

APPEAL	NABC+ TWO
Subject	Misinformation (MI)
DIC	Roger Putnam
Event	Senior Knockout Teams
Session	Round of 16 – 3 rd Quarter
Date	November 24, 2007

BD#	25
VUL	E/W
DLR	North

Jim Kirkham	
♠	K
♥	A Q 9 8 7
♦	Q 8 6 3 2
♣	6 5

John Schermer		Fall 2007 San Francisco, CA	Neil Chambers	
♠	7 6 5 3 2		♠	A J 8
♥	T 4		♥	J 6 5 2
♦	A 4		♦	K T 7
♣	A K T 7		♣	8 3 2

Corrine Kirkham	
♠	Q T 9 4
♥	K 3
♦	J 9 5
♣	Q J 9 4

West	North	East	South
	Pass	Pass	Pass
1♠	3♦ ¹	Dbl	4♦
Pass	Pass	Dbl	Pass
Pass	Pass		

Final Contract	4♦ dbld by North
Opening Lead	♠A
Table Result	4♦ dbld -2, N/S -300
Director Ruling	4♦ dbld -2, N/S -300
Committee Ruling	4♦ dbld -2, N/S -300

(1) North Alerted East that 3♦ showed 5-5 in the red suits.

The Facts: The director was called after the comparison. West contended that had he known the North explanation he would have defended differently. The 3♦ bid was not Alerted by South to West as South contended correctly according to the convention card that 3♦ was pre-emptive by agreement.

The Ruling: Since the N/S agreement was properly not Alerted by South, there was no violation because West was “told” the correct agreement. Therefore, there was no adjustment considered. The tabled result of 4♦ doubled down two, N/S minus 300, stands.

The Appeal: E/W said that if West had been informed of the possibility that North had a two-suiter (diamonds and hearts), he would not have continued at trick three by leading a heart.

North intended his 3♦ bid to show the red suits and he so informed East (his screenmate) when he made the bid. However, his convention card and system notes (both carefully examined by the committee) showed that 3♣ was the bid that would show the two-suiter and 3♦ was a single-suited pre-empt.

The Decision: North and East were screenmates. North Alerted his 3♦ bid and provided information that agreed with his hand. South did not Alert West because, per the N/S agreement, 3♦ was a natural single-suited pre-empt and was not Alertable. West was not entitled to know the contents or distribution of the North hand but was entitled to know its Alertability status (which was non) and, upon inquiry, an accurate description of the partnership agreement. He was not entitled to know that North had misbid, which North clearly had done.

The only infraction the committee could find was that East was not correctly informed about the N/S agreement concerning the meaning of the 3♦ bid. E/W stated that they thought that East's defense was not affected by the misinformation. It was West whose defense may have been "damaged," but the damage was not related to any infraction. Therefore, the committee sustained the director's ruling that the table result of 4♦ doubled down two, N/S minus 300, stands.

The committee discussed whether the appeal had substantial merit for several minutes. For several reasons, including the fact that the system notes, which proved that North had misbid, were first presented at the hearing, the committee decided that the appeal had merit when it was filed.

The Committee: Michael Huston (Chair), Eugene Kales, Ellen Kent, Ed Lazarus and Chris Moll.

Commentary:

Goldsmith Case history in Europe has shown that Ghestem misbids are extremely common. Appeals committees (AC) there assume that such misbids are implicit partnership understandings, not 75 D misbids, and thus provide misinformation. We can't know that this is the first or not the first time such an occurrence has happened with N/S, but the odds are very strong that it is not the first, given experience with other Ghestem users. Therefore, while law 75 D says this was a misbid, not misinformation, we should rule that the proper explanation is "3♦ is single-suited preemptive, but we play 3♣ shows the red suits, and it's not far-fetched that he mixed them up." That explanation was not given, so there was MI. (As an aside, yes, this is very harsh, but the alternative is to ban Ghestem. This sort of thing happens constantly, and misbids of Ghestem can be devastating to the non-offending side.)

Were E/W damaged by the MI? I don't see how. After the ♠A lead, E/W can't take more than five tricks, and declarer's play to take eight is straightforward. I judge that it is not at all probable that had North faced his hand at that point that E/W would have taken more than five tricks. So, no adjustment.

Is an appeal without merit warning (AWMW) appropriate? There was MI. That's not sufficient---E/W have to show they were damaged by it. Since neither the director nor the AC ever considered the matter, and the defense is mildly complicated, no AWMW is appropriate.

Polisner Another bizarre case similar to NABC+ case one. Here the N/S pair has as much partnership experience as any pair in the tournament. How North could believe that his 3♦ bid showed the reds would seem to be very strange unless this pair always played this convention. I would have wanted more investigation into the N/S methods.

Rigal E/W are surely due a lot of sympathy but I cannot see how they were damaged. Unlike NABC+ case five, the question of the link between infraction and damage is not clear, and the absence of produced notes makes the AC decision right. Since convention disruption is (thankfully) not yet on the books all we can do is chalk it up to bad luck for E/W.

Smith Although directors and committees should be very careful and skeptical before determining misbid rather than misexplanation (law 75), particularly when dealing with a long-standing partnership, this ruling looks obvious. The convention cards and system notes, apparently, clearly show that the information West received was accurate according to prior agreements. It was just random bad luck that South was his screenmate and not North. With an experienced pair and clear law and facts, I think E/W should have received an AWMW.

Wildavsky With such an experienced NS partnership the TD and AC must be careful to determine whether there may be an implicit agreement contrary to the one documented, or whether such forgets are common enough that the possibility should be disclosed to the opponents. That said, I find the tournament director and appeals committee rulings reasonable. Jeff Goldsmith's suggestions regarding conventions such as this one are worth considering, though it would be tricky to implement them in a lawful manner.

Wolff Right ruling, but perhaps a small procedural penalty to N/S for their convention disruption.