American Contract Bridge League

Presents

The Philadelphia Story

Appeals at the 1996
Spring NABC

Starring

Joan Gerard . . as the Chairman
Alan LeBendig and Peggy Sutherlin
. . as the Co-Chairmen
And the members of the NABC
Appeals Committee
. . as Themselves

With Your Editors
and Hosts

Eric Kokish & **Rich Colker**

This casebook is dedicated to the memory of Howard Chandross: He will be missed.

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INTRODUCTION

I would like to take this opportunity on behalf of the National Appeals Committee to thank John Blubaugh for the tremendous effort and dedication he has exemplified over the years in compiling the ACBL's Committee Decisions. Without his hard work and the work of many others including Frank Jewett III, Karen Lawrence, and Linda Weinstein we would not have been able to get this project off the ground. We appreciate all that they have done.

In some ways Appeals were a disappointment in Philadelphia; 41 cases - ugh - the same number we had in Cincinnati. We seem to be moving backwards. But the good news is that we have added some expert guidance and administrative skills to our committee. Eric Kokish served as Special Consultant to Appeals and Richard Colker acted in the capacity of National Recorder, chaired many of our committees and worked with Eric on accurately reporting the Appeals cases in the Daily Bulletin. Together with Alan and Peggy they selected committees and worked with the screening Directors, Peter Mollemet and Brian Moran. Linda Weinstein continued to be part of our team acting as a scribe, helping to compile the Appeals Book, sending out the cases to the commentators and helping to organize the responses. We are hopeful that our plan will receive Board approval in Miami, and that this group will be able to work together to implement many new ideas for the improvement of the Appeals process.

Those of us who work with Appeals must remember that this is a job that would be best if it would go away and there would be no need to appeal a Director's ruling. There are some who believe that it would be best for a player to appeal, if necessary, to the Director in Charge, or to a designated "Appeals Director." Obviously, there are also those who have a different opinion. However, this may well have certain advantages if there were a well-organized plan. The more that players can play the game without hassle, the more players that will want to play the game.

We hope you enjoy the new format of the ACBL Appeals Committee Decisions Book. Our thanks to Eric Kokish and Richard Colker for the format and the discussions of the issues affecting each case, and to Linda Weinstein for serving as editorial assistant.

I am looking forward to seeing many of you in Miami. Thanks to all of you for the time and effort you give to serving on National Appeals, and thanks to all the experts who spent endless hours "serving on the 41 Committees" to make this book possible.

Joan Levy Gerard, Chairman

PREFACE

Making good Committee decisions is a lot like good detective work. It involves logic, deduction, inference, and judgement, not to mention good interviewing skills. It also requires a familiarity with the Laws of Duplicate Contract Bridge and ACBL Regulations, as well as a healthy dose of Committee experience. These casebooks have come a long way in providing us with a valuable record of Committee actions to supplement our individual experiences, and expert commentary to help us evaluate and refine our judgment and perspective on applying what we know to actual cases.

No casebook, however, can impart the requisite reasoning skills to those who do not already possess them. We ask our better bridge players to serve on Appeals Committees because they already possess those skills, but that alone does not guarantee a good Committee person. One must also be open-minded, tactful, persuasive, goal-oriented, disciplined and organized. A working knowledge of the Laws and Regulations is crucial; a sense of humor and a lack of ego a must.

We can't create good Committee people from those unsuited to the task, but we can develop experience, judgment, and knowledge of the Laws and Regulations in promising candidates. In these casebooks we try to provide a model for the improving Committee member (does this sound like "the advancing player?"), a place to critique and refine their skills. But where these casebooks truly excel is as a forum for the discussion and development of the philosophy and principles which underlie the appeal process. And it is to this end that we have chosen to devote a major portion of our efforts.

A recurring theme in this casebook is the process of applying the following laws:

1. Law 16 (Unauthorized Information) states: "Players are authorized to base their actions on information from legal calls or plays and from mannerisms from opponents. To base action on other extraneous information may be an infraction of law."
2. Law 16A (Extraneous Information from Partner) continues: "After a player makes available to his partner extraneous information that may suggest a call or play, as by means of . . . the partner may not choose from among logical alternative actions one that could reasonably have been suggested over another by the extraneous information."
3. Law 73F states: "When a violation of the Proprieties described in this law results in damage to an innocent opponent" then Law 73F1 (Player Acts on Unauthorized Information) provides that: "If the Director determines that a player chose from among logical alternative actions one that could reasonably have been suggested over another by his partner's remark, manner, tempo, or the like, he shall award an adjusted

score . . ."

4. Law 12C2 (Assigned Score) then instructs: "When the Director awards an adjusted score in place of a result actually obtained after an irregularity, the score is, for a non-offending side, the most favorable result that was likely had the irregularity not occurred, or, for an offending side, the most unfavorable result that was at all probable. The scores awarded to the two sides need not balance, and may be assigned either in matchpoints or by altering the total-point score prior to matchpointing."

Assigning an adjusted score (described in 4 above) requires three separate preliminary determinations. First, that an irregularity actually occurred (for example, in the case of a possible hesitation, it must be determined that the tempo was at variance with the previous auction, or with the pair's normal tempo). Second, that there was subsequent damage to the innocent opponents. And third, that the damage was a direct consequence of the irregularity.

Appeals Committees are faced with a multitude of fact patterns, and cases can vary widely in degree of difficulty. Nonetheless, it is this basic sequence of assessments that provides the foundation for making good decisions.

We have introduced a new feature with this casebook which we hope will provide some additional helpful information. We've asked our panelists to provide two numerical ratings for each case: one for the Directors' ruling and another for the Committee's decision. Most panelists provided both ratings for every case, and no case had more than two of them missing. (One panelist declined to provide any ratings.) For each case mean ratings for the Directors and the Committee (averaged over only those panelists who provided ratings for that case) appear at the end of the case presentation, before the panelists' comments. At the end of the casebook, the mean ratings for all cases appear again in a single table, for handy reference.

And finally, we wish to thank those who contributed their time and talents to this project, without whom this casebook would truly not have been possible: Linda Weinstein, executive editor and scribe; Beverly Kraft; Nick Krnjevic; and Brian Trent. We also wish to thank Edgar Kaplan, for graciously receiving our frenzied calls at all hours, and for his enlightening discussions of law and philosophy.

Eric Kokish and Rich Colker

THE EXPERT PANEL

Bart Bramley, 48, was born in Poughkeepsie, New York. He grew up in Connecticut and Boston and is a graduate of MIT. 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 is proudest of his 1989 Reno Vanderbilt win and his participation in the 1991 Bermuda Bowl. He also credits Ken Lebensold as an essential influence in his bridge development.

Larry Cohen, 37, was born in New York. He is a graduate of S.U.N.Y. He currently resides in Little Falls, New Jersey. He is a Bridge Professional and author of two books that are both 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 fifteen National Championships.

Ron Gerard, 52, 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 (Chairman of the National Appeals Committee) 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 while playing only once on a professional team.

Bobby Goldman, 57, was born in Philadelphia. He currently resides in Dallas with his wife Bettianne and his twelve year old 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 bridge practice hands and evaluate bidding probabilities. Bobby has won four World Championships and more than thirty National Championships.

Edgar Kaplan, 71, was born in New York, where he currently resides. He has been the editor and publisher of *The Bridge World* since 1967. He is a member of the ACBL Hall of Fame, is one of the world's great players and writers, and is regarded as the world's greatest authority on the laws of duplicate and rubber bridge. Edgar is in constant demand as a commentator for WBF Championships and NABC Pendergraph presentations for his expert analysis and delightful wit. Among his numerous National Championships he is proudest of his 1983 Miami Reisinger victory when Ozzie Jacoby, 80, was on his team.

Nick Krnjevic, 37, was born in Australia. He is single and currently resides in Montreal, where he is an insurance lawyer. Nick has recently become obsessed with golf, and can be found on the links until well past dusk on many summer evenings. His proudest bridge accomplishments are his multiple appearances in the final stages of the Canadian National Teams Championship. Nick is our token Canadian panelist.

Alan LeBendig, 48, was born in Cleveland. He currently resides in Los Angeles with his longtime companion Suzanne Trull. He has a 22 year old son, Mark, who is a Senior at UCLA. He is the co-owner of the Barrington Bridge Club. His hobbies include playing Blackjack and surfing the Internet. Alan has been Co-Chairman of the National Appeals Committee since 1988. He is proudest of his second place finish in the 1993 Washington Life Master's Pairs and winning the 1993 Seattle North American Swiss Teams.

Barry Rigal, 37, was born in London, England. He is single and currently resides in New York 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. We are not at all surprised at his ability to confuse the audience with his remarkable grasp of the most convoluted bidding sequences. 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.

Peggy Sutherlin, 59, was born in Dallas. She currently resides in San Francisco with John, her husband of twenty-nine years. She has been a flight attendant for the past 35 years with American Airlines. Her main hobby is genealogy. Peggy has been Co-Chairman of the National Appeals Committee since 1990, and is a member of the ACBL Laws Commission. She is a WBF World Master, finishing second in the World Mixed Pairs in 1982, fourth in the 1987 Venice Cup, and has won several National Championships. She has served as a contributing editor to *The Official Encyclopedia of Bridge*.

Michael Rosenberg, 42, 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. 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. He was the ACBL player of the year in 1994. His hobbies include tennis and music. 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.

Howard Weinstein, 43, 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 has had a hole in one). He is a member of the ACBL Ethical Oversight Committee and has been a National Appeals Committee member since 1987. He has won three National Championships, numerous regional events, and is proudest of his 1993 Kansas City Vanderbilt win.

Bobby Wolff, 63, 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 greatest players and has won ten World Titles and numerous National Championships. He served as the 1987 ACBL president and the 1992-1994 WBF president. He has served as tournament recorder at NABCs, and is the author of the ACBL active ethics program. His current pet projects are eliminating Convention Disruption (CD) and the flagrant propagation of acronyms (FPA).

CASE ONE

Subject: Unlikely Assignment
Event: NAOP, 28Feb96, 1st Qualifying

Board: 34
Dealer: East
Vul: N-S

Tom Kniest
Í 82
Ì KQ
Ë KQJ952
Ê 974

Larry Baucher
Í Q10754
Ì 10962
Ë 764
Ê K

Glenn McIntyre
Í K
Ì AJ43
Ë 1083
Ê AQ1052

Karen Walker
Í AJ963
Ì 875
Ë A
Ê J863

WEST	NORTH	EAST	SOUTH
		2Ê (1)	Pass
Pass (2)	2Ë	2 Ì	2 Í
3 Ì	All Pass		

(1) Precision (11-16 HCP); if upper range must have a four-card major or six clubs; no suit requirement for lower range
(2) Break in tempo

The Facts: 3 Ì made three, plus 140 for E-W. Opening lead: ËA. West broke tempo before he passed the natural 2Ê bid. N-S called the Director after East bid 2 Ì. The Director was called back after the auction. The Director changed the contract to 2Ë made two, plus 90 for N-S (Law 12C2).

The Appeal: E-W appealed. They believed that N-S plus 90 (and E-W minus 90) was too generous for N-S. They did not think the auction would end at 2Ë because either South or West would have taken some action.

The Committee Decision: East had agreed that he should not have bid 2 Ì. The Committee discussed possible auctions and decided that the outcome was uncertain. The Committee awarded N-S Average Plus or plus 90, whichever was WORSE (so the non-offenders would not receive a windfall profit). The Committee then decided that 2Ë satisfied the requirements of Law 12C2 as the

most unfavorable result that was at all probable (based on the Law Commission's "one-in-six" guideline), and assigned E-W minus 90 or Average Minus, whichever was worse. The Committee was not unanimous. Two members felt that 2Ë passed out did not meet the one-in-six guideline.

Chairperson: Alan Le Bendig
Committee Members: Bob Glasson, Jim Linhart, Chip Martel, Adam Wildavsky

Directors' Ruling: 74.0 **Committee's Decision:** 57.5

West hesitated in a "live" auction, after which East made a bid (2 Ì) that was (admittedly) unjustified by his hand. So we have an open-and-shut case.

Or do we? Although everyone agrees that East's 2 Ì bid must be canceled, there is a divergence of opinion concerning the score adjustment. Most of our panelists feel that one side or the other didn't get what it deserved in Committee.

Bramley: "The adjustment for N-S was okay. The adjustment for E-W was wrong. If the Committee felt that minus 90 was 'the most unfavorable result that was at all probable,' then that should have been the adjustment. If Average Minus happened to be a worse score than minus 90, there was no justification for forcing that score on E-W."

According to Bart, N-S are entitled to protection . . . up to Average Plus, but not beyond (this restriction for the non-offenders is not a notion that is entrenched in Law but it is one that has enjoyed strong Committee support in recent years). And once the Committee considered N-S plus 90 in 2Ë to be "the most unfavorable result that was at all probable" for E-W, there was no reason under the Law to impose any score worse than this. Although it has become fashionable to think in terms of giving the offending side the worst of any doubtful situation, the Laws do limit liability for the offending side when a score can be assigned with some confidence. But not according to . . .

Weinstein: "The Committee was right on track, including the split vote on whether there was a one-in-six chance that 2Ë would have ended the auction. Since East's 2 Ì call was clearly unjustifiable, I agree with the majority and would make any close adjustment decisions against E-W, giving them the worst of minus 90 or Average Minus."

Wolff: "I agree, but though East must pass (after the study), South would bid again, making 3Ë down one (plus 100 for E-W) the result for N-S (PTF, 'Protect the Field'). Minus 90 or Average Minus, whichever is worse, for the E-W culprits."

It seems painfully clear that Wolffie is not going to be the poster boy for PTC, "Protect the Culprits."

Rigal: "The Director certainly made the right ruling, rolling the contract back to 2Ë to protect N-S. I think that E-W might have gotten away lightly with minus 90. West might have reopened with 2 Í if South had passed 2Ë (I agree it is not clear that one would pass), and in that case E-W would lose at least 100. I assume from the comments that the Committee did take this into consideration. I certainly am happy that E-W deserve no more than they were given by the Committee."

Most of the controversy surrounding this case relates to whether 2Ë can be considered a realistic final contract.

Cohen: "In general I agree with the Committee, but I would have just ruled Average Plus/Average Minus. Clearly the 2 Ì call cannot be allowed. From there, however, there is no way to know what result would have been attained. Would South have bid 2 Í, and if so, what would the final contract and result have been? If South didn't bid 2 Í, what would West do? Why should the score for plus or minus 90 be relevant since 2Ë wasn't likely to be the final contract? I think that Average Plus/Average Minus would have been fair enough."

South might have bid. West might have bid. No need to sort out such minutia. No numerical mumbo-jumbo. Simply give each side its just due (60%/40%) from average. Since it might be difficult to determine with confidence the likelihood that North's 2Ë would end the auction or what might ensue if the bidding were to continue, you can feel some empathy with Larry's inclination to award Average Plus/Average Minus.

Nonetheless, Law 12C2 calls for just the sort of subjective projection that Larry feels we can avoid. His reservations about the relevance of the score for N-S plus 90, however, are right on point .

Gerard: "South bid 2 Í in a competitive auction with xxx in the suit just bid on her right, so she certainly would have bid it over East's pass. The most favorable result that was likely for N-S was minus 100 in 3Ë (if South couldn't overcall immediately, North's diamonds must play better than South's spades), which should have been the result for both sides. There was not a one-in-six chance that South would pass 2Ë given the actual auction."

Yes, there is plain evidence that South would have bid over 2Ë. As Gerard explains, the Committee can (and should) give the non-offenders the benefit of the doubt thereafter, allowing them to retreat to 3Ë, but once it is determined that South would not pass 2Ë, there is no justification for considering 2Ë a candidate

for "the most favorable result likely" or, for that matter, a candidate for the "most unfavorable result at all probable." Since South would almost certainly have bid, N-S's best result would have been down one in 3Ë. Thinking along similar but not-quite-matching lines were:

Krnjevic: "'To err is human but to dissent is divine,' so I join with the minority on this one. I have difficulty believing that South would pass 2Ë, so I don't think this score can be characterized as a 'probable unfavorable result' . . ."

Or a likely favorable result. In this case at least, the concepts are closely linked.

Rosenberg: "An important case. Bobby Goldman will probably give N-S nothing because the West hand does not conform to the purported advantage taken [this is a significant matter in its own right, but we'll have to wait for an appropriate case to deal with it comprehensively - *Eds.*] I, however, believe that the relevant issue is that East bid because his partner broke tempo. N-S should not do worse than they would have against ethical opponents. So I would remove the 2 Ì bid. I have no problem with the Directors' ruling - in favor of the non-offenders. However, in this particular case East got lucky because South was not going to pass 2Ë. The best result N-S could reasonably hope for was minus 100 in 2 Í or 3Ë, not plus 90 in 2Ë. In fact, East damaged his side by bidding (which is as it should be), since N-S might have gone for a number. I would like to emphasize that the length of the break in tempo should always be recorded, though in this case it is not relevant since East clearly bid because of the huddle."

But Goldman, a self-confessed hard-liner when it comes to redress ("both sides are suspect when they come to Committee") is satisfied that there was an infraction by E-W. He is willing to go considerably beyond Rosenberg's projected "nothing" for N-S. Right, Bobby?

Goldman: "I like the Committee's handling of this case. Although the chances of South's passing 2Ë may not meet the parameters necessary to stop the auction there, N-S do not benefit from the 2Ë contract as they get no more than Average Plus."

Contrast those views with those of . . .

Kaplan: "If plus 90 scores more than Average Plus, N-S are entitled to that 'windfall;' entitled by Law."

Once you determine that plus 90 is a "likely result," you can't (at least not under the Law) then deprive the non-offenders of the fruits of that result. The Committee tried to do just that , perhaps because its members were not really

convinced that 2Ë could end the auction with any frequency. Although Goldman concedes that "The chances of South's passing 2Ë may not meet the parameters necessary to stop the auction there . . ." he is willing to endorse the Committee's decision because of the handy "no more than Average Plus" codicil. Perhaps that's a practical street solution, but it's not the Law as written. Equity is a high-minded concept, and we have all seen cases where equity has had to take an uncomfortable back seat to the letter of the Law. But if the law is unjust, the solution is to rewrite it, not to break it in selected instances.

And finally, with his feet planted firmly on both sides of the fence.

LeBendig: "I was one of the members in slight disagreement. I still am. I don't feel that 2Ë was likely to end this auction if East passed. My final acceptance of this verdict came from the fact that if South does not bid 2 Í, West may make that fatal call. That would lead to a worse result for E-W. I believe any adjudication here is a very close call."

This case illustrates complexities which Committees must be prepared to confront even in relatively simple situations involving uncontested facts. There was an admitted break in tempo, of which East (admittedly) took advantage. Still, what would have happened had these irregularities not occurred? Would South have bid over 2Ë had East passed? Would West have then reopened over 2Ë? When we cannot determine what would have happened with any certainty, the Laws (73F1, 12C2) say that we should assign scores for each side using different criteria. The non-offenders (who deserve the benefit of any doubt) should be assigned the most favorable result that was likely (note, the result must be one which, in the Committee's judgment, would have been "likely" had the irregularity not occurred), while the offenders should be assigned the most unfavorable result that was "at all probable" (i.e., one which had some probability of occurring without the irregularity).

But what do these terms "likely" and "at all probable" mean? In a verbal statement provided when guidelines for the application of Law 12C2 were requested, members of the ACBL Laws Commission (i.e., Edgar Kaplan, with concurrence from others present) stated: "likely" means having a "one-in-three" chance of occurring, while "at all probable" means having a "one-in-six" chance. Two of our panelists question the "one-in-six" guideline referred to by the Committee. Cohen says that he couldn't find any reference to it in the Laws, while Rosenberg feels that such criteria create an added level of decision-making which virtually guarantees a lack of uniformity among Committees.

So we're left with the problem of what results were "likely" (N-S) or "at all probable" (E-W) to have occurred without the irregularities (with or without the Laws Commission's criteria). The clear majority of the panelists are of the

opinion that N-S were headed for minus 100 in either 2 Í or 3Ë, thus lending strong support to the Committee minority's position that it was not likely (and perhaps even not possible) that 2Ë would end the auction. However, we should bear in mind that this aspect of the decision is a judgment call (several panelists do feel that 2Ë might have been passed out), and that the Laws were properly applied by the Committee (given their judgment that 2Ë was a possible final contract).

Since all continuations following a pass by East over 2Ë were judged likely to lead to the same result, that result should have been assigned to both pairs. In effect, the provisions of Law 12C2 need not have been applied in this case (substituting our panelists' judgments for the Committee's), since the result which would have occurred without the infraction can be determined - if only because both possibilities lead to the same score (minus 100 for N-S).

Finally, two of our panelists suggest that N-S might bear responsibility for their result due to their "poor" defense of 3 Ì.

Gerard: "Was it that tough for South to shift to a trump against 3 Ì? Wasn't there a case for N-S to have been minus 140, E-W plus 100?"

. . . and . . .

Rigal: "No one seems to have bothered with the defense to 3 Ì. I guess a trump switch at trick two makes life tough, but in practice it is not easy, although not impossible, to find."

These panelists (properly) raise the question of whether the damage suffered by N-S was in fact due to E-W's infraction rather than of their own making. According to ACBL regulations, if N-S, in defending 3 Ì, had enjoyed an opportunity to obtain a better result than they could have achieved otherwise (even though the opportunity was provided by E-W's infraction), and if their failure to achieve that result was due to their own "gross" negligence or "outrageous" error, then they should keep the result from the table. In other words, if N-S should have beaten 3 Ì and didn't do so because they failed to continue to play "reasonable" bridge (to the level of their ability), then the damage was subsequent to the infraction but not the result (consequence) of it.

This raises the question of how serious an "error" by the non-offenders is needed to break the chain of causality between an infraction and subsequent damage. The ACBL holds non-offenders responsible for continuing to play "reasonable" bridge subsequent to an infraction (given their level of competence) in order to preserve their right to redress. Even a "silly" or "stupid" error by the player(s) involved could cause them to be held responsible for their own poor result. In

Europe (we learn from a discussion on the Internet) the burden is far less severe for non-offenders. The tendency there is that only a truly "outrageous" error (a "wild gamble," or an attempt to gain from a so-called "double shot") would deny the non-offenders protection, but not merely a "silly or stupid" error resulting from a losing bridge decision made in a situation into which they should not have been thrust in the first place.

Whether we apply the North American standard or the European one, we believe that South's failure to find a trump switch against 3 Ì was not sufficiently culpable to jeopardize N-S's right to redress. The rest of the panel (by their failure to mention this) seems to share our opinion, and the tough Gerard view (Rigal's position is far more charitable toward N-S) is clearly a minority one.

CASE TWO

Subject: Slow Signoff Stifles Slam Shot
Event: Charity KO, 29Feb96

Dealer: North
Vul: N-S

Jo Morse
Í 10x
Ì AJxx
Ë xxx
Ê Qxxx

Mike Cappelletti, Jr.
Í AQxx
Ì xx
Ë AKJ10xx
Ê A

Eric Hochman
Í Jxxxx
Ì KQx
Ë Qx
Ê xxx

Lee Rautenberg
Í Kx
Ì xxxx
Ë xx
Ê KJxxx

WEST	NORTH	EAST	SOUTH
	Pass	Pass	Pass
1Ë	Pass	1 Í	Pass
4Ë (1)	Pass	4 Í (2)	Pass
6 Í	All Pass		

(1) Six or more diamonds and four or more spades
(2) Slight break in tempo

The Facts: 6 Í made seven, plus 1010 for E-W. Opening Lead: low club. East broke tempo slightly before the 4 Í bid. This was noted by N-S after the 6 Í bid, and E-W agreed. The Director was called by South when the dummy appeared. The Director ruled that the break in tempo was significant and that a pass by West was a logical alternative. The contract was changed to 4 Í made seven, plus 510 for E-W.

The Appeal: E-W appealed and stated that the slight hesitation was not suggestive. The unusual jump to 4Ë was the cause for a moment's thought to confirm the meaning of the bid. West was on his own when he bid the slam. East, when asked by the Committee, said he played with no partners who would have any hand other than long diamonds and four spades.

The Committee Decision: The Committee decided that East's hesitation could

have influenced West's 6 Í bid. The Committee further decided that the appeal was substantially without merit, and admonished E-W for their actions. Since the appellants had already lost the match and there was no further recourse available, the matter was referred to the Director-in-Charge.

Chairperson: Mike Aliotta
Committee Members: Doug Heron, Bruce Reeve

Directors' Ruling: 81.7 **Committee's Decision:** 86.7

The panel is in almost unanimous agreement to adjust E-W's result to 4 Í made seven (plus 510). The N-S adjustment, however, depends on the prevailing philosophy of the Committee members - of which there are two major camps. Let's hear first from the majority.

Cohen: "The Committee did almost everything it could to condemn West's action. There was no score adjustment, and E-W were admonished. It doesn't say if they kept the deposit; I'd ask for double the deposit. I'd also record West for a flagrant violation after a tempo break. I'm sure East would bid a prompt 4 Í with, Í10xxx Ì Qxx ËQxx ÊQxx, and West would pass. Don't give me that nonsense about 'figuring out what 4Ë was.' Pay the $50 and go directly to jail."

Sorry Larry, you can't have the money. This was the Charity KOs (only NABC+ events require a deposit).

Rosenberg: "West's 6 Í was inexcusable. If East had bid a very prompt 4 Í and West had passed, and then N-S had tried to make West bid a slam, they would have been laughed out of court. I believe there should be only one tempo for East's 4 Í bid on this auction. West's skip-bid warning should cause North to hesitate ten seconds, giving East plenty of time to think. To think and bid 4 Í should bar partner unless continuing is 100%. Of course, if North did not pause then that becomes a big part of the equation on this auction (but not on this particular hand). West should be censured."

Weinstein, and **Krnjevic,** similarly: "Good decision. After the STOP card that was presumably used by West, East had some opportunity to consider his call as North made his mandatory pause. Giving your partner a better chance to bid in tempo is another good reason to use the STOP card, even when the opponents are unlikely to bid."

Kaplan: "What was referred to the Director-in-charge? And why? This is a case for score adjustment, not discipline."

Rigal: "I agree with the ruling by the Director. West, who is a good player,

should know that in this position he simply cannot take further action. The Committee also made a sensible decision; although West has a good hand for the auction so far, he has a duty as a good and ethical player not to give any impression of taking advantage of tempo breaks. The argument here about an unusual auction is feeble (though credit the pair for having thought of it). I would have felt some sympathy if West had his clubs and hearts reversed, when East might not have made a cue bid beyond game. [Careful, Barry, this book may fall into the hands of a Junior Corps member or two - *Eds*.]

"I would be interested in knowing whether anyone (other than Bobby Goldman) felt that N-S should keep minus 1010, in that their opponents got to a 30% slam, and thus they would have figured to pick up from their opponent's infraction. I do not believe in this approach, but since it divides Committees, I would appreciate having some firm guidelines defined."

And that is the other camp. Some of our panelists believe that when the opponents arrive at a "poor" contract by unauthorized means the non-offenders have already reached a position of substantial equity by virtue of the fact that the contract will normally fail, providing them with a good score. Since they would have accepted the result if the contract had met with its more likely fate, they should also accept the result when it (unluckily) makes. (This is termed "rub of the green" by some, "normal playing luck" by others.) Let's hear first from the principal proponent of this position.

Goldman: "Some pertinent undiscussed issues. Did North pause over 4Ë, giving East adjustment time? What was the approximate score of the match? If E-W were significantly behind at the time, the merit of bidding 6 Í goes up - but then, why no Blackwood? I disagree with the Committee's decision. Although West appeared to have been influenced by the huddle, the one thing a huddle does not suggest is some values with a heart control. Since 6 Í is a bad contract and East does not have indicative values, the most I would allow N-S is the table result and a 3-IMP procedural penalty."

Agreeing with Goldman (at least as far as N-S are concerned) are . . .

Wolff: "E-W's honesty in the Committee should have prevented any further penalty greater than changing the contract to 4 Í, plus 510. In a pairs field I would give N-S minus 1010 (PTF, 'Protect the Field') and (NPL, 'Normal Playing Luck')."

NMAW - No More Acronyms, Wolffie. Puh-leez.

Bramley: "In a teams event this is a tough case. The Committee obviously would have upheld the Director if forced to make a decision. Since a Knockout

match is a zero-sum event, this would have been the right ruling. In a pairs or Swiss teams event I would have made a split ruling. E-W, having reached a winning contract through unauthorized means, would receive a score of plus 510. N-S, having reached a position of substantial equity in their favor (the slam is at best around 30%), should suffer the 'rub of the green' when the 30% comes in rather than the 70%. In these events I would give N-S minus 1010. In a position where the N-S score would have been relevant, the appeal would clearly have had merit."

Goldman was alone in wanting the table result to stand for E-W. Even though East's tempo doesn't specifically suggest a heart control, bidding the slam is clearly a "gamble" made better by the knowledge that East has extras (which might include a heart control). The fact that East did not have his huddle (Goldman's opinion, not ours; East holds a fifth trump, a heart control, and the valuable ËQ - three potential plus values*)* and that the slam was therefore a "poor" one, should not dissuade us from adjusting the result for both pairs.

Not only does this harsh treatment of the non-offenders seem wrong on practical grounds (why should they have to suffer a poor result when their opponents reach a contract they should never have reached, through unauthorized means; but keeping their poor score had the slam gone down would have been justice for the offenders), it also seems wrong on moral grounds. As Rosenberg put it in his comments on CASE ONE, the non-offenders "should not do worse than they would have against ethical opponents."

It is bad for bridge to force players to accept poor results which were sustained due to (possibly) unethical actions by their opponents rather than their own poor performance or negligence.

CASE THREE

Subject: Reflective Pause Deflects Defense
Event: NABC Open Pairs, 1Mar96, First Qualifying

Board: 15
Dealer: S
Vul: N-S

Stephen Williams
Í 7543
Ì 72
Ë A874
Ê 764

John Bartlett
Í AKQ102
Ì 1095
Ë KQ96
Ê Q

Tony Glynne
Í 986
Ì QJ
Ë J1053
Ê AJ108

Jay Korobow
Í J
Ì AK8643
Ë 2
Ê K9532

WEST	NORTH	EAST	SOUTH
			1 Ì
1 Í	Pass	2 Í	Pass
3 Ì	Pass	3NT	Pass
4 Í	All Pass		

The Facts: 4 Í made four, plus 420 for E-W. Opening lead: Ì 7. South won the Ì K and switched to the Ë2. Declarer hesitated for about ten seconds before he played the ËK. North won the ËA and reverted to hearts, thus losing the diamond ruff for the defense. North called the Director at the end of the play of the hand. The Director ruled that the score would stand, but that West had violated the Proprieties since he could have known at the time of his action that his variation in tempo could work to his benefit (Law 73D1). Pursuant to Law 12, E-W were therefore assessed a 3.8 matchpoint (10% of a top) procedural penalty.

The Appeal: E-W appealed. West stated that a ten-second delay for declarer to plan the play was not excessive after the unexpected shift. The Laws state that the defenders take inference at their own risk. N-S did not appear and did not seek redress. Declarer stated that he was slightly surprised at the diamond switch and considered the possibility of avoiding a second heart loser. He wanted to win the diamond in hand to lead the ÊQ, with the possibility of establishing two club winners and returning to dummy with a trump if the jack dropped singleton or

doubleton.

The Committee Decision: West was advised that it would have been best for him to announce that he had "no problem on this trick" if there was any possibility that an opponent might be deceived by his break in tempo. While there was no allegation that West had intended to create a false picture of the diamond layout, West was sufficiently experienced that he might have been expected to foresee the consequences of his action. The procedural penalty was not rescinded. The Committee's opinion was unanimous with regard to cause and effect, and the possible remedies West might have taken at the table. There were some reservations about the penalty.

Dissent: (Weinstein/Kokish): If the Committee believed that this break in tempo was innocent and motivated by both surprise and consideration of other options, the procedural penalty may set a precedent that precludes exoneration once it is possible that an opponent may err and does so. These reservations were based on the particular facts of the case.

Chairperson: Jeff Meckstroth
Committee Members: Mary Jane Farell, Eric Kokish, Rebecca Rogers, Howard Weinstein

Directors' Ruling: 46.7 **Committee's Decision:** 43.3

When we consider the "inadvertent tempo variations" in Law 73D1 should we take into account the normal interpretation of the crucial term? Inadvertence implies inattentiveness, heedlessness, innocence, an oversight. The first part of 73D1 might be deemed to apply to situations like this one: If declarer was daydreaming and suddenly woke up and passed without revealing his mild surprise, could he have known then that his break in tempo might mislead his opponents and so work to his benefit? If he could have known and did nothing to clear up the situation ("sorry, I was daydreaming") and an innocent opponent then went wrong, the Director should award an adjusted score.

But does the first part of 73D1 apply to situations like the one in this case? Should we be thinking along these lines: If declarer was thinking about a bridge-related problem, the tempo break required for that thought was not inadvertent and so falls into the "otherwise" domain in the second sentence in 73D1, i.e. not in itself a violation of propriety. In contrast, if declarer's break in tempo was not related to a legitimate bridge consideration, then he committed an impropriety of the type envisaged in the first part of 73D1 . . . if he could have known at the time of his action . . .

Apart from possible semantic problems, there is a strong subjective element in

every part of such an evaluation, and it is no surprise that these cases create so much difficulty for everyone involved.

The secondary issue in this case involves declarer's obligation (legal, moral, or none at all) to inform his opponents about the nature of his cogitations.

We believe that our resident Laws expert has captured the essence of this case.

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."

Law 73D1 says that an inadvertent variation in tempo may violate the Proprieties when the player could know at the time that it could work to his benefit. Otherwise, such variation is not a violation and inferences may be drawn (only) by an opponent at his own risk. Law 73F2 says that when an innocent player draws such an inference from a player who could have known at the time . . . the Director shall award an adjusted score.

The Committee members stated that they did not believe that West intended to be deceptive, but that he should nonetheless have appreciated the effect that his thinking could have on the opponents. It was suggested that West should have made some sort of verbal disclaimer about his thinking, and then the Committee penalized him for his lack of awareness/consideration. Kaplan has hit the nail on the head. If West was thinking about his play, then there was no infraction and the opponents draw inferences at their own risk, as in the second part of 73D1. If not, then there should have been a score adjustment since "West was sufficiently experienced . . . to foresee the consequences of his action." Agreeing with this, and running with it . . .

Cohen: "I don't think West did anything wrong. I'm a big believer in saying 'no problem on this trick, I'm just thinking about the whole hand,' but in this situation I don't see that it applies. West had a real problem. I spent a full minute thinking about which diamond I would play. Do I want to win in hand if South has underled? If North is winning the ace which card should I play to induce him to . . . do what? Is the switch from three small, and if it is . . . ? Now I can't get into declarer's mind and say for sure that his tempo break was completely innocent, but I think that he should get the benefit of the doubt. There was enough to think about that it seems wrong for a Director or Committee to imply that he intentionally broke tempo to mislead the opponents. I would have let the table result stand and made no adjustments, and no procedural penalty."

Rosenberg: "Very important case; in fact, a ground breaker. The Director

should have ruled down one. Even ruling 'result stands' would have been better than this 'Solomonic' decision. But however badly the Director did, the Committee did worse. First, procedural penalties stink! Second, how could the Committee advise West that it would have been best for him to announce 'no problem on this trick,' when West was in fact thinking about what card to play on this trick? Perhaps the Committee would like West to announce 'no guess on this trick.' I suppose I don't really agree with the principle that a player is liable if he could have known that his variation in tempo could work to his benefit. What matters to me is whether this player in this situation was thinking and simultaneously aware that it could be misleading to think. If I can trust the report, I can believe this West was legitimately considering what card to play to trick two. Even though his reasoning was totally fallacious (he could always return to hand with a spade to play the club), that should not be relevant. We should require honesty, not logic. The complication for me occurs after West, having thought his ten seconds and having decided to play an honor, becomes aware that the king is the more deceptive play. I guess I believe he should be allowed to play the king immediately upon having that thought. This situation needs more discussion [not to mention a clairvoyant! - *R.C.*]. I would have ruled that the result stands, but I would have preferred 4 Í down one to the actual ruling. If West did something wrong, then N-S were damaged and should get redress. If West did nothing wrong, he should not lose anything. The Committee should choose."

Bramley: "I agree with the dissent. The majority was out of line here, and they set a poor precedent by encouraging players to appeal whenever they get a bad result after a perceived infraction at the table. The N-S pair earned their bad result with bad play by both of them. South should play ace of hearts, then cash the king, then lead his diamond. Now, even this North will get it right. North, for his part, had no reason not to lead a second diamond himself. If South had the ËQ, as he believed, then a second diamond could not cost. The hesitation should have helped him, if anything. Declarer's explanation was reasonable. I disagree with the recommendation that declarer should have said 'no problem.' He did have a problem. (I have never liked this practice anyway. My impression is that the majority of players who say this do have a problem. Even if they are telling the truth, why should they tell their partner whether they have a problem or not.) Was declarer supposed to say 'I have a problem, but it may not be the one you think I have?' I disagree with both the Director and the Committee about the procedural penalty. Under what conditions can the Director hand these out? The Committee's failure to remove this penalty was egregious, heavy-handed justice at its worst."

Krnjevic: "I agree with the minority. While the Proprieties seek to protect the non-offending side from a player's failure to consider the problems that an inopportune break in tempo may cause, be it the result of either insouciance or

malice aforethought, in this case declarer had a legitimate problem that required him to determine in which hand he should attempt to win the trick. Furthermore, independently of the foregoing, the main cause of the opponents' poor score was their misdefense. South should have cashed the second heart honor in order to ensure that he got his ruff."

LeBendig: "I agree with the dissenters about the procedural penalty in this particular case. I am delighted that the Director issued such a penalty on the floor. This was totally appropriate, given the circumstances."

Weinstein: "I do not believe procedural penalties should be meted out when an inadvertent impropriety is committed. Procedural penalties in innocent situations are too heavy-handed, and leave a bad taste when a simple educational comment would suffice. The huddle, though not severe and clearly not intended to mislead the opponents, nevertheless allows for the possibility of a score adjustment under Law 73 if the huddle without merit could have misled the defense. However, in this case it should not have and arguably made it safer for North to return a diamond."

Perhaps initially confused, but finally on the right track, is . . .

Rigal: "I think the Director was right to rule that West's tempo break was out of order, and the fine he imposed seems a fair one if he was prepared to make the judgment that North erred by not giving the ruff. It was obviously felt that South's low diamond showed a singleton or the ËQ. Either way, a diamond cannot hurt. I assume that if the switch had not been the smallest diamond, the ruling would have been the other way. I have changed my mind on the penalty here. In practice West may well want to play the ËK to persuade South that North may have the ËQ, whereas following with any other honour shows up the position. Saying 'no problem' or the like undoes the effect of the deceptive card. Given the facts of the case I would have removed the penalty, but I do think it is a very close issue. I am not sure that West could have foreseen the result of his actions."

In agreement with Kaplan's distinction, but not with West's culpability for *this* irregularity . . .

Goldman: "The decision seems inconsistent. West was either guilty of violating the Law and causing possible damage or he was not guilty. If we believe he was guilty, then North deserves redress even if his heart shift was not an A-1 play. With regard to 'was there a foul,' I don't believe that players should be allowed lengthy pauses when playing from equals or from multiple spot cards. Both practices lead to ethical clouds."

There is a lot to be said for that view. A blanket rule endorsing the Goldman position might catch a few innocent players in its web, but it would eliminate most adversarial situations in this family. There are certain related problems that we can't easily brush under the carpet. One example is choosing your play to mesh with the defenders' carding methods - playing the right card to leave them a guess rather than a sure thing in an ambiguous "who has a ruff coming" situation. In an ideal world, you have been given all the important information before playing to trick one, but in the jungle this is often not the case. And if we allow exceptions to a Goldman-inspired "no thought from equals" rule, we're more or less back with the status quo. Still, the principle is an important one and we believe that Directors and Committees should use it as a reference point in determining whether there might have been a violation of the Proprieties.

And finally, we hear from the far-right . . .

Wolff: "The Director was trying, but was too lenient. The Committee was near-perfect."

The Committee determined that West was thinking about bridge. Saying "no problem on this trick" when he clearly had one (the Committee did not doubt his honesty) would have been inappropriate, even if one believes in the arguable practice of making such statements as a general rule. N-S had every reason to get this one right. If South was intending to switch to a diamond, he could (on the actual deal) have played the ace and king of hearts in that order at tricks one and two to avoid confusing North. North, for his part, should have returned a diamond at trick three (since, no matter what West was thinking about, that return had to be best). The fact that the best defense might have been three rounds of hearts to promote the putative ten-third of trumps in North is not relevant; South was banking on the diamond ruff all the time.

Perhaps a look into the future would be appropriate at this point. In the Laws Commission's planned revision (03/27/96) of Law 73 we find the following (section 73F1): "If the Director determines that a player chose from among logical alternative actions one that could <u>demonstrably</u> have been suggested over another by his partner's remark, manner, tempo, or the like, he shall award an adjusted score (see Law 16)." The (underlined) change makes it clear that the Commission's intent is to adjust the score only when the opponents' action was demonstrably due to the tempo variation - not just when it could "reasonably" (the old word) have been suggested by it. But back to the present.

Although the Committee did not feel it necessary to make a pronouncement about N-S's culpability in their poor result, the panel has considered the issue. Although there is some sentiment (Goldman) that N-S should be protected even if their defense was not best, the prevailing view (and the one which our reading

of the revised Law 73F1 supports) seems to be that there were too many reasons to do the right thing to justify exonerating them.

We take strong exception to the Committee's indication that, even though West may have been thinking about bridge concerns, he was obligated to be aware that his opponents might possibly be deceived by his cogitations. We also take exception to the suggestion that West should have said "no problem on this trick" to prevent an opponent from drawing a false inference. West was under no obligation, as several panelists pointed out, to tell the defenders what he was thinking about, and it certainly would have been wrong for him to deny having a problem which he did, in fact, have. If an opponent drew an inference from that tempo it was at his own risk. Thus, in essence West was penalized for doing what he was entitled (by Law) to do - think about the hand.

