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| APPEAL | NABC+ SIXTEEN |
| Subject | Unauthorized Information (UI) - Tempo |
| DIC | Steve Bates |
| Event | Jacoby Open Swiss Teams |
| Session | Second Qualifying |
| Date | March 20, 2010 |

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|-----|--------------|
| BD# | 3 |
| VUL | E/W |
| DLR | South |

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|-------------------------|---------|
| Waldemar Frukacz | |
| ♠ | 8 6 5 4 |
| ♥ | 7 5 2 |
| ♦ | Q J 7 6 |
| ♣ | 6 3 |

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|-------------------------|-----------|---------------------------------|--------------------|-----------|
| Venkatrao Koneru | | Spring 2010 Reno, NV | Ira Chorush | |
| ♠ | K 2 | | ♠ | A 9 7 |
| ♥ | 9 4 3 | | ♥ | K J T 8 6 |
| ♦ | K 9 3 | | ♦ | A 8 4 |
| ♣ | A J 5 4 2 | | ♣ | 8 7 |

| | |
|----------------------|---------|
| Piotr Walczak | |
| ♠ | Q J T 3 |
| ♥ | A Q |
| ♦ | T 5 2 |
| ♣ | K Q T 9 |

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|-------------------|-------|------|-------|
| West | North | East | South |
| | | | 1NT |
| Pass ¹ | 2♣ | 2♥ | Pass |
| 4♥ | Pass | Pass | 4♠ |
| Pass | Pass | Dbl | Pass |
| Pass | Pass | | |

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| Final Contract | 4♠ doubled by South |
| Opening Lead | ♥ 9 |
| Table Result | Down 2, N/S - 300 |
| Director Ruling | E/W 4♥ E down 1, E/W -100 N/S 4♠ dbld S down 2, N/S -300 |
| Committee Ruling | 4♠ dbld S down 2, N/S -300 |

(1) N/S Alleged a BIT by West over 1NT – E/W denied that there was a BIT.

The Facts: The director was called after West's 4♥ bid and again after the play of the hand was completed. The facts are as above.

The Ruling: After polling several players, it was the opinion that East has a clear pass after a 15-17 NT – Pass - 2♣ with the NT bidder behind him at unfavorable vulnerability. Therefore it was probable that there was a BIT that demonstrably suggested the 2♥ bid. The result for E/W was adjusted to 4♥ by East down one, E/W minus 100, per Laws 16B1(a) and 12C1(b).

However, South's 14 point opener and free bid of 4♠ after partner failed to act over 4♥ constituted a "wild or gambling action" that took away relief of any adjustment – Law 12C1. Therefore, the table result for N/S was allowed to stand.

The Appeal: Both N/S and E/W appealed the director's decision. North, East and West attended the hearing.

E/W use Cappelletti over 1NT. They asserted that there was no hesitation by West, let alone one of 15 seconds. There is no bid that West could consider directly over 1NT. Further West stated that there was a significant pause before the 4♥ call, but that is irrelevant to these proceedings. While East agreed that the 2♥ overcall was not solid bridge, he gave examples of other top pairs who would strain to direct a lead against 3NT.

N/S appealed the director's decision that the South action of 4♠ was a "wild or gambling action." The provided no justification beyond that they didn't know the rule. South is new to ACBL but a long time player in Poland. In addition, North stated that West paused for approximately 15 seconds over 1NT but bid instantly over 2♥.

The committee learned that the director did not consider the West hand in determining whether a BIT occurred.

The Decision:

N/S appeal: No rationale was given for the South action at the table other than the South player was not aware of the laws regarding wild actions. As South has a sub-minimum notrump opener with three plus defensive tricks, bidding 4♠ was deemed a wild or gambling action per Law 12C1(b). Therefore, the table result stood for N/S. Since Law 12C1(b) is not a Zonal regulation but a matter of law, South's unfamiliarity with ACBL Zonal rules is irrelevant. Therefore, an appeal without merit warning was assessed to the N/S pair and their team captain.

E/W appeal: The director focused on the East hand for determining whether there were logical alternatives to the 2♥ bid. While the committee agreed that there are logical alternatives to 2♥ (e.g. pass), first we must consider whether an "unmistakable hesitation occurred. As N/S and E/W were in disagreement over the facts, the committee looked to the West hand to determine if a BIT was at all likely. As West has no alternative to pass and no reason to even consider any other action, the committee judged it likely that no BIT occurred. Therefore, the table result was restored for E/W.

The Committee: Aaron Silverstein (Chairman), Tom Carmichael (Scribe), Michael Kamil, Nick L'Ecuyer and Joel Wooldridge.

Commentary:

Goldsmith Great job by the AC.

Polisner Excellent work by the AC. If the writeup is accurate that the TD went down the LA road to decide that since E had a LA, i.e., pass, the 2 H bid must have been the result of UI, this Director needs to be trained and not be considered for any high-level tournament. Of course determination of an unmistakable BIT is the first step in the process. A poll is normally used to see what the player in possession of UI would bid without any UI. The Director jumped over steps one and two and created all this unnecessary work for the AC.

- Rigal** E/W was seriously damaged by the failure in procedure of the director ruling but the committee corrected the position. Fortunately so; N/S are experienced enough to know the laws and procedures, and 'ignorantia facti no se excusit' as English Law would have it. Ignorance of the law is no excuse.
- Wildavsky** The AC's reasoning seems sound to me. I would have liked to see an explanation as to why the TD judged that an unmistakable BIT had occurred
- Wolff** Not a difficult decision and sounds like sour grapes from NS. East's bid saved EW from a terrible score.