American Contract Bridge League

Presents

Grizzly Experiences in Vancouver

Appeals at the 1999 Spring NABC

Edited by

Rich Colker

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Abbreviations used throughout this casebook:

AI	Authorized Information
LA	Logical Alternative
MI	Misinformation
PP	Procedural Penalty
UI	Unauthorized Information

FOREWORD

We continue with our presentation of appeals from NABC tournaments. As always, our goal is to provide information and to foster change (hopefully for the better) in a manner that is entertaining, as well as instructive and stimulating.

The ACBL Board of Directors, for the three NABCs in 1999, has chosen to conduct a test of a new appeals process in which a Committee (herein referred to as a Panel – capitalized), comprised of pre-selected top Directors, hears all appeals from non-NABC+ events (including side games, regional events and NABC events with top-end masterpoint restrictions). Appeals from NABC+ events continue to be heard by the National Appeals Committees (NAC). Our handling of both types of cases will be to treat Panels as we have treated regular Committees.

As in previous casebooks, we've asked our panelists to rate each Director's ruling and each Panel's or Committee's decision. While not every panelist rated every case (just as every panelist didn't comment on every case), many did. The two ratings (averaged over the panelists) are presented after each write-up, expressed as percentages. These ratings also appear in a table near the end of the casebook for handy reference. Separate summaries are provided for cases heard by Panels and those heard by Committees, as well as the usual overall summary.

These numerical ratings are intended to give the reader a general idea of our panel's assessment of the performance of the Director and appeal body on each case relative to the "best possible" resolution that could have been achieved. These ratings can be interpreted as percentages (in fact, that's how they were computed). They are not meant, nor should they be used, to directly compare the performance of Directors and Panels/Committees, since each group is evaluated on a different set of criteria. Directors are rated on their handling of the situation at the table (they are expected to quickly determine the pertinent facts, apply the right laws and often, because of limited time and bridge expertise, to make "provisional" rulings so the game may progress normally – expecting that their rulings may be reviewed and possibly overturned on appeal); Panels and Committees are rated on all aspects of their decisions (fact finding, application of law, and use of bridge judgment appropriate to the level of the event and the players involved). The latter ratings also depend on each panelist's view of the use of procedural and AWM penalties (an appeal body which issues one of these penalties could be down-rated by panelists who disagree with their use, even though they agree with the decision.

Table rulings are typically made after consultation with other Directors, including the DIC of the event (who alone is responsible for the final ruling). This is why only the DIC's name is included in each write-up and it remains true even if we occasionally lapse and treat a ruling as if it was the table Director's alone.

The Panels were expected to obtain bridge advice from expert players on such issues as LAs, bridge inferences, bidding, play, etc. for the cases they heard. This was usually done casually, in the playing areas so they were often able to obtain bridge input from top experts who normally do not serve on Appeals Committees. You can judge for yourself whether the quality of the input made a difference.

Finally, I wish to thank all of the hard-working people without whose efforts these casebooks would not be possible: the scribes, reviewers and chairmen who labored to chronicle the details of each case; the panelists for their hard work and devotion to a truly arduous task for which they receive only our praise (and occasional abuse); and, of course, the indispensable Linda Trent who manages appeals at NABC tournaments and corrects all of my errors. My sincere thanks to all of you. I hope my revisions have not diminished any of your earlier work.

Rich Colker,
October, 1999

THE EXPERT PANEL

Bart Bramley, 50, was born in Poughkeepsie, New York. He grew up in Connecticut and Boston and is a graduate of MIT. He credits Ken Lebensold as an essential influence in his bridge development. He currently resides in Chicago with his longtime companion Judy Wadas. He is a stock options trader at the CBOE. Bart is a sports fan (especially baseball and specifically the NY Yankees), a golf enthusiast, a Deadhead and enjoys word games. He was 1997 Player of the Year. His NABC wins include the 1989 Reno Vanderbilt and the 1997 Reisinger. In 1998 he was second in the World Par Contest and third in the Rosenblum Teams. He also played in the 1991 Bermuda Bowl and captained the 1996 U.S. Olympiad team.

Jon Brissman, 54, was born in Abilene, Texas. He attended Purdue University and earned a B.A. from Parsons College, an M.A. from Northeast Missouri State University, and a J.D. from Western State University College of Law. He operates a small law office in San Bernardino, California, teaches at the Los Angeles College of Chiropractic, and serves as a judge pro tem in small claims and municipal court. He was Co-Chairman of the ACBL National Appeals Committee from 1982-88, and was reappointed in 1997. A Good Will Committee member, he believes that a pleasant demeanor coaxes forth his partnership's best efforts.

Ralph Cohen, 73, was born in Montreal, PQ. He currently resides in Memphis, Tennessee. He has held several positions with the ACBL from 1971 until 1991 including Executive Director from 1984 to 1986. He has been a member of ACBL Laws Commission since 1984 and is currently a Co-Chairman. He is a Vice-Chairman of the WBF Laws Committee. He wrote the *Ruling the Game* column for two years along with other contributions for *The ACBL Bridge Bulletin*. He represented Canada in the World Team Olympiad in 1964 and has won four National Championships. He has been attending NABCs since 1947.

Ron Gerard, 55, was born in New York. He is a graduate of Harvard and Michigan Law School (JD). He currently resides in White Plains, NY with his wife Joan (District 3 Director), where he is an attorney. Ron is a college basketball fan and enjoys classical music and tennis. He is proudest of winning both the Spingold and Blue Ribbon Pairs in 1981. Each year from 1990 to 1995 he made it to at least the round of eight in the Vanderbilt; he played in three finals (winning in Fort Worth, 1990) and one semi-final without playing once on a professional team.

Chip Martel, 45, was born in Ithaca, New York. He is Department Chair and Professor of Computer Science at the University of California at Davis, where he currently resides with wife Jan. His other hobbies include reading and bicycling. Chip is a Co-Chairman of the ACBL Laws Commission and a member of its Drafting Committee for the new laws and the ACBL Competition and Conventions Committee. He is proudest of his four World Championships, current ranking of fifth in the world, and seventeen NABC Championships. He captained and coached our only world champion Junior team, as well as the bronze medal Junior team.

Peter Mollemet, 56, was born in Brooklyn, New York and currently resides in Buffalo. He received a physics degree from Brooklyn Polytech and has been an ACBL National Director for ten years.

Mike Passell, 51, was born in Yonkers, New York. He currently resides in Dallas, Texas with his wife Nancy and his 16 year-old daughter, Jennifer. Mike is a Professional Bridge Player who enjoys movies, all sports and playing golf. Mike ranks #2 all-time in masterpoint holdings. Among his many outstanding bridge accomplishments, he is proudest of his Bermuda Bowl win in 1979 and his victories in all four of the major NABC team events.

Chris Patrias, 50, was born in North Carolina and now lives in the St Louis area with his wife, Charlotte, and their two dogs. He is a graduate of the University of Minnesota. He has been directing bridge tournaments since 1977 and is a salaried ACBL National Director.

Jeffrey Polisner, 59, is the ACBL League Counsel and former WBF Counsel. He is a member of the ACBL and WBF Laws Commissions and former Co-Chairman of ACBL National Appeals Committee.

Barry Rigal, 41, was born in London, England. He currently resides in New York City with his wife, Sue Picus. A bridge writer and analyst, he contributes to many periodicals worldwide and is the author of the book, *Precision in the Nineties*. He enjoys theater, music, arts, and travel. Barry is also an outstanding Vugraph commentator, demonstrating an extensive knowledge of bidding systems played by pairs all over the world. He coached the USA I team to the Venice Cup in 1997. He is proudest of his fourth-place finish in the 1990 Geneva World Mixed Pairs and winning the Common Market Mixed Teams in 1987 and the Gold Cup in 1991.

Michael Rosenberg, 45, was born in New York where he has resided since 1978. He is a stock options trader. His mother, father and sister reside in Scotland where he grew up. His hobbies include music. Widely regarded as the expert's expert, Michael won the Rosenblum KO and was second in the Open Pairs in the 1994 World Championships. He was the ACBL Player of the Year in 1994 and won the World Par Contest at the 1998 World Championships. He believes the bridge accomplishment he will be proudest of is still in the future. Michael is a leading spokesman for ethical bridge play and for policies that encourage higher standards.

David Stevenson, 52 was born in Kumasi, Gold Coast. He currently resides in Liverpool, England with his wife Elizabeth and his two cats, Quango and Nanki Poo. His hobbies include anything to do with cats and trains. David has won many titles as a player, including Great Britain's premier pairs event, the Grand Masters, twice. He is the Chief Tournament Director of the Welsh Bridge Union and active internationally as a Tournament Director and Appeals Committee member.

Dave Treadwell, 87, was born in Belleville, New Jersey, and currently resides in Wilmington, Delaware. He is a retired Chemical Engineer, a graduate of MIT, and was employed by DuPont for more than 40 years where he was involved in the production of Teflon for introduction to the marketplace. He has three grown children, three grandchildren and two great-grandchildren. His hobbies include blackjack and magic squares. The bridge accomplishment he is proudest of is breaking the 20,000 masterpoint barrier. He believes bridge can be competitive and intellectual, but above all can be and must be fun.

Howard Weinstein, 46, was born in Minneapolis and graduated the University of Minnesota. He currently resides in Chicago where he is a stock options trader at the CBOE. His brother, sister and parents all reside in Minneapolis. His parents both play bridge and his father is a Life Master. Howard is a sports enthusiast and enjoys playing golf. He is a member of the ACBL Ethical Oversight Committee, Chairman of the ACBL's Conventions and Competition Committee and has been a National Appeals Committee member since 1987. He has won five National Championships and is proudest of his 1993 Kansas City Vanderbilt win.

CASE ONE

Subject (Tempo): Just 'Cause I Bid Game Doesn't Mean I'm Done Bidding
Event: Charity Pairs, 18 Mar 99, Only Session

Bd: 10 Dlr: East Vul: Both	Í --- ! AKQJ843 " A2 Ê Q654	
Í AK643 ! 62 " 54 Ê A873		Í Q10752 ! 9 " KJ10987 Ê 10
	Í J98 ! 1075 " Q63 Ê KJ92	

West	North	East	South
		Pass	Pass
1Í	4!	4Í	Pass(1)
Pass	5!	5Í	All Pass

(1) Break in tempo

The Facts: 5Í went down one, plus 100 for N/S. North used the Stop Card before he bid 4! and East paused the appropriate 10 seconds before he bid 4Í. There was an approximate 6-7 second break in tempo before South passed and after North bid 5! he suggested that the Director be called. The Director ruled that the 5! bid was not suggested by the break in tempo (Law 16A) and allowed the table result to stand.

The Appeal: E/W appealed the Director's ruling and were the only players that met with the Reviewer. E/W noted that the 4Í bid had been made in a tempo that had allowed South time to think. E/W believed that North had already bid his hand and that 5! was likely to be more successful after South's break in tempo.

The Panel Decision: The Panel considered two points of law in arriving at its decision. First, was pass by North a LA as mentioned in Law 16A and if so, was the 5! bid "demonstrably suggested" over another by the extraneous information. Since bridge judgment was relevant in making those determinations, two players were consulted. One stated that he could not imagine not bidding 5! with the North hand. The second believed that pass was a LA but that the break in tempo did not "demonstrably suggest" a 5! bid. The Panel discussed the application of these comments to this case and concluded: (1) Pass was a LA for North in light of the second player's remarks. The standard as set forth by the Laws Commission for judging a call a LA is "a call that would be seriously considered by at least a substantial minority of equivalent players acting on the basis of all the information legitimately available" [*Duplicate Decisions, page 14, Item #3*] and (2) 5! was not demonstrably suggested by the break in tempo. The Panel did not believe that the break in tempo "suggested in an obvious, easily understood way – it must be readily apparent rather than by a product of a subtle bridge argument" [*Duplicate Decisions, page 13, last paragraph*] that 5! was likely to be successful. The Panel agreed that under the phrasing of the pre-1997 laws change where the word "reasonably" instead of "demonstrably" was used the decision of the Panel would have been to disallow the 5! bid. However, the Panel believed that the wording change in the laws was intended to set the standard higher than this case achieved in connecting the information implicit in the tempo break with the subsequent selection of the winning action by partner. The Panel allowed the table result of 5Í down one, plus 100 for E/W, to stand.

DIC of Event: Tom Quinlan
Panel: Roger Putnam (reviewer), Ron Johnston, Matt Smith (scribe)
Players Consulted: Bob Gookin, Ed Lazarus

Directors' Ruling: 72.2 **Panel's Decision: 73.9**

At the end of the NEC Cup tournament in Japan this past February, I found myself at an end-of-tournament party. After a bit of small talk the conversation turned to the issue of tempo problems (as seems to happen quite often when I'm around – am I paranoid?). After listening to many concerns, I suggested that one way to reduce, if not eliminate, the problem is for players to make all of their calls and plays in a deliberate tempo, giving the appearance (if not the reality) of considering each action – even one that is quite automatic. Then, when an action actually requires a bit of serious consideration, the tempo difference would be undetectable. Of course long tanks would still be revealing, but hey, you can't have everything. This might add perhaps 20 seconds to the average auction – even less if you are the only pair doing it.

At this point the editor of a recently defunct international "popular" bridge magazine replied saying, "I find that unacceptable. If I had to sit and think before every call and play I'd give up the game, as would many others." Several of the players nodded their agreement. "I find slowness at the table deplorable," he continued, "and the thought of having to play slowly myself entirely revolting!"

"Well," I replied, "unless we act to reduce the extraneous information at the table and suppress the increasing litigiousness it produces, our game may become just too difficult for humans to play. In fact, revealing your state of mind by taking every action as soon as possible is contrary to the laws. This, perhaps more than any other single factor, is responsible for the game becoming unplayable."

That last comment is more than just rhetoric. Law 73 asserts, in various parts: "Calls and plays should be made without…undue hesitation or haste…" (A2); "Partners shall not communicate through the manner in which calls or plays are made…" (B1); "It is desirable, though not always required, for players to maintain a steady tempo…" (D1); and "It is entirely appropriate to avoid giving information to the opponents by making all calls and plays in unvarying tempo and manner" (E). In my opinion these passages advocate that players even out their tempo to conceal variations in their thought processes from both partner and the opponents.

An important point that is often overlooked is that it is not an infraction to convey to the other players that you are thinking about your next action. Thinking is normal in our game (or should be). The real problem occurs when it becomes obvious that *this* action is especially difficult compared to others. Thus, it is only when some actions are made with apparent ease and lack of thought that others come to derive their UI-conveying value.

Now, fast-forward to the present. We start with one of the more difficult and important cases of the set. South has taken 6-7 seconds to make a call in an auction which has suddenly accelerated to the four level and is clearly tempo sensitive. If South is in the habit of making all of his calls with apparent deliberation, would 6-7 seconds be revealing of something unusual? Of course not. This is not an abnormal amount of time to be thinking about an action when all of your actions take *at least* 3-5 seconds and give the appearance of having been made with deliberation.

Even if your own feelings about slowness parallel those of the IPBM editor, perhaps you will agree that we need to protect players who do not take fast, reflex actions in tempo-sensitive auctions and who normally maintain a reasonably deliberate tempo otherwise. If we can't get players to slow down their easy actions, then I would like to see the mandatory 10-second skip-bid pause extended to each of the other players at their first turn to call after a skip bid. This should apply whether or not the skip bid is announced. If we do this, South's 6-7 second action in the present auction magically falls within the acceptable range of time mandated by the 4! bid, even though one bid removed from it, as would West's next call.

Of course, if we adopt this policy, we would need to become harsher with players who bid quickly in these tempo-sensitive situations. Unusually quick or apparently effortless actions should garner the same disdain and create the same ethical obligations (and score adjustments) as we now impose for slow actions.

While all that may be in the future, what about the present? Both the Director and Panel found that South had broken tempo and that this was unauthorized to North. So what should be done? Most of our panelists' opinions fell into one of two

groups: (1) Allow the table result to stand either because the UI did not suggest 5! over other alternatives or because pass is not a LA for North (a player would not jump to 4! the first time and then retire from the auction) or both. (2) Adjust the score because the UI suggested action over inaction, making any "positive" action by North (including 5!) unacceptable.

First, let's hear from the supporters of the Directors' and the Panel's actions.

Mollemet: "I would allow the 5! bid for two reasons. I don't feel the hesitation demonstrably suggests that 5! is more likely to be successful than passing 4Ì , nor do I feel that pass is a LA, although it might be the winning call."

Weinstein: "This is a very close decision and the case was approached by the Panel in a thoughtful manner. I agree that pass is a LA, just as double would have been. Double would have been more problematic since it caters to whatever South might have been considering. 5! is definitely not suggested if South's huddle was almost as likely to have resulted from the consideration of double. One could argue the case that South is significantly more likely to be considering bidding than doubling and that any consideration would preclude the possibility of North going for more than minus 500. I think the Directors' consideration of the 'demonstrably' rather than 'reasonably' standard was reasonably if not demonstrably correct."

Strange. Can pass be both a LA and not a LA? Many in the second group of panelists (who would have adjusted the scores and who we'll hear from later) said that pass was a LA but not necessarily a "good" action (Gerard said it wasn't a LA, but only for experts). So it looks like the "Pass *was* a LA" view prevails here.

Polisner: "I think the three-step process to be used in UI cases should be followed in proper order. (1) Is there UI? (2) Does UI suggest one action versus another? (3) LA analysis. In this case, the hesitation over 4Ì did not suggest that bidding would be more successful than passing or doubling. Thus, the discussion of LA was irrelevant. When Directors/Committees/Panels skip step two, it creates problems which don't need to occur."

Just like a lawyer, begging the question and declaring it irrelevant!

Agreeing with Howard's observation that the decision is a close one…

Treadwell: "I tend to agree with the Panel's decision to allow the 5! bid, although it is a very close call. It is unlikely that the break in tempo by South suggested that 5! would be successful – he might have been thinking of doubling or even bidding five of a minor. Not that I think a 5! call is one I would necessarily make at the table, but that is beside the point. The laws do not give automatic punishment for poor bids that turn out to be successful, provided only that they were made without the use of UI. Such a bid cannot be disallowed simply because it is judged to be poor bridge technique."

I'm not convinced by these panelists' arguments. While the UI (assuming it exists) may not suggest a 5! bid per se (Would South hesitate before passing with Ì KQ109 ! xx " Jxxx Ê xxx? Unlikely), it does suggest two-way values. And, as Gerard will instruct shortly, even a modest 7 HCP on the side could make two grand slams a favorite (try giving South Ê AKxxx(x), or " Kxxxxx and the Ê A).

Being that I strongly question whether South's tempo constitutes a break in the present auction, my sympathies lie with those who decline to adjust the score.

Bramley: "Let's step immediately into the deep stuff. This case highlights many recurring themes. First, does a 6-7 second huddle constitute a break in tempo in the context of this auction? Normally I would think not, but apparently North thought the huddle was significant enough to justify a Director call. (And, for the umpteenth time, can the complainants please tell the authorities the length of the huddle and

let them decide whether it is a 'break in tempo'? I assume here that '6-7 seconds' is the length of the huddle.) The theme of purportedly damaging 'short huddles' will appear frequently. Second, did the break in tempo 'demonstrably suggest' the winning action? In this case probably not, but it did suggest action over inaction. The partner of the tempo breaker could be confident that pass was not the winning action. Third, was there a LA to the winning action? Indeed, but the LA is double, not pass. Surely a player who bids 4! with the North hand should not be planning to give up over 4Ì . My own choice would be to double with the North hand, but in my own informal poll a majority chose 5! in a straight (no huddle) bidding problem. On this basis the Panel decided correctly because action was clear and because 5! was not demonstrably suggested by the break in tempo.

"A recurring question is whether a player whose hand clearly dictates action over inaction can choose double, widely recommended as the most flexible action, when his partner has made a telling break in tempo, also suggesting action over inaction. Or must he instead bid, in the expectation that the authorities will deprive him of the double (demonstrably suggested), but in the hope that bidding is the winning action and that the authorities will allow him to make a unilateral call (not demonstrably suggested). I find this line of reasoning deeply troubling. I think that when action is clear and double is plausible, then double should be allowed. I expect to be in a minority with this viewpoint, judging from numerous appeal write-ups and commentaries that have said, in effect, that they would allow the (actual) unilateral action but would not have allowed a double. See CASE THREE for the next installment."

I'm glad to see that someone else also has reservations that the tempo revealed an unmistakable break. Yes, it's true that North took the offensive by affirming the validity of his own 5! bid by volunteering that South's pass was not "carefree." But what did North think normal tempo was in this auction? Was South's tempo a bit slow for just any random call in an average auction or was it slow for a call in an accelerated auction like this? Many players expect a reflexive pass when South has nothing to think about, so North's admission may have been motivated more by self-protection (a preemptive strike) than a belief that there had really been a revealing break in tempo. While South's tempo may have suggested thought, did it really reveal a problem? Didn't the auction really demand some thought anyhow?

On the time-reporting matter, Bart, from now on let's "assume" (with all of the attendant baggage) that a statement to the effect that there was a "6-7 second break in tempo" means that the entire action took 6-7 seconds.

Next, I agree that pass with the North hand is not a LA for experts, but I also think that 5! is an inferior action (in spite of Bart's poll). That suggests that North was not in the expert class (at least not on this hand, as Gerard points out below). Thus, by his 5! bid North placed himself in a class of player for whom pass could be considered a LA.

I too find troubling the line of reasoning Bart describes in which a player who thinks his normal action (which was suggested by the UI) will be disallowed takes a committal action in the hopes that the risk will convince an adjudicator to allow it (if it works). However, I disagree that when action is clear, double (the most flexible action) should be allowed whenever it is merely plausible. In my opinion, the double must be a very clear action.

Next, we hear from the majority who would have adjusted the score. Without further ado, the perspective we've all been waiting for.

Gerard: "Great. CASE ONE and already I need [*Larry*] Cohen's Valium.

"We can all retire now that it's Directors Taking Over and infallibility is in. So what do we get in the maiden voyage? 'Duplicate Decisions,' apparently crafted by the Laws Commission but until now as secretive to the public as encrypted signals. Two expert referees, one of whom couldn't bid and one of whom couldn't reason. And a decision based on a guess as to the intention of the Laws Commission when it changed the wording of Law 16A. This is progress?

"There were indeed two alternatives over 4[: pass and not pass. In Expertville, pass is not a LA – N/S could be favorites for either of two grand slams opposite a different makeup of South's 7 HCPs. Not pass is represented by double. Any one of the players who should have been consulted by the Panel would have bid 4! intending to double 4[. Just apply the new acid test, 'What would the French do?' Therefore, if an expert N/S got to 5! after North doubled 4[, it should be allowed.

"However, pass was ruled to be a LA. Therefore, not pass can not be allowed if it was demonstrably suggested. Don't you see how the break in tempo suggested not pass rather than pass, dontcha, dontcha? Is it not obvious and easily understood that if South was considering action, pass was not likely to be successful? South either wanted to double 4[or bid 5!. Is that too subtle a bridge argument? Either way, not pass could not be allowed. Since South had the heart-oriented huddle rather than the spade-oriented one, it didn't matter whether North chose double or 5! as his not pass action. Once pass had been held to be a LA, 5! should have been disallowed.

"I agree that pass was a LA. By bidding 5! North proved himself not to be expert, at least not on this hand. The correct ruling was 4[making four. Reasonably, demonstrably, you all sound like your own version of the bridge lawyers the rest of you love to bash. With this combination of Panel and expert consultants at the helm, those deck chairs on the Titanic would have been neat as could be."

And that's the case for the prosecution. *If* there was UI, and assuming that pass was a LA for *this* North, then not pass cannot be allowed and the score should be adjusted to 4[making by E/W. I would only add one thing to Ron's analysis. The values suggested by the UI must be convertible to properly group double and 5! in the same category. If they're not, then the UI may suggest one or the other of those actions to the exclusion of the other.

The following panelist confirms this point.

Brissman: "I would not have allowed the 5! call. It is 'readily apparent,' in my judgment, that South was not valueless and North could deduce that partner's cards were likely in the minor suits. All this makes the 5! call more attractive."

R. Cohen: "I was given North's hand the next day (after the Panel's decision) and asked what I would do. I responded 'Double.' Since what is a LA for North depends on his or her ability and experience, it's difficult to give a precise decision. Based on the facts as given I would assign E/W plus 620. South had plenty of time to think of his call while East was hesitating the appropriate 10 seconds. By the way, while we don't use names in events below Flight A, maybe we could have the masterpoint holdings of the players on these reports. The player numbers are on the appeal forms and the masterpoints can be obtained from the files."

Ask and ye shall receive (even if a bit late). North, whose name most of us would recognize, has about 14,000 masterpoints; South, his wife, has almost 6,000.

Regarding Ralph's point about South's opportunity to think during the 10 seconds East must take over 4!, South may need to consider East's specific action (4[, pass or double) before she can act. What's more, East may not take enough time to permit a complete analysis. Add to that my point that, even if South is able to anticipate East's call, taking easy actions quickly has the boomerang effect of compromising more difficult decisions by telling the other players when you are considering another action and when you are not. No, a quick pass by South is bad. Players may take the opportunity to think while their opponents are thinking, but they should still give at least the appearance of considering their action *after* RHO acts. There really is no acceptable alternative.

Patrias: "What does this hesitation suggest? Partner has nothing; partner has a penalty double; partner has some cards but nothing out of the ordinary? The last one

is most likely and that's the one that makes 5! palatable. Of course, if partner has nothing N/S won't be beating 4[and might well get out for 500. I think it is more clear to rule that few, if any, players could bring themselves to pass with the North hand. That would mean that pass is not a LA."

Chris makes a good (but arguable) point. Opposite even a yarborough North can reasonably expect to have a good save. Thus, he should be expected to bid again. But then pass cannot be a LA (as Chris admits), which contradicts the other panelists' opinions that it is. Moreover, the UI has made it clear that South has something (else all huddles are free), and a penalty double is not likely to be based purely on trump tricks, even though West opened in third seat and East's 4[bid was under pressure. No, the message from the UI was, "Useful values and/or a fit."

More support for score adjustments.

Rigal: "The Director should have made the straightforward judgment that there had been a break in tempo, that the winning action had been selected thereafter, and so set the contract back to 4[and left the offenders to appeal. The Panel considered that there had been a break which in turn implied values for South – and that made acting more attractive, in a position where pass was a LA. On that basis, since the winning action had been made more attractive they should have restored 4[making in my opinion."

Stevenson: "I take it that players who play in events where real Committees are not provided pay a reduced entry fee to compensate for getting a lower standard of justice? Where bridge judgment is concerned there is no adequate substitute for a Committee of not fewer than two people, more than half of whom are experienced players. The mess exhibited in the handling of this case shows why the traditional approach is best. Was there UI? Yes, clearly. Was there a LA to 5!? Yes, there is no doubt that some players would pass: top writers have preached for years the value of preempting as high as possible and then keeping quiet and leaving further decisions to partner. Was the 5! bid demonstrably suggested over pass by the UI? That is not an easy decision and should have been considered by a properly constituted Committee rather than by a 'Panel' after consulting 'expert players.' It needs a group of good players discussing the matter with each other at the same time to make such a decision. Dummy will not be totally bereft of high cards and this suggests bidding rather than passing. Certainly the difference between reasonably and demonstrably seems irrelevant to me here. I do not seriously disagree with the decision here (though I would have adjusted to 4[), but I consider the method of reaching it flawed."

First, a Director Panel is not necessarily a "lower standard of justice," as David alleges. That's what the trial period this year is all about. Next, David reinforces Barry's view and argues convincingly that the table ruling should have been to adjust the scores. He also insightfully points out that experts need to discuss bridge issues with one another and not just provide independent opinions in order to adequately analyze issues like "demonstrably suggested" or LA. I think I even remember a case from long ago in which an expert actually changed his opinion after listening to the other experts' reasoning at the hearing. Remarkable, huh?

The next panelist believes that the UI obligates North to take only a "normal" action, so he would have allowed a "normal" double while he would not have allowed an "abnormal" 5!.

Rosenberg: "Wide range preemptive bids such as North's 4! are much more likely to be successful if a player has 'help' reading the table. It is imperative that South act in tempo, especially if he passes or doubles. Had North doubled (which might be a more questionable action ethically since it is more flexible), I would be more inclined to allow it since that is sensible bridge. North's actual auction is silly (4[was very likely to be bid) and I believe his action is suspect and may have been

based on partner's demeanor and tempo. While I have no big problem here (except with the Director), I think the better message to send would be minus 650 to N/S."

Michael's view of the "sensible" and flexible double as acceptable is the same as Bart's. Again here, the level of the player is relevant. Bart's poll suggests that 5! is not as "silly" as Michael suggests. Moreover, we should not be acting as a bunch of modern-day Lamont Cranstons ("The Shadow") by attempting to know "what evil lurks in the hearts of men." Treating an action as suspect merely because it is not mainstream is dangerous. Using bridge logic provides a far safer (but still not universal) standard. Also, since E/W were unable to make 5[when they were in it, on what basis should they be given the overtrick (650) in 4[?

And finally, a panelist who was with us briefly in *Miami Vice* returns to offer his advice for the new millennium. (I know, I know, save your snide comments. The "Odyssey" of the new millennium technically doesn't begin until 2001.)

Passell: "I agree with 5[down one but for different reasons. If North doubled at his second turn to show a good 4! bid and South bid 5! I would be happier. Since 5! was going down and 5[should have been made, I see no reason to change the outcome."

Mike clearly supports Bart's and Michael's contention that the flexible double is more acceptable than the unusual 5! . He also raises another interesting point. E/W were in a position in 5[to do as well as they should have done in 4[. Aren't they required to play reasonably in order to preserve their right to redress? Well, yes, but if we follow this logic we would deny redress to poorer players more often than to better ones since, when driven to a higher level where the play is more difficult, lesser players would more often fail when better players would succeed. This is clearly not a good policy. In addition, the Laws Commission has defined damage *for the offenders* solely in terms of the result achieved, regardless of why that result occurred. Given this, it is clear that the offenders (N/S here) should have their score adjusted even if E/W are left with the table result.

I would like to be able to resolve this case by declaring that South's 6-7 second pause before passing was the normal, minimum length of time a player should take before acting in this or any tempo-sensitive auction, thus supporting the Director's and Panel's actions. But I suppose (sigh!) that's just not possible. What a sad state we've come to when players must act without apparent thought in difficult, tempo-sensitive auctions just to keep the wolves (the Wolff?) from the door.

Assuming there really was UI from South's tempo, let's reconsider the events here. North, with 16 HCP, heard his partner pass twice while the opponents bid to game, albeit under pressure and after a somewhat suspect but vulnerable third-seat opening. While one normally expects a partnership bidding game to possess about 24 HCP (all the remaining values in the deck), here E/W might hold as few as 16 or 17 (8 or 9 with West and a similar number with East). Of course they could also hold all 24 missing points. In order for North to be able to place useful values in South's hand, both opponents would have to be minimum for their actions, which essentially means either that West opened a lead director in third seat or East has a massive spade fit with minimal high cards – or both. But if South's break in tempo suggests high-card values (which it does) and if this is UI to North (which it is), then East must have a big spade fit to justify his 4[bid with minimal values opposite a third-seat opener. So then by inference, South could not have been considering a double based primarily on trumps and therefore bidding 5! really wasn't as "silly" or "unilateral" an action as some have suggested. In fact, it was demonstrably suggested by the UI.

You do see how this conclusion is "suggested in an obvious, easily understood way…[*and is*]…readily apparent rather than…a product of a subtle bridge argument," dontcha, dontcha?

So Stevenson and Rigal are correct in asserting that the Director made a foolish ruling and the majority of our panelists are also correct that the Director Panel

similarly went astray – though not without help from the two "expert" consultants.

Now, as homework, go back and re-read Gerard's indictment of the actors in this sad little drama. Then, for extra credit, write a 300-word essay on the value of investing a couple of extra seconds to give the appearance of considering your options on each and every call so that we can avoid situations like this in the future.

Now go directly to CASE TWO. Do not pass Go. Do not collect $200.

CASE TWO

Subject (Tempo): As Time Goes By
Event: Flight A Pairs, 20 Mar 99, First Session

Bd: 15
Dlr: South
Vul: N/S

David Stark
ſ 863
! 108
" AK542
Ê 874

Marilyn Maddox
ſ AJ74
! AKJ94
" J108
Ê Q

Myles Maddox
ſ KQ105
! Q765
" Q
Ê AKJ6

Valerie Ross
ſ 92
! 32
" 9763
Ê 109532

West	North	East	South
			Pass
1!	Pass	4" (1)	Pass
4NT	Pass	5Ê	Pass
5! (2)	Pass	6!	All Pass

(1) Alerted; splinter
(2) Break in tempo

The Facts: 6! made six, plus 980 for E/W. E/W agreed that there was a 6-7 second break in tempo before the 5! bid. Their agreement was that 5Ê showed zero or three keycards and 5" showed one or four keycards. They had never in their long partnership played that 5Ê shows one or four keycards. East stated that he noticed his misbid when the 5! bid was made. The Director ruled (Law 16A) that the 6! bid was demonstrably suggested by the slow 5! call and changed the contract to 5! made six, plus 480 for E/W.

The Appeal: E/W appealed the Director's ruling. West stated that she was taken aback by the 5Ê bid, believing when she bid 4NT that partner had to have at least one ace to have enough points for a splinter bid. She agreed she took a few seconds to recount the points partner could hold before deciding he must have the " K and bidding 5! . East maintained that he realized after he bid 5Ê that he had made a bidding error but couldn't show that he had made a mistake at that time. The ace he had mistakenly not shown and his total values opposite a partner interested after a splinter bid were his justification for the 6! bid. N/S had a prior commitment after the first session and could not meet with a Review Panel member. During the second session, when the decision was rendered, the only new information N/S wanted to add was that East thought for a while before bidding 6! . In fact, he even had his hand on the Pass Card before he bid.

The Panel Decision: The Panel determined that there was an unmistakable hesitation and that partner could not choose from among LA actions one that could demonstrably have been suggested over another by the extraneous information (Law 16A). While East stated that he recognized his error independently, this type of statement was self-serving. The Panel then decided to seek expert opinion about whether the slow 5! bid constituted UI that would prohibit East from discovering his error and bidding 6! . The first player consulted stated that the more time that passes, the greater the chance that the mistake will be discovered. Partner's hesitation did not particularly suggest that East recheck the auction. Without doubt, East will bid six if he becomes aware of his error. This player believed it was right to allow the 6! bid, but he was not 100% convinced. The second player consulted stated that he would allow a 6! bid because East had extra values; so what was partner bidding Blackwood with? He would not allow the bid if E/W were playing 1430 Keycard Blackwood responses. The logic of both experts was that usually in "Hesitation Blackwood" problems the slam bid is not supported by bridge logic. In this case the 6! bid was supported by bridge logic almost inescapably. Both players said it is hard to find cards in opener's hand that would not support a slam once she

had asked for aces. Partner's willingness to stop in 5! itself suggests a review of the situation. Both players also said that East's statements about when he recognized the mistake were self-serving and must be disregarded. The Panel believed that the experts' statements were strong enough to allow the 6! bid. The bar for allowing further action in Hesitation Blackwood cases is properly placed high; but it is not insurmountable. The Panel decided that the failure to bid slam itself, rather than the slowness of the call, would cause East to discover his error. The Panel changed the contract to 6! made six, plus 980 for E/W.

DIC of Event: Roger Harbin
Panel: Roger Putnam (reviewer), Olin Hubert, Ron Johnston (scribe), Matt Smith
Players Consulted: Paul Soloway, Lew Stansby

Directors' Ruling: 82.0 **Panel's Decision: 73.8**

So, does the fact that evidence of the misbid was available from the auction itself (authorized) and the fact that it's likely that West's "unusual" signoff in 5! might itself have prompted East to review the auction mean that East is entitled to "correct" to 6! in this soon-to-become-classic Hesitation Blackwood auction?

Bramley: "I agree. I loathe 'normal' Hesitation Blackwood auctions in which the responder, having told his story, decides to overrule partner. This case is different because responder has not told his story. Therefore, he should be allowed to judge whether his previous misdescription of his hand is a sufficient basis to overrule partner's decision. Having under-represented his aces by one, responder can be confident that his partner thinks that two or more aces are missing. (The better the players, the more reliable this inference becomes. Only weak players stop short of slam when Blackwood reveals that exactly one ace is missing.)

"The real question here, a new theme, is whether a break in tempo provides UI that something fishy has occurred. In general, I think not. One could argue, I suppose, that a slow Blackwood auction, where a huddle occurs when none was expected, provides more of a cue, but I think that that argument is thin. In real life huddles occur constantly, but I doubt whether any player ever decides to examine his own auction for errors because his partner is huddling.

"In parting, I notice that once again the huddle is described as a break in tempo and that once again it is described as 6-7 seconds, not a felony in my book, even in a Blackwood auction."

So players *can* "correct" to slam in Hesitation Blackwood auctions provided that the UI is available from legitimate sources and there is no strong "alerting" connection between the hesitation and the authorized cues. Right Ron?

Gerard: "Yes, I can see that the quality of the expert consultants has improved considerably. It's the quality of their advice that hasn't.

"Let's start with West. Would East not splinter with ſ KQ10x ! Q10xx " x Ê KJ10x? End of West. I don't know what the reference to the " K was, other than a misprint for the ſ K, but West needed to do her hesitating before 4NT, not after.

"Switch to East. Would West not be interested in a slam with ſ x ! AKJ10xxx " KJ10x Ê x? End of East. His statement that he noticed his misbid when the 5! bid was made (note that that was 'after' he bid 5Ê) was not self-serving, it was a confession. Everyone has this all backwards.

"Now the grim part. If either Hamman or Martel had perpetrated West's auction opposite the correct Blackwood response, would the respective Easts have scratched their heads and wondered how West could sign off? Suppose East's " Q were the jack. Would inescapable bridge logic have dictated a 6! bid, only to find West with ſ x ! AKJ10xxx " KQ10x Ê x? Or was it that singleton queen alone among East's goodies that would convince him that partner had made a mistake? You find me a player that wouldn't 'risk' a slam opposite two aces with ſ x

! AKJ10xxx " KJ10x Ê x. Is that the way experts react to captaincy situations, to wonder whether the dumb oaf has been inhaling?

"But it gets worse. According to the first player, East was entitled to recheck his auction because West's hesitation wasn't UI – it didn't specifically suggest that he review the bidding. Well, that's the same error that everyone made in CASE ONE, focusing on the trees rather than the forest. West's hesitation suggested that the auction was something other than what it seemed. But Blackwood auctions are supposed to be what they seem. To commit Hesitation Blackwood conveys UI. East shouldn't have had the opportunity to recheck his hand, since that much time shouldn't have passed.

"Worse yet. The second expert questioned partner's Blackwood but would not have allowed 6! if 5Ê had been the correct [*1430*] response. So East didn't have extra values if he had shown his ace. Apparently, partner could have held Í x ! AKJ10xxx " KJ10x Ê x opposite a one-ace reply. I wonder if this is what's meant by a posteriori odds, that the hands change if you remember your system? No, it's probably a reference to the location of the second expert's head during this exercise.

"Finally, it's just total chaos. It wasn't clear where the expert arguments gave way to the Panel's, if at all, but the more I read the more I thought of Kafka or Ambrose Bierce. The Panel bought in to every bit of grotesque reasoning by the experts, most incredibly that it is not legal for the auction to stop in 5! when East was dealt this hand. Then it placed the Hesitation Blackwood bar about three feet too low. Then it repeated the garbage about the insufficient 5! negating any UI resulting from the hesitation. And to think there was some chance that we almost didn't get to review DTO decisions.

"Guillotine."

Er…, so it's not all right to "correct" the contract to a slam in these situations unless, maybe, we were trying for a grand and we now (reluctantly) opt to settle.

Just for the record, I'm with Ron.

Now let's hear from the rest of our panel. First, Bart's (and the Panel's) supporters.

Passell: "Total agreement."

Treadwell: "This is a very good decision and represents one of the rare situations where bidding on in a Hesitation Blackwood situation is allowable."

Polisner: "I concur. I suspect that had West bid a prompt 5! , East would likely not have discovered his prior error and would have passed; however, tempo breaks do not apply to that situation. Assuming that E/W's convention card or notes supported non-1430 responses, I believe that the Director should have allowed the table result."

With all due respect to our Directors, I think this situation virtually demands that the contract be adjusted as was done here – even if there is a suspicion (which I doubt there was here) that the ruling is likely to be overturned later. Disagreeing with my view of the table Directors' ruling is…

Rigal: "The Director made a harsh but defensible ruling. Whenever you have an extra ace, in my opinion you should be allowed to bid on. It would be nice if this principle could be enshrined somewhere to stop a reinvention of the wheel every NABC. The Panel summed up the issue fairly; the question of whether the pause itself conveyed UI is a fair one and I might be prepared to consider that argument in another scenario. However I think the Panel's reasoning is good as it stands."

R. Cohen: "An acceptable ruling by the Director and decision by the Panel. The Director is always right to make the Hesitation Blackwood side appeal if it wants rectification. By the way, a WBF Committee in Lille decided differently in almost

identical circumstances."

That's good for the WBF Committee – if the cases were comparable.

Correcting a common misunderstanding about self-serving statements…

Stevenson: "Another appalling effort for the new system of appeals. When the players said that East's statements were self-serving and must be disregarded they had moved outside the laws of the game and provided a totally incorrect basis for making decisions. Self-serving statements are perfectly admissible: a Committee's job is to determine the weight given to them. How can two arbiters who do not speak to the players concerned decide the weight that is to be attributed to such statements? In effect, the two arbiters said that East was lying. Despite the appalling methodology, the final decision is not unreasonable. Where Hesitation Blackwood is used it is normal to disallow the slam routinely, but the presence of an unshown ace (similarly a void) makes progressing much more acceptable."

I don't think the expert consultants should be viewed as "arbiters." The Directors on the Panel are more properly the arbiters and the consultants advisors about any bridge issues involved in the case. Moreover, I can't find anything in the experts' reported statements which suggests they were calling East a liar. They both (mistakenly, as we've seen) said that East's statements were self-serving and must be disregarded, but other than that no aspersions were made as to East's veracity.

The next panelist is the last supporter of the Panel's decision and in some ways the most troubling.

Weinstein: "West could have been off three aces holding Í K ! AKJxxxx " xxxx Ê x and more likely would have huddled. The huddle didn't suggest the slam was any more likely to succeed, since off two aces the huddle was gratuitous. The undisclosed ace, trump queen, and extra values made the call automatic. And should one take the very hard line that the huddle woke up East or helped East bid the slam, then please, please do not adjust the N/S score as the table Directors did. There can't be anyone who would suggest that East's 6! call isn't the strongly likely action had the huddle not occurred."

First, West can't have the suggested holding since East holds the Í K. Second, while it's true that if West realizes he's off three aces and beyond the safety of 4! he might double check to try to ease his fears, the same argument could be made in many other Hesitation Blackwood auctions. Should we endorse bidding on whenever it is possible that the partnership *could* be off two aces? Heck, no. Third, while the undisclosed ace alone appears to make bidding on a clear favorite, that is not the critical issue here: it is the source of the information which led to East's realization that he had misrepresented his aces. If there was any appreciable chance that this information derived from an unauthorized source and the error might not have been noticed from an authorized one, then the 6! bid should not be allowed. Fourth, as Ron has already implied, referring to the 6! bid as "automatic" is an overbid unsubstantiated by the facts. Fifth, if West was interested in the queen of trumps or extra values in East's hand she had other ways to find out about those. And finally, while I am firmly on record as supporting not adjusting the non-offenders' score whenever the table result is quite likely to have occurred had there been no irregularity, in this case I think it is most likely that East would have honored an in-tempo 5! bid from West. So I'm one person "who would suggest that East's 6! call isn't the strongly likely action had the huddle not occurred." And I'm sorry to have to be the one to tell you, Howard, but there are others, too.

Now let's hear from the Gerard-Colker supporters. While we can't claim superior numbers we do have right on our side – not to mention Ron himself.

Mollemet: "This may be a classic Hesitation Blackwood situation, although there is conflicting testimony in the write-up. East claims to have realized his misbid both

after his 5Ê bid and also when the 5! heart bid was made. If the former is true, than there was no UI and East is free to bid on. In the latter scenario, the UI from the break in tempo disallows any call other than pass from East. I think in this case the correct ruling is to disallow the 6! bid. West's puzzlement quite likely awakened East to his earlier error and reinvited him to the party. Since it's impossible to prove that East realized his error immediately without accepting self-serving testimony [at face value – *Ed.*], it should be automatic to assume a bridge error on his part. Then the hesitation may well have awakened him to that fact. Since pass is clearly a LA to me, I would adjust the score to 480."

If Peter's point seems to be that we should try to peer into East's mind, let me assure you it is not. Since we *cannot* know the source of East's realization of his error, we must allow the cards and the facts of the case to speak for themselves. Since West's reaction to East's RKCB response could have been the source of East's enlightenment, we must decide the case against E/W.

Is the next panelist is still "Shadow"-ing the issue of mind/heart reading?

Rosenberg: "If one believes the testimony about East holding the Pass Card, then West's thought clearly made a difference. As for the 'second expert,' what if West held Í J ! AKJxxxx " KJxx Ê Q or the like? That's the hand partner would have if she bid a prompt 5!. Based on the report, I don't even have sympathy for E/W, as I agree with the Director's ruling."

Martel: "West could have a possible Blackwood bid with say Í x ! AKJxxxx " Kxxx Ê x or a more pushy but possible hand with Í x ! AKJxxx " Kxxx Ê Qx. Thus, it wasn't clear for East to bid 6!. The huddle and partner's reaction might well have helped East to realize he had misresponded."

Look at the West hand suggested by Ron and the last two panelists. Isn't it striking how much great minds think alike?

Finally, one panelist seems to have been unduly influenced by the Panel's decision, to the point of being torn between the two likely resolutions.

Patrias: "I have a problem with this hand because I'm very much opposed to 'Hesitation Blackwood.' If E/W are allowed to splinter with such good hands, is it possible that West might Blackwood with much less? Still, it is hard to visualize hands where 6! has no play."

It's only difficult to visualize hands where 6! has no play, Chris, until you hit upon those suggested by our Great Minds. Once those holdings are realized, Nirvana is but a small step beyond.

CASE THREE

Subject (Tempo): A Tough Call
Event: 0-2000 KO, 22 Mar 99, First Round

Bd: 20
Dlr: West
Vul: Both

North: Í J74 / ! A72 / " J73 / Ê 10732

West: Í A986532 / ! 5 / " KQ4 / Ê AJ

East: Í KQ10 / ! 1064 / " 965 / Ê 9865

South: Í --- / ! KQJ983 / " A1082 / Ê KQ4

West	North	East	South
1Í	Pass	1NT(1)	2!
4Í	Pass(2)	Pass	5!
All Pass			

(1) Announced; forcing
(2) Break in tempo

The Facts: 5! went down two, plus 200 for E/W. The Stop Card was properly used by West. North agreed that he broke tempo before he passed. The Director was called after the 5! bid. When called back to the table later he ruled that North was allowed some time for consideration over the 4Í bid and that the South hand merited further action. The table result was allowed to stand.

The Appeal: E/W appealed the Director's ruling. East said that he had started to call the Director after the pass over 4Í because of the length of the break in tempo. E/W believed that 20-25 seconds elapsed before North bid and that the South hand did not support the 5! bid independent of the pause by North. South stated that at the moment 4Í was bid he knew he was bidding 5!. He justified this with the solid (five of the top seven) hearts and the fact that he was maximum for his 2! bid. He stated that North often took much longer to bid than he had in this case and in those circumstances South had considered himself unable to bid. North thought his pass over 4Í was only slightly out of tempo and estimated the elapsed time at 10-15 seconds.

The Panel Decision: The Panel decided that there had been an unmistakable hesitation that put South at risk under Law 16A and that he could not choose from among LA actions one that could have been demonstrably suggested over another by the extraneous information. The Panel sought expert advice and was told that the expert field would be divided between double and pass. Bidding was suggested by the tempo: action over inaction. In an expert field, pass would not be a LA but in a 0-2000 field, pass, double, and 5! would all be LAs. Based on expert advice that there were LAs the Panel decided that it had no choice but to apply Law 16A. The 5! bid was canceled and a result for 4Í was determined. Using Law 12C2 (the most favorable result that was likely had the irregularity not occurred) the Panel changed the contract to 4Í made four, plus 620 for E/W.

DIC of Event: Patty Holmes
Panel: Ron Johnston (reviewer), Olin Hubert, Charlie MacCracken, Matt Smith
Players Consulted: Henry Bethe, Barry Rigal

Directors' Ruling: 55.8 **Panel's Decision: 88.3**

First, we need to consider the timing of North's pass over 4Í. The two pairs have fallen out along the usual "party" lines in estimating the length of this interval. We could reasonably place the tempo somewhere between the two estimates, say at about 15-20 seconds. This is a break in tempo by most standards.

Next, what did the UI from the break in tempo suggest? After a forcing 1NT response (not usually made with as good trumps as East has), it is quite likely that

North was considering a penalty double for his hesitation. If he holds something like l K108x ! xx " Qxx E Jxx, South can expect to lose at least three tricks in 5! while a favorite to take four tricks (two spades, a club and a diamond) against 4l . Thus, South's 5! bid was not demonstrably suggested by the UI.

Notice that the argument used by the Panel and many of us in CASE ONE, that the break in tempo suggests action over inaction, does not work here because North's huddle does not suggest convertible values (see my example hand), which means that double and 5! cannot be meaningfully lumped together.

Going one step further, we might ask whether South's hand justifies a second action over 4l . This is a close call. I tend to agree with the expert consultants that it does if South is an expert player. But given the level (0-2000) here, this is a pure guess. If the UI had suggested South's action, then his semi-solid suit and good distribution would argue strongly if not conclusively in favor of allowing his bid.

Bart makes a valid point about experts judging non-experts in these situations.

Bramley: "The terminology problem once again makes the facts hard to interpret. How long was North's huddle? Did he admit to 'breaking tempo,' or merely to taking some time before he passed? If the elapsed time was 10-15 seconds, then North should be protected by being near the duration of a Stop Card pause. However, since he admitted to being 'slightly out of tempo,' we can assume that a break in tempo did occur.

"And what did the experts really say? 'The expert field would be divided between double and pass,' but 'in an expert field, pass would *not* (my emphasis) be a LA.' That's helpful. I'll go with the latter. However, 'in a 0-2000 field, pass, double, and 5! would all be LAs.' Come now. Because these experts judge that a minority of weaker players would pass here, we inflict that decision on South even though *no expert would pass*! How condescending can we get? Do these experts really understand lesser players well enough to enforce a call that none of the experts would take?

"Now I readily admit that I have a hard time trying to fathom what players of lesser ability might do in a given situation. (I also have a hard time figuring out what experts will do!) And I am sure that over the long run weaker players will make more poor decisions than better players. That's how we can tell them apart. But I surely am not going to use my expert judgment to decide that a weaker player is incapable of making a decision that an expert would consider automatic.

"On this hand I consider double by South automatic. The actual South, who perhaps had already read CASE ONE, might have decided to take his chances with a unilateral action. The key, once again, is that *action* is clear. Obviously, in an expert field even our consulting experts would have allowed the result to stand. However, I sense that if an expert South had doubled and that had been the winner (switch North and East to see how), then the Committee would have taken away his good result. I would disagree strongly with that decision, too."

So Bart bases his opposition to the Panel's decision primarily on his belief that South's hand justifies a second action, even for this level of player. I can live with that, although I think the "demonstrably suggests" criterion provides a more compelling argument.

Making the "action over inaction" error mentioned earlier (any error is really a rarity for him)…

Gerard: "The Director achieved the usual result when you make up the rules, just like monkeys typing Shakespeare.

"The expert consultants got it right in the end, but some kind of dyslexia crept into their dicta about the expert field. If experts would really be divided between double and pass, pass had to be a LA. It was a harmless error since the decision didn't depend on it, but I trust we'll hear what they actually said or intended to say. I could just ditto my comment on CASE ONE here, almost to the word, except for the evaluation of the Panel and the consultants. We really should get accustomed

to thinking about LAs in global terms in appropriate cases."

He's certainly right about one thing: the expert consultants' statement that "the expert field would be divided between double and pass…In an expert field, pass would not be a LA" is self-contradictory, a sort of oxymoron. It is interesting to note that they also made the "action over inaction" error.

The following panelists all agreed with Ron and the Panel's decision, although none of them found the blatant "dyslexia" that Ron did.

Patrias: "I would like see what would have happened after a very quick pass by North. Whatever the outcome, it would be educational. A semi-solid six-card suit does not have the same psychological effect as that of the solid seven carder in CASE ONE. Here South should pay the price for partner's hesitation."

Wouldn't we all like to see how South would have reacted to a very quick pass. If we could "reset" auctions like this and test the players in these UI situations, we probably wouldn't need Appeals Committees – or at least not nearly as many. But since this isn't possible, we have to use the laws and our bridge judgment to make our decisions. How unlucky can we be?

Mollemet: "I think it is a very close call on whether or not pass is a LA in the 0-2000 KO's, but I'm willing to defer to the experts' opinions. Both the Director and Panel made completely appropriate rulings based on their own definition of whether or not pass was an LA."

R. Cohen: "The only logical bid for South in an expert game is double. This is similar to CASE ONE. In a 0-2000 KO, pass is a LA and 5! in the circumstances described is a no-no. Cheers for the Panel."

Rigal: "Terrible Director ruling. How could they have misdirected themselves so badly? The Panel made the fine distinction between the 0-2000 and expert fields. They considered the issue properly and made the right decision. Having said that; any South who failed to double (the right action and the one that any unethical player would make to field his partner's action) implies that South was not on the ball at all. That in turn should mean that we have to judge his actions by the standard of a 0-2000 player. I still think the Panel is right though."

Stevenson: "Good decision by the Panel."

Treadwell: "Another close, but correct, decision."

Passell: "Had South doubled and North bid 5! , I could live with the hesitation. Good solid decision."

Isn't a double by South which, as Barry points out, is the "best" bridge action but panders to the UI from North the one bid which would be UNacceptable if you believe that double has a LA? Howard, why don't you try to explain this.

Weinstein: "Clearly, had South doubled, it should be disallowed. However, in this case, very similar to CASE ONE, I don't believe that 5! is suggested over pass. Spades have never been supported and looking at a spade void there is a stronger chance that North was considering a double than in CASE ONE. The only case for disallowing 5! is that if North is considering any action, South is strong enough that 5! may be a good bet. For all those people who thought that a Director Panel would be reluctant to overturn a table decision, this case is strong evidence that their fears are completely unfounded as the Panel could easily have allowed the table result to stand in this close decision."

Hooray, finally someone else raised the "demonstrably suggests" issue. Thank you, Howard. And as my earlier example hand demonstrates, a close-to-penalty-double does not necessarily show two-way values here.

Our last panelist also demonstrates concern about this issue, but tries to take out insurance by expressing sympathy for the Panel's decision. Nice try, counselor, but we don't take very kindly to that kind of tushy covering here.

Polisner: "I sort of agree, but would like to know if a double by North would have been penalty or takeout. My concern is whether or not the break in tempo suggested values suitable for offense or defense: switch North's and East's major-suit holdings and 4Í is down one with North thinking of doubling. If the break in tempo did not reveal what type of action (offense or defense) was suggested, 5! should be okay. I would give some latitude in a 0-2000 event."

Who do you know who plays a double of 4Í by North here as takeout? Even if West can be trusted (right!?) to have a dynamite suit, a double by North would show *trump tricks*. No, North's break in tempo does not demonstrably (or even reasonably) suggest that 5! by South is more likely to be the winning action. However, *if* it did suggest convertible values, making double more likely to be the winning action, and *if* pass were also judged not to be a LA (not likely in this game – even in the Expertland sections), then the score would have to be adjusted.

Well, again the minority has right on its side. I'll be interested to hear if anyone (Ron?) is willing to jump ship and join us on this one.

CASE FOUR

Subject (Tempo): To Outshine The *Moon*
Event: NABC Mixed Pairs, 23 Mar 99, First Qualifying Session

Bd: 3
Dlr: South
Vul: E/W

North: Linda Mamula
Í 84
! K52
" K8643
Ê K92

West: Brenda Montague
Í AKQ1097
! 10986
" AQ7
Ê ---

East: George Bessinger
Í 532
! AQ43
" J5
Ê AQ87

South: Don Mamula
Í J6
! J7
" 1092
Ê J106543

West	North	East	South
			Pass
1Í	Pass	2!	Pass
4Ê (1)	Pass	4! (2)	Pass
5! (3)	Pass	6Í	All Pass

(1) Alerted; splinter
(2) Break in tempo
(3) Break in tempo (very short – agreed to be 3-4 seconds)

The Facts: 6Í made six, plus 1430 for E/W. The Director was called after the 5! bid. The players all agreed that the hesitation before 4! was considerable (1-2 minutes). E/W had not played together much for several years. The Director ruled that the slow 4! bid did not make pass a LA and the slow tempo did not demonstrably suggest bidding on (Law 16A). The Director allowed the table result to stand.

The Appeal: N/S appealed the Director's ruling. North did not attend the hearing. South agreed to the facts and stated his belief that this was a straightforward break-in-tempo case. E/W believed that the West hand was good enough to make a further slam try regardless of the tempo. Furthermore, the choice of strain at the four level was a significant consideration at matchpoints and the hesitation did not suggest further action. In fact, East stated that choice of strain was the consideration occupying him and not the thought of proceeding further. East's reason for choosing hearts at the four level was based on the idea that the four-four fit might play better, but the reason for preferring spades in slam was based on East's fear of a diamond lead.

The Committee Decision: The Committee was able to construct hands where bidding on with the West cards was not safe, but found them to be small in number – so small that venturing forward with West's cards was clearly warranted. It would be cowardly for West, holding a source of tricks, four-card trump support, and first-round controls in all the side suits, not to bid further. The Committee did not dispute the Director's finding that the hesitation did not demonstrably suggest further action, but thought the clarity of West's continuation made all other issues superfluous. The Committee allowed the table result of 6Í made six, plus 1430 for E/W, to stand.

DIC of Event: Henry Cukoff
Committee: Michael White (chair), Sid Brownstein, Martin Caley, Doug Doub, Simon Kantor, Corinne Kirkham, Judy Randel, Becky Rogers, Brain Trent, (scribe: Michael Huston)

Directors' Ruling: 73.9 **Committee's Decision: 74.4**

First, some lessons in logic and precision of thought and expression.

Bramley: “I agree with the decision, but I disagree with everything leading to it.

“Let’s start with the Director. Either he reasons poorly, or writes poorly, or both. The statement that ‘the slow 4! bid did not make pass a LA’ is nonsense. LAs exist within the context of an auction; hesitations do not *create* them. Here, pass may or may not be a LA, but the huddle has no bearing on whether it is. Maybe the writer meant something else. Then he continues ‘the slow tempo did not demonstrably suggest bidding on.’ Excuse me? Of course it did. Yes, on *this* hand East thought he had a decision as to strain, but that sort of problem is so rare after a splinter raise that a huddle will always suggest that bidding more was the alternative being considered. The only thing the Director got right was the ruling. But the correct reason is that the 2! response turns West’s hand into a five-level drive. Indeed, many players would drive to slam.

