

APPEAL	NABC+ SEVEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Edgar Kaplan Blue Ribbon Pairs
Session	First Qualifying
Date	December 1, 2009

BD#	14
VUL	None
DLR	East

Alan Sontag	
♠	7 6 4 3
♥	J T
♦	Q J 9
♣	Q J 9 8

David Lindop		Fall 2009 San Diego, CA	Doug Baxter	
♠	Q 5		♠	A K 9 8 2
♥	A 5 3		♥	K 9 8 7 2
♦	A 8 6 2		♦	K 5 4
♣	7 6 5 3		♣	

David Berkowitz	
♠	J T
♥	Q 6 4
♦	T 7 3
♣	A K T 4 2

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

Final Contract	4♥ by East
Opening Lead	♣A
Table Result	Made 6, E/W +480
Director Ruling	2♠ E made 3, E/W +140
Committee Ruling	2♠ E made 4, E/W +170

(1)	Forcing.
(2)	Slow.

The Facts: The director was called at the end of the deal. All four players agreed that there was at least a 10 second pause before West bid 2♠.

The Ruling: The director judged that there was a break in Tempo that demonstrably suggested bidding rather than passing. Pass was judged to be logical alternative. Therefore, the result for both sides was adjusted to 2♠ by East making three, E/W plus 140.

The Appeal: E/W appealed the director's ruling. North and East attended the hearing. East said he would have taken 10 tricks in spades by ruffing three clubs in his hand and ruffing a heart with dummy's spade queen, although he did not argue with ruling the contract to be 2♠.

North stated that he was certain that East would have made 10 tricks in spades.

The Decision: UI was available that demonstrably suggested pass over 3♥. Four committee members believed that Pass was a logical alternative, so the committee considered the possible results in 2♠. The committee accepted the reasoning of the players as to the number of tricks that East would take and adjusted the result for both sides to 2♠ by East making 4, E/W plus 170.

The Committee: Aaron Silverstein (Chair), Ellen Kent, JoAnn Sprung, David Stevenson (Scribe) and Jim Thurtell.

Commentary:

- Goldsmith** Another oops. Law 12 doesn't say anything about awarding East the number of tricks he would have taken. It says that the offending side gets the "most unfavorable result at all probable." It is obviously at all probable that only 9 tricks might be taken in 2♠, so that's the correct adjustment.
The committee is welcome to give East sympathy that he didn't get to play the hand as well as he said he would have, but they should inform him that if he wants to get to play the hand to his best ability, he has to pass 2♠.
Is a procedural penalty warranted for the 3♥ bid? It's close. Somewhere between some and many would bid 3♥ without UI. But I can see an East's thinking, "I have UI. It tells me to pass rather than to bid 3♥ or 3♦. Is bidding on so clear-cut that I can do it in the face of the UI? I think so." If that reasoning is at all plausible, no procedural penalty. This case is right around the borderline, so I'm happy either way.
- Polisner** Well done and excellent ethics by North agreeing that ten tricks could be made in spades.
- Rigal** I can live with the decision to adjust to 2♠ plus 170 rather than plus 140 – maybe North's indication was what tempted the committee. The basic adjustment of the contract seems a no-brainer (and I'm not sure that this does not get close to procedural penalty territory).
- Smith** I'm not as convinced as the committee that E/W deserves ten tricks in spades. Is it really "the most unfavorable result that was at all probable had the irregularity not occurred" (Law 12C1(e)[ii])? I am guessing that the committee was perhaps swayed too much by North's kind offer and his force of personality. I agree with the rest of the committee's analysis.

Wildavsky I don't like the committee's reasoning here. Yes, ten tricks can be made, but the winning line is difficult to spot. It took me several minutes to find it even looking at all four hands. The fact that West could come up with a successful line after the end of play is not relevant. Neither is his opponent's judgment as to the likely number of tricks. North was not a member of the committee, and in any case may well be unaware of the legal standard for adjusting the score. To award the offenders plus 170 we must believe that it was not even at all probable that declarer would take only nine tricks in a spade contract. Surely declarer would score only 140 at least one time in six. Perusal of the recap sheet would show that most of those who played in spades took nine tricks. I prefer the director's ruling to the committee's.

Wolff Some common situations are breeding grounds for providing UI to partner and placing him or her at risk. The tempo involved with going back to two of a major when a forcing NT'er does so after partner's response of two of another lower ranking suit. Our bridge world should write some articles discussing the ethics of that common situation which has a wide variance, particularly so when Bart is not played by the opening bidders side. That article, if read, might help our bridge world far more than any appeals committee ruling ever could.