

# Appeals at the 2004 Spring NABC



presented by



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Abbreviations used in this casebook:

AC	Appeals Committee
AI	Authorized Information
AWMW	Appeal without Merit Warning
BIT	Break in Tempo
LA	Logical Alternative
MI	Misinformation
NOS	Nonoffending Side
PP	Procedural Penalty
UI	Unauthorized Information

## FOREWORD

This casebook marks some changes. Richard Colker, who served as editor for the past several years, no longer assembles these cases. Under his guidance, the casebook became what it is today – a useful tool to help improve Appeals Committees, particularly at NABCs. Richard was more than an editor, serving also as a commentator. The ACBL recognizes and appreciates Richard’s work over the years.

The casebooks are now being compiled, edited and printed by ACBL headquarters in Memphis. The editor no longer takes an active role in the commentary, leaving comments to an expert panel. Some transitional comments have been inserted to help with the flow. The ACBL will also continue to make these casebooks available on its web site in order to reach a wider audience.

There were 36 cases heard in Reno. Twenty-four of them were NABC cases, which means they were from unrestricted NABC+ events and heard by an Appeals Committee. In most cases the appeal passed through a screener, usually a senior tournament director. The names of the players are included in all of these cases.

Twelve cases were from regional events; they included the regional championship events, some side events and any NABC event that carried masterpoint restrictions. These were reviewed by a panel of directors (usually three of them). In this category, the names of the players are included only when the event had no upper masterpoint limit

We thank everyone who contributed. This starts with committee members, chairpersons, scribes and screeners and later on the expert panelists who commented on the various cases. Without the time and efforts of these people the casebook would not have happened.

You may also wish to visit our web site to view this case book or previous ones.

1. Go to our home page at <http://www.acbl.org>
2. Across the top put your cursor on “Play”, then click on tournaments
3. From the next page, across a green banner at the top, find and click on “Charts, Rules and Regulations”
4. Under “Tournament specific regulations” find and click on NABC casebooks

We hope you find these cases instructive and educational.

ACBL Headquarters Memphis  
September, 2004

## THE EXPERT PANEL

**Barry Rigal**, 46, was born in London, England. He currently resides in New York City with his wife, Sue Picus. A bridge writer and analyst, he contributes to many periodicals worldwide and is the author of a dozen books, including *Card Games for Dummies* and *Precision in the Nineties*. He enjoys theater, music, arts and travel. Barry is an outstanding Vugraph commentator, demonstrating an extensive knowledge of bidding systems played by pairs all over the world. He coached the USA I team to the Venice Cup in 1997. He is proudest of his fourth-place finish in the 1990 Geneva World Mixed Pairs and winning the Common Market Mixed Teams in 1998 and the Gold Cup in 1991. In 2003 he was appointed chairman of the ACBL National Appeals Committee.

**Ron Gerard**, 60, was born in New York. He is a graduate of Harvard University and Michigan Law School (JD). He currently resides in White Plains, NY, with his wife Joan (District 3 Director) where he is an attorney. Ron is a college basketball fan and enjoys classical music and tennis. He is proudest of winning 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 KO Teams; he played in three finals (winning in Fort Worth in 1990) and one semifinal without playing once on a professional team.

**Jeff Goldsmith**, 42, was born near Schenectady, NY. He has lived in Pasadena, CA, for the last 20 years. He graduated from Rensselaer Polytechnic Institute and Caltech. He is a software engineer, focusing on computer graphics and animation and internet programming, all with a heavy mathematical perspective. He created computer animation for JPL for several years including the movies about Voyager's encountering Neptune. He ice dances and plays many other games, particularly German board games. His web site (<http://www.gg.caltech.edu/~jeff>) contains lots of bridge and other material.

**Adam Wildavsky**, 44, was born in Ohio and grew up in Berkeley and Oakland, CA. He is a graduate of MIT. Since 1986 he has resided in New York with long-time companion Ann Raymond. He is the proprietor of Tameware LLC, a New York computer consulting company specializing in Extreme Programming. He's won three NABC championships, most recently the 2002 Reisinger BAM Teams. He and his Reisinger team went on to win the 2003 Team Trials and took a bronze medal in the 2003 Bermuda Bowl in Monaco. His study of the laws is informed by his study of objectivism, the philosophy of Ayn Rand.

**Bobby Wolff**, 71, was born in San Antonio and is a graduate of Trinity University. He currently resides in Dallas. His father, mother, brother and wives, including present wife Judy, all have 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 great players and has won 11 World titles. He

is the only player ever to win world championships in five different categories: World Team Olympiad, World Open Pairs, World Mixed Teams, World Senior Bowl and seven Bermuda Bowls. He has also won numerous NABCs including four straight Spingolds (1993-1996). He served as ACBL president in 1987 and WBF president from 1992-1994. He started the ACBL Recorder system in 1985, has served as tournament recorder at NABCs and is the author of the ACBL Active Ethics program. Among his pet projects are eliminating both Convention Disruption (CD) and Hesitation Disruption (HD).

**Staff** refers to various tournament directors or ACBL staff members in the Memphis Headquarters.

## CASE ONE

**Subject:** MI

**DIC:** Cukoff

North American Open Pairs – 1<sup>st</sup> Final Session

Bd: 17 Dlr: North Vul: None	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <i>Chris Willenken</i>                      ♠ A K Q 10 4                      ♥ 10 7                      ♦ Q 10 9 4                      ♣ 3 2                 </td> <td style="width: 50%; vertical-align: top;"> <i>Steven Cooper</i>                      ♠ 9 7 6 3                      ♥ 5 3                      ♦ K J 8 7 5                      ♣ A Q                 </td> </tr> <tr> <td style="width: 50%; vertical-align: top;"> <i>Kitty Cooper</i>                      ♠ J 5                      ♥ A Q 9 6                      ♦ A                      ♣ J 10 8 7 5 4                 </td> <td style="width: 50%; vertical-align: top;"> <i>Glenn Milgrim</i>                      ♠ 8 2                      ♥ K J 8 4 2                      ♦ 6 3 2                      ♣ K 9 6                 </td> </tr> </table>	<i>Chris Willenken</i> ♠ A K Q 10 4 ♥ 10 7 ♦ Q 10 9 4 ♣ 3 2	<i>Steven Cooper</i> ♠ 9 7 6 3 ♥ 5 3 ♦ K J 8 7 5 ♣ A Q	<i>Kitty Cooper</i> ♠ J 5 ♥ A Q 9 6 ♦ A ♣ J 10 8 7 5 4	<i>Glenn Milgrim</i> ♠ 8 2 ♥ K J 8 4 2 ♦ 6 3 2 ♣ K 9 6																				
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<table style="width: 100%; border: none;"> <thead> <tr> <th style="width: 20%; text-align: left;"><i>West</i></th> <th style="width: 20%; text-align: left;"><i>North</i></th> <th style="width: 20%; text-align: left;"><i>East</i></th> <th style="width: 20%; text-align: left;"><i>South</i></th> </tr> </thead> <tbody> <tr> <td></td> <td>1 ♠</td> <td>2 ♦</td> <td>Dbl</td> </tr> <tr> <td>Rdbl<sup>(1)</sup></td> <td>2 ♠</td> <td>Pass</td> <td>Pass</td> </tr> <tr> <td>3 ♣</td> <td>Pass</td> <td>3 ♦</td> <td>Pass</td> </tr> <tr> <td>3 ♥</td> <td>Pass</td> <td>3 ♠</td> <td>Pass</td> </tr> <tr> <td>4 ♣</td> <td>All Pass</td> <td></td> <td></td> </tr> </tbody> </table>	<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>		1 ♠	2 ♦	Dbl	Rdbl <sup>(1)</sup>	2 ♠	Pass	Pass	3 ♣	Pass	3 ♦	Pass	3 ♥	Pass	3 ♠	Pass	4 ♣	All Pass			<p>(1) Explained as doubleton ♦ A or ♦ K</p>
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>																						
	1 ♠	2 ♦	Dbl																						
Rdbl <sup>(1)</sup>	2 ♠	Pass	Pass																						
3 ♣	Pass	3 ♦	Pass																						
3 ♥	Pass	3 ♠	Pass																						
4 ♣	All Pass																								

**The Facts:** East explained redouble as indicated. The actual EW agreement was that it showed a singleton or doubleton ♦ A or ♦ K. NS attempted to call the director at the end of the auction, when the correct explanation of the agreement was offered, prior to the opening lead. On the opening lead of the ♠ Ace, West scored +130. The director was summoned at the end of play.

**The Ruling:** West received unauthorized information from the explanation offered by East, demonstrably suggesting further action after 3 ♦, pass being deemed a logical alternative. The contract was changed to 3 ♦, –150 for EW.

**The Appeal:** West felt her hand was too strong to pass 3 ♦, believing game in either NT or hearts still possible. West stated that it was common for her partner to explain agreements imprecisely. EW also felt that six tricks in the assigned diamond contract was incorrect.

NS felt that East had shown a near minimum, though conceded he may be showing a six-card suit. Further, the UI suggests West try to improve the contract. The committee determined that the redouble showed, by agreement, at most a doubleton diamond, but said nothing about the strength of the hand.

**The Decision:** West had already offered to play in a partscore of 3 ♣. The committee agreed that the UI demonstrably suggested bidding over 3 ♦ and that pass was a logical alternative. In a 3 ♦ contract a spade lead was likely followed by a trump switch. Declarer could then play a club to the ace, followed by a heart finesse to secure seven tricks. However, the committee also considered the possibility of declarer playing the opening bidder for the ♣ K and taking a club finesse. South could then discard clubs on North's spade winners to secure a club ruff. The committee felt that it was not unreasonable to score seven

defensive tricks for down three. The committee ruled 3 ♦ minus 150 for both sides.

**Committee:** Doug Doub, Chairperson, Jon Wittes, Mark Bartusek, John Solodar and Gary Cohler.

**Rigal:** This was a slam-dunk. The UI arising from the MI made bidding on more attractive and passing was clearly a LA – East’s 2 ♦ call was on as poor a suit as I’ve seen from an expert for a long while. The 3 ♦ call over 3 ♣ strongly suggested a good six-card suit not a pathetic five-card suit. The only point at issue was how many undertricks to assign and the committee did a good job. I agree with the reciprocal adjustment. There was enough discussion to make an AWMW inappropriate, but barely.

**Goldsmith:** Good job by the committee until they failed to issue an AWMW.

**Gerard:** Look at what East overcalled with and tell me again how West was too strong to pass 3 ♦. The club finesse seems odds against, but South might have doubled with ♠xx, ♥KJ10xxx, ♦Qxx, ♣xx — then the club finesse rescues down one. I’m adding “My partner frequently misexplains our methods” to my “Yeah, sure” list.

**Wildavsky:** West’s contention that “It was common for her partner to explain agreements imprecisely” seems profoundly irrelevant. First, with no adjusted score East will have no incentive to improve his precision in the future. Second, East’s 3 ♦ call seems to indicate that he thought the agreement was precisely the one he stated.

This appeal had no merit.

**Staff:** The only possible merit here is in the play analysis. West’s argument about the bidding is so silly though, that I find myself unable to muster any sympathy for the possibility of –100. It seems Committees are just as guilty as Panels of not discussing enough AWMWs.

## CASE TWO

**Subject:** Tempo

**DIC:** Cukoff

North American Pairs – 2<sup>nd</sup> Final

Brd: 15	<i>John Stiefel</i>		
Dlr: South	♠ Q 6		
Vul: NS	♥ A 3		
	♦ A Q 7 3		
	♣ A 8 5 3 2		
<i>Jill Meyers</i>	<i>Ed Davis</i>		
♠ 9 8 7 3 2	♠ A K 5 4		
♥ K 10 9 8 2	♥ Q 5 3		
♦ K J 2	♦ 10		
♣ —	♣ K Q 9 6 4		
	<i>Victor King</i>		
	♠ J 10		
	♥ J 7 6 4		
	♦ 9 8 6 4		
	♣ J 10		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
2♥ <sup>(1)</sup>	3♣	Pass <sup>(2)</sup>	Pass
Dbl	All Pass		
(1) 5-5 in hearts and another with weak two-bid strength (2) BIT			

**The Facts:** 3♣ doubled was down 4, –1100. The director was called two rounds after the play of the hand. West did not use the stop card, North did not pause after 2♥, East paused five to eight seconds, and West doubled quickly.

**The Ruling:** The hesitation by East demonstrably suggested a double while pass was a logical alternative. The result was changed to 3♣, –400.

**The Appeal:** Though the stop card was not used, the 2♥ agreement had been pre-alerted prior to the start of the round. EW said that North bid after four seconds. South passed immediately. West contended that she was systemically obligated to reopen with shortage when playing these methods since a double by East would have been negative. NS estimated the pause after 3♣ at five to eight seconds. It was only

after the round that NS worked out that –400 would be a good matchpoint score, calling the director at that time.

**The Decision:** The committee determined that the 2♥ agreement at this vulnerability had a range of 4 – 10 HCPs. The committee reasoned that (1) the fast bid by North passed some responsibility to East not to bid too fast; (2) in the context of a competitive auction five to seven seconds is the recommended tempo; (3) the reopening double was systemically obligated in the context of South's fast pass, even if East had been judged to have taken a clear BIT. The fact that the director was called two rounds after play was completed did not terminally damage the NS case but it did weaken the contention that there had been an obvious break in tempo. The table result was restored for both sides, 3♣ doubled, –1100.

**Committee:** Doug Doub, Chairperson, Darwin Afdahl, Mark Bartusek, John Solodar and Barry Rigal.



**Rigal:** The TD made what to my mind was clearly the right ruling: namely when in doubt to rule for the non-offenders and leave the AC to sort it out. This is the sort of deal that gets a lot of people up in arms; what constitutes a break in tempo? Does the five to seven seconds constitute a license to convey UI, because passing in two seconds conveys no interest, and can't be subject to penalty? I don't know; I'd rather we established some more definite rules here, even if I did not agree with them 100%, if only for the sake of consistency. For what it is worth I agree with the committee.

**Goldsmith:** The committee didn't say that EW showed them system notes to indicate that a reopening double is mandatory with shortness. Without that, I'd reject that argument as uncorroborated self-serving testimony. Without that argument, I don't see EW as having a case. While five to eight seconds is normal tempo for competitive auctions, if everyone at the table knows there was a BIT, then there was. East's hand suggests he had a problem, though it was probably trying to remember system and follow-ups after methods one only plays in Midchart events are typically not in the front of one's memory. If East knew for sure partner would reopen with shortness, he'd pass in tempo.

So, if EW produced system notes demonstrating their claim that the double is mandatory with West's hand, then there is no problem because passing is no longer an LA. If they didn't, then passing is an LA and is contraindicated by the UI from the BIT, and therefore is required.

For what it's worth, Jill and Randy Montin's Women's Trials announcement of this same convention does not mention that reopening doubles are mandatory, but they do say that responder's doubles are negative. Since it is not the case that negative doubles necessarily imply forced reopening doubles, we need written notes to rule as the AC did.

**Gerard:** What does the opponent's tempo have to do with systemic obligations? If I open 1♥ with a 4-5-3-1 minimum and it goes 2♣-Pass-Pass back to me, am I systemically obligated to reopen with a double only if RHO passed quickly? Apparently, aggregate value theory (see Philadelphia 32, Anaheim 28) isn't something the Committee was acquainted with. If the Committee really believed that business about South's tempo, West was not systemically obligated to bid. I think this was a case of paw-in-mouth disease and they just didn't think about the consequences. If the evidence upheld West's contention about EW's methods, there was no LA to her double whatever the tempo of East and South.

Now, having said all that, what difference did it make? There was no BIT, therefore no UI, and therefore no constraints on West.

**Wildavsky:** A pair's claim that they "always reopen when short" should not be accepted without additional evidence. In particular this agreement ought to be noted on their convention card, along with details as to degree of shortness and level. After all, their opponents are entitled to know. See my dissent from Case Six in New Orleans.

I don't understand why "five to seven seconds" is the recommended tempo in this auction. Recommended by whom? Three to five seconds seems more appropriate to me. If my opponent hesitated for seven seconds and it turned out he had a poor hand and was not considering acting I'd feel put upon.

I am also troubled by West's failure to use the Stop card.

On the facts as presented, I prefer the TD's ruling, but I don't think the AC decision is necessarily incorrect. It can be difficult enough to assess whether there was a break in tempo if the TD is called immediately. It is all the more difficult if he is called only after a subsequent board.

## CASE THREE

**Subject:** UI

**DIC:** Cukoff

North American Open Pairs – 2<sup>nd</sup> Final

Bd: 24	<i>Alex Kolesnik</i>		
Dlr: West	♠ 5 2		
Vul: None	♥ K 5		
	♦ J 10 3 2		
	♣ A 8 7 3 2		
<i>Lew Stansby</i>	<i>Joanna Stansby</i>		
♠ K 9 8 7	♠ J 3		
♥ J 3 2	♥ 10 9 7		
♦ K 7 5	♦ Q 9 8 6 4		
♣ K Q J	♣ 10 5 4		
	<i>David Hadden</i>		
	♠ A Q 10 6 4		
	♥ A Q 8 4 3		
	♦ A		
	♣ 9 6		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
INT <sup>(1)</sup>	Pass	3♣ <sup>(2)</sup>	4♣ <sup>(3)</sup>
Pass	4♥	All Pass	
<p>(1) Announced 12 – 14</p> <p>(2) Alerted, transfer to diamonds</p> <p>(3) Intended to show the majors</p>			

**The Facts:** 4♥ scored +420. The director was called at the end of the play period. No questions were asked at the table. NS had no agreement, but had discussed that doubles of artificial calls show the suit bid.

**The Ruling:** Failure to ask questions does not constitute UI. The table result stands.

**The Appeal:** EW believed that North had UI from his partner's failure to ask the meaning of 3♣. They felt that 4♣ could show a better hand for clubs than a double of 3♣. Though North had club length it was still possible, though unlikely, that South had long clubs.

**The Decision:** The committee determined that NS had a documented agreement that double of an opponent's artificial

bid always showed length and strength in that suit. NS further explained that after an earlier accident involving a similar artificial call they had agreed that a cue bid would be a two-suiter not natural, regardless of whether the artificial call might or might not show the suit bid. The committee found that NS were under no obligation to ask questions. They found no infraction and upheld the director's ruling.

EW were assigned an AWMW.

**Committee:** Doug Doub, Chairperson, Darwin Afdahl, Mark Bartusek, John Solodar and Barry Rigal.

**Rigal:** There are a number of peripheral issues not covered by the writer having to do with the length of time taken to give the initial ruling. Also the committee ruling was based on one line in the system notes produced by the offenders, which the committee interpreted to create a blanket rule covering this precise position. The offenders detailed an earlier sequence which had led to their creating a rule "When an opponent makes a possibly natural call, a cuebid

is always forcing and not natural.” Once the committee had come to that conclusion, they had little option but to rule as they did.

**Goldsmith:** Theory: The committee is correct that it is not the case that a player must ask questions. But it is the case that UI is transmitted by the manner in which a player makes a call. To have asked or not asked about a call is the manner in which a call is made, so failing to ask can definitely supply UI.

**Practice:** The UI helped NS avoid a disaster, but North’s hand alone is enough information for North to realize that his partner probably does not have a huge club suit and therefore 4♣ was probably intended as a cuebid. So while there was UI, AI duplicated the information, and North was free to bid as he wished. If his hand were different, an adjustment would be in order.

Could South have something like ♠AKx ♥Axx ♦x ♣KQJ109x? Yes, but not likely. If 4♣ showed essentially independent clubs, then 4♥ would have been a cuebid (North could not normally expect only a six-card club suit). North would surely cater to the possibility of a misunderstanding by cueing 4♥, so would end up in the same spot.

The AWMW is definitely not appropriate. There was UI, the UI appeared to influence the opponent’s decision, and EW appeared to have been damaged by that decision. Only after working out that North’s normal action would have caused NS to land on their feet would I not rule against NS.

**Gerard:** Suppose 3♣ was Alerted as showing a weak 5-5 in the minors. Double would be takeout, 4♣ more distributional. On all other Alerts to 3♣ (1NT-3♣ weak is not Alertable), double is natural, 4♣ is takeout. Therefore, South needs to ask before doubling but not before bidding 4♣. Failure to ask before bidding 4♣ could never be UI, since there is no Alert to 3♣ that changes the meaning of 4♣.

Now suppose NS had agreed that 4♣ would be natural over all Alerts except the weak 5-5. Then South needs to ask before doubling or bidding 4♣. But by not asking he would be conveying club UI, not takeout UI, because the obvious conclusion is that he assumed a normal Alert, probably even forgetting about the abnormal one. So North would be free to bid the contraindicated 4♥. In other words, the meaning of 4♣ depends entirely on NS’s agreement, not on EW’s agreement. Assuming a consistent meaning for 4♣, there is no possibility of UI. Assuming a variable meaning for 4♣, there is UI but no demonstrable suggestion of 4♥. I’m amazed that EW didn’t understand this.

