

APPEAL	NABC+ ELEVEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Tom Marsh
Event	Truscott Senior Swiss Teams
Session	First Final
Date	July 28, 2009

BD#	<b>24</b>
VUL	<b>None</b>
DLR	<b>West</b>

<b>Larry Mori</b>	
♠	2
♥	K 4
♦	T 9 8 7 6 4
♣	T 5 4 2

<b>Nancy Turner</b>		<b>Summer 2009 Washington D.C.</b>	<b>Susan Jackowitz</b>	
♠	T 9 6 3		♠	A K 8 7 5
♥	7 6		♥	T 8 2
♦	A K J 5 2		♦	3
♣	A 3		♣	Q 9 8 6

<b>Zeke Jabbour</b>	
♠	Q J 4
♥	A Q J 9 5 3
♦	Q
♣	K J 7

West	North	East	South
1♦	Pass	1♠	2♥
2♠	Pass	Pass	3♥
Pass	Pass	3♠	Pass <sup>1</sup>
Pass	4♥	Pass	Pass
Pass			

Final Contract	<b>4♥ by South</b>
Opening Lead	<b>♦A</b>
Table Result	<b>Made 4, N/S +420</b>
Director Ruling	<b>3♠ E made 3, E/W +140</b>
Committee Ruling	<b>4♥ S made 4, N/S +420</b>

(1) Disputed break in tempo (BIT).

**The Facts:** The director was called after the auction and again after the play of the hand. South said all calls were in the same slow tempo. E/W said South's calls were made after a 5-second pause except for the pass over 3♠ where the pause was 10 seconds.

**The Ruling:** The director judged that there was a BIT that demonstrably suggested action over pass, which was judged to be a logical alternative. Per Laws 16B1 and 12C1(e) the result was adjusted for both pairs to 3♠ by East making three, E/W plus 140.

**The Appeal:** N/S appealed the director's decision. All four players attended the hearing. East claimed that despite South's affliction, which slows all his bids, his pass over 3♠ was slower than his usual tempo. Based on that she felt North's action was too borderline to be acceptable.

North South did not agree that there had been a break in tempo. North said that he bid 4♥ because it was a two-way action. Based partner's bidding 3♥ voluntarily, he felt he had enough strength (king of hearts and singleton spade) to make down one likely, with the possibility of making if the hands meshed well.

South has Parkinson's disease. As a consequence he makes all of his calls more slowly than most players.

**The Decision:** The committee found that there was no unmistakable break in tempo. While South may have taken more time for his third call than his first two the committee judged that the time taken was well within the normal range for South to make a call, given his medical condition. The South hand bears this out – there is no indication that South was contemplating any action other than pass.

Since the committee found there was no irregularity the table result of 4♥ making four, N/S plus 420 was reinstated for both pairs.

**The Committee:** Gail Greenberg (Chair), Chris Moll and Bob White.

**Commentary:**

**Goldsmith** This is a very tough call. There is conflicting evidence as to the BIT, so it is reasonable for the committee to rule as it did. It is also reasonable for the director to believe that there was a BIT. Put me down as unwilling to decide.

**Polisner** I find it difficult to comprehend the basis upon which the committee found no BIT especially when they concluded that the call in question may have taken more time than the player's first two calls. Also, South's first two actions were bids whereas the call in question was a pass - which carries more information than a bid when it is out-of-tempo.

**Rigal** I'm unhappy with a trend that emerges from these cases, which my recollection tells me goes against past established practice. Although I agree that South's hand is a clear indication that he was not contemplating action – how could he be? – are we as committee members, or is the tournament director supposed to be looking at the hand in question to form or corroborate that judgment? I thought not, but here and in earlier cases we've seen that approach. As I say, I agree with both the director and committee ruling.

**Smith** I sympathize with the directors' ruling here, but I think the committee got it right. In a dispute between the two sides I don't think an "unmistakable hesitation" occurred based on South's affliction and perhaps even more importantly based on a hand that doesn't look like a hesitation to me.

**Wildavsky** I like the committee decision.

**Wolff** 4♥ should be down two tricks; therefore, E/W should have to deal with minus 420. If there was no hesitation then no penalty, but, if so, E/W minus 420 and N/S plus 420 with a 3 IMP penalty.