This assessment does not in any way depend upon the particular facts of this case (as suggested by the dissenters). As long as the Committee members (and Director) believed that West's tempo was not a deliberate attempt to deceive N-S, and that it was not an inadvertent digression into some non-bridge-related realm of thought (in which case West might owe N-S an explanation, if he was aware of the effect that it could have on them), no score adjustment or penalty was appropriate.

CASE FOUR

Subject: A Leading Question
Event: Open Pairs, 01Mar96, Second Session

Board: 5
Dealer: N
Vul: N-S

Linda Rothstein
Í 85
Ì AJ72
Ë AKJ2
Ê 865

Walt Schafer
Í A10762
Ì 93
Ë 10
Ê A9742

V. Koneru
Í Q43
Ì K54
Ë 543
Ê KQJ10

Jeff Rothstein
Í KJ9
Ì Q1086
Ë Q9876
Ê 3

WEST	NORTH	EAST	SOUTH
	1Ë	Pass	1 Ì
2NT	Pass	4 Í	DBL (1)
Pass	5 Ì	All Pass	

(1) Break in tempo

The Facts: 5 Ì went down one, plus 100 for E-W. South took some time (beyond the STOP warning) before he doubled 4 Í. The Director was called by E-W. N-S agreed that there had been a break in tempo. The Director changed the contract to 4 Í doubled made four, plus 590 for E-W (Law 12C2).

The Appeal: N-S appealed. Only South attended the Committee hearing. He did not ask that the contract be changed to 5 Ì. Rather, he contended that he would not have doubled 4 Í had he not intended to lead a club, and 4 Í doubled would then have been down one.

The Committee Decision: There was no damage to E-W since, in the unanimous opinion of the Committee, the club lead was a 100% action which would have set 4 Í doubled. The Committee allowed the table result (5 Ì down one, plus 100 for E-W) to stand because this was a better result for E-W than 4 Í doubled, down one.

Chairperson: Jan Cohen
Committee Members: Nell Cahn, Mary Jane Farell, Ed Lucas, Jan Shane

Directors' Ruling: 61.0 **Committee's Decision:** 65.5

Weinstein: "I agree with the Committee in allowing the table result to stand for E-W, since it appears that the strong likelihood is that 4 Í would have gone down one. However, I am not convinced that a lead of West's second suit was so automatic, given the texture of South's spade holding. Though unlikely, South also could have slipped and failed to split his spade honors. Therefore, I believe N-S should have retained the minus 590 the Director assigned."

At first blush, Weinstein's solution seems sensible. N-S's infraction led to a result which was more favorable to E-W than they might otherwise have achieved, so they get to keep plus 100 rather than minus 100. The offenders (N-S), on the other hand, get the worst of it and go minus 590, based on the judgment that a non-club lead against 4 Í doubled is "at all probable," although not "likely."

Weinstein's position, however, is predicated on the assumption that the score should be adjusted due to the fact that the table result was achieved via a violation of the Proprieties. But the Laws do not provide for a score adjustment to either side when the infraction has not resulted in damage to the innocent side. This view (we discovered) is supported by a careful reading of Law 73F, which states, "When a violation of the Proprieties . . . results in damage to an innocent opponent . . . the Director [and, by extension, the Committee - *Eds*.] shall award an adjusted score."

Whether we like it or not, this case hinges on whether there was damage to E-W resulting from South's irregularity and North's infraction.

Goldman: "North's 5 Ì bid was outrageous. How should it be dealt with? In this case I would opt for a one-quarter board procedural penalty (if Edgar would let me). Leading a club is not 100%, but very likely. I would be inclined to view 4 Í as going down one, but could be convinced to shift."

Psst, Bobby, do we have a surprise for you. Not only would Edgar allow a procedural penalty, in this case he feels that it is the only available remedy for North's action.

Kaplan: "North's 5 Ì takeout was the sort of flagrant action that suggested a procedural penalty, without adjustment to E-W, who were helped, not damaged."

Both Goldman and Kaplan feel that there was no damage because the likelihood

of a club lead was too great.

Cohen: “Just like in CASE TWO, I agree with the Committee's bridge decision, but again I would want this action recorded. What was going on? When will people stop? North's pull of a slow double was outrageous! It's a shame that the club lead is ‘automatic.’ I'd love to see some way to rule minus 590 for N-S.”

Wolff: “Although offenders should normally get the maximum, here the degree of culpability was not too severe and there was a very strong probability of a club lead. I agree with the Committee.”

Cohen and Wolff also see no damage, and so no route to minus 590 for N-S. Crucial to this position is the determination that there was no damage to E-W. This, in turn, depends upon an assessment of the result which would have occurred had E-W been permitted to play in 4 Í doubled. And in this case this boils down to the opening lead. The following panelists have a very different view of the club lead.

Gerard: “North should have gotten the lecture about blatant misuse of unauthorized information, the same as if 5 Ì had made. The Director should have gotten a table of opening leads.”

Krnjevic: “Given the strength of South's spade holding I'm not convinced that the singleton club lead was 100%. Since I'm reluctant to grant the offending side the benefit of the doubt, I would have given N-S ‘the worst possible result,’ namely minus 590.”

Feeling more strongly about the likelihood of a non-club lead, and willing to do something about it, are . . .

Bramley: “I disagree. I do not believe that a club lead was 100%. It may be ‘correct,’ but certainly a significant minority, believing their trump tricks were natural, would lead a red suit. Thus, there was damage and the Committee should have upheld the Directors’ ruling.”

Rigal: “The Director gave a sensible ruling here, in that there does seem to have been a hesitation, and an unreasonable action thereafter (a pretty silly one in my opinion). Well, the Committee was entitled to their view that the defense was automatic against 4 Í, but as someone who benefited from making 4 Í on a non-club lead I have better information that not everyone considers it automatic. Is that relevant? I think so. If the Committee decided that there was an infraction, then in my opinion they should have adjusted the contract as the Director did on the grounds that plus 590 was the best of the possible outcomes for E-W.”

A Bramley/Rigal wanna-be is . . .

Rosenberg: “The Director acted properly. It's not that I disbelieve South, but North's action was so outrageous that I feel E-W are entitled to the best possible result. Given how the Committee felt, they made the right ruling. I just don't feel that a club lead was anything like 100%.”

These panelists clearly believe that there was damage, judging a non-club lead to be significantly likely. What does not emerge from their comments is the standard that they used to reach this decision. Law 73F suggests that this decision must be made before an adjusted score can be assigned and the standards of Law 12C2 applied. While the Laws do not tell us what standard to apply in determining whether damage has occurred, in practice we feel it would be prudent to use one similar to that applied to the non-offenders in Law 12C2. To do otherwise could lead to a situation in which no protection could be given once the contract was adjusted, because the requisite actions would not be judged likely enough. Imagine in the present case judging that E-W were damaged because a non-club lead was (remotely) possible, adjusting the contract to 4 Í doubled, but then not being able to assign of score of plus 590 to E-W because the likelihood of a non-club lead by Law 12C2 standards is too low.

Unfortunately, the present case exemplifies the type of situation in which different Committees could arrive at very different judgments about the likelihood of a non-club lead. Picture Gerard, Bramley, Rosenberg, Rigal and some other person on a Committee. Clearly this Committee would find that there was damage, and assign adjusted scores of plus 590/minus 590. Rosenberg seems willing to endorse the Committee’s decision because it was based on a subjective bridge judgment, even though that judgment would not be his own. It seems inevitable that we are going to find fact patterns that do not lend themselves to uniform subjective evaluations.

Among the Committee members and panelists for the present case, only Kaplan identified the appropriate procedure to follow in making the decision. While the Committee did end up assigning the same bridge result on the board as that procedure would have yielded, the fact that they followed an errant route to that result prevented them from correctly addressing the need to assign a procedural penalty to the offenders.

LeBendig: “I'm a little bothered by the 5 Ì call. I doubt if it would have been considered if the double had been in tempo. I would have liked to discuss a procedural penalty as a result. Otherwise, I agree with the decision.”

“Outrageous,” “blatant misuse,” “flagrant action,” N-S’s culpability for their actions was mentioned by the majority of the panelists on all sides of the bridge

issue. Is it reasonable (or good for bridge) to allow players to get away with flagrant irregularities (like the hesitations Michael Rosenberg has termed “bad,” including the present one) whenever random aspects of the situation conspire to make their partner’s action clear-cut? One of us (*R.C.*) has argued previously in these pages that players should not be permitted to escape punishment for ethical infractions in such situations. However, Committees are frequently reluctant to initiate Conduct and Ethics proceedings against such players, and it is debatable whether procedural (score) penalties are appropriate - even in situations like the present, where the Laws provide for no bridge adjustment. Perhaps the time has come for an idea which is reminiscent of the way that traffic courts deal with “moving violations,” by assessing “points” against an infractor’s “driving license.” Here’s how it works.

The Committee adjusts the bridge result on the deal as seems fit, without worrying (for disciplinary purposes) that the partner’s action was clear-cut, or that the offending team will thus be knocked out of the event by the bridge adjustment. The Committee may then assess some number of “disciplinary points” against any player (such as North in the present case, East in CASE ONE, or West in CASE TWO) whose actions are deemed outrageous. These “points” then accumulate against the player’s “playing license” until, when some critical number of points has been reached, the player is brought before Ethical Oversight (or some other C&E) Committee, which then imposes a discipline (such as being required to attend the ACBL equivalent of “driving school,” or suspending their “playing license” - i.e., barring them from one or more events, tournaments, days of play, or suspending them for some specific amount of time) appropriate to the nature and magnitude of their transgressions. We will thus separate the bridge issues from the troubling behavior.

What sort of hand should South be expected to hold for his double? Trump tricks? The dreaded “transferrable values?” General strength? Have you discussed this with your favorite partner(s)? In the real world, South is often endplayed into doubling with a variety of hands, and North will occasionally have enough distribution to consider taking out. Hands with trump support will only occasionally enter the picture, since North will often show such support over the 2NT bid, if only to relieve the pressure. When North’s hand is balanced, removing the double becomes virtually inconceivable. Players who fail to recognize the dangers in withholding support in such pressure situations must then pay the price for their reticence when faced with a high-level decision. When the possibility of unauthorized information arises, their responsibilities are magnified.

CASE FIVE

Subject: Grand Allusion
Event: Flight A Pairs, 02Mar96, First Session

Board: 6
Dealer: E
Vul: E-W

Underwood
♠ AJ43
♥ K94
♦ 4
♣ KQ1086

Neiman
♠ 72
♥ Q752
♦ K103
♣ J943

Gabay
♠ 965
♥ J86
♦ Q9652
♣ 75

Paskin
♠ KQ108
♥ A103
♦ AJ87
♣ A2

WEST	NORTH	EAST	SOUTH
		Pass	1♦
Pass	2♣	Pass	2♠
Pass	3♠	Pass	4NT
Pass	5♦	Pass	5NT
Pass	6♣	Pass	6♦
Pass	6♥	Pass	6♠ (1)
Pass	7♠	All Pass	

(1) Break in tempo

The Facts: 7♠ made seven, plus 1510 for N-S. South's 5NT confirmed possession of all the aces and the king-queen of trumps, and asked for kings up-the-line. When North bid 7♠ over South's out-of-tempo 6♠, E-W called the Director, and called him back after play had ended. The Director changed the contract to 6♠ made seven, plus 1010 for N-S (Law 12C2).

The Appeal: N-S appealed. North showed his kings in case the partnership could reach 7NT, but always had enough information to bid 7♠.

The Committee Decision: The Committee decided, with one dissenting opinion, that North's 7♠ bid was warranted on the information he had from the auction. The Committee allowed the table result, 7♠ made seven (plus 1510 for N-S), to

stand.

Dissenting Opinion (Robb Gordon): It is very well to say that the North hand would "always" have bid a grand slam. In fact, I would have bid 7♠ over 6♦. But this North did not choose to do so. What was he looking for? 7NT? If partner had solid diamonds, partner would have bid 7NT by now. You can never find out about the ♦J. No, I think the Committee gave this North a free ride. Also, South's hesitation was particularly egregious in what should have been a planned auction.

Chairperson: Mike Aliotta
Committee Members: Robb Gordon, Abby Heitner, Mike Huston, Bruce Reeve

Directors' Ruling: 78.0 **Committee's Decision:** 37.0

Was North able to count thirteen tricks in spades all along, and was he looking to provide South with enough information to count thirteen (notrump) tricks at matchpoints? Several panelists thought that this was clear.

Bramley: "This is one of many cases with a similar theme. South broke tempo, and North took an action that a vast majority of players would have taken even without the hesitation. The opponents called the cops, who ruled in their favor, forcing the offenders to appeal. The Committee then ruled in favor of the offenders, restoring the original result. The whole episode was a waste of time. The dissenter makes some good points, but the logic in favor of bidding seven is hard to refute. South had already shown the king and queen of trumps along with the other three aces. In fact, he had no useful extra values, in either high-cards or distribution. Therefore, the tempo conveyed no extra information to suggest that bidding seven was right. The real culprits here were E-W. When the dummy arrived they should have seen that his bid was clear-cut, despite the break in tempo, rather than forcing a Committee to tell them."

Goldman: "I agree with the Committee. Every card in the South hand was shown (and then some - ♦K?). There was no conceivable information conveyed by the huddle. Anyone who thinks that North should be deprived of the right to bid 7♠ on this hand at matchpoints has been smoking too much of the 'if it hesitates . . . shoot it' tobacco. Trying to work out whether the contract should be 7NT (over 7♠) is a legitimate activity."

Krnjevic: "I agree with the majority."

Rigal: "Again, the Director made the sensible ruling, with the hesitation and the possible unauthorized information. This is one of the relatively clear-cut decisions where North could count thirteen tricks (at worst, three clubs, one

diamond, two hearts, and seven spades) even facing a sub-minimum hand. So I think it would be unfair to rob North of his chance to bid the grand slam he was always going to bid. South, however, really should not be allowed to pass unscathed. Pausing at his final turn is really terrible; he had all the time in the world to plan his auction. I agree with Robb's comments, and I would like to ensure that South's actions are properly recorded. On this occasion North's bid is so clear-cut that he should not have to suffer. Next time. Maybe there was scope for some sort of procedural penalty?"

It's hard to dispute Rigal's accounting of the tricks available at spades. However, the majority of the panelists think that North's action was not sufficiently clear that it should be allowed after South's hesitation. Let's hear their arguments.

Gerard: "Beware - this argument ('I was trying for 7NT') is about to become an epidemic. Robb Gordon waited one round longer than I would have to bid 7♠. The business about 7NT is just a self-serving statement that the Committee should have disregarded. North didn't have a good enough hand to think that the difference between 7♠ and 7NT would be material in terms of matchpoints. Good work by Robb Gordon."

Kaplan: "I agree with Robb Gordon's dissent. My standard is this: Suppose South had bid a speedy 6♠, put his cards on the table and started writing the contract on the pick-up slip. Would a not-very-ethical North still have raised to 7♠?"

While this litmus test sounds good, it is too easy to apply indiscriminately without making a genuine attempt to deal with the specific bridge issues in each case. We might propose an alternative test. Would not a very ethical North still have raised to 7♠? Clearly the answers to both of these questions depend on your evaluation of the individual North, and the cards he holds. So the tests do not aid the evaluation, they are dependent upon it.

LeBendig: "I am in total agreement with the dissenter. There are certainly hands in which the ♦K is necessary to make a grand. South asked two questions which North could have answered with an acceptance. He said no to both, and then accepted after South made it clear that seven was still a possibility. How can we ever permit these cooperative decisions? I would vote for the 1010 as well as a procedural penalty for the 7♠ bid after the unauthorized information."

Rosenberg: "I agree with the dissenting opinion, except for the remark about solid diamonds. South could not have had solid diamonds, the king-queen of spades, and both rounded aces and open only 1♦. North made a mistake when he bid 6♥ - a mistake that would go unpunished unless South huddled and bid 6♠. Unfortunately, that's the break he ran into."

Weinstein: “The dissenting opinion was right on all points. South could have been looking for seven if North’s values were outside of hearts. The huddle precluded this possibility. North may well have been bidding 7 Í anyway, but his partner took away that option by huddling in a tempo-sensitive situation instead of contemplating his further actions before initiating a tempo-sensitive auction.”

Wolff: “I firmly agree with the dissenting opinion, and for the same reasons. Slam auctions either must be planned or the tempo kept intact, or any doubt will be decided against the hesitaters. Plus 1010 to N-S.”

Also in the dissenter’s camp is Cohen, but with a twist.

Cohen: “I'd have asked N-S what 2 Í showed. Did it promise extras after a 2/1? In any event, North's final action, while not flagrant, was not obvious. Sure, I think he should bid seven, but I concur with Mr. Gordon and would have ruled the way he wanted to. If partner huddles at the wrong time you must pay the price: 6 Í made seven for N-S, as the Director ruled. As to E-W, I think they should still be minus 1510, the most likely result without the break in tempo. An unpopular ruling, but I believe rulings of this sort will stop both tempo breakers and protesters.”

We’ve said it before, and we believe that it bears repeating. It is not good for bridge to force players to sustain poor results which were achieved through the opponents’ questionable actions. Were we to agree with Cohen that North not be allowed to bid 7 Í, we could never agree to impose 7 Í on E-W.

Many panelists on the dissenter’s side point to the egregious nature of South’s break in tempo in what should have been a planned auction. Given the dearth of evidence the pro-dissent panelists provided to suggest that North would have had trouble counting thirteen tricks in spades, we can’t help but wonder whether the availability of the “playing point” penalties described in CASE FOUR would have made a difference in any of their decisions. In other words, might the hard-liners be willing to give N-S 7 Í if a separate remedy were available to express their displeasure with N-S’s ancillary actions? We support the Committee’s decision, but would encourage a procedural penalty against N-S. We don’t believe that this is a bridge result with which to tamper, given the facts of the case. Nonetheless, it seems important to send a clear message to N-S to be more careful in tempo-sensitive auctions.

CASE SIX

Subject: Against the Grain
Event: NABC Open Pairs, 02Mar96, Fourth Session

Board: 4
Dealer: West
Vul: Both

Sam Hirschman
Í ---
Ì Q7
Ë AK942
Ê J109643

John Diamond
Í J963
Ì K106532
Ë Q3
Ê 2

Barry Rigal
Í KQ1052
Ì J8
Ë J65
Ê AK8

Daniel Levin
Í A874
Ì A94
Ë 1087
Ê Q75

WEST	NORTH	EAST	SOUTH
Pass	1Ê	1 Í	1NT
3 Í (1)	Pass (2)	Pass	DBL
All Pass			

(1) Preemptive
(2) Break in tempo

The Facts: 3 Í doubled went down one, plus 200 for N-S. Opening lead: Í A. North hesitated noticeably beyond the STOP warning. When South reopened with a double, East called the Director. The Director decided that there may have been a violation of the Proprieties (Law 73F1) and changed the contract to 3 Í down one, plus 100 for N-S (Law 16A2).

The Appeal: N-S appealed. They stated that pass was not a logical alternative for South at matchpoints against vulnerable opponents after partner had opened vulnerable in second position. North's hesitation did not suggest that it was right for South to double 3 Í. Quite the contrary.

The Committee Decision: Law 16A states that a player who has received extraneous information from partner (as by means of an unmistakable hesitation) may not choose from among logical alternative actions one that could reasonably have been suggested over another by the extraneous information. In this case the

Committee decided that North's hesitation did not suggest extra high-card values, but rather distributional values that North eventually determined he could not afford to show. N-S's statements about sound second-position openings (as one of the few agreements they had made) and their desire to move up in the standings were not in themselves significant; a Committee could always reasonably interpret them as being self-interested. If South had, instead, reopened with a cooperative double or a bid of 4Ê, the Committee would have considered those actions to be logical alternatives suggested over another (a penalty double) by the extraneous information. The Committee allowed the table result, 3 Í doubled down one (plus 200 for N-S), to stand.

This case was decided on its particular facts and did not attempt to reinterpret the meaning of "logical alternative." The particular extraneous information conveyed by North's hesitation was not of the nature that South could not lose by taking some action. In fact, North had just the sort of light, shapely hand suggested by the break in tempo, and E-W might well have been able to make 3 Í doubled from South's point of view. South expected North to pass the double even when it was wrong to do so.

Chairperson: Eric Kokish
Committee Members: Ralph Cohen, Ed Lucas

Directors' Ruling: 69.0 **Committee's Decision:** 92.5

We have our first unanimous panel. Everyone loves this decision . . . well, maybe love is too strong, but they certainly like it a lot. Here are the panelists' comments. We'll let them speak for themselves.

Cohen: "I agree with the Committee. Since I am a 'hanging judge' (I almost always tend to disallow questionable actions after tempo breaks), my vote to allow an action is extra meaningful (like an acid test). For South to pass at matchpoints is simply out of the question. Beyond that, the break in tempo doesn't suggest double; partner could hardly have been thinking of penalizing 3 Í!"

Krnjevic: "The Committee did a good job of applying the often overlooked second element of Law 16A - could the action that was chosen have been reasonably suggested over another logical alternative by the extraneous information? The application of Law 16A should be a three-step process: (a) Has the offender received extraneous information? (b) Was a logical alternative action available? If the answer to questions (a) and (b) is 'yes,' then: (c) Was the action chosen suggested by the extraneous information? Here, South did the reverse of that which was suggested by his partner's tank."

LeBendig: "Good call by the Director. Great call by the Committee, with an excellent presentation of their logic. This is not the only case in this manual which provides evidence that we are not automatically voting on logical alternatives until it is appropriate."

Wolff: "As long as North understands that a hesitation and then pass makes our game difficult to adjudicate, I will accept plus 200; otherwise, plus 130. [We believe Wolff means plus 100 here - *Eds*.] HD ('Hesitation Disruption') almost always makes things sticky, and top players must realize it. If they don't, continue harassing them until they do. The Committee's reasoning was right on."

Weinstein: "The Committee's decision and reasoning were excellent."

Goldman: "Strong agreement."

Rosenberg: "Good, everyone."

Rigal: "Again, the Director made the sensible ruling, with the hesitation and the possible unauthorized information. Although it was arguable that the Director might have come to the Committee's view, I think that is not his job. (Consistently correct Directors' rulings; how nice.) The Committee made an excellent decision here in my opinion (how magnanimous I am). Committees too often in my opinion take a double dummy analysis to prove how a hesitation points to the winning action chosen by partner. This was a clear-cut case where whatever the hesitation meant it did not point to South's double being more attractive. There is the possibility that North had extras and no clear-cut bid (say a 0-3-4-6 shape), but even then double might be wrong."

Bramley: "I agree with the Committee. I would like to have known how the play went. The contract seems virtually cold. Apparently the defenders cashed their two diamonds and forced declarer to guess hearts for the contract, and he did not. If this was so, then declarer guessed that South did not have his double. I have no sympathy for a declarer who makes such a play and then feels aggrieved because his opponent actually had his bid. Once again the 'non-offenders' refused to take their lumps, got a Director to agree with them (the norm for Directors), and forced a Committee to restore the original result. How much simpler it would be if players could recognize that not every bad result that occurs after a break in tempo is caused by the break in tempo."

Gerard: "Where was East during the play? Didn't he know what he needed to assume? Didn't South's double give him a road map? Plus 730 should have been trivial."

Did you hear that, Barry?

CASE SEVEN

Subject: Double Trouble Over Hesitations
Event: NABC Mixed Pairs, 05Mar96, Second Session

Board: 10
Dealer: East
Vul: Both

Bernace De Young
♠ KJ1097632
♥ K
♦ 632
♣ 4

Gordon Creber
♠ ---
♥ AJ42
♦ Q104
♣ KQJ765

Ina Demme
♠ A4
♥ Q83
♦ AKJ87
♣ A103

Cameron Doner
♠ Q85
♥ 109765
♦ 95
♣ 982

WEST	NORTH	EAST	SOUTH
		2♦ (1)	Pass
2NT (2)	3♠	DBL (3)	Pass
4♠	Pass	5♣ (3)	Pass
6♣	All pass		

(1) 18-19 balanced
(2) Relay to 3♣
(3) Break in tempo

The Facts: 6♣ made seven, plus 1390 for E-W. N-S called the Director prior to the 6♣ bid. The breaks in tempo were not disputed. The Director changed the contract to 5♣ made seven, plus 640 for E-W.

The Appeal: E-W appealed. West claimed that he was always going to bid at least 6♣ or 6♥. The hesitations by East should not have prevented an obvious course of action.

The Committee Decision: The Committee was in total agreement that there was unauthorized information from the slow double of 3♠. When questioned about what 4NT instead of 5♣ would have meant, E-W were uncertain. Even with a potential wasted ♠AK in the East hand which an in-tempo double of 3♠ might have suggested, the Committee still agreed it was easy to reason that 6♣ had to

be an excellent slam. A pass after 5♣ was not considered to be a logical alternative for West, and 6♣ was not an action that could have been suggested over others by the breaks in tempo. If West had made a move toward a grand slam after the unauthorized information, that would have been a very different issue. The Committee decided to allow the table result, 6♣ made seven (plus 1390 for E-W), to stand.

Chairperson: Alan LeBendig
Committee Members: Nell Cahn, Doug Heron

Directors' Ruling: 43.3 **Committee's Decision:** 75.6

Most of our panelists agree with the Committee's decision.

Bramley: "I agree with the Committee. The arguments are virtually the same as in CASES FIVE and SIX. In this case the sight of the dummy should have deterred N-S from pursuing a case they were sure to lose. If it was possible to charge N-S for an appeal lacking merit [it was - *Eds*.], I would have done so."

Cohen: "As in CASE SIX, I believe that even with the tempo breaks West had an obvious reason to act. It's 'impossible' to construct an East hand, even with spade wastage, that won't make 6♣ excellent."

"Impossible" is an overbid, even within quotes. Please see below.

LeBendig: "My only disappointment with this case was that South summoned the Director back after he had seen the West hand. Had the Director ruled that pass was not a logical alternative and had N-S appealed, I think I would have had little trouble deciding that this appeal lacked substantial merit."

Less militant on the subject, but still convinced, are . . .

Goldman: "I agree with the Committee."

Krnjevic: "Good decision."

Wolff: "Simple and accurate decision."

Not quite as sure is . . .

Rigal: "The Directors' ruling, though a little harsh, seems reasonable. If the hesitation pointed to anything, then it did suggest that West should be aggressive. Thus, putting the contract back to 5♣ seems okay. I think E-W were a little lucky here. That is not to say that I would not drive to slam myself, but

there is the chance of two top losers, and also of two missing aces - unlikely as that may seem. I would have allowed the 6♠ bid to stand, with some reservations."

And now . . . drum roll . . . two false claims to an original thought . . .

Weinstein: "The second huddle provided no useful information, and indeed was probably contraindicative of bidding further. The alternative bid that East would most likely be considering instead of 5♠ was 4NT, making a slam less likely. Even with the information provided by the slow double of 3♥ (nobody mentioned the possibility of passing the double, probably for good reason), 5♠ was not a possible final contract with West's hand."

Rosenberg: "I agree that West was probably going to bid a slam after he bid 4♥. But why did nobody bring up the issue of pulling the double of 3♥? Might not West have passed a sharp double of 3♥, hoping for three or four trump tricks? I think so. He may have even hoped for down five, bettering 6♠. East used appalling judgment in doubling 3♥ (the only part of the bid that related to her hand was the huddle), and I see no evidence to suggest that West might not also employ poor judgement, given no 'help.' Yes, it was wrong to pass 3♥ doubled, but I once heard about someone making the wrong bid. I would rule plus 200 for E-W."

The "nobodies" to whom these panelists refer were the Committee members. Meanwhile, our Edgar has been called many things, but never "nobody."

Kaplan: "I agree that it would be silly for West to pass 5♠, which must be a horrible matchpoint spot. But it would be logical for West to pass 3♥ doubled. Indeed, I would pass if my partner had doubled, perhaps with, ♥AKQ8 ♦KQ3 ♣KJxx ♠10x, to collect a four-figure penalty in exchange for game."

Kaplan and Rosenberg make valid points. If East holds ♥AKQ (the only holding permitting 18+ HCP without either of the minor suit aces or ♣AK) the slam won't legitimately make, while with any other spade holding the slam at least has play. In light of this is it reasonable to allow West to make a bid which depends only on his partner not having one specific holding? Not if his partner is Norman Kay.

How about the possibility of East holding three or four trump tricks (not necessarily ♥AKQ, but maybe ♥AKJ10 or ♥AQ109) and that 3♥ might go for more than the value of the slam? If North held such a weak trump suit, we might expect her to hold eight or nine of the little devils. That would cut it close, since down five would be required to beat 1370. What's more, considering the possibility that 6NT by E-W might make (and East would convert) much of the

time that 6♠ makes, even 1400 might not be enough.

You might consider this an example of a decision that really boils down to a matter of fine judgment. Is the combined likelihood that East holds ♥AKQ or that 3♥ doubled will yield 1400 (or better) sufficient to offset the possibility that E-W might not make their slam? In addition, as Kaplan points out parenthetically, isn't West entitled to make a matchpoint decision to not languish in 5♠?

On the other hand, had East made both of her bids in tempo, wouldn't this be evidence that she might hold one of the hands that would not provide a play for slam? Furthermore, the fact that E-W had no agreement about 4NT over 4♥ deprives them of the argument that East could have signed off in 4NT rather than 5♠ with extreme wastage in spades. In effect, the tempo breaks made it virtually certain that it would be right to remove the double, and go on to slam.

Are we not obligated under the Law to prefer the second interpretation?

If we take this view, then there was damage to N-S stemming from E-W's use of unauthorized information. If we consider it at all probable that West might have passed 3♥ doubled without the hesitation, then it would be proper to adjust the score for E-W to 3♥ doubled down one (plus 200) using the standard set forth in Law 12C2, as Rosenberg suggests. As for the (N-S) non-offenders, the standard in 12C2 is more stringent. In order to award them the reciprocal score, we would have to consider West's pass of 3♥ doubled "likely" - a decision more open to question. However, we would then proceed to examine West's final 6♠ call, and perhaps a better case could be made for the pass of 5♠ (Kaplan's matchpoints argument notwithstanding).

We are not attempting to substitute our judgment for the Committee's or the panel's. However, we do mean to advocate that the process of arriving at a decision should include all the normal considerations of damage flowing from an infraction, and that "logical alternative" take its normal place in that process.

CASE EIGHT

Subject: Taken Aback
Event: NABC Mixed Pairs, 05Mar96, First Session

Board: 18
Dealer: East
Vul: N-S

Judy Nassar
Í 109854
Ì J6
Ë KQJ1083
Ê ---

Natalie Hertz
Í A7
Ì A752
Ë 9
Ê AQ9842

Dan Hertz
Í KJ6
Ì Q1094
Ë A7652
Ê 5

Tony Ames
Í Q32
Ì K83
Ë 4
Ê KJ10763

WEST	NORTH	EAST	SOUTH
		Pass	Pass
1Ê	1Ë	Pass	Pass
DBL	2Í	DBL (1)	Pass
3Ê	Pass	3Ì	Pass
4Ì	All Pass		

(1) Break in tempo

The Facts: 4Ì made four, plus 420 for E-W. The Director was called by South after West's bid of 3Ê. Everyone agreed that there had been a break in tempo. North had not used the STOP card in making her 2Í bid. The Director changed the contract to 2Í doubled, down one, plus 200 for E-W.

The Appeal: E-W appealed. They stated that pass was not a logical alternative for West, and that her 3Ê bid was not an action that was suggested by East's break in tempo before he doubled.

The Committee Decision: The Committee decided that a pass by West was a logical alternative, and the contract was changed to 2Í doubled, down one (plus 200 for E-W). It was pointed out to North that it would have been proper procedure to use the STOP card before the 2Í bid.

Chairperson: Alan LeBendig
Committee Members: Nell Cahn, Gil Cohen, Mary Jane Farell, Doug Heron

Directors' Ruling: 88.9 **Committee's Decision:** 74.4

All of the panelists agree with the Committee's decision not to allow West's pull of the double.

Wolff: "Harsh but acceptable decision that leaves the right message."

Rosenberg: "The length of the break in tempo was critical here. If more than ten seconds, the Committee was correct. If not, North's failure to use the STOP card should have counted against her side - result stands."

Bramley: "I must assume that the Committee judged the break in tempo to have been significant, even had the STOP card been used. If that is so, then the ruling is correct. A note in passing: I am bothered by the frequency of complaints by players who set a very unusual problem for their opponents, and then feel that those opponents have not handled the problem 'properly.' The 2Í bid here created this type of problem. More commonly these situations arise with unusual systems, conventions, or styles."

While bids such as North's 2Í are infrequent, its intent here does not seem to have been to create a problem for the opponents in order to hold their "feet to the fire," so to speak. While we sympathize, in general, with Bramley's concern over the rise of such incidents, this doesn't appear to us to have been one of them.

Some panelists were also concerned with the merit of the appeal.

Weinstein: "I believe that the Committee was generous to E-W in not keeping the deposit. Assuming that there was no real dispute about the break in tempo (which should have been egregious to count after the failure to use the STOP card), a marginal pull by West became 100%. Sitting for the double with West's cards could easily have been the winning action. I believe that the appeal was totally without merit."

Krnjevic: "Good decision, although the Committee should have considered keeping the deposit."

But other panelists took issue with the result assigned in 2Í doubled. This is a matter about which we would have liked to hear more of the Committee's thinking.

Cohen: "Here, West's pull of the double was far from obvious, so I would not

have allowed it. I'd rule that the contract be reverted to 2 Í doubled. As to the decision of 'down one,' I'm not sure how anyone could have determined how many tricks N-S would have taken in spades. Consequently, I might have preferred a ruling of Average Plus/Average Minus."

Goldman: "Reverting the contract to 2 Í seems clear. The number of tricks that would be taken is not as clear."

Kaplan: "My only reservation was about the likely result at 2 Í doubled; down two seemed probable."

Picking up on both issues is . . .

Rigal: "Good ruling by both the Director and the Committee. The only questions were whether the appeal had merit (I vote 'Yes'), and whether the result from 2 Í doubled would always be minus 200 (I think so)."

After seven cases of virtual harmony, we're partially split on the "merit" issue in this case. One of us (*R.C.*) thinks that this appeal was just too much of a stretch. West's hand has values that are completely compatible with defending 2 Í doubled if East is of that mind. The presence of the hesitation makes it even more incumbent upon West to take only the action clearly indicated by the double itself, and not by the manner in which it was made. To not have done so, and then to ask a Committee to sanctify their action, is out of line.

While EOK is in agreement with most of that, he has reservations about what actually transpired at the table and in Committee. North's failure to use the STOP card, combined with the absence of information about the length of East's tempo break, the unfamiliarity of the bidding situation faced by East, and the fact that the Committee had ample opportunity to interview both pairs before deciding against retaining the deposit leaves him uneasy about an ex-post facto pronouncement about the merits. Although it is not really a determining factor in deciding on the merit of the appeal, the possibility that the number of tricks taken in 2 Í doubled might have required some analysis adds another element of doubt about what the Committee might have been considering in deliberating the "merit" issue . It is not necessarily presumptuous for us to substitute our judgment for the Committee's on this sort of matter, but when our information may not be as good as theirs, perhaps we should be more careful in doing so.

Whose turn is it to take out the garbage?

CASE NINE

Subject: Unusual Hesitation Implications
Event: Flight A Swiss, 06Mar96, First Session

Board: 32
Dealer: W
Vul: E-W

Ellen Siebert
Í 96
Ì K76
Ë AQJ1052
Ê A7

West
Í A3
Ì AQ954
Ë 84
Ê 10532

Jim Leary
Í KQJ87542
Ì J8
Ë 73
Ê Q

Roy Green
Í 10
Ì 1032
Ë K96
Ê KJ9864

WEST	NORTH	EAST	SOUTH
Pass	1NT (1)	3 Í	Pass
4 Í	Pass (2)	Pass	5 Ê
DBL	5 Ë	Pass	Pass
DBL	All pass		

(1) 14-17 HCP
(2) Break in tempo

The Facts: 5 Ë doubled made six, plus 650 for N-S. Everyone agreed that there was a short break in tempo before North's pass after 4 Í. The Director changed the contract to 4 Í down one, plus 100 for N-S.

The Appeal: South stated that he didn't bid over 3 Í because he didn't think his side could make a game, but felt that it was clear to protect against 4 Í as a save, with an outside chance for a make.

The Committee Decision: The Committee members believed that the hesitation by North did not suggest bidding; if anything, North was most likely to be considering a penalty double. The Committee did not believe that a pass by South was a logical alternative at this vulnerability and form of scoring. The Committee allowed the table result, 5 Ë doubled made six (plus 650 for N-S), to stand.

Chairperson: Howard Chandross
Committee Members: Nell Cahn, Jerry Gaer, Bruce Reeve, Nancy Sachs

Directors' Ruling: 75.0 **Committee's Decision:** 73.0

The first volley goes to the lone opponent of the Committee's decision.

Gerard: "No, the form of scoring actually discouraged a bid. In a seven-board Swiss match, 5 or 7 IMPs worth of insurance (just change East's club to any non-queen) is not so cheap. And just because E-W are vulnerable doesn't mean that they can make any game they bid. In fact, why should they make? South had enough defense and a majority of the combined high cards that I would rather have doubled 4♠ than have saved over it. As for North's having a penalty double, it would have to have been based on four aces, in which case South can hope to make 5♠ opposite a red jack or any red-suit length (squeezing West). But if the vulnerability made it clear for South to save, how could North be considering a penalty double? West couldn't have been aceless, given the limits of his trump holding. The only hand that North could have held for her huddle and which makes sense was an off-shape notrump with zilch in spades. (If nothing else, vulnerable opponents have good trumps when they bid game over a strong notrump, and South holds as much as he did.) That puts a different light on South's action, doesn't it? I suppose South's and the Committee's reasoning represents the popular view, simple-minded as it is. [C'mon Ron, don't hold back. Tell us what you really think - *Eds*.] Someone once said that you could win lots of IMPs/money by bidding game every time you were vulnerable vs. not, given the opponents' propensity to save. However, the voice of the people cannot change the Laws. The Directors' ruling should have been upheld."

Ron makes several weighty points, and his logic is seductive. Seductive in his own right . . . right up until his last sentence, is . . .

Rigal: "Again, the Director made the sensible ruling, with the hesitation and the possible unauthorized information. The question of whether the Director was supposed to bring his judgment to bear on such issues seems to depend on which Director gives the rulings. [They are all 'Directorial Staff' rulings - *Eds*.] I am not entirely happy with this one. Why did the hesitation not suggest bidding as opposed to doubling? I do not expect my partner to do either, and with South's strong hand the penalty double seemed almost impossible. So how did the Committee know which of the two 'impossible' actions it pointed to? It was clear that if partner was considering bidding, we wanted to bid. Pass was clearly an option on that basis. I would have let the score stand."

We had bitten that apple down to the core when suddenly the snake reared its ugly head. We suspect (hope) that last sentence was a typo.

Agreeing with the Committee's decision, if not with the way they arrived at it, are . . .

Krnjevic: "I agree with the result, but question some of the reasoning. In particular, I am not at all convinced that pass was an illogical alternative. However, if, as the Committee concluded, the hesitation suggested that N-S should be defending 4♠, then the result should stand, since the action chosen was the reverse of that which was suggested by the break in tempo."

Bramley: "I agree with the decision, but not with all of the logic. Once the Committee reasoned that the hesitation did not suggest bidding, the case was over. However, and though irrelevant here, they are surely wrong to say that a pass was not a logical alternative."

Weinstein: "The one thing that I find totally bothersome in this case is the Committee's opinion that pass was not a logical alternative for South. Of course it was a logical alternative. I do agree with the Committee, however, that it was not a particularly suggested alternative, and would have allowed the 5♠ call."

When the bidding reverted to South, he had three conceivable actions: the "expected"pass, the "point-count" double, and the "save-or-make" 5♠. Had there been no hesitation, any of these three actions would have been defensible. In particular, South's pass over 3♠ must be deemed evidence that he was content to defend that contract undoubled. However, once the hesitation occurred it was the Committee's job to determine whether any of these actions could have been suggested over the other(s). While it is true that the scenario introduced new considerations, it's difficult to see why pass was no longer a valid alternative. Like the previous panelists, and without reflecting on the merits of its final decision, we are horrified with the Committee's statement about logical alternative.

Rosenberg: "Reasonable, unless one believed that the huddle induced the bid, or unless North had a history (of which South was aware) of opening 1NT off-shape."

More certain of the Committee's reasoning are . . .

Cohen: "As usual, I don't like to allow 'questionable' actions after a hesitation. In this case, however, the hesitation did nothing to indicate that South should act. The only thing that North could realistically have been thinking about (her actual hand notwithstanding) was a penalty double, which would suggest that South not bid 5♠. So, since the hesitation in no way helped South, I would clearly allow the table result to stand."

Wolff: "Good decision. E-W's complaint reeks of 'sour grapes.'"

Still in agreement, but concerned with how to stop this sort of thing in the future . . .

Goldman: "North had seen the auction accelerate three levels since her first bid. As part of a sensible 'Skip Bid' procedure, North should have ten seconds to think. This needs to be put into the books in some fashion. [We couldn't agree more - *Eds.*] However, I don't see where even an illicit huddle makes South's decision easier. I fully agree with the Committee."

As we write this it is spring, and a young man's fancy turns to love . . .

LeBendig: "I love this decision and presentation of reasoning. Like CASE SIX, it makes it evident we are not simply adjusting because of a hesitation. As everyone is aware, we have been accused of that lately."

Could it be that our esteemed and honorable Co-Chair is thinking PR and image?

