

APPEAL	NABC+ ONE
Subject	Failure to Correct Partner's Misexplanation
DIC	Henry Cukoff
Event	Von Zedtwitz Life Master Pairs
Session	First Qualifying
Date	July 18, 2008

BD#	<b>18</b>
VUL	<b>N/S</b>
DLR	<b>East</b>

<b>Frank Aquila</b>	
♠	A 9 2
♥	K T 6
♦	Q 9 5
♣	J T 5 2

<b>Richard Gross</b>		<b>Summer 2008 Las Vegas, NV</b>	<b>Paul Stern</b>	
♠	K 3		♠	T 7 6 4
♥	J 8 7 5		♥	A Q 9 2
♦	A K J T 7		♦	3
♣	8 4		♣	A K 6 3

<b>Jerome Rolnick</b>	
♠	Q J 8 5
♥	4 3
♦	8 6 4 2
♣	Q 9 7

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

Final Contract	4♥ East
Opening Lead	♥4
Table Result	Made 5, E/W +450
Director Ruling	4♥ E, made 4, E/W +420
Committee Ruling	4♥ E, made 4, E/W +420 Procedural Penalty of 1/10 board to E/W

**The Facts:** The director was called after E/W had left the table. E/W had 4<sup>th</sup> suit forcing on their convention cards. East thought 2♠ over 1♥ would be 4<sup>th</sup> suit but West thought 1♠ was 4<sup>th</sup> suit. West did not inform N/S that there was a failure to Alert before the opening lead was faced.

**The Ruling:** West had intended his bid of 1♠ to be conventional and artificial. He did not inform his opponents of the failure to Alert after the auction and before the opening lead. The director judged that had West informed his opponents prior to the opening lead that South would be likely to lead a spade. Then director judged that with a spade lead East was unlikely to make five. Therefore, in accordance with Laws 75D2, 40C and 12C2, the result was adjusted for both sides to 4♥ by East making four, E/W plus 420.

**The Appeal:** N/S and East appeared at the hearing. According to them, E/W left the table and N/S called the director before or at the beginning of the next round. E/W were not informed until roughly two hours later. E/W did not make a statement to the director until then.

East stated that it seemed unfair that after he had played the hand double-dummy that his result was taken away. And, if it took two hours for the director to rule, something must be wrong or maybe they weren't sure.

**The Decision:** The E/W convention card was marked "4th suit forcing." Absent any contrary evidence the committee concluded that the agreement applied to 1♠. West's failure to inform his opponents that there was a failure to Alert was an infraction. If West had complied with the law (i.e. announced the failure to Alert), it would have been discovered that his 1♠ call was intended to be conventional and artificial. With this information, some players would lead a spade and some would lead a heart. No one would lead a spade thinking that 1♠ was natural. Since a spade is more successful than a heart, N/S were damaged. An adjustment was in order. Therefore, the committee upheld the director's adjustment for both sides of 4♥ by East making four, E/W plus 420. The more difficult decision was whether or not to award an appeal without merit warning (AWMW). On the face of it, the Laws and bridge judgment are clear enough that this case itself has no merit. However, it occurred during the first round and a movement snafu had the directors rather busy. As a result, E/W never heard that the director was called or that there was a ruling until near the end of the session. This lack of communication made E/W unclear that this was a fairly simple ruling of law and made the whole thing seem unfair. Had there been timely notification and communication, the committee would have decided that there was no merit to the appeal. The infraction by West, however, was blatant and unacceptable for a player of West's experience. The committee felt that it wanted to impress upon West his obligation to speak up in the future and, therefore, awarded a token procedural penalty (PP) of 1/10 of a board. Law 90 encourages directors and committees to award a PP for errors in procedure that require adjusted scores to be awarded.

**The Committee:** Jeff Goldsmith (Chair), Jerry Gaer, Abby Heitner, Riggs Thayer and Jon Wittes.