American Contract Bridge League

Presents

Dallas: They Fought the Law

Appeals at the 1997 Spring NABC
and the 1997 International Team Trials

Edited by
Rich Colker

CONTENTS

FOREWORD

We continue with our presentation of appeals from NABC tournaments. As always, our goal is to provide information and to stimulate change (hopefully for the better), and we hope we have done this in a manner that is entertaining as well as instructive and stimulating.

As in previous casebooks, we've asked our panelists to rate each Director's ruling and each Committee's decision. While not every panelist rated every case (just as every panelist didn't comment on every case), most did. The two ratings (averaged over the panelists) are presented after each write-up, expressed as percentages. These ratings also appear in a summary table near the end of the casebook for handy reference.

A new feature in this casebook is the inclusion of the appeals from the 1996 ITT held in New Orleans. We hope that their inclusion will be both informative and entertaining. Given the fireworks that accompanied this year's Trials, the latter is probably guaranteed.

I wish to thank all of the hard-working people without whose efforts this casebook would not have been possible: the scribes and Committee chairs who labored in Dallas to set the details of each case down on paper; the panelists, for their hard work and devotion to an arduous task, for nothing more than the "glory" of seeing their names in lights and receiving our praise (and occasional abuse); John Solodar, who contributed long hours to writing up the cases for the Daily Bulletin; and, of course, our Linda, who assisted (led?) the preparation of the write-ups; she is truly the indispensable one in this operation. My sincere thanks to all of you. I hope that any revisions that I have made here have not diminished your earlier work too much.

Rich Colker,
January, 1998

THE EXPERT PANEL

Karen Allison, ageless, was born in Brooklyn and is a graduate of Brooklyn College. She currently lives in Jersey City, NJ, with her three cats, Stella, Blanche and Stanley. A former options trader, Karen is currently a bridge teacher and writer. When she isn't "catting" around she enjoys traveling, reading, the theater and concerts. She is a Co-chairman of the National Appeals Committee, has served on the National Laws Commission since 1982, and has worked on several revisions of both the Laws of Contract and of Rubber Bridge. Karen is proudest of her silver medal for the Women's Teams in Albuquerque in 1994 and of winning the CNTC and representing Canada in the Open Teams Olympiad in Monte Carlo in 1976

Henry Bethe, 54, was born in Los Alamos, New Mexico. He is a graduate of Columbia and currently resides in Ithaca, New York, where he is in the process of completing his law degree. He has a son Paul, who is 19. His other interests include stamp collecting, baseball statistics and other mathematical recreation. He won the New York triathalon in 1979 and 1980. He is a Vice-Chairman of the National Appeals Committee. He is proudest of winning the Life Master Mens Pairs in 1969.

Bart Bramley, 50, was born in Poughkeepsie, New York. He grew up in Connecticut and Boston and is a graduate of MIT. He currently resides in Chicago with his longtime companion Judy Wadas. He is a stock options trader at the CBOE. Bart is a sports fan (especially baseball and specifically the NY Yankees), a golf enthusiast, enjoys word games and has been a Deadhead for many years. He is proudest of his 1989 Reno Vanderbilt win and his participation in the 1991 Bermuda Bowl. He was captain of the 1996 U.S. Olympiad team. He also credits Ken Lebensold as an essential influence in his bridge development.

Jon Brissman, 54, was born in Abilene, Texas. He attended Purdue University and earned a B.A. from Parsons College, an M.A. from Northeast Missouri State University, and a J.D. from Western State University College of Law. He operates a small law office in San Bernardino, California, teaches at the Los Angeles College of Chiropractic, and serves as a judge pro tem in small claims and municipal court. He served as Co-Chair of the National Appeals Committee from 1982-88, and was reappointed in 1997. A Good Will Committee member, he believes that a pleasant demeanor coaxes forth his partnership's best efforts.

Larry Cohen, 38, was born in New York. He is a graduate of SUNY at Albany. He currently resides in Boca Raton, Florida. He is a Bridge Professional and author of three books, two that are best sellers: *To Bid or Not To Bid* and *Following the Law*, and a third book published recently, *Bridge Below the Belt*, written with Liz Davis. Larry is a Co-Director of the *Bridge World* Master Solver's Club. He enjoys golf in his spare time. He has won sixteen National Championships.

Ron Gerard, 54, was born in New York. He is a graduate of Harvard and Michigan Law School (JD). He currently resides in White Plains, NY with his wife Joan (District 3 Director) where he is an attorney. Ron is a college basketball fan and enjoys classical music and tennis. He is proudest of winning both the Spingold and Blue Ribbon Pairs in 1981. Each year from 1990 to 1995 he made it to at least the round of eight in the Vanderbilt; he played in three finals (winning in Fort Worth, 1990) and one semi-final without playing once on a professional team.

Barry Rigal, 39, was born in London, England. He is married to Sue Picus and currently resides in New York City where he is a bridge writer and analyst who contributes to many periodicals worldwide and is the author of the recently published book, *Precision in the Nineties*.. He enjoys theater, music, arts, and travel. Barry is also an outstanding Vugraph commentator, demonstrating an extensive knowledge of the many bidding systems played by pairs all over the world. He coached the USA I team to the Venice Cup in 1997. He is proudest of his fourth place finish in the 1990 Geneva World Mixed Pairs, winning the Common Market Mixed Teams in 1987, and winning the Gold Cup in 1991.

Michael Rosenberg, 44, was born in New York where he has resided since 1978. He is a stock options trader. His mother, father and sister reside in Scotland where he grew up. His hobbies include tennis and music. Widely regarded as the expert's expert, Michael won the Rosenblum KO and was second in the Open Pairs in the 1994 Albuquerque World Bridge Championships. He was the ACBL player of the year in 1994. He believes the bridge accomplishment he will be proudest of is still in the future. Michael is also a leading spokesman for ethical bridge play and for policies that encourage higher standards.

Dave Treadwell, 85, was born in Belleville, New Jersey and currently resides in Wilmington, Delaware. He is a retired Chemical Engineer, a graduate of MIT, and was employed by DuPont for more than 40 years where his responsibilities included the initial production of Teflon for introduction to the marketplace. He has three grown children, three grandchildren and two great-grandchildren. His hobbies include blackjack and magic squares. The bridge accomplishment he is proudest of is breaking the 20,000 masterpoint barrier. He believes bridge can be competitive and intellectual, but above all can be and must be fun.

Howard Weinstein, 44, was born in Minneapolis. He is a graduate of the University of Minnesota. He currently resides in Chicago where he is a stock options trader at the CBOE. His brother, sister and parents all reside in Minneapolis. His parents both play bridge and his father is a Life Master. Howard is a sports enthusiast and enjoys playing golf. He is a member of the ACBL Ethical Oversight Committee, Chairman of the ACBL's Conventions and Competition Committee and has been a National Appeals Committee member since 1987. He has won five National Championships and is proudest of his 1993 Kansas City Vanderbilt win.

Bobby Wolff, 65, was born in San Antonio, and is a graduate of Trinity U. He currently resides in Dallas. His father, mother, brother and wives all played bridge. Bobby is a member of the ACBL Hall of Fame as well as a Grand Life Master in both the WBF and the ACBL. He is one of the world's greatest players and has won ten World Titles and numerous National Championships including four straight Spingolds (1993-96). He served as the 1987 ACBL president and the 1992-1994 WBF president. He has served as tournament recorder at NABCs, and is the author of the ACBL active ethics program. His current pet projects are eliminating Convention Disruption (CD) and Hesitation Disruption (HD), and the flagrant propagation of acronyms (FPA).

CASE ONE

Subject (Tempo): He Who Walks The Dog Risks Losing His Leash
Event: North American Open Pairs, 05 Mar 97, Second Session

Bd: 27
Dlr: South
Vul: None

Ed Zeluski
♠ AKQ108532
♥ 7
♦ J76
♣ 9

Karen Walker
♠ 9
♥ K542
♦ A982
♣ AQ106

Tom Kniest
♠ 764
♥ AQJ3
♦ KQ
♣ 7543

John Zeluski
♠ J
♥ 10986
♦ 10543
♣ KJ82

West	North	East	South
			Pass
1♦	2♠	Dbl	Pass
3♥	3♠	4♥	Dbl(1)
Pass	4♠	Pass	Pass
Dbl	All Pass		

(1) Break in tempo

The Facts: 4♠ doubled went down two, plus 300 for E/W. There was a break in tempo before South doubled 4♥. The Director ruled that pass was not a logical alternative for North and allowed the result to stand.

The Appeal: E/W appealed the Director's ruling. N/S claimed that South's pause before the double was 8-10 seconds. E/W thought the double took 30 seconds and that pass was a logical alternative for North.

The Committee Decision: The Committee went through several steps to make their decision. First, the Committee decided that there was a clear break in tempo before the double and believed that its actual length was somewhere between the two estimated times. Next, the Committee members agreed that the tempo of the double made it clear that South was uncertain about the decision to double, which suggested that pulling would be more successful than passing. Finally, the Committee had to decide if pass was a logical alternative for North. A logical alternative is an action which some number of North's peers would seriously consider without the unauthorized information. The Committee unanimously decided that it was clear from North's initial actions that he was planning on bidding until he got doubled and never intended to defend at the four-level. Had the auction continued to the five-level things may have been viewed differently. The Committee agreed that passing 4♥ doubled was not a logical alternative and allowed the table result of 4♠ doubled down two, plus 300 for E/W, to stand.

Chairperson: Alan LeBendig
Committee Members: Hugh Hillaker, Zeke Jabbour

Directors' Ruling: 69.1 **Committee's Decision:** 64.5

One man's meat is another man's poison. This Committee tells us that it is clear from North's initial actions that he planned to bid until he got doubled, and that he never intended to defend at the four-level. Wow! What insight. From South's perspective North might have held ♠KQJ109x ♥x ♦QJ9x ♣xx, while North might expect South to hold ♠--- ♥QJ109 ♦Axxx ♣QJxxx. Place North's actual holding opposite this South hand and neither four-level contract would be likely to make. If my partner doubled 4♥ on this auction and I held the North hand I would expect no less than plus 300, while my expectation would be down one in 4♠.

A question which I would have liked to have seen answered was, "What was the meaning of 2♠?" While it seems likely that it was intended as weak, even if we assume that South could count on some defense from North for his second bid (arguable at best, since the action could easily have been based on extra offense, such as the six-four hand proposed above, rather than defense) the South hand doesn't even come close to justifying a double. I suspect that North's action may have been influenced by South's manner or tempo.

Pairs who engage in the sort of strategy which this Committee (too readily) attributed to North have a special responsibility to make their subsequent calls in a normal manner and tempo if the "strategist" (here, North) is to be permitted to use his judgment freely in the ensuing auction. Once South hesitates, North's claim that "I always intended to bid 4♠" cannot be given any credence. One wonders how the Committee could have been so sure of North's intent. Would any of them have bid 2♠ to begin with? Can any of them explain why North risked playing in 2♠ (or more likely in 3♠) when most of the field would bid 4♠ and might make it opposite as little as the king-ten-nine (or even the king-ten-eight) of diamonds? Was North looking to get doubled, as they claimed, or was he just seeking to buy the contract? Why, when his partner announced that he was a favorite to beat 4♥ opposite a defensive bust (what else could this passed-hand double mean?), would North not pass holding one (and possibly two) defensive tricks?

If North's 2♠ bid was not intended as weak, more could be said for both South's double and for North's pull (South could have been counting on North for more defense). This would have made the Committee's decision more attractive (although probably still not correct). But the absence of any allusion to 2♠ not being weak in the write-up must mean that we're safe in assuming that even this "weak" justification for North's action does not apply.

No, the Committee seems to have lost its way badly on this one.

North should not be permitted to pull a slow double by South. He had better than expected defense and had not demonstrated clear intent to always bid game. On the other hand, had there been no irregularity, many North players might have chosen a 4♠ call. So while, in my opinion, 4♠ falls short of the standard needed to allow it for N/S, E/W should be assigned the table result. For the most part, the panel agrees with me.

Bramley: "No. The Committee's sympathies (and mine) are obviously with North, but the information given in the write-up does not support that conclusion. I want to see N/S's convention card (how do they mark jump overcalls?) and ask them some questions about their style and their intentions on this hand. If the Committee did these things and got convincing replies, then their decision is okay. But where are the answers in the write-up?

"South is not within two tricks of a penalty double. He seems to be bidding as if he were expecting a strong jump overcall. North seems to have acceptable defense for someone who has shown nothing but spades, and who knows that his partner has four trumps.

"While we are familiar with the tactic of 'walking' a hand, we cannot say with certainty what North's plan was. Usually the 'walker' expects to make his eventual contract, but North,

on the given auction, should have concluded that the chance of setting 4 ♠ was significantly greater than the chance of making 4 ♥. The Committee admits that they would have taken a different view at the five-level. Why not one level lower?"

Cohen: "I disagree with the Committee. First of all, I'd like to know if 2 ♥ was weak or intermediate. Secondly, I don't buy this 'walking the dog' nonsense. Aren't you more likely to buy it for 4 ♥ doubled if you just jump to it? They don't usually go to the five-level. This auction might have worked in the 1940's, but nowadays bidding 2 ♥, 3 ♥, 4 ♥ is almost like an announcement that you have some freaky hand and want to play in 4 ♥. Furthermore, if you plan to walk dogs, you must be prepared to pay the penalty for partner's out-of-tempo actions. I don't think you can say, 'I always intended to do such and such.' Just do it the first time next time. Lastly, if partner made a booming double with ♥--- ♠KQ108 ♦A432 ♣106532, do you think North would be so quick to pull it?"

I don't think that every pair, even in an NABC event, can be held to expert standards of defensive bidding strategy. There are plenty of players out there who follow any number of "faulty" strategies. Still, Larry's point about needing to be prepared for partner's out-of-tempo actions is right on target — if you adopt this strategy, you must be willing to pay the piper.

Rosenberg: "What was 2 ♥? Presumably not weak, since South doubled. This was a 'bad' huddle, since it clearly indicated doubt, and partner, who had already taken a slightly unusual auction, was likely to have a problem. The problem with the Committee's decision is that they did not consider that North might have changed his mind had the double been sharper. Penalty doubles (and, to a lesser extent, forcing passes) should be made in uniform tempo. I really would need to hear from North to decide. Certainly, if South had broken tempo and passed, I would let North bid 4 ♥. As it is, I would rule plus 480 to E/W (even if South ruffs in on spades, he gets squeezed in the minors)."

I don't think Michael meant to cancel South's double; the appropriate score is plus 790.

Wolff: "We start with an unspeakable decision. How does a judgment like this hurt bridge? Let me count the ways: (1) The Committee gets to play Bridge God, deciding what they think they would think if they held the North hand. This is not possible since, in reality, if we would put a monitor on good players with the North hand, sometimes they would pass and other times they would bid, depending on how they felt at the time. (2) This decision gives hesitaters an advantage which manifests itself in the form of 'Why not hesitate? My partner seems to play better?' (3) Since making high-level bridge better is a worth-while goal, the players must know, or quickly learn, that improper (out-of-tempo) communication cannot be tolerated. Many years ago I would sneak up on the opponents often. I found that my judgment was wonderful when I was 'at the table.' Wonder of wonders, I was right. Let's stop this sharp practice now. Everyone must learn to bid in tempo. Do so, and anything goes. Don't, and you'll never benefit. Yes, Committees have more fun the other way, but we owe bridge more than that."

Bethe: "A clear explanation of the Committee's reasoning. As to whether pass is a logical alternative: North knows that South is very limited in high cards, so beating the hand on power is unlikely. But South could have the ♣A and a trump trick, and North knows that 4 ♥

is essentially impossible. Would a Committee force North to pull a fast double? If not, then it cannot allow the pull of a slow double. I think that the Director should rule against N/S in an NABC event."

Weinstein: "I don't agree with the Committee. Couldn't or shouldn't South hold ♠KQJ9? North may well have been "walking the dog" (one Walker for each side), but is it irrational to respect a double from partner who is not expecting any defense, instead of the irrational double South did make?

"This brings up a point I'd like to discuss. It was my impression that our editor believed that, for the non-offending side, we could assign an adjusted score based on the likely result had the huddle not occurred. The questionable action could be allowed for the non-offenders if it was likely under normal circumstances, yet not so automatic as to be allowable for the offenders. In this case, I would disallow 4 ♥ for the offenders. However, with an in-tempo double, 4 ♥ would have been the clearly most likely contract. Under this concept we should rule that the non-offenders get plus 300 regardless of what we rule for the offenders. [It's nice to see that someone out there is listening to me. — *Ed*.] Though our editor has a proposed revision for non-offenders' rights to redress under 12C2 suggesting that equity be achieved through procedural methods, I would like to see those proposals specifically incorporate the concept of including the most likely result had the break in tempo itself not occurred. When I ran this by Edgar Kaplan (who will be greatly missed, for many reasons) last year, though he preferred the ACBL rather than the WBF application of 12C3, he did not have any problem with this interpretation. Having Committees operate under this concept would be the most important thing we could do to achieve non-offenders' equity.

"It is vitally important that we are in a position to provide true equity for non-offenders where a totally normal result was reached, but because of the extremely high standards that alleged offenders must uphold, a windfall was created for the non-offenders. This will help alleviate some of the litigiousness in players searching for an adjudicated better result. The downside (in some opinions) of this method is that there is a slightly better chance that offenders might get away with making the normal, if not 100% obvious, call since the non-offending side might be more reluctant to call the Director out of pure self-interest rather than to demand justice be meted out to the opponents. The other politically correct argument is that had the non-offenders faced an opponent who would have barred themselves from making the almost automatic call they would not have faced this situation.

"However, I believe that such things will even out over the long run. The non-offenders will simply be at par with the rest of the field, where the unauthorized information wasn't present, instead of receiving a possible windfall because an opponent broke tempo. Not only do I believe this interpretation will aid bridge justice, it will also serve the game in the long run by reducing the amount of litigiousness (see CASES TWO, FOUR through SEVEN, NINE and others), as well as the perception of litigiousness. Though most of us have highly competitive natures, bridge must also be viewed as a pastime in which we participate for enjoyment. Unfortunately, many of the things we do for level playing fields and justice (convention restrictions, Alerts, no use of unauthorized information, etc.), though necessary, complicate or reduce the enjoyment of the game for many. We should do what we can to help the ambiance of the game where there is no compromise to a level playing field and justice."

Howard is right on with his comments. Procedural penalties can be used in many cases to achieve equitable outcomes not available through other means. However, for the most part, equity for the non-offenders can be achieved through the judicious use of Law 12C2 in its

present form. In Albuquerque I recommended to the National Appeals Committee that, when assigning the non-offenders "the most favorable result that was likely had the infraction not occurred," the term "likely" should be interpreted conservatively. Instead of treating any result that has a significant chance of occurring as being "likely," I asked that we adopt the policy of assigning the non-offenders only the result judged "most likely" to have occurred without the infraction. In cases where no single result stands out clearly above the others as "most likely" I suggested that we assign the non-offenders the most favorable of the results judged to be "equally likely" (or approximately so). Thus, I recommended that the non-offenders be assigned the result which they most likely would have obtained without the infraction, if that can be determined, or the most favorable result that was in close contention, otherwise.

Gerard: "I'm sure I'll read from at least one panel member how wonderful this decision is, but the only thing clear about this case is the indication that we're not making the progress in Committeeland that we've bragged about. In fact, this outcome is so blatantly incorrect that I'm wondering why the train went off the tracks. There are only about a million reasons why North must pass. Oh, okay, here's one: North leads the ♠A, dummy hits with ♠Jxx ♥AJxx ♦KQ ♣Jxxx, South discards the ♣8 (from ♠ --- ♥Q109x ♦xxxx ♣A108xx); plus 500 instead of minus 300. If you think that's an unfair example, tell me why the cards couldn't have been dealt that or a similar way on the auction. Plenty of the winning cases for pass do not require that 4 ♥ plays five tricks worse than on the actual hand.

"I suppose the Director can be forgiven, since he probably doesn't play bridge, but what's the Committee's excuse? Haven't they ever played the type of bridge where you trust your partner? What would the Dallas Aces have said about a North player who treats his partner as just another one of the opponents? Didn't the Committee notice that North's spades were not ♠KQJ10xxxx? How in the world were North's intentions clear to anyone? More importantly, don't we know by now that Committees can't play mind games with offenders? Why couldn't North, by letting E/W have room to find their fit, have been intending to defend against 4 ♥ doubled? Dunninger stopped doing lounge acts in the fifties. If North really meant to solo himself to 4 ♠, he no longer had that right once South conveyed unauthorized information in a tempo-sensitive situation.

"If things don't improve, it's going to take a long time to comment on these twenty-one cases."

We've got nothing but time here, Ron. Do things move that much faster in White Plains?

I believe that most (all?) of the Directors assigned to NABC+ events do play bridge. They may not play at the level of our panelists, but most possess respectable insight into the game. I wish I was as sure about the members of this Committee after this decision (unless there's something in the testimony that they're not telling us).

Ron is right about one other thing (in addition to his appraisal of the Committee's decision): three of the panelists did support this decision.

Treadwell: "Both the Director and the Committee got this one just right. North obviously was taking the dog out for an evening stroll. His 3 ♠ call, coupled with his failure to bid 4 ♠ immediately, conveyed the impression of more high cards and less suit length, which led his partner to make a pretty bad double. Since North had no defensive values, he had every right to pull — pass was not a logical alternative."

Rigal: "A tough one with which to start. Both the Director and the Committee are naturally going to be temperamentally disinclined to believe that a player can have a hand consistent with North's actions, but if ever there was such a hand, this is it. Again, I am normally of the opinion that Directors will tend to rule against offenders in this sort of position, but I think they were entitled to come to this conclusion. I'd like to have been at the Committee to hear what North had to say, but prima facie he should have been able to make a good case for his actions. It seems like everybody did the right thing on a difficult hand."

Allison: "This was an NABC event, so I assume a deposit was taken. I find it hard to imagine a pair not understanding what North was doing here and simply accepting that his action was determined when he bid only 2 ♠ at his first turn. I would be most inclined to keep the deposit unless the pair bringing the appeal was well below expert ability."

Wow. Keep the deposit, indeed!?

As I write this (just before Christmas), I am just barely conscious of a line from that old poem that is playing on the radio in the background, ". . . visions of Sugar Plums danced in their heads." I suspect that these last three panelists were having their own "visions" when they penned their comments. Unfortunately, theirs did not consist entirely of Sugar Plums. Perhaps they were wearing Rose-colored Santa glasses when they read the facts?

CASE TWO

Subject (Unauthorized-/Mis-information): Constructive Bid — Non-Constructive Appeal
Event: NABC Open Pairs I, 07 Mar 97, First Session

Bd: 5	Norman Beck	
Dlr: North	♠ 85	
Vul: N/S	♥ 1062	
	♦ KQ107	
	♣ AK75	
Joel Wooldridge		Tom Carmichael
♠ A96		♠ KJ10742
♥ A4		♥ QJ98
♦ A8642		♦ 5
♣ 1098		♣ Q2
	Bill Slats	
	♠ Q3	
	♥ K753	
	♦ J93	
	♣ J643	

West	North	East	South
	1♦	1♠	Dbl
2♥ (1)	Pass	2♠	Pass
Pass(2)	3♣	3♠	Pass
4♠	All Pass		

(1) Alerted; explained as a "good" (constructive) raise with three trumps
(2) Break in tempo

The Facts: 4♠ made four, plus 420 for E/W. East Alerted West's 2♥ bid and explained that it showed a "good" (constructive) raise with three trumps. In fact, the bid (according to West, later confirmed by East) showed a limit raise or better with three-card support. West stated that he did not think he was entitled to bid over 2♠ because of the unauthorized information from his partner's explanation. He admitted that he had broken tempo to arrive at that conclusion. North, aware of the hesitation by West, thought that he was justified (at matchpoints) in bidding 3♣ vulnerable, even though his partner had taken no action over 2♠. When East, because of his extra trump, competed to 3♠ ("The Law") West thought that he was now entitled to do what he really wanted to at his previous turn. He bid again, this time raising to 4♠. The Director ruled that, although North had chosen to ignore the break in tempo by bidding 3♣, he may have chosen to pass had he been given the correct explanation. The Director changed the contract to 2♠ made four, plus 170 for E/W.

The Appeal: E/W appealed the Director's ruling. The N/S pair did not appear before the Committee; no explanation was given. E/W, though experienced players and an experienced partnership, explained that they had recently added this 2♥ bid to their system, which accounted for East's misexplanation.

The Committee Decision: The Committee decided that the misexplanation and inadequate agreement as to what, in fact, a "good raise" was influenced North's decision to bid 3♣. Though aware that West was clearly considering taking some action over 2♠, the Committee decided that North was sufficiently damaged to entitle him to protection. While the Director had changed the contract to 2♠ made four, plus 170 for E/W, the Committee was divided as to what the final contract should have been. Some thought that the Director's ruling was correct; others that both the 3♣ and 3♠ bids should be allowed. The Committee finally agreed unanimously not to allow the 4♠ bid. Since E/W would receive plus 170 in either

case, and the matchpoint result would be the same, the Committee was unanimous in its decision to award E/W plus 170 and N/S minus 170. The Committee further decided that the E/W appeal did not have substantial merit, based on their admitted misexplanation and inadequate agreement as to what constituted a "good raise." The $50 deposit was retained.

Chairperson: Gail Greenberg
Committee Members: Phil Brady, Bob Glasson, Bruce Reeve, Gerald Seixas

Directors' Ruling: 86.7 **Committee's Decision:** 80.3

Several panelists noted that this case does not primarily involve tempo (its original classification) so much as unauthorized information or misinformation. They are correct. After resuming the role of casebook editor, I failed to notice the error before sending the cases out to the panelists. Had I noticed it in time, I would have reordered and renumbered the cases accordingly. But once panelists' comments began coming in, the complex revision of all cross-references to other cases made this solution impractical. I have therefore left this as CASE TWO and revised its subject. We'll try our best to avoid such problems in the future.

The panelists were of many minds in their reactions to this decision. Their arguments may help shed some light on the complexities of this case.

Bethe: "Well, let's see. It looks to me as if West bent over backwards the first time: If he thought he should have a limit raise or better, he had rather better; a 3♠ bid over 2♠ would have been justified in the methods he thought he was playing. Then, when partner competed with 3♠, he rocked forward and decided that, having shown a limit or better raise and having better with a partner who now showed some life he could and should raise. I do not see any problem with the 4♠ bid. So the real issue is whether North was trapped by the misinformation or East acted on the basis of the huddle. Since I think 3♠ by East is reasonably automatic, the only justification for a score adjustment, in my view, is that North would not have bid if properly informed. I don't see how the misinformation affected North. He still had a dead minimum with no particular distribution opposite a partner who could not act over 2♠. So I give the Director full credit for the ruling, I would not give North this board and I would allow the table result to stand. Keeping the $50 was unjustified."

To summarize Henry's arguments: (1) West would have been justified in raising to 3♠ originally, even in light of the unauthorized information from East; (2) East's hand justified a 3♠ bid, even after West's slow pass of 2♠; (3) West was justified in bidding game in light of his previous conservatism and East's 3♠ bid; and (4) North's hand, together with South's silence, argued for passing 2♠ and East's misexplanation did nothing to alter this. Therefore, he concludes, the table result should have been allowed to stand and the deposit returned.

Henry's strongest support came from. . .

Rigal: "I think the Director had a straightforward ruling here. North was trying to exploit his opponents' tempo break, so maybe he did not deserve much. As against that, in a complex position it seems right to rule against the offenders and leave it to the Committee to decide what to do. The Committee decided that North had been damaged — a pretty dubious decision given his flat minimum hand and the vulnerability. In fact, N/S were likely to be going for 200 even undoubled, showing what a poor bid 3♣ was. I do not feel like protecting

North for a bad bid which he knew to be bad and which he made to exploit his opponents' tempo issue. Since East had a fairly straightforward 3 ♠ bid, given his extra shape, the scores for both sides seem to me to stand or fall by whether West can take a further bid now. I am not at all convinced that the 4 ♠ bid is barred. West's aces strongly suggest that (together with the heart ruffs that he can see coming) his hand will offer a play for 4 ♠. That would be the case had his partner signed off facing his actual hand-type with the accurate explanation. Having said that, one could argue that the logical alternative rule makes the 4 ♠ bid more attractive, and that the contract should therefore be put back to 3 ♠. This argument is at best a thin one. N/S get their minus 170, but only because of this. This was not as clear a case as the write-up suggested. Withholding the deposit was ludicrous."

While agreeing with points (2), (3) and (4), and ignoring the issue behind (1), Barry ends up deciding the case on the basis of the admittedly weak argument that West's 4 ♠ bid was made more attractive by the unauthorized information. Given the standards applied to the offending side, it is proper to decide that an odds-on bid such as 4 ♠ is not clear enough to be allowed in the presence of unauthorized information which demonstrably suggests it over a logical alternative (pass). But given Barry's own evaluation of the effect of the misinformation on North, it is not clear why chooses to adjust N/S's score as well. In fact, there are good reasons not to adjust N/S's score. How was North's decision to balance affected by the misinformation? Had East held one of West's aces and a little less distribution (say, 6-3-2-2), North's decision to balance could have produced the same result. Thus, N/S's damage, while subsequent to the misinformation, was not likely a consequence of it. Also, had there been no infraction it was most likely that West would still have raised 3 ♠ to four. Thus, N/S were not "likely" to have defended a partscore once North balanced (see my discussion of this issue in response to Weinstein's comment in CASE ONE).

The next panelist agrees with Henry's point (1), and with both Henry's and Barry's views about the inappropriateness of keeping E/W's deposit. In what he considers a "close call" he joins Barry in support of the Committee's decision to adjust both scores.

Treadwell: "West bent too far backwards to avoid taking advantage of his partner's misinformation. I believe he had a clear raise of East's 2 ♠ rebid. Had he done so, the problem would never have arisen, at least not in this way. Although I tend to agree with the Director's and Committee's decision insofar as the score is concerned, I believe it is a very close call in view of North's rather frisky 3♤ bid. The closeness of the decision plus E/W's obvious intent to do the ethical thing certainly should have allowed the Committee to return the $50 deposit."

Dave's view of North's 3♤ bid matches those of the previous panelists and offers yet further support for what should have been a two-way decision: adjust E/W's score to plus 170, but leave N/S's score at minus 420. The next group of panelists all agree with the Committee's decision, but not all with their reasons for having reached it.

Allison: "The net effect is the same, but the Director's point about allowing the retraction of the 3♤ bid is salient and West's hesitation certainly helped East to bid. I would, therefore, disallow the 3 ♠ bid by East."

Cohen: "Good job, but I would classify this appeal in the 'misinformation' section — not in the 'tempo' section. The tempo wasn't the real cause of the problem; the misexplanation

of 2 ♥ was the cause of the subsequent dilemma."

Sorry, Larry. Hope it didn't ruin your holidays.

Bramley: "Correct end result, including forfeiture of the deposit. This appeal definitely had no merit. However, I disagree with some of the intermediate conclusions.

"North's 3♤ bid was clear-cut regardless of the table action. He could expect to have a playable contract at the three-level, and to have some hope of defeating 3 ♠ if the opponents competed, as seemed likely. Even with West's huddle, North should have had no particular reason to fear that the opponents, having stopped in 2 ♠, would bid 4 ♠ if given another chance, nor that they could make it. (Actually, they can take eleven tricks!) Neither should he have had to assume that his opponents, an established partnership with many agreements, were having a misunderstanding.

"Therefore, the assigned contract should have been 3 ♠, plus 170 to E/W."

