



# American Contract Bridge League

*Presents*

## Kansas City Bombers



Appeals at the 2001 Spring NABC

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Abbreviations used in this casebook:

|      |                              |
|------|------------------------------|
| AI   | Authorized Information       |
| AWMW | Appeal Without Merit Warning |
| LA   | Logical Alternative          |
| MI   | Misinformation               |
| PP   | Procedural Penalty           |
| UI   | Unauthorized Information     |

## FOREWORD

We continue our presentation of appeals from NABC tournaments. As always, our goal is to inform, provide constructive criticism, and foster change (hopefully) for the better in a way that is entertaining, instructive and stimulating.

The ACBL Board of Directors continues having Director Panels, comprised of pre-selected Directors, hear appeals from non-NABC+ events (including side games, regional events and restricted NABC events) while appeals from NABC+ events continue to be heard by the National Appeals Committee (NAC). We review both types of cases in our traditional format.

Panelists were sent all cases and invited to comment on and rate each Director ruling and Panel/Committee decision. Not every panelist commented on every case. Ratings (averaged over panelists and expressed as percentages) are presented with each write-up and in a summary table at the end with separate summaries for Panels, Committees and overall.

The numerical ratings are intended as a general index of Director, Panel, and Committee performance. They are not intended nor should they be used to compare the performance of Directors with Panels/Committees as each group is evaluated on different criteria: Directors on their handling of situations at the table, including determining facts, applying appropriate laws, and making rulings which allow the game to progress normally, expecting that they may be reviewed and possibly overturned on appeal. Panels/Committees are rated on their fact finding, application of law, and use of bridge judgment (or consultation with players) appropriate to the level of the events and players involved. Both types of ratings may also be affected by panelists' views of PPs and/or AWMWs.

Table rulings are usually made after consultation among Directors, including the DIC of the event (who is responsible for the final ruling). This is true even if we occasionally lapse and refer to a ruling as the table Director's. At management's request, only the DIC's name is included in each write-up. Additionally, we should bear in mind that we see here only a subset of all table rulings—in particular, those with which some players disagreed—and so may not be entirely representative.

Director Panels are expected to obtain bridge advice from appropriate players where a decision involves bridge judgment. The Panel's choice of consultants and their use of the input received may be used by our panelists in their ratings.

Ambiguity Department. Write-ups often refer to "an x-second break in tempo." Our policy is to treat all tempo references as the *total time* taken for the call (unless otherwise specified) and *not* how much longer than "normal" the call took (which poses the additional problem of what is normal for the situation). Chairmen and scribes should adjust their reports accordingly.

Mild Disclaimer Department. While we make every effort to insure that write-ups are complete and accurate, we cannot offer any guarantees. Since even minor changes in the reported facts can affect our evaluations, the opinions expressed are valid only for cases which match the facts reported. Otherwise, the discussions here should be regarded merely as theoretical exercises.

Any and all suggestions for improvements are welcome. They may be sent via e-mail to: [Rich.Colker@acbl.org](mailto:Rich.Colker@acbl.org) or via USPS to the editor c/o ACBL in Memphis.

Finally, my thanks to everyone whose efforts contribute to these casebooks: the scribes, reviewers and chairmen who labor to chronicle the details of each case; the panelists for their hard work and devotion to a truly arduous task for which they receive only our praise (and occasional abuse); and, of course, Linda Trent, NABC Appeals Manager and my assistant editor. My sincere thanks to all of you. I hope my efforts have not in any way diminished your good work.

Rich Colker  
September, 2001

## THE EXPERT PANEL

**Bart Bramley**, 53, was born in Poughkeepsie, NY. 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, a Deadhead and enjoys word games. He was 1997 Player of the Year. His NABC wins include the 1989 Reno Vanderbilt and the 1997 Reisinger. In 1998 he was second in the World Par Contest and third in the Rosenblum Teams. He also played in the 1991 Bermuda Bowl and captained the 1996 U.S. Olympiad team. Bart is currently the chairman of the ACBL Conventions and Competition Committee.

**Jon Brissman**, 56, was born in Abilene, TX. 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 was Co-Chairman 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**, 41, was born in New York City and is a graduate of SUNY at Albany. He currently resides with his wife, Maria, in Boca Raton, Florida. He is a former computer programmer and options trader but presently makes his living from writing/publishing bridge books/articles/software and playing bridge professionally. Larry has played bridge in special invitational tournaments in a dozen different countries. His biggest passion/hobby is golf and watching sports, especially his beloved Yankees. He has won seventeen National Championships and was second in the 1998 World Open Pairs and third in the 2000 World Teams Olympiad.

**Ralph Cohen**, 75, was born in Montreal, PQ. He currently resides in Memphis, TN. He has held several positions with the ACBL from 1971 until 1991 including Executive Director from 1984 to 1986. He has been a member of ACBL Laws Commission since 1984 and is currently a Co-Chairman. He is a Vice-Chairman of the WBF Laws Committee. He wrote the *Ruling the Game* column for two years along with other contributions for *The ACBL Bridge Bulletin*. He represented Canada in the World Team Olympiad in 1964 and has won four National Championships. He has been attending NABCs since 1947.

**Grattan Endicott**, 77, was born in Coventry, England and currently resides in Liverpool. He is divorced and has two sons, three granddaughters, one grandson and one great granddaughter. His late brother has furnished him with multitudinous blood relations across Canada including a great-great niece. He was invested in 1998 by the Queen as an Officer of the Order of the British Empire (OBE). He has been a dedicated member of many Laws Committees and is currently the secretary of the WBF Laws Committee. He has kept impeccable records and is a respected authority on the chronology of Laws interpretations.

**Ron Gerard**, 57, 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 in 1990) and one semi-final without playing once on a professional team.

**Jeffrey Polisner**, 60, was born in Buffalo, NY and currently resides in Northern CA

where he has been a practicing attorney since 1967. He is a graduate of Ohio State University (BS) and obtained his JD from Case Western Reserve. He is currently the WBF Counsel and former ACBL League Counsel. He is a member of the ACBL and WBF Laws Commissions and former Co-Chairman of the ACBL National Appeals Committee.

**Barry Rigal**, 43, was born in London, England. He currently resides in New York City with his wife, Sue Picus. A bridge writer and analyst, he contributes to many periodicals worldwide and is the author of the book, *Precision in the Nineties*. He enjoys theater, music, arts, and travel. Barry is also an outstanding Vugraph commentator, demonstrating an extensive knowledge of 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 and winning the Common Market Mixed Teams in 1987 and the Gold Cup in 1991.

**David Stevenson**, 54, was born in Kumasi, Gold Coast. He currently resides in Liverpool, England with his wife Elizabeth and his two cats, Quango and Nanki Poo. His hobbies include anything to do with cats and trains. David has won many titles as a player, including Great Britain's premier pairs event, the EBU Grand Masters, twice. He was the Chief Tournament Director of the Welsh Bridge Union, is active internationally as a Tournament Director, and serves on the WBF Appeals Committee.

**Dave Treadwell**, 89, was born in Belleville, NJ, and currently resides in Wilmington, DE. He is a retired Chemical Engineer, a graduate of MIT, and was employed by DuPont for more than 40 years where he was involved in the 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.

**Bobby Wolff**, 69, was born in San Antonio and is a graduate of Trinity U. He currently resides in Fort Worth. 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 great players and has won ten World Titles and numerous National Championships including four straight Spingolds (1993-96). He served as ACBL president in 1987 and WBF president from 1992-1994. He has served as tournament recorder at NABCs and is the author of the ACBL active ethics program. Among his pet projects are eliminating both Convention Disruption (CD) and Hesitation Disruption (HD).

CASE ONE

**Subject (Tempo):** A Nudge In The Right Direction?

**Event:** NABC Open Pairs I, 16 Mar 01, First Qualifying Session

|   |               |             |              |
|---|---------------|-------------|--------------|
| Bd: 12  | Zeke Jabbour  |             |              |
| Dlr: West   | ♠ Q           |             |              |
| Vul: N/S  | ♥ J9852       |             |              |
|   | ♦ K9653       |             |              |
|   | ♣ K6          |             |              |
| Bill Pollack  | Mark Feldman  |             |              |
| ♠ K8  | ♠ J643        |             |              |
| ♥ 10763   | ♥ Q4          |             |              |
| ♦ 1074  | ♦ 82          |             |              |
| ♣ QJ92  | ♣ 87543       |             |              |
|   | Don Rumelhart |             |              |
|   | ♠ A109752     |             |              |
|   | ♥ AK          |             |              |
|   | ♦ AQJ         |             |              |
|   | ♣ A10         |             |              |
| <b>West</b>   | <b>North</b>  | <b>East</b> | <b>South</b> |
| Pass  | Pass          | Pass        | 2♣           |
| Pass  | 2♦(1)         | Pass        | 2♠           |
| Pass  | 3♥            | Pass        | 4♥(2)        |
| Pass  | 4NT           | Pass        | 6♥           |
| All Pass  |               |             |              |
| (1) Alerted; no questions asked; showed an ace, a king or three queens (2♥ would have denied as much) |               |             |              |
| (2) Break in tempo  |               |             |              |

**The Facts:** 6♥ made six, +1430 for N/S. The opening lead was the ♦8. The Director was called when play ended. E/W said there had been a break in tempo before the 4♥ bid. When asked, South agreed to the break. The Director ruled that the hesitation had suggested further action and that pass was a LA. The contract was changed to 4♥ made six, +680 for N/S.

**The Appeal:** N/S appealed the Director's ruling and were the only players to attend the hearing. South had taken about 5-6 seconds to bid 4♥. Since North held 6 HCP more than he had shown, including second-round control of both unbid suits and the ♠Q (the strong 2♣ opener's primary suit), he considered it automatic to continue over 4♥. According to N/S's agreement, the initial 2♦ response showed at least a king or three queens and forced to game. 2♥ would have been negative, 2NT balanced and 3♦ or 3♥ promised at least two of the top three honors. South bid 6♥ over 4NT because he did not want to risk the possibility of

North passing a 5♥ response, which would have shown two or five keycards.

**The Committee Decision:** The Committee was divided as to whether South's taking 5-6 seconds to bid over 3♥ constituted a break in tempo for this auction. South could not be expected to plan his third bid over all likely responses to 2♣. Nearly every hand containing the great strength for a 2♣ opening is likely to need a few seconds more than the "normal" 2-3 seconds before making what might be the last bid in the auction. However, even if it was accepted that South had broken tempo before bidding 4♥, the hesitation did not demonstrably suggest that North bid on. South would often be thinking about what strain to suggest. 3♠ and 3NT would have been very common alternatives to South's choice of 4♥. On this actual hand, South was considering whether to bid 3NT. The Committee agreed with N/S that the North hand contained substantial undisclosed values and that passing 4♥ was not a LA. The Committee restored the table result of 6♥ made six, +1430 for N/S.

**DIC of Event:** Henry Cukoff

**Committee:** Doug Doub (chair), Karen Allison, Martin Caley, Bob Gookin, Ed Lazarus

**Directors' Ruling: 67.0**

**Committee's Decision: 80.7**

The Committee was doing fine until the next-to-last sentence. Certainly, for all of the reasons stated, South's 5-6 seconds before bidding 4♥, even if it was considered a break in tempo (I would not consider it as such here and suggest that those who do consider how they're making the game unplayable), does not demonstrably suggest further action by North. 4♥ could easily have been a lesser-of-evils call (3♠ and 3NT being the obvious alternatives) with South having no more than game aspirations. (To see this, consider how you would have dealt with a similar case in which North simply corrected 4♥ to 4♠ and found South with ♠AKxxxx ♥AQ Ax AJx, East with ♥K10xx, and the missing spades splitting three-three.) While it is certainly possible that South was considering bigger and better things, the hesitation did not *demonstrably* suggest it. I agree with the decision to allow the table result to stand.

As for the Committee's assertion that North's 3 extra HCP (his second king) constituted such substantial undisclosed values that passing 4♥ was not a LA, I beg to differ (although I am in a distinct minority among the panelists here). Give South ♠AKxxxx ♥AK ♦Axx Ax and there would be *at least* two losers (a diamond and a heart) making even the five level not entirely safe. So pass was surely possible.

As for the Directors, they seem to have bought into the "if it hesitates, shoot it" or "always rule against the offenders" mentality. When a break in tempo is unclear, when it's doubtful (even if there was one) that it demonstrably suggests partner's action, and when it's also possible that partner's extra values indicate bidding on anyhow, the table result should not be changed.

All of the panelists agree with the Committee's final decision, but there is a considerable difference of opinion as to which stage(s) in their chain of reasoning provide the most compelling argument against adjusting the score and, even more interestingly, which are in error. The first group thinks the primary fault is not finding that 5-6 seconds in this auction does not constitute a break in tempo. Let's begin with a nice presentation of the decisions Committees should make in this type of case.

**L. Cohen:** "There were three issues involved: (1) Was there a tempo break by South? (2) If so, did that tempo break suggest one action over another? (3) If so, was pass a LA for North?"

"I hate to be picky (well, I suppose that's my job), but once the Committee determined that 5-6 seconds was not a tempo break, that should have been the end. A 'No' to question (1), makes questions (2) and (3) irrelevant. Suppose you were trying to determine: 'Did Joe commit that murder in Kansas City on the afternoon of Feb. 22?' It turns out that Joe was in Tokyo at that time. Do we also need to know about Joe's motive and the murder weapon?"

"Here, I agree that 5-6 seconds in such an auction is appropriate (Joe was in Tokyo—case closed). In fact, if South had bid 4♥ in 2 seconds and then North respected the sign-off with a marginal invite, I might have forced him to invite. Maybe the Committee wasn't completely comfortable with their decision about (1), so to convince themselves to allow +1430, they also decided in favor of N/S on issues (2) and (3). I'm not sure I agree on (2) and (3), but after saying 'No' to (1), why waste any more brain power or ink?"

I don't believe the Committee decided there was no break in tempo (although the only comment presented argues that there wasn't). The write-up says they were divided on this issue and so they seem to have gone on to the next question, that of "demonstrably suggests."

**Brissman:** "The Committee finally arrived at the right conclusion, but it wandered over all the branches of the decision tree before examining its trunk. If the hesitation did not suggest that one action was more likely to be successful than another, the Committee needn't apply the LA test. Once North is not constrained in his choices

of actions, he may make whatever call he wishes.”

**Treadwell:** “A relatively easy and correct decision by the Committee. Too bad the Director did not rule the same way. It would have been an automatic AWMW for E/W had they appealed it. Frankly, I would have been ashamed even to have called for the Director for this alleged hesitation.”

✍ The next group of panelists finds the most compelling argument that the break in tempo, even if it did exist, did not demonstrably suggest bidding on.

**Polisner:** “I completely agree with the Committee’s analysis. A 5-6 second ‘huddle’ to bid at this level is minimum without conveying UI. Certainly any undue tempo would not convey UI as it would not point in the direction of a suggestion to bid on: it could certainly have been a thought of bidding 3♠ or 3NT (my choice) or even a second suit. Calling the Director at the end of play smacks of a two-bite-at-the-apple approach. If the hesitation was unmistakable, calling at the time or reserving rights seems best.”

✍ Reserving one’s rights is against ACBL regulations. The final page in the Law Book says the ACBL Board of Directors elected, regarding Law 16A1, “At ACBL sanctioned events, competitors will not be allowed to announce that they reserve the right to summon the Director later.”

**Rigal:** “I like the decision by the Director and Committee here, although the Director might have followed the reasoning of the Committee. I think in cases of doubt it is right for the Director to rule as he did.

“I would have liked the Committee to let us know whether 2♠ would have been natural or another form of control response. However, the only thing that North can infer from the break in tempo that occurred—if there was one—was that hearts might not be the right trump suit. Since North never tried to offer diamonds which, as it turns out, was a far better trump suit he certainly was not trying to draw UI. So given North’s real extras, his decision to bid on even in the face of a tempo break can hardly be questioned.”

**Wolff:** “Excellent decision and for the right reason: there are some auctions where studies can mean a wide variety of possibilities and only a very prompt bid could convey UI. Why did this Director rule as he did? Maybe he is following a former WBF principle of automatically ruling against a possible offender, but if he isn’t, he obviously needs education.”

✍ The final group of panelists see no LA to bidding on with the North hand.

**Bramley:** “I agree with the decision, but the logic leading to it was not tight. I do agree that 5-6 seconds does *not* constitute a break in tempo in this auction. If the Committee had been unanimous on this point, their work would have been over. I disagree with the Committee’s contention that a break in tempo would not demonstrably suggest bidding on. Yes, on *this* hand South might have been considering bidding 3♠ or 3NT, but on many other hands (a majority of all hands with which he would huddle) South would have been considering level, not strain. Therefore, the discussion of LA’s was relevant. Here, I agree strongly that North, with considerable extra values, had no LA to bidding over 4♥. The Committee seems to have been unanimous only in that each of them bought into at least one of the three keys: no tempo break, no demonstrable suggestion, or no LA.

“Had the Director focused harder on the LA issue he might have upheld the table result, but his ruling was acceptable.”

**R. Cohen:** “Was there an unmistakable hesitation? Well at least there was a break in tempo. Was there UI? Perhaps. Was pass a LA in lieu of 4NT? Never. The

Director must have been looking for an appeal when the ruling was determined. Why was attention only called to the ‘slow’ bid at the conclusion of play? The Committee was right on.”

**Endicott:** “This is not a liberated Director. To be fair I am uncertain whether (s)he labors under ACBL restraints or whether it is the Director who perceives restraints that do not exist. Judged against European expectations, a rating of 3 on a 10-point scale would be generous.

“The Committee makes several interesting and valid points. But the only one that matters to this decision is that when South raises hearts North does not know the raise is on ♥AK doubleton only, nor that the ♠Q is not quite so pregnant as she looks; there can be no thought whatsoever of passing a hand that has grown to giant size.”

**Stevenson:** “Pass was not a LA according to the Committee, but they had also said the UI did not suggest going on anyway. Either reason was enough to grant the appeal. It is interesting that the Directors disagreed with both, but I believe the Committee was right.”

**Gerard:** “Abuse of process by E/W. One of them should have convinced the other not to call for the Director after seeing North’s hand or after figuring out what happens to the West hand after a spade lead against North’s 6NT. I suppose sentences could be constructed containing the subject pot and the object kettle, but they would miss the point. Why should it be without risk to hope that the Directing staff doesn’t have any bridge judgment?

“As a purely gratuitous comment, South’s solution to this version of the 0-or-3 signoff problem deserves an Active Ethics boo. Correct technique is to bid a prompt 5♥. On the actual auction, imagine the corresponding huddle if North’s queen were in hearts.”

✍ I think this last group of panelists was unduly influenced in their judgment of LA by their knowledge of the whole deal. While North’s extra values (a king and the queen of South’s suit) are certainly seductive, when South may hold a hand like the one in my second example surely pass must be a LA.

Whatever your own judgment on each of the questions (as stated by Larry), if *any* of them is answered in the negative then the process is over and the table result stands. My own judgment is that (1) and (2) should be answered “No” but that (3), if you get that far, should be answered “Yes.”

With such an overwhelming array of opinions that the answer to at least one of the questions is “No” one wonders if the Directors are using a different standard for their decisions: Perhaps they are operating under the rule that: “If there is even a remote chance that the answer to one of the three questions is “Yes,” then we answer it “Yes.” In other words, the Directors must be virtually certain that an answer is “No” before they allow the table result to stand. If the opinions of those panelists (Jeff, Ralph and Grattan) who sit on various Laws bodies are any indication, the standard the Directors are using is set too high. Thus, we recommend: Directors, take note.

## CASE TWO

**Subject (Tempo):** The Overriding Quest For Game

**Event:** Vanderbilt KO Teams, 19 Mar 00, Round of 64, Fourth Segment

|                                 |                 |                 |              |
|---------------------------------|-----------------|-----------------|--------------|
| Bd: 2                           | John Sutherland |                 |              |
| Dlr: East                       | ♠ A1082         |                 |              |
| Vul: N/S                        | ♥ AKJ6          |                 |              |
|                                 | ♦ J             |                 |              |
|                                 | ♣ KJ73          |                 |              |
| Daisy Goecker                   | David Better    |                 |              |
| ♠ Q63                           | ♠ KJ74          |                 |              |
| ♥ 103                           | ♥ Q9754         |                 |              |
| ♦ KQ7                           | ♦ 1052          |                 |              |
| ♣ A10542                        | ♣ 6             |                 |              |
|                                 | Ron Gerard      |                 |              |
|                                 | ♠ 95            |                 |              |
|                                 | ♥ 82            |                 |              |
|                                 | ♦ A98643        |                 |              |
|                                 | ♣ Q98           |                 |              |
| <b>West</b>                     | <b>North</b>    | <b>East</b>     | <b>South</b> |
|                                 |                 | Pass            | Pass         |
| 1♣                              | Dbl             | 1♥              | 2♦           |
| Pass                            | 2NT             | Pass            | 3♦(1)        |
| Pass                            | 3NT             | All Pass        |              |
| (1) Break in tempo              |                 |                 |              |
| <hr/>                           |                 |                 |              |
| <b>The Play (East on lead):</b> |                 |                 |              |
| <b>Trick</b>                    | 1               | ♠4, ♠5, ♠Q, ♠A  |              |
|                                 | 2               | ♣K, ♣6, ♣8, ♣2  |              |
|                                 | 3               | ♣3, ♥4, ♣Q, ♣A  |              |
|                                 | 4               | ♠6, ♠2, ♠J, ♠9  |              |
|                                 | 5               | ♥5, ♥2, ♥10, ♥J |              |
|                                 | 6               | ♠10, ♠K, ♦3, ♠3 |              |
|                                 | 7               | ♦2, ♦A, ♦7, ♦J  |              |

**The Facts:** 3NT made three, +600 for N/S. The Director was called when North bid 3NT. There was an agreed break in tempo (1 minute) before the 3♦ bid. The Director ruled that pass was a LA for North and changed the contract to 3♦ made three, +110 for N/S.

**The Appeal:** N/S appealed the Director's ruling. The E/W captain (Michael Diesel) also attended the hearing. At the table, North believed that with his multiple stoppers in the opponents' suits, 3NT would offer sufficient play relative to the chances of making 3♦ to justify trying for the game bonus. N/S argued that E/W had ample opportunity to achieve a good result against 3NT and that they earned their -600 through poor defense (see the diagram). E/W believed that South's slow 3♦ bid suggested North's 3NT bid and that passing 3♦ was a LA. Regarding his defense, East thought it was very unlucky that North had all three of the missing high hearts, resulting in his heart shift at trick five costing a trick. He said that he considered his defense carefully, though perhaps not optimally, and believed that declarer could always make nine tricks after winning the

♥J by virtue of an end position against West. N/S played a Multi 2♦ opening so South could have held a normal weak two-bid in diamonds. A double of 2♦ by West would not have been a support double, so East did not know that his partner had fewer than three hearts.

