



American Contract Bridge League

Presents

The Streets of San Francisco: Crime & Punishment by the Bay



Appeals at the 1996 Fall NABC

Edited by
Rich Colker

Dedicated to the memory of

*Edgar Kaplan
&
Jan Cohen*

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FOREWORD

As some of you already know, Eric Kokish and I withdrew from editing these casebooks following the publication of *Miami Vice* last fall. Then, in rapid succession, Eric and I took on the massive project of doing the 1996 World Olympiad Book (which is now in press, but should be available from bridge-book sellers by the time you read this); then, as summer began to wind down, Eric and his family sold their home in Montreal, bought a new home and moved to Toronto; and then, within weeks of their move, they left their new home with relatives and moved to Jakarta for two years to coach the Indonesians. Our loss is the Indonesians' gain. Eric will be sorely missed — not only as co-editor of these casebooks but as a close friend. We had wonderful times doing *The Philadelphia Story* and *Miami Vice* together, and at other times just hanging out. We wish him, Bev and Matt the best over there, and look forward with great anticipation to their return.

Meanwhile, after a year without casebooks, I was invited this summer to submit a new proposal to resume doing the casebooks. This I did and was pleased to have it accepted. So, we're back in business. Even better, Linda Weinstein is still with us as our executive editorial assistant, contributing immeasurably to these projects.

While the main purpose of these casebooks is to keep us informed about the appeals process, and to help direct that process for the future, we can only hope to accomplish this by maintaining a sense of humor and camaraderie — for we are all surely in this together. It can be difficult to accept criticism, even when constructive, without hard feelings. But improving the process means improving the way individuals function, and this means embracing change rather than seeking vindication of “old ways.” We need to understand our errors and how to avoid them in the future — a task unachievable with our heads in the sand. Different actions by different bridge players can be ascribed to acceptable differences in “style;” different decisions by different Committees hearing the same set of facts cannot.

We hope that we can keep in mind the recipients of our barbs and wit when writing our comments. We also hope that they will keep in mind the commitment to improvement that accompanies service on National Appeals. Let's all keep humor, wit and humility about us.

As in previous casebooks, we've asked our panelists to rate each Director's ruling and each Committee's decision (using a 3-point scale, converted to scale in the rating table). While not every panelist rated (or commented on) every case, most did. The two ratings (averaged over the panelists) are presented after each write-up, expressed as percentages. These ratings also appear in a summary table near the end of the casebook for handy reference.

I wish to thank all of the hard-working people without whose efforts this casebook would not have been possible: the scribes and Committee chairs who labored in San Francisco to set the details of each case down on paper; the panelists, for their hard work and devotion to an arduous task, for nothing more than the “glory” of seeing their names in lights and receiving our praise (and occasional abuse) in these pages; John Solodar, who (in Eric's and my absence) contributed long hours in San Francisco writing up the cases for the Daily Bulletin; and, of course, Linda, who assisted (led?) John in preparing the case writeups. My sincere thanks to all of you. I hope that any revisions that I have made, here, have not diminished your earlier work too much.

Rich Colker
October, 1997

THE EXPERT PANEL

Bart Bramley, 48, was born in Poughkeepsie, New York. He grew up in Connecticut and Boston and is a graduate of MIT. He currently resides in Chicago with his longtime companion Judy Wadas. He is a stock options trader at the CBOE. Bart is a sports fan (especially baseball and specifically the NY Yankees), a golf enthusiast, enjoys word games and has been a Deadhead for many years. He is proudest of his 1989 Reno Vanderbilt win and his participation in the 1991 Bermuda Bowl. He is captain of the 1996 U.S. Olympiad team. He also credits Ken Lebensold as an essential influence in his bridge development.

John Carruthers, 50, was born in England. He currently resides in Toronto with his longtime companion Katie Thorpe and their three cats, Justine, Balthazar and Clea. He is a Computer Systems Project Manager and the co-author of two non-bridge books, *Ex-Etiquette* and *Creating Effective Manuals*. His hobbies include golf, music, traveling and reading. John was the Chairman of the Organizing Committee for the 1997 Junior World Bridge Championship held in Hamilton, Ontario. His bridge heroes are Adam Meredith, Helen Sobel, Sami Kehela and Eric Murray. He says his Committee style is “Roy Bean.”

Ron Gerard, 52, was born in New York. He is a graduate of Harvard and Michigan Law School (JD). He currently resides in White Plains, NY with his wife Joan (Chairman of the National Appeals Committee) where he is an attorney. Ron is a college basketball fan and enjoys classical music and tennis. He is proudest of winning both the Spingold and Blue Ribbon Pairs in 1981. Each year from 1990 to 1995 he made it to at least the round of eight in the Vanderbilt; he played in three finals (winning in Fort Worth, 1990) and one semi-final without playing once on a professional team.

Bobby Goldman, 57, was born in Philadelphia. He currently resides in Dallas with his wife Bettianne and his twelve year old son, Quinn. He is a Bridge Professional and Financial Analyst. His hobbies include tennis, volleyball, basketball and softball. While Bobby was a member of the original ACES from 1968 to 1974, he was a pioneer in writing computer programs that generate bridge practice hands and evaluate bidding probabilities. Bobby has won four World Championships and more than thirty National Championships.

Edgar Kaplan, 72, was born in New York, where he resided until his recent death. He had been the editor and publisher of *The Bridge World* since 1967. He is a member of the ACBL Hall of Fame, was one of the world’s great players and writers, and was regarded as the world’s greatest authority on the laws of duplicate and rubber bridge. Edgar was in constant demand as a commentator for WBF Championships and NABC Pendergraph presentations for his expert analysis and delightful wit. Among his numerous National Championships he was proudest of his 1983 Miami Reisinger victory when Ozzie Jacoby, 80, was on his team.

Barry Rigal, 38, was born in London, England. He is single and currently resides in New York where he is a bridge writer and analyst who contributes to many periodicals worldwide. He enjoys theater, music, arts, and travel. Barry is also an outstanding Vugraph commentator, demonstrating an extensive knowledge of the many bidding systems played by pairs all over the world. We are not at all surprised at his ability to confuse the audience with his remarkable grasp of the most convoluted bidding sequences. He is proudest of his fourth place finish in the 1990 Geneva World Mixed Pairs, winning the Common Market Mixed Teams in 1987, and winning the Gold Cup in 1991.

Michael Rosenberg, 43, was born in New York where he has resided since 1978. He is a stock options trader. His mother, father and sister reside in Scotland where he grew up. Widely regarded as the expert’s expert, Michael won the Rosenblum KO and was second in the Open Pairs in the 1994 Albuquerque World Bridge Championships. He was the ACBL player of the year in 1994. His hobbies include tennis and music. He believes the bridge accomplishment he will be proudest of is still in the future. Michael is also a leading spokesman for ethical bridge play and for policies that encourage higher standards.

Dave Treadwell, 85, was born in Belleville, New Jersey and currently resides in Wilmington, Delaware. He is a retired Chemical Engineer, a graduate of MIT, and was employed by DuPont for more than 40 years where his responsibilities included the introduction of Teflon to the marketplace. He has three grown children, three grandchildren and two great-grandchildren. His hobbies include blackjack. The bridge accomplishment he is proudest of is breaking the 20,000 masterpoint barrier. He believes bridge can be competitive and intellectual, but above all can be and must be fun.

Howard Weinstein, 44, was born in Minneapolis. He is a graduate of the University of Minnesota. He currently resides in Chicago where he is a stock options trader at the CBOE. His brother, sister and parents all reside in Minneapolis. His parents both play bridge and his father is a Life Master. Howard is a sports enthusiast and enjoys playing golf. He is a member of the ACBL Ethical Oversight Committee and has been a National Appeals Committee member since 1987. He has won three National Championships, and is proudest of his 1993 Kansas City Vanderbilt win.

Bobby Wolff, 64, was born in San Antonio, and is a graduate of Trinity U. He currently resides in Dallas. His father, mother, brother and wives all played bridge. Bobby is a member of the ACBL Hall of Fame as well as a Grand Life Master in both the WBF and the ACBL. He is one of the world’s greatest players and has won ten World Titles and numerous National Championships. He served as the 1987 ACBL president and the 1992-1994 WBF president. He has served as tournament recorder at NABCs, and is the author of the ACBL active ethics program. His current pet projects are eliminating Convention Disruption (CD) and the flagrant propagation of acronyms (FPA).

CASE ONE

Subject: Saved By Their Peers

Event: Stratified Charity Pairs, 21 Nov 96, Single Session

Bd: 6	108		
Dlr: E	QJ4		
Vul: E/W	AKQ872		
	62		
108		974	
A97		6532	
J3		105	
KQJ		A843	
	A52		
	K108		
	964		
	10975		

West	North	East	South
		Pass	Pass
108	205	Pass	Pass
Dbl	Pass	208	Pass(1)
Pass	305	All Pass	
(1) Break in tempo			

The Facts: 305 made three, plus 110 for N/S. There was an agreed break in tempo by South after East’s 208 bid. The Director ruled (Law 16A) that there was unauthorized information present and that pass by North was a logical alternative to 305. The Director changed the contract to 208 made two, plus 110 for E/W.

The Appeal: N/S appealed the Director’s ruling. Both sides agreed that there had been a break in tempo. North did not believe that pass was a logical alternative with a six-loser hand, not vulnerable at matchpoints. N/S were playing their first session together and had a combined total of approximately 300 masterpoints.

The Committee Decision: The Committee decided that, even though there was a break in tempo, it was likely from the auction that South would hold one or more useful cards. The Committee members did not believe that N/S’s peers would consider defending 208 and restored the table result of 305 made three, plus 110 for N/S. The importance of bidding in an even tempo was explained to N/S, who were made aware that breaks in tempo usually create unauthorized information which might strictly limit the options available to partner.

Chairperson: Bruce Reeve

Committee Members: George Dawkins, Mary Jane Farell

Directors’ Ruling: 100.0 **Committee’s Decision:** 38.9

How did North know that South didn’t hold 108 KJxx 1000 05x 08 QJxx for his “passes”? Had that been the case East, who might have held 108 xx 100 08 J9xx 08 Kxxxx, would have doubled 305 and the defense would have proceeded: two high spades, ace-king of hearts, heart ruff, two high clubs, then either a third club (West ruffing with the 0510) or a fourth heart (for a trump promotion); down four, plus 800 for E/W. A slightly jaded observer might speculate that South’s huddle portended North’s 305 bid. Perhaps our rose-colored-glasses wearing Committee could remove that suspicion.

If N/S were an expert pair, we’d have kept their money. Why, then, should a non-expert

pair freely get away with this? No, the way to impress upon N/S the importance of bidding in tempo is to adjust the contract to 208 by West making two, plus 110 for E/W. Only N/S being a first-time partnership with a combined holding of 300 masterpoints mitigates against an additional procedural penalty for flagrant use of unauthorized information. At the very least a statement to North about his responsibility to bend over backward not to select a call which could have been suggested by his partner’s hesitation should have been included — at no additional cost.

Agreeing were. . .

Gerard: “Always good for the Committee to start out with a zero. It loosens up the commentators. In my version, South does indeed have two useful cards:

	108		
	QJ4		
	AKQ872		
	62		
AK653		974	
A97		K108	
3		J1065	
AQ83		J74	
	QJ2		
	6532		
	94		
	K1095		

South’s 108 J and 059 hold N/S’s losses to minus 500 (East could lead a club otherwise). Cigarettes at dawn for the Committee.”

Bramley: “No way. Small rearrangements of the cards produce layouts in which both 208 and 305 go down one or more tricks. South’s hand is ‘useful’ because he has a clear-cut 305 bid. A similar hand, like 108 K9xx 1000 05x 08 K109x, would not be nearly as ‘useful.’ The Committee insults both North’s peers as well as their own. Perhaps a more effective way for N/S to be ‘made aware’ of their obligations would have been to allow the Director’s ruling to stand.”

Rosenberg: “This Committee’s decision was (I hope) the worst at this Nationals. [Maybe close, but no cigar. — *Ed.*] South, instead of passing, might as well have said ‘I’d like to bid 305 if you think that’s a good idea.’ This was a ‘bad’ huddle. Yes, South was likely to have some high cards — perhaps 108 KJ9x, and the 05 QJ. North’s bid was likely to be a loser without the huddle. I can’t give the Committee even a 1 for this decision. I would like to have given E/W plus 140, but it seems pretty obvious for the defense to get five tricks.”

Weinstein: “Awful. South couldn’t hold 108 KQJx 1000 05x 08 Kxxx, or something similar? Is a six-loser hand (three-winner hand is closer) a concept two non-life masters might have mastered? How are frivolous appeals going to stop when they win the occasional case? Are there different laws and logical alternative definitions for inexperienced players — not merely different standards? Wouldn’t the Committee’s admonition to N/S carry more (any) weight had it made the obvious ruling against N/S? These are just a few of my favorite questions for this Committee.”

Kaplan: “No! No! North has at most a dubious bid. Pass is entirely reasonable, perhaps indicated.”

Carruthers: “I view hesitations and those who take advantage of them with a very jaundiced eye. I’m delighted that in the majority of cases the Director forces the hesitating side, rather than the innocent bystanders, to take the case to Committee. That is a huge improvement in procedure. Thus, I completely agree with the Director’s ruling on the current hand. Pass seems to me to be not only a logical alternative to North, it seems to be mandatory with the huddle. Partnerships sometimes miss a game (who has not?), so I don’t buy the argument that E/W’s bidding revealed useful cards in South’s hand. However, the huddle certainly did. No mercy. The Committee was snowed. A theme I’ll return to often is that Committee decisions such as this only encourage players like North to take unwarranted actions after partner’s hesitations.”

Wolff: “I won’t, as usual, pretend to know what is right in the lower-rated games, but this Committee’s decision is downright horrible. To me, this would be my textbook example of how a hesitation would preclude partner from bidding. I don’t think North has a bid anyway, and to allow it after a break in tempo, well. . .”

Raising the difficult question of the North offender’s ability level. . .

Rigal: “The Director’s ruling was sensible. I wish I could say the same for the Committee’s. In these positions I am firmly of the opinion that a balanced hand with a six-card suit does not constitute reason for bidding on. Why should the South and East values not be switched? Answer, because of the slow pass. Off with North’s head. He (and/or South) must be taught that in these positions slow passes will be punished. How relevant is North’s ability level? One might argue that if N/S were lesser players the 3^É bid becomes more attractive — I am not prepared to wear this argument, I simply raise it out of intellectual curiosity.”

Apparently (overly) influenced by this very consideration was. . .

Goldman: “I agree, particularly for this level of player.”

Hanging his “apparel” on a far more ethereal hook was. . .

Treadwell: “The Director and Committee were both right here: the Director for ruling against the side that may have committed an infraction, the Committee for deciding that the infraction, if any, had no bearing on the bridge result at the table. In other words, let’s play bridge.”

Claiming that this hesitation had no bearing on the result is myopic, at best, but claiming that this is “playing bridge” is criminal.

CASE TWO

Subject: Six-Six Ain’t Enough

Event: Life Master Women’s Pairs, 22 Nov 96, Second Session

Bd: 14	Lee DeSimone		
Dlr: E	1 AQJ1093		
Vul: None	1 Q10		
	É 9		
	É Q753		
Shiela Bleiman		Joan Ivey	
1 ---		1 K8	
1 J98752		1 AK3	
É AJ8763		É 54	
É J		É AK10862	
	Ginny Steele		
	1 76542		
	1 64		
	É KQ102		
	É 94		

West	North	East	South
		1 ^É (1)	Pass
1 ¹	1 ¹	Dbl(2)	4 ¹
5 ¹	5 ¹	Dbl(3)	Pass
6 ¹	All Pass		
		(1) Alerted, could be short	
		(2) Alerted, Support Double	
		(3) Break in tempo	

The Facts: The opening lead was the ^É9, after which 6¹ made six, plus 980 for E/W. Everyone agreed that there had been a break in tempo before East’s double of 5¹. The Director ruled (Law 16) that the break in tempo conveyed unauthorized information and that it was a logical alternative for West to pass the double. The Director canceled the 6¹ bid and changed the contract (Law 12) to 5¹ doubled down four, plus 800 for E/W.

The Appeal: E/W appealed the Director’s ruling. West told the Committee that she was going to bid 6¹ whether her partner doubled in tempo, doubled slowly, or passed, because she thought there was a good chance that N/S could make 5¹. N/S stated that they thought that pass was a logical alternative for West because she had a defensive trick, was short in clubs, and the quality of her heart suit was poor. When the Committee inquired about the break in tempo all four players agreed that it had been 25-30 seconds.

The Committee Decision: The Committee decided that the admitted lengthy hesitation before the double of 5¹ could well have suggested that a 6¹ bid might be more successful than a pass. West could not know that East’s hand was as strong as it actually was, since East had merely made a support double at the one-level. West, on her own, quite normally bid 5¹ at her next turn based on distributional rather than high-card values. The Committee rejected as self-serving West’s statements about the 6¹ bid, which completely overlooked the fact that if N/S could make 5¹, E/W would certainly go down at least three (doubled) in their 6¹ contract. The Committee therefore canceled the 6¹ bid, changing the contract to 5¹ doubled down four, plus 800 for E/W. The Committee members also believed that the 6¹ bid bordered on taking blatant advantage of unauthorized information. However, because the Committee believed E/W’s sincerity when they stated that West’s 6¹ bid was based on the distributional nature of her hand and was not influenced by East’s tempo, it was decided not to assess a procedural penalty against E/W and to return their deposit. E/W were, however, given a stern warning about their responsibilities in such situations.

Chairperson: Dave Treadwell

Committee Members: Richard Popper, Judy Randel, (scribe: Linda Weinstein)

Directors' Ruling: 100.0 **Committee's Decision:** 91.7

The sternness of the warning, along with the overall tone of the writeup, seem unduly severe. West's six-six distribution, spade void, and the known heart fit together constitute a strong inducement for West to bid one more at almost any level. While the Committee (in my opinion) made the correct decision, West's action was not likely to have been as clear-cut at the table as the Committee made it out to be with the advantage of 20/20 hindsight.

In addition, the Committee's attention to the perceived sincerity of E/W's statements when deciding upon possible procedural adjustments was inappropriate on at least two grounds. First, people routinely overestimate their ability to judge the inner qualities of those whom they evaluate. Thus, any judgment of E/W's "sincerity" was likely to be unreliable at best. Second, using perceived sincerity (even ignoring the validity issue) as a basis for deciding on procedural adjustments is contrary to law. The most recent revisions of the laws include passages specifically designed to avoid Committees (or Directors) making judgments regarding what a player knew, thought, or intended at the time of an action. More specifically, the laws instruct that a score adjustment be made if a player "could have known" at the time of his action that it could work to his benefit. The reason for the wording of the quoted phrase was to avoid having to determine what was in a player's mind (and the legal entanglements arising if ill-intent had to be asserted before an action could be penalized). The laws thus enjoin us to base our decisions on tangible, "demonstrable," facts and to let the cards and the bridge of the situation speak for themselves.

That's not to say that I disagree with the Committee's decisions about the procedural penalty and returning E/W's deposit. In fact, I whole-heartedly agree with both of those decisions, but I object strenuously to the basis on which they were made. Contrary to the Committee's judgment regarding the credibility of West's 6♠ bid, I find the nature of her hand and the auction both to be strong arguments against the "blatant advantage" view. I also believe these same factors argue for appealing the Director's ruling and having a Committee make the final decision regarding the allowability of the 6♠ bid. This alone removes from my mind any question of the appeal lacking merit.

Agreeing with me on almost all accounts were. . .

Bramley: "A correct decision, but not nearly as clear-cut as the Committee would have us believe. I don't think 'sincerity' should have been needed to convince the Committee that a player with six-six shape and a known fit might insist on being declarer without 'taking blatant advantage.' Therefore, the discussion of a procedural penalty and forfeiture of the deposit was overkill. However, I do agree that 'taking blatant advantage' is one of the few justifiable reasons for a procedural penalty."

Don't you just hate it when people are so succinct?

Rosenberg: "I sympathize with West — you don't get six-six every day — but I agree with the Committee's decision. I think there is something important to think about here. This is exactly the type of situation where East (with a different hand) might double a little fast, and then West passes. N/S could probably get no redress. The important thing is for East's double, on this type of auction, to always be in the same tempo and with the same manner. Few players are consistent in this regard. The only remedy at the moment seems to be to

ensure that E/W do not gain from their inconsistent tempo."

Rigal: "Another good Director's ruling. I think the Committee members were entitled to decide as they did. They saw the issue as subjective and without being present one can hardly overrule. Clearly the slow double makes West's action as a two-way shot more attractive. It has to be removed, but I think I agree with not issuing a procedural penalty. West's hand is exceptional and I am not sure that the Committee's decision really takes that into account."

Several panelists thought that the Committee should have either kept E/W's deposit or assigned them a procedural penalty.

Gerard: "Very dangerous concept — that the standard for judging blatant misuse of unauthorized information is an offender's sincerity. That kind of analysis isn't on my radar screen, nor should it be. Committees shouldn't have to evaluate the truthfulness of self-serving statements for any reason, including the procedural adjustment. Blatant misuse should be based on the bridge logic of the action taken, not on who has the best acting coach. Once the 'I was always going to. . .' statement is deemed to be self-serving, it is irrelevant for all purposes. The Committee should have kept the deposit or given a procedural penalty."

I don't see how that final sentence follows from the preceding arguments. Is it possible that Ron believes that West's 6♠ bid was that out of line?

If we assume that West believed that 5♠ was going down (from East's double, if for no other reason), then she was clearly not pulling the double to turn a plus score into a minus (or a minus into a smaller minus). Since she did not bid the slam earlier, the logical conclusion is that East's tempo must have had something to do with her action. While I can sympathize with that argument, I keep thinking back to the panelists who commented on the rarity of six-six hands. I can see where West could have been conflicted about bidding "only" 5♠ a round earlier and just couldn't bring herself to defend with such extreme distribution. This decision may have been based more on emotion than on reason. (Please, save your complaints. I would have said the same thing had West been a male.) Additionally, East's double might have been based on extra values rather than trumps, since she never really had the opportunity to limit her strength in the auction (other than by passing 5♠; the support double merely showed the heart support.) Of course, East's hesitation also suggested the latter interpretation.

While West's pull may not have been, strictly speaking, logical, and it could not be permitted after the hesitation, I think the appeal still has enough going for it as to not be subject to discipline.

Agreeing more with Ron's view of the nature of West's pull was. . .

Carruthers: "Again, the Director was perfect; this time the Committee was nearly so. I agree with them that this was pretty close to blatant. However, West's argument that her bid was based on the distributional nature of her hand and not the hesitation, and that she was always going to bid 6♠, is not only self-serving, it is completely irrelevant. The Committee should have kept the money and slapped a penalty upon her. This is another subject dear to my heart. I believe there should be an automatic penalty for West's actions. Why should she be allowed to bid 6♠ and escape with nothing worse than par? She can win three ways: first, the opponents don't call the Director; second, the Director rules in her favor; and third, the Committee rules in her favor. And if she loses, the worst that happens is a return to equity. I say introduce some jeopardy for these people who go through the whole process, essentially

wasting everybody's time with their machinations. Fine them (matchpoints or IMPs or board fractions)."

"Automatic" penalties. Hmm, that should get lots of support from this panel.

Weinstein: "Good decision and writeup. The Committee might easily have collected the \$50, but reasonably believed that West fell in love with her distribution — an easy occurrence, made easier by the huddle. I'm starting to come around to Michael Rosenberg's view against having \$50 deposits, if not for the same reasons. Vast inconsistencies in when the money is kept (including at least one case where the Committee made a very poor decision in failing to uphold the protest — and then kept the money!) and the importance of the money varying greatly from person to person and its consequent effect on whether a protest is lodged seem like sufficient reasons to reconsider the policy. I suspect MR has other better reasons. The purpose of reducing frivolous protests is better served by the publication of names of the protagonists (also controversial, but more egalitarian and more useful)."

I agree with the reasons for finding an alternative to financial jeopardy for appeal abuses. That's why I proposed a point system (see CASE FOUR, *The Philadelphia Story*).
The next two panelists demonstrate only that succinctness can be carried too far.

Goldman: "Good decision."

Wolff: "Good decision. Contrast this result with that of CASE ONE."

CASE THREE

Subject: The Untravelable Road

Event: NABC Open BAM Teams, 23 Nov 96

Bd: 18	Ian Wilson
Dlr: E	1 AK4
Vul: N/S	1 AJ52
	2 7532
	2 A2
Loarn Thoelecke	Kirsten Wibroe
1 1095	1 QJ862
1 KQ84	1 6
2 Q96	2 J104
2 853	2 KQJ9
	David Walker
	1 73
	1 10973
	2 AK8
	2 10764

West	North	East	South
		Pass	Pass
11	1NT	21	2NT(1)
Pass	32	Pass	3NT
All Pass			
(1) Alerted;	puppet to 32		

The Facts: 3NT by North made three, plus 600 for N/S. South intended 2NT as natural; North thought it was a puppet to 32. The Director ruled that South had unauthorized information and that passing 32 was a logical alternative. The Director changed the contract to 32 by North down two, plus 200 for E/W.

The Appeal: N/S appealed the Director's ruling, contending that South had little choice but to bid 3NT over 32 since at BAM scoring, 32 was unlikely to be to play on this auction, even if North had not Alerted 2NT. South stated that he realized at the point at which his partner Alerted that it was likely his 2NT bid had been construed as Lebensohl. North stated that reasonable defense would have defeated 3NT, suggesting that the damage to E/W was self-inflicted. South stated that he had intended 2NT as natural and that N/S had played together only three times previously and not at all in the past fifteen months.

The Committee Decision: The Committee agreed with the Director that a 32 bid with no Alert from North would have expressed an interest in playing a club partscore rather than a notrump game. Thus, South had chosen from among logical alternatives (passing and bidding on) the one that could reasonably have been suggested by the unauthorized information from the Alert. Pursuant to Law 12C2, the Committee canceled South's 3NT bid and adjusted the contract to 32 by North. N/S were then assigned the score for 32 down two, minus 200 (the most unfavorable result that was at all probable). The Committee rejected the notion that E/W's defense was sufficiently egregious to deprive them of the right to redress. 3NT could not be beaten after starting the 2 K — a reasonable lead made at many other tables. E/W were therefore assigned the reciprocal score for 32 by North down two, plus 200 (the most favorable result likely had the infraction not occurred).

Chairperson: Mike Huston

Committee Members: Phil Brady, Lynn Deas, Bob Gookin, Bob Glasson, (scribe: Bruce

Directors' Ruling: 78.9 **Committee's Decision:** 91.7

This case is (superficially) similar to many others that have appeared in these casebooks. Typically, after 1NT-(Pass) responder bids 2NT, intending it as natural. The notrumper promptly Alerts this as a transfer and dutifully bids 3 \heartsuit , after which responder routinely bids 3NT. Committees and panelists remain divided on how best to handle these situations (see *The Philadelphia Story*, CASE THIRTY-THREE). Eric and I have argued for examining each case individually, rather than applying some blanket rule such as: make the offenders play 3 \heartsuit ; or, allow 3NT on the basis that no one these days bids 3 \heartsuit to play after an invitational raise to 2NT — especially at matchpoints. We advocated holding the offenders responsible for demonstrating either that they could not play 3 \heartsuit in such situations, or that the 3 \heartsuit bidder's hand clearly would have accepted an invitation to 3NT based on its club holding (the Philly case is arguably such an example), before allowing 3NT. Absent compelling evidence, the contract should be adjusted to 3 \heartsuit . Of course, different bridge standards (but not different ethical standards) have to be adopted for different levels of players. The overriding need, however, is that we deal with these situations in a consistent manner. If we cannot trust our Committees to decide these cases on an individual basis (even at NABCs), then we should probably adopt an Average Plus/Average Minus approach for all such cases.

In a variation of the uncontested auction, the bidding proceeds, 1NT-(2x) or (1x)-1NT-(2x) or (1x)-1NT-(Pass). Again the notrumper's partner bids 2NT, intending it as natural, and the notrumper Alerts this (as some form of Lebensohl) and bids 3 \heartsuit . In these situations only one suit has been bid (or bid and raised) by the opponents, and our general approach has been to treat these the same way as the uncontested auction. The argument here (a valid one, in my opinion) is that nothing has happened subsequent to the 1NT bid to alter the information that the notrumper had when he made that bid. Therefore, the 3 \heartsuit bid should be presumed to have a similar meaning to the one it would have had in the uncontested auction (unless there is evidence of a history of "comic"-type 1NT overcalls).

Although perhaps not obvious, the present case presents a critical departure from either of the above situations. Opener's partner (East) has introduced a second suit which could present a problem for N/S if they are to play 3NT. (This is especially true if South is allowed to "raise notrump naturally" without regard to his holding in East's suit, trusting North to have an adequate holding there.) Here, even without prior discussion, a 3 \heartsuit bid by North could be interpreted as an expression of concern about his LHO's suit (here, spades) and an offer to play 3 \heartsuit . South could still bid 3NT, but the key here would be his holding in the second suit (spades) rather than his club fit. Based on this analysis, the South hand fails to meet the requirements for a 3NT bid, and in the absence of satisfactory documentation as to the meaning N/S have assigned to the given sequence, South's 3NT bid should not be allowed.

Picking up on this same issue were. . .

Goldman: "Good decision. With most irregularities of this type that I've seen previously I've been inclined to allow the 3NT bid, because players almost never correct 2NT to 3 \heartsuit in real life; so a mixup is a reasonable assumption, even on a computer. However, this case has an extra element — the introduction of a second suit and its effects on both whether Lebensohl is being used and the reasonableness of a run to 3 \heartsuit ."

Rigal: "We have had this position at least twice before; we need to stamp it out firmly. Of course 3 \heartsuit is natural and to play. The BAM scoring is irrelevant. Why should North have a spade stop? The Director's ruling was perfect, and the Committee was fine here, too. South should be told about his responsibilities with unauthorized information and E/W should have been reported for fielding psychs, too."

Barry's last comment should certainly have been addressed by the Committee. East, holding 10 HCP and two excellent suits of her own, failed to make the "normal" double of North's 1NT overcall. Her partner was then found to have opened (granted, in third seat at favorable vulnerability) a markedly substandard hand. Recording is the minimum that needed to happen to E/W.

Picking up on this same point was. . .

Carruthers: "Once again, the Director got it right and left it to the Committee to sort it out. Although I agree with the Committee's decision (sort of), I can't find any evidence that they dealt with the key issue, that of N/S's agreement about 2NT. [When there is no documentation of a bid's meaning, we are to assume a mistaken explanation rather than a misbid. That seems to be what happened here. — *Ed.*] And what about that East bidding? Pretty amazing to go so quietly after Partner's (albeit third-seat favorable) opening bid."

The rest of the panel also supported the Committee's decision to adjust the contract to 3 \heartsuit .

Bramley: "Excellent decision. Well-reasoned and well-written, especially with regard to the distinct logic used for each side."

Weinstein: "Good decision and good writeup. The only difficulty would seem to have been in analyzing the result in 3 \heartsuit ; the Committee has my sympathies for having had to make that determination."

Rosenberg: "Good, except that South should have been censured, if experienced enough."

True, South seems to have taken rather blatant advantage of North's Alert: an issue which the Committee either failed to address, or failed to document if they did address it.

Gerard: "Isn't it time to start treating these situations as akin to Hesitation Blackwood?"

That seems a bit of an overreaction. In many partnerships, especially in the analogous auctions discussed earlier, the 3 \heartsuit bid itself tends to suggest to the 2NT bidder that his partner was on a different wavelength regarding the meaning of 2NT; the Alert is superfluous. Thus, to take the position that all such contracts should be adjusted to 3 \heartsuit is going too far. Doubt as to whether 3 \heartsuit could be to play must be resolved against the offenders, but each occurrence needs to be dealt with on a case-by-case basis.

Wolffie raises an interesting (if predictable) question regarding the appropriate treatment of the non-offenders.

Wolff: "No question N/S deserved minus 200 in 3 \heartsuit . Did E/W deserve plus 200 in 3 \heartsuit , minus 600 in 3NT, or Average Plus (which, I guess, might be six-tenths of a board, assuming an average result at the other table in BAM teams)? NPL dictates minus 600, since who

wouldn't want to usually defend a 23-point 3NT with no five-card suit. What if 3 \heartsuit made and 3NT went down? We would never see the appeal. Should E/W have that advantage or should we PTF? I think six-tenths of a board is about right. In any event, my hope is that our inquiring minds deal with this frequent problem and gravitate to the same sensitivity for the field as we tend to now have for the wronged opponents."

The laws prescribe that we should protect the non-offenders in such situations and not the "field." Where the normal result for the non-offenders is uncertain, assigning a result to them which errs on the side of protecting the field has much to recommend it. However, under the present version of the laws this cannot be our overriding goal.

CASE FOUR

Subject: The Good, The Bad, And The Oops!

Event: Flight A Pairs, 23 Nov 96, Second Session

Bd: 30	Bernace DeYoung
Dlr: E	♠ J42
Vul: None	♠ KQJ73
	♥ 5
	♥ K1093
Wayne Stewart	Martin Hinds
♠ AQ6	♠ 10975
♠ 54	♠ A86
♥ KJ7642	♥ A1093
♥ 76	♥ J2
	Libby Fernandez
	♠ K83
	♠ 1092
	♥ Q8
	♥ AQ854

West	North	East	South
		Pass	Pass
1 \heartsuit	1 \heartsuit	Dbl	2 \heartsuit
2NT(1)	Pass	3 \heartsuit (2)	Pass
3 \heartsuit	Pass	Pass	3 \heartsuit
Pass	Pass	3NT	All Pass
(1) Not Alerted; good/bad 2NT			
(2) Not Alerted; more clubs than diamonds			

The Facts: 3NT by West made three, plus 400 for E/W. The Director was called to the table after the play of the hand. In discussion after the play West had informed his opponents that his 2NT bid had been intended as "good/bad" and that East's 3 \heartsuit bid had (inferentially) shown more clubs than diamonds (since West would pass with a "bad" hand containing both minors). East said that he bid 3 \heartsuit believing, at the time, that the bid was forced (which in this case risked playing in a possible four-two club fit). The Director ruled that since E/W had no clear notes to support a mistaken bid rather than a mistaken explanation, the scores would be adjusted to Average Plus for N/S and Average Minus for E/W.

The Appeal: E/W appealed the Director's ruling. N/S did not attend the hearing. East maintained that he was "out to lunch" when he bid 3 \heartsuit . West stated that the 3 \heartsuit bid showed a preference for clubs if West had both clubs and diamonds and could show as few as three clubs and two or fewer diamonds.

The Committee Decision: The Committee decided that 2NT and 3 \heartsuit were both Alertable and that any error East might have made in bidding 3 \heartsuit was irrelevant — the failures to Alert were themselves infractions. Additional infractions occurred when, after the auction (and before the opening lead), both East and West failed to inform the opponents of their partner's failure to Alert. Although the Committee believed that a double of 3 \heartsuit by South may have been in order even without the Alerts, South might justifiably have preferred to let E/W play undoubled in a contract which was likely to be set rather than in 3 \heartsuit , or some other contract where a set might be doubtful. However, had 3 \heartsuit (or 2NT) been properly Alerted, a double by South would have become more attractive. West would then have bid 3 \heartsuit and South 3 \heartsuit (as in the actual auction), after which 3NT by East would not be a consideration. (Allowing East to bid 4 \heartsuit was rejected, under Law 12C2, as that would lead to a more favorable result for E/W.) The contract was changed for both pairs to 3 \heartsuit by North made three, plus 140 for N/S.

Chairperson: Dave Treadwell

Committee Members: Rich Colker, Doug Heron

Directors' Ruling: 78.9 **Committee's Decision:** 88.9

A few words of explanation are in order, here. While I normally write up cases on which I serve, that was not possible at the time of this hearing. Unfortunately, the chairman of the Committee was not informed of this until late in the process. To make matters worse, the players' statements at the hearing contradicted some of the facts reported on the Appeal Form, which could therefore not be relied on for uniformly accurate information. As a result, the writeup, which appeared in the Daily Bulletin and was eventually sent out to the panelists for their comments, contained some crucial errors which I have corrected (from my own notes, taken at the hearing) in the writeup here. However, the panelists' comments still reflect the original inaccuracies. In particular, the original writeup reported that West's 2NT bid was Alerted at the table, while the statements of both pairs indicated that it was not Alerted. Had 2NT been Alerted, South could have been expected to realize that East's 3 \heartsuit bid might be artificial, even though the 3 \heartsuit bid itself was not Alerted. An experienced player, as this South was, could then have been expected to protect herself by asking about the 3 \heartsuit bid. However, without either Alert South was denied information crucial to her ability to protect herself.

Carruthers: "The writeup of this case is extremely poor. I do not understand the basis for the appeal. When was West's explanation made, at the table or to the Director? [During the players' post-mortem. — *Ed.*] What is meant by the phrase 'out to lunch' (I understand what it means, but why was it used in this context)? Once 2NT was Alerted, doesn't some of the burden for protecting themselves fall upon N/S? I'm not so sure that the failure to Alert meant anything at all in the auction. It seems to me that after 2NT, 3 \heartsuit is almost self-Alerting. [Quite so, had 2NT been Alerted! — *Ed.*] Was 3NT down one considered as a possible result? How did the actual play go? Was a club led and the suit blocked, or was something else led? [The \heartsuit K was led, won in dummy, and a spade finesse was later taken for declarer's ninth trick. — *Ed.*] Since this Committee was into changing the auction entirely, why not make East bid 3 \heartsuit and have it go all pass? Sorry, I'm really adrift on this one.

