



# American Contract Bridge League

*Presents*

## Capitol Crimes and Misdemeanors



Appeals at the 2002 Summer NABC

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## CONTENTS

Foreword .....	iii
The Expert Panel .....	v
Cases from Washington, DC	
Tempo (Cases 1-19) .....	1
Unauthorized Information (Cases 20-27) .....	60
Misinformation (Cases 28-44) .....	85
Other (Cases 45-48) .....	128
Closing Remarks From the Expert Panelists .....	137
Closing Remarks From the Editor .....	139
Advice for Advancing Players .....	142
The Panel's Director and Committee Ratings .....	144
NABC Appeals Committee .....	145

Abbreviations used in this casebook:

AI	Authorized Information
AWMW	Appeal Without Merit Warning
BIT	Break in Tempo
CC	Convention Card
LA	Logical Alternative
MI	Misinformation
PP	Procedural Penalty
UI	Unauthorized Information

## FOREWORD

We continue our presentation of appeals from NABC tournaments. As always, our goal is to inform, provide constructive criticism, and foster change (hopefully) for the better in a way that is not only instructive, but entertaining and stimulating.

At NABCs, appeals from non-NABC+ events (including side games, regional events and restricted NABC events) are heard by Director Panels while appeals from NABC+ events are heard by the National Appeals Committee (NAC). Both types of cases are reviewed here.

Each panelist is sent all cases and invited to comment on and rate each Director ruling and Panel/Committee decision. Some panelists may choose not to comment on every case. Ratings (averaged over panelists and expressed as percentages) are presented with each write-up and in a summary table at the end. Separate summaries for Panels, Committees, and all cases combined are included in the table.

The numerical ratings are intended as a general index of Director, Panel, and Committee performance. They are not intended nor should they be used to compare the performance of Directors with Panels/Committees; each group is evaluated on different criteria. Directors are rated on their handling of situations at the table, including determining facts, applying appropriate laws, and making rulings which allow the game to progress normally. Their rulings may be reviewed and possibly overturned on appeal. Panels/Committees are rated on their fact finding, application of law, and use of bridge judgment appropriate to the level of event and the players involved. (Director Panels are expected to obtain bridge advice from appropriate players where a decision involves bridge judgment; their choice of consultants and use of the input received may affect their ratings). Ratings may also be affected by panelists' views of PPs and/or AWMWs that were assessed or should have been.

Table rulings are usually made after consultation among Directors, including the DIC of the event (who is responsible for the final ruling). This is true even if we occasionally refer to a ruling as the table Director's. At management's request, only the DIC's name is included in each write-up. Additionally, we should bear in mind that we see here only a subset of all table rulings—those with which some players disagreed. To that extent they may not be representative of all rulings made.

Ambiguity Department. Write-ups often refer to “an x-second BIT.” Our policy is to treat all tempo references as the *total time* taken for the call (unless otherwise specified) and *not* how much longer than “normal” the call took (which poses the additional problem of what is normal for the situation). Chairmen and scribes should adjust their reports accordingly.

Mild Disclaimer Department. While we make every effort to insure that write-ups are complete and accurate, we cannot offer any guarantees. Since even minor changes in the reported facts can affect our evaluations, the opinions expressed are valid only for cases which match the reported facts. Otherwise, the discussions here should be regarded merely as theoretical exercises.

Suggestions for improvements are welcome. They may be sent via e-mail to: [Rich.Colker@acbl.org](mailto:Rich.Colker@acbl.org) or via USPS to the editor, c/o ACBL in Memphis.

Finally, my thanks go to everyone whose efforts contribute to these casebooks: the scribes, reviewers and chairmen who labor to chronicle the details of each case; the panelists for their hard work and devotion to a truly arduous task for which they receive only our praise (and occasional abuse); and, of course, Linda Trent, NABC Appeals Manager and my assistant editor. My sincere thanks to all of you. I hope my efforts have not in any way diminished your good work.

Rich Colker  
January, 2003

## THE EXPERT PANEL

**Bart Bramley**, 54, was born in Poughkeepsie, NY. 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, a Deadhead and enjoys word games. He was 1997 Player of the Year. His NABC wins include the 1989 Reno Vanderbilt and the 1997 Reisinger. In 1998 he was second in the World Par Contest and third in the Rosenblum Teams. He also played in the 1991 Bermuda Bowl and captained the 1996 U.S. Olympiad team. Bart is currently the chairman of the ACBL Conventions and Competition Committee.

**Larry Cohen**, 43, was born in New York City and is a graduate of SUNY at Albany. He currently resides with his wife, Maria, in Boca Raton, Florida. He is a former computer programmer and options trader but presently makes his living from writing/publishing bridge books/articles/software and playing bridge professionally. Larry has played bridge in special invitational tournaments in a dozen different countries. His biggest passion/hobby is golf and watching sports, especially his beloved Yankees. He has won seventeen National Championships and was second in the 1998 World Open Pairs and third in the 2000 World Teams Olympiad. He also won the 2002 ACBL Player of the Year award.

**Ron Gerard**, 58, 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 (District 3 Director), 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 in 1990) and one semi-final without playing once on a professional team.

**Mike Passell**, 55, was born in Yonkers, New York. He currently resides in Plano, Texas, with his wife Nancy and daughter Jennifer. Mike, one of the ACBL's top professional players, enjoys movies and playing golf and softball. He ranks #2 all-time in masterpoints and holds the most ACBL regional titles (eat your heart out, Soloway). He won the Bermuda Bowl in 1979, the World Transnational Teams in 2001, and has victories in all four of the major NABC team events. He has enjoyed serving on the ACBL Hall of Fame and National Appeals Committees.

**Jeffrey Polisner**, 61, was born in Buffalo, NY and currently resides in Northern CA where he has been a practicing attorney since 1967. He is a graduate of Ohio State University (BS) and obtained his JD from Case Western Reserve. He is currently the WBF Counsel and former ACBL League Counsel. He is a member of the ACBL and WBF Laws Commissions and former Co-Chairman of the ACBL National Appeals Committee.

**Barry Rigal**, 44, was born in London, England. He currently resides in New York City with his wife, Sue Picus. A bridge writer and analyst, he contributes to many periodicals worldwide and is the author of the book, *Precision in the Nineties*. He enjoys theater, music, arts, and travel. Barry is also an outstanding Vugraph commentator, demonstrating an extensive knowledge of bidding systems played by pairs all over the world. He coached the USA I team to the Venice Cup in 1997. He is proudest of his fourth-place finish in the 1990 Geneva World Mixed Pairs and winning the Common Market Mixed Teams in 1987 and the Gold Cup in 1991.

**David Stevenson**, 54, was born in Kumasi, Gold Coast. He currently resides in Liverpool, England with his wife Elizabeth, cat Nanki Poo, and new kitten Minke. His hobbies include anything to do with cats and trains. David has won many titles as a player, including Great Britain's premier pairs event, the EBU Grand Masters,

twice. He was the Chief Tournament Director of the Welsh Bridge Union, is active internationally as a Tournament Director, and serves on the WBF Appeals Committee.

**Dave Treadwell**, 90, was born in Belleville, NJ, and currently resides in Wilmington, DE. He is a retired Chemical Engineer, a graduate of MIT, and was employed by DuPont for more than 40 years where he was involved in the production of Teflon for introduction to the marketplace. He has three grown children, three grandchildren and two great-grandchildren. His hobbies include blackjack and magic squares. 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.

**Bobby Wolff**, 69, was born in San Antonio and is a graduate of Trinity U. He currently resides in Fort Worth. 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 great players and has won ten World Titles and numerous National Championships including four straight Spingolds (1993-96). He served as ACBL president in 1987 and WBF president from 1992-1994. He has served as tournament recorder at NABCs and is the author of the ACBL active ethics program. Among his pet projects are eliminating both Convention Disruption (CD) and Hesitation Disruption (HD).

## CASE ONE

**Subject (Tempo):** Another Hesitation Blackwood  
**Event:** Grand National Teams Flight B, 18 Jul 02, Evening Session

Bd: 12	♠ 9432		
Dlr: West	♥ 103		
Vul: N/S	♦ 732		
	♣ K542		
♠ AK87		♠ J5	
♥ J864		♥ AKQ72	
♦ AJ1084		♦ K95	
♣ ---		♣ AJ8	
	♠ Q106		
	♥ 95		
	♦ Q6		
	♣ Q109763		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1♦	Pass	1♥	Pass
4♣(1)	Pass	4NT	Pass
5♥	Pass	5NT	Pass
6♥(2)	Pass	7♥	All Pass
(1) Alerted; singleton or void			
(2) Disputed BIT			

**The Facts:** 7♥ made seven, +1510 for E/W. The opening lead was the ♥5. The Director was called after West bid 6♥. E/W played Precision. The Director ruled that the BIT suggested bidding 7♥ and pass was an LA. The contract was changed to 6♥ made seven, +1010 for E/W (Laws 16A and 73C).

**The Appeal:** E/W appealed the Director's ruling. West said he couldn't remember if he was supposed to show the king above the trump suit and he paused somewhat while trying to remember. East thought that by agreement West should have bid 6♣. When asked why he bid 5NT and what different bid he might have made over a different response East said that in hindsight he should have bid 7♥ over 5♥. He agreed that the 6♥ bid gave him no new information. East said he couldn't imagine not bidding a grand slam looking at the East cards after opener's splinter. West

thought his hand was a bare minimum for a splinter (if the ♠K had been the ♠Q his hand would not have been good enough). Late in the interview West (not East) made the point that if he hadn't held the ♠K the chances that he held the ♦Q increased, and therefore improved grand slam chances. North believed there had been a slight pause before 4NT, 5♥ was bid in normal tempo, 5NT was slow, and 6♥ was the slowest of all (estimated 12 seconds). South thought the 6♥ bid took 30 seconds (he said he timed it at the table). West thought the 4NT and 5♥ bids were a bit slow, 5NT was slower, and 6♥ took a bit longer than other bids (estimated 8-10 seconds). East thought 6♥ took 8-10 seconds but was made in the same tempo as the other bids, starting with 4NT.

**The Panel Decision:** The Panel consulted a number of expert and peer players to determine if a slow 6♥ bid "demonstrably suggested" a bid of 7♥ and if passing 6♥ was an LA. The Panel was satisfied that the 6♥ bid was made after an unmistakable hesitation, particularly since East would have expected an automatic response in the circumstances. Three experts asked for aces and kings and bid 7♥ over 6♥. They did not see pass as an option. Two other experts did the same, but didn't necessarily see 7♥ as automatic to a player who asked for kings. The sixth expert didn't like the 4NT bid but with the auction given passed 6♥. Some experts mentioned that 7♥ might be a better bet if partner didn't hold the ♠K and they couldn't conceive of a splinter where the grand could be worse than a finesse combined with a drop. Four good Flight B players (two in the same event) were given the hand as a blind problem. All four passed 6♥. Two of them duplicated East's auction, one had a mild objection to asking for aces and one strongly objected to it. Given this input, the Panel determined that passing 6♥ was an LA. Also, based on player input and the Panel's own belief that a hesitation in this

auction could only suggest that West was considering bidding more or showing more, the Panel determined that the hesitation "demonstrably suggested" bidding 7♥. The argument offered by some consulted players that a 6♥ response might actually increase the prospects for 7♥ (versus a 6♣ response) was not afforded much weight since it was an argument not made by East. The contract was changed to 6♥ made seven, +1010 for E/W.

**DIC of Event:** Henry Cukoff

**Panel:** Matt Smith (Reviewer), Olin Hubert, Ken VanCleve

**Players consulted:** Chuck Burger, Ed Davis, Jill Meyers, Kit Woolsey, Michael White, Chris Willenken, and four Flight B Players

**Directors' Ruling:** 77.8 **Panel's Decision:** 73.3

☞ N/S called the Director when the 6♥ bid was made, lending credibility to the claim that there had been a BIT. In addition, E/W's own estimate that the bid took 8-10 seconds seems out of tempo for what would be a more-or-less routine response to 5NT for most Flight B players (bid a side-suit king). The BIT clearly suggests that West has something he cannot or decided not to show (the ♠K, a club void, a useful queen, etc.), which easily makes bidding 7♥ more attractive, and East failed to bid 7♥ directly over 5♥, suggesting that bidding the grand slam was not obvious prior to the BIT. Thus, pass is clearly an LA. So what else was there to decide other than whether or not to assign an AWMW? (I vote yes.)

One panelist agrees with me that an AWMW was appropriate.

**Stevenson:** "While the meaning of 6♥ is not given, I presume it shows no second-round control—or at least not one worth showing—and is the weakest response. Curious. While I can see that West might not like to pass the agreed suit, why did he not bid 6♣? Please do not tell me that would show the singleton king. I really find this sort of thing so sad. The Directors make a completely automatic ruling and then E/W waste everyone's time with a pointless appeal. Goodness knows where the AWMW went (compare with CASE EIGHT). It is really quite simple. Despite long-winded arguments that sound good, when a player makes an asking bid and gets a minimum response slowly, he may not go on. And it's time that people playing in bridge clubs upwards learned that. Perhaps it could be stressed further via *The ACBL Bulletin*, with this case serving as an example."

☞ Most of the remaining panelists agree that the contract should be 6♥.

**L. Cohen:** "A good player could find many valid bridge reasons to drive to 7♥ after the 5♥ Blackwood answer. However, East was not a good player. By asking for kings without planning ahead, he has no one to blame but himself. There are two key points that were well made in the write-up. One, this player's peers make it clear that passing 6♥ is an LA. Two, this East player didn't make the good argument himself that no kings was actually good news regarding West holding the ♦Q. This should be one of those 'benchmark rules': i.e., if you ask for kings and get a slow negative answer, you can't bid seven and claim you were always bidding seven."

**Gerard:** "Nice play problem. When North pitches the ♠K on the next-to-last trump, declarer should play for the show-up squeeze."

"This is tired old ground, but the fourth and fifth experts had it right, avoiding the Intelligence Transfer. I guess we can never stop people from making meaningless bids like 5NT, but we can tell them that if they persist in such myopia partner better not get in their way. The argument about the ♦Q is fatuous since West can never bid 6♠ on this auction."

**Passell:** "Why did East bid 5NT, then 7♥ after getting no kings? Was he planning

to bid 8♥ over one king? Surely the huddle gave the game away.”

☞ One panelist agrees with changing the contract to 6♥, but only because of the reactions of the Flight B players who were polled.

**Bramley:** “Peer polling makes the decision easy. Using only the experts’ opinions would have made the Panel’s task much harder.

“I have a bone to pick. I disagree that over 5NT ‘East would have expected an automatic response.’ Not at all. 5NT is not really Blackwood, and the time has come to stop calling it that, at least in the sense that we lump it with 4NT for ‘Hesitation Blackwood’ purposes. 5NT is a cooperative grand slam try, simultaneously imparting significant information (‘We have all of the keycards and the trump queen’) and asking for partner’s cooperation in deciding whether to bid a grand slam. The 5NT bidder expects partner to use his *judgment*, but only if partner judges not to bid seven (nor to bid above the trump suit at the six level) does his response become ‘automatic.’ Therefore, the threshold beyond which normal thought becomes a BIT is longer over 5NT than over 4NT or the responses thereto. Anything up to 10 seconds should be acceptable, perhaps even longer depending on the complexity of the auction. As I have said in previous casebooks, when a grand slam is under consideration, everyone gets to take more time. I can abide the Panel’s judgment that the pause here, which was estimated at 8-10 seconds even by the bidding side, constituted a BIT, but it’s very close.”

☞ While Bart’s view of 5NT is a good one for experts, it has drawbacks if applied to non-experts. West here was a non-Life Master for whom the notion that 5NT is a request for a loosely defined seven-level decision is not likely to be a valid one.

Two panelists think the contract should only be changed to 6♥ for E/W; N/S should keep the table result. The first one’s rationale for this is that East is highly likely to bid the grand anyhow.

**Polisner:** “It is really difficult for me to believe that East wouldn’t have bid seven even over a snappy 6♥; however, the likely reason for the hesitation would be whether or not to show the ♠K. Even so, the grand requires picking up the diamond suit. I would not want N/S to have all the best of it as we would not have heard about the case if declarer mis-guessed the diamonds. N/S –1510, E/W +1010.”

☞ There are two reasons why I have difficulty with Jeff’s argument. The first is that he seems to have fallen into the Intelligence Transfer trap. Most players good enough to bid 7♥ over a “snappy 6♥” would not have bid 5NT in the first place. The second is that West’s bidding does not guarantee a long or a strong diamond suit (i.e., a source of tricks). West might hold something like ♠AKxx ♥Jxxx ♦AJ10x ♣Q, ♠AQxx ♥Jxxx ♦AQxx ♣Q or even ♠AKxx ♥Jxxx ♦A10xxx ♣— and have just bid aggressively. That would make 7♥ a very poor proposition.

The second non-reciprocal score proponent’s position is based on principle.

**Wolff:** “N/S should receive –1510. Until a Director requesting side runs some risk from calling the Director (maybe such as if the hesitating side bids seven and goes down one it is ruled back to –980 for the non-offenders) they should never be allowed to get the best of everything. In a KO match the offenders’ penalty has to accrue to the non-offenders, but that is a minus and not a plus.”

☞ Wolffe makes an interesting point. Theoretically, if an action is not allowable due to UI, disallowing it should not depend on the result of the illicit contract. If a pair calls a Director who determines that the opponents’ action (such as the 7♥ bid in the present case) should not be allowed in the presence of the UI, then the score should be adjusted regardless of the outcome of the illicit contract. But this is clearly not in accord with the laws. Law 16A2 provides for a score adjustment *only* when the Director determines that the infraction has “resulted in damage.” If the

illicitly arrived at contract fails, then there has been no damage (the opponents get a better score than they would have otherwise), thus no score adjustment. Perhaps this Law should be reexamined. Of course one argument for not changing it is, if the non-offending side risks losing their good result (such as the grand going down) by calling the Director, they will be reluctant to make the call (at least until the result on the board is known). This can lead to undesirable consequences.

The next panelist explains why a non-reciprocal score adjustment is wrong.

**Rigal:** “Correct Director ruling. The Panel correctly determined the hesitation and where it leaned. Here is where Flight B players have to be believed. All of us would drive to 8♥ no doubt, but if they would not do so, we have to believe them. Also, we should not consider a non-reciprocal score. There is a clear likelihood of 6♥ for both sides. The Panel should have mentioned why they rejected that option, but that is probably nit-picking. Still, that is why we are here, is it not?”

☞ Finally, one panelist (mis)applies Bart’s argument to the present case.

**Treadwell:** “High-level auctions often have BITs. This is quite normal since partners need a few moments to be sure they understand what partner is up to and that they give the correct response. In many of these cases, the BIT gives no useful information, except that partner is striving to do the right thing. That is the case here, and East should be free to take any action he wishes. The fact, that you may not agree with the course he chose for the bidding is not relevant. East should definitely be permitted to bid the grand.”

☞ Dave’s argument would be valid if (a) the 5NT bid was necessary to provide useful information, and (b) it asked West for a global seven-level decision rather than just a cue-bid of a side king. In the present case, however, West’s BIT clearly disclosed that he had a problem showing something useful (extras or the ♠K). Therefore, the Director and Panel were correct to adjust the score.

An AWMW would clearly have been called for had E/W been a Flight A pair. I think it was appropriate here as well. We should recognize that AWMWs are not penalties, but rather *warnings* (that’s why we call them Appeal Without Merit *Warnings*). We should issue them anytime we want to *warn* someone who should have known better to be more careful in the future. And that’s precisely the message I would like to have seen sent to E/W here, who presented no argument to justify East’s 7♥ bid after admitting that 5NT was a poor bid and that 6♥ gave East no new information to justify his bidding 7♥ after the BIT.

Homework assignment for the diligent reader: (re)read Law 73C.

## CASE TWO

**Subject (Tempo):** He Huddled, He Huddled Not, ... He Huddled

**Event:** Life Master Open Pairs, 19 Jul 02, Second Qualifying Session

Bd: 24	Bobby Levin		
Dlr: West	♠ A109632		
Vul: None	♥ K		
	♦ AK5		
	♣ 932		
Donna Morgen	Michal Iglewski		
♠ 8	♠ J5		
♥ 853	♥ AQ109762		
♦ QJ983	♦ ---		
♣ AK74	♣ QJ108		
	Richard Katz		
	♠ KQ74		
	♥ J4		
	♦ 107642		
	♣ 65		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1♠	3♥	3♠
4♥	4♠	Pass(1)	Pass
5♣	Pass	Pass	5♠
Pass	Pass	6♣	Dbl
6♥	Dbl	All Pass	
(1) BIT			

**The Facts:** 6♥ doubled made six, +1210 for E/W. The opening lead was the ♠K. The Director was called after West's 5♣ bid and again at the end of the play. North said East took 7 seconds to pass 4♠ (much slower than his 3♥ bid); South thought he took 8-10 seconds; East thought he took 3 seconds (less time than his 3♥ bid); West said she didn't notice a BIT. The Director ruled that a hesitation had occurred which demonstrably suggested not passing, and that pass was an LA. The contract was changed to 4♠ down two, +100 for E/W.

**The Appeal:** E/W appealed the Director's ruling and were the only players to attend the hearing. West asserted that the 5♣ bid was made because of her hand and there had been no BIT.

**The Committee Decision:** Was there a hesitation? N/S claimed there was and called the Director at the appropriate time: when West bid 5♣. In discussing East's pass the Committee

determined that a BIT, although not obvious, may have occurred. The Director had listened to the players at the table and concluded that a BIT occurred. E/W asserted that there had been no BIT. The Committee concluded that a BIT had occurred, but barely. On defense, E/W had two clubs, a diamond, and either a club ruff or a heart as possible tricks. Pass was therefore deemed to be an LA. While perfect defense would lead to down three via ♥A, club to the king, small diamond, etc., the Committee decided that that defense did not meet either the "likely" standard for the non-offenders or the "at all probable" standard for the offenders. The contract was changed to 4♠ down one, +50 for N/S. The Committee decided that because of the difficulty in deciding the BIT issue the appeal had sufficient merit.

**DIC of Event:** Henry Cukoff

**Committee:** Bob Schwartz (chair), Karen Allison, Jeff Goldsmith, Michael Huston, Peggy Sutherland

**Directors' Ruling: 75.2 Committee's Decision: 64.8**

The write-up (or the Committee's thinking) is a virtual minefield of errors, here. First, it seems clear from East's hand that if N/S sensed a BIT over 4♠, then there was a BIT—and not just "barely." Second, in defending 4♠ E/W have three sure top tricks (two clubs and a heart), two possible diamond ruffs, and a possible natural diamond trick as well (if West leads a low diamond to give East his first ruff

and declarer steps up with an honor—likely—West will score a natural diamond trick to go with the defense's two ruffs). The line of defense suggested in the write-up for down three takes this into account, but what was that earlier comment about a club ruff (the suit is four-four) and that "possible" heart trick? (Unless East underleads his ♥A at trick one in a desperate attempt to get a diamond ruff, the defense's heart trick is more than just possible.) Third, what did the projected line of defense have to do with whether pass was an LA for West? Was West supposed to place the ♥A and a diamond void in East's hand on the auction (without a BIT)? And finally, why didn't West bid 4♣ over 3♠ if bidding clubs (either to help defend 4♠ or to gauge the offensive potential of the E/W hands) was so clear from her own hand?

Despite all this confusion, the Committee was right to change the contract to 4♠. The real question is what the result should be. One possibility is that without West's club bid East might underlead his ♥A, trying for a diamond ruff. (After all, West did support hearts at the four level.) This does not seem unlikely and it may meet the "at all probable" standard as far as E/W are concerned. On a low heart lead North wins perforce, draws trumps, and loses only two clubs and a diamond; +420.

Barring a heart underlead, the Committee was right that the most likely defense starts with the ♥A followed by a club shift. They were also right that a low diamond shift by West at trick three is improbable. Whether E/W cash two clubs or only one, a switch to the ♦Q by West at trick three or four seems obvious. East will then ruff one of declarer's top honors, holding him to down two (+100 for E/W). Only a third club or a heart switch by West at trick three or four, each of which is clearly wrong from the play to the previous tricks, allows declarer to get out for down one.

Thus, I would assign -420 to E/W if a heart underlead at trick one is judged "at all probable" and -100 to N/S for 4♠ down two in any case. If the heart underlead is judged improbable, I'd opt for the latter score for N/S as well. Thus, I support the Director's score adjustment over the one chosen by the Committee.

Several panelists find many of the same problems I did with the write-up.

**L. Cohen:** "First, it is not obvious to me that East was out of tempo over 4♠, but I suppose the general feeling is that he was, so I'll accept that. Once we accept the BIT, West must pass 4♠. Now for the silliness. First of all, I find it hard to believe the scribe meant to have back-to-back sentences in the Committee Decision that basically say: (1) On defense E/W have such and such, so, (2) pass was therefore an LA. Huh? Since when does a postmortem analysis of the play and defense determine an LA? The pass was an LA simply because it was a possible call that could be taken from among blah blah blah—however the jargon reads. Next, the scribe mis-described what was available on defense. Maybe it is just a typo, but a club ruff? A possible heart trick? Now, onto the defense. Let's immediately eliminate the double-dummy result of down three and focus on down one or down two. If East leads the ♥A, the defense would shift to clubs and after two rounds it's hard to imagine that West wouldn't play a diamond for down two. Even after a club lead, it looks pretty easy to get five tricks. However, I can see that four tricks could happen and since we have to favor the non-offenders, I barely can live with down one."

☞ "Barely" is an overbid.

**Gerard:** "Dyslexic. A BIT is like a pregnancy, barely is irrelevant. The litany of E/W's tricks on defense is wrong. Whether pass is an LA is determined by reference to West's hand, not whether 4♠ goes down. If West can come up with the perfect defense at trick three, North can counter with the perfect offense to go down two. And the contract should have been changed to down two, since normal play would be ♥A, club to the king, ♦Q. As I always say, kudos to the Director.

"Priceless scenario: The look on North's face when a high diamond gets ruffed at trick two."

☞ Was that a tongue in his cheek or was he just happy to see us?

**Rigal:** “What sequence of plays did the Director propose for down two? A club and a diamond shift, I suppose; a little generous to the offenders. The Committee weaseled out of the tempo issue by saying a BIT may have occurred. (I suppose they mean ‘might’). That a BIT barely occurred is like being ‘slightly pregnant.’ I think the Committee came to the right conclusion when they determined there was a BIT and that the contract should be put back to 4♣. And down one is right. Is difficulty in determining the facts a reason not to award an AWMW, assuming that the original ruling is not unfavorable to the offenders on the basis of the facts as determined by the Director? Is appealing against the facts and failing to get them changed not close to an automatic AWMW? My instinct is yes.”

☞ Is it possible that Barry and Ron both missed their calling—as gynecologists?! More of the same, but with a more sympathetic view of the result in 4♣.

**Bramley:** “A good policy in close cases is to find no infraction. Why disturb a valid table result on a micro-judgment? Here, the Committee admits that this was ‘barely’ a BIT. However, a glance at East’s hand suggests that he was probably thinking of bidding, and a pause of even 7 seconds in a ‘no-think’ position can be telling. The timing of the Director call also points in the same direction. The finding of a BIT was not as close as the Committee made it.

“A more difficult question, inadequately addressed by the Committee, is whether passing is really an LA for West. The Committee was cavalier in its assessment of West’s defensive prospects. She had not bid clubs yet, and the chance of scoring a diamond trick must be under 50%. Even if a club ruff is available and obtained, it might not be the setting trick. Therefore, from West’s point of view 4♣ may well be cold. (Give East a classic like ♠xx ♥KQJxxxx ♦xx ♣xx, for example.) Furthermore, 5♥ might be a good save. (See my example hand again.) I would expect many of West’s peers to bid 5♣ in her position, possibly having planned all along to do so. Nevertheless, pass is certainly an LA. If East’s hand is not quite classic, 4♠ may go down, or 5♥ may go for too much, or both. West’s hand is insufficient evidence of a two-step bidding plan to deem that she had no LA.

“Some Committees might be influenced to split the decision or to rule against this N/S altogether. However, this Committee got it right, including changing the Director’s assigned trick score. You can’t lose them all.”

**Polisner:** “When West initially decides to bid 4♥ rather than 5♣ (or 4♣—*Ed.*), she exposes her side to the risk of UI as it is almost assumed that N/S will bid 4♣ even as a two-way shot. Rather a routine ruling and decision, although I would have determined no merit to the appeal.”

☞ I agree with Barry and Jeff, an AWMW works for me.

And now, our matinee presentation of *Support Your Local Director*.

**Stevenson:** “Rarely should an Appeal Committee overrule a Director on a matter of fact, such as whether a BIT occurred. Opinions harden with time and it is while the matter is fresh in the players’ minds that the truth can be winkled out most easily.”

☞ We conclude our discussion with three minority views. Our first *Minority Report-er* (eat your hearts out Tom Cruise and Steven Spielberg), not surprisingly, remains more faithful to his acronymic view of what the law should be than to what it actually is.

**Wolff:** “The law in this case should penalize E/W for a small indiscretion (my guess is 10% of a board) and, more importantly, not allow N/S a windfall. They are

down in 4♣ but boldly bid E/W up to eventually taking a save over 5♠. The save turns to a miracle make and yet N/S are provided a golden parachute. Definitely not equity for the field (PTF). Normal playing luck should restore equity, which is N/S –1210. When we continue to not rule this way we are denigrating the game and our appeals process by waving for those so inclined to come to our candy store (i.e. if you push the opponents around, get them to take what should be a phantom, but lo and behold they get lucky you still get an excellent board by coming to our Committee). Really pretty sorry and something that needs to be corrected immediately.”

☞ Our second Minority Reporter is not exactly in unfamiliar territory—that of not seeing the problem (“Let’s just play bridge”).

**Treadwell:** “While I can understand the Committee’s reasoning in forbidding the 5♣ bid, I do not agree with it. Could the extremely brief BIT, if indeed there had been any at all, have suggested further action by West? Not at all, in my opinion.”

☞ First, the BIT was not “brief”: as Bart noted, even 7-10 seconds in a “no-think” position—after having preempted—can be telling. Second, what could a preempting partner opposite a passed hand be thinking about before passing other than bidding on? (Sure, East could have psyched 3♥ with unexpected defense, but in that case he would have doubled—in tempo—to ask West if she wished to cooperate in a save.)

Our third Minority Reporter, a relative newcomer to NAC, has not yet absorbed some of the subtleties of the process, although he does raise an interesting question about South’s 5♠ bid.

**Passell:** “I don’t like this one a bit. Why were N/S not present? How could a Committee determine a BIT? Why did South bid 5♣ if not taking a double shot? I like West’s actions in the auction. Finally, how can E/W not get down two after a likely ♥A lead and a club shift looking at two clubs in the dummy? Certainly all players should show up when there is a disputed BIT.”

☞ N/S were not the appealing side and thus, by regulation, were not required to attend. After all, just because their opponents disagreed with the Director’s ruling they should not be forced to forgo their after-game plans (to sleep, socialize, or to do whatever) just to retell the same story to a Committee that they already told to the Director, who ruled in their favor (and whose job is to relay the facts to the Appeal Committee just as he determined them at the table).

As for the Committee determining a BIT, a Committee, by law, has the same powers to determine facts as a Director. After all, the Director was no more present when the alleged events occurred than the Committee (although he did conduct his inquiry much closer in time to the events in question than the Committee, and it is for precisely this reason that David Stevenson’s point has validity).

It’s always possible that the opponents have their bids, so South must try to take the right bridge action even when he suspects that West’s 5♣ bid will later be disallowed. Still, Mike is right that South’s hand is no more worth a 5♠ bid now than it was at his previous turn, when he judged it wasn’t even worth 4♣. And while it’s not clear from the auction who the hand belongs to, a preempter opposite a passed hand means it rates to belong to N/S. But switch North’s minor-suit holdings and 5♥ is going down (one off the top; two on the club ruff) when N/S cannot even make 4♣. So 5♠ does indeed seem like a double shot (unless N/S could produce evidence that North’s pass of 5♥ was forcing—except that he doesn’t have anything close to the right values for a forcing pass).

Excellent point, Mike.



### CASE THREE

**Subject (Tempo):** Logic Can Be A Double-Edged Sword  
**Event:** Life Master Pairs, 19 Jul 02, First Qualifying Session

Bd: 9	Mike Kovacich		
Dlr: North	♠ 9		
Vul: E/W	♥ Q876532		
	♦ 75		
	♣ J82		
Dennis Goldstein	Bill Schmidt		
♠ 62	♠ AKQ1073		
♥ K	♥ A		
♦ AQ102	♦ 43		
♣ AK10965	♣ Q743		
	Bob White		
	♠ J854		
	♥ J1094		
	♦ KJ986		
	♣ ---		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	3♥	3♠	5♥
6♣(1)	Pass	Pass	6♥
Dbl(1)	Pass	7♣	All Pass
(1) BIT			

**The Facts:** 7♣ made seven +2140 for E/W. The opening lead was a low heart. The Director was called when East bid 7♣. The Director changed the contract to 6♥ doubled down three, +500 for E/W.

**The Appeal:** E/W appealed the Director's ruling. West did not attend the hearing. East said he had made a limited overcall and his partner had bid a slam by himself. East had a source of tricks (spades), the ♥A, and good club support. While his partner might reasonably have gambled on finding two of those features, he would not have gambled on finding all three of them. He had passed 6♣ at his previous turn because he was concerned that his partner had a heart void, and that his ace was duplicated. When his partner doubled 6♥ to deny first-round heart control, East then knew that his ♥A was working and that West would surely have

the ♣AK and the ♦A for his 6♣ bid. Thus, it was clear to bid 7♣. E/W was a pickup partnership, playing together for the first time. N/S said that over 6♥ West hesitated for 20-30 seconds, shrugged his shoulders, and flipped the double card. N/S did not believe that East was allowed to bid 7♣ given this UI, especially since he had passed 6♣ at his previous turn.

**The Committee Decision:** Although East's arguments for bidding 7♣ was logical, there was also a logical argument for passing the double of 6♥. The 5♥ bid did not allow West many options and he might have had to bid 6♣ with somewhat less than he would ideally have liked to have, perhaps something like ♠x ♥x ♦KJxx ♣AKJxxxx. His hesitation and improper mannerism clearly indicated that he had solid values for his 6♣ bid and would have liked to do more than simply double 6♥. Thus, the Committee decided that passing the double of 6♥ was an LA to the demonstrably suggested 7♣ bid and changed the contract to 6♥ doubled. After a high spade lead E/W could take five tricks against 6♥ doubled for down four: East shifts to diamonds at trick two and West plays three rounds of the suit, allowing East to score his ♥A separately. However, N/S deserved the most favorable result that was likely in 6♥ doubled. The Committee decided that it would not be at all unusual for East to try to cash two spades before shifting to diamonds, in which case the result would be down three. (One Committee member had achieved that result in 6♥ doubled.) Therefore, the contract was changed to 6♥ doubled down three, +500 for E/W. The merit of the appeal was then discussed. Despite the logic behind the 7♣ bid and the potential for going down four in 6♥ doubled, the Committee thought that the appeal had very little merit. The Screening Director urged the Committee not to issue an AWMW since the case had accidentally been

overlooked when cases were assigned to Committees and the players had been kept waiting for more than an hour ("We wasted more of their time than they wasted of ours"). While the Committee noted that the appeal (if without merit) also wasted N/S's time, it was decided that the case had just enough merit to escape an AWMW.

**DIC of Event:** Henry Cukoff  
**Committee:** Doug Doub (chair), Phil Brady, Dick Budd, Larry Cohen, Ellen Melson

**Directors' Ruling: 84.1 Committee's Decision: 83.3**

✍ All of East's arguments about his partner bidding a slam by himself opposite his own limited overcall, source of tricks (spades), ♥A, and good trump support applied just as much when he passed 6♣ as when he bid 7♣ over the slow double of 6♥. In addition, West's double of 6♥ was a warning to East—one that was not available when he bid 6♣—not to bid on. So what happened after 6♥ that provided additional information to warrant East bidding on? East claimed it was West's denial of first-round heart control from his failure to pass 6♥. But wouldn't West have bid 6♣, playing East for two aces, and then doubled 6♥ holding ♠x ♥K ♦KQJx ♣AKJ109xx (a considerably better hand than the one suggested by the Committee), in which case E/W would be off a cashing ace in 7♣? The Committee's adjustment to 6♥ doubled was therefore correct, as was the result they assigned in that contract. In fact, the only problem was their failure to assign an AWMW to E/W.

After West's BIT, body language, and flip of the double card I find East's 7♣ bid more than a bit disturbing. In fact, it deserved a PP in addition to an AWMW. The fact that the case was initially overlooked and E/W were kept waiting did not alter the fact that they sought to pursue this poor excuse for an appeal long before the unfortunate procedural glitch that kept N/S waiting. (I've no sympathy for E/W having to wait.) Would the appeal have had less merit if there had been a flood of cases that night causing this one to end up having to wait an hour to be heard? Bah! Ron, tell it like it is.

**Gerard:** "And what evidence do we have that the Screening Director would have discouraged them from pursuing the appeal? AWMWs are not assessed just because appeals waste time. E/W lodged the appeal and made a ridiculous argument before they knew they were going to be kept waiting for an hour. You don't get to do that in the Life Master Pairs. And why can't we identify the Screening Directors so we'll know which ones are doing their jobs and which ones aren't?"

✍ I think we can score that as a "rare" non-kudo.  
 One of the Committee members explains the non-AWMW.

**L. Cohen:** "The real reason the appeal wasn't deemed meritless is that one Committee member inexplicably wanted to allow the 7♥ bid. I thought the write-up would show him as a dissenter. I don't know what he was thinking—maybe some panelist will support him? Nah. This is similar to CASE ONE. When it comes to bidding seven, do it the first time or don't do it."

✍ Right. A few other panelists sniffed at an AWMW, but then something must have flown up their noses causing them to sneeze and forget about it.

**Passell:** "Good work on an easy one. Close to an AWMW."

**Stevenson:** "The idea of an AWMW is to stop frivolous appeals, not to recompense people whose time has been wasted. Therefore, if a pair appeals frivolously and is then delayed by an ACBL staff error, the correct thing to do is to give them

recompense in the form of some sort of voucher (towards drink, entry, food, merchandise or whatever) but still to apply the AWMW. Fortunately, the Committee decided the appeal had merit so the Screening Director's argument became moot. It was close."

✍ An alternative to an AWMW for E/W is offered by...

**Rigal:** "Good Director ruling. I have some sympathy with West for his misdemeanors as he was obviously not considering that his partner might bid on; sort of like doubling in passout seat. Still, the Committee got this one right, down to not giving an AWMW. We don't really want to screw people twice over on the same case. Maybe give the AWMW to the Directors."

✍ The next three panelists agree with the Committee not issuing an AWMW.

**Polisner:** "Yes, the logic indicates bidding 7♣; however, so does the tempo. Logic is always easier after the fact. Good ruling and decision."

**Treadwell:** "This is a case where the BIT and improper mannerism by West may have given UI to East leading to his delayed decision to gamble the grand. Hence, the Committee decision and reasoning are correct."

**Bramley:** "Good here. West truly had a big problem at his first turn, but his second huddle was of the classic 'extra values' type. However, the E/W case has plenty of merit. From East's point of view 7♣ might make opposite a good club suit and nothing else, for North may not lead a diamond even if South doubles with the ace. Of course, the same argument applied on the previous round of bidding, which weakens East's case. He might have made a better point that he was trying to talk the opponents out of saving in 7♥ by allowing himself to be pushed to 7♣."

✍ The best laid plans of mice and men...

Our last panelist is still politicking for non-offenders to keep the table result, basing his argument on the fact that they would have kept their top had 7♣ failed.

**Wolff:** "Terrible! Again, the appeals process has allowed N/S to be in a perfect position. If 7♣ goes down they get a top, while if it makes they receive a very good board for -500. Do we know what we are doing? I doubt it since it is against every tenet of competition. Why not N/S -2140 and E/W +2140 minus a 1/2-board PP for taking advantage of a BIT. The only discussion by the Committee should be what to penalize E/W. If one thinks it is very bad then up to a full board (or more), but let the punishment fit the crime for the offenders and let PTF help determine the result for the non-offenders."

✍ I guess we could apply the same logic to anyone swindled out of their savings by unscrupulous investment counselors selling high-risk junk bonds or penny stocks ("If the investments had made money they'd have kept it, so they should bear the loss if the investments turned out bad"). But since we've been all over this ground several times before, I'll leave the rebuttal as homework for the interested reader.

## CASE FOUR

**Subject (Tempo):** Necessity, The Mother Of Sincerity?

**Event:** Stratified Pairs, 19 Jul 02, First Session

Bd: 1	♠ K98		
Dlr: North	♥ K98652		
Vul: None	♦ 9		
	♣ K104		
♠ AQ5		♠ 32	
♥ Q104		♥ 7	
♦ 10862		♦ KQJ743	
♣ J32		♣ AQ97	
	♠ J10764		
	♥ AJ3		
	♦ A5		
	♣ 865		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	1♦	1♠
1NT	2♠	3♣	3♠
Pass(1)	Pass	4♦	Pass
5♦	All Pass		
(1) BIT			

**The Facts:** 5♦ made five, +400 for E/W. The opening lead was the ♥A. The Director was called after the 5♦ bid. N/S believed that West's pass of 3♠ took 1 minute; E/W thought it took 10-15 seconds. The Director ruled that the BIT demonstrably suggested the 4♦ bid and that pass was an LA. The contract was changed to 3♠ down one, +50 for E/W (Law 16A2).

**The Appeal:** E/W appealed the Director's ruling. E/W both thought that the BIT was 10-15 seconds rather than the 1 minute claimed by N/S. East said he would always bid on this auction because his partner was known to have a fit: N/S's bidding marked partner with at most three spades (probably two) and his failure to make a negative double showed fewer than four hearts. Therefore, West must have four-card support for one of his minors. E/W both agreed that

although the length of the BIT was disputed it was still "noticeable." N/S both thought the BIT was "about 1 minute." They said that while West's bidding on both boards had been "somewhat deliberate," the BIT over 3♠ had been noticeable and made East's action more attractive. N/S were an experienced partnership with 400 and 250 masterpoints; E/W were a first-time partnership with 275 and 25 masterpoints.

**The Panel Decision:** Two expert players were consulted. One passed at East's third turn when given the East hand as a bidding problem and thought that a hesitation by West made another action more attractive. The second expert, who would have bid 3♦ over 2♠ and then 4♣ over 3♠, thought that on the actual sequence a third action was too dangerous and the BIT suggested action (but "Who knows what goes on in the minds of Flight C players?"). Four players in the 200-400 masterpoint range were consulted. When given the hand as a bidding problem, all four passed out 3♠. (All four would have bid 3♦ rather than 3♠ at East's second turn.) Three of the four believed that West's BIT made bidding at East's third turn more attractive. The Panel concluded that there was an unmistakable hesitation at West's second turn which demonstrably suggested action, and that pass was an LA to 4♦ for East. Although E/W could defeat 3♠ two tricks with best defense, given the level of the players the result of down one was judged both the most favorable result that was likely for the non-offenders and the most unfavorable result that was at all probable for the offenders. The contract was changed to 3♠ down one, +50 for E/W. Because East convinced the Reviewer that he truly believed his third call was a 100% action, and because of the level of the players involved, no AWMW was issued.

**DIC of Event:** Gary Zeiger

**Panel:** Ken VanCleve (Reviewer), Charlie MacCracken, Matt Smith  
**Players consulted:** Ken Gee, Hjordis Eythorsdottir, four players with 200-400 masterpoints

**Directors' Ruling: 86.7**      **Panel's Decision: 82.2**

☞ While we weren't told how N/S managed to let 5♦ score, a heart continuation at trick two seems the likely culprit. Perhaps that sort of defense is normal for these players, but in my opinion N/S had their shot at a plus score and blew it big time. Thus, I would leave N/S with their table result. As for E/W, I would make them defend 3♠. After the normal diamond lead, most lines lead to down one (unless E/W go to heroic lengths to help declarer). So I would assign E/W +50 for 3♠ down one.

Several panelists mention that N/S's negligent defense of 5♦ should have been taken into account in the score adjustment.

**L. Cohen:** "Again, the key is that East's peers would have passed, so it is easy to change the contract to 3♠. The play is complex, but I can live with down one. One major point wasn't mentioned. How did 5♦ make five? I'm guessing ♡A and another heart? We need to know if the defenders lost their minds, in which case they keep their -400 on the basis of 'failing to play reasonable bridge.' The Panel needed to investigate this matter to make a complete decision."

**Passell:** "How in the world did 5♦ make? Maybe that cannot be weighed into a decision, but maybe getting this protection is wrong. We wouldn't have had this appeal at all if N/S had gone plus against 5♦."

**Wolff:** "Changing +400 to +50 is okay for E/W as long as the Director and Panel thought the BIT should preclude East from competing. (I would vote the other way, but still slap E/W's hands for the BIT; after all, West did raise East to 5♦, obviously thinking that East was not bidding on his BIT.) The +50 for N/S is ridiculous. They defended 5♦ and contrived to let E/W make it. How can it be right to just erase a real bridge result for an artificial one in order to make an undeserving pair feel good (undeserving in that they did nothing good on the hand but call the Director genie who gave them their wish)? I say -400 for N/S. They had their chance to get +50. I also think this should be a precedent case for doing what I suggest, in spite of the Director's and Panel's decisions."

☞ Looking for a reason to judge N/S's defense non-egregious, even for players at their level...

**Gerard:** "Yeah, and what about the defense to 5♦? Who knows what an egregious error is at the hands of a Flight C player? I guess North signaled high and South continued hearts, playing East for a singleton ♠K. But maybe North played South for the spades he should have had (I mean, who has jack-ten fifth for 3♠?) and encouraged in case South held ♡Ax and ♦Qx. So it was probably okay. But please don't tell me North played low on the opening lead.

"As for the Reviewer, he's going to get scammed a lot and he needs to understand his obligations. Conan Doyle wrote about the serial killer with the angelic manner. What you believe doesn't matter; an AWMW doesn't address what you believe. The way to deal with the level of the players involved is to explain to East that West could have had ♠KQx ♡KQx ♦xxx ♣xxxx."

☞ Ron makes an excellent point about the proper way to educate East about the inappropriateness of his 4♦ bid.

The possibility of an AWMW was also mentioned by several other panelists, all of whom failed to question N/S's culpability for their defense of 5♦.

**Rigal:** "We need to know which of the E/W players had 25 MP and whether that was a fair reflection of his playing experience. Good Panel decision. If East was inexperienced I'd consider not giving an AWMW, but I'd need to be truly convinced and that would not be easy. Otherwise, 'A la lanterne!' ['Lynch him!' Literally, 'To the lamppost with him!'—Ed.]"

**Bramley:** "Well researched, well argued, well decided, well written. Close to an AWMW, but East's argument about finding support gives him some credibility."

**Polisner:** "West showed his willingness to compete to the four level without the risk. Not acceptable, as pass is an LA for East. Routine."

**Stevenson:** "A good ruling and decision, showing the Panel method working well."

☞ Sorry, guys, but we must maintain some semblance of standards—even here. Assuming a heart continuation at trick two (and not a revoke or some other hiccup later in the hand), looking at that dummy, is just too much even for a player with no masterpoints.

CASE FIVE

**Subject (Tempo):** A Good Time To Be Playing Flip-Flop  
**Event:** Life Master Pairs, 20 Jul 02, Second Semifinal Session

Bd: 19	Michael Becker		
Dlr: South	♠ A10543		
Vul: E/W	♥ 9		
	♦ J853		
	♣ J85		
Doug Doub	Adam Wildavsky		
♠ Q	♠ 986		
♥ Q8632	♥ AK7		
♦ 42	♦ A10		
♣ A10963	♣ KQ742		
	Richard Schwartz		
	♠ KJ72		
	♥ J1054		
	♦ KQ976		
	♣ ---		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			1♦
Pass	1♠	2♣	2♠(1)
4♣	Pass(2)	5♣	5♠
Pass	Pass	Dbl	All Pass
(1) Four-card support			
(2) BIT			

**The Facts:** 5♠ doubled made five, +650 for N/S. The opening lead was the ♥K. The Director was called when the BIT occurred. The Director ruled that passing 5♣ was an LA for South, but had South passed 5♣ North would have bid 5♠ and played there undoubled. The contract was changed to 5♠ made five, +450 for N/S. In screening the contract was changed to 5♣ made five, +600 for E/W.