“The Committee echoed the Director’s poor logic. They seem to have bought East’s argument that because he was deciding about strain his partner could do as she pleased. Sorry, but when the trump suit has apparently been established and the huddler signs off in it, then the only plausible inference is that the huddler was considering bidding more. And did ‘the Committee…not dispute the Director’s finding’ because they agreed with that finding or because making such a determination became ‘superfluous’ after they decided that West’s bid was clear-cut? (Also, I must quibble with the word ‘clarity,’ which to me is not the same as ‘obviousness,’ although it is shorter. I don’t think that our usually impeccable scribe Huston meant that West uttered her bid in a noteworthy pure ringing tone.)

“I confess that my argument above is at odds with my usual contention that the huddler’s hand should conform to the hand suggested by the huddle before damage can be found. I’ll have to rethink that one.

“Finally, this appeal had no merit. N/S were way out of line to suggest that West be forced to pass 4! with that moose. Perhaps the Director’s ‘reasoning’ convinced them that they had a case, but the Committee should still have given them an AWMPP.”

Bart’s opinion that this appeal lacked merit notwithstanding, our panel is divided on this case. Let’s hear first from the panelists who support Bart’s position – at least regarding the appropriateness of the Committee’s decision. Howard raises some of the same logic criticisms that Bart mentions.

Weinstein: “One would think that with nine Committee members and a scribe that somebody would ask if 2! was game forcing. The Director’s statement that the slow tempo did not demonstrably suggest bidding on is ridiculous and hopefully not what was meant. The Committee’s statement that they ‘did not dispute the Director’s finding that the hesitation did not demonstrably suggest further action’ is even harder to read and just as ridiculous. Of course the slow tempo suggests bidding on, even if pass isn’t a LA. This is the fourth consecutive hand where the non-offenders should get a life, even if they were the protestors on only three of them.”

Mollemet: “Excellent decision by all parties, with the exception of N/S. After the West hand becomes known to N/S the matter should have ended. This should never have gone to a Committee.”

Howard and Peter seem to be close to Bart in believing the appeal lacks merit.

Stevenson: “Presumably the Committee decided that pass was not a LA, though the write-up expresses this in a strange way. A reasonable decision. The decision as to whether the UI suggested bidding on is unnecessary, though I feel that it does. Why were there nine people on the Committee? Were these all the people who could have been serving on the Committees for the lesser events?”

The ACBL’s National Appeals Committee (NAC) this year began employing

a team approach similar in some ways to the one that has been advocated in these pages for several years now. Three teams, each with about 14-16 members, are each assigned three nights on which they are responsible for hearing appeal cases. The members know in advance on which nights they will serve (generally every third night). This arrangement had the beneficial effect of increasing attendance, especially among the top experts who did not feel overworked. Three nights of duty gave everyone a chance to serve. Each team was assigned several “leaders” and top players so they all had adequate and roughly comparable resources.

All the team members who showed up sat on each case that was heard (unless an exceptionally heavy case load required that the team be split up). The original intention was to have the “extra” members act as scribes and record keepers for evaluation and training purposes, but to date these other functions have not been implemented. The “extra” members simply provided a larger opinion pool to help with the decisions.

Rigal: “Another terrible Director ruling; what does the pause show except these extras? Where there is a break in tempo and possible damage, to rule for the offenders is going against all the principles as I understand them. Mind you, the Committee’s reasoning is equally dangerous. Yes, the five level is probably safe, but E/W should not be due the benefit of any doubt. Back to Voltaire, and ‘pour encourager les autres…’ Note that East’s 2! bid on a four-card suit means that the Directors were wrong to be using sophisticated expert techniques here. But we would also be wrong to grumble at West’s poor bid (5! asks for diamond control, not for heart quality, in my opinion).”

Treadwell: “A very good decision; it is inconceivable not to bid on with the West cards after a 2/1 response.”

Patrias: “West must bid over 4! .”

The final two panelists in Bart’s camp saved their energy for more important tasks and simply nodded their assent.

Rosenberg: “Okay.”

Polisner: “Well done by all.”

The next panelist strangely agrees with the Director and (indirectly) the Committee that East’s tempo does not suggest bidding on.

Brissman: “Okay, I’ll buy West’s continuation to 5! . But what a strange 6Í bid with no diamond control! Nonetheless, I find nothing from the UI of West’s break in tempo to indicate that 6Í might be the winning call, so the Committee came up with the right decision.”

The next group of panelists believe that the Directors’ and Committee’s decision are wrong. We begin our excursion with…who else?

Gerard: “I see there purports to be a Brain on the Committee. [By design! – *Ed.*] I’m reminded of Mozart’s comment: ‘One hears such music and what can one say but Salieri?’ One reads such an opinion, notes its authors and what can one think but what did you expect? Let no one complain that the contestants didn’t have a Committee worthy of the event.

“I’m guessing that every one of these Committee members would have bid slam in CASE TWO after giving the correct response. I’ll bet they take all kinds of unilateral actions, overruling their partners hither and yon. I wouldn’t be surprised if more than one of them adhered to Treadwell’s Theory of Let’s Play Bridge. And I guarantee you that this wasn’t what the organizers had in mind when they split

National Appeals up into three roughly equal teams of Committees. There's supposed to be at least three serious thinkers on each team.

"Would it be cowardly for West to consider the possibility of ⌈ x ! KQxxx " xxxx Ê KQJ? ⌈ xx ! KQxxx " xxx Ê AQx? ⌈ x ! QJxxx " xxx Ê AKJx? ⌈ xx ! Jxxxx " KJx Ê AKx? Would it be automatic to splinter with ⌈ KQxxx ! 10987 " AQx Ê x? Would you expect to reach a percentage slam with the actual West hand when partner signed off? Do you really think that the slow tempo suggested pass rather than not pass?

"I know what the Committee's answers to those questions were but I'm going to give my own so I can have at least a semiliterate discussion. No, No, No and No. The five level isn't safe more often than the six level, so the relevant expectation by bidding on is to lose matchpoints. Opener's splinters in support of a major are slam tries to those who have half a Brain. If you want to keep your partner you'll trust his judgment – here East had an okay hand and slam was less than 50%. And it's a war crime to think that a slow signoff in any auction doesn't suggest the possibility of some other contract.

"Who Nos why the Committee answered Yes, but here are my guesses. (1) There's a small number of cases where we go down in five, a small number where we reach and make six and a large number where we reach and make five, so bidding is warranted. (2) I'm in love with myself, or at least my hand. (3) Partner may not know that ace-king sixth of hearts and out almost gins a grand slam. (4) Because we say so. In response, I would suggest: (1) take a course in logic; (2) love thy partner; (3) would you play with yourself if you were that East? and (4) yes, you would think that.

"I want to see this Committee require West to bid on after a lightning fast signoff. I want some indication that they asked about methods – maybe East was one of the few players to whom 2! was not forcing until he kills himself. I want to see them exhibit some understanding of probabilities rather than intuition. I want to see them paired up with the similarly clueless Director. I want them to know that it didn't matter why East huddled, the correlation was between huddle and not pass (again), not huddle and slam try. And I want them to forfeit $50 – oh, we don't do that any more, then make it a hundred.

"'Cowardly' was misdirected, that was the Lion. It was the Scarecrow who lamented 'If I only had a Brain.'"

We hope Ron's opening paragraph wasn't intended as a slight on Mixed Pairs events. (Now isn't that a testimonial that "hope springs eternal"?) We also understand that Ron's new book, an update of the Dale Carnegie classic "How to Win Friends and Influence People" will be in book stores shortly. Unfortunately, we have been unable to confirm the rumor that Ron is offering free autographed copies to members of this Committee.

In case you haven't guessed already, I'm with Ron on this one too. (In fact, I may hire him as my "hit man" from now on so that I can return to my role as the loveable creature that I was universally regarded as being before I began editing these casebooks. See what you've done to me, Kokish!) The simple fact is, we can see from East's 2! bid on ! AQxx (that's *fourth*, for those of you who have trouble counting x's) that West can assume no safety at the five level. (Ron's example hands show this even more clearly by placing East with a five-card heart suit for his 2/1 response. Ron, *you* didn't miscount those spots, did you?) I really can't understand why so many of our panelists thought that bidding on was so clear with the West cards. Bart, "Moose"?

Yet more opposition to the Committee's decision.

R. Cohen: "Maybe West didn't trust her partner. But wouldn't the five level be in jeopardy if partner held ⌈ x ! Qxxxx " KJx Ê AKQx? Partner would sure bid 4! a lot faster with that hand. What amazes me is that there was not one dissenting opinion filed from the seven Committee members."

That's *nine* Committee members (ten of you count the scribe – although we can see why one might not wish to do that). And yes, it's amazing.

Finally, working on the bidding problem rather than the appeal problem was…

Passell: "Why didn't 5! ask for diamond control on this auction? ⌈ AKQ109x ! KJ10xx " xx Ê ---. This one reeks to me."

You dare to ask such a question of a Mixed Pairs? And besides, didn't you know you can't say "reeks" in Mixed company, and certainly not in a "family" publication like this. Oh shit, Mike, now you've really gone and done it.

CASE FIVE

Subject (Tempo): How Do You Spell R-A-T-I-O-N-A-L-I-Z-A-T-I-O-N?
Event: Morning KO, 23 Mar 99, Only Session

Bd: 21 Dlr: North Vul: N/S	Í K9 ! AQ2 " K1074 Ê A985	
Í Q32 ! 65 " 8653 Ê Q1074		Í AJ1065 ! K9873 " 92 Ê J
	Í 874 ! J104 " AQJ Ê K632	

West	North	East	South
	1NT	2! (1)	Dbl
2Í	Pass	Pass	Dbl(2)
Pass	3NT	All Pass	

(1) Alerted; explained as hearts + spades
(2) Break in tempo

The Facts: 3NT made three, plus 600 for N/S. When the Director was called, N/S agreed that South's second double had been slow. E/W told the Director that South had touched more than one bid card before she selected her double; N/S denied this. The Director changed the contract to 2Í doubled down one, plus 100 for N/S.

The Appeal: N/S appealed the Director's ruling. North stated that South's double of 2! committed N/S to game or a doubled contract by E/W. South claimed there was no such specific agreement in a sequence of that sort. In any case, the double had not been Alerted. N/S agreed that the hesitation had been unmistakable. North stated that his major-suit values were misplaced for defending 2Í doubled versus playing 3NT, especially at this vulnerability. North estimated his partner's second double as eighty percent penalty and possibly based on a "stack of spades." North also pointed out that after a spade lead against 3NT, West failed to play low to obviate the later endplay that allowed 3NT to make; he believed E/W should not have their score protected after such an error. E/W stated the hesitation had been 45 seconds. They also stated that South had reached into the bid box and then retracted her hand before she doubled; N/S denied this.

The Panel Decision: The Panel sought expert opinion regarding whether North "chose from LA actions one that could demonstrably have been suggested over another by the extraneous information" from the break in tempo (Law 16). Three expert players all agreed strongly that pass was clearly a LA and that the hesitation demonstrably suggested an action other than pass. The Panel thus disallowed the 3NT bid and restored 2Í doubled as the final contract. Law 12C2 directs that for a non-offending side an assigned score should be "the most favorable result that was likely" and for an offending side it should be "the most unfavorable result that was at all probable." The Panel therefore changed the contract to 2Í doubled made two, plus 470 for E/W. The Panel also decided that pass was so clearly a LA and that the slow double so clearly demonstrably suggested *not* passing that a player of North's experience (over 2,000 masterpoints) should have known that his call would be ruled illegal. Since Law 73C states that a player "…must carefully avoid taking any advantage…" the Panel assessed a 3-imp PP against N/S for North's violation of this law.

DIC of Event: Jeff Alexander
Panel: Matt Smith (reviewer), Ron Johnston, Roger Putnam
Players Consulted: Brian Glubok, Chip Martel, Hugh Ross

Directors' Ruling: 81.4 **Panel's Decision: 83.3**

The decision to adjust the score seems obvious, and assessing a penalty against N/S for either (a) North's action in pulling the double of 2Í (PP) or (b) N/S's audacity in appealing the Director's ruling (AWMPP) or (c) both (a) and (b) seems clear. (I favor (c), but why didn't the table Director impose a PP for (a)?) Thus, the only remaining issue is what score to assign each side. My own analysis reveals that the Directors got this one right (I cannot find a rational defense with West as declarer which results in 2Í making, unless you consider a trump lead by North to be rational, which I don't), so the score for 2Í doubled down one, minus 100, should have been assigned to both sides.

Agreeing with me about the score adjustment is…

Gerard: "How in the world does West make 2Í? I can see an uninformed South leading a trump against 2Í doubled by East (lesson: play a forcing game against a good-breaking two-suiter), but even if North wanted to lead a spade he wouldn't. After a minor-suit lead, it's not award time if the defenders keep playing their suits and not dummy's. If the Panel didn't ask the expert consultants for their analysis of the play, they should have. Failing that they should have asked the table Director, whose grasp of the situation was far superior to theirs."

Ron's point about consulting the experts on the play is one that I brought up with those involved in the "Director Panel" test in Vancouver. However, this was their first tournament performing this function and it wasn't until midway through the tournament, after I'd seen several suspicious score adjustments and realized that the experts weren't being routinely consulted on play/defense issues, that I first raised the point with them.

Also agreeing with the score adjustment and confirming the proper way for the table Director to have handled things is…

Patrias: "Both the Director and the Panel got a little bit off the mark on this one. The Director could have been a bit tougher by giving a PP since North clearly allowed the break in tempo to influence his choice of call. On the other hand, how can making 2Í be at all probable? I think 2Í doubled, down one, with a 3-imp PP would be sufficient and appropriate."

I'm especially heartened to see one of our top Directors recommending PPs by the Director at the table when they are appropriate.

Treadwell: "Obviously, as the Committee said, North cannot be allowed to bid on after the slow double. However, giving E/W the benefit of fortuitous defense to allow 2Í to make is far too much. In fact, an opening diamond lead followed by accurate defense may set it two tricks. The Directors' adjustment to make the table result doubled, down one, was much better. Insofar as the PP is concerned, it seems a bit harsh but I can live with it."

"Harsh" is an underbid, David. Entirely appropriate is much better.

Another panelist who noticed a problem with the Panel's score adjustment but seems to have bought the "470" assessment (at least half way) is…

R. Cohen: "I might have left the table Director's ruling for E/W and assigned minus 470 to N/S. Certainly N/S were never getting plus 600."

The next panelist raises an important issue regarding penalties and scoring.

Bramley: "Feed them to the lions! Justice was served when N/S ended their appeal worse off than when they started. The PP, while appropriate for N/S, should not accrue to E/W, who should not benefit from a purely punitive penalty assigned to their opponents. (Could both teams thus lose the match?) Of course N/S should also have received an AWMPP."

In a KO match it is not possible to assess a PP against one side without it accruing to the other. Standard procedure at other forms of scoring is for a PP *not* to accrue to the non-offending side. I'm sure that would have been done had it been possible here, but in this event we'll have to settle for accrual. My understanding is that both teams could have lost the match, in which case the one losing by the fewest imps would be declared the winner. What if they lost by the same number of imps? Well, that's why playoffs were invented. Finally, I'm glad to see Bart's support for both forms of penalty against N/S (PP and AWMPP).

The next panelist also ratifies the PP and would have gone even further.

Mollemet: "The expert consultants got this one right. A player with over 2000 masterpoints should have known better than to pull the double. The Panel's 3-imp PP assessed against the appellants in a KO match is unlikely to deliver a very strong message to North. Perhaps this appeal should have been recorded."

Recording the incident would have worked, but an AWMPP also effectively records the incident and has the added benefit of teaching N/S a more pointed lesson by placing them in more tangible danger of having to answer to a C&E Committee for abusing the appeal process should they continue their wicked ways. Of course Peter makes a valid point that in a KO match, when the appealing side loses its appeal, it almost invariably loses the match as well. So any further score adjustment has no practical value. That's why the AWMPP is so important.

Another experienced Tournament Director comes down critically on the way the Directors handled this case.

Stevenson: "A fairly mediocre effort by the Director who appears to have been very generous to the offending side. Did he actually decide without consulting? I would have appealed as E/W. While the Panel was correct as far as they went, why did they not assess an AWMPP? No player above the beginner level would ever believe they are allowed to bid with North's hand and he should have been taught a stronger lesson."

The next three panelists seem not to have looked deeply enough into the details of the Directors' ruling and Panel's decision. Still, they firmly approved of the fact that N/S came out worse off after their appeal through the PP issued by the Panel.

Passell: "Great, great job. Actions such as North's must be stopped."

Polisner: "Standard case of player taking advantage of UI."

Rigal: "Good ruling by both Director and Panel. I even like the PP to try and teach North the lesson he deserves. Harsh but fair."

The next panelist is swimming against a strong current on this one.

Rosenberg: "Very good Committee work, except for the PP. N/S probably felt 'hunted' after this Committee."

As well they should! As I've said before (but it probably bears repeating), PPs are necessary and entirely appropriate in situations like this. We all know Michael's "philosophical" opposition to PPs, but not to employ them in obvious cases gives players looking for an advantage a win-or-break-even advantage over the rest of us. North acts on the UI. If he gets away with it he wins outright. If he gets caught he gets his first chance with the Director at the table: (1) the Director may rule in his favor. If not, his score is adjusted and he appeals. Now he gets a second shot. (2) The appeal may be sustained. But even if it's not, he only gets his score adjusted and thus breaks even. So the only real way he can lose in the long run is to be issued a PP for his egregious pull of the double and/or assessed an AWMPP. If there is

sufficient evidence of intent (this happens about once every couple of decades or so) C&E charges can be filed. So I'm sorry, Michael, but with all due respect to your principles, PPs are necessary in order to make egregious infractions like North's a losing proposition.

Finally, contrast Michael's view with the following panelist's assessment of the situation.

Weinstein: "I once presented a top ten list in a casebook for something or the other. A couple of people said they liked it, so now everyone has to suffer again. Top ten things to be done to N/S:

10 Allow 2Í doubled to be made with an overtrick on the lead of the Í9.
9 Publish their names.
8 Point out to North, who thought that putting up the ÌQ to obviate the endplay was a failure to play bridge, that this would not be a good play if North held the Ì A10.
7 Kibitz North for a session of bridge and publish, by his own standard of failure to play bridge, every mistake he makes.
6 Ask North when his estimate of double being 80% penalty and possibly based on a spade stack changed? After 45 seconds? 30 seconds? 3 seconds?
5 Assess N/S an AWMPP for each of the 10 things on this list. By the way Directors, an AWMPP instead of (or preferably in addition to) the PP would have been more appropriate than having N/S lose the match by an extra 3 imps.
4 Hope that N/S win the match at the table by 10 or fewer imps and then have the Directors insist that the protest be heard (as they should) and have N/S now lose the match because of the appeal decision.
3 Refer North to a Conduct and Ethics Committee for a blatantly unethical call and abuse of the appeals process.
2 Award N/S the Most Galling Protest of the Millennium trophy.
1 Take away all of North's 2000+ masterpoints so he has an 'inexperienced' alibi at his next appeal.

"The table Directors' trick score adjustment was way too lenient for the offenders. Also, can't a call this blatant be recorded by the Directing staff when it is made by an experienced player? Oh, by the way, does British Columbia allow the death penalty?"

I'm just guessing, but I suspect there's a possible resolution of this issue somewhere between Howard and Michael (but closer to Howard). Hmm, let me get back to you on that death penalty thing.

CASE SIX

Subject (Tempo): “But I Meant To Bid It Last Round”
Event: Stratified Pairs, 24 Mar 99, First Session

Bd: 4 Dlr: West Vul: Both	Í K94 ! J63 " J3 Ê AJ762	
Í A10832 ! Q7 " AK1072 Ê 3		Í Q6 ! 1095 " Q9865 Ê 1098
	Í J75 ! AK842 " 4 Ê KQ54	

West	North	East	South
1Í	Pass	Pass	2!
3"	3!	4"	Pass(1)
Pass	4!	5"	Pass
Pass	Dbl	All Pass	

(1) Break in tempo

The Facts: 5" doubled went down two, plus 500 for N/S. The Director was called when North bid 4! . E/W stated that South passed after a marked break in tempo of 4-5 seconds. South had been holding the bid box but was not touching any bid cards. N/S claimed that any break was only 2-3 seconds. The Director ruled that North would have taken some action and that she may have been influenced to bid 4! rather than double 4" . The Director changed the N/S contract to 4" doubled down one, plus 200 for N/S, and allowed the table result to stand for E/W.

The Appeal: N/S appealed the Director’s ruling. N/S disputed the tempo break and stated that there had been only a 2-3 second pause. They agreed that South had the habit of putting her hand around the base of the bid box while considering her bid. North believed she had the values to bid 4! . E/W claimed there had been a marked hesitation, perhaps 4-5 seconds. They also believed that North did not have a 4! bid. E/W defended their 5" bid as reasonable at favorable vulnerability against the 4! bid.

The Panel Decision: The Panel determined that there had been an unmistakable break in tempo. The hand on the bid box itself may not have conveyed information, but it did draw attention to the consideration. According to Law 16A, North may not select from among LAs an action that may have been suggested by the slow pass. The Panel consulted two experts as to whether pass was a LA to bidding 4! . Both players believed that the three trumps and limited high cards made 4! a distinctly marginal action opposite a minimum 2! overcall. Pass was certainly a choice many peers would select. 4! and double were both calls that could have been suggested by the UI. The Panel therefore enforced a pass on North and changed the contract to 4" down one, plus 100 for N/S.

DIC of Event: Terry Lavender
Panel: Ron Johnston (reviewer), Charlie MacCracken, Matt Smith
Players Consulted: David Berkowitz, Jill Meyers

Directors’ Ruling: 52.0 **Panel’s Decision: 95.1**

Let’s get this straight once and for all. Four-five seconds in a competitive auction should *not* be a basis for claiming a break in tempo (and certainly not 2-3 seconds). If players allow their opponents to make their early calls in the auction so quickly that 4-5 seconds for a later call appears to be unusually long, then it is *their own* fault for not getting the tempo under control earlier.

Even if calls are (inappropriately) made quickly early in the auction, when the bidding reaches the higher levels or turns competitive it is normal for things to slow down. In this context, 4-5 seconds is not an unusually long time and anything faster should be “flagged” by calling the Director. Players need to understand that *it is not improper to convey to the table that you are thinking about your next action*. We’re all expected to think before acting. What *is* improper is to convey the information that you are thinking before some calls but not before others. Players must avoid making it obvious by their manner, tempo or the like that they are struggling with an especially difficult decision and are not just making a “normal” assessment of the situation and bidding with appropriate deliberation.

Once we adopt this standard, incidents like the one here will serve to educate players of the need to control their own tempo from the start of the auction and to insist (by calling the Director) that the opponents do the same. When players who call the Director about a 4-5 second break in tempo in an auction like the present are told, “I’m sorry, but you should have called when the earlier bids were too fast. Now it’s too late,” they will learn quickly to bring the auction under control and avoid these problems in the future. Then we can all adjourn to the bar for a relaxing post-session refreshment instead of wasting our time with nonsensical appeals.

As for the problem at hand, even allowing that the standards described above may not yet exist, I would favor treating a 4-5 second pause in the present auction as being in proper tempo. E/W acted as if they expected South to bid immediately and objected that she thought briefly before passing 4" . So what? She’s *supposed* to think in this situation (and most others) and 4-5 seconds does not suggest a problem beyond the normal, careful assessment that the auction itself demands.

However, if for some reason not disclosed in the write-up we should assume that 4-5 seconds clearly established a break in tempo, then I fail to understand why the table Director thought that North would have taken an action other than pass over 4" . Hasn’t North already bid her modest high-cards and mediocre trump support? While the 3! bid was clear and a double on the next round may be “good matchpoint bridge,” pass still seems an obvious LA over 4" . After all, N/S have managed to push E/W to the four level. Can’t South hold something like Í xxx ! AKxxxx " x Ê Kxx? In that case 4! depends on something good happening in both clubs and the trump suit while 4" will either make or go down, depending on how the black suits divide. So why is a double (or any further action) clear?

And how could South’s (assumed) hesitation be construed to demonstrably suggest competing with 4! rather than doubling? Isn’t South marked on this auction with at most a doubleton diamond (and probably a singleton)? Doesn’t this make her hesitation far more likely to indicate a desire to double (but without a sufficient diamond holding to risk such an action) than a wish to bid 4! ? Huh?

If I had to assume UI, then I agree with the Panel that North should be forced to pass (and plus 100 should be assigned to both sides). I fail to see how E/W were not entitled to a score adjustment, especially in light of the fact that East’s 5" bid was the winning action at the table. (Minus 500 versus minus 650 defending 4! – except, perhaps, on a low spade opening lead which I would not allow – looks like good bridge to me, even if E/W were somewhat confused about the vulnerability.) Thus, if for some reason I could not allow the table result to stand, I would support the Panel’s decision and investigate the reason for the questionable table ruling.

I find no support among our panelists for my position on the tempo, but the majority joined me in rejecting the table Director’s ruling in favor of the Panel’s decision. In (arbitrarily) alphabetical order:

Bramley: “Make that two appellants in a row going home losers. I like the concept that appealing carries a real risk that you might do even worse than had you not appealed. But again, where is the AWMPP? Come on, Directors, did you enjoy wasting your time on these last two cases?”

Martel: “Panel got it right, the Director blew it (badly).”

Mollemet: “The Panel got this one absolutely correct. The table Director should also have ruled that pass was a LA and similarly adjusted the score.”

Passell: "Very good decision. Would like to hit North with a PP also."

Patrias: "The Director should not assume that North would double."

Polisner: "I don't understand why the Director would have allowed a double of 4" if he wouldn't allow 4! . Good Panel decision."

Rigal: "The Director blew the adjustment badly but the Panel set him right. They summarized the position exactly to a nicety. Well done. I'd consider a PP to South for the statement about her grossly misusing bidding boxes that would teach her to produce such specious garbage in appeals."

Rosenberg: "Better not let Directors control rulings just yet. North doesn't get to double, just because he made a different unethical bid."

Stevenson: "A routine decision, with the Panel's judgment being better than the Director's. Had the Director's judgment to substitute a double for 4! been correct, what possible reason could there have been to not give E/W the benefit as well?"

Treadwell: "The Panel was right on the ball here. However, I cannot understand how the table Director could, while correctly rolling the contract back to 4" , allow North to double it. She did not double at the table!"

One panelist picked up on the vulnerability error made by E/W.

Weinstein: "Poor judgment in the initial table ruling. When the Directors handle the appeal it is called a Panel decision. Are the Directors concerned that the use of the word Committee is pejorative and refuse to use it? I agree with the Panel, but show me the AWMPP! By stating that 5" was reasonable at favorable vulnerability when they were actually vulnerable, E/W demonstrated they need a crash course in bridge lawyering – oops, excuse me, Ron, a crash course in Committee rhetoric."

See the Foreword for more information about the "Panel" designation.
The last panelist raises some pertinent issues before committing to a decision.

R. Cohen: "What was the caliber of the N/S pair? In a Stratified Pairs they could have been novices all the way to experts. Assuming reasonably experienced players, 4! is disallowed. Would a Committee allow North to double? At matchpoints North needs to protect his equity at 3! against vulnerable opponents. Perhaps the Panel should have assigned Average Minus or plus 200 to E/W, whichever is less, and the complement to N/S. Which call did South's break in tempo 'demonstrably' suggest other than 4! – double or pass?"

To satisfy your curiosity, N/S each had about 1,100 masterpoints. Did that help? Probably not. I find it hard to justify protecting your equity when the hand may belong to the opponents. And it strikes me (and others as well) that double is a swinging action here. Could Ralph know something the rest of us missed?

CASE SEVEN

Subject (Tempo): Sayonara, So Sorry
Event: NABC Women's Pairs, 25 Mar 99, Second Qualifying Session

Bd: 18 — Dlr: East — Vul: N/S

North: Kiyomi Shibata
Ì K98752
! 942
" K
Ê 1065

West: Louise Childs
Ì AJ6
! J6
" J632
Ê AJ82

East: Katrin Litwin
Ì 103
! 105
" Q98754
Ê KQ7

South: Yasuko Kosaka
Ì Q4
! AKQ873
" A10
Ê 943

West	North	East	South
		2"	Dbl
3NT	Pass(1)	Pass	4!
All Pass			

(1) Break in tempo

The Facts: 4! made four, plus 620 for N/S. There was a very long hesitation before North passed 3NT. A verbal Skip Bid warning had been given because there were no Stop Cards available. The Director ruled that the 4! bid was not demonstrably suggested by the break in tempo and allowed the table result to stand (Law 16A).

The Appeal: E/W appealed the Director's ruling. They believed that South's action was not clear and that pass was possible. N/S were Japanese and did not speak English; an interpreter translated for them. South intended to double and bid hearts and said the level was not a deterrent.

The Committee Decision: The Committee believed that South was committed to 4! when she doubled 2" rather than bidding 2! over 2" . The 4! bid was reinstated and the table result allowed to stand.

DIC of Event: Henry Cukoff
Committee: Henry Bethe (chair), Robb Gordon, Doug Heron, Ed Lazarus, Jim Linhart

Directors' Ruling: 57.7 **Committee's Decision: 55.6**

I don't like it (South's double strikes me as a significant overbid), but I see no obvious fault with the Committee's decision – given South's earlier decision to double rather than overcall (and the level of bridge sophistication that suggests). Several of the panelists disagree with my "distasteful but appropriate" view. Let's hear first from the group that believes that a pass of 3NT is a LA for South.

Martel: "Probably the worst decision of the set. Not only is pass a LA by South over 3NT, it is clearly the percentage bid with the South hand. 3NT will go set unless the opponents have nine running black tricks (very unlikely) or have a heart stopper (in which case 4! will go for a big number). Thus 4! will only win when it makes. Since South has six solid losers she will only make 4! when partner has three cover cards. Thus 4! will only win when partner has a hand they would think with over 3NT. So without UI pass is the clear percentage bid while if partner thinks, 4! might win. Thus it is clear to not only revert the contract to 3NT, but South should get a penalty too."

R. Cohen: "One fact troubles me. If N/S required an interpreter, how was the verbal Skip Bid warning given? Through the interpreter? Can't agree with the Committee. A vulnerable 4! opposite a partner who couldn't take action on the prior auction is barred. Certainly game was unlikely (and in fact was beatable) and prospects for

a plus score were probable. Only the break in tempo made 4! a possible winning bid. Can't criticize the Director, he may have had problems communicating with the N/S pair."

Many foreign players who don't speak a word of conversational English speak enough bridge-English to convey things like Skip Bid, Alert, and the like.

Polisner: "I disagree with the conclusion that North's 'very long' hesitation may not have influenced South to bid 4! with a six-loser hand and excellent chances to defeat 3NT. I would rule E/W minus 200 (down four in 3NT) for both sides."

Rigal: "This is a tough one. The Director's ruling is defensible. After all, the South hand certainly looks as if it has 3NT beaten in its own hand while 4! will have no play. (It takes a giant fluke for 4! to come in on normal defense – i.e. no ESP on lead.) And arguably the slow pass which suggests a long weak suit or 5-7 points does not make bidding 4! more attractive. I'd have ruled the other way as Director. The Committee must have been reducing their standard to a chauvinistically low level to say that South was committed to 4! . I simply do not see that. I might have come to the same conclusion from a different position though."

I guess one man's chauvinism is another man's reason. The double of 2" establishes a basis for judging South's level, and the fact that she is a woman is of no relevance. Charging chauvinism is the sort of logic that keeps employers from firing incompetent minority workers for fear of being sued for discrimination. Having said this, Barry, I still wish some women had been on this Committee.

The next panelist agrees with my contention that the subsequent auction must be judged in the context of the South player's earlier bidding (and not her gender) – up to a point.

Rosenberg: "It's difficult to judge a player's action after that player has already taken an action you deem irrational. South's first double is, in my opinion, a poor call. And now, South's 4! bid is anti-percentage. Both 4! and 3NT are likely to fail and if 3NT is making, that might mean 4! will be very expensive. If I believed the South player was committed to 4! (as the Committee did), I would let her bid. However, I cannot imagine being convinced of this. Rather, I believe she was committed to 3! , but the 3NT bid clearly changes the situation. 3NT down four, plus 200 to N/S."

While I differ with Michael's judgment that South's previous action suggests she would have bid again only at the three level, I agree that the standard for this judgment is the player's skill level. If I would have needed another ace to double 2" (change a small club to the ace), then opposite a North hand like l Kxxxx ! xxx " x Ê xxxx I would expect to make 4! and maybe not beat 3NT enough. If South has previously over-evaluated her hand by roughly an ace or king, then we must project her subsequent actions within that context. I think Michael is using his own judgment of the level the South hand justifies competing to rather than South's.

The next panelist makes a valid criticism of my position.

Stevenson: "The Law takes no account of the player's earlier intent. People often change their mind. While South may have intended to rebid 3! over the expected 2l response that does not mean that she will necessarily bid 4! over an opponent's 3NT. While this bid is often psyched, South is probably looking at minus 800 if West has her bid this time. The Director and Committee were completely wrong: it is clear that West psyched from the tempo break. Without it I would expect at least one in three players to pass, whatever they intended to do earlier. Worryingly, the Committee's comments make it clear that they have ignored the law in their decision."

Yes, I agree that players change their minds and it is possible that South was only prepared to bid 3! over her partner's 2l response. Still, the misevaluation by South of her hand is so dramatic (not "irrational," Michael, just illogical) that I believe she would have rebid 4! , as my "missing ace" analysis suggests.

Next let's hear from those who believe that pass is not a LA. This is (sort of) my position, but I stress that what is judged to be a LA is very specific to the level of the player in question. Pass might be a LA for a better player but not for a lesser one (as here).

Mollemet: "Pass is not a LA after the double. Don't think that 4! is demonstrably suggested either. Well done by everyone."

Well, at least it wasn't a LA for *this* level of player.

The next panelist raises some interesting points.

Treadwell: "The decision was correct, but why were not AWMPPs issued? To say that South must pass 3NT is ridiculous – she has 3NT beaten almost surely in her own hand. If she had selected double and E/W had sat, simple defense garners N/S plus 800. E/W got out lucky and would have had a good score with a club lead."

Without merit this appeal wasn't. As for the risks inherent in double, our very own "Official Encyclopedia" addresses that as well as the LAs.

Gerard: "Well, if it went 2" -Dbl-7" , the level would be a deterrent to me. Maybe on a bad day even slightly lower.

"Why do smart people insist on making themselves look foolish? What's with the continuing fascination about predicting someone's mind set? Why would an aspiring lawyer not warn the Committee about fashioning its own standards rather than adhering to the laws? How long will I have to keep asking these questions?

"Look, here's the drill. There were three alternatives over 3NT: pass, double and 4! . Pass was not a LA, the others were. The only mind reading I'm permitted to do by the laws is to assess whether double would be seriously considered by an appreciable number of South's peers. In my opinion, that's a slam dunk. Sometimes the opponents stick it out. As between double and 4! , 4! was clearly suggested by North's hesitation. South could not afford to double and have North bid 4l , with or without a runout by West. Bidding 4l was obviously among the things North must have been considering for her hesitation, so South can't take any action that makes it less likely for her side to reach 4l . Period, the end. No Oscar Mayer product about what South intended to do or what the break in tempo suggested. 5! down one for both sides – if North can't bid 4l directly over 3NT, South doesn't want any part of that contract. Cry me a river and scream all you want about protecting the field, but you just don't get it.

"The Director was only slightly less incompetent than the Committee, since at least he got to the issue of LAs. Once you get over that hurdle, it seems impossible not to come to the right conclusion. If the Committee's decision had appeared as an answer to a law school exam question, the verdict would have been 'not pass.'"

Differing with Ron on the issue of what actions are LAs…

Bramley: "Although the break in tempo did not suggest bidding 4! , it did, as usual, suggest action over inaction. South is allowed to bid 4! here because it is the only LA, not because it wasn't suggested. If pass had been a LA and a loser, then South would have had to pass. Notwithstanding the above, this appeal deserved an AWMPP."

Another AWMPP freak. Given the significant divisions among the panelists, I really don't understand that position. Bart's failure to mention a double leads me to wonder if he forgot about it. It can't be so obviously "impossible" given the

nature of South's hand (see Treadwell's comment above).

Thinking partly along Stevenson's lines that North's hesitation revealed useful information about the nature of West's 3NT bid…

Passell: "This one I don't understand. The slow pass by North certainly cleared the air about West's 3NT bid – why not defend 3NT doubled rather than bid 4! ?"

Why not indeed. I don't believe Mike is suggesting that South *take advantage* of the UI from North by doubling, so the implication is that if South didn't use the information to double, she probably didn't use the information at all! Fascinating. But I'm not sure we're prepared to base our decisions on that kind of thinking.

Finally, the last word goes to one who on this case may prove to be the wisest of our panelists.

Patrias: "I must admit that I disagree with both the Committee and Director on this one. But I may be way off the mark and refuse to say any more lest I horribly embarrass myself."

Yes, "It is better to be silent," the saying goes, "and be thought a fool than to speak up and remove all doubt." Still, I'm curious (not yellow) as to what Chris has in mind. See you in Boston, Chris. Then it'll be "show and tell" time.

CASE EIGHT

Subject (Tempo): Even Flight B Players Have Obligations
Event: Flight B Swiss, 25 Mar 99, Second Session

Bd: 11
Dlr: South
Vul: None

North: Í 10 / ! A753 / " A96 / Ê Q9643

West: Í Q7 / ! 1064 / " KQ8543 / Ê K10

East: Í KJ9864 / ! 98 / " 7 / Ê J752

South: Í A532 / ! KQJ2 / " J102 / Ê A8

West	North	East	South
			1NT
Pass(1)	2Ê	2Í (2)	Dbl
All Pass			

(1) Break in tempo; 20-25 seconds
(2) Alerted; spades and a minor

The Facts: 2Í doubled went down one, plus 100 for N/S. There was an agreed 20-25 second break in tempo before West passed 1NT. The Director ruled that if East passed 2Ê , N/S would play 4! (Laws 73C, 73F, 12C2). The contract was changed to 4! made four, plus 420 for N/S.

The Appeal: E/W appealed the Director's ruling. They agreed there had been a break in tempo but believed the 2Í bid was clear. N/S believed that pass was a LA for East.

The Panel Decision: The Panel determined that West had hesitated for 20-25 seconds before passing 1NT. Under Law 16A, "…partner may not choose from LA actions one that could demonstrably have been suggested over another by the extraneous information." Since action was clearly suggested over inaction, the Panel had to decide if pass was a LA. The experts consulted believed that bidding 2Í was a dangerous action – perhaps reasonable at matchpoints but not at IMPs. If partner had done anything to call attention to the auction, the call should not be allowed. If the break in tempo was clear and unmistakable, taking action with the East hand would be a serious breach of ethics for an experienced player. The 2Í bid was disallowed. Law 12C2 required the Director to assign for the non-offending side the most favorable result that was likely had the irregularity not occurred. The Panel decided that the auction would easily have led to a 4! contract. Even though there were some chances for eleven tricks, the Panel believed ten were most likely. The contract was changed to 4! made four, plus 420 for N/S. The Panel assessed a 1-VP PP against E/W because they believed a Life Master with 305 masterpoints should have known that he could not bid 2Í when many peers would have passed with his hand after partner broke tempo. An AWMPP was considered since E/W had little other information to offer the Reviewer other than his statement that he had decided to bid 2Í at the moment 1NT was bid. Considering his level of experience, the VP penalty was deemed adequate.

DIC of Event: Mike Flader
Panel: Ron Johnston (reviewer), Olin Hubert, Charlie MacCracken, Matt Smith
Players Consulted: Hjordis (Disa) Eythorsdottir, John Mohan

Directors' Ruling: 91.8 **Panel's Decision: 81.5**

I'm going to offer what I anticipate will be a rather unpopular view of this case. While West quite clearly broke tempo, what action did this demonstrably suggest? Now before you reflexively blurt out "Action over inaction," consider that most pairs play methods which allow them to enter the auction with one- or two-suited distributional hands over 1NT. While it's possible that West was thinking of

doubling 1NT with a reasonably balanced hand with useful values (if his methods didn't allow a penalty double – why weren't we told E/W's methods over 1NT?), I personally judge it more likely that West holds an "unshowable" one-suiter (e.g., a minor) or an offshape two-suiter (try Í x ! QJxx " KJxxx Ê Qxx) with inadequate high cards, suit quality, distribution, or some combination of these for his huddle. If so, then West's suit(s) almost certainly don't include spades, which makes East's 2Í bid with minimal values, a broken suit, an alternative strain to play in (clubs), and a likely misfit a dangerous action. So call me crazy, but I find no *demonstrable* suggestion from the UI that 2Í is safer or more likely to be the winning action.

Well, does anyone out there see this case my way? Eureka! A triple bonanza.

Martel: "The Panel blew this one (perhaps this was one where a full Committee would have worked better). 2Í looks to be a normal action but pass is a LA. However, the huddle by West over 1NT makes it *less* attractive to bid, not more. The reason to bid 2Í is to direct the lead, suggest a save, or take away space. None of these apply if West has a good hand (it's then better to pass over 2Ê, and balance with 2Í over 2"/!). Also, what type of hand is partner likely to have for his huddle? A shaped one (long diamonds, as he had). This makes it *more* dangerous to bid, not less. Thus the UI does not at all suggest bidding 2Í. In fact it suggests *not* bidding. The decision was 100% wrong including the silly VP penalty."

Weinstein: "First, let me state that the huddle should not suggest 2Í to an expert. If North is bidding Stayman without spades, he probably has values. The auction indicates that West was considering bidding on shape, which could make the 2Í call contraindicated, let alone suggested. However, none of these inferences were probably drawn by a player in the Flight B Swiss. Consequently, the Panel decision was probably correct, even if the rhetoric and PP were unduly harsh. It seems that somewhere, someone might have inquired what a double of 1NT would have shown, but unless E/W were capable enough to bring up this point it probably shouldn't be considered."

Well, rain on my parade. Howard may be right, but he is speaking to whether *this* East player actually *did* bid on his partner's hesitation rather than whether the implication was present from the UI that it would be right to bid. We don't listen to a player when he claims, "I didn't even notice partner's hesitation and I always intended to make that call anyhow," even if he comes across as sincere. But then why conclude that this player must have drawn a *false* inference just because we think he wasn't a good enough player to have drawn the proper one? We should be looking at the bridge logic of the situation and not trying to read minds (or hearts).

Er…, speaking of hearts…

Rosenberg: "Always a tough situation. Maybe West's huddle suggests shape and East's 2Í bid is contra-indicated. I would certainly allow (compel?) an expert to balance over 1N-P-P after the huddle. Here, though, the combination of Flight B and North's 2Ê bid makes me agree with the Committee."

Bah. You guys are talking out of both sides of your mouths. You see the key point but then conclude that East wasn't good enough to have known that the fatal inference was false – so you assume he misused it. Am I logged into *www.catch-22.com* here or something? Just because you think a player isn't good enough to be aware that he can bid with impunity, you guys want to tell him he can't bid at all. Duh. With "supporters" like those, maybe Chip and I should listen more closely to the loyal opposition.

Leading off for the "thirty lashes" crew…

Bramley: "Apparently East offended the Committee. (Yes, I know it's a Panel, but they're all Committees to me.) I do not believe that East's 2Í bid should have precipitated an attack on his ethics. The basis of our current system is to *avoid* such

attacks and to treat bids after hesitations as technical, not ethical, violations. Only in extreme cases, more extreme than this one, should the bidder be punitively penalized for bidding after a hesitation by partner. Let's keep it that way.

"The 2Í bid has a lot going for it, but I agree that pass is a LA and that the huddle suggests that West will have enough values to prevent a bloodbath. On the other hand, West's values may *not* be enough to prevent East from going down two or three tricks against a game contract that will fail because of those same West values. On balance, I agree with the decision to change the contract to 4! made four and with the clear-cut nature of that decision.

"By the way, I disagree with the contention that 2Í is better at matchpoints. I think 2Í has at least as much merit at IMPs, where minus 300 against a partial or minus 500 against a game would be a manageable loss rather than a bottom, and the upside is just as substantial.

"Once again I would have given an AWMPP. The Panel's logic in sparing East's feelings in this regard was misguided, since they had already called his ethics into question with the VP penalty. Instead, they should have focussed on his poor decision to appeal the Director's ruling rather than his poor decision to bid 2Í in the face of a huddle. His failure to grasp the correctness of the Director's ruling was by far his greater offense. Thus, give him an AWMPP, not a VP penalty."

Well, at least he wants to pat East on the head while he stabs him in the back.

R. Cohen: "Bravo to the Director and the Panel. East should have been taken to the woodshed for a whuppin'."

Not even a pat on the head there.

Gerard: "If an experienced player would have committed a serious breach of ethics by bidding 2Í, this one should have been issued an AWMPP. We have to get across the message that it is not enough to say 'I was always going to bid 2Í,' particularly in egregious situations. As to the play, eleven tricks seem clear, at least for the offenders. After the " K lead, South plays Í A, spade ruff, Ê A, spade ruff, draw trumps. Unless E/W are playing upside down carding, West's Ê 10 makes it safe to play a club before setting up the tenth trick. Against a trump lead, ten tricks seem normal. I would have voted for minus 450, plus 420."

Well, at least his card-play analysis remains almost intact. In fact, as long as one is going to adjust the contract to 4! by N/S, I see no reason not to assign 450 to both sides. Look at the play after the putative trump lead. South wins in hand and plays a low club. If West rises with the king declarer can set up the clubs by ruffing high once. The play then goes: win the second trump in hand, cash the Ê A, Í A, ruff a spade, ruff a third club high, then play a diamond toward dummy. West must split or declarer inserts the " 9. Win, draw the last trump with dummy's ace and cash the rest of the clubs. With West down to only diamonds, declarer will come to one more diamond trick. (Note that even if declarer plays a trump to dummy instead of a diamond after ruffing the third club, West can still be endplayed as long as diamonds are started by leading low from dummy.) The play requires only that declarer ruff one spade in dummy before reaching the end game.

Alternately, if West ducks the Ê K at trick two, five is made following Ron's line, declarer playing to ruff spades in dummy and setting up a diamond trick from either hand once West is down to all diamonds. So I make it that most roads lead to 650 for both sides.

Polisner: "Excellent decision by all, especially the plus 420 rather than plus 450."

Perhaps Jeff would like to reconsider his position, unless he is ready to equate Flight B with "can't play the dummy."

A few more pats on the head…

Rigal: "I like the Director's reasoning and can agree with the Panel. But I would have given the AWMPP and not given the VP penalty since I do not think the bid is as clearly 'barred' as the Panel. After all, 305 masterpoints means diddly-squat these days!"

Passell: "Excellent, but the VP penalty against a player with 305 masterpoints seems excessive; why not just a firm explanation of right and wrong as a warning?"

Back to the whip…

Treadwell: "A good decision, but again, why not award E/W some AWMPPs even though they are relatively inexperienced?"

Mollemet: "The 2⌈ bidder was way out of line. The floor Director and Panel got it right, even down to the PP to East. Hope the message is clear to him."

How's the following for a clearer message?

Patrias: "The Panel should have assessed ½ VP for bidding and ½ VP for appealing so that the message would be unmistakable."

In Britain they do things differently, but that doesn't mean that we here in the Colonies are as backward as we seem.

Stevenson: "It is important that Law 12C2 be understood by all Directors and Committees. When the Panel said 'the Panel believed ten (tricks) were most likely' they showed a serious ignorance of the law. Law 12C2 says 'the most favorable result that was likely' and that is not the same thing. Suppose a player would make ten tricks 50% of the time, eleven tricks 40% of the time and twelve tricks 10% of the time. How would we rule? One in ten is not a likely result, so we do not give him twelve tricks, but both the other two are 'likely' results. The most favorable is eleven tricks, so that is what we would assign. Note, however, that it is not the 'most likely' result."

Well David, we do things just a tiny bit differently here. In your example, I would agree that results with 40% and 50% likelihoods are similar enough to be considered "tied" for most likely, so we would choose the more favorable of them for the non-offenders. But change the probabilities a bit and make the two favorites 55% and 35% and we now assign the 55% result. The fact that the 35% result used to qualify as "likely" because its probability is non-negligible is no longer relevant. Now don't misunderstand us. We aren't distorting the wording of Law 12C2 by exchanging "most likely" for "likely" out of an ignorance of the difference. Rather, we are interpreting a "likely" result (which Edgar told us we are entitled to do) as any result which is not significantly less likely than another. So any result which is judged among the most likely qualifies. If there is a clear favorite, we assign it. If more than one are contenders, we assign the one which is "most favorable" for the non-offenders. The bottom line is, Committees can decide for themselves what constitutes a "likely" result. We choose to treat "relatively" minor possibilities as not being likely.

But thanks for the pointing this out (really), David, and providing me with a useful opportunity to explain our methods. Actually, come to think of it, while we on the National Appeals Committee have been using this procedure for some time (since Albuquerque, Summer 1997), the Panels may not have been aware of our approach. (Not that they would necessarily have followed it even if they had been aware of it.)

Finally, David *could* be right that the Panel unknowingly misconstrued Law 12C2, or at least botched their description of what they did. The former is unlikely, while the latter is possible.

CASE NINE

Subject (Tempo): Game-Inhibiting Tempo
Event: NABC Open Pairs II, 26 Mar 99, Second Final Session

Bd: 20
Dlr: West
Vul: Both

North — Adam Wildavsky
⌈ K103
! K932
" Q64
Ê 865

West — Chris Pisarra
⌈ 98542
! J5
" 10982
Ê K2

East — Gail Griffin
⌈ AQ76
! A874
" AK
Ê A97

South — Gerald Seixas
⌈ J
! Q106
" J753
Ê QJ1043

West	North	East	South
Pass	Pass	2NT	Pass
3! (1)	Pass	3⌈ (2)	Pass
3NT	Pass	4⌈	All Pass

(1) Announced; transfer
(2) Break in tempo

The Facts: 4⌈ made four, plus 620 for E/W. The Director was called when dummy came down. All players agreed that there had been a noticeable break in tempo (approximately 10 seconds) before the 3⌈ bid by East. The Directors agreed that the break in tempo demonstrably suggested a good spade fit, but that there was no LA to West bidding 3NT. The Director allowed the table result to stand.

The Appeal: N/S appealed the Director's ruling. N/S believed that East's hesitation clearly suggested that she was thinking of bidding 4⌈ because no other alternative was possible. They also believed that pass was a LA for West at matchpoints. East told the Committee that she was a relatively inexperienced player and that her pause was her usual reviewing of the meaning of partner's bid and her usual taking extra time to avoid making a mistake. She had been playing for several years, had about 200 masterpoints, and played regularly with this partner. West claimed that all of East's bids were made after hesitations and he therefore did not give this particular hesitation more weight than any other. West stated that he always intended to bid again.

The Committee Decision: The Committee believed, despite East's inexperience, that this time her hesitation demonstrably suggested that she was considering bidding 4⌈. The Committee believed that West's decision to take a second bid was marginal, especially in a matchpoint event, and that pass was a LA. If partner's failure to jump-accept indicated an absence of a good fit in spades, and since the few points West held were not in diamonds, it was somewhat unlikely that declarer would be able to develop either spades or diamonds as a source of tricks. The Committee decided that pass was a LA for West and changed the contract to 3⌈ made four, plus 170 for E/W.

Chairman's Note: While a less experienced player is entitled to more leeway in hesitation situations than an expert, because the hesitation is often just insecurity, the issue was raised as to whether the field of competition should also be a factor. In other words, a less experienced player in the finals of a NABC Open Pairs might be held more accountable than he or she would be in a Flight B Pairs. Are Committees permitted to consider the prestigiousness of the event as well as the skill level of the players when trying to adjudicate a possible infraction?

Dissenting Opinion (Corinne Kirkham): It is my opinion that an experienced player would never unilaterally commit this hand to a 3⌈ contract after the 2NT opening. The only decision is whether to pass 2NT or to transfer and bid 3NT. I do

not consider pass a LA after the transfer.

DIC of Event: Henry Cukoff
Committee: Gail Greenberg (chair), Corinne Kirkham, Michael White

Directors' Ruling: 69.0 Committee's Decision: 67.2

First, assuming a 20-21 HCP 2NT (if 2NT=21-22 West was a mortal lock to bid again), I tend to agree with the dissenter that West was an overwhelming favorite to bid on. However, I still consider pass a LA.

Second, if having 305 masterpoints (as Barry pointed out in CASE EIGHT) means "diddly-squat," then having 200 masterpoints must mean approximately 2/3 of diddly-squat – which may be diddly-splat, diddly-flop, or even Bo Diddly-Squat. Players at that level (squat, splat, flop, or worse) huddle at random, as West's statement suggests (although it is self-serving, remember Stevenson's point from CASE TWO that we may give any weight to such statements that we wish), so I'd be reluctant to attach meaning to East's tempo. Moreover, West is a good enough player to know that one doesn't get rich at matchpoints betting on taking precisely nine tricks with a combined 24+ HCPs and a possible eight plus-card spade fit (Martel, Treadwell and Gerard provide an opposing view later).

Third, what would you open with Ì A ! Axxx " AKxx Ê AQxx? 2NT? What if partner then bid 3! (transfer)? If you had 200 masterpoints, would you bid 3Ì in tempo? Most of the 200-point players that I've met wouldn't. So does the break in tempo *demonstrably* suggest the spade fit the Committee professed? I wonder.

So while there's nothing in the write-up to indicate that West intended to bid on (and there almost couldn't be), the combination of the likelihood that he would have and the significant question of what East's huddle suggests leaves me with little upon which to base a score adjustment *for this pair*. Thus, I agree with the table Director and would have allowed the table result to stand.

Agreeing with me (although not for the right reasons) are…

R. Cohen: "I tend to agree with the dissenter. In the finals of an NABC Open Pairs you won't get rich passing 2NT. Once you take action with the West hand you are committed to game. Actually, West's hand may be very useful when partner has a spade misfit. How about Ì Kx ! KQx " AKJxx Ê Axx? No guarantees, but you wouldn't want to play 2NT. Maybe West should teach East not to put him in these difficult spots since 'she…played regularly with this partner.'"

Mollemet: "The hesitation clearly indicates that East was considering bidding 4Ì and thus demonstrably suggests bidding on rather than passing as the most successful line of action. Thus, the deciding factor in the decision is whether or not pass is a LA. Personally, I would either pass 2NT or bid 3NT over 3Ì always; therefore I do not consider passing 3Ì to be a LA."

I don't believe the pertinent issue in deciding whether a bid is a LA is what you (or any other individual player) would do. Rather, it is to determine whether some number of the player's peers would have given "serious consideration" to (in my opinion, would have actually *taken*) the losing action (here, pass).

Passell: "Ridiculous decision for Flight B players. Pass is not a LA with the West hand. The dissent was right on track."

Although I disagree that pass isn't a LA for West, it certainly has a very low probability. But it's East's inexperience, and especially the combination of the two factors, that leaves me unwilling to tamper with this result.

Patrias: "I agree with Kirkham – the decision to bid over 2NT tells the story. The table result should stand."

Polisner: "I disagree that pass is a LA for West after the transfer sequence. When he transferred into a very weak five-card suit, it could not be for purpose of playing in 3Ì. In fact, I would have ruled appeal without merit."

Uh, with friends like these… Chip's comment (below) blows the assumption that bidding over 2NT confirms that West planned to bid again out of the water.

Rigal: "Again the Director took an incredibly favorable position to the offenders when he failed to adjust. How can we be setting Directors up to rule in this way notwithstanding that I can see he consulted an eminent Director. It just seems wrong to me. Anyway, I like the dissenting opinion here. This is a big enough standard event that the clear-cut continuation to 3NT should not be barred. As the dissenter nearly said, 'Real Bridge players do not play partscores.'"

Brissman: "Excepting novices, players generally do not make bids without first planning a bidding strategy which includes what they will rebid over partner's likely responses. West's likely strategy was to transfer and bid 3NT, offering a choice of games. Whatever UI was transmitted by the break in tempo could only indicate uncertainty as to strain, and *that* UI would not deter or derail West's strategy. I cannot find the nexus of UI to negate the 3NT call."

I'm always glad for all the support I can get, but I disagree that East's huddle "could only indicate uncertainty as to strain." It's just as likely to relate to level as to strain, except for inexperienced players who always agonize over accepting a transfer with a singleton (or in some cases even doubleton) honor in partner's suit.

Next, the panelists who think there's a logical connection between East's hesitation and West's action, that pass is a LA (I agree), and that there's really no alternative to adjusting the score.

Martel: "The Director blew it, the Committee got it right. The dissenter is 100% wrong. Bidding 3! over 2NT is clear since it gives you a chance to get to game when partner has a maximum, but play a partscore otherwise (of course it's even better to get to bid game when partner has enough to think)."

Yes, that's the (somewhat conservative) "expert" approach.

Rosenberg: "It doesn't matter whether East should have known better or not. They must take the worst of it when West, as here, had a close action. In answer to the Chairman's note, the prestigiousness of the event should be considered. A degree of ethical expertise is required at each level. Obviously, this cannot be quantified. This does not mean that, at a high level against weaker opposition, you can get away with not explaining things clearly on the grounds that your opponents are 'supposed to know' something."

Weinstein: "Mr. Gerard, Mr. Bramley, Mr. Rigal, and last but not least our esteemed editor, please allow me to present Exhibit A, the dissenter's opinion in this case. To what does this exhibit refer? Why to CASE TWENTY-THREE from Orlando, where all of you believed that bidding 5Ê was not a suggested LA in order to point out the danger of substituting your expert judgment instead of the 'peers' of the player in the actual case. I agree with the majority opinion, with an excellent question posed by the chair. My knee-jerk response is yes, but I can't really articulate a reason why that should be the case. The Committee should have left N/S with their table result since 3NT was the likely action in the absence of the huddle unless they thought the dissenter was totally wrong."

Treadwell: "I would rate pass by West after an in-tempo 3Ì bid by partner as about a 60% action compared with 40% for bidding 3NT at matchpoints. The majority of the Committee thus correctly could not accept the 3NT bid after the break in

tempo."

The definitive treatise on the subject is given by…you guessed it, our very own OE ("Official Encyclopedia").

Gerard: "The language that you see in the dissenting opinion is mild compared to that of the dissent-in-law. Team Dissent has gone ballistic over this decision, pointing to it as symptomatic of all that's wrong with the Committee process. Since the dissent raises a critical issue, it's appropriate to start there.

"Not so long ago, before formula bidding was in and judgment was out, there were five ways to handle West's hand: pass, transfer and pass, transfer and 3NT, Stayman and show spades, Stayman and 3NT. Pass never plays the major, transfer plays it as often as possible, Stayman plays it an intermediate amount of time. The point is that West does not have to commit to guessing between passing 2NT or transferring and bidding 3NT. West can also bid 3Ê and then use his judgment over the response (for example, bidding 3NT over 3! if 3[instead would be a heart slam try, or rebidding 3! over 3" if you play Smolen). But a two-horse race? I guess count propaganda has been such a crutch for the masses that all you have to do is show your five to the nine and let nature take its course.