Bart's defense of North's 3♤ bid was the most articulate offered. However, most players don't promise more than at four-plus cards in an unbid major for their negative doubles. South could easily hold a 3-4-3-3 or 3-5-2-3 minimum (and, in the latter case, fail to convert to 3 ♥) and North could be heading for minus 200 or worse, even without a double (as Barry pointed out). Still, Bart's point, that North's reentry into the foray might have been forestalled had he been properly informed, is well-taken. Law 21 allows a player to change a call (or the Director to award an adjusted score when it is too late to change the call) when it is "probable that he made the call as a result of misinformation given to him by an opponent. . ." Here the crucial issue is whether it is probable that North's call was caused by the misinformation. I believe (as does Henry, and perhaps others — some of who are not totally out of the closet) that it is not probable, while Bart (and others, below) believe that it is.

Even if one decides that North's call was not influenced by the misinformation (i.e., that it broke the chain of causality between the infraction and the damage), there is still the issue of West's 4 ♠ bid. Given that East need hold no more than ♠KQxxxx ♥xxx ♦Kx ♣xx for his 3 ♠ bid (E/W's own "Law" argument — and a good reason why West should have raised 2 ♠ to 3 ♠ immediately), it seems likely that West might have bid 4 ♠ even without the infraction. (Yes, I know that East could also hold, ♠KQxxxx ♥Qxx ♦Jx ♣Qx.) Thus, allowing the table result to stand for N/S requires several stages of reasoning, combined with some subjective judgment. I would not be surprised to find NABC Appeals Committee members on the fence, as well as on either side of this decision, and would not be shocked if different Committees decided this case differently — at least with respect to N/S. However, I do think it is clear that the E/W score needs to be adjusted to plus 170, as the next panelist will attest.

Rosenberg: "Why would West ever be allowed to bid again? He clearly took advantage. East bid normally, and North's bidding was irrelevant."

North's bidding was irrelevant to E/W's adjustment, but not to N/S's.

Our resident curmudgeon gives this case the most sophisticated analysis of any panelist, and ends up favoring the two-way decision I have championed. Of course, there are some side issues along the way.

Gerard: "How convenient for the Committee that it could bail out on its responsibility.

There were two key issues to be decided: (1) Should North have been protected from his 3♢ bid; and (2) If North were allowed to bid 3♢, should West's 4♠ bid have been allowed. Unfortunately, the Committee convinced itself that it didn't need to decide Issue (1) because its answer to Issue (2) was No, leading to plus/minus 170.

"But there's a big difference. If the answer to (1) is Yes, the case is over but E/W cannot possibly lose their deposit. That is because deciding on that basis means that E/W were free to bid 4♠ on the actual auction, so their appeal had to have merit. On the other hand, allowing 3♢ but preventing 4♠ leaves open the possibility of a meritless appeal, although not for the reasons the Committee gave.

"My answer to (1) is No. 3♢ could have been the winning bid, even with the correct explanation. West could have borrowed the extra quack necessary for a limit raise from East or without materially devaluing South's hand, so 3♢ rated to be right or wrong on its own merits. No one made a game try, so why should they be about to bid a game? For example, East has ♠KQxxxx ♥KJ ♦Jxx ♢xx; West has ♠AJx ♥Q9xx ♦Axxx ♢xx — 3♠ is an easy down one but 3♢ is a likely make. Furthermore, deciding the case on the basis of a Yes answer to (1) smacks of the mind reading that corrupted CASE ONE and seems to justify West's 4♠ bid rather than condemn it for the blatant misuse of unauthorized information that it was. When will these sycophants of the Law get their stories straight? West's raise to 4♠ could not be based on any extra value inferences from a Law-induced 3♠ bid; it could only be justified by assuming that East had forgotten their methods. If East will bid 3♠ on any hand with six trumps, West should pass. That he didn't meant that he was acting on the misinformation and deserved to forfeit the deposit for that reason, not because of the fuzzy Convention Disruption explanation that the Committee gave.

"So everyone was wrong. East slopped an overtrick or two. The Director ruled on the wrong basis. The Committee couldn't decide the main issue and then declared a meritless appeal for the wrong reason. And the coordinators labeled this a Tempo case when it clearly belongs under unauthorized information. Not anyone's finest hour."

And that, in a (rather large) nutshell, is why the E/W score should be adjusted.

For the very reason espoused by Treadwell, I think keeping E/W's deposit was going a bit too far. Not so, says the next panelist.

Weinstein: "When the Committee considers an appeal to be without merit, for a reason upon which the Director didn't even base his adjustment, the deposit should be doubled. A procedural penalty could have been assessed on West for bidding 4♠. Delayed use of unauthorized information is still use of unauthorized information."

And for any of you who still have doubts about the indicated course of action.

Wolff: "E/W plus 170 because of Convention Disruption (CD). N/S minus 420 because of a risk (reopening) gone awry."

CASE THREE

Subject (Tempo): Double Trouble After Muddle
Event: Flight A Pairs, 08 Mar 97, Second Session

Bd: 19
Dlr: South
Vul: E/W

Phyllis Rye
♠ Q
♥ 765
♦ K87653
♢ QJ10

Chris Pisarra
♠ A853
♥ KJ842
♦ Q9
♢ 62

Mike Bandler
♠ KJ107
♥ Q1093
♦ A10
♢ K97

Ann Raymond
♠ 9642
♥ A
♦ J42
♢ A8543

West	North	East	South
			Pass
Pass	Pass(1)	1♢(2)	Pass
1♥	Pass	2♥	Dbl
Pass	3♦	Pass	Pass
3♥	4♦	Pass	Pass
Dbl	All Pass		

(1) Break in tempo
(2) Alerted; could be short

The Facts: 4♦ doubled made five, plus 610 for N/S. The Director was called at the end of the auction and was told that North had paused 10-15 seconds for thought before passing in third seat. The Director ruled that, under Law 16A2, South's double of 2♥ would be disallowed because North's hesitation made that action easier to find. The Director changed the result to Average Plus for E/W and Average Minus for N/S.

The Appeal: N/S appealed the Director's ruling. South contended that, although North might have hesitated 10-15 seconds before passing, this was consistent with her normal tempo. However, when asked about North's tempo on subsequent rounds of bidding, South maintained that for the rest of the auction, everyone bid without noticeable pause. When questioned North said that she was unaware of a noticeable hesitation and that, if her partner picked up on a hesitation, she surely would not have bid. She further maintained that she never considered opening 2♦ (which would have been weak in their system) because their opening two-bids were very disciplined. E/W indicated that North's tempo on all other bids on this hand and on the companion board was not slow but quite normal. N/S had for years been a regular partnership at National tournaments and were experienced Flight A players.

The Committee Decision: The Committee was inclined to believe that there was a noticeable hesitation by North at her first opportunity to bid. Although N/S might have gotten into the auction even had South passed over 2♥, and although the double of 2♥ was a bid that many (perhaps most) Flight A players might make even without the hesitation, the Committee thought that the action was far from 100% and, therefore, could not be allowed. Had South passed 2♥ many auctions were possible: 2♥ all pass; game try by West, rejected by East, with N/S never getting into the auction; game try by West, accepted by East, with N/S never getting into the auction; North balancing with 3♦ followed by a competitive 3♥ bid by West and passed out; or North balancing with 3♦ followed by a competitive 3♥ bid

by West and a 4Ë bid by South. Because it was virtually impossible to determine a most likely outcome, and because the Committee decided that the E/W pair had not contributed to their own bad result by doubling 4Ë, the result was changed to Average Plus for E/W and Average Minus for N/S.

Chairperson: Gail Greenberg
Committee Members: Bart Bramley, Mary Jane Farell, Doug Heron, Bruce Reeve

Directors' Ruling: 88.5 **Committee's Decision:** 77.0

Bramley, who served on this Committee, provides us with some additional information.

Bramley: "Yes, I still agree with this decision. Let me add a few notes omitted from the report. First, the Committee believed that it was automatic to double two passed hands who had competed to the four-level at matchpoints, especially as West had 10 HCP opposite an opening bid. Second, the play went: heart lead, spade to the ace at trick two, trump shift. This was normal but unlucky defense. Therefore the Committee found no contributory negligence by E/W, neither in the bidding nor the play. Third, the outcome in a heart contract is very difficult to determine. (Try it.)"

The next panelist offered some (qualified) agreement with this decision.

Rigal: "The Director seems to have dug up all the relevant facts sensibly, and come to a good ruling that the result was incalculable. The conclusion that there was a hesitation and that it made the double more attractive seems right on the facts. Nice work. The Committee seems to have correctly determined that the defense by South was self-serving. I doubt whether the action over 2 Ì is a majority one (it is not yet in the pass-out seat after all) and certainly it can't be allowed. The knowledge that North is unbalanced makes action much more attractive. I think all routes on the hand would have led to 3 Ì. N/S would not have competed to 4Ë after North's failure to open in third seat at favorable vulnerability. That being the case I think I would have offered 3 Ì or Average Plus (and its inverse) to the two sides. But the actual result seems fine too."

Is it really too difficult to assign a result on this deal? Barry says that all routes lead to 3 Ì, yet is willing to assign the indeterminate Average Plus/Average Minus. The following panelist holds out for a definite score.

Rosenberg: "If South really contended that 10-15 seconds was consistent with her partner's normal tempo, I would be inclined to search for ways to decide against her. The Committee should have decided some score, not Average Plus. I would lean towards plus 110 to E/W because West's auction showed no interest in game and he therefore might have passed 2 Ì. North might not have balanced and declarer can make eight tricks on a spade lead. If South had not made her absurd contention, I would be more inclined to rule the more likely plus 50 to N/S."

I agree with Michael that, once the Committee places E/W in a heart partial, it should not be too difficult to project a bridge result (especially in a Flight A event). North leads her singleton spade and, upon winning the Ì A, South returns the Í 2 for North to ruff. Whether

or not she interprets the Í 2 as suit preference, North switches to the ÊQ, ducked all around, followed by the Ê10, ducked in dummy. Whether South ducks this or rises with the ace to give North a second ruff, declarer loses five tricks (unless South ducks and North shifts to a diamond). The alternate opening lead of the ÊQ produces a different result only if declarer covers specifically the second round of the suit and South fails to find the spade shift (unlikely if North correctly continues with the Ê10 at trick two), or if North fails to shift to the spade once the second club holds.

Of course, whether the contract is 2 Ì or 3 Ì is critical. South's contention about her partner's normal tempo leaves me predisposed, as is Michael, to find a way to decide against her. However, it seems just too unlikely on the actual hand that North would sell out to 2 Ì at matchpoints holding a six-card diamond suit and knowing that her partner has some values and is odds-on to be short in hearts. I agree with Barry that, left to balance on her own, with both she and her partner passed hands, it seems unlikely that North would compete to the four-level. Thus, I also agree with Barry that E/W would have ended up declaring 3 Ì. However, unlike Barry I would have acted on that belief, assigning both sides the result for 3 Ì by West down one, minus 50.

The next panelist agrees with Barry, Michael and I about the credibility of South's statement and raises yet another issue that bears on this decision.

Weinstein: "I agree with the Committee in accepting the tempo break. The N/S comments regarding the disciplined weak 2Ë and the more-or-less admitted 10-15 second huddle being North's normal tempo seem disingenuous, given North's tempo at other times. The Committee made no reference to whether the huddle suggested South's double or, under the new laws that came into effect after Dallas, 'demonstrably' suggested the double. I believe this would have been worthwhile to discuss in this case, though the conclusion might have been unchanged."

The huddle clearly suggests some combination of values and/or distribution, which is information that South would not have been privy to until after West passed 2 Ì. (While West was a passed hand, thus placing North with some values after East's raise to only 2 Ì, some of North's values could still have been with E/W.) This clearly suggested bidding with the South hand, an act which might not be as "routine" as the next panelist might have us believe.

Cohen: "I personally think it is routine to double two hearts (opponents both limited, and I have the heart shortness). Also, I don't think that North's huddle is very relevant. If North has some long suit, she'll balance anyway over 2 Ì-Pass-Pass. And who knows. Partner might have been thinking of opening two hearts! (Maybe the opponents are four-three and partner has five.) So, I would have allowed the double and allowed the result to stand. If I didn't allow the double I still wouldn't have ruled Average Plus/Average Minus. I'd have given E/W plus 140 — isn't that the most likely outcome?"

Since you ask, no. Plus 110 or minus 50 are the most likely outcomes. As for Larry's other points, let's take them in turn. First, while the double of 2 Ì is certainly a likely call, it is by no means so clear as to permit it in the presence of unauthorized information. Second, while it is true that North will balance anyway if her huddle was based on a long suit, if it was based on high cards she'll be unable to balance with her heart length. Third, if she has five-card heart length as Larry suggests, she'll pass South's double and N/S will collect a telephone number. (I doubt that even he would permit that.) And fourth, to allow South's

double one must decide that pass is not a logical alternative — i.e., that none of South's peers would have given pass any serious consideration. With all due deference to the season, "Bah! Humbug."

Given the previous discussion, the following are probably overbids.

Allison: "Presumably, had there been a deposit it would have been retained. Did this Committee not consider this appeal a waste of its time?"

Bethe: "A waste of the Committee's time. Perhaps we should ask for a $20 deposit for Flight A appeals so that it could have been kept. The matchpoint penalty assessed in CASE SIX would have been appropriate here. As an addendum, a contribution to a bad result should only be deemed to exist if there was a clear attempt to get a "win it here or in Committee" position subsequent to the foul. As long as the non-offenders' actions are not unreasonable, their equity should not be lost by inferior play."

I agree with Henry's addendum — up to a point. A clearly egregious error should forfeit the non-offenders' rights to redress (for example, ducking the setting trick against a slam bid via hesitation Blackwood at IMPs). However, absent such an error, Henry's philosophy is clearly correct, and is the approach taken in Europe.

Our final panelist proves that he is not a man to be toyed with.

Wolff: "E/W minus 610 for normal playing luck (NPL). N/S minus 110."

CASE FOUR

Subject (Tempo): A Bid Too Slow, A Call Too Late
Event: Stratified BAM Teams, 08 Mar 97, Second Session

Bd: 26 Dlr: East Vul: Both	♠ K1083 ♥ A752 ♦ A2 ♣ AJ4	
♠ AQ9764 ♥ K64 ♦ J75 ♣ K		♠ J2 ♥ Q8 ♦ KQ108 ♣ 108763
	♠ 5 ♥ J1093 ♦ 9643 ♣ Q952	

West	North	East	South
		Pass	Pass
1 ♠	1NT	Pass(1)	Pass
2 ♠	Dbl	All Pass	

(1) Alleged break in tempo

The Facts: 2 ♠ doubled made three, plus 870 for E/W. After the 1NT bid, East inquired about the range, counted her points again and decided to pass after a few seconds. The exact length of the pause was disputed. The players were sorting their cards on the next hand when N/S called the Director and stated that they believed West's 2 ♠ bid may have been suggested over other logical alternatives after the alleged break in tempo. The Director ruled that West's 2 ♠ bid was a violation of Law 73F1, that pass was a logical alternative for West without the unauthorized information, and that the final contract would be changed to 1NT by North. Since the result of that contract could not be determined, the Director assigned Average Plus to N/S and Average Minus to E/W.

The Appeal: E/W appealed the Director's ruling. N/S, an experienced pair (about 16,000 masterpoints between them) did not appear at the hearing and no explanation of how they won only four tricks was presented. West was adamant that he would always bid 2 ♠. The Committee asked East what she would have done had she held South's cards (instead of her own) and heard the same auction (1 ♠-(1NT)-?). She stated that she would just pass and would not even inquire about the opponents' notrump range. East also stated that she needed to know North's range in order to decide her appropriate action, but also admitted that she would still have passed even if she had been told that the 1NT call had been a weak takeout of spades. E/W, a regular but not very experienced partnership (with about 350 masterpoints between them), thought that N/S's double and misdefense were the causes of their poor result.

The Committee Decision: The Committee decided that East's hesitation clearly suggested that passing 1NT would not be the winning action; they also decided that pass by West was a logical alternative to 2 ♠ (if not the majority action) — especially vulnerable at BAM scoring. However, the Committee was also troubled by the timing of the Director call by N/S. They believed that the appropriate time to call the Director was immediately after the hesitation, so that the facts could be established and the Director could inform E/W of their ethical responsibilities. Calling when they did also smacked of a "double-shot." There was

some discussion about allowing N/S to keep the table result; however, it was recognized that N/S were in a likely position to be plus 90 until the unauthorized information from East's huddle facilitated West's 2♠ call. Once West bid 2♠, N/S's best possible result was minus 110. The Committee finally decided that N/S should not be saddled with a negative score when, but for the unauthorized information, they might have gone plus. Since the Committee could not determine with any certainty the likely result in 1NT, they decided to assign Average Plus to N/S and Average Minus to E/W.

Unfortunately, E/W did not accept the Committee's decision graciously. West walked out after the first few sentences, after which much time was spent explaining and re-explaining the rationale for the decision to East. She remained unwilling to accept (or unable to understand) that her responses to the Committee's questions had clearly demonstrated that her inquiry and tempo during the auction conveyed information to her partner that she held some useful values, and that this unauthorized information made West's reopening decision easier. In the end, she retained the belief that she was being punished simply for having hesitated. The Committee attributed the E/W attitude to inexperience and the emotion of the situation.

Chairperson: Jon Brissman
Committee Members: Mark Bartusek, Phil Brady, Rich Colker, Ed Lazarus

Directors' Ruling: 79.4 **Committee's Decision:** 73.3

Allison: "In my opinion, North, by her double of 2♠, was the author of her poor result. While I would agree that for E/W the result should be minus 90, for N/S I would allow the result at the table: live by the sword, die by the sword. The Director call, which was not fully timely, is not relevant in my opinion in this case. Had North passed 2♠ I would agree with the Committee's ruling."

The problems that we experienced with this inexperienced E/W pair included: (1) West's conviction that he always would have made the same bid even without the huddle; (2) East's belief that she was being punished simply because she huddled; and (3) West's conviction that it was a forgone conclusion that the Committee would rule for the expert N/S pair because all Committees are biased against weaker players and for the experts.

Brissman: "The Director and Committee ruled appropriately, but my disclosure of the ruling should have begun with an attempt to defuse the emotion of the appellants. Inexperienced pairs who appeal the results of experienced pairs to a Committee of experienced players sometimes believe that cronyism is afoot, and these appellants likely believed that it operated to their detriment in this case. I should have addressed this issue in my disclosure."

Jon probably did about as much in his handling of this case as anyone could have under the circumstances, his claim to the contrary notwithstanding. West had his mind already made up and was out of the room like a shot, almost before Jon could finish his first thought. East at least listened to what we had to say, but once her husband left the way he did, there was little chance of our getting through to her. Perhaps I should mention that, while players are not usually obligated to return to hear a Committee's decision, once they chose to do so they are then required to conduct themselves courteously, as is due those acting in an official capacity for the League. Failing to do this could result in disciplinary action being taken.

Our next panelist addressed these problems directly.

Bethe: "Personally, I would like to see a series of articles in the Bulletin, perhaps in the novice and intermediate sections of Masterpointers, on the effect of huddles on subsequent actions. These should be repeated in Daily Bulletins at NABCs. Surely the Committee could determine that N/S would score not less than plus 90 in 1NT, so they should be protected to that."

Actually, there was quite a bit of discussion about various leads and lines of play. At some point, after lengthy discussion and a failure to agree on either a most likely lead (♦J, high diamond) or a most likely continuation by declarer (♥A, ♥J, low heart), we "settled" for Average Plus/Average Minus.

The next panelist offers us additional information.

Bramley: "More right than wrong, but I disagree with several statements by the Committee. I have some information the Committee did not have. Since I know N/S, I asked them why they weren't at the hearing. They told me that they were never informed of the appeal. The Directors mishandled this aspect of the case. If N/S had appeared, they certainly would have defended their actions better than the Committee did on their behalf.

"I disagree with the assertion that 'the appropriate time to call the Director was immediately after the hesitation.' Yes, I know that if there is going to be a problem it is probably better to call early than late, but if there is not going to be a problem it is better not to call at all. Experienced players (like N/S) have learned to use their judgment in these situations. Indeed, if players always called 'immediately,' the Directors would not have time for anything else. Most players wait until they are reasonably sure that there is a problem before they involve the Director. I thought that the concept that one automatically suffered a loss of equity by such timing had been laid to rest long ago. On this hand N/S reasonably waited until West's hand was known before calling the cops.

"West's 2♠ bid is atrocious, and the Committee should have said so. Pass is not only a logical alternative, but the only alternative.

"I am curious what basis the Committee had for considering letting N/S keep the table result. Did they think North did not have a double of 2♠, with (apparently) more than book in hand?

"Finally, the Committee should have been able to determine a result in the assigned contract of 1NT. This contract is very likely to make exactly. The score should have been plus 90 for N/S."

Bart is correct about N/S not being informed of the appeal. This was clearly a Director error. However, the Committee was unaware of this at the time of the hearing, and had no way to anticipate what N/S might contribute. What was known was that the timing of the Director call (when cards were already withdrawn from the next board) was abnormally late. Bart is correct in stating that, if a Director were called every time there has been an irregularity (as the laws require), there would be little time for anything else. Experienced players do use their judgment and wait until they are reasonably sure that there is a problem before calling. However, waiting is not without risk, possibly (but not certainly) compromising their situation — especially when the Director might have been able to establish important facts at a crucial time, or when it was important to provide cautionary information to inexperienced opponents before they made their next calls. N/S did not

"automatically" lose any equity because of the timing of their call. In this case it was the opinion of various Committee members that N/S exercised poor judgment in the timing of their Director call, either because of E/W's obvious inexperience, because of the nature of North's hand, because of the substantial delay, or some combination of these factors. Remember, N/S did not just wait until West's hand was known; they waited until play had begun (i.e., the cards were withdrawn) on the next board.

When dealing with inexperienced and/or emotional players, tact and education are key. We saw what happened here, even when the Committee was sensitive to the problem from the very beginning and tried to deal with it in a kind and tactful manner. Doing what Bart suggests (telling E/W straight out how "atrocious" West's 2♦ bid was) would have been inexcusable behavior on the part of the Committee and could only have further alienated the E/W players. It was truly unfortunate that the problem we anticipated occurred in spite of our best efforts to prevent it, but sometimes it just is not possible to avoid the inevitable. E/W needed to be encouraged to think about the special ethical demands of this situation; they needed to be educated about an issue which they clearly did not understand and equally clearly had never thought about before. They did not need to be lectured, shamed, or reproached for poor ethics.

I cannot speak authoritatively to the basis on which some Committee members (I was not one of them) wished N/S to keep the table result. My best guess is that it was primarily motivated by the lateness of the Director call, which was perceived by some as an attempt at a double shot. Luckily, we successfully deflected this line of thinking.

Finally, as far as assigning a result in 1NT, in my opinion plus 120 and plus 150 were both more likely than plus 90 for N/S. However, there were differing opinions on this subject and (as I already said) we eventually just compromised on Average Plus/Average Minus.

The next panelist revisits the issue Bart raised about the timing of Director calls.

Cohen: "Clearly a good decision. I'd like to assign a score to 1NT, but indeed there is no way to know. E/W certainly weren't lawyers — they gave all the wrong answers to the Committee. The only concern I have about this case involves the timing of the Director call. I'd like to see more detail and documentation about this issue. In a high-level game I don't see the point in calling the Director until after you see the poor-tempo guy's partner's hand. Ethical players will admit later if there was bad tempo, so why waste the Director's time by calling him immediately and getting the same old "call me back later if you think you were damaged" speech. But, in a lower flight should the players have to call as soon as the bid after the slow action is taken? If they don't, do they lose their rights?"

Practically speaking, no one "automatically" loses their rights by not calling the Director immediately, even though Law 9B1(a) says that, "The Director must be summoned at once when attention is drawn to an irregularity," and Law 9B2 further says that, "No player shall take any action until the Director has explained all matters in regard to rectification and to the assessment of a penalty." Clearly no one calls every time there has been an irregularity, but the law is equally clear that calling is the required procedure.

My own approach (on those rare occasions when I actually play) is to establish the irregularity with the opponents at the time it occurs ("Can we agree that South just hesitated?"), but not to actually call the Director unless: (1) I cannot get an agreement that the irregularity occurred; (2) I am playing against players who I suspect are inexperienced; or (3) I am reasonably sure either that there is a problem with a subsequent call by the partner or that the situation has become too complex to handle without a Director. When I have the

slightest doubt I call the Director, and I encourage others to do so with even less provocation than I (personally) require. Calling the Director can never be wrong from a bridge perspective, since Law 9B1(c) says that, "Summoning the Director does not cause a player to forfeit any rights to which he might otherwise be entitled." (Of course, this fails to take into account the practical and emotional toll which any Director call may exact on everyone involved.)

I offer one further caution. Law 9C says that, "Any premature correction of an irregularity by the offender may subject him to a further penalty. . ." So use your judgment if you must, but be prepared to accept the consequences (graciously) if it turns out to be in error.

Rigal: "The Director made a sensible ruling here. Again, the ruling against the offenders seems clear, and the problem with determining the result in 1NT is very plain. A good decision. I sympathize with the Committee's view of the N/S actions. But since 2♦ was always making I think we do not have to get into consequent and subsequent damage issues. I agree that the decision should go against E/W. However the problems in the play are not so marked. If declarer gets a club lead or guesses to lead out the ♠A she makes her contract. I'd score it as plus 90/minus 90. I do not think the Committee should abnegate its responsibility here. As for the E/W behavior, someone should let West know what his rights and responsibilities are. We can't persuade East of the problem perhaps, but we can make people behave civilly or pay the consequences."

Can't the non-offending declarer guess to lead a low heart from her hand at trick two after winning the opening spade or diamond lead, and then use the club entry to guess the heart suit for three winners? That leads to nine tricks, and even misguessing the hearts leads to eight.

The next panelist makes some excellent points about double shots and the practicality of dealing with (inexperienced) opponents when there has been a hesitation.

Rosenberg: "West's behavior is unacceptable, especially for an appellant. Some disciplinary action should be taken. This was a 'bad' huddle. The 'double shot' is non-existent here (it usually is). If West had his bid, N/S can get no redress. If not, they are entitled to redress. Calling the Director immediately after a hesitation may intimidate players and lead to distortions."

West was a relative beginner. While it is true that his behavior was poor, he was not overtly rude to the Committee (other than by walking out once he gleaned the gist of our decision). He had his (errant) opinions, but never spoke abusively to us. In fact, most of his comments about bias and such were directed to East. He was quite emotional, and we felt badly that we couldn't get through to him. Discipline was the furthest thing from our minds. We wanted to educate him, but his sudden departure (not to mention his inflexible attitude) prevented that. Note how badly Jon feels that he wasn't more sensitive to the need to "defuse" the situation.

Another approach. . .

Weinstein: "Maybe a function of screening should be (if it is not one already) to somehow instruct those unfamiliar with their ethical responsibilities due to ignorance. I don't know if it would have helped, but perhaps E/W would have been more receptive and more easily

instructed about their obligations in a screening room, saving bad feelings and maybe even a Committee."

Maybe, but my guess (from talking to the screeners) is that they are unlikely to take on such duties. I also doubt that it could have prevented the present situation.

Gerard: "How, exactly do you score Average Plus/Average Minus in Board-a-Match? What if N/S at the other table were plus 580 in 1NT doubled (♠J to the king, ♥A, low heart)? In preventing West's 2♠ bid the Committee decided that N/S were 'likely . . . to be plus 90,' so how could they suddenly turn to jelly when it came time to determine a likely result in 1NT? Given the form of scoring the Committee was obligated to assign a real result. For example, assume these probabilities: plus 150 - 20%, plus 120 - 10% (♦K lead, ♥A, low heart), plus 90 - 50%, minus 100 - 20% (♥J at trick two). Then E/W get minus 150 (at all probable), N/S plus 90 (likely).

"As to other matters, isn't it time we purged these write-ups of all references to 'double shots'? Sometimes the Laws give you a second chance and sometimes they don't, but surely nothing substantive results from such loose language. It has become too common an accusation by the offending side directed only at the opponents' score adjustment, not their own. Here, the Committee's talk of a double shot followed its belief that N/S should have called for the cops after East's hesitation, as if that were a violation. In my experience, it's no easier to establish facts at the table than away from it — E/W's likely reaction to a Director call after East's pass would have been even more of a denial than later, and the warning to West, 'Do whatever you want but bid your own cards,' doesn't add anything. Why should N/S be chastised for waiting to find out West's hand and then asking for an adjustment when they figured out that he had taken questionable action? The Laws give N/S that right, so the Committee can't take it away.

"As for North's contributory negligence, double was awful and the defense slipped a trick, but the Committee was right that N/S were irreparably harmed by West's 2♠ bid, after which they could never retrieve their plus score. As for E/W's behavior, even if the Committee couldn't see this coming it should have recommended disciplinary action. The emotion of the situation is not an excuse to engage in contempt."

You score Average Plus/Average Minus in BAM the same way as in a matchpoint event. N/S get the specified percentage of a top on a board (.63 of 1) or the percentage of their game, whichever is greater, while E/W get the specified percentage of a top on a board (.37 of 1) or the percentage of their game, whichever is less. Admittedly, a drawback to assigning such a score is that the result at the other table is thrown out. Thus, if N/S had a windfall there, they can get no better than .63 of a win. If E/W are plus 1100, they get at best .37 of a win.

I agree that assigning Average Plus/Average Minus was a poor resolution. As I mentioned earlier, I didn't vote for it (I favored plus 150 for N/S, following the line of play Ron suggests). Perhaps I gave in to compromise too soon (and perhaps the Committee was too influenced by the score the Directors assigned). Ron's point about the Committee believing that N/S were likely to be plus 90 is well taken, except that the Committee never said that. (The write-up is in error.) The Committee believed that N/S were likely to be "at least" plus 90. But Ron is correct: We were obligated to make a better effort to come up with scores for the two sides.

Ron is also generally correct in his assessment of Committees' concerns about double

shots. However, I take exception to several of Ron's points in that regard.

First, E/W never alluded to a double shot; it was a concern of some Committee members.

Second, the suggestion that N/S call the Director at the time of East's hesitation was made because of the issues mentioned in the write-up (establishing facts, E/W's inexperience). Ron may be right in stating that calling the Director at the time of a hesitation rarely helps establish the facts, but if so it is only because people usually call with such an air of accusation of wrongdoing that they provoke a negative reaction from their opponents. A hesitation is not a violation, it's an irregularity, but the laws still require that the Director be called — although they do not prescribe any penalty for failing to do so. (The laws do not give the non-offenders the right to wait until they see West's hand, contrary to Ron's suggestion that they do.) If the opponents are consulted politely before the call, then the facts would be easier to establish immediately, in a cordial atmosphere, than some time (and much emotion) later. It is often easier to get the Director to the table before there is any allegation of the use of unauthorized information — when only a technical irregularity is involved. Calling later only increases the chances of ill-feelings. Also, a warning from a Director to (an inexperienced) West to bid his own cards certainly could be useful. Perhaps Ron just hasn't played against this type of opponent recently.

Third, N/S weren't "chastised" for waiting to find out West's hand. They were informed (through the write-up) of their obligations about calling the Director. It should be remembered that the Committee's final decision attached no prejudice to when the Director was called. N/S were given full protection — to the extent that the Committee members could agree on a result to assign them (Average Plus). Unfortunately, the write-up mentioned the fact that there was some concern about a double shot. While I tried to have this removed from the final version, there was firm sentiment from others to leave it in. In defense of those who supported it, I can only say that calling the Director after the next hand is in play is different than simply waiting to see what West's hand was. While I personally don't attach too much significance to this difference in the present case, I can see how others might be concerned.