Obviously, John's confusion was not entirely self-inflicted. However, a Committee's job is to determine what would have happened had there been no infraction. Thus, the suggestion that they were "into changing the auction entirely" (suggesting caprice) is unjustified — even assuming, as was incorrectly reported, that 2NT had been Alerted. (At worst, the Committee might have been guilty of faulty judgment in not properly holding South responsible for protecting herself.) The Committee tried to decide what the players would (likely) have done had 2NT and 3 \heartsuit been properly Alerted (or had South been given the information to which she was entitled). Clearly this is not an exact science, but we are expected to project a result if one can be determined with reasonable confidence — even if the Directors weren't able to do so. Only when this is not possible does Law 12 instruct us to assign Average Plus/Average Minus (when responsibility for the infraction can be determined).

Bramley: "Was 2NT Alerted or not? If it was, then I disagree strongly with this decision. South had ample opportunity to protect herself even if the 3 \heartsuit companion bid was not Alerted, and having failed to do so, should accept the table result. The good/bad 2NT is common enough that experienced players should not need extra protection when the 2NT bid

is Alerted. In this case N/S's inability to accept a fix should have been punished rather than rewarded. If the 2NT bid was not Alerted, then the decision was acceptable — but not automatic. South still has an easy double of 3 \heartsuit regardless of what the auction meant, particularly with the advantage of being a passed hand and thus holding a maximum. The Committee argued that the failure to Alert contributed to the result, but I make it a very close call. By the way, I believe a large majority of North's peers would lead hearts against 3NT even if partner doubled 3 \heartsuit , but that is irrelevant if the double of 3 \heartsuit serves to inhibit East from bidding 3NT."

Bart makes several good points (given the assumption that 2NT was Alerted). The ones which survive the changed facts involve the attraction of a heart lead even if South doubles 3 \heartsuit and the relevance of South's double of 3 \heartsuit to East's 3NT bid. Bart was the only panelist to consider the possibility (likelihood?) that the writeup may have been in error regarding the Alert of 2NT. Quite impressive. I'm glad that he finds the Committee's decision "acceptable" under these changed circumstances, noting the key point that, once 3 \heartsuit is doubled, 3NT becomes a far less likely E/W contract.

The following panelist picked up on another aspect of the proceedings.

Rosenberg: "The Committee made a good decision, except that East should have been censured, if experienced enough, for not volunteering after the auction that his 3 \heartsuit bid was non-standard. The 3 \heartsuit bid is Alertable playing good/bad 2NT, even if it is not a forced bid, because East may have only three clubs."

The Committee did inform E/W about their obligations to disclose the failures to Alert to the opponents at the end of the auction (before the opening lead). This was omitted from the original writeup, lending even more credence to Carruthers' initial point.

Goldman: "Very interesting logic by the Committee. I have no problem scoring E/W minus 140, but it seems like giving plus 140 to N/S is an unwarranted bonanza to a pair who misdefended 3NT, didn't appeal their Average Plus score, and didn't attend the hearing. Give N/S Average Plus or plus 140, whichever is worse. A score adjustment for N/S solely because E/W made a frivolous appeal? Yes, keep the money."

N/S didn't "misdefend" 3NT (unless a heart lead by North is considered a misdefense — but see Bart's analysis). As for N/S not appealing their Average Plus, how many times have we decried the litigious nature of today's players? Now a pair graciously accepts a more modest score than they were probably (by our expert judgment) entitled to and we hold it against them? Maybe they were so far out of contention that they lost interest in any fine-tuning of their score. Maybe they had better things to do at 2 am (this was a very heavy appeals night) than to sit around the appeals area. Maybe they simply didn't realize that they might be entitled to more than Average Plus. Non-appellants are not required to attend a hearing, even if it could be to their advantage to do so. None of these are high crimes, or even misdemeanors. And as far as Goldie's claim that E/W's appeal lacks merit — that's just possible, given the misinformation that 2NT was Alerted — but given the correct facts it's not even a remote possibility.

Kaplan: "I prefer the Director's Average Plus to the Committee's guess at a contract."

Edgar's approach was certainly possible; however, as stated above, the Committee was

quite comfortable projecting the result it did.

Rigal: “The Director made a sensible ruling given the problems the Committee had in determining the right contract. East did not explain the 3 \heartsuit bid as forced, but no additional damage arose from that since, once South had not doubled 3 \heartsuit , North was leading a heart 100%-plus of the time. The ruling seems OK for E/W. N/S got the best of this one for sure, but I don’t know what else other than Average Plus to give them.”

Weinstein: “Good decision. It is incumbent upon pairs playing specialized (if not uncommon) treatments to both know what they are doing and to provide their opponents with the key inferences (i.e., that 3 \heartsuit should be pass or correct). Although determinable by bridge logic, opponents shouldn’t have to work out those inferences when they are automatic to the pair playing the non-standard treatment. In this case, E/W neither upheld their responsibility to know their methods nor to provide their opponents with full disclosure.”

Wolff: “Appropriate judgement is plus 140 for N/S. CD plus improper non-Alerting is very difficult to overcome.”

Even thinking that 2NT was Alerted, many of the panelists were still in favor of protecting N/S — at least up to Average Plus. Had the panel been correctly told that neither bid was Alerted, I have hopes that the support for the Committee would have been unanimous.

Having said that, I must admit that, had I been told that 2NT had been Alerted, I would have held this South accountable for protecting herself after the 3 \heartsuit bid. Only if South had been a much less experienced player would protection have been appropriate under those conditions.

How’s that — now I’m arguing with people who agreed with my decision.

CASE FIVE

Subject: Confused, But Not Enough

Event: Bracketed KO Teams, 23 Nov 96, Second Session

Bd: 6	♠ A8		
Dlr: E	♠ K102		
Vul: E/W	♥ KQ10976		
	♥ 87		
		♠ 102	
♠ Q973		♠ AQ984	
♠ J763		♥ 3	
♥ 84		♥ A10764	
♥ K93			
	♠ KJ654		
	♠ 5		
	♥ AJ52		
	♥ QJ5		

West North East South

The auction was not available

The Facts: The contract was 4 \heartsuit by South. After the opening lead of the \heartsuit 3 the play proceeded as follows (the lead to each trick is underlined):

West	North	East	South
\heartsuit 3	\heartsuit 10	\heartsuit Q	\heartsuit 5
\heartsuit 8	\heartsuit 9	\heartsuit 3	\heartsuit 2
\heartsuit 3	\heartsuit A	\heartsuit 2	\heartsuit 4
\heartsuit Q	\heartsuit 8	\heartsuit 10	\heartsuit J
\heartsuit J	?		

At this point declarer claimed the remainder of the tricks, stating that he would ruff (with the \heartsuit 5), draw (what he thought was) the last trump with the \heartsuit K, and run diamonds. Since West would still have held the \heartsuit 9, he called the Director who ruled (Law 70C) that, since declarer had not accounted for all the trumps, he might have played his last trump (the \heartsuit 6) losing to the nine. The defense would then have taken three additional heart and two club tricks. The Director ruled that the result would be 4 \heartsuit down five, plus 250 for E/W.

The Appeal: N/S appealed the Director’s ruling. South stated that, because he thought trumps were drawn, it was unreasonable to make him play his last trump before he began to play diamonds. Given that, West would ruff the fourth round of diamonds and South would then be able to win two high spades, two ruffs, and three diamond tricks for down three. E/W stated that had play continued, when East did not follow to the third round of trumps South might have played another round.

The Committee Decision: Law 70C states: “When a trump remains in one of the opponents’ hands, the Director shall award a trick or tricks. . . (that) could be lost to that trump by any normal play.” Also, the Laws state, “‘normal’ includes play that would be careless or inferior for the class of player involved, but not irrational.” In order to decide how many tricks to award the defense the Committee had to decide if it was “irrational” or merely “careless” for South to play a fourth round of trumps. Two Committee members believed that since South

had clearly miscounted trumps, as well as his tricks, there was a chance that he would carelessly play a fourth round of trumps. Three Committee members believed that when declarer played the ♠ K and West followed with the ♠ 7, it would be irrational for South to then play the ♠ 6. Therefore, in a three-to-two split decision, the Committee changed the result to 4♠ down three, plus 150 for E/W.

Chairperson: Robb Gordon

Committee Members: Eric Kokish, Bill Laubenheimer, Ed Lazarus, Robert Morris, (scribe: Linda Weinstein)

Directors' Ruling: 69.4 **Committee's Decision:** 82.2

If the report of declarer's statement is accurate (and we have it on excellent authority that it is), he clearly believed that only one more trump remained. He said that he would draw it ("the last trump") and then run the diamonds. It seems beyond a Director's or Committee's powers to force declarer to adopt a line of play that is inconsistent with his claim statement. Therefore, I cannot see the basis for either the Director's ruling at the table or the Committee minority's sentiment. Law 70D says, "The Director shall not accept from claimer any successful line of play *not embraced in the original clarification statement*. . ." Law 70E similarly states, "The Director shall not accept from claimer any *unstated* line of play. . ." (Italics added.) Both of these laws imply that any play explicitly encompassed by declarer's clarifying statement should be accepted. This isn't a case of determining what is rational or irrational, it's one of following declarer's stated line of play. Only when that statement does not encompass some aspect of the subsequent play should the normal/rational issue become relevant.

On the other hand, if the report of declarer's statement is inaccurate we need to know exactly what he did say; in this case the Director and Committee minority could be correct.

The following panelists were right on top of this issue.

Gerard: "Since West's trump was high, this should have been decided under Law 70D, not 70C. However the standard is the same — normalcy, as defined in the Law. But either way, the Committee's deliberations were a waste of time. Declarer stated that he would draw the last trump and run diamonds. Clearly he expected someone to show out on the ♠ K (maybe he had a club in with his spades). Forcing him to run trumps was inconsistent with his claim. E/W's arguments were as contrived and litigious as ones based on the random order of winner-cashing usually are (see CASE FORTY-ONE from Philadelphia). If the Director had ruled properly, E/W would have been forced to appeal and, in my view, suffer the consequences. The result should have been down three. Given declarer's statement, this was a terrible performance by the Director and a shabby one by the Committee.

"On a different matter, suppose South's statement had been 'I have the rest.' The Law doesn't really apply, since its terms ('careless,' 'inferior,' 'irrational') imply a substantive quality to declarer's play. There is nothing more unproductive than a Committee trying to decide in which order a declarer who has forgotten about a trump (and in this case miscounted his tricks) would cash his winners. The overall tone of the Law is anti-claimer when in doubt, but I think we need input from the National Laws Commission on how to adjudicate cases of the type the Committee thought this was."

Bramley: "Again the writeup is contradictory on a critical point. Obviously, if declarer stated that he would 'draw trump with the ♠ K and run diamonds,' then the case should be over

quickly in favor of the majority opinion. The Committee seems to have assumed that declarer made no statement at all. If this was indeed the case then I must agree with the minority. A player who can count neither trumps nor tricks should not be expected to notice the spots falling. For him to play an extra trump would clearly be 'careless' rather than 'irrational.' This hand is amusing in that, with a decision of down five, declarer would have misclaimed by six tricks! Notice that even if trumps had been three-three, the defenders would have had to be on their toes to get the trick that they had coming."

Goldman: "If one follows the statements supposedly made in the writeup as of the time of the claim, it is a non-controversial down three. Are we to deduce, since that statement lacks 'quotes,' that it wasn't made?"

Rosenberg: "If declarer stated that he would draw trump and run diamonds, it was not reasonable to force him to play a fourth trump. I agree with the Committee."

Missing the point of declarer's statement (or the statement itself?) were. . .

Treadwell: "I tend to go along with the majority Committee decision although it is a close call, indeed. Can any of us clearly define when carelessness becomes irrationality?"

Wolff: "I agree with the majority decision. We need to define 'irrational' with marginal examples."

Carruthers: "Really. The Director got this exactly right, as usual. What the hell was the Committee smoking? How is it possible that South, who could neither count trumps nor tricks, is given the slightest benefit of any doubt. What a decision! Besides which, it is not so unusual to run all the cards in one suit when they're all in the same hand before running the cards in a second suit, which must end in the other hand. That is not irrational at all. Careless, maybe. Even had trumps been three-three, so that they had all been drawn, declarer couldn't make ten tricks without leading up to the clubs twice, and should be ruled down one. Okay, guys, here's your first (I hope) chance to ridicule me. I'm testing my table presence here by guessing that Kokish and Lazarus were the dissenters. How'd I do?"

John is correct when he says that declarer should not be "given the slightest benefit of any doubt." But what doubt did declarer's statement leave about his intended line of play? As for your prognostication, JC, you'll have to check with Eric the next time you see him.

Rigal: "Okay Director's ruling — I think I would have given down three and not down five, but I can live with either. I agree with the Committee; we all know that, in these positions, players run their long suits first — it's just Bridge. The hang, draw and quarter votes on the Committee are being overly-zealous."

Weinstein: "I'm going for the Fence Straddling award. Is the proper plural of trump, trump or trumps? If trumps, I agree with the majority, since South stated his line of play was to draw 'the last trump with the ♠ K and run diamonds,' not to play all his trumps then run diamonds. However, without that comment a player who had claimed all of the tricks (one off even if he thought he had six spades) clearly is capable of an inferior play of the last trump. If there was factual disagreement as to South's stated line of play, I would agree with the minority. In either case, I'd bet my money on the next round opponents. Moreover, after

reading the next two cases, I want to disqualify both teams, thereby ensuring that bet.”

We’ll enter Howard’s name (along with Barry’s) in the FS award pool. Meanwhile, let’s see what has Howard so upset about the next two cases (the first of which came from the same match, and involved the same two pairs, as this one — a double-header!).

Now, is that singular or plural?

CASE SIX

Subject: The Hammer Was Cocked

Event: Bracketed KO Teams, 23 Nov 96, Second Session

Bd: 9	♠ 3		
Dlr: N	♠ ---		
Vul: E/W	♠ Q8542		
	♠ AKQ10762		
♠ 7		♠ 9654	
♠ A987654		♠ 2	
♠ J1096		♠ AK7	
♠ J		♠ 98543	
	♠ AKQJ1082		
	♠ KQJ103		
	♠ 3		
	♠ ---		

West	North	East	South
	2♠ (1)	Pass	3♠ (2)
Pass	3♠ (3)	Dbl	3♠ (4)
Pass	5♠	Pass	6♠

All Pass

(1) Alerted; Precision, natural

(2) Alerted; relay to 3♠

(3) Alerted; forced

(4) Information volunteered that 3♠ was forcing

The Facts: After the opening lead of the ♠J, 6♠ went down three, plus 150 for E/W. The Director was called by West after he asked the meaning of the 3♠ bid and was told only that it was a relay to 3♠. He wanted more information. The Director remained at the table while the auction continued. North volunteered that 3♠ was forcing. When asked about 5♠, South stated that he didn’t know what it meant. At this point, the Director instructed that the auction continue and left the table. Before the opening lead South explained that systemically the 3♠ bid showed either a diamond bust or a game-forcing hand with a six-card or longer suit. At this point East called the Director. Upon his arrival a great deal of commotion ensued. The Director did not take East away from the table to ask if he wanted to change his last call based on the new information. East stated, however, that he wished to reserve his rights. The Director instructed that play continue. After play was completed, the Director was called again by East who stated that, had he known the meaning of all of the bids before his final pass, he would have doubled the final contract. The Director ruled that the table result would stand.

The Appeal: E/W appealed the Director’s ruling. East stated that, had he been given the correct information about the auction he would have doubled the final contract. South stated that he had been playing his complicated system for about four years and that he had been teaching his wife (North) the system over the last two years — during which time there had not been many partnership misunderstandings. The Committee examined the N/S convention cards and found that this specific auction (2♠-Pass-3♠) was listed and described.

The Committee Decision: The Committee had to deal with a unique situation in that the Director had not taken East aside to determine if he would have changed his final call had correct explanations been given. After listening to East and considering that he had doubled 3♠ and then indicated that he wished to reserve his rights, the Committee decided that it was possible that he would have doubled the final contract. They also decided that it was possible that East had enough information about the hand to double in any case if he wished to do so. The Committee decided to award an adjusted score (Law 86B) comprised of 25% of the IMPs for a contract of 6♠ doubled down three (plus 500 for E/W) and 75% of the IMPs for

a contract of 6^l undoubled down three (plus 150 for E/W). Since North's incomplete explanations had affected East's decision not to double, a 1-IMP procedural penalty was assessed against N/S (accruing to E/W).

Chairperson: Robb Gordon

Committee Members: Eric Kokish, Bill Laubenheimer, Ed Lazarus, Robert Morris, (scribe: Linda Weinstein)

Directors' Ruling: 75.0 **Committee's Decision:** 45.6

If I didn't know better I'd have sworn that our resident "equity maven" Goldie was a member of this Committee. But that aside, I don't believe that this Committee's decision was permissible under the laws as adopted by the ACBL. Edgar?

Kaplan: That method of determining an adjusted score is illegal in the ACBL. Either award the actual score or 500, as judged."

It's unfortunate that the Director failed to give East a chance to "put his money where his mouth was" and double the final contract. We'll never know whether West would have interpreted the double as Lightner, canceling East's previous double for a diamond lead and virtually ensuring a heart lead — and the success of 6^l !

I also have sympathy for the Committee's attention to East's protestations that he "wished to reserve his rights" — about half a second's worth of sympathy. (Okay, that's an overbid.) Besides, the Committee knows where they can find "sympathy" — it's in the dictionary between "sewage" and "syphilis." 3^E was Alerted as a "relay" (meaning that it was artificial and said nothing about diamonds); 3^E was Alerted as "forced;" East had already asked and had answered several questions which adequately explained the meaning of N/S's bids; and South's jump to 6^l was hardly correctable to 6^E (in case East still held a misconception that South might hold that suit as well). And then, to tie this all up with a pretty bow, the N/S convention cards listed and described this specific auction. Sheesh!

Based on their combined performance on this and the preceding case I would have judged E/W's appeal an abuse of the process. I would then have allowed East's (Lightner) double of 6^l , imposed the lead of the \heartsuit A on West, and chalked up a score of minus 1310 for E/W.

I'll let the panelists finish my diatribe for me. . .

Bramley: "Execrable. Respect for the Committee members prevents me from saying what I really think about this abominable decision. East attempted the cheapest double shot I have ever seen when he requested to double the final contract. Nothing in his hand suggested that he had any hope of defeating the contract. He wanted a diamond lead and he had already doubled 3^E. He had received an adequate explanation of the auction. The final two (unexplained) bids meant exactly what they sounded like. I disapprove of percentage decisions if they can be avoided, but if I had to give one here it would have been 50% of the score for 6^l doubled making seven (\heartsuit A lead) and 50% of the score for 6^l doubled making only six (club lead). West should never lead a diamond if East doubles. I also disapprove of the slap on the wrist variety of procedural penalty inflicted on N/S here. A procedural penalty was appropriate, however, against E/W for abuse of the appeals process. I'd better stop now. I need an aspirin for CASE SEVEN."

Gerard: "Let me get this straight. East heard an auction that went 2^E -6^l , since South stated that 5^E didn't enter into his decision. If a fuller explanation had been given of 3^E , East would have known that South had a good hand with at least six spades. Gee, the discovery of the ages. The only difference might have been that East wouldn't have doubled 3^E. Either he thought South had a 6^l bid or he didn't. Reserving his rights was ridiculous — he must have thought it meant 'reserving my double until I see the result.' Also, as in CASE FIFTEEN from Miami, the away-from-the-table interrogation by the Director is meaningless. It leads either to self-serving statements, as it would have here, or admissions against interest, as it did in Miami. East should have been given the right to change his call at the table, but since he wasn't he should have been deemed to have changed his call if it was probable that he would have because he was damaged by the misinformation (Law 21B1). Maybe the Committee meant that it was possible that anyone who would double 3^E would have doubled the final contract. Otherwise I don't understand this decision.

"Let's look at this case differently. You don't suppose that West's show of interest in the auction over 3^E could have had anything to do with causing East to want to double, do you? East's statement that he would have doubled is pure blather — he knew the meanings of all the bids, or as much as he was ever going to know. Sometimes in life you have to make a decision. Because of the unusual nature of the auction, East had to guess whether South had his bid or North would produce a suitable dummy. Other than Zia, who gets these right all the time? East guessed wrong and then tried to get it back in Committee. Abuse of process. No kudos for the Director either, since he could have saved the situation at the table ('Do you wish to change your call?')."

Weinstein: "I'm extremely confused (my normal state). Why would any East double the final contract with complete information? Why would any Committee buy into East's contention, whether asked by the Director or not? Why would West not automatically lead the \heartsuit A after a double allowing seven to be made? This seems to be one of the greatest double (cheap) shots taken in the history of bridge and the Committee rewarded it generously. Unless there was far more to this case than it appears, my decision (from my safer perch in front of my computer, where I can more easily disregard the laws and allow ironic bridge justice to rear its attractive head; see CASE TWENTY-EIGHT for a fuller discussion) would be to allow the double and rule the \heartsuit A as the lead. The final double should clearly call for a non-diamond lead and West would certainly expect partner to be void in hearts. I think it is at least 90% likely that West would lead the \heartsuit A. Therefore, no other score would be allowed to be assigned as the most favorable score likely for the (E/W) non-offenders (gack!) after a double of 6^l . Since the Committee accepted East's statement about doubling 6^l , they must not have viewed it as self-serving (gack!, again). Therefore, the most favorable result likely was minus 1310 for E/W."

Hear! Hear!

Wolff: "A ghastly Committee decision. Why would East want to double 6^l ? Most would play a second double to warn partner off a diamond lead. My guess is that E/W needed plus 500 (or at least more than plus 150) to win the match. What exactly did N/S do wrong? They were uncertain and they had a history of CD, but what did they do wrong on this hand? East appears to want every advantage. He scored up plus 150 on a hand where, without his ability (and his decision) to double 3^E, his partner may have led the \heartsuit A and allowed the contract to make. I think a Committee (or at least the Chairman) must look into what's really going on. Here one would see that N/S were relatively innocent and East was on an evil mission.

Again, equity, not hard and fast rules, must be part of the process.”

Are we getting through to all those who might sit on cases such as this in the future?

Goldman: “I disagree. East had all the information he needed as well as the ability in passout seat to ask further questions, inasmuch as he had already doubled 3 \heartsuit for a diamond lead. Further, the information that East thought he had should be more likely to produce a double than the actual information. I see this as a bad case of trying to get something for nothing and would jump on the train for keeping the money, except for the fact that the Director never pulled East aside and made him take a position.”

Rosenberg: “I don’t get it. What new information did East have? South’s auction (given that 3 \heartsuit was just a puppet or relay) was self-explanatory. I don’t believe East would have doubled, even if he had seen one of his opponents hands. In fact, I consider this appeal frivolous. Also, wouldn’t double be Lightner, canceling the diamond lead? The Director had gotten the ruling right, but he never should have made a ruling. On the facts presented, the Director should have backed up the auction to East’s final pass and let him double at the table — not in Committee. The usual ridiculous procedural penalty.”

More moderate, but still on the right trail, was . . .

Rigal: “The Director obviously screwed up here and the Committee totally failed to address the question. A double of 6 \heartsuit might, in some people’s opinion (and mine), call for a non-diamond lead. If East held \heartsuit \spadesuit \clubsuit \diamondsuit \heartsuit \spadesuit \clubsuit \diamondsuit , he’d double 3 \heartsuit expecting to defend hearts, then double 6 \heartsuit for his heart ruff. I don’t think any player would double 6 \heartsuit . He has his diamond lead — if that beats slam he gets his IMPs — and is due no more. N/S are not due to be fined. I don’t think they did too much wrong and their card was properly completed, so the information was there. I’d just give them minus 150.”

The following panelist missed the Director’s error, but otherwise he’s on target, too.

Carruthers: “Based on what East had told him, I think the Director did the best he could. The Committee is another story. The Committee missed a couple of key points entirely:

1. They failed to consider the implication of an East double of 6 \heartsuit . Let’s look at it from West’s point of view: the opponents bid 6 \heartsuit having bid only clubs and spades naturally. Partner doubles an artificial diamond bid. Then partner doubles 6 \heartsuit (a Lightner Double!) calling off the diamond lead and calling for an unusual lead, normally showing the ability to ruff something. What can it be? West has a stiff club himself, so isn’t it odds-on that partner has a heart void? Would the lead of the \heartsuit be so outrageous? Did someone say minus 1310? I find East’s arguments specious in the extreme. I’d have given him minus 1310 and kept his money. Why would West lead a diamond against 6 \heartsuit doubled when that is the lead he would have made without the double?
2. Now to N/S. To explain that 3 \heartsuit is a ‘relay’ to 3 \heartsuit , while holding that particular South hand, borders on criminal. (Aside: There needs to be more consistency in our terminology. Was 3 \heartsuit actually a ‘puppet’ to 3 \heartsuit or was it a ‘relay,’ where 3 \heartsuit was a possible response?) At the least I’d fine them 3-IMPs, to accrue to their opponents, and report the matter to the Recorder. What happened to full disclosure (one area the WBF does well in)?

3. Once again, it’s not entirely clear from the report exactly when the explanations occurred. This is useful, sometimes critical, information. If we were to look at the bidding diagram, it would seem that the bids were explained during the auction; if we were to read ‘The Facts,’ it would seem they were explained with the Director at the table.
4. What did East mean by stating that he wished to reserve his rights? It seems that he wished to reserve his right to a two-way shot.

There was no money for the Committee to keep (a deposit is only required in NABC+ events), but the sentiment behind John’s greed is still valid. As for the terminology, John is right that “puppet” is the technically-correct term rather than “relay.” South’s 3 \heartsuit bid was a “puppet,” while North’s 3 \heartsuit bid was a “relay” (a minimum bid unrelated to the denomination named or the player’s own hand, made to allow partner to complete a description of his hand). Still, the distinction is subtle (especially for the level of player involved) and “relay” does get across accurately the information that 3 \heartsuit was neither natural nor did it show diamonds.

Finally, after starting out on the right track, our senior panelist shifted tack and made his bid to join the Committee on the firing line.

Treadwell: “This case smacks a bit of E/W trying to get something for almost nothing. The logic of East’s claim that he would have doubled had he been given the correct information is a bit difficult to fathom. After all, he had doubled 3 \heartsuit and his partner had a most useful heart holding. However, I guess E/W were entitled to an adjustment in view of the fact that the Director had contributed mightily to the problem by not giving East a chance to change his final call after South, quite properly, gave a more complete explanation of their methods. Would West have led the \heartsuit A if East had doubled? (See CASE SEVEN!) I think the adjustment given by the Committee was too great, something on the order of 1- or 2-IMP’s would seem to have been more in order. This case also illustrates the hazards associated with playing complex methods.”

The mistake here is the assumption that, since the Director erred, E/W were entitled to some sort of bone. Gack! (I’ve got to stop getting my material from Howard.) They were entitled to be treated as non-offenders. The rest of the panel got this one right. Non-offenders are not entitled to greedy double shots. I really wish someone had asked E/W early on in the appeal process whether they played Lightner (or “unusual” slam) doubles. Maybe that would have awakened them. Probably not.

that the participants were informed as much by the Committee. Though the names aren't published (and are unknown to me), I hope they will not soon be forgotten. If any of the participants appear in future frivolous actions, it may be time for a C&E Committee."

Or maybe just a gallows. . . or a guillotine.

Goldman: "I agree."

Rigal: "Correct Director ruling in my opinion. I'm not sure whether the 3NT bid needed to be Alerted. West has eyes in his head and can read can't he? I think West's appeal is closer to frivolous than to getting half-an-IMP, although I might do both. We must try to stamp out the barrack-room lawyers coming to us for adjustments to which they should know they are not entitled."

Rosenberg: "I don't get it. Are you saying that the law says that a player, if he has received misinformation, can change his opening lead after seeing dummy? This is absurd. If there is damage, of course the result can be changed. I do not believe that West was damaged by the failure to Alert — I believe he was always going to lead the ♠ A. As for the procedural penalty, what if West had asked before leading? Then there would be no question of damage. But the way this Committee thinks West could call the Director, explain the failure to Alert, and 'win' half-an-IMP. Hands up, all lunatics who think this is fair."

Michael is doing well in his efforts to come back out of his shell. His therapist is very optimistic for a full recovery. . . as are we.

Wolff: "Perfect decision by almost the same Committee that judged the previous hand. Here they used their heads and experience to achieve an equitable result. Why not on the previous hand? We need to find the answer to this question."

Yes, inquiring minds want to know.

A procedural penalty might have been appropriate for N/S had there been evidence that the pair had a history of not complying with their responsibilities regarding full-disclosure, or if the Committee had reason to believe that N/S knew better and that the infraction was flagrant. There is no indication that either of these was the case here. I agree with those panelists who decried the penalty assessment against N/S and would have substituted an "appeal without merit" penalty against E/W. However, I still believe that there is a place for procedural penalties in our current proceedings — until, that is, the point system outlined in *The Philadelphia Story* goes into effect; it should have gone before the Board of Directors for approval by the time this hits the news stands.

CASE EIGHT

Subject: Bridge, As In Bay

Event: Bracketed KO, 24 Nov 96, Semi-Final Session

Bd: 12	♠ K963		
Dlr: W	♠ J9		
Vul: N/S	♠ Axx		
	♠ Jxxx		
♠ 10		♠ Qxxx	
♠ 10xxx		♠ AKQx	
♠ 10xxx		♠ Jx	
♠ KQxx		♠ 10xx	
	♠ AJ8x		
	♠ xxx		
	♠ KQ9x		
	♠ Ax		

West	North	East	South
Pass	Pass	1 \heartsuit	Dbl
1 \heartsuit	1 \heartsuit	2 \heartsuit (1)	2 \heartsuit
3 \heartsuit	Pass(2)	Pass	3 \heartsuit
All Pass			
(1) Alerted; promises four hearts			
(2) Break in tempo			

The Facts: 3 \heartsuit by North made three, plus 140 for N/S. There was an agreed break in tempo of 10-20 seconds before North's pass of 3 \heartsuit . The Director ruled the table result would stand.

The Appeal: E/W appealed the Director's ruling. South stated that he thought it was clear from the auction that E/W were likely to have nine trumps and therefore his partner would have a singleton heart which would help to make 3 \heartsuit an excellent contract. South further stated that he now had concerns about missing a game.

The Committee Decision: There was definite agreement that there was a break in tempo by North over 3 \heartsuit . The Committee was in total agreement that this suggested that it would be right to bid 3 \heartsuit . However, given the form of scoring (KO — IMPs) it was also believed that, given North's "free" 1 \heartsuit bid, passing 3 \heartsuit was not a logical alternative for South. The Committee noted that even if 3 \heartsuit were wrong, it would be very difficult for E/W to double the contract; and N/S were believed to be experienced enough to recognize this. Therefore, the table result of 3 \heartsuit made three, plus 140 for N/S, was allowed to stand.

Chairperson: Alan LeBendig

Committee Members: Jon Brissman, Dave Treadwell

Directors' Ruling: 47.2 **Committee's Decision:** 44.4

Good grief! "Just when you thought it was safe to go back in the water. . ."

I personally cannot imagine bidding again with the South hand, so to say that pass was not a logical alternative for South is incomprehensible to me. South had already made a takeout double of 1 \heartsuit which must have shown more than just thirteen cards, and then freely raised North to the two-level (showing "extras" in most people's book). True, South has no wastage opposite North's (presumably) short hearts, but it's up to North to compete to 3 \heartsuit (or, optionally, to double 3 \heartsuit as a two-way action) having heard South's raise. South was sure that North held a singleton heart (see North's singleton?). Given such uncanny insight, is it possible that West had only four hearts (as he did) and that East raised with (strong) three-

card support? South was lucky North didn't have three small hearts — but just maybe luck had nothing to do with it.

The Director made a foolish ruling — the Committee made a criminal one!

Panel, would some of South's peers pass with that hand?

Bramley: “Since when does KO scoring make it clear to compete to 3 \heartsuit rather than to defend 3 \heartsuit ? That game is called matchpoints, and I don't think it's clear there either. South has a slightly better than minimum takeout double with four trumps, which he has already shown with his 2 \heartsuit bid. He has good defense. Why shouldn't he want to defend 3 \heartsuit if North does not bid 3 \heartsuit ? The Committee (and the Director) should have ruled for a contract of 3 \heartsuit down two, plus 100 for N/S.”

Carruthers: “For the first time the Directing staff screwed up. I can find no basis at all for this ruling — it's a throwback to the bad old days when the Director always ruled that the result stood. The Committee was even worse. Sorry, I can't even give it a '1' on a 1-to-3 scale. Again, it's rulings like this that encourage the abusers [JC used a different word which he said was “not too strong.” It was. — *Ed.*] to continue their nefarious ways. Not only did South take advantage, this was blatant. Even though it was E/W who appealed, I feel so strongly about this that I'd have asked N/S for a \$50 deposit and kept it, then fined them 3-IMPs! I can hear you now — ‘Don't be so wishy-washy, JC, tell us what you really think.’

“Let me play Socrates for a moment. Look at that South hand. How much over minimum is it for a takeout double? With that shape, would you make a takeout double if the \heartsuit were a spot? Probably. How about the \heartsuit ? Almost certainly not. So, we've established that South has exactly a queen more than minimum. Now, what about that 2 \heartsuit bid? Did that show a minimum (or more than a minimum)? One thing it promised was four spades. Most experts I know tend to be very aggressive opposite a takeout double, precisely to take this kind of pressure off partner. Thus, the South hand is marginal, but acceptable, for 2 \heartsuit . It is North who must act over 3 \heartsuit , not South. That 3 \heartsuit bid is a felony. North's hesitation, then pass, is merely a misdemeanor. Again, where are the names?”

Don't be so wishy-washy, JC, tell us what you really think.

A reminder to our readers (and panelists): names are published only from unrestricted events that have no upper masterpoint limit and are not stratified, such as NABC+ and separate Flight A events.

Gerard: “North, of course, was not capable of competing to the three-level with his singleton in the other guys' suit and double fit for partner, as West was. He had to leave it to South to figure out how many hearts he had from South's hand. Given the form of scoring, the big payoff in bidding 3 \heartsuit was a 3-IMP gain. More likely, N/S were dealing with a 1-IMP gain or a 4-IMP loss, assuming no one doubled anything. At those odds, who wouldn't have considered passing? Who approaches IMP matches by concentrating on nibbling the opponents to death? Who would have paid any attention to the drivel about missing a game? Who, including the most ardent of Total Tricksters, trusts the opponents to define partner's hand? It seems like this Committee, to all of the above. Please, Larry Cohen, tell them they were wrong. You they'll listen to.”

Sorry, Larry didn't submit any comments this time. We suspect his move to Boca Raton had something to do with it, and hope he'll be back again soon.

Kaplan: “I disagree. Pass is a logical alternative, maybe even the right call on balance. The Director should be censured.”

Rosenberg: “This time, both the Director and Committee went nuts. North's huddle was ‘bad’ — clear meaning. Instead of rationalizing why they would have bid 3 \heartsuit , it is the Committee's job to find reasons for South to pass. Personally, I believe that 3 \heartsuit was far from a clear-cut bid. While I hate the Committee's decision, I am equally upset that the Director forced E/W to appeal. I would have ruled plus 50 to N/S, allowing for some misdefense to 3 \heartsuit .”

Weinstein: “Although 3 \heartsuit is reasonable, I believe that pass is a logical alternative under our current standard. [Or any standard. — *Ed.*] The argument about the opponents having nine trumps is self-serving and not clear at all. South has already shown useful values by competing to 2 \heartsuit . Once North hesitates he should realize that he has effectively barred his partner. The Committee's rationale about KO scoring makes little sense, as there is more justification to compete to 3 \heartsuit at matchpoints.”

Wolff: “An inconsistent and poor decision. Improper tempo takes away all risk. Why even discuss the pros and cons of South's action? North must learn to bid in proper tempo or pay the price.”

A bit confused about the accuracy of the Director's ruling, but right on track about the Committee, was. . .

Rigal: “Good Director ruling. The Committee appears to have taken leave of their senses. Did not South bid 2 \heartsuit , implying a suitable hand, and would not North bid on with his extra shape? The vulnerability suggests that facing my 1 \heartsuit bid of \heartsuit Qxxx \heartsuit xx \heartsuit Exxx \heartsuit KJxx we go quietly plus against 3 \heartsuit , with no guarantee of making 3 \heartsuit . No way, Jose! Punish the tempo-breakers, do not start making sophisticated analyses to defend their actions.”

On the other hand. . .

Goldman: “I agree.”

We can only hope that Goldie thought that this was still CASE SEVEN.

CASE NINE

Subject: The Not-So-Great Escape

Event: NABC Open BAM Teams, 24 Nov 96, First Session

Bd: 30	David Rho		
Dlr: E	┌ K107		
Vul: None	└ KJ107		
	È 2		
	È K9532		
Mitch Dunitz		Ifti Baqai	
┌ Q85		┌ AJ6	
└ 982		└ A654	
È Q5		È 1098743	
È AQ1064		È ---	
	Moses Ma		
	┌ 9432		
	└ Q3		
	È AKJ6		
	È J87		

West	North	East	South
		Pass	1NT(1)
Pass	2È	2È	Dbl(2)
Pass	Pass	Rdbl	Pass
2└	Dbl	Pass	Pass
2┌	Pass	Pass	Dbl
All Pass			
(1) 11-15			
(2) Alerted, then rescinded			

The Facts: 2┌ doubled by West went down two, plus 300 for N/S. After 2È was doubled, North rescinded the Alert and announced that the double was penalty, adding, “He should have five” diamonds. The Director ruled that there was no damage from the misinformation and allowed the table result to stand.

The Appeal: E/W appealed the Director’s ruling. East stated that he predicated his redouble on the likelihood of an E/W major-suit fit.