Most of the panelists buy the Committee line about what actions North's hesitation might have suggested. But the Gerard/Rigal reasoning still haunts us. Seduction is seduction, after all. And the Committee's manner of dealing with the "logical alternative" issue doesn't make their decision sit any better with us. Nonetheless, even if you allow that a pass by South is indeed a logical alternative, the case boils down to whether or not the action taken at the table could have been suggested over the other logical alternatives by North's hesitation. Whether you deem South's decision to be a matter of logic or judgment will guide you to an acceptable resolution of the case. If it's judgment on which you choose to hang your hat, the panel's nine to one (8-1/2 to 1-1/2 Barry?) vote is a pretty resounding cry for allowing South's bid.

Our hat is on the other post, with Ron's and the half-Barry's.

CASE TEN

Subject: In-Tempo Hesitation
Event: Flight A Swiss, 06Mar96

Board: 11
Dealer: South
Vul: None

Earl Glickstein
♠ AQJ9xx
♥ x
♦ Axxxx
♣ x

Meyer Kotkin
(not relevant)

Art Korth
(not relevant)

Dewayne Jones
♠ K8x
♥ AQxx
♦ Kx
♣ AKJ10

WEST	NORTH	EAST	SOUTH
			2NT (1)
Pass	4♥ (2)	Pass	4♠
Pass	4NT (3)	Pass	5♦ (4)
Pass	5NT (5)	Pass	6♣ (6)
Pass	6♠ (7)	Pass	7♠
All Pass			

(1) 19-20 HCP
(2) Transfer to spades
(3) RKCB; 1430 responses
(4) 0 or 3 Key Cards
(5) Invites a grand slam
(6) Showed the ♣K
(7) Alleged break in tempo

The Facts: 7♠ made seven, plus 1510 for N-S. N-S conducted a long slam auction in which most of the bids were made slowly, particularly by North. The Director was called only after the score comparison. E-W alleged that South had bid the grand slam only after a slow 6♠ by North, and that he might have taken advantage of the unauthorized information (that North was thinking of bidding seven himself) when he selected his last call. N-S stated that there was no break in tempo; all their bids were slow. The Director ruled that the table result would stand.

The Appeal: E-W contended that North could have bid 6♦ to cooperate in a

grand slam invitation, but instead bid a slow 6♠.

The Committee Decision: It was determined that all bids were made in the same tempo, and that the tempo was consistently slow. There were no statements that 6♠ was any slower than any other N-S call. N-S testified that 6♠ was in itself a grand slam try, and that 6♦ would have focused on that suit. North feared that South might bid 7♠ with ♦Kxx, so he rejected a 6♦ bid. The Committee decided that there was no unauthorized information and allowed the table result, 7♠ made seven (plus 1510 for N-S), to stand.

Chairperson: Howard Chandross
Committee Members: Nell Cahn, Jerry Gaer, Bruce Reeve, Nancy Sachs

Directors' Ruling: 60.0 **Committee's Decision:** 67.5

Well, was there a break in tempo?

Trusting the Committee's finding that there was none are . . .

Bramley: "No break in tempo equals no infraction. Good ruling. Again, E-W should have recognized the futility of this appeal."

Wolff: "No hesitations, no adjustments. The character of the players plays a part in determining credibility."

More skeptical are . . .

Gerard: "If the Committee found that there weren't any hesitations then that's the end of the case. However, South's failure to bid 7♠ over 5NT suggested that E-W may have been right. If South was looking for 7NT, why didn't he continue with 7♦ over 6♠? North's statements don't wash either. 6♠ was not a grand slam try, it was a signoff; 5NT was the invitation. 6♦ would not have asked South to bid seven with ♦Kxx, 6♦ over 5♦ would have done that (do you have the ♦K?) You can't cater to an xxx holding by a 2NT opener. Because North's 6♠ bid was a signoff, it was tempo-sensitive and was much more pregnant than the rest of the auction. And 6♠ had to be slower than 2NT, 4♠, 5♦, even 4NT. Therefore, it was out of tempo and could have conveyed information. What 'score comparison' generated the Director call? If it was with E-W's teammates, wasn't the case still timely? If it was South's claim at some point during the hand, there was no question. In other words, what was the point of the statement concerning the score comparison?"

Goldman: "I do not buy the reasoning that since all calls during the auction were very slow, the equally slow 6♠ bid was not damning. It appears to me that

every other slow call during the auction conveyed the message, 'I am thinking about how to best solve this slam puzzle,' and the slow 6♠ bid said, 'I am still thinking about the problem.' Since South could have bid 7♠ the round before if he wanted to, he cannot be allowed to bid 7♠ over a huddled 6♠.

"A very slow tempo throughout is a serious concern to me. I always feel as though the opponents know more than they are supposed to. Did South huddle when he bid 4♠ over 4♥? What should a proper tempo have been here? Compare this hand to CASE FIVE (a huddle in a grand-slam try at the time of the signoff). There it was matchpoints, so 7NT was very pertinent, and there also the bidder could count thirteen tricks."

And somewhere in between . . .

Rosenberg: "If North's 6♠ bid was made in his normal tempo (not just his tempo in slam auctions), and there was nothing about his demeanor to suggest that he was thinking about this bid more than any other, there cannot be redress - since there was no infraction. However, I find North's statement rather damning. His consideration, then rejection, of the 6♦ call may have been apparent to his partner. It behooved North, in this situation, to think before bidding 5NT [he did - he thought before *every* bid - *Eds*.] Then, if he signed off in tempo after South's response, it was far less clear to South that North was still interested in a grand slam; maybe South's response was not what he needed to hear. Now we come to South. Why didn't he bid 7♠ over 5NT? At matchpoints he could have claimed he was looking for 7NT, but here there was no real case. If I had the slightest doubt about North's tempo or demeanor (and it is likely I would), I would assign plus 1010 - which the Director should have routinely done."

Now that we haven't settled that, we'll hear from the other panelists - all Bramley/Wolff/Committee supporters, but all with some misgivings.

LeBendig: "The tempo problem here was much different from CASE FIVE. I'm only slightly uncomfortable with this ruling. I wonder if South would have bid again if the tempo had changed and the signoff was quick? Despite my uncertainty, I trust the fact-finding ability of this Committee."

Cohen: "I'd reluctantly allow South to bid 7♠, although I'd have preferred better tempo from North. The reason I allow South to go on is that North clearly showed interest in seven. He asked for kings and got the cheapest response, 6♣. Presumably he could have asked for the other kings, but by bidding 5NT and then 6♠ he clearly was showing interest in seven, and South could hardly have a better hand."

Kaplan: "I don't quarrel with the Committee decision, although it's close. The

Director was wrong in not ruling for the innocent side."

Rigal: "I assume that the Director ruled that the result should stand on the grounds that there was no hesitation. If so, and we were merely looking at a dispute of facts, was it a suitable matter to be discussed by a Committee? If the Director ruled that there had been a hesitation, I would have expected him to put the score back to 6♠ and leave the offenders to appeal. I think this consistent tempo question is an intriguing one, and I do not wear it myself. Unless North had a consistent history (away from this hand) of bidding slowly [they don't call North "The Snail" where I come from for nothing! - *R.C.*], I think the final bid's tempo did convey a message; then the question of whether South's third-round red-suit controls were sufficient to bid 7♠ came into play. I suppose they were; I'm not convinced 100%."

Several panelists speak negatively of the Directors' (the staff, remember) ruling for the offending side. Although there is no confirmation of their motivation in doing so, we would like to be able to draw the inferences that Barry does - that they found no break in tempo and therefore found no infraction. It would help all of us if the Directors' ruling provided us with enough information to discourage speculation.

Weinstein: "I would allow the 7♠ call, but I'm not entirely comfortable in doing so. There are several points to be made. Making all bids slowly does not excuse one from making tempo-sensitive calls in tempo. That tempo may be slower for some players than others, consistency being the key. If all of the bids were slow and the 6♠ call took 5-10 seconds [in your dreams - *R.C.*], I believe that would have been an appropriate tempo for that player in this auction. If it took longer than that, then it constituted a break in tempo, regardless of the tempo of the previous calls. Taking a long time to make a tempo-sensitive call (e.g. a signoff, penalty double) is not the same as taking a long time to prepare an auction. The Committee doesn't clarify what slow meant here, but there probably was a meaningful break in tempo. It is inexcusable for North not to know what he was going to bid over the various responses to 5NT before the call was made. I would reluctantly allow 7♠. North had already indicated interest in a grand by bidding 5NT, and the slow signoff merely reconfirmed that message. South could not have had a better hand. (I know, why didn't he bid seven over 5NT?) Also bothersome was E-W's failure to call the Director until after the score comparison."

Howard is claiming that tempo-sensitive calls are subject to an absolute rather than a relative standard, and that 5-10 seconds would seem to be the parameters. For our snail-like North player, this would constitute the equivalent of Kaplan's classic "folding up your cards, putting them on the table, and filling in the score slip." We have been encouraging players for years to try to speed up their tough

decisions (particularly those in tempo-sensitive situations), but even more importantly, to make a conscious attempt to slow down the apparently-easy ones. The solution proposed by Rigal (whose haberdasher does not recommend plaid-on-plaid) and Weinstein (who believes in planning to the nth degree) would fly in the face of that advice.

Can we be comfortable with the findings of the Committee's investigation with regard to the alleged hesitation in the tempo-sensitive situation that makes or breaks this case? Surely it is the path of least resistance and it is human nature to settle for this sort of disposition.

Our panel is (by their own nature) a highly suspicious group, and , at least on paper, it's not easy to sneak a changeup past any of them. But the sort of reservations entertained by Gerard, Goldman, and Rosenberg in particular can be meaningful only if they are able to sit at the same table as the Committee members. Sure, you can draw inferences about what either North or South might have meant if they had chosen alternative actions at any point in the auction, or what the true meanings were of certain bids that they actually selected, but how can you do this without having access to the protagonists, first-hand? In effect, this sort of personal analysis often boils down to an expert panelist projecting his own considerable bridge knowledge into the minds of the players involved in the appeal. Not every player makes a committal decision at the appropriate juncture of a complex auction, or at least not at the same juncture as the expert's expert might. If everyone's constructive bidding were as polished as our panelists' this would be fine. But as it is, there is a danger in this, everyone's zeal and good intentions notwithstanding.

CASE ELEVEN

Subject: Hesitation "Blackwood" Variation
Event: Morning Knockout Teams, 07Mar96

Board 28
Dealer: South
Vul: N-S

Paul Vickers
♠ AK
♥ AK10x
♦ AJxx
♣ Qxx

Jim Leary
♠ Q10xx
♥ xxx
♦ K10x
♣ xxx

Ron Andersen
♠ Jxxxx
♥ Jxxx
♦ xx
♣ Jx

Mary Vickers
♠ xx
♥ Qx
♦ Qxxx
♣ AK10xx

WEST	NORTH	EAST	SOUTH
			Pass
Pass	2NT	Pass	3♠ (1)
Pass	4♦	Pass	4NT
Pass	5♣	Pass	5♦ (2)
Pass	6♣ (2)	Pass	6♦
All Pass			

(1) Alerted; minor suit Stayman
(2) Break in tempo

The Facts: 6♦ made six, plus 1370 for N-S. South intended 4NT as RKCB for diamonds and bid 5♦ after considerable thought. There was a clear pause for thought by North before he bid 6♣. The Director changed the contract to 5♦ made six, plus 620 for N-S.

The Appeal: North thought 4NT was natural and invitational. When he decided to accept the invitation, he showed his key cards for diamonds as per partnership agreement. North stated that he was always bidding a slam after the try by South.

The Committee Decision: The Committee believed that from North's point of view, South had offered to stop in 4NT, and then again in 5♦ after North showed his key cards. South's slow signoff was considered by the Committee to be an

action that could easily be interpreted to show continued interest in slam. The Committee next considered whether some number of North's peers would seriously consider passing 5♦. The Committee decided that this was the case, which made pass a logical alternative to the 6♣ bid chosen by North. The Committee decided that North might have bid 6♣ over 4NT to allow South to confirm the strain. North stated that he showed his key cards in case they were headed for a grand slam. The Committee believed that this was an unlikely point to consider, given South's willingness to stop in 4NT. The slow 6♣ bid was not an issue. It was believed that North was trying to decide whether he could justify bidding over the slow 5♦ call. This was a good example of a situation where the Blackwood bidder was unprepared for the three possible responses. Had South bid 5♦ in tempo, there would have been no problem. The Committee changed the contract to 5♦ made six (plus 620 for N-S).

Chairperson: Alan LeBendig
Committee Members: Geoff Hampson, Walt Shafer

Directors' Ruling: 84.5 **Committee's Decision:** 81.5

Goldman: "The information provided was inadequate. What was the 2NT range? What was the exact meaning of 3♠ (did it promise both minors)? What were their Blackwood agreements, if any (if 4NT was just invitational, I think North may be justified in bidding slam)?"

And now, from our "Funny You Should Ask" department. Flash! This just in.

LeBendig: "I failed to mention in this write-up that the 3♠ call may have been a single-suited minor. That explains North's decision to finally accept in clubs. I firmly believe that this was the correct decision."

Thinking along the same lines as Goldman is . . .

Cohen: "I'd have allowed North's continuation. South showed slam interest and North had great controls, a great hand, and great minors. It's unfortunate that there were tempo problems, but it wouldn't be bridge to force North to stop short of a slam which must have great play opposite any hand with minors and slam interest. As much as I hate to allow questionable actions after huddles, this one seems clear."

Well, there's clear and then there's clear.

Weinstein: "The Committee got this completely right. As long as South could have held something along the lines of, ♠Qx ♥Qx ♦KQxx ♣Kxxxx, the slam would not have been a favorite even opposite a 12-count, and the pass of 5♦

must have been a logical alternative to the clearly suggested bidding of slam."

Rigal: "Again, the Director made the sensible ruling, with the hesitation and the possible unauthorized information. If South made a minor-suit slam try, and implicitly has five clubs and four diamonds (else a raise), could slam be all that bad? Yes it could. With, ♠Qx ♥Qx ♦KQxx ♣Kxxxx, 6♦ would have been terrible. I would have let North have his bid with a different/better club holding, but not this time. North was not worth a drive to slam facing two non-constructive bids. The Committee was right."

Are these guys on the same wavelength, or what? A couple of additional supporters of the Committee's decision . . .

Bramley: "Thorough discussion. Good decision."

Rosenberg: "Good."

Gerard identifies another aspect of North's testimony that was self-indicting, along with some awkward statements by the Committee. (Ron may win our "Oscar" - the Sesame Street variety - this year.)

Gerard: "North's statement about a grand slam (opposite a passed hand) called his whole argument into question. However, as far as the Committee is concerned, we don't need statements like 'had South bid 5♦ in tempo, there would have been no problem.' Tell me something I don't know. Also, of what relevance is it that the Committee thought that North was trying to decide whether he could justify bidding over 5♦? It was a gratuitous statement that had nothing to do with the decision."

Right on point is . . .

Krnjevic: "Once North admits that 5♣ showed his key cards, he has our sympathy but not our support. His partner knew the partnership's combined key card holding and had opted to stop short of slam. Although we can allow North to gamble that he is not off two key cards and bid slam in a normal auction, it would be entirely inappropriate to permit North to act in such fashion when his partner's break in tempo has virtually guaranteed that not only is the partnership in possession of four key cards, but also that slam will be a good proposition if North holds more than a minimum hand."

Finally, in case there's anyone out there who doesn't get it yet and plans to appear before a future Committee hawking this sort of stuff.

Wolff: "I agree with the decision and believe the following dictum should

emerge: When a pair's method, convention, or sophisticated system is misunderstood and may cause improper information to be exchanged, either by study, Alert, or mannerism, all doubt about advantage should be decided against the users."

Dictum somehow has a knack of becoming law, so watch your flanks. We like this one.

To sum this one up, over South's invitational 4NT North showed his key cards not to try for seven (we are not big fans of the term "self-serving" but in this case, that shoe seems to fit remarkably well) but in order to stay out of six when the key card position proved to be inadequate. Under his interpretation (it matters not at all that South was on some other frequency and searching for key cards herself), South's 5♦ had only one meaning - that there were two key cards missing. As long as North could construct hands for South consistent with her bidding, then he could not in clear conscience go on to slam. No matter how badly he wanted to bid it and how "automatic" (shudder) some of our panelists consider such an action to be.

Is this an important case? You bet.

CASE TWELVE

Subject: Search for Unauthorized Information
Event: Flight A Pairs, 07Mar96, Second Session

Board 28
Dealer: West
Vul: N-S

William Muir
Í KQ1087652
Ì 9
Ë 732
Ê 3

Howard Sard
Í --
Ì 10864
Ë AJ108654
Ê KJ

Art Brodsky
Í A93
Ì AQ5
Ë KQ9
Ê 9752

Jess Stuart
Í J4
Ì KJ732
Ë ---
Ê AQ10864

WEST	NORTH	EAST	SOUTH
3Ë	Pass	3NT	Pass (1)
Pass	4Í	Pass	Pass (2)
5Ë	Pass	Pass	DBL
Pass	5Í	DBL	All Pass

(1) Break in tempo
(2) Shorter break in tempo

The Facts: 5Í doubled made six, plus 1050 for N-S. Opening lead: ËK. South's pass over 3NT was slower than the normal ten seconds, and there was a shorter but noticeable tempo break by South over 4Í. Neither break in tempo was disputed. The Director was first called by East after North bid 4Í, and was called back by E-W after the play was over. The Director ruled that unauthorized information was available to North. The contract was changed to 5Ë doubled down one (plus 100 for N-S).

The Appeal: North claimed that an immediate bid of either 3Í or 4Í over 3Ë would have shown a better hand than a delayed bid. North further stated that he pulled the double of 5Ë "out of fright." He felt that the opponents were just unhappy that they did not lead the ace and another spade to defeat the contract.

The Committee Decision: The Committee determined that the North and South

players each had over 3000 masterpoints, and their partnership had little recent experience. The Committee members felt that while North's 4Í bid might have made some players nervous, pass was not a logical alternative. However, North's own testimony about the strength requirements of a direct spade bid suggested that South did not expect any defensive tricks from North. Since a pass of 5Ë doubled would certainly have been the choice of many players with these agreements, pass was decided to be a logical alternative. The Committee changed the contract to 5Ë doubled down one (plus 100 for N-S).

Chairperson: Bruce Reeve
Committee Members: Jim Linhart, John Sutherlin

Directors' Ruling: 80.6 **Committee's Decision:** 52.8

No matter how many times we read the Committee's decision, we can't find an interpretation of the meaning of South's hesitations. It's difficult to allow or disallow an action which may depend on those meanings without a complete investigation.

Krnjevic: "This is an unusual case since, unlike most hesitation auctions, South's break in tempo occurred during the early stages of the auction, and partner's final bid was made in tempo. Unfortunately, although the Committee arrived at the right conclusion, it did not address this intriguing aspect. Since South's final double was made in tempo, it was incumbent upon the Committee to conduct a thorough analysis of the auction and consider whether the earlier hesitations were 'cleansed' by the subsequent rounds of bidding; or, alternatively, whether a clear link remained between these breaks in tempo and North's final action, two rounds later. Since the tank over 4Í is consistent with partner entertaining, at the very least, fleeting thoughts of going on to the five-level, then North's final bid was suggested from among logical alternatives by the extraneous information, notwithstanding his partner's in-tempo double."

Nick's methodology seems immaculate, and his entire comment sounds very reasonable, but is his interpretation of South's second tempo break correct?

Weinstein: "I am uncomfortable with this decision. Even if I accept the Committee's decision that passing was a logical alternative, I have difficulty with the lack of discussion on whether it was a suggested logical alternative. While the first huddle suggests that South was contemplating some action, it does not suggest that 5Í was more likely to be successful than defending 5Ë doubled. If the Committee accepts North's testimony, as they seem to have done, then the original huddle would suggest more defense and that sitting was okay. The second huddle would seem more likely to suggest that spades was a strain that South didn't like. This would also seem to suggest sitting for the double. I

believe you could make a better case that had North sat for the double (which was apparently in tempo) and had it worked out, that he would have been forced to remove to 5 Í."

Howard has a rather different view of the second hesitation than Nick, and an unbelievably strong one (if we are to believe his final sentence). We would have welcomed a more detailed discussion of the reasoning by which each of these two panelists reached his interpretation.

Bramley: "If South doubled in tempo, then why couldn't North do whatever he wanted? Did South's earlier tempo breaks really suggest that bidding was more likely to be successful than passing? While pass by North was certainly a logical alternative, the connection between the infraction and the action taken was not established by any argument put forth by either E-W or the Committee.

"I agree with North that E-W were upset that their choice of opening lead cost at least four tricks. The Committee should have restored the table result. I suppose that Committee rulings like this one are the reason players keep calling the cops in situations like those in CASES FIVE, SIX, and SEVEN."

He's not quite with Howard, but because he finds it impossible to interpret South's orientation from his tempo breaks, Bart can't find a reason to prevent North from taking any action after the in-tempo double of 5Ë. Theoretically, North did the wrong thing, and for the wrong reasons (he ran from fear), after all.

Kaplan: "If South had broken tempo before doubling I would have ruled as the Committee did. But there was nothing about South's earlier hesitations that suggested that North take out. Quite the contrary."

Wolff: "I do not agree. South's slow passes did not suggest to North that he take out 5Ë doubled. He did anyway, and got lucky. East could have saved the day with a double dummy lead. Plus 1050 for N-S."

Rigal: "Again, the Director made the sensible ruling, with the hesitation and the possible unauthorized information. I don't like this ruling, although I may be going out on a limb here. I don't see why North's (really rather silly) action of bidding 5 Í was in any way made more attractive by the auction. A pause of less than ten seconds over 4 Í did not drive North to make the right bridge bid. (5 Í makes when a combination of unlikely things happen, whereas 5Ë is a virtually sure one down.) I think North got lucky and his opponents got fixed. Tough."

Perhaps with different degrees of certainty, these panelists concur on the crucial issue: South's tempo breaks did not point to North's removing the double of 5Ë.

Among the unconvinced, we can find . . .

Cohen: "I reluctantly agree with the Committee. The reservations I have are that South might not have shown a good spade hand by his huddle over 4 Í. Perhaps he had solid hearts and was content to defend 3NT, and now was thinking of running to 5 Ì. However, I believe the huddle was most likely spade-interest-related, and therefore would not allow North to pull the double."

LeBendig: "I have no problem with this decision. I'm pleased that we did not question the 4 Í call, but only dealt with the situation that followed."

Is he happy with the Committee, do you think?

Uncommitted. At least not to the critical issue, are . . .

Rosenberg: "I'm not sure about this one, but it did look as though North's 5 Í bid, with three trumps and two suits to ruff, might have been influenced by his partner's tempo. On the other hand, I admire South for not breaking tempo when he doubled 5Ë. If he had, this case would have been easy."

"Tell me something I don't know." (Ron Gerard, circa 1996)

Goldman: "Too tough to call. Again, although 3NT was not itself a 'Skip Bid,' South should be allowed (and take) ten seconds before calling after it."

C'mon guys, it's your job to make the calls. Can you imagine an umpire saying, "I'm not sure if he was safe or out. This one's just too tough to call." And the League office says, "Y'er out'a here!"

We're out'a here too.

CASE THIRTEEN

Subject: Passed Hand Confusion
Event: NABC Women's Pairs, 07/03/96, First Qualifying Session

Board: 3
Dealer: S
Vul: E-W

Susan Miller
Í KQ
Ì A1084
Ë QJ542
Ê Q6

Peggy Sutherlin
Í 65
Ì K972
Ë 3
Ê A98742

Judy Wadas
Í J4
Ì Q65
Ë K9876
Ê KJ10

Kathy Fox
Í A1098732
Ì J3
Ë A10
Ê 53

WEST	NORTH	EAST	SOUTH
			Pass
Pass	1Ë	Pass	3 Í
Pass	4Ë (1)	Pass	4 Í
All Pass			

(1) Break in tempo

The Facts: 4 Í made four, plus 420 for N-S. There was an agreed break in tempo over 3 Í. E-W said they saw facial expressions by N-S at the time of the 4Ë call. The Director changed the contract to 4Ë down three, plus 150 for E-W.

The Appeal: N-S appealed because 4Ë was a forcing bid. North stated that she did not know what 3 Í meant and thought that it might be a splinter. South thought that 3 Í was natural and invitational, and that 4Ë was forcing.

The Committee Decision: The Committee decided that the unauthorized information suggested a bid of 4 Í rather than a pass of 4Ë. Pass and 5Ë were both deemed to be logical alternatives to 4 Í. The merit of the appeal was considered, and the deposit was returned. The Committee changed the contract to 4Ë down three (plus 150 for E-W).

Dissenting Opinion (Doug Heron): There is no question that North broke

tempo, but was pass a logical alternative for South? Consider that the form of scoring was matchpoints. West had passed initially. East had passed over 1Ë. Neither North nor South had started with a preempt. These considerations lead to the conclusion that 4Ë must indeed have been a forcing call. If you allow that 4Ë was forcing: (a) what was North doing? (b) was any call suggested by the break in tempo rather than by the 4Ë bid itself? If you think partner is giving you a choice of games, then 4 Í is your bid. If you think partner is giving you room to show a heart control, then 4 Í or 5Ë is your bid. If you think partner has both club and heart controls and is inviting slam, then 4NT might be your call. In other words, there are options, none of which is pass, and I do not consider the appeal to be without merit. The Committee decided to change the contract to 4Ë, judged down three (plus 150), for E-W. Perhaps if the 4 Í bid had not been allowed and 5Ë had been forced on South, the result should have been 5 Í down one or two, depending on whether E-W shifted to hearts before the diamond ace was ruffed. I confess that I wasn't up to suggesting this last option at 1 am, after a tough day of play. Perhaps Committees, like judges, should be allowed to reflect overnight and render their decisions the next day.

Chairperson: Jan Cohen
Committee Members: Doug Heron, Mike Huston, Richard Popper, Rebecca Rogers

Directors' Ruling: 78.5 **Committee's Decision:** 58.0

Several panelists agree with the Committee's between-the-lines conclusion that N-S had no agreement that North's 4Ë bid was forcing, although apparently only Gerard and Rigal agree without qualification with the Committee's final decision.

Gerard: "Remember this South hand when it comes to CASES THIRTY-EIGHT and FORTY, two instances in which a passed hand kept bidding his own suit in the face of a misfit. I don't agree that 4Ë was forcing. What would North have bid with, Í--- ÌKQxx ËKQJ9xxx ÊQx?"

Rigal: "A reasonable Directors' ruling; I would have done the same on the grounds that I could not work out the intricacies of the position. 4Ë was obviously [if the word "obviously" were not permitted in bridge discussions, I would sleep much better - *EOK*] not forcing. Whatever 3 Í meant by a passed hand (splinter, fit, spades), 4Ë was to play. I cannot believe that there is a serious argument to any other effect. Would the alleged contortions make 4 Í a more attractive bid? Yes, because of the possible ambiguity of the 3 Í bid, which South would now realize. The right Committee decision, and although it may not be right to withhold the deposit in the circumstances, if I had been on the Committee I would have voted for it, dissent or not."

Wolff: “Go further. Force South to raise to 5Ë - down four. Doug Heron’s belief that South should have rebid 4 Í is beyond me.”

Why stop there? Wouldn’t East have doubled 5Ë holding K9876 of trumps and other defensive prospects? Down four, doubled, is 1100?

Although thinking along just these lines, Rosenberg’s analysis of the play in 5Ë doubled is more forgiving.

Rosenberg: “To the dissenter: if 4Ë offered a choice of games, then 5Ë and not 4 Í would be your choice. 4 Í would never be your choice unless you suspected you were having a misunderstanding. The question is: did North give it away that she didn't know what 3 Í was? The break in tempo itself is meaningless unless accompanied by other unauthorized information. Can you imagine this auction without a break in tempo? If North had stayed cool, the result should stand. If not, N-S should play 5Ë doubled down three (eight tricks were more or less inevitable according to my analysis). N-S cannot get to spades since North didn't know South had them and South thought that North, in spite of knowing about South's spades, was suggesting that diamonds should have been the strain. East should not have been precluded from her right to double because North passed unauthorized information to her partner.”

The next panelist’s position is not entirely clear.

Goldman: “Without the facial expressions I would be inclined to allow the 4 Í bid, but only because South was a passed hand. 4Ë is normally a corrective, non-forcing bid. I would not make South bid 5Ë.”

On the side of 4Ë forcing, and siding with the Dissenter . . .

Cohen: “I would reluctantly allow the table result to stand. I don't believe the speed of the 4Ë bid had any effect on South's correction to 4 Í. In fact, wouldn't a prompt, speedy ‘run’ to 4Ë have implied a spade misfit and thereby have made 4 Í undesirable? [But therefore a slow 4Ë would make 4 Í desirable - *Eds*] What I don't like is that North made ‘facial expressions.’ I might have issued a procedural penalty for that, but would allow plus 420 in 4 Í.”

Also on the side of 4Ë forcing, and siding with . . . everyone . . . and no one . . .

Krnjevic: “While I disagree with both the majority and minority rulings, I think the proper decision can be derived by combining the good points made by each. First, as both the dissenting member argued, and South admitted, 4Ë was forcing. Consequently, the majority's decision to impose a result of 4Ë can't be right, since it is a result that could never have been achieved at the table even if

N-S had not been privy to unauthorized information. However, as the majority concluded, N-S conveyed unauthorized information both by their tempo and their facial expressions. Allowing the 4 Í bid cannot be permitted, since to do so would only encourage North(s) to bid a slow 4Ë in these situations (indicating doubt as to whether South has splintered), knowing that South will be able to ‘clarify’ the auction by emphasizing that spades was indeed a suit. Consequently, South should be required to bid as if she knew that her partner understood that she had long spades and was nonetheless insisting on retreating to diamonds. As such, she should be required to bid 5Ë.”

Although he takes a very different path, Krnjevic arrives at the same destination as Wolff and Rosenberg.

And finally, covering all bases are . . .

LeBendig: “I agree with the dissenter that a pass does not appear to be a logical alternative. Once South made an invitational (in her mind) bid it makes no sense that partner would be overruling to play in 4Ë at matchpoints. If 4Ë is accepted as forcing, the tempo of the call in no way suggests that 4 Í is going to be the right action. I will grant that the uncertainty on partner's part does indeed make 4 Í a much safer call, and would therefore probably vote for 5Ë. I might, however, be convinced to allow the 4 Í bid.”

Weinstein: “I hate saying this, but I would have needed to have been there (at the hearing, though the table would have been better). The slow 4Ë call did not really transmit any useful unauthorized information, since I can’t imagine what an in-tempo 4Ë call was supposed to suggest, or how anyone would have been capable of making one. However, if North was otherwise exhibiting pain (i.e. were we playing splinters here?), then that was useful unauthorized information. My inclination is that I would have allowed the 4 Í call, but that may have been different had I heard all the testimony. The write-up of the Committee’s decision sheds no light on their reasoning in deciding that there was unauthorized information that suggested 4 Í.”

We know many players who would treat North’s 4Ë call as (to use Goldman’s term) “corrective.” The bottom line in this case seems to us to be: if N-S were not on the same wavelength about the meaning of 3 Í, how can we allow them (post hoc) to agree that 4Ë was forcing - especially given the absence of concrete evidence to that effect and the division we’ve seen among our panelists on this question. Furthermore, we believe that there would be no consensus among experts as to the nature of 4Ë in auctions of this type. And even if there were such a consensus, it is antithetical to the appeals process to attribute expert reasoning to players whose partnership agreements have already been demonstrated to be suspect.

We agree with Wolff regarding the dissenting opinion . . . we don't understand it either.

CASE FOURTEEN

Subject: Logical Alternative; Double Hesitations
Event: NABC Open Pairs II, 07Mar96, First Session

Board 28
Dealer: West
Vul: N-S

David DesJardins
Í AKJ874
Ì KQJ6
Ë J96
Ê ---

David Brock
Í 106
Ì 1095
Ë A8753
Ê AK5

Bruce Culmer
Í Q
Ì A8732
Ë KQ2
Ê J1063

R. Bharat Rao
Í 9532
Ì 4
Ë 104
Ê Q98742

WEST	NORTH	EAST	SOUTH
1NT (1)	DBL (2)	Pass (3)	2Ê
Pass	2 Í	4 Ì	Pass
Pass	DBL (2)	Pass	4 Í
Pass	Pass	DBL	All Pass

(1) 11-14 HCP
(2) Break in tempo; 30 seconds - 1 minute
(3) Forced a redouble if next hand passed

The Facts: 4 Í doubled made four, plus 790 for N-S. North hesitated for between thirty seconds and one minute before each of his doubles. The Director was called when South bid 4 Í after the second double. The Director ruled that South's bid could have been influenced by North's slow double, and changed the contract to 4 Ì doubled down one, plus 100 for N-S.

The Appeal: N-S stated that North's double of 1NT showed points or tricks, but that they could also have shown a weaker hand with spades by bidding a Cappelletti 2Ê (showing a one-suiter). They thought that it was not reasonable for South to pass 4 Ì doubled with undisclosed four-card spade support, heart shortness, and no defense against hearts.

The Committee Decision: The hesitations by North were agreed to by the three

players present (West did not attend). The Committee determined that the South and North players had about 200 and 650 masterpoints, respectively, and that N-S had no firm agreement about the meaning of North's second double.

When questioned about why he hadn't bid 4 Í directly over 4 Ì South stated that he wasn't sure North was strong enough to make a game opposite his weak hand, and that he didn't want to go minus (vulnerable). When North doubled the second time South decided that North's hand was even stronger than previously shown. He then concluded that with negative defense and useful undisclosed offense he would try for plus 620 instead of a lower score defending.

The Committee members believed that few players of South's experience level would bid game directly over 4 Ì. They also found South's statements to be entirely believable that, in light of North's failure to bid Cappelletti originally, South would find the prospect of making 4 Í to have improved with North's second double, and that he would not want to defend 4 Ì doubled with a singleton heart, undisclosed four-card spade support, and no defensive values. The Committee therefore allowed the table result, 4 Í doubled made four (plus 790 for N-S), to stand. The need for N-S to bid in tempo and the danger in failing to do so were discussed with them at length.

Chairperson: Rich Colker
Committee Members: Karen Allison, Howard Chandross, Ed Lazarus, George Steiner

Directors' Ruling: 75.5 **Committee's Decision:** 78.0

Four panelists disagree with the Committee's decision

Gerard: "Disagree completely. If South didn't bid 4 Í because he wanted to defend 4 Ì, he should have sat for the double. Since South didn't sit for the double, he should have bid 4 Í immediately to go down one as a save. North's second double didn't tell South anything that his first two calls didn't, except that he had good defense against 4 Ì; so it suggested not bidding 4 Í. The prospect of making 4 Í was already established by the time North bid 2 Í, since he showed a Cappelletti-type hand but stronger. South's singleton heart and lack of defensive values were no surprise, and his undisclosed four-card spade support argued for bidding earlier. Isn't that what the 'Law' [*of Total Tricks*] commands you to do?"

Everything Gerard says is certainly true - for an expert/experienced player. But South had only about 200 masterpoints. And note the first sentence of the last paragraph of **The Committee Decision** "few players *of South's experience level* . . ." Isn't some consideration due players at this level?

Goldman: "Long huddles give too much extra information. Two such actions plus South's similar decision (passing 4 Ì) is too much for me to allow the pull. Note that the equation has changed slightly. Minus 500 in 4 Í doubled versus minus 590 in 4 Ì doubled is now a gain versus minus 500 against minus 420. The prospects of beating 4 Ì also went up, but unfortunately for South were limited by the slow double of 4 Ì."

Kaplan: "A player that discovered that his partner had substantial heart values opposite his singleton could scarcely claim that this made his side more likely to make 4 Í, or less likely to beat 4 Ì. The Committee was too generous to N-S."

Look at North's hand. 40% of his values are soft heart values, yet 4 Í is unbeatable and 4 Ì is down no more than one. Something is wrong somewhere.

Rigal: "The Director made the sensible ruling, with the hesitation and the possible unauthorized information. Although one could argue that South was drawn to bid 4 Í here by the tempo of the second double, in fact that was probably not what North intended, and the 4 Í bid was surpassingly obvious. Even a bad player would have made the bid, I think."

The rest of the panelists are in agreement with the Committee's decision, characterizing South's pull of the double as "routine," "rational," and "clear-cut." Virtually no one suggests that South's inexperience should be a mitigating factor in the decision. In other words, it's okay for *anyone* to bid 4 Í. Surprisingly, none of these panelists say anything about South's failure to raise spades earlier in the auction.

Bramley: "Excellent ruling."

Cohen: "I agree with the ruling. South had a routine [if the word "routine" were not permitted in bridge discussions, I would sleep much better - *EOK;* sorry to hear about your sleep problems - *R.C.*] 4 Í pull over the double."

Krnjevic: "I agree with this decision, but the Committee's reasoning is a little loose. Surely the central issue is not whether South's bidding was 'reasonable,' but rather whether pass is a logical alternative to 4 Í. I don't think it is, but if it were, then the 4 Í bid should not be allowed no matter how reasonable it may be, since a slow double invariably suggests a pull."

Not necessarily. A slow *penalty* double suggests a pull, but a slow *takeout* double suggests being left in.

LeBendig: "Once again, I'm pleased to see that we allowed someone to make a rational bridge decision even with the clear presence of unauthorized

information."

Rosenberg: "Very good."

Sutherlin: "Well-handled by the Committee. South had his 4 Í bid opposite a fast or slow double. The Committee decision was correct."

Weinstein: "4 Í was certainly clear-cut (though maybe less so to players of South's experience). However, the same argument could have been made of the original pass over 4 Ì. North held the best defensive, worst offensive, heart holding, and it still worked out to bid 4 Í. I know that it isn't supposed to matter, but would the Committee (or I) have been influenced had North held a 6-2-3-2 19-count?"

Wolff: "Agree, and for all the reasons given by the Committee."

For us, this case could have been decided either way, depending on the levels of the players involved. We are surprised that so many of the panelists who support the Committee decision feel that skill and experience level are not factors. And we are even more surprised that these panelists are not troubled by the fact that South chose to pass earlier. Do they believe that a seasoned tournament player would pass 4 Ì and then run when partner announced that he expected to defeat it?

Those who think that the Committee was too generous to N-S make some good points, which would be perfectly valid if N-S (in particular, South) were skilled or experienced players. But in this case - the one that matters - they weren't. The Committee was careful to explain that it was just this circumstance that substantially influenced its decision. The panel, both the pro side and the con, largely ignores the reasoning of the Committee.

Let's try to put a definitive spin on a case that seems to be leading in dangerous directions. Say that the facts of this case are duplicated at the very next table in the same event, at which a more experienced pair are N-S. Both go to Appeal and two different Committees hear the cases. The inexperienced pair gets plus 790 in their hearing; the grizzled veterans get plus 100 in theirs (the second Committee includes Gerard, Kaplan, Goldman, and Rigal). Has an injustice been committed? No, because both Committees were operating according to the same rules: players may not take advantage of unauthorized information from their partner. In the case involving the less experienced pair, South would never have bid at the four-level with his weak hand, and ran from 4 Ì doubled out of fear. He would have done so even had his partner stood on the table and doubled. There was no use of unauthorized information, since his actions were motivated only by his skill and experience level. In the case involving the veterans, the

Committee would use the same reasoning we have seen in their comments earlier to disallow 4 Í, judging that South's action could have been motivated by the unauthorized information from the break in tempo.

Please don't tell us that the veterans would have scored plus 790 if their Committee had included Bramley, Cohen, Wolff, LeBendig, and Sutherlin (for example). And don't tell us that this was a NABC+ event and "If these players want to play with the big boys, then they have to learn to play by the big boys' rules." We don't buy that argument. We want to encourage players at lower levels to accept the challenge of the competition of higher-level events (that's how we improved our games), but without holding them accountable for knowing all that the better players are expected to know. This decision fills in that gap of accountability, substituting education for punishment.

CASE FIFTEEN

Subject: Stretching for Damage
Event: NABC Open Pairs, 07Mar96, First Session

Board: 6
Dealer: E
Vul: E-W

Susan Abrams
Í KJ63
Ì A74
Ë 953
Ê 754

Ira Cohen
Í 5
Ì Q32
Ë AQJ10762
Ê A3

Wafik Abdou
Í 10982
Ì J98
Ë K8
Ê K1092

Norm Rosen
Í AQ74
Ì K1065
Ë 4
Ê QJ86

WEST	NORTH	EAST	SOUTH
		Pass	1Ê
1Ë	DBL (1)	1NT	2Ë
3NT	DBL (2)	Pass	4Ë
DBL	4 Í	All Pass	

(1) Negative
(2) Break in tempo

The Facts: 4 Í went down two, plus 100 for E-W. The Director was called and determined that there had been a break in tempo by North before she doubled 3NT. E-W initially stated that 3NT doubled might have been made if South led a club, but the Director thought that if South did not pull the double of 3NT, the likely result would have been N-S plus 500 (two down: after either a heart lead and spade switch, or a spade lead). The Director ruled that there had been no damage to E-W by the slow double and pull to 4Ë; the table result of 4 Í down two, plus 100 for E-W, was allowed to stand.

The Appeal: E-W did not appeal on the issue of whether 3NT doubled might have made. Instead, E-W contended that South took advantage of the slow double to bid in a manner that suggested a more distributional hand. The effect of South's bidding was to convince E-W that a penalty double would not be a sound course of action. E-W alleged that, had they known that South had been

acting on the unauthorized information, they would have doubled. They therefore asked the Committee to substitute 4 Í (by North) doubled down two, plus 300 for N-S, for the score achieved at the table.

The Committee Decision: Only East attended the hearing. The Committee first considered the possible recourse for the unusual claim made by the appellants. After consultation with the Directors, the Committee members were satisfied that there was no basis in law to award an adjusted score to E-W. E-W were not directly damaged by South's bid after the slow double. Although East's failure to double the final contract may have been based on his belief that South held a different hand for his sequence of bids, East drew that inference at his own risk. The Committee decided unanimously that the table result, 4 Í down two (plus 100 for E-W) would stand. The Committee members were concerned with the actions of South, and referred the case to the Director-in-Charge for possible further action. The Committee considered (but rejected) a recommendation that the N-S score be changed to Average Minus if their minus 100 proved to be a better result. The Committee recommended that the incident be recorded.