Fourth, regarding West's behavior, having already dealt with it at some length, I will only add here that this was mentioned in the write-up in the hope that other players might learn from it. We did not intend to suggest that some further punishment was due anyone in this case. We hoped to avoid future incidents of this sort — not to (inappropriately) punish past ones.

We finally come to our man who is not to be toyed with.

Wolff: "E/W should get a zero on the board for a flagrant ethical violation, N/S Average Minus (less than one-half a board) for a risky double that didn't work and for not calling the Director on time. We must protect the field (PTF)."

I suspect that Wolffie intended his comment to apply to an experienced E/W pair — not to the relative beginners that we had here. As for his view about N/S, I'd buy a ticket to watch Bart and Wolffie "debate" that one.

CASE FIVE

Subject (Tempo): Six-Four, Bid One More?
Event: Flight A Swiss, 09 Mar 97, Second Session

Bd: 27	Louellen Leach	
Dlr: South	♠ KQJ1086	
Vul: None	♥ 3	
	♦ 65	
	♣ KQ83	
Beverly Gardner		Gary Hann
♠ A7		♠ 54
♥ 10964		♥ AKJ2
♦ AKJ32		♦ 84
♣ J2		♣ 109764
	Jack Leach	
	♠ 932	
	♥ Q875	
	♦ Q1097	
	♣ A5	

West	North	East	South
			Pass
1 ♥	1 ♠	4 ♥	Pass(1)
Pass	4 ♠	All Pass	

(1) Break in tempo

The Facts: 4 ♠ went down one, plus 50 for E/W. Over the 4 ♥ bid South broke tempo, pausing for 5-15 seconds after the Stop Card was removed before passing. There was some dispute over the length of the hesitation. The Director ruled that North's 4 ♠ call could have been based on unauthorized information (Law 16), but that there was no damage as E/W were unlikely to make 4 ♥. The Director allowed the table result to stand.

The Appeal: E/W appealed the Director's ruling, maintaining that North's 4 ♠ bid could have been influenced by South's break in tempo and that West would have made 4 ♥ had she been allowed to declare that contract. N/S stated that the hesitation was brief, basically an extension of the skip bid warning, and did not convey any meaningful information to North.

The Committee Decision: The Committee determined that there was a break in tempo before South passed 4 ♥. The key issue was whether this pause indicated offensive rather than defensive values. The Committee could find nothing to suggest whether South had been thinking about doubling 4 ♥, bidding 4 ♠, or taking some other action (although, being a passed hand, the latter was unlikely). E/W figured to have a nine- or ten-card heart fit (West had missorted her hand and thought she had opened a five-card major). North had extra offense because of her six-four shape and the ♠10. South was probably marked with some values (because of the preempt), but even if he had as little as the ♣J, 4 ♠ might not be more than two down. On the other hand, if South had the equivalent of two aces North might even make 4 ♠. For these reasons the Committee decided that the 4 ♠ bid would be permitted in spite of the hesitation. The table result was therefore allowed to stand. N/S were informed that they had been quite lucky not to have their score adjusted this time, and that they should learn to make all of their calls in proper tempo in the future or they were likely to be far less fortunate.

Chairperson: Rich Colker
Committee Members: Bruce Reeve, John Solodar

Directors' Ruling: 79.4 **Committee's Decision:** 79.1

Our first panelist makes an instructive point regarding the nature of the unauthorized information present.

Bethe: "The slow pass says South was thinking of some action. That is unauthorized information. We should not allow a double by North, which would say, 'Whatever you were thinking, go ahead and do it.' But 4 ♠ should be permissible."

Our second panelist likes the decision more than some of the Committee members. . .

Rigal: "The Director made a good judgment call here. It would have been easy to rule against the offenders, but North had a clear-cut 4 ♠ bid, with her lashings of offence and no defense. She made the right bid, and the Directors agreed. This was an easier case for the Committee I think. The bridge issues outweigh the hesitation. I like the Committee's comments to N/S. It's easy to let people think they have escaped scot-free without realizing the jeopardy they had put themselves in."

. . .while the third panelist thinks the caution given to N/S didn't go far enough.

Wolff: "Reasonable decision. However, N/S should be penalized 1 IMP for hesitation disruption (HD)."

The last time we looked, hesitating still wasn't a punishable offense.

The remaining panelists wish to take the Committee to task for a variety of sins, the most common of which was allowing E/W to escape without a penalty for an appeal without merit. I agree. However, I also believe that a Committee needs to be unanimous before issuing such a penalty, and that was not the case here. In fact, it took quite some time to recruit even one of the other member to my viewpoint — thus, no penalty.

As for the other criticisms, several were quite pertinent.

Cohen: "This is very different from CASE ONE. Here, it is not clear what South was thinking about. In CASE ONE we know he had a marginal double. But now we don't know anything. Was he thinking of bidding 4 ♠? Or was he thinking of doubling? And, what does double mean? I would like to know and I'm surprised the Committee didn't find out (or maybe they did but it's not written up). Since one of the conditions (the slow action doesn't send an obvious message) to disallow an action is missing, I must allow the 4 ♠ bid. More importantly, this whole case is a waste of time since 4 ♥ surely won't make. Yes, there is a conceivable double-dummy line (draw exactly one trump and then finesse in diamonds) that might work, but in real life 4 ♥ certainly would fail — so it seems like the appellants were trying to get minus 50 instead of plus 50. I'd have been happy to oblige them."

I frankly don't remember precisely what South told us he was thinking about over 4 ♥. I recall him saying something about reviewing the auction, but more generally the hesitation seems to have been filled with some confusion and no specifically focused thought.

As for West making 4 ♠, while she was adamant that she would have made it, she offered no line of play to support her claim, while East proposed the line which Larry characterizes as "double-dummy." However, as several of the panelists below point out, this line fails. The next panelist is correct in his assessment of the Committee's failure to analyze the play in 4 ♠.

Weinstein: "The Committee was far more generous to E/W than I would have been. I would have assigned E/W minus 50 as the most favorable result likely in 4 ♠, since E/W seemed to believe this was the proper contract. Did anyone ask West how she planned to make 4 ♠? This protest seems to be 'South hesitated, so we want a good result.' The huddle doesn't particularly suggest 4 ♥ will be the winning action. The write-up doesn't mention how long the Stop Card was allowed to remain on the table. South, who has no apparent problem, seemed to do a good job of not telegraphing the fact that he has no problem. Now he is being accused of providing unauthorized information. Let's examine the merits of this case. South, with no apparent problem, may or may not have huddled. North, with no helpful information at her disposal, made a very normal call. Then E/W, having defeated 4 ♥, are contending that they should be allowed to make a 4 ♠ contract that cannot even be made double-dummy without a bad defensive error. E/W should be ashamed of themselves for protesting or even calling the Director. I can only assume that the Committee never got into the play at 4 ♠ for lack of relevance. Otherwise, they should be ashamed for not being extremely harsh on E/W, who deserved a serious IMP penalty for this protest."

Howard is exactly right about the reason why the Committee never got around to the play in 4 ♠: it became moot (as far as the contract was concerned) once we decided to allow North's 4 ♥ bid. However, the play was relevant to a decision on the appeal's merit. I personally thought the appeal lacked merit based on the auction alone: South's huddle did not suggest that 4 ♥ would be more successful than passing, and North's hand warranted a 4 ♥ bid even with the huddle (South being a passed hand). From this perspective, the fact that 4 ♠ is unmakeable is simply icing on the cake. Nevertheless, I wish I'd thought of it at the time, since it might have recruited the unanimous vote I needed to assess the lack-of-merit penalty.

But let's examine the argument on the other side for a moment — the one against penalizing the appeal. How many times have you analyzed a contract well into the play, concluded that you would have made it, only to have someone point out later that you failed to consider an important alternative line or that one or two tricks further into the play the line which appeared to work falls apart? We've all been there before. The E/W players had to make a decision about whether or not to appeal this ruling while they were still playing the evening session (in which the hand occurred), and then had to appear for the hearing minutes after the session ended. Thus, E/W didn't have a dinner break during which to give the hand extensive analysis. Can we really hold them responsible for believing that they would (or even might) have made 4 ♠ when the analysis which shows that it can't be made is quite complex and lengthy? Is this really what an appeal without merit means? Should a player be held responsible for not being good enough (or not having enough time) to do a complex analysis which several of our expert panelists didn't get right, with far more time to devote to it than the appellants had (and with everyone watching)? If the players truly believed they would have made the contract, and a "good-faith" (even if non-definitive) analysis (for the level of the players involved) made that opinion appear reasonable, shouldn't that be enough to deem the appeal as meritorious? I think it should. But of course that doesn't eliminate my auction-based reason for believing the appeal lacked merit.

(By the way, for those of you trying to work out the defense to 4 ♠, try having South lead a low trump when he gets in with the ♣A; if declarer tries to make the hand on a crossruff, he can later ruff a club high to lead another trump.)

Howard raises the issue of how long the Stop Card was left on the table. This point was also raised by the next two panelists, with Bramley producing an excellent analysis of the considerations at work in this type of situation.

Rosenberg: "Documentation of the skip bid was poor. How long was the card out there? I agree with the decision."

Bramley: "The Committee renders justice, barely. Let us discuss the proper use of the Stop Card. Some players leave the card out for what they consider an appropriate period, then remove it to 'allow' LHO to bid. Other players display the Stop Card briefly, then remove it, allowing LHO to judge what is his own appropriate period for thought. I strongly prefer the latter method. I want my LHO to look like he is thinking on his own, rather than have me keep him 'on a string.' Indeed, many players seem to be impatient for the Stop Card to be removed, then bid immediately when it is. This obviously defeats the purpose of the Stop Card.

"I thought the ACBL had ruled that the 'display-and-remove' method was the preferred way to use the Stop Card.

"On this hand South appears to be from the 'display-and-remove' school, while East is from the 'on-a-string' school. South seems to have no call to make no matter how long he thinks about it. He was just honoring the spirit of the Stop Card. Then, when North took a completely normal action, East felt damaged. Give me a break.

"Furthermore, North took a losing action. 4 ♠ was going down, despite East's contention that it would make. (I'm still having a tough time making it double-dummy.) East's Director call and appeal were groundless. The Committee should have kept the deposit (if any) and informed E/W that they grossly abused the appeals process."

The WBF adopted the "on-a-string" method in Rhodes in 1996.

The ACBL currently uses the "display-and-remove" method (although they used to use the "on-a-string" method). The recommended procedure, on the ACBL Web site, is to:

> Place the Stop Card so that LHO sees it (the skip bidder is responsible for gaining LHO's attention). The skip bid is made. The Stop Card is replaced in the bidding box.

The Web site also notes that "LHO is entitled to 10 seconds even if the STOP card is picked up immediately."

In this case, East apparently used the "on-a-string" method. Since neither method has an associated penalty for its "misuse," we must use our judgment in dealing with problems which arise from skip bids. I do not think we can penalize a player for using either of these methods (especially since the ACBL and WBF each favor a different one of them), but Bart has a good point. Since many players who employ the "on-a-string" method only leave the Stop Card on the table for a few seconds, South's "extra" time might have been no more than he is entitled to (as the Web note above suggests). However, the Committee did confirm that there was a hesitation somewhat beyond the normal 10 seconds (although N/S disputed its actual length), so perhaps this issue is not really all that pertinent after all.

Brissman: "A prerequisite to filing an appeal should be a requirement that appellants state a prima facie case of damage. I can't envision how 4 ♠ could make unless the defenders lapsed into unconsciousness during the play of the hand. The appeal appears non-meritorious."

Treadwell: "I have no quarrel with the bridge decision in this case, but am puzzled that E/W did not get a penalty for an appeal without merit. They claimed they would have made 4 ♠ — no way even with double-dummy play. Therefore, even if the bid by North was not warranted, E/W gained by the infraction. It would have been different if E/W had stated that they were seeking no score adjustment but merely wanted N/S to be cautioned about making bids after a hesitation."

I have a problem with players bringing an appeal merely because they wish their opponents chastised for their ethics. That is a job for a Director or the Recorder. Appeals should be reserved for contract and score adjustments (even if the requested adjustment is only of the opponents' score) — and not for personal or educational ends.

The final panelist has a different take on South's hesitation. Perhaps Ron is fine-tuning his sense of clairvoyance?

Gerard: "The Committee reprimanded the wrong pair. If South's hesitation did not 'reasonably' suggest North's 4 ♥ bid (see CASE TWELVE), there was no ground for any comment. Personally, I think South's huddle was likely to be based on offense or convertible values, given the probable nine- or ten-card heart fit, so I would have prevented a successful 4 ♥ bid. Even on the aberrational actual hand, South was thinking about bidding (partner is void in hearts, all my high cards are working, I have a ruffing value). But the Committee had already come to the opposite conclusion, so how could it criticize N/S? The warning was wrongly stated, anyway. It came across as 'Don't hesitate' when it should have been 'You can take time to solve a legitimate problem, but your partner can not base any subsequent action on the knowledge that you had a problem.' The Director did everything right while the Committee got sidetracked on an issue that it didn't need to decide.

"E/W should have been docked some number of IMPs for an appeal without merit. North was unlikely to lead specifically the ♦KQ to the first two tricks, so 4 ♠ would not have made. E/W had a chance to analyze the hand before pursuing their appeal, so they knew they had not been damaged. That E/W went ahead with it meant that they were playing the Committee for fools, a position that I would not have taken very kindly to."

One panelist calls South's hesitation "bad," while another finds it perfectly acceptable and objects to the Committee even commenting on the ethical implications of irregular tempo.

I wonder how Ron knew both the content of South's thought process during his huddle over 4 ♠ and that E/W knew they had not been damaged before they filed their appeal. While there's little that I would put past Ron, this is pretty scary — even for him.

CASE SIX

Subject (Tempo): Too Far — The Death Of LOLA
Event: NABC Open Pairs II, 13 Mar 97, First Session

Bd: 27
Dlr: South
Vul: None

Sue Picus
♥ A
♠ 107
♦ J1074
♣ 1097432

Buddy Hanby
♥ KQ108
♠ AKQ952
♦ 62
♣ Q

Sally Wheeler
♥ 76
♠ J63
♦ KQ53
♣ AK86

Gene Freed
♥ J95432
♠ 84
♦ A98
♣ J5

West	North	East	South
			Pass
1 ♠	Pass	1NT(1)	Pass
2 ♥	Pass	3NT	Pass
4 ♠	Pass	4NT(2)	All Pass

(1) Announced; forcing
(2) Break in tempo

The Facts: 4NT made five, plus 460 for E/W. The Director was called because there was a break in tempo before East bid 4NT. The Director ruled that there was no use of unauthorized information and allowed the table result to stand.

The Appeal: N/S appealed the Director's ruling. There was an agreed break in tempo before the 4NT bid. E/W had been playing together for about twenty years. This sequence had not occurred previously in their partnership. They played no special agreement for the forcing 1NT bid, which rarely would have game-forcing values. 2NT over one of a major would be forcing and balanced; 3NT would be 15-16 HCP, balanced. 2NT after the reverse would have been forcing. N/S contended that the break in tempo made pass over 4NT a more attractive alternative for West. N/S suggested that the contract should be adjusted to 5 ♠ down one, plus 50 for N/S.

The Committee Decision: The Committee decided that the break in tempo did not suggest one action over another. Even if bidding was a logical alternative, the Committee agreed that pass was clear. The Committee allowed the table result of 4NT made five, plus 460 for E/W, to stand. The Committee further found that the appeal lacked substantial merit and constituted an egregious abuse of the appeal process. Consequently, the Committee retained the $50 deposit and assessed an additional 5.5 matchpoint procedural penalty against N/S.

Chairperson: Mike Huston
Committee Members: Phil Brady, Mark Bartusek, Ed Lazarus, Bruce Reeve

Directors' Ruling: 92.0 **Committee's Decision:** 81.0

We start out with a lone voice in the wilderness.

Bethe: "No, no, no. Pass was clear? Anyone who could bid 1NT and 3NT on those cards could also have meant 4NT as Blackwood. Why couldn't East have had ËAJ10x instead of ËKQxx? The slow 4NT demonstrably suggests that it is not intended as Blackwood, and thus that passing will be superior. This was a reasonable appeal, it might well have been decided the other way, and the punishment to N/S is beyond the pale. This Committee should be asked to pay $10 each to refund N/S's money."

I am reminded of a time when I sat reading Reese's *Develop Your Bidding Judgment*. Reese (holding East's cards): "I could certainly hold far less for my bidding thus far. Although I have already shown about this strength, my jack-third of trumps, prime controls, and ruffing value in partner's second suit elevate my hand to at least a slam try. If partner has something like Í Axxx Ì AKQxxx ËAx Êx or Í AKxx Ì AKQ10xx Ëx Êxx, slam will be virtually laydown. If he holds Í AQxx Ì AKQxxx Ëxx ÊQ it will rest on one of two finesses. At pairs, I think the potential gain of bidding on far outweighs the risk. I'll bid RKCB, and if partner has three Key Cards I'll gamble out 6 Ì. But wait. What if partner takes 4NT as a correction, playing me for Í Jxx Ì --- ËKQ109x ÊKQJ10x? Could he take 5Ê to be anything other than Super Gerber? No, I don't think it's worth the risk of playing 5Ê. I'll try 4NT. After all, even if he passes, 4NT should make easily."

Okay, okay. So Terence Reese would never play RKCB or Super Gerber. Still, slow or fast, 4NT is not innately anything in most systems. Its meaning derives from past experience or prior discussion, and here we're told the auction is virgin territory.

I wonder what Henry considers "demonstrable"? Hopefully, more than just someone's opinion. Certainly it should imply a compelling logical connection between the bid and the proposed meaning, at least in most comparable partnerships. But Henry fails to "demonstrate" the connection; simply saying that a slow 4NT suggests that it was not intended as Blackwood does not make it so.

Well, when all else fails, at least we can call on our resident clairvoyant. Ron?

Gerard: "Well, if bidding was a logical alternative, pass could not have been clear. But we know what the Committee meant. I'm puzzled by what N/S meant, though. What alternative would they have had West choose? Answering aces to a natural 4NT? Bidding 5 Ì when East obviously was thinking about passing 4 Ì ? N/S should have known better. Also, who's to say that N/S would have collected their three tricks against 5 Ì if they could only take two against 4NT?

"Who or what is LOLA?"

And you call yourself a clairvoyant. LOLA is an acronym standing for "Law Of Logical Alternatives." I first encountered it in an article written by Jim Kirkham ("Whatever LOLA Wants," *COI Newsletter*, February, 1996). Jim used the term derisively to argue that Appeals Committees are always assigning ridiculous scores to players every time they hesitate and the opponents called the cops. The hesitator's partner's (winning) bid would be canceled and he would be forced to make some absurd call, claiming it to be a "logical alternative" even if the Committee believed that no "bridge player" would ever actually make the call. Jim argued that this was ruining the game and that players were becoming fed up with it.

I wrote a rebuttal ("What LOLA Wants — Reading LOLA's Mind," *COI Newsletter*, July, 1996) in which I pointed out that, just because some Committees may misinterpret the meaning of the term "seriously consider" (it was not intended to mean that a bid which no one would ever make should be considered a LA; the word "serious" was meant to be taken

seriously) does not mean that the law (or the entire appeals process) should be scrapped. This is analogous to arguing that, just because some players abuse the Blackwood convention it (or all conventions) should be outlawed. I further pointed out that efforts had been made at the NABC Appeals level to clarify the meaning of the term "seriously consider," and that errors of the LOLA variety were becoming the exception rather than the rule (at least at NABCs).

Thus, the term LOLA implies a Committee imposing an absurd result (which would never have occurred at the table) on a player simply because he hesitated — hence the case's title.

So if 4NT has no intrinsic meaning in this auction, then the tempo of the bid can not restrict West's subsequent choice of calls. Also, West cannot be forced to take an action which is in direct conflict with the authorized information from the auction or with his own hand. This view is reinforced by the rest of the panel, which is just as well for Ron if he wishes to keep his clairvoyant's license.

Bramley: "Yes! Harsh but proper. More decisions like this will mean fewer appeals like this."

Treadwell: "Cheers. Retention of the deposit and the imposition of a procedural penalty were 100% actions. The only question was how large the procedural penalty should be."

Weinstein: "I hope the 5.5 matchpoint penalty for a meritless appeal was on a 3 top. If anything, a quick 4NT would more likely be to play, if there was ever even a question."

Wolff: "I agree with the decision and, believe it or not, even a stronger penalty on N/S than I would give, but justified."

Wow. And this from Mr. "Don't Toy With Me."

The remaining panelists, while accepting the basic decision and agreeing that the appeal lacked merit, took exception to the severity of the penalty. Some even questioned the Committee's right to impose both penalties.

Cohen: "Perfect, except for the matchpoint penalty. Can they legally do this? What are the guidelines? And what was top on a board (to put the 5.5 in perspective)?"

I'm certain that the top on a board was 55 (four sections scored together, with fourteen pairs in each section playing the board).

Allison: "My goodness, does everybody have to play every 4NT bid as ace asking? Good Committee work, though I do not agree with the additional procedural penalty.

"However, 'Even if bidding was a logical alternative, the Committee agreed that pass was clear' is a statement that might better have been left out of the report. Since the Committee determined that the break in tempo did not suggest one alternative over another, a discussion of logical alternative could not but confuse the issue."

Rosenberg: "The question should have been asked, "Was 4NT ambiguous?" Also, a twenty-year partnership may know something about the forward-going nature of 4NT. N/S should probably have been rebuked for bringing this case, but the $50 and the penalty was way

overboard, even if these things were ever justifiable (they aren't, especially the $50)."

Brissman: "I am aware that the Committee considered the wealth of one of the appellants and concluded that the $50 forfeiture was meaningless to that party. Partially as a result of that conclusion, it decided to impose an additional matchpoint penalty. While the Committee certainly has the power to do this, it was unprecedented at NABC appeals. I do not believe that a matchpoint penalty would have been assessed in addition to the forfeiture against a less wealthy appellant. Also, the Committee used their own knowledge of the player's wealth rather than react to evidence of such wealth (which would have been irrelevant and entirely inappropriate). I think that forfeiture plus a matchpoint penalty should be reserved for particularly egregious appeals, and, in my opinion, this case fell short of that standard."

Rigal: "I do not see the Director's ruling as an easy one. I have not discussed what 4NT should mean here, but even looking at the East hand I do not know what it was meant as. So how can West work it out? I guess that makes the Director's ruling right. The Committee's decision seems fair, but the comments in the write-up seem very harsh. I can live with the deposit withheld, though I do not consider the decision automatic, but the comments seem out of place and the MP fine harsh. We do not make allowance for financial standing in general — do we?"

While this combination of penalties was, as Jon points out, unprecedented in NABC appeals, it was indeed within the Committee's rights to impose it. Since this type of decision is, by its very nature, subjective, I'll refrain from adding my own opinion to the mix. However, I do agree with Jon that such an imposition should be reserved for "particularly egregious appeals." One final note. The Committee members were aware (through these casebooks) that the South player had been involved in a number of other appeals at recent NABCs which lacked merit. That knowledge weighed heavily in their decision.

CASE SEVEN

Subject (Tempo): They Should Have Known Better
Event: NABC Women's Pairs, 14 Mar 97, First Session

Bd: 5
Dlr: North
Vul: N/S

Laura Brill
♠ Q109
♥ 853
♦ A6
♣ 109865

JoAnne Minkin
♠ 53
♥ AK
♦ 7543
♣ AQ743

Mary Jane Farell
♠ K8
♥ QJ1097
♦ KQJ8
♣ J2

Nancy Molesworth
♠ AJ7642
♥ 642
♦ 1092
♣ K

West	North	East	South
	Pass	1 ♥	1 ♠
Dbl	2 ♠	3♦	Pass
3 ♠	Dbl	3NT(1)	Pass
4 ♥	All Pass		

(1) Break in tempo

The Facts: 4 ♥ made four, plus 420 for E/W. The double of 1 ♠ was a negative double. Both pairs agreed to the break in tempo before the 3NT bid by East. The Director was called after West bid 4 ♥ and ruled that play should continue. The Director was called back to the table and ruled that since there was unauthorized information present, the contract would be changed to 3NT down one, plus 50 for N/S.

The Appeal: West appealed the Director's ruling. West stated that she bid 3 ♠ to find out if partner had a spade stopper for 3NT. After North doubled, West decided that East could no longer have a potential double stopper in spades. West also stated that since South did not lead a spade against 4 ♥ she might not have led a spade against 3NT.

The Committee Decision: The Committee found that there was a hesitation before the 3NT bid. West had asked a question with the 3 ♠ bid and East had paused significantly before answering. West, after the hesitation, had a duty not to select from among logical alternatives a bid that could have become more attractive in light of the unauthorized information from the break in tempo. The Committee canceled the 4 ♥ bid and changed the contract for both pairs to 3NT down two, plus 100 for N/S. After studying the play, the Committee decided that the most likely result would be down two after a spade lead — even though either more or fewer tricks were possible. The Committee found the appeal to be substantially without merit and retained the deposit. An additional procedural penalty was considered, but rejected.

Chairperson: Bruce Reeve
Committee Members: Ralph Cohen, Ed Lazarus, Steve Onderwyzer, Lou Reich

Directors' Ruling: 83.3 **Committee's Decision:** 91.5

The panelists deservedly gave the Committee two thumbs up for this decision, with the only bone of contention being whether an additional procedural penalty was in order for West's flagrant 4 ♠ bid. Of course, there was the usual objection over the deposit issue.

Rosenberg: "Okay, except for the $50."

Bramley: "Solid. The adjudication of the contract and result is good, despite the possibility of different outcomes. I think that keeping the deposit was a bit much. While the E/W case was certainly weak, I do not think it crossed the threshold of egregiousness that we have seen in other cases."

Bethe: "Good work by the Committee. A bad Director's ruling, as N/S would (almost certainly) score plus 100 against 3NT."

Allison: "The Committee gets A+. E/W get detention"

Wolff: "The Committees continue strong and in control."

Gerard: "I suppose South led a trump or North misdefended, but since that was only for down one they were entitled to plus 100 from 3NT. What was the Director thinking when he ruled plus 50?"

Weinstein: "Good decision. West knew East could no longer hold a double spade stopper from the slow 3NT call, not from the double of 3 ♦. Good retention of the deposit, but I think a procedural penalty was also appropriate for either the 4 ♠ call or the meritless protest."

Rigal: "The Directors did well. But it is, after all, a very clear-cut ruling. The Committee was bang on here. Of course East made a bad bid with 3NT — looking at her soft values, one spade stop was not going to suffice. And West took blatant advantage of the slow action. Two down is the normal result; declarer simply gives up all practical chances of making and unblocks hearts, then plays on diamonds. I agree with the deposit withheld and I would have also accepted a procedural penalty since unlike CASE SIX it was the offenders appealing."

Treadwell: "More cheers, but why no procedural penalty?"

Why, indeed.

Cohen: "I don't understand the last line of 'The Appeal.' What does South's lead against 4 ♠ have to do with her lead against 3NT? West has a clear pass of 3NT and the appeal was definitely frivolous. I think E/W should have been delighted to be allowed minus 50 when minus 100 was more likely (as declarer I'd give up a diamond and hope spades were five-four, and end up down two when they were six-three). By the way, what does West think South would have led against 3NT? Maybe we can let her lead a diamond for down three! I might have appealed this ruling, but only if I was N/S (I'd ask for plus 100)."

Yes, West's statement was certainly a non sequitur. To characterize this appeal as merely "pushy" would be overly generous. I know that East was not happy bringing this case, but refusing to concur with the appeal would have put the matter to rest entirely: "An appeal shall

not be heard unless both members of a pair (except in an individual contest) or the captain of a team, concur in appealing. An absent member shall be deemed to concur." (Law 92D).

CASE EIGHT

Subject (Tempo): Seagate's Watergate
Event: NABC Swiss, 16 Mar 97, First Session

Bd: 26	Andrew Robson	
Dlr: East	♠ AK63	
Vul: Both	♥ ---	
	♦ AQJ9742	
	♣ A8	
Kerr Godfrey		Ron Ashbacher
♠ QJ105		♠ 82
♥ A1064		♥ KQJ83
♦ 3		♦ 5
♣ QJ73		♣ K10654
	Rita Shugart	
	♠ 974	
	♥ 9752	
	♦ K1086	
	♣ 92	

West	North	East	South
		Pass	Pass
Pass	1♦	1 ♥	Pass
3♦	3 ♥	4 ♥	Pass
Pass	Dbl(1)	Pass	5♦
All Pass			

(1) Break in Tempo

The Facts: 5♦ made five, plus 600 for N/S. North asked about the meaning of the 3♦ bid before bidding 3 ♥. The Director was called after North doubled and before East passed, and was then recalled after play concluded. He ruled that pass was not a logical alternative for South and allowed the 5♦ bid and the table result to stand.

The Appeal: E/W appealed the Director's ruling. Only East appeared before the Committee. When North asked about the 3♦ bid he was told that it had not been specifically discussed, that E/W had played only a couple of sessions together, but that the bid did show hearts. East did not say that it showed a limit raise. East maintained that South had four trumps and might have chosen to defend without the hesitation, on the basis that the hand could fall apart if declarer could be forced enough. East also thought that the hesitation suggested long diamonds and doubt about defending.

The Committee Decision: The Committee discussed whether pass was a logical alternative for this South. The Committee could not determine whether South thought that 3 ♥ showed a big hand or asked for a heart stopper. Nothing in the auction suggested that North was 4-0-7-2, but it was agreed that if North had been 4-1-4-4 with a big hand the double probably would have been more in tempo. The Committee appreciated the horrible problem North had. The majority agreed that a significant number of South's peers would seriously consider passing the double for the following reasons: South had four trumps at equal vulnerability; South was not sure to make 5♦; two passed hands had bid game; the contract rated to be defeated; and South had not bid 5♦ at her previous turn. South's peers were defined as players that would have passed at both their second and third turns to bid. The Committee changed the contract for both pairs to 4 ♥ doubled down one, plus 200 for N/S.

Chairperson: Bruce Reeve

Committee Members: Mark Bartusek, Ed Lazarus, John Solodar, Michael White

Directors' Ruling: 59.1 **Committee's Decision:** 84.5

All of the panelists agreed with the Committee's decision, although several thought it was a close call and could have gone either way.

Bramley: "Excellent. The point about South not having bid 5♦ earlier is very important. I particularly like the Committee's definition of peers."

Allison: "To my mind, this case demonstrates why we really need Committees. To say there is no logical alternative to a 5♦ bid by a South who passed throughout this auction is weak in bridge logic. Give North something more like his bids (4-1-4-4 with the ♣Q in addition, say) and 5♦ will be down in a hurry while 4 ♥ doubled may be going 500 down."

Wolff: "N/S plus 200 in 4 ♥ doubled. There is no reason for these long studies and then double."

Weinstein: "Good reasoning by the Committee. A couple of points. Looking at the ♦K South might well have assumed a three-suiter, instead of a stopper ask with a solid suit. The tempo of North's double could have been due to him considering whether to pass, which would not necessarily suggest 5♦. This decision would be much closer under the 'demonstrably suggested' guideline in use after Dallas. I like the way the Committee determined 'peers'."

Cohen: "Close case. I can live with the decision, but I can also see the case for 5♦ being fairly obvious. On these tempo situations there are often obvious 'you can't bids' and obvious 'you have your bid anyway.' Somewhere in between exists a line where it's not clear either way. This situation is my idea of right on the borderline."

Treadwell: "This is a close call, indeed, but I must go along with the Committee's decision. It is particularly difficult at IMP scoring. Yes, 4 ♥ figures to go down, but probably not more than one, and may even make; 5♦ also figures to go down no more than one and may make. Hence, at IMP scoring, 5♦ makes a lot of sense. But of course pass is a somewhat logical alternative and hence the 5♦ bid may not be allowed."