**Wildavsky:** “The Ruling: Failure to ask questions does not constitute UI.”

I’m not sure this is correct. Authorized information from partner can come only from his calls and plays. The fact that he has or has not asked a question is not authorized information. Would that mean that players have unauthorized information on every deal? Sadly it would. That need not result in a tumult of TD calls, though. Normally this unauthorized information does not suggest one

action over another, so partner has no special obligations under Law 73C.

That said, I have no quarrel with the rulings, though I think the appeal had merit. I wish, though, that when the AC asserts that a pair has a documented agreement they would tell us where and in what form that agreement is documented. An exact quote does not seem too much to ask — then we could judge its applicability for ourselves.

**Staff:** If the last two sentences of the Committee decision had been the first two, it could have dispensed with any other analysis, except the AWMW of course. I wish this appeal had been withdrawn during screening.

## CASE FOUR

**Subject:** Proprieties

**DIC:** Cukoff

NABC Open Pairs – 1<sup>st</sup> Qualifying

Bd: 3	<i>Ron Smith (TN)</i>		
Dlr: South	♠ J 6 4 2		
Vul: EW	♥ 8 5 4		
	♦ J 7 6 2		
	♣ A 10		
	<i>Boris Baran</i>		<i>Mark Molson</i>
	♠ A 5 3		♠ K 9 8 7
	♥ 10 9 3 2		♥ Q J
	♦ A K 5 4		♦ Q 9 3
	♣ Q 9		♣ J 6 4 3
	<i>Linda Smith</i>		
	♠ Q 10		
	♥ A K 7 6		
	♦ 10 8		
	♣ K 8 7 5 2		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
			1NT <sup>(1)</sup>
Pass	2♣	Pass	2♥
Pass	Pass	Dbl	All Pass
(1) 10-13			

**The Facts:** After the opening lead of the ♦ A, 2♥ doubled went down 1, –100 for NS. With four tricks left to be played, West deliberating and on lead, East said, “Lead a card.” West led the ♠ A. The director was called at the end of play.

**The Ruling:** West’s remark was not deemed to have been “directive”. The table result was allowed to stand.

**The Appeal:** NS said that at trick ten West was unsure whether to play a diamond, necessary if South had started with ♠Kxx, ♥AKxx, ♦10x, ♣Kxxx, or the spade, necessary if South started with five clubs and no spade.

**The Decision:** All players attended the hearing. With West on lead at trick 10, he huddled for at least two minutes. East said, “Lead a

card,” followed by, “It doesn’t matter what you play.” West then led the ♠ A and another spade. At the time of the remark there were only a few minutes left in the round with another board to be played.

The committee determined that East knew at that point that West had to hold the ♠ A. East’s statement would have been accurate if either he or declarer held the spade King and the long club. That was not the case. With two red winners in dummy the quickest way to end the deal was for partner to play the ♠ A and a spade. Thus, the committee judged that East’s comment did subtly suggest the lead of a spade.

*(See deal on next page)*

Was there a logical alternative to the spade play? East’s play of his club spots earlier in the hand clearly showed that either the declarer had the long club, or that East was trying to tell his partner to play a spade. West had defended less than optimally at several instances during this deal, and had taken two minutes without leading to trick 10. A majority of the committee thought that for a comparable player in West’s state of mind (under time pressure) playing a diamond was a logical alternative to the winning spade play.

	♠ J 6	
	♥ 8	
	♦ J	
	♣ —	
♠ A 5 3		♠ K 9 8 7
♥ —		♥ —
♦ 5		♦ —
♣ —		♣ —
	♠ Q 10	
	♥ 7	
	♦ —	
	♣ 2	

Nevertheless, though a diamond lead was plausible, after the play of the ♣J at trick nine, it could not possibly be logical for West to lead a diamond. The committee assigned for NS the contract of 2♥ doubled, -100, and for EW 2♥ doubled -470.

**Committee:** Adam Wildavsky, Chairperson, Doug Doub, Scribe, Howard Weinstein, Danny Sprung and Ed Lazarus.

**Rigal:** Excellent committee ruling to stamp out such behavior at the table. The split ruling is exactly right also – it could be a poster-boy for this sort of adjustment.

**Goldsmith:** I don't buy the "subtle" inference. East's comment didn't say much about his hand, just about his state of mind. He was irritated that partner was taking forever so he basically just said, "do something." In a sense, no card mattered if West took another two minutes, because losing a board is expensive, too. East was not in any state of mind to be subtle. So, West's taking such an inference successfully is not realistic. There was no UI. Since there was no UI, there is no score adjustment. If the AC chose to give a disciplinary penalty to East for his outburst, that might be reasonable, but I'd judge not to.

**Gerard:** Words fail me, m'lud. I can't dignify this kind of failure of documentation with an extended commentary. Oh, I can guess what happened, involving West's mishandling of the trump suit, but why should I have to. I will say that it would seem off the chart to play East for ♠Q10x ♥QJ ♦Q9x ♣Jxxxx whether dealing with NS or EW.

**Wildavsky:** This was a close case. Suppose we grant that the UI demonstrably suggested the play chosen, and that the losing play was a logical alternative. At the time I thought both were the case, but certainly neither is clear. Even if both were clear I do not think we decided 100% correctly. The correct ruling depends on how one interprets Law 12C2.

“When the Director awards an assigned 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.”

This seemed clear for years, but then Howard Weinstein suggested that in a UI case the irregularity in question might be the action that provided UI rather than the action that failed to “carefully avoid taking any advantage” as required by law 73C. This has been discussed in prior casebooks, but I’ll add my two cents worth.

An action that provides UI may be an irregularity, but it is not an actionable irregularity. A player may hesitate, make faces, or speak out of turn, but the score will not be adjusted so long as his partner bends over backwards to avoid taking any advantage that may accrue. If we were to decide that we ought to adjust to a result that was likely or at all probable absent any UI we would have to allow actions that would be chosen by a majority of players even when logical alternatives were available. It makes no sense that law 12C2 should override the provisions of law 16A. We’d have to start allowing players to pull slow penalty doubles and all sorts of things that would destroy the integrity of the game.

For the “obligatory Kaplan quote” see [http://bridgeworld.com/default.asp?d=article\\_sampler&f=samed.html](http://bridgeworld.com/default.asp?d=article_sampler&f=samed.html)

This is a case I’ve cited before, where a player finds a dangerous and successful balance after his partner has hesitated. It cannot be right to allow players to bid in situations like this. Even adjusting for only the offenders would be harmful to the game. First it would give the non-offenders less reason to summon the TD, and we might not have the opportunity to adjust the score for the offenders. Second it would be unjust. As Michael Rosenberg has noted, why should we saddle the non-offenders with a worse result than they would have achieved opposite a player who fulfilled his Law 73C obligation?

**Staff:** Minus 470 for EW is quite a stretch. By its own admission, the Committee needed to find a “subtle inference” demonstrably suggesting the spade lead. Can a subtle inference demonstrably suggest? Then they forced West to lead a card “which could not possibly be logical.” This is too big a stretch. Table result should stand. Procedural penalty to EW for East’s comment which caused all the fuss.



## CASE FIVE

**Subject:** Tempo

**DIC:** Cukoff

NABC Open Pairs – 1<sup>st</sup> Qualifying

Bd: 16	<i>Alexander Allen</i>		
Dlr: West	♠ —		
Vul: EW	♥ A Q 9 8		
	♦ 9 5		
	♣ Q J 9 5 4 3 2		
	<i>Serge Aronovich</i>		<i>Marianne Aronovich</i>
	♠ A 10 7 6 3		♠ Q J 9 8 5 4
	♥ K 7 3 2		♥ 10 5 4
	♦ 10 6		♦ K 4
	♣ A K		♣ 10 7
	<i>Julie Rowe</i>		
	♠ K 2		
	♥ J 6		
	♦ A Q J 8 7 3 2		
	♣ 8 6		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
1 ♠	2 ♣	4 ♠	5 ♦
Dbl(1)	P	5 ♠	All Pass
(1) 4 – 5 second hesitation			

**The Facts:** Both sides agreed to a hesitation, though brief, prior to the double by West. The director was summoned immediately after the double. On the ♦9 opening lead, 5♠ was defeated three tricks, –300 EW.

**The Ruling:** The director determined that the break in tempo in conjunction with East's previous bid of 4♠ established UI for East, demonstrably suggesting that bidding 5♠ would be more successful than defending 5♦ doubled and that pass was a logical alternative. The contract was changed to 5♦ doubled, +550 NS.

**The Appeal:** EW were the only players to attend the

hearing. They contended that four to five seconds did not constitute a BIT for this type of auction.

**The Decision:** The committee had no information as to the length of the hesitation other than “brief”. Based on the director’s confirmation that the double was made after four to five seconds the committee determined that no break in tempo had occurred. The committee restored the table result, 5♠, –300.

**Committee:** Jeff Polisner, Chairperson, Lowell Andrews, Tom Peters, Darwin Afdahl and Gary Cohler.

**Rigal:** See case #2. I personally agree with the determination that this was not a BIT, but had the non-offenders been present we might have had a more contested view about the BIT. Well, we can’t stop non-offenders from not turning up, but it is obviously at their own risk, as cases of this sort show.

**Goldsmith:** There was a break in tempo. Why else did East bid 5♠ with a likely trump trick and no shortness? Against 5♦ doubled, however, a trump lead seems blatantly obvious. It may be possible to make 5♦ doubled after that, but

it's not real likely. Therefore, the 5 ♠ bid didn't damage NS and no adjustment is needed.

**Wildavsky:** I agree with the AC: four to five seconds ought to be the normal tempo in this auction. A faster call would make UI available. If it were close (I don't think it is) I would look at the hand of the player who is alleged to have shown that he had a problem. In fact there is nothing about the West hand to suggest that he thought double was unclear.

**Staff:** Did South pause 10 seconds after the 4 ♠ bid? If not, West's action might arguably be considered fast! If the director found four to five seconds as the time taken by West, no adjustment should have been considered.

## CASE SIX

**Subject:** Tempo

**DIC:** Cukoff

Silodor Open Pairs, 2<sup>nd</sup> Qualifying Session

Bd: 8	<i>Fred King</i>		
Dlr: West	♠ Q J 2		
Vul: None	♥ A J 9 5 4 2		
	♦ K 4		
	♣ 3 2		
<i>Chris Compton</i>		<i>Jim Mahaffey</i>	
♠ 8 7 6		♠ A K 9 5	
♥ —		♥ K 8 6 3	
♦ Q J 8 6 5 3		♦ 10 9	
♣ A K Q 4		♣ 10 9 8	
<i>Alan Kleist</i>			
	♠ 10 4 3		
	♥ Q 10 7		
	♦ A 7 2		
	♣ J 7 6 5		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
1 ♦	1 ♥	1 ♠	2 ♥
2 ♠	3 ♥	Pass <sup>(1)</sup>	Pass
3 ♠	Dbl	All Pass	
(1) BIT			

**The Facts:** The contract was 3♠ doubled +530 for EW. After the 3♥ call, East hesitated before passing. The director was called at the time of the 3♠ call. West agreed that his partner had hesitated prior to passing. West felt his call was ethical based on the probability that his partner most likely had a penalty double of 3♥.

**The Ruling:** East's hesitation created UI for West, Law 16A. The Director ruled that pass was an LA and the contract was changed to 3♥ by South, +50 for EW.

**The Appeal:** West agreed to a BIT by East but stated that passing 3♥ was not a consideration at matchpoints. He argued that had he passed, he would have been taking advantage of the UI because the BIT demonstrably suggested

defending. In fact, it was likely that East was considering a penalty double rather than further offensive action. Since West did not feel he could credibly double 3♥, (he referred to such an action as “cheating”), he took what he thought was contraindicated action by bidding rather than passing. Under the circumstances, he thought he had not violated Law 16 and no adjustment was appropriate. West stated that he expected East to hold five spades, although he later said that he recalled that that was not always the case.

**The Decision:** The committee felt that East's BIT suggested some form of extra values, not necessarily a pure penalty double. It did not agree that Pass was not an LA, since it could easily produce a plus score when 3♠ could not be made. That the form of scoring was matchpoints did not compel action rather than inaction because even at matchpoints plus scores are more desirable than minus scores. Given that the BIT suggested action over inaction, and that double would have been an illegal suggested alternative, the committee judged that 3♠ was demonstrably suggested by the BIT (especially if facing what was thought at the time to be a five-card spade suit) and that pass was an LA.

Therefore, for EW it disallowed the 3♠ bid and adjusted the result to 3♥,

down one. It analyzed NS's defense to 3♠ to determine whether it constituted failure to continue playing bridge, since the non-offenders had the opportunity to profit from the irregularity (defeating 3♠ rather than going down in 3♥). Although the defense had not been optimal – North had won the opening heart lead (declarer discarding from dummy) and plunked down the king of diamonds and a diamond – it was not deemed to be egregious since it might have been necessary to cash diamond tricks before they were discarded on clubs. In addition, the defense was very complicated and not subject to precise analysis. As a result, the committee agreed with the NS adjustment to 3♥, –50.

**Committee:** Ron Gerard, Chairperson, Bill Passell, Mark Bartusek, Aaron Silverstein and Marlene Passell

Dissenting opinion from Aaron Silverstein: With the current language of the Laws, I do not believe that the hesitation suggests anything. Looking at a heart void partner might very well be thinking of a penalty double with heart values, the most likely hand to make it wrong to bid on. If no alternative is demonstrably suggested, and extra values is only one of the hands that may be suggested, then there is no basis for an adjustment.

**Rigal:** At the time I felt little sympathy for EW. I've modified my position a little but I still felt that East's BIT pointed West towards some sort of action, and in a professional/client relationship, I believe the committee made a reasonable call.

**Goldsmith:** When given this hand in Reno, I thought the committee had lost their collective minds. Not only would I bid 3♠ without thinking there is an alternative, it's obvious from my hand that partner was thinking of doubling 3♥, so I am not constrained to pass 3♥; in fact, the UI that I have suggests passing over bidding, though only mildly. This was essentially West's argument and he was right.

**Gerard:** West thought the BIT suggested "Defend". We thought the BIT indicated "Do something." The specific something would depend on West's hand. Since double was out no matter what the BIT indicated, Pass was tainted if you agree with West, 3♠ if you agree with us. If you can't figure out what the BIT indicated, nothing is tainted. The one thing all the non-Wests of the world should be able to agree upon is that "Pass is not a consideration" was not a good place for the discussion to start.

**Wildavsky:** The TD ruling leaves out a step. To adjust the score he must also find that the UI demonstrably suggests the action taken. I'm not sure it does. This was a difficult case — I have great sympathy for West's contention that his 3♠ bid was required by Law 73C.

Far from constituting a "failure to play bridge" North's diamond switch was his best chance to defeat the contract. After three rounds of diamonds ruffed by North with a spade honor declarer must play very well to take nine tricks. On the lie of the cards the contract was makable on any defense.

**Staff:** Why not a player poll? Wouldn't most players of this caliber compete?

## CASE SEVEN

**Subject:** Tempo

**DIC:** Hubert

Silver Ribbon Pairs, 2<sup>nd</sup> Qualifying

Bd: 17	<i>Debbie Gailfus</i>		
Dir: North	♠ 9		
Vul: None	♥ K Q 5		
	♦ Q J 5 4 3		
	♣ J 8 7 6		
<i>Gail Bell</i>		<i>Gila Guttman</i>	
♠ A 10 8 6 5 4 2		♠ K Q J	
♥ 2		♥ A J 9 8 4 3	
♦ 9 8		♦ 10 7	
♣ K Q 4		♣ 10 2	
	<i>Alan Gailfus</i>		
	♠ 7 3		
	♥ 10 7 6		
	♦ A K 6 2		
	♣ A 9 5 3		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
	Pass	1♥	Pass
1♠	Dbl	Rdbl <sup>(1)</sup>	2♠
4♠	Pass <sup>(2)</sup>	Pass	4NT
5♠	All Pass		
(1) Support for ♠ s			
(2) BIT			

**The Facts:** After the 4♠ call, North hesitated prior to passing. The stop card was not used. The director was called after North's Pass of 4♠. 5♠ failed by one trick, -50 for EW.

**The Ruling:** North's BIT constituted UI, demonstrably suggesting action when pass was a logical alternative. The result was changed to 4♠, +420 for EW.

**The Appeal:** NS were the only players to appear. North contended that the BIT was no more than 20 seconds as she needed time to understand the auction, which to this point had been rapid. When she finally realized that South still had a call coming, she passed. South felt he had no alternative to bidding, given his strong holdings in both of partner's suits. He felt the pause was no more than 12 to 15 seconds. The appeal form indicated that EW estimated the

BIT at 30 seconds.

**The Decision:** Despite the peculiarities and speed of the auction the committee determined that North had paused considerably longer than necessary, creating UI from that BIT. The committee felt this BIT demonstrably suggested bidding. Pass was considered a logical alternative for South, although possibly a minority action. The committee upheld the director's ruling changing the score to 4♠ + 420 for both sides.

The appeal was found to have merit.

**Committee:** Bart Bramley, Chairperson, Steve Garner, Chris Willenken, Jon Wittes, and Ed Lazarus.

**Rigal:** The decision was clear here, the AWMW question less so. I wonder whether if this had been the Blue Ribbons rather than the Silver Ribbons if the view might not have been taken that passing was not an LA. I also feel that

looking at North's hand she was obviously simply out to lunch – which makes me feel more sympathetic towards South. Perhaps it should have been stated that West's 5♠ call was a reasonable action that in no way broke the chain.

**Goldsmith:** I'm surprised North didn't simply say, "I waited ten seconds for the skip bid and that's it." Certainly her hand doesn't suggest that she had a problem. But everyone knew she did have a problem, so there was UI, which the AC correctly diagnosed. What does the UI suggest?

I have no idea what sort of hand it should show. With any hand which would even vaguely consider acting here, North would have bid 2NT the first time, not double.

Upon reflection, I don't think the UI demonstrably suggested anything other than North probably didn't realize it was her turn to bid. Logically, she can't have a problem; she is incredibly unlikely to have any call other than pass. If the UI doesn't demonstrably suggest anything about North's hand, South is on his own. In fact, he was about to go for 500. Table result stands.

**Wildavsky:** I think West caused the problem in large part by her failure to use the Stop card. That said, I have no quarrel with the rulings.

## CASE EIGHT

**Subject:** Tempo

**DIC:** Hubert

Silver Ribbon Pairs, 1<sup>st</sup> Final

Bd: 12	<i>Raymond DePew</i>		
Dlr: West	♠ A Q		
Vul: NS	♥ A Q 10 6 4		
	♦ A 9 7 5 4		
	♣ 6		
<i>Barbara Sartorius</i>		<i>Larry Lerner</i>	
♠ 9		♠ 10 8 7 6 5	
♥ K 9 2		♥ J 7 3	
♦ Q 6 3		♦ J 8 2	
♣ A K J 8 7 3		♣ Q 4	
<i>Judith Argento</i>			
♠ K J 4 3 2			
♥ 8 5			
♦ K 10			
♣ 10 9 5 2			
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
1♣	2NT	Pass	3♦ <sup>(1)</sup>
Pass	3♥	All Pass	
(1) BIT			

**The Facts:** 3♥ made three, +140 for NS. The director was called at the end of play. EW felt that North's 3♥ call had been suggested by the slow tempo of partner's 3♦ bid.

**The Ruling:** The BIT did not demonstrably suggest one action over another. The table result was allowed to stand.

**The Appeal:** All four players attended the committee hearing. EW said that the tempo break (of undocumented length) may have influenced the 3♥ bid. Once play was over and EW realized that North didn't have great hearts, or six hearts, they called the director. They felt that North had several calls available with this hand: 3♠, 4♣, 4♦, and 3♥. North chose the call that was suggested by the BIT. NS stated that

they play good/bad 2NT, never medium. With the good hand they always bid again.

**The Decision:** The committee determined that the NS agreement, good/bad 2NT, was documented with their notes available to the committee. South's notes stating in part, "...either <11 or 14+, but never in-between." The committee felt that this agreement made bidding over 3♦ was a 100% action. As to what action, the committee felt that North was not aware of the possibility of bidding a black suit. Additionally, it was not clear that a slow 3♦ call implied equal length in the red suits (usually it would imply bidding more). Had the system notes been made available to the director and the appellants this appeal would have been judge to be without merit.

**Committee:** Larry Cohen, Chairperson, Judy Randel, Mike Passell, Ed Lazarus and Eddie Wold.

**Rigal:** Excellent TD ruling in a non-obvious position. This was a case where once the notes were made available at the meeting maybe EW might have been asked if they wanted to consider withdrawing their case – and if not they should have been in jeopardy of an AWMW.