Although the merits of E-W's appeal might be construed as somewhat dubious, and that East might well have been asking for something for nothing, the Committee felt that it was worthwhile to examine the issues involved in this unusual set of circumstances.

Chairperson: Eric Kokish
Committee Members: Jerry Clerkin, Gil Cohen, Mary Jane Farell , Judy Randel

Directors' Ruling: 88.0 **Committee's Decision:** 81.0

Most of the panelists think that this appeal was decidedly without merit, and that the deposit should have been retained.

Bramley: "The Committee had a lot more patience than I would have had. While the basis for the appeal was novel, this appeal was still without merit. How much more distribution was South supposed to have, 5-5-0-6 maybe?"

Goldman: "This was a matter for a recorder, not a Committee. I would have kept the money (it pays for the scrip for the Committee)."

Gerard: "What merits? Didn't West bid 3NT? Didn't that show ace-queen-jack seventh of diamonds and a side ace? How could South hold 4-3-0-6? Wouldn't that leave West with 1-4-7-1? And even so, my hand diagram showed East with K109x of clubs. Double was a standout. If the Committee wanted to examine the issues, fine. I, as a Committee member, would not tolerate being treated as a fool (see also CASE TWENTY). West made the right move when he failed to

appear."

Krnjevic: "I agree with the decision, although I think the Committee should have kept the appellants' deposit."

LeBendig: "Despite the issues involved, I'm disappointed that the deposit was not retained here. I hope that at the very least South's action was recorded."

Rigal: "Sensible Director ruling. I am surprised by the harshness of the comments about South's actions, although my first reaction is that his bids were simply bad, rather than based on unauthorized information. I do not see why South should have removed a slow double. I certainly do not see the severity of the incident. The appeal of E-W appears cute, but without merit. It looks like having your cake and eating it too."

The rest of the panelists agree with the Committee's decision, saying nothing about the merits of the appeal.

Cohen: "I agree with the Committee's decision and I definitely would have recorded South's egregious pull of the slow double."

Kaplan: "The 4Ë bid was an infraction, but it helped E-W, who were most ungrateful. Perhaps a case could be made for a procedural penalty against N-S, with nothing for E-W."

When there has been no damage, there can be no score adjustment. When an infraction is deemed to be more than trivial and the Committee wishes to convey its displeasure to the offenders, a procedural penalty is one of two appropriate mechanisms, the other being a Conduct and Ethics hearing. There has been considerable controversy regarding the application of procedural penalties, but very little substantive discussion of the legal aspects. This is the second instance in this volume in which Kaplan attempts to enlighten us on the subject. We ought to pay attention.

Sutherlin: "To award E-W any adjustment would have been inappropriate. If the Committee had chosen to change the N-S score to minus 300 or Average Minus, this should not have changed the E-W table result. It is most probable that E-W had already benefitted from the N-S tempo break, which led to E-W being plus 100 instead of minus 300."

Wolff: "A well-thought-out decision in which I concur. It must be noted, however, that HD ('Hesitation Disruption') causes many non-bridge-related insoluble problems, whose only solution would be to stop it."

Rosenberg: "Okay."

Weinstein: "Though there was validity to the E-W contention that they are less likely to double assuming that South has a clear-cut pull, in this specific case I don't believe that anyone would have doubled even if the last double had been in tempo and pulled [please be advised that Gerard and "anyone" may now be used interchangeably - *Eds.*]. Yet there was a definite linkage that could be relevant in other cases. Are the opponents entitled to the information that their opponents are bidding under the constraints of having received unauthorized information, and also entitled to rely on the ethical conduct of those opponents? My gut feeling is that the non-offenders are at their own risk, but that the offenders are subject to an adjustment if the non-offenders' actions could have been affected by relying on the offenders' ethical conduct. I do believe that a case could be made for assigning N-S minus 300. Should the opponents have been allowed to benefit either directly, or indirectly (as in this case), from non-active ethical behavior? I agree with the Committee that the appeal was dubious and, I believe, at best overly litigious."

In fact, it was something like Howard's "definite linkage that could be relevant in other cases" that prompted the Committee to spend as much time as it did on this unusual, seemingly questionable appeal. Since one of us chaired the hearing, you will be able to determine whose words you see in the next paragraph . . .

This appeal was beyond dubious - it was appalling. East's partner had bid like a man with "the goods" (or a serious death wish); he made a vulnerable overcall, jumped to game after a competitive 1NT bid from his passed-hand partner, and then doubled South's runout bid of 4Ë, ostensibly asking East's cooperation. When North then ran to 4 Í East, holding four trump and two other kings, didn't make the winning (who could have guessed!) double; and then came to Committee asking for redress, claiming that South's bidding had misled him. Is this a joke? Am I on Candid Camera? If this appeal had merit, then I guess I've never seen one that didn't.

That might be exactly right, of course. Perhaps the Committee found East's *chutzphah* irresistible. Dealing with the appeal "straight up" not only provided the Committee an opportunity to analyze the legal ramifications of an unusual hypothesis, but also enabled the Committee to evaluate the type of argument raised by the Appellants with a view toward establishing precedent. But maybe that's not "merit."

CASE SIXTEEN

Subject: Logical Alternative, Precisely
Event: NABC Women's Pairs, 07Mar96, Second Session

Board: 24
Dealer: West
Vul: None

Katherine Feiock
♠ A762
♥ 5
♦ AQ10862
♣ A4

Laura Brill
♠ 109853
♥ J9862
♦ 9
♣ J2

Madeline Bloom
♠ KJ
♥ AQ10743
♦ J4
♣ 1083

Barbara Vinson
♠ Q4
♥ K
♦ K753
♣ KQ9765

WEST	NORTH	EAST	SOUTH
Pass	1♦ (1)	1♥	2♥ (2)
4♥	Pass	Pass	5♦ (3)
Pass	6♦	All Pass	

(1) Precision, promising at least four diamonds
(2) Either "limit or better, with diamonds," or some GF with no suitable bid to make (2♣ NF)
(3) Break in tempo, confirmed

The Facts: 6♦ made six, plus 920 for N-S. After South's ambiguous 2♥ cue-bid, North passed West's 4♥ around to her partner. After North went on to 6♦ over South's slow 5♦, E-W called the Director. After play had been completed the Director was called back, and pursuant to Law 73F1 ruled that, since passing 5♦ was a logical alternative for North, the 6♦ bid would be canceled. The Director adjusted the result to 5♦ made six, plus 420 for N-S.

The Appeal: N-S appealed, alleging that it was a not a logical alternative for North to pass 5♦. North was not certain that South held genuine diamond support and wanted to learn more over West's 4♥. When South did not double 4♥ or bid a natural 5♣, North's hand was far too good to pass 5♦.

The Committee Decision: The Committee members asked N-S several

questions about their methods, and determined that South's cue-bid of 2♥ might have been based either on a strong hand unsuitable for a not-quite-forcing 2♣ or a strong 3♣, a sound balanced hand looking for a heart stopper, or various hands with diamond support. North admitted that it did not cross her mind that when she passed 4♥ South might have passed too.

Law 73F1 instructs the Director to award an adjusted score when it is determined that a player has chosen from among logical alternative actions one that could reasonably have been suggested over another by his partner's . . . tempo . . . The issue is not that passing 5♦ might be a logical alternative to bidding 6♦. The question to be examined (here) is whether North's 6♦ bid could reasonably have been suggested over a pass (the only possible relevant alternative, although it would not be ridiculous for North to think about trying for seven) by South's slow 5♦ bid. Did South's break in tempo suggest in any way that she held extra values? That she was considering a try for slam? The opposite is far more likely; that she was considering doubling 4♥, and resolved a close play-or-defend decision by choosing to declare. From North's point of view, South's direction was not yet determined. And while it might be true that her pass to 4♥ was not clearly forcing, she felt that South would not pass - and might help her in choosing the right strain and level if given a further opportunity to describe her hand. Had South instead doubled 4♥ slowly, it might have been argued that removing the double would have been an action reasonably suggested over a pass. But this was a different case altogether.

The Committee restored the result at the table, 6♦ (by North) made six (plus 920 for N-S).

Chairperson: Eric Kokish
Committee Members: Jerry Clerkin, Gil Cohen, Gail Greenberg, Sharon Osberg

Directors' Ruling: 59.5 **Committee's Decision:** 90.0

A housekeeping matter: When this case was sent out to the panel, it was in a more abbreviated form than what you see here (apparently the current version had been misplaced in transit). Accordingly, the panel was unaware that North's 1♦ opening showed at least four cards and that South's 2♥ covered several different hand types. That might explain some of the comments you are about to encounter.

Another unanimous panel.

Cohen: "I definitely agree with the Committee. Beyond the fact that 6♦ was obvious [oh, no, the dread "o" word again; perhaps we should initiate a quota system for using it, and some of its close kin, like the "r" word (routine) - *Eds.*],

we must realize that the slow 5Ë in this case didn't even convey any information. How would North know that South wasn't thinking of doubling 4 Ì ?"

Goldman: "I do believe that a pass with the North hand might satisfy the logical alternative criteria, but I don't believe that South's slow 5Ë bid indicated a great hand as opposed to other possible types. I agree with the Committee's decision."

Krnjevic: "This a good application of the themes discussed in CASE SIX. First, passing 5Ë with the control-rich five-loser North hand was not a logical alternative. Second, and more important, even if pass was an alternative, the 6Ë bid was not suggested by partner's private musings. In fact, one is tempted to argue that if North doesn't bid 6Ë with this hand, and only makes eleven tricks because South (who has tanked) has a 'dog,' he should be penalized."

If we'd hang someone for the "or," we seemingly can't hang him for the "either." That is for the most part a sensible back-door argument, but we can imagine certain fact patterns that would call for the rope in both cases, particularly when a very experienced partnership is involved.

Sutherlin: "Allowing North to bid 6Ë seems clear-cut. Slam certainly rated to have a good play."

Wolff: "Impressive Committee reasoning, which is just beginning to establish a consistent bridge and ethical approach without just exercising some long, boring bridge discussions."

Weinstein: "I agree that 6Ë was not suggested by the huddle. South could have been thinking about doubling, suggesting 5Ê (especially if 1Ë could have been short), passing, or making a slam try. Looking at North's hand, the first three seem more likely. The Committee's consideration of logical alternatives was irrelevant."

Curiously, the Committee's *non*-consideration of logical alternatives is relevant.

Next, from our "We Knew He Was Good, But Mind Reading, Too?" department . . .

Rosenberg: "It was not sufficient to judge that the break in tempo did not make a 6Ë call more attractive. The Committee's decision was only correct if they concluded that this particular North was not influenced by the huddle, and did not bid 6Ë as a result."

Michael's words imply the existence of a two-part exoneration process for the "offending" side. It is true that as a matter of course a Committee would attempt

to determine whether the specific player involved in the critical decision was influenced by his partner's infraction. But is it necessary to spell this out in each case? We think not, but perhaps it would be a good idea to create a manual for Appeals Committees.

Several panelists have thoughts about the Directors' actions as well as the Committee's.

Rigal: "I am not sure whether the Director could/should have worked out the points made by the Committee. I think not; and he therefore did the sensible thing. The Committee did well here. It would have been easy to miss the point that the slow bid suggested nothing at all. Good decision."

Rigal consistently doesn't expect much from our Directing staff. Not so Bramley and Gerard.

Bramley: "Good ruling. The same scenario as CASES FIVE, SIX, and SEVEN. If the Director had ruled for E-W and if they had appealed, the appeal would have been found to be without merit. E-W should have seen the light when North's hand became known, and stopped the nonsense before the Director could rule in their favor."

Gerard: "Maybe the League should have made the Directors pay the $50 it would have collected if E-W had brought the appeal. Why can't there be a penalty for a frivolous Director call? Meckwell haven't held North's diamonds for their last four 1Ë openings, total."

It seems that an opportunity to strike a blow at the Directorial staff always brings out the best in Ron.

CASE SEVENTEEN

Subject: Desperately Seeking Salvation
Event: NAOP Non-Life Masters, 03Mar96, Second Session

Board: 25
Dealer: North
Vul: E-W

	♠ AJ108 ♥ 105 ♦ Q1094 ♣ 1074	
♠ K763 ♥ AK862 ♦ 7 ♣ KQ6		♠ Q954 ♥ J ♦ AJ5 ♣ AJ832
	♠ 2 ♥ Q9743 ♦ K8632 ♣ 95	

WEST	NORTH	EAST	SOUTH
	Pass	1♣	2NT
3♥ (1)	Pass	3NT	Pass
4♠ (1)	All Pass		

(1) Break in tempo

The Facts: 4♠ made four, plus 620 for E-W. The Director ruled that the table result would stand.

The Appeal: N-S thought that the breaks in tempo influenced East's decision not to try for slam.

The Committee Decision: The Committee decided that there was little indication that the slow actions by West indicated that pass by East was the more attractive of logical alternatives. The Committee decided to allow the table result (4♠ made four, plus 620 for E-W) to stand.

Dissenting Opinion (Mary Hardy): I believe that the amount of unauthorized information presented by West was of greater importance than believed by the rest of the Committee, and more than likely was a strong factor in influencing East's decision to pass over 4♠. After the 2NT bid West asked several questions. After West was told it showed the red suits, he asked what the distribution would be and was told five-five. West then asked if the distribution could be five-four, and was told that was possible, though not usual. West then hesitated before he bid 3♥, and again before he bid 4♠. These actions clearly showed that West did

not have as good a hand as the auction suggested.

East apparently had no problems, and made all calls in tempo. The only call in the auction that should have required thought was East's final pass, but East had no problem. How was that possible? Although this was the Non-Life Master NAOP, at least one E-W player was a Life Master.

Chairperson: Karen Allison
Committee Members: Martin Caley, Mary Hardy, Ed Lazarus, Brad Moss

Directors' Ruling: 87.8 **Committee's Decision:** 82.2

Yet another unanimous panel supporting the Committee's decision.

Cohen: "The information here is sadly lacking a key point. What was three hearts? Was it intended as natural (it looks that way)? Did anyone ask what it meant? It's not normal to play a cue-bid as natural, but if it was then West's bidding showed presumably 4-5 in the majors, and I don't see why that would suggest that East should try for slam - especially since suits rate to be splitting badly. So, I'd allow the table result, and agree with the Committee (assuming 3♥ was natural)."

Goldman: "N-S wasted the Committee's time."

Krnjevic: "I agree with the majority. I'm not convinced that the breaks in tempo were more consistent with overbidding by West as opposed to underbidding. Consequently, I don't believe the auction suggested that pass was the preferred alternative."

LeBendig: "I am in nearly total agreement with the Committee, mainly because I trust their fact finding. I would have been very unlikely to want any adjustment because of the level of the players involved. If I can't assign meaning to this slow auction in a good game, how could I in a Non-Life Master event?"

Is it possible that there once was a good Non-Life Master event? For shame, Alan. But apart from that, would this decision have been any different in a Life Master event, for example?

Rigal: "Good ruling by both the Director and Committee. The tempo breaks do not point in any direction, and although East did well to pass, he had decent spades but nothing else, really. Any action would have been odd. (In fact, I would not have been amazed had we been asked to take away a continuation if East had made one!)"

Here it is, the latest instalment in a long line of seductive back-door arguments. More to follow.

Wolff: "I agree with the majority opinion. E-W were just floundering around and came up right. Over unusual action (2NT) it is normal to break tempo, and I don't know anything about this hand which suggested that any improper information was being transmitted. This is sour grapes by N-S. After all, the hand comes very close to making 6 Í. Would N-S have appealed if 6 Í had made?"

A couple of panelists question the dissenting opinion.

Bramley: "I agree with the majority. This appeal is close to meritless. I find the dissenting argument without merit, particularly the inference that West must have a weaker than expected hand because of the hesitation. In my experience most hesitations show more strength, not less. However, we should note that if you cannot figure out what the hesitator is thinking about, then you cannot draw useful inferences from the hesitation."

Weinstein: "After being told that South was 5-5, West's question of whether he could be 5-4 and then bidding an apparently natural 3 Ì was awful. I don't understand the dissenting contention that West's hand was not as good as the auction suggested. I don't believe that any useful unauthorized information was passed based on the tempo of the bids."

Well, that about says it all. Okay?

Rosenberg: "Okay."

CASE EIGHTEEN

Subject: Bad Attitude at Trick Nine
Event: NABC Open Swiss, 09Mar96

Board: 31
Dealer: South
Vul: N-S

Joel Wooldridge
Í J1072
Ì K862
Ë 1065
Ê 105

Rick Foley
Í Q98
Ì 9
Ë A9843
Ê Q742

Jerry Craige
Í 43
Ì AJ1074
Ë KQ7
Ê K86

Chris Carmichael
Í AK65
Ì Q53
Ë J2
Ê AJ93

WEST	NORTH	EAST	SOUTH
			1NT
Pass	2Ê	Pass	2 Í
All Pass			

The Facts: 2 Í went down two, plus 200 for E-W. Opening lead: Ì 9. The play went as follows (card led):

West	North	East	South
Ì 9	Ì 2	Ì 7	Ì Q
Í	Í	Í	Í A
Í	Í	Í	Í K
Ë 3	Ì 6	Ì 10	Ì 3
Ë	Ë	Ë K	Ë
Ë A	Ë	Ë 7	Ë J
Í Q	Í	Ì	Í
Ë	Ë 10	Ë Q	Í
Ê 7 (1)	Ê 10	Ê K	Ê 3

(1) Break in tempo

The Director ruled that there was no unauthorized information, and allowed the table result to stand.

The Appeal: N-S alleged that the break in tempo preceding West's play of the ♠7 gave East unauthorized information that he may have used to his subsequent advantage. West stated that he broke tempo to review the cards that had been played so that he would not make a defensive error.

The Committee Decision: The Committee found out through questioning that West intended the ♠7 as an attitude card, not a count card. The Committee determined that West's play was specific to the situation, and that the card played conveyed information that was accurate. Since the card itself conveyed the specific meaning and no advantage was gained from the break in tempo, the Committee allowed the table result, 2♥ down two (plus 200 for E-W), to stand.

The Committee also recognized that had N-S understood that the ♠7 was an attitude card (E-W did not explain this at the table before the Director was called), it was doubtful that the appeal would have been pursued. The deposit was therefore returned.

Chairperson: Jan Cohen
Committee Members: Eric Kokish, Bruce Reeve

Directors' Ruling: 77.5 **Committee's Decision:** 73.5

Although most of the panelists agree with the Committee's decision, some are less than happy with the details of how they arrived at that decision.

Bramley: "Right result, wrong reasoning. West's argument that the ♠7 was attitude was self-serving, and should have been taken with a grain of salt. However, after nine tricks East could be nearly certain of the position regardless of West's carding or tempo. To require him to misdefend at that point would have been outrageous. Also, South's play was not best (clubs before hearts is always down one) and would have been even worse with the ♠Q as well."

Cohen: "This write-up is incomplete. I presume that East next played back a club, and N-S wanted him instead to play the heart ace. Is that the bone of contention? [Yes - *Eds.*] If so, I think it's ludicrous. Why would East ever do anything other than play a club? (Clearly declarer doesn't have AQJx of clubs!) There is no bridge logic that could dictate anything other than a club back at trick ten, and I find this to be an appeal without merit. (I don't know who plays the ♠7 as attitude in such a situation, but I don't see that as having anything to do with East's automatic club return.)"

LeBendig: "If we allow appeals of this nature with no downside, I believe we will be inundated with appeals. It was N-S's responsibility to ask more questions

before they filed this appeal. They might have then been able to determine, as the Committee did, that the appeal was absurd. The fact that they chose to file the appeal without any research makes it clear to me that they didn't think anything mattered. Perhaps the Committee would change their bad result. Retaining the $50 would have changed their attitude and sent a clear message to others."

We don't believe that N-S's appeal was at all unreasonable. The issue of the clarity of East's play following West's tempo break was not a trivial matter to evaluate and it is not reasonable to second-guess N-S on what was, after all, a fairly sophisticated judgment.

Gerard: "Well, that looks pretty self-serving to me. I didn't know that anyone played that way outside of a rubber bridge game. Still, the count was already known, and if E-W were on the same frequency, there wasn't any damage. Furthermore, with ♠AQJx wouldn't South have played a club to the 10 at trick four, just in case West's lead was a singleton?"

Sutherlin: "The slow play of the ♠7 may have provided East with unauthorized information. However, to expect East to lay down the ♥A in the four-card ending makes no sense. The Committee decided correctly."

Weinstein: "I think that it was pretty clear to play a club back regardless of the meaning of the ♠7, though it could have been wrong if declarer had the AQJx of clubs and misplayed the hand slightly. I would have liked to have seen E-W's convention card to fully believe that the ♠7 was attitude in this situation."

Wolff: "I agree with the Committee. While it would universally be preferred for West to play the ♠7 (or whatever club) in tempo, there are some bridge problems that are just too difficult to adjudicate."

Krnjevic: "Good decision."

Two panelists do find fault with the Committee's decision, however.

Rigal: "I do not think this is so clear. On the surface of it West could have had small clubs only if the notrump was 15-17. (We should have been told if this was the case. Likewise, was the ♦3 encouraging? What discarding method were E-W using?) I do not believe that in four-card endings attitude, etc., signals can be deemed to apply. I would have ruled as the Director the other way, and as a Committee member I would have needed to be persuaded by E-W of their methods before reversing that position."

Rosenberg: "Another ground-breaker! I don't understand how, based on the facts presented, the Director, the Committee, and N-S could swallow without

question that the Ê7 was an attitude card. Talk about self-serving! It's probably the first example I have ever heard reported of an attitude card played at trick nine in a suit led by declarer. Had there been no huddle, it is far more likely that East would have played South for ÊAQJx. Of course, far more likely may be an increase from 0% to 10%. I would like to see legislation introduced making it illegal to think about signals. Signals are artificial, and not part of the inherent beauty of the game. Information should be passed only with the signal itself. The break in tempo is like clearing the clouds from partner's head. On the hand in question West, instead of huddling, might as well have said 'relax, I've got this suit covered.' Do I have any supporters?"

Why should we legislate only against thought related to defensive signals? We could also outlaw thinking about bids and defensive plays, but perhaps thought related to declarer play should be immune from legislation. Although we sympathize with Michael's frustrations, we find Wolff's perspective more realistic. And besides, isn't beauty in the eye of the beholder?

It would be downright tidy to end with that, but lest everyone be permitted to feel that the Committee allowed itself to be sold a bill of goods, a few words of expiation are in order. West did not suggest that his partnership uses attitude signals in this sort of situation. What he said was that since the count was clear to everyone at the table, he felt that he could send just the right message about clubs by playing an unnecessarily high card. Sure, Rosenberg's point about "clearing the clouds from partner's head" is well-taken, and if the position were more uncertain, the Committee would surely have been better disposed to consider even a tiny percentage disparity more seriously. But here the Committee believed that West had made a sensible, if unusual, at-the-table play and that his carding spoke for itself. The hesitation did not do anything that the seven of clubs did not. Although West's tempo break was a transgression because it said something about his hand, it was the product of a creative thinking process that was not intended to convey unauthorized information. West was fortunate that his tempo break did not in the Committee's opinion help his partner to find the winning answer in a close situation. Had it done so, the Committee would have protected N-S and been more harsh with E-W.

We should be willing to consider the motivations of impugned actions and be prepared to judge when education might be more effective than punishment. West was made aware that he had an obligation to play his cards in more even tempo in sensitive situations, and that he was somewhat fortunate that the position was sufficiently clear to obviate the need for a score adjustment.

CASE NINETEEN

Subject: Saving Grace
Event: NAOP Flight B, 09Mar96, First Final Session

Board: 12
Dealer: West
Vul: N-S

	Í 62 Ì 9632 Ë 10943 Ê 843	
Í A87 Ì J10 Ë J85 Ê Q10652		Í KQJ1095 Ì 4 Ë 62 Ê AK97
	Í 43 Ì AKQ875 Ë AKQ7 Ê J	

WEST	NORTH	EAST	SOUTH
Pass	Pass	1 Í	DBL
2 Í	Pass	3 Ê	4 Ì
4 Í	Pass	Pass	DBL (1)
Pass	5 Ì	DBL	All Pass

(1) Break in tempo

The Facts: 5 Ì doubled went down one, plus 200 for E-W. The Director was called after the 5 Ì bid by North. E-W stated that there had been a break in tempo before South doubled 4 Í. This was acknowledged by North. The Director ruled that the hesitation was at least slightly out of tempo and changed the contract to 4 Í doubled made four, plus 590 for E-W.

The Appeal: N-S appealed. North contended that his four hearts were detrimental to N-S's defensive prospects. North stated that his failure to bid 5 Ì over 4 Í was directly influenced by the form of scoring because minus 500 was bad compared to minus 420, but minus 500 was better than minus 590. He decided that to bid was clear with the double fit in hearts and diamonds.

The Committee Decision: The Committee determined that the break in tempo was about ten seconds. The Committee believed that the break in tempo suggested a lack of certainty about the double. The Committee decided that the 5 Ì bid would not be the choice of a large majority of North's peers. The score was changed to 4 Í doubled made four (plus 590 for E-W). The Committee also decided that the appeal was not without merit.

Chairperson: Michael Huston
Committee Members: Alan LeBendig, Ed Lazarus

Directors' Ruling: 88.3 **Committee's Decision:** 80.0

Most of the panelists agree with the Committee on this one.

Goldman: "I agree with the ruling. South must be allowed some time to think, but that time should have been garnered during North's pass after 4 ♠. Does anyone think North took an appropriate four to five seconds before he passed 4 ♠?"

The mandatory pauselet in this type of situation is an idea that would improve the game considerably. Finding the most expeditious way to have it entrenched in the rules has so far been an uphill battle. We have a bandwagon; we have plenty of promising jumpers-on. What's the next step?

Weinstein: "I am sympathetic to N-S, but the Committee made the right decision. I am not sure whether the Committee's statement that 'the 5 ♥ bid would not be the choice of a large majority of Norths's peers' meant that most would bid 5 ♥, or that there are just enough peers who would not bid 5 ♥ to disallow the action. I would bid 5 ♥ after an in-tempo double, yet disallow it after a slow double."

The Committee's statement seems to speak for itself. Do we tend to be skeptical far too often?

Krnjevic: "I agree. Pass was a logical alternative that was made less attractive by the slow double."

Rosenberg: "Okay. South's huddle meant 'I want you to bid.'"

Wolff: "Excellent decision - brief, accurate and to the point."

Bramley: "Reasonable, but a harsh punishment for a short break in tempo."

Is a short break in tempo less informative than a longer one?

LeBendig: "This is a totally different problem than CASE FOURTEEN. I feel that we might have made a mistake in not ruling this meritless. I suspect this decision was made because of the level of players involved. In a good game, I would have been in favor of a procedural penalty for the 5 ♥ call after the clearly out-of- tempo double. In a Flight B game, I would never vote for such a penalty. I do feel that education is necessary and, as I recall, an effort was made here to

do that."

Bart and Alan are miles apart on this one. Alan served on this Committee, so it is tempting to conclude that his suspicions about the motivation for the decision may be more than just suspicions, particularly if his memory serves him well about the "education" issue. Yet he sees virtually no merit in a Flight B pair's appealing a decision that a significant number of panelists consider close. Alan's characterization of the break in tempo suggests that he may know more than he's letting on and leaves us wondering why this wasn't communicated in the original Committee report.

We have broached the procedural penalty issue already, and discussed its possible application in situations in which no score adjustment has been made. In this case, the Committee decided against the offending side and made a score adjustment. In order to apply a procedural penalty or (better, perhaps) convene a Conduct and Ethics Committee, the Appeals Committee would have to find that N-S's actions were flagrant.

As we have suggested earlier (see CASE FOUR), we believe that a system of demerit penalties leading to disciplinary action would be the best way to deal with this sort of violation. When there has been no score adjustment, the Committee should still have access to some further punitive process, but it may be premature to convene a Conduct and Ethics Committee in the absence of evidence that this was more than an isolated incident.

The next two panelists think the Committee's decision was close, but come down slightly on the side of allowing North's pull.

Rigal: "Sensible Directors' ruling. I have some sympathy with North, who had a good point. I could be persuaded either way by the Committee on this. South's slow double did not tell North anything that he did not know from the auction already. I think I would have put the score back to minus 200, but as I say I do not feel strongly here."

Cohen: "A close call. I'd pull an in-tempo double, but I don't think it's clear-cut. With that as the guideline, the pull should not be allowed. However, a ten-second pause before the double does not seem to be 'out-of-tempo.' In fact, a one-second double would be a tempo violation and I would not allow North to sit for that. So, I think ten seconds is not enough out of tempo to rule against N-S. These high-level competitive decisions tend to take more than a few seconds. I don't feel strongly either way about this case - I believe it's borderline."

Let's look carefully at the statements made by N-S in Committee. Their line of reasoning about 500 vs 590 vs 420 is fairly sophisticated, but beside the point.

The last time we looked, minus 500 was better than minus 590, but it really fared badly when compared with plus 100 or plus 300. Also, North contended that his bid "was clear with the double fit in hearts and diamonds." Perhaps we're overlooking something, but when did South ever bid, or imply, length in diamonds? N-S's "double fit" statement was really pushing it. Both their arguments smack of post hoc reasoning of the worst sort. Players have to be challenged when they make statements like these. Especially in Flight B events, where players can pick up bad habits all too readily and carry them into the major leagues, Committees should not be unwilling to ruffle some feathers when the need arises.

CASE TWENTY

Subject: Untimely Six Loses Tricks
Event: Flight A Swiss Teams, 10Mar96, First Session

Board: 4
Dealer: West
Vul: Both

Michael Rosen
Í 96532
Ì 42
Ë J
Ê AKJ103

Garey Hayden
Í A
Ì AK107653
Ë 853
Ê 62

Joe Kivel
Í KJ87
Ì Q8
Ë K109
Ê Q987

Sandy Friedman
Í Q104
Ì J9
Ë AQ7642
Ê 54

WEST	NORTH	EAST	SOUTH
1 Ì	2 Ì (1)	DBL	2 Í
4 Ì	All Pass		

(1) Michaels (spades and a minor)

The Facts: 4 Ì went down two, plus 200 for N-S. Opening Lead: ÊA. At trick one South thought for a long time before playing the Ê4 (standard carding). North continued with the ÊK, and then shifted to the ËJ. West called the Director when play was completed, and stated that South's tempo at trick one could have influenced North's defense. The Director ruled that unauthorized information from South's tempo at trick one could have influenced North's choice of defense. The score was changed to 4 Ì made four, plus 620 for E-W.

The Appeal: N-S appealed the ruling. West asked about N-S's carding (standard) before he played to trick one, and then played quickly from dummy (within five seconds). South thought for a long time (agreed by all) before playing the Ê4. West played the Ê6. South stated that she always took extra time to play to trick one, to plan the defense of the whole hand. West contended that from North's perspective South could have held, Í AQ and Êxx(x), and bid spades to encourage a spade lead, but the long hesitation at trick one could have warned North not to make the (obvious) spade shift. South denied that she would have shown direct preference for spades after East's double with that holding.

The Committee Decision: The Committee members believed that third hand was entitled to play slowly to trick one without prejudice, provided that such tempo was not extreme for the partnership and was not intended to convey information to partner. Declarer drew inferences from this at his own risk. In addition, West's play of the ♠6 instead of the deuce at trick one was sufficient to tell North that South couldn't have three clubs, and once that inference was drawn (and the ♠K was cashed), the order in which South played her clubs itself spoke for a diamond switch at trick three. The Committee therefore restored the original result achieved at the table, 4♥ by E-W down two (plus 200 for N-S).

Chairperson: Rich Colker
Committee Members: Alan LeBendig, Howard Chandross

Directors' Ruling: 50.0 **Committee's Decision:** 85.5

The panel is almost unanimous in their support of the Committee's decision. Odd man out is . . .

Rigal: "A sensible Directors' ruling. The hesitation created a position which was difficult to judge, and the Director sensibly ruled for the non-offenders. The Committee made some sensible points; as they say, North defended ethically by playing a second club - which was safe, and possibly (ignoring the hesitation) might have found his partner with a singleton. At this point all he knew was that South with a doubleton did not want a third club. Why did he read the card as suit preference? Because South played slowly (in my opinion). Was South entitled to play slowly at trick one when the consequence was to give suit preference? No, in my opinion. The auction and North's singleton might perhaps argue for a diamond, and hence no score adjustment, but the onus would be on the offenders to prove it. I can live with the Appeals Committee's ruling, but would have admonished South and possibly penalized N-S here."

How was South to know that she wished to give suit preference at trick one, rather than, say, normal count, unless she thought long enough to analyze the entire hand - as is her (and every player's) prerogative? If players cannot think long enough to plan ahead at trick one without being compromised, at what point in the defense can they think ahead? Never mind, we'll answer our own question. Never, because inevitably someone calls the cops (see CASES THREE and EIGHTEEN - and Rigal's comments in particular). No, third hand must be given the opportunity to think at trick one without prejudice (unless specific evidence of impropriety exists from other considerations). And what of declarer's culpability for his quick play at trick one?

The rest of the panel agree with the Committee's decision, many looking to penalize West for an appeal without merit.

Bramley: "Good decision. This was another time-waster, like CASES FIVE, SIX, and SEVEN. If there was a way to charge West a deposit, I would have done it. Quick playing at trick one and then complaining about third hand's tempo is reprehensible."

Cohen: "Agree completely with the Committee."

Gerard: "If I were East, I wouldn't have appeared for the appeal. [He didn't - *Eds*.] The Committee should have warned West about trying to peddle this kind of stuff [they did - *Eds*.], especially in light of his 4♥ bid and ♠6 play. The Director was right on top of things, as usual. If North can't continue clubs he would switch to a diamond, since the ♦A with South guarantees a set while the ♥A doesn't. Even if West knew to duck the diamond, South would overtake with the queen, cash the ace, and play the appropriate minor to trick four. Down two."

Goldman: "Fine Committee work and a well-focused write-up."

Krnjevic: "I agree with the Committee."

Weinstein: "Excellent decision. Had West followed with the ♠2 and North now shifted to a diamond, there might have been a case for unauthorized information, since North would now know that South didn't have a stiff club, and the shift could have been influenced by the tempo. As it was, if the Director had made the proper ruling, an appeal from the other side would have been without merit."

Wolff: "Another excellent decision, made easy by declarer's falsecard of the ♠6."

Making a valid point about South's assertion that she "always" took extra time at trick one, and suggesting a solution which deserves careful consideration, is . . .

Rosenberg: "Here we are again. South 'always took extra time.' No one always takes extra time, in my experience, so this whole method is tainted. I have suggested before that the declarer be forced to hesitate before playing from dummy for some time agreed in advance (a minimum of ten seconds), and subsequently, players should only be allowed to think when they have a problem about which card to play to the current trick (signals not included). Of course, thinking when on lead during the hand would be permitted, indeed encouraged. [Unless the lead was, itself, a signal? - *R.C.*] On this hand, I agree with the Committee. The diamond shift was totally normal. Had South thought and played the ♠5 first, and had North successfully shifted to a spade, then I would feel E-W were entitled to redress."

Perhaps declarer's hesitation at trick one ought to be for the agreed time, with

the additional requirement that declarer not be permitted to play from dummy until third hand indicates readiness. If declarer were obligated to wait (without indicating his own readiness to play) at least until third hand's indication (and usually for a few additional seconds), it would be very difficult to determine who was responsible for the tempo at trick one. The important principle here should be that no one is held accountable for slow tempo at trick one, while fast tempo creates "automatic" prejudice against the speeder. A corollary to this should be that "deliberate" tempo is the "standard" during the entire defense/play period - with deviations creating prejudice.

CASE TWENTY-ONE

Subject: Sandwich Indigestion
Event: Flight A Pairs, 04Mar96, First Session

Board: 1
Dealer: North
Vul: None

Sheila Pies
Í 8542
Ì A3
Ë AK9543
Ê 9

John Albright
Í 1096
Ì Q1085
Ë 6
Ê AK1062

John Chronister
Í AQ
Ì K642
Ë QJ8
Ê QJ54

John Veltri
Í KJ73
Ì J97
Ë 1072
Ê 873

WEST	NORTH	EAST	SOUTH
	1Ë	Pass	1 Í
1NT (1)	2 Í	3 Ì	Pass
Pass	3 Í	4 Ì	All Pass

(1) Sandwich notrump: hearts and clubs, moderate values

Facts: 4 Ì made five, plus 450 for E-W. East did not Alert the conventional 1NT. North bid after 3 Ì in the belief that West had a good hand and that East had distribution with limited values. East took this new opportunity to bid game. When the dummy appeared, the Director was called. North thought she might not have bid after 3 Ì if she had known that West had a distributional hand. E-W believed that "everyone played this 1NT overcall, and that it wasn't necessary to Alert it." The Director ruled that the failure to Alert did not result in any damage to N-S, and allowed the result to stand.

The Appeal: N-S did not seek any redress. East failed to Alert 1NT, and West did not inform the opponents of that fact before the opening lead was made. N-S believed that E-W's omissions and behavior at the table warranted a procedural penalty.

The Committee Decision: The combination of the failure to Alert an Alertable bid and the failure to properly inform the opponents about the meaning of the bid

in question before the opening lead constituted an infraction. The Committee imposed a one-and-one-half matchpoint penalty against E-W. The table result, 4 Ì made five (plus 450 for E-W), was allowed to stand.

Chairperson: Dave Treadwell
Committee Members: Abby Heitner, Steve Weinstein

Directors' Ruling: 64.4 **Committee's Decision:** 43.3

This case has some interesting wrinkles. East clearly failed to Alert West's Alertable call, and West similarly failed to inform the opponents before the opening lead that there had been a failure to Alert. The Directors then inexplicably dismissed these infractions with neither procedural penalty nor corrective instruction to E-W, made a judgment that there was no consequent damage to N-S, and ruled for the offenders.

The judgment that the infractions did not contribute to North's subsequent action may have been the most defensible aspect of this scenario. North's honor structure was independent of the placement of the opponents' high cards and, given North's belief that West's 1NT had been strong, any significant missing spades were likely to be located behind South's holding. Furthermore, N-S (in effect) conceded these points by asking no score adjustment for themselves.

However, the Directors' failure to at least verbally correct E-W's obvious misconception that 1NT was not Alertable, and then to rule in such a way that any further action against E-W would have to be initiated by N-S (from a rather untenable position - as we'll see from the panel's comments) is highly questionable.

The dilemma created by this ruling is apparent in the panelists' comments. While the panel wants to correct and/or penalize E-W's actions on the one hand, they are not comfortable with the idea that N-S's (potentially personal) motives be allowed to play a determining role in the administration of education/discipline.

Bramley: "I don't like procedural penalties for less than heinous crimes. They should not depend upon whether your opponents are out to get you. Here the crime had no bearing on the result. A warning to E-W about proper procedure should have been sufficient."

And should have been administered by the Directors.

Krnjevic: "I don't agree with this ruling. While the message may be appropriate, I think that we will be adding unnecessary litigation to what is already an overly litigious activity if we begin routinely imposing procedural penalties on pairs

who fail to Alert and explain Alertable bids even when no damage has been caused. Surely, as a general rule, education is a preferable alternative to punishment, and procedural penalties should be reserved for truly offensive conduct."

LeBendig: "Here we go again! We clearly have misinformation (the failure to Alert) and the offending side did not disclose the failure to Alert prior to the opening lead. Had they disclosed that information we would have had an opportunity to find out if things might have changed. We would then be able to stop guessing as to what might have happened. This hand would probably never have been a problem had the law been followed. What will it take for our Directors to issue procedural penalties on the floor? After a pair gets its first penalty, this problem will cease. As to the score adjustment, I'm not so sure. If I feel that there is as much as a one-in-five chance that the non-offending side was damaged, we should adjust. I happen to believe that possibility exists. I would want to discuss what I do about N-S, but I would adjust E-W to plus 200 as well as assess the procedural penalty. For some reason the penalty imposed appears to be light. I'm not sure why, but I am glad that one was issued."

We believe that Alan has hit the nail on the head, right down to the undersized procedural penalty (half of what is normally imposed for such an infraction). We are most curious, however, about the roots of his personal "one-in-five" damage standard, and equally curious about the basis for his belief that others should be willing to accept it as the appropriate one to employ when deciding whether to adjust the score.

Rigal: "I think that N-S were given the opportunity for a good board because East was asleep, and that North's bid was sensible but unlucky, and not a consequence of the mis-Alert (1NT obviously requires an Alert). Correct ruling by both parties, and the procedural penalty also seems fine."

Cohen: "The 1NT for takeout is clearly Alertable, and therefore I would have penalized E-W. I agree that North should not have expected her opponents to proceed successfully to 4 Ì given that 1NT was strong and East had signed off in 3 Ì. It's hard to say what would have happened with the correct information, so I'd rule Average Plus/Average Minus."

Weinstein: "There should be a specific guideline regarding failure to Alert and procedural penalties. If there should be a penalty for failing to Alert (with possible differentiation based on whether the failure was the result of inattention, not knowing that the call was Alertable, or failure to follow active ethics), that penalty should be assessed at the table by the Directing staff. The penalty should only be assessed by a Committee if they learn during the proceedings that a bid was not Alerted due to a failure to follow active ethics. It is totally ridiculous to

file an appeal to see if a procedural penalty that wasn't assessed at the table will now be assessed by a Committee. I don't disagree with the Committee assessing the penalty, but I believe that procedural penalties should normally only be assigned when there is a question of whether active ethics were fully exercised. All failures to Alert are subject to score adjustments if the opponents can reasonably demonstrate injury. I applaud N-S for not seeking redress, but detest this being brought to a Committee. I don't know if there was bad blood at the table, but they need to get a life and let the Committee have one also."

Of course there are those who feel that procedural penalties are unacceptable under any circumstances, which is yet another argument for Directors to do more at the table - whether it is corrective or punitive.