Bethe: "This would be a good hand for a Master Solvers type panel: how many would agree with South's previous actions, and how many would pass the double? I really don't think many would object, nor do I think many would pass. But I could be wrong. Given that the Committee believed that pass would get serious consideration, the decision is good."

Brissman: "A close decision, but I would have found South's willingness to defend four hearts undoubled dispositive. The double did not increase South's offensive potential."

As usual, our senior resident lawyer has a hair to split (Brissman, also a lawyer, will assume "junior" status with his obviously excellent command of legalese; Bethe, still in law school, cannot yet be accorded any formal status) — but an important hair, nonetheless.

Gerard: "Good Committee work, except for the reference to 'this South' instead of 'South's

peers' in the first sentence. The Committee should also have made it clear that it was not criticizing South's passes on the second and third rounds, merely using them as a frame of reference. If the Director had ruled correctly and N/S had appealed, I would have kept the deposit."

More on the Director's ruling from. . .

Rigal: "I think the Director might have adjusted back to 4 Ì doubled, although the fact is that E/W caused quite a bit of the problem by not having proper agreements. That is the only grounds that I can see for not reverting to 4 Ì doubled. I think there was a fair case for allowing the 5Ë bid to stand. However, the argument made in Committee about partner being more balanced (even 4-0-5-4 or 4-0-6-3) is a good one. Then you might be exchanging a plus for a minus. I can live with the decision, although I might have been swayed the other way by a convincing N/S presentation."

Rosenberg: "Did North's double make it more likely that 5Ë would be the winning bid, or was it his hesitation? I believe the latter. The key is that South passed at her previous turn. Pass and pull in a non-forcing auction is *verboten*, except with extreme distribution and a hand where partner was very likely not to pass it out. The Director was nuts."

Michael always has had an affinity for the game's technical terms.

CASE NINE

Subject (Unauthorized Information): Using Judgment Not A Violation
Event: NABC Open Pairs I, 07 Mar 97, First Session

Bd: 9
Dlr: North
Vul: E/W

Vicki Laycock
Í A85
Ì Q10963
Ë Q9
Ê 973

Jon Green
Í KJ
Ì KJ2
Ë 10754
Ê A1064

Norm Rubin
Í Q10976
Ì A7
Ë J83
Ê K85

Susan Evans
Í 432
Ì 854
Ë AK62
Ê QJ2

West	North	East	South
	Pass	Pass	1Ë
Pass	1 Ì	1 Í	Pass(1)
1NT	Pass	Pass	2 Ì
All Pass			

(1) Alerted; N/S played support doubles; no explanation was requested.

The Facts: 2 Ì made two, plus 110 for N/S. South stated that their methods did not require that a support double be made with any hand that has three trumps. The Director ruled that the table result would stand and that there had been no infraction.

The Appeal: E/W appealed the Director's ruling. The N/S pair stated that they were not a regular partnership, but had agreed that a failure to double was either less than three-card support or three-card support with a terrible hand.

The Committee Decision: Since there was no evidence that South had forgotten her agreement (and that the Alert had awakened her), the Committee accepted the N/S explanation. Therefore, the failure to double was not a violation of the partnership agreement and there was no reason to conclude that the Alert procedure had influenced the actions at all. The Committee thought that South's bidding was more than aggressive, but that was not a reason to take the result away. Therefore, the table result of 2 Ì made two, plus 110 for N/S, was allowed to stand. There was some discussion of the merit of the appeal. Some Committee members believed that E/W had tried to win through the appeal process what they failed to achieve at the table had West simply bid 2 Í. The prevailing opinion was that the appeal had merit since N/S's agreement turned out to be more detailed than E/W had thought it may have been.

Chairperson: Mike Huston
Committee Members: Mary Jane Farell, Carlyn Steiner, Michael Rahtjen, Mary Beth Townsend

Directors' Ruling: 89.3 **Committee's Decision:** 87.0

Appeals of this sort leave a sour taste in my mouth. They are bad for the game and say more about the appellants' contentiousness than anything else. South took nothing but normal, prudent bridge actions at each of her turns and E/W then tried to win on appeal what they could not win from either the opponents or the Director at the table. I agree with those on the Committee whose sentiment was to penalize E/W for bringing this case.

I'm not surprised that (at least) one Committee member believed this appeal had (ugh) merit, but I am disheartened by it. We've got to get past trying to avoid "offending" anyone at all cost. This cheapens the whole appeals process. Those who don't have the stomach for the work should stay out of the "work place." Even though I would not have been shocked not to obtain a unanimous vote to penalize this appeal for lack of merit, I would still have given E/W a piece of my mind in delivering the decision.

The more I think of it, the more repulsed I am by this appeal. To quote Peter Finch's character from the 1976 movie *Network*, "I'm mad as hell and I'm not going to take it any more." I have a good mind to tell both East's and West's mothers on them. When you're this upset, who you gonna call? Ron-Busters!

Gerard: "This is what bridge means to the modern day bean counters: you open a featureless 4-3-3-3 ten count in third seat, do not raise partner's response conventionally in competition on eight-third and then have to explain yourself to a Committee. If I were stupid enough to play a system that required me to make a support double when I could, I would violate my system and pass as South on the second round. If an opponent complained, I would tell him he had no right to question my bidding judgment. E/W may be free to straitjacket themselves by playing mandatory support doubles, but they can't impose their own views on the rest of the world.

"There was indeed no infraction. Can you imagine concluding that South forgot her methods because she passed over 1 ♠, only to be awakened by the Alert? Is this bridge or robotics? Is the support double, like the supporters of the Law say about their own toy, smarter than any bridge player? Who could make such an argument with a straight face?

"Let's see if I get E/W's position. South isn't allowed to limit her hand because she has three trumps, yet West isn't allowed to bid 2 ♠ on probably the best hand at the table with only ♠KJ doubleton. If you gave West's hand to my Master Solvers' Club with the auction through 2 ♥, I bet 2 ♠ would be the first unanimous vote in the panel's history. There are only two explanations for West's failure to bid 2 ♠. One is that E/W have an active, aggressive style (I know this to be true) that makes it dangerous to take any obvious action. If so, they have to pay the price for their own methods. I can't tell you the other, because I vowed a few cases ago to refrain from referring to 'double shots.'

"The appeal had no merit, none, nada, nil, zilch, zip, zed. I feel for South, having to put up with this bilge. I would have taken E/W's deposit for abusing the appeals process and then taken another one for insulting the game of bridge. E/W are friends of mine, but if I had been on this Committee they would have felt like Early Wynn's mother."

Are the rest of you panelists with us? Throw open your windows, stick out your heads, and shout, "I'm mad as hell and I'm not going to take it any more."

Weinstein: "I would have kept the money and assigned a procedural penalty for meritless appeal, regardless of the N/S agreement. There must be some reasonable basis for assuming South forgot the agreement. South's failure to make a support double is just good bridge, and not even remotely evidence that an infraction occurred. Bridge players must be allowed to

use their judgement and deviate from system when they feel it is good bridge. This is precluded if the onus is on them to prove that they haven't forgotten their system. Though statements to the contrary may be self-serving, any ambiguity in these situations should be resolved in favor of the alleged offenders exercising their bridge judgement and not against them for having forgotten their system and having been reminded of it by an Alert.

"Since the protesters in CASES FOUR, FIVE, SIX, SEVEN and NINE already seem to be having a contest for most meritless appeal, I believe it may be time to introduce an annual (tri-annual?) award, similar to Laugh-in's 'Flying Fickle Finger of Fate' or former (late?) Senator Proxmire's 'Golden Fleece' award. There would be an award for the worst protest of the year (or casebook) commensurate with the experience of the protesting pair, importance of the event, and degree of injury. Perhaps the winning pair would receive the 'prize' of being locked in the screening room for two hours after each evening session for an entire NABC. Though I first considered this tongue-in-cheek, I'm starting to wonder if this actually might not be entirely off the wall."

Talk about your draconian punishments (uh, excuse me, prizes). All together now, "I'm mad as hell and I'm not going to take it any more."

Treadwell: "An excellent example of a pair trying to win in a Committee what they failed to win at the table. The deposit should have been retained and a procedural penalty considered since the appeal had no merit. In the first place, no explanation of South's Alerted pass was requested, so that it is irrelevant that the N/S agreement was more detailed than E/W thought it might have been. Secondly, how many hearts did E/W think South had for the delayed raise?"

Bramley: "Good decision, well argued. The merit of this appeal is on a par with that of CASE SEVEN, where the Committee kept the deposit. Both are marginal. The Director's have gotten much better at rejecting marginal complaints like this one and CASE SIX, thus placing the burden properly for further action."

Allison: "I am unclear as to why the agreement (which was adequately explained with the Director present) was so complex as to elude the E/W pair and cause a Committee to spend its time on this case."

Rigal: "The Director again made a good ruling when it might have been easier to rule in favor of the non-offenders. But this was the right ruling. I would have withheld the deposit from E/W. Although it was tough for either of them to bid 2 ♠, the comments in the hearing seem pretty accurate. We must discourage these frivolous and vexatious lawsuits. I agree with everything else the Committee said."

Bethe: "I'm not sure what the inference from the Alert would have been that would help South bid 2 ♥? So if there was nothing there, what was the merit of the appeal?"

Wolff: "E/W had earned their poor score of minus 110 and should be given it."

Cohen: "Okay."

Try to contain yourself, Larry. Someone, get him a tranquilizer.

The last two panelists seem to have missed the forest for the trees — or maybe the bean salad for the beans.

Brissman: "I'd bet that the Committee was suspicious of the proffered agreement articulated by this non-regular partnership, yet had little choice but to accept the representation. Once accepted, the decision was entirely appropriate."

Rosenberg: "The Director should have made N/S appeal, considering South's offbeat 2 Ì bid. The Committee's decision was okay. E/W should have asked about the Alert if they wanted any chance of protection."

Well, Ron, I guess one man's "offbeat" is another man's bridge. Jon. Michael. Wake up! Get angry! "We're mad as hell and we're not going to take it any more."

CASE TEN

Subject (Unauthorized Information): I Hear You, But I "Can't" Hear You
Event: Silver Ribbon Pairs, 08 Mar 97, Second Session

Bd: 17
Dlr: North
Vul: None

Carl Hultman
Í 10743
Ì K108
Ë AQ963
Ê 7

Peter McLaren
Í AQ65
Ì QJ965
Ë K5
Ê 95

Gerald Korn
Í K982
Ì 32
Ë J874
Ê A103

Bill Staats
Í J
Ì A74
Ë 102
Ê KQJ8642

West	North	East	South
	Pass	Pass	4Ê(1)
Pass	4 Ì	Pass	Pass
Dbl	Pass	Pass	5Ê
Dbl	All Pass		

(1) Alerted; eight and one-half tricks with hearts as trumps (Namyats)

The Facts: 5Ê doubled made five, plus 550 for N/S. 4Ê was Alerted and explained as an eight and one-half-trick hand with hearts as trumps (Namyats). East, prior to his final pass, called the Director. The Director was recalled at the end of the play. The opening lead was the ÌQ. The Director awarded N/S Average Minus and E/W minus 550.

The Appeal: Both sides appealed the Director's ruling. N/S thought that West should have known what had happened and passed 4 Ì for a good result. N/S stated that they were aggressive preempters and that a hand did not exist with which North could bid 4 Ì naturally as a passed hand and would not have bid some number of hearts earlier in the auction. South thought that this information with regard to opening style allowed him to act on what he thought was authorized information and bid 5Ê. West did not think, once 4 Ì was passed to him, that there was a likelihood that South would run from four hearts doubled. West thought that the double of 4 Ì was a reasonable bid and that South should not be allowed to bid 5Ê.

The Committee Decision: The Committee decided that South was in possession of unauthorized information from the Alert procedure. While they had some sympathy for South's dilemma, they considered South's statements about N/S's aggressive bidding style to be self-serving and believed that there could be some hands with long hearts which North might have chosen not to open. South had to act as if he had not heard his partner's Alert. The Committee adjusted the contract for both pairs to 4 Ì doubled by North down three, plus 500 for E/W (the most favorable result that was likely had the irregularity had not occurred for the non-offending side; the most unfavorable result that was at all probable for the offending side — Law 12C2). Since this was a NABC+ event, both sides had deposited $50 prior to the appeal. The Committee decided that both appeals had merit and returned the deposits

Chairperson: Rich Colker
Committee Members: Bruce Reeve, John Solodar

Directors' Ruling: 64.3 **Committee's Decision:** 79.7

In retrospect, I think the Directors came a bit closer to getting this one right than we did. West was aware during the auction of what was happening and should have passed 4 ♠ for a good score. Instead, he got greedy and tried to increase his equity in a top, believing that the laws would prevent South from running after he doubled. He was right as far as N/S were concerned, but not in assuming that his side was entitled to the same protection. In essence, his "sitting duck" hunting party backfired. E/W should have been allowed to keep the score they earned (minus 550 in 5♦ doubled). They were damaged not by N/S's infraction, but by their own greed.

As for N/S, I think we got their score right and so should the Directors. There was no reason to assign N/S an Average Minus when they clearly deserved to play in 4 ♠ doubled. The clincher was South's pass of 4 ♠. If South was so sure that a passed-hand North could not have a natural 4 ♠ bid, then he should have bid 5♦ immediately. The fact that he didn't suggests that he wasn't aware of it at the time. But couldn't the authorized information from West's double have alerted South to the need to run? Yes, but the onus is on N/S to convince the Committee of this — which they failed to do. It is equally plausible that E/W were doubling on high cards and not trumps. West's double could have been based on a good hand with a few aces and kings (especially if an immediate double of a Namyats 4♦ was a takeout of hearts in E/W's system, or showed clubs for a possible save), and East could be sitting with no good suit to bid and a few defensive cards. So N/S must take their lumps in 4 ♠ doubled.

The first two panelists picked up on precisely the right issues regarding N/S's score.

Brissman: "Even with an aggressive preempting style North would not likely have preempted with ♥10xxxxx ♠KQxxxxx ♦--- ♦---. West could have been rich in high cards on this array yet had no reason to act over the 4♦ opening, once he was Alerted as to its meaning. I would have enriched the ACBL Educational Foundation with a donation from N/S."

Bethe: "South should get no sympathy. Having decided to pass 4 ♠ he had no reason to remove 4 ♠ doubled. If there is really no hand that can have a 4 ♠ bid as a passed hand, then surely South should be removing before the double. Personally I don't think N/S's appeal had any visible merit."

Jon and Henry are correct as far as they go, and reinforce my arguments for assigning N/S minus 500 for 4 ♠ doubled. But they fail to pick up on E/W's culpability. They're also both probably right about the merits of N/S's appeal. However, given the nature of the event and the fact that South (at least initially) tried to do the ethical thing by passing 4 ♠ and taking his medicine, we chose not to assess a penalty. This was a close, subjective judgment call.

The next panelist adds some new dimensions to the discussion.

Bramley: "This hand illustrates a recurring theme, one without an automatic resolution. Both sides are caught in a dilemma. The 'offenders' must decide how much pain they are obligated to suffer. The 'non-offenders' must decide whether the opponents have screwed up, and, if

so, whether they can take further advantage of it. The problems for both sides are outside the normal realm of bridge decisions.

"In this case, I think the Committee got it right. But if South had held, say, ♥xx ♠x ♦xx ♦KQJ10xxxx, I would let him run to 5♦, either immediately, or, if he was a sport, after giving West a chance to double. With such a hand 5♦ is extremely likely to be a better contract than 4 ♠, no matter what partner holds, so that a 5♦ bid would be normal judgment rather than taking advantage of unauthorized information. For West's part, if he held, say, ♠KQJ9xx, then he could be reasonably certain that the opponents were having an accident. If he doubled anyway, then he should be subject to the risk that the opponents would run to a better contract.

"On the actual hand, neither South nor West was in a position, without unauthorized information, to be certain what was happening. Thus, South couldn't run and West could double. South might have argued to better effect that no hand existed where North could bid 4 ♠ and West could double, when South held ♠Axx. Could South then run to 5♦ based on authorized information? Alas, the Committee did not discuss this possibility."

I think Bart has captured the subtle complexities of this situation about as well as one can. The only thing I (now) disagree with is that West should be allowed to reap the benefits of his double. I base this (in part) on the sense I got from his testimony that he really did know what was going on during the auction, although he denied it at the time. I did not put this in the write-up because the Committee's decision was based only on what he said, and the others did not share my strong sense of what West knew. But now, my own story can at last be told.

Cohen: "Good Committee decision. I don't like the Director's decision to award N/S Average Minus and E/W minus 550. He should presume the contract is either 4 ♠ doubled or 5♦ doubled with no in-between."

Right, but each of these should be assigned only to the appropriate side.

Disagreeing with my (current) split-score position, but also disagreeing with the rest of the panel that 4 ♠ doubled is the result which should be assigned to both sides, are. . .

Allison: "The double of 5♦ was not egregious, nor was the double of 4 ♠. I think it behooved the Director to rule in favor of the non-offending side in this case."

Rosenberg: "This type of case always makes me uncomfortable. Behind screens, with no unauthorized information, South would never get this wrong and would probably bid 5♦ before the double. If North were an unpassed hand, N/S would have no case, but here it goes from near-certainty to certainty that North mistook 4♦ for hearts. Considering that North was a passed hand, West should have been aware that if he doubled South might work out what was happening from that perspective. Usually in these cases I would let West double, but here I feel West shouldn't have done it. I'll probably regret changing my stripes, but I would let the table result stand. There's no reason for a split decision. If West isn't entitled to double because South might pull, then South must be entitled to pull with this hand, especially considering his heart holding."

Michael introduces an intriguing argument for assigning E/W minus 550 that I hadn't thought of before: namely, that West should have been aware that his double, in conjunction

with North's being a passed-hand, might provide South with the authorized information he needed to justify his running to 5♠.

However, in my book this still doesn't let N/S off the hook for minus 500, and the next panelist contributes the final, conclusive piece to the argument for assigning a split score.

Rigal: "A tough hand. I wish that we had guidelines to tell us that all Namyats (South African Texas) accidents should be ruled against the offenders. My first reaction was to have a little sympathy for South — but I retracted that when I looked at North's pass of 4♥ doubled. South may not believe his partner, but since North has heard the auction himself he would run to 5♠ if that was the right thing to do. I think the Director should have given the Committee decision in the first instance. Should West have to worry about his opponents taking advantage of unauthorized information? I think not. After all, give East North's ♦A and 4♥ makes for E/W, so you have to get your 800 or so to get a score on the board."

Barry correctly points out that South must assume that North knows that 4♠ showed a four-level preempt in clubs. Since North heard the auction (including West's double of 4♥) and chose to pass, and since South's hand is clearly better than expected for play in hearts, the only basis for running would be the unauthorized information from the Alert. Thus South cannot be permitted to run. That ties up the package in a neat bow.

Regarding Barry's other point, that West should not have to worry about his opponents taking advantage of unauthorized information, I think he's correct. However, he does need to worry about the authorized information from his own double. This was precisely the point Bramley made in his second paragraph.

Wolff: "Good decision with one caution: The Director and the Committee must represent the field in a pair game (PTF)."

Not according to the laws. PTF is nice when it can be done in the normal course of meting out justice, but it is not what the laws tell us should form the primary basis for our decisions.

Treadwell: "The real questions here are: (1) If South's call had not been Alerted (or if this were behind screens, so an Alert could not be heard) would South have pulled the double of 4♥? The Committee apparently did not consider that the 4♥ call and the double constitute authorized information on which South may act as he sees fit. The 4♥ call in particular is a legal wake up that probably reminded South of their agreement. Whether this probability is great enough (90+%) to allow the pull is a close question. After the double, it is hard to imagine a hand with which North had a sufficient number of hearts for the bid, and West had enough to double, since South had three hearts himself. (2) Did West earn his poor score by his ill-judged double? He would have scored plus 150 for a near top on the board (I am guessing). Instead, he got greedy and got the score he earned. The Director got this one just about right."

To suggest that the Committee "did not consider that the 4♥ call and the double constitute authorized information on which South may act as he sees fit" is insulting. The issue is not whether the 4♥ bid and double provided authorized information to South that North treated 4♠ as artificial; clearly they did. However, North's Alert and explanation also provided South with unauthorized information. This unauthorized information created a new,

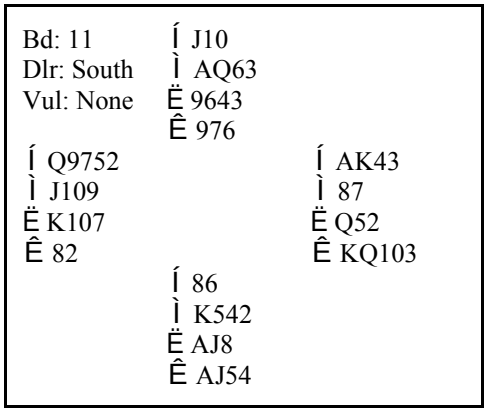
overriding issue: was there is a reasonable interpretation of the auction which would make a pass by South a logical alternative. That is, was the bidding also consistent with North knowing that South's 4♠ bid was natural and still offering (both by bidding 4♥ in the first place and in later passing West's double) to play 4♥ doubled. Since the answer to these questions is yes, South must pass.

The final word on this one goes to Howard.

Weinstein: "North didn't run from 4♥ doubled and South has ace-third in ostensible support. 5♠ was an incredibly 'inappropriate' call. Plus 800 was possible on a heart lead by East (actually plus 1100 if a second heart was led and ducked by North). I would have kept the N/S deposit. These cases where both sides are protesting is kind of the antithesis of a case I sat on a few years ago. Ten minutes into the case the chair (not me) asked for the deposit and neither side claimed to be protesting. The case was actually interesting, but was dismissed anyway."

CASE ELEVEN

Subject (Unauthorized Information): I Hear You, But I "Can't" Hear You: Part Deux
Event: Continuous Pairs, 09 Mar 97, Second Session



West	North	East	South
			1NT(1)
Pass	Pass	Dbl(2)	Rdbl
2♣	Pass	2♠	All Pass

(1) Announced; 12-14 HCP
(2) Alerted; Brozel (an undisclosed one-suiter)

The Facts: 2♠ made three, plus 140 for E/W. After South's 1NT bid followed by two passes East doubled to show a hand of at least the high-card strength of the 1NT bid. West, who had not heard the announcement, Alerted the double and without being asked volunteered that it showed a one-suited hand, the E/W agreement versus a 15-17 HCP 1NT opening. South redoubled as the start of some type of possible runout. West then bid 2♣ (unnecessarily, in light of the redouble) to allow partner to bid his suit. East then bid 2♠. The Director was called by N/S after the hand was over. The Director ruled that East could not be allowed to bid 2♠ in the presence of the unauthorized information from the Alert and awarded Average Plus to N/S and Average Minus to E/W.

The Appeal: Both E/W and N/S appealed the Director's ruling. East stated that he knew from the Alert and the volunteered explanation that his partner had not heard the announcement of the range of the 1NT bid. East stated that he had every right to keep from being "shot in the foot" and elected to bid 2♠. N/S stated that they did not think that Average Plus was an adequate result for them.

The Committee Decision: The Committee quickly decided that there was no bridge reason for not passing partner's 2♣ call except for the unauthorized information from the explanation of the Alert. East, in fact, had stated that that was why he had bid 2♠. The Committee changed the contract to 2♣ down two, plus 100 for N/S. It was emphasized to E/W that the Alert procedure was 100% for the benefit of the opponents and that they must never use this information in the subsequent bidding or play. A matchpoint procedural penalty, they were told, would have been applied in addition to the score adjustment except for the fact they seemed totally unaware of their responsibilities in these situations. They were also advised that it is good practice not to explain the meaning of an Alerted call until requested.

Chairperson: Dave Treadwell
Committee Members: Mark Bartusek, Doug Doub, Bob Glasson, Abby Heitner

Directors' Ruling: 76.0 **Committee's Decision:** 95.7

At the risk of fooling with perfection (see Wolffie's comment), what was there about the unauthorized information that suggested to East that he should correct West's 2♣ bid to 2♠? After all, even if East was using that information (as he admitted), how could he know that West, having been freed of the obligation to keep the bidding alive by South's redouble, didn't have clubs? Our first panelist raises this very question.

Bethe: "What is the E/W agreement after the equal or better double? I play Stayman. I assume that the Committee investigated this."

Henry's suggestion that the unauthorized information could have suggested to East that the 2♣ bid was Stayman rather than natural would certainly justify the Committee's score adjustment. But nothing in the write-up suggests that the Committee made such a determination. Of course, another possibility (given the event) is that both East and West were unaware of the implications of South's redouble for West not needing to bid to keep the auction alive.

What this all means is that East's 2♠ bid may not have been suggested by the unauthorized information, and therefore not subject to being adjusted. I would have liked the Committee to have told us how 2♠ could reasonably (the change to "demonstrably" was not yet in effect) have been suggested by the extraneous information, since only such calls may be disallowed.

If no such determination was made, or if it was decided for some other reason that East's 2♠ bid was not suggested by the unauthorized information, then N/S were not damaged by East's use of the unauthorized information. However, since it was clear that East attempted to profit from the unauthorized information and did coincidentally manage to do so, it would still be right not to allow E/W to keep their good score in 2♠. The proper way to do this (see the Blueprint for Appeals, section 1(a), in *Miami Vice*) is not to adjust E/W's score, but rather to assess a procedural penalty against them equal to the matchpoint difference between plus 140 (2♠ making three) and minus 100 (2♣ down two). Thus, the end result achieved by the Committee may have been appropriate, but not the way they did it.

The rest of the panelists agree with the Committee's decision.

Allison: "Good job by the Committee right down to explaining about the risk of matchpoint penalties for future. If only for this educational function of the Committee, this appeal had merit."

Bramley: "Yes."

Cohen: "A frivolous appeal. What level were E/W? Was the deposit retained?"

Rosenberg: "Okay, except for the Director. Do Directors rule this way to make both sides appeal and maximize the chance for $50 (or $100)?"

We don't know the E/W players' level, except what we can surmise from the type of event and the nature of their bidding. Also, since deposits are only required for NABC+ events, I don't think we can properly address the final comments of the above two panelists.

Rigal: "The Director might have ruled the contract as 2Ê in the first instance rather than his actual award, but I can understand why he did not do so. Since it would have been appealed anyway, no time was lost. I do not know whether I should be surprised at East's comments, but it does seem as if the Committee handled their responsibility to inform him tactfully of his obligations in an appropriate fashion, as well as making the right decision. Two down seems right."

Based on my presumption about the level of the E/W pair, I think Barry is correct in his commendation of the Committee for their choice in educating the pair.

Weinstein: "Good decision. I was once in East's situation before announcements, where I knew from partner's explanation of my call that he was unaware that the opponents played weak notrumps. I treated the information as unauthorized and passed (somewhat luckily partner corrected to a suit I would have held regardless of the notrump range). Before the opponents led, I let them know my partner had given the wrong explanation. They weren't injured in the bidding but wanted to know the implications of my correction alerting partner that the HCP were distributed around the table in a way that he probably wasn't expecting. Did I commit a weird infraction, though our Alert pamphlet specifies that the misinformation must be corrected before the opening lead? Neither a top national Director who was kibitzing nor I could answer that question."

Howard raises an interesting point. I believe that he did the correct (and required) thing by informing the opponents of his partner's misexplanation at his first legal opportunity, which was after the final pass, since his was the declaring side. (He should also have called the Director — Law 75D2.) His first obligation was to prevent further damage to the opponents. The laws provide them further redress if his partner uses the unauthorized (to him) information from Howard's correction during the subsequent play of the hand.

And finally, we receive some high praise (from a high source) which we should not allow to go too far to our heads.

Wolff: "The Committees in CASES ELEVEN to EIGHTEEN are as close to perfection as we are able to obtain."

CASE TWELVE

Subject (Unauthorized Information): Alerts Are For The Opponents
Event: Stratified Mixed Pairs, 11 Mar 97, First Session

Bd: 27 Dlr: South Vul: None	Í 1082 Ì AQJ982 Ë A Ê 1063	
Í AQ65 Ì 104 Ë 986 Ê AKQ5		Í J9743 Ì 3 Ë KQ10 Ê J972
	Í K Ì K765 Ë J75432 Ê 84	

West	North	East	South
			Pass
1NT	2 Ì (1)	2 Í	Pass
Pass	3 Ì	Dbl	All Pass

(1) Alerted; no explanation given

The Facts: 3 Ì doubled made four, plus 630 for N/S. South Alerted the 2 Ì bid by North. N/S were playing two different systems over weak and strong notrumps. Over a strong notrump the 2 Ì bid showed hearts and spades; over a weak notrump the 2 Ì bid showed hearts. After looking at a N/S convention card, but not asking any questions, East bid 2 Í. The Director decided that pass was a logical alternative for North and changed the contract to 2 Í made five, plus 200 for E/W.

The Appeal: N/S appealed the Director's ruling. North stated that 100% of the time he would bid 3 Ì in this auction (neither side vulnerable at matchpoints). North admitted that the partnership agreement was that 2 Ì showed both majors and that he had forgotten.

The Committee Decision: South's Alert clearly reminded North of their partnership agreement for the 2 Ì bid. The Committee believed that this North would have bid 3 Ì had there been no Alert, but this was irrelevant. Law 16A states that, "After a player makes available to his partner extraneous information . . . the partner may not choose from among logical alternative actions one that could reasonably have been suggested over another by the extraneous information." [Note: the current version of Law 16A, which was not yet in effect in Dallas, substitutes the word "demonstrably" for "reasonably." — *Ed*.] The Committee unanimously agreed that pass was a logical alternative for North and changed the contract to 2 Í made five, plus 200 for E/W. The Committee also directed N/S to rewrite their convention card so that it could be read more easily.

Chairperson: Ed Lazarus
Committee Members: Nell Cahn, Mary Jane Farell, Lou Reich, Peggy Sutherlin

Directors' Ruling: 89.7 **Committee's Decision:** 87.3

When will people learn that an acceptable basis for an appeal is not, "I always would bid 3 Ì in this auction"? — not until we learn to penalize such appeals consistently.

Bethe: "It is not clear to me how the Alert 'reasonably' suggested that 3 ♠ would be more successful than pass. If you believe that West's calls were affected, well what stopped West from bidding 3 ♥ on his second turn? I think this was a case of the Committee punishing a pair for forgetting their methods. You are allowed to forget!"

Once North has reason to believe (from the Alert) that South thinks he has shown a two-suiter, and will not expect him to hold a sixth heart, he cannot be permitted to bid his hand a second time. Since some (most?) players would pass 2 ♥ with the North hand (give South ♥Jxxx ♠x ♦KJxxx ♣Qxx, and North will be fortunate to get out for only minus 150 — or 500), pass must be a logical alternative to 3 ♠. Maybe West should have pulled East's (HCP?) double of 3 ♠ to 3 ♥ (or even raised 2 ♥ directly at his previous turn), but players do not always have to bid expertly to be entitled to redress — by Henry's own criteria (see his comment in CASE THREE).

Regardless of whether we adjust E/W's score or not, it is clear that North was not being punished simply for forgetting his methods. He bid his hand twice in the presence of unauthorized information from his partner's Alert. Sorry, but this is straight out of "Adjust the Score 101."

The following panelist reinforces my view of N/S, while suggesting taking a closer look at E/W's culpability for their result. I can live with that.

Bramley: "Proper decision for N/S, but not clear for E/W. I would like answers to a few questions. What did West think the 2 ♠ bid showed after he looked at the convention card? Why did East double and West pass on the last round of bidding? Did the Committee discuss whether E/W contributed to their own bad score by doubling 3 ♠ instead of bidding 3 ♥?

