

APPEAL	NABC+ ELEVEN
Subject	Misinformation (MI) and Unauthorized Information (UI)
DIC	Henry Cukoff
Event	Silodor Open Pairs
Session	First Qualifying
Date	March 18, 2010

BD#	14
VUL	None
DLR	East

Lloyd Arvedon	
♠	A 7 6
♥	6 5
♦	K J 9 7 4
♣	A T 2

Jaroslaw Piasecki		Spring 2010 Reno, NV	Grazyna Brewiak	
♠	T 9 5 4 2		♠	K J 8
♥	A J 7		♥	Q T
♦	5 3 2		♦	Q T 8
♣	K 8		♣	Q J 9 4 3

Walter Schafer, Jr	
♠	Q 3
♥	K 9 8 4 3 2
♦	A 6
♣	7 6 5

West	North	East	South
		2♣ ¹	2♥
2♠ ²	2NT ³	3♠	Pass
Pass	Dbl	Pass	Pass
Pass			

Final Contract	3♠ doubled by West
Opening Lead	♥ 6
Table Result	Down 1, E/W - 100
Director Ruling	3♠ dbld W down 1, E/W -100
Committee Ruling	5♦ S down 4, N/S -200

(1)	10-15 with 5+ clubs and no 4-card major.
(2)	Non-forcing, not Alerted.
(3)	Alerted as showing bad diamonds or 3♥ bid.

The Facts: The director was called after the play of the hand. 2NT was Alerted by South as indicated above. North had intended it as natural and did not remember whether good/bad was on after non-opening bids. South believed it had been discussed and that North had forgotten. East said she wouldn't have bid 3♠ over an unAlerted 2NT. South said that if East passed, he would have bid 3♦. East said she forgot to Alert 2♠ since everyone in her area plays it as non-forcing.

The Ruling: Given North's hand and statement, it was determined that N/S had no agreement and that E/W had been given a mistaken explanation (Law 75). As per Law 12C1(e), the auction was projected to continue Pass-3♦-Pass-Pass-Pass, down 2. Therefore, that result was assigned to both sides. Upon further investigation, E/W was unable to document that 2♠ was non-forcing. Assuming, as per Law 75, that 2♠ showed a good hand, 3♠ by East was judged more than likely, and the table result was restored.

The Appeal: E/W appealed, and all four players attended the hearing. East said, that if 2NT were natural, she would not have bid 3♠, because her hand was so bad. She also said, "sorry, I forgot to Alert 2♠. I knew it was Alertable." West said he might have made 3♠ doubled if he knew 2NT was natural. In the endgame, he needed to guess the ♠AQ, and the MI made it more likely he'd go wrong. N/S disagreed with the finding of no agreement, though they were a first-time partnership and thought that East would bid 3♠ even with the correct information. South said that even if 2♠ had been Alerted, 2NT would still have been Good/Bad. North thought Good/Bad 2NT did not apply if we were not the opening side.

The Decision: This decision was close, with many issues:

1. Was failing to Alert 2♠ an infraction? Yes. It seems pretty clear that 2♠ was non-forcing by agreement. East and West seemed on the same wavelength, and West's hand suggests strongly that he knew 2♠ was non-forcing.
2. Did the failure to Alert 2♠ damage the other side? No, the misunderstanding about 2NT would almost certainly have happened anyway.
3. Was the explanation of 2NT an infraction? Yes. N/S is a first time partnership without clear agreement when Good/Bad 2NT applies. North thought it was not on here; South was certain it was. This is not uncommon with that convention. Law 75 instructs us to rule misinformation without clear evidence to the contrary, and here there wasn't any; in fact, there is clear evidence that North and South disagreed about their understanding.
4. Did the misinformation about 2NT damage the other side? Very close call. It is the case that bidding 3♠ is more attractive with the wrong information than it is with correct information. How much more likely? The committee, after long deliberation, decided it was at least 30% more likely. By the chair's reading of the Laws, that constitutes damage.
5. Did the damage from the MI lead directly to the non-offending side's bad result? Yes. N/S would have gone minus if East had passed 2NT.
6. Was the UI from the mistaken explanation relevant? No. North's actions were either obvious or unsuccessful thereafter.

(Decision continued)

7. Did the MI affect the play? 3♠ doubled making is likely to be the best result E/W can manage, so if they should make it, then that's the end. No, it did not. The play went as follows

T1: ♥6-Q-K-A

T2: ♣x-2-Q-x

T3: ♣x-x-K-A

T4: ♥5-T-x-x

T5: ♣J-x-♦x-x

T6: ♣9-♥x-♦x-♠6

T7: ♦x-x-A-x

T8: ♦x-♠x-x-x

T9: ♠x-x-J-Q

West claimed down one.

By Trick 9, West knew North had ?xx xx KJ9xx A10x. If he had either the ♠Q or the ♠A, he clearly had a natural 2NT, not a Good/Bad 2NT, so the MI was no longer relevant.

8. If East had passed 2NT, what were the likely and at all probable results? South says he would have bid 3♦, which seems reasonable. North will now bid 3♠. East will double. South will probably pass, but he might bid 3NT. North will thereafter either drive to 5♦ or play 3NT. It is possible N/S will end up in 4♥ or 6♦, but by far the most likely results are 3NT and 5♦. 3NT is down two. 5♦ is down four. Will anyone double? It's possible, but after long deliberation, we judged that no single doubled contract reaches the standard of at all probable. A different committee might judge differently.

9. Given all that, what's the ruling? Law 12 says that N/S gets the most unfavorable result that was at all probable. We judged that result is 5♦ down four for minus 200. E/W gets the most favorable result that was likely. That result is also 5♦ down four, plus 200 for E/W.

10. Did this appeal have merit? Yes. In fact, if either side had appealed, it would have had merit. This was a close case with several factors including irregularities from each side, so AWMWs are not in the ballpark.

The Committee: Jeff Goldsmith (Chairman), Jeff Aker, Mark Feldman, Fred King and Bruce Reeve.

Commentary:

Goldsmith This was one of the most complicated cases I've ever seen, with infractions by each side. The key question is whether the MI from the misexplanation of 2NT damaged E/W. Probably it didn't, but it was likely enough that it did that we judged it sufficient. The laws are not particularly clear on what constitutes "damage," so we had to determine what the standard ought to be. I don't know for certain where the line should be drawn, but if damage is likely (1 time in 3), I think that's sufficient. If damage is at all probable (1 time in 6), it's probably not sufficient. I asked the committee to come up with a percentage chance

that the MI caused damage. It was a very challenging assignment, and I think they both took it seriously and worked hard at obtaining the reasonable answer of 30%. I judged that a 30% chance of damage ought to allow an adjusted score. That call is certainly open to question. I'd like to see the next edition of the laws address this issue.

Polisner A very complicated and difficult case which could have gone either way. My compliments to the AC which conducted a very thorough analysis of all of the issues and came up with a well-reasoned decision.

Rigal A reasonable, if challengingly long, write-up. But all the major issues were sensibly considered and it is hard to argue with anything contained here.

Wildavsky A well reasoned decision in a complex case.

Wolff Since 2 spades by West was not alerted, then the interpretation of 2NT was subject to different meanings. The MOST unfavorable result to a transgressor is indeed sometimes too harsh a penalty and should be modified by an intelligent committee (or TD). With the inviolate nature of some of our ahtungs it is no wonder that some of our rulings seem surreal. On this hand to rule down 4 is closer to sadistic than it is to right.