D1, which would justify the penalty, then N-S should get redress: '. . at his own risk . .' does not apply (note the word 'otherwise' with which the second sentence of 73D1 begins). See Law 73F2."

Edgar confirms that Law 73D1 *can* be violated and that the word "otherwise" is the key. (I will also note here in passing that Sections 73D2 and 73E deal with intentional deceptions – what is and isn't appropriate. Such violations can warrant C&E action.)

I'll have more to say about the WBF's interpretation of the term "normal" a bit later. For now, suffice it to say that I am opposed to Ron's view.

Others who took a similar position…

Rigal: "North's slow 2Ê bid was 2"? If not, what the hell does it mean? There must be more to this auction than we know – and if so we need help!

"Thoughtful Director ruling in my opinion if and only if the facts are indisputable that East slowed things down beyond the acceptable level – and I suppose we should not be disputing the Director and Committee facts.

"My sympathies lie with East but he was playing a dangerous game. Although he was attempting to act ethically (and prevent his opponents from acting unethically), if he screws up, he gets no protection. In fact on the information presented, getting 50% of the slam bonus still sounds pretty good to me for E/W."

I think 2Ê was some sort of forcing checkback bid. The write-up did not annotate the auction or I would have provided more information on it. Also, the question is whether a 6-8 second delay introduced into the auction, after North's previous 2Ê bid took far longer (something on the order of 30 seconds to a minute

or more), constitutes an inappropriate delay – one causing the appearance of a break in tempo. We can accept the facts of East's delays (as I believe we have) while still questioning the interpretation of their being inappropriately long.

Meckstroth: "I basically agree with Bill Schoder. Players should, if they feel there is a problem, call the Director, not try to 'play games' with the tempo."

That's a reasonable approach, but not the only one the screen procedures allow. Again, the question is whether East's actions went beyond what he was entitled to do or, perhaps more appropriately, whether they should be judged as such.

Treadwell: "An unusual and rather difficult case but the Committee reached a Solomon-like correct decision. The action by East in deliberately adjusting the tempo was out of line – even by US standards. South bent over backwards to do the ethically correct thing but is not entitled to the full benefit of a slam which might not have been bid without the false hesitation by East."

East's action was *not* out of line by ACBL standards – at least not in *what* he tried to do. His right under the regulations (both in the ACBL and WBF) to adjust the tempo after his screenmate's unduly quick action is virtually undisputed (only Kojak seems to have his own ideas about it, and even he didn't deny East's right to do it). The only question is the *extent* to which East (or any player) may delay the tray in order to even out the tempo. In other words, what is (or should be) the standard for what is considered "normal" tempo? I'll have more to say about the *prudence* of East's actions later, but that's quite another matter.

The next two panelists focus on the need for discussion. Providing us a glimpse into his own thinking on the matter is…

Rosenberg: "This is the most important case for our future. 'Screen huddles' need to be brought into open forum. The decision in this case is less important than the discussions that should arise from it.

"My feeling is that you should be able to hold the tray (or prevent it going through using proper screen etiquette) for up to 10 seconds but no longer. If that doesn't fly, you should certainly be allowed, as East did, to hold it so that opponent's tempo is even on that hand.

"Partner should be able to bid freely opposite 0-10 seconds of thought on the other side. If there was a break, it is not known who was 'thinking.' If the tray comes (too) quickly and this helps your side, that is your opponent's fault. Longer than 10 seconds and now you have UI.

"The only thing I don't like about this solution is that it is in my self-interest since it favors those who, like myself, take an interest in these matters. Those who do not will get 'ripped-off' since their opponents may know who has been thinking and will get the benefit of 'fast' bids.

"We must discuss this."

If you have reservations about your own suggestion of a 10-second "window of non-accountability," Michael, then listen to what happened in Orlando. Discussions of this case and the issue of "screen huddles" were held in several of

the ACBL's standing Committees including Competition & Conventions and ITT. The following was passed in C&C and adopted (in principle) for future use in by the ITT:

> "A bidding tray returned in about 20 seconds creates no presumption of Unauthorized Information (UI). Trays being returned demonstrably longer may provide UI if it is likely that one side is clearly responsible for the time taken.
>
> "Trays should be held up to, but not appreciably in excess of, the 20 second mark in tempo sensitive situations. Questions asked may be considered equivalent of holding the tray under certain circumstances."

In our discussions in these meetings, delays of from 15-30 seconds (or longer) were considered. The offshoot of this is that, in future ACBL events when screens are in use, tray delays of up to approximately 20 seconds will be considered "normal" and will eliminate any presumption of UI. Thus, philosophically Michael's approach has been adopted, albeit with a slightly longer time interval than he suggests.

Also recommending discussion (but providing no indication of his own thinking), though with his usual concerns about score adjustment, was…

Wolff: "Could be an important case in adjusting the tempo. The ballyhoo and discussion about the moving of the tray is valuable. However, I'm not sure about the adjustment made. I think we need to discuss whether we would make an adjustment if the clubs were four-one and 5Ê made only five or, of course, 6Ê would go down one. It's hard to have a precedent-setting case if we leave out important aspects. Is the tempo adjuster an offender? The rhetoric indicates yes and, if so, should one not do it? Let's discuss and not leave the house unfinished."

I don't see how the tempo adjuster could be an offender when the regulations (Conditions of Contest) give him the right to do it (and fail to specify any parameters). The future ACBL policy described above even goes so far as to encourage players to introduce (random) tray delays of up to 20 seconds in tempo-sensitive situations to prevent partner and the opponents from being able to use information from the tray's tempo to their benefit. As Michael put it, "If the tray comes (too) quickly and this helps your side, that is your opponent's fault."

The next two panelists oppose the WBF's interpretation of "normal."

Cohen: " My general feeling is that it is 100% proper to 'control the tempo' of the tray in order to prevent your opponent from a fast action. If my RHO made a fast double, or fast anything else, I would always take 5-8 seconds before sending the tray across. Accordingly, if I ever bid too quickly, I'd have no objection at all (in fact, I'd recommend) that my LHO 'hold the tray' to rectify the tempo. I not only would control the tempo to prevent them from 'fast passing' or 'fast doubling' or 'fast signing-off,' but I also consider the following situation routine: My RHO and screenmate takes one second and opens a preempt. I have a four-by-three Yarborough and have an easy fast pass. Just to make sure that RHO doesn't

lackadaisically push the tray across, I hold my Pass Card in the air for 5-8 seconds (so as to not convey to RHO that I am huddling with my Yarborough) and then I make my pass so that there is no inference on the other side that I passed quickly. To me, all of this is common sense. If the rules say otherwise, then the rules need to be changed."

Bart makes several of the points I wanted to make myself, so I've given him the lead.

Bramley: "The cause celebre. The distinguished WBF officials who rushed to comment on this case are sputtering to justify an untenable position. Their attempt at 'clarification' of various Laws and Conditions obfuscates them even further.

"Steen Moeller's statement that 'East overdid' ... 'by a couple of seconds at least' creates a new standard that is impossible to enforce, except, apparently, by Moeller himself. Apparently we will have to bring stopwatches to time each pair of bids, lest we misjudge by that critical 'couple of seconds.' And what is that 'normal tempo' that East misjudged so brutally? Did the opponents arrive with a special tempo hourglass that defined their own 'normal' tempo? How was East to know that the 5Ê bid was 'normal' when it wasn't in the same tempo as any previous bid in the auction?

"Grattan Endicott's statement that 'normal' applies to 'play generally' and not to 'that particular table' is naive. Normal tempo at Grant Baze's table is surely different from normal tempo at Eric Rodwell's table, and any sensible determination of 'normal' must take this difference into account.

"Bill Schoder's suggestion that players call the cops in these situations would result in non-stop calls for the Director for problems that the players should be able to handle themselves most of the time. Imagine all the extra Committees that we could have for the UI given by these Director calls.

"But I digress. This is another example of failure to let the screen work as it was intended. (See CASES TWENTY-FIVE and TWENTY-SEVEN.) Clearly there should be more leeway for variation in tempo behind screens, and there should also be more leeway for tempo adjustment. Maybe South was being ethical, but maybe he was just being foolish. If he thought he had a clear-cut bid he should have made it. Players who have wide variations in tempo will always have more problems of this kind than players who have a more even tempo.

"The arguments I made in CASE TWENTY-SIX about tempo in constructive auctions apply here as well. Behind screens the bidding side should have a generously wide range of acceptable tempo that does not cause them liability. The tray adjustments in this auction surely did not cause the tempo to fall outside the acceptable range.

"The governing bodies should produce a full set of Laws, guidelines and procedures that cover the use of screens, which are now commonplace in most major events. The current mishmash of conflicting rules and interpretations is intolerable.

"(At the same time, policies for the use of bidding boxes should be clarified. None of the current cases involved bidding box problems, but several cases in recent years make the need for revision in this area equally urgent.)"

Bart's comment that the stated WBF standard is "impossible to enforce" is right on the money. What makes it even more unplayable is the chance that the tray was held up through some inadvertent occurrence on the other side (e.g., someone dropped their pen, couldn't find a bid card in their box that they needed, or was simply daydreaming and didn't see their screenmate place his bid on the tray right away). If we are to be able to rule the game, we cannot allow players to make a bid based on what they perceive to be their partner's tempo and then allow them later to claim that they only bid it because they thought their partner's tempo suggested the alternate action: "I was always going to bid such-and-such until partner (I thought) barred me."

I've heard it argued that, "When I'm quite certain that partner broke tempo and the UI suggests the bid I was about to make, but that bid is not clear-cut, then I am forced to take the alternate action to preserve any chance of my getting a good score. If I make the bid suggested by the UI the Director or a Committee will take it away from me whenever it works and I'll never win. But if I take the alternate action at least I will get a good score that small percentage of the time when it works out, since it was not indicated by the UI."

One problem with this approach is that often (as I stated above) we think it was partner that huddled when it wasn't. If you take this approach, then you cannot claim "I want my good result back because it was the opponent and not partner who was responsible for the break in tempo over there." It is also often unclear just what action partner's (presumed) break in tempo suggested.

Another problem with this approach is, what happens when the opponents argue, after you sit for your partner's slow double (remember, he did bar you) and it ends up working well for you, that you had a clear-cut pull with your hand? Your partner, they say, could have known when he huddled that you would be forced to pass, even with a hand which suggests doing otherwise, and your partner's hand made it likely that it would be right for you to pass regardless of your holding.

In my opinion, it's always best for players to bid what their hand and other sources of authorized information tell them is right; not to be influenced by intangibles like partner's tempo in an attempt to be super-ethical. There's no reason for players at the table to act like officials (right, Jeff?): trying to determine who huddled, what the huddle meant, and what its implications are for their own action. Bid what you think is right. If the Director is called and adjusts the score, so be it. If you think the Director has missed some important bridge issue, then by all means have an Appeals Committee review the case. Don't be surprised if your action is taken away, but don't ever try to have your cake and eat it too by trying to bid your partner's tempo and then asking for it back.

Next, what do the regulations mean when they say that, after an opponent has acted quickly, it is proper to delay the tray to adjust the tempo back to "normal"? An example will illustrate why the WBF's interpretation of this is unplayable. Suppose an opponent takes a full minute to make every bid for the first three rounds of an auction and then makes his fourth bid in 1 second. If his screenmate may only slow the tempo down to what is generally "normal" tempo (say, 10-seconds-per-tray-movement), then that fourth bid will still stand out like a sore thumb. The screenmate should be able to slow the tempo down to the average tempo "for that particular auction"; otherwise, what's the use of adjusting the tempo at all? And of course there's still the problem that Bart raised: how is a player to know what is

"normal" tempo for these opponents? What if the 1♠! and 2♠ bids in the present case were the ones that were in "normal" tempo for these opponents and the 4♠! and 5♠ bids were abnormally fast?

I think East was too worried about his opponents' tempo and trying to police the opponents' ethics; he should have spent more time just worrying about his own bids. The same goes for South, who was too concerned about the tempo and not enough about his own cards. As several panelists have already pointed out, in constructive auctions and behind screens, the tempo of the auction must be given more leeway. The screen environment is inherently more variable than the non-screen one and bids in complex auctions convey varying amounts of information, depending on the context. Both South and East were too wrapped up in things they would have been better off not concerning themselves with. Players should play and officials should officiate.

In case I haven't made it clear, I would have let the table result stand. When 6-8 seconds behind screens becomes a salient break in tempo, the players have no one to blame but themselves for not having been more deliberate in handling the tray. As both sides were at fault here, neither side has a claim to anything other than what happened at the table. To borrow what Strother Martin's character said in the movie *Cool Hand Luke*, "What we have here is a failure to communicate" – not!

