

APPEAL	Non NABC+ Twelve
Subject	Unauthorized Information (UI) - Tempo
DIC	Jay Albright
Event	Second Saturday Open Pairs
Session	Second
Date	December 5, 2009

BD#	3
VUL	E/W
DLR	South

6,074 Masterpoints	
♠	T 3
♥	Q J 9
♦	9 8 5
♣	K Q J T 9

334 Masterpoints		Fall 2009 San Diego, CA	929 Masterpoints	
♠	Q 9 8 6 5		♠	K 7 2
♥	A 4		♥	5
♦	K 7 2		♦	Q J T 6 4
♣	A 5 2		♣	8 7 4 3

2,486 Masterpoints	
♠	A J 4
♥	K T 8 7 6 3 2
♦	A 3
♣	6

West	North	East	South
			1♥
1♠	2♥	2♠	4♥
Dbl ¹	Pass	4♠	Pass
Pass	Dbl	Pass	Pass
Pass			

Final Contract	4♠ doubled by West
Opening Lead	♣K
Table Result	Made 4, E/W + 790
Director Ruling	4♠ dbld W made 4, E/W + 790
Panel Ruling	4♠ dbld W made 4, E/W + 790

(1) Disputed break in tempo (BIT).

The Facts: The director was called after the 4♠ bid and again after the play of the hand. The stop card was not used by South prior to bidding 4♥. South thought the BIT was 15 seconds but, when asked to demonstrate took 10 seconds. East and West agreed that there was a pause. West said he was thinking about what to do; East agreed but did not assign a time. North did not volunteer information about the break in tempo.

The Ruling: Law 85A requires the director to collect facts in the case of a dispute and “base his view on the balance of probabilities, which is to say in accordance of the weight of evidence he is able to collect.” ACBL Skip Bid regulations require a player to “wait for a suitable interval (about ten seconds),” irrespective of whether a stop card is used. Since West did wait about ten seconds, it was not considered UI (To be considered UI, Law 16B1(a) requires an “unmistakable hesitation.”), and the table result was allowed to stand.

The Appeal: N/S appealed the director's ruling. South, East, and West attended. In screening, South maintained that he counted a fifteen second break in tempo by West. West acknowledged that he was thinking but was not timing himself. East thought West took approximately the time expected for a jump bid, in any case no more than twelve seconds.

The Decision: The panel felt that West's break in tempo was exactly what the Skip Bid regulation requires. As such, there was no unmistakable hesitation and no infraction. The table result was allowed to stand.
The appeal was judged to have merit.

The Panel: Matt Koltnow (Reviewer), Mike Flader, and Gary Zeiger.

Commentary:

Polisner A technically correct ruling and decision. My problem is that in practice (whether the stop card is used or not) if a player does hesitate ten seconds, he is trying to decide what to do and not just a courtesy hesitation. In fact, West admitted that he was thinking about what to do and I am confident that East picked up on that. I am equally as confident if there had not been a skip bid, West would have taken ten seconds to double and that would have been UI.

Rigal An excellent lesson hand –and South got precisely what he deserved. He should have known that if he did not use the stop card West's imprecise pause before acting would be deemed not to be a BIT. The words 'And serve South right' spring to mind –to be followed by: 'Maybe he will know better next time.' But I doubt it. Sensible decision by director and panel.

Smith South's own demonstration to the table director was ten seconds. So how could this case ever have been decided differently by the directors or the panel?

Wildavsky South caused a big part of the problem here by failing to use the Stop Card, so I would give E/W the benefit of any doubt.
I do not like our current Stop Card regulation. It too often leads to insoluble problems. It's been seven years since I first proposed changing back to our old method, which is the World Bridge Federation's current method. One day soon I'll try again. For reference my proposal can be found here:
http://tameware.com/adam/bridge/laws/stop_card.html

Wolff I basically agree with the ruling, although E/W were unbelievably lucky to be able to score up plus 790 (opponents not being able to cash their club tricks and the ace of diamonds being doubleton). However, we are not here to rule on luck and, although I suspect that East acted on West's possible slow double normal playing luck demands that we accept the result. If the committee said there was a BIT then E/W Average (intervening and toning down the luck to compensate for the UI acted on), N/S minus 200 in 4♥ doubled.