

APPEAL	Non-NABC+ Seven
Subject	Unauthorized Information (UI) - Tempo
DIC	Mike Flader
Event	0-5000 Blue Ribbon Pairs
Session	Second Qualifying
Date	November 27, 2007

BD#	8
VUL	None
DLR	West

2,441 Masterpoints	
♠	Q 7 4
♥	J 5 3 2
♦	8 4 3
♣	T 6 2

119 Masterpoints		Fall 2007 San Francisco, California	1,821 Masterpoints	
♠	K 8 6 5		♠	A J T 9 2
♥	K 9 8		♥	A 4
♦	T 7 6 2		♦	A 5
♣	A Q		♣	J 7 5 3

3,995 Masterpoints	
♠	3
♥	Q T 7 6
♦	K Q J 9
♣	K 9 8 4

West	North	East	South
1♣ ¹	Pass	1♠ ²	Pass
2♠	Pass	4♠	Pass
Pass	Pass		

Final Contract	4♠ by East
Opening Lead	♦K
Table Result	made 5, E/W +450
Director Ruling	4♠ by East, making 6, E/W +480
Panel Ruling	4♠ by East, making 5, E/W +450

(1)	Unbalanced with 4+ clubs; if 4=4414 or 11-14/18-19 balanced; if balanced minors unknown.
(2)	5+ Spades.

The Facts: After three rounds of diamonds, hearts and clubs were played (with both North and South following suit to every round played) East led the ♠J and finessed losing to North's ♠Q. There was an alleged break in tempo (BIT) by South prior to playing the ♠3 to the lead of the ♠J.

The Ruling: Director ruled that it was likely that declarer finessed the ♠J based upon the alleged BIT by the South. Therefore, the result was adjusted to 4♠ by East making six, E/W plus 480.

The Appeal: East by his telling took several minutes to make his play of the ♠J at trick ten. The opponents say it was a long time. E/W asserted that it took long enough for South to play the ♠3 that it appeared he was choosing between cards. South vehemently denied a BIT. North said that with Qxx she was trying not to look at anything. South pointed out that East knew about his ♣K and ♦Q. He thought that with the time East had taken he should have had the hand counted. East said that he couldn't get an exact count and with the small but distinct break thought that he had gotten a read. There was input from several players who felt that a first round finesse in trump was quite a stretch and even a near zero percentage play. One noted that had East gone up and then lost to Qxx in North that he would have a better case.

The Decision: One of the reviewers noticed immediately that in the four-card end position, with the actual hand, Declarer had to score 3 tricks and the defense 1 trick regardless of the play in spades – a total of two tricks for the defense. As mentioned by one of the consultants, the panel was not likely to determine that a player who had taken several minutes to consider his play could benefit from a marginal break by a defender. The panel did not consider whether or not a break existed. The table result of 4♠ making five, plus 450 was restored by panel

The Panel: Ron Johnston (Reviewer), Doug Grove and Charles MacCracken.

Players Consulted: Several regarding first round trump finesse.

Commentary:

Polisner My understanding is that before considering any adjustment, there must be an unmistakable BIT. The only reference to this issue in the write-up is that there was an “alleged BIT”. This is hardly enough to even proceed with the rest of the analysis. However, one wonders why the director was not able to comprehend the end position to be able to make the correct ruling.

Rigal We've seen some history in past casebooks (Lauria appealing against Ron Smith) that when a player takes a long while he can't expect his opponent to follow in good tempo. This case sounds like a player following his nose, then asking for something for nothing.

Smith Good for the panel for getting it right by noticing that nothing mattered. Regardless, East's position is not even close to convincing me that he deserved anything. He apparently knew that South could not have more than two spades, and by all accounts he took a lengthy period of time to figure out the hand. Perhaps the two minute pause before his play of the spade jack accounts for a hitch prior to South playing his singleton. Maybe South needed to reopen his hand and that was interpreted incorrectly by a declarer who was looking to solve his problem by an opponent's tempo.

There doesn't even seem to be enough evidence that South really did anything anyway. Law 73 is not intended to reward players for illogical play and thus give them a 100% play. Generally, inferences drawn from an opponent's tempo are at your own risk (73 D 1). However, 73 F 2 states that an adjustment may be made if an "innocent" player draws a false inference from the tempo of an opponent who has no demonstrable bridge reason for his hesitation and who could have known that a variation in tempo could work to his advantage. This East did not meet the law's standard of "innocence."

Wildavsky Good work by the panel.

Wolf I agree with the panel decision and would admonish East with his herky-jerky card playing totally designed to prey on the opponents. Whatever South did to mislead him was almost fair game to what East deserved. If the panel had thought that South had done too much unethical conduct then perhaps minus 480 for N/S and plus 450 for E/W would be appropriate.