

APPEAL	NABC+ ONE
Subject	Misinformation (MI)
DIC	Steve Bates
Event	Grand National Teams
Session	Second
Date	July 23, 2009

BD#	12
VUL	N/S
DLR	West

Frank Treiber	
♠	A K 8 4
♥	A 6
♦	9 3
♣	K J 8 7 6

Rick Roeder		Summer 2009 Washington D.C.	Iftikhar Baqai	
♠	T 3		♠	J 6 2
♥	J 7 5 3 2		♥	K Q T 9 8 4
♦	A 6 5 2		♦	T
♣	Q 9		♣	T 5 4

Marshall Tuly	
♠	Q 9 7 5
♥	
♦	K Q J 8 7 4
♣	A 3 2

West	North	East	South
Pass	1NT	2♦ ¹	Dbl
2♠	Dbl	3♥	3♠
Pass	Pass	Pass	

Final Contract	3♠ by South
Opening Lead	Not Reported
Table Result	Made 6, N/S + 230
Director Ruling	3♠ S making 6, N/S + 230
Committee Ruling	3♠ S making 6, N/S + 230

(1) Explained as showing an unspecified major suit.

The Facts: The director was called after the play of the hand was concluded. The E/W explanation was confirmed by what appeared on the convention card. West chose to bid 2♠ because he thought it was more likely to be partner's suit. South said that he thought 2♠ required an Alert as pass or correct. E/W believed that heart tolerance was implied by the free 2♠ bid and it was not pass or correct.

The Ruling: The director determined that there was no infraction or failure to Alert. Therefore, the table result of 3♠ by South making six, N/S plus 230 was allowed to stand.

The Appeal: N/S appealed. All four players attended the hearing.

North stated that South had asked about the 2♠ bid and that East had explained after some thought that West must have heart tolerance.

East stated that he had explained West's bid as willing to play 2♠ or 3♥. East denied a significant pause before the explanation.

North responded to East's statement by indicating that such an explanation was, in effect, "pass or correct."

The committee determined that the 2♦ bid is a Mid-Chart convention and, as such, required a pre-Alert before the start of play. No pre-Alert was given.

The Decision: The committee determined that, in spite of the failure to pre-Alert the 2♦ bid and the failure to Alert the 2♠ bid, that the damage to N/S was self-inflicted. Per Law 21B3, E/W gained no advantage from its irregularities. Therefore, the committee allowed the table result of 3♠ by South making six, N/S plus 230, to stand for both sides.

The committee determined that the appeal had merit.

The Committee: Chris Moll (Chair), Abby Heitner and Jacob Morgan.

Commentary:

Goldsmith Yes, 2♠ should be Alerted. It's not natural, and it's reasonable to play it as natural here. The director's ruling is incorrect.

N/S claimed damage due to misinformation. North doubled 2♠. So he knew 2♠ wasn't natural. South bid 3♠, presumably naturally, since 3♥ would have been an obvious cue bid. So he knew 2♠ wasn't natural. So where's the misinformation? There wasn't any. Likewise, there was no merit whatsoever to this appeal.

Polisner An easy case as N/S had all the information necessary to get to slam. Their poor result was certainly self-inflicted and the failure to pre-Alert was not relevant. How can this case have merit?

Rigal The failure to pre-Alert is pardonable (meaning "I've made this mistake myself"). South made a terrible call and gets to keep his bad result. No procedural penalty for E/W though I can imagine some believing that they should be punished for some sort of disruption to their opponents.

Smith Well, the directors should have noted that there actually was an infraction. As the committee pointed out E/W are required to pre-Alert this method (although there is no requirement to provide a defense to it). In my experience, pre-Alerts are almost never offered for this kind of method and experienced opponents are not surprised to encounter it. Maybe it is high time to eliminate the routinely ignored and/or little known requirement to pre-Alert in this situation. So I do agree with the committee and the director that the failure to pre-Alert should not be the basis of a score adjustment in this case. Law 40B4 states that: "A side that is damaged *as a consequence* of its opponents' failure to provide disclosure of the meaning of a call or play as these Laws require is entitled to rectification through the award of an adjusted score." (italics added) E/W were not damaged as a consequence of what the opponents did, but instead by their own misunderstanding of the meaning of each other's calls. There is no need to resort to Law 12 regarding how to rectify damage caused by an infraction since the damage was not caused by any infraction. Beyond that, I'm not sure that any alert to West's 2♠ bid even if E/W did have an explicit agreement about its meaning should have mattered. Pass or correct seems pretty obvious to me. So I strongly agree with the ultimate decisions of the directors and the committee, even if not with every conclusion that led to those decisions. I don't really see any merit to this appeal.

Wildavsky Did 2♠ require an alert? I think it did -- I am surprised the director contended otherwise. E/W's testimony regarding its meaning seems obfuscatory, but it's clear that neither East nor West believed that it showed a spade suit. That said, there seems to have been no damage from the failure to Alert. Had North been Alerted properly he'd have doubled, and he did double. Likewise I see no damage from the failure to pre-Alert. It seems vanishingly unlikely that N/S would have discussed this sequence had they received a pre-Alert. What about the explanation of 2♠? Did it cause damage? Perhaps. Why did South bid 3♣? 6♣ seems closer to the mark. I think he must have understood the explanation to mean that 2♠ showed a spade suit, so he intended 3♣ as a cue-bid. I wish he'd been asked.

The committee concluded that the explanation of 2♠ caused no damage. I'm not sure of that, but such a conclusion seems reasonable. From the testimony I can imagine two possibilities. One is that South expected to hear the words "pass or correct" and in their absence just assumed that 2♠ showed a spade suit. Another is that the E/W explanation was inadequate, misleading, or both. The director and committee were better placed to judge which of these possibilities was more likely. I won't take issue with their judgment on that score.

Wolff Good ruling-N/S did very little, particularly South's wimpy 3♣ bid. Perhaps, as a reminder to convention lovers and their home brews (this particular treatment) a 1 IMP penalty should be given to E/W for not doing exactly what they were supposed to do.