"Did I hear 'So what?' You mean you don't get the negative implication from the failure to bid 3Ê ? Well, in two-horse land you don't even recognize 3Ê 's existence because it strays from the formula. I can't prove that West wasn't a formula bidder, in fact the likelihood is to the contrary, but any West who backed horse four or five would have guaranteed that he would reach game. Since West didn't choose the auction that would have committed to game, there was some chance that he didn't intend to. If that's all you had to go on, wouldn't it count for something? Put it this way, a West who intended to play in 3[would have started with 3! . How does anyone know what was in his mind? Surely passing 3[would be no more outrageous a guess with West's hand than passing 2NT, especially if East were to reject the opportunity to jump to 4[over the transfer. To hear the dissent tell it, passing 2NT is a reasonable position but passing 3[is forcing to a zero. Team Dissent is free to impose its in-your-face approach to matchpoints on each other, but it's appropriate when serving on a Committee to try to apply the laws and keep your personal biases out of it. I have as low an opinion of horse three as the dissent does of horse two, but it wouldn't occur to me to suggest that it isn't a LA.

"So the dissent and the Director can commiserate with each other about the majority's losing approach but they'd be preaching to the choir. I suspect the Chairperson knows that the answer to her question is yes, the Committee not only can but should consider the event. The plus 2000 case from St. Louis [CASE TWENTY-EIGHT – *Ed.*] was initially decided incorrectly by the Committee because it didn't credit the offenders with ability commensurate with the event and their standing in it rather than with their masterpoint holding.

"Finally, don't blame North (I know it was N/S but I'm betting it was really North) for raising the issue. He didn't do anything wrong, especially since he was legally on the side of the angels."

The "Stayman-then-decide" method Ron describes is uncommon in today's game (as opposed to 30+ years ago), although it is still as worthy as ever. If Ron's purpose was to convince us that West was not committed to bidding again over 3[, most of us could have agreed to that without raising the specter of Christmas Past.

On to the Chairman's question. Every panelist so far who has commented on it has affirmed that the event should be a primary consideration in adjudicating a possible infraction. The following panelist has a different view on this issue and I'm happy to report that I agree with him – and with all the other panelists. "How can that be?" you ask. Well, you'll just have to read on to find out.

Stevenson: "Note that yet again a player claimed his previous intent as a factor

even though it does not affect the legality of his bid. UI is UI. The interpretation of what is shown depends on the player but not on the event. To hesitate in a Flight A event does not show a stronger hand than in a Flight C event, but a novice's hesitation means less than an expert's."

David's comment clearly implies that the player is the more important (if not the sole) factor. Actually, I believe the player's skill and experience must be taken into account when determining a bridge issue such as "what would have happened if…" (as when figuring out how well the player would have defended or played the dummy had they been given a fair shot at doing so, or whether they were likely to have reached game or slam, or competed further had MI or an opponent's break in tempo not denied them the opportunity to show they would have gotten there). However, when it comes to living up to a certain standard of ethics, or knowing one's obligations under the laws or regulations, then the level of the event is the only criterion to be used. To put it another way, the player's bridge-related actions should be judged relative to their skill and experience, while their legal, ethical, or other non-technical bridge actions should be judged as befits the level of the event.

Finally, Bart offers a very perceptive compromise on this difficult case, and I leave you to consider the Solomon-like aspects of his suggestion.

Bramley: "A bothersome case. West's dilemma seems more likely to occur in a transfer auction than in any other kind of auction. That is, in a normal transfer auction like this one, West bids in two stages, first forcing his partner to accept the transfer, then following through with his plan. Unlike most constructive bids, the transfer acceptance imparts no additional information. In effect, the transferrer makes two bids while his partner makes none. (Yes, I know that transferrer's partner might super-accept. But transferrer must plan his auction on the assumption that partner will make the simple acceptance.) Here, the slow acceptance prevented West from proving that his plan was to bid 3NT. His planned auction was compromised by partner's huddle.

"Unlike the Director and the Dissenter, I believe that passing 3[is a LA. My own success ratio is high with this type of bid, even with a suit like West's. But most players, having transferred, would commit to game and hope for the best. I would have made a split decision: E/W get plus 170 in 3[, the most unfavorable result that was plausible, and N/S get minus 620 against 4[, the most likely result in the absence of a huddle. This decision reflects my distaste for the Director call when the dummy came down with a hand that was in bounds for his action.

"My response to the Chairman's query: In NABC events all players should be held to the highest standard. This is one of the distinguishing characteristics of our most prestigious events."

CASE TEN

Subject (Tempo): Appellants Lose Battle – Win War
Event: NABC Open Pairs II, 26 Mar 99, First Final Session

Bd: 26 Dlr: East Vul: Both	Mark Ralph Í J10 ! J95 " Q764 Ê KQ105	
Don Probst Í K96 ! 84 " 1098532 Ê A4		Bill Pettis Í A543 ! K732 " K Ê 8762
	Bill Heid Í Q872 ! AQ106 " AJ Ê J93	

West	North	East	South
		Pass	1Ê
Pass	1"	Pass	1NT
All Pass			

The Facts: 1NT made one, plus 90 for N/S. At one point declarer played the ! 9 from dummy. East and South played low and West broke tempo before following with the ! 4. Declarer abandoned the heart suit and took an alternate line of play. The Director ruled that West had a demonstrable bridge reason (deciding whether or not to give count) for his play (Law 73F2) and allowed the table result to stand.

The Appeal: N/S appealed the Director's ruling. Only South appeared at the hearing. The play of the hand was as follows: diamond to the king and ace, club to the king, club to the ace, diamond to the jack, two more clubs with West discarding a spade and a diamond and South discarding a spade. At trick seven South led the ! 9 from dummy and after a 5-10 second break, West played the ! 4. South now decided that West had the ! K and abandoned the suit. The table result was 1NT made one, but the review of the play during the hearing indicated that declarer must have taken eight tricks.

The Committee Decision: At trick seven West was known to have started with six diamonds, two clubs, one spade, and four unknown cards. It was not unreasonable for West to pause a moment to decide whether to give accurate count at this point. If he had, then declarer would know the complete distribution, so he chose not to do so. Therefore, there was a bridge reason for a "short" pause and Law 73F2 had not been violated. The Committee changed the contract to 1NT made two, plus 120 for N/S, which was the actual result that must have been achieved at the table.

DIC of Event: Henry Cukoff
Committee: Karen Allison (chair), Judy Randel, Robert Schwartz (scribe)

Directors' Ruling: 70.5 **Committee's Decision: 65.9**

Most of the keen bridge minds on our panel cut directly to the chase on this bit of juvenile nonsense posing as an adult appeal. Still, there was some work to be done, mainly in the form of admonishing West for his behavior.

Brissman: "The appellants must present a prima facie case of damage for the appeal to be meritorious. If they did so, it was not reported in this write-up. I'd like to know what line of play South adopted subsequent to winning the ! 9 in order to evaluate the soundness of the decision to abandon hearts. It appears that continuing hearts is best even if the finesse loses."

Mollemet: "The table result should stand because declarer's line of play wasn't real good. However, I don't agree that the defender had a demonstrable bridge reason

for his hesitation. I think a player of West's experience should have been able to play one of his hearts in normal tempo."

That seems to be a common reaction from many of our panelists: that West's stated reason is inadequate. Witness, the two Co-Chairs of our Laws Commission…

Martel: "If deciding whether to give count is a valid reason to huddle for 5-10 seconds, then a defender with small cards will almost always have 'a demonstrable bridge reason' for huddling. This should not be allowed. 5-10 seconds is way too long (particularly at trick six, when declarer's shape was largely known). This is particularly true when, as here, the defender clearly knew his huddle was likely to mislead declarer."

R. Cohen: "In the finals of an NABC Open Pairs, South gets nothing from me. West is going to be severely chastised at the very least. A player of his ability who has sat through six tricks knew he was going to have to decide in what order to play his hearts. What was he thinking about during the first six tricks? I believe a matchpoint penalty was in order against E/W."

Still, even if we were to agree that West's actions are unacceptable, what was South doing bringing this appeal?

Gerard: "Appeal Without Merit. Continuing hearts guarantees nine tricks. Even switching to spades guarantees nine tricks if East pitched a spade on the second diamond. Whatever South did caused his own damage. I sort of agree with the bridge decision, but South should have been embarrassed to pursue this."

Treadwell: "Automatic decision, and close to N/S earning some AWMPPs."

Bramley: "Spare me this nonsense. I don't accept that there was a 'demonstrable bridge reason' for West to huddle with two small at a late stage of the play. For that matter, I dislike all defensive huddles involving a choice of small cards, because they send the clear message that the card played is a signal. However, in the case at hand South must have been brain-dead not to continue hearts after the nine held, since he was a lock to take nine or ten tricks that way, depending on whether West actually held the ! K. (No, I don't believe West would pitch a spade, then huddle, then duck the ! K *twice* from an original hand of Í Kx ! Kxx " 1098xxx Ê Ax, a defense that might hold South to eight tricks.) Although West deserves to be admonished about the tempo of his plays with small cards, this appeal had no merit. I would give South an AWMPP despite his fortuitous gain of a trick in Committee. Players should not need a Committee to tell them how many tricks they have taken."

One panelist did lend some support for South's (unstated) line of play after the hesitation, but he still had no sympathy for West's argument.

Passell: "What a weak argument by West and he actually got the Committee to buy it. Did West at least apologize and say "No problem" for his break in tempo? The offenders must get the worst of it in these blatant matters. South's line of play was very reasonable after the hesitation."

Saying "No problem" is a problem in its own right. In this case, if we take him at his word West really *did* have a bridge problem. More generally, however, "No problem" typically really means "I had a problem but I don't want *you* to think I did" or "While I had a problem, I'm sure it wasn't the one you think I had." I believe in saying "No problem" only when something non-bridge was responsible for the delay, such as not realizing that you won the previous trick and that it's your turn to play, or not seeing RHO's card immediately, or daydreaming, or some other

non-bridge aberration. Also, if you say "No problem" I think you should volunteer what really happened (e.g., "No problem, I didn't see your card" or "Sorry, I was out to lunch."). But saying "No problem" when you really were thinking about bridge, is, in my opinion, quite improper.

Rigal: "Anyone who cannot count their tricks surely does not deserve the adjustment, and the claim that he would have done something better in another scenario…oh well, justice done one way or another. I think I agree with both Director and Committee as to bridge reasoning."

Patrias: "I seem to remember that some ACBL Committee, perhaps Competition and Conventions, had decreed that hesitations involving which card to play in order to deceive an opponent was not to be considered a 'bridge reason.' Also, what were 'The Facts'? Did all the players agree to plus 90 at the table? Did the Committee make a score correction in the face of that? If so, I believe they erred in assigning 120. I think perhaps a two-way bad score would be more appropriate."

I agree with Chris wholeheartedly about the scoring. If the players all agreed to plus 90 at the table, it was inappropriate for the Committee to change it once it was not challenged within the normal correction period (30 minutes from when the scores are posted). However, in some cases I have seen the score corrected for a pair who admitted benefiting from the error without a reciprocal adjustment in the other pair's score. That strikes me as the proper way to handle these matters.

Also pointing out the illegality of the scoring adjustment…

Polisner: "Shades of Geneva! The Committee's decision violated Law 79B when it changed the table score. As far as the ruling on the 'hesitation,' I completely agree. Declarer takes these inferences at his own risk unless there is no demonstrable bridge reason for the action. As far as I'm concerned, any reason, including taking time to figure out the probable high cards declarer has in order to decide whether to duck a future spade play by declarer, is okay."

I'm afraid many firmly disagree with you on that last point, counselor.

Stevenson: "As a general principle a decision whether to play high-low to show count is not adequate as a 'Demonstrable Bridge Reason.' This is an interpretation that should be promulgated by the ACBL because any alternative interpretation encourages illicit hesitations. In the absence of such an interpretation, the decision was fairly reasonable, though it is clear that anyone reading this case has now a method for discouraging a repeat finesse."

David makes the ultimate argument for not allowing players to get away with this sort of thing. Quite simply, it opens a Pandora's box of problems. Another reason, in this specific case, is that West had just made two discards on the run of the clubs. He had plenty of time to decide what he should pitch and then what he would do on the next suit declarer led from dummy. To stop to think on every play in a situation like this is discourteous and, from a bridge perspective, indefensible.

Right Howard?

Weinstein: "I would have adjusted the E/W score. West had time to consider the hand when he was discarding on the clubs. Although there may have been a subtle bridge reason for the huddle, I don't believe it rises to the standard of demonstrable bridge reason. Since he could easily have been aware that the huddle might inadvertently create deceptive possibilities, the score should be adjusted under Law 73F2. Although there is no question that West did anything intentionally, he is a sufficiently experienced and expert player to avoid creating this situation. N/S get the table result since the situation doesn't rise to the severe standards I believe necessary (see Orlando casebook) to adjust the non-offenders' score."

A better reason for not adjusting N/S's score is that declarer's line of play had no validity from a bridge perspective, as several panelists have pointed out, and the appeal itself had little or no merit.

And finally, it's comforting to know that "The Shadow" is still on the job.

Rosenberg: "Personally, I would prefer to see thinking about signaling outlawed. Since that's not going to happen, then only rule against West if you believe deliberate deception was involved. I know that's not the law, but it should be."

How does one determine "deliberate deception"? And once one does, how does one defend oneself against the inevitable lawsuit that follows? Sorry, Michael, but we have to handle these things as the wisely crafted laws instruct: if an innocent player is damaged by an opponent who has no demonstrable bridge reason for his action, and who "could have known, at the time of the action, that the action could work to his benefit," then the score should be adjusted. Period.

In this case both sides should have received the worst of it. N/S should have been assigned the table result (plus 90) because declarer failed to demonstrate any connection between West's action and the damage (which derived entirely from his own misplay – and misscoring – of the hand). E/W should have been assigned minus 180 (E/W can't really come to more than one club and two spade tricks on defense) because West's alleged "bridge" reason for his tempo was inadequate and because he was a good enough player to have worked out, on the previous two tricks, whether or not to give count if declarer played a heart from dummy next or whether to hold up in spades if declarer led a spade…oh, and also because he *could* have known at the time of his hesitation that it could work to his advantage. We don't (and can't) really know whether he *did*, but we do know that he *could*.

CASE ELEVEN

Subject (Tempo): I Got Them "Out Of The Blue" Double Jitters
Event: NABC Women's Pairs, 26 Mar 99, Second Final Session

Bd: 24 Beverly Rosenberg
Dlr: West [8754
Vul: None ! 75
" J10642
Ê A2

Louise Childs		Katrin Litwin
[Q10		[J632
! ---		! AK10983
" AK87		" 9
Ê QJ109876		Ê K4

Marcia Masterson
[AK9
! QJ642
" Q53
Ê 53

West	North	East	South
1Ê	Pass	1!	Pass
2Ê	Pass	4!	Dbl
Pass(1)	Pass	5Ê	All Pass

(1) Break in tempo

The Facts: 5Ê made six, plus 420 for E/W. The Director was first called to the table when West paused before passing 4! doubled. The opening lead was a diamond. When the Director returned to the table he ruled that pass was a LA for East (Law 16A) and changed the contract to 4! doubled down two, plus 300 for N/S.

The Appeal: E/W appealed the Director's ruling. East said the double had been emphatic and since West had bid 2Ê, it seemed safer and more sensible to retreat to 5Ê rather than play 4! doubled against an obvious trump stack. E/W were surprised by the Director call because they had not noticed an unusual break in tempo over the double. N/S maintained that the double had not been quick and that there had been a break in tempo after the double.

The Committee Decision: The Committee agreed that 5Ê was a clear bid after an obvious trump-stack double. They also decided that a break in tempo over an out-of-the-blue double was not necessarily suggestive that the double be removed. The Committee changed the contract to 5Ê made six, plus 420 for E/W.

DIC of Event: Henry Cukoff
Committee: Martin Caley (chair), Henry Bethe (scribe), Simon Kantor

Directors' Ruling: 85.5 **Committee's Decision: 57.2**

My only question is, where was the AWMPP? Er…, ahh, I'm sorry, say what? The Committee decided *for* E/W? *For E/W?!* Oh, good grief. Ron, Bart, help!

Gerard: "Let's see, what do you open and rebid with [Q10x ! J " Axxx Ê AQ10xx? How would you like your clear 5Ê bid opposite that? Do you mean South wouldn't have a trump-stack double with [AK9 ! Qxxxxx " Qx Ê xx? Do you think South would switch to a trump or a diamond after one high spade against 4! doubled? And what, pray tell, does a break in tempo suggest over an out-of-the-blue double? Oh boy, oh boy, let's just play it right here? Go back to CASE NINE or, if you prefer, think of the dog that didn't bark in the night. Wouldn't an East who wasn't interested in alternative contracts leap to 4!? We all know about playing the table, but some parts of the table are off limits.

"It's just sad. This wasn't even a tough case, it took a serious effort to screw it up."

Bramley: "I disagree. The internal solidity of East's hearts means that 4! may be best, even with a bad heart split. The huddle certainly does suggest that partner was thinking of running. West, not knowing about East's good spots, was unlikely to be thinking of redoubling. Thus pass was a LA, but the huddle suggested running. Therefore the Committee should have changed the result to 4! doubled down two, plus 300 to N/S and minus 300 to E/W."

Hmm, let's see. Which is worth more at matchpoints, 5Ê making five (or six) or 4! doubled making? Uh, put away your calculators. This isn't a test. (The real test will come later – but hopefully not *too* late.) Give West something like [Kx ! x " KJxx Ê AJ98xx and 5Ê could be in almost as much jeopardy as 4! and a level higher. Now look at Ron's hand again to see what can really go wrong with 5Ê.

Rosenberg: "So the Committee decided 5Ê was a clear bid. Does this mean that if West made a prompt 'content' pass, and East did not run, that N/S could get a ruling in their favor (assuming that they even thought of asking for one)? Don't be ridiculous. If you determine that West broke tempo, you must make East pass. Plus 300 for N/S (500 is very unlikely)."

Weinstein: "The Committee thought that maybe the break in tempo indicated they were considering redoubling? If the Committee determined that there was a break in tempo, what else would it suggest other than that the double be removed (is that like undoubling?) or that 4! doubled is perhaps not the best contract? I don't think the removal is so obvious. At the risk of using a personally detested cliched simile (or whatever it is) it's not like East's heart spots are chopped liver. I like the table Director's ruling assuming that the break in tempo was unmistakable for the context of the bidding situation."

Polisner: "I disagree. Pass is not only a LA, but one which I believe would not only be considered by a substantial number of players but would be actually selected. The hesitation made it clear that West did not have a hand such as [Kxx ! J " AJxx Ê Axxxx."

That's effectively Ron's hand again.

Mollemet: "I think the Director got this one right and the Committee was wrong. I can construct hands consistent with the bidding where 4! is cold and 5Ê is down. While I don't necessarily think this construction automatically makes for a LA, I think pass is one on this hand. I also believe that West's tempo suggests 5Ê is more likely to be successful than 4!."

Even old people know what to do in cases like this.

Treadwell: "To say that a break in tempo over an out-of-the-blue double does not suggest removing the double is nonsense. The only other meaning the break in tempo could convey is redouble and this would be rare indeed. I don't think the pull should have been allowed. At least, the table Director got it right."

A bit less confident, but still on the right path…

Rigal: "Good Director ruling. Nice to see the offenders being made to work for their result. As for the Committee, well I think they were generous to E/W. I might have ruled that E/W were left with their minus and similarly N/S with the table result, since conceding 12 tricks is impressively poor. My view is that East's action was made much more attractive by the tempo of the pass. I'd need a much better reason than the ones given to reinstate the 5Ê bid."

While what happened at the table may not be good bridge, it is certainly not the worst I've ever seen. "Impressively poor" seems a bit harsh. I certainly don't find it egregious enough to forfeit the right to redress.

R. Cohen: "Greed is a terrible thing. All South had to do was pass and collect an excellent score. It is not clear whether the break in tempo (not unexpected after an 'out of the blue' double) was brief or extended. If extended, we score a result at 4! doubled. If brief, the table result stands."

Thanks, Ralph. Just tell us our options. Don't bother us with your evaluation.
I don't think the problem here was South's. At matchpoints one has to double when one has a double (and occasionally even when one doesn't). After all, plus 100 might not be worth many matchpoints if everyone else is doubling and who knows, sometimes the opponents even have a clear sit.
The following panelists seem to have lost their way rather badly. All I'll say is that sooner or later there's going to be a test.

Brissman: "East had AI from South's emphatic double and UI from West's tempo, but both conveyed the same message – that 4! was doomed. Since East must ignore the UI and act only on the AI, it was fortuitous that the same 5Ê bid was indicated by both sources."

Passell: "The 5Ê bid seems very obvious. No agreements were ever reached about anyone's tempo at the table so no infractions can be charged. The Committee's statement that a break in tempo wasn't suggestive, however, is utterly ridiculous!"

Yes, it was ridiculous. If I weren't so appalled, I'd laugh out loud. But why, Mike, does 5Ê seem so obvious to you? And what is this about no agreements being reached about anyone's tempo? Look through the other tempo cases here or in past casebooks and you'll find that agreement about tempo is infrequent, if not outright rare. Then look at West's hand, complete (or rather incomplete) with heart void and tell me that she passed in normal tempo for this auction. Bah! Humbug.

Stevenson: "When you get doubled out of the blue, you suspect a trump stack: If partner now hesitates, you *know* it's a trump stack. Of course, you will be wrong once in a hundred times, but for UI purposes a clear message has been sent. Even so, the decision was correct."

Yes, out-of-the-blue doubles are likely to reveal trump stacks. But look at your own intermediate trump spots. If partner shows up with something like Í AQ10 ! --- " Axxx Ê A10xxxx (not impossible) you'll lose at most one spade and maybe two trump tricks. On a bad day you could go down, but you're not unlikely to make this contract – possibly with an overtrick since, after ruffing a diamond or two, you might manage to endplay South in trumps. Of course your chances are not bad in 5Ê either but if North has clubs stacked, you might wish you'd sat for 4! doubled.

CASE TWELVE

Subject (Tempo): An Expert, Is An Expert, Is An Expert
Event: NABC NAOP Flight B, 27 Mar 99, First Session

Bd: 11 — Dlr: South — Vul: None

North: Í K8 ! AKQJ98 " 962 Ê 82

West: Í 52 ! 106543 " QJ103 Ê J9

East: Í J97643 ! 2 " K754 Ê 106

South: Í AQ10 ! 7 " A8 Ê AKQ7543

West	North	East	South
			1Ê
Pass	1!	2Í	3"
Pass	4NT(1)	Pass	5"(2)
Pass	6!(3)	Pass	7Ê
All Pass			

(1) RKC Blackwood
(2) 0 or 3 Keycards (1430)
(3) Break in tempo

The Facts: 7Ê made seven, plus 1440 for N/S. North agreed that there had been a 30-second break in tempo before he bid 6! because he was unsure about where to place the final contract. The Director ruled that South had UI, that there were LAs to the action taken (pass) and that the slow 6! bid demonstrably suggested that 6! was not the right contract (Law16). The contract was changed to 6! made six, plus 980 for N/S.

The Appeal: North agreed that there was a considerable (30-second) hesitation because he was unsure about where to place the contract. South said she was unaware of any hesitation and simply bid what she thought she could make.

The Panel Decision: The experts consulted for bridge judgment diverged widely in their comments from "a hundred to nothing" in favor of bidding to those who would not allow it, citing plausible hands for North where the partnership would be off an ace (e.g., Í x ! KQJ109xxx " KQJ Ê x). One expert believed that South should be allowed to bid 6NT or 6Í. The Panel held that since some of the experts were against bidding and could come up with appropriate hands, passing 6! was a LA and the 7Ê bid was disallowed. The contract was changed to 6! made six, plus 980 for N/S.

DIC of Event: Matt Smith
Panel: Olin Hubert (reviewer), Charlie MacCracken, Roger Putnam
Players Consulted: Ralph Cohen, Mark Molson, Michael Moss, Adam Wildavsky

Directors' Ruling: 86.7 **Panel's Decision: 84.7**

Since he stole my best line ("the 'nothing to a hundred' experts have it all over…"), I'll let Super Ron take the lead on this one.

Gerard: "The 'nothing to a hundred' experts have it all over the 'a hundred to nothing' ones. Three singletons and ten hearts missing the ace. That's why South can't bid 6NT or 6Í. South can't even claim to have given the wrong response.
"This will pain me no end, but the Panel's performance shows that DTO has its good points. Suppose there were three 'hundred to nothing' views on a Committee and two 'nothing to a hundred' ones. Typical procedure would be for the Committee to rule by a three-to-two margin that pass was not a LA, with two dissenting opinions. Is that fact itself not proof that pass is a LA? Isn't the new procedure, properly applied as in this case, clearly superior to the all-or-nothing approach? Don't take this as evidence that Directors have superior bridge judgment, although on this case the Director was smarter than some of the experts, or that I'm

trading in my birth right. But I'd be pretty much of a hypocrite if I refused to be flexible when the system shows how it's supposed to work."

The policy for making LA decisions that Ron describes was short-lived and has happily gone the way of the dodo. The policy, that if the group believing that there was "no LA" to the table action outnumbered the group believing there was a "LA" and if none of the former group were willing to change their vote even after seeing "prima facie" evidence of a LA in the opposing votes, then the majority ruled, was imposed on us amid strong opposition and was doomed from the start. As it is no longer in effect, Ron's fears are happily unfounded and we have hope that a regular Committee would have come to this same decision.

R. Cohen: "Don't recall being consulted, but I may have been. I am satisfied with the Committee's decision."

Rigal: "Good Director ruling in the case of Hesitation Blackwood sequences. But at a top-level event the possibilities of bidding 6! to get to 6NT or the grand slam might be much more realistic. As it is, in the context of the event the Committee did right I believe."

Treadwell: "If North had held plans for bidding more than 6! , and I believe he should have after partner reversed, he had a 5NT call at his disposal, guaranteeing all of the key cards. South would then be free to bid whatever he liked if North then signed off. As it was, there was some UI conveyed by the tempo break, and the correct decision to change the contract to 6! was reached."

Mollemet: "The tempo of the 6! call demonstrably suggests that there may well be a better spot to play this hand. With pass clearly a LA, the score has to be adjusted to 6! making six."

Passell: "Good decision. Once again hesitation Blackwood is punished as it should be."

Rosenberg: "Good. Sorry, South."

Patrias: "Yep."

Weinstein: "Generally good consideration of the issue by the Panel. However, E/W should receive the table result since it is overwhelmingly likely, if not certain, that South would have bid 7Ê in absence of the huddle."

Howard, Howard, Howard. If, as you say, it is "overwhelmingly likely, if not certain, that South would have bid 7Ê in absence of the huddle" then there was *no* LA to South's 7Ê bid and the table result should have been allowed to stand for all. You are in danger of taking this "don't adjust the non-offenders' score" thing to an extreme (in fact, you may have reached it already).

Repeating his earlier important point about Committee members needing to exchange ideas during deliberation…

Stevenson: "Again this shows the disadvantage of the Panel method as against the Committee method. If there is disagreement as to the bridge judgment, the disagreeing members should be discussing it to see if they can reach a consensus. This method is inferior."

The next two panelists disagree with the Panel's decision. Lawyers before options traders (it's alphabetical, isn't it?).

Polisner: "I disagree. This is not a bad Hesitation Blackwood auction. In fact, I don't understand how N/S knew what was trumps in order to respond the correct number of key cards. Perhaps North's problem about where to place the contract had to do with not being sure whether South had three aces. Obviously, North is a very inexperienced player just based on the 4NT bid itself. South should not be barred from making the clearest bid which every member of this Panel would make (other than 7NT) after partner's bid. Are we now going to be required to respond 7Ê or 7NT over 4NT just in case partner hesitates and signs off?"

True, if South assumed that diamonds were trumps, then one of South's "aces" could be the " K. If North only realized this once he began thinking about South's response, then that would explain why he took so long over 5" and finally signed off in 6! . Could South have realized this? Could this have been what prompted him to "gamble" out the seven level, since he did in fact have three aces?

Our last panelist believes that North's huddle did not demonstrably suggest that he was choosing between levels as opposed to strains. Since South's hand has far greater trick-taking potential than it might and since he risked being in a grand slam off the ! A (if North held a hand such as the expert consultants proposed), he concludes South was free to bid as he wished.

Bramley: " I disagree. While North's huddle did suggest that he was considering alternate contracts, South's own hand very strongly suggests the same thing. North's huddle, in my opinion, does not suggest that he was considering a grand slam but rather different strains at the six level. From South's point of view 6NT should be at worst on running the clubs, and a grand slam should require additionally that partner hold the ! A. North's huddle provides no 'demonstrable' inference about the ! A, so South should be allowed to bid as he pleases. After all, he has not shown that he holds *ten* tricks in his own hand. A six-level signoff after Hesitation Blackwood provides much less information than a five-level signoff. The partner of the Blackwood bidder can correct the contract with an appropriate hand, of which South's is an excellent example. If he chooses to correct to a grand slam, even opposite a huddle, he should expect to be off an ace frequently."

Call me provincial, call me unimaginative, but shouldn't North have decided before he bid 4NT what he was going to do over any "expected" response (not to mention, he should have decided which suit South would think was trumps)? Isn't it possible, as was just pointed out above, that South worked out North's "trump-suit" problem and used that information? Isn't it possible that N/S are more familiar with what is happening in their Flight-B partnership than we (or the Panel) are? Doesn't it leave you with an uneasy feeling to allow South to bid 7Ê ? Even if there were no clear connection between North's break in tempo and South's action, when their are so many questions, shouldn't we be teaching players, especially those in their formative Flight-B years, to bid in proper tempo? And finally, if North knew conclusively that he was off an ace, wouldn't he have bid six of whatever he was planning to bid in tempo?

CASE THIRTEEN

Subject (Tempo): Just Another Hesitation Blackwood Case
Event: NABC NAOP Flight B, 27 Mar 99, First Session

Bd: 11 Dlr: South Vul: None	Í K8 ! AKQJ98 " 962 Ê 82	
Í 52 ! 106543 " QJ103 Ê J9		Í J97643 ! 2 " K754 Ê 106
	Í AQ10 ! 7 " A8 Ê AKQ7543	

West	**North**	**East**	**South**
			1" (1)
Pass	1NT(2)	Pass	2NT(3)
Pass	3Ê (4)	Pass	3NT(5)
Pass	4Ê (6)	Pass	4! (7)
Pass	4NT(8)	Pass	5Í (9)
Pass	6NT(10)	Pass	7NT
All Pass			

(1) Alerted; 18+ artificial
(2) Alerted; 12+ artificial
(3) Alerted; 6+ Ê 's + singleton or void
(4) Alerted; asking bid
(5) Alerted; 7+ Ê 's to AKQ
(6) Asks shortness
(7) Heart singleton or void
(8) Asks for As and Ks outside clubs
(9) One ace and one king
(10) Break in tempo

The Facts: 7NT made seven, plus 1520 for N/S. 6NT was bid after a long break in tempo. The Director was called at the end of the auction. N/S were playing a complex artificial system and South apparently made an incorrect response to 4NT. N/S agreed to an extremely long (4-minute) break in tempo while North himself tried to remember the responses. The Director ruled that the break in tempo was UI which demonstrably suggested bidding on and that pass was a LA. The Director changed the contract to 6NT made seven, plus 1020 for N/S.

The Appeal: N/S appealed the Director's ruling. They said that this was one of their most obscure sets of responses since the first step showed the void. (The correct responses were 5Ê = heart void, 5" =at least two kings, 5! =one ace, 5Í =one ace and one king, 5NT=two aces, 6Ê =two aces and one king, and 6" =three aces.) South stated he corrected to 7NT because he realized he had made the wrong response.

The Panel Decision: The Panel tried hard to reconcile a possible adjustment in this case with an earlier case (CASE TWO) in which a player gave a wrong response to Blackwood and was allowed to recover. At least one member of the Panel believed there was a material difference in information content between a 6-7 second pause in the former case and a 4-minute pause in the present one. Since South had supposedly shown his entire hand and knew nothing about his partner's, passing 6NT must be a LA except for the incorrect response. The consensus of the expert advice was that the hesitation did constitute UI which demonstrably suggested the 7NT bid. Since it was impossible to document when, or indeed if, South realized his mistake, the Panel decided not to allow the 7NT bid and changed the contract to 6NT made seven, plus 1020 for N/S.

DIC of Event: Matt Smith
Panel: Olin Hubert (reviewer), Charlie MacCracken, Roger Putnam
Players Consulted: Ralph Cohen, Mark Molson, Michael Moss, Adam Wildavsky

Directors' Ruling: 90.3 **Panel's Decision: 88.9**

You may wish to review CASE TWO (and grab a stiff shot of your favorite

alcoholic beverage) before reading the following.

Bramley: "Hopeless. While it was obviously convenient to consult the same players about the same hand, the effect was to get the same wrong opinions about both cases. The traditional appeal system would usually avoid this problem by farming out these two cases to two differently comprised Committees.

"This decision was far off the mark. The Committee noted that 'passing 6NT must be a LA *except for the incorrect response*' (my emphasis). Excuse me, but isn't that the whole point? To me the similarities between this case and CASE TWO are striking, to the extent that I cannot fathom deciding differently in this case. The Committee decided that the far lengthier huddle in this case outweighed all other considerations, a conclusion I cannot accept. Relay auctions by nature are conducted much like this one. The receiver, North here, gathers information until he can place the contract. When he has gathered a lot of information, as here, and when the responses fall into the category of very low frequency, as here, then he usually has to take time to assimilate all that he has learned, before placing the contract. A significant huddle at that point is the norm, providing little useful information to partner. After all, one of the usual reasons to think is to recall what the responses mean. Meanwhile, South, who has blown his last response, has to decide whether his error was significant enough that he should overrule his partner's placement of the contract. How can the length of partner's huddle, or even the existence of partner's huddle, help him make that decision? To me the answer is obvious. It can't.

"Note that this South could be confident that North held the ! A, else North, thinking two aces were missing, would not have bid slam. Also, I wish to repeat the point I made in CASE TWO that a huddle by one's partner does *not* provide UI that one has erred. This was an unfortunate decision for N/S, who demonstrated a system that would be impressive in any flight. The Panel should have restored the table result, 7NT making, for both sides."

Well, we are certainly in agreement on one thing. Beyond the point where a pause is long enough to assimilate the previous bidding and consider the next call, the additional length of the hesitation becomes irrelevant – neither humans nor pauses can be just a little pregnant.

Gerard: "Imagine what they're playing in Flight A.

"This proves the case that UI can exist without regard to the actual holding. Taking North at his word his hesitation was pure, not bogus. But in all your days you would never say that the hesitation demonstrably suggested that North was trying to remember his system. Look at 16A again: '…partner may not choose [a LA] that could demonstrably have been suggested…' This is sound public policy. If you're not prepared for partner's Blackwood response or even if you're just trying to remember where you parked your stagecoach, you are going to get the worst of it when partner reconsiders. Next chukker, do your thinking ahead of time and maybe partner will use the 4 minutes to anticipate your 4NT bid and review his responses."

I guess some things never change. As Yogi said, it's "déjà vu all over again."

Now for the fun. Let's see how Bart's supporters from CASE TWO fall out in what is arguably an instant replay. Two of them stick with the (sinking) ship.

Polisner: "I disagree. Just looking at the North hand, he could not have been thinking about bidding seven assuming that he knew that they were off an ace. Since these players are Flight B players, latitude must be given to allow the result achieved at the table to remain. Why were the same players consulted as were for CASE TWELVE?"

Jeff is right. The same players should not be consulted on two cases involving

the same hand.

Weinstein: "My first instinct was that this was good work by the Director and Panel. However, the huddle must result from North deciding between 6NT, 6! , or 6Ê . A clear 6NT would suggest more values, not less. The huddle, in itself, suggests 7NT would be less likely to be successful. The question becomes whether the extra time taken by North creates an infraction by giving South time and/or drawing attention to South's misbid. If the huddle stemmed from an 'impossible' response where North is asking himself how could partner have only one key card on this auction, then there is UI to recheck your response. In the present situation North clearly has no reason to suspect a mis-response and is just placing the final contract. That South realized his mis-response at some point is just rub of the green and he should be allowed to bid 7NT. I suspect that my opinion on this will be met with some disdain."

Suspicion confirmed. Grrr.

The other five Bart supporters from CASE TWO are looking for a more sea-worthy vessel.

Treadwell: "A difficult case, but I believe the Panel reached the right conclusion. It illustrates the hazards of using extremely complex bidding methods, particularly without having the bids down pat in both players' memories."

Rigal: "Definitely the rational Director ruling since the circumstances here are so obscure that in the case of possible damage the Director should make this initial ruling. The Panel also came down on the side of common sense. North's pause clearly did convey something to South. Whether it was exactly this is unclear. But my argument is that when someone takes the successful action after a long pause *and* the pause might have suggested the action, then even if we as a Committee can't see why the player did it, we should assume the pause suggested the action."

R. Cohen: "This does not meet the standard established in CASE TWO in a comparable situation. There has been no back and forth exchange of information, only a one-way stream. The 4-minute delay puts 7NT beyond the pale."

Stevenson: "Perfect ruling and decision."

Passell: "Same as CASE TWELVE. N/S must take the worst of it."

Well, none of our memories are what they used to be. After all, CASE TWO was a *long* time ago.

How about Ron's supporters? I was one in CASE TWO and remain so here, for all of the reasons we've discussed.

Mollemet: "No problem, same as CASE TWO. The hesitation awakened South to a bidding error and re-invited him to the party. South came through, taking the action suggested by the hesitation as likely to be more successful when pass was a LA. Blackwood hesitations and misbids should be one of a set of 'automatic' ruling situations treated the same way as a revoke (this is what we do, next case). Another class of rulings that could be similarly defined are typified by the auction: 1N-2N-3Ê . This auction means I think we play Lebensohl. It is self-Alerting and should not force partner to pass."

Peter makes the same argument about 1NT-2NT-3Ê auctions that Goldie and I have been advocating (without much support) for years now. However, it's very dangerous to apply even an excellent principle like this one "automatically." For example, when the auction is non-competitive, the situation is quite different than when there has been opposing bidding. Try the auction, P-(1!)-1NT-(P); 2NT*-(P)-3Ê . It is quite possible here, with the 2NT bidder a passed hand, that 1NT was light or comic. So 3Ê *could* have been to play. I would tend to adjust the contract to 3Ê in that situation unless I found compelling evidence not to (such as the 1NT-2NT bidders being vulnerable and the opponents not).

Rosenberg: "Good."

Patrias: "Totally self-serving testimony by South which should be discounted. The Director and Panel came to a proper decision."

Martel chose not to comment on this case, so we can't be completely certain that he's still with us (in the "agrees with our position" sense). However, I suspect he is since it's likely he would have commented had he disagreed with the Panel's decision.

Our final panelist did not comment back on CASE TWO.

Brissman: "I cannot make the connection that the break in tempo (UI) caused South to recognize that he had misbid his hand (AI). If North had bid 6NT in tempo and then South took 4 minutes to review his auction and reconcile it with his hand before bidding 7NT, no one could complain. Whether North or South takes the 4 minutes, South is allowed that time. I would have allowed 7NT based on the AI South gained from looking at his own hand."

If South had taken the 4 minutes himself, it would have been clear that he worked out his own problem. But as North took the time, the reason for his recovery is anything but clear. Claiming that the "partnership" was entitled to take 4 minutes for their bids on that round of the auction and it didn't matter how the time was apportioned is silly. If that were true, there would be no such thing as UI from a break in tempo. Here, since South was known to be in an errant state of mind when he responded to 4NT, and since nothing happened since then to convince us that he regained his senses on his own, we may presume that his recovery *could* have been caused by the UI from his partner's hesitation.

This situation seems to me similar to that in which a player makes a claim with a trump outstanding, saying nothing about it even though he has had enough time to do so. While he *may* be aware of the trump's existence, it is not clear that the expression on the opponents' faces and the contesting of his claim were not what prompted his suddenly recovery by saying, "Oh, and I'll draw the last trump." Since he made no reference to the trump when he claimed, even though he was supposed to take care of all the difficulties of the hand before claiming or at least state how he planned to handle them, we must assume that he forgot about it. We should not allow him to draw the trump and rule that he must lose any tricks that might be lost because of it, even though it takes careless or inferior play to do so.

Here North and South combined to create an unfortunate situation. They should just have to find a way to deal with it.

CASE FOURTEEN

Subject (Tempo): What This Game Needs Is A Good 5¢ Alert
Event: NABC NAOP Flight B, 27 Mar 99, Second Qualifying Session

Bd: 33 Dlr: North Vul: None	Í Q3 ! K8 " AJ8 Ê A108762	
Í 97654 ! J9752 " 10 Ê Q5		Í A2 ! A1064 " K763 Ê KJ3
	Í KJ108 ! Q3 " Q9542 Ê 94	

West	North	East	South
	1Ê	1NT	Dbl
2Ê (1)	Dbl	2!	Pass
Pass	Dbl(2)	Pass	2NT
3!	All Pass		

(1) Stayman
(2) Break in tempo

The Facts: 3! made four, plus 170 for E/W. N/S claimed that North's second double was takeout oriented, in line with the rest of their general approach. It was not Alerted but was noted on their convention card (this treatment is Alertable). N/S said that they did not know that this double was Alertable. The Director ruled that clear evidence existed from South's failure to double 3! that he knew what North's double meant and allowed the table result to stand.

The Appeal: E/W appealed the Director's ruling. E/W contended that, unless N/S could show evidence on the convention card that all doubles were for takeout, they should be bound by the penalty interpretation when partner breaks tempo. N/S agreed that there had been a hesitation. North said he was deciding between double and 3Ê . The double was not Alerted because N/S said they did not know it was Alertable. They cited as evidence that they played negative doubles at the two level after their weak 1NT openings and that neither of them doubled the final contract. South said he did not double 2! for takeout because he did not know if his side had a fit after his partner doubled 2Ê . N/S also stated that South's 2NT was non-natural and "scrambling" (not Alerted).

The Panel Decision: The Panel could find no credible evidence to support N/S's explanation of their system, especially in light of the absence of any Alerts and South's failure to double 2! . The evidence that 3! had been passed was considered self-serving. The Panel changed the contract to 2! doubled made four, plus 670 for E/W.

DIC of Event: Matt Smith
Panel: Olin Hubert (reviewer), Charlie MacCracken
Players Consulted: none reported

Directors' Ruling: 54.7 Panel's Decision: 85.8

Excuse me, but I have a question. If the agreement that North's second double was for takeout "was noted on [*N/S's*] convention card," then why did the Director find it necessary to resort to evidence from South's failure to double 3! to infer that South knew what North's double meant? Wouldn't his ruling be justified by the convention card alone? Follow-up question: Why did the Panel then state, they "could find no credible evidence to support N/S's explanation of their system"? Something's fishy here.

The write-up then states, "N/S claimed that North's second double was takeout oriented, in line with the rest of their general approach." Their "general approach" later turns out to be "that they played negative doubles at the two level after their

weak 1NT openings." Follow-up to my follow-up question: How does playing two-level negative doubles when the opponents interfere over your weak notrump (the hand might be theirs; you are competing) have any bearing on what your doubles mean after RHO overcalls partner's suit opening with a strong notrump and you double for penalty (the hand is yours; the opponents are in an "escape" mode)? This fish is turning rotten, and not only in Denmark.

If the meaning of N/S's doubles were *clearly* marked on their card, I would allow the table result to stand. But that seems quite doubtful. If the card was marked ambiguously, and the Panel believed that it did not relate to doubles in this sequence (likely), then their decision is clear. My bet is that the markings on the card were not only ambiguous – they were entirely irrelevant. Additional support for this can be found in the fact that not only did South fail to double 2! for "takeout," as per his "claimed system," but that he also failed to bid 2Í when North doubled for "takeout," which is far more logical than bidding 2NT. I would have adjusted the contract for both pairs to 2! doubled made four, plus 670 for E/W.

Several of our panelists picked up on this same issue of conflicting information in the write-up, but with varying interpretations.

Polisner: "I'm confused. The statement of facts reflected that the takeout nature of the double "was noted on their convention card" but the Panel could find no credible evidence to support it. It seems to me to boil down to a determination of whether South really knew that the double was for takeout based on AI; i.e., their system, or whether it was the result of UI, i.e., tempo. Depending on that factual finding, the result becomes clear."

Brissman: "Something's wrong here. Either the facts are wrong when they state that the agreement was noted on the convention card or the Panel's conclusion is wrong in finding no credible evidence to support the agreement. My guess is that the facts were correct. If so, the floor Director ruled appropriately and the Panel should have issued the same ruling."

The table Director's opinion that "clear evidence existed from South's failure to double 3! that he knew what North's double meant" is suspect. South's failure to double 3! is not evidence that he knew North's second double was takeout. More likely it was North's failure to double 3! *in front of South* that tipped him off that North's double of 2! had not been penalty. The overwhelming evidence is that the table Director's facts (and judgment) are in error. If he thought that South's failure to double 3! meant South knew the double of 2! was for takeout, then he probably also thought that the fact that N/S played "negative doubles" after their own weak notrumps somehow meant that they played *all* doubles in *all* auctions for takeout!? But, as I said earlier, what a pair plays after the opponents' interfere over their weak notrump has nothing to do with what they play after the opponents are doubled for penalties in their 1NT overcall. The bridge reasons for playing takeout doubles in the former case are non-existent in the latter. *Takeout* doubles of the opponents' runouts after you've already penalty doubled their 1NT overcall is bizarre at least and impossible at worst.

Perhaps our floor Directors need better technical bridge advice before making their table rulings. Perhaps they need training in writing up their decisions (as do the scribes on our own Committees).

More regarding the table Director's apparent naivety.

Weinstein: "I think the Panel came to the right decision, but I think they should show their work (frightening flashbacks to school). Their conclusions are reasonable, but they should go through the process of mentioning that UI was established, that pulling the double was demonstrably suggested, and that passing is a LA. Unfortunately, the table Director too easily bought into N/S's contentions. I like South's excuse for not doubling because he didn't know if his side had a fit. If you have a fit then you don't need to bother doubling."

And how was South going to find out, beyond North's double of 2Í , about this fit? Was he going to wait for North to bid 3Ê with Ê AQ10xxx in the face of East's 1NT? He could see his own Ê 94, so what more did he need to find out?

The following panelist makes some good points about N/S's poor Alerting.

Stevenson: "Good decision. Players who play doubles that are not completely standard should take the trouble to find out whether they are Alertable and expect to lose close decisions otherwise. Note they did not Alert 2NT either, which is clearly Alertable."

Yes, what David says is true, but we must remember that this was Flight B.

The next group of panelists cut right to the chase.

Martel: "Excellent decision by the Panel, terrible ruling by the Director. (Players' statements about their slow doubles being for takeout should have little credence, particularly with no Alert. If the double was really takeout what took so long?)"

Indeed!

Bramley: "The Panel hit it on the nose by noting South's failure to double 2! himself. The Director should have ruled the same way, in which case an appeal by N/S would have been meritless."

Rigal: "Poor Director ruling. The Director missed the admittedly obscure point that the Panel fastened on. If N/S are playing takeout doubles then South would have made one. South can't be playing penalty doubles if North is playing takeout doubles. The Director created a totally spurious line of argument. South knew North's double was not penalties because it was slow. Well done by the Panel here. South should have been charged with a demerit mark for his spurious arguments and if the Director had ruled the other way he would have had an AWMPP too."

Mollemet: "Seems right."

Passell: "Easy and automatic. Great work."

Patrias: "The Director got it wrong and the Panel fixed it."

Rosenberg: "Good."

The following panelist seems to be off on a walkabout.

Treadwell: "The logic of the situation makes North's second double takeout oriented after he has shown clubs with his first double. South, with minimal values for his first, penalty double was correct in running. I am not sure that North's second double is Alertable, but, in any case, it did not scare E/W into refraining from bidding 3! , and hence did not damage them."

Can't North hold Í xx ! AKJx " x Ê AQ10xxx and double 2Ê to show clubs, then penalty double 2! ? Even with the ! J moved to the diamond suit, the double of 2! would still be penalty oriented. And so what if E/W "recovered" to bid 3! ? Did this recover the plus 670 they were denied?

R. Cohen: "I have several questions. Were E/W damaged when they achieved a score of plus 170? Or were they looking for the bonanza (see Law 40C)? Or was it the break in tempo that caused the Panel to adjust the score because of UI? Certainly the N/S failure to explain their agreements did not impede EW. The rationale for awarding E/W plus 670 does not appear to my satisfaction."

Once again, the fact that E/W persisted in hearts doesn't redress them for the lost plus 670. The bottom line here is that the Panel almost certainly made the correct decision.

CASE FIFTEEN

Subject (Tempo): Hesitations Are In The Eyes Of The Beholder
Event: NABC Women's Swiss Teams, 27 Mar 99, Second Qualifying Session

Bd: 18 Dlr: East Vul: N/S	Janice Molson ♠ ♥ Hand not available ♦ ♣	
Sharon Colson ♠ A10x ♥ A10x ♦ AKx ♣ KQxx		Janet Daling ♠ KQxxxx ♥ --- ♦ Qxx ♣ AJxx
	Toby Sokolow ♠ ♥ Hand not available ♦ ♣	

West	North	East	South
		1♠	Pass
2♣	Pass	2♠(1)	Pass
4NT(2)	Pass	5♠(3)	Pass
5NT(4)	Pass	6♠(5)	Pass
7♠	All Pass		

(1) Showed a six-card suit
(2) RKCB
(3) Two keycards and the ♠Q
(4) Specific king ask
(5) Break in tempo (slight)

The Facts: 7♠ made seven, plus 1510 for E/W. The Director was called when West bid 7♠ because N/S believed there had been a break in tempo before the 6♠ bid. West told the Director she believed it had been a deliberately paced auction, that she had not noticed a break in tempo, and that she knew she might be taking a risk when she bid 7♠. The Director ruled that a brief but apparent hesitation had occurred to which all parties agreed and that West did not have the values to bid seven under such a circumstance. The contract was changed to 6♠ made seven, plus 1010 for E/W (Law 16A).

The Appeal: E/W appealed the Director's ruling. E/W played sound opening bids (East was sounder than West) and 2♣ was unconditionally forcing to game, but could have been bid with a weak suit and as few as three cards because a response of 2NT would have been a forcing raise guaranteeing four-card spade support. The 2♠ rebid guaranteed a six-card suit. 4NT was Roman Keycard Blackwood for spades and 5♠ showed two keycards with the queen. Voids could not be shown if the trump queen was held. 5NT guaranteed all the keycards and asked for specific kings. 6♠ showed no other kings. East said she briefly considered bidding 7♣ over 5NT but decided not to since she could not rely on the quality of West's club suit. She decided to just reply to the question and show no outside kings. West stated that she had not considered bidding 7♠ instead of 5NT because she hoped the response to 5NT would solve the problem of whether or not there were thirteen tricks. "When I bid 5NT, I could count twelve top tricks (six spades, one heart, two diamonds, and three clubs) and if partner had the ♥K, I could bid 7NT. We play 'specific kings' over 5NT. When she didn't show the ♥K, I was aware that a thirteenth trick could come from a seventh spade, the ♦Q or the ♣J and I choose to bid 7♠, which I viewed as safer than 7NT." She did not claim that the slight hesitation did not occur, but she did claim she did not notice it.

The Committee examined the E/W convention card and found Jacoby 2NT but nothing else to either support or contradict E/W's statements of their agreements. E/W had played together as a partnership since late 1996 only at NABC tournaments in Women's events and were each of the caliber of Regional to National expert.

N/S maintained that there had been a break in tempo. They called the Director immediately after the 7♠ bid. Both sides were asked by the Committee to simulate the E/W auction. N/S simulated an auction in the 1-2 second per bid range initially but which started to slow down after the 4NT bid, with about a 3-5 second break

after the 5NT bid during which there was an approximate, but distinct, pause for thought of about 1 second. The E/W simulation was a bit brisker in the later stages but the distinct pause was shown.

The Committee Decision (by Bobby Goldman): The Committee members began as being somewhat undecided between 6♠ and 7♠ as the final contract. It was generally agreed that World Class players would bid 7NT as a bidding problem holding the West hand, with the possibilities West expressed for success being further enhanced by the possibilities of a club split, a squeeze, or potential finesses in hearts or diamonds. However, the Committee also recognized its obligation to judge this issue from the perspective of West's peers, who were not necessarily members of that elite group. The Committee discussed the "usual tempo" for slam auctions, with the majority ultimately concluding that the events fell within normal tempo for such an auction. At one extreme the point was made that West could have jumped to 7♠ (or 7NT) directly over 5♠, rather than bidding 5NT first, as a way to avoid any "huddle trouble." At the other extreme, some panelists believed that ruling this auction a "foul" would cause virtually all slam auctions to be subject to rollback.

Near the end of the deliberations, most of the Committee members remained somewhat on the fence as to what final contract should be assigned. Although there were other elements, the key conflict involved whether the laws demanded disallowing 7♠ when there was a hesitation, albeit brief, and the bid was less than 100% clear cut, or whether a player is guaranteed the right to think a bit. The brief thought by East in this case occurred in a tempo-sensitive situation and lasted approximately 1 second longer than smooth tempo would have taken. In the absence of other prejudicial evidence, the majority supported the right to think without unfair restriction on partner and changed the contract to 7♠ made seven, plus 1510 for E/W.

The majority recognized that this decision might be viewed as controversial and likely would not have been made by other ACBL Committees. Questions which were not fully explored, but which might have been had the hesitation been more egregious, were: (1) How clear was bidding the grand slam in the actual auction for this level of player? (2) What useful information was actually conveyed by the huddle?

Dissenting Opinion (Barry Rigal, with Abby Heitner and Karen Allison concurring): During the hearing I performed some mental calculations (which I later confirmed using paper and pencil) to the problem faced by West. Given that partner should not hold four clubs (else she would jump to 7♣ over 5NT) there was a bit better than a 60% chance that the grand slam would be laydown and a further 15% chance that the grand would make on a squeeze. Basically, it is only if East has a bare ♣A that there is no pressure in the ending, and even then a criss-cross squeeze might see you home. Does that mean that West is permitted to bid on the hesitation? Emphatically not. The laws require that where an action is made more attractive by a tempo break, there must be no LA. Since the analysis of the odds for the grand slam requires significant calculation, clearly passing would be seriously considered by some – after all, the grand is not so clear-cut on these percentages.

At the risk of sounding intemperate, I deprecate the use of personal theories about equity and fairness to determine Committee decisions instead of the application of the law book. This is not a situation where discretion is permitted to the Committee. "A slight hesitation" is the same thing as "practically a virgin." Once the break in tempo has been established we have to follow the procedure defined in the laws.

In this case I can agree that the ultimate decision could have gone either way. However, the rationale for the decision must be the criteria defined in the rules. Here, unless 7♠ is nearly automatic (and we have seen that it is not), passing 6♠ merits serious consideration. Hence, the 7♠ bid must not be allowed. In addition, one might reasonably use the argument that West's decision not to jump to the

grand slam, coupled with East's poor decision to bid only 6Ì, bars West from making the "good" 7Ì bid after the tempo break.

Had I held the West cards, I might have bid the same way, but that is not the point. We must not let our subjective views about the way to handle those cards influence us about the application of the laws, nor must we let our personal vision of the laws blind us to what they currently say.

DIC of Event: Henry Cukoff
Committee: Barry Rigal (chair), Karen Allison, Dick Budd, Bobby Goldman, Abby Heitner, Ellen Siebert, Dave Treadwell

Directors' Ruling: 83.6 Committee's Decision: 72.5

When Bobby Goldman asked me if he could write a statement about the issues raised by this case and if I would include it with the case write-up and send it to the panelists for their reactions, I agreed; not only because the issues he raised were important but so that a discussion of them could be conducted in a timely fashion. Panelist feedback supported my decision in the present case and also authorized me to judge on a case-by-case basis when to include such statements in the future.

Bobby's subsequent death has made my decision far more appropriate than I could have imagined. I have decided to include his statement here in its entirety (even though some panelists have objected to some of its content) out of deference to Bobby's memory. We can pretend Bobby is still with us as we discuss his ideas one more time. Sit back and enjoy his final input to these casebooks.

Bobby Goldman: "Because of its importance, here is a rebuttal of some of the coming flak and other food for thought on this case:

(1) Appeals should be tape recorded (audio). I think this is a no brainer, with it being of value during deliberations, for getting accurate reports, and perhaps in the case of lawsuits or referrals to C&E committees.

(2) *Do the individual Committee members have the right to ignore self-serving types of statements? Do they have the right to accept self-serving statements even when other evidence is contradictory or when the naked acceptance would yield a result contrary to what a strict application of the laws would tend to produce?* I normally ignore self-serving statements without even giving them much thought. Do I as a Committee member have a right to do so? Do I have a right in a case like this to accept the statement by West that 'I was unaware of the hesitation,' and vote 'result stands' on that basis alone. I didn't use such an approach in this case, but I became aware of various elements of the testimony that were not self-serving and I thereby reached a point where I tended to accept additional statements. Those statements included 'I gave some thought to bidding 7Ê over 5NT,' no attempt to introduce confusion about the void as an explanation of some thinking, no attempt to add lawyer-like elements of squeezes to the rationale for going to 7Ì, and a fair display of a slight break in tempo during the recreation of the auction.

(3) *Tempo-sensitive tempo.* I have pleaded in public writings in the past that proper tempo in tempo-sensitive situations is 3-5 seconds, depending on one's normal tempo. Many in the expert community attempt to honor this even though it has never been given approval as an official policy.

(4) *The 'could have bid the grand slam before the huddle' argument.* I think this argument is very limited in its applicability. Yes, a few people have the capability and experience to think through all the nuances of this type of situation and perhaps a World Class player should be held to such a standard. But in the real world the average player, upon learning his side has slammish values, rushes into a Blackwood call, upon finding all the aces (keycards) follows with a 5NT (or equivalent) call, and after hearing that answer he finally settles into thinking about things. The higher a player moves up the ladder, the less this syndrome occurs. West in this auction indicated to me a couple things about where she was 'on the ladder.' Even with a clear agreement in existence that the 4NT was RKC in spades, most experts would bid 3Ì over 2Ì to make this unmistakably clear and also to see if a cue-bid would be forthcoming. Another sophisticated element would have been to bid 6" over 5Ì (instead of 5NT) which would bring the " Q as well as the ! K into play. Notions like this argument are fine for bringing down a known, sophisticated thief. Applying such an argument to the masses, even at the National level, is merely another symptom of the disease.

(5) *How good a grand slam was it?* How easy would this be to analyze at the table? My instinct during the hearing was that West would find a grand slam to be successful on over 75% of the hands East might randomly hold on the actual auction. Was this relevant? Would it be with a more pronounced huddle? Would a success rate beginning to approach 95-99% be relevant with a pronounced huddle? Is there or should there be a defined line so that all Committees use the same precise line? I spent a few hours doing a computer simulation. Some others on the Internet newsgroup did also. The findings were that about 70% of hands would be claims and another 10-15% would be made on good breaks or squeezes or finesses. Bridge is a timed event. Should time be taken for these calculations before an inquiry that could make it moot (! K)?

(6) *Directors making table rulings.* Why is it that our highest rated Directors are assigned to key-punching results into computers, while the next tier(s) usually are the ones manning the 'floor.' In this particular case, the Director who made the table ruling followed customary procedure, including no more than a cursory inspection of the case before making a ruling for the non-offending side. After the Committee hearing, he told me that if he had been aware that 2Ì promised six cards, he would have ruled 'table result stands.'