The Committee Decision: The Committee decided that East’s judgment in redoubling was less than ironclad, in that E/W might well find themselves playing in a six-zero club fit at the three-level; and opposite partner’s presumed diamond shortness, a four-three spade fit might not stand up well to repeated trump leads. In addition, the Committee was not sure that E/W had been damaged inasmuch as 2È doubled might well fail by two tricks. The Committee members agreed that East took his chances when he ran from 2È doubled and that he should live with the result. Therefore, the table result of 2┌ doubled by West down two, plus 300 for N/S, was allowed to stand. North was further instructed not to give the opponents the benefit of his bridge judgment when asked about his partnership’s agreements (he admitted in response to a later question that this partnership did not have the agreement that the double of 2È showed five trumps). The E/W deposit was returned.

Chairperson: Peggy Sutherland

Committee Members: Bruce Keidan, Phil Leon

Directors’ Ruling: 100.0 **Committee’s Decision:** 95.6

My only question is, why was the deposit returned? Does anyone else want to know the answer to that question?

Bramley: “The Committee should have kept the deposit. Paranoia is not an adequate basis for an appeal.”

Goldman: “I would have kept the deposit.”

Carruthers: “Back to normal, with the Director making the correct ruling. The Committee’s decision on the result was correct. However, they should have kept East’s money. He wasted their time with a fatuous appeal and should have been censured. As far as I’m concerned, if South’s agreement was that double ‘promised’ five diamonds, his double is still okay with me. I don’t think the Committee needed to warn North about giving the opponents the benefit of his bridge judgment. Both of these are pretty picky points, though, and the tone of a Committee, which often doesn’t come through in these reports, will sometimes dictate how these minor points are handled.”

Rigal: “The Director’s ruling was fine. A ridiculous set of actions by East, who wanted the Committee to endorse them. I would not have returned the deposit, here. Yes, South did not guarantee five diamonds and the comments by the Committee are fair, but a little too firm. It seems as if South was doing his best.”

The remaining panelists saw no reason to enrich the ACBL Education Fund’s coppers.

Rosenberg: “Good.”

Weinstein: “Good decision and good instructions to North concerning his explanations.”

Wolff: “Good decision, reasoning and description.”

Bah! Humbug! Guillotine.

CASE TEN

Subject: We Think The Gentlemen Doth Protest Too Much
Event: NABC Open BAM Teams, 24 Nov 96, Second Session

Bd: 17	Don Campbell
Dlr: N	1 1087
Vul: None	1 J96
	È KJ87
	È J106
Paul Kinney	Harold Feldheim
1 AJ	1 54
1 A10	1 K54
È Q102	È A96543
È A97543	È K2
	Barry Harper
	1 KQ9632
	1 Q8732
	È ---
	È Q8

West **North** **East** **South**
 Pass Pass 31 (1)
 3NT 41 4NT All Pass
 (1) Altered; a good preempt in spades

The Facts: 4NT went down three, plus 150 for N/S. 31 was Altered as a good preempt in spades (3È would be a weak preempt in spades). E/W asked North to provide them with an example of a good preempt and were told that AKxxxxx would be an acceptable suit. The Director was summoned after South’s hand was disclosed. East stated that had he known that South might hold a six-card suit he would have doubled 41. The Director ruled that the table result would stand.

The Appeal: E/W appealed the Director’s ruling. They stated that they should have been told that the bid might be based on a “shaped” hand and might not be a seven-card suit. East stated that had he been apprised of the possibility of a six-card suit he would have doubled 41. If South held seven spades, East believed that West might be able to isolate South in the play.

The Committee Decision: The Committee deemed North’s answer to East’s question regarding the nature of 31 to be sufficient. AKxxxxx was both close to the agreed prototype and definitely a valid example. Although E/W contended that North should have said something about six-card suits, the hand that South held (third seat, non-vulnerable) was so much better than a “bad” 31 preempt that E/W should have realized its appropriateness and withdrawn their appeal. Furthermore, the E/W case was the sort of stretch of imagination that a Committee would always regard as self-serving, E/W both being very experienced players. East had a very good hand on the auction and E/W were perhaps as likely to be missing a slam as going down in 4NT. Had East or West wished to know about the possibility of a six-card suit either of them could have asked a specific question to that effect. The Committee members considered the E/W case to be without merit and retained the deposit. Furthermore, the Committee deemed E/W’s appeal to be an abuse of the appeals process and accordingly assessed them a one-quarter board procedural penalty.

Chairperson: Alan LeBendig
Committee Members: Bobby Goldman, Eric Kokish

Directors’ Ruling: 98.3 **Committee’s Decision:** 94.4

What can you say, except. . .

Bramley: “Perfect!”

Carruthers: “I love this decision! We should have more like it. East should have known better. East does know better. This Director and Committee should have dealt with CASE EIGHT. (If I should ever come to a National Appeals Committee, either as an appellant or a defendant, I’d like Gerard, Cohen (Larry), Kokish, Lazarus, and Goldman, please.)”

We’ll keep that in mind, JC. (What are your plans for March, July and November, 1998?)

Gerard: “Wouldn’t pass by East have been forcing? Shouldn’t West have more than a minimum in this situation? Weren’t E/W done in by their own lack of agreements/discipline? Hear, hear for the Committee’s final action.”

Goldman: “I like this one even better from a distance than I did at the time.”

Rigal: “The Director’s ruling was fine. East’s appeal was really absurd. This is a classic example of trying to get your double shot at the table and in Committee. This player should know better — and if not by now, when? The combination of withholding the deposit and the penalty seems very harsh, but I can live with it as the sort of warning to others I would like to see more of. Was this really screened?”

Treadwell: “It is a shame to waste a Committee’s time on an appeal so lacking in merit as this one. Perhaps the Committee should have doubled the deposit.”

Weinstein: “Terrific ruling and writeup on all counts. An important stand by the Committee that reinforces Bobby Goldman’s contention that non-offenders should not be free of risk.”

Wolff: “Excellent. It’s nice to see the punishment fit the crime.”

There’s always one bleeding heart in the crowd.

Rosenberg: “I agree with the Committee’s assessment, but not with stealing E/W’s money. As to the procedural penalty, given how bad some of the rulings were at this NABC, isn’t it a little unfair to blame someone for abusing the appeal process. Using that as our model, we could assign penalties to many of the Directors and Committee members.”

We’ve already seen enough to justify Michael’s statements. But wait, there’s more. . .

Subject: Too Much To Digest

Event: NABC Open BAM Teams, 24 Nov 96, First Session

Bd: 17	Cameron Doner
Dlr: N	1 QJ92
Vul: None	1 AJ8
	2 104
	2 K1082
Don Probst	Alan Schwartz
1 43	1 A10875
1 K95	1 1062
2 KQ9862	2 AJ7
2 64	2 53
	Mike Lucas
	1 K6
	1 Q743
	2 53
	2 AQJ97

West	North	East	South
	1NT(1)	Pass	Pass
22 (2)	Pass	22	Pass
Pass	Dbl	32	Dbl(3)
Pass	31	Dbl	42
All Pass			
(1) 10-12 HCP			
(2) Alerted; one suit			
(3) Break in tempo			

The Facts: 42 made four, plus 130 for N/S. The double of 32 was not Alerted. The Director was called after the auction ended and ruled that passing South's double of 32 was a logical alternative for North. The contract was changed to 32 doubled down one, plus 100 for N/S.

The Appeal: N/S appealed the Director's ruling. The break in tempo was admitted to be 25-40 seconds. South stated that the only time that his side could double a diamond contract for penalty would be immediately after the 22 bid (N/S played penalty doubles at the two-level and takeout doubles at the three-level). He also stated that he broke tempo because he was considering bidding 31, but was concerned that his partner might think that he had five hearts.

The Committee Decision: The Committee decided that the explanation of the double of 32 was self-serving. The admitted 25-40 second hesitation seemed uncommonly long for a South who "knew" that double was for takeout. Based on this observation, the Committee changed the contract to 32 doubled down one, plus 100 for N/S. The combination of N/S's explanation of the meaning of the double, the failure to Alert, and the long hesitation was sufficiently contradictory to convince the Committee to retain the deposit for an appeal substantially without merit.

The East player arrived late, professing not to know that there was to be a hearing. He hotly denied that his partnership was notified until the Director showed him his partner's signature in the non-appellants' box on the appeal form. In addition, he made his statements between bites of food he had brought with him. The Committee considered a procedural penalty for his conduct, but decided instead to inform him of their concerns.

Chairperson: Phil Brady

Committee Members: Richard Popper, Judy Randel, (scribe; Linda Weinstein)

This appeal reeks from start to finish. Why would South's partner play him for a five-card heart suit if he bid 31 over 32? Wouldn't South have bid (or transferred to) a five-card heart suit directly over 1NT? So what then was he thinking about? The Committee got this exactly right when they pointed out that 25-40 seconds is too long for someone who knows that double is for takeout.

Next, N/S stated that they played penalty doubles only immediately after an opponent's diamond bid. This makes sense when the suit is bid naturally by the doubler's RHO, since it places the doubler over (rather than under) the bidder. So when West bid 22 and then passed 22 showing diamonds, North found himself over the diamond bidder. Thus, logically North's double of 22 should have been for penalties. But look at his hand — a takeout of diamonds. Thus, either N/S could not double 22 if it was not bid naturally and directly (contrary to their statements), or they had the agreement that only South, sitting under West's diamond suit, could double 22 for penalties in the actual auction (a silly agreement), or they did not have the agreements they indicated to the Committee.

Hurry, hurry, hurry! Step right up and place your bets.

Bramley: "Well done. Perhaps these last two cases will persuade a few would-be appellants to reconsider the 'merit' of their appeals."

Weinstein: "Another good decision. Despite contentions to the contrary, double should certainly suggest penalties. North's hand is pretty well defined by his previous actions and a 31 call by South should certainly be correctable, since South had failed to bid hearts at two previous opportunities."

Wolff: "Another good decision."

Goldman: "Excellent decision."

Rigal: "Good Director ruling. Truly ridiculous comment from South in the appeal which, as far as I am concerned, is almost enough to get him a procedural penalty. When you pass over 1NT and partner doubles for penalty, how many hearts is he going to play you for? The Committee got it right. As to East's behaviour, I have some sympathy with messing up on this sort of thing, but the Committee probably did enough to scare him into behaving properly the next time."

More concerned about North's pull of South's double were. . .

Rosenberg: "Good, except that North should have been censured for bidding 31."

Carruthers: "The Director could have awarded Average Plus to E/W and Average Minus to N/S, but he was not afraid to take a stand on how the defense might have gone (minus 300 would not be outside the realm of possibility) and to give the benefit of the doubt to the non-offending side. Not only is South's explanation of the double self-serving, it's mendacious. I just do not believe that any pair has this idiotic an agreement. Now, if we're talking about negative doubles at the three-level and penalty doubles at the two-level directly over interference, that's different. North's pull is as blatant an example of taking advantage of a huddle as I've ever seen. Guys like North would think twice about these actions if they could

lose one-quarter or one-half a board in Committee (I know, I know, ride that hobby-horse). I'd definitely slap a procedural penalty on N/S. I'd need to have been there to assess East's behavior."

Finding more interesting the analysis of E/W's defense of 4 \heartsuit was. . .

Gerard: "This seems like pretty egregious defense by a pair of E/W's caliber. Actually, it's a wonderful defensive problem, but one that should be trivial for a practiced partnership. I've been accused in the past of holding the non-offenders to too high a standard in these situations, but wouldn't everyone expect: king of diamonds, diamond to the ace, trump return, duck the first spade, win the next spade and exit with a low heart? Shouldn't E/W know whether East's choice of heart is attitude or count? Shouldn't West be able to discount two of the relevant cases (\heartsuit Q10x and \heartsuit Qxxx) by East's carding throughout the hand? I would have listened to how the defense went, but it would have taken a lot to convince me to rule other than N/S plus 100, E/W minus 130. Keeping the deposit was a hard-line position also, although I agree with it. How many hearts could South have if he didn't bid them until the third round of the auction?"

Would you believe — five? Me neither.

CASE TWELVE

Subject: Hope You Can Beat It, Partner

Event: Mixed Pairs, 25 Nov 96, first session

Bd: 1	\heartsuit 2	
Dlr: N	\heartsuit QJ842	
Vul: None	\heartsuit QJ1043	
	\heartsuit J10	
\heartsuit A10		\heartsuit KQJ973
\heartsuit 1097		\heartsuit AK
\heartsuit 975		\heartsuit K62
\heartsuit 87642		\heartsuit 95
	\heartsuit 8654	
	\heartsuit 653	
	\heartsuit A8	
	\heartsuit AKQ3	

West	North	East	South
	Pass	1 \heartsuit	Dbl
Pass	2 \heartsuit	2 \heartsuit	Pass
Pass	3 \heartsuit	Pass	3 \heartsuit
3 \heartsuit	Pass	Pass	Dbl(1)
Pass	4 \heartsuit	Pass	4 \heartsuit
All Pass			
(1) Break in tempo			

The Facts: 4 \heartsuit went down one, minus 50 for N/S. North pulled South's slow double of 3 \heartsuit to 4 \heartsuit and finished in 4 \heartsuit . East, who had summoned the Director after North bid 4 \heartsuit , sought redress. The Director ruled that passing 3 \heartsuit doubled was a logical alternative for North and that the tempo of the double made the pull more attractive. The Director canceled the table result and replaced it with Average Plus for E/W and Average Minus for N/S.

The Appeal: N/S appealed the Director's ruling. N/S agreed that the double of 3 \heartsuit had been out of tempo. North asserted that she would have bid 4 \heartsuit regardless of the tempo of the double because her hand was worthless on defense.

The Committee Decision: The Committee decided that South's tempo break before doubling 3 \heartsuit suggested uncertainty, which could have indicated to North that taking out the double would be more successful than leaving it in. The Committee considered a pass by North to be a logical alternative to 3 \heartsuit and, pursuant to Law 12C2, canceled the table result. The more difficult decision was an appropriate score adjustment. The Committee concluded that there was at least a one-in-six chance that N/S would go minus 530 against 3 \heartsuit doubled, and at least a one-in-three chance that East, given the clues available to him from the auction, would achieve that result by playing for ace-and-one diamond on his left. The Committee therefore assigned both pairs the result for 3 \heartsuit doubled made three: plus 530 to E/W, minus 530 to N/S.

Chairperson: Jan Cohen

Committee Members: Phil Brady, Ron Gerard, Abby Heitner, Ed Lazarus, (scribe: Bruce Keidan)

Directors' Ruling: 65.6 **Committee's Decision:** 85.0

My initial reaction was that the Committee could have assigned E/W the table result. A panelist, who also served on this Committee, addressed this issue.

Gerard: “One unstated factor in our decision was that East was a good player, one whose name would be recognized — at least in his own region. He was fully capable of playing for the actual holding. A majority of us felt that East was at least fifty-fifty to get it right. We did not really consider the appeal’s lack of merit because it was a non-NABC+ event and N/S were obviously inexperienced. Besides, North was a nice person and a procedural penalty on top of minus 530 would have been too literal.”

As I’ve said before, those who were at the hearing are usually better placed to apply their judgment to delicate subjective matters than those of us who read the case at second hand. Of course, that’s not to say that they usually possess better judgment. Let’s see what the other panelists think.

Bramley: “Well-done, again. The analysis of the assigned score for each side is good, as is the attempt to determine an actual bridge result rather than the less desirable Average Plus/Average Minus. While the N/S appeal did have merit, justice was served when they left with less than they brought. Appealing should not automatically be risk-free, even when no deposit is required.”

Carruthers: “This Director did okay, too, even though he wasn’t willing to take a stand about the EA. The Committee also did well. Perhaps N/S will reconsider these very marginal calls if they realize that they could do worse in Committee than they could by taking their chances at the table. That’s as it should be.”

Rigal: “I think the Director did the right thing in not determining the line of play in 3♠ doubled. It is not clear whether East would make it and I think deciding plus 530 for E/W was fine, too. Good Committee decision, I think — a little subjective, but okay. North needed educating and this was the best way to do it. Yes, North had distribution, not defense, but that was what he had shown. The slow double must not influence North to take such actions.”

Yes, players must learn to take their “shots” in (reasonably) normal tempo, or their scores will suffer. Only by consistently handing down decisions like this will the message be heard loud and clear. The inexperience of this N/S pair, to which Ron referred, is the sort of factor which argues for education rather than punishment. Otherwise, it is important for Committees to make sure that flagrant offenders in such cases don’t just “break even” by simply assigning them the score they would have received without the hesitation. That allows abusers to adopt a win-or-break-even strategy: They win if there’s no Director call, they win if the Director rules for them, they win if a Committee lets them off; otherwise, they break even by getting the result they would have had if they hadn’t hesitated and then acted on the hesitation.

No, flagrant offenders must be placed at-risk via a procedural penalty on top of their score adjustment. Naive offenders, after a score adjustment, should simply be educated.

Weinstein: “I have sympathy for North, but the Committee got it right.”

Wolff: An appropriate decision, based on experienced judgment with subjective reasoning slanted against the improper tempo. A superb combination.”

An early entrant to our “Al Roth What’s-the-Problem Award” was. . .

Rosenberg: “Good, except that the Committee shouldn’t have agonized so much about ruling plus 530 for E/W. They (and the Director) should be seeking to assign a favorable result to the non-offenders. Also, North should have been censured, if experienced enough. If she wanted to bid 4♠, why not do it directly over 3♠ ?”

Predictably, our resident equity-seeker had the opposite opinion.

Goldman: “The Committee’s decision is sound enough, but the law that gives plus 530 to E/W is horribly unfair. I would attempt to find one of those pathways that only Edgar knows to give E/W an equity-plus score.”

Our senior panelist again demonstrates that his drummer is playing a different beat.

Treadwell: “I believe the 4♠ call by North to be absolutely clear with neither side vulnerable, particularly at matchpoints. North knows that his partner is not doubling on a spade stack, since East freely rebid the suit and West raised. Thus, it must be based on other high cards and North should envisage making 4♠ (I believe it cannot be set as the cards lie) versus, at most, a one-trick set of 3♠. After all, North’s actions thus far were based on distributional assets rather than high-cards which would be useful on defense.”

Of course, South couldn’t know when he doubled 3♠ that North’s previous bidding was based on distribution rather than high cards — after all, North bid only 2♠ in response to South’s takeout double, competed with 3♠ (not double) the next time, East rebid his spades freely, West raised spades to the three-level when South held four trumps (virtually ensuring that the raise was based on side values rather than a fit), and finally, North failed to double 3♠ competitively, himself. So the pull by North was absolutely clear. Uh, huh. Sure.

CASE THIRTEEN

Subject: Desperately Seeking Direction

Event: Blue Ribbon Pairs, 26 Nov, First Session

Bd: 18	Sylvia Deserpa
Dlr: E	┌ J104
Vul: N/S	└ AK965
	♠ 52
	♣ 432
Jerry Clerkin	Brenda Jacobus
┌ AQ2	┌ 86
└ Q104	└ 7
♠ QJ64	♠ AK10973
♣ AQ10	♣ KJ87
	Allan Deserpa
	┌ K9753
	└ J832
	♠ 8
	♣ 965

West	North	East	South
		1♠	Pass
3NT	Pass	4♠	Pass
4♠	Pass	5♠(1)	Pass
6♠	All Pass		
(1) Break in tempo			

The Facts: 6♠ by East made six, plus 920 for E/W. The Director was called because N/S thought that there was a slight hesitation before the 5♠ bid. The hesitation was not agreed to by E/W. The Director ruled that the 6♠ bid could have been suggested by the possible break in tempo and changed the contract to 5♠ by East made six, plus 420 for E/W.

The Appeal: E/W appealed the Director's ruling. N/S were not at the hearing because of a mix-up with the directions they were given as to its location. E/W did not agree that there had been a break in tempo before the 5♠ bid. West did not think that the Director had listened to their explanation that 3NT showed 15-17 HCP before making the ruling.

The Committee Decision: The Committee unanimously agreed that 5♠ was not a possible contract at matchpoints with the West hand and changed the contract to 6♠ made six, plus 920 for E/W.

Chairperson: Jeff Meckstroth

Committee Members: Karen Allison, Doug Heron, Nancy Sachs, Bruce Reeve

Directors' Ruling: 83.3 **Committee's Decision:** 71.1

There seems to be doubt about whether there really was a hesitation (N/S thought that there was a "slight" one). Since even a brief hesitation can convey the same information as a lengthy one, and since both the Director and the Committee conducted themselves as though they believed there had been one, it makes sense for us to proceed as they did. (Also, see Gerard's argument that a hesitation is virtually certain.)

Normally, the meanings of E/W's 4♠ and 4♠ bids would be crucial to determining whether the hesitation could have suggested bidding on. However, regardless of these bids' meanings, if 5♠ was not a possible contract at matchpoints there would be no basis for a

score adjustment. (If not, we could discuss whether 5NT was a possible final contract, or whether bidding 6♠ was West's only option.) So was 5♠ a possible matchpoint contract? Several panelists presented hand constructions where 5♠ is the right spot on the deal. Additionally, the last time we looked, 5♠ making was still a better score than 6♠ (or some number of notrump) failing — even at matchpoints. Strike one.

We then need to decide whether East's hesitation could have suggested bidding on rather than passing 5♠. Unfortunately, in its haste to eliminate five-of-a-minor contracts from our matchpoint vocabularies, the Committee seems to have neglected inquiring as to the meanings of the 4♠ and 4♠ bids (or at least they neglected to tell us what they learned). The bids are consistent with both cue-bidding and ace-asking — the latter only if the 4♠ response was not Roman Key Card, since West would then deny the ♠Q, which he held. Strike two.

If 4♠ and 4♠ were cue-bids, then East's hesitation suggested that slam was still in the picture, since signing off in 5♠ would have been routine with two possible heart losers. If 4♠ was ace-asking, the hesitation would have been less informative. With East's major suits reversed, a heart lead would beat 6♠ immediately while a non-heart lead would give East a chance via the spade finesse. So 6♠ is no better than a finesse — not the sort of slam we would want to be in as a general rule.

But even though the 6♠ bid is not without risk, it could still have been influenced by East's hesitation, especially if West's matchpoint strategy was as flawed as the Committee's. In any case, the auction still boils down to something akin to Hesitation Blackwood. East signed off. End. East's hesitation suggested either that the partnership was not off two aces or that East still had aspirations beyond game. West had already described his hand at the point where East signed off in 5♠. Mix in the requirement that we resolve any doubts against the offenders and in favor of the non-offenders and we're left with an adjustment of the contract (for both pairs) to 5♠ by East making six, plus 420 for E/W. Strike three. Y'er out!

Carruthers: "A good Director ruling and a perfectly dreadful Committee decision. I barely know where to begin. I can't even give this one a '1.' First, does no one ever play five of a minor at matchpoints? Not according to this Committee. What utter drivel. What good pair has not achieved a near-top for playing 5♠ when it's the only makeable game? Second, let's look at that West hand and analyze his actions. His first bid showed a balanced 15-17 HCP, which is exactly what he has — albeit a crummy seventeen for slam purpose with over half of his HCPs in 'quacks' and only four controls. Look at another possibility: ┌ Axx └ AQx ♠ Qxxx ♣ Axx; a point fewer, but an infinitely better hand. On the actual deal, on the face of it [assuming 4♠ to be a cue-bid — *Ed.*], his partner had merely shown a distributional hand with long diamonds and some club values and had signed off in 5♠. Why take action? Third, experience has shown that, at the point where East bid a slow 5♠, his/her hesitation always shows a control he/she is not able to show legally — you can take that to the bank. Thus, a fast 5♠ would have shown a stiff spade and two hearts and would have garnered an equally swift pass from West. The ┌ J would then be offside and E/W would be congratulating themselves on a good score. Fourth, the terseness of the writeup indicates that the Committee did not consider whether a 4NT bid by East would have shown further interest in a slam without actually committing to one (typically containing a control which East could not show without going past game). My table presence leads me to guess how this Committee functioned. Jeff 'convinced' the others. (I'm giving you guys lots of chances to flay me, aren't I?)"

John makes several excellent points. Continuing with the prosecution. . .

Gerard: “I get it. East couldn’t possibly have been dealt (1) $\heartsuit KJ$ $\spadesuit x$ $\heartsuit A109xxx$ $\heartsuit KJxx$ or (2) $\heartsuit K$ $\spadesuit x$ $\heartsuit A109xxx$ $\heartsuit KJxxx$. That’s because she wouldn’t bid the same way, since West couldn’t possibly have been dealt $\heartsuit A10x$ $\spadesuit A10x$ $\heartsuit EQJxx$ $\heartsuit A10x$. And if East put down the first of those dummies in 3NT and the second in 4NT, wouldn’t West refuse the diamond finesse with his actual hand if he was lucky enough to win the first, second or third round of hearts? In the first session of a six-session pair event, don’t some people try to minimize the swing potential? Even granting the likelihood of East’s singleton heart (no 4NT bid), implying that West had nothing to think about over 5 \heartsuit is sloganeering bridge. But the slogan is imperfect because sometimes (about 25% of the time) both 6 \heartsuit and notrump games are down. Even opposite the actual hand, which is better than (1) or (2) for notrump, 5 \heartsuit has a higher overall matchpoint expectation than 3NT across all frequencies of contracts. My own slogan is ‘If 6 \heartsuit is down, I’d rather be in 5 \heartsuit than 6 \heartsuit .’ If West didn’t bid 4 \heartsuit over 4 \heartsuit to let East show her major suit control, maybe he was intending to abide by East’s decision over 4 \heartsuit . And since 5 \heartsuit was a possible contract, there was no way that it was forcing, even at matchpoints.

“As to the nonexistence of a hesitation, I don’t see how East could bid 5 \heartsuit in tempo. There were two other bids in the picture, with possible uncertainty about the meaning of one of them (4NT). It seems likely that East needed time, even if the decision was only between 5 \heartsuit and 6 \heartsuit (as one would expect from the East hand). East had to be hesitant about bidding the poisoned 5 \heartsuit at matchpoints, for the same reason that the Committee claimed West couldn’t pass it. I can’t summon up the rhetoric here because I’m sure the Committee thought it was doing the right thing and because they were only off by the difference between the heart ten and the heart jack. I’ll save it for CASE FOURTEEN.”

Rigal: “Was there a break in tempo? You can’t tell from the hand. [Gerard’s argument seems rather compelling. — *Ed.*] If there was not, then the Director’s ruling is wrong, so let’s assume that there was, in which case the Director did the right thing. I do not like this Committee’s decision. If there was a hesitation then we need to know whether 4NT or 5 \heartsuit was more or less encouraging over 4 \heartsuit ; if 5 \heartsuit was not an encouraging noise then I do not see why there has to be a heart control in the East hand. I think the Committee was overly generous to E/W here. 5 \heartsuit making scores better than 6 \heartsuit down one. But the central point of the decision — was there a break in tempo? — does not seem to have been properly addressed.”

The issue of whether there really was a break in tempo seems to color the remainder of the panelists’ comments. Since the person most clearly in a position to rule on this issue, the Director at the table, determined that there was one, I would have thought that we would go with that presumption — unless something in the players’ statements to the Committee strongly suggested otherwise.

Bramley: “I disagree. Exchange the major-suit kings to see why 5 \heartsuit is indeed a possible matchpoint contract. West has no particular reason to think that his side was not off two heart tricks. Also, West’s argument about having shown 15-17 HCP is irrelevant, since that is a reason for his partner, not for him, to bid more. N/S should not have been punished for being absent when it was not their fault. I’m sure everyone is curious what they meant by a ‘slight’ hesitation. Despite E/W’s weak argument, I would not have decided against them without N/S’s statements. This case should have been rescheduled when all could attend.”

Rescheduling the hearing would have made a lot of sense, but wishing that it happened

that way doesn’t get us any closer to analyzing the Committee’s decision. Maybe in such situations we should assume each set of facts, in turn, and give a conditional evaluation?

Rosenberg: “I totally disagree that 5 \heartsuit was not a possible contract with the West hand. It would certainly score better than 6 \heartsuit or 3NT going down. However, given the fact that there was probably a very short huddle, the decision was reasonable. This is similar to CASE TWO. What if West passed a prompt 5 \heartsuit , saying they were ‘obviously’ missing a heart control? N/S would probably get nothing from the Director, or most Committees (and might lose \$50 and/or points). We must find a solution to this.”

Short, long, the length of the huddle is irrelevant. As long as players don’t make all of their calls with (apparent) deliberation, they are at risk when one of them appears so.

Weinstein: “5 \heartsuit being a poor contract at matchpoints does not preclude pass from being a logical alternative. However, a slight hesitation (even the slight was disputed) should not constitute a break in tempo in this situation. Had a break in tempo been agreed upon, there would also be a case that the huddle was due to a decision about whether any bid other than 5 \heartsuit was allowed with a bad hand and hence 5 \heartsuit was forward going. Under the current ‘demonstrably’ criteria this would be a tough decision. In any case, this should have been a no foul-no adjustment decision. The Director seemed to have accepted N/S’s assertion and a finding of a break in tempo too readily. Without N/S’s or the Director’s presence there doesn’t seem to be a sufficient factual case for a break in tempo.”

The table Directors don’t normally attend hearings at NABCs. The Committee can request the Director’s attendance (or his input, if he can be located) through a screening Director.

Treadwell: “It is nice to see a Committee which likes to let the players play bridge rather than litigate far-fetched possibilities of infractions.”

Wolff: “I agree. Here simple bridge logic, coupled with the facts, led to the right answer.”

Meanwhile, Goldie seems to have retrogressed to CASE SEVEN, again.

Goldman: “I agree.”

I would agree with this latter group if there were a good reason to doubt the hesitation. But since both the Director and the Committee decided that there was one, and since its length becomes moot once it is established, I think this group took the wrong path. I sympathize with Bart’s suggestion that the hearing should have been postponed, but I can see no reason to make an assumption that is contradicted by the writeup and the bridge logic of the situation.

CASE FOURTEEN

Subject: Hesitation Gerber Rejected

Event: Blue Ribbon Pairs, 26 Nov 96, First Session

Bd: 18 Dlr: E Vul: N/S Jim Nicola ♠ AQ2 ♠ Q104 ♠ QJ64 ♠ AQ10 Phil Brady ♠ K9753 ♠ J832 ♠ 8 ♠ 965	Mike White ♠ J104 ♠ AK965 ♠ 52 ♠ 432 Keith Bauer ♠ 86 ♠ 7 ♠ AK10973 ♠ KJ87
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West	North	East	South
		1♠	Pass
3NT	Pass	4♠	Pass
4♠	Pass	5♠(1)	Pass
6♠	All Pass		
(1) Break in tempo			

The Facts: 6♠ by East made six, plus 920 for E/W. 3NT was strong. There was a slight hesitation before the 4♠ bid and a 30 second hesitation before the 5♠ bid. 4♠ was intended as a slam try which West took to be Gerber. The Director ruled that passing 5♠ was a logical alternative for West and changed the contract to 5♠ by East made six, plus 420 for E/W.

The Appeal: E/W appealed the Director's ruling. They stated that 4♠ was not intended as Gerber, but was interpreted as such. The 5♠ bid was made after an extended hesitation. E/W contended that, although this auction appears to be the same as Hesitation Blackwood, there is a critical difference; 4NT to play remained available. At matchpoints 5♠ is not an escape when there are two missing aces; 4NT is. West decided to continue based on this consideration, as well as upon his belief that 5♠ would be a very bad result. Even if E/W were missing two top hearts 6♠ still might make, considering that East did make a slam try with 4♠. If E/W were missing two aces then East would have bid 4NT, which West would have passed.

The Committee Decision: The Committee ruled that a pass of 5♠ was not a logical alternative for West and further that the hesitation did not suggest any specific continuation beyond 5♠. It was also noted that if West had bid 5NT or 6♠, then plus 920 would surely have been the result. The Committee therefore allowed the table result of 6♠ made six, plus 920 for E/W, to stand.

Dissenting Opinion (Ed Lazarus): Law 16A states that "After a player makes available to his partner extraneous information that may suggest a call or play, as by means of a(n) . . . unmistakable hesitation, the partner may not choose from among logical alternative actions one that could reasonably have been suggested over another by the extraneous information." I think the hesitation relayed extraneous information (i.e., that the partnership was not missing two aces). Partner could have had ♠ KJx ♠ J ♠ K109xxx ♠ KJx and felt that 5♠ was

a better contract than 3NT. The issue was whether any alternative bids were logical alternatives. The present judgment standard is whether 15%-25% of the player's peers would consider other calls.

1. Pass. West stated that he had interpreted 4♠ as Gerber and had shown two aces. When his partner signed off in 5♠ I believe that at least 15% to 25% of his peers would have considered passing.
2. 5NT. West stated that 4NT (in lieu of 5♠) would have been a signoff and that 5♠ meant that partner probably had shortness somewhere. West stated that he didn't think he would get any matchpoints for a 5♠ contract. Therefore 5NT was a bid to be considered. With West's interpretation of the bidding sequence I think that 15%-25% of his peers would have considered a 5NT bid.

The issue is not whether 6♠ was the correct, or the most logical, bid but whether other bids were logical alternatives using the present standards. Therefore, the final contract should have been changed to 5♠ made six, plus 420 for E/W.

Chairperson: John Anderson

Committee Members: Nell Cahn, Mary Jane Farrell, Mike Huston, Ed Lazarus

Directors' Ruling: 88.9 **Committee's Decision:** 57.8

Instant replay, except that here we know what E/W intended their 4♠ and 4♠ bids to mean and we also have the existence of a hesitation no longer an issue. I've already penned (key-boarded?) my arguments against allowing West to bid 6♠. Now, a knight errant in the (diminutive) form of Ed Lazarus champions our cause. Before we look at the effect which the (only slightly) altered set of facts had on the panelists' comments, let me correct a minor, but important, error in Ed's dissenting statement.

When considering the issue of whether an action is a logical alternative to the "tainted" action taken at the table, the current standard is not "whether 15%-25% of the player's peers would consider other calls." Rather, it is whether some (significant) number of that player's peers would actually make the alternate call (here, passing 5♠). Note the change in the current standard from the one adopted (briefly) a few years ago (which gave rise to the unfortunate LOLA controversy). That policy required only that "some number" of the player's peers "seriously consider" making the losing call (even if none of them would actually make it) for it to be considered a logical alternative. Today, a logical alternative must be one which the Committee members believe "some number" of the player's peers would actually make.

It should also be noted that, since the demise of the "75% Rule" many years ago, we no longer require any specific number (or percentage) of players to favor a bid before considering it a logical alternative. The standard is "some number" — meaning any significant number —, which leaves it up to the members of the Committee to apply their judgment.

Now, on to the panelists' comments.

Bramley: "I strongly agree with the dissenter. This case is much easier than the previous one. (You can see what I think of that one.) West thought East asked for aces. West showed two aces. Partner signed off. The end. Lazarus's example shows that 5♠ can still be the right contract, even at matchpoints, although that issue is not really relevant. I agree that 5♠ may be a poor matchpoint contract, but bidding a slam off two aces is worse. The Committee's logic is incomprehensible. The interpretation of 4♠ at this table suggests that the Committee

in CASE THIRTEEN should have asked about the meaning and interpretation of 4 \heartsuit at that table also.”

Aha! Finally the importance of determining the intended meanings of 4 \heartsuit and 4 \spadesuit becomes apparent, even for the previous Committee.

Carruthers: “Ed Lazarus must have felt that his was a lone voice of sanity in a sea of madness. Ed, you are not alone; the truth is out there. By now, you guys will be able to predict that I am in complete agreement with Lazarus’ dissenting opinion. West’s statements are indeed self-serving, though not irrelevant. This case is, if anything, more blatant than the previous one. Here, West admitted that he answered Gerber. When his partner took so long to bid 5 \heartsuit he knew they were not off two aces. True, 4NT to play remained available, but that was not the only ‘to play’ call available. Does no one believe that plus 400 is a good result against a sea of minus 50’s? These last two Committee decisions make me ill!”

Gerard: “I love it when Committees teach bridge. I never fail to learn something. Here, for example, I learned that a player bids Gerber, rebids five of his minor over the response and guarantees that the partnership is not off two aces. This is so basic a part of matchpoint thinking that it took East only half a minute to figure it out (from West’s standpoint). So, in effect, 5 \heartsuit is forcing. Would someone mind citing some authority for that principle? And exactly what does East want from West when he bids it? Couldn’t East bid that way with all the aces, to leave maximum room to explore for seven? I also learned that East’s hesitation didn’t suggest any specific continuation by West, so any non-pass by West was okay. In other words, if West wanted to cooperate with East’s possible grand slam try by bidding, say, 5 \spadesuit , more power to him. The only thing that’s missing from this enlightening piece of analysis is the rule that East is not allowed to look at his hand once West bids 3NT. All this twaddle may have originated from West, but by the time of the writeup the Committee had adopted his reasoning as its own.

“Let’s change East’s hand to \heartsuit x \spadesuit x \clubsuit KQJxxxx \diamondsuit KQxx and West’s to \heartsuit AKJ \spadesuit QJ10 \clubsuit 109xx \diamondsuit AJx. East opens 1 \heartsuit , West responds 3NT. Over 3NT East bids 4 \heartsuit , agreed to be Gerber. West shows two aces. East must sign off at 4NT, right? There must be a slogan to justify this, perhaps, ‘If you’re afraid of a heart lead go play in the morning knockouts.’ If E/W go down in 4NT, they would both agree that life’s like that sometimes. How could either one of them have done anything different? What really bothers me is that the Committee could comfortably claim majority status for its views. So much of today’s game is played by rote that once you latch onto a good slogan it’s hard to let it go. If the scoring system didn’t have a built-in prejudice against minor suits, modern fingers-and-toes thinking would have made it so.

“Enough of the soapbox. The Committee’s job was not to remind us, in effect, that Meckwell doesn’t win by playing it safe; it was to apply the Laws to an unauthorized information situation. On this case, Ed Lazarus was right and everyone else was shockingly wrong. That the Committee swallowed West’s arguments about 4NT versus 5 \heartsuit showed an inability to think for itself that is not to its credit.”

