

APPEAL	NABC+ THIRTEEN
Subject	Unauthorized Information (UI)
DIC	Harry Falk
Event	Wernher Open Pairs
Session	Second Final
Date	July 28, 2009

BD#	20
VUL	Both
DLR	West

Muffie Gur	
♠	6 3 2
♥	K 9 6 2
♦	J 5 2
♣	8 6 5

Todd Zimnoch		Summer 2009 Washington D.C.	Michael Abramson	
♠	A J		♠	K Q T 8 5
♥	T 5		♥	Q 7 3
♦	Q T 6 4		♦	A K 9 8
♣	A J 7 4 2		♣	K

Helen Raleigh	
♠	9 7 4
♥	A J 8 4
♦	7 3
♣	Q T 9 3

West	North	East	South
1♦	Pass	1♠	Pass
2♣	Pass	2♥ ¹	Pass
2NT	Pass	6♦	Pass
Pass	Pass		

Final Contract	6♦ by West
Opening Lead	♦2
Table Result	Made 6, E/W + 1370
Director Ruling	6♦ W made 6, E/W + 1370
Committee Ruling	N/S Avg +; E/W Avg-

(1)	Agreement is 4 th suit forcing to game. Not Alerted but explained by East before the opening lead.
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The Facts: The director was called after the play of the hand. South stated that she might have doubled 2♥ had there had an Alert.

The Ruling: South did not protect herself according to the ACBL's Alert Procedures. Therefore, the table result of 6♦ by West making six, E/W plus 1370 was allowed to stand for both pairs.

The Appeal: N/S appealed the director's decision. Only North and South attended the hearing. The director stated that no bias should be attached to E/W's failure to appear because they needed to catch a train.

South reiterated what she had stated to the director previously, and that she was worried about asking questions at the time of the 2♥ bid. She was not sure what percentage of pairs played 4th-suit forcing and wasn't sure when she should call the director.

This was the second time N/S had played together, and each had almost 3,000 masterpoints. They had both previously played a few times in nationally-rated events. They seemed sincere in their desire for information regarding when to call the director. The committee discovered that West possessed approximately 500 masterpoints and that East had about 1,600 masterpoints. Unfortunately E/W were unavailable to shed further light on their understandings and auction.

The Decision: The committee realized that the N/S pair had called the director too late to fully protect their rights. The director should have been called immediately when the irregularity was discovered after the end of the auction. N/S's statements regarding the 4th-suit forcing auction had to be given less weight since they came after the full hand had been revealed. The committee agreed that South was in a difficult position when the 2♥ was not Alerted. It also believed that a double of a properly Alerted 4th-suit forcing 2♥ was extremely unlikely due to the flimsy heart suit. For both reasons, no adjustment was deemed appropriate based on the failure to Alert.

However, the committee was disturbed by East's jump to 6♦ when the normal 4th-suit forcing continuation was 3♦. West's failure to alert combined with his 2NT rebid with only ten doubleton of hearts was deemed prima facie evidence that West either forgot they were playing the convention or that he did not fully understand it. East's leap to 6♦ seems likely to have been based on UI from West's failure to Alert the 2♥ bid.

Since unauthorized information was present the committee applied Law 16. East had UI that demonstrably suggested the bid he chose over a logical alternative, 3♦, which might well have been less successful. Thus, an adjustment was warranted under Law 12C.

The committee then tried to assess the likely and at all probable outcomes after a 3♦ call. Although two committee members argued for an adjustment to 3♦ making six, the committee majority deemed it impossible to predict the likelihood of any contract, in large part because E/W were not present for the hearing and the issue had not been addressed when the case was screened. Thus, N/S was awarded Average plus and E/W average minus based on Law 12C1(d): "If the possibilities are numerous or not obvious, the director may award an artificial adjusted score."

The Committee: Mark Bartusek (Chair), Darwin Afdahl, Ed Lazarus, Chris Moll and Jeff Roman.

