

APPEAL	NABC+ FIFTEEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	NABC+ FAST Open Pairs
Session	First Qualifying
Date	July 30, 2009

BD#	18
VUL	N/S
DLR	East

Yvonne Hernandez	
♠	A Q 5 3
♥	4 2
♦	K J 6 5 4
♣	J 3

Arlene Levy		Summer 2009 Washington D.C.	Faye Parsons	
♠	J 4 2		♠	9
♥	K 9 5 3		♥	A J 8
♦	Q 7 3		♦	A T 8
♣	Q 7 4		♣	A K 9 8 5 2

Lu Kohuhtiak	
♠	K T 8 7 6
♥	Q T 7 6
♦	9 2
♣	T 6

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

Final Contract	4♣ by East
Opening Lead	♦9
Table Result	Made 4, E/W +130
Director Ruling	3♠ S down 1, N/S -100
Committee Ruling	4♣ E made 4, E/W +130

(1)	Spades and diamonds (Sandwich NT).
(2)	Alleged break in tempo (BIT).

The Facts: The director was called after the play of the hand. North thought the BIT was 7-10 seconds, South 7 seconds, West 2 seconds, and East did not notice one. Both pairs vehemently held to their opinions.

The Ruling: The director determined that there was a BIT because after bidding clubs three times it would have been difficult to bid clubs yet again in the absence of a BIT. The BIT demonstrably suggested bidding again and pass was judged to be a logical alternative. The result was adjusted to 3♠ by South down one, N/S minus 100 for both sides. Laws 16 and 12C1(e).

The Appeal: E/W appealed the director's decision. All four players attended the hearing. In screening, West was firm in her statement that she did not hesitate. East felt her hand was inappropriate to defend 3♠ and thought she would be down one in 4♣ -- a better result than 3♠ making. The committee asked these players for their masterpoint holdings. West has about 3,000 and East slightly more. They play infrequently (less than once a month) and this is their first NABC+ event.

N/S stated that the first two calls by West were made instantly but the pause over 3♠ was 7 seconds.

The Decision: The committee needed to determine whether or not a hesitation occurred. While it is true that the 4♣ call by East was unusual in this auction, there were other factors in the hand which suggested that a BIT had not occurred. The timing of the director call was unusual. N/S made no statement at the time of the alleged infraction such as, "Do you agree there was a BIT?" N/S did not call when 4♣ was bid. N/S did not call when dummy hit (revealing a fit with little spade wastage), but waited until completion of the hand when 4♣ made. Also, N/S's suggestion that the other two calls by West were instantaneous compared to the third call made it seem likely that the actual duration was about 2-3 seconds, seeming longer in contrast. The committee felt that this did not rise to the level of "an unmistakable hesitation" as required by law. Therefore, the table result of 4♣ by East making four, E/W +130, was restored for both sides.

The Committee: Mark Itabashi (Chair), Tom Carmichael and Chris Moll.

Commentary:

Goldsmith Looks like there was a BIT to me. West has a surprise fit and zero defense, and East has no semblance of a 4♣ bid.
Again, the director got it right.
Why are we seeing so many obvious BITs denied? Has someone told players that if they claim there was no BIT that committees might believe them? Folks, if this is going to happen, you need to call the director immediately after a possible infraction. Here, N/S needs to call the director the moment a 4♣ bid occurs.

Polisner Without an unmistakable BIT - no adjustment.

Rigal I think the committee got too involved in fine-tuning what might have happened. The simple statement would have been that in an unclear case the complete failure by N/S to call the director at the appropriate moment means that they should get the worst of the residual doubt; as here. (If my memory serves me right N/S are not strangers to appeals committees so should know the drill by now.)

Smith The committee's rationale seems tenuous, but I will credit it for making a reasoned decision after having the advantage of interviewing all four players. That should count for something.

Wildavsky I like the committee decision. I understand the director's ruling, but his reasoning troubles me. When the players do not agree on the facts, the standard way to judge whether a BIT was likely is to examine the hand held by the player alleged to have hesitated. East's club bid may look unusual, but if West passes in tempo then East may do as she pleases.

Wolf Since West should have bid 4♣ but didn't, there probably was a BIT. 3♠ N/S minus 100 and E/W plus 100 is my ruling.