

APPEAL	NABC+ TWELVE
Subject	Misinformation (MI)
DIC	Steve Bates
Event	Jacoby Open Swiss Teams
Session	First Qualifying
Date	March 21, 2009

BD#	<b>22</b>
VUL	<b>E/W</b>
DLR	<b>East</b>

<b>Michael Becker</b>	
♠	K T 4 3 2
♥	Q 4
♦	Q 5
♣	J T 6 3

<b>Ellis Feigenbaum</b>		<b>Spring 2009 Houston, TX</b>	<b>Miguel Reygadas</b>	
♠	A Q 9 6 5		♠	J 7
♥	K 7		♥	J 5 3 2
♦	K T 8 6		♦	J
♣	Q 4		♣	A K 9 8 7 5

<b>Aubrey Struhl</b>	
♠	8
♥	A T 9 8 6
♦	A 9 7 4 3 2
♣	2

West	North	East	South
		Pass	Pass
1♠	Pass	3♣ <sup>1</sup>	3♠
Pass	4♣	Dbl	4♦
Dbl	Pass	Pass	Pass

Final Contract	<b>4♦ doubled by South</b>
Opening Lead	<b>♣Q</b>
Table Result	<b>Down 2, N/S -300</b>
Director Ruling	<b>4♠ W down 1, E/W -100</b>
Committee Ruling	<b>4♠ W down 1, E/W -100</b>

(1)	Alerted and explained as a Bergen Raise (6-9 HCP with 4 spades).
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**The Facts:** The director was called when the dummy came down and returned after the hand. E/W do not play Bergen raises. 3♣ was intended as natural with 10-12 HCP.

**The Ruling:** South indicated that he would double or bid 3♦ with the correct explanation. In discussions as the rest of the round was being played West said that, at the table, among the other possible actions he might have taken was to bid 3♠ - and it was determined, if so, that East would raise to 4♠. Therefore, in accordance with Laws 20F6, 21B3 and 12C1(e), the result was adjusted to 4♠ by West down one, E/W minus 100 for both sides.

**The Appeal:** E/W appealed the director's decision. All four players attended the hearing. The screening director discovered that there was no partnership agreement about 3♣ by a passed hand. When asked about the call, West eventually said, "Bergen." - 6-9 with four trumps. West also thought it might be clubs with three spades.

E/W agreed that there was MI. After some discussion, it was established that West had described the 3♣ call as Bergen and, whether or not he was in doubt, he had left South with the impression that he was confident of that fact.

N/S play that a double of Bergen 3♣ is lead directing. A double of a natural 3♣ is takeout. N/S suggested that if 3♣ shows clubs, then when West bids 3♠ East would have a raise to 4♠.

**The Decision:** The committee determined that West had given South misinformation. The MI had caused damage. If the call had been correctly explained, South had a range of actions - 3♦, 3♠ and double. Since double was the one that would have worked best for his side and he could not make that call after the MI, an assigned adjusted score had to be awarded.

The committee looked at what would have happened after a double of 3♣. West might pass, redouble or bid one of 3♦, 3♠, 4♠.

While it was unclear what would have happened next, the most unfavorable result that was at all probable for the offenders was a contract of 4♠. This contract was likely to go down one rather than two after the lead of the ♥Q.

That result of down one was sufficiently probable that it was also awarded to the non-offenders as the most favorable result that was likely.

Therefore, the director's adjustment of 4♠ by West down one, E/W minus 100 for both sides was allowed to stand.

The appeal was determined to have merit.

**The Committee:** Barry Rigal (Chair), Tom Peters, Bruce Rogoff, Alan Stauber and Adam Wildavsky.