**Goldsmith:** Personally, I think passing is a LA, but most players who play split range Unusual 2NT wouldn't, so I'll accept the AC's finding there. What does the hesitation suggest? In my experience, this particular hesitation strongly tends to suggest weakness, that no action is particularly palatable to advancer. That means that the hesitation only suggests passing over other LAs, not any distinction between them.

Having equal length in the two suits isn't a common reason for a difficult decision; usually it doesn't matter which suit is chosen in that case, so few players dither over that choice. Thus, the committee's ruling is pretty much on target, though they claim that advancer's hesitation probably suggested strength ("bidding more") which is the more common reason for a hesitation, though not in this auction, I believe.

**Wildavsky:** I disagree with the ruling and AC decision. By the numbers:

Was UI available? Yes.

Did it demonstrably suggest one action over another? Yes.

Can I demonstrate it? That's easy. A priori South is unlikely to have equal length in both red suits. A hesitation makes that much more likely, since with disparate lengths South would often have nothing to think about. If South holds equal length in both red suits then 3♥ is likely the best call, since it shows extra values without increasing the level. Many players would bid 3♠ with the North hand, and in fact with careful play 4♠ can be made on the lie of the cards. That said, we would not credit North with such careful play when adjusting the score.

Of the likely results absent the illegal 3♥ bid, which is the most favorable for EW? +100 against some four level contract.

Of the at all probable results absent the illegal 3♥ bid, which is the most unfavorable for NS? I'd say the same, -100, though I would not quarrel with -200 for 4♠ doubled down one.

**Staff:** Were the system notes not available during screening? This appeal should have been avoided.



## CASE NINE

**Subject:** Tempo

**DIC:** Hubert

Silver Ribbon Pairs, 1<sup>st</sup> Final

Bd: 22	<i>Sam Wilson</i>		
Dlr: East	♠ 10		
Vul: EW	♥ K 10 9 8 3 2		
	♦ J 10 5 2		
	♣ 5 2		
	<i>Harry Ross</i>	<i>Suzi Ross</i>	
	♠ A J 7 6	♠ 9 8 5 4 2	
	♥ J 6 5 4	♥ Q 7	
	♦ 7	♦ Q 8 6 3	
	♣ A Q 6 4	♣ 10 9	
	<i>John Jeffrey</i>		
	♠ K Q 3		
	♥ A		
	♦ A K 9 4		
	♣ K J 8 7 3		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
Pass	2♥ <sup>(1)</sup>	Pass	1♣
Dbl	P	2♠	Pass <sup>(2)</sup>
Pass	3♦	Pass	Pass
3♠	Pass	Pass	4♦
All Pass			
(1) Alerted, weak (2) BIT			

**The Facts:** 4♦ was down 1, +50 for EW. The director was called at South's third call. South estimated that he hesitated eight seconds after the 2♠ call, EW estimated the hesitation at one minute. At the conclusion of play EW called the director back to the table.

**The Ruling:** Based on Laws 16 and 73 the staff ruled that pass was an LA. The contract was changed to 2♠ EW, +110.

**The Appeal:** NS appealed. They maintained that North is an aggressive player and selling out to 2♠ isn't a winning matchpoint strategy. The 2♥ bid could have been much lighter.

**Statements by the other side:** EW didn't attend.

**The Decision:** The BIT was not in dispute. Did a slow pass suggest one action over another? Typically (and certainly on this auction) it isn't likely that the slow passer was

considering a penalty double. It's also unlikely South was considering 3♣ since he didn't bid it over 2♥ on the previous round. Therefore, it is likely he was considering competing to 3♥.

For a group of North's peers (6000 masterpoints), the committee felt that 30% of them would pass. Passing follows the rule of "once you've preempted, don't bid again." Perhaps North should hope EW are cold for a spade game. Once South huddles, that is less likely and makes bidding more attractive.

Two committee members knew the North player and said he is very aggressive and he was likely not to pass. Still, the committee considered that the LA by his peers was the standard to apply.

Since it was close, the committee thought the appeal clearly had merit.

The play in 2♠ was analyzed, but the committee didn't think it at all likely that nine tricks would be made so they upheld the director's ruling of 110 to EW.

**Committee:** Larry Cohen, Chairperson, Judy Randel, Mike Passell, Bill Passell and Eddie Wold.

**Rigal:** Far closer to an AWMW than to anything else. If your hand is worth a second call then don't make the weak jump shift in the first place. It is far from clear to me that NS are not due -140. On the ♥A lead and a top trump shift, the defense might let a trick get away.

**Goldsmith:** Right ruling. Not so right about failing to give the AWMW, however. I don't think the decision is at all close. There's no way that South took only eight seconds. That's normal tempo for him.

**Wildavsky:** I see no merit in this appeal.

**Staff:** Sorry. This one is not nearly as close as the committee would have us believe. Did the UI demonstrably suggest bidding on? Of course it did. Was pass an LA? You bet. Sometimes opponents do miss games, especially when your side opens the bidding and takes up space. An AWMW should have been issued.

## CASE TEN

**Subject:** MI

**DIC:** Cukoff

NABC Mixed Pairs, 1<sup>st</sup> Qualifying

Bd: 32	<i>Vicki Laycock</i>		
Vul: EW	♠ 9 2		
Dr: West	♥ 10 6 5		
	♦ Q 10 8 4		
	♣ J 7 6 3		
<i>Doris McGinley</i>		<i>William Epperson</i>	
♠ K J 8			♠ A Q 7 6 5
♥ J 4 2			♥ A K 7
♦ J 9 7 5			♦ A K
♣ 10 9 8			♣ A Q 4
<i>Don Laycock</i>			
♠ 10 4 3			
♥ Q 9 8 3			
♦ 6 3 2			
♣ K 5 2			
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
Pass	Pass	3N <sup>(1)</sup>	Pass
4♣	Pass	4N	All Pass
(1) Alerted and explained as gambling			

**The Facts:** 3NT was alerted as gambling though the actual agreement was 25 – 27 HCPs with a balanced hand. This partnership had no assigned conventional agreement to the 4♣ call. The Director was called after the 4NT bid was made. East took 12 tricks in 4NT, plus 690 for EW after the lead of the ♥3.

**The Ruling:** The alert and explanation were UI for East. The staff determined that 4NT was demonstrably suggested by this UI. The contract was changed to 4♠ making five for +650 EW.

**The Appeal:** NS made the point that there were several continuations after 4♣, and

that 4NT was not the only option. East felt that 4NT was the only logical call over 4♣. East was clear, and was supported by external evidence, that 4♣ was neither Stayman nor Gerber. EW play no conventional calls after 3NT openings or overcalls.

**The Decision:** The committee considered, in the absence of any other agreement, that 4♣ would be natural and forcing. East would treat his hand as superb for play in clubs, certainly not stopping short of slam. Since East had taken advantage of the UI and there were alternatives to a 4NT call the committee had to award an adjusted score.

For EW, the adjusted score would be the most unfavorable score that was at all likely and for NS the most favorable score that was at all probable. The committee considered several assigned scores. After some discussion 6NT, –100 EW was assigned to both sides. It was because it was considered that South would not have led a heart against 6NT that the score was adjusted the way it was.

Additionally the committee assessed a one-fourth board procedural penalty against East for having taken advantage of the UI and assessed an AWMW.

**Committee:** Barry Rigal, Chairperson, Bill Passell, Jerry Gaer, Darwin Afdahl and Jeff Goldsmith.

**Rigal:** I love this committee ruling as much as I hate the TD ruling (though to be fair this seems more a sin of omission than commission on their part). Still, you would have hoped someone might have spotted the point. Most of the discussion revolved around whether EW should get -200 or worse.

**Goldsmith:** We were generous. 6♣ down three was, in my opinion, at least at all probable; I wanted to award NS 6NT down one and EW 6♣ down three. When it was pointed out that there wasn't a significant difference between those scores, I went along with the rest of the AC.

**Gerard:** I would have opted for 6♣, -200. +650 doesn't seem to be a possible ruling, based on EW's methods.

**Wildavsky:** A very fine decision. Kudos to the AC.

**Staff:** Was it, in fact, EW who appealed? (Editor's note: yes it was EW who appealed.) If I had been NS, I would have appealed -650. Either the write-up is in error, or the committee misread Law 12.C.2. For the offenders, it's the most unfavorable result that was at all probable. For the non-offenders, it's the most favorable result that was likely. I wish the committee had included the projected auction to 6NT in its decision. If EW made 12 tricks at the table, how could the Committee be sure 6NT would go down. Just how did the actual defense go anyway?

## CASE ELEVEN

**Subject:** MI

**DIC:** Cukoff

NABC Mixed Pairs, 2nd Qualifying

Bd: 27	<i>Bill Passell</i>		
Vul: None	♠ 8 7 5 2		
Dlr: South	♥ K 10 8 ♦ Q 9 8 ♣ J 4 2		
<i>Judy Randel</i>		<i>Bruce Cobb</i>	
♠ —		♠ K 10 6 4 3	
♥ Q J 9 5 4		♥ A 6 3	
♦ A K J 10 5 2		♦ 7 6 4	
♣ A Q		♣ 8 5	
<i>Karen Allison</i>			
♠ A Q J 9			
♥ 7 2			
♦ 3			
♣ K 10 9 7 6 3			
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
			1 ♣
2NT <sup>(1)</sup>	Pass	3 ♠	Pass
5 ♦	Dbl	All Pass	
(1) 2NT explained as top and bottom – actual agreement was hearts and diamonds			

**The Facts:** 5 ♦ doubled made five for +550 for EW. The opening lead was the ♣2. The director was called after the dummy came down. South had inquired about the 2NT call right after the 3 ♠ bid and was told “top and bottom.” The actual agreement was two lowest, diamonds and hearts in this case. West had never corrected the incorrect explanation.

When the director individually polled North, then South, away from the table to determine what actions they might have done differently, North said “nothing.” South stated that she would have doubled 3 ♠.

After the play was over, North claimed that if his partner had doubled 3 ♠, he would not have doubled 5 ♦ since South’s defensive tricks would have been devalued due to his spade length. The director ruled that MI had been

given, and under Law 40C he removed the final double. Thus, the score was changed to 5 ♦ making five for +400 for NS.

**The Ruling:** NS had been given misinformation and it was too late to adjust the call (Law 21(3)) at the point it was corrected. Law 40(C) led the director to adjust the score as per 12C2. The Directors determined that the contract for both sides would be 5 ♦ undoubled, since South had been influenced by the misinformation. The score changed to 5 ♦, +400.

**The Appeal:** EW appealed the director’s ruling. North initially did not attend the hearing but showed up later near the end of the questioning. EW claimed that North knew what was happening at the table and would still have doubled with his defensive assets. Even if South had doubled 3 ♠, North would still have doubled 5 ♦.

South claimed that their partnership opens light with shapely hands and that she

would clearly double 3♠ if given the correct information about the 2NT bid (but it was clearly dangerous to double if West indeed had spades). North could then visualize South's shapely black suit hand and avoid doubling the final contract. There was also some disagreement over when the director was initially called. EW claimed it was after the auction was over, while NS claimed it was after the opening lead and when dummy was known.

**The Decision:** The committee had eventually questioned North and determined that he had strongly suspected what was happening prior to making the opening lead. Thus, the timing of the director call and the impact of the MI upon North's opening lead was deemed irrelevant to the case. The committee determined that MI had indeed been given and that it had adversely affected South's bidding. South would very likely have doubled 3♠ given the proper information.

Thereafter, the discussion centered upon the table director's failure to address West's jump to 5♦ in light of the presence of the UI. East's attempt to play 3♠ would seem to imply some hand pattern of the order of 7=2=1=3 which would seriously impact the playing strength of West's hand. The committee believed that UI demonstrably suggested that East's hand was more balanced and supportive of a red suit contract. Thus, a 4♦ bid would be much more appropriate than a 5♦ bid. Therefore, East would very likely cuebid the heart Ace resulting in a final contract of either 4♥ or 5♦.

Since both contracts would make, EW were given the score for 5♦ making five, +400. The committee also believed that North would not double the final 5♦ contract if South had doubled 3♠. Thus, NS were given the reciprocal score.

EW were given an AWMW for bringing a case deemed to be without merit. Finally, West was awarded a one-quarter board PP for the 5♦ bid in the presence of the UI.

**Committee:** Mark Bartusek, Chairperson, Ellen Melson, Bob Schwartz, Tom Peters and Ed Lazarus.

**Rigal:** I do not agree that NS would be less likely to double 5♦, but I can see where the committee was coming from. The procedural penalty is entirely appropriate and to my mind we need more not less of them.

**Goldsmith:** The NS argument is total baloney. If I were South and I knew that LHO had the reds and the opponents were considering playing in the only spot I can beat, it wouldn't occur to me to double. I suspect South didn't think the problem through when taken away from the table. It's just natural to say you'd do something different when asked, if there's any reasonable different thing to do, because you feel as if you are likely being robbed where you are now. That's not rational thinking, but it's natural. And generally to the non-offending side's advantage.

I think the committee was generous about the score adjustment, but was right on with the PP and AWMW. I think it's surely at least at all probable that EW

would end up in spades sans UI. It's not ridiculous for West to pass 3♠ (what if partner has ♠Q J109xxx ♥xx ♦x ♣xxx?), though most would bid 4♦. After 4♦, what should East do? Partner says she has a good 6-5, say something like ♠AQxxx ♥Kx ♦AKJ10xx ♣—. 4♠ isn't enough; he'll cue 4♥ and there they'll lie. Is it at all probable that West would pass 3♠? I think so. E/W -300 in 3♠. Is it likely? No. If West bids, I don't see getting anywhere but 4♥. So N/S get -450 and North won't double that.

**Gerard:** If East bid only 3♠ opposite a top-and-bottom 2NT, he would not cuebid the ♥A over 4♦. Therefore the E/W score should have been adjusted to 4♠, -150. That's not likely enough for NS, so they remain with -400.

**Wildavsky:** Another thorough job by the AC.

It seems likely that the TD would have considered the UI. The write-up ought to say whether or not the TD addressed the UI aspect of the case, and if so what reasoning he used to adjust to 5♦.

**Staff:** For what technical reason did the committee believe North would not have doubled 5♦ if South had doubled 3♠? I bet a blind poll of North's peers would have resulted in a unanimous vote for double, especially if the pollees knew about the explanation, which just had to be bogus. West should have been hit with a PP by the table director for her 5♦ bid, but NS were advantaged by it, since otherwise EW would have stumbled to 4♥. Table result stands. PP to EW. Forget the AWMW.

## CASE TWELVE

**Subject:** Tempo

**DIC:** Cukoff

NABC Mixed Pairs, 2nd Qualifying

Bd: 17	<i>June Pcock</i>		
Dir: North	♠ 10 7 3 2		
Vul: None	♥ 9 8		
	♦ A 10 9 8 7 2		
	♣ 3		
<i>Reha Gur</i>		<i>Muffie Gur</i>	
♠ K 6 5		♠ 9 4	
♥ 3 2		♥ K Q J 5	
♦ K Q J 5		♦ 4 3	
♣ 9 6 4 2		♣ A K Q 10 5	
	<i>Michael Yuen</i>		
	♠ A Q J 8		
	♥ A 10 7 6 4		
	♦ 6		
	♣ J 8 7		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
	Pass	1 ♣	1 ♥
2 ♣	Pass	Pass	Dbl
2 ♦	Dbl	3 ♣	Pass
Pass	3 ♦	Pass	Pass
Dbl	3 ♥ <sup>(1)</sup>	Dbl	3 ♠
Pass	Pass	Dbl	All Pass
(1) BIT of 90 seconds – agreed			

**The Facts:** The director was called after the 3♠ bid. There was a 90-second hesitation before the 3♥ bid agreed to by all parties. The opening lead was the ♦Q and the result was down one for +100 for EW.

**The Ruling:** The director ruled that the result stood. The auction tells partner of doubleton heart.

**The Appeal:** North reproduced South's reasoning for his 3♠ call. South had heard an auction with North having at most two clubs, at most six diamonds and clearly no more than two hearts. Thus, he probably had four spades.

The tempo break only implied doubt about whether to leave in 3♦, not what to remove it to.

**The Decision:** The committee agreed that no UI was conveyed by a slow 3♥ bid. Although the

hesitation implied doubt, it was not clear that North was not considering playing 3♦, a contract that only goes down because partner is unnaturally short of diamonds.

Thus, since a slow 3♥ bid did not demonstrably suggest spades, South was free to do what he wanted and the result stands.

The appeal was deemed with merit by a majority.

**Committee:** Barry Rigal, Chairperson, Jeff Goldsmith, Jerry Gaer, Darwin Afdahl and Bill Passell.

**Rigal:** The discussion here took quite some while but it was nonetheless close to an AWMW. The lack of 'demonstrable suggestion' of the slow 3♥ call was in context obvious (note that had South delivered anything like a normal double



of 2♣, 3♦ would have been cold, so passing was clearly an option here). Had South been present we would have been happier at assigning our bridge logic to him.

**Goldsmith:** Right. The only real problem is the AWMW. Players are expected to file appeals reasonably quickly; there isn't a whole lot of time to figure out details of subtle auctions. AWMWs go to obvious cases, cases where we definitely do not want to see an appeal. This one was tricky, so no AWMW.

**Gerard:** There is no such thing as an appeal deemed with merit by a majority. If it's a non-insane minority of one, it's still deemed with merit.

**Wildavsky:** Good work all around.

## CASE THIRTEEN

**Subject:** Tempo

**DIC:** Cukoff

NABC Mixed Pairs, Second Qualifying

Bd: 14	<i>Bill Epperson</i>		
Dlr: East	♠ A 10 8 7 5 2		
Vul: None	♥ 10 8 6		
	♦ —		
	♣ Q 8 6 3		
	<i>Carol Rynders</i>		<i>Dan Kasture</i>
	♠ K J		♠ 9
	♥ Q 5 3		♥ A K 9 2
	♦ A K J 9 8		♦ 5 3 2
	♣ 5 4 2		♣ A K J 9 7
	<i>Doris McGinley</i>		
	♠ Q 6 4 3		
	♥ J 7 4		
	♦ Q 10 7 6 4		
	♣ 10		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
1 ♦	2 ♠	1 ♣	Pass
Pass <sup>(2)</sup>	Pass	Pass	4 ♠ <sup>(1)</sup>
All Pass		5 ♦	Dbl
(1) stop card not used			
(2) BIT			

**The Facts:** The final contract was 5♦ doubled by West making five for a score of -550. The opening lead was the ♠A. The director was called after the 5♦ bid by East. As noted, the stop card was not used. The BIT was 10 to 15 seconds agreed at the table at the time of the call.

**The Ruling:** Law 16A2 and 12C2. The texture of West's hand suggests that the break in tempo was "just enough" to suggest values and that clearly made action over inaction more likely to succeed than a pass. The ruling given was not noted on the appeals form, but presumably 4♠ undoubled down two (or three) rather than the table result of +550 to EW.

### Statements from the Screening

**Director:** At the table, NS had called the director after the 5♦ bid and claimed that West had taken 10 to 15 seconds before passing 4♠. EW agreed that there had been a

noticeable pause before West passed. During screening, the director used a watch to get a better estimate of the time that it took West to pass. EW were both sure that it took nowhere close to 15 seconds. They thought that the elapsed time before West's pass was about eight to ten seconds.

Additionally the committee found that this was the first day that EW had ever played together. As already noted, South did not use a stop card before bidding 4♠.

**The Appeal:** West did not like passing 4♠, but it sounded as if the opponents had a lot of shape, and her spades were badly placed. She did not have enough length in either minor to justify a 5♣ or 5♦ bid.

East had a good hand and was short in the opponent's suit. On hands of less than game going strength, his partner would have bypassed diamonds to bid a four-card major if she had one, so he thought there was a reasonable chance of finding her with long diamonds.

NS were not present at the appeal.

**The Decision:** The committee accepted the screening Director's finding of an eight to ten second pause before West's pass as fact. If you are at the table waiting for someone to bid, a pause of eight to ten seconds probably does seem like 10-15 seconds to most players. Since a pause of eight to ten seconds over a skip bid does not constitute a break in tempo, East was free to bid as he judged best. The table result of 5 ♦ doubled making five was allowed to stand.

Additionally, the committee thought that when a close call as to whether or not a break in tempo occurred, there should be a slight tendency to rule against the side that failed to use the stop card. Had South used a stop card, West could have anticipated the 4 ♠ bid, collected her thoughts, and had a couple of extra seconds to decide on her action while the 4 ♠ bid was being made.

The committee made a point to make clear to EW the importance of pausing over a skip bid, whether or not a stop card is used and whether or not the player to bid has a problem. By doing so consistently, you give yourself the extra time you need to think when you really do have a problem, without passing an UI to your partner.