**The Committee Decision:** An in-tempo 3♦ bid by South would have shown minimum values for his previous 2♦ bid, and a hand unsuitable for notrump (perhaps as little as the actual South hand without the ♣Q). South's break in tempo suggested that his hand would be more suitable for notrump than North would normally expect, thus suggesting North's 3NT bid. North had already shown his values with his previous calls and could not reasonably hope to take nine tricks

opposite a weak hand with long diamonds. As a pass by North was deemed to be a LA to 3NT, that bid was imposed on him. E/W had the chance to get a good score against 3NT with better defense. In particular, even after the heart shift at trick five East should have continued with the ♥9 at trick seven, after which the defense could prevail as long as West was careful to unblock her diamond honors. However, the non-offending side was not required to play error-free bridge in order to receive protection. Errors are often a part of "normal" play. The laws define normal play to include "play that would be careless or inferior, but not irrational, for the class of player involved" (footnote to Laws 69, 70 and 71). Although E/W's defense was clearly inferior, it was not found to be irrational for them. Therefore, E/W were assigned the most favorable result that was likely in 3♦. After a heart lead West would have had at least two chances to shift to spades to defeat the contract. The Committee changed the contract to 3♦ down one, +100 for E/W.

**DIC of Event:** Henry Cukoff

**Committee:** Martin Caley (chair), Doug Doub (scribe), Paul Soloway, Steve Weinstein, Kit Woolsey

**Directors' Ruling: 80.3**

**Committee's Decision: 93.3**

N/S argued two points. First, North's 3NT bid should be allowed since it was sound bridge judgment that nine tricks in notrump figured to be at least as easy as nine tricks in diamonds. Second, and the point on which N/S placed the most emphasis, is that even if the score is adjusted for N/S, E/W earned their poor result with their defense of 3NT, which should have been beaten quite easily. Thus, even if N/S are assigned -100 in 3♦ down one, E/W should be assigned -600 for 3NT making (Law 12C2). Before the rest of the panelists and I have our say, let's hear from one of the culprits...er, losers...in this affair.

**Gerard:** "The play's the thing, so I have two thoughts.

"(1) If you report back with -600 on this hand, you know they were out of the good silverware. Discussions in and out of the Committee room made it clear that the Committee had been advised that they could not adjust E/W's score unless they had committed 'egregious' errors, unless they had basically 'lost their [bleeping] minds,' as one member put it. Funny, but in doing some research for one of my columns I came across the following from the discussion of Philadelphia CASE ONE:

"This raises the question of how serious an 'error' by the non-offenders is needed to break the chain of causality between an infraction and subsequent damage. The ACBL holds non-offenders responsible for continuing to play 'reasonable' bridge subsequent to an infraction (given their level of competence) in order to preserve their right to redress. Even a 'silly' or 'stupid' error by the player(s) involved could cause them to be held responsible for their own poor result. In Europe...the burden is far less severe for non-offenders. The tendency there is that only a truly 'outrageous' error (a 'wild gamble,' or an attempt to gain from a so-called 'double shot') would deny the non-offenders protection, but not merely a 'silly or stupid' error resulting from a losing bridge decision...."

"Now you tell me whether East's low heart discard, West's spade return, East's heart instead of a diamond and diamond instead of a heart were 'silly or stupid' errors. Or whether it would merely have been 'careless' for West not to unblock her diamond honors. And please also explain how the Committee was told something that appears not to be ACBL policy.

"(2) Given E/W's performance in real life, how hard is it to visualize them letting 3♦ slip through?"

Well, that just shows how little you can trust second-hand information about the Committee's deliberations. Since I was there and was asked by the Committee what standards are to be applied to non-offenders (as far as keeping the table result) in

cases of this sort, let me place what I told them on record. I told them that players are required to continue to play reasonable bridge (for the class of player involved); that basically it takes an “egregious” action by a non-offender to sever the causal link between the infraction and the damage. I also pointed out that the footnote in Laws 69, 70 and 71 provides a standard (“careless or inferior, but not irrational, for the class of player involved”) which is similar to the “egregious” standard and to the one Edgar Kaplan recommended in his *Appeals Committee* series. For those not familiar with that series, here is what Edgar wrote:

“the [*non-offenders*] error must be ‘flagrant’—absurd, abnormal—before it snaps the direct connection between infraction and damage. The innocent side is not required to play perfectly in order to deserve redress.”  
(*Appeals Committee, III*, in *The Bridge World*, December, 1981.)

Whether the standard is “flagrant,” “careless or inferior but not irrational” “egregious,” or “continue to play reasonable bridge,” the overriding idea is that we require players to play normal bridge even after an opponent’s infraction. For many (most?) players, normal play includes that which is at times inferior. For example, playing for a three-three split rather than a finesse may be an inferior line, but for a certain class of player it is certainly not egregious. Such errors should not be used to deny such players redress. Only an error which is truly egregious should sever the connection. Of course this standard would be more applied more stringently when dealing with a top expert than an average player.

The Committee used this standard, as the write-up clearly indicates. There is no double standard as Ron believes. The key is deciding what is “reasonable” for the class of player involved. The Committee agonized long and hard over this and decided East’s defense fell somewhat short (just barely) of egregious enough to deny E/W redress. While other Committees might have judged differently, here they gave the non-offenders considerable leeway—too much leeway, in my opinion! So surprise, I agree with Ron that a two-way score adjustment (–100 for N/S and –600 for E/W) would have been a better decision.

The Committee’s decision got support from some heavy hitters on our panel.

**Bramley:** “Good work on a case with many angles. The easiest part was to cancel the 3NT bid. Here the break in tempo was indisputable, it demonstrably suggested bidding on, and pass was a LA for North. The play analysis, both for 3NT and for 3♦, was more difficult. I agree that the defense to 3NT, while poor, was not irrational. At no point could either defender ‘claim’ five tricks for their side, nor did they discard badly. Rather, an accumulation of inferior defensive plays allowed the contract to make. The ‘class of player involved’ was not as significant as some have suggested; I would have found this defense irrational for only a very small group of players.

“Defeating 3♦ is not quite as routine as the Committee suggests. The defenders must get their spade trick *and* an extra trump trick. To hypothesize such a rational defense for E/W goes against the grain, but since defeating 3♦ is *one* of the likely results in that contract, even if not the *most* likely, then it must be the assigned result.”

**L. Cohen:** “Well-reasoned and well-written. The only thing I’m not completely sure about is that E/W should be entitled to beat 3♦. The correct defense to beat 3♦ isn’t necessarily any easier than the misdefense that let 3NT make. But, the laws say that E/W get the most favorable result that was likely, so +100 it is.

“This was a close Round of 64 match. Because this was in the fourth and final segment, we can be confident that –100 (as opposed to +110) in 3♦ did not swing the match; otherwise, N/S wouldn’t have gone to Committee. A ruling of +600 would have allowed N/S to win. But, what if this were in the afternoon? Would the appeal have been heard at the dinner break? If so, this ruling would have cost N/S by sending them –100 instead of +110. Say they went on to lose by 1 imp. Then because the appeal was heard at the dinner break it would have cost N/S the match. By getting to wait and see the final score, there was no danger in N/S deciding to

appeal: so what if their +110 was converted to –100 and they lost by 7imps instead of by 2?

✍ Yes, no matter when you hear an appeal, the circumstances may be such that another time would have been better. At least the scenario Larry describes requires several conditions to all occur conjointly, making it a fairly unlikely occurrence. However, nothing is perfect.

More support for the Committee’s decision...

**R. Cohen:** “Was there an unmistakable hesitation? Most definitely. Was there UI? Probably. South might have been thinking of ‘pass.’ Was 3NT suggested by the tempo? Yes. Was there a LA? Yes—pass. The Committee was right on. The Director made a very shallow analysis of the defense to 3♦.”

**Endicott:** “I am surprised this came to appeal. To have any kind of case North needs a significantly better diamond fit. Once more I go on record saying that however strong, knowledgeable and highly ethical players may be, they are commonly partisan in judging the application of law to their own situations.”

**Polisner:** “I agree with the Committee’s decision except that the analysis of the defense of 3♦ is hardly clear, as it is necessary to obtain a club ruff in addition to establishing a spade trick before it goes away on the fourth club.”

**Treadwell:** “I think the Committee was correct in not allowing the 3NT call by North—although it is a close call. However, giving E/W credit for the not so easy defense to set 3♦ is going a bit far. I would have given a result of NS +110 to both sides.”

✍ The defense to 3♦ may not be as difficult as the previous two panelists suggest. West gets off to the normal heart lead (after all, East bid them). Declarer rises with the ace and plays ♦A and another diamond. West, in with the ♦Q, can lead anything except her third diamond; East may even be able to help a bit with his order of play in trumps. Regardless, the play of either major will prevent declarer from getting to his hand to play a third trump until either East gets a club ruff or West gets a heart overruff (at which point a spade shift will be obvious). So E/W will often take three trumps, one club and one spade for down one.

**Rigal:** “Clear-cut Director ruling back to 3♦. Mildly surprising that the Committee adjustment to 3♦ down one as opposed to 3♦ making was not imposed on the offenders by the Director. The question of what constitutes consequent or subsequent damage is a tough one. The view espoused by Rosenberg, that anything short of a revoke does not break the chain, may be slightly too aggressive but I think most Committees fail to appreciate the extra stress that calling the Director imposes on the non-offenders. It is often hard to play bridge coolly when there are Director calls. The defense here did not seem out of line with the player’s abilities, in context. Vanderbilt or not, we should not take too tough a view in these sorts of positions.”

✍ Our next panelist finds North’s actions egregious.

**Stevenson:** “Another case for Law 73C: While North’s bid is a reasonable gamble in the absence of a tempo break, bidding 3NT after South’s pause is unacceptable.”

✍ I have a good deal of sympathy for this view. After all, couldn’t South hold a hand such as ♠xx ♥xx ♦Q1098xxx ♣xx? At this vulnerability, he wouldn’t risk a jump to 3♦ at his second turn, especially if North might take it as constructive and maybe not even if he correctly took it as preemptive. With that hand South could easily score +110 in 3♦ (it requires little more than the ♠A onside) when even with



a favorable club lead North would be scrambling for the smallest minus in 3NT. Our final panelist agrees with Ron and I that East's defense was poor enough to forfeit his side's right to redress. Unfortunately, he also thinks that N/S should be allowed to keep the table result, a view that's at odds with everyone else at this point—even Ron I suspect! Well, one out of two ain't bad.

**Wolff:** "First of all, because the defense is so poor E/W richly deserve -600 vs. 3NT for not switching to a diamond at trick five (the hand should be an easy readout at trick three) and, after incorrectly switching to a heart at trick five, not continuing with a high heart at trick seven to knock out declarer's entry to his hand. Regarding N/S, perhaps South's hesitation was fueled by a total yorborough and a bad six-card suit, and he was considering passing 2NT before the doubling started. It is also true that North might have thought that notrump (with all of his stoppers) might take as many or more tricks than would a diamond contract.

"A suggested caveat emanating from this hand: It is not unreasonable to expect anyone entering the Vanderbilt to be expected to adhere to so-called expert treatment and not benefit in a ruling from being thought poor players.

"What this Committee seems to be saying is, 'after partner bids an out-of-tempo 3♦ partner must pass, otherwise they will get the worst of any result obtained after bidding.' To me I would rather decide how egregious (if any) the UI is and rule accordingly. How about: (1) When it is close to allowing a questionable bid after a hesitation, the opponents' adjustment may be judged on their bidding and defense, and if found to be woeful or inadequate, may be denied a score adjustment. (2) To grade possible offenses after a hesitation: Grade 1—an offense, but close to being allowed. Grade 2—typical UI case of probably taking advantage. Grade 3—blatant. Suggested penalties: Grade 1—tend to rule either some or all of it back or, if allowed, a tempered result. Grade 2—rule it back with no procedural penalty. Grade 3—worst possible result and often a PP on top. In this case I would decide Grade 1 and allow +600 N/S for both sides with a 2-imp PP to N/S to remind them that it is best to bid in tempo and if they don't, they will be judged. 'Let the punishment fit the crime, let the punishment fit the crime, tra-la tra-la.'"

Let's look at that defense for a moment. In real life E/W are pretty down-the-middle bidders—if anything slightly conservative—but assume West would open light in third seat. North's auction suggests about 19-20 HCP, leaving West with only about 8-9—a bit under-valued even for E/W. We might shave a point or two off North's values if he has a diamond fit, hoping for a long suit in dummy to run. Thus, the point totals for North and West are roughly what you'd expect.

East reasonably led a spade (after all, West didn't support hearts), revealing the honors there, and North attacked clubs, revealing the high cards in that suit. West's ♠6 return revealed the futility in that suit, so if North is slightly under-valued he figures to have at least one high diamond honor and West a heart honor. But why didn't West shift to hearts instead of continuing spades (she should have at least two hearts or North, with a five-card suit, might have overcalled 1♥ rather than double)? Thus, West is unlikely to hold a heart honor and North figures to have all three. So East's heart shift at trick five is likely inferior but probably not irrational.

Next, when North won the ♥J and drove out East's last spade honor East knew West had to have at least two of the missing diamond honors, including the king. But looking deeper into the position, North must have four clubs for his club attack at trick two (West failed to continue clubs after winning the ace at trick three). On a diamond shift North will win dummy's ace and unblock the clubs by finessing while he still has a heart entry to his hand. (If North has the ♣10 and can overtake there is no defense.) Thus, the only hope is the actual holding, in which case a heart return is needed to remove North's entry while the clubs are still blocked. So East's failure to play a heart at trick seven is flagrant enough for a competent defender, in Ron's, Wolffe's and my opinions, to break the link and forfeit the right to redress.

### CASE THREE

**Subject (Tempo):** She Who Hesitates...  
**Event:** Stratified Open Pairs, 20 Mar 01, First Session

|             |              |             |              |
|-------------|--------------|-------------|--------------|
| Bd: 19      | ♠ QJ85       |             |              |
| Dlr: South  | ♥ KQ843      |             |              |
| Vul: E/W    | ♦ A7         |             |              |
|             | ♣ K4         |             |              |
| ♠ A6        |              | ♠ 9742      |              |
| ♥ AJ962     |              | ♥ 5         |              |
| ♦ J54       |              | ♦ KQ63      |              |
| ♣ QJ9       |              | ♣ A872      |              |
|             | ♠ K103       |             |              |
|             | ♥ 107        |             |              |
|             | ♦ 10982      |             |              |
|             | ♣ 10653      |             |              |
| <b>West</b> | <b>North</b> | <b>East</b> | <b>South</b> |
| 1♥          | Pass         | 1♠          | Pass         |
| 1NT         | All Pass     |             |              |

**The Facts:** 1NT made one, +90 for E/W. The Director was called at the end of the play, which had gone as follows: ♠5, 2, K (after a break in tempo), A; diamond to the king; club to the queen and king; ♠Q, 4, 3 (after a break in tempo), 6; ♠8, 9, 10. The Director ruled that a club shift at trick five was not a LA and allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. The players could not estimate the lengths of the breaks in tempo. All agreed that South broke tempo at trick one after declarer had played quickly. E/W thought South's break in tempo at trick four was longer. N/S said it was about the same as at trick one and that South always played slowly.

E/W believed the second break in tempo made the location of the ♠10 clear and without it North (who had about 300 masterpoints) might have switched to a club, since declarer's play in that suit suggested that South might have the jack. It was agreed by everyone that North took a long time at trick five. She was deciding which spade, the jack or the eight, to play. She finally realized that even if West had the ♠10, her jack would win dummy's nine and that playing her low spade would not give anything away. South reiterated that her tempo at trick five had been no different than at trick one.

**The Panel Decision:** Three Flight C players were consulted. One switched immediately to a small heart after winning the ♣K, a second cashed the ♠Q, then switched to the ♥K, and a third played the ♠Q, then a small spade, but thought about the ♥K. The Flight B player consulted cashed the ♠Q, then switched to the ♥K. Two expert players were consulted. Both cashed the ♠Q and then led a low spade. Each thought that if an ethical constraint existed a club switch was logical. The Panel decided that an unmistakable hesitation had occurred at trick four and that the spade continuation at trick five was demonstrably suggested by the break in tempo. Based on the statements of the Flight B and C players, a switch at trick five was considered a LA. Best defense after the ♥K switch might well have held declarer to seven tricks, but several variations led to eight tricks, particularly a small heart instead of the ♥K or a small heart exit after winning the ♦A. The Panel changed the contract to 1NT made two, +120 for E/W (Law 12C2).

**DIC of Event:** Rick Beyce  
**Panel:** Gary Zeiger (Reviewer), Mike Flader, Charlie MacCracken  
**Players consulted:** One Flight B and three Flight C players, Drew Casen, Dan Morse

**Directors' Ruling: 59.3**      **Panel's Decision: 84.3**

✍ The Panel covered most of the bases rather nicely. South's hesitation before playing low on the ♠Q at trick four (her hesitation at trick one was *not* a problem), while egregious for a Flight A player; was just bad form for a Flight B/C player (N/S had 330 and 1040 masterpoints) and clearly made the ♠8 play more attractive. The consultants confirmed that LAs were available and the Panel accurately chose the most unfavorable for the assigned score. For those responsible for the table ruling, education is indicated. Hopefully management will provide it.

Most of the panelists were on top of this one.

**Polisner:** "Excellent work by the Panel. The trick one 'hesitation' is irrelevant as we expect or desire third hand to think about the whole hand at this point; however, the hesitation at trick four does convey UI and there are LAs to the low spade."

**Rigal:** "Awful Director ruling. How could the floor staff come to such an absurd assumption when declarer followed a line that strongly suggests he did not possess the ♣J? Particularly given South's offense here, I am very surprised at the ruling."

"The Panel did a good job of canvassing the right level of people and drawing the right inferences. On a club continuation at trick five, declarer cashes his clubs on which North pitches a heart, leads a low diamond from hand and North wins and might well not underlead his ♠Q. It was certainly open to the Panel to give N/S -120 and E/W +90 but given the doubt about best defense, I think they made the right call here."

**Stevenson:** "This is the Panel method at its best. A simple judgment issue is decided by asking various players. This is becoming the recommended method for Directors in other parts of the world."

**R. Cohen:** "The Director was wrong about the club shift. Perhaps South had the ♣J or ♣109xx. Certainly there was UI from South's tempo at trick four."

**Endicott:** "In the absence of 12C3 I am with the Panel (12C3 would allow of a weighting between +90 and +120 for E/W.)"

✍ 12C3 would have been a useful choice here (for the non-offenders only)—if it were available in the ACBL. (Is anyone from the Laws Commission listening?) The next panelist demonstrates in greater detail why this is so.

**Bramley:** "South, who had no real alternative play on the second spade, made an extremely bad hesitation. Its primary effect was to convey information to partner. Therefore, N/S get the worst of it, which is -120, a plausible, albeit unlikely, result. However, I make that result unlikely enough not to reciprocate it. Only the immediate low heart shift allows a straightforward road to eight tricks. Even a club shift does not help as declarer cannot enjoy all of his minor-suit winners. Therefore, since seven tricks is by far the most likely result I would assign E/W +90."

"The Director's ruling was poor. A club shift is surely a LA, even though it does not lead to eight easy tricks. But the huddle was so bad, and the play analysis is so complex, that the Director clearly should have ruled against N/S."

"The Panel did not discuss a PP against N/S but I suspect some commentators will. Yes, South's huddle was awful but *North's* play is the one to consider. Since her play is the one that many analysts would make in a vacuum, it cannot be considered a gross violation. Therefore, no PP."

✍ In Flight B/C it is best to avoid punitive actions in favor of education. Given North's logical defense of her trick-five action, I agree with Bart that no PP was appropriate.

**L. Cohen:** "Good conclusion because North was a B/C player, and apparently her

peers would not have found the right play at trick five. If North was an 'expert' I think we could allow the low spade play. But, back to my picky self, I was bothered by some minutia in the write-up that I'd like to see fixed in the future (that is the purpose of these casebooks, right?).

"In the Facts it says, 'Director ruled that a club shift at trick five was not a LA.' Is a club shift the only LA? Why not a heart shift? What about the (bad) play of the ♣J? It should be 'Director ruled that any play other than a low spade at trick five was not a LA.' In The Appeal it says, 'The players could not estimate the lengths of the breaks in tempo.' Huh? Why not? At the very least, they could have said, 'at least 10 seconds, not sure.'"

"Anyway, my take is that there were significant tempo breaks and a Flight C player (is that 300 masterpoints?) is not entitled to go right here."

✍ Even an expert might switch to a club or a heart at trick five (though the ♠Q is surely not at all probable) so I'm not sure I agree that we should do anything any differently for an expert. I like the Panel's reciprocal 120s here. North could easily shift to a club after declarer's play in that suit, after which eight tricks are easy. As we already pointed out, the Directing staff was not at their best and the explanation of the table ruling on the appeals form appeared to accurately reflect the thinking behind the ruling. Our policy is to "clean up" poor grammar, punctuation, awkward expressions, etc., but not to correct what appears to be an accurate expression of deficient thinking (lest the didactic value of these casebooks be lost).

As for the players' inability to judge the lengths of the hesitations, does it really matter? Everyone agreed that South broke tempo at trick one and at least equaled that break at trick four (but not tricks two and three?). Q.E.D.

The two lost lambs from Anaheim's CASE FOUR are baa-ack!

**Treadwell:** "Although the hesitation might have suggested that South had the ♠10, it seems to me North has no other attractive option but another spade. If declarer has this card, the ♠9 can always be set up and North cannot lose her ♣J since she has a certain entry in the ♦A. Switching to clubs, the suit declarer tackled, or to hearts, which declarer had bid, are both unattractive alternatives. Here, I agree with the Director."

✍ Sorry, Dave, but the standard to be applied to North's ♠8 play at trick five is not whether it's attractive but whether there is another play which some number of her peers might make (the other play being a LA). The ♣J, ♥J or ♥10 with South are all possibilities, making a club, the ♥K and a low heart all LAs. So the ♠8 can not be permitted.

The following panelist fell victim to the same fallacious thinking. Remember, the issue is not whether the ♠8 at trick five is reasonable or even attractive. The issue is whether there was a LA for the class of player involved.

**Wolff:** "Difficult to judge (particularly for me) the quality of the players so I'll offer my usual disclaimer. The low spade at trick five seems relatively easy to presume since it looks like (assuming five-card majors) West has three diamonds and three clubs, marking him with a doubleton spade. I would award the table result with a 1-matchpoint penalty to N/S for Grade 1 UI on defense. It is hard to accept an often made statement 'my partner is a slow player'. Don't we all wish we could use that excuse at an appropriate time? Please remember my disclaimer!"

✍ As usual, there's one joker in the pack.

**Gerard:** "Whassa matter, weren't they playing Smith?"

✍ Probably Smith *and* Jones—under aliases.

## CASE FOUR

**Subject (Tempo):** We Play Them, We Just Don't Alert Them

**Event:** NABC Mixed Pairs, 21 Mar 01, First Final Session

|                    |                    |             |              |
|--------------------|--------------------|-------------|--------------|
| Bd: 24             | Jacqueline Sincoff |             |              |
| Dlr: West          | ♠ 9862             |             |              |
| Vul: None          | ♥ J6               |             |              |
|                    | ♦ AQ3              |             |              |
|                    | ♣ AJ52             |             |              |
| Simon Kantor       | Kamla Chawla       |             |              |
| ♠ A75              | ♠ J4               |             |              |
| ♥ AQ9842           | ♥ K1075            |             |              |
| ♦ K94              | ♦ 65               |             |              |
| ♣ 4                | ♣ KQ986            |             |              |
|                    | Roger Lord         |             |              |
|                    | ♠ KQ103            |             |              |
|                    | ♥ 3                |             |              |
|                    | ♦ J10872           |             |              |
|                    | ♣ 1073             |             |              |
| <b>West</b>        | <b>North</b>       | <b>East</b> | <b>South</b> |
| 1♥                 | Pass(1)            | 3♥(2)       | Dbl          |
| 4♥                 | 4♠                 | Pass        | Pass         |
| 5♥                 | Dbl                | All Pass    |              |
| (1) Break in tempo |                    |             |              |
| (2) Limit Raise    |                    |             |              |

**The Facts:** 5♥ doubled went down two, +300 for N/S. The opening lead was the ♠8. The Director was called after the 4♠ bid. North said she was distracted by E/W's discussion of the previous board and the manner in which West had made his opening bid. The break in tempo was estimated by West as 15 seconds, by North as 2 seconds and by South as 5 seconds. The Director ruled that there was UI (Law 16A) and changed the contract to 4♥ down one, +50 for N/S.