CASE TWENTY-NINE

Subject (Tempo): His Heart Was In The Wrong Place
Event: World Open Pairs, Final, (N/S) Canada versus (E/W) Great Britain

Bd: 19
Dlr: South
Vul: E/W

	♠ K106 ♥ Q973 ♦ K5 ♣ J975	
♠ AQ3 ♥ 5 ♦ AJ62 ♣ AQ1063		♠ J42 ♥ AJ6 ♦ Q9873 ♣ 84
	♠ 9875 ♥ K10842 ♦ 104 ♣ K2	

West	North	East	South
			Pass
1♣	Pass	1NT	Pass
2♦	Pass	3♦	Pass
3♠	Pass	3NT	Pass
4♦	Pass	4♥	Pass
5♦	All Pass		

The Facts: 5♦ made five, minus 600 for N/S. The tray took some time to come back with 3NT (undisputed). West explained to the Director that East should not have two heart stoppers or he would have bid 2♥ over 2♦. The Director ruled that UI was present. The result was changed to 3NT down two, plus 200 for N/S.

The Appeal: E/W appealed. West restated what he had already told the Director at the table: He knew his partner could not have a double heart stopper.

The Committee Decision: In a majority decision, the Committee decided to believe West's interpretation of the bidding and to allow the 4♦ call. The Committee restored the original table result (minus 600 for N/S). The deposit was refunded.

Minority Opinion (Gerard): There was some possibility that the 4♦ bid might have been influenced by the agreed upon hesitation. Therefore, according to Law 16 the bid of 4♦ should not have been allowed.

Committee: Joan Gerard (chair, USA), Barbara Nudelman (USA), Naki Bruni (Italy), Herman De Wael (Belgium, scribe).

Directors' Ruling: 88.7 **Committee's Decision: 54.0**

Our first panelist's position is quite understandable.

Gerard: "Sorry, folks, I have to abstain. I'll live with the consequences. Why were not all the players identified in all of these cases?"

The players from Lille were not identified for two reasons. First, world events in Rosenblum years (especially pairs events) are open to anyone – even novices. The fields are more like those found in regional Open or Stratified events at our NABCs in terms of quality (from top to bottom) than like world-class events. Thus,

I decided to follow our policy of not publishing the names of players from such events. Second, a primary reason we publish names is to familiarize ourselves with those players who make a habit of abusing the appeals process. Since most foreign players' names are meaningless to us, there was little reason to include them. After all, why include names and risk embarrassing some casual players when there's little to be gained from it?

If anyone is really interested, the cases (names included) are available on the Internet. I'll be happy to receive feedback on this and if names are desired, I'll publish them the next time I include cases from these events. But for now, no names. (I also removed players' names from the comments of several panelists who used them.)

Back to the case at hand. Most of the panel agrees with the dissenter, as do I. This Committee appears to have fallen for a shaggy-dog story. There was no evidence of any agreement that 2♥ would have shown two heart stoppers, but what if it had? The next panelist explains why, even if 3NT had guaranteed only one heart stopper, that should have ended it.

Bethe: "Let's see. East couldn't have ♠Jx ♥QJx ♦Kxxxx ♣Kxx or ♠Jxx ♥QJx ♦KQxxx ♣Jx, both of which make 3NT a better contract at matchpoints. Don't get me wrong; 5♦ rates to be a safer contract and I think it is clear to remove at IMPs. But at matchpoints? Pass was certainly a LA and should have been imposed."

Most of the panelists agree.

Cohen: "Give me a break. The Committee was too gullible on this one! I agree with the 'minority opinion,' and I'd be surprised if not only her husband but the rest of the panel in this casebook is with the Gerard/Cohen opinion. That statement that 3♦ denied two heart stoppers is totally self-serving. The only way I'd believe it is if E/W produced system notes that said exactly that. You mean to tell me that if East's other heart was the ten (or nine?) that he wouldn't have bid three diamonds? It was very convenient for West to pull a slow three notrump and then blame his pull on such unprovable (and convenient) grounds. Ridiculous! He showed his hand to a tee (clubs, diamonds, and a spade fragment) and his partner chose 3NT. End of auction. If West had a heart *void*, then we could begin to have a case."

Bramley: "A bizarre decision. This is the only case where the 'plebes' overruled the Chairman but this time the Chairman was right! I don't buy West's explanation of East's 2♥ bid and I don't know why the Committee did. Since when does a major-suit bid over 2♦ show *two* stoppers?"

Meckstroth: "What a terrible decision. I completely agree with Joan Gerard."

Rigal: "Good Director ruling. However I simply can't believe that the Committee fell for the feeble story that West spun them. Would West have bid 2♥ with a bare minimum? Of course not. Gerard (not our usual one) got it right, and the rest were fooled."

Brissman: "Certainly there was more testimony than presented in this report.

However, on the facts stated I would not have found West's reasoning persuasive. I concur with the chair."

Since I was not involved in this case, I cannot comment on Jon's speculation of a cover-up. However, I can tell you that Rosemary Woods, the administrative assistant who transcribed Herman De Wael's notes from the hearing, adamantly denies that any of the testimony is missing. As she put it, "Not even 18 minutes worth."

Rosenberg: "As usual, I agree with a Gerard. 3NT down two, plus 200 to N/S."

The next panelist may have been a little light-headed when he read this case.

Treadwell: "It is difficult to comment on this case because the decision must rest on a rather deep probe into the E/W system agreements. Presumably, the Committee did this, but there is little in the write-up to substantiate it. In any event, it is one of those cases where one can make a better judgement when hearing the evidence face to face with the appellants. I tend to agree with the majority Committee decision but fully understand why there was a minority opinion."

Even if there were system notes confirming that 3NT denied a double heart stopper (which there weren't), the hands Henry presented make it clear that pass by West was a LA to 4".

And now, "Double-Shot" Lobo has a few choice words for our readers.

Wolff: "If the !KQ were together in either hand and the rest of the hand was laying fairly well N/S would be happy to let E/W play 5", minus 600 for N/S. As it is, they want to rule them back to 3NT. Because of the double shot N/S should get minus 600 defending 5". I have no real conviction between the majority and minority opinions about HD. Since I slightly side with the majority I guess I would vote for E/W to get minus 200 in 3NT"

Since the majority awarded both sides the table result (plus 600 for E/W), I fail to see how siding with the majority is consistent with assigning E/W minus 200. But that is the least of my problems with this panelist's comments – not only on this case, but on many of the cases we've seen here and in recent casebooks.

This desire to have non-offenders keep their poor result when the opponents have bid to a superior contract via UI is quite worrisome. While I can understand that had 5" gone down N/S would have been only too happy to keep their good result, the laws give them the right to receive redress when they are damaged by MI or, as in this case, UI that was present. It is more than just dangerous to suggest that Directors or Committees impose their own brand of justice as this panelist advocates. Laws 12B and 81B2 specifically deny us the right to take such an approach.

Non-offenders are damaged whenever, following an opponent's infraction, they achieve a worse score than they would have received had that infraction not occurred. If they subsequently get a favorable result then there has been no damage and they are entitled to that result. If the result is unfavorable, they are entitled to

redress under Law 12C2 in the ACBL and additionally 12C3 in the WBF. This is not a double shot in the usual sense of the term. The non-offenders did not go out and create a situation in which they could play both ends against the middle – heads we win, tails you lose. The problem was caused by the offenders – not their innocent opponents.

The laws give innocent players the right to redress from damage (and to keep their good score when no damage is incurred), just as they provide for penalties for revokes and false claims. These situations are as much a part of bridge as game and slam bonuses – at least until the lawmakers are convinced otherwise. No one would deny a player his good score because his opponent misbid a hand ("You really didn't do anything to earn this good score, so you don't deserve it.") or hesitated on defense ("I knew I was marked for the ace when I hitched after he played the jack."). Those things are a part of the game, and so is receiving redress when an opponent's infraction causes damage. To deny the innocent side their right is both illegal and improper.

That's not to say that there aren't cry-babies out there and those who go looking for opportunities to profit from their opponents' marginal irregularities. And we all know players who look to win on appeal what they couldn't properly win at the table. We need to take steps to minimize this part of the game. But we can't overreact and stop redressing valid complaints of damage. Of course I'd keep my good score if my opponents bid to a slam and went down. That doesn't mean that I should be forced to keep my bad score when they huddle their way to that same slam and it makes. That applies whether the contract they reached was a good one or a bad one, and whether it made (or failed) because of weird splits or an unusual lie of certain "key" cards.

If the laws are offensive, petition the Laws Committees to change them; write articles which point out the problems and marshal public opinion to support the desired changes. But vigilantism is not one of the options. The Chairman of WBF Appeals should realize that.

CASE THIRTY

Subject (MI): Psychic Revealed
Event: World Mixed Pairs, (N/S) Germany versus (E/W) Belgium

Bd: 11
Dlr: South
Vul: None

	♠ J92 ♥ Q97 ♦ AJ32 ♣ Q95	
♠ A754 ♥ AK2 ♦ Q94 ♣ K84		♠ K63 ♥ J105 ♦ K7 ♣ A7632
	♠ Q108 ♥ 8643 ♦ 10865 ♣ J10	

West	North	East	South
			1NT(1)
Dbl(2)	Rdbl(3)	Pass	2♣(4)
Pass	Pass	Dbl	Rdbl(5)
2NT	All Pass		

(1) 11-13 HCP
(2) 13+ HCP
(3) 8+ HCP; N/S's only strong bid; opener must pass
(4) Does not exist!
(5) SOS; Alerted on both sides of screen; asked and explained only on N-E side

The Facts: 2NT made three, plus 150 for E/W. West called the Director and complained that psyching in first hand was not allowed. In the Director's opinion it was quite safe for South to psych 2♣ knowing that it would be doubled by an opponent. South could then make any bid at the two-level after North's redouble to show him the psych. Also, North's failure to double 2NT suggested the use of controlled psychics by N/S. The Director considered this auction by N/S to constitute a Brown Sticker convention, which was forbidden in this event. He ruled Average Plus (60%) for E/W and Average Minus (40%) for N/S.

The Appeal: N/S appealed the Director's ruling. South stated that after the sequence 1NT-Dbl-Rdbl-Pass, opener was not allowed to bid in her system. Both East and West were told that 2♣ "Does not exist." Moreover, South believed she was at risk if North chose a sequence such as 1NT-Pass-3NT/4♥/4♠-Dbl. She said that what was happening at the table seemed obvious to everyone but East, who didn't trust her partner even though he bid twice. E/W had the opportunity to make a lucrative double or to bid at least 3NT, which they didn't do. East claimed that she was damaged because South didn't have the right to psych first in hand. South stated that she had psyched for the first time in a six-year partnership. Her partner sometimes psyched, but they had never had a situation like this. When asked North said he wouldn't be crazy enough to make such a mad psych without at least one suit to escape to. South claimed that N/S were not playing a Brown Sticker convention. If the bidding had gone some other way North could not be stopped from bidding a game that probably would be redoubled or from doubling the opponents.

The Committee Decision: The Committee assigned E/W Average (50%) and N/S 20% (instead of the Director's Average Minus). N/S were told that "This was a

reminder not to behave this way at the table against obviously weak opponents who were playing in a championship to have some fun. Their fun would be destroyed if pairs like you behave this way. You could do something like this against the best pairs in our country (the USA) – or maybe other countries. However, an opponent that obviously doesn't realize what is going on has to be told, 'My partner hasn't psyched for six years, but I think she has this time.'" The deposit was returned.

Comment from Bobby Wolff: It became apparent that the man in the N/S partnership had psyched some number of times. Here, against weak competition, the woman psyched, which is her right. However, the bidding developed in a way that the man was reasonably sure his partner had psyched. The Committee thought this should be told to the opponents as partnership information. Since it wasn't, we felt N/S should bear the brunt of a bad score for "shooting fish in a barrel."

Committee: Bobby Wolff (chair, USA); other members' names not available

Directors' Ruling: 58.7 **Committee's Decision: 56.7**

The first word on this one goes to the Wolff in chairman's clothing.

Wolff: "When the following elements are present in a high-level game: One side (A) is wary, experienced and/or aggressive; their opponents (B) are inexperienced and relatively weak; (A) plays a convention or treatment that can be intimidating; then (A) has a special ethical responsibility (SER) to make sure (B) understands what (A)'s bids mean, with special emphasis on the main or death thrust (psyching tendency) of the convention or treatment. Psychics have long been a fundamental part of our game and should continue to be so. That is no problem. It is only when the perpetrators, by either their tendencies, design or usage are alone privy to information (whether or not that information might just be called 'that's just bridge, mister' by some others) that this becomes a problem. In this case South is well within her rights to psych a 12-14 notrump – anything could happen. What did happen was that when South made the bid of 2♣ her partner described it as 'does not exist,' knowing full well that it showed a psychic, a bid that he had used many times before from his side of the table. I think it required both North and South to Alert the opponents that 2♣ (usually) showed a psychic 1NT and wanted to exit and seek refuge. I fully realize that all these caveats are not yet required as such in our game, but how will we ever get on this straight path to fairness and then respect, until we all see this alike."

