



American Contract Bridge League

Presents

Cincy-Naughty: Crowned in the Queen City



Appeals at the 2000 Spring NABC
Plus cases from the 2000 Bermuda Bowl

Edited by

Rich Colker

ACBL Appeals Administrator

Assistant Editor

Linda Trent

ACBL Appeals Manager

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Abbreviations used in this casebook:

AI	Authorized Information
AWMPP	Appeal Without Merit Penalty Point
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 manner that is entertaining, instructive and stimulating.

The ACBL Board of Directors continues its test at NABCs in 1999 and 2000 of having Director Panels, comprised of pre-selected Directors, hears appeals from non-NABC+ events (including side games, regional events and restricted NABC events). Appeals from NABC+ events continue to be heard by the National Appeals Committees (NAC). We review both types of cases in our traditional format.

Panelists were sent all cases and invited to comment on and rate each Director ruling and Panel/Committee decision. Not every panelist commented on every case. Ratings (averaged over panelists and expressed as percentages) are presented with each write-up and in a table at the end of the casebook, with separate summaries for Panels and Committees as well as an overall summary.

The numerical ratings are provided to summarize our assessment of Director and Panel/Committee performance. They are not intended, nor should they be used to compare the performance of Directors and Panels/Committees as each group is evaluated on different criteria: Directors on their handling of situations at the table, including determining facts, applying appropriate laws, and making rulings which allow the game to progress normally, expecting that they 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 the events and players involved. Both types of ratings may also be affected by panelists' views of PPs and/or AWMPPs.

Table rulings are typically 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 lapse and refer to a ruling as the table Director's. At management's request, only the DIC's name is included in each write-up. Panels are expected to obtain bridge advice from expert players on cases where the ruling involves bridge judgment. They are judged on their choice of players and their use of the input.

Ambiguity Department. Write-ups often refer to such things as "an x-second break in tempo." 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 try to insure that write-ups appearing here are complete and accurate, we cannot offer any guarantees. Since even minor changes in the reported facts can affect our evaluations, the opinions we express are valid only for cases which match the facts reported. Otherwise, the discussions here should be regarded merely as theoretical exercises.

Based on the feedback we've received, we will continue to insert a symbol (a hand holding a pen) before editorial comments to distinguish them from those of other panelists. Additional suggestions for improvements are welcome.

Finally, my thanks 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. My sincere thanks to all of you. I hope our efforts have not in any way diminished your good work.

Rich Colker,
October, 2000

THE EXPERT PANEL

Bart Bramley, 52, was born in Poughkeepsie, NY. He grew up in Connecticut and Boston and is a graduate of MIT. He credits Ken Lebensold as an essential influence in his bridge development. 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.

Jon Brissman, 55, was born in Abilene, TX. He attended Purdue University and earned a B.A. from Parsons College, an M.A. from Northeast Missouri State University, and a J.D. from Western State University College of Law. He operates a small law office in San Bernardino, California, teaches at the Los Angeles College of Chiropractic, and serves as a judge pro tem in small claims and municipal court. He was Co-Chairman of the National Appeals Committee from 1982-88 and was reappointed in 1997. A Good Will Committee member, he believes that a pleasant demeanor coaxes forth his partnership's best efforts.

Ralph Cohen, 74, was born in Montreal, PQ. He currently resides in Memphis, TN. He has held several positions with the ACBL from 1971 until 1991 including Executive Director from 1984 to 1986. He has been a member of ACBL Laws Commission since 1984 and is currently a Co-Chairman. He is a Vice-Chairman of the WBF Laws Committee. He wrote the *Ruling the Game* column for two years along with other contributions for *The ACBL Bridge Bulletin*. He represented Canada in the World Team Olympiad in 1964 and has won four National Championships. He has been attending NABCs since 1947.

Grattan Endicott, 76, was born in Coventry, England and currently resides in Liverpool. He is divorced and has two sons, three granddaughters, one grandson and one great granddaughter. His late brother has furnished him with multitudinous blood relations across Canada including a great-great niece. He was invested in 1998 by the Queen as an Officer of the Order of the British Empire (OBE). He has been a dedicated member of many Laws Committees and is currently the secretary of the WBF Laws Committee. He has kept impeccable records and is a respected authority on the chronology of Laws interpretations.

Ron Gerard, 56, 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.

Chris Patrias, 50, was born in North Carolina and now lives in the St Louis area with his wife, Charlotte, and their two dogs. He is a graduate of the University of Minnesota. He has been directing bridge tournaments since 1977 and is a salaried ACBL National Director.

Jeffrey Polisner, 60, 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, 42, 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, 53, was born in Kumasi, Gold Coast. He currently resides in Liverpool, England with his wife Elizabeth and his two cats, Quango and Nanki Poo. 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 Grand Masters, twice. He is the Chief Tournament Director of the Welsh Bridge Union and active internationally as a Tournament Director and Appeals Committee member.

Dave Treadwell, 87, 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, 68, 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 Convention Disruption (CD) and Hesitation Disruption (HD) and the flagrant propagation of acronyms (FPA).

CASE ONE

Subject (Tempo): Fourth Suit Forcing—To What?
Event: NAOP Flight A, 8 Mar 00, First Qualifying Session

Bd: 2	Bob Jones		
Dlr: East	♠ 753		
Vul: N/S	♥ K765		
	♦ Q86		
	♣ 763		
Harvey Brody	Douglas Dang		
♠ K86	♠ AQ42		
♥ AJ1084	♥ Q3		
♦ J	♦ AK942		
♣ KQ85	♣ 104		
	Barnet Shenkin		
	♠ J109		
	♥ 92		
	♦ 10753		
	♣ AJ92		
West	North	East	South
		1♦	Pass
1♥	Pass	1♠	Pass
2♣(1)	Pass	2♥(2)	Pass
3NT	All Pass		
(1) Alerted; 4th Suit Forcing			
(2) Break in tempo; disputed			

The Facts: 3NT made five, +460 for E/W. The Director was called by N/S at the conclusion of the play and was told that East had broken tempo before the 2♥ bid. E/W denied any break in tempo. The Director ruled that there had been a break in tempo which made 3NT more attractive than 4♥ and that 4♥ was a LA. The Director changed the contract to 4♥ made five, +450 for E/W.

The Appeal: E/W appealed the Director's ruling. E/W played a weak notrump (12-14) and four-card majors. The opening 1♦ bid promised at least a four-card suit. 2♣ was Fourth Suit Forcing (artificial and forcing for one round). East's 1♠ rebid promised either a five-card diamond suit, a three-suited hand, or a balanced or semi-balanced hand too strong to open 1NT. E/W believed that 3NT was clear because if East held three hearts and one club he would convert 3NT to 4♥. Regarding the alleged break in tempo, East said he put the Alert card on the table, looked at his cards for about a second and then bid 2♥. The Committee questioned E/W

about their system. West said the 1♠ rebid promised a five-card diamond suit by inference because East did not open or rebid 1NT. E/W had their convention card available at the hearing and the Committee accepted as true their statement that East had to hold at least five diamonds to bid 1♠ over West's 1♥ response. Upon further questioning West admitted it was possible, if unlikely, for him to hold only a four-card heart suit with five clubs. N/S said that East had clearly broken tempo. They suggested that without a break in tempo it would not be clear whether West should bid 3NT or 4♥. The break made 3NT a more attractive alternative.

The Committee Decision: The Committee considered the testimony and determined that it was more likely than not that there had been a break in tempo before East bid 2♥. The Committee then considered Law 16A. They believed that the break in tempo made it more likely that East held a doubleton heart and that 4♥ would be a more attractive contract if East held three-card support. Also, since it was possible for West to hold only four hearts it was unclear that East would convert 3NT to 4♥ even if he held three hearts and a singleton club. Therefore, it was not clear that West would always bid 3NT in the absence of the extraneous information from the break in tempo. Since that information also made 3NT more attractive than 4♥, the Committee changed the contract to 4♥ made five, +450 for E/W.

DIC of Event: Henry Cukoff

Committee: Jay Apfelbaum (chair), Martin Hirschman, Dennis Sorensen

Directors' Ruling: 82.3 **Committee's Decision: 72.7**

✍ On the surface this decision seems like a reasonable one. Nevertheless, it left me with a general sense of discomfort which became crystalized when I read the panelists' comments. Let's listen to what they have to say as we probe the complex issues surrounding what ultimately proved to be a very difficult case.

We'll start with what always must be Issue #1 in such cases: Was there really a break in tempo?

Polisner: "I agree with the decision *if* there was an 'unmistakable break in tempo.' I am concerned that the Committee 'believed that there was a break in tempo,' but did not describe how they came to that conclusion and how much of a break was involved. I was told by one of the players that the Director stated that by looking at the East hand he determined that he probably did have a problem and broke tempo. I do not believe this should be evidence of 'unmistakable.'"

✍ When a break in tempo is disputed, one of the prime considerations for me is the content of the alleged hesitator's hand. For example, when a player has only passed in a low-level auction holding the equivalent of a strong notrump, and his partner then balances with a virtual Yarborough, I think this is prima-facie evidence that there was a break in tempo. (Of course those values may also be marked by the fact that the opponents stopped so low without even sniffing at game.) So I can't agree with Jeff that this type of evidence is immaterial. It may be circumstantial, but it is nonetheless pertinent, as the next panelist confirms.

Treadwell: "This is a close call since there was some question as to whether there had been a break in tempo. I tend to agree with their finding since most players would have rebid the diamond suit with the East hand on the third round of bidding rather than the tortured preference to 2♥."

✍ A related problem is that some players may decide, after they know the entire hand (and don't like their result), that an opponent must have acted on his partner's hesitation—especially when the alleged hesitator shows up with an unexpectedly good hand, and even though the hesitation was barely noticeable during the auction. This raises the issue of when the call for a Director should be made.

Brissman: "I don't like the timing of the Director call. If the 2♥ bid was slow, the facts could have been more clearly determined had the Director been summoned when it happened or when dummy was displayed. The delay complicates fact-finding and prejudices N/S's claim for redress."

✍ The ACBL requires players to "... summon the Director immediately when they believe there may have been extraneous information available to the opponents resulting in calls or bids which could result in damage to their side." Of course calling the Director whenever a hesitation occurs could be disruptive to the progress of the game, not to mention irritating to the opponents. But when a suspect action follows a break in tempo, that is the right time to establish the facts and call the Director if necessary. So Jon is right that the timing of the Director call here *may* have prejudiced N/S's claim for redress. But in general that is not necessarily so.

✍ The next panelist questions the break in tempo and introduces another concern.

Rigal: "The key issue here is whether East paused or not. West's bidding (I know him and I am sure he is ethical) is hard to reconcile except with his having shown five hearts. With only four hearts and five clubs he would not need to bid fourth-suit—whatever he said in Committee—and we should discount his self-damaging

testimony as well as self-serving stuff. Additionally, I think East did not pause. In fact, had he bid any quicker he would have been guilty of a Rosenberg ‘non-break’ which would have been much less acceptable to me. This case is symptomatic of a position I identified in the previous book. There is *no* tempo that certain bids can be made in which will not upset certain people, who say that a bid should not be made too fast or too slow. To my mind 3-5 seconds can never be a break in tempo. Having determined there was no break, I can’t accept the rest of the decision of course. With a break in tempo established the decision would be acceptable.”

✍ Of course the write-up does not specify how long East took before bidding 2♥. But I agree with Barry that some bids can put a player in a no-win situation. Of course the solution I have proposed to avoid these types of problems is for players to make all their calls—even “obvious” ones—deliberately, appearing to consider their action. Then, a few extra moments’ thought will never be noticeable as a break in their normal tempo.

The next panelist affirms Barry’s point that West has unambiguously shown five hearts in this auction. The point is that holding five clubs and four hearts and a game-forcing hand, West would have bid his suits in a more natural order, starting with 2♣ and then bidding hearts over any rebid— e.g. 2♦ or 2NT (15-17)—which left open the possibility that opener might still hold four hearts.

Gerard: “Unacceptable. Bridge players would have understood the auction, even if they didn’t have four-card major experience. West could not have had only four hearts, otherwise he would have bid 3NT a round earlier. The point of Fourth Suit first was to give a choice later, similar to all kinds of delay sequences that show flexibility or doubt. Think of CASE ONE from Chicago, the famous negative double then 4♥ action by responder. Or a last chance 3NT with three little in case partner has a mirror holding (trust me, I’ve been there). Doubt was not an issue here with the jump to 3NT, so West had to be offering 4♥ as an alternative.

“I don’t care what West said, he would not have responded 1♥ with his round suits reversed. I suppose unfamiliarity with the logic of a four-card major structure could have blinded the Committee to this fact, but two-over-one dogma is no different. It was the Committee’s responsibility to discount this declaration against interest and do its own reasoning, unless it was intent on producing a predetermined result. And from all the evidence, that appears to have been the case. How else can you explain a finding of a likely break in tempo for an absolutely trivial 2♥ bid? I’d predict 29-0 in my Master Solvers Club. Hamman is right: the holy grail of the eight-card major-suit fit has corrupted bidding beyond recognition. Only a novice or a bad client would hesitate before bidding 2♥. If I were East, I would consider getting a good lawyer and instituting a libel action. It would be no contest.”

✍ While the previous two panelists’ logic may seem irrefutable, there are surely some pairs for whom West’s auction does not promise five hearts. (For example, Chip Martel said, in discussing this case, that in his partnership with Lew Stansby West’s auction would show specifically four hearts.) But I have little doubt that his is an exception rather than the rule.

As for Ron’s point about 2♥ being “absolutely trivial” (“Only a novice or a bad client would hesitate before bidding 2♥”), I wish I could be as certain about that as he is. Perhaps that is giving E/W too much credit for having a rather sophisticated bidding palate. Still, I think I would also have allowed 3NT since what was East to do over 2♣ with a hand such as ♠AQxx ♥KQ ♦Jxxxx ♣xx? Rebid 2♦? And as the next panelist points out, East might even have been considering 3♥.

Cohen: “Something bothers me. Did no one ask, or E/W state, what East would have bid with a 4-3-5-1 hand? It doesn’t appear in the write-up. If that bid would have been 3♥, then the 2♥ bid showed 4-2-5-2 and no club stopper, and West was free to bid 3NT. Also, with 2-4-2-5, West might have bid 3NT over 1♠ [or 2♣ over 1♦.—*Ed.*]. The 3NT bid may well have been based on AI, and not on tempo. It

appears the Committee never found out.”

✍ With his actual hand I suspect East was expected to simply rebid 2♦, but with the hand I gave earlier with ♦Jxxxx, 2♦ might be just too revolting. And what was East to do with a hand such as ♠AQxx ♥Kxx ♦KQxxx ♣x? Is that good enough for 3♥ or only two? Couldn’t that have been East’s problem?

Reinforcing much of what has already been said and then adding a new reason why 3NT should have been allowed is...

Bramley: “Hopeless. The Director ruled too readily for the ‘non-offenders’ and the Committee bought a bill of goods. Decisions like this will unfortunately encourage others to file similar appeals rather than inhibiting them.

“Every step in the Committee’s line of reasoning is frightfully thin. First, did East break tempo? Probably he took longer to bid 2♥ than for either of his first two bids, but bidding after Fourth Suit Forcing is necessarily more complex than early-round bidding. When partner has just made an artificial game force, a good bidder should always take a little longer to assess the possibilities, rather than slam-dunk the first bid that looks attractive. Paranoid opponents always seem to jump on slight hesitations in complicated auctions, but I bet they would have been equally upset if East had bid 2♥ ‘comfortably’ with three-card support. In practice, 2♥ is bid about as often with doubletons as with tripletons.

“The inference that the hesitation suggested a doubleton heart is thin again, because the bid itself suggests the same. Finally, the proposal that a doubleton heart in East makes 3NT more attractive is off the mark. Yes, 3NT is more attractive to West, but that’s because he has overall extra values and club strength opposite known shortness, suggesting that he will not need ruffs to score the same number of tricks as players in hearts. (Give East three hearts and one club to see how.) West does not need to infer those features; he’s looking at them. By the way, the write-up implies, but does not state, that 2NT by West at his third turn would not have been forcing. If so, West was under more pressure to pick the final contract himself.

“I agree that some players would bid 4♥ with the West hand, but the number of hearts in East is not the critical factor in making the decision. I have slight sympathy for the Director here, although I think he should have let the result stand once he saw West’s hand. I have no sympathy for the Committee, who had enough time to cover all the bases. Overturning this completely normal table result is a poor way to start. Frankly, I am once again amazed that the opponents, N/S here, called the Director *after* they knew West’s hand. If the Director had ruled against N/S and they had appealed, I’d have given them an AWMPP.”

Stevenson: “What does the sequence 1♦-1♥; 1♠-2♣; 2♥-3NT mean? In some ways this whole decision revolves around that. If it asks for conversion automatically with three hearts then surely 4♥ is not a LA. It seems strange that after 2♥ West has to guess whether he has an eight-card fit. What would 3♣ now mean?”

✍ Given that East, with his 2♥ bid, has shown a singleton club (or a stopperless doubleton at best) it is unlikely that 3♣ by West would be natural. Perhaps it should be reserved as an advance cue-bid for hearts or, as David seems to be suggesting, a choice-of-games cue-bid (responder to clarify at his next turn). But in the latter case, would it be asking specifically about heart length or about a useful club holding for notrump (such as Jx or Qx)? Not many pairs can be expected to have such well-developed bidding agreements for this auction.

The next panelist raises a procedural issue which contrasts the WBF’s view of an Appeals Committee’s role with the ACBL’s view. As I will explain shortly, this bears some serious consideration.

Endicott: “The Committee spoils its report with the pretense that it makes a separate ruling at a distance from the Director. Actually what it has done is to

support the Director's ruling, at least in the matter of score adjustment; appeals Committees do not work in blissful ignorance of what the Director has ruled and an appeal is an appeal against that ruling."

✍ The ACBL policy on how an Appeals Committee should deliver its decision is specified in the ACBL's Handbook for Appeals Committees:

"When announcing a decision that is identical to the Tournament Director's ruling, the Appeals Committee should emphasize that it found the facts and applied its collective bridge judgment independently. It should refrain from describing that decision as 'upholding the Director's ruling.' This will help preserve everyone's image of the Tournament Director as a neutral person, rather than as an advocate or even a party with a personal stake in the outcome."

Grattan's point, and the WBF's position, is that the ACBL's position is at odds with Law 92A, which states: "A contestant or his Captain may appeal for a review of any ruling made at his table by the Director." This can be interpreted to mean that an appeal is for a *review* of a Director's ruling and not for a second, *independent* decision. In order to make appeals seem fair and unbiased, we may be contravening the laws. Perhaps the ACBL Laws Commission and the Board of Directors should reassess this issue to decide whether there really is a contradiction here and, if there is, whether it is our right and intent to contravene the laws.

One panelist agrees with both the ruling and the decision without qualification.

Patrias: "Okay."

✍ And finally, after more than a year's absence, we welcome the return of the Sage of Dallas, who has now become a denizen of Fort Worth.

Wolff: "Close, which means I don't have a worthwhile opinion. However, N/S had two shots at the apple. If 3NT turned out to be inferior they would, of course, accept their result. Why not follow the principle that in close situations the non-offenders should usually keep their result (NPL) while the offenders should also keep their score—minus a pip or two to compensate for their offense? Here, N/S: -460; E/W: +460 minus 2 matchpoints. N/S, E/W and the rest of the field are then treated fairly."

✍ Wolfie is being modest when he suggests that his opinion is not worthwhile. It is clearly Fort Worth-while.

Inherent in his suggestion is the idea that the "offenders" (here the hesitators, E/W) have committed an offense for which they may be punished. Is taking a few (perhaps) extra seconds to consider how to describe a hand you have already taken two bids on really a punishable offense? After all, what does West expect East to tell him that he hasn't already said? Law 73D1 states that:

"It is desirable, though not always required, for players to maintain steady tempo and unvarying manner... 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..."

Perhaps Wolfie's suggestion could be modified as follows. When UI is likely to have affected the result, but it's close whether partner's action was justified from the AI alone, the table result should be allowed to stand and a PP issued to the offenders if it is believed that they should have recognized the auction as tempo-sensitive and avoided the problem.

Or perhaps, as at Remagen, that's Bridge too far?

CASE TWO

Subject (Tempo): What Other Choice Did I Have?

Event: NAOP Flight A, 09 Mar 00, First Final Session

Bd: 14 Lloyd Arvedon
 Dir: East ♠ J974
 Vul: None ♥ Q8
 ♦ Q1086
 ♣ A74

Vickie Sebastian William Sizelove
 ♠ 106 ♠ A83
 ♥ 97542 ♥ AJ3
 ♦ 743 ♦ A2
 ♣ Q92 ♣ KJ853

Pat McDevitt
 ♠ KQ52
 ♥ K106
 ♦ KJ95
 ♣ 106

West	North	East	South
		1NT	2♦(1)
Pass(3)	Pass	3♣	Pass
Pass	3♦	All Pass	
(1) Diamonds and a higher suit			
(2) Break in tempo			

The Facts: 3♦ went down one, +50 for E/W. The opening lead was the ♣2. The Director was called when the 3♣ bid was made. After asking the meaning of the 2♦ bid, West hesitated before passing. East suggested the hesitation was 1 minute. The Director ruled that pass was a LA for East and changed the contract to 2♦ made two, +90 for N/S.

The Appeal: E/W appealed the Director's ruling. East said he had a maximum hand with a five-card suit. He needed West to have only the ♣Q to justify his reopening. N/S said the 3♣ balancing bid was dangerous because it was unlikely that North had length in both majors (or he would have tried for a major-suit fit). Against 3♦ the opening lead was a low club, won by dummy's ace. Declarer led the ♦10 at trick two, which won. A second diamond went to the ace and East played king and another club. South ruffed and led the ♠K,

which won. A second spade went to the ace and East played a third spade, ruffed by West. East's ♥A took the fifth trick for the defense. South correctly pointed out that he could not draw trumps after ruffing the third club, but he missed the best continuation. (He must lead the ♥K at that point; then, whether East wins or ducks, South avoids the spade ruff.)

The Committee Decision: The Committee determined that there had been a break in tempo and examined East's LAs. They determined that pass was not a LA holding maximum values, a five-card club suit, shortness in diamonds and being not vulnerable. East's LAs were judged to be double and 3♣ and the break in tempo did not suggest that 3♣ would be more successful than double. Therefore, East was free to choose either action and thus the table result was allowed to stand.

DIC of Event: Henry Cukoff

Committee: Jay Apfelbaum (chair), Gerald Caravelli, Jim Linhart

Directors' Ruling: 82.0

Committee's Decision: 93.7

✍ Playing matchpoints, if one is ever going to balance after the opponents compete over your 1NT opening, East has the hand for it. While I would have chosen a double, I can certainly see where a player might elect to bid 3♣. And while I cannot be certain that pass is not a LA, I think that to disallow East's action when a West hand with as little as ♣Qxx will produce a good save is just too extreme a position. Agreeing with me are...

Bramley: “Better. Finally, a Committee lets someone with an automatic bid make it, even though his partner hesitated. N/S should have called off the dogs when they saw East’s hand, sparing us another marginal Director’s ruling and another appeal. At least this Committee got it right. Is there anyone out there who still thinks that the ‘non-offenders’ are always squeaky clean? Goldman was correct when he said that ‘they’re all suspects.’”

Rigal: “Though not everyone will like this decision, I agree that in the final of an NAOP acting with the East hand is obligatory—though I think double is indicated whatever partner’s tempo. At this vulnerability, double has virtually no downside. (Note that dummy was not consistent with the expected information provided by the break in tempo, so East was hardly picking up on the message here.) I wonder whether the Committee would have taken away a double as opposed to the 3♣ call. I hope not.”

Stevenson: “Close enough that both ruling and decision seem reasonable.”

Treadwell: “Another close call and the Committee, correctly, decided to let East play bridge and balance. Any UI transmitted was ephemeral and did not have a bearing on the merits of East’s balancing action.”

✍ I have a lot of sympathy for Dave’s final sentence. What if West was thinking about bidding with a distributional Yarborough (perhaps with ♠xxxxx ♥xxxx ♦xxx ♣x), but not knowing which major to bid and (maybe) not having a negative double available, she passed? Wouldn’t East’s action have gotten E/W a minus score when they were likely to go plus defending 2♦? 2♦ will go down at least one trick on a club lead while 3♣ will be down at least three and even 2♠ (after a double) is likely down one. Is it really so clear that West’s hesitation suggested East’s 3♣ bid?

Endicott: “Essentially a question of bridge judgment. The Committee explains its decision with commendable clarity. The Director is not wrong to rule as he did. Under the WBF’s guidelines, and after consultation, one hopes his ruling would have been different.”

Cohen: “The Director did what he thought was correct, but pass was not a LA for East in this day and age. Did the Committee find out if E/W were playing negative doubles after a 1NT opening bid? In either case—yes or no—East had a takeout double. After 2♥ by West, N/S might have found their spade fit and who knows what then. 3♣ with that broken suit is beyond the pale. How about N/S play 2♠ making two for +110, and –110 for E/W?”

✍ Ralph started out fine there, but seems to have gone astray at the very end. If pass is not a LA, then East is free to take whatever action he wishes, even if that action is not our own personal choice. I agree that double is a standout for East, but that is not a reason to impose our preferred action upon him. Table result stands.

The remaining panelists disagree with the Committee’s decision. The first three support the Directors’ ruling.

Gerard: “Incorrect. Pass was a LA to not pass. 3♣ was totally random and not necessarily suggested, but double did not show a five-card club suit and could have been awkward opposite a hand with three diamonds and only a four-card major. Even playing negative doubles (doubtful), the East holding wasn’t as attractive once the penalty pass option was unlikely. And vulnerability in these situations is relative, not absolute. Yes none vulnerable is the best time to compete, but only with a semblance of a fit and not if there’s a chance of getting doubled. Here, for example, par bridge yields –90 against 2♦, –300 in 3♣. But if West is known or suspected to have either some values or a longish suit (at least five), double as the optimal call is protected. That this East didn’t know how to translate the UI was

irrelevant, since both ‘not pass’ actions led to the same result. Switch one of East’s clubs to a major and I’d cast my lot with the majority, but on this deal pass just had to be an LA.”

Polisner: “Without knowing the expertise of the East player, it is difficult to opine what his peers may seriously consider as LA’s to bidding, i.e., pass. It is my belief that most players would bid—probably double; however, my guess is that 20% would pass. As such, I would have awarded N/S +90, especially in light of the extensive huddle by West.”

✍ Ron’s argument makes a lot of sense if Jeff’s estimate that 20% would pass 2♦ is accurate. I think that estimate way too high, especially in the finals of the NAOP where, as Barry pointed out, East simply cannot afford to go quietly.

Patrias: “Does East really have a mandatory action? While it’s true that he has the maximum 17 HCPs, the broken suit does make 3♣ a risky action. In fact, with the actual layout, a club lead beats 3♣ two tricks. That with his partner having not only the ♣Q but three of them. It seems as if the Committee was looking for a reason to allow the table result.”

✍ To me it seems as though the Director was looking for a reason to *change* the result. Perception is fickle. It depends on where you sit and what cards you hold. The fact that a call is risky does not mean that it should automatically be disallowed. There are many risky bridge actions which we would nevertheless all take. For example, we’d all open ♠Qxx ♥KJx ♦AJxx ♣Kxx (either 1♦ or 1NT), yet it would not surprise us if this occasionally resulted in a disaster.

Our final panelist argues for a split score.

Wolff: “Since E/W might ordinarily balance, N/S should be –50 while E/W should be –90 when their 3♣ balance is overruled. Again, please look at how neat and fair this becomes. N/S are no more deserving on this hand than any other N/S, and E/W had a maximum and would probably balance; so –50 for N/S in 3♦. E/W committed an infraction, although West’s hand after the study was not what East was hoping for; so –90. An offense was made, penalized, and no pair in the room was disadvantaged. Most important, everyone realizes that an appeals hearing might have an offender who will be penalized and non-offenders who, as closely as possible, will be restored to what probably would have happened without the offense.”

✍ I hold a begrudging sympathy for Wolfie’s position here. Take a look at what West did. With a pretty normal-looking 2♥ bid she hesitated for perhaps a full minute (by her partner’s own estimate) and then passed. One either bids 2♥ with that hand or passes. What one does *not* do is huddle and then pass. This seems to me an egregious act that is sadly out of place at this level of play. One either plays up to the level of the event one has entered or one takes one’s lumps. In fact, I would argue that this sort of action is inappropriate for *any* bridge game—even the one in your Aunt Gladys’s kitchen. Wolfie’s position seems poetically just to me. If only our laws were written to permit this sort of decision. But West’s huddle is not presently viewed as an offense. Perhaps it should be in the next laws revision.

Putting aside Wolfie’s position for the moment, I find myself going back to Grattan’s opening statement: “Essentially [*this is*] a question of bridge judgment.”

So it is.

CASE THREE

Subject (Tempo): Precedent Takes Precedence

Event: Charity Pairs, 09 Mar 00, Single Session

Bd: 7	♠ 52		
Dlr: South	♥ 98542		
Vul: Both	♦ Q74		
	♣ A64		
♠ K83		♠ AQJ964	
♥ AKJ		♥ 1076	
♦ AK98		♦ 10	
♣ K102		♣ QJ7	
	♠ 107		
	♥ Q3		
	♦ J6532		
	♣ 9853		
West	North	East	South
			Pass
2NT	Pass	3♥(1)	Pass
3♠	Pass	4NT	Pass
5♥	Pass	5♠(2)	Pass
6♠	All Pass		
(1) Transfer			
(2) Break in tempo			

The Facts: 6♠ made six, +1430 for E/W. The Director was called at the time of the 6♠ bid. All players were in agreement that East took “a long time” before bidding 5♠. West stated that he bid 6♠ because his 5♥ bid was a misbid according to their Roman Key Card system. The Director determined that there was no disagreement that a break in tempo had occurred and ruled that pass was a LA to the action selected. The contract was changed to 5♠ made six, +680 for E/W.

The Appeal: E/W appealed the Director’s ruling and were the only players to attend the hearing. E/W had 375 and 1000 masterpoints. East believed that the 5♠ bid took at least 15 seconds and perhaps more, as he had a lot to consider, including bidding 6♠ and hoping for a successful spade finesse. West said he forgot about the trump king (he saw he had two aces without the queen but after he bid he remembered the trump king); his correct bid was 5♦. He said that

even before his partner took time he decided that if his partner bid 5♠ he would bid 6♠, or raise 6♠ to 7♠. E/W never considered that 4NT might be quantitative. They said they agreed that 4NT would always be Key Card and never plain Blackwood ever since they experienced some misunderstandings a couple of years ago.

The Panel Decision: This appeal is strikingly similar to a misbid in a Key Card auction at the Vancouver NABC (*Grizzly Experiences in Vancouver*, CASE TWO) in which the Panel had accepted expert opinion that passing was not a LA to bidding the slam. The experts in that case were nearly unanimous in their opinion that the bids on the table and irrefutable logic compelled bidding the slam. In this case the Panel went through the steps: (1) Was there an unmistakable hesitation? Yes. (2) Did the break suggest that bidding 6♠ would be more successful than passing? Yes. (3) Was pass a LA to bidding 6♠ (would some number of West’s peers seriously consider it?) This was the question that was put to several experts. A number of expert players were consulted. Of the first two (consulted together) one was slightly on the side of allowing 6♠ while the other was slightly more in favor of a pass. Both said they could be swayed by strong arguments and both were hard pressed to find a hand where 6♠ was wrong. A third player strongly supported bidding 6♠ while a fourth believed that unless the pair might be bidding straight Blackwood or quantitative, the 6♠ bid should be allowed. A fifth player didn’t like out-of-tempo Blackwood but believed that pass was not a LA and would not have even called the Director. A sixth player thought the reasons for bidding 6♠ were sound but self-serving and would not allow the bid. A seventh player would not allow a bid because once the captain asks the question, huddles and then signs off

the result stands, failing overwhelming reason. The Panel accepted these opinions as establishing that some number of West’s peers would at least seriously consider passing, making pass a LA. In coming to a decision the Panel considered whether or not the extra time West used to reevaluate his hand was authorized. They concluded that, even though the time itself was part of the auction, and therefore authorized, the UI was the fact that partner was considering a call which should have been (almost) automatic based upon the reply to Blackwood. That break in tempo demonstrably suggested that the Blackwood responder review the auction and his own calls, looking for one which might be giving partner cause for consideration. Unlike a continued Blackwood 5NT auction, where partner is asked to evaluate his hand with a grand slam in mind, in the present auction without the UI it was a LA to assume that partner’s captaincy governs and that he knows where to place the contract after the response. No need for reevaluation, reassessment, or re-counting of controls is necessary. Therefore, the Panel changed the contract to 5♠ made five, +680 for E/W (Law 12C2).

DIC of Event: Millard Nachtwey

Panel: Ron Johnston (Reviewer), Mike Flader, Charlie MacCracken, Susan Patricelli, Matt Smith, Sol Weinstein

Players consulted: Karen Allison, Bart Bramley, Mark Lair, Mike Passell, Barry Rigal, Michael Shuster, Ken Shutze

Directors’ Ruling: 86.7

Panel’s Decision: 70.0

✍ As the Director Panel here point out, this case is a cousin to CASE TWO from Vancouver. There the Panel restored the table result of 6♥ (the floor Directors having adjusted the score to 5♥) while the casebook panelists were virtually split down the middle over whether to allow the slam, eight voting to allow it and six (including myself and Ron) opposing it. Apparently convinced by the minority’s irresistible logic and reason, the present Panel, with a morass of divided opinions from the expert consultants, has revised their thinking and gone with the superior judgment of the Vancouver minority. Bravo!

We are strong. We are invincible. We are right! Tell them, Ron.

Gerard: “I thought the experts’ ‘irrefutable logic’ in Vancouver was nuts, so I’ll repeat what I said then. The hesitation suggested that the auction was other than what it seemed. But Blackwood auctions are supposed to be what they seem. To commit Hesitation Blackwood is UI. West shouldn’t have had the opportunity to recheck his hand because that much time shouldn’t have passed.

“Edgar once wrote that one of the problems in allowing a Hesitation Blackwood continuation is that it assumes that the signoff was the ‘error,’ or at least the product of incomplete information. What if the Blackwood bid itself was the error? That is, to all those 6♠ supporters who claim that East ‘had’ to have an ace to bid 4NT, what if East had trotted out the Ol’ Reliable with ♠QJ10xxxx ♥x ♦x ♣QJ10x? Not a clear error but certainly not a pure hand either. Hesitation Blackwood removes that type of doubt from the equation.

“The Panel’s logic was irrefutable.”

✍ Many of the present panelists did not comment on the Vancouver case, so we cannot tell you how they voted last time. But several have given opinions on both cases, so it seems appropriate to identify those who learn from their mistakes and those who don’t. The following two panelists have seen the error of their ways.

Stevenson: “While the Panel concept has not found favor with me in general, on this occasion it seems to have worked well, leading to a well-considered result.”

Cohen: “Would not allow the 6♠ bid. Would have delved further into the E/W agreements. Did they play Texas? Wouldn’t 2NT-4♥;4♠-4NT be RKC for spades,

while in the auction at the table 4NT be a slam-try raise in notrump with five spades which West can accept by answering aces or Key Cards according to partnership agreement? Did anyone look at the E/W convention cards? This demonstrates that the Director Panels do not always ask the right questions—not that the Committees did better in the first two cases. I know—they were ad hoc Committees because the tournament proper hadn't started yet. It showed! The Panel decision was correct, but maybe for the wrong reasons.”

✍ Perhaps Ralph has changed his view for the wrong reason. Whatever the merits of playing Texas followed by 4NT one way and Jacoby followed by 4NT the other, these players chose to keep it simple and play that 4NT was *always* Key Card. And why is the meaning of 4NT even an issue here? E/W both took it as RKCB, so this was not even irrelevant. What is relevant is whether the huddle-then-signoff should bar a continuation. Would West reconsider his hand if East had not had a problem with his response? Is it reasonable, as Ron and Edgar's spirit point out, to allow West to assume that the signoff was the error rather than the Blackwood bid itself?

We need to become consistent and set a clear standard for this sort of decision. I would allow a player to bid on if, behind screens, he informed his screenmate of his mis-response to RKCB before any UI became available. I would also allow bidding on (in a non-interference, non-grand-slam auction) if there is *clear evidence* that responder knew before responding to RKCB that there was ambiguity about the trump suit and the signoff clarified that trumps was not the suit responder based his response on (see CASE FORTY-TWO). In all other cases we must adopt a uniform approach and stamp out this problem once and for all. Right, Wolffie?

Wolff: “Clearly approve, but maybe we should ask ourselves: ‘Do we want to keep on hearing Hesitation Blackwood cases ‘til the year 2100 or do we want the players to not make it impossible for their partner (and for bridge) by hesitating and signing off?!’ Advertise our opinion on this, then stop talking about it and let the players realize their responsibilities and clean it up themselves or suffer ridicule in the expert community.”

✍ Let them not just suffer ridicule, but score adjustments and AWMPPs.
One other panelist was not on board in Vancouver but agrees with the Panel.

Endicott: “The Panel's consultation process leaves me with questions. Was there something about the identity of the pairs involved that caused the Panel to go to such inordinate lengths to consult? I wonder which of the players consulted were the ones judged to have the ability to think like E/W. The purpose of consultation should have been to establish whether West's 6♠ bid was sufficiently evident to be justified or whether there was a LA. It seems to me that the Panel had its answer before they had gone very far in quest of it.”

✍ Perhaps Grattan is right and the Panel did go to inordinate lengths to consult. But better to do so and get it right than not to and get it wrong.

One panelist was on the right side in Vancouver and now appears to be straddling the fence.

Patrias: “This is very close. East must certainly have the ♠A. Even ♠QJxxxx ♥Qxx ♦--- ♣QJxx would not justify the auction and that's about the best hand he could have without an ace. I would have expected the Panel to allow the call, but probably better to err in this direction if the Panel found it to be close.”

✍ Careful, Chris, you're in danger of turning to the Dark Side.

The remaining panelists were all on the wrong side in Vancouver and don't seem to have learned the error of their ways. Just remember, we know who you are.

Rigal: “West's hand has all the side kings *and* an extra ace—a unique position as

far as I know in Hesitation Blackwood. The fact that the hand has one more ace, three trumps, and all the controls, makes a stronger case to me than the argument ‘the slow 5♠ bid made West reexamine the hand and thus one cannot permit the continuation.’ I was one of the experts allowing the further action and have not changed my mind. This is truly an exceptional hand though.”

✍ Barry seems to be claiming an exception—that he's normally on the other side but here finds just too much compelling AI to disallow the 6♠ bid. Sorry, but I don't see it. This case is no more compelling than all the others (including the one from Vancouver). What if East held ♠AQJ10xx ♥x ♦x ♣Axxxx and decided he was willing to bid a slam with a possible club loser *if* E/W held all the keycards? But after having second thoughts about bidding 6♠ anyhow (after all, isn't West more likely to hold the ♣Q when he holds only two keycards) he reluctantly signed off. If West really held only two keycards with maximum values (e.g., ♠xxxx ♥AKJ ♦AKQ ♣KQx), would we let him bid 6♠ knowing (from the hesitation) that he was probably not off two aces? Of course not, nor should we let him bid on here.

Other non-repentant enablers...

Bramley: “I disagree. I was consulted and I supported allowing the 6♠ bid. I stand by my statements about the Vancouver case, in which I also supported allowing the slam bid, and I fail to see why the same principles do not apply here. One of my arguments in the earlier case was that a hesitation by one's partner does *not* provide UI that one has erred. Yes, I hate Hesitation Blackwood as much as anyone, but the knee-jerk reaction of the majority of the consultants is wrong here. West's erroneous response was AI and he could act on it.

“The write-up is excellent, reading like a legal case study. Too bad the conclusion was wrong.”

✍ Another problem with assuming an error by responder, in addition to the one Ron/Edgar mentioned, is that one can never be sure if a response was an error or a system forget. For example, maybe responder forgot he was not playing 1430 or that *this* partner played KCB (not Roman), and the huddle reminded him. Deciding whether the response was really the error can require a degree of clairvoyance that we would be wise to avoid if possible. Of course every case must be decided on its own merits (cf CASE FORTY-TWO), but requiring “overwhelming” evidence to allow a Hesitation Blackwood bid would be a giant step in the right direction.

Polisner: “I disagree. A player who finds an extra ace has the right to bid on. This is not without risk when you showed 0 or 3, partner signs off in five, you carry on to six and partner bids seven assuming that you have three. (Unfortunately, this example is from personal experience.) The question of whether the break in tempo was the catalyst for West realizing that he had mis-responded is not persuasive. The fact is that he ‘found’ an ace and has the right to bid the slam.”

Treadwell: “I would have allowed the 6♠ call by this relatively inexperienced pair, particularly in the Charity Pairs, but would have given them a warning about the problems which arise when there has been a Hesitation Blackwood sequence. The West hand has maximum values in trump support and controls and I believe would have gone on to slam without the UL.”

✍ Right. Partner signs off missing two keycards (which turn out to be aces) and you bid on with maximum values, trump support and controls. That's the tough way to earn your 22,000+ masterpoints.

We need to stamp out Hesitation Blackwood. We need to insure that we never allow bidding on when it could be based on UI from bad tempo. We need to present a united front. Then we can say, “Resistance is futile.”

CASE FOUR

Subject (Tempo): To AWMPP, Or Not To AWMPP
Event: NABC Open Pairs I, 10 Mar 00, Second Qualifying Session

Bd: 30	John Oakley		
Dlr: East	♠ AJ7		
Vul: None	♥ 943		
	♦ AK1053		
	♣ KJ		
Luigi Montefusco	Mourad Meregian		
♠ 10543	♠ 86		
♥ K	♥ QJ872		
♦ Q	♦ J962		
♣ A1087652	♣ 93		
	James Breihan		
	♠ KQ92		
	♥ A1065		
	♦ 874		
	♣ Q4		
West	North	East	South
		Pass	Pass
1♦(1)	1NT	Pass	2♣
Dbl(2)	2♦	Pass	3♦(3)
Pass	3NT	All Pass	
(1) Alerted; 11-14 HCP and at least one singleton			
(2) Alerted; penalty			
(3) Break in tempo			

The Facts: 3NT made four, +430 for N/S. The opening lead was the ♣9. The Director was called after the 3NT bid and told there had been a long pause before the 3♦ bid. The Director ruled that the 3NT bid was not demonstrably suggested by the break in tempo and allowed the table result to stand (Law 16).

The Appeal: E/W appealed the Director's ruling. South did not attend the hearing. E/W stated that South bid 3♦ slowly. Their understanding was that North could not act on any information gained from the tempo and they believed that North had done so. North stated that South's bid was slow but it was forcing and he believed that 3NT was an automatic bid. 3NT made four when West won the ♣A at trick one and continued with a club.

The Committee Decision: The Committee believed that the 3NT bid was not particularly suggested by a forcing 3♦ raise. Thus, there was no violation of law and the table result was allowed to stand. The

Committee considered whether to award an AWMPP but decided that E/W should be educated about their responsibility to further consider an opponent's action before proceeding with an appeal. (E/W each had approximately 350 masterpoints.)

DIC of Event: Henry Cukoff

Committee: Henry Bethe (chair), Lowell Andrews, Dick Budd, Nell Cahn, Lou Reich

Directors' Ruling: 93.0

Committee's Decision: 75.0

✍ For reasons I'll allow the panelists to explain, E/W were clearly negligent on several different levels, including their defense of 3NT and their failure to show a connection between any UI from South's hesitation and North's action.

Let's look at the auction from N/S's perspective. North overcalled the artificial (and unusual) 1♦ opening with 1NT and South bid Stayman. After West's double, 2♦ showed... diamonds. While we have no direct evidence that North interpreted South's 3♦ bid as forcing at the time it was made, clearly (from South's hand) it was intended that way and was certainly at least invitational (since South could have passed 2♦). Is there any way that 3♦ could be weak? I guess if South bid 2♣ with a get-out 4-4-4-1 he might compete to 3♦—but surely not without competition.

Given that, what could South's hesitation mean? One possibility is that he was concerned that North might pass his forcing bid. But if that was his problem, he

could simply have cue-bid 3♣ (West's suit after the double). Another possibility is that North's 2♦ bid made a hand which South initially considered non-constructive worth an invitation (take away South's ♠K). There may be other possibilities, but these two suggest that South's hesitation had no clear direction.

Two other points. First, E/W were using unfamiliar methods for North America and, as I've said before, when players use such methods they need to afford their opponents leeway to consider what their actions mean in fundamentally unfamiliar situations. This is even more important at pairs, where the opponents have little time to discuss the methods and are playing only two boards against them. Second, West clearly distorted his convention when he opened 1♦ with only 9 HCP (11-14 was his stated range). While I'm not prepared to call this a psych (after all, seven-card suits still count for something), ACBL Regulations forbid psyching artificial or conventional opening bids. So E/W were on shaky ground themselves in this matter.

The Director told E/W that South's break in tempo did not demonstrably suggest North's 3NT bid. E/W appealed this decision and then failed to provide any evidence of a connection. In fact, the only thing I can see in E/W's defense is that they each had only about 350 MPs and probably were not experienced playing at this level. But against that is the fact that when players play up to NABC events, they need to play *up*! While I would have liked to have been there to hear what E/W had to say in more detail, I'd clearly need to be talked out of issuing them an AWMPP for this nonsense.

Agreeing with me are...

Bramley: "In a National event, E/W must get an AWMPP. These are not 'practice' events in which you can misuse the judicial process without consequence. Further, E/W were playing a very strange system, which should make them more tolerant of their opponents' efforts to cope with it. Finally, E/W appear to have misdefended not only at trick one, but later in the hand. Here the Director got it right and the Committee failed to back him up with an AWMPP. Wrong!"

Patrias: "Is there a problem with accepting an invitation with the North hand? I think not. I would have voted to give E/W the AWMPP. I would also ask why they failed to beat 3NT."

Rigal: "The Committee was derelict in its duty by not awarding an AWMPP. My opinion is rapidly swinging to the point where anyone who frivolously calls a Director and then appeals the decision needs more than education—they need a firm lesson. And we know what the best lesson is."

Cohen: "What goes on here? West in third seat opens 1♦, not 3♣, and East can know he might do this? No pre-Alerts? Is this convention allowed in an NABC Open Pairs? Do we allow psychs of artificial opening bids? Was this deal sent to the Recorder? And E/W had the chutzpah to appeal the ruling?! They should have been severely chastised and told when you play bridge anywhere you can't get away with this schtick. A matchpoint penalty should have been imposed and *that* would have been educational for this pair."

✍ Under the General Convention Chart (GCC), 1♣ and 1♦ are approved for use as natural or artificial opening bids as long as they promise at least 10 HCP. So the 1♦ opening was legal as described, but perhaps not as used (West's action suggests that the 10 HCP lower limit was not being obeyed). So this has now been recorded.

The remaining panelists seem not to favor an AWMPP. Grattan has a bone to pick with the write-up.

Endicott: "It reads as though the Director and the Committee made clear, sensible decisions. I have a problem with the scribe. The question is not whether a forcing 3♦ raise suggests anything; the question is what North may learn from the raise made hesitantly by comparison with the same raise in tempo. That said, it is difficult

to see in this auction what a North player would do anyway but collapse into notrumps.”

☞ Point well taken. Hopefully the error was more a lack of proper expression than a misconception. Still, the decision seems to presume that 3♦ was forcing without any supporting evidence (or logic). But perhaps the E/W methods should afford N/S that leeway.

Continuing along similar lines...

Stevenson: “So long as 3♦ is forcing, all seems clear. I just wonder about it and the general meaning of the sequence. It seems a strange bid to be forcing and also a strange choice anyway. Was it Alerted?”

Wolff: “Simple and logical reasoning produces the desired result.”

Treadwell: “An easy and excellent decision. I also agree it was probably better merely to issue a warning to E/W rather than award an AWMPP.”

☞ The next panelist wants to adjust N/S’s score. I wish he had provided some rationale for this other than some question about the 3♦ bid being forcing. After all, if the hesitation didn’t suggest any particular direction for North, what difference whether the bid was forcing or not?

Polisner: “I think I would have considered a split ruling of –430 to E/W for allowing 3NT to make. Even after the pathetic play at trick one, it is still not clear where the ninth trick, let alone the tenth came from. I would consider awarding N/S –50 or +110 in 3♦ unless N/S was really able to prove that 3♦ was forcing, in which case I would allow the table result.”

☞ I wonder, if Jeff had been confronted with this convention in a pairs event, whether he would have known whether 3♦ by his partner was forcing.

We’ll conclude our discussion of this case with the following combination bon mot and “bon moot.”

Gerard: “West should have had a better count on the clubs. Then the case could have been titled, The Count of Montefusco. Sorry, my only excuse is that I played on a team at the last Nationals with Mr. Weinstein and had to endure that and worse every day. [Clearly grounds for an abuse suit.—Ed.]

“I’m still looking for proof that 3♦ was forcing. If South could bid it on this hand I guess it was, but in my youth that could have shown ♠xxx ♥KQxx ♦QJxxx ♣x. If the Committee discharged its responsibility here, they didn’t tell us about it.

“I’m also looking for that overtrick ‘because’ West won the ♣A at trick one. Sloppy documentation.”

CASE FIVE

Subject (Tempo): The Power Of Dispensation

Event: Stratified Pairs, 10 Mar 00, First Session

Bd: 14	♠ 765		
Dlr: East	♥ 10943		
Vul: None	♦ 9		
	♣ J9752		
♠ AK9832		♠ QJ10	
♥ 5		♥ A	
♦ J76		♦ AQ1054	
♣ A64		♣ K1083	
	♠ 4		
	♥ KQJ8762		
	♦ K832		
	♣ Q		
West	North	East	South
		1♦	4♥
Dbl(1)	Pass	5♣	Pass
5♠	Pass	6♠	All Pass
(1) Break in tempo			

The Facts: 6♠ made six, +980 for E/W. The Director was called after the 5♣ bid. There was disagreement about the timing of the double (15-20 seconds). E/W were playing negative doubles only through 3♠. The Director ruled that pass was a LA for East and changed the contract to 4♥ doubled down one, +100 for E/W.

The Appeal: E/W appealed the Director’s ruling. In screening all four players agreed that there had been a 15-20 second hesitation (total time) before the double. East believed that the double of 4♥ showed values and not necessarily a trump stack. He based this on the fact that he held the ♥A. That being the case, he believed that with his powerful hand, his side would be safe at the five-level and had

a possible slam. E/W cited a recent article in the ACBL Bulletin in which Rich Colker stated that in auctions involving high-level preempts, longer breaks in tempo were to be expected. They did not believe that the break in tempo was that significant in this situation. East had approximately 1500 masterpoints, West 400.

The Panel Decision: The expert players consulted were all of the opinion that it was correct for East to pass West’s double. One said, “What else can I do?” The Panel decided that East had violated Law 16 and thus changed the contract to 4♥ doubled down one, +100 for E/W. The Panel further decided that this appeal lacked substantial merit and assigned E/W an AWMPP. The Panel also considered a PP for violation of Law 73C, which states that a player must “carefully avoid taking any advantage that might accrue to his side” when in receipt of UI. The Panel did not assess a PP due to the experience level of the players involved.

DIC of Event: Susan Patricelli

Panel: Mike Flader (Reviewer), Ron Johnston, Charlie MacCracken, Matt Smith, Sol Weinstein

Players consulted: Steve Garner, Peggy Kaplan, Bill Kent

Directors’ Ruling: 95.3

Panel’s Decision: 90.3

☞ Since my writings were invoked to justify E/W’s actions, the reader might presume that I have an interest in seeing those actions vindicated. Wrong! The concept I espoused in my article was that what constitutes a break in tempo depends on the information demands of the auction and the logical inferences available. Where the auction has taken an unusual turn and the next player would be expected to have a difficult decision, even a long delay is uninformative. When a player could be thinking about any of several things, each suggesting a different winning action,

then the hesitation is meaningless and the partner can freely choose any action. The following panelist makes these same points.

Endicott: “In assessing whether a slow call conveys UI, a Committee should take into account the fact that it is made following high preemption by an opponent. Similar considerations exist when opponents are using some unfamiliar treatment that creates unfamiliar bidding situations.”

✍ So do either of those arguments apply in the present case? Is this situation so unusual that West is almost guaranteed to have a problem? Hardly. Auctions like this are common in the modern game and carry no unusual information demands for experienced players. Holding ♠Qxx ♥xx ♦Jxx ♣Jxxxx, West would have had no problem passing in 10 seconds (probably less, with current tempo inflation).

Is this a situation where East can't be sure of what West's problem is? Again, hardly. West can't have a clear penalty double or he would have made it in normal tempo. He can't have a weak balanced hand (such as the one above) or he would have passed in normal tempo. So the slow double suggests that West has values (this type of double almost invariably shows general high cards rather than trumps anyhow) in a hand that is poorly suited for being left in: distributional rather than balanced, probably with no good suit. (West's not making the seemingly normal 4♣ bid may be attributed to his relative inexperience: he had 400 masterpoints.)

East, with 1500 masterpoints, should have known that he would not be allowed to take an action which could demonstrably have been suggested by West's takeout-suggesting hesitation. Even assuming he believed his own hand strongly suggested taking the double out (his ♥A is redundant with the expectation that West's double will normally not be trump-based), once the Director ruled that his bid could not be allowed, he should have dropped the matter, or talked to someone knowledgeable about appeals for a more objective perspective.

Our next panelist closely reflects my own view of the AWMPP/PP issue here.

Bramley: “The pendulum swings. The AWMPP is okay, but considering a PP as well is overkill. I think that a significant minority would remove the double with East's hand, so bidding is not even close to the outrageous use of UI that would warrant a PP. Frankly, I'm surprised that the Panel chose to ‘educate’ E/W with an AWMPP rather than the slap on the wrist used in a few other cases.”

✍ The next panelist expresses the opposite opinion about the PP, believing it was warranted and should have been issued.

Cohen: “Since when does 1500 masterpoints demonstrate inexperience? If the Director Panel failed to assess a PP for the reason stated they were all wet. At what point does East become responsible for his misdemeanors and receive the appropriate penalties? I have great respect for all four Directors on this Panel, but they blew this one. By the way, are the Director Panelists allowed to express a dissenting opinion? I have yet to see one.”

✍ Let me say that I do not for a minute buy East's argument, “with his powerful hand, his side would be safe at the five level and had a possible slam.” His hand was slightly above-average in high cards and slightly below average in suit quality (his ♥A wasted in the opponent's suit). Also, his 1500 masterpoints may not qualify him as inexperienced but neither does it make him a bridge expert. As Bart pointed out, a significant minority would probably remove the double with the East hand so that action does not come even close to what it would take to seriously consider a PP.

As for Director Panelists expressing dissenting opinions, there is no policy preventing it. (In fact, we'll see one in the next—Anaheim—casebook.) However, much like the ACBL Laws Commission, the Panels try to operate on a consensus basis. To write a dissent a Panelist would have to be pretty radically opposed to the decision to the point where he/she couldn't live with it—a rarity. In addition, if a

Panel member was radically opposed to the decision being considered, that might cause it to be reconsidered. I personally suspect that the reason why the Panels have at times polled so many expert players (as many as seven have been consulted) is that a member of the Panel needed to be convinced that the decision had reasonable support. The coming Anaheim dissension may tell us more about this.

I will share one other piece of information I discovered while researching the dissenting opinion issue. Director Panels will not issue a PP unless either the table Director or the DIC of the event seriously considered issuing one—whether or not they actually did. The reason is that management believes that a case should not have to go to appeal for a PP to be considered. I find this a problematic policy and suspect we'll hear more about it in future casebooks.

Other panelists who support Bart's and my view of the Panel's decision.

Rigal: “The Panel considered all the matters appropriately and to my mind did the right thing by not seeking to penalize E/W other than the AWMPP. Somehow any West not able to bid 4♠ with those cards needs more help than we will ever be able to give them.”

Treadwell: “The Panel and their consultants got this just right.”

Polisner: “Good all around.”

✍ Agreeing, and seizing the opportunity to expound upon Active Ethics...

Wolff: “I, of course, agree. Sometimes I wonder, when a player (in this case West) is thinking over South's 4♥, whether he considers only the bridge of it or the bridge plus the ethics of it. And just maybe he says to himself, ‘At least partner may now know I don't have a clear penalty double and do the right thing for once.’ If we (the fathers) don't rock that boat, verily it will not be rocked.”

✍ Of course we'll never know what was in the player's mind; hopefully no one actually thinks the way Wolffe suggests (my huddle will help partner get this right). If they do, we'll do everything we can to put a stop to it!

Of course whenever my writings are cited (if only they'd do it accurately) I can always count on the usual panelist support.

Stevenson: “A good try, quoting Rich as an authority! Unfortunately, no one is going to accept the argument here. As I suggested in the Boston case-book, I believe we want to teach Law 73C to people and I am pleased with the Panel's reference thereto.”

✍ Finally, one panelist thinks the table result should have stood.

Patrias: “I think I disagree with the ruling and the Panel's decision. When one side puts pressure on their opponent's by preempting, the expectation is a 10-second hesitation. Not too much difference in the actual hesitation. It also seems to me that holding the ♥A tells East the whole tale here. West is marked for values outside the heart suit. I would have let the table result stand.”

✍ Most skip bids involve preemption and the 10-second pause must always be tailored to the familiarity of the auction. The jump to 4♥ itself tells East that West won't often have a pure, trump-based double, so the ♥A is a superfluous cue. But the hesitation does eliminate certain hand types from West (e.g., ♠Axx ♥Jxxx ♦Kxx ♣QJx) which favor East passing, which is why a score adjustment is necessary.

CASE SIX

Subject (Tempo): Mistaking The Unmistakable
Event: NABC Open Pairs I, 11 Mar 00, First Final Session

Bd: 5	Steve Levinson		
Dlr: North	♠ KQJ5		
Vul: N/S	♥ Q92		
	♦ J104		
	♣ KQ6		
Pat McDevitt	Robert Schwartz		
♠ 9	♠ A86		
♥ KJ6	♥ A10843		
♦ A75	♦ Q983		
♣ A87543	♣ 10		
	Barnet Shenkin		
	♠ 107432		
	♥ 75		
	♦ K62		
	♣ J92		
West	North	East	South
	1NT(1)	Pass(2)	2♥(3)
Pass	3♠	Pass	Pass
4♣	Dbl	All Pass	
(1) Announced; 12-14 HCP			
(2) Break in tempo			
(3) Announced; transfer			

The Facts: 4♣ doubled made four, +510 for E/W. The opening lead was the ♠K. The Director was called after the 4♣ bid. East said he had to think a little about North's opening bid. West claimed that East is always slow. The Director ruled that there had been a break in tempo after the 1NT bid and did not allow the 4♣ bid. The contract was changed to 3♠ down three, +300 for E/W (Laws 16 and 12C2.)

The Appeal: E/W appealed the Director's ruling. East said that North had opened 1NT and the Announcement was made before he had finished sorting his hand. He then took a few (5-7) seconds to look at his cards and pass. North said he was not particularly observant of East's behavior but that it was a short while before he passed. South said it was clear that East was considering a possible bid. South demonstrated the hesitation after the sorting was completed as being of about a 4-

6 second duration.

The Committee Decision: When Law 16 makes reference to tempo as extraneous information, it uses the words "unmistakable hesitation." The players were in general agreement about the duration of the time involved in this case but were in disagreement about whether it "legally" conveyed extraneous information. East said he did not think much about making a bid (2♥ would have been hearts and a minor); he merely looked and saw that he did not have the values to enter the auction and passed. The Committee determined that there was no noticeable break in East's (slow) tempo over North's 3♠ bid. It appeared to the Committee that the table Director (who was summoned to the hearing) found West's comment about East's usual slowness to be incriminating because it was self-serving. The Committee thought that finding the comment to be incriminating was inappropriate (for the Committee's purposes) though treating it as suspect would be appropriate. Accordingly, the Committee evaluated all of the evidence which the table Director and all the players presented (including North's bidding before East had his hand arranged, the oral Announcement, and the duration of the hiatus) and concluded that there was no unmistakable hesitation. In part, this decision was influenced by the Committee's belief that a fast pass over a weak notrump is as much an impropriety as an unmistakable hesitation. Therefore, there was no infraction and no adjustment was appropriate. The Committee allowed the table result of 4♣ doubled made four, +510 for E/W, to stand.

DIC of Event: Henry Cukoff
Committee: Michael Huston (chair), Sid Brownstein, Larry Cohen, Corrine Kirkham, John Mohan

Directors' Ruling: 68.0 **Committee's Decision: 85.7**

☞ Once again Bart expresses my sentiments precisely and succinctly.

Bramley: "Well reasoned, well written. How nice that we already have repeaters from *two* earlier cases here in CASE SIX. Maybe if West had been really tuned in he would have doubled 3♠ for 800."

☞ Another question to ask about the auction and alleged hesitation is, "What action was suggested by the break in tempo (*if* there was one)?" The next panelist deals that question appropriately.