**The Appeal:** Both pairs initially appealed the table ruling; N/S then appealed the Screening Director's ruling. East did not attend the hearing. South said he was always bidding 5♠ at this vulnerability and that North's hesitation was not relevant to his decision. He said he had no defense and that years of experience had taught him that bidding on in these situations was clearly best. South thought his partner probably had some club length and possibly extra spade length (sure, North might have had a penalty double but he

didn't think much about it). North said he was thinking about how many they'd go down in 4♠ and whether he was going to save over 5♣ (he was hoping to defend 4♣). All parties agreed that the hesitation over 4♣ lasted approximately 60 seconds; North claimed that at least half of that was due to a loud and raucous Director ruling at an adjacent table. N/S played five-card majors, strong notrumps, and generally followed the Rule of 20 when opening the bidding. E/W believed that South could not count on either extra spade length or a diamond fit from North.

**The Committee Decision:** The Committee believed South had UI from North's BIT and that a substantial number of South's peers would pass over 5♣. Thus, South's 5♠ bid could not be allowed. Given the freely-bid vulnerable game by East it seemed clear that North had extra offense with little wastage in clubs. But a final pass by North was clearly an LA, given his second-round pass over 4♣ and his verbal statements concerning possible further actions. Therefore, the contract was changed to 5♣ for both pairs. Since the likelihood of a spade lead was judged somewhat comparable to that of a diamond lead, both sides were assigned the result for 5♣ made six, +620 for E/W. The merit of N/S's appeal was discussed but an AWMW was rejected due to the flip-flopping of the Directors' rulings. Finally, several Committee members questioned the basis for the initial ruling. (How could one even consider allowing North to bid 5♠, let alone allowing East not to double?)

**DIC of Event:** Henry Cukoff

**Committee:** Mark Bartusek (chair), Bob Gookin, Jim Krekorian, Mike Passell, Jon Wittes

**Directors' Ruling: 43.0**      **Committee's Decision: 96.3**

✍ This case argues strongly for the ACBL adopting a policy that Directors must seek the advice of expert players *whenever it is at all possible* before making a table ruling in an NABC+ event (and possibly in Regionally-rated events at NABCs as well). They should consult on all pertinent issues, including what actions a player would consider in the auction and the number of tricks that could be taken (from both an offensive and defensive perspective) against any proposed contract.

Both the initial table ruling and the tricks assigned in screening for the adjusted 5♣ contract suffered from the absence of such input. Good work by the Screening Director to spot the (obvious) error in the table ruling; good catch of the overtrick by the Committee as well.

As for the AWMW, the following panelist agrees with me that one should have been assessed against N/S...

**Polisner:** "What was the Director thinking? North would bid 5♠ when all his partner could do is bid 2♠ showing four?! The Screening Director showed his courage and a good Committee improved it. Regardless of the flip-flop, I would have awarded an AWMW."

✍ Several other panelists would have assessed one but for the flip-flop...

**Passell:** "The Director who made the ruling should take up another profession or share what he is smoking. What was he thinking? Even if he thought N/S's actions were completely kosher, how would they not get doubled? His ruling saved N/S a deserved AWMW."

**Rigal:** "Incredible initial Director ruling; well done though for changing it. Clearly N/S should have got an AWMW were it not for that change (again, I'd rather not screw people over twice on the same case, so I'd let them off and explain how close they got)."

**Bramley:** "I agree. Good to spot the overtrick. The only reason to skip the AWMW was the timing of the correct ruling. When the Directors screw up this badly I let the players slide, even though the N/S case is beyond hopeless. South's 5♠ bid was mighty rich when the Director had already been called."

✍ Shouldn't "beyond hopeless" speak for itself?  
 More support for the Committee's changes...

**L. Cohen:** "The Director has quite an imagination to rule 5♠ undoubled by North. The Committee reasoned well, and I can live with forcing a spade lead for 620. I'll leave it at that since N/S are my regular teammates these days and they might read this book."

✍ To paraphrase the immortal Bard, "Thus *financial entanglements* does make cowards of us all."

**Treadwell:** "This ruling is almost automatic. South bid only 2♠ after a somewhat marginal opening bid and then bid 5♠ after the BIT. It was possible that North was considering a double of 4♣, but the slow pass suggested this was not the case when East went on to 5♣."

**Wolff:** "After all was said and done a good Committee decision. It must be very hard for Directors to deal with high profile players. Directors must feel that they are

either going to be accused of (1) ignorance of the game or just general stupidity; (2) not realizing who they are dealing with; (3) calling a superior being wrong; and sometimes (4) all of the above. Pressure works different ways on different people. Some battle to extreme, others just want to get it over with, and still others lose their way and their equilibrium. Anyway, a difficult task that leads to trauma and name calling. And I've not even mentioned possible bias against players who have shown them little respect and in favor of good-guy experts who have bought votes along life's path. Work like this is probably best left to Committees or to a very few self-secure and knowledgeable individual Directors."

 The last word goes to our lone European panelist (ignoring Barry's derivation).

**Stevenson:** "As ever, South claimed he would always have bid 5♠. Do top players really know so little law that they believe this to be relevant? For 5♠ to be permitted pass should not be an LA—but it is. As for the initial ruling, not everyone bids at the five-level if they cannot bid at the four-level. Surely enough pass to satisfy the requirements of Law 12C2. I had a dream about a beautiful future, where there is a BIT from partner and no one chose an LA suggested by it and then said he would always have bid. Unfortunately, then I woke up."

## CASE SIX

**Subject (Tempo):** The Red Ribbon For Confusion  
**Event:** Red Ribbon Pairs, 20 Jul 02, First Qualifying Session

Bd: 13	♠ 3		
Dlr: North	♥ 632		
Vul: Both	♦ KJ1093		
	♣ K432		
♠ K1092		♠ AQ75	
♥ KQJ85		♥ 7	
♦ Q		♦ 87654	
♣ J105		♣ 986	
	♠ J864		
	♥ A1094		
	♦ A2		
	♣ AQ7		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	Pass	1NT
Pass	2NT(1)	Pass	3♦(2)
Pass	3NT	All Pass	
	(1) Alerted; transfer to diamonds		
	(2) BIT; not Alerted, nothing asked		

**The Facts:** 3NT made four, +630 for N/S. The opening lead was the ♥K. The Director was called when dummy was displayed. South agreed that she broke tempo (estimated as 15 seconds by E/W) to decide whether 3♣ or 3♦ showed a better hand. North said that South's CC (but not North's) read "Bid it if you like it," so she bid 3NT. The Director and opponents looked at the N/S CCs but saw no such notation. The Director ruled that 3NT was demonstrably suggested by South's BIT and that pass was an LA. The contract was changed to 3♦ made four, +130 for N/S.

**The Appeal:** N/S appealed the Director's ruling. South said she took a long time to bid 3♦ because she could not remember whether 3♣ or 3♦ showed acceptance. South's CC was marked "Bid it if you like it." Both cards were marked four-suit transfers, but the responses thereto were not filled in. Since N/S's

agreement was that 3♦ showed a fit, North believed she should be allowed to bid 3NT. E/W said there was a significant BIT prior to the 3♦ bid. They believed that North was barred from making a call that could have been suggested by the BIT if there was an LA. After the hand was played N/S had a discussion about what the responses to four-suit transfers should be.

**The Panel Decision:** The Panel believed that there had been an unmistakable BIT. Based on the evidence presented by the players it was apparent that it had been caused by South's uncertainty as to her agreements. Thus, the BIT did not demonstrably suggest any particular action. A number of experts and Flight B players were given the North hand without the extraneous information. Most were bemused by the problem since they would not have made North's initial response. However, several bid 3NT, the action chosen by North. One expert said that if he bid the hand the way North had he would bid 3NT. The second expert said he would consider both pass and 3NT, but the choice would be based on the motivation to bid 2NT in the first place. If it was to get out of notrump, he believed the goal had been accomplished and a pass was indicated. If the idea was to explore for game, then 3NT was a consideration. The Panel decided that the BIT was due to N/S's ignorance of their own methods and did not demonstrably suggest a choice from among LAs (Law 16A). Additionally, if N/S's methods were as indicated, the 3NT bid was contraindicated. The Panel restored the table result of 3NT made four, +630 for N/S.

**DIC of Event:** Millard Nachtwey

**Panel:** Mike Flader (Reviewer), Patty Holmes, Gary Zeiger

**Players consulted:** Bart Bramley, Richard Pavlicek, several Flight B players

✍ Expert consultant #2 accurately conveys my own sentiments about this case...

**Bramley:** "I think I was the second expert. The BIT did not impart meaningful information, since South's choice was between 3♣ and 3♦. Thus, North could do as he pleased. Note the difference between a two-step transfer and a one-step transfer. With two steps opener always has a choice below the target suit while with one step he does not, so a huddle over a one-step transfer would be more telling. Correct decision."

✍ ...and the remaining panelists make it unanimous.

**Gerard:** "Wait, how was 3NT contraindicated in the face of an acceptance? It might have been useful to analyze South's hand to determine the existence of an agreement. Doesn't that look like an acceptance? What, you need three trumps or a maximum? Get a life. In order to rule as the Director did, there would have to be evidence that 3♦ was a rejection. Hell will freeze over first."

**Rigal:** "I think the Director got this right—rule against the offenders in the case of doubt and let the Panel sort it out. The Panel similarly got it right when they worked out that South did not know the methods (does she have an acceptance?) and that, for all the reasons they stated, North could do what he liked. We may not agree with his hand evaluation but that is not the point."

✍ Does she have an acceptance? To quote the immortal Ron-a-Roni, "Get a life."

**Polisner:** "Bizarre at best. The Director saw no notation on the CC but it 'appeared' later. An incredibly lucky make with both minors coming home and not five spades off the top. I would allow 3NT because if South was really in between good and bad, North shouldn't want to bid on. Thus, the UI did not demonstrably suggest bidding 3NT; it suggested passing. If North passed and 3NT was going down, I would like to have seen an appeal the other way for not bidding and then seen what happened."

**Stevenson:** "It is not possible to know what North thought the BIT showed. The Panel may have believed that it was due to ignorance of the methods, but that would not have been apparent to North at the time. A hesitation suggests doubt. While North cannot be sure, with two responses available, one of them showing a better hand in some way, the inference is that South has a borderline choice between them. If North bid 2NT to try for game and if South's bid shows a better hand, but the BIT shows doubt, then Law 73C makes a pass of 3♦ illegal, since that is what the UI suggests. Thus the Panel's decision would be correct, though not all their reasoning. Of course the opposite applies if the 3♦ bid shows the poorer hand, which is why the fact-finding is important. Based on the write-up, the Director apparently did not discover the meaning of 3♦ but applied the 'If it hesitates, shoot it' approach. 3NT was only suggested by South's tempo if the 3♦ bid showed the poorer hand, not otherwise."

**Treadwell:** "The comments of the consultants and the rationale of the Panel are right on target, particularly for non-Flight A players."

**Passell:** "Good work by all, based on the event."

✍ Interested in learning how to get a "fix fixed"? Read on.

**Wolff:** "I agree with the Panel. A fix is a fix and E/W must live with it. Obviously no collusion here and although possibly a partnership misunderstanding a NPL

result. To rule otherwise would create a new line for people to wait in to get their fix fixed."

✍ Finally, one panelist thought this decision so obvious that I think he reflexively judged that the appeal had no merit.

**L. Cohen:** "If the CC said that 3♦ showed the rejection, then we would make North pass. If South bid a slow 3♣ that showed rejection, we would also disallow 3NT. But here South made the bid that said she accepts, so why would we stop North from bidding 3NT? The tempo has nothing to do with it when South ultimately chose to show a maximum. If anything, the slow 3♦ bid suggests that it was on the border of min/max, or barely an acceptance. That argues for not bidding 3NT. So if anything the slow 3♦ contraindicated the action North chose. This case has no merit, so I can't give a top mark to the Panel."

✍ There would certainly be a case for an AWMW against E/W if the Director had allowed the table result to stand and E/W then appealed. But here N/S appealed and we all (even Larry) agree that the ruling was incorrect and the table result should be reinstated.

Perhaps, as a consolation prize, we should assess an AWMW against E/W for a Director call without merit. (Sorry, I couldn't resist.)

## CASE SEVEN

**Subject (Tempo):** My Suit's So Bad It Worries Me To Death  
**Event:** Red Ribbon Pairs, 20 Jul 02, Second Qualifying Session

Bd: 3            ♠ K843 Dir: South    ♥ Q1085432 Vul: E/W      ♦ Q ♣ 6  ♠ Q102                            ♠ J975 ♥ 76                                ♥ KJ9 ♦ AJ75                             ♦ 96 ♣ 9732                            ♣ J854  ♠ A6 ♥ A ♦ K108432 ♣ AKQ10																													
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">West</th> <th style="width: 15%;">North</th> <th style="width: 15%;">East</th> <th style="width: 15%;">South</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td style="text-align: center;">1♦</td> </tr> <tr> <td>Pass</td> <td style="text-align: center;">1♥</td> <td>Pass</td> <td style="text-align: center;">3♣</td> </tr> <tr> <td>Pass</td> <td style="text-align: center;">3♥</td> <td>Pass</td> <td style="text-align: center;">3♠</td> </tr> <tr> <td>Pass</td> <td style="text-align: center;">3NT(1)</td> <td>Pass</td> <td style="text-align: center;">4♥</td> </tr> <tr> <td colspan="4">All Pass</td> </tr> <tr> <td colspan="4">(1) BIT; 30 seconds, not disputed</td> </tr> </tbody> </table>	West	North	East	South				1♦	Pass	1♥	Pass	3♣	Pass	3♥	Pass	3♠	Pass	3NT(1)	Pass	4♥	All Pass				(1) BIT; 30 seconds, not disputed				
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Pass	3NT(1)	Pass	4♥																										
All Pass																													
(1) BIT; 30 seconds, not disputed																													

**The Facts:** 4♥ made four, +420 for N/S. The opening lead was the ♠5. The Director was called after the 4♥ bid. When asked, South said she bid 3♠ in case of slam interest by partner but did not want to play 3NT with a weak six-card diamond suit; she expected her partner to have six hearts. A poll of players by the Director established a pass by South as a minority action but clearly an LA. The contract was changed to 3NT down two, +100 for E/W (Laws 16A, 73C, 12C2).

**The Appeal:** N/S appealed the Director's ruling. South said that at the time she bid 3♠ her partner's hand was still unlimited, and she was still looking for a possible slam. With her diamonds being so weak, she said she would never pass 3NT; without a diamond fit a source of tricks was lacking. West said that there was a 30-second BIT prior to the 3NT bid. This suggested doubt about 3NT and South should not be allowed to pull it.

**The Panel Decision:** The Panel had several issues to resolve. (1) Was South's 4♥ bid demonstrably suggested by the BIT and, if it was, (2) was passing an LA? If the answers were yes to both (1) and (2), then (3) what was the most favorable result that was likely in 3NT for the non-offending side? In answer to (1) and (2), the floor Directors had already polled a number of players at the same level of ability as the players involved and determined that bidding over 3NT was demonstrably suggested and that pass was an LA. The Panel posed this problem to a number of experts. All passed 3NT and took a contrary view of the diamond suit as being a source of tricks. Regarding (3), it was pointed out by many that given the likely spade lead against 3NT, nine tricks were available by playing on diamonds. That did not mean that declarer would adopt the winning line. Three players of similar experience to the player involved were given the hand as a problem and all failed to adopt the winning line (as did a Diamond Life Master). Hence, the Panel changed the contract to 3NT down one, +50 for E/W.

**DIC of Event:** Millard Nachtwey

**Panel:** Mike Flader (Reviewer), Patty Holmes, Gary Zeiger

**Players consulted:** Several experts including Eric Rodwell and Ron Smith, several Flight B players

**Directors' Ruling:** 75.2

**Panel's Decision:** 76.7

Frankly, I don't believe I've ever seen a player with a hand like South's pull his partner's in-tempo 3NT bid to 4♥. North's BIT certainly suggested that he had an alternate contract in mind (which could have been 4♥, a minor-suit contract, or even a slam). In any case, the BIT clearly suggested bidding on, and with pass

being so obvious it is difficult to imagine allowing anything else.

As for the result in 3NT, I agree that given the likely spade lead, nine tricks are available by playing on diamonds. (Note that an unlikely club lead or an even less likely heart lead would remove a critical entry from South's hand prematurely.) I also agree, based on the play of the Flight B players, that the winning line was unlikely to be found and therefore the contract was likely to fail. The only question left to answer is, how many down should 3NT go.

It is easy to see that after a spade lead a *declarer who is fixated on hearts* will win dummy's ace, cash the ♥A, and try to get back to his hand with a diamond. If West ducks, declarer will play a second heart hoping to find the king doubleton. Now the defense is poised to lead another spade and take two spades, two hearts, and two diamonds for down two. Only if declarer takes an immediate club finesse when in with the ♠K can he get out for -50. A similar situation occurs if West wins the ♦A at trick two: the club finesse is the only route to down one. So I agree with the table Director and would change the contract to 3NT down two, +100 for E/W.

The panelists almost unanimously agree that the contract should be changed to 3NT, but the likely result in that contract seems to have been too much for some of them to handle. Three panelists agree that down two is the way to go.

**Gerard:** "Really, you would think that a Diamond Life Master would get this right. He probably just wasn't a high enough Diamond Life Master."

"Bidding over 3NT is not the same as bidding 4♥ over 3NT. The Panel framed the issue correctly in (1), then failed to address it. Bidding 4♥ likely ends the auction, whatever North holds. That could be good or bad. It's 4♦ that was demonstrably suggested, catering to any of the four things North could have held for a BIT—hearts, diamonds, clubs or extra values."

"Still, I go along with the Panel on the auction. 4♥ buries the minors but does pick up the other two and the combination of the other two. Maybe not in the Red Ribbon Pairs, where North is a photo not to know how to evaluate ♠Kxxx ♥KQJxxx ♦x ♣xx, say, but in theory anyway. And with North holding six hearts and some spade length, the chance of a minor-oriented BIT seems less likely. I just wish the Panel had addressed the distinction between the bids."

"As to the play, down one is impossible. It's either making or down two, unless you project a club finesse at some point. Very shoddy work by the Panel."

**Rigal:** "A sensible ruling by the Director, and the Panel agreed, using the right rationale. In 3NT on a spade lead how likely would it be to play on hearts? You do not have the entries however the hearts lie. Maybe the non-offenders should be left with 3NT making while the offenders get 3NT down two, not one, since you either make seven or nine tricks I think, depending on which red suit you play on."

From the results of the B player poll we can only surmise that playing on hearts is apparently quite likely.

**L. Cohen:** "It is preposterous to allow South to pull the slow 3NT. If North's 3NT was delivered promptly, I have no doubt that South would have been delighted to pass, without even pausing for thought. The only issue is to determine a result in 3NT. It really should be made, but since the sample of this level of player went down, then down it is. As to how many down, that's not so clear. It would be nice to know what line the three players chose so as to determine how many they would likely go down. I could easily see down two if the ♦Q is ducked and declarer later makes the error of leading a low diamond from dummy."

Larry's point is well taken for this level of player: even if declarer chooses to play on the right suit (diamonds) it is not clear that he will make his contract. For example, he wins the ♠A at trick one and leads a low diamond to the queen. He then reenters dummy and plays a low diamond (playing West to have started with ♦Ax). Now, unless he takes the club finesse when he wins the ♠K, he will go down

two.

Several other panelists accepted the Panel's adjustment to 3NT down one...

**Passell:** "Good job by the Panel, especially in determining the number of tricks to be taken. Another failed effort by the Director. Why didn't he get help from top players as he is directed to do?"

*✍* This isn't the WBF, where Directors are instructed to routinely consult with top players on the bridge aspects of their rulings. In the ACBL no such consultation is either required or expected.

**Polisner:** "Agree with decision to change the contract to 3NT. The probable score at 3NT is less than clear, but the Panel's decision is reasonable."

**Treadwell:** "I don't see how South can know partner has more than five hearts, except, perhaps, from the BIT. Hence the correct decision was reached."

**Stevenson:** "The write-up of the ruling makes no mention of polling players on whether bidding over 3NT was suggested by the BIT. Assuming this is merely an omission from the write-up then both the ruling and decision seem perfect—except for the actual assigned score. Eight tricks does seem about right."

*✍* The final two panelists offer minority views. The first proposes to adjust the contract to 3NT and then to allow N/S to make it (contrary to the results of the peer poll) based on his sympathy for them in the bidding. Justice is indeed blind, but her scales are set in too precarious a balance here.

**Wolff:** "I don't believe N/S were as culpable as they were led to believe. Because I think the laws are too inflexible, I would like to change the real result from +420 to +400, not -50."

*✍* The final panelist untypically—and inexplicably—fails to see the connection between the BIT and the 4♥ bid.

**Bramley:** "I disagree with the decision, because I disagree with premise (1). I don't see how the huddle suggests that 4♥ will be more successful than 3NT. The auction is complex, and North could have been thinking about lots of things. The huddle certainly did not suggest that North had a seventh heart.

"From South's point of view 4♥ could easily be the top contract opposite many hands that are 'easy' 3NT bids (e.g., ♠KQx ♥QJxxxx ♦x ♣xxx). South's analysis is correct; if the diamonds cannot be set up, 3NT will usually go down because partner's hearts will also be unusable. In 4♥ partner's hearts will be worth many tricks. 4♥ is the winning bid because it's the right bid, not because partner huddled. The huddle suggested nothing that South did not already know from the auction and his own hand. Let the table result stand."

*✍* Bart is correct that 4♥ will sometimes be the right contract: specifically if North has a six- or seven-card suit with reasonable internal consistency. But as Dave pointed out above, North's 3♥ bid did not promise more than five. Change one of North's low hearts to a diamond (or club) and 3NT is as good a spot as any (except 5♣ or 6♣ when North holds four clubs) and is certainly better than 4♥. If we change North's hearts to ♥Q10xxx(x), and put another honor in one of his other suits, 3NT is still the top spot, although in some cases neither 3NT nor 4♥ will be especially attractive. Sorry, but as Ron suggested above, when you factor in all the other things that North's BIT might have been based on, any action other than the ultra-normal pass is simply unacceptable.

## CASE EIGHT

**Subject (Tempo):** When Will They Ever Learn?

**Event:** Red Ribbon Pairs, 21 Jul 02, First Final Session

Bd: 2	♠ 854		
Dlr: East	♥ 72		
Vul: N/S	♦ J1098		
	♣ K763		
♠ J102		♠ K973	
♥ AKJ103		♥ Q4	
♦ 42		♦ A763	
♣ 942		♣ Q108	
	♠ AQ6		
	♥ 9865		
	♦ KQ5		
	♣ AJ5		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1♥	Pass	Pass	1♣
Pass	2♣	Pass	Pass(1)
2♠	All Pass		
(1) BIT			

**The Facts:** 2♠ went down one, +50 for N/S. The opening lead was the ♣5. The Director was called after South's slow pass and again after the 2♣ bid. The Director changed the contract to 1♠ made one, +80 for E/W.

**The Appeal:** N/S appealed the Director's ruling. South agreed that she broke tempo over 1♠ as she thought through her choices of bids. North noticed his partner deliberating and thought her problem might be an inability to rebid 1NT for lack of a stopper in one of the opponents' suits, or she might hold clubs. When asked why South wouldn't have bid clubs at her second turn he had no answer. Law 16 was discussed but North still wanted to appeal because he insisted that his side would never let the opponents play at the one level. West noticed South's BIT and before calling the Director asked North if he noticed it too. North disagreed so West called the Director. The Director had the

auction proceed and stepped a short distance away. When North bid 2♣ West called the Director back. West believed the BIT was longer than 10-15 seconds. East made no comment.

**The Panel Decision:** Six players at about the same masterpoint level as N/S were polled. Four of them readily passed 1♠ even though all were informed that they played weak notrumps and that a 1NT rebid by opener would have shown 15-17 HCP. Since all four players agreed that 10-15 seconds had elapsed before South passed 1♠, Law 16 (on UI) was applied. Pass was deemed to be an LA for North over 1♠ since four of North's peers passed that bid. At the table South led the ♣5 against 2♣ because of North's 2♣ bid, not a normal lead from South's holding. A lead of the ♦K was assumed. After winning the ace declarer would attempt to pitch a club loser on the third heart. North would ruff and East would overruff, then exit with a diamond. The defenders would then cash three club tricks. North would then exit with a trump and no matter how many rounds of trumps South plays declarer can come to seven tricks. If South wins the spade and shifts East will take two diamond ruffs, two heart ruffs, two natural hearts and the ♦A. If South takes her two top trumps and shifts East will take one diamond ruff, three hearts, two spades and the ♦A. If South clears trumps East can drop the ♠K under the ace, win the third trump in dummy, and cash dummy's two remaining hearts. Therefore, the contract was changed to 1♠ made one, +80 for E/W (Law 12C2). During the interview the issue of UI was discussed with North using the example of a BIT. The DIC also spent time discussing Law 16 with North. Since passing 1♠ was clearly an LA for North, an AWMW was assessed against N/S.

**DIC of Event:** Millard Nachtwey

**Panel:** Patty Holmes (Reviewer), Mike Flader, Charlie MacCracken



**Players consulted:** six players with same number of masterpoints as N/S

**Directors' Ruling: 90.0**      **Panel's Decision: 85.2**

✍ North's 2♣ bid is a normal enough looking action, especially if it had come from an expert/experienced player. After all, when the opponents stop in 1♠ they are unlikely to hold more than about 22 or so HCP and they'll often hold less. That gives South roughly the equivalent of a strong notrump, which is also implied by N/S's (weak) opening notrump range (here South guarantees either an unbalanced hand with four-plus clubs or a balanced hand with 15+ HCP). Also, North's near-maximum pass of 1♥ with king-fourth of his partner's suit also makes 2♣ a very attractive (i.e. normal) action for experienced players.

However, N/S were not experienced players (each had 300-500 masterpoints) and the feedback from their peers indicates that balancing with the North hand is a minority action. In addition, North said nothing to justify his action (e.g., that the auction placed South with extra values, or that he would not have rebid a broken club suit—such as ♣AQxxx—even with extra values) to indicate that his 2♣ bid was based on bridge logic and not UI. Therefore, his case was very weak.

Given all the attention the Reviewer and DIC gave North (by explaining the UI issue and the laws relating to it) he should probably have quit while he was ahead. It should have been clear that the Panel's decision was a foregone conclusion, and in that context the AWMW was justified. (Again note that we are not dealing with expert or experienced players here.)

Agreeing with the Panel's actions...

**Bramley:** "Yes. Good analysis. And finally, an AWMW rather than an 'educational reprimand.' Even this North should have known to abide by the Director's ruling."

**Stevenson:** "At least an AWMW was assessed, unlike in CASE ONE. The dictates of Law 73C should be followed routinely by anyone who plays any level of event at an NABC. Thus, North had no excuse for bidding 2♣ unless he did not realize there was a BIT. Since in this case he admitted it, he had no case whatever."

✍ One panelist points out some inconsistencies in the write-up.

**L. Cohen:** "Why does the write-up say (near the end) that North disagreed about the BIT (before the Director was called)? At the beginning (and later) it says that North did agree to the BIT. Given the break, North can't bid 2♣. By the way, what does South open with 4=4=3=2? I'd like to know if North was potentially removing to a four-two fit. At these colors, North simply must pass since it is an LA and the slow pass suggests bidding. Always be wary when players use the word 'never' as in 'we never let the opponents play at the one level.' Why not erase the scores on the back of the bidding box cards for 1♣, 1♦, 1♥, 1♠, and 1NT for this N/S pair, since those are not possible contract for their opponents?"

**Wolff:** "A well-thought out decision. It should be noted that when a BIT occurs and the system that side plays could be the reason for the BIT (probably not being able to open a standard strong notrump), the BIT becomes prima facie to partner that he was caught in a system weakness. Call it system snafu (SSBIT)."

**Treadwell:** "Very good, especially the AWMW award."

**Polisner:** "Good work by all."

✍ The next panelist questions the details of the Panel's polling procedure and ends up with a very different decision.

**Rigal:** "I'm a bit puzzled here. The Director clearly did the right thing, but the

Panel was not asking the right people the question. They needed to ask people who play a weak notrump (and was it with five- or four-card majors, a vital element not mentioned by the Panel) or make sure that the audience understood that declarer was going to deliver extra shape or high-cards (a 15 count with four/five clubs or a four-five shape with five clubs). The pass of 1♠ may be an LA in standard but is it in weak-notrump land? I thought not, though when I polled my weak notrump friends it was clear that they had considered it, even if 2♣ was the clear favorite action. On that basis the non-offenders might well have been left with 2♠ down one; how you judge the offenders is more questionable, but the table result seems right."

✍ Given North's defense (or lack thereof) of his 2♣ bid it seems clear that he was unaware of the implications of playing weak notrumps that Barry mentions. As I suggested above, I would not be opposed to allowing the table result to stand if an experienced player had explained to the Director at the table his reasons for bidding 2♣ based on the logic of the auction and his side's bidding methods. But it is clear here that North's action was not based on legitimate bridge inferences and we must tailor our judgment to that fact.

Along the same lines...

**Passell:** "I cannot imagine not bidding 2♣ the second time around after limiting my hand by passing the first time. The Panel decision to give an AWMW is mind boggling. At least the Director ruled on law and not on bridge logic."

✍ It can be quite difficult for top experts to avoid falling victim to the Intelligence Transfer. If North had access to the same information that experts have he would have been able to justify his actions far more effectively at the table—or at least at the hearing. In fact, North could not even explain why South wouldn't have rebid clubs at her second turn if she had held real length in the suit. And then there's the additional input from North's peers, indicating that bidding 2♣ is not automatic (or anywhere close to it) for this level of player.

## CASE NINE

**Subject (Tempo):** They Were Here A Minute Ago

**Event:** Stratified Open Pairs, 21 Jul 02, Second Session

Bd: 24      ♠ --- Dir: West    ♥ K42 Vul: None    ♦ AKJ9862 ♣ 965 ♠ AQ10972      ♠ J854 ♥ ---              ♥ 10963 ♦ 10743          ♦ Q ♣ AQJ             ♣ K1032 ♠ K63 ♥ AQJ875 ♦ 5 ♣ 874																									
<table style="width: 100%; border: none;"> <thead> <tr> <th style="width: 25%;">West</th> <th style="width: 25%;">North</th> <th style="width: 25%;">East</th> <th style="width: 25%;">South</th> </tr> </thead> <tbody> <tr> <td>1♠</td> <td>2♦</td> <td>2♠</td> <td>3♥</td> </tr> <tr> <td>4♣</td> <td>5♥</td> <td>Db1(1)</td> <td>Pass</td> </tr> <tr> <td>5♠</td> <td>Pass</td> <td>Pass</td> <td>Db1</td> </tr> <tr> <td colspan="4">All Pass</td> </tr> <tr> <td colspan="4">(1) BIT</td> </tr> </tbody> </table>	West	North	East	South	1♠	2♦	2♠	3♥	4♣	5♥	Db1(1)	Pass	5♠	Pass	Pass	Db1	All Pass				(1) BIT				
West	North	East	South																						
1♠	2♦	2♠	3♥																						
4♣	5♥	Db1(1)	Pass																						
5♠	Pass	Pass	Db1																						
All Pass																									
(1) BIT																									

**The Facts:** 5♠ doubled made five, +650 for E/W. The opening lead was the ♦A. The Director was called after the 5♠ bid. All agreed that East's double followed an unmistakable BIT. The Director ruled that pass was not an LA for West and allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling. E/W could not be located to be notified of the appeal, which apparently was lodged after they had left. Attempts to locate them were made over the next two days and proved unsuccessful. As E/W had stipulated the hesitation to the table Director, and as the appeal was filed in a timely manner, it was heard with only N/S present. North thought that pass was a possible call for West and that the hesitation suggested the pull. The table Director confirmed that all four players had agreed to a substantial BIT before the double.

**The Panel Decision:** The Panel agreed that an "unmistakable hesitation" (Law 16A) had occurred. Player input was sought regarding whether the BIT suggested the pull and whether pass was an LA (Law 16A). Two experts both bid 4♣ with the West hand when given it as a blind bidding problem, and both passed a double of 5♥ by partner, one somewhat resignedly. Players of 450, 650 and 700 masterpoints were also given the hand as a blind problem (West had 550 masterpoints). Two agreed with the first two calls by West; one of them then passed the double of 5♥ and one bid 5♠. The third player bid only 3♠ at his second turn but accepted 4♣. He would then have passed a double of 5♥ by partner. All players, experts and peers, strongly believed that a slow double suggested bidding 5♠. The Panel therefore decided to change the contract to 5♥ doubled. To determine the result in that contract (Law 12C2), the Panel consulted three experts and two players with 5000 masterpoints. All expected that on a spade or diamond lead by West by far the most likely outcome would be down one. (In fact, everyone who was given it as a single-dummy problem went down.) The contract was changed to 5♥ doubled down one, +100 for E/W.

**DIC of Event:** Terry Lavender

**Panel:** Matt Smith (Reviewer), Charlie MacCracken, Gary Zeiger

**Players consulted:** Mike Albert, Arnie Fisher, Mark Itabashi, Steve Robinson, Eddie Wold, three players with 450, 650 and 700 masterpoints, two players with 5000 masterpoints

**Directors' Ruling:** 29.6

**Panel's Decision:** 94.4

✍ After the 3♥ and 5♥ bids West should realize that East will be well aware of his acute heart shortness; thus, he should not be inclined to pull East's double of 5♥

so readily. Happily, the results of the player poll reinforced this on a practical level. The wisdom of Directors consulting players before making a table ruling involving bridge judgment is once again demonstrated, which very likely would have avoided an unnecessary appeal.

As for the result in 5♥ doubled, while I agree it must fail after a diamond lead, on the more likely lead of the ♠A it is cold (albeit a bit double-dummy: ruff, draw trumps, and rely on the ♦Q falling to pitch two black-suit losers). I'm not certain that this meets the "at all probable" standard for the offenders, so I'm willing to go with the reciprocal down-one adjustment; +100 for E/W.

Several panelists were distinctly unhappy with the table ruling. The first also shares my judgment about the "possibility" of 5♥ doubled making.

**L. Cohen:** "Shouldn't we see the names of Directors that make such brain-dead rulings? Maybe they will think twice if they know their names will be in lights when they make such ridiculous rulings. I'm sure East would have doubled promptly with ♥QJ9x and offensive garbage, and that West would have shrugged and passed. Obviously pass is an LA for West, so the only issue is the result in 5♥ doubled. I reluctantly agree to down one (I'd love to have N/S make it to give West what he deserves for his unethical pull). Have I made myself clear?"

**Rigal:** "Unspeakable table ruling. We need the names of Directors who rule like this so they can be sent to Siberia and reeducated. In 5♥ doubled on a pointed-suit lead one down looks about right. There are no real chances to make it in practice, even on the ♠A lead. Are there?"

✍ As I mentioned above, it is cold (double-dummy) on any spade lead, including the ace.

**Bramley:** "Pass not an LA?! Absolutely pathetic table ruling. This was a tremendous waste of time for all but E/W, who probably knew that the Director blew it. Surely they would not have appealed a correct ruling against them. The Panel seemed to labor a bit to reach the right decision.

"This is the second brutally bad Director ruling so far (see CASE FIVE), both of the 'let the result stand' type (CASE FIVE being a novel variant). We have encouraged the Directors to use their judgment rather than always to rule against the alleged offenders, but what kind of judgments are these?"

**Gerard:** "Or as a double dummy problem. I've run out of things to say about Directors who think than pass was not an LA for West."

**Stevenson:** "The methodology of the Panel was good, and I wonder whether the original ruling was made after consulting a couple of players—an excellent practice. Perhaps if it had there would have been a different ruling and no appeal."

✍ No one else mentions the table ruling but all agree with the Panel's decision.

**Passell:** "The slow double made 5♠ one-hundred percent. Enough said."

**Treadwell:** "The East hand has a problem after the 5♥ bid and the slow double implies it is either a frisky double or an alternative to bidding 5♠. Thus West cannot be allowed to bid 5♠."

**Polisner:** "A tough case as 5♠ is a very reasonable call in what could well be a double game swing. I am also a believer that in high-level auctions such as this an extra amount of time qualifies as normal tempo. Of course, after only bidding 2♣, is the double of 5♥ a 'suggestion' of a final contract? And if East's hearts were QJ109, would the 'suggestion' have taken 1 second? As such, we must not allow the 5♠ bid as pass is clearly an LA."

☞ One man's "very reasonable" is another's "I wouldn't think of pulling."

**Wolff:** "My opinion is that the most glaring weakness of less-experienced players (even at the high-level) is in the high-level competitive bidding area, and so it appears in this case. There seems to me that many average-plus players are way up there in technique and bidding fundamentals, but the difference becomes clear in high-level judgment. Of course, in this case pass of 5♥ doubled is an LA (I wouldn't think of pulling). Nothing else is worth discussing in this case except that the Panel did a thorough job."

## CASE TEN

**Subject (Tempo):** The 5-Second Pause That Refreshes

**Event:** Flight A/X Swiss, 21 Jul 02, Second Session

Bd: 33	Robert Stayman		
Dlr: North	♠ 72		
Vul: None	♥ Q732		
	♦ A742		
	♣ A93		
Bob Etter		Cindy Marshall	
♠ KQ543		♠ AJ10986	
♥ A10		♥ 8	
♦ 108		♦ Q53	
♣ QJ107		♣ K62	
	Michael Alioto		
	♠ ---		
	♥ KJ9654		
	♦ KJ96		
	♣ 854		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	1♠	2♥
3♥	4♥	Pass	Pass
4♠	Pass(1)	Pass	5♥
Dbl	All Pass		
(1) BIT			

**The Facts:** 5♥ doubled went down one, +100 for E/W. The opening lead was the ♣Q. The Director was called after the 5♥ and told that there had been a BIT after the 4♠ bid. The Director ruled that a BIT had occurred and that pass of 4♠ was an LA. The contract was changed to 4♠ made four, +420 for E/W.

**The Appeal:** N/S appealed the Director's ruling. South said that North, a deliberate player, took 2-3 seconds to see the auction and then passed. South said he was always going to bid 5♥ over 4♠ because he rated to go down only one or two, or maybe even make it. He had less of a hand than his partner might have expected and saw it was a good save. If partner had doubled 4♠ he would have passed. E/W said that the 4♥ bid was in tempo and the 5-second break over 4♠ was telling, and made it obvious for South to bid. They believed that passing 4♠ was an action South could take.

**The Panel Decision:** Out of ten experts who were polled, seven bid 5♥ and three passed. When asked if 5 seconds was a BIT and if it would influence their action they all said no. The passers said if anything the pass suggested a spade nuisance. The Panel decided that 5 seconds did not constitute a BIT (Law 16, regarding an unmistakable hesitation, did not apply) and that the action taken at the table was not tainted. The table result of 5♥ doubled down one, +100 for E/W, was allowed to stand.

**DIC of Event:** Roger Putnam

**Panel:** Patty Holmes (Reviewer), Mike Flader, Gary Zeiger

**Players consulted:** Norberto Bocchi, Bernie Chazen, Massimo Lanzarotti, Kay Schulle, Barbara Sion, Ron Smith, Gerald Sosler, Steve Weinstein, Alfredo Versace, Peter Weichsel

**Directors' Ruling:** 58.5

**Panel's Decision:** 82.6

☞ North must take a few seconds to consider his action in a high-level competitive auction like this. But the expert consultants were right that North's tempo could also have suggested defending (a spade "nuisance" as they said). In my experience, when a player says that an opponent took x seconds to make a call, that's usually a bit of an overbid. So South was probably closer to the truth, that North took about 3 seconds. In fact, acting faster than that might have been an even worse crime.

The panelists are with me in supporting the Panel's decision.

**Bramley:** "Five seconds should not be a BIT in a high-level competitive auction, even one like this in which the problem could have been anticipated. The Panel suggests that they would have decided 'not demonstrably suggested' even had they judged that there was a BIT, but I find that part of the equation more debatable. Just as well then. The Directors should be more wary of ruling BIT for a pause of 5 seconds or less."

**L. Cohen:** "My reading of North's tempo is that it was exactly in line. Passing in 1-2 seconds would be too fast. Anything from 3-7 seconds is just about perfect. Once the call is in tempo, South can do anything he wants, so 5♥ doubled it is. I would admonish a North who made a marginal/minimal 4♥ call and then fast-passed over 4♠."

**Gerard:** "It appears that either the Director didn't question N/S about the facts as alleged by E/W, N/S didn't deny them, or the Director made a call that 5 seconds or whatever constituted a BIT. Given their statements on appeal, it seems unlikely that N/S acquiesced. So the Director didn't do his job or showed questionable judgment. He was right that pass was an LA, based on the experts' vote. Not good enough."

**Polisner:** "As is true in all of these types of cases, the fact finder must determine whether or not there was an unmistakable BIT. Here, the answer was that there was not. End of story—table result stands. However, if there was a BIT, passing is an LA and +420 for E/W would then have been correct."

**Stevenson:** "A certain time for consideration is normal after high-level competitive auctions, and if short does not constitute a BIT. The write-up from the Director does not indicate whether the question of whether there was a BIT was investigated, nor what was said, so it is impossible to judge the ruling fairly."

**Treadwell:** "An excellent decision. The extremely brief BIT conveyed no useful information to South and he was free to take the rather obvious save. It would have been a different matter if the BIT had been followed by a slow double."

✍ The next panelist considers North's 5-second pause over 4♠ borderline, and so supports the Director's ruling. The first three panelists and I would argue otherwise.

**Rigal:** "Sensible Director ruling against the offenders in a case of doubt. The Panel then did a good job to work out that the BIT was not sufficient to bar South and that a BIT would not point in the direction of bidding on in any case. One other side issue though. Assuming a client-pro relationship we want to make sure that this hand is properly recorded, do we not?"

✍ We do if the 5-second pause is considered marginal (which it is not), in which case the relationship between North and South would have nothing to do with it.

**Wolff:** "If there was a BIT then no 5♥ bid should be allowed. If there wasn't then anything goes. When is a hesitation a BIT? Maybe we should define it."

✍ Trying to define a BIT in an absolute sense is like defining pornography: Better to rely on the "Community standards" or "I know it when I see it" approach.

Our final panelist reiterates the familiar suggestion (e.g., see CASES SEVEN and NINE) that player consultations on rulings become ACBL's policy at NABCs.

**Passell:** "Good work by the Panel. Why couldn't the Director poll these players and get it right? Time is not of the essence."

## CASE ELEVEN

**Subject (Tempo):** Bidding Slam Without The Count

**Event:** 0-1500 Mini-Spangold, 22 Jul 02, Round One (First Session)

Bd: 26	♠ 1062		
Dlr: East	♥ 96		
Vul: Both	♦ KJ964		
	♣ J82		
♠ ---		♠ A984	
♥ AQ108542		♥ KJ73	
♦ AQ8		♦ 3	
♣ 975		♣ AQ43	
	♠ KQJ753		
	♥ ---		
	♦ 10752		
	♣ K106		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		1♣	2♠
3♥	3♠	4♥	4♠
4NT	Pass	5♦(1)	Pass
5♥(2)	Pass	6♥	All Pass
(1) 1 or 4 keycards			
(2) 10-15 seconds			

**The Facts:** 6♥ made six, +1430 for E/W. The opening lead was the ♠10. The Director was called after the 6♥ bid. Everyone agreed to the BIT (E/W said it was 5-10 seconds after initially agreeing to 10-15 seconds). East said he corrected to 6♥ because he realized he had given the wrong response. E/W's CC was marked RKC, not 1430. The Director asked a player with 1400 masterpoints what he would do if he gave the wrong response. He said he would bid 6♥. Two players in the event were asked what they would do if they had shown three key cards; both said they would trust partner and pass 5♥. Based on Law 16A2, the Director ruled there was UI and changed the contract to 5♥ made six, +680 for E/W.

**The Appeal:** E/W appealed the Director's ruling. South did not attend the hearing. West acknowledged a BIT. She tried to figure out if she should bid six opposite one key card.

East said he was kicking himself since he realized he had mis-responded to RKCB. He said he had too many extras not to bid on. The good hearts, singleton diamond, and ♠AQxx all argued for bidding six. He did not think his side could be missing two keycards. South called the Director after the 6♥ bid. He admitted that East had substantial extras but didn't think it was clear to bid 6♥. If East had held four keycards South would have withdrawn his Director call.

**The Panel Decision:** The players at the hearing all agreed to an unmistakable hesitation. The UI demonstrably suggested bidding on since West clearly was not considering strain. Established precedent makes it clear that East was not allowed to bid on solely on the basis of his mis-response to Blackwood, since the hesitation may have caused him to check his hand and notice his error. The 6♥ bid could only be allowed if pass was deemed not to be an LA. Six of East's peers were polled to see if bidding on should be allowed. None were told about the mis-response or the hesitation. Four of them passed. Since this clearly established pass as an LA for East's peer group, the Panel changed the contract to 5♥ made six, +680 for E/W. Notwithstanding the results of the player poll, the Panel found the logic for bidding six strong. The Panel had difficulty constructing a hand for West that was consistent with the auction and which offered less than a 50% play for slam. The Panel thus found the appeal to have substantial merit.

**DIC of Event:** John Ashton

**Panel:** Gary Zeiger (Reviewer), Patty Holmes, Terry Lavender

**Players consulted:** Six of East's peers

**Directors' Ruling:** 62.6

**Panel's Decision:** 57.0

✍ This case has more twists and turns than San Francisco's Lombard street.

Yes, the precedent for decisions of *this sort* has been in place for some time, and the rationale for it discussed at length (see Vancouver, CASE TWO; Orlando, CASE TWENTY-FOUR). Many players are lazy in ace-asking auctions, responding reflexively and trusting partner to do all the thinking. If partner bids on or signs off confidently, and in tempo, they never give it a second thought. But when partner is puzzled by the response and signs off slowly, they're prompted to recheck their previous bids. Thus the precedent: partner's tempo may not prompt the rechecking.

All that's well and good, and it works just fine when, for example, a player with 0, 1 or 2 keycards makes the wrong RKC response. For example, a player with one keycard forgets he's playing 1430 and responds 5♦, showing zero. Partner signs off slowly and he wonders what's wrong. He rechecks the auction, discovers his error, then raises to slam rationalizing that he has one more keycard than he has shown. Sorry Charlie, only the best tuna.

Do you see the difference between the above situation and the present case? If not, consider what you're supposed to do if you show 0 or 3 (or 1 or 4) keycards in response to partner's ace ask and he signs off. The textbooks say that partner should assume that you hold the lesser number of keycards (if that is possible) and sign off, and that you should carry on to slam when you hold the greater number of keycards (3 or 4). (They also say that this principle doesn't apply when responder to the ace ask has already shown a very strong hand, such as when he has opened a strong 1♣ or 2♣, since in that case partner should assume that he holds the greater number of keycards.) Thus, in the present auction, without the UI, East is supposed to bid on and the BIT can't stop him from doing so with three keycards. (It could, however, have prevented him from checking the previous auction and catching his error.)

This case is a rare combination of principles: Not only did East mis-respond, he also holds the greater number of keycards he (mis)showed when he bid 5♦. A player must be allowed to dutifully bid on holding three instead of zero keycards, as he might have held with a hand such as ♠KQx ♥KJxx ♦J ♣KQJxx.