Ya gotta love him, don’t ya?

Rosenberg: “The Committee here made the common mistake of applying their own bridge judgement to benefit the side committing an infraction. The issue, given that the huddle made 6 \heartsuit more attractive, should not be whether they would pass 5 \heartsuit , but whether this West might

have passed an in-tempo 5 \heartsuit . There is no question in my mind that, at the very least, West should have limited his improvement to 5NT. Had he done so, this would have been much harder to decide. As it is, West clearly took advantage of the huddle and I would rule plus 420.”

I know Michael opposes procedural penalties, but wasn’t West’s 6 \heartsuit bid rather blatant?

Weinstein: “I agree with the dissenter, though not necessarily with his example hand or his assessment of the current logical alternative threshold. However, his points are valid. More importantly, from West’s perspective, East, who knew that his partner held a strong notrump and had the same knowledge that 5 \heartsuit may not be a great spot at matchpoints, chose to sign off there. West had no clear reason to overrule his partner.”

Wolff: “I disagree with the majority opinion and agree with the dissent. HD causes many problems. While bridge is a thinking man’s game, players that convey unauthorized information should never get the best of it. Here, it is possible that 5 \heartsuit is the best contract, so consequently West must lean over backwards and pass.”

Rigal: “Good Director ruling. I agree with the dissenting opinion, here, for much the same reasons as the dissenter. (Also, see my comments on CASE THIRTEEN.) I don’t believe the Committee drew the correct inferences from the hesitation at all; it clearly points to looking for slam — second-round heart control is very feasible. *A la lanterne* again, for West.”

The following two panelists, who jumped the track on the previous case, seem to have had trouble finding their way back. Their position remains quite troubling.

Goldman: “I agree because its matchpoints. Might go the other way at IMPs.”

Treadwell: “Almost a repeat of CASE THIRTEEN, with a similar excellent Committee decision.”

CASE FIFTEEN

Subject: The Short And Winding Road

Event: Blue Ribbon Pairs, 26 Nov 96

Bd: 6	Donna Rogall	
Dlr: E	1 K64	
Vul: E/W	1 10865	
	2 107	
	3 10974	
Mark Aquino	Charles Coon	
1 AQ10872	1 93	
1 KQ9	1 A43	
2 A5	2 QJ963	
3 63	3 QJ2	
	Marc Umeno	
	1 J5	
	1 J72	
	2 K842	
	3 AK85	

West	North	East	South
		Pass	1NT(1)
Dbl(2)	Pass(3)	2 \heartsuit (4)	Pass
2 \heartsuit (5)	Pass	3 \heartsuit	Pass
3 \heartsuit	Pass	4 \heartsuit	All Pass
(1) 12-15 HCP			
(2) Alerted; "Jump Ball," a puppet to 2 \heartsuit to describe one of four hand types			
(3) Alerted; no single suit, possibly the start of an escape sequence			
(4) Alerted; semi-forced			
(5) Alerted; explained as showing spades and clubs			

The Facts: 4 \heartsuit by West made four, plus 620 for E/W. 2 \heartsuit was explained by East as showing spades and clubs. The explanation was corrected by West prior to the opening lead. West explained that East's interpretation of 2 \heartsuit was incorrect; the four hand types included in West's initial double were: (a) clubs, (b) diamonds and hearts, (c) hearts and spades, and (d) a good hand with spades. West had shown (with his 2 \heartsuit bid) type (d), a good hand with spades. The Director was called. He ruled that East's explanation had provided unauthorized information to West and that passing 3 \heartsuit was a logical alternative to bidding 3 \heartsuit . Pursuant to Law 12C2 the Director changed the contract for both pairs to 3 \heartsuit by East down two, plus 200 for N/S.

The Appeal: E/W appealed the Director's ruling. Due to the lateness of the hour West was the only player to appear before the Committee. The facts were not in dispute. West alleged that 3 \heartsuit was the normal action over 3 \heartsuit , with or without the misexplanation.

The Committee Decision: The Committee decided that there was unauthorized information available to West after the explanation of the 2 \heartsuit bid and that, although the 3 \heartsuit bid was not an egregious action, a significant number of West's peers (15%-25%) would seriously consider passing. Therefore, pass was deemed to be a logical alternative and the contract was changed to 3 \heartsuit by East down two, plus 200 for N/S.

Chairperson: Harvey Brody

Committee Members: Ed Lazarus, Bruce Reeve

Directors' Ruling: 97.2 **Committee's Decision:** 72.2

The "15%-25%" standard cited for determining a logical alternative is, as stated in the discussion of CASE FOURTEEN, incorrect. In addition, West's 3 \heartsuit bid strikes me as

egregious. If 3 \heartsuit was natural and to play, then West had no reason to bid over it holding a doubleton club. Otherwise, if 3 \heartsuit was a forward-going action of some sort, then West's bid of only 3 \heartsuit seems a gross underbid, suggesting that the unauthorized information from East's explanation of 2 \heartsuit influenced his action. In either case, a procedural penalty for the blatant use of unauthorized information, or for an appeal without merit, or both, seems justified. Moreover, the failure of the Committee to issue even a stern warning to West is disappointing.

Agreeing with me are. . .

Bramley: "The Committee was much too charitable. I think only a small percentage of West players would bid over 3 \heartsuit with proper explanations all along. West described his hand quite well. His partner chose a contract. Why would he overrule him? The real question was whether to keep the deposit. I think it's a tossup."

Rosenberg: "Why was 3 \heartsuit not an egregious action? West clearly took advantage of the misexplanation and should have been censured. Also, I believe 3 \heartsuit might have gone down three, and would rule plus 300 to N/S."

Michael is right. Down three was certainly a very real possibility and should at least have been given serious consideration. After a diamond lead, North will gain the lead twice (once in spades and once via a diamond ruff) to lead clubs through declarer twice. N/S will come to five trump tricks, a spade and a diamond.

Rigal: "Sensible Director ruling. Of course West must pass 3 \heartsuit . How can West say that he would bid 3 \heartsuit if his partner had explained the 2 \heartsuit bid as spades, strong and single-suited? I think the 3 \heartsuit bid is egregious and West should have suffered further."

Weinstein: "I believe the Committee was generous with West in not assigning a procedural penalty or keeping the deposit. Unless West had asserted that 3 \heartsuit was forcing and could document that, it was close to egregious, given the severity of the unauthorized information."

Carruthers: "I'm in agreement with the Director's ruling, as usual, and, with reservations, the Committee's decision as well. Did the Committee ask whether, by agreement, 3 \heartsuit was to play, constructive, or forcing? Admittedly, forcing is unlikely, East having been a passed hand. West's action is dependant on which it is. I assume that if it was other than to play West would have mentioned it."

Finding a different fault was. . .

Goldman: "I agree with the Committee, but think that their expressed number of peers was very low."

Kaplan: I don't see how the unauthorized information suggested 3 \heartsuit over pass in any way."

With a different agenda from the rest of us, our Bermuda Bowl representative from Dallas was more concerned with the effect of the N/S adjustment on the rest of the field.

Wolff: "I agree with the verdict. However, my punishment would be minus 200 for E/W and Average for N/S (PTF). Average for N/S is more than minus 620 would have been. What has

N/S did nothing to deserve a top other than being present when E/W were about to have an accident — which they then avoided by (possibly) unauthorized means. When a player revokes, giving his opponents a top, we may not change the opponents' score to Average Plus (or Average) simply because we believe that the adjustment which the law provides is "unfair" to the rest of the field. Law 12B forbids Directors (and, therefore, Committees) from "award(*ing*) an adjusted score on the ground that the penalty provided in these Laws is either unduly severe or advantageous to either side." This would seem to apply to "protecting the field" as well.

As long as the laws instruct us to protect the non-offenders, make no mention of any right or duty on our part to "protect the field," and forbid us from tampering with the penalties they prescribe simply because we think them inappropriate (for whatever reason), we must comply. Whatever we can manage to do to achieve other desirable goals (putting aside, for the time being, who gets to decide what is desirable) within the bounds of the laws should be done. Thus, if we have a choice of scores to assign to the non-offenders, depending on how we interpret the situation, then we can chose whichever interpretation we feel achieves the greater good (equity, PTF, or whatever). This is what Edgar was so good at doing and what Goldie periodically reminds us that we need to learn to do better. I agree. But when there is only one possible interpretation, we need to do what the laws prescribe — even when we think we know better.

Or we need to change the Laws.

Subject: Tangled Up In Red

Event: Blue Ribbon Pairs, 26 Nov 96, First Session

Bd: 25	Warren Nelson		
Dlr: N	┌ A105		
Vul: E/W	└ 105		
	┌ KJ542		
	└ 863		
Bill Chen		Spencer Sun	
┌ KJ764		┌ ---	
└ K72		└ AQ9863	
┌ AQ108		┌ ---	
└ Q		└ AJ107542	
	Anne Christensen		
	┌ Q9832		
	└ J4		
	┌ 9763		
	└ K9		

West	North	East	South
	Pass	1┌	Pass
1NT(1)	2┌	3┌	3┌
4┌	Pass	4NT(2)	Pass
6NT	Pass	7┌	Pass
Pass	Dbl	All Pass	
(1) Alerted; shows spades			
(2) Not Alerted; shows a spade control			
(4┌ would have been RKCB)			

The Facts: 7┌ doubled by East made seven, plus 1770 for E/W. 4NT was not Alerted and showed a spade control (by partnership agreement). N/S called the Director and were told by that Director as well as a second one that the double of 7┌ would be canceled. Sometime before the end of the afternoon session N/S were told by a third Director that the double would not be canceled because there was no requirement to Alert 4NT. This meant that there had been no infraction by E/W. The Directors thus ruled that the table result would stand.

The Appeal: N/S appealed the Directors' ruling. They stated that they believed what they were told by the Screening Director, that current ACBL regulations did not require an Alert of 4NT and that they therefore had no case. When a fourth Director was consulted N/S were told that they would lose their deposit if they took their case to a Committee. Nonetheless, N/S believed that appearing before a Committee was the only avenue available to them to protest the treatment they had received and to express their opinions about the new Alert regulations.

The Committee Decision: The Committee found that under current ACBL regulations the 4NT bid did not require an Alert and that there was therefore no basis for a score adjustment. They also agreed that this seemed to fly in the face of the original purpose of the Alert procedure, which was to make the opponents aware of an unexpected or conventional agreement. The Committee members understood the frustration felt by the N/S pair, and while any appeal on this issue was necessarily without merit (since the Laws, or Regulations, were quite specific about it), the Committee nevertheless elected to return E/W's deposit and bring the circumstances of this appeal to the attention of the Director-In-Charge of the tournament.

Chairperson: John Anderson

Committee Members: Bruce Reeve, Harvey Brody, Nell Cahn, Ed Lazarus

The approach which the ACBL has adopted of not Alerting conventional calls above the level of 3NT, starting with opener's rebid (such bids are explained after the auction is concluded), is based upon a sound premise: that such Alerts serve to convey unauthorized information between the bidders more often than to provide the opponents with information critical to them at that time. For example, Alerting 4 \acute{E} (as Redwood) is more likely to help the slam bidders avoid confusion about whether 4 \acute{E} is ace-asking or a cue-bid than it is to provide the defenders with timely, critical information. In other words, the procedure was adopted to protect the opponents by eliminating sensitive, and usually unnecessary, Alerts.

Players are always entitled to ask about the opponents' bids, especially in slam-going auctions above 3NT. Committees should bend over backward to protect the non-bidders from Catch-22 types of situations, providing that questions are asked in a manner which avoids disclosing something about the asker's hand. (For example, players should decide in advance whether they will always ask questions during the auction, or always wait until the auction is over to ask, or only ask when they intend to make a call and the answer may avoid the type of problem which occurred here.) While his places an extra burden on the defenders, nothing is perfect and the gains should more than make up for the extra precaution needed.

But nothing comes without a cost. The present case is an illustration of the occasional price we will have to pay for the frequent protection which "delayed Alerts" provide. To make an analogy, people are occasionally hurt (or worse) in car accidents because they were wearing seat belts; but many more lives are saved by requiring that seat belts be worn.

So, should the few individuals who were injured because they were wearing seat belts tie up the courts in protest of seat belt laws? Should players file an appeal which they know to be meritless without jeopardy? Should a Committee be asked to consider an issue that they can legally do nothing about? Inquiring minds want to know.

The answers to these questions clearly depend on several factors. Were the appellants warned that their case was groundless before the hearing? Were they told that they could suffer additional penalties for wasting the Committee's time? Did they fully understand that the use of the appeal process was inappropriate and could not serve the ends they intended? In the present case we know that the answers to the first two questions were in the affirmative. However, in the final analysis it was the Committee members who had to decide whether to donate their time for the sole purpose of allowing the players to vent their frustrations.

Oh, yes, there's one more question to be asked. Was this really the right hand to test a Committee's patience and good-will? Could North, in the pass out seat, have compromised his side by asking E/W to explain the meanings of (all) of their bids before doubling?

Bramley: "Appropriate decision. No procedural code, including the Alert procedure, will handle every situation that can arise. This case points out one flaw. Nevertheless, North was well placed to inquire about this very unusual auction before his final pass without compromising his side. In my opinion, the problems stemming from Alerting calls like East's 4NT dwarf the problems stemming from not Alerting them."

Goldman: "While the issue that North raises is a valid problem in general (but one which the Conventions and Competition Committee thinks is best dealt with in this manner, as opposed to the potentially partner-Alerting alternative), this hand is not a good example of injury from the problem. Lacking is information as to what West thought 4NT meant. Did 6NT sound like an answer to Blackwood to North? Did 7 \spadesuit sound like a person with a void?"

And therein lies the final piece to this puzzle. North should have appreciated the telltale warning signs present in the auction and asked the meanings of E/W's bids before he doubled. The Committee was entirely too tolerant of this waste of their time.

Treadwell: "The Committee was most generous in returning the deposit. I don't understand what is meant by 'bring the circumstances of the appeal to the Director In Charge.'"

That's Committee-speak for, "Dump the whole matter in someone else's lap."

Weinstein: "I have sympathy for N/S, since they were given conflicting opinions. However, they apparently believed the fourth Director telling them that they would lose their deposit by appealing. Not wanting three of four Directors to be errant I would have kept their money and upped the Directors' batting average to 50%. The proper forum for their grievances should have been a letter to their District Director or the League Office, who probably would have forwarded it to (egad!) the Conventions and Competition Committee Chairman. If they wanted to force five or more people, not in a position to do anything, to stay up late, with no chance of an adjustment, it should have cost them the deposit (as long as we're going to have them.)"

Thank you, Mr. Chairman. And yes, it is unfortunate that the first ruling was not the correct one, but no, I don't think that avoiding the error would have preempted this appeal.

The next panelist raises questions about the changing Director rulings and the "warning" given to the appellants by that fourth Director.

Carruthers: "My feeling is that the Director eventually gave the correct ruling, but what a circuitous route it was (though tortuous might have been N/S's description). There seems to be something missing in the statement of the facts. First, the first Director apparently stated that the double would be canceled. Isn't that a ruling? If so, why was a second, then a third Director, involved? Speaking of the Directors, why are they stating to N/S that they would lose their deposit? That is not their job. The Screening Director can offer an opinion based on law and his experience, but to tell them that they would lose their money oversteps their authority. In any case, I suppose it's true that 4NT did not require an Alert. However, quite right, it certainly does fly in the face of the intent of the Alert procedure. Nevertheless, an Appeals Committee is not the appropriate forum to hear players' complaints about the ACBL Regulations and the behavior of the Directing staff. These people wasted the Committee's time with their silly appeal. Their deposit should have been retained. As to the Committee's bridge judgment, it was fine. When West bid 6NT, didn't North wonder what 4NT was? He simply tried to get something for nothing, much as East did in CASE TEN.

Actually, it seems to me that the floor Directors did a good job in double-checking their ruling and catching their error before it went any further. Most rulings are made by a group of Directors, including the senior Director present in the playing area. Floor Directors, I'm told, only make rulings individually when there is no alternative — for example, when the call comes during the last round and all the other Directors are busy entering results into the computers and posting burner sheets. Even then, some checking is usually done, after the fact.

Rigal: "Okay Director ruling — in the end. I think that, as the rules stand, North has to ask questions and damn the consequences; he has to trust that his partner will not draw inferences

from this. After all, if East has shown first-round spade control North does not want to double, while if East has not shown such control North does want to double. I do not see that there is a real problem here, although I can see why North was feeling aggrieved.”

Rosenberg: “My only answer to this recurring problem is for bids to be explained as they are made (we now do this with notrump openings, Jacoby transfers, and forcing notrump responses). Of course, at the highest level screens solve this problem. The Directors should manage to come up with just one ruling.”

And bridge players should manage to come up with just one call for each bidding problem (for given bidding methods). Don’t hold your breath. Directors are as variable in their knowledge of the laws and their ability to make rulings as are players in their bridge skills. This could have been a fluff, but I’d rather call it a good save until proven otherwise.

Unfortunately Michael’s “answer” to this problem, having bids explained as they are made, directly contravenes the purpose of adopting the post-Alert procedure in the first place — that of eliminating the authorized exchange of unauthorized information between the bidders at the opponents’ expense, (usually) to no useful end for the opponents. In fact, that “solution” would exacerbate the problem many fold.

And finally, looking for an extra-legal solution. . .

Wolff: “Generally, we all live in a world made up of laws. However, appeals Committees and especially appeals chairmen must have the right to exercise mature judgment in the administration of our laws. Here, West should have Alerted East’s 4NT. However, I would vote not to cancel the double because, even had North been Alerted, I think he would still have doubled 7¹ and probably would not have doubled 6NT. (Would everyone know what that double meant?) The Director, the Committee and I would all arrive at the same decision, but at least we should be better placed for next time.”

Encouraging players to intentionally disobey the laws (or regulations) is a dangerous practice — one that I, for one, would not recommend. In fact, Law 72B2 says, “A player must not infringe a law intentionally, even if there is a prescribed penalty he is willing to pay.” I agree that players should not knowingly commit acts which they believe to be unethical or improper, even in the name of the law, but they should attempt to do “what’s right” in a way that’s consistent with the laws. And yes, dear Wolffe, the exercise of “mature judgment in the administration of our laws” is a wonderful thing — if there were only more Edgars around (or even as many) to do it as well as only he could.

[The following commentary was prepared by O’Kokish while NABC Appeals Administrator in San Francisco. He offers a “partial solution” to the problem raised by this case which, as far as we can see, has a substantial upside and no downside. See if you agree. — *Ed.*]

A SECOND LOOK by Eric O. Kokish

Appeals CASE SIXTEEN raises an important issue, one that might well send the regulators back to the drawing board.

The point raised by the N/S pair in this case is well-taken. The Alert procedure was not intended to place the opposing side (the side not making the call that might require an explanation) at a disadvantage. The “No-Alert” rule for bids of 3NT and beyond (after a player’s first turn to bid) was intended to prevent the “involved” side from conveying unauthorized but potentially undetectable information through the use of Alerts.

In this case, there was no suitable “official” solution available to North. If he had asked for an explanation of the E/W bidding and had been given the correct information, he might well have decided not to double the slam, but in the asking, it might have been alleged by E/W that North had shown interest in a spade lead, dummy’s first-shown suit — sort of a Lightner Non-double.

While it might then be argued that E/W’s “unusual” agreement had created the need for their opponents to seek clarification and that N/S should not then be saddled with responsibility for generating unauthorized information, this sort of fractious situation is not one that the sponsoring organization should wish to endorse through its regulations. Many experts believe, nonetheless, that allowing anyone to ask a question at his turn to bid is the most palatable solution to this complex problem.

The situation can be remedied, but perhaps not entirely. If we wish to retain the “No-Alert” rule because its benefits seem to outweigh its deficiencies, we could add a provision that would protect the “uninformed” side where there is no current legal obligation to do so. We could oblige the side that is about to buy the auction (they have made a bid and two passes have followed) to volunteer to provide the information that their opponents might require before they close out the auction.

In CASE SIXTEEN, either West or East would be obliged by Regulation to ask North if he wished an explanation of the entire sequence. If North accepts the offer, he would know without prejudice to his side that East’s 4NT showed a spade control and that West’s 6NT was natural. Then North would be able to double 7¹ or pass it out, but would not have to ask a potentially prejudicial question. He must not ask about any particular call, but his opponents must provide explanations of all but the strictly standard calls.

While this would be the ideal procedure for slam-zone auctions, the introduction of this procedure would not deprive a player from asking a proper question at any of his (other) turns to call.

There still might be problems earlier in the auction. A player contemplating a lead-directing double or penalty double might wish to ask about a particular call, conveying unauthorized information when the explanation leads him to pass rather than double. Since we can’t force a player to ask about all of his opponents’ calls, we are going to have to deal with these situations on a case-by-case basis.

Subject: Something About A Petard
Event: Blue Ribbon Pairs, 26 Nov 96, First Session

Bd: 30	Jack Wholey
Dlr: E	┌ AK1097
Vul: None	└ Q43
	┌ J9
	└ K42
Lynn Deas	Geoff Hampson
┌ 2	┌ 8654
└ 97	└ 108652
┌ A1087543	┌ KQ6
┌ 875	┌ 10
	Bill Heid
	┌ QJ3
	└ AKJ
	┌ 2
	└ AQJ963

West	North	East	South
		Pass	1┌
2┌	2┌	4┌	5┌
Pass	5┌ (1)	Pass	6┌
All Pass			
(1) Break in tempo			

The Facts: 6┌ by North made seven, plus 1010 for N/S. South, in response to a question asked by East before the 6┌ bid, agreed that there had been a break in tempo before the 5┌ bid. Pursuant to Law 16 the Director ruled that pass by South was a logical alternative to 6┌ and changed the contract to 5┌ made seven, plus 510 for N/S.

The Appeal: N/S appealed the Director's ruling on the grounds that 5┌ was an attempt to elicit a 6┌ cue-bid from North, after which South intended to bid a grand slam. South estimated the break in tempo to be 2 seconds, North called it a "slight hitch," and West (the only member of her partnership present) declined to estimate its length other than to note that it qualified as a break in tempo. Asked why he chose 5┌ instead of 4NT (Blackwood) South said, "I made a bad bid." The Committee discovered that North had about 1400 masterpoints and South about 2200 masterpoints.

The Committee Decision: The Committee decided that, having created a trap for his partner by bidding 5┌, South was caught in it after the break in tempo. Noting that several hands could be constructed in which the small slam would hinge on a trump finesse that was odds on to lose, the Committee decided that North's break in tempo had converted a 70% decision into a 99.99% one. The Committee decided that passing 5┌ was an option that a significant number of South's peers would consider and changed the contract to 5┌ made seven, plus 510 for N/S. The deposit was returned. Although the Committee did not doubt that South intended to bid at least a small slam at the point he bid 5┌, they found that assertion irrelevant to their decision.

Chairperson: Jan Cohen

Committee Members: Harvey Brody, Abby Heitner, Bill Laubenheimer, Dave Treadwell, (scribe: Bruce Keidan)

South's statements make little sense. North could have held a full opening bid, have cue-bid 6┌ (as South claims he was hoping for) and N/S could still have been off an ace in 7┌ (see the hand Gerard presents). I would have liked to know what N/S's style was for the 2┌ bid. Could North hold as little as 1 K109xxx 1 Qxx 1 Kx 1 Kx (where even 6┌ is off two cashing aces? Did 2┌ promise a rebid? Was it a one-round force? A game force? In the absence of incontrovertible evidence that North promised "the goods," this appeal seems closer to frivolous than to being upheld.

Based on what we've been told, there really was no other decision possible. On the other hand, the panel was clearly conflicted over this decision. Let's begin with the panelist who was the most single-minded about it.

Gerard: "This wasn't even close to returning the deposit. Suppose you agree with the position that North was supposed to cue-bid the 1A (I don't). That means that N/S would end up in 7┌ when North had 1 K109xxx 1 Qxx 1 Ax 1 Kx. While the truthfulness of self-serving statements shouldn't be a factor in a Committee's deliberations (see CASE TWO), a perceived lack of concern regarding truth can be (see CASE ELEVEN). Furthermore, issuing slow signoffs and bidding over them is particularly egregious because this is one of the two most tempo-sensitive situations (slow penalty doubles are the other). If we don't show that we mean it in these types of cases, we'll continue to get the kind of fatuous arguments that were made here and in CASE FOURTEEN, as well as in CASE TWENTY-SEVEN from Miami."

Not too far behind Ron's position were. . .

Rigal: "Good Director ruling. I do not think N/S deserved to get 1010. Both North and South made bad bids, then South took advantage of the hesitation. Tough on South, but he deserved it. Good Committee decision."

Rosenberg: "I agree with the Committee's decision, but not their reasoning. If they truly believed that South was always going to bid at least a small slam, they should not punish him. Since I could not be convinced of this, I would feel no dilemma in ruling plus 510."

Wolff: "Adequate decision, but the rhetoric had much too much sympathy for N/S. The score should have been reverted to plus 680 for N/S, not plus 710."

Since Committees should be taking appellants' statements about what they "intended to do all along" with a grain of salt (does the term "self-serving" ring a bell?), like Ron I don't see what bearing the Committee's belief about South's intentions had on this decision. If the Committee had judged that South's hand, or the auction itself, justified a 6┌ bid in spite of the break in tempo then the decision should have gone the other way. The cards and bridge logic of the situation should have everything to do with the Committee's decision; statements by the players about their beliefs or intentions should have virtually nothing to do with it. The Committee could, however, as Ron suggests, take such statements into account in deciding on the appropriateness of a procedural penalty for flagrant use of unauthorized information.

The next three panelists, while generally agreeing with the Committee, had some questions about the break in tempo.

Bramley: “Correct decision. Once again I must ask what constitutes a break in tempo in a cue-bidding auction such as this one. Suppose North had bid 5¹ quickly, South had passed, and the slam depended on a finesse that happened to lose. Would E/W then complain that South had an ‘automatic’ 6¹ bid? Clearly North must appear to think, regardless of the ease of his decision. But equally clearly ‘normal thought’ for one person may look like a ‘break in tempo’ to another.”

Carruthers: “I’m a little uneasy about this one. The Director’s ruling was fine, forcing the hesitators to go to Committee to win their case, but to my mind, this one is closer than the Committee seemed to feel. Looked at from South’s point of view, all he needs to have a play for slam is 1¹ AKxxx with North — that’s not too much to ask. The club finesse, if partner has only small clubs, rates to win, on average. But as usual, the hesitation revealed a control (E¹ K) which North was unable to show without committing the hand to slam. I’d have preferred the Committee to have inquired about N/S’s style for bidding 2¹ and making a negative double on this auction. To allow 6^E on CASES THIRTEEN and FOURTEEN and not allow 6¹ here is incredibly inconsistent.”

Weinstein: “The Committee came to the right conclusion if they decided that there was a break in tempo. However, based upon the writeup of the statements made I’m not sure I would have agreed that there was a break in tempo. Again, it might depend on whether South’s statement of a break in tempo of 2 seconds means 2 seconds more than usual for this situation or that it took 2 seconds for North to bid. However, given West’s statements and the Committee’s better position to judge, I’ll presume they made the proper determination.”

People are notoriously poor at providing numerical time estimates. I often ask players to demonstrate the length of an alleged break in tempo. It is not unusual for a player to claim a 20-30 second hesitation and then demonstrate it to be 7 seconds or less. Similarly, a professed 1 or 2 second hesitation may be timed to be 5 seconds or longer when demonstrated.

What is more important is that South “agreed that there had been a break in tempo” when asked about it during the auction. The actual length of the break then became irrelevant.

Our final panelist was willing to listen to South’s statement of his intentions — and then to act on it.

Goldman: “If I thought that South intended to bid six all along, I would allow him to. Usually I have doubts about what a player intended, so I follow the peer-based principle. In this case I do think the intention was to bid six so I would allow it, subject to my being satisfied that this pair played 2¹ as showing substantial values and not a quick in-quick out style. And yes, 5^E was an awful bid.”

If I were going to act on my partner’s hesitations, I would practice sounding sincere.

Subject: Bridge Too Far

Event: Blue Ribbon Pairs, 26 Nov 96, First Session

Bd: 5	Jay Korobow		
Dlr: N	1 ¹ KQJ8		
Vul: N/S	1 ¹ A106		
	E ¹ 1062		
	E ¹ J65		
Ronald Powell		Rob Stevens	
1 ¹ A1064		1 ¹ ---	
1 ¹ K9		1 ¹ QJ8532	
E ¹ Q73		E ¹ K854	
E ¹ KQ72		E ¹ A43	
	Alex Allen		
	1 ¹ 97532		
	1 ¹ 74		
	E ¹ AJ9		
	E ¹ 1098		

West	North	East	South
	Pass	2 ¹	Pass
2NT	Pass	3 ^E	Pass
3 ¹	3 ¹	Pass	Pass
Dbl	All Pass		

The Facts: 3¹ doubled by North went down two, plus 500 for E/W. There was nothing marked about responses to weak two-bids on the East convention card. West’s card was marked that 2NT was a conventional response to a weak two-bid. The Director ruled that the failure to Alert the 3^E bid suggested that 2NT might be natural or might not be a forcing response to the weak two-bid. The Director ruled that the table result would stand.

The Appeal: N/S appealed the Director’s ruling. No other information from the hearing was available.

The Committee Decision: The Committee assessed a one-quarter board procedural penalty against E/W for inadequate disclosure and failing to have two identically filled-out convention cards. The Committee allowed the table result of 3¹ doubled down two, plus 500 for E/W, to stand. N/S’s deposit was returned.

Chairperson: Phil Leon

Committee Members: Bobby Goldman, Claire Tornay

Directors’ Ruling: 91.7 **Committee’s Decision:** 72.2

I don’t usually let others do my talking for me, but this is one of those rare exceptions.

Bramley: “The Committee only got one thing right, letting the table result stand. Other than that, this Committee acted like the ones in CASES SIX and SEVEN by giving a procedural penalty for jaywalking to one side when instead they should have given one to the other side for brutal abuse of the appeals process. Also, they should have kept the deposit. And the writeup is woeful. Complaining about the 2NT bid is like complaining about a failure to Alert a one-level negative double (before the recent Alert revisions). Come on, Bobby, you called

them on this stuff in CASE TEN!”

Filling in some more of the details was. . .

Gerard: “Good idea for North to appeal, rather than just accept his zero. Now we all know who he is and what he did. Whatever the discrepancy between the E/W convention cards, couldn’t someone have talked some sense into North before he pursued this appeal? If he believed the West card and thought West was out stealing, he was on his own in bidding 3 \heartsuit . If he believed the East card or the non-Alert to 3 \heartsuit , he was on his own in bidding 3 \heartsuit and why would he want to do it anyway? That N/S were close to leading the field after the first two sessions makes the appeal even more unseemly. If we can’t keep this deposit we should dispense with the procedure.”

Rigal: “Automatic Director ruling. I am amazed that N/S pursued this. I would have kept the deposit and certainly not fined E/W. A word or two is sufficient. This is the Blue Ribbon pairs for *%#@# sake! What did North think the bid meant!”

Kaplan: For what were E/W penalized? Surely, their auction was normal — I wouldn’t Alert to anything.”

And if caught, he’d have disavowed any knowledge. . .

Edgar’s point is right on. If 2NT is a forcing, conventional response to a weak two-bid asking for further description it is not Alertable. If the opener’s rebid is artificial (for example, if E/W had been playing Ogust responses) then the rebid would be Alertable; but natural rebids (e.g., a diamond feature) are not Alertable.

Now here’s a man who, ever vigilant, knows his Alertable conventions.

Wolff: “Much too tough on E/W. Most everyone plays 2NT over a WTB as conventional. Maybe a 1-matchpoint penalty for the technical failure of not Alerting. The ‘sour grapes’ attitude of N/S should have suggested to the Committee to keep the deposit.”

Treadwell: “The matchpoint penalty given E/W by the Committee was far too large, particularly in an NABC+ event where players have a responsibility for protecting themselves. North took a flyer and got caught. I see no connection between this action and the failure to Alert. A 1- or 2-matchpoint penalty would have been plenty.”

Procedural penalties should never be assessed just because a player has committed a “technical infraction.” At least one of the conditions described in section (1) of the Blueprint for Appeals (*Miami Vice*, p. 153) should be present. Besides, to the best of anyone’s knowledge, none of E/W’s bids here were Alertable.

Michael has it exactly right.

Rosenberg: “Ridiculous case. North’s bid was very weird, and he was certainly experienced enough to know to ask a question. North should have been censured for a frivolous appeal and E/W should not have been penalized in any way.”

Carruthers: “Hurray for everyone. N/S were definitely the architects of their own disaster here. What player [my word, not JC’s — *Ed.*] bids 3 \heartsuit on the North hand on this auction, regardless of the opponents’ methods? In fact, one is more likely to bid if 2NT is

conventional rather than invitational to 3NT. If the former, it must be real, since Partner could hang you. If the latter, one might try it with heart support to try to blow off the opponents. So I don’t buy North’s argument. However, this kind of scorn for proper disclosure demonstrated by E/W happens often (sometimes by quite well-known players) and should be punished. Were it not that I’d like to thank N/S for bringing E/W’s shoddy disclosure to the attention of the Committee, I’d have kept their deposit.”

And he was doing so well, too, right up ‘till the end, there. E/W were not scornful. They were simple, law-abiding citizens caught in the grips of North’s aberration.

Weinstein: “I presume that Mr. Colker did not do this writeup before checking with the Committee chairman/scribe. [Neither Elvis nor I were in the building. — *Ed.*] I don’t care for the procedural penalty (let the Directors assess one if appropriate). Since there was no writeup, I can’t begin to fathom why the deposit was returned. If 2NT was natural there is less of a case for 3 \heartsuit . N/S failed to question an auction that is 99% played uniformly, thereby abrogating their responsibility to ‘exhaust all reasonable means of seeking information at the table.’ This is a perfect example of 4(j) in the proposed Blueprint for Appeals. [Section 4(j), in essence, states that players should exhaust all reasonable means to seek the information they require at the table, and not use the appeals process to circumvent this responsibility. — *Ed.*] This was an incredibly frivolous protest, and a procedural penalty should have been assessed against the appellants, if anyone.”

If anyone still harbors any doubts about what the Committee’s attitude toward this appeal, and the proper disposition for this case, should have been, a front-row seat awaits you at the next Laws/Appeals Seminar conducted by Alan LeBendig and Jon Brissman, Co-Chairs of NABC Appeals.

CASE NINETEEN

Subject: Double Fit Gets Only Single Chance

Event: Blue Ribbon Pairs, 27 Nov 96, Second Session

Bd: 26	Harold Feldheim
Dlr: E	1 J8
Vul: Both	1 J
	2 QJ943
	2 KQ864
Charles Gray	Jess Stuart Jr.
1 9532	1 AQ1064
1 Q843	1 AK1052
2 85	2 72
2 J103	2 A
	Marlene Buchultz
	1 K7
	1 976
	2 AK106
	2 9752

West	North	East	South
		1 1	Pass
Pass	2 2	2 1	3 2
3 1	4 2	Dbl(1)	Pass
4 1	Pass	Pass	Dbl
All Pass			
(1) Break in tempo			

The Facts: 4¹ doubled by East made five, plus 990 for E/W. East broke tempo before he doubled 4² (10-12 seconds according to all but North, who contended that the break in tempo was 30 seconds). The Director changed the contract (Laws 12 and 16) to 4² doubled made four, plus 710 for N/S.

The Appeal: E/W appealed the Director's ruling. There was an agreed break in tempo prior to the double of 4².

The Committee Decision: The Committee decided that passing 4² doubled was a logical alternative for West. While Law 12C2 states that the non-offending side should be assigned the most favorable result likely, the Committee did not believe it likely that North would lose only one club trick. N/S were therefore assigned a score of minus 200 or Average Plus, whichever was better, and E/W a score of plus 200 or Average Minus, whichever was worse.

Chairperson: Ed Lazarus

Committee Members: Jeff Meckstroth, Mary Beth Townsend

Directors' Ruling: 83.3 **Committee's Decision:** 63.9

Just in case you thought this was a difficult decision, we're here to tell you — you're right!

Weinstein: "Tough case. Clearly, from West's viewpoint, his partner was doubling with a very good hand. Bidding 4¹ is probably correct, but I believe passing is a logical alternative. Partner could hold 1 Axxxx 1 Axxx 2 Ax 2 AK, which would usually beat 4² two tricks with 4¹ probably going down. Though this is a constructed hand, there are many where 4¹ has little or no play and 4² is probably going down. The other question is whether 4¹ was

suggested by the break in tempo. If the huddle was based upon uncertainty of whether the hand was strong enough to double, then the pull wasn't particularly suggested. However, if the huddle was due to consideration of a 4¹ or 4¹ call, then the pull was suggested. Under the 'reasonably suggested' guideline which was in effect at the time of this appeal, the pull should have been disallowed. Under the current 'demonstrably suggested' guideline, it is very close. Once the Committee disallowed the 4¹ call they should have adjusted the score to 4² doubled, plus 710. There is a strong case for North to play for a stiff 2 A, since West preferred spades — probably denying five hearts. Once East follows to two diamonds, he is marked with 5-5-2-1 distribution with the 2 A for the double."

If that isn't enough to give you Excedrin headache #19, try these next two panelists, who were certain about the correct decision.

Bramley: "I disagree completely. While normally I would side against the pull of a slow double, here the pull by West is automatic. West has massive undisclosed length in partner's suits (the fourth spade and at least two hearts) along with negligible defense. East cannot be doubling on a trump stack but on extra high cards, and West knows that some of those won't be cashing. If East does have two or three diamonds, then he is very short in clubs. Everything points to bidding, so I would have restored the table result. Even had the Committee been right to rule in favor of N/S, they were wrong not to give them the score for making 4² doubled, plus 710. Once East shows up with two diamonds he is sure to have the singleton 2 A."