Endicott: "The Committee's process is well explained. It is credible that East did little thinking about making a bid; West's choice of 4♣ rather than double does not suggest anything had been learnt from East's tempo. The Director did the easy thing; not necessarily wrong but perhaps uninspired."

☞ The write-up suggests that the table ruling was based at least partly on a misconception about self-serving statements. The Committee found that North's 1NT bid and South's Announcement came while East was still sorting his hand. By the time East took his allotted few seconds to look at his hand, a bit more than the usual 4-5 seconds had elapsed. But even if East had broken tempo, what would it have meant? I can imagine his hand being: (1) balanced, with just under the values needed to double a weak notrump; (2) having a showable distribution (e.g., both majors) but too weak in his partnership to enter the auction; or (3) having an unshowable distribution given E/W's methods, with any strength from very weak to just short of penalty-double strength. Of all these possibilities, East is most likely weakish and distributional. But then West's 4♣ bid would be contraindicated, since he's likely to be facing a misfit. So I can't imagine disallowing West's 4♣ bid as being "demonstrably suggested" by East's hesitation—even if it had been confirmed.

While I agree with the Committee's assessment that there was no unmistakable hesitation over 1NT (although I'm not sure what to make of their statement that they "determined that there was no noticeable break in East's (slow) tempo over North's 3♠ bid"; was this done for comparative purposes?), the fact that 4♣ would not have been demonstrably suggested even had there been a hesitation transcends that issue and seems to me the crux of this decision. The next panelist agrees on this latter point and has a lot more to say about this distinction.

Gerard: "West obviously thought East hesitated, both by his comment and his action (who passes up 3♣ to balance with 4♣?), so it was unmistakable to the only player that mattered. The Committee seemed to say that East was entitled to take the amount of time he did so as to avoid transmitting UI by passing too fast. That is not the issue, and the Proprieties have nothing to do with it. Law 16 specifically mentions 'unwonted speed' as a possible means of communicating extraneous information, so the Committee didn't need to refer to an impropriety (it would violate the mandate to bid and play in an even tempo) when faced with score adjustment, not conduct. Somewhere beyond bidding too fast, you can bid too slow. Unwonted speed clearly cuts off well before 5-7 seconds—I would have said not long after the 'p' in 'notrump.' The real question was whether the actual amount of time was an UH (Wolffian), not whether it was justified as an attempt to avoid the other problem.

"They found no, I would have found yes. Certainly East has a possible conventional 2♥ call, playing random bridge at favorable. Do most players really wait for more under the circumstances? South thought it was clear and West caught

some vibes. As in the past, I'm with Justice Stewart on these situations and this is one instance where I see it.

"Now, having said all that, how was 4♣ demonstrably suggested? East's hesitation showed the upper end of a weak notrump (as much as a bad 15) or at least a five-card suit, probably unbalanced. The latter was overwhelmingly more likely, so 4♣ could easily buy a misfit and was contraindicated. Double would have been a no-no. In fact, 4♣ was the wrong action. If North had only had the good sense to recall the axiom 'with nothing, pass,' West would have been punished for his balance. In fact, North's double was such a wild, gambling action (I'll again use 'cut my tongue out first' as a description) that the Director should have stuck him with -510 even while ruling against E/W.

"So it's 510 all around, although not for the reason the Committee gave. I appreciate their effort and the clarity of the write-up, I just disagree."

✍ I'll answer Ron's question ("who passes up 3♣ to balance with 4♣") even though it was likely rhetorical. Let's say neither side is vulnerable and the auction begins, 1♦ on my left, pass, 1♥ on my right. I pass holding ♠Jxxxxx ♥Qxx ♦x ♣Kxx. LHO raises to 2♥, which is passed back to me. I balance with 2♠. I passed 1♠ and balanced with 2♠. Why? Because I have learned from the subsequent auction that partner is marked with some values. He's likely to be balanced since he probably had enough values to overcall if he had a suit or to bid 1NT if he had a diamond stopper. He is in the strong notrump range lacking a diamond stopper or the weak notrump range. They have a fit (hearts) so we will likely have one too (spades?). My guess is that a cautious West passed 2♥ to listen to N/S; when they stopped below game, marking East with some values, he balanced.

Next, did West say anything to suggest he thought East hesitated? Not that I can find. West said only that East is always slow. That suggests to me that West thought that East's tempo was normal *for him*—not slow.

Next, should East take a few seconds to consider his hand before passing 1NT? Absolutely! Passing in a manner that suggests you have nothing to think about is a violation of the laws. East was quite proper to look at his hand and appear to give it brief consideration—whether he saw anything that deserved consideration or not. To suggest otherwise is wrong. Whether or not East actually considered taking some action during those few seconds is immaterial. We should always give the appearance of considering our actions before making any call.

The key ingredient in bidding is not how long you take to make your calls but that they all appear to be made after some deliberation. If more players did that we could eliminate most tempo problems. It doesn't matter if everyone knows you had a problem making your last call. What matters is if they know you had a problem making your last call but not the call before that. If you always appear to have a bit of a problem, then who cares if you just had another one?

The next panelist agrees with Ron that East probably considered a 2♥ call.

Rigal: "I would have come to a different conclusion on the evidence before me. It is surprising how often people's difficult bid coincides with their sorting their hands. And East has a clear bid does he not over 1NT? I'd leave the Director ruling in place, though I admit that the Committee was better placed than I to establish the facts. But it looks like a subjective call to me, and not the right one."

✍ Barry is quite right that this is a subjective decision. And he may be right that East's hand screams "Bid 2♥!" (Ron seems to agree.) But even North could not deny that he started the auction before East had finished sorting his hand and by South's own account East then took only 4-6 seconds before passing—a normal amount of time since most would consider anything less than 3 seconds too fast. But even if you agree with Barry that East clearly broke tempo, how did that suggest West's 4♣ bid? Is this another case of If It Hesitates, Shoot It? At least Ron saw that the two events, the break in tempo and the 4♣ bid, were unrelated.

Other "shooters."

Cohen: "It appears that East admitted to a hesitation (I didn't say an 'unmistakable hesitation') and the Director did what was correct on the facts he determined. I still don't understand the Committee's rationale except it wrote its own definitions of 'unmistakable hesitation' and 'unwonted speed.' The Committee may have been right, but when a hesitator admits 'he had to think a little,' he gets +300 from me."

Patrias: "The Committee may be right: there may have not been an unmistakable hesitation. It is somewhat hard to believe that West would come in with 4♣ without some assurance from partner. Then again, I may be just too darn cynical."

✍ The following is a paid, political announcement...

Stevenson: "It is important that Directors and Committees have the right approach to self-serving statements. They are not synonymous with lies! It is not unreasonable to attach a lesser weight to them but they should not be discounted completely. In many cases Committees and Directors ask questions that are bound to produce self-serving answers—and that applies to both sides!

"Ron Gerard, in the May 2000 Bulletin, refers to not applying much weight to self-serving statements. But he is referring to players saying what they intended before UI is made available. He is right, of course; we now judge on a peer group's actions. But all evidence should be considered and here there does not seem to have been a significant tempo break."

✍ Let's examine self-serving statements more closely. First, every case involves self-serving statements from *both* sides. For example, the side which called the Director and claims an opponent broke tempo is making a self-serving statement. (Isn't it to their advantage to have the score adjusted if the partner of the alleged hesitator chooses the winning action?) Similarly, the side denying a break in tempo also makes self-serving statements. (Isn't it to their advantage to deny a hesitation so that they may keep their good result on the deal?) Occasionally a player will even make a statement *against* his side's best interest (e.g., "I had several things to think about when RHO bid 1NT"). In all situations, whether a statement is self-serving or self-effacing, the Director or Committee or Panel may choose to attach whatever weight they wish to the statement from giving it full credibility to ignoring it.

Next, there are basically two different types of self-serving statements. One type I will call self-interested (SI) and the other I will call self-serving (SS). SI statements have an objective or verifiable component. Examples of these include: "We play partner's pass as forcing here, so his slow pass was irrelevant," "We play Flannery, so partner knew I had only three-card spade support for my raise whatever my tempo," "No competent player would pass 5♦ with this hand," and "I knew from my opponent's loud double that running was the right action, so partner's hesitation was immaterial." With SI statements, we can consult the players' system notes or convention cards, check whether their Alerts or other aspects of the auction are consistent with the claims, consult the bridge judgment of experts, or check the plausibility of the argument for bridge credibility. SI statements form the backbone of an appeal, since they present the arguments and evidence upon which each side's hopes for a decision rest. They are entirely proper and appropriate, whatever weight we ultimately decide to assign them.

SS statements typically lack external verifiability. Examples include: "I didn't notice any hesitation," "I was always going to save, whatever level they bid to," "I knew I made the wrong bid as soon as I made it," and "Partner is always slow in these situations." SS statements require us to accept them on faith, since they cannot be verified objectively. In addition, they usually involve information that is legally inadmissible. For example, the laws refer to what a player *could* have known, not what he *did* know, and whether an action *could* demonstrably have been suggested over another, not whether it *was* suggested. The content of a player's mind or his intentions are usually irrelevant, often immaterial and sometimes inadmissible by law for adjudication purposes. Thus, SS statements will normally (but not always)

be disregarded and are often a waste of time.


Distinguishing between these two types of statements can be a difficult task. For example, many SI statements will depend upon bridge arguments or inferences which in turn depend upon the plausibility of certain agreements the players claim they made. Even worse, in many cases these judgments also depend on the skill and experience level of the players or the partnership. Such judgments are intrinsically subjective and depend critically on information obtainable only from the players themselves. Talk about SS!

Back to the present case, I agree with David and the Committee that there was probably not an unmistakable hesitation over 1NT. So do the remaining panelists.

Polisner: “When there is a question of fact—i.e., was there an unmistakable hesitation?—we should defer to the Committee who heard the evidence. If the answer is ‘no,’ the table result stands.”

Treadwell: “Excellent reasoning by the Committee in assembling and considering all of the facts. West can be sure from the fact that N/S stopped short of game that East had 5 or more HCP and is entitled to make a somewhat gambling balance. N/S would not have complained if their clubs had been four-two. Actually, North has a very frisky double of 4♣. North could have gotten a good result by passing and eliminating their almost certain penalty of -300 at 3♠. The moral to this story is to accept a gift when offered.”

Wolff: “Nothing much here, the decision was fine and I agree, but why wouldn’t West bid 3♣ the first time? Are these reluctant bidders trying to get a better feel or what? Maybe our appeals experiment is uncovering information we didn’t expect. Or maybe bridge has always been a big hodgepodge defying description or logic. I have noticed that some players seem unduly nervous and overly caustic over our process. Here, in my opinion, West may or may not have been influenced by East’s original slow pass but he did bid at the four level. North had a very speculative penalty double since almost half his hand was worthless defensively. Declarer caught a singleton trump but the rest of the hand was magic. They made it and the opponents tried to get it back in court. They didn’t succeed but next time they might. The only lesson to me, and I wish to everyone, would be to let us see what we can do to influence our top echelon players to set examples for others to follow. We are not as far away from doing that as some of our unduly nervous and overly caustic players claim we are.”

 Listening carefully to the opponents’ auction is a much underrated quality. A hesitation does not automatically lead to a score adjustment. Thinking does not automatically constitute a break in tempo.

CASE SEVEN

Subject (Tempo): Two Kinds Of Logic
Event: Flight A Pairs, 11 Mar 00, First Session

Bd: 21	Walt Schafer		
Dlr: North	♠ Q10984		
Vul: N/S	♥ 8		
	♦ K96		
	♣ K852		
Fred Zhang		Qing Yang	
♠ K7		♠ 653	
♥ AQ65		♥ KJ1093	
♦ Q2		♦ J10543	
♣ AJ1096		♣ ---	
	Jack Coleman		
	♠ AJ2		
	♥ 742		
	♦ A87		
	♣ Q743		

West	North	East	South
	2♠	Pass	Pass
Dbl	Pass	2NT(1)	Pass
3♣(2)	Pass	3♥(3)	3♠
Pass(4)	Pass	4♥	All Pass
(1) Alerted; Lebensohl			
(2) Alerted; forced			
(3) Alerted; bust hand			
(4) Slow; 20-30 seconds			

The Facts: 4♥ made four, +420 for E/W. The opening lead was a low heart. The Director was called after the 4♥ bid. East said he liked his spade holding and maximum for 2NT followed by 3♥, so he bid 4♥. The Director ruled that it was easy to construct normal minimum doubles where 4♥ and 3♠ were both going down, so pass was a LA and bidding may have been suggested by the break in tempo. The contract was changed to 3♠ down two, +200 for E/W.

The Appeal: E/W appealed the Director’s ruling. N/S, through a misunderstanding, did not attend the hearing. Prior to bidding 4♥ East suggested that his opponents call the Director because of his partner’s slow pass. While E/W had played for 10-15 years in China they had only 450 and 300 ACBL masterpoints. East believed that South’s 3♠ bid improved his hand, since West was now marked with at most a doubleton spade. East said that West would be very unlikely to have only three hearts for his double, which

is why he bid 4♥ and not 4♦.

The Panel Decision: The expert players consulted would all have bid 4♥, or at least an invitational 3♥, after the double. Three believed that 4♦ was the called-for bid on the auction, even with the break in tempo. One, however, thought that once East evaluated his hand as a bust initially, West’s slow pass gave too much information and pass was a LA. The Panel decided there was a 20-30 second hesitation after the 3♠ bid which demonstrably suggested bidding 4♥ and that pass was a LA. Law 73F1 requires an adjustment under this finding. The contract was changed to 3♠ down two, +200 for E/W (Laws 16A2 and 12C2).


DIC of Event: Candy Boughner

Panel: Charlie MacCracken (Reviewer), Mike Flader, Susan Patricelli, Sol Weinstein

Players consulted: Ralph Cohen, Tony Forrester, Billy Pollack, John Sutherlin

Directors’ Ruling: 91.7

Panel’s Decision: 84.7

 It seems there’s a fight a brewin’, right here in River City. Step right up, folks, admission’s free. This could be the biggest brouhaha since the Holyfield-Tyson

affair. I just hope no one loses an ear in this one.

The arguments start with the contention that while most players would have bid 4♥ (or at least 3♥, invitational) directly over West's double, envisioning the short spades and excellent fit opposite, given a second bite at the apple, with the added incentive that South's 3♠ bid markedly improves East hand (and vision), how can East be denied? So says...

Treadwell: "I cannot understand how the Panel could disallow the 4♥ bid by East since all of the experts consulted would have bid 4♥, or at least an invitational 3♥, after the double. So how can it be a LA for East to pass after an opponent was kind enough to give him another chance? One may not agree with East's initial action, and I don't, but that is irrelevant for South's call, in fact, does improve his hand. And perhaps 4♦ would have been a better action at his second turn, but to pass with ten cards in the red suits would be totally illogical—hardly a LA."

✍ But one needs to adopt the perspective of a player who thought the East hand worth only 2NT followed by 3♥ the first time. Would such a player have recognized the value of his hand, even with the added stimulus of South's 3♠ bid, had it not been for West's huddle? Not beyond a reasonable doubt say...

Stevenson: "A good decision. Players have to consider what other players who would bid 3♥ initially would do next. This is a difficult decision for players who would themselves have bid 4♥."

Endicott: "The player who said the slow pass gave too much information addressed the right question. Full marks to him."

✍ This is getting serious; it's time to bring out the big guns.
Logic is logic and an inclination toward conservatism, even if we personally disagree with it, is not a concession that the player is brain dead...

Bramley: "No. Nobody would pass 3♠, despite the opinion of the fourth expert. A hesitation cannot make a previously illogical call logical. While this group of consultants would have been more aggressive initially as East, I am sure that many players prefer to tread lightly when holding only 5 HCP. The Director's ruling is understandable, but the Panel should have restored the table result."

✍ That fourth consultant is no aberration. Far from it, he's the voice of reason.

Gerard: "Further proof that the random preemptors have overlooked the value of the little old single raise.

"Good for the Panel, who didn't let the three 4♦ bidders get away with it. What would they have done if they hadn't turned up one rational expert consultant? It feels like their inclination would have been to disallow 4♥ but they probably would have felt they had no option if faced with unanimity to the contrary. The 4♦ bidders were guilty of the intelligence transfer, failure to put themselves in the shoes of an original 3♥ bidder. They need to be told that whether 4♦ was the called-for bid was irrelevant—the issue was that pass was the called-for alternative.

"If anybody's interested, I know who was on which side."

✍ Sorry, Ron, but like the U.S. military there's a "don't ask, don't tell" policy in effect here—unless a consultant wishes to out himself. Wait, is that a knock I hear coming from the closet door?

Cohen: "Well I told the Director who asked me that I did not consider pass a LA after 3♠, though I would have bid 4♦. The vote of the experts was 3-1 in favor of my view re the LA. However, if in fact 25% of East's peers would consider pass a LA, then the Panel was correct. The single vote for pass as a LA may have been an

aberration, or on a wider survey might have turned out to be a statistical fact. Won't argue."

✍ I thought the 75% Rule (or 25%, depending on how you look at it) was a thing of the past. The current standard is whether "some number" of the player's peers would "seriously consider" the losing action. Hmm. In retrospect, that 75% Rule may not be as bad as I remember it; even worth resurrecting if we have to live much longer with the current "improvement." Ugh! Oh, well...back to the battle.

This is getting serious. Is there no concession to what, after all, should be clear bidding logic?

Rigal: "Passing 3♠ with three small spades when the shortage is 'onside,' not 'offside'? Come on guys! Only the standard of the event allows this ruling to be conceivable. If East had bid 4♦ (or would that show 4-5?) I'd have even more sympathy, but again the vulnerability makes some action clearly indicated, I believe. At the very least N/S should be left with -420. I can live with E/W collecting 200."

✍ One man's logic is another man's...hmm...logic?

Wolff: "I agree with the general wisdom of the Panel and would give E/W +200, but would stick N/S with -420 (NPL). N/S pushed them into it and would have taken +50 if they had defeated them."

✍ Of course N/S would have taken their plus in 4♥ had one been available. But that's beside the point. If 4♥ was arrived at through UI, N/S should not have to rely on its going down. N/S did not create this double shot for themselves. When one is foisted upon them by the opponents, the laws say they are entitled to it.

Focusing on the problem of multiple sources of information, some authorized and some not, the next panelist feints and jabs his way to...

Polisner: "Cases where there is both AI (the 3♠ bid) as well as UI (slow pass) are the most difficult to decide. However, in this case, the assumption that West was short in spades is normal and thus East should not be entitled to change his mind in the presence of the UI."

✍ At least he released in the clinches and didn't bite anyone's ear.

To recap the argument: (1) We must place ourselves in the frame of mind of an East player who thought his hand worth a non-constructive 3♥ bid. (2) East had UI from West's huddle that bidding on was likely to be successful. (3) Redundant AI to that effect was present from South's 3♠ bid and East's hand. (4) To some extent that AI (that West is short in spades) was already present when West doubled and East then chose to bid only 2NT followed by 3♥. (5) But wouldn't any non-brain-dead bridge player, even one as conservative as East was here, inevitably wake up and smell the coffee over 3♠? After all, he was an experienced Flight A player (10-15 years play in China and an ACBL Life Master).

So this case ultimately boils down to bridge/player judgment. Being a fan of pragmatics when pragmatics are called for, I note that one consultant and five panelists say that while they would not have passed 3♠ (and would have bid more aggressively over 2♠), they think a non-constructive 3♥ bidder might have passed 3♠. Yes, there was AI that was redundant with the UI, but that same AI had been available over 2♠ doubled and was ignored. So if six of fourteen experts say that pass is a LA for East, maybe we should wake up and smell the coffee.

Right, Chris?

Patrias: "Okay."

CASE EIGHT

Subject (Tempo): Dangerously Close

Event: NABC Silver Ribbon Pairs, 12 Mar 00, Second Qualifying Session

Bd: 22	Wayne Hascall		
Dlr: East	♠ K3		
Vul: E/W	♥ 98543		
	♦ AQ65		
	♣ 43		
B Gayle Phillips	William Foster		
♠ A954	♠ J872		
♥ QJ1072	♥ A		
♦ J9	♦ 432		
♣ A5	♣ J10876		
	Glenn Smith		
	♠ Q106		
	♥ K6		
	♦ K1087		
	♣ KQ92		
West	North	East	South
		Pass	1♦
1♥	Pass	Pass(1)	Dbl
Pass	2♦	Pass	Pass
2♠	All Pass		
(1) Break in tempo			

The Facts: 2♠ went down one, +100 for N/S. The opening lead was the ♦A. The Director was called at the end of the auction. East agreed there had been a 10-15 second pause. West, who did not dispute this at the time, later said she didn't notice the pause. The Director ruled that the tempo indicated that West would do better by bidding than passing and that pass was a LA. The contract was changed to 2♦ made three, +110 for N/S.

The Appeal: E/W appealed the Director's ruling. South did not attend the hearing. West stated that she did not notice the hesitation and that it was losing matchpoint tactics to pass 2♦, irrespective of the vulnerability. East said that he thought about bidding over 1♥ but decided not to based on his holding only 6 HCP. North told the Committee that West asked the Director when he arrived at the table if it was too late to call him at the

end of the auction. When the Director told her that it was not she remarked that "someone should have warned her." West disputed this statement and told the Committee that she was a certified Director (club level) and that she knew her obligations after a break in tempo. The Committee consulted the table Director, who told them that when he was at the table the 10-15 second pause was not disputed by East. West said that she did not notice any pause and then also inquired whether N/S had lost their rights to summon the Director—since they had waited until the end of the auction. He had pointed out to her that while it was acceptable to call the Director when a pause occurred, waiting until the end of the auction was also perfectly acceptable. She then asked him "Should I not have been warned about this before making my second bid?"

The Committee Decision: The Committee decided that a break in tempo had been established and that pass was a LA for West. The slow pass by East suggested that he was contemplating action and if East had any values it meant that acting over 2♦ was more attractive. The 2♠ bid was disallowed and the contract was changed to 2♦ made three, +110 for N/S. The issues of an AWMPP and PP were also considered. The Committee ultimately decided that since West's hand was relatively close to an action without the break in tempo, neither would be assigned. West's faulty memory as to the facts, coupled with the fact that as a Director she could be expected to know her responsibilities as a player, meant that she had brought herself exceedingly close to both.

DIC of Event: Henry Cukoff

Committee: Barry Rigal (chair), Phil Brady, Dick Budd, Barbara Nudelman, Dave Treadwell

Directors' Ruling: 91.8

Committee's Decision: 80.0

✍ Director "nullification" was alive and well in Cincinnati.

If the write-up is accurate, then East broke tempo by his own admission for 10-15 seconds, which clearly made West's balancing more attractive. West initially did not deny the hesitation but later said she was unaware of it. According to North, she then tried to shift the focus of the inquiry from the merits of her action given UI to the question of N/S's right to call the Director at the end of the auction. When the Director told her that that was perfectly acceptable, she claimed she should have been warned about this before making her 2♠ bid. She denied all of this to the Committee, telling them that she was a certified (club-level) Director and knew her obligations after a break in tempo, but when the Director was called to the hearing he confirmed everything North had said.

West's performance was one of the most flagrant examples of bridge lawyering (sorry, Ron) we've seen, and we've been doing these casebooks forever. That she escaped with only a warning is simply mind boggling. Right Jon, Barry, Jeff, Chris?

Brissman: "I would have thrown the book at West. If the report is accurate, she likely lied to the Committee, tried to shift the blame to N/S for not summoning the Director in a timely manner, and then blamed the Director for not warning her during the auction."

Rigal: "Compare this case to the Meckstroth ruling a couple of years ago where Jeff bid again on an almost identical auction with a far better hand, plus his aggressive reputation and we (yes, it was me again) took it away from him. The old Hebrew saying [Al camah v camah] which literally translates to 'and how much the more so...' suggests that West did indeed get away lightly without the AWMPP and PP."

Polisner: "I agree with the +110 N/S, but I would not have been so tolerant of West's conduct and would have awarded an AWMPP and a PP against her for her blatantly suspect testimony."

Patrias: "Bah Humbug—AWMPP."

Stevenson: "Another example of how much we need to teach people about Law 73C. A certified Club Director should know her responsibilities without a warning." Perhaps she meant that a warning would have established the fact of a tempo break of which she claimed to be unaware. That is true."

✍ I think David is saying that West might have been claiming that a Director call, had it been made immediately after the break in tempo, would have warned her that her balancing bid would be subject to a more rigid standard than usual, and that she was entitled to know that. (In essence, that West was saying, "I knew my 2♠ bid was aggressive but I had no idea, without a warning, that there was any reason not to make it.") In theory that's a valid point. However, the length of East's delay and West's distasteful attitude combine to leave me totally unsympathetic.

Our next panelist reiterates the above position while raising the other important issue associated with this case.

Bramley: "Apparently North didn't see South's opening bid, else how could he pass over 1♥, bid only 2♦ at his next turn, and sell out to 2♠? That combination is egregious in my book. West's commentary was just as sickening, the equivalent of 'I thought the statute of limitations had run out, so they had to let me get away with anything I felt like doing'. I would have decided against both sides. E/W get -110 for using UI to bid when pass was a LA, and N/S get their table result, +100,

because they quit playing in the middle of the hand. Can we still do that?”

☞ We'll offer our opinion on that last question in good time. But first, let's hear from the other panelists who focused on North's culpability for his result.

Cohen: “You have to be kidding! South opens the bidding and North, who is sitting with the equivalent of a limit raise, can only ‘ooch’ out one reluctant raise. N/S +100, E/W –110. North's pass of 2♠ is egregious.”

Wolff: “Hateful decision! N/S played poor bridge in that North never really made a bid. How he would not have bid at least 3♦ is beyond me. They deserve no more than +100. Also, there is something much less distasteful about hesitating in the possible passout position. Control passes to the opponents and they, in turn, should be on their own. The worst E/W should get is –100 and a 1-matchpoint penalty and that only if the Committee sees E/W as markedly taking advantage. We need a section on ethics in the bidding after your side has passed it out in the next-to-last chair. My preference is to then have the fourth chair be on his own as to the result and not have recourse against the hesitator. Important case for this reason.”

☞ I see Wolffie's point about hesitating in a “possible” passout position not being so distasteful. Many times a player in that position has good reason to believe they are making the final decision on the hand. However, in this case I do not agree that East was entitled to that consideration. South opened the bidding and North had passed in the classic negative-double seat. Thus, it was overwhelmingly likely that South would reopen the auction if East passed (how often does opener pass out his LHO's overcall?). So East had every reason to believe that the auction would not end. Had East been in a *likely* passout position I would have more sympathy for Wolffie's idea. For example, if (on a different layout) East had passed 1♥ in tempo, South reopened with a double, and West then rebid 2♥ which was passed back to East, I would agree that a huddle by East before passing 2♥ would not be serious. If South then balanced a second time with a double, West passed, North bid 3♦, and West then balanced again when 3♦ came back to him, I would say—in the absence of a blatant action by West—that N/S are pretty much on their own.

Recognizing both issues relating to this case (could we have expected any less from him?) is...

Gerard: “West's question about a warning made no sense. It was akin to asking why there aren't any newspaper headlines when a famous person is born.

“The Committee took a pass on demonstrably suggested, but 2♠ achieved the same result as double so it didn't matter.

“Two hands in a row where failure to make a normal raise may have contributed to an appeal. Do you think the increased litigiousness we've all remarked upon is due to bad bidding habits? In fact, how about abuse of process by N/S for trying to recover from the Director what they should have achieved at the table? I know some National Board members, including the one in my household, who would have been embarrassed to ask for an adjustment. However, I suppose you can't get them for failing to play bridge after the infraction since they had already failed to play bridge before the infraction.”

☞ In all fairness, David's suggestion about West's warning comment does provide a possible rational interpretation.

Ron's last point is well taken and relates back to Bart's final statement about quitting playing in the middle of the hand. My take is that North took a radically conservative position when he passed at his first turn, perhaps (unduly) influenced by his five small hearts. Is it clear that his 2♦ bid was so inconsistent with his original pass? As Ron says, we can't really punish someone for being a poor player (sorry, Wayne) when that fact was established before the infraction. The only time we can hold someone responsible for poor play is when they fail to play bridge

(take a wild/gambling action?) subsequent to the infraction which is clearly beneath their level of play and which directly contributes to their poor result. (In other words, they could have achieved a good result had they simply continued to play up to a minimal standard.)

I find this a very close call. North's pass of 1♥ is awfully conservative; most would raise to 2♦ (South is marked with at least four diamonds unless South has four hearts and West has overcalled on a four-card suit—i.e., South is precisely 4-4-3-2—or unless South might open 1♦ holding three-three in the minors). His later bid of (only) 2♦, which could be made on a zero count, is even stranger and his final pass of 2♠ is virtually incomprehensible. Are the latter two calls more-or-less consistent with North's original conservative approach to the hand? I think not. I can conceive that North might have been trying to penalize a heart contract at the two-level or higher with E/W vulnerable at matchpoints, but when West's 2♠ made that virtually impossible, it was incumbent upon him to bid his values. His failure to at least compete with 3♦ (or even double 2♠, trying for the penalty in another strain), broke the chain of causality in my mind.

So I would adjust E/W's score to –110 in 2♦ making three and leave N/S with the table result of 2♠ down one, +100.

Our final panelist raises an old point of contention.

Endicott: “Admittedly South would be unlikely to contribute much to this hearing, but I do believe all four players should normally be expected to attend appeal hearings. A player that does not attend ought to explain the need that justifies the absence. The WBF General Conditions of Contest say ‘All four players at the table shall consider themselves called to the hearing unless prior consent to the absence of a player or players is obtained through the Tournament Director.’”

☞ Since he's relatively new to the panel and for the benefit of newer readers, we'll repeat our stock reply. While the presence of the non-appellants may be desirable in some cases, it is not required in the ACBL. Moreover, I have sympathy for players who have done nothing wrong (as ratified by the Directors in the table ruling) and who opt not to be dragged to a late-night hearing which might not be heard and resolved for hours. The Director, in theory and in practice, should take whatever steps are necessary to represent fully and accurately the facts and accounts of the non-appealing side on the appeal form—especially when they indicate that they may not attend the hearing. I would even support the Director, in complex cases, to use his/her judgment to advise the non-appellants that their presence at the hearing might be critical. Beyond this, however, I believe we must be sensitive to the non-appellants' rights and wishes. After all, many players find the appeal process quite aversive (as difficult as that might be for some of us to appreciate) or have other plans or commitments that they have every right to pursue and should not have to justify to us.

CASE NINE

Subject (Tempo): Partner’s Opinion Not Pertinent

Event: NABC Silver Ribbon Pairs, 13 Mar 00, First Final Session

Bd: 2	Mary Savko		
Dlr: East	♠ K5		
Vul: N/S	♥ KJ98754		
	♦ K63		
	♣ 7		
Cecil Cook		Richard Anderson	
♠ A10		♠ J87643	
♥ 1062		♥ Q	
♦ J10874		♦ A9	
♣ KJ9		♣ A654	
	Walt Smith		
	♠ Q92		
	♥ A3		
	♦ Q52		
	♣ Q10832		
West	North	East	South
		Pass	Pass
Pass	1♥	1♠	1NT
2♠	3♥	3♠	Dbl(1)
Pass	4♥	All Pass	
(1) Break in tempo			

The Facts: 4♥ made four, +620 for N/S. The opening lead was a small spade. The Director was called after the 4♥ bid. The break in tempo was agreed. North said she pulled the double because her hand was so weak defensively. The Director ruled that pass was a LA and changed the contract to 3♠ doubled made three, +530 for E/W.

The Appeal: N/S appealed the Director’s ruling and were the only players to attend the hearing. North believed that opposite a passed hand, holding one more heart than she had advertised, and with little or no defense she would always pull the double.

The Committee Decision: North had shown extra length by bidding 3♥ and had described her hand. In addition, looking at the ♠K5 and facing a partner who had freely bid 1NT, passing was a LA and bidding could

have been suggested by the agreed-upon break in tempo. The contract was changed to 3♠ doubled made three, +530 for E/W. The Committee believed this appeal lacked merit and assigned an AWMPP to N/S. However, later the same evening three members of the Committee, after finishing another case, were informed by the screening Director that the DIC of the event had told the appellants that in his opinion there would be no penalty for bringing this appeal. The three Committee members decided to withdraw their votes for the AWMPP, thus rescinding it.

DIC of Event: Charlie MacCracken

Committee: Robert Schwartz (chair), Lowell Andrews, Nell Cahn, Bob Gookin, Ed Lazarus

Directors’ Ruling: 81.7

Committee’s Decision: 89.0

✍ The following panelist expresses the sentiment of most panelists regarding the bridge issue involved in this case.

Polisner: “Routine.”

✍ But there’s usually an odd man out and Ralph has volunteered for the position for this case.

Cohen: “Apparently the Committee considered pass a LA. I wonder how many would have passed at the table. None I suspect. I seldom buy appellants’ pleadings

without doubt in my mind but this is one time I have sympathy. At best North rates to take two tricks on defense. Partner, a passed hand, bid 1NT—not 2NT—for his first bid opposite a fourth-seat opening. Where were five defensive tricks coming from? The Committee was punishing a huddle and not allowing North to play bridge.”

✍ Well, there’s bridge and then there’s bridge.

The remaining panelists were all sympathetic with the Committee’s bridge decision. As for the AWMPP, there was considerable comment about the DIC’s and screening Director’s roles in this fiasco, as well as the basic merits of the appeal.

The following panelist expresses what I believe to be the proper position on a Director providing input to the appellants about the likely merits of their appeal.

Patrias: “Good ruling by the Director and the Committee. If the DIC expressed an opinion about the validity of the appeal, he erred. I do favor Directors warning about the *possibility* of an AWMPP (though some of my colleagues disagree) but I think it is wrong to say anything that might be construed as an assurance of the appeal being ‘safe.’”

✍ I would even go a step further. I think it is okay for a Director (especially the screening Director) to express his opinion about whether an appeal may lack merit. However, this must always be clearly identified as an opinion and not an official guarantee. The players bear the ultimate responsibility for their appeal. This is the approach I take when I’m asked for my opinion. (Yes, it does happen on the rare occasion.) In addition to providing feedback about the specific laws and bridge issues involved, I always say something like:

“Remember, I’ve only heard your side of the story. The other side may be quite different even though I understand you are trying to represent it fairly. From what you’ve told me your appeal sounds good/risky [pick one], but a Committee could always see things quite differently, which wouldn’t surprise me. I would/wouldn’t [pick one] consider this appeal to lack merit, but that’s only my opinion. The final decision is yours”

And now for a different perspective on this issue.

Brissman: “The ruling and decision were fine, but of course the DIC had no business issuing his opinion on the merit of the appeal. Given the situation, the Committee appropriately withdrew the AWMPP. But the DIC should have been sentenced to purchase and deliver beverages-of-choice to the Committee.”

Gerard: “So transfer it to the DIC. That’s not his prerogative anyway. He or the screening Director can only warn the players about the possibility of an AWMPP, not express an opinion either way. My rating for the Directors includes an adjustment for this performance.”

✍ The following panelist expresses what I believe to be the goal of screening and the optimal way it should work.

Bramley: “Don’t mess with our Board members! (See CASE EIGHT also.) Sloppy handling of the AWMPP. I have been told that screening Directors no longer offer their opinion about potential AWMPPs, lest they be wrong. Why not? Isn’t that one of the prime purposes of screening, i.e., to *screen* out lame cases? (The DIC here functioned as a pre-screening Director.) Screening Directors should clearly state that they are expressing an *opinion* and that the Committee may not share that opinion. Certainly the screening Director should offer his opinion if he is asked directly to express one.”

✍ I can understand why screening Directors have been so reluctant to offer their opinion on the merits of appeals. Too many times they have held (and expressed)

opinions on cases, only to learn that the Committee saw the case quite differently. The present screening philosophy, I believe, is to make sure that the appellants understand: (1) what the laws say about the issue in question; (2) what sort of evidence the Committee will be looking for and what the appellants will have to convince the Committee of to get the ruling changed. In addition, the screening process functions to: (3) give the appellants a chance to tell their story to someone before going before a Committee, to have a chance to think through their arguments and practice what they will say—and possibly reconsider the appeal—; (4) give the screening Director a chance to correct an errant table ruling or to consider new facts that were not discovered in making the original ruling.

In addition, as I said earlier I think the screening Director should perform a fifth function: that of offering feedback when, in his/her opinion, the appeal clearly lacks merit. I think it would be a good idea in such cases for him/her to serve as a sort of gatekeeper running his/her opinion by the Chairman of Appeals (Jon) and the Appeals Administrator (me) as a check before offering it. Further, I think that if we all agree that the appeal lacks merit, the appellants should be informed of this and told, should they choose to go forward with the appeal and the Committee does not find in their favor, that the Committee will be told before considering the merits of the case that the appellants had been warned that the case lacked merit and that they should seriously consider assessing an AWMPP. The final decision would of course rest with the Committee.

Other panelists' views...

Treadwell: "A good decision, particularly in rescinding the AWMPP award to N/S after finding out that the screening Director had told N/S that, in his opinion, there would be no penalty for making this appeal."

Wolff: "I agree with the decision. We need to establish common law on whether encouragement by the Director wards off the AWMPP."

Rigal: "I think the AWMPP was wrong in any event—I always have sympathy for people with pronounced extra distribution bidding too much, notwithstanding how much of it they may already have shown. I'd agree with the Committee for the reasons stated though, and in the circumstances they were certainly right to go back on their initial decision."

Stevenson: "I would not be very keen to defend 3♠ doubled with the North hand when my partner could only bid 1NT originally. Does that mean I think the decision wrong? No, but I think the appeal has merit."

"Why did the DIC tell them there would be no penalty? If it was an opinion based on the facts then the Committee should not be told. Committees often hear a different story from screening Directors. However, if the DIC said officially that there was to be no AWMPP then (a) is this correct procedure? [certainly not—Ed.] I would be very surprised; and (b) the Committee should then be told and it should appear on the form so that the Committee does not waste its time considering an AWMPP."

✍ We'll leave the following comment to be sorted out by the Anglophiles among you. We can offer that "Charlie" is apparently an English slang term for a fool or an idiot, and that a "right Charlie" is therefore a *real* fool or idiot.

Endicott: "A right Charlie—or more accurately a wrong one."

Subject (Tempo): No Bridge Playing Allowed

Event: NABC Silver Ribbon Pairs, 13 Mar 00, Second Final Session

Bd: 24	Arnie Malasky		
Dlr: West	♠ J954		
Vul: None	♥ J63		
	♦ 9876		
	♣ A9		
Gene Kales	♠ AKQ76	Donald Berman	♠ 1083
	♥ AQ87		♥ K109542
	♦ 5		♦ J
	♣ J63		♣ Q104
	Dick Wegman		
	♠ 2		
	♥ ---		
	♦ AKQ10432		
	♣ K8752		
West	North	East	South
1♠	Pass	2♠(1)	2NT
3♣	Pass(2)	3♥	4♦
4♥	5♦	Pass	Pass
5♥	Pass	Pass	6♦
Dbl	All Pass		
(1) Alerted; tends to deny four spades (E/W play Bergen raises)			
(2) Break in tempo			

The Facts: 6♦ doubled made six, +1090 for N/S. The opening lead was the ♠A. The Director was called while North was thinking after the 4♥ bid. E/W said it took North 45 seconds to pass over 3♣; N/S agreed to a break but said it was only 20-25 seconds. The Director ruled that none of South's actions after the break in tempo was an illegal choice from among LAs, as per Law 16.

The Appeal: E/W appealed the Director's ruling. E/W stated that the Director was called after North's pause following the 4♥ bid made it obvious that he was going to bid something. E/W believed that the subsequent bidding was influenced by the hesitation over 3♣. N/S disputed that there was a break in tempo after the 4♥ bid. South stated that with his offensively-oriented hand and no defense 6♦ was an obvious bid.

The Committee Decision: When a hesitation occurs, there is an incumbency placed upon the hesitator's partner to act as if

there was no UI. It does not, however, prevent him from playing bridge. South's 2NT, while not necessarily the best bid, did not begin to describe his hand. The Committee decided that the 4♦ and 6♦ bids were the result of bridge sense and allowed the table result to stand. They also decided the appeal had sufficient merit to not award an AWMPP—though just barely.

DIC of Event: Charlie MacCracken

Committee: Robert Schwartz (chair), Lowell Andrews, Nell Cahn, Bob Gookin, Ed Lazarus

Directors' Ruling: 95.7

Committee's Decision: 87.0

✍ In acronyms of one syllable...

Patrias: "AWMPP"

Rigal: "Excellent Director ruling—they have been perfect up until now—and the Committee made the right decision. I'd be embarrassed as East or West to come before Committee here and the Committee should have tried to inform them of their chutzpah by awarding the AWMPP."

Bramley: “Oh, go ahead and give them the AWMPP. Didn’t E/W take a look at South’s hand? Not only does he have seven-five with a solid suit and a raise opposite, but his void is in the opponents’ suit. When the Directors properly fail to reward the ‘non-offenders’ (still a rarity), Committees should back up those rulings with AWMPPs when it’s close.”

Stevenson: “Routine.”

Treadwell: “Very good and, as the Committee said, comes very close to earning an AWMPP for the appellants.”

✍ This was “close” like Bill Clinton was “naughty.” Guillotine.

Endicott: “I am being too kind to Committees this far; I must stop it. Since this Committee has exercised bridge judgment who shall deny its ruling?”

Polisner: “Seven-five, come alive. North should have been counseled that he places his side in jeopardy when he breaks tempo even when he has no reason to do so as in this case. I concur with the Committee that after receiving the 5♦ call that South was free to bid six.”

✍ The next panelist is still crusading to stamp out HD (Hesitation Disruption) wherever he finds it. There is little doubt that the game would be better without it, but unless (or until) the laws are changed we can only watch and educate.

Wolff: “Completely agree with the decision although HD makes the game less. I, of course, would be in favor of awarding a 1-matchpoint penalty for an unnecessary hesitation that contributed to the malaise (over 3♣). We need top players to be aware of their responsibility to the game. To me, the argument that bridge is a cerebral game that requires thinking is being used by some (not as many as before) to gain advantage. Let’s stop it.”

✍ Our final panelist seems to be looking at a different South hand than the rest of us.

Cohen: “Why did the Committee which refused to allow North to ‘play bridge’ in CASE NINE, allow South to ‘play bridge’ in this case? Actually, North’s ‘tank’ over 3♣ is much more telling here than South’s huddle before doubling in the previous case. Here North has a clear-cut 3♦ bid. I adjust to N/S +150, E/W –150.”

✍ As Jeff said above, North needed some counseling. But the inappropriateness of North’s hesitation does not change the fact that South’s action is, in words our most senior panelist might use, “Just bridge, mister!” So the score stands and E/W is given a good reason to think twice before bringing another appeal like this one.

Subject (Tempo): Oh, In That Case We Accept
Event: Open Pairs, 13 Mar 00, First Session

Bd: 10	♠ AKQ9874		
Dlr: East	♥ K82		
Vul: Both	♦ 8		
	♣ 86		
♠ 1062		♠ J	
♥ 3		♥ A75	
♦ AJ109754		♦ KQ32	
♣ 52		♣ AQJ97	
	♠ 53		
	♥ QJ10964		
	♦ 6		
	♣ K1043		
West	North	East	South
		1♣	1♥
Pass	4♠	Pass(1)	Pass
Dbl	All Pass		
(1) Break in tempo			

The Facts: 4♠ doubled went down one, +200 for E/W. The opening lead was the ♦K. There was more than a 10-second pause before East passed 4♠. The Stop Card had not been used. East agreed to the break in tempo, even saying “Look at my hand.” The Director ruled that the break in tempo could only indicate extra defense and therefore the double would not be allowed (Law 16). The contract was changed to 4♣ down one, +100 for E/W.

The Appeal: E/W appealed the Director’s ruling. N/S claimed the hesitation was 1-3 minutes, E/W claimed it was 10 seconds. When asked to simulate the time E/W enacted 6 seconds, N/S 35 seconds. East said she did not think for more than 10 seconds (“She never does”), but said she

did have a problem deciding whether to bid 5♣, 5♦ or double and finally chose to pass. West said she doubled because she thought it called for a heart lead, which she believed would beat 4♠. East confirmed that they had recently discussed that this double asked for a heart lead but she did not lead one, choosing to attack diamonds instead. N/S insisted that the pause was at least the 35 seconds they enacted—actually more.

The Panel Decision: The Panel concluded that the actual tempo was somewhere between the two descriptions but was still enough to convey UI to West. The players consulted all considered bidding as well as passing, but said that after a huddle no call other than pass could be permitted. The Panel decided that the pause demonstrably suggested action instead of inaction with enough shape and/or points for a five-level action. The contract was changed to 4♠ down one, +100 for E/W (Laws 16A and 12C2). West had appealed (750 masterpoints) because of the disparity in the reported times and because she believed her ethics were being questioned. After all was explained, E/W graciously accepted both the explanations of the laws and the decision. The Panel decided that even though the appeal lacked substantial merit, an AWMPP would not be assigned.

DIC of Event: Rick Beye
Panel: Sol Weinstein (Reviewer), Charlie MacCracken, Matt Smith
Players consulted: David Berkowitz, Larry Cohen, Michael Rosenberg, a Flight B player

Directors’ Ruling: 95.0 Panel’s Decision: 83.3

✍ When an appeal lacks merit, I personally believe that the AWMPPs should be assessed. But I also believe that those who were there and witnessed what happened

should make the final decision. The write-up clearly indicates that the appeal lacked merit, so it is on record as such. If the Panel decided—for whatever reason—not to assess the actual AWMPPs, then so be it.

Most of the panelists are not as accepting of the Panel's judgment not to assess an AWMPP as I am. In these panelists' defense it should be noted that an AWMPP is not a punishment but merely a "notation" of an instance of appeal abuse. Nothing will happen unless there are two additional occurrences within a two-year period.

Bramley: "Please give the AWMPPs when they are deserved. If E/W accepted the actual decision graciously, I am sure they could handle the AWMPP, too. By the way, how did the defense go against 4♠? Did West overtake at trick one to lead her heart, or did she leave East on lead to guess what to do? Just asking."

☞ Sorry, Bart, but we don't have that information.

Rigal: "I can't see why West's faulty reasoning was enough to prevent the AWMPP being awarded. (Maybe the absence of the Stop Card is enough, though. Why do people persist in prejudicing their opponents like this?) But maybe there was more to the discussion than came across here. If I really believed West (and I can't say I do), then why did East not follow instructions? Give partner the ♣K and not the ♦A and this defense has just let through 4♠."

Patrias: "AWMPP"

Cohen: "Finally a case where I can agree with both the Director and the Committee. The AWMPP was merited."

Polisner: "I agree with the decision, but only if the Panel believed that the length of the huddle exceeded 10 seconds. The use or lack of use of the Stop Card is irrelevant as a player is supposed to hesitate 10 seconds in either event. I am distressed when the issue turns on whether or not the Stop Card was used to determine if a 10-second 'huddle' constitutes UI."

☞ Jeff is right that the use or non-use of the Stop Card has no real bearing on these cases; the obligation to pause is present regardless. However, I do not see anything in the write-up which suggests that the decision in any way depended on the Stop Card issue. I believe it was only mentioned in the facts as a piece of information which was obtained at the table. Had it not been reported, I have no doubt that some panelist would have asked whether the Stop Card had been used.

Stevenson: "Another example of the need to publicize Law 73C. Of course, if West really believed there was no UI that would not matter, but she was probably more likely to be aware of a tempo break at that time rather than later."

Treadwell: "Okay."

☞ The next panelist sees the need to probe the nature of the UI in more depth than he believes the Panel did here.

Endicott: "The Director has made an adequate ruling with no especial insight. But the report of the Panel's action suggests, in my opinion, a failure to envision the potential depth of the pit. What message do we think the slow pass by East carries to West? Do we think it suggests defense or do we think it suggests general undisclosed values? If it suggests defense, then I would incline to a view that a bid of 5♦ by West is less suggested than either double or pass and in that event, since that contract seems likely to be made, it is questionable whether a score of -200 or -500 for N/S should be construed as damage.

"If the hesitancy suggests general values then the 5♦ bid may be thought more

suggested than either double or pass, and it is a moot point whether double is not the least likely choice based on that reading. It is not my argument that the Panel should necessarily match any decision I might have reached on these aspects, but I would have liked to have read that the Panel had considered them."

☞ Grattan's points are well taken, but the complexity of what is demonstrably suggested by East's break in tempo seems not to permit the sort of precise analysis Grattan provides. For example, if East's break in tempo is taken to suggest defense, but if East holds the ♥K instead of the ace and the ♠Q instead of the jack, then 4♣ could not be beaten and 5♦ could not legitimately be made. In addition, in this situation I am not so sure of the difference between "defense" and "general values." Defense does not necessarily imply trump tricks and playing strength, part of what is meant by "general values," does not necessarily entail aces and kings that will cash on defense. The point that East's hesitation implied that passing 4♣ would not be best is certainly valid, and a double by West catered to all possibilities. Is there any doubt that E/W had better knowledge of what East's hesitation might have meant than we or the staff could envision? I agree that these issues might have been discussed, but perhaps we are expecting too much of our staff in this area.

And finally, that NPL/PTF man is baa-ack.

Wolff: "E/W were very wrong. But because of NPL and the more important fact that if 4♣ would have scored N/S would have accepted +790, E/W should get +100 and N/S -200. Players who do not agree with this seem to have a blind spot about competition and right and wrong. We should penalize bad ethics but not reward casual observers (N/S here), even though they are playing and have a stake in the outcome."

☞ I may be missing something here, but why should N/S be subjected to -200 when there is every reason to suspect they would not have been doubled without the UI. They are certainly entitled to a "reasonable" approximation of what would have happened had the combination of huddle-then-double not occurred. And the table result of 4♣ down one point to -100 in that regard. In fact, it could even be argued that without West's double, East might not have found the heart shift at trick two (here Bart's question of how the actual defense went is pertinent) and 4♣ might not have even been beaten. I am not suggesting that N/S should be assigned +620, but I find a more compelling argument for that (if West did not overtake the ♦K at trick one and return a heart) than for -200.

CASE TWELVE

Subject (Tempo): A Try Is Just A Try

Event: NABC Vanderbilt KO Teams, 14 Mar 00, Round of 32

Bd: 6	Pratap Rajadhyaksha		
Dlr: East	♠ J975		
Vul: E/W	♥ 107		
	♦ AK732		
	♣ K9		
Sam Lev	John Mohan		
♠ 102	♠ A8643		
♥ 9543	♥ Q82		
♦ 105	♦ 98		
♣ QJ1064	♣ 752		
	Venkatrao Koneru		
	♠ KQ		
	♥ AKJ6		
	♦ QJ64		
	♣ A83		
West	North	East	South
		Pass	2NT
Pass	3♣	Pass	3♥
Pass	4♦(1)	Pass	5♣
Pass	5♦(2)	Pass	6♦
(1) 4 spades and 5+ diamonds; slam try			
(2) Break in tempo			

The Facts: 6♦ made six, +920 for N/S. The opening lead was the ♠A. The 5♦ bid was made after some thought. The Director ruled that pass was a LA for South and that bidding 6♦ was demonstrably suggested. The contract was changed to 5♦ made six, +420 for N/S.

The Appeal: N/S appealed the Director’s ruling. South said that when his partner bid 4♦, which by agreement was a slam try showing a five-card suit, he always intended to bid a small slam since it seemed certain that his partner had at least two of the cover cards he needed. South considered bidding 4♥ (the suit above the “agreed” minor was systemically defined as RKCB) but was afraid in the present auction that his partner might take it to be natural, showing a five-card suit, and pass. Since 4♠ would also be natural he cue-bid 5♣ hoping his partner could bid 5♠ on the way to slam, in which case he would bid 5NT—grand slam force.

With their Blackwood agreements in doubt he decided that 5♣ was the only possible advance. N/S said they were not experienced as a partnership, having played together three or four times before. They had no system notes and had put their card together in about an hour. They had specifically agreed that the 4♦ bid was a slam try with four spades and five or more diamonds. They had also agreed that if there was a clearly agreed minor, the suit over the minor would be RKCB. N/S agreed that the amount of time taken to bid 5♦ was quite long.

The Committee Decision: Given that the break in tempo was agreed upon and that there was no dispute that it suggested further action, the only question for the Committee was whether there was a LA to bidding 6♦. The Committee discounted South’s contention that he was personally committed to bidding 6♦. The definition of LA used by the ACBL is a bid that some number of the player’s peers would seriously consider. The Committee considered hands such as ♠J10xx ♥Q ♦K10xxxx ♣KQ and ♠J10xx ♥Qx ♦Axxxx ♣KQ as possible holdings for North. With the first two aces are missing while with the second the trump suit will be playable for no losers in fewer than 50% of the cases. The Committee thought that both of these might be hands with which North would try for slam in diamonds and then bid 5♦. The break in tempo suggested that North had neither of these hands and made the 6♦ bid a certainty. While most good players (of whom South clearly was one) would bid 6♦ on this auction in a vacuum, some would have seriously considered passing to protect against the lighter hands North might have for his

slam try. Therefore, under the laws and ACBL regulations it was appropriate to not allow the 6♦ bid. The contract was changed to 5♦ made six, +420 for N/S.

DIC of Event: Henry Cukoff

Committee: Michael Huston (chair), Sid Brownstein, Martin Caley, Barry Rigal, Michael Rosenberg

Directors’ Ruling: 87.7

Committee’s Decision: 81.7

✍ I have several observations to offer before turning to the panel.

First, North should have planned for South’s various possible advances before bidding 4♦. Second, after South’s “maximal” 5♣ cue-bid (leaving no room for a return cue-bid below slam), holding the ♣K and the two top trumps, North, in my opinion, had a clear 6♦ bid, not a 5♦ signoff. So North created this problem by hesitating and then signing off when he should have planned more carefully and then bid the slam. Third, N/S had clearly-established agreements over 4♦ which South chose to disregard. When North showed spades and diamonds, the suit above the minor (hearts) was defined as RKCB. With at least nine cards in his two suits it made no sense for South to think that 4♥ would be an attempt to play there, even though South bid hearts earlier. South’s confusion about his methods and his decision to make a “safe” cue-bid when he should have just taken control of the auction (with 4♥, as he wanted to) contributed to the problem. Of course against all this is that, in an unpracticed partnership, there is a lot to be said for taking extra precautions against possible bidding misunderstandings.

However, all the arguments disappear when you look at South’s hand. If there’s a better 2NT opener after partner makes a diamond slam try with side spades, it’s hard to imagine. I think it’s clear, given the level of the player involved, that South always intended to drive to slam. (I certainly would have.) In fact, opposite a North hand such as ♠AJxx ♥xx ♦AKxxx ♣xx N/S would be virtually cold for 7♦. I think South’s statement that he planned to follow up North’s hoped-for 5♣ cue-bid with 5NT (GSF) is entirely consistent with the auction and South’s hand, and leaves little doubt that 6♦ should have been allowed to stand.

Agreeing with me are...

Bramley: “The latest debacle. If 4♦ was truly a slam try, and I don’t believe anyone was disputing that it was, then South has an automatic slam drive. *Automatic!* He has four-card support and monster holdings in all four suits. That pass might be the *winning* alternative opposite some specific, rare North hands does *not* make pass a *logical* alternative. South’s defense of his decision to bid 5♣ was impeccable. 5♣ was unambiguously a slam try in diamonds, while the meaning of other bids was unclear in his unpracticed partnership. Why did the Committee discount South’s contention that he was ‘committed to bidding 6♦’? Don’t his hand, his choice of bid, and his stated reasons for that choice, all *scream* that he intended to drive to slam?”

“Once again, E/W were out of line to pursue an adjustment when South’s hand became known. The only way to stop appeals like this one is to rule against E/W initially and to slap them with an AWMPP if they appeal. That’s what should have happened here.”

✍ For those who were not in Cincinnati, this case was the cause célèbre of the tournament. The next panelist speaks largely to the flood of recriminations which issued from the expert community when news of this decision came out.

Gerard: “Obviously, the Roe v. Wade of this tournament.

“I do not think this is the worst ruling ever, or even close to it. The Committee tried hard to rule within the confines of LAs, properly disregarding South’s statement of intention in favor of the peer group approach. Without derogating South’s reasoning, it just didn’t matter after the hesitation. Since 5♣ was the only

available slam try, a player who trusted his partner to look at his cards would bid 5♣ and abide by North's evaluation. And yet, it was the wrong decision.

"The Committee cited two hands in support of pass as a LA. I have seen at least one other that is not credible (♠J10xx ♥Qx ♦K10xxxx ♣---). It was not reasonable for South to worry about the Committee's four-six example. That is just not a slam try. Sure you might make a slam, but you can't go issuing invitations with short honors all over, weak spades and no aces. Partner has a right to play you for an ace when you make a slam try, otherwise all you have is just a collection of high cards. You can't claim that North was safe to issue a try with that hand since South would always ask for controls—what if South jumped to 6NT with ♠KQx ♥AKJx ♦QJ ♣AJ10x? Or what if North boomeranged South's argument, claiming that South would have been just as uncertain as he said North would have been about whether 4♥ would have been natural? No, it was not a LA to play North for the first hand.

"The second hand was indeed possible. North needed to bid 4♦, not 4NT, in case South held ♠Ax ♥AKJx ♦KJxx ♣Axx or just in case it helped South evaluate. But North would be 4-to-3 to hold the ♦10, notwithstanding that 6NT would be superior to 6♦ in either case. No expert I know of can believably claim to be able to locate the ten of trumps in the auction or to worry about it in anti-percentage cases. And North could hold six diamonds (♠J10xx ♥x ♦Axxxx ♣KQ), in which case he would be 5-to-2 to hold the ten and it wouldn't matter about 94% of the time. So for South to play North for the second hand would be the equivalent of refusing to shower because of the possibility that you might slip on the soap. As against the one bad hand the Committee cited, there must be a myriad where slam was desirable. And that one bad hand was both against the odds (in the trump suit) and indistinguishable in real life from an acceptable one, even with relay methods. So while pass was clearly an alternative, it was not a LA. You could slip in the shower also, but that's not the way to bet.

"I think the Committee overemphasized the negative, concentrating on the A rather than the L in LA. They went overboard on the theoretically invitational (only) aspect of 5♣ when the overwhelming expert sentiment in bidding 5♣ would have been to try for seven rather than to settle for game. Maximum space-consuming invitations are nervous things even in experienced partnerships. South could not be said to seriously consider passing when, after finally coming around to the Committee's second hand (having rejected the first as not a slam try), he decided it wasn't worth worrying about.

"I've seen Granovetter's argument that South should have been allowed to bid 6♦ because everyone agreed he intended to. Wrong, for the usual reasons. I liken it to South writing or saying 'I'm bidding six' while North was thinking. Immaterial. Just like in poker, the cards talk. I also read from the same source and heard from others that the LA approach was responsible when common sense would have triumphed. No. The correct application of the LA approach would have resulted in rejecting pass. The Committee went wrong on their own, not because the devil made them do it.

"So having said all that, let's leave the Committee alone. Forget the accusations about conflict of interest or blithering incompetence. They're all honorable men and there was some pretty heavy wood in the batting rack. In actuarial terms, they used the right assumption set but miscalculated the value. Don't tell me this was an all-time stinkeroo."

Stevenson: "While it is no doubt possible to construct hands where slam will fail, it is difficult to believe that anyone would fail to bid slam with the actual South hand opposite a slam try with spades and diamonds. All the secondary cards are working except the ♥J so I wonder what hand the Committee would consider a routine slam bid. No one would seriously consider passing 5♦ so pass is not a LA."

Treadwell: "Although this is a close call, I would allow the 6♦ bid. I don't see why the hesitation by North eliminates the inferior hands conjured up by the Committee; South should be allowed to bid 6♦, knowing there is some risk attached to this

action since his hand has such good trump support and side controls. Suppose South had passed and the hand would only make 5♦. Do we penalize South then for not bidding slam? Remember, Rich has pointed out that hesitations in complex slam auctions are normal. A player may want to make the bid which will give partner the right information without confusing him or he may wish to make the bid which will elicit the most informative response from partner. In this case, any good player, based on the prior auction, will bid slam on the basis that it is at least a 70% shot that it can make and since 70% slams should be bid if at all possible—particularly at IMP's."

✍ And now for the Committee's defenders. First, a Committee member.

Rigal: "I happen to think the case was correctly dealt with. I realize it is a subjective call, but the members at the time were in no doubt as to how they would have handled the hand—and they would have passed 5♦. The individual hands which make passing correct are not really material—there are enough of them. And when you look at the North hand you realize that some of the hands where slam is making must be excluded. If North has his actual hand it would have been a gross error not to bid slam with three (count them) key cards facing a clear-cut slam try. So partner cannot have this sort of hand...can he?"

"Two additional points. First, since South did not know what 4♥ over 4♦ would be, he could not bid it. He thought it might have been natural, so 5♣ was his only slam try. Thus, he did not have to worry about having denied a heart control—he had neither shown nor denied one. And consequently, North's failure to bid slam because of no major-suit control was just a bad bid—his partner had made the only slam try without reference to those controls.