But (and here's the final twist) all this assumes that East knows he is supposed to bid on with the greater number of keycards, which was clearly not the case here. East did not argue that he was duty bound to press on holding the greater number of keycards. Rather, he tried to justify his 6♥ bid by citing his extra values, good trumps, singleton diamond and good clubs—none of which matters a hill of beans if the partnership is off two keycards. The conclusion that East was unaware of his obligation to bid on with three keycards is further supported by the input from his peers. Four of the six of them failed to bid on without even a hint of UI and without knowing that they had mis-bid. Thus, for players in this event it seems that bidding on with three rather than zero keycards is not routine, and thus cannot be permitted in the presence of the UI. So precisely for this reason, I agree with the decision to change the contract to 5♥ made six, +680 for E/W.

Several panelists disagree with the decision to adjust the score, many of them victims of the Intelligence Transfer virus.

**Bramley:** "This decision is consistent with precedent in this area, but I continue to disagree with that precedent. The precedent says that partner's huddle affords UI that you have erred. I maintain that huddles in general do not suggest that you examine your own actions for errors. Blackwood auctions are no different in this respect.

"We have always distinguished tempo cases from UI cases. UI is supposed to be explicit. It is *specific* information gleaned from table action outside of normal bidding, such as Alerts, Announcements, explanations of bids, etc. If such table action explicitly reveals that you have erred, you could be prevented from acting on that information. Huddles are different. A huddle by partner suggests doubt about his own action, but it provides no explicit inference that you yourself have erred. The causal link between the huddle and the discovery of the error is vague

at best. Such assumptions should not be part of huddle cases. Then, once we allow the erring player to notice his own error, we must concede that he has no LA to correcting that error.

"In previous cases of this type I have advocated letting players correct themselves when their Blackwood response was off by one. In the current case, East had erred by *two* in his response, making his slam bid even more automatic. I would have let the table result stand."

**L. Cohen:** "I don't get it. What 'established precedent'? Is there some *law*? It stinks. If I were East and underbid with 4♥, I would jump for joy when my partner bid Blackwood. With my super extras and three keycards I'd be expecting us to reach at least six, maybe seven. Anyway, I answer and partner shocks me by signing off in 5♥. How can this be? I have *three* keycards. Can partner have zero? Not possible at all. What is going on? Could this be a 0 or 3, 1 or 4 misunderstanding where he thinks zero and I have three? Hmm. What did I respond—5♦? Oops, that was supposed to show 1 or 4 and I have three. In other words, West's 5♥ signoff is so shocking that it would get East to realize he mis-responded to Blackwood. I am 100% sure I would let East bid again—how could he have more? And how could his side be off two keycards? The tempo was not relevant."

✍ Yes, in many cases a logical examination of the inferences available from the auction will reveal that the slamming side cannot be off two keycards. The problem, as we've seen, is that the responder to RKC might not bother to do any examination *but for the UI*. Thus, he cannot be permitted to bid on unless doing so would have been a routine, perfunctory act that he would have performed even had there been no UI. And bidding on with the greater number of keycards is just such an act.

**Treadwell:** "I don't consider pass an LA. Without the BIT East would certainly bid on, perhaps thinking his partner had stopped because of the possibility that the 5♦ response had shown zero, rather than three, keycards."

**Polisner:** "I am confused by the Panel's discussion and their failure to inform the consultants about the mis-response to Blackwood. I know Bobby Wolff believes that if West's BIT 'woke East up' as to the mis-response, that constitutes UI. I don't agree. If East clearly misbid, he should be allowed to bid on. After all, he did have three keycards, a fourth heart, a stiff diamond, and, although somewhat unlikely due to partner using old Black, no wastage in spades. I would allow the table result to stand."

✍ They clearly did not inform the consultants about the mis-response because they wanted to see if a player at this level who had *not* been alerted by UI that something was amiss in the auction would routinely do a check to see if his side could be off two keycards.

As for Wolffie's beliefs, not only does he disagree with the decision, he throws a major tantrum in the process ("If you want to rule this way then fine, but you'd better do it every time from now on without even looking at the player's hand").

**Wolff:** "This decision sucks unless no hand can ever override a BIT. If ever there was one hand to do it, this is it. Not only does East have three keycards but he has control of the fourth suit. So be it, but if we use this hand as a precedent then we have spoken. I think this decision is so awful, the only reason for allowing it is to announce that we don't consider the hand, we just rule against bidding on. Are we ready to officially say that? Another hand that could be attributed to the Directors' inferior (sorry) bridge judgment."

✍ Now *that* was an Intelligence Transfer.

**Rigal:** “Maybe I’m missing the point here, but I’m trying to put myself in East’s position with screens. I bid 5♦, showing 0-3 keycards, and see the tray come back with 5♥ on it. Am I not supposed to be bidding 6♥ holding three keycards not zero, no Q♥? If I remember my accident I bid 6♥; if I don’t I bid 6♥. This is not an auction where partner can have zero keycards. So why was there an adjustment at all? The whole issue about mis-bidding is irrelevant, though not unhelpful to have it reiterated in print.”

✍ And now for the three brave panelists who agree with the Director’s ruling, the Panel’s decision, and me (although not necessarily for the right reasons).

**Gerard:** “♠--- ♥AQ10xxxx ♦KQ ♣xxxx.

“I’m glad to see that this is established precedent, since I thought some were still holding out for the opposite view. They’re wrong, for the same reasons they were wrong about CASE TWO from Vancouver or CASE THREE from Cincinnati. I don’t think merit is an issue here, since this genre of cases is relatively new and 0-1500ers can’t be expected to know the established precedent, if indeed it does rather than merely should exist.”

**Passell:** “The huddle could easily have woken up East.”

**Stevenson:** “Of course it is easy as East to convince oneself that it is automatic to bid on, but would he have done in the face of a fast 5♥? Quite likely not bid on, so the decision is routine.”

✍ Precisely—but only for a player who did not know he was supposed to bid on with three keycards.

I’m afraid that although the Directors and Panel got this one right, it was for the wrong reason. Appeal cases cannot be judged accurately and consistently simply by looking for other cases with similar features (such as Hesitation Blackwood cases), that is, by searching for “precedent.” Each case may have a unique set of facts, so each must be analyzed thoroughly and judged on its own merits. Precedent helps us to make our decisions consistent across cases that all follow the same principle, but it’s only useful *if the appropriate principle has been determined*. Bridge judgment and expertise is needed to accurately group cases together that follow a common principle, which is why other bridge actions such as executing squeezes can’t be executed via some mechanical rule. For the same reason, a professional (i.e. post-graduate) level of expertise in fields such as chemistry, physics and engineering is needed to solve many of the problems that arise in those fields, problems whose surface features are very misleading for less experienced solvers such as students. Studies show that students in these fields often fail to solve problems because they mis-classify them and use inappropriate solution techniques; while experts, on the other hand, classify the problems more accurately by drawing upon their knowledge of the underlying principles at work rather than the misleading surface features, and thus apply solution techniques more appropriate for the problem type.)

As a psychologist whose entire professional career was spent studying learning and teaching, I can tell you that the most effective—and perhaps the only—way to develop expertise in a field is through systematic training in the underlying laws or principles that govern it, combined with as much practice in applying those laws or principles as possible. Practice may make perfect, but there’s no substitute for understanding the underlying principles at work.

**Subject (Tempo):** Real Players Don’t Sell Out Below Two Spades  
**Event:** KO Teams IV, Bracket 6, 22 Jul 02, Evening Session

Bd: 35	♠ 8764		
Dlr: South	♥ KJ8		
Vul: E/W	♦ KQ76		
	♣ A9		
♠ K10		♠ QJ3	
♥ AQ7		♥ 10532	
♦ 1042		♦ AJ5	
♣ 108752		♣ KQ6	
	♠ A952		
	♥ 964		
	♦ 983		
	♣ J43		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1♦	Pass(1)	Pass
Dbl	Pass	1NT	All Pass
(1) BIT; not agreed			

**The Facts:** 1NT made two, +120 for E/W. The opening lead was the ♦9. The Director was called after West doubled. N/S said that East hesitated before passing 1♦. East said he was arranging his hand and did not hesitate. N/S both insisted there was a long pause. The Director changed the contract to 1♦ down one, +50 for E/W (Laws 16A and 12C2).

**The Appeal:** E/W appealed the Director’s ruling. Many of the facts were disputed. The Director was called either after West’s double or after East’s 1NT bid. East said he definitely didn’t hesitate—he knew his obligations and would have been the first to admit it if he had broken tempo—and West confirmed this, adding that they never sell out below 2♣ except in an auction like 1NT-P-P. East was certain that nobody would sell out to 1♦. Neither North nor South could estimate how long

East took to pass, but both were certain that a BIT occurred. They believed that a pass by West was a reasonable action.

**The Panel Decision:** Since the BIT was disputed, the Panel examined East’s hand. Holding a full opening bid East seemed likely to have a problem, leading the Panel to believe that a BIT had occurred. Such a break would demonstrably suggest action over inaction to West. The Panel consulted three players with around 200 masterpoints (approximately the same as West). All would have passed 1♦. Two cited the short major suits. Pass was thus deemed an LA not suggested by the UI. Expert consultation on the play suggested that six tricks would likely be the limit of the hand. The Panel changed the contract to 1♦ down one, +50 for E/W. Since the facts were very much in dispute the Panel decided the appeal had merit.

**DIC of Event:** Carey Snider

**Panel:** Gary Zeiger (Reviewer), Ken VanCleve

**Players consulted:** Jim Barrow, three players with 200 masterpoints

**Directors’ Ruling: 73.3**

**Panel’s Decision: 69.3**

✍ The Panel did a good job wading through the conflicting statements, but surely the table Director’s view of when she was called should hold sway—not that the timing of the Director call is so important here (although it does reflect on the credibility of the players’ other statements). Changing the contract to 1♦ was surely correct, but as several panelist point out, down one, while likely, was not the most favorable result that was likely for the non-offenders and it *certainly* was not the most unfavorable result that was at all probable for the offenders.

**Bramley:** “Okay until the determination of the result in 1♦. On the lead of a high

club seven tricks for declarer are quite likely. Even on a different lead 1♦ will usually make unless the defense gets clubs going effectively. In a close case we should lean toward the non-offender. I would have adjusted the result to 1♦ making one for both sides.”

**Gerard:** “Would East never lead the ♣K? That’s six tricks alright, but for E/W. Only a spade or a low diamond lead nets down one. E/W get the worst of it, so the result should have been +70 for N/S.”

✍ Actually, a low diamond lead, while unlikely, works for the defense as well.

**Passell:** “It’s clearly right to back it up to 1♦, but why down one? Most defenses, like the ♣K or a heart lead and continuation, allow 1♦ to make. A poor overall job of not getting some help in deciding the likely number of tricks, but at least they did adjust the score.”

✍ I think you’ll find, on further analysis, that a heart lead and continuation holds declarer to six tricks. Only a club lead or a high trump allows it to make.

**L. Cohen:** “It’s hard to determine a result in 1♦, and it’s hard to tell if East’s pass was out of tempo. The only easy part is that if there was a BIT, West absolutely must pass 1♦. Just as in CASE EIGHT, be wary of players saying ‘we never sell out below 2♠.’ I presume this West would balance after 2♠-P-P to him with ♠Qxx ♥Qxx ♦Qxx ♣Qxxx because he never sells out.”

✍ Finally, someone appropriately questions the merit issue...

**Rigal:** “The Director did a fine job here. N/S’s timing of the call was appropriate and the Director established to her satisfaction that there had been a BIT. What could the Panel do here but revisit ground already trodden, and if so, where it is only the facts that are in dispute (not the ruling thereon), is this not AWMW territory? And should not E/W have been told of this before the case was heard?”

✍ E/W were looking for a better score than +50 when, in fact, they had been given a much better score than the -70 they deserved. That sounds meritless to me. By all rights it was N/S who should have appealed this ruling.

The next two panelists support changing the contract to 1♦, although neither of them seems to have looked at the result very closely.

**Treadwell:** “It is good policy not to balance after a minor-suit opening and two passes unless you have the majors well covered or you have a very strong hand. Thus, the BIT here made West’s double more attractive and pass was certainly an LA.”

**Polisner:** “Since the Panel determined a BIT, pass is an LA.”

✍ The last two panelists question the practice of looking at the hand of the player who allegedly broke tempo to determine whether he did or not, and then reach opposite conclusions about whether to adjust the score. That certainly seems like a more reliable method—not!

**Wolff:** “It is very dangerous to follow the prevailing mood of ‘if it looks like a player (because of his hand) may have studied, then he did.’ Besides, many players (I think most) would reopen after passing, not with double but with 1NT. But I certainly cannot speak for all levels of players. Anyway, because of the uncertainty of the BIT and the particular hands, I would allow the +120 with a reminder to all of their ethical obligations. Maybe the Directors don’t have the confidence to make such a decision. If not, this and other things to think about should come up in a

seminar that the Directors should make themselves available for. It is irresponsible to administrate our game without trying to constantly improve our methods.”

**Stevenson:** “Players hesitate with nothing apparent to think about and also call in perfect tempo with the trickiest hands. It is not right to look at the hand to determine a BIT, and the methodology should be reviewed. (Compare CASE SEVENTEEN.)

“In view of the doubt as to when the Director was called, and whether there was a BIT, this is one appeal that cannot be decided without the presence of the table Director. Her view of the facts is a major part of the evidence, and the Panel should have very good cause before they overrule her thereon, and what East holds in his hand would not constitute major evidence.”

✍ While a player’s hand may not be a *certain* indicator of tempo, especially for inexperienced players, it is often a useful indicator when there is no other basis for judging. And in my years of involvement with experienced/expert players, I personally have found it to be an excellent indicator. And what’s the alternative? A staring contest, or maybe...

Somewhere a Director is called to a table. N/S allege that East broke tempo while E/W adamantly deny it. Upon repeated questioning both sides remain firm in their positions. Suddenly.

“Hey, Joe, get out the bright lights and the rubber hoses. We’ve got a stubborn one here.”

“Right, Frank. Do you want the syringe too?”

“Yeah, these guys look pretty tough. I guess we’ll need it.”

In my world the cards speak far more often than not.

CASE THIRTEEN

**Subject (Tempo):** Ain't No Thinkin' Allowed Round Here  
**Event:** Spingold, 24 Jul 02, Round of 32

Bd: 22	Fred Gitelman		
Dlr: East	♠ A2		
Vul: E/W	♥ 9632		
	♦ AJ76		
	♣ J85		
Magnus Eriksson	Ulf Nilsson		
♠ 874	♠ J965		
♥ KQ85	♥ A104		
♦ 2	♦ Q1095		
♣ AKQ103	♣ 96		
	Brad Moss		
	♠ KQ103		
	♥ J7		
	♦ K843		
	♣ 742		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	Pass
2♥(1)	Pass	Pass(2)	Dbl
Pass	2NT	Pass	Pass
Dbl	3♦	Dbl	All Pass
(1) Alerted; 4♥, 5+ minor, 10-14 HCP			
(2) BIT; disputed			

**The Facts:** 3♦ doubled went down two, +300 for E/W. The opening lead was the ♣9. The Director was called before the opening lead. South claimed East took about 6 seconds to pass 2♥. East admitted to a noticeable pause. Everyone agreed that North took about 8-10 seconds before bidding 2NT. The Director allowed the table result to stand (Law 16).

**The Appeal:** N/S appealed the Director's ruling. South said that East thought for "about 6 seconds" before passing 2♥. When asked about this North could not confirm South's time estimate, saying he was too absorbed in his own hand to notice. However, he did say that the pause afforded an inference that East held invitational values or enough minor-suit length to be thinking of playing in West's minor, either of which demonstrably suggested West's double of 2NT. N/S both agreed that North thought for about 8-10 seconds before bidding 2NT. Upon questioning, N/S admitted that East would have had the same reason to

think if he had held a balanced Yarborough. E/W said that East paused for only 2-3 seconds over 2♥ but East agreed that he had been thinking. They said that this was routine tempo. West said that North's 2NT bid should be based on a balanced hand (not four spades, not a five-card minor) and that North's apparent hesitancy suggested an awkward hand. West's clubs were likely to run regardless of East's holding, and if East had anything at all 2NT would be set, perhaps several tricks.

**The Committee Decision:** The Committee found the N/S arguments unpersuasive. A pause of 3-6 seconds by a responder to an unusual high-level bid was considered normal tempo, particularly as responder's decision was likely to end the auction. Since there was no BIT, West could do as he pleased. Furthermore, the Committee thought that even a hypothetical BIT would not have demonstrably suggested West's double. Rather, West's own hand, combined with the limited nature of the N/S auction, suggested the double. Also, West did not need to find club length with East to run the suit; a singleton would probably suffice. While the preceding analysis was unnecessary in reaching the decision to allow the table result to stand, it was additional evidence of the meritless nature of the appeal. The Committee allowed the table result to stand and issued an AWMW to N/S and their team captain.

**DIC of Event:** Henry Cukoff  
**Committee:** Henry Bethe (chair), David Berkowitz, Bart Bramley (scribe), Doug

Doub, Robert Schwartz

**Directors' Ruling: 98.1**      **Committee's Decision: 97.0**

✍ East is surely entitled (required?) to think a bit (or at least give the appearance of it) before responding to his partner's opening bid, regardless of his holding. How long he is entitled to think without creating the presumption of UI is not written anywhere, but I'd expect about 5 seconds (3-7 seconds as a general rule). Thus, I do not believe there was a BIT here or that West's action over 2NT was constrained in any way. Therefore, the ruling was excellent and the Committee was right on target in reaching the same conclusion, right down to the AWMW.

The panelists agree, although one of the Committee members here experienced a brief period of post-partum doubt before returning to his senses.

**Bramley:** "At the time I thought this decision was clear, and I still do. However, I am bothered by one aspect of the decision. I thought that West's double of 2NT was a good enterprising bid, one that should be found by a majority of players. After all, he has a super-maximum for his 2♥ bid along with a probable running suit. Furthermore, his partner is marked with a few cards. A couple of stray queens and jacks should be enough to clobber 2NT. But when I posed West's bidding problem to a large number of players, almost none of them doubled. When I argued in favor of the double they said it was over-aggressive, a shooting action. Many of them feared a successful runout to 3♦. If West's double was not as clear as I thought it was, then maybe, just maybe, N/S had merit in their case. But I still think not."

**Rigal:** "Well done by the Director for working out that there was no BIT here. And that being so, the AWMW was absolutely in place. I hope the Committee made the points in the write-up to the players."

**Wolff:** "A professional decision, which if continued to be made would improve our game and our appeals process. Not only was East's pause not revealing, he certainly had no intention of gaining advantage, which should always weight in the decision. Congratulations."

**Gerard:** "Well done (mostly) Red Team."

**Polisner:** "Well done by all, including the AWMW."

**Stevenson:** "N/S appear to be optimistically trying to win a hand lost at the table."

**Passell:** "Great work by all."

✍ One panelist found a justification for this appeal "on margin"...

**L. Cohen:** "East's hand suggests that he probably didn't think too long. My belief is that his tempo didn't convey enough information to influence West, so I would allow the result. Since it's possible that East's tempo and West's double were both marginal, I can see enough merit to avoid the AWMW."

✍ ...but an older and (in this case) wiser panelist got it just right.

**Treadwell:** "An excellent analysis by the Committee and a very good decision, including the AWMW. These are the sorts of cases we should strive to eliminate by education of the players and more severe penalties."



## CASE FOURTEEN

**Subject (Tempo):** LHO Will Self-Destruct In Ten Seconds

**Event:** Flight A/X Pairs, 24 Jul 02, First Session

Bd: 5	James Mates		
Dlr: North	♠ AKQ975		
Vul: N/S	♥ Q32		
	♦ Q9		
	♣ AK		
Kemble Yates	Molly Tinsley		
♠ ---	♠ J862		
♥ 105	♥ J76		
♦ K8643	♦ AJ52		
♣ J109872	♣ 65		
	Theires Poirey		
	♠ 1043		
	♥ AK984		
	♦ 107		
	♣ Q43		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	1♠	Pass	2♠
2NT	4♠	Pass(1)	Pass
4NT	Pass	5♦	Dbl
All Pass			
(1) BIT; not agreed			

**The Facts:** 5♦ doubled went down two, +300 for N/S. The opening lead was the ♥A. The Director was called when dummy was faced. A BIT was not agreed to. East said she had 10 seconds after the Skip Bid and had to calculate the amount of penalty and decide whether or not to bid. The Director ruled that there was a BIT and that West did not have sufficient extra distribution to bid 4NT. The contract was changed to 4♠ made five, +650 for N/S.

**The Appeal:** E/W appealed the Director's ruling. North did not attend the hearing. No Skip Bid warning was made when North bid 4♠. East said she did break tempo as the auction to that point had been quite brisk. She said she had to decide how expensive a save would be and what the probability was that 4♠ would make. After she passed South turned to West and asked him if he agreed to the BIT. West replied yes, but that East had 10 seconds to bid. He was afraid that South did not understand that what he said did not

constitute an agreement to a disallowed BIT. E/W estimated that East took right around 10 seconds to pass. South confirmed West's version of the facts.

**The Panel Decision:** According to ACBL regulations, "When RHO has announced a Skip Bid, the player following the skip bidder must wait for a suitable interval (about 10 seconds)... Experienced players are expected to maintain proper tempo whether a Skip Bid is announced or not." Thus, by ACBL regulation a significant BIT had not occurred. That being the case, West was free to do as he wished. The Panel restored the table result of 5♦ doubled down two, +300 for N/S.

**DIC of Event:** Terry Lavender

**Panel:** Mike Flader (Reviewer), Rick Beyre, Matt Smith

**Players consulted:** none reported

**Directors' Ruling: 62.2**

**Panel's Decision: 61.1**

✍ An excellent Panel decision. The write-up suggests that the same information was available at the table as came out at the hearing. After a Skip Bid, if the next player calls within about 10 seconds and there are no extenuating circumstances (such as that player having previously made calls in similar situations in under 10 seconds), then there is no basis for adjusting the score. During the pause the next player is supposed to give the appearance of considering her action. That she admitted that she actually thought is immaterial since that is what she is *supposed* to do, which is why the next three panelists' reactions are so troubling.

**L. Cohen:** "I believe East was out of tempo. Yes, the Skip Bid should be followed by 10 seconds, but we've all been there. Some '10 seconds' are different than others. Once East says she had to 'decide how expensive a save would be' I believe the table could see her brain hard at work. Add to that the thought of 'the probability that 4♠ would make' and I have to believe that everyone at the table knew that East was doing more than just waiting the obligatory 10 seconds. West's 4NT was a confirmation of her 2NT bid and gives me the impression that she knew her partner was interested in acting. The only question is, could West say, 'Yes, I saw the BIT but maybe partner was considering doubling 4♠, given my void.' Quite possible, but I think in these instances we presume the huddler was going to bid, not double."

**Polisner:** "A technically correct decision, although I'd want to know whether East typically hesitates 10 seconds after either an Announced or un-Announced Skip Bid, as West seemed to believe that his unremarkable trash justified another bid. UI can be conveyed in ways other than a BIT and most players are capable of determining whether East's pause was an effort to comply with the Skip Bid protocol or was contemplating bidding. I think I would have agreed with the Director."

**Wolff:** "The question is not how long East took but rather whether her partner acted on UI. Here I think he did. Regardless of the lack of a Skip Bid warning, E/W should not gain advantage by tempo. Plus 650 for N/S but perhaps a 1/4-board PP assessed to N/S for not announcing a Skip Bid."

✍ The next panelist's reaction follows similar lines, though he admits that the Panel's decision was correct and the only one possible.

**Gerard:** "Legally correct, but hugely naive. East admitted she had a problem and it must have been obvious to all. ACBL regulations are deficient because they don't distinguish between uncontested and competitive auctions. In the partnership sequence 1♠-3♠-4NT (no Skip Bid), a few seconds (not 10) is plenty. Here you have to give it to them, but I'll bet West just knew. I can't tell whether the Director knew there had been no Announcement, but he was wrong either way."

✍ That it (may have) appeared to all that East had a problem is the impression we should all strive to achieve, whether we actually have one or not. What was East to do, stare at the ceiling and count to ten on her fingers? Stare blankly at the opposite wall? No, she was supposed to make it appear that she was considering her action. You can't have your cake and eat it too. You can't say "You must appear to think, but don't make it *too* convincing—and by no means dare to *actually* think."

The remaining panelists have the right attitude.

**Passell:** "I understand the Director's ruling, but the Panel seems to have ruled within the ACBL standards."

**Rigal:** "Poor Director ruling as to establishing the facts; it would have been very awkward had South not been there to confirm 10 seconds. The Director should have established from North what his perception of the pause was. That being said, the Panel did their job well. Failure to use the Stop Card produces a highly equitable solution for N/S. When will they ever learn, indeed?"

**Stevenson:** "It is a pity that the Skip Bid regulations are apparently not followed very much in North America. If they were regularly followed then N/S would have presumably realized there was no need for a Director call. The ruling was surprising and one wonders whether the Director heard something not reported."

✍ Yes, pausing only a few seconds or not even giving the appearance of thinking following a Skip Bid should be dealt with firmly. But don't hold your breath.

CASE FIFTEEN

**Subject (Tempo):** And Let This Be A Lesson To You  
**Event:** NABC IMP Pairs, 25 Jul 02, First Qualifying Session

Bd: 27	Jay Korobow		
Dlr: South	♠ K		
Vul: None	♥ 42		
	♦ J10543		
	♣ AJ1094		
B. Satya Narayana	Karan Nadar		
♠ Q1063	♠ A8542		
♥ 97	♥ AQ105		
♦ 982	♦ AQ76		
♣ K752	♣ ---		
	Josh Donn		
	♠ J97		
	♥ KJ863		
	♦ K		
	♣ Q863		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			Pass
Pass	3♣(1)	Dbl(2)	5♣
Dbl	All Pass		
(1) Stop Card used			
(2) Immediate, no pause			
<hr/>			
<b>The Play (East on lead):</b>			
<b>Trick</b>	1	♠A, ♠7, ♠3, ♠K	
	2	♦A, ♦K, ♦9, ♦3	
	3	♥A, ♥3, ♥9, ♥2	
	4	♥5, ♥K, ♥7, ♥4	
	5	♣8, ♣2, ♣4, ♣x	
	6	♥6, ♥x, ♣9, ♥10	

**The Facts:** 5♣ doubled went down three, +500 for E/W. The opening lead was the ♠A. The Director was called when the double was made with no pause after the Stop Card. The Director decided that West was in possession of UI that East had an easy double, but West also knew from the auction (which is AI) that East was very short (likely void) in clubs. West said his double was based on his four clubs and his not wanting East to bid over 5♣. The Director ruled that there was UI (Law 16) but that neither 5♠ nor pass seemed to be an LA to double, which rated to succeed on the auction. The table result was allowed to stand.

**The Appeal:** N/S appealed the Director's ruling. N/S said that East had improperly ignored the Stop Card, thus passing UI to her partner that she had a better than normal hand for her double. Without the UI West might not have been confident of beating 5♣ and might have chosen to pass. Had he done so, 5♣ might have been passed out or East might have bid 5♠. As soon as North pulled out his 3♣ bid, East put her hand on her bid box in the area of the Pass, Double and Redouble cards. South thought it looked as if she was touching the Double card. North added that he was misled by E/W's defensive

signals: He could have finessed the ♥J and taken another trick if he had been better informed. East apologized for her improper action. West argued that even opposite a minimum double his club length and strength and ♠Q figured to be enough to defeat 5♣. He thought it was clear to double to warn partner against bidding since his hand would be nearly worthless on offense. Following a takeout double and a raise E/W played a double of a three-level bid as responsive and card-showing. At the four-level a double was more penalty oriented and at the five-level a double was penalty, warning partner not to bid. E/W used upside-down attitude as their primary defensive signal. The play went as shown in the diagram. After North ruffed the heart at trick six the hand "fell apart" and declarer ended up down three.

**The Committee Decision:** The Committee admonished East for reaching for the

bid box so quickly and urged her to observe proper procedure by waiting the required 10 seconds before bidding after a Skip Bid. The Committee was very displeased with N/S for bringing this appeal. It should have been obvious to them that even if West's double of 5♣ was unclear opposite a takeout double of 3♣ made in normal tempo, had West passed East definitely would have repeated her double and West would have passed. The E/W defensive signals were consistent with their described methods, but even had they not been it was highly inappropriate for N/S to appeal, hoping to win tricks from the Committee that they had mis-guessed and lost at the table. The Committee warned N/S that the next time they appealed they should be sure to have a legitimate reason. The table result was allowed to stand and N/S were assessed an AWMW. (Note: In the play of 5♣ it was neither necessary nor wise to finesse the ♥J at trick four. The indicated play after winning the ♥K was: low club to the jack; ♦J discarding a heart (even if East covers); diamond ruff with the ♣Q; club to the ten; diamond ruff with the ♣8. West can overruff, but the defense can take only four tricks.)

**DIC of Event:** Henry Cukoff  
**Committee:** Doug Doub (chair), Mark Bartusek, Larry Cohen, Nell Cahn, Adam Wildavsky

**Directors' Ruling: 93.3**      **Committee's Decision: 95.6**

✍ Does anyone really think it would be unusual for a player to simply pass 5♣ with the West hand? I don't, and neither does...

**Gerard:** "Someone needs to tell the Director that pass was definitely an LA to double. And someone needs to tell N/S that the suggestion of either pass or 5♠ as East's alternative action over 5♣ earned them the Committee's indignation."

✍ Our next panelist has a firm grip on most of the remaining aspects of this case.

**Bramley:** "Good AWMW for a truly vile appeal. In the Committee's suggested line of play there appears to be a typo in the parenthetical phrase '(even if East covers)'. Clearly declarer should ruff if East covers. There are many successful lines for down two, as long as declarer works on diamonds while drawing trumps. (I like: club to the jack; low diamond, ruffed; draw trumps; drive out the ♦Q, which avoids losing to ♦Qx with West.)"

✍ Yes, pitching on the second diamond if East covers would indeed be silly. More support for the AWMW...

**Rigal:** "A highly merited AWMW, and indeed I echo everything that was said here. Maybe East, an experienced Internationalist at the Open Level, should have been warned via a PP but not if that meant the AWMW was in jeopardy. The line of play spotted by the double-dummy analysts is all well and good, though I might not have found it at the table."

✍ More on that PP in a moment.

**Polisner:** "An AWMW isn't strong enough for this appeal."

**Treadwell:** "Very good, but why not the issue of two AWMWs or more to N/S?"

✍ For precisely the same reason, my memory-challenged friend, that a basketball team that wins by 30 points or a 1500 meter runner who laps the field do not get two wins, or that a politician who takes an election by a landslide does not win two terms. A win and an AWMW are *qualitative* indications that something happened (a win in the above cases, a appeal lacking merit in our game), not *quantitative*

measures of the *extent or amount* of anything (such as our displeasure). And if that's not reason enough, the ACBL Board of Directors, who authorized AWMWs, forbade us from issuing more than one to any player on any single appeal—a fact that has been noted here several times previously.

**L. Cohen:** “Still looks like the right Director ruling and Committee decision to me. Well written, Doug.”

**Passell:** “Good work on an easy one.”

✍ One panelist seems to have a soft spot in an awkward bodily location (look to his northern extremities) for N/S's appeal here.

**Stevenson:** “The Committee seems a little harsh on N/S. While an assigned score of 5♣ doubled (reached by East doubling again) might be reasonable, that is not what the Director ruled. Of course, it makes little difference whether the table result stands or the assigned score is the same. But in view of that and the confusion over the signaling, an AWMW seems extreme.”

✍ Perhaps not in this particular case, as regular readers will no doubt recognize. We must be diligent in issuing AWMWs when they are warranted, before the players make it a regular practice to seek in Committee what they cannot win at the table. As Lao-tsu put it more than twenty-five centuries ago (*The Way of Lao-tsu*), “A journey of a thousand miles must begin with a single step.”

Finally, echoing Barry's recommendation of a PP to East for her in-your-face quick double of 3♣...

**Wolff:** “Good decision all around, especially the comments by the Committee. Perhaps a 1-imp penalty to E/W for East's out-of-tempo double would have been appropriate to remind E/W of their responsibilities.”

✍ I agree with both Barry and Wolffie. For an experienced player to double so quickly is contemptible and that 1 imp PP isn't nearly enough; I vote for 3 imps.

## CASE SIXTEEN

**Subject (Tempo):** An Indicated Continuation

**Event:** NABC IMP Pairs, 26 Jul 02, First Final Session

Bd: 21	Michael Huston		
Dlr: North	♠	QJ102	
Vul: N/S	♥	AK9	
	♦	AQ87	
	♣	J2	
Pam Quinn		Phyllis Quinn	
♠ 9863		♠ 74	
♥ QJ63		♥ 72	
♦ 95		♦ K643	
♣ K76		♣ A10954	
	Jon Brissman		
	♠ AK5		
	♥ 10854		
	♦ J102		
	♣ Q83		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	1NT	Pass	3NT
All Pass			
<hr/>			
<b>The Play (East on lead):</b>			
<b>Trick</b>	1	♣5, ♣8, ♣6*, ♣2	
	2	♦J, ♦5, ♦7, ♦3	
	3	♦10, ♦9†, ♦8, ♦K	
	4	♣4, ♣3, ♣K, ♣J	
	5	♣7, pitch, ♣A, ♣Q	
	6	Clubs	
		*Disputed BIT	
		†Declarer hesitated after the ♦9 was played	

**The Facts:** 3NT went down one, +100 for E/W. The opening lead was the ♣5. The Director was called after the play and told that West had broken tempo and then played the ♣6 at trick one. The Director ruled that the return of a club by East could have been suggested by the BIT. The contract was changed to 3NT made three, +600 for N/S.

**The Appeal:** E/W appealed the Director's ruling. North did not attend the hearing. All agreed that declarer had played quickly from dummy at trick one after only 1-2 seconds of thought. The play proceeded as shown. E/W claimed that West had taken approximately 10 seconds to play the ♣6 to trick one, and that East's club continuation at trick four was the best chance to defeat the contract. E/W played standard signals and gave suit preference whenever declarer played a suit (declarer never asked what signals E/W played). E/W were an occasional (mother-daughter) partnership with approximately 3500 and 70 masterpoints, respectively. When asked what card they play when they can't beat dummy West said attitude; East said her partner would play count. E/W also took issue with the Director's handling of the call. He was told that there was a BIT and he subsequently returned

after the second hand of the round to say that the score was being adjusted to 3NT made three without ever having gotten a complete statement from E/W. South believed the BIT had been 30+ seconds and suggested that the ♣K could have been the ♥K, making a heart shift desirable.

**The Committee Decision:** Admittedly the determination of UI arising from irregular tempo at trick one is a very haphazard and subjective process. Although both declarer and West could have handled the situation better, the Committee believed that UI was present (and sympathized with West given her relative inexperience). Given the form of scoring (IMP Pairs), West's play of the ♣6 at trick one (purportedly count), her suit preference in diamonds at tricks two and three, and East's major-suit holdings, the Committee decided that a club continuation was the

indicated play at trick four. Therefore, the table result of 3NT down one, +100 for E/W, was restored. The Committee gently explained to West the issues of tempo and UI. The Committee was disappointed that North was not present to hear the Committee's opinions concerning his tempo at trick one and his follow-up declarer play after the ♦J had secured his ninth trick in an IMP Pairs (South said that North was catching a flight out that night and could not be present). The Committee would support any effort by management to avoid giving players, even ones accused of committing an irregularity, the impression that they are being ignored or that they've been prematurely judged guilty.

**DIC of Event:** Henry Cukoff

**Committee:** Mark Bartusek (chair), Jerry Gaer, Robert Gookin, Abby Heitner, Richard Popper

**Directors' Ruling: 42.6**

**Committee's Decision: 82.6**

✍ It is quite improper for declarer to play from dummy so quickly at trick one; play from dummy should be deliberate (10-15 seconds at least), not only to conceal declarer's problems (or lack thereof) but also to give third hand a chance to plan her defense and consider her play to that trick. Even after a suitable trick-one pause by declarer, third hand may still take whatever time she needs (within reason) without creating a presumption of UI, and declarer's quick tempo cannot abridge whatever protection she is due. By the same token, if third hand plays quickly to trick one when she has nothing to think about, she will compromise her right to think on other occasions without creating a presumption of UI.

Now down to specifics. West here was clearly inexperienced, so her tempo at trick one might be more revealing than an experienced player's—but it might also be more random and thus less revealing. Whichever was the case, declarer's tempo at trick one relinquished his right to claim UI when third hand played within a reasonable time (the estimates placed it at 10-30 seconds, which I judge reasonable under the circumstances—just). Therefore, I believe the Committee made the right decision to restore the table result.

Agreeing with me are...

**Bramley:** "The Committee ascribes too much meaning to the plays of West, a virtual novice. Following suit from a doubleton probably carried no suit-preference connotation at all for this player. Did the Committee inquire whether this pair used Smith echo? And note the discrepancy in their description of West's signal at trick one. No, the real reason for continuing clubs was that it was the only realistic chance to set the contract. If West held KQJ9(x) of hearts (as suggested by South), declarer would merely have to duck one round of the suit to make the contract. Another indicator for the winning play was declarer's hesitation before repeating the diamond finesse, which strongly suggested the actual position of risking the contract for overtricks.

"To establish a BIT at trick one third hand must huddle for a long time, and even longer if, as here, declarer quick-plays from dummy. South's estimate of 30 seconds is about the minimum after a quick-play. Declarer's 'line of play' leaves a bad taste. Presumably he could read the club position himself after the huddle, so his repeat of the diamond finesse was a calculated gamble. (East would never duck the diamond with ♣AKxxx, but might have with her actual holding.) To ask for 'Director insurance' after losing that gamble is highly offensive."

**Polisner:** "Good work by the Committee as trick one is for thinking about the whole hand; i.e., should I split heart honors if a heart is led from dummy, trying to use the rule of eleven to see if declarer could have ace-jack doubleton, etc. We can't penalize trick-one thinking unless and until it is crystal clear that the BIT solely relates to trick-one issues."

**Passell:** "Very good job by the Committee and another extremely poor job by the Director. The declarer probably, if unwittingly, was taking a double shot for a couple of overtricks at IMP scoring."

**Wolff:** "Terrible Director's ruling that may have been based on bias or politics. Excellent Committee decision and summary. I'm encouraged by the Committees on the last few cases."

**Rigal:** "The Director missed the point of the deal, the Committee picked up on declarer's nine top tricks at IMPs. West's play to trick one might well have been as to whether to give count. Having said that the tempo break does give E/W more reason to return a club—and it is not true that no other defense looks plausible at this form of scoring. Give partner ♠Qxxxx ♥KQJx ♦xx ♣xx or ♠xxxxx ♥AQJ9x ♦xx ♣x and a spade (or heart) is necessary. Ignore suit preference here a partner who can't play third hand high won't give suit preference you can trust, and in any event if a heart, not spade, is necessary what can West do? All of this suggests N/S deserve -100, E/W -600."

**Treadwell:** "E/W's valid appeal was decided correctly. At IMPs, the best chance of beating 3NT in view of the poor major-suit holding by East was to continue with a small club. If West had three small clubs and a major-suit entry, the hand would go down. Also, North was a bit asleep at IMPs in not taking his already-established nine tricks after the first diamond finesse held."

✍ Was that nine tricks the same nine tricks that the Director awarded North? You might want to read the following before you answer.

**L. Cohen:** "First the easy (and ridiculous) part. The ruling of +600 is obviously impossible. If we disallow East's club play at trick four, then declarer gets +630, of course. The only choices were +630 or -100 for N/S. Now the hard part. If West broke tempo, I think we have to make East bend over backwards and not continue clubs (although it is pretty easy to say that shifting doesn't rate to be the correct defense). I don't know that the E/W carding agreements (which don't seem so firm—was West's five-nine in diamonds really suit preference?) were so firm. But, did West break tempo? I think declarer lost his rights by playing dummy's ♣8 in 1-2 seconds. That's not fair to E/W and it deprived West of the opportunity to make her play in tempo (not that a 70-masterpoint player would be able to produce a smooth six under any circumstances)."

**Stevenson:** "The Director was told that West broke tempo, and ruled on that basis without asking E/W? In the best John McEnroe tradition, 'You cannot be serious!' The fairest ruling would doubtless be to give both sides a good score and charge the Director the difference.

"Nevertheless, either there was a BIT or there was not a BIT, and in the absence of the Director investigating the Committee has to do it for him. A quick play from dummy at trick one is like a Skip Bid: the next player has a right to take a reasonable amount of time (see CASE FOURTEEN). The Committee decided the time was too long even for this, but I wonder. Suppose you consider third hand is always allowed 15 seconds to think about the hand generally, whether about this trick or not. If third hand were to take a full minute, no doubt she has broken tempo, no doubt there is a BIT, but why should we assume her problem concerns that first trick? Perhaps the answer is that, as the write-up suggests, each case is taken on its merits and a third-hand trick-one BIT provides UI, and the Director or Committee has to decide whether the UI concerns trick one or not. In this case the Committee seems to have investigated this carefully enough."

✍ Our final panelist presents the case for adjusting the score.

**Gerard:** “You know, the six from the singleton six is both attitude and count. While the Committee was being so gentle with West, why didn’t they gently explain the issue of high to encourage? And as for that suit preference at tricks two and three, suppose West held ♠xxxxx ♠AKJ9x ♠xx ♣6. Wouldn’t West play suit preference for hearts, having displayed her attitude towards clubs at trick one?”

“Now turn to East. Yes, a club was the legitimate play to beat the contract or to find out (still in time) that a heart is the legitimate play to beat the contract after winning the ♣A. But if you knew that West couldn’t hold her actual club holding, wouldn’t you think about cashing the ♣A and then playing a heart? So you give up the overtrick by not taking partner off the endplay when she has ♠Qxxxx ♠KQJxx ♠xx ♣6. When West has the real suit preference ♠5 in the previous paragraph the ♣A works just fine, even though it isn’t absolutely necessary. Also, suppose West had played the ♣6 from seven-six doubleton, either because that was their agreement or she thought it was. Give declarer one more spade for ♠QJ10x ♠Qx ♠AQxx ♣KJx. How does that low club continuation look now?”

“And what about that claim of suit preference whenever declarer plays a suit? If E/W couldn’t agree about attitude or count when not beating the dummy, it seems that suit preference was last on their list of priorities, to say nothing of the fact that it’s a bit much for an inexperienced player to handle. There would be too many exceptions she would have to learn—count when dummy has a long suit, second hand low, second hand high, etc.

“Look, I don’t like North’s performance either, but East had too much help. She had an alternative to a low club, either the ♣A to clear up the situation or a spade if she was really convinced that the holding for a beat was just too obscure. If you average out the times you get to 20 seconds for West at trick one, this was more than enough for a BIT even with a more appropriate tempo from declarer. If you ask East whether she thought that the club continuation preserved her chances in hearts, she would have told you that the club continuation was the best chance to defeat the contract in clubs. You don’t get to do that when partner huddles and plays the deuce. I wish I could take it away from N/S, but it was no more probable that West would have played a non-six to trick one in the absence of North’s irregular tempo. So the Committee’s heart was in the right place, but its mind wasn’t.”

✍️ What Ron says is well and good had West been East’s peer with regard to her bridge experience. But she wasn’t. West was a “virtual novice” (to borrow Bart’s phrase) and all of the “averaging out” of trick-one tempos won’t make that, and the randomness it implies, go away. Was it possible that West’s tempo (and manner) at trick one conveyed UI to East? Absolutely. Would we have been here if West had taken only 10-15 seconds to play? I doubt it. Then if declarer had taken the 15-20 seconds he should have at trick one, and if West had then added her 10-15 seconds to the total, we’d be back to the 30 seconds South thought West took and there would be no imputed UI to gum up the works.

What goes around, comes around. Table result stands.

**Subject (Tempo):** Fast Pairs, Fast Hearing, Fast Write-up  
**Event:** NABC Fast Pairs, 27 Jul 02, Second Qualifying Session

Bd: 25	Daniel Lavee		
Dlr: North	♠ A6543		
Vul: E/W	♥ 1032		
	♦ Q5		
	♣ Q76		
Lowell Andrews	Dave McClintock		
♠ 108	♠ 7		
♥ Q8764	♥ AK5		
♦ J7	♦ AK1064		
♣ AK102	♣ J983		
	Vincent Demuy		
	♠ KQJ92		
	♥ J9		
	♦ 9832		
	♣ 54		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	1♦	1♠
Dbl	3♦(1)	Pass	3♠
Pass (2)	Pass	4♥	All Pass
(1) Alerted			
(2) BIT			

**The Facts:** 4♥ made four, +620 for E/W. The opening lead was the ♠K. The Director was called at the end of the play. East said West hesitated for no more than 3 seconds. The Director allowed the table result to stand.

**The Appeal:** N/S appealed the Director’s ruling. South did not attend the hearing.

**The Committee Decision:** The Committee considered West’s hand and concluded that there had been a BIT over 3♠. Considering East’s action, even though he had not acted over 3♦ and pass was certainly a possibility, it seemed unlikely (although one Committee member did argue for it). The Committee believed that 4♣ was a normal action after 3♠ absent the UI and eleven tricks was the probable result. The contract was therefore changed to 4♣ made five, +150 for E/W.

**DIC of Event:** Ron Johnston  
**Committee:** Henry Bethe (chair), Richard Popper, John Solodar

**Directors’ Ruling: 62.5**      **Committee’s Decision: 57.0**

✍️ I must mention that I was present at this hearing and tried to encourage the Committee, through its chair, to reconsider its decision. I suggested that if they believed the UI suggested further action on East’s part, they should disallow East’s 4♥ bid and change the contract to 3♠ by South, down two. If they decided that there was no BIT or, even if there was, that it did not suggest any particular action over another (or that acting was clear-cut with the East hand), then they should allow East to balance. Only if they believed the BIT suggested heart length rather than some other feature (such as extra values or long clubs, maybe four-six in the round suits) should they disallow 4♥. So this decision looks to be an anomaly.

Personally, since N/S did not mention the BIT when it allegedly occurred and did not call the Director after East took further action, I’m inclined to agree with the Director to allow the table result to stand. And I cannot see deciding that there was a BIT based only on looking at the West hand.

Some panelists make similar arguments to mine, that the table result should stand.

**Bramley:** “Huh? This decision makes no sense. The crux is whether East should be allowed to bid at all, not whether he should be allowed to bid hearts instead of clubs. West’s alleged BIT does not demonstrably suggest that he has extra heart

length, merely that he has extra strength. If you're going to let East bid, then you should let him bid 4♥ if he chooses. If not, then the assigned result should be 3♠ down two.

"However, why did the Committee change the table result? The Director ruled no BIT. N/S apparently did not present any evidence to contradict the Director's finding or East's estimate of 3 seconds. I would have let the table result stand."

**L. Cohen:** "Fast pairs or not, why was the Director not called earlier? After the play, it seems that it was a bit late to determine West's tempo. E/W said 3 seconds. What did N/S say? How can we tell? To just say that West's hand indicates it was more than 3 seconds doesn't sit well with me. There aren't enough facts to change the result, and that's the fault of N/S for not calling the Director at the proper time. I don't understand how the Committee can make it's determination given the lack of facts. And, if they think it's okay to bid 4♣, then why isn't it just as okay to bid 4♥? Clearly, if West was out of tempo, that had nothing to do with suggesting a fifth heart."

✍ A second group of panelists present arguments for not allowing East to balance.

**Passell:** "Once again the Director made a random ruling not taking advantage of the system allowing him to get expert opinion. How could he let someone bid a three-card suit at the four level after passing at the three level? I do not understand the Committee's thinking, allowing East to bid at all. If the Committee believed a BIT took place why allow a very questionable bid to be made? Ugh!"

**Polisner:** "Of course there was a BIT or East would have bid the previous round. This being so, I am reluctant to allow East to now bid at the four level as pass is an LA."

✍ A third group supports the Committee's decision.

**Gerard:** "Not acting over 3♦ prevents East from bidding 4♥. The out-of-the blue 4♥ was compromised by the failure to bid 3♥, but the same didn't necessarily apply to 4♣. As opposed to the usual situation, East was guaranteed another chance to act. So he could have passed first to limit his hand, not realizing that he was closer to a game bid than an attempt to play in four of West's minor. If South's next bid were an improbable 4♠, East would have been self-interred.