I'm shocked, shocked at this Committee's behavior and puzzled at some of the above comments. South has every right to psych in any seat she chooses (contrary to the E/W misconception that it is not allowed "in first hand"). North explained the meaning of South's 2♣ bid within the N/S system ("Does not exist"). What more could he have done? Had he told E/W that South's 2♣ bid showed a psych (which he could not have known) and had South then shown up with a 10-count including ♣AKJ10xx, would E/W have been protected when they bid to 3NT, got doubled, and went for 1100 or 1400? I'll bet they'd have called the Director pretty quickly then.

North no more knew that South's 2Ê bid "showed a psychic" than anyone else (other than South) at the table, except perhaps that his general bridge competence was superior to that of his opponents. N/S had not had this type of psychic occur previously in their partnership (contrary to what Wolffie would have us believe) nor had South ever psyched with this partner before (North had, but not this type of bid). Wolffie apparently expected North to read South's mind and disclose what he read to his opponents. That is dangerous, improper and illegal.

Let's listen to some of the other panelists' reactions to this decision.

Bramley: "Aren't the stronger pairs in the event also trying to have some fun? Their fun would be destroyed if Committees like this one behave this way. By the way, can the Committee help me identify which players in a field of international strangers are 'obviously weak'? And when did it become illegal to 'shoot fish in a barrel,' especially in a matchpoint event? Sure, maybe N/S should have explained the blatantly obvious psych to E/W, but maybe that would not have been enough. Perhaps they should have told the opponents to keep on doubling, but that if the number wasn't big enough *then* they could call the Director for an adjustment. Sorry, E/W must bear the fruit of their own bad play. Players in championship events cannot expect Directors or Committees to help them overcome this level of incompetence."

Bethe: "Why can't South psych? I agree that North has a responsibility to tell the opponents that the 2Ê bid is impossible systemically, but they were playing in a turkey shoot and should be entitled to shoot turkeys. The statement about players having the responsibility not to destroy the opponent's fun is pious. The laws allow you to psych; 1NT was not conventional. This decision would be outlandish in the US."

I believe it was in the WBF, too.

Brissman: "North was under no obligation to disclose his hunch that for the first time in history, his partner had psyched. North formed his conclusion from his partner's departure from their agreement and from the opponent's actions – all authorized information – and not from partnership experience. I dislike psychs against weaker players as much as does Bobby, but I find no basis in the law to punish the first psych by a player in a six-year partnership.

"P.S. I'd love to know the genesis of the 'Brown Sticker' term."

Ask and ye shall receive. My Canadian Connection tells me that the "sticker bit" is a reference to the WBF category of *systems*, which used to be indicated through the use of colored "thingies" (that's Canadian for little colored dots – like the red ones we used to stick on our convention cards to indicate unusual carding or lead conventions). But Brown Sticker *conventions* are a bit different. In addition to Red (artificial) systems there also used to be a category of Red Sticker conventions (essentially disruptive things with no anchor suit). Given the general confusion between Red systems and Red Sticker conventions, John Wignall (then, as now, chair of the WBF Systems Committee), demonstrating a reverse Midas touch, changed Red Sticker into Brown Sticker – not noticing that the new name

would be shortened to BS and the link to "bovine waste" would not be overlooked by the masses (for which my Canadian friend and ex-Co-Editor claims to be a spokesman on the issue). "And that," my Paul Harvey wanna-be, "is the rest of the story."

The next panelist has a definitive response to this Committee's megalomania.

Gerard: "It's those liberal, activist judges, legislating from the bench again. This decision may have made the Committee feel good, but it was pretty clearly beyond its authority. All of N/S's calls and explanations were legal and proper. They had the right to pursue their best strategy. It is appropriate to attempt to deceive an opponent through a call or play (Law 73E). Forgive me, but it was a World Championship. The notion that N/S should psych only against the better pairs was gratuitous. E/W should have been able to handle the auction but didn't, that's one of the reasons they were weak opponents. Assuming that this wasn't a BS convention, even though East seemed to think it was, there was no basis for adjusting E/W's score. The Committee couldn't credibly maintain that it was invoking Law 74A2 ('a player should carefully avoid any ... action that might ... interfere with the enjoyment of the game'). By that standard, certain pairs couldn't even sit down against this E/W pair without disrupting their pleasure.

"I was on Frank Vine's side, not Edgar's, in the dialogue about sportsmanship, dumping and the like. But that's a different barrel of fish than what happened here. The place for a decision like this is the local club, which isn't subject to the Laws anyway. Any pair has only the right to achieve their own level of ability, not the right to be on an equal footing with all other pairs. The Committee worked backward from the result it wanted to achieve and invented a new offense – shooting fish in a barrel. East's pass over 2NT was a nullo bridge action that should have broken any chain of causality you can think of. N/S didn't chortle after East's pass – that would have been a violation – and if they weren't playing a BS convention they did nothing wrong. The Chairman must have thought this was the USA, where you could do something like this by virtue of your impatience with the Laws when they don't coincide with your (admittedly noble) goals. Don't Leave it to Lobo."

Still more opposition to this decision came from…

Meckstroth: "This is amazing to me. E/W still had an 'obligation to play bridge' didn't they? What did East think was happening? Perhaps there is some history with South that might warrant some type of discipline but…shooting fish in a barrel is what pair games are like. Is it wrong to try to get tops from very weak opponents?"

Not only had South no previous history (that any of us are aware of), but it's only marginally likely that N/S were more than a notch above E/W in their bridge savvy. If someone else had psyched a bid like this against South, she might just as easily have been the one in East's shoes.

Rigal: "I do not see where the Director created his own set of fanciful conditions to suggest that South's first psych in the partnership was part of a system. But the Director ruling pales into insignificance beside the decision from the Committee –

or was it just the chairman? E/W went mad, both of them, and there was no suggestion that North did anything wrong in his explanation. If E/W can't think, why should North help them beyond his obligations? North does not have to work out partner has psyched; the 2♠ bid does not guarantee a psych, even though it is one possible interpretation. If we believe North that South never did this before, why play her to have psyched until it is demonstrated?"

What little (misplaced, in my opinion) support Wolffie received from the panel came from the next two panelists.

Rosenberg: "'Does not exist' was probably an unfair answer and N/S probably deserved the worse score they were likely to achieve. The score for E/W depends on their skill level. Either I would let them keep their table score or I'd give them the opposite of the N/S score. Average or Average Plus is a cop-out."

No, Michael, a score adjustment for either side is a travesty and a miscarriage of justice.

Weinstein: "As Wolffie states, N/S had an obligation to let E/W know that 2♠ very likely revealed a psych. They had an implied partnership understanding that let them know much more than their explanation implied. However, the thought that there are different standards of play allowed and explanations required in a situation like this, depending on the motives and experience of the opponents is preposterous. There is nothing wrong with 'shooting fish in a barrel' if it is done with proper and proactive ethical behavior. If the WBF is going to award a World Championship for the event, the fact that some pairs are playing for fun (hopefully all pairs) should be irrelevant. How does one know on the first board of a two board round the quality of the opponents? Were E/W wearing a big sign saying that 'we haven't a clue, but we're having fun'? I don't disagree with the net effect of the Committee's ruling, though the non-offenders may have abrogated their right to an adjustment by not playing bridge and I think average minus for N/S plus a big procedural penalty would have gotten the message across better."

Perhaps Howard and Wolffie should to put their heads together (softly, gentlemen) and show the rest of us where it's written that " N/S had an obligation to let E/W know that 2♠ very likely revealed a psych" when there was no partnership agreement or experience to that effect. Don't hold your breath waiting for it to happen.

I've given the South hand to dozens of players, imposed a 1NT opening on them and then supplied the auction as it unfolded at the table, asking them to supply a call at each of South's subsequent turns. Every player without exception bid 2♠ at their second turn and then redoubled the next time, stating that this should be interpreted as SOS by even a casual partner, without discussion.

South was terribly upset by this decision (as she had every right to be) and in a letter to the Daily Bulletin editor at the tournament and in a later discussion of this case on the Internet she stated that the Committee was told that a psychic 1NT opening had never occurred previously in their partnership. Wolffie, in the same Internet discussion (and to me) said that he believed there was testimony that North

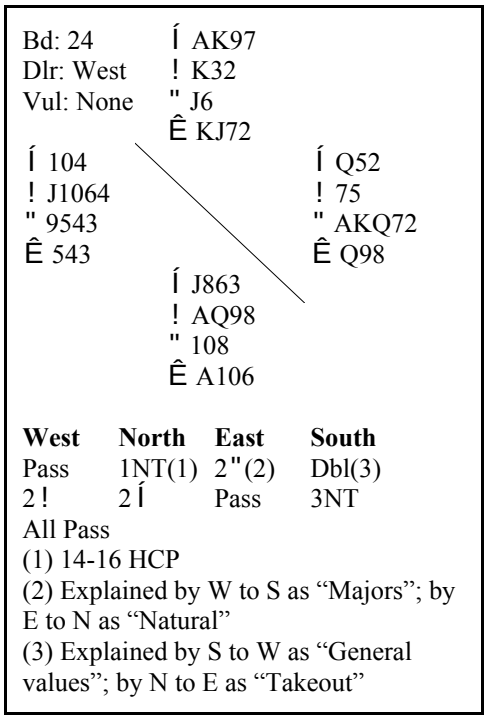
had psyched 1NT openings several times before. This issue remains unresolved. (I've tried to contact others who sat on this case to find out what was really said in testimony, but Wolffie doesn't remember who the others were and so far no one I've spoken to will admit to having been on the Committee – a wise disclaimer!)

It is clear that South's 2♠ bid did not reveal a psychic and that the bridge logic of the redouble screamed "psychic." The auction itself is not evidence of controlled psychics on N/S's part. Law 75C says that a player "need not disclose," in response to an opponent's inquiry, "inferences drawn from his *general* [bridge] knowledge and experience." Directors and Committee's routinely hold players responsible for damage to opponents resulting from MI stemming from inferences or conjecture that they pass off as fact. Wolffie, of all people, should know this since it was precisely this error on his part which caused his and Bob Hamman's score to be adjusted in the 1997 Team Trials (see CASE TWENTY in *Dallas: They Fought the Law*).

E/W had a provincial notion that psyching was not allowed and the Director and Committee ratified that misconception. The table result should have stood for both sides and the Committee (and Directors) should have refrained from inventing their own offenses and then serving them up to the players in the form of gratuitous ethics lessons.

CASE THIRTY-ONE

Subject (MI): Confused Need Not Apply
Event: Rosenblum Teams, Round Robin, (N/S) United Kingdom versus (E/W) Panama



West	North	East	South
Pass	1NT(1)	2"(2)	Dbl(3)
2!	2Í	Pass	3NT
All Pass			

(1) 14-16 HCP
(2) Explained by W to S as "Majors"; by E to N as "Natural"
(3) Explained by S to W as "General values"; by N to E as "Takeout"

The Facts: 3NT by North went down two, plus 100 for E/W. The Director determined that E/W's convention card read, "Against weak 1NT, 2" is natural. Against strong 1NT, 2" shows the majors." East considered 14-16 a weak notrump while West considered it a strong notrump. Thus, North took the double for takeout and bid 2Í. South doubled to show values and bid 3NT based on East's 2" bid, assuming that the majors would behave badly. North did not correct to 4Í without a diamond stopper. The Director considered 14-16 to be a strong notrump opening and consequently that South had the right information from West. The table result was therefore allowed to stand.

The Appeal: N/S appealed. There was no dispute as to the facts. E/W appeared at the hearing having agreed upon which range 14 HCP would be.

The Committee Decision: The Committee considered it impossible to reach 4Í when South believed that East had the majors. Although the play in 4Í was not entirely clear, it was strongly believed that N/S had been deprived of their opportunity to guess clubs and win plus 420. Under the guidance of Law 12C3, the Committee adjusted the score to restore equity on the board (a right not given to Directors). The Committee changed the contract to 4Í made four, plus 420 to N/S.

Committee: Bobby Wolff (chair, USA), Virgil Anderson (USA), Jean-Paul Meyer (France), Chris Compton (USA) and Tommy Sandsmark (Norway, scribe)

Directors' Ruling: 50.3 **Committee's Decision: 79.3**

Let's consider this situation carefully. E/W had discussed methods over various opening notrump ranges – they just didn't know which range (weak or strong) a 14-16 notrump fell into. Absent prior discussion or experience with this particular

range, E/W were required to tell their respective screenmates what their various methods were and that this range was undiscussed. That wouldn't have solved N/S's problems on this hand but it would have been the proper way for E/W to have handled the situation.