"Second, one important issue is the make-up of the Committee in terms of their bridge ability. There were many top ranking players (e.g. those capable of reaching the last eight in the Vanderbilt) who objected to this ruling, saying *they* would always drive to slam. Just as the Committee must not be made up for the Vanderbilt of non-players, so we must not overstock a Committee with players who are too highly qualified to take the same decisions as the players involved. This Committee involved three people still in the Vanderbilt as the day started and a well-known chairman, together with a player whose ability is certainly in line with the rest of the Committee. This was not a Committee of inappropriate players in my opinion.

"In retrospect, I regret two elements of the decision. First, the make-up of the Committee, which included one person who had partnered a member of the non-appellant team during the tournament, which was later questioned. It never occurred to me at the time—or to him, obviously. I think that was a mistake on the organizers' parts, although clearly that member conducted himself in an unbiased manner throughout. Everyone has connections with just about everyone these days, given the cross-pollination of partnerships. Second, we were asked at the start of the tournament to be careful with the questions we asked players re masterpoint rankings. We never asked South for a CV, which might have left him feeling we did not consider him a player. Finding the happy medium between asking and not asking is a difficult issue. I prefer to ask and risk giving offence to giving the wrong decision because of not knowing enough."

✍ Barry's opening comment may need some explanation. While this case was in screening, I joined the Committee members waiting to hear it and gave them the South hand as a bidding problem, without knowing the players involved. I asked them to decide what they would bid on each round of the auction (after partner's 2NT opening) so that they would not know when a putative hesitation had occurred. Most chose to pass 5♦. I then told them that there had been a hesitation before the 5♦ bid and asked them to consider how, if at all, that might affect their choice of action over 5♦. Of course this "blind preview" was done without the benefit of some of the details which came out in the hearing.

Cohen: “An A+ for all the adjudicators. What was North waiting for when South made a super-accept of diamonds with his 5♣ bid?”

Patrias: “Although it would be fairly normal to bid the slam at matchpoints, this action should not be allowed at IMP play. North should have done his thinking earlier in the auction.”

Polisner: “A good decision. I think that even normally ethical players convince themselves that they were always going to bid the slam when they are unfortunately hindered by partner’s tempo.”

Wolff: “Important case. There is no doubt, at least in my mind, that: (1) South was intending to bid at least a small slam; (2) North was not intending to give UI to his partner; (3) both thought they were bidding the hand as well as possible despite their new partnership and system, however sometimes players forget that 4♦ is a slam try. Perhaps North held ♠Jxxx ♥xx ♦Kl0xxxx ♣--- and opted to go through 3♣. What then? As one can see, 5♦ is a lucky make but the best contract. What if North returned promptly to 5♦ and South passed? Would E/W have a cause of action? Would South say he was always bidding six but when North rebid 5♦ quickly he changed his mind? Hardly. Nothing would happen and we would go on to the next hand. Until the hesitation disruptors realize what they do (Venkatrao Koneru is actively ethical and a credit to our game) we will always have to deal with subjectivity and what-ifs. By effectively penalizing HD out of our high-level game we have a chance to solve this problem. Otherwise, we might as well let everything go and caveman it.

Epilogue: When this case occurred, several top players thought this decision was a disgrace. I, however, think that these players are the disgrace for speaking out and not understanding before they speak that maybe our planet is not flat after all, and there is more to this problem than they ever dreamed. Everyone should look in the mirror; then they might begin to understand why we make so little progress with high-level ethics and appeals.”

✍️ I’ll conclude the discussion of this case with an eloquent presentation of the issues and controversies surrounding this decision. The last word to...

Brissman: “Good analysis and decision by both the Director and Committee.

“This was a no-win situation for the Committee, as often is the case when its ruling decides which team will continue to play in a major team event. Its decision in this case, with which I agree, has been roundly criticized because some players believed the continuation to slam was automatic. But had the Committee decided that 6♦ was allowable, another group of players would have criticized them for letting a player bid on after a break in tempo that may have conveyed UI. In short, this was bound to be a controversial decision regardless of the decision.

“One of the experiments we are currently trying in NABC Appeals is to ‘pre-screen’ the case. After the Committee is empaneled, Rich Colker or I will present the hand and auction to the Committee without reference to the identities of the players involved. The Committee can then focus on the pure bridge problem without the distraction of personalities. After Rich pre-screened this case, the Committee was unanimous [I do not remember all of the members committing to a decision over 5♦, but perhaps Jon perceived some non-verbal cues that I did not.—*Ed.*] that the 6♦ bid could not be allowed. Then the players came to present their cases and arguments, and the Committee was not persuaded to change the decision it had made on the bridge merits. Notably, no Committee member wrote a dissent in this matter.

“One of the Committee members was a good friend and frequent partner of one of the litigants. Although I was aware of that fact, it did not register at the time; in retrospect, I should have replaced that Committee member so as to remove the appearance of bias. That Committee member did not recognize that the situation

called for his recusal. I am convinced that the decision would have been the same regardless (after all, he and the rest of the Committee made its bridge decision prior to knowing that the friend/frequent partner was involved). But the Committee member was later subjected to a great deal of vilification from other players for sitting. He is a valued member of NAC and I hope he recovers from this indignity.

“Lastly, it is easy for some players to stand outside the appeals process and criticize those within. Of all the criticism I heard regarding this decision, none came from the four dozen or so players who selflessly devote their time to making the appeal process work. If the critics think they can do a better job, they should volunteer their time and become part of the process. Perhaps in time they will recognize that certain cases, like this one, present scenarios in which a non-controversial ruling is impossible.”

CASE THIRTEEN

Subject (Tempo): But Partner Always Hesitates
Event: Stratified Open Pairs, 14 Mar 00, First Session

Bd: 7	♠ J		
Dlr: South	♥ 863		
Vul: Both	♦ A85		
	♣ KQJ752		
♠ 965		♠ AK743	
♥ AQ10954		♥ ---	
♦ 102		♦ J73	
♣ 86		♣ A10943	
	♠ Q1082		
	♥ KJ72		
	♦ KQ964		
	♣ ---		
West	North	East	South
1♥	2♣	2♠	1♦
Pass	3♣	Dbl	Pass
Pass	3♦	Dbl	Pass(1)
(1) Break in tempo			

The Facts: 3♦ doubled went down one, +200 for E/W. The opening lead was the ♣8. The Director was called after North bid 3♦. Everyone agreed that it took South 30-45 seconds to pass East's double of 3♣. N/S's agreement was that 1♦ showed at least four. The Director ruled that pass was a LA and that the 3♦ bid was suggested by the break in tempo (Law 16). The contract was changed to 3♣ doubled down three, +800 for E/W.

The Appeal: N/S appealed the Director's ruling. North agreed to a break in tempo but stated that his partner has a dyslexia problem that makes it hard for her to bid in tempo, and that his decision to bid 3♦ was therefore justified. He said he was not motivated by any other table action. West believed South's

break in tempo over the double was in excess of 1 minute. East said that South was clearly uncomfortable before she passed the double of 3♣.

The Panel Decision: The Panel decided that a significant break in tempo had occurred, regardless of South's affliction. Three expert players were polled regarding the auction. One said he would always pass, regardless of the table action. He considered 3♦ to be a 15-20% action. The second believed that he might bid 3♦ if he was crisply doubled in 3♣ by East. He believed that South's slow pass of 3♣ doubled showed at least five diamonds. The third thought that the slow pass showed diamond length and club shortness and that North could not bid once partner broke tempo. Based on the experts' advice, the Panel decided to cancel the 3♦ bid and change the contract to 3♣ doubled. Several players were then polled about the number of tricks that would be taken after a high spade lead followed by a diamond shift. The first thought that eight tricks were possible. The second thought that eight tricks were possible but that seven was more likely. A third player, with around 1000 masterpoints, took seven tricks. The actual declarer had 1500 masterpoints, so seven tricks was deemed to be likely. While a diamond lead would allow the defense to take more tricks, it was not considered likely. Two further experts who were asked said they would lead a high spade; neither considered an initial diamond lead to be likely. The contract was therefore changed to 3♣ doubled down two, +500 for E/W (the most likely favorable result for the non-offending side and the most unfavorable result that was at all probable for the offending side; Law 12C2).

DIC of Event: Sol Weinstein

Panel: Mike Flader (Reviewer), Ron Johnston, Charlie MacCracken

Players consulted: Auction: Gerald Caravelli, Mark Lair, Ron Smith; Play: Barry Rigal, Howard Weinstein, a player with 1000 masterpoints; Opening Lead: Jim

Kirkham, Howard Weinstein

Directors' Ruling: 81.3 **Panel's Decision: 91.0**

✍ I agree with the analysis that concluded that E/W were unlikely to take more than six tricks against 3♣ doubled: +500. Thus, it was appropriate to modify the table ruling. However, N/S's appeal was not based on an objection to the analysis of the defense. They appealed because they believed they were entitled to bid 3♦. I find that position untenable and would have assessed an AWMPP in spite of the fact that I would have awarded them an extra trick in 3♣ doubled.

Rigal: "The dyslexia argument should have brought North into AWMPP territory. I like this ruling; the team came to the right decision, and the trick award was sensibly calculated."

Brissman: "Why no AWMPP analysis?"

✍ Why indeed.

Bramley: "N/S's arguments were lame. Since they gained a trick on appeal, the Panel could not give them an AWMPP. [Why not?—*Ed.*] However, if the Director had ruled -500 for N/S and they had appealed, an AWMPP would have been justified. The Panel did well to divide the analysis into separate pieces and to consult different experts for each piece. Nice job all around."

Cohen: "South may have had dyslexia, but the hesitation took place on her third turn to call. By then she should have had her hand memorized. By the way, how long did it take her to make her first call? Well done all around."

Treadwell: "Right on. There is no way to allow North to bid 3♦ after the rather blatant UI. Also, a good analysis to restrict, a bit, the penalty to the offenders and the profit to the non-offenders."

Patrias: "The Panel made a correct adjustment in the number of tricks."

Polisner: "Good all around."

Wolff: "Good decision."

✍ Anyone for a discussion of the merits of various lines of defense?

Endicott: "I am surprised that where East has both black suits sewn up and West has bid hearts the lead of a trump is not seen as more likely. It strikes me as pretty obvious."

✍ I don't see how the lead of a trump does any better for the defense—even a low one. A diamond lead seems necessary to yield E/W +800. In fact, as the next panelist points out, +200 for E/W is a distinct possibility.

Gerard: "Not to be insensitive, but that's a pretty convenient explanation and I thought dyslexia was something else. No matter, changing the contract was clearly correct. If North won the first diamond in his hand to attack clubs, he would make eight tricks. [We presume Ron means after an initial spade lead.—*Ed.*] If he won the first diamond in dummy to lead the queen of spades, he could make seven but would make eight (♠K, diamond to the king, ♠Q pitching a heart, diamond to the queen, ♠10 pitching a heart, ♠8 ruffed high and overruffed, ♠K to the ace, diamond to the ace, ♣5 to the 9—East would have to exit with his low trump instead of his good spade to make three more tricks). So maybe it was East's masterpoint holding

that was relevant. If East was good enough, +500. More likely, +200. I don't mind the Panel's copout because of the third player's performance, but it really wasn't relevant. Kind of like the away-from-the-table-what-would-you-have-done routine. The Panel needed to know how reasonable that player's line of play was, even for one with 1000 masterpoints, before attributing it to a 1500-point player."

Finally, our English laws demon has spotted a chink in the Panel's legal armor.

Stevenson: "Despite Rich's assertion that Law 12C2 is applied legally because the ACBL has designated that any possibility considerably less likely than another is treated as not likely, comments such as the one here in the Panel's decision ('the most likely favorable result') suggest that it is not being applied as the ACBL has designated. Just giving the non-offending side the most likely favorable result is inequitable and works in favor of the offending side on too many occasions. Nevertheless, the decision is reasonable on this occasion."

David's point is well-taken. The "most favorable result that was likely" is quite different from "the most likely favorable result." In the former case (the one the laws specify) we want the most favorable result for the non-offenders, considering only those which are likely. In the latter case we get the most likely result from among those which are favorable to the non-offenders. To see why these differ, consider a result which is one of the most likely to occur but is unfavorable to the non-offenders. The law and the first phrasing say that, because this result is likely, it may be assigned to the non-offenders if no other result is more favorable to them. (Note that if none of the likely results is favorable to the non-offenders, they should be assigned the one that is the *least unfavorable*.) But under the second (misquoted) phrasing, this result could *not* be considered for the non-offenders since it is unfavorable to them (only results which are favorable to them are to be considered, assigning them the one that is most likely).

While I have been assured (after an investigation) that the wording used in the write-up was simply an error of expression and not a conceptual one, this passage from Law 12C2 is so fundamental to so many rulings that its meaning and precise wording should be second nature to every Director. The fact that it was misquoted suggests that it may not be as well understood as we would hope (or as the Directors would like to think) and that it is possible that it is being misapplied more often than we would like to believe. However, I personally know of at least two top ACBL Directors with whom I have worked closely on many occasions and who I know for a fact understand the concept inside out. Yet, in casual discussions each of them has misquoted this passage to me. I prefer to think this is simply a language problem rather than a conceptual one. But perhaps this matter bears closer scrutiny.

Subject (Tempo): Transfer Huddles?

Event: NABC Mixed Pairs, 15 Mar 00, Second Final Session

Bd: 17 Rahn Smith
 Dlr: North ♠ KJ9876
 Vul: None ♥ J7
 ♦ J3
 ♣ 843

Peggy Kaplan Jim Hall
 ♠ 52 ♠ ---
 ♥ Q6543 ♥ K10
 ♦ K1065 ♦ Q98742
 ♣ KJ ♣ AQ1092

Linda Epstein
 ♠ AQ1043
 ♥ A982
 ♦ A
 ♣ 765

West	North	East	South
	Pass	1♦	1♠
Dbl(1)	4♠	5♣	Dbl(2)
5♦	Pass(3)	Pass	Dbl(4)
Pass	5♠	All Pass	

- (1) Negative
- (2) Break in tempo; agreed to after ruling
- (3) Break in tempo; agreed
- (4) Alleged break in tempo (4-5 seconds)

The Facts: 5♠ went down two, +100 for E/W. The opening lead was the ♣K. North broke tempo before his second pass, at which time the Director was called. The Director ruled that a pass of 5♦ by South was not a LA and that the table result would stand (Law 16). West then said that South had broken tempo before doubling 5♣. North agreed to a slight break. West also said that South had broken tempo before doubling 5♦. The Director, who had been at the table at that time, observed no such break. The Director reaffirmed that the original ruling stood.

The Appeal: E/W appealed the Director's ruling. Only West attended the hearing. N/S were informed of the hearing but as this deal had taken place on the last round, no appeal form had been completed and N/S were unable to sign it. West argued that the slow initial double of 5♣ had tainted the rest of the auction and had "rolled over" into North's decision to pull the double of 5♦.

The Committee Decision: Before the deal was presented, the Committee was given the North hand and agreed that North had shown his hand and should pass 5♦ doubled. Once the facts were presented, it was also agreed that pulling 5♣ doubled would not have been allowed. The slow double conveyed UI that made 5♠ more attractive. The question that arose was whether the "clean" double of 5♦ canceled the UI of the prior double. The Committee decided that the UI was still present and that the 5♠ bid would not be allowed. It was observed that if an empirical double of 5♣ made 5♠ seem correct, North could have bid it directly over the correction to 5♦. The Committee believed that the UI pertained more to the five-level than the club suit itself, as it might at lower levels of competition. They also believed that the quicker double of 5♦ was due to South having already committed herself to her earlier decision. The indecision of that call was still implicit. The contract was changed to 5♦ doubled made five, +550 for E/W.

Dissenting Opinion (Barry Rigal): The agreed hesitation before the double of 5♣ coupled with an in-tempo double of 5♦ undoubtedly could be interpreted to convey a message. What that message was was far from clear. South had a range of issues to consider (pass, double, sacrifice, bid 5♠ to make) and the normal cynical interpretation (that South's tempo showed a hand that wanted to defend 5♦ and not 5♣) is not born out by her hand. Incidentally, the best argument for pulling 5♦

doubled to 5♣ is that perhaps the slow double of 5♣ implied shorter clubs, hence North does not have so many club losers. Since this was not in fact the case, we can hardly use this line of reasoning.

DIC of Event: Henry Cukoff

Committee: Barry Rigal (chair), Mark Bartusek, Phil Brady (scribe), Abby Heitner, Dave Treadwell

Directors' Ruling: 58.3

Committee's Decision: 81.0

☞ We have takeout doubles, penalty doubles, card-showing doubles, optional, negative, responsive, cooperative, value-showing, snapdragon, Rosenkranz, lead my suit, don't lead my suit, Lightner, ... huff, wheeze, puff... support, maximal, Weiss, Fishbein, DOPI, DEPO, do the right thing and negative free-bid doubles. And now we have "empirical" doubles. Oh, Good grief!

Ron, you explain it.

Gerard: "Cynics, what cynics? There aren't any cynics around here, he said wryly.

"Barry, you lost me. I feel like one of those laboratory rats in a maze. You seem to be saying that the double of 5♦ didn't cancel the UI because South didn't really prefer to defend diamonds rather than clubs, based on her hand. That doesn't look like a reason for dissenting to me. Then you wouldn't allow North to pull to 5♣ if South had Ax, xx in the minors (real doubt about clubs) but since South had the same three losers all in clubs she didn't really have her huddle so it was okay to pull. There's a Bramleyesque tone to that argument that I continue to disagree with. The hesitation doesn't have to correlate to the actual problem; all it has to do is convey doubt.

"I'm missing something, I know it. Why didn't the majority have it nailed?"

☞ Maybe we could form a Society to Analyze Doubles and Specify Associated Conventions (SAD-SAC)?

Perhaps Barry can clear this up.

Rigal: "You have my dissent and I have nothing further to add, except that if Treadwell and I have changed sides on a case, one of us must be seriously out of line. I hope it is not I, but I do think this is a truly difficult case. (You know what the definition of an expert at bridge is? It is someone who never makes a mistake but if he does, it is an 'interesting' one.)

☞ Hmm, no help there. Let's see if Dave can help.

Treadwell: "As a member of this Committee, I thought it was quite clear that the slow tempo of the double of 5♣ was almost certainly caused by the consideration of whether 5♦ should be doubled if E/W corrected. After all, there is no reason, given the preceding auction, to double 5♣ if you are not prepared to double 5♦. Hence, since the UI is still present we cannot allow the pull of the double of 5♦ if we would not allow the pull of the double of 5♣. We were unanimous on this last point."

☞ Uh... I wish I knew what last point he was talking about. Good grief.

Against my better judgment, I guess we should turn next to "Bramleyesque."

Bramley: "I reluctantly agree with the majority. The existence of a break in tempo was not well established. N/S apparently were not informed of the appeal in a sufficiently timely fashion to attend, leaving West, the sole attendee, as the only witness. Her credibility was cast in doubt by the Director's disagreement about the alleged break in tempo over 5♦. Thus, her assertion that there was a break in tempo over 5♣ cannot be taken at full value. However, the Committee apparently found

sufficient grounds to believe that such a break in tempo had occurred. If so, the decision was reasonable.

"South's hesitation indicated indecision of some sort, which demonstrably suggested pulling to 5♣. The dissenter observes that South did not have the expected shape for this inference, but she did have the expected hand type: extra defense, but not enough to guarantee a set, and extra offense, but not enough for a likely make. Therefore, North could not overrule without an extreme hand. His hand, only slightly more skewed toward offense than his 4♠ bid indicated, was not extreme enough.

"Note also that E/W had not shown a massive fit of their own. Thus, North did not have the inference that South's doubles were based on general high cards rather than true defensive values in the opponents' suits."

☞ I knew I shouldn't have done that. Now I have Excedrin headache #14.

Brissman: "I favor the Committee's decision and analysis over that of the dissent."

☞ I favor *anything* over the dissent. I just wish I knew what the dissent was!

Patrias: "Well, I've got to admit I'm flummoxed. What exactly did the tempo of South's double of 5♣ convey to North? Probably nothing more than that South was unsure about defending clubs but had defense at the five-level. Doesn't that make it more palatable to defend 5♦? It appears to me that North had no desire to defend a doubled five-level contract and pulled it when it became necessary. This appeal seems to be nothing more than bridge lawyering and the Committee bought it."

☞ I hate it when that happens.

Polisner: "This is a difficult case. The Director, as impartial witness, said no break in tempo over 5♦. The question is whether there was an unmistakable break in tempo over 5♣, which the Committee found to be the case. As such, it did convey doubt which could have influenced North to bid 5♣. Certainly pass is a LA and thus +550 E/W is the correct result. It is not clear why the Director was focusing on the double of 5♦ as the LA issue whereas it is the 5♣ bid which needs to be analyzed."

☞ I hate it when that happens, too.

Stevenson: "There is an ugly feel to this one. Sherlock Holmes wanted to know why the dog did not bark during the night, and built a case on the answer. Similarly, I want to know why E/W made a totally frivolous request for a ruling based on a tempo break by North and only mentioned the tempo break by South after the ruling went against them. There was even an alleged further break in tempo! By the time it got to appeal it had built up in to a full scale 'tainted auction.' I wonder why East did not attend the appeal? [I think he escaped back to Minneapolis.—*Ed.*]

"There were strange arguments produced and I do not see why the Committee needed to talk about clean doubles or for Barry to consider cynical interpretations. UI cases present simple questions (though that does not mean the answers are simple).

Q: Was there UI?

A: Yes, South's slow double of 5♣.

Q: Was there a LA to the action taken?

A: Yes, the Committee considered (and I agree) that pass was a LA to 5♣.

Q: Did the UI suggest the action taken as against the LA?

A: Yes, it is more likely to be correct to play the hand rather than defend when South has doubts about defending one of the E/W contracts.

Q: Did the action taken damage E/W as against the LA?

A: Yes, 5♦ doubled makes.

"So the Committee should adjust. They did, but only after considering various

extraneous matters. Note that while the original ruling was whether South's second double was acceptable, this seems not to have been considered before the Committee. Of course it was moot once the Committee decided to adjust to 5♦ doubled making, but the original request for a ruling seems very strange. Why would South double 5♣ and not 5♦?

"I wonder what was in West's mind."

Ugly is in the mind of the beholder, and right now mine resembles a bowl of overcooked Quaker Oats. If West had been smart, she would have joined East in Minneapolis. And who let that dog in here anyhow? David, Was it you? Was it Quango or Nanki Poo? Oops, they're cats. Oh, now I'm really confused.

Cohen: "When you preempt with the North hand (and why didn't he open with 2♠?) you abide by partner's decision. Hesitations by partner only emphasize this responsibility. The Director apparently only saw the in-tempo double, so he can be forgiven his ruling."

Just what I needed, a simple, straightforward approach. One you've preempted and described your hand, you abide by partner's decision. And hesitations only enhance that responsibility. I like it.

Endicott: "I think N/S have only themselves to blame for the adverse ruling. The tempo breaks are rather stupid and they ought to find their way to 5♣ without them. As it was, they created the basis for the Committee decision that there was too much UI floating around."

Aha! The old "Primordial Soup" theory, with floating UI tossed in to boot. I like that, too.

Wolff: "Reasonable decision, though close, and Barry's dissenting opinion is also worth considering. However, if E/W's spades had been one-one they would have gladly accepted their +100 and obviously had no ruling or appeal. If N/S have sinned they have sinned against the whole field. Their score should be reduced, but why should this E/W profit when other E/W's are not? Granted, if this E/W were prevented from playing bridge by the sin against them then their score should be adjusted. But when normal playing luck is involved, they and the other non-offenders around the room should be treated equally. Therefore, either N/S -550 and E/W +100 or N/S -100 and E/W +100 with N/S receiving a 3-matchpoint penalty."

Ouch. Sinners (but no saints) and NPL. And I was just starting to recover, too.

CASE FIFTEEN

Subject (Tempo): Time For Absorption

Event: NABC Open Pairs II, 16 Mar 00, Second Qualifying Session

Bd: 17	Chuck Said		
Dlr: North	♠ 2		
Vul: None	♥ 7543		
	♦ Q874		
	♣ KJ75		
Jim Foster	Allen Hawkins		
♠ AQJ98	♠ K106543		
♥ ---	♥ 8		
♦ K10932	♦ J65		
♣ Q62	♣ 943		
	John Russell		
	♠ 7		
	♥ AKQJ10962		
	♦ A		
	♣ A108		
West	North	East	South
	Pass	Pass	2♣
2♠	Pass(1)	4♠	5♥
Pass(2)	6♥	6♠	Dbl
All Pass			
(1) Alerted; showed values			
(2) Break in tempo			

The Facts: 6♠ doubled went down three, +500 for N/S. The opening lead was the ♥7. The Director was called after the 6♠ bid. It took West 8-10 seconds to pass 5♥. The Director ruled that pass was a LA to 6♠ for East. Since West's break in tempo suggested he was thinking of bidding 5♠, that made a 6♠ save more likely to succeed. The contract was changed to 6♥ made six, +980 for N/S (Law 16A2). (Note: Making 6♥ was not 100%. 6♥ can be set if West leads the ♠A and switches to a diamond. Declarer must then locate the ♣Q to make 6♥. However, only two pairs out of about 40 who bid a slam failed to make it.)

The Appeal: E/W appealed the Director's ruling. North did not attend the hearing. East stated that he intended to save at the four- or six-level after partner's 2♠ overcall. It was determined that the jump to 4♠ was not accompanied by the use of the Stop Card and that South had

bid 5♥ "in normal tempo" (stated to be 2-4 seconds). E/W were a partnership of 25 years who play together at NABCs and rarely in between. They had no agreements as to alternative ways of raising 2♠ to distinguish save-oriented hands. West agreed that he broke tempo over 5♥ to absorb the auction and consider his alternatives.

The Committee Decision: The Committee first determined that West had in fact broken tempo before passing 5♥. It then considered whether this was pregnant with UI or sterile, calling the tempo after the 4♠ bid into question. While the failure to use the Stop Card would mitigate any claim by E/W of UI resulting from South's tempo in bidding 5♥ over 4♠, it was nonetheless South's responsibility to take 8-10 seconds before acting over 4♠. That is to say, West was entitled to about 14 seconds between partner's 4♠ bid and his next call. When South chose to act fairly quickly in this auction the time he did not use was, so to speak, added to West's clock to allow absorption of the high-level competitive auction. West used this time but in the opinion of the Committee his pause conveyed nothing more than, "let me understand what is going on." The Committee allowed the table result of 6♠ doubled down three, +500 for N/S, to stand.

DIC of Event: Henry Cukoff

Committee: Henry Bethe (chair), Mark Bartusek, Bob Gookin, Richard Popper, Michael Rahtjen

☞ I have a minor objection to the statement at the end of the facts. N/S's 6♥ can not be "set" on the defense suggested (or any defense, for that matter). It can go down on the defense suggested if declarer mis-guesses the ♠Q.

Next, the Committee properly investigated whether the Stop Card had been used by East and the timing of South's 5♥ bid. Note that the Committee's statement that "...the failure to use the Stop Card would mitigate any claim by E/W of UI resulting from South's tempo in bidding 5♥..." does not mean that E/W have no recourse if South bids quickly over 4♠. The Stop Card is merely a reminder to the next player to pause a suitable amount of time before calling. But the failure to use it does not absolve that player of his responsibility to pause appropriately. It could, however, "mitigate" (to use the Committee's term) against the side that failed to use it in cases where the timing of the subsequent auction is ambiguous and the proper use of the card could possibly have helped avoid the problem.

South's failure to pause an appropriate amount of time before calling (I agree that 2-4 seconds is unacceptably fast) denied West time which was crucial for absorbing the developing auction. A good principle in these situations is that players who are concerned with the opponents' tempo must not do anything which impedes their access to the information in the auction. This includes rushing the auction (by bidding quickly, as here) or playing complex or unfamiliar methods and expecting the opponents to deal with the added information demands in normal tempo. West would normally have had about 16-20 seconds to absorb both East's 4♠ and South's 5♥ bids. Here West had a total of only about 12-14 seconds and even then N/S claimed a break in tempo.

In case my position is not yet clear, I agree with the Committee's decision. And so do...

Bramley: "I agree. Even if South had not bid quickly, West's tempo was within the normal range for a high-level competitive auction. Furthermore, East's hand strongly suggests saving on its own. The Committee's use of the 'carry-over implied skip-bid hesitation' obviated their need to confront the thornier issue of whether East had a LA to saving."

☞ I agree that West's 8-10 seconds was not out of tempo for this auction. This is why I have suggested a change in the Skip Bid regulation which would require each of the other players—not just the next player to call—to pause about 10 seconds before their next call following a Skip Bid. As for Bart's observation about avoiding the issue of whether East had a LA to saving...

Patrias: "I think that East has the 6♠ bid and the Committee could have decided that way. They seemed to be looking for some reason to let the result stand and avoid the issue. It's a clever example of metal gymnastics though and one has to admire their ingenuity."

Polisner: "Again, my speech about the use and non-use of the Stop Card. The write-up states that South had bid 5♥ in 'normal tempo stated to be 2-4 seconds.' I submit this is not normal tempo over a jump to 4♠ and would rule that it was UI to North if that became the issue in the hand. The Committee agreed with my point and allowed West the time to which he was entitled to decide what to do without UI being present. Excellent work by the Committee."

☞ And now we pause (at least 10 seconds) for a public service announcement.

Stevenson: "What is the point of following the rules when you get advantage from not doing so? What would have happened on this hand if East had used the Stop Card? We do not know. But there is a very strong disincentive to do so if E/W are going to get away with this type of action.

"This is not the only decision where failure to use the Stop Card was a factor, and since the next player is required to pause anyway, the decision always goes in favor of the player not using the Stop Card. Some players do not use it as a matter of policy since it cannot benefit their side. They argue that the actual wording of the regulation makes use of the Stop Card voluntary—or they just do not care about a regulation that is not enforced.

"The ACBL should consider the use of the Stop Card, make a watertight regulation, publish it, promulgate it via the Bulletin and the bridge newsgroup, and enforce it.

"Still, West had a right to his 10 seconds, so the decision is correct."

☞ Amen. We now resume our regular programming.

Endicott: "In the latter stages of a competitive auction a slightly longer pause for consideration does not necessarily carry implications. If the Committee finds it so, so it is."

Treadwell: "Excellent analysis and reasoning by the Committee."

Wolff: "I agree with the decision and the reason."

☞ One panelist expresses a bit of angst before reaching the same decision.

Rigal: "I can't decide what is right here. The Committee decision seems unduly generous to the offenders but I have sympathy with their line of reasoning, and it is not clear to me that East did anything out of line here, so I would go along with the decision.

"There is an important point concealed in this decision I think; namely, that some auctions push back the envelope of the 3- 7 seconds allowed to West to bid. The implications of the sequence take some digesting; so West will not be ruled against just because he is slow if there is a sufficiently unusual event happening at the table for a pause to be almost mandatory to absorb it."

☞ Our final two panelists see this case in shades of black and...black.

Gerard: "Let me understand what is going on. I have all these high cards, partner has a bunch of spades but worse than a weak two-bid, the 2♣ bidder just showed his suit, boy this sure is a tough one. Maybe I'll just take a few more seconds to make sure I've got it. Who's kidding whom? The Stop Card is intended primarily for the benefit of the opponents, not partner—don't act too fast or your partner's action may be compromised. Yes, next hand should bid in tempo but No, this was not rocket science. West's pause conveyed the world."

Cohen: "If East wants to be sure West gets his full 14 seconds to consider his call, he better use the Stop Card. If West's pass of 5♥ was an 'unmistakable hesitation,' and it was, then pass was a LA for East over 6♥. Good work by the Director. This case is similar to CASE FOURTEEN. When you preempt, you leave the final decision to partner and accept it. Hisses to the Committee."

☞ It must be wonderful to be so absolute about following the rules. "...he better use the Stop Card." Well, how about the rule that says the player after a Skip Bid must pause for about 10 seconds before making a call, whether the opponent uses a Stop Card or not? Is West's right to consider his hand for a reasonable, context-sensitive amount of time subject to South's tempo whims? At the very least this approach should lead to a non-symmetrical adjustment, with both sides getting the worst of it.

As for preemptors leaving the final decision to partner, a well-established (if not widely-disseminated) expert technique is to preempt (especially at the four

level) with an unusual hand (e.g., ♠—♥AKQxxxx ♦xxxx ♣---), intending to bid again if the opponents compete to 4♣. Some preempts are tactically necessary but don't do justice to the hand. Another example. I might choose to open 3♥ holding ♠—♥AQJ10xxx ♦Qxx ♣Qxx. But if I did, I'd double a balancing 3♣ bid saying, "I'd like to bid again, but just in case you've a mind to defend, pard..."

Finally, under the present regulations if South is supposed to pause for about 10 seconds (8-12?) before acting over 4♣, then West should not have to make his next call until about 14-16 seconds has elapsed after the 4♣ bid (and more if we add the time it takes for South to remove the 5♥ card from his bid box). Here, by N/S's admission, South bid in 2-4 seconds and West in another 8-10 seconds. That means that West bid within 14 seconds and perhaps as soon as 10 seconds *from the time East bid 4♣!* This easily overlaps the 8-12 seconds he would have had to make his call if East had passed and South had jumped to 4♥ in the balancing position after West's 2♣ bid. Is there some reason why West's pass should be viewed as in-tempo when there has been one subsequent call at the four level but out-of-tempo when there have been two subsequent calls bringing the auction to the five level?

Bah, humbug!

CASE SIXTEEN

Subject (Tempo): Forcing Is In The Eye Of The Beholder

Event: NABC Open Pairs II, 16 Mar 00, Second Qualifying Session

Bd: 12	David Yang		
Dlr: West	♠ 2		
Vul: N/S	♥ 1094		
	♦ AK7542		
	♣ K86		
William Pettis	Beth Palmer		
♠ 3	♠ QJ1065		
♥ 86532	♥ AQJ7		
♦ Q10	♦ J963		
♣ J10753	♣ ---		
	Weishu Liu		
	♠ AK9874		
	♥ K		
	♦ 8		
	♣ AQ942		
West	North	East	South
Pass	2♦	2♠	Dbl(1)
Rdbl	Pass	3♥	Pass(2)
Pass	Dbl	All Pass	

- (1) Penalty double
- (2) Break in tempo of about 30 seconds

The Facts: 3♥ doubled went down two, +300 for N/S. The opening lead was the ♦8. The Director was called after the double of 3♥. It was agreed that South took 30 seconds to pass 3♥, having already doubled 2♣ for penalty. N/S contended that South's pass was forcing, but even if it wasn't a pass by North did not seem to be a LA. In addition, South's break in tempo did not suggest that any action by North was likely to be more successful than any other. The Director allowed the table result to stand since (1) a double was neither suggested nor was it more likely to succeed holding North's cards, and (2) South's pass was forcing in any case (Law 16A2).

The Appeal: E/W appealed the Director's ruling. E/W believed that the break in tempo made the double more attractive and that South did not know whether his pass was forcing nor what to do

over his partner's double. North demonstrated that he was aware of his hand's excellent defense in the context of the auction to that point.


The Committee Decision: The Committee, when given the North hand as a blind preview, was unanimous in doubling. While there was a break in tempo, North had no LA to the double. Also, while the Committee did not have to consider whether the slow pass made doubling more attractive, they were not convinced that this was so. South could have been contemplating bidding clubs, raising diamonds or something else. The issue of an AWMPP was discussed at some length. Three members of the Committee believed strongly that both East and West should have known better than to appeal on a hand where doubling was perceived to be the only possible action by E/W's peers. Two members of the Committee could not be persuaded that an AWMPP was appropriate, partly because E/W might have believed South's inordinate pause over 3♥ should not be overruled. Accordingly, no AWMPP was issued.

DIC of Event: Henry Cukoff

Committee: Barry Rigal (chair), Lowell Andrews, Simon Kantor, Becky Rogers, Robert Schwartz

Directors' Ruling: 95.7

Committee's Decision: 91.0

 Any player who would double 2♠ without transferrable values deserves to be doomed to defending the opponents' makeable doubled contracts for the rest of his

bridge-playing days.

After South doubles 2♠, I believe most pairs would play that a pass of 3♥ is non-forcing but (because of the values shown by the double of 2♠) invites North to express his doubt about the contract. Even undiscussed, intuitively this feels right.

So what does South's huddle mean in a non-forcing auction? Surely it suggests extra values and a desire to hear North bid again. Also, it could suggest passive diamond support in a hand that was considering competing in diamonds. If the latter is the case, South will pull a double to 4♦. Another (remote) possibility is that South has clubs and was considering bidding them. This is made unlikely by the fact that they would have to be bid at the four level. After a double South would pull to 4♣. The problem with these last two possibilities is that a four-level contract is risky since North may not have club support and 4♦ may be too high. Thus, North's double only stands to gain when South has extra defensive values, passes, and 3♥ doubled goes down. In the other cases, N/S are in danger of getting overboard.

The bottom line is that North was invited back into the auction by South's double of 2♠ and his later huddle did nothing to change that, nor did it make the double more likely to be the winning action. But isn't this just what the Committee said? Good work.

Did E/W deserve an AWMPP? I think so, although I find this a close decision. I think it is pretty clear that South's pass of 3♥, with or without a hesitation, invited (even if it didn't force) North to the party. Also, a look at North's hand should have persuaded E/W that they stood little chance of winning their appeal. I believe that appeals should be based on a specific objection to the ruling (e.g., a conviction that the bridge judgment applied was faulty, that important information was overlooked, that the laws were wrongly applied, etc.) and not just express a desire for a second opinion. E/W offered no explanation of how the hesitation demonstrably suggested the double nor did they give any specific objection to the ruling other than that N/S seemed generally confused about their hands and the auction—as if that's a novelty or an infraction. So they earned an AWMPP in my view...and in the views of most of the panelists.

Bramley: "I agree with those who wanted to give an AWMPP. E/W had already tried unsuccessfully to persuade a Director to favor them. They should have known that a weak-two bidder with a maximum in prime high cards and promising defensive distribution had an automatic double, and that a Committee would rule against them.

"However, the other parties to this case were not completely clean. N/S made a fatuous argument that the pass of 3♥ was forcing. Their case would have been stronger if they had said nothing. The Director should not have bought the forcing argument either. E/W may have been persuaded to pursue this case because they sensed that the opponents and the Director were both weaseling, but N/S's distaste for that argument did nothing to strengthen their own case."

✍ Bart's point about the fatuousness of N/S's argument that the pass of 3♥ was forcing is right on target.

Gerard: "I didn't realize that Law 16A2 mandated that South's pass was forcing. I vote with the three."

Rigal: "When the Committee splits 3-2 on an AWMPP, it is tough to award one. Even so, in retrospect I might have tried harder to overrule my colleagues (and yes, I did try). I guess that message came across in the write-up. Yet, again, I am in doubt as to whether harsh words in the decision can ever prevent frivolous litigation; we need more than oral slaps on the wrist!"

Stevenson: "'E/W might have believed South's inordinate pause over 3♥ should not be overruled'? Only on the planet Zarg! E/W knew that North had a routine double and the Committee had no excuse not to award an AWMPP."

Treadwell: "Why no AWMPP in this meritless case?"

Patrias: "AWMPP"

✍ The remaining panelists also supported the Committee's bridge decision and in addition supported their judgment not to award an AWMPP.

Cohen: "No complaints here. North had a maximum for his bids, and double was automatic. No other call was an LA."

Endicott: "I am impressed with this Committee statement. An AWMPP would have been harsh."

Polisner: "I agree with the Committee's analysis."

Wolff: "Good ruling and decision."

CASE SEVENTEEN

Subject (Tempo): Oh, Them Huddles

Event: NABC Open Pairs II, 16 Mar 00, Second Qualifying Session

Bd: 11	Yifan Yang		
Dlr: South	♠ A976		
Vul: None	♥ 106		
	♦ K74		
	♣ AQ106		
Fred Gitelman	Sheri Winestock		
♠ K832	♠ J1054		
♥ J432	♥ AK9875		
♦ 6	♦ AJ		
♣ 9854	♣ J		
	Jiun-Ming Chen		
	♠ Q		
	♥ Q		
	♦ Q1098532		
	♣ K732		
West	North	East	South
Pass	Pass	3♥	3♦
Pass(1)	4♦	Dbl	Pass
4♥	All Pass		
(1) Break in tempo (about 15 seconds)			

The Facts: 4♥ made four, +420 for E/W. The opening lead was the ♠Q. The Director was called at the end of the auction. A 15-second break in tempo was agreed. The Director believed that North was aware that West was probably thinking about bidding 4♥, so his 4♦ bid was at his own risk. The table result was therefore allowed to stand.

The Appeal: N/S appealed the Director's ruling and were the only players to attend the hearing. N/S stated that they thought that pass was a LA to double.

The Committee Decision: The Committee concluded that pass was a LA to double and that West's break in tempo was most likely to be based on major-suit cards, thereby demonstrably suggesting East's double. As a result, East's double was deemed to be an infraction and a pass was imposed. Under Law

12C2, the range of N/S results in the absence of the infraction would have been: -420, +100 (5♥ doubled), +150, +400 and +550. N/S were entitled to the most favorable of those that was likely. The Committee believed that West was nearly certain to bid 4♥, even over a pass of 4♦, and therefore +150 was not a likely result for N/S. In order to achieve one of the other plus scores, N/S would have to bid 5♦ over 4♥. North would have had no particular reason to bid 5♦ and South did not bid 5♦ on the actual auction. Although it was possible that East's double was a deterrent to South's bidding 5♦, in some ways it should have been more helpful as it suggested major-suit values (and therefore club values with North). The Committee decided that South was not likely to bid 5♦ on the enforced auction and that N/S's result under 12C2 was -420. For E/W, the Committee decided that no result other than +420 was at all probable (i.e., that South would not bid 5♦ as often as one time in six). While agreeing with the Director's ruling, the Committee disagreed with the stated reasoning for that ruling. North was free to bid 4♦ without fear of any misuse of UI by the opponents and any suggestion that North may have been looking for an advantage by bidding 4♦ was inappropriate. The Committee's decision was based on analyzing probable and likely courses of action in the absence of an infraction and not on any theory of assumption of the risk. This position was communicated to N/S and to the Directing staff.

Dissenting Opinion (Ed Lazarus): The Committee unanimously decided that East had UI from West's huddle and that pass was a LA to doubling 4♦; East's double was therefore changed to pass. The majority then found that West had no LA to his 4♥ call. Error number one is that pass was certainly a LA for West and the result

should have been 4♦ made five for both sides. The majority proceeded to analyze possible actions by both North and South after allowing West to bid 4♥. The majority believed that a 5♦ bid over 4♥ would be allowed if one pair in three would make the bid. Error number two was that more than one player in three would bid 5♦, particularly with the South hand; the result should therefore be 5♦ made five for both sides. This is an issue not to be treated lightly. It is unusual that the Committee believed that East's action was over 4♦ was questionable but no damage was caused.

DIC of Event: Henry Cukoff

Committee: Ron Gerard (chair), Phil Brady, Nell Cahn, Ed Lazarus, Peggy Sutherland

Directors' Ruling: 57.2

Committee's Decision: 69.3

☞ So according to the Director, having UI is okay as long as it's available to the opponents. Live and learn. Bah! I agree that North was on his own after West's huddle if he balanced and West then bid 4♥, all on his own. But when East took a questionable action which could have been based on West's huddle, encouraging West to reenter the auction, the onus shifted to E/W to show that East's action was clear or, failing that, that West's action was clear.

The Committee correctly rejected East's action over 4♦ and imposed a pass. Next we turn to West. Remember, his pass of 3♥ suggested that he thought he was more likely to go minus in 4♥ than plus—or he'd have bid 4♥ directly. To allow him to bid 4♥ now the Committee would have to be convinced that it would have been clear to West that N/S would make 4♦, that 4♥ would be a good save if doubled (go for only 100), and that N/S would not bid a makeable 5♦. And with a wave of their magic wand they judged that bidding 4♥ was a near certainty. I agree that West bidding 4♥ is attractive—even likely—but a near certainty? Humbug.

Polisner: "There is little doubt that E/W should be -150 under the circumstances. What is less clear is what is the most favorable result likely. However, I believe that under this standard, N/S should be awarded a score of +150 also. West had a chance to bid 4♥ and declined to do so earlier. While he may have decided to do so as a -100 save against 4♦, the benefit of the doubt should go to N/S."

☞ Eminently reasonable.

Endicott: "This is a muddle. If East passes why would West, who has already passed up the opportunity, suddenly decide to bid 4♥? And South, having a partner willing to play 3♦, has no occasion to bid five, no matter who has what in spades."

☞ And all that seems quite true as well.

If you're ready for a complex analysis, here's a very comprehensive discussion of the issues involved in this case and an evaluation of the various possible score adjustment options. It even includes an interesting discussion of how the scores would be adjusted in Europe. While I don't necessarily subscribe to the percentages quoted, they certainly appear reasonable.

Stevenson: "Perhaps we should purchase a law book for the Director. He will find it difficult to find the words that permit the use of UI after an opponent has made a bid which involves some risk.

"West has judged that game is not making when he passed 3♥. It is correct to bid 4♥ if either 4♦ makes and 4♥ is one off, or if the 4♦ bid has improved the hand sufficiently to suggest now that 4♥ is making. No doubt some players will bid 4♥ for one reason or the other (or both) but will everyone? Surely no more than two players in three.

"South did not bid 5♦ over 4♥, but he had been doubled in 4♦. He is more

likely to do so without that double and some players would do so with the 1-1-7-4 shape once they have been raised, maybe one player in three. Surely East (who doubled 4♦, albeit with assistance from UI) will double 5♦.

“So we might consider the likely outcomes (without the disallowed double) to be: 33% 4♦ made five, N/S +150; 45% 4♥ made four, N/S -420; 22% 5♦ doubled made five, N/S +550.

“How do we rule?”

“According to the ACBL per Rich, we give the non-offenders (N/S) -420 if we consider 45% considerably more than 33%, i.e. we do not consider any outcomes apart from N/S -420 to be likely. I do not know what qualifies as considerably more but probably this differential is not great enough.

“The Committee quoted from the law: ‘the most favorable of those that was likely’: 22% does not qualify as likely by ACBL interpretations so the ruling for the non-offenders should have been N/S +150.

“The offenders get the score that was least favorable of those ‘at all probable’: 22% is well within that definition (one-in-six, i.e. 17%, per ACBL) so the offenders (E/W) get -550. So the correct decision was N/S +150, E/W -550.

“You may be interested in what would happen in Europe. The definition of an action that is likely encompasses a wide range, so the correct ruling would be N/S +550 for both sides. A Committee would probably amend that under Law 12C3 ‘to do equity’ to something like: 35% 4♦ made five, N/S+150; 35% 4♥ made four, N/S -420; 30% 5♦ doubled made five, N/S -550; and apply it to both sides. Note that the figures include a variation from the original calculation: the non-offenders are given the benefit of any doubt. Rich has suggested that if this method were to be tried in the ACBL, it should apply to the non-offenders only.”

☞ For those still interested (and awake), my view is that it is “at all probable” that West would pass 4♦ (I think it is quite logical for him to decide that he made a good decision to pass 3♥ and then to pass 4♦), so E/W should be -150. As for N/S, I don’t think it is “likely” that they would ever have bid 5♦. In practice, I think many more Wests would bid (an inconsistent) 4♥ than would pass 4♦, and would be allowed to play there by N/S (as the table result attests). Therefore, I would leave N/S with -420.

Now let’s hear from the Committee chairman.

Gerard: “We spent a lot of time on this case, so no one treated it lightly. The dissent is incorrect—we did not find that West had no LA to 4♥. We found that West was overwhelmingly likely to bid 4♥. West would have been under no ethical constraints. He would have heard himself hesitate and his partner pass 4♦, neither of which was or would have been UI. Yes, the opponents are more likely to have missed a game when partner passes 4♦ than when she doubles. But they passed it out in 3♦ and were about to pass it out in 4♦, so what reason would there be to fear 5♦? We did not think bidding 4♥ would have been inconsistent with passing 3♥, just different. We all knew West to be capable of resisting the ‘automatic’ temptation to bid 4♥, but we felt that he would do so anyway for technical reasons other than just his trump length.

“As to the likelihood of South’s bidding 5♦, our position is fully stated in the write-up. At IMPs, yes, 5♦ seems called for. At matchpoints, no.”

☞ Another road to the same conclusion...

Bramley: “Ah, to be able to read minds as well as the Director and the Committee. Will the omniscient Director please tell us how he knew ‘that North was aware that West was probably thinking about bidding 4♥?’ Note the two levels of clairvoyance: the Director knows what North was thinking about what West was thinking about. Impressive! The Committee contented itself to note ‘that West’s break in tempo was most likely to be based on major-suit cards.’ Really? If I were East, I would be worried that West had clubs. But that is all beside the point. The

only solid inference to be drawn by anyone from West’s hesitation is that he was thinking of bidding rather than passing.

“The Committee correctly criticized the Director’s stated reason for his ruling, but the Director was right to observe that North’s 4♦ bid was at his own risk. That is, North was still at risk even though he was protected from his opponents’ use of UI. Sure enough, that risk was realized, both at the table and in the Committee’s hypothetical version of likely continuations in the absence of UI.

“The Committee’s line of reasoning leading to a determination of an infraction is not so strong as they’d have us believe. Yes, if West’s hesitation clearly indicated major-suit interest then it demonstrably suggested action by East. However, if West had been thinking of bidding clubs then that would demonstrably suggest inaction by East, i.e., passing. The knowledge that partner has some values suggests that acting will be more successful than passing, but not by as much as the Committee implies. In the end, I agree that since pass is a LA for East, she must pass.

“I agree with the Committee’s analysis that West would almost certainly bid 4♥ if East passed, and that 4♥ would then be the final contract a huge majority of the time. I don’t accept the dissenter’s view that South would bid 5♦ appreciably often.

“Overall, the Committee did well. They went on a nice trip and they still ended up right where they started.”

☞ More agreement with the Committee from...

Patrias: “Obviously there is nothing in the laws that deals with correctly inferring from your opponent’s hesitations. In fact, the laws specifically allow it at one’s own risk. The decision is clear.”

☞ Was there any support for the dissenter? Funny you should ask.

Rigal: “The Committee was right that North should be free to bid 4♦ without worrying about his opponents’ tempo issues. I agree with Ed that 5♦ doubled and making is the most likely favorable result for N/S.”

☞ “The most likely favorable result” is *not* the non-offenders’ criterion; “the most favorable result likely” is. They are not the same (see CASE THIRTEEN).

Cohen: “Assuming the infraction was the double of 4♦, what would have transpired had East passed. Certainly West would have bid 4♥. You would be hard pressed to convince me that it was ‘likely’ that N/S would have bid 5♦. After all, they didn’t bid it in the auction that took place at the table. As to E/W, was it ‘at all probable’ that N/S would have bid 5♦ after the hypothetical auction. You would be hard pressed to convince me it was not. So we’re left to assign N/S -420, and E/W -400. Ugly, isn’t it!”

☞ Ugly doesn’t even begin to describe it.

Coming full circle, the last panelist supports the Directors’ ruling, and for much the same reasons as they proposed if I read him right. Good grief!

Wolff: “Not unreasonable decision. Also, Ed Lazarus’ dissent made sense. There should be some common law (see CASE EIGHT) on reopening after a hesitation by an advancer. In that case HD is not nearly as bad, as all evil intent is dispelled. By my standards, anyone who reopens for a hesitator becomes caveat emptor. East has a double the first time so why should she not double 4♦? N/S should have had their eyes wide open and when they didn’t bid 5♦ it is NPL. Maybe all can see clearer what a hesitation and then pass does to the game. After that maybe we can adopt ways to correct it. It is there for the correcting.”

CASE EIGHTEEN

Subject (Tempo): My Points Take Tricks

Event: Flight A/X Swiss, 16 Mar 00, First Session

Bd: 8	Marvin Kane		
Dlr: West	♠ A63		
Vul: None	♥ AKQ986542		
	♦ ---		
	♣ 4		
Martin Hunter	Andy Stark		
♠ 10952	♠ K874		
♥ ---	♥ J3		
♦ KJ42	♦ 1083		
♣ Q8652	♣ J1093		
	Sally Kane		
	♠ QJ		
	♥ 107		
	♦ AQ9765		
	♣ AK7		
West	North	East	South
Pass	2♣	Pass	3♦
Pass	3♥	Pass	4♣
Pass	4NT	Pass	5♥
Pass	6♥(1)	Pass	7♥
All Pass			
(1) Break in tempo			

The Facts: 7♥ made seven, +1510 for N/S. The opening lead was the ♣J. The Director was called after the 7♥ bid and was told that a long hesitation had preceded the 6♥ bid. The Director ruled that there was UI from the break in tempo and that 7♥ would not be allowed. The contract was changed to 6♥ made seven, +1010 for N/S.

The Appeal: N/S appealed the Director's ruling. N/S thought it ridiculous that a 16-HCP hand could not bid a grand slam after a 2♣ opening bid. They agreed that a 5NT bid would have shown all the keycards. South thought RKCB in hearts applied while North thought RKCB in clubs applied. When asked why she had not bid seven over 4NT, South said that North was in control. When asked why she bid seven over 6♥ she said because her hand was so good. The N/S convention card showed 22+ for 2♣ opening bids, although this pair's style was to open with less if enough

tricks were present. They were told to mark their convention cards accordingly. They agreed that ♠Kxx ♥AKQxxxxxx ♦--- ♣x was a 2♣ bid, as was ♠AK ♥KQJxxxxxx ♦x ♣x. E/W (who had been interviewed separately) believed it took North 1 minute to bid 6♥.

The Panel Decision: Interviewed together, two expert players thought that pass was not a LA for South until they were given the two example hands which with this pair would have opened 2♣. They then said that pass would be a LA to 7♥. Two other players consulted also thought that pass was a LA. All thought the slow 6♥ bid "demonstrably suggested" bidding 7♥ (Law 16). The contract was changed to 6♥ made seven, +1010 for N/S. Two expert players thought the appeal had merit, one thought that players of the experience level involved (5000 and 3800 masterpoints) should have known that this appeal lacked merit. The Panel decided the appeal lacked substantial merit and assigned N/S an AWMPP.

DIC of Event: Gary Zeiger

Panel: Matt Smith (Reviewer), Mike Flader, Charlie MacCracken, Sol Weinstein

Players consulted: Dick Budd, Michael Becker, Mike Cappelletti Sr., Mike Kamil

Directors' Ruling: 98.5

Panel's Decision: 96.7

✍ The bridge decision here was a slam dunk, as all of the panelists commenting

on it confirmed. But the AWMPP was another matter. Some panelists expressly applauded the Panel for awarding it...

Cohen: "The Panel gets an extra commendation for assessing an AWMPP. Perfect adjudication."

Rigal: "Good Director and Committee ruling and well done for the AWMPP point. The Panel is seen to function well here in terms of the interaction between the two sides of lawmen."

Wolff: "+1010 for N/S is clearly right and I also agree to the AWMPP. Although this was probably not a "high-level" event by my definition, we need to publicize bridge player's responsibilities more often and louder."

✍ Others simply agreed with the Panel's decision without mentioning it...

Stevenson: "Seems routine. Why did North not consider what to do over various responses to Blackwood before bidding it? That is both good bridge and saves ethical problems. No-one would have argued with the raise to 7♥ if the tempo break had been a round earlier. Is it time for an article on Hesitation Blackwood in the bulletin?"

Endicott: "I like this one. Especially its brevity."

Patrias: "Good.."

✍ One panelist questioned it.

Polisner: "I applaud N/S's honesty in acknowledging that the obscure hand which had ♠Kxx could be opened with 2♣, which would not be considered such by the mainstream. It was this admission which cooked their goose in the decision. I don't think that such honesty should result in an AWMPP."

✍ But only one panelist correctly noted the inconsistency in awarding it on the feedback the Panel had available.

Gerard: "♠AK ♥KQJxxxxx ♦Kx ♣x. Irrelevant what North 'had' to have, he didn't invite seven. There's comfort in togetherness, not freedom from error. The handling of the AWMPP matter was inconsistent with and inferior to that of the Committee in CASE SIXTEEN. If two players thought it had merit, how could it not? I agree with the Panel's decision but it was not theirs to make."

✍ Ron is exactly right. If two of the four players consulted thought the appeal had merit, how could it not? CASE SIXTEEN is a good case in point. In my opinion, if even one Committee member (or consultant) with a full understanding of the case thinks that the appeal has merit, then it does. The only time I would overrule that policy is if the lone dissenter's position were based on philosophical grounds (e.g., "I don't believe in AWMPPs—ever.") rather than on the specifics of the case.

CASE NINETEEN

Subject (Tempo): Once More For The Road

Event: Stratified Open Pairs, 17 Mar 00, Second Session

Bd: 9	♠ 1065		
Dlr: North	♥ A64		
Vul: E/W	♦ A754		
	♣ Q32		
♠ AK32		♠ Q987	
♥ J753		♥ K109	
♦ ---		♦ J86	
♣ A9764		♣ J108	
	♠ J4		
	♥ Q82		
	♦ KQ10932		
	♣ K5		
West	North	East	South
	Pass	Pass	2♦
Dbl	3♦	Pass(1)	Pass
Dbl	Pass	3♠	4♦
All Pass			
(1) Break in tempo			

The Facts: 4♦ went down one, +50 for E/W. The opening lead was the ♠K. The Director was called during the auction by N/S, who alleged that East took 10-15 seconds to pass over 3♦; E/W thought East took 4-6 seconds. The Director decided that West's shape and hand demanded his bid with a passed hand on his left, a weak two-bid on his right, and his partner marked with at least 6 or 7 HCP. The Director allowed the table result to stand (Law 16C2).

The Appeal: N/S appealed the Director's ruling. North called the Director immediately after West's second double. North said his first statement to the table Director was that there was a 10-12 second break. East concurred but said that the break was 5+ seconds, enough time for him to think. E/W did not play responsive doubles; West had 900 masterpoints.

The Panel Decision: Two of the players consulted asked about E/W's responsive double agreements and then said that pass was not a LA. Two others also said that pass was not a LA. A fifth player believed that all experts would make the second double but that club-level players might not. A sixth player thought it was a close decision after partner's pause for thought. Two Flight B players were informally asked and both said they would double. The Panel decided that West's shape and the auction, not East's tempo, dictated the second double. West had a six-loser hand, the deal clearly belonged to E/W, and West could stand whatever response East might make—including a pass of the second double. The Panel allowed the table result of 4♦ down one, +50 for E/W, to stand.

DIC of Event: Terry Lavender

Panel: Susan Patricelli (Reviewer), Mike Flader, Ron Johnston

Players consulted: Aiden Ballantyne, John Blubaugh, Gene Freed, Mark Molson, Debbie Rosenberg, Adam Wildavsky, two Flight B players

Directors' Ruling: 81.1

Panel's Decision: 79.3

I find West's second double at matchpoints to be virtually automatic, especially without responsive doubles, but it's not so obvious that I'm confident that Flight B players (especially at unfavorable vulnerability) would think the same way. Perhaps the table ruling should have taken this into account and favored the non-offenders?

Rigal: "I happen not to agree with the Panel that action is so clear, and in the circumstances I strongly object to the Director ruling against the non-offenders (this seems to me to be imposing a bridge judgment in a situation where following the Director guidelines clearly produces a different result. We want Directors not to

follow the law by rote, but here the doubt must go to the non-offenders. Note that if the Panel is to be relied on, then it seems to me that non-action by West at his second turn is a LA, since a couple of players thought about passing. What level was West? (Is this relevant in a Stratified event? I think so.)

Once the case came to appeal, the Panel did well to consult Flight B players. Perhaps more of them (and fewer Flight A players) should have been consulted but the two votes for the second double leave me fairly comfortable with the Panel's decision, as are...

Bramley: "Good job to consult Flight B players. If they both double, then pass is not a LA."

Endicott: "The people to listen to are the Flight B players. They are the experts here."

Stevenson: "The decision is fine, but is the basis perfect? Was pass a LA? Probably the Panel thought not, but it would be clearer if they said!"

The remaining panelists, to varying degrees, objected to the Panel's decision. We'll consider them in increasing order of disagreement.

Cohen: "I'm almost with the sixth consultant, except I would have disallowed the second double. I don't fault the Panel. If they are instructed to consult players, then they have to follow where they are led. I can only wonder what they would have ruled had I also been consulted. If East makes an in-tempo pass with ♠Jxx ♥10xx ♦KJxx ♣Jxx would we require West to make a second double? Sorry folks, but the second double is taboo."

Had East made an *in-tempo* pass there would have been no need to do anything since in-tempo calls are not irregularities: the Director would never have been called and the deal would have been scored up without note. If East passed unduly *quickly* that would have been a different matter. If the Director was called in that situation I would expect (hope?) he would impose a second double on West. But the unfortunate reality is, almost no one calls the Director when an opponent passes quickly, probably for the same reason that most people fail to notice a dog that didn't bark (right, Sherlock?) and a typo in a manuscript they have written.