"But East had no thought of limiting his hand, as witness his at-the-table action. Besides, no one bids like that today, not that they shouldn't. The game is all about other stuff, not those kinds of distinctions. People are notoriously suspicious of the other minor in these situations, so either East couldn't count on a club fit or a delayed 4♣ was just too much of a mis-evaluation to believe that he planned the auction. The parenthetical Committee member had it right. The Director had no clue, which is what usually happens when you refuse to be influenced by the evidence. Groucho Marx, caught in the act: 'Who you gonna believe, me or your own eyes?'"

**Treadwell:** "West must have had time to do his thinking after the jump cue-bid of 3♦ and two subsequent calls. Hence, the BIT did transmit some information. However, the East hand was so good (why no action over 3♦?) that some action is called for, but not 4♥ on a three-card suit."

✍ And still another group of panelists take issue with the Director's failure to document his decision adequately and the Committee's flawed logic, but then fail to tell us what they would have done.

**Rigal:** "Ridiculous Director ruling to my mind if a hesitation was established, but I can't tell what the grounds for letting the score stand were. Presumably no break

in tempo? The Committee seemed to have assumed that because they *might* have thought with the West hand, West did. It seems to me (assuming a BIT) that East has a 'bid/non-bid' decision. If you rule non-bid, N/S play 3♠ down two. If you rule bidding is okay, then 4♥ is not made more attractive than 4♣ so East can do what he likes and if that includes a ridiculous 4♥ call, so be it. We can't take East's call away because we don't like his judgment. We stop him bidding because he is not allowed to or let him do what he likes, as the case may be."

**Stevenson:** "The method of deciding whether there was a BIT by looking at the hand is flawed and unfair, as in CASE TWELVE. We need to know what the table Director thought and exactly what he ruled; did he rule there was no BIT?"

✍ Finally, one panelist wants to penalize East for what he seems to think was a conscious attempt to take advantage of UI, rather than simply redressing whatever damage N/S sustained and avoiding imputing anyone's intent, as the laws suggest.

**Wolff:** "This Committee seemed to cut the baby in half. They allowed a bid but not the one that East made. Perhaps we should allow the result to stand and penalize E/W 1/4 to 1/2 a board for taking advantage of a BIT."

✍ Why should we think that N/S's loss was 1/4 or 1/2 board? Or perhaps Wolfie is not even suggesting that N/S's score be adjusted; just that E/W be penalized and N/S be left to absorb the table result. What if there was no BIT? And what about our legal obligation to redress the damage to N/S if East's action was suggested by UI? And what if E/W profited by more than the suggested 1/2 board? Do they just get to keep the difference? Hey, what a good deal.

The panelists are all over the map on this one, suggesting every possible (and some illegal) remedy, from allowing the table result to stand, to disallowing East's balance, to forcing East to bid a more "normal" 4♣, to penalizing E/W for "taking advantage." We need more discussion of this after we've had a chance to consider each others' views. Can we continue it next time, in our Closing Comments?

CASE EIGHTEEN

**Subject (Tempo):** Oh, Those Tricky Four-Level Passed-Hand Doubles  
**Event:** NABC Mixed BAM, 27 Jul 02, First Qualifying Session

Bd: 24	Peggy Kaplan		
Dlr: West	♠ AK		
Vul: None	♥ K653		
	♦ J97		
	♣ 8653		
Doris Staub	Chuck Lamprey		
♠ 864	♠ J10972		
♥ J109	♥ AQ74		
♦ Q108	♦ ---		
♣ AKJ7	♣ Q1094		
	Dick Bruno		
	♠ Q53		
	♥ 82		
	♦ AK65432		
	♣ 2		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	1♠	3♦
Dbl	4♦	Pass	Pass
Dbl(1)	Pass	4♥	Pass
4♠	All Pass		
(1) BIT			

**The Facts:** 4♠ made four, +420 for E/W. The opening lead was the ♦K. The Director was called when East bid 4♥. N/S believed West took 1-1/2 minutes to double 4♦; E/W believed she took 30 seconds. The Director ruled that since there was no disagreement about the BIT, action by East was demonstrably suggested and pass was an LA. The contract was changed to 4♦ doubled down one, +100 for E/W (Law 16A2).

**The Appeal:** E/W appealed the Director's ruling. West's second double was intended as card showing and East said it was in no way penalty. Since East had opened extremely light opposite a passed partner he believed bidding 4♥ was automatic.

**The Committee Decision:** The Committee believed the pull to 4♥ was made more attractive by the BIT. West could easily hold a singleton spade, honor third or fourth in diamonds, and with the

♥K in the North hand down two would be likely. In BAM scoring a plus score is important, and achieving a plus was more likely in 4♦ doubled. The Committee decided that pass was an LA for East and changed the result to 4♦ doubled down one, +100 for E/W.

**DIC of Event:** Henry Cukoff  
**Committee:** Bob Schwartz (chair), Dick Budd, Ed Lazarus

**Directors' Ruling: 50.0**      **Committee's Decision: 47.8**

West's second double is played as penalties these days mostly by inexperienced players, a status I would not have thought included the members of this Committee. East's hand, while it might provide enough defense for a plus score on a good day, figures to produce a big-time minus in 4♦ doubled most of the time. Since East is guaranteed to find at least a four-four fit in one of the round suits, I cannot imagine passing. Had the Director been required to consult before making his ruling he might have discovered that pass was *not* an LA. Had the Committee thought about the hand West was likely to hold, instead of looking at the one she did, they might have reached the same conclusion. (For example, give West ♠x ♥J10xx ♦Qxxx ♣AKJx, a hand not too dissimilar from her own, and East could expect to make 4♥, possibly with an overtrick, while going plus against 4♦ doubled would require both clubs breaking and the ♥K being with North—not exactly a betting-man's parlay.)

Agreeing with me are...well, pretty much everyone.

**Bramley:** "Horrendous. If ever there was a hand to bid over the second double, it is this East hand. He has no diamonds, few high cards for his opening, and good four-card holdings in both suits that partner has shown. 4♦ could easily be cold. The double of 4♦ did not magically become a penalty double after the double of 3♦ was for takeout. Pass is *not* an LA. E/W got screwed here. This was a terrible performance by both the Director and the Committee. I have to give my first roulette rating: double-zero."

**Gerard:** "That's not the way the game is played, nor the way this East plays it. Let's give West a singleton spade, king-third of diamonds, jack-ten fourth of hearts and ace-fifth of clubs, is that fair? Let's also grant the Committee's ♥K assumption. The defense gets one trump, one ruff, one club and one or two hearts, depending on the heart break. But East almost certainly makes 4♥ against a three-two split and isn't down yet against four-one hearts. Plus West probably has more than just that minimum since North would likely have opened the bidding. East doesn't open that hand at any form of scoring for the pleasure of defending 4♦ doubled, although at IMPs he more or less has to settle for his acceptable result. But I can get within an eyelash of a double game swing with fairly normal holdings around the table, so it's not like passing is without risk."

"So thank you for the lecture, Committee, but BAM strategy is a little more complicated than achieving a plus score. We all know that West's second double was not pure penalty, so the information conveyed by the BIT was mostly redundant. In fact, it suggested that West didn't hold a 2=4=3=4 11-count, one of the hands that East caters to when he pulls the double. Since in that likely scenario 4♥ would be counter-indicated, 4♥ was not demonstrably suggested by the BIT."

**L. Cohen:** "Nobody plays West's double as pure penalty these days. It simply shows extra values and a desire to compete. Whether it took 10 seconds or 10 minutes, the double says nothing about diamonds. It just shows extras. East has a diamond void, no? Why would East decide to defend? Sure, 4♥ rates to go down but I'd be afraid 4♦ is making. I don't see what the tempo of the double has to do with it. In fact, if West had wanted to penalize 4♦ (maybe something like ♠x ♥Axxx ♦KJ10 ♣Jxxxx), there would be no reason to make a prompt double (for fear of partner pulling it). Bottom line: this BIT was not relevant to East's decision; he should pull a double of any speed. I *avoid* defending with voids. With this possibly unpopular view, I leave you until Phoenix—assuming we are still in this business by then."

✍ We will be, if my sources are correct.

**Passell:** "I vehemently disagree with everyone's final decision here. East knew he had at least an eight-card heart fit and was probably getting a spade lead, which he couldn't stand. West's double is universally treated as card showing; she actually had a great penalty double. We would also have been in Committee if West had made a quick double and East had sat for it and been right. As heavily in favor of punishing UI as I am, I still feel this one is clear-cut."

**Polisner:** "If West's second double was, by definition, not a penalty double, then it would be unreasonable to suggest that East pass a takeout double of 4♦ with a void, a sub-minimum opposite a passed hand, and little defense. As Edgar Kaplan used to say, 'When my partner makes a take out double—I take it out.' The Committee appeared to ignore this issue and assumes that it was a hesitant penalty double. If I was convinced that it was a takeout double I'd allow the table result to stand."

**Rigal:** "Correct Director ruling here given the tempo issues but I expect more from a competent Committee. Give this hand to a field in a national event and they will tell you the double is cards, optional, takeout. West is marked (though she did not

have it) with short spades. Now look at the East hand and ask yourself whether you want to defend 4♦ facing a takeout-ish double with short spades. Passing is absolutely ridiculous. Switch the majors (so you have a chance to give partner a trump promotion) and you might consider it—but not for long.”

**Stevenson:** “BAM or not, the trouble with passing 4♦ doubled for a plus score is the considerable likelihood of it making. I doubt whether pass is really an LA with the East hand. Of course, the ACBL definition of LA means that very few people have to consider an action to be the right one for it to be an LA.”

☞ Yes David, and some of them would actually have to have *taken* that action as well.

**Wolff:** “Disagree! The main thrust of the double of 4♦ is still takeout (especially in today’s climate). The best bridge method is to take out takeout doubles, especially with the East hand. If you think about it, how could East really stand for it when sometimes you get lucky and 4♥ even makes five. Again, if the Committee was upset with West’s long huddle, penalize E/W (1/4 or 1/2 a board) but don’t open up the candy store for N/S.”

☞ Scratch that PP and I’m with Wolffie. Not so our final panelist, who seems to have gotten himself lost yet again. Baa-a-ah.

**Treadwell:** “The slow double of 4♦ suggested West did not have a real stack in the suit, such as ♦KJ9x, and therefore after the BIT East may not pull.”

☞ Maybe that’s true in Wilmington, Baltimore, Portland and San Pedro, but the rest of the country seems to have learned better than to pass a takeout double of 4♦ with the East hand opposite a passed partner, knowing you have at least one and possibly two eight-card fits.

CASE NINETEEN

**Subject (Tempo):** Is There Something They’re Trying To Tell Us?  
**Event:** NABC Mixed BAM Teams, 27 Jul 02, Second Qualifying Session

Bd: 18	Martin Caley		
Dlr: East	♠ 3		
Vul: N/S	♥ 76		
	♦ KQ109632		
	♣ 853		
Bruce Greenspan		Stuart Whittle	
♠ Q10754		♠ K862	
♥ 2		♥ KJ109854	
♦ 4		♦ ---	
♣ AKQJ74		♣ 102	
	Rita Ellington		
	♠ AJ9		
	♥ AQ3		
	♦ AJ875		
	♣ 96		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	1NT
Pass	2NT(1)	Pass(2)	3♣(3)
4♠	Pass	Pass	Dbl
5♣	Pass	5♠	Dbl
All Pass			
(1) Alerted; transfer to diamonds			
(2) BIT			
(3) Alerted; pre-acceptance			

**The Facts:** 5♠ doubled made five, +650 for E/W. The Director was called when the BIT occurred. The Director ruled that the 4♠ bid was not demonstrably suggested by the BIT and allowed the table result to stand (Law 16).

**The Appeal:** N/S appealed the Director’s ruling. Only North attended the hearing. North said that after 2NT was Alerted and explained East “dithered, looked at N/S’s CC, and dithered some more.” North believed this only happened when East had a two- or three-suited hand. This appeal came some 30 minutes after the end of the session and after NAC members had been dismissed. E/W had already left because the Director had not notified either side of the ruling until 15 minutes after the game ended. Under the circumstances North was asked whether, in the interest of time, he objected to a one-man Committee. He did not.

**The Committee Decision:** The Chairman consulted a number of

players whose consensus was that the dither showed values in an unbalanced hand. When West discovered that this could not include a penalty double he correctly concluded that East would have a two- or three-suiter, short in diamonds. West’s pass of 1NT suggested that he planned to lead the ♣J against 3NT. Had he (properly) passed 3♣ he would have gotten that opportunity. Therefore, the contract was changed for both sides to 3NT down two, +200 for E/W.

**DIC of Event:** Henry Cukoff  
**Committee:** Henry Bethe (chair)  
**Players consulted:** Curtis Cheek, Jeff Goldsmith, Bob Schwartz, Peggy Sutherlin

**Directors’ Ruling: 40.8**      **Committee’s Decision: 80.0**

☞ First, time out to explore a mystery.

**Bramley:** “Mysterious. Which one is the woman, Bruce or Stuart? If they’re filling out the movement for the Mixed Teams, their actions on this hand should be recorded. Bad play is acceptable. Randomizing the game is not.

“The Directors caused this problem by failing to rule expeditiously. When a ruling is needed late in the session, the Directors must speed up accordingly.



What's the point of a well-considered ruling when there's no one around to receive it?

“The Chairman did well under the circumstances, but I disagree on a couple of points. East's huddle affords the inference that he wants to bid, but any further assumptions about his hand are pure conjecture. He might huddle the same way with only hearts, planning to balance over 3♦. West acted on the unauthorized inference that his partner had some cards, but he got lucky to catch partner with great support for one of his suits. West was guaranteed another chance to bid himself, so bidding when he did was a clear indication of reading his partner's huddle. (If South had bid 3♦ instead of 3♣ I would have allowed West to bid, since he surely did not want to defend against 3♦.) I don't understand the business in the write-up about a penalty double.”

✍ Apparently a double of 2NT by East would not have shown general values.

I agree that the inferences available from East's huddle are limited. However, I would add to the possibilities that East could hold a weak distributional hand (thus no direct action)—not exactly “found gold” for West if it's a heart one-suiter. (For example, opposite ♠Kx ♥KJ109xxx ♦Jxx ♣x West would do well to wait for his plus against 3NT.) Thus, East's huddle does not even carry a legitimate inference that he has some cards. Bart does make a good point about West being guaranteed another chance to bid over 3♣, but the uncertainty about his finding either values or a fit is certainly consistent with the Director's ruling.

More support for adjusting the score...

**Gerard:** “Are you sure about that 3NT rebid by North? Maybe it was 12C2 probable for the offenders, but was it likely enough for the purpose of N/S's score? If North signs off in 3♦, it's pretty easy for E/W to get to 4♠ and just as likely that South would double. So there's a case for E/W +200 and N/S -690. Also, West could have (properly) doubled 3♣, planning to compete with 3♠ over 3♦. Then even South wouldn't double 4♠ but she might save in 5♦ and then double 5♠. Hmm, lots of possibilities.

“I guess I'm with the Committee of One. The porcine 3NT by North may not meet the approval of the Committee in CASE EIGHTEEN since it would risk the plus score, but it must have had at least a strong minority chance of happening. Give South a third low club and 3NT is odds on against silent opponents. And yes, West could start to describe his hand with a double of 3♣, but it looks like he planned to lay low unless the opponents settled in a suit. He could still come to life if North signed off in 3♦, even though it would have been a little tougher to paint his picture. He does seem the type to play both sides of the table, so guessing his way out of the 3♦ dilemma wouldn't have daunted him. Thus, once North converts to 3NT West is toast. But what about a big PP to West for blatant misuse of UI?

“I didn't forget about the Director's performance, I just choose not to comment. “Finally, which one of the E/W partnership was the female half?”

✍ Sorry, but Bart lapped you on that last point. Unfortunately, those are the names that appear on the appeal form. (We double checked.) As for that PP to West...

**Wolff:** “West was still taking a risk with his 4♠ action since partner may have been considering a heart bid. Nevertheless, E/W should not help each other. Why not E/W +650 but a 1/4-1/2-board penalty for taking advantage of UI. The following good things happen: the bridge result counts, PTF and the culprits pay. Voila!”

✍ If West's 4♠ bid was not suggested by the BIT, as Wolffie agrees, then by law the table result must stand. But then how can one assess a PP against a player whose action was not helped by UI from his partner? One can only “take advantage” of information which points in a certain direction, can't one?

The next three panelists' comments also bear on this issue.

**Rigal:** “Where do these Directors learn such bad habits? How can you look at the West hand and say the 4♠ call was not suggested by partner's tempo? I do not think it clear that North was going to 3NT over the acceptance. While N/S might well get -100, they might just as well have had E/W bid on to game—either 4♠, 5♣ or 5♥. Note that 5♣ and 5♥ go down. In fact, maybe E/W were going to go minus and should therefore be landed with -100. This is sufficiently complex that I am going to give up on my duties and accept the Committee of One's decision.”

**Treadwell:** “Again West, with rather clear-cut action over 1NT, elected to pass. However, after partner's ‘dithers’ he correctly translated the import and took action at the four level. Much as I dislike barring players from bidding after a BIT by partner, a bid by West in these circumstances cannot be allowed.”

**Passell:** “How can someone leap to 4♠ on queen fifth after his partner huddles in the middle of a live auction and survive? Instead of being severely reprimanded, a Director ruled that the bid was normal and allowed the result to stand. Is this the Twilight Zone or what? The Committee of One would have done better had he recognized the bidding impropriety.”

✍ Rightly or wrongly, I cannot see where the laws make it illegal or improper for a player to take an unusual action that is not suggested by UI from his partner. If West had leaped to 6♣ would we think it was illegal because of East's BIT?

West's 4♠ bid is unusual, but there's another interpretation of the events that does not involve improper motives on West's part.

The auction does not indicate that West inquired about the meaning of the 3♣ bid. Could West have rashly assumed that 3♣ was negative for diamonds and that N/S were headed for a diamond partscore? Could he then simply have decided to bid game in one of his suits, overlooking the fact that there were more scientific ways to show his suits (such as by doubling 3♣ first)? Or could West have known that 3♣ was an acceptance, but feared that the auction might return to him at the five level (see David Stevenson's comment below)?

Let's take a closer look at just what East's BIT does suggest. While it does not directly suggest bidding 4♠, it does indicate that East is likely to hold either values or a distributional hand. If the latter, East will hold either a one-, two- or three-suiter (diamonds not included). Thus, of the various possible holdings for East, only one of them (a weak heart one-suiter) would fail to make West's action more attractive. So I'd say that West's action *was* made more attractive—statistically—and pushed the odds strongly in his favor.

**Stevenson:** “4♠ seems a strange bid. If partner were marked with a two-suiter there is a reasonable chance it is the right place to play, but only the UI suggests that. Opposite an average hand defending 3NT or playing in clubs might easily be better. I have some sympathy for West giving up the plan of defending a notrump contract once the diamonds are super-accepted: the danger of passing is that 5♦ will be the next bid. But if he gives it up why not bid 3♦ which surely shows a two-suiter? There was UI and it surely suggested bidding 4♠ over 3♦, and probably over passing as well. The (very small) Committee did well, and the original ruling looks quite strange.”

✍ Finally, making up his own laws as he goes along...

**Polisner:** “I agree that West took advantage of UI and should have been penalized. I don't necessarily agree with the assigned score as it is not clear to me that North was planning on bidding 3NT over 3♣. I would have awarded Average Plus to N/S, Average Minus to E/W.”

✍ Average Plus and Average Minus, now where have we seen that lazy approach before? Oh, I remember, from Jeff—in the last casebook.

Well, now that we've all agreed to adjust the score, what adjustment should we make? Ron and Barry make several cogent suggestions, and even Jeff's suggestion is consistent with the reason Barry gave for going with the Committee of One's decision. But all is not bleak and uncertain.

Was North, with seven running diamonds after South's announced fit, about to convert to 3NT? I doubt it since he didn't even try 5♦ over either 4♠ or 5♣. (Over 5♣ doubled it was too late.) After all, if West had solid spades then South would have no wasted values opposite his singleton; if West had solid clubs that would be okay too since North's tripleton made it likely that South would have only two. In fact, 5♦ is cold for precisely those reasons. So I think that North would have tried to subside in 3♦ and West would then have balanced (I cannot conclude that West never intended to bid simply because he passed over 1NT), after which E/W would likely have reached 4♠. Several scenarios would then have N/S find their way to 5♦. So I would assign both sides the result for 5♦ made five, +600 for N/S.

I would not object too violently to assigning non-reciprocal scores, perhaps -650 for N/S in 5♠ doubled and -600 for E/W in 5♦.

**Subject (UI):** Clarifying An Issue

**Event:** Life Master Pairs, 19 Jul 02, First Qualifying Session

Bd: 22	Reese Milner		
Dlr: East	♠ 87643		
Vul: E/W	♥ J543		
	♦ J5		
	♣ K9		
Jeff Roman	Aaron Silverstein		
♠ KQ1092	♠ J5		
♥ ---	♥ KQ82		
♦ 986	♦ 107		
♣ J10742	♣ AQ653		
	Geoff Hampson		
	♠ A		
	♥ A10976		
	♦ AKQ432		
	♣ 8		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		1♣	2NT
3♣	3♥	Pass	3♠
Dbl	Pass	Pass	4NT
5♣	Dbl(1)	All Pass	
(1) Explained after auction as no keycards			

**The Facts:** 5♣ doubled went down one, +200 for N/S. The Director was called when play concluded. The opening lead was the ♠A. At trick two South led the ♦Q and North fumbled before following with the jack. South then cashed the ♦K. E/W believed that if the ♦J had been played in tempo showing a singleton or the ♦10, South would have underled the ♦AK to try for a spade ruff. The fumble alerted South that North did not have a singleton or the ten. The Director changed the contract to 5♣ doubled made five, +750 for E/W.

**The Appeal:** N/S appealed the Director's ruling. Only South and East attended the hearing. South said he could not rely on this partner to play the ♦J only from jack-ten doubleton. His intent was to underlead only if North played low (three cases: partner ♦5, declarer ♦7; partner ♦5, declarer ♦10;

partner ♦7, declarer ♦5), because he could rely on partner to play the ten from ♦107 or ♦105. South also said that 5♥ might be beaten by the bad trump split, making +200 a good score. Finally, South argued that leading high diamonds would achieve +500 when the tap weakened certain four- or three-card trump holdings in the East hand. East thought South's plays to the first two tricks clearly indicated his intent to underlead if he got an appropriate signal, which might be the only way to get the +500 which looked necessary for a good score. East claimed that the underlead was an LA which was contra-indicated by North's fumble.

**The Committee Decision:** Both sides agreed that North's fumble was obviously from uncertainty rather than a mechanical error. Thus a BIT was established, which provided UI to South that demonstrably suggested that continuing with another high diamond would be more successful than underleading. The Committee determined that underleading was an LA because: (1) 5♥ might well be cold, (2) +500 might be necessary for a good score, and (3) partner could easily have the ♦10. The Committee agreed that the worst score that was at all probable for N/S was -750 in 5♣ doubled, and assigned them that score. However, the adjustment for E/W (the most favorable result that was likely) was less clear. The following points suggested that the underlead was more than just possible, but likely: (1) South committed his side to try for +500 in the auction when he could have chosen to try for +450 in 5♥. (2) Knowing at trick three that partner had the ♦J, South could see that 5♥ was a likely make. The East holding of ♥KQ8x was necessary to defeat 5♥ but was still unlikely. 5♥ was a risky contract only in hindsight. (3) The tapping defense would rarely produce +500, and never when declarer held the top three clubs. (The

winning positions are ♣AKxx or ♣AQxx along with three small spades, or a three-card club suit missing the king or queen). (4) North's play of the ♦J should have guaranteed a safe underlead. The combined weight of (2), (3) and (4) overwhelmed any possibility of South revising the plan he made in (1). E/W were thus assigned the score for 5♣ doubled made five, +750 for E/W.

**Dissenting Opinion (Barry Rigal, Dave Treadwell):** The point at issue revolves primarily around the interaction of Laws 12 and 16. Given that North's slow ♦J made the ♦J5 a more likely initial holding than the ♦J10, thus creating a position where the diamond underlead became less attractive, then South, under Law 16, should be compelled to underlead the ♦AK, giving his side -750. However, the question is whether Law 12 should be applied to the non-offenders after South's (compelled) underlead or before he leads to trick three. If the former, then +750 is the only possible outcome for the non-offenders. If the latter, we should look at South's position under Law 12 when determining the "most favorable result that was likely had the irregularity not occurred." South knew that an unsuccessful underlead would give his side a stone-cold zero, and that +200 would generate a result worth somewhere between 33% and 66% (as it happened, it would have been worth 39 on a 64 top). Also, by South's own statement he knew North to be capable of such a defensive error. Thus, we have to assess how likely South would have been to make the underlead had North not broken tempo. To our minds the most likely outcome for E/W would have been -200, not +750, and the difference in likelihood between that result and +750 is large enough for us to not give the non-offenders a windfall of this sort. Subsequent to the Committee's decision, the point of law on which this decision hinges has been the subject of much conversation between myself and both the Directing staff and the Appeals Committee authorities. Since the vast majority of the Directing staff have taken the position that play reverts to the moment before the enforced diamond lead, and even the Appeals Committee staff have not been consistent in their opinions on this issue, we have elected to write this dissent in the hope that even if we are wrong the issue will be clarified.

**DIC of Event:** Henry Cukoff

**Committee:** Bart Bramley (chair), Abby Heitner, Barry Rigal, Riggs Thayer, Dave Treadwell

**Directors' Ruling: 86.7**

**Committee's Decision: 78.1**

✍ The Committee's decision is well written and incisive, making it difficult for me to even conceive of a minority opinion—let alone two of them. So much for my aspirations toward becoming a modern-day Nostradamus.

My first question for the dissenters is: "Why should South even suspect that an underlead might be unsuccessful (unless North started with ♦J105, in which case nothing matters)?" We have only South's own self-serving word for it that North was capable of such a play. Most players in South's position I think would just underlead reflexively at trick three, expecting to end up with whatever tricks they had coming. Giving South's doubts credence is like giving a player who complains "My partner never has his doubles" *carte blanche* to pull slow penalty doubles.

My second question to the dissenters is: "Why should South be so sure that +200 would net his side 33% to 66% of the matchpoints?" I would think, based on his decision in the auction, that he'd be more likely to believe that +200 would be a near bottom and that -750 would thus have little to lose and everything to gain.

And even if South were certain of North's unreliability and that +200 would be a reasonable result, shouldn't he feel a legal (a la Law 73C) and ethical duty not to choose the action suggested by North's tempo? Shouldn't he be teaching North a sharp lesson about the consequences of breaking tempo?

One side note. Contrary to what the dissenters wrote, North's slow play of the ♦J did not make the ♦J5 "a more likely initial holding than the ♦J10," it only made

it a possibility. But of course that still made the underlead less attractive.

Now let's hear from the Committee chair.

**Bramley:** "In Committee I disagreed strongly with the dissenters' views, and their written arguments do not sway me now. We looked at South's problem from the viewpoint preferred by the dissenters, that is, before the underlead rather than after. The question for us was whether South, in the absence of the huddle, would underlead sufficiently often to make -750 'the most favorable result that was likely.' The majority's answer was emphatically 'Yes!' For the dissenters to be right they must assume that South would underlead only a fraction of the time, often enough to make the underlead an LA but not often enough to make it 'likely.' Pardon me, but I think South would underlead nearly 100% of the time.

"South's argument for not underleading was clever, but much easier to make in hindsight. The dissenters' observation that +200 was worth 39 out of 64 matchpoints falls in the same category. How much do you think +200 would have been worth if North instead of East had held the ♠8? 5 matchpoints? 10?"

"South may have been right that he never would have risked the underlead with this unreliable partner, but the evidence before that play all pointed in the other direction. For the majority the clincher was in the bidding. When South bid 4NT he did not know that West would give him the option of trying for a higher score on defense. South thought that he could make at least +450 when he bid 4NT, so when he chose to defend he was clearly trying for at least +500. The early play, contrary to South's argument, suggested that N/S were indeed cold for eleven or more tricks in hearts. South's problem was not whether he could risk -750. It was whether he could risk settling for +200, which seemed likely to yield about the same matchpoint score as -750.

"I disagree with those who object to E/W receiving a 'windfall.' They were entitled to the most favorable score that was likely against their actual opponents had there been no infraction. Before the infraction those opponents were about to mess up in a big way. The infraction should not deprive E/W of the big score they would otherwise have achieved.

"If the Committee had been unanimous, I would have pushed for an AWMW for N/S. Instead, we had trouble just reaching the right decision."

✍ Yes, an AWMW would have received my vote as well.

Next a *mea culpa* from the lone dissenter who chose to comment on this case.

**Rigal:** "South made a good case in Committee, but in retrospect maybe exposing my ignorance of the law in public so as to invite ridicule was not such a good idea. Oh well, 'Dulce et decorum est pro patria mori' ['It is sweet and fitting to die for one's country.'—*Ed.*]"

✍ As for the objection to E/W receiving a windfall that Bart predicted...

**Wolff:** "Somewhat draconian for N/S but not unfair. 'Let the punishment fit the crime.' Somewhat of a windfall for E/W. 'Let the lottery ticket score.' Unfair enrichment and undeserved."

✍ Pointing out some additional inconsistencies in South's arguments and joining the movement toward an AWMW—and beyond—is...

**Gerard:** "South's arguments were ridiculous. I don't care how unreliable North is, South can't defend his play by playing partner for an error after he has transmitted UI. In fact, just look at what South would have the Committee believe. He would underlead if North played the deuce-equivalent, which would presumably show a singleton or jack-doubleton. Yet he claimed that he knew North might play the jack from jack-deuce. So how could he underlead after the deuce? Mightn't that be the same error from deuce-doubleton? In effect, South said North would play low from

jack-deuce. But after East followed with the diamond seven at trick two (forced), South knew that North might have played the wrong card. Now what could possibly have convinced him of that? This performance should have earned N/S an AWMW and South a PP. Playing in the bigs carries with it certain responsibilities, one of which is not to forfeit your moral core in order to protect the sponsor (see also CASE ONE from St. Louis). However, perhaps that involves a questionable assumption.

“The real guts of this is (are?) the Weinstein/Colker ‘Huddle is the Irregularity’ argument of the defense. You know which side of that I’m on. The last time we discussed this in the Laws Commission, the position of management seemed to be that it was the combination of the BIT plus the subsequent action that constitutes the irregularity. But there is still no consensus. Barry’s screed and the position of the Directing staff can not be right—if the Weinstein/Colker argument is correct, play reverts to the moment before North hesitated at trick two, not to the moment before South leads to trick three. By the latter time the UI has already taken place, so it is contradictory to analyze the what-ifs in its absence. Plus, look at the key sentence ‘Also, by South’s own statement he knew North to be capable of such a defensive error.’ It seems to me the Weinstein/Colker faction can’t escape judging the credibility of such a statement in arriving at its alternate reality. That is not what Laws 12/16 cases are about. But just to go along with the game, I know how believable that is and it begins with Z.

“There’s one more inaccuracy in the Dissent. Both sides are judged under 12C2, as the majority did. We don’t look at the offenders under Law 16 and the non-offenders under 12C2. The identification of the irregularity is key to both adjustments, it’s just that the standards for the two sides are different. So in theory the Dissent should have performed the what-if with respect to the N/S score as well. I think they would still have come to –750 on the ‘at all probable’ analysis, but it’s not the enforced result that they claimed it was. By relying on Law 16 instead, the Dissent changed its position as to what the irregularity was depending on whose result is being adjusted. And whatever the definition of irregularity, that can not be the right view.

“This is an important issue. No one seems to know the answer, although lots of people claim they do. On this particular case I think the result should be the same no matter which view you hold to. That is, I disagree with the Dissent’s judgment and their naivete, not just their interpretation. But they are right to point out that in the global sense this needs to be resolved. I just don’t see it happening any time soon.

“Finally, kudos to all on an excellent job of documentation. Both positions are clear and well-presented. I don’t see much of this kind of reporting coming from the Panels.

✍️ Actually, Ron’s criticism of what he calls the “Weinstein/Colker” position (we just report on—and agree with—the Laws Commission) is misdirected since it leads to the same decision the Committee majority made, and the one Ron himself favors. By backing up the play to the point just before North hesitated, and having him play the ♠J in tempo, the underlead by South becomes virtually automatic (discounting the self-serving statements about North’s reliability, of course). Thus, that position leads to the decision that both sides deserve reciprocal 750s.

In general, interpreting the BIT to be part of the irregularity makes it possible for the non-offenders to keep the table result even if the offenders’ score is adjusted. Such a resolution is desirable when the less successful LA is a minority action (though not entirely discountable) while the one taken at the table is still far and away the most likely action without the UI. And of course the vast majority of cases would still receive reciprocal adjustments. It is rare for a table action to be judged so likely that it should stand for the non-offenders while a non-suggested action is judged probable enough to be considered an LA.

Ron is right that both sides are judged under both Law 12C2 and Law 16—not each side under only one of them—and that it is only the judgment standards that

differ. Thus, the identification of what the irregularity was cannot change depending on whose result is being adjusted. And I definitely agree with his conclusion that the majority’s decision follows neatly from that procedure.

**Stevenson:** “Is hesitating or fumbling an infraction? No. It is to be avoided, but it is not illegal per se. Giving UI to partner is done all the time, though much of the UI is trivial. If a player opens 1♠ as dealer after 5 seconds then he probably has a different hand from when he opens it next time he is dealer after only 3 seconds, but it is unlikely to matter. However, that 2-second difference is UI to partner.

“Law 73D1 says: ‘It is desirable, though not always required, for players to maintain steady tempo and unvarying manner. However, players should be particularly careful in positions in which variations may work to the benefit of their side. Otherwise, inadvertently to vary the tempo or manner in which a call or play is made does not in itself constitute a violation of propriety, but inferences from such variation may appropriately be drawn only by an opponent, and at his own risk.’

“So the infraction in a UI case is not the giving of UI. What is it? After UI is made available to partner, Law 73C instructs that player to avoid taking any advantage, and failure to do so is an infraction. So it is the decision that takes advantage that is the infraction. In this case, what is the infraction? The fumble? No. It is the failure to underlead the diamond honors that is the infraction.

“A different way of looking at it is to look at Laws 16A and 73F1. These Laws make it clear that it is the choice between LAs that constitutes an infraction if the wrong choice is made. Law 73C tells the player what to do and Laws 16A and 73F1 tells the Director what to do in UI cases. But it all comes to the same thing: the infraction here was cashing the top diamond rather than underleading it.

“Once the Director or Committee has been through the normal UI steps (Was there UI? Were there LAs to the chosen action? Was the chosen action suggested over an LA by the UI? Could the opponents have been damaged by this?) they have to adjust the score when suitable by using Law 12C2. For the non-offending side the adjustment is to the score that is ‘the most favorable result that was likely had the irregularity not occurred,’ which means had the diamond not been cashed—i.e. the adjustment for the non-offenders is based on an underlead, which leads to +750.

“Does that mean that the Committee was right and the Dissenting Opinion wrong? No. At least the Dissenting Opinion realized the problem. The Committee considered whether underleading the diamonds was likely but their methodology was wrong: Once they disallowed the cashing of the top diamond as being contrary to Law 16A or 73F1, the adjustment should be based on what would happen when the diamond was underled.”

✍️ Perhaps I missed something, but the Committee’s methodology looks just fine to me. They did assess what would happen when the diamond was underled: East would win the ten, ruff a heart to dummy, finesse the ♣K, and end up losing just the ♠A and the ♠A for +750.

As Ron pointed out above, the question of what is the infraction and what is the irregularity in a UI case is not as simple as David suggests. In fact, this is currently an unresolved issue. Pretty much everyone agrees that the *infraction* in these cases is when the partner chooses an action that was suggested by the UI and a non-suggested LA exists. But what is the irregularity? (Law 12C2 says the non-offenders should receive “the most favorable result that was likely had the *irregularity* not occurred.”) Could the UI-producing event be the irregularity? I think so.


Take, for example, Law 73D1 (quoted by David above) which says that it is desirable, though not always required, for players to maintain steady tempo and for them to be particularly careful in positions where variations may work to their side’s benefit. Law 73E adds that it is appropriate for players to avoid giving information to the opponents by making all calls and plays in unvarying tempo and manner. But this suggests that calls and plays should normally be made in a more-

or-less even tempo, although that is not *always* required, but to vary your tempo where it could work to your advantage is discouraged—and thus is *irregular*. (While the word “irregularity” is not used, the laws define an “irregularity” as “a deviation from the correct procedures” and they instruct players to avoid variations in “sensitive” positions; so it’s not such a reach.)


In the present case, cashing the second high diamond as clearly the *infraction* but not necessarily the *irregularity*; I think the out-of-tempo  $\diamond J$  play (perhaps in combination with cashing the second high diamond) was the irregularity. Thus, the assigned score for the non-offenders should be the most favorable result that was likely had North not fumbled before playing the  $\diamond J$  (thus setting in motion the other events).

After the above examinations of the issues bearing on this case, the following should not surprise anyone.

**Passell:** “The toughest of the litter. I would be in complete agreement with the dissenters had South initially led the  $\diamond A$  or even the  $\diamond K$ . I am very happy not to have served on this case as I have no idea what is correct.”

 The final panelist proposes an unnecessary (just in this case, not in general) 12C3 solution...

**Polisner:** “12C3 anyone? South’s initial intent was clear and his statements to the Committee about what spots he would need to see before underleading is somewhat gratuitous as he already knew the situation from the tempo. Since South would be faced with three results (+500 or –750 if he underled; + 200 if he cashed out) and the result at  $5\heartsuit$  was not clear, it seems that cashing is the best course of action if South’s view of North’s skill is negative—i.e., a smooth jack may still be from  $\diamond Jx$ . Under the circumstances [12C3 not being available—*Ed.*], I think it is appropriate to give E/W the +750 and I agree with the majority.”

 I cannot agree that the result in  $5\heartsuit$  was not clear. For  $5\heartsuit$  to fail, an extremely unlikely heart position (East holding both top honors *plus the*  $\heartsuit 8$ )—especially given the auction—had to exist. Thus, South had every reason to believe that  $5\heartsuit$  was making, as he clearly did when he bid 4NT. And why should we believe South’s assessment of this aspect of North’s skill? After all, signaling with honors is pretty basic and only North’s tempo suggested that this time it was otherwise.

**Subject (UI):** The Tale Of The Elusive Question  
**Event:** Flight A/X Swiss, 21 Jul 02, Second Session (Match 7)

Bd: 13	Ron Gerard		
Dlr: North	♠ xx		
Vul: Both	♥ Qxxxxx		
	♦ A10x		
	♣ xx		
Daisy Goecker	David Better		
♠ Axxxx	♠ KQxx		
♥ xx	♥ J		
♦ Kx	♦ Qxx		
♣ QJxx	♣ Kxxxx		
	Martin Fleisher		
	♠ J10		
	♥ AK10x		
	♦ J9xxx		
	♣ Ax		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	2♦(1)	Pass	2♠(2)
Pass	3♣(3)	Dbl(4)	3♥
Pass	Pass	3♠	Pass
4♠	All Pass		
	(1) Alerted; either major, weak (3-8 HCP)		
	(2) Alerted; pass-or-correct		
	(3) Alerted; hearts, maximum (7-8 HCP)		
	(4) After asking the meaning of 3♣		

**The Facts:** 4♠ made four, +620 for E/W. The opening lead was the  $\heartsuit A$ . The Director was called at the end of play. N/S said that West asked about the 2♠ bid after South’s  $3\heartsuit$  bid. E/W both immediately and independently disputed this, saying that the question wasn’t asked until after East had bid 3♣. The Director did not find enough evidence to conclude that the question was asked over the  $3\heartsuit$  bid and allowed the table result to stand (Law 16).

**The Appeal:** N/S appealed the Director’s ruling. [Note: North spoke to the Reviewer and then left for NAC duty. It was explained to South that the table ruling was based on the Director not being convinced that the question was asked when N/S contended it was (he did not rely on any rule or regulation). South was left with the impression that his case was fruitless due to the ACBL policy of siding with the bidder in two-versus-two disputes on what was bid (a situation not

necessarily analogous to this and subject to appeal in any case) and dropped the appeal. Whether his impression was justified or not, it was decided to proceed with the case (with a new Panel) the next day after the above came to light.] North did not attend the hearing. The two sides had no apparent disagreements about any of the facts except that N/S strongly contended that the question about the 2♠ bid occurred after South bid  $3\heartsuit$  while E/W said it occurred after South’s pass of 3♣. North called the Director at the end of play when he saw the East hand and thought East’s 3♣ bid should be examined in light of possible UI from West’s question about 2♠. He saw no reason to call the Director earlier and didn’t imagine any dispute about the question’s timing. East intended his double of 3♣ to show clubs. E/W chose a Multi defense in which a double of a major-suit bid by a hand which passed 2♦ originally was takeout in a limited hand (a strong hand would double 2♦ directly since 2♦ could be passed). E/W had some familiarity with the Multi defense and only started to refer to the defense prior to the 3♣ bid. Nobody asked about the meaning of the double of 3♣; West presumed it showed clubs. West did not pause over  $3\heartsuit$  and said she saw no reason to bid if her partner did not have enough to act directly over 2♦. Over  $3\heartsuit$  East bid 3♠ instead of doubling to avoid a misunderstanding, but thought action was automatic since South had shown three-plus hearts and fewer spades (no  $2\heartsuit$  bid) and had not even tried for game (via  $3\heartsuit$ ) after North had shown a maximum weak-two bid in hearts. He expected that his

side had half the deck and eight-plus spades. Since he hadn't acted earlier, his partner would know that he had spades, longer clubs, and less than enough to act directly. West said she asked about 2♣ before bidding 4♣ as a check to make sure she heard nothing to deflect her from her planned 4♣ bid. E/W pointed out that the timing of the question alleged by N/S (after the 3♥ bid) was unlikely: The only reason for her to have asked was if she was thinking of bidding, yet after allegedly receiving an answer that was suggestive of bidding she passed.

**The Panel Decision:** The Panel found determining when the question was asked to be a very difficult problem. Several expert players were given the facts, the auction, and the hands and they also had trouble deciding when the question was asked with any confidence. One expert thought it slightly more likely that West asked over 3♥ based solely on bridge reasons but thought the question in itself was not UI given the complexity of what E/W were confronted with. He also thought that West's bidding prior to 4♣ was timid and that she was more likely to transmit UI by asking about 2♣ immediately given the hand. He admired East's auction but stopped just short of saying that pass was not an option over 3♥-P-P. The second expert thought that if the question was asked over 3♥ it suggested bidding to East when pass was a possible action. He thought it weird that West hadn't bid over 3♥ and thought it was 60-40 that the question occurred over 3♥. The third expert guessed that West must have given something away for East to have bid since the 3♣ bid appeared so aggressive. He also thought West's lack of action earlier odd. The fourth expert thought the question probably happened after 3♣ since if West had asked earlier she would have bid 3♣. He thought East's 3♣ bid was sensible since West was marked with values and at least four spades. Since the consultants' analyses did not clearly reveal any strong indication as to when the question was asked, the Panel decided to attach greater weight to the table Director's statement, and he was re-interviewed by the Reviewer. He said that when North first gave his version of the events at the table both East and West immediately objected to the contention that West asked over 3♥. Based on this input, the Panel decided that the question occurred over 3♣-P rather than over 3♥ (but only by a slight preponderance of the evidence) and that this rendered other matters moot. The table result was therefore allowed to stand.

**DIC of Event:** Roger Putnam

**Panel:** Matt Smith (Reviewer), Charlie MacCracken, Ken VanCleve

**Players consulted:** Bart Bramley, Larry Cohen, Amalya Kearse, Steve Weinstein

**Directors' Ruling:** 87.1

**Panel's Decision:** 86.2

☞ Let's begin by hearing from the man who wasn't there...

**Gerard:** "Shows forever the weakness of the Panel system. When I spoke to the Reviewer (I had to do this the next day—more about that later), I made two statements that apparently were not transmitted to the Panel. First, at the table East said that when he doubled 3♣ he was committed to taking a second bid over 3♥. That is a pure irrelevance if the question didn't come until after 3♣. Why would he feel the need to justify his action in such a manner, particularly one that is theoretically untrue? But more importantly, if West had asked after 3♣ there would have been an interruption in the auction at that point. That didn't happen. It was an unbroken line of thought between 3♣ and 4♣—she was into her hand and whatever she thought her problem was and never came up for air until 4♣. In fact, when she put down the dummy she said, 'I have a good hand for you.' I remember thinking to myself, 'I'll bet you do and why should we be surprised,' all based on the earlier question. The Panel might have lent little or no weight to either of those statements, but it appears that they weren't told. If the procedure is to have any validity, we can't be dealing in selective evidence. In front of a Committee, everyone would have been privy to whatever the combatants chose to say. In front of a Panel, it

depends solely on what the Reviewer chooses to disclose. As to just a couple of contentions, the fact that West passed after receiving an explanation that suggested she should have bid meant that she didn't know how to evaluate her hand. Even after 3♣, 4♣ seems awfully deficient opposite what could have been ♠Kxxxx ♥---♦Axx ♣Kxxxx. East's representations as to South's hand are compromised by the timing of their assertion—I've yet to find a player who didn't know more about the hand after it was over. And the 'hearing' that I didn't attend didn't exist.

"As to the Director, he's not giving you the straight scoop. I found out about all of this the next day from my partner, but the Director expressed frustration at not being able to sort this out. He said he didn't really have anything to go on and so he relied on the two-vs.-two policy in trusting the side who made the bid (asked the question, etc.) My partner, not knowing that this presumption was rebuttable, said 'So you're telling me I don't really have a case?', to which the answer was 'Basically, no.' He then dropped it. When I found out about that the next day, I saw the text of the policy (it's not public, you have to look hard to find it) and discussed the matter with the surrogate DIC, Henry Cukoff being off duty that day. He agreed with me that evidence could overcome the presumption and eventually the case was reopened. I don't know how long it took to get a decision, but I had left the tournament by the time it was rendered.

"The Panel believed what it wanted to believe. By what looks like a three-to-one majority with the necessary disclaimers, the consultants thought that the question was more likely to have occurred after 3♥, with two of them thinking that UI was present. Yet the Panel fell back on the supposed failure of N/S to carry the burden of proof, whatever it was. Whether that was based on the immediacy of E/W's denial or on their inherent believability, the Panel treated the Director's decision as subject to an abuse of discretion standard rather than trying to issue a de novo opinion. The Director in turn had treated E/W's contention as baseline truth, as witness his explanation. I suppose it's possible that both Marty and I dreamed the whole thing up and deliberately pursued a non-case, but it's unlikely.

"So next time I'll call when the hesitation takes place and damn the consequences."

☞ Ron makes a number of cogent points, including his explanation of West's pass of 3♥ after allegedly asking about the 2♣ bid (she didn't know how to evaluate her hand). However, his example hand seems unlikely: For East to hold that hand N/S would have to have stopped in 3♥ holding eleven trumps and half the deck in high cards. Still, East could easily have held a hand such as ♠Axxxx ♥x ♦xx ♣AKxxx, where E/W would need only to find the ♦A with South—not at all unlikely.

The problems Ron describes with the Panel process are disturbing. At the least the Reviewer needs to take better notes on statements made by the players when they are not made to the Panel; in fact, taping them would be an even better idea.

Ron finds support from one of his fellow panelists.

**Rigal:** "This is a ticklish case to write about: laws of libel, etc. Notwithstanding that, and the fact that it looks like I'm supporting fellow NAC members, I'd bet 100-to-1 that N/S were right and E/W wrong in their statement of the facts—even if Ron Gerard is a lawyer. (Nice to see Amalya Kearse back on a Panel. How appropriate for a judge to strike down a lawyer.)"

☞ The remaining panelists side with the Panel. The Loyal Opposition begins with Expert #1.