(7) *One second out of tempo.* It is a well-known fact that even a slight flinch in a regular partnership can provide UI. If we attempt to regulate *all* hesitations out of slam auctions, every single auction can end up in Committee.

(8) *What message was sent if there was possible use of an information-giving hesitation?* In this case, would a ill-intentioned player have been attempting to tell partner about the " Q or the Ê J amongst her 12 HCP (which had been opened by a sound opening bidder)?

(9) *Speaking of cheaters*...whoops, I'm not allowed to do that in public! The reality of life, whatever name is given to these people, is that the powers in bridge have a very proper desire to rid the game of them. They also have a proper desire to prohibit the loose bandying about of cheating accusations. But the fact of the matter is that these things we call use of UI are charges of cheating by a softer label. It can't be fun for an innocent to have to answer questions in this area from a Director or from a Committee and to appear, front and center, in appeals write-ups as guilty of the C word.

(10) *Should information about prior appeals (and other pertinent things) be available to Appeals Committees?* It isn't to my knowledge. My question to the other Committee members at the time of this case 'Does anyone know of any prior Committee history for E/W?' may have been very much out of line. I think prior appearances should be part of the deliberations, for the true issue is to punish the crooks and retard the 'lawyers.'

(11) *The Appeals process is in shambles!* Attacks are coming from all directions, primarily related to inconsistency and secondarily to unreasonable decisions. I find particularly galling and in conflict with democratic principles and common sense the policies which are currently being implemented in the following areas:

   (a) *A hesitator's partner who 'acts' gets the worst result possible – guilty until demonstrably proven innocent.* We get into a lot of language mumbo-jumbo that no one understands and the addition of 'demonstrably' into the laws supposedly makes them fairer. But few understand these things and to borrow from Sir Winston Churchill – 'loose words sink consistency.' Democratic jurisprudence usually insists on 'innocent until proven guilty.'

We should also.

(b) *Both sides in an appeal should be treated equally with regard to motivations for their table actions and motivations for asking for a score adjustment.* Only in cases brought by appellants who request no adjustment for themselves should the two sides start out being viewed unequally.

(c) *No change should be made to a result achieved at the table unless there is COMPELLING REASON to do so.* My drumbeat on this is getting louder.

(d) *Excessive Awards for non-offenders.* When a judicial change is made to a table result, the adjustment for the non-offenders (at least in non-KO events) should be no more than equity (plus). When any form of punitive penalty is given to an offender, it is improper to give a non-offender the same amount automatically or to give them the best score they might reasonably achieve. These actions unjustly penalize the rest of the field. Bring 12C3 into the ACBL along with other more equitable remedies.

(12) *Cheating in bridge is a problem.* It always has been, it always will be. Cheating via the indirect route of taking advantage of tempo, tone, manner, etc. can be controlled to some degree. Frankly, in the 'good old days' many considered it a part of the game! Forceful measures by the people with the power has curtailed a good deal of this problem. Education has been one positive result. The good guys have learned it is wrong, the bad guys have learned it's much harder to get away with cheating, and the naive have learned to recognize when it is happening to them. However, the draconian measures necessary in the past are now making victims of too many innocent people.

(13) *American criminal laws and culture are based on the notion that it is better to let ten guilty men go free than to convict one innocent man.* Bridge law and implementation seem to follow the opposite priorities – 'it's better to convict ten innocent men than allow one guilty one to get away with it.'

"I would like to see us enter the 21st century with a better focus on what it's all about. We are now seeing the executions of Kosovars merely for being Kosovars. We have lived through the times when Jews and Gypsies were gassed just for being Jews or Gypsies and when blacks were hung just for being dark skinned. More poignantly related to our problems, we witnessed the McCarthy era when Communists were 'hiding behind every tree.' From top to bottom in the bridge world hierarchy, I see well-meaning people, from the Laws Commissions to Appeals Czars to commentators and writers, yelling 'shoot them' for taking some time to think (yeah, I know, it's just the partners of the thinkers that you are directly shooting at)."

Again as in CASE TWO, I find no justification for treating a pause at the six level in a grand slam investigative auction, a pause admittedly only 1 second longer than normal tempo, as conveying UI. Players have become disposed to treat any indication of thought by an opponent (but not their own partner) as UI. Here we see clear evidence of this disturbing tendency. East's 6l bid took 1 second longer than normal tempo in an auction which had been slowing down for at least one round. Of course E/W were partially responsible for this incident since their early bids had been in the 1-2 second range, a tempo which is simply too fast for the modern game. People, we need to get our tempo under control.

As an exercise, let's assume there was a break in tempo just as the Committee, after a long and difficult deliberation, ultimately decided. West provided a cogent explanation of why she bid 5NT instead of 7l on the previous round. We are all lazy bidders. If we can make an easy and obvious call which postpones (and may eliminate) the need to do any heavy-duty thinking, we make it. I do it, you do it, Bobby Goldman did it, and everyone else does it as well. If East showed the ! K West could have bid 7NT in a breeze. Otherwise, she would work out what the right contract was. Well, maybe she would have worked it out and maybe she wouldn't have. But as Ron put it, "Their [*E/W's*] ability and the level of the event demand

that they be held to the theoretically correct standard of Blackwood preparedness. It is not enough to say that people generally don't bid that way. The message we must send is that you are free to cultivate bad bridge habits until partner's tempo compromises your thought processes." Maybe West was a favorite (for all of the reasons described by the Committee and West herself) to have bid 7l , given the many East holdings that would have made the grand a claim and the many other holdings which would have made it a favorite on various squeeze, finesse and other lines of play. So what? Maybe West was asleep. How do we find out? Do we just ask West? Hardly. We require demonstrable evidence that bidding 7l was overwhelmingly likely regardless of East's tempo. Does that evidence exist here? It's close (see my reaction to the dissenting opinion below), but no cigar.

Of course the problems Bobby found in this case revolved largely around his reluctance to conclude that there was no unmistakable hesitation. He wanted to convince everyone that the analysis of UI cases (and this case in particular) should proceed as follows: East broke tempo with some probability, West registered the UI with some other (probably lower) probability, West's own hand provided AI which would have led to her bidding the grand slam anyhow with yet another (much higher) probability, so when you combine the chances that East's hesitation actually occurred, that it influenced West's bid, and that she would not have bid the grand anyhow, you come up with such a small probability that adjusting the table result becomes a huge, anti-percentage action. So you let the table result stand.

At the several NABCs leading up to Vancouver, Bobby eagerly advanced the idea that there must be a compelling reason for a Committee to change the result at the table. In a long statement before the Laws Commission he detailed his case for combining probabilities in precisely the way described above. Discussion of his idea was tabled by the Co-Chairs until a future meeting (time was running out in the session), but several of us stayed to discuss Bobby's idea with him, trying to explain why these decisions shouldn't be done his way. Our argument was that probabilities such as those Bobby wanted to use were almost always moderate in size. (How likely is it that East hesitated unmistakably? 30%? 60%?) When you combine two or three such probabilities, you invariably end up with a small result. In fact, this even happens when each of the component probabilities are relatively large. (Quick, what's the probability of three events, each with a 70% likelihood? The answer, perhaps surprisingly, is 34%.) And multiplying probabilities like this will produce tiny results, even when the component probabilities are large, as the number of events increases. (Four 80% likely events have a combined probability of only 41%.) Given such odds, Committees would almost never adjust a score.

Regarding the dissenters, I agree that when (and *if*) one finds evidence of UI, West is subject to a very stringent standard for allowing a "suggested" bid over 6l . I think Barry underestimated the chances that the grand slam would succeed (for one thing, East *had* four clubs and did *not* jump to 7E ; for another, I believe the squeeze chances are much better than 15%; I would therefore make the slam to be in the 80%-90% range). Still, given the lazy state of mind West demonstrated in the auction, I don't believe the 7l bid is clear enough.

Now let's hear from our panel. Since he echoes many of my own thoughts so closely, I'll lead off with Bart.

Bramley: "I agree strongly with Bobby Goldman. His writeup of the majority decision is eloquent, and his additional commentary brilliantly addresses many of the most troubling areas of bridge philosophy and jurisprudence. His thoughts are especially poignant in the circumstances under which we are reading them.

"I like the concept that high-level constructive auctions, especially grand slam explorations, are automatically tempo-sensitive. In the given auction East should bid over 5NT as if the Stop Card had been used, and the opponents should understand that this is the proper tempo. Taking 5 seconds to bid over 5NT should be automatic, and I am incredulous that the opponents would consider this a telling break in tempo. Isn't the partner of the 5NT bidder *supposed to think*? I would be upset if my opponent thought for less than 5 seconds over 5NT. Furthermore, to

suggest that an additional 1 second pause for thought constitutes a break in tempo is preposterous. Even though we all know that a small hitch can be telling (Goldman's point #7), such a contention is virtually unprovable. Bridge is a thinking game; we must let the players think.

"Another contributing factor to the '5NT problem' is that the responder to 5NT normally has entered a state of relaxation after the previous 4NT bid, anticipating that partner is about to take charge and worrying (over 4NT) only about counting his aces correctly. (Obviously, as CASES TWO and THIRTEEN demonstrate, even this task is sometimes too difficult.) When partner continues with 5NT, the responder is now thrust back into the action, burdened with a grand slam decision, the area of constructive bidding that provides the biggest potential swings that the game can offer. How could the responder, surprised and excited as she must be (I know I would be), not take her time to get it right?

"I also agree with the theory that most players gather all the available information before settling back to make the very important decision about bidding a grand slam. In some ways this behavior is akin to a relay player's habit of gathering all the information before placing the contract (see CASE THIRTEEN).

"To answer the queries at the end of the majority opinion: (1) Bidding the grand slam was clear. (2) If we assume that the huddle was long enough to convey information, then it must show unbiddable (no side kings) extra values, in the form of extra distribution, or extra queens and jacks, or extra internal solidity in long suit(s). On the actual hand this information is not useful, because opener must hold something extra to have an opening bid, particularly a *sound* opening bid."

That last point is arguable. Even playing sound openings, players open with good distribution and controls, even with minimal high cards. For example, East opened a bare 12 count with six-four shape, a void, and her long suit a major. Would she have opened without the Ê J? Probably (I would). Then the UI from the arguable hesitation probably did provide West with information (extras?), which enhanced the squeeze/finesse prospects. Is this information useful? Some of those values have been guaranteed by the auction (East has only "shown" 9 HCP thus far for her keycard response) and none of them (even the Ê J) can be known to be useful to West (her " K could have been the ! K). So the pause suggests potentially useful values from a player who can't be in a position to evaluate them properly.

More along the same lines.

Polisner: "I strongly agree with the Committee and don't believe that this is a close case in light of the negligible 'break in tempo.' Players must be given time to both work out problems and make sure that the bid they are about to make conforms to their methods; i.e. can I show my void by bidding 6! or would that mislead partner into bidding a hopeless notrump slam? When we legislate or adjudicate thinking out of the game, we might as well play mindless games like Fish, War, or Old Maid. Bobby Goldman's comments on this subject echo those I have espoused for years."

Listen up appeals people. One extra second is *not* a break in tempo in a grand slam auction. But if at some point you should find a *real* break in tempo in such an auction, then don't allow the 7ï bid as the Committee did here.

Treadwell: "I was on this Committee and agreed completely with Bobby Goldman's view that in this instance the slight hesitation, if any, did not convey useful information and hence West was free to bid the grand. The fact that it might have been a non-percentage grand is irrelevant."

The following panelist supports my "Deliberation in Bidding" platform.

R. Cohen: "Over the years I have seen hopes in these publications that we would like to see hesitations prior to all bids in competitive auctions. Maybe we should recommend the same thing for slam investigative and slam-going auctions for all

bids at the four level and higher. Not that we will ever achieve that Utopia. By the way, note that if this had been a WBF Committee the decision would have been different. ACBL Board of Directors, when are you going to instruct our WBF reps to present a motion to the WBF Council to revert to its previous practice, 'majority rules' in Committee decisions? If indeed the break in tempo was slight, I agree with the majority. They attended the hearing and heard the evidence. With regard to the Goldman submission (oh how we will miss his insights), they should only be inserted on very rare occasions. This one certainly qualifies."

He's still opposed to Bobby's "multiply the probabilities" approach. That's good. But he's still unwilling to put his money where his mouth is. If, if, if. Come on, Ralph, take a stand on a tough one just once.

Now let's hear from the prosecution. Lead off batter is…who else?

Gerard: "We will miss Bobby Goldman so much. Beginning with Pasadena in 1992, he was one of the prime movers in upgrading the appeals process. He attempted to do so purely out of respect for the game, demanding only that everyone who addressed the issues that he saw as troublesome do so with intellectual purity. He never asked for credit, and yet he may have been more responsible than anyone for the fact that this Panel has the opportunity to express itself so freely. I still hold as one of the highlights of my appeals career the fact that I was able to convert Bobby to my way of thinking when I was initially the only holdout in what I thought was a particularly egregious decision (CASE TWENTY-NINE from San Francisco, and the Panel subsequently backed us up). One need not have agreed with all of Bobby's theories to realize that he came by them honestly, with no agenda other than what was good for bridge.

"Under the circumstances, I don't feel comfortable commenting on Bobby's thought-provoking essay. I will only say that as one generally viewed as being harsh on hesitaters' partners, I worked in the civil rights movement and I reject the comparison to Milosevic or Hitler.

"In terms of the decision, a few things are worth noting. It is my judgment that most people who claim to play sound opening bids don't. Remember, I have some credentials in this regard. Even though a Committee need go no further than to reject such a statement as self-serving, I would like to see Committees analyze such claims in light of borderline hands. In a pair game, hand records are available. If, as here, cards were dealt at the table, the standard response to a claim of sound opening bids (or light ones in the case of pulls of penalty doubles or escapes from hesitant 3NTs) should be 'Can you give us some examples of such a style?' I admit I would do this primarily to discover whether bad faith exists, but I also want offenders to know that they can not expect to make such claims and have them go unchallenged.

"Next, West has finished second in at least one National Women's event. East is of the caliber that she really did know that 7Ê was the right bid over 5NT. Their ability and the level of the event demand that they be held to the theoretically correct standard of Blackwood preparedness. It is not enough to say that people generally don't bid that way. The message we must send is that you are free to cultivate bad bridge habits until partner's tempo compromises your thought processes. In this case, West stated that she bid 5NT because she was hoping to have the problem taken out of her hands. That is evidence of timidity, or at least of unwillingness to take a position. As I have argued more than once, someone who was intending to sign off over an unfavorable development (6ï) would have done exactly the same thing. If you persist in charging blindly ahead without looking more than 10 seconds into the future, you run the risk that partner may huddle you out of your Nobel Prize.

"Finally, once a break in tempo had been determined, whatever its length, there was critical information passed to West. As before, it was sufficient that this information suggested 'don't pass' rather than 'pass.' Here it meant that East didn't

have an automatic 6l bid. Without being more specific, that was enough to indicate to West that she should bid 7l . In fact, East said she thought about bidding 7E , certainly one of the things that was likely for a huddle from West's standpoint. And the length of the break in tempo was irrelevant. In a king-asking sequence any hesitation is a break in tempo, just as a 3-second pause in responding to Stayman would be. Blackwood is special because it is normally an exercise in robotics, with all thought filtered out.

"Barry needed to add one more to his harem for the case to have been decided correctly."

I like Ron's idea of soliciting hands from players as evidence of their alleged "sound" or "light" actions. While I've tried this from time to time myself, players are typically nervous and find it quite difficult to provide example hands "under the heat" of a Committee's scrutiny – unless such a hand just occurred earlier.

On the other hand, if players adhere to the "Deliberate Bidding" approach, then we must not find timing like this to constitute a break in tempo, regardless of what the opponents try to claim. All hesitations are *not* equal, Ron. Once you find a break in tempo, *then* they're all equal. But finding all variations to be breaks in tempo is going too far. I'll share with you (in my own words) an idea that Goldie and I discussed many times and both firmly believed in: the "offenders" in appeal cases are suspects for treason; the "non-offenders" are merely suspects for perjury.

Mollemet: "Looks like CASES TWO and THIRTEEN. West asked a question, got the wrong answer, albeit with a flicker of some sort, and decided to bid seven anyway. West could have bid seven without asking any further questions. Therefore the score should have been adjusted to 6l made seven. Rigal said it very well."

Speaking of Barry…

Rigal: "I've said my piece here. This was Bobby's last appeal at the Nationals I think, and although I disagreed with him as strongly as it is possible on the principles defined here (and some others), I would like to say that it was a pleasure to argue with him."

"Pleasure" may be an overbid (he could be tough), but it sure was educational.

Patrias: "When are Committees going to quit playing bridge for the appellants?"

"*When will they ever learn, when will they ever learn?*"

Stevenson: "The prime purpose of Committees is to consider the bridge judgement part of a decision while applying the law. This Committee failed to do this. People who are not prepared to apply the laws of bridge but wish to follow their own agenda should not be used on Committees.

"Was there UI? That was a decision primarily for the Director: Committees should be very loath to overrule a Director on a matter of fact because they are not in as good a position to judge, since a long time has elapsed. It appears that there was a tempo break here.

"Was pass a LA to 7l ? Yes, it was, the write-up makes that clear. Did the UI suggest 7l over pass? Yes, 6l was the most negative bid available: a slow negative bid suggests something extra. Thus the Committee should have adjusted to 6l and were clearly derelict in their duty by not doing so.

"In answer to Bobby Goldman, the weight of self-serving statements is for the Committee to decide as a body, but some notice should be taken of them. His remarks about "cheaters" are [*inappropriate*] [David's original phrase was a good deal stronger – *Ed.*]: use of UI is often unintentional and is not cheating, and players of his caliber should avoid suggesting otherwise. No one except Bobby has accused West of cheating here. The appeals process is not helped by Committee members

who believe they are above the law.

"It is ridiculous to suggest that people who may have been damaged should have no redress, though the ACBL does make it much worse by not enabling Law 12C3 and by having such a ferocious interpretation of a LA.

"Bridge law except for C&E Committees has two sides and should be compared to American civil law. And, despite a new wave of opinion, treating non-offenders badly when their chance to get a good score has been taken away illegally in the name of 'protecting the field' is inequitable, unfair, and against the principles of American justice."

Rosenberg: "I basically agree with the dissenters. The important message to send is that an 'impossible' auction such as West's will not be permitted after getting 'help.' Where is the N/S recourse if West makes a winning pass after a prompt 6l bid?

"A more interesting case would occur if West could count thirteen tricks. Then N/S would probably be issued an AWMPP. But if I were to decide, I would still say plus 1010, because West might have been 'woken up' by partner's break in tempo.

"Here are my reactions to Bobby's points:

(1) Tapes are a very good idea.
(2) Ignore nothing, but treat self-serving statements with extreme skepticism. If a hesitation is established it should be irrelevant that the person committing an infraction claimed to have been 'unaware' of the break in tempo.
(3) I think 5 seconds is too long in tempo-sensitive situations. Normal tempo should be a slow count to two or a quick count to three or four. This should be official policy.
(4) I disagree with Bobby here. West must learn (along with everybody who reads this case) that when you misbid and partner breaks tempo which helps you, you don't get to 'recover.'
(5) Again I disagree with Bobby. It should be irrelevant whether a contract is 1% or 100%. If someone takes advantage of a break in tempo, they should not gain (and their opponents should not lose).
(6) Directors should routinely rule against the side who committed, or may have committed, the infraction. That sends the correct message.
(7) Auctions only end up in Committee where one side can demonstrate the possibility of damage. If they can, and the other side wants to appeal, that's fine with me. If we get a glut, we'll deal with that then.
(8) The message that was sent was 'I have interest in a grand slam' as opposed to 'leave me alone' (prompt 6l).
(9) I strongly disagree. I'm never talking about cheaters. Inferior ethics is not 'cheating.' We are all susceptible to an occasional unconscious lapse. In my own case, I have been fortunate(!) that my ethical lapses have almost always created an inferior table result for me. It is a major problem that players view a call for the Director or an appeal as an accusation of cheating. We must remedy this.
(10) Prior information is very important.
(11) (a) I wish it were true.
 (b) Always look at the facts. Every case must be decided on its merits.
 (c) If the result achieved at the table was achieved by unfair means, that is a compelling reason.
 (d) Players should be entitled to the same result they would have achieved against actively ethical opponents.
(12) Cheating involves a code. It would be nice if things were as Bobby painted them, but the truth is the great majority still has a lot to learn (and the situation outside the US is even worse).
(13) I agree with this as a life philosophy (although I'm sure many would not). But this is bridge, not life. If we 'convict' an innocent man on one hand,

no tragedy has occurred. Better to send a message that breaking tempo and giving false or incomplete information are actions that are going to lose in the long run.”

Since Michael is the only panelist to make detailed comments on each of Goldie’s points, I’ll take this opportunity to add my two-cents worth.

(1) I agree. I’ve already discussed with Jon ways of making them available.

(2) Individual members have the right to apply their own judgment to whatever they wish, but those who accept self-serving statements without being able to provide good rational for their choice should not be invited to the next party. Goldie presents cogent reasons for accepting some of West’s statements, so he can come back. (Would that he could.) Michael’s comment is good.

(3) Right on! Michael is being a bit too critical here. Goldie said 3-5 (not 5), depending. That’s about right.

(4) Accepting this approach would open up a Pandora’s box of problems. “I bid too fast” would become the Get Out of Jail Free card, to be played at every Hesitation Blackwood hearing. Spare us. Michael (and Ron) are right on target here.

(5) Whether the slam is a good one or not is irrelevant. Michael is right. As a side note, I am gratified that Goldie’s and others’ calculations put the grand slam in the 80%-90% range that I estimated. The problem with looking at the decision this way is that West could have been induced to look at these other considerations (squeeze possibilities, etc.) purely by partner’s break in tempo, after which she now begins trying to justify bidding the grand. The evidence is that she was lazy before the 5NT bid and subsequent hesitation, so what evidence is there that she’s capable of a different mode of thinking just afterwards? Ron, Michael and the others who mention this are where we all should be on this issue.

(6) The top Directors are centrally located at the computers so that they are available to consult on all rulings involving judgment (rather than being out on the floor and unavailable for consultation). Michael’s point is also well taken, but I would soften it slightly. They should “normally” rule against the offenders when there is no overriding reason to do otherwise. But this should not be a reflexive act.

(7) I have given my solution to this problem repeatedly. Bring our normal tempos under control. Every action should appear deliberate. No action (even an “obvious” one) should be made in such a manner as to inform the others at the table that we have not considered alternative actions.

(8) East can not know which of her values is useful without knowing West’s hand. So while the information conveyed was at some level just a crap shoot, it was ultimately all useful to West who could consider the value of stray queens and jacks for squeeze purposes. A player’s intent here is of no concern (unless one wishes to consider ethics charges and a C&E case).

(9) Goldie is way off base here, as Michael and David (Stevenson) point out. He was so far off base here that I would have liked to have omitted this point from Goldie’s submission. But Bobby didn’t wear a halo in life.

(10) That’s what these casebooks are for. Committee members are encouraged to share information of this sort, so Goldie’s question to the other members was entirely proper and appropriate.

(11)
(a) This is necessary to avoid accusations of cheating. Nor can we ask our Committee members to read minds, hearts, or intentions. There is almost no way to “prove” guilt in these situations. We look at the logic of the cards and are skeptical about each side’s contentions. I don’t see how Goldie’s approach could be made practical.
(b) Requesting no adjustment for yourself is no proof of good intentions. Pairs can simply not request an adjustment and leave it up to the good graces of the Committee to award them one if appropriate. Also, some players derive a great deal of satisfaction out of “punishing” their opponents in any way possible. Having their score adjusted would be a victory to some of these people. As I said before, Goldie and I agreed that both sides were suspects. But this is going too far.
(c) Michael is right on target here.
(d) I have sympathy for this position. We have become too litigious in our quest for achieving good results in any way possible. Those who can’t wait to call the Director after an opponent’s technical infraction need to learn that there’s no free lunch. When the “normal” result had there been no irregularity is a very good one, or the reciprocal of that is given the offenders, then that’s what the non-offenders should get. There’s nothing in the laws about protecting the field. Michael’s and David Stevenson’s points are both well taken here.

(12) Michael could be right. But I think the “draconian” measures Goldie refers to are only draconian when they are misapplied. As players get better they need to become more proficient at bidding in tempo. Taking away a good result for poor tempo teaches this lesson – that there’s more to the game than just the meanings of the bids and card plays. We need to control our tempos so that opponents can no longer allege UI in most situations. It is not UI simply to know that partner has thought about his action. It is only UI when you know partner has thought about *this* action *but not about many others*! Polisner’s comment is appropriate here.

(13) I don’t have the solution for this. Goldie’s approach would make the average player responsible for accusing his opponents of intentional misdeeds and then proving it in order to get redress. In pro football, for example, officials (and cameras) watch every play, looking for infractions of the rules, no matter how “technical” and irrelevant they were to the outcome of the play. They assess penalties for such infractions and don’t imply that a player was offside, held, or interfered with his opponent intentionally when they do so. The act is the key. Well, we do much the same thing in our game, except we don’t consider technical infractions, for the most part, as punishable when they have not resulted in damage to an opponent. We even require opponents to protect themselves from many of these infractions when they are good enough to have known to do it. No one wants to adjust innocent players’ scores. The ability do avoid this usually depends on the skills of the Director and the Committee. We need to increase these skills. That’s my “solution.”

The next panelist offers an interesting idea that might not have solved the problem – unless the West player anticipated what was going to happen in advance (in which case she undoubtedly would have just bid the grand to begin with).

Passell: “Very tough case. No one brought up the possibility of a 6NT bid by West as one last try to give partner a chance to find the thirteenth trick. I do not believe 7l is acceptable.”

Weinstein: “If I started writing everything I have to say on this case and Goldman’s comments (and about Goldman), this book would be at least 100 pages longer. Some of this is covered in articles written by our editor and me, published in the San Antonio Daily Bulletins and the ACBL Bulletin. In essence, Goldman has it almost exactly right, both in his addenda to the case and in the majority comments. Bobby will be missed for many reasons, least of which was his strong desire to better our game. He was on the Competition and Conventions Committee since forever and the last meetings in San Antonio just weren’t the same without him. His idealism represented a combination of practicality and a sense of justice. Although Bobby and I were probably as closely aligned philosophically as anyone could be, there are some commentators and many other very knowledgeable players out there who do not share our views on what is best for the game. I know he was very frustrated in his efforts to bring some of his ideas to fruition. I just wish I had his

energy to continue the battle to implement many of his ideas.

"Bobby's agenda addenda bring up many important issues, and though he may have rhetorically gone a bit overboard on #13 and parts of #11, this addenda would make a good starting point for creating a better and fairer duplicate bridge atmosphere. We should never lose sight that bridge is a game, and though most players compete to the best of their ability, for the vast majority bridge remains a recreation. In an effort to create an extremely strong disincentive to use UI – from huddles, wrong explanations, or mis-Alerts –, for the vast majority of players we have created a paranoid climate that is hurting duplicate bridge in this country. Although our standards should be maintained at the very top level, some standards should be relaxed for the majority of our players, especially newer ones, to keep duplicate bridge a more congenial *game*.

"Anyway, back to the case. The dissenters write that 'a slight hesitation is the same thing as practically a virgin.' Without spending a lot of politically incorrect time dissecting practically a virgin (perhaps a rape victim?), I do not believe that a slight hesitation is equivalent to either slightly out of tempo or almost pregnant. While a slight hesitation is appropriate over 5NT and is not out of tempo, a fast 6l *is* out of tempo. Unfortunately, a break in tempo is too often in the eye of the beholder, whether the opponents, the Director, or the Committee. I do agree with the dissenters in this case that if in their eyes a 'break-in-tempo' occurred and somehow a short hesitation suggested the ¨ Q or Ê J, that E/W should be rolled back to 6l . However (please note that I am now morphing into a different agenda – aka personal vision), the N/S table result should not be adjusted since the grand would have been the likely result had there not been an 'in the eye of the beholder' huddle with the resultant alleged 7l irregularity. The laws (and Laws Commission – see my personal vision from Orlando's CASE FOUR) say this is what we should do, though I know that Mr Gerard's, Mr. Rosenberg's, (Mr. Rigal's?) and others highly respected personal visions' say otherwise."

We thank Howard for his self-restraint. We've all seen (evidence Orlando. CASE FOUR) what he is capable of with his newfound toy, the keyboard. We should perhaps require him to use a quill pen from now on. (Like I have room to criticize.)

In case you haven't got the point yet, 3-5 seconds is *not* a break in tempo in this or any similar high-level auction – unless the player involved has demonstrated a virtual hair trigger on all of her other bids. Period. End of debate.

Thanks, Goldie, for another educational opportunity.

CASE SIXTEEN

Subject (Tempo): To Have One's Cake And Eat It Too
Event: Flight A Swiss, 28 Mar 99, First Session

Bd: 23 — Dlr: South — Vul: Both

North: Steve Sturm
l J10874
! 109
¨ A105
Ê K107

West: Faith Pritchard
l 52
! AJ43
¨ KJ62
Ê 982

East: Barry Pritchard
l K63
! 75
¨ Q73
Ê QJ654

South: Charlotte Sturm
l AQ9
! KQ862
¨ 984
Ê A3

West	North	East	South
			1NT
Pass	2! (1)	Pass	2l
Pass	2NT	Pass	3l (2)
Pass	4l	All Pass	

(1) Announced; transfer
(2) Break in tempo

The Facts: 4l made four, plus 620 for N/S. The Director was called after the auction was over and before the opening lead was made and was told that South had taken from 7-10 seconds to bid 3l . South believed she had only paused a second or two. The Director ruled that pass was a LA for North (Law 16A) and changed the contract to 3l made four, plus 170 for N/S.

The Appeal: N/S appealed the Director's ruling. North said he always intended to bid 4l as soon as he knew his partner had three spades. He did not want to miss a vulnerable game and he had great spade spot-cards. South said she considered her hand too good to open 1! (which is what happened at the other table). She said her only tempo break was a flicker. North said the break was about 7 seconds. The E/W players said the break in tempo had been 10 seconds and were mainly interested in telling South how they would have valued her hand.

The Panel Decision: The expert player consulted believed that passing the North hand was the only possible action, despite North's plethora of tens. South had heard the invitational 2NT bid. The Panel found that there was a break in tempo before the 3l bid. South was certainly debating between bidding 3l and 4l . Therefore, North bidding 4l stood a better chance of success. The Panel decided that pass was a LA for North and changed the contract to 3l made four, plus 170 for N/S.

DIC of Event: Mike Flader
Panel: Charlie MacCracken (reviewer), Ron Johnston, Roger Putnam
Players Consulted: Henry Bethe

Directors' Ruling: 95.5 **Panel's Decision: 92.2**

I think the Panel's bridge decision was clear, but why no AWMPP? In fact, in my opinion North deserved a procedural penalty for bidding on after his partner's slow signoff, so egregious was this act. Law 73C states: "When a player has available to him UI from his partner, as from…a…hesitation, he must carefully avoid taking any advantage that might accrue to his side." This was clear abuse of the appeal process. Echoing my thoughts is…

Rigal: "Right on. Panel, why no AWMPP for North? The spade spots are just as good facing a doubleton you know. If you want to play game did you consider bidding 3NT the first time?"

And that's precisely the point. North's hand, with all of it's tens and nines, will play as well in notrump as in a suit contract. If North wanted to be in game, he had an easy way to get there before his partner's hesitation – bid 3NT over 2♠!

Bramley: "Acceptable. Certainly hands exist that justify bidding 4♠ when partner shows support, but North's hand does not qualify because it is not significantly better for suit play than for notrump. All of those tens and nines that 'convinced' him to bid 4♠ should perhaps have convinced him to force to game initially. I do not agree that South was automatically deciding between 3♠ and 4♠; sometimes South is contemplating pass or 3NT, even with spade support, or possibly deciding whether to bid 3♠ with only two spades."

Bart's last point is technically correct, but in practice this hesitation almost always conceals a timid action — a borderline hand that secretly wanted to bid higher. Look at South's hand. Only 15 HCP but *what* a 15 HCPs: great controls, three excellent trumps, a five-card side suit and ruffing values. Was South timid? Does a bear "hibernate" in the woods? As for deciding between pass and 3♠, that is a rare occurrence (South must hold a 4333 minimum). This all seems so obvious to me that I'm shocked that more panelists didn't push for *at least* an AWMPP.

Weinstein: "Pretty straightforward. The expert player's opinion that passing 3♠ with the North hand was 'the only possible action,' was more of an overstatement than 4♠ was of an overbid. The Panel could have been punitive here, but instead chose the nice concise write-up."

Yes, North might have forced to game initially (as Barry points out), and South's hesitation certainly confirms that, but after taking the conservative road there's simply no excuse for overriding South's decision.

Mollemet: "I have to believe that any player with North's hand would want to be in 4♠ vulnerable at IMPs with a known five-three fit. At the same time I would want to be in at least 3NT. Thus I have a problem deciding on how to rule. Clearly this case comes down to the definition of a LA. Based only on the bidding I would rule pass to be a LA for this North and adjust the score to 170. It wouldn't surprise me for a Committee of players or Directors to rule otherwise. Incidently, this was actually a Committee of one since we were told to rely on the experts to help us out with LAs, etc. If this decision was made solely on the basis of only one expert being consulted, we should have looked for at least two more."

Sorry Peter, but there was no Committee (of players) here and certainly not a Committee of one. The Director Panel was the Committee (a rose, by any other name…) and they numbered three. There was one expert bridge consultant. I agree that there should have been more consultants (I would recommend at least two whenever they are needed, since one player's opinion is not enough – especially regarding LAs). But the final decision was the Directors', even if they were told to rely on the experts' input when it came to the issues you mention.

The following panelists thought the Panel's decision was just fine.

R. Cohen: "No problems here. Director and Panel covered with glory."

Passell: "Very good decision as North's good spot cards made his hand worth the invitation."

Patrias: "Good decision at all levels."

Polisner: "Excellent decision"

Rosenberg: "I don't think this was a 'bad' huddle. Sorry, North."

Stevenson: "Good ruling, fair decision."

Before moving on, let's consider what a player who finds himself in North's position should do. We'll assume that North had actually planned in advance to bid game if his partner signed off in 3♠ showing support. First, North must realize that bidding game is not a normal action when partner has rejected a game try and he holds only invitational values. Second, once South huddles North must recognize his responsibility under Law 73C not to take any advantage of the UI. But what if North is certain that 4♠ is clear from his own hand, or if he's not certain that his partner's huddle demonstrably suggests his planned action? In either case he should go ahead and make the bid he planned (4♠), but not be surprised if the Director is called and his score is adjusted. Furthermore, once this happens he has evidence that his call was not as clear as he thought or his partner's tempo *did* demonstrably suggested his action. He should then either accept this decision and drop the matter or seek expert advice from experienced Directors or appeals people on whether an appeal would have a legitimate basis.

Players must learn to accept the fact that sometimes partner compromises your plans. In such situations your original intentions are no longer the issue (since they can't be proved), nor is your word particularly relevant. The only issue is whether your hand, your methods and bridge logic all *incontrovertibly* justify your action. A good question to ask yourself is, "Would all of my peers have taken the same action I took?" Here the answer was clearly "No" and N/S should have known it.

CASE SEVENTEEN

Subject (Tempo): Blue Tempo Blues
Event: NABC Swiss, 28 Mar 99, Second Final Session

Bd: 1 Dlr: North Vul: None	Peggy Kaplan ♠ J6 ♥ QJ762 ♦ K1072 ♣ 74	
Kay Schulle ♠ Q952 ♥ 5 ♦ AQ4 ♣ Q9865		Gerald Sosler ♠ A107 ♥ AK1094 ♦ J5 ♣ A103
	Claude Vogel ♠ K843 ♥ 83 ♦ 9863 ♣ KJ2	

West	North	East	South
	Pass	1♥	Pass
1♠	Pass	2♠ (1)	Pass
2NT(2)	Pass	3NT	All Pass

(1) Break in tempo
(2) Alerted; long-suit game try

The Facts: 3NT made three, plus 400 for E/W. There was a break in tempo before the 2♠ bid. The opening lead was a low diamond to the jack. Declarer played the ♣A followed by the ♣10 which South won. South then played a diamond and West took nine tricks. The Director ruled that passing with the West cards over 2♠ was not a LA (Law 16) and the table result was allowed to stand.

The Appeal: N/S appealed the Director's ruling. East did not attend the hearing. N/S believed that the West hand was marginal for a game try (poor spades, minimal high cards, short hearts) and that the slow 2♠ bid indicated further action. West stated that she would always bid on over 2♠ with that hand. Upon questioning it was learned that E/W's practice was never to open 1NT with a five-card major.

The Committee Decision: The slow 2♠ in the context of the E/W partnership's methods made the marginal game try certain to succeed. The Committee admonished West to inform her partner that rebids in ordinary auctions must be made in tempo. They also referred this case to the Recorder. The Committee changed the contract to 2♠ made three, plus 140 for E/W.

DIC of Event: Henry Cukoff
Committee: Henry Bethe (chair), Bart Bramley, Jim Linhart

Directors' Ruling: 40.3 **Committee's Decision: 98.0**

The Committee's decision was impeccable. Had E/W been ruled against and then appealed, I would have considered it without merit. Thus, I am left wondering, "Why the table ruling?" As Yul Brynner might have said, "Tis a puzzlement."

Bramley: "Still good. The Director blew this one. If he had rolled the contract back to 2♠ and E/W had appealed I would have found it meritless. When the range for the 2♠ rebid is at least an ace wide then tempo cannot be used for clarification."

Weinstein: "I agree with everything the Committee did and said. What could the table Director possibly have been thinking? Perhaps one could argue (wrongly) that the huddle didn't demonstrably suggest an action, but it's inconceivable that pass isn't a LA."

Polisner: "Excellent decision. Players who don't open 1NT with a five-card heart suit generally find themselves in the position East found himself in. He should have decided before bidding 1♥ what he would do over a 1♠ response and not created the ethical problem which occurred. I am surprised by the Director's ruling. In general they should rule in favor of the "non-offending" side when there is any doubt. To have ruled in favor of allowing the table result to stand, he/she must have believed that pass was not a LA. Give me a break!"

R. Cohen: "How many times have you heard an opponent open the bidding, get a 1♠ response, and go into the tank and bid 2♠? 98% of the time it is a reluctant three-card raise. When are players competing in NABC+ events going to plan their rebids before they open the bidding? The Committee was right on."

Rigal: "Yet again I manage to disagree with the Director on a ruling for the offender. I think that if the hesitation is established and there is a possibility of damage the Director should rule the other way. But then the question arises of whether a slow 2♠ bid here shows extras or whether we should be persuaded again by the argument that if West read her partner's tempo correctly then who cares what *we* think? She worked out what it meant and the partnership is a regular one. I like the Recorder action too."

Rosenberg: "Okay, but what if West bid over a prompt 2♠ 'knowing' partner had four-card support? That could be a problem too. However, in this case the combination of the E/W methods creating a problem on this hand type and the fact that E/W have played a lot together means the Committee decided correctly. East must solve his problem in tempo if he wishes to avoid an issue when West has a borderline hand."

Yes, a quick 2♠ with four-card support is bad too. Unfortunately, almost no one ever recognizes that problem. Such cases are few and far between.

Mollemet: "West should not be allowed to bid after an out-of-tempo 2♠. East has to learn to make these bids in tempo. I would adjust the score to 2♠, issue a PP and move on. But that is almost exactly what the Committee did. Kudos."

Passell: "Another very strong job by the Committee."

Patrias: "I agree with the Committee."

Stevenson: "Good decision."

Brissman: "I'll assume that the omission of any reference to Flannery means it was not in the E/W arsenal. The auction would have had a different complexion had E/W been using Flannery, and then the 2NT bid would have been unobjectionable."

Sorry, Jon, but East has the same problem playing Flannery, although there's less chance of a three-card raise. Give East ♠A10x ♥AK109x ♦x ♣AJxx and a 2♣ rebid could get the partnership to 2♣ opposite ♠QJxxx ♥x ♦xxx ♣Kxxx (where 4♠ is excellent) while a 2♠ raise would get the partnership to 2♠. There's no good solution and many would agonize over it before bidding. No, this huddle invariably means that East has extras, with or without a three-card raise.

So, our first unanimous opinion has been registered.

CASE EIGHTEEN

Subject (UI): SOP…Oops
Event: NABC Mixed Pairs, 23 Nov 99, Second Qualifying Session

Bd: 24 Dlr: West Vul: None	Beverly Rosenberg Ì 8 ! K1097653 " A95 Ê J8	
Lon Sunshine Ì KJ9 ! Q82 " KQ7 Ê Q954		Ivanie Yeo Ì 1065 ! AJ4 " 8632 Ê AK7
	Steve Onderwyzer Ì AQ7432 ! --- " J104 Ê 10632	

West	North	East	South
Pass	2!	Pass	Pass
Dbl	Pass	2NT(1)	Pass
3Ê	Pass	3NT	All Pass

(1) Alerted; transfer to clubs

The Facts: 3NT made four, plus 430 for E/W. 3Ê was not Alerted. North asked about the Alert of 2NT and was told it was a transfer to 3Ê. The Director was called about two tricks into the play of the hand. N/S stated that East had squirmed and stared at West after the Alert. East said she was trying to find out if West had made an off-shape takeout double with her 2NT bid. The Director found that the Alert of 2NT, East's failure to Alert 3Ê, and East's lack of clarity about her partnership agreements about Lebensohl suggested that East may have intended 2NT as natural. If so, 3Ê could have been passed. The Director changed the contract to 3Ê down three, plus 150 for N/S, ruling that declarer would lose one spade, two spade ruffs, two heart ruffs, and two diamonds in the play.

The Appeal: E/W appealed the Director's ruling. East said she bid 2NT expecting her partner to bid 3Ê, after which she would decide what to bid. However, if her partner bid something other than 3Ê, she would use the information to decide on other possibilities. East also said that while she failed to Alert 3Ê, she knew it was a transfer acceptance and she thought the Alert was unnecessary after North inquired about the meaning of 2NT and it was explained correctly as a transfer to clubs. E/W said that they had discussed Lebensohl in balancing seat but had never discussed it in balancing seat by a passed hand. They also explained that they played Roth-Stonish openings and there were many 13-point hands that they wouldn't open (their convention card confirmed this). E/W each had about 300 masterpoints. N/S said they observed considerable body language (discomfort) from East when her partner explained 2NT. They thought this lent even greater credibility to the Director's ruling. Responding to a Committee member's question North said the reason she asked about the 3Ê bid was that she was "just curious." She said it made no difference to her bid but explained that she had never heard of Lebensohl used in this situation (by a passed hand).

The Committee Decision: The Committee fully appreciated the self-serving nature of East's statements. However, her overall candor in front of the Committee and her relative inexperience helped make believable her statement that she bid 2NT intending to decide what to do on the next round. Some Committee members had sympathy for the idea that the extraneous information available to East greatly enhanced the choice to bid 3NT. However, the Committee also broadly believed that East's hand would have warranted an automatic conversion of 3Ê to 3NT even if this had occurred behind screens. The Committee briefly discussed the impropriety of the just-out-of-curiosity query about the meaning of the auction by North, but decided not to let it influence their decision.

Dissenting Opinion (Larry Cohen): I would make West play in 3Ê. We've seen this situation numerous times (where somebody bids 2NT intended as natural, it gets Alerted by partner who then bids 3Ê, and the 2NT bidder "corrects" to 3NT). Here, my peers on the Panel bought East's story. Whether I believe her or not, we simply can't allow her to be "awakened" by her partner's Alert. Why couldn't her partner have some 4-1-3-5 eight-count? I'm not a psychic but I'm fairly confident that she meant 2NT as natural and non-forcing (just look at her hand!). Then her partner Alerted her that 2NT was conventional and regardless of her level/ masterpoint total, we must not allow her to take advantage. This ruling of "Must play in 3Ê/Lebensohl" should become SOP (Standard Operating Procedure [for Wolffie]).

DIC of Event: Henry Cukoff
Committee: Michael White (chair), Larry Cohen, Corinne Kirkham, Jeff Meckstroth, Becky Rogers, Dave Treadwell, Brian Trent, (scribe: Michael Huston)

Directors' Ruling: 86.1 Committee's Decision: 53.6

Wow! It's hard to fathom what happened to the Committee here but they really bought the farm on this one. Let's begin with East's candor. East was a charming young lady who spoke well (I was present during this hearing). But no matter how convincing she might have been, her balanced 12 count spoke volumes above her words. This case is almost identical to CASE SIXTEEN. Both players had UI available and contended that their partner's action (here an Alert, there a huddle, everywhere an oink, oink!) had no bearing on their bid since they had always intended to "decide what to bid" (here) or "bid 4Ì" (there). Well, the Panel there wasn't buying it but the Committee here was clearly in the market for a pig in a poke. This case shows why the believability of self-serving statements should never be a criterion for a Committee's decision. Only documentable evidence about the players' system and cold, hard bridge logic should be given appreciable weight.

Next, what is this "crap" (you'll have to pardon my French, but you should have seen it before I cleaned it up!) about "an automatic conversion" of 3Ê to 3NT? Have none of the Committee members ever balanced over a weak two-bid with a weakish distributional hand like Ì Axxx ! x " Kxx Ê Jxxxx (as the dissenter pointed out)? While 3Ê opposite that hand may not be any bargain, 3NT will be doubled and a major disaster. "Automatic" my ahh…well, you get my point.

Then, this group of refugees from a canceled Mensa meeting (thank's for the image, Ron) had the unmitigated gall to talk about reproaching poor North for asking about the Alerted 2NT bid, as if she caused E/W's problem. Forget about the ACBL's policy of "If you don't ask about an Alerted call, then you won't get any sympathy from us when you later find out that it meant something other than what you expected." Forget about the basic principle that players should *always* ask (or at least ask randomly) about Alerted calls if they don't want to tell their partner when they're interested in an auction and when they're not. Grrrr. Arrgh!

Larry, you were my hero while the Committee discussed this case. Only you (and one other member) ever questioned the majority's position. Only you argued firmly and repeatedly against it. And when the final (unfortunate) decision was made, you alone spoke up against it (even though it took a little encouragement). Bless you. It's times like these when I tend to forget you aren't my real son.

The one exception I take with your dissent is your plea to make it SOP in all Lebensohl auctions to force the offenders to play in 3Ê. This came up earlier in my response to Peter Mollemet in CASE THIRTEEN. Only when 3Ê could reasonably be where the 3Ê bidder wanted to play should we make them play there. In non-competitive auctions like 1NT-2NT-3Ê, no one ever bids 3Ê to play. It just never happens, so there it is self-Alerting and no one should be forced to pass. But after a notrump overcall (which could be comic or based on a sub-minimum hand with a long minor) or after balancing in a weak two-bid auction where the doubler could be weak and distributional (as here), then 3Ê *is* a possible contract and the decision

should be to force them to play there if there's even a hint of doubt.

All right, who's with me? On to the Bastille!

Gerard: "Yes, Cohen laid down The Law to the clueless majority. As an ex-partner of mine, he would have let me down if he didn't dissent. It's obvious that the Committee did not fully appreciate the self-serving nature of East's statements. If West bid other than 3Ê East would bid 3NT anyway so the whole story was a fabrication. East's purported discomfort and body language was also at odds with her claim. And as a bridge lesson, which is apparently needed from Florida to California, Lebensohl opposite a passed hand is dumber than dumb. The majority treated Lebensohl as a jack-asking bid when its real value is to remove the guess for a doubler who holds a strong notrump. Of course they had never discussed Lebensohl opposite a passed hand, therefore the Alert was MI and East was not entitled to hear it. A Roth-Stone flat 13 count or shaped 12 count would never respond 3Ê , it would raise to 3NT. How does the Committee's 'automatic conversion' look if West has what he should, Í QJ9x ! x " Axx Ê QJxxx? And even to consider accusing North of impropriety because she asked about an Alert that seemed incomprehensible to her was close to libelous. Sometimes the opponents notice whether you're interested in their auction and use that to their advantage, even at the top levels.

"This is the second Committee out of two that this Chairman has completely lost control of (see CASE FOUR). I suggest that the administrators revisit their evaluation of who the serious thinkers are in this group and consider chairmanship of these Committees less frivolously. A Chairman is supposed to be someone versed in the laws who can guide the discussion and analysis in the right direction. Perhaps the decision would have been the same, but with someone like Cohen as Chairman the Committee might not have started off dipping its toe into the quicksand."

Is he brilliant, or what?

Bramley: "The dissenter is right. The majority bought a bill of goods. Exactly what additional information did East hope to get over 2NT? I agree that 'the extraneous information...greatly enhanced the choice to bid 3NT', because here 'extraneous' means *Unauthorized*. And didn't the 'relatively inexperienced' E/W pair make several appearances in earlier casebooks?"

I can find only one prior appearance for E/W (CASE TWENTY-EIGHT, St. Louis, Fall, 1997), but it's a doozy. Good memory, Bart! Anyone with sympathy for E/W here should go back and look at that case again. Then we'll see how much sympathy they still have for them. More support…

Mollemet: "It isn't at all clear on this auction that Lebensohl applies. As a matter of fact, E/W are quoted as saying they never discussed this auction by a passed hand. West could really just have long clubs. Therefore, East must be required to pass 3Ê whenever pass is a LA. The contract should be adjusted to 3Ê and a score assigned.

"Larry Cohen and I are in agreement as to this ruling but he puts it in the same category as 1NT-2NT-3Ê , which I alluded to in discussing another case (CASE THIRTEEN). The auction in the case under discussion is not self-Alerting when the West hand bids 3Ê , so we are not in total agreement."

Peter, I'm very proud of you, too.

Brissman: "I concur with the dissent. East should have tried 3NT directly over the double. Absent the UI input after her 2NT call, she learned nothing new to affect her hand evaluation."

Martel: "Larry's comment is right on (also note that 3Ê should be down four: three

spades, three heart ruffs, two diamonds, but adjusting E/W to minus 150 is okay)."

Yes, I noticed that when I first began reading The Facts. But by the time I got to the end of The Committee Decision section, I was seeing red and that detail fell into my unconscious (which some would say is my best feature).

Michael also found this scoring error.

Rosenberg: "This is similar to CASE FIFTEEN in one respect. East made a poor bid of 2NT and partner's UI (in this case an Alert) does not permit East to 'recover.' Of course, there is a good chance that East would have bid 3NT anyway, but I agree with the dissenter. I feel sympathy for East here (whereas I felt none for West in CASE FIFTEEN). The ruling should be down four in 3Ê , since South gets three heart ruffs. It is irrelevant that East failed to Alert 3Ê ; that doesn't prove anything. And North's question was equally irrelevant; the Alert provided UI."

You're right, Michael, East's failure to Alert 3Ê doesn't *prove* anything. But it does suggest that East's frame of mind during the auction wasn't in tune with her later claim that she knew this was a Lebensohl auction and was merely using it to find out more about her partner's hand. Ron (and others) have effectively disposed of the argument that there was useful information to be had from this approach, and it is at considerable variance with E/W's statement that "they had discussed Lebensohl in balancing seat but had never discussed it in balancing seat by a passed hand." Also, I think your sympathy would be better placed elsewhere.

Patrias: "I think the Committee erred on this one. The Directors' ruling seems to have made far more sense."

Polisner: "I agree with Cohen's dissent. Why can't West hold Í KJxx ! x " KQx Ê 10xxxx making 3NT an underdog? The UI made it much easier to bid 3NT with 12 HCP opposite a passed hand albeit with the well-placed ! J."

Rigal: "The Director and Larry Cohen got this right, although I am prepared to accept that I might have felt differently had I been there. But as far as I am concerned the blanket rule that *all* 2NT accidents get set back to 3Ê in the absence of startling circumstances is a sound one."

I'll pretend I didn't see that last sentence, Barry.

Stevenson: "In contrast to the comments on CASE FIFTEEN, this shows how self-serving statements should be treated: it should be noted that they are self-serving and then the Committee should decide what weight to apply to them. Unfortunately, the Committee then went off the rails: this was a UI decision and should be treated as such."

R. Cohen: "The write-up does not indicate whether the Committee determined what agreement, if any, E/W had about Lebensohl after a passed-hand double. Until I find out for sure, I go with the dissenter. Another question I might have asked is whether a 2NT bid by reopener would have been natural or unusual."

The following panelist's comments are quite disturbing.

Weinstein: "This is a very difficult area and actually quite different than the dissenter's 1NT-2NT-3Ê -3NT example. In that example, it is clear that the 2NT caller didn't remember he was playing the convention and the Alert is UI. The case must be decided on whether the 3NT call has any LA.

"In the present case, if East intended 2NT as Lebensohl there is no UI. The case must be decided on whether the Committee believes that UI was present. There should be no presumption of guilt (i.e. of UI), and consequently the preponderance

of evidence must demonstrate UI. There was a case several years ago where a player at favorable vulnerability jumped to three of a major over partner's Flannery call with a 2 count. It was Alerted as invitational. The opponents contended that the Alerter misexplained. The alleged offenders contended that the 3! bidder knew it was invitational and chose to make a tactical call. The statements could be self-serving, but the presumption of guilt must be different than in misbid vs. misexplanation situations where clearly somebody forgot and it is up to the offenders to demonstrate misbid. Similarly, there was a case in the Chicago GNT a few years ago involving a top-level pair. The auction went something like 1" -P-1Ì -2! , where the player made a support double with Qx, no heart stopper and a balanced 18 count. The opponents alleged UI. The player alleged he knew perfectly well that he was playing support doubles and he was simply trying to make the best bridge bid in the situation. The hand went to a Committee and he won, but it is ridiculous to have to prove that a bid was based upon bridge logic and did not result from a failure to remember system when there is no real evidence that there was a failure to remember system. There must be demonstrable evidence that UI was created, instead of having to prove the negative.

"If you're still with me, in the case at hand, unless you're pretty sure that East was totally snowing the Committee, then the table result should stand. Otherwise, next time RHO overcalls your partner's 1NT and you have a 9 count with a five-card suit and play slow shows (or denies), you had better not bid 2NT (Lebensohl) on the way to 3NT, unless you have really good system notes. Even then the opponents may contend that you forgot your system and that partner's 3Ê was UI and 3NT should be disallowed. For better or worse, unless you're a Kafka fan, this must remain an 'innocent until proven guilty' situation.

"As an aside, down four in 3Ê should be the likely result from a contract adjustment to 3Ê ."

Even if what Howard says were true, there is clear evidence of UI in the present case. Any time an Alert is made, it is unauthorized to the Alerting side. That's the law. As far as determining East's intent in bidding 2NT, well, we'd do best to leave such exercises for "The Shadows" of the world.

Next, let's examine Howard's assertion that "unless you're pretty sure that East was totally snowing the Committee, then the table result should stand." When a pair has no clear agreements about a convention, or cannot document its use or application to the situation at hand, then the law provides for the *possibility* that UI exists. It is then up to the Director and perhaps later to a Committee to determine whether that is the case. Note that there are no guarantees here. This is a judgment call. The criterion is "a preponderance of the evidence" (as determined by a simple majority vote in the case of a Committee). The two sides are interviewed, their system notes and convention cards are examined, their statements are taken, and a decision is made as to whether UI was present. At the same time that information is being gathered to make a decision about UI, arguments and other evidence are also received to allow a final adjudication (i.e., possible score adjustment) *in the event that it is determined that UI was present*. Thus, while it may appear that the offenders are being presumed guilty, the information gathering procedure is really a contingency-based investigation to facilitate a final decision without requiring further input from the players. No presumption of guilt is made.

In the present case, West's Alert suggested that he might not have real clubs and a weak distributional hand, so there is a clear basis for assuming UI. E/W then produced no evidence that they had an agreement about Lebensohl in this situation, nor did East's hand contain evidence that argued for bidding 2NT before placing the contract in 3NT (assuming that 2NT really was Lebensohl, which Ron would take strong exception to). So suspicion grows stronger. What about the bridge logic of the auction? West was a passed hand. Was East looking for a slam with her ugly 4-3-3-3 12 count opposite a possible 13 count? What bid could West have made that would have awakened "The Beast in the East" to look for slam? How about if West bid 3! holding something like Ì AQJx ! x " AQ10xx Ê xxx (the best hand I could come up with)? Now you and I would have opened that hand, even playing Roth-Stone. It has 3-1/2 quick tricks, good suits, and a handy rebid. But let's say that E/W routinely passed hands like this in first and second seats. West now bids 3" , rejecting the Lebensohl 3Ê (after all, he's maximum for his original pass). East gets appropriately excited and bids 3! . West bids 3Ì . East bids…4" (?) and E/W get to 6" . What a great contract!? With a certain club loser, West needs only three of three finesses to score up this gem. Bah! Humbug.

So I'm sorry, Howard, but while there was no *presumption* of guilt here, there was justifiable *suspicion* of it. When we look at the facts, we find ourselves drawn inexorably to the conclusion that UI was present. From there the law requires us to think in terms of incontrovertible evidence that the questionable actions were justified from the AI. Such evidence was nowhere to be found. Moreover, there was considerable evidence refuting every one of E/W's self-serving claims, to all of which you've turned a blind eye. No, the laws require us to seek the truth, not to bend over backwards to ignore it, as you seem to be recommending here.

The Flannery case Howard mentions (CASE SEVENTEEN from Atlanta, Fall, 1995) has little relevance to the present case. In it a last-minute pick-up partnership agreed to play Flannery but did not discuss their follow-ups to 2" . The auction began 2" -P-3Ì (not 3! ; and with a 3 count, not a 2 count) and when an opponent asked what 3Ì meant, the 2" opener said, "Probably invitational but it has not been specifically discussed. This partnership was formed a few minutes before game time." The Director and Committee both (wrongly) adjusted the score, allowing the opponents to bid 3NT (they had passed out 3Ì at the table). Almost everything in the Committee's decision was wrong and Howard and I both strongly opposed the decision (Howard called it "terrible"). The opponents were clearly told that the auction was undiscussed (not that it was a tactical bid, as Howard claims) and even though opener volunteered his own interpretation (clearly labeled as such), there was no MI and therefore no damage. With no reasonable suspicion of MI (or UI), no weight had to be given to anything the "offenders" said once the facts about the explanation were revealed.

What Howard says about misbid vs misexplanation situations is true: they hold a stronger presumption of guilt because the bidding disagreement is prima facie evidence that there is MI from one of them. Since the opponents may have been damaged, whenever there is doubt about which player's action was responsible, the law says that the player who could have damaged the opponents (the misexplainer) is the one presumed to be guilty, unless there is compelling evidence otherwise. But in situations like the present, where only one opponent may have done something wrong, we first search for evidence of an irregularity before we demand compelling evidence from the offenders that there was no infraction.

Committees frequently ask non-offenders, "How were you damaged?" "What would you have done differently had you been given other information?" "What did you think the opponent's bid meant?" "Did you ask about it?" We've all had to explain to the appellants, "While you were entitled to know your opponents' agreements, you were not entitled to know what they held in their hands." We've all served on cases where the offenders had no agreement and we've had to tell the non-offenders that while there was UI, it did not demonstrably suggest a particular action (or the action suggested was clear-cut in spite of the UI). The casebooks are filled with evidence that we look for the truth, weighing the evidence on both sides. Yes, the process has occasionally gone astray, but I disagree that a presumption of guilt has generally taken over our appeals process. If it appears to Howard that this case shows evidence of inequity, the majority could not find it.