Polisner: "Since the UI standard relates to 'peers,' it is of little value to consult with players who are not peers of the players involved. Since we do not know West's skill level, a decision is difficult; however, it is my belief that many Flight B/C players would pass the second time believing that he/she had already shown this hand the previous round. I would have assigned E/W -110 for both sides."

Gerard: "Still waiting for the Panel to make a true statement. I look at the West hand and see six losers, then I see two or three more. Maybe the Panel was counting long cards in all of the possible trump suits as winners. Next, why did the hand clearly belong to E/W? South could have had anything in third seat, including a bad opening bid (♠QJ ♥Qxx ♦KJ9xxx ♣Kxx). [This hand has 14 cards, but we suspect Ron would be happy to withdraw a spot card in either round suit.—Ed.] Give East ♠98xx ♥Kxx ♦Qxx ♣Jxx and E/W would likely go down 200 undoubled on a hand that clearly belonged to them. When East hesitates, some of the useful cards that might have belonged to N/S (♠Q, ♥10, ♣10 on this hand, more on other hands) don't. Just as when a huddle after a single major raise means the opponents probably didn't miss a game, here a huddle means that the opponents weren't sandbagging with ridiculous extras. Finally, pass of the second double was less likely not playing responsive doubles. West couldn't really know whether he could stand East's response; it depended on East's hand didn't it? Are we supposed to

congratulate West for having support for all the unbid suits when he makes two takeout doubles? Maybe it's Total Trick Syndrome—doubler strives to have a trump when a penalty pass is a possibility so he doesn't always have perfect shape (couldn't resist).

"Go back to CASE TWELVE, the 6♦ notoriety. Pass here would not be catering to just one hand out of many, it would be accommodating an entire category where East's call reflected his cards. The information that there was a passed hand on his right and a weak two-bid on his left was authorized to East also, yet he chose inaction in the face of it. A supporter of the Committee's decision in CASE TWELVE said that it wouldn't be fair to allow the slam after responder bid a slow 5♦ rather than a clear 6♦. Sounds like Rosenberg's 'Why should the non-offenders do less well than if playing against ethical opponents?', except that in CASE TWELVE opener's hand overcame the inference. Here, East has a 3♠ bid and it wouldn't be fair to give him a second chance when West held what he did. Whoever thinks experts would make the second double has got it backwards, since an expert East would have been in there with 3♠. This E/W obviously have a problem when they hold real extra values. For example, give West the ♣Q instead of a low one (second double would be okay) and they'd have a play for slam, yet would be struggling to reach game. Why should they be able to sort this out the way they did?"

"Look, I've heard of matchpoints. Some people preach that if you have the goods for your bid at matchpoints, it's too bad but life's like that sometimes. Sure you have to take all kind of risks, including possibly doubling 3♦ as West. But that doesn't mean that it's out of scope to seriously consider passing instead. In all of the Panel's analysis I don't see any mention of pass as a LA, even though some of the consultants said it wasn't. Maybe my view that East has a 3♠ bid colors my view of the second double, but it looks like East really knew he had a 3♠ bid but just wasn't willing to make it. So I repeat, how does West get to bid again with that hand?"

✍ That compelling (and thorough) analysis has brought me teetering to the brink of Ron's position. While I don't have nearly the same sense as Ron does that the East hand is a 3♠ bid (♠Qxxx ♥Kx ♦Jxx ♣J10xx would be more like it), we may be picking nits here. Not playing responsive doubles is the real problem with East's bidding. Also, I agree with Ron's point about knowing who's hand it is. (If East holds say ♠xxxx ♥Axx ♦Qxxx ♣Jx, 3♠ will go down a lot more than two tricks when spades break four-one and the defense starts tapping West.) But Ron's most forceful argument is that East heard the same auction as West and still failed to compete. If all the Panel's arguments are valid for West, why aren't they for East?

As conflicted over the decision as I now am, I still think West's second double is the right action and would "just do it"—even with its inherent dangers. I'd like to hear what four or five more Flight B players say they would do with the West cards. Then I'd allow the double if they'd all double again but not otherwise.

Finally, the Wolff man was clearly bent way out of shape by this decision.

Wolff: "We now revert back to where we started. An amazingly awful decision. It is not whether West could have foreseen that there are reasons to double again; rather, it is that West was illegally advantaged. Does any person actually think that West, however good or bad he is, considered any of the thoughts the Panel talked about? Obviously not, so why is that even a factor? The point is that East's action, either intentionally or unintentionally, improperly helped his partner and that should not be allowed. Either N/S -50, E/W -110, or N/S -50, E/W +50, but a ½ board PP. Remember, since a pair always has the advantage of the opponents not calling the Director, why should we give them extra incentives to act unethically?"

Subject (Tempo): DONT Bid After A Hesitation
Event: Mixed Pairs, 17 Mar 00, First Session

Bd: 20	♠ 75432		
Dlr: West	♥ 1086		
Vul: Both	♦ KJ92		
	♣ A		
♠ 109		♠ AKQ	
♥ J953		♥ 42	
♦ A75		♦ Q103	
♣ 10643		♣ KJ852	
	♠ J86		
	♥ AKQ7		
	♦ 864		
	♣ Q97		
West	North	East	South
		1NT	Pass(1)
Pass	2♦	All Pass	
(1) Break in tempo			

The Facts: 2♦ made two, +90 for N/S. The Director was called at the end of the play. South agreed he had looked at his hand for around 5 seconds before passing 1NT. The Director ruled that South's break in tempo could have suggested values and changed the contract to 1NT made two, +120 for E/W.

The Appeal: N/S appealed the Director's ruling. West did not speak with the Reviewer. North said she would always bid with this hand, which was her "style" of DONT. South said he was thinking through his options to see if he could bid using their methods and if so, what. N/S had been a partnership on OKbridge for 5 months. South had 133 masterpoints, North 750. When the Reviewer asked

N/S (during the second session) how long they had been playing DONT, North volunteered that South had taught her the convention and that they had been using it online. East said the hesitation was 4-5 seconds, though at the table she had said 9-10 seconds. The table Director confirmed that this was what East had said at the time even though she had not written it down. East had not called the Director immediately after the slow pass because North (East's friend) had announced at the beginning of the round that South was a new player. After the play had finished East believed that she should protect her side against the 2♦ balancing bid.

The Panel Decision: Although South was relatively inexperienced (his first NABC) he knew what DONT was, having taught it to his partner. Therefore, his 4-5 second pause suggested a flat hand. If he had a Yarborough or a weak flat hand, he would have had no problem passing in tempo. His 5-second pause suggested values, making it more appealing for North to balance, vulnerable, with her 8-point hand. Four of the expert players consulted believed that pass was a LA. The fifth did not believe that pass was a LA if the partnership was playing DONT. The Panel changed the contract to 1NT made two, +120 for E/W.

DIC of Event: Doris Allen

Panel: Susan Patricelli (Reviewer), Mike Flader, Ron Johnston, Roger Putnam
Players consulted: Harold Feldheim, John Malley, Mark Molson, Barry Rigal, Eddie Wold

Directors' Ruling: 94.1

Panel's Decision: 92.2

✍ At least one panelist apparently finds it difficult to take this case seriously.

Bramley: "With friends like East..."

Others think the decision less than stimulating.

Endicott: “Boring.”

Stevenson: “Routine.”

Some find plenty to discuss...

Cohen: “Actually, if you are playing DONT I do not consider pass a LA by North. South is known to have some values from the auction and that is AI. Those values are behind the notrump bidder and increase in value. Will accept the decision to roll back the contract to 1NT but am not sure the result should be E/W +120. Perhaps E/W +90 was more appropriate. Were players consulted on the play at 1NT?”

...even though they don’t agree on some of the details...

Gerard: “Note to the fifth expert: get a grip. Can you believe being dealt the North hand and being told that pass is not acceptable? Is it part of DONT that pass denies, say, 1-4-3-5, no matter what your suit quality or your hand? DONT get it.

“Why was everyone blinded by the overtrick? +90 was all there was in it.”

I can’t speak for the vast majority of DONT players, but from what I’ve read DONTers bid when it’s their turn. That DONT mean it’s good bridge, but they say that winning bridge at matchpoints is often ugly... and the North hand certainly qualifies on those grounds. So check your aesthetics at the partnership desk.

But Ralph and Ron are both right about one thing: +90 is all there is in 1NT.

Polisner: “Again, consulting experts about lesser skilled players’ thought processes is not particularly helpful. However, I agree with the decision. Hopefully the Panel tactfully explained to North her ethical responsibility in this type of situation so that this process might be avoided in the future.”

Rigal: “Good Director ruling and Panel decision. I agree with East’s slow call of the Director under the circumstances. Is 5 seconds a slow pass of 1NT, which is almost a skip-bid in some ways? Not in my opinion, but I think E/W believed it was more than that. And the Panel found there was a break in tempo I suppose. Asking people to reproduce pauses is a very arid pursuit; in vacuo some people have no idea of time taken but would know at the table much more accurately.”

Barry’s point that our sense of a break in tempo at the table is often more reliable than our time estimation ability strikes me as accurate but potentially dangerous, as are all “I know it when I see/hear/sense it” judgments. (Sorry, Ron.)

Wolff: “Okay, but the argument in the previous hand was that the doubler had the hand to double again. Why didn’t the 5-3-4-1 hand qualify for a close to perfect DONT? Let’s assume the convention ‘DO’ shows a 5-3-4-1 hand with 8 HCP and a singleton club. Could North have used DO but not DONT in spite of the huddle? The good news is that we won’t ever be accused of being consistent in our appeals process.”

I DO look forward to that man’s comments.

I have a question: If a DO player opens a NT, then is DO+NT=DONT? Inquiring minds want to know.

Subject (Tempo): Like The Boy Scouts, Doublers Should “Be Prepared”
Event: NAP Flight B, 18 Mar 00, First Qualifying Session

Bd: 14	♠ A64		
Dlr: East	♥ QJ874		
Vul: None	♦ 8		
	♣ 9842		
♠ J10		♠ KQ872	
♥ ---		♥ K109	
♦ A10762		♦ Q3	
♣ KJ10765		♣ AQ3	
	♠ 953		
	♥ A6532		
	♦ KJ954		
	♣ ---		
West	North	East	South
		1♠	2♠(1)
Pass	3♥	Pass	Pass
Dbl(2)	Pass	3NT	All Pass
		(1) Explained as Micheals when asked	
		(2) Break in Tempo	

The Facts: 3NT made four, +430 for E/W. The Director was called at the time of the 3NT bid and again after the play was completed. The double of 3♥ had been slow. The Director ruled that the double could not have been based on a strong heart holding and therefore any high cards West held would be useful to East. The Director allowed the table result to stand.

The Appeal: N/S appealed the Director’s ruling. N/S said that it had taken West 20-25 seconds to double. Since West had shown considerable uncertainty when he doubled, N/S believed that pass was a LA for East at this vulnerability. West said that he had taken 12-15 seconds to double; East believed it had been around 8-10 seconds. West said he thought that all he was showing was cards. East said his hand told

him that he could not pass the double and that whatever high cards partner was showing would give him a play for 3NT. He said he was sure that with N/S having a big heart fit, partner’s cards would all be working. He also pointed out that if South had led a heart instead of a diamond, N/S would have defeated 3NT. An immediate double of 2♠ by West would have been a spade raise. E/W were uncertain of their competitive methods in this type of auction.

The Panel Decision: First, the Panel found that there had been an unmistakable hesitation that put E/W in jeopardy under Law 16. Second, the Panel found that the huddle suggested bidding rather than defending. The experts consulted suggested that these kinds of doubles are generally penaltyish until partner shows uncertainty. One expert said that he did not consider pass an option with the East hand. Most of the other experts considered passing and bidding equally likely. One player said there was no option to passing the double. All of the experts identified a minor-oriented hand for West. With an in-tempo double the likely patterns were 2-2-5-4 or 1-2-5-5; with an out of tempo double they predicted 2-0-6-5 or even 1-0-6-6. Several experts pointed out that if West was simply showing cards, he had plenty of time in the auction to consider his approach and should therefore have been able to make that call in a normal tempo for a competitive auction. The Panel accepted the expert opinion that pass was a LA at this vulnerability and canceled the 3NT bid. An expert consulted about the play in 3♥ doubled said that a spade lead would be won with the ace and the ♥Q led next followed by the ♦8 to the jack. This would lead to nine tricks for N/S. The contract was therefore changed to 3♥ doubled made three, +530 for N/S.

DIC of Event: Matt Smith

Panel: Ron Johnston (Reviewer), Doug Grove, Susan Patricelli

Players consulted: Steve Garner, Fred Gitelman, Geoff Hampson, John Herrmann, John Mohan, Shawn Quinn, Eric Rodwell

Directors' Ruling: 55.7 **Panel's Decision: 89.3**

☞ Given the methods E/W were playing, how was West supposed to bid the hand he held? An immediate double of 2♠ showed a spade raise and (we presume) a 3♥ cue-bid would have shown a stronger spade raise. An immediate three-of-a-minor would presumably have been natural. So a delayed double had to encompass all other hand types, including those that wished to penalize 3♥, those that wished East to bid a minor, and those balanced hands with general values that wished East to use his judgment. How would one differentiate the takeout delayed doubles from the penalty-oriented ones? Obviously with the speed of the double. Sorry, but not in this world. 3♥ doubled must be the final contract.

As for the play in 3♥ doubled, on the likely spade lead South wins the second round and plays a diamond to the jack (not a trump). West wins and plays, say, a club. Declarer ruffs, cashes the ♠K pitching a spade, ruffs a spade, ruffs a club, and ruffs a diamond low as East overruffs. Whatever East does declarer takes all but one of the remaining tricks (cash the ♥A and crossruff, losing one spade, one diamond, one trump and one additional trick); +530.

Agreeing are...

Bramley: "I disagree with the analysis of the double. It is penalty. Period. Only East's possession of K109 of hearts suggests that West is minor oriented. And why shouldn't N/S be in trouble? North might have a terrible hand with three (or two) hearts. East has a balanced 16 count with strong hearts. Removing the double with his hand is inconceivable.

"Eventually the Panel reached the right conclusion, but it shouldn't have been this hard."

Gerard: "Not a sharp play analysis. North would lead a diamond to trick two. If he led the ♥Q, East would cover. And it doesn't matter whether he misguesses diamonds, he just trades red-suit tricks."

Rigal: "Ridiculous Director ruling—of course the double is penalties until proven to the contrary. Good Panel decision, and the trick taking at nine in 3♥ doubled looks right to me."

Stevenson: "When considering LAs it is correct to consider what a player's peers would do if playing the same methods. Here it is critical what the double shows for this pair. The experts gave their view apparently based on their opinion of what double meant. Nevertheless, the decision seems correct.

"I have criticized the Panel method in the past. Perhaps the time has come to explain I am not criticizing the choice of personnel but the method, especially consulting players separately. If the players consulted had been on a Committee I'm sure they would have asked the players the meaning of the double in their methods."

Patrias: "The Director correctly analyzed that East should know his partner did not have a heart stack. So what? E/W might well be able to collect 300 and not be able to make 3NT. East must pass and hope."

Endicott: "Far be it for me to tell E/W what their methods are. On the argument they raised the Panel decision was inevitable. I hope North is as good a player as the expert consulted about the play and it is not clear whether the latter was asked to consider whether there are ways of going down. (In World Bridge, making a 12C3 weighted ruling would be a possibility). But the methods seem somewhat crude. Could I not expect a West with a penalty double of 3♥ to announce this to partner by a double on the previous round? And on the sequence as it was, would not the

double be more conveniently take-out?"

☞ I think the point in the write-up that E/W said a direct double of 2♠ by West would have been a spade raise must have escaped Grattan's notice.

Treadwell: "Okay."

Polisner: "I tend to agree with the Panel that E/W should be -530; however, the play on 3♥ doubled is not quite so simple as to award +530 to N/S."

☞ The consultant's analysis was certainly faulty, but South must misplay the hand pretty terribly (as Ron pointed out) in order to go down in 3♥ doubled.

The next panelist expresses his frustration, not with the decision but with the process, which seems capricious to him. Could he be right?

Wolff: "Okay decision but every Committee or Panel discusses in their own way and no 'common law' comes out of it. What should we learn here? The LA rule is bandied around to mean whatever the Committee or Panel wants it to mean. One expert said he did not consider a pass an option. Another said that taking out is not an option. How ridiculous can we get? Why not say that West might have helped his partner by his slow action and therefore took away an important bridge principle, the one that usually requires good, honest judgment in order to get a good score. For West's slow double and East's takeout E/W should be disciplined to encourage them to stay away from repeating this action. Also, isn't it wrong to let North not bid 4♥, have South not lead a heart and yet be awarded +530? If neither the laws, nor the Directors, nor the Committees and Panels can be changed, then why are we doing this? Wouldn't it be more profitable to run a pickpocket school?"

☞ Each expert's opinion is not definitive. By obtaining a number of opinions we try to determine whether an action, such as East's 3NT bid, is clear. We don't have to worry if the experts don't agree. If some do one thing and others do another (or at least think that some players would do another), then we have evidence of a LA. For one player to say what is a LA he would need to be clairvoyant. So we need several opinions (hopefully) from peers of the player at the table.

Once we establish there is UI which demonstrably suggests pulling the double and that pass is a LA, 3NT can't be allowed. So we adjust the score. Discipline is reserved for especially flagrant or egregious actions, and no other panelist indicated that was the case here (perhaps because this was a Flight B event).

As for awarding N/S +530, why not? South's diamond lead wasn't so egregious that it broke the chain of causation. North's 3♥ bid showed nothing more than three small hearts. Was South so wrong to hope that North might hold the ♠A or ♠Q and that the ♥A would be a reentry to the established diamonds? If virtually everyone would have led a heart and this South led a gambling diamond, then I could see not awarding N/S +530. But here it seems right to protect N/S. Moreover, why should N/S ever have been defending 3NT? Even had they beaten it they could never have obtained as good a score as they would have in 3♥ doubled making.

Cohen: "Didn't the whole table know that West's double was not business? The only question—not in the write-up—was did East Alert the double. Did anybody ask? If he didn't Alert, then I'll buy N/S +530. If he did Alert, I let the table result stand. I know these are only Flight B players but West and North kind of stopped playing bridge after the 2♠ bid. West needs to start showing his hand and North has a leap to 4♥."

☞ I guess I'm not clear on what an Alert would have accomplished here. What meaning of a double would be Alertable? Penalty? Takeout? Optional? Hmm.

CASE TWENTY-TWO

Subject (Tempo): Even A Strong Club Has Its Limits
Event: NAP Flight B, 18 Mar 00, Second Qualifying Session

Bd: 18	♠ Q104		
Dlr: East	♥ 9752		
Vul: N/S	♦ J82		
	♣ 985		
♠ 2		♠ KJ73	
♥ AK3		♥ QJ106	
♦ 9643		♦ 107	
♣ Q10432		♣ KJ6	
	♠ A9865		
	♥ 84		
	♦ AKQ3		
	♣ A7		
West	North	East	South
		Pass	1♣(1)
1NT(2)	Pass	2♣(3)	Pass(4)
Pass(5)	2♥	Pass	2♠
Pass	Pass	Dbl	All Pass
(1) Precision			
(2) Majors or minors			
(3) Alerted; better minor			
(4) Break in tempo			
(5) Confirmed the minors			

The Facts: 2♠ doubled made three, +870. The Director was called when North bid 2♥ and also when dummy came down. The Director ruled that South had hesitated after 2♣ was Alerted and explained but that with N/S holding half the deck and E/W having found a minor-suit fit, pass was not a LA for North. The table result was allowed to stand.

The Appeal: E/W appealed the Director's ruling. E/W believed there had been an unmistakable break in tempo and that the 2♥ bid by North had been based on UI. N/S said they had been playing Precision together for many years and had some experience playing against agreements of this sort. N/S did not state that a pass by South in this sequence was forcing according to their agreements.

The Panel Decision: Several of the experts consulted said that opener's pass over 2♣ showed a strong notrump when playing

Precision and that pass was definitely a LA. One of the players consulted thought that North might be allowed to bid again if his pass over 1NT showed 0-4 since he had a maximum. The Panel decided that the 2♥ bid was a violation of Law 16A and that pass was a LA. The contract was changed to 2♠ made three, +110 for E/W.

DIC of Event: Matt Smith

Panel: Sol Weinstein (Reviewer), Mike Flader (scribe), Ron Johnston

Players consulted: Curtis Cheek, Hjordis Eythorsdottir, Garey Hayden

Directors' Ruling: 50.4

Panel's Decision: 86.7

✍ The following panelist's sentiments closely parallel my own...

Bramley: "Correct but distasteful. South's tank suggested either extra high cards or playing strength, so North was likely to find a playable spot. (For the Director to say that pass is not a LA for North is preposterous.) Thus, deciding against N/S was clear.

"East's double, however, looks like a classic appeal play. If he sets them, fine, if not, call the cops. I hate to see that strategy rewarded but I cannot think of a way to avoid it here, except with a PP, which would be even more loathsome."

Stevenson: "The ruling is somewhat surprising: perhaps the Director has

super-aggressive tendencies!"

Cohen: "Well if N/S have so much experience against these types of defenses, they should have learned to do so without transmitting UI. Good decision by the Panel."

Endicott: "The length of this report is admirable. So often a page is filled with verbiage. The clue lies in the evidence ('N/S did not state...') that the actual methods of the pair were looked into. The experts seem to have been inclined to suggest that there is only one way of playing Precision; that is the trouble with experts, only their own views are 'right.'"

✍ A few panelists had small bones to pick.

Polisner: "Good all around, except that +90 in 2♣ was most likely in my opinion."

✍ Au contraire. On a passive defense one of dummy's diamonds will go on the fourth heart and the other on a spade (East plays the Precision 1♣ opener for the ♠A rather than the ♠Q). On the ace of trumps and a trump declarer has time to win in hand, cross to dummy with a heart, and lead a spade toward the king-jack. On a diamond lead and continuation East ruffs the third round low, crosses to dummy with a high heart, ruffs the fourth diamond high, then play trumps. Easy game.

Rigal: "After so many good Director rulings, two bummers in a row. If you can't pass 2♣ with that North hand, when can you? The Panel made the right decision but did they make it for the right reasons? There appears to be no consideration of what the slow pass indicates; the issue is what a double from South would have been. Until we know, we can't determine what a slow pass suggests. After all, if double was take-out then a slow pass suggests clubs and does not make bidding more attractive. The Panel appears not to have considered the question at all. If double would have been penalties the Panel decision is clearly right, but without that information we can't express a view."

✍ Even if a double of 2♣ by South would have been takeout, the slow pass suggests a balanced hand with extra high cards, making the balance more attractive. One panelist seems to have gotten his criteria muddled.

Treadwell: "This is a close call, indeed. Partner has shown 16+ HCP and passed over East's 2♣ bid, presumably showing a notrump type hand. I think many players would tend to bid with the North hand, despite the unfavorable vulnerability and rather great risk involved, rather than let the opponents steal. Also, it is unclear just what sort of UI was conveyed by the tempo break. Personally, I would have been inclined to allow the bid."

✍ Even if many players would "tend" to balance with the North hand, the fact that some players would not is key. We do not permit actions after UI merely because they are attractive, normal, or good bridge. They must be very clear.

The last panelist makes a point similar to Bart's about East's (awful?) double. I could perhaps be convinced to give E/W -870, but in Flight B? Hmm.

Wolff: "Okay decision but E/W richly deserve -870. Since South opened a forcing club it stands to reason that he will have a study over 2♣, especially since E/W are playing pass-or-correct. When North now bids, protecting himself at duplicate, why is that a violation? If it is, then penalize N/S but do not change this hand from -870 to +110 for a pair that has yet to do anything right. Shouldn't the quality of bridge have something to do with the result?"

CASE TWENTY-THREE

Subject (Tempo): Weak Trumps Ruin Conviction
Event: NAP Flight B, 19 Mar 00, First Final Session

Bd: 23	♠ Q9852		
Dlr: South	♥ A85		
Vul: Both	♦ 2		
	♣ K876		
♠ J1043		♠ 76	
♥ J97		♥ Q6	
♦ KQJ95		♦ A1084	
♣ 5		♣ AJ1043	
	♠ AK		
	♥ K10432		
	♦ 763		
	♣ Q92		
West	North	East	South
			Pass
Pass	1♠	Pass	2♥
Pass	Pass	Dbl	Rdbl
3♦	Pass	Pass	Dbl(1)
Pass	3♥	Pass	Pass
4♦	All Pass		
(1) Break in tempo			

The Facts: 4♦ went down one, +100 for N/S. The opening lead was a spade. The Director was called during the auction when North bid 3♥ and was told that South's double had taken 8-12 seconds. The redouble was also described as slow. The Director ruled that the 3♥ bid had been demonstrably suggested by the break in tempo (Law 16) and that pass was a LA. The contract was changed to 3♦ doubled made three, +670 for E/W (Law 12C2).

The Appeal: N/S appealed the Director's ruling. N/S believed that pass was not a LA given North's sub-minimum hand with very limited defensive values. North said he would have to play his passed-hand partner for four defensive tricks to justify passing and his opponents would not be bidding freely without good diamonds. He said this was the weakest third-seat hand he had ever opened with this partner. South said they played their doubles as "cooperative."

West said he had to bid 3♦ immediately whenever he preferred diamonds to clubs: suit quality did not matter after the redouble. In a time simulation N/S indicated that the break in tempo was about 8 seconds, E/W about 12 seconds. Both partnerships were unpracticed, having played only the previous day and when they qualified 2-3 months earlier.

The Panel Decision: Two of the experts consulted believed that passing 3♦ doubled vulnerable at matchpoints was a LA; one did not. One Flight B player said they would never pass. Another considered it and when asked if pass was a LA said, "Absolutely." The Panel found, based on the expert's statements, that there had been approximately a 10-second break in tempo, that the slow double demonstrably suggested a 3♥ bid, and that pass was a LA. The contract was changed to 3♦ doubled made three, +670 for E/W (Laws 73F1, 16 and 12C2).

DIC of Event: Matt Smith

Panel: Charlie MacCracken (Reviewer), Mike Flader, Ron Johnston

Players consulted: Juanita Chambers, Marinesa Letizia, Dave Treadwell, two Flight B players

Directors' Ruling: 79.6

Panel's Decision: 75.3

☞ Is a passing 3♦ doubled a LA for North? Would you ever pass? Several of our panelists would—or at least would force North to.

Bramley: "I wouldn't pass with North, but if several consultants would, then it must be a LA. After that the decision is automatic. Tough to judge fault in auctions this random."

Cohen: "This deserves an AWMPP. Couldn't South have held ♠Ax ♥K10xxx ♦QJ10x ♣Jx. This is not as good a hand offensively as South held, but it sure warrants a double of 3♦. North should have bid 3♥ over 3♦ if he wasn't going to stand for a double."

☞ If South held that hand 3♦ doubled would likely be set anywhere from 200 to 800—possibly more. Is that really so shocking? Not so, says our next panelist.

Treadwell: "I believe the pull of South's slow double is the only logical action for North and, hence, disagree with the decision. North has opened a sub-minimum hand in third seat with only 1½ defensive tricks; it is dreaming to hope for enough defense from a passed-hand partner to set 3♦, although I concede dreams sometimes come true."

☞ More support for the Panel's decision.

Endicott: "No problem. The play is more interesting on trump leads."

Wolff: "Okay with nothing particularly new to discuss."

☞ But Dave is not alone in his unwillingness to accept the Panel's judgment.

Stevenson: "Similar to CASE TWENTY-ONE. What did double mean? If it was cooperative, as South claimed, it is difficult to believe that pass was a LA."

☞ David has a point. An expert South who was unprepared to hear North compete with 3♥ would not have redoubled, so in theory the redouble should share captaincy.

Polisner: "I disagree with the decision and would have allowed North to bid 3♥ with that hand as I don't believe that pass is a LA when he has virtually no defense in a suit in which both East and West have shown possession of some length. Yes, it is true that with the actual N/S hands 3♦ may be going down if spades are three-three. However, that does not convince me to not allow North to bid."

☞ Okay, it's time to come out of your closet, Barry, and tell us how you really feel.

Rigal: "This is getting beyond a joke. Words nearly rarely fail me—but not quite. To consider even for a second passing 3♦ doubled with that North hand is just sick. Look at that North hand for heaven's sake! A 9 count with ace-third in partner's suit and one trump. What are you trying to do here, stop people playing any semblance of bridge? Anyone who passes 3♦ doubled should be shut up in a mad-house. This sort of decision gives Panels (and Committees) a bad name that just will not go away."

☞ The fact that two of the consultants said they would have passed 3♥ doubled (even one would have been enough) and that some of our panelists say they would have done the same seems to belie Barry's claim that such an action is irrational and that pass is not a LA. But still, I'm drawn in two opposite directions on this one.

On the one hand, South's hesitation before his double is repugnant and I'd hate for him to "get away with it." Players must learn to bid in tempo if they expect to keep their good results. On the other hand, the bridge logic of South's redouble is that South is willing to have North compete in hearts or double a minor. As such,

it should promise a rebid and South's double should therefore be cooperative (which N/S claimed at the hearing, although not giving a theoretical reason). But against this it could also be argued that these considerations don't apply to passed hands. Also, could an "unpracticed" Flight B partnership who had played together only the previous day and in the qualifying round 2-3 months earlier really have this sophisticated an understanding in this relatively obscure auction? Unlikely. And if they did, why didn't they mention it at the hearing? In addition, if North knew that South's redouble invited him to compete in hearts or to double West's bid, and if South was forced (?) to act again and a double by him would be cooperative, then North had to bid 3♥ in front of South with the hand he held in order not to create an ethical problem—in much the same way that in forcing-pass auctions, when pass-then-pull shows a slam try, the first player must bid immediately with a weak hand or risk getting overboard or creating an ethical problem.

On balance, the bulk of the evidence strongly suggests not allowing the pull of the double. Combine this with Ralph's example hand and the fact that South passed a hand which many (most?) would have opened (12 HCP with 2½ quick tricks) and the case for disallowing the pull grows compelling. I agree with both the Director and Panel and would adjust the contract for both sides to 3♦ double made three, +670 for E/W.

Subject (Tempo): The Only Possible Action

Event: Stratified Fast Open Pairs, 19 Mar 00, First Session

Bd: 25	♠ Q107		
Dlr: North	♥ A4		
Vul: E/W	♦ 974		
	♣ KQJ92		
♠ K852		♠ J9643	
♥ K9853		♥ QJ2	
♦ A6		♦ KQJ85	
♣ 65		♣ ---	
	♠ A		
	♥ 1076		
	♦ 1032		
	♣ A108743		
West	North	East	South
	1NT(1)	2♠(2)	3♣
4♠	Pass(3)	Pass	5♣
Dbl	All Pass		
	(1) Announced; 10-12 HCP		
	(2) Alerted; spades and a minor		
	(3) Break in tempo		

The Facts: 5♣ doubled went down two, +300 for E/W. The opening lead was the ♦A. The Director was called before the 5♣ call and was told that a break in tempo longer than 5 seconds had occurred. E/W said it had taken North a total of 5-10 seconds to pass. The Director ruled that pass was not a LA (Law 16C2) and that 5♣ had not been demonstrably suggested. The table result was allowed to stand.

The Appeal: E/W appealed the Director's ruling. Three of the players believed the hesitation was in the 5-8 second range. West believed it was 15 seconds. West believed the Stop Card was used; N/S denied seeing it. While the pause after the jump to 4♠ was within the parameters allowed, both East and West perceived the break to be longer than necessary. East said that pass was a LA since if

North was given the ♥AKxx and a doubleton club, South would go for his life in a phantom sacrifice. He also believed that the only thing North could be thinking of was bidding 5♣, given South's ♠A. South said he was always bidding 5♣. North said he passed 4♠ because he had too many defensive values to sacrifice.

The Panel Decision: Two of the expert players consulted believed that passing 4♠ was South's only action. In answer to the question "Was there a hesitation," the Panel decided affirmatively because South had perceived a hesitation (even though the break was within the allowable parameters). Since two of the three experts clearly believed that pass was the only possible action with the South hand and since North's break could only have been to consider bidding 5♣, the contract was changed to 4♠ made four, +620 for E/W (Laws 73F1, 16 and 12C2).

DIC of Event: Stan Tench

Panel: Charlie MacCracken (Reviewer), Mike Flader, Ron Johnston

Players consulted: Grant Baze, Sue Picus, Peggy Sutherland

Directors' Ruling: 50.0

Panel's Decision: 88.7

✍ With apologies to Steve Martin, "Ex-cuuuz me!?" Pass was *not* a LA? In what world is pass not a LA for South who holds two defensive tricks (aces, yet) opposite a partner who opened a 10-12 notrump containing who knows what sort of defense against 4♠? Are four trump tricks needed before one expects to beat the opponents' 4♠ contract? Isn't double also a LA for South?

Next, whether North's hesitation demonstrably suggested South's 5♣ bid is a

more difficult question. 3♣ was presumably forcing and showed values, so North would logically be invited to double holding good defense or to bid 5♣ with a club fit and limited defense. With a nondescript hand (i.e. no significant club fit and no clear defense against 4♠) he would likely pass easily, so what is left is a hand with a conflict: good clubs but enough defense against 4♠ to feel uneasy about bidding. A slow pass seems just perfect for that hand! Bridge is such an easy game.

In addition, an experienced partnership (Why were we not told whether N/S were a practiced partnership?) usually has a much better feel for one another's huddles than the casual outside observer. So if the huddle seems to be redundant with the pass of 4♠ (I don't think so, but others have suggested it is) it is still quite possible that N/S know more about the huddle than the rest of us.


Gary Blaiss suggested taking a closer look at Law 73D1, which states, in part, "...players *should* be particularly careful in positions in which variations may work to the benefit of their side." I have emphasized the word "should" here because in the preface to the 1997 Laws we find the following: "When these Laws say that... a player 'should' do something... his failure to do it is an infraction of law, which will jeopardize his rights, but which will incur a procedural penalty only seldom." So North hesitated in a tempo-sensitive situation which could work to his side's advantage, holding a hand which I can only describe as mind boggling (as does Bart, below). I think we can safely assume that this was an infraction of law which should jeopardize N/S's rights.

Opposite a 10-12 notrump, I find pass, double and 5♣ all quite reasonable. I think North's huddle easily suggests bidding 5♣, so with South's two defensive tricks and North's pass of 4♠ showing some defense I would impose a double on South and change the contract for both sides to 4♠ doubled making, +790 for E/W.

I wonder why the Panel never considered a double by South? I believe it to be a high-likelihood action, at least the equal of passing. Perhaps they were influenced by the write-up, but none of the panelists mentioned this possibility either. The following panelists supported the Panel's decision.

Bramley: "Does the Stop Card have any meaning in the Fast Pairs? If West used the Stop Card, and if North's tempo was 'within the allowable parameters,' then there was no infraction. North was *obligated* to look like he had a problem. It's perverse to nail him when he does, as long as his timing was in the acceptable range. The sides seem to be arguing at odds with their own interests. Why would N/S deny seeing the Stop Card? If N/S had not admitted to perceiving a telling hesitation, I would have let the table result stand because I find no infraction. Since they 'fessed up, I suppose the Panel made the right decision.


"This is another example of a preposterous statement by a Director about a LA. (See CASE TWENTY-TWO.) To say that pass is not a LA is mind boggling."

 Bart raises a good point. If North's tempo was within the allowable limits for bidding after a Skip Bid, then why was there any infraction? In my mind the answer lies in the fact that in a Fast Pairs, "normal" tempo is considerably upbeat compared to what we're used to. While there are no special provisions in a Fast Pairs for bidding faster, or pausing less than the usual 10 seconds after a Skip Bid, in practice the 5½-minutes-per-board playing time allotted places pressure on the players to make their bids and plays quickly. In practice, even pauses after Skip Bid warnings are quite compressed, even with the use of a Stop Card. So with both N/S players admitting that the break was longer than necessary (kudos to them for their forthrightness) I think the Director was quite right to rule that a break did, in fact occur, even if it didn't quite conform to the usual time parameters. The statements about the Stop Card seem again a testament to the players' veracity. As Sgt. Joe Friday (of Dragnet) used to say, "Just the facts, ma'am."

Along the same lines, but with a different conclusion...

Polisner: "Without knowing the Fast Pairs rules, I cannot comment intelligently. North is normally required to hesitate 10 seconds before acting over 4♠, whether

or not the Stop Card was used. It doesn't seem that there was an unmistakable hesitation by North even if South perceived it to exist. I would have allowed the table result to stand *if* the normal rules relating to Skip Bids are applicable."

 More support for the Panel's decision...

Rigal: "It is not just the Committees that are going to hell in a hand-basket; the Directors are joining them now. Two aces facing an opening bid and South works out to sacrifice? And how does he do that? His partner tells him. Just look at that North hand and consider what he was thinking about; his partner obviously knew, so why couldn't the Directors? Good Panel decision, putting right the injustice. But it should have been N/S getting an AWMPP and/or PP."


Cohen: The Director was out to lunch. Interchange the ♥4 and ♣K and North would have had nothing to think about. With two aces South should not be thinking of saving unless there was some UI.

Stevenson: "What was the Director thinking? Under European guidelines pass is probably a LA. Under the far stricter ACBL guidelines pass is so clearly a LA that the Director's ruling is incomprehensible. Not everyone bids game with defense and not many points!"

Wolff: "Seemingly the bases were covered and the decision was well thought out. Deciding if there was a hesitation should in this and all future cases be the only issue (and of course deciding the punishment, if any)."

Patrias: "The Panel was correct to change this result."

Treadwell: "Okay."

 Finally, another gem for the Anglophiles among you...

Endicott: "A fast decision? I have heard of some religious institutions where the fasts are stratified."

CASE TWENTY-FIVE

Subject (Tempo/UI): What Event Is This?

Event: Continuous Pairs, 10 Mar 00, First Session

Bd: 20	♠ 6		
Dlr: West	♥ J863		
Vul: Both	♦ J9854		
	♣ Q84		
♠ 974		♠ KQJ2	
♥ 2		♥ Q94	
♦ K32		♦ AQ10	
♣ K109532		♣ A76	
	♠ A10853		
	♥ AK1075		
	♦ 76		
	♣ J		
West	North	East	South
Pass	Pass	1NT	2♥(1)
2♠(2)	Pass	3NT	(3)
---	3♥	Pass(4)	Pass
4♣	All Pass		
(1) Majors			
(2) Not Alerted; transfer to clubs			
(3) 2♠ bid questioned, MI discovered, Director backed up the auction to North			
(4) Break in tempo			

The Facts: 4♣ made four, +130 for E/W. The opening lead was the ♠6. The 2♠ bid had not been Alerted so North passed and East bid 3NT. The Director was called when South asked the meaning of 2♠ and was told it was a transfer to clubs. North indicated that she would have bid if she had known that 2♠ was not a strong bid. The auction was backed up to her and she bid 3♥. E/W were cautioned about UI. East then took 15 seconds before passing. The Director ruled that both the original 3NT bid and the break in tempo by East suggested a maximum 1NT. In addition, the change of the original 3NT to pass suggested heart weakness, which made the 4♣ bid more attractive. It was therefore ruled that pass was a LA to 4♣. The contract was changed to 3♥ by South made four, +170 for N/S.

The Appeal: E/W appealed the Director's ruling. East was new to duplicate bridge and had less than 1 masterpoint. Although he

did not Alert the 2♠ bid, he clearly knew what the agreement was and was able to tell South what the bid meant when he was asked. He also did not know what a transfer refusal was and did not know how many clubs West would normally have for her bid; he finally guessed "maybe four." West stated that she always intended to bid 4♣, citing her 6 HCP with an eight-card fit and a singleton. She had also planned to bid 4♣ over 3NT since she had no idea what her partner held. N/S thought West's bid was influenced by the withdrawn 3NT bid and the slow pass. They pointed out West's broken clubs (which had already been shown by the transfer) and that her three small spades was a liability.

The Panel Decision: The Panel determined that there had been MI in failing to Alert the 2♠ bid as a transfer to clubs. The Director was right to offer North the opportunity to reconsider her pass. E/W were instructed that any information from the withdrawn calls was unauthorized to them. East then took 15 seconds to decide to pass—perhaps not really excessive for a player new to duplicate, given what had happened to that point. The Panel found that enough things had happened to place West with considerable UI. When expert opinion was solicited, all four players consulted thought that pass was a LA and agreed that there was UI available to West which made bidding more attractive. The consultants rated nine tricks as being most likely in 3♥, with eight tricks possible and ten tricks unlikely. The Panel decided to change the contract to 3♥ made three, +140 for N/S (Law 12C2).

DIC of Event: Ken Van Cleve

Panel: Ron Johnston (Reviewer), Mike Flader, Charlie MacCracken, Matt Smith, Sol Weinstein

Players consulted: Geoff Hampson, Jeff Meckstroth, Eric Rodwell, Dave Treadwell

Directors' Ruling: 76.3

Panel's Decision: 84.7

✍ I know 2♠ wasn't Alerted as it should have been since it was a transfer and not just a strength-showing cue-bid, but what exactly was the connection between the failure-to-Alert and the damage North suffered? Perhaps North didn't know she had a heart raise until she found out that West's 2♠ was not, by definition, strong. (Just because it showed clubs didn't mean it *denied* a strong hand.) I know that before she knew the whole hand she said she would have bid if she'd known that 2♠ wasn't a strong bid, but maybe this insight was helped by the fact that after East bid 3NT she wished she'd raised hearts to deflect her partner from leading a spade.

East may have been a novice to duplicate bridge, but wasn't what happened sufficient to have consumed 15 seconds for thought—even for an experienced duplicate player? And what was illegal about him bidding a "lucky" 3NT and make it? (Win the major-suit lead and, aided by South having shown both majors, guess to play clubs without loss, making 10 or 11 tricks depending on which major South led originally.) And what about the 3NT bid from a duplicate novice, who didn't even know how many clubs his partner would normally have for her 2♠ transfer, told West that East had a maximum 1NT opening? I'm sorry, but I just don't see where any damage derived from the any of this.

Unfortunately, only one panelist agrees with me. Fortunately, that panelist is...

Bramley: "Outrageous. The table action, while plentiful, did not demonstrably suggest that bidding 4♣ would be more successful than passing. Drawing inferences from the actions of East, a novice, strikes me as a guessing game. Certainly taking 15 seconds over 3♥ is acceptable, not only for a novice, but for anyone. Would you be able to bid smoothly under those conditions? Furthermore, West has a fairly normal competitive 4♣ on the eventual auction, for exactly the reasons she gave.

"North's attempt to take advantage by changing her call looks like the action of a player who hoped her opponents were having an accident when she passed 2♠ instead of bidding her own hand. She didn't have any interest in finding out what 2♠ meant at her own turn to bid, and she concocted a reason to muddy the waters when her partner, who had no intention of bidding himself, asked about the 2♠ bid after East had already bid 3NT. North's stated reason to bid 3♥ is farfetched, since on a strong auction she would be very unlikely to be able to show her hearts later, but on a transfer auction she would likely be able to back in with 3♥ later. Of course, this time she knew that East had preempted her out of ever showing her heart support safely. If anyone at this table took advantage of UI, it was North, not West.

"Finally, note that North's maneuver blew her opponents out of a winning 3NT contract. When E/W reached 4♣, N/S, having already scrambled the opponents' eggs, failed to set the contract and then called for *more* justice. And all this after taking advantage of what was a trivial infraction. (2♠ fits the definition of a cue-bid. Is it really Alertable?) [Yes. Cue-bids are usually not Alertable except when they convey an unusual or unexpected meaning, such as that West has a club suit.—*Ed.*] I wonder what poor East thought about the whole episode. I would have let the table result stand."

✍ Most of what Bart says is right on target, but I think he may be mistaken about one thing. If there was UI from East's withdrawn 3NT bid (together with his later failure to bid 3NT, suggesting a dubious heart stopper), then one justification for West's 4♣ bid (the lack of wasted heart values in East's hand) disappears. Still, I think the Director was wrong in backing up the auction (Law 21B1 says a player

may change his call when it is *probable* it was made as a result of MI; here it was *not* probable) and, after having done that, in not adjusting E/W's score to 3NT making four (or five) after later deciding that the MI did not affect North's action. And now for the knee-jerk reaction to this decision.

Cohen: "The consultants put the Panel on the right track. The only problem is whether E/W should have been assigned -170. Probably not."

✍ There's really nothing difficult about making ten tricks in hearts, except on a trump lead. For example, after a club lead to the ace and a club return South pitches a diamond and ruffs the second diamond if the defense shifts to that suit. He then ruffs three spades in dummy and finesses the ♡Q when West cannot ruff the fourth spade high. If East shifts to a diamond at trick two South ruffs as soon as he can and sets about playing on the same line as before. On a spade lead declarer wins, ducks a club, and then plays along the same line again. Only a trump lead and continuation when East gains the lead in clubs holds declarer to nine tricks. Contrary to the expert consultant, I rate nine or ten tricks about equally likely and eight tricks to be unlikely but possible.

Endicott: "Boringly competent."

Patrias: "Good work by the Panel."

Rigal: "Messy case—I think everyone did something sensible here."

Wolff: "Again the bases were covered and the decision just."

Treadwell: "Okay."

Stevenson: "While the decision and ruling were completely routine (except for the number of tricks made in 3♡), why did E/W appeal? Why did the Screener not dissuade them? The appeal lacks merit, and for the sake of his future in the game, I hope someone explained this to East with sympathy."

✍ Sorry, David, but not only do Bart and I disagree that the appeal lacked merit, we would have decided for the appellants. Of course E/W probably appealed for the wrong reason, so in a sense you may be right.
A good point is made by our final panelist.

Polisner: "Why are experts consulted to see what is logical for a beginner? I think at this level that great emphasis should be placed on allowing the table result to stand whenever it is unclear what such players might have done. However, I can't criticize the Panel's decision."

✍ Jeff's point is similar to Bart's, that the 15-second hesitation by East is normal for this convoluted situation and in any case such a hesitation from a beginner is uninterpretable. In fact, West made virtually that same point herself when she said, "She had also planned to bid 4♣ over 3NT since she had no idea what her partner held." Much in the same vein, I have no idea what those who saw damage or tampered with the events at the table were thinking when they analyzed this one.

CASE TWENTY-SIX

Subject (UI): Don't Come Lookin' For No Handouts 'Round Here
Event: Stratified Fast Open Pairs, 12 Mar 00, First Session

Bd: 24	♠ AK53		
Dlr: West	♡ 3		
Vul: None	◇ 1083		
	♣ 98653		
♠ 87		♠ 10942	
♡ 10		♡ KQ52	
◇ KQJ954		◇ 762	
♣ QJ102		♣ 74	
	♠ QJ6		
	♡ AJ98764		
	◇ A		
	♣ AK		
West	North	East	South
Pass	Pass	Pass	1♣(1)
Dbl(2)	Pass(3)	2♡	Pass
3◇	Pass	Pass	3♡
All Pass			
(1) Alerted; strong			
(2) Alerted; majors			
(3) Alerted; 0-4 HCP			

The Facts: 3♡ made four, +170 for N/S. The Director was called at the end of the auction. Both E/W convention cards were marked "Mathe" (dbl=majors; NT=minors) but West had confused which call showed the minors and which showed the majors. North thought he had to pass at his first turn to have any chance of making a penalty double versus spades. The Director ruled that the 3◇ bid could have been suggested by the UI from the Alert but had West passed and the auction continued, Dbl (by North)-P-P, West would have been allowed to bid since East had not opened 1♡, 2♡ or 3♡. After that no adjusted score would have been assigned. But North created his bad result by never bidding with two quick tricks opposite his partner's strong club. Had he taken an action that worked out poorly, the Directing staff would have had sympathy for him. But never bidding was a no-win

position regardless of what was happening. Therefore, there was no adjustment for N/S. The Director allowed the table result of 3♡ made four, +170, to stand for N/S and assigned Ave- to E/W.

The Appeal: N/S appealed the Director's ruling. North said he passed showing 0-4 HCP deliberately to allow for a later penalty double of spades. N/S had not discussed how to handle two-suited interference but over a natural overcall pass showed 0-4 HCP or a penalty double. N/S thought West's 3◇ bid was what prevented them from getting to a normal contract. A double of 2♡ by South would have been takeout. North's pass of 3◇ was not forcing. 3◇ could have been the final contract (systemically) as far as North knew. North and South knew that something was wrong after they heard the 3◇ bid. North feared a bad heart split with 7 HCP opposite 16 HCP so he passed 3♡. West said she believed that the 2♡ bid rather than the explanation tipped her off to her own misbid. No mention was made of East's failure to open 2♡ or 3♡. E/W agreed that East's explanation of their agreement was accurate and that West had misbid. West had just under 500 masterpoints and East just under 1000.

The Panel Decision: The Panel decided that MI did not exist: N/S were correctly told the E/W agreement. Therefore, the deal was analyzed by the Panel solely on the basis of UI to West from East's Alert and explanation. Three expert players were consulted about the auction. The first thought that a pass of 2♡ by West was not a LA (even for a player of this experience) since partner was a passed hand. If West passed, though, he thought a double (if takeout) or 3♡ were possible calls for North.

He saw no reason for N/S to have any easier time getting to game after 2♥-P-P than in the actual auction. He thought their lack of methods, bad luck and bad judgment caused the damage. He thought N/S's failure to get to game constituted a "failure to play bridge." The second player consulted thought that pass was "probably not" a LA. He had little sympathy for N/S's failure to get to game and saw no reason why it would be easier to get to game after 2♥-P-P than in the actual auction. He assumed that North would double for takeout and West would run to 3♦. The third player consulted thought that pass by West was not a LA in a high-level game but was not sure that would be true for a player of West's experience. He projected a double by North following a pass by West and then thought that West would run to 3♦. He thought N/S caused their own poor score. The Panel polled several players of West's approximate experience. Of the nine players polled, at least five thought that pass was either a strong possibility or the best call. The comments included "we have a misfit" and "I've told my story." When players who did pass 2♥ were asked what they would do if North then doubled and it came back to them, several said they would pass then also. Therefore, the Panel decided that a pass by West over 2♥ was a LA as specified in Law 16A and that the information West possessed from the Alert and explanation "demonstrably suggested" not passing. For the purpose of assigning a score, Law 12C2 states that the assignment should be "... for a non-offending side, the most favorable result that was likely had the irregularity not occurred or, for an offending side, the most unfavorable result that was at all probable. The scores awarded to the two sides need not balance..." The Panel thought there was enough likelihood of 2♥ being doubled and passed out to assign that score to the offenders. After consulting a fourth player about the prospects in 2♥ doubled the Panel decided to assign E/W the result of down six, -1400. As for N/S, the Panel thought the reciprocal result was not sufficiently probable to assign to them. Their "failure to play bridge" after the infraction and the actions they took were used to determine what their "likely" result would have been in the absence of the infraction. The table result of 3♥ made four, +170 for N/S, was therefore allowed to stand for them.

DIC of Event: Millard Nachtwey

Panel: Matt Smith (Reviewer), Susan Patricelli, Sol Weinstein

Players consulted: David Berkowitz, Walt Schafer, Steve Robinson, Howard Weinstein

Directors' Ruling: 68.3

Panel's Decision: 82.0

☞ The reactions of the nine players of West's approximate experience are a real eye opener. I would not have thought that a majority would pass 2♥ and then pass again when it came back around doubled. But with those findings in, I agree with the Panel that only the UI to West from East's Alert and explanation was at issue and that 2♥ doubled was the proper adjustment for E/W. Since I can't see how East could possibly take any more tricks than his two trump honors, I also agree with the Panel's adjustment to down six, -1400.

As for N/S, I have sympathy for the fact that South could not double 2♥ for penalties, that North could not play for penalties if he acted directly over West's double and that he never got a chance to double 2♥. An expert would certainly have doubled 3♦ or bid (3♠?) over 3♥, but did this constitute a failure to play bridge on his part (he had about 2700 masterpoints)? Perhaps so, but it seems to me that N/S should not have been placed in this situation in the first place. Had 2♥ been passed around to North I see no reason why he would not have doubled, and with the majority of West's peers voting as they did for passing 2♥ doubled, I fail to see why the reciprocal score was not assigned to N/S. (Actually, I do recognize that the Directors' have a serious aversion to giving non-offenders a score as good as +1400 when it wasn't one of the "normal" results on the board—especially when N/S didn't play the best bridge they might have played.) I think the result assigned N/S was certainly comparable in likelihood to their defending 2♥ doubled, so I guess I

can't argue too strenuously against the Panel's adjustment for them.

One final point. I had hoped we were past the Ave+/Ave- types of assignments by the Directing staff. This kind of ruling really needs to be avoided except in the most unusual circumstances.

Supporting much of what has been said above are...

Gerard: "Obviously the low-level game hasn't heard of the requirement to preempt holding a certain length. That doesn't make them wrong, by the way. The delayed 3♦ runout deemed automatic by the consultants was suspect—they didn't project the mind set of a player to whom passing 2♥ was a LA but substituted their own judgment instead. This keeps coming up (see CASE SEVEN), so I guess it's just human nature to universalize your own opinion. Being constantly in the minority cures you of that in a hurry.

"The Panel had the right grip on the situation. Sure -1400 seems harsh, but even an expanded 12C3 applicable to the offenders wouldn't save E/W if 1400 had as much as a 23% chance of occurring."

Bramley: "I'm curious if all of the polled players understood that their partner was a passed hand. I wonder how many of them would have passed out 2♥ at the table. I agree with the expert who said that N/S's failure to reach game was because of 'lack of methods, bad luck, and bad judgment'. However, I would not characterize their result as stemming from 'a failure to play bridge.' Yes, they were guilty of contributory negligence, but they were being asked to cope with a bizarre auction. They just got fixed.

"Since the Panel dredged up several peers who apparently would have gotten to 2♥ doubled by East, they had no choice but to rule against E/W as they did. I like the Panel's determination that this result was not sufficiently likely to give it to N/S as well. The split ruling was justified."

Endicott: "The scribe treats this as an educational work and the disk did not run out. If East could have opened a weak two I would have thought West would have had some argument for not standing 2♥. N/S must not expect to recover from their judgment of the hand in the appeals room. I can think of no good reason why in his ruling the Director would not give an assigned score to E/W."

☞ Picking up and running with the artificial assigned score issue...

Stevenson: "Yet again, the Directors have failed to assign a bridge score for no good reason. While the rest of the world tries to improve the belief in and powers of Directors, ACBL Directors still produce illegal and meaningless rulings designed to increase the number of appeals. If N/S play pass as 0-4 or a penalty double, then North's actions are incomprehensible."

Polisner: "Excellent work by the Panel, especially consulting peers of the players involved. Note that West's peers had different views than the experts consulted which appears to be the basis for the Panel's decision."

☞ Apparently not everyone can see the value in consulting the players' peers, or can recognize the gap between the judgment of experts and that of players with 500 masterpoints...

Cohen: "The Director was right about the N/S +170, but was off the legal walls on the Ave- for E/W. I'm still looking for the player who would have passed 2♥ doubled with the West hand rather than bidding 3♦, especially with East a third-seat passed hand. While there may have been UI for West, the AI and bridge of the situation says that pass is not an LA for West if 2♥ is doubled. By the way, what would a redouble by North have meant? Did anybody ask? West clearly made a mistaken bid over 1♣. Are the laws to be interpreted that he must carry it to the

grave and bury himself with it? In my opinion there was enough AI for West to bail himself out, and N/S had the opportunity for a good score by doubling 3♦. They would not have been appealing the result if they had collected the 500 available at 3♦ doubled. E/W –170 is my opinion, though others will disagree with me.”

✍ A lot of others, but not...

Rigal: “I would probably have copped out and gone along with the Ave+ /Ave– ruling here. This is a truly messy case. I can’t see West sitting for 2♥ facing a passed partner, can you? N/S were really hard done by here though, if West’s actions are not considered acceptable. To be honest I’d have gone for Ave+/Ave– since there are too many imponderables to make an easy decision. If forced to settle on a score I’d leave the table result for both sides though.”

✍ Well, Ave+/Ave– are certainly out, but again why can’t we accept the judgment of West’s peers? Is it so difficult to remember back that far?

The next panelist agrees with Ralph that –500 was available in 3♦ doubled and prefers that to the (harsh) –1400 assigned to E/W.

Patrias: “I agree with letting N/S keep their result, but I don’t think West should be forced to pass 2♥ doubled for the same reasons expressed by the table Director. However, after West pulls the double to 3♦, North is very likely to double simply on high cards. That would lead to –500 for E/W and that is the result I would assign for them.”

✍ Once again the judgment of West’s peers was discounted, as it is again by the next panelist. Tsk, tsk.

Treadwell: “West, of course, was out of line in bidding 3♦ right over partner’s 2♥ response; it is a rather blatant use of UI. However, I cannot imagine passing if 2♥ were to be doubled by North and passed around to her. Partner is a passed hand and she has a good six-card suit. In addition, the 2♥ bid itself and the double are AI which she should be allowed to use. E/W deserve some punishment for West’s indiscretion, but –1400 seems much too severe. The Panel was right on target as far as the N/S score was concerned. They earned the table result of +170.”

✍ Our final panelist is once again meting out justice by his own code of score adjustments.

Wolff: “Important case! Since E/W got a good result they should only be reduced to Average and not –1400. (If E/W were judged flagrantly negligent then maybe a further reduction was in order.) However, where is the book or training on handling MI or whatever it is called when someone forgets the system? How can any of us decide on what to do when the game becomes non-bridge? While I am usually against giving leeway to non-offenders, here I think they deserve an Average (since I deem their MI was hard to overcome as a partnership). If the Panel had a different opinion I could be convinced (remember East jumped to 2♥). I do like the hardball the Panel played since that will stop this from happening with these players again (and maybe others who might read this or hear about it). We need to do more. The epidemic deserves a remedy.”

✍ I don’t understand what the fact that E/W got a good score has to do with them deserving only to be reduced to Average. They got their good score with UI present when they might have achieved a far poorer one without it. They deserve, by law, to receive the most unfavorable result that was at all probable. Wasn’t that playing 2♥ doubled (at least by the judgment of their peers)? Or perhaps 3♦ doubled by the judgment of most of the experts. Or perhaps even –170 if you believe, as do some of our panelists, that the opponents’ negligence broke the chain of causation and

they therefore deserve the table result. (This last position is indefensible by law because the offenders cannot profit from their infraction, even if the opponents let them off the hook through their negligence. That’s how damage is now defined.)

Players forgetting their system is part of what happens at the bridge table; it is *not* non-bridge. Maybe there is justification for that view in the International Team Trails, but not in the Stratified Fast Open Pairs. In the latter arena (and others like it) pairs often form partnerships shortly before game time and many players have a limited understanding of bidding theory and conventions. Sloppy, incomplete and confused thinking means that players will often forget their systems and the laws do not provide that they be penalized every time they do—unless there is evidence of continued disregard after they’ve officially been instructed to straighten out their understandings. Even experts suffer from misunderstandings. In fact, I remember an infamous case from a few years ago where Wolffie’s ex-partner (Bob What’s-his-name) forgot his own system, which resulted in damage and an adjusted score for the opponents.

For many (most?) the game is still a recreation. We cannot afford to adopt a punitive position for common human failings (such as memory lapses or a lack of expert-level understanding) or we’ll drive even more people away from the game.

CASE TWENTY-SEVEN

Subject (UI): Now Where Did I Put My Glasses?

Event: Vanderbilt Teams, 12 Mar 00, First Round

Bd: 16	Jo Morse		
Dlr: West	♠ x		
Vul: E/W	♥ Kxx		
	♦ AQJ10xxx		
	♣ Qx		
Maurice DeLasalle	Ray Grace		
♠ K10xx	♠ Axx		
♥ 10xxx	♥ Axx		
♦ x	♦ xx		
♣ 10xxx	♣ AKJxx		
	Marty Schiff		
	♠ QJxxx		
	♥ QJx		
	♦ Kxx		
	♣ xx		
West	North	East	South
Pass	3NT(1)	Dbl	Pass(2)
Pass	4♦	Dbl	All Pass
(1) Alerted; explained as a broken minor when East asked; after the double South corrected the explanation to a solid suit with no outside ace or king			
(2) Alerted; showed some values			

The Facts: 4♦ doubled went down one, +100 for E/W. The opening lead was the ♣K. The Director was called when dummy was put down. East had repeated his double after the second explanation (which was the partnership agreement). North said that she had mis-sorted her hand and thought her ♥K was the ♦K. She did not realize this until she saw the dummy. The Director ruled that North was not in possession of any UI and allowed the table result to stand (Law 16).

The Appeal: E/W appealed the Director's ruling. They believed they had been misinformed about the N/S agreement because the ♦K was in the dummy and did not think that North should bid once her partner passed East's double. The Director had not been called when the explanation was corrected and East repeated his double. North said she originally thought her ♥K was the ♦K and that the pass by South had shown soft values. If South

thought the opponents had made a mistake with their double, he could have redoubled. North bid because she believed the opponents' double.