**Bramley:** "I was the first expert. From the description of the auction I assume that East had already asked about the 3♣ bid before doubling it, but that the 2♣ bid had not been explicitly explained. Thus, I still think it would be normal and unrevealing for West to ask about 2♣ (the only unexplained bid) after the 3♥ bid. There's a lot happening in the auction and partner is now involved, so it would behoove any West to find out what the N/S auction means. On that basis I would have allowed

East to bid 3♠ regardless of the timing of West's question. The Panel conveniently avoided having to deal with that issue by reaching the same decision from a different angle. Despite the murky evidence, the write-up is excellent."

✍ Other panelists also find this a "toughie."

**Passell:** "Another toughie. Well-handled by everyone, including the appellants."

**Polisner:** "Tough case, as most are when the facts are in dispute. However, it's the job of the Panel to determine the facts—which they did—and the result follows."

**Stevenson:** "This case seems very long and complicated but fortunately came down eventually to believing that the Director had made the determination. A Panel or Committee should have very strong reasons before overruling a Director on a matter of fact, assuming he has done his job."

**Treadwell:** "With somewhat ephemeral evidence, this was a close call, Indeed. However, I tend to agree with the Director's and Panel's decision."

✍ Our final panelist makes an excellent point about the obligations those using unfamiliar conventions assume and the leeway they should afford their opponents.

**Wolff:** "Much ado about not much. My advice is that when one pair is playing an unusual and possibly destructive convention the opponents should be given a wider latitude with their hesitations. One advantage of these conventions is the opponents' inexperience in dealing with them, and that, to me, is an unfair advantage."

✍ I don't buy that bit about Multi being destructive, but in unfamiliar auctions (especially when the Multi-opener's rebid is not a simple pass or a correction to the trump suit) the opponents should be given greater latitude with regard to their tempo and asking questions, just as they would in any auction that has become complex or highly competitive.

I would allow the table result to stand, and I say this believing that both sides probably acted somewhat deficiently. Players should ask about Alerted bids at their first turn after the Alert (unless partner has already asked), so West should have asked about the 2♣ bid when it was Alerted—not waited until partner entered the auction. But most players do not anticipate these things very well, and that is where N/S owed E/W enough leeway to seek information about an unfamiliar auction when it became necessary, even though it was not done at the optimal time. Even if West did ask about 2♣ after the 3♥ bid, as N/S alleged (likely; and why did she not then bid 3♠ with her big club fit when East had shown clubs with his double?), she asked right after her partner entered the auction, when the information became relevant. Had North called the Director immediately after the question (or after East's 3♠ bid) there would have been no dispute over when the question was asked, and he should know how important it can be to establish the facts surrounding an act which might transmit UI as soon as possible. So while I sympathize with N/S's position and agree that the timing of West's question (if N/S are right about when it occurred) was poor, and might have influenced East's 3♠ bid, N/S are equally culpable for the poor timing of their own actions and for the methods which helped create the problem in the first place.

Reminder: the Panel procedure for insuring the accurate transmittal of players' statements needs to be looked into.

## CASE TWENTY-TWO

**Subject (UI):** The Occupational Hazards Of The Secretary Bird

**Event:** Spingold, 22 Jul 02, Round One

Bd: 29	Chuck Burger		
Dlr: North	♠ A83		
Vul: Both	♥ AQJ74		
	♦ Q54		
	♣ 83		
Bob Gookin		Donna Rogall	
♠ J10652		♠ 974	
♥ 3		♥ 10965	
♦ K972		♦ J106	
♣ AJ7		♣ K96	
	Reese Milner		
	♠ KQ		
	♥ K82		
	♦ A83		
	♣ Q10542		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	1♥	Pass	2♣(1)
Pass	2♥	Pass	3♥
Pass	4♥	All Pass	
(1) 2/1 Game Force			

**The Facts:** 4♥ went down one, +100 for E/W. The opening lead was the ♦10 (Rusinow). West won the ♦K and shifted to the ♣7. East won the king and returned the ♣9 to the jack. When West played the ♣A declarer ruffed high, promoting a trump trick for East. During the play of the last board of the segment (Board 32), South approached the Director away from the table and said that East had asked about the 2♣ bid, specifically about the length of the suit, at the end of the auction. The Director ruled that East's question was UI that suggested the club switch at trick two. Under Law 16A West's play of a low club was a choice from among LAs which benefitted his side. Therefore, the score was adjusted to 4♥ made four, +620 for N/S.

**The Appeal:** E/W appealed the Director's ruling. At the end of the auction East asked if the 2♥ rebid showed six hearts and how many clubs the 2♣ bid promised. East was

in the habit of asking more questions than most players. West said he tended to play fairly quickly and went for the clearest route to a set on defense. A club shift could enable the defense to cash two or three club tricks before declarer obtained a discard (if he started with the ♦Qx). No other play was attractive to him. N/S believed that the question about the club suit suggested that East held a club honor, an impression that was reinforced by the speed with which West switched to a club.

**The Committee Decision:** The laws give a player the right to ask questions about her opponents' bids or plays, but such questions are still subject to the laws regarding UI. The Committee was able to confirm that East is well-known in her area for her tendency to ask questions about the opponents' bidding. Additionally, N/S's teammates had complained earlier in the match about the number of questions East asked when she played against them. East's holding of ♣K96 in front of the 2♣ bidder was not such that she would want to draw attention to her "strength" in that suit. Her known habit of asking more questions than the average player further reinforced the non-informative nature of the question, as did the fact that she asked about both the heart and the club suits. Thus, the Committee decided that East's question about the club length shown by South's 2♣ bid did not convey UI to West. The table result of 4♥ down one, +100 for E/W, was restored.

**DIC of Event:** Henry Cukoff

**Committee:** Doug Doub (chair), Karen Allison, Nell Cahn, Bob Schwartz, Adam Wildavsky

**Directors' Ruling:** 44.6

**Committee's Decision:** 95.8

✍ Bart's comment reflects my own views quite nicely...

**Bramley:** "The Director might have gotten this one right for the same reasons as the Committee. Asking about every bid does not provide UI. The write-up is concise but complete. Good job."

✍ And that view seems to be shared by...well, everyone.

**Gerard:** "Not that it matters, but I think North made the wrong play. He played East for ♣Kx and two or three little hearts, with nothing on the outside.

"West did have an option. Just picture North with ♠Axx ♥Q109xxx ♦Qx ♣Kx or ♠Axxx ♥AJxxx ♦Qx ♣Kx if systemically allowable. If West really fired out a club at trick two he didn't give the hand enough thought, even if that is his normal pattern. Still, where is the demonstrable suggestion? When we get to CASE THIRTY-FIVE it will be even clearer that East is insecure, trying to impress, an annoying nudge or some combination thereof."

✍ Quite right. CASE THIRTY-FIVE (which I just happened to chair) was heard immediately following this case and together the two leave little doubt about the extensive and seemingly compulsive nature of East's question asking.

**Pasell:** "Another ridiculous Director ruling. How did this question help West? This particular East always asks a lot of questions, as we saw in our last casebook. This is allowed and no inferences should be taken."

**Polisner:** "Excellent Committee work. In fact, if the ruling had gone the other way, an appeal by N/S would have been frivolous. Also, did North ask if E/W played 3<sup>rd</sup> and 5<sup>th</sup> leads during the play? If they didn't, the club spots were revealing and declarer might have ruffed low."

**Rigal:** "My sources tell me that the Committee got this exactly right given East's reputation, but I'd like this recorded properly and for East to be told to warn her opponents, 'I may ask an infuriating number of questions,' preferably using those precise words, until it is borne in on her that this is a spectacularly irritating habit."

✍ Ask and ye shall receive. See CASE THIRTY-FIVE.

**Stevenson:** "The idea that asking about the length of hearts and clubs in the auction shows a club honor is curious."

**Treadwell:** "I cannot imagine a player asking about a suit bid on her left just to show Kxx of that suit. So West had no UI and was free to use his imagination on defense."

**Wolff:** "Correct decision but maybe, for the future, a muzzle for East."

✍ That muzzle issue could become a sensitive one around here, *n'est-ce pa?*

**Subject (UI):** A Second Opinion, Sir, If You Don't Mind  
**Event:** Bracketed KO (Bracket 6), 23 Jul 02, Final Session

Bd: 2	♠ AKJ83		
Dlr: East	♥ AKQ7		
Vul: N/S	♦ 94		
	♣ K3		
♠ Q		♠ 942	
♥ J93		♥ 865	
♦ K1082		♦ AQ7653	
♣ Q8652		♣ 4	
	♠ 10765		
	♥ 1042		
	♦ J		
	♣ AJ1097		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
2♥	Dbl	2♦(1)	Pass
Pass	4♠	3♦	Pass
		All Pass	
		(1) Alerted; Flannery	

**The Facts:** 4♠ made seven, +710 for N/S. The opening lead was the ♣4. The Director was called after the 3♦ bid. East had no CC and West's was marked Flannery 2♦. The Director ruled that 3♦ was blatantly not allowable but that it was not at all probable that N/S would get to 6♣. The table result was allowed to stand and E/W were assessed a 3-imp PP for East's 3♦ bid. West then requested a different table Director.

**The Appeal:** N/S appealed the Director's ruling. The E/W captain also attended the review. North said that his side definitely would have reached 6♠ if East had properly passed over the double. He proposed that N/S would then have continued (after the double, with E/W passing): 3♣-3♠; 4♠-4NT; etc. He said that his double was 100% takeout, 3♠ in the proposed

auction would have been 100% forcing, and he would have forced to slam opposite a partner making only minimum bids because he thought his side was behind in the match. East, who was 14 years old, said that he now understood what he did wrong and that he should have passed the double of 2♥. E/W, citing the result at the other table, claimed there was no way N/S would get to 6♣ and thought N/S's proposed auction made no sense. (N/S had 310 and 350 masterpoints; E/W had 92 and 200 masterpoints.)

**The Panel Decision:** Three experts were given the auction 2♦-Pass-2♥-Dbl; Pass. None of them saw any way for N/S to bid a slam and one commented that they would be lucky to get to game. All thought that N/S were much more likely to get to slam on the actual auction, once the bidding indicated that East had misbid at his first turn. They suggested that North might select a call other than 4♠ or that South could bid again on the actual auction. Four players in the 200-400 masterpoint range were also given the N/S hands as a bidding problem. Two didn't even bid game; the others got to game but gave no thought to slam. The Panel decided that East had taken advantage of UI when he bid 3♦, but there would have been no chance for N/S to get to slam if East had made the proper call. The projected auction given by North was self-serving; launching into Blackwood with the North hand after receiving two minimum forced bids by South would be irrational (even though North emphasized that his 3♠ call would be 100% forcing). The table result and the PP to E/W were allowed to stand. West was lectured on his request at the table for another Director. It was explained to him that this was improper; if he wanted to appeal a ruling he could always do so.

**DIC of Event:** Jay Albright  
**Panel:** Ken VanCleve (Reviewer), Mike Flader, Charlie MacCracken, Gary Zeiger  
**Players consulted:** Henry Bethe, Bernie Chazen, Curtis Cheek, and four players



**Directors' Ruling: 97.5**      **Panel's Decision: 97.5**

✍ An excellent (and unfortunately rare) issuance of a PP for East's flagrant 3♦ bid (polite applause). The way to teach proper ethics—even in Bracket 6—is to enforce them firmly at the table. N/S's appeal was reasonable (barely) given their level of experience and the delicate and sophisticated slam-zone bridge judgment involved.

**Rigal:** "The Director and Panel both handled this very well, given the series of complicating factors involving youth, inexperience and aggravations. The PP might be unusual for a 14-year old, but start them on the right track young I say."

**Wolff:** "Good, especially the 3-imp PP for E/W."

**Passell:** "A terrific job by all. The explanation given to the young player was well-done, indeed."

**Polisner:** "Well-handled by the Panel and Director."

**Treadwell:** "Very good action by the Director and the Panel."

**Stevenson:** "While it appears that East has now learned his responsibilities under Law 73C, it is worrying that West does not seem to know his responsibilities. His antics are worse when playing with someone very young and inexperienced because his partner may feel it is acceptable to ask for another Director.

"Is it that difficult to get to slam? Well, it is if South is not going to show the power of his hand. The suggested N/S auction was a joke, but if South had bid 3♣ and his partner had rebid 3♠ it is time for him to come to life; 4♠ would be a gross underbid."

✍ Finally, a slightly pungent (majority) view of both sides' roles in this affair...

**Bramley:** "Don't you love it when you can punish both sides? And they really deserved it!"

**Subject (UI):** The Best Laid Plans...

**Event:** Spingold, 24 Jul 02, Round of 32

Bd: 13	Joe Grue		
Dlr: North	♠	QJ62	
Vul: Both	♥	Q65	
	♦	KJ4	
	♣	J106	
Cindy Bernstein		Bob Bernstein	
♠ ---		♠	10954
♥ 72		♥	AKJ98
♦ AQ987652		♦	3
♣ 854		♣	AK9
		John Kranyak	
		♠	AK873
		♥	1043
		♦	10
		♣	Q732
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	1♥	1♠
3♦	Pass(1)	3♥	Pass
Pass	3♠	Dbl	Pass
4♦	Dbl	All Pass	
(1) After asking about the 3♦ bid			

**The Facts:** 4♦ doubled made five, +910 for E/W. The opening lead was the ♠Q. The Director was called after the second quarter ended. North said when he asked about the 3♦ bid East said it was forcing with diamonds. East claimed he said he thought it was natural and that he had to bid again. When asked what 2♦ by West would have been East said a one-round force. Before the opening lead West volunteered that 3♦ showed at least a good weak-two bid and East was limited to 16 HCP. The Director allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling. N/S believed that West possessed UI that suggested passing 3♥. Had West not passed 3♥ there was a significant chance that N/S would have obtained a more favorable result. North said he was not misled by East's explanation of 3♦ as "forcing"; he had hoped that by passing 3♦ opener might be more inclined to rebid 3NT, which he could double for a large plus. North

said he had not doubled 4♦ in expectation of a one-trick set; he was hoping for +500. E/W had recently discarded Bergen raises in competition from their methods but had not agreed how strong a hand a jump-shift would show after a major-suit opening and an overcall. After a minor-suit opening and an overcall a jump-shift would have been weak. E/W were not aware of the implications of UI versus MI, and simply believed that their explanations to North were sufficiently accurate to not mislead him. They believed North had gambled when he doubled 4♦ and had to live with the result. When North asked about the 3♦ bid East was slow in responding, at which point North said "Don't tell me if you don't know." Although East said he described 3♦ as forcing ("he thought he had to bid again") he suggested that "forcing" was not the same as "strong." The 1♥ opening was limited by the failure to open a strong 1♣.

**The Committee Decision:** West clearly possessed UI that made passing 3♥ more attractive. She had a number of options over 3♥: Pass, 4♦, 4♥, 5♦ and even 3♠ were all plausible. The Committee formed the impression that West's mind set was "I have only 6 HCP opposite a hand that could not open a strong club" and judged that a simple rebid of her eight-card suit was by far her most likely rebid over 3♥. Had West bid 4♦, North would have passed in the expectation (or hope) that East would bid higher. East might have raised to 5♦, which would have resulted in +750 for E/W in 5♦ doubled. On the other hand, with his misfit for diamonds and uncertainty about the strength shown by the 3♦ bid, the Committee judged that a pass of 4♦ by East was "at all probable." The contract was changed for E/W to 4♦ made five, +150. As for N/S, while many would have bid 3♠ immediately with the

North hand, his pass was a reasonable effort to take advantage of the opponents' uncertainty. However, on the actual auction East was fully aware that West held a weak hand (from her pass of 3♥) and judged that he still had enough strength to be confident of setting 3♠ and doubled it. Thus, North should have known that East had a much better hand than South. North's spade strength figured to be worthless on defense and his length in spades would negate his partner's spade values. His double of 4♦ was a gambling action that was well against the odds at IMPs. Hence, the Committee allowed the table result of -910 in 4♦ doubled to stand for N/S.

**DIC of Event:** Henry Cukoff

**Committee:** Doug Doub (chair), David Berkowitz, Bart Bramley, Bob Schwartz, Dave Treadwell

**Directors' Ruling:** 70.8

**Committee's Decision:** 87.5

✍ A Committee member elaborates on the decision...

**Bramley:** "Did I just mention punishing both sides? We certainly did that here, and there was plenty to dislike on both sides. West obviously took advantage of UI when she passed. Observe that from West's viewpoint 3♥ should have been voluntary rather than forced, so how could she pass with a doubleton heart, a side void, an ace, and her own good eight-card suit? Of course, West seemingly damaged only herself when she passed, because she missed a cold 5♦. However, she might have chosen to bid 4♥, which goes down, or 4♦, which would not have been doubled. (Strangely, when I polled a lot of players afterward I discovered that most of them also passed. What am I missing here? That diminishes the argument that UI caused West to pass, but does not negate it.) The key point is that if West keeps bidding even this North won't double a four-level contract. Although his actual double was poor, he should not have had the opportunity. If you accept the premise that West took advantage of UI, you should also accept a reduction in the E/W score. The Committee judged that, for this West, repeating her eight-bagger was considerably more likely than raising hearts.

"However, North was still not off the hook. Having failed to trap the opponents, he bid 3♠, which I cannot fault, but later he doubled 4♦, which I fault mightily. A two-trick set was very unlikely compared to a make, so his double stood to gain at most 100 points while it risked losing a game bonus. This error was grievous enough to establish a disconnect between the infraction and N/S's result. Thus, we left N/S with their table result.

"I expect this decision to catch a lot of flak from those who focus only on North's egregious double. However, they should reflect that *both* sides were at fault here. Leaving E/W with the table result would be correct only if that result were inevitable even without the infraction. We judged that not to be so, which made a split decision entirely appropriate."

✍ I agree that West's most likely bid over 3♥ was 4♦, although a good case can be made for raising a "voluntary" 3♥ to game. What might happen after that is anyone's guess; my money is on East raising 4♦ to 5♦ with his maximum and good controls (even more likely if North interjects a 4♠ bid into the auction since then West is virtually guaranteed to be very short in spades). But as East I would not even dream of passing a forcing 4♦ bid with my hand. Thus, I would change E/W's result to 5♦ made five, +600 for E/W.

As for North, while passing 3♦ might best be termed creative (it was certainly interesting), at his next turn he might have chosen to overbid slightly with 3♥—limit in spades, having passed on the previous round—rather than underbidding with 3♠. However, his double of 4♦ had little to recommend it and risked losing a game bonus—or even a double game swing. And as the next panelist will also point out, if South can have the sort of hand he did for his 1♠ overcall, the double of 4♦ was even more ill-conceived than it seems. Thus, N/S earned their

-910 and should not be protected from their own excesses. Besides, they had a chance to do better after West's illegal pass of 3♥ (-140; or -150 in 4♦ if North balanced and West then backed in with 4♦) than they could have otherwise, so it is not even clear that they have a valid claim of damage.

**Gerard:** "I agree up to a point about N/S. If South can overcall on his hand, North is supposed to know it. That makes his hope for +500 not credible. But sticking him with -910 depends on the E/W side of the analysis. After the infraction, N/S had the chance for -150. If that bettered or matched their opportunity in the absence of an infraction, they are stuck with -910 for what was certainly gambling or irrational action. The Committee would have us believe that the same -150 was available prior to the infraction. Since that judgment was based on a nonoffenders' standard ('most likely'), it seems that N/S were no better off after than before and have to pay the price for doubling.

"However, the Committee confused its 12C2 standards. 4♥ by West was at all probable, just as a pass of 4♦ by East was at all probable. It did not matter that 4♦ by West was likely or even most likely. Just including 3♠ among West's options shows that 4♥ was at all probable. So the result should have been N/S -910, E/W -200, positing the diamond finesse as the only way to make 4♥. It's possible that the 'failure to play bridge' analysis should be based on 'at all probable,' in which case N/S would recover their +200 despite the double, but I think the Committee was correct to judge the 'likelies.' It just wasn't right for E/W."

✍ I cannot see East passing 4♦. Even given his comment that his statement that 3♦ was "forcing" did not mean it was "strong" (if that's true, I find it to be overtly deceptive), opposite as little as ♠x ♥xx ♦AKJ10xxx ♣Qxx he'd be a trump finesse and a three-two trump split from making 6♦.

Reinforcing my view on the forcing-is-not-the-same-as-strong issue...

**Rigal:** "The issue of whether West should have been allowed to remove 3♠ to 4♦ was not fully considered, but since 3♠ would have cost 500 it was right to leave that issue. I'd like to penalize East for his attempt to distinguish 'forcing' and 'strong,' but I can't see how. I think N/S just got fixed, but I don't think they are entitled to get anything and I'd like to see this deal recorded on E/W too."

**Passell:** "Well judged by all once again. North's double was ill-judged with at most two defensive tricks and a huge fit, saying nothing about his knowledge that West was very short in spades due to the penalty double. This appeal certainly borders on frivolous."

✍ Yes, indeed it does. But enough complexities are present that I'm inclined to let him slide—this time.

**Polisner:** "Aren't E/W an experienced partnership? I don't think that E/W 'earned' their +910. I would have considered a split ruling of -910 for N/S and something less for E/W, although I'm not sure what."

**Stevenson:** "East is correct that 'forcing' does not mean 'strong' but that is not a good argument. Players are required to describe their calls in a way their opponents can understand. And most players would tend to assume that a forcing jump-shift response is strong. So if it is forcing but weak, it is very important to say so.

"It is a well-judged decision. North seems to have been very optimistic, and then hoped to be given what he did not deserve."

**Wolff:** "Everything that is good happened. Offenders were penalized and non-offenders paid the price for NPL brought on by their aggressiveness."

✍ Well, on that happy note I guess we'll just keep on keepin' on.

CASE TWENTY-FIVE

**Subject (UI):** You Bid What When I Hold *This* Hand?

**Event:** Flight A/X Pairs, 24 Jul 02, First Session

Bd: 28	Michael Lucy		
Dlr: West	♠ Q104		
Vul: N/S	♥ AQ76		
	♦ AQ		
	♣ AJ106		
Nancy Molesworth	Rhoda Prager		
♠ A9	♠ K632		
♥ K98532	♥ 10		
♦ K1072	♦ J864		
♣ K	♣ 7432		
	Kurt Kilhefner		
	♠ J875		
	♥ J4		
	♦ 953		
	♣ Q985		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1♥	1NT	Pass	Pass
2♥	Pass(1)	Pass	Dbl
All Pass			
(1) After allegedly looking surprised			

**The Facts:** 2♥ doubled went down two, +300 for N/S. The Director was called after play was completed. West thought North looked surprised after her 2♥ bid. North admitted he was surprised, but wasn't aware it was noticeable. South was unresponsive when asked about North's actions. N/S claimed that their system required South to reopen. The Director ruled that pass was an LA for South and changed the contract to 2♥ down two, +100 for N/S.

**The Appeal:** N/S appealed the Director's ruling and were instructed to bring system notes to the hearing to reinforce their statement that their system required a reopening double. At the hearing N/S said they were very aggressive in both direct and balancing seat with hands that were short in the opponents' suit. Doubles were always for takeout and by agreement South did not need any points, merely heart shortness, to double. North acknowledged that he had reacted to West's second bid. He

said he had to look twice because if 2♦ had been bid he would have doubled for takeout with a doubleton diamond. N/S said they are well-known in their area for their aggressive tactics at matchpoints. No system notes were provided. West said she noted the reaction when it happened and thought it likely that everyone had noticed it. East was uncertain that a reaction to the 2♥ bid had occurred.

**The Panel Decision:** The Panel believed North had reacted to the 2♥ bid and it was possible that it was noticed by South. Thus, there was UI. Since N/S could not produce system notes or otherwise confirm their stated agreements, it was decided to poll experts to determine whether passing 2♥ was an LA for South. Four players were given the auction—minus the extraneous information—and all passed. They all agreed when told of the reaction by North that it would suggest action over inaction in the passout seat. Pass was deemed to be an LA for South and the contract was changed to 2♥ down two, +100 for N/S. Since N/S could not demonstrate to the Panel's satisfaction that their agreements were as stated, their appeal was deemed to be without merit and both were assigned an AWMW.

**DIC of Event:** Terry Lavender

**Panel:** Mike Flader (Reviewer), John Ashton, Matt Smith

**Players consulted:** Mildred Breed, Barnet Shenkin, and two players with 3000 masterpoints

**Directors' Ruling:** 97.5

**Panel's Decision:** 99.2

✍ Excellent decision, right down to the AWMW.

Agreeing...

**Passell:** "Good job by all again. One of the more flagrant cases of the tournament. I guess anyone with the balls to double with the South hand after his partner huddled would have the total lack of sense it would take to appeal and produce such self-serving remarks about his system."

**Stevenson:** "Possibly South was judged harshly, but when he doubled he knew most people would not. Appealing seemed a waste of time, therefore, without additional evidence."

**Bramley:** "Good AWMW."

**Polisner:** "Excellent by all."

✍ Raising an interesting question...

**Rigal:** "We can save a lot of ink here. Nicely done all around. One point though; had a local area acquaintance of this pair been on the Committee to comment on their MP tactics, would the situation have changed?"

✍ Barry's question presupposes that a pair might have an agreement that requires a player with no points to balance after his partner has already described *and limited* his hand. (See the following panelist's comment.) I doubt that anyone could confirm such an agreement since no one would ever put it to practice 100% of the time—at least not in Flight A/X.

However, if N/S's stated agreement had been more realistic, any confirmation should certainly make it more credible in the Committee's eyes. And anyone could provide such confirmation. For example, other partners of the pair in question who played the same "system" with them or opponents against whom balancing actions had recently been taken could be called as witnesses.

It is hard to imagine that any pair playing N/S's methods would not have had this problem come up before. And if it had, they would surely have documented it in their system notes and on their CCs.

So where does that leave us?

**Treadwell:** "I cannot imagine a bidding agreement that would require South to bid (as opposed to a pass) in this situation regardless of the nature of his hand. I would be hard-pressed to balance with this South hand. Thus, the UI could have made it more attractive to bid and it cannot be allowed."

**Wolff:** "Again, a right-on decision."

CASE TWENTY-SIX

**Subject (UI):** A Change Of Mind Or A Loss Of Mind?  
**Event:** NABC IMP Pairs, 26 Jul 02, First Final Session

Bd: 16	Hailong Ao		
Dlr: West	♠ J76		
Vul: E/W	♥ 6		
	♦ A10962		
	♣ KQ62		
Jim Reiman	Janet Lee		
♠ Q3	♠ K10852		
♥ AJ853	♥ KQ7		
♦ K	♦ QJ853		
♣ J10853	♣ ---		
	Yi Zhong		
	♠ A94		
	♥ 10942		
	♦ 74		
	♣ A974		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1♥	2♦	3♦(1)	Pass
3♥	Pass	4♥	All Pass
(1) Explained as showing four hearts and 7-9 support points			

**The Facts:** 4♥ made four, +620 for E/W. The opening lead was the ♣Q (Rusinow). The Director was called when dummy was displayed. East said they had been playing the cue-bid as explained for several years and she was aware of it when she bid 3♦, but decided to downgrade her hand because of the diamonds. She said she later changed her mind and raised her partner to game. The Director believed that it was at least possible that East had forgotten her agreement and had tried to make a limit bid, downgrading the diamond and three-card trump holdings with the intention of passing 3♥. If she had intended to show a limited hand, her partner's explanation was UI and she could not then choose from among LA actions one that had been made more attractive by the UI (Law 16). The contract was changed to 3♥ made four, +170 for E/W.

**The Appeal:** E/W appealed the Director's ruling and were the only

players to attend the hearing. The E/W methods over the 2♦ bid were: 3♥ (preemptive), 2♥ (three hearts and 6-9 points) and 2NT (three or four hearts, a limit raise or better). East and West had a partner in common and all three played the same system in which 2NT was the right system bid with the East hand. West believed that East may have been intending to bid on over a 4♥ response to 3♦.

**The Committee Decision:** There was a significant difference between the facts as stated by E/W during the hearing and what the Director had written on the appeal form. The Committee tended to believe the original version of the facts. The Committee appreciated that East was quite likely to have forgotten her system and had received UI from the explanation that she had shown a weaker hand than she actually held. That being so, the UI clearly made 4♥ more attractive. The issue was therefore whether passing 3♥ was an LA vulnerable, at IMPs. The Committee eventually decided that passing 3♥ was too extreme a position. The normal action with the East cards was to bid 4♥. The table result of 4♥ made four, +620 for E/W, was restored. As an aside, the Committee was uneasy with the significant disparity between the version of events told during the hearing and that reported by the Director. The Committee summoned the table Director, who confirmed to their satisfaction that what was reported on the appeal form was accurate. The Committee was unhappy about being presented with manifestly inaccurate statements and informed the appellants of this.

**DIC of Event:** Henry Cukoff  
**Committee:** Barry Rigal (chair), Jeff Goldsmith, Ed Lazarus, Lou Reich, Riggs Thayer

**Directors' Ruling: 78.7**      **Committee's Decision: 68.7**

☞ Most of us would probably force to game with the East hand, but that is not the course East chose; she downgraded her hand. Therefore, allowing her to raise to 4♥ is falling into the Intelligence Transfer trap. She said she knew what 3♦ meant when she bid it but later changed her mind. But that change occurred after she had UI that her partner thought she could not have as good a hand as she did. It is at least as likely to us skeptics that she forgot her cue-bid did not show a limit raise or better, that she was planning to treat her hand as a limit raise, and that the UI awakened her to her error. Therefore, she cannot be allowed to bid on over West's 3♥ bid.

All of this and more is reinforced by...

**Gerard:** "I don't see anything E/W could have said that would have convinced me to restore +620. The Committee deserves its unease for paying attention to self-serving statements. I would like to know what those statements were, but the Committee chose not to tell us. If they thought it likely that 3♦ was a 'forget,' how does their decision make any sense? To frost the cake, E/W escaped an AWMW. Shame."

**Passell:** "Another smelly one. If E/W were playing 2NT as showing three or four trumps and a limit raise or better, why did East not use the convention? As they obviously open substandard hands, why wouldn't East pass if partner didn't make a try? If a try was made in clubs, North might find the trump lead. Letting E/W off scot-free offends me."

**Bramley:** "East's explanation to the Director was lame. The Committee's theory that East forgot her system looks right to me. In that case, she thought she was showing at least a limit raise and might or might not have intended to force to game, but obviously her decision could have been influenced by the UI. Passing 3♥ would not be a popular action, but it is definitely an LA for a player that said she was 'downgrading her hand.' I would have adjusted E/W's score to +170. I would reciprocate that score for N/S because evaluating the East hand as a limit raise looks more plausible to me than it looked to the Committee. You might be able to persuade me that a non-reciprocal -620 was appropriate for N/S, either because passing 3♥ is too deep or because N/S possibly blew the defense to 4♥. A description of the play would have helped here, because 4♥ is far from cold."

"I don't see the 'disparity' in E/W's story that the Committee mentions. E/W presented additional evidence about their system to the Committee, but they don't seem to have contradicted anything they told the Director."

☞ Bart raises the question of the defense of 4♥, but after the ♣Q lead 4♥ seems cold (only a trump lead beats it). West ruffs and must play on spades (attacking the outside entry to the South hand), although playing a diamond is certainly tempting. Actually, there is not much room for N/S to misdefend; the fate of the contract seems to rest more on declarer's actions than on the defenders'.

As for Bart's notion of a non-reciprocal -620 for N/S...

**Wolff:** "Minus 620 was appropriate for N/S but was very generous to E/W. I can live with it, but then this case needs to set precedent that, 'If the Committee thinks at IMPs that a relatively close hand should be bid to a vulnerable game, then it is.' To me it is overcooking, and I like the Director's ruling better."

☞ I don't think the above panelists (or I) would agree to this case being precedent. I, for one, think it is an anomaly, an aberration. Had East told the Director that she thought 3♦ showed a limit raise or better and planned to treat it as better, I would be in favor of the non-reciprocal adjustment (+170 for E/W; -620 for N/S). But here East evaluated her hand as worse than a limit raise: as only worth 7-9 support

points. I don't see where she should ever be allowed to later reevaluate it as worth a game bid.

Now let's hear from the Committee chairman, who still holds that the form of scoring makes a powerful case for allowing East's action.

**Rigal:** "We probably erred on the side of generosity to E/W (and in retrospect I wish I had recused myself from this case since I had been personally involved in an appeal involving East in Las Vegas involving East forgetting system, but I was not aware of this until halfway through the case). The form of scoring did make a good case for her action. Again, we need this sort of case recorded for two reasons: the 'forget factor' and the way the case was presented by East."

I'm not sure why Barry thinks the Las Vegas case would be reason to recuse himself. We all serve on cases involving players we've judged previously. If we recuse ourselves in such situations, pretty soon we won't be able to field a decent Committee for some players. In addition, I believe that knowledge of a player's "tendencies" is a valuable asset for an Appeal Committee member, allowing for a more accurate judgment of the credibility of that player's statements—provided, of course, that it does not predispose him toward prejudgment.

The remaining three panelists assume that their own bridge judgment for IMP scoring is the same as East's (the Intelligence Transfer). Not so (at least I hope not).

**Stevenson:** "Difficult to believe that passing 3♥ was an LA, whatever happened subsequently."

**Treadwell:** "As the Committee said, passing 3♥ vulnerable at IMPs would be too extreme a position, and correctly allowed the 4♥ bid."

**Polisner:** "It is fairly obvious that East believed that her 3♦ bid showed a limit raise or better. Since it was better, a 4♥ bid at IMPs, vulnerable, was required and pass was not an LA."

But she said she knew the cue-bid showed the 7-9 point hand when she bid it and decided to downgrade her holding. Sheesh!

## CASE TWENTY-SEVEN

**Subject (UI):** Consider The Possibilities

**Event:** NABC Mixed BAM, 28 Jul 02, First Final Session

Bd: 15	Aaron Silverstein		
Dlr: South	♠ 7		
Vul: N/S	♥ 963		
	♦ Q1098642		
	♣ 106		
Paul Kinney	Sheila Gabay		
♠ AQJ654	♠ 32		
♥ 10874	♥ KQ52		
♦ 7	♦ AKJ3		
♣ K7	♣ AQ5		
	Gennifer Binder		
	♠ K1098		
	♥ AJ		
	♦ 5		
	♣ J98432		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			Pass
Pass	2♦	3NT	Pass
4♦(1)	Pass	4♥	Pass
6NT	All Pass		
(1) Announced; transfer, intended as Stayman			

**The Facts:** 6NT made six, +990 for E/W. The opening lead was a low club. The Director was called after West bid 6NT. The Director ruled that UI suggested the 6NT bid. He changed the contract to 6♥ made six, +980 for E/W. West was assessed a 1/4-board PP for taking advantage of UI.

**The Appeal:** N/S appealed the Director's ruling and were the only players at the hearing. They believed that 6♥ and 6NT were not the only possible final contracts: 6♠, no slam, or a grand slam might enter into the picture. They also believed that a lead from ♠K1098 was not out of character for South and would be even more attractive if dummy bid (cue-bid) spades a couple of times. They also suggested that declarer might go down in 6♥ (perhaps by trying to pin the ♥9, perhaps by crossing to dummy with a spade finesse).

**The Committee Decision:** The Committee determined that the 6NT call was based on UI. Since there were clearly alternative actions that

West might have taken, the Committee tried to determine what might have happen had the 4♦ call not been Alerted. Once East bid 4♥ West might have driven to slam in spades, hearts or notrump. He might have moved forward by bidding 4♠, which East would never have passed since she would have believed her partner had both majors, or he might have followed a variety of other routes, all of which could have created forcing auctions. Despite the requirement to leave the offenders with the most unfavorable result that was at all probable, each of West's actions seemed likely to lead to 6♥ or 6NT. East would never pass 6♠ since she thought her partner had hearts. As there were several routes that might lead to 6♥, the contract was changed to 6♥ for both sides. The likelihood of an opening spade lead was then discussed as West's bidding might persuade South to lead spades. The Committee also looked at the possibility of declarer misplaying 6♥. (East might win the diamond and play spades, for example.) The combination of possibilities from these lines, or that declarer might take the anti-percentage lines in hearts to lead to down one, were sufficient to make the adjustment to 6♥ down one for the offending side a logical one. For the non-offenders the position was more complex. The Committee decided that the combination of possibilities (particularly that declarer might win the diamond lead and go to dummy via a spade finesse, which seemed to be an inferior but not irrational line) was just large enough to make the most favorable result that was likely 6♥ down one for them also. Therefore, the contract was changed for both sides to 6♥ down one, +50 for N/S.

**DIC of Event:** Steve Bates

**Committee:** Barry Rigal (chair), Mark Bartusek, Ellen Melson, Bob Schwartz, Adam Wildavsky

**Directors' Ruling:** 73.7

**Committee's Decision:** 72.1

✍ The Directors were right on the ball here, issuing another well-deserved PP (see CASE TWENTY-THREE) and doing an excellent job in adjusting the score as well. Unfortunately, the Committee negated the latter part of their good works. Without the UI West would likely have gotten his side to 6♥, as the Committee suggested, but I strongly disagree with their judgment that the contract would be likely to fail. I'll leave it to the first two panelists discuss the ins and outs of the fate of 6♥.

**Gerard:** "The anti-percentage play in hearts is irrational, so that should have been discarded. If West did not have UI (whether 4♦ was Alertable depended on whether it was in fact a transfer) his bidding would have had nothing to do with persuading South to lead spades. He couldn't 'move forward' by bidding 4♠ since it would have been non-forcing in his mind. The only real way to 6♥ was for spades to stay on the shelf, with West bidding 6♥, 5♥, 5♦ or an ace ask over 4♥. So the spade lead would likely have been a club lead, trying for a second-round ruff in South's long suit. That means that the best chance for down one in 6♥ was for declarer to adopt the inferior trick-two spade finesse. But if South would lead a club, there is no inferior spade finesse at trick two. So it actually comes down to the combination of a diamond lead by South and a misplay by East. That's certainly not enough for +50 for N/S. If you want to adjust the offenders for that, I suppose I could buy it. But it's a long way from the Committee's 'logical' adjustment. I think the Director was closer to the truth."

**Bramley:** "Close, but I disagree. A spade opening lead will never happen. If South wants to try to give partner a ruff she will lead a club, else she will lead a diamond. In either case declarer will cross in clubs to start the hearts. Misguessing the heart position will not happen either. In short, 6♥ is virtually certain to make. For N/S -980 is by far the most favorable result that was likely. For E/W the decision is harder. I might reciprocate 980, but a premature spade play is 'at all probable,' so I would give E/W -50. Thus, I would split the score: -980 for N/S, -50 for E/W.

"The Directors did well here. Not only did they make an excellent score adjustment but they slapped E/W with a PP, a rare instance in which that was appropriate. Why did the Committee make no mention of it? Since E/W did not appeal, the PP must have stuck; the Committee should have acknowledged it."

✍ Due to the lateness of this appeal (it came right at the end of the tournament) we were unable to get a copy of the appeal form. No mention was made in the write-up we received later of rescinding the PP, but several Committee members recently confirmed to us that it was left intact. The chairman and scribe is not as sure...

**Rigal:** "Alas, my late write-up of the case (mea maxima culpa) means that I cannot remember what happened to the PP. My instincts are that we canceled it (which seems appropriate if we are going to take the board away from E/W too). The Director gave E/W rather too much at first, but I think the Committee got it right. On balance, E/W should have been stuck with -50, and I can justify N/S getting the reciprocal, though I would not quarrel with them keeping the table result, either."

✍ As for the result in 6♥, without a spade lead I think the chance of declarer playing spades first is negligible. On the likely diamond lead she would cross to the ♣K and play a heart to the king and ace. Whatever South returns now, declarer will plunk down the ♥Q, take the spade finesse, draw the last trump, and return to hand

to repeat the spade finesse. Thus, I would assign reciprocal 980s to the two sides.

The next panelist points out a flaw in the Committee's score adjustment (also missed by our first two panelists), even if we were to assume that their judgment that 6♥ is likely to fail is a sound one.

**Passell:** "Once again the Director ruled on the likely outcome of 6♥ without consulting expert players, a common theme at this NABC. The result achieved by the Committee is an impossible one. If declarer takes an early spade finesse he will go two down as a diamond back after the spade ruff will allow the ♥J to score. If indeed they were attempting to give N/S their most favorable result, +100 was available."

✍ It is not clear whether Mike would have assigned 100s, 980s, or a mix of the two. The next two panelists are a bit more precise in specifying their adjustments.

**Wolff:** "I agree that the current law or interpretation is to award non-offenders the most favorable result which is likely. Why not, in the interest of equity, lean to a conservative interpretation of this guide and have the actual result help play a larger role in determining likelihood? Here we might change it to -980 in 6♥ but an award of +50 to N/S has nothing to do with likelihood, reality or least of all fairness."

✍ Right, Wolffie, reciprocal 980s is the way to go. Similarly...

**Treadwell:** "West took rather egregious advantage of the UI and earned the PP awarded. I think it is going a bit far to assume declarer would try to pin the ♥9, and would have allowed them +980, less, of course, the PP."

✍ The last two panelists are wrong on all accounts, as was the Committee...

**Polisner:** "Under our 'at all probable' standard, the ruling for the offenders was correct; the 'at all likely' for the non-offender makes it correct also."

**Stevenson:** "The Committee was very careful in their analysis."

✍ Surely N/S deserved -980, and as Mike pointed out, -50 for E/W is unlikely. Reciprocal 980s gets my nod but the non-reciprocal -980 for N/S and -100 for E/W seems to have the plurality vote. Take your choice.

CASE TWENTY-EIGHT

**Subject (MI):** There's Never A Polish Translator Around When You Need One  
**Event:** GNOT Flight A, 19 Jul 02, First Semifinal Session

Bd: 5	Bob Balderson		
Dlr: North	♠ 4		
Vul: N/S	♥ K98743		
	♦ 2		
	♣ KQ762		
Piasecki Jaroslaw		Piotr Pawel	
♠ 10632		♠ KQJ975	
♥ Q2		♥ A6	
♦ KQ753		♦ A10964	
♣ A4		♣ ---	
	Kurt Schaeffer		
	♠ A8		
	♥ J105		
	♦ J8		
	♣ J109853		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
4♥	2♥	3♥	Dbl
	5♣	6♣	All Pass

**The Facts:** 6♣ went down nine, +450 for N/S. The opening lead was the ♥J. The Director was called at the end of the play. When the tray returned to the S-W side of the screen after East's 6♣ bid West asked about North's 5♣ bid. South wrote: "Usually lead directing. Could be suit, but not likely". North did not offer any explanation of the bid to East. West believed that South's statement that North was unlikely to hold a club suit misled him, causing him to treat East's 6♣ bid as natural rather than as a cue-bid, as it was intended. The Director ruled that South's statement (that 5♣ was "usually" lead directing but that North "could" have a suit) did not constitute MI and allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. The E/W team captain attended the hearing and

acted as an interpreter for E/W, who spoke little English. The case was heard between sessions and the Screening Director indicated that there had not been enough time to screen it. The E/W team captain reiterated West's belief that South's explanation, which included the statement that North was unlikely to hold a club suit, misled him into interpreting East's 6♣ bid as natural rather than a cue-bid. When the Committee asked E/W what it would have meant had East doubled 5♣ instead of bidding 6♣, both of them agreed that the double would have been penalty. When the Committee asked West why he thought East had bid 6♣ immediately rather than doubling 5♣ first he thought for a while and, after some discussion with his partner (in Polish), indicated that 6♣ probably showed a better hand with clubs (a double would have shown clubs but not been forward going). When asked what a pass of 5♣ by East would have meant, E/W both said it would have been forcing. When asked what East's 3♥ bid meant, E/W said it showed either a long, solid minor looking for a heart stopper for notrump or a spade-minor two-suiter. (At this point N/S pointed out that West's own minor-suit holdings eliminated the first hand type as a possibility.) N/S both stated that they did not believe that 5♣ was Alertable and that South had made it clear that they (N/S) had no agreement about the suit's length; a bid like 5♣ in an auction such as this was usually lead directing but need not be a suit, although it might be. When South was asked about his double of 3♥ he said it was to let North know that he could lead his suit if he ended up on lead; it did not suggest a desire to compete further.

**The Committee Decision:** The Committee believed that South's explanation of 5♣, while perhaps not worded best (he might have written "usually lead directing; no agreement as to length"), nonetheless made it clear that North had not guaranteed club length although he might have it. West chose to focus on the phrase "usually lead directing" to the exclusion of the rest of the statement and inferred that North

would not have a club suit, a conclusion not justified by South's statement. Thus, the Committee concluded that there had been no MI. In addition, the Committee found a number of strong clues in the auction to indicate that East's 6♣ bid had not been intended as natural. (1) North's 5♣ bid when South had not indicated a willingness to compete carried the suggestion of extra distribution in the form of a heart-club two-suiter. (2) East could have doubled 5♣ for penalties before bidding 6♣. (3) East might have cue-bid 5♥ over 5♣ to avoid an "ambiguous" 6♣ bid. Thus, West's decision to treat 6♣ as natural was judged unrelated to South's explanation and the Committee allowed the table result to stand. While the Committee members believed that this appeal bordered on being meritless, the combination of the language problem the players faced at the table and the fact that the case had not been screened were judged sufficient not to issue an AWMW.

**DIC of Event:** Henry Cukoff

**Committee:** Rich Colker (chair, non-voting), Gary Cohler, Jeff Goldsmith, Michael Huston

**Directors' Ruling:** 94.2

**Committee's Decision:** 92.1

✍ What can I say about that missing AWMW? I did my best to make it happen, even though I had no vote in the matter. So I'm in total sympathy with...

**Bramley:** "Oh, please. This was as meritless as they come. E/W played in a cue-bid at the six-level for no discernible reason and then they wanted redress? Language problems had nothing to do with it. Give them the AWMW."

✍ The remaining panelists, either explicitly or tacitly, agreed with the other Committee members in not assessing an AWMW.

**Rigal:** "Excellent Director ruling here since to my mind there was no infraction. South gave the correct partnership explanation while North, who was looking at the suit, did not mislead East by telling him that he had made a lead-directing bid which was not always a suit. The Committee were probably correct in the circumstances not to award an AWMW."

**Passell:** "The language difficulty made this a non-frivolous appeal. South could have said maybe a lead director instead, but didn't really affect the outcome."

**Treadwell:** "This case is an example of E/W trying to get a Director or Committee to correct a disastrous result of their own doing. Good decision and, although I would normally believe an AWMW was earned, the language problems and lack of screening were sufficient for an AWMW to be withheld."

**Polisner:** "Good work."

**Stevenson:** "Unfortunate, but there really does not seem to have been MI."

**Wolff:** "Harsh, but a good decision for the right reasons."

✍ It doesn't take an Anglophone to comprehend when you're told a bid is *usually* lead directing but it *could* be an actual suit—that it *could be a suit*. Many of us act as though non-native English speakers have some sort of logic or comprehension deficit. Maybe it's their accent, or the fact that we sometimes have to speak slowly and use simple words and sentences for them to understand us, much as we would with a young child. Well, the truth is, these people's thinking and bridge abilities are as good as the rest of ours. They are not addebrained; they're responsible for their own logical or conceptual misunderstandings, just as you and I would be under the same circumstances.

West understood what he was told about the 5♣ bid and he had all of the bridge inferences available to him at the table that were inherent in the questions we asked him to work out what was happening. E/W's reactions to our questions, including their need to consult one another, clearly showed that they had not thought through the bridge inferences from the auction. (For example, when we asked, "If East had doubled 5♣ and then bid 6♣ later, how would that have differed from his bidding 6♣ directly?" it was clear they really hadn't thought about it. They had to discuss the two sequences at length, finally deciding that bidding 6♣ directly, the action East took at the table, "probably" showed a better hand. Not only is that illogical, it doesn't even coincide with East's hand.) So it was clear that it was E/W's lack of experience playing together and their non-analytical thinking about the situation that was responsible for their mix-up and not South's explanation of the 5♣ bid.

It should have been equally clear to the Committee that E/W were trying to use them to avoid a disastrous result of their own making (as Treadwell says), and not to redress damage caused by a language problem (the excuse Mike also buys into). They should have been given their well-deserved AWMW or, more appropriately, this appeal should have been disposed of in screening.