"Two different acts were staged on this hand, one by N/S and one by E/W. In the N/S act, North clearly used unauthorized information when he bid 3 ♠. (The Committee may think that 'this North would have bid 3 ♠.' I think he might have bid 3 ♠.) In the E/W act, both East and West apparently were laboring under a delusion about the N/S agreements. But I would require them to convince me that this was so before I let them off the hook for achieving such a horrendous result at the table. From here, East's double and West's final pass look like 'ruling roulette,' intentionally raising the stakes in anticipation of a favorable ruling if something goes wrong.

"If E/W's explanations were convincing, the Committee did right. Otherwise (and more likely, in my opinion), E/W should keep the table result."

I agree with Bart that we could use answers to some questions. West's pass of East's 2 ♥ bid, in the face of an announced spade suit by North, suggests either that West did not believe what he read on his opponent's convention card, that he misread it, or that E/W had some odd partnership agreements about the meanings of cue-bids — perhaps which they didn't disclose. However, unless E/W were judged to have committed some egregious (double-shot seeking?) error in doubling 3 ♠ (a "point-showing" double would probably not qualify, depending on E/W's level of expertise), they should receive redress. If I had to place my money on one side or the other, I'd go with Bart — E/W keep their result.

The next two panelists both raise serious questions about the E/W actions over 3 ♠.

Rigal: "The Director rolled it back to 2 ♥ correctly — a straightforward issue. Granted the 3 ♠ bid can't be allowed, but East's double of 3 ♠ nearly breaks the chain for me. If he had passed we would have allowed West to bid on, but what happens next? I guess we do not

need to get into that. Nor do we need to get into East's failure to ask about the meaning of the Alerted bid, so that his partner would 'know' that he had spades, whereas if he had asked . . . the more I think about it, the more I do not like East's behavior here. Maybe the score should just stand at plus 200 for West and not for East."

An interesting idea, adding a whole new dimension to the concept of a "split-score."

Weinstein: "Good decision for N/S. However, E/W failed to meet their obligation to play bridge. The sit by West for the double is sufficiently egregious to abrogate E/W's right to redress, and I would allow the table result to stand for them.

"When I first read this case, I saw that East had failed to inquire about the Alert, failing to note that he had inspected the opponent's convention card. Had East not shown intent to determine the meaning of North's Alerted call, the 2 ♥ bid would create the unauthorized information that the call was intended as natural. From West's perspective, if he knows East is aware that North holds both majors, the 2 ♥ bid would then be ambiguous to meaning. West must always bid under the premise that his partner has received full information. Although these circumstances apparently didn't occur on this hand, it is a serious and not uncommon situation that needs exploring."

I don't think we can require that players look at an opponent's convention card or ask about their bid (or both) after every unusual or Alerted call. The main reason for this is a practical one. We haven't even been successful in requiring players to consult the "Defenses to Artificial Preempts" booklet whenever an opponent makes an artificial preemptive opening, regardless of whether or not they are considering bidding, as long as they are using one of the booklet's defenses. This area, along with our ideas about what types of actions by the non-offenders abrogate their right to redress, need to be explored more fully. Regarding the latter issue, clearly double-shot seeking actions jeopardize the non-offenders' right to redress. I would also include in this category bridge errors which are egregious for the level of player involved. I encourage panelists to include some discussion of these issues in their closing comments in an upcoming casebook (St. Louis or Reno).

As far as the present case is concerned, if East's double of 3 ♠ was the sort of reflexive "point-showing" double commonly employed by the masses, then I don't see that it breaks the chain of causality between the infraction and the damage — provided, of course, that East is judged to be a player for whom such a double would not be unusual. (Now there's a back-handed compliment if I've ever seen one.)

Treadwell: "I have no quarrel with the Committee's or Director's decisions here, but another point is raised which I have not seen addressed before: looking at an opponent's convention card, particularly after a bid has been Alerted. Yes, a convention card should be properly filled out, and, yes, the opponents should be allowed to look at it. However, this is a very poor way to get useful information, and sometimes the card is illegible, incomplete, or misread. The convention card is primarily for the benefit of Directors and Committees in documenting what a pair's agreements really are. Personally, I never look at an opponent's card but will frequently ask about a bid, or carding agreement, particularly if a bid has been Alerted."

Making up our own procedures as we go along are we? Having been present for most of the recent meetings of the Competition and Conventions Committee, I can say with some

authority that countless hours have been spent designing the convention card, specifically so that it is easy for players to fill out and the opponents to use. Dave may (sportingly) choose not to look at his opponents' convention cards (please, don't confuse me with the facts), but his suggestion that others follow this practice is the sort of advice that is worth every penny that we paid for it.

Cohen: "I presume 1NT was 15-17, because if it was 13-15 you'd tell us . . . wouldn't you? Good decision."

I only report what they tell me; no stonewalling here.

Rosenberg: "If I believed, as the Committee claimed to, that North would have bid, I would have let him. But it takes a lot for me to be sure of that, and I wouldn't be here."

A Committee should never buy into the game of trying to read players' minds. The Committee chairman was right — North's statement was irrelevant. Just ask. . .

Gerard: "Good. The Chairman of the CASE ONE Committee should be forced to write the sentence, 'The Committee believed that this North would have bid 3 ♥ had there been no Alert, but this was irrelevant.' one-hundred times and then send it to his other Committee members."

And stay after school and clean all the chalkboards and erasers.

CASE THIRTEEN

Subject (Unauthorized Information): DONT Know Their Conventions
Event: Stratified Open Pairs, 13 Mar 97, Second Session

Bd: 18 Dlr: East Vul: N/S	♠ K8 ♥ A95 ♦ K8 ♣ KQ8652	
♠ AQJ10 ♥ 764 ♦ AQ63 ♣ A10		♠ 9652 ♥ QJ10 ♦ J1052 ♣ J4
	♠ 743 ♥ K832 ♦ 974 ♣ 973	

West	North	East	South
		Pass	Pass
1NT	Dbl(1)	Pass	2 ♥
Pass	3♣	All Pass	

(1) Alerted; DONT

The Facts: 3♣ made three, plus 110 for N/S. After the double of 1NT, East inquired and was told by South that the double was "DONT." South was unclear what "DONT" was and East asked South to say no more. South then guessed aloud that the double showed a balanced hand and then proceeded to bid 2 ♥. The N/S agreement was that double showed a one-suited hand. North admitted that, if South had explained the double as a one-suited hand, the heart bid would have been natural. Before play began, East indicated that she may have bid 2♦ or 2 ♠ over the double if she had the correct information. These bids would have been natural. The Director ruled that bidding 3♣ was a violation of Law 16A, since there was unauthorized information present that South may not have long hearts. The Director, unable to determine a result for the board, assigned Average Plus to E/W and Average Minus to N/S.

The Appeal: N/S appealed the Director's ruling. North stated that he had exercised bridge judgement in bidding 3♣ and had not been influenced by his partner's apparent confusion about what DONT meant. North concluded that, playing DONT, his partner's 2 ♥ bid showed length in hearts (probably six). N/S were both life masters and an experienced partnership.

The Committee Decision: The Committee quickly decided that North's 3♣ bid was most likely influenced by the unauthorized information that South probably did not have length in hearts. They also rejected East's contention that she would have bid 2 ♠ either in the balancing position over 2 ♥ or directly over the double of 1NT. The Committee believed that a bridge result could be determined and reviewed the play in 2 ♥. They decided that 2 ♥ would make at least eight tricks and assigned that result to E/W. The Committee considered the possibility that 2 ♥ might make nine tricks, for plus 140, but decided to assign N/S the score of plus 110, since that was what 3♣ had made and the offending side should not benefit. The contract was changed for both pairs to 2 ♥ by South made two, plus 110 for N/S. North was further admonished for bidding 3♣ after unauthorized information from his partner's explanation of the double became available to him. The Committee explained that the Alert procedure is for the sole benefit of the opponents and North was required to assume that his partner was sitting behind a screen and had given a correct explanation of the

meaning of the double. His partner's bid, playing the DONT convention, showed a long heart suit and with ♠A95 it would be a poor bridge decision to bid 3♠. The Committee assessed a one-quarter board matchpoint penalty against N/S for making a bid that was likely based on unauthorized information.

Chairperson: Bob Glasson
Committee Members: Ralph Cohen, Doug Heron, Steve Onderwyzer, Judy Randall

Directors' Ruling: 73.0 **Committee's Decision:** 81.3

North's statements sound like someone grasping at straws. He admitted that South's 2♥ bid should have been natural (probably a six-card suit), yet with three-card support and playing matchpoints he took out to three of a minor. Then he claimed that his 3♠ bid was an exercise of his bridge judgment. I'd say that his bridge judgment needs a lot more exercise. I'd also say that this appeal had about as much merit as North's 3♠ bid. Thus, N/S deserved two penalties — one for the flagrant use of unauthorized information, the other for an appeal lacking merit. Agreeing with me were. . .

Allison: "'The Committee assessed a one-quarter board matchpoint penalty against N/S for making a bid that was likely based on unauthorized information. . .' How about the appeal without merit?"

Cohen: "This continues the theme of blatantly bad ethics. I suppose that the 'active ethics' campaign isn't going so well. Are all these people really innocent souls that don't know any better? [Larry's book *Bridge Below the Belt*, written with Liz Davis, deals in part with ethical violations of this sort — *Ed.*] First, South guesses out loud as to the meaning of North's double when she was asked not to say anything. Then North makes that unbelievable call based on the unauthorized information. Come on people, have some conscience. And then, in Committee, he has the audacity to state that 3♠ was not influenced by his partner's apparent confusion about DONT. Then what was it influenced by? North said that he thought 2♥ should normally show at least six. I'm happy with the one-quarter board penalty — presuming that it is within the Committee's rights. I'd like to see more about these options. And by the way, I didn't see that the Committee kept the $50. I'd personally ask for $100. (I think the Director should have ruled 2♥ making two or three — not Average Plus/Average Minus)."

Weinstein: "The Committee shouldn't be considering plus 140 for N/S when they already assigned E/W minus 110. In any case I believe that there was enough doubt about the bridge result that I agree with the Director's Average Plus/Average Minus. East or West might have bid, or North might well have raised voluntarily to 3♥ without the unauthorized information. I strongly agree with the procedural penalty for blatant use of unauthorized information."

Bethe: "Clearly N/S must play 2♥, and plus 110 is the right result. The punishment to N/S should, in my opinion, be for playing a convention which they do not know and cannot adequately explain. There must be an onus on a pair choosing to play a convention to know the convention and to be able to explain it when it comes up."

There is such an onus. It appears in the "ACBL Code of Active Ethics" pamphlet.

However, there is no law or regulation which (directly) prescribes a penalty for such an "offense." If there were evidence that the behavior was part of a recurrent or negligent pattern, then a discipline could probably be issued for a Proprieties violation (e.g., interfering with the enjoyment of the game; paying insufficient attention to the game(?)). Hopefully, the "Dark Point" system (see my Closing Comments) will enable us to keep closer tabs on this sort of behavior in the future.

Still on a mission to stamp out procedural penalties, but seeing the need for some action against N/S here, was. . .

Rosenberg: "North flagrantly took advantage of the situation. It becomes the duty of a Committee to search for justice after a flagrant foul. Here North should be forced to bid 3♥, plus 100 to E/W. Then no procedural penalty, but a lecture to North."

The next panelist was willing to make an exception in this case to his general policy against procedural penalties.

Rigal: "Well, I think the Director made a sensible original ruling, although I am normally in favor of allocating actual scores. Here the problems with the auction and the problem in determining the play makes the ruling sensible. Also, much as I would go against procedural penalties in general, North deserved one here. This was blatant, and also bloody stupid. Why remove hearts when your partner probably has five of them? You get lucky, and then kick yourself in the teeth. Good decision."

Our final panelist decries the "somewhat arbitrary use of procedural penalties." My own solution to this problem (I agree that it exists) is to use them more consistently and judiciously rather than trying to eliminate them (as some would have us do).

Bramley: "A good analysis and an acceptable decision, although I still disagree with the somewhat arbitrary use of procedural penalties. While North clearly took advantage of unauthorized information when he bid 3♠, I find his action falls short of the egregious standard that I would require before imposing such a penalty.

"Obviously the Committee was uncomfortable with the idea that N/S would actually benefit from appealing, in effect getting their table result back instead of Average Minus, so they used the only means available to exact some penalty from N/S legally. However, that doesn't make it right. Many other offenders in this casebook escaped without procedural penalties for crimes at least as heinous as North's here."

Maybe there should be a "pop quiz" on appropriate uses of procedural penalties (see the "Blueprint for Appeals") at an upcoming NABC.

I reject the argument that procedural penalties should not be issued when warranted because some offenders escaped them for comparable offenses. That is like arguing that a murderer should not be punished because other murderers have gotten off on "technicalities," "bias," or "jury nullification." (Sound familiar?) Instead, I would look to close the loopholes through which the guilty escape, and apply just and even punishment to all who deserve it.

CASE FOURTEEN

Subject (Unauthorized Information): The "Good Samaritan" Syndrome
Event: NABC Swiss, 15 Mar 97, Second Session

Bd: 5 Dlr: North Vul: N/S	Earl Glickstein ♠ AK2 ♥ 72 ♦ 76 ♣ A109842	
Paul Eberman ♠ 1086 ♥ Q853 ♦ A1032 ♣ J7		Peggy Waller ♠ QJ3 ♥ A64 ♦ J984 ♣ Q63
	Ai-Tai Lo ♠ 9754 ♥ KJ109 ♦ KQ5 ♣ K5	

West	North	East	South
	1♣	Pass	1 ♥
Pass	2♣	Pass	3NT
All Pass			

The Facts: 3NT made three, plus 600 for N/S. The opening lead was the ♥3. The Director was called to the table at the end of the hand. After the auction was over and before the opening lead was made, South had said "we play Walsh." West contended that without this comment he would have led a diamond and defeated the contract. The Director ruled under Laws 47E2(b) (the retraction of a card) and 40C (the Director's option to award an adjusted score based on damage due to an incomplete explanation of a call or play) that the contract would be changed to 3NT down one, plus 100 for E/W.

The Appeal: N/S appealed the Director's ruling. At the appeal, attended only by the appellants, it was confirmed by the Director that the rules regarding the Alert of Walsh (bypassing longer diamonds to bid a major) had changed in mid-1996. The grace period referred to in the implementation of the 1996 changes to Alerts had expired some considerable time ago. Not only was Walsh not Alertable, but it was inappropriate for South to refer to this after the auction had ended. This was also a hand where South, with game forcing values, could not have had longer diamonds (although he could have equal-length diamonds of equivalent quality). The appellants made the following points:

1. The "may bypass" box on the convention card is still printed in red, implying that an Alert is appropriate. (At least one member of the Committee regards this as unfortunate and requests that the ACBL remedy it.)
2. North, but not South, was aware of the correct Alert procedure.
3. N/S regarded the Director call as having an element of a double-shot. A higher heart lead might have led to a diamond shift at trick two, which still would have defeated the contract.
4. When asked, N/S could only recall one example during the rest of the tournament (they had played most of it together) where South had Alerted Walsh.

The Committee Decision: The Committee had no doubt that South had acted entirely honorably in Alerting his opponents to Walsh, believing it to be required. The Committee was governed by the application of Law 74B2, which refers to gratuitous comments made during the auction and play, and especially by Law 73F2, which reads, "If the Director determines that an innocent player has drawn a false inference from a deceptive remark . . . of an opponent who could have known at the time of the action, that the deception could work to his benefit, the Director shall award an adjusted score." There were two issues for the Committee to focus on. First, was the comment deceptive? The Committee, by a majority, interpreted this to mean that the remark had deceived, thus it was deceptive. Second, could the player have known that the remark could work to his benefit? The Committee, again by a majority, decided that South had to be held to a very high standard of care. Although the South hand in no way supported the desire to avoid a diamond lead, it was almost impossible that the remark could never work to South's benefit. The Committee rejected any idea of a split or weighted score and changed the contract to 3NT down one, plus 100 for E/W. The appeal was found to have merit and the deposit was returned.

Chairperson: Barry Rigal
Committee Members: Bob Gookin, Doug Heron, Steve Onderwyzer, Lou Reich

Directors' Ruling: 86.0 **Committee's Decision:** 77.8

I'm happy to report that the Committee's concern over the "may bypass 4+ ♦" box on the new convention card may be relaxed; the box is now printed in black.

I believe that the term "deceptive remark" in Law 73F2 means that the remark must be inherently deceptive. Thus, a normally unambiguous remark such as, "I could hold four or more diamonds," which an opponent interprets in an idiosyncratic manner, i.e., "I am holding four or more diamonds," should not be considered "deceptive."

In the present case, from West's perspective (assuming he was aware that Walsh was not announceable) South went out of his way to make an unnecessary statement about his possible diamond holding. On the one hand, why would he do that unless he held diamonds? On the other hand, why would he make such a statement if it was neither necessary nor proper? And why would he make it after bidding game when (as most people know) Walsh is irrelevant when responder has values? Why did West choose to lead his weaker hearts in preference to his stronger diamonds when (if West was really deceived) South presumably had both suits?

And what about the League's culpability for providing out-of-date convention cards at the tournament? I personally mentioned this to League officials the first day of the tournament and was told, "We have thousands of old cards in the warehouse to use up first."

For these reasons I would have held each side partially at fault. (The only reason to hold South at fault at all is that he should have known that Walsh did not apply in the actual auction.) I would therefore have assigned E/W the table result (minus 600 for 3NT making) and adjusted N/S's score to minus 100 (for 3NT down one). The two scores would each be IMPed against the result at the other table and separate VP results determined for each team.

The two extremes of this case are represented by the following two panelists.

Bethe: "What was there about the comment that deceived West in any way? Or that could have tended to deceive West? I do not believe that there should ever be a penalty for Alerting non-Alertable calls after the auction provided that the statement is correct as to the

agreements and not egregiously misleading as to the content of the hand. If South had had four small diamonds and ♦KQx the comment might have been seen as self serving. Under the circumstances it was not. That is, I would hold South to a low standard, not a high one."

Bramley: "Yes. Players should be liable for volunteering useless and possibly misleading information. Would this Committee perhaps have ruled differently from the Committee in the Spingold case [CASE TWENTY-ONE in *Miami Vice — Ed.*] in which a player volunteered that partner's (accurate) description of her hand was, in fact, wrong?"

Bart was the only panelist at the time to disagree with that Spingold decision, and he obviously still does. Unfortunately, time seems to have distorted some of the facts for him so that they conform better to his opinion. In fact, the information volunteered was not that her partner's (accurate) description of "her hand" was wrong. Rather, it was that her partner's (inaccurate) description of their "agreement" was wrong and that, while she could have the hand her partner described, her bid did not, by definition, show it.

The next panelist provides yet another argument for not holding South accountable.

Brissman: "I have a lot of sympathy for South. The pre-lead disclosure was not gratuitous; it was required according to the ACBL-supplied convention card and the principles of Active Ethics. The ACBL has offered the two-colored convention cards as a guide to players regarding Alerts, and cases should not be adjudicated against the interests of a player who relied thereon. West assumed that he knew what Walsh meant, an erroneous assumption in this instance since South had shown game-forcing values. I would not have disturbed the table result."

But South should have known that Walsh was not in effect in the actual auction. I could have excused him for following the convention card's misguided (out of date) advice had a Walsh auction occurred, but not for announcing it when it was not even in effect.

The next panelist also remembers that Spingold case from Miami.

Cohen: "This reminds me of the famous Miami McCallum/Garozzo Case. Should you only provide information when it happens to fit your hand? In other words, if your agreement is to do 'A' and you accidentally have done 'B' should you go out of your way and voluntarily announce to your opponents that your agreement is 'A' — or only do so if they ask? So, in this case, South would only announce Walsh if he indeed had longer diamonds. All of this is presumably irrelevant if the new rules don't require an Alert of Walsh — but who can keep track of such things? I wouldn't penalize anyone for not knowing what latest change to the Alert rules has been made. By the way, after the ♥3 (presumably fourth best) lead, why can't East shift to diamonds for the same down one? I'd rule down one no matter how it is achieved."

Larry is a bit confused about the Miami case, too. The issue is not whether the opponents ask about the bid or not (they did in the actual case). It is whether the incorrect information about your "agreement" could damage them. (Even though partner's explanation accurately describes some aspect of your hand, does it misrepresent your agreement about the intent of your bid.) For example, you respond Stayman (2♣) to partner's 1NT overcall. After the auction the opponents' request a review with explanations. Partner forgets that you play "system on" and incorrectly explains that 2♣ shows five or more clubs (which,

coincidentally, you hold). Should you not correct partner's misexplanation because it accurately describes your hand? (You bid 2♣ with a 2-3-3-5 eight-count in order to invite 3NT; 2NT directly would have shown diamonds.) Of course you should correct it. The opponents are not entitled to know that you hold five clubs (even though you happen to). You must inform them that, while you "could" hold five clubs, 2♣ did not by definition show clubs — it was Stayman. In your system 2♣ either showed interest in a major-suit contract or an invitational notrump-oriented hand with or without a major (and with or without five clubs).

Regarding another of Larry's assertions, if Walsh were still Alertable (which it is not) and South's partner failed to properly Alert 1♥, then South must correct this failure whenever the auction requires it (that is, whenever he could still hold longer diamonds — which he cannot in our auction, since he showed a good hand). Furthermore, if it would have been appropriate to correct his partner's omission (if, say, North had rebid 1♦ over 1♥ and South had then rebid 1NT), South would be obligated to do so "whether or not he actually held longer diamonds." This is because the opponents are not entitled to know South's actual hand — only what his bids mean, according to his partnership agreements. So his correction should sound something like, "While I may or may not have them on this auction, partner should have Alerted that I could have bypassed longer diamonds at the point where I bid 1♥."

Let me remind the reader that, since Walsh is no longer Alertable, the previous paragraph is hypothetical. However, the principle of disclosure described is still valid in all situations where there has been a failure to Alert or a failure to explain an agreement accurately.

Rigal: "Another messy situation where N/S fell foul of rule changes without having done anything wrong, I think. The Director did the right thing I am sure. As for South I am sure the Committee would have looked harshly on the comment with the spades and diamonds the other way round. As it was, I think the decision might be seen as harsh, although following the law. The interpretation of 'deceptive' is the key, and it may have been unduly restrictive."

Thrust. Parry. This is exciting. Another go around? The following panelist confirms some of my earlier points.

Weinstein: "Good decision. The Conventions and Competition Committee has already eliminated the red 'may bypass' box on the new convention card, first tested in the spring of 1997. Also, in Albuquerque we recommended the adoption of a policy that, when correcting misinformation about an agreement, the person correcting the information is encouraged to provide sufficient disclaimer when the misinformation has described his hand. If this is done the offending side will not be at risk of adjustment for damage that occurs from that point forward. They remain at risk for damage that may have occurred before the correction and disclaimer."

Rosenberg: "Too extreme. Explaining an agreement should not be punished unless it is felt that it was deliberately intended to deceive. Don't punish a player for not knowing exactly what is Alertable. Contrast this with the previous hand where North committed a flagrant violation but kept his good table result. The problem with this situation is that many Wests, if they believe South is 'honest,' assume South has diamonds. That is the error. South should say the same thing regardless of his hand."

This is all getting us nowhere. When you're in trouble, "Who you gonna call?" Right!

Gerard: "'When I use a word,' said Alice 'it means what I want it to, neither more nor less.' I guess the American in which Law 73F2 is written wasn't clear enough English for the Committee. Edgar would have been disappointed to discover that precision of language, speech and thought were not priorities in this Committee room.

"Deceptive: 'Intending or tending to deceive; disingenuous.' If I say to one of my opponents who has just defended carefully, 'Nice play,' and later discover that he is a failed dramatist whose last effort was universally panned by the Broadway establishment, was my comment insulting because he took offense? Deception requires intention and there was none of that. By the Committee's definition, a 2♠ opener on nine solid spades and out is a psych if the opponents play you for more high cards/defense. Furthermore, could South really expect that his announcement would result in a heart lead? It was far more likely that the defense would now attack spades, which was hardly favorable to the South hand.

"Couldn't the Committee see what happened? South thought Walsh was Alertable, as it apparently was up until less than a year prior. He tried to discharge his responsibility — Point #4 is self-serving Committee dicta, since we were not told whether South had more than one opportunity to alert Walsh (maybe it was always South, not North, who responded one of a major). What nonsense to think that South was trying to deceive. In fact, by making the announcement South was almost guaranteeing that he would receive the least favorable lead, if only West had been listening.

"As for West, he developed brain lock. Personally, I don't think he knew the flip side of Walsh, the up-the-line part with a good hand. He could have led anything normal — even the ♠J — and beaten 3NT. In the eyes of the Committee, what was the 'false inference' that West drew — that a Walsh response always contains longer diamonds? That South was playing Cheating Walsh and actually did have longer diamonds? That South wouldn't have Alerted unless he were fully prepared for the diamond lead that his announcement seemed to encourage? That his eight of hearts was actually a higher spot? That mental dyslexia only exists away from the bridge table? West was not an 'innocent player' — surely the Committee knows what that means — and deserved no redress. Had the Director ruled correctly, I would have forfeited West's deposit.

"Now, a futile plea. 'Walsh' was not the correct form of an Alert even when it was required. Avoid using convention nicknames when a more accurate description is available. The tendency to use shorthand results from the assumption that everyone knows what the user does about the convention. The first time I heard an opponent say 'Bromad' after alerting 1♥-Dbl-2♦, I though he was in physical discomfort. 'May bypass longer diamonds with a weak hand' would not only have complied with what South thought was his legal responsibility, it would have penetrated West's fog."

That's why we pay him the big bucks.

CASE FIFTEEN

Subject (Misinformation): The Wages Of Sin Needn't Enrich Others
Event: NABC Open Pairs II, 13 Mar 97, Second Session

Bd: 14
Dlr: East
Vul: None

Jeff Miller
♠ AJ
♥ KQ76
♦ AQJ2
♣ QJ5

Gene Freed
♠ KQ76
♥ 1053
♦ K6
♣ 9642

Sue Picus
♠ 1092
♥ AJ92
♦ 873
♣ 873

Bill Wickham
♠ 8543
♥ 84
♦ 10954
♣ AK10

West	North	East	South
		Pass	Pass
1♠	Dbl	2♠	2NT
Pass	3NT	All Pass	

The Facts: 3NT made four, plus 430 for N/S. The Director was called after the opening lead of the ♠6, but was then waved away. The Director was again called at the end of the hand. The 2NT bid had not been Alerted and was intended to show the minors, but South did not advise the opponents of this before the opening lead. North did not believe that they had such an agreement. The Director ruled that there had been no damage, West having led a normal fourth best from the suit which he had opened and his partner had supported. The table result was allowed to stand.

The Appeal: E/W appealed the Director's ruling. West stated that if he had been properly informed about the N/S agreement he would have led a spade honor. N/S had only one completed convention card and their agreement was not on it.

The Committee Decision: The Committee decided that N/S's agreement was that 2NT showed the minors, based in part on South's statement to that effect. Therefore, South had the responsibility to inform his opponents before the opening lead that there had been a failure to Alert. Consistent with the provisions of Law12C2, the Committee assigned N/S the most unfavorable result that was at all probable. Playing 3NT, holding declarer to nine tricks was judged "possible" on the lead of the ♠K, especially if East ducked the first round of hearts; plus 400 for N/S. Similarly, E/W were assigned the most favorable result that was likely had the irregularity not occurred. Here again, playing in 3NT no fewer than ten tricks were judged "likely"; minus 430 for E/W. In addition, N/S were found to be aware of their obligation to correct the misinformation from the non-Alert of 2NT before the opening lead. They were therefore assessed a one-quarter board procedural penalty for their failure to comply with this requirement. E/W's deposit was returned.

Chairperson: Rich Colker

Committee Members: Ralph Cohen, Doug Heron, Steve Onderwyzer, Judy Randall

Directors' Ruling: 75.7 **Committee's Decision:** 82.7

Most of the panelists were in agreement with the main thrust of the Committee's decision, if not with all of the details.

Bethe: "The failure to Alert is not the same as an Alert of a bid that needn't be Alerted. The Alert procedure is sufficiently confusing and sufficiently in flux that excess, accurate Alerting is to be encouraged so long as it is not informatory to partner. The Directors missed the boat here: it is not up to the innocent side to prove damage, it is up to the guilty to show an absence of damage. The Committee got it right."

Rosenberg: "I don't buy West's lead claim. The split decision is okay, presuming South should have known better and volunteered the information before the lead."

Treadwell: "The Committee, I think, went a bit far in saying it was at all probable for E/W to hold the hand to nine tricks; it takes the double dummy lead of a high spade or the equally double dummy duck in hearts to hold to nine tricks. However, the quite correct procedural penalty for N/S does punish them adequately."

Weinstein: "N/S should have been awarded plus 430 as well. The correct information should not and would not have materially increased the chances of a high spade lead. The procedural penalty was sufficient punishment for N/S and even that was inappropriate if South thought the 2NT call was normal bridge. Why was the Director called at trick one, then waved away?"

The first Director call was impulsive; West then decided to wait to see if he was damaged.

Rigal: "I think the Director might have ruled plus 400 or Average Plus/Average Minus here. Prima facie there was a misexplanation and possible damage — so why not rule for the non-offenders? The Committee should in my opinion have ruled plus 400 and minus 400. That seems likely on a top spade lead, and with proper explanations they might well have got it right. In the absence of that decision the procedural penalty seems bang on in theory if a little harsh. South should know better."

Cohen: "Ruling okay, but I'm not sure why 'if East ducked the first round of hearts' is relevant to holding declarer to nine tricks. I'm also not sure that minus 430 is the 'likely' result — the ♦K is certainly a possible lead."

Disagreeing violently with the Committee's leniency toward E/W (by permitting them to keep their deposit) and with their harshness in assessing a procedural penalty against N/S on the strength of E/W's "whining" was. . .

Bramley: "Astonishingly poor decision. Just because another Committee (CASE SIX) had already taken some of E/W's money didn't mean that this Committee couldn't do the same thing. And it should have.

"E/W have no case whatsoever. What possible difference could it make to West whether 2NT was natural or not? West's argument sounds the same as East's in CASE THIRTEEN, i.e., 'If the opponents hadn't done something wrong, then I would have played double-dummy.' No way. E/W keep their score and lose their money.

"Obviously N/S should keep their score and should not be subjected to a capricious procedural penalty just because their opponents insisted on whining to an Appeals Committee.

"There are a few technical bridge matters here, too. Did the Committee ask N/S what double by South would have meant? Why did the Committee decide, with no corroborating evidence, that N/S had an agreement that 2NT showed minors? It looks to me that South invented this meaning on the fly, confusing this auction with others in which 2NT did show minors. In any case, competitive 2NT bids are frequently ambiguous and experienced players should be aware that their opponents may not be on the same wavelength. I prefer my opponents not to Alert 'fuzzy' bids like 2NT here; this usually helps Alerter's partner more than me by telling him that his bid is being interpreted in a specific way."

Bart makes some good points. South's statements to the Committee implied that a double would have brought hearts into the picture. N/S had no evidence at all relating to the meaning of 2NT in this auction. They did have a notation in the "other conventional calls" section of their convention card that 2NT in competition was some sort of conventional takeout. However, North was adamant that this was not one of the auctions where this 2NT convention applied; South saw no reason why it shouldn't apply. With no corroborating evidence for either side the ACBL policy is to assume misinformation rather than mistaken bid (putting the onus on the offenders to justify their actions). North and South both claimed that they were normally very conscientious about informing the opponents before the opening lead of any failures to Alert. Given South's belief that 2NT was conventional and should have been Alerted, he was at a loss to account for his failure to fulfill his obligation in this case.