**The Appeal:** N/S appealed the Director's ruling and were the only players present at the start of the hearing. N/S presented a witness who affirmed that South's style of bidding with him and other partners was that it was mandatory to act soundly in the direct seat and to double whenever short in trumps in the indirect seat. The convention cards used by South with both the witness and North were examined but no pertinent information relating to style was discovered. At this

point the West player arrived and the witness was excused. South said that he had not noticed any hesitation and that it was mandatory in his partnership that he double in this sequence. North stated that she could not double initially because her hand was not one with which she would have opened the bidding, a requirement for any immediate action. Upon questioning, North admitted that had her spades been Jxxx and her hearts xx she would have doubled. North further stated that she had been completely distracted by the E/W discussion of the previous deal and had to request them to stop and play the current deal. West then slammed down the 1♥ bid card. South was questioned about his three-level double in a live auction opposite a passed hand where slam by the opponents might still be a possibility. South said that their system, not a break in tempo, required the double. He added that if their style had allowed North to double initially he would have bid to 4♠. West, when questioned, stated that he had done something very unusual in that he called for the Director as soon as the double of 3♥ was made because of the "distinct" break in tempo. This difference in the facts initially presented (before West arrived) was not disputed by N/S.

**The Committee Decision:** The Committee decided that there had been a break in tempo which made the double by South more attractive. The system employed by N/S was quite unusual and the double would require an Alert, which was not made. If this system had been in use by the South player with the witness and his current partner as alleged then the fact that it was Alertable should have been known. The Committee therefore decided that the contract would be changed to 4♥. Under Law 12C2, for N/S consideration was given as to whether it was at all probable that 4♥

would be made. A spade lead seemed normal, as did rising with the ♣A at trick two. It was then discussed whether at matchpoints the ♦A might be cashed at this point. Assuming the normal (in-tempo) play of the ♣10 as suit preference it was decided that down one was the at all probable result. For E/W it was decided that down one was also the likely result. The contract was changed for both pairs to 4♥ down one, +50 for N/S. Finally, it was decided that since there had been no Alert the appeal lacked merit: N/S were each assessed an AWMW.

**DIC of Event:** Henry Cukoff

**Committee:** Bob Schwartz (chair), Lowell Andrews, Jim Linhart, Ed Lazarus, Michael White

**Directors' Ruling: 89.3**

**Committee's Decision: 85.7**

✍ First, did the Committee ever address North's claim that E/W's discussion of the previous board distracted her, causing her hesitation? If E/W contributed to the problem, then they might not deserve protection. The decision doesn't even mention this point so I'll assume that it was somehow rendered moot in the hearing.

Next, it is difficult to believe that South has been playing these methods with various partners for any significant length of time and no one has ever questioned the astonishingly light actions which must regularly have been taken in the indirect seat. To compound the problem, none of those actions appear to have ever been Alerted. My reaction to all of this is...

**Brissman:** "Notify the Recorder."

**Polisner:** "Since the fact finders determined that there was an unmistakable hesitation, we must assume that to be the case. As such, South's action was reprehensible and was a violation of Law 73C. I would have wanted to give South a more severe penalty than merely an AWMW. I could have easily been persuaded to decide E/W -50 and N/S -420 under these circumstances."

**Rigal:** "Sensible Director ruling and excellent Committee decision as to the AWMW. We have seen one of the defenders in Committee (admittedly for a variety of highly unusual reasons) too many times I believe. On this occasion the Committee made the right call."

✍ One panelist questions the need to Alert N/S's style of doubles.

**Stevenson:** "The question of whether the N/S actions need an Alert is far from clear, and the AWMW seems very harsh. The Director did not rule on a failure to Alert, and it seems strange for an Committee to decide that it was this important. Regulations are generally in the province of the Director.

"It sounds from the write-up as though the Committee thought N/S were lying, and were prepared to decide on that basis but not to say so. Many pairs would fail to put details of style on their convention cards and fail to Alert. It seems reasonable to decide in E/W's favor but more than that seems too harsh."

✍ Maybe such things are normal over there, but on this side of the Big Pond we require players using very light methods to check a special box on their convention card. In addition, we require pre-Alerts for "systems based on very light...or highly aggressive methods...[including] overcalls with fewer than 6 HCP at the one level." I think ultra-light takeout doubles qualify on that latter count since South admitted it was mandatory to double in this sequence with *any* hand short in the opponents' suit (presumably even a zero count?). As for the AWMW being too harsh...

**R. Cohen:** "South's double was outrageous and should have earned him a PP. He knew better."

**Treadwell:** “Did anyone really believe South’s statement that double was automatic with his hand? The E/W hands are pretty much unlimited and the risk in doubling is great, unless you have UI. Great decision all around.”

**Wolff:** “A good all-around decision.”

**Endicott:** “All of which is very reasonable. The desirability, dear cousin, of disclosing the method on the convention card is something you should consider. Without tangible evidence the assertion of it is hardly to be given credit.”

Several panelists questioned the reasonableness of the Committee’s decision. Though none questioned the contract being changed to 4♥, all questioned the *result* in 4♥, as suggested by Jeff earlier. Let’s look at their arguments.

**Bramley:** “Almost. I think that N/S will mess up the defense often enough, i.e., sometimes, to assign them –420. I completely disagree with the Committee’s characterization of the play of the ♣10 as ‘normal.’ However, I think North should continue spades regardless of South’s club play. (Consult earlier casebooks for some of my previous rantings on the subject of ‘suit preference fever.’) Since down one is by far the most likely result, I would assign E/W –50. The AWMW was exquisite.”

**L. Cohen:** “I agree completely with everything except the decision about 4♥ down one. I think we are giving too much credit to N/S to allow North to (1) lead a spade and (2) hop with the ♣A. Then to allow South to (3) play the ♣10 and North to (4) interpret that as suit preference, not count, and then to allow North to (5) continue spades. Yes, all of these are reasonable and maybe correct plays, but the benefit of the doubt has to go to E/W. So I’d give them +420.

“Maybe I am influenced by the antics of N/S. Give me a break. ‘North was distracted,’ ‘South has to double with his 6-count.’ ‘We always bid like this.’ How about, ‘We’ll say whatever we need to say to win this case?’ Thankfully, the Committee ignored all the...[*rhetoric*].”

My own position is that rolling the contract back to 4♥ is so automatic and N/S’s position, in the absence of Alerts, pre-Alerts or markings on their convention card, so audacious that they deserved their AWMW (but probably not an additional PP). As for the result in 4♥, I think that a spade lead is pretty clear from North but nothing is clear after that. If declarer plays the ♠J at trick one (perhaps he did?) and South covers with the queen, would it be clear where the king is? And while it’s true that North rose immediately with the ♣A against 5♥, is it so clear that she would do the same against 4♥? And even if she did, is it so clear that South would play the ♣10? And if he did, is it so clear that this is suit preference and not count? And if West has the ♠AK and not the ♦K, then N/S must cash their two diamonds before they go away on the ♣KQ. So –420 (North cashes her ♦A) seems right on target. Good call Bart, Larry, Jeff and...

**Gerard:** “Really, the ♣10? And in tempo, yet, from someone who conjured up South’s justification? Couldn’t declarer play the ♠J to trick one? When the defense has to make four out of four precise plays to go right, it’s neither likely nor at all probable that they will. 420s to both sides.

“Potshot: It would be nice if The Facts agreed with the facts.”

Which facts? The facts in The Facts or the facts at the start of The Appeal? In fact, it’s difficult to tell one set of facts from another without a program (available for \$3 in the lobby).

## CASE FIVE

**Subject (Tempo):** The Flip Side Of The Coin

**Event:** NABC Open Pairs II, 22 Mar 01, Second Qualifying Session

|                                       |                  |             |              |
|---------------------------------------|------------------|-------------|--------------|
| Bd: 19                                | Loren Hawkins    |             |              |
| Dlr: South                            | ♠ K9654          |             |              |
| Vul: E/W                              | ♥ J5             |             |              |
|                                       | ♦ 8              |             |              |
|                                       | ♣ J9752          |             |              |
| Marty Fleischer                       | Debbie Rosenberg |             |              |
| ♠ Q                                   | ♠ A1083          |             |              |
| ♥ 1098                                | ♥ A7632          |             |              |
| ♦ AKQ943                              | ♦ 1065           |             |              |
| ♣ A108                                | ♣ 4              |             |              |
|                                       | Neil Ballard     |             |              |
|                                       | ♠ J72            |             |              |
|                                       | ♥ KQ4            |             |              |
|                                       | ♦ J72            |             |              |
|                                       | ♣ KQ63           |             |              |
| <b>West</b>                           | <b>North</b>     | <b>East</b> | <b>South</b> |
|                                       |                  |             | 1♣           |
| 1♦                                    | 1♠               | Dbl(1)      | Rdbl(2)      |
| 3♥                                    | 3♠               | 4♥          | All Pass     |
| (1) Hearts and diamonds               |                  |             |              |
| (2) Alerted; three-card spade support |                  |             |              |

**The Facts:** 4♥ made five, +650 for E/W. The Director was called by East because South had placed the pass card on the table while East’s 4♥ bid was still in her hand. A second Director was called at the end of the deal and ruled that South’s fast pass over East’s 4♥ bid was irrelevant because South would pass 99% of the time and North would not sacrifice in 4♠.

**The Appeal:** E/W appealed the Director’s ruling. East explained that she did not think her side was necessarily entitled to defend 4♠ doubled. East believed that it was important to clarify the issue as to what constitutes proper tempo. If 3-5 seconds is “normal” tempo in this type of situation, then a pass by South before East even put her 4♥ bid on the table was excessively fast. For the benefit of developing uniform guidelines and for the purpose of educating her opponents, East

believed she was obligated to appeal this ruling. South said that since East’s bid was deliberate and her placing the 4♥ card on the table took a little time, he already had the chance to consider his action and made his bid promptly.

**The Committee Decision:** The Committee quickly decided that pass by North was the only LA. Several members of the Committee believed that since the appellants were not of the opinion that they were necessarily entitled to a score adjustment, they should not be pursuing the matter before a Committee. They believed the Recorder system was available for this purpose. Some Committee members expressed the opinion that a player is not at fault for raising an issue before a Committee even if they are not seeking redress. Clarification of proper procedures and educating players in a non-accusatory manner is an important function of the process. Players should not be discouraged from helping Committees achieve that goal. The Committee decided to have East demonstrate how she had made her 4♥ bid. From the demonstration the Committee decided that she had placed the bid on the table in a proper manner. The Committee allowed the table result to stand and South was urged to make all calls in proper tempo.

**DIC of Event:** Henry Cukoff

**Committee:** Gail Greenberg (chair), Doug Heron, Ed Lazarus, Barbara Nudelman, Judy Randel

**Directors’ Ruling: 85.0**

**Committee’s Decision: 77.0**

✍ First, I cannot stress too strongly that South's fast pass over 4♥ was a flagrant and egregious act that should have been firmly rebuked by the Director at the table. Failure to do this was more than just an oversight—it was a disservice to the game. We've stated repeatedly that, in order to preserve the right to consider their actions in complex/competitive situations for a reasonable amount of time (usually about 2-6 seconds) without risking allegations of UI players must take a few seconds to (at least) give the appearance of considering their actions in all such situations, even easy ones where they already know what they're going to do. This has the further benefit of affording the next player time to assimilate what's happening and to begin to plan his action, thus avoiding additional complications. South's action here, in passing before his RHO's 4♥ bid was even on the table, is *entirely unacceptable*. East deserves our respect and (unfortunately) our sympathy for being compelled to bring this case on appeal in order to have this important point ratified. While the Recorder would have provided South and North alone with appropriate education, the problem with the way this issue was addressed at the table deserves public airing which this forum is uniquely suited to provide. Kudos to those Committee members who supported East's action in bringing this appeal.

As for North having no LA to passing 4♥, given the double fit I have serious doubts about that judgment. At this vulnerability even 5♣ figures to be a good save against 4♥. (Only the unfortunate—from N/S's perspective—combination of West's singleton spade, three trumps and South's unexpectedly weak spade holding makes 5♣ a poor decision while 4♠ can be held to -500.) I would have adjusted N/S's score to 5♣ doubled down four, -800, and left E/W with the table result of +650. Thus, contrary to the opinions of several of our panelists (as we'll see shortly), this appeal was entirely meritorious.

Several panelist were in general agreement with me here. We'll start with the most eloquent.

**L. Cohen:** "I absolutely can't stand when South players make fast passes in such situations. And, this pass was clearly beyond fast. When South makes a support redouble, he could have anywhere from 11-20 points. He needs to clarify this at his next turn, and this should be on the ever-growing list of 'mandatory-tempo-breaks.' South is not supposed to clarify his dreadful 12-count by fast-passing, just as he can't show a better hand by slow-passing. I'd say that 3-5 seconds after 4♥ should be normal; if anyone took 5 seconds and was accused of a *slow* pass, I would say that he didn't break tempo. Twenty seconds would be a tempo break, and require North to 'do the right thing.' Clearly this 0-second pause also requires 'North to do the right thing,' but even more so. To think for 20 seconds is everyone's God-given bridge right. To pass in negative-zero seconds is blatantly unethical.

"I'm not done. The Director's comment that 'South's fast pass was irrelevant because South would pass 99% of the time,' is ridiculous. It's wrong and ridiculous. I'd guess South would pass 75% of the time on such an auction (100% of the time with his actual hand), and his tempo is anything but 'irrelevant.' North might have been tempted to sacrifice at these colors, but not after a fast pass. And, that also means I disagree with the Committee 'quickly deciding' that North's pass was the only LA. *Wrong!* 4♠ is certainly a LA, and I might make him bid 4♠ over South's absurd tempo. The excuse I might use to allow North to pass is that South might have been thinking of doubling, but such a double would just show a good hand, not a heart stack.

"All that said, I don't think this case belonged in Committee. If E/W were asking for 800 against 4♠ doubled (not clear they would get it), then by all means it was a legitimate appeal. But if E/W (as it says) just wanted to educate South (and I'm all for that), this was not the proper forum. Definitely this was for the Recorder system."

✍ The idea that E/W "just wanted to educate South" is incorrect. I'll have more to say about this shortly.

**Rigal:** "Although the E/W stance might seem unduly litigious, I know that East's spouse would approve of their actions. It really irritates me when my opponents do this sort of thing, and if I had been persuaded that South's call was a blatant breach of tempo, I would have come closer than the Committee to imposing a 4♠ bid on North. This is the sort of case that makes a proper register not only valuable but also necessary. If South appears in Committee again, how do we expect to be able to deal with the issue properly unless it is on file?"

✍ Excellent point, Barry.

**Stevenson:** "This does seem a waste of the Committee's time, yet I have sympathy with East who wanted the principles clarified. Since South did not disagree with the facts, and since East had the 4♥ bid in her hand when South passed, it is important that South be educated. Rather than apologize for failing to follow the laws of the game in a tempo-sensitive situation, South tried to justify his action. That is awful, and it is clear that South needed to be taught a lesson. For the Committee to fail to issue a PP now was a clear dereliction of duty. What is less clear is whether the Director should have done anything. The write-up is not so clear. But South needed to be told that he must not do this."

✍ Right on!

**Wolff:** "Okay, but having said that why would the second Director rule as he did? We should try and get players to report flagrant improper tempo and behavior in whichever forum they choose to use. To report South in this case was not only proper but highly suggested."

✍ You betcha!

**Treadwell:** "Very good."

✍ Unfortunately, the remaining panelists have gone over to the Dark Side.

**Gerard:** "The Recorder performs a non-accusatory educational function. A Committee can be convened solely for purposes of appeals of rulings or discipline. The advisory opinion that East sought was not within the Director's powers (Laws 81, 82B, 84E, 90B7) so it was not within the Committee's either. In legal terms, East was without standing to raise this issue in this venue. I don't think you can ask that only your opponents' score be adjusted either."

✍ Is that so? Hmm. Maybe we should all re-read CASE TWO.

**Polisner:** "This is really a non-tempo case, but is whether a player (East) should use an Appeals Committee's time as a soap box opportunity. Certainly South's actions cannot be condoned, but seeking a score adjustment when E/W did not believe they were entitled to one is an abuse of process and they should have received an AWMW."

✍ Excuse me, but where in the write-up does it say that East did not believe her side was entitled to a score adjustment? What it says is: "she did not think her side was *necessarily* entitled. . . ." which is quite another thing. While the education and clarification issues may have been primary in East's mind, a score adjustment was clearly in the mix.

Some other panelists make the same (mis)interpretation.

**Bramley:** "A waste of time. If East wanted to pursue the matter after the Director had ruled, the Recorder system was there for that purpose. Even more efficient would have been to ask the Director to instruct South about proper tempo.

Committee members' time is more valuable than to be expended as a heavy-handed conduit of one player's ideas to another player, even if the Committee agrees with those ideas. In earlier books I have expressed my distaste for appeals brought for purposes other than improving the appellants' own score. I haven't changed my opinion."

**Endicott:** "East has *no* duty toward 'educating her opponents.' This arrogant and offensive concept should be removed at once from her understanding of the game: Players at the table have no such duty or prerogative. The 'Recorder' system and parallel arrangements around the world exist to attend to these matters.

"The Director is wrong to say that the premature pass is irrelevant. The Committee does better on this point."

**Brissman:** "Appeals Committees are for appeals of Directors' rulings. When a player gets into a snit over an opponent's inappropriate but immaterial table action, she should file a Player Memo and trust the Recorder to educate the player. Pursuing this matter to an Appeals Committee is a profligate waste of time and money. This case should not have survived screening."

**R. Cohen:** "This looks like an AWMW to me. Where was any possible damage to E/W? Had N/S carried on to 4♠, +500 was the likely result for E/W versus the +650 earned in a heart contract."

☞ Yes, but might North not start trumps by leading low toward dummy's jack, in which case he would go for 800?! And might not 5♣ also go for 800?

In the course of an appeal, a player, not wishing to appear to be looking for something for nothing, might understandably downplay the self-seeking aspects of their case—especially with a more important "philosophical" issue at stake. Here East, the wife of one of our semi-regular philosophers, was attuned to the issue of unnecessarily fast play in tempo-sensitive situations—apparently more attuned than many of the members of this panel. Why should she be pilloried for that?

A distinction should be drawn between two types of appeals. One type merely seeks to punish or educate an opponent or to raise a legal issue (i.e., the appellants think that a law or regulation is unfair) which only a body such as the BOD, Laws Commission or Conventions & Competition Committee can address. Such an appeal is usually brought out of frustration, in an attempt to bring about "political" change. The Recorder is the educator, rules changes can only be enacted by an appropriate rules body, and there is no value in raising public consciousness about such issues. Thus, such a case cannot be won and hence has no place in the appeals process.

The other type of appeal deals with procedural matters over which Directors and Appeals Committees have authority. It seeks to raise the consciousness of players and Directors about the importance of enforcing proper procedure and has score-adjustment implications for *both* sides. Such a case has merit (not to mention the blessings of the angels) since its effect is one that we've always encouraged: to protect the field. Think of all the times that a team finishing well out of the money withdrew an appeal which they might easily have won against a high-ranking team when, had they followed through and won the appeal, several teams (including your own) would have moved up in the rankings. Can we now criticize an appeal simply because it only seeks to adjust the opponents' score, even though it raises important procedural issues and seeks to correct Director error? The present case has serious score-adjustment implications for *both* sides. If a score adjustment is considered, it should be considered for both sides regardless of whether the appellants requested it or not. Justice does not require the consent of either party.

**Subject (Tempo):** One Man's Bridge Reason...

**Event:** NABC Open Pairs II, 23 Mar 01, Second Final Session

Bd: 9 Tom Kniest  
 Dlr: North ♠ 4  
 Vul: E/W ♥ AK1064  
 ♦ 652  
 ♣ KJ84

John Uhlman Brad Furnish  
 ♠ AKQ10 ♠ 98752  
 ♥ 95 ♥ J732  
 ♦ 1094 ♦ QJ3  
 ♣ AQ65 ♣ 3

David Levy  
 ♠ J63  
 ♥ Q8  
 ♦ AK87  
 ♣ 10972

|                             |              |             |              |
|-----------------------------|--------------|-------------|--------------|
| <b>West</b>                 | <b>North</b> | <b>East</b> | <b>South</b> |
|                             | 1♥           | Pass        | 1NT(1)       |
| Dbl                         | 2♣           | 2♠          | 3♣           |
| Pass                        | Pass         | 3♠          | Dbl          |
| All Pass                    |              |             |              |
| (1) Announced; semi-forcing |              |             |              |

**The Play (South on lead):**

|              |   |                 |
|--------------|---|-----------------|
| <b>Trick</b> | 1 | ♦A, ♦4, ♦2, ♦3  |
|              | 2 | ♠3, ♠A, ♠4, ♠2  |
|              | 3 | ♦10, ♦5, ♦J, ♦K |
|              | 4 | ♠6, ♠K, ♥4, ♠5  |
|              | 5 | ♦9, ♦6, ♦Q, ♦7  |
|              | 6 | ♠7, ♠J, ♠Q, ♣4  |
|              | 7 | ♥5, ♥6, ♥7*, ♥8 |
|              | 8 | ♣2, ♣A, ♣8, ♣3  |
|              | 9 | ♥9, ♥K, ♥2, ♥Q  |
|              |   | * hesitation    |

**The Facts:** 3♠ doubled made three, +730 for E/W. The opening lead was the ♦A. The Director was called at the end of play. North claimed that East had paused at trick seven for almost 60 seconds before playing the ♥7 (see play in diagram). He believed there was no demonstrable bridge reason for the hesitation and that it affected his play to trick nine. East claimed that the elapsed time was about 15 seconds while his partner said only that there was a significant break. The Director ruled that Law 73F2 did not apply and that the table result stood.

**The Appeal:** N/S appealed the Director's ruling. North and East were the only players at the hearing. Prior to the case being heard, the Committee was informed by the Screening Director that the two individuals involved (North and East) had a "history." North reiterated the claim that there was no demonstrable bridge reason for the hesitation. East stated that he was considering whether there was any combination of N/S holdings that would allow him to make the hand, or whether North might have ducked the ♥AKQ of hearts. He confessed that he had temporarily forgotten that North had discarded a

heart earlier. He believed that since everyone was aware of the heart distribution, the defense adopted by N/S was illogical and could not possibly succeed (South should have cashed the ♥Q earlier and North should have ducked the second heart). The Committee determined that N/S were not light opening bidders (e.g. North would not open a 9 HCP hand with 1-5-3-4 distribution).