Gerard: "How did North ever make it to the second session of the Blue Ribbons if he couldn't figure out this hand? It's far from automatic for East to produce the 2 A and 1 2 at tricks one and two, so by the time of the key decision North would know East's distribution (neither opponent will have more hearts than spades). Even if the early carding didn't preclude East from having 1 AKQ, that's not much of a double, and he could have switched to his singleton club at trick two. If North doesn't get this right at least as often as we judged East would in CASE TWELVE, I'd be surprised. It's not as if the Committee didn't recognize North to be a good player when he wants to be. Maybe they didn't like him. The next thing you know, the ACBL will wind up defending a lawsuit for damage to professional reputation."

Well, at least Bart and Ron agreed that, if the Committee was going to force E/W to defend 4² doubled, they should also have given North credit for being a good enough player to have made it. Oh, by the way, is anyone else curious about how East made an overtrick? The next panelist sheds some additional light on West's pull.

Carruthers: "The Director's ruling was fine, although he could also have gone the Average Plus/Average Minus route as well. The Committee's decision is a bit trickier. I'm not at all sure I'd deny West the right to bid 4¹ or 4¹ here. Assuming that East has shown five-five in the majors by bidding 2 1, my opinion is that the double of 4² merely shows extra defense, not extra offense. With extra offense, East should just bid more hearts or spades, whichever is appropriate. Kokes, isn't that a good hand for a transferrable-values double? And wouldn't you bid 4¹ with the West hand every day of the week? I must admit to having some lingering doubt that E/W may play the double as 100% penalty. Even so, a pull should be considered as East can hardly have a trump stack when you have two of them. By the way, what was that 2 2 bid (asking the opponents to bid 4¹, that's what!) and that double of 4¹?"

I agree that “Kokes” would play East’s double as “transferrable-values” and would expect the West hand to pull. What I’m not so certain about is whether this pair plays those methods, or even knows that they exist. This decision may depend as much on who the players are as on the bridge logic of the situation, since the latter is not independent of the former.

Also agreeing with the Committee’s decision were. . .

Rosenberg: “If I believed North might figure out to lose one club trick (he should), I would rule plus 710. If not, minus 200.”

Goldman: “I agree.”

“Yep.” Like many of the characters Gary Cooper used to play in his Western films, those Texans are men of few words and plenty of action. . . if not exactly a single mind.

Wolff: “I disagree with this one. Because of the study, E/W should defend 4 \heartsuit doubled and a good declarer would probably make it, minus 710 for E/W — but N/S should be minus 790. North’s 2 \heartsuit bid and subsequent 4 \heartsuit , together with South’s ridiculous double, add up to minus 790 — PTF!”

There he goes, into the “field” again.

And finally, we have yet another perspective. . .

Rigal: “Good Director ruling to adjust, but I think Average Plus/Average Minus was the right ruling since the play in 4 \heartsuit is unclear. Okay decision, but I think 4 \heartsuit was highly unlikely to make. It can be beaten by force on \heartsuit A and an underlead in hearts. A reasonable score adjustment.”

They obviously defend much better in London. . . and New York City.

Subject: Where There’s Smoke, There’s Ire
Event: Stratified Pairs, 27 Nov 96, Second Session

Bd: 6	\heartsuit A9
Dlr: E	\heartsuit J95
Vul: E/W	\heartsuit A43
	\heartsuit K10983
\heartsuit 54	\heartsuit KQ32
\heartsuit 1074	\heartsuit 86
\heartsuit KQJ872	\heartsuit 965
\heartsuit Q7	\heartsuit A542
	\heartsuit J10876
	\heartsuit AKQ32
	\heartsuit 10
	\heartsuit J6

West	North	East	South
2 \heartsuit	3 \heartsuit	Pass	1 \heartsuit
Pass	Pass	3NT	Dbl
All Pass		4 \heartsuit	4 \heartsuit

The Facts: 4 \heartsuit by South went down one, plus 50 for E/W. At the later stages of play declarer led a club toward dummy and, after West played low, declarer played the king, losing to the ace. After play concluded declarer said, “Sorry I misguessed clubs partner,” and left to smoke. Dummy called the Director and stated that West had hesitated before he followed to the club lead. E/W disputed this claim. Declarer was sought out and made the same statement as dummy. Since declarer had made no effort to call the Director, but got up and left to smoke, the Director ruled that the table result would stand.

The Appeal: N/S appealed the Director’s ruling. N/S claimed that West had hesitated before playing the low club. West said he had not taken any longer to play the club than he had taken to play any other card. East said that he had noticed no hesitation in West’s play to the trick. None of the players was able to place any time estimate on the length of the alleged hesitation.

The Committee Decision: The Committee was unable to determine with any certainty that there was a hesitation by West. Furthermore, there was doubt as to whether, even had there been a hesitation, N/S would be entitled to a score adjustment. Since the Committee was unable to establish any new facts about what had happened at the table, they decided that there was no basis for overturning the Director’s ruling. The table result was allowed to stand.

Chairperson: Gail Greenberg

Committee Members: Bobby Goldman, Phil Leon

Directors’ Ruling: 100.0 **Committee’s Decision:** 94.4

The only issue that the panelists saw in this case was whether or not the appeal had merit. (Several suggested keeping N/S’s deposit. If only we could have found it.)

Bramley: “Another waste of time. Maybe I’m getting a little hard-hearted, but I would have kept this deposit also. Perhaps it just illustrates one more reason not to smoke.”

Carruthers: “Have Dummy’s rights changed? It was my understanding that Dummy had no right to call the Director in this situation. Thus, I agree 100% with the Director. My experience has been that in approximately 100% of alleged breaks in tempo there was a break in tempo. Tempo-bandits sometimes claim there was no hesitation, or that they didn’t notice one, or they dispute the length. It’s always self-interest, and they’re nearly always wrong. Having said that, Declarer takes inference at his/her own risk. This is a non-starter. The Committee could have kept the deposit.”

Rigal: “Good Director ruling. Good Committee decision. Again, I am surprised that this got past the screener. Where the facts are such that declarer has not called the Director initially, I can’t see how she can hope to put a case to a Committee.”

Rosenberg: “The important point is that declarer did not, at the table, appear to feel she was damaged.”

Treadwell: “My comment is identical to my comment on CASE THIRTEEN — let’s play bridge.”

Wolff: “A simple appeal that would be determined by the facts.”

Even if there was a hesitation, it’s unclear whether declarer would have gotten this one right. West made a vulnerable two-level overcall and East figured to have been trying to talk N/S out of their birthright, with his bald-faced 3NT bid and primary diamond fit. I would have made West the clear favorite to hold the \heartsuit A. (Maybe that’s why I spend most of my time in appeals rooms rather than playing rooms?)

CASE TWENTY-ONE

Subject: Too Slow To Let It Go

Event: Blue Ribbon Pairs, 27 Nov 96, First Session

Bd: 23	Debbie Zuckerberg
Dlr: S	\heartsuit 75
Vul: Both	\spadesuit 2
	\heartsuit J73
	\heartsuit KJ98764
John Lusky	Dennis Metcalf
\heartsuit 10932	\heartsuit KQ864
\spadesuit 97	\spadesuit AJ106
\heartsuit AQ9854	\heartsuit K10
\heartsuit 10	\heartsuit A2
	Michael Rosenberg
	\heartsuit AJ
	\spadesuit KQ8543
	\heartsuit 62
	\heartsuit Q53

West	North	East	South
			\heartsuit
Pass	1NT(1)	Pass(2)	\heartsuit
Pass	\heartsuit	Pass	Pass
\heartsuit	Pass	\heartsuit	Pass
\heartsuit	Pass	\heartsuit	All Pass
(1) Announced; forcing			
(2) Break in tempo			

The Facts: \heartsuit 4 by West made five, plus 650 for E/W. There was an agreed-upon break in tempo by East over 1NT which E/W estimated to be about 3 seconds and South thought was more like 6 seconds. South called the Director after West’s \heartsuit balance. The auction continued, with E/W reaching \heartsuit 4. Pursuant to Law 12, the Director changed the contract to \heartsuit 3 by North down one, plus 100 for E/W.

The Appeal: E/W appealed the Director’s ruling. West acknowledged that pass, rather than \heartsuit 3, could be the winning action on some layouts but felt it was a “deep position” at high-level matchpoints. East noted that there had been no break in tempo over \heartsuit 3 and, for all he knew, \heartsuit 3 might have been going for minus 200 or more if left undisturbed. West felt that the \heartsuit 3 call had not been suggested by the break in tempo.

The Committee Decision: There was some discussion by the Committee on the perils of passing \heartsuit 3 with the West hand at matchpoints, particularly in a high-level matchpoint event, but in the end the Committee decided the break in tempo took much of the jeopardy out of the \heartsuit 3 call. The Committee discovered that E/W had done nothing to determine whether N/S had other ways to reach \heartsuit 3, so West could not with confidence gauge the strength around the table. While East was marked with some values, the break in tempo suggested that he would have something more than the 10- or 11-point minimum that the auction indicated. East figured to have enough extra strength to be able to make \heartsuit 3 playable even with no fit, or to enable East to advance the bidding in another strain. The Committee changed the contract to \heartsuit 3 by North down one, plus 100 for E/W. The deposit was returned.

Chairperson: Bob Gookin

Committee Members: Karen Allison, Jan Cohen, Bruce Keidan, Eric Kokish

Directors’ Ruling: 94.4 **Committee’s Decision:** 91.7

This case evoked a wide range of reactions, including apathy. . .

Bramley: “I agree unenthusiastically. The connection between the hesitation and the result is thin and distant, but definable. I suspect that most cases of this sort are never brought to the attention of the Director.”

At one end of the spectrum, agreeing with the Committee’s decision to adjust the contract and salaciously eyeing E/W’s deposit, was. . .

Carruthers: “I agree with everyone here as well. Both the Director and the Committee did well. I’d have considered retaining the deposit for two reasons:

1. West did not even bother to ask about the 3 \bar{E} rebid (many pairs play it as invitational rather than as a club bust, so the combined N/S holding could be stronger than it actually was), but he did not have to — he knew from East.
2. Solely on the N/S auction, there was no guaranteed fit for anyone.”

Also agreeing with the Committee’s decision, but not with Bart’s avarice, were. . .

Wolff: “I completely agree with the decision. Players who pass early with good hands must be careful to not break tempo, or their style will not be effective — because of Committees.”

Rosenberg: “Good.”

Hmm, you don’t suppose he’s really from Texas, do you?

Weinstein: “Under the old guideline I would have allowed 3 \bar{E} . However, the Committee’s reasoning was on track, since East likely had four or more hearts and probably a good hand for the huddle. Under the new ‘demonstrably suggests’ criterion, had E/W been non-vulnerable (and, consequently, the safety suggested by the huddle not as important) I believe the call should have been allowed. I’m including this comment to try to elicit some feedback from our editors as the new law is implemented. Again, the writeups should establish the length of time to make a bid, not the length of the break in tempo.”

I would have thought that the change in the wording of the laws would have the opposite effect from the one Howard suggests. The new guideline requires N/S to “demonstrate” that East’s huddle made West’s bid more attractive, while the old guideline only required that it “reasonably suggest” West’s bid. As Howard himself points out, East’s break in tempo is likely to suggest values, but also length in hearts. (of course, West’s own hand tells him that, too.) If that is true, then East’s values will be as useful on defense as on offense, and his heart length will decrease the chance that he will fit diamonds. North then becomes more likely to hold the diamond length behind West, especially since she is likely to hold at most a singleton heart (once South shows at least six of them). The vulnerability seems to me to affect things equally (and minimally) under the two guidelines.

The last two panelists argue that the length of the alleged hesitation is not sufficient to take it out of the proper tempo for East’s first call.

Goldman: “With a pronounced hesitation I would not allow 3 \bar{E} . Up to 6 seconds at a player’s first bid does not strike me as a foul, and I think legislation should be passed requiring 3-6 seconds’ thought at one’s first call.”

Right. Requiring 3-6 seconds thought by all players at their first turn to call is likely to be about as successful as traffic laws have been at getting drivers to come to a complete stop at stop signs, or as skip-bid warnings have been at getting players to hesitate 10 seconds after a skip bid. Education, not legislation, is the more likely answer — that, and the certainty of forfeiting a good score whenever bad tempo variations result in unauthorized information.

Rigal: “A 3-second hesitation constitutes bidding in tempo. I think there should have been no adjustment. I do not agree with the Director or Committee for that reason. If the ‘non-offenders’ have not established that there was an offence, the Committee should assume that there has not been one.”

On the one hand, if a call is made with a noticeable variation in tempo, regardless of its actual duration, then it is capable of conveying unauthorized information. It is the relative tempo, not the absolute time, that is important in these situations. It is certainly possible to mandate 3- or 6-seconds thought before each player’s first call, or every call, but the reality is that few players will adhere to that requirement and social stigma will keep the rest of us from calling the Director on a consistent basis when there is a failure to comply. Directors will still be called whenever the tempo of a call varies noticeably, and time estimates will simply adjust to accommodate the new tempo requirements — just as most people raised their driving speed to compensate when the highway speed limit was raised from 55 to 65. On the other hand, if we expect players not to make out-of-tempo calls in tempo-sensitive situations we must allow them to bid deliberately under such conditions; and 3-6 seconds does not seem extreme by that standard.

Look at that East hand, containing, as it does, a super 17-count with a five-card spade suit. It is difficult to imagine an in-tempo pass once you know that N/S detected a hesitation and called the Director during the auction to establish the fact — no matter what numerical estimate was later placed on the length of the hesitation. Couple that with the fact that most players, especially if holding a weakish 4-4-3-2 hand, would not recognize East’s situation as being tempo sensitive and we have a strong case for the Committee doing exactly as it did.

If players want to be able think for 3-6 seconds in such situations without jeopardy then they need to bid in a deliberate tempo consistently, so as not to call attention to those times when the deliberation is needed. Committees need to be prepared for this and determine, in such cases, whether other calls made by the “offending” pair (on all of the boards which the two pairs contested) gave the same appearance of deliberation as the call in question. Certainly we should accept no less from our top, or experienced, players and we should settle for no less from any pair entering a top-level event such as this one. Success in National Championship events should entail more than simply paying an entry fee.

CASE TWENTY-TWO

Subject: Bridge, As In Brooklyn

Event: Blue Ribbon Pairs, 27 Nov 96, First Session

Bd: 6	Ron Smith
Dlr: E	1 A74
Vul: E/W	1 AJ8632
	2 ---
	2 KJ83
Peder Langsetmo	Peg Waller
1 J852	1 KQ1096
1 95	1 K7
2 K105	2 A9872
2 A765	2 Q
	Linda Smith
	1 3
	1 Q104
	2 QJ643
	2 10942

West	North	East	South
		1	Pass
2	3	3	Pass
Pass(1)	4	4	Pass
Pass	Dbl	All Pass	
(1) Break in tempo			

The Facts: 4 doubled by East made four, plus 790 for E/W. There was a break in tempo before West passed East’s 3 bid. The Director ruled that there was unauthorized information and awarded Average Plus to N/S and Average Minus to E/W.

The Appeal: E/W appealed the Director’s ruling. The raise to 2 was constructive. E/W stated that it was likely that the 1 K was favorably placed and that the 4 bid by North made it more likely that West had diamond values.

The Committee Decision: The Committee decided that virtually all players would at least consider bidding 4 with the East hand immediately over North’s 3 bid with a good two-suited hand and the 1 K favorably placed. Although the brief break in tempo by West in passing 3 might have suggested 4 by East, the 4 bid by North made it much more likely that partner had help in diamonds. It was this bit of authorized information rather than the break in tempo that made the 4 call virtually mandatory. The contract was therefore changed to 4 doubled made four, plus 790 for E/W.

Chairperson: Dave Treadwell

Committee Members: Michael Huston, Bruce Reeve

Directors’ Ruling: 77.2 **Committee’s Decision:** 50.0

Many questions present themselves. What was meant by “constructive” (7-9, 9-11)? Why was 2 not Alerted? Did E/W play maximal-overcall doubles (i.e., was West invited to bid over 3)? What was West thinking about over 3 if he had already shown his values with 2? Why did East not bid 4 immediately over 3?

The Committee noted that most players would at least consider bidding 4 directly over 3. I’d go one step further and argue that a player who failed to even try for game over 3

should not be assumed to suddenly be aware solely from North’s 4 bid that game prospects have improved. It’s much easier to bid again after West’s huddle alerts East to the game prospects that she failed to recognize a round of bidding earlier. It’s also easier to rationalize taking the action after the fact.

The Committee should have asked itself why East’s analysis after North’s 4 bid should have led her to a more aggressive evaluation than the conservative one that led her to bid only 3 over 3. After all, just as it could be argued that certain (sub-minimum) constructive raises could produce a great play for game (e.g., 1 Axxx 1 xxx 2xx 2 xxx), so it could be argued that certain maximums would produce virtually no play for game (e.g., 1 AJx 1 Qxx 2xxx 2 KJxx — North’s clubs having no more intermediate fabric than East’s diamonds). North’s bidding has certainly done nothing to alter that fact.

No, there is simply no convincing argument for allowing East to bid again over 4.

The panel was virtually unanimous in their support of this view. Getting it exactly right on all counts was. . .

Rosenberg: “It is irrelevant to E/W’s case that ‘virtually all players would at least consider bidding 4 with the East hand immediately over North’s 3 bid.’ If anything, this points to the fact this East did not consider this hand worth a game bid. It should have been discovered whether E/W play maximal doubles in this situation. While the ‘help in diamonds’ has some validity, the cards in the opponents’ suits argue for defending. All-in-all, East got too much help from her partner. This was unfortunate, since, from West’s viewpoint, the unauthorized information was unlikely to be relevant. Perhaps the Committee, like the Director, found it too difficult to determine what would have transpired had East passed 4. I would have ruled 4 making four, plus 420 for N/S.”

Weinstein: “I strongly disagree with this decision. One question the Committee didn’t ask was whether a double of 3 would have been maximal. Though there was an excellent chance that West would have bid 4 anyway (I know this West and he has never been accused of being shy in the bidding), the break in tempo did preclude East from bidding 4. The huddle clearly suggested that 4 would be a winning action, and pass was clearly a logical alternative. For E/W, though the final contract would most likely have been 4 without unauthorized information (East or West probably would have bid it), the contract should have been changed to 4 or (preferably) 4 making — as in CASE TWENTY-SIX, where the Committee adjusted the score. I can understand the Directors ruling as they did, since it was difficult to ascertain a likely result — but they should have tried anyway.”

Carruthers: “At last, some more controversy! The way I view it, the Director made a correct, if conservative, ruling. Plus 450 or plus 420 for N/S would have been okay as well, but I understand the reluctance not to predict the score in 4. As for the Committee, it needs to go back to retake Tempo 101 at Hesitation U. Once East bid 3 (did the Committee inquire as to whether double would have been a game try? — it seems as though they did not), she had chosen her bed-partner. Everyone else had gone home. North’s 4 bid did not change much, but West’s hesitation sure did. These are the only two indicators for 4 (there are others for pass), so why should the 4 bid take precedence?”

“Once again, it’s moronic (is that too mild?) decisions like this which perpetuate the hesitation/bid syndrome. I’ll bet dollars to doughnuts (although with inflation it probably should be twenties to Twinkies) that E/W will be back before future Committees on tempo auctions. Any takers? I thought not. Nevertheless, it was good rationalization by E/W. It’s not clear from the writeup, and looks like armchair quarter backing to me, but when was the

statement about ‘4♠ making it more likely that West had diamond values’ made? If anywhere but at the table, it was self-serving and 20/20 hindsight. The ‘CASE TWENTY-SIX’ Committee should have dealt with this case as well. It’s remarkable how many times in so few Committees the same hand is repeated!

“A couple of questions: (1) Was there a break in tempo over 3♠? Not all Norths would bid 4♠ on that hand. (2) Could North’s double of 4♠ be a case of, ‘If it goes down okay, if not we’ll call the cops?’ I’m probably in a minority here, but that’s okay by me. It’s in the same class as directing your opponent’s lead with a penalty card.”

Bramley: “I disagree. East’s 4♠ bid is possible, but hardly mandatory. West’s fourth trump is huge and his values are perfect for East. If anybody can bid 4♠, it’s West, not East. I would like to know if East could have doubled 3♠ as a game try. I sympathize with East, but I would rule against her. The adjustment is more difficult to determine. If East does not bid 4♠ the most likely contract would be 4♠, usually making ten tricks. While other results are possible, I would award a score of plus 420 for N/S and minus 420 for E/W.”

Yes, East certainly deserves our sympathies for her partner’s performance — but not for her own.

Gerard: “We don’t really have to belabor the obvious, do we? There was no Alert to 2♠. Even if 2♠ was constructive, wouldn’t 1 Axx 1 xx ♠ Jxx ♠ Kxxxx qualify? East might not even make 3♠ opposite that hand. Did the Committee make any effort to find out whether maximal doubles were in use? And have you ever seen a finer example of Orwellspeak than the Committee’s next-to-last sentence? I’d go on, but I’m so disheartened by this decision that I have only one word for the Committee’s performance. Guillotine. The Director shortchanged N/S. He should have ruled minus 590 to E/W and a minimum of plus 420 to N/S.”

Normally, we’d try to comfort Ron to bolster his fortitude for the dozen cases still to come. However, we’ve already looked at those cases and so we’ll restrict our encouragements to simply pleading for perseverance.

Goldman: “I disagree The 4♠ bid also made it more likely that suits would split badly and that a diamond finesse would be off. I don’t see any Alerts about 2♠ being constructive. Go back one space to 4♠. Do not pay any fines. Stay out of jail, but barely.”

And remember the Alamo!

Kaplan: “No — a player who bids 3♠, then changes his mind and bids 4♠ over partner’s hesitation, cannot keep his result.”

Rigal: “Sensible Director ruling, since I can’t work out what would happen to N/S in their contract. The Committee was very generous to East here. Once she bid a purely competitive 3♠ should she be allowed a second shot? I do not think so. I think the Director got this right and the Committee got it wrong. Penalise the slow passers and they won’t do it again.”

The firmness and unanimity of the above panelists makes you wonder about. . .

Wolff: “Good bridge reasoning and judgment, but I would penalize E/W 2 matchpoints for

HD, a reminder of our constant obligation to the game.”

This is your brain. This is your brain on drugs. This is your brain on HD.

CASE TWENTY-THREE

Subject: Balancing Checked

Event: Blue Ribbon Pairs, 27 Nov 96, First Session

Bd: 2	Mark Lair
Dlr: E	1 J4
Vul: N/S	1 Q9763
	2 E
	2 E J9732
Gloria Brown	Shirley Presberg
1 10853	1 KQ62
1 54	1 A82
2 AQ95	2 1087
2 1054	2 AK6
	Richard Schwartz
	1 A97
	1 KJ10
	2 KJ643
	2 Q8

West	North	East	South
		1NT(1)	Pass(2)
Pass	21	All Pass	
(1) 15-17 HCP			
(2) Break in tempo			

The Facts: 21 by North made two, plus 110 for N/S. North’s 21 bid was natural. South admitted to a “pause” over the 1NT call. The Director was summoned after North’s 21 bid. After the play the Director was recalled to the table and ruled, pursuant to Law 12, that pass was a logical alternative to 21 with the North hand. The contract was changed to 1NT by East made four, plus 180 for E/W.

The Appeal: N/S appealed the Director’s ruling. North claimed that there was little if any break in tempo given that South normally hesitates whenever it is his turn to bid. North stated that he could have bid 2E to show clubs and a second suit but did not do so because he feared his partner (who was marked with a good hand on the evidence available from the auction) might bid 2NT over 2E. E/W, while not specifying the length of the alleged break in tempo, said that South “crossed and uncrossed his legs,” peered at his cards and finally passed. E/W noted that no other North had found a 21 bid.

The Committee Decision: The Committee members believed that a significant number of North’s peers would not have bid 21. The contract was therefore changed to 1NT by East made four, plus 180 for E/W. The Committee would have preferred it had South attended the hearing. The deposit was returned.

Chairperson: Bob Gookin

Committee Members: Karen Allison, Jan Cohen, Bruce Keidan, Eric Kokish

Directors’ Ruling: 98.9 **Committee’s Decision:** 90.0

This case was made more complex by the identity of the North player — widely known for his extremely aggressive bidding. Add to this the prevalent wisdom that it is vitally important to bid over the opponents’ notrump (DONT) — even more so with a distributional

hand, without regard to strength (if they were willing to pass out 1NT, partner is marked with a good hand) — and we have a real problem.

Seeing this in its full complexity was. . .

Rosenberg: “This is a tough call. I might have allowed this particular North to bid 21. In fact, an argument could be made that the huddle makes it more dangerous for North to bid (South is more likely to have a misfit), and therefore it would be unethical for North not to make his normal (for him) bid. However, I certainly cannot fault the Committee for making a normal decision. Those who make a big deal out of North’s choosing to bid are missing the point. This is not a particularly important case. It should have been reported whether or not a double by South would have been penalties (I presume not).”

Also focusing on some of the underlying complexity was. . .

Weinstein: “The finding of a break in tempo seems clear, given that North’s statement was counteracted by South’s admission of a pause. I am bothered by the lack of discussion by the Committee as to whether the 21 call was suggested by the huddle. The question of what South’s possible actions over 1NT were is very relevant. If a penalty double was available, then the Committee’s decision was clear. However, if double would have shown a distributional hand, then I don’t believe that 21 was suggested by the huddle. For the Committee to have found that a break in tempo occurred and that some of North’s peers would have not bid 21 skips over an important link in their decision. The decision was probably correct, possibly incorrect, but certainly either poorly considered or documented.”

The next two panelists represented the opposite view of this case. They were indignant over North’s 21 bid — to the point of suggesting that North should have been made to contribute \$50 to the ACBL Education Fund. I must admit that, when I first read the case, I was much closer to their position than to the one represented by the previous two panelists.

Carruthers: “Who does North think he’s kidding? He has incredible table presence (he is in Zia’s league). If South admitted to a break in tempo, it’s more than likely that North caught it. Good for the Director — he figured out what the result would have been and restored equity. As for North, he should have lost his deposit and been fined one-quarter of a board to boot. South may have been too embarrassed to appear. This is about the equivalent of East’s abuse of the appeals process in CASE TEN. A thought — perhaps both members of an appealing pair should be advised to appear in order not to prejudice their case.”

Rigal: “Good Director ruling. Absolutely clear-cut. I can’t believe that an expert would make this sort of bid after the tempo break. The relevance of no other North having bid should not have escaped North. I think there was a good case for retaining the deposit — or perhaps for a procedural penalty.”

The remaining panelists simply agreed with the Committee — who, all things considered, probably made the correct decision — without probing the deeper considerations.

Treadwell: “Here, South’s marked hesitation and body action did make the balance by North easier. The Committee got this just right, not allowing the balance but returning the deposit, since North’s action was not egregious.”

Bramley: "Correct decision."

CASE TWENTY-FOUR

Wolff: "Simple decision, but accurate and, above all, necessary."

Yes, simple.

Subject: Flo's New Convention

Event: Blue Ribbon Pairs, 27 Nov 96, First Session

Bd: 3	Charles Gray		
Dlr: S	┌ ---		
Vul: E/W	└ J954		
	┌ AK10864		
	└ AKQ		
Flo Beck		Andy Smith	
┌ J432		┌ AKQ986	
└ A8		└ 32	
┌ Q975		┌ J3	
┌ 954		┌ 1072	
	Jess Stuart Jr.		
	┌ 1075		
	└ KQ1076		
	┌ 2		
	┌ J863		

West	North	East	South
			Pass
Pass	1 \heartsuit	1 \heartsuit	Dbl(1)
3 \heartsuit (2)	3 \heartsuit	Pass	4 \heartsuit
Pass	4 \heartsuit	All Pass	
			(1) Negative Double
			(2) Intended as a constructive "mixed" spade raise

The Facts: 4 \heartsuit by North made six, plus 480 for N/S. West meant her 3 \heartsuit bid as a "mixed" spade raise, while East thought the bid was natural. E/W had not discussed raises after negative doubles. 3 \heartsuit was a slam try by North, 4 \heartsuit described a second suit, and 4 \heartsuit was understood by South to be natural, i.e. support for South's "known" heart suit. North did not ask about the meaning of 3 \heartsuit until after he had bid 3 \heartsuit . The Director ruled that any misinformation was not relevant and allowed the table result to stand.

The Appeal: N/S appealed the Director's ruling. After his 3 \heartsuit bid North inquired as to the meaning of 3 \heartsuit ; East said that he thought it was natural. This caused South's cautious 4 \heartsuit bid. North's 4 \heartsuit bid cleared up the matter, but South was still afraid that 3 \heartsuit might have been a void-showing lead-directing bid. E/W's agreement was that jump cue-bids were mixed raises. East thought that 3 \heartsuit would have been a mixed raise, but did not believe that 3 \heartsuit was the same sort of bid. West thought that the negative double also made hearts an "available" suit for a mixed raise.

The Committee Decision: The Committee decided that East had not given an adequate answer when asked about the 3 \heartsuit bid. He should have been cognizant of the possibility that partner was making a conventional bid, especially since bridge logic made it unlikely that 3 \heartsuit was natural. Had he explained that a jump cue-bid of 3 \heartsuit would have been a mixed raise N/S might have been able to make their own judgment about 3 \heartsuit . Due to the damage from the incomplete explanation the Committee changed the result to Average Plus for N/S and Average Minus for E/W. This was based on the fact that plus 980 for N/S was an uncommon result and the belief that N/S did have an idea of what was going on in the auction. The Committee also discussed the possibility of a procedural penalty against E/W, but decided that Average Minus was adequate. They chose instead to educate East about his responsibilities when explaining partnership agreements.

Chairperson: Phil Brady

Committee Members: Abby Heitner, Bobby Goldman

Directors' Ruling: 93.3 **Committee's Decision:** 80.0

Three things stand out about this situation. First, both North and South were experienced enough to have probed more carefully about E/W's agreements regarding jumps by advancer (alluded to in the Committee's statement that, "N/S did have an idea of what was going on in the auction"). Second, there is no suggestion in the writeup that E/W had any specific agreement about West's 3 \heartsuit bid. Sure, East should have mentioned that 3 \heartsuit would have been a mixed raise, if only because of the superficial similarity between the two bids. But the truth is that N/S were simply the victims of West's decision to invent a bid. She must have thought that, since she had two ways to show a mixed raise, 3 \heartsuit would suggest a control/strength there. And third, the N/S slam was difficult to reach; many pairs failed to find it, even in far less obstructed auctions. It is far from clear that N/S would have gotten there themselves, even under less ambiguous circumstances.

I simply would have allowed the table result to stand. I would not have been adverse to a small (1-matchpoint) penalty against E/W (not to accrue to N/S) if I could be convinced that East's failure to explain his agreements more fully was negligent rather than merely naive.

Agreeing with me were. . .

Rosenberg: "The Committee was weird here. E/W had no agreement about 3 \heartsuit — West simply made up the bid. I do not see what East did wrong, nor do I think that N/S were damaged. If they were, it's just tough luck; there was no infraction."

Bramley: "I disagree. North damaged his side by asking questions when it was not his turn, inducing his partner to misbid. N/S were very unlikely to reach slam with full information. East gave a correct explanation of his partner's bid. Why should he suspect his partner of making up a convention in the middle of an auction? And why should he have thought to explain a vaguely similar auction that had not occurred? Does a 'complete explanation' now include everything in our system, so that the opponents can 'judge' when we have messed up? I would have let the result stand."

I disagree only with Bart's statement that East had no reason to think of explaining "a vaguely similar auction that had not occurred." A jump by advancer in a new suit is an unusual bid which most partnerships have specific agreements about: fit-showing, preemptive and invitational being the most common (depending, perhaps, on whether a simple new-suit bid would be forcing). Since hearts were shown (or at least implied) by South, it seems reasonable to have expected East to consider the possibility that West did not consider it an unbid suit. That would make 3 \heartsuit a likely raise of some sort (mixed, four-card limit, splinter, etc.), depending on the partnership's style, experience, or prior discussion. In any event, with only two likely possibilities (natural, or an artificial raise of some sort), East could easily have covered both of them in his statement. That he should be expected to have done so depends, in my mind, on both his skill and experience levels.

Perhaps a better suggestion for the correct score adjustment was given by. . .

Rigal: "Good and non-obvious Director ruling, to my mind. I do not think N/S were entitled to this much protection. I do not mind giving E/W minus 980, but N/S would still have made

6 \heartsuit if hearts were four-zero. North's clear-cut slam try meant that N/S had all the info they needed. The crux of whether North had a singleton spade or a void was not focused on. The bidding (whether or not South opened a weak 2 \heartsuit) probably determined whether N/S reached slam — I would expect that slam would not be reached after this start. N/S keep plus 480."

The rest of the panelists agreed with the Committee that N/S deserved some protection, but awarding them the slam was more than "equity." They agreed that, as was the case with the temperature of Baby Bear's porridge, Average Plus/Average Minus was "just right."

Carruthers: "I prefer the scenario whereby the offending side has to win its case before a Committee, but I admit that it is not so clear in this case. Directors have become used to ruling in favor of the non-offenders in hesitation sequences, but not in cases of alleged damage. Like the Committee, I'm unconvinced that N/S's failure to reach slam was a result of the misinformation. Even given a free run, the type of slam that this hand represents (one hand is rich in controls, the other has powerful trumps, and neither has a ton of HCP) is very difficult to bid for any pair, including experts. Average Plus/Average Minus seems Solomonic under the circumstances. By the way, what was meant by, 'South's cautious 4 \heartsuit bid'? Was he supposed to do anything else? The real cause of the breakdown was N/S's fuzzy understanding of the 3 \heartsuit bid. Had they been on firmer ground there, they might have fared better."

Weinstein: "The Committee was right on target. N/S had little chance to get to slam after the misinformation. They had a possible chance without the misexplanation. Equity should prevail in misexplanation situations and the Committee's determination of Average Plus/Average Minus seems to have accomplished this."

Wolff: "Good innovative bridge reasoning, especially the part about not awarding plus 980 for N/S."

We know, we know, PTF. (Well, someone had to say it.)

CASE TWENTY-FIVE

Subject: Bridge, As In Golden Gate
Event: Blue Ribbon Pairs, 27 Nov 96, First Session

Bd: 12	Brian Glubok
Dlr: W	♠ 8742
Vul: N/S	♠ J983
	♥ A1064
	♣ 9
Ron Scruggs	Rich Luttrell
♠ A105	♠ J3
♠ 64	♠ A752
♥ KJ8	♥ Q72
♥ KQ754	♥ 8632
	Ron Smith
	♠ KQ96
	♠ KQ10
	♥ 953
	♥ AJ10

West	North	East	South
1♣(1)	Pass	1♣(2)	Pass
1NT(3)	Pass	2♣(4)	All Pass
(1) Alerted; Polish Club (most often a weak notrump)			
(2) Alerted; 0-7 HCP or an “impossible negative” (a near opening bid with one or both minors)			
(3) Alerted; 19-20 HCP (the systemic agreement)			
(4) Alerted; Stayman			

The Facts: When 1NT was Alerted North asked the meaning and was told by East that it showed a balanced hand with 19-20 HCP. The Director ruled that there was no evidence that West knew he had forgotten the meaning of the 1NT rebid before his partner’s Alert, as he claimed. The Director changed the score to Average Plus for N/S and Average Minus for E/W.

The Appeal: E/W appealed the Director’s ruling. The Director was called before the opening lead. N/S believed that West would have bid over 2♣ without the unauthorized information provided by East’s Alert. West stated that he realized he had made a system error before his partner Alerted 1NT.

The Committee Decision: The Committee decided that if the event were played behind screens West would have passed a natural 2♣ by East. The E/W convention card did not suggest that they used an artificial checkback over 1NT. West had not based his pass on the unauthorized information that was present. The Committee changed the contract to 2♣ by West made three, plus 110 for E/W.

Dissenting Opinion (Eric Kokish): The Director had the right idea. It is tempting to write this one off as “rub of the green,” with E/W falling into a lucky situation when West passed East’s “natural” 2♣. The problem with this line of reasoning is that we would have to credit E/W with an agreement (actually a non-agreement) for which we have no evidence. All we know is that the partnership definitely treats 2♣ as Stayman in the actual sequence. If West forgot his own range we cannot extrapolate a different follow-up package for him. No, he must respond to Stayman, just as if his 1NT rebid accurately described the hand he held. Had he properly rebid 2♣ East would have bid 3NT. This would have gone one or two down, with the latter being the more likely result. Although the Director’s ruling was not wrong, I do not believe that it is beyond our capability to project a bridge result. Thus, under Law 12C2 we

should assign to both pairs the result for 3NT by West down two, plus 100 for N/S.

Chairperson: Bob Gookin
Committee Members: Karen Allison, Jan Cohen, Bruce Keidan, Eric Kokish

Directors’ Ruling: 72.8 **Committee’s Decision:** 40.6

Listen to my friend Eric. He knows what of he speaks.

The 2♣ bid in the present auction is defined in the book *The Polish Club*, by Greg Matula, as Puppet Stayman, with opener’s 1NT rebid having showed a balanced or semi-balanced 18-21 HCP. But unless I’ve completely taken leave of my senses (always a real and present danger), didn’t West also Alert East’s 2♣ rebid as Stayman (probably the Puppet variety)? So West himself acknowledged that the bid was not natural. His only defense seems to have been that he realized that he had forgotten his system before his partner’s Alert and explanation of his 1NT rebid as 19-20 HCP. If you look it up in the Appeals Committee dictionary you’ll see this very statement used to exemplify the definition of “self-serving.”