The next panelist appears to believe that (at least) the Director should have ruled for E/W.

Allison: "The Director missed the point that on the auction (not explained before the opening lead) the spade stopper(s) would be found in dummy."

Our last panelist accurately reflects the way the Committee felt about this case.

Gerard: "Self-serving drivel. If South has the stopper, the percentage lead is high; if North has it, leading high requires East to have the ten plus either the nine or certain length holdings [whereas leading low requires less, as Ron's second example hand demonstrates — *Ed.*] As just one example of each,

	♦ 10x				♦ A10		
♦ KQ76		♦ J8x		♦ KQ76		♦ Jxx	
	♦ A9xx				♦ 98xx		

[In the first example (on the left),] on a low lead, the defense needs two entries. On the king lead, only East (if South ducks once) or West (if South ducks twice) needs an entry. Of course, it's easy to claim you would lead high once you see ace-jack doubleton in dummy.

I'm surprised that the Committee seemed to accept West's statement at face value. [We didn't. We had exactly the same reaction you did. — *Ed*.]

"Was there a one-in-six chance that West would have done what he claimed and that the defense wouldn't have rushed to cash four spades, starting with an unblock at trick one? Maybe E/W played Smith, so West could signal his spade attitude at trick two (shouldn't the Committee have asked?) Personally, I think it's human nature to go for the Big Result when South's hand type is revealed at trick one — it takes discipline to think logically when an irregularity has occurred. But mind reading is barred (see CASE ONE), so plus 400 for N/S is just barely tolerable; after all, it could have happened. For E/W, though, minus 430 with regrets that the envelope they pushed wasn't quite wide enough to retain their deposit."

As I said in my comments on CASE FIVE, I believe that a Committee needs to be unanimous before issuing a penalty for an appeal without merit. If even one Committee member believes that the appeal had merit, then the appellants should not be held responsible for knowing something that even the Committee members could not agree on among themselves. This was another case in point. I believe that (West's) appeal lacked merit, but others on the Committee were opposed to this. *Que sera, sera*.

CASE SIXTEEN

Subject (Misinformation): The Dread "Support"-less Double
Event: NABC Open Pairs II, 14 Mar 97, Second Session

Bd: 11
Dlr: South
Vul: None

Darren Wolpert
♠ AQ853
♥ 872
♦ 63
♣ Q73

Betty Rossmann
♠ K10942
♥ 3
♦ J42
♣ A986

Billy Miller
♠ 6
♥ AKQ1096
♦ K8
♣ J1042

Jurek Czyzowicz
♠ J7
♥ J54
♦ AQ10975
♣ K5

West	North	East	South
			1♦
1♠	1NT	Dbl(1)	2♦
2♠	Dbl	3♥	All Pass

(1) Alerted; showed three-card spade support

The Facts: 3♥ made three, plus 140 for E/W. The double was Alerted and explained as showing three-card spade support. Before the opening lead, East explained that N/S had been given misinformation and that they did not have the agreement described by West. N/S called the Director. Away from the table, North told the Director that he would not have doubled 2♠ if he had been given the correct explanation. The Director instructed that play continue. When the Director was recalled to the table, he ruled that the misinformation had influenced North's double of 2♠, which then influenced West's pass of East's 3♥ bid. The Director assigned the score of Average Plus for N/S and Average Minus for E/W.

The Appeal: E/W appealed the Director's ruling. N/S did not appear at the hearing.

The Committee Decision: The Committee first determined that the Alert conveyed both unauthorized information and misinformation. Because of the misinformation North was lured into his double. The Committee considered what would have happened if the Alert had not been made and North had not doubled. Under these circumstances West's "free" 2♠ rebid might be perceived to show stronger spades and E/W might be able to collect nine tricks quickly, especially with a diamond lead. (A spade lead would be unlikely if North did not double 2♠.) The Committee believed that East would have had four choices after 2♠: 2NT, 3♥, 3NT and 4♥. Under these revised circumstances East might well have opted for a more aggressive action than 3♥. The Committee agreed that either 3NT or 4♥, both down one, was the best result likely for N/S and the worst result probable for E/W. The Committee therefore assigned Average Plus or plus 50, whichever was better, to N/S and Average Minus or minus 50, whichever was worse, to E/W.

Chairperson: Michael Huston
Committee Members: Mark Bartusek, Abby Heitner, Doug Heron, Barry Rigal

Directors' Ruling: 82.7 **Committee's Decision:** 90.7

If the Committee agreed that "down one was the best result likely for N/S and the worst result probable for E/W," why didn't they simply assign that result to both pairs? Why did they unnecessarily complicate things with the Average Plus/Average Minus conditions?

Rosenberg: "Okay, except for the Average Plus/Minus thing."

But that's the least of the concerns I have about this case. I'll let some of the panelists explain the other problems with this Committee's decision.

Bramley: "I don't buy it. Why would North not have doubled if he had known that East did not have support, when he did double thinking East did have support? He fully expected his partner to be void in spades. This is yet another specious argument like the one in CASE FIFTEEN. These players continue to argue that the opponents' violation has somehow caused them to make a decision that was not best, even when there is not the slightest connection between the two events.

"I also fail to see why East would bid anything other than 3 ♠ at his second turn. Clearly he should bid his suit. It is equally clear that he should not bid any more than 3 ♠, with a misfit for partner, an opening bid on his left, 8-10 HCP on his right including a spade stack, and a suspect ♦K.

"Despite the misinformation and unauthorized information, there was no damage. I would have restored the table result for both sides. Non-offenders are not guaranteed a bonanza whenever their opponents mess up. And equally, offenders should not be forced to make absurdly poor decisions even when they are aware that a violation has taken place."

One reason that I can think of why North might not double if he thought East didn't have spade support, but would double after being told that East had support, is that E/W may have a better spot to play in than spades in the former case and East might look for it after a double. Without the double, East could settle for playing in West's "strong" suit. But North would need to convince me that this was his motivation before I would give him any redress.

Equally serious is the next panelist's objection.

Bethe: "East couldn't hear the Alert, right. So partner bid 2 ♥ in the face of the 1NT bid. Why wouldn't East let partner play 2 ♥? So isn't the best result likely for N/S and the worst result at all probable for E/W 2 ♥ doubled, probably down two? Why should East risk a heart or notrump contract when he is already getting a game bonus? Or, once North says "I wouldn't have doubled" are we bound to consider the course of the auction after the non-double and ignore the effect of the unauthorized information on East? I don't think so. And without the double, wouldn't West have gone on thinking that there was support? Wouldn't East's 3 ♠ bid then become a game try which West would reject by bidding 3 ♥? — which East would think showed very good spades. I think the Committee was generous in permitting East to bid over 2 ♥ doubled, and did not sufficiently explore the effects of the misinformation/unauthorized information. The Committee also owed East a further lecture on his responsibility not to hear the Alert."

If that isn't enough to curl your toes, consider the following argument by a panelist who accepts the Committee's decision.

Rigal: "The Director was faced with a difficult problem as to what would have happened without the misexplanation. He did well to get a very positive statement from North (who also did well for his side, and improved his chances of adjustment by making it clear that he would not have doubled had he known what was going on) and came to a sensible ruling here. With four possible options for East (not to mention any West continuations) and the possibility of a game bid by E/W the decision seems sound enough. The Committee was faced with so many options that caving in and awarding an Average Plus/Average Minus seemed reasonable here."

North's "very positive statement" shouldn't be accepted at face value simply because his was the non-offending side. Why would he not have doubled? What exactly is the connection between the E/W infraction and the damage North claims to have suffered? And just because there were a number of possible continuations in the subsequent bidding doesn't mean that the Committee can't decide among them when assigning a score to each side — even if it takes a bit of work. And why wasn't a pass of 2 ♥ doubled one of East's options? While I might have pulled 2 ♥ doubled to 3 ♠ (or some other spot), might not some of East's peers have seriously considered passing? Why was there no discussion in the write-up of any of this?

The next panelist saw some of these problems, but copped out in the end.

Weinstein: "The Committee never considered whether East passing the double of 2 ♥ was a possible action by some number of East's peers without the unauthorized information. It might have been dismissed, but should have been discussed. Though I somewhat disagree with the Committee's assessment of E/W minus 50 as a best likely or worst probable result, and would have left the Director's ruling intact, it is certainly a reasonable adjudication."

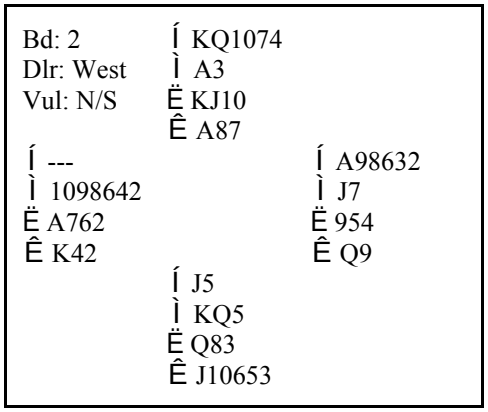
Brissman: "What happened to the $50? This was a meritorious appeal?"

Meritorious doesn't seem to be a word which can be applied, in good conscience, to any part of (or party to) this case. I'm more than a bit surprised that several of our panelists chose not to comment on this case. Not so our last panelist, who leaped undaunted into the fray.

Cohen: "Okay."

CASE SEVENTEEN

Subject (Claim): Hope Springs Eternal
Event: Charity KO, 07 Mar 97, Morning Session



West	North	East	South
Pass	1 Í	Pass	1NT
Dbl	Rdbl	Pass	Pass
2 Ì	Pass	Pass	3NT
All Pass			

The Facts: The contract was 3NT by South. The opening lead was a heart, won in dummy with the ace. Declarer then played a low spade to the jack. While West was thinking, declarer claimed, facing his hand. Law 68C states that a claim should be accompanied at once by a statement of clarification as to the order in which cards should be played. Here the declarer said he was going to win four spades, three hearts, two diamonds and one club (clearly an error) without stating a line of play. E/W immediately contested the claim. The Director was called and ruled that the contract would be 3NT by South down one, plus 100 for E/W.

The Appeal: N/S appealed the Director's ruling. E/W pointed out that if declarer played a low spade at trick three, East would win the ace and play a heart. In the discussions between the players and the Director at the table, after all the players had faced their hands, declarer said he would play diamonds if the play took that course.

The Committee Decision: In the analysis of the hand, the Committee decided that the only way the contract could go down was if West discarded two minor-suit cards on the spades and declarer cashed the third heart prior to playing diamonds. Declarer's statement that he would play diamonds if the defense played another heart upon winning the Í A was deemed to have been a new statement of play rather than an expansion of the existing line, and as such, was discounted. Law 70D states that no successful line of play should be accepted after a claim if there is an alternative "normal" line of play that would be less successful, "normal" being defined as including play that would be careless or inferior for the level of player involved, but not irrational. Here, since declarer did not state the winning line when making his initial claim, his statement constituted a new claim for which he is held to a very high standard; if there is any possibility of a normal and unsuccessful line of play, declarer would be required to take it. The Committee believed that this decision revolved solely around the issue of whether playing the third heart prior to playing diamonds was careless or inferior as opposed to irrational. The Committee, after long deliberation, unanimously decided that the play of the Ì Q (the third round of hearts) prior to playing diamonds would be irrational for this declarer or his peers. The Committee changed the contract to 3NT made three, plus 600 for N/S.

Obviously this incident should never have occurred. The Committee strongly admonished South for making this claim, regardless of any reasons he may have had — including an attempt to speed up play — and hopes that others will learn from this unnecessary fiasco and refrain from making unclear or erroneous claims. The Committee realized that this hope is wildly optimistic.

Chairperson: Ed Lazarus
Committee Members: Abby Heitner, Doug Heron, Peter Lieberman, Barry Rigal

Directors' Ruling: 75.0 **Committee's Decision:** 86.3

I cannot conceive of a competent declarer playing three rounds of hearts before knocking out the ËA; but then I also cannot conceive of a competent declarer claiming as was done here. Since I do not believe that 3NT can be made if declarer has to commit himself to a set line of play (see below), I would assign both pairs the score for 3NT down one, plus 100 for E/W. Remember, the issue is not whether the hand can be made, but whether it can be set on some line of play which is not irrational (but may be careless for the level of player involved). The declarer also may not play either defender for specific cards or distribution unless it would become self-evident with any "normal" line of play that such condition existed (as, for example, if a defender were to show out of a suit) — Law 70E.

Let's hear what the panelists have to say about this.

Allison: " I think the Director did not delve deeply enough into the hand and could have ruled plus 600 for N/S, thus saving the Committee its work."

Bethe: "This is a very complex hand. Suppose East ducks the first spade and wins the second. West pitches a diamond and . . . I think the Committee did a good job here."

Not much help there. How can we commend the Committee for a good job if we don't know what the fate of 3NT should be? Larry, what do you think about this?

Cohen: "The play needs better analysis. After the line suggested in the write-up, everyone seems to think that nine tricks are easy. No way. Declarer won the Ì A and played a spade. If East ducked, declarer stated that he would play another spade and on East's hypothetical heart return he would play diamonds. What if West wins the third diamond and plays a low club? Declarer can take only three spades, two hearts, two diamonds and a club (East wins the ÊQ and exits in spades). Because of this, the claim should clearly be disallowed."

Larry is on the right track, but his analysis doesn't go far enough either. Suppose East wins the second spade and returns a heart. Declarer cannot cash the third heart before playing diamonds if West has held all of his hearts, or the defense will come to three hearts and two aces. But if declarer can't play his third heart (remember, he isn't allowed to make conditional plans based on what West pitches, since these weren't encompassed in his original statement — unless anything West pitches would automatically lead to the contract's success), West can pitch hearts and beat the hand with two diamond tricks and three black-suit tricks. Of course there are other variations to the defense (which are too complex to go into here), but the key is that declarer cannot play successfully without taking into account

West's discards. But his premature claim does not permit this, so the contract cannot be permitted to succeed.

The next panelist draws the same conclusion based on a similar argument.

Bramley: "I disagree. The Committee says that it would be irrational for declarer to cash the third heart in the dangerous case where West keeps all his hearts. Why? This is, after all, a player who has already seriously miscounted his tricks, and who has also misjudged his ability to cash them. Careless, certainly. Irrational, no.

"Furthermore, the decision about cashing the third heart is critical on other defenses as well. Say West discards two hearts on the first two rounds of spades. Now after a second round of hearts declarer must cash the third heart, or the defense can beat him by ducking two diamonds and eventually coming to two diamonds, a club, a spade and one more black-suit trick. The Committee is saying, in effect, that this declarer will cash the third heart only when it is right to do so, never otherwise.

"Also, wouldn't it be just careless if declarer did not even see West's discards? Then he wouldn't know the winning play even if he recovered in time to know that it mattered!"

Whether declarer sees West's discards or not, he is not permitted to vary his line of play based on inferences stemming from them — unless such inferences or the information from the pitches would be inescapable. That clinches it as far as I'm concerned. Down one.

The following panelist, in spite of a very clear understanding of the pitfalls which could lead to the failure of the contract, ends up placing too much faith in the Committee and not enough in his own assessment of what "bridge" plays are careless versus irrational.

Weinstein: "I don't know who declarer was, so I'll have to defer to the Committee's assessment that this would be an irrational play for this declarer. Unless declarer envisions a six-two heart split from this bidding it is very easy to get careless and cash the heart with minor-suit discards, or conversely not cash the heart after heart discards. Declarer has already shown a lack of care with the premature claim. Too bad we can't assess a pure equity ruling where declarer maybe goes down 10% (or whatever) of the time. It is unfortunate that claims, often made only to ease the burden on defenders, occasionally come back to bite the claimer. I know this doesn't change the law regarding claims, but I have more sympathy for claims made under altruistic circumstances."

Equity has nothing to do with this decision. Claims are different than other situations which require assigned scores. (They're covered by different laws than those which cover unauthorized information and misinformation situations, for example.) In the absence of a statement covering the contingencies, declarer must be made to take any line of play which is merely careless, but not irrational. That does not even remotely suggest looking for "equity."

Gerard: "West would have to pitch two diamonds, otherwise South could play on clubs. Once that happened, it would have been worse than irrational not to play on diamonds immediately. Good work by the Committee, but it shouldn't have taken that long."

I assume Ron is referring to the Committee's statement that, "the only way the contract could go down was if West discarded two minor-suit cards on the spades and declarer cashed the third heart prior to playing diamonds." Yes, if West pitches a club declarer can make the

hand easily by playing ace and another club. But that still fails to address the issue that, once declarer claims without making a statement, he cannot adopt any line which depends for its success on a specific opponent holding a specific card — unless not to adopt that line would be irrational and not merely careless. In other words, declarer cannot do the right thing unless there is no rational alternative.

Rosenberg: "With most bad claims, I feel no pity. This is an exception but the decision is okay."

Why is this an exception? I think some of our panelists just fell asleep at the switch here.

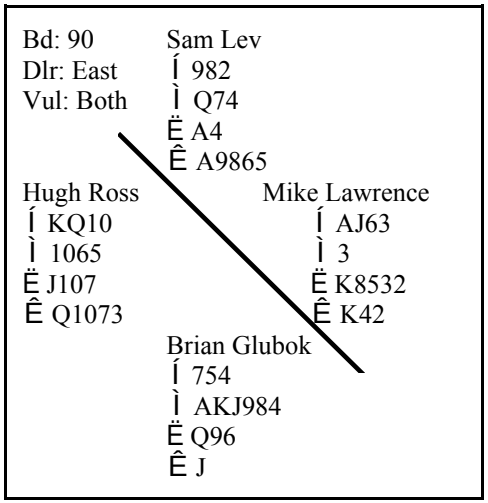
We'll conclude our discussion by hearing from the one panelist who was a member of this Committee (even though his analysis also presumes that declarer can draw inferences from the cards that West pitches on defense).

Rigal: "A good if straightforward decision. It was certainly possible for declarer to have gone down after his premature claim, and thus correct to transfer the onus to N/S to get 3NT back. Part of the rationale for the Committee's decision is that the chance of 3NT going down is much smaller than it appears on the surface (if West does not keep all six hearts the defense has no winners to cash later on; if he does keep them all he must throw a club trick or leave the ËQ as a reentry for South). This was not obvious at first or even second glance, but the Committee did establish that — perhaps it should have been included in the write-up. Having said that, South was given fairly generous treatment when the unsuccessful line of play as described was considered irrational. The fact that West had previously in the match forgotten for a few minutes that it was his lead (not in the report) and that South was perceived (by at least one person on the Committee) as just trying to move things along, rather than prematurely claim, had some bearing on the decision."

The answers to Barry's initial comments have already been voiced (penned, typed). As for his later allusion to other considerations upon which the Committee's decision was based, these appear to have been the primary (sole?) basis for their decision and failing to include them in the write-up was as negligent as the claim itself. However, I don't need to know who the declarer was to know that the unsuccessful lines of play were certainly not irrational (by any criteria I know of for assessing that), in spite of what the Committee may have believed. And even if declarer was "just trying to move things along" (was there evidence that the match was under time pressure?), we are not permitted (by law) to take that into account — although we might sympathize with it. All too often claims result in additional wasted time rather than savings. The best way to "move things along" is to play promptly, show your tricks if you have top cashing winners (instead of playing it out and making the opponents work out what to save when that is irrelevant), not claiming when there is a possible contingency to the subsequent play, and carefully thinking through a potential claim from the opponents' perspective and then making clear and comprehensive statements when (and if) you do go ahead and claim. Anything less is unacceptable, and the Committee should have know that.

CASE EIGHTEEN

Subject (Misinformation): Overtrick Overkill
Event: International Team Trials, 01 Jun 97, Round Two - Segment Four
Teams: Katz (N/S) versus Woolsey (E/W)



West	North	East	South
		1Ë	2Ë (1)
Pass	3Ì (2)	All Pass	

(1) Multi-type; Weak two-bid in either major
(2) Pass or correct

The Facts: South's 2Ë bid was Alerted on the S-W side of the screen, but not on the N-E side. East led a low diamond which permitted the contract to make with an overtrick; plus 170 for N/S. At the end of the play E/W summoned the Director and informed him that they believed N/S were playing an illegal convention which caused the contract to be declared from the other side of the table. The Director informed E/W that the 2Ë convention was Mid-Chart and therefore legal, but that it did require a pre-Alert which had not been given. (The 2Ë bid itself was not Alertable.) The side of the table that the contract was declared from was therefore not an issue. He further informed East that if he felt his defense (in particular, his opening lead) had been affected by N/S's failure to pre-Alert, he would have to demonstrate specifically how the infraction caused the damage. At that point East let the matter drop, saying that maybe he wasn't damaged. No score adjustment was made by the Director.

The Appeal: After the comparison and a discussion of the board with their teammates (and captain), the E/W team decided that there was likely damage to East's choice of opening leads by N/S's failure to properly pre-Alert their convention. The Director was notified and the matter was referred directly to appeals for adjudication. E/W stated that East led a diamond under the belief that dummy (South) was likely to be short in the minors (East assumed that 2Ë had been Michaels) and that the risk of the lead "blowing a trick" was therefore minimal. It was further contended that, had East been informed of the bid's actual meaning, he would have placed South with more minor-suit cards (since he held only one major), which would have made a minor-suit lead more risky and a heart lead more attractive (as a "less-risky" alternative). East was forthcoming in stating that he could not say for sure that he would have led a heart had he been given the proper information, but he felt that he might have.

The Committee Decision: N/S were clearly at fault for not properly pre-Alerting their convention as required. Since there was some chance (it was "at all probable") that this could have contributed to their gaining an overtrick, their score was changed to 3 Ì making three, plus 140 for N/S. As for E/W, while their arguments had some merit, there were reasons East should have led a heart as it was. The correct information might have substituted some new reasons for some of the existing ones, but it was not demonstrated that a heart lead would have been made significantly more attractive (a more "likely" result) than it already was. Therefore, the result at the table of 3 Ì by North made four, minus 170 for E/W, was permitted to stand for E/W. The adjusted scores were then compared with the result at other table. The E/W team's IMP score was unaffected, while the N/S team's score was reduced by 1-IMP. These were then averaged, resulting in a net .5-IMP reduction in the N/S team's IMP score.

Chairperson: Rich Colker

Directors' Ruling: N/A **Committee's Decision:** 91.0

Since this is the first case in which screens are involved, let me point out to the reader who may be unfamiliar with them that the screen always separates the North and East players on one side (screen mates) from the South and West players on the other side (screen mates). Thus, the screen extends from the N-W to the S-E corners of the table, as indicated by the diagonal lines in each of the hand diagrams. Each player Alerts both his own and his partner's call to his screenmate, and is expected to conduct a running commentary in writing on the meaning of the auction.

One panelist has an objection to our inclusion of cases from the ITT here.

Cohen: "I don't think CASES EIGHTEEN through TWENTY-ONE should be included. They are picky and technical and all involve screens. These cases are so rare (and so nit-picky) that I don't think they warrant coverage. As for the decisions, I don't have any strong feelings — they all seem fine."

These cases have been included for several reasons, the first being that the Board of Directors wanted to see them included. A second reason is that they are a part of the national-level appeal process and occurred at one of our premier events. A third reason is that they add a dimension of instruction and interest to these casebooks, through which many people learn about (all levels of) the appeal process. Screens are used in virtually all WBF and international events as well as in the late stages of our major team (and some pair) events. Those who watch these event (as on Vugraph), potential Appeals Committee members, and those who have (or even might) play in events involving screens, either here or abroad, will benefit from being exposed to the practical and ethical issues specific to screen playing conditions. And finally, when panelists in these casebooks make occasional reference to "if the participants were playing behind screens," we can all gain a better understanding of just what that entails.

Bramley: "Good decision. Lucid write-up. This is one of many cases where both sides seem to be at fault. I always feel uncomfortable giving either side a break in such cases. One side commits an infraction. The other side tries to get something for nothing. The Committee did well sorting through the issues. I have one question. If a convention or treatment is unusual

enough to warrant a pre-Alert, then why does it not also require a regular Alert? This seems especially obvious behind screens"

The Committee agreed with Bart. As for Bart's question, the reason for a pre-Alert is to allow the opponents to prepare defenses for unusual or unexpected methods which they might not be prepared to cope with without prior discussion. The reason for an Alert is to inform the opponents during the auction that a bid may have some non-obvious meaning associated with it. In this case, the "Multi" 2Ë bid, especially as an overcall, could require special defensive preparations, but the fact that it is a cue-bid makes it "self-Alerting."

The next two panelists make valid points.

Rosenberg: "Pre-alerting is not the point here. Whatever the rules about Alerting might be, North had a clear moral duty to tell his screenmate that 2Ë was not Michaels, as would be expected. Not doing this was taking advantage of the Alert procedure. The Solomonic split decision was not bad in this case, but really it could have been argued that a trump lead was 'more' attractive if South held spades. Therefore, I would rule no damage, but censure North."

It is difficult to enforce "moral" obligations when they are not part of the conditions of contest. Players with experience playing behind screens tend to conduct themselves precisely as Michael suggests. As pointed out in my response to Henry's comment (below), justice was achieved in the end.

Bethe: "I do not know the Trials conditions. Assuming that they are similar to those of a National KO, I would think that an IMP penalty for failure to pre-Alert would have been in order."

The ITT is played under almost identical conditions to those of the other major KO Team events. However, the Directors' policy in running the ITT is that problems should be corrected with a minimum of "punishment." No one wants a team to represent the USA because an opponent was given a "slap on the wrist" of a few IMPs for a minor technical infraction which did not result in a serious problem for the opponents. In dealing with ITT appeals for the last three years I have tried to follow this approach by avoiding penalties for relatively minor "technical" infractions as long as no flagrant ethical or procedural violations are involved. The present problem was a judgment call. The failure to pre-Alert was negligent, but it was unlikely that it caused any real damage. In addition, from a practical perspective the non-offenders did receive some redress because of the form of scoring. The .5 IMP score adjustment meant that they gained an automatic tiebreaker.

That this decision was viewed as just and had a tangible influence on the players involved is attested to by the next panelist — a member of the "offending" team.

Weinstein: "Though I believe the protest over the possibility that an IMP might have been lost might have been overdoing it, there was certainly an infraction and the protest was certainly valid. The decision seems eminently correct, with the added side benefit that an eight-board playoff was no longer a possibility (our team eventually played eleven consecutive days in this event). All of the players at our table, when informed of the decision during the next segment, consequently cheered it ."

Treadwell: "It seems to me that it is most unlikely that N/S would have scored ten tricks with a heart lead; in fact, almost impossible unless the defenders fall sound asleep. A score of plus 140 for both sides seems more equitable."

Dave's point is precisely why the Committee assigned a score of plus 140 to N/S. There was some chance that a pre-Alert would have resulted in a heart being led, so N/S were not permitted to possibly benefit from their negligence. However, there were good reasons for East to have led a heart anyway, so E/W were given no redress and kept the table result.

The next two panelists express sentiments much closer to my own view of this appeal, so I'll leave them the final word.

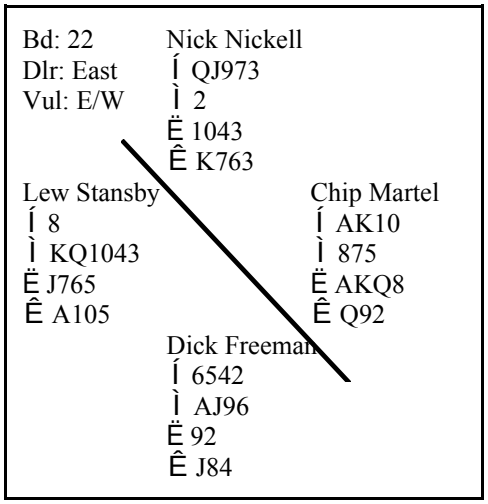
Gerard: "Overly litigious. If East was looking for a safe lead against Michaels, why a diamond instead of a heart? A heart is not any more risky on either explanation — the opponents could hold AJ10xx opposite Kxxx (Michaels) or AJ10xxx opposite Kxx (Multi), but the odds are against it. Just because South rates to be shorter in the minors doesn't mean that any particular lead there is safe. A diamond lead looks to combine safety with attack, neither the most nor the least aggressive. Therefore, why wouldn't East lead similarly against Multi? Don't most top IMP players eschew 'safe' leads, except in obvious situations? How high on East's list of priorities is a lead from three small against anything? East should have been deemed to make a safe, attacking lead against the correct explanation since that's what he did against the incorrect one. That seems like a diamond to me. I don't think a heart lead even makes the one-in-six standard for being 'at all probable,' but on a strictly appellate standard it certainly wasn't outrageous to reclaim the overtrick from N/S. However, East was prophetic when he stated that maybe he wasn't damaged."

Rigal: "A lot of fuss over nothing. The Director correctly told East that he could not make vague assertions without substance. While I can live with N/S losing their overtrick, I believe this is closer to a frivolous appeal myself. The trump lead looks clear against Michaels, and the minor-suit opening leads much more attractive against the actual auction. I'm amazed E/W appealed this."

It takes two (or more) to tango. The E/W team captain had much to do with the bringing of this appeal.

CASE NINETEEN

Subject (Misinformation): Stop! — In The Name Of Clubs
Event: International Team Trials, 06 Jun 97, A Finals - Segment Two
Teams: Nickell (N/S) versus Deutsch (E/W)



West	North	East	South
		1♦	Pass
1♥	1♠	2NT(1)	Pass
3♣(2)	Pass	3♥(3)	Pass
4♣(4)	Pass	4♦(4)	Pass
4♠(4)	Dbl(5)	Rdbl(6)	Pass
6♦	All Pass		

(1) A positional advantage for declaring notrump or significant spade values
(2) Checkback, showing five-plus hearts
(3) Three-card heart support
(4) Cue-bid
(5) Alerted by North to East: "don't lead spades"; not Alerted by South to West
(6) Spade ace

The Facts: South led the ♥A and a heart for a quick minus 100 for E/W. The Director was called to the table at the end of the play when West learned that North's double of 4♠ meant "don't lead spades." E/W stated that, had West known that North's double suggested weak spades, making a club lead through West's ace more likely, he might have guided E/W toward a 5♥ contract rather than making the 6♦ choice-of-slams call he actually chose. The Directors ruled that E/W might have played in 5♥ had West been properly Alerted and adjusted the contract to 5♥ by West making five, plus 650 for E/W.

The Appeal: N/S appealed the Directors' ruling. E/W testified that, assuming North's double showed spade values, West placed East with less spade wastage and at least one extra helpful card in hearts or clubs. In contrast, North's double actually made it more likely that East held significant spade wastage. Had he been given this information West had two more attractive options available to him: a simple signoff in 5♥ (having already made two slam overtures, the second taking his partnership past game) or a 4NT bid (D.I.) to elicit more information. In the latter case East, holding wasted spade values opposite West's known singleton, said he would have signed off easily in 5♥. As for the play in 5♥, after leading up to his ♥K on the first round of the suit West said he would have reentered dummy and led up to his hearts a second time. Placing the ♥A with North (more likely, given North's overcall) it would have been routine to insert the ten on the second round, leading to plus 650.

N/S contended that while E/W might have played in 5♥ given the proper Alerts, they might also have played in 5♦, 6♦ or 6♥. Both slams would certainly fail, and 5♦ might be in jeopardy on a club lead (although it would probably be made by this declarer). Even 5♥ might fail some of the time. N/S believed that it was too extreme to give E/W 100% of the best contract and play. Perhaps, N/S argued, they should be minus 650, but E/W did not deserve plus 650. Some weighted average of the possible results seemed to them to be more

equitable.