**The Committee Decision:** The Committee believed that East had valid reasons for considering his play to trick seven and allowed the table result of 3♠ doubled made

three, +730 for E/W, to stand. Both parties were informed that any other issues that might be present would need to be addressed in another forum (i.e., with the Recorder or a C&E Committee). East was then dismissed and the Committee explained to North that this appeal lacked merit. N/S were each assessed an AWMW.

**DIC of Event:** Henry Cukoff

**Committee:** Mark Bartusek (chair), Bob Gookin, Doug Heron, Michael Rahtjen, Jon Wittes

**Directors' Ruling: 95.7**

**Committee's Decision: 95.7**

✍ I would add that this appeal not only lacked merit but was distasteful as well, having been motivated in large part by the personal history between North and East. The appeals process is not the place to settle personal grudges. While North was fortunate to get off with only an AWMW this time, the next time he should not be so fortunate.

Happily, the panel is with me on this one.

**Brissman:** “Good job. East was dismissed before disclosure of the AWMW because there was no need to further inflame the bad blood between the players.”

✍ Precisely.

**Rigal:** “Correct decision by both Director and Committee. N/S seem to have been founder members of the ‘if it hesitates, shoot it’ brigade but failed to appreciate that their defense was such as should not be brought to anyone’s attention. Declarer did the best he could in determining which sort of defensive error to play for and inferring an offence is nothing short of sour grapes.”

**Bramley:** “Correct. An opponent’s hesitation is a poor excuse for taking a nullo play.”

**R. Cohen:** “The Committee was on the ball.”

**Stevenson:** “Good ruling and appeal. North seems to want something for nothing.”

**Treadwell:** “N/S want an adjustment because of their gross misdefense? No way.”

**Wolff:** “Proper decision with the right reasoning.”

**Polisner:** “I totally agree. As a believer that there should be no score adjustments when a player goes wrong interpreting an opponent’s hesitation, I have no sympathy for N/S here. I am hopeful that in the next edition of the laws, Law 73F2 will be changed to reflect my philosophy.”

✍ I’m not sure I fully support Jeff’s approach, but all things considered it’s surely better than our current one.

**Endicott:** “North does not appear to have explained in what way he suggested the pause for thought had affected his subsequent play.”

✍ Right on virtually all accounts is the following...

**L. Cohen:** “At trick nine, when North won the ♠K, he should have known that he would have to concede the contract. He is a good player, and with only four cards left he was playing double-dummy. South was known to have at most two hearts, so by winning the ♠K North was sure to endplay himself. But, as I would say (and

have said), this is superfluous information. East’s thought at trick seven was entirely legitimate. I don’t think it was intended to deceive—there was every ‘demonstrable bridge reason for the hesitation.’ East did nothing wrong (the fact that North pitched a heart earlier has no relevance). Once we determine that East did nothing wrong, it is irrelevant how smart or dumb North’s subsequent plays were. Perfect job by the Committee.”

✍ One of Larry’s points requires comment: Whether East “intended” to deceive has no more relevance to the Committee’s decision (or the Director’s ruling) than North’s heart pitch earlier in the defense. The laws avoid such issues and merely ask whether the player “...could have known, at the time of the action, that the action could work to his benefit...” Thus, whether he *was* aware (or intended to deceive) is irrelevant; whether he *could* have known is all that matters.

Still caught up in the aftershock of CASE TWO is...

**Gerard:** “How could East have known at the time of his action that it could work to his benefit?”

“Here’s a question. Suppose East had bid 3♠ after a long huddle from West. Would North’s ♠K have been merely careless or inferior?”

✍ Both CASE TWO and the hypothetical one Ron poses here are judgment calls. The applicable standard is that the non-offenders must continue to play *reasonable* bridge for the class of player involved. Unfortunately (or fortunately, depending on your perspective), our regulations do not spell out what is meant by reasonable although the footnote to Laws 69, 70 and 71 (see CASE TWO) gives one possible interpretation—though not the only one (e.g., England and the WBF use a “wild or gambling” standard). Ultimately, the Committee must judge the class of player involved and whether their actions are sufficiently “flagrant” (a la Edgar) to break the causal connection. While I thought the defense in CASE TWO met our standard and would have let the table result stand for E/W, the panelists from England who commented on that case (Endicott, Rigal and Stevenson) were clearly not of that mind—nor were the other panelists (excluding Ron and I). So I guess there is no accounting for judgment although one must certainly respect the caliber of the Committee.

As for the hypothetical Ron proposes, the decision will necessarily vary with the class (ability) of player involved. If we may presume players similar to those in CASE TWO (and given the level of the event), then I would say that the ♠K play here would also sever the connection between the infraction and the damage. Of course we would not have to make that judgment if Law 12C3 could be applied to non-offenders in the ACBL; we could simply assign the table result greater weight when calculating N/S’s equity in the board.

Now for my question: What’s the chance that I’ve convinced Ron to support the use of 12C3 in the ACBL for non-offenders?

I’m not holding my breath.

CASE SEVEN

**Subject (Tempo):** Still More Confusion About Doubles  
**Event:** NABC Open Swiss Teams, 25 Mar 01, Second Final Session

|                                     |                  |             |              |
|-------------------------------------|------------------|-------------|--------------|
| Bd: 5                               | Srikanth Kodayam |             |              |
| Dlr: North                          | ♠ 108            |             |              |
| Vul: N/S                            | ♥ A1053          |             |              |
|                                     | ♦ 654            |             |              |
|                                     | ♣ 9853           |             |              |
| Shiela Ekeblad                      | Russ Ekeblad     |             |              |
| ♠ 95                                | ♠ AJ             |             |              |
| ♥ 862                               | ♥ J74            |             |              |
| ♦ AQJ8                              | ♦ 109732         |             |              |
| ♣ KQJ6                              | ♣ A42            |             |              |
|                                     | Farid Assemi     |             |              |
|                                     | ♠ KQ76432        |             |              |
|                                     | ♥ KQ9            |             |              |
|                                     | ♦ K              |             |              |
|                                     | ♣ 107            |             |              |
| <b>West</b>                         | <b>North</b>     | <b>East</b> | <b>South</b> |
|                                     | Pass             | 1NT(1)      | 2♣(2)        |
| Dbl                                 | Pass             | Pass        | 2♠           |
| Dbl(3)                              | Pass             | 3♣          | All Pass     |
| (1) Announced; 10-12 HCP            |                  |             |              |
| (2) Alerted; unspecified one-suiter |                  |             |              |
| (3) Break in tempo                  |                  |             |              |

**The Facts:** 3♣ made four, +130 for E/W. The Director was called after the break in tempo. A ruling was not requested until after the score comparison. The Director decided that there had been a break in tempo. According to E/W, West's first double showed clubs while her second double showed cards. However, they could provide no written evidence of this agreement. The Director ruled that the second double could easily have been a suggestion to play for penalties and that a pass by East was a LA. Pulling the double could have been made more attractive by the break in tempo. The Director changed the contract to 2♠ doubled made three, + 870 for N/S (Law 16A).

**The Appeal:** E/W appealed the Director's ruling. E/W said that the double of 2♠ systemically showed extra values in a hand willing to compete to the three-level. At the table there had been no discussion of the double of 2♠. For them the double of an

artificial bid (2♣) always shows that suit. Over 2♣, new suit bids by West would have been natural and 2NT invitational. South assumed that the double of 2♣ was penalty because it was not Alerted; he assumed the same of the double of 2♠. N/S said they played a constructive style over 1NT and that 2♠ showed a decent hand.

**The Committee Decision:** E/W's system card indicated that the first double by the responder to 1NT was for penalties but the second double was not specifically defined. However, additional evidence was provided by a Committee member that E/W had accurately described their agreement. This, together with West's logical and convincing explanation of her bidding and East's actions being consistent with the stated agreement, convinced the Committee to accept the agreement as stated. The Committee decided that there had been a break in tempo which pointed in the direction of removing a card-showing double. However, they also believed that there had been no LA to removing the double given the partnership agreement in place: East had a minimum hand, only two trumps which were well-placed for declarer, and the ♣A which might not be pulling its full weight on defense. The Committee further believed that, given North's weak hand and South's poor spades, neither North nor South would have competed to 3♣ over 3♠, even if properly Alerted. Therefore, N/S had not been damaged by the failure to Alert. The Committee restored the table result of 3♣ made four, +130 for E/W. They also advised E/W, for future reference, that the double of 2♠, if card-showing, requires an Alert (after consulting the Appeals Administrator, who confirmed this in the

ACBL Alert Procedure).

**DIC of Event:** Henry Cukoff  
**Committee:** Barry Rigal (chair), Bart Bramley, Dick Budd, Doug Heron, Jon Wittes

**Directors' Ruling: 84.7**      **Committee's Decision: 68.0**

✍ First, the Director was wrong if he based his ruling on the conclusion that pulling the double "could have been made more attractive by the break in tempo." The issue is not whether it could have been made more attractive but rather whether it "could demonstrably have been suggested...by the extraneous information." (Law 16A). This is not just nit picking. Suppose your partner raises your 1NT opening slowly to 2NT, invitational. His hesitancy could reflect his choice between 2NT and 3NT but he could just as easily have been considering passing 1NT. So what should you do holding a so-so 16 count? Can we adjust the score no matter what you do (assuming it turns out right)? After all, the huddle could have suggested passing as it could have suggested bidding 3NT. One must demonstrate that one was suggested over the other "in an obvious, easily-understood way—it must be readily apparent rather than a product of some subtle bridge argument." (*Duplicate Decisions*, p. 13.) Maybe the information on the appeal form was just expressed sloppily, but experience shows that sloppy expression often reflects sloppy thinking.

Having said that, I can now state that without clear evidence that the double showed "extra values in a hand willing to compete to the three level" the Directors made the correct ruling. The obligation was on E/W to show evidence of this agreement, which they were unable to do. Then was the Committee able to turn up such evidence? That, in part, is a matter of judgment. A Committee member who just happened to have played against E/W a few months earlier was able to confirm the meaning of the second double: An almost identical auction had occurred against him and he was told that the second double just showed extra values and was not for penalties. This, together with the fact that West was known to be a deliberate (i.e., habitually slow) player led the Committee to the conclusion that E/W had accurately described their agreement. After all, (1) West could hardly be doubling on good trumps when East held two honors; (2) N/S played a constructive style over 1NT and 2♠ showed a decent hand; (3) South, with relatively poor spades for his previous bidding, would not venture unilaterally to the three level; (4) North had nothing with which to compete. Thus, I believe the Committee's decision was quite reasonable, even if it was not the one every Committee would have reached.

Unfortunately, I'm a lone voice (well, almost) tilting against strong opposition on this one. The first panelist's comment is rather typical.

**Endicott:** "Am I given to understand that the criteria for evidence of the existence of an agreement vary when there is someone on the Appeals Committee who is acquainted with the player?"

✍ Yes, that is precisely what you are to understand. The Committee member's statement is not the sole criterion for judging the existence of the agreement, but it is certainly one piece of evidence that the Committee may consider. If a Committee can accept that a certain agreement exists based on bridge logic (no other agreement makes any bridge sense) then they should also be able to use experience playing with or against that pair to make similar judgments. Take CASE FOUR, where a regular partner of South's testified that South played the same methods with him and his other regular partners. This may not be the strongest argument (since the Committee clearly chose not to give the statement much weight) but the members considered it and were free to attach to it whatever weight they chose.

If a Committee may accept evidence from a witness and use arguments based on bridge logic, then they should also be able to use the general playing experience of its own members. The ACBL Handbook for Appeals Committees says: "The



committee should consider *any* evidence that bears on an issue before it.” (p. 7, *italics* added). It also says, “A committee should permit hearsay evidence” (p. 7) where hearsay is defined as a statement made by one person to the effect that they heard another person say such-and-such. The Handbook also recommends that Committees include members from the same geographical areas as the players. Is it reasonable to then exclude specific knowledge the members might have of the players? The member who provided the evidence in the present case just happened to have played against the appellants recently but had no personal relation with them.

Our casebooks keep us informed about who appears before our Committees, how often, and the types of appeals in which they engage. Are we to ignore what we learn about these pairs and their systems from the casebooks? Say a pair appears several times playing penalty (rather than negative) doubles. They now show up in another case where they have neglected to Alert a double. Their convention cards aren’t filled out (they say they left them in a restaurant and had to hastily fill out replacement cards) but they both claim they are playing penalty doubles, which would make their actions allowable (based on AI). Should we deny their appeal because they can’t prove their agreement this time or should we use our knowledge from previous casebooks that they’ve been playing penalty doubles in the same situation for years and allow their actions? What if the casebooks weren’t the source of the information. What if a Committee member from their area said, “I’ve played against them for years and they always play penalty doubles in this auction.” Should we *now* deny their appeal?

**R. Cohen:** “Whoa! Something is wrong with the Committee’s decision. If the first double is business, then the failure to Alert the second double implies it is also business. Since the convention card did not specifically define the second double, the Director was correct. Also, if a member of the Committee knew so much about the E/W pair—and their agreements—maybe he should have recused himself from the hearing.”

☞ Whoa! Why can’t the failure to Alert the second double be due to E/W’s belief that this was the “normal” meaning of such a double? In fact, that is precisely what they thought (go figure) and is the reason why the Committee asked me confirm it for them (the Director was busy) in the Alert pamphlet.

And at what point should the Committee member have recused himself? He didn’t know that the case hinged on E/W’s agreement about the double until the testimony phase was almost over. And he certainly didn’t realize that his encounter with E/W a few months earlier was relevant until the deliberations had begun. But even more importantly, why *should* he have recused himself at all? Since when is familiarity with the players’ methods—and one specific part of those methods at that—a basis for recusal? Friends, enemies, business associates, spouses, frequent partners or teammates, all should be recused. But anyone having knowledge of the pair’s bidding agreements? I suspect that if that was a basis for recusal none of us would ever serve again! Good grief!

**Polisner:** “I am not comfortable with this decision in spite of the quality Committee that heard it. E/W received the absolute best of it when it is unclear why West took so long to make an alleged mandatory ‘card-showing’ double of 2♠ which could (did) imply doubt as to a conversion for penalties. Also, I would not have cavalierly dismissed the possibility of N/S competing to 3♠ in a situation where due to the failure to Alert the second double, N/S reasonably assumed it was for penalties. My decision would be +140 for N/S as a middle ground for a difficult case.”

☞ Jeff makes some reasonable points. But West is a notoriously slow player and what for you and I is a “mandatory card-showing double” for her is an adventure in “don’t do anything silly” (my assessment, not hers). Suppose you were South and bid 2♠ at unfavorable vulnerability at IMPs, showing a constructive hand. Suppose

you knew that West held sufficient high-card values for the three level opposite East’s 10-12 notrump and was willing for East to pass 2♠ doubled (even though her own double wasn’t for penalties). Would you bid again in front of your partner with the South hand? If you think so, get a grip!

**Brissman:** “I’ll always wonder what West would have done had her diamonds and spades been transposed.”

☞ When the auction goes 2♥-Dbl-P to you, what do you bid holding ♠Jxx ♥AJxx ♦xx ♣Axxx? You’d like to bid a natural 2NT but you can’t if you’re playing Lebensohl, a method geared to help you compete more effectively with the types of hands you’re most likely to hold in this situation. So when you hold the awkward (for your methods) hand above you have to do something else. You can bid 3♣ (constructive), or 3NT, or even 2NT followed by 3NT (over partner’s expected 3♣). Similarly, had West’s diamonds and spades been transposed in the present case she’d have had to bid a natural 2NT or 3NT, since a double by her would not be for penalties. Everything is a trade-off. If West holds ♠KQxx and East the ♠AJ, what did South have for his constructive action, unfavorable at IMPs? Does anyone design their bidding methods to cater to such holdings?

More of the same...

**L. Cohen:** “The Committee was gullible. If West’s second double showed ‘extra values and a hand willing to compete to the three-level,’ then why did it take so long to double? Think about it; you hold a 2=3=4=4 13-count and your partner has 10-12. They’ve landed in 2♠ and you have a systemic way to show, well, exactly what you have. So, why the huddle?

“I’ll answer. Because, in these situations, the better your holding in their suit, the faster the double. It’s human nature. If West had ♠Q10xx ♥xxx ♦Ax ♣KQJx, you can bet the double of 2♠ would have been snappier.

“My problem is that if West really has a penalty double, what’s to stop her from taking 90 seconds and then doubling. Would that slow double bar partner? If so, then we are allowing unethical ‘two-way doubles.’ In any event, I think the decision always has to go against the pair playing unusual and undocumented methods. If the convention card was marked that the second double was not for penalties, then I’d let East pull a slow double. Without the documentation, we can’t allow East to pull, even if we completely believe and trust E/W.

“This area of card-showing doubles and the associated Alert/non-Alert is a real problem area.”

☞ That’s true. For many players, the better their trumps, the faster their double. But here the Committee believed that E/W knew the second double was just card-showing. West’s hand was consistent with that agreement and East knew from his own hand that West didn’t hold significant spade values (in spite of Jon’s earlier comment), so his hand was more valuable on offense. Again, if West held Larry’s example hand what was South bidding on? If West held that hand playing those methods she would have bid notrump the second time—not doubled.

None of this should be taken to suggest that I’m condoning West’s tempo. But it was not unusual for her to agonize over her actions—irrespective of her hand. Sometimes you just have to let people play bridge.

It’s time to allow the chairman to speak—and take some of the heat.

**Rigal:** “Correct Director ruling in the absence of an easy way to establish the E/W methods. The Committee worked hard to establish what E/W really played, and the fact that West on her own was able to state clearly and with some confidence what their methods were here meant that they felt happy to accept the rationale for what East had done. Their system card was marked clearly with an explanation of the first double, but not for subsequent actions (incidentally it was still a lot clearer than most pairs’ cards). It seemed clear at the time that neither North nor South would

have bid on over 3♣ if properly Alerted.”

**Stevenson:** “Regulations are a matter for the Director, and it seems strange that the Committee consulted the Appeals Administrator rather than the Director (or DIC) to decide whether the double was Alertable.

“Why was the double not Alerted? Un-Alerted doubles are for takeout or penalties in different situations. While players confuse these situations, low-level un-Alerted doubles are not card-showing early in the auction.

“Overall the evidence does seem to support the decision that it was a card-showing double, so there was MI. However, East with two honors in spades might easily have passed the double anyway; was pass really not a LA?

“I would feel very badly treated if I was N/S. E/W have got a decision right in the presence of UI, and it has been judged that pass was not a LA. There was MI but it is assumed that N/S would not get it right if correctly informed. There is some doubt as to the correct information. There is no Law 12C3 to give them a percentage (albeit a small one) of 3♠ making.

“Life’s not fair!”

☞ What’s the difference who looks something up in the Alert procedure? Of all the inane trivialities to obsess over.

**Wolff:** “This decision should turn on the failure of E/W to Alert the second double. East didn’t and so E/W should go -870. In a pairs game I would rule +140 for N/S, -870 for E/W. Allowing E/W +130 shrieks of home cooking and is the most significant danger of our Committee system. To be clear, I suspect that the second double was meant for takeout, but not properly discussed. The break in tempo solved the problem for East. No big deal, but this form of CD can be and is insidious (CDers hesitate their way to intelligent guesses and opponents don’t know who or what to believe). Maybe I’m expecting too much from our decision-making bodies, but intellectual honesty, not political sway, is vital.”

☞ I don’t see any “political sway” here. The Committee simply believed that E/W’s agreements were as stated (as does Wolffie) and that East’s hand was a clear pull at IMPs opposite a club suit. I don’t agree with the view that pass was not a LA for East, but as West is a very deliberate player (or aren’t I allowed to know that?) and I believe the systemic meaning of the double was as E/W described, I would have found that there was no UI and allowed East’s 3♣ bid for that reason.

I don’t buy the implication of Wolffie’s rhetoric that unless appeals decisions are made wearing blinders they smack of politics. Ultimately, Committees have to decide what to believe: Were the questionable actions likely to have been tainted? Did the MI affect the opponents’ actions? When these questions are answered in the negative, based on knowledge of the players and bridge logic, then the table result must be allowed to stand. No HD. No CD.

I realize that my view is unpopular (just how unpopular we’ll see in a moment) and I don’t claim to hold it with anything approaching the fervor that the other side holds theirs, but the process can’t be done by rote as some would prefer.

**Gerard:** “Please make sure the kiddies are tucked in, because you will not want them to hear what follows.

“Yes, in this case if it hesitates, shoot it (are you happy, Colker?) First of all, why does it always take so long to make the system bid? Because of three hearts to the eight? Please, do I look like I just got off the boat? The explanation was ‘showed cards,’ not ‘negative.’ East and West aren’t exactly novices, so they have an expert’s obligation to know how to handle these situations in tempo. Without any distributional suggestions, why did West have a problem? It’s not as if East would just blast out 3♥ on four to the jack with nothing better to do. If anyone had bothered to ask what 2NT by East would have been over the second double, they might have been very enlightened (if for takeout, the whole house of cards just

crumbles).

“Second, E/W’s own system card contradicts their argument. Apparently, they do not play negative doubles over natural overcalls—and they’d be nuts if they did opposite a 10-12 notrump. So the actual auction was a surrogate for a direct 2♠ overcall, except that West got to show clubs on the way. Why wouldn’t their bids have the same meaning as without the artificiality? Does anyone let the randomness of the opponents’ methods dictate their general approach to competitive bidding? Sure there’s some randomness to E/W’s claimed agreements, starting with the 10-12 itself, but why would anyone not at gunpoint wish to perpetuate the guessing game (East: I’ll just throw it out there and see if the cat licks it up. West: I’ll make as nonspecific a bid as possible. East: I’ll do something intelligent)? I’m really starting to get impatient here.

“At this point, I really hope my former partner is back on the Panel because I could use some of his blood pressure medicine. How is it possible that a Committee member could basically turn water into wine because of his familiarity with E/W’s methods? If Bramley—that’s my guess—hadn’t been on the Committee and someone else had, would they have allowed the evidence to persuade them? This is as close to a conflict of interest as I’ve seen in these casebooks. I have no problem with a Committee’s rejecting an admission against interest by the non-offenders, since it is the Committee’s job to present the legal arguments for and against each side. But when it comes to the facts, why don’t the cards (convention and otherwise) speak for themselves? Why should we be forced to accept extraterrestrial statements to the effect that ‘I know they didn’t Alert and their methods don’t seem to support their argument, but they really are telling the truth’? Would we accept that statement from the offenders themselves?

“I don’t see anything logical and convincing in West’s explanation, nor anything about East’s actions that were inconsistent with the stated break in tempo. If West commits a slow double in a situation that 99 percent of the world would play as penalties, does the fact that East explained his pull as in accordance with the takeout nature of the double convince you to accept that double was takeout because that was consistent with East’s pull? And why was this Committee, from most of whom I would have expected better, trying to read N/S’s mind? I don’t know whether N/S would have competed to 3♣ either, but they were the non-offending side and they might have. Likely or not I can’t say, but I know I’m supposed to rule according to the law book and not some perceived notion of crystal ball gazing. I also particularly like that nugget of intelligence at the end that in the future this double should be Alerted—this they needed to check on with the Appeals Administrator. For goodness sakes, folks, the absence of an Alert was only about two-thirds of the case. Really, was there anything these guys didn’t do wrong?