This Committee then seems to have added their own aberration to the situation — that E/W played no conventional responses to the 1NT rebid — based on the fact that no checkback bid was marked on the E/W convention cards. This defies logic. One of the basic precepts from which artificial club systems derive their advantage over natural systems is that the auction is kept low with strong hands, the extra bidding room being used to convey crucial distributional information which could not otherwise be shown at a safe level (usually, below 3NT). To suggest that East could not inquire about the West hand’s distribution at the two-level is like a pair claiming that they only play Stayman when they open a weak notrump (non-vulnerable), but not a strong notrump (vulnerable), or like a Precision pair claiming that 2♣ in the present auction is not Stayman. Bah.

Maybe someone else understands what the Committee was doing. Ron, Howard, anyone?

Gerard: “I’ve reread the Committee’s explanation about three times and I’m totally mystified by it. When did this ‘natural’ 2♣ bid sneak in? Ask any Precision player what 2♣ is over a 1NT rebid and he’d look at you as if you were crazy. I too would have thought the case hinged on the appropriate score adjustment, not on whether to allow West’s pass. The dissent was right on the money, including the trick assessment.”

Weinstein: “I don’t understand. If the 2♣ bid was natural, why was it Alerted as Stayman and why would West Alert it and then pass behind hypothetical screens? It seems that every time a Committee dredges up the hypothetical screens they arrive at a wrong decision. Four Committee members have misjudged (this is a euphemism) this case, and the fifth somehow couldn’t bring them to their senses. The only explanation for allowing a pass would be if the sequence 1♣-1♠, 1NT-2♣ showed a weak NT and that 2♣ was natural (and documented to that effect). It appears to me that West was probably made aware of his error through the Alert procedure and took a totally unallowable shot to recover. His contention that he had realized his error before his partner Alerted (presumably about one second) could have been self-serving and should have been dismissed from consideration. He knew that his partner intended 2♣ as Stayman and that they were likely to get too high if he bid again. Mr. Kokish’s dissent was 100% correct on all counts.”

Bramley: “I agree with the dissenter. This was not a checkback auction, but regular Stayman.

So whatever was missing on the convention card was irrelevant. Also, in the ‘screen’ scenario suggested by the Committee, West would certainly raise a natural 2 \heartsuit to prevent the opponents from entering cheaply. This would also lead to 3NT. I agree with Kokish’s analysis that down two is the most likely result.”

Kaplan: “I agree with Kokish. Who says that 2 \heartsuit is natural? It sure sounds like Stayman to me.”

Treadwell: “How often have you passed a Stayman 2 \heartsuit response to your 1NT bid? It must be right if you have five clubs and 6 or 7 HCP less than your 1NT bid is supposed to show. But wait, when did West realize he had the deficit in HCP? Almost certainly when his partner explained its meaning, and this is unauthorized information. I cannot understand the Committee allowing such an action even though the E/W convention card may have been a bit lacking in information. People playing an unusual system have a special obligation to have completely filled out convention cards and to know what they are playing. The one dissenter on the Committee got this one right.”

Rigal: “Sensible Director ruling. I agree with the dissenting opinion here and note that N/S might have come back into the auction over 2 \heartsuit with proper information. I think the Committee produced a very favourable ruling for the non-offenders, one they were not entitled to. When the sort of accident that took place comes up because of the E/W offence it behooves the Committee to give the non-offenders, not the offenders, the benefit of the doubt.”

Goldman: “I strongly object to this decision. I agree with Kokish, with an added proviso: a one-quarter board procedural penalty to EW. Average Plus/Average Minus is a lazy Director’s ruling. I’m sure the Directors can do better once they decide there is a foul.”

Rosenberg: “I agree completely with Kokish, except to say that it is never beyond our capability to project a bridge result.”

Wolff: “Do not agree with the majority, but do agree 100% with the dissent. Why not always round off judgment (if at all possible) against the offenders, this time CD. As Eric asked, who is to say that E/W were not playing checkback Stayman (almost all good players do, particularly after strong rebids)? Why go out of the way to encourage people (or let them off, if you will) to not make every effort to know their system. E/W would be most helped if they had some reason to remember why they should learn their system, not to be protected when they don’t.”

Now, about the character of this appeal. Did it have merit? I think the four non-dissenters should pay the \$50.

Subject: Make Mine A Double

Event: Blue Ribbon Pairs, 27 Nov 96, First Session

Bd: 6	Lynn Deas
Dlr: E	1 A74
Vul: E/W	1 AJ8632
	2 ---
	2 KJ83
Harold Feldheim	Marlene Bucholtz
1 J852	1 KQ1096
1 95	1 K7
2 K105	2 A9872
2 A765	2 Q
	Geoff Hampson
	1 3
	1 Q104
	2 QJ643
	2 10942

West	North	East	South
		1 \heartsuit	Pass
2 \heartsuit (1)	3 \heartsuit	3 \heartsuit (2)	Pass
Pass(2)	4 \heartsuit	4 \heartsuit	Pass
4 \heartsuit	Dbl	All Pass	
(1) Alerted; constructive (9-11 HCP); break in tempo			
(2) Break in tempo			

The Facts: 4 \heartsuit doubled by East made four, plus 790 for E/W. West disputed South’s claim of a break in tempo. West did agree when North suggested that the pass of 3 \heartsuit had been a little slower than the 2 \heartsuit bid. The Director ruled that pass after 4 \heartsuit was a logical alternative for East and changed the score to Average Plus for N/S and Average Minus for E/W.

The Appeal: E/W appealed the Director’s ruling. The Committee found evidence that there was a substantial hesitation before East bid 3 \heartsuit , that West’s pass of 3 \heartsuit was a small tempo break, and that a longer time was taken by West to pass over 3 \heartsuit than the time taken to bid 2 \heartsuit .

The Committee Decision: The Committee members believed that the out-of-tempo pass by West made the 4 \heartsuit bid by East more attractive and that pass was a logical alternative. They also believed that a 4 \heartsuit bid by West, had East not bid 4 \heartsuit , became more attractive because of East’s hesitation before the 3 \heartsuit bid, and that a pass of 4 \heartsuit by West was a logical alternative to 4 \heartsuit . The Committee was unhappy with North’s double of 4 \heartsuit and considered the possibility of assessing a penalty against N/S. However, since subsequent bidding by E/W was deemed inappropriate, the issue of the double of 4 \heartsuit was not believed to be relevant. The Committee changed the contract to 4 \heartsuit by North made four, plus 420 for N/S.

Chairperson: Ed Lazarus

Committee Members: Jeff Meckstroth, Mary Beth Townsend

Directors’ Ruling: 74.4 **Committee’s Decision:** 81.1

Finally, pass is a logical alternative. Where was this Committee when we needed them in CASE TWENTY-TWO? Words fail me. Ron. . .

Gerard: “What? You mean West’s known diamond values after North’s 4 \heartsuit bid weren’t ‘authorized information’? It wasn’t ‘virtually mandatory’ for East to continue over 4 \heartsuit ? West’s huddle over 3 \heartsuit wasn’t rendered insignificant by North’s 4 \heartsuit bid and West’s upgraded diamond holding? As Claude Rains said in Casablanca, ‘I’m shocked, shocked. . .’ Maybe this Committee could have conducted a seminar at which the attendance of the Committee from CASE TWENTY-TWO would have been required. Note, also, the Alert to 2 \heartsuit . On the score adjustment, I believe the Committee should have considered minus 590 for E/W, as in CASE TWENTY-TWO.”

Careful now, remember your blood pressure.

Bramley: “Instant replay! This Committee got it right where the Committee on CASE TWENTY-TWO didn’t.”

Carruthers: “If we assigned a point system to Appeals Committee appearances, as we have with drivers’ licenses, West’s license would have been revoked as a result of this NABC alone. I agree with the Director’s ruling in principle, but would have preferred that he assign a score of 4 \heartsuit to N/S. However, I understand the reluctance to do so. I also agree with the Committee’s decision, in principle. However, there is a chance that N/S could have scored plus 450 in 4 \heartsuit . Was that considered? There are two ways this could occur; East takes an immediate club ruff and North drops the \heartsuit K or East leads a spade and after \heartsuit A, spade ruff, diamond ruff, spade ruff, North plays ace and another heart, subsequently leading the \heartsuit K. I understood that the benefit of the doubt should go to N/S in these situations. Then there is the issue of the deposit. Once again, I’d have retained West’s dough (nothing personal, you’re a fine fellow).”

Maybe the ACBL Educational Fund could recover their losses in small-claims court. JC, could we persuade you to represent the League, pro bono?

Weinstein: “This Committee got it more right than the Committee in CASE TWENTY-TWO. There are two points I’d like to discuss. The Committee’s consideration of East’s slow 3 \heartsuit call was interesting and correct if done in the context of determining redress under Law 12C2, where the likely result at the table might have been influenced. Otherwise, it was irrelevant. However, the Committee’s unhappiness with the double of 4 \heartsuit is not irrelevant, per se, if it was found to be egregious, as a wild or double shot. As in CASE TWENTY-TWO, I believe the double to be aggressive, but not so egregious as to compromise the N/S right to redress.”

Rosenberg: “Did E/W help each other, or should we sympathize with them? I have to go with the Committee here. This is slightly different from CASE TWENTY-TWO. Here we know East was thinking about bidding game over 3 \heartsuit .”

Goldman: “When the league comes to its senses, N/S will score minus 790 and E/W minus 420. It is not clear to me that the hesitation contributed to the result when 2 \heartsuit was Alerted as 9-11 HCP (no less). West seems to have no creditability with Committees, but that shouldn’t translate to a bonanza for N/S.”

Rigal: “Good Director ruling again, as in CASE TWENTY-TWO. Okay decision by the Committee. It seems to me that the combination of actions by E/W put them in an

indefensible position. It is all a bit difficult to predict what would have happened here. East might well have bid 4 \heartsuit at a later point. I think I prefer an Average Plus/Average Minus decision.”

Does anyone else wonder why West thought before passing 3 \heartsuit ? Did anyone think to ask whether E/W were playing maximal-overcall doubles (the same important question which also was not asked in CASE TWENTY-TWO)? If they were, then West’s huddle seems odd. West is clearly sub-minimum (in high-cards) for his previous bid and, although the fourth trump and side-suit controls are compensating values, they still leave him short of a maximum in what is, after all, a non-invitational auction. If, on the other hand, E/W had no game try available, then West’s tempo was disturbing (as was East’s). Common wisdom says that East’s slow 3 \heartsuit bid was just as likely to suggest that she was considering passing 3 \heartsuit as blasting (or trying for) game. However, as I’ve said in these casebooks before, slow competitive bids almost always suggest extra values (a conservative action) rather than a stretch — making any further action by West inconceivable.

Competitive bids such as East’s 3 \heartsuit are always tempo-sensitive, but they are especially so when no conventional game try is available. After East’s hesitation, West’s slow pass of 3 \heartsuit has all the earmarks of a sort of bridge which our next panelist has written about. (Some readers will surely remember the articles on Crypto and Telltale published some years ago in the ACBL Bulletin.) While E/W’s actions were likely taken in good conscience, and honestly motivated, the conveying of unauthorized information through irregular tempo (or any other means) is anathema to the game — even when due to simple naivety or negligence.

When one hesitates (whether intentionally or not), partner must bend over backward not to take any action which could have been suggested by the hesitation. Players must realize that any result derived from a questionable action taken after a hesitation (or any unauthorized-information conveying act) could, and very well might, be taken away (and appropriately so) by the Director. The fact that they believe that they “did not intentionally take advantage of the hesitation,” or “always would have made the same bid, even without the hesitation,” is not a legitimate reason for allowing their action — and it certainly does not justify filing an appeal simply because the Director has adjusted their score and they don’t like it.

The only valid bases for an appeal are: (1) that the action taken was not questionable (i.e., it was completely justified by the cards held or the authorized information from the auction), which is unlikely, given that a competent Director has already determined otherwise; or (2) that the Director’s ruling was based on inaccurate or incomplete information (such as what bridge information the players can convince a Committee they had available from legitimate sources, or what the documentable meanings of certain systemic bids were, either of which could justified their actions). Such appeals are not automatic (as some players seem to believe) and filers are “at risk” for appeals found to be substantially without merit (i.e., a valid basis).

Wolff: “Again, East should not bid 4 \heartsuit or four-anything after partner’s study and North’s bid. E/W should be minus 420. However, since North opted to compete and the opponents did bid 4 \heartsuit which she doubled, N/S should be minus 790. We must PTF and not constantly favor the opponents of the offenders. Why is this so hard to understand and implement? A Committee is representing all those non-offenders at other tables that do not even know this hearing is being held. Let’s call our hearings class-action Committees.”

Appeals will be “class-actions” when the laws are revised to make them such. Until then,

we're obliged to protect the non-offenders (not the field) by assigning them the most favorable result that was likely had the irregularity not occurred. Why is that so hard to understand?

CASE TWENTY-SEVEN

Subject: Nailed?

Event: Blue Ribbon Pairs, 27 Nov 96, First Session

Bd: 21	Simon Satanovsky
Dlr: N	┌ J82
Vul: N/S	└ 106
	È 1098753
	È J7
Dave McLellan	Michael Yuen
┌ K965	┌ 1043
└ J9853	└ A
È 2	È AQ64
È A62	È 109854
	Michael Prahin
	┌ AQ7
	└ KQ742
	È KJ
	È KQ3

West	North	East	South
	Pass	Pass	1È (1)
Dbl(2)	Pass	1└	Dbl(3)
Pass	2È	Pass	2NT
Pass	3È	All Pass	

- (1) Alerted; Precision
- (2) Alerted; either diamonds or short diamonds
- (3) Alerted; shows extra values

The Facts: 3È by North went down two, plus 200 for E/W. N/S alleged that West's failure to raise East's 1└ bid with five-card support and a singleton at favorable vulnerability indicated that he had fielded East's psych. The Director allowed the table result to stand.

The Appeal: N/S appealed the Director's ruling. E/W were using unusual methods. The double of 1È showed either a diamond suit or a takeout of diamonds. East thought that N/S might have a game in hearts or elsewhere, so he decided to muddy the waters with a psychic 1└ bid. After the double by South to show better than a minimum 1È opening bid (18+ HCP) West failed to raise hearts with five-card support and a singleton at favorable vulnerability. N/S stated that they thought West had fielded East's psych with no authorized information as a basis for doing so. West did not appear at the hearing and East could only speculate on West's rationale for passing the non-penalty strength-showing double.

The Committee Decision: The Committee decided that West had no good reason to field East's psych. The Committee did not find acceptable the explanation that West could compete later with his five-card support. Since it was difficult to judge what contract would have been reached had West bid 2└ the Committee awarded Average Plus to N/S and Average Minus to E/W. In addition, E/W were assessed a one-sixth board (15 matchpoints on a 90 top) procedural penalty for the unaccountable reading of the psych and the entire incident was referred to the recorder.

Chairperson: Dave Treadwell

Committee Members: Michael Huston, Bruce Reeve

Directors' Ruling: 62.8 **Committee's Decision:** 81.7

What evidence was there that West fielded East's psych? Playing the stated E/W

methods West could hold either the equivalent of North's hand (diamonds) or $\{ Jxxx \} Kxxx$ $\{ \heartsuit \}$ $\{ KJxx \}$ (short diamonds). Holding something like $\{ Qxx \} Qxx$ $\{ \heartsuit \}$ $\{ J10xx \}$ $\{ \heartsuit \}$ $\{ Qxx \}$, East would be willing to compete to a high level if West held diamonds, but would want to remain low if West held short diamonds. Thus, West cannot be certain that East holds more than three hearts — and he might even hold two (2-2-6-3?). Similarly, West's pass of South's double must show a takeout of diamonds (he would bid $2\heartsuit$ holding the diamond hand, since he could not risk passing and playing doubled in a three-? heart fit). East, therefore, is the only one (once West passes $1\heartsuit$ doubled) who could know for sure whether E/W have a heart fit, and if so how high they should compete.

It seems to me that as long as we allow "either-or" defenses to strong club openings, we also have to allow the tactics which logically flow from them. Besides, if the Committee really believed that West "fielded" East's psych, then the one-sixth of a board penalty which they imposed is probably inappropriate: it is either too much or not enough. If, for example, West "read" South's table action when he doubled $1\heartsuit$, then he is entitled to do so by law, while if E/W had an undisclosed agreement to try to pick off the opponents' suit in these auctions, with partner barred from raising, then a C&E Committee would have been appropriate.

As things stand, I see no basis for adjusting the score or assessing a penalty against E/W.

The Committee was exactly right about one thing — referring this to the Recorder. But speaking as one who is intimately concerned with such things, why was "the Recorder" never notified? (I'm just seeing it for the first time, almost a year after the fact, and it is only by coincidence that I'm seeing it now, since someone else might have edited these casebooks.)

Bramley: "Guilty until proven innocent! I agree that West had no good reason to field a psych, but he had several reasons that he might want to pass $1\heartsuit$ doubled. First, the $1\heartsuit$ bid did not show a strong desire to play a high heart contract, only the willingness to play diamonds at the two-level or higher. Second, $1\heartsuit$ may well be only a three-card suit. Third, maybe the opponents will have an accident and leave in $1\heartsuit$ doubled, or maybe the opponents have already been sufficiently bothered so that they will reach some other inferior contract. Finally, maybe West was planning to compete at the two-level later if it seemed appropriate. Also, the Committee failed to ask several important questions. How often had this pair played together? How often had this convention arisen? Had this kind of psych ever been used or discussed by this pair? Did they psych in other situations? West's pass is hardly the 'smoking gun' type of psych fielding that would warrant the penalty handed down by this Committee. They should have let the result stand and referred the matter to the Recorder."

Bart makes an excellent point about the questions which should have been asked of E/W concerning their past experience — especially with these sorts of bids.

The next three panelists made essentially the same point. Barry showed very little sympathy for the Committee's decision; Ron generally supported it; and Michael showed even more sympathy for it — but raised yet another important issue.

Rigal: "I think the Director made a sensible ruling here and the Committee did not. When you intervene over a strong club, the possibility of something going on is always a live one. West's pass, while odd, is not so bizarre as to warrant the sort of adjustment here. If West had turned up and put his case I think I might have accepted it. I can live with some of the penalty awarded by the Committee, but unless there is a past history involving E/W I think this was very severe. Recording is, of course, appropriate and maybe even the penalty, but not the adjustment on the board. I don't like this at all."

Gerard: "Well, I don't see where South got his 2NT bid from. Was that sufficiently egregious to forfeit his right to an adjustment? Was this a case of 'I won't get any matchpoints for $2\heartsuit$ because the rest of the field will be opening 2NT'? My views on non-offenders' obligations are pretty stringent, so I think this is close to the line, if not over it. (See, these casebooks have a wonderful format — you can suggest issues without having to decide them.) I agree about E/W, although I haven't yet found a defense to beat either $2\heartsuit$ or $3\heartsuit$. I would like to have known whether E/W had a history of this sort of thing."

Rosenberg: "This sort of case always troubles me. West's failure to ever raise what should have been a five-card suit is weird, unless the partnership had some prior occurrence or discussion about psyching. I do not know whether one is allowed to have agreements about psyching, so it is difficult for me to comment on this case. I certainly believe that West should be called to account. The incident should certainly be recorded, but I would be happier if I knew that there was an efficient recording system so that, if this player fielded a future psych, the future Committee would then have the information available. There is no evidence that the Committee in this case asked if any such information about either East or West was already on file. They should have. Otherwise, the recording system is meaningless."

I share some of Michael's concerns regarding the inadequacies of the Recorder system, but certainly any information received by the Recorder is confidential (and therefore would not be available to Appeals Committees). Public recognition of individuals who commit "questionable" acts (such as the abuse of the appeals process evidenced in CASE EIGHTEEN) is essential if we are to deal with them justly, but there is a potential danger. The decision of a Committee as to whether there has been a punishable infraction must be based entirely on the information from the case under consideration, and not on the offender's past record. Only when considering the penalty should the offender's past record be considered. While, in practice, it is virtually impossible to exclude all members who have knowledge of an individual's past record from a Committee (since no one would be left to serve; and how would the information later be made available?), those serving must put aside any such considerations when deciding the case. (Committee members with stronger involvements with participants should, of course, recuse themselves.)

Regarding the allowability of partnership agreements about psyching, as far as I know players may discuss tactics, including possible situations for psychics, as long as they disclose any agreements (or past experience with such bids) to the opponents through the Alert procedure. (At least, I have yet to find any law or ACBL regulation which prohibits such agreements. And while some club Directors continue to make it their policy to bar psychics, or those who psych, from their clubs entirely, this practice is permitted only at the club level.) Of course Barry's point about the widely-known possibility of something going on when there is intervention over a strong club should also carry some weight in deciding such cases.

The rest of the panelists seem to have assumed, as did the Committee, that the auction pointed uniquely to the possibility of something nefarious. To my mind, this is lazy thinking. The Committee's (and panelists') job is to put themselves in West's position and think what he would have known, and might therefore have done, playing E/W's methods. Assuming that East has hearts and that West should therefore raise that suit immediately to a suitably high level is impulsive — not analytical — thinking. Looking at it another way, East's $1\heartsuit$ bid is a pass-or-correct action; it does not show the suit named, only safety in an alternate strain at the next level. And yes, it should have been Alerted.

Carruthers: “Truly awful Director rulings are very rare, but this one fits the bill. The Director should have ruled Average Plus for N/S and Average Minus for E/W — and an automatic Committee to E/W. While I realize there is no such category, this case points out the need for one. Suppose the Director had ruled as I suggest and everyone agreed with the ruling. Then, no Committee would ever have heard of it. No, E/W should be required to attend a Committee hearing. The Committee got it right. I’d have considered a stiffer penalty because I know that these defensive methods versus 1 \bar{E} forcing have been popular in the part of Canada these guys come from for 20 years or so, and that they’ve had lots of experience with the methods, whether with each other or not.”

Goldman: “This is sending the right message. Also, I believe the 1 \bar{E} bid will soon fall into the category of an illegal psych.”

Yes, East admitted that he psyched (he tried to pick off the opponents’ suit), and Goldie may be right that it will soon be illegal to do so, but there is still no evidence that West acted improperly here — even admitting the psych.

Weinstein: “These are usually tough cases, because adjusting a score often implies that something untoward may have occurred. This hand would certainly seem to qualify for the ‘law’ of coincidence which, if memory serves me, in a past appeals casebook Mr. LeBendig attributed to Law 12 or 16 and I suggested could also be supported by Law 40. West’s case was severely jeopardized by his failure to appear or (apparently) to offer his rationale for passing to the Director at the table. Though his partner could be 2-3-5-3, bidding should still be reasonably safe and the failure to bid interesting. The rationale for adjusting the score is that E/W may have unauthorized information from past similar psychic or lead directing bids. Consequently, West may be suspicious of East’s heart length, creating an illegal ‘private understanding’ resulting from partnership experience. Although there is no explicit requirement that an appellee appear at a Committee hearing, I believe that active ethics should suggest that if their testimony is likely to be relevant they should appear.”

Has anyone wondered why the Director allowed the table result to stand? Maybe he knew what he was doing. Maybe there was no evidence of anything other than suspicions, and a desire for a better score, on the part of N/S. This appeal seems like sour grapes to me.

Wolff: “This harsh ruling is appropriate. Whether West was fielding a psych or there was simple CD, the opponents were completely confused. Such confusion is not good for our game and to eliminate it we must require strict adherence to knowing your system, full disclosure and not psyching responses. E/W failed.”

Got that kids? You may no longer, either intentionally or accidentally, confuse your opponents. Furthermore, you must cease all “tactical” or “psychic” bids — they’re now illegal. (Hmm, I must have been busy that day and missed it.)

Convention disruption is a difficult problem. As Wolffie has repeatedly pointed out to us in these casebooks, CD inevitably results in mis-Alerts and misinformation, confusion and ill-feelings, which have an undeniably deleterious effect on our game. They destroy the fun and challenge of the contest and cause frustration to everyone involved.

On the other hand, in many situations (depending, of course, on the type of event and the skill levels of the players involved) this must simply be tolerated. In novice and other lower-flighted events forgetting and confusion are the norm. (Forgive me if you are a player at this

level and experience few such problems. You may be a true anomaly.) In higher rated events, such as Flight A or NABC+, many players are still not experts, and even those who are often find themselves arranging a game at the last minute. This allows them only the most cursory preparations and discussion of the methods to be used. Even when a relatively thorough discussion is possible, and assuming a set of agreements characterized by a great deal of constraint and relatively few conventions, the players will usually find themselves having to contend with a variety of ill-defined situations, including: undiscussed sequences; bids where each player has a different idea about what is “standard” or “normal;” and situations where a player unaccountably Alerts, or provides an explanation, of a bid that goes well beyond the partnership’s agreements or the inferential context for the bid.

Even the most experienced partnerships encounter such situations and players will forget. Expecting otherwise is not reality, and requiring compliance with the principle of CD (and imposing penalties for transgressions) is oppressive. This practice penalizes impromptu and non-regular partnerships, it removes humanity from the game, and it imposes a playing environment reminiscent of the sword of Damocles over the head of those audacious enough to enter the event — and woe be him (he?) who errs.

Now enjoy your game!

CASE TWENTY-EIGHT

Subject: Faint Heart Unlikely To Win Fair Maiden
Event: Blue Ribbon Pairs, 27 Nov 96, First Session

Bd: 3	Dick Freeman	
Dlr: S	┌ ---	
Vul: E/W	┌ J954	
	└ AK10864	
	└ AKQ	
Peter Lindon		Dee Lindon
┌ J432		┌ AKQ986
┌ A8		┌ 32
└ Q975		└ J3
└ 954		└ 1072
	Nick Nickell	
	┌ 1075	
	┌ KQ1076	
	└ 2	
	└ J863	

West	North	East	South
Pass	1Ē	2┌ (1)	Pass
3┌	Dbl	Pass	4┌
All Pass			
(1) Alerted; intermediate			

The Facts: 4┌ by South made six, plus 480 for N/S. 2┌ was Alerted as an intermediate jump overcall. 3┌ was preemptive but not Alerted. As the ┌ 2 opening lead was made South asked about the 3┌ bid and was told that it was preemptive. The Director was called before the dummy was faced. Away from the table North said that he might have bid 4┌ over 4┌ if 3┌ had been Alerted. The Director ruled that N/S had not been damaged and allowed the table result to stand.

The Appeal: N/S appealed the Director’s ruling. N/S stated that if North had bid 4┌ over 4┌ this would have gotten them to slam. West, more familiar with the British treatment that 3┌ was preemptive, did not know that the bid required an Alert.

The Committee Decision: The Committee agreed that N/S would have bid a slam if North had bid 4┌. They decided, however, that North did not protect himself adequately. Since Americans deal with intermediate jump overcalls infrequently the Committee believed that a “standard” meaning for 3┌ may not be so clear. North could have asked after the 4┌ call without risking much as far as unauthorized information or tipping his hand. If North had stated to the Director that he would have bid 4┌, the Committee probably would have allowed N/S to bid a slam. A “probably” or “might have” statement yields a double shot scenario. The Committee allowed the table result of 4┌ made six, plus 480 for N/S, to stand.

Chairperson: Phil Brady

Committee Members: Bobby Goldman, Abby Heitner, Phil Leon, Michael Rosenberg

Directors’ Ruling: 86.7 **Committee’s Decision:** 83.3

Where to begin? Does the West hand look like a preemptive raise? It is clearly not a strong hand, but it does contain defense (a side ace and queen-fourth of opener’s suit) as well

as offense (four-card trump support). Now look at the East hand. Does that look like an intermediate jump overcall (a sound opening bid with a good suit)? It does have a good suit, but that’s about all. Actually, it looks more like a vulnerable weak jump overcall to me. Now consider the two E/W hands together. Put West’s ┌ A in the East hand and one of East’s clubs in the West hand. Now both players have their bids (and explanations). So how was North damaged by the reversed positions of those two cards?

Given how often most of us have played against intermediate jump overcalls, North, a many time national and world champion, could certainly have asked about the bid. But there’s a better argument that North might have suspected what was going on. After a “traditional” intermediate jump overcall there isn’t room below three of the overcaller’s suit to differentiate between a token (call it a “blocking”) raise and a serious invitation. 2NT must be natural, so what else could a cue-bid mean? Isn’t West’s hand just what one should expect for a simple raise, regardless of how West described the bid’s meaning: a good fit with modest side values, or a passive fit with a bit more on the side? With both a fit and significant side values (a bit less than a limit raise) you’d cue-bid and with a full limit raise you’d just bid game. Of course the cue-bid could also be stronger (seeking direction between 3NT and 4┌, for example), but the overcaller assumes that it’s invitational.

You’d have worked all that out at the table — wouldn’t you? Should you be expected to? Should North have been expected to? I’d have expected this North to wonder — and then ask.

And finally, the Committee’s comments about how they would have dealt with other statements by North are truly mind-boggling. Before I get too carried away over this, let me defer to someone with a cooler head about such things.

Gerard: “Please lie to me, Dickie Freeman” (with apologies to Evita). Remember that, all you appellants. Don’t ever say you ‘might have’ — be decisive. Pretend there was no doubt in your mind. Get that ‘would have’ out there on the table as soon as you can. Use of the words ‘clearly’ and ‘definitely’ will enhance your case, also. Always keep in mind that your job is to prevent the Committee from having to work too hard to apply the Law and to enable them to have an up or down vote on your mastery of the vital ‘would have’ principle. Don’t worry about any moral compass you might possess; it’s the matchpoints that matter. I have a hard time believing all of these Committee members ascribe to the stated views. Michael, say it isn’t so. I faced a similar situation in a Team Trials and told the Committee that I wasn’t sure that I would have done so-and-so, but it was possible — both of which were true. If this Committee really believes what it has written, we need to have a remedial class in self-serving statements. What a terrible message to be putting out!

“Well, two can play that game. By the Committee’s own standard, N/S should have been plus 480 even if North had stated that he ‘would have’ bid 4┌. If the Committee wanted to award plus 980 in those circumstances, it had to state that it ‘would have’ allowed N/S to bid a slam, not that it ‘probably’ would have. Stating that it ‘probably’ would have gives the Committee a double shot. Was North supposed to think to ask about the meaning of 3┌? According to the Committee, yes, unless of course he ‘would have’ bid 4┌ had he been Alerted. But what reason did he have to ask about 3┌? Was it that common an auction (like Kantar’s 2Ē) that he should have expected an Alert? Was a preemptive 3┌ something he should have considered? Without an Alert, should he have suspected that East’s 2┌ could be a weak two-bid, protected by the preemptive raise? Should he have noticed West’s British accent? Don’t get sidetracked by West’s hand, which was about what you’d expect for a vulnerable raise rather than a cue-bid. It was preemptive opposite an Acol opening one-bid, which serves double duty when opening two-bids are intermediate. If North had asked for

the definition of an intermediate jump overcall and had been told ‘An opening bid with a six-card suit,’ should he have followed up with ‘Do you play Acol two-bids?’

“The Committee’s decision has turned logic on its head. East was required to Alert 3 \heartsuit . The failure to Alert was an infraction. Had there been an Alert, North would have been provided vital information about the nature of the 3 \heartsuit bid and, by inference, the lower minimum for the 2 \heartsuit bid. Each of these could clearly have affected his decision to pass 4 \heartsuit . Unlike Kantar in Las Vegas, North should not have been expected to protect himself. This wasn’t one of those common situations in which the failure to clarify might be viewed as duplicitous because of an opponent’s possible forgetfulness (negative doubles, transfers). Neither was there any indication that North was thinking of bidding without an Alert. If I read the Committee correctly, North wasn’t really required to ask, anyway, as long as he ‘would have’ bid 4 \heartsuit if he had been Alerted. N/S did have a double shot, after all.

“Bah. Phooey. Cigarettes at dawn.”

All right, all right! . . . So I lied.

Rosenberg: “I served on this Committee. I would never have wanted to allow North to bid on, as I feel a player of his caliber should have known enough to ask a question. I have no recollection of the Committee agreeing that it would have allowed North to bid if he had said he ‘would have’ bid rather than he ‘might have.’ In any event, such a distinction would be irrelevant as either comment is self-serving (one more than the other). Also, see my closing comments.”

If those weren’t “The Committee’s” sentiments, then whose were they? We’ll find out who you are. . . and where you live!

Carruthers: “I’m in agreement with the Committee ruling here, but am not so sure about some of their statements. Once again, these are notoriously difficult slams to bid, and a 4 \heartsuit bid by North is not a guarantee of slam. The reasons for my downgrading the Committee, despite the fact that I agree with their decision, are:

1. It seems as though the Committee did not properly investigate the meaning of preemptive to E/W. This is a fairly normal constructive raise to me. If they had explained it as such there would have been no problem. Perhaps the E/W pair needs the equivalent of a limit raise to make a ‘constructive’ raise. If so, it’s merely a question of definition, not actual strength.
2. East’s ‘intermediate’ jump might have come into question. If the 1 \heartsuit A had been with East, then all explanations would have been acceptable and understandable, and E/W would have had exactly the same total strength. Thus, I do not buy North’s arguments.
3. Was the Committee saying that if Dick Freeman changed his story from ‘might have’ to ‘would have,’ they’d have given him slam? That’s pretty scary, especially as he’d said ‘might’ to the Director.
4. The Committee’s statements about the double-shot scenario are ridiculous. Freeman was merely being honest. I hope he’s as forthcoming next time, despite this decision.

I’m a little uneasy with the presence of bridge professionals on Committees where a well-paying client is an appellant. There is a potential conflict of interest. More on this later.”

Rigal: “The Committee got this right — what was the Director ruling? I think North (who

we know to be a big boy) was completely out of order to go with the ‘not asking questions’ and then ‘might have bid’ scenario, and my initial inclination is to withhold the deposit here. I think I could be persuaded not to do that, but really this smacks of double shots and must be discouraged. He had really bid his full hand already — he just got fixed by his opponents and must live with it.”

Bramley: “Correct decision. Note that West in CASE TWENTY-FOUR evaluated her hand as a ‘mixed raise’. If no questions had been asked at the current table, no one would have ever realized that West here was evaluating his hand as ‘preemptive.’”

That’s exactly right. The “language” problem was more the issue here than anything else.

Treadwell: “The N/S pair here are certainly experienced enough to protect themselves in this sort of situation. Even with the 4 \heartsuit cue-bid which North might have made, getting to slam is still a bit dubious. Furthermore, how can North possibly know that South has anything very useful? The Committee got this one just right.”

The next panelist raises some complex (and lengthy) questions. I promise I’ll try to be briefer in my responses to them. (If I’m successful, call my mother and tell her!)

Weinstein: “Nobody questioned the ‘intermediate’ explanation of 2 \heartsuit with East’s hand? I agree with the Committee’s decision, but disagree with the statement that N/S would have bid a slam after 4 \heartsuit . That they would probably bid the slam or might bid the slam seems a more appropriate position. However, the same ‘probably’ or ‘might’ that I believe the Committee should have used apparently weakened North’s position. Although ‘probably’ or ‘might have’ might have created a double shot, under the current laws the statement ‘would have’ hardly lessens the double shot scenario — until, that is, we start backing the auction up at the table or forcing N/S to go down at the five- or six-level after making that statement. The double shot is inherent when involved with irregularities and will continue to remain so until we can create liability for statements, whether completely true or not, that could be self-serving.

“In CASE FIFTEEN of the *Miami Vice* book, the Committee assigned a score for E/W based upon their contention that they would have made a certain bid had they been properly Alerted. This did not turn out to E/W’s advantage. I strongly agreed with the Committee, yet several panelists and the editors castigated the position that self-serving statements by non-offenders, even if poorly considered, are not subject to risk. [That’s not quite accurate. — *Ed.*] Not only should these statements be at risk before Committees, but also at the table when they would have resulted in a poor result. Just as Goldman asserts that non-offenders are also suspects, they should also be subject to risk for their assertions. Additionally, these assertions should be evoked by the Directors at the first opportunity after discovering a possible irregularity. Any situation where a non-offender may benefit from a statement should also put him at risk for that same statement. I realize that this will probably never become standard operating procedure, but at least I’ve vented my plea for justice against bridge lawyering.

“While I’m on the subject of bridge lawyering and double shots, the ACBL apparently has chosen the option of not allowing the statement, ‘I reserve the right to call the Director.’ Does this negate or partially negate the right for redress if an irregularity is suspected, yet the Director is called only after the auction has progressed or the result is known? Or does one

retain full rights, yet is silenced from making that famous bridge lawyering statement? That is, after a slow double, pull and eventual poor result, at what point have any rights been lost? By not calling the Director after the break in tempo? After the possibly resultant questionable action? After the dummy is faced and the questionable removal of the double is now exposed? Or are full rights retained until after the hand is completed? If full rights are retained then the law change has no teeth, since it can never be disadvantageous to wait as long as possible for redress. Yet, if it is deemed that to retain full rights one must call at the time of a suspicion of an irregularity, it will result in excessive Director calls and an even more litigious feel to the game. The force of mandating an immediate Director call for irregularities loses something without the Director being able to ascertain a timely unlaywered response of probable action by the non-offenders, i.e. an at-risk response.”

The “at risk” issue is a complex one. To a large extent, the tendency to hold a player to the exact letter of his statement depends on that player’s skill level. Committees should be able to advocate for weaker players who knew that they would have done something different without the opponents’ irregularity — just not what, exactly (these players often have trouble putting themselves in their at-the-table frame of mind once the hand is over) — yet hold a player who knows better and is obviously trying for a double shot to a higher standard by hoisting him on his own petard, so to speak. That’s the “when appropriate” proviso of the statement that Eric and I made in CASE FIFTEEN of *Miami Vice*.

