

APPEAL	NABC+ ELEVEN
Subject	Mistaken Explanation
DIC	Henry Cukoff
Event	Lebhar IMP Pairs
Session	First Qualifying
Date	March 15, 2007

BD#	8
VUL	None
DLR	West

Lloyd Arvedon	
♠	A Q J 7 3
♥	K 4
♦	J 9
♣	9 6 4 3

John Fout		Spring 2007 St. Louis, Missouri	Jeff Roman	
♠	4		♠	K T 6
♥	Q J 9 5		♥	A T
♦	A K 2		♦	Q T 7 6 5 4
♣	K Q T 7 5		♣	J 8

John McLaughlin	
♠	9 8 5 2
♥	8 7 6 3 2
♦	8 3
♣	A 2

West	North	East	South
1♣ ¹	1♠	2♣ ²	3♠
4♣	4♠	Dbl	Pass
Pass	Pass		

Final Contract	4♠ doubled by North
Opening Lead	♣J
Table Result	4♠ N dbld down 4, E/W +800
Director Ruling	5♣ W made 5, E/W +400
Committee Ruling	5♣ W made 5, E/W +400

(1)	Alerted as 15-20 HCP balanced or 15+ HCP unbalanced with clubs
(2)	Disagreement by E/W, East meant it as transfer to diamonds, West explained it as non-forcing with a club suit

The Facts: There was disagreement as to the meaning of 2♣ in this auction. East thought their agreement was that it was a transfer to diamonds. West contended that 2♣ should be a natural and non-forcing call.

North stated that part of his reason for bidding 4♠ was the expectation of a club void in partner's hand. North asked the meaning of the 2♣ and 4♣ calls before bidding 4♠ and was told that both were natural.

The Ruling: Per the footnotes to Law 75, Partnership Agreements, since E/W were unable to produce evidence as to what their agreement is in this situation, it is assumed to be a mistaken explanation. It is doubtful that North would bid 4♠ with a different explanation, so per Law 84.D., the result was changed to 5♣ by West making 5, E/W +400, the most favorable likely result for N/S.

The Appeal: East stated that he had system notes in his room that showed that their agreement was that 2♣ in this sequence was natural, but since this was a recent change, the addendum to their notes were handwritten, not typed. He stated that he didn't want to insult the committee by presenting notes with handwritten changes.

East also stated that he was appealing the director's decision because he thought this North would always bid 4♠ on this sequence and because this was really a case of a misbid, not misinformation. North was the victim of bad luck, finding both the ♠K and ♥A offside.

North stated that he would not have bid 4♠ with the correct information.

The Decision: The committee agreed with North that 4♠ was a very unlikely bid (one member said it was insane) if correct information had been given. If 4♣ was clubs in an unbalanced hand and 2♣ also showed clubs, North's assumption that South would be void was valid.

Since West showed 15+ HCP and East had 10 HCP it is logical that game would be bid with the E/W cards. Thus, the director's ruling of 5♣ making 5, E/W +400 was upheld.

The committee then discussed the merit of the appeal. The committee felt that East should have brought his notes to the committee, even with handwritten changes, to support his contention that 2♣ was a misbid, and not a misexplanation. The committee also felt that a player of his caliber should know that his appeal did not have merit, thus an appeal without merit warning (AWMW) was issued.

The Committee: Barry Rigal (Chair), Ellen Kent, Chris Moll, Mike Passell, Tom Peters

Commentary:

Goldsmith AWMW appropriate. The write-up was concise and complete, as was the director's ruling. Well done all around.

Polisner Wait a second here. Why should it be assumed that E/W would bid 5♣? Effectively, East has a working seven-count and a doubleton club. My ruling would be +150 for E/W in 4♣. Here again, a poll of peers about what to bid over 4♣-Pass should have been taken. Apparently, 4♣ was not forcing (although not stated) based on the appeals committee's comments. A poor write-up.

- Rigal** This partnership has been suffering in appeals recently, but, as Chairman of the appeal committee, I felt very unhappy that two good players would expect us to rely on their oral testimony when they had written testimony available (particularly in the context of their use of highly complex methods with many unusual transfers).
- Smith** Well done all around. E/W could not seriously have expected the committee to rule that West's explanation of 2♣ was correct given the wording of the footnote to Law 75 (“ . . . the Director is to presume Mistaken Explanation, rather than Mistaken Bid, in the absence of evidence to the contrary.”). They should also have realized that North's argument was reasonable and that they were in danger of being assessed an AWMW.
- Wildavsky** I agree with the TD and appeals committee rulings, and with the AWMW. E/W can't have been surprised that this decision went against them. I do not fault E/W for failing to bring their hand-written addendum.
- Wolff** A reasonable ruling on the surface, but not really. Since convention disruption (CD) was the reason why the committee allowed N/S out of their minus 800 result, why should E/W be assumed to get to a difficult minor suit game when they couldn't even remember their system? It does seem that 3NT would make more (thanks to the fortunate lie of the heart suit), but even so the ruling might be fairer to allow plus 400 E/W but to penalize them for not knowing their home brew system and wreaking havoc on the opponents.
The beat goes on and on, and in spite of it, we do very little to prevent it from happening in the future.
- Zeiger** This was solid reasoning. A lucid write-up.