“I think the meddling jurist should either have disqualified himself or kept his familiarity with E/W’s methods out of the discussion. Do you think you could serve on a real life jury in a criminal case if you were a witness to the alleged crime? Suppose you’re on a Committee and one of the combatants is a pair you are familiar with and whose truthfulness you have had reason to question in the past. Should you allow yourself to present evidence that they had not accurately described their agreement or, for example, that they constantly prey on weaker players with trumped up self-serving statements, a la CASE THIRTY-FOUR from Anaheim? Should the Moderator really have made all those nasty comments about the N/S pair in that case?

“I don’t like what happened here one bit. E/W didn’t prove their case, no way, no how, but the Committee refused to be influenced by the facts and showed a lack of respect for disciplined thinking. Couldn’t someone have had an epiphany and brought it to its senses?”

☞ That’s okay, Ron, I don’t see your position as being anywhere close to “if it hesitates, shoot it.” It’s wrong in far more subtle ways than that.

In the auction 1NT-2♠ (natural)-Dbl, Ron suggests that a double would clearly have been penalty. I don’t buy that. E/W’s convention card said that a double of an

artificial bid “shows that suit.” That does not imply that doubles of natural bids are therefore penalty. In fact, doubles of natural bids show general values (cards, rather than a suited hand) and are just as E/W described the double of 2♠ here. So there was no inconsistency in the explanations: they played the second double the same as they would have without the artificiality. Once West shows her clubs she has to have a way to show that she also has forward-going values, so East will not just let N/S play 2♠ unmolested. That’s what the second double was—just bridge.

As for the knowledge of the “phantom” Committee member (I’m not at liberty to disclose who), we cannot guarantee that every Committee will have a member with the sort of specific knowledge we had here. But when such knowledge exists should we ignore it? When a Committee member knows that an offender who was a bit slow is a habitually slow player, should we ignore such knowledge simply because we don’t always have it? If so, then Ron may be in deep trouble on his next appeal. By a similar token, since we don’t always have a Gerard or a Bramley on our Committees, does that mean that when they are available we shouldn’t use their expertise because sometimes it is not available? Why is knowledge of the sort we had here a conflict of interest? If it is, why Ron didn’t recuse himself from Anaheim CASE TWENTY-NINE (surely he’d played against Greco-Passell before and knew some of their methods), Boston CASES TWO and EIGHTEEN (surely he’d played against Hayden-Kasle and Bob Jones before)? Why didn’t he object to Steve Weinstein, Paul Soloway and Kit Woolsey in CASE TWO here? (Perhaps he now wishes he had?) Surely they must have known something of his and John Sutherland’s methods and, according to his rationale, should have been recused.

Appeal hearings aren’t legal proceedings. As the ACBL Handbook for Appeals Committees says, “Committees are not courts of law, so the rules of evidence applicable to courts of law...do not necessarily apply to Committees...a committee should consider any evidence that bears on an issue before it.” (p. 7). The phantom member was not a witness to the events that were being adjudicated here—which would be equated with Ron’s analogy of a witness to a crime serving on the jury trying the case. The member here merely had some knowledge of E/W’s methods and helped the Committee evaluate their claims by offering his recollections. We’ve all done the same on Committees many times in the past. Knowing the players and their methods is not the same as having a personal stake in the outcome of the case.

Those who think the contract should have been adjusted (To what? Only Jeff and Wolfie provided adjusted scores) outnumber Barry and me eight to two—and they might just be right. (It certainly looks right to adjust the score, just on general principles.) Nevertheless, I continue to find the Committee’s decision reasonable. The arguments these panelists present I find as shoddy (actually, in some ways shoddier) than the decision they oppose. It is true that information was available to this Committee from a source, and of a type, which is rarely represented in these pages (though I’m certain Committees have often used such information). Nothing in the Handbook for Appeals Committees rules out this sort of input—quite the contrary! Even my Director informant (“Deep Throat”) didn’t criticize the present decision for that or any other reason.

Finally, I asked Gary Blaiss for his opinion on the acceptability of a Committee member providing the sort of information we saw here. He said that he knew of no regulation that prohibited it. The only *possible* problem he could see with it was that the players had no opportunity to question the “member-witness” (although it is difficult to see what they could have asked him that could possibly have mattered). Gary thought that a small technical improvement might have been for the member to recuse himself when he realized he wished to serve as a witness. The chairman could then have brought the players back in, explained the situation, allowed the new testimony and permitted questions. The remaining members would then resume deliberations as a four-person Committee. But Gary’s general sense was that, as a practical matter, Committee members use their personal knowledge of players in their deliberations all the time and it is hard to see how it poses a problem—or how it could be avoided even if we so desired.

## CASE EIGHT

**Subject (Tempo):** A Question A Day Brings The Director Into Play

**Event:** Stratified Fast Pairs, 25 Mar 01, First Session

|                    |              |             |              |
|--------------------|--------------|-------------|--------------|
| Bd: 5              | ♠ 10864      |             |              |
| Dlr: North         | ♥ AQ63       |             |              |
| Vul: N/S           | ♦ K852       |             |              |
|                    | ♣ J          |             |              |
| ♠ AKQJ75           |              | ♠ 92        |              |
| ♥ 95               |              | ♥ 104       |              |
| ♦ A4               |              | ♦ QJ10976   |              |
| ♣ 543              |              | ♣ K108      |              |
|                    | ♠ 3          |             |              |
|                    | ♥ KJ872      |             |              |
|                    | ♦ 3          |             |              |
|                    | ♣ AQ9762     |             |              |
| <b>West</b>        | <b>North</b> | <b>East</b> | <b>South</b> |
|                    | Pass         | 2♦          | 3♣           |
| 3♠                 | Pass(1)      | Pass        | 4♥           |
| 4♠                 | Dbl          | All Pass    |              |
| (1) Break in tempo |              |             |              |

**The Facts:** 4♠ doubled went down two, +300 for N/S. The opening lead was the ♣J. The Director was called at the end of the play. After West’s 3♠, North asked questions and thought for some time before pausing. The Director ruled that passing 3♠ was a LA for South and changed the contract to 3♠ down one, +50 for N/S (Law 16).

**The Appeal:** N/S appealed the Director’s ruling. N/S said the pause had been 10+ seconds. North had asked if 3♠ was forcing and was told that it was not. South believed that his partner had to have high cards for this auction. E/W believed the pause had been almost 30 seconds.

**The Panel Decision:** Three expert players were consulted. All believed that pass was the only

action over 3♠: the risk of bidding was too great. Given those opinions, the Panel applied Law 73F1. The hesitation was agreed, it showed more values than were shown by the auction, so it suggested action would be more beneficial than inaction. The Panel changed the contract to 3♠ down one, +50 for N/S. South had 3300+ masterpoints, was told the law and the reason for the ruling, and still insisted on pursuing the appeal. Therefore, N/S were each assessed an AWMW.

**DIC of Event:** Carey Snider

**Panel:** Charlie MacCracken (Reviewer), Matt Smith, Gary Zeiger

**Players consulted:** Karen Allison, Larry Cohen, Bobby Levin

**Directors’ Ruling:** 91.3

**Panel’s Decision:** 91.3

✍ We’ve seen this (type of) case so many times that it has become a...

**L. Cohen:** “Routine ruling and easy AWMW. I wish there were a way to give a super-AWMW. I wonder where N/S lost their trick on defense—it’s hard to imagine declarer taking more than six spades and the ♦A. I suppose N/S felt guilty about their tempo and donated a trick.”

✍ Perhaps South played an encouraging ♣2 (upside down) on the ♣J lead, which North took as suit preference—and so switched to a diamond.

**R. Cohen:** “Everybody on the ball here.”

**Endicott:** “Very much a situation in which to follow the opinions of players consulted. I agree one should expect N/S not to appeal this one.”

**Rigal:** “Well done, Mr. Colker, for his inspired idea to re-christen AWMPPs (Penalty Points) AWMWs (Warnings). As a result, such frivolous appeals get treated with the sternness they deserve. And the Director deserves credit for ignoring the ‘6-5, come alive’ fans. Indeed, how come N/S missed using this as their excuse? And will our senior panelist be able to resist temptation?”

☞ Sorry, Barry, our S.P. provided no comment on this one. But I’m sure he wouldn’t have disappointed.

**Stevenson:** “The world needs to learn Law 73C!”

**Wolff:** “Okay ruling based on the UI received by South. My guess is that an expert South would almost always bid 4♥ if everything was in tempo. Here the disruptive hesitation by North ending in pass got what it deserved. The part that is difficult, if not impossible, to judge is when experts are asked: ‘What would you bid?’ If he is like me he will likely say one thing today and something else tomorrow. If you doubt me please examine bidding contest results, where months or years later some of the same panelists are asked the same questions and more often than not give different answers. I think we should rule that if there is UI and the choice is at all close, the Ulers get the worst of it. An exception would, of course, be if a player held ten solid spades and overcalled only 1♠ and later his partner hesitated before passing, he would be entitled to bid 4♠. But it would have to be clear-cut. Remember the idea is to stop UI.”

☞ The process Wolffie describes is pretty much how things are done presently. Wouldn’t you know it, there’s always an odd-man out.

**Polisner:** “Why down only one rather than two or three? I recognize that N/S only took five tricks against 4♠ doubled; however, one looks at a defense differently depending on the level, vulnerability, doubled or not, type of scoring, etc. Further, with the likelihood that North has some hearts from the auction, I am not convinced that South shouldn’t be allowed to bid, as North’s earlier question and hesitation do not demonstrably suggest that bidding 4♥ would be more successful than passing. North may have been considering a double of 3♠ which would not make bidding 4♥ more attractive.”

☞ The scenario I mentioned earlier for the result in 4♠ doubled is just as likely, I think, if N/S are defending 3♠ undoubled. Hence, down one. As Wolffie points out, “if there is UI and the choice is at all close, the Ulers get the worst of it.”

As for Jeff’s claim that the auction marks North with some hearts, why can’t East and West each hold three of them leaving North with a doubleton? In fact, why can’t West hold four of them and North have a singleton?

North’s hesitation almost certainly suggests that he holds either hearts, a club fit (king-and-one or jack-third would be good), or otherwise useful values. Since he would not have been timid about doubling with good spades, the hesitancy, even if he was thinking of doubling, suggests two-way values.

On another note, it has been suggested (“Deep Throat,” again) that West’s 3♠ bid, if not forcing, might be Alertable. I think not. Had South not intervened a non-forcing new suit by West would certainly have been Alertable, since new suits are normally played as forcing. But after intervention there is no standard meaning for a new suit opposite a weak two. Thus, I don’t think the 3♠ bid required an Alert regardless of its meaning. (It isn’t covered in the Alert Procedure either.) I see this as analogous to the auction 1NT-(2♥)-3♣, where different players play the 3♣ bid in different ways. With no standard or expected meaning, no Alert is needed.

**Subject (UI):** Weakness Is In The Eye Of The Beholder  
**Event:** Stratified Women’s Pairs, 19 Mar 01, Second Session

|                       |              |             |              |
|-----------------------|--------------|-------------|--------------|
| Bd: 16                | ♠ K7         |             |              |
| Dlr: West             | ♥ A93        |             |              |
| Vul: E/W              | ♦ AQ10765    |             |              |
|                       | ♣ 76         |             |              |
| ♠ 4                   |              | ♠ AQ963     |              |
| ♥ KQ84                |              | ♥ J762      |              |
| ♦ KJ8                 |              | ♦ 432       |              |
| ♣ AJ1093              |              | ♣ 4         |              |
|                       | ♠ J10852     |             |              |
|                       | ♥ 105        |             |              |
|                       | ♦ 9          |             |              |
|                       | ♣ KQ852      |             |              |
| <b>West</b>           | <b>North</b> | <b>East</b> | <b>South</b> |
| 1♣                    | 2♦(1)        | 2♠          | Pass         |
| 2NT                   | 3♦           | 3♥          | Pass         |
| 4♥                    | All Pass     |             |              |
| (1) Weak by agreement |              |             |              |

**The Facts:** 4♥ went down two, +200 for N/S. The opening lead was the ♦9. The Director was called at the end of play. North said she made a mistake when she bid 2♦. Later she added that she meant to bid 1♦ and didn’t realize she’d bid 2♦ until East asked about the bid. E/W did not play negative free bids. E/W claimed that North said she had forgotten she was playing preemptive jump overcalls. The Director ruled that there had been no violation of law: North would have realized her error (she thought she had bid 1♦) at her second turn and even if her explanation was discounted, E/W would always retain their –200. The 3♦ bid and the table result were allowed to stand.

**The Appeal:** E/W appealed the Director’s ruling. They believed that North should not be allowed to bid 3♦ because “once you have made a

preempt you cannot bid again.” North said she never intended to bid 2♦ because her hand was too good. Not until her partner explained her bid as weak did she realize she had pulled the wrong card from the bid box. North stated she never said she had forgotten her system. The Reviewer told the Panel that she was satisfied that 2♦ was an accidental bid and that North had not changed her mind or forgotten her system.

**The Panel Decision:** Three expert players were consulted. All said they would have made a negative double with the East hand and all asked if E/W were playing negative free bids. All three would have rebid 3♦ with the North hand. It was E/W’s aggressive bidding that propelled them into game and not the 3♦ bid. In any case, the Panel determined that neither MI (Law 75) nor UI (Law 16A, 73C) had occurred so there was no basis in law for adjusting the table result once the determination of facts had been made. The Panel found that this appeal lacked merit and assessed both of the E/W players an AWMW.

**DIC of Event:** Gary Zeiger

**Panel:** Terry Lavender (Reviewer), Charlie MacCracken, Roger Putnam

**Players consulted:** Mike Cappelletti Jr., Disa Eythorsdottir, Bob Gookin

**Directors’ Ruling: 96.7**

**Panel’s Decision: 98.3**

☞ In the interest of full disclosure, North and South had about 480 and 360 masterpoints while East and West were veterans with more than 7,000 masterpoints between them. Was it so clear that North’s 2♦ bid was intentional and her 3♦ bid was based on UI from South’s explanation? We’ll never know for sure, but since both the table Director and Panel thought otherwise, unless E/W had information to the contrary beyond their pitiful “once you have made a preempt you cannot bid

again,” there was simply no way to change the ruling. Thus, E/W seem to have earned their AWMWs. Right, panelists?

**Bramley:** “Good AWMWs by Panels on these last two cases. I see they’re finally getting the hang of it.”

**L. Cohen:** “Another easy one, and another candidate for a super-AWMW. Maybe the public will start reading these casebooks so they can know a meritless appeal when they see one. Maybe I’m dreaming. CASES EIGHT and NINE will help save paper in this casebook.”

✍ Right you are: Both satisfied the “two-page maximum” rule.

**R. Cohen:** “Director, consultants, and Panel all covered with glory.”

**Polisner:** “Excellent by all concerned.”

**Wolff:** “Much ado about nothing. North misbid, but so what. East bid terribly and got her –200. What else is new?”

**Stevenson:** “Was there a Stop Card before the 2♦ bid? I find bidding 2♦ over 1♣ as a non-jump bid a common mistake.”

✍ An excellent question. Since there was no mention of one (and had there been we are confident that E/W would have mentioned it—plus the original ruling would have made no sense) we should assume one was not used.  
One panelist is not convinced.

**Rigal:** “I really do not understand why North would bid again even if the information re her earlier actions were AI rather than UI. And why would East take two calls on this auction knowing her hand was at least an ace under par for the sequence? Frankly, I’d like to see E/W keep their score but are N/S entitled to keep theirs? The Panel ruled that the explanation of North’s bid by South was AI but I am not so sure. So many questions, so few answers. I suppose even if the 3♦ bid was inspired by UI, E/W produced subsequent not consequent damage; 3♦ doubled goes down 300 when the defense takes their ruffs at once, then plays a heart and collects a diamond in due course. I am still left unconvinced by the whole thing but maybe someone else can explain why.”

✍ I don’t think the Panel said that South’s explanation was AI. What they said was that there was *no UI*. This would be true if North misbid and then noticed her error, since information about the auction is authorized from the bid cards. It would seem impossible to have a rule allowing a player to notice her own misbid if she does so on her own, but not if it is called to her attention by another player. South’s *explanation* of North’s bid is UI to North, so if North *intended* to bid 2♦ and heard South explain it as weak, the information that South thought it was weak (regardless of how North intended it) would be UI to North. But here the combination of the question and answer (not the *content* of the answer) only awoke North to the auction—not to South’s understanding of the *meaning* of 2♦. After all, perhaps it was East’s question (“What did her 2♦ bid mean?”) rather than South’s answer (“Weak”) which provided North the critical information.

Perhaps Grattan can sum up this whole matter.

**Endicott:** “Boring.”

✍ The British certainly do have a way with words.

**Subject (UI):** Hoist By His Own Petard

**Event:** Vanderbilt KO Teams, 20 Mar 01, Round of 32, First Half

|             |              |                 |              |
|-------------|--------------|-----------------|--------------|
| Bd: 28      | Larry Mori   |                 |              |
| Dlr: West   | ♠ 963        |                 |              |
| Vul: N/S    | ♥ Q7         |                 |              |
|             | ♦ 8762       |                 |              |
|             | ♣ Q1097      |                 |              |
| Ralph Russo |              | Mark DeGarcia   |              |
| ♠ QJ7       |              | ♠ K10542        |              |
| ♥ J63       |              | ♥ K9            |              |
| ♦ AQ103     |              | ♦ K4            |              |
| ♣ J54       |              | ♣ AK62          |              |
|             | Jeff Roman   |                 |              |
|             | ♠ A8         |                 |              |
|             | ♥ A108542    |                 |              |
|             | ♦ J95        |                 |              |
|             | ♣ 83         |                 |              |
| <b>West</b> | <b>North</b> | <b>East</b>     | <b>South</b> |
| 1NT(1)      | Pass         | 2♦(2)           | Pass         |
| 2NT(3)      | Pass         | 3♠(4)           | Pass         |
| 4♥          | Pass         | 4♠              | All Pass     |
| (1)         | Announced;   | 11-13 HCP       |              |
| (2)         | Alerted;     | Forcing Stayman |              |
| (3)         | Alerted;     | denied a major  |              |
| (4)         | Alerted      |                 |              |

**The Facts:** 4♠ made four, +420 for E/W. The opening lead was the ♠A. The Director was called at the end of the auction. East explained that his 3♠ bid was erroneously Alerted by West, who had incorrectly interpreted it as Smolen. East admitted to the Director that the Alert had influenced his subsequent bidding. The Director ruled that making a forward-going move with the East hand was a LA to bidding 4♠. The contract was changed to 5♠ by East down one, + 50 for N/S (Law 16A2).

**The Appeal:** E/W (who had 850 and 1800 masterpoints, respectively) appealed the Director’s ruling. East claimed that he would have made 5♠ if he had been in it. The line of play at the table had been: ♠A, a heart to the king, a spade to the queen, a spade to the ten and ace, and a third heart ruffed by North as declarer lackadaisically pitched a club and claimed. East admitted that he would have bid 4NT over a 4♥ cue-bid and would have ended up in 5♠. The

Committee queried E/W on their methods and determined that West’s 2NT bid denied a five-card minor as well as a four-card major. Over 2NT East could have bid 3♣ to find out West’s exact shape. Three-level responses to 1NT by East would have shown various five-five patterns. E/W’s RKCB responses would have dictated a 5♣ bid (1430) by West over 4NT. South stated that the ♠A was an attractive lead against 4♠ but much less so against 5♠, since he could always switch to hearts after winning the ♠A. Additionally, N/S stated that a lead-directing double of 5♣ by North would have resulted in a club lead by South.

**The Committee Decision:** The Committee appreciated E/W’s honesty and forthrightness in their statements. In fact, the parties were brought back a second time to reexamine the comments made at the table and to probe East’s mind set concerning possible forward-going actions he might have made over a putative 4♥ cue-bid (since the Committee questioned further action by East given the known balanced nature of West’s hand and the need for perfect cards opposite to make slam). Although there was speculation that the table Director might have planted a seed in East’s mind concerning him bidding 4NT over 4♥, East was fairly adamant that he would have bid 4NT absent the UI. In that event the Committee deemed it likely that South would have avoided the ♠A lead either by way of a lead-directing double of 5♣ or based upon the analysis he presented. And even though 5♠ was makeable double-dummy after a club lead via a partial strip and end-play against

South, the Committee judged the most likely result to be 5♠ down one. The Committee therefore changed the contract to 5♠ down one +50 for N/S.

**DIC of Event:** Henry Cukoff

**Committee:** Mark Bartusek (chair), Doug Doub, Doug Heron, Eric Greco, Jon Wittes

**Directors' Ruling:** 93.3

**Committee's Decision:** 92.7

✍ Given the constraints placed on the West hand by the auction, I can only find two holdings that make 6♣ a good contract: ♠AQx ♥Ax(x) ♦QJ10x ♣xxx(x) (the ♦10 is crucial) and ♠QJx ♥Ax(x) ♦Axx(x) ♣Qxxx. In both cases the thirteenth card can be either a third heart or a fourth diamond. Since West would also bid a slam with many other hands that would produce no play (e.g., ♠Axx ♥Axx ♦AJx ♦xxxx), East would be foolish to even try. Thus, if East had just kept his mouth shut it is unlikely that this or any Committee would have forced him to bid anything other than 4♠ over the putative 4♥ cue-bid.

The following panelist has the heart of this case in his cross hairs.

**Bramley:** "E/W needed a good bridge lawyer. As the Committee observed, bidding above 4♠ after a 4♥ cue-bid would be a serious overbid. However, once East insisted that he would do so, the Committee had no choice but to decide as they did. I note that N/S's pursuit of an adjustment after East's hand was known showed that N/S had perhaps too much skill at bridge lawyering. The end result here is a sad use of the bridge judicial system."

**L. Cohen:** "Good job presenting the information and reasoning. My views on the key points: (1) East has a marginal slam try—he really needs a perfect hand (since only three spades) over the supposed 4♥ cue-bid. He is not entitled to have heard his partner's Alert, so he has to take 4♥ as a spade slam try. I can live with forcing him to reach the five-level. (2) Following (1), if East did bid 4NT, we don't know if North would have doubled 5♣ for the lead. Without a double, I think South would lead the ♥A. With a heart lead, I think declarer would have made eleven tricks (he would not have discarded and let the defense win the setting trick). But, let's presume for the non-offending side and let them double 5♣. (3) With a club lead declarer might make 5♠ (never mind a partial elimination—there are many winning lines in which North gets squeezed without the count in clubs/hearts), but as usual we have to favor the non-offending side. Therefore, we presume 5♠ down one.

"Lots of presumptions, all going against E/W. Too bad, since they were so forthright in the Committee, but all-in-all I think the Committee's logic was sound."

**Gerard:** "Sure, sure, we all would have doubled 5♣. Just switch E/W's hearts to clubs, make some other minor adjustments to prevent the discards and you'll see how smart it is to double 5♣. But even so, South might have taken advantage of his status as a non-offender to avoid leading the ♥A.

"So the Committee was mostly right, except that double-dummy analysis is not its strong suit. There is no endplay against an opponent who holds a small trump. And if East guesses to pitch a heart on the third round of diamonds, how does he know to play North for queen and one heart rather than take his 5::2 shot?"