Next, both East and West appear to have provided their screenmates with MI – the Directors' ruling not withstanding (the Directors' definition of a 14-16 notrump as strong isn't binding on E/W). I wonder why the Directors didn't treat the bidder's intent as the partnership agreement, absent incontrovertible evidence to the contrary. Aren't they to assume misexplanation rather than misbid in such situations?

If we take the Directors' ruling as the correct interpretation of the laws (after all, they have the final say about it), then we must assume that North was misinformed. Had he known that South's double of 2" was intended as value-showing rather than takeout, he would have had no reason to bid over 2! since he would be happy to sit for 2! doubled if South chose that course – which he would have! Since East would have no reason to run, the final contract should have been adjusted to 2! doubled by West.

As for the result in 2! doubled, 800 is guaranteed (West can score no more than one spade, one heart and two diamonds) and 1100 possible (North leads a high spade and shifts to a club; South wins the ten and N/S then cash three top trumps and finish the clubs as South pitches a diamond; West ruffs and establishes a spade by leading toward dummy's queen; N/S let the queen win, then ruff the second diamond to take the rest of the tricks – losing only a heart, a spade and a diamond). Easy game!

Right, Michael?

Rosenberg: "The Committee missed the boat here. If West thought East had majors and East thought West thought he had diamonds, why shouldn't the final contract be 2! doubled? This goes for between 800 and 1400, clearly the score merited by E/W. And N/S are entitled to the full benefit of this 'bonanza,' since if North knew their 'agreement' (or rather, lack of agreement) that player would pass 2! and 2! doubled would indeed be the final contract. Of course, no WBF Committee, or Bobby Wolff Committee, would ever make such a decision."

I can't find a convincing road to 1400 but Michael is certainly on the right track about both the score and the Committee. Just missing this boat was…

Rigal: "It was very surprising that the Director did not rule against the offenders; where there is doubt, the Director should assume misexplanation not misbid.

"Correct Committee decision, but note that if N/S had been properly informed they might have defended 2! doubled for 1100 or 3" doubled for 500. 4Í certainly meets the required standards of likelihood/probability to make."

The rest of the panelists (with one notable exception) seem to have mind lock about N/S playing 4Í. Given this contract, assigning both sides 420 is reasonable. The next panelist is correct in his assessment of who was misinformed.

Bramley: "Right decision, wrong logic. This was a case of misexplanation, not

from West to South but from East to North. Even though East was correctly describing his own hand he was misexplaining his own convention, depriving North of the information he needed to interpret South's and West's bids effectively. Therefore, N/S were damaged. The adjustment to 4 Í making was appropriate."

Oh, so close – right track, wrong pit stop!
The next panelist was on the same track.

Weinstein: "Right Committee decision but I don't understand the stuff about the Directors not having a right to restore equity on the board. The Directors' ruling was simplistic and absurd. They could have (and should have) assigned an adjusted score of 4 Í under 12C2 even if Directors can't technically use 12C3. It is ridiculous that a Committee can use 12C3 but Directors can't. If the Directors that were consulted were considered a Committee of first appeal, then they could get around that restriction. In this case, that restriction was totally irrelevant to the Directors assigning 420 to both sides (or to the offenders if that was what they wanted to do.)"

I agree with Howard about the Directors' actions, but that stuff about them being considered a "Committee of first appeal" is pushing things a bit too far.

It's difficult to tell the next panelist's view on the proper decision for this case. It sounds like he is advocating that E/W had no agreement and believes the implication of that is that no score adjustment should be made. But he starts off focusing on West's MI to South (treating East's bid as reflecting the true E/W agreement – the more typical approach) which he then fails to analyze. Based on the volume of his previous comments, I think poor Ronnie was all tuckered out by the time he got to this case. Yo, Ronnie! Don't drive when you drink and stop writing when you get tired.

Gerard: "E/W had no agreement about whether 14-16 was weak or strong, so West's explanation was MI. West's assumption is the more logical one by 2-to-1, but it was necessary for E/W to agree since their methods depended on it. South had some warning signals available – East couldn't really have more than four hearts – that might have caused him to probe further, but not enough to lead him to doubt the explanation he was given. Therefore he received MI that could have caused damage. However, what he believed was irrelevant. If East had forgotten E/W's discussion that 14-16 was strong, there would have been no ground for adjustment. But there is no indication that the Committee would have ruled any differently. Even the actual decision looks like it was based more on CD than on MI."

I'm shocked that he would ascribe an ulterior motive (punishing CD, no less!) to this Committee and its chair.

The next two panelists seem to be going the 12C3 route to assessing what would have happened in 4 Í.

Meckstroth: "I'm not sure here. North bid 2 Í. Did South think this wasn't natural? If I were South I doubt I would get plus 420."

Treadwell: "There was indeed MI by E/W and N/S are entitled to an adjustment,

but giving them an automatic pick-up of the ÊQ in order to make 4 Í is a bit much. Yes, I know that an expert might well strip the hand in just the proper manner and then guess the position in the end game. Average Plus or some intermediate score would seem to have been a more appropriate adjustment."

Finally, Lobo is still making up the rules as he goes along…

Wolff: "When a pair is playing a 'defensive convention' (DC) which elements contain: (1) Rates to be the opponents' hand; (2) Main reason for the convention is to compete against theoretically stronger hand(s), they have a SER to understand their convention and explain it correctly on both sides of the table. Failing that, any doubt will be resolved against the misexplanation. Law 12C3 allows our Committee to give N/S 4 Í which includes giving them the doubt on the club finesse. In matchpoints, however, the decision should be to give an Average Plus to N/S (PTF). In retrospect, since this was a round-robin, we should have treated it as matchpoints. *Mea Culpa!* Of course E/W are minus 420 in either game."

But which is the misexplanation, East's? West's? Both? And if there had been no MI, how would that have affected the final contract and result? In other words, how did a final contract of 4 Í get into the picture (what's its connection to the infraction)? These and other questions still need to be answered. Inquiring minds want to know.

Now to recap, a pair playing a DC with a SER failed in the latter, to which we apply 12C3 but give an A+ to PTF. But in a RR we should have treated it as MP. Thus, oops! Got that? Better take notes 'cause you know there's gonna be a quiz.

CASE THIRTY-TWO

Subject (MI): The Truth, The Whole Truth, And Nothing But…
Event: World Open Pairs, Qualifying, (N/S) Great Britain versus (E/W) Israel

Bd: 3 Dlr: South Vul: E/W	♠ K5 ♥ AQJ72 ♦ 6 ♣ KJ1085	
♠ A98432 ♥ K9 ♦ Q754 ♣ 7		♠ 1076 ♥ 6 ♦ AK1098 ♣ Q432
	♠ QJ ♥ 108543 ♦ J32 ♣ A96	

West	North	East	South
			Pass
2♠(1)	3♠(2)	4♠	All Pass

(1) Alerted and explained on both sides as "Strong/Acol"
(2) Some sort of two-suiter; undiscussed

The Facts: 4♠ made five, plus 650 for E/W. The Director was called at the end of the play. N/S contended that they were damaged because they were not given the proper explanation of E/W's methods. In the post-mortem, West indicated that he had misbid when he opened 2♠, intending it as weak. When he realized his mistake (almost as soon as he began describing his bid as weak to South) he changed his explanation in mid sentence to reflect E/W's agreement (strong/Acol). East also explained the 2♠ bid as strong to North. Page two of E/W's convention cards had 2♥/2♠ marked as Acol. Unknown to any of the players at the table (discovered by the Director through his inquiries) the front page of E/W's convention card, in the section marked "SPECIAL BIDS THAT MAY REQUIRE DEFENSE," listed 2♥ and 2♠ openings as five-five two-suiters (the major opened and a lower suit) and 6-10 HCP. Both North and South agreed that neither of them had looked at these cards. East expressed surprise at the mismarked front of their card, reconfirmed that they were playing strong major-suit opening two-bids and suggested that the error must have been due to their "doing the card through the computer." The Director agreed that the mismarked E/W convention cards were due to a computer error which could not have affected the table result. Also, since East and West both explained 2♠ as strong and since their convention cards were both marked consistent with their explanations (Acol), the Director ruled that N/S had been properly informed of the meaning of 2♠ as per E/W's agreements. The fact that this did not correspond with West's hand was true but irrelevant. West was obligated to explain the systemic meaning of his bid and not to disclose the content of his hand. The Director allowed the table result to stand.

The Appeal: N/S appealed. N/S contended that both the E/W hands were consistent with a weak 2♠ bid and that this was consistent with the way the front of their card was marked ("2♠=5♠+5 any, 6-10"). If North had known that 2♠ was weak he would have bid a systemic 4♣, showing clubs and hearts, and South would then have bid 5♥. They also stated that if West had chosen this moment to psych his

strong 2♠ opening, East chose the same moment to underbid. In response to questions from the Committee, E/W indicated that they were not a practiced partnership. They had filled out their convention card by starting with one used by their spouses and modifying it using the computer-based WBF Convention Card Editor (CCE). They believed that they had simply overlooked the entry for the two-suited major-suit openings played by their spouses on the front of the card and then later not noticed their oversight. West explained that he had opened 2♠ reflexively, as he played weak two-bids with most of his other partners. When he (almost immediately) realized his error as he began to explain his bid as weak, he remembered his obligation to disclose his partnership agreement, and not his hand, to his opponent. He did this. East explained that she described West's bid as strong and then decided, with only 9 HCP and little bidding room, to just bid game rather than show her diamonds.

The Committee Decision: Two Committee members (Lenart, Morse) left the hearing at the end of the testimony due to other commitments (this was the third appeal heard by this Committee in a single sitting) and did not participate directly in the discussion or the final decision. One of the two indicated before he left that he favored assigning N/S Average Plus and E/W Average Minus.

The Committee noted that West correctly explained the systemic meaning of his 2♠ bid to his screenmate, as required by law, but behind screens might also have volunteered that, "My partner will explain it as strong but I have a weak two bid," as suggested by Active Ethics. Players using new (for them), complex or unfamiliar (to others) methods have a special responsibility to know what they are playing, Alert their bids properly and explain them accurately and completely on both sides of the screen. In this case West failed to live up to that standard. In addition, while it is clear that E/W systemically played Acol two-bids in the majors and accurately informed their screenmates of this, East's "oddly" conservative 4♠ bid was troubling to some Committee members in light of West's "misbid." As for N/S, while they would have had a better chance to compete for the contract had the problems created by the opponents not occurred, they themselves had not adequately discussed the meanings of their conventional methods over what should have been a not totally unexpected Acol 2♠ opening. Thus, they bore responsibility for their problems. The Committee (Chairman) adjusted the score for E/W to Average Minus based on the fact that: (1) West forgot his methods; (2) West did not disclose the intended meaning of his 2♠ bid on his side of the screen as per Active Ethics; (3) E/W's convention card was not filled out properly; and (4) East chose a conservative 4♠ bid with a hand that he believed warranted a slam try, while at the same time West held a weak hand consistent with East's (conservative) action. The Chairman also adjusted N/S's score to the better of the table result or Average Minus, recognizing N/S's responsibility in not having adequately discussed their conventional defenses to the opponents' strong, natural opening bids.

Dissenting Opinion (Colker, Anderson): We disagree with the Committee's decision. While it is disruptive and generally not good for our game when players forget their methods, these things do happen. Under the present laws, as long as the opponents are properly informed of the systemic meaning of a player's bid (not necessarily his actual hand) there has been no infraction unless the partnership is

found to have an undisclosed understanding, which was clearly not the case here. We also find it likely that West's initial few words to South, his halting speech pattern and sudden change in explanation, conveyed to his screenmate the idea that his hand did not match his bid. We would have preferred it had West simply and completely volunteered his error to his screenmate, but the laws do not require players to do this and Active Ethics is not yet the law. Similarly, we find East's conservative 4 ♠ bid not to be an egregious action; rather, we would characterize it as a nonaggressive (perhaps less-than-expert) call, typical of the level of bridge involved here. We believe that the problem with the E/W convention cards stemmed from the pair's failure to notice and remove a reference on the front of the card to the two-suited major-suit openings played by their spouses when modifying the computer file (using the WBF's CCE) from the spouses' card. The methods were not part of E/W's system nor did the presence of the error have any bearing on the subsequent developments. Finally, we believe N/S's problems stemmed solely from their failure to have adequately discussed their conventional defenses to strong opening bids. We cannot find any basis in the laws for adjusting either side's score from that which occurred at the table. We believe that the Directors got this one exactly right. We, too, would have allowed the table result to stand for both pairs and then strongly advised E/W to be more careful with their bidding in the future and to immediately correct the deficiencies with their convention cards.