The Chicago GNT case Howard mentions appears similar to the Flannery case: there was no clear evidence of wrongdoing but a suspicion of it. In all such cases, the players present their sides of the story, answer the Committee's questions and the evidence is weighed to see where the preponderance of it lies. How could it be otherwise? While it sounds from Howard's description like that case may have been mishandled early on by the Committee, unlike the Flannery case, the right decision was eventually reached.

So Howard's assertion, that unless there's compelling evidence of misdeeds by the alleged offenders the table result should stand, is in my opinion wrong. The law first requires convincing evidence of an irregularity. Once found, the burden of proof shifts to the "offenders." I find it significant that the penalties are more severe for players found guilty of abusing the appeal process – especially if they make a habit of it – than for those found guilty of bridge infractions. But when valid suspicions are raised, good system notes, a well filled-out convention card, and sound bridge logic are tools which bear most heavily on the outcome. Even so, these elements are not always critical. As we've seen in earlier cases, Committees are "allowed" to consider even self-serving statements and attach to them whatever weight is deemed appropriate. In the final analysis, the Committee members must use their judgments and in this respect the make-up of our Committees may be *the* most crucial factor. I find it most telling that we entrust this task to a varying and disparate group of untrained volunteers. Enough said?!

Our final panelist believes that 3NT by East is clear. I'll simply point out that, while this panelist's bridge credentials are of the highest caliber, his opinion on this matter constitutes a minority opinion.

Passell: "The club fit and positional heart cards make 3NT a clear call whatever the meaning of the auction. As much as I hate to let these thugs go!! I have sympathy for Larry's dissenting opinion."

"Thugs" is definitely uncalled for. East may have truly believed what she told the Committee and certainly the (majority of) the Committee believed her.

CASE NINETEEN

Subject (UI): Just Another Day At The Office
Event: Stratified Fast Open Pairs, 28 Mar 99, First Session

Bd: 22
Dlr: East
Vul: E/W

North:
Í 10975
! Q854
" A98
Ê 83

West:
Í QJ84
! K76
" KQ
Ê AK105

East:
Í 32
! A1032
" 752
Ê J642

South:
Í AK6
! J9
" J10643
Ê Q97

West	North	East	South
		Pass	Pass
1NT	Pass	Pass	2" (1)
Pass	2!	Pass	2NT
Pass	Pass	Dbl	All Pass

(1) Alerted; majors

The Facts: 2NT doubled made four, plus 690 for N/S. The opening lead had been the Ê K followed by a heart switch. Before South bid 2NT, he informed the opponents that 2" had been natural. The Director was called when South volunteered this information and he instructed the players to bid as if they had not heard the Alert or the explanations. When the Director was called back to the table he ruled that pass was a LA to the 2NT bid (Law 16A) and changed the contract to 2! down three, plus 150 for E/W.

The Appeal: N/S appealed the Director's ruling. South was aware during the auction that his partner had Alerted when he did not expect it. He said he would always bid 2NT. North did not understand what she had done wrong. N/S thought they should keep their result since the opponents had misdefended badly. E/W believed that since the Alert procedure had awakened South to a misunderstanding, South should not be allowed to bid 2NT. E/W believed they never should have been placed in the situation of having to defend 2NT.

The Panel Decision: The Panel determined that UI had occurred. South was restricted by Law 16A. He could not choose from among LAs one that could demonstrably have been suggested over another by the extraneous information. Expert opinion was sought to verify whether or not South could bid 2NT. All four players consulted believed that pass was a LA for South. These players also agreed that E/W were faced with defensive problems more difficult than initially thought. While allowing E/W to keep their score was considered, the experts rejected that idea. The Panel accepted the opinion of the expert players and changed the contract to 2! down three, plus 150 for E/W. The Panel considered this appeal not to have substantial merit but chose to educate the N/S players rather than issue an AWMPP. They were told that the 2NT bid was clearly based on the explanation given by partner and therefore could not be allowed. To bring an appeal such as this with no case was normally not allowed to go unpunished.

DIC of Event: Ken Van Cleve
Panel: Ron Johnston (reviewer), Charlie MacCracken, Roger Putnam
Players Consulted: David Berkowitz, Bart Bramley, Paul Soloway, Dave Treadwell

Directors' Ruling: 97.8 **Panel's Decision: 95.3**

Before the panelists explain the problems in this case, let me mention that East had about 950 masterpoints, West 1800, North 250 and South 400. Most of the panelists seem not to have taken this possibility into account in their assessments

– or, shudder, perhaps they did.

Gerard: "I'm guessing that East played the ! 10, maybe out of tempo, and West went wrong or felt ethically constrained when he won his diamond trick. Give West l KJ84 ! KJ6 " K6 Ê AK95 and the ! 10 is the only winning play. If East played the ace at trick two I would let them keep their score (plus 300 was a better opportunity than plus 150), but on my assumption as to the facts the decision was correct. I didn't know that AWMPPs could be issued in this type of event."

I doubt whether East with 950 masterpoints made the type of assessment Ron suggests of his trick-two play. On the other issue, AWMPPs can be issued in any event at an NABC, not just NABC+ events.

R. Cohen: "What is going on here? South in the middle of an auction tells the table what his own bid means? No problem with the Director or Panel, except there should have been a matchpoint penalty assessed on South."

The Panel determined that with a player at South's level, education was the best policy. On what basis do we substitute our judgment for theirs? I know that whenever I see an appeal from an event such as this I immediately suspect the players may be inexperienced – unless I'm told otherwise.

The next panelist takes the proper attitude toward the judgment of the expert consultants and the Panel members.

Rigal: "I'd normally have held out for AWMPPs but I bow to the Panel's reading of the situation. I do not see the defensive problem outlined here in 2NT but I think if we are going to be very kind to N/S, we can be overly kind to E/W. But no more Mr. Nice Guy, please."

Stevenson: "Good ruling and decision, though the complete lack of merit in the appeal suggests that merely educating the N/S players was not enough. The law requires players to bend over backwards not to use UI, a law that is ignored all too often."

Yes, but our policy here is to educate inexperienced players unless they are belligerent or resistant to being corrected.

Passell: "Great job. I assume South to be inexperienced to get away with only a warning."

And you would be absolutely correct, Mike.

Patrias: "Just right."

Polisner: "Just fine all the way around."

Mollemet: "Another 'rule' situation. Whenever your overcall of an opponent's notrump is incorrectly explained by partner (doesn't match your belief as to the meaning of the bid) and he now bids one of the suits he explained you as having, you must stay in that denomination whenever you have two or more of that suit. In this case the rule simply stated makes pass a LA and instructs the Director or Committee to adjust the score back to the previous contract whenever this produces a better result for the opponents. Therefore, the score on this board becomes minus 150 for N/S in 2! . Clearly education of the N/S pair is needed which the Panel attempted to do. Kudos to everyone."

I agree with much of what Peter says. However, two cards in "partner's" suit should not be a rigid rule. Consider the following counter-example. Partner opens

1NT and RHO doubles (penalty). You bid 2! , intending it as natural holding a 2-7-2-2 yarborough, and partner says "Transfer." LHO passes and partner bids 2l , which RHO doubles. While there is UI from partner's announcement and you have a doubleton spade, the 2l bid is self-Alerting that one of you has forgotten your agreement. I believe you are allowed to "correct" to 3! based on the AI both from partner's 1NT opening and from your own hand.

Rosenberg: "Good. If E/W lost their minds defending, and could have achieved better than plus 150, that would be a case for different scores for N/S and E/W."

Yes, if E/W were a competent pair who could have done better than plus 150 with just normal play, but they misdefended egregiously, it would be right to allow them to keep the table result while adjusting N/S's score to minus 150.

Weinstein: "Does anyone keep track of which players have been 'educated,' lest we have repeat offenders?"

Well, Howard, you do (or more precisely we all do), through these casebooks, for the cases where the names are published. Otherwise, the tracking will have to await the completion of our planned data base.

CASE TWENTY

Subject (MI): What Are We Doin' Here?
Event: First Saturday Compact KO, 20 Mar 99, First Segment

Bd: 18 Dlr: East Vul: N/S	Í Kxxxx ! Ax " Kx Ê AQ10x		
Í 9 ! xx " xxxxx Ê xxxxx		Í Q1084 ! Kxx2 " AJ Ê KJx	
	Í AJ7 ! QJ10xx " Q10xx Ê x		
West	**North**	**East**	**South**
		Pass	Pass
Pass	1Í	Pass	2Ê (1)
Pass	3Ê	Pass	4Í
All Pass			

(1) Two-way Reverse Drury, not Alerted

The Facts: 4Í made four, plus 420 for N/S. The opening lead was the ! 2. The Director was called when dummy was displayed. 2Ê had not been Alerted or disclosed as a partnership agreement before the opening lead was made. The Director determined that no agreement existed as to whether or not they played Drury after a fourth-seat opener. East stated that he would have led a spade had he been in possession of the correct information. The Director ruled that UI had not affected the final contract because North would not have passed a 3Í bid by South. The Director also ruled that in the event of a trump lead (unlikely) the 4Í contract would still be made. The Director allowed the table result to stand.

The Appeal: E/W appealed the Director's ruling. They stated that they agreed that N/S would still have bid 4Í, but that the defense would have started with a small spade rather than the ! 2. N/S believed that 4Í would have been made even with the lead of a small spade.

The Panel Decision: The Reviewer acted independently to determine that N/S would surely have bid to 4Í and that E/W did not challenge that judgment. The player consultant did not believe the proper information would have demonstrably suggested some lead other than a heart and certainly not a spade. He also briefly analyzed the play and offered that it appeared that 4Í would be made after any lead. The Panel agreed with his analysis. The Panel also found that since the N/S convention card did not establish that Drury was not being used after a fourth-seat opener, South should have spoken up before the opening lead and disclosed the proper information. The Panel did not find a demonstrable connection between the MI and the choice of lead, particularly that of a spade from Í Q10xx. The Panel decided to allow the table result of 4Í made four, plus 420 for N/S, to stand. The possibility of a PP for South's not correcting North's failure to Alert before the opening lead was briefly considered and rejected in part because a somewhat rushed proceeding was necessitated by the format (in a Compact KO, two matches must be completed in a single session) which did not allow adequate time to deliberate on this sensitive issue because the appeal arose between matches.

DIC of Event: Patty Holmes
Panel: Roger Putnam (reviewer), Ron Johnston (scribe), Matt Smith
Players Consulted: Eddie Wold

Directors' Ruling: 95.3 **Panel's Decision: 87.5**

The Panel appears to have let E/W (especially East) get away with tweaking their noses in this case. I would have offered East his choice of cigarette or blindfold but not both, allowing him to choose either to shield his eyes from the coming AWMPP or to blow smoke at it, much as he did in the Panelists' eyes.

The table Director also let N/S get away with a bit too much, even given their lack of experience. But we'll have more to say about this matter later.

Our panel, for the most part, was right on top of this one.

Brissman: "Doesn't the appealing pair have the initial burden to present a prima facie case that another lead would have led to a better result for them? It appears that the appellants never met their burden, making this case title particularly appropriate. But where was the AWMPP analysis?"

Where indeed, Jon.

Weinstein: "As in the last case there was no AWMPP. Unlike the last case there was no effort to educate. If I have any criticism of the Directors' efforts so far, it is for having too much tolerance for ridiculous appeals. At the time I thought CASE FIVE was one of the worst protests I've ever seen. I stand corrected.

"This case should be exhibit one for our BOD on why the AWMPP should have more leeway to be stricter than now. AWMPPs should not disappear after they expire in a year (or two?), but age out slowly as seeding points now do. We can now discipline a player for Zero Tolerance. Isn't somebody going through with a protest like this at least as bad for the game as most of the Zero Tolerance offenses? It is time that we exercised the right to take a player to a C&E Committee for absurd protests by including it in the disciplinary code. In the meantime, the disciplinary sanction guidelines include 'knowingly submit false information or deliberately distort facts to an ACBL official or Committee.' Recommended discipline is 90 days probation to 60 days suspension. East's contention to the Director and then the Panel that he would have led a small spade sure seems like a violation of this to me. If he believes his contention, he should be thrown out of the league for being too bad to be allowed to play. If he doesn't believe the statement, let's throw him out for being a lying miscreant. Bridge will be better off either way. I guess I'm just becoming an old softy, but there is a side benefit to not publishing the names of those involved in the appeals in less than Flight A. I wouldn't be able to write all this stuff about East if he had a name. I could think it, I just couldn't write it."

Now, Howard, don't you feel better that you've purged your demons? You'll be happy to learn that AWMPPs don't disappear. They remain on a player's record indefinitely. However, only points received within the past two years can trigger a C&E hearing. Once that is done, the entire record (at least back to the 5-year statute of limitations) can be used to determine the severity of a discipline if one is imposed. Would it change your mind any if you knew East had only about 270 masterpoints (about 80-100 more than any of the other players at the table)? He did. It's sometimes difficult to remember what it was like to be that new to the duplicate game, but I agree that East needed to be given a good reason to remember not to do it again.

Is the next panelist going for our White Rabbit award ("I'm late, I'm late, for a very important date…")?

R. Cohen: "A frivolous appeal. Got more important cases to review."

Mollemet: "I think this is an appropriate situation for PP for N/S for failure to divulge that MI (a failure to Alert) had occurred. The table Director seemed to be in error on this point. Otherwise, I am in complete concurrence with the Panel."

Polisner: "Very good. The Panel considered all of the right issues except a speeding ticket to E/W who were panning for gold."

The following panelist demonstrates a youth misspent in front of the TV set.

Rigal: "I like the Director and Panel's ruling but I would have penalized N/S for no Alert and definitely had a strong word with East about the truly ridiculous claim that he would have led a trump. In fact, this looks like a barrack-room lawyer in the making; stomp on him with the Monty Python foot."

Treadwell: "Certainly, a correct decision, but why did E/W bring this to appeal and then offer an almost impossible double-dummy lead which they said, incorrectly, would set the contract. Perhaps N/S should have received a small PP for their failure to clarify the situation before the opening lead, but certainly E/W earned some AWMPPs."

Patrias: "This is clearly a situation that is perfect for a Panel of employees who are always available. The Directing staff might not have been able to seat a traditional Committee in a timely fashion. Regardless, the correct ruling was made and upheld."

True, the Compact KO format is ideal for this approach.

The following panelist provides an accurate, if somewhat lengthy, dissertation on how to deal with failures to disclose on his way to missing the forest for the trees.

Stevenson: "If a partnership has an understanding or relevant partnership experience then the opponents have a right to be informed about that understanding or experience. However, the opponents have no right to know what their opponents are doing in the absence of any such understanding or experience. There was no reason for South to volunteer that his bid was Alertable if he believed that they did not have an agreement to play Drury. If he merely guessed that his partner would take it as Drury because most American players do, then not only is he not required to correct the lack of an Alert but it would be an infraction to do so.

"There is a procedure in the ACBL to send a player away from the table when he has forgotten an agreement so that his partner can tell the opponents that agreement. Directors and Committees must realize that this is inappropriate if there is no agreement and should be very careful in the use of this procedure. While the situation is not the same here it is analogous. It is not completely clear from the write-up that South should not have corrected, but there is nothing in the write-up to suggest he should. Did he and his partner agree to play Drury here? If not, then the Panel was wrong in its approach."

If South thought he was playing Drury, or if he thought from whatever past experience he had with this partner that he would read his 2Ê bid correctly (else he wouldn't have tried it), then he was obligated to inform the opponents of the intended meaning of his bid before the opening lead. This differs from situations in which you have no agreement and there is no similar auction in which you have an agreement. (On those occasions one just has to bid something and hope partner is on the same wavelength.)

A good analogy to the present situation would be if you sat down to play with a first-time partner without any discussion of methods, but who you knew played frequently with some of your regular partners. You make a conventional bid that you expect him to read because you play it with all your common partners and expect that he does too. You must explain your intended meaning to the opponents. In contrast, you would not owe them an explanation in the absence of any common partners or any other tangible reason to "expect" him to read your bid (other than just plain hope). What's more, if you did tell them what you intended the bid to mean before the opening lead it would not be an infraction as David suggests. Law 75C says in relevant part "a player…*need* not disclose inferences drawn from his general knowledge and experience" (emphasis mine). It does not say that he *must* not disclose such inferences.

But none of that was the case here. Here South knew they played Drury after

third-seat openings and expected his partner to read his 2Ê bid from the similarities between the two auctions. Therefore, he was obliged to disclose to E/W before the opening lead that while there was no agreement about this auction, they did play Drury opposite third-seat openings.

Passell: "100% yet again."

Rosenberg: "It should have been noted that this was an example of 'jump-to-game syndrome.' This often occurs after Drury – when 2Ê isn't Alerted that player's next bid is four of his partner's major. However, here the bid seems reasonable."

Yes, an all-too-common syndrome. And this case isn't furthering the search for the cure. But I don't agree that South's jump to 4Î is reasonable here. He has only three-card trump support and a misfit in clubs, ostensibly the suit in which North made a fit-suit game try. Try playing game opposite Î KQxxx ! x " Axx Ê KJxx, for example. I could understand a counter try in a red suit, but jumping to game is just too convenient when partner hasn't Alerted your 2Ê bid and there's reason to think he may not know what you intended. South's 4Î bid was a flagrant action, even for a player with 270 masterpoints, and even if no PP was thought appropriate, it was important to have contributed to his bridge education with a stern verbal lesson.

Our last panelist sums up the case against E/W rather nicely.

Bramley: "Instead of a PP against N/S the Panel should have hit E/W with an AWMPP, or several AWMPP's if allowed. East's contention about a trump lead really deserves a physical penalty proportional to the physical discomfort suffered by anyone exposed to it. Since I just ate I'd better move on to the next case."

Well, I haven't just eaten but I'm still nauseated by this appeal. Before things get any uglier, perhaps we all should move on to the next case.

CASE TWENTY-ONE

Subject (MI): Just Show Me Your Hand And *Then* Let Me Lead
Event: Flight B/C/D Pairs, 20 Mar 99, First Session

Bd: 25 Dlr: North Vul: E/W	Í KJ43 ! AJ964 " 1096 Ê 3	
Í A1086 ! K7 " AK Ê QJ1072		Í 72 ! 85 " QJ52 Ê AK854
	Í Q95 ! Q1032 " 8743 Ê 96	

West	North	East	South
	Pass	Pass	Pass
1Ê (1)	1!	Dbl(2)	2!
3Ê	3!	4Ê	Pass
4! (3)	Pass	5! (4)	Pass
6Ê	All Pass		

(1) Alerted; Precision
(2) Alerted; 8+ HCP
(3) Roman Keycard
(4) Intended as two keycards

The Facts: 6Ê made six, plus 1370 for E/W. The opening lead was the Ê3. East originally pulled the 5" bid card in response to 4!, then was allowed by the Director to change it to 5!. Away from the table she told the Director she intended to show two keycards without the Ê Q, apparently thinking she was responding to 4NT. North asked about the 5! bid and was told it was anti-systemic and maybe East had a void. East did not correct the MI before the opening lead. The Director changed the contract to 6Ê down one, plus 100 for N/S. (Laws 47E2(b), 40C, 75D2 and 12C2.)

The Appeal: E/W appealed the Director's ruling. West said he told the opponents that 5! was a non-systemic bid, then said that maybe East had a void. East said that she had mistakenly responded to 4NT and that her correct response was 5Ê. N/S did not agree that East had explained 4! as ace-asking but said that West had answered that it was asking for a cue-bid (possibly something was misheard). North said that, if given the correct information, she would have led the ! A, setting the contract. This last statement was not made to the table Director.

The Panel Decision: If North's lead had been made because of MI, N/S were entitled to an adjusted score under Law 47E2(b). Both sides agreed that West stated he did not know the meaning of 5!. When he said it maybe showed a void, that was clearly an interpretation and could not reasonably have been taken as a statement of partnership agreement. Therefore, the Panel decided that there had been no MI. The Panel also decided that 5! was so clearly a mistake that East had no legal obligation to offer a correction. The Panel allowed the table result of 6Ê made six, plus 1370 for E/W, to stand.

DIC of Event: Jay Magid
Panel: Ron Johnston (reviewer), Olin Hubert (scribe), Roger Putnam, Matt Smith
Players Consulted: none reported

Directors' Ruling: 51.7 **Panel's Decision: 96.9**

Well, to the best of my knowledge this case is a first (though perhaps not for the players involved). East asks to change her inadvertently pulled bid (which it turns out is an incorrect response to RKCB) to the response she actually intended to make…which she is allowed to do. The bid she substitutes turns out to also be an incorrect response to RKCB. It's just too bad we didn't have this on Vugraph.

It's difficult to fathom what the table Director had in mind when he made his

ruling. East was clearly confused and misbid. Neither of the bids she eventually tried to make had any relation to her actual holding. Actually, West made the most intelligent statement in the whole amusing episode when he identified East's 5! bid as a possible void (which is typically what the fifth-step RKCB response shows – two key cards and a void). Of course East was under no obligation to tell the opponents about her misbid (and perhaps she didn't even realize it at the time).

But none of this addresses the main point of this charming story, which is North's claim that E/W's explanations (or lack thereof) deterred her from leading the ! A. Nowhere does the write-up indicate that either East or West explained 4! as ace-asking – only that East's 5! bid was anti-systemic and might show a void. This conflicts with the Director's statement that East told him away from the table that she was trying to show key cards in response to (what she thought was) RKCB. However, E/W were still obligated to disclose, before the opening lead, that 4! was ace-asking (4! is one of those diabolical Delayed Alerts) and not a cue-bid.

Here things get a bit complicated. If North thought that 4! was a cue-bid (perhaps showing a void, looking at the ace herself) and so was deterred from leading the ! A, then redress is possible. However, she made no mention of wanting to lead the ! A to the Director at the table nor did she claim that the failure to explain 4! as RKCB caused her to take 4! as a void, which in turn deterred her from leading the ace. In fact, if anything West's explanation of 5! as "maybe…a void" suggests that West didn't have a void himself. But then if 4! was a cue-bid, it could only be a singleton or the king (which it was). So a failure to explain 4! as RKCB leads to an accurate view of West's heart holding: second-round control.

On the other hand, if North's failure to lead the ! A was due to the impression that *East* had a heart void for her 5! bid, then she is not entitled to any redress since this was rub-of-the-green: the product of East's misbid. It's troubling that this possibility wasn't addressed by the Panel and none of our panelists seems to have mentioned it either.

Depending on what claims North made at the table about what influenced her choice of leads, I can see three possible resolutions of this case. (1) If there is no evidence linking North's lead to an impression that West had a heart void for his 4! bid, then the table result should stand for both sides. This was the Panel's decision and received unanimous support from our panel. (2) If there was evidence that North's lead was influenced by the impression that West had a heart void for his 4! bid, and if RKCB was E/W's agreement, then the score should be adjusted to 6Ê down one for both sides, as the table Director ruled. (3) If it is possible that the ! A lead was deterred by the general confusion created by E/W, but insufficient evidence exists connecting North's action to any MI about the 4! bid, then both sides should be given the worst of it by allowing the table result to stand for N/S and adjusting the score to 6Ê down one for E/W.

Where am I on this issue? I think the write-up clearly supports (1), especially since any MI about the 4! bid (if we believe it existed) leads to an accurate view of West's heart holding. Therefore, I would allow the table result to stand.

Without further ado, here are our panelists' reactions to this one.

Bramley: "Terrible Director's ruling corrected by the Panel. If the Director had allowed the table result to stand an appeal by N/S would have been meritless."

Brissman: "Good decisions by both the table Director and the Panel, and a good illustration of the appeal process. The table Director, confronted with a prima facie case of MI, ruled appropriately for the non-offenders. But the Panel, afforded more time for fact-finding and analysis, appropriately reversed the ruling. In the larger view, it is clear that an appeal process is necessary and that the table Director should not be vested with final authority (as some have suggested)."

R. Cohen: "Too bad! North made an unfortunate opening lead. Don't try and achieve in Committee what you didn't earn at the table."

Mollemet: “The case write-up is incomplete and confusing to me. It looks like the 5" bid was ruled to be a mechanical error. Given that it was indeed a mechanical error the table result should stand and I concur completely with the appeal Panel. I don’t think the table Director got this one right.”

Peter makes an interesting point about a possible error in the ruling to allow East to retract her 5" bid. Only clearly mechanical errors should be allowed to be corrected. If East was confused and pulled the 5" card thinking that was the correct RKCB response, and then realized her error (even if it was immediate), then she was not entitled to correct it…at least not in the Big Boy’s game. (Don’t start with me about CASE THIRTY-SEVEN.)

Passell: “Well done.”

Patrias: “It appears that there was no infraction and the table result should have stood.”

Polisner: “I concur. Just like CASE TWENTY, a player who couldn’t succeed at the table is trying a second bite at Committee. Other than the fact that the Director had adjusted the score – for reasons which I don’t understand – I would have considered an AWMPP for N/S.”

Ouch! That “bite at Committee” strikes a bit too close to home. Couldn’t you have found some other metaphor, Jeff?

Rigal: “A tough one. Very reasonable Director ruling. As for West, he made an intelligent answer on bridge logic and also re agreements to my mind. After all, 5NT over 4NT shows voids. I have every sympathy with East for not realizing still that the 5! bid was answering a non-4NT ace-ask. We all have blind-spots and if one gets lucky from time to time that is the rub of the green. (Oh dear, it must be catching….) I think the Panel did the right thing.”

Rosenberg: “Okay.”

Stevenson: “It is difficult to see a basis for the Director’s adjustment. Did the Director consult and if not, why not? Consultation for Directors is mandatory for judgment decisions since even the best Directors can overlook something.”

Treadwell: “It was obvious at the table that E/W, from the bidding and their explanations, did not know what their partner was doing. So the Panel correctly ruled that there had been no MI – just lack of information which put N/S on the same plane (plain?) as their opponents. Good decision.”

Weinstein: “The Panel got this right even though the table Director was too quick in buying into N/S’s MI contention.”

I guess that makes this a case of “premature investmentation.”

CASE TWENTY-TWO

Subject (MI): Appeal Not For Mercy Without Justification
Event: Flight A Pairs, 20 Mar 99, Second Session

Bd: 13
Dlr: North
Vul: Both

David Sokolow
Í Q63
! KQ98
" AQ543
Ê 9

Ed Word, Jr.
Í K10754
! 1072
" KJ762
Ê ---

Paul Baldwin
Í AJ9
! AJ4
" 109
Ê KQJ53

G. Sekhar
Í 82
! 653
" 8
Ê A1087642

West	North	East	South
	1!	1NT	2Ê
2Í (1)	Pass	3Ê	Pass
3"	Pass	3NT	All Pass

(1) Alerted; transfer to clubs showing a minor

The Facts: 3NT made three, plus 600 for E/W. The opening lead was the ! 6. The Director was called when the dummy was displayed. After the 3" bid North had asked what the Alert of 2Í was and had been told that it was a transfer to clubs, showing a minor. The Director believed that although there was MI and UI to West, and that E/W had no conventional agreement about the 2Í bid, there was no consequent damage (Law 73C and Law 40C). Since the only obvious infraction was that West did not warn N/S before the opening lead that he had thought their agreement was that 2Í was natural, and since South had led a heart (North’s opening bid), the table result was allowed to stand.

The Appeal: N/S appealed the Director’s ruling. N/S stated that they frequently open four-card majors. North decided to open this awkward hand pattern with 1!. N/S expressed concern that East should not have bid 3NT if West’s sequence showed a weak hand. Furthermore, North maintained that he thought they should have been defending a 2Í contract. He further argued that the Director should have canceled the board when he arrived at the table, that inexperienced players should not be allowed in Flight A events, and that the ACBL should insist on better compliance with the Alert procedure. When asked to specify how they were damaged by UI or MI, N/S again focused on East’s bidding. Late in the review process North stated that he might have doubled 3" had he been given correct information. He maintained that this would have led to a more favorable contract for their side. The first time this contention was made was late in the review process; it apparently was not mentioned to the table Director. E/W stated that in other auctions (1X-1NT-P-?) 2Í is a weak relay to 3Ê for the purposes of playing 3Ê or 3". West said he did not think it applied in this auction. When asked why he had bid 3NT when partner had shown a weak hand East said he thought N/S were operating. E/W were relatively inexperienced – East in particular had about 100 masterpoints.

The Panel Decision: Three potential law problems existed: (1) West’s failure to inform the opponents of MI before the opening lead (Law 75D2); (2) MI and possible damage to N/S (Laws 21B3 and 40C); and (3) UI to West from the Alert and the answer to the question (Law 16A). Two players were consulted on points (2) and (3). Both could not identify any link between the MI and any damage to N/S up to the point when the MI was corrected. Both were also asked to comment on whether West chose from among LAs any call(s) that could have been demonstrably suggested over other(s) by the UI from the Alert and the response to the question. One saw no alternatives to either 3" or the pass of 3NT; the other agreed about 3" but thought that action over 3NT was possible and contraindicated

by the UI. However, he believed that such action would likely have led to a better E/W result than that achieved at the table. The Panel then concluded that (1) N/S were not damaged by any illegal choice by West based on UI and (2) N/S were not damaged by MI. The table result of 3NT made three, plus 600 for E/W, was allowed to stand. The Panel did not penalize West for violating Law 75D2 but did educate him about his responsibilities to disclose. The appeal was found to have no substantial merit. The Panel did not believe that N/S presented any plausible argument for a score adjustment either on the basis of UI or of MI and both were very experienced players.

DIC of Event: Roger Harbin
Panel: Matt Smith (reviewer), Olin Hubert, Ron Johnston
Players Consulted: John Solodar, Eddie Wold

Directors' Ruling: 97.4   Panel's Decision: 87.2

Since West could (presumably) have competed with 2♦, and since he will not hold clubs (South's suit) for his "transfer" (he could have doubled), the only logical conclusion is that West holds at least invitational values with diamonds (unless he had subsequently made some other Lebensohl-type bid over 3♣, such as 3♥). In addition, I can find no indication that East was privy to any UI. Thus, I fail to understand N/S's concern with East's 3NT bid. In addition, I fail to see why North maintained that N/S should have defended a 2♠ contract. East may have become confused about the meaning of West's 2♠ bid, but he was entitled to bid anything he wished. Moreover, I'll bet that if he had taken an action which had resulted in a poor result for his side, North would not have been among the players to offer E/W sympathy and a score adjustment. And as far as I an aware, the table Director did not have an option to cancel the board. What I do think is that pompous and ignorant players like those responsible for this appeal should not be allowed to intimidate their opponents, and that the ACBL should insist on better compliance with appeal procedures before such players are allowed to file other appeals.

If I've made myself clear, I'll allow the rest of the panel to proceed.

Bramley: "Another waste of time. If the appeal had no merit, then where is the AWMPP? And if the description of North's behavior is accurate, where is the Conduct Committee?"

Brissman: "The write-up states that the appeal was deemed to be without merit, but it does not disclose whether an AWMPP was assessed. I hope it was."

Mollemet: "Walla Walla. Bar all inexperienced players from Flight A. That would solve everything. Maybe the real lesson to be learned from this case is that good players will from time to time get a bad result against inexperienced players just because the opponents were lucky. Directors should not be called in an attempt to change such things. You may, however, call when you get a good board because of similar happenings. I didn't notice an AWMPP for an appeal without substantial merit."

Treadwell: "A good decision but it blew another appropriate opportunity to issue AWMPPs to N/S."

Linda thinks that AWMPPs were not assessed here because of the timing of the appeal. It was only the sixth case that the Director Panels heard (it occurred on the first Saturday of the tournament) and they were still feeling their way through the new process. They really weren't sure what constituted an appeal without merit and even less certain about assessing AWMPPs. I agree. This appeal probably would have received such an "award" had the Directors had their sea legs about them at the point where the appeal was brought.

R. Cohen: "How did 3NT make after a heart lead? Someone else trying to get in Committee what they didn't earn at the table? Well done by Director and Panel."

Passell: "The inexperienced player must have played this one awfully well."

Martel: "I do wonder how 3NT made. Looks easily down one. The decision is okay, but it should be noted that West may well have taken advantage of UI from partner's Alert. If 3♣ is some sort of game try in spades, West might bid 4♠ directly, or at least correct 3NT to 4♠. However, since 4♠ would likely make on a club lead (or even the ♥K lead), N/S weren't damaged."

Yes, it certainly appears that if North wins the first diamond and continues the heart attack (no matter which heart he played at trick one), his side must come to five tricks (two hearts, two diamonds and a club) on defense. So perhaps the ACBL should not allow players who defend as poorly as North to enter Flight A events.

Ron agrees with Chip about the prospects in 4♠ and introduces yet another reason for N/S to have thought more carefully about what they were asking for.

Gerard: "4♠ was a LA to 3♦, and 3♦ was clearly contraindicated (East might pass). Nothing was indicated over 3NT, so West would have been free to bid 4♠, which would have led to a better result. For their transgressions, N/S should have been allowed to double 3♦ and defend there. East bid whatever he bid without any constraints, so he should have escaped the third degree. Consequent damage is now irrelevant but damage is still required and it didn't exist."

The next panelist makes an excellent point about West's education that the Panel missed.

Polisner: "Good all around except West took advantage of UI when he didn't insist on spades after East 'cue-bid' 3♣. He should have also been at least admonished for neglecting his responsibilities under Law 73C."

The write-up says that West was educated about his responsibility to disclose under 75D2 (correcting his partner's misexplanation), but Jeff's point about 73C (not taking advantage of UI from partner) is right on target. West should also have been educated about his responsibility not to take an action (passing 3NT) which could have been suggested by the UI from East's Alert of 2♠. Good catch, Jeff.

Covering many points rather thoroughly…

Rigal: "The Director made the right ruling and the Panel also spotted the issues. I think that if anything West was more likely to bid 4♠ than to pass 3NT after the Alerts, and 4♠ is in abstract better than 3NT is it not? So no damage from UI. The failure to Alert is correct, but no damage there either so no penalty. And the AWMPP is also in place I think. It is not good enough to feel damaged; you also have to be damaged."

Rosenberg: "Okay."

The next panelist places things in a nice, warm, comfortable perspective.

Weinstein: "Another variation of if 'it huddles shoot it.' With all due respect to Wolffie, every time there is a bidding misunderstanding, the offenders' score doesn't automatically get adjusted, nor the non-offenders rewarded. North's behavior at the Hearing was very poor. After telling the Panel that the table Director should have canceled the board, dissing the Alert procedure, and stating that inexperienced players shouldn't be allowed in Flight A, he might have asked for all 60% slams to automatically make and world peace. They have the same relevance to the case. At least they didn't lie (excuse me, allegedly lie) to the Panel like East

in CASE TWENTY. Laws Commission, after the last few cases you don't think that reducing non-offenders' sense of entitlement would be more beneficial than any harm occurring from an offender escaping once in a blue moon?"

Howard for president – of the ACBL.

The following panelist sums up a key issue here perfectly.

Stevenson: "The reported comments by North are a disgrace, showing a level of intolerance that is completely unacceptable. North clearly was bloody-minded because he was unable to accept getting a poor score against an inexperienced pair. Flight A would benefit more from North leaving it than from E/W doing so. Failing that the Panel was extremely remiss in not issuing him a Disciplinary Penalty. Was Zero Tolerance not in operation? Furthermore, despite the appeal having no merit whatever – North's case being that inexperienced players should not get good results against him when they make a mistake – there is no mention of an AWMPP. Why not? If bridge is to remain popular, players need to be educated in common courtesy and reminded of the requirement to such courtesy as embodied in Laws 74A1 and 74A2."

CASE TWENTY-THREE

Subject (MI): Much Ado About Nothing?
Event: Open Pairs, 22 Mar 99, Second Session

Bd: 15 Dlr: South Vul: N/S	Í 6 ! KJ32 " AJ9542 Ê A4	
Í KQ108543 ! --- " 1073 Ê K76		Í A ! 975 " KQ6 Ê QJ10852
	Í J972 ! AQ10864 " 8 Ê 93	

West	North	East	South
			2!
2Í	2NT	3Ê	Pass
Pass	4Ê	Dbl	Pass
Pass	Rdbl	Pass	4!
Pass	Pass	Dbl	All Pass

The Facts: 4! doubled made six, plus 1190 for N/S. East inquired about 2NT and was told that it was natural. The Director accepted West's statement that she would have pulled the double of 4! if she had been given the information that 2NT was feature asking. Judging that N/S should compete to 5! , the contract was changed to 5! made six, plus 680 for N/S.

The Appeal: N/S appealed the Director's ruling. North said he intended 2NT as feature asking, as if West had not bid. In response to questions South said that 4Ê was forcing ("He wants me to bid something") and that redouble was also forcing. N/S stated that they had never met before the day of the event. East had asked about 2NT before bidding 3Ê and was told it was natural. He said he would still have bid 3Ê if he had been given the correct information.

The Panel Decision: Under Laws 40C and 21B3, a player is entitled to an adjusted score if it is probable that he has made a call as a result of MI given him by an opponent and was thereby damaged. While E/W were given MI (N/S had no agreement that 2NT was natural), the Panel judged that the subsequent auction revealed that North could not have the hand originally attributed to him. The unmistakable implication of North's 4Ê bid and redouble was that he was interested in a contract higher than 4! . The Panel therefore decided that the damage was not the result of the MI and restored the table result of 4! doubled made six, plus 1190 for N/S. The Panel also did not find that the infraction had contributed to the damage sufficiently to award a split score.

DIC of Event: David Marshall
Panel: Olin Hubert (reviewer), Charlie MacCracken, Roger Putnam, Matt Smith
Players Consulted: none reported

Directors' Ruling: 64.7 **Panel's Decision: 91.9**

While no players were consulted on this case, we are told this was because the appeal was filed quite late (at the end or just after the session) and no acceptable consultants remained in the Convention Center where the event had been played.

As for the bridge, it is nightmarish. In my opinion N/S likely profited from their failure to properly disclose their agreement (or lack of one) regarding North's 2NT bid. It appears from the write-up that N/S were a pick-up partnership (with 1390 and 630 masterpoints, respectively) who had not discussed the 2NT bid after interference. South improperly characterized it as natural (his own inference, however reasonable that was under the circumstances) which could have inhibited West from rebidding her broken spade suit. While North's subsequent 4Ê cue-bid

suggested a much stronger hand than one which would have bid a natural, non-forcing 2NT previously, South's characterization of 2NT as natural (suggesting spade values and probably not a significant heart fit) could have obscured this inference from E/W. This was then followed by North's failure to correct the MI from his partner's explanation of 2NT as natural.

On the other hand, there is little to defend in E/W's actions (E/W had 950 and 770 masterpoints, respectively). West's overcall, while attractive with long spades and the heart void, is clearly undervalued for a direct action over a preempt. Discretion might at least have dictated that West pull East's double (to 4♠ or 5♣) given her lack of defensive values and undisclosed club fit (in which lay all of her outside strength – such as it was). And while East's 3♣ bid may have been the most normal call of the auction, his double of 4♥ (bid voluntarily by vulnerable against non-vulnerable opponents after cue-bidding toward slam) when he held minimal defense against a heart contract (in spite of his extra high-card strength) was of questionable judgment.

It would have been nice to be told when the Director was called. Did E/W call when dummy first appeared or when they ended up minus 1190?

On balance, I favor a two-way adjustment with E/W keeping their well-earned table result (4♥ doubled made six, minus 1190 for E/W) and N/S having their score adjusted to 5♥ undoubled making six, plus 680 for N/S, preventing them from profiting from the MI about the 2NT bid.

Bramley: "The Director's rulings have been grim in this stretch of cases. Most of the time, as here, they have reflexively ruled for the 'non-offenders,' usually incorrectly, but sometimes they have ruled incorrectly for the offenders (for example, CASE SEVENTEEN). The Panel fixed it again. Is it possible that the table Directors are getting lazy in expectation that the Panel will correct any mistakes?"

Bart could be right about that last point. Many of the top Directors who usually consult on table rulings are now members of the Panel. While in a few cases Panel members consulted on the table rulings and then recused themselves from the later appeal, in most cases the Panel remained at full strength and the table rulings were made without their input. (We hope there were no cases in which they acted in both capacities.) So the reliability of the table rulings could have been compromised.

Like Bart, the following panelists all supported the Panel's decision.

Mollemet: "I agree once again with the Panel. The damage was not a result of MI and the table result should stand. The table Director should have ruled similarly."

Polisner: "No problems except we are seeing a number of less experienced players using the appeals process to try to make up for bad bridge."

Rigal: "Right on from the Director in cases of infraction and doubt. As to West, I have some sympathy with him; but if he was listening to the auction he would have known that North had huge heart support and partner had cards; so the pull to 4♠ was indicated, MI or no MI. I think it was clear enough that the Panel did the right thing. We do not want to hand the whiners a blank check."

Rosenberg: "'Natural' was a bad answer, but the Panel's decision was correct."

Stevenson: "Good decision: clear enough that the ruling should have been the same. Unfortunately the final comment by the Panel makes little sense: they had already decided that there was no damage."

Treadwell: "East made a somewhat frisky double and West chose to leave it in with a highly distributional hand. Quite correctly they paid the price and when they found the price was so high wanted a score adjustment because of MI. Let's play bridge as a game and not as a complex court case with lawyers deciding the issues."

Weinstein: "The last few cases could have been written by Goldman as examples of the non-offenders too often not being innocent parties in Director calls or appeals. Here there was a ridiculous contention by E/W and they found a Director willing to buy into it. If one makes enough trivial Director calls, occasionally one will get an undeservedly favorable ruling. Too often the opponents won't protest. I am, only partially tongue in cheek and at the risk of committing a Wolffie-ism, proposing that we have a DCWMPP. (I leave it to the reader to determine the meaning of the acronym.) I have recorded a world class opponent for a DCWM. I truly believe the world would be a better place with fewer DCs, less litigiousness and gun control. I have a dream, where all those on capitol hill who aren't voting for total assault weapon bans are locked in a room with a couple of guys armed only with non-banned assault or semi-automatic weapons. I have a similar dream where all litigious players are in their own section and forced to play only against each other (without assault weapons). Both dreams have about the same chance of coming true."

"Ah, but a man's reach should exceed his grasp, Or what's a heaven for?" – Robert Browning.

Two panelists opposed the Panel's decision. The first makes an excellent point about the timing of the Director call.

R. Cohen: "Did North call the Director before the opening lead to correct his partner's explanation? Seems he didn't. If he had, the Director might have canceled the last two passes and allowed West the option of bidding 4♠. Since these things do not seem to have occurred, I go with the Director ruling."

It seems that West might have been offered a second chance to reconsider her decision to pass. Still, she had compelling reasons to have pulled as it was.

Passell: "It became very obvious during the auction that North was trying for slam. East's double was utterly ridiculous."

I think the reason for the split among our panelists is that both decisions (the Director's and the Panel's) are correct – for different sides. E/W deserved nothing for their incompetent bidding and deafness to the clear indications in the auction (even if West might have been given a second chance, as Ralph mentions). But there is also a very real chance that N/S helped affect their good fortune through MI about the 2NT bid. None of the players here were of a high caliber, which makes the chances that N/S improved their result even more likely. So why not a split decision, guys? At least the Panel considered this option (before rejecting it).

CASE TWENTY-FOUR

Subject (MI): An “Unusual” Situation
Event: Stratified Open Pairs, 23 Mar 99, First Session

Bd: 34 Dlr: East Vul: N/S	Í A1084 ! K9653 " 1064 Ê 2	
Í J762 ! AQ2 " 53 Ê AKQ5		Í K3 ! J10874 " AQ9 Ê 873
	Í Q95 ! --- " KJ872 Ê J10964	

West	North	East	South
		2!	2NT
4!	Dbl	All Pass	

The Facts: 4! doubled went down three, plus 500 for N/S. West inquired about the 2NT bid and was told by North that it was 15-18 balanced. West said that if he had known that it had been intended as Unusual he would have bid only 3! . South said he did not understand that their agreement was as stated by North. The Director changed the result to Average Plus for E/W and Average Minus for N/S (Laws 21B3, 40C and 12C).

The Appeal: N/S appealed the Director’s ruling. North stated that the agreement of 15-18 existed; South did not recall ever having that agreement. N/S considered the E/W result a “fix,” not subject to legal protection. The question asked by West was, “Is that a normal 2NT bid?” West told the Director that he would have bid only 3! if he had known that 2NT was for the minors. (The ! K was “known” to be finessable if 2NT was natural.) Later, while speaking with the Reviewer, West speculated that he might have passed to see how North responded to 2NT. 3! would not have been invitational.

The Panel Decision: There were two legal questions before the Panel. The first question was, did MI exist (Law 75). The second question was, if so, were E/W damaged by the MI (Law 40C empowers the Director to adjust the score in the case of MI and Law 12C2 states the standards for adjustment – for offenders the “most favorable result that was at all probable” and for non-offenders the “most favorable result that was likely”). In response to the first question, the Panel decided that MI did exist – West reasonably concluded from North’s answer that 2NT was natural and showed 15-18 HCP. In response to the second question, the Panel solicited expert advice. Two players consulted both thought that West’s argument that he would have bid only 3! had he known 2NT was Unusual was not valid enough to warrant an adjustment. The third player thought the argument had more validity. He thought N/S should not keep their score and that it was close as to whether E/W deserved a favorable adjustment, but on balance he favored granting them an adjustment. The Panel concluded that enough evidence and opinion existed that E/W were damaged to grant an adjustment under Law 12. Since E/W were entitled to the explanation that no agreement existed rather than that 2NT was Unusual, the Panel was not confident in assigning an actual score and instead assigned N/S Average Minus and E/W Average Plus.

DIC of Event: Mike Flader
Panel: Matt Smith (reviewer), Ron Johnston, Roger Putnam
Players Consulted: Eric Rodwell, Michael Seamon, Steve Weinstein

Directors’ Ruling: 64.2 **Panel’s Decision: 61.4**

First, call me picky but was the Director called as soon as South showed out of trumps or after the hand was over? Inquiring minds want to know. Second, if the Panel was not confident in assigning an actual score, why were expert players not consulted for this purpose? It is quite possible that a two-way adjustment might have been appropriate since two of the three consultants saw no validity to E/W’s claim for redress and the third thought it was close. This seems to have been a poor job by the Directors at all stages.

Next let’s consider some of the deeper issues in this case. South was a non-Life Master with under 200 masterpoints. Apparently within this group there is a common misconception that any 2NT bid is unusual (I’ve seen evidence of this myself). North, on the other hand, was a LM with about 2000 masterpoints who likely was ignorant of this misconception (as most of us are). Her presumption of 15-18 balanced was certainly normal in the absence of any discussion, but perhaps playing with *this* partner she should have known to answer: “We haven’t discussed it but…” So, while “technically” I agree with the Directors’ conclusion that there was MI, in practice there was no reason to anticipate that South was on a different planet. There’s also no reason to believe that N/S had an agreement that 2NT was anything other than natural, but players owe it to their opponents to provide full disclosure about their agreements including: Has the auction been discussed? Has the bid in question occurred before? Is the auction related to a similar one that has been discussed or has occurred? The opponents are due useful information about the partnership’s experience (especially if they’ve never played together before). Clearly North failed to fully live up to these obligations.

As for the question of whether E/W were damaged by the MI, let’s consider West’s claim in light of likely holdings by East. I’m presuming that E/W do not have the agreement to open weak two-bids holding bad five-card suits in terrible hands, even at favorable vulnerability (as East’s side high cards attest). So West might reasonably expect a weak six-bagger with a little something on the side (say Í xx ! J10xxxx " Axx Ê xx). Opposite this hand West would normally expect to make 4! whenever South has the ! K not more than third and most of the rest of the time, regardless of who has the ! K, on a non-spade lead. Change the " A in my example hand to the Í A and the chances of making 4! are improved. Add another useful card and 4! is a huge favorite, and none of these constructions is as strong as East’s actual hand. In fact, on the actual hand, had South held one or two trumps the contract could easily have made. So West’s argument that the meaning of 2NT would have affected his action is not even close to credible. This conclusion is made even more compelling by the fact that opposite Í x J10xxxx " AKx Ê xxx it takes specifically a spade lead to defeat 6! – even with the ! K offside!

So I cannot agree with either the table Director’s or the Panel’s decision to redress E/W in this case and I certainly object to their assigning artificial scores even if an adjustment were warranted. What say you, panelists?

Bramley: “Give me a break. I don’t believe West’s statement that a different explanation of 2NT would have affected his action. Why does the knowledge that South has all of the high cards make 4! a better gamble than the knowledge that South has a lot of minor-suit cards? If you looked only at the E/W cards, which explanation would give you a better chance for game? Minors! Furthermore, if the E/W weak two style is as random as the East hand suggests, then West is clearly on his own if wants to bid a game. The Panel seems to have bought the argument of the one expert who inexplicably sided with E/W rather than the two who knew a result merchant when they saw one. The Panel also wussed out in their duty to assign a score. If they felt so strongly that West would only have bid 3! , then they should have assigned a contract of 3! doubled down two for both sides. (North, still assuming he was opposite a strong notrump, would have doubled 3! .) Certainly the assigned result should be no better than minus 300 for E/W and no worse than plus 300 for N/S.”

Bart makes an excellent point that E/W’s apparent weak two-bid style argues strongly that West is on his own.

Gerard: "There are all kinds of everyday sequences that casual partnerships don't discuss but that are subject to 'default' interpretations. In fact, serious partnerships only discuss them for nuances or follow-ups, not to clarify their meaning. For example, weak 2! , jump overcall of 3l . At the local club no one discusses this because they're too busy rattling off Bergen raises, Reverse Smith, 1430, etc. Experts might discuss advancer's responses but that would be it. The 'default' meaning of 3l is a strong jump overcall, so if some player bid it on queen-jack seventh and out he'd be off on a frolic of his own. If you asked his partner 'Is that a normal 3l bid?' of course the correct answer is 'We've never discussed it.' But that fact itself means that the default explanation is almost correct – if you don't discuss exceptions you should be deemed to ratify the usual meaning. The more standard the usual meaning, the greater the obligation to discuss any deviations.

"South's 2NT bid fell into this category, as witness West's question ('Is that a normal 2NT bid?'). South was marching to his own drummer, even though he might get some of his peers to agree with him. If that's what he wanted 2NT to mean, he was obliged to discuss it. What we really have here is a failure to communicate – South assumed a different default interpretation than the rest of the world. [Maybe not *his* world – *Ed.*] Clearly there was no agreement to that effect and West was never entitled to information that would enable him to act on other than his general bridge knowledge.

"There's a simple way to handle all these situations. North's correct response to West's question was 'We have no conventional understanding.' End of case. No fatuous arguments such as those advanced by West. No gobbledygook about how valid those arguments were when they should have been rejected out of hand as self-serving. I keep harping back to 'that's why I didn't bid over 2Ê ' as the prototype irrelevant comment. West planted this seed and the Panel nurtured it. If North had phrased his answer properly, West would have had to act on the default assumption. It may not be the national character to respond that way, what with the fear of seeming uninformed a common bugaboo, but we can perform an educational function here. This is not word smithing or evasiveness, it's a legitimate attempt to anticipate problems that might not exist in a less litigious society.

"I think North was trying to convey a 'default' explanation. If she had known to change a few words around, West would have had no case. The real MI came from North's not knowing how to respond, not from West's perception – the Panel's definition of MI is seriously flawed. If North had answered as I've suggested West still could have reasonably concluded that 2NT was natural but there would have been no MI. West seems like the type who pounces on every opportunity and someone needed to lecture him that his bridge analysis needs to undergo serious, well, analysis. Why should West have been better off than if North were more mentally facile? If you're one of the seeming millions who can't stand bridge lawyers, you won't hold it against North that she wasn't a linguist."

Polisner: "I disagree. The table result should stand as the MI (which I agree did occur) was not the cause of the damage. What caused the damage was that East did not hold l xx ! K109xxx " Axx Ê xx (or many other similar hands) in which 4! would be virtually cold. By West even suggesting that he would not have bid 4! had he known the correct meaning of 2NT is gratuitous at best."

Rigal: "I disagree with the Director and Panel here, but not strongly. The 4! bid looks so marked to me that I cannot see why West should be entitled to the benefit of any doubt. The problem is East's absurd opening bid, not West's action; and you cannot legislate that. I'd leave the result in place. But the initial Director ruling of giving the non-offending side the benefit of the de minimis doubt is at any rate defensible."

Rosenberg: "South didn't know 'Standard.' N/S were, in general, in great danger of a disaster with the lack of agreement over this 2NT bid. The fact that they got lucky here is bad luck for E/W. West's statement that he would have bid 3! may have some validity, but not enough to warrant an adjustment. What if someone doesn't know Standard in an auction type *not* likely to court disaster? That's a real problem. Come to think of it, maybe that 2NT overcall as two-way is a good idea. Usually partner can read it."

Providing a comprehensive discussion of the pertinent laws and the mechanics of score adjustment (although he agrees that they weren't warranted in this case)…

Stevenson: "Absolutely appalling. Perhaps it is time we required all Directors to re-learn the laws. As the write-up noted, Law 12C2 is used for deciding the adjustments if there is MI, and artificial adjustments (such as Average Plus or Minus) are not a part of it. Law 12C2 requires the Director and Committee to assign actual scores in place of the score obtained at the table.

"Was there MI? Both Director and Panel decided that there was. Was there damage, i.e. might the non-offending side get a better score without the infraction? Again, both the Director and Panel thought so, though a majority of the players consulted did not think so. Personally, my experience is that opponents raise more freely over distributional bids than bids showing strength, and I believe that West's argument had no merit and sounded like an argument constructed by a Bridge Lawyer. Assume, however, that there was damage: what next? The Director and Panel are required by the law to assign an adjusted score. If West had bid 3! , what would have happened? The only two real possibilities are that it would be doubled and passed out or just passed out. North knows from his hand that South does not have 15-18 balanced so he might not double. Therefore an adjusted score of 3! down two would seem reasonable.

"What really is worrying about this hand is that it is not difficult to assign a score, so the reasons for not doing so are very worrying. Directors at NABC level should know the laws and be able to apply them in simple cases. Again, the Panel system may be partly to blame: the best way for a score to be assigned is for players who are good at the game to discuss it and reach a consensus."

David's point that Law 12C2 requires assigning an actual bridge result rather than an artificial score when replacing a result obtained at the table (which is often ignored by Directors making table rulings) is not the only interpretation of 12C2. Another view cites 12C2's provision for assigning an adjusted score in matchpoints. This view holds that Average Plus/Minus are simply matchpoint scores (i.e., 60% and 40% of the matchpoints, respectively) and that it is therefore possible to assign artificial scores legally under 12C2. The counter-argument (which I favor) is that the law framers do not appear to have intended for artificial scores to be assigned in situations governed by 12C2 (as opposed to those covered by 12C1). Rather, the matchpoint provision seems intended to allow the "expression" of the adjusted score to be in whatever form (total points or matchpoints) is most convenient.

This whole issue is presently unresolved and still hotly debated in some circles. In my opinion, artificial scores may be assigned under 12C2 but only if there is no practical way to decide what the bridge result would have been (as when too many unknowns are present to project a result or the bridge variations are too complex). A good place for this to be done is in a club game, where there is no Director or Committee available with the bridge expertise to project a realistic result, in which case assign Average Plus/Average Minus and "La, la la la life goes on."

Weinstein: "There is no requirement that E/W's contentions be considered here. I am even less favorably disposed to listen to any of their contentions after East's beautiful 2! opener. Is a failure to play bridge prior to the irregularity actionable? Even if the Director and Panel decided that West might have only bid 3! as contended originally, why wasn't the score adjusted to 3! doubled down two as the overwhelmingly likely result?"

Sorry, Howard, but you can't legislate retroactive retribution for poor bridge.

Passell: "Why would West be more apt to bid 4! over a natural 2NT? Why would he get Average Plus for his bid? Result stands and a PP against N/S seems indicated to me."

The PP is just too much, Mike. As Ron explained, a little education is all that was needed, here.

The following panelist suggests an interesting initial action with the West hand that none of our other panelists mentioned, so his billing it as the choice of "the vast majority" is clearly an overbid.

Treadwell: "I suspect that the vast majority of players would double with the West hand after a natural 2NT bid by South. After all, N/S are vulnerable and a big penalty seems probable. On the other hand, some conservative Wests might choose 3! (rather than 4! or double) if given the correct information. Average Plus for E/W seems a bit much since they could have collected at least 200 by starting with the clear-cut double and gotten a very good score. I would vote for Average to E/W and Average Minus to N/S."

Sorry, David, but if you're going to adjust the score (not a good idea here) you should assign a bridge result that you think would have happened rather than a cop-out artificial one. Aside from the questionable legality of this approach (see above), what if plus 300 would have been a poor result for E/W? Why should they be guaranteed an Average Plus result?

The last two panelists also have the Average Plus/Minus bugaboo. I wish we had a cure for it.

Mollemet: "N/S are guilty of MI as South was under the impression that the partnership agreement was that 2NT was for the minors. Since no one can be 'reasonably' sure of the result of the board had the correct information been available (South's interpretation of the partnership agreement) Average Plus/ Average Minus seems like the correct ruling."

South's impression had nothing to do with "partnership"; it was an error of inexperience. Also, the laws don't say to assign a score you are "reasonably" sure would have occurred. They say to assign "the most favorable result likely" (non-offenders) and "the most unfavorable result that was at all probable" (offenders).

R. Cohen: "No strong feelings here. Average Plus/Average Minus seems okay."

That's easy for you to say. You not only caused this whole problem but you continue to refuse to help resolve it.

CASE TWENTY-FIVE

Subject (MI): Rolling Dice Ruled Legal In Vancouver
Event: Stratified Open Pairs, 23 Mar 99, First Session

Bd: 15
Dlr: South
Vul: N/S

North:
Í ---
! Q832
" J6
Ê AKQJ975

West:
Í J32
! KJ1076
" AK4
Ê 64

East:
Í Q109765
! ---
" Q10953
Ê 102

South:
Í AK84
! A954
" 872
Ê 83

West	North	East	South
			Pass
1!	3Ê	Pass	3NT
Pass	Pass	4Ê	Pass
4!	Dbl	4Í	Dbl
All Pass			

The Facts: 4Í doubled went down one, plus 100 for N/S. 3Ê was not Alerted and the partnership agreement was that it showed an intermediate jump overcall. The Director ruled that E/W were not damaged and allowed the table result to stand (Law 21C2).

The Appeal: E/W appealed the Director's ruling. East believed that he was placed in the unfair position of having to guess whether or not to compete opposite a passed hand and a supposed preemptive bid. The hand might even belong to them if a fit was found. Opposite an intermediate bid the expectation of extra points in partner's hand would diminish and East said he would have passed. South stated he was unaware that intermediate jump overcalls required an Alert.

The Panel Decision: The Panel decided that there was MI, but that it was not probable that the 4Ê bid by East was made as the result of MI given to him by an opponent (Law 21B1). It would seem that after either a preemptive or intermediate 3Ê overcall, South has rolled the dice. Perhaps the intermediate bid offers a little more protection of a game bid to cover any negative score from a four-level contract. It may not take much for E/W to go plus in 4" or 4Í. Four players were consulted. The first two did not see a huge difference based on the meaning of North's call, but did think it more likely that East would bid after a preemptive bid. The third would not have bid after either call, saying that he believed South was gambling and he wasn't going to gamble right back with this hand. He did not think that the two meanings changed the situation. The fourth player said he would probably have bid with this hand but the meaning of the 3Ê call by North would not help him make the decision. He said that only the fact that partner held an AKx of one of his long suits prevented the decision to bid from being right against the intermediate bid. The Panel therefore allowed the table result of 4Í doubled down one, plus 100 for N/S, to stand.

