

APPEAL NABC+ SIX
 Subject: Misinformation (MI)
 DIC: Roger Putnam
 Event: Vanderbilt Knockout Teams
 Session: Round of Sixteen, April 5, 2006

Board #11		Fred Gitelman	
Vul: None		♠ 2	
Dlr: South		♥ A J T 9 4	
		♦ J 5	
		♣ Q J T 6 4	
	Kit Woolsey		Fred Stewart
	♠ A K 8 3		♠ T 9 7 5 4
	♥ Q 5 3		♥ 8
	♦ Q 8 7		♦ K T 6 2
	♣ A K 3		♣ 9 5 2
		Brad Moss	
		♠ Q J 6	
		♥ K 7 6 2	
		♦ A 9 4 3	
		♣ 8 7	

West	North	East	South
			Pass
1♣ ¹	2♥ ²	Pass	4♥
All Pass			

- (1) Strong and artificial
- (2) Alerted to East as hearts and a minor; no alert or explanation to West.

The Facts: Play was behind screens that separated South and West from North and East. The opening lead was the ♠4 to the Jack and King. The ♣K was led with East giving reverse count by playing the ♣9. The defense continued with the ♣A and another ♣. 4♥ made four, N/S +420. The director was called after the comparison of scores. South claimed that he had changed the N/S agreement during pre-play discussion to “Double = majors, NT = minors – that’s all.” No other player at the table understood him to say that.

The Ruling: Citing Laws 40C and 75, the director ruled that if West had known the agreement, he would have switched to a diamond at trick two. This would result in four tricks for E/W. Accordingly, the director adjusted the score to 4♥, down one, N/S -50.

The Appeal: N/S contended that a diamond continuation might let an otherwise unmakeable hand make if North's distribution were 1=5=4=3. They further stated that a 5-4 distribution was as likely as 5-5. E/W contended that the trick two continuation would have been the ♣K with East giving count (upside-down). That would reveal North's likely distribution to be what North actually held and it would have pointed to the diamond shift.

West admitted that his opponents had had a long discussion about their methods over a strong club opening and the one diamond response to it, but he was not paying attention.

The Decision: N/S at one point had the agreement that 2♥ showed hearts and a minor. The fact that North bid 2♥ and explained his bid as hearts and a minor is prima facie evidence that this agreement was in place. Though South may have attempted to cancel this agreement at the table, North was not aware of this. Therefore, South did not cancel it properly. Law 75 requires the director to assume misinformation rather than misbid in cases where the evidence is mixed about what agreement is in place (or whether one is). The Committee concluded that the director correctly found that this is a case of misinformation. That said – was there damage? At the table, West had virtually no chance to get the defense right. Had he known that North had hearts and a minor, a shift to a diamond was unlikely to be wrong at trick three. Hence, damage was clearly established and Law 12C2 applies. The Committee upheld the director's adjustment of the table result to +50 E-W and -50 N/S.

The Committee: Barry Rigal (Chair), Dick Budd, Tom Carmichael, Bruce Rogoff and Jeff Roman.

Commentary:

Goldsmith Since N/S cannot document their agreement that 2♥ was natural, we have to assume MI. I don't see how the MI was relevant, though; North's minor could have been diamonds. With either explanation, either a diamond or a club could have been right. Moreover, with no way to bid a major-minor two-suiter, North could easily have the hand he did. Result stands. Perhaps the ACBL Screen Procedure ought to include declarer's sharing with his non-screenmate any explanations he has given the other defender. This shouldn't take more than a few seconds and can prevent some problems like this.

Polisner I agree with the result, although I have sympathy for N/S's position. We must assume MI unless by rather clear evidence it can be established that it was a misbid. That level of evidence is not present in the facts as given. With that established, West's failure to shift to a diamond was not egregious so as to deny E/W an adjusted score.

Rigal A well-reasoned decision which came closer to my mind to AWMW than it did to going the other way. The offenders needed to be aware that once they have committed an infraction, and their differing explanations made it clear according to the Laws that they had given MI, then they do not get the best of it even in a 51-49 case. Let alone as here, where the winning defense is surely the percentage action.

Wildavsky Good work all around.

Wolff Another convention disruption (CD) case, which, of course, is impossible to adjudicate equitably. No consistency in our rulings on CD cases. When will we attempt to attack it at its source?

Zeiger Another missed AWMW. Negative publicity sure isn't an inhibiting factor. For shame.