**Subject (MI):** Machiavelli At The Helm

**Event:** Life Master Pairs, 19 Jul 02, Second Qualifying Session

Bd: 13	Peter Weichsel		
Dlr: North	♠ K83		
Vul: Both	♥ KQ32		
	♦ AQ63		
	♣ A8		
John Miller			James O'Neil
♠ 952			♠ AQJ104
♥ A10874			♥ J5
♦ K2			♦ J75
♣ J94			♣ KQ3
	Rose Meltzer		
	♠ 76		
	♥ 96		
	♦ 10984		
	♣ 107652		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	1♦	1♠	Pass
2♠	Dbl	Rdbl	3♦
All Pass			

**The Facts:** 3♦ went down two, +200 for E/W. The opening lead was the ♦5. When West played the ♦K, East said, "I found it." North called the Director. At the end of the hand North claimed that East's gratuitous comment had caused him to misplay the trump suit. The Director ruled that East could not have known that his comment would mislead declarer (Law 73F2).

**The Appeal:** N/S appealed the Director's ruling. North was the only player at the hearing. When West played the ♦K to trick one, East said "I found it." To North this implied that the opening lead had picked up the trump suit for declarer and misled him as to the location of the ♦J. The play in 3♦ had gone: ♦5 to the king and ace; ♥Q to the ace; ♦2 to East's jack; a third round of diamonds, West discarding a heart; club to

the ace, East playing small; ♥K; heart ruff; club to the queen; ♠K, winning; ♠A and a spade for down two. In the absence of East's remark, declarer said he might have chosen to play the ♦Q at trick three. Then he would have been able to ruff both of his heart losers and, if East failed to unblock a club honor (as was the case in the actual play), he would have been down only one.

**The Committee Decision:** At his own risk, declarer may attempt to use any information gained from an opponent's remark, mannerism, or the like. He may be protected only from an impropriety by a defender who could reasonably have known that his remark would mislead declarer. Bridge is a social game. It is not uncommon for players to make occasional comments during the play. For example, partner leads a low card and dummy comes down with the doubleton ace of the suit. Third hand plays the ten and declarer wins the queen. "Golden fingers on lead again." The Committee judged that, although it was possible that East's comment was made with deceptive intent, it was more likely to have been just a random comment, especially considering how promptly it was made. Furthermore, even if the lead had been from two small, East could not have known if declarer's diamonds were solid after the first trick and so could not have known if the suit had been picked up. Additionally, after losing to the ♥A at trick two and getting a diamond return, declarer was unlikely to have chosen to play the queen when he had a legitimate shot at down one by finessing. East's failure to lead a club made it very likely that West had a club honor, so that putting up the ♦Q would result in down two unless the jack dropped or the opponents misdefended. Thus, the Committee allowed the table result to stand and assessed a PP of 1/6 of a board against East for his inappropriate comment, and to impress upon him the need to avoid gratuitous comments at the table if it is at all likely that they could mislead



declarer.

**DIC of Event:** Henry Cukoff

**Committee:** Doug Doub (chair), Phil Brady, Dick Budd, Larry Cohen, Ellen Melson

**Directors' Ruling: 88.3**

**Committee's Decision: 77.9**

✍ Everything was going along just fine until that PP at the end there...

**Bramley:** "They were doing so well until the end. East's comment was innocent, not deceptive, hardly the kind of abusive act that would deserve a PP. (See CASE TWENTY-SEVEN for an example of a good PP.) Instead, the Committee should have given N/S the AWMW they deserved. North is experienced enough to know he was not entitled to an infallible inference from East's remark, and that any play he made based on that remark would be at his own risk. He should have known he had no case. Call me a cynic, but have you noticed that some of the biggest critics of the current appeals system are willing to overuse that system every chance they get?"

✍ Yes, North deserved an AWMW and it's likely that the undeserved PP helped him to avoid it.

**Passell:** "It looks like declarer was already given one free trick by East. Did he want another? He clearly had to hook the diamond as it was his only way to escape for -100. Maybe if the Director had assessed the PP this case would never have gotten to appeal. I assume the PP removed the frivolous overtures of this appeal—but I'm not so sure."

**Stevenson:** "Declarer seems to be trying to get something for nothing here. There is no reason to suppose that East's comment shows West has the  $\diamond KJx$ ."

**Treadwell:** "East's comment, I am sure, was made in a jesting way with no intent to mislead declarer. Is this inappropriate? Possibly, but only marginally. I think a mild caution from the Committee would have been sufficient without the assessment of a PP."

**Polisner:** "I think N/S's appeal deserved an AWMW as East's remark would have to qualify under 73F2. Assuming this case was screened (not indicated), I believe North would have withdrawn his appeal when informed of the law. I don't agree with the PP of 1/6 board as it seems clear to me that the statement was an attempt to be humorous at the table and everyone at the table should have appreciated that."

✍ Some are martinets about PPs...

**Wolff:** "Another good decision where the bases get covered, including the 1/6-board PP to remind one to shut-up."

✍ And some just don't get it...

**Rigal:** "I do not agree with the Director about the comment at all. And I would have backed North to make the anti-percentage play if his gut suggested it, so I think this is far closer to -100, especially for the offenders, than the Committee did. The PP is, however, appropriate if no score adjustment is to be made."

✍ The following panelist offers some good advice to East, which works equally well for the Committee and the two previous panelists...

**Gerard:** "I've already had my say in print—'Get a life' would be an okay paraphrase. But since North apparently has free access to the League's editorial services, he'll probably get two or three chances to say what he thinks about this decision. He doesn't realize how lucky he is to have avoided the AWMW he deserved. If I were East I would object to the PP, saying something to the effect of 'Mislead declarer? This declarer? Get a life.'"

CASE THIRTY

**Subject (MI):** What, Me Declare? Oh P'Shaw

**Event:** Life Master Pairs, 19 Jul 02, Second Qualifying Session

Bd: 9	Dorothy Darcey		
Dlr: North	♠ KJ109654		
Vul: E/W	♥ A2		
	♦ Q83		
	♣ 4		
Mark Shaw	Barbara Shaw		
♠ ---	♠ A72		
♥ K6	♥ J1097		
♦ KJ652	♦ 10974		
♣ AQJ985	♣ 62		
	Daniel Williams		
	♠ Q83		
	♥ Q8543		
	♦ A		
	♣ K1073		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	1♠	Pass	3♦(1)
4♣	Pass	Pass	Dbl
Pass	4♦	Pass	4♠
4NT	Pass	5♣	Dbl
All Pass			
(1) Explained as preemptive			

**The Facts:** 5♣ doubled went down three, +800 for N/S. The opening lead was the ♥A. After play ended South explained that 3♦ was a mini-splinter with three-card support. The N/S CCs were not marked as such. East said she understood 4NT to show clubs and a red suit and still chose to bid 5♣. The Director allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. When questioned about South's 3♦ bid at the table North said, "I know it is something, give me a minute." North then took a minute and said, "I think he has not many spades, lots of diamonds, and not many points." E/W believed that the MI led to their bad result. The Committee examined the N/S CC which was marked weak jump-shifts to the two-level only. South intended 3♦ as a mini-splinter, which was not marked on their CCs but purportedly was their agreement. East said during questioning that she knew West had a red suit when he bid 4NT, but said "He is the pro, I'm the client. I would rather he play a six-two fit than me a four-four. I don't want to declare."

**The Committee Decision:** The Committee decided that South had not misbid and that North had given MI. By East's own statement the MI did not lead directly to the bad result because East was never going to bid 5♦ or 5♥. Since East's own actions had severed the connection between the MI and the result, the Committee allowed the table result to stand. The appeal was judged to have merit because of the MI. N/S were instructed to properly fill out their CCs.

**DIC of Event:** Henry Cukoff

**Committee:** Bob Schwartz (chair), Karen Allison, Jeff Goldsmith, Michael Huston, Peggy Sutherland

**Directors' Ruling:** 75.4

**Committee's Decision:** 72.9

✍ South had UI from North's explanation of his 3♦ bid, but his subsequent actions were all justified by his own hand. Thus, we're have only the MI issue to sort out.

West's 4♣ bid was clear regardless of what 3♦ meant, and South's subsequent double and 4♠ bid should have convinced everyone that he had not intended 3♦ as preemptive. East's statements—that she knew 4NT showed a secondary red suit but she was not about to make herself declarer—make it clear that E/W's fate was not caused by MI. Thus, the Director and Committee were right to allow the table result

to stand. In fact, I think E/W were due an AWMW.

The panelists are divided on just who deserves what here. First, some minority views...

**Bramley:** "Incomplete. The Committee did not determine whether *West* was damaged by the MI. If 3♦ had been properly explained to West, he would probably have bid 3NT to show both minors immediately. Having described his hand well, he could then sell to 4♠ much more comfortably. Therefore, N/S's score should have been adjusted to the worst score that was at all probable, which is 4♠ made four, +420 to N/S.

"The 'disconnect' theory applies only to E/W. On the actual auction West's 4NT bid was reasonable. (Put East's ace in diamonds instead of spades and they make at least 5♦.) But East's 5♣ was a 'failure to play bridge' not related to the infraction. For this reason, E/W get to keep the table result, -800. Again a split decision would have been correct."

✍ With six good clubs and five weak-ish diamonds, I would have bid the West hand precisely as West did. Besides, if West thought he might have bid 3NT for the minors over a properly explained 3♦ (I disagree; this East would have treated 3NT as natural) he could have made his own case for it.

**Gerard:** "Well, with a mini-splinter explanation East might realize that West had to have five diamonds. That is, North didn't raise to 4♦ as she would have with four (still acting under the influence of MI). So maybe she would declare a five-four, business considerations notwithstanding. (By the way, are the pro and the client related?) [Only by marriage.—*Ed.*] That she couldn't express this shouldn't be held against her.

"I'm not going to obsess about the possibility because I think there would be confusion between North's Alerting responsibilities and the conclusions to be drawn about the actual auction. That is, East would probably think 'How could North raise to 4♦ if she had Alerted a mini-splinter?' That's not her fault, it's just human nature. So I don't think it was likely that E/W would declare 5♦ doubled. But I'm for +500 for N/S, just out of fealty to 12C2. I'm willing to make East's best case for her, assuming the critical piece of information that she didn't actually have at the table."

✍ How could East know that West's second suit was diamonds? East only knew that it was red, and even if it was known to be diamonds, why would a mini-splinter explanation prove it to be a five-bagger? (South's mini-splinter didn't deny holding five of a red suit—as in fact he did).

As for assigning N/S only +500, I don't see how that can be defended on other than emotional grounds. We don't know how the play went after the ♥A lead, but in order to take only four tricks N/S would have to put declarer in dummy with a spade and West would then have to finesse South for the ♣10—a pretty big play. That parlay doesn't seem "at all probable" to me, especially when it didn't happen at the table and we're keeping the contract the same.

Another suggestion, along similar lines...

**Polisner:** "Loose lips sink ships. Had West been properly Alerted he may well have not bid 4♣ and who knows what would have happened. I can't see giving N/S the best of a situation created by their MI. Perhaps E/W -800, N/S +200."

✍ Again, how can you legally assign N/S +200 when the original contract reached at the table is allowed to stand and a valid result was achieved which was not in any way caused by the MI?

Next, the return of the martinet brigade.

**Wolff:** "I disagree, although this decision is probably in the mainstream of current

appeals reasoning. Bridge is difficult enough without having to envision opponents' misunderstandings of conventional bids. When one attempts to add the factor of MI to qualify partner's meaning, it is too much. On the other hand, the only way to keep this from happening is to penalize it out of existence, at least for our high-level events. If we give N/S a zero and E/W an Average we serve all masters and make bridge a better game."

**Passell:** "How can N/S not even be assessed a PP for the MI? Unfortunately, East's statement ended her chance at an adjustment."

✍ Forgetting one's agreements and consequently misinforming the opponents is not a penalizable offense in the ACBL—unless it is done intentionally, maliciously or repeatedly and negligently after having been warned. The approach we take is simply to redress any damage caused by the MI, of which there was none here.

One panelist offers a useful suggestion to Directors who are called to the table promptly (not the case here) in MI situations.

**Stevenson:** "It is difficult to know what is going on, but if E/W judge that North does not know their agreement it is open to them to summon the Director, who may judge to take North away from the table and let South explain their agreements. Unfortunately, this procedure is rarely followed. If it were there would be fewer MI problems. Of course this procedure is not free of its own danger: namely, UI. But once North has shown doubt there is going to be UI anyway. It is important that South be instructed only to tell their agreements: If he does not know them or is not sure then he should not describe the contents of his hand; he should leave it to the Director to sort it all out at the end of the hand."

✍ The next two panelists agree with the Director, the Committee and me on the way to handle this case.

**Rigal:** "Sensible Director ruling and Committee decision. East dug her own grave here, and the Committee had no choice but to accept what she said—maybe West had better come to Committee on his own next time. By the way, having said that, her judgment would not have been that bad, would it, if partner had been four-six instead of five-six?"

**Treadwell:** "As the Committee decided, E/W got their poor result by their own actions. I would have been inclined to assess an AWMW but since N/S had given some MI and were told to fill out their CCs properly some good came out of the appeal."

**Subject (MI):** It's Not Germaine, Greer

**Event:** Grand National Teams Flight B, 19 Jul 02, Afternoon Session

Bd: 20	♠ K	
Dlr: West	♥ KJ3	
Vul: Both	♦ A10963	
	♣ K865	
♠ Q84		♠ AJ7652
♥ 10984		♥ Q765
♦ K85		♦ 7
♣ 973		♣ 104
	♠ 1093	
	♥ A2	
	♦ QJ42	
	♣ AQJ2	

West	North	East	South
Pass	1♦	1♠	2♠
Dbl(1)	Pass(2)	Pass	3♠(3)
Pass	4♦	All Pass	

(1) Alerted; showed the ♠A or ♠K  
 (2) Alerted; no explanation requested until after the auction (could Rdbl with a maximum and half a stopper)  
 (3) Explained as asking for a stopper

**The Facts:** 4♦ made seven, +190 for N/S. The opening lead was the ♠7. The Director was called at the end of the hand. Both E/W CCs had Rosenkranz redoubles and support doubles marked. N/S were playing Precision and 1♦ could be opened with a bad 16-count. The Director ruled that the MI was not germane and allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling. South said that when North did not have a spade stopper he was afraid of a low spade lead and a spade back, after which he might suffer a ruff or lose a third trick elsewhere. He said North could have opened vulnerable with an 11-count, which was why he did not bid game; had he been given the correct information he would clearly have bid it. North said he could have had another queen with the devaluation of his ♠K, which was why he didn't redouble at his second turn. He thought his pass and subsequent bid showed a better hand; South thought just the opposite. When asked what

he would have bid had he known North was showing better than a minimum, South said he would have bid 5♦. East said he thought they had discussed this auction and agreed that Rosenkranz applied. West said they had not. Neither thought the MI should have affected South's bidding.

**The Panel Decision:** This 32-board match was the last to finish, which made finding players for consultation difficult. As the matter had to be decided quickly, only two players were consulted. The first said he would have bid 5♦ with the South hand no matter what information he was given. He had no second choice. When told that South had passed and why, he said it might be right but it was far too extreme a position for him. The second player also said he would have bid 5♦. When asked if he had a second choice he said 6♦. When told that E/W did not have the agreement that West showed the ♠A or ♠K with his double he said, "They never do." Given the forcefulness of both players' opinions and the fact that N/S would have reached game had they been on the same wavelength, the Panel allowed the table result to stand. Since there had been MI and the hearing was convened and conducted under great time pressure, it was decided that the appeal had merit.

**DIC of Event:** Richard Strauss

**Panel:** Charlie MacCracken (Reviewer), Matt Smith

**Players consulted:** John Hermann, Mike Kamil

**Directors' Ruling:** 93.3

**Panel's Decision:** 82.9

☞ Once again, an excellent decision tainted with tolerance for a meritless appeal.

**Stevenson:** “I find this beyond me. South has a 14-count, his partner has opened, he has no wasted values in the opponent’s suit, and his partner has denied a stopper. Why is he not making slam tries? Suppose you switch the ♠K and ♠Q; it is still a 40+% slam, a near 100% game, and how would the bidding have been different? It is not immediately obvious to me how the hearing being under time pressure suggests the appeal had merit when it so clearly does not.”

**Passell:** “This was a meritless appeal and should have been deemed so. If the ♠K had been a small one it wouldn’t have affected the outcome. South chose to pass in a forcing auction at his own risk and tried for something for nothing. The Director was right on and the Panel *must* judge such cases meritless just to halt these ridiculous appeals.”

**Treadwell:** “Despite the MI, N/S dug their own grave by not bidding a clear-cut game and made an overtrick due to the peculiar lead caused by the E/W confusion over their methods. An AWMW should have been issued.”

☞ Agreeing with the decision but missing the merit issue are...

**Wolff:** “Unlucky for N/S but kind of NPL. It is rare that the specific meaning of ace or king instead of ‘lead the suit against notrump’ caused such havoc. Of course, it would be nice for conventioners to have correct mutual understandings but this one (at least to me but probably not to N/S) is kind of rub-of-the-green. If I could slap E/W’s hands I would to the tune of something minor as a reminder.”

**Rigal:** “Tough for the Director and Panel here given the shortage of opinions to canvass. I think South did this to himself, and can’t expect redress. Whether E/W needed to be told to get their act together (and warned/recorded) is another matter.”

**Polisner:** “Seems fine.”

☞ Alone and taking a surprisingly hard line (even for him) is...

**Gerard:** “Yes, but North might have bid differently. He devalued his ♠K because of the MI, even though that was wrong: a half stopper from South would always produce a stopper with West holding the ace but not always with East holding it. Without the MI, North might have given more thought to the value of the stiff king and to the meaning of the word ‘maximum.’ His subsequent mis-analysis of the auction makes this uncertain, but I’m willing to hold E/W to it under 12C2. Therefore, N/S +190, E/W -640. That South should have bid doesn’t change the fact that he certainly would have bid had North redoubled 2♣. I agree more with the first consultant anyway. North had in order denied a maximum with a half-stopper, a stopper, and a maximum. Some of those judgments were attributable to the MI. Why couldn’t North have held ♠xx ♥Qxxx ♦AKxxx ♣Kx? The Panel can only be bound by the consultants’ judgment when it asks the right questions.”

☞ East’s overall influenced North’s hand evaluation more than any MI. Why not bid 4♣ over 3♣ instead of 4♦? And how could South possibly pass 4♦ with his 14-count at IMPs? Was North’s ♠K really material to N/S’s game/slam potential? The final and definitive word...

**Bramley:** “Give the AWMW regardless of the extenuating circumstances. N/S needed a strong message that their case was beyond hopeless. A complete waste of time.”

**Subject (MI):** Tripped Up By “Ish”  
**Event:** Life Master Pairs, 20 Jul 02, First Semifinal Session

Bd: 17	Alan Watson		
Dlr: North	♠ J7432		
Vul: None	♥ K72		
	♦ A762		
	♣ 4		
Laura Finkelstein	♠ 9	John Hodges	♠ Q1086
	♥ QJ93		♥ A1065
	♦ Q10843		♦ 5
	♣ 853		♣ AK109
		David Becher	
		♠ AK5	
		♥ 84	
		♦ KJ9	
		♣ QJ762	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	2♣(1)	Pass(2)
2♥(3)	2♠	3♦	Dbl
Rdbl	Pass	3♥	4♠
Pass	Pass	Dbl	All Pass
		(1) described as 4+ clubs, 8-14 HCP	
		(2) Asked about 2♣; told “Precision-ish”	
		(3) Alerted; non-forcing	

**The Facts:** 4♠ doubled went down two +300 for E/W. The opening lead was the ♣A. The Director was called at the end of play. 2♣ showed five-plus clubs unless 4-4-4-1 (with four clubs); 2♥ was natural with 0-9 HCP; 3♦ was intended to show short diamonds. East spoke up (after sending West away from the table) and basically described his hand to declarer after trick one. The Director determined that 3♦ was undiscussed in competition and that the subsequent auction, and the 4♠ bid in particular, had severed the connection between any infraction and N/S’s bad result. The table result was therefore allowed to stand.

**The Appeal:** N/S appealed the Director’s ruling and were the only players at the hearing. They claimed that they had received misleading information concerning the 2♣ opening bid. South had turned to West and asked if it was “Precision-ish”; West only answered “Yes.” N/S confirmed that all of E/W’s suit openings at the two level showed

8-14 HCP with four-plus cards in the opened suit (although they had not examined E/W’s CC nor asked any additional questions until the auction was over). At the end of the auction East sent West away from the table and told N/S that he was precisely 4-4-1-4 (systemically 2♣ showed five-plus clubs or 4-4-4-1 with four clubs). In addition, he said that 3♦ would have shown shortness in a 4-4-4-1 hand with 13-14 HCP without competition (undiscussed in competition). The Director said that he subsequently had a long discussion with E/W over various issues and that East had been “around a lot” (presumably responsible for a lot of Director calls in the recent past). N/S said they played sound opening bids and disciplined weak 2♠ bids in first and second position. South believed that with the correct information regarding the 2♣ opening he would only have bid 3♠ on the third round; he thought his diamond honors were well-placed and even wanted to defend 3♦ doubled. He also rather ironically stated that he believed 3♦ was a game try in hearts.

**The Committee Decision:** E/W had a clear obligation to fully explain their methods at the slightest prompting by the opponents. They had failed to do this and clearly benefitted from the lack of full disclosure. Thus, E/W were assigned the score of +50 defending 3♠ down one. Additionally, this appeal was referred to the Recorder. N/S, on the other hand, failed to fully protect themselves by not clarifying the meaning of the auction prior to the final 4♠ bid. Therefore, for them

the table result was allowed to stand.

**DIC of Event:** Henry Cukoff

**Committee:** Mark Bartusek (chair), Bob Gookin, Jim Krekorian, Mike Passell, Jon Wittes

**Directors' Ruling:** 72.1

**Committee's Decision:** 93.3

✍ I agree with the Committee. E/W did not adequately disclose their agreements about 2♣, but South did not do nearly enough to protect himself before bidding 4♠ (he should have inquired about the 3♦ bid, in which case he should have been told “Undiscussed in competition; without competition it would have shown shortness”). I don't think the lack of disclosure about 2♣ had anything to do with this since even if East promised a fifth club (a la Precision), that wouldn't affect South's actions.

Still, one panelist does point out a possible benefit to N/S of an initial Alert...

**Stevenson:** “It is apparent that N/S failed to protect themselves. While the ACBL has an excellent regulation that any question, however badly phrased, should elicit a full description of the agreed methods, there is no doubt that it is very easy to go wrong when asked the wrong question. It appears the 2♣ opening was a normal Precision one, with the rare exception when opener holds 4-4-4-1 with four clubs, so “Precision-ish” was a correct though unhelpful description. There is always a temptation to answer ‘Yes’ when the description is correct.

“All the same, what difference would it have made if South had known this? The correct description of the 3♦ bid was probably ‘Undiscussed, but without the competition it would show a 4=4=1=4 13-14 HCP hand.’ Now, it is possible that knowing this would have been enough to stop the 4♠ bid, so there does seem to be damage. Furthermore, if South had known that the 2♣ bid could be on a 4-4-4-1 hand he would have been more likely to inquire about the 3♦ bid. So there does seem to be some connection between the MI and the result.

“The decision looks reasonable, though I wonder whether N/S should really not be getting redress. But how about the ruling? The Directors decided the auction had severed the connection with the result, which is roughly what the Committee said. If so, why did they not adjust for E/W only?”

**Bramley:** “Yes! This is similar to CASE THIRTY. The offenders cannot receive a better result than they would have gotten without the infraction, even though the opponents lost their minds. However, the non-offenders, having lost their minds, are stuck with their result. Well done.”

**Passell:** “Good job by all in a difficult case. E/W clearly didn't deserve +300 due to the lack of information given to N/S. But South's 4♠ bid opposite a passed and pre-balancing partner seems a bit much to be rewarded.”

**Polisner:** “The description of events is somewhat confusing; however, that seems consistent with what occurred at the table. How could 2♣ be both four clubs and ‘Precision-ish’? The Committee did a good job in awarding equitable results to each side.”

**Rigal:** “I think the Director made a reasonable ruling here but he might have ruled against the offenders (particularly if he knew the past history as he appears to have). The non-offenders were not generously treated, though South's failure to bid 3♥ over 3♦ is odd if he thought his partner might read his bid as penalties.”

**Treadwell:** “An excellent Committee decision. To some extent, N/S dug their own grave but E/W contributed by not fully disclosing their methods.”

**Wolff:** “A truly superlative Committee decision. Gives us all hope especially me.”

### CASE THIRTY-THREE

**Subject (MI):** Excuses, Excuses

**Event:** Side Game, 20 Jul 02, Afternoon Session

Bd: 16	♠ 1064		
Dlr: West	♥ 42		
Vul: E/W	♦ QJ76		
	♣ J954		
♠ Q75		♠ A983	
♥ KQ1076		♥ AJ8	
♦ A942		♦ K53	
♣ 10		♣ K76	
	♠ KJ2		
	♥ 953		
	♦ 108		
	♣ AQ832		

West	North	East	South
1♥	Pass	1NT(1)	2♣
Pass	Pass	3NT	All Pass
(1) Not Announced; forcing			

**The Facts:** 3NT made four, +630 for E/W. The opening lead was a low heart. The Director was called at the end of the auction. North said he would have bid 3♣ at his second turn (for a club lead) if he had known that 1NT was forcing. East said his 1NT bid could be based on any hand type. The Director allowed the table result to stand because North had the opportunity to bid 3♣ at his second turn and chose not to.

**The Appeal:** N/S appealed the Director's ruling. Only North spoke with the Reviewer. North said that, had he been properly informed of the meaning of 1NT, he would have raised to 3♣. Then, against 3NT, partner would have led clubs allowing them to hold the contract to nine tricks.

**The Panel Decision:** Five experts were asked whether it would make any difference to them if 1NT were Announced or not. Two said they would always raise if not vulnerable. Three said they would make the same call regardless of whether or not 1NT was Announced as forcing. The Panel believed that there was so little connection between the infraction and the damage as to render the appeal without merit. The table result was allowed to stand and N/S were each assessed an AWMW.

**DIC of Event:** Doris Allen

**Panel:** Mike Flader (Reviewer), Patty Holmes, Gary Zeiger

**Players consulted:** Mike Cappelletti, Sr., Kyle Larsen, Dick Melson, Eric Rodwell, Kay Schulle

**Directors' Ruling:** 92.1

**Panel's Decision:** 90.8

✍ Right, that North hand just screams for a club lead—not! If North was so intent on presenting declarer with an extra trick on opening lead, what kept him from bidding 3♣ as it was? Sorry, but I cannot remember a more spurious argument than the one North presented here. He truly earned his AWMW.

Agreeing are...

**Rigal:** “Well done everyone, and N/S need speaking to very firmly about frivolous litigation.”

**Treadwell:** “This is the sort of appeal which we should strive to eliminate: maybe I can win on appeal what I did not win at the table.”

**Passell:** “Well done again. An easy decision by all.”

**Polisner:** “Agree.”

CASE THIRTY-FOUR

**Subject (MI):** Misinformed But Not Misled

**Event:** Flight B/C/D Swiss, 21 Jul 02, First Session

**Stevenson:** “North does have some case. With a normal five-card major system and a non-forcing notrump there is an excellent chance of 2♣ being passed out, so the only effect of a raise is to go off at a higher level. But if East can have a strong hand there is a much better chance that preemptive action is required. Is the case strong enough to adjust? Possibly not, and the experts did not think so. I wonder whether some less well-known players would have seen it the same. Also, the AWMW seems too harsh.”

✍ One panelist remains ever vigilant to deny non-offenders any favorable result and to penalize offenders for any irregularity—no matter how inconsequential.

**Wolff:** “A close question. Whether North would have raised or not is not the question. He is claiming he was denied the opportunity to raise. Because of that I would give E/W only 600 but still force N/S to bear -630.”

✍ I think Wolffie missed his calling. Somewhere in Iraq there’s a U.N. Inspection Team that could use a man like him.

Bd: 15	♠ KJ3		
Dlr: South	♥ QJ6		
Vul: N/S	♦ AJ5		
	♣ J1094		
♠ 652		♠ A84	
♥ K1082		♥ A94	
♦ Q10		♦ 73	
♣ K872		♣ AQ653	
	♠ Q1097		
	♥ 753		
	♦ K98642		
	♣ ---		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			Pass
Pass	1♣	1NT	2♦(1)
3♣(2)	Pass	3NT	All Pass
			(1) Alerted
			(2) After 2♦ was explained as
			“revised” Cappelletti (shows an
			unspecified major)

**The Facts:** 3NT went down two, +100 for N/S. The opening lead was the ♦9. The Director was called midway through the play. North and South disagreed on whether “revised” Cappelletti applied after partner’s opening bid was overcalled with 1NT; South thought it applied only over a 1NT opening (and bid accordingly). West said he would have passed a natural 2♦ bid. The Directors believed that if West passed 2♦ North would have bid 2♥. Therefore, the contract was changed to 2♥ down two, +200 for E/W (Laws 73 and 16). In addition, it was noted that “revised” Cappelletti is a Mid-Chart convention and was not permitted in this event.

**The Appeal:** N/S appealed the Director’s ruling. North said he Alerted 2♦ thinking his side played “revised” Cappelletti in all notrump sequences, whether opened or overcalled. South didn’t expect the system to be on when his partner opened the bidding. The Reviewer discussed the GCC with N/S,

explaining that “revised” Cappelletti was not legal in this event. South said North was unlikely to hold five hearts because with, say, six clubs and five hearts they tended to open 1♥. He was bidding 3♦ and, if his partner was six-five and void in diamonds, he expected him to bid 3♥. North said that when he saw the auction he became too uncomfortable to bid. He had four clubs and said at his level, when something unusual, doubtful, or questionable happens, he passes and waits to see what develops. West said he would have passed 2♦ if he hadn’t been told it was artificial. He had 8 good points and cue-bid comfortably hoping to find a heart contract. He would have been worried about the value of his ♦Q if he had known 2♦ was natural.

**The Panel Decision:** Since N/S could produce no evidence (e.g., system notes) of an agreement after their opening was overcalled with 1NT, it was decided that no agreement existed. Several players of West’s bridge caliber were given West’s hand, the auction through 2♦, and told that N/S had no agreement about the 2♦ bid. All bid either 2♥ or 2NT (competing) and said that pass would never be a choice. It was also noted that, although West said he would have passed a natural 2♦, at the table he had investigated a major-suit fit even though he had only one major, his RHO (purportedly) had one, and he had no spade stopper (and thus was forcing his side to 3NT if opener had no four-card major when they could have been off six cashing spade tricks). Therefore, the Panel decided that a pass was unlikely and, even though West had received incorrect information about an illegal bid (the 2♦ bid had no known suit and thus was disallowed under the GCC), there was no connection between the MI and West’s action. Therefore, the table result was

CASE THIRTY-FIVE

**Subject (MI):** Ask Me No Questions, I'll Tell You No Lies  
**Event:** Spingold, 22 Jul 02, Round One, Evening Session

allowed to stand. As an aside, the Panel analyzed what might have happened had West bid 2♥ over 2♦ (his only possible action since 2NT was Lebensohl). If he was allowed to play there (unlikely) he would have done worse than the table result (-100), but North would likely have bid 2♠—confident that that was South's major—which would have led to +110 or better for N/S (in either a spade or a diamond contract). If West bid over 2♠ in quest of a major-suit fit, E/W would again have been destined for a worse result than -100. Thus, the table result was the best E/W could have done under any circumstances.

**DIC of Event:** David Gottfried  
**Panel:** Gary Zeiger (Reviewer), Mike Flader, Patty Holmes (scribe), Matt Smith  
**Players consulted:** a number of West's peers

**Directors' Ruling: 52.1**      **Panel's Decision: 86.2**

✍ An excellent, well-conceived and well-written, decision.

**Bramley:** "The usual bull by West. Good decision not to give E/W anything. And well analyzed by the Panel to reach the conclusion that E/W would never have done better anyway. The Director was too hasty in rewarding E/W."

**Passell:** "Random Director ruling as to the contract and how many tricks would be taken. Did he consult anyone to come up with this idea? How were N/S not penalized for disruption, or even for playing an illegal convention in the event? Somehow something is amiss."

✍ Legally there's no such thing as CD, and no automatic penalty for playing an illegal convention. (Such penalties are discretionary.) The Director should not have bought into West's claim, but once he did it was not unreasonable to assume that North would bid 2♥ (pass-or-correct). But would that have ended the auction? Hardly. West would surely have doubled. I do agree that Directors need to consult on adjustments, both as to the contract and the number of tricks likely to be taken.

**Polisner:** "The MI did not have any correlation with the result; thus, the table result stands for E/W. West's story about passing, if he had known... was just that—a story. Table result stands."

**Rigal:** "I'd like to see E/W protected to the full extent of the law here. The combination of the N/S actions means that it might have been appropriate to check what -100 actually looked like on the traveler before awarding it to E/W."

**Stevenson:** "Revised' Cappelletti is not allowed in this event, and the only agreements that seem possible are that 2♦ is either 'revised' Cappelletti or natural. Is it not acceptable to presume that N/S play 2♦ as natural? However, it makes little difference since, as the Panel demonstrated, E/W were unlikely to do better than they did and so were not damaged."

✍ Still with that same old punitive attitude...

**Wolff:** "Okay. N/S deserved a bad result so N/S +100 and a 3-imp PP; but E/W -100."

✍ I try to limit my own punitive inclinations to the flagrant use of UI and appeals lacking merit. PPs are not for innocent mix-ups like this, which could happen in any casual partnership—even experts—if the convention had been legal. North thought his agreement applied in a situation in which it might well have; South thought not. Redress damage, educate the players, but don't penalize them unless the infractions continue, or you'll end up penalizing everyone for every minor technical error.

Bd: 30	Sam Lev		
Dlr: South	♠ A54		
Vul:	♥ J10752		
	♦ AK76		
	♣ 5		
Bob Gookin		Donna Rogall	
♠ KQ102		♠ J9873	
♥ A9		♥ Q843	
♦ J1095		♦ 43	
♣ 643		♣ J2	
	Ron Smith		
	♠ 6		
	♥ K6		
	♦ Q82		
	♣ AKQ10987		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			1♣
Pass	1♥	Pass	3♣
Pass	3♦	Pass	3♥
Pass	3♠	Pass	4♣
Pass	4♦	Pass	4NT
Pass	5♥	Pass	6♣
All Pass			

**The Facts:** 6♣ went down one, +50 for E/W. The opening lead was the ♠Q (Rusinow). The Director was called during the next deal. East had asked about the meanings of all calls and particularly the 5♥ bid. The Director allowed the table result to stand (Law 73D1).

**The Appeal:** N/S appealed the Director's ruling. North said that East asked for an explanation of the entire auction and was told that N/S played Standard American and all bids were natural. East persisted, requesting a full review with a detailed description of all calls. He said he explained 4NT as RKCB and said that 5♥ showed two aces. East then asked if 5♥ said anything about the queen of trumps. Since she was holding the ♥Q, he believed her question was misleading and she could have known so when she asked it. He added that since "everyone plays RCKB" the question was unnecessary. Also, with hearts the only suit bid by both N/S players, it was clearly the trump suit around which the Blackwood responses were based. East said that after the face-down opening lead she had asked for a review of the auction, which North

did (though showing some annoyance). 4NT was explained as "Blackwood" and 5♥ as "two aces." East thought it odd that N/S played regular Blackwood and asked if 4NT was not RKCB. North said it was. She then paused to give North time to expand on his explanation of 5♥, but when he did not she asked whether 5♥ showed or denied the queen of trumps. Since clubs had ended up being trumps, it was not obvious to her what the assumed trump suit had been for 4NT; while South had bid clubs strongly, he had also taken a heart preference. North had not complied with East's request for a full explanation and she believed she was within her rights to ask about the 5♥ bid without incurring any liability. Further, any inference declarer chose to draw from her questions were at his own risk. Declarer won the spade lead, drew trumps, tested diamonds, and then misguessed the hearts.

**The Committee Decision:** The Committee determined that East was fully within her rights to ask about specific bids (including 5♥) once her request for a complete review with explanations had not been fully complied with. North's description of the 4NT-5♥ part of the auction as "Blackwood" and "two aces" was well short of what was required. Declarer was not misled in the play by a deliberately deceptive question, and any inference he chose to draw was at his own risk. The table result was allowed to stand. In discussing the merit of the appeal the Committee decided that there was barely enough merit for N/S to avoid an AWMW. Additionally, the Committee advised North that many players enter the Spingold whose experience

and abilities are far below his own. He is expected to display more patience and politeness with such players than he exhibited here. Further, the Committee cautioned East that although it is her right to ask whatever questions she feels she needs answered, the extent of her questioning is unusual. They recommended that she inform her opponents of her tendency at the beginning of each match (or round) since by doing so she would minimize the chance of her being accused of misleading the opponents or giving UI to her partner.

**DIC of Event:** Henry Cukoff

**Committee:** Rich Colker (chair), Karen Allison, Nell Cahn, Doug Doub (scribe), Bob Schwartz

**Directors' Ruling: 95.0**

**Committee's Decision: 92.5**

✍ Finally, the companion to CASE TWENTY-TWO, written up in my typically brief and concise style. We yield the floor to...

**Gerard:** "She's baaack, annoying her opponents left and right. In cyberspace, East has been accused of being an axe murderer. Everything she did was perfectly legitimate. She got attitude from her RHO and was determined not to back down, despite his experience and ability. So she's a pain.

"I would make it a rule that questions about the queen of trumps are presumed not to be misleading. You have a right to know whether the opponents know whether they have the queen of trumps, since it might affect the lead and/or defense. And there are opponents who will notice when you don't ask and take the appropriate inference. That's a long way from the League's editorial suggestion a while back that redress is available on a wing and a prayer.

"A level-headed expert, neither hostile to nor in favor of Committees, asked me the morning after this case whether I had heard what the decision was. I hadn't, so he said that if the Committee allowed this protest it would be the death knell of appeals for life. After hearing the facts I told him that there was no way that any Committee would rule for N/S. Thanks to Rich et al for keeping the yahoos at bay."

✍ As in CASE TWENTY-EIGHT, I did my best to push for the AWMW that N/S so Rich-ly (pun intended) deserved. Although this time I actually had a vote in the matter (cf. CASE TWENTY-EIGHT), multiple objections undermined my efforts yet again. Sorry, Bart...

**Bramley:** "No merit. The quality of the opposition (or lack thereof) had nothing to do with it. North was aggressively unresponsive to East's questions. The exact meaning of the Blackwood sequence is not 'obvious' at all. On his side, South was never entitled to an ironclad inference from East's questions, especially since normal practice is to find out the meaning of the auction regardless of what one holds in any specific suit. South should have known that any inference he drew was at his own risk. This was a deplorable exhibition by both North and South, fully deserving of an AWMW."

**Treadwell:** "As the Committee said, there was barely enough merit in the appeal for N/S to avoid an AWMW. But it is awfully close."

✍ It's much closer than that, Dave.

**Stevenson:** "Bridge is a game of Full Disclosure, and Active Ethics are recommended. Players that do not practice Full Disclosure, and do not follow the dictates of Active Ethics, must expect problems therefrom. North got what he deserved.

"Nevertheless, there might be some case for adjusting for E/W only. East did ask about a call to which she knew the answer, partly from her own hand. The crux

of the matter is whether East asked this question as part of a number of related questions that suggest she was merely seeking the Full Disclosure that North had not provided. If so, then it seems unreasonable to deduce anything from one individual question.

"It seems that she did ask such a series of questions, and so there is no reasonable inference that can be taken from one individual one. Inferences are taken by declarer at his own risk. This means that if a declarer misguesses the reason for a question, but there is a reasonable reason, then it is just unfortunate. In this case the reason was an attempt to get Full Disclosure from unwilling opponents, and that is fair enough.

"It is a pity that the Committee did not decide to teach North a further lesson via an AWMW or a PP.

"In a number of these cases the Director's ruling is given in part—i.e. only whether to adjust or not, but not why. This is an example, and we can make no judgment about the ruling when this is so."

**Polisner:** "Excellent work by the Committee, especially the counseling of both sides about relevant issues. (Do you like that, Rich? [I love it.—*Ed.*]) South should have realized that the questions were somewhat inane and not drawn any inferences as he claimed he did."

**Rigal:** "The Director and Committee dealt sensibly with what appeared to be a delicate issue. The fact that East's questions led to no fewer than two appeals in one match should maybe tell her that she is not aiding her own cause by her approach to the game. Will a third case change a Committee's mind and will the first two be documented in the Recorder's little black book? Don't hold your breath."

✍ If East's (or her partner's) failure to inform the opponents of her inquisitory proclivities cause similar problems in the future you can bet your Green Card she'll be held accountable—if I have anything to say about it. Still, as Ron points out, she does have the right to ask questions—within reason—and as long as the opponents are warned about it ahead of time, as we instructed, there would be no basis for any action against her.

As for the Recorder documenting this in his little black book, this is not really a Recorder matter, it's a Director and appeal matter. So here it is, documented in *your* little black—or whatever color—book.

**Passell:** "A good job by all, including the comment to East."

**Wolff:** "Good, but doesn't East's behavior interfere with the table's enjoyment of the game (a propriety)?"

✍ Yes, it probably does. But then it is also possible that whenever you think for more than 5 seconds about some action you risk interfering with your opponents' enjoyment of the game. Interference is a two-way street on which everyone has both rights and responsibilities. It is very difficult to draw the fine line between what's reasonable questioning and what's excessive. I'd venture to say that when a player asks for a review of the auction with explanations and then simply seeks to clarify any deficiencies in the response, he's on safe ground. And that certainly seems to have been the case here, even if it wasn't in CASE TWENTY-TWO.



## CASE THIRTY-SIX

**Subject (MI):** The Care And Feeding Of Losing Trick Count

**Event:** Stratified Open Pairs, 23 Jul 02, First Session

Bd: 9            ♠ 10954 Dlr: North    ♥ 84 Vul: E/W      ♦ AK105 ♣ 984 ♠ KQ6                    ♠ J73 ♥ AQ109653            ♥ KJ72 ♦ 2                        ♦ 9643 ♣ J2                        ♣ A3 ♠ A82 ♥ --- ♦ QJ87 ♣ KQ10765	<b>West</b> <b>North</b> <b>East</b> <b>South</b> Pass      Pass      1♣ 1♥        Dbl      3♥(1)    4♣ 4♥        Dbl      All Pass (1) Weak; 0-5 points, four-card support, too weak to bid 2♥
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**The Facts:** 4♥ doubled made four, +790 for E/W. The opening lead was the ♦A. The Director was called when dummy was faced. N/S thought there had been an incomplete explanation. West should have said that partner's bid showed a nine-loser hand. The Director ruled the explanation did not lead to the bad result and allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling and were the only players to attend the Review. North stated that he would not have doubled the final contract if he had been given the proper information. He said he might have considered bidding 5♣, but would probably have passed. East did not speak up before the opening lead was made. North said that East told him after the hand that the actual agreement was that the 3♥ bid showed a nine-loser hand, but it could be considerably better than the 0-5 points that N/S were told during the auction.

N/S each had just under 300 masterpoints.

**The Panel Decision:** Three expert players were polled about their action with the North hand over 4♥. All said that their choices were pass or 5♣; none seriously considered doubling. All of them said that the explanation of East's bid had no bearing at all on their decision. Four players with 200-300 masterpoints were also polled. Two of them said they would consider doubling (the others passed) given the explanation of 3♥ as preemptive, but they definitely would not double with the proper explanation (after losing trick count was explained to them). The Panel decided that MI had occurred, that the offenders had not tried to correct the MI prior to the opening lead, and that possible damage had occurred (based on the input from the 200-300 masterpoint players). A 5♣ contract was not assigned based on the expert players' belief that the explanation had no bearing on their choice of action and the fact that the player at the table admitted that he would not seriously consider the bid. The Panel removed the double, changing the contract to 4♥ made four, +620 for E/W.

**DIC of Event:** Mike Flader

**Panel:** Ken VanCleve (Reviewer), Charlie MacCracken, Gary Zeiger

**Players consulted:** Bernie Chazen, Gary Cohler, Ken Gee, and four players with 200-300 masterpoints

**Directors' Ruling:** 81.7

**Panel's Decision:** 73.7

✍ Fail to see why experts were polled when the issue was the call that a player with just under 300 masterpoints would make? Then consider...

**Bramley:** "Unconvincing. Of the peers polled, two passed and the other two were undecided about doubling. That's not enough to persuade me that the infraction was connected to the result. Sometimes you have to go with the experts, else why ask them? I would have let the table result stand."

✍ Well, I guess that's as good a reason as any for asking the experts: to act as a sort of tie breaker.

One of the next two panelists may have been cribbing his answers off the other. We may have to send in an Inspection Team.

**Treadwell:** "I don't see how the MI had any bearing on North's decision to double. After all, the ♣A in East's hand could just as well have been with West. Hence, N/S are entitled to nothing. Perhaps E/W should be cautioned about being more explicit with their explanations. However, the table result of +790 for E/W should have been given to both sides."

**Passell:** "I do not understand the Panel removing the double. Why couldn't West have had the ♣A instead of East? No one would have blinked and everyone would have gone on to the next board. Very weak."

✍ Quite right. North didn't have anything approaching a penalty double of 4♥, but if he thought he did then it surely had nothing to do with the explanation he received of East's 3♥ bid. After all, that explanation didn't change his hand.

**Wolff:** "N/S wanted back what their gambling double lost. Wouldn't all of us want the same thing. Ridiculous."

✍ And now for the Minority Reports...

**Rigal:** "The Director might have considered a more generous ruling for the non-offenders, or perhaps more accurately a PP for East if the circumstances of East's experience warranted it. North thought South was bidding 4♣ to make, not as a sacrifice, and had he received the correct explanation he might well have got it right and saved. Thus, as offenders E/W might well have been made to suffer from their uncooperativeness over the MI. As to the non-offenders, maybe the Panel's adjustment is acceptable."

**Stevenson:** "N/S were inexperienced, but there is a requirement to play bridge and North's double was never bridge. While I approve of 4♥ undoubled for E/W, should not N/S have kept their table score?"

**Polisner:** "Fair ruling."

✍ "Fair is foul, and foul is fair..."

CASE THIRTY-SEVEN

**Subject (MI):** Once More Unto The Breach

**Event:** Stratified Open Pairs, 23 Jul 02, First Session

Bd: 23	♠ 102		
Dlr: South	♥ K987		
Vul: Both	♦ A4		
	♣ AJ542		
♠ 6543		♠ KQ7	
♥ J1064		♥ A532	
♦ 10765		♦ KQ98	
♣ 3		♣ K7	
	♠ AJ98		
	♥ Q		
	♦ J32		
	♣ Q10986		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			Pass
Pass	1♣	1NT(1)	3♣
Pass	Pass	Dbl(2)	Pass
3♥	Dbl	All Pass	
(1) 14-17 HCP			
(2) Asked first about 3♣; told "Preemptive, I think"			

**The Facts:** 3♥ doubled went down three, +800 for N/S. The opening lead was the ♣A. The Director was called after play. North's CC had jump raises marked as invitational both with and without overcalls. She said she thought it was preemptive after a notrump overcall. South's CC had nothing checked in this area. The Director ruled that East's double would have been far less attractive given the correct information. The contract was changed to 3♣ made four, +130 for N/S (Laws 40C and 12C2).

**The Appeal:** N/S appealed the Director's ruling. North said she answered "Preemptive, I think" when the question was asked and that E/W did not dispute this while the Director was at the table—only when they spoke to him later. N/S said they were a first-time partnership (5300 and 4400 masterpoints) and had not had time to complete their CC at the start of the game. N/S believed that East's double was such a serious error that

the damage was not related to the infraction. E/W said they did not hear North say "I think" when she explained the meaning of the 3♣ bid, although they admitted she may have done so. They said North had done the talking when the Director was called and they did not realize the importance of North saying "I think" until later. E/W thought the double was routine given the explanation but that East would not have doubled if told the 3♣ bid was a limit raise. East had 5500 and West 1700 masterpoints.