DIC of Event: Su Doe
Panel: Roger Putnam (reviewer), Olin Hubert, Ron Johnston, Matt Smith
Players Consulted: Michael Becker, Mike Kamil, Chip Martel, Peter Nagy

Directors' Ruling: 96.7 **Panel's Decision: 93.9**

I think the write-up and especially the consultants' comments makes it clear that the table result should stand. Law 21B1 allows a call to be changed if it is "probable" that it was based on MI. Here that is highly questionable. Looking at East's hand it is difficult to see what bearing the interpretation of the 3Ê bid had on his action. At this vulnerability an intermediate jump could be Ê AKQJxx with

an outside ace or king while a weak jump could be the same hand with an outside queen – or no outside card at all but a seventh club. The difference, in terms of high cards, is minimal. So there's no evidence that East's problem was caused by the MI. As far as I can see he would have had the identical guess whatever North's jump was supposed to mean.

The following panelist sums up my own opinion about this appeal quite nicely.

Bramley: "East's massive undisclosed distribution could have made bidding a winner regardless of the meaning of the N/S auction. One can easily construct layouts where game is cold for either or both sides even when West has a minimum. This was classic whining by E/W, who should have received an AWMPP. Can't the Panels give them? Also, is there screening before an appeal advances to a Panel? And if not, why not? This case is one of many sorry excuses for an appeal."

Yes, the Panels can give AWMPPs (and should have here) just like "real" Committees. One of the objectives of Director heard appeals is to expedite the process and try to hold the "hearing," if possible, while the game is still in progress. That means that screenings are logistically close to impossible.

Stevenson: "It is unfortunate that when a player goes to the four-level with a misfit he feels he has a right to claw back a bad score via the law book. While I am pleased he was given nothing by Director or Panel, I think that people who believe this is the correct way to play bridge are bad for the game."

Which is precisely why an AWMPP was appropriate.

Brissman: "The decisions were correct. But this is yet another appeal created, in my opinion, by an unwise regulation requiring an Alert for an intermediate jump overcall. Why not change to the criteria extant for opening preempts: Whether sound or light, the burden is on the opponents to inquire?"

That's a good point, Jon. There are a number of ill-conceived regulations (including much of the present Alert procedure) which are responsible for a disproportionate number of appeals at NABCs (and in the game in general).

Mollemet: "I think I would be more likely to bid had there been an Alert so that I don't think that E/W were damaged by the MI. Besides, with South being a passed hand, who knows for sure what North holds. Therefore, I would rule that the table result stands."

Peter makes an excellent point. With South a passed hand North's bid is free to range widely, regardless of what it is supposed to mean systemically.

Weinstein: "The Panel made a good effort to determine if there was a connection between the MI and East's 4Ê call. There are arguments that could be made, but they are definitely fuzzy. Also, East might have inquired about 3Ê when the passed hand bid 3NT."

Yet another good point. Where was East during the auction?

Treadwell: "Although the intermediate 3Ê bid was Alertable, the auction cleared things up: What could South, a passed hand, have to bid a sane 3NT over a preemptive bid? The appeal by E/W has little merit but I would not issue them AWMPPs since N/S had contributed MI which apparently, but unwarrantedly, affected the table result. A good decision."

R. Cohen: "What would East have done if the auction had gone P-1! -2Ê -P; 2NT-P-3NT? The auction presented is essentially the same. N/S are vulnerable and

certainly aren't insane. Director and Panel are correct."

Rigal: "I like this ruling. Occasionally you just get unlucky; East did a reasonable thing and ran into a bad lie of the cards for it. Sympathy but nothing more is all that is owed him. The N/S failure to Alert had no bearing on the matter."

Rosenberg: "Okay. East's argument was illogical."

Polisner: "Agree on all counts."

Well, except for those who have a bit of sympathy for E/W here, the panel is unanimous that the table result stands.

CASE TWENTY-SIX

Subject (MI): Don't Alert, DONT Tell
Event: Open Pairs, 24 Mar 99, First Session

Bd: 23	Í QJ107		
Dlr: South	! 832		
Vul: Both	" AK9		
	Ê 962		
Í 94		Í 8652	
! J106		! AQ975	
" J8762		" 5	
Ê A104		Ê KQ7	
	Í AK3		
	! K4		
	" Q1043		
	Ê J853		

West	North	East	South
			1NT(1)
Pass	Pass	2! (2)	Pass
Pass	Dbl	All Pass	

(1) Announced; 12-14 HCP
(2) Alerted; DONT

The Facts: 2! doubled made three, plus 870 for E/W. 1NT was properly announced as 12-14 HCP. 2! was Alerted as DONT [hearts + spades – *Ed.*]. Before the opening lead declarer stated that they did not have that agreement – 2! was a natural heart bid over weak notrumps. The Director was called. North stated that had there been no Alert he would have bid 2Í . The Director ruled that the table result would stand.

The Appeal: N/S appealed the Director's ruling. North maintained that double was less attractive over a 2! bid and that he would have bid 2Í . E/W stated that their agreement was to play DONT over 15-17 notrumps but natural over weak notrumps.

The Panel Decision: The Panel found there was MI. It was probable that North would have selected some other call than double with the correct information. Pass, 2NT, and 2Í were all possible choices. Two expert players said that the defensive potential of the North hand changed markedly when the MI was corrected and that a call such as 2Í or 2NT became much more probable. A third expert agreed, but only in the case that North had not waited until the hand was over to call the Director. Under Law 21B1, when it is probable that a player made a call based on MI, the Director may award an adjusted score under Law 12C2. The Panel changed the contract to the most favorable result that was likely: 2Í made three, plus 140 for N/S.

DIC of Event: Terry Lavender
Panel: Ron Johnston (reviewer), Charlie MacCracken, Matt Smith
Players Consulted: Ralph Cohen, Billy Miller, Lew Stansby

Directors' Ruling: 53.6 Panel's Decision: 88.2

If the facts are as represented in the write-up, this looks like a fine decision by the Panel. While the best balancing action by North is debatable, I am certain that if East is believed to have spades the North hand becomes much more defensively oriented. Thus, correcting the MI could only make alternate actions more attractive. I wish the Directors had given some rationale for their ruling, so we could determine what they had in mind and whether they need retraining. But the Panel came to the rescue with the proper score adjustment.

The first panelist points out some possible problems with the write-up which makes it unclear when the Director was called to the table – an important element in deciding the case. I double checked the appeal form and it states that the Director was called at the close of the auction (but see Ralph Cohen's comment below). That is how I interpreted the write-up, so I'll let Bart explain his concerns.

Bramley: "Key information is missing. When was the Director called? The comment of the third expert suggests that the Director call was after the play was over. If so then North deserves nothing. If the Director call was immediately after declarer's corrective statement, then North has more of a case. When did North say that he would have bid 2Í ? This assertion is credible only if he made it before the opening lead, and even then it must be taken with a grain of salt. We have seen many cases in earlier casebooks where a player took advantage of the free 'do-over' policy to claim that they would have taken a different action if only such-and-such, but these alternative actions are always hypothetical. They are 'in reserve' if the primary action doesn't work out.

"If we assume that North called the Director before the opening lead, and also that he asserted at that time that he would have taken different action, then why was he not allowed to change his call? Was is too late after his double was followed by three passes? [Yes. See below – *Ed.*] I recognize that players may not be prepared to solve bidding problems different from the one that occurred the first time around, but this North did not say he *might* have bid 2Í ; he said he *would* have bid 2Í . If he really said that then in principle he should receive the score for the most likely outcome after a 2Í bid, regardless of the outcome in 2! doubled. In practice, such an adjudication would be hard to implement.

"The most troublesome aspect of this case for me is that East's hand does conform to his partner's description. (No, I'm not going to explore the 'gratuitous correction' theme.) If E/W had actually been playing DONT, then East would still have bid 2! . Thus, North's expectation of East's hand turned out to be correct, and his poor result for doubling 2! cannot be attributable to the MI he received. Rather, it is attributable to some combination of bad luck and bad judgment, sources that should not normally cause a Committee to overturn a table result."

The third expert's comment suggests to me only that he hadn't been told when the Director was called (but see below). I think the Director did not allow North to change his call when East corrected the MI because Law 21B1 states: "Until the end of the auction period…[*in this case when the opening lead is faced*]…a player may, without penalty, change a call…*provided that his partner has not subsequently called*." (emphasis mine). Since South had already passed the double, it was too late to allow North to change it to 2Í . So the Director had to allow the play to proceed and stand ready to assign an adjusted score if he thought there was damage. If he figured that minus 870 didn't qualify, I'm voting for retraining.

The fact that East's hand qualifies (after a fashion) for a DONT bid does not enter the equation. If North said, before the opening lead, that he would have bid 2Í had he been told that 2! was natural, then the fact that East coincidentally held four spades is only good or bad luck insofar as it bears on whether the 2Í contract produces a better score for N/S than 2! doubled. If North had been allowed to change his call to 2Í during the auction and East had held Í AKxx and doubled him for 1100, I think North should have to keep *that* result and chalk it up to some combination of bad luck and bad judgment.

Other panelists also wondered about the timing of the Director call.

R. Cohen: "Was the Director called prior to the opening lead (as was required on both sides as a matter of law when there has been an irregularity) or at the conclusion of play? When I was consulted, I was told after the play. I have no sympathy for North, who should have called the Director before play started. Statements could have been on record before play, not after. Since both sides are partially at fault, probably Average for both sides is proper."

I can't reconcile Ralph's recollections with the statements on the appeal form. I suspect he was either misinformed by the Reviewer (who may have misread the form or not consulted it) or he misunderstood what he was told at the time or he is now mis-remembering what he was told. In any case, he seems to have based his present comment on what he remembers from Vancouver rather than on the write-

up. So I guess we've identified the "third" expert.

Polisner: "I agree with the Panel, but only because of when the Director was called."

See, he read the same write-up I did.

Rigal: "I am getting so tired of grumbling at Directors not adjusting after a clear infraction and presumptive damage. Is this such a difficult principle to absorb? I think not. Here North had a case which the Panel accepted, quite reasonably. So how can the Director not make the initial ruling the other way? As to the Panel's decision, I do think 2⌈ is a complete stand-out and the MI made that action impossible. Good decision. The timing of the Director call is something that many players quite innocently get wrong. I would not rule against North for that reason alone."

Hmm. He read the write-up that Bart read. This is all very strange.
Here's yet another take on the "When was the Director called" issue.

Rosenberg: "If North had called the Director after the auction was over, could the Director have backed things up to his final pass and let him change his call? If not, then 'waited till the hand was over' is meaningless. If N/S are getting a good score from 2! doubled, they will get it regardless of when they call the Director. If the Director *can* back it up, that would be a different story. So, unless you know the rules, you take a big chance not calling the Director as soon as you are aware of the infraction. I find it interesting that some might criticize East for saying anything to gainsay his partner's explanation, when his hand conformed to that explanation. Others might commend him for correcting partner when he could have 'gotten away with' saying nothing. Personally, I feel certain he acted correctly – his motive is irrelevant."

I agree with Michael 100% on that last observation. But regarding his earlier point, if N/S are getting a *poor* score from 2! doubled, then calling the Director as soon as possible is clearly best, even if the auction can't be backed up. The player can then establish what he would have done before seeing the whole deal (as Bart points out), thus making his statement more trustworthy.
Next we present is the definitive answer to the "When was the Director called" question. Pay attention, now, and learn something.

Stevenson: "I am not sure that I agree with the decision: Double looks like an attempt to get a worse score to me. However, the main interest lies in the comments about calling the Director: does everyone realize that he should be called by East before he changes the explanation? Was he?"

The person correcting the MI is instructed: "…*After calling the Director at the earliest legal opportunity*…the player must inform the opponents that, in his opinion, his partner's explanation was erroneous" (Law 75D2, emphasis mine). Unfortunately, I cannot recommend David's evaluation of North's double as highly as I can his knowledge of the laws.
The next panelist is looking into the bottom of the "at all probable" basket as far as E/W's adjusted score is concerned.

Gerard: "What about plus 200 in 3! doubled? I know N/S allowed an overtrick in 2! doubled, but there was no practical chance to beat two (South would have to lead a minor) so maybe the defense got desperate. I'd want to know how 2! was defended and if it was reasonable enough I might consider giving minus 200 to E/W. West's balancing raise to 3! and a final contract of 3! doubled are certainly within the realm of 12C2 probability for the offenders."

Yes, after a 2⌈ balance by North West could re-balance with 3! . Now the play becomes important. But I'm not sure you can extrapolate from the possibly "desperate" defense of 2! doubled to what might have happened in 3! doubled.

Martel: "Good job by the Panel. Why didn't the Director rule for the non-offending side?"

Yes, why indeed.

Mollemet: "Agree with Panel that the score should be adjusted because of the MI."

Weinstein: "The Panel made the correct decision, but it still doesn't feel right for N/S deep down in my 12C3 bones."

Well, Howard, we'll just have to give your bones a good going over in Boston. By the way, for those of you less anatomically inclined, the 12C3 bones to which Howard refers are located just below his 12C2 bones (as you might expect). However, be sure you obtain a note from your District Director before examining them and the consent of a majority of District Directors before you actually try to effect any surgical repairs or alterations on them. Also, for you novices, 12C3 bones should not be confused with various other species of bones including: brittle bones, dem bones, dry bones, chicken bones, milk bones, cross bones, boning up, bone heads, bone yards, bone dry, bone china, bones to pick, bon soir, bon appetite or just plain boners.
Well, I guess that's "bon voyage." We're off to the next case.

CASE TWENTY-SEVEN

Subject (MI): Weak Methods, Weaker Explanation
Event: Continuous Pairs, 24 Mar 99, Session Two of Four

Bd: 10 Dlr: East Vul: Both	Í AJ53 ! AKQ109 " 864 Ê 4	
Í 9 ! 54 " Q5 Ê J10876532		Í Q8742 ! 2 " KJ1072 Ê AK
	Í K106 ! J8763 " A93 Ê Q9	

West	North	East	South
		1Í	Pass
3Ê	Pass	3"	Pass
4Ê	All Pass		

The Facts: 4Ê made four, plus 130 for E/W. North asked the meaning of 3Ê and was told "I'm not sure, but I'm treating it as forcing." When West bid 4Ê, East said "Now I'm treating it as weak." The Director was called at this time. Before East's final pass, West volunteered that his bid was intended as weak. E/W were playing their second session together. They did not have weak jump shifts marked on their convention card and although they had been discussed, they were not certain when they applied. The Director ruled that N/S had been given MI. Based on Law 21B3, the score was adjusted to Average Plus for N/S and Average Minus for E/W.

The Appeal: E/W appealed the Director's ruling. East agreed that he had been unable to remember what they had agreed about weak jump shifts. He changed his mind about their agreement after his partner bid 4Ê. North wanted to enter the auction, but not against a strong jump shift. East told him he was not sure, but volunteered the information that he was treating it as forcing. Later, East told North that he was treating the jump as weak. North said that having passed at the three-level, it was too dangerous to bid at the four-level. The players' masterpoint holdings were: North, 1700; South, 1000; East, 1000; West, 300.

The Panel Decision: The Panel determined that East had expressed uncertainty about the 3Ê bid but had complicated the situation by guessing about its meaning. North should have picked up on the response and either accepted it or called the Director for clarification. Given that, the Panel solicited advice from expert players about the choice to bid 3! in this situation. The first expert said that unless 3Ê shows hearts, North should bid 3!; a strong jump shift was possible but unlikely and a player with 1700 masterpoints should know to bid with that hand. Failing to bid with the North hand was failing to make a normal bid and hoping the Director would save him if there had been MI. The second player consulted made a stronger argument that East could not relieve himself of the responsibility for a clear answer by starting his answer with "I think" or "I'm treating this bid as." The second player was more sympathetic to a score adjustment. The Panel accepted the expert opinion that players need to be careful when answering questions to stick to actual partnership agreements and not speculate about what they think the bid means or how the bid is being interpreted. There certainly was doubt expressed about the meaning of 3Ê. The experts thought that 3! was warranted so long as 3Ê did not carry any message about the heart suit but that it was a dangerous call as well because of the positional values in spades. With the correct information that the 3Ê call had not been well discussed in a new partnership, North would have had to make the decision and 3! would likely have been difficult to double for penalty and may have been important for lead direction. The Panel decided to allow the table result of 4Ê made four, plus 130 for E/W, to stand.

DIC of Event: Ken Van Cleve
Panel: Ron Johnston (reviewer), Charlie MacCracken, Matt Smith
Players Consulted: Bart Bramley, John Sutherlin

Directors' Ruling: 70.0 **Panel's Decision: 66.7**

It's difficult from the write-up to determine whether East's response to the question about the meaning of 3Ê was equivalent to "We have no agreement, but I'm taking it as…" or "I can't remember what we agreed, but I'm taking it as…" Certainly, if E/W had discussed weak jump shifts seriously enough to know they were playing them in some ill-defined situations (witness the statement "although they had been discussed, they [*E/W*] were not certain when they applied."), N/S were entitled to know that rather than being given some evasive and ambiguous cock-and-bull non-answer.

North's hand is too strong to be comfortable with East's convictionless "I'm treating it as strong," but with club shortness, concentrated values, and just enough outstanding high cards 3Ê just could have been intended as strong, probably based on a near-solid suit and a card or two on the side. On the other hand, this is North's last chance to bid 3! for lead-directional or other purposes, and the near solidity of his suit and his opponents' likelihood of holding offensively orientation hands in my opinion make being doubled very unlikely. So while an expert would probably bid 3! regardless of what 3Ê might mean, this was the Continuous Pairs and North really was placed at a disadvantage compared to the rest of the field.

The Panel appears to have done a thorough investigation of the issues involved in this case and then gone brain dead just before their final decision. If there was MI (as they found), and there was risk in bidding 3! (which they found), then why was North, with just 1700 masterpoints, expected to "know how to bid with that hand"? While 3! may well have been the "normal" bid with the North hand it was certainly not such a clear action as to be virtually automatic for non-experts. After all, North did hold only a five-card suit and had seven likely losers (spades was East's suit) on the side. And even if one has no sympathy for N/S, certainly E/W shouldn't have been allowed to profit from the uncertainty they created. At least they deserved to be minus 620. Sorry Panel, but you guys blew this one big time.

While I agree with the table Director that there was MI which damaged N/S, I cannot agree with assigning Average Plus/Average Minus. This is a cop-out. Several contracts can readily be projected if North bids 3! over 3Ê, including 4! and 5Ê doubled. Since both are likely, and the former is more favorable to N/S, I would have adjusted the contract for both pairs to 4! by North made four, plus 620 for N/S. If North had been an expert player, I could have been convinced that the Panel's judgment of allowing N/S to keep the table result was acceptable. However, I would still have assigned E/W minus 620.

And now, will the real expert number one please stand up!

Bramley: "I was 'the first expert'. My opinion holds. East was clearly uncertain about 3Ê. Yes, bidding 3! carries a slight risk, but so does getting out of bed in the morning."

Bart's position disregards the level of the North player and the event as well as the evidence that East's ambiguous answer to North's question contributed to his side's good result. In fact, Bart's position is so questionable on this one that I'm going to my big gun immediately. "Who you gonna turn to?" Ron Busters!

Gerard: "This will please me no end, but this shows DTO at its worst. The Panel had its mind made up from the outset and then seized upon selected strands of expert advice to support its intention. Just look at its explanation of its reasoning – 'The experts thought that 3! was warranted…but that it was a dangerous call as well…3! would likely have been difficult to double… and may have been important for lead direction.' Could you be a little less ambivalent? If the quoted

language doesn't convince you that North's action was at most inferior, the fact that the expert consultants were split should. The Panel must have wanted to prove that it wasn't in the business of saving players who failed to make normal bids in the hope that there was MI. The first expert should have known better than to make that kind of statement. It showed questionable bridge judgment and worse-than-questionable relationship skills.

"As usual, cart-before-horse thinking has produced the wrong result. The Panel tried to moot the question of whether MI was present by determining whether alternative action open to North was warranted, applying an unwarranted LA standard to a MI case. This may have been a misreading of the Kantar case, since North could not be expected to assume one meaning over another from either his experience or his hand. The correct procedure was to try to determine whether MI was present and then rule accordingly. If MI were judged to have occurred, the only question was whether North's actual action was reasonable (the old 25% standard), not whether other ones were. The Panel got both parts of this equation wrong, but then that's what happens when you have an agenda.

"This was not a 'default' sequence. North was not asking for a bridge lesson, he was asking for an explanation of E/W's methods when they could be expected to have methods. Even if they had never discussed it, they had still discussed it. North was entitled to receive the following answer: 'I don't remember; we discussed weak jump shifts but I'm not sure if we agreed to play them or if so, when. Sorry I can't be more helpful and please, Mr. Wolff, go easy with us on that CD thing.' North would have been on his own. It's trivial to say that East should keep his treatment to himself, but the doubt that he expressed was not sufficient in light of his pass to 4Ê. What about a 4Ê bid altered East's treatment? Why couldn't West have had Í AK ! xxx " A Ê QJ10xxxx? Assuming an absence of body language from West, even the Chairman of CASE EIGHTEEN would realize that East's pass had to be based on a recollection of some discussion about weak jump shifts. And if they had discussed them, either they had rejected them or they applied to the prototype auction for the treatment. Yes, the convention card would indicate otherwise and I've argued in the past that filling out the card should not be presumed to be a futile exercise. But isn't there some doubt that the card was correctly marked? How could West bid 3Ê if they hadn't at least discussed it? East failed his disclosure obligation and if he had satisfied it he could have saved a Director call. How could the Panel admit that he didn't meet an even looser standard and still hold North culpable? Given the Panel's weasel words about North's contributory negligence under their view of East's obligation, how could there be any doubt that North was blameless on the actual facts? The Panel in effect said 'If you had followed the law, probably no one would have been hurt. Since you didn't, it's not your fault anyway.' Professor Irwin Corey lives.

"The correct adjustment is not clear, but the Director's Average Plus/Minus could not be right. The possible N/S results without the MI would have been plus 650, plus 620, plus 200 and minus 100. My judgment as to the probabilities for each result are plus 650 (5%), plus 620 (35%), plus 200 (25%), minus 100 (35%). Under 12C2, which is incorporated automatically by 21B3, the score should be 620 for each side. If you think that, say, plus 620 and plus 200 are each a 30% chance, the ruling should be minus 100, minus 620. The only thing preventing the Director from giving the right adjustment was laziness. The Panel's failings were far worse."

While I have some minor disagreements with Ron's assessed probabilities for the possible results, I whole-heartedly endorse everything else he says.

The next panelist adds some wise advice to that supplied by Ron for players who find themselves at the table when one of these unfortunate situations arises. He then falls from grace with more Average Plus/Average Minus lazy-think.

Mollemet: "I would love for players to call the Director immediately after getting the response "I am not sure." He could then have the bidder explain the meaning of the bid in partner's absence. Perhaps a hand of bridge could be played. I think North made a reasonable attempt at finding out the opponents' methods but failed. I think the score should have been changed to Average Plus/Average Minus because I don't consider North's pass to be egregious; just timid. But E/W should never be plus 130 on the board. I am also concerned that perhaps the "experts" consulted in this case may not be able to reflect accurately on North's problem, 1700 masterpoints not withstanding."

For the record, having a player explain a bid after sending his partner away from the table should only happen if the Director determines that there *is* an agreement, as David Stevenson pointed out in CASE TWENTY. I agree with Peter's assessment of the consultants' apparent inability to appreciate the problems of players like North and I cannot reinforce too strongly his point that "E/W should never be plus 130 on the board."

Another top Director has more excellent advice about independently assessing the two sides. (But ignore the Average Minus stuff, please.)

Patrias: "E/W should get an Average Minus regardless of what one thinks of North's failure to act. If one feels strongly about North's shyness in the bidding, let the table result stand for them. E/W must be responsible for having some idea what first-round calls in an uncontested auction mean."

The following panelist also endorses Peter's procedural recommendation.

Polisner: "This is a difficult case. If West had a 'strong' jump shift, 3! could go down 800 against a game. The ruling and the Panel's decision are both reasonable. I suggest that a procedure be put in place that when the partner of the bidder expresses uncertainty as to the partnership understanding, he/she should leave the table and have the bidder explain it to the opponents."

One question, counselor. If you agree that North's 3! bid is risky (and perhaps less than completely clear-cut?), then why hold him, a 1700 masterpoint player, responsible for expert-level bidding judgment by calling the Panel's decision "reasonable"?

Rosenberg: "E/W did three things wrong. First, they failed to have an agreement on a basic auction. Second, East stated what he was treating a bid as instead of announcing his agreement (or lack of one). Third, West volunteered information about his own bid in a live auction. Given all that, I fail to see why the Panel did not impose minus 650 on E/W (East may not cover the Í J and anyway can be squeezed in the pointed suits). Figuring what N/S deserve is more difficult since it depends on whether North was really fooled or was cannily trying to get the best of both worlds (since I believe he 'should' have bid). If you can't decide, give North the benefit of the doubt."

Michael, I couldn't agree with you more – except that I wouldn't assume that North would find a squeeze.

Treadwell: "Although most players would usually bid 3! with the North hand even if the 3Ê bid was strong, a decision to pass might well be correct. However, if the 3Ê bid had been Alerted as preemptive, 3! becomes about a 100% action. South surely would then have raised to game which is easy to make. That said, and that seems to be the rationale of the experts consulted, the table result of plus 130 for E/W should not have been allowed to stand. The score should have been changed to plus 620 for N/S and minus 620 for E/W."

See. Even the elderly are capable of occasional clear thinking.

The remaining panelists bought the Panel's foolishness.

Rigal: "Sensible Director ruling. How nice to see the non-offenders getting the benefit of the doubt. The Panel then correctly determined that North was responsible for his own downfall. Although I would normally be very sympathetic to a player in North's position, his own hand told him that West was weak or East had psyched!"

Sorry Barry, but can't East hold something like Í KQ10xx ! x " KQJ10x Ê Jx and West Í xx ! xx " Ax Ê AKQxxxx? While it might be tight, it's certainly not impossible. Typical Continuous Pairs (Flight B/C) players should not be expected to see through the backs of their cards or to exhibit expert bidding judgment.

R. Cohen: "Didn't North know he wasn't playing with a pinochle deck? Bid 3! ! Director and Panel correct."

See my example hand above, Ralph, or else share your recipe for whatever it is that's giving you x-ray vision.

Passell: "Solid decision in a tough case."

Stevenson: "Despite the unfortunateness of East's explanation, it did express the lack of agreement fairly well and gave extraneous but correct information. Thus the decision seems reasonable. However, the Director's ruling was illegal: Law 21B3 leads to an assigned score, and the Director may not give an artificial score. 4! down one would seem right if he judged that N/S were damaged by MI."

Sorry, David, but I don't read any clear indication of a lack of an agreement in East's initial statement (which is what North had to rely on for his action over 3Ê). Furthermore, I don't see how 4! goes down one – even under the worst of circumstances (though 5! might). Cashing the Í A and finessing East for the Í Q for his opening 1Í bid does not require rocket science, even in the Continuous Pairs, and there are only three losers (two diamonds and a club) otherwise.

Weinstein: "I agree with the player who said that unless 3Ê showed hearts, North should bid 3! . Not bidding 3! is a failure to play bridge, especially after East indicates doubt about the 3Ê meaning."

Perhaps we need some Flight B consultants for cases involving Flight B/C players, including Stratified Pairs, Continuous Pairs, and other similar events. Alternatively, our "expert" consultants in such cases should be selected from those who have experience teaching beginning and intermediate-level bridge classes.

CASE TWENTY-EIGHT

Subject (MI): Ask And Ye Shall Not Receive
Event: Bracketed KO III (Top Bracket), 25 Mar 99, Semi-Final Match

Bd: 3 Dlr: South Vul: E/W	Í 94 ! 8752 " AQ75 Ê 1074	
Í KQ6 ! A103 " J84 Ê A532		Í AJ8 ! KQJ94 " K1093 Ê 9
	Í 107532 ! 6 " 62 Ê KQJ86	

West	North	East	South
			Pass
1Ê	Pass	1!	Pass
1NT	Pass	2" (1)	Pass
2!	Pass	3"	Pass
3NT	Pass	4Ê	Pass
4!	Pass	4NT	Pass
6NT	All Pass		

(1) Alerted; artificial game force

The Facts: 6NT made six, plus 1440 for E/W. 2! showed three-card support and 3" was natural. South asked the meaning of 4Ê and was told "natural." The opening lead was the Í 9. The Director ruled that N/S had been given MI and adjusted the result for E/W to the actual score or minus 3 imps, whichever was worse, and for N/S to the actual score or plus 3 imps, whichever was better (Law 21B3).

The Appeal: E/W appealed the Director's ruling. E/W stated that 2" set a game force and did not necessarily show diamonds. 2! showed three, 3" was natural, and 4Ê should have been natural because they had not yet found a fit. 4NT was a slam try. East stated that he bid 4Ê to try to get a 4" bid from partner so he could get to a 6! contract. West said he told the opponents that 4Ê was natural because he believed that until his side found a fit, all calls were natural. His partner had not yet shown five hearts. South said that when he was told that 4Ê was natural he did not double because he was worried that E/W might be able to make 4Ê or that they were on the way to 5Ê or 6Ê . He had planned to double any artificial bid. North said he thought he was now in a situation that he could not ethically lead a club.

The Panel Decision: The Panel determined that West had given MI to his opponents when he said that 4Ê was "natural." A more appropriate answer, if West was as uncertain about the meaning of the 4Ê bid as it appeared he was, would have been, "this is the fourth round of the auction and this is an undiscussed area." Players often mislead others and make themselves vulnerable to a score adjustment by guessing at agreements they don't really have. South wanted to double 4Ê as a lead-director. When he got the answer "natural" he became uncertain as to whether he wanted to double a natural bid. He feared that E/W might make 4Ê or might even be heading for 5Ê or 6Ê . One expert player thought that doubling 4Ê when it was natural might rate to be ineffective since partner would be more likely to be short in clubs. It shouldn't hurt anything though. Two other experts had little sympathy for N/S. They thought this was the type of hand that one either doubles 4Ê or doesn't. The opponents are not likely to make 4Ê and no one would seriously believe that East was running from 3NT in a speculative attempt to find a minor-suit fit. The answer to the question about the meaning of 4Ê was unrelated to the decision to double 4Ê . The first expert also stated that the better the player, the less likely that the damage resulted from the MI. The Panel accepted the expert opinion that there was little connection between the MI and the failure to double 4Ê . The Panel changed the contract to 6NT made six, plus 1440 for E/W.

DIC of Event: Patty Holmes

Panel: Ron Johnston (reviewer), Charlie MacCracken, Roger Putnam
Players Consulted: Grant Baze, Steve Garner, Michael Rosenberg

Directors' Ruling: 49.2 Panel's Decision: 91.4

Puh-lease! South was afraid that E/W might make 4Ê doubled playing in a suit in which he held at least three likely trump tricks and which the opponents didn't bid until the fourth round of the auction!? We're told this case came from the semi-finals of the top bracket of a KO, but I wouldn't have accepted South's argument from a novice – and *this* South had 9,000 masterpoints! Guillotine.

South was confronted with a bid on the fourth round of an auction in which there had arguably been no clear suit agreement (2! might be treated as agreeing hearts by some, but East's 3" bid called this into question). To assume that E/W had an agreement about such a bid was a reach, and "natural" is the expected answer to a question about a bid of this sort which hasn't been Alerted (if you've no agreement that it's artificial, then it's natural). If East decided to bid a tactical 4Ê to see if West could cue-bid a diamond control, that's his business. But as far as West (or anyone else not looking at South's hand) knew, East had clubs.

So the correct ruling is clearly to allow the table result to stand…er, the table ruling was what!? Oh, good grief!

The Panel got it right (finally) after offering up some tripe about West having given MI. Why was it assumed that West was "uncertain" about the 4Ê bid's meaning? West didn't appear to be uncertain to me. He appeared to "know" that 4Ê was natural from the context of the auction and, if the statements attributed to E/W are accurate, from partnership agreement that, until suit agreement, all new suits are natural (at least as natural as any fourth-round, new-suit bid at the four level could be). And what was this other nonsense about poor South wanting to double 4Ê but being afraid to double a natural bid? Gee, I guess South never made a penalty double of a natural bid in his bridge career. Excuse, me!? The first expert consultant was far too kind to N/S but was wrong that a double "shouldn't hurt anything" (see Ron's comment below). The other consultants made the key points that "East was [*not*] running from 3NT in a speculative attempt to find a minor-suit fit" and that "one either doubles 4Ê or doesn't." In my opinion E/W were due an apology for having been put through all this nonsense.

I've refrained from commenting on the score adjustment made at the table for fear of losing control. I'll let Bart, who is far calmer about it than I am, discuss it.

Bramley: "This looks like the 'trick question.' South, in the top bracket, should have known that the explanation 'natural' was equivalent to 'non-conventional,' and therefore each player must make his own interpretation of the bid within the context of the auction. Players should not be liable for failure to have sharp agreements in complex late-round auctions. The Panel got it right.

"I strongly dislike the sort of ruling made by the Director, effectively canceling the result at the other table. We see this kind of ruling way too often. Suppose E/W at the other table had their own accident and stopped in a partscore. Why should their awful result be canceled out by a favorable ruling for their teammates? If the Director thought that N/S had been damaged, he should have assigned a real result. The most favorable result likely for N/S if South doubles 4Ê is a contract of 4NT making four. (E/W would never play 6NT, the only settable slam, if South doubles 4Ê.) The Director made both a bad ruling and a bad score adjustment."

As you might have gathered, "bad" doesn't even come close to describing my feelings about the table ruling. But I promised to let Bart handle it, so lets move on.

More criticism for the table ruling…

Stevenson: "Even worse than rulings of Average Plus/Average Minus, which are against the laws, are these combined rulings. The law book tells the Director to assign a score: why does he not? Sometimes Directors argue that it is difficult: rarely a good argument and laughable on this hand. Do you really believe that a pair will reach this awful 6NT once 4Ê is doubled? If you believe it possible then the only legal adjustment is to 6NT down one. If not, then you consider the various possibilities and quite likely come up with 5! made seven or even 6! made six. All this presumes MI and damage: the Panel thought otherwise."

R. Cohen: "Isn't a top bracket KO equivalent to a Flight A event? Why no names? This is another case of trying to win in Committee, not at the table. Disagree with the Director, agree with the Panel."

Names are only given in events which are NABC or exclusively Flight A. In a Bracketed KO, depending on which teams enter, a team with lower-level players could end up in the top bracket against their expectation and/or intent.

Patrias: "I wouldn't give South the time of day with this one. But it would also never occur to me to ask what 4Ê meant."

Come on, Chris, tell us what you really think.

Polisner: "Good Panel decision on what should have been a simple case for the Director. South should have been advised that once he questioned the meaning of 4Ê, partner was likely to be ethically constrained from leading a club unless it was a clear lead."

Rosenberg: "I guess players simply need to be aware that a forcing bid on the fourth round of bidding that doesn't have an agreed conventional meaning is suspect. Thus, again, 'natural' is a bad answer. A better one would have been 'no real agreement this deep in the auction: he might be trying to show a secondary fit, or cue-bidding or just fishing,' but it is way too much to expect most levels of players to provide such answers. South, too, should have been aware that this was not likely to be an agreed auction (although maybe he expected the answer 'Gerber'). I feel sorry for an inexperienced South, but would give him nothing unless I believe West's answer was a deliberate effort to prevent a double (which seems unlikely with the facts presented)."

Mollemet: "I agree with the Panel that damage was not consequent to any MI and would allow the table result to stand."

Passell: "Once again the experts interviewed hit the nail on the head."

Weinstein: "Sometimes a decision just makes me feel good."

It shouldn't have made you feel *that* good.

I was stunned by the following panelist's comment.

Gerard: "No Active Ethics award, but kudos to North.

"I wonder how the non-sympathizers would bid Ì A ! KQJ9 " AQ10x Ê 10xxx. Is it so speculative for East to try to find West with Ì Kxx ! Axx " xxx Ê AQJx? No one would seriously believe that 4Ê could not be natural just because of South's holding. There are similarities to the Kantar case here, but trying to attribute to South a common wisdom about the meaning of 4Ê isn't one of them. Bad breaks do happen in life and South had every reason to believe that this was one of them. It may have been naive not to double, but it certainly wasn't naive to assume that 4Ê was natural. A 4Ê cue-bid is hardly analogous to 2Ê not promising a major. If there's a default explanation for 4Ê, it's natural.

"Given that, how is it possible that the decision to double 4Ê was unrelated to the meaning of 4Ê? If one out of three experts could come up with nothing worse than 'it shouldn't hurt,' how can the others be so inflexible to insist that South was

damaged by his own incompetence? The issue wasn't whether double was technically superior to pass, it was whether the decision was a reasonable consequence of the MI. South doesn't have to be perfect, only competent. Sure it was naive to expect a contract of 5Ê or 6Ê, but it wasn't naive to avoid giving the opponents extra room and important information. And if the explanation was correct, South would be doubling only to hear himself speak. South may not have verbalized all his concerns, but there were good reasons not to double.

"This is an example of the process breaking down. The experts mostly treated this as a test of lead-directing macho, perhaps influenced by their tendencies. (Why is it, by the way, that partner is never assumed to know what the right lead is?) The Panel did not make South's best case for him, as was their responsibility and as a Committee would have been charged with doing. Everyone treated South's predicament as if it were a popularity contest, not a problem worthy of legal analysis. If the auction weren't over, wouldn't you let South exchange his pass for a double under Law 21B1? I know that doesn't mean he was damaged (see CASE TWENTY-NINE), but it does mean that he wasn't completely out to lunch.

"The 12C2 adjustment is a sticky matter. In the absence of MI, E/W would be entitled to hear South's double. The most likely contract would then be 6!, but there would be some chance that West would pull in a notch for fear of club losers. I guess I would rule minus 1430, plus 680, then average the imps under Law 86. This would effectively split in half E/W's likely 13-imp gain on the actual hand."

With Ron's first example hand, wouldn't East show the club fit before bidding diamonds? A player's first responsibility is to set trumps. Diamonds will never be trumps when West opened 1Ê unless you're from the school that opens 1Ê with four-four in the minors. And even then East's search for a diamond fit would be radically against the odds given his 2! bid, since West would have to hold exactly 2-3-4-4 distribution and N/S would need to have remained silent holding ten spades between them at favorable vulnerability.

And while it's true that South might wish to refrain from doubling 4Ê to avoid giving E/W extra room and important information, that is true regardless of what 4Ê means. You don't double just to hear yourself speak.

In response to Ron's next-to-last-paragraph question, no, I wouldn't let South take his pass back even if I could. And "out to lunch" is the least that South was.

I do agree with Ron's 12C2 analysis – *if* you're going to adjust the score.

Ron had one supporter – at least as far as sympathy for N/S goes.

Rigal: "I do not like either the ruling or the Panel's decision here. As Director I would have adjusted more favorably for N/S. After all, West unnecessarily generated MI here in a sequence where East could have bid 3Ê GF the round before. I'd land E/W with some sort of penalty here or an adjusted score. As for N/S, South deserves his bad luck. Kudos to North on lead though."

Allow me to echo that last sentiment. Kudos to North; raspberries to South.

CASE TWENTY-NINE

Subject (MI): The Source Of Confusion
Event: Flight B Swiss, 25 Mar 99, First Session

Bd: 34 Dlr: East Vul: N/S	Í Q3 ! AK9753 " 7 Ê Q762	
Í A10 ! QJ642 " Q853 Ê K8		Í KJ986 ! 8 " K109642 Ê A
	Í 7542 ! 10 " AJ Ê J109543	

West	North	East	South
		1Í	Pass
2!	Dbl	3"	Pass
4"	All Pass		

The Facts: 4" made four, plus 130 for E/W. West asked South about North's double and she said "I don't know, a heart stopper or both minors, I guess." The Director was called after the defense scored three tricks and declarer claimed the balance. North said he didn't care what partner took his double as, he was going to correct her 3" bid to 3!. The Director determined that it was clear that South did not know what the bid was. E/W believed that the confused auction caused West to be concerned about the 3" call being a cue-bid. West said she did not bid 3NT because she feared N/S could run the minors. The Director ruled that it wasn't sufficiently probable that West's call was based on the MI at the table (Law 21B1) and allowed the table result to stand.

The Appeal: E/W appealed the Director's ruling. South appeared flustered and confused. North was into justifying his bid. East said the double was a very strange bid and that they were damaged. West said she was worried that the 3" bid was a cue-bid and that her Ê Kx was insufficient to bid 3NT. She believed South's statement had misled her. N/S had no agreement that the double showed hearts – it was takeout. South became confused because three suits had been bid when she answered the question. Her singleton made her think her partner might have a heart stopper. North said he doubled and planned to pass 3Ê, bid 3! over 3", and if South left the double in, fine. South had about 250 masterpoints, North 400, and neither were Life Masters.

The Panel Decision: The Panel determined that N/S had no agreement that North's double showed the hand he actually held. It appeared that South, who had already heard the 3" bid, was not sure what was happening in the auction. She clearly said that she did not know, then added information that may have confused the situation. North had doubled with an off-shape hand and hoped that he would be able to bid his hearts later, although that would not have meant hearts for most experienced pairs. East was not deterred from bidding 3". At West's turn to bid she believed she needed to find out what the double was. She feared that her partner's 3" was a cue-bid. She did not consider her Ê Kx enough of a stopper to bid 3NT. The Panel believed that West had to bid 3NT or take a preference to spades if she believed her partner's bid was a cue-bid. If she thought he had a two-suited hand, she had a tougher choice between 3NT and a diamond raise. However, this dilemma arose from the strange double rather than the information that South wasn't sure what the bid was. Expert opinion acknowledged the strangeness of the North bid but said that the information that South offered had little if any connection to the choices that West had to make. She was right to be concerned that they could not get nine tricks in notrump before N/S scored enough club tricks and a side trick, but that concern arose from the call itself and not South's explanation. Law 75B says that a player may violate announced partnership agreements so long as his partner is unaware of

the violation. The experts believed that West had a decision to make (3NT or a diamond raise), the double gave her a problem, partner showed a distributional hand (but had a singleton Ē A or her decision would have been right), and she made the wrong choice. The Panel decided that under Law 21B1 it was not sufficiently probable that West based her call on MI from South. It was more likely that she had based her call on the action taken by North. The Panel allowed the table result of 4" made four, plus 130 for E/W, to stand.

DIC of Event: Mike Flader
Panel: Charlie MacCracken (reviewer), Roger Putnam, Matt Smith
Players Consulted: none reported

Directors' Ruling: 94.7 Panel's Decision: 93.3

'Twas brillig, and the slithy toves
Did gyre and gimble in the wabe;
All mimsy were the borogoves,
And the mome raths outgrabe. — Lewis Carroll [Jabberwocky]

South (250 masterpoints) was obviously confused. Her confusion infected first the opponents, then the scribe, and finally me. After several re-readings I finally managed to work out what was going on, but I'm not convinced that in the final analysis the effort was worth it.

R. Cohen: "Why all the furor? This is Flight B, and aren't we out of our element trying to figure out their agreements and LAs. Let's leave it to the Directors who encounter these folk every weekend. I agree with the decision."

Rigal: "Good Director ruling; although I would normally vote against offenders here. Both the Panel and Director correctly analyzed the problem and did a good job of putting themselves into the state of mind (if mind is not an exaggeration) of a North player who would double 2! and a South player who would play with him."

Yes, North does seem to have been marching to the beat of his own drummer by choosing to double holding only one of unbid suits and with his primary suit being the one bid as a five-card suit on his right. A 3! overcall, played as natural (as is the modern trend), would have been a more suitable solution to this problem.

Stevenson: "While the conclusions are correct, it seems that there was no MI at all: N/S do not seem to have an agreement."

Bramley: "No merit, even in Flight B. West took a bad bid, struck out with a Director call, and still pursued the case. Give her an AWMPP. The N/S bidding was silly but legal."

We generally educate inexperienced players. Still, West's persistence was more than just a bit pushy and she was not exactly a novice (1125 masterpoints). Perhaps Bart is right in this case.

Treadwell: "Strange bids sometimes work, although more often than not the strange bidder winds up on his face. As the Panel stated, West guessed wrong on the second round based on the strange double rather than the MI. A good decision."

Yes, but I agree with the "other" David that "there was no MI [*here*] at all."

Passell: "100%. 3NT would seem to be the target game for West's hand. South obviously was uncertain."

Yes, and it was catching.

Polisner: "Good decision by all concerned."

Mollemet: "Agree with everyone who let the table result stand."

Some people just can't resist taking this kind of case too seriously.

Gerard: "21B1 is the wrong law. That only applies during the auction period. Because the focus is on correcting an error rather than punishing it, the standard for allowing a change of call is not damage-related. It is enough that the call was probably based on the MI. After the auction period, 21B3 is the appropriate reference. That section refers to score adjustment, for which damage is a necessary prerequisite. But both 21B3 and 40C give no clue about how to determine whether a non-offender was damaged by MI. Without anything more concrete, the old Justice Stewart test is as good as any. One thing is for sure, though. It's not just South who is confused about this case. The Director, the Panel and the laws all come in for their share of blame.

"The only MI that existed was South's reference to a heart stopper. This is a default situation (do you know anybody that discusses this sequence?), so South's 'both minors' explanation was the standard assumption. North was on a frolic of his own so even though 'a heart stopper' was a rough approximation of North's hand, it was MI. As such, it had absolutely nothing to do with West's action. West's entire decision was based on 'both minors,' so there was no way that West was damaged by the MI. Whatever the required connection under 21B3 to establish damage, it can not be less than zero. The whole action was rub of the green. Maybe that's what the Panel was trying to tell us, but they need to know that they don't get paid by the word (I know, the pot and the kettle). All the rhetoric was unnecessary.

"There were some references to expert advisers, but none were identified. Not acceptable."

Wasn't South's response "I don't know…[*something or other*]…I guess" an obvious enough disclaimer not to be treated as MI? In the final analysis, I think Ron correctly identified ("the pot and the kettle") his own petard.

The next panelist seems to have isolated the existential question central to this case and placed things in their proper perspective. The final word…

Weinstein: "How in the world did West ever know to ask about North's double? As Johnny Cochran might have said, when things seem strange don't let the table result change."

CASE THIRTY

Subject (MI): A Presumption Overcome
Event: NABC Open Pairs II, 26 Mar 99, Second Final Session

Bd: 16 Dlr: West Vul: E/W	Michael Schreiber [Q2 ! Q9874 ¨ A104 Ê KQ3	
Sergio Barbosa [K987643 ! K ¨ 9 Ê AJ92		Jose Baum [AJ105 ! 52 ¨ KQJ7 Ê 854
	Chris Larsen [--- ! AJ1063 ¨ 86532 Ê 1076	

West	North	East	South
1[	Dbl	2! (1)	Dbl
2[	3!	Dbl(2)	Pass
3[	Pass	Pass	4!
4[	All Pass		

(1) Alerted; good spade raise
(2) Meaning disputed

The Facts: 4[made four, plus 620 for E/W. South inquired at his second turn as to the meaning of East's double and was told it was penalty. East thought the double was a game try. The Director ruled that no adjustment was necessary under Law 21. South's hand and his partner's bidding indicated that the double could not have been purely for penalty and that South had bid 4! with his eyes wide open. The Director allowed the table result to stand.

The Appeal: N/S appealed the Director's ruling. N/S believed that because the information given by West did not agree with East's holding, they (principally South) were deflected from taking a better position both when 3[came around to South and when faced with the 4[bid. East was a 19-year old player with little tournament experience and West was an expert internationalist. East's 2! bid was a poorly judged call – 2NT would have been better (showing limit-plus values). West's 3[bid was a calculated call, risking being passed out when the real goal was to play 4[after further competition. East's double would have been invitational in some of his other partnerships but he forgot he had no such agreement with this partner. This partner did not play any maximal doubles (the box was unchecked on their completed convention card). E/W believed that South had sufficient information from his own hand to know that this was not a penalty double.

The Committee Decision: In order to adjust a score, there must first be an infraction on which to base it. In this case N/S were certainly given information about East's double which was at odds with his holding. However, East's intent was conventional and the partnership was not playing that convention. West's explanation was in agreement with the partnership's convention card (i.e. that the double was not conventional) and there was no evidence that East's double meant anything other than penalties in this partnership. The Committee was aware of the presumption that a pair has misinformed rather than misbid, but it believed that the evidence from the E/W convention card met the burden of proof needed to overcome that presumption. Therefore, absent an infraction on which to base an adjustment, the Committee allowed the table result of 4[made four, plus 620 for E/W, to stand.

DIC of Event: Henry Cukoff
Committee: Michael Huston (chair), Doug Doub, Becky Rogers

Directors' Ruling: 89.7 **Committee's Decision: 92.5**

Since the Committee covered all of the bridge bases quite competently, the only issue remaining was whether this appeal lacked merit. I vote "Aye."

Bramley: "Correct. Given South's hand he should not have been surprised when the opponents continued to 4[over 4! . What did he expect to happen? Even if the Committee had found MI there would have been no reason to adjust the score. Therefore this case had no merit and N/S deserved an AWMPP."

R. Cohen: "Another case of trying to steal one in Committee. When are penalty points coming into play? Kudos to the Director and Committee."

Polisner: "Where's the beef? East deviated from his system and West was walking the dog. The table result is sort of normal with North having the potential to defeat 4[in his own hand on a good day. Since there was no violation, this appeal was without merit."

It seems that Bart, Ralph, Jeff and I are the only ones willing to call N/S on this poor excuse for an appeal. Pity.

Rosenberg: "West's answer should have been not 'penalty' but something signifying the lack of discussion and inexperience of the partnership. At the risk of being politically incorrect, I would say that foreign players have a tendency to avoid implying doubt about their partner's bids. The decision was okay."

Mollemet: "South's hand and the auction should have made it clear that the double wasn't purely for penalty. The Committee considered that when a player's hand does not match his partner's explanation, the burden of proof falls to that pair to prove that a misbid rather than a misexplanation has occurred. I have no reason to doubt the Committee's finding that E/W satisfied this burden. Therefore the table result should stand."

Passell: "I agree, the table result should stand."

Weinstein: "Even had the Committee decided this was a misexplanation, I also like the table Director's reasoning not to adjust just as well."

Rigal: "I like the Director ruling here. One can take the issue of ruling for the non-offenders too far, and here South knew from his own hand and partner's free raise that the double was not penalties. If he got it wrong he has only himself to blame. The Committee came to a sensible conclusion on the evidence and personalities before them."

Stevenson: "Good decision. The Director's logic seems flawed: it is perfectly possible to construct a hand on the auction where East has a penalty double."

Yes, but not one based on trumps, which is what I believe the Director meant when he said the double could not have been "purely" for penalty. Enough said.

CASE THIRTY-ONE

Subject (MI): A Gamble On A Gamble
Event: NABC Women's Pairs, 25 Mar 99, First Qualifying Session

Bd: 2 Dlr: East Vul: N/S	Judy Harris [AQ8 ! AJ96 " 107653 Ê 9	
Susan Wexler [K5 ! 10 " 92 Ê AKQJ10762		Margie Gwozdzinsky [974 ! Q7542 " AKQJ Ê 4
	Monica Angus [J10632 ! K83 " 84 Ê 853	

West	North	East	South
		Pass	Pass
3NT	All Pass		

The Facts: 3NT made six, plus 490 for E/W, on the opening lead of a low diamond. When asked about the meaning of 3NT East said they played Gambling in first and second seat but in third and fourth seat it showed a good hand. This was explained after the hand as a long suit with an outside card or two. However, East told the Director she did not believe it necessary to explain all the nuances of the bid in a National event. The Director ruled that with full disclosure North would have made a winning lead. The full benefit of doubt was given to the non-offenders (! A lead) and the contract was changed to 3NT down four, plus 200 for N/S.

The Appeal: E/W appealed the Director's ruling. East stated that she had passed a hand that probably everyone else opened and didn't need to volunteer any information as to the meaning of 3NT during the auction because South was unlikely to consider entering the bidding. East said that prior to the opening lead she informed North that E/W played Gambling 3NT with no outside ace or king in first and second seat, and that this bid showed a good hand. East maintained that she had added "with a long suit." E/W further said that this was a normal contract with a normal result when compared with the rest of the field. N/S stated that the meaning of the 3NT bid was not volunteered; rather, North had to inquire about it prior to leading. They further said that a good suit was not mentioned and all that they heard was a "good hand." North asserted that the ! A would have been led had she been fully informed.

The Committee Decision: According to the Directing staff, 3NT required an Alert. (This is confirmed by the ACBL Alert Procedure, which states "notrump openings at the two-level or higher with an unusual range or conventional meaning require an Alert.") The Committee decided that there was a failure to Alert an Alertable bid. When East explained to the Committee what the 3NT bid meant, the words "long suit" were inaudible. N/S denied that there was any statement concerning a long suit and East said she might have mumbled the words or they might not have been understood. Further, "long suit" is not synonymous with "solid suit." It is a player's responsibility to be certain that opponents are fully informed as to the meaning of a conventional bid. The fact that at other tables the result was the same was irrelevant. In deciding the result, the Committee discounted North's statement that she would have led the ! A with a fuller explanation. However, had North been properly informed, the Committee decided it was more likely than not that she would have led an ace, the standard maneuver against a Gambling 3NT. While arguments could be made for the lead of either ace, the Committee believed that the ! A (given no 1! opening bid at this table) met the standards of Law 12C2, both for the offenders ("at all probable") and the non-offenders ("likely," whether or not it was the most likely). The Committee projected the most unfavorable (E/W) and favorable (N/S) results that were, respectively, at all probable and likely to be the same, down four. The contract was changed to 3NT down four, plus 200 for N/S.

DIC of Event: Henry Cukoff
Committee: Ron Gerard (chair), Bob Gookin, Robert Schwartz

Directors' Ruling: 87.8 **Committee's Decision: 89.4**

East was wrong in her statement and outlandish in her attitude that she was not obliged to explain all of the 3NT bid's nuances – in any event at any level. This sort of snobbery is contrary to the best interests of the game and was uncalled for. It shouldn't have been tolerated – particularly from an "elite" player. East should have been only too happy to tell her opponents everything she knew about her partner's bid, as she is required to do.

The Committee's decision was well conceived and articulately communicated. However, I would have pushed for a PP against East for her unacceptable attitude.

Most of the panelists are with me on this one.

Polisner: "Excellent ruling and decision. Why was no speeding ticket issued?"

Why indeed.

Stevenson: "It is extremely worrying that East is reported as having said that she did not believe it necessary to provide full disclosure in a National event. Why was she not given a PP? Some might think that the decision, while correct, was very harsh. In Europe, equity would be offered under Law 12C3, and a decision such as 60% of 3NT down 4, 40% of 3NT making might be given. The pros and cons of this law are interesting: some feel it leads to fairer decisions, some feel it gives too much power to Committees. See CASE THIRTY-TWO."

The issue David raises deserves a thorough airing in these pages. Perhaps if David will pen (keyboard?) a discussion of it and send it along with his comments on a future casebook, we will take it up then in the Closing Comments section.

Patrias: "It would seem that E/W were spending a lot of effort to explain why they were concealing the meaning of their bids."

R. Cohen: "Hard to disagree with the Director and Committee. East should know better."

Mollemet: "It appears from the write-up that East did not go out of her way to make sure the opponents were given full disclosure on the meaning of the 3NT bid. Therefore it appears that there was MI given to the opponents and that the score should be adjusted according to Law 12C2. The adjustment made by the Committee seems correct."

Rosenberg: "The failure to Alert combined with the misleading explanation make this the correct decision, so long as North didn't know what was really happening."

Rigal: "Good rulings. All the issues were taken into account and the issue about the right ace to lead was also considered. (The [A is technically right I think.) But on the facts as presented the right decision was made."

Passell: "Good work but why not down five? Declarer doesn't have to guess hearts!"

I would accept down five, but I suspect it didn't matter to either pair's score. The last three panelists contest (at least in part) the Committee's decision.

Treadwell: “E/W certainly committed infractions in not Alerting the 3NT bid and in giving less than complete information about the bid when asked. Hence, they earned the score of minus 200 since it was conceivable that the somewhat double-dummy defense to achieve a four trick set would occur. However, this result is too favorable for N/S since, in my opinion, it is not likely that this defense would have been found. Average Plus would have been sufficient compensation for N/S.”

Average Plus is not an acceptable option. If David’s argument is that the lead of the ! A is not “likely” (I disagree), then another result (e.g., making three) should be assigned. However, if the ! A lead is among the likely choices, it is clearly the most favorable for N/S and should be assigned.

Weinstein: “I fully agree with the Committee as far as the E/W score. It does seem that North should have inquired as to what is a good hand, especially in light of the good hand explanation following the Gambling in first or second seat explanation. It seems ludicrous to mention the Gambling part if 3NT was a strong balanced hand. I believe that North was sufficiently oblivious, akin to sufficiently egregious, to preclude an adjustment for N/S.”

I see no reason why North (1500 masterpoints) should not think from East’s statement that West’s hand was a strong, balanced one (although she did hold a lot of high cards if that were that case). “Gambling in first and second” does not mean that East wasn’t simply distinguishing between Gambling hands in first and second seats and strong balanced hands in third and fourth. That North asked is evidence that she was considering more than a diamond lead. The stronger and more balanced West is, the more attractive the diamond lead becomes. A third interpretation of East’s statement is that West can have an 18-19 count with a good six-card suit, a not uncommon treatment.

Bramley: “ I disagree. The statement about ‘Gambling 3NT in first and second’ made it obvious that ‘good hand’ was in the context of Gambling 3NT. My personal poll, in which I asked for an interpretation of East’s explanation, provided unanimous support for this view. This is like CASE TWENTY-ONE, in which the right opening lead is so much easier to find when you know all the hands. The Committee dwelt on an irrelevancy when they discussed the distinction between a ‘long suit’ and a ‘solid suit.’ Just because West’s suit was solid doesn’t mean that it had to be. That bit about 3NT requiring an Alert is also irrelevant. North was never going to bid and she asked before she led; besides, an opening 3NT is essentially self-Alerting. While E/W were not completely clear with their explanations, I don’t for a second believe that North thought she was leading against a balanced 25-27. I would have let the table result stand.”

I agree that a 3NT opening is self-Alerting, but that is likely the reason North asked about the bid. East’s answer was unconscionably evasive and E/W clearly deserved the adjusted score given them. Only N/S’s due is open to discussion.