Rosenberg: "Another stupid procedural penalty. No damage, no penalty. If N-S had not called the Director and gone to Committee (I believe most N-S pairs would not have done both), no penalty would have been assessed. Why then, should this particular misunderstanding, out of the myriad mishaps that occur in every session, be subject to penalty? I believe it is safer to Alert whenever in any doubt."

That "no damage, no penalty" is in direct conflict with what we've been touting so far, i.e. that procedural penalties are appropriate specifically when there has been no damage and no score adjustment but the Committee feels that there has been a flagrant breach of the Proprieties, or as Howard suggests, a specific breach of the Regulations (failure to Alert, in this case).

Sutherlin: "Correct decision. Players are obligated to let their opponents know what bids mean even if they aren't Alertable."

Goldman: "I strongly agree."

Finally, one panelist thinks that E-W deserved a score adjustment, if only because of some lingering doubt.

Wolff: "While it is impossible to determine if East's failure to Alert caused North to compete to 3♦, all doubt must be resolved against the possible wrongdoers. I would rule plus 200 E-W."

We believe that the issues relating to the assessment of procedural penalties need to be resolved promptly. There is no justification for players being dealt with unevenly at an appeal hearing. If procedural penalties are appropriate for use as judged necessary (as they are, and as we believe they should continue to be), then they should be applied even-handedly by all who sit on our Committees. If they are appropriate only for certain types of behaviors or certain types of

situations (no damage, therefore no adjustment, flagrant foul, etc.), then the particulars should be clearly specified and disseminated to all our members. If such penalties are deemed inappropriate, then some other system should be put in place to deal with the cases where grievous actions are in need of discipline. In addition, the issue of whether procedural penalties should be assessed in matchpoints/IMPs, or in some form of discipline, should be decided once and for all.

In any event, and regardless of your philosophy on procedural penalties, the "playing license point-system" introduced in CASE FOUR seems to us an appropriate solution to this problem.

CASE TWENTY-TWO

Subject: Subsequent but not Consequent
Event: 0-2000 Knockout, 04Mar96

Board 11
Dealer: South
Vul: None

	Í 72 Ì QJ10764 Ë Q52 Ê Q2	
Í J103 Ì 52 Ë AKJ Ê K9854		Í K9865 Ì AK98 Ë 84 Ê A3
	Í AQ4 Ì 3 Ë 109763 Ê J1076	

WEST	NORTH	EAST	SOUTH
			Pass
1NT (1)	2Ë (2)	2NT (3)	All Pass

(1) 12-15 HCP
(2) Alerted; explained as showing the majors
(3) Not Alerted; intended as lebensohl

Facts: 2NT made three, plus 150 for E-W. When it became apparent that South's explanation had been incorrect and did not match North's hand, the Director was called. The Director determined that the N-S agreement was that 2Ë showed hearts, and that E-W had been misinformed. The contract was changed to 4 Í made four, plus 420 for E-W.

The Appeal: South stated that N-S had recently changed their defensive methods after 1NT openings from Cappelletti (2Ë showed both majors) to transfer overcalls (2Ë showed hearts). They had only played the new methods for two days. This was the first time the situation had come up. South admitted that he had misinformed E-W about the meaning of 2Ë, but argued that E-W were not entitled to any redress since they caused their own poor result when West passed the forcing 2NT bid. N-S did not request a score adjustment for themselves. East stated that had he been correctly informed about the meaning of 2Ë he would have bid 2NT (lebehsohl) followed by 3 Í (forcing), and E-W would have bid and made 4 Í. As it was, he planned to rebid 3NT (instead of 3 Í) to show his major suit stoppers (lebensohl: slow shows). West did not appear at the hearing.

The Committee Decision: The Committee determined that the N-S agreement was that 2Ë showed hearts, and that E-W had been misinformed. They also determined that E-W had a firm agreement that 2NT was lebensohl (and forcing) in this auction. The Committee decided that the misinformation was not what prevented E-W from bidding a game. Had West not passed 2NT, E-W would have bid 3NT; and since 3NT would have been made, no score adjustment would have been necessary. However, had 3NT been beatable the contract would have been changed to 4 Í made four. The poor result for E-W followed, but was not a result of, N-S's infraction.

After the infraction E-W were still expected to perform to some minimal standard commensurate with their experience level. The Committee decided that they failed to do this when West passed East's forcing 2NT bid. The Committee allowed the table result, 2NT made three (plus 150 for E-W), to stand. A 3-IMP procedural penalty was assessed against N-S for the problems caused by their not knowing their agreements and not adequately disclosing them. This penalty did not accrue to E-W in the three-way match . (It would be deducted from N-S's total if a quotient was required, but would not be deducted in the head-to-head comparison between the two teams.)

Chairperson: Alan LeBendig
Committee Members: Rich Colker, Eric Rodwell

Directors' Ruling: 57.5 **Committee's Decision:** 77.0

Several panelists took exception to the Committee's assessment of a procedural penalty in this case.

Kaplan: "All rulings were excellent except for the Committee's foolish notion that a pair can be penalized for not remembering their agreements."

Rosenberg: "Assuming that the E-W agreement about 2NT was not clearer over 2Ë showing hearts than over 2Ë showing majors [it wasn't - *R.C.*], this ruling was okay, except for the penalty. Again, there was no damage so there should be no baby-splitting penalty. If E-W had bid and made game we would never have heard about this case. Why should N-S suffer a penalty because E-W had a mix-up (if the mix-up was not a consequence of the misinformation)?"

Bramley: "Once again, I disagree with the procedural penalty. Poor N-S were forced to appeal to retrieve their rightful table result, and then got slapped with a 3-IMP penalty! If the Director had ruled for N-S, and then E-W appealed, the appeal would (should) have been found to be without merit. N-S got jobbed here."

"Poor" N-S precipitated this problem by forgetting what they were playing and then not volunteering to correct the misinformation. The score adjustment restored the "rightful" table result. Had N-S been forthcoming and helpful to their opponents as soon as the Laws permitted them to do so (at the end of play) they almost certainly would have avoided the procedural penalty. [Certainly as far as I was concerned - *R.C.*] Although the case report does not say so explicitly, that penalty was imposed to remind them to be more careful and considerate of their opponents in the future, and to remember their lawful obligations (which, at least to one Committee member, they seemed far too blasé about). It was not assessed simply because they did not remember their agreements. It should also be noted that, even though they were playing in a limited event, N-S were an experienced, practiced, partnership taken to "toying" with their scientific system.

Since the procedural penalty assessed in this case seemed inappropriate to some panelists, and because such penalties continue elicit controversy, permit us [me - *R.C.*] a brief digression on this matter.

Players are obligated to obey the Laws and regulations of the game, among which are to know their agreements, and to properly Alert and inform the opponents of the meanings of their calls and plays. When players fail to meet these requirements, problems often follow. Perhaps the most serious of these is the situation which angers and frustrates the opponents, thus disrupting their enjoyment of the game (and violating Law 74). Players who disregard their obligations, either through carelessness or a lack of concern for others, are also violating other Proprieties of the game (see Law 72).

In addition to the problems created at the table, careless or negligent players also create extra work for Directors, Appeals Committees, and other tournament officials. The opponents may be deprived of the opportunity to relax after the game, and to enjoy the countless delights that lure them to our tournaments.

It should take considerably more than a simple memory lapse to attract a procedural penalty. Among the behaviors which seem to justify such penalties are evidence of disrespect or disregard for the game (i.e., opponents, officials, etc.), the need to impress upon a player the seriousness of his infraction, and the need for a firm deterrent against future recurrences. In each case Committee members must use their judgment to decide whether or not such a penalty is appropriate. They are usually in a unique position to evaluate the behavior in question, the experience and skill levels of the players involved, the potential for recurrence, and the likely deterrent value of such a penalty.

While procedural penalties have their place, disciplinary penalties (those not involving score adjustments) may also be employed. When the problems created

are minor, or were caused by purely innocent or inadvertent actions, or were due to the players' inexperience (as when novices are involved), education is always preferred to punishment. Still, in many cases the attitudes or ethics of the offending players necessitate firmer, more emphatic, action. This is again a judgment call on the part of the Committee (or Director).

If it were clear to players that Committees were willing to assign procedural or disciplinary penalties, the gain in deterrence alone would more than compensate for the initial increase in the number of penalties assessed. Whether through the use of procedural or disciplinary penalties, or by some other means such as deducting seeding points (for NABC level players), or adopting the "playing license point-system" introduced in CASE FOUR, we need to decide what the procedures will be, and apply them fairly and even-handedly.

The decision to assess a penalty in the present case was subjective on the part of each Committee member, but all three believed that it was warranted (or it never would have been imposed). Careful consideration was given to the players and the level of the event, and this decision should not be taken as an endorsement of such penalties in other cases without similar determinations being made.

The eagle-eyed Gerard points out an oversight in the report of this case.

Gerard: "If West had honored the force and reached 3NT, E-W would still have been entitled to the extra IMP for the plus 420 that they would have scored in 4 Í without the misexplanation. I guess we can forgive the Committee this oversight, since 1 IMP can't ever matter in a knockout match, can it?"

The Committee's intent was that a 1-IMP adjustment be made in this situation (see LeBendig's comment). Unfortunately, this was miscommunicated in the write-up.

Anticipating his fifteen minutes of fame is . . .

LeBendig: "If we ever have an encyclopedia to show 'perfect' examples of how to deal with different types of problems, this will be the prime case under subsequent or consequent damage.

"If East had been more experienced we might have judged his failure to double 2Ë [intending to later double either major - *Eds*.] egregious. If E-W were then to defend, the misinformation would/should have been clarified before the opening lead, and plus 500 would have been fairly easy. East, however, chose to employ lebensohl to show stoppers in both majors on his way to 3NT. Then West passed since 'he didn't want to get any higher.' The misinformation prevented E-W from getting to 4 Í. It did not, however, prevent them from getting to game. Had

they done so, there would have been a score adjustment to plus 420 without any arguments. The failure to get to game was clearly subsequent damage, and we judged that no adjustment was due E-W. All they had to do was to follow their conventions and there would have been no problem. We considered it an egregious error, even for players at this level, to not follow through on their methods."

Wolff is for allowing E-W to bid and make their 4 Í game - at this form of scoring.

Wolff: "Similar to CASE TWENTY-ONE. Convention Disruption (CD) wreaking its havoc. I agree with the Directors and would allow E-W to score plus 420 in 4 Í. North's CD started the comic process, and while E-W also had CD, N-S should not gain by it. If this were matchpoints then plus 150 would be right for E-W, but N-S must go minus 420."

Wolff stands alone in wanting to penalize N-S for their accident, in effect prescribing a punishment for "not remembering their agreements" which is considerably more harsh than a procedural penalty. There is certainly no basis in Law for this, particularly given the non-consequent damage suffered by E-W. As he readily admits, Wolffie is willing to go to the wall to stamp out Convention Disruption. If he is the Pied Piper, are we going to follow him?

The remaining panelists are in general agreement with the Committee's decision.

Cohen: "I agree with the Committee."

Krnjevic: "This decision is a good illustration of the basic principle that if an infraction occurs, the innocent side is only entitled to redress if there is a direct, unbroken, causal connection between the offence and the subsequent damage. Here, although there was potential for E-W to be harmed by the misinformation, they were not entitled to relief because their poor score was solely attributable to West's decision to pass a bid that was intended as forcing."

Rigal: "A good ruling for subsequent not consequent damage. The Director did well in my opinion to rule as he did initially, in that the chain of damage issue is more appropriate for the Committee to deal with. I would have been interested if West had explained his actions as based on uncertainty as to what to do over the 2NT bid over the two-suiter. Then there might have been a case for adjustment. [East stated confidently, when asked by the Committee, that 2NT was forcing (in their partnership) any time the overcall showed any two-suiter, and was forcing even when one or both of the suits was unknown - *R.C.*] As it was, the ruling seems fine. Likewise the procedural penalty, although the treatment of it seems unusual to me."

Goldman: "If '2NT was clearly forcing,' why did West pass? [Because he either forgot or became confused; remember, this was a 0-2000 KO - *R.C.*] I don't see any explanation in the write-up, and without the explanation, I have my doubts on this ruling. Further, the 2NT bid was not Alerted. The announced auction is used much less often for lebensohl than the intended auction.

"I favor the procedural penalty given, but only if it becomes uniform and automatic. If it is not yet legal, we need to find a way to make it legal."

The movement is gathering momentum as we speak.

We'll close with a man who knows his conventions . . .

Weinstein: "The Committee got this exactly right. While "Unusual vs. unusual" and "Michaels vs. Michaels" are acceptable defenses, "misunderstanding vs. misunderstanding" is not."

CASE TWENTY-THREE

Subject: Snapdragon Bites Its Master
Event: Flight A Swiss, 06Mar96, First Session

Board: 5
Dealer: N
Vul: N-S

Randy Lazarus
♠ Q7
♥ 82
♦ Q765
♣ AQJ74

Dan Molochko
♠ 9653
♥ KQ965
♦ ---
♣ K963

Joanna Stansby
♠ A10842
♥ J3
♦ A32
♣ 1082

Nicolas L'Ecuyer
♠ KJ
♥ A1074
♦ KJ10984
♣ 5

WEST	NORTH	EAST	SOUTH
	Pass	Pass	1♦
1 ♥	2♣	DBL (1)	2♦
2 ♥	3♦	3 ♥	5♦
Pass	Pass	DBL	All Pass

(1) Explained by West as a good heart raise; East intended the double as "spades, with heart tolerance"

The Facts: 5♦ doubled, went down one, plus 200 for E-W. South called the Director at the end of the hand when he knew that East did not have the type of hand that West had described in response to the question about the initial double. The Director ruled that the result at the table would stand.

The Appeal: South contended that the established (from the auction) E-W heart fit marked North with shortness, and that he would not likely have bid 2♣, then 3♦, without an ace. When he bid 5♦ he expected to make it. Without the established heart fit, he stated that he would have only competed to 4♦.

The Committee Decision: The Committee decided that South's decision to bid 5♦ might have been influenced by the misinformation, and that he was damaged. The Committee changed the contract to 4♦ made four (plus 130 for N-S).

Chairperson: Jan Cohen
Committee Members: Bart Bramley, Gil Cohen, Abby Heitner, Howard Weinstein

Directors' Ruling: 25.5 **Committee's Decision:** 86.5

The panel is unanimous in its support of the Committee's decision.

Cohen: "I agree with the Committee, but have a point to make. How relevant (if at all) was the true meaning of East's double? In other words, was East's interpretation correct and West misexplained, or vice versa? And in either case, would that affect the ruling? Did the Committee consider this point?"

The meaning of East's double was crucial. If East simply misbid, then the information provided by West was accurate with respect to E-W's agreement (which is all that N-S are entitled to), and N-S were entitled to no redress. So the Committee must have determined that East's intention was the E-W agreement, either from the testimony or by following League policy, which instructs that when a bidder's (obvious) intent and his partner's explanation differ, and there is no conclusive evidence (e.g., a marked convention card, partnership notes) to confirm either, you should assume "mistaken explanation" rather than "misbid." Right Edgar? Peggy?

Kaplan: "The Director erred in failing to rule for the non-offending side. The write-up does not disclose whether West's explanation or East's description was in error. If the explanation, the ruling was reasonable; if the double, there was no infraction, so there should be no adjustment."

Sutherlin: "The important question is, 'What agreement did E-W have about the double of 2♣?' Were N-S advised correctly as to the E-W methods? If so, N-S should receive no adjustment."

Why sit and wonder? Let's ask the two panelists who served on this case to clarify the situation.

Weinstein: "There was clearly misinformation established at the Committee hearing, and the misinformation directly affected South's hand evaluation."

Bramley: "The Committee thought this decision was clear. Note that the Director made a curiously inconsistent ruling. Most rulings that we have seen here were in favor of the 'innocent' side, even when there was little basis for such a ruling. In this case the Director went the other way. With a proper ruling against E-W there would have been no appeal. Let's get the Directors' names in print along with everyone else's."

Rigal, who is usually the first to endorse the Directors' ruling, is not so inclined this time . . .

Rigal: "The Directors' initial ruling seems wrong to me. I think they should have ruled as the Committee (eventually) did, and saved some time. This seems clear to me. South took an aggressive but not unreasonable view here, which he would almost certainly not have taken with proper information."

As we've said before, Directors' rulings are generally made by the "Directorial Staff," not any one individual; so names wouldn't do much good. However, the Directorial Staff should certainly consider our panelists' point for future reference.

Reinforcing Cohen is . . .

Gerard: "The Committee should have told us what the E-W agreement was, although it seems pretty obvious from the decision. I'm not sure that the misexplanation justified a 5Ë bid, since there still seemed like a lot of work to do unless North had a singleton, four trumps and an ace, in which case he would raise 4Ë to 5Ë. But it wasn't terrible to bid 5Ë, so the Committee got it right."

Rosenberg: "Good." **Krnjevic:** "Good decision." **Goldman:** "A very good decision."

C'mon guys, which is it? Or, is it . . .

Wolff: "Convention Disruption again, and this time the Committee was right."

CASE TWENTY-FOUR

Subject: Maximal Double - Minimal Result
Event: Weekday Bracketed Knockout 3

Board 34
Dealer: East
Vul: N-S

	Í J43 Ì Q732 Ë J2 Ê 10642	
Í 10762 Ì 865 Ë K Ê K9873		Í AKQ8 Ì --- Ë Q1087653 Ê A5
	Í 95 Ì AKJ1094 Ë A94 Ê QJ	

WEST	NORTH	EAST	SOUTH
		1Ë	1 Ì
Pass	2 Ì	3Ë	DBL (1)
Pass	3 Ì	All Pass	

(1) Not Alerted; maximal double

The Facts: 3 Ì went down one, plus 100 for E-W. The double of 3Ë was not Alerted. South notified the opponents that there had been a failure to Alert before the opening lead was made. The Director was called to the table and ruled that E-W might have been damaged by the failure to Alert. The contract was changed to 3 Í made five, plus 200 for E-W.

The Appeal: East stated that he would have bid 3 Í had he known that South's double was not penalty. West stated that he believed that a raise to 4 Í would have been clear-cut had East bid 3 Í. West was not familiar with maximal doubles, while East had some knowledge of them.

The Committee Decision: The Committee decided that it was likely that E-W were damaged by the failure to Alert, and that West might have raised 3 Í to game had East bid again freely over 3 Ì. The Committee changed the contract to 4 Í made five, plus 650 for N-S.

Chairperson: Rich Colker
Committee Members: Howard Chandross, Eric Kokish

Directors' Ruling: 58.3 **Committee's Decision:** 85.6

Most of the panelists agree with the Committee, questioning the Directors' ruling for the offenders.

Rigal: "Again, a strange ruling by the Directors in that, if they were going to rule for misinformation (correctly), they should work out that 650 was the norm. The Appeals Committee was obviously right, but this should have been gotten right at the previous stage."

Weinstein: "This case seems straightforward. Though there was no guarantee that E-W would have reached the spade game, it was likely enough that equity seems to be minus 650 for N-S. Though I believe that in misinformation cases equity is a much stronger goal than in unauthorized information cases, the Directors in this and the previous case did not give the non-offenders enough benefit of the doubt."

Krnjevic: "I agree. The non-offending side should be granted the benefit of the doubt in close situations and given the most favorable probable result when the opponents' misinformation has effectively deprived it of the opportunity to get to the right contract."

Cohen: "I agree with the Committee."

Rosenberg: "Okay."

Bramley: "Good decision. In a higher-level event, however, I would have had little sympathy for East's position."

Bramley's reservations are extended to this (lower-level) event by two panelists who are reluctant to give the non-offenders the benefit of the doubt . . .

Goldman: "I am not sure about this one. I doubt that West would bid 4 Í over 3 Í because most E-W's get spades in earlier. Maximal doubles are a common enough convention. I would need some knowledge of East to decide if any obligation existed for him to protect himself."

Sutherlin: "E-W were clearly entitled to some adjustment, but assuming that West would raise to 4 Í is too big a reach. The Directors' ruling of 3 Í made five (plus 200 to E-W) seems correct."

If you really question whether E-W would have arrived in game, perhaps Edgar has the right solution . . .

Kaplan: "In my view, both Director and Committee should have awarded Average Plus/Average Minus, instead of trying to guess what the result would have been (when it was so unclear)."

The Committee felt - wrongly perhaps - that it was not so unclear. There was an infraction leading to damage, and the Committee members believed that it was possible to assign a score rather than award the non-offenders a 3-IMP gain (Average Plus/Average Minus in an IMP teams event). Pursuant to Law 12C2, that score, for the non-offenders, would be the most favorable result likely had the infraction not occurred, and 4 Í for E-W, made five, plus 650, was considered sufficiently likely.

But Kaplan's belief that the result could not be predicted with confidence is not the same as the belief held by Goldman, Sutherlin, and the higher-case Bramley that 4 Í was not sufficiently likely to meet the 12C2 standard. This is a judgment call, and perhaps different Committees will always see these matters in different ways. If we feel this way, then we ought to consider Cohen's suggestion (see his closing remarks at the end of this book) that Committee members be pre-polled regarding their positions on certain key issues, with a view toward avoiding uni-directional Committees at the assigning stage (where Alan and Peggy's work is highlighted) .

Still questing to exorcize the CD demon, without the support of Sancho Panza, is . . .

Wolff: "Convention Disruption (CD) still again. The Committee got the decision and the punishment of CD right."

CASE TWENTY-FIVE

Subject: Generally Misinformed
Event: Stratified B/C Pairs, 07Mar96, First Session

Board 28
Dealer: West
Vul: N-S

	♠ AKJ874 ♥ KQJ6 ♦ J96 ♣ ---	
♠ 106 ♥ 1095 ♦ A8753 ♣ AK5		♠ Q ♥ A8732 ♦ KQ2 ♣ J1063
	♠ 9532 ♥ 4 ♦ 104 ♣ Q98742	

WEST	NORTH	EAST	SOUTH
Pass	1♣ (1)	1 ♥ (2)	Pass (3)
Pass	1 ♠	Pass	Pass
2 ♥	2 ♠	Pass	3 ♠
All Pass			

(1) Precision
(2) Alerted; both majors
(3) Alerted; 0-5 HCP

The Facts: 3 ♠ made four, plus 170 for N-S. The Director was called to the table at the end of the hand when it was determined that East's hand did not correspond with the information from West's Alert. N-S contended that the misinformation that East held spades kept them from bidding a game. The Director determined that E-W's agreement was that 1 ♥ was natural. He ruled that N-S had been given misinformation which could have affected their ability to reach game. The contract was changed to 4 ♠ made four, plus 620 for N-S.

The Appeal: West stated that he forgot his partnership agreement that a 1 ♥ overcall was natural. A jump to 2 ♥ would have shown both majors. E-W played once every six months or so, but were not a regular partnership. E-W noted that at the table South had commented that maybe he should have bid game even with the information he had available, so the misinformation might not have been responsible for N-S's bad result. South stated that he suspected that North might have held only five strong spades for his 2 ♠ rebid, and expected a 4-0 trump break. North thought that South's delayed 3 ♠ raise might have included

only weak support (a doubleton), and that he might have had two or more trump losers. Both players thought that without the misinformation they would have reached the 4 ♠ game.

The Committee Decision: The Committee decided that there was misinformation that could have prevented N-S from reaching the normal 4 ♠ game, and assigned an adjusted score of minus 620 to E-W (Law 12C2). There was discussion about whether N-S deserved protection from this misinformation. Some Committee members thought that had South made a normal raise to 2 ♠ on the second round of the auction, N-S would have reached the game in spite of the misinformation. (South had already limited his hand to 0-5 HCP, and had four trumps and a singleton, to more than justify the bid.) Although all Committee members agreed that South was culpable to some degree for his side's poor result, the extent of his responsibility was not clear for a player at this level. After much discussion it was decided that South's culpability was 40%. N-S were therefore assigned 40% of the matchpoints for plus 170 and 60% of the matchpoints for plus 620.

Chairperson: Rich Colker
Committee Members: Karen Allison, Howard Chandross

Directors' Ruling: 88.0 **Committee's Decision:** 55.0

Two panelists agree with the Committee's decision.

Sutherlin: "A well-reasoned split-result decision. Without their mis-Alert, E-W would almost certainly have been minus 620, so that should be their score. Since N-S are partly at fault for failing to bid 4 ♠, they can't get all the matchpoints for plus 620."

Wolff: "A letter-perfect decision. E-W minus 620, N-S plus 170 (40%), plus 620 (60%)."

Those panelists seem to share the Committee's bottom-line belief that South's should have raised to 2 ♠ even with the misinformation, and that his failure to do so was sufficient to make it less than "likely" that N-S would then find a way to reach game.

Was this an appropriate case to apply Law 12C2? There was an infraction. There was at the very least potential damage. But was the damage consequent to the infraction? There is certainly some scope for argument that it was not, owing to N-S's contributory culpability. A Committee's preliminary assignment is to evaluate this aspect of the case. It is in the determination of consequent damage that the appropriate procedure for adjudication can be found. If the Committee

determines that although N-S might have done better, a significant number of their peers would have done the same in the circumstances, then there was consequent damage and the possibility of an adjusted assigned score can be entertained. If the Committee then feels sufficiently confident to project what might have happened had the infraction not occurred, the standards laid out in 12C2 can be applied for both the offending and non-offending side.

The Committee's deliberations led to the conclusion that N-S were 40% responsible for missing game, the misinformation by West notwithstanding. That was a judgment call by the Committee, and not an easy one to make. If the Committee then proceeded to apply 12C2, it was straightforward to assign E-W minus 620 as the most unfavorable result at all probable. For the non-offenders, it was incumbent upon the Committee to choose either plus 620 or plus 170 as the most favorable result likely. That they did neither suggests to us that this might not be an appropriate case in which to apply 12C2.

If not 12C2, then what? Well, if the non-offenders contributed enough to their poor result to take it out of the realm of consequent damage, there should be no adjustment for the non-offenders. They are, in effect, no longer non-offenders, not really "innocent," and therefore not due any redress. The bad guys, on the other hand, ought to be deprived of their ill-gotten gains. The appropriate way to do this, according to a reliable source in the Laws Commission, is via a . . . procedural penalty. The precise mechanics in arriving at the proper procedural penalty can be very complex, involving trigonometric functions or even discussion with the Directorial staff. The easier practical solution, we believe, is to apply the standard for the offenders in 12C2. The Laws don't say any of this, but there is nothing to suggest that it would be wrong to think in these terms.

Two other panelists think that a split score is appropriate when, as here, the non-offenders are partially responsible for their poor result. However, both of these panelists think that N-S deserved some additional consideration, which would fix their culpability at less than the 40% the Committee chose.

Krnjevic: "This case illustrates the difficulties that arise in apportioning responsibility when one side gets a bad score that is directly attributable to concurrent, albeit independent, causes: namely, a combination of their own misjudgment and the opponents' misinformation. Although I believe the Committee was right to apportion liability between the parties, I think it was a little harsh on the N-S pair who, not unreasonably at this form of scoring, pulled in their horns a notch in anticipation of foul breaks. I would have been inclined to blame N-S for 20% of their result and give them 20% of 170 and 80% of 620."

Goldman: "As a principle, if there is a split allowing differing results part of the

time, then a percent factor must be added to the non-offending side. Here, if it was decided that South had culpability 40% of the time, then I would adjust the score based on 75%-25% (not 60%-40%). However, it is not clear to me that N-S should not get 100% of 620."

There is nothing in the Laws to endorse Bobby's adjustment-upon-adjustment idea, but it might be something worth considering. Take the present case, for example. Say you feel that N-S should not get a below-average result, despite their culpability. Let's say that plus 620 is slightly above average (7 on a 12 top) and that plus 170 is well below average (say 3). The Committee's 60%-40% breakdown nets N-S 5.4 matchpoints. Goldman's adjustment factor would get them up to 6.0. That gets them up to average. Goldman believes that when a Committee assigns a weighted average score, the percentages ought to be adjusted more liberally than the Committee's best estimate, if only to give the non-offenders the benefit of any doubt.

A third group of panelists thinks that, while split scores in cases like the present are possible, here it is not their choice.

Rigal: "A good Director ruling, I think. I think a B/C stratified player was harshly ruled on here, as though South should have bid more. I can understand why he believed his opponents. I would not have made such a big adjustment - maybe none at all."

Cohen: "I mostly agree with the Committee, but I might have given N-S the full 620. Yes, South should have raised spades, but without the misinformation I think they would have routinely gotten to 4 Í."

Bramley: "I disagree with the split decision for N-S. I think the Committee places too much blame on N-S, who both were conservative in expectation of a bad trump split. They did not 'stop playing bridge.' N-S should get plus 620."

The remaining panelists object to the basic concept of a split score in situations like the present.

Gerard: "No. The fact that the Committee felt that South bore only 40% of the responsibility for missing game meant that he didn't do anything outrageous. Probabilistic results like this should be reserved for uncertainty in the play, not the auction. Law 12C2 seems to preclude this kind of reasoning."

Kaplan: "I strongly object to the Committee's 'percentage' ruling, which does not accord with the Law Commission's interpretation of Law 12. Karen Allison must have told the Committee so."

The decision to split N-S's score was unanimous. (No one thought that N-S deserved full protection - *R.C.*) The majority of the Committee's time was spent debating the appropriate percentage. The final 40%-60% split was a mathematical average of (basically) the percentages favored by two subgroups.

If Kaplan is correct, the Committee wasted the majority of its time. The 12C2 standard for an assigned score for the non-offenders is a generous one. They are to receive the most favorable result likely had the irregularity (misinformation) not occurred. In the Committee members' judgment, 4 Í was not a likely result for N-S once South failed to raise directly to 2 Í. There were enough reservations about this, however, to prevent them from assigning plus 170. They tried to reach an accommodation that reflected a balance of the Committee members' thinking, but in so doing deviated from the procedure associated with 12C2.

Rosenberg: "No! No! Unlike CASE TWENTY-TWO, here it is clear that the misinformation had a direct bearing on the result. To punish a Flight B South for not getting to game was a joke. I doubt if I would fault any of the Committee members, had they been South. Whose judgment might not be affected in this case? N-S should have been plus 620."

LeBendig: "The E-W adjustment is easy. The N-S adjustment is a little more complex, because of the player level involved. Once they get a mind set (East has spades) it is difficult to undo that. If South is a mid-level Flight B player I think I might be comfortable explaining to him that since he had a normal raise to 2 Í and failed to make it, he will not get an adjustment. But if he is truly a Flight C player I would be prone to accept that mind set and give them plus 620. I do not agree with the Committee's decision to 'split the baby' when dealing with the score of only one side."

Weinstein: "I don't like this decision. Misinformation was clearly established as directly affecting N-S's bidding and hand evaluation. Both North and South devalued their hands based upon a 4-0 trump break. In fact, if the three missing trump had been 3-0, 3 Í would have been the limit of the hand. As far as I can tell, N-S used impeccable bidding judgment based upon the information they had received. Now we're assigning them 40% contributory negligence for their excellent judgment. I'm forced to assign the Committee a 40% rating on this case. Again, I believe that equity should be the overriding principle with misinformation, but I don't believe that this was equity."

Again we have a situation where a procedure needs to be established and applied consistently when dealing with cases of this sort. If Kaplan is correct about the interpretation of Law 12C2, then split scores like the one in the present case should never be assigned. Non-offenders would therefore either get the poor result which occurred at the table or full protection (as long as there was some

reasonable likelihood that they might have achieved the "protected" score had the infraction not occurred). In other words, as long as the non-offenders did nothing to completely sever the connection between the infraction and the damage, they should receive full protection. If this is the policy to be followed, then Committee members need to establish it firmly in their minds for future reference.

CASE TWENTY-SIX

Subject: Lucky Escape
Event: NABC Women's Pairs. 07Mar96, Second Session

Board: 21
Dealer: North
Vul: N-S

Claire Tornay
♠ A94
♥ ---
♦ AK108432
♣ J84

Joan Eaton
♠ KJ8532
♥ Q8
♦ 96
♣ Q53

Sheri Weinstock
♠ Q6
♥ 10953
♦ QJ75
♣ K72

Beverly Rosenberg
♠ 107
♥ AKJ7642
♦ ---
♣ A1096

WEST	NORTH	EAST	SOUTH
	1♦	Pass	2♥ (1)
Pass	2♠	Pass	4♥
All Pass			

(1) Alerted; 5-5 majors, 5-10 HCP

The Facts: 4♥ made five, plus 650 for N-S. N-S supplied their system notes that showed their agreement in this situation was as Alerted, and that had South forgotten the agreement. The Director awarded N-S Average Minus and E-W Average Plus.

The Appeal: N-S appealed, claiming that South bid her hand in keeping with her initial view of the meaning of 2♥. In this scheme, North's 2♠ was an artificial ask about South's hand type for her strong jump shift. North had to know that South's 4♥ was impossible if she had the 5-10 HCP, 5-5 in the majors hand. The auction told her that she should pass 4♥. Although this was lucky for N-S, South had not acted on the misinformation.

The Committee Decision: N-S's agreement was that 2♥ showed 5-10 HCP and exactly 5-5 in the majors. Their jump shifts had many different meanings, depending on the auction. South clearly forgot the partnership agreement in this auction. She thought that she had shown a strong jump shift and that North's 2♠

bid was a systemic relay to allow her to clarify whether she held a one-suiter, support for diamonds, or a notrump type hand. Her jump to 4♥ described an unbalanced, strong one-suited hand. North knew that this was an impossible bid if South had remembered the correct meaning of 2♥, so she felt that pass was the best way to recover from an accident. There was no damage and no use was made of unauthorized information by N-S. They were admonished that when they played such complex methods, they assumed a special burden to know and remember what they were playing. This "forget" was noted, and if there should be another accident of this type, it might be dealt with more harshly.

Chairperson: Jan Cohen
Committee Members: Lynn Deas, Doug Heron, Mike Huston, Rebecca Rogers

Directors' Ruling: 69.5 **Committee's Decision:** 65.9

This case has produced a range of responses from our panelists. First, the Committee's supporters.

Bramley: "Excellent decision, especially the warning about the 'special burden.'"

Weinstein: "Often in these situations 'table action' helps reveal what has happened. However, there were no references to any table action having occurred, and the auction seems to have allowed the correct conclusions to have been reached."

LeBendig has been placed among the Committee's supporters, if only because we fear possible physical damage to a rather sensitive anatomical region if he remains on the fence too long . . .

LeBendig: "I'm not totally comfortable with this decision, only because I am not convinced that this was a 'forget' as opposed to a situation where N-S had no clear agreement and were playing two different methods. Regardless, it sounds like they were clearly able to escape because of a fortunate agreement about the 2♠ bid. I do trust the Committee's fact finding, and as a result I concur with their decision."

Cohen is basically with the Committee, but wants a modest penalty for Convention Disruption . . .

Cohen: "I agree with the Committee that N-S got to 4♥ without any aid from the misinformation. Perhaps I would have given a small matchpoint penalty to N-S for mixing up their complicated methods."

The remaining panelists oppose the Committee's decision, or are at best quite skeptical of it. Most want proof that 4 ♠ did not show something like a solid suit before allowing it.

Wolff: "Bad decision, as the Committee bought the Brooklyn Bridge. Convention Disruption deserves more than just a hollow reminder to not have an accident again. (What is the chance of this being caught the next time?) We need to make partnerships aware of their responsibilities. Average Plus to E-W, Average Minus to N-S is the least punishment to be given."

Rigal: "A reasonable ruling by the Director where it was hard to work out what would have happened. I do not like South's jump to 4 ♠ (where I would have expected a 3 ♠ bid), unless it could be proved that this auction did not promise the solid suit that would be a requirement for most pairs. As a Committee member I would have thought that South profited from the misinformation by jumping to 4 ♠ to clear up the ambiguity, whereas 3 ♠ would not have done so. I would have let the contract play in 3 ♠ for N-S, or some other unattractive spot, or possibly let the Directors' ruling stand, because I believe N-S are not entitled to recover completely after the South action."

Goldman: "I don't have a problem with North's pass, but I would need compelling proof before allowing South's 4 ♠ bid."

But, Bobby, North's pass hinges entirely on the 4 ♠ bid, which is the one under scrutiny.

Kaplan: "I am far from convinced that South's 4 ♠ bid was required by system, rather than suggested by North's Alert. Why not 3 ♤, for instance?"

Krnjevic: "This ruling should be given a very narrow application. Unless the offenders are able to produce very clear documentation that unequivocally supports their contention that their fortuitous arrival at the correct contract is attributable to a lucky systemic misunderstanding, they should be deemed to have acted on the misinformation and awarded an Average Minus."

Rosenberg: "I would need to see strong evidence that there was a firm agreement about 2 ♥ being an artificial ask. Otherwise, that 4 ♠ bid is far too convenient."

Only Gerard delves more deeply into the likely consequences of South bidding 3 ♠ over North's 2 ♥. North would likely have corrected to 3 ♥, but then South's next bid (presumably 4 ♠) would have created a problem.

Gerard: "I would have thought South's response to a 2 ♥ relay over her strong

jump shift should have been 3 ♠, with 4 ♠ reserved for a solid suit, eight-winner hand. Suddenly it doesn't seem so far-fetched that there was use of unauthorized information. However, even if N-S had reached 5 ♠, only an unlikely major suit lead would have defeated the contract. So N-S should keep their plus 650, but not without a further warning to South about her 4 ♠ bid."

Unless we've completely misread the situation, South's 4 ♠ bid seems to us to constitute a fairly blatant use of unauthorized information. If South really believed that North's 2 ♥ bid had been artificial, asking about her hand type, then why wasn't the bid Alerted? Taking things a step further, if South would then bid 3 ♠ (as seems likely; the Committee should have included the systemic meaning of 3 ♠ over the artificial 2 ♥ in their report), and North then bid 3 ♥ (thinking she was refusing a second invitation, and correcting back to spades), wouldn't South interpret this as a cue bid in support of hearts? Might not N-S then reach a slam? And while there is ample justification for assigning a score of minus 100 to N-S (for 6 ♠ down one), even if we were to assume that the auction was likely to have produced a "normal" plus 650 for N-S (as Gerard suggests), we feel inclined to assess a fairly hefty procedural penalty against South for her action over 2 ♥. And maybe within the next year, some demerits on her "driver's license."

CASE TWENTY-SEVEN

Subject: Run for Your Life
Event: Weekend Bracketed Knockout, 09Mar96

Board: 3
Dealer: South
Vul: E-W

	♠ KJx ♥ Jxxx ♦ Kxx ♣ xxx	
♠ 10xxx ♥ 10 ♦ Q108xx ♣ 10xx		♠ Axxx ♥ AQxxx ♦ 9 ♣ AJx
	♠ Q9 ♥ Kxx ♦ AJxx ♣ KQxx	

WEST	NORTH	EAST	SOUTH
			1NT
Pass	Pass	2♦ (1)	Pass
Pass	2 ♥	Pass	Pass
3♦	DBL	3 ♥	DBL
Pass	Pass	3 ♠	Pass
Pass	DBL	All Pass	

(1) Not Alerted

The Facts: 3 ♠ doubled made three, plus 730 for E-W. West did not Alert the 2♦ bid. When North asked about its meaning before his second turn to bid, he was told that it showed diamonds. The Director changed the contract to 3♦ down three, plus 300 for N-S.

The Appeal: West stated that she was distracted by the constant N-S postmortems. North stated there was a "good chance" he would have doubled 2♦ had he received the correct explanation that 2♦ showed the majors, since he thought that his team was behind in the match.

The Committee Decision: The Committee suspected that N-S were trying to win a match in Committee that had been lost at the table. The Committee decided to change the contract to 2♦ doubled down one (plus 200 for N-S), the likely result with the ♣K lead.

The Committee considered assessing E-W a procedural penalty, since this

experienced East had no reason to correct 3♦ doubled to 3 ♥ except for the unauthorized information he had received from partner's explanation of the 2♦ bid. The Committee admonished East for his action, and recorded this decision.

Chairperson: John Solodar
Committee Members: Jan Cohen, Bruce Reeve

Directors' Ruling: 61.1 **Committee's Decision:** 48.3

East believed that 2♦ showed the majors. West failed to Alert it, and later explained it as showing diamonds. West then testified that she had been distracted by N-S's postmortems, implying that the actual partnership agreement about 2♦ was as East had intended (which seems also to have been the Committee's conclusion). Why then did East not inform the opponents before the opening lead about West's failure to Alert the 2♦ bid, and why did the Committee not address (or penalize) this serious omission? What happened to the double of 3♦ in the Directors' ruling? Why did the Committee give E-W the benefit of a club lead against 2♦ doubled? Why wasn't 3♦ doubled by E-W considered as a possible final contract by the Committee? And what was the basis for the Committee's suspicion that "N-S were trying to win a match in Committee that had been lost at the table?" There are many unanswered questions here. Let's see what the panelists think about it.

Weinstein: "I don't understand the Director's ruling, the Committee's decision, and especially why the Committee suspected that N-S were trying to win a match in Committee that had been lost at the table. First, which side was appealing? I guess the Committee's comments would indicate that it was N-S, but I'm not sure. Let's start including which was the appealing pair. On to the case. E-W were in 3♦ doubled when East took blatant advantage of the unauthorized information he received. The auction should have ended right there, with plus 800 for N-S as the correct Directors' ruling, correct Committee decision, with only the names withheld to protect the guilty. If it were relevant I believe that E-W deserved a procedural penalty for unethical behavior, and if they were the appellants a penalty for a meritless appeal. I don't understand what the Committee was doing backing the auction up to 2♦ doubled, giving the non-offenders their worst opening lead when the table was already at 3♦ doubled. It is one thing to project the worst thing that can happen to the offending side and assign an adjusted score on that basis. In this case it already has happened, and would have stayed that way without the unethical 3 ♥ call. I hope there was a misprint involved somewhere."

No such luck! Confusion over this case seems to have been "catching" in Chicago.