The appeal was judged to have merit.

**Committee:** Doug Doub, Chairperson, Michael Huston and John Lusky.

**Rigal:** The asides regarding the failure to use the stop card are absolutely in point – I'd like them enshrined as proper procedure. Whether or not the committee made the right decision their logic was more than reasonable.

**Goldsmith:** Why was this judged to have merit? I don't believe much testimony about exact lengths of time of hesitations; it's obvious to everyone that West had a problem. In fact, she did have a problem. East didn't have a problem. How can he bid 5 ♦ now if he couldn't bid 3 ♦ the last round? Because he had UI which clearly suggested that passing 4 ♠ was wrong.

The contract has to be returned to 4 ♠ undoubled and either down two or down three is likely. Therefore down two is given to each side for +100 and -100.

**Wildavsky:** The ruling is unsatisfactory. It claims that "The BIT was 10 to 15 seconds agreed at the table" but that obscures precisely what we need to know. Ten seconds would not be a BIT at all – a faster pass would in fact be a break in tempo, since a ten second pause is mandatory. The TD, who apparently found that there was a break in tempo, must tell us why. In cases where there is any doubt, the TD would do well to ask each player to duplicate the hesitation, as the screening director did. The TD has a better chance of learning the actual tempo, since he's called while the events are still fresh in the players' minds.

West sounds as though she's saying "Certainly I hesitated – look at the problem I had!" I would have no trouble believing that "normal" tempo for this West is two

to three seconds, and that 10 seconds did in fact constitute a break in tempo for her.

In the end I have no quarrel with the AC decision or with their justification. If the TD had done a more complete job, though, the appeal could have gone the other way and might have been judged to lack merit.

## CASE FOURTEEN

**Subject:** Tempo

**DIC:** Cukoff

NABC Mixed Pairs, 2nd Qualifying

Bd: 3	<i>Jane Segal</i>		
Dlr: South	♠ 6 3		
Vul: EW	♥ J 10 8 2		
	♦ 4		
	♣ K J 8 6 5 4		
	<i>Judith Weisman</i>		<i>John Solodar</i>
	♠ K J 9 8 2		♠ A Q 4
	♥ K 9 7 4		♥ A Q
	♦ A J 6 2		♦ K Q 9 8
	♣ —		♣ Q 9 7 3
	<i>Richard Morgen</i>		
	♠ 10 7 5		
	♥ 6 5 3		
	♦ 10 7 5 3		
	♣ A 10 2		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
1 ♠	Pass	2 ♦	Pass
3 ♦	Pass	3 ♠	Pass
4 ♣	Dbl	Pass	Pass
4 ♠	Pass	4NT	Pass
5 ♥ <sup>(1)</sup>	Pass	5 ♠ <sup>(2)</sup>	Pass
6 ♠	All Pass		
(1) 2 keycards without the Queen			
(2) 10-30 BIT			

**The Facts:** 6 ♠ by West made seven after the lead of the ♥J for a score of 1460. The director was called after the 6 ♠ bid. The 5 ♥ bid had shown two key cards without the trump queen. The BIT was agreed by everyone and later estimated to be between 20 and 30 seconds. NS believed that the BIT had encouraged West to bid on.

**The Ruling:** The director ruled 5 ♠ making seven. Law 16A2 and Law 12C2. West had shown a club control and two key cards. There isn't anything more that East could need to bid the slam himself after partner has opened the bidding. West has given proper description of her hand (although she might have redoubled 4 ♣) and cannot continue since pass is an LA after partner signs off (♠Q may be critical).

**The Appeal:** EW appealed the director's ruling. They claimed that normally West would have no option other than pass unless she had undisclosed values. Such

values which might allow her to continue on to six could include either an additional key card after an erroneous 5 ♥ call or an undisclosed void. NS maintained that the BIT implied the trump queen, extra values, and sufficient key cards to permit a slam.

**The Decision:** The committee determined that EW were an occasional partnership for the past five to seven years who did not have any systemic agreements to show a void over the 4NT bid. The 3 ♦ bid did not guarantee extra values and the 4 ♣ bid showed specifically first round control. Both sides agreed that the BIT was almost 30 seconds. The committee decided that West had fairly described her hand and had no reason to bid on over partner's 5 ♠ bid. Thus, the contract was rolled back to 5 ♠ making seven for both sides.

Additionally, an experienced player such as East should have realized that he could not win this case and therefore, an AWMW was awarded to EW (although the Chairperson believed this to be a close decision).

**Committee:** Mark Bartusek, Chairperson, Tom Peters, Ellen Melson, Ed Lazarus and Bob Schwartz.

**Rigal:** I agree with both the TD and committee, reluctantly. Even the AWMW seems right. I think East must have simply lost focus in a situation where in a more rational moment he might have appreciated the weakness of his case.

**Goldsmith:** Right. AWMW justified. A PP for bidding 6♠ would have been reasonable but borderline.

**Gerard:** The Chairperson is wrong, this is not close. EW were wrong about West's ability to continue. If West discovered an extra keycard after East's BIT, my view and I think prevailing opinion is that the extra time is UI and she is not entitled to find it. See Vancouver Case 2, Cincinnati Case 3 and Washington Case 11. And West didn't have an undisclosed void anyway. With everything else, playing professionally involves certain educational responsibilities. Pursuing an appeal like this fails to live up to that standard.

**Wildavsky:** I agree that there was no merit. I do not agree that it was close. I am surprised that EW chose to appeal.

**Staff:** This was an automatic AWMW. Why did the Chairman think this was a close decision?

## CASE FIFTEEN

**Subject:** Tempo, UI

**DIC:** Cokoff

NABC Mixed Pairs, 2nd Qualifying

Bd: 6	<i>Marc Nathan</i>		
Dlr: East	♠ 8 5		
Vul: EW	♥ 8		
	♦ K J 9 8 7		
	♣ A 5 4 3 2		
	<i>Kamla Chawla</i>		<i>Simon Kantor</i>
	♠ —		♠ A 6 4
	♥ Q 10 9 7 6 5 4 2		♥ A J
	♦ 10 6		♦ Q 5 4 3 2
	♣ Q J 8		♣ K 9 6
		<i>Cathy Nathan</i>	
		♠ K Q J 10 9 7 3 2	
		♥ K 3	
		♦ A	
		♣ 10 7	
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
		1 ♦	4 ♠
5 ♥	Pass <sup>(1)</sup>	Pass	5 ♠
Pass	Pass	Dbl	All Pass
(1) BIT			

**The Facts:** 5♠ doubled made five for +650. The opening lead was the diamond 10. East called the director at his third turn to call. The director was called back at the end of the hand. There was a hesitation by North over 5♥. A 20-second hesitation was agreed on at the time.

**The Ruling:** The director ruled 5♥ by West down 1 for +100. South did not have a 5♠ call opposite the hesitation (Law 16 unauthorized information).

**The Appeal:** NS appealed. South said that she would always bid 5♠ over 5♥. She stated she had a powerful suit and could not possibly be set more than the value of the opponent's game. She was annoyed because she claimed that a director told her that she was barred from

bidding further after the hesitation. Additionally, EW could have gone plus if West had found the winning club lead.

East thought that the South hand had enough defensive potential that it was not automatic for South to save in 5♠. It was pretty clear that North was thinking about bidding 5♠ and that made it more attractive for South to bid 5♠.

Other important facts that were discovered: South had used the stop card before bidding 4♠ and West had waited 10 seconds before bidding 5♥. It was likely that a director had told South that she was barred from bidding 5♠ with the hand that she held. North that he might not have hesitated for 20 seconds but it was at least 15.

**The Decision:** North clearly broke tempo over 5♥. During the 10-second skip bid pause, the only bid by West that could give North a problem was 5♥ so North had plenty of time to make up his mind what to do without passing UI to his partner.

What did North's hesitation suggest? He was thinking about raising spades

(South's hand was too strong defensively for North to have been considering a double). A hand that contained no tricks would pass since the opponents would either double 5♠ for 800 or bid on to a successful slam. (The 4♠ bidder would be assumed to have seven offensive tricks and one defensive trick.) With one trick, North would be inclined to raise to 5♠, expecting it to cost less than the value of the opponent's game, but could hope to set the opponents at the six level. With one and a half to two tricks, North would be in between bidding as a save and passing, hoping for a set.

South had a much better than average 4♠ bid, both offensively and defensively. However, double is not attractive, both because of the questionable value of the heart King, and because the hand lacked the ♠A. The choice is between pass and 5♠.

Without the hesitation, pass would be a logical alternative to bidding 5♠. Partner might have one or no spades, so South could take a spade trick on defense, while 4♠ was going down. Further, it would not be surprising if many other EW pairs defended 4♠. If a significant number of other pairs are allowed to play 4♠, going down, then South would automatically lost to these players by bidding 5♠. On the other hand, she has a chance to beat those pairs by passing if 5♥ can be defeated.

When North hesitates before passing, South knows he can be counted on for at least a couple of spades and a trick or two. Thus, 4♠ was very likely making, and South will automatically lose to those allowed to play 4♠ if she passes. Therefore, the hesitation demonstrably suggests that pass is a losing action by South and that 5♠ is more than likely to be successful. Since pass is a logical alternative to the suggested 5♠ bid, the contract was changed to 5♥, down one on a spade lead.

It is quite possible that most other players of South's experience and ability would automatically bid 5♠ without considering the hand's defensive potential or likely contracts at the other tables. Nevertheless, in a national event players are expected to be at least close to the standard of the event when considering logical alternatives.

The appeal was found to have substantial merit.

**Committee:** Doug Doub, Chairperson, Michael Huston and John Lusky.

**Rigal:** Once North has hung his partner, the ruling has to be made the way it was. Yes, many would act again with the South cards, but pass is an LA.

**Goldsmith:** "Substantial merit?" That's a new definition of "substantial" for me. "Zero" is closer. NS made four statements in their appeal. The first, third, and fourth are irrelevant. The second was mistaken and misses the point that 5♥ isn't necessarily making. None of them are even vaguely reasonable arguments. "I'm annoyed" is about the lamest excuse for an appeal I can think of. The AC let them get away with this?



**Gerard:** Too many trees. All that analysis is too precise, since pairs don't have those kind of narrow mathematical agreements. And double is clearly an alternative, what with South's uber maximum and potential for anywhere from one to three defensive tricks. In fact, to an expert there is no such auction as 4♠ and 5♠ — with weakness you pass, with extras you double. However, double was not the standard of this player, her peers or the event (sorry about that). Absent a double, pass was clearly an LA so I'm on the same page as the Committee. I just got there a lot quicker and more directly.

**Wildavsky:** I agree with the TD and AC decisions. I do not see any merit in the appeal.

**Staff:** It's tough to tell a player with that South hand she must pass 5♥. White vs. red no less. I'm not sure that pass is actually an LA for players at the table. This case really cries for a blind poll of players. A Regional Panel might have been better suited for this hand. I agree with the committee that pass is an LA. I just have a very queasy feeling about the likelihood of actually passing at the table.

## CASE SIXTEEN

**Subject:** Tempo

**DIC:** Cukoff

NABC Mixed Pairs – 1<sup>st</sup> Final

Bd: 26 Dr: East Vul: Both	<i>Daniel Friedman</i> ♠ A Q 2 ♥ Q 3 ♦ A J 5 3 2 ♣ 5 4 3	<i>Jeff Hand</i> ♠ 8 7 ♥ J 7 6 4 ♦ Q 10 6 4 ♣ Q 8 2	<i>Gail Greenberg</i> ♠ K J 6 4 3 ♥ A 8 ♦ K 9 ♣ A K 7 6
	<i>Linda Friedman</i> ♠ 10 9 5 ♥ K 10 9 5 2 ♦ 8 7 ♣ J 10 9		
<i>West</i>  1 ♠ Dbl Pass <sup>(1)</sup>	<i>North</i>  2 ♦ Pass Pass	<i>East</i>  Pass Pass Pass Dbl	<i>South</i>  Pass Pass 2 ♥ All Pass
(1) BIT			

**The Facts:** The final contract was 2♥ doubled down one for a score of -200 for EW. The opening lead was the heart ace. The director was called during the auction. Both sides agreed on a slow pass as indicated. NS said 25 seconds, EW said 15 seconds.

**The Ruling:** The director removed the double citing Law 16 logical alternative and giving EW a score of +100.

**The Appeal:** The appealing side felt that doubling 2♥ was automatic. They stated they had them on the run, so they had to punish them. Also, the doubler either has three plus hearts or substantial extra values, so 2♥ should be going down. They stated, also, that they needed a top to win, so it was a good time to take a shot.

**The Decision:** The hesitation was agreed. All felt that the UI from the BIT suggested doubling over passing. We all would have passed, oddly, for several different reasons. For example, one felt they would run somewhere. Another thought 2♦ doubled was making, so getting to play anything undoubled was an improvement. The infraction led directly to the NS's bad result so the score must be adjusted. The only other result even slightly probable was 2♥ down one undoubled so that was awarded to each side.

All members of the committee felt that doubling was attractive enough that may players might see no alternative, so they judged that the appeal just barely had enough merit to not award an AWMW.

**Committee:** Jeffrey Goldsmith, Chairperson, Tom Peters, Bob Schwartz, Howard Weinstein and Chris Willenken.

**Rigal:** Some sympathy for EW – the arguments made about the extra values being marked here are indeed reasonable. But given how little East has in high-cards for his penalty pass one can hardly deny that passing 2♥ is an LA.

**Goldsmith:** Nothing more to add.

**Gerard:** Please do not tell me what you all would have done. This East player didn't think 2♦ was making, so his peers didn't think they should play anything undoubled. Did any of you really think that 2♥ was making, with South's hearts limited by his original pass? As for running, where? What were they going to use for tricks in 2NT or 3♣? I suspect Intelligence Transfer — failure to recognize that East and his ilk were into red meat. Plus that North hand is what certain players overcall with these days — maybe the first board of the round gave some indication of that. And it could easily enough be determined on what round this hand occurred and the status of EW's score at that point. You all may have passed, but to the players that you were supposed to be taking into consideration pass was not an LA.

**Wildavsky:** Good work all around.

## CASE SEVENTEEN

**Subject:** Tempo

**DIC:** Cukoff

NABC Mixed Pairs, 2nd Final

Bd: 12	<i>Carolyn Sullivan</i>		
Dlr: West	♠ J 4		
Vul: NS	♥ A K Q 3		
	♦ A 10 8 4 2		
	♣ 9 6		
	<i>Marcia Masterson</i>	<i>Godfrey Chang</i>	
	♠ A 8 5 3 2	♠ K 10 9 7 6	
	♥ J 9 6 5 2	♥ T 7	
	♦ Q 9	♦ 7	
	♣ 3	♣ K J 7 4 2	
	<i>James Sullivan</i>		
	♠ Q		
	♥ 8 4		
	♦ K J 6 5 3		
	♣ A Q 10 8 5		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
Pass	1 ♦	1 ♠	2 ♦
4 ♠	Dbl <sup>(1)</sup>	Pass	5 ♦
All Pass			
(1) BIT			

**The Facts:** The final contract was 5 ♦ making six for +620. The opening lead was not recorded. The Director was called after South's 5 ♦ bid. West said that North hesitated "a lot longer" than 10 seconds before doubling. North said she didn't think it was overly long. South claimed it was at most three seconds. The stop card was used.

**Additional Findings:** The screener said he timed 15 seconds for the players and North said she didn't take nearly that long. West's estimate of what constituted 15 seconds was fairly accurate

**The Ruling:** The score was adjusted to 4 ♠ doubled down two for +300 for NS (Law 16A2). Pass was considered to be a logical alternative for South after UI from

North.

**The Appeal:** North said the hesitation was not "overly long." South said he thought North's hesitation was "at most three seconds." North admitted she is normally a fairly rapid bidder, but she always hesitates 10 seconds over a jump bid. North also admitted that she did not know whether the 2 ♦ bid was forcing. North said she doubled 4 ♠ because she had tricks and a bidding partner, and she thought she could beat it but if her partner wanted to bid, that was fine.

South said he bid because he had a very offensive hand and didn't like his defensive prospects. South said his partner was not asked about the duration of her hesitation with reference to 10 seconds, but only asked a general question about the duration of the hesitation.

West said the hesitation took longer than 10 seconds. She noted that South's spade queen was a possible defensive trick.

**The Decision:** There are two major issues in this case, both of them UI issues. First, there is the tempo problem and second, there is the non-alert of 2 ♦.

**Tempo:** Law 16A makes reference to “unmistakable hesitation.” This is not the same as a minor change of tempo. For some people, the recommended 10 second pause after a skip bid is a “bridge eternity” while others might misestimate the time on the long side.

In this case, West’s testimony was generally credible, but totally uncorroborated by anyone else (her partner said nothing at the table and was not present at the hearing). South’s incredible table statement that North took at most three seconds was modified at the hearing to a more credible statement that he didn’t notice any undue hesitation. North said she thought she took about 10 seconds, maybe a little longer. The screening director’s test revealed that North thought she took six to eight seconds. Faced with these representations and East’s absence, the committee decided there was no “unmistakable hesitation,” and therefore no unauthorized information from tempo.

North’s failure to alert South’s 2♦ bid (inverted minor, by partnership agreement) does constitute unauthorized information. However, the committee found that it did not demonstrably suggest (per Law 16A) a line of action to South in the context of this bidding sequence. Specifically, the failure to alert did not demonstrably suggest that bidding 5♦ would be more successful than passing the double. Therefore, the committee found no reason to adjust the table result.

The appeal was deemed to have merit.

**Committee:** Michael Huston, Chairperson, Aaron Silverstein, Ellen Melson, Ed Lazarus and Danny Sprung.

**Rigal:** The TDs this tournament have done a pretty fine job of penalizing the offenders. This too was a good example of “When in doubt smack the offenders.” At a different vulnerability passing might have been an option but not here. Everything about the South hand screams ‘bid!’

**Goldsmith:** North’s double just shows values; it’s not penalty. South’s choice to bid only 5♦ is an underbid, but given the UI from the failure to alert 2♦, it seems like the right choice. In fact, 6♦ is a pretty good spot. Sans misunderstanding/UI, NS ought to probably get there.

We definitely need to have 10-second timers on stop cards. A player places the stop card and the timer starts. When ten seconds go by, it turns green. When ten more seconds go by, it turns red, so we have clear knowledge of whether or not a bid was too fast or an unmistakable hesitation. Such timers made in quantity are quite cheap. For NABCs, the expense seems unquestionably justified.

**Gerard:** The Committee’s incredible statement that 5♦ was not demonstrably suggested was wrong. If North can make a penalty double opposite a weak raise with almost certainly no more than two spades (thanks again to rote reliance on the Law of Total Tricks), NS must be on for at least 5♦. Therefore, the score should have been adjusted to 4♠ doubled for both sides. Was it

possible that North would lead a non-heart to trick two? Not if NS led third and fifth. And not if NS led fourth best, since there would be no way to shut out the fifth heart for down one if East's red suits were reversed. So the director's adjustment was correct, although for the wrong reason.

**Wildavsky:** As the AC noted, South's contention that North hesitated for three seconds was "incredible." I would thus discount South's testimony entirely. North conceded that she had hesitated "maybe a little longer" than 10 seconds. West's testimony was not uncorroborated, it was corroborated by the table director, who had the opportunity to speak with all four players and found that UI was present.

I agree with the TD ruling and disagree with the AC decision. While the AC can and should engage in fact finding, its primary role is to exercise the bridge judgment necessary for proper application of the laws. The table director has the advantage of being on the spot, and the AC ought to defer to his findings of fact when they have no compelling reason to do otherwise.

In private correspondence, a member of the AC explained to me that they had reasons to doubt the TD's findings of fact. If special circumstances apply I can only hope they will be reflected in the writeup, and none were mentioned. My comments, as usual, address the case as it was written up.

**Staff:** Are we beginning to notice how many tempo cases are arising after skip bids? Do we doubt for a moment that part of the problem is how frequently they are ignored by so many? Now if someone waits a full 10 seconds, invariably somebody screams for the director. I have a draconian cure, for NABC events anyway. How about automatic PP's for anyone who acts immediately over a skip bid? Fun huh? OK, we can exclude 1NT-Pass-3NT. The more feasible option may be to rule that any pause for less than one minute does not pass UI. I know some of this seems silly, but we really do have a spreading epidemic here.