Regarding the “reserve my rights” issue, Law 9B1(a) says that “The Director must be summoned at once when attention is drawn to an irregularity.” Failing to do so could forfeit the right to receive redress — but does not do so automatically. For example, a hesitation is noticed before a penalty double. An opponent says, “Can we agree that there has been a break in tempo?” If there’s an agreement, then there may be no need to call the Director at that point (although not doing so jeopardizes the non-offenders’ rights to redress by denying the Director the opportunity to explain the players’ obligations and thus avoid a possible infraction). Of course, if the hesitation is denied, the Director should be summoned immediately. If the hesitator’s partner pulls the double, there is then reason to suspect that there may have been an infraction and the Director must be called immediately. In most cases (when the fact of the hesitation has been established to everyone’s agreement) this should be a timely enough call to protect everyone’s rights. But waiting to call the Director until after the final result is known could seriously compromise the non-offenders’ rights to receive redress.

Is it always safer to call the Director as soon as there has been an irregularity (e.g., a hesitation)? Absolutely. Will you compromise your rights to redress if you wait? Possibly. Should you ever wait to call until the result on the board is known? Not if it can be avoided. And will this new procedure result in more Director calls and possibly a more litigious feel to the game? It’s hard to see how this can be avoided, but the alternative is to ask players to make subtle at-the-table judgments which many are unprepared to make. The new way is certainly safer for most of us.

And finally, we hear from an “occasional” teammate of N/S’s.

Wolff: “Solid decision.”

Hey, solid man.

Subject: The Quality Of Mercy

Event: Blue Ribbon Pairs, 27 Nov 96, Second Session

Bd: 7	Eric Greco		
Dlr: S	1 1086		
Vul: Both	1 AK1052		
	È 86		
	È AQ8		
Nathan McCay		Sandy McCay	
1 K9542		1 A73	
1 J		1 876	
È AKJ942		È 53	
È J		È K7642	
	Lowell Sawyer		
	1 QJ		
	1 Q943		
	È Q107		
	È 10953		

West	North	East	South
			Pass
1È	11	Pass	21
21	31	Dbl(1)	Pass
31	Pass	41	All Pass
(1) Break in tempo			

The Facts: 41 by West made four, plus 620 for E/W. There was a break in tempo before East doubled 31 ; the Director ruled that unauthorized information was present and changed the contract to 31 doubled by North down one, plus 200 for E/W.

The Appeal: E/W appealed the Director’s ruling. West stated that his hand was too distributional to pass the double after East’s first-round pass.

The Committee Decision: The Committee determined that there had been a definite break in tempo, but broke into two factions regarding the 21 call. One side believed that West had shown his fifth spade and had no reason to bid after the double. The other side believed that the 21 bid could be made with a good four-card suit “on the way to 3È.” This would imply a stronger hand, since East had not made a negative double implying spade length. 21 told East where the tricks were and would encourage her to double 31 when she has additional strength. When West has the weaker hand with five spades he is obliged to continue over the double, having “suckered” partner into what is essentially a cooperative action. In this style West would always bid 31 over the double, making the speed of the double irrelevant. Since East raised the “run out” of 31 to four it appeared that the fifth spade was news. The “style vote” came down to three Committee members who were 31 bidders, one passer, and one eventual passer. The Committee therefore allowed the table result of 41 made four, plus 620 for E/W, to stand.

Dissenting Opinion (Ron Gerard): West’s hand was not atypical for a 21 bid, which would tend to show five once partner failed to make a negative double at the one-level. There is no West hand that needs to bid 21 to show a four-card suit, even 4-1-6-2. By bidding 31 , West admitted that the partnership lacks the ability to defend 31 doubled when it is right to do so. Give East 1 xx 1 Kxx Èxx È Axxxxx (which is certainly not a clear double of 31) and E/W’s expectation is at least plus 200 against no game. Pass was not only a logical alternative, it

was the call that I would expect unless the partnership was breaking up anyway.

Chairperson: Phil Brady

Committee Members: Ron Gerard, Bobby Goldman, Doug Heron, Dave Treadwell

Directors' Ruling: 88.9 **Committee's Decision:** 55.0

There was an undisputed hesitation before the double of 3♠ which clearly suggested to West that bidding could work out better than passing. East's double could have been based on a near trap-pass type of hand (except that North's 3♠ rebid, together with South's raise, made it unlikely that East had a trump stack — unless South had raised with only two trumps). Nevertheless, I would allow the pull of the double any time the West hand argued strongly for pulling a strictly-for-penalty double (after having shown at least ten cards in its two suits; e.g., ♠ KQ10xx ♠ --- ♠ KQJ10xx ♠ xx). Clearly, the West hand is not such a hand.

Whether 3♠ is the right bid with the West cards or not, the Committee members were divided (as evenly as possible) on whether they would pass East's double. That fact alone demonstrates that pass is a logical alternative to 3♠. The only cogent argument on the other side, as the Committee noted, is that East's raise to 4♠ suggests that West's fifth spade was news. But was it this news, or the fact that East's values were useful on offense, that prompted the raise? Additionally, with a modest six-four, unsuited to defense, might West not pull the double to 3♠ in order to preserve the option of playing 3NT? So West's 3♠ bid might not even have shown a fifth spade. But whether it did or not, the West hand's strength and suitability to defense were still undefined. Thus, East needed to make her double in tempo if she wished to preserve West's right to exercise his judgment freely. Thus, the Committee should have made the same score adjustment as did the Directors.

Not surprisingly, the panel was unanimous in their condemnation of the Committee's decision and their support of the Director's ruling. Let's start with the dissenter, himself.

Gerard: "The following were the arguments that were literally hurled against me by the majority:

1. 'It's 100% to bid 3♠. I don't care how long my partner hesitated, I would bid 3♠.'
2. '2♠ was a reverse, so West had no choice but to bid 3♠.'
3. 'West would bid 2♠ for the lead, but would double 2♠ with a weaker four-card spade holding.'
4. 'West trapped East into doubling, so he must clarify the nature of his hand.'
5. 'West has only two tricks — it's unlikely that East has three.'
6. 'East didn't bid 1NT, so she couldn't have much in hearts.'
7. 'East has to do something over 3♠ and she can't bid 3♠. East should double and West should pull. It's a competitive double, anyway.'
8. 'Six-five, come alive.'
9. 'We shouldn't overturn table results without a compelling reason to do so.'
10. 'Playing matchpoints, everyone would bid 3♠.'
11. 'It's 100% to bid 3♠.'

"In all the years I've been playing bridge, I never heard of this distinction between double and 2♠. I've lost lots of 'style votes' in my time, but never one to a concept that I didn't even know existed. I wonder if the majority would have allowed West to pull a slow double of 4♠ on the same theory. I'm also mystified by the notion that East was coerced into doubling a nonforcing auction with eight-seven-six of trumps — why didn't West Alert? In anticipation of CASE THIRTY-TWO, I believe one Committee member did use the sacred

words 'do something intelligent' to describe East's double. My real idea of East's double is ♠ xx ♠ Q9xx ♠ xx ♠ A109xx, not the token example I cited in my dissent. When we asked a non-Committee member how her auction went on this hand, it was the same through 3♠, but East then bid 3♠. '3♠? How could East bid 3♠?'

"My cynicism had been flagging prior to this and the previous case, but it's been reborn with a vengeance. What in the world was the majority thinking about? Either it had an agenda or the case was just too tough.

"I love it when Committees teach bridge."

Rosenberg: "I agree with Ron Gerard."

Bramley: "I agree with the dissenter. West's shape was about what partner would expect on the auction. His high-card defense was acceptable, and his singleton jacks may have been useful on defense. He had no reason to remove partner's penalty double. The Committee should have upheld the Director's ruling."

Carruthers: "When will we ever learn, when will we ever learn? Once again (it's becoming a tired refrain), kudos to the Director and a big Bronx cheer to the Committee. This case is very different from CASE NINETEEN (are you sure these rulings are not transposed?) [would that they were — *Ed.*] where East was merely showing more defense and had promised five-five. In a case like this, it helps to imagine what would have happened if East had doubled promptly, West had passed, and N/S had called the Director claiming that West should pull. Here, East had shown nothing and could easily have had ♠ Q109x, no fit for partner and an outside ace and king. Now a prompt double would be passed equally as promptly and poor N/S would be laughed out of court if they claimed that West should pull and go minus. Ron, what were those people thinking? (Table presence test: I'd bet DH and DT were with the majority, so either PB or BG was the eventual passer. I'll go with Phil, because I think Bobby would not be swayed. How'd I do?) [Stage Direction: A Bronx cheer is heard from off-stage (see Goldman's comment, below). — *Ed.*]

"To the Committee: even if West showed only four spades (I agree with Gerard), he must have ten cards combined in diamonds and spades (otherwise, he'd pass or double, depending on his strength and heart holding). With only a one-card disparity between expectation and his actual holding, should he be allowed to pull? I do not believe so."

Goldman: "Yep, it was Goldman hanging around the fence and ultimately landing on Gerard's side."

Kaplan: "I'm with Gerard. Certainly the hesitation makes 3♠ more attractive. The Committee's own vote established pass as a logical alternative."

Rigal: "Sensible Director ruling. Well, Gerard got this exactly right and the rest blew it. 2♠ strongly suggests five, and thereafter West (who could have expected to get the number of tricks he had shown by his bidding) had no reason to assume that his hand was any worse for offence than it was. The slow double points firmly in the direction of pulling — so he can't pull. End of story."

Weinstein: "First, I would like to point out that if South switched his first and last initials and then lived up to his name, he would have and should have won this case. (Please editors, protect me from myself if that is too stupid, but I couldn't help myself.) [Not a chance. —

CASE THIRTY

Subject: No Agreement, No Sympathy
Event: Reisinger BAM Teams, 29 Nov 96, Second Session

Ed.] Unless E/W have a specific understanding, ala Mr. Kokish, that all such doubles mean 'do something intelligent' (or not too stupid, anyway), West must clearly pass the double. The break in tempo certainly suggests that pulling the double is likely to be the winning action and as long as the 2♠ call does not preclude this hand, pass must be a logical alternative. Even if the majority believe that the 2♠ call could show a better, less shapely hand, if it might show a weaker distributional hand, then East's double could be based upon the assumption of the weaker hand.

"That is reason number one to disallow the double. Reason number two is, 'Déjà vu all over again,' to borrow Yogi's line. Several years ago, I believe in Pasadena, there was a Committee resulting from an auction of 2♠ -2NT-very slow double and then a pull by the undervalued 2♠ bidder. Three members of that Committee thought that the pull was 75+% clear, while the other two thought that the sit for the double was 100% clear. The pull was allowed and that case (among others) became an impetus for the change to 'only logical alternative.' Back to the present Committee. We have at least one member (the dissenter) who believes that pass is the 100% action. Therefore, seemingly the Committee would have to assume that pass is a logical alternative, or at least attest that Mr. Gerard (and his other eventual passer) is indeed illogical or not a peer. In the search for 'style,' the Committee lost their substance."

And throwing his hat into the ring for our Al Roth, "What's-the-Problem" Award.

Wolff: "Don't agree with the majority decision. HD strikes again. Why would the Committee ask so many questions to decide something which, in my opinion, is totally irrelevant? East made a hesitant decision and West took advantage of the unauthorized information. Whatever freedom he had to exercise his bridge judgment went into the ash can when his partner studied. End of discussion. I agree with the result of Ron Gerard's dissent, but not necessarily his reasons. Please, somebody, tell me what the problem is?"

Darned if I know.

Bd: 27	Debbie Zuckerberg
Dlr: S	♠ AKJ
Vul: None	♠ Q76
	♥ 7532
	♥ AQ8
John Swanson	Duncan Phillips
♠ 75	♠ Q1064
♠ 53	♠ AJ92
♥ J10964	♥ A8
♥ K1096	♥ J75
	Asya Kamsky
	♠ 9832
	♠ K1084
	♥ KQ
	♥ 432

West	North	East	South
			Pass
Pass	1NT	2♠(1)	Pass
2♠	Pass	Pass	Dbl(2)
Pass	2♠	Pass	2NT
All Pass			
(1) Alerted; shows the majors			
(2) Alerted; takeout			

The Facts: 2NT by South went down two, plus 100 for E/W. West had stated that 2♠ probably showed, but did not guarantee, five-five distribution. The Director ruled that no damage was caused by the misinformation and allowed the table result to stand.

The Appeal: E/W did not appear at the hearing, accepting N/S's representation of the facts. N/S were a new partnership and had no agreement about the double of 2♠. When questioned at the table about South's double North stated that they did have an agreement that 1NT-P-P-2♠, P-P-Dbl would be takeout. Seeking perspective, North asked West what sort of hand he expected. West said something to the effect that five-five was the agreement, but he did not guarantee that this was the case. Now North deemed penalty less likely and tried 2♠, ending up in an admittedly makeable 2NT contract. North said that she was leaning toward passing, and if she thought that four-four was a possibility she said she would have passed the double.

The Committee Decision: The Committee decided that the primary problem was N/S's lack of an agreement. North tried to use E/W's imperfect agreement to figure out her partner's bid. N/S are sufficiently experienced to know that East could have four hearts in such a situation. The Committee also failed to see the relevance of doubling a balancing 2♠ call, since the factor for such a treatment is whether the trumps are in front of or behind the bidder. Clearly they are behind East's hearts. The Committee decided to allow the table result of 2NT down two, plus 100 for E/W, to stand. The appeal was considered to be without merit and the deposit was retained.

Chairperson: Phil Brady
Committee Members: Bill Laubenheimer, Bruce Reeve

Directors' Ruling: 87.2 **Committee's Decision:** 83.3

One of our panelists, who has more than a passing familiarity with North (congratulations on the marriage and new baby, guys), has some “inside information” to share with us.

Rosenberg: “I have inside information here, although nothing that was not said in Committee. The Committee reported that West told North that the agreement was five-five. After the play, North asked West if E/W were a regular partnership. West answered that they had never played together before and their only agreement about 2 \bar{E} had been ‘majors.’ It was then that North called the Director, since West had clearly given misinformation and, equally clearly, the explanation was self-serving, whether intentionally or not. Perhaps West simply desired his partner to be five-five. I would not give N/S anything, since this North was experienced enough to know better than to make a decision based on the answer she got. But I would also not allow E/W to reap the benefit of that self-serving answer and would force them to play in 2 $\bar{1}$ doubled down three, minus 500 to E/W. I also think West’s answer should be recorded. The writeup of this case was also extremely self-serving — the Committee reported only the facts that supported their decision. This is highly improper. Obviously, I disagree with the retention of the deposit, especially since the appeal had merit to the extent that the E/W score should have been adjusted. My wife and I will accept a reimbursement without interest.”

This information could have a bearing on the score due E/W, but the Committee’s basic decision with regard to N/S seems appropriate. I would have had more sympathy with N/S’s position (as well as the return of their deposit) had they come before the Committee asking for nothing for themselves, but only that E/W’s score adjustment be reconsidered in light of their admission, after the play, that they had no agreement about 2 \bar{E} beyond that it showed the majors. As E/W’s failure to appear at the hearing and acceptance of N/S’s representation of the facts suggests that this is true, the appropriate decision would seem to have been to assign N/S the table result and E/W the score for 2 $\bar{1}$ doubled down three — as Michael suggests.

But N/S did not adopt that posture and the Committee was apparently unaware of E/W’s later admission regarding their agreements about 2 \bar{E} (at least from the writeup we have). Thus, it is difficult to see how a different decision could have been reached.

Not having access to the above information, the remaining panelists were predictably far less sympathetic to N/S’s appeal.

Bramley: “Good decision, especially keeping the deposit. Blaming the opponents for one’s own misunderstandings and misplays is unacceptable.”

Carruthers: “Under the facts, it states, ‘West stated that 2 \bar{E} probably showed. . . ,’ and later, ‘. . . caused by the misinformation. . . .’ What misinformation? Everyone got this one right. I’d consider a procedural penalty to N/S for wasting everyone’s time due to their own hazy agreements.”

Gerard: “This must be another one of those rules designed to avoid having to think: never play for penalties without a majority of the opponents’ trump suit. What if five-five had been the agreement but penalty had been the N/S agreement? Would North have pulled it because she now questioned her own agreement? What did she think South was doubling, E/W’s agreement or their hands? This reminds me of those appeals when someone asks about high-card points for a particular bid (say 1 $\bar{1}$ -Dbl-3 \bar{E} , limit raise with a singleton), gets a particular

answer (say ‘7-9’), passes with a marginal competitive holding and screams when the actual hand is two jacks light. Not a good career move for North to appeal, since someone might think to ask how eight tricks turned into six. Why do people insist on pursuing these kinds of cases? Isn’t this what screening is for? N/S got off easy.”

Given that N/S’s request for a new score adjustment (apparently) included their own as well as E/W’s, that conclusion seems inescapable.

Goldman: “Excellent decision. Might add a one-quarter board procedural penalty for wasting the Committee’s time. This case has no business going to a Committee!”

Rigal: “A good ruling by the Director. The Committee got this right; I can’t see how two experts like N/S pursued this one so far. Everything, including withholding the deposit, was well-reasoned by the Committee.”

Treadwell: “Another case completely lacking in merit. I wish the Committee had the authority to double the amount of the deposit which it retained.”

Weinstein: “The Committee came to the right conclusion, but not necessarily for the right reason. Though East was only four-four in the majors, West was asked and gave his best assessment of their partnership’s agreement. There was no infraction by E/W, but there is now a new implicit partnership agreement. Even had there been an infraction, I’m not terribly sympathetic to N/S’s case. I’ll leave it to Michael to comment on his wife’s deposit being retained.”

And so he has.
Summing things up neatly.

Wolff: “Good Committee decision and reasoning.”

CASE THIRTY-ONE

Subject: The Logical Song

Event: North American Swiss Teams, 29 Nov 96, First Session

Bd: 10	Jan Kehoe
Dlr: E	1 Q8
Vul: Both	1 Q1075
	2 KJ1053
	2 AQ
Dave Anderson	Nancy Heusted
1 A92	1 J1076
1 J842	1 9
2 8	2 A62
2 76542	2 KJ983
	Gary Soules
	1 K543
	1 AK63
	2 Q974
	2 10

West	North	East	South
		Pass	1E(1)
Pass	11	1NT(2)	Db1
2E	Db1(3)	Pass	21
Pass	3E	Pass	41
All Pass			
(1) Precision; could have no diamonds			
(2) Alerted; shows spades and clubs			
(3) Break in tempo			

The Facts: 41 by North made four, plus 620 for N/S. There was a break in tempo before the double of 2E. E/W called the Director and stated that they thought that passing 2E doubled was a logical alternative (Law 73F1) for South. The Director did not agree and ruled that the table result would stand.

The Appeal: E/W appealed the Director's ruling. 1NT was Alerted. Before he doubled, South asked about the bid's meaning and was told that it showed at least nine cards in spades and clubs. West stated that he bid 2E over the double because he had a clear preference for clubs. North stated that she broke tempo (less than 5 seconds) because she needed to consider the different implications of South's double. She elected to double 2E because she thought that her side's best result might be obtained by defending. West estimated that the break in tempo was 30-40 seconds, while South thought it was around 10 seconds. When South was asked what his double meant he told the Committee that it showed either very good hearts and a non-minimum or E/W's suits; a 21 bid would have shown a minimum competitive bid. South also stated that if North had doubled a 21 bid by West he would have bid 41, and he would have raised 11 to 31 if East had not bid 1NT. There was no helpful information on the N/S convention card.

The Committee Decision: The Committee found no coherence in N/S's stated methods. (What would South do, for example, if West had bid 41 over his double?) However, they also decided that passing 2E was clearly not a logical alternative regardless of the methods N/S were playing. The Committee therefore allowed the table result of 41 made four, plus 620 for N/S, to stand. The Committee also decided to return E/W's deposit because there was a significant break in tempo and because the N/S methods were impossible to comprehend — even for a Committee with the time necessary to conduct an extended inquiry.

Chairperson: Martin Caley

Committee Members: Doug Heron, Jim Linhart (scribe: Linda Weinstein)

Directors' Ruling: 100.0 **Committee's Decision:** 100.0

Our first, ever, perfect score for a Committee. Olé!

The Committee was right on in their characterization of South's methods, and their decision was equally accurate. North's double of 2E, sitting as she was in front of the club-spade bidder, would logically tend to be competitive rather than penalty-oriented. The South hand was filled with indications not to defend, including a singleton club, undisclosed four-card heart support, and spade length with poor intermediate spots. The one problem I have with what the Committee did (or, rather, what they didn't do) is that, at least as far as the writeup suggests, no attempt was made to firmly impress upon North the importance of her making her bids in proper tempo. She was fortunate this time only because her partner's hand made the pull of her double very clear. In the future she is not likely to be as fortunate, and any close decisions are likely to be resolved in favor of her opponents.

Bramley: "Good decision and a good, succinct writeup covering many points. Amusing reasoning for return of the deposit."

Carruthers: "A rarity — a hesitation that actually made no difference to the hesitating partner's bid. I'm in complete agreement with everyone. Even this misguided fellow would not pass 2E doubled with undisclosed four-card heart support."

Goldman: "I agree."

Rigal: "Sensible Director ruling. I am very surprised that E/W pursued the removal of the double when South has four-card support. I would have withheld the deposit here. I don't think E/W have to understand N/S's methods to know that this was a fruitless and nit-picking appeal. They should be made to learn this the hard way."

I would have been willing to support Barry's sentiment for retaining E/W's deposit, if only the N/S auction hadn't made me so uneasy. N/S needed some education.

Rosenberg: "Good. This is the rare type of case in which I would allow the pull of a slow double — passing would be nuts."

Weinstein: "I can't imagine any South passing the double. As long as there is no factual dispute to the break in tempo, why should the length of the huddle have anything to do with retaining the deposit?"

Wolff: "An adequate ruling. This is one of those rare times that I think a slow double can be removed. Even then, any South that would double 1NT and not raise hearts probably deserves some trouble. But here, except for the time lost defending his action, he came out whole."

Subject: Restricted Choice?

Event: Flight A Pairs, 30 Nov 96, Second Session

Bd: 13	John Palmer	
Dlr: N	1 843	
Vul: Both	1 KJ	
	È K10854	
	È 976	
Joel Krug		Virginia Krug
1 AKJ9		1 10652
1 93		1 A75
È 32		È 976
È Q10542		È A83
	Yas Takeda	
	1 Q7	
	1 Q108642	
	È AQJ	
	È KJ	

West	North	East	South
	Pass	Pass	11
Pass	1NT(1)	Pass	21
21	Pass	Pass	Dbl(2)
Pass	31	All Pass	
(1) Announced; semi-forcing			
(2) Break in tempo			

The Facts: 31 by South made three, plus 140 for N/S. There was a break in tempo before South made the balancing double. The Director ruled that pass was not a logical alternative for North with at most one-half of a defensive trick and a minimum hand. The table result was allowed to stand.

The Appeal: E/W appealed the Director's ruling. All parties agreed to the fact that the double was slow. North stated that he had the ill-fortune of having a similar auction occur with this partner earlier in the tournament, had left the double in (believing it to be more penalty oriented than it was), and had watched the unbeatable contract stroll home. Thus, North said, he was certain of the card-showing, cooperative nature of this double and wondered whether he should have Alerted it. At the Committee's request the Director informed those present that this double falls into a grey area of the Alert regulations where an Alert would not be wrong, but failing to Alert may not be an infraction. Furthermore, E/W had the obligation to protect themselves. West stated that he thought South could have had a good 4-5-2-2 or 4-6-(2-1) hand and desired to defend the contract doubled.

The Committee Decision: The only adjudicable issue before the Committee was the unauthorized information devolving from the out-of-tempo double. The Committee decided that the N/S agreement was not particularly unusual and that North did not have a logical alternative to bidding 31. North had most of his high-card points in hearts, his partner's long (likely six-card) suit, a minimum hand, and only one other defensive card (the ÈK) behind the bidder. When his partner doubled, requesting that he do something intelligent, 31 was the standout choice. The Committee allowed the table result of 31 made three, plus 140 for N/S, to stand.

Chairperson: Michael Huston

Committee Members: Karen Allison, Phil Brady

The panel was largely divided on this case. One group passionately opposed allowing North's 31 bid, while a second was willing to allow it — albeit without much conviction. In deference to their passion, let's first hear from those who opposed the Committee's decision.

Bramley: "I disagree strongly. What agreement does the Committee find 'not particularly unusual'? Is it the agreement that slow doubles are cooperative? I suppose they're right about that one. I'm sorry that North had a bad experience with a similar double (a slow double?) earlier in the week, but that's not relevant here. Perhaps I'm looking at a different North hand from the one that the Director and the Committee were looking at. I see two kings, which is closer to two defensive tricks than half a trick. I see three spades, useful for defense of a spade contract, particularly a contract that has been doubled by my partner. I see, instead of a 'minimum,' a hand that, if it had been just a little stronger, would have acted directly over 21. Passing is clearly a logical alternative, but bidding is obviously suggested by the slow double. I would have assigned the result for 21 doubled making three, plus 870 for E/W. By the way, what did the Director mean by saying 'E/W had the obligation to protect themselves'? How?"

Perhaps what the Director meant was that this double is not clearly defined in "standard" methods. Thus, the auction is self-Alerting to the extent that E/W should not take it for granted that it has any particular meaning (or, perhaps, that N/S know precisely how they play it). In other words, E/W should be prepared to ask about the bid — and to expect that they might receive an ambiguous reply.

As Committee members, we all need to keep in mind that we may not be dealing with expert bidding theorists in these cases, or with experienced, well-practiced partnerships. This auction is not one that is likely to have been discussed in a casual partnership.

Looking at it from another perspective, while the opening side is not protected from the consequences of unauthorized information, every hesitation does not necessarily convey a clear meaning. It is possible that South's hesitation simply means, "I don't know what to do. I have extra values and don't want to sell out to 21;" or it could mean, "I don't want to risk partner thinking that this double is for penalties;" or even, "I could be turning a sure plus into a minus." The Directors seemed to think that this double is not well defined. If we're also conflicted as to its meaning, then maybe North should be free to take his chances, since anything he does is not without risk.

But any doubts about this should, of course, be resolved against N/S.

Gerard: "My idea of doing something intelligent when my partner makes this kind of double is to table the opening lead. Why did the Committee believe that it was North, rather than South, who changed his methods after the previous unfortunate incident? And what, exactly, was that earlier auction? Was it similar to the one North gave in CASE THIRTY for treating the actual double as takeout? Furthermore, what is grey about Alerting a card-showing, cooperative, 'do something intelligent' double? I don't see how E/W could protect themselves against North's acting on unauthorized information. Even if East asked and then bid 31, how does that retrieve plus 870? Finally, why is it assumed that partner will only do something intelligent when you double, not otherwise?"

Rosenberg: "Very bad decision. South's double requested North to 'do something

intelligent' only because of the break in tempo. Without that, lacking any real agreement South should have a good hand to defend 2♠ with three, or more likely four, spades. If North wanted to bid 3♠ he could have done it directly over 2♠. The double does nothing to make playing 3♠ more attractive. At the vulnerability and form of scoring, a pass was automatic. It always amuses me that many players cannot bring themselves to make these 'cooperative' doubles in tempo and then complain when their partners are prohibited from pulling. I would rule plus 870 for E/W. Then maybe N/S would learn to double in tempo."

The sentiment in those last three sentences certainly rings true.

Goldman: "I don't agree, but I think it's close. If N/S have the purported agreement, why did South have so much trouble doubling 2♠?"

The remaining panelists were either in agreement with the Committee's decision or willing to live with it — to varying degrees.

Carruthers: "A case where I'd prefer the Director to rule in favor of the non-offending side and have the Committee overturn the ruling — and where both would be correct. Having said that, I'd want N/S to provide the Committee with some evidence (preferably documentary) that the double of 2♠ was takeout. Too many pairs play this double as two-way: a prompt one is penalty-oriented and a slow one is takeout-oriented. From the decision, I deduce that the Committee either assumed the takeout interpretation or was convinced of it by N/S. I'd have asked for the hand number and session in which the original double occurred. Then a quick check of the result would have confirmed their story."

Silly, then you'd have to go to all the trouble of looking up the hand on the recap sheets. Isn't an "assumption in the hand" worth two peeks at the recap sheets?

Rigal: "Of course passing 2♠ was an option for North; a ridiculous Director ruling. He should rule in favour of the non-offenders where there is doubt. I can just about live with this one, though I do not like it. At the vulnerability it is possible to play for 200, but I can be persuaded that the right bridge bid is to remove because of all the heart values. It is not all that clear to my mind and I think some would pass."

Kaplan: "The Committee decision is not wrong, but does anyone believe that North would have taken out if South had blasted 2♠? The Director should have ruled the other way."

Weinstein: "Assuming the Committee believed the veracity of N/S's statements (which obviously could be self-serving) the 3♠ call should be allowed. One unasked question is whether the double earlier in the tournament was in tempo. If slow, I would rule the other way, since there doesn't exist a partnership understanding that an in-tempo double is cooperative. With the definition of the double saying 'do something intelligent,' the hesitation itself doesn't specifically suggest that bidding will be the winning action; indeed, the huddle could be based upon extra spade length and the fear of converting a plus into a minus."

I disagree with Howard that the Committee's belief in N/S's veracity should play a role in their decision. I agree totally that the Committee should have pursued the story about that earlier hand and that the huddle could mean a variety of things. Still, the huddle was so "bad"

(in Michael's sense) that I have little sympathy for N/S here.

Wolff: "I agree with the decision; however, minus 2 matchpoints for N/S for HD. There are three possibilities: (1) The scenario that occurred here, (2) South doubles in tempo and North does what he likes, or (3) North bids 3♠ immediately over West's 2♠. Numbers (2) and (3) are proper bridge behavior; on this hand, number (1) is not."

In spite of Wolffie's propensity for penalizing CD, hesitating is not a penalizable infraction — at least, not yet!

In the final analysis, we're all convinced that we'd have made the right decision if we'd just been there and had the chance to look N/S in the eyes and ask them those insightful, probing questions which even now lie burning on our lips.

Some cases, maybe like this one, are just too tough to call from a distance. Still, couldn't we get just one teeny little peek at that recap sheet?

CASE THIRTY-THREE

Subject: The Makings Of A Partnership Agreement?

Event: North American Swiss Teams, 30 Nov 96, First Session

Bd: 25 Dick Bruno Dlr: N ♠ Q2 Vul: E/W ♠ Q94 ♠ AJ104 ♠ AQ54 Mark Tolliver Dennis Sorenson ♠ A108543 ♠ K9 ♠ A ♠ J8532 ♠ --- ♠ K975 ♠ KJ9732 ♠ 108 Jeff Schuett ♠ J76 ♠ K1076 ♠ Q8632 ♠ 6	
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West	North	East	South
	1NT	Pass	2♠
Dbl	Rdbl(1)	Pass	2♠(2)
3♠	Pass	4♠	All Pass

(1) Alerted; shows a club stopper and a four-card major
 (2) Alerted; waiting

The Facts: 4♠ by West went down one, plus 100 for N/S. The opening lead was the ♠ 4. The Director was called after the result of the match was reported. Declarer decided (based on South's explanation of the redouble) that North's four-card major had to be spades. Declarer chose to play a small spade to the nine, losing to the jack. Later, a club play resulted in a spade trick for the defense. The Director ruled (Law 12C) that the likely result without the misinformation would have been 4♠ made four, plus 620 for E/W, and adjusted the score accordingly.

The Appeal: N/S appealed the Director's ruling. Based on the explanation given him by South, West stated that he took a line of play which he would not have adopted had he been given an explanation that agreed more with the actual content of the North hand. The play proceeded: ♠ 4, ♠ 2, ♠ 6, ♠ A (West now decided that North had three hearts because N/S played third and fifth leads); ♠ 3, ♠ 2, ♠ 9 (based on the explanation that North had a four-card major), ♠ J; ♠ 7, ♠ 4, ♠ 9, ♠ 3; ♠ 5, ♠ Q, ♠ K, ♠ 7; ♠ 10, ♠ 6, ♠ K, ♠ A; ♠ Q, ♠ 8, ♠ 2, ♠ 2; club ruff. The N/S pair produced their system notes consisting of a system book they had compiled in which this sequence was not listed, and some handwritten notes which dealt explicitly with this sequence. The handwritten notes were dated "July" and the system book was dated "November." North stated that he had played the first five days of the tournament with another player with whom he played all of the same system agreements (of what to do over notrump and Stayman interference) except for this one. He stated that he had forgotten this convention because he had been playing a system so similar to this, but different in this specific regard.

The Committee Decision: The first issue before the Committee was whether the explanation constituted misinformation. Clearly, when one plays unusual methods and there occurs a bidding sequence which may be covered, the information revealed must agree with the partnership agreement if one exists. The Committee discussed at length what constitutes a

partnership agreement. There was some sympathy for the notion that if a partnership does not reaffirm their agreements before a tournament, then the agreements are not in place. There was also some sympathy for the notion that if a putative agreement does not make it into the system book just compiled, then it does not constitute a partnership agreement. Ultimately the Committee decided that the agreement existed in July and had not been superseded by any other agreement since then. N/S had brought the July notes to the tournament as part of their system. The Committee decided that N/S had the agreement that redouble showed a stopper and a four-card major and that North had simply forgotten. Therefore, there was no misinformation in South's explanation. The Committee allowed the table result of 4♠ by West down one, plus 100 for N/S, to stand. The Committee then considered a possible procedural penalty against N/S. Bobby Wolff has advocated procedural penalties for Convention Disruption. Kaplan has suggested that if a player is permitted to deviate intentionally from his agreements, then it could hardly be proper to punish him for unintentionally deviating from them (unless repeated forgetting becomes evidence of a lack of a partnership agreement). Although the Committee was very disturbed by the damage to the E/W pair by this incident, it chose to adopt the Kaplan rationale over the Wolff rationale and not to issue a procedural penalty.

Chairperson: Michael Huston

Committee Members: Phil Brady, Doug Heron, Bill Laubenheimer, Ed Lazarus

Directors' Ruling: 83.3 **Committee's Decision:** 79.4

Whew! A penalty for CD almost slipped in through the back door. Although CD is a worrisome thing, and hurts the game in several ways, it is still not directly punishable. (See CASE TWENTY-SEVEN for a discussion of this issue.) If, as the Committee noted, it occurs frequently enough to be taken as evidence that there is no partnership agreement, then the score can be adjusted accordingly. If it occurs frequently enough in the partnership to be considered disruptive, then that can be punished procedurally. If it occurs in an event like the International Team Trials or the World Championships (where pre-registration is required in advance of the event and the obligation for players to know their methods is written into the conditions of contest) then problems caused by it can also be punished procedurally. But there needs to be some lawful basis for doing so. (Maybe Edgar could have thought of even more ways to punish abusers.)

But the fact that this Committee seriously considered imposing a penalty for CD is unsettling, and one can only hope that, had the Committee actually tried to assess such a penalty, the screening Directors would have stopped them and informed them of its illegality. In the final analysis, given the documentation described in the writeup, the Committee seems to have made the only decision possible.

Agreeing, and extending kudos to the Committee for a job well done, were. . .

Bramley: "A hard case. The Committee did a good job of discussing the issues and made a reasonable decision. Normally, a systemic mixup is prima facie evidence of 'no agreement' or 'bad explanation,' which can justify an adjustment. However, system notes are the best defense to prove 'mistaken bid.' At one time I believed in procedural 'adjustments' to restore equity in cases like this, but I no longer like procedural penalties for accidental damage."

Carruthers: "Both the Director and the Committee handled this difficult case properly, the Director ruling for the non-offenders and the Committee subsequently overturning the

Director's ruling based on their determination of the partnership agreement. This determination was the crux of the matter: if you accept that N/S's agreement was that North had a major, then North simply forgot and South gave the proper explanation. It was not his fault that the North hand did not conform to the systemic interpretation. Having said that, as a Committee member, I'd make very certain that this constituted the actual agreement. For example, the July and November dates aren't much use without a year. They could be either July 96/Nov 96 or Nov 95/July 96, could they not? Also, could the handwritten notes be part of another system book: North's with his other partner? Could they have been written subsequent to this fiasco? I hope not (and perhaps I'm being overly suspicious). I'm definitely in Wolffie's camp on this one, though. If you're going to play complicated and/or unusual methods, procedural penalties are an extra incentive to learn and explain your system well."

That's fine for practiced partnerships, with well-discussed methods, and when notification has been given of the obligations in this regard well in advance of the event. But this approach would effectively put everyone else out of serious contention.

Gerard: "Don't blame West's spade to the king at trick four. South might have held \spadesuit K10xx \heartsuit 10xxxxx \clubsuit Qx. I agree with the lack of a procedural penalty. I don't agree with the idea that you must reaffirm your agreements for them to exist. The Committee did a lot of good heavy lifting here."

Rigal: "The Director's ruling seems clear-cut and correct. I think that once it gets in the book (well done N/S for even having one!) it is agreed. This is much firmer than most partnerships' agreements. I think E/W were simply fixed by their opponents and the Committee did an excellent job here."

I agree with these two panelists about not having to reaffirm every agreement prior to a tournament for them to exist. If we required this, how many players could live up to it?

Treadwell: "One can understand the E/W dissatisfaction with their result, but it is one of those rub-of-the-green situations. I totally agree that a deviation from an agreement, whether intentional or accidental (with the exception noted in the writeup), should not be punished."

Weinstein: "The Committee did a good job of delving into the relevant issues and I agree with their conclusions. I don't agree with procedural penalties for CD (although I have no problem with barring the pair from playing those and other complicated methods for repeated offenses). Had there been misinformation, the case would have been interesting. A key question would then have been whether a 3 \heartsuit call by South after Stayman was to play and whether declarer had asked a question to that effect. If it was not to play, South must have a weak hand with tolerance for both majors. Declarer was then playing North for a hand he could not logically hold."

Thinking along similar lines, but reaching a different (admittedly subjective) decision, were. . .

Rosenberg: "Tough. I have been thinking for some time that it is very important for a player to not only state the agreement, but also to state if the partnership is not on firm ground. I do this myself at the table. If South had (or should have had) any doubt as to North's

remembering, he should have volunteered this at the time. The way I look at it, North's redoubling with this hand tends to prove that South's explanation was not their true and full agreement. This is a judgement call, but I would have ruled plus 620 with the Director. As to the Kaplan/Wolff 'rationale,' Kaplan is rational."