Bramley: “Who appealed here? I find the Committee’s statements contradictory. I don’t like the actions by either side at the table. E-W created a bad situation, and N-S missed several chances to let them stew in a bad contract. That 3 Í was makable, however, was quite unlucky for N-S. I don’t understand the basis for the assigned result. If East was supposed to pass 3Ë doubled, why wasn’t that the assigned contract? This case illustrates a recurring theme. Is one side entitled to know that the other side is having an accident? Or, should both sides have to ‘fly blind’ until the situation resolves itself? Without screens it seems that either complete knowledge or complete lack of knowledge for both sides is reasonable. In this case North seems to be suggesting that somehow he should have been informed what 2Ë meant, while West was mysteriously kept in the dark the whole time. It can’t be done.”

Goldman: “East took advantage of the mis-Alert when he bid 3 Ì , and again when he bid 3 Í . I don’t see where anything else was relevant. I would change the contract to 3Ë doubled (minus 800) and assess a 3 IMP procedural penalty if East were an experienced enough player.”

Kaplan: “I don’t understand either adjusted score. Why down three undoubled? Why 2Ë doubled? The adjustment should have been to down 800; or, if this is deemed unclear, to Average Plus/Average Minus (3 IMPs).”

Krnjevic: “I don't agree with the Committee's decision, since it awarded a result that could only arise if a logical impossibility occurred: namely, that West correctly identified the meaning of the artificial 2Ë call, but then perversely chose to not only pass it, but also to stand his ground when doubled. If the Committee felt that East would not have pulled had it not been for the misinformation, then in order to be consistent it should have required E-W to play in 3Ë doubled. Furthermore, I don't think the Committee should have given any importance to its suspicion that the complainants ‘were trying to win in Committee a match that had been lost at the table.’ I can't believe that the Committee meant to suggest that the manner in which it will analyze a misinformation problem will be a function of whether the match result will be changed if the ‘at the table’ result is modified. If the same problem occurs in two separate matches, one of which is a massacre while the other is a neck-and-neck struggle, surely the Committee should make the same ruling in each case, irrespective of whether the result in the close match may be changed.”

Rosenberg: “The report states: ‘The Committee suspected that N-S were trying to win a match in Committee that had been lost at the table.’ I suspect that the Committee was insane. By their own admission, East was unethical when bidding 3 Ì . Why on earth was the contract not changed to 3Ë doubled, plus 800 to N-S? East was experienced, and should have been censured, not admonished (perhaps this is semantics). Incidentally, West's statement about being distracted

should be ignored. She should have asked N-S to stop talking, or called the Director as soon as it bothered her.”

For the record, a “censure” is a form of discipline available to Disciplinary Committees which has no specific penalty related to it. It becomes a part of a player’s permanent disciplinary record, but may not be publicized. An “admonishment” is not an officially recognized form of discipline, but rather is a “verbal warning” which appears (to us) similar to the formal discipline known as a “reprimand” (which, in turn, is like a censure, except that it may be publicized).

If you weren’t confused before, are you now? The following panelists seem to be, by accepting the Committee’s decision about this case. Maybe we should accept their insanity pleas?

Cohen: “There were many possible ways to go with this, but I am quite satisfied with everything the Committee did - especially the reprimand to East.”

Rigal: “A reasonable Director ruling, even if not necessarily the one I would have given. The Committee was right on the money with the admonition. It is a tough hand to decide exactly what would have happened at the table. I can live with 2Ë doubled or undoubled.”

Wolff: “Reasonable decision for a less than high-level game.”

LeBendig: “If East was that experienced, I would like to have seen a procedural penalty here.”

We would like to have seen a different decision.

CASE TWENTY-EIGHT

Subject: Suit for Non-Support
Event: NABC Women's Swiss, 10Mar96, Final Session

Board: 2
Dealer: East
Vul: N-S

Jacqui Mitchell
Í A1093
Ì KJ74
Ë K72
Ê 108

Judy Randel
Í Q
Ì AQ2
Ë AJ103
Ê A9654

Florine Walters
Í J8754
Ì 10653
Ë 9
Ê KQJ

Lynne Tarnopol
Í K62
Ì 98
Ë Q8654
Ê 732

WEST	NORTH	EAST	SOUTH
		Pass	Pass
1Ê	DBL	1 Í	2Ë
DBL (1)	Pass	2 Ì	Pass
2NT	Pass	3Ê	All Pass

(1) Alerted; no questions asked until auction was over

The Facts: 3Ê made three, plus 110 for E-W. Opening Lead: Ê8. After the auction was over, North asked East to explain the double. East stated that it implied three-card spade support, but that they only played together a couple of times a year and that she was not sure that this was a support double in this auction. West did not say anything. The defense went: club to the king, spade to the queen and ace, club to the queen, heart to the queen and king. North then shifted to a low diamond. The defenders won one spade, two hearts and one diamond. North called the Director after the play of the hand and stated that she would have defended differently if she had known that the double was a penalty double. The Director ruled that there had been misinformation, and changed the contract to 3Ê down one, plus 50 for N-S.

The Appeal: E-W appealed the Directors' ruling. N-S did not appear at the hearing. West stated that she had heard the Alert and wondered why East had Alerted the double, because she did not and had not ever played support doubles.

West stated that she thought it was evident from the auction that East had shown 5-4-3-1 distribution. When the Committee asked why West had not corrected East's explanation, she stated that she was very tired and was not even aware that North had asked any questions.

The Committee Decision: The Committee decided that E-W would always take nine tricks in a club contract. N-S had not appeared to explain how they would have defeated the contract. The Committee changed the contract to 3Ê made three (plus 110 for E-W). The Committee also assessed a 1 VP procedural penalty against E-W because West had not fulfilled her obligation to make sure that the opponents were correctly informed about their partnership agreements, after questions were asked, before the opening lead. The deposit was refunded.

Chairperson: Phil Brady
Committee Members: Karen Allison, Peggy Sutherlin, (scribe: Linda Weinstein)

Directors' Ruling: 72.5 **Committee's Decision:** 59.0

Due to the lateness of this appeal (the final Sunday night of the tournament), and an administrative oversight, the play of the hand as described in the **Facts** above was not included in the write-up that was sent to the panelists. Your Editors spared no expense in contacting the Committee's chairperson (via e-mail), who happily supplied it as this casebook was being prepared. Some panelists' comments have therefore been edited to reflect the facts as presented here.

The panel is split over this decision. Bramley disagrees - with everything . . .

Bramley: "I disagree. On a trump lead nine tricks are unlikely. N-S hurt their case by not showing, but the Committee should have been able to work this out on their own. The correct defense is clear if North knows that West made a penalty double. Once again, I dislike the procedural penalty. If the Committee thought that there was no damage they should not have assigned a penalty. However, they should have upheld the Directors' ruling of 3Ê down one, making further penalties unnecessary."

When there is damage and there is redress, a procedural penalty would be exceptional. When there is no damage, the procedural penalty is the only mechanism to punish a breach of the Proprieties. So says Edgar. And on that basis, the Committee was within the Law (according to Edgar) in assessing the procedural penalty. We are of the mind, however, that if a Committee cannot assess a procedural penalty when it feels that the otherwise-penalized offending side has committed (what it considers to be) a flagrant breach of the Proprieties, we are left with a position in which players can win (the opponents don't call the Director, or the Director rules in their favor and there is no appeal, or the

Committee makes the wrong decision) or break even (sooner or later, someone restores the result that would have been achieved without the infraction), but never lose after committing an infraction .

LeBendig agrees - with Bramley . . .

LeBendig: "This contract is easy to defeat after the club lead. I think the Committee missed the mark on the adjustment. Plus 50 for N-S looks quite right. The penalty was well-placed. If they had gotten the adjustment right, perhaps they would have then kept the $50. It seems to me like it would have been appropriate."

Perhaps the defense should prevail and we can start out by believing North's statement that she would have defended differently if she knew or suspected that West had four chunky diamonds. We would all be much better placed to evaluate the Directors' ruling and the Committee's decision if we knew what North had in mind. We can assume that East's red herring about three-card spade support was not the real guiding light for North's diamond shift since that would have left South with 1-2-7-3 shape on the carding to that point. North had done everything right up to then, so we can assume that her diamond switch was the play she would have wanted to retract. West had an obligation to correct East's (admittedly) mistaken explanation at the end of the auction. Had she done so, North might then have been able to determine that West held four good diamonds rather than a strong balanced hand, and she might well (even for Jacqui Mitchell, there is always a small chance she'd read the position imperfectly) have defended not only differently but successfully.

It wasn't easy for Cohen or Gerard to agree with anything since they were playing with only half the deck . . .

Cohen: "Why isn't it stated what N-S's contention was? Without that information it's pretty hard to make a ruling! Yes, West clearly should have told the defenders that the double was intended as penalty."

West's obligation did not include telling N-S what she did have, but only that her partnership had no agreement about a double showing three-card support.

Gerard: [Ron's lengthy and incisive comment largely speculated about the probable defense, and how the contract could have been beaten had N-S had different information; unfortunately, Ron had no hint about the early play when he tried his best to project the play - *Eds.*]

The remaining panelists agree with the Committee that N-S deserved no redress - although Krnjevic does not agree about the procedural penalty.

Krnjevic: "I agree with the decision, but have reservations about the application of a procedural penalty."

Rigal: "The point at issue is that North, a world champion, simply misdefended, knowing (I think) from her own hand that there had been a wrong explanation. Her early defense suggests that she knew that. West was at fault for not correcting the explanation, but the Committee obviously accepted West's story about the facts of the case, and I think we do not have any good reason to overrule their decision."

Rosenberg: "North was experienced enough to ask more questions of E-W if she wanted to know more about their agreement. East gave an excellent explanation - better than could reasonably have been expected."

It wasn't East's explanation that caused the potential damage but rather West's failure to announce that her partnership had no such agreement.

Weinstein: "I think that the Committee had it just about right, though I'm not convinced that E-W would have always made 3ÊE. I know that it was always makable by ruffing two diamonds and hoping that the ÊE10 falls, but it could have been tempting to lead a spade first (or other lines) that could have worked on other layouts. My instinct is to allow it to go down one-third of the time, and IMP the board that way. The 1-VP penalty seems about right."

Wolff: "A proper decision that covered all the bases."

And a good portion of the outfield, too.

We're inclined to agree with the Committee. We also agree to move on to the next case, before things get any more agreeable.

CASE TWENTY-NINE

Subject: Attempted Convention Invention Prevention
Event: NABC Swiss Teams, 10Mar96, First Final Session

Board: 11
Dealer: South
Vul: None

Warren Oberfield
♠ A543
♥ 876
♦ AJ3
♣ 1097

Jim Houghton
♠ 10
♥ AK10954
♦ K1098
♣ 63

Lyle Poe
♠ KJ92
♥ QJ2
♦ Q7652
♣ 8

Les Amoils
♠ Q876
♥ 3
♦ 4
♣ AKQJ542

WEST	NORTH	EAST	SOUTH
			1♣
1♥	DBL (1)	2♥	4♣
4♥	5♣	All Pass	

(1) Alerted; negative

The Facts: 5♣ made five, plus 400 for N-S. Opening Lead: high heart. The Director was called to the table after the match. East stated that South had obviously intended his 4♣ bid conventionally to show long clubs and spade support. This bid was not Alerted by North, nor did South inform the defenders before the opening lead or at any point during the play that there had been a failure to Alert. Consequently, during the defense East discarded a spade after a spade had been pitched from the dummy (North), which allowed the contract to be made. N-S claimed that they had no previous agreement concerning South's 4♣ bid. The Director determined that N-S had not discussed the meaning of South's 4♣ bid, and therefore had no agreement. South had no obligation to disclose the nature of his hand to E-W. The Director ruled that the table result of 5♣ made five, plus 400 for N-S, would stand.

The Appeal: E-W appealed the Directors' ruling and stated that, since South had obviously intended his 4♣ bid to show clubs and spade support, he owed E-W an explanation either that they (N-S) had an agreement to that effect, or that he

(South) had made a conventional bid. Lacking any explanation, East, during the defense, assumed that declarer could not have four spades for his bid and pitched a spade once dummy's fourth spade was thrown on the run of declarer's clubs. N-S testified that they had formed a partnership for this event (this being the third session they had played), and had filled out a simple convention card. An auction similar to the one in question, either with or without competition, had not occurred previously in their brief partnership.

The Committee Decision: The Committee determined the facts as stated above. In addition, the Committee asked for more details about the play. West had led his two high hearts. Declarer ruffed the second, and played five rounds of trumps pitching dummy's last heart and then its fourth spade. On the trumps East pitched two diamonds, his third heart, and finally his fourth spade after a spade was pitched from dummy. East was asked whether it had occurred to him that South's 4♣ bid might have been intended to show spade support. He said that he thought that was the meaning of the bid at the time it was made, but when there was no Alert, and North then bid 5♣ rather than 4♠, and South did not volunteer any information to that effect, he simply assumed that the bid was natural. East was then asked why he had not inquired as to the bid's meaning during the defense. He shook his head, shrugged his shoulders, and said that by that time he had put it out of his mind. When asked what his partner had pitched on declarer's clubs, and what significance those pitches might have had for which side suit West was guarding, East said that frankly he hadn't been paying any attention to West's discards.

The Committee found that N-S had little partnership experience, were playing a simple card, and showed no evidence of having any agreement about the meaning of South's 4♣ bid in this auction. The Committee members unanimously believed that no players with this N-S pair's limited partnership experience would have discussed this auction, and that there was no reason to believe that this jump (in competition) showed spade support as opposed to just long clubs in a hand unsuitable for notrump. According to Law 75C a player need only disclose to his opponents ". . . special information conveyed to him through partnership agreement or partnership experience; but . . . not . . . inferences drawn from his general knowledge or experience." The Committee therefore decided that South was under no obligation to disclose an agreement which he didn't have, and so the table result of 5♣ made five (plus 400 for N-S) was allowed to stand.

In addition, it was believed that E-W had more than enough evidence that N-S had no agreement about the meaning of South's 4♣ bid, including the fact that North failed to bid 4♠. East could have asked about the bid, having (by his own admission) suspected its intended meaning. E-W also had adequate opportunity to work out the correct defense from their discards, and failure to do so (or to

even pay minimal attention to what those discards were) placed the responsibility for their poor result squarely on E-W's shoulders. It was therefore decided that the appeal was substantially without merit, and the deposit was retained.

Chairperson: Rich Colker
Committee Members: Doug Heron, Bruce Reeve

Directors' Ruling: 83.3 **Committee's Decision:** 92.1

The panelists are unanimous in their support of the Committee's decision to allow the table result to stand, if not their decision to keep the deposit.

Bramley: "I agree, except for keeping the deposit. This hand raises a significant issue about declarer's obligation to tell the opponents about his hand after a misunderstanding in an undiscussed auction. I agree with the Committee's decision on this point, but I would guess that some panelists will feel that Active Ethics requires declarer to disclose the misunderstanding. This issue clearly gives the appeal substantial merit."

Krnjevic: "I am not at all comfortable with the present state of the Law with respect to disclosure. (I firmly believe that a player should be subject to a positive duty to disclose the intended meaning of his bids, even in the absence of any partnership agreement, and have great difficulty with the current regulations which permit a player to refuse to disclose any information about his bidding because 'we haven't discussed this sequence.') However, I find it hard to expend any energy arguing on behalf of this E-W pair since, by East's own admission, he neither asked any questions about the meaning of the auction (although he acknowledged that he suspected the 4♠ bid showed spades), nor did he bother paying any attention to his partner's signals, thereby depriving himself of the information he needed in order to defend properly. However, I have great difficulty understanding why this matter ever came before the Committee. Weren't the E-W pair advised by the Director that since the issue was resolved by applying a clear rule of Law, an Appeal would be an utter waste of both time and money?"

This was (essentially) the Committee's feeling, as well. The following information was requested and obtained from the screening Director before the merit of the appeal was decided. E-W were told in screening that South had no legal obligation to disclose the nature of his hand, given the Director's determination that N-S had no partnership agreement about the auction. E-W were not specifically told that their appeal lacked merit. However, it was pointed out (to the Committee) that a warning to this effect is included on the appeal form that E-W (and every appellant) signs, right above the space for their

signature.

It should be emphasized that this decision was not intended in any way to condone the disruption caused by N-S's misunderstanding, but it must be recognized that such things will happen in unpracticed partnerships. E-W's attempt to gain additional advantage from the situation without exercising proper precaution to protect themselves, or assuming even minimal responsibility for attending to the subsequent play, was viewed dimly.

Cohen: "The Committee was extremely thorough, and the write-up of this case is exceptionally clear and well-reasoned. I'm not sure that I'd have kept the deposit, but other than that I think this was a terrific job by the Committee."

Goldman: "I like the Committee's handling of this, but I see no statement about what South intended 4♠ as."

South took a shot at extrapolating the meaning of 4♠ from the uncontested auction 1♠ - 1♥; 4♠.

Kaplan: "As the facts were far from clear on the surface, I would rather have had the Director rule for the non-offenders. Thus, I don't think the deposit should have been forfeited."

Rigal: "An interesting position. South obviously intended his bid to be one thing, and I am not convinced that he did not owe the opponents more than silence. As against that, this was a variation of a standard position, and if South decided from his partner's failure to Alert that he himself had simply erred by extrapolating a meaning from the normal position, he had no duties to the opponents. If that is the case then we do not have to determine how efficient East's defense was. I do not think it all that bad, but I would still have seen it as poor. I would not have withheld the deposit; there is considerable merit here in my opinion. The panel was holding East to unfair standards."

Rosenberg: "There was no infraction here. South invented a convention."

And a surprising comment from Mr. CD himself . . .

Wolff: "A wonderful case that illustrates a modern problem. N-S did nothing wrong, yet were brought before a Committee on a vague suspicion. The Committee mentioned that if N-S had such an agreement, why wouldn't North have bid 4♥. My feeling is that East is a good and serious player who was way off in his judgment. It's one thing for him to discuss the subject informally, and quite a different thing to take it to Committee. The Committee (and Director) handled it in a superior manner."

Weinstein: "Allow me to ramble endlessly. Hypothetically, let's say partner Alerted my 4♠ bid saying that it showed four spades. I end up declaring the hand and did not intend the call to show four spades, and do not have four spades. I am under an obligation to clarify that partner represented an understanding that our partnership does not have, but assumed from playing with other players of similar experience.

"Hypothetical Case 2. I am playing with my regular partner Ralph Katz, with whom I have played steadily for three years and off and on for several more years. In all the time we've played together the sequence 1♠ - Pass - 1♥ - Pass, 4♠ has never arisen, and has never been discussed. Yet it is moral certainty that each of us would assume that this shows 4-6 of some strength. According to Law 75C I do not need to Alert this call, at least until this book is published (though after 6/17/96 it won't be Alertable, but don't quote me on this).

"Not so Hypothetical Case 3. I make a conventional bid that I think partner has an excellent chance of working out through his bridge experience, similar to HC 2, but with less confidence. Partner Alerts explaining that I have four spades, yet raises to 5♠. I can hardly inform the opponents that we did not have a partnership understanding while holding four spades. So we have a situation where the opponents have information about my attempted conventional bid depending on whether my partner worked it out, though it was never based upon partnership agreement or experience.

"It seems that if I'm attempting to make a conventional call that I hope partner will work out, the opponents should be entitled to the same information regardless of partner's cognitive efforts. I know that this isn't the Law, and I know that the Committee made the right decision, but I don't believe that the appeal was substantially without merit. Even had East questioned South, South would have been under no obligation to reveal his hand, and the question itself may even be inappropriate. What is the obligation of an expert pair in a new partnership, who from their expertise know the meaning that is assigned to a call that their less experienced opponents may not be aware of? If I sit down to play with Mr. Kokish without any discussion against a novice pair, is, 1♣ - Pass - 4♠, Alertable? How about, 2♠ - Pass - 2♦ - Pass, 2♣, intended as either hearts or a game-forcing balanced hand, knowing that we each play the convention (though I may know it as 'Nagy')? How about, 1♥ - Pass - 2♠ - Pass, 3♦, which I would intend as a splinter, expect partner to take it as such, and fully expect my non-expert opponents to assume that this showed diamonds without an Alert. [You betcha; they're all Alertable - *Mr.K.& Mr.C.*]

"I'm not sure what my point is other than to open for discussion the area of what is legally required and/or active ethically required to be revealed to the opponents where there has been misleading or possibly insufficient

information."

You call that an endless ramble? Amateur! Here are our reactions. With respect to HC 1, Howard is correct - assuming that he had no such understanding. But if he had one and simply forgot it before bidding 4♠, he would then be under no legal obligation to reveal the true nature of his hand.

With respect to HC 2, he does need to Alert the call, since his "moral certainty" is derived from his experience with this partner, or from knowledge of other of this partnership's methods. This is an "implicit" understanding. (A player would be unlikely to have such an understanding with a "new/unknown" partner, as in the present case, unless it derived from their very limited experience together.)

His conclusion for HC 3 is true only because partner has accurately described his hand. To refute partner's explanation would imply that it was false (which, coincidentally, it isn't), thereby inappropriately misleading the opponents. The lesser of evils is therefore to "let it go."

Regarding the conclusion that, if you're attempting to make a conventional call which you hope partner will work out, the opponents should be entitled to the same information regardless of partner's cognitive efforts, we disagree. The opponents are entitled to information which derives from sources not otherwise available to them, such as when partner's knowledge of the meaning of your bid derives from an explicit agreement, past experience in this partnership, experience playing with common partners with whom you both use similar methods, or knowledge of your other methods which may, by extension, apply to this situation. But not when his knowledge derives from his "general" bridge knowledge, and especially when (as in the present case) it comes from his own private inferences unrelated in any way to this partnership. Of course, if his knowledge derives from an "indirect" source (such as common partners, or by extension from other methods you've agreed to play) and thus stands a chance of not applying to the current situation, the opponents need to be especially informed of that possibility as well. Failure to do so could produce the dilemma in HC 1. This is obviously a grey area, and you may be held liable if you confuse the opponents with uncertain explanations.

But the concept of a moral obligation is an appealing (and this after we promised ourselves not to mention "appeal" more often than we had to) one. Certainly there would be a vast number of appeals that would never see the light of day. And the Active Ethics issue would find a new stage on which to strut its stuff. Our heartfelt reaction is that if the playing field were truly a level one, the moral obligation to disclose as much as possible (beyond the minimum legal obligation) would be not only acceptable but perhaps even desirable.

Looks good; feels good; tastes great. And it’s less filling.

CASE THIRTY

Subject: Premature Preempt Prejudices Partner
Event: NABC Open Pairs, 01Mar96, Second Session

Board: 20
Dealer: West
Vul: Both

Tom Kniest
Í 5
Ì 985
Ë 10852
Ê Q9753

John Blanchard
Í Q10873
Ì QJ7
Ë AKJ7
Ê 8

Danijel Zenko
Í AKJ962
Ì 3
Ë Q94
Ê J64

Karen Walker
Í 4
Ì AK10642
Ë 63
Ê AK102

WEST	NORTH	EAST	SOUTH
1 Í	Pass	4 Í	5 Ì
5 Í	Pass	Pass	DBL
All Pass			

Facts: 5 Í doubled made five, plus 850 for E-W. Opening lead: Ì 5. Before West opened the bidding, East placed his STOP card on the table. The Director was called and permitted West to open the bidding. When the hand was over, N-S called the Director again and stated that West might have been influenced by the information that East seemed to have considered a preemptive opening bid as dealer. The Director awarded N-S Average Plus and E-W Average Minus.

The Appeal: E-W appealed. They stated that both partners treated East's 4 Í bid as a sound game raise rather than a preempt, and that West had sufficient extra values to bid 5 Í over 5 Ì.

The Committee Decision: The Committee decided that unauthorized information was available to West which clearly indicated that a 5 Í bid was more likely to succeed since East had a distributional hand. Therefore, West was not permitted to bid 5 Í since pass was a logical alternative. However, it was also decided that after West passed (or doubled) 5 Ì East would always bid 5 Í, and that since South had doubled 5 Í by West, she would also have doubled 5 Í if it were bid by East. Since E-W were inexperienced players the Committee

Chairperson explained to them the obligation not to make use of unauthorized information and the concept of "logical alternative." The Committee allowed the table result, 5 Í doubled made five (plus 850 for E-W), to stand.

Chairperson: Jan Cohen
Committee Members: Nell Cahn, Mary Jane Farell, Ed Lucas, Jan Shane

Directors' Ruling: 61.1 **Committee's Decision:** 53.3

Most of the panelists have problems with this decision. One implication of E-W's testimony that the Committee failed to appreciate is pointed out by . . .

Weinstein: "The Committee failed to address E-W's treatment of 4 Í as a sound game raise, and the resultant failure to Alert. This was a private understanding that might well have precluded the double by South. Unless there was evidence that this understanding was available to N-S during the auction, I would have allowed East to bid 5 Í, but would have removed the double. In addition, I would have penalized E-W one-quarter board for their failure to Alert, and explained to E-W their obligation to make the opponents aware of any unusual treatments that they play."

This strikes us as a healthy way to look at the case. It is indeed surprising that the Committee did not consider allowing South not to double 5 Í once it was established (if we believe East and West) that 4 Í showed high-card values.

Even more upset with the Committee's decision is . . .

Bramley: "I disagree, strongly. West's 5 Í bid was outrageous and clearly influenced by the unauthorized information. The Committee's claim that 5 Í was automatic by East (even if partner doubled!) was way off base. I would pass, especially if partner doubled, and I would expect to find others to agree with me. (If not, I must yield to their superior judgement.) Also, the Committee suggested that E-W's inexperience somehow mitigated what they did. Not so. While some leniency might be acceptable in a lower flight game, no exceptions should be granted in an NABC+ event. If you are going to play in these events, you'd better learn the game. This E-W pair got a slap on the wrist when they deserved a sharp lesson. I would have assigned a result of 5 Ì undoubled, down two, as a likely result for both sides in the absence of table action. Finally, even if you assume that the Committee's judgment about the final contract and result were correct, they should still have imposed a procedural penalty for blatant use of unauthorized information - one of the only circumstances where a procedural penalty is warranted."

It was just a matter of time before someone voiced an opinion about "playing in

the big leagues."Bart has opened Pandora's box here. If you can assess procedural penalties in "blatant" situations (which are, essentially, judgment calls), then you ratify the use of such penalties in other situations - depending on the prevailing politics of what's acceptable and what's not. We're not suggesting that a procedural penalty would not be appropriate when a Committee wants to make a point and finds that there is no practical alternative. But we want to be very careful to spell out the criteria for assessing such penalties and we would like to emphasize that there are very few situations which justify such action.

Ratifying Bart's view of E-W's actions over 5 Ì . . .

Cohen: "I'm not sure that East should pull a double of 5 Ì. Why can't his partner be 5-4-2-2, and nothing makes? In fact, West might double 5 Ì if 4 Í is a sound game raise. (Why couldn't East have, Í Kxxx Ì xx Ë Qxx Ê AQ10x?) Of course, the STOP card made 5 Í a more likely call than double. Since I think it's reasonable for West to double 5 Ì, and East to leave it in, I'd either rule 5 Ì doubled down two, or Average Plus/Average Minus."

Goldman: "I cannot accept that over 5 Ì doubled, 'East would always bid 5 Í.' I would have adjusted the score to Average Plus/Average Minus."

Rosenberg: "It looks as if West was taking advantage of the unauthorized information when he bid 5 Í, a bid unwarranted by his hand. I believe West might have doubled and East might have passed. Sorry, E-W. Plus 500 to E-W."

Differing with this view are . . .

Krnjevic: "Although I agree that no East of this experience level would have passed 5 Ì doubled, and believe that he (East) should be allowed to bid 5 Í, I would nonetheless have imposed a procedural penalty on West for his blatant use of unauthorized information."

Strange. If you believe that West's 5 Í bid is acceptable, then why penalize West for making the bid? On the other hand, if you believe that West's bid is based on unauthorized information, why defend his right to make it?

Rigal: "A reasonable ruling by the Director, although the better of minus 500/Average Plus for N-S was also possible. I do not think E-W should escape unscathed; a procedural penalty, however minimal, is reasonable. I accept that East would have bid 5 Í if West had passed, but might he not also double? I think so."

Wolff: "Once the Director left the table, he assumed that the result would stand unless E-W took blatant advantage of East's putting the stop card on the table

out of turn. Nothing like that happened, and E-W got lucky (I think West made a lousy bid of 5 Í). These all could be inexperienced players, but one thing is certain: Normal Playing Luck should require the result to stand (and it was so ruled)."

This case boils down to a judgment call as to whether an East player of similar skill and experience would have passed 5 Ì, or "always" bid 5 Í. Our view is that such judgments are better left to the Committee members who were there and interviewed the players in question.

Is there a case to be made for removing the double of 5 Í for E-W? Is Bobby Wolff the Father of CD?

CASE THIRTY-ONE

Subject: Hearts of Darkness
Event: Flight A Pairs, 02Mar96, Second Session

Board: 8
Dealer: West
Vul: None

Gary Hann
Í AK93
Ì AK
Ë 94
Ê KQJ53

Lou Reich
Í Q7
Ì J104
Ë AKQ83
Ê 1098

John Adams
Í J1086542
Ì 96
Ë 75
Ê 42

Keith Garber
Í ---
Ì Q87532
Ë J1062
Ê A76

WEST	NORTH	EAST	SOUTH
1NT (1)	DBL	2 Ì (2)	DBL
Pass	Pass	2 Í	Pass
Pass	DBL	All Pass	

(1) 12-14 HCP
(2) Alerted; showed the majors, at least 4-4

The Facts: 2 Í doubled went down one, plus 100 for N-S. Opening lead: ËJ. As soon as it was known that East's hand did not agree with West's description, the Director was called. The Director ruled that there was no damage to N-S and that the result stood.

The Appeal: N-S appealed and stated that appearances suggested that East had forgotten the partnership agreement, but was reminded by West's Alert and explanation.

The Committee Decision: E-W produced their system notes that completely documented their agreement as Alerted by West. East stated that his 2 Ì bid was a deliberate tactical bid. Law 73E permits deliberate deviations from the system as long as those deviations are not protected by concealed partnership understanding. The Committee decided to allow the table result, 2 Í doubled down one (plus 100 for N-S), to stand. The Committee also decided that E-W's

District Recorder (District Six) would receive a copy of this decision because E-W were an experienced, expert partnership.

Chairperson: John Solodar
Committee Members: Gil Cohen, Mary Jane Farell, Gail Greenberg, Doug Heron

Directors' Ruling: 64.5 **Committee's Decision:** 83.0

The panel is unanimous in its support for this decision. We'll let the panelists speak for themselves.

Bramley: "A reasonable decision, but if I were East I would be upset for being 'Directored,' 'Appealed,' and 'Recorded' for a baby tactical psych on a hand that fairly screams for such action. N-S blew the auction, and should have known better than to whine about it. Their contention that East was 'reminded' to run to his seven-card suit is laughable. Luckily, the Director made the right ruling, so the Committee could have, and should have, kept the deposit."

Cohen: "I agree with the Committee. Even if East 'forgot' his methods he still would run to 2♠, and now it would be one of those 'convention disruption' situations."

Gerard: "It's amazing to me how often deliberate tactical system violations occur in the Committee room. These are self-serving statements, to be given as little weight as any other self-serving statement. Here it didn't seem to matter, since West bid normally (pass first to show heart preference, then pass opposite East's presumed six-four) and East is surely entitled to play in his nine-card fit (although wait until you see CASE THIRTY-EIGHT)."

Weinstein: "Didn't there used to be a rule about psyching conventional calls? Even had East just forgotten what he was playing there was no basis for adjusting the score. The Directors' comment about 'no damage' seems off. Lots of damage, but no basis for adjustment."

Goldman: "The game of bridge can never have a level playing field if things like this can occur (I would do it myself). Can the Laws outlaw the psyching of conventional artificial bids?"

The Laws don't, but NCBOs like the ACBL can regulate against it. For example, ACBL regulations currently disallow the psyching of conventional artificial opening bids.

Kaplan: "I would rather see the Director rule for the non-offenders."

Krnjevic: "I agree with both the result and the decision to record the action. Given that E-W have an obligation to advise the opponents if they have a history of psyching in this type of situation, it is important that a record be kept of their actions, thereby providing them with an additional incentive, if necessary, to fully disclose their partnership's tendencies."

LeBendig: "I'm not delighted with this decision only because I'm not sure I can accept that this was a 'deliberate tactical bid.' If I was unsure of my methods I would love to claim that after the fact. However, once again I defer to the fact-finding ability of the Committee, and as a result have no reason to disagree with their decision."

Rigal: "I am slightly surprised that the Director ruled as he did in that, absent a lengthy enquiry, there is a prima facie assumption of damage. Notwithstanding that, the Committee ruled correctly, and the copy of the decision being promulgated is also sensible. N-S got fixed by a psych; well-done, East."

Rosenberg: "This is a standard psyching situation for weak no-trumpers. It is difficult for me to believe that this never happened before in this experienced, expert partnership. This would include any discussions the pair might have had. South, an expert, should have been suspicious given his hand, the situation, and the passes by West and North. Had N-S been inexperienced, they would have been entitled to redress if it was deemed that E-W had some undisclosed prior understanding about such situations."

Wolff: "The Director and Committee technically made the proper decision, and I agree with the Committee referring it to the home District's recorder. However, dictum: Psyching a conventional response to a weak or relatively weak (12-14 HCP) 1NT opening should be barred because of the potential for abuse, and the in-the-dark position in which it leaves the unfamiliar opponents. The sooner we take notice, the sooner these abuses will stop."

We would have judged this appeal to be without merit. The proper medium for dealing with potential past and future psychics in related situations is the National Recorder. Had N-S been advised of this by the Director or by the Screeners, we can hope that they would not have brought the appeal. And if they had proceeded with the appeal, we might have been better disposed to their cause if they had not asked for a score adjustment for themselves.

Special Note: Many Committees have asked that copies of their decisions be sent to the offenders' home (Unit or District) recorder for use in the future monitoring of the player or pair. In this case, one of us (*R.C.*) is the District recorder for the E-W pair, and no copy of this case (or any previous one, in the six or more years of his service in that position) has ever been received. Other recorders have

reported similar experiences; none have reported receiving copies of Committees' decisions from any level, including NABCs. Is the League really doing their duty in such cases, or are Committee members deluding themselves in thinking that their instructions are being faithfully carried out by those responsible for doing so?

CASE THIRTY-TWO

Subject: Preempting the Problem
Event: BAM Teams, 05Mar96, Evening Session

Board 17
Dealer: North
Vul: None

	♠ AK3 ♥ J82 ♦ KQ6 ♣ AKQ4	
♠ J984 ♥ A104 ♦ 1074 ♣ J92		♠ 752 ♥ K7653 ♦ 92 ♣ 876
	♠ Q106 ♥ Q9 ♦ AJ853 ♣ 1053	

WEST	NORTH	EAST	SOUTH
	2♣	Pass	2♠ (1)
Pass	2NT (2)	Pass	3♦ (3)
Pass	3♥	Pass	6NT
All Pass			

(1) Alerted; explained after the auction as 2 controls
(2) 23-25 HCP
(3) Alerted; transfer to hearts

Facts: 6NT made six, plus 990 for N-S. Opening lead: ♣8. East did not lead a heart because he believed South had a heart suit. The Director was called when the dummy was put down. The Director determined that the N-S agreement was that South's 3♦ bid was a transfer to hearts, and that South forgot. The result at the table was allowed to stand.

The Appeal: E-W appealed. They claimed that South bid the slam based on unauthorized information from North's Alert. It was argued that South's hand was only invitational in strength, that bids other than 6NT were more in line with the diamond slam try South began, that North's hand was sub-minimum with poor distribution for his 2♣-2NT sequence, and that South only bid 6NT to forestall a 6♥ bid from North. South testified that once North Alerted he knew North could never evaluate his hand properly for a diamond slam. Not wanting North to show high-level preference for hearts over diamonds he just took a shot at 6NT. He felt that his 9 HCP justified slam even opposite a 23 HCP minimum, adding that 6NT might fail when 6♦ was cold and that this risk compensated for

the bid. North pointed out that had South continued with 4Ë (showing diamonds) he would always convert six of either red-suit to 6NT given his black-suit holdings, weakish heart support, and diamond fit as a source of tricks.

The Committee Decision: The Committee determined that the N-S agreement was that 3Ë was a transfer to hearts, and that South had forgotten. South had been playing duplicate bridge for about 2 years, and had about 440 masterpoints. South's statements confirmed that his 6NT bid was based on unauthorized information from North's Alert, and that he bid it to avoid complications which might have arisen from North thinking that South had hearts. The 6NT bid by South was not allowed.

The Committee then considered what the final contract would have been had South bid more in line with his diamond slam-try start. A jump to 4NT (Blackwood, according to N-S) would have immediately propelled the N-S pair into slam, and the Committee decided that North's hand would certainly justify converting any six-level red-suit slam to 6NT, as he had stated. If South bid 4Ë over 3 Ì (to confirm slam interest) North would preference to 4 Ì, and now even if South tried to slow the auction down with a "natural" 4NT bid North would never have interpreted that as anything other than forward-going.

Only a 3NT bid over 3 Ì might end the auction, but opposite North's presumed 23-25 HCP (South couldn't have known that North had stretched with only 22 HCP) South seemed entirely justified in showing his slam values and proceeding to the four-level. It was decided that N-S would almost certainly have reached 6NT, even if South had bid entirely in line with only the authorized information available to him. Therefore, the table result, 6NT made six (plus 990 for N-S), was allowed to stand.

N-S (in particular, South) were lectured about their obligations to base their bids only on the authorized information available to them from the auction and their hands. If partner's Alert gave them information which suggested that a normal, previously planned bid would likely produce a disastrous result, they were obligated to proceed with that action and accept the consequences. Failure to do so in the future could result in severe disciplinary penalties.

Chairperson: Rich Colker
Committee Members: Karen Allison, Gil Cohen, Bruce Reeve, Peggy Sutherlin

Directors' Ruling: 52.5 **Committee's Decision:** 61.0

Several panelists agree with the Committee's decision.

Rosenberg: "Great Committee work. South clearly took unfair advantage."

Weinstein: "I agree with the Committee. I would have strongly considered a procedural penalty for South's actions, even at South's level of experience. However, South was clearly unaware of his crimes since he made no effort to cover his actions, and the Committee's educational attempt seemed more appropriate than a slap on the wrist."

LeBendig: "I only question the statement at the end of the write-up which warns of 'severe disciplinary penalties' in the future. I think this is a strong overstatement of current policies. I would not classify procedural penalties in this manner."

Goldman thinks that N-S should have received more than just education. Perhaps he failed to appreciate that these were relatively inexperienced players (note the absence of any players' names in the diagram).

Goldman: "The Committee gave N-S too much leeway. 6NT was a blatant foul, so there should be a strong benefit of the doubt against the offenders. There was just enough doubt to take something away from N-S, and a procedural penalty would have been appropriate if they were experienced."

Bramley: "The Committee seems to have done a thorough job here, but I must disagree with their conclusions about possible continuations. 3NT by South was more plausible than they think, because South implied interest in a higher-level contract with his 3Ë bid (if it showed diamonds).Also, 4NT by South over 3 Ì should be natural; he cannot logically bid Blackwood when the partnership could easily be off too many total controls. North would certainly have passed a natural 4NT, and he should pass even a Blackwood 4NT, because he would know that too many controls are missing if South has a heart suit. The Committee effectively gave this pair credit for being bad enough to fumble into 6NT a high percentage of the time. This feels wrong to me. Also, why didn't the Committee find out what auction South was planning to take had there not been an Alert, or if North had bid, say, 3NT? If allowable in BAM, I would have given a split decision. N-S would get to play notrump making 460 (heart lead), the least favorable result that was at all likely. E-W would get minus 990 against 6NT, the most probable result. Each result would be matched against the other table. (If the other table scored 490, both sides could lose the board). Is this legal?"

Bramley's point about the plausibility of a 3NT continuation by South would be right on target except for two things. First, N-S were Flight B players. (South had only 440 masterpoints and had been playing for about two years; note: there are no names in the hand diagram - players' names are only included in NABC+ and Flight A events.) Second, North had overstated his values with his 2NT rebid, so South was always going to force to slam with his 9 HCP and five-card suit opposite 23+ HCP. As far as 4NT being natural, the Committee believed that

such an inference was not possible for players at N-S's level. And how many Flight B players would pass Blackwood under any circumstances, let alone on the inference that there would be too few controls (only) if partner's suit was hearts? Yes, the Committee gave this N-S pair credit for being "bad enough" that they would always stumble into 6NT. Why should this feel wrong? The last paragraph in **The Committee Decision** should make it clear that the Committee was anything but soft on N-S (and South, in particular). Maybe we should all reconsider what it means to have been playing duplicate bridge for only two years, and to have 440 masterpoints.

The remaining panelists also have problems with the Committee's handling of N-S.

Cohen: "I don't get it. First of all, South's 6NT bid was an outrageous violation and should be recorded. More importantly, before the opening lead was made the dummy should have told East 'I meant my 3Ë bid as natural, not hearts.' Why isn't this mentioned in the Committee ruling? Am I missing something? Since the announcement was not made, we'll never know what the lead would have been against 6NT with the correct explanation. Furthermore, it seems wrong for the Committee to decide that 6NT would always be reached. I'd rule Average Plus/Average Minus (whatever that translates to in BAM scoring)."

In answer to Cohen's question, "Yes, you are missing something." The disclosure you suggest is not required under the current Laws (see CASE TWENTY-NINE). However, it's valid to suggest that there is a shortcoming in the current Laws (if the Alert disclosed the true partnership agreement, there is no legal obligation for partner of the Alerter to say anything about his hand not conforming to the description provided the opponents). Although there is no obligation of any kind, perhaps there should be a moral obligation to explain that something had gone wrong. Perhaps this is Active Ethics. On the other hand, the Laws have a foundation of rectitude: a pair that has endured an auction filled with misconceptions has been at considerable risk. Should they now be forced once more into the breech, saddled with an obligation to help their opponents find the best defense on top of everything else? For example, should a pair that has reached a slam missing two or three aces after using the latest high-tech Blackwood variation now be responsible for revealing their misunderstanding to their opponents before the opening lead is made (assuming that they realized their error in time)?