✍ The Committee never claimed an endplay against an opponent with a small trump. The endplay to which they referred is against South. After a club lead to the ace declarer leads a low spade toward dummy. If South ducks, declarer cashes the ♣K, runs diamonds (pitching clubs), and eventually endplays South. If South rises with the ♠A at trick two East wins any return, draws one more trump, cashes his other top club (if one remains) and runs the diamonds pitching one club and the ♥9. A heart to the king and ace now endplays South for a heart trick on which the last club can be pitched (the ♠Q providing the entry).

**R. Cohen:** "East is either one of the most honest or the most foolish of players. Opposite a 13 HCP 1NT and either a 3=3=(3-4) or 3-2-4-4 distribution, magic cards would be necessary for slam purposes. Based on East's statement the Director and Committee had no option but to render the decision they did."

**Polisner:** "East deserves an active ethics award for his honesty and the Committee deserves kudos for their thorough investigation and analysis."

**Rigal:** "Good Director establishment of the facts and initial ruling. The Committee did well here too, I believe, since they did their best to put themselves in East's position and to discount his self-incriminating testimony. But East refused to cooperate, leaving them little choice but to take his statement as accurate. I agree that 5♠ is going to go down at the table. South made a good argument, I believe."

**Treadwell:** "Would East actually have bid on without the incorrect Alert? He has but 16 HCP opposite a maximum of 13 in partner's hand. However, his HCP are prime values—3½ quick tricks—and there certainly are some who would bid 4NT thinking, without the Alert, that 4♥ was a cue-bid. Hence the Committee came up with the right decision."

**Stevenson:** "For all East's forthrightness with the Director and Committee, it is a great shame he did not follow the dictates of Law 73C and bid 4NT anyway. Perhaps he would have made 5♠ but no Director or Committee will give him that. Players sometimes think there is no disadvantage in the use of UI, and as a result some players do not try as hard as they might to follow Law 73C. But when the score is adjusted they lose the benefit of the doubt.

"Note also the WBF view is that PPs should be more common where UI is used and perhaps this is the sort of hand to which they refer."

✍ Many players, especially ones with 850 masterpoints or less, do not understand their ethical obligations that well nor are they even aware of the existence of Law 73C. East's forthrightness testifies to his naivety rather than any evil intent in using the UI to bid 4♠. In cases such as this education is the ACBL's policy and I fully endorse it here. It is a mistake to penalize players without clear evidence that they were (or should have been) aware of the improper nature of their actions.

Right, Grattan?

**Endicott:** "Oh, I agree."

**Wolff:** "Too many possibilities, too much uncertainty. Here we have an honest bridge player (oxymoron?) and by being honest he volunteers bridge suicide on this hand. The Committee readily accepts his admission. I would be in favor of the Committee not accepting his statement, thereby giving E/W the benefit, mainly because nothing much wrong happened. But I cannot legally challenge what the Committee did. Comparing the culpability here to the worrisome fast pass of 4♥ in CASE FIVE leaves me speechless (nobody cheer)."

✍ ... [Strained silence] ...

## CASE ELEVEN

**Subject (UI):** “Automatic” Is A Car Transmission  
**Event:** NABC Mixed Pairs, 21 Mar 01, First Final Session

|   |               |             |              |
|---|---------------|-------------|--------------|
| Bd: 12                                    | Win Allegaert |             |              |
| Dlr:                                      | ♠ 10743       |             |              |
| Vul:                                      | ♥ 32          |             |              |
|   | ♦ 643         |             |              |
|   | ♣ A963        |             |              |
| Hamish Bennett                            | Trudi Nugit   |             |              |
| ♠ K2                                      | ♠ QJ65        |             |              |
| ♥ J105                                    | ♥ 87          |             |              |
| ♦ QJ82                                    | ♦ AK95        |             |              |
| ♣ J854                                    | ♣ KQ2         |             |              |
|   | Judy Bianco   |             |              |
|   | ♠ A98         |             |              |
|   | ♥ AKQ964      |             |              |
|   | ♦ 107         |             |              |
|   | ♣ 107         |             |              |
| <b>West</b>                               | <b>North</b>  | <b>East</b> | <b>South</b> |
| Pass                                      | Pass          | 1NT(1)      | 2♣(2)        |
| Pass                                      | 2♦(3)         | Pass        | 2♥           |
| Pass                                      | Pass          | Dbl         | Pass         |
| 3♣  | Pass          | Pass        | 3♥           |
| All Pass                                  |               |             |              |
| (1) Announced; 10-12 HCP                  |               |             |              |
| (2) Alerted; an undisclosed single-suiter |               |             |              |
| (3) Alerted; pass-or-correct              |               |             |              |

**The Facts:** 3♥ went down one, +100 for E/W. The opening lead was the ♦Q. The Director was called at the end of the hand. N/S stated that after the hand East admitted that she had forgotten she had agreed to play 10-12 notrumps. N/S believed that the announcement awoke East to her mistake and that she had no further action over 2♥. The Director ruled that pass was not a LA and allowed the table result to stand.

**The Appeal:** N/S appealed the Director’s ruling and were the only players to attend the hearing. N/S believed that pass was a LA for East.

**The Committee Decision:** The Committee established that UI had been conveyed by the required announcement of the opening notrump range. While several members of the Committee concurred with the Directing staff that the double in passout seat was “automatic,” after discussion it was decided that it was not so automatic that it could be permitted under Law

73C after the wake-up call. The Committee therefore cancelled East’s balancing double and changed the contract to 2♥ made two, +110 for N/S. The Committee noted that E/W’s absence prevented them from obtaining the answers to other questions such as what various bids by West over 2♣ and 2♥ would have meant and whether East had forgotten their methods on other occasions.

**DIC of Event:** Henry Cukoff  
**Committee:** Henry Bethe (chair), Mark Bartusek, Sid Brownstein, Doug Heron, Peggy Sutherlin

**Directors’ Ruling: 57.0      Committee’s Decision: 75.0**

✍ Get ready for a fight. In this corner, for the prosecution...

**L. Cohen:** “I wish unqualified personnel wouldn’t throw around words like ‘automatic.’ True, if I had opened a strong notrump (and not hearing any announcement), I’m sure that I wouldn’t let them play in 2♥: I would have doubled with East’s hand. However, I am not so sure that ‘a significant number of East’s peers’ would do so. It would have been nice to hear East’s own words, although I suppose we’d have heard the usual—maybe we would even have heard ‘automatic.’”

I suppose the double is reasonable enough to allow it, but I just can’t get myself to do so. I hate the fact that East might have been influenced by the UI. That combined with their failure to show up for the hearing is enough to let me agree with the Committee.”

✍ And in the other corner, for the defense...

**Bramley:** “Would any of the Committee members *not* have doubled? Stand up and be counted. Just because doubling entails some risk does not make it less automatic. Surely passing entails even more risk. I would have let the table result stand. Indeed, I would have considered an AWMW against N/S. Once again, as in the previous case, aggressive bridge lawyering changed a valid table result into something ludicrous.”

✍ More for the prosecution...

**Wolff:** “Clearly right to cancel the reopening double. When it is announced by the good guys (Directors and Committee members) that doubling back in (East presumably thought she was playing 15-17) was automatic it is downright scary to me; but maybe I’m out of touch with the way the game is now played.”

✍ ...and for the defense...

**Gerard:** “First impressions are usually best. The UI did not demonstrably suggest reopening, since East’s shape, not her high cards, determine whether or not to make a balancing double. East had a pure hand for her action playing strong notrumps, and the addition of another queen would have been irrelevant to her decision. If East had reopened with some four-by-three hand I’d vote with the Committee, but the disconnect between the UI and the actual choice should have been conclusive. If you still can’t decide whether not doubling would have been illogical, don’t you wish you were dealt that East hand every time you reopened in a similar situation? Kudos to the Director, who showed good bridge judgment (note the lack of typical sarcastic comment).”

✍ The melee continues...

**Polisner:** “I concur with the result, but not the analysis. If the Committee believed that absent the UI, it was ‘automatic’ for East to double, that means pass is not a LA and the table result should stand. I don’t personally believe that the double is automatic and thus would have decided the same as the Committee.”

**Treadwell:** “Suppose this occurred behind screens where partner’s announcements can’t be heard and East was faced with the same third-round problem, after having opened 1NT. Is not a balancing double virtually automatic playing 15-17 notrumps? I certainly think so. This was a case of a mistaken bid and the announcement had no bearing on East’s subsequent action. This is similar to CASE NINE, where the Panel correctly allowed the subsequent 3♦ bid.”

**R. Cohen:** “Why didn’t the Director rule so that E/W would be the side required to appeal? Certainly the UI put East in an awkward situation. However, E/W should have been required to convince a Committee that pass by East was not an LA. All’s well that ends well. The Committee got it right.”

✍ One panelist thought that a non-reciprocal score adjustment was appropriate.

**Rigal:** “Why is it that the worst Director rulings always seem to be against the non-offenders in cases of doubt? It seems to me that it is so much easier to go with the flow and rule against the offenders in cases of doubt (as well as that being generally

the direction of equity). Whenever the Committee reverses a Director's ruling, to give the non-offenders what they deserve, the Directors should be taking a long look at the ruling. Having said that, this case is far more complex than the Committee acknowledged. While E/W deserve no more than -110, what about N/S? Symmetric rulings are not obligatory but you wouldn't know it from the discussion. Since many believed that reopening was automatic, surely there should be some discussion as to whether N/S should be left with -100? I would have done that myself."

☞ While Barry clearly believes that pass is "at all probable," and thus a LA (he would have adjusted E/W's score to -110), he does not think it is "likely" (since he would have left N/S with the table result). An interesting middle position.

Finally, two panelists seem to have plenty of questions—but no answers.

**Endicott:** "It seems East did not wish to defend her action? Bearing in mind CASE SEVEN, did the Director have some particular acquaintance with the methods of E/W?"

**Stevenson:** "A simple matter of judgment: is pass a LA?"

☞ Well, is it? Don't you just love it when they explain the (obvious) question and then don't answer it?

I think a good case can be made for table Directors polling players in making their rulings just as Panels currently do in Regional appeal cases. (The logistics would be non-trivial, but doable.) If players would routinely reopen with the East hand playing 15-17 notrumps, then the table result should be allowed to stand. If some can be found who would pass, then the score should be adjusted as the Committee did here. As for the Committee, their collective judgment was that the reopening double was not so automatic that it could be allowed. I am not sure whether that means that all of them would have reopened but some believed that not all of East's peers would, or that some of them would not have reopened. I guess the distinction really isn't that important—unless you're trying to evaluate Bart's criticism.

I personally would always reopen with the East hand playing 15-17 notrumps and suspect that the vast majority of good players would also. I find it difficult to believe that East—a player with almost 10,000 masterpoints—would go quietly. Unless the Committee knew something that they haven't told us, I would side with the Directors and those for the "defense," allowing the table result to stand.

I must confess, however, that I do have some lingering sympathy for Wolffie's position. If there is *any* doubt that East's peers would balance in overwhelming numbers then the contract should be reverted to 2♥. But the UI so strongly makes reopening more attractive that it almost blinds one to the LA issue—especially since *nothing* is ever 100% in LA-land. Perhaps Barry's approach gives the best solution: Resolve the LA issue against E/W while leaving N/S with their overwhelmingly "normal" bridge result.

## CASE TWELVE

**Subject (MI):** An "Extended Rights" Regulation?  
**Event:** Open Pairs I, 16 Mar 01, First Qualifying Session

|             |               |
|-------------|---------------|
| Bd: 5       | Allen Rew     |
| Dlr: North  | ♠ K85         |
| Vul: N/S    | ♥ QJ98        |
|             | ♦ A2          |
|             | ♣ AQ85        |
| Paul O'Hara | Roisin O'Hara |
| ♠ Q932      | ♠ AJ107       |
| ♥ 5         | ♥ K           |
| ♦ J9875     | ♦ K43         |
| ♣ 642       | ♣ J10973      |
|             | Thomas Mori   |
|             | ♠ 64          |
|             | ♥ A1076432    |
|             | ♦ Q106        |
|             | ♣ K           |

| West | North | East | South |
|------|-------|------|-------|
|      | 1♣(1) | Pass | 1♥(2) |
| Pass | 2♥(3) | Pass | 3♦(4) |
| Pass | 4♣(5) | Pass | 4♥(6) |

All Pass  
 (1) Alerted; Precision  
 (2) Alerted; 5+ hearts, game forcing  
 (3) Alerted; trump asking  
 (4) Alerted; 6+ hearts, one honor  
 (5) Alerted; asks about club control  
 (6) Alerted; third-round club control

**The Facts:** 4♥ made six, +680 for N/S. The opening lead was a club. The Director was called at the conclusion of play. North gave the correct explanation of the 4♥ bid according to N/S's partnership agreement: The first step showed no control, the second step showed third-round control, etc. South said that when he bid 4♥ he thought he was showing second-round club control and only later realized that his partner's explanation was correct. The Director ruled that there had been a mistaken bid (Law 75D2) and allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. E/W thought that N/S had an obligation to know their conventions. Since South had forgotten the correct response to the asking bid, E/W believed they were damaged in their selection of the opening lead: a spade might have been led had they been informed that South had misbid. N/S agreed with the Director's ruling and presented system notes which clearly confirmed that the 4♥ bid showed third-round club control.

**The Committee Decision:** The Committee reviewed Laws 40A and 75D2 and could find no basis for an adjustment. The Committee recalled Edgar Kaplan's statement that if the laws permit an intentional deviation from partnership agreements, then certainly an unintentional one is not cause for an adjustment. In this case it was clear that there had been a misbid rather than a misexplanation. Therefore, there was no infraction. The Committee was informed that the Screening Director had reviewed Laws 75D2 and 40A with E/W. Since no issue was presented to the Committee beyond the Director's correct review of the laws, the Committee allowed the table result to stand and issued both E/W players an AWMW.

**DIC of Event:** Henry Cukoff  
**Committee:** Michael Huston (chair), Mark Bartusek, Simon Kantor, Ellen Siebert, Adam Wildavsky

**Directors' Ruling: 99.0**      **Committee's Decision: 99.7**

☞ It's hard to imagine a more straightforward decision, including the AWMWs.



**Rigal:** “Excellent decision in all respects. The psych is just random good luck for N/S, who were under no obligation to correct the accurate explanation. Nice AWMW, with a clear write-up too. A model in all respects.”

**L. Cohen:** “Another Super-AWMW. Good job again documenting all the relevant facts. What, I wonder, was unclear to E/W in screening that made them pursue this?”

**R. Cohen:** “Everybody, except E/W, correct—right down to the AWMW.”

**Stevenson:** “Misbids are legal. I find it incredible that E/W claimed not to know this and I believe they were trying it on.”

**Bramley:** “A slam dunk.”

**Treadwell:** “It is appalling that a case such as this ever gets to a Director, let alone to a Committee.”

✍ And if any doubt remains...

**Endicott:** “Oh, yes indeed. And not only Kaplan. I quote from the minutes of the WBF Laws Committee, Albuquerque, September 27, 1994: ‘It was pointed out that one cannot devise a law which says deliberate infringement of partnership agreement is acceptable but accidental infringement is punishable.’ There is no thought that the right to violate one’s announced agreements, so long as there is no concealed understanding about it with partner, should be taken away. The meeting noted that players can be disciplined if their forgetting of agreements and consequent convention disruptions interfere with the orderly progress of the game and/or indicate the player’s inattention to the game, or interfere with the enjoyment of the game. The action (then) taken can include prohibition of the use of the convention, etc.”

**Polisner:** “Under the law, this ruling and decision were routine—especially the AWMW. There may be discussion by other panelists about the lack of difference between a misbid versus misexplanation as it affects the opponents; however, bridge is a game of mistakes and certain luck factors. This is just one of them.”

✍ Ask, and ye shall receive.

**Wolff:** “Again a ‘home brew system’ strikes with a system forget luring the defense to the wrong lead. In the not-so-old days the bidding had a lot to do with the choice of opening lead, but now the X-factor demands a consideration of whether the opponents are on the same page. Anyone who can play successfully in that environment—let’s call it grab-bag city—is truly versatile and could double as a magician. It is not worthy of our game and should be openly discouraged. What difference does it really make whether in this type of case it is a mistaken bid or a mistaken explanation? Let’s change the law and rule it back to +650 N/S.”

✍ Wolfie’s “Play the game my way or I’ll penalize you until you stop playing” is not many people’s idea of the way we should rule the game *at any level*. Aside from the obvious human problem, this approach creates an impossible dilemma. Consider the following comment of Wolfie’s from the Anaheim casebook: “I think the laws should treat a misbid the same as MI if the opponents are damaged. Edgar opposed this because he said that psychers would then be disenfranchised. My answer is that psyching is legal and the Director/Committee can determine whether the psycher meant his bid as a psych: if he did, then everything is legal; if he didn’t, then it is subject to the MI (and I hope soon to be new misbid) law.” Under Wolfie’s proposed new law, a player who admits he misbid would be subject to an

automatic score adjustment while if he claims he made a tactical bid (i.e., psyched), a Director/Committee would judge his claim and allow it if they believe he really psyched rather than misbid. If there’s a better inducement for lying I can’t think of what it would be. Why would anyone ever admit that he forgot and misbid under those conditions? And worse, once a player claims that he psyched, he will only be allowed to keep his result if the Director (or Committee) agrees that he did it intentionally—thus giving each Director or Committee the right to dictate what is and is not (for them) an acceptable psychic.

“O brave new world, of mind control.”

That is not to say that I think it’s easy to determine just what is a misbid and what is a misexplanation. But at least we place the burden of proof on the offenders and presume misexplanation in the absence of convincing evidence to the contrary. In the present case, convincing evidence (notes) of a misbid was presented. Case closed.

## CASE THIRTEEN

**Subject (MI):** Aren't All 2NT Bids "Unusual"?

**Event:** NABC Open Pairs I, 16 Mar 01, First Qualifying Session

|               |                 |             |              |
|---------------|-----------------|-------------|--------------|
| Bd: 6         | Stephen Schmeer |             |              |
| Dlr: East     | ♠ AQ109         |             |              |
| Vul: E/W      | ♥ Q10763        |             |              |
|               | ♦ J72           |             |              |
|               | ♣ K             |             |              |
| Lloyd Arvedon | Pat McDevitt    |             |              |
| ♠ K86543      | ♠ J72           |             |              |
| ♥ K2          | ♥ A854          |             |              |
| ♦ A4          | ♦ 863           |             |              |
| ♣ A32         | ♣ 1095          |             |              |
|               | Glenn Robbins   |             |              |
|               | ♠ ---           |             |              |
|               | ♥ J9            |             |              |
|               | ♦ KQ1095        |             |              |
|               | ♣ QJ8764        |             |              |
| <b>West</b>   | <b>North</b>    | <b>East</b> | <b>South</b> |
|               |                 | Pass        | Pass         |
| 1♠            | 2♥              | 2♠          | 2NT          |
| 3♠            | All Pass        |             |              |

**The Facts:** 3♠ went down two, +200 for N/S. The opening lead was the ♣K. The Director was called at the end of play. In response to an inquiry, South's 2NT bid had been explained as natural. N/S said that they had no agreement that the bid showed the minors. South said that he knew the agreement was natural but thought he could always bid his minors later if he needed to. West said he would not have bid 3♠ if he had known that South had the minors. The Director allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. North did not attend the hearing. West thought that 2NT was natural and that therefore any missing spade honors would be onside. Had he suspected that 2NT was for the minors he would have feared that any missing spades would

be located over him and he would not have bid 3♠. South knew that 2NT was supposed to be natural but didn't care. He thought that nothing bad could happen; he planned to run to clubs if doubling started. South said that a double of 2♠ by him would have been responsive.

**The Committee Decision:** The Committee decided that N/S had no agreement that 2NT showed the minors and that South had taken it upon himself to bid 2NT with this particular hand. Thus, there had been no MI. The Committee also observed that West had an automatic 3♠ bid no matter what 2NT showed (even if 2NT was for the minors, there didn't have to be a trump stack behind him). They believed that no good player (which West was) could possibly sell out to 2NT or three of a minor with this particular hand, containing a known nine-plus-card spade fit and prime opening values. The Committee therefore allowed the table result to stand. N/S were told that if this sort of thing happened again it would constitute an implicit agreement requiring an Alert. Since West had such a clear 3♠ bid, they should not have come to Committee to try to get something to which they clearly were not entitled. E/W were therefore each assessed an AWMW.

**DIC of Event:** Henry Cukoff

**Committee:** Larry Cohen (chair), Nell Cahn, Jim Linhart, Barbara Nudelman, Becky Rogers

**Directors' Ruling:** 97.7

**Committee's Decision:** 91.7

✍ Since Bart is right on top of things, we'll start with his excellent presentation.

**Bramley:** "More hopeless whining. There's quite a streak going. But, of course, a windfall like CASE ELEVEN here and there will keep the whiners coming back for more."

✍ No, I haven't changed my mind about CASE ELEVEN. But he's certainly right about CASE THIRTEEN.

**R. Cohen:** "Again everybody but E/W on the ball."

**Treadwell:** "Excellent reasoning by the Committee."

**Polisner:** "Again, this is a routine case once the fact finders believe that there was no partnership agreement."

**Rigal:** "I am slightly surprised that the Directors could establish the position so clearly as to not rule against the non-offenders, but I see why they did what they did. The Committee made all the right points and asked all the right questions of everyone but North, who wisely was not present so that no-one could ask him why he did not double 3♠. I bet he knew what would have happened if South would have pulled it. Even given that, the AWMW is harsh but fair, since E/W were indeed trying it on the Committee."

✍ North heard a 1♠ opening on his right, a spade raise on his left, and a 3♠ rebid by opener (usually showing extra values, extra spade length, or extra distribution). Put yourself in North's seat, looking at a full opening bid in high cards including four excellent spades (three-plus spade tricks). Do you suspect that your partner does not have a natural 2NT bid? Do you think if you double 3♠ you'll get to play it there? Are you thinking, "Gee, Christmas has sure come early this year"? What question would you have needed to ask North?

Maybe some lone Wolff will claim that North should Alert E/W that South has psyched. (After all, he knows it—albeit only from his own hand.) Bah. Humbug.

**Gerard:** "Automatic? We're not letting our prejudices take over, are we? Oh, I can see you'll probably end up bidding 3♠, but suppose you passed an Alerted 2NT and partner doubled North's three-of-a-minor runout. Wouldn't you bid 'Content'? I'm all for what the Committee did—onside spade honors wouldn't have promoted West's eight-spot—but I still object to selling the LOTT as a basis for appeals decisions. By the way, it was okay for North not to double 3♠. He knew that South had the minors and would consider running based on the supposed natural nature of his 2NT bid. Since there had been no UI transmitted, no action was restrained."

✍ Ron's point—East raised spades, West has six of them, so what is this fear of spade honors over him?—is excellent. Did South's 2NT, even if for the minors, promise a spade void? Would any red-blooded bridge player have allowed fear of a spade stack to keep him from bidding 3♠ with the West hand when we know he would have bid it otherwise—because he did!? And, of course, if spades were four-zero would it matter to West where they were located (unless East had ♠xxx)? In fact, if East has ♠AJ9(x) or ♠Q10x he'd actually prefer North to hold them.

Several other panelists took exception to the Committee's use of "automatic."

