

APPEAL	NABC+ TWO
Subject	Unauthorized Information
DIC	Henry Cukoff
Event	LM Pairs
Session	1 st Final Session
Date	July 25, 2010

BD#	14
VUL	None
DLR	East

Eric Greco	
♠	T8732
♥	T96
♦	T54
♣	Q8

William O'Brien		Summer 2010 New Orleans, LA	John Maki	
♠	AK9		♠	Q5
♥	AK85		♥	J7
♦	873		♦	KQJ96
♣	KJ5		♣	9642

Brad Moss	
♠	J64
♥	Q432
♦	A2
♣	AT73

West	North	East	South
		P	1♦ ¹
Dbl	P	P	Rdbl
P	1♥	P	P
Dbl	1♠	P	P
Dbl ²	P	1NT	P
3NT	P	P	P

Final Contract	3NT by East
Opening Lead	♥2
Table Result	Made 5, EW +460
Director Ruling	3NT made 5, EW +460
Committee Ruling	3NT made 5, EW +460

(1)	Precision 11-15 HCP
(2)	Disputed Break in Tempo by West

The Facts: There was a disputed break in tempo by West before the double of 1♠. North-South claimed that West hesitated for approximately 20-25 seconds, while West claimed it was more like 7-10 seconds. East denied noticing anything during the auction. Before the double of 1♠, West remarked that "I'm running out of red cards." North-South called the director after East's 1NT bid.

The Ruling: The director ruled that the table result of +460 East-West stands. The director decided that the comment at the table did not demonstrably suggest any particular action and therefore there was no unauthorized information under law 16. The director also decided that there was not an unmistakable hesitation.

The Appeal: North-South appealed the director's ruling and North, East, and West attended the committee hearing. North-South claimed that West took 20-25 seconds before doubling 1♠ specifying an initial pause, a comment, a second pause, then a second comment to the effect of "I'm running out of red cards." North reported that South instantly called the director after East bid 1NT and argued that East should have bid 1NT on a previous round of the auction not after the break in tempo.

West reported that he made all his bids in normal tempo, but admitted upon further questioning by the committee that he took more time to bid over 1♠ than he did in previous rounds of the auction. West finally admitted to a break in tempo of 5-7 seconds and an inappropriate comment before doubling 1♠. East indicated that he passed over both 1♥ and 1♠ as the auction could not end and indicated that he did not notice West's tempo during the auction.

The Decision: The committee determined that West made unauthorized information available before doubling 1♠, both by his inappropriate comment and by his tempo, but that the unauthorized information did not demonstrably suggest one action over another. The committee therefore determined that the table result of East-West +460 should stand for both sides, per Law 16.

The appeal was found to have substantial merit.

The Committee: Chris Moll (Chairman), Tom Peters, Dick Budd, Jim Thurtell, and Ed Lazarus.

Commentary:

Bramley: I disagree strongly. The Directors in both case (1) and (2) failed to apply any kind of legal reasoning, and this time the Committee bought the same bill of goods. While we are here I'd like to repeat my request from eons ago to put the Director's name on the appeal (not just the DIC). The players, the Committee members and the commentators all have their names out there. Why not the Directors? The rest of us have to live with the publicity when we screw up. The Directors should, too. I reject the argument that the "hired help" is somehow immune from explicit criticism.

Anyway, the Committee at least determined that there was a noticeable break in tempo, which seems apparent from the facts. However, for them to claim "no demonstrable suggestion" is mind-boggling. A slow double clearly implies only three trumps, making a removal to One Notrump much more attractive. Furthermore, I'm not buying the argument that East's pass was forcing on West. Couldn't East have had xxx-xx-QJ1098-xxx and been rooting for the auction to end soon? Even if we accept that pass is forcing, why not bid 1NT immediately if that's what you "always" were going to do. Wouldn't that imply more values than an eventual 1NT? I would have changed the result for both sides to 1♠ doubled, down two, +300 to E/W.

Goldsmith: This is an easy one. East had a 9-count and ♠Qx. Partner made a takeout double of 1♦ and sawed off 1♠. East was willing to play 1♥ undoubled with ♥Jx, which seems very odd to me, but when partner, who rated to have four good spades, suggested

penalties in 1♠, he ran to 1NT. Why? Because he knew his partner had an enthusiastic double of 1H, but not of 1S. How did he know it? I don't see any authorized way, so the alleged BIT seems pretty clearly how.

It looks to me as if 1♠x will take 5 tricks. It's possible that North will take 6 tricks, but I don't think it's at all probable. Pretty much, E/W will come to 3 spades, 2 hearts, 2 diamonds, and 1 club for 8 tricks. If they don't draw trumps, North will get a diamond ruff, but East will get a heart ruff. Accomplishing both drawing trumps and getting the heart ruff won't happen. I'd award reciprocal 300s.

Kooijman: How can the TD decide that there was no unmistakable hesitation? When a player estimates a pause by his own side as 7 to 10 seconds experience tells us that it is 10 as a minimum. I am puzzled. I agree that West's remark gives no substantial information, but please put another double card in his bidding box. I don't believe that East did not notice the hesitation and I do not like the appeal by NS. This table goes for the prize for bad behavior by all four players. Do I need to say that I sustain the AC decision? But not all aspects, what substantial merit did the appeal have, or were Greco-Moss too important to handle?

Rigal: I'm unconvinced by the arguments here but frankly I can't imagine what I'm supposed to do over this auction – and the discussions on tempo have not persuaded me that there really was a break in tempo.

Wildavsky: The TD's statement improperly compounds two separate issues, whether there was UI and, if there was, whether that UI could demonstrably suggest one action over another. The comment clearly constituted UI – the question is whether it was suggestive.

I agree with Bart and Jeff and disagree with the TD and the AC. The comment, though improper, does not suggest anything. A slow double, however, clearly suggests three trump rather than four and makes defending relatively less attractive. A pass, while it might not be the majority choice, is certainly not a clear mistake – it would be right quite often. On the facts as presented, I would have adjusted the score for both sides to NS - 300 in 1S doubled.

Wolff: Everything considered I would rule EW +460, NS-460.

Reasons: 1. Remark made was no influence, 2. Regarding the possible maneuvering around EW standing for 1♥ double, but not 1♠ doubled: North had psyched 1 heart on the way to 1 spade and upon doing such antics will normally slow down the opponents actions. Because of that mainly is the reason why I would allow the various tempos with no real restriction.