Gerard: "This is embarrassing. A jump to 4NT after a 3Ë transfer is natural, not Blackwood.Would North have bid on after that? Mebbe, mebbe not. He would need specifically Ì AQ107x or Ì AQ109x (South's 2Í response) to have a decent play, and he had already testified to his 'weakish heart support.' There was at least a one-in-six chance that the final contract would have been 4NT. The

Committee tried hard, but it somehow lost sight of what South's 4NT bid would have meant to North - not what it would have been intended for. The Director bailed out. Maybe he also needed a bridge lesson about the meaning of 4NT."

Are we really so out of touch with the state of the world as perceived by Flight B players? 4NT is ALWAYS Blackwood for many, many players at this level (except maybe for 1NT - 4NT, and even then we wouldn't bet the ranch against it). And that was the case for these Flight B players. If anyone would like to take Gerard up on his suggestion about the meaning of 4NT, we could refer him to some Flight B players we know. Any takers? Ron?

Krnjevic: "I don't agree with this decision. I am reluctant to grant the offending side the benefit of the doubt in these situations, and I believe that if the Committee concluded that several possible auctions could have developed had it not been for the misinformation, the offenders should have been assigned the worst probable result. In this case, I have some difficulty with the Committee's contention that North would have always bid over a natural, forward-going 4NT. Given that N-S play 2Ê then 2NT as showing 23-25 HCP, I suspect that if South had made a quantitative 4NT bid [again, this was not possible in this Flight B partnership -*Eds.*], at this form of scoring a not inconsiderable number of Norths would have passed this sub-minimum (22) point-count, notwithstanding the fit. Consequently, I would have assigned N-S a score of +490."

The following panelists think that assigning Average Plus/Average Minus would have been a better decision.

Kaplan: "The Director should rule for the non-offenders. On a Committee, I would vote for Average Plus/Average Minus. I am not convinced that reaching 6NT is clear."

Rigal provides the best argument for assigning Average Plus/Average Minus.

Rigal: "A tough one. I think the Director might have ruled differently initially, but this would always have gone to appeal in any event, so it hardly mattered. Average Plus/Average Minus would have been my choice. South's 3Ë action rather than 4NT or the like implies South was going to drive to slam, and I do not see why N-S were going to collect plus 990 as opposed to plus 920 or minus 50, despite the panel's certainty. With South using unauthorized information I would have adjusted the score to Average Plus/Average Minus, on the grounds that who can say what would have occurred?"

The Committee did not resort to Average Plus/Average Minus because its members were convinced that N-S would reach slam and that if South hadn't bid 6NT, North would have done so. To answer Barry, "the Committee can say what

would have occurred." Is that too presumptuous? Or patently unfair to the non-offenders? Perhaps.

Wolff: "The worst decision of the tournament. Even though some of what the Committee decided was acceptable, given that (after the Alert) South knew that there had been a misunderstanding and took his shot, he should have at least informed the opponents before the lead. Convention Disruption at its worst. How can it be allowed for someone to introduce diamonds and then over ostensibly a cuebid decide on 6NT? If the Committee either thinks or, God forbid, was following the Law, we need to change the Law. However, among novices I have no opinion."

It looks as if Bobby's belief that South should have said something before the opening lead is rooted in his Active Ethics approach. Sooner or later, we're going to have to take a position on the Laws versus Active Ethics. It does seem strange that the two are not more compatible.

We wonder if Flight B players would qualify as novices, according to Wolff's definition.

CASE THIRTY-THREE

Subject: When is a Raise Not a Raise?
Event: NABC Mixed Pairs, 05Mar96, First Session

Board: 1
Dealer: North
Vul: None

Susan Furchtenicht
♠ K432
♥ AQ
♦ A10984
♣ A6

Ken Cohen
♠ A108
♥ 10876
♦ J53
♣ 532

Evie Kogen
♠ QJ6
♥ J542
♦ Q6
♣ QJ97

Irwin Klugler
♠ 975
♥ K93
♦ K72
♣ K1084

WEST	NORTH	EAST	SOUTH
	1NT	Pass	2NT (1)
Pass	3♣	Pass	3NT
All Pass			

(1) Alerted; transfer to clubs ("maybe")

The Facts: 3NT made five, plus 460 for N-S. West called the Director after the auction and stated that N-S might have profited from unauthorized information made available to South by North's Alert. North Alerted that 2NT "was maybe a transfer to clubs." South meant 2NT as natural. The Director allowed the result to stand.

The Appeal: E-W appealed. E-W wanted to require N-S to play in 3♣, whatever the meaning of 2NT might have been. N-S did not appear because the hearing was held so late in the evening. They left after a lengthy wait. N-S were both elderly players.

The Committee Decision: The Committee decided that the result at the table should stand. The Committee members emphatically agreed that this relatively inexperienced South would consistently bid 3NT over 3♣. The Committee also decided to record that N-S "snapped cards" and behaved unpleasantly at the table. The Committee members all agreed that if N-S had been at the hearing, E-

W would have been given a warning for an appeal without merit. It is important to note that at the expert level the Committee would have expected more from the N-S pair, such as what the meanings of 1NT-2NT(Natural)-3Ê, and 1NT-2NT(transfer)-3C-3NT were.

Committee member Sutherlin: K. Cohen stated that he had lost a similar appeal at a recent NABC with "the other side's cards." Therefore, he wanted to know if his side was entitled to any redress.

Chairperson: Gil Cohen
Committee Members: Mary Jane Farell, Bobby Goldman, Rebecca Rogers, Peggy Sutherlin

Directors' Ruling: 55.5 **Committee's Decision:** 56.0

We are curious. Why did the Directors allow the table result to stand - in essence, ruling for the offenders? Why should the appearance (or failure to do so) of N-S have affected the judged merit of the E-W appeal? What is a "warning for an appeal without merit." Is it animal, vegetable, or mineral? Is it an actual penalty (withholding the deposit), or just a verbal admonition of some sort? Why would N-S have to be an expert pair before they would be required to provide an explanation of what the two relevant 1NT - 2NT sequences mentioned by the Committee meant? How was South known to be "relatively inexperienced" if she wasn't at the hearing? How did the Committee determine (and do so to the point where they "emphatically" agreed on it) that "this" South would consistently have bid 3NT over 3Ê? Have we used up our twenty questions yet? Maybe we'll save a few of them for later.

With all of those questions floating around out there, it's no wonder that the panelists are divided on this case. Regarding the Committee's decision, there are those who are pro . . .

Bramley: "Good decision. Also a good Director ruling, which should have obviated the need for a Committee."

Krnjevic: "I agree with the decision, but disagree with the Committee's remark that 'if N-S had been at the hearing, E-W would have been given a warning for an appeal without merit.' Frankly, I don't see why the opponents' presence or absence should have any bearing whatsoever on whether an appeal lacks merit. Merit should be determined by examining the substantive merit of the appeal, and not by counting the number of people sitting in the appeal room."

LeBendig: "We have dealt with this problem more than once and agreed that there is such a bridge auction. I don't think it is one that has been discussed by

anyone, but it is not an impossible or irrational auction. We have agreed in the past that it should be a long suit and a light hand with a problem. Therefore a pass has been considered a logical alternative. Despite all that, given the level of play of N-S and South's 'fit' with clubs, I believe I would have voted as the Committee did. I don't see what bearing N-S's attendance had on whether this appeal lacked merit. That is the only part of this decision that I question."

. . . those who are con . . .

Kaplan: "The Director should rule for the non-offenders. Perhaps the Committee should too. Might not South pass 3Ê but for the Alert? I would."

Rigal: "Why would South have converted 3Ê to 3NT? Facing, ÍQx ÌAxx ËAQ ÊQJxxxx, or a hand that suggests playing 3Ê, South's hand is an automatic pass. I certainly do not see the appeal as being close to lacking merit. I think that the initial ruling should have been to play 3Ê down one, and the Appeals Committee should have rolled the contract back to that spot - unless convinced that a bad pair could never play 3Ê here."

Gerard: "How could this appeal possibly be without merit? The Committee wasn't supposed to focus on what this relatively inexperienced South would have bid, but what the rest of the relatively inexperienced Souths would have seriously considered. Some of these same Committee members had no problem in a later case (CASE THIRTY-EIGHT) telling a player on a different auction that he 'couldn't choose the bridge action suggested by the misexplanation,' thereby going 0 for 2. I don't know what most inexperienced Souths would consider, but I agree with West that most of these cases have been decided against the offenders. However, most of these cases didn't involve South's holding K108x of his partner's 'suit.'"

Rosenberg: "This appeal was far from meritless. South had an obligation to pass if reasonable, since it could be right. However, the unauthorized information made it a very likely loser. Looking at it theoretically, had there been no Alert South might well pass, playing partner for something like, ÍQJ ÌAQ ËQJx ÊQJ9xxx, when 3Ê makes but even 1NT is in jeopardy. Looking at it practically, had there been no Alert South might well have passed out of anger or frustration, especially since he was the type who 'snapped cards.' I would rule plus 110 to N-S."

. . . and those who are confused . . .

Weinstein: "I guess I agree, but I'm not ever totally comfortable with these situations. Had this been an expert pair I would be very uncomfortable."

Cohen: "I'm sorry that N-S were inexperienced; that doesn't mean that they don't have to play by the rules. I'd make North play in 3♠ since it is more than possible for South to pass a natural, non-forcing 3♠. I'd be gentle in explaining it to them (I don't want to lose new players any more than the rest of us). And, in fact, I probably wouldn't have appealed if I was E-W and knew that I was facing 'beginners.' On the other hand, this is a national event, so I'm a bit confused as to what my own principles dictate here. In a club game, or the equivalent, I would certainly let this go (maybe I'd politely mention the problem to N-S after the game). Anyway, to censure E-W for appealing seems harsh."

And some things never change . . .

Wolff: "Again, it is all right to 'bend the rules' in a weak game, but this Convention Disruption should be penalized at least one-quarter of a board. I suspect that the cast of characters in this appeal had something to do with the decision (which is okay, but we need to achieve consistency)."

We would prefer to see consistently accurate bridge adjudications and avoid discussions of procedural penalties for the "artificial offense" of Convention Disruption.

There will continue to be National Appeals Committee members who would vote for a final contract of 3♠, 3NT, 4NT, and maybe other contracts as well. Perhaps this is an argument for consistently assigning Average Plus/Average Minus in these situations. If we don't adopt such an approach, we would prefer to rule consistently for one of the solutions that benefit the non-offenders, i.e. forcing the offending side to play in 3♠ or in something higher than 3NT (unless 2NT, then 3NT was a systemic slam try sequence and opener had an appropriate hand to decline it by passing 3NT).

In principle we agree that less experienced players should be held to lesser standards of bidding than those with more experience. However, there must be some minimal responsibility to either demonstrate (e.g. via system notes, or a convention card) that the sequence was consistent with the partnership's prior agreements, or (in person) to convince the Committee that the pair was otherwise "incapable" of passing 3♠ or bidding over 3NT.

CASE THIRTY-FOUR

Subject: Take the Money and Run
Event: NABC Mixed Pairs, 05Mar96, Second Session

Board 21
Dealer: North
Vul: N-S

Kerry Smith
♠ AQ532
♥ A872
♦ A108
♣ 8

Dan Hertz
♠ 1096
♥ K5
♦ K432
♣ 7 5 4 3

Natalie Hertz
♠ J87
♥ 103
♦ 965
♣ KQJ102

Chris Benson
♠ K4
♥ QJ964
♦ QJ7
♣ A96

WEST	NORTH	EAST	SOUTH
	1♠	Pass	2♥ (1)
Pass	4♠ (2)	DBL	4♥ (3)
Pass	4NT	Pass	5♦
Pass	6♥	All Pass	

(1) Game force
(2) Alerted; splinter
(3) Break in tempo

The Facts: 6♥ made seven, plus 1460 for N-S. The Director was called when North bid 4NT after South's out-of-tempo 4♥ bid. Everyone agreed that there had been a break in tempo. The Director instructed that the bidding and play continue. When the Director was called back to the table, he ruled that unauthorized information was available to North, and that pass after 4♥ was a logical alternative. The contract was changed to 4♥ made seven, plus 710 for N-S.

The Appeal: North appealed. Only North and East appeared at the hearing. North contended that as soon as South bid 2♥ he intended to bid a slam based on his four trumps, controls, and source of tricks (spades). He began with 4♠ to allow South to better evaluate her hand opposite his singleton. When he found out that the partnership was missing a keycard, he settled for a small slam.

The Committee Decision: The Committee determined that there was unauthorized information available to North which could have suggested that bidding over 4 Ì was more likely to be successful than passing. In addition, North's other testimony and actions were inconsistent with his statement that he was always going to bid a slam. If 4Ê was meant to bring South into the picture, North's 4NT bid seemed inconsistent with that plan. Also, several types of hands which North admitted were adequate for South's 2 Ì bid placed even a five-level contract in jeopardy. When questioned, North stated that the partnership had no agreement whether South's bid of 4 Ì after the double of 4Ê was stronger or weaker than a pass. North stated that he had more than 5000 masterpoints, and South around 4000, and that they had played together about 15-20 times in the last year.

The Committee strongly believed that bidding 4NT was clearly not justified after South's hesitation, and would have been a questionable action even had there been no hesitation. The contract was changed to 4 Ì made seven (plus 710 for N-S). The merit of the N-S appeal was considered. North's level of experience and number of masterpoints indicated he should have known that bidding again after the hesitation was not proper and could not be allowed. It was the Committee's unanimous decision that the appeal was substantially without merit; the $50 deposit was retained.

Chairperson**:** Rich Colker
Committee Members**:** Karen Allison, Bruce Reeve

Directors' Ruling: 91.5 **Committee's Decision:** 88.5

Again the panel unanimously supports the Committee's decision.

Cohen: "I agree with the Committee in all aspects of this decision. I wouldn't categorize North's actions as boldly as I did for West in CASE TWO, but clearly this was an appeal without merit. My only criticism is that this came under the heading of 'unauthorized information.' Why isn't this 'tempo,' as in CASE TWO, etc."

Many cases can be classified either way, since tempo variations can convey unauthorized information. Sometimes, in the frenzy of writing up the cases to get them out quickly to the panel, arbitrary classifications are made before each case is analyzed in detail. Reclassification before final publication in the casebook was still possible. Read it and weep.

Krnjevic: "Good decision on all counts."

Rigal: "A good ruling by everyone here, down to the withholding of the deposit.

Contrast this with CASE EIGHTEEN; at least the Hertz's got one out of two!"

Weinstein: "Unfortunately North, a friend of mine, asked me about this hand after the hearing, instead of before. I could have saved him $50, and the Committee some time."

Wolff: "An excellent decision, and a relief after the last few."

Gerard: "I repeat what I have long advocated - if it's not Exclusion Blackwood, it's not allowed."

Bramley: "Good decision. I would like to discuss a point of interest. The double of the splinter created an unusual auction of the type I mentioned in CASE EIGHT. The partner of the splinter bidder had several extra, unanticipated options to consider. In such cases I believe that a more lenient standard should apply regarding what constitutes a break in tempo. A double of a Blackwood response would create a similar situation; it is not one of the auctions the Blackwood bidder was expecting, so he should get a little extra time to think before a sentence of 'hesitation Blackwood' is imposed on him."

Although you could argue that a double of a splinter bid and a double of a Blackwood response should not really be unexpected, we agree with the concept that Bart is selling (we've bought it more than once).

Our last two panelists have a problem with the Committee retaining the deposit.

Goldman: "Nice decision, but retaining the deposit is debatable."

Rosenberg: "Censure North if experienced; otherwise, explain it to him but don't steal his money."

Sure. North had 5000 masterpoints and no case. This "theft" is not likely to appear on the Committee's rap sheet.

CASE THIRTY-FIVE

Subject: Eager to Speak
Event: NABC Open Pairs II, 07Mar96, Second Session

Board 27
Dlr: South
Vul: None

Ralph Katz
♠ QJ1042
♥ AJ
♦ KQ109
♣ 42

George Sullivan
♠ A53
♥ K10654
♦ 65
♣ AQ6

Simon Kantor
♠ 9
♥ Q8
♦ AJ72
♣ KJ10853

Howard Weinstein
♠ K876
♥ 9732
♦ 843
♣ 97

WEST	NORTH	EAST	SOUTH
			Pass
1 ♥	1 ♠	DBL (1)	2 ♠ (2)
Pass	Pass	3♣ (3)	Pass
Pass	3 ♠	Pass	Pass
DBL	All Pass		

(1) Alerted; negative
(2) Alerted; not constructive
(3) Premature bid; North still held his pass card

The Facts: 3 ♠ doubled went down two, plus 300 for E-W. As North was pulling his pass card from his bidding box on the second round of the auction, while the card was still only 4-5 inches from the box, East had his 3♣ bid near the table and had to pull it back until North placed his pass on the table. The Director was called at the end of the hand. N-S questioned whether West's double could have been influenced by the likely knowledge that East had clear values for his 3♣ bid. The Director ruled that pass by West was a logical alternative. The double was canceled and the contract changed to 3 ♠ down two, plus 100 for E-W.

The Appeal: E-W appealed the Directors' ruling. E-W stated that they played East's sequence (negative double followed by 3♣) as showing extra values. With

a weaker hand East would have bid 2♣ directly over 1 ♠ (later bidding 3♣ if the opportunity arose). East's 3♣ bid showed 6-4 distribution, since with 5-4 East would have reopened with a double, while with 5-5 he would have reopened with 2NT. West stated that he felt his balancing action was clear, not only because East's sequence had shown values, but also to protect E-W's equity in the partscore battle.

N-S stated that East's tempo suggested extra values, that West's hand contained negative defense (the AQ of East's known six-card club suit), and that the double of 3 ♠ seemed an unusual action with the West cards that could have been influenced by East's tempo.

The Committee Decision: The majority of the Committee members thought that West's balance was not influenced by East's tempo. If anything, they thought that the fast 3♣ bid suggested not to double, but rather to compete in clubs. For example, if one of South's diamonds were exchanged for one of North's clubs then 3 ♠ doubled would be unbeatable, while 5♣ would still be cold.

A minority of the Committee members (Rodwell, Colker) felt that East's tempo could have suggested that double by West could have been the winning action. E-W's testimony about the negative double sequence being stronger than a 2♣-3♣ sequence seemed flawed by the fact that 3♣ hadn't been Alerted during the auction. (Most pairs play these sequences reversed in meaning.) This undermined West's testimony that he knew that East held sound values from the auction alone. To allow West's unusual double after his partner's irregular tempo also seemed wrong intuitively. It is a fact that practiced partnerships (as this E-W pair were) often have more information available to them about their tempo variations than a casual outside observer might expect.

The Committee decided (3-2) to allow the result at the table to stand. E-W were additionally assessed a one-tenth of a board procedural penalty (rounded down to the nearest half-matchpoint; not to accrue to N-S) for East's improper and undue haste in making his 3♣ bid.

Chairperson: Rich Colker
Committee Members: Karen Allison, Howard Chandross, Eric Rodwell, George Steiner

Directors' Ruling: 72.0 **Committee's Decision:** 56.0

A majority of the panelists agree with the majority of the Committee - an incestuous relationship at best. Some do not agree with the procedural penalty.

Bramley: "I agree with the majority, and (again) I dislike the procedural penalty.

E-W would have been better off not saying anything in their defense. Their arguments are illogical, contradictory, and self-serving. Luckily for them their case was so strong that they couldn't destroy it. I find the N-S premise flawed. East's quick balance suggested extra distribution, not extra high cards. West's double was unusual, but was not suggested by the tempo. N-S were speeding, and they got caught. South's hand is quite poor, even for a non-constructive raise. North had no extra distribution. Even then it took the ËJ offside to get a two-trick set. This is another case where N-S should have accepted their result quietly, rather than forcing the use of heavy legal machinery to achieve the same end."

Rigal: "The Directors' ruling seems reasonable, although it is not clear. I think ruling against potential offenders seems okay here. I do not see the fast 3Ê action as conveying unauthorized information in any particular direction. I would have let the score stand, and I think the penalty was a little heavy."

Cohen: "My inclination is to agree with the majority of the Committee that the unauthorized information did not influence the decision to double 3Í. I don't feel strongly - perhaps about 3 to 2 - just like the Committee felt. Unfortunately, this goes to show that no matter how much work is done with these casebooks and analyses, there are always going to be situations that are not clear-cut."

Remember those prophetic words from the "Law"-giver the next time you hear (or make) a complaint about Committees' decisions being erratic.

Gerard: "The Director must have been very successful in his playing days, passing 3Í with that West hand. Not even the dissenters would have prevented West from bidding 4Ê. In fact, West's double was just random. There was nothing about East's tempo that suggested that West wasn't trading plus 130 for plus 100. The Rodwell-Colker argument is a reason not to allow West to bid 5Ê, but not to disallow a double. In fact, I'm surprised that the minority lost sight of the fact that West was violating Cohen's Commandment by not looking for 5Ê and then doubling 3Í. It also seems wrong to rely on intuition, unless you're Justice Stewart in the Obscenity Cases."

Don't we qualify on the basis of those past decisions of ours which have been viewed by some as obscene?

Wolff: "I strongly agree with the majority opinion. Many people bid at a very fast tempo. Even though it is better not to, most of the time they are not conveying unauthorized information [it's only when they bid slightly more slowly, then, that they convey unauthorized information - *Eds.*]. Double would not be a popular choice with the West hand, and especially opposite a hand that had no trouble bidding clubs. Also, N-S were in a great position since down one

would be a top, and that depended on the location of the ËJ. The Committee's final adjudication was right on. Instead of expecting only a 3-2 vote in favor, I would have been for admonishing N-S for bringing this action. This appeal seems like real sour grapes to me; looking for something for nothing. E-W's rhetoric was ridiculous, and hurt their case more than it helped it."

Goldman thinks that N-S's timing of the Director call was the deciding factor.

Goldman: "Tough case. It looks like East was committing a foul that he could get away with and got caught in one he couldn't. What would 3Ê have meant over 1Í? If the Director had been called earlier (at the time of the double) I would be more inclined to protect N-S with Average Plus and limit E-W to Average Minus."

The remaining panelists agree with the Committee minority.

Krnjevic: "I'm with the minority on this one. Common sense should govern this type of situation, and, as a general rule, if the offending side is an experienced partnership, it should not be given the benefit of the doubt if it is possible that the tempo of the bidding affected the subsequent auction.. In particular, a seasoned partnership should not be entitled to exculpate itself by invoking special agreements that were not Alerted at the table."

LeBendig: "I agree with the minority as to the score adjustment. What really bothers me about this case is that a very experienced North had his pass card out and in some fashion indicating he was in the process of making the bid. His 'change of mind' may have been precipitated by East's tempo. He certainly knew better than to start to retrieve a bid prior to making up his mind which bid he was making. We have assessed procedural penalties in the past for improper use of the bid box, and I think one would have been appropriate here."

We suspect that Alan misunderstands what happened at the table here. North was taken aback, as he was about to play his pass card, by the fact that East already had his 3Ê bid almost on the table. Consequently, North "hesitated," not placing his pass card on the table until East retracted his premature bid. Thus, it was East who pulled his bid back (as North stared at him). There were no changes of mind here.

Rosenberg: "Tough. The E-W testimony seems totally self-serving. I agree with the minority and would rule 3Í down two, plus 100 to E-W. This ruling will help East remember to wait his turn. Even if West had a clear double, and therefore I ruled for E-W, I would admonish East, explaining how lucky he was this time."

Weinstein: "In previous Appeals Decisions Casebooks I've commented that out-of-tempo bids, where the bids are made too fast, can reveal as much information as slow bids, yet they fail to receive the same scrutiny. I found the whole thing a touch ironic as I watched partner call for the Director after seeing what West had doubled on after his partner, with a hand that many would consider a game force, made the fastest bid I have ever seen. I finally saw an appropriate score adjustment, only to then witness the majority of the Committee allow the double. The majority missed a key point here. The fast tempo may not have indicated that double was the winning action, but it did indicate that pass was clearly the losing action. Double may not have been suggested over 4Ê, but it was clearly suggested over pass, which was a logical alternative. If the majority believed that the sequence, and not the tempo, showed extra values because of E-W's private understanding (this was never mentioned at the table), then 3Ê should have been Alerted. The proper decision would then have been to allow North to pass out 3Ê (at least for the E-W result), as he would have been more likely to have done with the information to which he was entitled. In addition, it would have then been appropriate to assess E-W a procedural penalty for the failure to Alert."

Poor Howard. He's set himself up for someone to suggest that his own comments can be viewed as self-serving, while we know that he's only trying to raise some important issues. What a hero!

We do agree with his arguments (many of which are our own), and especially his "key" point about East's tempo suggesting action over inaction, even if not directly favoring a double.

CASE THIRTY-SIX

Subject: All About Explaining
Event: NABC Open Pairs II, 07Mar96, Second Qualifying

Board: 18
Dealer: East
Vul: N-S

Bernard Gench
Í Q9763
Ì 8
Ë A52
Ê J872

Barry Rigal
Í KJ4
Ì A653
Ë KQ97
Ê 54

Sylvia Moss
Í 102
Ì KQ102
Ë J
Ê AQ10963

Jerry Spitz
Í A85
Ì J974
Ë 108643
Ê K

WEST	NORTH	EAST	SOUTH
		1Ê	Pass
1Ë	Pass	1 Ì	Pass
2 Í (1)	Pass	3Ê	Pass
3 Ì	Pass	4 Ì	All Pass

(1) Alerted; fourth suit forcing to game

The Facts: 4 Ì went down three, plus 150 for N-S. Before the final pass, North asked for the distinction in meaning between 2 Í and a (hypothetical) 1 Í bid. He was told that 1 Í would have been natural and forcing and that 2 Í was artificial. South led the Í A. The play proceeded: Í A, spade to the king, diamond to the ace, Í Q ruffed, Ì K, Ì Q, Ì A, ËK, ËQ, club to the queen. South then claimed down three. East called the Director after the second card was played. The Director ruled that there was unauthorized information that may have influenced the Í A opening lead, and changed the result to 4 Ì down one, plus 50 for N-S.

The Appeal: North stated that he needed clarification of an incomplete initial explanation. South argued that the spade lead stood out as the only unbid suit, especially with implied spade weakness in declarer's hand because she had not bid notrump. E-W argued that the initial explanation should have been adequate to an experienced player, and that the final question clearly implied spade strength. They thought that a diamond lead was a logical alternative.

The Committee Decision: First, the Committee determined that the final question had provided unauthorized information suggesting spade strength. Second, the Committee determined that while a majority of players might lead a spade, many would lead a diamond. Third, the Committee spent some time determining if the choice of opening lead was actually material to the result. The Committee analyzed the likely line of play with a diamond lead using declarer's actual line as a guide. Most lines of play led to down two. (Note: the most likely line of play with a diamond lead is: ËA, spade to the ace, spade to the king, club to the queen and king, a spade tapping declarer, Ì K, Ì Q and Ì A, ËK, ËQ, club ruffed by South, down two. If South had a second club, this line would yield down one. The successful line for down one end-playing South with the fourth trump to lead from the Ë10 was considered too double dummy.) The Committee also determined that declarer's actual line, while not best, was clearly reasonable enough to not sever the connection between the lead and the result. Therefore damage was established.

Finally, the Committee assigned a result. The E-W result of down two was agreed to be extremely likely after a diamond lead. The result was changed to 4Ì down two (minus 100 for E-W). The Committee also assigned this result to N-S as the most probable result. No further penalty was imposed because the incomplete explanation contributed to the N-S infraction.

The Committee reminded N-S to ask questions at a more appropriate time. The Committee reminded E-W to provide more complete explanations of treatments that may be unfamiliar to their opponents. In this case, the difference between 1Í and 2Í should have definitely been included in the explanation.

The Committee asks the expert panel: Could North ever ask his last question without compromising his side?

Chairperson: Bart Bramley
Committee Members: Jim Linhart, Bruce Reeve

Directors' Ruling: 74.4 **Committee's Decision:** 83.3

This seems to us to be a thoughtful, well-crafted decision. The panel agrees with us.

LeBendig: "Great rationale to arrive at an excellent decision! I know how long these guys spent working all this out. It obviously was not easy. My answer to the Committee's question is 'No.' If he is clearly giving no consideration to a double, he can only lose if a spade lead is right. If he has some thoughts of doubling, it had better have nothing to do with his spade holding, or he should have asked for some kind of explanation earlier in the auction. He could have

done this without making it clear that it was the spade bid that he was interested in."

Cohen: "Good job by the Committee. I think a spade lead is quite normal on the auction, but I would not have allowed it after North's untimely questions. When will these North players learn? Was North thinking of entering the auction? Of course not, so what possible good could come from asking questions before partner's lead. Such ill-timed questions simply must 'bar' partner from leading spades, and that's why the Committee had to do what they did."

And if you're going this far, you should accept that the Committee should bar a spade lead when it is right, but *force* one when it is wrong. Otherwise, if North is anxious to have South lead something other than a spade, he can ask enough questions about the spade bid to have the spade lead barred.

Goldman: "There was no need for North to ask his question before the opening lead, so asking it should create a normal amount of jeopardy. If North needed to ask the question - if he was thinking of acting - then there should be no jeopardy. Although West could have provided a better explanation, it was more than adequate. I do not believe that a lengthy explanation is appropriate until the opponents show an interest in one."

Kaplan: "North's error was not in asking his last question (which was entirely proper), but in asking it before, instead of after, the opening lead."

Krnjevic: "I agree with this decision. In response to the Committee's question I suspect that the only time that North could ask about the meaning of the bid without getting into hot water would be at his first opportunity to bid subsequent to the Alert. That being said, I still believe that South would have to bend over backwards not to lead the suit that North inquired about unless he has no better, or equivalent, choice available."

Rigal: "Reasonable Director ruling here. There did seem to have been an infraction, and there were lines for one down as opposed to two down. The question of how far to go in the explanation seems unclear. I think East did not significantly under-explain. But still, the adjustment to two down is fair enough in the context of declarer really needing to be inspired to pick the winning line. I do not think that North would ever damage his side by asking for the explanation (of the difference between 1Í and 2Í) after the opening lead is made."

Bramley: "I would still rule the same way. I believe North should have been allowed to ask about the auction after the opening lead without harming his side. Nevertheless, while that would have avoided the problem on this hand, I can easily imagine situations where a defender can never ask a question without

providing his partner with useful information."

Rosenberg: "Why was it that North 'needed clarification?' I don't know, but North automatically jeopardized his side by asking at that time. If 2♠ promised or denied four spades that should be part of the original explanation. However, even asking about 2♠ could create a problem. But what is a player supposed to do if he wants to double if 2♠ denies four spades, but not otherwise? This issue has never been addressed properly. I don't think random asking works. The only solution, except for screens, seems to be to ask on every Alert - which means that, instead of Alerting, bids might just as well be explained. There has not been much discussion, if any, about the inferences that can be drawn about partner's failure to ask about an Alerted bid. This issue should no longer be ignored."

Weinstein: "The question by North was clearly at the most inappropriate time possible. The score assigned to N-S seems completely correct. The Committee might have assigned a split score to E-W along the lines of the probability of a spade lead without the infraction. As far as the question compromising South, it would clearly not have done so had it been asked after the opening lead, but I don't think that this was what was intended by the Committee's question. If you can only ask the question without spade length/values, then when you do ask you give partner information that would indicate against a spade lead. If North always asks at his first opportunity, it would not compromise his side. If the question is clearly relevant to his bidding, then a great deal of leeway should be given before it is considered possible unauthorized information."

We have a question, if this is the appropriate time to ask. Does any player *always* ask about the opponent's bid in such situations? Better yet, could they convince you of it at a hearing if you sat on the Committee?

Proposing an impressive line of inquiry, leading (in this case) to a lonely decision:

Wolff: "Why would North necessarily want a spade lead? Suggested dictum: In order to determine credibility (for asking questions):

1. Look and talk to the players involved.
2. Examine the question and relate it to the questioner's hand.
3. Look to the lead (or play) in relation to his (or his partner's) hand.
4. Consider the degree of how unusual the bid was.

I think, with respect to 2, 3 and 4, that N-S get a clean bill of health. My result: plus 150 for N-S."

CASE THIRTY-SEVEN

Subject: Silence of the Hearts
Event: NABC Open Pairs II, 08Mar96, Second Session

Board: 10
Dealer: East
Vul: Both

Robert Gordon
♠ K6
♥ Q873
♦ Q8653
♣ J10

Elliott Grubman
♠ AJ8
♥ KJ4
♦ AK974
♣ Q4

Steven Zlotnick
♠ 53
♥ 9
♦ J102
♣ 9876532

Peter Bisgeier
♠ Q109742
♥ A10652
♦ ---
♣ AK

WEST	NORTH	EAST	SOUTH
		Pass	1♠
1NT	DBL	2♣ (1)	Pass
2♦	DBL	3♣	DBL
All Pass			

(1) Explained as Stayman

The Facts: 3♣ doubled made four, plus 870 for E-W. The Director was called by North at the end of the auction. The Director ruled that there was unauthorized information, and assigned Average Plus to N-S and Average Minus to E-W.

The Appeal: E-W appealed and stated that they had accurately described their partnership agreement: 2♣ was Stayman. After 2♦ was doubled, East pulled to the known nine-card fit.

The Committee Decision: The Committee determined that the partnership agreement was that 2♣ was Stayman in this auction. Apparently East forgot, although he stated that he deliberately bid 2♣ instead of 2♠ (which would have been a transfer to clubs) "to avoid future problems". South said that he was afraid to bid 2♥ since he thought that East had four of them. The Committee believed that even if he did not bid 2♥, once East bid 3♣ it should have been

clear to bid 3 Ì. The Committee was unanimous that N-S should not receive any adjustment.

The Committee then debated whether E-W should receive plus 870. The majority believed that there had been no infraction, so there should be no adjustment. Two members dissented. One of them believed that, had the explanation by West of East's 2Ê bid been "long clubs" instead of Stayman, pass instead of 3Ê might have been a logical alternative. West might have had an off-shape 1NT overcall with six diamonds and a doubleton (or even singleton) club such as, Í AQJ Ì QJx ËAxxxxx ÊQ, and East did have J102 in diamonds and a singleton heart. The Committee allowed the table result, 3Ê doubled made four (plus 870 for E-W), to stand.

Chairperson: Jan Cohen
Committee Members: Mary Jane Farell, Robb Gordon, Dave Treadwell, Susan Urbaniak

Directors' Ruling: 66.5 **Committee's Decision:** 57.5

We have trouble following the dissenter's remark. If it was determined that 2Ê was Stayman, why should West ever say that it showed long clubs? We also find East's contention that he bid 2Ê deliberately "to avoid future problems" both illogical and self-serving, since it could easily create (rather then avoid) problems if West were to convert East's later 3Ê bid to his "presumed" side four-card heart suit. All of this is quite suspicious, but whether it merits adjusting the result is . . . well, let's let the panelists explain.

Gerard: "The diamond dissenters got it right. If West was offering 2Ë as an alternative to a 2Ê contract, East should have been happy to sit. I also have my usual reaction to East's statement that he deliberately distorted his hand, implying that he planned the auction. The only 'complication' he wanted to avoid by not transferring to clubs was that of his not remembering his apparent system."

Bramley: "I agree with the majority. East's explanation of his auction is very believable. The suggestion that he might pass 2Ë doubled, rather than retreat to his seven-card suit, is far-fetched. Note the similarity to CASE THIRTY-ONE."

Krnjevic: "I have some reservations about this ruling. I am not entirely comfortable with the Committee's conclusion that N-S were solely to blame for their bad result. While it is true that South adopted a pessimistic stance, it is not obvious to me why he should 'clearly' bid 3 Ì, given that there was nothing about the auction, taken at face value, that precluded East from holding hearts and clubs. If, as the Committee suggests, South jumped to his doom, I think that

one can reasonably argue that he was given a good shove by the opponents while he was jumping. I would have given Average Minus to both sides."

Wolff: "Anyone who would not bid hearts with the South hand deserves what he gets. I say no infraction by E-W. He was just hoping to run to clubs. Minus 870 for N-S is quite fitting, even in a weak game."

LeBendig: "I firmly believe that East's statements as to why he didn't bid 2 Í were self-serving. If the minority's premise is correct about how one would react given the correct information, then they may be right that given three-card diamond support it may be a logical alternative to pass. There would seem to be no reason to volunteer for the three-level with this suit, even given the length. I think I could be sold on the premise that East should pass 2Ë. Assigning a score there is another problem. Several defenses allow it to make. However, this is further complicated by the fact that surely South would never sit for 2Ë doubled. His failure to finish bidding his hand in the given auction earned him the table result, in my opinion. Due to the uncertainty of what would happen if East had passed 2Ë, I think that E-W were due an Average Minus."

Rigal: "A reasonable Director ruling, as the position was unclear. A sensible decision by the Committee. South did it all to himself, and I do not see that East did anything wrong here."

Rosenberg: "E-W must have strong evidence that clearly shows their agreement - else misinformation (always the presumption). If this was the case, East took advantage of the Alert - he should have passed 2Ë. I would rule plus 650 to N-S. However, if I believed that there was no misinformation, and that East had 'psyched' for whatever reason, with West having no inkling based on history, then I would rule that the result stands."

Cohen: "I'd like to know a piece of information that was not provided. When East bid 3Ê did South ask any questions? Perhaps 2Ê was still Stayman, but didn't promise a major; this could have been the mechanism E-W used to sign off in 3Ê. I'll assume that South didn't ask, and use that as the basis to give N-S no protection. By the way, a spade lead could beat 3Ê doubled, not that it would be a great result."

Got that? Neither N-S, uh . . . E-W, uh . . . deserve any consideration, uh . . . the score should be adjusted for N-S to, uh . . . for E-W to the best, uh . . . Howard, explain to us again about the real problem . . .

Weinstein: "There are too many Rob(b) Gordons here. I agree with the dissenters, though I guess we'll never know who they were. I am skeptical of E-W's testimony, and believe that with screens East might have passed 2Ë

doubled. Since there is no reasonable way of knowing what the outcome might have been in the bidding or the play, I like the Director's ruling.

"I don't understand why it is now clear for South to bid 3♠ over 3♣. Can East be six-four in hearts and clubs? I don't think that that should have been a basis not to adjust N-S's score."

At the risk of destroying the comic beauty of the panel's responses, we are going to close with a few serious remarks. More or less. We are divided on the question of South's responsibility to introduce hearts. Had South known that East had a 2♥ transfer available to reach 3♣, he would have had reason to believe that East held secondary hearts for his Stayman 2♣, then 3♣. That he didn't ask any questions might be sufficient to deprive him of the right to redress, but then there is the question of E-W's responsibility to reveal their agreements and how their system dealt with inferences relating to existing alternatives. It's easy to say that South should have bid his hearts before entertaining thoughts of defending at a relatively low level, but if you have sympathy for Howard's reasoning and consider that South has three prime cards for defense, perhaps you will not feel so badly disposed toward him.

CASE THIRTY-EIGHT

Subject: Redoubtable, But Not Rebiddable
Event: Flight B Pairs, 09Mar96, Second Session

Board: 31
Dealer: South
Vul: N-S

	♥ Q10632 ♠ 3 ♦ AKJ9732 ♣ ---	
♥ K954 ♠ AKQ10 ♦ Q10 ♣ J62		♥ J87 ♠ J7654 ♦ 6 ♣ KQ97
	♥ A ♠ 982 ♦ 854 ♣ A108543	

WEST	NORTH	EAST	SOUTH
			Pass
1NT	2♥ (1)	Pass	3♠
Pass	4♦	Pass	4♠
DBL	5♦	Pass	Pass
DBL	All Pass		

(1) Alerted; explained as showing spades and hearts

The Facts: 5♦ doubled made seven, plus 1150 for N-S. N-S's agreement, clearly marked on their convention cards, was that 2♥ showed spades and a minor. E-W called the Director to rule on the potential use of unauthorized information for North's 5♦ call. The Director ruled that there had been unauthorized information and awarded N-S Average Minus and E-W Average Plus.

The Appeal: N-S appealed, stating that it was reasonable to rebid the seven-card diamond suit.

Committee Decision: The Committee explained to North that if the 2♥ bid had been understood, this auction would show a self-sufficient heart suit. North then could not be allowed to choose the bridge action suggested by the misexplanation. The Committee discussed the questionable double of 5♦ with West. North was pleased to learn how these situations are handled. The Committee awarded Average Minus to N-S and Average Plus to E-W. Had the participants been more experienced players, the Committee might have considered this appeal to be without merit, and would have changed the contract

to 4 Ì doubled.

Chairman: Peggy Sutherlin
Committee Members: Abby Heitner, Rebecca Rogers

Directors' Ruling: 69.0 **Committee's Decision:** 59.0

Most of the panelists side with the Committee on this case.

Bramley: "The Committee handled this case well. They properly emphasized education ahead of punishment. The players got the right message without being driven away from the game."

Cohen: "Good job by the Committee."

Krnjevic: "I agree."

Wolff: "Good decision because of the caliber of the players: A learning experience rather than a punitive verdict for Convention Disruption."

Rigal: "A sensible Director ruling, again in an unclear case. I have a lot of sympathy for North, who had heard 4 Ì get doubled, and might have run to 5Ë without any unauthorized information. I could live with the table result standing, or the actual ruling."

Weinstein: "It seems that an incredible number of cases involve misunderstandings over opponents' 1NT openings. I sympathize with the use of kid gloves instead of assigning minus 1700. I would also have insisted that N-S be sentenced to community service or buying and reading our Appeals books for an indeterminate amount of time."

And take notes, there will be a quiz at the end of the period. (By the way, is there still a law against cruel and unusual punishment?)

A little more critical of the Committee are . . .

Goldman: "South being a passed hand partially negates the Committee's reasoning."

Whether South would open most hands with a long heart suit is a personal or partnership matter. Could South hold eight hearts of some quality, for example? We would have liked to see the Committee investigate the issue, but even if a meaningful answer could have been obtained, North's decision to take out 4 Ì doubled would most often be based on his own cards.

