

APPEAL	NABC+ TWENTY-ONE
Subject	Unauthorized Information (UI) - Tempo
DIC	Candace Kuschner
Event	NABC+ Open Swiss Teams
Session	Second Final
Date	August 2, 2009

BD#	9
VUL	E/W
DLR	North

Bart Bramley	
♠	Q 9 3
♥	K 9
♦	A Q 9 8 4 2
♣	8 4

Lou Reich		Summer 2009 Washington D.C.	John Adams	
♠	A T 6 5		♠	7 4 2
♥	A J 6 3		♥	T 8 7 4
♦	3		♦	K T 7 5
♣	A Q J 6		♣	9 5

Chris Compton	
♠	K J 8
♥	Q 5 2
♦	J 6
♣	K T 7 3 2

West	North	East	South
	1♦	Pass	1NT
Dbl	2♦	Pass	2♥
Dbl	Pass	Pass	2NT
Dbl	3♦	Pass ²	Pass
Dbl	Pass	Pass	Pass

Final Contract	3♦ doubled by N
Opening Lead	♣9
Table Result	Down 2, N/S - 300
Director Ruling	3♦ N down 2, N/S -100
Committee Ruling	3♦ N down 2, N/S -100

(1)	Precision.
(2)	A break in tempo (BIT) of 4-5 seconds – not agreed to by E/W.

The Facts: The director was called after the play the hand. N/S contended that East's pass over 3♦ came after a four or five second BIT. While E/W disagreed, East said that he thought he was supposed to take a little time in this auction.

The Ruling: The director determined that East's BIT constituted UI for West [Law 16B1(a)]. Three players were polled. All thought they had already shown their hand and that the BIT suggests a diamond trick. Therefore in accordance with Law 12C1(e) the result was changed to 3♦ by North down two, N/S -100 for both sides.

The Appeal: E/W appealed the director's decision. West was the only player to attend the hearing.

The director said that N/S said that the pause over 3♦ was five seconds. E/W (and East at the hearing) said it was about three seconds. The committee asked West whether that pass took longer than West's previous passes. West said it did, but only slightly. East told the director at the table that he thought this was an auction where he should not pass immediately over 3♦, but rather should pause briefly to avoid conveying information by a fast pass.

West raised issues about South's 2♥ bid, labeling it a favorable-vulnerability lead inhibitor for NT, which could become part of a pattern of bidding that should be Alerted.

This point did not seem to be relevant to the case at hand.

The Committee noted that the absence of N/S made it more difficult to determine the table tempo, since they could not be interviewed.

The Decision: The committee believed that West's previous three doubles during the auction were enough to show his values, and that the fourth double (of 3♦) was an overbid (thus pass was clearly a logical alternative.) The committee thought it was a close decision as to whether there was UI from a break in tempo. The pass over 3♦ took only slightly longer than the previous passes. The committee finally decided there was UI. They all said they would double 3♦ with the East hand (the hand that passed out-of-tempo) so it was easier to believe that East had thought, at least briefly, about doubling, and that that thought could have produced table action to convey the UI.

The committee believed that West would have doubled 3♦ without the UI, but felt he should not be allowed to after the UI.

The committee ruled as the director had, adjusting the score to 3♦ undoubled, down two, for N/S minus 100 for both sides, per Laws 16 and 12.

The Committee found that the appeal had substantial merit.

The Committee: Jeff Meckstroth (Chair), Joe Grue, Michael Rosenberg and Peter Boyd - non-voting scribe,

Commentary:

Goldsmith Was there a BIT? Yeah, it looks like it. East had a reasonable penalty double of 3♦, and West acted a fourth time when I think the third time was marginally an overbid.

It looks as if there was a BIT, so the actual ruling is the correct one. The only question is the appeal without merit warning (AWMW), and I think one is appropriate.

Polisner Good result except for the lack of an AWMW.

Rigal I'm inclined to agree with the director, and with the committee's rationale for not allowing the double. Personally I do not think the West hand is worth another call; partner did after all come through with two tricks to set the contract – and why would he have more than one? I think the committee was unduly charitable to West. I'm not sure I would have ruled this an appeal without merit but I think I would.

Smith This case seems routine. I'm not sure I see any merit.

Wildavsky I agree that the appeal had merit.

Wolff While I do not disagree with the way this committee handled these facts and its ruling was certainly not a naive one, it probably had the side issues right in realizing that West was on a doubling toot. I would like to believe East's contention that he didn't want to pass too fast or too slow, and if someone did believe him then it is also possible to give both sides E/W plus 300. A compromise of E/W plus 100 and NS minus 300 can also be done (opposite of what the candy store committee on case #20 did). We need to penalize culprits and protect the field otherwise we are not doing service to the players in that field who were affected, but didn't have the foggiest idea (through no fault of their own) of what was happening behind closed committee doors.