Committee: Bobby Wolff (Chairman, USA), Virgil Anderson (USA), Rich Colker (USA, scribe), John Lenart (New Zealand), Dan Morse (USA)

Directors' Ruling: 82.0 **Committee's Decision: 62.0**

First, let's hear from this Committee's Chairman.

Wolff: "There was much confusion by E/W. (1) They claimed they were playing Acol two bids but had two-bids with a major and a lower suit on the outside of the card and Acol two-bids on the inside. (2) West opened a straight weak two-bid claiming this is what he is used to playing with others. (3) His partner took a significant underbid with her hand, possibly catering to her partner's mistake. (4) There was no oral or written correction on the two-bidder's side of the screen, which would have been the ethical thing to do. The opponents, while not perfect, were markedly disadvantaged by what they thought (Acol two-bid) was the 2 ♠ bid's meaning and had different parameters for using judgment. The opponents (N/S) were effectively given Average Minus and the bidders' (E/W) top was taken away and they also were given Average Minus. Again, in my opinion, bridge was served; both pairs may be better and more aware of their partnership and individual responsibilities next time."

Wolffie garnered support from two panelists.

Rigal: "The Director should have assumed a misexplanation, not a misbid, and ruled in favor of N/S in my opinion. There is enough doubt to make that logical and then that leaves E/W to appeal. The Committee had a difficult decision. The inaccurate and unchecked card to me implies gross negligence. Thus E/W had not taken enough care to get protection from their own offense, while N/S did not have

to prepare a defense to what is these days a relatively unusual (if natural) opening. I think a ruling of Average Plus for N/S and Average Minus for E/W is the best approximation I can get to equity."

Meckstroth: "I completely agree with this decision. While Colker and Anderson argue it's legally okay to tell your opponents 2 ♠ is strong, it is morally wrong to do so. When screens are up your partner is not receiving UI so I believe you must not take advantage of your misbid by giving false information.

First, let me address Jeff and Wolffie's straw man. Since East was telling North that 2 ♠ was Acol, what possible goal would have been served to tell South that 2 ♠ was mistakenly intended as a weak two-bid? If West had told South that, I can imagine bad things happening for N/S. For one, South might be confused that 2 ♠ really was a weak two-bid (systemically) and forget that on the other side of the screen his partner (and East) were playing it as Acol. (In other words, South might bid as if E/W really were playing weak two's and his partner thought so too.) For another thing, he might call the Director and (improperly) alert East that something unusual had happened.

But all of that is secondary. Law 75B says that West need not disclose the true nature of his hand to South. No Committee, including one chaired by Wolffie, can legally hold him to do what the laws say he need not do. Let's dispel the notion here and now that forgetting your system or making an incorrect bid is an infraction – ethical or otherwise. It is not. It happens all the time, even among the top experts. (As I mentioned in the last case, even Bob Hamman did it!) It is not ethically improper to conceal your mistake and hope to survive – provided your opponents are told your *agreements* and your partner is no more prepared for your mistake than the opponents.

Wolffie continues to ignore the fact that the mismarked part of E/W's convention card described neither E/W's agreement nor the contents of West's hand. Isn't that evidence that West truly forgot his methods and not that E/W improperly withheld information from N/S? The mismarked section of the convention card is redundant with other sections. It summarizes bids from various parts of the card which opponents may wish to take note of and discuss defenses to, without having to examine the entire card. Being unfamiliar with the CCE, E/W simply modified the various other sections of the card, missing the section with the spouses' remnant notation. E/W were non-experts (Flight B-level at best) and East's "significant underbid" was simply a misbid of her hand. And let's not forget that N/S never looked at E/W's convention cards.

As for Barry's calling E/W's mismarked convention card "gross negligence," if we start punishing technical infractions like poorly filled out convention cards when they have no effect on the bridge, we might as well rename ourselves "The Secretary Bird Society." The E/W convention cards were filled out with due care and diligence – for a Flight B pair of limited experience, in a relatively new partnership and who had never used the WBF's "Marquis de Sade" CCE before. Remember, The Scope of the Laws reads, "The Laws are primarily designed not as punishment for irregularities, but rather as redress for damage." Barry's solution is like jailing a cripple for jaycrawling.

Finally, just because Wolffie thinks that correcting the explanation of the 2 ♠

bid is the "ethical thing to do" doesn't make it so. The laws explicitly give West the right to do what he did and they deny the opponents any redress. No one, not even Wolffie, has the right to impose his own standards over the law. By Wolffie's criteria, psyching is improper since it entails intentionally misdescribing the content of your hand to your screenmate. But at least Wolffie is consistent: In CASE THIRTY he said, "Psychics have long been a fundamental part of our game and should continue to be so," and then he proceeded to adjust the psychers' score on the premise that it's improper "to shoot fish in a barrel." Hmm, I wonder if Wolffie is really from Langtree, Texas. He's strangely similar to a fellow who hailed from those parts…name of Judge Roy Bean.

The following panelist carries some of what I just said even a step further…

Treadwell: "The Committee decision in my opinion is absurd and not in accordance with the Laws. The minority opinion states my position quite accurately, but I would go one step further to say that West should not ever tell the opponents he has misbid until the hand is over. Without screens, such information will be made available to partner and possibly prevent the pair from getting the usual poor result when a misbid is made. With screens, as here, this hazard is removed but I believe the principle remains. Would it be Active Ethics to tell an opponent you had made an underbid or an overbid or had psyched?"

Also agreeing with the dissenters are…

Bramley: "I agree with the dissenters. Apparently the one Committee member who left and indicated a leaning toward the Chairman's decision was sufficient to prevent the two (out of two) remaining Committee members from overruling the Chairman. N/S were unlucky that their methods were better over weak two-bids than Acol two-bids, but the reverse could also have been true. E/W's only crime seems to have been offending the Chairman's sensibilities."

Brissman: "God loves Bobby: his heart is in the right place and he wants to decide these cases based on his sense of fairness and justice. Unfortunately, application of the rule of law sometimes mandates an outcome that is opposed to Bobby's well-meaning sense. The rule of law must prevail. I concur with the dissent."

While I agree that Wolffie's heart is pure, I really can't equate his actions with fairness and justice. Could anyone oppose disclosing the meanings of one's bids? The laws require disclosure of one's *bidding agreements*, not one's hand! Bridge is a game of tactics and strategy that includes "open" communication. But errors are also a part of the game – just not a part Wolffie recognizes. He would have casual partnerships banned from *his* game, since all they do is cause CD. These issues are are complex. The fifth amendment gives us the right not to testify against our own best interest. Wolffie would have that right repealed – at least at the bridge table. I'm all for ethics, but within the context of the laws of the game.

Gerard: "What a feast for the Chairman's pet theories: CD, Active Ethics, Rule of Coincidence. Too bad for him none of them are the law. However, the real issue was whether the Chairman had the authority to make this decision. He was

unanimously outvoted by the remaining members of the Committee and had no right to overrule them, unless the indication of the departing member could be counted as a vote. See CASE TWENTY-NINE for the correct procedure. My feeling is that the vote was 1-2, not 2-2, but I can't believe that this wasn't discussed in Committee. Much as I disagree with the Chairman's position, I'm less inclined to find that he acted without authority if he legitimately felt he wasn't alone in his view. If this wasn't discussed, why didn't the dissenters bring it up? If it was discussed, why was it left out of the write-up?"

The Chairman does not have the authority to contravene the laws, even though the WBF has given him the authority to outvote a majority of the Committee (but not all of the remaining members) on any issue involving discretionary judgment.

Bethe: "I can see no basis in law for N/S to get an adjustment."

Weinstein: "Until the laws are changed to allow the Directors and Committees to penalize a pair for no actual legal infraction, this decision is impossible. If you want to assign a procedural penalty for not knowing your system (is that legal in the WBF?) or for an incorrectly filled out convention card, even if it was inconsequential and inadvertent, you can do that. But not liking what happened at the table is not a reason for adjusting a score. As the dissenters point out, none of the four specified reasons legally allows a score adjustment. Having said that, I would still like to see the law changed to remove the distinction between misbid and misexplanation so that Wolffie can legally adjust the result."

Rosenberg: "I almost agree with the dissenters. Committee members not present for the discussion should not have voting rights, so the dissenters were really a majority. West maybe needs to say, 'We're not a regular partnership' and/or 'it's never come up before.' Then the big question to which I can never get an answer: is South entitled to 'hear' this answer? Or at least, is he entitled to know about the 'halting explanation' described in the write-up? Or do we accept screen positioning as a random controller in these situations?"

Yes, I believe South can hear all of that. I wish Wolffie could as well.

CASE THIRTY-THREE

Subject (MI): Confused About Doubles
Event: Rosenblum Teams, Round of 12, (N/S) France versus (E/W) Denmark

Bd: 22
Dlr: East
Vul: E/W

	Í 109863 ! J52 " KJ10 Ê A9	
Í KQJ4 ! Q6 " 987543 Ê J		Í 72 ! A1083 " AQ6 Ê K1032
	Í A5 ! K974 " 2 Ê Q87654	

West	North	East	South
		1NT(1)	Pass
3"(2)	Pass	Pass	Dbl
Pass	3Í	Pass	Pass
Dbl	Pass	4"	Pass
Pass	Dbl	All Pass	

(1) 12-14 HCP
(2) To play, 6+ cards

The Facts: 4" doubled made five, plus 910 for E/W. The Director was called just after the end of the hand. The double of 3Í was described as penalties on the S-W side of the screen but as takeout (Alerted) on the N-E side. After the opening spade lead was ducked to West, the ÊJ was led. North played low and West rose with dummy's king for an overtrick. It takes an opening heart lead to beat 4". The Director adjusted the contract to 4" undoubled (with a heart lead), plus 100 for N/S (Law 75C).

The Appeal: E/W appealed. North, believing the spade values would be with East, doubled, expecting his partner to be sitting over dummy's spades; he led a spade for the same reason. He also believed that the "Q was more likely to be with West with the description he had been given. E/W played that West's double was takeout if the opponents had a fit. They accepted that the actual sequence did not show a fit, but during the auction had been confused as to whether this double should be for takeout.

The Committee Decision: The game is too random if players do not have complete understandings of their doubles; E/W should make sure that they clarify them for the future. However, on this occasion the main reason for N/S scoring minus 910 was their own actions, so no adjustment was suitable. The table result was reinstated (4" doubled made five, plus 910 for E/W). The deposit was returned. A 0.5-VP procedural penalty was assessed against E/W for not having satisfactory agreements about doubles.

Committee: Bobby Wolff (chair, USA), Sabine Auken (Denmark), Claire Tornay (USA), Mazhar Jafri (Pakistan), David Stevenson (England, scribe).

Directors' Ruling: 53.3 **Committee's Decision: 82.5**

Do you have an agreement about the double of 3Í in this auction? I'll bet many

practiced partnerships don't. Have N/S shown a fit? Should practiced partnerships have discussed this in advance? Has yours? Help, Henry.

Bethe: "Why the procedural penalty? Surely this is an obscure enough auction that we do not need to have discussed in advance whether the opponents have a known fit!"

Who has the spades, North or South? Could West ever make a unilateral penalty double after describing a non-forward going hand with six-plus diamonds? Does it make sense to ask what West's double means in this auction? Is it possible to play this double as anything other than "bridge – do something intelligent, partner"? The following panelist has the crux of this case in his cross-hairs.

Rosenberg: "Player doubling with KQJx says 'penalty.' Player taking out double with xx says 'takeout.' Hmm…maybe players should learn to give less definitive answers to questions about unusual auctions. Incidentally, how did South know to duck the spade lead?

"The procedural penalty was absurd. You cannot have an agreement about every auction, and even general agreements might not cover one such as this. It was the explanations being too definitive, not the lack of agreement, that caused this problem.

"Otherwise okay."

Michael seems to be suggesting (tongue in cheek) that giving vague answers to the opponents' questions can pay dividends. But if East and West had each described West's double as "cards" or "cooperative," this case wouldn't have happened, would it? The next panelist focuses in even more perceptively on what happened here.

Bramley: "Almost. I agree that N/S earned their bad score with their own actions, so restoring the table result was correct. However, I don't believe that E/W had a true misunderstanding about their doubles. N/S had made a takeout double of diamonds which led to a spade contract. They were supposed to have a better fit than they did. West probably knew this but couldn't stand not to double. East's pull was automatic by his understanding of the double and they got lucky to make 4". As usual I disagree with the procedural penalty for a less than blatant violation that did not cause direct damage.

"How did South know to duck the opening lead?