**The Panel Decision:** Based on the information from the N/S CCs (North's was marked "limit," South's was unmarked) the Panel decided that there had been MI. Two experts were consulted regarding East's reopening double. One said it was a toss up on the information given (with most partners he would reopen) but that he was a lot less likely to reopen if he was told the real N/S agreement. The second said he would always reopen if told the 3♣ bid was weak (although pass could be right) but he would not reopen if 3♣ was a limit raise. The Panel decided that E/W's table actions were reasonable and that they had been damaged by the MI. The contract was changed to 3♣ made four, +130 for N/S.

**DIC of Event:** Mike Flader

**Panel:** Ken VanCleve (Reviewer), Charlie MacCracken, Millard Nachtwey

**Players consulted:** Bob Hamman, Zeke Jabbour

**Directors' Ruling: 80.8**

**Panel's Decision: 79.6**

✍ Even back in the dark ages when limit raises in competition were *de rigueur*,

playing jump raises as weak in certain situations, such as after a double (a good hand redoubled first) or a notrump overcall (a good hand doubled), was accepted practice. That doesn't mean one can't agree to play that jump raises are limit in competition, but if they're undiscussed North should probably tell the opponents something like, "We play limit raises in competition, but we haven't discussed them after a notrump overcall; I think it's preemptive."

Doesn't the "I think" part of what she said carry the same implications? Not so says...

**Rigal:** "The marking of the CC re interference does not to my mind automatically extend to this sequence of notrump overcall versus suit overcall. As South I might bid 3♣ with this hand for just this sort of reason: I need extras at this vulnerability to avoid the risk of -200.

"Having said that, let's assume MI for the moment. Then the significance of the 'I think' is minimal; one accepts what one's opponents say unless they tell you initially they don't know. Perhaps East deserves all he got for bidding 1NT initially, but I have more sympathy than the Panel. Overall, I think I'd accept the Panel's adjustment, but I think it is an interesting and close case."

✍ Barry makes a good point. North's "I think" comment is ambiguous, since it could mean either that she isn't sure of her agreement or that she has no agreement and is just guessing. One question, though. Why does Barry think the Panel had less sympathy for E/W than he does? Didn't they give them full protection with their adjustment? Could E/W do any better than to defend 3♣ for -130?

Something is gnawing at the back of my mind: North's double of 3♥ troubles me. Facing a preemptive club raise of a "standard" 1♣ opening, which normally shows five-plus trumps, who would double 3♥ for penalty with the North hand? The ♣A figures to be less useful than if it were promoting tricks in partner's hand (give South ♣Kxxxx and East ♣QJx and it won't even cash) and even North's four trumps opposite her partner's shortness is not likely to cause the opponents much concern if partner has little to contribute defensively. North's double leads me to believe she expected to find defensive values in her partner's hand and that 3♣ was probably not the strictly preemptive raise she made it out to be. (For those who think the vulnerability suggests South will have useful values, as Barry does, consider what you'd bid after the 1NT overcall here holding ♠xxx ♥—♦QJxxx ♣Q109xx. I know I'd bid 3♣.)

And what of the advice the consultants gave about East's double?

**Passell:** "Another one I do not understand. Preemptive or not, why is East's double for takeout? He bid 1NT and then doubled 3♣. He took his chances and guessed wrong."

✍ Yes, but he still might be justified in expecting a bit more from West if 3♣ is preemptive than if it shows limit-raise values—even if his double is for penalties.

The following panelist, like the consultants, accepts the double as takeout.

**Gerard:** "Well the Panel had no choice, but the consultants were both wrong. For double to be right West had to be short in clubs or have unexpected length somewhere. Yet he didn't act over 3♣. So the accuracy of the explanation only affected which of the opponents held the high cards. On the MI I would have expected it to be North, not West. Giving everyone their minimums at the vulnerability leaves a residue of maybe 6 HCP to allocate to the other three players, mostly to North and West. In the face of West's silence, I would assume North had an offshape strong notrump. But people have a blind spot when it comes to this situation. They transfer South's values 90 degrees and no further. It would have taken a truly imaginative Panel to have overruled the consultants' advice.

"You want to double, do it the first time."

I wish he had addressed the MI issue instead of presuming it was present and focusing on East's culpability for his own actions. But Ron's point about North being the one likely to have whatever extra HCP are floating around is correct, and yet North doubled 3♥ holding a minimum opener with questionable defense. It's beginning to look as if everyone was at fault here.

Let's look at the remaining panelists' comments.

**Stevenson:** "What does it mean 'North did the talking'? If E/W were not given a real chance to have their say, then the Director should have insisted, even though this can be difficult when certain players are talking. Anyway, if North said something and E/W failed to challenge it, the presumption is reasonable that it occurred. Nevertheless, the ruling and decision seem correct despite the disagreement over what North said."

I think that "North did the talking" simply means E/W chose not to contest what North said, not that they were not given a chance to do so.

**Polisner:** "Good work by all."

With all the uncertainty about who is responsible for what we should send in a U.N. Inspection Team. After all, we have just the man for the job...

**Wolff:** "The truth of the matter is that E/W wanted a scapegoat for their gambling tactics. N/S +800 minus 1/4 board for being lazy about their agreements."

Lazy my tush. If you sat down with a pick-up partner and agreed to play limit raises, on in competition, would you still think a raise was limit after RHO doubled or bid 1NT? Of course not. And if it turned out your partner didn't know the difference, would that mean you were lazy? Hardly. Now if you want to talk about North's *explanation* being a bit lazy, that's a different story.

I think North's explanation was clearly deficient, so adjusting their score to +130 in 3♣ made four was right. (I just wish the Panel had instructed North on how to disclose her agreements better in the future.) As for E/W, I agree with Ron to a point: East's double was ill-conceived. Still, I cannot help but think, had West held just a bit more in the way of useful values (e.g., ♠xxx ♥Kxxx ♦xxx ♣xxx), that East was justified in thinking that the magic 200 might be available in 3♣ doubled or that three of a red suit might be cold his way (e.g., opposite ♠Jxx ♥J109x ♦Jxxx ♣xx). So I do not think East's double meets the "egregious" standard needed to deny his side protection. Thus, I agree with E/W's score being adjusted to -130 as well.

**Subject (MI):** The Trick Question Revisited  
**Event:** Flight A/X Pairs, 24 Jul 02, Second Session

Bd: 32	Leo Lasota		
Dlr: West	♠ AK6		
Vul: E/W	♥ 8		
	♦ KQJ82		
	♣ J943		
Nobuko Wakasa	Masaharu Wakasa		
♠ 92	♠ J8754		
♥ AK10765432	♥ QJ		
♦ 4	♦ 93		
♣ Q	♣ K1076		
	Fred Steinberg		
	♠ Q103		
	♥ 9		
	♦ A10765		
	♣ A852		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
4♥	Dbl	All Pass	

**The Facts:** 4♥ doubled made four, +790 for E/W. The opening lead was the ♦K. The Director was called when play ended. Prior to passing South asked East about the 4♥ bid and was told that E/W were playing Namyats; 4♥ was weaker than 4♣. He then asked how many hearts West had and was told seven. He then asked twice if it could be more than seven and was told no. West did not speak up before the opening lead but spoke very little English. South said he would have bid 5♦ if told that West could have eight or more hearts. The defense went: ♦K, encouraged by South; heart to dummy; ♣6, South ducking. West then took ten tricks. The Director ruled that in Flight A, the question about heart length was the kind that can lead to the above. It would be strange to have the agreement of promising exactly seven hearts, so

why ask the question? Also, a spade shift by North at trick two virtually guarantees the set. The table result was allowed to stand.

**The Appeal:** N/S appealed the Director's ruling and were the only players to speak with the Reviewer. North said his partner encouraged on the ♦K lead. He thought declarer might be void in spades and have diamond length, so he switched to a heart to cut down on ruffs. South said he ducked the club because if West had only seven hearts, it could not cost.

**The Panel Decision:** The Panel decided to test the theory that the MI contributed to the defensive collapse. The deal was presented to several experts. The first said he thought the lead was strange; he would have led a spade. Likewise, he couldn't understand why North wouldn't switch to a spade since declarer had to have at least one, else partner would have bid 4♣. The second cited the importance of shifting to a spade at trick two to get a count signal from partner so he would know which tricks to cash. All other experts consulted echoed these comments and believed the responsibility for not defeating the contract rested with North's failure to lead a spade. Therefore, the Panel allowed the table result to stand. The Panel also believed this appeal lacked merit and assessed an AWMW to N/S.

**DIC of Event:** Terry Lavender  
**Panel:** Mike Flader (Reviewer), John Ashton, Matt Smith  
**Players consulted:** Dennis Clerkin, Michael White, other experts

**Directors' Ruling: 92.1**      **Panel's Decision: 89.2**

An excellent performance by the Director (especially picking up on the Trick Question) and the Panel, including the AWMW.

Support from the panelists...

**Passell:** "Good work, especially the AWMW. These appeals are getting out of hand."

**Polisner:** "Good decision including the AWMW."

**Bramley:** "Hopeless whining."

**Rigal:** "As North is, I believe, making a reappearance here the AWMW, fully merited, should let him know that you can fool some of the people all of the time..."

**Treadwell:** "Again, N/S's very poor defense let a contract make and they tried to win on appeal what they had lost at the table. A very good decision, including the AWMW."

**Wolff:** "Okay, but bridge being a tough game we should never give redress when players choose wrong."

☞ One panelist had to look hard, eventually managing to find something to fuss about.

**Stevenson:** "South would not bid differently based on whether 4♥ showed seven cards or seven-plus cards. Strangely, the Panel does not seem to have questioned this, merely discovering whether the appeal lacked merit based on the defense. But if the defense was egregious, and there was damage after MI, then they should have adjusted for E/W only. Thus, their decision and logic are inconsistent."

☞ Perhaps they simply didn't express themselves as precisely as David, or perhaps he misread what they wrote. My reading of the decision section suggests the Panel judged that N/S's defense was responsible for their poor result and so allowed the table result to stand. The final sentence, dealing with the appeal not having merit, stands on its own and has nothing to do with the egregiousness of the defense.

Note that South made a good decision to pass 4♥ doubled, as five of either minor fails on the four-one club split (declarer losing one heart and two clubs, with there likely being additional carrying charges in 5♣). Thus, South's claim that he would have bid 5♦ had he known West could have eight or more hearts was inferior to his actual decision to pass 4♥ doubled. So only N/S's defense was pertinent to determining their damage.

As for N/S's rationale and actions during the defense, both were questionable. From North's perspective, if one of West's hearts were exchanged for South's ♠Q, his trump shift at trick two would have lost N/S their spade ruff. Also, from South's perspective, if West's hand had been ♠xxx ♥AK10xxxx ♦xx ♣Q, his duck of the ♣A at trick three would have cost a trick.

Dave and Bart are right: this was incompetence followed by hopeless whining.

### CASE THIRTY-NINE

**Subject (MI):** He Shall Turn No Convention Card Before Its Time

**Event:** NABC IMP Pairs, 25 Jul 02, First Qualifying Session

Bd: 19	Jesus Arias		
Dlr: South	♠ AKQ1083		
Vul: E/W	♥ 1054		
	♦ 8		
	♣ A43		
Dorothy Kelleher	♠ 76	Bill Irvine	♠ 954
	♥ A9876		♥ K2
	♦ ---		♦ Q109754
	♣ 1097652		♣ KJ
	Aviv Shahaf		
	♠ J2		
	♥ QJ3		
	♦ AKJ632		
	♣ Q8		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			1NT(1)
Pass	2♥(2)	Pass	2♠(3)
Pass	3♣	Pass	3NT
Pass	4♠	All Pass	
(1) Not Announced; 14-1/2 to 17 HCP			
(2) Transfer			
(3) Denied four spades			

**The Facts:** 4♠ made four, +420 for N/S. The opening lead was the ♣9. The Director was called about six rounds later. E/W claimed that N/S's failure to Announce their 1NT range affected their defense. N/S said that, upon arriving at the table, E/W described their system, N/S described theirs (including the notrump range), and South then bid 1NT. East said that upon winning trick one he looked at the opponents' CC and saw that 17 HCP was the upper limit; he could not see the lower limit. He then played the ♣J. The Director allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. Only West was at the hearing. West hotly disputed the timing of N/S's explanation of their system. She claimed that the notrump range clarification only came after the deal. East had tried to check N/S's notrump range but because the CC was inaccurately folded he saw the upper limit of 17 but not the lower limit of 14-1/2. He did not investigate further.

**The Committee Decision:** The

Committee was unimpressed by East's failure to check the notrump range properly. It was incumbent upon him to make more of an effort if he was genuinely interested in the answer. The Committee believed that N/S's failure to Announce their notrump range in a timely fashion was a minor infraction but that, in essence, they were playing a 15-17 notrump. East's club play was uninspired if he wanted to try to defeat the contract. At IMPs the overtricks were irrelevant. West was told that if E/W wanted to protest the opponents' actions the correct procedure was to file a Player Memo. An appeal was inappropriate. The table result was allowed to stand and E/W were each assessed an AWMW.

**Obiter Dictum (Barry Rigal):** The range written on the CC for a 1NT opening (e.g., 15-17) is a description of the strength that the bidder is expected to hold for that bid, expressed using a convenient, well-known scale. It is not a guarantee to either of the opponents of the number of Goren (4321) points that the bidder will produce. An expert would open a 15-17 notrump with either ♠KJxx ♥Qxxx ♦AKQ ♣QJ or ♠xxx ♥A108 ♦AK108x ♣Kx, although neither hand has the "correct" number of points. Players who exercise their bidding judgment when opening 1NT (or 2NT or other calls) are under no obligation to disclose this to their opponents.

**DIC of Event:** Henry Cukoff

**Committee:** Doug Doub (chair), Nell Cahn, Ellen Melson, Barry Rigal (scribe),

**Directors' Ruling: 95.4****Committee's Decision: 92.9**

✍ This was appalling; just calling the Director here was offensive. N/S had just finished describing their system, including their notrump range, when South opened 1NT. Should North have still Announced it? Absolutely. But the timing here made this omission a mere technicality. More to the point, since *all* opening notrump ranges require an Announcement, East had no one to blame but himself for not asking the range if he had forgotten. And then, for his *piece de resistance*, East couldn't be bothered to pick up N/S's CC after he saw that it was inconveniently folded, hiding the lower limit. What chutzpa.

**Passell:** "Another ridiculous frivolous appeal. Was this NABC held during a continuous full moon?"

**Rigal:** "Nice work by both Committee and Director. E/W were upset with their opponents, but after the Director's ruling they should have been advised of the fact that the Committee was not the right way to pursue their discomfort, particularly in the light of what we deemed the 'pathetic' nature of East's attempt to find his opponents' notrump range."

**Bramley:** "E/W were not entitled to assume that 1NT showed 15-17 no matter what range N/S were playing. The new 100% Announcement of 1NT opening ranges puts the burden on the *opponents* to ask if there is no Announcement. This aspect of full Announcement has gone unnoticed amid the general resistance to the new policy. Let me say it again: If your opponents fail to announce their notrump range, the only thing you can assume is that they forgot to announce it. If you make an erroneous assumption about their range, you have *no recourse*. Thus, the AWMW was automatic."

✍ Some panelists chose to focus on East's ♣J play.

**Treadwell:** "What kind of a play is the ♣J by East at trick one when the ♣K was an obvious winner. This is the sort of case where multiple AWMWs, or some PPs, should be assigned."

✍ Sorry Dave, but East did play the ♣K at trick one. The ♣J wasn't played until trick two. As for those multiple AWMWs, maybe you could share them with E/W. Suggestion to Dave: Sign up for "Hooked on Phonics."

**Stevenson:** "If the pair have a specific agreement such that they regularly upgrade 14-counts but do not downgrade 18-counts then it is correct to say so; 14-1/2 to 17 expresses this nicely. In a game of Full Disclosure, hiding this from opponents is not acceptable. Furthermore, it should be freely available to the opponents and there is little excuse for not Announcing. None of this affects the ruling and decision here, which were clearly correct. I do not blame East for not attending the appeal; he did not want the Committee asking him in highly sarcastic tones to explain the advantage of playing the ♣J at trick two."

✍ The bottom line (in stereo)...

**Wolff:** "Barry Rigal hit it on the head: Looking to the appeal process to get imps and matchpoints back."

**Polisner:** "Routine. Just another example of players trying to get from the appeal process a result they were incapable of achieving at the table."

**Subject (MI):** Well, Someone Has To Do My Thinking For Me  
**Event:** 0-1500 Spingold, 25 Jul 02, First Quarterfinal Session

Bd: 16	♠ KQ93		
Dlr: West	♥ Q86		
Vul: E/W	♦ AQ8		
	♣ A93		
♠ 106		♠ 8742	
♥ KJ42		♥ A1073	
♦ J1097653		♦ 4	
♣ ---		♣ J1084	
	♠ AJ5		
	♥ 95		
	♦ K2		
	♣ KQ7652		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1NT	Pass	2♣
2♠	2♠	Pass	3♣(1)
Pass	3♦	Pass	3♠
Pass	4♠	Pass	5♣
All Pass			
(1) Alerted; N to E: natural, game forcing, doesn't promise a major; S to W: slam try			

**The Facts:** 5♣ made five, +400 for N/S. The opening lead was the ♦J. The Director was called after play had ended and was told there were different explanations of 3♣ on the two sides of the screen. The table result was allowed to stand.

**The Appeal:** E/W appealed the Director's ruling. When South bid 3♣ he wrote "slam try" without specifying that it was in clubs. When 3♦ was bid he wrote "3♦-cue-bid." He did not make a similar notation for the 3♠ cue-bid nor did he clarify that the slam try was in clubs and that the auction denied four hearts in North's hand. West contended that with the correct information he would have led a heart and defeated the contract. N/S admitted that the information given on both sides of the screen was not identical. However, they believed that West should have found the

winning lead with the information he had.

**The Panel Decision:** The Panel believed there had been MI and focused on two issues to decide whether the result should be changed. First, did the MI lead to the wrong choice of leads? Three players were interviewed. One was a member of the USA Junior team, another had about 1500 masterpoints, and the third had less than 100 masterpoints but had played a lot of online bridge with his expert uncle. All were given the auction and the information given West at the table. All led a small heart reasoning that since the suit had never been cue-bid, the lead was in order. In addition, one consultant believed that since his partner did not double 3♦, a diamond lead was contra-indicated. The second issue to be decided was whether West fulfilled his responsibility to find out what was going on. South's explanations were vague and incomplete, but the ACBL expects experienced players to try to protect themselves. West said he had about 1300 masterpoints. Thus, the Panel believed that if there was something he thought was important for him to know, he had to ask more questions. As the standards for a score change were not met in either case, the table result was allowed to stand. An AWMW was discussed but none was issued.

**Dissenting Opinion (Gary Zeiger):** I disagree with the decision not to award an AWMW. West had 1300 masterpoints and the reasoning required of him here was surely elementary enough. West simply did not live up to his responsibility to play bridge.

**DIC of Event:** Richard Strauss

**Panel:** Mike Flader (Reviewer), Rick Beyé, Ron Johnston, Gary Zeiger  
**Players consulted:** USA Junior team member, one player with 1500 masterpoints, one player with less than 100 masterpoints

**CASE FORTY-ONE**

**Directors' Ruling: 91.7**      **Panel's Decision: 78.3**

☞ The dissenter was right on target: this appeal was meritless. Even if West didn't know what the trump suit was during the auction, surely South's 5♣ bid let the cat out of the bag before he selected his opening lead. When a player describes a suit bid as a slam try the implication is that that suit is trumps unless he says otherwise (e.g., "A slam try in *spades*"). And what was it that West would have us believe prevented him from seeking clarification at any point during (or immediately following) the auction's end, before he led? Bah! Off with his head.

Agreeing...

**Bramley:** "The dissenter is right. This was another hopeless appeal. Furthermore, the Panel erred in determining that there was MI. Behind screens, the explanations on the two sides are rarely identical. That's what happens when two different people try to explain the same thing in their own words. Differing explanations become MI only in cases of outright error, glaring omission, or significant difference in content. That didn't happen here. South clearly thought that it was obvious that 3♣ was natural, not in need of amplification, and that his explanation of 'slam try' simply clarified his strength. This was not a glaring omission nor a wilful deception. An AWMW for E/W (West, really) should have been a slam-dunk."

**Gerard:** "Trivial MI. The subsequent auction showed that South had clubs and a spade cue-bid. If North's low diamond had been a low heart, the appeal would have been just as ridiculous. West had all the relevant information prior to making the opening lead. I agree with the Dissent. What were the other Panel members thinking?"

**Passell:** "Help! Not another one. Why no AWMW? We need to send a message that frivolous appeals will be dealt with harshly. A lot of people waste their time and energy serving on these cases."

**Rigal:** "The absence of the AWMW is disappointing. To criticize South for not writing natural is to start splitting hairs. Well, I suppose we've all been there. Well-done by the dissenter."

**Stevenson:** "If West believed that South had made a general slam try and that 3♣ did not show clubs, why were N/S playing in clubs? His logic makes little sense and the ruling and decision were correct. Furthermore, once the ruling was explained there seems little merit in an appeal."

**Treadwell:** "Certainly, the failure to lead a heart, after the explanations given, was a failure to play bridge. An AWMW should have been issued."

**Wolff:** "Agree with the dissenter about awarding E/W an AWMW."

☞ There's always an odd man out, but this one is truly disappointing.

**Polisner:** "I agree with the result, including the failure to issue an AWMW."

☞ If not now, then never. Bah!

**Subject (MI):** Never Touch A Large Man  
**Event:** National 199er Pairs, 25 Jul 02, Afternoon Session

Bd: 19	♠ AKQ1083		
Dlr: South	♥ 1054		
Vul: E/W	♦ 8		
	♣ A43		
♠ 76		♠ 954	
♥ A9876		♥ K2	
♦ ---		♦ Q109754	
♣ 1097652		♣ KJ	
	♠ J2		
	♥ QJ3		
	♦ AKJ632		
	♣ Q8		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
2NT(1)	3♠	All Pass	1♦
(1) See The Facts			

**The Facts:** 3♠ made four, +170 for N/S. North called the Director after West's final pass. After the 2NT bid North asked to see E/W's CC. East said "Five-five in the majors." North asked again for the CC and when given it asked, "Where does it say that?" while showing it to East. East claimed she said she was wrong about West being five-five in the majors. North said he heard nothing, yet he bid 3♠. South claimed to have heard East mumble something but could not make out what she was saying. Since North received the proper information before bidding 3♠, without a Director being called, calling the Director after being passed out in 3♠ would then give South an opportunity to bid 4♠ if the auction was backed up. The table result was allowed to

stand (Law 16).

**The Appeal:** N/S appealed the Director's ruling. North said that when West overcalled 2NT he asked East what it meant. East said it showed the majors. North then asked to see East's CC which was marked "2 lowest." He asked East where her explanation was marked but said he did not think she answered. He now bid 3♠ and called the Director when South passed, as he knew something was wrong. South said she heard East mumble something but did not ask what it was. She said N/S were a new partnership. When asked about 3♠ she said she did not think it was forcing. East said she mis-explained the agreement at first. Then, when she realized her error, she attempted to correct it but North had turned to his bid box and was no longer listening. She almost touched him to get his attention but decided not to since North was a large man. She told her partner she was not sure she had been understood, but at least she had tried. West said he clearly heard the correction.

**The Panel Decision:** N/S believed the MI contributed to South's passing a forcing bid. The Director initially backed up the auction and canceled South's final pass; she then bid 4♠ (which made). The Director returned later, explained that he erred, and changed the contract to 3♠ made four. The Panel had to decide if the confusion over East's explanation constituted MI. Since this judgment involved application of law, no players were consulted. Law 75 says that special partnership agreements must be freely and fully available to the opponents. When a player realizes that his own explanation was erroneous or incomplete, he must immediately call the Director. The Director is to apply Law 21 or 40C. In this case, the Panel believed that East had complied with the law in trying to correct her error in explanation and that N/S were responsible for not trying to find out what she had mumbled. Hence, Law 21A was deemed to apply. Since a player has no recourse if she has made a call on the basis of her own misunderstanding, the result assigned by the Director, 3♠ made four, +170 for N/S, was allowed to stand.

**DIC of Event:** Priscilla Smith

**Panel:** Mike Flader (Reviewer), Charlie MacCracken, Richard Strauss, Gary Zeiger

**Players consulted:** none

**Directors' Ruling:** 77.5

**Panel's Decision:** 81.7

☞ Let's see. If N/S believed West's 2NT bid showed the majors, then North's 3♣ bid was clearly a cue-bid and therefore forcing. But that was exactly what N/S said they believed and yet South passed 3♣. So how did *the MI* damage them?

I don't think East did all that was required of her to inform N/S of her error. By her own admission she said "she was not sure she had been understood," so she should have done whatever was necessary to correct the MI, including calling the Director (as required by law) when she discovered her error. Was all that rendered moot when South heard East attempt a correction (although she didn't understand what was said), made no attempt to clarify it, and did nothing to inform her partner that East was attempting to communicate with him? In the absence of the Director call I don't think so (see Ron's comment below).

But since South's pass was made *less* attractive by the MI, and thus N/S were not damaged by it, I agree with the decision to allow the table result to stand.

Most of the panelists are on the same wavelength.

**Bramley:** "Once again the purported MI had nothing to do with it. When North bid 3♣ he meant it as natural. When South passed 3♣ she understood it as natural. N/S's problem was in figuring out whether 3♣ was forcing, but once they figured out that it was natural, the E/W agreements became irrelevant. The Director's first ruling was poor. If the Director had gotten it right the first time then N/S would have earned an AWMW, but in cases of Director confusion it's right to let the appellants slide. (See CASE FIVE for another example.)"

**Passell:** "Good judgment. If 2NT indeed showed the majors, why wouldn't North's 3♣ bid be artificial and forcing? Due to the event I don't believe another AWMW was needed."

**Treadwell:** "An absurd case, and an AWMW should, perhaps, have been issued, but in view of the inexperience of the players, perhaps not."

**Polisner:** "Agree on all accounts."

☞ The next panelist disagrees with the decision to allow the table result to stand.

**Rigal:** "I think E/W were not held to nearly high enough standards. Ask yourself whether N/S would have stopped out of game had East explained the bid properly. I think not. If North (even with contributory negligence, and I am not conceding that) is left with the wrong impression about the call, then there has been MI. I'd give both sides 420; even if N/S don't deserve it, E/W do."

☞ Wasn't it clear that North didn't believe East's explanation when he asked her where it was on her CC and then didn't even wait for an answer before bidding 3♣? Wasn't it clear that North intended 3♣ as natural, that South took it as natural (she passed), and that the meaning of 2NT then became irrelevant (as Bart points out above)? Where was the damage from the MI? East got confused, gave a mistaken explanation, tried (ineffectively) to correct it, and erred in not calling the Director. Does she deserve the worst possible result on the board when none of this had any discernable effect on the opponents? Would South really have been *less* likely to pass 3♣ if she had been told that spades was *not* one of West's suits? I think not.

The next panelist, while applying the laws better than the Panel did, misjudges the bridge issues just as Barry did.

**Stevenson:** "The Panel explains the Law, which says that if someone realizes their own explanation is erroneous he 'must' call the Director immediately. They then say the Law was complied with even though the player did not call the Director.

"Directors have wide powers to solve MI problems when they are called, and it is not good enough for E/W to take matters into their own hands and not call the Director. In this case, what would the Director have done? She would have made absolutely sure, however big a man North was and however small the Director was, that North knew the explanation had been changed. Since this was before North called it would now be up to N/S to reach game. As a result, E/W should receive the benefit of 4♣ making. Why did North go wrong? He read the CC and knew what it said. But South was still misled, so it is correct to adjust for N/S also.

"Finally, there is the question of calling the Director. While players are required to call the Director in any situation where attention is drawn to an irregularity, not unreasonably many players do not. When a player takes a pile of bidding cards out, discovers that 3♥ has stuck to the 3♦ he meant to bid, he says 'Sorry' (which draws attention to the irregularity) and changes it without benefit of the Director. Reasonable, and 99% of players do the same. What players need to learn (and one European authority is trying to teach its players this via its magazine) is that there are some situations where it is far more important than usual to call the Director immediately. Foremost among these is where MI has been given but realized during the hand. The Director's extra powers (e.g., taking players away from the table to sort out the situation) cannot be applied if he is not called. Perhaps the ACBL should put similar articles in the Bulletin.

"The principle of calling the Director should be explained to E/W, and the score adjusted because they did not call him as required by Law."

☞ Famous last words...

**Wolff:** "Okay, but much ado about nothing."

☞ Nothing is what he hasn't seen yet...

**Gerard:** "It would be nice if application of the law involved understanding of the law. The Panel can't see the forest for the trees. 'Must' is the strongest imperative in the Laws; in fact in the new draft version the failure to do what one 'must' do is cause for penalty. So the Panel was wrong that East had complied with the Laws; the only way to do that was to call the Director. In that event, the Director would have required East to correct her explanation and both North and South would then proceed with full knowledge of E/W's agreement. Not having followed proper procedure, it was East's responsibility to make her correction clear, not N/S's to decipher her mumbling. It seems likely that East was intimidated and therefore didn't assert herself optimally.

"What really happened was that 3♣ was a cue-bid and South passed it. Under Law 40C N/S were not damaged by their opponents' failure to explain the full meaning of 2NT; their own incompetence got in the way. So although Law 21A isn't quite on point, N/S had no case. If instead South thought East had corrected her explanation, then N/S didn't have an understanding about 3♣ and again there would be no recourse.

"However large North was, it was inappropriate to call the Director after South's pass. Does it look like she knows that? And that wasn't all the Directing staff did wrong. The auction can't be backed up after it is passed out: the most that could happen was the award of an adjusted score. That at least was corrected. But the Panel's assertion that consultants were unnecessary looks like it had prejudged the outcome. What if they properly found that there had been MI and had to decide under Law 40C whether it was the cause of the damage, wouldn't that have involved a matter of bridge judgment? If they thought that the determination of MI was solely a matter of law, they need to get a firmer grasp on the context of the Laws. I know one or two consultants who might have helped them out."

CASE FORTY-TWO

**Subject (MI):** Redistributed Assets

**Event:** Stratified Open Pairs, 25 Jul 02, First Session

Bd: 27	♠ K		
Dlr: South	♥ 42		
Vul: None	♦ J10543		
	♣ AJ1094		
♠ Q1063		♠ A8542	
♥ 97		♥ AQ105	
♦ 982		♦ AQ76	
♣ K752		♣ ---	
	♠ J97		
	♥ KJ863		
	♦ K		
	♣ Q863		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			Pass
Pass	Pass	1♠	Pass
3♠(1)	Pass	4♠	Pass
Pass	4NT	Pass	5♣
Dbl	All Pass		
(1) Alerted; Bergen raise, Alert not heard by North			

**The Facts:** 5♣ doubled went down three, +500 for E/W. The opening lead was the ♠Q. The Director was called at the end of the auction. 3♠ was Alerted but North did not hear it. He maintained that he would not have bid 4NT had 3♠ been Alerted properly (making sure he heard the Alert). The contract was changed to 4♠ down one, +50 for N/S.

**The Appeal:** E/W appealed the Director's ruling. E/W maintained that East had orally Alerted West's 3♠ bid. They thought that South, having heard the Alert from the soft spoken East, should have made some effort to make sure that North, who is slightly hard of hearing, also heard it. East admitted that he did not use the Alert Card and, indeed, was not aware that he was required to use it for an oral Alert. South asked the meaning of the Alert after the auction was completed. At this point North said "What Alert?" and called the Director because South and West were arguing about the proper Alert procedure. (East and

West each had about 400 masterpoints.) N/S agreed with the facts as given by the appellants. North said he was a "little" hard of hearing and would not have bid 4NT had he heard the Alert and received an explanation. South thought that East should have used the Alert Card and was "teaching" E/W the proper procedure when the Director was called. (North had 1260 and South 960 masterpoints.)

**The Panel Decision:** Three expert players were consulted. All said that they would never consider bidding 4NT and none of them believed there was any relation between the Alert and the decision to bid it. The Alert didn't increase or reduce the E/W combined holding; it simply redistributed it. Four players with 1000-1500 masterpoints were polled; none would consider 4NT at this vulnerability. The Panel decided that the damage to N/S was unrelated to the improper Alert; as the experts said, the Alert didn't change the combined E/W assets, it merely redistributed them. The table result of 5♣ doubled down three, +500 for E/W, was restored.

**DIC of Event:**

**Panel:** Ken VanCleve (Reviewer), Mike Flader, Patty Holmes

**Players consulted:** Mike Cappelletti Jr., Ken Gee, Michael Huston, and four players with 1000-1500 masterpoints

**Directors' Ruling:** 47.9

**Panel's Decision:** 91.7

✍ Using bid boxes, the proper (and required) procedure is to show the Alert Card or Strip (as a visual cue) and also to say "Alert" (as an auditory cue). This protects

an opponent who may have a visual or a hearing deficit. By regulation, an Alerter is also responsible for making sure that both opponents perceive the Alert. Clearly East did not live up to these obligations.

It is true, as the consultants noted, that North's 4NT bid was not a main-stream action and therefore hard to attribute to the flawed Alert. Still, North did tell the Director at the end of the auction *before the whole deal was known* that he would not have bid 4NT had he been properly Alerted. That goes a long way in my book to lending credence to North's claim, regardless of my own dim view of his 4NT bid. My own experience with players of North's level is that their actions can be difficult to relate to expert practice. But that does not mean, whatever his reasons for bidding 4NT, that his action was unrelated to what he thought the strength of the 3♠ bid was, and thus to the Alert. He may have reasoned (no matter how flawed that reasoning was) that if West was weaker, South might be stronger and thus there was less reason to gamble on a save. He may even have chosen to bid 3NT a round earlier, and thus avoided the five-level fiasco. (Of course he might have done this anyhow, but the Alert might have made the situation clearer to him.)

I would change the contract to 4♠ down one, +50 for N/S. Even if I could be convinced that North's 4NT bid was so egregious as to sever the connection to the infraction (a conclusion I reject for players at this level), I would still adjust E/W's score to -50 in 4♠. (Note: while 4♠ is cold, the play in many of the variations—too many to discuss here—is quite difficult and in practice it is far more likely to fail than to succeed.)

Not surprisingly, I'm alone in my views on this one. In fact, the opposing forces are quite passionate in their position.

**Bramley:** "Down three with the lead of the ♠Q? N/S sure had a lot of trouble taking their tricks in 5♣ (see CASE FIFTEEN). Anyway, the Director made a terrible ruling. If he had let the result stand an appeal by N/S would have been meritless.

"Why was North suddenly aggrieved when he got the explanation? What difference could it have made to him? Unfortunately, his behavior is all too common: a knee-jerk response that he would have acted differently if he had had different, albeit irrelevant, information. Consciously or not he was taking two bites at the apple, guaranteeing that cops and lawyers would soon be on hand if his first action didn't work out. Reprehensible."

**Gerard:** "Yes, that's a nice description of my position in CASE THIRTY-SEVEN: the Alert merely redistributed the combined assets. North's argument was that he wouldn't have competed against a weaker raise than the one he thought he was facing, which is the reverse of the usual self-serving statement in this position. Everyone but the Director could see this for what it was worth. Nice work by the consultants."

**Rigal:** "I sympathize with the Director here but think the point the Panel made was sufficiently clear that he might have picked up on it. The Panel would, to my mind, have given an AWMW had the other side won at the first hearing. Bidding 4NT is more, not less, attractive after the preemptive raise."

**Treadwell:** "Okay, except for the failure to award an AWMW to N/S. If North did not hear the Alert, then presumably 3♠ was a limit raise and there would be even less reason for North to bid 4NT. Incidentally, it seems that South should go down but two after the ♠Q lead."

✍ The previous panelists seem to have their rationale for bidding with the North hand backward. In constructive bidding, it's true that one usually bids more when the opponents are weaker and less when they're stronger. However, in sacrifice bidding (given an adequate trump fit for a save) one is usually more inclined to save when the opponents are stronger—and thus more likely to make their contract—and



to defend when they are weaker—and thus there’s a greater chance of their contract failing. North’s 4NT bid and his rationale for changing it with the proper Alert are consistent with the latter situation.

**Passell:** “Good work by the Panel. I would like to know if the Director made his ruling after consulting these players and overruling their judgment or whether he didn’t even bother to consult. North took a unilateral action and took his chances.”

✍️ Again, players are not consulted on table rulings; only on Panel-based appeals.

**Polisner:** “When North took his life in his hands, he got what he deserved. I would have considered an AWMW.”

**Stevenson:** “No damage; fair decision. But I trust that East was told to Alert properly in the future. Quite a high proportion of North American players seem to believe that regulations are optional, and thus cause unnecessary trouble.”

**Wolff:** “Agree.”

✍️ I can certainly understand the panelists’ position, given the unsavory character of North’s 4NT bid. But this player, who was apparently inclined toward gambling actions, tried to rescind his 4NT bid before he knew whether his gamble would have paid off. To suggest that his action was unrelated to the Alert implies there was no logic to that action—an easy position to take when the action is at odds with one’s own bidding judgment. But that seems to me just another version of the Intelligence Transfer trap.

We tend to assume that there is no logic or reason behind actions we violently disapprove of. But North’s bridge judgment here, while it may have been skewed, was neither illogical nor irrational. North may have been looking for a “magic” save when he thought E/W were odds-on to make their game. But 4NT was surely a speculative action, it was not a “wild and gambling” one. It was entirely logical and rational for him to be less inclined to save once he discovered that West was much weaker than he was originally led to believe, and that his partner might therefore be stronger—or at least that his values might be working better on defense, being more advantageously positioned behind the opener.

Sorry, but for me that’s more than enough to adjust E/W’s score, and adequate to protect N/S as well—however much I disapprove of North’s 4NT bid.

**Subject (MI):** A Matter Of Regulation  
**Event:** 0-1500 Mini Spingold, 26 Jul 02, First Semifinal Session

Bd: 26	♠ A10852		
Dlr: East	♥ 962		
Vul: Both	♦ K2		
	♣ KJ3		
♠ 93		♠ Q74	
♥ AQJ7		♥ K10854	
♦ A973		♦ Q85	
♣ 1087		♣ Q2	
	♠ KJ6		
	♥ 3		
	♦ J1064		
	♣ A9654		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1♦	1♠	Pass	Pass
3♥	Pass	3NT	All Pass

**The Facts:** 3NT went down six, +600 for N/S. The opening lead was the ♠6. The Director was called when play was completed. 2♥ was explained as a spade raise to West; East did not ask what it meant. The Director ruled that there had been no violation of law since the 2♥ bid was not Alertable. The table result was allowed to stand.

**The Appeal:** E/W appealed the Director’s ruling. North did not attend the hearing. West asked the meaning of the 2♥ bid and was told it showed spade support. East did not ask on her side of the screen and said she assumed her partner’s 3♥ was a Western cue-bid. She was informed by the Reviewer that the 2♥ call did not require an Alert but she insisted on continuing with the appeal because she thought the

normal meaning of the bid was “natural” and that the Directors were misrepresenting the Alert chart. E/W did confirm that their negative doubles always showed four cards in the other major. N/S said they didn’t Alert the 2♥ bid because they knew it didn’t require one.

**The Panel Decision:** The Alert chart defines a cue-bid as a bid in a suit which an opponent has either bid naturally or in which he has shown four or more cards. The Alert chart also states that most cue-bids are not Alertable and gives the exceptions. Since East’s negative double showed at least four hearts, the 2♥ cue-bid was not Alertable. For confirmation, the Reviewer spoke with two National Directors, Millard Nachtwey and Henry Cukoff, and the ACBL Appeals Administrator, Rich Colker. All said that the 2♥ bid was not Alertable. The Panel allowed the table result to stand and issued an AWMW to E/W and their team captain.

**DIC of Event:** Richard Strauss

**Panel:** Ken VanCleve (Reviewer), John Ashton, Matt Smith, Gary Zeiger

**Players consulted:** Rich Colker, Henry Cukoff, Millard Nachtwey

**Directors’ Ruling:** 78.3

**Panel’s Decision:** 72.9

✍️ When a player has shown four-plus cards in a suit and an opponent then bids that suit, that’s defined as a cue-bid. By regulation such a bid is not Alertable unless it is natural and occurs in direct seat over an opponent’s opening bid. But even without the Alert procedure East had to know that there are (at least) two possible meanings when an opponent bids a suit his side has shown: (a) it is natural, or (b) it is artificial, showing a fit for partner, a good hand, or some other feature. South being a passed hand further lessened the chances that 2♥ was natural. Not only was the 2♥ bid not Alertable, but East could easily have asked it’s meaning.

On another note, why, in this auction, would West make a Western cue-bid in a suit that East had already shown?

E/W's pursuit of this appeal was ridiculous, earning them the AWMW they so richly deserved. Unfortunately, most of the panelists seem not to understand the Alert procedure any better than E/W, which is even more surprising coming from the next man who chaired the ACBL Committee that passed the new procedure.

**Bramley:** "N/S fulfilled the letter of the law but not the spirit. Making your opponents guess that they should be asking about natural-sounding bids is contrary to the intent of the Alert procedure. Without screens there are good reasons not to Alert fuzzy bids like 2♥, but with screens North should be obligated to inform his screenmate that 2♥ is artificial. This is especially important for bids that most people play as natural. To be fair, the auction was unusual enough that East might have asked questions, but once he assimilated 2♥ as natural, it became hard for him to adjust his thinking. Alas, I am well aware that having recently endured significant changes to the Alert procedure, we are unlikely to see this problem fixed soon."

☞ I don't understand what needs to be fixed here. South, a passed hand (who did not open a weak-2♥ bid), bids the suit that East showed. (Yes, some players do not promise four cards in an unbid major and even those who do sometimes don't have it.) Call me crazy, but that certainly sounds like some sort of artificial raise to me. But even if it is natural (as it sounds to some panelists), it is still a cue-bid and thus is non-Alertable.

One key aspect of the new Alert procedure is its simplicity: a cue-bid is not Alertable unless it is a natural, direct-seat overcall of a natural opening bid (e.g., 1X-2X). All other cue-bids are treated as self-Alerting. Why complicate this?

In behind-screen events like the late rounds of the Team Trials, the Spingold or the Vanderbilt I'd expect experienced players to "narrate" their artificial bids to their screenmate. But here we were dealing with players who were probably playing behind screens for the very first time.

**Gerard:** "So it's okay for N/S to guess as long as they guess correctly. They couldn't 'know' they didn't have to Alert without asking about the double, which would have woken East up. They just made the default assumption, which would turn out to be correct in most cases. But isn't correct procedure for them to ask? And what if E/W would have had a different answer, such as 'Suggests four but could be made on an awkward hand in a pinch'? Since E/W would not have been required to Alert that treatment, N/S really couldn't know. It looks like N/S lucked out, but I would have liked to see a discussion about N/S's responsibilities. At the very least, the AWMW should not have been issued. The Panel appeared to take umbrage at East's questioning of the Directors, but in a way she was right that they were misrepresenting (or under-representing) the Alert chart."

☞ Of course they could know they didn't have to Alert the 2♥ bid without asking about the double. It's right there in the Alert chart. Under Alertable cue-bids only a "Direct cuebid of natural opening bid played as natural" is Alertable. Thus, a cue-bid (2X or 2Z) in the auction: 1X-1Y-1Z (or Dbl, showing Z) is not Alertable.

The Panel was right on target here and neither mis-represented nor under-represented the Alert chart. South's cue-bid was clearly non-Alertable. That's what the two National Directors and I told them, and that's what they told E/W.

**Passell:** "I feel compassion toward E/W, especially in this event. The AWMW seems too harsh in this case when others in previous cases were allowed to skate away free."

☞ Some of those other cases clearly shouldn't have skated away free. But a more important difference between those cases and this one is that the ruling here was a matter of regulation while those other rulings involved bridge judgment. E/W here were told in no uncertain terms what the regulations were and chose to appeal the

ruling anyhow. This may be the poster child for wasting a Committee's time.

**Polisner:** "Based on the ACBL regulations, there is no Alert required; however, I think that ACBL should review this issue as I am quite sure that many negative doubles—which are supposed to show four of the other major—sometimes have only three. Since the normal understanding of a cue-bid is in a suit that was bid (not implied), an Alert should be required. Since there was no MI, and since the appellants were so informed, the decision is appropriate."

☞ It doesn't matter whether the negative double *shows* (i.e. guarantees) four of the other major or only *suggests* four. In either case advancer's bid of the suit "shown" on his right is a cue-bid (by definition) and is not Alertable—whatever its meaning. The definition of a cue-bid was changed to remove the problems created by the previous definition. For example, suppose the auction starts on your left 1NT-P-2♥ (transfer). You bid 2♠. Isn't that clearly a cue-bid even though RHO didn't actually bid spades (he only implied them)? And why should a 3♥ bid by you be treated as a cue-bid when neither opponent has shown the suit? Because RHO "bid" it? Humbug!

**Rigal:** "I can't believe that the rules say this. And even if they do, it seems blatantly absurd to me. If North did not Alert the call I'm guessing he too was taking it as natural. If a bid is made that sounds natural to two or three of the players at the table, then it should be assumed to be natural, not a cue-bid. It has been said before; 'The law is a ass.' That has nothing to do with the case, which was presumably properly decided. But E/W have done us a favor by demonstrating the absurdity of the law, so the AWMW is harsh even if technically merited."

☞ I can't believe the above comment makes so little sense.

There's no reason to believe North took 2♥ as natural since it wasn't Alertable in any case. And, again (see my response to Ron's comment), why does 2♥ sound natural to so many people? I suppose in Barry's best-of-all-possible-worlds a player must first poll the other players at the table to determine whether a bid "sounds" natural to them before deciding if it needs to be Alerted. Good grief.

**Wolff:** "The theater of the absurd. Of course the 2♥ bid should be Alerted. It is a normal sounding bid, not a cue-bid, and any Director or Panel that hides behind this is laughing at the wording of the laws. Reasoning is what separates humans and jackasses and if everyone continues to pay homage to a ridiculous assumption we are born dead and there is no hope. Strong message to follow."

☞ What else can I say except that the prime actor in his "theater of the absurd" is closer to Bobby than he probably suspects.

The following panelists are the only ones who got this right, without adding any spurious or ill-informed comments about the way things "ought to be" to deflect us from the simple truth.

**Stevenson:** "East seems to be uninterested in the regulations (compare CASE FORTY-TWO). I trust that at the time of the ruling the Director showed them to her in writing."

**Treadwell:** "Nice to see an AWMW, but why not two or more?"

## CASE FORTY-FOUR

**Subject (MI):** The Namyats That Never Was

**Event:** NABC Fast Pairs, 27 Jul 02, First Qualifying Session

Bd: 2	Michael Shuster		
Dlr: East	♠ QJ105		
Vul: N/S	♥ AKQ105		
	♦ ---		
	♣ AK43		
Zhong Yi	Fred King		
♠ A7	♠ 93		
♥ 94	♥ J62		
♦ KQ32	♦ AJ109765		
♣ J10986	♣ 2		
	Jeffrey Goldsmith		
	♠ K8642		
	♥ 873		
	♦ 84		
	♣ Q75		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		4♦	Pass
4♠	Dbl	Pass	Pass
5♦(1)	Dbl	All Pass	
(1) BIT			

**The Facts:** 5♦ doubled went down one, +100 for N/S. The opening lead was the ♣Q. The Director was called after the play. E/W did not play that 4♦ transferred to 4♠. There was no tempo problem until the 5♦ bid. N/S said the hesitation was noticeable; E/W acknowledged a slight pause. N/S did not want an adjustment for themselves, but believed the opponents' score should be reduced. The Director decided there was insufficient evidence to rule that there had been an intentional deviation in tempo to deceive the opponents (Law 73D2). The Director was also not called when dummy appeared, which made it harder to get agreement about the timing. The table result was allowed to stand.

