

APPEAL	NABC+ TWO
Subject	Unauthorized Information (UI)
DIC	Olin Hubert
Event	Silver Ribbon Pairs
Session	First Final
Date	March 10, 2008

BD#	20
VUL	Both
DLR	West

Garey Hayden	
♠	9 7 3
♥	Q T 8 6 4
♦	9 7 4 3
♣	T

Henry Shevitz		Spring 2008 Detroit, MI	Rick Kaye	
♠	J T		♠	A K Q 6 5
♥	A 5 3		♥	J 7 2
♦	T 5		♦	J 6 2
♣	K J 9 6 3 2		♣	Q 7

Tony Kasday	
♠	8 4 2
♥	K 9
♦	A K Q 8
♣	A 8 5 4

West	North	East	South
Pass	Pass	1♠	2♦
3♣	Pass	Pass	Pass

Final Contract	3♣ by W
Opening Lead	♦4
Table Result	Down 2, E/W -200
Director Ruling	3♣ by W, making 4, E/W 130
Committee Ruling	3♣ by W, making 4, E/W 130

Material play of the hand:

♦4	♦2	♦Q	♦5
♦A	♦T	♦3	♦6
♥K	♥5	♥8	♥2
♥9	♥3	♥Q	♥7
♥6	♥J	♣4	♥A

The Facts: The director was called at the end of the hand. North played out of tempo to the second diamond. According to North the break in tempo (BIT) was not "long, long." N/S play 3rd and 5th best leads versus suit contracts.

The Ruling: The director determined that:

1. There was a BIT.
2. South chose from among logical alternative (LA) actions one that could demonstrably have been suggested over another by the BIT, which resulted in damage.
3. Therefore, the result was adjusted to 3♣ by West making four, E/W plus 130.

The Appeal: Present at the hearing were North, South and West.

South knew that West had at most three hearts from his failure to make a negative double. Additionally, if West was 6-4 in the minors with the ace and queen of hearts and king and jack of clubs, he might have opened the bidding. Thus, it was quite likely that North held the ♥Q and a shift to the king of hearts would, at worst, break even.

E/W argued that West could easily have the ♥AQ in which case N/S would lose their diamond trick if South played the ♥K at trick three. North's BIT before playing the ♦3 told South that he started with four diamonds in which case playing a third round of diamonds would not be successful.

North claimed that he took 2-3 seconds to play the ♦3. He was quite surprised when West followed to the second round of diamonds. He did a quick recount of the diamond suit and, realizing that, if he played the 7 or 9 of diamonds, South would surely continue, he played the three. E/W estimated the time that North took to play the three at 7-8 seconds.

The Decision: The committee determined that a BIT took place before North played the ♦3. The UI that South had from the BIT demonstrably suggested that a heart shift was more likely to be successful than a diamond continuation. Since a diamond continuation was a LA to the ♥K, the committee upheld the director's decision to disallow the play of the ♥K and to adjust the score to 3♣ by West making four, E/W plus 130 as the result that would have been achieved there been a third diamond played.

The committee discussed the merit of the appeal and decided that there were enough factors to process so as to allow N/S to avoid an appeal without merit warning (AWMW).

The Committee: Doug Doub (Chair), Dick Budd, Ellen Kent, Jeff Meckstroth and Jim Thurtell.

Commentary:

Goldsmith I don't buy that the case had merit, but good work otherwise.

Polisner I agree. When playing with a client, the pro needs to take special care not to "give the show away" which is what North did by his BIT. It also looks like North helped South with his reason for shifting to the ♥K for the appeals committee (AC).

Rigal Excellent decision. No merit to the appeal. North convicted himself out of his own mouth, when he said he was thinking about how to get South to shift. Well, he found the way!

Smith A thorough job by the directors and the committee. Perhaps it was generous not to award an AWMW.

Wildavsky North's testimony was useful, though perhaps not in the way he expected. He confirmed that he broke tempo, thereby making UI available. The reasons for his doing so are not relevant. The AC used a blind preview in this case and it proved effective. When given as a defensive problem, with just the authorized information, most of the AC members quickly continued with a third high diamond. Kudos to the director and AC for a sound decision in an unusual situation. Kudos also to E/W for realizing that they might have been damaged and allowing the director to assess the situation. I see little merit to the appeal, but I don't fault the committee for failing to assess an AWMW.

Wolff Much closer than NABC+ case number one. The result should stand E/W minus 200, N/S plus 200, but a two MP procedural penalty (PP) penalty for possible UI resulting from the slow play of the ♦3. The difference in the penalty is a calibration of the severity of the hesitation.