The Committee Decision: The laws require only that the non-offenders show damage from the opponent's infraction and demonstrate that without it they were reasonably likely to have improved their position. The Committee believed that E/W had accomplished this. While their reaching 5♥ and making it was nowhere near certain, it was deemed to be both probable and reasonably likely. Since Law 12C2 specifies that results meeting those criteria be assigned to the two sides, both pairs were assigned the reciprocal results for 5♥ by West making five. It was noted that, had this event been contested under the newly enacted International Laws (and not just the North American version of those Laws) and, in particular, had the Committee been empowered to apply Law 12C3 (which is not approved for use in the ACBL), the assigned scores might well have been closer to the N/S pair's request.

Chairperson: Rich Colker

Directors' Ruling: 98.0 **Committee's Decision:** 99.0

Bethe: "I would strongly urge that the International Team Trials be contested under the same conditions as will apply in the immediately following team championship. Good ruling, good Committee under the conditions."

This suggestion has been considered by the ITT Committee, but to date the event is still being contested under the ACBL's version of the Laws. That is not to say that it will remain so, but there are valid arguments on both sides (which I will not expand upon here). Now that Henry has joined the ITT Committee, perhaps he can sway opinion to his point of view.

Bramley: "Correct decision. I am not sure that I would decide differently even if allowed. West's alternative actions would very likely lead to a contract of 5♥, and clearly he would make it. The probability of each of these occurrences is high enough, in my opinion, to give E/W plus 650. Nevertheless, I am bothered by the possibility that personalities may be affecting our judgment here. Certainly we can think of many players who would be less credible than this West if they asserted that they would not have bid a slam given the proper information. Would a Committee be justified in denying such players the full measure of justice that this West received?"

Certainly Committees have the right (obligation?!) to take players' skill and credibility into account in making their decisions. If that bothers any of you, consider the alternative.

Rigal: "The Directors established misinformation and possible damage and corrected the score. Routine, and correct. The Committee had a more complex job, but also came to the right conclusion I think. (I freely admit I have enough trouble following the ACBL laws and do not understand the footnotes in this section; I wish they were spelled out more fully.) Since 5♥ was a plausible result without the misinformation, it was correct to put the contract back to that spot."

Rosenberg: "Should have been reported if South forgot the convention or didn't volunteer the correct explanation. Either way N/S lost the chance to have E/W err in bidding or play.

The decision was correct. E/W should not be denied the right to get the result they might have gotten without the misinformation. I'll be interested to read Bobby Goldman's comments."

South remembered the agreement; he simply forgot to Alert it. Unfortunately, Goldie did not comment on these cases (he told me in St. Louis that he might not have the time). We miss him, and hope he finds time for the Albuquerque cases.

The final two panelists would like to see rulings for non-offenders in misinformation situations be decided along equity lines. We in the ACBL are not permitted to make such rulings at present, and I am not optimistic that we will see any change in that direction (if only out of deference to Edgar) in the foreseeable future. Since I spent considerable time during the 1996 Miami NABCs arguing the need for this change to the Laws Commission, only to find that the one change in the 1997 laws which would permit it (the inclusion of Law 12C3) was then excluded from use in the ACBL, I have a great deal of sympathy for their position.

Weinstein: "I agree completely. I also wonder how often pairs that play the double as 'don't lead my suit' Alert the negative inference that a pass tends to request the lead of the suit. I would also like to see score adjustments operate under different criteria for misinformation than for unauthorized information. Equity through percentage rulings, leaning somewhat against the offenders, would be my strong preference in these misinformation cases."

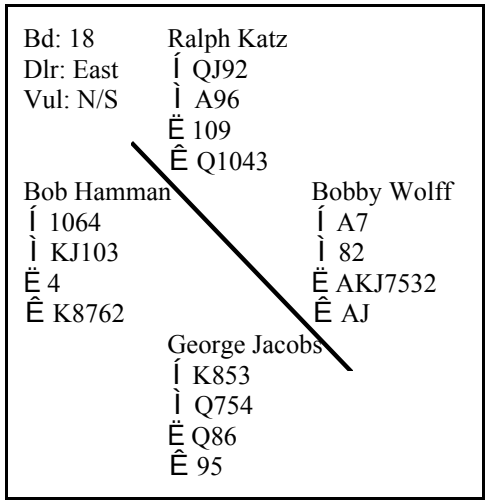
I suspect that the absence of a don't-lead-my-suit double is Alerted somewhat less often than a pass in a support-double (or redouble) situation, but I have no empirical evidence on this (so few pairs employ this method).

Wolff: "Harsh, but correct according to the laws. That particular law should cause us to look into the equity of giving the non-offenders too much. There is no doubt that the offenders deserve to be severely penalized."

Since Wolffie is a member of the Laws Commission and a past ACBL President, I suggest that he reopen the issue with those who have a direct say in the matter (the BOD). Perhaps he could use his influence to convince ACBL Board members to retract their resolution that excludes us from using the provisions of 12C3.

CASE TWENTY

Subject (Misinformation): The True Face Of "Convention Disruption"
Event: International Team Trials, 08 Jun 97, B Finals - Segment Two
Teams: Katz (N/S) versus Nickell (E/W)



West	North	East	South
		1♣(1)	Pass
1♦(2)	Pass	1♥(3)	Pass
1♠(4)	Pass	2♦(5)	Pass
2NT(6)	Pass	3NT	All Pass

(1) Alerted; strong, artificial, 17+ HCP if unbalanced or 18+ HCP if balanced
(2) Alerted; 6+ HCP, 0-2 controls
(3) Alerted; a five-plus-card suit (not spades), 17-19 HCP
(4) Alerted; by E to N: a five-plus-card suit (not clubs), 6-10 HCP; by W to S: a limited hand, any five-plus-card suit
(5) Alerted; five-plus diamonds
(6) Alerted; by W to S, five-plus clubs, non-forcing

The Facts: At the end of the auction North, before choosing his opening lead, turned to East and asked about West's 2NT bid. East shrugged his shoulders and indicated that it was natural. North further asked if West's suit could be diamonds. East replied, "Yes, it could," but then added, "unlikely." East also conveyed to North the impression that West's suit might be a major, since he himself believed that West had bypassed a weak five-card major. Fearing that West might hold a concealed spade suit, and "knowing" that the one five-plus-card suit that West could not hold was clubs, North chose the ♣3 for his opening lead. When South played low on dummy's ♣J declarer overtook with the king and played a diamond to the jack, eventually taking ten tricks for plus 430. At the end of the play, when South asked North why he had led declarer's "known" five-card (club) suit rather than a spade, the different explanations on the two sides of the screen were revealed. The Director was summoned. North claimed that he had a clear spade lead without the misinformation. The Director ruled that the different explanations created doubt about E/W's true agreements and therefore constituted misinformation. Since this could have affected West's opening lead, the result was adjusted to 3NT by West down one, plus 50 for N/S.

The Appeal: E/W appealed this ruling. From E/W's system notes it was discovered that West had, in fact, misbid. His actual sequence showed a notrump-oriented hand with five diamonds and 6-10 HCP. East, influenced by his own seven-card diamond suit, thought it unethical to tell North that West's sequence showed diamonds when he deemed that virtually impossible (given N/S's silence in the auction holding at most a single diamond between them). East inferred that West must have suppressed a weak five-card major (which he should have bid over 2♦, and which West testified that he had never failed to do in the past) and communicated this conclusion to North without making it clear that it was his own personal "inference" rather than the systemic meaning of West's bids. Unfortunately, the

problem which East had sensed with West's bidding turned out not to be the one he expected. And equally unfortunately, his failure to explain the "systemic meaning of West's bids" to North (he could then have even added his own inferences to the explanation, as long as he clearly differentiated the two) resulted in North fearing that West held five spades, and ultimately swayed him toward the losing club lead.

The Committee Decision: The Committee, after some initial confusion about what really transpired between North and East at the table, finally determined the facts as presented. They decided that there was misinformation, that the misinformation was sufficient to cause damage, and that the club lead, based on the information given, was not sufficiently negligent to break the chain of causality between the infraction and the damage. (In fact, the club lead was one which several Committee members themselves chose when first given the hand as a lead problem.) The score was adjusted for both pairs to 3NT by West down one (down two was considered, but rejected as requiring a misplay which would be "irrational" for this declarer), plus 50 for N/S.

Chairperson: Rich Colker

Directors' Ruling: 89.0 **Committee's Decision:** 84.3

The panel in general was not kindly disposed toward our Sovereign of Acronyms (SOA) and hereditary knight-errant against Convention Disruption.

Bethe: "That a pair of this stature should cause Convention Disruption (CD), tsk, tsk. This was clearly a Flagrant Foul (FF) — both players misinformed their screen-mates as to the meaning of West's bids. I would have provided an administrative penalty to E/W — and I consider their protest not only frivolous but perhaps the largest waste of a Committee's time of any in this set."

Bramley: "Another good decision. Maybe there is something to these one-man Committees after all! The write-up fails to clarify what the exact E/W agreements were. Specifically, which player, if any, was right in note (4). Did West misbid with 1♠, or with 2NT, or with both?

"North must have suspected that something funny was happening. After all, West had failed to bid any of the three suits he was supposed to have when it would have been easy for him to do so. If North had been able to get an explanation of West's bids from West himself, then he (North) could have avoided difficulty on this hand. When the Team Trials are played on okbridge some day in the future, we will avoid this sort of problem."

Au contraire. At the beginning of The Appeal section we find: "From E/W's system notes it was discovered that West had, in fact, misbid. His actual sequence showed a notrump-oriented hand with five diamonds and 6-10 HCP." Thus, West's 1♠ bid was in error, and 2NT was simply a continuation of that error.

Also, although it seems to be a common misconception, this was not a one-man Committee. (More on this later, following Gerard's comment.)

As for North getting an explanation of West's bids from West himself, the present laws do not permit that — even if it's accepted practice on OKBridge. If we ever get to the point of regularly holding official ACBL-sanctioned events on OKBridge (and we may have by

the time you read this), some significant revisions of the laws will be required.

Treadwell: "A completely logical decision by the Committee. The moral from this case is: when playing complex methods, you had better Alert them correctly, particularly when playing behind screens."

Gerard: "Committee? What Committee? Who were these club leaders when a low spade was clear, even against a five-card suit? If West had five spades they couldn't be better than ten-high, while East was unlikely to have either three-card major. North should have paid more attention to location of values, not distribution (see also CASE NINE). If I had been NPC, I would have charged North with most of the IMPs lost if he chose a club against a pure auction, one where there was no misinformation.

"But of course it wasn't a pure auction. If East had said in response to North's questions 'He's supposed to have five diamonds but it's unlikely that he has them,' and then added his weak five-card suit explanation, no redress. The explanation would have been not inherently credible. North should have known to ask, 'Then why did he show a five-card suit when he rebid 1♠?' Either it is or it isn't, not now you see it now you don't. North would have been in possession of enough information to know that East would have been groping with his 'weak five-card suit' explanation and that it was not a matter of partnership understanding or experience. Any lead would have been unprotected.

"What actually happened was that East did not explain his understanding but did suggest that West was supposed to have some five-card suit, which could have led North to unearth the inconsistency. Still, North had one more layer of confusion to parse and it was probably too much to ask of him to get to the key point. It's one thing for East to explain his agreement and then offer a misguided explanation of partner's deviation; it's another for him not to explain his agreement and offer the same explanation. As defender, North should have been expected to suspect the first but not the second — most of his mental energy was probably directed toward trying to unearth the agreement, not the inconsistency. Who could blame him if anger and confusion replaced logic and levelheadedness. [And if playing every session for eleven straight days had dulled his perspicacity — *Ed*.] Since he was placed in an untenable position by his opponents, the club lead should have been protected. Inferior as I think a club lead is, it's still at least a 20% action, so it wasn't a grievous error of the type that should have resulted in minus 430 with Law 86B [assigning non-balancing adjusted scores in knockout play — *Ed*.] lurking in the background.

"The write-up doesn't convey the degree of procedural breakdown that I understand accompanied this decision. Evidence was taken *ex parte*, rulings were changed, questionable statements were accepted. Bad feelings abounded. Surely the Trials deserve better."

Yes, this case was a mess from the start, but not quite as bad as Ron describes. Statements were taken from various parties, including a kibitzer (not an unusual or unsanctioned act) who witnessed the incident but whose statement turned out to be "inaccurate" in some respects (although it was made in the presence of the East player), and physical evidence (pieces of paper from the table containing the written communications between the North and East players during the hand) was also secured. It has been the practice at the ITT to take statements from players or other witnesses *ex parte* (as Ron puts it), simply because the logistics of the situation often do not permit holding a hearing in the usual format. If suitable Committee members are not present at the playing site, others need to be contacted by phone (Ron was even one of them in this case). The identities of the

players involved in the appeal must sometimes be kept from Committee members if the latter group are themselves playing (or will play at a later stage) in the event. Time/scheduling anomalies can result in players in different playing areas finishing at different times, leading some to leave the playing area (to return to their rooms to rest, or to go to dinner) while the other table is still in play. This can sometimes necessitate that the appeal be heard at an unusual time rather than right after the session in which the problem occurred. Other considerations can require even more radical departures from the traditional appeal format. In some cases (fortunately none at this ITT) I have had to make one-man appeal decisions. (I avoid these when at all possible.)

In the present case, because North had been allowed to leave for dinner before it was decided when the hearing would take place (in fact, before I was even told that there was an appeal) and could not be located before the play of the next segment had begun, and also at the insistence of several of the players (on both teams) playing in the next segment who wished to know the result of the appeal before they began, I decided to make a "provisional" decision that the table result would stand. I explained to the Director that the decision was conditional on the remaining player, North, confirming what had been said by the other interviewed parties. Unfortunately, this did not get communicated adequately to the players when the decision was announced to them.

When North returned and challenged certain statements, and also produced one of the written communications from the table that he had taken to dinner with him (the others had been given to me by one of North's teammates, who did not know that North had removed one of them) which had a bearing on the case, I called a temporary halt to the play and met with North and East. We reviewed the previous testimony and heard North's corrections. A second Committee, comprised of some new members and others who had been involved in the first decision, was contacted by phone and a second decision made based on the revised facts. Both decisions had been unanimous (and, for the record, in neither instance did I vote).

The E/W team was irate about the "change" in the decision and some of its members let me know about their displeasure at great length (and with great venom). However, technically there really had been no "change," since the first decision had been conditional on North's concurrence with the facts as previously determined. The scene was one of Bedlam.

There was plenty of blame to go around to everyone involved in this unfortunate incident, and I shoulder the major portion of it myself. I made concessions to the players which, in retrospect, I should never have made, allowing their convenience to influence me to produce an untenable situation. I should have known better, and foreseen the possible consequences.

The next two panelists expressed the greatest sympathy for East's role in this incident. I too am sympathetic, and am certain that he was trying his best to do the ethical thing for North. Unfortunately, the same perspective (the way things "should" be) which leads him to many of his comments in these casebooks prevented him from fulfilling his "legal" obligation in disclosing his partnership agreements to North rather than his "intuitions" or "feel" about what West's bids showed.

Rigal: "The Director gave the right ruling here. Again, there was a prima facie case for misinformation so the ruling is virtually forced on the TD. The Committee was very harsh on E/W here. As anyone (including me) could work out, Hamman had forgotten the system. You would never conceal the five-card major here, so the five-card club suit was obvious. When given this as a problem I predicted this outcome for what it is worth, so this is not

second-guessing. I think North was asleep at the wheel, and while E/W might have suffered some minor penalty they were made a victim of the fact that justice had to be seemed to have been done. I think East really did his best."

How could West's holding five clubs be obvious to North, who had been told from the beginning in no uncertain terms that the one suit West could not hold was clubs? In addition, East was himself convinced that West had concealed (a weak) five-card major. As Gerard so accurately pointed out, while North certainly should have suspected that something was amiss, how was he to know which something it was?

Rosenberg: "Important case. East tried to help by describing the hand (in this case his partner's) instead of the agreement. He should have said the auction was almost impossible, and explained why. Then North would be in the same boat as he, and no redress would be forthcoming based on his explanation. However, the reason I think this case important is that I believe North is entitled to 'hear' West's explanation also."

Michael is exactly correct in pointing out what East should have done to disclose his suspicions to North. Unfortunately, as I mentioned in my response to Bramley's comment earlier, Michael's desire that North be privy to West's explanation is not presently permitted.

Finally, let's hear from two of the players involved (the first only indirectly) in this case: Howard (a member of the Katz team) and Wolffie.

Weinstein: "Though this Committee generated a great deal of passion (euphemism), the decision was clearly correct. North's actual lead seemed the offending team's primary cause for believing this to be an improper decision. Though North might have led a spade with the information in his possession, the club lead was certainly reasonable, and as pointed out, often the choice made by a polled panel of peers. Clearly, North would have led a spade if he had been properly informed that West held five diamonds (he is not entitled to know that West held five clubs.)"

Wolff: "A watershed case! The right decision was arrived at, perhaps too easy on E/W (my choice would be down two instead of down one in 3NT). However it was arrived at for the wrong reason(s). A classic case of CD but, according to the present (horrible) law what happened shouldn't be penalized. Since I was there I should know the facts. My description to Ralph Katz was the following: 'Bob's 1 ♦ denied five clubs (he had them of course) but he has a five-card suit somewhere. He is supposed to bid a five-card major if he has one, but he bid 2NT, theoretically showing five diamonds.' I went further to explain that for a reason I was skeptical of his having five diamonds so, in my opinion, he might have bypassed a very weak five-card major to bid a non-forcing 2NT (other bids would be forcing). It never occurred to me that Bob might have forgotten, since this is one of Bob's pet conventions. My description caused Ralph to lead a club. Why should he be subject to worrying about whether we've forgotten or not, especially a convention no one else in the world plays! No one at our table did anything wrong intentionally, but nevertheless the opponents were roughed up and left out to dry. How can this be right?

"The way the case was handled in New Orleans belonged in a how not to do it manual, but that's another story. What difference does it make what other experts would lead? Some reportedly said that both ♦QJ92 and ♣Q1043 have two honors so it is close. Is this Alice in Wonderland or bridge? What difference does it make if we had our system notes (100 plus

computer pages) at the site or not? (We happened to, by accident.) What difference does it make that I fully disclosed my every thought to Ralph? It only confused the real issue and that real issue is CD. It must be penalized out of existence in the expert game. Nothing else has worked, will work, or has a chance of working. Our game has changed and our laws and appeals must keep up with the change. I beg the expert community to join me in petitioning the Laws Commission to change the laws so that our law-abiding Directors and Committees can restore equity and place the burden where it belongs — on the expert community to know their systems!"

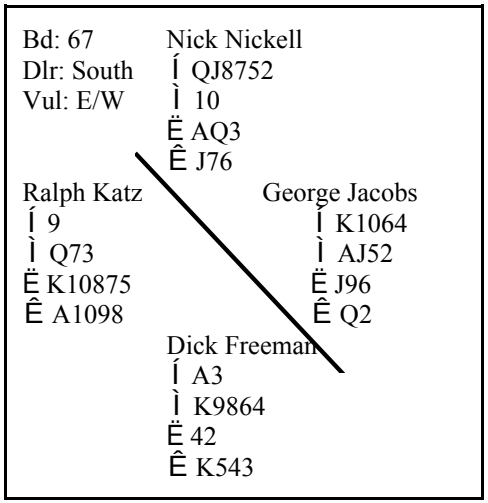
I planned to give Wolffie the last word, but I cannot restrain myself. "What difference does it make what other experts would lead?" indeed! If North had led from ÊÊ9732 instead of Í QJ92 there would not have even been a case. At some point a decision has to be reached about the credibility of North's subsequent action (lead), and its ability to sustain a case for damage. Convention Disruption is not a part of the laws, and E/W cannot be punished, nor N/S rewarded, for this transgression. Only (demonstrated) damage can be addressed and redressed under the current laws, and North's responsibility to continue to play (reasonable, for his level) bridge is at the heart of that issue. Even changing the laws to allow "equity" adjustments for non-offenders won't alter this situation.

Now, Wolffie, how do we "penalize [CD] out of existence in the expert game"? The answer is that we must write it into the conditions of contest for our premier events. You and Howard and I, who sit on the ITT and Conventions and Competition Committees, must do it in those venues. The Laws Commission won't (and, from a practical perspective, can't) do it (such a law would never pass at the world level).

So now that I've usurped the last word, let me make (partial) amends by congratulating Wolffie on a gracious and eloquent statement.

CASE TWENTY-ONE

Subject (Misinformation): Where I Come From We Play That As . . .
Event: International Team Trials, 09 Jun 97, B Finals - Segment Five
Teams: Nickell (N/S) versus Katz (E/W)



West	North	East	South
			Pass
Pass	2 Í	Pass	Pass
Dbl	Pass	3 Ì (1)	All Pass

(1) Alerted (by West to South, only); constructive (2NT, Lebensohl, followed by 3 Ì would have been weaker)

The Facts: As South was considering his call over 3 Ì West tapped the Alert strip. South, already perceiving the reason for the Alert, asked West whether 3 Ì directly or 2NT followed by 3 Ì was stronger. West told him that the actual auction (3 Ì directly) was stronger. South then passed. After North's final pass West asked across the screen whether East had Alerted North to his 3 Ì bid. East replied that he had not Alerted it because he was unaware that they played Lebensohl in the situation where they were both passed hands. South then called the Director, saying that he would have doubled 3 Ì had he known that it was not, by definition, a strong bid. The Director asked that play continue and 3 Ì ended up down two, plus 200 for N/S. The Director ruled that there had been misinformation which could have affected South's call and adjusted the score for both pairs to 3 Ì doubled by East down two, plus 500 for N/S.

The Appeal: E/W appealed this decision. West testified that the version of Lebensohl that was "standard" among the players that E/W regularly partnered in their home area (Chicago) was that it applied even by passed hands, and it was his belief that that version was in effect in this partnership. While he didn't remember a specific instance of this auction having occurred in this partnership in the past, he thought that it must have occurred a number of times in their seven year history. He further maintained that had his partner treated Lebensohl as being "off" by a passed hand on any of those occasions, he is certain that he would have discussed it with him as being "on," since he has a strong theoretical orientation to that being the best way to play it. He therefore contended that the Lebensohl treatment of 2NT was in effect in this auction and that it was therefore his partner who had forgotten and misbid rather than he who had mis-Alerted. The E/W convention card was marked Lebensohl over preempts, but no mention was made of any passed-hand variation.

The Committee Decision: The Committee noted that they were obligated, by the ITT conditions of contest, to resolve any reasonable doubt about contradictory information on the two sides of the screen in favor of the non-offending side. Since there were no system notes to support the contention that 2NT applied in this auction, and since the player who bid 3 ♠ clearly did not intend it to show extra values (either from his cards or his failure to Alert), the Committee decided that it was obligated to assume that there had been misinformation. With respect to the non-offending side, the Committee determined that it was not "likely" that South would have doubled 3 ♠, even given the correct information (no Alert). Therefore, N/S were assigned the score for 3 ♠ down two, plus 200. With respect to the offending side, in the Committee's opinion it was not even "at all probable" that South would have doubled 3 ♠ had there been no Alert (the chances were estimated at less than 5%). Thus, E/W were also assigned the score for 3 ♠ down two, minus 200.

Chairperson: Kit Woolsey
Committee Members: Sidney Lazard, John Onstott, (scribe: Rich Colker)

Directors' Ruling: 84.0 **Committee's Decision:** 91.0

The following panelist raises a point about the state of the match which could be crucial.

Bramley: "I think the state of the match (not mentioned) had something to do with this decision. N/S, I believe, had a healthy lead when this hand occurred in the later stages of the match. This affects the probability that South would double. In neutral conditions, I think there is some chance that South would double, but not in the actual match conditions. Therefore, the Committee made the right decision."

On the other side of this issue is. . .

Bethe: "When in doubt, this South, before knowing the result, said he would have doubled had he known the partnership agreement, namely that 3 ♠ carried no invitational implications. This West gave his opinion of the partnership agreement. But it was not the opinion that East had when he made the bid. It's not clear to me that East and not West was right. So how can a Committee say that there was not even a 5% chance that South would have doubled? So I believe that E/W were certainly entitled to minus 500, and that N/S were probably entitled to plus 500."

Rigal: "The Director was quite generous to South here, who was really pushing the boat out with his claim I believe. Still, if there was misinformation, and there was, I guess you have to buy into these specious arguments. The Committee came to the correct conclusion (however much it believed West) that East had given the right explanation. That being the case, they then very accurately dispensed with South's claim that he would have doubled 3 ♠. Putting it at less than 5% does it full credit."

I don't think a Committee needs to buy into "specious" claims under any circumstances. The appeal stands or falls on the merits of whether: (1) South was misinformed; and (2) South sufficiently demonstrated his claim of damage.

Rosenberg: "My question on this hand is would West ever have bid game, trusting this

partner to remember. If not, then Alerting is not really appropriate, unless this is volunteered also. Anyway, I agree with the decision."

Treadwell: "The Committee got this one right. It was not at all probable that South would have doubled 3 ♠ in this kind of event, no matter whether Lebensohl was affirmed or denied. Perhaps some small procedural penalty against E/W should have been considered."

Weinstein: "I believe the Committee made both the proper determination that there was an infraction and that there was not sufficient likelihood of damage to warrant an adjustment. Personally I might have assigned a higher probability of damage than the Committee, but I might also have been influenced by the fact that a very aggressive South player actually did double at the other table in the same sequence. However, the Committee was not entitled to this information, and I believe they did a good job when they took partnership/player style, and the state of the match from South's viewpoint, into consideration."

The next panelist raises a thought-provoking (even apocalyptic) perspective on this case.

Wolff: "While I basically agree with the decision (I don't think Freeman would have doubled), I would be in favor of a 3- (or some such)-IMP penalty for the slow Alert (the delay in speaking up could have been the result of fear of Freeman doubling) and garbled CD that their Lebensohl convention caused. In other words, Freeman was disadvantaged by his opponent's CD and West's slow Alert, and that should be discouraged. It is my belief that the way our present laws are construed tends to foster the human condition of bias. Again, if we always penalize CD when it could have influenced a bidding or playing decision, we tend to do away with the 'icky' what-if problems that have plagued our game for too many years."

And finally, a lesson in "definitive analysis" by our own. . .

Gerard: "First, as to terminology. East was not technically a passed hand, so this was not as if 2 ♥ were in fourth seat. Clearly Lebensohl would not apply in that situation, even in Chicago.

"Second, as to theory. The primary advantage of Lebensohl is to remove the guess for the takeout doubler when he has strong notrump strength, balanced or not. Lebensohl opposite a passed-hand balancer asks for extra half-jacks, which is not an intelligent way to play.

"Third, as to the decision. Was South considering his call over 3 ♠ or was he 'considering' it? If the latter, there was certainly enough of a probability that he would have doubled without the Alert to at least have earned E/W minus 500; as to N/S being given plus 500, I think it could go either way. If the former, I agree with plus 200 and defer to the Committee as to minus 200, although I think 5% is pretty low.

"Finally, as to history. I see Dick Freeman has learned his lesson from San Francisco [CASE TWENTY-EIGHT — *Ed.*] and now states what he 'would' have done, not what he 'might' have. Who says that Committee decisions don't have educational value?"

I make it seven-to-one (qualified) votes for the Committee's decision.

CLOSING REMARKS FROM THE EXPERT PANELISTS

Bramley: "Fewer cases is a good sign, but we've been fooled by that trend before. More promising is the higher rate (about 75%) of good decisions, with many well-argued and well-written Committee reports. However, a few Committees were off target, some by a wide margin.

"I am encouraged by the number of cases which the Directors got right, especially those in which they ruled in favor of an 'offending' side.

"The arbitrary use of procedural penalties still bothers me. This issue is in need of uniform rules of application.

"I am pleased that many Committees were willing to find lack of merit in the appeals brought before them. When appellants are wasting everyone's time, the Committee should not be afraid to tell them so."

Rigal: "I am worried about the increase in case load where partnerships play certain easily forgettable conventions, and then have misinformation/unauthorized information problems. Similarly, the Blackwood auctions keep on coming — though none in this set, thank heavens.

"Why do we not simplify Director rulings on the following subjects? Any Hesitation Blackwood auctions, Ghestem (or other two-suiter) screw ups, and Namyats accidents are automatically ruled against the offenders. Appellants are warned that the risk of procedural penalties or withheld deposits are higher in those cases than in other ones. That might cut out a number of appeals.

"On a personal note, my impression is that the Director rulings have been consistently improving over the last couple of years. I find that very encouraging. Even where the Committee turned a ruling round here, there were good reasons for so doing. The Committee reports were well written up, almost without exception. Someone has been cracking the whip efficiently."

Rosenberg: "Pretty good work. On CASE THIRTEEN the Committee failed to look deeply and search for the way to punish North for a flagrant violation. I hope everyone agrees that not punishing North on CASE THIRTEEN, and punishing South on CASE FOURTEEN, is inconsistent and inappropriate."

Weinstein: "A good job by the Committees on these cases. The improvement in the Committee decisions, especially compared to San Francisco, is very encouraging. The write-ups were also uniformly good to excellent. The Directing staff, similar to their San Francisco work, made generally good decisions with no really odious ones. After San Francisco I was starting to sympathize with Henry Cukoff's and other's suggestion of eliminating Committees, even at NABC's.

"Despite a drop in the number of cases, one concern in this set was a very high percentage of absurd, litigious appeals made more often than not by players who should know better. There seems to be, probably not coincidentally, the same names appearing in several of the casebooks. These people may need to examine themselves to see if perhaps they are being too litigious and/or paranoid, or if too often the alleged offender. They may need to clean up their own act. Judgements of whether there was a break in tempo, whether a bid was made based on unauthorized information that demonstrably suggested that bid, and the resultant likely damage should be made in an objective manner. Currently, too many players seem to have a 'what can I get from a Director or Committee' mind-set, that is ultimately bad for bridge.

"There are a couple of areas that I feel are worthy of discussion. It is important that we find ways within our current laws to achieve equity, and to impart this knowledge to our Committees and Directing Staff. Rich Colker's ideas that I rambled on about in CASE ONE would be a good start to achieve equity for non-offenders in unauthorized information cases, if we can use those ideas. I would like to find a way to better achieve equity for both parties in non-ethical infractions such as misinformation or poor claims, as in CASE NINETEEN. One problem is that in having more leeway to pursue equity, it creates complications for Directors and Committees alike. The new laws also have a problem under the new 12C3 (which was not adopted by the ACBL), in that they do not provide Directors with the same powers to adjust scores to achieve equity that they provide to Committees. In whatever we do, we should give Directors the same range of options that Committees hold. Please fix this, Laws Commission.

"A problem I mention in CASE TWELVE is unauthorized information created by lack of inquiry. The announcement system was created in part to help alleviate this problem and seems to be reasonably accepted. The non-inquiry creates two types of problems. First is the subtle unauthorized information where some players only inquire when they don't have an automatic bid. More serious is when, as in CASE TWELVE, the bid made takes on an entirely different meaning depending whether the player was aware of the conventional meaning of the call. This is one reason why I have a big problem with the ACBL's recommended 'simple' defense to Multi 2Ë, where a major-suit overcall is defined as conventional, but partner may know from the lack of consultation with the suggested defense pamphlet that the call was intended as natural. Any recommendations?"

