

APPEAL	NABC+ SIX
Subject	Unauthorized Information (UI) - Tempo
DIC	Steve Bates
Event	Victor Mitchell Open BAM Teams
Session	Second Final
Date	November 30, 2009

BD#	25
VUL	E/W
DLR	North

Harald Nordby	
♠	K J
♥	A Q 9 2
♦	A 9 2
♣	K 7 4 3

Mike Cappelletti		Fall 2009 San Diego, CA	David Grainger	
♠	Q T 8 5 2		♠	A 6 4
♥	6		♥	8 5 4
♦	K Q J 7 3		♦	8 6
♣	9 6		♣	A J T 8 5

Arve Farstads	
♠	9 7 3
♥	K J T 7 3
♦	T 5 4
♣	Q 2

West	North	East	South
	1NT ¹	Pass	2♦ ²
Dbl	3♥ ³	Pass	Pass ⁴
3♠	4♥	4♠	Pass
Pass	Pass		

Final Contract	4♠ by West
Opening Lead	♥A
Table Result	Down 2, E/W - 200
Director Ruling	3♠ W making 3 -140 N/S 3♠ W down 1 -100 E/W
Committee Ruling	4♥ N down 2, N/S -100 for N/S 4♠ W down 2, E/W -200 for E/W ¼ Board Penalty to N/S

(1)	15-17 HCP.
(2)	Transfer to hearts.
(3)	Four hearts.
(4)	Slow.

The Facts: The director was called when dummy was faced and returned after the play of the hand was completed. There was a break in tempo (BIT) before South passed over 3♥.

The Ruling: The director judged that the BIT demonstrably suggested bidding 4♥ over a logical alternative of pass. Therefore, the score was adjusted to 3♠ by West making three, N/S -140 as the most unfavorable result that was at all probable for the offending side and 3♠ by West down one, E/W -100 as the most favorable result that was likely for the non-offending side, per laws 16B and 12C1(e).

Appeal: E/W appealed the director's decision. Only West and South attended the hearing. There was an admitted hesitation by South. West claimed that he would have easily made 3♠ if he was playing that contract. He also said that he felt East would pass 3♠.

South admitted that North should not bid 4♥, but said he would never defend 3♠ on the auction, that he almost bid 4♥ over 3♥, and would always have bid it over 3♠.

The Decision: The committee had to decide what results were likely and at all probable.

The possible results were:

3♠ W = E/W + 140

4♥ N -2 N/S - 100

4♥ N -1 N/S - 50

3♠ W -1 E/W - 100

4♠ W -1 E/W - 100

4♠ W -2 E/W - 200

The committee judged that East was likely to bid 4♠ directly over 3♠, and if not then over a balance of 4♥. Declarer would then take the same number of tricks so the committee assigned the non offenders minus 200. For the offending side, the decision was that it was at all probable that 4♥ would be passed out, with declarer misguessing the spades if not doubled by East and guessing correctly if doubled, in either case minus 100. In addition the committee assessed a ¼ board procedural penalty against N/S for North's 4♥ bid. The appeal was found to have substantial merit.

Dissenting opinion by Ed Lazarus:

I concur with E/W -200 and the procedural penalty, but feel that East would almost certainly have bid 4♠ either directly or after 4♥, based on the fact that West has shown a powerful distributional hand at unfavorable vulnerability. Therefore, in my judgment the adjustment for N/S should be to 4♠ by West, down two, N/S plus 200.

The Committee: Aaron Silverstein (Chair), Gene Kales, Ed Lazarus, Danny Sprung and David Stevenson.

Commentary:

Goldsmith I'm with the dissent. East did, in fact, bid 4♠ over 4♥. Why would he not bid it if South bid 4♥ instead of North? I'd bid it even if North passed and don't think it's remotely close. Result stands.

The procedural penalty is a good choice. Despite the committee's overturning it, the director's initial ruling was reasonable. He gave the non-offending side the benefit of the doubt, which is normal.

The committee's reasoning and use of the laws was good I prefer the dissent's judgment, but I'm pleased to see Law 12 being carefully worked through.

- Polisner** I'm confused (not unusual). If the committee found that East "was likely to bid 4♠ directly over 3♠," it seems that the blatant use of the UI by North was irrelevant to the table result. As such, the result should be 4♠ minus 200 for both sides and a procedural penalty assessed against N/S.
- Rigal** The dissenter has a reasonable point that N/S were somewhat hard done by here. Given that N/S did bid 4♥ and E/W did bid 4♠ I'm not sure under which scenario N/S get landed with playing 4♥, AND a procedural penalty. Still, I'm happy to see the blatant foul by North harshly (if excessively) punished.
- Smith** Good for the committee in giving North a penalty for the 4♥ bid. As for the rest, there seem to be many possibilities and the committee analyzed them thoroughly and properly according to the standards of the law, so I have no quarrel with this decision.
- Wildavsky** It's not clear to me that East would bid 4♠ had North passed. That would often, as here, punish partner for balancing. 4♠ would be even less attractive over South's 4♥ bid. I also don't understand why West would take one more trick at the three-level than he did at the four-level. Whatever the score adjustment, the procedural penalty imposed by the committee seems appropriate.
- Wolff** North should not bid 4♥ after his partner's slow pass to 3♥, but why wouldn't East support his partner after his partner did so much bidding. I sort of like the ruling since North should not have bid and East probably would have bid regardless of North's action. Partner is already known to have a singleton heart.