

APPEAL	Non NABC+ Two
Subject	Unauthorized Information (UI)
DIC	Nancy Boyd
Event	David Bruce LM-5000 Pairs
Session	First Qualifying
Date	July 24, 2009

BD#	<b>10</b>
VUL	<b>Both</b>
DLR	<b>East</b>

<b>986 Masterpoints</b>	
♠	8 5 4
♥	K Q J T 5 2
♦	8
♣	T 8 7

<b>1,290 Masterpoints</b>		<b>Summer 2009 Washington D.C.</b>	<b>1,679 Masterpoints</b>	
♠	T		♠	K J 7 2
♥	7 4		♥	8
♦	A K Q 7 6 4 3 2		♦	T 9 5
♣	9 2		♣	A K Q 6 3

<b>2,453 Masterpoints</b>	
♠	A Q 9 6 3
♥	A 9 6 3
♦	J
♣	J 5 4

West	North	East	South
		1♣	1♠
2♦	2♥	3♦	3♥
5♦	Pass	Pass	Dbl <sup>1</sup>
Pass	5♥	Pass	Pass
Pass			

Final Contract	<b>5♥by North</b>
Opening Lead	<b>♣A</b>
Table Result	<b>Down 3, N/S -300</b>
Director Ruling	<b>5♦ dbld W made 5, E/W +750</b>
Panel Ruling	<b>5♦ dbld W made 5, E/W +750</b>

(1) Before selecting the double card, South put his finger on the pass card.

**The Facts:** The director was called after the 5♥ bid and again after the conclusion of play. South doubled after first placing his finger on the pass card.

**The Ruling:** The director determined that South's actions made UI available to his partner that demonstrably suggested action rather than inaction. Pass was judged to be a logical alternative. Therefore, the result was adjusted to 5♦ doubled by West making five, E/W plus 750 for both sides. [Laws 12C1(e) and 16B1]

**The Appeal:** N/S appealed the director's decision. All four players attended the hearing. South said he has problems with hand-eye coordination. He cited a hand he had played earlier when he was trying to play one card and grabbed another instead. He was reaching for the double card when his hand brushed a pass card. He did stop to think briefly, but he had already made up his mind to double. North stated his partner always has four trumps when he raises his suit, so he knew they weren't getting many heart tricks. He was afraid to bid 5♥ immediately; but when partner doubled he was afraid the opponents could make their contract.

East had the clearest view of South's actions. He said that South rested his finger on a pass card for about five seconds before deciding to reach further back and pull out a double card.

North was asked why he passed 5♦, thus leaving the final decision to his partner, and then overrode partner's decision by bidding 5♥. At first he said, "I didn't do that." After being reminded that he didn't bid 5♥ until after partner doubled 5♦, he said, "I guess I did do that."

**The Decision:** Five players were given the North hand and asked what they would do with no UI after partner doubled 5♦. Three of them passed. Therefore, the panel determined that pass was a logical alternative to bidding 5♥, which was demonstrably suggested by the UI.

The statements about poor hand-eye coordination were considered self-serving, especially since South admitted to thinking with his hand on the box before pulling the double card. The panel upheld the director's adjustment of 5♦ doubled making five, E/W plus 750 for both sides.

The appeal was judged to have merit.

**The Panel:** Jean Molnar (Reviewer), Diane Barton-Paine, Su Doe, Patty Johnson, Terry Lavender and Kevin Perkins.

### **Commentary:**

**Polisner**        Where is the merit in this appeal?

**Rigal**            No merit; if the facts are all that is in dispute then when the director's version of the facts is upheld all we are doing is looking at North justify...what's that C word again? Taking advantage of his partner's BIT and then appealing the decision. Closer to a procedural penalty than no appeal without merit warning..

**Smith**            I wish my partners always had four trumps when they raised me! Very good job by the panel right up to the point where they forgot to award an appeal without merit warning (AWMW).

**Wildavsky**        "North stated his partner always has four trumps when he raises his suit." Literally incredible. What does partner do with three trump, fondle a raise card and then pass? For that and many other reasons this appeal had no merit.

**Wolff**            Good ruling.