CLOSING REMARKS FROM THE EDITOR

Mea Culpa:

In the last casebook (*The Streets of San Francisco: Crime & Punishment by the Bay*) I wrote:

> When considering the issue of whether an action is a logical alternative to the "tainted" action taken at the table, the current standard is . . . whether some (significant) number of that player's peers would actually make the alternate call . . . Note the change in the current standard from the one adopted (briefly) a few years ago (which gave rise to the unfortunate LOLA controversy). That policy required only that "some number" of the player's peers "seriously consider" making the losing call (even if none of them would actually make it) for it to be considered a logical alternative. Today, a logical alternative must be one which the Committee members believe "some number" of the player's peers would actually make. (p.46)

Unfortunately, I can claim neither to have been under the influence of mind-altering drugs nor otherwise delusional when I wrote that. I simply held the misconception that we were not obliged to abide by the Laws Commission's interpretation of the term "logical alternative" (as any alternate call which could demonstrably have been suggested by the infraction and which some number of the player's peers would have "seriously considered" making, had there been no infraction) and that the majority of the National Appeals Committee members had opted to use the alternate interpretation which I described. When my misconception was dispelled by Gary Blaiss, Chief Tournament Director, and several members of the ACBL Laws Commission I inquired as to the meaning of the term "seriously considered." I asked, "Can a call have been 'seriously considered' if it is believed that no player would have actually made it at the table?" I was told only that the Laws Commission had not officially interpreted that term — and was not likely to do so anytime soon.

So, we are told that a call should be considered a logical alternative if some number of the player's peers would have "seriously considered" making it, but we are left to decide for ourselves whether a call can be "seriously considered" and at the same time be one which, in our opinion, (virtually) none of the player's peers would actually make. This poses somewhat of a dilemma. On the one hand, after a player breaks tempo his side may (theoretically) be assigned a result deriving from an imposed call which, in the Committee's opinion, none of his partner's peers would actually have taken, provided that the Committee believes that the call would have been "seriously considered" even though (virtually) no one would have actually made it. On the other hand, the Laws Commission is strangely unwilling to come out and say directly that, for a call to be deemed a logical alternative, or to be "seriously considered," it must be one which, in the Committee's opinion, some number of the player's peers would actually make.

At least the Laws Commission has left us the right to interpret "serious consideration" for ourselves. (Perhaps it would have been better six years ago had they declined to interpret the term "logical alternative" for us, since that would have avoided the present problem entirely. However, at the time some National Appeals Committee members desired a "numerical" definition of the term "logical alternative" to facilitate a change from the "75% Rule" which was then in effect to a "90% Rule" (in NABC+ events) for determining what was a "logical alternative"— a change which, paradoxically, could have been made without input from the Laws Commission.) I hope we are in agreement that it is undesirable for each Appeal Committee to adopt its own *ad hoc* policy on whether or not a call needs to be one

which some number of the player's peers would actually have made before it qualifies as "seriously considered," an approach that can only lead to erratic and controversial decisions (à la LOLA). We need to take steps to adopt a uniform policy on this issue for NABC Appeals.

In case it is not already obvious, I suggest that a Committee needs to be convinced that some number of the player's peers would have actually made the call before it qualifies as having been "seriously considered." I, personally, cannot conceive of claiming to have "seriously" considered a call which, upon analysis, I believe I would never make — no matter what it took to reach that conclusion. Considered it? Yes. But "seriously" considered it? No. Adopting the "seriously considered" approach would be the equivalent of imposing a result on a pair which you believe could never have actually occurred at the table, simply because one of the players broke tempo. If this is, in fact, what the members of the Laws Commission intended when they issued their "seriously considered" statement some five years ago, and refuse to reconsider now, then we are perhaps in more trouble than even I had imagined. "Serious consideration" just has to be based on a belief that some (significant) number of the player's peers would actually make the call (i.e., judge it to have some merit).

Another important reason why this "seriously considered" approach has to be wrong is that it stands in direct conflict with Law 12C2. This law says that, "When . . . awarding] an assigned adjusted score . . . the score is, for . . . an offending side, the most unfavorable result that was *at all probable*." Can a result which a Committee believes would never actually occur at the table be "at all probable"? My dictionary defines "[at all] probable" to mean "supported by [some] evidence" or "likely to become true." A result which has essentially a zero chance of happening is not, then, "at all probable," and thus is incompatible with the type of score we should be assigning to the "offenders."

We need to adopt a "call which might actually have been made" policy in deciding what qualifies as a logical alternative. What do you think?

Odds and Ends From San Francisco:

Due to time constraints, I was unable to respond to some panelists' closing remarks in the San Francisco casebook. I will attempt to remedy this omission here.

I agree with Bart Bramley's observation that there seems to be more than just a spurious correlation between the quality of the write-ups and the quality of Committees' decisions. The ability to write clearly about a train of thought comes from the same source as the ability to use that train of thought to arrive at a good decision.

John Carruthers addressed several issues which deserve comment. First, he would like to see the hesitating side be at risk when they take advantage. I've long advocated this position, arguing, as John did, that failing to do so places the criminals in a no lose (actually, a win-break even) position. John wants to see "automatic" penalties for such acts. This is similar to what Eric Kokish and I argued for in point (1)(b) of our Blueprint for Appeals (*Miami Vice*, Summer, 1996). Committees must become more vigilant in issuing penalties on top of score adjustments for such infractions.

John also wanted to see deposits for all appeals (not just for NABC+ events). While I can readily sympathize with the motivation behind this idea, the problems with the inequities of the "appeals for cash" approach have been well publicized. Expanding its domain moves even further in the wrong direction. Another approach is (hopefully) imminent. Beginning with the Spring, 1998, NABCs in Reno, National Appeals will be moving to a "Point System" which, with the cooperation of the Board of Directors, will do away entirely with deposits for appeals. (See the section at the end of these closing remarks for the complete text

of the Point System proposal submitted to the BOD in Reno.) Players who file appeals which are judged to be "substantially without merit" will be subject to "Dark Points," similar to the points received on a driver's license for moving violations. (Of course, Appeals Committees can also assess score penalties, either in addition to or instead of Dark Points, if they wish.) Three Dark Points against his record and a player may be sent before a Conduct & Ethics Committee to show reason why he should not be disciplined for his offenses. A formal discipline, such as barring the player from the same event next year (especially an NABC+ event), would have a motivationally-significant and relatively uniform impact on all players — and especially on those with wallets too fat to feel the loss of $50.

Another item on John's wish list is that both partners of an appealing side should be required to appear at a hearing in order not to prejudice their case. Law 92D suggests that not every player for the appealing side needs to attend a hearing. However, there is nothing to prevent a Committee from treating the failure of a player, whose testimony is considered crucial to the case, to appear as prejudicial against that player's side.

John would also like to see automatic appeals in cases where the Director believes there is a need for a hearing, even though both sides agree with the ruling. Examples of this might include cases where the possibility of a serious ethical infraction by one of the players has not been addressed by the Director's ruling; or where there has been a "provisional" table ruling made, or where the scores of other players in the field may need to be protected, but the side which would normally appeal the ruling is either out of contention, leaving the tournament, or is otherwise undisposed to pursue the case on appeal. While appeals are never "automatic," the newly revised Law 83 gives the Director the power to send a case to Committee whenever he (". . . believes that a review of his decision . . . might be in order . . . [he] may refer the matter to an appropriate committee.").

John's next point, about the potential conflict of interest which arises when a prominent bridge pro serves on a Committee involving a prominent client, is well taken. It has usually been left up to the individual (the pro, in such cases) to recuse himself from the case. Perhaps other Committee members should also be responsible for suggesting recusals. Or, better yet, maybe the Appeals Co-Chairs and Director of Appeals should take more care when assigning NABC Appeals members to cases which could potentially involve such conflicts of interest.

Ron Gerard suggests strengthening screening to eliminate more of the cases which abuse the appeal process or are meritless. Perhaps an "appeals advisor" should be appointed to work nightly in the screening room to advise appellants when, in his judgment, their appeal risked being judged abusive or lacking in merit. The problem with this approach is, who among us would wish to take on such responsibility? (Ron?) And, perhaps more to the point, given the fickle nature of our Committees on such issues, who would we trust to fill such a position?

I've already dealt with Ron's suggestion of a rating system for Committee members (see *The Streets of San Francisco*, pp. 128-9). I whole-heartedly support such a system.

Michael Rosenberg would like to see an efficient Recorder system in place. So would I. I cannot even begin to recall how many times I have read in these casebooks that a Committee has referred a case to the Recorder, intending that he consider the actions taken by a player and/or monitor the a player or pair's future behavior. Even though most of these happened many months or years ago, I am still waiting for any of them to "officially" reach me or any of the other Unit or District Recorders to whom I have spoken about this problem. Part of the problem lies with the absence of clear responsibility on the part of specific individuals for following up the decisions of Appeals Committees. — and the absence of consequences for individuals whose job it is to do so and who fail. But even if this weren't

a problem, in point of fact the Recorder system was not designed to do the sorts of things that Michael and I would like to see done. For example, the Recorder Regulations and Procedures specifically prohibit Recorders from making available to Appeals Committees records of a player's past "infractions" or "suspicious activities." Such records are confidential.

But there is good news. The Point System to which I referred earlier will provide records, accessible to future NABC Committees, containing much of the desired information. Starting in Reno it will be the responsibility of our Committees to document questionable behavior and then impose appropriate penalties on multiple offenders.

As Michael also suggests, Committee Chairmen need to continue to improve their case write-ups. This process seemed to take a dramatic turn for the better in St. Louis last fall (the results of which we won't see for several months, yet), due to new "incentives" put in place and meticulously administered by our indefatigable Appeals Administrator, Linda Weinstein.

Michael, with Dave Treadwell and Howard Weinstein similarly, are correct in pointing out that we need to not reward players for acting in ways designed to help themselves win in committee what they could not win at the table. Examples of these "new" IMP-winning strategies include quizzing the opponents to death and placing their convention cards "under a microscope," hoping, in either case, to turn up some technical defect which might benefit them or (equally helpful in knockout events) disadvantage the opponents.

Bobby Wolff is right on with his admonitions that we not look for easy answers to complex questions, that we not continue making decisions which perpetuate the status quo simply because it's too much trouble to try to change it, and that we not be unduly influenced by the (all too human) motivation to make decisions which don't hurt people's feelings.

I agree with Howard Weinstein that Committees should tend to let the Director's ruling stand unless it is clearly incorrect or there is evidence not available to the Director at the time. Certainly, at the very least, the Director's ruling should be the "default" Committee decision in the absence of any clearly superior direction — especially if we take into consideration the relative performances of Directors and Committees in San Francisco!

Howard's suggestion to assess some kind of "penalty points" (as a reluctant alternative to boiling oil) for meritless appeals has already been addressed earlier. We'll be anxiously awaiting its arrival in Reno.

Howard opposes dealing with CD (à la Bobby Wolff) by issuing procedural penalties. I agree. Even in events where the conditions of contest require players to know their methods (e.g., the International Team Trials), infractions should be dealt with when possible in ways which don't benefit the opponents, score-wise (e.g., VPs in a round robin stage). Repeated infractions should be dealt with through disciplinary action, such as barring the player from entering a future event (e.g., next year's Team Trials). Repeated infractions of this sort can be treated as a disruption to the game, and penalized (as a recurrent pattern) more severely. It was only in this last context, as a repeated pattern of infractions, that Eric Kokish and I advocated procedural penalties for CD in our "Blueprint for Appeals."

It is not clear how to deal with the ubiquitous problem of poor tempo, even in the high-level game. As Howard points out, designating certain situations as "tempo-sensitive" and deciding on an appropriate tempo for them would be a daunting task. His hope that pairs would voluntarily step forward and designate themselves as "tempo-sensitive pairs," guaranteeing their adherence to strict minimum tempo standards in all appropriate situations (assuming that these can be defined — itself a highly questionable assumption), and placing themselves at risk for failing to adhere to these self-imposed standards, seems more than just the "pipe dream" he acknowledges — it seems downright self-destructive. I'd be surprised if even a substantial monetary reward resulted in even one such pair coming forward.

Howard disagrees with the principle stated in the "Blueprint" that it is never wrong to play by the rules, and that players should avoid voluntarily violating the rules, even in an effort to be magnanimous, or actively ethical, toward the opponents. He believes that players should be permitted to deviate from the rules under certain circumstances (such as when the side which created a problem in the first place would gain an advantage by adhering to the rules). Leaving it up to individuals to decide when, and under what circumstances, they will play by the rules is, as a principle, unworkable. It is an accident waiting to happen. In the 1996 Spingold, during the declaring side's after-the-auction explanations, declarer corrected her partner's misexplanation of one of her bids even though it happened (coincidentally) to describe her hand. She did so because the misexplanation carried the wrong implication for the defenders about why she made the bid, and she believed they were entitled to the correct information. By partnership agreement the bid showed values (not length) in the suit named and, by inference, weakness in the unbid suit. The misexplanation, that the bid showed a five-card suit, implied that she was looking to play a five-three (major-suit) fit and was not necessarily weak in the unbid suit. The correction properly identified her concern about the unbid suit, and was done in such a way that she affirmed to the opponents that, while she could hold five cards in the suit, her bid did not, by definition, show five. She did what she was obligated to do (correct her partner's misinformation) when it could have been essential to the opponents that she done so. Yet, because of the coincidental correspondence between the misexplanation and her holding (which she expressly stated could still exist), she was held by many to have acted unethically. How much simpler it would have been for her to have been under a non-nullifiable obligation to correct any misinformation, without regard to who it might advantage. No one could question her action, and she would not be responsible for divining what possible effect her correction might have on her opponents. (In this case the opponent on opening lead thought she was trying to help him lead the suit she bid, by denying that the bid showed length, and so he led it, with disastrous consequences.) Bah. Just correct all misinformation. But do it carefully, whether it corresponds to your actual holding or not, and be very careful that it is misinformation which you are correcting.

Howard makes some valid observations concerning the new Law 12C3, which permits (unless Zonal Organizations specify otherwise — as ours has) a Committee (but, presumably, not a Director) to vary an assigned adjusted score to do equity. In my opinion, Howard is correct that unless Directors were to be given the same powers as Committees, the use of this law might create a class of "the opponents got more than they deserved" appeals. But, as he also points out, 12C3 would also create a disincentive for non-offenders to appeal, since their expected gain would be less than under Law 12C2. Actually, if the term "likely" in 12C2 ("the most favorable result that was likely") is interpreted as encompassing only results which are among the most probable to have occurred without the infraction (as has been our policy at NABCs since Albuquerque), then this would not affect appeal tendencies from what they are now. At any rate, the two effects which Howard foresees if Law 12C3 were to be implemented in the ACBL would be antagonistic. I have always been in favor of finding ways for our score adjustments to come closer to the goal of restoring equity. The policy adopted in Albuquerque regarding the interpretation of "likely" in 12C2 was an important step in that direction. It avoids giving non-offenders "windfall" results of clearly secondary likelihood of occurrence. As long as Appeals Committees apply this principle evenly and consistently, I can live with the status quo. But if our only option were to assign non-offenders the most favorable result, even if inferior in probability, then I would favor adopting Law 12C3 in the ACBL.

Regarding Howard's point about the lack of clarity in section (6) of the "Blueprint," the

examples of "non-irrational" actions which might not compromise a player's right to redress (e.g., aggressive or conservative bids or plays; misanalyzing or miscounting trumps; missing partner's signal; overlooking an inference) were never intended to apply to all players at all levels. Rather, they were designed to illustrate the range of "careless" or "inferior" actions which might be permitted of some players at some skill levels. The point we were trying to make was that acts such as miscounting trumps are not uncommon to some classes of players. Just because they would not be forgiven of an "expert," does not mean that they cannot be forgiven of a lesser player. Still, Howard's point is well taken. This was not spelled out clearly enough in the "Blueprint." The third sentence in section (6)(c) should have read (changes in italics), "These *should* not include actions which are merely careless or inferior *for the class of player involved* . . ."

Regarding recommended Committee procedures, Howard suggests that where there are legal or regulatory constraints on the Committee's decision, alternative legal means by which an equitable outcome can be achieved, if available, may be suggested by the Director. In my experience, if a Committee I was serving on needed additional Directorial input, I never had a problem recalling the screening Director and, after explaining what we wished to achieve in our decision, obtaining his input on how (or whether) it might be possible to achieve our end. The Director has always been more than willing to help with such problems. The point we were trying to make was that Committee members should be aware that the screening Director is available to instruct them, at any point in their deliberations, on points of law, regulation, precedent (or even how to achieve a desired goal, if possible). The Committee is not "on their own" once their deliberations begin. The Director is our friend, and we should avail ourselves of his assistance whenever we perceive a need for it.

Three other points of Howard's deserve comment. First, the Director should always review a Committee's decision for legality before it is delivered to the players — not only when time and logistics permit. At NABCs, time and logistics always permit. Second, since the Chairman is responsible for the write-up of the Committee's decision, he should always review it when it was done by a scribe or another Committee member before it goes forward to the Appeal Administrator (or casebook editor) for publication. Third, the guidebook for Committees which Howard would like to see does not exist. There are ACBL Handbooks for Appeals and C&E Committees which are useful, but they are relatively superficial and more-or-less introductory in their coverage of many of the issues Howard mentions. The sort of in-depth manual Howard would like to see would be a huge job, requiring a major outlay of time and expertise. The League has paid tens (maybe hundreds) of thousands of dollars for outside consultants to come in and do studies on our administrative organization, marketing needs, and bookkeeping, to name just a few of the areas. Yet they have been unwilling to commission works such as the one Howard suggests. Howard, if you can get the League to turn lose a few shekels for such a project, you know where to reach me. (Eric and I suggested an annotated guide to the laws for Appeals Committees, integrating precedent cases from the casebooks which would illustrate correct, and incorrect, applications of various sections of the laws to appeals in the past. The work was to be based on input from all of the League's authorities including Directors, administrators, Laws Commission members, etc., and would represent the synthesis of all their various opinions.)

And one final bit of old business. On page 50 of the San Francisco casebook, paragraph one, line two, the referenced statement occurred in CASE FOURTEEN (not FIFTEEN).

Reactions to Dallas Comments:

I have nothing to add to Bart's closing remarks. He seems right on target with every one of them.

I think most of the improvement in the quality of the write-ups can be attributed to Linda (here, here). In that context I won't attempt to deal with Barry's whip-cracking comment.

My reaction to Michael's comment about the "punishment" meted out in CASE THIRTEEN being inconsistent with that imposed in CASE FOURTEEN is mixed. I agree with his view on CASE THIRTEEN, but find the Committee's decision (I would hesitate to call it a "punishment") on CASE FOURTEEN to (arguably) be appropriate.

As with Bart's remarks, I have nothing to add to any of Howard's that have not already been addressed.

Following is the text of the Point System proposal that I promised in my comments from San Francisco.

A POINT SYSTEM FOR NABC APPEALS

A point system for tracking certain types of player infractions is being adopted for use at NABCs beginning with the 1998 Spring NABC in Reno. Modeled after point systems used by state Motor Vehicle Bureaus, this system will enable league officials to deal more effectively with multiple infractions as a pattern, instead of addressing each infraction in isolation. Points, called "Dark Points," may be assessed against a player by a Director or an Appeals Committee for ethical or behavioral infractions whenever it is desirable to preserve a record of the offense — even if a score adjustment and/or disciplinary action for the infraction has been imposed. Should the player commit infractions of a similar nature in the future, the Dark Points will enable C&E Committees to take into account the recurrent nature of the offense in deciding on an appropriate punishment. An official record of all Dark Points assessed at NABCs will be kept by the ACBL Office of Recorder in a form, such as a computer data base, which will make them readily available and accessible at all NABCs.

Examples of infractions warranting Dark Points could include (but are not limited to): flagrant use of unauthorized information from partner or conveying of such information to partner during the bidding or play of a hand; engaging in deceptive acts, as by means of questions, gestures, remarks, or by variations in tempo, manner, or the like for which there is no demonstrable bridge basis and when it could have been known at the time that to do so might gain an advantage; failure to fully disclose partnership methods; flagrant procedural violations (such as described in Law 74C); bringing appeals found to be substantially without merit (subject to ACBL BOD approval); rude or abusive behavior; flagrant disregard for proper procedure which disrupts and/or impairs others' enjoyment of the game; failure to comply adequately with ACBL regulations or procedures (e.g., not having two appropriately filled out conventions cards available at the table for the opponents; not having required defenses to complex and/or unusual partnership methods available for the opponents; not pre-alerting methods requiring a pre-alert; not knowing your partnership methods or playing methods without adequate discussion).

The level of the player involved should always be considered before assessing Dark Points. Dark Points may be appealed whenever the laws or ACBL regulations permit an appeal of a decision by the body issuing them. The following table should be used as a guide for assessing Dark Points for various infractions:

Type of Infraction	Example of Infraction	Dark Points
"mild"	inadequate discussion of convention	1
"moderate"	flagrant use of unauthorized information	2

Severe infractions should be dealt with by direct referral to a C&E Committee.

A written description of the offense, suitable for use in a future disciplinary hearing, must accompany each Dark Point assessment. At NABCs, Committees may use the description from the Daily Bulletin or casebook write-up; Directors should provide a write-up for Dark Points assessed at the table.

If a player accumulates three (3) or more Dark Points within a three-year period, a disciplinary hearing should be scheduled by the Appeals Co-Chair, Director of Appeals, or ACBL Recorder. This hearing should be held at the NABC at which the (third) "precipitating" Dark Point was assessed if possible, or at the next NABC which the player attends, otherwise. In cases where a hearing at an NABC is impractical, or might require an excessive delay, the charges may be referred to the player's home Unit or District for disciplinary action.

The charged player is entitled to all of the rights due a defendant in a C&E hearing, including representation by counsel and receipt of written notice of the charges. He should also be provided with the documentation for all Dark Points included in the charges and informed that he will be expected to show reason why a penalty should not be imposed for the specified pattern of infractions.

Disciplines which may be imposed by C&E Committees in Dark Point cases shall include those specified in section 5 of the ACBL Code of Disciplinary Regulations (including reprimands, probation, suspension, exclusion from events, and reduction or forfeiture of masterpoints or tournament rank or disqualification) as well as ones tailored to the specific pattern of infractions and which an Appeal Committee might impose (such as barring the player from using certain conventions or bidding methods at NABCs). Accumulated Dark Points shall remain on a player's record indefinitely, but only those assessed within the past three years shall count toward "triggering" a disciplinary hearing. However, all Dark Points on a player's record may be considered by the Committee (subject to any "statute of limitations" imposed by ACBL Regulations) in deciding on an appropriate discipline, which should take into account the number, nature, severity, and time frame of the accumulated Dark Points.

Due to the abbreviated length of the present casebook (only twenty-one cases), I am acceded to the request of one of our "closest" readers to reprint "A Blueprint For Appeals" (*Miami Vice*, Summer, 1996). It includes some changes suggested by panelists and rewording to improve its clarity and readability. I invite panelists to submit their suggestions for further improvements or comments on issues raised in the Blueprint to Linda or me for possible inclusion in a round table discussion of the Blueprint in a future casebook.

A BLUEPRINT FOR APPEALS

(1) The use of Procedural Penalties:

(a) When there has been an infraction resulting in no damage to the non-offenders, no score adjustment is permitted by law. A procedural penalty is required to remove any possible advantage that the offending side may have gained through its infraction. Example: A pair bids a slam via tainted means which has no play, but which the opponents allow to make through gross negligence. There should be no score adjustment (by law) for either side, since the damage suffered by the non-offenders derived from their own negligence. The offenders, however, should receive a procedural penalty equal to the difference between the scores for the slam and the game, plus any additional amount deemed appropriate under section (b) below.

(b) When there has been a flagrant foul, a disciplinary penalty may be imposed to reflect the Committee's displeasure with the ethical or behavioral nature of the impropriety, and to serve to inhibit its repetition. Example: A player hesitates in a Blackwood auction and signs off. His partner continues on to slam with a completely normal hand for his previous bidding. The offenders' bridge score is adjusted, but to ensure that the unethical act is not repeated, and also to create a net long-term loss for such behavior, the Committee should assess an appropriate procedural penalty.

(c) When there has been a continuing pattern of disregard for the game or the opponents. This category could include: failure to adequately discuss conventional methods before playing them; failure to properly Alert and/or disclose partnership methods to the opponents; failure to correct misinformation at the appropriate time; abuse of the appeals process; other ongoing behaviors that are detrimental to the game. The goal is to take strong and clear actions to inhibit the continuation of such practices before taking more serious action (i.e., a Conduct and Ethics hearing).

(d) May not be appropriate for "inexperienced" players (see section 3).

(2) Appeals Lacking Merit:

(a) The players must be "experienced" (subjective evaluation).

(b) The Committee must be convinced that the players knew that their appeal could not reasonably be upheld. In this category we would include (as representative but not exhaustive): appeals in which the players were clearly looking for "something for nothing"; appeals in which the players refused to consider the reasonableness of their opponents' action(s); appeals in which the players ignored feedback provided by the Screening Director regarding the weakness of their case and/or its contradiction of the provisions of the Laws.

(c) Appeals which appear to be motivated by personal or emotional factors such as spite, malice, vindictiveness, or retaliation.

(c) The Committee members must be unanimous in their support of the penalty.

(3) Policies Regarding "Less Experienced" Players:

(a) The laws, as well as precedent, suggest that these players (based on both objective and subjective criteria) should be held to different standards.

(b) In general, an infraction is an infraction, regardless of the player's experience or skill level. To an extent this must be tempered by common sense as when, for example, a player's inexperience precludes his gaining any advantage from unauthorized information.

(c) When "playing up," considerations of experience or expertise may be used by Committees in adjudicating cases. These include the standards to be applied in assigning adjusted scores or in assigning procedural penalties. Examples: (relating to score adjustment) determining the point at which the chain of causality between an infraction and subsequent damage deprives the player of his right to redress (see section 6); (relating to procedural penalties) deciding whether to impose a penalty on a player for failing to inform the opponents (at the appropriate time) of misinformation provided by his partner.

(d) As a general rule, it makes more sense to educate than to penalize less experienced players.

(e) As a general rule, it makes more sense to tolerate irregularities in limited competition, rather than risk dampening new players' enthusiasm for the game. The over-adherence to "technical regulations" can be intimidating and inhibiting. Nonetheless, the desirability of gently encouraging adherence to the laws should not be completely ignored.

(4) The Integration of Active Ethical Obligations into the High-Level Game:

(a) The golden rule: disclose to your opponents everything that you would have them disclose to you; err on the side of overdisclosing.

(b) Be prepared to accept the worst of a situation when your side has acted questionably (even if not "strictly speaking" improperly).

(c) Accept the responsibility of knowing your methods and respect your opponents' rights when your side is responsible for an uncertain situation.

(d) Strive to make all calls and plays in proper tempo. To avoid some of the inevitable situations where thought is required, strive to make obvious bids or plays with due deliberation. Be aware that when both sides are bidding, or when your side is bidding constructively toward a high-level contract, this responsibility becomes especially important. In "tempo-sensitive" situations, all players "active" in the auction should pause at their next turn to bid, as if a skip-bid warning had been issued (all four players in competitive auctions; both bidding partners in constructive auctions).

(e) Behavior and deportment must conform to the highest standards.

(f) The use of screens and bidding boxes creates a special set of proprieties. Be aware that the handling of the bidding tray and the timing of its passing can convey information. Similarly, the bidding box should not be touched until a player has decided on his call. Players involved in "screen" matches should use their time wisely, clarifying bids in a continuous written dialogue with their screenmate.

(g) It is never wrong to play the game by its rules. Players should avoid violating the rules in an attempt to be magnanimous, or actively ethical, toward their opponents.

(h) Never use loopholes or gaps in the rules to take advantage of the opponents.

(I) The appeals process affords players a court of last resort when they have reason to believe that a Director's ruling has overlooked or misinterpreted an essential part

of a bridge situation. It should not be used to vent displeasure, to salve wounded egos, or to seek vindication for a questionable action. Appeals should always be grounded in valid questions involving bridge judgment, systems, or the application of the laws. The appeals process must not be abused.

(j) Related to (I), there is a constant tradeoff between the obligation for one side to Alert and fully disclose all partnership agreements and the responsibility of the other side to exhaust all reasonable means of seeking the information they require at the table. The appeals process should not be used to circumvent this responsibility.

(5) The Laws and the Concept of Restoring Equity:

While there is a common misconception that it is the province of Appeals Committees to attempt to restore equity when adjusting scores, the laws do not directly provide for adjustments based on equity in most situations.

When there has been an infraction resulting in damage to innocent opponents, the Laws (16 and 12C2 in particular) call for separate standards for assigning adjusted scores to the two sides, based on different objectives or goals. For the non-offenders, the goal is close to that of restoring equity, with any doubt about what this might mean being resolved in their favor. For the offenders, the goal is to ensure that they will not profit from their infraction, with any doubt about what this may mean being resolved against them.

The standards for resolving doubt are different for the two sides. For the non-offenders, the goal is to assign them the score for the result which was "likely" to have occurred without the infraction. If more than one result is deemed "likely," they should be assigned the one most favorable to them. A "likely" result must be one which has some appreciable chance of occurring. For the offenders, the goal is to assign them the score for the most unfavorable result that had any significant probability of occurring ("at all probable"). Such a result need only have some marginal chance of occurring.

(6) Actions Affecting the Right to Redress for the Non-offending Side

ACBL Regulations require players to continue to meet minimal standards (for the level of player involved) of bidding and play subsequent to an opponent's infraction in order to be entitled to receive redress under the laws. Players are also expected (commensurate with their experience and skill level) to protect themselves from possible damage from an opponent's infraction.

The sorts of actions which may compromise a player's right to receive redress include:

(a) Making a bid or play which appears to be designed to create an opportunity for a "double-shot." Typically, this means taking an action designed to obtain a windfall result, expecting that if this turns out poorly it will be replaced by a more satisfactory score due to the opponents' infraction, and thus entail little risk.

(b) Taking a wild or gambling action.

(c) Making a clearly "irrational" bid or play. Such actions are deemed to constitute a

break with the normal thought processes involved in "playing bridge." These should not include actions which are merely careless or inferior for the class of player involved (e.g., aggressive or conservative bids or plays; mistakes such as misanalyzing a hand, miscounting trumps, missing partner's signal, or overlooking an inference in the bidding or play — all of which are normal for weaker players).

(7) Thoughts on Committee Procedure:

Once the parties have been dismissed and the Committee has begun its deliberations, the Committee Chairman should consider asking the Screening Director, the Director-in-Charge, or his designee to discuss with the Committee members how the laws, regulations or precedents apply to the case, and what constraints, if any, these may impose on the Committee's decision.

When the Committee has reached its final decision, that decision should be examined by the Screening Director, Director-in-Charge, or his designee before the parties are recalled and the decision delivered. If for any reason their decision is judged unlawful, the Director should inform the Committee of this, explain his reasons for it, and ask that a new decision be obtained that is in compliance with the laws.

The job of chairing an Appeal Committee at an NABC carries with it a responsibility to work toward improving the appeals process. An important part of this responsibility is to ensure that the essential elements of the case, the important happenings at the hearing, the Committee's final decision, and its rationale for reaching that decision are well-documented. From this a report will be prepared for publication in the *Daily Bulletin*, and later in the appeals casebook.

THE PANEL'S DIRECTOR AND COMMITTEE RATINGS

Case	Directors	Committee	Case	Directors	Committee
1	69.1	64.5	12	89.7	87.3
2	86.7	80.3	13	73.0	81.3
3	88.5	77.0	14	86.0	77.8
4	79.4	73.3	15	75.7	82.7
5	79.4	79.1	16	82.7	90.7
6	92.0	81.0	17	75.0	86.3
7	83.3	91.5	18		91.0
8	59.1	84.5	19	98.0	99.0
9	89.3	87.0	20	89.0	84.3
10	64.3	79.7	21	84.0	91.0
11	76.0	95.7	Mean	81	84

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