CASE THIRTY-TWO

Subject (MI): 12C3 Is Alive And Well In The ACBL
Event: NABC Women’s Pairs, 25 Mar 99, Second Qualifying Session

Bd: 20 — Dlr: West — Vul: Both

North: Peggy Sutherlin
Í 97
! 986
" 542
Ê J9652

West: Shannon Lipscomb
Í AQJ532
! 43
" A
Ê K1083

East: Rhoda Walsh
Í 104
! KQ107
" QJ1063
Ê 74

South: Petra Hamman
Í K86
! AJ52
" K987
Ê AQ

West	North	East	South
1Í	Pass	1NT(1)	Pass
2Ê	Pass	2Í	Pass
3!	Pass	3NT	Pass
4Í	All Pass		

(1) Announced; forcing

The Facts: 4Í went down one, plus 100 for N/S. After the opening lead of the Ê 2, declarer asked about defensive play. South mistakenly gave the explanation associated with notrump contracts rather than suit contracts – that the lead was standard rather than low from odd. The Director ruled that while West took a natural line based on the information received, it was believed that the potential winning line was not nearly automatic. However, an adjustment was appropriate and the Director awarded plus 10% of a board to E/W and minus 10% of a board to N/S (6.4 matchpoints).

The Appeal: E/W appealed the Director’s ruling. East did not attend the hearing. When West asked about the opening lead she was told it was standard plus Smith Echo. West questioned the use of Smith versus suits and was told no, but no clarification of other leads against suits was made. With the proper information (3rd and 5th leads) West believed she could have found the winning line after Ê A, Ê Q: " A, heart to the queen (South must duck), " Q covered and ruffed, Í Q. If South wins, the Í 10 is an entry to the diamonds, if not, Í A, and a spade to the king endplays South to provide discards for the losing clubs. N/S agreed that declarer had been misinformed about their opening leads. They stated that declarer did not realize before she left the table that the hand was makeable.

The Committee Decision: The Committee believed that this declarer might have found the winning line of play given correct information: the location of the Í K is marked from the failure to switch to a trump at trick two. Since the Committee believed that this was not clear, as it required playing an opponent who had never bid for a 16-count (Í K, ! A, " K, Ê AQ), they decided that Average Plus was reasonable protection. The Committee assigned Average Plus to E/W and Average Minus to N/S.

DIC of Event: Henry Cukoff
Committee: Henry Bethe (chair), Robb Gordon, Jim Linhart

Directors’ Ruling: 53.6 **Committee’s Decision: 64.4**

On the surface, this looks like merely another lazy ruling by the Director and later by the Committee. Declarer was given MI about the opening lead, albeit inadvertently, which had a direct bearing on her chosen line of play. Therefore, an adjusted score is appropriate. The play to the first six tricks (after the Í Q holds) seems pretty clear, at which point two alternative lines present themselves. (1) Play North for the Í K: ruff a third club with dummy’s Í 10 and take a pitch on the " J.

(2) The (winning) line suggested in the write-up. I believe that line (1) is by far the more likely since it requires only that North hold the l K and South the diamond length (likely with North known to hold five clubs). Of course this is disputed by the Committee's statement that South is marked with the l K from her failure to switch to a trump at trick two. But that inference is suspect (see Mike Passell's comment below). If I had a nickel for every time a player misdefended a hand by failing to switch to trumps, especially at trick two, I'd be lounging on my yacht sipping margaritas instead of peering at a computer monitor. Line (2) requires that 16 of the 17 outstanding HCP (all but the E J) lie with South, a player who never bid. All this leads me to the conclusion that, although there was MI which could have affected West's line of play, there was no consequent damage because the winning line was not really a LA. Therefore, the table result stands.

Unfortunately, score adjustments seem to have been made without determining whether damage resulted from the MI. But score adjustments should not be made merely because there was an infraction. First, "likely" and "at all probable" bridge results must be determined. Then every attempt should be made to assign actual bridge results rather than artificial scores. The present case illustrates what can happen when adjudicating bodies rush to assign what they consider "reasonable" artificial scores just because there was an infraction. We can not assume that score adjustments are automatic or that artificial scores will suffice.

Bramley: "The Director's ruling is illegal, isn't it? The Committee also should have done better than Average Plus and Average Minus. This looks like a good candidate for a Weinsteinian split ruling. For N/S, the most unfavorable result that is at all probable is 4l making, so N/S are minus 620. For E/W, the most likely result even with a correct explanation is still 4l down one, so E/W are minus 100. The chance West would make 4l with the right information falls into the narrow range (bounded by 'measurable' on the low end and 'small' on the high end) that makes the split decision appropriate.

"Furthermore, even if we assume that Average Plus and Average Minus are acceptable, the Committee should have specified, for E/W, Average Plus or plus 620, whichever is worse, and the converse for N/S. Although plus 620 on this hand appears unlikely to be worse than Average Plus, that does not excuse the Committee from sloppy work. Obviously if 12C3 were allowed in the ACBL, then the Director's ruling would be reasonable and the Committee might do the same."

On a purely intuitive level I like Bart's thinking. Surely the different standards should be applied to the two sides as he suggests. The only flaw that I can see in his analysis is that the line leading to 4l making is, in my opinion, not even up to an "at all probable" standard for the offending side. And he is right again that, even if the Average Plus/Minus assignments were found to be appropriate, they should be limited by the actual matchpoint value of 620.

The following panelist was closer to the truth about 4l making.

R. Cohen: "This may be the toughest case of the tournament. To bring home 4l, West must play almost double-dummy even with the correct explanation of the opponents' lead agreements. Not impossible, but in my opinion not '…likely had the irregularity not occurred…' Average Plus seems excessive for E/W, but seems to be the proper resolution the laws provide. No problem with Average Minus for N/S. The Director had the best idea, but it was not legally sustainable without Law 12C3. This does not mean I'm in favor of implementing 12C3 in the ACBL. I believe 12C3 is a cop-out for failing to reach a decision under 12C1 and 12C2."

Unfortunately, Ralph's solution appears to be just as much of a cop-out. I can't see where the laws provide for giving Average Plus to a pair that, while damaged, had virtually no chance of doing any better than they did at the table. And the same applies to N/S. While they were guilty of MI, it had no tangible bearing on the outcome of the hand. Assigning an artificial score in place of an actual bridge result

is a dangerous practice, which is why the law specifies different procedures for assigning adjusted scores when a result has been attained at the table (12C2) and when one has not (12C1).

Our laws expert from England has this one well in hand.

Stevenson: "It is the duty of the Director and the Committee to apply the laws of bridge in any particular situation. No laws exist that give the Director any right to award a 10% swing, and it is difficult to believe that this Director has opened a law book. Perhaps he would like to quote a law number.

"What was the Appeals Committee up to? Their duty is to work out whether there was MI (they decided that there was), decide whether there was damage, and if so adjust under Law 12C2. Nothing gives them the right to make laws up because they cannot decide whether there was damage or not. If they believe that this declarer might reasonably have found this line then the only legal decision is to give the declarer 4l making and if not, to let the score stand. Compare CASE THIRTY-ONE: in Europe declarer might have been given 25% of 4l making, 75% of one off under Law 12C3. But until the ACBL decides that Law 12C3 should be used in their Zone, Committees in the ACBL may not use it."

Ouch. As much as it hurts, he's right.

Still have doubts? Then let's consult our Official Encyclopedia.

Gerard: "Unfair to try and achieve equity. No one knows what it means. Look how widely disparate two views of equity were – half a board different. I told you this would happen. The Committee Chairman should know not to legislate from the bench. Under 12C2, N/S get minus 620, E/W minus 100. However, even if I were tempted to let E/W get some part of 620 I wouldn't do it. West was charged with further investigation once she had received an obvious notrump explanation. If the Smith Echo part of it was wrong, the lead part was suspect. The proper information was available from the convention card. West was on notice that she couldn't just rely on what she was told. It would not have been beyond the mind of woman to find out what the real methods were. West was damaged by her own passivity, not by the MI."

I wish Ron had elaborated on how just he proposed for N/S to be minus 620. These days many pairs play Smith Echo at suit contracts as well as at notrump. So the inclusion of Smith Echo in the answer to West's question was not an "obvious notrump explanation," although it *might* (should?) have caused suspicion.

Mollemet: "Obviously, the Director erred in applying the equity principle in an ACBL country. I believe the Committee correctly adjusted the score to Average Plus/Average Minus when they were unable to determine the probability of making four with the appropriate information."

No, I'm afraid that Average Plus/Average Minus here was even worse than the usual lazy-think. It was wrong on at least two counts. One, the limits that Bart mentioned if 620 was deemed to be "at all probable" and the other, the fact that 620 is an extremely improbable *bridge* result.

As I promised, another possibly faulty bridge judgment is raised by the next panelist.

Passell: "Why was the l K marked? How would South know the club wasn't cashing? If South wasn't looking at the ! A how could she possibly play anything else back? To give everything to declarer on a hand this complex is ridiculous. Average Minus to N/S and Average to E/W is the farthest I could go."

And even that is "bridge too far."

Patrias: "I am confused by the ruling of the Director which seems to be contrary to the laws. I also think declarer should pick up the Convention Card and look at it. Regardless, N/S are responsible for giving the proper information. N/S minus 620, E/W to get Average Plus."

This Average Plus/Average Minus stuff has really become epidemic. If I weren't writing for a family audience I might suggest a round of purgatives.

Polisner: "Why wasn't Law 12C2 followed when the Committee believed that the declarer might have found the winning line? What about Law 88? I believe the score should be adjusted to E/W plus 620."

When an adjustment is made under Law 12C1, I think Law 88 (Average Plus is deemed to be the percentage of the pair's game if it exceeds 60%; similarly for Average Minus) is applied routinely by man and computer. And how would 620 realistically be achieved?

Rigal: "The Director might well have awarded an Average Plus/Average Minus initially given the complexity of the play. Mind you, given the fact that the winning line is so obscure, maybe it was a reasonable award anyway. The Committee were not ungenerous to E/W here; though N/S deserved no more than Average Minus, perhaps Average Plus was enough for E/W."

If the winning line is so obscure, then why is there such a burning need to redress a pair that *really wasn't damaged*? Directors are to award artificial scores (those involving Average or Average Plus/Minus) when no result can be obtained at the table. It is almost always inappropriate (if not illegal) to assign artificial scores once a result has been achieved. Take notes. There's going to be a test.

Treadwell: "Reasonable compensation was given to the non-offenders in this case with Average Plus, unlike the preceding case where the non-offenders received too much."

Lazy. At least the next panelist appreciates the need to redress damage with a valid bridge result when an adjustment is deemed appropriate.

Rosenberg: "If the Committee 'believed that this declarer might have found the winning line of play given correct information' it should have ruled plus 620 for E/W and minus 620 for N/S. It is irrelevant that declarer did not realize before she left the table that the hand was makeable. It would be nice if the Committee noted that in its response. It is the job of the Director and the Committee to look out for innocent players' rights. This sometimes requires thorough analysis.

"This is a very difficult hand to analyze. There is apparently a second winning line, which is to play a second heart at trick six after ruffing out the " K. When South wins she appears endplayed. If she plays the ! A, then the spade endplays her – except it doesn't, because she plays a fourth heart on which North discards her last diamond. Rather than get too deeply involved in the complexities, just think that maybe South would not duck the first heart and award 620 for both sides. Always analyze in favor of the non-offenders where possible."

The only possible objection I have to Michael's analysis is that perhaps in the actual play South *did* duck the ! A. But we weren't given enough information to determine that.

Finally, Howard echoes Michael's concerns and sums things up nicely.

Weinstein: "I don't know what line was taken at the table, but it seems that West's most likely play with correct information would be as described. South could also mess up by winning the ! A the first time, perhaps thinking the other heart might go

on the diamonds (even though there is no quick entry back to dummy) or that North couldn't afford to part with the ! 8 or ! 9 from ! 9864. If there is sufficient likelihood that West will make the contract – at least one in three – then E/W should be plus 620. If there is even a one in six chance that West will make the game, then N/S should receive minus 620. Average Plus/Average Minus should be reserved for hands where the final result can't be remotely contemplated, until we are able to use 12C3. The Committee's decision may have been fair, but it was wrong. It would be nice not have the two incongruous."

Yes, South might misdefend by winning the ! A the first time (resulting in an immediate endplay) or hesitating long enough before ducking to divulge the aces's whereabouts, thus making the proposed line even more likely. Perhaps on that basis 620 to both sides is reasonable. But Howard's argument about North's count card in hearts presumes standard carding (there's no problem signaling if N/S were playing upside-down carding), and the fact that South is endplayed if she wins the ! A the first time is terribly transparent to South. Still, the arguments about South's actions in hearts makes 620 a more defensible adjustment.

I guess I'm still not convinced that the table result should be changed, but it would take knowledge of N/S's carding methods that was not provided (why?) and information about the plays that actually occurred at the table (again, why weren't they provided?) to convince me to assign symmetrical 620s. In the final analysis, Howard is certainly right about one thing:"The Committee's decision may have been fair, but it was wrong."

CASE THIRTY-THREE

Subject (MI): Where Are You When We Need You 12C3?
Event: NABC Open Swiss Teams, 28 Mar 99, First Final Session

Bd: 1 Dlr: North Vul: None	Wafik Abdou ♠ xx ♥ K9x ♦ AKQxxxxx ♣ ---	
Randy Pickett ♠ K98xxx ♥ Jx ♦ xx ♣ Kxx		John Lusky ♠ xx ♥ AQ83 ♦ J10x ♣ A108x
	Danny Sprung ♠ AQJ ♥ 10xxx ♦ --- ♣ QJ9xxx	

West	**North**	**East**	**South**
	3NT	All Pass	

The Facts: 3NT made five, plus 460 for N/S. The opening lead was the ♥A and the Director was called at the end of the hand. East asked about N/S's Gambling 3NT agreements before the opening lead and was told by South that North would have no high cards outside his suit. East stated he would have led something else if he had known that North could have an outside card. N/S were a relatively new partnership and both cards had Gambling 3NT marked with no further description. North said he had bid 3NT because it seemed right. He did not correct his partner's explanation of their agreement because he also thought that was their agreement. The Director changed the contract to 3NT down five, plus 250 for E/W (Laws 75C and 75D2).

The Appeal: N/S appealed the Director's ruling. N/S claimed to have the agreement of having no side ace or king for a Gambling 3NT bid. Their convention card was marked "Gambling" with no other information. North stated he had made a tactical deviation from their agreement. N/S had played together twelve days during the last three NABCs and about once a week (about seven boards) on OKBridge. N/S could not produce documentation of their agreement. East believed that with the correct information he might have led the ♣A.

The Committee Decision: The Committee wanted to restore equity under Law 12C3 but could not because the ACBL Board of Directors has prohibited the use of this law for ACBL sanctioned events. Therefore, the Committee used Law 12C2 to determine assigned scores. For the non-offenders, the Committee decided that the ♥A stood out as the most likely lead by three-to-one and maybe even four-to-one over the ♣A since there could be a slow entry with the ♣Q or ♣J to the North hand. Given that, the most favorable result that was likely had the irregularity not occurred would have been 3NT made five. For the offending side, the Committee decided that the most unfavorable result that was at all probable would occur if the ♣A had been led. They projected the play of ♣A, club to the king, ♥J to the king and ace, spade to the king and a spade to dummy, then a high club followed by another club to endplay East. This would lead to down two. The Committee believed that nobody would lead the double-dummy spade that would lead to the down five the Directors had assigned. The Committee changed the contract to 3NT made five, minus 460, for E/W (the non-offenders) and 3NT down two, minus 100, for N/S (the offenders).

DIC of Event: Henry Cukoff
Committee: Henry Bethe (chair), Michael White (scribe), Kit Woolsey

Directors' Ruling: 62.0 **Committee's Decision: 70.0**

Would *you* pass a Gambling 3NT promising nothing on the side holding the South hand? Partner's suit is diamonds, so there's no entry to North's hand, and you know the opponents have *at least* five top tricks to cash (at least three hearts, assuming North has three of them, and two clubs) and probably more (they should be able to endplay dummy for at least one extra club trick and/or the ♠K). With down three the most optimistic result South could expect, it seems that discretion might be the better part of valor. After all, on a good day, 4♥ might even make.

So why did South pass? We might attribute it to poor judgment, or a "don't run until you're doubled" philosophy, or simply too much machismo (a willingness to donate 150 or more to E/W in the hope that they can somehow make game – unlikely, since South figures to have at least two tricks on defense and North a trick or two as well). But the Committee was obligated to demand hard evidence of N/S's "nothing outside" agreement before buying into their story. When no such evidence was forthcoming, the Committee, having had their 12C3-wish denied by the wicked BOD fairy (a good thing here, because 12C3 shouldn't have been used in this situation even if it had been permitted), ruled MI and adjusted the score under 12C2. So the case finally boiled down to a simple matter of applying the differing standards of 12C2 to the two sides. Well, simple for you, maybe.

Let's listen to how Bart would have resolved the bridge issues involved in adjusting the scores.

Bramley: "Apparently the Committees in this case and in CASE THIRTY-ONE wish to remove the 'gamble' from Gambling 3NT. I disagree again, although this Committee did slightly better than the previous one.

"An essential question here is: Does the presence of a side king in North's hand prove that the N/S agreement was different from that given by South? I say no. This is not the same kind of 'misexplanation' as one in which South completely misdescribed North's hand type. Given that North has a running suit and that he *may or may not* have some stuff on the side, East players would be virtually unanimous in leading one of their of their aces. Regardless of North's side strength, the effectiveness of one ace over the other is almost random. (If you have the simulation software to prove otherwise, show me.) I believe that any argument for a specific lead based on the fear of leading into North's side strength is equivalent to an angels-on-the-head-a-pin argument.

"When I was given the hand as a lead problem (with the information that East had), I chose the ♣A. I reasoned that (1) we have to run either hearts or clubs, (2) if either suit runs starting with the ace my lead is irrelevant, (3) if we have to run a suit starting with a low lead *hearts* is a better candidate (partner may have K10x over dummy's Jxxx(x), but an equivalent position in clubs is hard to construct), so (4) since preserving the high/low option in hearts is more important than in clubs, (5) the ♣A is the best lead. I believe the above argument holds regardless of East's assumptions about North's side strength. Maybe you have a different argument supporting a different lead. However, I would bet dollars to doughnuts that it is based on attempting to run the suit led, not on trying to avoid North's strength.

"But I digress. What really happened here is that South lost his mind in the auction. This, combined with North's fortuitous possession of a possible side entry, made the opening lead relevant for a completely unexpected (and unlikely) reason. This was a truly random rub-of-the-green result. Let the table result stand.

"Note the Committee's statement that 'the most unfavorable result…would occur if the ♣A had been led.' True, but they make no argument connecting the supposed MI with the chance of finding a club lead. If the chance of a club lead is the same with either information, then obviously there is no damage.

"Finally, the Director's ruling was draconian. Not only did he rule against the wrong side but he buried them! If he had properly let the result stand and E/W had appealed, I would have found no merit. At least this Committee left E/W with their table result, but depriving N/S of this result was cruel and unusual punishment."

Sounds good. East is faced with a choice-of-aces lead, regardless of what he's

been told about North's possible outside values, and nothing in the information given points conclusively to either ace. Bart's bridge logic makes the Ê A a favorite because it preserves the option to later underlead the ! A, so East's faulty analysis was the culprit and not the information provided by N/S; which wasn't even MI.

Well, leaving Bart's bridge analysis of the opening lead aside for the moment, his argument that the presence of a side king in North's hand does not "prove" that South's explanation is wrong is troubling. Passing 3NT makes South's explanation suspect, even though it is possible to come up with plausible reasons for his action. But the burden of proof should therefore fall on N/S to provide reasonable evidence that their agreements were as they claimed *because of the unusual nature of South's action*, which seems to favor a "no specific agreement" or "he may have outside values" version of their methods. Adopting Bart's approach would make it easy to agree to have an outside card, not tell the opponents, and hope to get a favorable strategic ace-cash on opening lead. Bart's argument for there being no MI seems to me more an argument that if there was MI, it had no effect on the opening lead. So let's examine the bridge analysis Bart uses to support that claim.

Ron, what about that?

Gerard: "Jeez, give it a rest will you? The only reason I can see for allowing this Committee to use 12C3 is that they made a complete mess of the 12C2 analysis, so it couldn't have been any worse. Then again, in the hands of these guys who knows what would have emerged.

"First of all, something needs to be said to N/S. To North for the insidious 'I deliberately violated my system' canard; to South for thinking anyone would believe a pass opposite no side cards. Everyone assumed MI, but no one was sufficiently offended by the N/S explanations.

"As to the bridge of it, I must be out of step. If I lead the wrong ace, I'd much rather it be clubs since I still have chances in hearts. If the ! A is wrong, clubs are less likely to run. The weaker your holding, the safer it is to lead. Go back to CASE THIRTY-ONE. Wouldn't you try to lead the ace that keeps open more of a chance to run your other suit? In that case we thought it was close between the Ì A and ! A, reflecting the rough equivalence between the holdings. But the form of scoring was an added complication. Here, where the objective is a lot simpler, I can't imagine that the ! A stands out. Will someone please explain to me what I'm missing? Knowing the Committee I'm sure it was certain of its bridge analysis, but arguing that 'it's clear' is just, well, argumentative. I accept the trick analysis after a club lead, so the result should have been down two for both sides."

Ron disagrees with Bart's view (strongly, if I read him correctly) that there was no MI but agrees that the Ê A is the safer ace lead, contrary to the Committee's opinion that the ! A is as much as a four-to-one favorite. Then, after scolding the Committee for their "argumentative" claim that their analysis was clear, he in effect concedes that the MI was (in some unspecified way) connected with East's choice of lead by agreeing with their trick analysis and applying it to both sides, thus disagreeing with the Committee's decision to adjust only the non-offenders' score.

Accepting Bart's and Ron's analysis of the superiority of the Ê A lead, I find myself slightly favoring Ron's conclusion about the right score adjustment – but only because South's explanation seems to make the choice of lead more evenly matched between the two aces. South's "no outside values" explanation suggests that any high cards outside of North's suit are likely to be in South's hand. Therefore, the ! A lead needs less from partner to be an outright winner. And eeven if Bart's critical holding exists (West with ! K10x and South with ! Jxxx(x)), East retains the Ê A as an entry after leading to West's ! 10 at trick two. I also find the Committee's strong endorsement of their own lead analysis distasteful – the sort of thing we'd expect from "group-think" (the more we agree with one another, the more certain we are that we are right and others who disagree with us must be wrong!). I find no compelling reason to believe that either ace lead will be a clear winner over the other. There are persuasive arguments to be made on both sides.

So with none of the arguments for leading one ace over the other compelling, and no clear connection between the MI and a shift in the probabilities toward the ! A (the losing alternative), I find Howard's argument from CASE TWENTY-NINE persuasive: "…when things seem strange don't let the table result change."

Now let's listen to the other panelists as they try to convince us where to cast our votes. Most agree with me that South's hand provides a good reason for being skeptical about N/S's agreements.

R. Cohen: "There is something rotten in Denmark! If the agreement was that North could have no side cards, why was South passing 3NT with a void in partner's suit? Without documentation as to the N/S agreement, Average Plus to E/W, Average Minus to N/S."

Aha, the old "if there was MI there must have been damage; adjust the scores" argument. And even worse, make an artificial adjustment. Well, I'm not buying it, Ralph, unless you explain just how the MI reasonably led to the ! A lead.

Martel: "Reasonable decisions all around. Also note that North's 3NT opening and South's pass to 3NT strongly suggest that a side card was possible (why would South pass 3NT when he knows it is going down and 4" might make)? Thus North might well be penalized for not correcting the explanation before the lead (which would have avoided this mess)."

Mollemet: "North's self-serving statement that he purposely violated his partnership agreement in first seat should be looked upon as any other self-serving statement. With no documentation to support the claim that the partnership agreement was that there would be no aces or kings outside the long suit, the explanation was correctly determined to be MI. If you accept the Committee's assessment of the probabilities of various opening leads, then the split ruling is not only acceptable, but correct."

And what are your assessments (Chip, Peter) of those probabilities? Should we accept the Committee's assessments? Can we get some help here, please.

Passell: "The original Director's ruling was of course ridiculous. Why wouldn't East lead the ! A if told that North might have another card? Letting the result stand and giving a PP to N/S seems much fairer."

Mike is with me for letting the table result stand, but on what basis is a PP warranted and what is it intended to accomplish?

Patrias: "What is wrong with Law 12C2 here? The decision of the Committee seems reasonable."

What indeed?

Polisner: "Isn't Gambling 3NT defined as having a solid suit with no outside ace or king? If this is correct, then there was no MI and the table result should have been confirmed. North was under no obligation to advise E/W that he had deviated from his system. See Law 75B. There is insufficient room on the convention card to disclose many aspects of a particular convention. Thus, when a convention is defined, such as Gambling 3NT, that should be sufficient to establish the criteria."

But doesn't South's hand look awfully suspicious if that really is the N/S agreement? Just because there's a write-up somewhere of what a convention is "supposed" to show (e.g., Flannery: 4-5 majors, 11-15 HCP; Gambling 3NT: solid suit, nothing outside; Roman 2" : 17-24 HCP, three suiter; etc.), that doesn't mean that there aren't as many variations as there are people playing it, with few of them

being documented on convention cards. Has anyone noticed the variations out there in what constitutes an intermediate jump overcall? By Jeff’s standards, everyone who sees that box checked on the convention card should assume – what? What if they haven’t read the definition of the bid? What if they ask and are told “11-15 HCP”? Does it promise a good six-card suit? Is *any* 11-15 HCP hand with a long suit sufficient? I’ve seen people play it both ways. So sorry, Jeff, but one has to seek clarification if there are common variations in a treatment, and one then has to go by what one is told, but only until the evidence suggests doubt, as it did here.

Rigal: “Good try by the Director. I disagree, along the Committee lines with the opening lead and play suggested, but at least they tried. As to the opening lead against 3NT selected by the Committee, I think I would have copped out frankly. Since the ruling they gave was one that left everyone as unhappy as they could be, I might have been prepared to settle for Average Plus/Average Minus [ugh! – *Ed.*] on the grounds that I could not work out just how likely any of the outcomes were even after the opening lead. If my arm were twisted I’d agree on the ! A lead for both sides but I would still penalize N/S a quarter-board.”

At least he knows he’s confused.

The next panelist reinforces some of the opinions we’ve already heard and adds his own stamp to the play analysis.

Rosenberg: “North’s ‘tactical deviation’ claim is self-serving. More than likely there was no agreement regarding the outside card. North certainly should have said something unless he had some real proof that ‘no high cards’ was their agreement. At least if the convention card had been marked, that would have been something. I don’t understand the Committee’s argument regarding the Ê J or Ê Q being an entry. Was East supposed to expect dummy to have a diamond void? Come to that, why did South pass 3NT? The whole thing is strange.

“Once East knows North might have a high card, the Ê A is the logical lead. West should discourage and East might figure out the spade shift. Now down five is a lively possibility since declarer may get desperate and try a heart to the king (expecting the ace to be onside because of the Principle of Restricted Choice?). I like the Director’s ruling.”

Well, that’s one for the Director.

Stevenson: “Excellent decision. Players who have specific agreements that do not agree with their hand should be able to produce documentary evidence or expect decisions to go against them.”

Treadwell: “This case boils down to whether you believe the N/S statements that the 3NT bid denied an outside high card. We all deviate from agreements from time to time, sometimes deliberately and sometimes from forgetfulness. Are we always to be punished when we get a good score as a result? In this case, based on the information in the write-up, I would let the table result stand. Of course, a Committee frequently gets a better feel for this sort of thing when hearing the evidence first-hand, but I am bothered by their split decision. I would have allowed the table result of 460 for N/S to stand for both pairs since I do not see where there has been an infraction.”

Well, there’s certainly a lively presumption of an infraction (MI) based on South’s hand. What standard of evidence do we require in such situations? I personally believe that when a player describes his partner’s bid in a way which is at odds with the partner’s hand, and then makes a call whose success is uniquely consistent with his partner’s actual holding, then the burden of proof that their methods are as described falls squarely on their shoulders. This is essentially the “Rule of Coincidence,” but I would apply it only to establishing the burden-of - proof requirements in MI situations and not try to use it to directly adjust scores.

Weinstein: “This case has shades of CASE EIGHTEEN. Just because N/S’s statements could be self-serving doesn’t mean that they aren’t true. One is freely allowed to violate a partnership agreement, unless done with any reasonable frequency – in which case it is no longer the partnership agreement and shouldn’t be explained as such. When there is insufficient documentation the Committee should examine the credibility of the alleged offender’s statements, and the likelihood that the bid in question was made with full knowledge of the variance from the partnership methods. For example, you choose to open 1l , raised to 2l and you have the most normal 4l ever dealt, but you choose to muddy the waters by bidding your singleton along the way. Your opponents (and partner) assume this is a help-suit game try and misdefend. They now claim that you were playing short suit game tries and there was MI. Unluckily, your card doesn’t say you play help-suit game tries since almost no good player would ever think to include it on the card. Easy to resolve? Instead I bid my three little playing short-suit tries. Unluckily again, we forgot to mark them on the card. A little stickier?

“One of our deepest principles is full disclosure. We want players to describe everything they know about a call through partnership agreement or experience. If we start to hang players for not having exactly what is described, we start to encourage incomplete disclosure. We’ve had a few cases recently where a player describes his partner’s call after cross-examination, only to have the opponents protest when his best guess was wrong. Players are reluctant to tell an opponent that ‘its bridge’ or some similar answer. Although it is wrong to represent a guess as an agreement, it is an offense committed for altruistic purposes and we should be hesitant to penalize it. The far greater crime is the cross-examiners looking for redress. They can protect themselves from explanation misguesses by phrasing their questions, ‘do you have a partnership understanding of that call?’

“Back to this case. I do not believe that sufficient evidence existed to ignore N/S’s statements of their systemic agreements. Should they be punished for not having a completely filled out convention card? The Committee, bless them, tossed in an advertisement for 12C3. They could have avoided its use by assuming the offenders were truthful and assigned a PP (not my choice) had they wished. The Committee, bless them again, gave the non-offenders nothing through the proper assessment of most likely result had the alleged MI not occurred.”

That about says it all regarding the pitfalls of documentation and deviating from your agreed methods. But it begs the questions raised by South’s bid and his hand. At some point the burden of proof shifts the other way. Most of the panelists beleive that shift occurred here.

CASE THIRTY-FOUR

Subject (Claim): Equity Triumphs
Event: Stratified Open Pairs, 19 Mar 99, Second Session

Bd: 5 Dlr: North Vul: N/S	Í 9875 ! AKQ5 " 7 Ê A985	
Í Q ! J1092 " AKQJ93 Ê 63		Í AJ6 ! 764 " 6542 Ê K102
	Í K10432 ! 83 " 108 Ê QJ74	

West	North	East	South
	Auction unavailable		

Final Contract: 4Í by South

The Play (lead underlined):

Trick	West	North	East	South
1	" A	" 7	" 4	" 8
2	Ê 6	Ê 5	Ê K	Ê 4
3	Ê 3	Ê A	Ê 2	Ê 7
4	Í Q	Í 9	Í 6	Í 2
5	! J	! A	! 4	! 3
6	! 2	! K	! 6	! 8
7	" 3	Í 7	Í A	Í 3
8	" 9	Ê 8	Ê 10	Ê Q
9	" J	Í 5	Í J	Í K

The Facts: South was declarer in 4Í. The play to the first nine tricks is shown at the left. In the position at trick 10 (see below), after drawing a third trump with his Í K South in some way exposed the Í 10 and claimed, stating he would ruff a diamond with dummy's last trump. E/W stated that after playing the Í 10 there was no spade left in the dummy to ruff South's losing diamond. The Director was called and ruled that the Í 10 was a played card (Laws 45 and 85). Since declarer had already lost four tricks, the contract was changed to 4Í down two, plus 200 for E/W.

	Í 8 ! Q5 " --- Ê 9	
Í --- ! 109 " KQ Ê ---		Í --- ! 7 " 652 Ê ---
	Í 104 ! --- " 10 Ê J	

The Appeal: N/S appealed the Director's ruling. South stated that he had just pulled the last trump with the Í K. He knew the diamond was not good and was trying to show his hand for an obvious claim of the last four tricks. South's first response to E/W's challenge to the claim was that he was trumping the diamond. E/W stated that declarer had faced the Í 10 and then made his claim.

The Panel Decision: The Panel believed that South was making what he believed was an obvious claim that included ruffing the diamond. It was likely that he did something with the Í 10 that caused West to react to his claim. However, South's reaction led the Panel to the decision that South had clumsily stated the claim rather than having made an invalid claim. The Panel did not consider this a doubtful point under Law 70A that should be resolved against the claimer. The Panel relied on Law 70A to adjudicate the result of the board as equitably as possible to both sides. The contract was changed to 4Í down one, plus 100 for E/W.

DIC of Event: Gary Zeiger
Panel: Ron Johnston (chair), Olin Hubert, Charlie MacCracken, Roger Putnam

Players Consulted: none reported

Directors' Ruling: 63.3 **Panel's Decision: 92.2**

In the *Appeals Committee* series of articles which appeared in *The Bridge World* in the early 80s, Edgar Kaplan wrote regarding claims:

> "…it is important to duplicate bridge to avoid a punitive attitude towards minor errors in claim procedure. Probably no more than one claim out of every five is free from all technical flaw. The basic approach is not to punish the flaw, but to rule in equity: to protect innocent opponents against any substantial chance of damage from a faulty claim, while trying to give the claimer the tricks he would have won had he played the hand out." [*Appeals Committee X*, December, 1982]

The Facts in the present case state, "…after drawing a third trump with his Í K South in some way exposed the Í 10 and claimed, stating he would ruff a diamond…" The Appeal section then says that declarer was trying to show his hand for what he thought was an obvious claim. In doing so, he exposed the Í 10 without making any statement and when E/W indicated disapproval, he clarified that he was trumping the diamond (his only remaining loser). E/W then seem to have adopted the position that, since the Í 10 was exposed, that meant it was a played card.

Now my question is quite simple. Given that a punitive attitude toward a minor flaw in the *form* of a claim is to be avoided (which also appears in similar form in Law 70) and that the goal should be to restore equity, is it possible to believe that declarer exposed the Í 10 with the intent of playing it (but didn't, even though he took the time to play the Í K on the previous trick)? Isn't it clear that he simply showed it to curtail play, and when a lack of understanding or acceptance arose, he stated what he thought had been *obvious*: that he was ruffing his losing diamond with dummy's last trump? I see, given the lack of an immediate statement, that one could find a way to construe declarer's actions wrongly, but isn't that what Edgar meant when he spoke of a *minor* error or *technical* flaw? Is it possible that E/W were somehow *damaged* by that flaw in the form of the claim? Is it not clear that declarer was simply trying to show the defenders that he had the remaining trumps?

I find E/W's even calling the Director here contemptible, but I find even more disturbing the fact that the Directors actually upheld the objection to the claim and ruled that the Í 10 was played. What was going through their minds? If the ruling had been for the claimer and the other side appealed, I would have judged it to be without merit, not to mention odious, and I would have told the E/W pair just what I thought of their actions from start to finish in this episode. This table ruling deserves no less condemnation. Panel, what say you about this?

Bramley: "Another bad Director's ruling corrected on appeal. The table Directors are doing very poorly in this set. The Panel's decision seems obvious. Maybe one of those Directors should have been at the table."

Is it possible that, having removed many of the top Directors from floor duty to serve on Appeals Panels, we are seriously compromising the integrity of rulings at the tables? Is the depth of our Director talent really that thin?

Patrias: "A player is responsible for an invalid claim, but not for a clumsy statement of claim. Order of play is not 100% dictated by exposing of declarer's cards. The statement was made that declarer would ruff a diamond on the table. To force him to play trump would make it impossible to comply with his statement. The Panel got it right."

Mollemet: "From the write-up it appears that during the claim the Í 10 somehow became exposed. I don't think declarer ever intended to play it and the quick response that 'I am ruffing my last diamond' confirms this for me. Therefore, I am in complete agreement with the Panel. I don't know why the table Director ruled the

way he did, but he probably didn't have all the information ascertained by the Panel."

How can that be, since the statements made at the table could not have been less clear or extensive than those made at the interview. Sorry, but I can't ascribe this to "inadequate information." It looks suspiciously like poor judgment to me.

Passell: "Good job. We've got to do something about situations where players are looking for something for nothing."

That's exactly right, Mike. This was abuse by E/W from start to finish. Right, counselor?

Polisner: "More people trying to get something to which they should not be entitled."

Treadwell: "A good decision by the Panel to overrule a very poor ruling by the table Director. In fact, I would have been ashamed, had I been East or West, to even have called the Director for a ruling. It is just one more example of a player trying to win on a technicality."

Rigal: "There has to be some element of common-sense in with the application of laws. When South started to make his claim, the positioning of the cards was irrelevant. We have all held our cards in unusual or clumsy ways in such positions – well, I know I have. Down one seems so obvious to me that I think I must be missing something."

You're not missing anything, Barry. Others clearly missed something.

Weinstein: "The write-up doesn't make clear exactly what happened with the [10, probably because it isn't clear what did. I like the Panel's judgment."

R. Cohen: "The Panel heard the testimony, I'll accept their decision."

Rosenberg: "Okay."

Stevenson: "While the decision is sensible, matters of fact (such as whether the [10 was played) are best left to the Director at the table."

Why, David, was the table Director there during the claim? Since players have the legal right to appeal rulings such as this, simply ratifying the table ruling would deny them their rights. Also, in most claim situations the table Director is not in a better position to determine what happened at the time than a Panel (or Committee) is later. He wasn't there when the claim was made and the statements he takes are just as much hearsay as those the Panel takes; plus they were made in the "heat of battle," so to speak.. Finally, here even the facts reported by the table Director himself suggest the judgment behind the ruling to be suspect.

CASE THIRTY-FIVE

Subject (Disputed Contract): Sherlock Holmes, Where Are You When We Need You?
Event: NABC Mixed Pairs, 24 Mar 99, Second Final Session

Bd: 20
Dlr: West
Vul: Both

Ivan Scope
[64
! K3
" 52
Ê AKQ8732

Sheila Pies
[Q1092
! 10852
" 964
Ê J5

Robert Gookin
[J8753
! AJ
" AK1073
Ê 6

Bette Scope
[AK
! Q9764
" QJ8
Ê 1094

West	North	East	South
Pass	1Ê	1"	1!
Pass	2Ê	2[	3"
3[	?Ê	?[	Dbl
All Pass			

The Facts: E/W took nine tricks. There was total disagreement as to what the final contract was. N/S insisted that North had bid 5Ê over 3[and that East had bid 5[. E/W stated that North had bid only 4Ê and that the final contract had been 4[doubled. Examination of the hand caused the DIC to believe that (1) North had probably bid 5Ê after the diamond cue-bid and that (2) South probably would have bid 5Ê rather than double 4[. The Director assigned the contract of 5[doubled down two, plus 500 for N/S, to both sides.

The Appeal: E/W appealed the Director's ruling and were the only players to attend the hearing. East contended that he would never have bid 5[over 5Ê. He noted that the defense took only four tricks because South underled the " QJx during the defense, allowing the " 10 to win. The score ticket originally said the contract was 5[doubled down two, plus 500 for N/S. East examined the score ticket and told North the score should be 200. East did not check what contract was written on the ticket. North changed the score to 200 and East signed the ticket. During the following round North came to E/W's new table to insist that the result was 5[doubled down two. E/W's private scorecards both indicated a contract of 4[doubled down one. North had not used the Stop Card before he made his disputed club bid.

The Committee Decision: The Committee at first was doubtful of their jurisdiction since the ruling was based on a set of facts that had not changed. However, the ruling was actually based on bridge judgment, which was surely subject to Committee review. The Committee examined the Director's logic in finding that the contract was 5[. They did not believe as strongly as the Director on his point (1). They believed that it was possible, perhaps mildly probable, that North did bid 5Ê. The Committee disagreed with the Director on his point (2). They judged that South, with strong defense in East's suits, would probably have doubled 4[rather than bid 5Ê. But the Committee's strongest opinion was about a third point (3), which was not even raised by the Director: whether East would have bid 5[over 5Ê. The Committee was certain that East would never have bid 5[, which surely would have had no play. Rather, he would have defended 5Ê and probably would have doubled it. Therefore, the Committee found that the final contract had been 4[doubled and assigned the contract of 4[doubled down one, plus 200 for N/S. The Committee noted that North may not have realized that he bid only 4Ê. Another less likely scenario was that North did indeed bid 5Ê and East bid 4[(insufficient), which was doubled and passed out.

DIC of Event: Henry Cukoff

Committee: Bart Bramley (chair), Dick Budd, Bobby Goldman, Abby Heitner, Riggs Thayer

Directors' Ruling: 61.5 **Committee's Decision: 96.1**

I think the Committee covered all the bases rather nicely on this one, especially that last point about the possibility that both North and East were right about their respective bids. I agree with their analysis of the bridge issues involved and would have decided the case as they did: 4Ì doubled by East down one, plus 200 for N/S.

Most of the panelists also thought this was good work by the Committee.

Bramley: "I think we got this one right. I also think that our point (3) was obvious enough for the Director to have spotted it and ruled the other way. However, this case was always coming to Committee."

R. Cohen: "The Committee heard the testimony (albeit only from one side) and made a reasonable decision."

N/S were not kept from the hearing; they chose not to appear. This is always regarded as a concession of the opponents' version of the facts, which (other than the differing assertions as to the final contract) appear not to have been in dispute.

Mollemet: "In these cases it is almost impossible to ferret out what actually happened at the table but I think the Committee did a good job here. I think it is much more likely that North only bid 4Ê and that East bid 4Ì and was doubled there than that North bid 5Ê and East bid 5Ì. However, we have all seen stranger things happen at the bridge table. No mention was ever made as to what was entered in the N/S private scores."

Yes, I was wondering about that myself.

Passell: "Great Committee work. The last scenario seems accurate."

Patrias: "No right or wrong. It was educated guess time."

Two panelists pointed out a point not considered by the Committee, but which would have led even more conclusively to the decision that was reached.

Polisner: "Since only E/W attended the hearing, the Committee's understanding of the facts and credibility of the witnesses as to the auction could only come from E/W. In what would normally be considered a tempo-sensitive auction, North, an experienced player, should have (would have?) used the Stop Card if he in fact did bid 5Ê. Certainly East would not have taken a dive in 5Ì with his hand. Everything leads to the conclusion that 4Ì doubled was the correct contract. Minus 200."

Stevenson: "Good decision. If North actually did bid 5Ê without using the Stop Card then the whole mess was his fault, and I think an insufficient 4Ì over 5Ê was quite likely. N/S did need to be present for this kind of decision. Their absence plus the lack of a Stop Card means that they got what they deserved."

It's hard to argue with that logic. But isn't that why the Welsh Bridge Union put him in charge of Director training and pays him the "big bucks"?

Rigal: "Hard to comment too thoroughly on what is essentially not a bridge problem but an analysis of probabilities, a bit like one of those chess problems where you have to indulge in retrograde analysis. For what it is worth, the Committee decision seems quite logical."

Thank you, Mr. Spock.

Weinstein: " I'm too young for the Scopes 'Monkey Trial.' The Scopes 'what's the contract trial' doesn't seem any higher on the evolutionary scale. The question is, who should inherit the wind(fall)? The table Director, with no compelling evidence either way, might have ruled against both pairs. But he should receive bonus points for keeping a straight face. Wasn't there a story many years ago where the bidding went 1Ì by North, 2Ì by South, '4' (just '4') by North. East wanted to know 'Four what?' North refused to name the suit and the Director that was ultimately called refused to make a ruling, saying this was stupid (an excellent ruling). He was summoned back to the table when East bid '5.'

"The Committee's points seem well taken and they might have used point (4) – the underlead of the " QJ8 lending support to E/W being more likely to have been conscious. Although obviously no one can know what really happened, I think the Committee came up with the best guess.

"Speaking of evolution, for those of you looking forward to a cultural experience at our 2000 Fall NABC in Birmingham, in 1995 the Alabama Board of Education mandated that all biology textbooks include an insert describing evolution as an 'unproven belief' (reference, Chicago Tribune, 8/12/1999). Also of cultural note, the setting for the Scopes trial, Tennessee if memory serves me [your memory is correct — *Ed.*], home to ACBL's national headquarters, passed a law in the spring of 1999 making the consumption of any roadkill legal. They do require that you notify the authorities within 48 hours should you have one of Bambi's relatives for dinner."

Perhaps they should have asked for a Spencer Tracy-ing of the records to determine what really happened, so they could all have Fredric March-ed to the right decision with conscious abandon. As for Howard's timely report on the state of Tennessee's laws on roadkill, it will undoubtedly give rise to unprecedented numbers of players opting to drive to next Fall's NABC in Alabama, making sure they pass through Tennessee on the way. I personally now plan to ask to see a death certificate for any suspicious-looking fare I order in local eateries that could have been imported from North of the border. Really, thanks Howard.

Rosenberg: "Weird."

You ain't just whistlin' Tennessee.

CASE THIRTY-SIX

Subject (Fouled Board): A Foul Deed
Event: NABC Open Pairs I, 20 Mar 99, First Final Session

Bds: 21 & 22	Doug Doub	
John Moffat		Dave Westfall
	Frank Merblum	
	(hands not available)	

The Facts: Board 21 was fouled. After the foul was reported (by a player who had played it in Round 13) the Director investigated. In Round 11 these four players had played the board as on the hand record. In Rounds 12 and 13 the board was played with the South and West hands interchanged. The board was scored as a fouled board and the mandatory full-board penalty was assessed against the two pairs who last played it in the correct form. When the players returned from dinner, the table Director separately spoke with all four players, explaining that in these situations a penalty was required by an ACBL Board of Directors action. Neither side was willing to accept full responsibility. It was explained to N/S that only if E/W was willing to accept full responsibility could the penalty to their side be removed. During the game, N/S and E/W spoke to each other. A N/S kibitzer also had stated that N/S was not responsible. In the absence of E/W accepting full responsibility, the Director decided to allow the penalty for both pairs to stand.

The Appeal: N/S appealed the Director's ruling and were the only players to attend the hearing. They also brought their kibitzer, who had been present at the table. They stated that they had very good results on both Boards 21 and 22. All of the players examined Board 22 briefly, after which North and South left the table with about 8 minutes left on the clock. The *other* board (21) was the fouled board. The N/S kibitzer, who had stayed at the table, stated that she saw one of the E/W players put a hand back into a board but could not say which hand or which board. N/S stated that E/W had stayed at the table and had good reason to examine the board. Therefore, the circumstantial evidence pointed to E/W's responsibility. West, the player observed by the kibitzer, had already left the tournament. East, having nothing to add, declined to attend the hearing. N/S also criticized the handling of the matter by the Directors. The fouled board was not discovered until after the session (the most common time for foulings to be discovered) and the penalties were posted on the recap sheets before the second session. N/S believed that they had not been informed of the penalty in a timely fashion nor had they been questioned before the penalty was imposed.

The Committee Decision: A jurisdictional point was emphasized by the Screening Director, Brian Moran, who presented the case for the Directors. He noted that the Committee could not, by itself, overturn the Directors' ruling in this case. Rather, the Committee could *recommend* that the Directors reconsider the penalty. While all Committee decisions are subject to examination by the Directors for proper application of laws and procedures, here the Committee clearly had less leeway than usual. The Committee decided that in the absence of compelling new evidence they could not change the Directors' ruling, which was based on essentially the same evidence that the Committee heard. The Directors had followed a standard procedure, one with strong precedent, in assigning the penalties to both sides. This appeal was heard on the night *after* the event was played, apparently because the appeal was brought too late on the day of the event to be heard that same evening. Unfortunately, by then West had left the tournament.

Chairman's Note: While this appeal was superficially N/S vs. E/W, it was more properly N/S versus the Directors. Therefore, the table Director who interviewed the players, who imposed the penalty, and who wrote up the case was really a witness. The Committee would greatly have preferred to hear his testimony directly rather than through a third party. This would also have allowed for a better determination of certain facts regarding the Directors' handling of the case (when and how the players were informed and interviewed), some of which went unresolved. While the presence of the table Director at an appeal hearing is always desirable, his presence is particularly crucial and should be automatic when he is, in effect, a principal in the case.

DIC of Event: Henry Cukoff
Committee: Bart Bramley (chair), Bobby Goldman, Mary Hardy, Barbara Nudelman, Ellen Siebert

Directors' Ruling: 91.3 **Committee's Decision: 96.3**

In virtually every appeal the Director and the appellants are the principals. It is the Director's ruling which is being appealed and the opponents (in whose favor the ruling went) may be present to represent their own interest, which is typically the same as the Director's. (This is why the non-appealing side is not required to attend the hearing.) The present case is no exception. In any appeal the Committee has the right to request the table Director's presence. The Screening Director would then locate him (if possible) and notify him that his presence is desired. Since the hearing had already been delayed, a further postponement, even to the following day, would have been possible. The Committee could even have questioned the players that evening and interviewed the table Director the next day. It appears that the Committee, for whatever reason, did not exercise its full range of options.

Stevenson: "All appeals should be presented by the table Director because he is best able to indicate what actions were taken by him and is best able to determine facts when they are fresh, or at least to indicate his basis for such determination."

It seems foolish to routinely require the table Director's presence when doing so creates logistic problems at tournaments as complex as our NABCs. (See my comments on this issue in the Orlando casebook, CASE TWENTY-ONE.) But Committees must be aware that they may request the table Director's presence, even if the need doesn't become apparent until the hearing reaches a later stage.

Board Resolution 911-111 (Spring, 1991) states, in effect, that penalties will be applied "automatically" to the guilty parties (as determined by the Director) any time fouling causes a board to be scored as a fouled board. Precedent (and logic) dictate that, in the absence of evidence to the contrary, the pairs last playing the board in its correct form be deemed guilty of the fouling.

I think that if the kibitzer's testimony, that E/W had at least one of the hands out of a board after N/S left the table (an infraction), was undisputed it would have justified assigning full blame for the fouled board to E/W. However, I wonder why the Directors chose not to rule that way. Perhaps the kibitzer had not been interviewed when the ruling was made or the Directors discounted her statement because of her alignment with N/S. Also, the write-up does not state that the kibitzer related this specific information to the table Director; only that she "… stated that N/S was not responsible." Clearly the Chairman was correct in noting that the table Director's presence at the hearing would have been invaluable.

Most of the panelists believe that the Committee's decision was the only one possible under the circumstances.

Bramley: "The appellants made a strong case that the board had been fouled by their opponents. However, the opponents, who had nothing to gain by professing their innocence and nothing to lose by admitting guilt, were unwilling to take the fall. Therefore, the use of standard ACBL policy was automatic. And it is a good

policy, equivalent to the old schoolroom policy of 'If no one confesses to throwing that eraser, then you all have to stay after school.' Unless the League becomes aware of an increased incidence of intentional fouling, then the current policy should stand."

The only thing he forgot to mention is that a note from the principal will also be sent home to your parents.

Brissman: "Taking an overview of fouled board PP appeals, this type of problem really has no good solution. First, the PP is driven by a presumption that the board was fouled at the last table at which it was correctly played. Although there are problems inherent with the presumption, it is more likely than not. Second, the standard for overturning the PP on appeal is a preponderance of the evidence. So the appellants are placed in the position of having to prove a negative, and "We didn't foul the board" or "We have no idea of how, where, when or by whom the board got fouled" are insufficient to overcome the presumption. So the appellants are guilty unless they can prove their innocence. Seems wrong, jurisprudentially. The harm a fouled board causes to the game warrants a draconian penalty on those culpable. I just wish there was a more certain way of assessing that culpability."

I'm not sure, Jon, whether "a preponderance of the evidence" is really the standard for either making the original ruling or for overturning it, especially since the Committee really has no authority to change the Directors' ruling – unless, perhaps, it finds substantially different facts from those originally determined. In this case the kibitzer's statement would seem to tip the balance in favor of N/S, but for some reason it didn't carry enough weight. Perhaps "overwhelming" evidence is needed in the absence of the opponents assuming full responsibility.

The next panelist has more to add regarding the "preponderance of evidence" hypothesis.

Patrias: "The regulation says that the penalty will be applied to the responsible contestant(s). The TD could find no reason to relieve one of the pairs from responsibility. Could the Committee then make a different finding? I believe so. However, I would hope that a Committee would be very sure that the facts supported a different finding – not that it was merely likely that one side was at fault. This is a situation that assumes the pairs at the table are responsible unless they can prove their innocence. Note that a pair assigned to a table is still responsible for the correctness of the duplication even if they are not there while the boards are being duplicated."

This places Jon's thesis in doubt, as do the following…

R. Cohen: "Don't we have a regulation in ACBL about remaining in your seat until the round is called? Or was this a hospitality break? There is a lesson here. If you wish to leave the table after play, make sure the boards are passed."

Would passing the boards really have helped? Wouldn't these pairs still have been the last ones to play the board in its correct form if it somehow got fouled between rounds, say by a passer-by or a caddy or before play at the next table?

Polisner: "The regulations seem harsh, but are needed to help prevent fouled boards. Laws 7C and 7D apply. If East or West did remove a N/S hand while N/S were away from the table, that is a violation. However, N/S is responsible for "maintaining proper conditions of play at the table" which I assume covers this situation. Perhaps both N/S players should not leave the table before the boards are passed."

Ralph and Jeff make excellent points which indicate that N/S have at the least

an implicit responsibility for what happened. If you're not taking notes we should remind you, there *will* be a quiz.

Martel: "I don't really disagree with the decisions per se, but I do wonder if our policy shouldn't be that if one side is more likely innocent (which seems true here for N/S) the penalty goes only one way."

The policy, as I understand it, gives the Director full discretion to determine who the guilty party or parties are. So if the Director believes that it is more likely that E/W are guilty, then he is allowed to make that determination. However, the standard which should be applied to such a decision remains unclear. Jon seems to think it's merely "a preponderance of the evidence;" Chip agrees that it should be if it isn't. One problem is that we don't know what information the Director considered (or even had available) in rendering his ruling. For another, we don't know to what extent the Directors in this case (or Directors in general) are free to deviate from the standard practice of determining guilt.

Mollemet: "I have no reason to think that either the Director's original ruling or the decision of the Committee not to recommend that the original ruling be reexamined was incorrect. Therefore, I would have assessed the penalty to both sides as per ACBL BOD instructions."

Passell: "Well done once more."

Rigal: "Again, not a bridge problem. The non-appearance of so many of the participants prevented any rational solution to the problem I think."

Weinstein: "Although N/S were probably shafted, as we will see in the next case, 'shit happens.' They were probably innocent, but in this case the rules didn't provide sufficient leeway under the circumstances. The Committee made the proper ruling and the Chairman's note was absolutely on track."

How prophetic, Howard. Perhaps we should warn the unsuspecting reader who is excrement-sensitive (if a few of them are still out there somewhere): Beware! Proceed to CASE THIRTY-SEVEN with caution and at your own risk.

As for the present case, we leave the reader with the musings of one of our more "troubled" and "sympathetic" panelists.

Rosenberg: "This general issue has always troubled me. It doesn't seem right that I and my opponent can exchange a fairly irrelevant card, or create a 12-14 card situation, and have the pairs that played the board before me penalized. On the other hand, having no penalty for fouling a board would beget carelessness. This isn't my area. I don't have an answer. As to the actual case, I feel a lot of sympathy for N/S."

CASE THIRTY-SEVEN

Subject (Played Card): A Truly Defecating Experience
Event: NABC Vanderbilt KO Teams, 22 Mar 99, Round of 64, Afternoon Session

Bd: 4	Joanna Stansby	
Dlr: West	♠ Q6	
Vul: Both	♥ A852	
	♦ ---	
	♣ AK86532	
Dan Morse		Bobby Wolff
♠ K72		♠ J953
♥ J10643		♥ 7
♦ A8543		♦ Q10762
♣ ---		♣ J97
	Michael Shuster	
	♠ A1084	
	♥ KQ9	
	♦ KJ9	
	♣ Q104	

West	North	East	South
Pass	1♣	Pass	3NT(1)
Pass	4♣	Pass	4♥
Pass	6♣	All Pass	

(1) Alerted; 13-15

The Facts: The contract was 6♣. The play went as follows: ♥7 to the king, ♦9 to the ace and ruffed, then a low club to dummy's queen. At this point North said "low spade" which dummy played. The ♠K was played in tempo, at which point North appeared stunned and said "Oh shit." Play continued. East received his heart ruff; down one. At the end of the hand, dummy suggested that the Director be called, as North had meant to call low club and there could be some restitution. The Director was called and after consultation with the other Directors, ruled under law 45C4(b) that North misspoke (a slip of the tongue). Law 45C4(b) states, in relevant part: "A player may, without penalty, change an inadvertent designation if he does so without pause for thought." As the law allows an inadvertent card called from dummy to be withdrawn even if the next player has played to the trick, the Director ruled that the (apparently) inadvertent call could be withdrawn and replaced by the call she had intended. The contract was changed to 6♣ made six, plus 1370.

The Appeal: E/W appealed the Director's ruling. E/W believed that the correction was not without pause for thought and that the Director had not been called until the hand had been completed.

The Committee Decision: The Committee first considered the evidence as to whether the call had been an error in play or an inadvertent (slip of tongue) call. Two significant points of evidence favored the slip of the tongue interpretation: (1) At this stage of play there were twelve top tricks. Declarer had no apparent reason to be playing a low spade at this time and was virtually certainly planning on drawing trumps. (2) When the ♠K was played, the declarer appeared stunned and said "oh shit." The Committee believed that those words would not be said by someone who had just found the ♠K onside, but rather by someone who had just realized that the wrong suit had been played from dummy. The Committee therefore decided that the call of "low spade" was inadvertent. The Committee asked the Screening Director for the Laws Commission's interpretation of Law 45C. He stated that "pause for thought" means "change of mind." No time frame for the change of call is specified other than without significant time for thought. The key part of the interpretation is that the time for thought begins only *after* the player realizes that an inadvertency has occurred. In this case the "oh shit" exclamation came after a short pause following the ♠K play. The Committee explored whether or not rights were forfeited by waiting until the hand was over before calling the Director. The Screening Director assured the Committee that failure to know the law in this case did not cause forfeiture of rights and therefore, although calling the Director earlier would have been better, no rights had been lost. During the discussion, it was noted that the law is quite different with respect to a play from declarer's hand (Law 45C2). A declarer's card must be detached from his hand and "…held face up, touching or nearly touching the table, or maintained in such a position as to indicate that it has been played" in order to be judged played in spite of his intent to the contrary. Note that declarer cannot change a card played from hand even though it was played inadvertently.

Dissenting Opinion (Ed Lazarus): Law 45C4(b), correction of an inadvertent designation, states in relevant part: "…a player may, without penalty, change an inadvertent designation if he does so without pause for thought…" The law is made to protect people from an inadvertent card designation, but not a change of mind. It is not made to protect people when their brains disconnect – from losing their minds; it only protects them specifically from a mechanical error. Here, a low spade was played, the ♠K was played by East, and then, after a short pause, declarer realized that she should have played a club instead of a spade. This seemed to represent a change of mind rather than a correction of an inadvertent error made without pause for thought. I would have decided that the play at the table stood and changed the contract to 6♣ down one, plus 100 for E/W.

Dissenting Opinion (Bob Schwartz): The majority view in this case was that no competent player would play a low spade once twelve tricks were clearly established. They further determined that when declarer "mispoke" by calling for a low spade, RHO played the king, and declarer paused and then said "oh shit," declarer had still not "paused for thought." Further, declarer then conceded down one. Mistakes do happen at all levels of bridge. If declarer had inadvertently played the low spade from her hand instead of dummy, end of story. Again, at this level, if declarer had immediately said, "No, I mean a low club" or, if immediately upon seeing RHO play the ♠K had said the same type of thing, I would not have dissented. This was not the case. The events, as agreed by all the participants, were that there was elapsed time between each step. Mistakes happen and they must be lived with.