I don't see why redoubling with ace-queen fourth of clubs is evidence against this specific agreement, especially when there are system notes which (arguably) suggest that it is. Many players do this aggressively to try to punish the opponents for making skimpy lead-directing doubles (not to say that the North hand suits that purpose).

And as for that last statement. . . well, Wolffie, are you going to take that lying down?

Wolff: "The Committee studied long and hard on several issues. First they tried to determine what constitutes misinformation. They then turned their attention to what constitutes a partnership agreement. Finally they looked equity in the eye and decided against it, falling instead for lyrical rhetoric camouflaged in the form of worldly logic. The felon escaped.

"CD comes in many forms. This one caused a declarer (after bidding to a superior contract) to go set. What was this declarer supposed to do? Discount entirely what he was told, or play by what our game is all about, using evidence gleaned from the bidding and early play to choose a winning line. Why should he be required to determine what type of fools he is playing against? There is only one way to stop this fast-spreading disease in the expert community. Rule against and penalize CD until it is eradicated. A decision that will cause this N/S to analyze later, "We sure picked up one board by our non-convention, didn't we," is not likely to get the job done. For shame! And the real insidious nature of all this is that the case occurred in the Blue Ribbons and the players were ethically all above reproach. Let's join together and stop CD — or bridge AIDS (Always Includes Devastating Side Effects) will do us in."

Wolffie's right about one thing. It's hard not to feel deeply for E/W, the "victims" in all of this. But if CD should ever be implemented as Wolffie would have it, the cure could be far worse than the disease. For one thing, it would spell the end of competing as a pick-up, or a casual, partnership in any serious, high-level event (assuming the "CD Police" wouldn't be turned lose in non-NABC+ events, too). Wolffie's solution would also create a strong disincentive for players to disclose fully — for fear that they might say something that could be construed as CD. Come to think of it, if, in the heat of battle, one had to constantly worry about either being guilty of not fully disclosing or of committing CD, who would ever enter the crossfire?

And finally, resolving the issue beyond any possible lingering doubt, is. . .

Goldman: "I agree."

CASE THIRTY-FOUR

Subject: Speak Now, Or Forever Hold Your Peace!

Event: North American Swiss Teams, 1 Dec 96, Second Final Session

Bd: 3 Dlr: S Vul: E/W Linda Smith 1 73 1 9864 E AJ1052 E 75 Jim Linhart 1 Q 1 QJ E K963 E AQJ1062	Richard Budd 1 KJ984 1 A753 E 74 E K8 Ron Smith 1 A10652 1 K102 E Q8 E 943
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West	North	East	South
			1 E
Pass	1 1	Pass	2 E
Pass	2 E	Pass	3 E
Pass	3NT	All Pass	

them not to exceed 1-VP. However, the Committee was not certain that 3NT would have gone down even had there been a double, since it was likely that South would then have been the declarer in 3NT. It was also not clear that the double would have been made. The Committee finally decided to allow the table result to stand for both pairs and to assess a 1-VP procedural penalty against N/S (not to accrue to E/W) because of South's failure to Alert the 2 E bid.

Chairperson: Alan LeBendig

Committee Members: Nell Cahn, Robb Gordon

Directors' Ruling: 77.2 **Committee's Decision:** 69.4

There were three problems here: (1) South's failure to Alert 2 E; (2) West's failure to make sure that she heard and understood North's disclosure at the end of the auction ("Pardon me, I didn't quite hear what you said."); and (3) East's failure to summon the Director (he was in possession of the critical information at the end of the auction) before making his opening lead. Let's consider them in reverse order.

(3) might really be a non-problem. East could reasonably have assumed that West heard North's disclosure. Since she said nothing at the time and made no attempt to summon the Director later, and since East was in no way affected by the failure to Alert 2 E, he had no real reason to even suggest calling the Director.

The Committee seems to have dealt with (2) satisfactorily. West was aware that there had been a disclosure by North which she did not fully hear. She thought to ask about it, but failed to do so because of her own misconception about creating unauthorized information. West was both experienced enough and expert enough to have avoided these mistakes and to have protected herself. Thus, the table result stands for E/W. Negligence by the non-offenders subsequent to an infraction, whether it is of a procedural nature or an egregious bridge action, can result in the loss of their right to redress.

The Committee did not deal with (1) nearly as well. Had South Alerted 2 E he would almost certainly have become the declarer in 3NT (after a pass or, more likely, a 3 1 bid by North over the double), and West would then have been on opening lead. It seems likely that West would have led a diamond. Since South (presumably) showed four of them, West needed to find East with two or three pieces headed by (at least) the nine. (In the many variations South can usually keep West from running the suit, with nine-doubleton in the East hand being enough for West's lead not to give up an extra trick in the suit.) South must then duck, after which East must find the shift to a club (attacking South's entries). It isn't clear which is the more difficult play (ducking the diamond, or finding the club shift), but any doubt should certainly be resolved against N/S. Therefore, I would have assigned N/S the score for 3NT by South down one, minus 50 to N/S.

Finally, unless South (a member of National Appeals) were known to have a history of similar non-Alerts (which he isn't), I see no justification for the procedural penalty.

Let's begin with an excerpt from the monograph Ron's been writing on this case.

Gerard: "Always good for the Committee to end with a zero. It provides such a neat bookend to CASE ONE. If E/W had called the Director when they should have, the Director could not have backed up the auction to 3 E because East had made a subsequent call (Law 21B1). Therefore, asking West whether she would have doubled would have been irrelevant, as such procedure always is. At most it would have given some indication to the Director as to whether E/W were damaged by the failure to Alert, but basing a ruling on the inability to

The Facts: 3NT by North made four, plus 430 for N/S. North's 2 E bid was not Alerted as artificial during the auction. North advised E/W about this prior to the opening lead, but the Director was not called at that time. Following the score comparison E/W petitioned the Director for an adjusted score. Because of the delay in calling him the Director had no opportunity to determine before the opening lead whether West wanted to double South's 3 E bid. The Director ruled that since he had not been summoned as soon as attention was drawn to the irregularity (as required by Law 9B1) the table result would stand.

The Appeal: E/W appealed the Director's ruling. At the hearing it was determined that North advised E/W prior to the opening lead that there had been a failure to Alert his 2 E bid. East said nothing at that point. West stated that she did not hear the full discussion as to the disclosure and was afraid to ask anything because of potential unauthorized information to her partner. After the hand was over E/W maintained that West would have doubled 3 E had there been an Alert and 3NT would then have been defeated on a diamond lead.

The Committee Decision: The Committee dealt with the two sides separately. With respect to E/W, the Committee determined that they had been notified of the problem at an appropriate time and took no steps to protect themselves. They didn't summon the Director until the hand was over, making it impossible to establish prior to the opening lead that West would have doubled 3 E. It was explained to West that she had every right to call the Director without any presumption of a problem. N/S had committed the infraction which permitted E/W to find out what had happened with no prejudice. How to deal with N/S constituted a much greater problem for the Committee as far as any potential score adjustment. One Committee member wanted to split the possible results and assign a weighted score adjustment. However, this was something which the Laws Commission has made clear should not be done in the ACBL. Various other possibilities were discussed, including assigning N/S the result for 3NT down one and assessing a 3-IMP procedural penalty against

question West is more of the ‘could have, should have, would have’ thinking that contaminated CASE TWENTY-EIGHT. Both the Director and the Committee treated E/W’s failure to call the Director as automatically forfeiting their right to an adjustment when the Laws are annoyingly vague about whether that is so.

“For example, Law 9B1 says that the Director ‘must’ be called when attention is drawn to an irregularity, but the only instance given of forfeiture of the right to penalize an irregularity is when the non-offenders gain through action taken by the opponents in ignorance of any possible adjustment (Law 11A). Therefore, the Laws suggest a case-by-case analysis of the necessity of calling the Director. If calling the Director would have resulted only in the standard explanation (‘Play the hand, but if there was any damage from the failure to Alert there may be grounds for an adjusted score’), then it would not have mattered and E/W should not have been held accountable for not doing it. But if the Director could have done anything to affect the bidding or play, E/W should not be given the opportunity that would have arisen had the Director been called. That is why it is usually right to call when you ‘must,’ because unless you know that the Director is substantively powerless there might be something he could do under the Laws to at least partially restore your rights.

“Here the Director could not give West the chance to double 3 \ddot{E} , but he could cancel her last pass and give her the chance to double 3NT. If it would have been unreasonable not to double 3NT and the double would have beaten the hand, E/W lose the opportunity to make the winning lead because of the delay in calling the Director. Here a winning lead would have resulted (either minor does the job), but it wouldn’t have been clear to double 3NT — even if it calls for a diamond, does East have more than one and what is to prevent a redouble? No, West must double 3 \ddot{E} if anything. E/W would have been in exactly the same position had they called the Director as they were when they didn’t — there was no critical decision that they had to make at the time that the Director would have forced on them. Sure, it seems wrong to let E/W play out the hand, think about it and then ask for redress after comparing with their teammates, but the Laws seem to give them those rights in this case. The knee-jerk denial of E/W’s rights probably felt good, but it wasn’t right.

“So the question should simply have been whether E/W were damaged through South’s non-Alert. If West had doubled, South would have declared 3NT. I’m sure, even if the Committee wasn’t, that 3NT might have gone down (not ‘would have’) at least one time in six if South had Alerted. West has six winning leads against 3NT by South. N/S’s result should have been minus 50. What about E/W’s plus 50? More problematic and I could understand minus 430. Personally, I would bet on plus 50 at least one time in three since only a diamond honor from among the plausible leads gives up the game. Therefore, the result should have been down one for both sides. If, on the other hand, that \ddot{E} J was just too tempting, then the result should have been E/W minus 430, N/S minus 50, IMPed separately against their teammates’ scores. As a result, less than the full number of victory points would have been awarded. Law 86B, averaging the two results, is not appropriate in Swiss Teams.

“Finally, wasn’t that 3NT bid possible misuse of unauthorized information? Couldn’t South have held $\heartsuit Q10 \spadesuit x \heartsuit Axxx \heartsuit AQJ10xx$? Could North not risk $3\heartsuit$ because of what South might do with $\heartsuit x \heartsuit xx \heartsuit AKxx \heartsuit AQxxxx$?”

Readers wishing an autographed copy of Ron’s entire monograph (suitable for framing, we might add) should send \$19.95 in ACBL script to Merkle Press — at the usual address.

What would South do with that last hand? He’s already raised diamonds, so assuming that game is the issue (until proven otherwise), 3NT still looks likely.

Rosenberg: “Another tough one. I would have needed to be there to make a ruling for E/W.

N/S should get minus 50 for 3NT down one, since they might well have gained by the failure to Alert. 3NT by South would go down on a low diamond or heart lead.”

Or a club lead, although why that happens is not nearly as clear. In fact, East must have led a spade for 3NT to have made (unless the defense was woeful). But how did it make four?

Weinstein: “Seems reasonable. E/W certainly should have abrogated some of their rights for redress by not calling for a Director immediately, when the situation might have been resolved (or not). Referring back to CASE TWENTY-EIGHT, West would essentially have a ‘free shot’ by saying that she would have doubled 3 \ddot{E} , since the auction couldn’t legally have been backed up at that point. By the way, a small diamond lead will beat 3NT from the South position with reasonable defense.”

Really?

Bramley: “As usual, I dislike the procedural penalty. No damage and no intent to damage means no penalty. I doubt that West would have doubled 3 \ddot{E} even had 2 \ddot{E} been Alerted. Anyway, 2 \ddot{E} is semi-artificial in most standard systems so the effect of the non-Alert was minimal. Note, however, that 3NT by South fails on a low diamond lead.”

Not necessarily. Say South ducks the first diamond and East continues the suit. Now the contract cannot be beaten. So East must shift at trick two, and only a club will do.

Carruthers: “I hadn’t realized how often the same cast of characters (E/W here) appears. It’s been a while since I’ve served on the National Appeals Committee. Despite the fact that I much prefer ruling for the non-offenders and making the offenders go to Committee to achieve their desired result, I think this time, because of the delay in calling, the Director had no choice but to rule as he did. Also, I agree with the Committee in all respects. This particular E/W are experienced enough to protect themselves in this situation. They just waited for the result to be known before making their very self-serving appeal. In any case, I’m not convinced that West would double 3 \ddot{E} with that worthless (except for diamonds) hand. Couldn’t N/S have all eight remaining diamonds and play 3 \ddot{E} redoubled plus one or two? Did North’s 2 \ddot{E} deny diamonds? I’d also like to know more about N/S’s methods — why not 2 \heartsuit ? Non-forcing?”

The double of 3 \ddot{E} is far from iron-clad, as both Bart and JC point out, but many (most?) players would simply grit their teeth and make it — I think.

Goldman: “Tough problem. I think the Committee did fine. When it’s not clear, I am more and more in favor of leaving the table result alone.”

There’s a lot to be said for that.

Rigal: “I think the Director did the right thing — in an awkward position. (I’m not very happy with the rules here, but that is by the by.) Okay decision by the Committee. I think West might have doubled, creating a position that would be hard to work out. I agree, on balance, that E/W were not damaged, but the VP penalty seems a good compromise; I might have let it accrue to E/W (but that is *de minimis*).”

Kaplan: “Is 2Ē really an Alert?”

Yup. Even way back in 1996.

The final word goes to our Quixotic Bermuda Bowl representative, with yet another windmill in his sights.

Wolff: “2Ē looks like a psychic lead inhibitor to me (nothing was said in the hearing to indicate otherwise). This has become part of the ‘expert game,’ so the failure to Alert probably had no real effect. One thing is sure, no risk or almost no risk psychics always leave bad tastes for the victims. I commend the Committee for assessing the 1-VP penalty.”

CLOSING REMARKS FROM THE EXPERT PANELISTS

Bramley: “The quality of the Director’s rulings was extremely high. With only a few exceptions, they did a superb job of judging when to let the table result stand and when to adjust it, rather than blindly adjusting the score whenever one side felt aggrieved. This indicates both a policy change and a willingness to take time for consultation, resulting in better rulings.

“Unfortunately, many Committees undid the good work of a Director. I thought that an unusually high number of Committees missed the boat completely. In several of these, the presence of a perceptive dissenter was insufficient to get the majority to see the light. (I believe I agreed with every dissenter.) Strangely, however, most of the good Committee decisions were very good. I agreed with all of the Committees that kept deposits, although several more should have done likewise.

“The writeups continue to improve, with the best writeups being of a very high standard. I think that there is a correlation between good writeups and good decisions; the ability to write clearly about a train of thought is related to the ability to use that train of thought to arrive at good decisions.”

Carruthers: “In general, the Directors’ rulings were terrific. Much better than the old days, where you had to take everything to a Committee to get equity. According to my count and opinion, the Directors only erred three times in thirty-four, for an average of 2.74.

“Sadly, the Committees were very erratic. Some made wonderful decisions, others were simply pathetic. While I realize how difficult it is to get competent people to serve, I’d still fire some of the incompetents. Again, in my opinion, the Committees averaged 1.94, but ten of thirty-four gave hopeless decisions, most in the area of hesitations. Perhaps the ACBL should consider some form of recompense for Committee-servers (not the pathetic free plays now given).

“I’d like to see the hesitators be at risk when they take advantage. As it is now, in most cases they simply achieve par at worst and, as stated earlier, they can win three ways: no call, ruling in favour, appeal in favour. I’d be in favour of a rule whereby they’d lose a specified number of matchpoints, IMPs or boards if they are deemed to have taken advantage. I’d make it automatic and not so large that Committees would hesitate to decide against them.

“I think it’s time to require a deposit for all appellants. After all, the Committee has to spend its valuable time on every case, whether it’s the Reisinger or a side game. You want the goods, you pay the freight.

“Both partners of the appealing side should be required to appear in order not to prejudice their case. The individual Committee could decide, if someone did not appear, whether their absence was relevant, or whether they had a good excuse.

“There should be automatic Committees in some cases, such as CASE TWENTY-SEVEN, even though both sides at the table may agree with the Director’s ruling; either the Director could force one, or the opponents could ask for one, subject to the screening Director’s approval.

“The presence of very prominent bridge pros on Committees where a very prominent client is the appellant or defendant makes me nervous. There is a huge potential conflict of interest there: the pro may not want to rankle a current or potential client by ruling against him/her. However, I don’t know what the solution is.

“It seems to me that Committees are currently about where Directors were twenty years ago on hesitations. The Directors have changed. It’s now time for the Committees to change as well. Larry Cohen has it just right. There needs to be more of us Roy Bean-types and

fewer of the laissez-faire Neville Chamberlain-types.”

Gerard: “I found a number of disturbing Committee decisions and a number of inadequate Director rulings, but I was particularly bothered by these abuses of process and meritless appeals that were either tolerated by Committees or should never have made it there in the first place (CASES TWO, SIX, SEVENTEEN, EIGHTEEN, NINETEEN, TWENTY-FIVE and THIRTY). I wonder if screening is serving the purpose it was intended to. Maybe peer pressure is our ultimate ally, because I suspect that some of these cases would never have been brought if the appellants had consulted with others. But with so many groundless appeals being taken, it is inevitable that some will fail to get their just desserts. This only encourages the litigious element even more and will become a vicious cycle unless the system weeds out the undeserving. If we don’t get this house in order, we’re going to find more and more people playing Directors and Committees for fools. Maybe we should strengthen the screening resources and make sure that they are available for all potential appeals.

“I’ve considered the following very carefully, but I think it’s time that there be a rating system for Committee members. I still get the feeling that if today’s equivalent of the Kantar case came before an NABC Committee, the outcome would depend on the Committee’s makeup. Just look at CASES TWENTY-TWO and TWENTY-SIX and tell me that we’ve achieved the uniformity and consistency that everyone hopes for. Professional sports referees and umpires are reviewed periodically on their performance. It’s long past the time that we should be ascribing contradictory decisions to differences in opinion. By now, everyone should be familiar with the rules and the ruling precedents, so there must be some element of personal competence involved. Maybe we could take the panelists’ ratings and assign them to Committee members, with appropriate adjustments for dissenting members, but something has to be done to retain the confidence of the public in the Committee system. Every time we issue a set of decisions like CASES TWENTY-TWO and TWENTY-SIX, where someone has to be wrong, we shoot ourselves in the foot. Having an objective rating system might help resolve some of the contradictions that keep occurring far too often.”

Rosenberg: “This was a pretty disturbing set of cases, with many horrendous decisions. By this time, we should at least be getting the easy ones right. I would like to see an efficient recorder system in force.

“For me, the most disturbing aspect of these cases was the Committee Chairpersons’ writeups. If the descriptions of what takes place in Committees are way off the truth, or if important facts are omitted, then our comments and opinions are far less relevant. I served on CASE TWENTY-EIGHT, and there is no way that I would have let it be said that if North had stated he would (rather than might) have bid 4¹, then the Committee would have allowed N/S to bid slam. I would have vehemently dissented with the ridiculous notion that ‘probably’ or ‘might have’ yields a double shot, but ‘would have’ does not.

“Also, in CASE THIRTY, the Committee seemed to have an ‘attitude.’ During the hearing, South made the point that West’s answer, with two-two in the majors, was self-serving. A Committee member then said, in a threatening manner, ‘are you making a very serious accusation?’ Since the crux of the reason why N/S called the Director, and appealed, was that West had said five-five with absolutely no agreement to that effect, the Committee was way out of line; firstly, in not investigating West’s motivation, or just ruling against E/W since they didn’t show up for the hearing (I wonder why), and secondly, in omitting this major issue from the report on the case. This is all very worrying.

“Now let’s discuss new ways to win IMPs. Firstly, always quiz your opponents to death

— you might discover a failure to have Alerted, or elicit a mistaken explanation. This should work especially well against Messrs. Gordon and Kokish, who, in CASE SEVEN, gave half an imp to E/W because South did not Alert a gambling 3NT opening. I’ll say it for the thousandth time. If there is damage, give redress. No damage, no penalty.

“The other new IMP-winning strategy is to put your opponents’ convention cards under a microscope. If they are not identical (or at least fraternal), you might be able to have your opponents charged with a one-quarter board penalty. This worked for N/S in CASE EIGHTEEN (which should have been deemed a frivolous appeal).

“Until we get rid of these nonsensical procedural penalties there will never be uniformity of decisions. In every case where a penalty is levied, a better solution exists.”

Treadwell: “With but a few exceptions, I think the Committees did a good job, and some of the cases were very close calls. I am still disturbed by the number of players who hold the view that if an opponent hesitates, or fails to Alert an Alertable bid, or gives an explanation that may be incomplete or even erroneous, he is automatically entitled to an adjustment. So, if the Director rules no damage, hence no adjustment, these players go running to an Appeals Committee to win something they did not win at the table. There is a bit less of this sort of thing now than there once was; hopefully these casebooks have helped, and will continue to help, reduce the number of these ‘frivolous’ cases. (Oh, excuse me, I meant to say cases lacking any merit).”

Wolff: “I want to thank the editors and their staff for providing the forum for our group to analyze and improve our appeals system. Without them we would remain in the dark ages. Even with them, however, it requires time, work and the ability to adjust our thinking to the expert game, its problems and possible solutions. Let’s not be unduly influenced by past Band-Aids, easy cures, or the inability to change the status quo or to, on occasion, hurt people’s feelings. Let us bond together and address our problems as they really exist. I think we’re collectively getting there and I’m very proud of all of us.”

Weinstein: As far as the casework, the writeup quality is improving, but is still very inconsistent. (Some were awful.) Several times we were left guessing at the Committee’s chain of reasoning, or whether critical facts were considered. The Directors’ decisions were much better than the Committees’ this time. (If I’m quoted I’ll claim a misprint.) The only Director’s decision I substantially disagree with was in CASE EIGHT. My Director scorecard is: twenty-six excellent (though one took a while to get right), seven okay, and one poor. However, my Committee scorecard is: only twenty-one excellent, six reasonable, and seven bad. The good news is the solo dissenters were three out of three on excellent dissents.

“We have been requested to comment on the ‘Blueprint for Appeals.’ Sections (4i) and (4j) deal directly with appropriate appeals and table remedies. To help get a clue on our current status in this area, I also went through the cases to see what effects protesting had on the net outcomes of the appellants. In actual practice there appeared to be ten gains, three very small gains, four losses and seventeen no-changes. A net positive result to the protesters, though perhaps not enough to justify their time and energy (and certainly not the time and energy of the directing staff and Committees). Then I took the results of what I believe the proper outcomes of the appeals should have been. The results were very different, with five gains, one very small gain, eight losses and twenty no changes. There should have been a net negative result for the protesters. What does this mean? First, it reinforces that the Directors did a better and more balanced job than the Committees in San Francisco. Perhaps this provides an argument that Committees should tend to allow the Directors’ rulings to stand

unless they were clearly incorrect (unusual) or there was evidence not available to the Director at the time. One of the goals of publishing the cases over the last few years was to improve the quality of the rulings both in Committees and at the table. Whether the table rulings have seemingly improved due to the publication of the casebooks, to more care in the rulings, or even only due to my perception, the improvement should ultimately be an impetus to severely lower the number of protests. As perception of the quality of the table rulings changes for the better, combined, ideally, with a perception of increasingly intolerant Committees, the level of marginal protests should progressively decline. Some ways to improve the perception of Committee intolerance include: better, more consistent rulings — especially by Committees (obviously); full risk for self-serving statements (controversially); requiring significant cause to improve upon the table ruling for the appellants and almost any cause to lower it (controversially); and increased use (if they are to be used) of meritless-protest deterrents, such as procedural penalties, flagrant foul points (below), and keeping the money. Though the necessity of Committees is mandated by the Laws and I still believe appropriate (at least for NABC+ events), the number of Committees should be a small fraction of the current level.

“I’ve already vented my spleen on bridge lawyering at the table, where the Committee did the lawyering for the appellants in CASE SIX and suggested a better lawyering technique in CASE TWENTY-EIGHT. I supported Michael Rosenberg’s view on deposits very early, yet by the end questioned that view after seeing some of the appeals. Perhaps Barry Rigal’s suggestion in the last casebook involving boiling oil is the answer. In CASE FOUR of *The Philadelphia Story* the editors discussed a point assessment for taking blatant advantage of unauthorized information. The concept may be more useful regarding meritless protests. Perhaps we should adopt a policy similar to the NBA’s on flagrant fouls, which is something like 5 points (1 for mildly flagrant and 2 for blatantly flagrant) gets you a game suspension. This idea was discussed by fax several years ago, before the days of widespread e-mail and chat lines (ah, the good old days). You are assessed 1 point for bringing a reasonably meritless appeal, and 2 (or more) points for bringing an absurd appeal. Other bad conduct in front of a Committee (or otherwise?) could also result in a point assessment. Three (2?) points gets you either a suspension from calling appeals Committees or from an important event, or gets you a C&E Committee which would determine which of the former is suitable.

“While I’m on the subject, in the Blueprint for Appeals the condition for meritless appeals ‘(a) The players should be experienced’ should not be a condition, only a subjective criteria in making the meritless assessment. Warnings by the screening Director should carry enormous weight in making the meritless determination. As far as the rest of the blueprint, here goes:

“(1) The Use of Procedural Penalties:

I do not feel these are ever appropriate for CD, only for willful misconduct. Under this I would include use of unauthorized information, failure to correct a misexplanation, failure to fully disclose partnership methods, flagrant failure to Alert (whatever that means) and behavioral misconduct (including meritless appeals). Use of extreme procedural penalties to redress inequities should only apply when the inequity resulted from willful misconduct, not CD. CD is not intentional and is fully subject to redress if damage occurred. That damage should be the disincentive to playing systems that are not fully understood or memorized. If a pair screws up too often, they should be barred from playing complex methods. A pair should not be at risk of receiving an arbitrary procedural penalty for CD based upon the whims of the opponents, the Director that arrives at the table, or a Committee. I do believe that PPs are totally appropriate as an

additional penalty to a score adjustment when a flagrant foul has been committed. All PPs should be recorded automatically (at least under my criteria) since they reflect misconduct.

“(3) Policies Regarding ‘Less Experienced’ Players:

I strongly agree with this whole section. The last subsection mentions tolerance of irregularities in limited competition. As part of this we should be very intolerant of intolerance. Players of any level who are aggressive in seeking redress should be instructed to chill out. Experienced players who are competing in club games or non-NABC+ events, especially against less-experienced players, should be strongly encouraged to turn the other cheek, or to educate, and strongly censured for aggressive litigious conduct at the table or in appealing.

“(4) The Integration of Active Ethical Obligations into the High-Level Game:

Section (d), ‘strive to make all calls and plays in tempo. . .’ is a very important goal. However, one gigantic problem is that current adherence is complicated by the question, ‘What should be proper tempo in a tempo-sensitive situation?’, which now places a purposeful, compliance-oriented, hesitation at serious risk of being considered a break in tempo. I would like to see some (more?) pairs start to designate themselves as tempo-sensitive pairs, who adhere to a strict minimum tempo for each appropriate situation. These pairs would be at risk for unauthorized information for bids faster or slower than the appropriate tempo range for the situation. We should see how this works in practice and gradually move to a goal of widespread uniformity of tempo sensitivity. The downside is that we still have many players unable or unwilling to suppress unauthorized information over a simple skip-bid warning. Expecting general compliance with a more complete and complicated guideline by many non-expert players (and, unfortunately, some expert players), is probably a pipe dream. Still, we can hope to invoke at least the spirit of tempo sensitivity.

Section (g) ‘It is never wrong to play the game by the rules. Players should avoid unilateral violations of the rules in an attempt to be magnanimous, or actively ethical, toward their opponents.’ is very problematic. From a pragmatic viewpoint, I believe it is wrong to follow the rules if, by doing so, it may create an advantage to your side when your side created the problem in the first place. Only if you can neutralize the situation should (g) apply. The obvious situation where this occurs is when your partner has (or may have) misexplained a bid. For example, partner states that you have four spades when you believe the correct explanation is that you may or may not have four spades. Common, but not necessarily proper, practice is to correct the misexplanation if you do not hold four spades and not to say anything if you have four spades, due to fear of misleading the opponents. Only if, whether you hold four spades or not, you state something like ‘partner has misexplained and I always correct a misexplanation, whether it matches my hand or not,’ and then always follow this practice, can neutrality be maintained.

“(5) The Laws and the Concept of Restoring Equity:

The following is a very brief, non-comprehensive discussion of law 12C3, as I understand it. Please correct me if I’m under any misconceptions (though I know you would do so without that request). The new international bridge laws provide a section (12C3) allowing much more latitude in deciding equity for the non-offending side.

Importantly, it does not change in any direct way the penalties for the offending side. For example, when a 10% slam is bid by possible use of unauthorized information and makes, the non-offending side may not get the benefit of the adjustment when the score is adjusted to plus 480 for the offenders. However, the new law also allows each organization the option of endorsement. Ours has chosen not to endorse the new ‘equity’ law. One apparent problem (though I suspect this was not the reason for our failure to endorse it) is that the law, as it reads, apparently allows only a Committee, not the Director, to provide ‘equity’ for the non-offending side. From a practical matter, this might create protests that otherwise would be considered meritless under the guise of ‘the opponents got more than they deserved.’ It seems inimical to provide a different set of remedies to Directors and Committees. Another possible problem under the new unadopted law is that it fails to provide as much incentive for non-offenders to seek redress when they should, against true offenders, since they are less apt to receive an adjustment. (Of course, in our idealistic, selfless bridge world this would never be the case.) However, if the Directors can be given the right to rule non-offending equity, I am philosophically strongly on the side of the new unadopted law.

“(6) Actions Affecting the Right to Redress for the Non-offending Side:

In general, I agree with the content and am very happy to see that there are finally some guidelines available in this area. However, you refer in the first line to meeting minimal standards for the level of player involved. You then provide miscounting trumps as an example of a non-irrational play. I would like to believe that for an expert, miscounting trumps does not meet a minimal standard, exceeds the careless criteria, and would abrogate the rights to redress. The ‘merely careless or inferior’ should be more specific for the level of expertise. The examples given may be appropriate for players of average or lower strength and should be identified as such.

“(7) Thoughts on Committee Procedure:

I would add to the first paragraph that if the laws, regulations, or precedents impose constraints upon the Committee’s decision, the consulting Director may suggest, if available, alternative unconstrained legal means for the Committee to reach an equitable outcome. The second paragraph, where the Director reviews the decision for legality, seems appropriate if time and logistics permit. As far as the description of the chairman’s responsibilities, I would add that if a scribe or other Committee member is doing the writeup, it should be reviewed by the chairman before submission.

“If we don’t already have one, I would still like to see a published guidebook for Committees (including C&E) along the following lines. Chapter One: The key laws (e.g. 12, 16, 73) and remedies explained. Chapter Two: Proper Committee procedure, including writeups appropriate for various levels of tournaments. Chapter Three: a flowchart showing the proper thought processes for a Committee to arrive at a decision. Such a chart would start with the relevant questions that should be asked of both parties. After each determination it would detail the next step (if any) in deciding the proper outcome. Chapter Four: Actual or sample cases. Each step of the Committee’s logical process in reaching the decision is discussed.”

CLOSING REMARKS FROM THE EDITOR

In *Miami Vice* Eric and I observed that the appeals process at NABCs appeared to be improving, in part (we hoped) due to the influence of these casebooks. If our observations had any merit at all, the present set of cases represents a serious setback for this process.

Using the panel’s recommendations, tempered with a dash of my own judgment, I tried to identify those cases where either the Director or the Committee committed a flagrant error. I did not include cases where there was only some relatively minor issue to quibble over (e.g., the Director failed to take a position on assigning an actual bridge score rather than Average Plus/Average Minus; an incorrect adjusted score was assigned due to a deficient bridge analysis; the Committee assessed an undeserved procedural penalty or failed to assign a deserved one; the merit of the appeal was misjudged). I tried to include only those cases where the central thrust of the Director’s or the Committee’s decision was considered to have been seriously misdirected.

When the final analysis was in, the Directors were almost infallible in San Francisco while the Committees were anything but. There were major errors in the Director’s rulings on only three, or 9%, of the cases (FIVE, SIX and EIGHT), while there were major errors in the Committee’s decision (take a deep breath) on twelve, or 35%, of the cases (ONE, SIX, EIGHT, THIRTEEN, FOURTEEN, NINETEEN, TWENTY-TWO, TWENTY-FOUR, TWENTY-FIVE, TWENTY-SEVEN, TWENTY-NINE and THIRTY-FOUR).

The respectable-looking averages in the PANEL’S DIRECTOR AND COMMITTEE RATINGS table following these remarks unfortunately fail to capture the seriousness of this problem. But putting aside numbers, which often don’t convey adequate information anyway, many of the Committees’ actions were so far from what we believed were the proper actions that it is difficult to overestimate the importance of acting quickly and decisively to remedy this situation. Here’s Eric’s and my recommendation for the next step in upgrading the NABC appeals process.

A CALL TO ARMS:

First, we need to make service on our National Appeals Committees (NAC) merit-based — not a political or social plum, as it has too often been in the past.

Second, we need to abandon the idea of NAC members simply “showing up” at the appeals area following each evening session of an NABC and volunteering to serve on Committees on an ad hoc basis. Instead, we use a “team” approach to conducting the business of NABC Appeals. Here’s how it works.

Teams of, say, eight to ten NAC members would be formed and work together on an ongoing (permanent?) basis, using a “sports team”/“management-training” approach. Each team would have a leader (an NABC Vice-Chair) whose duties would include chairing the cases heard by the team (unless another member was being given on-the-job chairmanship training under the leader’s guidance) and conducting team case-review sessions.

Review sessions would be held at each NABC, when the casebooks come out. The team would meet on one or more evenings (as needed) to consider previous cases heard, with the panelists’ comments serving as a starting point for a thorough discussion of the team’s decisions and the concepts underlying them. The purpose of these discussions would be to improve the team’s, and team members’, performance. The team leader should attempt to keep the discussions friendly and constructive, with the focus on growth, rather than punishment or reproachment for poor past performance.

The opinions/votes of the individual Committee members should be recorded at the original hearing by team members who attended the hearing, not as Committee members, but

as observers and scribes. The performance records would be examined and evaluated by the team as a whole. Of each team's total members, five would serve on each case while the others would fill the auxiliary roles (scribing, recording votes, etc.). This should allow for occasional individual absences and not impair the team's overall functioning.

Review sessions would be held when the team was not scheduled to hear cases. The teams "on duty" to hear cases would rotate from evening to evening. Other teams would hold review sessions, while still others would have the night off. At least five or six teams would probably be needed — three on duty, one or two holding review sessions, and the other(s) off duty. On a slow night fewer teams might be needed for cases (the others could do review, or take the night off). On a heavy night one or more of the teams planning to hold reviews might be "drafted" to hear cases.

And now for the most controversial aspect of this proposal. People cannot be expected to make a significant commitment of their time, be obligated to show up on a regular basis, and give this the highest priority (on the evenings when they are scheduled to serve), unless their obligation is financially reinforced. These people need to be paid for their service; not just a "token" (like the script members currently receive) payment, but one substantial enough to make the commitment to their team a significant one. This could be done in several ways: (1) by providing card fees (which has the advantage of not costing the League as much money as the actual dollar value received); (2) they could be provided a room at a reduced rate, or at no cost, for part (e.g., the nights served) or all of the tournament; (3) compensating travel to the tournament; or (4) monetary payment. It is also possible to allow each individual to select their own manner of compensation (card fees, room, travel, etc.). The financial details of this plan can be worked out later. What is important is that, whatever approach is taken, there must be adequate compensation to instill in members a deeply-felt obligation and sense of responsibility to show up and work with their team, and to not allow other activities (drinking, socializing, sleeping, etc.) to detract from their commitment.

And finally, each team member would have their performance evaluated periodically (once each year, say). This could be done either quantitatively (such as by using the panel ratings from the casebooks, with modifications for dissenters and other extenuating circumstances) or subjectively (by having the team leader or other team members provide the ratings). Adequate and improving members would continue to serve, perhaps moving up to team leader when appropriate. Those showing consistently poor or declining ratings over some to-be-determined period would be dropped. New team members could be added as they become available, with priority given to replacing drop outs, augmenting teams with an insufficient number of members, or improving the performance of teams with low ratings.

Whatever we do to address our problems, we must do it now, and we must do it decidedly and with conviction. We must commit the time and resources necessary to improve the accuracy and consistency of the appeal process at NABCs. Nothing less is acceptable, either for the players who utilize it, or for we who have committed to it so much of our time, sweat and tears. It must become a source of our pride — or it will be doomed to become a source of our contempt and shame.

THE PANEL'S DIRECTOR AND COMMITTEE RATINGS

Case	Directors	Committee	Case	Directors	Committee
1	100.0	38.9	19	83.3	63.9
2	100.0	91.7	20	100.0	94.4
3	100.0	91.7	21	94.4	91.7
4	78.9	88.9	22	77.2	50.0
5	69.4	82.2	23	98.9	90.0
6	75.0	45.6	24	93.3	80.0
7	98.3	86.1	25	72.8	40.6
8	47.2	44.4	26	74.4	81.1
9	100.0	95.6	27	62.8	81.7
10	98.3	94.4	28	86.7	83.3
11	95.6	86.1	29	88.9	55.0
12	65.6	85.0	30	87.2	83.3
13	83.3	71.1	31	100.0	100.0
14	88.9	57.8	32	63.9	62.8
15	97.2	72.2	33	83.3	79.4
16	67.8	86.1	34	77.2	69.4
17	93.3	87.2	Mean	85.4	76.0
18	91.7	72.2			

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Jon Wittes, Claremont CA

Scribes

Bruce Keidan, Pittsburgh PA

Karen Lawrence, Berkeley CA

Linda Weinstein, Pinehurst NC

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Peter Mollemet, Williamsville NY

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