

APPEAL	NABC+ ONE
Subject	Unauthorized Information(UI) - Tempo
DIC	Henry Cukoff
Event	Platinum Pairs
Session	First Qualifying
Date	March 12, 2010

BD#	25
VUL	E/W
DLR	North

Dan Jacob	
♠	A 8 6 5
♥	J 7
♦	T 4 2
♣	T 8 7 4

Frederick Nystrom		Spring 2010 Reno, NV	Grace Jecklin	
♠	K J 9 7 4 3		♠	Q T
♥	T 3		♥	Q 9 5 2
♦	9 5		♦	A K 7 6 3
♣	9 5 3		♣	A Q

Nagy Kamel	
♠	2
♥	A K 8 6 4
♦	Q J 8
♣	K J 6 2

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

Final Contract	4♣ doubled by South
Opening Lead	♥ T
Table Result	Down 3, N/S - 500
Director Ruling	3♣ S down 2, N/S - 100
Committee Ruling	4♣ dbld down 3, N/S - 500

(1)	15-17.
(2)	Shows clubs and a higher ranking suit.
(3)	Agreed hesitation.

The Facts: The director was called at the hesitation and after the play of the hand was completed. Both sides agreed to East's break in tempo (BIT). After the ruling was delivered (three rounds later), E/W contended that East had bid in her normal random slow tempo.

A brief player poll had some passes and some 3♠ bids.

The Ruling: The vulnerability (unfavorable) makes pass a logical alternative (Law 73C). The result was changed to 3♣ by South down two, N/S minus 100

The Appeal: E/W appealed the director's decision. East was the only player who did not attend the hearing.

E/W said that hesitations by East are random, and it was just a short break (about five seconds). East must have two clubs so is likely to be 2452 after no raise with no small doubleton in either black suit. The opponents found a 4-4 club fit, so it is unlikely the field will be in 3♣; so defending it will be about 15%. Therefore, 3♠ is clear.

N/S felt that pass is a logical alternative.

The Decision: Some committee members felt strongly that five seconds was not a BIT, but a majority of the committee found that UI was present. When deciding what the UI suggested, the majority judged it was either nothing specific or nothing more than the authorized information from the auction, namely that partner had a doubleton club. If the UI could not demonstrably suggest one action over another then West could bid as he pleased, per law 16B1(a) Therefore, the committee restored the table result of 4♣ doubled by South down three, N/S minus 500 and E/W plus 500.

The Committee: Aaron Silverstein (Chairman), Dick Budd, Ellen Kent, Bruce Rogoff and Jeff Roman.

Commentary:

Goldsmith Was there a break in tempo? East's hand suggests there wasn't, but everyone at the table knew she was thinking about something, so there was. What was it? She can't have more than two clubs, so it wasn't doubling. Therefore, it was bidding 3S. That her hand might not support this interpretation is irrelevant. From West's perspective, East was thinking about bidding 3S. If pass is a LA, 3S is clearly suggested over it, so passing is enforced. Is passing a LA? I think that's a close call. If partner has two clubs, she rates heavily to have three spades. Since she didn't raise with three spades, she probably has either 2452 exactly or bad spades and strong clubs. That suggests that both 3C and 3S are going down, or that if one is making, the other is down two; the expected impurity of East's hand could even cause there to be only 15 tricks. That is a sufficient argument that passing is a LA, so it is required. Good job, directors.

Did the appeal have merit? Close call, but I don't see any reason why the director's ruling ought to have been questioned, and the appealing side brought forth no new information. I'd award an AWMW.

Was West's action awful enough to deserve a PP? No, it was clearly a likely choice, probably even a majority choice. You don't get PPs for picking the majority choice.

Polisner In any of these tempo cases, the first issue to be decided is whether there was a BIT. The described facts are somewhat ambiguous in that originally

E/W agreed that E did break tempo and then recanted that after the ruling was delivered. The facts do not reveal anything about a 5 second pause before passing. At the AC hearing, W represented that it was only a 5 second pause and apparently N/S did not disagree as there is no indication that they did. In my opinion, anything faster than 5 second in a contested auction would be UI. If there is UI, the next issue is what did it suggest. Obviously, it would suggest either a maximum or S support and certainly pass would be a LA in such an event as revealed by the poll. So after the AC found no BIT, the table result must stand

Rigal Good ruling; the authorized information from the tempo break points to bidding – frankly I can't imagine anyone passing that hand...can you? When a pro has a client hesitate and not raise him, the clue is that partner cannot support him (and thus action is contra-indicated). In other words there is UI pointing against bidding or partner would have done so already!

Wildavsky My least favorite AC decision of the tournament. The A/C found that the UI did not demonstrably suggest anything except that partner held a doubleton club. I don't buy it. There are many hands with a doubleton club where partner would not consider bidding, especially hands that were minimum. Given the UI, it should come as no surprise to West that his partner holds a maximum.

Suppose that East held three spades and had decided not to raise. How would this committee have ruled? One possible reason for the hesitation is a third trump. The fact that East didn't have one does not mean that her hesitation did not suggest one. E/W implied that East would always raise with a tripleton spade, but this agreement is not universal and I don't see why we should accept it with no evidence. We must judge what the UI suggests by restricting our consideration to the West hand, just as West had to do at the table. Further, if we accept that East is likely 2=4=5=2 then the hesitation demonstrably suggests a maximum -- East would have no reason for doubt with a minimum. It seems clear to me that a hesitation here makes a 3S bid more likely to be successful. I prefer the TD's ruling to the AC's.

Wolff I agree to the ruling made and the reasoning involved. Perhaps we need to make what could be called, "A Public Service Announcement." Since sometimes we will rule a BIT is a BIT and sometimes we do not, it should be necessary to keep one's tempo as consistent as possible.