"Why was Sabine Auken allowed to serve on a case involving her husband's countrymen?"

Yes, how did South know to duck the opening lead (not that it really mattered to the play of the hand)? As for Bart's second question, the Chairman of WBF appeals should know the answer. All I can tell you is that Wolffie placed Grattan Endicott in charge of the day-to-day operations of the appeal process. Grattan assigned members to Committees and decided which Committee would hear which case.

There seems to be some dispute about the Directors' ruling here.

Meckstroth: "Right on here. If the Director had ruled properly and N/S appealed I would definitely have wanted to keep the deposit."

Rigal: "Good Director ruling; I think that E/W do not deserve protection here. The Committee wrongly blamed N/S, who were not entirely responsible for the disaster. After a non-heart lead declarer is cold for his contract – and the heart lead is *not* automatic. Yes, South's double of 3" was silly but I have seen worse. North was misled into his double and opening lead by misexplanation. He should not be punished in this way."

The next panelist is starting to hallucinate. It must be past his bed time.

Gerard: "Let's see, West then ruffed a club, took a trump finesse, led a spade and guessed right on the heart return. Mebbe."

And now, it's time for our regular feature, "Leave it to Lobo."

Wolff: "Doubles are the next topic to clarify, but on this hand we tried (and I hope succeeded) in restoring equity."

Wolffie usually concerns himself with players taking double shots. He points out that, had the cards sat slightly differently, the non-offenders would have been happy to keep their good score (see CASE TWENTY-NINE for the most recent instance). Well, if the red-suit queens here had been reversed between East and West (as they figured to be), wouldn't N/S be happy to keep their result? Wasn't this just "rub of the green"? (Or maybe this only applies when it supports one's agenda.) But hooray, this time the table result was correctly allowed to stand.

My next question is, why issue a procedural penalty "for not having satisfactory agreements about doubles"? Here's my offer, Wolffie. If you have an agreement with your current partner (Dan Morse) about West's double in this auction (i.e., if you've discussed it or a general principle that clearly applies and are on the same wavelength about it), then I'll buy your procedural penalty. Otherwise, you owe me one.

Now this doesn't mean that I would not have issued a procedural penalty here. E/W each improperly explained the double of 3Í in unequivocal terms when, in fact, the meaning of the double depended on a subjective judgment which they clearly had no agreement about (or were too blinded by their cards to judge accurately). What E/W should have said was, "Our agreement is that the double is takeout if you have shown a fit and is penalty otherwise." Then N/S could have judged for themselves. A 0.5-VP procedural penalty to teach them a lesson about proper disclosure would have suited me just fine.

CASE THIRTY-FOUR

Subject (MI): Subsequent, But Not Consequent
Event: Rosenblum Teams, Round of 64, (N/S) Croatia versus (E/W) France

Bd: 11
Dlr: South
Vul: None

	Í J ! J104 " KQ1087 Ê 10973	
Í AQ874 ! 65 " 643 Ê KQJ		Í K96 ! K83 " 92 Ê A8642
	Í 10532 ! AQ972 " AJ5 Ê 5	

West	North	East	South
			1Í
Pass	2Ê(1)	Pass	2"
Pass	Pass	Dbl	All Pass

(1) Alerted (see **The Facts**); explained by East to North as a transfer

The Facts: 2" doubled made four, plus 380 for N/S. 2Ê was Alerted on the N-E side of the screen and described as a transfer, which is clearly correct per the N/S convention cards. South turned the Alert Card over and back again but did not receive an acknowledgment from West. The Director changed the score to plus 130 for N/S (Conditions of Contest 16.2).

The Appeal: N/S appealed. West did not attend the hearing. According to the appeal form, West said he was in thought and did not see South "flip" the Alert Card. He said that he did not find the pass of 2" strange because some pairs played non-forcing two-over-ones.

The Committee Decision: Section 16.2 of the Conditions of Contest includes the following: "the Alerted player must acknowledge by returning the Alert Card to his opponent." It is clear that an Alert has only been made correctly when the opponent acknowledges it. In this case, South did not Alert West correctly. The score was adjusted for both pairs to plus 130 for N/S (Conditions of Contest 16.2). The deposit was returned.

Dissenting Opinion (Colker, Stevenson): It seems even more likely that West will pass if he knows the diamonds are on his left than on his right, making it difficult to see how the MI adversely affected his pass. Consequently, it would seem right to leave E/W with their table result of minus 380. This would certainly be proper in a matchpoint or VP-scored event.

Committee: Bobby Wolff (chair, USA), Rich Colker (USA), Dan Morse (USA), Naki Bruni (Italy), David Stevenson (England, scribe).

Directors' Ruling: 73.0 **Committee's Decision: 62.7**

Let's begin with the Wolff man, who at least concedes the dissenters' point about the effect of different forms of scoring for this decision.

Wolff: "I would agree with the dissenting opinion if this was matchpoints or VPs. Alerts, and making sure the opponents are aware of them, is normally important but it becomes essential when transfer responses are being played. It was my opinion that plus 130 for N/S (a very good result) was proper because of their opponents' naivety, but to award a windfall plus 380 is just too much since their failure to take a SER should rule. Remember, bridge is normally a difficult game with many decisions to be made. When that is compounded by clubs meaning diamonds and heretofore forcing bids being passed, opponents should be given consideration and certainly proper Alerting and reminding them of what the bids mean should be automatic. God Bless!"

Another, "I don't like the score they are legally entitled to, so I'll give them some thing less that I think is about right" decision. I don't think we can make such decisions and neither does a clear majority of the remaining panelists.

Bramley: "I agree with the dissenters. The technical Alert violation had no bearing. Whining was unjustifiably rewarded."

Cohen: "The dissenters are 100% correct. Regardless of the Alert, West still thought his partner was doubling 2". for penalty. If the diamonds were KNOWN to be BEHIND the diamond bidder then the interpretation of penalty was even more clear and sitting was more viable! On the actual auction, West had a better chance to pull, since a double in FRONT of the diamonds for penalty is less likely. Clearly E/W keep their minus 380. I might have given South a 3-IMP procedural penalty for his improper Alert."

Rosenberg: "Agree with the dissenters. Conditions of Contest should only be used when no other choice. West had every reason to ask questions and no reason to pass a takeout double with xxx. E/W should keep their score for sure."

Weinstein: "This is beside the point, but seeing the N/S bidding (nice 1Í opener) reminds me of how much more pleasant it is to play in the ACBL (than in the WBF) where you usually have some remote idea of what's going on the bidding and the consequent inferences. I agree with the dissenters."

Bethe: "Does West have no responsibility to watch for an Alert when the tray is passed back? How did the lack of knowledge of the Alert make 2" undoubled a possible result? This is a weird auction and a weird hand to hold for the auction. Can partner really have a penalty double of 2"? Where are the hearts? I do not see how 130 is a possible assigned score. Would West's being Alerted really have kept East from doubling? Behind screens?"

Supporting the Committee majority's decision were…

Rigal: "The Director sensibly determined there was an infraction and made a good ruling. Perhaps I am nitpicking, but it seems as if in their decision, the Committee somehow canceled East's double – even though he was in correct possession of the facts. How can they do that? Whatever happened after that (West bidding 3Ê?) you

cannot do that surely? Maybe 3" for 130 is possible but that should be stated. Anyway I agree with the Committee majority, not the dissenters. Passing the double would be absurd with the West cards. Another issue; what about the 1Í opening; if canape, and we have to assume so, why no Alert? If it is canape and not a prepared action a la Norman Squire (ugh), then E/W might finish up in 3Í and make it. Perhaps the world is not yet ready for that discussion..."

Barry makes a good point. Why cancel East's double when, in fact, he was in possession of the correct information? I remember us discussing that South would likely compete to 3" whether West bid 2Í and East passed or East "corrected" to 3Ê. As far as Barry's contention that passing the double would have been "absurd" with the West cards had he seen the Alert, I believe the pass was even more absurd as it was. Thus, the correct information would have had no impact on his action.

As for 1Í, it was not canape. South was preparing a 2! rebid (with all due respect to Norman Squire). We can pursue that discussion further in the unexpurgated version of the casebook – coming soon to a dealer near you.

Meckstroth: "Seems okay to me. I disagree with the dissenters. If West thought 2Ê was natural, that's the only reason he would pass 2" doubled. (He had only two of the one unbid suit.) As far as more likely passing with diamonds on West's left, not true. West wouldn't ever sit if clubs were one of partner's advertised suits."

What would East's double have meant in a natural auction (which West assumed)? South opened, North responded with a two-over-one (even if it didn't promise a rebid) and West himself held opening values. Double couldn't be for takeout (the opponents bid three suits) or for penalties (East sat under the diamond bidder) or a two-way action (East was too weak). The double makes no sense, so why didn't West ask about the auction? (Was he daydreaming, explaining the missed Alert?) Wasn't North's pass strange? And why would West ever pull to 3Ê on a presumed four-three fit when his club values would be working on defense? No, West was himself culpable here and the proper information would only have made the double appear more penalty-oriented.

And finally, almost too tired to pen (keyboard) his final comment…

Gerard: "The end has come not one case too soon. Plus 130 in 3" was correct. Minus 380 in 2" doubled was correct. Go to Law 86B for the rest. I'm outta here."

We all are. See you for the Orlando Fiesta. Thank's to all.

CLOSING REMARKS FROM THE EXPERT PANELISTS

Bethe: "I thought the Committees generally did a pretty good job in Chicago, and the Directors also. Of course, there weren't that many cases. The results at the ITT speak for the idea of a one person Committee – or a dictatorial chair, provided that chair is Rich Colker. The results in Lille speak strongly against it, particularly when the chair is using a different rule book from the one we are all expected to follow."

Bramley: "I disagreed with a lot of these decisions, especially the WBF cases. Perhaps I'm just feeling feisty after a layoff. The number of cases from Chicago was refreshingly low. I will continue to pound away at some of my favorite themes. High-level constructive auctions are automatically tempo-sensitive. If high-level constructive bids get doubled the bidders get more time to think. Screen rules need clarification. Don't accept appellants' arguments so readily. The huddler's hand should have some correlation to the action supposedly suggested by the huddle. Get more complete info about the play and defense and analyze it better. Don't punish ethical behavior. Don't encourage Director calls and appeals by rewarding whiners. Give procedural penalties only for blatant violations, not as a reward to litigious opponents. That's enough for now. I'm glad to be back."

Brissman: "The concept of empaneling a group of Directors to hear appeals is misguided for several reasons. First, with a few exceptions our current appeals process works well. Unless a system is broken beyond repair, no one should consider scrapping it in favor of something untried. Second, many of the bridge problems a Committee confronts require a depth of analysis and bridge experience that could not be reached by tournament Directors. Third, nothing indicates that a panel of Directors would hand down 'better' decisions than those currently handled by panels of experienced players. Fourth, the position that Directors know the law better than Committee members is arguable, but not germane. The role of a Director is to instruct the Committee on the law, and the Committee may not overrule the Director on a matter of law. The role of the Committee is to exercise bridge judgment, and players are in a superior position to carry out the task.

"Decisions of appeals Committees have become more consistent over the last few years. Although we strive for perfection, we recognize that it is still an unobtainable goal. A few anomalistic decisions will inevitably obtain, regardless of the composition of the panel that renders them. Seizing on a few such decisions as justification to fundamentally revamp the process is analogous to those critics who called for the end of the jury system when O.J. was acquitted."

Cohen: "I feel as if I kept using the words 'common sense.' Maybe I should bar myself from commenting on these cases, or bar myself from serving on Committees, because my inclination is too often to disregard the written 'LAWS' and just go with what seems to be right. Of all people, I guess I shouldn't be the one who doesn't 'Follow the 'LAW.'' Maybe you could say that I'm just 'adjusting' the LAWS to suit my beliefs."

Gerard: "The three lightning rod cases (CASE SIX, CASE TWENTY-SIX, and CASE TWENTY-EIGHT) were all handled extremely well by the Committees and,

except for the WBF Director in CASE TWENTY-EIGHT, poorly by the Directors. In particular, Doug Heron is to be commended for a thorough and lucid opinion in CASE TWENTY-SIX. The violent reaction to CASE SIX may represent elitism more than anything else, but it would be dangerous to bring down the whole Committee structure because of expert pique. I seriously question whether the Back to the Directors movement is permissible under Law 93 anyway. And if these cases are any guide, things would only get worse. My aggregate rankings for the Directors and Committees are as follows [I've added the figures for the whole panel – *Ed.*]:

	Ron		Panel	
	Directors	Committees	Directors	Committees
NABC (incl. CNTC)	49.1	62.3	74.7	79.4
ITT	60.0	78.8	71.8	88.0
WBF	57.5	56.3	71.1	69.0

"Clearly that's unacceptable at the NABC level. Tossing around platitudes such as 'we'll train them to do a better job' and 'if it's true that the Directors are not capable of ruling the game, either the rules must change or the Directors must improve' isn't a serious intellectual effort. How do you train a Director to bid 3 ! with East's hand in CASE EIGHT, not to pass 4 Ê in CASE ELEVEN, to lead a diamond in CASE FOURTEEN or to bid game in CASE TWENTY-TWO? And I'm tired of the sports analogy. Professional referees are needed in athletic events so that the necessary judgment calls can be made without interrupting the flow of play. Bridge appeals are the exception, not the rule, so they are not subject to the same considerations.