Commentary:

- Goldsmith** The committee used Law 12C1(d) to award average plus/average minus. I think they misjudged. That law reads "if the possibilities are numerous or not obvious...." The possibilities are not numerous. Either West would pass 3♦ or he would bid something. Is passing a likely result? Why shouldn't it be? So what if you or I think 3♦ is forcing; there is no reason to believe that West would. I'd rule reciprocal 170s. There are other possibilities, but I think 3♦ is likely to be the final contract and a worse result for E/W is not at all probable, so we can stop there. It is also automatic to give E/W a 1/4 board procedural penalty for blatant misuse of UI. Good job by the committee noting that this was both a UI and MI case, not just an MI case.
- Polisner** East's jump to 6♦ is an egregious use of UI and should have been dealt with severely. South was put in a no win situation and could not inquire about 2♥ for fear of giving UI to North if it turned out to be natural and then did not double. Assuming that South did double (possible - but not likely in my opinion) the possible results would be 3NT by East plus 600, 4♠ by East plus 650, 5♦ by West plus 600. I would have awarded E/W plus 600 and penalized them 1/4 board for the flagrant use of UI.
- Rigal** I'm not convinced I agree with the committee decision about the UI from the 2♥ call not being Alerted but I respect their right to do so. I think I would have held over the decision till I had talked to E/W but if that were not possible the cop-out followed here is understandable. This is truly a difficult case, by the way, on all counts, so I cannot imagine a ruling that would make everyone happy. I do agree that the infraction of the failure to alert 2♥ still did not make the double a possible action for South.

Smith Good for the committee for picking up on the UI issue due to the failure to Alert. In misinformation cases there is almost always a UI component, and the directors should have noticed it and addressed it. I don't disagree with the committee's decision on that basis, even though some would quarrel with the fact that an actual score was not assigned. But the committee's rationale for making its ruling is perfectly legal according to the law it cited.

On the issue of misinformation, I agree with the committee that the heart holding of the South player rendered a double of 2♥ unlikely. But I am a bit uncomfortable with the committee's sympathy for South's apparent dilemma in not asking about a potential missed alert of the 2♥ bid. The directors based their ruling on this issue but there is no direct mention of the regulation that led to it: "Players who, by experience or expertise, recognize that their opponents have neglected to Alert a special agreement will be expected to protect themselves." That means when an opponent makes a bid that sounds as if it should have been alerted you should be able to ask or look at the convention card without prejudice. Yes, I understand that this may seem to create UI issues, especially if in fact no Alert is due. But some Alertable bids are just so common that we all know that an Alert has probably been missed. I would include in that category such things as transfers over a 1NT opening bid, fourth suit forcing, and new minor forcing (among others), and especially so in an NABC+ event. Directors are bound by that regulation, so it must mean something or it should be eliminated. Until or if that happens, I think it means you cannot cry foul later when you don't hear an Alert of such bids and you do not do something to protect yourself. To be fair, directors must be careful to rule that no UI has been transmitted when a player asks a question in those situations. Otherwise we will play into the hands of bridge lawyers who will not ask a question, hope the opponents have an accident, and when they do not have the hoped for accident call the director for a second bite at the apple claiming that they did not ask earlier for fear of transmitting UI. Surely we don't want to encourage that kind of behavior. So I know that the occasional ethical player may disadvantage themselves in these situations, but no solution is perfect. There will always be an inevitable conflict between a player's right to ask a question at his turn to call and the possibility that such a question may transmit unauthorized information. The best we can hope for is an Alert Procedure that accurately reflects current practice, but even that will not solve all of the problems.

Wildavsky I agree with the committee minority. 3♦ plus 170 seems likely enough to me to award it to both sides. I also would have liked to see a procedural penalty assessed to E/W. That said, the committee did well to identify the UI issue that the director missed.

Wolff Awful ruling! South would not have doubled 2♥ and East did explain before the opening lead. N/S fully deserve minus 1370 with E/W plus 1370 minus a small procedural penalty for a technicality.