

APPEAL	NABC+ SIX
Subject	Unauthorized Information (UI)- Tempo
DIC	Henry Cukoff
Event	Rockwell Mixed Pairs
Session	Second Final
Date	March 17, 2010

BD#	23
VUL	Both
DLR	South

Cameron Doner	
♠	T 8 7 2
♥	K 7 5 4 3
♦	
♣	K 7 6 3

Helen Abbott		Spring 2010 Reno, NV	Dan Romm	
♠	J 6 5		♠	A K 9
♥	A Q T		♥	
♦	A 9 5 3		♦	K Q 8 7 6 4 2
♣	Q J T	♣	A 9 2	

Bernace De Young	
♠	Q 4 3
♥	J 9 8 6 2
♦	J T
♣	8 5 4

West	North	East	South
			Pass
1♦	Pass	5♥ ¹	Pass
5♠ ²	Pass	6♦	Pass
6NT	Pass	7♦	Pass
7NT	Pass	Pass	Pass

Final Contract	7NT by West
Opening Lead	A club
Table Result	Made 7, E/W + 2220
Director Ruling	7NT W made 7, E/W + 2220
Committee Ruling	6♦ W made 7, E/W + 1390

(1)	Exclusion Blackwood, No Alert.
(2)	Agreed break in tempo (BIT) of more than 40 seconds.

The Facts: The director was called at the end of the auction and again after the hand was played to conclusion.

There was more than a 40 second hesitation (N/S said one minute) before West bid 5♠. South mentioned that she thought East made some extraneous gestures while bidding 6♦- this was disputed by East. West said the delay in the 5♠ bid was due to the rarity of the bid and trying to remember the response.

The Ruling: Since the director judged that the BIT did not demonstrably suggest the 7♦ bid, the table result of 7NT by West making seven, E/W plus 2220 was allowed to stand for both pairs. Law 16B1(a).

The Appeal: N/S appealed the director's decision and all four players attended the hearing.

South briefly reiterated the facts mentioned on the appeals form. The area of major dispute involved the hesitation over the 5♠ bid accompanied by a shrug, followed by a 6♦ bid. South stated she heard mumbling, but did not discern what was said. North confirmed the purported 6-10 second hesitation and stated he definitely heard inaudible muttering followed by a shrug prior to the 6♦ bid.

West spoke first. She stated it was all her fault for taking so long to bid. She said though she has been playing Exclusion Blackwood for five years, it never comes up. She said she needed the time to remember how to answer properly, that is, whether the partnership had agreed to use 1430 responses. She additionally said she did not know that the usage of the bid at the five level required an Alert. East spoke saying he was quite concerned his partner had forgotten the bid, and was afraid she would pass. He added he had been playing the bid for six years, so he felt he was more experienced. He first said he gave a slight shrug and then an exhale of air when West bid, but later said it was actually an internal shrug and not a breathing that could be noticed by anyone at the table. He vehemently denied taking any time making the 6♦ bid. West then stated that she thought with the heart ace-queen she felt she could make 6NT as easily as 6♦. When East then bid 7♦, West felt 7NT was clear. When asked when the table director was called, East said after the play of the hand, then after the opening club lead, and then said he didn't remember. North and South were both adamant that the director was called when the bidding cards were on the table, which was confirmed by West.

The Decision: The committee considered both breaks in tempo. The first, prior to the 5♥ bid, was undisputed. The second, coupled by a shrug and exhaling of air was disputed, and one the committee needed to evaluate seriously. In making its determination, the committee needed to decide whether there was a discernible shrug and exhaling of air. The committee felt that East was in doubt over West's bidding correctly, and therefore making the alleged 6-10 second huddle likely. Additionally, it believed that East had given inconsistent testimony, thereby making a noticeable shrug and exhaling of air probable. The committee then referenced Law 16 B1(a): "After a player makes available to his partner extraneous information that may suggest a call or play, as for example by a remark, a question, an unexpected alert or failure to alert, or by an unmistakable hesitation, unwonted speed, special emphasis, tone, gesture, movement or mannerism, the partner may not choose from among logical alternatives one that could demonstrably have been suggested over another by the extraneous information." The committee found that UI was available that demonstrably suggested bidding over 6♦, and that pass was a logical alternative. Since the criteria of Law 16 B1(a) had been met, the committee adjusted the score for both sides to 6♦ making seven.

The Committee: Ellen Kent (Chairman), Tom Peters, Aaron Silverstein, Jim Thurtell and Bob White.

Commentary:

Goldsmith I'd rule 6NT making 7. West has a totally obvious 6NT bid. Partner is void in hearts, and West has the AQ protected from the lead. Furthermore, East's behavior doesn't suggest bidding 6NT. It suggests (OK, demonstrates openly) that he's irritated that his partner didn't know what 5H meant, and that is irrelevant to the final result. 7D, however, was clearly suggested over passing 6NT by the UI from the long huddle over 5H, so it's not allowed.

As an aside, 5H is oddly alertable, but many wouldn't know that, thinking that "all ace-asking bids are not alertable" covers all situations, or maybe that the ask is above 3NT makes it not immediately alertable. In fact, because the ace-ask occurs before opener's rebid, it is alertable.

Is East's 7D bad enough to get a PP? I think it is. If West had alerted 5H, then bid in reasonable (3-4 seconds) tempo, then had corrected 6D to 6NT, East would never do anything but pass; he knows he is off the diamond ace. Therefore, 7D was a blatant abuse of UI. A 1/4 board PP is appropriate. I could even go with a half board, given East's histrionics. I think the hardest decision on this case is the size of the PP.

Polisner One of the worst writeups I have seen making a considered opinion about the AC's decision more difficult. The facts do not mention anything about an alleged BIT or other extraneous information by E before the 6 D bid. In any event, what did it suggest if it did occur? If W had bid 70 over 6 D, we would have a difference issue; however, correctly to 6 NT at Mps seems routine. I agree with the ruling and vehemently oppose the AC's decision.

Rigal I do not see any link between the extraneous information available to West and the 6NT call. Nor does the write-up suggest what information the committee thought WAS inferred from the shrug. That is a pity. I'd let the table result stand – since I can't see a reason to penalize East. My guess is that East was just happy he did not have to play 5♠!

Wildavsky The AC seems to have been more thorough in its fact-finding than the TD. This should not surprise us -- the AC has more time to interview the parties. Given then facts as discovered by the AC the ruling seems clear. I have some sympathy for the 6NT bid. I don't think 6N could be much worse than 6D, but since many players would pass 6D had no UI been available, and the UI demonstrably suggests bidding on, we cannot allow the 6N bid to stand.

Wolff The normal playing luck (NPL) on this hand requires minus 2220 to stand for N/S. I would rule that E/W would get plus 2220 minus a procedural penalty thought necessary by the committee. In this way all masters are served, (N/S, E/W, PTF and please keep in mind that if the king of clubs is in the other hand, then no committee since the down one would have been gobbled up by N/S. "When will we ever learn")!!