**The Appeal:** N/S appealed the Director's ruling. West did not attend the hearing. N/S alleged that there had been a 5-second or

so BIT before West bid 5♦. East said he did not believe there had been a BIT.

**The Committee Decision:** The Committee believed that there was no clear evidence of a BIT and allowed the table result to stand. This was in part because of the timing of the Director call—neither at the alleged break nor when dummy was tabled. The Committee noted that if a BIT had been established the appropriate section of the Laws would have been 73F2, not 73D2. This report was referred to the Recorder due to the allegation that West could or should have known that a BIT in this situation (even though the evidence that one had occurred was inconclusive) could work to his side's benefit.

**DIC of Event:** Ron Johnston

**Committee:** Henry Bethe (chair), Richard Popper, John Solodar

**Directors' Ruling: 82.9**

**Committee's Decision: 72.9**

✍ I don't see how the timing of the Director call was relevant, nor does...

**Gerard:** "It doesn't matter if you call the Director when dummy appears, they just deny it then rather than later.

"The Committee's F vs D distinction was unnecessary. The Director merely said that there had been no violation of the Proprieties. 73F2 is not self-executing. That makes the Recorder referral hard to understand. 73D2 was necessary for a Recorder referral, otherwise West had not committed a Recordable offense. Merely to say that West would have been subject to an adjusted score had there been

evidence of an illegal deception is to state the obvious. How does that gain him entry to the black book?"

✍ Even if West did pause before bidding 4♦, there could be a clear bridge basis for it ("It was too easy for South to pass North's takeout double. Something's fishy here. Could partner really have a natural 4♦ opening when I hold ♦KQxx? Who should I trust, partner or the opponents?"). Thus, under the appropriate Law (73F2) there was no illegal deception.

**Bramley:** "The write-up obfuscates the issue of whether 4♦ was Alerted, apparently not. So this was a straightforward 4♠ psych by West followed by an alleged reluctant pull to 5♦, right?"

"Five seconds is almost never enough time to establish a BIT, and this is no exception. N/S apparently expected West to bid in a tempo that was equivalent to holding a sign over his head reading 'I psyched.' I don't accept that. West should bid in a normal tempo (5 seconds certainly qualifies), and N/S have to work out the psych from the logic of the auction, which is plentiful. West is not allowed to bid in a deceptive tempo, but equally he is not obligated to bid in a revealing tempo. N/S seem to be confusing the two. This is another example of a pair unwilling to take their lumps when their opponents succeed with an unusual action. I would have considered an AWMW for N/S."

✍ Neither Henry's write-up nor the appeal form indicates that 4♦ was Alerted. But that doesn't automatically brand West's 4♠ bid as a psychic. After all, if he couldn't remember his agreement then a 4♠ bid would simply be insurance, correcting to the right contract or upping the ante to 5♦ (hoping to use his table presence to judge what to do later). Otherwise, Bart's observations are right on target.

**Stevenson:** "Why did West bid 4♠? Was it a psych or did he think for a moment he was playing Namyats? If it was a psych then a BIT was, indeed, unreasonable. However, if West had a brainstorm then it would be reasonable to consider before changing his mind and treating 4♦ as natural. I do not like N/S's reason for appeal: namely, that it was not for themselves. Fair enough to ask for a ruling, but after the poorly timed call, the appeal was designed to waste people's time."

**Rigal:** "The Recorder form seems appropriate. I am not sure that an AWMW is not in place because the players could not have expected an adjustment once the facts were established. Maybe the fact that N/S were not asking for an adjustment for themselves makes a difference; I am unconvinced."

✍ I think one would have to have been there to make a sensible decision about an AWMW.

Our little lost lamb is baa-ack...

**Treadwell:** "Okay, but what's the problem for North? BIT or no BIT, West groped for the right bid and groped correctly. This conveyed no information to East beyond uncertainty, which obviously he took no advantage of. Why no AWMW?"

✍ Uh, this was a MI case, Dave, not a UI case.  
And now for our lunatic fringe...

**Polisner:** "Depending upon West's skill level he should have known that N/S could make at least five of a major. If West said he originally thought they were playing Namyats and after the double was trying to recall if that was the case, I would not award any adjustment. If he couldn't come up with a valid reason for hesitating, I would adjust the E/W score to at least -480 and probably -980 and refer him to a disciplining committee for coffee housing. However, if the fact finder could not

determine an unmistakable BIT, the table result stands.”

☞ So West could get off the hook simply by claiming he couldn't remember if he was playing Namyats. Really?! And we can assume that 5 seconds should be treated as a BIT here?! Indeed!?

Along similar lines...

**Passell:** “Another smelly one but rules are rules. I guess the Director's and Panel's hands were tied. My intuition is that a BIT must have occurred—especially given West's absence from the hearing.”

**Wolff:** “Should be adjusted. I applaud N/S for not wanting an adjustment, but I would give them one. If West broke tempo and he probably did then a disciplinary penalty would be in order.”

☞ Homework for the above panelists: Read Bart's comment if you haven't done so already, or reread it if you've forgotten it.

## CASE FORTY-FIVE

**Subject (Acquiescence):** When Is A “Segment” Not A Segment?

**Event:** Grand National Teams Flight B, 19 Jul 02, Round of 8 (Afternoon Session)

Bd: 8	♠ 9		
Dlr: West	♥ AK1042		
Vul: None	♦ Q42		
	♣ KQJ10		
♠ QJ1064		♠ 83	
♥ Q863		♥ J7	
♦ AK		♦ J9753	
♣ 72		♣ 8654	
	♠ AK752		
	♥ 95		
	♦ 1086		
	♣ A93		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1♠	Dbl	Pass	1NT
Pass	2NT	Pass	3NT
All Pass			
<hr/>			
<b>The Play (West on lead):</b>			
Trick	1	♠Q, ♠9, ♠8, ♠7	
	2	♠J, ♥2, ♠3, ♠A	
	3	♥9, ♥3, ♥4, ♥J	
	4	♦5, ♦6, ♦K, ♦2	
	5	♠10, ♦4, ♦7, ♠K	
	6	♠A, ♠2, ♠10, ♠4	
	7	♣3, ♣7, ♣J, ♣5	
<hr/>			
		♠ ---	
		♥ AK10	
		♦ Q	
		♣ KQ	
♠ 64		♠ ---	
♥ Q86		♥ 7	
♦ A		♦ J93	
♣ ---		♣ 86	
		♠ 52	
		♥ 5	
		♦ 108	
		♣ 9	

**The Facts:** 3NT went down one, +50 for E/W. The opening lead was the ♠Q. The play went as shown, West claiming the last two tricks in the diagramed end position. Declarer acquiesced. The Director was called several minutes after the acquiescence; both pairs were taking a break at the three-quarters mark of the match. The board had been sent to the other table. After some further thought (but not discussion), declarer asked to withdraw his acquiescence of conceding two tricks to the ♦A and ♥Q (after cashing two good clubs and two top hearts). He said if he cashed two top clubs, one top heart, and led the ♦Q to West's ace West would be forced to lead from his ♥Q8 into dummy's ♥K10. The Director ruled that it was too late to withdraw acquiescence: the segment had ended when the table passed Board 8 (of 16) and took a break. The table result was allowed to stand.

**The Appeal:** N/S appealed the Director's ruling. N/S contended that the segment was not over since they (the acquiescing side) had not made a call on a subsequent board. Further, South had found the endplay by himself: He planned to cash his clubs and the ♥A, then think about the play to trick eleven. South thought it was unlikely that he would play West for the ♥Q and the ♦A3. Why would West hold the ♦3 and discard the good ♠6? E/W said that declarer did not find the endplay in time. East had cleverly concealed the ♦3 so South might have thought West's last three cards were the ♥Q and the ♦A3. If West had not needed to go to the bathroom, the table would have been well into the play of Board 9 and it would have been too late to withdraw acquiescence. The Conditions of Contest state “A segment of a match is completed when the teams have agreed upon a score.”

**The Panel Decision:** Law 69A states:

“Acquiescence occurs when a contestant assents to an opponent’s claim or concession, and raises no objection to it before his side makes a call on a subsequent board, or before the round ends.” The Panel equated the word “segment” from the Conditions of Contest with “round” in Law 69A, and thus decided acquiescence had not occurred. Law 70A tells the Director to resolve any doubtful points in favor of the non-claiming side. Since West could be endplayed and since South eventually found that line of play, the Panel resolved the claim against E/W and assigned the contract of 3NT made three, +400 for N/S. Note: while the Panel was deliberating, there was another appeal by a different team in the same event. With only a little over 1-1/2 hours to the start of the next match, the Panel regrettably rushed their (first) decision of this case by agreeing with the ruling made by the table Director. After the other appeal was finished, the Panel did what they should have done earlier: they read Law 69A. Since they had incorrectly applied the Law, they re-opened the case and changed their decision to the one indicated. The two teams were located and notified of the change, and the Panel offered the players their heartfelt apologies.

**DIC of Event:** Richard Strauss  
**Panel:** Charlie MacCracken (Reviewer), Mike Flader, Matt Smith  
**Players consulted:** none reported

**Directors’ Ruling: 51.9**      **Panel’s Decision: 75.7**

✍ If a segment of a knockout match is considered the equivalent of a round under Law 69A, then the Panel made the correct decision since N/S had made no call on a subsequent board. Were they equivalent? The law book defines a round to be: “A part of a session played without progress of players.” In a knockout match, players are only allowed to change tables or make lineup changes at the beginning (or end) of a segment. Thus, it does seem that a segment equates with a round.

The following panelist addresses this point...

**Stevenson:** “Why did the Panel equate ‘segment’ with ‘round’? Round is used in the laws, round is defined in the laws, and whether a segment had finished or not is of no consequence to this ruling. Was Board 9 played by the same players without being allowed to change their line-up or score? If so, it was the same round as Board 8 and Law 69A applies. The Panel decision was therefore correct. However, if they are allowed to change their line-up at this time there has been a progression of players, and the round ends (Law 8B) when the Director gives the signal for the start of the next round. It did not sound as though this had happened either, so the round has not ended in this case either.”

✍ Since the write-up says this was Board 8 of 16, the segment had only reached the halfway point. It is not unusual for players to take a short break halfway through a segment, and certainly no lineup changes are permitted at that time.

Several panelists wonder why the Director(s) involved in the original ruling did not seek input from “higher authority”—or at least read the law book—before making their ruling. They also praise the Panel for correcting the errors.

**Bramley:** “The Director wasn’t under time pressure. He might have taken a peek at his law book before making his ruling. Isn’t that why they carry them around? Even someone not conversant with the laws but possessing a little common sense would have gotten this one right. At least the Panel was conscientious enough to find their error eventually.”

**Passell:** “What a mess. Shouldn’t the Director know the law and apply it here? This wasn’t bridge judgment, it was law. We have to commend the Panel for getting it wrong, admitting their mistake, and then getting it right. Well-done indeed.”

**Rigal:** “Poor initial Director ruling. If the laws state the answer, maybe they should be consulted. The Panel recovered sufficiently, but only just. Having said that, their bottom line came out right, I think, and they did do a good job of apologizing in print and to the players.”

**Polisner:** “Good work by the Panel in being willing to correct a wrong decision.”

**Wolff:** “Acquiescence is a tricky thing and this ruling, based on law, seems okay. It is only when acquiescence occurs and it is obviously wrong should the law recognize this and change the score late.”

✍ Once again, baa...

**Treadwell:** “This decision bothers me. First, perhaps South would have found the winning endplay, but I think it unlikely. Second, South erred at trick one in playing the ♠7. Had he retained it and subsequent play proceeded as indicated, it would have been a trick. All in all, I would have agreed with the table Director’s ruling but perhaps the laws in a murky sort of way allow the Panel’s decision.”

✍ In a claim, a member of the non-claiming side need not justify that he would have found the line of play to foil the claim at the table. He can look at all four hands, consult with his partner, and if he finds a flaw he can dispute it—as long as he does so before there has been acquiescence (which, as we’ve seen, is not until he assents to the claim *and* his side makes a call on a subsequent board or the round is called). Note that acquiescence does not occur as soon as the opponents assent to the claim. They may change their minds freely until they’ve either made a call on a subsequent board or the round is called. Thus, assent and acquiescence are very different things.

Of course the situation changes once acquiescence has occurred. For example, once the acquiescing side has made a call on a subsequent board, acquiescence can only be withdrawn if they agreed to the loss of a trick that their side actually won, or to the loss of a trick that could not, in the Director’s judgment, be lost by any normal play of the remaining cards.

Finally, any errors that an assenting player committed earlier in the hand are immaterial. Changing from assent to dissent is not the same as adjudicating a disputed claim, as mentioned above, where the intent of the claimer (or in this case assenter) needs to be judged. Once there’s a claim, the opponents are entitled to look for any flaws in it and, if they find one, gain from it whether or not they were likely to have found the alternate line at the table.

So the Panel made the right decision, even if only after a brief detour.

## CASE FORTY-SIX

**Subject (Played Card):** The Underlead That Deceives

**Event:** Stratified Pairs, 19 Jul 02, Second Session

Bd: 21	♠ KJ104		
Dlr: North	♥ 86		
Vul: N/S	♦ QJ8		
	♣ A1072		
♠ 96		♠ Q8752	
♥ K542		♥ Q7	
♦ 1065		♦ K742	
♣ K863		♣ J4	
	♠ A3		
	♥ AJ1093		
	♦ A93		
	♣ Q95		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	Pass	1♥
Pass	1NT(1)	Pass	2♣
Pass	2NT	Pass	3NT
All Pass			
(1) Semi-forcing			

**The Facts:** 3NT made five, +660 for N/S. The opening lead was the ♠5, won by the ten. The play then went: ♥8, queen, ace, two; ♥J, ducked; ♥10 to the king. West then led the ♣3 and declarer played the two. When East followed with the jack, declarer said “nine, king, queen.” Declarer said he assumed West wouldn’t underlead and that East would win the king, but he would never duck the jack. The Director ruled that the nine was played (Law 45C4a). In order to be ruled inadvertent, a card designated from dummy must be corrected without thought. The Laws Commission has instructed that the burden of proof is on declarer and the standard is “overwhelming.” It was believed that declarer expected the king to be played and may not have “seen” the jack.

**The Appeal:** N/S appealed the Director’s ruling. North said it took less than one-tenth of a second for

him to correct the ♣9 to the king, and another half-second to correct the ♣K to the queen. East thought North might have taken a fraction of a second longer but the correction was very quick. East thought North might have changed his mind.

**The Panel Decision:** North said he assumed that West would not underlead his ♣K at trick five, so the Panel believed he was expecting the ♣K to be played. Thus, he may have been intending to duck and changed his mind after he started to call the card from dummy. Therefore, the table result was allowed to stand. An AWMW was not issued because the decision was a close call.

**DIC of Event:** Gary Zeiger

**Panel:** Charlie MacCracken (Reviewer), Matt Smith, Ken VanCleve

**Players consulted:** none reported

**Directors’ Ruling:** 79.0

**Panel’s Decision:** 76.2

✍ This is precisely the same situation as when declarer leads a low card toward the ace-queen in dummy, calls for the queen just as the king is played on his left, and immediately tries to change his call by saying “Queen, ace.” It does not matter that the correction was made immediately when it so clearly was prompted by the sight of the king. The new information caused declarer to *change his mind*, so the original designation was not inadvertent. At the time the queen was called declarer intended to play that card, as opposed to it merely having been a slip of the tongue.

We’ve discussed this *type* of situation before (see Vancouver, CASE THIRTY-SEVEN: the infamous “Oh, S\*\*t” case) and the Laws Commission’s views on the subject have been reported here. To summarize those views (as they apply to the present case): (a) A slip of the mind is not inadvertent; (b) the burden of proof of

inadvertency is on declarer; the standard of proof is ‘overwhelming’; (c) if the next player plays before the attempted correction and it’s possible that the play could have cued declarer that his designation from dummy was a mistake, a ‘pause for thought’ has occurred and no change is to be permitted; and (d) there is a strong presumption that the card declarer called is the card he intended to call.

Therefore, both the Director and Panel were correct to rule that the ♣9 was a played card. Agreeing...

**Passell:** “I am glad that sanity prevailed this time. A similar and infamous case once produced a very different result.”

**Stevenson:** “Who cares how long it took for declarer to change his mind? It was not inadvertent because he was expecting the king, so it may not be changed. Since this is a completely automatic ruling, an AWMW should have been issued. I do believe that the standard set on declarer by the Laws Commission is unfortunate, and is merely an over-reaction to the ‘Oh, S\*\*t’ case. Directors should be warned of the dangers, fine, but the standard as for other judgment decisions should be compelling evidence.

“This case is similar to one used in Club Directors’ courses around the world. Declarer leads towards the ace-queen in dummy, and when the king is played says, all in one breath, ‘Queen-no-I-mean-ace.’ To pass the course, Directors must not allow the change: it is a change of mind, not an inadvertent call.”

✍ Even though he “stole” my example, I agree with David that this ruling should have been much closer to automatic than it was. (Note that one should tread with care in these situations; an “automatic” ruling is a dangerous thing to recommend.) An AWMW should therefore have been given far more serious consideration.

**Wolff:** “Okay according to law, but it is close.”

✍ Sorry, Bobby, but it’s not close at all.

The remaining panelists seem not to understand the law, which is troubling since one of them (the next) is a member of both the ACBL Laws Commission and the WBF Laws Committee.

**Polisner:** “I disagree. If the correction was without pause for thought, the correction should be allowed. Here we were dealing with a fraction of a second, agreed to by both sides. That is hardly sufficient time for thought—even if it is considered a pause. I would allow the +660.”

✍ He obviously has no appreciation of just how quick the human mind and motor system are. Studies of reaction-times show that responses, such as pressing a button when a light or sound occurs, can reliably be made in about 200 milliseconds (one-fifth of a second) and spoken responses can be even faster.

**Rigal:** “My impression from the printed page is that North corrected himself in time but I think one would have had to be there to really appreciate what happened.”

✍ Sorry, but the time involved per se has nothing to do with this decision.

**Treadwell:** “This case leaves me at a loss for words.”

✍ Me too.

CASE FORTY-SEVEN

**Subject (Claim):** More Than A Mental Block?

**Event:** KO Teams, Bracket 7, 24 Jul 02, First Session

Bd: 24	♠ K		
Dlr: West	♥ 63		
Vul: None	♦ KJ87432		
	♣ 954		
♠ 10963		♠ QJ52	
♥ KJ		♥ Q109542	
♦ 10		♦ AQ	
♣ KJ8732		♣ 6	
	♠ A874		
	♥ A87		
	♦ 965		
	♣ AQ10		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	3♦	Pass	3NT
All Pass			

**The Facts:** 3NT made three, +400 for N/S. The opening lead was the ♣7. The Director was called when declarer claimed at trick six. The play had gone: ♣7 to the ten; diamond to the ten, jack and queen; heart to the jack; club to the queen; *diamond* to the king and ace; heart to the ace; claim. East originally agreed to the claim. South said the ♦9 was on the table when she claimed and dummy agreed. After the claim West asked to see the hand and for a review of the play. Declarer's review did not include her unblocking the ♦9. Declarer and dummy said that the original claim stated or showed that the ♦9 would be unblocked. The Director ruled that the claim had been valid (Law 70A), but a player who was clear on her intent had misspoken in reviewing it.

**The Appeal:** E/W appealed the Director's ruling. The appellants were initially interviewed together with the table Director present, then South and finally North were interviewed separately. E/W agreed that at first East agreed to the claim and West then asked for a restatement when she heard nothing about unblocking the ♦9. Both E/W players said that the original and repeated statements were something like "♣A, spade to king, diamonds are good," although West was more certain than East that both statements were the same. Neither East nor West could remember the play prior to the claim. South gave a line of play consistent with the remaining cards. She said her original statement included mentioning playing the diamond first, but that it was quite possible that in her restatement she didn't mention it because she became flustered by West's challenge. North (independently) agreed that the first statement mentioned the ♦9 but that the second statement did not.

**The Panel Decision:** The Panel did not consult players on this case. They decided that South's apparently accurate description of the play, her agreement to facts not necessarily in her own interest (that she did not detach the ♦9 and that she may have misspoken her second statement), and her partner's confirmation of her version of the events all indicated that declarer's intention was clearly to unblock the ♦9 even if at some point she stated her intention carelessly. Law 70A instructs the Director to adjudicate a claim "as equitably as possible to both sides, but any doubtful points shall be resolved against the claimer." The Panel believed that declarer's intention to unblock the diamond was not a doubtful point and, in fact, it was overwhelmingly likely that this declarer had stated the claim properly in the first case.

**DIC of Event:** Susan Patricelli

**Panel:** Matt Smith (Reviewer), Steve Bates

**Players consulted:** none

**Directors' Ruling:** 94.6

**Panel's Decision:** 93.3

There are two conflicting indicators here. First, E/W could not remember the play to the five tricks prior to the claim, they were not certain that both of declarer's statements were the same (although West was more certain than East), and yet they claimed they were certain enough that declarer said nothing about unblocking the ♦9 in either of her statements to appeal the ruling. Not exactly faith inspiring.

Second, declarer had played diamonds twice. When the ten appeared the first time her intermediates became equals. Yet she failed to either unblock the ♦9 or to retain the king in dummy the second time, so that had East returned a spade instead of a second heart the suit would have been irretrievably blocked. This was not the strongest case that declarer was aware of the diamond situation when she claimed.

One panelist saw the inconsistency between declarer's diamond play and her assertion that she mentioned unblocking the diamond in her original claim.

**Stevenson:** "You had to be there. Not unblocking the diamond on the second round of the suit was a dreadful misplay, and a spade back would have killed the diamond suit. Anyone who can play the diamond suit so carelessly once could be careless again. From what is written the ruling and decision look wrong, but this is the sort of case where the players can be convincing."

The remaining panelists think E/W were trying to get something for nothing.

**Bramley:** "I'm a stickler for accurate claims, but E/W's complaint was over the top. South had eight of the last seven tricks but did manage to claim seven of them. Playing a spade first would have been peculiar even had diamonds not been blocked. If East had made the obvious spade return at the end he could have punished declarer legitimately for her careless diamond play. That would have been down two instead of making. (When declarer claimed she had ten tricks. Why does the report say making only three?) Good not to consult players on points of law."

**Gerard:** "That's 3NT made four, +430."

Yes, we saw that the reported result had to be wrong. But both the ruling listed on the appeal form and the Panel's adjusted score specified "made 3, +400." So we left it as reported. Maybe not consulting wasn't such a good idea after all, eh Bart?

**Polisner:** "We can't argue with the fact finder's determination on these issues; table result stands."

**Rigal:** "Again, being there would have helped, but the Panel seems to have got this one right on all grounds of equity and common sense."

**Wolff:** "An easy correct decision."

Finally, two panelists complain about the lack of an AWMW.

**Passell:** "Another case of wanting something for nothing. How can we judge to give an AWMW to the Mini-Spangold team in CASE FORTY-THREE, where nothing was clear, and not give one here? I have the same compassion for the appellants here as I did in that case. After all, this was Bracket 7. Perhaps we should do a better job in screening."

**Treadwell:** "E/W were trying to get something for nothing and were correctly ruled against; but why no AWMW?"

Perhaps David and Barry are right: You had to be there. I'll go with the Panel's decision, though I certainly have some reservations. But no AWMW.

**CASE FORTY-EIGHT**

**Subject (Claim):** An Extenuating Bathroom Break?  
**Event:** Single Session BAM Teams, 24 Jul 02, Only Session

Bd: 11	♠ ---		
Dlr: South	♥ J105		
Vul: None	♦ QJ85		
	♣ A108765		
♠ AQ9874		♠ KJ102	
♥ AQ4		♥ K763	
♦ 73		♦ A62	
♣ Q9		♣ J3	
	♠ 653		
	♥ 982		
	♦ K1094		
	♣ K42		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			Pass
1♠	Pass	2NT(1)	Pass
4♠	All Pass		
(1) Forcing spade raise (Jacoby)			

**The Facts:** 4♠ made four, +420 for E/W. The opening lead was the ♣A. The Director was called at the beginning of the following round. At trick three declarer claimed (having lost the first two club tricks), conceding a diamond. The board was scored and the slip signed by E/W. At some later point declarer indicated that he didn't have to lose a diamond if hearts broke. N/S said declarer's revised line of play was prompted by dummy at the conclusion of the hand. The Director ruled that the result would stand (Laws 70D and 71).

**The Appeal:** E/W appealed the Director's ruling. West repeatedly said that making him lose a diamond was saying he was stupid. He told a Screening Director (not the Reviewer) that he had said "Drawing trump and I may have to lose a diamond." He told the Reviewer that he said "All the trump are gone, the rest are

mine." He told the Reviewer that when he did call the Director he said "We don't think we have to lose a diamond." He said he called the Director before he started play of the next round (after running to the bathroom because he was late). N/S said that West claimed after trick two by stating "Drawing trump, losing a diamond." The cards were folded up and the ticket was written and signed. The Director was not called until the round had been called. N/S believed that dummy prompted declarer to realize he could have taken another trick.

**The Panel Decision:** Given that the ticket was signed and West said he claimed because the table was late and he needed to use the bathroom, the Panel thought it was likely the round had ended. Law 71 deals with canceled concessions (which West's conceding of a diamond constituted). If the round had ended, the standard for withdrawing a concession is if the claimer/conceder had given away a trick that could not be lost by any legal play of the remaining cards. Even if the round had not ended, West could only get the trick back if conceding it was beyond "careless or inferior for the class of player involved" such that losing it would require "irrational" play by him. It seemed clear to the Panel that by his actions this declarer had demonstrated carelessness in his failure to immediately mention (or at least investigate) the possibility of hearts splitting to provide a diamond discard. The table result was allowed to stand. E/W were each assessed an AWMW because the law had been explained to them by several Directors and they should have known the appeal had no chance of succeeding.

**DIC of Event:** David Gottfried  
**Panel:** Terry Lavender (Reviewer), Rick Beye, Patty Holmes, scribe: Matt Smith  
**Players consulted:** none reported

**Directors' Ruling: 94.2**      **Panel's Decision: 94.2**

✍ A slam dunk. And just in case West ("Making me lose a diamond is saying I'm stupid") happens to read this, if the shoe fits...  
 One panelist notes a possible inconsistency with the time line of the events...

**Bramley:** "Highly unlikely that Board 11 was the last board of the round unless they played the boards out of order. Blatant attempt to steal by E/W. Clear AWMW."

✍ I agree, and so do ...

**Rigal:** "Well-done everyone, including the AWMW."

**Treadwell:** "Very good, including the AWMW."

**Passell:** "Good job in an unfortunate situation. The Director had a clear ruling based on a clear-cut law, the Panel had no option, and E/W were told so by everyone. The AWMW was unfortunate but necessary."

**Polisner:** "Tough luck for E/W, but the law is the law. Players must be careful when they claim or they are likely to come out with the worst of it. It is obvious that this West did not appreciate the potential for three-three hearts and as such loses the trick."

✍ And as for N/S's assertion that dummy prompted declarer to realize that he had conceded a trick he didn't have to (and thus was saying he was stupid?)...

**Stevenson:** "N/S stressed that West was prompted by dummy about the eleventh trick. However, dummy has a perfect right to be involved in a claim once play has ended. As far as West's comment 'making him lose a diamond was saying he was stupid,' need I say more?"

✍ The similarities between David's comments on CASES FORTY-SIX and FORTY-EIGHT and my own may speak poorly for my mental functioning—or they may indicate that his therapy is going much better than any of us could have hoped. We end with a "reverse" feel-good comment.

**Wolff:** "Correct decision, but that trick doesn't feel good."

✍ Perhaps Wolffe could submit a proposal to the Laws Commission that "take backs" are okay—but only if they make you feel good.  
 We hope our readers feel good now that we've concluded our discussion of another set of appeals. Don't forget our "closing credits" —>



## CLOSING REMARKS FROM THE EXPERT PANELISTS

**Bramley:** “My quick count was eight AWMWs awarded, another seven that were missed, and two more that I let slide for Director screw-ups in producing the right ruling. In several other cases the AWMW was avoided by poor Director rulings in favor of ‘non-offenders’ who had made a cheesy call for the cops. That’s a lot of players that can’t handle the truth.

“The Director rulings seemed quite a bit worse this time despite a few very good ones. The Panels and Committees were excellent, with only a few clunkers, notably CASE EIGHTEEN.

“I was encouraged by the willingness of more Committees to give split decisions, a concept that still has not gained universal acceptance.”

**Passell:** “I see that the Directors did a good job only when they went out and got some expert advice. Most of the rest of the time they created general havoc trying to judge what number of tricks and/or what final contract would have or should have been reached. I don’t know if this was caused by laziness or (hopefully) just time pressure to make a ruling. I am confident that they can and will do better in the future. It is a new system being installed and a very good one, I believe. This is a learning experience for all of us. I hope we all can improve our bridge morals and those ruling the game can see that they need help with their bridge assessments. After all, their job is to know and enforce the laws, not make bridge judgments. I will now get off my soapbox.”

**Polisner:** “I think that both the Panels and Committees did a good job overall on a rather boring set of cases.

“We still see players trying to get something for nothing in the appeals process and I would like to see a stiffer penalty than just an AWMW to try to get rid of these whiners for a while.”

**Rigal:** “Vexatious, pettifogging, litigious and frivolous are the words that come to mind to summarize this bunch of appeals. Lots of AWMWs and more that only escaped by virtue of Director error in one form or another.

“Some questions about the AWMW procedure, brought out by a number of cases. Where the facts are in dispute, and the Director decides one thing, should an appellant be warned that if he brings an appeal and loses when the facts are not disturbed he will receive an AWMW? Would that stop some cases coming to us?”

“And when a side comes to appeal asking for no adjustment for themselves but only against their opponents, how do we feel on AWMW issues? Should our approach change?”

“And where the Director process has broken down, as happened in at least three cases, where do we stand on AWMWs? Do we give the appellants a ‘Get out of Jail free’ card? That appears to be where the Committees came from. Is that company policy?”

**Stevenson:** “As more and more casebooks appear, the stupid rulings and decisions have grown fewer and fewer. Of course, there are ones where I believe the judgment was wrong, but from a legal point of view those are not very interesting, and my comments on pure judgment are probably less important than those who have played most of their bridge in North America. In other words, the casebooks contain more correct stuff, and perhaps they are less interesting, though more useful, as a result.

“Looking solely at the Directors’ rulings, there are a minority where the Directors do not seem to have investigated fully. Especially in matters of fact, the person who first speaks to the players is the one who is usually best able to judge what happened and he must never shirk this duty.

“Also, we need to know what the ruling is if we are to judge. In some cases, the write-up says some thing like ‘Table result stands’ without indicating whether

the Director ruled there was no UI, or no LA, or the action taken was not suggested by the UI over the LAs. Please, can we always have from the Directors (a) what facts were decided, and (b) full details of the actual ruling.”

**Treadwell:** “In general, the Panel and Committee decisions were good. I rated only two Panel and one Committee decision as poor (CASES ONE and ELEVEN for the Panels, CASE TWO for the Committees). My average score was 90% for Directors and Panels and 93% for Committees. Only nine cases resulted in issuance of AWMWs and, in my opinion, ten other cases should have resulted in them. We see far too many cases with little or no merit and I think we should do far more to educate members, particularly the less experienced ones, about the admittedly somewhat complex problem as to when an appeal is warranted. Too many think that if there is a BIT or a slight bit of MI by the opponents, they are automatically entitled to redress. Too many try to win by appeal what they lost by their own doing at the table.”

## CLOSING REMARKS FROM THE EDITOR ✍

### How'd We Do?

In summarizing the performance of the various groups (Directors, Panels and Committees) in Washington, DC, we have classified their actions as either Good or Poor. Of course in any qualitative evaluation scheme, some cases in each category will inevitably display characteristics of the other. Table 1 presents cases heard by Panels; Table 2 cases heard by Committees.

		Panel's Decision		
		Good	Poor	Total
Table Director's Ruling	Good	1*, 8, 11, 21, 23, 25, 31*, 33, 37, 38, 40*, 41, 43, 46*, 47, 48	7, 36, 42	19
	Poor	6, 9, 10, 14, 34, 45	4, 12*	8
	Total	22	5	27

\* Missed or unwarranted AWMW or PP

Table 1. Cases decided by Panels

		Committee's Decision		
		Good	Poor	Total
Table Director's Ruling	Good	3*, 13, 15, 20*, 28*, 29*, 30*, 35*, 39, 44	2*, 17, 26*, 27	14
	Poor	5*, 16, 22, 32	18, 19, 24	7
	Total	14	7	21

\* Missed or unwarranted AWMW or PP

Table 2. Cases decided by Committees

Looking at the table rulings for all cases combined, 33 of the 48 rulings (69%) were classified as good while 15 (31%) were judged poor (see chart on next page). This represents a near high point for Director performance (only Birmingham was better at 70%), though it still falls well short of what I would judge an acceptable standard (80+%).

Panel performance remained high in Washington, with 22 of the 27 decisions (81%) being judged good while only 5 of the 27 (19%) were judged poor (see chart on next page). It is heartening to see the Panels maintaining a healthy standard of performance, and I was further fortified to see them issue two well-deserved PPs.

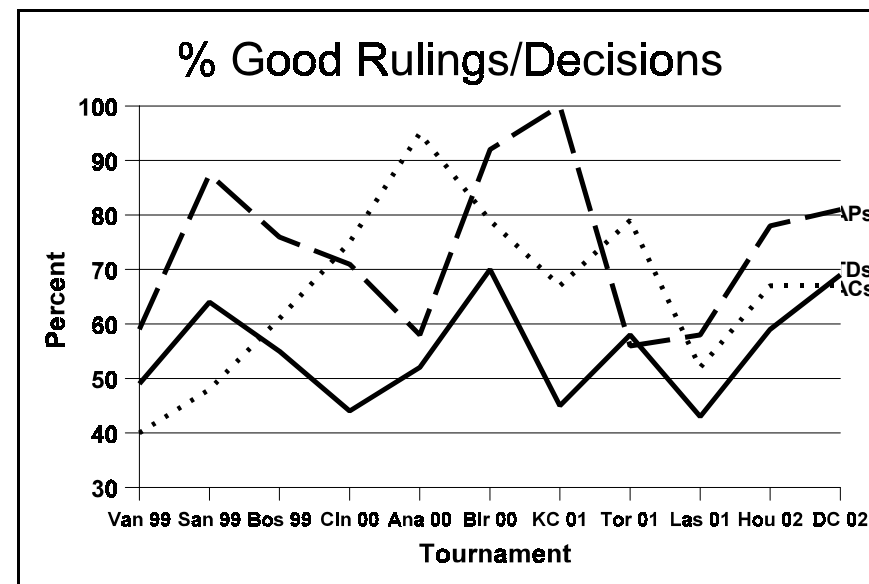
Committee performance in Washington was comparable to that in Houston, with 14 of the 21 decisions (67%) being judged good and 7 (33%) judged poor. This remains well below that of Panels, and still appears to be susceptible to the influence of the table rulings as 3 of the 7 poor table rulings were left unimproved by the Committees.

Both Committees and Panels need to make a greater effort to evaluate their cases independently of the table ruling.

Panels missed an AWMW or PP in 5 of their 27 cases, Committees in 9 of their

21 cases. In addition, one Committee (CASE TWENTY-NINE) even issued an undeserved PP instead of finding the appeal to be meritless. Clearly improvement is sorely needed in this area.

Overall, good decisions by Committees and Panels were made in 36 of the 48 cases (75%) in Washington, compared to 70% in Houston, 55% in Las Vegas, 68% in Toronto, 77% in Kansas City, 85% in Birmingham, 75% in Anaheim, 73% in Cincinnati, 68% in Boston, 69% in San Antonio, and 51% in Vancouver.



(APs = Panels {dashed}; ACs = Committees {dotted}; TDs = Directors {solid})

### Reactions to Panelists' Closing Remarks

Obviously, my count of the AWMWs issued and missed will differ in detail from those of other panelists. My own standards for judging meritless appeals, I fear, are more "liberal" (I'm more willing to issue AWMWs) than many. However, I agree with Bart and Barry that several of those that got away here did so due to poor table rulings, although to a lesser extent this has always been the case. Perhaps there were just a few more that happened to fall in this category by chance this time. I'll have more to say about some misconceptions NAC members seem to hold about the issue of merit and some recommendations for making the standards for judging it more explicit, and so our performance more consistent, in my Advice For Advancing Players (next).

Several panelists commented that the Directors seemed to do a poorer job with table rulings this time. I have to disagree. While their performance was still not up to my standards of acceptability, it was not any worse (and in fact ranked among the better showings, percentage-wise) than in previous NABCs. Perhaps the panelists simply found more rulings glaringly wrong, or found that more of them would have been avoidable had the Directors simply bothered to consult some expert players, a practice ACBL has not made policy. (Mike Passell take note: Why not?) But my personal assessment is that this group of rulings is no better or worse in quality or quantity than we've witnessed in the past. It is well within the expected range of performance (although hopefully on a sustainable upswing—see the chart above).

On a Director high note, I agree with Bart that some of the rulings we saw here were exceptionally good (witness CASES TWENTY-THREE and TWENTY-

SEVEN where well-deserved PPs were issued, and CASES FORTY-SIX through FORTY-EIGHT), although there was still the occasional aberration (e.g., see CASE FORTY-FIVE). And now I have a question for management involving the two cases where PPs were very appropriately issued at the table. The Panels in those cases left them in place. Would the Panels have issued those well-deserved PPs had the table Director not done so initially? If so, great. If not, can we get this changed—pronto?

As for Jeff's observation that this was a "rather boring set of cases," see Barry's closing remarks for a very different (and more mainstream, in my opinion) view.

To address Barry's AWMW-related questions, anything we can do to inhibit foolish (i.e., likely-to-be-judged-meritless) appeals in screening would be welcome. When only the facts are in dispute, and the appellants cannot substantiate a different set of facts or produce new information bearing on how those facts are interpreted, then they should be warned in the strongest terms that they are in danger.

As for a pair that asks no adjustment for themselves, I have long supported this practice. I think a pair that appeals a ruling that will have no useful bearing on their own ranking or qualification, or who ask nothing for themselves even though it could matter to them, and seeks only to "protect the rankings or qualifications of the rest of the field" (take note, Wolffe), does a service to the game. They should be applauded rather than denigrated for their service. Occasionally such acts will be due to vindictiveness or sour grapes, but the net effect is to help insure the accuracy of the standings of the remainder of the field. In those few cases where it is clear that the appeal is based on personal motives, and has no discernable merit, then I would support taking strong punitive action against the appellants. But in all other cases I have only respect for players who seek to serve the game rather than their own interests.

As for cases where the Directors have erred in one way or another, e.g., CASES THREE, FIVE, THIRTY-ONE, and FORTY-ONE (had the event not been a 199er game), I do not believe that in general the players should be given a "get out of jail free" card and I know of no form policy that dictates our actions in such cases. For example, suppose the Director misunderstands what someone tells him at the table, and consequently makes a bad ruling. The error is later brought to his attention and he corrects his ruling. The ruled-against players do not get a free shot at appealing the second (correct) ruling simply because the Director initially ruled in their favor. Similarly, suppose an inexperienced Director (working a side game alone) applies the wrong law without consultation and rules incorrectly. Later (at dinner) he checks his ruling with a more experienced Director who corrects the error. The players are notified of the change, but do not get *carte blanche* to appeal an obviously correct second ruling simply because the Director initially drew a blank and erred. A good final example is CASE THREE, where it was recommended that an AWMW not be issued simply because the appeal had been overlooked in screening for a time and the players kept waiting unnecessarily. Such an error does not suddenly imbue the appeal with merit. After all, had the meritless appeal not been filed in the first place no one's time would have been wasted. So the fault is still (ultimately) on the appellants.

I strongly support David Stevenson's plea for better documentation of table rulings on the appeal forms and in the write-ups we receive. It is the responsibility of the DIC and/or the Reviewer (in Panel cases) to make sure the Director(s) involved in making the table ruling document the basis for their actions adequately. While we have asked for improvement in this area in the past, an unacceptable number of deficiently documented rulings still makes it through without notice. Can we be more rigorous in policing this area? Please.

Finally, I suggest to Dave that his ratings of 90% and 93% for the rulings and decisions we've seen here is somewhat optimistic (read that as "unrealistic").

## ADVICE FOR ADVANCING PLAYERS

Our topic this time is Appeals Without Merit (sometimes erroneously referred to as "Frivolous" Appeals). We'll discuss the legal basis for an appeal, what is meant by an appeal "without merit," and how better to judge this issue.

### The Law

Law 92A deals with the right to appeal: "A contestant or his Captain may appeal for a review of any ruling made at his table by the Director.\*" The footnote (\*) to this Law reads: "\*Sponsoring organizations may establish penalties for appeals without merit." (Laws 92B and 92C deal with the timing and form of appeals, which will not concern us here.) Law 92D further states: "An appeal shall not be heard unless both members of a pair (except in an individual contest) or the captain of a team, concur in appealing. An absent member shall be deemed to concur." So now that we know what the relevant laws say, let's sort out what all this means.

The laws give any contestant (with the appropriate concurrences) the right to appeal a Director's ruling made at his table. However, doing so is not risk-free. If the appeal is judged to be "without merit," the appealing side may be subject to whatever penalty is specified by the sponsoring organization. When a player wishes to file an appeal, his partner (and team captain in a team contest) must concur for it to be heard. Therefore, you may stop your partner's appeal from being heard (or he yours) by not concurring, as can the team captain. Note: if the appealing player's partner and/or team captain is absent when the appeal is filed, they are deemed to have concurred and are liable for any penalty if the appeal is judged "meritless." Thus, if you believe that your partner or a teammate intends to appeal a ruling, and you (or your team captain) do not believe the appeal should be heard, you should notify the Directing staff before you leave the playing area that you do not concur with the appeal, since once you leave your concurrence will be assumed.

### "Without Merit" and the "Frivolous" Fallacy

Appeals take up a considerable amount of time and energy. The Director, Screening Director (at NABCs), Appeals Chairman (or Manager), and three or five Appeals Committee members will all have invested a considerable amount of their time and energy by the time an appeal has been heard. This will often intrude on their dinner hour or deprive them of time they would rather have spent relaxing or discussing the day's bridge. A player wishing to file an appeal should make reasonable effort to ensure that his appeal will not be a waste of these people's time and energy.

At NABCs (though not usually at lower-level tournaments), the ACBL assists players in this effort by providing a service called screening. In screening, the table Director's ruling and the applicable laws are reviewed for the players involved in the case to make certain they understand the basis for the ruling and the sorts of evidence that will be needed if their appeal is to have a chance of being successful. The Screening Director (in theory) is supposed to inform the appellants whenever he believes that the appeal is likely to be a waste of the Committee's time. In other words, he is to inform the appellants if he believes that it's a foregone conclusion that the Committee's decision will go against them. Of course the screener's opinion is not binding on the appellants; they may still proceed with the appeal, and they alone are responsible for their decision, whether the screener offered an opinion or not. (An appeal is not guaranteed, or even more likely, to have merit merely because the screener failed to suggest that it didn't; by the same token, the screener's failure to offer his opinion on its merit is not a defense against receiving a penalty.)

It may be an unfortunate consequence today's cynicism, but Directors, players, and experienced appeals people alike have come to refer to a meritless appeal as being "frivolous." And as often happens when such a term becomes popular, the negative connotations of the term itself (e.g., light-minded, petty, trivial, silly, foolish, childish), which includes the presumption that the appellants knew exactly what they were doing beforehand, become associated with the appeal. Committee

members have come to believe that to judge an appeal “frivolous” they must believe it was brought by a player with a trivial, light-minded attitude who “knew” he had no real case but whose attitude was, “Oh, what the heck. Maybe they’ll buy it.” This would explain the failure of many recent Committees to assess AWMWs in cases where they were so richly deserved. After all, if they didn’t believe the appellants filed the appeal with a light-minded (or possibly even malicious) appreciation of the triviality of what they were doing, then it was not “frivolous.”

### Judging Merit

Unfortunately, the belief that an appeal being “without merit” means that it must be “frivolous” as well is a fallacy. For an appeal to be judged “without merit,” the Committee needs only to determine that it was a waste of their time—not that the appellants had caprice or malice aforethought. If they were experts, if they were experienced enough that they *should* have known better (regardless of whether they *did* know better), if they had more than ample opportunity to seek out advice from more knowledgeable players/appeals people but didn’t bother to, if their arguments were illogical on the face of them, if they were told in screening that their case was critically weak, if the laws bearing on their case were explained to them and lent no support to their position, if they presented no new facts or evidence that bore on the critical aspects of the Director’s ruling, if any one or some combination of these was the case, then the appeal is “without merit.” Period.

It is up to the Committee to judge whether there were extenuating or mitigating circumstances present. For example, if the appellants were new to duplicate, if they were novices or intermediates, if the laws were explained to them incorrectly or badly, if they received bad (but documentable) advice from expert or experienced players or a Director that their appeal was reasonable, if they present evidence (such as a published appeal case that is reasonably similar to their case) that suggests that their case has merit, any of these *might* be judged sufficient to allow them to escape without penalty—but only after educating them about why they should not have appealed in their case.

Committees should be wary of assuming that novice or inexperienced players are incapable of logic or reason and thus allow them to abuse the appeal process and escape scot-free. Call it political correctness, misdirected solicitousness, or even reverse Intelligence Transfer, such sentiments are entirely misplaced when a player (thinking of him as just a person may help) irrationally or unreasonably pursues an obviously groundless appeal. For example, an inexperienced player who has had the legal basis for the Director’s ruling explained to him, and who has no new evidence or other legitimate basis for contesting that ruling, and who still refuses to put his emotions aside and pursues a meritless case is just as deserving of an AWMW as a more expert or experienced player. The sooner we teach our new and upcoming players proper conduct and proprieties, the better off we and the game will be.

And now for some homework for the interested reader (and NAC members). Look at the table containing my classifications of the current group of cases (turn back four pages). Find the cases that I’ve asterisked, all of which I thought should have received an AWMW, and see if you agree with my assessment given what I said above. Take one point for each case that you agree with my judgment, then rate yourself on the following scale:

Score	Rating
13-14	Excellent: a “Merit” scholar
10-12	Good: you show promise
6-9	Poor: needs a lot of work
0-5	maybe you should just <i>play</i> the game

### THE PANEL’S DIRECTOR AND COMMITTEE/PANEL RATINGS

Case	Directors	Committee/ *Panel	Case	Directors	Committee/ *Panel
1*	77.8	73.3	27	73.7	72.1
2	75.2	64.8	28	94.2	92.1
3	84.1	83.3	29	88.3	77.9
4*	86.7	82.2	30	75.4	72.9
5	43.0	96.3	31*	93.3	82.9
6*	56.5	92.6	32	72.1	93.3
7*	75.2	76.7	33*	92.1	90.8
8*	90.0	85.2	34*	52.1	86.2
9*	29.6	94.4	35	95.0	92.5
10*	58.5	82.6	36*	81.7	73.7
11*	62.6	57.0	37*	80.8	79.6
12*	73.3	69.3	38*	92.1	89.2
13	98.1	97.0	39	95.4	92.9
14*	62.2	61.1	40*	91.7	78.3
15	93.3	95.6	41*	77.5	81.7
16	42.6	82.6	42*	47.9	91.7
17	62.5	57.0	43*	78.3	72.9
18	50.0	47.8	44	82.9	72.9
19	40.8	80.0	45*	51.9	75.7
20	86.7	78.1	46*	79.0	76.2
21*	87.1	86.2	47*	94.6	93.3
22	44.6	95.8	48*	94.2	94.2
23*	97.5	97.5	<b>P-Mn</b>	76.4	82.4
24	70.8	87.5	<b>C-Mn</b>	73.7	81.0
25*	97.5	99.2	<b>O-Mn</b>	75.2	81.8
26	78.7	68.7			

\*=Case decided by a Panel; **P-Mn**=Mean for cases decided by Panels; **C-Mn**=Mean for cases decided by Committees; **O-Mn**=Overall mean for all cases

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