**L. Cohen:** "Haven't changed my mind on any counts. Oops, the Committee used the word 'automatic' (see CASE ELEVEN) as in 'West had an automatic 3♠ bid.' I hope they were 'qualified personnel.'"

**Endicott:** "I think the Committee's comments are slightly disingenuous. 'Automatic' I would replace with 'likely' and if South's bid were for the minors a double should be feared; it is an option to defend with this West hand. It is not clear to me what North thinks he needs for a double (unless it, too, would not be for

penalties?).”

✍ Scribes take note: In the future never say “automatic” when you mean “likely.”

**Stevenson:** “Psychs are legal, so the only question was whether this was a psych or MI. There seems no evidence of any MI, apart from West being upset (which does not count). A second psych does not make a partnership agreement and the Committee was completely wrong to tell the pair so. It is not the Committee’s job to misapply the law to future cases that exist only in their mind.”

✍ What? Of course a Committee can warn a pair to get their agreements straight. Implicit agreements (those developed from experience) are considered every bit as much agreements as explicit, verbal agreements. N/S were warned to agree on how they would play the 2NT bid in the future and Alert it if appropriate. If they failed to do this and South continued to bid 2NT for the minors *without an Alert*, it could be considered an illegal agreement (a la Law 75A).

**Wolff:** “E/W should definitely be –200. I guess North never had a chance to notify the opponents and it wouldn’t make any difference anyway because I agree with the Committee that West would have bid 3♠ anyway. CD strikes but no penalty because there is probably no damage.”

✍ And why should a penalty (translation: score adjustment) even be considered when South said he bid 2NT tactically? After all, he could have doubled for takeout (i.e., for the minors). It’s clear that South either hoped North would read 2NT as the minors or didn’t care and bid it thinking “nothing bad can happen.” He planned to run if he was doubled and hope North would then play him for the minors. Isn’t this the type of case to which Wolffie’s policy “the Director/Committee can determine whether the psycher meant his bid as a psych” applies? The Committee thought it was a psych. I think it was a psych. The panelists think it was a psych. I suspect that even Wolffie thinks it was a psych. So why even consider a penalty?

If I were a cynic, I’d say that Wolffie’s proposal to treat all misbids as MI is nothing but a thinly veiled attempt to use the law to penalize anything that goes against the way he thinks the game ought to be played, including psyching and forgetting. He seems to care little whether a psychic is legitimate or not (what could be clearer evidence of a psychic than this case?). In fact, I don’t think he *really* believes that psychics are legitimate to begin with. In the final analysis, he is simply looking for a legal way to penalize any form of convention disruption, psyching or forgetting. And that’s really scary.

## CASE FOURTEEN

**Subject (MI):** The Phantom Singleton

**Event:** NABC Open Pairs I, 16 Mar 01, Second Qualifying Session

|   |                    |             |              |
|---|--------------------|-------------|--------------|
| Bd: 8   | Michael Halvorsen  |             |              |
| Dlr: West   | ♠ Q97              |             |              |
| Vul: None   | ♥ AJ6              |             |              |
|   | ♦ AKJ62            |             |              |
|   | ♣ K2               |             |              |
| Samuel Lowell   | Cameron Doner      |             |              |
| ♠ AK83  | ♠ 105              |             |              |
| ♥ Q32   | ♥ 97               |             |              |
| ♦ 7   | ♦ Q109543          |             |              |
| ♣ A8763   | ♣ J54              |             |              |
|   | Richard Blumenthal |             |              |
|   | ♠ J642             |             |              |
|   | ♥ K10854           |             |              |
|   | ♦ 8                |             |              |
|   | ♣ Q109             |             |              |
| <b>West</b>   | <b>North</b>       | <b>East</b> | <b>South</b> |
| 1♣(1)   | 1NT                | 2♣(2)       | Dbl(3)       |
| Pass  | 2♦                 | Pass        | 2♥           |
| All Pass  |                    |             |              |
| (1) Alerted; could be as few as two if 12-14 balanced |                    |             |              |
| (2) Not Alerted; unspecified one-suiter               |                    |             |              |
| (3) Alerted; Stayman                                  |                    |             |              |

**The Facts:** 2♥ made two, +110 for N/S. The opening lead was the ♦7. At the end of play, East explained that his 2♣ bid had shown an unspecified one-suited hand. South said he would have played the hand differently if he had been told this. The Director ruled that even with the explanation South had been given West’s lead could have been a singleton. He thus allowed the table result to stand.

**The Appeal:** N/S appealed the Director’s ruling and were the only players to attend the hearing. (E/W told the Screening Director that they did not wish to appear because they thought the facts were clear.) The play had gone: ♦7 won in dummy, ♣K to the ace, ♠AK and a third spade ruffed by East, a diamond ruffed by West as South pitched a spade. South contended that if he had known that East intended 2♣ to show a one-suited hand he would have likely deduced that the suit was diamonds and that there was danger of a ruff if he did not

attack trumps immediately (playing opener for the ♥Q). At that point several lines were available, some producing better results than others. South believed that the failure to Alert 2♣ dissuaded him from proper consideration of these alternative lines.

**The Committee Decision:** West’s failure to Alert the 2♣ call was an infraction. The Director ruled that even without the Alert of 2♣ it was possible that the diamond lead was a singleton. The Committee disagreed. If East, with his known lack of high cards, had enough clubs to support a suit in which West could hold a doubleton then West could not hold more than three clubs. Since West could also not hold a five-card major (he would have opened it) he therefore could not hold a singleton diamond. The Committee examined alternate lines of play as required by Law 12C2 and found several likely ones, the most unfavorable for E/W having N/S taking ten tricks: ♦A, heart to the king, heart to the jack, ♥A, spade to the jack and king (or ace), the second high spade, a spade to the queen, ♦K (pitching a spade), a club to the ten and ace, claim. Therefore, the contract was changed for both pairs to 2♥ made four, +170 for N/S.

**DIC of Event:** Henry Cukoff

**Committee:** Michael Huston (chair), Mark Bartusek, Simon Kantor, Ellen Siebert, Adam Wildavsky

☞ The Committee's reasoning is right on target, leaving us to wonder what the Directors were thinking when they made their initial ruling. Isn't there a difference between a lead being a *possible* singleton and a *likely* singleton? The panelists all recognize the Directors' error and applaud the Committee's efforts to rectify it.

**Bramley:** "Poor Director's ruling, properly corrected in Committee. The suggested line for ten tricks is far from automatic, but it is certainly plausible. Since it is the most favorable (for N/S) of several plausible lines, the Committee's adjusted score is right for both sides."

**Gerard:** "This is more like the Director standard I'm accustomed to. I could have invested in Qualcomm; what difference does that make? South was in no better position than he would have been if Alerted and he didn't do anything stupid anyway."

"West could have held a singleton diamond. East could have raised clubs with 2-1-6-4, just as a Standard player might with 3-1-6-3. Just because West might have held a doubleton club (tripleton in the latter case) doesn't mean he had to. Just one more example of the insidious effect of formula thinking. But even so, an Alert would have cleared everything up."

**Polisner:** "I applaud the Committee for working out the 'bridge' aspects of what South shoulda/coulda/mighta figured out; however, I do not believe this is necessary. As long as South could reasonably have been misdirected by the MI, an adjustment is appropriate and the +170 for N/S is correct under 12C2."

**Stevenson:** "The Director's ruling is quite strange. Suppose the lead could have been a singleton, despite the Committee's careful analysis. So what? That is not the only possibility and the Director should definitely have given redress. A good Director considers alternatives and is not blinkered into only considering one aspect."

**Endicott:** "The Director was right that the diamond could always be a singleton, but wrong to base his ruling on it. The likelihood increases when partnership agreement is known."

**Rigal:** "Awful Director ruling—the team appears to have missed the point entirely, which is really quite surprising. Declarer would surely have made nine-plus tricks. E/W deserve no more than -170, but it is far from clear what N/S would have got. Since the Committee considered the most likely lines and came to a sensible conclusion that +170 was more appropriate than +140, there seems no particularly good reason to argue with them on a subjective call."

**Treadwell:** "Now here is a case where the failure to Alert almost certainly had an effect on declarer's choice of a line of play. Hence, declarer is entitled to redress. Perhaps giving declarer ten tricks, rather than nine, compared with the eight he actually took, was a bit generous, but I can live with it. In any event, E/W earned -170."

☞ Some panelists seem a bit confused about the standards used for assigning adjusted scores to the two sides. This is especially surprising for...

**R. Cohen:** "The Director was very shallow in his analysis and ruling. I have no argument with -170 for E/W, but I believe an adjudication of +140 for N/S should at least have been considered by the Committee. After all, had South been fully informed, (i.e., 'the irregularity not occurred') who would he have played for the ♣J?"

☞ Isn't South entitled to the benefit of the doubt—especially when he got it right at the table?!

**L. Cohen:** "I agree that there was damage and the Committee did a good job to point out that there was no way for South to suspect the lead was a singleton if 2♣ was natural. Determining a number of tricks for N/S is difficult and I might have given Average Plus since it is so difficult to decide on eight, nine, or ten tricks. On the other hand, what if nine tricks for +140 would have been more than an Average Plus? Is the Committee allowed to know the matchpoint results for +110, +140 and +170 to compare same to Average Plus?"

☞ The Committee's job is to determine which outcomes are "at all probable" and which are "likely," and to choose the most unfavorable from the former group to assign to the offenders and the most favorable from the latter group to assign to the non-offenders. If there is a line for ten tricks which the Committee believes is "at all probable" then that result should be assigned to the offenders. But if that line is not considered likely, then the line leading to the most tricks considered "likely" is assigned to the non-offenders. Assigning an Average Plus/Minus is a cop out which should only be considered an option under exceptional circumstances.

☞ And finally...

**Wolff:** "Proper decision though somewhat tough on E/W. Still an unusual treatment such as E/W were playing needs to be understood and explained timely and properly."

☞ Not at all tough on E/W. Their failure to properly Alert their agreement likely deflected declarer from considering several more successful lines of play, including the one to avoid the two ruffs the defense obtained and resulted in two fewer tricks than he might otherwise have taken. Giving back the two lost tricks seems clear. The fact that E/W happened to be playing a *convention* (and one which is really not all that "unusual") is irrelevant (never miss an opportunity) and should not affect the assessment of damage.

CASE FIFTEEN

**Subject (MI):** No Guarantees

**Event:** NABC Open Pairs I, 17 Mar 01, First Final Session

|                            |                  |             |              |
|----------------------------|------------------|-------------|--------------|
| Bd: 20                     | Robin Stephens   |             |              |
| Dlr: West                  | ♠ Q10953         |             |              |
| Vul: Both                  | ♥ J2             |             |              |
|                            | ♦ Q10765         |             |              |
|                            | ♣ 6              |             |              |
| Pat Galligan               | Loretta Bromberg |             |              |
| ♠ J876                     | ♠ 42             |             |              |
| ♥ KQ109                    | ♥ 7543           |             |              |
| ♦ K4                       | ♦ 83             |             |              |
| ♣ J42                      | ♣ AKQ83          |             |              |
|                            | Steven Mackay    |             |              |
|                            | ♠ AK             |             |              |
|                            | ♥ A86            |             |              |
|                            | ♦ AJ92           |             |              |
|                            | ♣ 10975          |             |              |
| <b>West</b>                | <b>North</b>     | <b>East</b> | <b>South</b> |
| Pass                       | Pass             | 1♣          | 1NT          |
| Dbl                        | 2♥(1)            | Pass        | Pass         |
| Dbl                        | 2♠               | Pass        | Pass         |
| Dbl                        | All Pass         |             |              |
| (1) Alerted; see The Facts |                  |             |              |

**The Facts:** 2♠ doubled made three, +870 for N/S. The opening lead was the ♣A. The Director was called after play had ended. E/W claimed they were given MI concerning North's 2♥ bid and that North had not corrected South's explanation prior to the opening lead. When West questioned the meaning of 2♥ South said, "I'm not real sure. If our 1NT opening is doubled for penalty it shows hearts and spades; I'm going to play partner for hearts and spades." North stated to the Director that he believed their partnership agreement was Jacoby transfers and he did not correct his partner's explanation because it was "obvious" once he pulled West's double to 2♠. West claimed that he might have passed 2♥ if he had known that it was a transfer. East said that if she had known that 2♥ was a transfer she might have led (or switched) to a heart on the actual auction. The Director

ruled that MI had damaged E/W and that West could reasonably have passed 2♥ with the proper information (Laws 75 and 40.) The contract was changed to 2♥ down two, +200 for E/W (on a club lead and a heart switch).

**The Appeal:** N/S appealed the Director's ruling and were the only players to attend the hearing. E/W did not attend because there was no disagreement about the facts and they had nothing further to contribute. N/S insisted that there had been no MI. South said that he specifically told the opponents that he was not sure what the 2♥ bid meant, but that it would have shown both majors after an opening notrump bid was doubled for penalty. South said that this auction had never come up before in their partnership. N/S (2100 and 2800 masterpoints) stated that they had played together every couple of months for the past year or two. An examination of their convention cards clearly showed that they played a specific runout convention over 1NT doubled. Although the actual runout sequence was not listed on the card, at least one member of the Committee was acquainted with the convention. The convention card also had the major transfer boxes checked on the front of the card with the "system on" box checked on the back. The play in 2♠ doubled had been: ♣A, spade to the ace, ♠K, ♦J.

**The Committee Decision:** South had reasonably assumed that the default runout method in the actual sequence was the same as when their opening 1NT was doubled but correctly warned the opponents that he was not sure what the 2♥ bid meant. The Committee believed that N/S had no partnership agreement concerning their methods after a 1NT *overcall* was doubled and thus there had been no MI.

Under Law 75B North was not obligated to disclose to the opponents the meaning of a bid for which his partnership had no agreement. The matter of North having UI that his partner believed he held "hearts and spades" was also discussed. South's pass of 2♥ strongly suggested a bidding misunderstanding, and passing 2♥ doubled was not deemed to be a LA for North. An analysis of the defense to 2♠ doubled showed that even if East had continued clubs, North could have pitched a heart, ruffed the third club, and successfully transposed to the actual line of play at the table. The Committee believed that the real cause of E/W's poor result was a combination of the semi-psychic third-seat 1♣ opener and the final penalty double of 2♠ with poor trumps. Although the auction took an unforeseen turn, West was in possession of sufficient information to realize that the defensive potential of his hand had been seriously compromised. The last issue the Committee considered was the matter of partnership liability for understanding their methods in certain basic auctions. The laws do not require a partnership to fully understand their methods in all auctions but do provide recourse if a pair habitually "obstructs the game or inconveniences other contestants" via systemic misunderstandings. The Committee did not believe that the present case fell under that category. The Committee therefore restored the table result of 2♠ doubled made three, +870 for N/S. In addition, the N/S pair was warned to firm up their agreements in auctions like the present one to avoid problems in the future.

**DIC of Event:** Henry Cukoff

**Committee:** Mark Bartusek (chair), Bart Bramley, Jerry Gaer, Richard Popper, Dave Treadwell

**Directors' Ruling:** 58.9

**Committee's Decision:** 93.3

☞ One of the Committee members is here to toot the Committee's horn. Since I plan to play harmony to the Committee's melody, I'll let him start the serenade.

**Bramley:** "We got this one right. West was just unlucky that his apparently good defensive hand, with four trumps in whatever suit N/S wished to declare, could not win many tricks even opposite an 'opening bid.' Furthermore, N/S had stated that they had no explicit understanding for this non-routine sequence. West was aware of the risks and had to live with the consequences of his actions.

"The Director's ruling raises the perennial question of whether the non-offending side is entitled to know what the opponents are doing even when the opponents don't know what they're doing themselves. The answer is that when no explicit agreement exists, nor is any asserted, then there is no MI."

**Polisner:** "I concur with the Committee's decision. I admit that if I were given a story by West that he 'might have passed 2♥,' I would be hard pressed to give E/W anything."

**Rigal:** "The Director made a generous ruling in favor of the non-offenders in a case of some considerable doubt. I agree with that general approach. The Committee examined the N/S behavior and correctly came to the conclusion that they had gone the extra mile to give E/W their precise agreement and were not at fault for having failed to agree an odd wrinkle in their methods. West got unlucky—had he not held four spades he might well have been able to make the case for passing 2♥ more strongly. As it was the Committee decided that E/W just happened to run into an unlucky confluence of circumstances where East's light opening bid and West's major-suit shape trapped them into a horrible pairs decision. N/S got lucky, but that is not yet a federal offence (except in the territory of CD)."

☞ Some panelists are confused about this situation. Let's listen to their complaints and see if we can straighten them out.

**Endicott:** “It is a well-established principle that in an auction like this South, not being asked to speak, should shut up and let North get on with it. I would hope that where Directors are expected to follow the WBF CoP they would allow the table score to stand.”

☞ Uh, excuse me, but wasn't South *asked* to speak when West asked what 2♥ meant?

The following panelists will explain just what “system on” means.

**Stevenson:** “The convention card has ‘System On,’ which suggests 2♥ shows hearts and spades. But the Law book suggests mistaken explanation rather than mistaken bid should be assumed in the absence of compelling evidence. Very confusing, and it is difficult to disagree with either the ruling or the decision, despite the difference between them! However, there are a couple of points of interest. Whenever there is a MI-type problem the Director should always be summoned at once. In this case, when South gave his vague description the Director might have asked South to leave the table and investigated with North whether there really was an agreement: If there was, the whole matter would have been solved. Furthermore, what of North's reason for not correcting the explanation? If he had claimed they had no firm agreement no one could have argued, but the actual reason given sounds like an attempt to hide the truth; possibly it was just slipshod. Either way, a PP should have been issued to remind North of his responsibilities.”

☞ David makes an interesting point. North was obligated to reveal his intent when he bid 2♥ if he (a) believed his partnership had an agreement about the bid, and (b) believed that his own understanding may be the correct one, in spite of his partner's opinion to the contrary. But if he was convinced by South's explanation that it was he who misbid, then South's explanation is the only one to which the opponents are entitled. The footnote to Law 75D2 explains: “[*If*] the partnership agreement is as explained...there is no infraction of Law...[*the opponents*] have no claim to an accurate description of the [*misbidder's*] hand...[*The misbidder*] must not correct [*his partner's*] explanation (or notify the Director) immediately, and he has no responsibility to do so subsequently.” The footnote goes on to explain that since the misbidder has unauthorized knowledge that his own call has been misunderstood, he “must be careful not to base subsequent actions on this information.”

So if North believed that South's explanation of “hearts and spades” was the correct one he was not obligated to disclose that he had misbid. I agree with him about one thing: Once he pulled 2♥ doubled to 2♠ it should have been obvious to all that he did not intend 2♥ to show both majors and probably intended it as a transfer. Of course his excuse for not correcting South's explanation (that his pull to 2♠ made his meaning “obvious”) was ill-conceived. The only reason for not “correcting” South's explanation was that it needed no correction—it described N/S's agreement accurately. So a PP against him for misunderstanding *why* he was not responsible for saying anything when in fact he was correct to remain silent seems rather heavy-handed. I would simply educate him.

**R. Cohen:** “Something bothers me here. ‘An examination of their convention cards clearly showed that they (N/S) played a specific runout convention over 1NT doubled.’ Also, we note that the write-up states ‘the ‘system on’ box was checked on the back.’ Doesn't this latter statement imply that runout agreements are identical whether the 1NT bid is an opening bid or an overcall? If there was no agreement, then the convention card was in error. Perhaps a proper adjudication might have been to allow the table result and an appropriate penalty (half a board) to N/S for an improperly filled out convention card.”

☞ Ralph is right that the checked “system on” box implies that N/S were playing the same runouts over a doubled 1NT overcall as over a doubled opening 1NT. So N/S did have an agreement and South explained that agreement accurately. But

since a double of an overcalled 1NT had not occurred before in their partnership, neither of them was clear what agreement was in effect. In effect, South guessed right and North guessed wrong. So the Committee's conclusion that N/S had no agreement, while wrong in theory, was in fact correct. But whatever the truth, South's explanation was accurate: He wasn't sure what their agreement was but he was playing the 2♥ bid to mean what it would have had his opening 1NT bid been doubled. There was no improperly filled out convention card (and even if there had been we don't issue PPs for such things unless they're either flagrant or reflect a pattern of abuse following previous warnings) and thus nothing to penalize—only a confused player.

Ron is on top of this.

**Gerard:** “N/S did have an agreement, that's what ‘system on’ means. So West had no right to be in a position to pass a transfer. North was obligated to act as if South announced ‘That's a transfer, I pass,’ but there was no way that South could have six hearts or a singleton spade for a 1NT overcall. I wouldn't have been that harsh on E/W; after all, it was matchpoints and the opponents were vulnerable. But there was no infraction, there is no such thing as Convention Disruption and there was no basis for the original ruling.”

☞ And finally, the usual unpaid political announcement.

**Wolff:** “There is no doubt that this experienced Committee is following the laws. However, if this NABC Open Pairs would be called a big-time event (I'd vote no) it would show to me and should show to everyone who doesn't have his own agenda just how inferior the interpretation of our laws have become; and they are getting worse. No one on either side did anything morally or ethically wrong, but look what CD wreaked. If North would have been playing the same system as South, North would have bid 2♠ which would have floated to West who would have doubled (I would have). East would (should) have taken out to 3♣ (or 2NT). Then after two passes North would probably have bid 3♦ which would revert back to West who would probably pass but might bid 3♥ (the winning action), etc. These are all bridge decisions based on judgment, detection and experience. With the CD, all bridge decisions were suspended and a new nameless game began (perhaps we should call it Idiot's Delight, ID). How can anyone decide what someone else should do once the distortion begins? For those of you who think you can decide intelligently, pardon my sarcastic laugh. For those of you who like the excitement, let me direct you to poker and backgammon. For those of you who agree but don't want to do anything about it, let me direct you to Nazi Germany (a somewhat extreme example, but you get my drift). But for any of you who agree and want to do something positive against it, please join me and my crusade. And for the 86<sup>th</sup> time: *For the high-level game (events to be specified) partnerships are expected to know their systems. If they don't and a misunderstanding occurs where the opponents suffer damage, a mistaken bid may be treated the same as a mistaken explanation. A player is entitled to psych and if he intended to psych and damage occurs to the opponents no redress should be given. However, the ultimate decision on whether or not a psych was intended will be determined by the Director or Committee.*”

☞ ...and we know what their decision will be.

CASE SIXTEEN

**Subject (MI):** The Lose-Or-Break-Even Morton's Fork  
**Event:** NABC Silver Ribbon Pairs, 18 Mar 01, First Qualifying Session

|                          |               |             |              |
|--------------------------|---------------|-------------|--------------|
| Bd: 15                   | Dewy Cundiff  |             |              |
| Dlr: South               | ♠ AK10542     |             |              |
| Vul: N/S                 | ♥ AKQ108      |             |              |
|                          | ♦ 7           |             |              |
|                          | ♣ J           |             |              |
| Pat Elms                 | Sandra Stover |             |              |
| ♠ 7                      | ♠ J986        |             |              |
| ♥ 965                    | ♥ J           |             |              |
| ♦ AQJ94                  | ♦ K10862      |             |              |
| ♣ A654                   | ♣ K83         |             |              |
|                          | Peg Cundiff   |             |              |
|                          | ♠ Q3          |             |              |
|                          | ♥ 7432        |             |              |
|                          | ♦ 53          |             |              |
|                          | ♣ Q10972      |             |              |
| <b>West</b>              | <b>North</b>  | <b>East</b> | <b>South</b> |
|                          |               |             | Pass         |
| 1♦                       | 2♦            | 2♥(1)       | Pass         |
| 3♥                       | 4♠            | 5♦          | 5♥           |
| Pass                     | 5♠            | All Pass    |              |
| (1) Described as natural |               |             |              |

**The Facts:** 5♠ went down one, +100 for E/W. The opening lead was a low diamond. N/S called the Director after the play. South had asked about the 2♥ bid before passing and was told it was natural. North said that he thought South was trying to get to 6♣. The Director ruled that although West misunderstood East's bid and gave MI about it to N/S, South had clearly chosen a 5♥ contract. It was difficult to think that South was moving toward slam after having passed 2♥. The Director allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling and were the only players to attend the hearing. N/S believed that the MI had contributed to their playing in the wrong contract.

