

APPEAL	Non-NABC+ Eleven
Subject	Unauthorized Information (UI) - Tempo
DIC	Ken Van Cleve
Event	Flight A Pairs
Session	First of Two
Date	July 31, 2009

BD#	25
VUL	E/W
DLR	North

Lee Atkinson	
♠	J 2
♥	A J 8 6 3 2
♦	T 6 2
♣	K 9

Cecily Kohler		Summer 2009 Washington D.C.	Andy Avery	
♠	T 9 8		♠	A K Q 6 4
♥	4		♥	9
♦	K 8 7 3		♦	A Q J 9
♣	T 7 4 3 2		♣	A Q 8

Mark Yaeger	
♠	7 5 3
♥	K Q T 7 5
♦	5 4
♣	J 6 5

West	North	East	South
	2♥	Dbl	3NT
Pass	Pass	Dbl	4♥
Dbl ¹	Pass	4♠	Pass
Pass	Pass		

Final Contract	4♠ by East
Opening Lead	♥K
Table Result	Made 5, E/W + 650
Director Ruling	4♥ dbld N down 3, N/S - 500
Panel Ruling	4♠ E made 5, E/W + 650

(1)	Break in Tempo (BIT) but agreed by all.
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The Facts: The director was called after the 4♠ bid and again after the play of the hand. All players agreed to a BIT. West said it was 8 seconds, East 6-8 seconds and both North and South said 10 seconds. North and South felt that pass was a logical alternative.

The Ruling: The director determined that there was a BIT and that it demonstrably suggested bidding rather than passing, which was considered to be a logical alternative. Therefore the result was changed to 4♥ doubled by North down three, N/S minus 500, for both sides.

The Appeal: E/W appealed the director's decision and all players were present for the hearing. West said her BIT was because she was thinking of bidding 4NT for the minors, but decided her diamond length was not sufficient. She then doubled to show her partner that she had "a card."

The Decision: Ten players were polled (9 with between 2,750 and 7,400 masterpoints and one with 21,000). 8 of the 10 players took action over the double – two passed. Most of the players polled thought that when South bid 4♥, his hand became an open book with long hearts and no values; therefore, pass was not considered by the panel to be a logical alternative. Therefore, the table result of 4♠ by East making five, E/W plus 650 was restored for both pairs.

The Panel: Tom Marsh (Reviewer), Candace Kushner and Jean Molnar.

Commentary:

Polisner It is still unclear (at least to me) what percentage of the players polled and take the minority view constitute a logical alternative. In the old days, it was deemed that if the action taken was one which at least 75% of the peers would take, then there would be no logical alternative. In spite of that, I would have gone along with the director's ruling.

Rigal Excellent decision; people who psych (me included) can't then blame their opponents for taking a second or two longer than normal. Boy, I must be getting old. (Initial director ruling was fine too, by the way.)

Smith I happen to think that every latitude possible on tempo should be given to a player who is presented with this kind of problem after an opponent psychs. It is not a normal situation to be in, and taking a reasonable amount of time to solve the problem should be allowed. In fact, I find it a bit distasteful that a player would deliberately create a problem for an opponent by psyching and then call for the director after a brief hesitation as a result. So I think I would have been satisfied if the panel restored the table result for that reason. But the panel's reason for doing so is clearly counter to the law. If two out of ten consulted players passed the double, then pass is a logical alternative. Law 16B1(b): "A logical alternative action is one that, among the class of players in question and using the methods of the partnership, would be given serious consideration by a significant proportion of such players, of whom it is judged some might select it." So, the panel could have said that there was no unmistakable hesitation under the circumstances of this auction, or it could have said that the hesitation did not demonstrably suggest one action over another. But given the poll taken it was illegal to say that pass was not a logical alternative.

Wildavsky Two players out of ten passed. That makes pass a logical alternative according to the standards promulgated by the ACBL Laws Commission. On the face of it pass is certainly logical -- it would be right quite often. It seems to me that the panel overturned a perfectly good director ruling. I cannot fathom their reasoning.

Wolff E/W should definitely be allowed to play 4♠. If possible normal playing luck (NPL) should insist that real results count unless the evidence proves otherwise. For a pair to psych (allowed) and then claim hesitation disruption (HD) is beyond my belief. That is symptomatic of a narcissistic complex, which can be very troublesome to be unleashed in the bridge world. It is important to honor the game, wherein once a pair psychs they should realize that some disruption is to be expected and to be prepared to get the worst of possible ethics violations because of the fallout. To want more than one is entitled to always hurts our game by setting an awful example.