## CASE EIGHTEEN

**Subject:** Tempo

**DIC:** Cukoff

NABC Open Pairs II, 2nd Qualifying

Bd: 25	<i>Jo Morse</i>		
Dir: North	♠ 6 2		
Vul: EW	♥ A Q J 7 3		
	♦ A 10 8 5 4		
	♣ 3		
	<i>Erez Hendelman</i>		<i>Shirley Matthews</i>
	♠ J 9 7 4 3		♠ K 5
	♥ K 9 6		♥ 8 4 2
	♦ 9		♦ K Q J 6 3
	♣ 10 9 4 2		♣ A K Q
		<i>Haig Tchamitch</i>	
		♠ A Q 10 8	
		♥ 10 5	
		♦ 7 2	
		♣ J 8 7 6 5	
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
	1♥	Dbl	1♠
Pass	2♦	Pass <sup>(1)</sup>	2♥
2♠	3♦	Dbl	3♥
All Pass			
(1) BIT			

**The Facts:** The final contract was 3♥ down one for -50 and the opening lead was the ♠K. There was an out of tempo pause after the 2♦ bid of approximately (according to NS) eight seconds. West said his partner is new to NABC events and was playing more slowly than normal. NS said the first and second doubles were easily made actions. North said she was competing over 2♠ but would pass if West passed. The director was called after the double of 3♦.

**The Ruling:** The director ruled that there was a break in tempo and (Law 16A) pass over 2♥ was an alternative action. A contract of 2♠ by West was assigned (Law 12C2) down two for -100 for EW. [Noted by the committee: EW were vulnerable so down two would be -200 for

them.]

**The Appeal:** West thought that it was normal to bid 2♠ over 2♥. He had already passed over 1♠, thus limiting his hand. The opponents rated to have an eight or nine card heart fit, while his side had at least eight and quite possibly nine spades. He thought that there was a good chance that his RHO had psyched 1♠. West also stated that it was impossible to make any reliable inferences from his partner's hesitations.

NS thought that it would be reasonable for West to pass 2♥. The little that he had featured a doubtful King of hearts in front of the heart opener. Had West passed, there was a good chance that NS would have played in 2♥, making two. North only bid 3♦ over 2♠ as a competitive bid and she would have passed had West not bid 2♠.

Other Information discovered: East was playing in her first NABC and was very nervous. Her tempo varied considerably and did not reliably indicate anything. West is a very experienced player from Israel. He has tried to

stress the importance of having support for the unbid suits (especially majors) when making a takeout double (and shortness in the suit doubled), but East occasionally lapsed and made inappropriate doubles. The break in tempo at East's second turn to call was agreed by all. It took East about eight seconds to pass. All other calls in the auction were normal tempo.

**The Decision:** Although eight seconds is not a long time to take to bid, it was long enough so that it was clear to the table that East had a problem over 2♦. Thus, the committee ruled that there had been a break in tempo.

What did it suggest? East probably had more than minimum values for her double, but did not know how (or whether) to express them. Perhaps she had good diamonds and did not know whether double would be takeout or penalty. If that were the case, then a 2♠ bid was not likely to be successful. If East had made an off-shape double that she occasionally could not resist, then a 2♠ bid would work out very badly. Further, if East had a normal takeout double pattern with extra values, North would likely pass the preference to 2♥, and East could then double for takeout. The committee decided that East's hesitation was as likely to be based on good diamonds as it was on a hand with close to 4-4-4-1 distribution and extra values. Therefore, it did not demonstrably suggest West's 2♠ bid, and the table result could not be adjusted.

The appeal was deemed with merit.

**Committee:** Doug Doub, Chairperson, Ed Lazarus, Gail Greenberg, Jeff Goldsmith and Mark Bartusek.

**Rigal:** I agree with the TD ruling though I could have understood it going the other way. The committee nailed this one. West (a good player) has a clear-cut 2♠ bid here, but the tempo of the pass of 2♦ does not make it more attractive, if anything it points the other way.

**Goldsmith:** This is a strange case. The committee felt that the most likely reason that East was hesitating was that she had good diamonds and was considering what her double would have meant. (Answer: undefined in the partnership.) This does not suggest bidding 2♠ over passing, so West was free to bid 2♠. If that inference was taken, however, bidding 2♠ looks unwise, so maybe the committee should have judged that West based his action on his partner's mannerism, regardless of whether it was, in fact, suggested by the UI.

I wonder why North bid 3♦. Unless her partner had psyched 1♠, she knows that LHO is likely offshape from the hesitation, thus probably has diamonds. With the opponents probably in a six- or seven-card fit breaking badly, bidding what could easily be LHO's main suit is asking for trouble. NS were lucky not to be doubled in 3♥.

**Gerard:** 1-4-4-4 was not a possible distribution for East (1-3-5-4 is the closest I can come), but North was the culprit. I would call 3♦ egregious by a player of North's caliber, so there was no chance of a NS adjustment. I agree with West



and the Committee about the randomness of 2♠.

**Wildavsky:** East's break in tempo suggested that she did not hold an undistinguished minimum. West could thus conclude that the danger of going for 200 or 500 in 2♠ was reduced. A pass by West was certainly a logical alternative, so I disagree with the AC decision.

As for the TD decision, I do not understand it. If he rules the 2♠ bid illegal then it seems unlikely that the final contract would be 2♠. Perhaps he envisioned a reopening double which West would convert to 2♠, NS then subsiding. If he judges this is both the most favorable result likely for NS and the most unfavorable at all probable for EW he should say so, otherwise we have no reason to believe the laws have been applied.

**Staff:** The Ruling paragraph makes no sense. If pass over 2♥ was deemed an unsuggested LA, why would a contract of 2♠ be assigned? If the 2♠ bid is allowed, why is North released from bidding 3♦? Something is very screwy here. Either the table ruling, the appeal form, or the write-up, or some combination, is in error.

[Editor's note: According to the appeal form, the director disallowed the 2♠ bid, but then projected over pass pass East would double again and now West would bid 2♠.]

I hope the table ruling was not 2♠ down 2 for EW minus 200. This would be unsupportable by either logic or law. I guess I don't really care, but NS will likely beat 2♠ by three tricks. I agree with the Committee's final decision. Both North and South have enough experience to know that a nervous East's tempo is unreliable.

## CASE NINETEEN

**Subject:** MI and UI

**DIC:** Cukoff

NABC Women's Pairs, 1st Qualifying

Bd: 20	<i>Jacqueline Sincoff</i>		
Dlr: West	♠ 10 6 5 3		
Vul: Both	♥ J 8 2		
	♦ 10 8 7 3		
	♣ A 3		
	<i>Connie Goldberg</i>	<i>Sylvia Moss</i>	
	♠ K 8 2	♠ 9	
	♥ A 9 6	♥ Q 10 7 5 3	
	♦ Q 9 6 5	♦ A K 4 2	
	♣ K 9 6	♣ Q J 7	
	<i>Eunice Portnoy</i>		
	♠ A Q J 7 4		
	♥ K 4		
	♦ J		
	♣ 10 8 5 4 2		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
1 ♦	Pass	1 ♥	1NT <sup>(1)</sup>
Pass	Pass	Dbl	2 ♠
Pass	Pass	3 ♦	All Pass
(1) intended as sandwich, explained as strong			

**The Facts:** The final contract was 3♦ making three for +110. The opening lead was the ♠ 6. The director was called at West's final pass. 1NT was intended as a sandwich NT (5-5 in spades and clubs) but explained by North as strong. Away from the table, West indicated she would have made a support double if she'd been alerted that 1NT was conventional. South blurted out before the lead was faced that 1NT was conventional.

**The Ruling:** (1) South's hand did not match North's description so there was misinformation. South violated Law 75D2 by commenting before the end of play.

(2) EW were entitled to reach 4♥ on the auction 1♦ -P -1♥ -1NT; dbl -P -4♥ all pass had they had a correct explanation (Law 40C3). The contract and result were

changed to 4♥ making four for +620 (Law 12C2).

**The Appeal:** North claimed that if West had made a support double and East bid 4♥, she would have known to bid 4♠. Upon questioning, South defended her 2♠ action by admitting she didn't want to play 1NT doubled with partner unaware of the takeout nature of her hand. EW were not present at the hearing.

**The Decision:** Since North didn't realize that partner had black suits until her partner improperly announced it at the end of the auction, the committee saw no reason to believe that an EW contract of 4♥ would have caused North to sacrifice in 4♠. While South might have led a club against 4♥, NS didn't offer any such argument.

The committee thought South's bid of 2♠ was highly inappropriate in light of the failure to alert. Some consideration was given to the possible results in 1NT doubled. While there are plausible lines of play that would result in -800 or -1100, South could get five tricks with cautious play. Nevertheless, South's blatant taking advantage of the UI was grounds for a procedural penalty.

The contract was changed to 4♥ making +620. NS were penalized one-fourth of a board.

The appeal was not deemed to have merit and an AWMW was assigned.

**Committee:** Bart Bramley, Chairperson, Ron Gerard, Jerry Gaer, Mark Feldman and Darwin Afdahl.

**Rigal:** I have less strong feelings about South's decision to pull 1NT than the committee. I've yet to see anyone EVER sit for 1NT doubled and get anything but a complete zero. The PP makes sense though, in the context of the offending side bringing this appeal. I'm not sure I would have done it but I approve of the philosophical approach.

**Goldsmith:** The director was called after West's final pass? Huh? The first sentence of the ruling is false. This case is a mess. Did no one ever determine NS's actual agreement? We don't know if there was misinformation or not. There surely was UI.

A quarter board is letting South off easy. 2♠ was a blatant foul. If 1NT doubled had been a good result for EW, that's where the board would have been played. If the agreement about 1NT had been strong, then 1NT doubled down two would have been the right ruling.

The AC really also needed to judge if EW's damage was significantly due to East's 3♦ underbid subsequent to NS's infractions. I think it's close, but bidding 3♠ will probably get EW to 3NT going down, after which, of course, EW would get an adjusted score, so their bad result was not caused by later misbidding.

Upon reflection, Adam has convinced me that 1NT doubled is the right spot. It is surely likely that declarer will try to make the contract by winning a heart lead or shift, crossing to the ♣A and taking a spade hook. That leads to 10 tricks for the defense (one spade, four hearts, three diamonds and two clubs). Reciprocal 1100s must be awarded.

**Wildavsky:** Good work by the AC. The TD might have assessed a procedural penalty as well.

The normal incentive to avoid choosing a logical alternative suggested by UI is that the player will keep a bad result if he achieves one, and will receive an adjusted score otherwise. Where there is little downside to the illegal call a procedural penalty ought to be considered. That's the case here where due to the UI South knows that 1NT is almost surely going for a number,

As for the adjusted score, how would the play go in 1NT doubled? Were I declaring at matchpoints with a heart lead, I'd try to make it since there's no reason to believe that 4♥ is cold. This would result in 1100 to EW. Since that is one of the likely results I believe it is the proper adjustment for both sides, along

with the procedural penalty and the AWMW. Even if it's not a likely result it's surely "at all probable," and I certainly see no reason not to assign -800 to NS.

**Staff:** Slam dunk. Too bad -800 wasn't really possible.

## CASE TWENTY

**Subject:** Played card

**DIC:** Cukoff

NABC Women's Pairs, 2nd Qualifying

Bd: 16	<i>Bonnie Bagley</i>		
Dlr: West	♠ A Q 10 8 6		
Vul: EW	♥ K 5		
	♦ 10 9 8		
	♣ J 8 2		
<i>Jean Groome</i>		<i>Barbara Nist</i>	
♠ J		♠ 7 4 3 2	
♥ 10 2		♥ A J 9 4 3	
♦ A J 6 4 3 2		♦ 7 5	
♣ Q 9 7 6		♣ K 3	
	<i>Toshiko Yingst</i>		
	♠ K 9 5		
	♥ Q 8 7 6		
	♦ K Q		
	♣ A 10 5 4		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
2♦	Pass	Pass	Dbl
Pass	3♠	Pass	4♠
All Pass			

**The Facts:** The final contract was 4♠ making four for +420 for NS. The director was called at trick 11. Declarer had two small spades (both good) and a small club. Dummy had the ♣10 5 4. At this point West had the ♣Q, the ♣9 and the ♦J. Declarer played her club and stated she said up. Dummy played the ♣10. West says the declarer said club and played her 9 immediately and then objected when declarer claimed she had said up. East stated that declarer hesitated then mumbled something.

**The Ruling:** The director could not be sure which card was played, but thought it was likely that there was some confusion at the table. The director awarded the trick to EW, allowing the play of the queen

making it 4♠ down one for +50 to EW.

**The Appeal:** NS believed that the ♣9 had been played since they had both clearly seen that card over the table.

West said that though she had started to play the ♣9, she had caught herself in time to play the queen instead.

Other facts discovered by the **Committee:** When declarer said “up,” dummy detached the ♣10 and placed it at the edge of the table. West thinking that declarer said “club” (meaning small club), removed the 9 from her hand and started to play it. She demonstrated to the Committee how she had held the card. It was roughly three to five inches past the edge of the table (over the table) and tilted very slightly forward (perhaps 5 to 10 degrees from vertical). Upon noticing the ♣10 at the edge of the table on her right, West quickly pulled the ♣9 back into her hand and played the queen instead (saying “whoa” or something to that effect).

South demonstrated what she recalled seeing. The card was held in the same location but tilted forward slightly more at perhaps a 25 degree angle from the vertical. In neither case was the Committee (sitting across the table from the

player) able to see the card that was held.

**The Decision:** For a card to be considered played, it must be held or placed in a position so that partner could have seen it. Based on the demonstrations to the committee, the ♣9 had not been played. The ♣Q won trick 11 and 4♠ was down one.

The screening director had explained to NS the rule regarding a played card. It is not unusual for an opponent to be able to see a card you hold, while your partner cannot see it.

The laws state that declarer should name the suit and rank of the card to be played, but make allowance for other designations such as “hi,” “low” and “win.” The Committee suggested that North refrain from using “up” to call for a high club, because the word nearly rhymes with “club.”

The Committee thought that NS should not have proceeded with the appeal after the screening director had explained the rule regarding a played card, especially since the situation had been brought about because of declarer’s nonstandard form of designation. NS were assigned an AWMW.

**Committee:** Doug Doub, Chairperson, Ed Lazarus, Gail Greenberg, Jeff Goldsmith and Adam Wildavsky.

**Rigal:** Excellent ruling on as money-grubbing and pettifogging an appeal as I’ve seen for a while. Why do people try to get something for nothing in situations where their own behavior at the table has generated the problem in the first place? Do you really want this trick that badly?

**Goldsmith:** Nothing more to add.

**Wildavsky:** Were I chairing the AC I’d have explained that we would have allowed West to change her play even if the ♣Q had been placed face up on the table.

The designation “Up,” so easily confused with “Club,” ought to have no place in the game. If one must use the word, then the phrase “Go up” does not risk misinterpretation.

**Directing Staff:** Wait a minute. Who cares what declarer said? How could the 9 ever be right? This nonsense about what declarer said is an irrelevant smokescreen. If West was asserting she might have scored two club tricks, with declarer calling dummy’s card prematurely, then she had lost complete touch with the hand. My guess is she simply pulled the wrong card out of her hand. Was it legally a played card? Who knows? I wasn’t there. My guess is that it was, but the Committee’s procedure was correct. Based on the Committee’s investigation, the ruling was correct.

Unless the table director explained the relevant law correctly, the AWMW seems heavy-handed.

## CASE TWENTY-ONE

**Subject:** Played card

**DIC:** Bates

NABC Open Swiss, 1<sup>st</sup> Final

Bd: 12	<i>Robert Heitzman</i>		
Dlr: West	♠ K Q 7 6 5 2		
Vul: NS	♥ 6 3 ♦ A 5 ♣ 9 3 2		
<i>Claudio Nunes</i>		<i>Fulvio Fantoni</i>	
♠ 10 9		♠ 8 4	
♥ Q J		♥ A 9 7 5 4 2	
♦ 10 9 7 3		♦ K 8 4	
♣ A 10 8 7 4		♣ Q 6	
	<i>Keith Garber</i>		
	♠ A J 3 ♥ K 10 8 ♦ Q J 6 2 ♣ K J 5		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
Pass	2 ♠	Pass	3 ♣
Pass	3 ♠	Pass	3NT
All Pass			

**The Facts:** The contract was 3NT down four for a score of -400 for NS. Opening lead was the ♥Q. The play went queen to South's king and then the ♦Q to East's king. A low heart went to West's jack who shifted to a low club that went to East's queen. South played the ♣5, then attempted to change it to the ♣K. At this point the director was called. He had declarer demonstrate his play of the ♣5 detached from hand and touching or nearly touching the table.

**The Ruling:** The director ruled that the ♣5 was a played card (Law 45C2) and the final result was 3NT down four.

**The Appeal:** No statements noted.

**The Decision:** The committee upheld the director's ruling.

The committee noted that all four players agreed that South extracted the ♣5 from his hand and held it some inches from the table in a position where all three players could and did see it. The length of time that the card was visible was short but not instantaneous.

The application of the word "held" in Law 45C2 was deemed to cover the situation encountered at the table. The ♣5 did not emerge accidentally from South's hand. South did not observe that East had not played the ♣A and thus had to pay the penalty for his distraction.

No AWMW was awarded. A minority of the committee believed that the interpretation of the law was sufficiently challenging as to merit an appeal.

Dissent on the finding of merit: Doug Doub. All four players demonstrated how they saw Declarer's placement of the ♣5. Although the amount of time that the card was exposed varied a bit, in each case the card was face up, roughly one to three inches above the table, with the face tilted toward declarer's partner. According to the law, it was clearly a played card and NS should not have appealed the Director's ruling. The committee should have found no merit and

assigned AWMW to the appealing side.

**Committee:** Barry Rigal, Chairperson, Gary Cohler, Doug Doub, Danny Sprung and Aaron Silverstein.

**Rigal:** I can't remember but I think I was neutral on the issue of the AWMW at the time. I think it was the interpretation of the Laws that took us some time to decide. That being so there seemed to be some merit. I am not so sure I feel that way now; I could be persuaded either way by the rest of my committee.

**Goldsmith:** I agree with the dissent. While the played card rules are not well-known and are a bit arcane, NS could have simply asked a director to explain them. The failure to do so made them eligible for an AWMW. Ignorance of the law is no excuse.

**Gerard:** Where's the rest of them? One person filed a dissent, a minority thought the law was unclear. What about the other two? I don't see anything uncertain in the law and agree with the dissent about an AWMW.

**Wildavsky:** I'd have liked to learn why NS thought the ruling should be changed. That said, I agree with the dissent. I see no merit in the appeal.

**Staff:** The dissent is correct.



## CASE TWENTY-TWO

**Subject:** MI

**DIC:** Bates

NABC Open Swiss, 1<sup>st</sup> Final

Bd: 1	<i>Mike Levinson</i>		
Dir: North	♠7 5 3		
Vul: None	♥6 3		
	♦A Q 10 8 4 3		
	♣10 7		
	<i>Marti Malcolm</i>	<i>Chuck Malcolm</i>	
	♠K Q 8 4	♠A J 10 9 6	
	♥Q J 9 8 7 4 2	♥A K 10	
	♦K	♦J 7 5 2	
	♣5	♣2	
	<i>Paul McDaniels</i>		
	♠2		
	♥5		
	♦9 6		
	♣A K Q J 9 8 6 4 3		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
	2♦	2♠	5♣ <sup>(1)</sup>
5♠	6♦	Dbl	Pass
6♥	Pass	6♠	All pass
(1) MI			

**The Facts:** 6♠ was down one for +50 for NS after the opening lead of the ♣A. 5♣ was explained as a strong slam try in diamonds that said nothing about clubs. The director determined that this was misinformation and no such agreement existed.

**The Ruling:** The director ruled that the result stood. East doubled 6♦ and West pulled. This broke the connection between misinformation and result (Law 40C).

**The Appeal:** EW felt the MI had made West's decision to sacrifice more attractive.

Other facts discovered by the Committee: NS had played 5♣ as the hand type described by North, but had recently switched to using

4NT for this purpose. NS play EHAA (2♦ showed five to nine diamonds with any suit quality).

**The Decision:** The table result stands.

The committee had a great deal of sympathy for West who had taken out reasonable insurance. However, his decision was not based on the MI. East had heard South make a strong slam try and had still doubled. Had East simply held the ♥AK would this be enough to double? The committee felt it was not.

The random nature of the 2♦ call meant that if South had properly alerted West, she would have expected North to hold five to nine diamonds and perhaps a club fit. Again the decision to sacrifice and overrule partner would have been a reasonable act. West had taken that decision, however, and even though the Committee could sympathize with it, EW were not entitled to redress.

**Committee:** Barry Rigal, Chairperson, Doug Doub, Gary Cohler, Aaron Silverstein and Danny Sprung.

**Rigal:** This was tough on West; we understood where she was coming from but we felt her decision to overrule her partner had broken the chain. As to the length of North's diamonds: North's diamond length was described as five to nine cards. Not playing EHAA I can't dispute this. If West had heard South bid a natural 5♣ and North bid 6♦ over that, the nine-card suit might have been a live possibility.

