

APPEAL	NABC+ NINE
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Edgar Kaplan Blue Ribbon Pairs
Session	Second Qualifying
Date	December 1, 2009

BD#	<b>26</b>
VUL	<b>Both</b>
DLR	<b>East</b>

<b>Jessica Piafsky</b>	
♠	9 6 5 4
♥	A K Q
♦	A 9
♣	A 6 4 2

<b>Jim Gordon</b>		<b>Fall 2009 San Diego, CA</b>	<b>Dick Benson</b>	
♠	Q T 8 7		♠	A K J
♥	T 8 7		♥	J 6 4 3 2
♦	T 2		♦	J 8 3
♣	K Q 8 5		♣	J 9

<b>Bob Drijver</b>	
♠	3 2
♥	9 5
♦	K Q 7 6 5 4
♣	T 7 3

West	North	East	South
		1♥	Pass
2♥	Pass <sup>1</sup>	Pass	3♦
Pass	3NT	Pass	Pass
Pass			

Final Contract	<b>3NT by North</b>
Opening Lead	<b>♠A</b>
Table Result	<b>Made 3, N/S +600</b>
Director Ruling	<b>2♥ E down 1, E/W -100</b>
Committee Ruling	<b>3NT N, made 3, N/S +600</b>

(1) Alleged 5 second break in tempo (BIT)
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**The Facts:** The director was called after the play of the hand. South contended that there was no BIT and that in any case his hand would always balance with 3♦.

**The Ruling:** The director judged that there was a BIT by North over 2♥. This demonstrably suggested action over inaction (pass) by South and pass was judged to be a logical alternative. Therefore the result for both sides was adjusted to 2♥ by East down one, E/W minus 100.

**The Appeal:** N/S appealed the director's ruling. North and South were the only players to attend the hearing. According to the screening director E/W claimed that North took five seconds to pass over 2♥. South said that there was no hesitation and that it took at most three seconds for North to pass. By the time E/W called the director, North had left the table for a break.

N/S said that E/W made no comments about any hesitation during the auction or when dummy was displayed. After the completion of play, one of the E/W players remarked that North had quite a good hand. They then apparently decided that there must have been a hesitation.

South also argued that since the opponents had found a fit and stopped in 2♥ that North was marked with a good hand and that it was clear to balance by bidding his good six-card suit.

**The Decision:** When there is a BIT that might provide UI, players are encouraged to either call the director or announce that they reserve the right to do so, per Law 16B2. By delaying the director call, E/W considerably weakened its claim of a tempo break. Based on the facts presented by the screening director and N/S, the committee decided that the time it took North to pass did not constitute an "unmistakable hesitation." Thus, the table result of 3NT by North making three, N/S +600 was restored for both sides.

**The Committee:** Doug Doub (Chair), Michael Kamil, Fred King, Hendrik Sharples and Riggs Thayer.

**Commentary:**

**Goldsmith** Of course there was a BIT - look at North's hand,. However, 3♦ by South seems automatic, so passing is not a logical alternative, and the result stands.

**Polisner** Good work all around except for the failure to issue an appeal without merit warning (AWMW).

**Rigal** Sensible decision and I agree that E/W's failure to call the director at the appropriate time (and experienced players should know that) is a strong indication of there not being a BIT.

**Smith** E/W weakened its case considerably by not calling the director earlier. I agree with the committee that the significance of that fact along with the testimony of the players was not convincing enough to rule that an "unmistakable hesitation" had occurred according to Law 16.

**Wildavsky** I like everything about this committee ruling. One could say that the director did as he ought by ruling for the non-offenders in a close case. I would not, since it's not clear to me that N/S did anything irregular.

**Wolff** An apparent good decision by the committee since, no BIT, of course, no penalty. E/W were very slow in bringing up a possible BIT before calling the director and by doing such, severely prejudiced their case. Whether we, the appeals brigade, want to pursue further this all too common competitive sour grapes attitude or not might make a major difference in getting our word out to the masses as to what is expected of them. I suggest that Adam, presiding, and on behalf of the appeals committee write a summary as to what is to be expected so that we will be enabled in the future to give this complaining partnership a procedural penalty for appealing after the fact.

Upshot: We need to raise the stakes for poorly timed complaints so that, at least the complaining parties suffer some jeopardy in their attempts to get something for nothing.