The Committee Decision: The Committee believed that North had mis-sorted her hand and that E/W had an accurate explanation of the N/S agreement before doubling the second time. North had no UI. The information from the double was authorized. E/W had no plus score of their own available above 4♦. The Committee allowed the table result to stand. A brief discussion of whether or not this was an appeal without merit took place but because of the confusion in the auction and the mis-sorting the Committee did not believe a penalty was indicated.

DIC of Event: Henry Cukoff

Committee: Doug Heron (chair), Harvey Brody, Abby Heitner, Robert Schwartz, Jon Wittes

Directors' Ruling: 95.9

Committee's Decision: 90.0

Some panelists thought North's "I mis-sorted my hand" explanation ranked right up there with "The dog ate my homework."

Patrias: "It would seem that one should look askance at North's statement that she

had mis-sorted her hand. Is it not possible that she had forgotten the agreement (especially when South thought at first that it showed a broken suit)? Then she would have had UI available. I'll take it on faith that the Committee took the self-serving statement with the grain of salt it deserved and had more testimony that assured them it was indeed the case."

Polisner: "Certainly, if there is no infraction, there can be no relief. It is rather strange that North, believing that she had the hand her partnership agreement required, would run when partner's pass told her not to."

Doubts about North's story of a mis-sort? Then here's the "official" word on the plausibility of the conspiracy theory version.

Gerard: "Cynic Alert: that's pretty trusting of North's explanation. In the Oliver Stone version, North thought she was playing broken minor and the second explanation woke her up. If she really knew her methods, South was supposed to have more to pass the double and North did have a side queen extra. Maybe South was a client and North wasn't as trusting of him as the Committee was of North. All of this hardly translates into even the possibility of an appeal without merit.

"Yet in the end I have to wimp out. 3NT to show a broken minor, presumably a preempt, seems particularly inappropriate with that hand, which a 1♦ bid handles adequately. Therefore, it's not just North's statement that indicates that she had mis-sorted her hand. Good thing, too, since North is not the sort to have concocted her mis-sort."

That should convince even the most cynical reader out there. After all, would you have shown a weak four-of-a-minor preempt with a broken suit with that North hand in second seat? If so, perhaps you need to get a grip.

Our remaining panelists' views are closer to "Really, is this appeal a joke?" than the Oliver Stone version.

Cohen: "If you exchange the two red kings in the N/S hands there would have been no unusual happenings. There was no hesitation, no UI, and no merit to the appeal."

Endicott: "I do not think the mis-sorting has anything to do with the merit of the appeal. For an event of the stature of the Vanderbilt it is exceedingly tolerant to find sufficient merit in the appeal."

Rigal: "Another absurd case. I suppose in the circumstances the failure to award an AWMPP is okay. Once you believe North (and we have all known her for long enough to know these sorts of things do happen to her) then it is hard to see why the case was brought."

Stevenson: "North's actions are crazy but not illegal."

Wolff: "Okay, but again reminds us of the problems surrounding CD."

Making CD illegal and penalizing it would have the same effect as making jaywalking illegal and penalizing it...virtually none! Both approaches would cut down on a certain (small) percentage of problems, but the majority would just go right on jaywalking. It's human nature to take the most direct route and to play methods that are exciting and sexy without fully understanding them or how to use them. Just as with efforts like Prohibition and Blue Laws, the mind-police approach just won't work—at least not in the mass-consumption version of the game.

CASE TWENTY-EIGHT

Subject (UI): Is It Namyats, Or Is It Memorex?

Event: NABC Women's Pairs, 17 Nov 00, Second Final Session

Bd: 9	Katrin Litwin		
Dlr: North	♠ K962		
Vul: E/W	♥ Q3		
	♦ A32		
	♣ Q975		
Janet Fleanor	Toni Bales		
♠ AQ83	♠ J104		
♥ AK9765	♥ J82		
♦ 74	♦ 5		
♣ A	♣ KJ8643		
	Louise Childs		
	♠ 75		
	♥ 104		
	♦ KQJ10986		
	♣ 102		
West	North	East	South
	Pass	Pass	4♦(1)
Pass	4♠	Pass	Pass
Dbl	Pass	Pass	5♦
Dbl	All Pass		
(1) Alerted; explained as Namyats			

The Facts: 5♦ doubled went down three, +500 for E/W. The Director was called when South bid 5♦. N/S had an agreement to play Namyats, which was marked on both cards. The Director changed the contract to 4♠ doubled down eight, +2000 for E/W (Laws 16 and 12C2).

The Appeal: N/S appealed the Director's ruling. N/S were playing together for the first time. They had clearly agreed to play Namyats but South had forgotten when she opened 4♦. She explained to the Committee that she passed 4♠ because that is what she thought she was supposed to do. However, she did not think that passing 4♠ doubled was a logical choice, despite the UI.

The Committee Decision: The Committee recognized that South had UI that suggested the 5♦ bid. However, she also had a substantial amount of AI which suggested bidding 5♦. In

particular, her partner was a passed hand who had not opened 1♠, 2♠, 3♠ or 4♠ and thus was unlikely to have a long spade suit. Furthermore, as a passed hand opposite a third-seat preempt, North could not expect to make 4♠, regardless of her hand. Additionally, the 4♠ bid was unusual enough that the bid itself, without the Alert, might well have reminded South of their agreement to play Namyats. Finally, 4♠ was doubled by the opponents. All of the AI suggested that 5♦ would be a better contract than 4♠ doubled. The Committee did not believe that passing 4♠ doubled was a LA to 5♦ and consequently allowed the table result of 5♦ doubled down three, +500 for N/S, to stand.

DIC of Event: Henry Cukoff

Committee: Doug Doub (chair), Martin Caley, Simon Kantor, Richard Popper, Dave Treadwell

Directors' Ruling: 65.7

Committee's Decision: 81.0

Attempted Namyats preempts opposite a passed hand strike me as similar to responder raising partner's opening 1NT to 2NT (intending it as natural, but hearing it Alerted as a transfer). In both cases, assuming that the bidder is mistaken, there is UI from the Alert suggesting that he has forgotten—or at least that his partner thinks so. However, there is also AI which points in the same direction. In the 2NT case, the 3♣ bid itself presents evidence that partner treated 2NT as a transfer. This conclusion follows from the fact that it is quite rare that a 1NT opener will run from a natural raise to play in 3♣—especially at matchpoint scoring. (The situation is

quite different when the 1NT bid was an overcall, where the possibility that is was a "Comic NT" looms large.)

In Namyats cases, the fact that partner is a passed hand and did not open some number of hearts or spades is also evidence that he thought the 4♣ or 4♦ bid was not natural. Partners don't usually pass and then decide they have a better place to play than their partner's good seven- or eight-card suit. And this is often confirmed from another authorized source: an opponent's double. But in Namyats cases, there are other arguments to consider. We've all seen (or, more likely, heard of) cases where players have passed a long, possibly solid suit hoping to back into the auction later and get doubled by an unsuspecting opponent. The likelihood of this certainly has to be taken into account. Also, in cases where the double comes (as it did here) in the balancing seat, the four-of-a-major bidder has a chance to consider the double and run back to opener's minor. The fact that he/she didn't must be taken into account. This would not be true if East doubled.

In my mind this sort of case is largely a matter of pragmatics. In my experience, "Urban Legends" like I-Passed-An-Eight-Card-Suit have received way too much press and consequently been accorded too much credence. Still, all of the evidence needs to be considered carefully, including who the players are, their preemptive tendencies, and the Namyats opener's holding in the major.

In my opinion the Committee got this one right. I simply don't believe that North here passed an eight- or nine-card spade suit with the intention of backing into the auction later; or that an opponent got caught napping and doubled. This is a judgment call on the Committee's part—and I like their judgment.

Agreeing with me are...

Bramley: "This case is similar to one from an earlier casebook [*Dallas: They Fought the Law*, CASE TEN—*Ed.*], but then the opponents had no makeable contract and the runout to five of a minor made. At the time I observed that these situations are awkward for both sides. The non-offenders, one or both of whom may suspect an accident, have to judge whether they can take advantage, and how to bid their own cards when they are not sure that partner is on the same wavelength. The preempter has to judge how much pain she is obligated to absorb and whether there are legitimate reasons to run, either before or after getting doubled. The answers are difficult, because none of the decisions are based on normal bidding criteria. It's a different game and not fun for anybody.

"In the earlier case, I believe the Committee decided to saddle the preempter with a giant number, as the Director did here. I disagreed (I think), because the preempter had a semi-solid eight-bagger and most of the same reasons to run as South had here. I like the Committee's reasoning in allowing South to run. Note that West had failed to bid her hand earlier, which might have enabled her side to buy the contract for +650. As I pointed out in the earlier case, the non-offenders should not be allowed to take riskless action on the assumption that the opponents cannot run. If you want to try for a giant number you must take the risk that it will get away. I agree with the Committee."

Bart's memory is a bit faulty. He agreed with the Committee in the Dallas case and opener had a semi-solid seven-bagger (♠KQJxxxx) and ♥Axx on the side, which made sitting for 4♥ doubled more palatable. Just for the record, I was for a split score then with the Namyats side to receive 4♥ doubled and the opponents to receive the table result. (There the doubler had longish hearts and I argued that he should have known that his double could provide the Namyats bidder with sufficient AI to allow him to escape—which it nearly did.)

Cohen: "The Director did what he had to do and forced N/S to appeal. As a bridge matter, South was not about to let a passed hand play 4♠ doubled."

Patrias: "Did South offer the fact that partner could not have length in spades or did the Committee go down that road themselves? If she did say that, then I have

no problem with the decision. She should have said it to the Director at the table, however.”

Endicott: “The Director has a small credit, perhaps, for arriving at the table. And at least his ruling was one likely to be appealed. The one thing the Committee could have done better was to award the +500 to E/W.”

✍ I think Grattan misunderstood the decision (or the write-up). The Committee *did* assign the score for 5♦ doubled down three, +500 for N/S, to *both* sides.

Polisner: “This would have been a more interesting case if North was not a passed hand. Even so, I don’t want to let South off so easily. She didn’t have to work it out at the table. I would be inclined to award +500 to E/W and Ave– to N/S.”

✍ Wouldn’t you think a member of the Laws Commission would know an illegal decision when it occurred to him? Either you believe that South had sufficient AI to allow her to bid or you don’t. But you don’t allow the bid and then adjust her score because you don’t like letting her “get off so easily.” That sounds like a Wolffie-type decision, but we’ll get to that shortly.

First, let’s hear from our resident pundit who uncharacteristically seems to be hedging his bet on this one.

Gerard: “Just to protect my reputation, the Director was wrong. It would only have been +1700.

“Okay, I’ll let it slide this one time. Maybe 4♠ is self-Alerting and the logic of this particular situation points to 5♦. But I knew a guy in Big Moose one time who passed with ten solid spades. (Now that the Forum for Women in Bridge is defunct, maybe it’s okay to wonder whether they do that in the Women’s Pairs.) And I absolutely do not want to hear ‘they couldn’t have x number of spades, they didn’t open a preempt.’ That’s like CASE TWENTY, where apparently not using DONT denies any hand with a singleton. Or look at the hand South passed in first seat in CASE TWENTY-THREE. Wouldn’t the world play that South couldn’t hold that hand? It may have been fashionable for a while to play that there was no such auction as pass and then preempt, in part fueled by the steady stream of publicity accorded the merits of the scud attack. But lots of pretty good players have other ideas and some of us have been doing it for quite a long time without seeing the opponents relay their way to a grand slam on every deal. Suppose North had announced ‘That’s natural, I bid 4♠.’ Or suppose South actually did have king-queen-jack-seventh of spades and North Alerted and then passed. If you play Namyats, what do you do with a 4♦ opener, bid five? [Bid five, pass, or open 3NT showing a 4♣ or 4♦ opener—when that’s legal.—*Ed.*]

“I’ve often thought that the one major failing of these casebooks is that they unintentionally tuned the public in to the latest fad in self-serving statements. Eventually they become obsolete, but in their time there have been cycles of ‘I deliberately violated my system,’ ‘I was trying for 7NT,’ ‘I relied on The Law,’ ‘I frequently bid out of tempo’ and who knows how many others. Next we’re going to have to deal with ‘We don’t pass with a preempt.’ Not that this South said that, and the Committee’s comment (‘unlikely’) was more measured than some, but IMHO we would do well to fight the mind set we seem to be encouraging.

“By the way, if the North and East hands were switched I don’t know how to get to 7♠ either. Maybe Wolffie can tell us how to achieve equity because South forgot her methods.”

✍ Ask and ye shall receive.

Wolff: “E/W were disadvantaged by the MI and should get Average or –500, whichever is better. N/S should get Ave– or –500, whichever is worse. West would have come in over a preemptive 4♦ and probably have gone +650. For those

doubters, put yourself in West’s position after P-4♦, Alerted as Namyats. You certainly suspect a forget but what to do? Again, CD in action.”

✍ Actually, E/W were *not* disadvantaged by any MI since no MI was present. (They were correctly told N/S’s agreement: that 4♦ was Namyats.) Also, if West would have come in over a preemptive 4♦, why didn’t she come in over Namyats when the spades were “known” to be onside and East was likely to be very short in spades and so have heart support? This is the reason why E/W wouldn’t deserve any redress, even if there *had* been MI.

The next panelist is pretty much where he was on the Dallas case (high marks for consistency). If anything, he’s a bit more rabid about it.

Rigal: “Aagh! We have been all over this territory. North, a passed hand, heard 4♠ being doubled and did not pull it. That implies to South (assuming she is awake) that North wants to play 4♠ and not 5♦—and South has no reason to overrule with only seven (not nine) diamonds. So pulling is a gross breach of ethics, punishable by an AWMPP and possibly a PP as well. This is so clear-cut that I am seriously upset and disappointed that a Committee can permit this behavior to pass and let the offender get away with it.”

✍ Watch your blood pressure, Barry. If the 4♠ bid is considered self-Alerting (as I believe it was here, though I would not consider it so in all cases), then North’s pass of the double is not an independent confirmation that she wants to play 4♠ doubled. That’s because South “knows” that North is still under the misconception that 4♦ showed spades. Thus, even if South’s action was not allowed (as would be the case if North were Ron Andersen), the pull to 5♦ would not be the ethically-challenged action Barry makes it out to be. In addition, South did attempt to act ethically by passing the 4♠ bid the first time. That should count for something.

Stevenson: “Law 73C tells players to ‘bend over backwards’ (paraphrased) not to take advantage of UI, and this South completely failed to do that. If there had been a screen, South would have assumed North knew what she was doing by bidding 4♠ and she would have passed it.

“I always dislike players’ arguments based on initial passes, when now they get it right with UI. Would North really have preempted in spades with a side four-card major? No? So why should not South assume that North is 6=4=2=1?”

✍ If North is the sort of player who never passes eight-card spade suits then her 4♠ bid is prima facie evidence that she thought 4♦ was Namyats—with or without screens. So I would seriously question whether South would have assumed North knew what she was doing or that she would have passed 4♠. (Then there would have been no UI from North’s Alert to convince her that it was ethical to pass.) As for the possibility of North holding a 6=4=2=1 pattern, I seriously doubt that, too. With only six spades facing a weak hand with (presumably) at least seven and probably eight diamonds, who would try 4♠? Not I, and I suspect not David either.

CASE TWENTY-NINE

Subject (MI): Let The Alerted Beware!

Event: Stratified BAM Teams, 11 Mar 00, Evening (only) session

Bd: 1	♠ KJ53		
Dlr: North	♥ J92		
Vul: None	♦ 102		
	♣ AQ73		
♠ 4		♠ AQ1096	
♥ A87		♥ KQ643	
♦ AK97		♦ J86	
♣ K10865		♣ ---	
	♠ 872		
	♥ 105		
	♦ Q543		
	♣ J942		
West	North	East	South
	1♦(1)	3♦	Pass
4♦	Pass	4♥	Pass
5♦	All Pass		

(1) Alerted; explained, "could be as few as two" but not "upper limit = 15 HCP"

The Facts: 5♦ went down one, +50 for N/S. The opening lead was the ♣4. The Director was called at the end of the hand. N/S had not announced that they were playing Precision (not an ACBL requirement) nor did they explain the limited range of the 1♦ bid. Over an artificial 1♦ that is part of a big club system E/W played "Mathe" (dbl=majors; NT=minors) and 3♦ as natural. West knew that N/S were playing Precision but East did not. The Director changed the contract to 4♥ made six, +480 for E/W (Laws 21B3 and 12C2).

The Appeal: N/S appealed the Director's ruling and were the only players to attend the hearing. They stated that although the explanation given was incomplete it was enough to Alert a pair who played different

methods over different types of 1♦ bids that further inquiry was in order. N/S agreed that the explanation given was "could be as few as two diamonds" and did not mention that the range was 11-15 HCP (which would have been proper) or that 1♦ was Precision. Precision was not pre-Alerted but this is not an ACBL requirement. West asked if N/S were playing Precision before she bid 4♦. According to N/S and the table Director E/W's methods were that 3♦ was "invitational Michaels" over a natural 1♦ but natural over a Precision 1♦.

The Panel Decision: Law 21B1 states that when a player has been given MI he may change his call when it is "probable that he made the call as a result of MI." But Law 21B3 directs that Law 40C be applied when it is too late to give a player his call back (in this case, it was too late once 4♦ was bid). Law 40C states, "if the Director decides that a side has been damaged through its opponents' failure to explain the full meaning of a call or play, he may award an adjusted score." Law 9B1A instructs, "the Director must be summoned at once when attention is drawn to an irregularity." The ACBL Alert procedure states, "Any request for information should be the trigger. Opponents need only indicate the desire for information—all relevant disclosures should be given automatically." It further states, "In all Alert situations, tournament Directors should rule with the spirit of the Alert procedure in mind and not simply the letter of the law. Players who, by experience or expertise, recognize that their opponents have neglected to Alert a special agreement will be expected to protect themselves."

Three experts players were consulted. The first thought that E/W did not fully protect themselves and should have expected that the explanation was indicative of Precision. The second expert thought an E/W misunderstanding of when each method applied may have caused the damage but would have liked more information about their methods: For example, why did West bid 5♦? The third

expert wondered why East did not call the Director as soon as it was learned that N/S were playing Precision. He thought E/W were damaged by the MI anyway and that they deserved an adjustment to 4♥ made six. He thought that even if no score adjustment was given to E/W a PP should be given to N/S.

The Panel concluded that: (1) Had East called the Director after his partner's question the auction could have been backed up and his 3♦ bid changed. (2) East should have called the Director at the end of the auction. (3) South's description of 1♦ was incomplete. (4) East should have protected himself by asking a further question or looking at the N/S convention card when he knew his side's methods depended on whether 1♦ was part of Precision. (5) A player of East's experience should have been aware that two-card 1♦ openings are very likely to mean that the opponents are playing Precision. On balance, the Panel decided that although South's answer could have been better, under these circumstances it was not the cause of E/W's poor result. The Panel thought that the responsibility for the damage was mostly East's. As to South explanation, the Panel had no sense that he had any reason to believe that his answer would be misleading. The Panel consulted several Precision players and found that most included in their answer to this question that the range was 11-15 HCP but that they would be very surprised if an experienced player would be misled by its failure to be mentioned. Several non-Precision players confirmed this to the Panel. Therefore, although South was advised to include 11-15 in future explanations, no penalty for not mentioning it was assessed in this case. The Panel allowed the table result of 5♦ down one, +50 for N/S, to stand.


DIC of Event: Stan Tench

Panel: Matt Smith (Reviewer), Mike Flader, Ron Johnston, Charlie MacCracken, Susan Patricelli, Sol Weinstein

Players consulted: Bernie Chazen, Paul Soloway, Jon Wittes

Directors' Ruling: 48.7

Panel's Decision: 92.3

 The write-up is so lucid that I find myself with only one comment—or rather question: Why did the Directing staff pander to East's complicitous behavior here?

Bramley: "East's contention was vile. The Director shouldn't have let him get away with it. The Panel got it right, but they almost blew it by giving a PP. Let me say once more: PPs are *not* to be awarded for trivial infractions at the whim of cheap-shot opponents. They should be given only for abusive violations of proper procedure at the table or abusive attempts to take advantage of the appeals process itself."

 Amen.

Cohen: "Players who hear that an opening 1♦ bid may be short should know to ask the opponents if they are playing a forcing club. The Director was way off base, but the Panel got it right for all the right reasons."

Gerard: "Nice job and nice write-up by the Panel. They had a better handle on this case than their expert consultants did."

Endicott: "It seems to me that, properly, West has bid on the basis that East knows what is going on. As for East, a player of 'experience' does not have a leg to stand on. Another educational tract but I am more tolerant of this one."

Patrias: "If it matters what kind of artificial diamond it is, then East should have asked a follow up question."

Polisner: "A well reasoned decision by the Panel."

Rigal: “If we assume, and I think we must, that South was guilty of an innocent failure to give a complete explanation then E/W did enough to themselves for the Panel to let them keep the bad result. Should N/S have been given a token slap on the wrist? I think so but the Panel considered this and let them off; so be it. In the context of this being a stratified event, perhaps we hold both sides to smaller duties of care than in a National event.”

Treadwell: “E/W shot themselves in the foot and sought a score adjustment because the opponents told only 98% of what they were supposed to in explaining the 1♦ bid. Nonsense. Was any consideration given to issuing an AWMPP to E/W?”

✍ Since E/W weren’t the appellants, here, that would have been difficult. But you’re on the right track, Dave.
And now for the lunatic fringe...

Stevenson: “Full disclosure is mandatory in bridge. Otherwise, there is far too much scope for abuse. When a pair asks about a Precision 1♦, any pair who fails to explain that it is limited has made a mockery of Full Disclosure.

“No doubt an experienced E/W should have protected themselves adequately but for N/S to get the table result and no penalty is a travesty of justice. N/S should have been treated very severely; no doubt my friend Bobby agrees?”

✍ No doubt.

Wolff: “N/S –480 for sloth (and for comparison purposes in the BAM); E/W –50 but a ¼-board upgrade if –50 lost the board and +480 would have tied or won the board for them. EQUITY AT WORK. Both pairs did something wrong. E/W didn’t protect themselves and N/S didn’t Alert properly.”

✍ I agree that something was at work here, but equity wasn’t it! Is there a pair in the world who play that 1♦ “could be as few as two” where the bid doesn’t have an upper limit of about 16 HCP (give or take a point)? If so, I’m not aware of it. Some play 1♦ as totally artificial (strong). Others, usually those who play 10-12 notrumps, play 1♦ as either natural or a balanced hand in either the 12-14 or 15-17 HCP range (1♣ is used for the other range). But no one plays 1♦ as semi-artificial (not strong) with a normal HCP upper limit. If this strong constraint were not present, I would agree with David and Wolfie that a score adjustment was in order (but not a PP).

As Bart pointed out earlier, PPs are for egregious or abusive acts and not for punishing innocent and slight irregularities. Those who look for technical reasons to apply PPs should carefully rethink their goal in ruling the game. As it says in The Scope of the Laws:

“The Laws are primarily designed not as punishment for irregularities, but rather as redress for damage.”

Where was the damage? As the Panel and consultants pointed out, East could and should have called the Director upon learning that N/S were playing Precision (when West asked and received that information before her 4♦ bid, when the auction could still have been backed up and the damage minimized). Once that was not done, the subsequent happenings were in effect ratified by the players (including East). Educate N/S about their error, but don’t punish their good-faith and mostly accurate attempt to explain their methods.

Subject (MI): A Very Common Agreement

Event: Stratified Open Pairs, 14 Mar 00, Second Session

Bd: 20	♠ QJ852		
Dlr: West	♥ J43		
Vul: Both	♦ AQ7		
	♣ 107		
♠ 3		♠ A1097	
♥ 976		♥ A108	
♦ 1096542		♦ KJ83	
♣ AQ2		♣ J9	
	♠ K64		
	♥ KQ52		
	♦ ---		
	♣ K86543		
West	North	East	South
Pass	Pass	1♦	2♣
3♦(1)	All Pass		
(1) Weak; not Alerted			

The Facts: 3♦ made four, +130 for E/W. The Director was called when dummy’s hand was tabled. At the end of the auction West did not inform the opponents that East had failed to Alert her 3♦ bid. Away from the table North told the Director that if 3♦ had been Alerted as weak she would have bid 3♠. The Director decided that since South had overcalled 2♣ vulnerable and East could have opened light, West could have held the same hand she held but with enough HCP for a limit raise. Therefore, the table result was allowed to stand.

The Appeal: N/S appealed the Director’s ruling. N/S had 2200 and 2100 masterpoints. North stated that she would definitely have bid 3♠ over 3♦ had she

been Alerted to the fact that 3♦ was weak. She thought this would be a safe action since she was a passed hand and her partner was unlikely to hang her with a minimum opener. 2♣ showed about an opening bid. She stated that she could not have bid if 3♦ had been a limit raise. E/W were playing together for the first time and each had approximately 500 masterpoints. East said she had not Alerted the 3♦ bid because she had poor vision and thought West had bid 2♦. West was not aware of the need to correct the error in explanation before the lead was made.

The Panel Decision: The Panel decided that a player of North’s caliber had not done enough to protect herself from damage. She had 2200 masterpoints and should have been aware that something was wrong. A glance at a convention card, both of which were correctly marked, would have Alerted her to the problem—as would a question about E/W’s agreements. Furthermore, playing jump raises in competition as preemptive is a very common agreement these days. Three expert players were consulted. The first believed it unlikely that N/S could stop in 3♠ and also believed it likely that N/S would be doubled. The second believed it did not matter whether 3♦ was weak or a limit raise; North should have bid anyway. The third thought that North had been damaged by the failure to Alert. The Panel decided that there had been a violation of Law 40B, which says “a player may not make a call or play based on a special partnership understanding unless an opposing pair may reasonably be expected to understand its meaning, or unless his side discloses the use of such call or play in accordance with the regulations of the sponsoring organization.” However, they also believed that the requirements of Law 40C (“If the Director decides that a side has been damaged through its opponents’ failure to explain the full meaning of a call or play he may award an adjusted score.”) were not met in this case because, while there had been an infraction, there was no resultant damage. Therefore, the table result of 3♦ made four, +130 for E/W, was allowed to stand.

DIC of Event: Sol Weinstein

Panel: Mike Flader (Reviewer), Charlie MacCracken, Matt Smith

Players consulted: Bruce Ferguson, Howard Piltch, Kit Woolsey

Directors' Ruling: 88.3

Panel's Decision: 91.3

✍ In Y2K, when this incident occurred, there were (by actual count—trust me) only 237 players left in the ACBL who still played the competitive jump to 3♦ as a limit raise; the rest played it as preemptive. East opened vulnerable, so give her about 12 HCP. South made a two-level vulnerable overcall so give her about 12 HCP, too. North held 10 HCP, so let's see: 12 HCP+12 HCP+10 HCP=34 HCP. That leaves West with about 6 HCP. Hmm. Limit? Preemptive. What's in a name?

Shifting tacks, let's say North had been told that 3♦ was preemptive and she bid 3♣. What would South do? Clearly she would raise to 4♣. Double! E/W would collect a minimum of two trumps, one heart and two clubs for +500. Damage?

Limit? Preemptive. Double! Damage? AWMPP!

Bramley: "More whiners. If N/S wanted to get in the auction so badly, then give them -500 in 4♣ doubled. Their complaint is beyond description. As for the 3♦ bid, I would have made the bid regardless of whether it was limit or preemptive. Did you notice that E/W are cold for 3NT? That's because West has a pretty good hand. The Director got it right. Despite the opinion of the third expert, the Panel should have recognized the worthlessness of this appeal by giving N/S an AWMPP."

Cohen: "What constitutes a weak jump raise, and what differentiates it from a limit raise? I consider the West hand a limit raise—particularly by a passed hand and sitting over the club bidder. What was E/W's agreement and how did they define it? However, there does not seem to be any damage to N/S even if there was MI. Would South really have passed 3♣ if North had bid it? Doubtful! Then N/S -200 would have been the likely result. No damage, no foul, no adjustment."

✍ Pretty close, except that with four trumps East would have doubled. So that's -500, not -200.

Endicott: "If the Director were considering North's statement he might want to know more about her methods. For example, what would a double have been? A North who has played a lot of bridge should be expected to recognize the possibility in some parts of the world that opponents could play weak jumps. Dear me, I am getting sympathetic to Panels, especially those taking no more space than this to set out a fairly complicated route to its decision."

✍ Careful, Grattan, you're losing your grip.

Patrias: "I agree."

Wolff: "No damage. Good decision."

✍ The next two panelists dispute that South would raise North's 3♣ to game, but still reach the same decision as the Panel.

Gerard: "Why? Wouldn't South pass 3♣, knowing that North didn't open 1♠, 2♠, 3♠ or 4♠ in second seat? Oh sorry, I couldn't pass it up."

"The Panel's decision that North hadn't protected herself was cart-before-horse thinking, since they found no damage anyway. Yes it all came to the same thing, but it's good to keep these things in the proper perspective."

✍ Would a normal looking 3♣ bid like ♠AQ10xx ♥J10x ♦xxx ♣Qx qualify as a weak two-bid? I doubt it. With 1 less HCP North figures to make ten (or eleven?)

tricks in spades as long as clubs behave—and maybe even if they don't. And what if North holds ♠J109xxx ♥xx ♦xx ♣AJx? Is that a weak two-bid? Not for many (including me). Sorry, but passing 3♣ can be dangerous, even at matchpoints.

Polisner: "I agree to the +130 E/W for both sides, but for a different reason than the Panel's. Even if North bids 3♣ and South passes (likely), West would most likely bid 4♦, which might even be doubled for +710. Thus, I don't believe that the MI resulted in damage."

Rigal: "I disagree with the Director, who failed to live up to his obligations to protect the non-offenders in cases of doubt in a situation where North called the Director and made a sensible argument without knowledge of the full deal. However, would N/S have been able to achieve -100 rather than -130 (their only possible better score than -130, I think)? I think not. So maybe -130 is right—but why is that issue not considered?"

"Leaving that aside, I do not believe that North has an obligation to check his opponents' cards for natural and non-Alerted bids. To my mind the non-offenders were fixed and the Panel should have corrected the injustice if they believed -100 was a possible result for N/S. Incidentally, was the Stop Card used? If so East's bad eyes argument goes away."

✍ Good question about the use of the Stop Card. Sorry we don't have a good answer.

Stevenson: "I trust West was educated as to his responsibilities. The Director's reason for allowing the score to stand was strange: bridge depends on probabilities. The Panel's reasoning had more to recommend it, but there seems as so often in the ACBL a lack of sympathy for the non-offending side."

Treadwell: "Very good. The jump raise by West is played as weak by the vast majority of players and N/S were damaged only by their failure to ask a simple question. Perhaps the Alert procedure should be changed so that jump raises in competition are to be Alerted only when they are not preemptive."

✍ When the new Alert procedure comes out (hopefully sometime in 2001) I think we will find that all raises (in and out of competition; of an opening bid or an overcall) will require an Announcement ("strong," "invitational," or "weak"). That should help to minimize if not eliminate this problem.

CASE THIRTY-ONE

Subject (MI): Good Inference, Bad Luck

Event: NABC Mixed Pairs, 15 Mar 00, First Final Session

Bd: 9	David Gurvich		
Dlr: North	♠ AJ2		
Vul: E/W	♥ J4		
	♦ AQJ6		
	♣ Q432		
Janet Colchamiro	Mel Colchamiro		
♠ K96	♠ 4		
♥ 10965	♥ A873		
♦ 943	♦ 1072		
♣ 1076	♣ AJ985		
	Rachael Moller		
	♠ Q108753		
	♥ KQ2		
	♦ K85		
	♣ K		
West	North	East	South
	1♦(1)	Pass	1♠
Pass	1NT(2)	Pass	3♣(3)
Pass	4♠	All Pass	
(1) Alerted; could have as few as two diamonds if balanced			
(2) Alerted; 15-17 balanced			
(3) Explained as invitational			

The Facts: 4♠ made six, +480 for N/S. The opening lead was the ♥10. The Director was called at the end of the hand. E/W claimed they had been given MI as South appeared to have a game-forcing hand. Both North and South claimed that 3♠ was invitational and was intended that way. East had played a low club at trick two, expecting his partner to have the king. The Director ruled that South's hand suggested that she intended 3♠ as forcing and that she did not so inform the opponents before the opening lead. The contract was changed to 4♠ made five, +450 for N/S (Laws 47E2b, 40C and 12C2).

The Appeal: N/S appealed the Director's ruling. N/S both maintained that South meant her 3♠ bid as invitational. Further questioning revealed that South was a relatively inexperienced player with around 200 masterpoints. She stated that the soft values in her hand, which included a singleton king, in her opinion made the hand worth

only an invitation. N/S also explained that the other methods available to South were to bid 2♣ to initiate an invitational sequence with five spades and to bid 2♦ to show a game-forcing hand. N/S also pointed out that if the South hand did not have the ♦K, the underlead of the ♣A would have led to the same result.

The Committee Decision: The Committee allowed the table result of 4♠ made six, +480 for N/S, to stand.

DIC of Event: Henry Cukoff

Committee: Doug Heron (chair), Phil Brady, Harvey Brody, Dick Budd, Abby Heitner

Directors' Ruling: 64.7

Committee's Decision: 89.3

✍ This case engendered hard feelings from members of the Directing staff when they learned that the Committee's decision reversed the table ruling. I believe it is important that we understand the staff's position, whether we agree with it or not, so that we may maintain a cooperative, working relationship. Several Directors described the thinking behind the ruling by explaining that N/S were a regular partnership and that the South hand with 13 HCP and a decent six-card suit was obviously a game force opposite a strong notrump—even to a beginner. That 3♠

was not merely invitational was further confirmed when North, holding a bare 15-HCP minimum (even with three-card spade support and a ruffing value, his hand had compensating negatives) accepted the "invitation." They believed the South hand was so out of proportion to the explanation that it was appropriate under Law 40C to assign an adjusted score based on a lack of full disclosure. In essence, they believed that if N/S had an understanding that South could be this strong and only invite, that constituted a private understanding that the opponents should have been informed of.

I appreciate the Directing staff's position and think it is a useful perspective to bring to cases of this sort. However, I believe it was misapplied in the present case and failed to take into account other bridge-related issues. One of these is that most players below a certain experience level, as South was here, have such undeveloped hand-evaluation skills that it is difficult for us to comprehend. For example, South might have thought to herself, "My singleton king is worthless and my suit is so weak (no ace or king, mostly low spot cards, no honor sequence or intermediates), that with only 10 working HCP opposite 15 (we need 26 for game) I'll just invite."

A second issue is that North, an experienced professional player, might have been aware of his partner's general conservatism (although not specifically aware that she could be *this* conservative) and compensated by bidding game.

A third issue is that N/S could not realistically have believed that it could be to their advantage to misrepresent the meaning of the 3♠ bid. In fact, North would know that it would almost certainly be to their disadvantage. It would be unlikely to gain in either the bidding or the play (the situation that developed here was really quite rare) and it would risk being challenged by the opponents, as it was here. So invitational was almost certainly N/S's understanding.

Finally, East's shift to a low club at trick two was a very deep and unnecessary position to take so early in the defense. For example, South could very easily have had one fewer king and still held the singleton ♣K. So there was really no clear connection between the alleged MI and the damage E/W thought they sustained. In fact, I would have expected an AWMPP had the Director allowed the table result to stand and had E/W appealed that ruling.

Most of the panelists agree.

Wolff: "A player has the right to determine whether he thinks his hand is a game forcing one. By looking at the South hand there is nothing conclusive. +480 N/S. East gambled and lost by his low club play, which he also would have lost had his partner held the ♦K, which would have limited South to 10 HCP."

Gerard: "Or the ♥Q. Or a similar result without the ♥K. Or how about ♠109xxxx ♥Qxx ♦Kxx ♣K? Abuse of Process."

Bramley: "East's play was unduly risky even against an invitational hand. After all, this was matchpoints, not IMPs. I agree with the decision, but I wish the Committee had told us how they reached it."

Rigal: "Good Director ruling and the Committee came to a sensible decision based on the information. Just because South made a grotesque misbid does not seem to be a reason to disbelieve the methods. The N/S arguments about the defense are valid; East's defense, while not wild and gambling, had the possibility of going wrong even against the invitational raise. Unlucky."

Treadwell: "I cannot imagine calling the Director on this matter in the first place. Unfortunately, the Director made a very poor ruling, which the Committee properly reversed. Had the table Director ruled correctly and allowed the table result to stand, and then E/W appealed, they would have been entitled to an AWMPP."

Stevenson: "I feel you had to be there. The Director has made what looks like a terrible ruling, assuming that N/S are lying to him, based on one hand. When a hand

is markedly different from an explanation there might be some case, but on this occasion South has a hand that many players would downgrade.

“There is a growing feeling in North America that self-serving statements are to be ignored. This is unreasonable in many cases. When someone says they have not hesitated, everyone knows that they are quite likely to be deluding themselves when they have hesitated—but that they are not deliberately lying. This is where the self-serving idea came from (plus, of course, the minority of players who will deliberately lie for their own advantage). But when a player tells you what his basic system is, he is not making this sort of statement. Unless he is deliberately lying, he will be telling it correctly. The Director appears to have assumed that N/S were lying to him.”

Cohen: “East has an obligation to play bridge and not look to the Director to rescue him from his own miscues. Looking at that dummy, it can’t cost to cash the ♠A at trick two. E/W should have been appealing if they didn’t mind getting an AWMPP.”

Endicott: “The Director’s task was to establish the pair’s methods, not to sit in judgment upon the player’s choice of an invitational rather than a forcing bid. This Director went far astray.”

☞ One panelist has a slightly different take on what might have happened here.

Polisner: “My guess as to the truth is that South forgot 3♠ was non-forcing. She is not required to inform her opponents that she has forgotten a convention and that her hand does not resemble the description. However, in the event of a dispute between misbid or misexplanation, the presumption is the latter unless rebutted by proof that it was a misbid. Without any write-up by the Committee, it is difficult to comment. I believe that if the Committee concluded MI, then I wouldn’t be so quick in deciding no damage. Certainly the chances of underleading at trick two are lessened if East would have been aware that 3♠ was forcing.”

☞ Well, he was going pretty good there, right up until that last statement. East’s underlead at trick two was, to put it mildly, quite uncalled for and deserved to meet with the fate it did.

Finally, our resident Director seems well-steeped in the mode of thinking which produced the table ruling.

Patrias: “Why did this Committee buy South’s explanation that she intended to make an invitational call when all the evidence points to the contrary? I believe that she thought 3♠ was forcing and she should have so informed the opponents. I think this Committee erred.”

☞ I’m sorry, but I missed “all the evidence.” Considering David’s point once more, when a player tells you what his system is in this bread-and-butter type of auction it’s a good bet that what he’s told you is what he’s playing—or at least what he *thinks* he’s playing. To suggest otherwise is tantamount to calling him a liar. And as several panelists point out, there’s simply no conclusive evidence to suggest that South didn’t downgrade her hand to an exaggerated extent (as inexperienced players will) to what she considered invitational strength. We don’t have to agree with that evaluation, but it is certainly her right to make it. And I don’t think it is our place to decide that she had ulterior motives—certainly not based on a single deal.

The laws tell us to be skeptical (assume misexplanation rather than misbid and all that), and so we should, but that normally useful mind set was simply carried too far in this case.

Subject (MI): The Elusive “Pass-Positive”

Event: NABC Open Pairs II, 16 Mar 00, Second Qualifying Session

Bd: 17	Don Brock		
Dlr: North	♠ 2		
Vul: None	♥ 7543		
	♦ Q874		
	♣ KJ75		
Corey Cole		Richard Aronson	
♠ AQJ98		♠ K106543	
♥ ---		♥ 8	
♦ K10932		♦ J65	
♣ Q62		♣ 943	
	Malcolm Ewashkiw		
	♠ 7		
	♥ AKQJ10962		
	♦ A		
	♣ A108		
West	North	East	South
	Pass	Pass	2♣(1)
3♣	Pass(2)	3♠	4♥
4♠	5♥	5♠	6♥
All Pass			
(1) Could be based on HCP or 9+-trick hand; not game forcing			
(2) Not Alerted; 100% game forcing			

The Facts: 6♥ made six, +980 for N/S. The defense led the ♠A and continued a spade, giving declarer a ruff and sluff. North called the Director at the end of the auction after informing his opponents that his pass should have been Alerted. West, away from the table, said he wouldn’t have bid 4♠ had he been given the partnership agreement. East, away from the table, said he would have bid 4♠ immediately or even possibly 5♠ instead of 3♠. No mention was made about bidding 6♣ over 6♥ when E/W were asked if any of their calls would have been different. The Director ruled that the MI was not sufficient to have caused damage (Law 40C). 6♥ could have gone down if declarer had not been given a ruff and sluff and he then failed to locate the ♣Q. Also, the last pass could have been changed to 6♣ if East believed that 6♣ was the call he should have made (Law 21b2). The Director allowed the table result to stand.

The Appeal: E/W appealed the Director’s ruling and were the only players to attend the hearing. N/S had attended the screening but believed they had nothing to add to the facts stated on the appeal form. East said he would have bid 6♣ over 6♥ if he had understood that he had the right to change his final call, but he had understood only that the Director wanted to know whether his 3♠ bid would have been different. East assumed that North’s pass of 3♠ was weaker than an action would have been and that the auction was not forcing on a South who promised eight playing tricks for a 2♣ opener. West said he would have passed 4♥ if he had known that North showed values to give N/S a chance to make a mistake. E/W were relatively inexperienced at this level of competition with about 500 masterpoints each.

The Committee Decision: The Committee believed that the likely contract in the absence of the MI was 6♠ doubled. There was discussion of whether a screen separating N-W from S-E would have resulted in N-S playing 4♥. It was decided that this was possible but not sufficiently likely that either side should get 480. The Committee then proceeded to discuss the likely results in 6♠ doubled. On a heart lead 6♠ goes down 500. On a minor-suit lead -800 is normal. The Committee believed that -500 after a heart lead met the standard of being the least favorable result that was at all probable for N/S and that -800 was the most favorable result that was likely for E/W. The contract was changed for N/S to 6♠ doubled down three, +500, and for E/W to 6♠ doubled down four, -800.

DIC of Event: Henry Cukoff

Committee: Henry Bethe (chair), Mark Bartusek, Bob Gookin, Richard Popper, Michael Rahtjen

Directors' Ruling: 63.0

Committee's Decision: 65.3

☞ From our Inquiring-Minds-Want-to-Know Department: Don't ask what West's 3♣ bid meant, we don't know.

In classic standard methods, a pass of an overcall of partner's 2♣ opener shows values (double says, "You're on your own, partner"). So North's pass of 3♣ was essentially normal. There's nothing in the ACBL Alert Procedure to suggest this pass was Alertable, so it wasn't a technical infraction. But even if (technically) it had been Alertable, I fail to see any connection between the failure to Alert and any damage to E/W. Since I can find no infraction, and even if I could I couldn't connect it to any damage, I see no basis for adjusting the scores. So the Directors were correct in their ruling (although they unaccountably did seem to think there had been an infraction) and the Committee was off in orbit somewhere.

But even if there had been an infraction and consequent damage, why wouldn't the score be adjusted to 6♠ doubled down three, -500, for *both* sides? Wasn't it painfully obvious that a heart lead is completely normal?

Bart, how about a little help here.

Bramley: "Did West really bid 3♣? If so, what was it? On what basis did the Committee decide that E/W would have bid 6♠ with complete information when they did not do so at the table? Most pairs would play that North's un-Alerted pass was neutral, neither showing nor denying values. For North to hold a hand this good was therefore completely in the normal range of possibilities. Admittedly South was on firmer ground when he bid 6♥, but the vast majority of players would have bid 6♥ in his position regardless of their agreements about the early auction. After all, he had huge offense and marginal defense for his 2♣ bid. And why did the Committee believe East so readily when he said he had not understood that he could have changed his last pass to 6♠ at the table? When the hand was over that decision became a lot easier. I'm with the Director in allowing the table result to stand.

"I also disagree with the Committee's split adjustment after they changed the contract to 6♠ doubled. I make a heart lead likely enough to adjust the result to down three both ways. Only if I judged that a minor-suit lead were significantly more likely than a heart would I split the adjustment. Did the Committee really think that it was? I doubt it."

☞ Another true-to-life demonstration that great minds think alike.

Many of the remaining panelists focused on what they presumed to be the table Director's mishandling of the situation, specifically that East was not clearly told that he had the right to withdraw his final pass and substitute a different call without penalty. But of course all of that presumes that E/W had been given MI, which in my opinion was not the case.

Endicott: "There are questions unanswered. The Committee should have inquired more deeply whether East had received a clear explanation of his position from the Director, covering the possibility of withdrawing his final pass. The E/W case is thin, specious and smacks of using a technicality to recover a bad result. E/W players of any experience should have known of a possibility that the North player might still have something to say in a sequence like this and appeals Committees should not stretch to provide remedies for their poor judgement in the auction."

Brissman: "Although it was likely incidental to the final result, I'd like to know what was West's first bid. If it was 3♣ as indicated, what did it mean?"

"The Table Director should have been summoned to this hearing to recount the conversation. Was the option to bid over 6♥ offered to and understood by E/W? If

so, E/W have no appeal; if not, this situation was caused by the table Director's inadequacy. N/S may have achieved either of two better results (+980 or +800) had the Director done his job properly. So if there was an incomplete explanation by the Director, I would have awarded both sides an Ave+."

Cohen: "The Director had a responsibility (Law 9B2) to explain all matters relating to rectification when he was called to the table at the end of the auction. It is not clear from the write-up whether the Director advised East that he might be able to change his final call and have the auction reopened (Law 21B1). If he failed to so advise East, then Ave+ or +800, whichever is less, to N/S, and Ave+ or -500, whichever is less, to E/W. If he did advise East, then table result stands. Was the table Director ever queried on the matter? Only on a Director's 'screw up' do we award Ave+ or equivalent to both sides."

Gerard: "Okay, what really happened?"

"Either 3♣ or East's putative 5♠ was a strange bid, so something doesn't compute. As for all this talking away from the table, put a sock in it. East thought 3♣ could end the auction; West thought it best to give the opponent a free cue-bid rather than forcing his raise to sound competitive. It's the process that encourages these arguments, so get rid of the process.

"I agree with 6♠ as the adjusted contract and with +500 as N/S's 12C2 result. It appears that the Committee lost its way in assessing the other side of the 12C2 analysis. For E/W, the result was the most favorable result likely. That still looks like -500 to me. I know a club lead is right, but a heart was at least one-in-three likely. That's what the expert North led in the same position in CASE FIFTEEN."

Polisner: "I don't agree with the analysis. Changing the contract to 6♠ doubled gives E/W the best of it, as required by Law 12C2. Since the very normal result in this contract would be down three, the score should be N/S +500 for both."

Rigal: "The Director appears to have missed the whole point of the ruling, and to have misadvised/misinformationed the players here. Similarly, the Committee failed to consider how likely the final contract of 4♥ was on the given auction. I think there is a real chance of 480 for both sides, or 500 for both sides: it is, after all, very reasonable to lead a major with the North hand—certainly up to the required percentages to my mind. I would certainly give E/W no worse than -500 and N/S either 480 or 500 depending on how generous I felt."

Stevenson: "The method of taking players away from the table to ask them what they would have done is an unfair practice and should be discontinued. Players are under pressure and rulings should be based on multiple possibilities as the law suggests, rather than on what some poor player has answered, especially as he is probably not told by the Director that it is in his interest to name as many possibilities as he can.

"In this case the Director appears to have gone further by actually failing to rule correctly. He is required to rule at the table, and one of the options that he must give at the table is that the last pass by the non-offenders may be withdrawn if it was affected by the MI. It is not adequate to explain this to someone away from the table, who is already harassed enough by being questioned unnecessarily.

"The decision might well have reflected the Director's error, treating both sides as non-offending. Then N/S might have been allowed to keep their table score."

☞ This criticism of the Directors' practice of taking players away from the table and asking "What would you have done differently if..." is starting to wear thin on me. Think about the conditions under which this practice is invoked. A player calls the Director saying something like, "I was given the wrong information about such-and-such..." or "North failed to Alert South's 2NT bid..." It seems obvious to me to ask the complaining player, "Well, what would you have done differently had

you know that . . .” and to do this away from the table, out of earshot of the player’s partner, so that later you can independently determine what he might have done differently had the first player done so-and-so. The Director is not obligated to take the information he collects at face value. It may be accepted, discounted, or have any weight attached to it that the Director deems appropriate. Even actions that the player fails to suggest he might have taken may later be considered acceptable.

I think Ron’s rejection of this practice stems from a belief that statements by players are self-serving and must be disregarded. I think he believes that the only valid tools for adjudicating these cases is to analyze the cards and the bridge logic of the situation. But information derived from bridge analysis is only one piece of the puzzle. I too believe that first and foremost, “the cards speak.” But that doesn’t mean that I don’t care what the players think their problem was or what they say they might have done differently. Occasionally a player will make a point I didn’t consider or expresses a perspective, perhaps based on his systemic agreements, that I didn’t appreciate until he mentioned it. Not every Director is as competent a bridge analyst as Ron and the *potential* value of any bridge input from the players grows in inverse proportion to the adjudicators’ bridge acumen.

I’m surprised to find David in the same camp as Ron on this issue, given his more expansive view of players’ statements. I suspect this comes from his steeping in British (or European) ways of making such rulings. Why is asking a player away from the table what he would have done differently so “unfair”? Players have to make bridge decisions at the table all the time while the “hostile” opponents sit and stare. Why shouldn’t they explain the bridge reasons for their problem to a “neutral” Director, away from the table? They’ve just claimed “I was misled,” or “I would have done something different.” So how were you misled? What would you have done different? How did the information affect your action? Why is this so unfair?

While some players may feel “harassed” (why I can’t imagine), they were the ones who called the Director complaining of damage and by law must demonstrate how they were damaged. They are not being asked anything they would not have had to do at the table had there been no MI. I see no reason to discontinue this procedure. In fact, I see it as analogous to a good police investigator taking photos of a crime scene, from every conceivable angle, just in case some crucial piece of evidence is captured which is later deemed relevant. Similarly, here the Director functions as an information collector, taking every factor into evidence and sorting it all out later. “What would you have done differently?” and “How would that have affected your action?” are among the questions which need to be asked as the Director prepares to make his final ruling. By what stretch of the imagination is any of this unreasonable?

And all of this should, of course, ideally be done before the non-offenders have had a chance to consult with one another, see the entire deal, or ask other players, all of which may happen if you wait before asking these questions. Of course sometimes the Director isn’t called until after the play of the deal is completed. One does what one can, as soon as one can. But it certainly can’t be wrong to ask the questions, as long as we are not unreasonably bound to believe the answers.

As for the table Director’s handling of the situation, the write-up makes it seem that East was asked only whether *any* of his calls would have been different if he had known that North’s pass of 3♣ was game-forcing. However, judging from the appeal form (which was meticulously filled out) and information obtained from the table Director later (during the preparation of this casebook), the call which could have been changed (East’s final pass) was given primary focus in the interview. If East was not aware of the possibility of changing his final pass, it seems likely that this was due more to East’s inexperience (he had about 500 masterpoints) than to a Director error. But one thing is clear. Since East did indicate that his 3♣ bid might have been different, the Director, in my opinion, should have gone ahead and backed up the auction to East’s final pass, giving him a chance to change his call. That would have forced East to consider and commit to what he would have done differently, eliminated any chance of a misunderstanding, and put East in a normal playing mode at the table instead of in what might have appeared to him to be an

academic discussion on the side. All in all, this would have been a much better way to handle the situation than what was done.

Treadwell: “The Facts section fails to clear up the nature of West’s artificial 3♣ bid and whether it was Alerted. It is difficult to judge the merit of the E/W case without knowing this. If 3♣ showed spades and another suit, as seems likely from West’s holding, then I fail to see where E/W were damaged by the N/S failure to Alert, particularly when the Director was called before the final pass of the auction. Perhaps the Director was less than complete in explaining all of the options available to E/W.”

Wolff: “I like the two-way score, supposedly punishing the non-Alert by N/S. To me this whole auction looks like normal playing luck (NPL) and I would rather have the two-way score be E/W –980 and N/S +980 with a 40% matchpoint penalty against them.”

CASE THIRTY-THREE

Subject (MI): Thanks For The Bridge Lesson

Event: NABC Open Pairs II, 17 Mar 00, First Final Session

Bd: 18	Tobi Sokolow		
Dlr: East	♠ 104		
Vul: N/S	♥ A864		
	♦ KJ954		
	♣ 75		
Weizhong Bao	Yi Zhong		
♠ AJ9	♠ Q763		
♥ J9	♥ 75		
♦ AQ86	♦ 102		
♣ AJ86	♣ K10932		
	Jim Griffin		
	♠ K852		
	♥ KQ1032		
	♦ 73		
	♣ Q4		
West	North	East	South
		Pass	Pass
1NT	Pass	Pass	2♦(1)
Pass	2♥	2NT(2)	Pass
3♣(3)	All Pass		
(1) Alerted; explained as both majors			
(2) Explained as both minors			
(3) Alerted; no explanation given			

The Facts: 3♣ made three, +110 for E/W. The opening lead was the ♠10. Before the opening lead East explained that his 2NT was intended as Lebensohl. The Director was called and North told the Director away from the table that she would have bid 3♥ had she known that East had a one-suiter. The Director ruled that there had been MI and adjusted the score to 3♥ down one, +100 for E/W (Law 21B3).

The Appeal: E/W appealed the Director's ruling and were the only players to attend the hearing. They said they played Lebensohl over direct-seat interference but had no agreement about a delayed 2NT bid. 2NT was not Alerted but North asked its meaning while South was bidding.

The Committee Decision: The Committee had little sympathy for North, who was too anxious to find out about 2NT to wait for her turn to call but then failed to ask about the Alert of 3♣. Had

she asked about 3♣, she would have known what to expect East to hold. Further, as a matter of bridge logic, 2NT should not be Lebensohl since a three-level bid by responder will clearly be competitive given that he had already passed 1NT. Therefore, the Committee allowed the table result of 3♣ made three, +110 for E/W, to stand. West had clearly given MI. His proper response should have been "we have no agreement." The Committee discussed assigning a PP against E/W but decided that educating them on the proper response to opponents' questions was sufficient in this case.

DIC of Event: Henry Cukoff

Committee: Doug Doub (chair), Martin Caley, Simon Kantor, Richard Popper, Dave Treadwell

Directors' Ruling: 71.8

Committee's Decision: 69.6

✍ The Director's ruling is quite puzzling. For all of the reasons explained by the Committee, East's 2NT bid could not logically have been Lebensohl. So it should have been quite clear that the explanation East volunteered of 2NT after the auction was his own invention. But even if North thought that Lebensohl could have been E/W's agreement, a question about West's 3♣ bid (at her next turn to call—not at her partner's) would have cleared up the matter.

The Committee did just about everything right, except their considering a PP.

Bramley: "Lazy Director's ruling. Good Committee decision, except, of course, for the consideration of the PP. See my comment [and mine—*Ed.*] about PPs on CASE TWENTY-NINE."

Endicott: "A weird ruling by the Director. The 3♣ having been Alerted, North had timely information and no leg to stand on."

Patrias: "I have less than no sympathy for North."

Wolff: "Everything okay including education rather than punishment. As long as we continue to educate and discipline we'll be okay."

✍ The following panelist seems to have become fixated on the inappropriate timing of North's question, surely at most a peripheral issue in this case.

Cohen: "Why didn't E/W call the Director at the time North asked the question at his partner's turn to bid? Did E/W inform the Director at the table about the timing of North's inquiry? Since the allegation was only made at the hearing (according to the write-up), the Committee should have verified the fact with the table Director since N/S chose not to appear. What information did the table Director include on the appeal form? I have a strong feeling that the presentation of the facts is lacking or the case was not well-handled on the floor."

✍ The remaining panelists think that North's complaint (if not the timing of her question) was entirely proper and the table Director was right to adjust the scores, as should the Committee—instead of "attacking" poor North. Poor North.

Polisner: "Why should North have to waste brain cells to figure out that she was not given correct information. We have (for good or evil) an Alert system which is designed to help players to understand opponents' agreements without the necessity of figuring it out. Here, the Directors asked North what she would have done had she been Alerted to the nature of East's hand and she stated that she would have bid 3♥. Since there was an infraction (as found by the Committee), the Director's adjustment to 3♥ down one seems correct."

Rigal: "Correct Director ruling. I fail to understand the apparent animus against North shown by the Committee (and I note that this Committee was also responsible for CASE TWENTY-EIGHT...hmm). On the facts before them they turned a clear-cut infraction into an attack on North. They should have left the Director ruling in place. It is absurd to my mind to clear up a possible accident by E/W so as to position yourself better for the Committee; nothing happened at the table that made North aware of the accident until it was too late."

Stevenson: "It seems that some Committees are very harsh on non-offenders. Once North is told that East has the minors, so her diamonds are useless for playing the hand but may be useful in defense, it is hardly her responsibility to ask further questions to find out whether she has been misinformed. Furthermore, bridge logic in these complex positions often differs from pair to pair and I expect many pairs do play this as Lebensohl.

"There was MI, there was damage, and there should have been an adjustment."

✍ Bridge players experience mental aberrations at the table all the time. We have seen many examples in these pages of a player interpreting his partner's call as something which makes no sense in the context of the auction. When the opponents are experienced players (as North was here), they are obligated not to simply take the explanation at face value but to probe the auction further to protect themselves.

Of course this is always a judgment call.

In the ACBL we do not require a strict adherence to the form of the disclosure, as long as a reasonably accurate sense of what the calls mean is conveyed to the opponents. Suppose, in the competitive auction 1♦-Dbl-3♦, opener forgets to Alert the 3♦ bid as preemptive. Would an expert opponent be entitled to redress if he claimed he was damaged from the failure to Alert? (He assumed 3♦ was invitational since it wasn't Alerted.) Of course not. How about if the auction had been 1♦-2♣-3♦, which almost everyone plays as weak? Would that make a difference and entitle expert opponents to redress (see CASE THIRTY)? Again, of course not. I see this as analogous to giving redress for failures to Alert negative doubles in the days right before they were made non-Alertable. Who didn't know (or at least suspect) that 1♣-1♥-Dbl was negative in those days? Consider the auction 1NT-2♣-Dbl. The double is duly Alerted but explained as "takeout" when the agreement is "Stayman." Should the opponents receive protection? How about if the double was not Alerted at all (see CASE THIRTY from Orlando)? Should the expert opponents (many-time NABC and world champions) be protected when they claim that they assumed the double was penalty since it wasn't Alerted? Bah, humbug!

We're not in the habit of rewarding experienced players with score adjustments when they screw up but manage to catch the opponents in an incidental technical error. We require them to protect themselves to a reasonable extent and our laws and regulations are full of phrases which express this. The laws are "...primarily designed not as punishment for irregularities, but rather as redress for damages." The ACBL Alert Procedure says: "Players who, by experience or expertise, realize that their opponents have neglected to Alert a special agreement will be expected to protect themselves," "Adjustments for violations are not automatic. There must have been misinformation...[which]...was a direct cause of the damage," "...an opponents who actually knows or suspects what is happening, even though not properly informed, may not be entitled to redress if he or she chooses to proceed without clarifying the situation," "In all Alert situations, tournament directors should rule with the spirit of the Alert procedure in mind and not simply by the letter of the law." "when an Alert is given, ask, do not assume."

Of course there are also requirements for the Alerting side: "...the opponents are entitled to know the agreed meaning of all calls," "The bidding side has an obligation to disclose its agreements according to the procedures established by ACBL. When asked, the bidding side must give a full explanation of the agreement," "The opponents need not ask exactly the 'right' question. Any request for information should be the trigger."

My point here is that adjudicating these situations is always a subjective matter. Was there a serious departure from proper procedure? Was the correct information conveyed nonetheless? Were the opponents experienced enough to have known what was happening anyhow? Should they have asked more questions to protect themselves? Was the MI the direct cause of the damage? Did anything happen subsequent to the infraction which broke the chain of causation? And so on.

I am not claiming that North had to be omniscient here. My argument is that East's explanation of 2NT as Lebensohl is illogical on the face of it and is prima facie evidence that this was not E/W's agreement, as West stated at the hearing. Since there was no MI (the 2NT bid logically should have been both minors, as West explained at the table; East simply misbid and should have bid 3♣) the table result should stand. The illogic of the 2NT bid was compelling evidence that East's volunteered misexplanation, in combination with West's likely disagreement with East at the table, should have convinced North, an expert and NABC and World Champion, that this was an aberration on East's part. East had simply misbid, and N/S were not entitled to any score adjustment. Had the Directors not fumbled the ruling and had N/S appealed, I would have judged that appeal to lack merit.

