

APPEAL	NABC+ ONE
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Bobby Nail LM Open Pairs
Session	Second Qualifying
Date	November 27, 2009

BD#	1
VUL	None
DLR	North

Ahmed Sorathia	
♠	Q 9 7
♥	A Q T
♦	A 7
♣	A K T 4 3

R. J. Becker		<b>Fall 2009 San Diego, CA</b>	Bobby Levin	
♠	8 2		♠	A K J T 6 4 3
♥	9 6 3		♥	K 4 2
♦	K Q T 8 5 2		♦	6 3
♣	8 5		♣	9

Atsuko Kurishima	
♠	5
♥	J 8 7 5
♦	J 9 4
♣	Q J 7 6 2

West	North	East	South
	2NT	3♠	Pass <sup>1</sup>
Pass	3NT	Pass	Pass
Pass			

Final Contract	<b>3NT by N</b>
Opening Lead	<b>♠A</b>
Table Result	<b>Made 3, N/S +400</b>
Director Ruling	<b>3♠ E down 1, E/W -50</b>
Committee Ruling	<b>3NT N made 3, N/S +400</b>

(1) Break in tempo (BIT) of 5-7 seconds.
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**The Facts:** The director was called during the hand and again after the play was completed. South said “her bids are always slow.”

**The Ruling:** The director determined that there was a BIT that demonstrably suggested the 3NT bid and that pass was a logical alternative. Therefore, he adjusted the result for both sides to 3♠ by East down one, E/W minus 50 – Laws 16A2 and 12C1(e).

**The Appeal:** N/S appealed the director's ruling. North, South, and West attended the hearing.

N/S said that they play automatic reopenings. Their convention card is marked "Auto reopenings over 1x-2y-Pass-Pass."

North said he didn't notice a hesitation and South said she didn't take very long. West said East thought it was longer than five seconds. West said South took some time but not a long hesitation. North said he would not have reopened if he thought South hesitated. West felt East might make 3♠ if the defense were not perfect. Also, West thought South would not have taken five seconds with nothing.

**The Decision:** The committee determined that a 5-7 second hesitation in a pressure auction did not transmit UI. Therefore, the committee found no irregularity and restored the table result of 3NT by North making three, N/S plus 400.

**The Committee:** Aaron Silverstein (Chair), Michael Huston, Gene Kales, Jacob Morgan and David Stevenson.

### **Commentary:**

**Goldsmith** Oops. Of course South broke tempo. Look at her hand. Look at North's hand. Which one doesn't scream that there was a BIT? Why didn't the committee ask, "what would double by South have meant?" Obviously, they must be playing penalty doubles or South would have doubled in tempo, but isn't that important to know?

What's the correct score adjustment? I think it'd take particularly poor defense to let 3♠ make. To beat 3♠, North has to duck one round of diamonds. If he's in later, he has to cash the ♦A once dummy is dead. Neither is at all unnatural. 3♠ is going down one. How did 3NT make? I'd like to know the defense. If it was something really goofy, E/W keeps their minus 400; if it was something reasonable, they are minus 50. Regardless, N/S are plus 50.

This appeal had no merit whatsoever. N/S deserve an AWMW and a 1/4 board procedural penalty for blatant misuse of UI.

**Polisner** I would have gone with the director's ruling as it appears that N/S made up the story about the automatic reopening or else why didn't they tell the director before the ruling was made. However, without that credibility issue, the committee would have been correct by finding that there was not an unmistakable BIT which is the first requirement to get an adjusted score.

**Rigal** I'm unconvinced that there is any 'balanced' hand worth this action. If they play automatic re-openings then why did South not double 3♠ for take-out? If double is NOT take-out, then you can't play automatic reopenings. Here it looks to me as if South DID pause –just judging from the hand -- so North is barred. The play in 3♠ is likely but not by any means sure to lead to down one – the defenders have to be a little careful. There might well be a case for a less favorable result for N/S here than plus 50.

**Smith** I was shocked with this committee decision at the time, and I still am. Everything about this case screams that something happened to give N/S a potential advantage: South's obvious problem over 3♠; the E/W director call; and North's bid of 3NT on an average (even under-strength in terms of HCP) hand for his previous bid. This decision is depressing.

**Wildavsky** Three seconds seems about right for a pass on this auction. Five or six seconds would be quite long. Sure enough, South has a maximum pass. I can't imagine why E/W did not call the director after the 3NT bid, but it ought not have mattered. N/S's claim that they play "automatic" reopenings, and that the agreement applies to this auction, if anything ought to have hurt their case. It is contradicted both by the fact that they did not Alert South's pass as forcing and by North's contention that he would have passed had he thought South had hesitated.

An appeals committee can assert that players ought to take their time on certain auctions no matter what their hand. Alas, most players don't. I've found that players at the table are reasonably good judges of their opponents' proclivities in this regard. In my experience few players call the director to report a break in tempo when there was none, especially when the call is timely. If any developed this habit it would come to our attention quickly.

I prefer the director's ruling to the committee's.

**Wolff** I agree that because of the hesitation (although controversial) and questionable rejoinder of "so called automatic re-openings, especially on this sequence" would rule N/S back to plus 50 vs. 3♠, but, because of what I consider a normal defense to 3NT (A top spade and then a shift to diamonds, which would lead to a three trick set if declarer tried to make the hand via the heart finesse or even down four if declarer wanted to save a club entry in case the heart finesse worked, but only a two trick set if declarer played conservatively), because this is matchpoints, a dual result would be appropriate, N/S plus 50 defeating 3♠ one trick, and E/W minus 400. All of our masters would thus be served:

1. Average or less (on a total basis) would be given out on that board.
2. The field would be protected in this match point event,
3. Proper, or at least winning bridge play, would be discussed and rewarded.
4. Appellants would be reminded that in order to seek redress it would be a good idea to come into committee with "clean hands", rather than face the music of not having defeated 3NT.
5. Both directors and committees would be encouraged to be more thorough than they sometimes are.
6. Justice would ultimately triumph which is very necessary if we want all players to eventually succumb to the integrity of our process.