

|         |                     |
|---------|---------------------|
| APPEAL  | NABC+ SEVEN         |
| Subject | Misinformation (MI) |
| DIC     | Henry Cukoff        |
| Event   | Lebhar IMP Pairs    |
| Session | First Qualifying    |
| Date    | March 13, 2008      |

|     |             |
|-----|-------------|
| BD# | <b>10</b>   |
| VUL | <b>Both</b> |
| DLR | <b>East</b> |

|                          |         |
|--------------------------|---------|
| <b>Stephen Goldstein</b> |         |
| ♠                        | Q J 6 4 |
| ♥                        | A K 4 3 |
| ♦                        | J 2     |
| ♣                        | J 8 6   |

|                     |         |                                    |                    |           |
|---------------------|---------|------------------------------------|--------------------|-----------|
| <b>Dan Gerstman</b> |         | <b>Spring 2008<br/>Detroit, MI</b> | <b>Marc Nathan</b> |           |
| ♠                   | K 2     |                                    | ♠                  |           |
| ♥                   | Q 9 8 7 |                                    | ♥                  | J T 6 2   |
| ♦                   | Q 9 7   |                                    | ♦                  | A K T 8 3 |
| ♣                   | A K 4 3 |                                    | ♣                  | Q 9 5 2   |

|                       |               |
|-----------------------|---------------|
| <b>Leslie Paryzer</b> |               |
| ♠                     | A T 9 8 7 5 3 |
| ♥                     | 5             |
| ♦                     | 6 5 4         |
| ♣                     | T 7           |

|      |       |      |       |
|------|-------|------|-------|
| West | North | East | South |
|      |       | Pass | 2♠    |
| Dbl  | 3♥    | 3♠   | Pass  |
| 3NT  | Pass  | 4♦   | Pass  |
| Pass | Pass  |      |       |

|                  |                                 |
|------------------|---------------------------------|
| Final Contract   | <b>4♦ by E</b>                  |
| Opening Lead     | <b>♥5</b>                       |
| Table Result     | <b>Made 4, E/W +130</b>         |
| Director Ruling  | <b>4♥ E, making 4, E/W +620</b> |
| Committee Ruling | <b>4♦ E, making 4, E/W +130</b> |

**The Facts:** The director was called after the hand was played. West had asked South the meaning of the 3♥ bid and was told it was nothing special. The agreement is that it shows a fit with spades but asks for the lead of a heart (McCabe). This was discovered at the end of play during a discussion by E/W of how they could reach 4♥ when North said, "Don't you remember? My 3♥ bid was lead directing with a spade fit."

**The Ruling:** South's explanation was determined to be MI. In accordance with laws 12, 21 and 40, the result was adjusted to 4♥ by East making four, E/W plus 620.

**The Appeal:** North and South live at opposite ends of the country. For many years they have played occasionally at NABCs for a few days. North is a more experienced player than South and has frequently made suggestions about how certain auctions should be played. Often South listens but does not incorporate the comments into a partnership agreement. South would have recognized a bid of 4♥ as a fit showing jump.

**The Decision:** The N/S convention cards were clearly unmarked regarding North's 3♥ bid in the auction that took place at this table.

The committee determined that South's explanation of North's 3♥ bid, "nothing special," accurately described the N/S partnership agreement. E/W were damaged by their own judgment, not misinformation. Thus, the table result of 4♦ by East making four, E/W plus 130 was reinstated.

**The Committee:** Doug Doub (Chair), Ed Lazarus, Chris Moll, Jeff Roman and Jim Thurtell.

### **Commentary:**

**Goldsmith** N/S are unlikely to have notes that say that 3♥ was not conventional, so law 75D tells us to assume MI. If E/W were damaged by MI, they get redress. Law 12C2 gives them the best result likely, which is reaching 4♥, plus 620. N/S get the worst result at all probable. That's either minus 620 or minus 790. Is it at all probable that North doubles 4♥? Maybe. If N/S are playing sound weak two bids, North's spade holding makes it likely that South has the ♠AK, in which case the tap should beat 4♥. South might even have a key queen, in which case the penalty might be pretty large. If N/S are playing lightish weak twos, however, there won't be a double. At IMP pairs, the downside of a bad double is only 2-4 IMPs (minus 620 is usually lose a few anyway, so the extra 170 has diminished cost). Plus 500 is not out of the question, and that's probably win 9 or more, so this is the perfect time for an aggressive double. Enforcing it seems a little strange at first glance, but is doubling 4♥ at all probable with good IMP odds, with playing in an event which needs extra variance, and with a promising defensive plan? Probably so. If so, it is required by law 12C2.

Were E/W damaged by the MI? East knew that 3♥ wasn't natural, but was it either a psych or some sort of spade raise. From his hand, odds are that it was McCabe. Why not double 3♥? If it goes all pass (yeah, right) then you get four digits. North will, of course, run to 3♠. Now E/W can get to 4♥ without much trouble; over 3♠, East can bid 4♦ and West bids 4♥.

There is some chance that South, upon hearing about spade support, however, will bid 4♠. Still, East was quite a bit to blame for his bad result. But the MI made it a bit harder to reach 4♥; An East could easily think, "if I bid 4♥, partner will think it is a cue bid, so I can't do that." Going a little farther should let him find the double, but I think that not doing so isn't egregious, but it's close. I'd be OK with ruling that East knew and could protect himself, but it's particularly difficult to play a strain that an opponent bids naturally, and because that happened, I'd cut East enough of a break to let him get his normal result. I think it's a close enough call that I wouldn't argue too much with a committee that decided differently.

Regardless of how one assigns E/W's score, N/S has to get minus 620 or minus 790.

- Polisner** The only question to be answered is whether or not the 3♥ bid is a partnership understanding or agreement. The committee determined in the negative. End of story.
- Rigal** The committee was better placed than I to determine what constituted an agreement and what did not. I'd rely on the convention card. If North's card was marked with McCabe, I'd assume it was in play, otherwise not. West's responsibilities were clearly abnegated by passing 4♦.
- Smith** South's explanation that 3♥ was "nothing special" is an accurate description of what she thought it was, but not necessarily an accurate description of the actual N/S agreement.  
Just because it was not marked on the convention card does not mean they did not have this agreement. North by his own words thought they had discussed it and formed the agreement. Why should we trust South rather than North when law 75 instructs that the burden of proof is on N/S (the director and committee should presume mistaken explanation instead of mistaken bid in the absence of evidence to the contrary)?  
North's remark that he thought an agreement existed is balanced against no notation on the convention card. To me, that is a wash and the committee should presume misexplanation. The law intends to give the benefit of the doubt to the non-offenders in this kind of situation, and I don't think the committee did that here. I prefer the director's ruling to the committee's for that reason.
- Wildavsky** This one was close -- both decisions seem reasonable. The write-up seems to be missing a little something. Based on what I read I'd have strongly considered giving a split ruling, N/S minus 620 and EW plus 130, per Law 72B1.
- Wolff** Combination of things:  
1. The insidious convention disruption (CD) by N/S.  
2. East not opening the bidding.  
3. West making an "in the trenches" decision to pass what normally would be a forcing bid, but being in a terrible position because of North's 3♥ CD. Until we make an effort to eliminate CD by penalizing it out of existence, we are hurting our game. Bridge could not be played on this hand once North bid 3♥ which was not properly explained. We need to wake up, smell the coffee and try and correct a sad wrong, which has grown out of control. A proper ruling to me would be to give E/W an average result and give N/S the equivalent of a zero (minus some number of IMPs since it is an IMP Pairs) for their CD.