CASE THIRTY-FOUR

Subject (MI): Making It All Up As We Go

Event: NABC Open Pairs II, 17 Mar 00, Second Final Session

Bd: 15	Joann Glasson		
Dlr: South	♠ 97		
Vul: N/S	♥ 97654		
	♦ QJ643		
	♣ Q		
John Gilbert	Brian Johnston		
♠ KQ85	♠ J4		
♥ QJ	♥ 108		
♦ K9	♦ 75		
♣ A10865	♣ KJ97432		
	Bob Glasson		
	♠ A10632		
	♥ AK32		
	♦ A1082		
	♣ ---		
West	North	East	South
			1♠
1NT	Pass	2NT(1)	All Pass
(1) Not Alerted; relay to 3♣ for pass or correct			

The Facts: 2NT made two, +120 for E/W. The opening lead was the ♠9. Before the opening lead East explained the failure to Alert. South said he would have bid 3♣ with the correct information. North said she would not have changed any of her calls. The Director ruled that a final contract was not readily apparent and awarded N/S Ave+ and E/W Ave- (Laws 75D2, 40C, 12C1 and 21B3).

The Appeal: E/W appealed the Director's ruling. South said that if he'd had a correct explanation he might have bid 3♣, but probably would have passed to await identification of the suit and the nature of the hand. The opening lead was the ♠9, ducked to the queen, and E/W subsequently took eight tricks.

The Committee Decision: The Committee considered whether there had been an infraction. It

was agreed that there had been a failure to Alert and therefore an infraction had occurred. The Committee then looked at whether the infraction might have caused damage to N/S. It was noted that had South and East been behind screens, as screenmates, South would have had the correct explanation and pass, to await developments, would have been one of his options. West would then have had the right to deviate from his understanding or even to forget them and pass. However, because South was not given the correct information, which might have allowed him to compete successfully, the Committee judged that N/S had indeed been damaged. Therefore, N/S were awarded Ave+ and E/W Ave-.

DIC of Event: Henry Cukoff

Committee: Doug Heron (chair), Ed Lazarus, Becky Rogers, Robert Schwartz, Michael White

Directors' Ruling: 73.3

Committee's Decision: 69.0

✍ Let me get this straight. East's 2NT, by agreement, was a relay to 3♣, after which East could either pass (with clubs) or correct to his real (a red) suit. So 2NT did not show, or even imply, clubs. Yet South was prepared to bid 3♣ for takeout! Takeout? How did South know that East had clubs? Clearly he might have wanted to bid diamonds or hearts naturally, but would these have been for takeout too?

In the real world a direct bid by South over 2NT is natural. No one has the agreement that 3♣ in this situation is takeout. So South would either have to double to show a good hand (possible, but unlikely), bid a suit naturally (unlikely, since it could be East's suit), or pass and hope to back into the auction later (likely). While

hope springs eternal, if South passes, West bids 3♣ and East then passes or bids a red suit, is South's double for penalties or takeout? He would like to double 3♣ for takeout but three of either red suit for penalties. Who has an agreement here (do you)? Certainly not N/S. So in practice South would be "fixed" into passing and that would end the auction, since West was destined to pass as well.

But had West Alerted 2NT, South *might* have doubled or bid three of a red suit. Is that likely enough for us to protect him? I think the answer lies in South's own statements. Of course his statement to the table Director, that he would have bid 3♣ for takeout, should be discounted. In fact he probably would have passed, as he told the Committee, and 2NT would have been the final contract. Therefore, I would have allowed the table result to stand for N/S.

I could be convinced that E/W deserve that result also, but there is just enough of a chance that South might have done something other than pass (double gets my nod) that I would have adjusted the score for E/W. If South doubles, North may find a 4♣ cue-bid and get her side to 4♥ (for +650). If South bids 3♦ or 3♥ North will likely raise, in which case N/S may end up in 4♦, 4♥, or 5♦. Since I consider all of these about equally likely and most of them will result in either +650 or +600, with an occasional +200 or +150, I would take the most unfavorable of them, -650, and assign it to E/W. So I would assign N/S -120 and E/W -650.

Does anyone agree with me. Well, that depends on what "close" counts for.

Bramley: "Weak. South passed what he thought was a natural 2NT at the table. He was clearly prepared to defend that contract. He admitted that he probably would have passed again had he been Alerted, so why should he be credited with doing something else just because West accidentally passed the hand out, depriving South of his second chance. Furthermore, the 2NT bid did not *show* clubs; it was a relay, presumably to get out in either minor. Therefore, if South had bid 3♣, it would have been natural. South was just unlucky. He had no plausible way to get a better result once West chose to pass 2NT. As I find no basis to decide that South would have acted differently, I would have let the table result stand.

"The inability of both the Director and the Committee to determine a table result is indicative of the small probability that a different result could actually have been achieved. Notice that there was not even a mention of alternate contracts, let alone a possible way to reach them. This was poor Committee work and should have tipped off the Committee that their whole decision was wrong."

✍ Actually, now that Bart mentions it, I was present during this Committee's deliberations and tried to get them to consider more carefully the implications of what South might have done had he been properly Alerted. I encouraged them to consider what effect West's having forgotten his agreements (which was not an infraction and was not redressable) would have had on the final contract. But they just ignored the line of thinking I was trying to get them to explore.

Gerard: "Yes, 3♣ for takeout of clubs does have an Orwellian quality to it. Who has that agreement? But for that matter, who knows what a delayed double of 3♣ or 3♦ would be? Takeout seems normal, but if South were to pass 2NT to find out about East's hand, wouldn't he want to double 3♦ for penalties? By their own testimony, N/S would have been flying blind over an Alert. Clearly they did not have 3♣ for takeout as an agreement, otherwise what would be the point of playing it? And it would have been redundant with pass and then takeout double.

"So it comes down to whether South would have been more likely to bid one of his suits directly over an alerted 2NT than a natural one. Personally I think not. If East had clubs, North could have 2-3-3-5. If East had a red suit, South could pick North's singleton instead of her four-card suit. But he couldn't have bid less than never, which was his lot over an un-Alerted 2NT. In a vacuum N/S were damaged, even though at the table they probably were more likely than not to defend 2NT. We can't be doing Kreskin imitations here. As to the adjustment, I think this is the first time ever I agree with Ave+/Ave-. +650, +600, +200, +150—none of them work

for me. I really don't see how you can determine a result."

✍ I don't think the Ave+/Ave- route is proper here (see the next three panelists' comments). I do have a closet admiration for it though, since it approximates what I think should be done in ambiguous situations: restore equity.

Cohen: "This is not a case for Law12C1. I question whether Henry Cukoff was ever consulted on the ruling. Could he really have approved a 12C1 ruling in a 12C2 situation? The screening Director should also have advised the Committee that this was a 12C2 situation, so no Ave+/Ave- adjudication. It appears the Committee agreed there was an infraction, otherwise it would not have altered the table result. While it doesn't appear clearly in the write-up, I have presumed that the Director was called at the end of the auction and offered North the opportunity to change her final call. [He was called when East corrected West's failure to Alert 2NT.—*Ed.*] Or was the Director even called to the table at the end of the auction? The write-up doesn't say. It appears both sides are at least partially at fault: either side could and should have called the Director when East made his announcement about 2NT at the conclusion of the auction. [They did.—*Ed.*] My adjudication? N/S defend 5♣ doubled for +300. E/W defend 4♥ for -650."

✍ Well, I'm not sure where that 5♣ came from, but I certainly agree with -650 for E/W.

Endicott: "The N/S pair must be extremely pleased with the outcome of this appeal. Mr. Glasson goes to sleep at trick one and gets it all back in the appeal room. The Committee and the Director ran away from their responsibilities when deciding how to adjust the score; 12C1 is not intended for a situation like this and, if the ACBL were only with it, a weighted score is. . . The decision is borderline but defensible, but the score awarded, whatever, should not be a 12C1 adjustment."

Stevenson: "Well, there was MI, there was damage, so the Director and Committee should assign an adjusted score. What is this Ave+/Ave-? Easier than following the laws, anyway!"

Treadwell: "It is hard for me to see how N/S were damaged by the MI. As the Committee said, if East and South were screenmates and East had given the correct explanation, South would have the option of passing or bidding. It is not at all clear that South would exercise any option but pass—much smarter to pass and wait, expecting West to bid to give him a second chance. The damage to N/S occurred because West had forgotten his agreement and this is not an infraction. I have sympathy for N/S, but it is just one of those rub-of-the-green situations."

✍ I think the screenmate analogy is simply wrong. Both opponents, no matter who happens to be who's screenmate, are entitled to know E/W's agreements and not what someone happens to hold in their hand. So if North had been the one with the problem of what to bid, she would have been disadvantaged by having the forgetful West as her screenmate. Sorry, but the behind-screens analogy is not the way to go.

Patrias: "What's wrong with assigning 3♥ made five for N/S?"

✍ Nothing, if that's where N/S were likely/at-all-probably headed. But what evidence is there that that's where the auction would end on any likely and sensible continuation? If South bids hearts North is virtually guaranteed to raise to game, since it would be virtually cold opposite as little as ♠AKxxx ♥Axxxx ♦x ♣xx and might even make (if hearts are two-two) opposite ♠Axxxx ♥AKxx ♦x ♣xxx.

Polisner: "Excellent work by all concerned, but where was the AWMPP?"

CASE THIRTY-FIVE

✍ With all the confusion here, an AWMPP would be the furthest thing from my mind.

Wolff: “Good decision all around but I’ve seen this case be ruled the other way. We should use this case to form the “common law” which would get this same decision every time similar facts occurred.”

✍ That would be fine, except for the fact that the decision and ruling were both improper—if not illegal—and were based on an incomplete and inaccurate analysis of most aspects of the situation.

Rigal: “I have some sympathy with the cop-outs here. While Wolff would know how to use CD to catch the varmints, it seems to me that West just got truly incredibly lucky. South would probably have passed 2NT had he been given the correct explanation. Does that mean he is entitled to nothing here? I think not. I would want to find a way to impose a Kaplanesque penalty to bring the ruling in line with equity, but I do not know what the route might be to argue that if South had doubled 2NT—a very reasonable action with this hand—then N/S would have merged unscathed from their opponents’ misunderstanding. Maybe I’ll find out what the right way to handle this is when I read the casebook!”

✍ Possibly, but you may also be left even more confused than you already were. Either way, we are pleased to have been of service.

Subject (MI): The Inconsequence Of MI
Event: NABC Open Swiss Teams, 18 Mar 00, Second Qualifying Session

Bd: 22	Richard Oshlag		
Dlr: East	♠ 3		
Vul: E/W	♥ J1075		
	♦ K974		
	♣ AJ72		
John Biddle	George St. Pierre		
♠ AKQ8762	♠ J95		
♥ ---	♥ 8432		
♦ QJ8	♦ A10532		
♣ Q108	♣ 3		
	Dave Smith		
	♠ 104		
	♥ AKQ96		
	♦ 6		
	♣ K9654		
West	North	East	South
		Pass	1♥
1♠	3♠(1)	Pass	4♣
Pass	4♥	All Pass	
(1) Alerted; explained as an opening hand with heart support and a singleton			

The Facts: 4♥ made five, +450 for N/S. Before the opening lead North advised E/W that his bid did not guarantee an opening bid. When the Director was called at the end of the play, both East and West said they would have bid 4♣ if they had been correctly informed. The Director ruled that the MI had been inconsequential and had caused no damage. The table result was allowed to stand (Law 40C).

The Appeal: E/W appealed the Director’s ruling. E/W stated that they would have bid 4♣ if they had been given the proper information. E/W were seniors and had not played tournament bridge for 15 years. They did not seem to be aware that they should have called the Director as soon as the irregularity had been revealed.

The Committee Decision: The Committee considered whether MI had occurred. They decided that no real MI had been given or,

if it had, it was inconsequential. Therefore, the table result was allowed to stand. The Committee also agreed that, rather than an AWMPP, an educational talking to was appropriate for E/W.

DIC of Event: Henry Cukoff
Committee: Doug Heron (chair), Bart Bramley, Harvey Brody, Ellen Siebert, Jon Wittes

Directors’ Ruling: 90.0 **Committee’s Decision: 92.7**

✍ This is a situation where the timing of the Director call is critical. Since North informed E/W before the opening lead that his 3♠ bid had been mis-described, if either opponent believed that their action had been affected it was incumbent upon them to call the Director at once—or forever hold their peace. The Director could have allowed West to substitute a 4♣ bid for his pass and E/W would each have been asked to commit to an action before they knew the whole deal.

E/W were cold for 6♣ and if East had bid 4♣ over 3♠, as he claimed, it is not inconceivable that some E/W pairs might have reached slam. As it is, East could have doubled 3♠ while West, with a pretty attractive 4♣ bid even with the MI, could also have bid it. But after waiting until the hand was over before calling the Director, I would not be inclined to allow them to compete. In fact, as it is I would have voted for an AWMPP for attempting a double-shot, whether conscious or not.

One final point. The Committee’s statement that “no real MI had been given”

seems due to the fact that North's 3♠ bid effectively forced N/S to game, and thus denoted game-going values—traditionally opening values opposite what could be a minimum opening bid. But in today's game, as we can see from the North hand, game-forcing can include many hands that no one would even think of opening. So there *was* MI and the Committee's statement is somewhat misleading.

Endicott: "Nothing to discuss except with E/W. In higher levels of the game, the deposit arrives with the designated charity."

Patrias: "AWMPP"

✍ But stop the presses. Bart has some additional information for us.

Bramley: "I was in favor of an AWMPP here, but the others talked me out of it. When we gave the verdict to E/W, I saw that we had done the right thing. They were extremely apologetic, and they understood clearly that they should not have brought the case. The AWMPP would have been overkill."

Stevenson: "Good ruling and decision."

Treadwell: "A completely trivial case which should never have reached a Committee. I guess, in view of the lack of experience of E/W, that omitting an AWMPP award was okay."

✍ E/W inexperienced? You might want to read the next panelist's comment.

Polisner: "Routine, except the write-up is unclear about what East and/or West told the Director they would have done with the correct information, i.e., heart support and singleton spade and game-going values (as opposed to 'opening hand'). It is unlikely that East would bid 4♣ vulnerable versus non-vulnerable and West was probably dissuaded from doing so by South's 4♣ bid, which was presumably a slam try. From North's failure to cue-bid 4♦, West (a former National Champion and a great player with whom I played a great deal in the 60's) should have known that his partner held at least one diamond honor, which makes 4♣ a standout."

Cohen: "Why wasn't the Director called when North made his pronouncement about the 3♠ bid? E/W could have been asked about their prior calls, and West given the chance to change his final pass. In all likelihood N/S would have bid 5♥ and the result would not have changed. However a good bridge lawyer could make a good case for E/W at 5♠ and E/W +650."

✍ That's +680, Ralph.

Wolff: "With new conventions come new 'feel.' The limit raise or better cue-bid demands a slightly different attitude by the partner of the overcaller since he doesn't know whether to bid to make (if it's a limit bid) or to sacrifice if it's better. Probably we need more accurate disclosure (by the conventioners) although in this case the cue-bid had to be forcing to game (probably an extension of the convention). No adjustment, but knowing where we are is also important."

✍ One panelist thinks that E/W were likely damaged and would have given them redress.

Rigal: "It is hard to say for sure that West was damaged here (at the vulnerability he might well have passed) but it is surely the case that he was certainly discouraged from bidding by the information, which *was* MI. As both Director and Committee I'd have decided the other way here. But I think it is close."

Subject (MI): A Call In Time Saves

Event: NAP Flight B, 18 Mar 00, Second Qualifying Session

Bd: 24	♠ K5		
Dlr: West	♥ A6		
Vul: None	♦ Q104		
	♣ J98632		
♠ QJ10983		♠ 7	
♥ 1097		♥ KQJ843	
♦ 982		♦ A75	
♣ 5		♣ K74	
	♠ A642		
	♥ 52		
	♦ KJ63		
	♣ AQ10		
West	North	East	South
2♠	Pass	3♥(1)	All Pass
(1) Not Alerted; non-forcing			

The Facts: 3♥ went down one, +50 for N/S. The Director was called after trick two. North asked after her final pass about 3♥ and was told by the bidder that it was non-forcing. The Director was not called at that time. West paused 3-4 seconds before passing 3♥. Had the Director been called before the final pass, N/S would likely have had the opportunity to enter the auction at their own risk. The Director allowed the table result to stand.

The Appeal: N/S appealed the Director's ruling. South said if he had known that 3♥ was non-forcing, he would have entered the auction with a double and N/S would have reached 5♣. South, a Life Master, indicated that he did not know he was supposed to call the Director at that time. E/W

agreed that the 3♥ bid had not been Alerted but believed that South had an opportunity to bid and that any damage had not been because West neglected to Alert.

The Panel Decision: The Panel determined that E/W should have Alerted 3♥ and with the proper information, South was likely to enter the auction with a double. North might then have found either the 3NT or the 5♣ game. The Panel decided that N/S should have called the Director when they first became aware of the infraction. The Director could have determined that based on new information, South could have reconsidered his pass with all the risk that entailed. N/S did not give up all of their rights by waiting, but some issues may no longer be considered. The first player consulted believed the Director should have been called and that the request for an adjustment was tainted by the sight of the dummy: E/W should be penalized or have their score adjusted but N/S should not. This player believed that a double by South would have led to a 5♣ contract. The second player consulted thought N/S had made a reasonable argument and that the timing of the Director call was irrelevant for Flight B players (but Flight A players should know better). However, Flight B players should have known to call the Director before the opening lead. With the table result tainted, the second player thought that a score adjustment, most likely a split score, was appropriate. 3NT would be likely to make three. The third player consulted believed that once dummy was seen, little value should be attached to South's statement. The likely result for N/S was 3♥ down one, while -400 should be considered for E/W. That player also hoped that the Panel had checked to see if 3♥ had been non-forcing or invitational. The Panel concluded that N/S did not do enough to protect themselves; they needed, at a minimum, to call the Director before dummy came down. For N/S the table result of 3♥ down one, +50, was allowed to stand. As for E/W, they failed to Alert the 3♥ bid in a timely fashion, perhaps depriving N/S of the opportunity to protect themselves. Their score was adjusted under Law 16 to the most unfavorable result that was at all probable had the infraction not occurred: 5♣ made five, -400.

DIC of Event: Matt Smith

Panel: Ron Johnston (Reviewer), Mike Flader, Sol Weinstein

Players consulted: Lynn Deas, Hjordis Eythorsdottir, Adam Wildavsky

Directors' Ruling: 74.7

Panel's Decision: 92.3

✍ The Panel handled this case as well as any I've seen. The write-up explains the rationale for the decision splendidly, paralleling my own thoughts on the case. So I'll turn the discussion over to the panelists.

Patrias: "Clearly, E/W does not deserve the table result. -400 seems appropriate. If South would have called over 3♥, that should have occurred to him when North was told that 3♥ was non-forcing. That is when the Director should have been called. Even though the Director was not able to back the auction to him, South's testimony could have been heard (away from the table) before the dummy was spread. Since South's claim seems to have been an afterthought, I agree that the split score is appropriate."

Rigal: "Good Panel decision. I think the Director might have made a ruling less favorable to the offenders, but the split score by the Panel gives both parties what they deserve on the deal. E/W committed an infraction, one that it was tough for N/S to do anything about (doubling 3♥ is far from clear), but E/W clearly deserve no better than -400. I think N/S might not have got as much as they deserved (the timing of Director calls is not well-known) but I can live with the Panel decision."

Treadwell: "I think the Panel got this just right. We must educate players to the fact that an infraction by the opponents does not automatically entitle them to redress if they get a poor result. There are certain responsibilities, such as asking questions and calling the Director in these situations, which are incumbent on all of us. Failure to pursue these remedies may result in failure to get redress."

Bramley: "Neither side distinguished themselves, and they both got the worst of it. Good here."

Polisner: "Assuming that a non-forcing 3♥ is Alertable, I have little problem with the Panel's decision."

✍ The ACBL Alert Procedure pamphlet says (in boldface type), "A non-forcing suit response to a weak two-bid requires an Alert..." (p. 13). QED.

Wolff: "Truly an excellent decision and for all the right reasons. Note: I would tend to upgrade N/S's +50 since South was caught in an ethical dilemma. If he would have asked it might have jeopardized either his partner's actions or perhaps the play. Consequently, I would tend to give N/S an Average and E/W -400 and a 1-matchpoint PP for not Alerting. Whatever I say is unimportant since this Panel considered all the right issues and man is that where it is at!"

✍ Wolffie makes an excellent point. Had South asked about the non-Alerted 3♥ bid in a live auction we might be here deciding a different matter: whether North should be permitted to balance. As for upgrading N/S's +50, while that may be permissible in the WBF (under Law 12C3) to achieve equity, it is not permissible in the ACBL. Here one either adjusts N/S's score to "the most favorable result that was likely had the irregularity not occurred" or leaves them with the table result. And if one *were* to upgrade N/S's score, an artificial assignment of Average would not be acceptable; an actual bridge result should be assigned. Finally, as Bart and I have already argued several times (see CASES TWENTY-NINE and THIRTY-THREE), PPs need to be reserved for repeated or egregious infractions—not for inadvertent procedural irregularities, especially when the Alerting requirements

involved are not well-known, as here (see Jeff's comment above).

Stevenson: "It seems that educating players in the simple legal requirements should not be impossible, even for Flight B. While I have doubts about whether the Panel's decision is really legal it is certainly educational."

✍ In David's part of the world tournaments are smaller and less frequent, the regulations simpler, and tournament players more aware of their obligations under their regulations than in the ACBL. If you look up the ACBL Alert regulations (at acbl.org) you will see that the legal requirements are not so simple (especially those relating to doubles). Of course the obvious response to this is, "Then why not revise them so that they can be understood without a law degree?" My answer is, "We're doing just that." As they used to say in Brooklyn, "Wait'll next year."

The next two panelists seem to be confused about when to call the Director.

Cohen: "As soon as West passed 3♥, questions should have been asked and the Director called, who could have rolled the auction back to South and a proper bridge result obtained. Even South could have called the Director at that time if he sensed a failure to Alert a non-forcing 3♥ bid (Law 9A1). A good job by the Panel."

Endicott: "The time to call the Director was when dummy hit the deck. Action by South is not especially likely, an additional club would help; but it is on the cards for North to protect in 3♣. The -400 for E/W is harsh; a PP may be considered an alternative."

✍ The time to call the Director was when N/S became aware of the failure to Alert (when North asked after her final pass, not after dummy hit). But North was not aware of the infraction until she asked her question and, as Ron points out next, even the sight of dummy's "magnificent 3-count with a fit" may not have triggered an awareness of the infraction. In addition, while a double of 3♥ by South was not clear, I would not go so far as to say it was unlikely. One can't afford to wait for the perfect shape (a fourth club!?) before acting over the opponents' preempts or they'll steal you blind. And the PP is wrong in the ACBL for the reasons already stated.

Gerard: "If the Director had been called before the final pass South could have changed his call, but of course there was no reason to call then. If the Director had been called upon awareness of the infraction, South could not have reconsidered his pass because his partner had subsequently called. So the Director Panel needs to firm up their understanding of the laws. I suppose there is a point: if North was considering balancing she should have asked before passing, then preserved the full range of N/S's options by calling the Director. As it was, N/S may not have understood why they needed to call the Director before the dummy hit but they did. It was just too tough to determine that they were damaged by making calls based on MI once they saw that magnificent 3-count with a fit shower down."

✍ To be fair, the write-up says that if N/S had called the Director when they first became aware of the infraction, "The Director could have determined that based on new information, South could have reconsidered his pass with all the risk that entailed." I read this to mean that the Director could have asked South away from the table what he would have done if he'd known that 3♥ was non-forcing (before he saw the entire deal). Thus, the write-up doesn't imply that South would have been allowed to change his final pass. It says he could have been allowed to state a new action (i.e., "reconsider his pass") while the hand's mysteries were still unknown (i.e., "with all the risk that entailed"). This would help the Directors adjust the score (not back up the auction to South, since it would have been too late for that) if that was later thought appropriate. There is simply no evidence that the Panel didn't know the laws, and to suggest otherwise seems unduly pejorative.

CASE THIRTY-SEVEN

Subject (MI): Had She But Known

Event: Flight A/X Pairs, 18 Mar 00, Second Session

Bd: 23 Sue Torrey Dir: South ♠ 732 Vul: Both ♥ A109 ♦ Q86542 ♣ A Elizabeth Dressler Frank Aquila ♠ AQJ954 ♠ K106 ♥ Q6 ♥ J54 ♦ A ♦ K10 ♣ 9643 ♣ KQJ108 Carole Weinstein-Gorsey ♠ 8 ♥ K8732 ♦ J973 ♣ 752 <table style="width: 100%; border: none;"> <tr> <td style="width: 25%;">West</td> <td style="width: 25%;">North</td> <td style="width: 25%;">East</td> <td style="width: 25%;">South</td> </tr> <tr> <td>1♠</td> <td>Pass</td> <td>2♣</td> <td>Pass</td> </tr> <tr> <td>2♠</td> <td>Pass</td> <td>4♠</td> <td>Pass</td> </tr> <tr> <td>4NT</td> <td>Pass</td> <td>5♦(1)</td> <td>Pass</td> </tr> <tr> <td>5♠</td> <td>All Pass</td> <td></td> <td></td> </tr> </table> (1) One keycard	West	North	East	South	1♠	Pass	2♣	Pass	2♠	Pass	4♠	Pass	4NT	Pass	5♦(1)	Pass	5♠	All Pass			
West	North	East	South																		
1♠	Pass	2♣	Pass																		
2♠	Pass	4♠	Pass																		
4NT	Pass	5♦(1)	Pass																		
5♠	All Pass																				

The Facts: 5♠ made five, +650 for E/W. The opening lead was a small diamond. The Director was called after the hand was played and the cards were back in the board. E/W had a Key Card auction that was not post-Alerted. The Director ruled that the failure to post-Alert had not precipitated the diamond lead and allowed the table result to stand (Law 40C).

The Appeal: N/S appealed the Director's ruling. North said that she was surprised that no ace appeared in dummy and realized immediately that she would have led differently. She argued that the ♥A lead would have been easier to find if she had been told that a RKCB auction had occurred, since the likelihood that declarer would have more of the outstanding kings was greater if an ace was in dummy. If she had known that dummy might not have an ace she would have been less worried about setting up declarer's ♥K by leading the ♥A. N/S played RKCB

themselves. North said that her experience was that everyone in Flight A post-Alerts RKCB; South said that she calls the Director on the very infrequent occasions when they do not. North said she saw no reason to look at the convention card since she was so sure she would have been Alerted if it had been appropriate. E/W played 2/1 Game Force and a jump to 4♠ in the present auction weaker than a 3♠ bid. East, while assuming blame for not Alerting, maintained that 90% of pairs in Flight A play RKCB and that two of the five pairs who had used RKCB against him that day had not post-Alerted. He said he always looks at the convention card himself. He also thought that a diamond lead in the absence of a double of 5♦ by partner was anti-percentage. West was unaware of the regulation that RKCB requires an Alert at the end of the auction, before the opening lead; East said he was aware of this requirement but was not sure if as dummy he was permitted to speak up. Some conversation about their being no ace in dummy apparently occurred when dummy was faced. E/W didn't remember this but didn't deny that it could have happened.

The Panel Decision: The Panel consulted three players. All agreed that the choice of opening lead in this case did not appear to be related to what the 5♦ response showed. All thought it was unreasonable for a player who believed that it mattered to their lead not to check before leading, since announcements of RKCB are at best sporadic and the convention so commonly played. Law 40C states, "If the Director decides that a side has been damaged through its opponents' failure to explain the full meaning of a call or play, he may award an adjusted score." The Panel did not

think the standard for an adjustment under this Law was met. If an experienced North was so sure, upon seeing dummy, that her lead would have differed it seems reasonable that she would have called the Director immediately. Law 9B1 requires that the Director be summoned when attention is drawn to an irregularity. The longer the elapsed time between the knowledge of an infraction and a claim of damage, the less likely it is that a player's action(s) truly would have differed. Knowledge of the (poor) result of a bridge decision makes it difficult for any player to be unbiased in estimating what they might have done differently. Even if the Director call had been timely, the Panel did not think a score adjustment would have been warranted. North's bridge argument was insubstantial and her failure to ask a question or look at an E/W convention card if she believed it mattered to her lead was unreasonable. Therefore, the Panel decided that the table result of 5♠ made five, +650 for E/W, would stand. In addition, since none of the Panel members thought this appeal had substantial merit an AWMPP was assigned to N/S.

DIC of Event: Susan Patricelli

Panel: Matt Smith (Reviewer), Mike Flader, Ron Johnston

Players consulted: Doug Heron, Kay Schulle, Haig Tchamitch

Directors' Ruling: 97.0

Panel's Decision: 99.0

I really like the Panel's style here, and so do the rest of the panelists.

Bramley: "Death Wish IV. Here we see yet another pair who want to be skewered by the Panel and again, for posterity, by the casebook commentators. Just when I think that I've already seen the pettiest, the whiniest, the most blatantly obnoxious appeal ever, another contender sinks to the occasion. This was one of the most richly deserved AWMPPs of all time."

Cohen: "Everybody right-on except North. East was a little sleepy."

Endicott: "Everybody except North is on the ball."

Gerard: "Yippee. Better than 'okay.'"

Polisner: "Good all around, especially the AWMPP."

Rigal: "Excellent work by the Panel, including the AWMPP."

Wolff: "Wonderful decision including the AWMPP, although E/W should try and Alert their RKCB."

Stevenson: "The basic ruling and decision are correct. North was playing at being a Bridge Lawyer: Having found the wrong opening lead she thought she would try for a soft Director or Panel. However, as I commented in CASE THIRTY-SIX, it should be possible to educate players in the simple rules and a small PP for E/W from Director or Panel might help them learn their responsibilities in the future."

Sorry, David, but we *still* don't use PPs this way.
And now for today's installment of...(organ music)... True Confessions.

Treadwell: "N/S got their AWMPP the old-fashioned way—they earned it! I must confess that I seldom post-Alert RKCB and it is seldom Alerted by my opponents. This bid is so common today that I believe it should be removed from the Alert list. If not, I guess we should Alert Stayman and takeout doubles as well. Better yet, make old-fashioned Blackwood an Alert since so few players use it today."

CASE THIRTY-EIGHT

Subject (Played Card): The Shifting Tongue Of Time
Event: Stratified Senior Pairs, 11 Mar 00, Second Session

Bd: 17	♠ AK653		
Dlr: North	♥ 74		
Vul: None	♦ A942		
	♣ Q4		
♠ 10		♠ QJ842	
♥ Q2		♥ AK1086	
♦ K85		♦ J7	
♣ AK109832		♣ 5	
	♠ 97		
	♥ J953		
	♦ Q1063		
	♣ J76		
West	North	East	South
3♥	1♠	2♥	Pass
	All Pass		

The Facts: Against 3♥, the ♠9 was led and the end position in the diagram below reached:

	♠---		
	♥---		
	♦A9		
	♣---		
♠---		♠Q	
♥---		♥K	
♦K8		♦---	
♣---		♣---	
	♠---		
	♥---		
	♦Q6		
	♣---		

South, on lead, led the ♦6. Dummy heard “(mumble) diamond” and separated the two cards but did not pick up either or put one in a played position. North thought declarer had called “diamond” and thought dummy’s separation of the eight from the king was putting the eight in play, so he played the ♦9. Declarer, believing he had called for the ♦K and seeing that he had won the trick, discarded his good spade. When the disagreement over what had happened surfaced, the Director was called. Declarer (East) said if North had covered the ♦K with the ♦A he would have trumped and won the last trick with his good spade. The Director ruled that dummy had played a card that declarer did not name (Law 45D). Therefore, the law allows the play of the king. North was allowed to change his play to the ace and declarer was allowed to change his play to the ♥K. The contract was assigned as 3♥ made three, +140 for E/W.

The Appeal: N/S appealed the Director’s ruling. In screening, all four players agreed that the ♦K had not been called. They all agreed that declarer had called for either a diamond or a low diamond. N/S believed that declarer had made an error in playing from his own hand based on his misunderstanding about which card had been played by dummy. He was not then entitled to change his play once he had made that mistake. Declarer believed that both tricks should belong to him since both cards in his hand were high and he would never have played as he did unless he believed his hand was high.

The Panel Decision: Since there was no longer any dispute about the incomplete call of the card from dummy, the Panel thought it was right to apply Law 46B2, which says, “If declarer designates a suit but not a rank, he is deemed to have called the lowest card of the suit indicated” (“except when declarer’s different intention is incontrovertible”; Law 46B). Since this did not provide for changing the card played by dummy, the trick stood as played. The contract was changed to 3♥ down one, +50 for N/S.

DIC of Event: Jim Chiszar
Panel: Matt Smith (Reviewer), Mike Flader (scribe), Sol Weinstein
Players consulted: none reported

Directors’ Ruling: 62.2 **Panel’s Decision:** 87.8

✍ In words of one syllable, “Ugh!”

A number of panelists suggest a foolproof solution for this type of problem since, as we all know, s—t happens. (Sorry, I couldn’t resist.)

Bramley: “Since declarer did not simply claim by putting his two cards face up on the table, he cannot be given the benefit of the doubt about anything else. Maybe next time we can see a case involving a disputed play in a *one-card ending*.”

Gerard: “How many times do we have to tell you? Just claim and get the hand over with. Barring that, throw high cards, hold low cards. You don’t do either of those, I don’t feel your pain. You can’t get credit for an overtrick when the opponents have book.”

Brissman: “Good decision. This was East’s fault for playing to trick twelve at all, he should have simply faced his hand and said ‘I’m good.’”

Endicott: “O learned judge! East should have made a safety play: upon the lead, claim with the cards in the closed hand.”

✍ One panelist is either confused or doesn’t believe what he read...

Patrias: “All four players agreed that declarer did not call the king? Didn’t the declarer tell the Director that he called for the king? Did he later recant? Something is missing here.”

✍ Well, the write-up says declarer “believed” he had called for the king during the play but apparently he recanted his belief during screening. Go figure.

Others who are more “law-oriented” cite the correct application of the law...

Cohen: “The Director applied the law to the facts as he understood them. The Panel had the time to sort out the facts and give *the* proper legal ruling.”

Stevenson: “The Panel has applied the law perfectly. Did the Director believe that declarer actually called for the king?”

✍ Another “law-type” also cites the correct application of the law...but admits to his heart being in another place.

Polisner: “This is a very harsh, but probably a legally correct, result. Apparently declarer had some doubt about his hand being good evidenced by: (1) his failure to claim; and (2) his belief that it could be right to play the ♦K from dummy. I surmise that he wasn’t sure if there was still a trump outstanding or, less likely, that the ♠Q was high. This conclusion, coupled with the fact that he believed that he may have called for the ♦K, whereas in screening he agreed that he had not, leads to the inescapable result of down one if Law 46B2 is applied. In my heart, I would have ruled as did the Director.”

✍ The next two panelists either don’t understand the laws, think they know better, or think it proper for us to rule the game by our personal sense of justice rather than according to the laws.

Rigal: “Simple equity should apply in a position where declarer has the rest (and

knows it) and the facts are so disputed that no one can make sense of them. Whatever the fancy points of rhetoric applied by the Panel, any ruling except E/W +140 is a travesty. Until Panels and Committees start applying a little common sense from time to time we will get these absurdities cropping up far too often.”

Wolff: “Ridiculous decision. Any way this problem is sliced should come up with the same answer, both tricks to the declarer. If a Director or Committee or Panel can possibly allow ‘bridge’ to rule, then it must. Nothing else needs to be discussed.”

☞ That last “bridge” was obviously intended to be interpreted as “bridge-justice,” since there was no clear “bridge” result at the table.

These last two panelists’ deserve further comment, especially as my lead-in to them may seem unduly harsh. It was not intended that way, but in retrospect I have no strong objection to those who choose to interpret it as such. I, too, think the correct (and legal) decision in this case is ugly. (That’s what I meant earlier by “Ugh!”) But to decide otherwise the laws would need to be changed.

When we disagree with the word (and intent) of the laws, we cannot simply ignore them and make whatever decision suits us. The job of Appeals Committees is to apply the laws fairly and accurately *as they were meant to be applied*. We are law enforcers, not law makers (although some of us serve in both capacities, albeit in different contexts), and as such we are bound to carry out our duties as the law prescribes. If we don’t like it, then we need to change the laws in the appropriate forum—the ACBL Laws Commission or WBF Laws Committee—, but not in an appeal hearing.

Why not apply our own sense of justice when the law seems deficient? For one thing, because we don’t all agree on what is just in all situations, as regular readers of these casebooks can attest. By applying our own individual senses of justice to each case we end up spraying random decisions over the bridge landscape, insuring that we will never achieve uniformity. For another thing, because we weren’t given the right to do that; not by the laws, not by the sponsoring organizations, and surely not by any “higher authority.” No one made us above the laws and regulations. We lessen our positions when we presume to possess that right.

As for changing the laws, that must be done with care and study. However absurd the laws may seem at times, they were written that way for a reason. We may decide that reason is no longer valid, or that it was not well enough thought out, or that some special situation was not recognized as being an exception, but before we make any changes we must make sure that we understand what that original reasons were. For example, let’s take Barry’s stricture that “Simple equity should apply in a position where declarer has the rest (and knows it) and the facts are so disputed that no one can make sense of them” and apply it to the present case.

Did declarer know that he had the rest of the tricks? If he did, then as several panelists suggested, why didn’t he simply claim (or place his two remaining cards on the table)? Since it didn’t matter which card declarer played from dummy (he could have played the king and if it held, trumped it, and claimed the last trick with his good ♠Q), the fact that he chose to call a card and then worry about what RHO played and what to play from his own hand suggested that he had lost touch with the hand. By his own admission (in screening) he didn’t know which card he called (he first claimed he thought he had called the king, then later recanted and admitted he called for a “diamond” or a “low diamond”), so even in this relatively simple case we don’t agree whether declarer knew he had the rest of the tricks.

Next, are the facts so disputed that no one can make sense of them? I don’t think so. Dummy heard “(mumble) diamond” and North thought he heard “diamond.” Declarer told the Director he thought he called “diamond king” but no one else heard the word “king” and declarer later recanted. In fact, at screening there was agreement that declarer had not called the king but rather called either “diamond” or “low diamond.” On that set of facts, given that North and declarer both followed to the trick properly, the law is clear: a low diamond was played from dummy and the trick stands as played. So “simple equity” fails on both accounts.

Next let’s consider how we might change the laws to avoid problems of this sort *without creating a whole new set of problems*. Barry’s suggestion clearly requires subjective judgments of the sort that gave rise to the infamous “Oh, s—t” decision from Vancouver. (By the way, did anyone else notice that Wolffie was on the other side of that case, CASE THIRTY-SEVEN, both as an opponent at the table and as a supporter of the “a card laid is a card played” position, while here he takes the “what’s right is right” position?) How do we know that declarer “knew” he had the rest of the tricks? If he knew, then why didn’t he claim or just ruff the penultimate trick? Until we can specify objectively and precisely just how such judgments are to be made, we will be in no better position than we are now. We will have simply substituted a different, equally unacceptable, set of problems for the current ones. The phrases “The grass is always greener…” and “Out of the frying pan and into the fire” come to mind.

There is a movement afoot, which has received significant support from both the ACBL Board of Directors and members of our Laws Commission (including Jeff, who is the prime mover), that the next revision of the laws should adopt the “a card laid is a card played” principle in every aspect to which it can reasonably be applied. If this approach is adopted, Barry’s and Wolffie’s view would be stillborn, as it goes directly against this principle. And just to demonstrate how difficult it is to anticipate what hidden implications any change in the laws may have, Wolffie is one of those who have offered support in recent Laws Commission meetings for the “card-laid” approach. I’m guessing he might change his vote after reading this.

One more thought. Suppose that early in the play of a different hand LHO leads a diamond and declarer mumbles “#%& diamond” with the ♠AQ in dummy. RHO knits his brow and asks, “What?” Declarer now suspects (and rightly so) that RHO has a choice of plays (otherwise he would have just followed low) and he now clarifies his call, “Ace,” then runs a double squeeze to make the contract no matter who holds the ♠K. Wasn’t it clear that declarer must have known all along that he could make his contract no matter where the ♠K was? Right! Clear to whom?

Shouldn’t a card “said” be a card played? Should the laws, wherever possible, avoid requiring complex, subjective judgments to apply correctly? Isn’t it worth an occasional harsh-seeming ruling so that everyone knows their responsibilities before they sit down, and what the consequences will be if they screw up? Isn’t simpler better? We can still allow corrections of *mechanical errors*, provided they are caught immediately (i.e., “in the same breath”). Think about it.

CASE THIRTY-NINE

Subject (Played Card): Intentional Versus Inadvertent: Round Two
Event: NABC Open Pairs II, 16 Mar 00, Second Qualifying Session

Bd: 4	Kyle Larsen		
Dlr: West	♠ Q1054		
Vul: Both	♥ 1065		
	♦ KJ53		
	♣ 105		
John Ross			Walter Sobol
♠ A6			♠ KJ
♥ KJ43			♥ Q87
♦ 987			♦ Q42
♣ QJ76			♣ K9832
	Chip Martel		
	♠ 98732		
	♥ A92		
	♦ A106		
	♣ A4		
West	North	East	South
Pass	Pass	Pass	1♠
Pass	2♠	Pass	Pass
Dbl	3♠	All Pass	

The Facts: Against 3♠ the opening lead was the ♠A. At trick eleven the following cards remained:

♠---		♠---
♥---		♥Q
♦KJ		♦Q
♣10		♣K
♠---		♠---
♥K		♥9
♦---		♦6
♣J7		♣4

According to South, he detached the ♣4 from his hand, intending to lead the ♦6, and as it was heading towards the table he noticed his error and in trying to

put the card back he dropped it on the table. E/W maintained that declarer played the card before he noticed his error, then tried to correct it. Law 45 says a card is played by declarer when on or nearly on the table. The Director ruled that the ♣4 was a played card (Law 48A) and assigned the result of 3♠ down two, +200 for E/W.

The Appeal: N/S appealed the Director’s ruling. South said that during his selection of a card to play he realized the ♦6 had metamorphosed into the ♣4. He attempted to pull the ♣4 back but in the process it landed on the table face up. Both East and West said that the ♣4 was played, not dropped, and that declarer had then said, “Oops.” (South told the Committee that he was appealing the ruling only because the Director had told him that he was considering changing it, but could not do so without consulting E/W, who he could not locate.)

The Committee Decision: The Director had determined the facts and applied the laws correctly. That being so, the Committee could see no reason to try to bring the play of the ♣4 under Law 48 rather than Law 45. [As an aside, on consultation with the Directors the Committee learned that it was their opinion that any card “selected,” even inadvertently as here, is played. To come under Law 48 the Directors believed that a card must make its way to the table by accident.] No AWMPP was considered due to the complexity of the application of Laws 45 and 48.

DIC of Event: Henry Cukoff
Committee: Barry Rigal (chair), Lowell Andrews, Simon Kantor, Becky Rogers, Robert Schwartz

Directors’ Ruling: 80.7 **Committee’s Decision: 87.0**

✍ The description of Law 45 in The Facts section is sloppy and wrong. Law 45C2 says: “Declarer must play a card from his hand *held* face up, touching or nearly touching the table, or maintained in such a position as to indicate that it has been played.” The operative word here is “held.” The fact that the card is “on or nearly on” the table is not, by itself, relevant. The declarer must *hold* the card in such a position—in other words, be in control of it. The following panelist has correctly identified this error.

Stevenson: “The written record misquotes the law in one very important particular: Law 45C2 says that a card must be played when it is ‘held’ face up, touching or nearly touching the table, or maintained in a position as to indicate that it has been played.’ No card dropped by declarer ever becomes a played card. In fact, Law 48A says this. The further comments by the Directors are very revealing, suggesting ignorance of the law. Nothing in Law 45 means that a card need be played once selected. A card may be changed, whether inadvertent or not, if it is not played according to Law 45.

“In the actual case we have little idea what the correct decision is since the write-up does not mention the determination of facts. However, the failure of the Directors to understand the law means that the Appeals Committee need shoulder no blame if the decision was wrong.

“To sum up, no card of declarer’s need be played unless it is held in the prescribed way or placed on the table. A card that need not be played may be changed freely; inadvertency is not relevant.”

Cohen: “On re-reading Laws 48A and 45C2 there is a question as to when a card becomes a ‘played card.’ While I won’t argue too strenuously with the Committee that heard the facts in the case, based on the write-up I disagree with the decision. I pose the following question: If I remove a card from my hand and am holding it without going near the tabletop, and it inadvertently slips out of my hand, do we rule that it was ‘maintained in such a position as to indicate it has been played?’”

✍ Since the Committee is obliged by law to abide by the Directors’ interpretation of the laws (unless they seek an interpretation from the Laws Commission, which is typically only done when the Directors indicate doubt about how to interpret or apply the law in the circumstance), it seems the bone Ralph wishes to pick is with the Directors and not the Committee. It appears that the Directors believe the answer to Ralph’s hypothetical question is “Yes.” I believe the laws say “No.”

As David pointed out, Law 48A says, “Declarer is not required to play any card dropped accidentally.” In addition, Law 45C2 says that the card must be “held face up, touching or nearly touching the table” to be considered played. So the entire crux of this case is whether (a) declarer dropped the card while trying to retract it but before he held it face up, touching or nearly touching the table (if the card was *released* onto the table it was played, regardless of whether declarer then noticed it was the wrong card), or (b) whether he played it and only then noticed it was the wrong card. This issue was never really resolved except that the table Director (probably after consultation) ruled that the card was played. But given the obviously questionable grasp of the laws demonstrated in the write-up, that ruling is suspect.

Polisner: “In order to decide whether to apply Law 45 or 48A (which superficially appear to be in conflict), a factual determination must be made as to whether Declarer ‘accidentally dropped’ the ♣4, in which case 48A would allow it to be retracted, or whether he ‘played’ it. Intuitively we would all believe the former assuming that Chip had not all of a sudden gone senile. This determination should be similar to the claim law which allows consideration of the skill of the declarer as part of the analysis. In this case, the factual determination was decided and thus the correct law was applied.”

Endicott: “The word ‘inadvertent’ in 45C4b applies to the designation of a card. The relevant question here is about ‘accidentally’ (see Law 48A). If the accounts of the defenders are believed, this was no accident. Right answer, wrong subject.”

☞ Let’s hear from the two panelists who were actually at the hearing.

Brissman: “I observed this hearing. Perhaps because South had difficulty in attempting to re-enact how the card had dropped from his hand, the Committee concluded that no drop had occurred.”

☞ Perhaps if South had employed an actor or card manipulator to demonstrate in his behalf the Committee would have decided otherwise?

Rigal: “The AWMPP issue was considered but discarded, perhaps prematurely. But as it transpired there were reasons why South felt that the Directors were not sure of their ruling. Whether or not he was right in those beliefs, that was the reason that he brought the appeal. This only came out after the decision but it reinforced my view at the time that the complexity of this area of the rules meant that an AWMPP was not appropriate.”

☞ I agree with declarer; I too feel the Directors were not sure of their ruling. Alert! There’s a joker (or three) in every pack...

Bramley: “Declarer used an improper statement when he dropped his card. Obviously, if he had said ‘Oh s—t!’, he would have been allowed to change his play. Also, observe that this declarer, like the one in the previous case, would have done better to face *all* of his cards!”

Gerard: “‘Oops’ doesn’t cut it in Appealsville. Stronger language is necessary.”

Wolff: “Agree with no comment. Reminds me of ‘All in the Family.’”

☞ Our final panelist offers a suggestion to opponents in these situations to which I fully subscribe.

Treadwell: “Why didn’t declarer simply claim as the ♣4 was hitting the table? I suppose the Committee applied the laws correctly here, but, had I been an opponent, I would have conceded the last three tricks to declarer. This time, taking advantage of a technicality got E/W something.”

☞ Yeah, their names in lights—foot(-in-mouth)lights!

CASE FORTY

Subject (Claim): He Claimed To Be On Top Of Things

Event: Flight B/C/D Pairs, 18 Mar 00, First Session

Bd: 31	♠ Q108432		
Dlr: South	♥ A5		
Vul: N/S	♦ 1042		
	♣ A10		
♠ J65		♠ K	
♥ 1094		♥ KQ763	
♦ KQ		♦ J973	
♣ KJ742		♣ Q95	
	♠ A97		
	♥ J82		
	♦ A865		
	♣ 863		
West	North	East	South
			Pass
Pass	1♠	Pass	2♠
All Pass			

The Facts: Against North’s 2♠ contract the opening lead was the ♦3, ducked to West’s king, and the club switch won with the ace. Declarer played five rounds of trumps and then led the ♦10, covered by the jack and ducked to West’s queen. When West cashed the ♣K, the following N/S cards remained:

♠ 3
♥ A5
♦ 4
♣ ---
♠ ---
♥ J
♦ A8
♣ 8

While West was on lead, North faced his hand and said he had the rest of the tricks. West said, “Do you have a diamond?” North said yes and East contested the claim, showing concern in the diamond suit. The Director was called and, after questioning the players, decided that North had not been given enough time to detail the claim before being interrupted by E/W’s objections. The Director believed that North’s intent from previous plays was evident and that North had expected it to be evident to E/W as well. The table was 2 minutes into the next round and the second board had not yet been played, so a time constraint existed. The Director ruled that the claim would be allowed and assigned the contract of 2♠ made four, +170 for N/S.

The Appeal: E/W appealed the Director’s ruling. E/W believed that North did have an opportunity to elaborate the claim statement and that his failure to do so was evidence that he thought the diamonds were good from the top. N/S believed that there was no opportunity for North to state his line of play the before E/W objected. North explained that his intent was clear.

The Panel Decision: The Panel consulted three expert players. The first thought the decision depended on whether North had the opportunity to fully state his claim. The second was concerned about the same thing. The third found the case difficult but leaned toward allowing the claim. The Panel considered how this case fit into the claim laws. Law 68C states, “A claim should be accompanied at once by a statement of clarification as to the order in which cards will be played...” Law 68D states that if a claim is “...disputed by any player... the Director must be summoned immediately... and no action may be taken pending the Director’s arrival.” Law 70A states, “In ruling on a contested claim, the Director adjudicates the result of a board as equitably as possible to both sides, but any doubtful points shall be resolved against the claimer.” Law 70D states, “The Director shall not accept from claimer any successful line of play not embraced in the original clarification statement if there is an alternative normal line of play that would be less successful.” “Normal”

is defined by the laws as including “play that would be careless or inferior for the class of player involved, but not irrational.” Finally, Law 70E (the last part of which is new to the 1997 Laws) states, “The Director shall not accept from claimer any unstated line of play the success of which depends upon finding one opponent rather than the other with a particular card... unless failure to adopt this line of play would be irrational.” The Panel found that North probably did have the opportunity to state his claim more precisely but the balance of the evidence from the previous play, the time pressure the table was experiencing, and the statement of the table Director (who thought that North’s intent was clear after questioning him and finding that he readily restated the sequence of plays and his reasons for them) all indicated that this was a poorly worded claim by a player whose mind was clear on what he planned to do. Prior to the wording change of Law 70E in 1997 this decision would have been different, but under the current Law 70E the Panel thought that the failure of this North to finesse the $\diamond 8$ given his state of mind would have been irrational. The Panel allowed North to take the last four tricks and assigned the result of 2♠ made four, +170 for N/S.

DIC of Event: Candy Boughner

Panel: Ron Johnston (Reviewer), Susan Patricelli, Matt Smith (scribe)

Players consulted: Gary Cohler, John Herrmann, Colby Vernay

Directors’ Ruling: 76.7

Panel’s Decision: 77.7

✍ It would have taken no time at all for declarer to state, as he faced his hand, “I’m playing East for the $\diamond 9$.” Failing this, the claim should not have been allowed. The following panelists echo my sentiment.

Bramley: “I disagree. If North was good enough to know to finesse the diamond eight, he should have made some noise to that effect while claiming. After all, he did not have the rest in high cards and the diamond position was the only thing that mattered. Despite the fall of the diamonds up that point, this was *not* a proven finesse. Declarer had played cleverly, but West and East might have done him one better with KQ9 and J73 of diamonds.”

Brissman: “Declarer did not have an exact count on the hand at the time he claimed and allowing the diamond finesse is far from clear. It would not have been irrational or inconsistent with the play for diamonds to have been split three-three with West holding the \diamond KQ9 initially. Without declarer’s explicit statement that he intended to finesse, he should not have been awarded the trick.”

Polisner: “I disagree. I have advocated for several years that Directors and Committees are not interpreting the words ‘irrational’ and ‘careless’ correctly. Mistakes such as blocking a suit and mistaken play of certain card combinations should not be deemed as irrational. My definition of irrational would be playing trump from the bottom and jettisoning honors under honors. Anything less is careless.”

“In this case, there is no reason to believe that West did not start with KQ9 and East has made a very bad or very good play. How would the Director have ruled if the layout was as I suggest? What was reflected by the earlier play which made the finesse clear-cut? In my opinion, this is clear-cut under the laws that declarer having failed to state a line of play loses the trick.”

✍ The next two panelists struggled to find reasons to agree with the Directors’ ruling and Panel’s decision...and succeeded.

Cohen: “What was North’s statement to the Director when he was asked to re-state his claim (see Law 70B1)? Or did the Director ask for a re-statement of the claim? It is not clear from the write-up. Based on the consulted players’ opinions, the Panel

made the right decision, but I could make a strong case for E/W. Couldn’t East have originally held \diamond J73 and West \diamond KQ9? Hmm! Well, not likely in a Flight B/C/D event.”

Gerard: “Too bad North didn’t add ‘Not doing anything stupid.’ Then we could have had *deja vu* all over again.

“North had time to say ‘I have the rest’, so why couldn’t he have instead said ‘Finessing the diamond’? Maybe because the mind outraces the tongue more often than vice-versa. I assume that the change in Law 70E was intended to conform it to Law 70D, thereby treating unstated ‘finesse’ lines of play no more harshly than other incomplete statements. In other words, in either case was there a ‘normal’ alternative for the class of player involved? In this instance, that meant a declarer who ran five rounds of trumps to coax a diamond discard. Wouldn’t it have been mindless for that class of player to play West for \diamond KQ9, under the circumstances? He probably never even heard of Grosvenor. I think the Panel had a good grasp of the meaning of the law, so I’m not inclined to disagree with them. I suppose North could have mistaken the diamond eight for the nine, but I think the Panel’s explanation covers that.”

✍ The following panelists had no struggle at all.

Rigal: “As usual the claim to save time loses the Panel sleep. I agree with both the Director and Panel who believed North, based on his assertions and line of play.”

Stevenson: “Good ruling and decision. There is a distinction between a faulty claim and, as here, a faulty claim statement. It is not the intent of the law to penalize the latter.”

Treadwell: “Good decision by the Panel.”

Endicott: “Commonsense.”

✍ One lone Wolff thinks he is in the WBF, where his decision might even be legal. But in the ACBL it’s just so much “frontier justice.”

Wolff: “Unless I was sure declarer was planning to finesse I would give him the matchpoints for 3½ spades made. The first thing he should do is say *finessing* the diamond. Everything else plays itself. The players consulted were top drawer.”

✍ Unless I’ve misread The Facts, North said he “had the rest of the tricks.” That doesn’t sound to me like he didn’t have time to state his line of play. “I have the rest” is a stated line of play. If I were forced to claim in this situation (I personally would not, but I understand the time issue) the first words out of my mouth would be, “Finessing the $\diamond 9$ ” or “Playing East for the $\diamond 9$.” When there’s a trump out, a finesse to be taken, ruffing to be done, or any other work still uncompleted, saying “I have the rest” is unacceptable without an accompanying statement about how the work will be completed—and not just an afterthought. As several panelists pointed out, the diamond position was not proven and declarer could have mistaken dummy’s $\diamond 8$ for the $\diamond 9$. Given that, there’s enough doubt in my mind not to allow this claim.

Finally, unless the Director and Panel were prepared not to allow North’s claim if West held \diamond KQ9 and East \diamond J73 and declarer protested “But I never said anything about taking any finesse,” then they can’t allow this one. Since I do not for a minute think that any Director or Panel would ever force declarer to take the diamond finesse in the absence of any statement about a finesse, they simply cannot allow this claim without an immediate and explicit statement about a finesse.

Life’s tough and s**t happens!

CASE FORTY-ONE

Subject (Played Card): A Running Feud

Event: Flight B/C/D Pairs, 18 Mar 00, Second Session

Bd: 32	♠ A103		
Dlr: West	♥ AJ9		
Vul: E/W	♦ AK753		
	♣ Q2		
♠ K654		♠ 92	
♥ 1065		♥ 8732	
♦ Q1098		♦ J4	
♣ 54		♣ K9763	
	♠ QJ87		
	♥ KQ4		
	♦ 62		
	♣ AJ108		
West	North	East	South
Pass	1♦	Pass	1♠
Pass	2NT	Pass	4NT
Pass	6NT	All Pass	

The Facts: The opening lead was the ♠9. The Director was called during the play. At trick eight (declarer had previously led the ♣Q from his hand, king, ace and then said, “Run the clubs from the top.”), after the top three clubs had been cashed, declarer called for the ♥Q from dummy. The table Director, who was standing nearby because the table was 2 minutes into the next round, heard this statement. On the ♣10 West had thrown the ♥10, declarer the ♥J. When declarer called for the ♥Q, East said, “You can’t play that because you said to run the clubs.” The table Director did a quick consultation and told the declarer he was required to play dummy’s ♣8 because they were already 5 minutes into the next round. The score was originally

turned in as 6NT down one, +50 for E/W. When the table Director had a chance to review the play of the hand it was clear that declarer never intended to play the ♣8 if the ♠9 hadn’t dropped. (He could never have expected it to drop after clubs had only been played once.) Upon further review, it was decided that declarer should not have been required to continue playing clubs and he was allowed to play the ♥Q from dummy. Therefore, declarer had won twelve tricks and the contract was scored as 6NT made six, +990 for N/S.

The Appeal: E/W appealed the Director’s ruling and North did not attend the review. During the play of the hand the declarer had said that he was going to play clubs from the top. E/W believed that, after cashing the ♣AJ10, declarer should have to play the ♣8 as well. South believed that declarer should not be forced to play a card he knew not to be high when he had a winning line of play. (West had been squeezed in spades and diamonds.)

The Panel Decision: Declarer, in making the statement “Run the clubs,” had not claimed. According to one expert player consulted, the statement “Run the clubs” has no standing in law and declarer was free to play any card he wished. A second player consulted agreed, saying he believed declarer was aware that the ♣8 was not high. A third player consulted believed declarer should be forced to play clubs. He suggested that declarer may not have been aware of the situation. The result of the deal was assigned as 6NT made six, +990 for N/S.

DIC of Event: Candy Boughner

Panel: Mike Flader (Reviewer), Ron Johnston, Matt Smith

Players consulted: Curtis Cheek, Steve Garner, Chip Martel

Directors’ Ruling: 70.4

Panel’s Decision: 83.7

✍ First, I object to what was in essence an informal poll on how the laws should be interpreted. Second, one of the consulted players said that the statement “Run the clubs” has no standing in law and declarer was free to play any card he wished. I believe this was Chip and I know he was right. One of the laws bodies (the ACBL’s or the WBF’s, I forget which) discussed precisely this issue not too long ago and observed that the statement “Run the…” does not appear in the laws as a valid designation from dummy. (It seems that the expression is a carryover from rubber bridge.) Furthermore, even if dummy executes the instruction, the cards are deemed to be played on a trick-by-trick basis; declarer may stop it at any time *provided* he does so before the next card is detached by dummy and placed in a played position.

Our first panelist indicates that this is the same position that the WBF holds.

Stevenson: “In much of the world there is pressure to reduce appeals. Doing this requires players to have greater faith in Directors, and this type of case will not help. To require a player to take an action not in accord with the laws because he is running late is ludicrous.

“Furthermore, interpretations of this kind are not a suitable matter for Panels or Committees. They should be decided by the ACBL or the WBF Laws bodies. In fact, the WBF has stated that declarer is not held to a statement such as ‘Run the clubs’: bridge is played one trick at a time: I suggest that the ACBL should accept and promulgate this interpretation.

“I am surprised that E/W wanted to force the ♠8 play. Is this the way they want to win at bridge?”

✍ David’s last statement rings clear and true to me, but at the time E/W (and the Directors) believed they were within their rights to require declarer to play the ♣8. (Of course it turns out that they weren’t.) This is a problem. When an irregularity occurs (in CASE THIRTY-NINE, a card from declarer; in CASE FORTY, a claim; here, a designation from dummy; other examples include reviewing the previous trick after a player has turned his own card, asking for a review of the auction after playing to trick one; etc.), many of us feel, if we believe the player really knew what was going on, or when it is only a matter of timing (as with asking to review the last trick or the auction a few seconds too late) we would not press the issue, even if we are technically entitled to by law. But when the laws allow the opponents to assert their rights (in fact, some argue they are obligated to do so, since doing otherwise creates an un-level playing field), who are we to call them “unsportsmanlike” when they choose to do so? (Some *Bridge World* readers will recognize this as the lawful dumping issue in disguise.) The solution, of course, is for the laws to be rewritten so that this problem cannot occur.