**Goldsmith:** Right. What about an AWMW? I don't see any merit.

**Gerard:** If South doesn't promise diamond support North would need an unusual hand to bid 6♦. I agree as to substance. West trusted her opponents more than her partner and has to pay the piper.

**Wildavsky:** Kudos to the TD for citing the law under which he ruled. That said, both the TD and the AC noted that the damage was subsequent to the infraction rather than being a direct consequence of it. They therefore ought to have applied Law 72B1 and adjusted the NS score while leaving EW with the table result.

**Staff:** If West had known NS had no such agreement, he would never have taken out insurance. The auction itself would have told him NS were having an accident. If his 6♥ bid wasn't egregious, as the Committee seems to be saying, then he must be allowed to pass 6♦ doubled, with correct information, because he would have!

Regardless of EW's fate, NS would never have avoided disaster if not for their infraction. They cannot benefit. Their result must be 6♦ doubled. My guess is down four, plus 800 EW. I can't help feeling part of what happened here, although unstated, is the Committee felt EW should never have bought into the explanation. I hope I'm wrong, since I know from experience that NS have a multitude of unusual agreements.

## CASE TWENTY-THREE

**Subject:** Tempo

**DIC:** Bates

NABC Open Swiss, 1<sup>st</sup> Final

Bd: 16	<i>Leszek Rabiega</i>		
Vul: EW	♠ 7 3 2		
Dir: West	♥ 9 7 4 3 2		
	♦ 10 7 4 3		
	♣ 10		
	<i>Morrie Kleinplatz</i>		<i>Andrew DeSosa</i>
	♠ J 9 8 5 4		♠ K Q
	♥ 10 6		♥ A K 5
	♦ 9 8 2		♦ A Q 6
	♣ A 7 6		♣ J 9 8 4 2
		<i>Jaroslav Plasecki</i>	
		♠ A 10 6	
		♥ Q J 8	
		♦ K J 5	
		♣ K Q 5 3	
	<i>West</i>	<i>North</i>	<i>East</i>
	Pass	Pass	1 ♣
	Pass	2 ♦ <sup>(1)</sup>	Pass <sup>(2)</sup>
	2 ♠	All Pass	2 ♥
	(1) Transfer		
	(2) BIT		

**The Facts:** The final contract was 2♠ by West making + three –140 for NS. The opening lead was the ♣10. The director was called after West’s call of 2♠. A BIT was agreed to be about 15 to 20 seconds.

**The Ruling:** Law 16A2 – West has a logical alternative of pass. However, the director felt that East would take another call over 2♥ and that the contract would have been 2♠ or 3♠ making three. Therefore, no damage resulted from the BIT.

**The Appeal:** The appellants felt that the agreed upon BIT created UI and that West’s 2♠ bid was a result of the UI. The appellants felt that pass was a LA for West at this form of scoring (IMPs) and the unfavorable vulnerability.

The non-appealing side said that East is always very slow and deliberate in all his bids and that the slowness of his partner’s pass had no effect on his actions. Upon questioning by the Committee, they were told East’s opening bid was made in approximately five seconds.

**The Decision:** This case presented some serious problems for the Committee because of the ruling that was made at the table. (The directors ruled that East would have bid again resulting in a contract of 2♠ or 3♠ and therefore no damage to NS.) The Committee felt that it was not at all probable that East would act again in the auction. The Committee ruled that the contract would be 2♥ by South. The Committee discussed numerous lines of play and decided the most probable result would be down one.

The Committee then discussed a PP for West for blatant misuse of the UI. There was strong sentiment for a PP except for the fact that the director’s ruling created the jeopardy for the “non-offending side.” If the director had ruled against EW and EW had brought this appeal to Committee, they would have received a PP that would have been richly deserved.

A question for thought: Can the “non-offending” side ever be subject to a PP? The appealing side always has the option of dropping their appeal during screening if they feel that the risks of sanctions are high. We have no similar escape mechanism for the “non-offending” side.

**Committee:** Doug Doub, Chairperson, David Berkowitz, Riggs Thayer, Ed Lazarus and Aaron Silverstein.

**Rigal:** This was the last night of the tournament I believe. It is hard to find any other excuse for the TD ruling. After the event a colleague persuaded me that a PP might theoretically have been in order even for a non-appealing side. If that were so, one might have been given here. As to whether we could find a convincing enough line to let 2♥ make – we did try hard. As I recall, I thought we should have given a non-reciprocal ruling to let it make for the offenders, but I was outvoted.

**Goldsmith:** This seems right; while East would like to bid something, I don’t see anything that makes sense. In 2♥, is making it at all probable? Even after trump, spade shift won, high club, declarer is still down one. Reciprocal –50s should be awarded.

Yes, the EW pair can be subject to a PP. ACs are not a court of law; there are no laws which protect anyone from their own wrongdoing. While an appeal case has an appealing side and a nonappealing side, that only matters in the procedure of who gets to speak first. The AC has complete rights to enforce the laws as they see fit. If one is put in a position whereby one needs to appeal in order to get a fair score, but knows that doing so may cause one to have to pay a larger penalty as a result, then that’s just too bad.

If the other side does not get its score corrected as a result, the field suffers mildly. Perhaps, therefore, one can arrange not to be subject to any penalty if one appeals and claims only to want to have the other side’s score adjusted. If so, however, the AC must not adjust said appealing side’s score. That’s not currently legal.

**Gerard:** Here’s the escape mechanism: Don’t take blatant advantage in the first place. No one EVER withdraws his or her appeal because of the warning. If they tell you they would, it’s just another self-serving statement like “East is always very slow and I swear on a pile of weapons of mass destruction I was always going to bid 2♠.” Besides I don’t know if the warning extends to the PP as well as the AWMW. It should but we assign them even if it doesn’t.

A question for thought: Which does a greater disservice, failure to achieve the correct rankings because of an incorrect decision on appeal or failure to make a record of bad actors (which could also affect the rankings) because of an incorrect ruling?

**Wildavsky:** The TD seems not to have applied the laws. The write-up says “the director felt that East would take another call over 2♥” but the laws do not require the TD to speculate. He needs to enumerate the results that were likely absent the illegal 2♠ bid, and then add the results that were at all probable. He may have judged that Pass by East was not even “at all probable,” but unless he says so explicitly we have no reason to believe that he applied the laws as written.

Correctly faulty bridge judgment by TDs is one of the primary purposes of the AC, and they did a fine job. I sympathize with their unwillingness to impose a PP on the non-appellants, and I'd have liked to see the TD assess one at the table, the more so since he chose not to adjust the score.

**Staff:** Did the floor director poll any players as to what they would do after 2♥-P-P? What is East's level of expertise? I submit that only very strong, and perhaps very weak, players would pass. The Committee's procedure was fine. I'm just not sure I agree with its judgment. I think the intended question refers to “the non-appealing side.” My answer is yes, depending on the attitude. If a player immediately admits a misdeed and shows contrition, a PP would be inappropriate. Otherwise I wouldn't hesitate to issue one.

## CASE TWENTY-FOUR

**Subject:** Tempo

**DIC:** Bates

NABC Open Swiss, 2nd Final

Bd: 16			
Dlr: West		<i>Richard DeMartino</i>	
Vul: EW		Hand Not recorded	
<i>M. Cappelletti, Sr</i>		<i>John Morris</i>	
♠ K J 8 7 4 2		♠ A Q 9	
♥ A Q 8 7		♥ K J 9 4	
♦ 10		♦ K Q 9	
♣ K J		♣ A 9 6	
<i>John Stiefel</i>			
Hand Not recorded			
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
1 ♠	Pass	2 ♣	Pass
2 ♥	Pass	3 ♥	Pass
3 ♠	Pass	4NT	Pass
5 ♣ <sup>(1)</sup>	Pass	5 ♠ <sup>(2)</sup>	Pass
6 ♥	All Pass		
(1) shows one or four key cards			
(2) BIT			

**The Facts:** The final contract was 6♥ by West making six for a score of -1430 for NS following a diamond lead won by South's ace. There was a BIT of 20 to 25 seconds before the 5♠ bid agreed by all at the table. At the conclusion of the auction, West said he didn't know what 5♠ showed, but that it had to be forcing.

**The Ruling:** Law16 UI – If East had bid 5♥, that clearly would have been a sign off in hearts and West would not be able to bid on. 5♠ in this auction is highly unusual and BIT does not suggest that any particular call is more likely to succeed than another.

**The Appeal:** The North, South and East players attended the hearing. NS appealed. They felt that EW could have been off two key cards and that

pass was an LA after the BIT. East stated he bid 5♠ because he knew it was forcing and he was looking for more information. He further stated he was offering 5♠ as a choice of slams since he had gone past 5♥ and hearts had been bid and supported.

Other facts discovered by the Committee: The Committee asked East about follow-ups to keycard in some other auctions. For example, they asked about 1♠-3♠; 4NT-5♦; 6♦? East stated that this was undiscussed and he didn't know what it meant.

**The Decision:** The committee allowed the table result to stand, 6♥ making six. EW were not a regular partnership and the Committee believed that they had no agreement. East bid beyond the trump suit (hearts) and this did not suggest he was trying to sign off since he could have used a 5♥ bid to do that.

The Committee judged the appeal to have merit.

**Committee:** Doug Doub, Chairperson, David Berkowitz, Riggs Thayer, Aaron Silverstein and Ed Lazarus.

**Rigal:** I can't decide about this one. On balance I think a reasonable decision, but arguably the tempo did point towards this call not being a sign-off. Was passing ever an LA? I think it might have been.

**Goldsmith:** Again, we see a generous failure to give an AWMW. NS are strong players. They should know better. This wasn't Hesitation Blackwood.

**Gerard:** If 5♠ were natural, West had the right to reevaluate his response because of the auction, not the tempo. I don't see the merit. NS brought nothing to the table, other than a stubborn refusal to recognize 5♠ for what it was.

**Wildavsky:** 5♠ was a thoughtful bid, catering to something like

♠K J x x x x  
♥A x x x  
♦X  
♣K Q

The time for thought, however, was before using Blackwood. It should not be asking too much for the 4NT bidder to plan his auction over the likely responses.

While the TD was certainly correct that the 5♠ bid was unusual, it ought to be obvious that a slow 5♠ suggests that the side is not off two key cards. Suppose East held this hand (provided to me by the appellants):

♠Q 10 9  
♥K J 9 x  
♦K Q  
♣A Q x x

He'd have been able to bid 5♠ in tempo then. In fact this hand seems more likely than the hand he held, since on the actual deal he could have found the best slam simply by asking for the ♥Q.

**Staff:** Curious. EW had no agreement on follow-ups to RKC as the Committee discovered. Still, the Committee accepted that 5♠ was clearly forcing. Dickey. Seems to me that West did not think 5♠ was forcing. He went on because he now thought he had one more key card, the ♠K. East's failure to bid 5♦ to find out about the ♥Q seems telling. Dicier. East might have thought he could count exactly 11 tricks in either major suit contract, and chose the longer fit. Diciest. There are too many questions. 5♠ making six, plus 680 for EW.

## CASE TWENTY-FIVE

**Subject:** UI  
**DIC:** Ron Johnston  
 Flight A/X Pairs 3/20/04

**Panel:** Gary Zeiger (Reviewer), Bernard Gorkin, Matt Smith, Su Doe

Bd: 20	<i>Magy Mohan</i>		
Dir: West	♠ A K J 7 2		
Vul: Both	♥ 8		
	♦ 5		
	♣ K Q 6 5 4 2		
	<i>Eugene Chan</i>		<i>Lilly Lachter</i>
	♠ 10 8 6		♠ 5 4 3
	♥ A Q 7		♥ 10 6 5
	♦ A K 8 7 6		♦ Q J 9 2
	♣ 8 3		♣ A 10 9
		<i>Mark Kennedy</i>	
		♠ Q 9	
		♥ K J 9 4 3 2	
		♦ 10 4 3	
		♣ J 7	
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
1 ♦	2 ♣	2 ♦	2 ♥
Pass	2 ♠	P	3 ♥ <sup>(1)</sup>
Pass	4 ♠	All Pass	
(1) Agreed BIT			

**The Facts:** The final contract was 4♠ making four after the ♦Q lead. The director was called after the 3♥ bid. All agreed that South paused at least 20 seconds prior to bidding 3♥.

**The Ruling:** The result stands. UI from South's hesitation does not demonstrably suggest North's 4♠ bid (Law 16A).

**The Appeal:** EW appealed the ruling and all players attended the hearing. North had 3000 masterpoints (plus international experience representing Mexico), South had 465, East had 1165 and West had 1650 masterpoints. West said that North had an obvious 3♠ bid over 3♥. He said that the 4♠ bid seemed odd and could only have been bid because of information conveyed by the break in tempo. NS said that they play 2♥ as forcing. North said that 3♠ in

response to 2♥ would have been a splinter. 3♥ in the given auction was non-forcing. North said she didn't bid 4♠ over 2♥ because she was afraid it might be interpreted as a "maxi-splinter". She knew that her actual auction could not be misunderstood.

**The Decision:** The panel consulted seven experts regarding North's action over 3♥ and what information the hesitation may have conveyed. All seven would have bid 3♠. As to what the hesitation before the 3♥ bid might suggest, one saw a connection between the UI and the 4♠ bid. He successfully described South's likely hand type for a slow 3♥ bid ("bad hearts and honor doubletons in the black suits"). When two experts were asked what 3♠ over 2♥ would have been, they both said it should logically be a splinter.

Despite this, the panel was swayed by the rest of the expert opinion. One thought the break in tempo might show values, but he saw no connection to the black suits. Another agreed that the BIT didn't help North and thought her 4♠ bid was an indication that she didn't trust her partner to bid game with the right hand.



Four others said that the BIT and the 4♠ bid were totally unrelated. One said that South's BIT might have been due to holding an under strength hand with a diamond card, hardly indicating 4♠. The two who were asked agreed that a direct 3♠ bid over 2♥ should logically be a splinter.

The panel decided that there was an unmistakable hesitation by South before bidding 3♥. This created UI, but it did not demonstrably suggest 4♠ (Law 16A). No violation of law occurred, so the panel ruled the table result stood. Since EW had provided no conceivable connection between the BIT and the 4♠ bid, and since they were told that the success of their case hinged on this factor, they were each assessed an AWMW.

**Players consulted:** Jill Levin, Bobby Levin, Kyle Larsen, Marc Jacobus, Fred Hamilton, Dan Morse, and Magnus Lindqvist.

**Rigal:** This appeal was well decided and the AWMW entirely appropriate. The grounds for appeal were at best tenuous and seemed to be close to "if it hesitates, shoot it!"

**Gerard:** Don't agree with the AWMW. First they brought the case, they don't need to articulate the connection. Second, one of the consultants could see it, he presumably disallowed 4♠. Third, this is a matter for consultation. The only person consulted on the issue indirectly said the appeal had merit. That makes it unanimous among those who were consulted that the AWMW was wrong.

**Wildavsky:** The panel's decision to assess an AWMW is beyond the pale. One consultant practically described South's hand card for card – he could not have done so without the UI. EW are owed a board and an apology.

Can I demonstrate that a slow 3♥ suggests 4♠ over 3♠? I don't think it's difficult:

3♥ is not forcing, so a slow 3♥ suggests doubt that 3♥ will be the best contract.

Doubt that 3♥ will be the best contract suggests both poor hearts (hearts will play poorly) and honors in one or both of partner's suits (a black suit will play well.)

Black suit honors suggest that the best contract will be 4♠ or 5♣ rather than 3♠ or 4♣.

One consultant had the right idea when he suggested that 4♠ implied that North did not trust South to bid game over 3♠ with the right hand. All that was missing was to add that due to the hesitation North could have strongly suspected that South did indeed hold the right hand.

How long do you suppose South would have taken to bid 3♥ if he held  
♠xx ♥K Q J 10 xx ♦xxx ♣xx?

## CASE TWENTY-SIX

**Subject:** Tempo - UI

**DIC:** Peter Knee

Stratified Open Pairs 1<sup>st</sup> Session 3/23/04

**Panel:** Bernard Gorkin (Reviewer), Gary Zeiger, Ron Johnston

Bd: 18		♠ Q 10 8 5 3	
Dlr: East		♥ 8 3	
Vul: NS		♦ 8 6 4 3	
		♣ J 8	
		♠ K J 2	♠ 7 4
		♥ Q 10 9 7 4 2	♥ A K 6 5
		♦ 2	♦ Q J
		♣ 10 9 3	♣ A Q 7 6 4
		♠ A 9 6	
		♥ J	
		♦ A K 10 9 7 5	
		♣ K 5 2	
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
		1 ♣	1 ♦
1 ♥	2 ♦	3 ♥	4 ♦
Pass <sup>(1)</sup>	Pass	4 ♥	All Pass
(1) 20 second BIT			

**The Facts:** 4♥ made four for a score of +420 for EW after the opening lead of the ♦4. The director was near the table during the auction and he witnessed the break in tempo. All agreed that there was a hesitation. East told the director that he bid 4♥ because he thought 4♦ might make and he was not vulnerable. The director ruled that the hesitation demonstrably suggested that bidding could be more successful than passing, and that East had shown his hand with 3♥, so pass was a logical alternative (Law 16A). The score was changed to 4♦ by South making four, NS +130 (Law 12C2).

**The Appeal:** EW appealed the ruling and all but West attended the hearing. North and South had over 1300 masterpoints while East and West each had fewer than 5. East said that letting the opponents play 4♦ was a losing action and 4♥, if it went down, would not be down more than 100. He thought the only time bidding 4♥ would lose was when both 4♦ and 4♥ were going down. NS stated that they thought East had already shown all of his values and that pass was an option.

**The Decision:** The panel polled players of different experience levels regarding East's action over 4♦ -P-P. Of the three experts polled, two would have passed and one would have bid 4♥. Of the six flight C players polled, two passed and four bid 4♥. Several novices were polled and all bid 4♥. The panel decided that East's bridge knowledge was at least at the level of Flight C players despite his limited masterpoint holding, so the input of the novices was not given consideration as a peer group. The panel's conclusion was based on two factors. During the hearing East's stated reason for bidding 4♥ matched that of the one expert who bid 4♥, and EW played variable no trump openings based on vulnerability.

Therefore, based on the player input, the panel decided that pass was an LA for East. The panel also determined that there was an unmistakable hesitation and that it demonstrably suggested not passing (Law 16A). The panel ruled 4♦

making four for NS +130 (Laws 16A, 73F1, 12C2). The appeal was judged to have merit considering the mixed responses of the polled players.

Players Consulted: Jim Murphy, Keith Garber, Dennis Lesage, six flight C players, and several novices.

**Rigal:** Excellent ruling and panel decision. I would personally have given the AWMW but I entirely approve with the panel's decision to rely on the sample selected, even though I do not agree with it.

**Wildavsky:** I see no merit in the appeal. Pass must be an LA for a player who bid only 3♥ at his previous turn.

## CASE TWENTY-SEVEN

**Subject:** UI

**DIC:** Olin Hubert

Wed Strat Open Pairs 1<sup>st</sup> Session 3/24/04

**Panel:** Susan Doe (Reviewer), Millard Nachtwey, Michael Carroad

Bd: 29	♠ 9 5		
Dlr: North	♥ J 9 3		
Vul: Both	♦ J 8 7		
	♣ K J 10 5 2		
♠ 8 7		♠ K 6 3 2	
♥ Q 10 5 4 2		♥ A 7 6	
♦ A 10 4 2		♦ K Q 5 3	
♣ A 7		♣ 9 3	
	♠ A Q J 10 4		
	♥ K 8		
	♦ 9 6		
	♣ Q 8 6 4		

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
	Pass	1 ♦ <sup>(1)</sup>	1 ♠
2 ♥ <sup>(2)</sup>	Pass	3 ♥ <sup>(3)</sup>	All Pass

- (1) Precision, 11-15 HCP, 2+diamond  
 (2) Alerted, non-forcing  
 (3) Alerted, asked and explained as support for hearts with 14-15 points

**The Facts:** The final contract was 3♥ making three for a score of EW +140 after the opening lead of the ♠9. The director was called after the opponents had left the table (after the next board). NS told the table director that East had visibly flinched when West described his 3♥ bid as 14-15 points with heart support. They said they did not call earlier because they did not want it to appear that they were accusing their opponents of cheating. They asked the director if West was allowed to pass under the circumstances.

The director found the EW pair after the next round and confirmed all of the facts except that they did not agree that East had reacted to the explanation. The director ruled that unauthorized information had occurred. After polling some players,

the director determined that West's pass of 3♥ was demonstrably suggested by the UI when a logical alternative (4♥) existed (Law 16A). The score was changed to 4♥ down one for NS +100 (Law 12C2).

