

APPEAL	Non NABC+ Eight
Subject	Unauthorized Information (UI) - Tempo
DIC	Tom Marsh
Event	0-5000 Blue Ribbon Pairs
Session	First Final
Date	December 2, 2009

BD#	<b>18</b>
VUL	<b>N/S</b>
DLR	<b>East</b>

<b>1,390 Masterpoints</b>	
♠	A 9 6 3 2
♥	Q 7 3
♦	Q 4
♣	T 7 2

<b>900 Masterpoints</b>		<b>Fall 2009 San Diego, CA</b>	<b>1,500 Masterpoints</b>	
♠	J T 5 4		♠	Q 8
♥			♥	K 6
♦	T 9 8 6 3		♦	K J 5
♣	A K Q 6		♣	J 9 8 5 4 3

<b>3,040 Masterpoints</b>	
♠	K 7
♥	A J T 9 6 5 4 2
♦	A 7 2
♣	

West	North	East	South
		Pass	1♥
Dbl	1♠	3♣	4♥
5♣	5♥	Pass	6♥
Pass	Pass	Dbl <sup>1</sup>	Pass
7♣	Pass	Pass	Dbl
Pass	Pass	Pass	

Final Contract	<b>7♣ doubled by East</b>
Opening Lead	<b>♠K</b>
Table Result	<b>Down 3, E/W - 500</b>
Director Ruling	<b>6♥ Dbl'd S made 6, N/S + 1660</b>
Panel Ruling	<b>6♥ Dbl'd S made 6, N/S + 1660</b>

(1) Agreed break in tempo (BIT).

**The Facts:** The director was called after the 7♣ bid and again after the play of the hand. The BIT was agreed by all players.

**The Ruling:** The director judged that the 7♣ bid was demonstrably suggested by the BIT and that pass was a logical alternative. The score was changed for both sides to 6♥ doubled by South making six, N/S plus 1660.

**The Appeal:** E/W appealed the director's decision and all players attended the hearing. West stated that he passed more quickly than he would have liked over 6♥, because he didn't want to put ethical pressure on his partner. He said that he would have really preferred to bid 7♣, even without partner's action. There was no agreement on the length of the BIT. It seemed to be from 12-30 seconds. The one thing that all players agreed on was that the BIT was noticeable.

**The Decision:** Five players with around 1,000 masterpoints were polled. They were given the auction up to the point where 7♣ was bid, without mention of the BIT before the double. Not one “pulled” the double, or stated any belief that 7♣ would be a successful sacrifice.

Therefore, the director’s decision was upheld and the score of N/S plus 1660, E/W minus 1660 was retained.

The appeal was determined to have merit.

**The Panel:** William Michael (Reviewer), Jay Albright and Nancy Boyd.

**Commentary:**

**Polisner** Good ruling and decision, but at least an appeal without merit warning (AWMW) should have been issued.

**Rigal** The facts of this case could go to make up the classic Appeal Without Merit case. What more did the panel need but a unanimous group who sat for the double? Yes it decided the case right...but really!

**Smith** This was a pathetic appeal that never should have been made. No AWMW? I would have given West a penalty for flagrantly taking advantage of UI (Law 73C).

**Wildavsky** Not a shred of merit. I'd have assessed a procedural penalty in addition. It could not have been more attractive for West to save after partner doubled than it was beforehand.

**Wolff** No merit to E/W's appeal. Be real and why wouldn't E/W be charged with an AWMW? We need to be more consistent!