

APPEAL NABC+ TWELVE

Subject: Played Card

DIC: Bates

Event: Jacoby Open Swiss

Session: 2nd Qualifying, April 8

Board # 33
Vul: None
Dir: North

Bruce Reeve
♠ Q 9 8 5
♥ 8
♦ A Q J 7
♣ T 8 5 2

Jan Jansma	Louk Verhees
♠ K J 6 4 3	♠ A T
♥ T 7 6 3	♥ K Q J 9 2
♦ T	♦ 9 5 2
♣ Q J 7	♣ A K 6

Jim Linhart
♠ 7 2
♥ A 5 4
♦ K 8 6 4 3
♣ 9 4 3

West	North	East	South
	Pass	1♥	Pass
2NT ¹	Pass	3♣ ²	Pass
3♦ ³	Pass	3♥ ⁴	Pass
4♥	All Pass		

- (1) Heart raise.
- (2) Game forcing relay.
- (3) Limit raise with four trump.
- (4) Waiting.

The Facts: A diamond was led to the Ace. North switched to a club won by the Ace. The King of hearts was won by the Ace, and a club was continued to the King. After cashing the Queen and Jack of hearts, declarer cashed the Ace of spades and led the ten of spades to the King. Declarer called for a heart. His partner said, "What?" Whereupon East attempted to correct (change) the call to a spade. The director was called at this point.

The Ruling: The director ruled that West's last heart, the ten, was played. The director noted that declarer changed his play after his original play was questioned by his partner. The director found that this called into question whether his designation of the heart was "inadvertent," with the change being made "without pause for thought" (Law 45C4). With the ruling by the director, the result at the table was 4♥ down one, N/S +50.

The Appeal: E/W contended that it was perfectly obvious that the call for the fourth heart was clearly accidental (inadvertent).

The Decision: The play of the fourth trump makes no sense: however, West's "What?" breaks any chain between East's call and his ability to change his mind. Only an instantaneous correction would allow East to get his card back. Once his partner interrupts, it is not possible to envisage that change as happening within the appropriate time frame. E/W were given the correct ruling and should have known that they had no grounds for appeal. With the ruling upheld, the result at the table was 4♥ down one, N/S +50. Consequently, the Committee imposed an Appeal Without Merit Warning.

The Committee: Barry Rigal (Chair), Tom Peters and Ellen Wallace

Commentary:

Goldsmith The AC ruled correctly.

Polisner The ruling and decision seem to be crystal clear given the facts presented. If it could have been established that East's designation from dummy was loud enough for West to have heard, and didn't need to clarify declarer's designation, I would have issued a penalty to West for blatant violation of the laws.

Rigal Though no card play cases are ever that simple, the AC thought this was as clear a case of an AWMW in this area as they had seen.

Wildavsky I agree -- this appeal had no merit.

Wolff The play of the ♥10 was certainly inadvertent and possibly was because English is not the declarer's 1st language. Having said that, I still think the declarer has to live with it, because to do otherwise would be to become subjective in determining who may and who may not and perhaps, without a good reason, one way or the other.

This episode couldn't help but remind me of the famous "Oh Shit" case (sometimes dubbed the worst decided case in ACBL history), which knocked me (and my team) from the Vanderbilt. First, the director-in-charge, followed later by the co-chairmen of the committee (according to later discussions I had with other dissenting committee members) used their influence and ruled that declarer (two tricks later) could go back and change her spade play instead of drawing trumps to make the contract. Either by coincidence or not so coincidentally, I previously had some relatively major confrontations with that DIC and individually with each of the co-chairs having to do with my fulfilling my roles of Chief Recorder for the ACBL and as ACBL Representative to the WBF. Bias and/or prejudice can play a huge and undesired role in forming regrettable committee decisions, and I feel strongly that a potential committee member or, for that matter, a DIC should recuse himself from playing a significant role in determining judgment on someone he either doesn't like or get along with (or with whom he is very friendly). The failure to do so emotionally fulfills one's need for favoritism or revenge, but instead seriously endangers our whole administrative process and allows others to point to our inadequacies.

In any event life goes on, but not without much sadness for the obstacles not overcome, or the bitter taste left.

Zeiger Obvious AWMW.