

APPEAL	Non-NABC+ One
Subject	Unauthorized Information (UI)
DIC	Terry Lavender
Event	International Fund Swiss
Session	Afternoon
Date	July 23, 2009

BD#	<b>12</b>
VUL	<b>N/S</b>
DLR	<b>West</b>

<b>1,350 Masterpoints</b>	
♠	T 8 2
♥	A J 9 8 2
♦	A J T
♣	6 5

<b>4,845 Masterpoints</b>		<b>Summer 2009 Washington D.C.</b>	<b>3,241 Masterpoints</b>	
♠	K 7 5 3		♠	
♥	K T 5 3		♥	Q 7
♦	5		♦	Q 9 8 7 6 2
♣	A 9 7 3		♣	K J T 8 2

<b>410 Masterpoints</b>	
♠	A Q J 9 6 4
♥	6 4
♦	K 4 3
♣	Q 4

West	North	East	South
Pass	Pass	4NT <sup>1</sup>	Pass
5♣	Pass <sup>2</sup>	Pass	5♠
6♣	Dbl	Pass	Pass
Pass			

Final Contract	<b>6♣ doubled by W</b>
Opening Lead	<b>♣6</b>
Table Result	<b>Down 1, E/W - 100</b>
Director Ruling	<b>5♣ W, made 5, N/S -400 for N/S 6♣ dbld W down 1, E/W -100 for E/W</b>
Panel Ruling	<b>5♣ W, made 5, N/S -400 for N/S 6♣ dbld W down 1, E/W -100 for E/W</b>

(1)	Alerted and explained as minors.
(2)	Questions by North about length and strength.

**The Facts:** The director was called when the 5♠ bid was made and called back after the play was concluded. As stated above, North asked questions before passing 5♣.

**The Ruling:** The director judged that the questions by North made unauthorized information available for South. The 5♠ bid by South was judged to be demonstrably suggested by the UI and pass was judged to be a logical alternative to the 5♠ bid. Therefore in accordance with Laws 16 and 12, the director adjusted the result to 5♣ by West making five, minus 400 for N/S. However, by bidding 6♣ over 5♠ the director judged that E/W had forfeited its right to redress. Therefore, the table result of 6♣ doubled down one, E/W minus 100 was allowed to stand for E/W.

**The Appeal:** Originally, both sides wanted to appeal; however, prior to the hearing N/S withdrew its appeal. East and West were the only players attending the hearing. E/W felt that since 6♣ was in the mix originally that they were put in a bad position by the 5♠ bid. North had asked at least three questions about the 4NT bid and thought for a little while.

While North did not attend the hearing, she had told the Reviewer before leaving that she had asked several questions but knew she shouldn't have.

**The Decision:** Five players were polled about the South hand – all passed (one might have bid 5♠ over 4NT). Four players were polled about the West hand. All doubled 5♠ without thought.

Although South's 5♠ bid was deemed unacceptable, the E/W pair had available a better score than in 5♣. The 6♣ bid was the cause of its bad result. West's defensive values should indicate to him that he has a better score available by doubling 5♠ at this vulnerability.

Laws 73C and 16B1 clearly indicate that South cannot be permitted to gain from bidding 5♠. Therefore the N/S result was adjusted to 5♣ by West making five N/S minus 400. Law 12C1(b) indicates that E/W is not due relief and for it the table result of 6♣ doubled down one, E/W minus 100 stands.

Although the 6♣ bid was deemed to have broken the connection between infraction and injury (all players polled doubled 5♠), the appeal was not considered to be without merit (though barely) because of the egregious 5♠ bid. Two of the players polled wanted to bid 6♣ instead of five at their first turn.

**The Panel:** Bernie Gorkin (Reviewer), Nancy Boyd and Bill Michael.

### **Commentary:**

**Polisner**      The issue of how bad the bridge must be to break the causal connection from the infraction and the damage is not well defined. In my opinion, the standard should allow for some very bad bridge and forfeiture should occur only when the non-offenders did something wild or crazy. From West's perspective, East could hold, void/x/Axxxxx/KJ10xxx, making 6♣ pretty good or, void/xx/Qxxxx/KQJxxx, making 6♣ a one or two trick save over an easily making 5♠. I would have adjusted to 5♣ plus 400 for both sides.

**Rigal**            Excellent ruling by both the director and panel. It would have been easy if careless to focus on the offenders. Well done by both sets, and a well-reasoned argument for doing exactly what they did.

**Smith** It looks like West really wanted to declare this hand. Good job by all concerned, although I would like to have seen that the directors had originally polled the hand. The panel correctly describes how the ACBL has traditionally treated an adjustment for the non-offenders following an infraction but after a subsequent serious error by the non-offending side. However, many parts of the world now apply it somewhat differently in light of the wording of the new Law 12C1(b). The ACBL Laws Commission is scheduled to address this issue at its next meeting in San Diego.

**Wildavsky** "Two of the players polled wanted to bid 6♣ at their first turn." 6♣ may have been a mistake, but it was not the kind of serious error that should deny E/W redress for damage per Law 12C1(b). That would be something like ducking the setting trick against a game or slam. The non-offenders need not play perfectly subsequent to the infraction to receive redress. I think the appellants ought to have prevailed. An appeal without merit warning (AWMW) would have been beyond the pale.

**Wolff** Extra good ruling.