

APPEAL	NABC+ FOUR
Subject	Misinformation (MI)
DIC	Henry Cukoff
Event	Von Zedtwitz LM Pairs
Session	Second Semifinal
Date	July 21, 2007

BD#	17
VUL	None
DLR	North

Andrew Kaufman	
♠	K Q T 5
♥	K 8 7 5 2
♦	
♣	K 9 8 7

Jared Lilienstein		Summer 2007 Nashville, Tennessee	Jacek Pszczola	
♠	6 3 2		♠	A J 9 7
♥	J T 6		♥	A
♦	Q J T 8 7		♦	A K 5 4 2
♣	T 3		♣	A J 2

Vic Quiros	
♠	8 4
♥	Q 9 4 3
♦	9 6 3
♣	Q 6 5 4

West	North	East	South
	2♦ ¹	Dbl	3♥ ²
Pass	Pass	Dbl	Pass
4♦	Pass	Pass	Pass

Final Contract	4♦ by West
Opening Lead	♥2
Table Result	Made 5, N/S -150
Director Ruling	4♦ W making 5, N/S -150
Committee Ruling	5♦ W making 5, N/S -400

(1)	Four spades – five hearts and minimum opening bid (Flannery).
(2)	Alerted and described as inviting game.

The Facts: East asked twice (before his second double and final pass) about the meaning of the 3♥ bid and was told it was invitational. After the play of the hand, South maintained that the sequence was undiscussed and North claimed that his description was correct. East claimed that he would have bid 5♦ with correct explanation.

The Ruling: The director determined that East had sufficient information to bid his hand properly. Therefore, in accordance with law 21B2, there was no damage. The table result of 4♦ making five was allowed to stand – N/S minus 150.

The Appeal: East asked twice about the meaning of 3♥. North appeared very sure that it was invitational. East said that he felt he had a close decision between passing 4♦ and bidding 5♦. The MI caused him to lean toward a pass. Neither North nor South appeared at the hearing.

The Decision: N/S did not appear at the hearing, so without any evidence to the contrary, the committee had to assume mistaken explanation rather than mistaken bid. The committee felt that it was possible that South had an invitational raise, which would imply that West was broke. In that case, 4♦ may be the limit of the hand. Therefore, E/W may have been damaged by the MI and should get redress. The committee adjusted the result to that which would have been obtained had East bid 5♦ ; E/W plus 400, N/S minus 400.

Dissenting opinion (Jeff Goldsmith):

I believe East can tell from his hand that South did not have an invitational raise. If North has 11 HCP, South has at most 8. Perhaps he is inviting with shape rather than high cards, but, if so, regardless of what N/S call it, it is a preemptive raise. It's not as if South was upgrading his hand due to holding a couple of aces. In fact, West had a working two-count (but it could have been zero and 5♦ would still have made if diamonds were 2-1), so I do not see how the purported MI was relevant to East's decision. This is, however, a close call. I suspect that some committees would rule as ours did and some as my dissent.

The Committee: Jeff Goldsmith (Chair), E.J.D Kales, Ed Lazarus, Chris Moll and Jim Thurtell.

Commentary:

Goldsmith I like my dissent, including the weasel words at the end. At least two dozen players came up to me to talk about this case. One was North, who said that he could show me system notes to prove his case. As the write-up says, however, that was moot. He was not there, so we have to assume mistaken explanation (law 75). The rest all wanted to tell me if they agreed with the appeals committee or my dissent. Roughly 3/4 agreed with the dissent, but I figure it's probably three times as likely that someone would come up to me to discuss the hand if they agreed with me vs. not, so it looks as if this is really a close call.

Polisner I completely agree with the dissenter and don't think that it is a "close call." East took a double shot by passing and should not be rewarded.

Rigal I prefer the majority committee decision to that of the dissenter, if for no other reason than North should know better than to give 'his' explanation of a bid not that of the partnership. Whatever the case, N/S are entitled to no more than minus 400, probably by way of a procedural penalty (PP). Yes, E/W are big boys and East can infer some shape on his left as opposed to high cards, but I think he went the extra mile to find out his opponents' methods.

- Smith** I assume the director was not presented with any evidence to show whether North or South was correct, so presumably East did receive misinformation. East seems to have been skeptical of the answer he received from North (hence his second question), but he seems to have done his best to get the correct information and even to give North a chance to say that he was speculating on what 3♥ meant. It is barely possible that South had an invitational bid from East's point of view, so I agree with the committee decision in this case. But it is a close one.
- Wildavsky** I agree with the appeals committee decision. A point the dissent doesn't mention is that even if East has strong evidence that South intended his raise as preemptive he also has strong evidence to the contrary, namely North's explanation. He ought not to have to weigh one against the other. The dissent should note that the N/S score would always be adjusted to minus 400, per law 72b1 -- the only question is whether or not to adjust the E/W score.
- Wolff** I tend to give E/W plus 400 in 5♦, but I would certainly give NS minus 400 since it is possible that the convention disruption (CD) caused East not to raise. CD usually confuses and so it likely did here. If one argues, such as Jeff Goldsmith did in his dissent, (which I think very reasonable) it then would be proper to keep E/W at plus 150, but still remind N/S with minus 400.
- Zeiger** N/S absence from the hearing was not relevant. MI was obvious from South's table comments. I agree with Jeff Goldsmith that his case is very close. In fact, I would rule that N/S violated Law 40C, and give them minus 400. However I would not give E/W redress. East is a world class player. He should have been able to make the right decision."