DIC of Event: Henry Cukoff
Committee: Doug Heron (chair), Lowell Andrews, Nell Cahn, Bob Gookin, Robb Gordon, Ed Lazarus, Robert Schwartz

Directors' Ruling: 35.2 **Committee's Decision: 38.1**

The law hath not been dead, though it hath slept.
— Shakespeare [*Measure for Measure*]

So much has been written and said about this case that it feels as if everything that can be said already has. Still, I guess we need to go through it thoroughly one more time – for the *official* record.

First, when the case came to Committee, several members (Ron Gerard, Henry Bethe and Jim Linhart) recused themselves because they were still in the event. (For details, see Ron's comment below.) There was no firm policy about recusals at the time to guide them (other than their own consciences) and I doubt that any of us is in a position to judge them for their decisions. (If you doubt this, consider how you would have reacted if you later learned that one of them was in line to play the survivor of this appeal in, say, two days.) But for the future, if we are to seat Committees that are widely viewed as qualified to hear cases from our premier events, then we have to make sure that recusals are based on acceptable criteria (see Jon Brissman's comment below). The appeal teams have been structured so that players with various bridge, law, leadership and communication skills are present to contribute to the process. But when top players on a Committee are removed, the integrity of the process is compromised, whatever you may think of the final decision that was reached. The players who left should have been replaced with

comparable talent before the hearing was permitted to continue.

Next, in spite of Brian Moran's best efforts (he was quite ill at the time and left the tournament within days due to his declining health) the laws relating to this decision were never satisfactorily understood by some members of this Committee. I wish to make it *very* clear here that his attempt to explain the relevant law, had it been understood and applied correctly by this Committee, would without any doubt have led them to the correct decision – to allow the table result to stand. When I arrived at the hearing in the middle of the deliberations, I saw confusion among the Committee members and Brian struggling out of weakness to explain the law but becoming increasingly frustrated. I tried to help by elaborating on his explanation but, not having been present for the players' statements, I could only offer general guidance that was not tailored to the specifics of the case. Some of the Committee members even now remain unconvinced of the proper interpretation of the law, even though the Laws Commission has since come out and publicly affirmed the interpretations which Brian and I made to them at the time.

We must bear in mind as we read the comments that follow that at the time they were written, the San Antonio meeting of the Laws Commission had not yet taken place. As I sit editing this casebook, that meeting is well behind us.

So, what does our Panel think about this decision? Let's turn first to one of the Co-Chairs of our Laws Commission.

R. Cohen: "Since this case will be reviewed by the Laws Commission in San Antonio, I won't comment on the details. Let's just say that both the ruling and decision were outrageous."

Well, that certainly clarifies – nothing. How about our other member of the Laws Commission who commented on this case (Martel abstained). Counselor?

Polisner: "Well, we saved the best (worst) for last. When this incident happened, I stated that there was no chance this ruling 'would' be sustained on appeal. I guess I meant 'should.' The words in Law 45C4(b) 'without pause for thought' mean the same as 'in the same breath.' If it was seeing East play the ♠K which caused declarer to realize that she had called a spade rather than a club – that is 'thought' and thus no redress. I think a logical explanation of declarer's action is that she had miscounted her tricks and needed a second spade trick for her contract. Although it is not stated in these facts, I understand that there was a time taken before the spade was called, giving rise to the scenario that she was thinking about her twelfth trick and not her thirteenth. If she was really thinking about her thirteenth, playing the ♠A at this point and then running trumps seems normal and routine for a player of this caliber or merely running trumps to catch East in a squeeze. The ruling and decision must have been based on mind reading at best, since declarer never attempted to change her designation of a card. To me, when there is any doubt it must be resolved by allowing the table result to stand, and here there is no doubt that there was both a pause for thought as well as a different interpretation of the reason for the 'Oh shit' statement. Are we now going to be entitled to lead up to KJ in dummy, call the jack, see the queen being played on our right and say, 'Oh shit, I mean the king'? Let's get real."

Having attended the Laws Commission's meeting in San Antonio (as I do all of their meetings) I must "correct" a couple of Jeff's statements. First, the phrase "without pause for thought" in Law 45C4(b) does not mean "in the same breath," at least according to the Laws Commission. It means "without change of mind." Thus, if the sight of East's ♠K was what *first* caused declarer to notice that the card she thought she designated from dummy was not the card that was played, then *at that point* she may not pause to reflect but must indicate the error immediately. In the Laws Commission's words: "In determining that there was no 'pause for thought,' the director may judge so even though there has been a pause between the inadvertency and the indication by the player committing the inadvertent action.

There should be no pause, however, *between the awareness of the inadvertent action and drawing attention to it*." (emphasis mine). In other words, attention must be drawn to the inadvertency at once, without pause for thought (change of mind), as soon as it is noticed – even if that awareness occurs some time after the designation. (The correction must also occur before declarer plays and RHO's play may not suggest the possibility of a bridge error, as we'll see below.)

The Laws Commission, in a statement published in the San Antonio *Daily Bulletin* (#9) and repeated in *The ACBL Bridge Bulletin* (September, 1999), makes several other important points regarding the interpretation of Law 45.

(A) "…an inadvertent action…is not a slip of the mind."

(B) "…the burden of proof (of inadvertency) is on the declarer. The standard of proof is 'overwhelming.'"

(C) "…if declarer has made a play after making an inadvertent designation from dummy, a 'pause for thought' has occurred – no change in designation is to be permitted." Note that (C) establishes a kind of statute of limitations on any change.

(D) "If declarer's RHO has played and there is any reasonable possibility that information gained from RHO's play could have suggested that declarer's play from dummy was a mistake, a 'pause for thought' has occurred – no change in designation is to be permitted." Note that (D) says that if RHO's card could have done more than simply wake declarer up to the fact that the card or suit played wasn't the one she intended – if it has informational value to declarer that her *bridge* play may have been an error – then a pause for thought will be deemed to have occurred and no correction is to be permitted.

(E) "The bottom line is that there is to be a strong presumption that the card called is the card that was intended to be called."

Given these statements, Jeff's assertion that "If it was seeing East play the ♠K which caused declarer to realize that she had called a spade rather than a club – that is 'thought' and thus no redress," must be wrong. Only if seeing East's ♠K could have caused declarer to realize that her play of a spade from dummy was a *bridge* error would it be considered "pause for thought" and thus uncorrectable. If it merely made declarer aware that she had inadvertently said "Spade" rather than "Club" then she can be allowed to correct it. But in that case there must be "overwhelming" proof that the ♠K could not have suggested that the call of a spade was a bridge error.

Jeff is correct that a logical explanation of declarer's spade play was that she had miscounted her tricks and thought she needed a second spade trick for her contract (and so led up to the ♠Q). Then she suddenly realized (when the ♠K was played) that she had miscounted her tricks (hence "Oh shit") or that she had placed herself in danger of a heart ruff ("Oh shit!"). But any time she took before calling a spade is not, in my mind, an indication of what declarer may have been thinking. She may have been a trick or two ahead of herself (I'll finish drawing trumps, then pitch my spade on the second diamond. Yes, I'll pitch my spade…"Spade.") or she may have had a slip of the mind and wandered off into "fuzzy land."

I agree that the ruling and decision may well have been based on a belief that declarer's call of a spade was not what she meant to do from a bridge perspective. But that is *not* the same thing as "inadvertent." Declarer may have had a slip of the mind resulting in her call of "Spade" rather than "Club," but this is not the sort of mistake which the laws intend to allow to be corrected. It does not fit the law's definition of inadvertent. As point (A) above indicates, a slip of the mind is not inadvertent. It may not be what she intended, but it was not a purely mechanical error such as grabbing the wrong bid card from the bid box. Only the equivalent of a mechanical error, and not a slip of the mind, can be corrected as inadvertent.

It is arguable whether the statement "Oh shit!" should be taken as suggesting that the spade designation was an error and indicating a desire to change it. The Director can use his judgment. An inexperienced player who merely says "Oh, my" could easily be indicating that her action was inadvertent. Of course the proof of that is whether it can be supported with "overwhelming" evidence, as required in

(B). It is not necessary to say precisely, "I didn't mean to call that card. I want to correct it" to be judged to have called attention to the problem and permitted to correct it. Whether declarer's actions are judged adequate to obtain relief depends only on what the Director or Committee chooses to allow. However, the decision must have justification and not contravene the intent set out in the laws or the more recent clarifying statement from the Laws Commission.

Next, let's hear from the Appeals Chairman on whose "watch" this incident occurred.

Brissman: "Law 45C4(b) allows the change of an inadvertent designation upon surviving a two-step analysis: (1) Was the designation inadvertent? If so, (2) was there an attempt to correct the designation without pause for thought? I accept the Committee's determination on step (1) that the designation was inadvertent. But no correction should have been allowed because this case fails step (2). The Committee was misdirected by the Screening Director, who was erroneous in stating that 'pause for thought' means 'change of mind.' Change of mind is addressed in step one; pause for thought is analyzed under step two; in no way do they mean the same thing.

"I'll take some blame on this case, because I did not inform the Committee that it could summon the Chief Director if it was uncomfortable with the interpretation of the laws given by the Screening Director. I am not aware that anyone on this Committee knew that remedy.

"What doesn't kill us makes us stronger. We implemented in San Antonio a more rigorous recusal policy, where players are encouraged to remain seated on a Committee unless an actual and direct conflict is apparent. We have flow-charted the decision process for an appeal involving Law 45C4(b), which is largely what is in the first paragraph above. We have informed all NABC Appeals Committee members of the Chief Director remedy. And Rich Colker and I will be attuned to appeals involving uncommonly-appealed laws, and provide input so that a Committee does not rule without a thorough understanding of the letter and spirit of the law."

As indicated in the Laws Commission's statement (summarized above), "overwhelming" evidence is required as proof of inadvertency. No such evidence was provided in this case. Additionally, the Screening Director was precisely on target with his explanation of the applicable law (although he didn't have the energy to persist in the face of the resistance, or lack of understanding, from some Committee members – nor did I when I elaborated on his explanation). "Without pause for thought" means *precisely* "without change of mind." While steps (1) and (2) do not involve entirely separate mental processes (thought is required to differentiate between intentional and inadvertent actions, just as it is to change one's mind), they are conceptually separate. *Inadvertency* involves determining the reason for declarer's *original designation* (e.g., was it a slip of the mind or a mechanical error?) while *pause for thought* involves deciding whether the *correction* was caused by a re-evaluation for any reason (such as the information from RHO's play) of the bridge action or was simply the result of registering that a mechanical error had occurred.

Jon and I will stand ready to aid any Committee that wishes additional input for whatever reason, including help with the laws. The Chief Director can be summoned for help, as can the Laws Commission itself (or a subcommittee of its members) to interpret a law when a clear and authoritative interpretation cannot be obtained otherwise. The new materials Jon mentions should also help in many situations.

Next we hear from one of the members-in-absentia of this Committee. Fasten your seatbelts, grab a sandwich, and remember, "there's gold in them thar hills!"

Gerard: "Thirty-seven was Casey Stengel's number, wasn't it?

"This case has been analyzed to death in cyberspace. Nothing has been left

unsaid. Everyone has been attacking or retreating. Wolff suspects a vendetta. Kojak has savaged Brissman. Management has gone into full defense mode protecting the Directing staff. The Committee has been accused of bias and worse. I've even heard that it was my fault in a strange kind of way.

"The decision was, of course, ludicrous. Declarer has not to this day attempted to change her designation. Until the denominations are renamed for various forms of bodily secretions, Declarer's comment does not satisfy the basic requirement of Law 45C4(b). Intelligent life can come to no other conclusion about this set of facts. The case qua case was open and shut and the dissenters must have wondered 'what are these people thinking?' I don't want to hear how much time they put in and how hard they worked. No less is expected of you when you sign up. Ultimately you have to be judged by the quality of your thought processes, not the sweat of your brow.

"Rather than reargue a position that can not be refuted, I would like to dwell on procedural aspects of this appeal. I was to serve on this case, it being my team's night for duty. I arrived shortly after the introductions were completed and it became clear that this was a Vanderbilt appeal. I then asked whether Vanderbilt contestants should be serving on this Committee. This was not a rhetorical question, it was primarily because I did not know if there was a policy (there wasn't) in light of all the brouhaha about the no-name Spingold Committee from Chicago. At least implicit in all the discussion about that case was the idea that participants remaining in the event are automatically disqualified from serving. Although there were administrators in the room when I asked, no one answered. After a few seconds pause, the three remaining Vanderbilt contestants (Bethe, Linhart and I) more or less simultaneously rose and excused ourselves. No one told us to leave and no one told us to do otherwise. When we got outside the Committee room, I told Linhart that if we waited a few more minutes for the result of our match to come in (we were opponents: I sat out the fourth quarter and he left before comparing) one of us could serve. He told me he didn't need to wait but decided not to serve anyway. Therefore, the Committee you see is not the one that was originally constituted. It was intended that there be considerably more experience on the Committee than there was. That there wasn't was due to the random reaction to the question I asked. No one person made this decision, it just kind of happened.

"Had it been decided, one way or another, that being a Vanderbilt contestant was not a disqualification, a further decision would have had to be made about possible conflict of interest. The E/W pair were on the team that was in my quarter of the draw. If we both continued winning, we would face each other in the round of 8, three days hence. That meant winning two more matches, one of which we were favored to win just by virtue of seeding positions. I personally would have had no problem serving dispassionately, but there might have been the appearance of a conflict. I understand that there are now rules defining these types of conflicts, but they were created in response to this case and did not previously exist. Rumor has it that they are not overly restrictive, but I wonder how realistic they are. If Meckwell are in the other half of the draw from me, is it really not to my advantage that they be eliminated in the round of 64? As one not particularly consumed with public opinion, I can guarantee you that I would have ruled on the merits without concern for the fallout if that happened to dictate a decision against E/W. In fact the captain of the E/W team, obviously distraught, asked me the next day why I disqualified myself. I told him the disqualification was technical but how would it look if I ruled against you? Clearly, on the specific facts of this case that would not have happened. But those situations have to be governed by hard and fast rules, not the usual polenta.

"Aside from the jurisdictional issue there are two other points I want to make. I referred above to the experience factor of the ultimate Committee. As horrible as this decision was, it might have been avoided if someone had taken a step back and tried to bring some perspective to the proceedings. Especially at a time when the Appeals Committee as an institution is under attack, it was critical that someone alert the Committee to the inevitable reaction that such a cosmic decision so clearly

contrary to the relevant law would produce. Having previously disavowed such a concern, I'd be a hypocrite if I let public opinion determine my thinking. But having made up my own mind in such a black and white case, I wouldn't be above latching on to similar public opinion if I thought it a useful argument. One has to live in the real here and now, and it is not inappropriate to say 'I think you're all mentally challenged and so will the rest of the world' if the motivation is to avoid doing further damage to the Committee system. I know I would have had no problem saying that and I suspect my fellow recusers, no wallflowers either of them, wouldn't have either. It also would have helped to have a healthy skepticism about the abilities of the Directors to interpret the laws. In that regard, I claim a seat in the front row.

"Finally, the N/S actions deserve condemnation. They reflect a win-at-all-cost determination, one that is not becoming to either of their reputations. It is one thing to enforce the letter of the law when a violation has occurred, even if it is technical in nature. It is another to go seeking an advantage where the law admits of none. South by his disdain for disciplined thinking and North by her acquiescence showed that they are the type of people who don't judge themselves too critically. Neither one of them was within their rights to pursue a case that had no basis in law. If I had even thought of making some of South's arguments, I would never be able to shave again. And if I were North and didn't try to convince South to drop it, I wouldn't be worthy of my conjugal name."

What constitutes an attempt by declarer to change her designation is more in the eye's of the beholder than Ron is willing to admit. Also, it is too easy for those of us who "live and breathe" this legal stuff, and with the benefit of hindsight, to condemn N/S for "seeking an advantage where the law admits of none" and [*pursuing*] a case that had no basis in law." How can we be so smug about what they "knew" (or even what they should have known) about the law when the Directors and a Committee agreed with *them*. I have not seen any evidence to suggest that either of the N/S players had malicious motives for their actions. But that doesn't mean that they weren't being at least naive and at worst self-serving. Beyond that, Casey (er,…Ron), you can sign me up!

Now, the rest of the panelists get to express their opinions about this historic and now-notorious case.

Bramley: "I commented that we were into deep stuff on the first case in this set, not realizing that the *last* case would get us into the *real* deep stuff.

"I cannot add much to the volumes already written about this case. I agree with the dissenters (and apparently virtually everybody but the Committee majority) that the result should have been down one. Both dissenting comments are right on.

"However, I believe that the real culprits here are the Directors who made the ruling. They used a bizarre kind of logic to interpret the law in declarer's favor, and, in so doing, I think they convinced the majority to buy into that same logic. The majority seems to have thought they had no choice but to accept the Directors' interpretation of the relevant law. After all, the Directors are the *experts* on the laws. Maybe we will have to rethink that concept."

I'm not sure we are allowed by law to rethink that concept – at least not entirely. The Directors have the authority to "administer and interpret these Laws" (Law 81C5). If in a future case we cannot convince them of their (presumed) error we are bound to accept their interpretation – at least unless we request and get an overriding opinion. We should remember that we have the right to question the Directors' interpretation of the law and ask them to demonstrate its correctness from the law book. If we still have doubts we can ask the Chief Director for his interpretation and ultimately, at a NABC, the Laws Commission for theirs. Our own knowledge of the laws is clearly our best defense against MI from this source.

I would remind the reader of one thing in response to Bart's comment. While the Directors who made the original table ruling may have been confused about the

law (or its application to this case), the Screening Director's interpretation was entirely accurate. He did everything he could to dissuade the majority from their impending decision until finally he physically couldn't cope any more and had to leave the room. I also know that the Chief Tournament Director (Gary Blaiss), had he been called in, would have backed the correct interpretation and application of Law 45C4(b). And there can be no doubt that the Laws Commission would have prevented this decision had they been asked for an opinion.

None of this is meant to impugn the integrity of any of the members of this Committee. They all appeared to me at the time to be trying desperately to make the "right" decision, even though some of them failed to see the situation clearly vis-à-vis the law and ended up exercising poor judgment.

The following panelist adds his simple and accurate perspective.

Mollemet: "Finally, the last case, probably a non-controversial and clear-cut ruling situation. Had I had the misfortune of being the table Director in this case, it never would have occurred to me at the time that any ruling other than result stands (down one) was possible. This is because no attempt was made by declarer to clarify the statement she made when the l K was played and the hand was played out before the Director was summoned.

"The 'Oh shit' statement merely proves to me that an error was made by declarer when she called for the low spade. It is still not 100% clear to me that she made an inadvertent designation, rather than a bridge mistake, even though the bridge mistake would be unexplainable. Even the dummy is permitted to summon the Director once attention has been called to an irregularity, so perhaps his failure to do so at the time lends credence to the fact that it wasn't all so clear to the players at the table that the spade play had been an inadvertent designation rather than a slip of the mind. A much better case for another adjustment could be made if declarer had immediately said, 'I meant to call a club.'"

Passell: "It seems to me that timing had much too great a bearing on this decision. As horrifying a job as this Committee did, I believe it was mainly created by the timing. This incident occurred during the first quarter of the match. The Committee should (and *must*) hear the case anytime before the last quarter began (preferably sooner than later). Everyone on this Committee knew that the match was hanging in the balance. All compromises were irrelevant since that would also alter the outcome. Human nature took over – everyone saw a very popular, very competent player make a careless call and were told they had the right to allow this declarer to take the play back *legally* or they could make the declarer stick to the play actually made at the table, thus giving the match to the favored opponents. It's not hard to figure out which way the Committee would go! This same group in my opinion would have decided differently had the case been presented at half-time where less was on the line. Since the swing was in the mid to upper 20's imp-wise, wouldn't the loser of the Committee be entitled to know they were down 30 instead of even-ish going into the fourth quarter?"

I can't buy Mike's claim that when this case was heard would have made a difference in the decision. I find this assertion indefensible (or worse). However, his point about when these cases should be heard needs careful consideration. Jon Brissman says that no request was made to him for this (or any) case to be heard between sessions in Vancouver. In fact, because of the lessened NAC case load there due to the Directors hearing Regional appeals, Jon informed Brian Moran at the start of the tournament that cases from NABC+ events would be heard between sessions beginning with the round of 32. (Previous policy was that such hearings weren't done until the round of 16.) In fact, Jon even had a Committee standing by for a possible 7 pm hearing that very day, but none was ever requested.

NABC+ cases could certainly be heard between sessions when possible, and there's no reason why it couldn't begin on day one. However, we should keep in mind that this involves difficult kinds of trade-offs. The vast majority of cases

which arise in the first half of these event ultimately go away by the end of the day (due to state-of-the-match considerations). If we hear all first-half cases between sessions, we would be creating a huge amount of extra work for ourselves. Then there are the logistical problems created by between-session hearings. Top players, critically needed as Committee members in these cases, are reluctant to serve between sessions as it cuts into their dinner hour or between-session rest (especially if they have to play themselves at 8 pm). But if players from Regional events are used on these Committees we run into the problem of their qualifications. Another issue is that evening sessions for Regional events start at 7:30 (vs 8 pm for NABC events). If players from these events (even ones with acceptable credentials) served on NABC cases, this would require an earlier starting time for hearings – 7 pm or even as early as 6:30. Perhaps we should consider all of the factors involved before being quick to propose an "easy" solution to this problem.

Here's another straightforward recommendation from a top Director.

Patrias: "If declarer had called for a Director immediately, no one would have a problem with this decision. It is clear that declarer was distressed when the Í K appeared. It is also clear that she should have called for a Director. While it is true that no time limit is specifically named in Law 45C4(b), one must apply a certain amount of weight to what happens if a player follows to the (alleged) inadvertent lead. It certainly feels less reasonable to apply this law after declarer continues with the play long after they inadvertently called for the wrong card. While the Director and the Committee ruled within the letter of the law, I think that we would all have been better served with a different decision. Law 9B1(b) puts declarer at fault for not calling a Director and since there is no specific penalty attached, Law 84E allows the Director to award down one."

How true, how true. But why was this situation not handled more effectively?

Rigal: "I do not hold myself out to be a laws expert. In my opinion South's failure to attempt to change her card after realizing her error should not entitle her to retroactive relief or, if it does, the laws need to be changed. But the amount of time and effort that has gone into this from people who know a lot more than I on this subject makes me reluctant to waste more trees."

Barry's analysis is a bit simplistic, but sometimes the truth stares you in the face. This law was (and still is) an accident waiting to happen. Why is declarer given the option of changing an "inadvertent" designation from dummy, with all of the complexities and pitfalls that entails, when she is not entitled to make the same type of correction of a card played from her own hand? Is a mechanical error due to a misspoken designation any different from a card misplayed from declarer's hand? Isn't a misspeak really a slip of the mind? Why are we continuing to enforce this double standard? Inquiring minds want to know.

Rosenberg: "The most talked-about case at the tournament. I heard some of the facts somewhat differently. I was told that, whatever North was purported to have said, was something she never says, according to her partner and her husband who is also a frequent partner. In other words, if they claim she says 'low spade' she always says 'spade' or vice-versa. I've forgotten what I was told. North told me she was not conscious of having said anything and perhaps the call came from another table. How relevant is it that North failed to correct immediately (presuming she wanted to but thought she couldn't)? I don't know. If the Committee determined that North knew she had twelve tricks, the decision seems equitable to me. Whether it is legal, I have no idea."

Stevenson: "Regrettably the Screening Director gave an incorrect interpretation of the law. 'A pause for thought' means exactly what it says: it does not mean a change of mind. When deciding whether Law 45C4(b) applies, there are two

separate tests, namely: (1) Was the designation inadvertent? (2) Was there an attempt to change the designation without pause for thought?

"Whether there was a change of mind answers (1), not (2). An inadvertent designation is one that is a slip of the tongue, not a change of mind. If, at the moment North called for a spade, she actually intended to call for a trump, that is a slip of the tongue, and can be changed according to (1). If she meant to call for a spade at that moment, and a moment later realized it was a stupid play, then that is a change of mind and may not be changed under (1). The Committee decided by a majority that (1) applied, i.e., that North's call for a spade was an inadvertent designation.

"To allow a change, however, both (1) and (2) have to apply. So, did Stansby change (or attempt to change) her inadvertent designation without pause for thought? The answer is clearly No, since she played on. If she had said 'Oh shit: we had better call the Director' or 'Oh shit: can I change that?' or 'Oh shit: I did not mean a spade' then she would have been allowed to change it (given that the Director decided it was inadvertent). However, after the realization of her mistake she made no attempt to change it at that time, and it thus may not be changed.

"The Screening Director said that 'failure to know the law in this case does not cause forfeiture of rights': regrettably this is incorrect. Once there has been a pause for thought then the designation can no longer be changed.

"It is unfortunate that this mistake occurred: the extreme illness of the Screening Director no doubt was part of the reason for the mistake. However, it is important that the mistakes made here are understood and that this case is not used in future as a precedent for others who want to change a designation after a pause."

The law is whatever the ACBL (not the WBF) Laws Commission says it is; in some cases it is "whatever they say they intended," regardless of what is actually written. In this case, they say "without pause for thought" means "without change of mind." And so it does. In their own words, "In determining that there was no 'pause for thought,' the Director may judge so even though there has been a pause between the inadvertency and the indication by the player…"

Jon Brissman's description of the process involved in applying Law 45C4(b) by his own admission derived from David Stevenson's writings, which have appeared on the Internet. David's more detailed description is correct in specifying the two-step process involved and he is certainly correct in describing what constitutes an inadvertent designation in step (1) ("a slip of the tongue, not a change of mind"). In fact, the narrative he goes through in his second paragraph is almost identical, virtually word for word, to what I told the Committee when called upon for clarification of the Screening Director's statements. (I included a concrete example that Brian didn't.) But in point of fact the Committee (majority) didn't decide that her call was a slip of the tongue in which she said "Spade" although thinking "Club." Instead they decided that she had always "intended" to play a club and (for whatever unspecified reason) mistakenly called for a spade. In effect they lumped "a slip of the mind" together with "a slip of the tongue," deciding that inadvertent meant simply "not her original intent." An unfortunate transformation.

Once again, it is up to the Director to decide whether he wishes to treat "Oh shit" as synonymous with "I meant to call a club." I can easily imagine a novice (an admittedly strained comparison, but bear with me for a moment) inadvertently calling a card ("Spade") and then suddenly realizing that what came out of her mouth was not what she tried to say ("Club"). But being a novice and thinking that bridge is like chess – "touch move" – she resigns herself to her fate and, believing her error to be uncorrectable, says "Oh shit." She then follows suit to the trick. If I were a Director called to the table under those circumstances I could understand ruling that the designation was inadvertent (if other evidence confirmed that it couldn't have been intended as a bridge play – which is *not* the case here). So "Oh shit" does not, on the face of it, mean that declarer has not called attention to the error or attempted to correct it. It is merely "ambiguous."

Treadwell: "A truly horrible decision by the majority members of the Committee; the dissenters got it just right. However, in defense of the majority, I must say the laws could be made a bit more explicit in setting a playing time limit for correction of an inadvertent call of a card from dummy and thus reduce the chance of a recurrence of this poor decision. The laws, as now written, theoretically let a player appeal an inadvertent call of a card from dummy the next day. [Not true – *Ed.*] Certainly the correction should not be allowed after declarer has played from hand, and not after RHO has played if that card could possibly have resulted in a change of mind."

David's points about revising the law and the possible alerting effect of RHO's card have been addressed by the Laws Commission's recent statement, as we have seen, and his recommendations have been fully implemented. Good show, David!

Weinstein: "I don't believe 'Oh shit' represents a 'change (of) an inadvertent designation.' I'm not sure declarer could come up with an instantaneous change of designation easily. It's difficult to spontaneously say, 'No, I wanted a small club.' A statement that demonstrates that she knew she had called the wrong card is not the same as 'changing' that card. I believe that the play should have stood for that reason. However, that merely touches the surface in eliminating future problems. We should avoid having to make interpretations of somebody's state of mind. In my opinion, the old 'in the same breath,' while a touch vague, was an improvement over our current law. We play 'touch move' for declarer and defender. We should have as close to touch move as reasonable for dummy. We all lose our mind occasionally in bridge (as in life), and we should have to live the consequences. Concentration is part of the game.

"While we are at it, there is a little known law, 25B, that lets one change his mind in the bidding before his LHO bids. It doesn't have to be inadvertent or a wrong bid accidentally coming out of the bid box. As far as I know, if I bid a grand slam and LHO starts to think of doubling, I can change my mind. The only penalty to me is that I'm limited to an Average Minus. My poor opponent gets the table result. In the meantime, in the World Championships at Lille in 1998, one of my teammates accidentally put a 2l call on the tray, having thought he responded 2! to his partner's 1l opener. The tray came back with the contract passed out in 2l, cold for 6! with a combined 32 HCPs. Lose 12 imps. No redress. Laws Commission, let's fix 25B as soon as possible. Its an abomination."

A lot of attention has been given to the old "in the same breath" version of when a designated card may be changed. Let's clear the air about that. We have to go all the way back to the 1948 version of the laws to find such a statement, and it is not quite as Howard (and others) have indicated. The statement there is:

Played Card

> "50. A card in any hand is played when named as the one a player proposes to play; but a player may change his designation if he does so practically in the same breath."

Even then the word "practically" indicated that it was not the exact timing of the correction that was meant to be the key issue but rather what motivated the change – i.e., a correction of a mechanical error but not a change of mind. (As a side note, calls during the auction could be changed under the same principle.)

A lack of eloquence is not sufficient reason to deny a player the right to correct an error if it is determined that the laws permit it. If North had immediately, upon seeing the card pulled by dummy, said "Oops, I meant to say club," then making a ruling would have been simpler. That declarer's words were ambiguous and the Director was not called immediately (or even by declarer) made the decision more difficult, but it still did not make the ruling a forgone conclusion. Nerves, inexperience or any of several other factors could account for a lack of clarity or delay in declarer's statement. Her intent still needs to be determined by examining the evidence for inadvertency and not just the timing. When this case arose, the

evidence needed to prove inadvertency had not been specified. The Committee could have established as their standard "plausible," "likely," "a preponderance," "demonstrable," or even "incontrovertible" or "overwhelming." Now the Laws Commission has specified that the burden of proof falls on declarer – with the standard being "overwhelming." At the time of this decision, if the Committee had simply said they believed it "plausible" that declarer intended to call a club, their decision would have been more defensible. But the basis on which they tried to justify their decision was demonstrably wrong – even by the then extant standards.

Howard's suggestion that we avoid having to interpret someone's mind is right on target. The law, even as recently refined by the Laws Commission, is still woefully inadequate in this respect. "Touch move" may be the solution, but a discussion of the philosophy must precede any such determination. Unfortunately, this was not done in the San Antonio meeting. The only thing addressed was "how to fix the problem," not "whether the problem deserved to be fixed or needed to be eliminated by changing the underlying concept." Tsk, tsk, tsk.

Law 25B is a problem which we'll leave for another time. I'm sure if we wait long enough (and it shouldn't take long), a suitable case will arise to focus our attention on it with suitable attendant wringing of hands, beating of breasts and cries of "How could this be?" We've clearly spent enough time and paper on this case already. Save a tree, a bush (not George W.), a leaf. Another good deed.

CLOSING REMARKS FROM THE EXPERT PANELISTS

Bramley: "This was a terrible performance for everyone: table Directors, Panels, Committees, and of course the usual hordes of whiners and bridge lawyers out to get something for nothing. Unfortunately, undeserving complainers were successful way too often. The table Directors were especially poor in this set, which is very upsetting after their recent strong showings and improving trend. Here they seem to have reverted to a policy of 'If you complain we'll give you what you want.' I have never felt more strongly that Bobby Goldman was right in asserting that all sides in these cases are suspects. Directors had seemed to be heeding this advice for a while, but not in Vancouver. I did not break down the performance of Panels versus Committees, but they seemed about equally bad to me. I do *not* propose scrapping the policy of using Directors to decide cases below the top level, since this policy does divide the labor in a reasonable way. I also think that the Directors almost always consulted the right kinds of players when they needed expert analysis. However, the glut of poor rulings and poor decisions by the Panel Directors makes me wonder whether they are suffering from an overload of duties, causing a deterioration in overall performance. Certainly the logistics of the new system must be improved to eliminate some of its apparent haphazardness. One point that has been proffered on behalf of letting the Directors comprise *all* of the Committees is that they are the experts in the law. I respectfully disagree. Many conscientious NAC members are extremely well versed in the law, more so than many Directors. By the same reasoning, would you want all of your judges and juries to be made up of policemen, 'experts' on the law? No, the main requirement for a Committee member is a *reasonable* understanding of the legal concepts and a strong desire to apply them properly. Knowing chapter and verse is *not* required."

R. Cohen: "I have segregated the decisions rendered by the Panels (22 cases) and the Committees (15 cases). I consider the Panels were handed three poor decisions from the Directors (CASES ONE, THREE and TWENTY-EIGHT). They sustained CASE ONE and reversed the other two. Maybe they weren't warmed up yet on the Thursday night before the tournament proper. However, the Panel reversed three Director rulings that I consider reasonable to excellent in CASES FOURTEEN, TWENTY-THREE, and TWENTY-SIX. How did the Committees perform? Poorly in my opinion. They were given four poor Director rulings (CASES FOUR, SEVEN, SEVENTEEN and THIRTY-SEVEN) and only rectified SEVENTEEN. Furthermore, they reversed two good rulings by the Directors (CASES EIGHTEEN and THIRTY-THREE). If the best our volunteer Committees can do is get ten out of fifteen appeals right, maybe it's time to look for another solution to our appeals problem. A czar? A fully paid-for professional Appeals Committee who are not playing in major events? Don't know if the other critics will verify my findings. I suspect there won't be a wide divergence (I say with tongue in cheek), though there is room for differences of opinion – sometimes of degree.

Gerard: "I've averaged my ratings for the Directors, Panels and Committees according to the consensus method, and this is what I come up with: Directors 72.5; Panels 82; Committees 70. In my own scoring the difference is even more pronounced, but the Panels were clearly superior. This was perhaps to be expected, considering the general quality of the advice they received. I suspect that if Committees were composed of the typical Vancouver expert consultant, their ratings would skyrocket. In only a few cases were the Panels led astray by their consultants (CASES ONE, TWO, TWENTY-SEVEN and TWENTY-EIGHT). More importantly, CASE TWELVE shows that the Panel concept can work in a way that the Committee system currently does not. CASE ONE also would have been a triumph for the process ('The Panel…concluded…pass was a LA…in light of the second player's remarks') but for the muddled thinking that ensued. As against that, having an agenda almost never produces logical reasoning (CASES TWENTY-FOUR and TWENTY-SEVEN). If Panels can be encouraged to consult the right people and keep their branes [*sic*] clean, we might be on to something here. It is not important who gets the credit – what is important is to realize that there is a way to improve things if everyone works at it. If we can upgrade Committees to the same extent (why should only the Panels have the benefit of the best advice?), we'll only have the Directors to deal with. There is clear evidence that administrative ability is lacking, both on and in dealing with Committees. CASES FOUR, SEVEN, FIFTEEN and EIGHTEEN seem to have spun completely out of control during the deliberations (I realize CASE FIFTEEN was a special case, perhaps personality-driven) and CASE THIRTY-SEVEN was a procedural disaster from beginning to end. I know a new structure is being tried (starting in San Antonio), but it's important to remember that out of disciplined leadership comes order. Lack of orderly direction encourages chaos, which was achieved far too often. As to the disastrous CASE THIRTY-SEVEN, let's all stop throwing brickbats and move on. There's enough blame to go around and everyone involved has been tainted, as have some of those not involved. If we don't learn from our mistakes and try to understand why they happened, we're going to repeat them."

Passell: "After reviewing these cases one thing seems obvious to me: Committees must go! The reality is personal prejudices; jealousy and personality conflicts makes a fair hearing almost impossible – especially when the bridge competency of many members is questionable at best. What is the answer? The Directors on their own didn't seem to get the job done. However, when the Directors went to *expert* players for advice these cases seemed to get the finest results I remember seeing consistently. We have no axe to grind – just to see fair play and fair rulings for all! As it stands at the present, many in the expert community (especially those with extensive knowledge of bridge laws) are calling the Director at the slightest provocation, knowing that anything is winnable in a random Committee – so why not take a shot? This repulsive attitude must be halted, not encouraged by our rules and by-laws. I have wrongly been upset with the players – it is the laws process which is at fault. We need much stricter enforcement of flagrant fouls, and more involvement by the top players to achieve fair play for the game we all love!"

Rigal: "Board-a-Match events and assigned results. BAM adjustments. We have seen in past casebooks that where there has been an infraction and the necessity to adjust a score, assigning Average Plus or Minus causes problems with the BAM calculations. In the past (about five years ago as I recall on the Reisinger first day) a form of adjusted score was used involving Goldman-Soloway and Howard Weinstein's team. I am sure he will remember it. This entailed taking a 60/40 split and 'adding' it to the result at the other table. The way the matchpoints were calculated for the other table was to look at the field results on the board and to see how good or bad in matchpoint terms the other table result was. The two scores were added together (60/40 plus the matchpoints from the other table) and then the board was treated as a draw if the combined total came to somewhere between 90-110 or a win for either team if that was not the case. This method is slightly complex but I think it has technical merit. From my reading of past casebooks this method has not been used over the past few years. Can RC confirm whether it is out of favor, or forgotten, or whether we should be using this when appropriate."

Rosenberg: "Not much to say that I haven't said, especially in reply to Bobby Goldman. It is distressing to still see Committees getting simple ones wrong."

Stevenson: "One of the main points of interest in Vancouver must be the system of using Directors to form Committees for lesser events, which did not acquit itself well. The advantage of the Committee system is that a variety of people discuss a matter and reach a consensus, whether by persuading each other, taking the feeling of the meeting or even, if all else fails, by a vote. This is lost by this new method, where the experts consulted need not talk to each other. Furthermore, they have to give their opinions without having heard the arguments. It seems to combine the

worst features of each possible method and should be discarded. One problem with North American appeals over the last few years is that some Committees believe they can apply their version of the laws, or even make them up. This is very bad, and can be seen in CASES TWO, SEVEN, FIFTEEN, TWENTY-FOUR, THIRTY-TWO and THIRTY-SEVEN. However, there are fewer cases than in earlier NABCs so at least the trend is encouraging. Regarding Bobby Goldman's comments on CASE FIFTEEN, some of them are good, others are a disgrace (suggesting that people who take advantage of UI are cheats demeans Bobby and no-one else). This statement should never have been included in this book, and should not appear in the final version. Its main aim is to shore up a decision that I am quite sure Bobby knew was illegal. It would have been suitable as an article in the Bulletin, or on RGB, or especially on BLML. Unfortunately, that may no longer be suitable since we can no longer discuss it with Bobby. However to include it in the final booklet would be a very poor idea, and the same applies to any future similar writings by others. If it was included do we include every other writing by someone trying to justify an incorrect decision? To include it would set an unfortunate precedent."

Treadwell: "There were six cases where I believe the Committee or Panel were off-beat (CASES FIVE, ELEVEN, FOURTEEN, TWENTY-SEVEN, THIRTY-THREE, and THIRTY-SEVEN) and seven where the table Director made a poor ruling. Not an outstanding performance but not so bad that one can say the Appeals process is a shambles. Hopefully, we will do better in San Antonio. I thought the Panels functioned very well for the most part – much better than I had anticipated. I am still bothered by the number of cases in which the appeal has little or no merit. I consider three of the cases (SEVEN, EIGHT, and TWENTY-TWO) to have no merit whatsoever and seven additional cases (FOUR, NINE, NINETEEN, TWENTY, TWENTY-THREE, TWENTY-FIVE, and THIRTY) to have sufficiently little merit that they should never have been brought to appeal. We should be more assiduous in handing out AWMPPs in both categories of cases."

Weinstein: "I think the Panels are doing an excellent job and should be made permanent. There are small touches that could help, but not as many as could be done for Committees. A side worry is that the quality of table rulings seems to have slipped somewhat. I hope this is just coincidence and not because the best Directors are no longer making as many table rulings or consulting for those made by other Directors. If there is any correlation, this must be adjusted. In general, the players being consulted are high caliber. Perhaps there should be a list that the Panels can draw from if possible. One scary thought is Panels consulting Flight B players in Flight B cases. One side benefit of Panels is that the quality of players consulted is generally as good or better than the quality of those serving on many of the Committees. I know that our editor would like to see stronger Committees and try some improved methods, but I think his hands may be somewhat tied by lack of authority in Committee procedure and composition. I'd like to think that the Panels are only a great first step and that they will become a fixture. If the Board of Directors wants more input from the Competitions and Conventions Committee on other ways to improve appeals and would be receptive to listening to our recommendations, I'd be more than happy to add the subject to our agenda.

CLOSING REMARKS FROM THE EDITOR

How'd We Do?

Well, the burning question on everyone's mind is, how did the new Director Panels do? We clearly don't have enough evidence to offer a firm conclusion, but the early returns are…well, as one might have expected, mixed.

Let's start with some of the positive things we've learned so far. First, the procedure is logistically doable (regardless of how you feel about the advisability of doing it). Five top Directors were assigned to hear appeals from Regional and non-NABC+ events. These Directors were also expected to perform some of their normal floor directing/advising duties (unadvisedly, in my opinion) and the miracle of it was, at an already understaffed NABC, they performed all of their assigned duties admirably – even heroically. By about mid-week some of them were seen walking around with their eyes glazed over and a frazzled appearance, but they attacked their appeal duties with zest and an optimistic outlook.

And this was reflected in the quality of their performance. Although the task of deciding appeals was largely new to them (their familiarity with the appeal process deriving from their directing experience was nothing compared to the reality of actually hearing cases and making the decisions), their performance was quite credible, as we'll see below. (Of course they had regular access to advice from the top players, an important asset which many of the Committees did not have available to them.) Their write-ups were (in my opinion) quite good for first-time efforts (better than I remember our scribes doing on their first efforts). Of course the Directors' knowledge of the laws and directing experience (and perhaps "maturity") gave them an expected advantage in these areas.

The process provided an invaluable learning experience, by the accounts of most of the Directors themselves. Not only did they see the appeal process from the "other side" and begin to appreciate some of its complexities, but they gained many valuable insights into how to Direct and make table rulings more effectively. They also began to develop some insights into how Appeals Committees think, which will be useful in dealing with committees away from NABCs.

The following two tables present the performance of Appeal Panels (below) and Committees (next page) on the Vancouver cases. Each case is categorized according to my own (obviously objective) evaluation of the quality of the decision made (good or bad) as well as the quality of the original table Directors' ruling.

		Panel's Decision: Good	Panel's Decision: Bad	Total
Table Director's Ruling	Good	12, 13, 16, 19, 20, 22, 25, 29	2, 3, 5, 27	12
	Bad	14, 21, 26, 28, 34	1, 6, 8, 23, 24	10
	Total	13	9	22

Table 1. Cases decided by Panels

Committee's Decision

Table Director's Ruling		Good	Bad	Total
Table Director's	Good	7, 30, 31	9, 11, 18	6
Ruling	Bad	15, 17, 35	4, 10, 32, 33, 36, 37	9
	Total	6	9	15

Table 2. Cases decided by Committees

My first observation relates to the table rulings. Considering all cases together, 18 of the 37 table rulings were good while 19 were bad, with a slight (but non-significant) advantage to the table rulings made in non-NABC+ cases. Clearly we have not seen any table rulings which were not appealed, so we cannot judge the overall quality of the performance here. But the extremely poor quality of many of the table rulings we've seen here, as judged by our panelists, is troubling to me for this level of tournament – and especially so for the NABC+ cases. In my opinion, a program of Director training perhaps combined with greater supervision of table rulings is a possibility to be considered.

Next, we'll consider the Panels' performance. Of the 22 cases heard, there was a slight (but non-significant) tendency for Panels to make more good (13) than bad (9) decisions. When the table ruling was bad (10 cases), the Panel corrected it only 50% of the time (5 cases). When the table ruling was good (12 cases), the Panel changed it 33% of the time and made it bad (4 cases).

However, the Committees' performance was no better and if anything worse. Of the 15 cases heard, there was a slight (but non-significant) tendency for the Committees to make more bad (9) than good (6) decisions. When the table ruling was bad (9 cases), the Committee corrected it only 33% of the time (3 cases). When the table ruling was good (6 cases), the Committee changed it 50% of the time and made it bad (3 cases).

Overall, we're simply not doing a good enough job – Panels or Committees. With such a small number of cases, none of the patterns pointed out above are reliable. In fact, decisions made by both Panels and Committees in Vancouver were (statistically speaking) coin flips: about equally likely to be good or bad regardless of the quality of the table ruling. And the table rulings were themselves coin flips.

The Director and Committee/Panel ratings (see table on p 176) show that the performance of the Panels (Mn=86.1) was rated superior to that of the Committees (Mn=72.7), the difference being statistically significant ($t(35)=2.91$, $p<.01$). The table Directors (Mn=73.2) were also rated poorly. This pattern is consistent with my own assessments (see tables above) but with the ratings a bit high across the board, especially those of the Panels relative to the others (I thought they should have been a bit higher, but not that much). Ron's assessments in the previous section are closer to what I would have expected.

Here are some suggestions for improving the Panel process (it wouldn't hurt Committees to study these too) based on my observations at the tournament and a consideration of these cases.

1. Consult top, nationally-ranked players: at least two, preferably more. In cases involving Flight B/C players, include at least two additional consultants at that level as well.
2. Consult players on every case, even those which appear not to require great bridge expertise.
3. Consult bridge experts on every aspect of a case: bidding, play and defense. Obtain opinions on whether: (a) an action was "demonstrably suggested" by the UI; (b) LAs to the action taken exit; (c) the meaning of a call in question for the level of players involved; (d) an action was taken by the non-offenders subsequent to the infraction which could break the causal link to any damage. If a score adjustment is needed, have experts assess the likely outcome of the new contract, remembering that even the same contract played undoubled (if it had been played doubled) or doubled (if it had been played undoubled) or the same strain but at a different level (5! rather than 4! or vice versa) could make important differences in the play and/or defense. This will help insure that the assigned scores reflect valid bridge results and will guard against the tendency to make "lazy" Average Plus/Average Minus assignments.
4. Remember, damage for the offenders is determined solely by their result..
5. Give consultants as little information as possible about hands other than the one making the critical decision when getting judgments about 3(a) and 3(b).
6. Consider the value of having consultants collaborate when making decisions about issues such as those in (3) above.
7. Be careful when consulting expert players to remember that in they are bridge experts and not appeals experts – there's a difference.
8. What happened when consultants needed more information from the players about their methods (e.g., "What would you have done if…"?) In a number of cases the consultants had to end up guessing what they should do or making contingency decisions (e.g., "If they called the Director before the opening lead then I'd…"). The Panel process *must* find a way to correct this (not just accept that it's logistically awkward or too much work).
9. Please, do *not* assign artificial scores under 12C1 in place of a result actually obtained at the table. Always assign bridge results under 12C2.
10. Make sure to consider each side separately and independently in assigning adjusted scores under Law 12.
11. In any team game *never* assign artificial adjusted scores unless the infraction makes the board unplayable; it is never right to throw out the result at the other table (which artificial scores do) unless there is no conceivable alternative.
12. Assess PPs at the table or, failing that, assess them through the appeal process when blatant, ethically unacceptable actions are taken by an experienced (even a B/C-level) player. Experience, not skill, is the key here.
13. Assess AWMPPs when an appeal clearly lacks merit and you know the players to be experienced enough to have known better. Remember, an ounce of prevention… Contrary to popular opinion, leniency frequently backfires by encouraging the behavior it was intended to inhibit (the players learn they can get away with it). You don't know for sure that this hasn't happened countless times before. Stop it now! Consult several experts for help about whether an appeal has merit. (But don't go overboard and impose AWMPPs reflexively. Educate rather than punish *truly inexperienced* players.)
14. This is related to #12 above, but deserves its own notation. Assess AWMPPs (or PPs) against players who try to use the appeal process to obtain good results they couldn't attain at the table. Examples of this include (but are not limited to): (a) players complaining about minor variations in the opponents' tempo in auctions where such variations are normal; (b) players who employ complex or unfamiliar methods and expect the opponents to bid in normal (quick) tempo and/or claim UI when an opponent asks a question; (c) players who claim damage without presenting any evidence of an irregularity or any connection between it and their own actions; (d) players who wait until they see the result of the hand before calling the Director about a problem they knew about earlier (the Director should have been called at the earlier point and could have had the player commit to an action with the MI corrected).

When we're not able to either make table rulings or resolve appeals (Panels or Committees) with better than chance accuracy, that's a poor comment on the technical capabilities of those charged with performing those functions.

Appeals people could make the (lame) excuse that they are just untrained volunteers. Well, no one forced them to become involved in the process but having

done so, they are obliged to assume responsibility for the quality of the work they produce. Many of us have labored long and hard to provide the appeals community with feedback on how the process should work (primarily through these casebooks, although we have at times been unable to agree among ourselves on the proper way to handle certain cases). But it appears that our efforts, for the most part, have not been assimilated (whether from lack of effort or ability is yet to be determined).

Acknowledging the best intentions of those who have supervised the appeals process over the years, from the BoD's overseers on down, they have simply not gotten the job done. In spite of the great amounts of time and energy invested by those individuals, and of considerable financial support from the League, screwups and incompetence continue to infuse and undermine our efforts. The main problem, as I see it, has been a lack of resolution and a sense of urgency to change what isn't working, to try promising new approaches (you'll never find anything better if you don't try) and to "weed out" the many well-intentioned NAC members who, in spite of having given repeatedly and unselfishly of their time and effort to help with this thankless task, simply (and frankly) don't have the talent to take us to the next level. But at least they tried to help, unlike many of our critics who have never lifted a finger to make the process better but have never missed an opportunity to complain loudly of its inadequacies.

The Directors who work our NABCs are uneven in their abilities, as those in management know only too well. Efforts are constantly under way to correct errors that are found and to educate those responsible. But the bottom line is that the job is still not getting done adequately. Especially at NABCs, we cannot have table rulings which are so regularly clearly and avoidably in error. In this casebook alone about half of the table rulings fall in this category, and even the more reliable Directors, those courageously guiding the new Director-heard appeals process, are still only getting about 60% of the cases that come to them right. (Please, I am not criticizing the individuals involved; I am merely pointing out some of the problems we are experiencing *with the process as a whole* and which need attention.) Even though this talented group of Directors is only in the early stages of learning from their new experience, there are still too few of them to go around. When they are taken away from their supervisory roles on the floor, we have seen that the process there suffers greatly. And with so much work for them to do in their appeal duties, the screening for all types of appeal cases has all but disappeared. (With Brian Moran gone, we have seen in San Antonio that screening is being done erratically in the NABC+ events and effectively not at all in Regional and other events.) A comprehensive and ongoing program of Director (re-)training and testing is needed. As several panelists have already pointed out, it is becoming increasingly unrealistic to treat Directors as being knowledgeable or competent in the laws. The original table ruling made in CASE THIRTY-SEVEN is evidence of this. Even though most critics have focused on the appeal process as being responsible for this miscarriage of justice, we should consider what the Committee's decision would likely have been if the Directors had correctly allowed the table result to stand.

Reactions to Panelists' Closing Remarks

My above comments deal with most of the points Bart raises, and I (obviously) agree with him that the performance by all parties was poor.

While I would argue with Ralph in his classification of many of the Directors' rulings and Panel/Committee decisions, his overall point is still valid: "it's time to look for another solution to our appeals [*and Directing*] problem." A czar could be a bit dangerous: its acceptability would depend heavily on the individual selected. A (semi-)professional Appeals Committee was one of the things I suggested might be necessary in my Closing Remarks (see *A Call To Arms*) in St. Louis, Misery.

As always, Ron continues to amaze. His projected average ratings are similar to my own (except for what I considered to be an unrealistically high Panel rating) and are almost exactly on target. And yes, I think the superior bridge advice they received had something to do with it. Give me *those* consultants as my Committee members and I could almost guarantee consistently being in the 90+% range for our

ratings. In fact, I have been under almost exactly those conditions for ITT appeals (see Dallas, CASES 18-21 and Chicago, CASES 22-25; Mn=90).

Mike's comments are a bit troubling, as I've see no evidence cases of the sort of destructive processes he describes (other than the questionable competency of some Committee members). He's right that the problem is everywhere (Directors and Committees alike) and also that the process would improve with higher-quality input. But historically the top players have consistently been reluctant to show up and serve on Committees. (I know, I've tried to get them to come.) Those who have shown up with any degree of consistency (Goldie, Bart, Howie, Ron, Larry: the list is short) unfortunately do not guarantee good decisions (see CASE EIGHTEEN), but Mike is right that their presence certainly seems to reduce the likelihood of an aberrant decision. It is instructive that many of the top players who refuse to show up give as a reason their professional status: they don't want to be on a Committee which might decide a case against someone who might some time in the future turn out to be a potential client. Others will agree to show up, but after coming in once or twice when there aren't any cases to be heard or sitting on a case that came from a non-NABC event ("Who cares, this is boring. Call me when you need me for a *real* case.") because that's the only case there was that night, they just don't come back. It's not hard to get top players for a high-profile case from the later rounds of a major team event. But you have to go "round them up" only after you're sure the case is going to happen, which often isn't until after midnight. If you ask them to come "in case an appeal which is pending actually materializes" (we know there is a potential appeal, but the state of the match could make it go away), they all say "Call me when you're sure you need me." Then, by the time the case becomes a reality and all the Committee members are rounded up, it's 1 or 2 am already!

Mike's also right about the problems with "meritless" Director calls (see Howard's comment on CASE TWENTY-THREE) and similar appeals which are encouraged by the laws (or at least how they are being interpreted and applied). The Laws Commission, which has repeatedly turned a deaf ear to my pleas for (1) clearer, unambiguous definitions of terms like LA; (2) statements clarifying the "operational principle" behind each law so that we know precisely the "intent" of the law framers rather than having to guess at it. (Would this have helped in CASE THIRTY-SEVEN? Does a bear "hibernate" in the woods?)

Yes, better (i.e., *more consistent*) enforcement of penalties for "flagrant fouls" and more involvement by top players would go a long way toward solving many of these problems. But the problems are far more complex and pervasive than that. To be continued…in future casebooks.

In the BAM case Barry refers to (Atlanta, Fall, 1995, CASE NINETEEN), N/S were assigned Average Minus and E/W the better of Average Plus or plus 100. (Yet another instance of artificial scores being *inappropriately* assigned in team events.) The Director then used the "fouled board" procedure to try to recover a semblance of "justice" from the damage done by the artificial scores. The way they *used to* handle a fouled board at one table in a BAM event was to matchpoint the results from each table within the respective sections, convert them both to percentages, and then combine the percentages (maximum possible=200%). The match was then judged a tie if the total was in the 80-120% range, a loss if the total was below 80% and a win if it was above 120%. However, since the board in the case in question was not fouled, the procedure Barry describes was actually inappropriate (and thus misapplied) in that case. Unfortunately, the error was never caught. In any event, this fouled-board procedure is no longer in effect, which probably accounts for why we've not seen it used in recent years.

While the Panel system was not (in my opinion) an unconditional success, and still has a number of problems that need serious work (as I pointed out in some detail earlier), it was in some panelists' eyes at least as successful as the normal Committee process – and perhaps better (but see Ron's and my closing remarks for some qualifications of this judgment). I agree that in its present form it combines some of the poorer features of each method, but I think that both the Directors and the appeal process have much to gain from these two groups joining forces. I think

this would be best accomplished by changing management's policy of not allowing Directors to serve on Appeals Committees. I think a top Director should sit on every Committee as a voting member. Thus, Directors could rotate their service and continue their valuable learning process of experiencing how appeals work from the "inside" and how Committees think about the bridge issues involved. At the same time we would benefit in several ways. First, from the ties which would develop between the two groups from serving together. Second, from having the advice of knowledgeable, top Directors about the laws to help us avoid illegal decisions (not uncommon), And third, from gaining insights into the procedures and thinking employed by table Directors in making their rulings. These legal and procedural insights would be immediately available to the Committee to guide them and would save much time and unneeded effort. I see this as the *only* really practical solution to our growing problems on *both* sides of the process.

I agree with David Stevenson that Appeals Committee members who have their own agendas, legal or otherwise, are bad for the process. Hopefully in the future we can move toward a more streamlined process where such influences can be minimized if not entirely eliminated. For this to happen we need a number of individuals to serve as Committee chairs with extensive knowledge of all aspects of the appeals process, the laws, and enough training and confidence not to be swayed by the (possibly misguided) influence or prestige of top players. They need to keep the process moving forward and goal oriented. We have a few individuals with this potential around now, but they need some work and inducement for what would certainly be a major commitment of time and resources.

And yes, David, some of Goldie's comments were ill-conceived and way off base. But we're all adults here and can recognize their inappropriateness. For better or worse, I've decided to leave them in.

Dave Treadwell's conclusion that things are not so bad that one can say the appeals process is a shambles is arguable. The process is certainly not imploding of its own incompetence, but it is certainly way too error prone to be ignored any longer. Something needs to be done and it needs to be done soon. We've had a major "scandalous" decision at virtually every recent NABC and the "hit rate" for competent decisions is near that of a coin toss. It's time to pull our heads out of the sand…in fact, way past time!

While supporting the Panel process, Howard sees the same decline in table rulings which others have. He also identifies the high quality of expert consultants as a major factor in the Panels' success. I agree. I do not, however, see a problem with using Flight B players as "auxiliary" consultants on Flight B/C/D cases. Their "bridge" perspectives can be valuable in our making better decisions. However, I agree that they should be used only in an advisory role in addition to the regular experts. Howard is correct about my wanting to see some radical changes in the way we (NAC) do things and in the makeup of our Committees. Now that I have an official position with ACBL, perhaps my role can be reassessed.

DIRECTOR AND COMMITTEE/PANEL RATINGS

Case	Directors	Committee/ *Panel	Case	Directors	Committee/ *Panel
1*	72.2	73.9	21*	51.7	96.9
2*	82.0	73.8	22*	97.4	87.2
3*	55.8	88.3	23*	64.7	91.9
4	73.9	74.4	24*	64.2	61.4
5*	81.4	83.3	25*	96.7	93.9
6*	52.0	95.1	26*	53.6	88.2
7	57.7	55.6	27*	70.0	66.7
8*	91.8	81.5	28*	49.2	91.4
9	69.0	67.2	29*	94.7	93.3
10	70.5	65.9	30	89.7	92.5
11	85.5	57.2	31	87.8	89.4
12*	86.7	84.7	32	53.6	64.4
13*	90.3	88.9	33	62.0	70.0
14*	54.7	85.8	34*	63.3	92.2
15	83.6	72.5	35	61.5	96.1
16*	95.5	92.2	36	91.3	96.3
17	40.3	98.0	37	35.2	38.1
18	86.1	53.6	P-Mn	75.5	86.1
19*	97.8	95.3	C-Mn	69.8	72.7
20*	95.3	87.5	O-Mn	73.2	80.67

*****=Case decided by a Panel
P-Mn=Mean for cases decided by Panels
C-Mn=Mean for cases decided by Committees
O-Mn=Overall mean for all cases

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