Rosenberg: "I don't understand why the Committee didn't change the contract to 4 Ì doubled. Even if it was reasonable for North to bid 5Ë, was it not also reasonable to assume North might have passed 4 Ì if South had explained 2 Í as showing spades and a minor? I would rule plus 1700 to E-W."

And now a word from our resident Mr. Gallup . . .

LeBendig: "I polled several players in the master point category that I assumed to be appropriate here (200-500). I did not find a single one that would pass 4 Ì doubled when presented with this situation as a bridge problem, with partner having properly explained their bid. I can't believe at this level of expertise that pass is a logical alternative. I took the poll only because that was my initial reaction and I wanted some sense of whether I was right before I expressed this opinion. I think the Committee made a close but reasonable decision for our level of play. I think the decision was very wrong for the level involved. Any discussion of the appeal having lacked merit feels very wrong to me, even if they felt that pass was a logical alternative. Anyone could surely understand that at this level 5Ë is a very reasonable call. It may even be so at a much higher level."

And finally, for the Committee that has everything . . .

Gerard: "I'll try to control myself here, but the Committee just got everything backwards, right from its opening statement.

1. 'The auction showed a self-sufficient heart suit.' Sure. As a passed hand and after being doubled by the notrump opener.
2. 'North could not choose the bridge action suggested by the misexplanation.' Wrong. What if he had nine diamonds? North could not choose from among logical alternatives the action suggested by the misexplanation.
3. 'The Committee discussed the questionable double of 5Ë.' Irrelevant. If North should have passed 4 Ì, E-W were entitled to defend 4 Ì doubled.
4. 'North was pleased to learn how these situations are handled.' He would have been even more pleased to learn that he could have bid his hand, taking care not to profit from the unauthorized information.
5. 'The Committee awarded Average Minus, Average Plus.' I guess the Committee didn't feel confident in its ability to analyze the play of three-one trump fits.
6. 'Had the participants been more experienced, the appeal might have been without merit.' Really. Not only can you not bid your side seven-card suit opposite partner's passed-hand garbage with a zillion club losers, but you will get penalized for even thinking you can.

Sorry, ladies, but you deserve a minus rating. To not even discuss the concept of logical alternative in an unauthorized information case is to disregard the Laws. If the Committee had done that and arrived at the same decision, then (a) it

should have adjusted the contract to 4 Ì doubled, and (b) it should seriously consider bridge lessons. The only way to justify this decision is by resorting to the theory of hanging the offenders without allowing them to take clear-cut bridge action. I guess there are some very important people who are still pushing that view. While we're handing out kudos, how about the Director? He misapplied the Laws and made the same inconsistent ruling. These are the folks who are looking to take over the entire Appeals process. Are we sure they're ready for it? I just can't get over this performance. Ask any bridge player or pretender you know what she would do over 4 Ì doubled and she would bid 5Ë without even thinking about it.

We're still hoping that Ron will learn to come out of his shell and speak his mind.

We think that the decision not to allow North to bid 5Ë is clear - for Flight A players. Why? Because North showed an unusual hand when he bid 4Ë over the nonforcing, natural 3 Ì, and he is no more than a card away from the prototypical shape for his sequence. He has a trump and may be able to use it to obtain a ruff, and he has "sure" tricks in diamonds if South is short there, or a source of tricks if South has a bit of length. We think that Gerard's belief that "everyone" would take out 4 Ì doubled to 5Ë is an overbid.

For lower flights, this case raises serious questions. LeBendig's poll, together with Gerard's (somewhat extreme) position, give us pause. Ultimately, we must decide whether a call which was clearly suggested by unauthorized information, and which (arguably) no experienced player would be permitted to make, should be allowed for less experienced players if there is evidence that, at that level, the (nearly) universal instinct is to make that bid. This amounts to allowing "ethically-questionable" bids to be made by lower-flighted players when such bids represent the overwhelming consensus of bridge judgment (in the absence of an infraction) at that level. If players at a certain level, say with an extreme holding (like a seven-card suit that hasn't been rebid), always bid without regard to their partner's input, then a variation in their partner's tempo should not be sufficient to disallow the bid. Do we want to embrace such a policy? Do the Laws permit it? We're not quite of the same mind on this ourselves, although neither of us is adamant about our present position.

CASE THIRTY-NINE

Subject: Convention Eruption
Event: Stratified B/C/D Swiss Teams, 10Mar96, First Session

Board: 5
Dealer: North
Vul: N-S

	Í 964 Ì 974 Ë 4 Ê A96532	
Í KQJ Ì K62 Ë 1098652 Ê K		Í 1075 Ì AQJ83 Ë KJ7 Ê 74
	Í A832 Ì 105 Ë AQ3 Ê QJ108	

WEST	NORTH	EAST	SOUTH
	Pass	Pass	1Ê
1Ë	2NT (1)	3Ë	DBL
Pass	4Ê	All Pass	

(1) Not Alerted; intended as a preemptive club raise

The Facts: 4Ê made four, plus 130 for N-S. Opening Lead: Ë10. After the opening lead, as dummy was placed on the table, North announced that South had failed to Alert her 2NT bid. The Director was called and ruled that unauthorized information from South's non-Alert of 2NT could have influenced North to pull South's penalty double of 3Ë, and that passing the double was a reasonable alternative. The contract was changed to 3Ë doubled made three, plus 470 for E-W.

The Appeal: N-S appealed the Directors' ruling, stating that 2NT had been a misbid. They played 2NT as a preemptive club raise over a double, which is what North had thought West had called. North claimed that she would never have sat for 3Ë doubled at IMPs, and that the non-Alert had nothing to do with this decision.

The Committee Decision: The Committee determined that North had about 700 masterpoints and South 1480. The Committee members unanimously believed that North had misinterpreted the auction and bid as if West had doubled the 1Ê opening. They also believed that a player of North's skill level and experience would never have sat for a double of 3Ë (made in front of the 3Ë bidder) at this

vulnerability and form of scoring. North would have little expectation of beating 3Ë more than one trick, and since 3Ë was more likely to make the risk was not judged to be reasonable. Pass was not deemed to be a logical alternative. The Committee therefore allowed the table result, 4Ê made four (plus 130 for N-S), to stand.

Chairperson: Rich Colker
Committee Members: Alan LeBendig, Ed Lazarus

Directors' Ruling: 62.5 **Committee's Decision:** 71.0

Have you ever had mind lock? The auction goes, 1Ê by partner, 1Ë by RHO, and you start thinking about raising partner's clubs preemptively. You would have bid 2NT if RHO had doubled, so you say 2NT. "Now why didn't partner Alert? He knows this is an artificial preemptive club raise. Hmm, 3Ë doubled with this hand, holding six clubs and a singleton diamond? I don't think so. 4Ê. The auction is over now. I'd better tell the opponents that partner forgot to Alert my bid. What? It meant what? Not over a double! Oh, there was no double? Oops, never mind."

We're not entitled to hear partner Alert our Alertable (or non-Alertable) bid, nor are we entitled to "hear" partner fail to Alert our Alertable bid, but are we entitled to "hear" partner not Alert our non-Alertable bid? After all, if the bid was non-Alertable and partner (properly) didn't Alert it, then how can there be any unauthorized information? You are allowed to hear the auction, and find out (say, by drawing an inference from someone's bid) that you misheard it earlier. So what's wrong with this picture? If there was no unauthorized information here, then the result must stand. If there was unauthorized information, then North's action (4Ê) should be disallowed only if it was suggested by that information over other logical alternatives. Otherwise, it should be allowed.

The Committee believed that there was misinformation, but that passing 3Ë doubled was an action which was unreasonable and which few if any North's would have taken. Most of the panelists agree with the Committee.

Bramley: "Let me get this straight. E-W wanted South to Alert North's (non-Alertable) 2NT bid to keep North in the dark about the actual auction? Give me a break. Bid boxes would have prevented this one."

That's not clear. We've seen the same thing happen with bidding boxes. Although it's rarer, mis-seeing an auction is like misunderstanding or misinterpreting something. It happens most frequently when players are inexperienced, and guess what these players were.

Cohen: "If North had not misbid (i.e. 2NT was supposed to show a club preempt) then it would be 100% to make her sit for the double. However, I believe she is entitled to notice her misbid (not because of the failure to Alert) and therefore make the obvious pull to 4Ê. Maybe the Committee and I are being naive - we'll never know if North was awakened by the non-Alert. We can only hope that North didn't concoct this whole story for the purpose of getting a favorable ruling."

We can infer that she didn't notice her misbid from her attempt to correct her partner's "failure to Alert."

Rigal: "A good ruling by the Director, with apparent unauthorized information. If the Committee members were convinced that this North would not have sat for 3Ë doubled, then I can go along with that. North's case seems a fair one, and unlikely to have been made up."

Krnjevic: "Good decision."

Gerard: "Not a logical alternative case unless South's non-Alert was improper information. I suppose it could have been, since it was as if he had responded to a question with 'that's natural and invitational,' but it should have been worth a remark or two. The Law in this area clearly needs to be rewritten."

So Gerard is not convinced that there was unauthorized information in the first place. It sounds like Weinstein is not all that convinced either.

Weinstein: "Is it an infraction to learn of a misheard bid because partner didn't Alert the bid that wasn't made? Assuming that North was in possession of unauthorized information, at an expert level I would not allow the removal of the double since North held, within reason, what might have been expected for a preemptive club raise. However, I agree with the Committee that it is very unlikely at this level that North would have sat for the double without the unauthorized information."

Kaplan and Rosenberg think that there was unauthorized information, and that North's pull was suspect.

Kaplan: "North would 'never have sat?' Nonsense! If South had explained 2NT as a club preempt, it is routine to sit with an ace."

Rosenberg: "I sympathize with the Committee, but this is probably the type of ruling that makes Bobby Wolff yearn for Convention Disruption penalties. Let's say South explains North's bid as preemptive and then promptly doubles 3Ë with, ÍKQx ÌKQxx ËAKJ ÊXXX. North passes and collects plus 200 or plus

500. If E-W were to call the Director they would be laughed at (correctly, unless the double was too fast). This is why we must deal harshly with the case in question. North had a defensive trick more than she might have (admittedly she had extra offense also). I would feel sorry for N-S, but would rule plus 470 to E-W."

Is that right, Bobby?

Wolff: "Another novice decision, and I agree."

Kaplan and Rosenberg are right - in a vacuum. If we do not consider the levels of the players involved, or the subjective evaluation the Committee members formed of this particular N-S, then all decisions, given this type of fact pattern, should be decided as they suggest - against the offending side. Kaplan's writings instruct Committee members to use players' abilities as one component in assessing responsibility, and Rosenberg has spoken many times about being concerned only with what was in "this particular" player's mind (see CASE SIXTEEN). But this case wasn't being decided in a vacuum, and the Committee used its judgment in deciding that North, and players of North's general level, would normally pull partner's double of 3Ë. Following LeBendig's lead on numerous other cases, we'll accept their judgment.

CASE FORTY

Subject: Convention Presumption
Event: Stratified B/C/D Swiss Teams, 10Mar96

Board: 6
Dealer: East
Vul: E-W

	Í J76 Ì J96 Ë Q73 Ê Q1092	
Í Q1054 Ì 8 Ë AK108642 Ê 5		Í 832 Ì Q10432 Ë J5 Ê AK6
	Í AK9 Ì AK75 Ë 9 Ê J8743	

WEST	NORTH	EAST	SOUTH
		Pass	1Ê
3Ë (1)	Pass	3 Ì	Pass
4Ë	Pass	Pass	DBL
All Pass			

(1) Alerted (after East's 3 Ì bid); explained as the majors

The Facts: 4Ë doubled, made four, plus 710 for E-W. Opening Lead: Ê. The Director was called to the table after West's 4Ë bid. The Director took South away from the table and asked if he would have done anything different over 3 Ì if he had known that 3Ë had been natural. He said he would have doubled 3 Ì. The Director ruled that West was not allowed to "correct" 3 Ì to 4Ë, and the contract was changed to 3 Ì down three, plus 300 for N-S.

The Appeal: E-W appealed the Directors' ruling, stating that they played a 2Ë opening bid, or overcall of a 1Ê or 1Ë opening, for the majors, and that East had simply misinterpreted the auction. (E-W's convention card was marked as both majors in the 2Ê opening bid section, but not in the overcall section. They did not know how to correctly mark the convention card.) West said that she would always have bid 4Ë over 3 Ì because East was a passed hand and could not have held a heart suit with which she would bid 3 Ì over 3Ë but would not have opened some number of hearts originally. South said that he would have doubled 3 Ì had he known that West didn't hold the majors, and then accepted North's decision over 4Ë.

The Committee Decision: The Committee determined that West had about 250 masterpoints, and East about 375. The Committee believed that West's 4Ë bid could have been influenced by the unauthorized information from East's mis-Alert and explanation of 3Ë. West's 4Ë bid was therefore canceled. However, since South had said that he would have doubled 3 Ì had he not been misinformed, this double was allowed. The Committee then decided that no player of West's skill level would have passed this double given East's passed-hand status, and that North would also have passed the 4Ë bid by West (as she did in the actual auction). Since South said he would have abided by North's decision, the contract was changed to 4Ë. Since South had doubled 3 Ì, it was likely that North would have led a heart, and 4Ë would have been down one. The contract was therefore changed to 4Ë down one (plus 100 for N-S). Since E-W were inexperienced, the Committee educated them about their ethical obligations when unauthorized information is present.

Chairperson: Rich Colker
Committee Members: Bob Glasson, Peggy Sutherlin

Directors' Ruling: 73.5 **Committee's Decision:** 57.5

A number of panelists agree with the Committee's decision.

LeBendig: "I am in total concurrence with this decision, and find it much more palatable than CASE THIRTY-EIGHT. There are many similarities in the two cases. Yet this one was dealt with by keeping the level of play in mind. It's tough to place ourselves in their mind set."

Rigal: "In the context of the Director having found out that South would have doubled 3 Ì, the adjustment to 3 Ì (undoubled) down three seems odd. I would have expected an Average Plus/Average Minus here. The Committee's ruling is a fair one in that, although the heart lead is by no means automatic, it is a reasonable likelihood, and N-S deserve it after the pull by West to 4Ë and not 3 Í (which would have led to a lot of confusion). Given the levels of the players, the Committee's actions seem fine."

Wolff: "Again, fine with no comment."

Krnjevic: "I agree with the Committee's decision to allow West to pull to 4Ë, but I don't agree with the conclusion that North should not be allowed to double because she hadn't doubled at the table. Given that it was not obvious at the table that West's 4Ë bid was natural, why should North's failure to double a non-suit have any bearing on what she would have done had she known that 4Ë was to play. Furthermore, given that South made a high-card takeout double of diamonds at the table (which his partner left in), why should he not be able to

duplicate this action?"

Why weren't they allowed to double? Put simply, because they didn't want to double. Both North and South firmly denied that they would have doubled the bids in question in the "new" auction had they been given the proper information.

And then we have a panelist who likes the decision or hates it. We are still arguing over the translation . . .

Weinstein: "This was a beautiful decision. The Committee found a line of reasoning to initially rule against E-W (questionable), and then to punish South for his self-serving statement about doubling 3 Ì had he known the bid was natural. The final double of 4Ë looked suspiciously like a cheap shot."

The remaining panelists disagree with the Committee's decision - of this there is no room for doubt . . .

Bramley: "The Committee used the same sort of convoluted logic that was used on CASE TWENTY-SEVEN. Cases of this type are very difficult to follow, where one side has an accident that causes the other side to do something they wouldn't otherwise have done, thus allowing the 'accidental' side to wriggle out of their problem. The innocent side is frequently left in an awkward position. I do not believe that these cases should be resolved by allowing the innocent side to act with full knowledge, while the 'accidental' side must grope. [Since when have we begun giving the 'offenders' the benefit of the doubt? - *Eds*.] That is, if South 'knew' that West did not hold majors, then East should be assumed to know also, so South would never have gotten the chance to double 3 Ì because East wouldn't have bid 3 Ì. Regardless, South's statement about doubling 3 Ì is silly and illogical. If he thought it was right to double 3 Ì, then he should have doubled anyway. [But that was not his testimony. He said that he would have doubled before he knew the hand, so we must accept his statement - *Eds*.] Protection from misinformation should not extend to a guarantee to nail the opponents in their accident. I also do not believe that this West, or any West, would have passed 3 Ì, doubled or not. The Committee should have dealt with South's awkward position when 4Ë was passed back to him. Double was virtually automatic with his strong hand. He had to worry that his side could collect a number, or belatedly find a major suit game.How did the play go in 4Ë? The contract appears to have little play even with a club lead, unless South misdefends or West plays double dummy. I would not protect N-S against gross misdefense, so the score at the table should stand. If I felt the defense was merely 'unlucky,' I would cancel the double and award a result of 130 to both sides. I don't like the line of reasoning that gets North to lead a heart. A club lead is normal, and any other lead is a random shot. What does the table action

have to do with the choice of leads?"

There is no monopoly on talk about convoluted logic. According to Bart, if East is obligated to inform the opponents properly about his partner's bid, then he should not be held responsible for his own mistake because if he fulfilled his obligation to his opponents, he wouldn't have made the mistake in the first place. Most interesting!

With respect to the logic of South protecting his side's equity in the hand - this is Flight B/C/D. Besides, South said at the hearing that if he had doubled 3 Ì, then when West bid 4Ë he would have abided by his partner's decision: if she passed, he would have also.

As for the defense, when North didn't lead a heart, West's heart loser went away on the clubs. Whether she played accurately thereafter (not quite double dummy) or South made it easy (taking two high spades at his earliest opportunity), we know that this declarer lost only two spades and a trump after the club lead. Misdefense, perhaps, but probably not "gross misdefense." There is no reason to believe that the number of tricks taken would have varied by more than one if North had led a heart and not a club.

And finally, let's look at the reasoning behind the heart lead. South got to double 3 Ì as he claimed he would have, N-S got to not double 4Ë (Bart said he himself would have canceled the double if there had been no gross misdefense, which there wasn't), North's lead was no longer a "random shot," since her partner had doubled hearts. Don't the non-offenders get this benefit of the doubt?

Cohen: "I think the Committee went too easy on E-W. Yes, they were relatively inexperienced, but I think minus 100 is the best possible result. After a heart lead declarer still has to guess spades to get out for down one. However, South probably would cash the ace-king, sparing declarer the guess. Also, if 3 Ì by a passed hand couldn't be 'just hearts,' why didn't West try 3 Í as opposed to 4Ë? I'd give at least 300 to N-S."

Gerard: "Proof positive that even the ranking suit can get lost in a preemptive auction. What happened to West's 3 Í bid over 3 Ì doubled? We all know what happened to it - East's explanation prevented it from occurring. What would have happened then - 3 Í doubled? 4Ë? 4 Ì by East, leading to 5Ë? Did the Committee consider any of this? If they did, why didn't they tell us about it? The Committee's reasoning for awarding minus 100 was so contorted that it would have made Houdini proud, but it wouldn't have been necessary had the case been more fully analyzed. The Director had it right about the bridge aspect as far as it went - who says East couldn't have had a version of the South hand from CASE THIRTEEN?"

Gerard's point about a 3 Í bid by West is a good one, which (unfortunately) was not discussed at the hearing. It seems to lead to an indeterminate resolution, which would have been adjudicated with an Average Plus/Average Minus decision - as was suggested by Kaplan . . .

Kaplan: "The Committee adjustment was speculative and doubtful. Rather, Average Plus/Average Minus."

Rosenberg thinks the resolution of a 3 Í bid by West would have been to end the auction there.

Rosenberg: "It seems as if West, whether experienced or not, might have bid 3 Í if she knew that her partner knew that she had diamonds. So I would rule 3 Í down two, plus 200 for N-S."

We have almost as many proposed resolutions for this case as we have panelists. We could live with several of them, including the one which the Committee chose. Maybe this case just has no unique solution.

CASE FORTY-ONE

Subject: A Claim in Vain Loses Game
Event: Flight A Pairs, 04Mar96, First Session

Board: 9
Dealer: North
Vul: E-W

Rob Gordon
Í 9832
Ì ---
Ë 1074
Ê J98732

Mark Stein
Í Q74
Ì J8764
Ë 8
Ê KQ65

Charlene Rogoff
Í KJ105
Ì AK3
Ë AQ53
Ê A10

Art Brodsky
Í A6
Ì Q10952
Ë KJ962
Ê 4

WEST	NORTH	EAST	SOUTH
	Pass	2NT	Pass
3Ë (1)	Pass	3 Ì	Pass
3NT	Pass	4 Ì	DBL
All Pass			

(1) Alerted; transfer to hearts

Facts: East claimed 4 Ì doubled after the following play: Í A, diamond to the queen, Ì A, low heart to the queen, spade to the ten, Ì K, low diamond ruffed, claim. The claim was contested by N-S, who alleged that East was unaware of the existing trump position at the moment and could have gone down if she played the ËA prematurely. The Director decided that the result was 4 Ì doubled down two, plus 500 for N-S.

The Appeal: E-W appealed. East claimed that it was clear that she had made only 4 Ì doubled, and that there was no question that the defense was to be given only one more trick. Declarer stated that she could have claimed at trick three.

The Committee Decision: The Committee decided unanimously that a statement by declarer that "I'm playing the Ì J, drawing the last trump . . . " constituted a false claim, since there was still a trump outstanding. The Committee determined that the assigned result would be 4 Ì doubled down two

(plus 500 for N-S). This case showed that a claim in order to save time very often results in more confusion, and takes more time, than playing out the hand.

Chairperson: Abby Heitner
Committee Members: Mary Jane Farell, Steve Weinstein

Directors' Ruling: 83.3 **Committee's Decision:** 68.0

We end with another case on which the majority of the panelists are agreement with the Committee's decision. The supporters have little more to say than to voice their approval.

Bramley: "An easy and correct ruling. The Committee would have been justified in calling this an appeal without merit."

Krnjevic: "Good decision."

LeBendig: "This bothers me only because East appeared to know exactly what was going on throughout the entire hand. However, given her statement with the claim leaves one to wonder. Once again I will defer to the Committee's fact-finding and agree with the decision they reached."

Rigal: "Good ruling by the Director. There was certainly some doubt about the trump position. I think, regretfully, I would let the result stand. It would have been only inferior and not irrational to take the winners in the wrong order. It does look as if East miscounted, rather than misspoke, hence the ruling is okay."

Rosenberg: "Okay."

Weinstein: "Declarer's statement about drawing the last trump certainly should take precedence over any other self-serving statements that were made. Good decision."

Wolff: "I agree with the claim decision, but would not try and dissuade top players from claiming."

Two panelists (Cohen and Gerard) have strong objections to the documentation provided, arguing that it wasn't complete enough to adjudicate the case.

Cohen: "This information is incomplete. In **The Facts** it doesn't say anything other than . . . 'low diamond ruffed, claim.' Later on, in **The Committee Decision** it says that declarer stated 'I'm playing the Ì J, drawing the last trump . . .' In any event, I want to know exactly what happened. If declarer did in fact think she was drawing the last trump, that still doesn't mean we have to force her

to release the diamond ace prematurely. What happened when the Director came to the table? Was declarer asked to state a line of play? This write-up seems to be incomplete."

Gerard: "Extremely poor documentation by the Committee. Declarer's statement didn't end with 'drawing the last trump,' since whether there was also a concession was critical. In any case, **The Facts** clearly should have included the claim (not just that there was a claim) and whether, for example, Declarer was interrupted in mid-sentence by N-S's call for the Director. Since the long trump was a loser, this was not a 'careless or inferior' case but a general equitable resolution one. The Committee appears not to have considered that it wasn't just the order of East's cashing her winners that was doubtful - South's entire performance smacks of someone trying to create bricks out of straw. First he made a high-risk double (just picture West with ♠KJxxx, East with ♥AK), then he made a hopeless lead, and finally he ran for daylight when East gave him an opening (an assumption on my part, but he was more into the hand than his partner was). I don't know how I come out on the equities, which means that it would have been a tough case for me, but I also don't know some of the key goings-on, which means that the Committee didn't do its job. I can't tell about the Director, since the Committee didn't tell us what statement he determined had been made."

All things considered, including the deficiencies identified by Cohen and Gerard, it is natural to conclude that the Committee made the right decision. The claim was quite probably sloppy enough to warrant the lesson this decision taught East. Nonetheless, we are divided on certain aspects of this decision.

One of us (EOK) feels that releasing the ♦A would indeed be "irrational" and not merely "careless or inferior," for a player of her stature, and would allow declarer to make her 4♠ doubled. Admittedly, this is motivated in part by the feeling that N-S should not have sought redress and should have taken their medicine.

There are problems with this. First, N-S are entitled by Law to seek redress for an infraction. Second, Law 12B states that, "The Director may not award an adjusted score on the ground that the penalty provided in theses Laws is either unduly severe or advantageous to either side." So even if the Director, and by extension, the Committee, felt that it might have been going too far to have East fail at 4♠ doubled, the Laws do not provide for a sufficiently generous interpretation of "irrational" to save declarer. Depending upon your perspective, this might come down to a judgment about the letter of the Law versus its spirit. The Law says that "the Director shall award a trick or tricks. . ." and not that "the Director may . . ." Although "shall" is somewhere short of "must," it has sufficient imperative to virtually force the arbiter to rule against the offending

side in claim situations involving an outstanding trump. Did the Committee feel that its hands (all six of them) were tied? Apparently not. If we believe what we read in the report, it seems that the Committee members felt that it was important to teach East a lesson - that claims can waste more time than they save and could lead to unforeseen disaster when they are somewhat careless. There is no evidence in the report that the Committee members really believed that this declarer would have gone down in her doubled contract.

If you find some of this rather dense, we sympathize. It's just that we couldn't bear to leave you laughing.

CLOSING REMARKS FROM THE EXPERT PANELISTS

Bramley: "This tournament produced a lot of cases. Too many of them are of the nit-picking variety; cases that would not have gone to Committee if the 'innocent' side had been able to absorb a bad result without thinking they'd been had, or if the Director had been more willing to let the result stand.

"Many Committees restored the original table result after the Director had ruled against the 'offending' side. The Directors are following the long-established and reasonable policy of ruling against the side that commits an infraction. However, we should rethink that policy. The number of 'innocent' whiners has grown to the point that we should consider them suspects, too. (I believe Bobby Goldman was the first to express this view.) We should allow Directors more judgment in making their rulings. And how can we improve the judgment of the Directors, whose bridge expertise frequently does not match the level of players they must judge? Let them consult with one or more top players who are assigned the job for that session.

"I thought the Committees as a whole did a good job. However, the use of procedural penalties still bothers me. I disagreed with all of them, and the only Committee that might reasonably have given one failed to do so (CASE THIRTY). Also, the decisions about appeals lacking merit were erratic. I felt that more Committees should have kept the deposit, but I felt that many of the Committees that did keep the deposit were wrong."

Cohen: "Regarding tempo situations, I am a 'conservative judge.' I tend to always rule against the huddling side. Some people are more 'liberal.' They tend to allow actions after a huddle. Others are 'moderate.' I believe the Committee members should all be polled and asked to establish themselves as one of the three types of judge. When trying to assemble Committees be sure to have a variety of philosophies - don't put all conservative judges on the same Committee. My 'conservative' slant probably comes out in my case comments.

"I think the Committee rulings as a whole were about what you might expect. Some very good rulings, some bad ones, and some that could have gone either way. I'd like to see a more 'severe' approach taken by Committees. No, I don't want to scare away players, but I want them to stop doing things that necessitate Committees! If your partner huddles, or gives misinformation, please, please bend over backwards to do the ethical thing. Live with the poor result and feel good about yourself that you did the ethical thing and avoided a Committee."

Krnjevic: "I found that the standard of the case reports, both substantively and with regard to the detail provided, varied significantly from case to case. In some cases, this made it very difficult to comment with confidence. Furthermore, it

struck me that there was a wide disparity in the expertise of the Committee members and Chairpeople. Perhaps it wasn't always possible to ensure that one or two of the more knowledgeable people were included on a Committee, but an effort should be made to correct this oversight in the future."

LeBendig: "I feel this set of decisions and the write-ups of the cases are far and away the best we have seen yet. I hope the experts will be in agreement. I'm not suggesting that we don't have room for improvement, but we do seem to be closing the gap on how we approach the problems."

Weinstein: "My Committee ratings were based on a combination of factors including: the correct decision being reached, clear and correct logic in reaching the decision, and a write-up that clearly illustrated the Committee's thought processes. As long as we're rating the Committees, maybe we should have separate categories that will allow the Committees/Chairpeople to see where improvement is most needed.

"My Director's ratings were based upon the correctness of the ruling (from the Directors' perspective), and the difficulty of the ruling. If I thought that the Directors got it right and the Committee got it wrong, I tended to upgrade the rating. Though the Directors consistently ruled against the offenders (the correct bias), on a few occasions they could have delved more deeply into the hand and avoided doing so. I believe that the Directors are meeting their objectives in the rulings as completely as are the Committees. However, before this is taken as support for disbanding Committees it must be remembered that the information, arguments, and criteria are different for Directors and Committees, and that the resultant rulings should often be different.

"In a couple of cases (CASES FIFTEEN and TWENTY-NINE) I've gotten into areas which might be more appropriate in other forums. However, since I'm sitting here in front of a word processor (sorry, not PC compatible, though I have hope for the future), at least the editors will have to suffer through my ramblings. While I'm at it, I'd like to mention a couple of other areas.

"In the first situation, you make a call that is Special-Alerted (or just Alerted after June, 1996). Now LHO makes a bid that would be non-natural had he asked about the (Special) Alert, yet his partner assumes that it was natural since he never inquired as to the call's meaning. This allows the opponents to assign one meaning to their bid by ignoring the Alert (also giving information of the bid's clarity), or to ask about the Alert and thereby assign a different meaning or connotation to their bid. For example, LHO opens 1NT, partner bids 2♦ transfer to spades (I don't play this), RHO bids 2♠ without inquiring about the Alert. If LHO now passes is he guilty of using unauthorized information? Should players have an obligation to either never ask, or to consistently ask, before making a

non-pass following an opponent's Alerted call?

"Another area that still bothers me is when a huddle occurs which suggests that a bid may be more successful than a logical alternative, but the actual reason for the huddle was inconsistent with the action it suggested. For example, 1 Í - 2Ê - 2 Í - 3Ê, 3 Í (slow) - Pass - 4 Í, and 4 Í is made. The opponents call the cops claiming that the slow 3 Í call suggested that the raise to 4 Í may be the winning action. The contract is ruled back to 3 Í, even though the 3 Í bidder was never considering a game try - only whether or not to compete to the three-level. Or another example, 1 Í - Pass - 2 Í - 3Ê, Pass (slight huddle) - Pass - 3 Í. The 3 Í bidder is barred from marginal actions even though (as it turns out) the opener was never considering bidding over 3Ê, holding a 5-2-3-3 minimum.

"I bring up this last point because of its relationship to CASE FIVE. I agreed with the dissenter there largely because no cause and effect was established between the huddle and the subsequent bid. In this case South had a gratuitous huddle, holding the least values (other than the Í10) that he could have had on the auction. The information that was passed to North would have indicated that South held extra values. Since South actually held minimum values, this ideally should not be considered unauthorized information, and North should have been free to act as he wished. The rule, I believe, should be interpreted along the lines of not being able to use a suggested bid (if a logical alternative exists) only if the reason for the break in tempo would have suggested that action.

"I'd be interested in comments from Appeals, Laws, and/or Competition Committee members in these two areas, and the areas mentioned in CASES FIFTEEN and TWENTY-NINE. I'd also like to see guidelines for Appeals Committees regarding how strongly suggested a bid must be before logical alternative applies, and just how logical a logical alternative must be to be considered as such.

"As far as the Committees themselves, with a small number of exceptions the decisions seem excellent. A couple of chairpeople are still not doing as good a job as possible in detailing the Committee's logic in their write-ups, but overall this continues to improve. And some of the Committees didn't seem to go through a clear determination of whether the questionable action was suggested by the infraction before considering whether there was a logical alternative."

CLOSING REMARKS FROM THE EDITORS

We share Bramley's concern about the proliferation of "sour grapes" appeals and cases of marginal merit. The Directors have been fed a party line of trying to rule for the non-offenders "whenever there is any doubt," and this has been extrapolated in many cases to exclude the limiting clause. But in other cases, we have seen Directors rule in favor of the offenders with no apparent justification. We'd prefer to have a uniformly well-reasoned ruling at first instance, but since this can't be done under the present constraints, the bias in favor of the non-offenders seems the lesser-of-evils. It is not our province to "allow" the Directors more judgment, although we can encourage, even plead with them to do so. The final decision will always be theirs - a product of consultation with higher-level Directors rather than a straight at-the-table ruling by a floor Director. If you're disappointed with many of the initial rulings, the idea of having top players on call is an idea that has been championed in the past. In our experience, the logistical problems are virtually insurmountable (what top player would sit out an event, and in which playing area/building would you locate the council of wise men?) unless the League could find the means to professionalize this service.

Our main hope, we're afraid to admit, is that the Directors and Appeals Committees will make progress in adopting a common philosophy and approach to these cases and that the initial rulings will eventually begin to fall into line with the "proper" dispositions. Perhaps one thing that can be done is to schedule one or two meetings at each tournament between the Directing staff and Appeals personnel to discuss the particular cases where the Directors or Committee (or both) have lost their way. There have been meetings scheduled each opening Thursday night for several years, but so far there has been no serious attempt to attack the problem on a case-by-case basis. To bridge the present gap, we propose to invite a designee of the Directorial staff to join the panel commenting on future cases. This suggestion has been made in the past.

The procedural penalty issue remains a controversial one. In our discussions with Edgar Kaplan, we have learned that procedural penalties have their place in the appeals process. While their most frequent application is in cases where there has been no consequent damage following an infraction, they are at present the only practical means of dealing with flagrant breaches of the Proprieties.

As to appeals without merit, these are always judgment calls. It can be disturbing to find apparently different standards employed in reaching the decision to retain the appellants' deposit, but often this decision depends on attitude and deportment during the hearing - something that is not always easy or practical to document.

Cohen's idea of sprinkling the Committees with a cross-section of philosophical perspectives sounds good. But as a practical matter, attitudes and predispositions are not always consistent or even present. Most Committee members would consider themselves neutral, perhaps with a mild bias (as in Goldman's view [and now Bramley's] that everyone is a suspect - it's not a bias if suspicion includes everyone . . . is it?). But even if Larry is right and there are hanging judges and bleeding hearts, the logistics in anticipating these biases on a case-by-case basis in the short period of time available to empanel a Committee and the limited choices of personnel available on any given evening seem to preclude the feasibility of this option. Nonetheless, to the extent that it is possible, there is always an effort made to create balanced Committees, even if not specifically with regard to philosophies.

When Larry speaks of the long-term benefits of a "more severe approach" by Committees, we have no doubt that he is right. We want to eliminate "cheap" appeals and the even more disturbing tendency of some players to carry out a questionable action in the belief that they might somehow be able to get away with it (no Director call, favorable ruling, favorable Committee decision). "Severe" is definitely appropriate in these cases.

These situations are not of the same species as cases in which someone acts in the genuine belief that their action was not influenced by partner's irregularity. Once a player is in possession of unauthorized information, it is difficult to appreciate that he might otherwise have taken a very different action. In essence, the new information "blocks" the less-informed perspective, and the player unconsciously engages in a process of rationalization of his action. "I always intended to bid the slam; partner's huddle had no effect on my bid." A player who refuses to settle for a likely inferior result in such situations should, in Larry's view, be willing to accept the unfortunate consequences of his partner's irregularity. There is, however, a distinction between "seeing it and acting on it" and "not seeing it and acting on it." There are, we believe, more of the "honest" second type than the tainted first type. But whether there is a conscious or unconscious breach of the Proprieties, the Committee must be prepared to adjust the score as long as there was consequent damage to the non-offenders. The "severity" issue really comes into play at the level of procedural penalties for flagrant offenses and/or determinations on the merits of the case.

Directors' rulings will not take into consideration these "always intended to" statements, and to appeal such rulings, while within a player's rights, will generally be considered with prejudice and prompt Committee members to use terms like the lamentable "self-serving statement." In Larry's terms, they must learn to "live with the poor result." Inexperienced players, however, need to be educated (at least initially) about these distinctions, while more experienced players can be dealt with more realistically. Here a Committee needs to use some

judgment.

With regard to Weinstein's first situation concerning asking, or not asking, questions about the opponents' Alerts to differentiate between meanings of the partnership's own bids, Law 73B1 specifically forbids "communication between partners . . . effected . . . through questions asked or not asked of the opponents." In our opinion, there is nothing that players can do with regard to the pattern of their asking (or not asking) questions about their opponents' Alerted bids which will always guarantee protection from the opponents' potential suspicions. However, it seems that "always" asking has to be the more practical of the two alternatives. Behind screens players should provide a running narrative of the meanings of their bids for the opponents' benefit, so this problem should not occur.

Howard's second area of concern involves the correspondence, or lack thereof, between the suggested meaning of a player's huddle and the content of his hand. If his partner acts on the "suggested" meaning of the huddle and is successful, several prominent players (and panel members) feel that in the absence of a correspondence there is no infraction, and therefore no redress due the opponents. We disagree with this position. We believe that this situation should be treated the same way as any other situation involving unauthorized information. If a player chooses from among logical alternative actions one which *could* have been suggested by the unauthorized information, which results in damage to the opponents, and his action is not justified by his own hand or the information available from other sources, an adjusted score should be assigned. The lack of correspondence between the suggested meaning of the huddle and the huddler's hand should not enter into the equation, since his partner was obliged to act as if there had been no huddle. In addition, the player's misreading of partner's huddle should not exculpate him from his improper attempt to profit from it.

In CASE FIVE Howard agreed with the dissenter, who argued not to allow North's 7♩ bid. Howard only now proposes that since the suggested meaning of South's huddle does not correspond with his actual values, North ought to be able to bid whatever he likes. If Howard had made this argument during his analysis of CASE FIVE, he would surely have decided with the majority - not the dissenter. Panelist burnout, we believe, probably the result of the unrestrained ramblings of a misspent youth.

We are not going to ask the Laws Commission for guidelines to evaluate logical alternatives and their ramifications. The very meaning of the term implies an exercise in reasoning. To seek a quantification or a set of rules to follow would be inconsistent with this definition. The proper determination of an action's qualification as a logical alternative or *the* logical alternative suggested over

others is often nothing more than the Committee members' collective judgment at the end of an analytical journey. The fact that a bid "could be made" does not qualify it as a logical alternative, and the issue of "how much more likely" a bid needs to be is irrelevant to the simple decision that "it has been made more likely" to be successful.

A FEW FINAL THOUGHTS:

One of the recurrent themes encountered in this casebook was the care and feeding of appeals cases involving players in "limited" events (those with an upper master point limit). We've seen strong statements about dealing with players in these events differently from their brethren in the "big games." Some panelists and many Committee members go out of their way to endorse a more lenient standard for these generally less-experienced players, often pointing out that education should be preferred to punishment. Often, too, they are careful to state that such allowances are acceptable only in so-called "weaker" events or when applied to "weaker" players in open events, or that "in a stronger game," such an action would meet with censure . . . or worse. But this is not a universal view. There are some strong opinions that there should be no distinction made when players "play up" or when the impugned action is flagrant and the player may well have been aware to an extent of the impropriety of his action.

It is important for Committee members to be on the same page of the play book in considering such cases. If we had to pick a page of that playbook, we'd aim for one well past the middle, on the way to completion. For players who choose to play in open competition, we'd insist on the higher standard, realizing that there might be a downside. We want to encourage players to set their sights as high as possible and play up. Although we believe that the substance of each case should be dealt with in uniform manner, we feel that there may be some room to consider differences in experience levels in the "penalty" phase. What might be deemed a an action worthy of censure for most players in the event might call for nothing more than an explanation and an educational talk. Similarly, an appeal lacking in merit might be deemed acceptable for players with less experience in recognizing the issues. In limited events, the standard ought to be slightly lower, with a genuine attempt to recognize the tendencies of players at that level. Nonetheless, we believe it is important to take the extra time in such cases to explain the issues thoroughly to the players and show them why they might receive a different decision when they graduate or choose to play up.

The introduction of the "playing license" points (introduced in our discussion in CASE FOUR) might be useful in these lower-level cases, allowing non-punitive intermediate-stage disincentives and establishing a viable tracking system.

If we continue this project, it is our intention to deal separately with the "limited" cases, perhaps reproducing the decisions in a separate pamphlet and inviting the input of "limited" players and Directors who specialize in such events. The high-powered panelists who offered their services for this project are at their best with the higher-level cases and there is a lot to be said for having them comment only on those cases. We are not suggesting that less-experienced players are not entitled to the best Committee members and the most expert reviewers, but these adjectives are relative terms, and we believe that in many such cases, more can be achieved with less.

Which strikes us as an appropriate note on which to end this tome.

THE PANEL'S DIRECTOR AND COMMITTEE RATINGS

Case	Directors	Committee	Case	Directors	Committee
1	74.0	57.5	22	57.5	77.0
2	81.7	86.7	23	25.5	86.5
3	46.7	43.3	24	58.3	85.6
4	61.0	65.5	25	88.0	55.0
5	78.0	37.0	26	69.5	65.9
6	69.0	92.5	27	61.1	48.3
7	43.3	75.6	28	72.5	59.0
8	88.9	74.4	29	83.3	92.1
9	75.0	73.0	30	61.1	53.3
10	60.0	67.5	31	64.5	83.0
11	84.5	81.5	32	52.5	61.0
12	80.6	52.8	33	55.5	56.0
13	78.5	58.0	34	91.5	88.5
14	75.5	78.0	35	72.0	56.0
15	88.0	81.0	36	74.4	83.3
16	59.5	90.0	37	66.5	57.5
17	87.8	82.2	38	69.0	59.0
18	77.5	73.5	39	62.5	71.0
19	88.3	80.0	40	73.5	57.5
20	50.0	85.5	41	83.3	68.0
21	64.4	43.3	Mean	64.3	69.3

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