**The Appeal:** EW appealed the ruling and all players but East attended the hearing. North and South each had fewer than 150 masterpoints; West had 195 and East had 1195. NS reiterated that East had flinched after his partner's explanation of the 3♥ bid. West described his partner's facial and body language as one of "superiority" at the point of the explanation. He said that 2♥ promised "nothing" systemically. East had told the table director that it was merely non-forcing.

**The Decision:** The panel believed that West's statement to the reviewer indicated that he perceived some sort of reaction to the description of 3♥ ("superiority"), so by a preponderance of the evidence the panel ruled that UI had occurred (Law 16A). The panel also believed that such a reaction would demonstrably suggest a pass by West, so the panel gave West's hand as a bidding

problem over 3♥-P to five players with 200-300 masterpoints. All chose to bid 4♥. One experienced player (3000 points) gave the same answer. Therefore, the panel ruled that pass was demonstrably suggested (by the UI) over 4♥ and could not be allowed (Laws 16A and 73F1), so the score was adjusted to 4♥ down one for NS +100 (Law 12C2). Since the player involved had only about 200 masterpoints, an AWMW was not given.

**Players consulted:** Five with 200-300 masterpoints, and one with 3000.

**Rigal:** A messy case. The panel had to decide on the facts in a situation where someone was going to be very upset at the conclusion. For what it is worth I agree with their decision based on what I read. I think one had to be there to have any feel for what was going on, but the mere fact that the TD was called at all adds credence to the NS case. Once that was decided the decision seems clear. Agreed no AWMW, of course.

**Gerard:** “Superiority” implies “smirk”, not “flinch”. Does “smirk” mean “You dodo, what are you thinking?” or “You idiots, what else could it be?” The Panel didn’t make the connection for us, other than by their conclusion. I don’t know which it was, maybe West could have helped. In any case, East sounds like a sheer joy to play with.

**Wildavsky:** If an AWMW was not awarded it ought to have been because the facts were in dispute, not because of the expertise of the appellants. There is no rule restricting an AWMW to Life Masters.

**Staff:** East, with 1195 masterpoints, is certainly capable of explaining an AWMW to West.

## CASE TWENTY-EIGHT

**Subject:** UI  
**DIC:** Olin Hubert  
 Wed Open Pairs 2<sup>nd</sup> Session

**Panel:** Susan Doe (Reviewer), Matt Smith, Gary Zeiger

Bd: 13		♠ 10 8 7	
Dlr: North		♥ K 9 6	
Vul: Both		♦ 4 3	
		♣ Q J 8 6 4	
♠ Q 9 5 4			♠ A K J 3 2
♥ A J 3			♥ Q 10 5 4
♦ 6 5			♦ K J 7
♣ A 9 5 2			♣ 3
		♠ 6	
		♥ 8 7 2	
		♦ A Q 10 9 8 2	
		♣ K 10 7	
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
	Pass	1 ♠	3 ♦
3 ♠ <sup>(1)</sup>	Pass	4 ♠	All Pass
(1) allegedly bid quickly			

**The Facts:** The final contract was 4 ♠ by East making four for a score of EW +620. The opening lead is unknown. The director was called two rounds later. Because of this, the director spoke to each pair independently. NS said that the Stop card was used before West's 3 ♠ bid and that the 3 ♠ bid was made very quickly. South said West took nowhere near 10 seconds to bid 3 ♠. East was not sure he saw the Stop card, but West did not refute that it was used. West could not give the director an accurate estimate of the time elapsed prior to the 3 ♠ bid. He said that either North or South inquired about the meaning of 3 ♠ (which he told the

director was "limit"), but there was no conversation at the table concerning the tempo of the 3 ♠ bid.

The director considered whether West followed the requirement to pause after the skip bid (Law 73A2). Although the facts were in dispute, the ruling was based on the likelihood that the 3 ♠ bid occurred with less than a 10-second pause. After speaking with both A and B players, however, the director determined that Laws 73F1 and 16A were not violated since all players consulted bid 4 ♠ with the East cards. The table result was ruled to stand.

**The Appeal:** NS appealed the ruling and all four players attended the hearing. North had 13,500 masterpoints, South 9100, East 550, and West 600. The players agreed that during the auction there was a discussion of the meaning of the 3 ♠ bid, but no mention was made about the tempo of the bid. When asked by the reviewer the meaning of the 3 ♠ bid, East described it as "at the three level, having some cards". He seemed reluctant to use his partner's words "limit raise". South said he used the stop card. NS said that West did not pause. EW did not recall that there was any tempo problem with the 3 ♠ bid.

**The Decision:** Given that the facts of what happened at the table were not agreed, the panel first had to deal with the question of whether West transmitted unauthorized information to his partner by making a fast 3 ♠ bid. On one

hand, NS had not mentioned a fast 3♠ bid at the table and had not called the director until two rounds later to report it. On the other, EW did not have a clear memory of the timing of the 3♠ bid.

Since the players offered nothing new on the subject to the reviewer that had not already been reported to the table director, the panel ultimately decided to defer to the table director's finding of fact that Law 73A2 had been violated. The panel then polled three experts and four peers (450-700 points) on East's action over 3♠-P. One expert said he would not pass and would bid either 3NT or 4♠. Another thought it was 50-50 between 4♠ and pass. A third player consulted said he would pass.

Of the peers, one said he would bid 4♠ and the other three passed (although each of them thought 4♠ was a close second choice). Since pass was therefore a logical alternative to 4♠, and since the panel believed that a fast 3♠ bid demonstrably suggested not passing, the score was adjusted to 3♠ making four, EW +170 (Laws 16A, 73F1, 12C2).

**Players consulted:** Matt Granovetter, Ken Gee, Lloyd Arvedon, and four players with 450-700 masterpoints.

**Rigal:** The TD ruling is surprising; are we looking at the same hand with ♦KJx under the preempter in diamonds? I agree with the panel here.

**Gerard:** Opposite what a 3♠ bid is supposed to look like, a pass is clear. On this hand, West had a 4♠ bid.

**Wildavsky:** Fair enough, but it would also be reasonable that the pair who failed to summon the TD in a timely fashion should lose any benefit of the doubt. It helps no one to avoid summoning a TD in a situation like this. After all, we do not have to pay our TDs by the call.

## CASE TWENTY-NINE

**Subject:** UI

**DIC:** Harry Falk

Wednesday Fast Pairs 1<sup>st</sup> Session 3/24/04

**Panel:** Susan Doe (Reviewer), Michael Carroad, Millard Nachtwey

Bd: 17	♠ A 8 7
Dlr: North	♥ K Q 9 5
Vul: None	♦ A Q J
	♣ Q 10 6
♠ 10 9 5	♠ K J
♥ A 10 7 6 2	♥ J 8
♦ 9 7 4	♦ 8 3 2
♣ 7 3	♣ A K 9 8 5 4
	♠ Q 6 4 3 2
	♥ 4 3
	♦ K 10 6 5
	♣ J 2

<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
Pass	1♣	Pass <sup>(1)</sup>	1♠
Pass	2NT	Pass	3♠
Pass	4♠	All Pass	

(1) At his turn, East picked up North's convention card and asked about NS agreements

**The Facts:** The final contract was 4♠ by South down one for a NS score of -50. The opening lead was the ♣7. The director was called after East passed over 1♣. He was called again after the opening lead of the ♣7 and again at the conclusion of play. The play of the hand had gone ♣7 to the king, the ♣A was continued, low ♣ to West's ruff (South pitching a heart), a diamond to dummy, ♠A and low to East's ♠K, club return with South pitching a heart from hand and ruffing in dummy. The director instructed East that his actions in inquiring about the meaning of an unalerted 1♣ bid transmitted unauthorized information to his partner and that he should assume a normal meaning for 1♣ and not ask questions in the absence of an alert.

**The Ruling:** Despite the UI and West's illegal choice of a club lead in light of it (Laws 16A, 73F1), the director ruled that the likelihood that 4♠ would go down one even on a non-club lead was so high that NS had not been damaged by the infraction (Law 12C2).

**The Appeal:** NS appealed the ruling and were the only players to attend the hearing. North had 1050 masterpoints, South 1900, East 1250, and West 1350. NS argued that the club lead was suggested by the UI and that since EW had taken only four of the five possible defensive tricks, that they would have missed one of the four tricks available after a trump or diamond or heart lead. They were of the opinion that the opponents should be held to the worst possible defense. They felt that they had been made to wait too long for the table director to give them a ruling.

**The Decision:** The panel decided that East's actions had transmitted UI to West and it investigated whether that UI might have damaged NS. Ten players with 1000 to 1300 points were given the West hand as lead problem (absent the UI) and four different ones were given the East hand to suggest a defense after a



spade lead. The players given the lead problem chose a trump seven times, a diamond twice, and a club once. Some offered that a heart would never be their choice. Of the peer players given the problem of how they would plan their defense with the East hand, three chose to try for a club ruff. The fourth suggested a spade return. The panel interpreted this evidence to indicate that the likelihood that 4♠ would have made on a non-club lead was too low to either award it to NS or to assign it to EW (Law 12C2), so it ruled the result stands.

The panel thought that NS should have known that they would not win an adjustment on the board (which North said would not affect their score in any case), so an AWMW was assessed to NS.

A procedural penalty of  $\frac{1}{4}$  of a board was issued to EW for the flagrant transmission and use of UI (73F1).

**Players consulted:** Fourteen peers of EW.

**Rigal:** The TD should really have worked out the PP for himself. Well done by the panel. A rare combination of AWMW for one side and PP for the other — that should have left everyone happy! But it was what they both deserved.

**Wildavsky:** Kudos to the panel for assessing a procedural penalty. It might seem inconsistent to also assess an AWMW, since without the appeal the opportunity to assess the procedural penalty would have been lost. That said, the appeal in fact had no merit. NS might well suspect that the defenders would have lost a trick, but if they appeal they ought to be able to suggest a sequence of plays leading to that result.

**Wolff:** When partner asked about the meaning of the auction (almost obviously the one club bid) and partner followed it up with the winning club lead all hell broke loose, ending with the strong committee's ruling against the defenders.

To me, the appeals process needs to deal in precedents and cite cases so that our rulings will not only eventually achieve a consistency, but even more importantly, the perception will be more toward fairness.

The lesson to be learned is that a player should not do what the opening leader's partner did — look and sound suspicious by his questions and then when the lead struck gold the bomb exploded. It is entirely possible that the non-leader could have been asking for other reasons, but if he was and the lead was either poor or nondescript we would never have heard of this case. Our write-ups should discuss this point and conclude that the questioning of the bidding must be done according to rule (only at his turn and without emphasis, requiring positive guile) otherwise it will be deemed UI to partner, since doubt will usually be judged against the questioner.

This leads me to a possible procedure and that is to have someone (probably a wise and experienced director), with the idea of everyone learning something

from this case and decision, oversee and make it happen. I'll volunteer to proofread his work until he doesn't need anyone to help him. It'll take a little effort and, of course, time, to reach where we want to go, but the upside will be worth it.

**Staff:** Strong Panel decision. The event staff is good enough to work out the PP which would have avoided an AWMW.

## CASE THIRTY

**Subject:** MI

**DIC:** Olin Hubert

Bracket 3 KO's 3/25/04

**Panel:** Gary Zeiger (Reviewer) Matt Smith, Ken Van Cleve

Bd: 28	♠ A K 9 3														
Dlr: West	♥ 10 7 6														
Vul: NS	♦ Q 5														
	♣ Q 5 3 2														
♠ J 10 7 2		♠ 8 6 5													
♥ K J 4		♥ A Q 9 8 5 3 2													
♦ J 10 8		♦ A K 9													
♣ 8 7 6		♣ —													
	♠ Q 4														
	♥ —														
	♦ 7 6 4 3 2														
	♣ A K J 10 9 4														
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 25%;">West</th> <th style="text-align: left; width: 25%;">North</th> <th style="text-align: left; width: 25%;">East</th> <th style="text-align: left; width: 25%;">South</th> </tr> </thead> <tbody> <tr> <td>Pass</td> <td>1NT<sup>(1)</sup></td> <td>2♥<sup>(2)</sup></td> <td>2NT<sup>(3)</sup></td> </tr> <tr> <td>3♥</td> <td>Pass</td> <td>4♥</td> <td>All Pass</td> </tr> </tbody> </table>				West	North	East	South	Pass	1NT <sup>(1)</sup>	2♥ <sup>(2)</sup>	2NT <sup>(3)</sup>	3♥	Pass	4♥	All Pass
West	North	East	South												
Pass	1NT <sup>(1)</sup>	2♥ <sup>(2)</sup>	2NT <sup>(3)</sup>												
3♥	Pass	4♥	All Pass												
<p>(1) 10-12 (announced)</p> <p>(2) Alerted - hearts and a minor</p> <p>(3) Lebensohl</p>															

**The Facts:** The final contract was 4♥ by East making four for a score of EW +420. The opening lead was the ♣K. The director was called after the play of the hand. East intended 2♥ as natural. Both convention cards showed that Hamilton applied.

**The Ruling:** The table result stands. There was no misinformation (Law 75) and East did not take advantage of unauthorized information from the alert and explanation of 2♥ by later bidding 4♥ (Laws 16A, 73F1).

**The Appeal:** NS appealed the ruling and all players except North attended the hearing. North had 2300 masterpoints, South

2800, East 1870, and West 2350. South said that this was the second hand in a row where EW had misused Hamilton. On the previous hand, West had bid 2♣ showing a one-suiter, not alerted by East. West then passed East's 2♠ advance. An appeal on that board was withdrawn when NS conceded that they could not reasonably expect an adjustment due to either MI or the use of UI. South said this second hand proved they did not really have an agreement. If the board wasn't adjusted, South said that EW should be penalized or the board should be thrown out. He conceded that EW had discussed the convention and when it applied after the previous board. He said he might have bid 5♣ if he knew East had only hearts. EW said they were a new partnership formed at this tournament. They did not recall any previous Hamilton misunderstanding prior to the two described by South. East said her 4♥ bid was clear after West's raise irrespective of the alert and explanation by her partner. She said that on the previous hand she did not think Hamilton applied over a 10-12 1NT, but that they decided after the hand that it would. She said she simply forgot to bid 2♣ on this hand.

**The Decision:** The panel decided that the matching convention cards and the immediately preceding discussion constituted a partnership agreement, so no

misinformation had occurred (Law 75). The panel also found that East had not taken advantage of the UI from her partner's alert and explanation of 2♥ after a consulted expert termed 4♥ a "100% action" (Laws 16A and 73F1). Since no violation of law occurred, the table result was allowed to stand.

The panel was concerned, however, about EW's (particularly East's) apparent inability to understand the use of a convention in a basic situation. Therefore, the panel assessed a 2 IMP procedural penalty against EW (Law 90A) and warned them that further Hamilton accidents would result in them being denied permission to use the convention. The recorder was notified of the panel's concern.

The appeal was found to have merit.

**Player Consulted:** Steve Scott

**Rigal:** Correct ruling and panel decision. Once in a while you just get to fix your opponents. I can't say I like the PP here, but I can sympathize with the decision to do more to EW than warn them, given what had happened on the previous deal. Any votes for convention disruption? Only kidding.

**Wildavsky:** Fair enough, but I'd like to know the range for 1NT on the previous deal. It seems plausible that a variable NT range by NS contributed to the misunderstanding.

## CASE THIRTY-ONE

**Subject:** UI

**DIC:** Millard Nachtwey

Red Ribbon Pairs 2<sup>nd</sup> Qualifying 3/25/04

**Panel:** Gary Zeiger (Reviewer), Bernard Gorkin, Su Doe

Bd: 11	♠ Q 10 9 8 7 2		
Dlr: South	♥ 4		
Vul: None	♦ K 9 6 4		
	♣ 10 7		
♠ A 4 3		♠ K J 6	
♥ Q 10 9 8 7 6 2		♥ K J 5 3	
♦ 7 5		♦ A J 5	
♣ 5		♣ A 8 6	
	♠ 5		
	♥ A		
	♦ Q 10 8 3		
	♣ K Q J 9 4 3 2		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
3♥	Pass	4♥	1♣
Pass	4♠	Dbl	Pass <sup>(1)</sup>
Pass	Pass	Dbl	5♣
			All Pass
(1) BIT (see The Facts)			

**The Facts:** The final contract was 5♣ doubled by South down two for NS -300. The opening lead was the ♥10 and the director was called after the 4♠ bid. EW reported to the director that South took 10-15 seconds to pass over 4♥. NS agreed that a hesitation occurred, although they did not concede that it was as long as EW contended. North said it “wasn’t out of the ordinary”. South said she was thinking of bidding 5♣.

**The Ruling:** The director ruled that the hesitation did not demonstrably suggest that the 4♠ bid would be more successful than pass, so he ruled the table result to stand (Law 16).

EW appealed the ruling and were the only players to attend the hearing.

**The Appeal:** North had 470 masterpoints, South had 625, East 1900, and West 1950. EW pointed out that since North found it reasonable to pass at his first turn (as opposed to double or 3♠), then it must have been possible for him to pass at his second turn. They thought that the quality of the spade suit would deter many from bidding. They said that South’s break in tempo suggested extra values of some sort and that any action South was considering was an encouragement for North to bid.

**The Decision:** Six 500-point players were given North’s hand (without any UI) and asked for their bids at each turn. Three players passed at each turn. Two players wanted to bid 3♠ at their first turn, but when forced to pass, they bid 4♠ at their next turn. One player passed at his first turn, then bid 4♠ over 4♥-P-P. An expert was consulted and he passed first and bid 4♠ at his next turn, but he said it could certainly backfire. He thought any break in tempo by partner would encourage action.

The panel decided that there had been an unmistakable hesitation by South that

demonstrably suggested action over inaction by North. Based on peer opinions, the panel decided that pass by North was a logical alternative. The score was adjusted to 4♥ by West making five, EW +450 (Laws 73C, 16A2, 12C2).

**Players consulted:** Six players with about 500 masterpoints and Phil Brady.

**Rigal:** I'm slightly surprised at the TD ruling for the offenders in a case of doubt. As the panel poll demonstrated, passing 4♥ was an option at this level of player, and South's pass suggested extras (even though they happened to be in shape not high-cards). Just because I would bid 4♠ does not entitle me to overrule the polled players and the panel sensibly relied on their decision.

**Wildavsky:** Good work by the panel.

**Staff:** I'm not so comfortable with this Panel decision. The auction got back around to South at a high level. Some time is needed. Did a break in tempo 'demonstrably' suggest 4♠? Looking at my hand (North) we have somewhere to play! Would I allow North to double here? No, demonstrably suggested.

## CASE THIRTY-TWO

**Subject:** UI

**DIC:** Bob Leonard

2<sup>nd</sup> Friday Afternoon Side Game 3/26/04

**Panel:** Matt Smith (Reviewer) Charles MacCracken, Michael Carroad

Bd: 2	♠ K 10 3		
Dlr: East	♥ K J 7 5		
Vul: NS	♦ 7 5 4 3		
	♣ 9 5		
♠ Q 9 7 4		♠ J 5	
♥ 10 2		♥ Q 6 3	
♦ K Q 9 6		♦ A J 10 8 2	
♣ 10 8 6		♣ 4 3 2	
	♠ A 8 6 2		
	♥ A 9 8 4		
	♦ —		
	♣ A K Q J 7		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
		Pass	1 ♣
Pass	1 ♥	Pass	2 ♠
Pass	3 ♠	Pass	4NT
Pass	5 ♣ <sup>(1)</sup>	Pass	5 ♥ <sup>(2)</sup>
Pass	Pass <sup>(3)</sup>	Pass	
<p>(1) One key card for spades</p> <p>(2) After some thought, South said "I'll let him play it."</p> <p>(3) Some thought before passing</p>			

**The Facts:** The final contract was 5♥ by North making five for a score of +650. The ♦ A was led and the director was called after the auction ended. The director erroneously believed North's response to 4NT was 5♦. He determined to his satisfaction that NS do not employ trump queen asking methods. While South's remark suggested a pass by North, there was no logical alternative to pass for this North (Law 16A).

**The Appeal:** EW appealed the ruling and all four players attended the hearing. NS are a semi-regular partnership with each having about 350 masterpoints. East had 700 points and West had 625. At the start of the hearing, the acution and facts on the appeal form were confirmed with the players. At that point, all parties agreed that North's response to 4NT was actually 5♦ (as noted on the appeal form

originally). NS said that they had no agreement about 5♥ being a trump queen asking bid and in fact both said they had never heard of it. Their convention card did not make any mention of it one way or the other.

When asked about their auction in general, NS stated that 2♠ was game forcing promising four spades. South said she would have opened 1♠ if she had five of them even with a longer minor (she had opened a 5-6 spade-club hand 1♠ earlier in the day). NS do play splinters, but both said that they splinter with singletons and not voids. North said he expected partner to have only four spades (perhaps even three). He agreed that he took 45 seconds before passing 5♥. He said he took the time trying to figure out if he had missed something earlier in the auction, but that he eventually concluded that South must have true heart support.