Endicott: “Greedy defender was asking declarer to behave irrationally.”

✍ Next, how was it that declarer had twelve tricks? The write-up says that West “had been squeezed in spades and diamonds.” Is that possible? From the write-up the only way I can get to trick eight in the position described is if declarer played three rounds of spades and the ♥AK to the first five tricks, ending in hand, and then played the ♣Q to the king and ace before saying “Run the clubs.” Then the third club (the ten) would have been played at trick eight, as West and North pitched their last hearts (the ten and jack). But would the ♥Q then squeeze West?

It looks as if the ♥Q effects a spade-diamond guard squeeze on West, which in theory would not require rectifying the count. (If West pitches a spade, dummy’s last spade is good; if he pitches a diamond, declarer can sell a diamond to set up a twelfth trick there.) But the squeeze won’t work if West pitches a diamond since if declarer gives up a diamond to West, he’ll cash his ♠K, while if he gives one up to East, he’ll cash either the last heart or one or more clubs.

So did West mis-defend earlier? It’s hard to see how he could have, since he didn’t pitch until the third round of clubs and we’re told he pitched a (safe) heart.

Is the write-up inaccurate in some way? We can't tell. But if the play went as we've deduced, and if West still held the ♠K and ♦Q1098 at the point where the ♥Q was called, then the contract should have been down one in spite of the fact that declarer was allowed to play the ♥Q.

Several panelists question the squeeze and confirm the above analysis.

Bramley: "Our mystery declarers are pretty cavalier when it comes to eights and nines. (If I had been dummy I would have played the club eight anyway to teach partner proper dummy-calling technique.) Since our laws expert says that, in effect, declarer cannot call for several cards at once, then declarer must be allowed to play what card he wants at each trick.

"My problem with this hand is that I cannot construct a winning ending for declarer if the play went as described up to and including the play of the ♥Q. To squeeze West declarer must duck a diamond, avoid a diamond return, and then cash three rounds of spades, three rounds of hearts, and three rounds of clubs, ending in dummy. Declarer would hold ♦AKx and dummy would hold a spade, a diamond, and the ♣8. However, if declarer did not lead the ♣Q until trick *eight*, and if dummy still held four clubs and a heart at that time, then dummy could not also hold the spade and the diamond needed to work the squeeze. Maybe declarer led the ♣Q at trick *seven*. Anyway, I wouldn't let declarer take twelve tricks unless he showed me exactly how he was going to do it.

"I am bothered that declarer is not subject to liability for his statement. Are the other three players supposed to ignore such statements?"

✍ I am not as bothered by declarer's statement as Bart is. I view telling dummy to "Run the clubs" as a convenience. Declarer is, in effect, saying, "Play clubs from the top until I say otherwise." As long as this is understood as a modifiable plan and the "otherwise" is enacted in a timely fashion (before dummy detaches the next card), I am comfortable with the procedure and do not see it as creating a "liability."

Rigal: "The write-up is incomplete and unsatisfactory. Were the spades good? Declarer only has eleven obvious tricks if West refrains from playing the ♠K prematurely. It is hard to see on what basis the decision was made (had West been squeezed in the pointed suits?) but *if* declarer had the rest by cashing the ♥Q then the Panel decision is fine. The point about running the suit made by the Panel is correct to my mind."

Polisner: "There are not enough facts given to allow me to conclude whether +990 N/S is appropriate as I don't know what happened at trick one. Did West put up the ♠K? What was the position after the ♠10 was played? Had hearts or diamonds been played? Was there a squeeze available, or had it already operated? Normally you need to correct the count. What trick did N/S lose previously? In general, I would not require North to play the ♣8. If it was a suit like ♣AKQJ102 and declarer had played one or two rounds and found that the suit did not split and said 'run them,' I would require the play of the ♣2 believing that declarer thought it was good."

✍ West couldn't have put up the ♠K or declarer would have had twelve top tricks (once the club was covered).

Gerard: "Please, enough with these eights and nines.

"Don't understand the problem. Declarer ran the clubs from the top, then he did something else. As last time, guessing that declarer mistook an eight for a nine leads to the wrong result. Not a coincidence that it involved an element of mind reading."

Wolff: "Nothing against the decision but to me, would depend on the credibility of the declarer."

Patrias: "Poor procedure by the table Director. The expert should not be offering

his/her opinion on what the law says."

✍ Yes, the initial table ruling was seriously deficient. As I mentioned earlier, consulted players should not be asked for, nor should they offer, opinions on the laws. But one of *these* consultants was a Co-Chair of the ACBL Laws Commission. I guess we can make an exception in this case, can't we?

Another Co-Chair of the ACBL Law Commission seems to have a different idea of what the laws say on this matter.

Cohen: "In bridge parlance 'Run the clubs' means 'Play 'em all'. I have modified this statement on occasion by stating 'Run the clubs until I tell you to stop.' Maybe North had on his wrong glasses and thought the ♣8 was the ♣9. Remember the player with dyslexia? I am with the third consultant on this one."

✍ Ralph's interpretation of "Run the clubs" as meaning "Play 'em all" is his own personal opinion, and not to be confused with an official position of any of the Laws Bodies. But whatever one makes of this issue, the fact remains that the slam cannot be made, even if declarer is allowed to play the ♥Q in place of the ♣8. So both the original ruling and the Panel's decision were wrong—unless we have been given inaccurate or incomplete information about West's discards or the line of play taken by declarer.

The cases which follow are appeals decisions from the 2000 World Championships in Bermuda this past January. Keep in mind, while evaluating these decisions, that:

- (1) Law 12C3 is in effect in the WBF, allowing a Committee or Director (the latter was approved on a trial basis; it was expected that expert players would be consulted by Directors before making 12C3 rulings) to "...vary an assigned adjusted score in order to do equity." This means that a pair may be assigned a score based on an average (weighted by their judged likelihoods) of the various possible outcomes. For example, suppose a player huddles in a competitive auction and his side is doubled in 3♣ for -300. It is believed that without the infraction the opponents might have bid on to a successful game (4♥) but it is also possible that they might have stopped in 3♥. We decide to disallow the 3♣ bid and, for the offenders, assign them the score for 4♥ making (-620) under Law 12C2 ("the most unfavorable result that was at all probable"). As for the non-offenders, we judge that bidding 4♥ is not all that easy and therefore decide to assign them a split score under Law 12C3 ("to do equity"). We estimate that without the infraction there is a one-in-three chance that they would have bid 4♥ and a two-thirds chance they would have stopped in 3♥. (Assume, for simplicity, that the likelihood of their playing 3♣ doubled is negligible. Otherwise, we could factor that result into the computation.) So we assign the non-offenders one-third of the imps for bidding and making 4♥ (+620 impd against the result at the other table) plus two-thirds of the imps for playing in 3♥ making four (+170 impd against the result at the other table). If VP scoring is in effect, the assigned results for the two teams are used to determine their VP results separately. If the match was a KO, then the two results are averaged and reciprocated to the two teams.
- (2) The Conditions of Contest and "Regulations" (including the WBF's new Code of Practice for Appeals Committees) are different in the WBF than in the ACBL. In general, when these issues become pertinent to deciding a case the relevant information will be presented in the write-up.
- (3) The Chairman of a WBF Appeals Committee this year had only one vote (unlike in 1998 in Lille) unless there was a tie (in the case of abstentions), in which case he got a second vote to break the tie.
- (4) Appeals Committee members from different parts of the world have different procedures and/or perspectives on how to decide certain types of cases. Just because their frame of reference is different from ours doesn't automatically make us right and them wrong. (We may think that our way is better, but we should give their perspective a fair hearing.) Again, if such issues become relevant I'll try to provide a clear description of the "other" perspective.
- (5) The DIC of the tournament was William ("Kojak") Schoder (USA); his assistant (and the DIC for all World Transnational events) was Max Bavin (Great Britain). No additional details regarding the identities of the Directors involved in making individual rulings is available.
- (6) \$50 deposits for all appeals is still the WBF policy (to be forfeited if the appeal is judged without merit).

Note: WTOTC=World Transnational Open Teams Championship

Subject (Tempo): I Can See Clearly Now
Event: Bermuda Bowl, Round Robin, Match 4
Teams: New Zealand (N/S) versus Italy (E/W)

Bd: 1	Dwayne Crombie		
Dlr: North	♠ KQ1042		
Vul: None	♥ J		
	♦ 109876		
	♣ Q4		
Giorgio Duboin		Norberto Bocchi	
♠ J86		♠ 5	
♥ Q5		♥ 1062	
♦ KQ52		♦ J43	
♣ K1098		♣ A76532	
		Michael Cornell	
		♠ A973	
		♥ AK98743	
		♦ A	
		♣ J	

West	North	East	South
	Pass	Pass	2♣(1)
Pass	2♥(2)	Pass	4NT(3)
Pass	5♣(4)	Dbl	5♠(5)
Pass	6♠	All Pass	

(1) Strong: 8-9 playing tricks or 22-23 HCP balanced or both majors (18-23 HCP) or game force in hearts
 (2) 5+ spades; 8+ HCP
 (3) RKCB
 (4) 0-3 keycards
 (5) Break in tempo

The Facts: 6♠ made six, +980 for N/S. The opening lead was the ♣10. East called the Director when North raised 5♠ to six, stating that the tray had been on the S-W side of the screen for quite a long time before returning with the 5♠ bid. North agreed. The Director allowed play to continue. At the end of the play East recalled the Director who determined that South also agreed to the break in tempo over 5♣. North explained that at the time he bid 5♣ he was somehow under the mistaken impression that hearts was the implied trump suit and responded to show his zero keycards. When South bid 5♠ he realized that his spades were trumps and with one more keycard than he had shown (the ♠K) and good trumps (including the queen) he raised to 6♠. North further explained that this was the first board of the match and that he had not yet settled down. Due partly to his inattention, partly to his singleton heart and partly to the fact that in their system South's only game-forcing hand must have hearts he became confused and thought that 4NT was asking in hearts. He insisted that it was the 5♠ bid and not the tempo that cleared up his confusion. He also told the

Director that after the double he thought it was possible that the hesitation had been due to West thinking about a club sacrifice. The Directors consulted a number of players about whether passing 5♠ was a LA for North. All believed that pass was a LA and that North could not be allowed to bid on after a break in tempo. While divided in their opinions, after considering all of the evidence and the opinions of the consulted players the Directors decided to adjust the result for both sides to 5♠ by South making six, +480 for N/S.

The Appeal: N/S appealed the Directors' ruling. In response to questions from the Committee the following additional information was obtained. All players agreed that the tray was on the S-W side of the screen following the 5♠ bid (and double) for at least 1½ minutes and possibly for 2 minutes or longer. North, in settling in for the first match of the day, said he had become wrapped up in the various score cards he was responsible for and was not paying adequate attention to the bridge. Somehow, for reasons he did not fully understand and could not justify, he became

confused after South's jump to 4NT and thought South held a game-force in hearts and was asking for keycards with hearts as trumps. Thus, he made the "correct" response of 5♣ showing zero keycards. North and South were both firm and clear at the hearing that in their partnership the last bid (or shown) suit in general was assumed to be trumps when someone jumped to 4NT and in the present auction that suit was clearly spades. Only after South signed off in 5♠ did North realize that South intended spades as trumps all along. Thus, with his un-shown keycard and good trumps he raised 5♠ to six. South said he was thinking of several things during his deliberations. Initially, he did not see the double on his right and was thinking about what sort of hand North could hold with no keycards. He knew North's spade suit should be reasonable (at least ♠Q10xxx) and slam might still be a good bet. For example, North might hold good enough spades that the king could be finessed or he might not get a club lead, in which case even if there was an inescapable trump loser the club loser might go away on his hearts. Then, when he noticed the double, he had to reevaluate the situation. With the now-guaranteed club lead he decided against risking bidding slam.

The Committee Decision: The Committee members agreed that there had been a clear break in tempo which was far more likely to have been due to South than to West and which made bidding on with the North cards more attractive. However, they were somewhat divided as to whether pass by North was a LA. Several members believed that South's 5♠ bid alone was more than sufficient to clear up North's confusion, even without a break in tempo, and that North's extra keycard and good trumps (♠KQ10) made 6♠ a clear choice. Others thought that pass was possible by North since the 4NT bidder is in charge and his partner should not override his decision unless there is an overwhelming reason to do so—which they thought was not the case here. All members finally agreed that the fact that all of the players consulted and some Committee members thought pass was a LA made that the only defensible conclusion. The Committee adjusted the result for both sides to 5♠ by South made six, +480 for N/S.

The Committee made several important points for players to note regarding the decision in this case:

- (1) While it is entirely plausible that North had an aberration and thought that hearts were trumps, still, there are other possible explanations for his 5♣ response. For example, he might have thought spades were trumps and that 5♣ showed one keycard (e.g., that he was playing 1430 responses) or that he had bid 5♦ and not 5♣ (the break in tempo alerting him to his error). "Offending" players have the burden to provide very strong (perhaps overwhelming) evidence of the innocence of their actions. Here, reasonable doubt was left in Committee members' minds.
- (2) It is possible (likely, in the Chairman's opinion) that North's confusion about hearts being trumps was directly linked to his artificial 2♥ response. Players should be aware, when considering playing such methods, that the anticipated technical advantages are not entirely free. Such methods carry with them certain responsibilities, such as remembering, alerting and fully explaining them, and knowing when and how they apply in various situations. Players whose artificial conventions cause problems can expect little sympathy from WBF Appeals Committees when the problems are directly linked to such methods.
- (3) If N/S wished to justify their actions in the presence of a hesitation, compelling bridge reasons were needed. For example, what if, in the present case, South held, ♠ AJxx(x) ♥ AKQxxx(x) ♦ x ♣ x? Several Committee members suggested that South might bid 4NT with a hand like this, but that his break in tempo after the 0-3 keycard response made this sort of hand impossible and so invited 6♠. N/S said nothing to dispel this argument and it was their job to make their best case (most effective if made immediately to the Director at the table).
- (4) But the most important lesson for players, especially those in top world

competition, is that they are expected to consider the consequences of their actions before making their calls and plays. In Blackwood/Keycard auctions in particular, players should be prepared for reasonably anticipatable responses. South should have decided what he would do if North showed zero, one or two keycards before bidding 4NT and should not have needed to think at length after receiving a response. Of course the double, being somewhat unexpected, afforded South some additional leeway to consider the two extra options (redouble and pass) afforded him—but not as long as he took. If South wished to consider bidding a slam after a 5♣ response, then he should have worked that out before bidding 4NT. The time he spent considering this option was to a large extent responsible for this entire problem. North might have gotten away with his error if South had not huddled and South might have gotten away with his huddle if North had not erred, but only if both players had been more careful could this sort of problem have been avoided. In general, players can expect little sympathy from WBF Appeals Committees for tempo problems created through their lack of proper preparation, especially in Blackwood/Keycard auctions, which cause many of the tempo problems we have to deal with.

Committee: Bobby Wolff (chairman, USA), Rich Colker (USA, scribe), Ernesto d'Orsi (BRA), Anton Maas (NLD), John Wignall (NZL)

Directors' Ruling: 82.9 Committee's Decision: 80.0

✍ In case it didn't come across in the write-up, I was one of the minority who thought that North should have been allowed to bid 6♠. I did not write a dissenting opinion because I believed the key issue to be whether pass was a LA. Since several of the players consulted for the original table ruling and some Committee members thought pass was a LA, this clearly made pass a LA—even though I personally did not then and still do not think it is.

The panelists are split on this case. First, those who agree with the decision, beginning with the Committee's Chairman.

Wolff: "Understated. If sophistication is desired and implemented in a partnership's bidding then they must accept a special ethical responsibility to deal with it so that they never get the best of it ethically."

Gerard: "The right decision for the right reasons, but otherwise symptomatic of creeping tree waste. Trust me, experience is on my side.

(1) My sense is that 1430 has an American patent. The rest of the world seems to know or be less worried about the queen of trumps.

(2) Free advertisement for CD theories. I play an artificial 2♠ response to 2♣ and it wouldn't occur to me to think that 4NT over 2♠ was keycard in spades. Insulting to the appellants. [I agree.—*Ed.*]

(3) Too lenient. Allows for too much of the hated bridge lawyering. I think these cases are subspecies of '13 spades' (as in it's okay to bid with 13 spades). I admit to having a closed mind on this matter.

(4) Yes, I've argued for that before. Experts know this and we know that they don't always practice it, but we will insist on it anyway."

Cohen: "At World Championships, or at any level for that matter, it can almost never be an UI situation if a player thinks about his or her followup before asking a Blackwood question. The Committee got it dead right."

Rigal: "Sensible rulings by both parties. However the double of 5♣ allows South some leeway to my mind in tempo issues. Not a minute-and-a-half though. The right decision I think by the Committee, though some of the arguments seem overdone to me.

Stevenson: “Reasonable ruling and decision.”

✍ One panelist admits to sympathizing with N/S even though he supports the decision.

Treadwell: “I have sympathy for N/S in this RKCB situation but agree with the Committee’s reasoning. In Part 4 of the Decision section, the statement that players should be prepared for reasonably anticipated responses particularly in Blackwood/Keycard auctions is excellent. We should, perhaps, through articles and other means, try to make this concept better known among players.”

✍ The remaining panelists agree with me that North should have been allowed to bid the slam.

Polisner: “I admit that I would have voted to allow the slam. When the Blackwood responder denies an ‘ace’ and then discovers it, he should be permitted to carry on. I believe that North, for whatever reason, was responding as if hearts were trumps and when he realized that spades were trumps, he must be permitted to bid on with his hand.”

Bramley: “No, no, no. This case illustrates several themes on which I have harped repeatedly. First, interference during a Blackwood auction affords the Blackwood bidders extra time to consider their options. The Committee noted this point, but decided that South exceeded even the extra allowance for the interference. Second, screens provide more flexibility in the timing of delicate auctions. Once again, the Committee decided that South exceeded the guidelines. Third, a Blackwood responder who errs can correct his mistake. See my comments on CASE THREE and also the Vancouver Casebook precedent (CASES TWO and THIRTEEN) for allowing such corrections.

“Finally, a hesitation by one’s partner does *not* provide UI that one has erred. This last point is the real bone of contention. The Committee flatly comments on ‘the break in tempo alerting [North] to his error’. I strongly disagree with this line of reasoning. Players are not in the habit of examining their own bids for errors, no matter what else is happening at the table. For all of these reasons, especially the last one, the Committee should have let the table result stand.

“I disagree also with the contention that South’s hesitation guaranteed North that at most one keycard was missing. South might have been equally perplexed had he been missing three keycards instead of two, and he might have needed a little time to realize that if his partner had all three missing keycards for his 0/3 response, then his partner would surely carry on to slam over a signoff.”

✍ We (the minority) tried pretty much all of these arguments on the majority, with (the obvious) lack of success on display here. When will they ever learn?

CASE FORTY-THREE

Subject (Tempo): That’s Why We Use Screens

Event: WTOTC, Match 5

Teams: Bulgaria (N/S) versus Poland (E/W)

Bd: 1	Karaivanov		
Dlr: North	♠	Q432	
Vul: None	♥	9	
	♦	Q85	
	♣	AKJ43	
Puczynski	♠	Chveski	♠
♠ 9765	♥	♥	KJ108
♥ KQJ8	♦	♦	7542
♦ 96	♣	♣	J74
♣ 1092			♣ 75
	Trendafilov		
	♠	A	
	♥	A1063	
	♦	AK1032	
	♣	Q86	
West	North	East	South
	1♣(1)	Pass	1♦(2)
1♥(3)	Pass(4)	1♠	2♠(5)
Pass	3♣	Pass	3♦
Pass	3♠(6)	Pass	4♣(7)
Pass	4♦	Pass	4♥
Dbf	Pass	Pass	4♠
Pass	5♣	Pass	5NT(8)
Pass	6♣(9)	Pass	7♣
All Pass			
(1) Clubs or certain balanced hands			
(2) Transfer, showing 4+ hearts			
(3) Takeout (see The Appeal)			
(4) Shows clubs			
(5) Cue-bid			
(6) Likes diamonds			
(7) Likes clubs			
(8) Choice of suits (♣ or ♦)			
(9) Break in tempo			

The Facts: 7♣ by North made seven, +1440 for N/S. The Director was called to the table at the end of the auction. East stated that it had taken North about 15-20 seconds to bid 6♣ over 5NT. The Director adjusted the result to 6♣ by North made six, +920 to N/S.

The Appeal: N/S appealed the Directors’ ruling. In reviewing the auction for the Committee West stated that, although he had been Alerted to both the 1♣ and 1♦ bids, he bid without asking their meanings, intending 1♥ as natural. After passing the tray he inquired about the Alerts and learned that 1♦ showed hearts. He explained to his screenmate (South) that his 1♥ bid was intended as natural but would be explained as takeout on the N-E side of the screen. E/W told the Committee they believed that South’s 5NT bid could have been interpreted as Grand Slam Force (GSF) and that North’s hesitation suggested bidding 7♣. They believed that this was essentially a Hesitation Blackwood auction and thought South should not be permitted to override North’s decision. When asked again about the timing of North’s 6♣ bid East affirmed that it took 15-20 seconds (“No more, no less”). North said that his 6♣ bid was slow but perhaps not as slow as East suggested, maybe 10 seconds or so. N/S further denied that 5NT could have been GSF. First, it was not a jump (in their partnership, a jump was required

for GSF). South would have jumped to 5NT after his 4♥ bid was doubled if he had wanted to bid GSF. Second, interpreting 5NT as GSF made no sense in this auction. South cue-bid 4♠ and heard North sign off in 5♣. Since South learned nothing from North’s signoff that would have suggested investigating a Grand Slam—in fact quite the opposite—5NT could only be “choice of slams” at the six level. Finally, N/S pointed out that had West not been negligent with his 1♥ bid, North would have had a 4♥ cue-bid available over 4♣ to unambiguously show heart shortness.

(As it was, it could have suggested a 4♥ contract.)

The Committee Decision: The Committee noted several important points regarding the bridge issues and informational considerations from the tempo. Regarding the bridge issues:

- (1) Two suits were bid and raised by N/S during the auction so from South's perspective, the appropriate strain was unclear.
- (2) N/S's assertions that 5NT made more logical sense as choice-of-slams (rather than GSF) were accurate, although their argument was somewhat self-serving.
- (3) Had South wished to investigate a Grand Slam the path he chose (first asking North to choose the proper strain; then raising North's choice to seven) would be a logical one while other paths (such as re-cue-bidding 5♠) would have been more ambiguous.
- (4) North showed clubs *four* times in the auction (by passing 1♥, by bidding 3♣ and 5♣, and finally by choosing 6♣ when offered a choice of slams) for which ♣AKJxx seems a minimum holding. Given this, South can easily count thirteen tricks: one spade, one heart, five diamonds (assuming that North holds the ♦J or, if not, that the suit either splits three-two or the jack drops), five clubs and at least one spade ruff in the South hand.
- (5) North's holding ♣AKJxx is even more likely due to his failure to bid 3NT over 3♦, as he would have done with denser spades (e.g., ♠KQxx) and correspondingly weaker clubs.
- (6) North had minimum high-cards, club length and fit for South's suits, making it unlikely that he was thinking seriously about bidding a Grand Slam. Thus, he was more likely to have been deciding between minors for the six level.
- (7) West's negligence with his 1♥ bid may have contributed to some unknown extent to N/S's problems in the auction.

Regarding the tempo issue:

- (1) All WBF events were being conducted under the new (1999) *WBF Code of Practice* which provides, in part, that behind screens, "It is considered there can be no implications if a tray returns after 15 seconds or less. This period may be extended in the later stages of a complicated or competitive auction without necessarily creating implications." By all accounts, North's 6♣ bid was made within the time frame specified by the COP. Thus, there should be no finding of UI. While the Committee was concerned that the COP has not been formally announced to the players in this event (the WTOTC), according to the WBF's stated intentions and the Chief Tournament Director's instructions the COP was nonetheless presumed to be in effect for *all* events in Bermuda. (Also, it was noted that the COP had been available on the Internet for some time and had been disseminated by the WBF to all NCBOs well before the tournament began.) More generally, even had the Committee found that the COP was not in effect, the fact that this was the *eighth round* of a complicated and competitive slam auction suggested being more lenient about breaks in tempo.
- (2) It was not clear that there was a true break in tempo here. Much of the auction prior to North's 6♣ bid, especially after the auction turned competitive, must have proceeded at a deliberate pace. Thus, the putative 15 seconds or so the 6♣ bid took may not have been significantly slower than the rest of the auction. While North's thinking may have been obvious to East (perhaps from his facial expression, body language or other indicators), that is not a consideration behind screens where such information is not transmitted to one's partner. A call cannot be taken in isolation and judged to be "out of tempo" merely because the player thinks for a time behind screens. The time to return the tray must be significantly longer than what is normal and expected for the context of the auction and

must be unambiguously attributable to a specific player.

For these reasons the Committee was not convinced that a break in tempo occurred—either in fact or under the COP. Moreover, even if it did occur it seemed unlikely that it conveyed useful information to South that was not obvious and authorized from the auction itself. Therefore, the Committee restored the table result of 7♣ by North made seven, +1440 for N/S.

The Committee wished to make two further points regarding this case and its implications. First, the Directors' adjustment of N/S's score seemed out of keeping with the conditions of contest (in particular, the COP) and their decision to adjust the score to +920 rather than +940 seemed rather odd, since North would have made thirteen tricks without any jeopardy to his contract. Second, even though no score adjustment was made by the Committee, players should be aware that hesitations in slam auctions always involve risk. While it is rarely possible to make difficult calls quickly, it is always possible to make easy calls deliberately. This has the beneficial effect of giving one's screenmate less useful information and additionally produces a more even tempo, avoiding conveying UI across the screen. (And it works even better without screens!) Also, the WBF states in the COP that it "...considers it desirable that players should vary the tempo randomly when returning the tray under the screen." This acts effectively to further reduce the possibility of transmitting UI to partner.

Committee: Bobby Wolff (chairman, USA), Rich Colker (USA, scribe), Jean-Paul Meyer (FRA)

Directors' Ruling: 53.7 Committee's Decision: 97.9

✍ If it hasn't already been said in the write-up, then it probably can't (or doesn't need to be) said. The panelists' reactions were unanimously supportive.

Bramley: "The Committee nailed this one, correcting a hopeless Director's ruling. I agree strongly. Since I agree with virtually everything the Committee says, and since the write-up is superb, I will subside."

Cohen: "No problem here. West brought some problems on himself by not inquiring about the 'Alert' of 1♦. When you are behind screens, there is no prejudice in asking for explanations from your screenmate. If E/W had appealed what the Director should have ruled, i.e. N/S +1440, I would have kept the deposit."

Polisner: "I fully agree with the Committee. It is sad that our sport has been denigrated both by a few unethical players who have created the need to convey information via tempo and the reaction of appealing every bad result in which tempo was not perfect."

Rigal: "The Committee made the right decision here to my mind given the issue of tempo-break, and also the E/W negligence in bidding. I like the comments about Director ruling etc."

Stevenson: "Good decision. Perhaps the Director did not think it through correctly. Note the suggestion of any similarity with Hesitation Blackwood is completely wrong: North did not sign off after taking control, but merely expressed a preference."

Treadwell: "Good decision."

Wolff: "If the Code of Practice (COP) is in effect we should use it—e.g. the tempo of the tray passing is random and at the behest of the two adversaries passing it. I do not like all the rhetoric involved in describing this case. I don't know whether any UI was passed with the slow passing after the 6♣ bid but neither does anyone

else. When lawyering is encouraged (or better yet not kiboshed!) someone is always going to believe it. We must stop endless discussions. Bottom line: *No UI available at this store*. Whatever it takes. The result here is okay, but I do have that queasy feeling.”

CASE FORTY-FOUR

Subject (Tempo): Risk Reduced
Event: WTOTC, Match 6
Teams: USA (N/S) versus USA (E/W)

Bd: 8	Roger Bates		
Dlr: West	♠ A106		
Vul: None	♥ 632		
	♦ KJ7654		
	♣ 5		
Jon Wittes			Ross Grabel
♠ J7542			♠ KQ8
♥ K8			♥ A4
♦ A			♦ 1032
♣ J7643			♣ AK982
		Robin Klar	
		♠ 93	
		♥ QJ10975	
		♦ Q98	
		♣ Q10	
West	North	East	South
Pass	2♦	Pass(1)	3♦
3♠	Pass	4♦	Pass
4♠	All Pass		
(1) Break in tempo (30 seconds)			

The Facts: 4♠ by West made six, +480 for E/W. North called the Director sometime after West's 3♠ bid but before the end of the auction. He stated that East had taken 30 seconds to pass over 2♦ (East concurred) and that East's hesitation might have suggested West's 3♠ bid. The Director allowed the play to continue. When he was recalled for a ruling he decided that: (1) there had been a hesitation which could only be attributed to East; (2) the hesitation demonstrably suggested the 3♠ bid; and (3) pass was a LA for West. Five players were then consulted regarding what action if any East might have taken had 3♦ been passed back around to him (not telling them of West's 3♠ bid). Although none of the consultants was happy with East's initial pass of 2♦ (one said he could "understand" it, but all objected to it), all of them said they would balance. The Director canceled West's 3♠ bid (Law 16A).

However, since all of the consultants said they would have balanced with the East hand and since in the Directors' opinion this would have resulted in E/W reaching either the same 4♠ contract or 5♣ (both leading to the same VP result for the match), the table result was allowed to stand (Law 12C2).

The Appeal: N/S appealed the Directors' ruling. The Committee recognized E/W as experts with a long partnership history. East explained that he considered pass to be his most attractive initial action (even though he recognized that it would not be a popular choice) since a double would leave him with no acceptable bid after a heart response and his club spots were not good enough for a three-level overcall. He said he knew his partner would be short in diamonds and would balance, even if very light. East also stated that he was not aware, behind screens, that a hesitation could be so clearly linked to him (since North could, for example, have been thinking about whether to open 2♦ or 3♦). North pointed out that their style permitted opening freely at the two level on five-card suits (non-vulnerable) and raising on doubleton honors. Thus, East could not be certain of finding West with a satisfactory fit. Balancing a level higher with a takeout double holding three-two in the majors would therefore be even riskier, as would bidding 4♣ on a five-card suit. North concluded that a pass by East would be quite attractive since any balancing action could (was likely to?) convert a plus score into a minus.

The Committee Decision: The Committee members assured the players that their decision carried no implications regarding anyone's ethics; they were confident that

everyone had tried to make the same calls they would have made had the auction been in normal tempo. Nonetheless, tempo problems existed which had to be addressed. The Committee found some validity in many of the bridge arguments made by both sides. However, experienced players, especially those using sound methods as E/W were, must be careful to make their calls in unrevealing tempo. Expert players (as North was here) rarely take much time to choose between opening 2♦ versus 3♦. Therefore, the break in tempo was believed to be directly attributable to East. This in turn clearly suggested action with the West cards and the Committee agreed with the Directors that pass was a LA. The question then became whether a balancing action by East was clear enough to be permitted (as the consultants indicated). The Committee had some doubts about this judgment. For one thing, under questioning East seemed certain that his partner *would* be short in diamonds and therefore would balance (even if light) over 2♦. However, before South showed a fit (by raising) East's confidence was unjustified. In addition, even with South's raise West could easily have held as many as three diamonds (although more likely only two) in a balanced hand. Thus, East's initial pass was not without risk. Also, if East was concerned about making a takeout double directly over 2♦ with only three-two in the majors because of a possible heart response, that problem would have been even more pronounced at the three level—especially if West would have entered the auction light over 3♦ if distributional. The same increased risks existed regarding balancing in his “spot-poor” five-card club suit. Thus, the Committee was not nearly as confident as were the consultants that a player who had been so influenced by these concerns over 2♦ would have balanced over 3♦. A player who passes over 2♦ runs the risk of losing the hand. A player who breaks tempo before passing 2♦ runs a far lesser risk. In such cases, any doubt about the subsequent auction (i.e., that East would balance) must be resolved against the side which created the problem. Players, especially experts playing in practiced partnerships, have a responsibility to make their normal systemic bids in proper tempo. Based on the above considerations, the Committee adjusted the result for both sides to 3♦ down one, -50 for N/S.

Committee: Bobby Wolff (chairman, USA), Rich Colker (USA, scribe), Dan Morse (USA)

Directors' Ruling: 72.9 **Committee's Decision: 88.1**

✍ First, the case for the prosecution, beginning with the “hanging judge” himself.

Wolff: “Open and shut. Sure West might (should) bid 3♠ over an in-tempo pass by partner and a 3♦ raise by RHO, but that's not what happened. And who can say what would have happened over pass-pass back to East? Sure he might (should) have bid but maybe he wouldn't. Why not round it off against the possible offenders? Seems logical to me. At least the next time, once East breaks tempo, he might then level the playing field and bid something. Until we get reasonably unanimous agreement about this, we will be stuck in an impossible quagmire of favoring the possible offenders with no hope of really encouraging and expecting Active Ethics. *I think (hope) that most of our highest-level players the world over would like to play our game under the highest standards possible.* It is now time to raise our horizons and expect compliance and not excuses.”

Gerard: “In the WBF I don't think the consultant referral is mandatory, but once it's initiated the Directors have to pay some attention. The Directors did the right thing, in the face of unanimous consultant opinion, but the consultants were wrong. They didn't put themselves in the place of someone who passed 2♦. They committed the dreaded intelligence transfer—‘We wouldn't have been stupid enough to pass 2♦ but if we did we certainly wouldn't have been stupid enough to pass 3♦.’ Not the issue. A rare case where both the Directors and the Committee were spot on despite reaching opposite conclusions.”

Polisner: “This is a difficult case as I believe that West would have bid without any tempo issue. East put his pair in jeopardy by his tempo and unfortunately must pay the price. The Committee did an excellent job in this case.”

Rigal: “Excellent Committee decision given the E/W length of partnership. In such situations tempo issues are especially delicate and whatever the bona fides of E/W the right decision must be to go the way the Committee did.”

Stevenson: “I am less confident than either the consultants or the Committee that a marked hesitation on the N-E side must be because of East. I can imagine North being offshape (maybe 4=3=5=1) and the same people commenting after a strange action of South's that the tempo break must be caused by North! Nevertheless, a fair decision.”

Treadwell: “If East felt uncomfortable about overcalling 3♣ with AK982 in a good hand, should not his partner feel very uncomfortable about coming in with 3♠ with J7542, even though the preemptive auction has revealed his partner is not broke? Pass certainly is a LA after the virtually certain break in tempo. It is not quite so clear that East would not balance if 3♦ had been passed around to him. Now he has the additional information that partner is short in diamonds—at most two—and that the South hand is limited in HCP. However, South could have had quite a bit more in HCP, made the same call, and been poised to inflict a severe penalty on any four-level strain by E/W. It seems to me that, if East feared to overcall at his first turn, it is not at all certain he would balance at the higher level of his second turn. The Committee got this just right.”

✍ I support the Committee's decision, though I agree with Jeff and Ralph (below) that it's close. Balancing is quite tempting with the East hand, but so was acting immediately over 2♦. Ron hit the nail on the head when he pointed out that allowing East to balance is committing a “transfer of intelligence” error—i.e. not adopting the mind set of a person who would pass the first time. The two most important factors which convinced me not to allow the 3♠ bid are: (1) When East passes the first time he has no reason to believe that West will balance with many of the hands (like the ones Bart mentions below) that make game a reasonable proposition, nor does he have any reason to believe that his problem will be any easier if he gets a chance to balance after South raises diamonds. (In fact, it could be argued that if West cannot pre-balance after South's raise suggests he is short in diamonds, then he must be weak and balanced and, as Dave points out, there is increased danger that South is poised for the kill.) (2) If E/W's conservative defensive bidding methods are as well-oiled as they claim, then why did it take East so long to pass 2♦? Playing methods like these, where one is required to pass over preempts with very sound (but flawed) hands, one must be prepared to pass in tempo. Studying for 30 seconds and then passing is highly improper. Maybe this decision will remind those playing E/W's style of methods, the next time they encounter a situation like this, of their responsibility to pass in tempo.

Next, the case for the defense.

Bramley: “I disagree. Here we see Goldman's ‘parlay-of-possible-but-unlikely-events’ producing a decision against E/W. For starters, 30 seconds, behind screens, when the first player bid 2♦, is a doubtful break in tempo. 2♦ is an automatic self-Alert; it has so many different possible meanings that the simple act of finding out what it means could consume 30 seconds. (And yes, I think the second player is entitled to enlighten himself on the first round of bidding whether or not he is considering action.) Then, both East and West are favorites to act on the given auction. West can assume that his partner has at least a fair hand, and that partner may have an awkward balancing hand. 3♠ is risky, but pass is at least as risky. As for East, the Committee's criticism of his statement that he would balance is unwarranted. Once again, balancing is risky but pass is even riskier. Note that *all*

CASE FORTY-FIVE

of the consultants said that they would balance. Furthermore, the death holding of three diamonds in partner's hand is very unlikely, requiring not only a five-card opening and a two-card raise but also finding N/S willing to risk both of those actions. Certainly players whose partners frequently open five-card weak twos are considerably less likely to raise with two, especially when both opponents have passed. I think that East would find his partner void in diamonds more often than he would find him with three.

"Additionally, East may well be better placed balancing after a raise than bidding immediately. After diamonds are raised and after South has not tried for game, East can be more confident in finding partner with a few cards and useful distribution. The 'problem' is *not* 'more pronounced at the three level.' The inference that West would already have 'pre-balanced' with those hands is slender, as he could have hands like ♠Jxxx ♥Kxxxxx ♦x ♣xx or ♠Axxxx ♥xxxxx ♦x ♣xx that produce a decent play for game. The main danger of passing initially is that 2♦ will be passed out when 3NT is on for E/W. Missing a good major-suit contract is unlikely, as West will usually balance over 2♦ in that case. I find the totality of the E/W argument so strong that I would not deprive them of their table result by invoking the 'big parlay.'"

Cohen: "Based on his consultations, the Director made a proper ruling. The Committee did its job as well. E/W had tough choices to make and even behind screens could not bid without creating UI. This is a tough case, but I am a dissenter on the ultimate adjudication. The fact is, five consultants in effect disagreed with the Committee, so pass would not have been a LA for East if West had passed."

✍ With valid arguments on both sides, the scales should be tipped against those whose actions are suspect and who were unable to maintain proper tempo in what was clearly a tempo-sensitive situation. Doubt against the offenders.

Subject (MI): And Just How Might That Have Happened, Sirs?
Event: Bermuda Bowl, Round Robin, Match 15
Teams: Argentina (N/S) versus Chinese Taipei (E/W)

Bd: 8	Hector Camberos		
Dlr: West	♠ K9		
Vul: None	♥ J763		
	♦ Q7		
	♣ J8653		
Chia-Hsin Wu		Hsiou-Ling Hsia	
♠ A876		♠ 1054	
♥ A		♥ 1094	
♦ AKJ843		♦ 109652	
♣ 74		♣ A9	
	Eduardo Scanavino		
	♠ QJ32		
	♥ KQ852		
	♦ ---		
	♣ KQ102		
West	North	East	South
1♦	Pass	2NT(1)	Dbl
Rdbl	All Pass		
(1) Weak hand with either minor			

The Facts: 2NT redoubled by East made three, +880 for E/W. N/S called the Director at the end of the hand claiming that they had been misled by E/W's explanations of their methods. The Director determined that North and South had both been told that East's 2NT bid showed a weak hand with either clubs or diamonds. In addition, West told South only that his redouble showed a strong hand while East told North that the redouble was to play and showed 18-21 HCP "maybe." The Directors ruled that there had been no infraction and allowed the table result to stand.

The Appeal: N/S appealed the Directors' ruling. In response to questions from the Committee North said that East told him that the redouble showed 18-21 HCP "balanced" but did not say it was "to play." Further, North said he

could not bid 3♣ because clubs could be East's suit and besides that, a pass might induce East to pull the redouble (taking N/S off the hook). He expected South, knowing that West had 18-21 HCP, to bid again if East passed. South told the Committee that when he asked West about his redouble he was told only that it showed a "good hand." Upon further probing E/W's methods, West told South that East "will correct to 3♦ if he holds diamonds, I suppose." South said this convinced him that East's pass of the redouble showed clubs. He said he was content to defend if East's suit was clubs (since North might hold good enough diamonds to allow the contract to be defeated) but that he would have bid if he had known that East might also pass holding diamonds. N/S also said that the E/W convention cards contained no information about this sequence. The Committee was having difficulty seeing any basis for changing the ruling and asked N/S one last time to explain how they believed they had been misinformed and how that MI had affected their actions. N/S said they believed that E/W had not fully disclosed their agreements and somehow "knew" the contract was guaranteed. However, they could not provide any concrete explanation of why they suspected this.

The Committee Decision: The Committee believed that N/S had been correctly informed of E/W's methods. They were told that East's 2NT showed a weak minor one-suiter (which he had) and that West's redouble showed a strong hand (which he had). South was also told that East could correct to 3♦ if he held diamonds and chose to bid, but no indication was given that East was obliged to do so (West simply said "I suppose he could..." in response to South's inquiries). The Committee believed that South, by passing the redouble, had gambled that North's diamond holding would be sufficient to defeat the contract and had lost. However,

they could find nothing in E/W's explanations that had unduly induced him to take this action; N/S had been solely responsible for their result. Therefore, the Committee allowed the table result to stand. In addition, the Committee was displeased that N/S chose to pursue this appeal after the Directors' ruling made it clear that there had been no infraction and that N/S were then unable to present any basis on which a score adjustment could even be considered. Therefore, the Committee decided that N/S's appeal lacked substantial merit and retained the \$50 deposit.

Committee: Bobby Wolff (chairman, USA), Rich Colker (USA, scribe), Anton Maas (NLD), Nissan Rand (ISR), John Wignall (NZL)

Directors' Ruling: 98.7 Committee's Decision: 98.7

✍ We begin with a word from our sponsor...er, Chairman... followed by a round of unanimous support from the panelists.

Wolff: "A relatively easy correct decision. It does show however, that uncertainty by conventioners causes havoc even when nothing is done wrong. I somewhat sympathize with N/S (assuming they read E/W as being uncertain), even though they were totally on the wrong side. Making 2NT doubled and redoubled with an overtrick is NPL (normal playing luck)."

Bramley: "Absolutely right. N/S are the latest pair willing to have their vile play and their even viler attempt to recover from it broadcast to the world. They got what they deserved."

Cohen: "A horrible display by N/S. Why waste everybody's time as well as US\$50?"

Polisner: "Good decision including keeping the deposit."

Rigal: "Ah, for the days of \$50 deposits. Good decision, and N/S have found out the hard way what meritless appeals lead to."

Stevenson: "Bridge Lawyers are alive and well and living in Argentina! A good old-fashioned double-shot effort correctly dealt with by the Committee."

Treadwell: "Excellent decision. The N/S appeal was frivolous...oops, I mean had no merit...and they earned whatever penalties could be imposed."

Subject (MI): A "Degree" Of Sympathy
Event: Bermuda Bowl, Round Robin, Match 17
Teams: Australia (N/S) versus Brazil (E/W)

Bd: 14	Ishmael Del'Monte		
Dlr: East	♠ 108653		
Vul: None	♥ J954		
	♦ K96		
	♣ 8		
Joao Paulo Campos		Miguel Villas-Boas	
♠ Q72		♠ K94	
♥ A10		♥ 8763	
♦ QJ104		♦ A85	
♣ AJ104		♣ Q53	
	Bob Richman		
	♠ AJ		
	♥ KQ2		
	♦ 732		
	♣ K9762		
West	North	East	South
		Pass	1NT(1)
Dbl	Pass(2)	Pass	Rdbl
Pass	2♥(3)	Dbl(4)	3♥
All Pass			
(1) 12-14 HCP			
(2) Forces a redouble			
(3) N to E: 4-4 in majors; S to W: natural and constructive			
(4) E to N: penalty; W to S: take-out			

The Facts: 3♥ went down five, -250 for N/S. The Director was called to the table by North when dummy was faced (North said he thought there might have been a misunderstanding) and was later recalled by E/W, who believed they had been damaged. E/W contended that the different explanations had caused enough confusion to prevent East from doubling 3♥, since West's action was consistent with his having a strong hand based on a long minor. West added that, given a correct explanation he would have doubled 3♥, since he would have known that his partner's double was for penalties. After consulting several expert players the Director ruled that the table result would stand since the damage claimed was not solely and directly due to the infraction (Law 40C).

The Appeal: E/W appealed the Directors' ruling. South said that his partnership had recently changed their agreements after 1NT doubled. In some situations North's explanation applied, as it did here, while in other situations South's explanation would have

been correct. At the time the board was played South had not clarified the distinction adequately in his own mind and had gone wrong. He also said that when the screen was opened North asked him why he had raised the heart bid.

The Committee Decision: The Committee recognized E/W's difficulty with the correct action in their methods and indeed they had failed to resolve their problem. However, each of them was aware that their side held the balance of the points and East, if he took his partner to be possibly void in hearts with a strong hand, was aware that his holdings in the other suits fit well with West's hand. While there was a degree of sympathy with E/W's dilemma, the Committee believed they had failed to untangle themselves and, at this level, their judgment of the auction was not sufficiently disturbed to justify redress. The table score was allowed to stand. However, Laws 40B and 75C required N/S to give their opponents a correct explanation of their agreements. On this occasion they attempted to reach an agreement but it was clear they did not have similar views. It was equally clear that at least one of them had misinformed his screenmate as to the correct meaning of 2♥. Accordingly, a 0.5-VP PP was assessed against N/S. The deposit was returned.

Committee: Joan Gerard (chairman, USA), Grattan Endicott (GBR, scribe), Anton Maas (NLD), Dan Morse (USA), Nissan Rand (ISR)

Directors' Ruling: 86.7 **Committee's Decision: 80.0**

✍ One panelist clearly knows which side his bread is buttered on.

Gerard: “Nope, I don’t go there.”

✍ Luckily, the rest of us don’t have the same familial constraints. So let’s see. By his own admission, East doubled 2♥ for penalties. Then, when South raised to 3♥ (a very strange action, since he’d just been penalty-doubled in 2♥, and one which placed his side in even greater jeopardy than they were initially) East passed! And now they want redress. Hmm. Is this a joke? Are we on Candid Camera?

N/S may have committed an infraction here, but surely E/W were not damaged by it. Even if West’s pass of 3♥ had shown a “strong hand based on a long minor,” the Committee correctly pointed out that East had a great fit for West (whatever his suit was) and had no reason to pass. Had East cue-bid 4♥ and gotten overboard by misinterpreting West’s hand due to the MI, or had he made a second penalty double and West then misinterpreted this as being for takeout (again due to the MI), then a score adjustment would have been appropriate.

The pass of 3♥ was simply inexplicable and broke whatever chain of causation might otherwise have been present. But as for the PP...

Bramley: “I agree except for the PP. See any of my earlier diatribes against capricious PPs.”

Polisner: “It is clear that E/W failed in their obligation to ‘play bridge,’ especially when East was willing to make a penalty double of 2♥. I am not in favor of PPs for failure to remember conventions which results in MI. I believe that score adjustments, when appropriate, should normally be the sole remedy as is clearly stated in the Scope of the Laws ‘primarily designed not as punishment for irregularities, but rather as a redress for damage.’ My 40+ years of experience tells me that when I forget a convention, it usually works out poorly for me at the table and if not, then in a ruling against me. PPs should be used sparingly.”

Wolff: “An okay decision, but when ‘home brew’ conventions are either forgotten or never learned there is usually trouble and hard feelings. Can anyone suggest a method to pressure players playing unusual treatments to learn them? My guess is that if these players feared penalties they would shape up.”

✍ My guess is that there is already plenty of impetus for players to know what they are playing. In most situations, forgetting your methods leads to self-inflicted disasters—as it should have here! Penalties would likely contribute to hard feelings, as Wolffie suggests, but on the part of those players (most of us) who, in spite of their best efforts, occasionally forget their methods. There would be hard feelings for being placed in double-jeopardy of a PP if their misunderstanding does not result in a disaster of sufficient magnitude, or if their opponents simply want to press their advantage by calling for the cops.

Treadwell: “In this case, neither N/S nor E/W were sure just what their agreements were in a relatively common and simple auction. It is difficult to determine just what might have occurred had both sides given correct information to their screen-mates. Hence, the Committee quite properly allowed the table result to stand and the PP to N/S also seems correct.”

Cohen: “I have a problem with the facts. Did the Committee determine that the differing explanations by East and West of East’s double were due to the differing

explanations of North’s 2♥ bid? Apparently the Committee thought N/S perpetrated the contretemps or it wouldn’t have assessed the PP. Why didn’t it have the courage to assign E/W +1100 and N/S –1100? Is this ‘equity’ rearing its ugly head in another guise?”

✍ The Committee did find that N/S’s differing explanations caused the different explanations of East’s double. However, they also found (as had the Director) that damage did not result from that MI. As I mentioned before, the misunderstanding really placed N/S in greater jeopardy than they were already. Only E/W’s ineptness kept the hammer from falling. So there was actually no damage and thus no score adjustment. The next panelist makes this same point.

Stevenson: “While it is deemed suitable for there to be a high degree of protection in American domestic events against opponents who play artificial methods which are not mainstream, this approach is not followed in most of the rest of the world, and is considered unsuitable at World Championship level. In this hand, N/S’s unfamiliarity with their own methods put them in a highly dangerous position, which E/W failed to take advantage of. Correctly for this event, no redress was given.”

✍ The last panelist thinks the Committee was remiss in not adjusting the scores.

Rigal: “I disagree strongly with both the Director ruling and Committee decision. Had N/S given the proper explanations this would not have arisen. As it was, neither East nor West did anything stupid and had been put in an untenable position. The right ruling would have been to put N/S to 3♥ doubled down five. The MI on its own was clearly, to my mind, the whole cause of the problem for E/W and that is enough to demand an adjustment. Certainly the Director would be expected to rule that way initially, I would have thought.”

✍ It is hard for me to see how East’s pass of 3♥ could ever be right—no matter which sort of hand (balanced HCP or strong with a minor) West held—and why we should be protecting him. When non-offenders are damaged by their own ineptness, they should not be saved by Appeals Committees. I could understand the argument that E/W should be left with the table result (due to their incompetence) but that N/S should be assigned –1100. But the fact that N/S’s misunderstanding placed them at greater risk and that E/W needed only to play normal bridge (any action other than pass by East over 3♥) to capitalize on it, convinces me to leave both sides with the table result.

But the PP is unnecessary and inappropriate. It seems to me like the Committee was trying to justify their involvement in the case and validate the CD theory. The irony of it all is that Wolffie doesn’t even seem to be content with it!

CASE FORTY-SEVEN

Subject (MI): Her Life In Her Own Hands
Event: Venice Cup, Round Robin, Match 18
Teams: Bermuda (N/S) versus Canada (E/W)

Bd: 11	Margaret Way		
Dlr: South	♠ ---		
Vul: None	♥ A963		
	♦ AKJ1073		
	♣ 962		
Barbara Saltsman		Francine Cimon	
♠ A10954		♠ KJ32	
♥ 54		♥ Q7	
♦ Q542		♦ 98	
♣ 54		♣ AKQJ10	
	Jean Johnson		
	♠ Q876		
	♥ KJ1082		
	♦ 6		
	♣ 873		
West	North	East	South
			2♦(1)
Pass	3♥(2)	3NT(3)	4♥
5♦	Dbl	All Pass	
(1) Weak, 5-4 or 5-5 in the majors.			
(2) "I do not expect partner to bid again"			
(3) Natural if 3♥ weak; otherwise minors			

The Facts: 5♦ doubled went down seven, +1700 for N/S. The Director was called at the end of the play by West, who believed she had been misinformed by South, leading her to believe that East's 3NT bid showed the minors. The Director concluded that West had MI and was entitled to redress. The Director adjusted the result to 4♥ by North made four, +420 for N/S (Laws 40C and 75A).

The Appeal: N/S appealed the Directors' ruling. The Committee had difficulty establishing exactly what South said at the table. South told the Committee she had described her 2♦ bid as indicated in the diagram (at left) and then passed her convention card to West saying, "It's on the card." She said West then asked her, "Is it like Flannery?" and she assented. But West, by her own understanding of Flannery, then assumed her hand to be stronger than was N/S's agreement. West did not find the bid listed on the front of the N/S convention card

and did not study the card further. East was told by North that South was not expected to bid again, so she treated the bid as preemptive. Regarding 3♥, West was told by South that it was "better than 2♥ with three or four cards in the suit." West also contended that South added "and a good hand," tending to confirm her belief that the bid was constructive. South did not agree that she used those words and upon inquiry stated that had East passed 3♥ she also would have passed.

The Committee Decision: The Committee was somewhat surprised by North's willingness to stop short of game but allowed that her bridge judgment was not at issue here. They had the same reaction to South's 4♥ bid. However, there appeared to be no doubt that N/S's partnership agreement was to play no higher than the three level on this sequence if the opponents did not intervene. East had the correct information and judged to bid 3NT as her best action on the basis of that information. Nor was there any clear evidence that West had been misinformed, having introduced the name "Flannery" into the discussion herself and having been referred to the N/S convention card where the opening 2♦ bid was listed on the second page as 5-9 HCP. (Additionally, the Director thought he recalled having seen a written explanation at the table which included the word "weak," but the pad had disappeared when he went back to look for it.) The exact words used by South in relation to the 3♥ bid were not established but it was the Committee's view that West had not protected herself prior to her final bid by further inquiring of South

where on the convention card she could find the information about the calls. She could also have established quite easily that South would have passed out 3♥, given the opportunity. West's call was therefore a matter of her own judgment and having taken her life into her own hands she was entitled to no other outcome. The table result of +1700 for N/S was restored. The deposit was returned.

Committee: Bobby Wolff (chairman, USA), Grattan Endicott (GBR, scribe), Joan Gerard (USA), Anton Maas (NLD), Jean-Paul Meyer (FRA)

Directors' Ruling: 61.9 **Committee's Decision: 92.9**

There can be little doubt that this was the correct decision, and the panelists were virtually unanimous in support of it.

Bramley: "Bermudian English apparently does not translate well into Canadian English. They should have used an American interpreter. I agree with the decision."

Polisner: "Sometimes life is tough; however, I don't know what more N/S could have done to have saved West from the result she achieved. I think the Committee took pity on West by returning the deposit."

Rigal: "Good decision by both parties here I believe, since there was no infraction to my mind."

Stevenson: "Since the meaning of 3NT seems to depend on the exact meaning of 3♥, it was incumbent upon West to find out exactly what the meaning was. Furthermore, there is often a difficulty when players have different defenses dependent on whether a call is weak or not; they need to establish exact criteria for the meaning of weak and can then ask the right question to establish the exact meaning.

"At this level, as noted in CASE FORTY-SIX, the protection against conventions given in American domestic events does not apply, and it seems West dug her own grave. Still, I wonder whether South really tried as hard as she might to clarify the position?"

Cohen: "I have an eerie feeling about 'The Appeal' write-up. Were all the 'said' things stated there made orally, or written as required by the conditions of contest? If written, where was the correspondence? Shouldn't the WBF (and ACBL, too) require that Directors collect the messages written between screenmates when called to a table on an alleged MI situation? And from both sides of the screen, too!. It's hard to see that the Committee could have done otherwise, but I would have liked to see the correspondence on both sides of the screen if I had been a fly on the wall or a member of the Committee."

You can lead a horse to water, but...

Regarding that other matter, while we can't retroactively make Ralph a member of the Committee, as for that fly idea... we saw it done in a movie, once.

Question: When is the high-level game not the high-level game? Answer...

Wolff: "Another of the last few appeals involved with uncertain situations. However, this one is almost all E/W's fault and so ruled. It is sometimes (most times) dangerous to rely on relatively weak players' judgments (North's assessment of her values). This hand is part of the game and nothing much more, as long as everyone realizes when the high-level game is really not the high-level game."

CASE FORTY-EIGHT

Subject (MI): You Speak Russian, Da?
Event: WTOTC, Match 2.
Teams: USA (N/S) versus Russia (E/W)

Bd: 1	Ron Smith		
Dlr: North	♠ 10952		
Vul: None	♥ K532		
	♦ KQ1085		
	♣ ---		
Sergei Kirilenko			Pavel Portnoy
♠ AJ864			♠ Q
♥ Q986			♥ 104
♦ 4			♦ 973
♣ K76			♣ A985432
	Kyle Larsen		
	♠ K73		
	♥ AJ7		
	♦ AJ62		
	♣ QJ10		
West	North	East	South
	Pass	Pass	1NT
2♣(1)	3♣(2)	Pass	3NT
All Pass			
(1) Both majors or both minors			
(2) Majors; not Alerted.			

The Facts: 3NT made four, +430 for N/S. The Director determined that when 3♣ was not Alerted, a surprised East asked North whether it was natural. When he was told “Yes” he repeated his question, getting the same answer. North said he had difficulty in understanding his opponent’s English and took the question to be asking whether 3♣ showed the majors. The Director ruled that there had been no infraction and allowed the table result to stand.

The Appeal: E/W appealed the Directors’ ruling. North stated that East’s pronunciation had been difficult to understand. East pointed out that at the table he suspected a different explanation had been given by South to West. His problem was that if West had received the same explanation as he had (even though he distrusted it), his double would be interpreted as takeout rather than as showing clubs. For this reason

he could not double. It was noted during his remarks to the Committee that East used the word “natural” more than once. The DIC confirmed to the Committee that the convention used by West was permitted in this event.

The Committee Decision: The Committee believed that East had been damaged. All of its members understood East’s speech without difficulty during the hearing. Further, North, having been asked the question twice, would be expected to appreciate that there might be a misunderstanding. He had neither written the explanation for East nor had he used the word “majors,” nor was it at all clear that N/S really had an agreement. A score adjustment was thus appropriate. The Committee considered a number of possibilities:

- (1) If East had been given the correct explanation and had then doubled to show clubs, with king-third in the suit West could be expected to lead them.
- (2) If clubs had been led, East would have been likely to duck a round of the suit probably 80-90% of the time.
- (3) However, a number of East’s peers would be expected not to double 3♣ and a number of them would then be expected not to play low on partner’s lead of a small club. It would therefore not be equitable to allow E/W full benefit, nor for N/S to suffer the full effects of an adverse result.

The Committee fixed the contract’s expectancy of going down at 50-60%. It eventually decided to award both sides the score for 3NT down one (–50 for N/S) 50% of the time and the score for 3NT made four (+430 for N/S) 50% of the time under Law 12C3. In the other room E/W scored –50 in 4♣. N/S were therefore

assigned 50% of –3 imps (–50–50 = –100 = –3 imps) and 50% of +9 imps (+430–50 = +380 = +9 imps) for a net result of +3 imps (–1.5 imps + 4.5 imps = +3 imps); E/W were assigned the reciprocal (–3 imps) The non-offenders (E/W) thus recovered 6 imps on the board relative to their result prior to adjustment (E/W would have been –9 imps).

Committee: Joan Gerard (chairman, USA), Grattan Endicott (GBR, scribe), Nissan Rand (ISR)

Directors’ Ruling: 70.8 Committee’s Decision: 84.2

This time the butter’s on the other side of the bread.

Gerard: “Can’t abstain. I thought for N/S the score had to be –50. There is some sentiment now in the EBF that 12C3 should be used on both sides of the equation, but that is not the official WBF view. Therefore, N/S –3 imps, E/W –3 imps, net score 0. E/W recover 9 imps, not 6. I look for a marriage counselor.”

Good luck, Ron. We know of a good therapist in New Rochelle...

I had discussions in January in Bermuda with the DIC and Operations Director (the latter from the EBF) who both led me to believe that they operated using 12C3 for the offenders (my own position). However, at the World Olympiad in Maastricht in August-September it had become “official” WBF policy to reciprocate 12C3 rulings to both sides. Perhaps this movement was secretly afoot in Bermuda but as far as I know, no “official” policy on this matter was in place then. So it was up to each Committee to be their own guide on this issue. I have indicated on more than one occasion that awarding offenders equity in situations where they have provided MI which was likely to work to their benefit or have taken an action “tainted” by UI is a win-or-break-even proposition for them and should be avoided. The theory is, if they can misinform the opponents with little risk to themselves, then it is always to their advantage to push the envelope. Either the opponents won’t notice and they’ll get to keep the table result, or the opponents will call the cops and they’ll get an equity ruling, or they can appeal an adverse table ruling and hope to get equity from an Appeals Committee. They will either get away with it (win) or get back to equity (break even). Why be ethical when it pays not to? This is a bad policy.