"Too many Committees just mail it in. It's not always easy to get it right, but there's no excuse for half-baked effort. Not understanding a law they were invoking (CASE TWO), not inquiring about the opponents' style (CASE THREE), uncritically buying into obvious self-serving statements (CASE TEN), not analyzing the merits of the relevant lines of play (CASE FOURTEEN), not examining LAs when UI was present (CASE EIGHTEEN) and not determining Mistaken Bid or Mistaken Explanation in a MI case (CASE TWENTY-TWO) all suggest that some Committee members don't take their assignments seriously enough. I repeat my request for some kind of ranking system.

"The idea of a Committee of two can not work even if it doesn't produce a stalemate. Forget that the two decisions rendered were horrendous, the lack of input from at least one more member means that a possible opposing viewpoint might never even get consideration from a unanimous Committee. Whether or not a third member could have convinced the Committee of two of the foolishness of either of their positions, he might at least have raised their consciousness. And if he ended up agreeing with them that helps to legitimatize the process. Whatever the time constraints, there is no place for this experiment.

"I still detect evidence that transmitting UI is thought to be an infraction rather than receiving and acting upon it. This is not just semantics. It has a major impact on the way some of these cases are decided. It can also cause incorrect interpretation of the Laws, even among our top-ranked Directors.

"My major concern about what I see happening is that many Directors and Committees are treating appeals as not worth their time. Knowing how much time and effort the Editor and most of our panelists put into producing these Casebooks,

I think it's only fair that we receive an honest day's work in return."

Goldman: "Let's take a look at typical enough hesitation matter. Player A and Player B are partners. In a complex bidding situation, Player A obviously takes some time before making his bid. Player B has several choices of action and chooses one that might have been suggested by an 'illegal' huddle. The resulting bridge result is favorable to A and B.

"The matter comes to Committee and the Committee (or you as a Committee member) conclude the following upon hearing the evidence:

1. There is a 60% chance that a 'huddle' which should be considered a foul occurred.
2. It's clear the huddle could suggest several things. The Committee concludes that there is a 30% probability that it suggests the aggressive action taken.
3. The action taken is one you believe you yourself would probably have taken and the Committee concludes that there is a 70% probability that Player B would have taken this action in a tempo clean circumstance.

As things stand today, this is an easy reversal of the score achieved at the table.

"Now, probability theory suggest to me that there is only a probability of between 5.4% and 9% that Player A and Player B committed a foul.

"Add to this instances where the contract reached by 'the cheating pair,' (the term suggested but never used) required two finesses, and the fact that a very low number of opponents would even make an issue of it (my estimation is one in ten), and the damage done to the reputation of pair A and B by a publication of their ethical deficiencies - it is no wonder that the antics of appeals Committees and the Laws themselves are being viewed by so many as a replay of Alice in Wonderland.

"In my opinion, the only way to achieve both justice and consistency in these matters is to establish a doctrine that no results achieved at the table are changed unless there is a *compelling reason to do so*."

Rigal: "The ACBL should make sure that the Chairman's power of veto in World events is abolished (even if the AC's are often chaired by USA members). If you can't put together a sensible panel of Committee members at these WC events what hope is there for AC's in general? In the cases before us in Lille, justice was not only not done it was being seen not to be done, and that is very bad news for ACs in general.

"I like the ITT emphasis on making sure people know their system; but note that there should be a special emphasis on competitive understandings being correctly defined by comparison to unopposed auctions."

Rosenberg: "I despair of us ever agreeing on how things should be done. The Committees are getting things wrong which is frightening. And the WBF seems to regard appealing as just short of a felony. Maybe if the messages the ACBL were sending were consistent messages, such as making it clear that breaks in tempo and taking advantage of UI are actions which are only going to hurt you, and bending over backwards to prove damage after MI, maybe then the WBF would take notice. As it is, we present such disarray and inconsistency that everyone is talking about doing away with Committees altogether. Although this is a horrible idea (like doing away with instant replay in football), unless the Committees improve, it won't really

matter.

"One of the problems is the unwillingness to select Committee members who are still competing in the same event. I would worry much more about the quality and knowledge-level of the Committee members than about whether some NAC member will use bias to hurt (or help) somebody else. You can protect somewhat by using those in the other half of the draw.

"The Committees made horrible decisions in CASES FIVE, SIX, EIGHT, NINE, TEN, ELEVEN, FOURTEEN, TWENTY-EIGHT, TWENTY-NINE, THIRTY-ONE, THIRTY-TWO and THIRTY-FOUR. The following questions need to be addressed:

1 What is to be done about the problem of bids in tempo that convey UI, such as the 1NT bid in CASE TWENTY-FIVE, and the 2♠ bid in CASE ONE? In the latter case a prompt bid would show four-card spades. Can we put a hard eye on the player that raises a prompt 2♠ bid to 4♠? I don't see how unless the opponents are *very* alert.

2 Should passing a forcing bid made in normal tempo be illegal? Or can the prompt tempo be used to divine that partner has a classic hand for the bid? Doesn't seem right.

3 Is anybody ever going to agree with me that one should not be doing worse than one would against opponents who are aware of their ethical obligations?

4 After your opponents commit an infraction, and you then play unbridge, is it relevant whether, but for the unbridge, you could have achieved a score at least equal to that which you would have obtained without the infraction?

5 Are players entitled to know all the information given by opponents *on the other side of the screen*?

6 What should be done about holding the tray, as in CASE TWENTY-EIGHT? I gave my opinion in my answer, but I would add the following screen etiquette. With N/S controlling the tray, that player can control tempo simply waiting to push the tray through until happy with the tempo (but not exceeding ten seconds). E/W, if wishing to 'slow it down' but not actually having a problem, should remove the bidding card from the bidding box and show it to their screenmate (thus indicating no problem), but not place it in the tray until satisfied (again not exceeding ten seconds). The N/S player should *not* take the showing of the (Pass) Card as a completed action, and should not push the tray through until the card is placed there."

CLOSING REMARKS FROM THE EDITOR

To The Panelists:

Thank you, Henry, for your vote of confidence. However, my aversion to one-man Committees extends even to my own dictatorship. I concur with Henry's other point concerning the Lille cases. Unfortunately, the "Chairman rules" policy continues in WBF appeals, despite a widespread discomfort with it.

I find Bart's comments right on target, except "The huddler's hand should have some correlation to the action supposedly suggested by the huddle." Bad acts (e.g., out-of-tempo actions) should result in adjusted scores even when the infractor's hand is at odds with the action suggested. Bad acts should not escape sanction just because the perpetrator has poor bridge judgment. It would send the wrong message if players who commit telltale huddles are allowed to keep their score as long as their huddles appear to be inconsistent with their hands. Remember, these cases only come to light when the infractors get a good score. "Reverse huddles," anyone?

Jon is right about the plan to have Directors hear appeals at the 1999 Spring and Summer NABCs: It is a poor idea for several of the reasons Jon mentions. However, I find myself questioning whether our current process works as well as it should. As I've said here before, there are things that cry for improvement. This doesn't mean that I believe the Directors will do any better. My best guess is that they will do somewhat worse – but probably not dramatically so. New errors will appear to replace those of the previous group, with the new errors (which we now see in many of their rulings) likely to be less acceptable to the players than those being made by our current process. In addition, problems implementing the new process will be critical. At present, I have seen no really workable plan to achieve the goals set forth in the proposal used to justify this trial. Now, about O.J…

There is much to be said for "common" sense, a commodity which has come to deserve its name less-and-less. A good Committee will have a balance among its members between those who have the common (bridge) sense of which Larry speaks, those who know the laws, and those skilled in the process to make sure that what is sensible is integrated properly with what the laws permit. That is why a Committee composed of all top players with limited appeals experience, or of all appeals people with limited top-level bridge skills, or of all Directors with good laws knowledge, will simply not work. We need to find ways to integrate the various areas of knowledge and skills – bridge, laws and the appeals operation – to achieve an effective process.

As pointed out in the foreword, Ron's use of ratings is only valid for comparisons within each group (Directors or Committees). We might expect ratings to improve as we go from NABCs to the ITT to the WBF since, in theory, Directors and Committees should be held to more stringent selection criteria at "higher" levels. However, a brief glance at the figures in Ron's closing comment reveals that this is not the case. Directors' ratings remain about the same as we go from NABCs to the ITT to the WBF (except Ron's ratings for NABCs, which are quite low). Perhaps this can be explained by the fact that floor Directors are expected to consult with head Directors at all levels before making their rulings. (This may not be done as religiously as it should at our NABCs.) Appeals Committees' ratings, on the other hand, improve from NABCs to the ITT, but then show a sharp decline at the

WBF level. This is expected. Remember, there is no consultation at any level by Committees (unlike Directors). At the ITT the Committees are hand picked. The WBF makes a practice of having its own Council members (politicos) serve on its Committees.

Ron is correct that the performance of Directors at our NABCs is inadequate, as shown by the numbers, but the numbers for our Committees are not respectable either. There's plenty of blame to go around. What we need is to make things better – not to point fingers. I support Ron's suggestion of a ranking system (as you might guess since that's been a part of the "team" concept I've been touting for three years now). Ron's view of Committees of two (and one) reinforces my own, for exactly the same reason. I consider his final two points to be self-evident.

In Goldie's "typical enough hesitation matter," the facts he presents make the case "an easy reversal of the score achieved at the table" only for the offenders – not for the non-offenders. Point 3 alone argues strongly for allowing the table result to stand for them. If Committees are not routinely doing this, then they are deciding wrongly. But there's another flaw in Goldie's reasoning. The Laws (according to the ACBL Laws Commission, who I asked about this matter as recently as Orlando) require that each step in the process be evaluated independently and not all in conjunction, as Goldie proposes. If Goldie's procedure were to be used, it would be possible to insure that no table result would ever be changed by simply increasing the number of events we consider in the chain leading to the result.

For those mathematically inclined, here's an example. The probability of two sequential events (A, B) *both* happening to produce a result is the product, P(A) x P(B) (the probability of A times the probability of B). If we increase the number of events, the likelihood of the whole sequence becomes, P(A) x P(B) x P(C) x … So even if each event has a relatively high probability (say 80%), after four such events the probability of the sequence is only 41%. To obtain a probability of a four-event sequence of the magnitude Goldie cites (9%), each event could actually be more likely to occur than not (individual probabilities of 55%). In other words, each event in the sequence could have a 45% likelihood of being a crime and we would still not be able to adjust the table result using Goldie's approach. However, I do agree with Goldie that changing the table result should require a compelling reason – *for the non-offenders*. (See *St. Louis, Misery*, p 187, for previous efforts to help ensure that our Committees do this.)

Barry's wish that "Chairman rules" be eliminated in WBF appeals is unlikely to happen anytime soon. The WBF Council in Beijing (1995) adopted Wolffie's policy of allowing the Committee Chairman to overrule a majority of the members if he could find at least one other member to support his position. (That is, unless the remainder of the Committee unanimously opposed him.) There has been no recent movement to reverse this policy. Perhaps we can have some impact on the status quo, but don't hold your breath. In high-level events it is clearly right to require players to know their system – especially competitive understandings. But in Open/Stratified events at any level (even "World") this will effectively exclude casual partnerships from competing. We have to decide on our priorities. Personally, I'd recommend this policy (similar to the one in effect at our ITT) only for events which have a pre-registration or pre-qualification requirement.

Michael's warning of the need for meaningful change in the appeals process is strikingly similar to the one I sounded in my closing comments in *St. Louis,*

Misery. He is right that we must select players with adequate bridge skills to hear appeals from major NABC events by drawing from whatever sources are necessary, the other half of the draw being a reasonable compromise. The problems he describes in Points 1 and 2 may be just too difficult to solve. I can see no way to enforce the ethical standards required short of having a bridge expert and a Director at each table to monitor the proceedings. I have been advocating Michael's position (Point 3) since long before I knew he held that opinion, and I've quoted him on it many times. I addressed his Point 4 (in the affirmative) in my response to his comment on CASE TWELVE.