NS said they were familiar with an auction where a new suit bid at the five level

by the 4NT bidder requested a 5NT bid from partner. EW thought that the remark by South suggested that North should pass and that 5♠ was a reasonable alternative for North. At this point in the hearing, West volunteered that North's response to 4NT had been 5♣ and not 5♦. NS confirmed this fact (their response structure to RKC was 1430).

As to the remark made by South, she agreed she said it in a quiet aside to East. North said he did not hear the remark and West said he heard South say something but did not understand what she said. At the end of the auction, East asked West if he "wanted to let it go by." West asked what she meant and when he told him, he called the director.

**The Decision:** The panel polled three experts and three peers on what South's sequence of Bids showed. Two speculated that South was showing a hand that was too good for a 4♥ bid or a splinter over 1♥ by North—perhaps a very strong 3-4-1-5 pattern. North's 3♠ bid may have ended played South from completing his description by jumping to 4♥ over an expected continuation by North of 2NT or 3♣. Another was unsure what 5♥ showed in the absence of partnership agreement. All agreed that 5♥ was not a queen ask since 5♦ was available for that purpose.

The three peers (500, 270, and 450 points) were given North's hand as a bidding problem. Two of them preferred a bid of 2NT over 2♠, but over 5♥ all agreed that pass was the only alternative as partner must have four hearts. Given this input, the panel decided that although UI was available to North due to his partner's remark (although it may well not have been heard by him) and that the remark suggested passing, there was no logical alternative to passing (Law 16A).

The table result of NS +650 was ruled to stand. Given that the confusion over the auction was not cleared up until well into the hearing, EW were not given an AWMW in a case that otherwise would have warranted one.

**Rigal:** At the very least South was very close to a PP for a totally inappropriate comment – whether or not North heard it. Since it might well have seemed to South to be to his advantage to stop in 5♥ here, I think this is far closer to an adjustment than the panel does. Still, if the sample voted the way they did, one can hardly argue with them. This deal is certainly appropriate for the recorder. If NS later emerge to be playing a trump queen ask I'd throw the book at them – retrospectively.

**Gerard:** Not even close to warranting an AWMW. South blatantly violated the Laws, North couldn't tell whether to pass 5♥, the Panel spent a forever amount of time dwelling on a queen ask that NS had never heard of, yet South got off without even a warning and EW are told they shouldn't have brought the appeal. If I had been West, I would have reacted the same way when I found out what the remark was. How can this type of behavior not even be questioned?

**Wildavsky:** Asides to the opponents, quiet or otherwise, have no place in the game. This one deserved a procedural penalty, and I'd have searched harder for a peer who would have bid over 5♥.



## CASE THIRTY-THREE

**Subject:** Tempo - UI  
**DIC:** Ron Johnston  
 Senior Swiss 3/28/04

**Panel:** Charles MacCracken (Reviewer), Roger Putnam, Matt Smith

Bd: 12	♠ 8 2		
Dlr: West	♥ J 9 5		
Vul: NS	♦ A K Q 6 5		
	♣ A 8 2		
♠ Q J 9 6		♠ K 10 5 4	
♥ K 6 2		♥ A 3	
♦ 7 2		♦ J 4	
♣ Q 10 9		♣ K 7 6 4 3	
	♠ A 7 3		
	♥ Q 10 8 7 4		
	♦ 10 9 3		
	♣ J 5		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
Pass	1NT <sup>(1)</sup>	2♣ <sup>(2)</sup>	Pass <sup>(3)</sup>
Pass	2♦	All Pass	
(1) 14-16 (2) Clubs + major (alerted) (3) BIT			

**The Facts:** The final contract was 2♦ by North making four after the lead of the ♦J. The director was called after the 2♦ bid. South had asked the meaning of 2♣ and after getting the answer had taken some time before passing. NS estimated that the time taken after the answer was five to eight seconds while EW maintained that the time taken after the answer was 15 to 20 seconds. The director determined that South had hesitated unmistakably, the hesitation demonstrably suggested action over inaction to North, and that pass was a logical alternative (Law 16A). The contract was changed to 2♣ by East making two for EW +90 (Law 12C2). NS appealed the director's ruling.

**The Appeal:** All players but South attended the hearing. North was a top flight expert. He believed that South barely broke tempo over 2♣. He said that the hesitation after the answer to South's question was five to eight seconds. East estimated 15 to 20 seconds and West estimated 10 to 15 seconds. North argued that since EW had passed the hand out at 2♣, it was likely that South had some high cards. He also said that with his six trick hand and a good suit it was unlikely that anyone would double 2♦. EW thought that 2♦ had substantial risk and that pass was a logical alternative.

**The Decision:** The panel gave North's hand as a bidding problem to three experts. Two of them said that pass was the only call at IMPs, but they would bid at matchpoints. Another thought both pass and 2♦ were equally likely. The panel found there had been an unmistakable hesitation which demonstrably suggested bidding as opposed to passing. The information from the polled players indicated that pass was a logical alternative to bidding 2♦. The contract was changed to 2♣ according to Laws 16 and 73F1.

Since there was no IMP difference between EW +90 and +110, the panel ruled 2♣ made two, EW +90 (12C2).

Since there was little potential gain available to bidding 2♦ and a potentially huge risk, and since North put forth no cogent reason to change the director's ruling NS were assessed a AWMW.

Players Consulted: Jacqui Mitchell, Amalya Kears, and Ron Smith (SF).

**Rigal:** The vulnerability makes passing an option, of course. I was both pleased and surprised to see the sample agree with me, and an AWMW awarded. If partner can't bid over 2♣ why must he have values? Why should the opponents not have missed game or a higher-scoring partscore in one or both of the majors – as indeed they had!

**Wildavsky:** Good work all around.

**Staff:** We've seen these appeals before. This needs a PP and an AWMW.

## CASE THIRTY-FOUR

**Subject:** Tempo

**DIC:** Jeff Alexander

Flt A/X Swiss 3/28/04

**Panel:** Charles MacCracken (Reviewer), Roger Putnam, Matt Smith

Bd: 2	<i>Dave Westfall</i>		
Dlr: East	♠ 9 8		
Vul: NS	♥ A K J 4 3		
	♦ 10 6 3		
	♣ 8 6 5		
<i>Mel Colchamiro</i>		<i>Janet Colchamiro</i>	
♠ 7 6 5		♠ K Q 3 2	
♥ 6 5 2		♥ 9	
♦ J 8 5		♦ A K Q 9 7 4	
♣ K Q 10 7		♣ A 2	
<i>Mark Burkhammer</i>			
♠ A J 10 4			
♥ Q 10 8 7			
♦ 2			
♣ J 9 4 3			
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
		1 ♣ <sup>(1)</sup>	Pass
1 ♦ <sup>(2)</sup>	1 ♥	2 ♦ <sup>(3)</sup>	2 ♥
Pass	Pass	2 ♠ <sup>(3)</sup>	Pass
3 ♦ <sup>(4)</sup>	Pass	4 ♣ <sup>(5)</sup>	Pass
4 ♦ <sup>(6)</sup>	Pass	5 ♦	All Pass
<p>(1) 15-21 HCP                  (2) 6+ HCP, denies a six-card suit                  (3) Suit, forcing 1 round                  (4) Preference                  (5) Cue bid                  (6) A long BIT (1 minute)</p>			

**The Facts:** The final contract was 5 ♦ making five for an EW score of +400 after the opening lead of the ♥K. West admitted to taking a long time to bid 4 ♦. Director was called after the 4 ♦ bid.

**The Ruling:** Laws 16 & 73F pass is not an LA. Result stands.

**The Appeal:** NS appealed and all four players attended the hearing. West said it took a while to work out that East was 4-6. His partner would have doubled 1 ♥ or 2 ♥ had she held more clubs, so he down graded the value of his ♣Q. East said she was looking for slam and of course she was always going to game. Give her partner the ♠J and the ♣K and game was automatic.

NS thought pass was an LA given the UI East had. They disputed the example hand above being an “automatic” make. Also, if West held, for

example, ♠xxx ♥Qxx ♦Jxx ♣QJxx, EW thought it would have taken him a lot less time to bid 4 ♦. With this hand you cannot get to dummy twice to take the club finesse and lead toward the ♠KQ twice unless the diamonds are 2-2 and even if the ♠A is on, spades have to split 3-3 to make. This hand requires the ♠A and ♣K to be onside, which does not leave much of a heart suit for the overcaller.

**The Decision:** Two experts felt West underbid his hand with 4 ♦ and pass was the correct action with the East hand. One thought pass was an LA and the other two bid the game. They thought the slow 4 ♦ definitely suggested a better

hand than an in tempo 4 ♦. The Panel ruled that there had been an unmistakable hesitation that demonstrably suggested 5 ♦ over 4 ♦ and so it awarded a score of 4 ♦ making five for both sides. Laws 16, 73 and 12.

**Players Consulted:** Allan Falk, Peter Friedland, Greg Hinze, Dan Morse, and Chris Willenken.

**Rigal:** Whenever a TD makes this sort of ruling and is overturned by a panel, some serious soul-searching should be in order. Well done by the panel. For what it is worth, the polled players were far less confident than I would have been here. West had shown a Yarborough thus far in the auction (whether or not 2 ♠ was forcing) so pass of 4 ♦ is nothing less than 100% automatic.

**Gerard:** West didn't raise in competition and took only a simple preference, yet East was still looking for slam. Do you think if West had properly bid 5 ♦ she would have bid six? And after signing off three times yet finding out that partner bid game on her own, did West even consider that slam might have been excellent? If I bid that way as East I would have ♠AKxx ♥x ♦AKQxxx ♣Ax. In real life, East made a game try, West rejected and East accepted. This was blatant misuse of MI and deserved a PP.

**Wildavsky:** A good decision by the panel. I'm not sure about their methodology, though. Rather than asking the players consulted whether pass is a LA I think they'd do better to ask

- (1) What call would you make?
- (2) Was your decision a close one?
- (3) If your decision was close, what other call or calls did you seriously consider?

## CASE THIRTY-FIVE

**Subject:** UI

**DIC:** Jeff Alexander

Flt A/X Swiss 3/28/04

**Panel:** Charles MacCracken (Reviewer), Roger Putnam, Matt Smith

Bd: 27 Dlr: South Vul: None	<i>Paul Erb</i> ♠ A 3 2 ♥ A K 6 3 ♦ J 10 7 2 ♣ 10 5		
<i>Nobel Shore</i> ♠ 10 8 6 4 ♥ J 8 ♦ Q 9 5 3 ♣ J 4 2	<i>Adam Myerson</i> ♠ Q 9 ♥ 10 9 7 5 2 ♦ A 6 ♣ A Q 7 3	<i>Ben Black</i> ♠ K J 7 5 ♥ Q 4 ♦ K 8 4 ♣ K 9 8 6	
<i>West</i> Pass Pass Pass	<i>North</i> 1♥ 2NT <sup>(1)</sup> 3NT	<i>East</i> Pass Pass All Pass	<i>South</i> 1♣ 1♠ 3♣
(1) Alerted; explained as a relay to get out at 3♣			

**The Facts:** The final contract was 3NT making three for NS +400 after the lead of the ♥9. The director was called when North bid 3NT. North had interpreted this action as in an auction where 2NT is a non-jump bid.

**The Ruling:** There was UI, but in most cases directors have ruled that 3♣ is a forcing auction. According to Law 16, pass is not an LA. Result stands.

**The Appeal:** EW appealed and North and West were the only players to attend the hearing. North said he intended his 2NT as invitational. NS have a check back system – North should have bid 2♣ and then 2NT to invite game. He bid 3NT because he had no club fit.

West thought pass was an LA given the UI that North had.

Two consultants felt South's bidding showed a bad 4-6 hand, so North should pass, especially since his hand was better oriented toward suit play. His hand had too few clubs to raise.

**The Decision:** The Panel found there was UI that demonstrably suggested that 3NT would be likely to be a better spot than 3♣, so it changed the contract to 3♣ down one; NS -50 under Laws 16, 73 and 12.

**Players Consulted:** Chris Willenken and Mike Kamil.

**Rigal:** See the previous case for the TD ruling for the offenders and then being overturned. The consulted players got this exactly right. Finally someone backs my view that not all 3♣ calls after 'Lebensohl' 2NT bids can be over-ridden!

**Wildavsky:** This was a dreadful ruling by the TD. He clearly did not understand

the auction or its relation to auctions in other decisions, which in any case do not set a precedent. Informal polls are one way to improve rulings like this. Especially in a Swiss, where he can consult with other players in the event, the TD ought to have given the North hand as a bidding problem to a player or two. When they all passed he'd hopefully realize that pass was in fact a LA.

## CASE THIRTY SIX

**Subject:** MI  
**DIC:** Matt Smith  
 NAOP Flt C 3/28/04

**Panel:** Charles MacCracken (Reviewer), Michael Carroad, Olin Hubert

Bd: 24	♠ A K 3		
Dlr: West	♥ K 9 2		
Vul None	♦ J 7 5 4		
	♣ A 5 3		
♠ Q 10 9 4		♠ 7 6 2	
♥ A J 8 5 4		♥ 3	
♦ A Q 8		♦ K 10 9 3	
♣ 7		♣ Q 10 9 6 2	
	♠ J 8 5		
	♥ Q 10 7 6		
	♦ 6 2		
	♣ K J 8 4		
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>
2♦ <sup>(1)</sup>	2NT	Pass	3♣ <sup>(2)</sup>
Pass	3♦	Pass	3NT
All Pass			
(1) Flannery — not alerted			
(2) Stayman			

**The Facts:** The final contract was 3NT down one for a score of NS -50 after the lead of the ♣6. The director was called when the distribution became obvious during the play. North bid 2NT over 2♦ thinking it was Flannery. Both EW cards were marked Flannery. East did not think she had to alert it.

**The Ruling:** The Director ruled that misinformation had occurred causing damage to NS (Law 21B3, 40C). He projected an auction of 2♦ (alert), P, 2♠, all pass (12C2). Down two after ♠AK and another, followed by a club force.

NS appealed and were the only players to attend the hearing. (Note: This event did not end and

the appeal was not brought until all but the NABC+ events were over. Thus, there were no peer consultants available.)

**The Appeal:** North said he was aggressive and would have bid 2NT, just as he did over the weak two. However, South would have known not to ask for a major suit fit and passed his minimum hand. EW defended badly — at trick two North led the ♥9 and ran it and still took eight tricks. Since North took eight tricks in 3NT, he asked for eight tricks in 2NT

**The Decision:** The panel accepted the logic that South would not have stretched his values to bid if he knew 2♦ was Flannery. It found there had been misinformation that directly led to NS's poor result (Law 40C). It judged NS +120 to be one of several likely result and thus, under Law 12C2, awarded that score to NS since it was the most favorable of the likely results. That score appeared to be the most unfavorable result that was at all probable, so it was also awarded to EW.

**Rigal:** Excellent decision by the panel. The number of tricks taken in 3NT should be what is used for the hypothetical 2NT contract.

**Gerard:** Totally incompetent ruling and description. If South leads a spade to the ace-king and another, declarer gets out for down one by playing a club to the ten, then pitching on a club return or covering the heart switch and pitching on the ♣A return. If North hops with the ♣A and plays a club, East lets the jack hold and covers the heart return. Maybe declarer wouldn't have been up to it based on the defense to 3NT, but the projected auction was ridiculous in light of the fact that North knew he was defending against Flannery. The panel restored sanity.

**Wildavsky:** The text of "The Facts" is inconsistent with the text of "The Appeal." Assuming the latter is correct, and that North thought 2♦ showed diamonds, then the TD ruling is fair and the panel ruling good. The Laws require the TD to enumerate the likely and at all probable results, not to project a single most likely result.

**Staff:** I disagree. North still wanted to bid 2NT, because he "was an aggressive player." Since South's forward going bid was equally aggressive, why should we accept the notion of passing over Flannery? The South hand's pluses and minuses do not change with the new information. If anything, missing honors are more likely to be onside, with West having an opening bid.



## CLOSING REMARKS FROM THE EXPERT PANELISTS

**Barry Rigal:** The write-ups are far less well done than in previous years. It is a major mistake to let the write-ups be handled by someone with other duties at the Nationals. I'd urge the organization to utilize someone with time at their disposal to produce a far more comprehensive write-up.

The TD rulings are definitely heading in the right direction. Very few outright boners – though the tendency to rule for the offenders in the case of doubt is still cropping up from time to time. As usual (in my opinion) the panels are doing a fine job.

I'm probably too sympathetic to the committees – it is hard for me to be dispassionate, and particularly this nationals since I was roped into so many committees by the shortage of manpower and volume of work, but on re-reading the decisions I can't see any that are manifestly out of line. Thank you everyone.

PS let's try to use BIT for a break not for just a pause.

**Jeff Goldsmith:** The process is still improving. Polling players has made the results of appeals (and directors' rulings) not only more accurate, but far more convincing. Lending a convincing air to this process is a very good thing.

I feel pretty strongly that players' claims as to the lengths of hesitations need to be taken with an enormous grain of salt. We'll be much more accurate simply by looking at the hand of the player who is alleged to have tanked. If he had an obvious problem or if he took a very strange action, it's likely that the claimed hesitation is accurate, more so than the player's estimates of the time taken. We'll never be free of hesitation problems, but timers on the table, preferably set off by skip bid warnings, will really help. It'll help players who want to avoid varying their tempo; it'll help directors and ACs who'll then know exactly how long the hesitation was, and it'll put players who do not use the skip bid warning at a substantial disadvantage over those who do; those players will "know" that there was a real hesitation beyond the expected length; the others will only be able to claim it.

Skip bid warnings are mandatory. Why do players refuse to use them, then go to committee complaining about their opponents' tempo? It's not reasonable to give the opponents of a player who does not use the skip bid warning carte blanche. It is illegal to award split rulings so that a player who didn't use a skip bid warning is essentially never able to gain from the next player's variation of tempo. But it is legal to give PPs for the failure to use a skip bid warning anytime an AC/Director rules in favor of such a player, essentially creating the same effect. Ought we do that? Probably not, but we might consider threatening to do it.

Four panelists is really not enough. It was really nice to be able to read the casebook when a large group of panelists were available. Particularly valuable is European commentary.

**Adam Wildavsky:** ACs heard 24 cases in Reno. The AC ruled as the TD did in 16 cases. In the remaining ten cases I judged that the AC improved the TD's ruling four times (5, 10, 13, 23) and never clearly worsened it. I found four cases (2, 4, 17, 18) too close to call — I'll revisit them after the casebook is published.

Panels heard 12 cases and decided as the TD did in seven of them. In the five remaining cases (4, 7, 10, 11, 12) I judged that they improved the TD's ruling.

This is the first time in the three years I've been keeping track that neither an AC nor a Panel clearly worsened a TD ruling. I find this encouraging, but as always the sample size is small. I did disagree with some decisions though, and once I've read the casebook comments I might move a case or two into the "Worsened" column.

My data can be found at [http://bridge.tameware.com/laws/nabc\\_casebook\\_summaries.html](http://bridge.tameware.com/laws/nabc_casebook_summaries.html)

While I am a big fan of polling, Case Twenty-five shows that it has its limits. A poll or consultation must be used to inform the panel's decision, not as a substitute for it.

It also demonstrates why many poor AC and Panel decisions follow from poor TD decisions. Had the TD ruled the other way, and provided his reasoning, I expect the Panel would have ruled as the TD did.

I have been hoping that the number of cases heard would decrease over time, but lately we've seen the opposite. Considering just NABC events we've gone from a high of 37 in Toronto to a low of 13 in Phoenix, but the caseload is trending up again. Some of this can be attributed to random variation, but it could also be a sign that TD rulings are not as consistent as they ought to be.

I'm not certain how to improve rulings in general but one sign of improvement would be properly filed appeals forms. I don't think it's too much to ask that every TD at an NABC should be willing and able to complete an appeal form. A proper appeals form shows that the TD gathered as complete a set of facts as were available to him, applied a specific law or laws to those facts, and explained the law and the ruling to the players. If that procedure were followed in every ruling I expect there would be fewer appeals.

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5	Tempo	Open Qualifying	NABC	
6	Tempo	OpenQualifying	NABC	
7	Tempo	Silver Ribbon Qual	NABC	
8	Tempo	Silver Ribbon Final	NABC	
9	Tempo	Silver Ribbon Final	NABC	
10	MI	Mixed Qualifying	NABC	Yes
11	MI	Mixed Qualifying	NABC	Yes
12	Tempo	Mixed Qualifying	NABC	
13	Tempo	Mixed Qualifying	NABC	
14	Tempo	Mixed Qualifying	NABC	Yes
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22	MI	Open Swiss Final	NABC	
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