

APPEAL	NABC+ EIGHT
Subject	Unauthorized Information (UI) - Tempo
DIC	Tom Whitesides
Event	Truscott USPC Senior Swiss Teams
Session	Second Final
Date	July 24, 2007

BD#	12
VUL	N/S
DLR	West

Steve Love	
♠	A 8 7 6 5
♥	K T 9 5 4 3
♦	A 9
♣	

Leo Bell		<b>Summer 2007 Nashville, Tennessee</b>	Marshall Miles	
♠	Q T		♠	K J 4 3
♥	A J 6		♥	8
♦	J 3 2		♦	K T 8 7 6 4
♣	K Q 8 6 3		♣	9 7

Marc Leventhal	
♠	9 2
♥	Q 7 2
♦	Q 5
♣	A J T 5 4 2

West	North	East	South
1NT <sup>1</sup>	2♦ <sup>2</sup>	2NT <sup>3</sup>	Pass <sup>4</sup>
3♣	3♥	Pass	4♥
Pass	Pass	Pass	

Final Contract	<b>4♥ by North</b>
Opening Lead	<b>♣9</b>
Table Result	<b>Made 4, N/S + 620</b>
Director Ruling	<b>4♥ N, made 4, N/S +620</b>
Committee Ruling	<b>4♥ N, made 4, N/S +620</b>

(1)	12-14 HCP.
(2)	Shows both majors.
(3)	Lebensohl.
(4)	Break in tempo (BIT) of seven or eight seconds.

**The Facts:** The director was first called immediately after North bid 3♥ and was called back after the play of the hand. E/W stated that South broke tempo over East's 2NT bid. N/S acknowledged the break in tempo (BIT) but said that, since 2NT was Alerted, South needed time to think.

**The Ruling:** The director determined that there was an agreed BIT by South. The director judged that, in accordance with law 16A, that there was no logical alternative (LA) to North's 3♥ call. Therefore, the table result of 4♥ by North making four, N/S +620 was allowed to stand.

**The Appeal:** E/W argued that although it is attractive to bid with the North hand, he had already shown a good hand by entering at the two-level with unfavorable vulnerability. East could have a game going hand and still bid 2NT; so, 3♥ is not without risk. If North passed over 3♣, East would bid 3♦ and South might bid 3♥ and be set in 4♥ on a diamond lead, or N/S might not reach game. There is a risk in North's bid of 3♥, but, when South hesitated over 2NT, that risk was virtually eliminated.

North had shown the majors with his 2♦ bid, but he had not shown 6-5 distribution.

Opener had a minimum opening bid and LHO's 2NT bid most often is a competitive hand with a long minor. If East did have a game going hand, it would not be one that had significant interest in penalizing the opponents, since he had not doubled 2♦. With a five loser hand, good intermediates in his primary suit, and a void in the suit the opponents might be about to play, North thought it was clear to bid.

The committee discovered that, when 2NT was Alerted, South inquired. West answered, "If you pass, I am required to bid 3♣. East has one of several possible types of hands."

After the explanation, N/S judged that South took 3-5 seconds to bid, some of which involved digesting the explanation. They did not consider the time South took to constitute a BIT. E/W stated that South took about seven seconds to pass after the explanation.

**The Decision:** It was not clear to the committee that the time South took to bid constituted a BIT. Although players are encouraged to explain their bids rather than use the convention's name, for conventions that are widely used and understood it is often more helpful to name the convention. It probably took South a few seconds to translate West's explanation into Lebensohl, followed by a couple of seconds to consider his call. However, considering the powerful North hand, the question of whether South broke tempo became moot.

In order for a call to be considered a logical alternative (LA), it must be one that at least a significant minority of your peers would seriously consider making and some would actually make. The committee judged that pass was not close to being a LA call to the selected 3♥ call.

Therefore, the table result and director's decision of 4♥ by North making four, N/S plus 620 was allowed to stand.

Additionally, the committee judged that E/W should have recognized that there was no LA to 3♥ upon seeing the North hand at the end of the play of the hand, and should not have appealed the director's decision. Therefore, the committee issued an appeal without merit warning (AWMW) to E/W and to their team captain.

**The Committee:** Doug Doub (Chair), Tom Carmichael, Michael Huston, Mike Kovacich and Bob White.

**Commentary:**

- Goldsmith** I think this is a close call, but I bet that some number of North's peers would pass 3♣. If so, then pass is a LA. My experience has been that pretty much in any competitive bidding situation unanimity does not occur. Will several not bid or will only a very few? I don't know, and I don't think the appeals committee (AC) knows either.  
But that doesn't matter at all. If North passes 3♣, East will bid 3♦, and no one can tell North he can't bid 3♥ now, which will get raised.  
So result stands, and ought there to be an AWMW for E/W? East is a Hall of Fame member, and I think we ought to hold those people to a high standard---he ought to have realized this. AWMW is a decision. If it's a decision, I don't give one.
- Polisner** Once a determination was made that there was no BIT, the case is over. No adjustment.
- Rigal** Once we reach the territory of tree-wasting and miserable and pettifogging appeals two; it seems we are destined to stay there for what seems an eternity.
- Smith** I think the facts that N/S agreed to the hesitation at the table, and 2NT as Lebensohl is such a common treatment add up to an "unmistakable hesitation". So, on that matter, I don't agree with the committee. As for the rest, I agree with the committee that pass is not a logical alternative although I'm a bit surprised that they found it so obvious to bid that an AWMW was issued.
- Wildavsky** The tournament director and appeals committee (AC) rulings are okay, but I think this appeal had a lot of merit. An AC must be careful when concluding that an appeal had no merit because the action chosen at the table was clear-cut. That's very close to saying that there was no logical alternative to the action chosen, which is precisely what the committee needs to decide. With some committees it seems that in cases like this the only possibilities for the appellants are to prevail or to receive an AWMW.
- Wolff** Totally agree with the decision and the reasons for it. With artificiality and unusual conventions like Lebensohl in full bloom we need to slow down and allow a small BIT to not mean anything. The key is that if one has either a Yarborough or a near one he or she must wait a few seconds before bellowing out pass!
- Zeiger** Perfect! No chance East or West wouldn't have bid 3♥ with the North hand, yet they asked a Committee to do just that? Not as bad as the previous appeal, but pretty bad."