The issue Michael raises in Point 5 is quite complex, not only in deciding what is best but also in finding a suitable way to implement it. Disclosing information from the declaring side's Alerts at the end of the auction is no problem – the laws require it. But disclosing information about the defenders' Alerts is too likely to reveal evidence of their own misunderstandings or discrepancies in explanations before the play. Even if written explanations to their screenmates from each defender were to be passed to declarer at the end of the auction, declarer's reaction to any discrepancies and the absence of some information from the written record (given by pointing, head shakes or other means) would be a significant problem. And finally, my response to his Point 6 can be found in my comments to CASE TWENTY-EIGHT. I can only add that Michael's recommendations (except for his 10-second limit, which will shortly to go into effect in the ACBL as a 20-second limit) are already written into the WBF's and ACBL's screen procedures (which are identical to each other).

Tempo Problems and "Tempo Sensitivity":

About half of all appeals involve tempo-related problems. You've heard panelists refer to "good" and "bad" hesitations and "tempo sensitive" auctions, and clearly some auctions are more tempo-sensitive than others. But I believe these concepts have been greatly overused. Let me explain why and offer some suggestions for improvement.

First, *every* call and play should be made in such a way as to give the appearance that alternate actions were considered. Contrary to popular belief, no UI is transmitted when a player makes it appear that he had a choice of calls or plays. UI *is* transmitted when a player makes it clear that his call or play was clear or easy, or that it was made with extreme reluctance or regret. It is *always* possible to make an easy call or play slowly, appearing to consider one's action. It is not possible to make difficult calls or plays quickly and without apparent effort. Therefore, players (especially experienced ones) must slow down their easy actions to make them appear more similar to their difficult ones. Doing this will have a second, side benefit. It will give the opponents extra time to consider their actions. This is especially important in high-level auctions (such as at the five-level), where all actions should be slower and more deliberate, and after unusual or unexpected calls (such as skip bids). Slow down these auctions.

While some auctions are more tempo-sensitive than others, all are tempo-sensitive to some extent. Consider the following familiar type of auction. Partner opens 1NT and you invite with 2NT (or whatever you use). Partner raises to 3NT and it's your turn. In this auction you will pass virtually 100% of the time. However, I still believe it is right to do so deliberately, with apparent thought. Why

bother, if everyone knows you have nothing to consider? Well, for one thing LHO may need time to consider a save. Why would he save when he didn't bid earlier? Perhaps he was willing to defend if you stopped short of game but wishes to save if you bid game. Or maybe he needs a few extra seconds to consider doubling for an unusual lead (he might hold ♠AKQ10xx ♥xx ♦xx ♣xxx) but doesn't want to tip off his partner that he considered it if he ends up passing. In this situation, as in many others, a quick and effortless pass by you creates a potential problem. Experienced players should learn to pause before each and every call and give the appearance of considering their action. If they don't, they should assume responsibility for whatever problems they helped to create.

Behind screens it is still important to bid deliberately – perhaps even more so. We've all seen cases where the tray flies so rapidly back and forth under the screen that a few seconds pause makes it clear that someone has broken tempo. If easy calls are made in a deliberate (not necessarily slow) tempo, this will have a salubrious effect on all auctions and help to prevent many of the current crop of tempo-related problems.

I urge Appeals Committees to stop adjusting scores for minor variations in tempo when both sides have not made an effort to keep the auction deliberately paced, or when one side's extremely slow call or play disrupts the opponents' attention. This is especially important when experienced (not necessarily expert) players are involved, and whether or not screens are in use. When only one side was responsible for the problem (such as making their previous calls too quickly – not just the bid in question too slowly), then score adjustments should be made as usual.

A Lesson In Modesty:

In a recent conversation, Joan Gerard, District 3 District Director and wife of "Super-Ron," told me about an appeal case heard late last year at a tournament in her area. I wish to share it with you because I believe it illustrates an important concept about the appeals process. Here is one of the hands as a bidding problem. It's BAM scoring and you (South) pick up: ♠Axxxx ♥Axxxx ♦xx ♣x. You pass (I know, conservatism isn't your bag – live with it), LHO passes and partner opens 1♠. RHO passes and you…? I'll tell you only that your options include: 2♣ (Drury) and 3♥ (fit-showing, forcing one round). We'll play the *Jeopardy* theme while you consider your action…

𝄞 + * + * * …@… * + + * +

Ready? Did you bid 3♥? Good, I did too, but that's not the problem. (You knew this was a trick, didn't you?) Partner next signs off in 3♠ and now you…? Take your time, we'll wait…

𝄞 + * + * * …@… * + + * +

Okay. What did you do this time? Did you pass? Bid 4♠? 4♣? 4♥? If you passed I have to tell you that I'm disappointed. After all, even opposite a poor third-seat opener, such as ♠Kxxxx ♥xx ♦Axx ♣Jxx, game is quite a fair proposition. Improve partner's hand to ♠KQxxx ♥xx ♦Kxx ♣Axx and game becomes excellent, but

make it ÍKxxxx !KQ "Axx Êxxx and you'd want to be in slam! (Yes, I know with that last hand partner should have bid game over 3!, but he does have only 12 HCP.) Does anyone still vote to pass partner's 3Í sign-off?

Now what if partner huddles over 3! and then signs off in 3Í? The player holding this hand raised to 4Í and the opponents called the Director. The contract was rolled back to 3Í making four and you're asked to serve when N/S appeal that decision. How would you decide the case? Would you allow the 4Í bid or not?

No, I'm not going to wait for your decision (or play that music again) because I don't really care about it. (What?!) Besides, I don't think you have enough information to make a decision yet. Depending on that information I might allow the 4Í bid under some circumstances and disallow it under others. (I might have even *forced* a 4Í bid had South passed an emphatic 3Í sign-off and had 4Í been unmakable.) It would all depend on how the Director handled things at the table and on South's testimony at the hearing. (None of the other players' testimony is particularly relevant to me, but I'd need to hear from the Director who was at the table.) Here's why.

Suppose South: (1) made no assertion to the Director about the great playing strength of his hand opposite even a sub-minimum third-seat opener ("I thought we'd have a play for 4Í."); (2) made no statements to the effect that he never considered passing a 3Í sign-off and only bid 3! rather than an immediate 4Í "to keep the possibility of slam in the picture should North hold a suitable hand."; (3) made no statement about the possibility of E/W entering the auction and possibly saving over N/S's game and wanting to describe his hand (and second suit) so that North could make an intelligent decision if it became necessary. In other words, suppose South made no "uncoached" statements indicating that he had a plan beyond trying for game or preparing for certain competitive eventualities. Then I would not allow the 4Í bid.

The Director would play a role in my decision as well. For example, suppose he came to the table and made no attempt to determine from South what he was thinking. Suppose he presumed that the South hand was not a game bid or that South's 3! bid was clear evidence that South was looking for help from North to bid game. Suppose the Director then summarily adjusted the score to 3Í making four with no further input from South. In such a case I'd want to give South the opportunity at the hearing to explain his thinking. I'd prefer that the Director had given South the chance to make a statement at the table rather than my having to get it some hours after the fact.

On the other hand, suppose the Director had made several neutral inquiries of South as to the meaning of his 3! bid and what he was thinking when he made it. Suppose also that South, having been given ample opportunity, made no statements at the table regarding the strength of his hand, his intention to bring slam into the picture, or the need to prepare for possible intervention by the opponents. However, hours later at the hearing some of these arguments appeared in his testimony. In that case I'd (probably) give conclusive weight to the facts the Director determined at the table and discount South's statements made at the hearing (which obviously benefited from the extra time to come up with a justification for his action).

The lesson here is that there is no universally right or wrong decision in this (and many other) appeals cases. A good decision will depend on many factors such as the skill and fact-finding of the Director, the players' testimony, the judgment

and bridge expertise of the Committee members, and obtaining accurate input from other sources such as witnesses, system notes, convention cards and Committee members' personal knowledge of the players involved. Many of the judgments that have to be made will be quite subjective and vary in their level of complexity, such as:

> How good a player is so-and-so – could he have found that line of play? What is likely to have happened had the huddle and partner's subsequent action not occurred? What really happened at the table? How much weight should be given to so-and-so's statement? What valid inferences can we draw from their bidding system about their agreements in this ambiguous situation? Were the non-offenders' subsequent actions egregious – did they break the chain of causality between the infraction and the damage, thus forfeiting their right to redress? Was the card played? Was the action flagrant enough to justify a procedural penalty? Did the appeal lack merit? Did declarer know that a trump was still out, or that dummy's eight-spot was good, when he claimed? Did declarer call for dummy's "ace" or "eight"? Was this really a tempo-sensitive situation – should *this* pair have realized it? To what extent did East's unusual tempo – or failure to use his Stop Card – contribute to South's dilemma? Was pass a LA to that bid? Did the UI suggest that action? And finally, my personal favorite: Was there really a break in tempo?

Appeals decisions are not automatic. They can't be mailed in, looked up in a book or determined by reference to some precedent-setting case. There are simply too many factors to be taken into account to make such an approach feasible. In most areas of human endeavor (such as law, physics, chemistry, mathematics, medical diagnosis, human behavior and many others I could name) the correct solution to a problem is determined by applying a principle requiring an understanding of the underlying process rather than by making an arbitrary classification based on some superficial characteristic of the problem. We need to train people to see through to the principles.

As long as we look for "simple" solutions and expect "the correct" decision for each appeal case, we will never find a system that will make us happy. Committees must comprise a combination of bridge experts (who understand bridge principles), bridge-law experts (who know and understand the legal principles) and people skilled in running the proceedings (who know the process, can control the hearing, are good at facilitating deliberations and resolving conflicts, understand group dynamics, can keep things task-oriented and goal-directed, and are good at presenting and explaining decisions to the players). If any of these components is missing or weak, the problems with the process will increase. We cannot replace bridge players with law experts and expect to solve our problems. We need to combine our strengths to bring all of our resources to bear on the problem – not just one component.

Here's one final analogy. In statistics a random process is one which, over many repetitions, will produce a fair distribution of outcomes (such as flipping a fair coin). In any finite series of flips, anything is possible. Therefore, ten or twenty heads in a row does not mean that the coin is biased. Every series of flips does not

have to display a random-looking sequence of heads and tails. The same is true of the appeals process. Every decision does not have to conform to each one of our individual expectations as to what the "correct" outcome should look like. As long as the Committee followed correct procedure, examined all of the relevant evidence, considered all of the pertinent issues, took into account all of the possible bridge considerations, and evaluated all of this in a fair and unbiased way for both sides, then the process was a proper one – even if the Committee's final judgment does not match your or my personal judgment.

If an individual is found to have inadequate bridge skills or laws knowledge, they should be replaced by someone who is superior in that area. If our Committees are not being staffed with a good balance of bridge, laws and process people (all expert players does not make for a good Committee, nor does all good process people or all proficient laws people), then we need to evaluate the abilities of our members, determine their areas of strength, and use that knowledge to balance our Committees better. But an error of this sort does not invalidate the entire process.

The bridge skills of the Committee members is of paramount concern in most cases. This aspect of the process cannot be overestimated. In all cases, but especially in high-profile ones (those from our premier events), we need to have the best bridge players possible on our Committees. One can ask the Screening Director about the laws, or get help with the process, but there is no substitute for raw bridge ability.

I believe the solution to our current problem is to make the process we have now work better, the way it was intended to; not to replace it with a different (and flawed) system. Change for the sake of change is not the answer. The saying "The grass is always greener…" quite accurately describes the trial we are about to embark upon. Let's just hope that the grass on the other side of this fence doesn't turn out to be the fire to our frying pan.

"Judges" for 100, Alex.

THE PANEL'S DIRECTOR AND COMMITTEE RATINGS

Case	Directors	Committee	Case	Directors	Committee
1	51.2	74.8	19	93.9	90.0
2	69.7	62.7	20	97.3	95.4
3	84.5	71.5	21	57.6	94.8
4	92.4	90.9	22*	60.5	80.8
5	43.6	70.9	23*	86.7	89.4
6	74.2	86.4	24*	62.9	91.9
7	90.7	91.7	25*	76.9	90.0
8	75.8	75.4	26	63.3	68.8
9	64.2	58.2	Mean	74.3	80.8
10	77.7	62.7	27	85.7	79.0
11	66.1	60.0	28	76.7	75.9
12	77.7	75.7	29	88.7	54.0
13	90.0	89.7	30	58.7	56.7
14	60.6	81.2	31	50.3	79.3
15	51.1	98.3	32	82.0	62.0
16	83.6	82.1	33	53.3	82.5
17	83.0	83.3	34	73.0	62.7
18	95.4	83.0	Mean	71.1	69.0

***Mean Ratings for the four ITT Cases (22-25) alone are:**
Directors: 71.8; Committees: 88.0

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