So in this case (as in most others) I would assign N/S the “most unfavorable result that was at all probable.” In my opinion, West would have led a club if East had doubled 3♣ for penalty. Some Wests would lead the king but most would lead low. East would usually duck while encouraging (benefit of the doubt to the non-offenders) and the contract would be beaten. So N/S get 3NT down one, –50. As for E/W, I would assign them an “equity-plus” result. To start with the Committee’s own numbers, if the contract would go down 50-60% of the time, then a figure at least as large as 60% (I would use one slightly higher) should be used, since the non-offenders are entitled to the benefit of the doubt (David Stevenson calls this, “equity-plus”). Using 70% as this figure, E/W should receive 70% of +3 imps (+50+50 = +100 = +3 imps) and 30% of –9 imps (–430+50 = –380 = –9 imps), which is 2.1 imps –2.7 imps = –0.6 imps. So E/W would lose 0.6 imps on the board. I could also accept assigning reciprocal scores of –50 to N/S and +50 to E/W, as we would in the ACBL, for no swing on the board. (I think this is the same as Ron’s judgment, although I am not certain from the phrasing of his comment.)

Making much the same evaluation, but missing the point about 12C3 being inappropriate for the offenders...

Bramley: “This is a good application of 12C3. One might quibble about the exact percentages, but 50-50 is a good try, skewed moderately in favor of E/W, the non-offenders. In an ACBL event the Committee would be faced with an all-or-nothing decision, which they would probably have to make in favor of E/W. The

discussion of the exact effect of the 12C3 decision, based on the result in the other room, is instructive as it pertains to the arithmetic involved, but Committees should remember that the result in the other room should never influence their decision regarding the players in the room where the appeal arose.”

Cohen: “Again, why were the screen mates communicating orally? Couldn’t North have written ‘majors’ on a pad and avoided the brouhaha? Ron and Kyle were lucky this was a WBF event. In the ACBL the adjustment would have been N/S –50 (resulting in –3imps). By the way, does the WBF have a policy of keeping country persons of participants in an appeal off the Committee? No offense to Gerard, but couldn’t someone else have been found to serve on the Committee? Even when the fellow country person is a most honest and knowledgeable individual, the appearance is as important to the other side as the competency.”

✍ The WBF’s policy is that a small minority of the members of a Committee may be from one of the countries involved. The theory (rightly or wrongly) is that people from the same country usually know the players better and are usually more critical of their inappropriate actions. Also, given the large proportion of ACBL members who serve on WBF Appeals Committees, it can be difficult if not impossible to field a Committee that does not have at least one ACBL member on it (depending on whether other Committees are meeting at the same time). Obviously, this practice works better with five-person Appeals Committees.

Polisner: “I thought the Conditions of Contest required East to ask in writing—not orally. If he had done so, none of the confusion would have occurred. I would therefore have ruled that it was East who caused the problem and left the table result in place.”

✍ Nonsense. If it was East’s responsibility to ask in writing, it was also North’s responsibility to have answered in writing and stated precisely what his bid showed. None of this “Yes” stuff.

The next panelist must have been listening...

Stevenson: “It is quite common for explanations behind screens to be made verbally despite the regulations requiring written explanations. However, when there is any danger of a misunderstanding, there is no excuse for not reverting to the official method, and for North to merely answer ‘Yes’ to a question he did not fully understand is unforgivable. A sizable PP against North should have been awarded.

“Apart from that, the Committee’s decision was very reasonable and the mechanics of applying Law 12C3 may be seen in this example.”

Rigal: “Sensible Committee decision given the laws in place, and thus correcting the random Director ruling—based on nothing at all as far as I can see. Just what subjective elements one inserts into the probabilities affects the adjustment, but the numbers given seem okay.”

✍ Our final panelist seems to have more information about this case than was provided in the write-up.

Wolff: “The visible story: N/S were playing 3♣ over the unusual 2♣ by E/W for the majors (or minors), but didn’t understand East’s question and so gave him the wrong answer. The real story: Neither North nor South had discussed what 3♣ would mean and so by the seat of their pants they guessed. I think both pairs caused the problem with confusion. N/S because they weren’t sure and E/W because they played that convention. Complicated problem. Simple solution-decision: Cancel blame and let the bridge result stand (NPL). No adjustment.”

✍ Wolfie’s bias against conventions is showing. According to the DIC, E/W’s

convention was neither illegal nor improper. So I don’t see how he can be penalized for playing it by saying it “cancelled” North’s confusion over his methods and the MI he created. Plenty of conventions over the opponents’ opening notrumps show “either-or” holdings. This variant of CRASH, showing two suits of the same rank, was as legal as any other. So in no way did it’s use “excuse” North’s actions. If he got confused and consequently misinformed E/W, then he is accountable.

CASE FORTY-NINE

Subject (MI): Take Your Best Shot
Event: WOTC, Match 4
Teams: Poland (N/S) versus Peru (E/W)

Bd: 12	K. Jassem		
Dlr: West	♠ 43		
Vul: N/S	♥ J64		
	♦ 954		
	♣ Q7542		
T. Arosemena		C. Velarde	
♠ J7		♠ AQ10852	
♥ Q875		♥ A3	
♦ K763		♦ AJ10	
♣ J103		♣ K6	
	T. Witold		
	♠ K96		
	♥ K1092		
	♦ Q82		
	♣ A98		
West	North	East	South
Pass	Pass	1♠	Dbl
1NT(1)	Pass	2NT	Pass
3NT	All Pass		
(1) E to N: transfer to clubs; W to S: natural			

The Facts: 3NT made four, +430 for E/W. The Director was called to the table by N/S at the end of the play. North had been told by East that the 1NT bid was a transfer to clubs and as a result he decided to lead the ♥6 (3, K, 5). South then failed to switch to ♣A and a club at tricks two and three. The Director examined the E/W convention card and found that they played transfers after takeout doubles. After consultation with expert players, the Director ruled that the MI given by West to South had not damaged him and the table result was allowed to stand (Law 75A).

The Appeal: N/S appealed the Directors' ruling. North told the Committee that he had received a different explanation than his partner and, since he believed that long clubs were on his right, he didn't lead one. West said she forgot her agreement: A redouble by her would have shown 10+ HCP and spade support (at least an honor). E/W's methods didn't

permit West to play 1NT after a takeout double.

The Committee Decision: The Committee decided that West forgot her agreement and that doing so was not forbidden (Law 75B). Since North had been given the correct explanation of E/W's agreement there was no question of damage; players have no claim to an accurate description of their opponents' hands—only to an accurate explanation of their agreements. In addition, South had not been damaged since the explanation (MI) he was given actually afforded him a better chance to find the correct defense (the club switch). Therefore, the Committee allowed the table result to stand. E/W were reminded that in a World Championship there is a high standard for players to remember their system. The deposit was returned.

Committee: Jens Auken (chairman, DNK), Dan Morse (USA), Nissan Rand (ISR); (Linda Trent, scribe)

Directors' Ruling: 97.9 **Committee's Decision: 97.9**

✍ The Committee provided a lucid, accurate description of why this was the only decision possible. The only thing they failed to cover was why they chose to return N/S's deposit. This appeal (from an expert, experienced internationalist—North) seems to lack even the barest shred of merit.

Cohen: "This case was a waste of everybody's time. Why was the deposit

returned?"

✍ Why indeed. Some panelists applauded the non-issuance of a PP.

Bramley: "Since E/W could document their agreement the decision was automatic. N/S got fixed. More often E/W's error would punish them instead of their opponents, but N/S cannot expect a Committee to punish E/W every time the bridge gods fail to do so. Good non-discussion of PPs."

Polisner: "The decision is fine. Note that this Committee did not assess a PP against E/W contrary to the Committee in CASE FORTY-SIX."

Stevenson: "Good ruling and decision. MI was present on the S-W side only, and there was no damage."

Treadwell: "Good decision and a good explanation."

Rigal: "Given that the Committee seems to have been sure that there was no MI by East, the case is clear-cut. North got fixed by a psych and seems to have no recourse. This seems unjust but someone has to get lucky everyday. (I am writing this on my way to the Las Vegas Cavendish—hope it is me today!)"

✍ Since when is it unjust to get "fixed" by an opponent's misbid? No one thinks it unjust when they get a *good* board when an opponent misbids. This sort of thing is just rub-of-the-green, or what Wolffie would call NPL—except that the "rules" on NPL seem to keep changing...

Wolff: "Ridiculous! Since the Committee decided the case by our current laws, why don't they lead us into changing the laws? Just because a pair is playing some very unusual and (sometimes) highly volatile treatment why should they be advantaged to such a large extent and against innocent opponents? Common sense, where are you when we need you? How can we be such uncaring or stupid (uninformed) sheep in our application? The real enigma is that of all the competitive games out there, bridge (at least to me) represents the most logical and fair test of logic. Yet others keep these same traits out of the laws. South wasn't even privy to East's explanation until after the hand, so why should he assume partner might have had five clubs and not led one? It is especially hard for me to hear Committees zealously and proudly follow an unlogical and awful law and not try and do something about it for the future of our game."

✍ Logic is a fickle dame. Let's give Wolffie his way and tell South that 1NT showed clubs. (Remember, as declarer West's hand is concealed.) Now, with South "knowing" that West has clubs, is she more or less likely to shift to ace and another club? Less, you say? Right. In fact, the only way that South would have a better chance at finding a club shift is if she knows the explanations on *both* sides of the screen—i.e., that North thought West showed clubs and West thought 1NT was natural. But even then, a club shift is not guaranteed since, just because North was told that West had clubs and subsequently failed to lead one, doesn't mean he *would* have led one otherwise. It could easily be wrong. Suppose West held ♠Jx ♥Jxx ♦Kxx ♣Q10xxx for her 1NT bid and South plays ace and a club. Di-rec-tor! "The ♣A shift was the only play to let declarer make the hand and I was 'tricked' into it!"

There was no reason for this Committee to complain about the laws: the laws, and not Wolffie, are right. Players must be free to violate their agreements for any reason (forgetting, tactics, psyching, etc.), as long as their partner plays them for their bid (or the game becomes unplayable). We can't tell players what tactics they can use or try to read their minds to determine whether they forgot (not allowed) or tactically psyched (allowed)—nor should we. Think about it.

CASE FIFTY

Subject (MI): “May Appropriately Be Drawn...At His Own Risk”

Event: WTOTC, Match 4

Teams: Bulgaria (N/S) versus Sweden (E/W)

Bd: 9	Stamatov		
Dlr: North	♠ 9863		
Vul: E/W	♥ 53	♦ KQ10	
	♣ AJ76		
Nystrom	♠ K107	Stromberg	
	♥ J1086	♠ AQJ	
	♦ 432	♥ A7	
	♣ 1092	♦ A9865	
		♣ Q85	
	Popov		
	♠ 542		
	♥ KQ942		
	♦ J7		
	♣ K43		
West	North	East	South
Pass	INT(1)	Dbl(2)	2♥(3)
(1) 9-12 HCP	Pass(4)	3♦	All Pass
(2) 13+ HCP			
(3) Runout			
(4) Break in tempo			

The Facts: 3♦ by East went down one, +100 for N/S. E/W called the Director at the end of the match explaining that North had taken a long time to pass South’s 2♥ bid. East stated that this induced him to bid 3♦ rather than double since he could see no reason for North to think other than that he was considering raising with a heart fit. North told the Director he was thinking about whether 2♥ was natural or a transfer, but did not offer this information to East during the auction. The Director adjusted the score to 2♥ doubled down one, -100 for N/S (Law 73F2).

The Appeal: N/S appealed the Directors’ ruling. The Committee questioned both sides about the events at the table. North said that his partnership used three different opening notrump ranges (9-12, 11-14 or 15-18 HCP, depending on seat and vulnerability), each using a different runout method after a double. It took him a few seconds (he estimated about 10) to decide

what his partner’s 2♥ bid meant for this range (9-12), as sometimes their runouts employed transfers (after a strong notrump) and sometimes they were natural (as here). After he passed East asked about the 2♥ bid and North told him it was natural (as his pass indicated). North said he was not a robot and needed a few seconds to “establish the situation and whether to Alert or not.” He did not consider that his pass of 2♥ was out of normal tempo. He further explained that at the conclusion of the play East asked about his hesitation. He told him what he had been thinking about and no attempt was made to call the Director while they were at the table. North also said he was unaware of any obligation to explain to East what he was thinking about. East contended that North’s hesitation was more extended, lasting perhaps 20 seconds, and that he could think of no reason for North’s pause unless he had a heart fit and was considering raising. He said this induced him to bid 3♦ rather than double. When the Committee asked what a double would have meant, East said that unquestionably it would have been for takeout.

The Committee Decision: The Committee made several points in rendering their decision. First, regarding East’s 3♦ bid, the Committee believed that North’s tempo should have had no effect on East’s action: his hand clearly warranted a double regardless of the tempo and 3♦ was simply too committal an action, since West

might hold length in spades, clubs or both with attendant shortness in diamonds. Therefore, E/W were not damaged by North’s actions and deserved no redress. Second, regarding North’s actions, the Committee agreed that a player is not *required by law* to disclose the content of his thought process to his opponents, provided he is thinking about legitimate bridge issues. If a player has been engaged in extraneous, non bridge-related thought (e.g., he finds himself daydreaming; or is unaware that it is his turn to bid) he has an obligation to say something to that effect (e.g., “No problem”). However, some Committee members (Wolff, Meyer) also believed that a player behind screens who takes a significant amount of time thinking about peripheral bridge issues should inform his screenmate of the reason for the delay (e.g., “I was trying to remember our system”). Extraneous delays, when unexplained, may be subject to score adjustment if: (1) they unduly and detrimentally influence the opponents; (2) they have no demonstrable bridge reason; and (3) the player could have known at the time that his hesitation could work to his advantage. In this case, the Committee believed that North’s hesitation was neither seriously out of normal tempo nor was it likely to deceive the opponents (since it is rare that a 9-12 INT opener is permitted to raise his partner’s runout after a penalty double, regardless of his trump holding). For these reasons the Committee reinstated the table result of 3♦ down one, +100 for N/S.

Committee: Bobby Wolff (chairman, USA), Rich Colker (USA, scribe), Jean-Paul Meyer (FRA)

Directors’ Ruling: 50.4

Committee’s Decision: 93.3

Although I downplayed my own perspective in the write-up, I was distressed at the Directors’ ruling and appalled at the general idea that players were being held responsible for sharing the content of their thoughts with their screenmates. I agree that a player whose mind, for whatever reason, has wandered from bridge matters should say something to his screenmate (e.g., “Sorry, I was daydreaming.” or “Sorry, I didn’t realize it was my turn”). However, any bridge-related matters are the player’s own business and no one else’s. Whether a player is thinking about what action is best with his cards, what strategy or tactics to use, what his system is, or what his partner’s bid means, he is entitled to consider any and all bridge matters in privacy.

This, of course, does not extend to situations in which a player could know in advance that his tempo (or manner, etc.) could influence the opponents’ actions. The classic example of this occurs when, having to make a discard on defense, a player who holds a fist full of deuces thinks forever before throwing a deuce, thus influencing declarer to play him to hold a key (honor) card and thus misplay the hand. In such situations, the score should be adjusted for both sides under Law 73F2. But the present case is a far cry from the sort of situation covered by that law, and in my opinion the Directors completely derailed when they applied it here.

Agreeing with me are...

Bramley: “A hideous Director call by E/W, with atrocious timing to boot, an abominable Director’s ruling, but a proper Committee decision. If the Director had ruled correctly to let the result stand, an appeal by E/W would have had no merit, perhaps negative merit if you consider that their initial Director call had no merit.

“I agree with those who claim that a player need not reveal bridge-related thought processes to the opponents, even peripheral ones. Indeed, I prefer that my opponents say nothing unless they have truly fallen asleep at the switch. My observation is that when opponents say ‘No problem,’ they invariably *do* have a problem. Better practice is to keep quiet.”

Rigal: “I like this decision. The Director might well have gone down the same lines

too I think, but as it was, no infraction was committed if you believe North. And it seems to me there is no reason not to.”

Cohen: “East forgot to play bridge. When does a 9-12 HCP notrumper bid again constructively when his partner bails out? The Director and East both got it wrong.”

Stevenson: “There is no law supporting the Wolff/Meyer approach so it is not true that there is an obligation to explain what a player has been thinking about. But an actively ethical player might easily believe it to be correct and I do commend this approach when screens are in use.

“It is not obvious why the Director adjusted the score.”

Treadwell: “I can’t imagine even calling the Director after this alleged ‘coffee house.’ Have we not always played that you may take advantage of an opponent’s hesitation or other mannerism, but only at your own risk? Of course, provided there is not evidence that it was done deliberately, such as hesitating with a singleton or fumbling with your cards when declarer is about to finesse, with the intent of deceiving declarer.”

Polisner: “The Committee came to the correct result although I disagree with some of the ‘advice’ they gave, especially ‘if they unduly and detrimentally influence the opponents.’”

☞ Once again, a word from our sponsor...er, Chairman.

Wolff: “The issue is important, this decision is not. While I obviously agree with the decision, we should address what obligation hesitators have to their opponents: (1) behind screens, and (2) at an open table. The simple solution (for both 1 and 2) is that a player should be expected to tell the opponents every bridge-related happening that could be crucial, provided that the telling wouldn’t help partner. If he doesn’t and the Director is called, it is up to the Director and then the Committee to decide why and if he should be held culpable. The authorities should decide based on what is best for the long-range direction of the game, keeping its sense of humor when it does. Nothing more needs to be said.”

☞ I like Bart’s approach: Unless you’ve “truly fallen asleep at the switch...keep quiet” And as for the opponents, infer nothing, except at your own risk.

CASE FIFTY-ONE

Subject (MI): Sure, You Say That Now
Event: WTOTC, Match 9
Teams: USA (N/S) versus Poland (E/W)

Bd: 1	Shuman		
Dlr: North	♠ J752		
Vul: None	♥ KQ1062		
	♦ 108		
	♣ A5		
Szymanowski		Lesniewski	
♠ A10		♠ 3	
♥ J974		♥ 3	
♦ AK7		♦ J96532	
♣ Q864		♣ J9732	
	Coleman		
	♠ KQ9864		
	♥ A85		
	♦ Q4		
	♣ K10		
West	North	East	South
	Pass	Pass	1♠
Dbl	2♣(1)	2♦	2♠
Pass	4♠	All Pass	
(1) Alerted by N to E: explained as Drury; not Alerted by S to W			

The Facts: 4♠ made four, +420 for N/S. The Director was called by E/W at the end of the play. West claimed he would have bid 3♦ over 2♣ had he been properly Alerted. East said he would then have bid 5♦ over 4♠. East was asked why he had not bid 5♣ or 4NT over 4♠. He said he had not because he thought West had only two diamonds. The N/S (ACBL style) convention card did not indicate that N/S played Drury after a takeout double. The Director consulted six players, all of whom said they would have passed over 2♣ if they had been told that 2♣ was Drury. The Director ruled that the MI from South had not damaged West; the table result was allowed to stand (Law 75A).

The Appeal: E/W appealed the Directors’ ruling. South and West were the only players to attend the hearing. West said that their style is to raise aggressively when they have trump support. He had devalued his ♣Q after clubs had been bid on his left and believed

that if he had been told that the 2♣ bid promised a limit raise of spades he would have played his partner to have a more distributional hand and would have been more likely to bid 3♦. He believed that his partner would then have taken some action over 4♠. West said that his side’s chance to play in 5♦ was diminished by the MI. When asked why he had not called the Director when dummy was displayed, West stated that he did not yet know if there had been damage because if his partner were two-one in the majors, 4♠ would have been defeated. South stated only that his agreement was that 2♣ showed a limit raise in spades and that he had forgotten.

The Committee Decision: The Committee believed that if West held four diamonds he would have surely raised his partner. However, with a balanced hand and only three-card support this was far from clear even though the E/W style is to raise more often than others would. Therefore, the table result was allowed to stand. N/S were reminded that in a World Championship event there is a high standard for players to remember their system. The deposit was returned.

Committee: John Wignall (chairman, NZL), Anton Maas (NLD), Nissan Rand (ISR); (Linda Trent, scribe)

Directors’ Ruling: 90.0

Committee’s Decision: 85.8

✍ An understated but correct decision. The following panelist expresses my own thoughts quite adequately.

Bramley: “Pathetic attempt by E/W to steal in Committee what they threw away at the table. What was so different about the auction as West understood it to deter him from bidding 3♦ anyway? And why didn’t East, who had the right explanation, bid 5♣? The Committee’s decision to return the deposit is unexplained, and inexplicable.”

Cohen: “Apparently in Europe they give you a nibble and a bite at the apple. The Director is not called when the dummy appears, so the Director can’t get statements from the non-offenders before they know the result on the board. That’s the nibble. With a balanced hand and only three trumps, West was not going to bid 3♦. The Committee was right on.”

Gerard: “Based on the convention card it was a mistaken bid, not a mistaken explanation, but my money’s on North to remember the methods better than South. West’s comments were hokey. 2♦ showed a good enough suit for West to raise, whatever the meaning of 2♣.”

Polisner: “Just another case of a pair looking for a Committee to get them a result they wouldn’t have achieved at the table.”

Treadwell: “Little merit to this appeal, but I guess a return of the deposit was warranted in view of the MI by the opponents.”

✍ Some panelists have more sympathy for E/W’s position.

Stevenson: “While it was not clear that West would have raised diamonds if correctly informed, he might have. Since Law 12C3 was available to this Committee an assigned score of 25% 5♦ doubled down one, 75% 4♠ made four, would seem to serve equity better. Of course, at this particular tournament the Director could have given the same ruling.

“Note that my figures are based on the idea that West might have raised and East bid 5♦ one time in five, i.e., the figure includes a small balance-of-doubt adjustment. This to protect the non-offenders and to make it not worthwhile for the offenders to commit infractions.”

Rigal: “This is the sort of decision where the Committee has to be wary about imposing their own judgments of the way to play bridge on the appellants. If West believes he would have bid 3♦ over 2♣, I am at least prepared to consider that. I can live with the decision, but I think it is a lot closer than the Committee made it out to be.”

Wolff: “Isn’t it nice to forget to Alert, get a good result and then pay no price? It’s unlikely that E/W deserve anything, although who is to say? However, N/S deserve some reminder of their duty, and that can only happen with a penalty. CD is like HIV: it doesn’t always cause AIDS but it is a real nuisance.”

✍ Hmm. Based on Wolffe’s analogy, his “solution” to the CD problem could be viewed like the chemical “cocktail” used to treat AIDS: It makes you feel worse than the disease and in the long run is only cosmetic.

Subject (MI): Color Me Sorry
Event: WTOTC, Match 15
Teams: Italy (N/S) versus Poland (E/W)

Bd: 8	S. DiBello		
Dlr: West	♠ A10854		
Vul: None	♥ 96		
	♦ 107		
	♣ A853		
T. Witold		K. Jassem	
♠ 97		♠ 3	
♥ AK102		♥ 8543	
♦ K95		♦ AQJ8432	
♣ J962		♣ 7	
	F. DiBello		
	♠ KQJ62		
	♥ QJ7		
	♦ 6		
	♣ KQ104		
West	North	East	South
Pass	Pass	3NT(1)	All Pass
(1) E to N: “Full Color Minor”; W to S: to play, could be anything in third seat			

The Facts: 3NT went down four, +200 for N/S. The Director was called by E/W at the end of the play. East told North “Full Color Minor” when asked about the 3NT bid and indicated that the suit might not be solid in third seat. South said he would have doubled 3NT had he been given the same information. When the Director asked West what types of hands he believed his partner could have for the third-seat 3NT bid, he wrote down: best hand, ♠xxx ♥Ax ♦Axx ♣AKQJxxx; worst hand, ♠Kxx ♥Qx ♦Kx ♣AKQJxx. When asked, E/W said if South had doubled, the auction would have continued: 3NT-DbI-P-P; 4♦-P-P-4♠; 5♦. E/W had only one (incompletely filled out) convention card on West’s side of the table. They were playing a Polish Club system and the convention card described a 3NT opening as “Full Minor 7.” After consultation, the Director changed

the contract to 4♠ made four, +420 for N/S (Law 40C) and assessed a ½-VP penalty against E/W for violating General Condition of Contest #10 (failure to have two completed convention cards).

The Appeal: E/W appealed the Directors’ ruling. North and West (along with a translator) attended the hearing. West told the Committee that the E/W agreement was to play Full Color Minor in first and second position but in third and fourth position, 3NT was to play, with a possibly stronger hand. When asked by the Committee why this was not on their convention card West said they had lost their convention cards and had to fill out a new one in haste before they played. West also believed that his side would not settle for a 4♠ contract by N/S and that 4♠ could go down.

The Committee Decision: The Committee decided that Law 40C had been violated and that N/S had been damaged. It would have been much easier for South to double 3NT if West had explained the agreement as shown on the convention card instead of telling South that the 3NT bid could include a minor that wasn’t solid with some aces and kings outside. E/W had also failed to provide two properly completed convention cards. The Committee did not agree that East would bid 5♦ on his own, as E/W suggested to the Director, but thought West might have competed to 5♦. The Committee determined that likely results for the deal were: 4♠ made four (two rounds of diamonds, ruff, draw trumps and a heart to the queen, endplaying West), 4♠ down one (diamond lead and a heart shift), 5♦ made five and

5♠ doubled down one. Of those results, “the most favorable result that was likely” for the non-offenders and “the most unfavorable result that was at all probable” for the offenders (Law 12C2) were both judged to be: 4♠ made four, +420 for N/S. The Director’s ruling, including the ½-VP penalty, was therefore allowed to stand.

Committee: Joan Gerard (chairman, USA), Anton Maas (NLD), Nissan Rand (ISR), (Linda Trent, scribe)

Directors’ Ruling: 88.7 Committee’s Decision: 87.5

✍ Back from the marriage counselor’s office...

Gerard: “Sorry, I just can’t let this one go. 4♠ was cold even after a heart shift. Now a heart lead—that’s different.”

✍ Ron is correct. After a (high) diamond lead and a heart shift (queen, king), West exits safely with a diamond (a trump would do as well). Declarer ruffs the diamond, draws trumps, tests the clubs by playing any two of the top honors, and continues with the rest of the trumps. On the third and fourth trumps, West pitches a low heart and his last diamond, but the last trump (on which dummy pitches a heart) is the killer. If West pitches a club declarer can cash two more clubs, while if he pitches the ♥10 declarer exits with a heart to endplay him. Finito, Benito!

Bart also picks up on the mis-analysis, but of course that really doesn’t matter since the Committee seems to have considered 4♠ down one nothing more than a minor possibility, and thus it played no part in their score adjustment.

Bramley: “Poor E/W can’t catch a break. Fixed on CASE FORTY-NINE, but guilty of damage here. I am curious why South, who had the convention card on his side of the table, apparently didn’t look at it. However, West clearly gave South MI, so the adjustment was correct. Failure to have two convention cards is a more serious offense behind screens, but I still dislike the PP for what is essentially a technical error. After all, E/W already had their good table result taken away. More appropriate would have been to keep the deposit. In the ACBL the decision to give an AWMPP would be easier, as the financial wherewithal of the appellants would be irrelevant.

“The analysis of the play in 4♠ is weak. Even on the defense of a diamond lead and a heart shift through the QJx, declarer is cold on a strip-squeeze, with no guess needed other than to play West for the other heart honor. In practice 4♠ will almost always make.”

✍ With the WBF convention card being as complex as it is, I can sympathize with anyone who chooses to ask about a bid rather than look for it on the card. I agree with Bart that the PP was inappropriate or, at the very least, overkill.

Stevenson: “At World Championship level, not having two convention cards is not acceptable and there was never any chance of E/W winning an appeal without them; certainly not with differing explanations.”

✍ David is (unfortunately) right. The WBF takes a harsher view of such things. I also agree with the Committee that, given the proper explanation, it would have been easier for South to double 3NT. If East’s suit isn’t solid, any missing honor (that West doesn’t hold) figures to be onside and to be consuming space in partner’s hand that could be better filled with other values. Also, outside aces and kings with East makes doubling more dangerous, as our possible four-level contract would be more likely to be doubled and set a large number. However, not all panelists agree with this evaluation.

Treadwell: “I have a little difficulty in seeing why a different and more accurate explanation by West would make South’s decision any easier. Suppose West had told South that 3NT in third seat could be anything from a normal Acol-style, trick-taking hand, to a gambling 3NT with a running minor, to a minor-suit preempt. The facts are vague as to whether the East hand conformed to their agreement or whether East deliberately violated it. I can see bidding by South in any event, although it is fraught with risk. Certainly E/W earned –420 plus the ½-VP penalty and I suppose one has to give N/S +420, although it seems overly generous.”

Rigal: “I do not really understand why the nature of West’s explanation affected South’s bid. To me it seems that a solid minor is more dangerous to double—after all declarer might have nine on top with one card (the ♠A) in dummy. But if the minor is not solid you might have two chances to set the game. I defer to the Committee here though.”

✍ Some panelists are a bit hung up on the unfamiliar terminology.

Cohen: “What does ‘Full Color Minor’ mean? It seems both the Director and Committee did a competent job. While it’s not stated, the \$50 should have been kept.”

✍ “Full Color Minor” means just what the name suggests: a solid minor.

Polisner: “Good work by the Director and Committee.”

✍ And now for another visit from Judge “Wolffie” Bean, the only law West (or East) of the Pecos.

Wolff: “Random sloth (perpetrated by E/W) should he penalized out of the game, so –420 for E/W is justified. Whether N/S deserves +420 is another matter. Perhaps +200 or even an artificial score like +300 for comparison purposes would be more appropriate. I would have preferred that the Committee consider not giving N/S everything, since in actual practice the one decision they made (South not bidding over RHO’s 3NT) turned out wrong. We overlook not linking non-offenders’ results to the bridge played on the skewed board. After all, it is all the objective evidence we have and protecting the field (PTF) should always be a major consideration.”

✍ Isn’t a random sloth better than no sloth at all?

Seriously, was South supposed to guess whether bidding over 3NT was the right action just in case he was misinformed to preserve his right to protection? South was clearly thinking of acting over 3NT (he did ask the meaning of the bid). Isn’t that evidence, too? And how was he supposed to guess what was right when the only information he had to go on was wrong? Wolffie seems to be saying, “Get it right in spite of any MI or you’ll get no protection from us.” But when the MI is why they got it wrong, shouldn’t they get *full* protection? (Of course in nebulous situations, that protection should only be to equity on the board—at least in the WBF.) Redressing damage and restoring equity at *this* table is what the laws are concerned with. Protecting the field is not their concern. When damage and equity issues are properly addressed for *this* table, the field will take care of itself. The field should certainly be protected from extreme or tentative results being bestowed more-or-less capriciously. The ability to use Law 12C3 in the ACBL for the non-offenders would go a long way toward guarding against that.

CASE FIFTY-THREE

Subject (Acquiescence to a Claim): The Moral Thing

Event: WTOTC, Match 8

Teams: USA (N/S) versus USA (E/W)

Bd: 4	Ron Smith		
Dlr: West	♠ J102		
Vul: Both	♥ KQJ3		
	♦ AQ94		
	♣ 96		
Hamish Bennett	Gene Simpson		
♠ 95	♠ Q84		
♥ A1065	♥ ---		
♦ 52	♦ K108763		
♣ Q10752	♣ AKJ3		
	Kyle Larsen		
	♠ AK763		
	♥ 98742		
	♦ J		
	♣ 84		
West	North	East	South
Pass	1♦	Pass	1♠
Pass	1NT	Pass	2♣(1)
Pass	3♠	Pass	4♠
All Pass			
(1) Double Checkback			

The Facts: 4♠ made four, +620 for N/S. The defense took two club tricks and then shifted to a spade. Declarer drew three rounds of trumps and claimed ten tricks, saying “You get the ♥A.” E/W acquiesced (Law 69A). After the match, E/W approached the Director saying they believed they should have gotten a second heart trick. The Director consulted seven expert players, four of whom played the ♥A when a small heart was led toward dummy at Trick 6. The play was ruled to be at worst inferior and not irrational. Therefore, under Law 69B E/W were not allowed to withdraw their acquiescence.

The Appeal: E/W appealed the Directors’ ruling. The players had nothing relevant to add to the above facts.

The Committee Decision: The Committee allowed the claim, as agreed at the table, to stand

without comment.

Chairman’s Note: Since the word “irrational” should be, and has been, interpreted in a bridge context to be a wild, emotional action which is also contrary to any bridge logic the Committee had no option but to allow the claimed contract to be made. Having said that, it was the Committee’s recommendation that declarer consider a concession of one down since: (1) the contract cannot be made by simple but adequate defense, and (2) to concede would be the moral and ethical action and thus within the spirit of the game. [Editor’s Note: The declarer agreed to the Committee’s recommendation and immediately conceded down one. Accordingly, the Committee authorized a change of score.]

Committee: Bobby Wolff (chairman, USA), Ernesto d’Orsi (BRA), Nissan Rand (ISR); (Grattan Endicott, scribe)

Directors’ Ruling: 92.4 **Committee’s Decision: 76.7**

Several panelists had some strong words to offer this Committee for its brand of “frontier justice” (the kindest term used)...

Gerard: “No. It may have seemed fair to the Chairman but he had no authority to

make the recommendation. It resulted from his particular view that the laws are irrelevant. Why not suggest to a declarer that he give back an unwarranted trick after a revoke? Can’t you see where this could lead? What would we think of North in CASE THIRTY-EIGHT when he refused the Chairman’s recommendation that he concede the contract? It’s too much pressure to put on players. South made an innocent mistake, the opponents fell asleep and didn’t adequately protect themselves. The law gave E/W ample opportunity to reject the claim, so they should have been bound by their inability to do so. If the particular law were incomplete or poorly written, I would have more sympathy with the Chairman’s position. Here, there is no reason to usurp the function of the laws. And I repeat, once we start down this path things will just careen out of control. Some Committees’ notion of fairness will be different than others. Some will resist adopting this approach out of respect for the proper role of the Committee—to enforce the laws. Some will rely on the famous maxim: you snooze, you lose. Try to discern any consistency in these types of decisions once we grant Committees the right to do this.

“Look, there’s nothing wrong with Law 69. E/W could have objected once they saw South’s hand and the result would have been down one. Once they didn’t, they were legally deemed to have conceded the contract (all agree). South had the legal right to claim, he wasn’t intending to get something for nothing and he had no obligation to look after his opponents’ best interests. Why wasn’t it within the spirit of the game to let the players’ actions speak for themselves and to avoid giving South an ethical dilemma that didn’t exist? Why isn’t it right for there to be some certainty to the results, not lingering doubt about whether a seemingly clear-cut case will be a candidate for moral overturning if a Committee is so inclined? If you miss your IRA rollover deadline because the bank advised you had 90 days, not 60, does the IRS suggest that the moral thing to do is to restore the tax deferral? The spirit of the game is to play by the rules fairly and in a sportsmanlike manner, without hiding behind those rules to gain an unjustified advantage. It is not for Committee Chairmen to play God and exalt their own notions of morality and ethics over the written word.

“I might feel the way the Chairman does about this if I had the same view of law and lawyers that he does. But, as witness some recent exchanges in these casebooks with Mr. Weinstein, that is not the case. Last time I visited this topic (CASE FOUR from San Antonio), I declared I was done with it, but it seems to have more lives than Jason in all those horror movies. The Chairman has his view, I have mine, and never the twain shall meet.”

Bramley: “Frontier justice. I loathe the concept that a Committee can strong-arm the participants to ‘settle out of court’ in direct opposition to the Committee’s decision, and that the basis for such recommendation is the implication that the players would not be ‘moral and ethical’ to do otherwise. Since when is it not moral or ethical to abide by a Committee’s decision? A more evenhanded approach would have been to observe that nothing in the laws forbade declarer from reconsidering his claim, but that he would be beyond criticism whichever decision he made.

“Indeed, this appeal had no substantial merit, in that the Committee had no basis in law by which to overrule the Director. However, the appeal acquired merit when the Committee was able to use its power indirectly rather than directly to change the table result.

“Note that E/W’s acquiescence was an easy trap to fall into. Declarer still had two trumps left at the time of the claim. Thus, working out that normal defense could prevail necessarily took extra time.”

Cohen: “Where was this Committee in 1990 when Germany played Canada in the semi-final of the Rosenblum KO? At least the Director was consistent. I am looking at Law 81B2. This Law states ‘The Director is bound by these Laws...’ Law 93B3 gives a Committee the same authorities and responsibilities as the Director. What

right does a Committee have to try and circumvent the laws? Over to Law 81C8. A penalty can only be waved, for cause, if requested by the non-offenders. What legal right did the Committee have to pressure N/S to concede the trick? Couldn't the South hand have been ♠AK763 ♥7 ♦J10876 ♣84? All I can say is that N/S were gentlemen, which is more than I can say for the Germans in 1990. If the WBF's Committees continue to vacillate about their responsibilities and duties, we will have anarchy. The ACBL is not without problems of its own. That is why I am opposed to 12C3. It allows Committees to avoid the harsh decisions of 12C2. It permits Committees to try and make everybody less unhappy and avoid a lot of unpleasantness. Well, being a Director or a Committee member is not a popularity contest. Nobody ever cheered for the referee or the umpire, and don't expect thanks for doing the job. Just follow the directive in Law 81B2."

Polisner: "I like the result, but am concerned about the process. The laws do not allow the players to decide results different than achieved at the table, but require the Director to be called if an irregularity occurs. Likewise, once an appeal has been filed, the Committee must rule according to law and not coerce a player to concede when the law supports his/her position. Why have a law if we don't support it? This is not to take away the extreme sportsmanship shown by N/S 'in the spirit of the game.'"

Stevenson: "When there is a contested claim, the main aim is to determine what would have happened without the claim, giving the benefit of any doubt against the claimer. When a player tries to withdraw acquiescence at a later stage, the main aim is the same: to decide what would have happened. The difference is that the benefit of any doubt goes to the claimer, not against him. Since some players would play the ♥A, the ruling and decision were automatic.

"What of the Chairman's note? The problem is that many people would not consider it moral or ethical to concede one down. The defenders might have gone wrong and to concede now loses declarer that possibility. It could be argued, indeed, that since West might have misdefended the moral and ethical thing for him was to refuse to accept the concession after the appeal was concluded.

"I think that it is not too unreasonable for the Chairman to explain his view of the moral position but perhaps he went too far here and pressurized one side too much, while failing to explain a similar moral dilemma to the other side."

✍ I wholeheartedly agree with all of the above panelists.
And now, the case for the defense.

Wolff: "Even though the law is unfair (at least in this case), I have more patience for the written law that is applied in the event of a 'wooden' happening (revoke, lead out of turn etc.). However, should a Committee leave it at that? A thousand times, no! We need to be the beacons of Bridge Justice. Hallelujah! Will all mourners rise and get the laws changed?"

✍ An Appeals Committee Chairman's job is not to change the laws but rather to enforce them fairly and evenhandedly.

Rigal: "The Committee handled this tactfully and the result seems to have left everyone content. And they all lived happily ever after."

✍ I don't know where Barry was when this all happened, but his characterization of the aftermath of this case is about as real-to-life as your average fairy tale.

Treadwell: "The Committee had little option but to allow the table result to stand; and it certainly was a nice sporting gesture for N/S to accept the Committee

Chairman's suggestion to concede down one, even though legally they were not required to. I agree with all of this, since it was a team event. In a pair event, had I been South, I think the concession also is correct but only for my side. E/W were derelict in several respects: First, they acquiesced to the claim and did not contest it until after the match was over; Secondly, a correct defense is not that difficult to execute at the table. Here, I would give a split score: -100 for N/S and -620 for E/W."

✍ Sorry, Dave, but there's only one correct decision: +620 and -620. If N/S chose to concede down one (for their side only), I would be happy to accept that. But no amount of rationalization about morals, ethics or Bridge Justice makes what this Committee did palatable.

CLOSING REMARKS FROM THE EXPERT PANELISTS

Bramley: “As usual, we are seeing too many worthless appeals. Way too many. The number of AWMPPs ‘awarded’ is still much smaller than it should be. The overall quality of the decisions seemed slightly lower this time, both by Committees and Panels. (Maybe I am overreacting to all of the AWMPPs they missed.) The table Directors did slightly better this time, particularly by not reflexively rewarding every complainant with an adjusted score. The quality of the write-ups continues to improve. The Panel write-ups are especially good. They have a nice systematic flow to them, even on the few cases they got wrong.

“I will continue to pound away at my favorite themes: Correcting Blackwood errors is okay. Interference during Blackwood gives extra time. Hesitations do not provide UI of errors. Some extra time in complicated auctions does not constitute a break in tempo. Not every error gets punished; sometimes you get fixed. If it’s marginal, don’t call the cops. Look carefully at the ‘perpetrator’s’ hand before requesting an adjustment. Give out a lot more AWMPPs, but don’t give out PPs except in extreme cases. Bad claimers get the worst of it. Let’s try 12C3.

“Bobby Goldman was right about a lot of things. Lean toward allowing the table result to stand. Always assign a real result. Split adjustments are okay, but should be used sparingly. Ignore the other table’s result (or the match result) in making a ruling or a decision. Don’t make rulings or decisions that obviate the result at the other table. Panels have done well, but Committees are still necessary.

“The WBF cases were roughly parallel with the ACBL cases. The write-ups were better, but I think that our Editor had something to do with that. Litigation fever is not just an ACBL problem; it’s everywhere. Despite occasional downturns in the number of cases we see, the trend continues upward. I remain hopeful that this trend will reverse itself soon.”

Endicott: [Grattan’s comments are directed toward my introduction to the cases from the 2000 World Championship in Bermuda, which appear in this casebook before CASE FORTY-TWO.—*Ed.*] “Concerning the Editor’s point (1), Law 12C3 in itself merely creates the power to achieve equity if it is considered that this is not achieved by 12C2. It does not define ‘equity,’ nor does it require any particular style of adjustment in order to achieve it. The Committee (and now the Director) is free to achieve its (his/her) view of ‘equity’ in whatever way serves it.

“Weighted rulings are a means that has been gradually developing over some years, mainly in Europe. The object is to return to the state of the game as it was immediately before the infraction and to seek to award a score that, as nearly as can be judged, reflects the balance of probabilities as they existed at that time. The method described by the Editor is one of several views as to the way in which 12C3 may operate. There are at least two alternative views that have substantial support, and there is the experience in the E.B.L. also, where the avoidance of split scores has been a purpose for the most part achieved. The World Chief Tournament Director and I share the opinion that the better way of using Law 12C3 is to determine a single equitable score to be awarded to both sides at the table and, keeping the punitive element apart from the determination of equity, apply a penalty if thought fit to the offending side. In this we revert to the state of the law prior to 1987, whilst allowing for the presence today of Law 12C1.

“The other way has some regard to the punishment factor by giving a generous share, amongst the potential results taken into account, to the one most favorable to the non-offending side. The Lausanne Group [the group responsible for the WBF Code of Practice, reprinted in the 1999 Boston casebook.—*Ed.*] may refer to these methods in its supplement of ‘jurisprudence,’ currently in preparation, as support for the WBF Code of Practice.

“Concerning his point (5), the Editor refers to Directors involved in making individual rulings. The WBF style is that Directors consult with each other on the

policy and law aspects of judgmental rulings, and of course now with players concerning the bridge aspects involved. Amongst main supports in this process have been Richard Grenside (Australia), Antonio Riccardi (Italy), and Sol Weinstein (Canada/USA).”

Gerard: “These cases weren’t very tough, as witness my average ratings. For the ACBL cases: Directors 76.5; Committees 85.3; Panels 93.3. For the WBF cases: Directors 85.6; Committees 91.9.

“Only the ACBL Directors didn’t measure up. The Panels’ superiority was attributable to the usual combination of the quality of their consultants and the simpler nature of their appeals. However, I did note one Panel problem and one emerging issue. The existence of an AWMPP is an expert decision, not a Panel one. For that reason, the Panel was way out of line in CASE EIGHTEEN when the consultants were split. Also, what exactly are the Panel’s responsibilities when the consultants are unanimous or nearly unanimous? If unanimous I think they are bound, but what if they are only nearly unanimous? I’m all for the Panel’s decision in CASE SEVEN even though it sided with the one, not the three. I suspect that was within the Panel’s authority because I’d hate to think they’re just a bunch of robots.

“I have no idea whether CASE TWELVE has or will become a lightning rod, but it looks gray to me, not black or white. I suppose it would have been better if the Committee were comprised of appellant-equivalents, and maybe the organizers should have pre-examined the case to determine whether expert-level judgment was a factor. Having done that, they would have been justified in breaking the usual rotation cycle of Committees and handpicking one perceived to be worthy of a match-deciding Vanderbilt case. At the very least, that might have quieted the roar of disapproval that I suspect is being voiced in a number of precincts. This is different than the Chicago case where the Committee wrongly took the heat (the remarkable 4♣ balance that pushed the opponents one level higher), since technical issues were not a consideration there. I don’t happen to think that the CASE TWELVE Committee was unworthy, but there’s no doubt that the players like to feel they’re being judged by their peers. It takes only a little extra work to make that happen, so maybe the existence of a Vanderbilt or Spingold appeal should be an organizer alert to ratchet up the scrutiny.

“I’m only going to say this one more time: don’t take anyone away from the table. I’ve never seen that procedure improve the situation.

“Lastly, I reiterate my objection to the morality-based system of jurisprudence advanced in CASE FIFTY-THREE. I’m not picking on Wolffie, I love the guy, but I worship at a different pew. This wasn’t Germany-Canada, where the moral pressure placed on the unfortunate winners was completely justified. This is a dangerous precedent that could lead to anarchy. Even freedom-loving societies recognize that such a goal doesn’t have to be incompatible with order.”

Patrias: “As I have read the reports of appeals cases from the past few NABCs, I am increasingly bothered about two recurring tendencies. First, when the Panel of Directors consults with the expert community, it appears as if the players are responding as to whether they would allow a certain action after a hesitation or the like. My understanding is that the players were supposed to be acting as bridge experts and not as Directors or Committee members. They were only meant to address the reasonableness of a particular action in the blind. Perhaps the players have misunderstood the process or possibly the Panel is phrasing their questions poorly. Regardless, the decision on whether an action should or shouldn’t be allowed should rest squarely on the shoulders of the Panel.

“Take CASE ELEVEN, for example. The Panel’s report says, ‘The player consulted...said that after a huddle no call other than pass could be permitted.’ This is exactly what a Committee member should be saying. In CASE THIRTEEN, an expert says that he thought the slow pass showed diamond length and club

shortness. That is fine so far, but the player goes on to say that ‘North could not bid once partner broke tempo.’ This final remark should be the decision of the Panel. In many other cases the experts seem to be telling the Panel what is or isn’t a LA. I think it might be better to ask if a certain call could be correct on certain deals and for an opinion as to the likelihood of that possibility. Then the Panel should make a decision based on that data.

“Second, it seems that Committees are so reluctant to dish out an AWMPP that I’m now convinced that we must have made the penalty much too severe. Since many Committees are bent on educating the appellants, the penalty should be changed to a mandatory trip to an indoctrination meeting hosted by the Committee Chairman. In my opinion, this will guarantee a reduction in the number of appeals.”

Rigal: “I have been impressed over the course of this book by the Director rulings. How nice to see an unmistakable improvement here. By my reckoning, 80% of the Director rulings were broadly correct, and the Panels kept pace with them.

“I still see too many Committee decisions decided on totally unacceptable bases. We have to start weeding the Committee down, and to improve the standard of the write-ups. There are far too many where either the Committee does not appear to have addressed the critical issues or just taken leave of its senses. CASES SEVEN, SEVENTEEN, TWENTY-TWO, TWENTY-THREE, TWENTY-EIGHT, THIRTY-TWO, THIRTY-THREE, THIRTY-EIGHT and FORTY-ONE involve serious errors, to my mind, most of them avoidable ones. If the dichotomy shown above continues it will be hard to resist the calls for the abolition of Committees altogether.

“Second, back to my hobby-horse. Can you imagine CASE TWENTY-EIGHT being decided the way it was if the Committee had seen and understood the precedent on Namyats accidents? I cannot. We urgently need the precedent book in place, and Rich or someone equally well-informed to direct the Committees to the relevant past history. CASE EIGHT was another one where I would have liked to whip out the relevant story also...”

Stevenson: “Unfortunately, strange views have grown up over ‘self-serving statements.’ More than one Committee has said that they ignored them because they were self-serving. If this were a reasonable approach, what would be the reason to hear the evidence at all? Most things said to a Committee by both sides are self-serving.

“People do not usually tell deliberate lies. The reason for reducing the weight ascribed to things that people say is not because of deliberate lies but that in many situations people will tailor their stories to benefit themselves, often deluding themselves. The most obvious example is when you ask how long a player took to think before a call. One side will tell you that they could have cooked dinner while waiting, the other side will tell you it was fractionally longer than standard but normal tempo for the player involved. Neither side is deliberately lying!

“Other statements that are of doubtful value are ones about frequency of occurrences and so on. But if a player says that a bid means something and they discussed it last night, he is very unlikely to be telling anything but the truth. Committees should not discount ‘self-serving statements’ but merely attach whatever weight to them seems suitable.

“When I quoted an Alerting regulation in the last commentary, Rich said it did not apply. Apparently there are several regulations in the ACBL that are not easily available to the average player. In some cases no one follows them. Should not the ACBL follow the EBU’s lead and produce an ‘Orange book,’ containing all the regulations that ordinary tournament players need, and making such a booklet available to all its members?

“Also on regulations, the ACBL should consider the use of the Stop Card, make a watertight regulation, publish it, promulgate it via the Bulletin (or a new

Orange book) and the bridge newsgroup, and enforce it.

Treadwell: “I think, in general, the Directors, Panels and Committees made excellent rulings. I am principally concerned about the large number of cases in which the appeal had little or no merit. By my count, ten cases (CASES FOUR, FIVE, NINE, TEN, SIXTEEN, THIRTY, THIRTY-FIVE, THIRTY-SEVEN, FORTY-FIVE and FIFTY) had virtually no merit. In addition, twenty-four cases had little merit (CASES TWO, SIX, EIGHT, ELEVEN, THIRTEEN, FIFTEEN, SEVENTEEN, EIGHTEEN, NINETEEN, TWENTY-ONE, TWENTY-FIVE, TWENTY-SEVEN, TWENTY-EIGHT, TWENTY-NINE, THIRTY-TWO, THIRTY-THREE, THIRTY-SIX, THIRTY-EIGHT, THIRTY-NINE, FORTY, FORTY-ONE, FORTY-SIX, FORTY-NINE and FIFTY-ONE). The other nineteen cases were quite reasonable to appeal.

“Too often, players seek a score adjustment when there was (or may have been) a tempo break, or when an explanation of a bid varies ever so slightly from the opponents’ agreement, even though the MI had little or nothing to do with the table result. I have seen no evidence that the award of AWMPP points has deterred the submission of meritless appeals, at least not to any significant extent. Perhaps, we should return to our former procedure of being more liberal in handing out PPs to those who submit meritless appeals—preceded, of course, by screening by competent Directors who should warn that such penalties may ensue. I am not in favor, however, of returning to the deposit method we used for several years.”

CLOSING REMARKS FROM THE EDITOR

How'd We Do?

I've analyzed the performance of the various groups in Cincinnati (Directors, Panels and Committees), classifying each ruling and decision into one of two categories (Good or Poor). Some cases in each category will inevitably display elements of the other (i.e., some cases classified as Good will have some Poor aspects while some classified as Poor may show some Good qualities). The first table presents cases heard by Panels; the second cases heard by Committees.

		Panel's Decision		
		Good	Poor	Total
Table Director's	Good	3, 5, 7, 11*, 18, 19, 23, 30*, 37		9
	Poor	13*, 21, 22, 29, 36, 38	20, 24, 25, 26, 40, 41	12
	Total	15	6	21

* Missed AWMPP or PP

Table 1. Cases decided by Panels

		Committee's Decision		
		Good	Poor	Total
Table Director's	Good	4*, 8*, 9, 10*, 16*, 27, 35*, 39	32	9
	Poor	2, 6, 14, 15, 28, 31, 33	1, 12, 17, 34	11
	Total	15	5	20

* Missed AWMPP or PP

Table 2. Cases decided by Committees

Looking at the table rulings, considering all cases together, 18 of the 41 rulings (44%) were good while 23 (56%) were poor. This is considerably worse than the 55% good decisions in Boston, the 64% in San Antonio, and is worse even than the previous low point, the 49% good decisions in Vancouver, the first NABC where records of this sort were kept. In fact, the trend has been going steadily downward since San Antonio. As I stated in previous casebooks, I believe the declining quality of table rulings has been due to the assignment of many of the top Directors to the appeal process (Panels). This problem, which is becoming more and more critical, requires the immediate attention of management.

The Panels' performance seems to be declining marginally. Of the 21 cases heard by Panels, 15 (71%) were good, as compared to 76% in Boston and 87.5% in San Antonio. The good news is that only 2 Panels failed to issue an AWMPP when

it was called for and none of the poor decisions reversed a good table ruling (all 6 ratified poor table rulings).

By contrast, the performance of Committees has shown steady improvement. Of the 20 cases heard by Committees in Cincinnati, 15 of the decisions were good (75%) compared to 61% in Boston, 48% in San Antonio and 40% in Vancouver. But once again most of the poor decisions (4 of 5) involved failing to correct a poor table ruling. It seems that both Committees and Panels continue to be influenced by the initial table ruling, to their occasional detriment. Also in contrast to the Panels, Committees failed to make effective use of AWMPPs. Five Committees failed to issue AWMPPs when they were appropriate. We must remember that AWMPPs are not penalties (contrary to their names), but rather are only "markers" to indicate that more care needs to be exercised in the future. Perhaps (*seriously!*) they should be renamed AWMWs (Appeal Without Merit Warnings) in an attempt to remove the inhibition to assigning them which Committee members appear to have developed.

Overall, good appeal decisions were made in Cincinnati in 30 of the 41 cases (73%), compared with 68% in Boston, 69% in San Antonio and 51% in Vancouver. And for the first time Committees actually outperformed Panels (75% versus 71%). This is perhaps more impressive since, as both Ron and I have pointed out, Panels continue to have access to superior bridge advice from consultants (who continue to be more willing to share their bridge judgments in the playing area than to show up and offer them to Appeals Committees) and on average hear simpler cases.

Reactions to Panelists' Closing Remarks

I agree with Bart that there are too many worthless appeals being heard. Perhaps my proposal for advising appellants in likely meritless cases in screening, with input from Jon and myself (see CASE NINE), would help reduce these. As I pointed out earlier, the Committees seem to be holding back more than the Panels on issuing AWMPPs. Maybe renaming AWMPPs to AWMWs ("Warnings") would help.

I would not be opposed to developing a blanket policy of allowing players to correct Blackwood errors, even in the presence of a hesitation. However, doing this would let a few undeserving "corrections" through. The problem is differentiating which "corrections" are legitimate errors and which are "excuses." If we're willing to accept that a few will get away with it, then I could live with that for the sake of simplicity: settle for the best decision possible rather than the best possible decision.

As I've said repeatedly, I agree that PPs are only for extreme cases and I am certainly for the use of 12C3—for non-offenders only or for offenders also but only under a set of restricted conditions. Howard Weinstein and I submitted a proposal on this to the Laws Commission that was essentially tabled—indefinitely.

Grattan's comments are largely reactions to two of the points I addressed in the introduction to the Bermuda cases, preceding CASE FORTY-TWO. He is right that Law 12C3 does not mandate equity, it merely creates the power to achieve it when a Committee or Director chooses to apply it. The problem is that most Committees (and now Directors) that have access to 12C3 ignore 12C2 and proceed straight to assigning equity via 12C3. This overuse of 12C3 has never been more apparent than it was at the 11th World Team Olympiad this past August-September, a mere six months after Bermuda, where we were told that *all* score adjustments would be made under 12C3 and would be *reciprocated to both sides!* To make matters even worse, we were told that we must issue PPs to the offenders if we believed that they deserved worse than equity. This is the second method Grattan cites in his closing comment and needless to say I disagree with it violently. I consider it obscene, not to mention illegal. I'll have more to say about this issue the upcoming Anaheim casebook, when we'll review a number of the cases from the Maastricht Olympiad.

Ron's ratings are pretty accurate, although his numbers are a bit on the high side—except for the ACBL Directors, who, he's right, didn't really measure up (nor did the WBF Directors). As for his other comments, CASE TWELVE seems a thing

of the past as far as I know. I do disagree with his objection to taking players away from the table and getting statements from them (see CASE THIRTY-TWO). It is quite the proper thing to do, as long as the information obtained is used correctly. It is also management's policy, and we're not likely to see it changed anytime soon. And lastly, I agree completely with his assessment of CASE FIFTY-THREE.

Chris's comment about the way player consultants are being questioned is right on target. Players should be asked what actions they would take, or imagine a group of players of the appropriate caliber would take, with a given hand. They should not be asked "legal" questions about LAs or "demonstrably suggest." If consultants say they would take (or think that some players would take) a certain action then that action may be a LA. If they say a break in tempo makes a certain action (or class of actions) more attractive, and can provide a logical connection to that action, then it is "demonstrably suggested." But the conclusion is the Panel's to draw and not the player consultants' to assert. He is also on target about AWMPPs. If he will take the tongue out of his cheek for a moment, perhaps he will provide some feedback on the proposal about using the screening process more effectively for this purpose.

I don't know how "broadly" Barry defined correct for the table Director rulings but by my standards the accuracy was only 44%, not even close to the 80% Barry cites. Perhaps my standards were set too high? As for the "totally unacceptable" Committee (and Panel) decisions, I agree with him on only three of the nine cases he mentions (SEVENTEEN, THIRTY-TWO and FORTY-ONE). Perhaps if we sat down and discussed those we disagree about we could be brought to a more synchronous state of mind. To the extent that any of these depend crucially on subjective bridge judgment, we may be doomed to more enduring disagreement. As for the dread CASE TWENTY-EIGHT, perhaps Barry would be willing to reconsider his view if he knew that it placed him in a distinct minority among the panelists. We do agree, however, on CASE EIGHT.

David Stevenson and I are quite on the same page regarding the self-serving statement issue. I also support his view of the complexity of our Alert regulations and am in the process of seeing to it that they are revised in a way that will make them simpler and therefore more accessible to the average player (via my service on the ACBL's Conventions and Competition Committee). The complexity of the regulations themselves are the main issue here, as their publication and availability are not at all a problem, especially now that they are easily accessible on the ACBL web site. I also agree with him on the ACBL's approach to the use of the Stop Card. Having it optional does not seem to me to be in the best interest of the players or the game, although changing this policy may be politically unfeasible.

Though I'm not sure I should admit this in public, but I agree with Dave's assessment of the cases he thought had virtually no merit. I can't say quite the same about second group, though. On his other point I am not quite certain what he thinks AWMPPs were supposed to achieve. Unless we start penalizing meritless appeals in an immediate and tangible way (e.g., on the spot disciplinary penalties), we are probably not going to reduce their number. There are no shortage of (naive) players out there who will appeal any ruling they think unjust (no matter how irrational their thought process) when they think their ethics are being questioned or they do not understand the legal basis for the ruling. The real test of AWMPPs is whether they keep repeat offenders away. Remember, AWMPPs were meant to do two things: (1) get rid of the silly and inequitable \$50 deposit; (2) keep track of repeat offenders so that we could take reliable action when a pair continued to abuse the appeals process. By any standard of measurement, we've achieved both of these objectives. We were successful in getting rid of the \$50 deposit and to date not one single pair—that's zero—have received a second AWMPP. We must remember there's a difference between educating the broad membership about meritless appeals (not a direct objective of AWMPPs) and stopping the relatively few pairs who prey upon others through the appeal process. AWMPPs have certainly accomplished the latter.

THE PANEL'S DIRECTOR AND COMMITTEE/PANEL RATINGS

Case	Directors	Committee/ *Panel	Case	Directors	Committee/ *Panel
1	82.3	72.7	30*	88.3	91.3
2	82.0	93.7	31	64.7	89.3
3*	86.7	70.0	32	63.0	65.3
4	93.0	75.0	33	71.8	69.6
5*	95.3	90.3	34	73.3	69.0
6	68.0	85.7	35	90.0	92.7
7*	91.7	84.7	36*	74.7	92.3
8	91.8	80.0	37*	97.0	99.0
9	81.7	89.0	38*	62.2	87.8
10	95.7	87.0	39	80.7	87.0
11*	95.0	83.3	40*	76.7	77.7
12	87.7	81.7	41*	70.4	83.7
13*	81.3	91.0	P-Mn	77.2	86.6
14	58.3	81.0	C-Mn	78.6	81.9
15	73.0	87.3	O-Mn	77.9	84.3
16	95.7	91.0	42	82.9	80.0
17	57.2	69.3	43	53.7	97.9
18*	98.5	96.7	44	72.9	88.1
19*	81.1	79.3	45	98.7	98.7
20*	94.1	92.2	46	86.7	80.0
21*	55.7	89.3	47	61.9	92.9
22*	50.4	86.7	48	70.8	84.2
23*	79.6	75.3	49	97.9	97.9
24*	50.0	88.7	50	50.4	93.3
25*	76.3	84.7	51	90.0	85.8
26*	68.3	82.0	52	88.7	87.5
27	95.9	90.0	53	92.4	76.7
28	65.7	81.0	Mn	75.7	87.9
29*	48.7	92.3			

*=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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