

APPEAL	Non-NABC+ TWO
Subject	Tempo in Play
DIC	Tom Whitesides
Event	Side Game
Session	Tuesday Morning
Date	March 13, 2007

BD#	7
VUL	Both
DLR	South

467 Masterpoints	
♠	Q 8 6 3
♥	A 9 7 5
♦	T 4
♣	J 4 2

440 Masterpoints		Spring 2007 St. Louis, Missouri	218 Masterpoints	
♠	7 5 4		♠	A K J 9 2
♥	K 6 4		♥	Q 3
♦	A K Q		♦	J 9 7 2
♣	Q 9 7 3		♣	A 5

78.5 Masterpoints	
♠	T
♥	J T 8 2
♦	8 6 5 3
♣	K T 8 6

West	North	East	South
			Pass
1♦	Pass	1♠	Pass
1NT	Pass	2♦ <sup>1</sup>	Pass
4♠	Pass	Pass	Pass

Final Contract	4♠ by East
Opening Lead	♥J
Table Result	4♠ made 4, E/W + 620
Director Ruling	4♠ made 4, E/W + 620
Panel Ruling	4♠ made 4, E/W + 620 4♠ made 5, N/S - 650

(1)   Check back forcing to game, 2♣ would have been forcing one round.
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**The Facts:** Declarer won the opening lead, which was ducked to his queen. Declarer played the ♠A at trick two. South hesitated before playing the ten at trick two with no explanatory remarks about having no problem. East thought the hesitation was 20 seconds – South thought it was less, but agreed that he was thinking about the defense. East thought the only reason for a hesitation was if South held the queen-ten doubleton.

**The Ruling:** It was judged that South could not have known at the time of his hesitation that the hesitation could benefit his side. Therefore, in accordance with law 73 D 1 and F 2, no adjustment was appropriate. The table result stands for both sides.

**The Appeal:** South said he was thinking about the auction and overall defense and was not aware he had to play trick two straight away. He felt East was “looking for something” he couldn’t get from the play. South has only 75 masterpoints, but East, declarer, has only 200. South was told no one was alleging improper behavior or cheating but it would have been better to play his singleton spade in tempo, then to think as appropriate. He picked an unfortunate time to think.

East felt he had gone wrong because of the slow play of the ♠T. He finally decided it had to be queen-ten doubleton. However, he understood that there was no holding possible to hesitate and then play the ten.

**The Decision:** The panel decided that East was not directly affected by the slow play of the ♠T but by independent bad bridge (East misplayed the trump suit). However, South should not be permitted to benefit from a situation he helped cause (playing out of tempo) even if the procedural irregularity was not 100% responsible for East’s bad decision. The panel ruled that the result for N/S was 4♠ making five, N/S minus 650 and the result for E/W was 4♠ making four, E/W plus 620.

**The Panel:** Peter Marcus (Reviewer), Candy Kushner and Jean Molnar.

**Commentary:**

**Polisner** I don’t believe that the panel should have awarded a split score and the table result should have been 420 for both sides. If the panel believed that the hesitation was a coffee house, then a procedural penalty could have been issued.

**Rigal** Grossly inappropriate ruling by the panel, and I would also suggest that the initial ruling was also incomplete. If the panel wanted to punish N/S, and in my opinion in a non-NABC event this is questionable, then the right procedure is to give them a procedural penalty (non-reciprocal) for the difference in MP between minus 620 and minus 650. To give E/W something for nothing is not only absurd but will encourage more groundless appeals. The directors might well have considered the procedural penalty – or at least commented that they had considered it and rejected it.

**Smith** Since there is no holding South could have where hesitating with the ten for 20 seconds makes any sense, then any conclusions East drew were at his own risk. He ceased to be “an innocent player” (law 73F2) when he went to such extremes to try to take advantage of the hesitation, so I agree with the panel that he should not get the benefit of a score adjustment. I think that same law means that N/S should not have their score adjusted. I would much prefer a procedural penalty (if anything) for what happened here.

**Wildavsky** East is claiming that he thought South was trying to decide whether to play the queen or the ten? What would the queen have been, count?  
I do not understand the panel's adjustment. Under what law did they rule?  
I could buy this only if the panel cited a law or laws as the basis for its decision. If the panel thought South had committed a procedural irregularity they ought to have awarded a procedural penalty.  
I prefer the TD's ruling to the panel's.

**Wolff** Excellent ruling that covered the bases. The rhetoric could also be a precedent.