**The Committee Decision:** Since E/W did not attend and their agreement could not be established, it was determined

that the explanation of 2♥ as natural was MI. Since any possible contributory negligence on the part of N/S would not affect E/W's result, the score assigned them under Law 12C2 was -650. For N/S, the issue was whether the failure to pass 5♥ constituted an egregious error that severed the connection between the infraction and the damage. This was complicated by the fact that East's 5♦ bid was a potential second infraction, a violation of Law 73C (taking advantage of UI from partner). The Committee believed that bidding 5♠ was a clear bridge error since any South hand worth a 5♥ slam try (presumably a void) would have been able to bid at least 2♠ on the previous round. East's 5♦ bid actually should have helped N/S decipher her intentions and it was not clear that South would have bid 5♥ over 4♠-Pass. Therefore, N/S were judged to have forfeited their right to an adjustment and for them the table result was allowed to stand.

**Dissenting Opinion (Ron Gerard):** I agree that passing 5♥ was clearly indicated but not that this was a situation in which the egregiousness of N/S's actions was relevant. If East had not bid the tainted 5♦, both South and North would have had to make winning decisions to reach 5♥. But with or without the 5♦ bid N/S could not have achieved better than the +650 they would have scored in the absence of the original infraction (North cue-bids 4♦ over 3♥ and South continues on to 4♥ or 5♥, if necessary). Because the opportunity that N/S failed to take advantage of was an opportunity they were guaranteed by law, they should not have been subjected to an anti-egregiousness standard when they could not benefit from satisfying it. I also question the majority's conclusion about North's 5♠ bid despite its irrelevance: remember Edgar's dictum that it is normal to make most mistakes. Finally, on

reflection I think that we should have considered issuing East a PP for 5♦ but we really didn't focus on that aspect of her bid.

**DIC of Event:** Ron Johnston  
**Committee:** Ron Gerard (chair), Dick Budd, Nell Cahn, Jim Linhart, Bob Schwartz

**Directors' Ruling: 57.0**      **Committee's Decision: 69.6**

✍ Dissidents first.

**Gerard:** "After the fact, one of the Committee members had second thoughts and said we should have ruled +620 for N/S. Although that implies that 5♦ was indeed an infraction and that N/S didn't do anything so terrible, it isn't quite good enough. In fact, it was not possible on this hand. N/S get either what they got or what the better view would give them.

"This is a confusing area and someone really needs to set the record straight. My view and I believe that of the National Laws Commission are as expressed, and I quoted Rosenberg in a recent column to the same effect. But everyone is out there assessing blame all over the place (as in CASE FOURTEEN and, to a lesser extent, CASE FIFTEEN) so we have to know when we have that right.

"But here's my real question: was it worse to bid 5♠ than to allow 3NT to make on CASE TWO?"

✍ I've read Ron's dissent and his comment about six times and I *still* don't know what most of it is all about. So with that disclaimer, we'll forge ahead.

My first reaction is that it's comforting to learn that I'm not the only one who's confused.

**Bramley:** "The majority may be wrong, but at least I understand what they're saying. Gerard may be right, but my head is hurting trying to decipher his incomprehensible convolutions. I guess it's back to remedial parsing school for me.

"I know that I disagree with the majority. I consider 5♠ inferior, even poor, but not egregious. From North's point of view South might have bid this way with ♠xxx ♥--- ♦xxx ♣Axxxxxx, for example. (No, we wouldn't have bid that way but South might.) Notice that although North, with great hearts, can be confident that 2♥ was not natural, he has no assurance that his partner can draw the same inference. Therefore, I would have assigned N/S +650. I also disagree with everyone about the possibility of the 5♦ bid being tainted. (I admit to understanding that fragment of Gerard's statement.) From East's point of view her partner's 3♥ bid should have been a return cue-bid in support of diamonds. In that case her 5♦ becomes automatic. Thus, discussion of a PP was inappropriate."

✍ Bart echoes my own thoughts quite nicely. Consider this additional point. Is it illogical for North to presume, based on West's explanation of 2♥ as natural, that East was bidding a heart stopper with notrump in mind? If not (and I think not), then interpreting South's 5♥ as a cue-bid (but not necessarily first-round control) is surely not irrational (though why would South risk a pass?). Also, I wish to reinforce the point that after West's (presumed) 3♥ cue-bid East has a much-improved hand. Opposite as little as ♠x ♥Axx ♦QJ9xx ♣AQJx East can expect to make 5♦ and if we swap the ♦A for the jack even 6♦ is not too big a stretch.

Along similar lines...

**Rigal:** "Both the Director and majority Committee decision totally miss the point. Would North have passed 5♥ if he had heard East's bid explained properly? Of course not! So the fact that he made a (possibly) poor bridge decision even in the light of the MI does not alter the facts that he was significantly less likely to get the hand right once the MI had been given. That being so, we can all prove our superiority to North by saying that 'we would have got it right at the table.' It is

considerably easier with the sight of all four hands than it is at the table and it is one of my pet peeves that Committees never make a mistake. So how come they never win National events? Gerard got it completely right and I am amazed that the usual force of his arguments failed to persuade any of the other four wanderers to return to the straight and narrow.

“As to the PP, I am unsure. I do not think the offense, if any, is serious. After all, behind screens if partner raised your artificial bid would that not suggest short spades—which in turn might make the 5♦ bid more attractive?”

☞ Perhaps at some future time Barry will explain to us why he believes North would not have passed 5♥ had he heard East’s 2♥ bid explained properly.

**Polisner:** “Since it has never been determined if the 2♥ bid was conventional to show some sort of diamond raise as opposed to a psych, the question of East’s ‘tainted’ 5♦ bid (as described by Gerard) cannot be adequately addressed; however, since they chose to not attend the hearing, the presumption should be that it was a diamond raise. Thus, there was MI and a violation of Law 73F which resulted in damage to N/S. Certainly North should pass 5♥, but in the heat of battle these kind of errors are common and should not be considered egregious. I would have ruled +650 for N/S for both sides.”

**Wolff:** “The title of someone’s next bridge book should be: ‘What everyone should play against mis-descriptions of the opponent’s conventions.’ When Marty Cohn psyched an opening 3♥ against Howard Schenken in the 1960’s during a major KO holding short hearts and catching Howard with seven hearts and an enormous hand Marty took him out of that hand and picked up manyimps. Little did he know that his legal bid would be the forerunner of the mad bridge-player disease of CD (Marty’s wasn’t) to which we seem to continue giving our blessing. Let us call him Typhoid Marty (God rest his soul) till we get the vaccine, which by the way is right in front of our eyes if we choose to see it. For all those experts who proclaim, ‘How can someone not bid at the two level and then make a five-level slam try?’ Are you kidding or what? I thought high-level bidding is based on your hand compared to the bidding up to now. How about three or four spades, a heart void and a yarborough? Yes, perhaps I should have bid 2♠ but what if I wanted to see what the natural 2♥ bid was gonna bring. The Committee may be right and North should have passed 5♥, but give me a break and stop making blanket emphatic statements about what North should have done. CD is responsible for N/S having to make this decision and some of us would make it wrong.”

**Stevenson:** “Having read Ron’s Dissenting Opinion a few times, I’m afraid I still do not understand it. There was an infraction by E/W, afterwards N/S made an egregious error, so N/S do not get the benefit. And what would a PP on East be for? Making a mistake? Of course, it can be argued the error was not egregious. I wonder how many of the members of the Committee would pass a bid of a suit bid and raised by the opponents. I bet none of them would, really! I do not believe the 5♠ bid was an egregious error and the board should have been adjusted to 5♥ made. (Despite Rich’s weary comments in the Anaheim casebook, he really does not need to disagree every time I point out a Committee being overly harsh on non-offenders, and this I believe is such a case.)

“Incidentally, the Director also seems to have believed 5♠ was an egregious error; in which case why did he not split the score?”

☞ I’m sorry to disappoint David but I happen to agree with his view of the non-offenders here. Not to despair, though; I anticipate plenty of opportunities to offer more weary comments on his views later.

The remaining panelists side with the Committee.

**Brissman:** “Tough decision. I side with the Committee but they should have

considered the PP as Ron pointed out in the dissent.”

**Treadwell:** “I tend to agree with the majority decision: North certainly should have realized what was going on. The dissenter made one good point, however: the 5♦ bid by East seems to have been a rather blatant attempt to correct the MI by her partner and should have warranted a PP.”

**R. Cohen:** “As far as I’m concerned, South was at fault for his failure to double 2♥. All N/S problems are subsequent to West’s explanation, not consequent. Table result stands.”

☞ Sorry, Ralph, but with the South hand I would expect E/W to buy the contract in either 3NT or some number of diamonds. The last thing I want in either case is for North to lead a heart from a tenace. I might try 4♥ in an effort to prevent E/W from reaching slam confidently, but doubling 2♥ is not a call I would give serious consideration.

And finally, for those interested in tangents...

**Endicott:** “The non-attendance of E/W was unhelpful, and since they were in jeopardy over the 5♦ bid I would add questionable. (The WBF General Conditions of Contest now say that ‘all four players at the table shall consider themselves called to the hearing unless prior consent to the absence of a player or players is obtained through the Tournament Director’.) In passing it may be noted that the WBF Executive has ordered that dissenting opinions by members of the Committee are not to be published: Committee decisions are corporate decisions the confidence of which should not be breached.”

☞ Yes, and quite a nice whitewashing policy it is—not to mention the inhibitory effect it has on efforts to improve the WBF’s appeal process.



CASE SEVENTEEN

**Subject (MI):** To Err Is Human  
**Event:** Senior Pairs, 19 Mar 01, First Session

|  |              |                 |              |
|--|--------------|-----------------|--------------|
| Bd: 30   | ♠ 83         |                 |              |
| Dlr: East  | ♥ J104       |                 |              |
| Vul: None  | ♦ AJ543      |                 |              |
|  | ♣ 863        |                 |              |
| ♠ K92  |              | ♠ J64           |              |
| ♥ 93   |              | ♥ AK8652        |              |
| ♦ K10987   |              | ♦ 6             |              |
| ♣ A74  |              | ♣ K109          |              |
|  | ♠ AQ1075     |                 |              |
|  | ♥ Q7         |                 |              |
|  | ♦ Q2         |                 |              |
|  | ♣ QJ52       |                 |              |
| <b>West</b>  | <b>North</b> | <b>East</b>     | <b>South</b> |
|  |              | 1♣(1)           | 1♠           |
| 1NT(2)   | 2♦           | 2♥(3)           | All Pass     |
| (1) Alerted; explained as 10-14 HCP, may have a five-card major, < 2½ quick tricks |              |                 |              |
| (2) Non-forcing  |              |                 |              |
| (3) Explained as 10-14 HCP with five hearts  |              |                 |              |
| <b>The Play (South on lead):</b>   |              |                 |              |
| <b>Trick</b>   | 1            | ♦Q, ♦K, ♦A, ♦6  |              |
|  | 2            | ♠8, ♠4, ♠10, ♠K |              |
|  | 3            | ♥3, ♥4, ♥A, ♥7  |              |
|  | 4            | ♥K, ♥Q, ♥9, ♥10 |              |
|  | 5            | ♥2, ♠5, ♦7, ♥J  |              |
|  | 6            | ♠3, ♠6, ♠Q, ♠2  |              |
|  | 7            | ♠A, ♠9, ♦3, ♠J  |              |
|  | 8            | ♣Q...           |              |

**The Facts:** 2♥ made three, +140 for E/W. The opening lead was the ♦Q. The Director was called before North's final pass. West repeated his explanation of his side's agreements. After the hand was played, North told the Director that E/W had a private agreement that had not been disclosed because East had 2½ quick tricks. The Director ruled that West had given the proper explanation of the partnership agreement (which East may have violated) and the table result would stand.

**The Appeal:** The play had gone as shown. N/S appealed the Director's ruling but did not request redress for themselves. They wanted E/W's methods reviewed as to their actual agreements and proper disclosure. They believed that E/W did not deserve +140 if < 2½ quick tricks was not their actual agreement. N/S also believed that irrespective of the MI issue, South should have figured out the proper defense. E/W said that 1♣ showed 10-14 HCP in a minimum hand. At least 2½ quick tricks were required for a non-1♣ opener, but that alone may not be enough. A

balanced hand with three aces was still considered a minimum and thus a 1♣ opener. E/W understood why they should possibly lose one trick and did not disagree with that possibility.

**The Panel Decision:** The Panel decided that MI was given because the 1♣ opening did not completely deny 2½ quick tricks, although other openings must include at least 2½ quick tricks. One of the expert consultants would have led a small club at trick eight. The other would have led a spade since East would have had only 8 HCP without the ♠K. The consultant with 1500 masterpoints said he would have led a club since partner, with the ♦J and ♠K, might think he was under pressure if the hearts were run. The Panel decided that damage occurred due to the MI (Laws 75A and 40C). Therefore, for E/W the contract was changed to 2♥ made two, +110

for E/W ("the most unfavorable result that was at all probable," Law 12C2). For N/S the table result was allowed to stand since they had not applied for redress for themselves.

**DIC of Event:** Bob Woodward  
**Panel:** Terry Lavender (Reviewer), Matt Smith, Gary Zeiger  
**Players consulted:** Curtis Cheek, Kay Schulle, and one player with 1500 masterpoints

**Directors' Ruling: 68.0**      **Panel's Decision: 66.0**

☞ Why was the Director called when he was (before the final pass)? Did West need coaxing to explain his agreements? Was the initial explanation too vague? Well, this one evoked the inevitable comparisons to CASE FIVE (appellants not wishing a score adjustment for themselves), the most vehement coming from...

**Bramley:** "Vile. See my comments on CASE FIVE about appealing for reasons other than your own benefit. South declined a 100% no-cost play and then wanted to screw the opponents for a mild and *irrelevant* misexplanation? This was not appeal material and deserved an AWMW. The Director should have worked a little harder to determine the E/W agreements and then told E/W to be more accurate in their explanations."

☞ Bart is certainly right in his assessment of the Directors' performance at the table. This whole thing could have been avoided had more care been taken to find out E/W's actual agreement.

**Brissman:** "I don't know if I'm more disappointed in the two lame-brained responses of the consultants or in the Panel for not discounting their input. A less-than-adequate explanation does not relieve defenders of their obligation to count and rationalize a defense. I wish N/S had sought meritless redress on this board."

☞ Wasn't it clear that without the MI South might not have committed her error (even though we agree she should not have committed it anyhow)? If a pair gives MI which results in damage (even if it shouldn't have), their score must be adjusted. But how can the Panel change E/W's score and then give N/S an AWMW? And then there's always the following argument...

**L. Cohen:** "On my paper, in the bidding diagram, it clearly says '< 2½ quick tricks.' The general idea I get is that South was defending under the presumption that East could not have the ♠K. Yes, that would give him a light opener, but is South really required to figure out which unlikelihood to play for? I have no sympathy when an unusual system is not described 100% perfectly—there is not as much latitude when the system is unfamiliar. I'd give N/S -110 (instead of -140) even if they didn't 'ask for it.' Why should the fact that they 'didn't ask for it' matter? Often when players come into a Committee it's not clear exactly what adjustment they are looking for."

☞ I agree with Larry in principle. As I said in CASE FIVE, a pair might have any number of reasons for not asking for a score adjustment for themselves including ignorance that they are entitled to one. Just because they don't request one doesn't mean one shouldn't be considered (just as a pair who requests one may be denied it). If the table Director had ruled correctly, N/S could have declined an adjustment for themselves. After all, Law 81C8 gives the Director (*alone*) the right to waive a penalty (here the score adjustment may be considered a form of penalty) for cause (N/S's belief that they were responsible for their own poor result), at his discretion, upon the request of the non-offending side.

**R. Cohen:** “South, if she was a bridge player, had to know that East had broken the E/W agreement when she was on lead at trick eight. Either East had only 8 HCP or he had 2½ tricks. A bridge player would have continued a spade, not a club. This is two cases in a row where players failed to play bridge and called for a Director. In both cases the appellants achieved nothing for themselves and Committees (improperly in my opinion) adjusted the score of their opponents. All a Committee might have done was refer the cases to the Recorder.”

✍️ Sorry, Ralph, but *your* Laws Commission (along with the WBF) removed the distinction between subsequent and consequent damage for offenders. The ACBL Laws Commission said: “For an offending pair, damage should be based solely on the score achieved whereas actions subsequent to the infraction may be relevant for the non-offenders.” (ACBL minutes, Orlando NABC, 21 November, 1998). Thus, if an *offender’s* infraction (here, MI) results in a *better score* for his side than they might otherwise have obtained, that is considered damage. It does not matter that an opponent’s subsequent negligence produced the damage: The offenders’ score should still be adjusted. But for *non-offenders* consequent damage is required in order to award them redress.

The following panelist is the scribe for the WBF Laws Committee and knows that E/W deserved to have their good result removed. (Unfortunately, his approach is to issue PPs when score adjustments are more appropriate. I’ll have more to say about this important issue in my Closing Comments.)

**Endicott:** “I consider that when about to lead to trick eight South had information about the distribution of high cards that could have triggered a further question as to the limitations of the opening bid. In the absence of such self-protection I do not think there is damage consequent upon the initial flawed explanation. In my view a score adjustment is inappropriate, but a PP should be considered.”

✍️ But consequent damage is not required for a score adjustment for the offenders; it is only necessary for the non-offenders. And both the WBF and ACBL law bodies specify a *score adjustment* for offenders in such cases. The WBF Laws Committee said: “...advantage gained by an offender...shall be construed as an advantage in the table score whether consequent or subsequent to the infraction. Damage to a non-offending side shall be a consequence of the infraction if redress is to be given in an adjusted score.” (WBFLC minutes, Lille, 30 August, 1998).

**Polisner:** “Yes, there was MI. The only question is that of damage. It is easy to say that South should have appreciated that East had the ♣K from the high cards already revealed and that East would have had a weak two without it (assuming they played such methods). However, South (a senior with unknown skill level) could well have been tunnel visioned by the MI and should not be damaged. I would have ruled E/W +110 for both sides.”

✍️ The ACBL still requires that players continue playing “reasonable” bridge following an opponent’s infraction to retain their right to redress. Regardless of South’s level (unless this was a novice/intermediate event), the ♣Q play may have been sufficiently egregious to break the connection between the MI and damage. So if there was MI, Jeff is right that E/W deserve +110. But N/S worked hard for their –140; they *earned* it.

**Treadwell:** “In effect, the Panel penalized E/W for an extremely minor error in their explanation—an error that should have had no bearing on the defense, since South had an easy, and automatic, exit with a spade. We must not cater to players who seek redress because of some minor discrepancy in an explanation.”

✍️ But the fact still remains that E/W did profit from their infraction, and the law instructs us to adjust their score.

**Stevenson:** “It seems that E/W had not thought through the ramifications of their system and so there was MI. It is an interesting idea to try for an adjustment solely for your opponents, and it is important that E/W are persuaded not to give MI in future.”

**Rigal:** “Maybe I am missing the point but is this system legal? That aside, it looks like West gave MI and the initial Director ruling should have been for N/S. The Panel might have ruled for E/W even given that, since after the play to trick one South knew East had the ♣K. Still, I can’t help feeling that any E/W pair playing these methods deserve to get the worst of any ruling issues.”

✍️ The ACBL General Chart specifically allows the use of 1♣ or 1♦ as an all-purpose opening bid (artificial or natural) promising a minimum of 10 HCP. The 2½ quick-trick requirement is simply this pair’s idea of what high-card structure an opening bid should have in their partnership.

**Gerard:** “No. The correct Alert was ‘...cannot have 2½ quick tricks except in a balanced hand.’ East was not supposed to hold this hand so South was never entitled to know that he might. It was mistaken bid, not mistaken explanation.

“The only thing I can say about the expert who would have led a low club is ‘Really,’ with the appropriate inflection.

“I repeat my comments from CASE FIVE.”

✍️ It appears to me that E/W used their 1♣ bid for any minimum hand, balanced or not, including those with five-card majors. If a hand is balanced with less than 15 HCP it can have more than 2½ quick tricks. If a hand has at least 2½ quick tricks it may qualify as a non-1♣ opening, but there are apparently other requirements as well (non-minimum?) since East opened his actual hand with 1♣ in spite of its 2½ quick tricks. But these refined “qualifications” were never disclosed during the auction. E/W were told that East couldn’t have 2½ quick tricks (which in fact he could and did). Had E/W explained the full requirements for their 1♣ opening, South might not have simply assumed that East couldn’t have 2½ quick tricks and worked out whether East was balanced or not before reaching her conclusion. Had East then turned up with 2½ quick tricks, I would agree with Ron that there was no MI and we could classify this as a simple misbid. But here the MI acted to lull South into thinking superficially. Thus, I hold E/W culpable for gaining an unfair advantage by their explanation—albeit clearly unintentionally—and would adjust E/W’s score to +110 while leaving N/S with their well-earned –140.

And now for another unpaid political announcement.

**Wolff:** “More wrongdoing under our umbrella. If one was to say to me ‘Just let these people play and everything will be all right’ I would be happy to do just that, but should we not take these Committees seriously? When they say 2½ tricks I think they are saying ‘We use 1♣ for a real minimum opening bid and it is our only opening that does not require 2½ honor count.’ They are not thinking ahead as to what that statement might do to serious defenders. Fine, let us leave it at that; let them alone to play in their own sandpile, but why are we wasting our time on talking sophisticated Committee/Panel action? Either do away with these cases or keep them out of the casebook.”

✍️ It may be that E/W were not sophisticated enough to know how to properly explain their agreements. But that is part of the human condition and cannot be legislated out of the game. Mistakes and such will always occur. In effect, these players *were* playing in their own “sandpile” here (the Senior Pairs). But even if they weren’t, such cases deserve to be aired here for the benefit of the thousands of players who regularly play in these types of games.

Help stamp out snobbery; feed a Wolff.

CASE EIGHTEEN

**Subject (MI):** An Illusion Of Damage

**Event:** Stratified Open Pairs, 20 Mar 01, First Session

|             |              |             |              |
|-------------|--------------|-------------|--------------|
| Bd: 12      | ♠ Q8         |             |              |
| Dlr: West   | ♥ A2         |             |              |
| Vul: N/S    | ♦ 85         |             |              |
|             | ♣ KQJ8762    |             |              |
| ♠ 9653      |              | ♠ 107       |              |
| ♥ K109      |              | ♥ 8543      |              |
| ♦ K10632    |              | ♦ Q94       |              |
| ♣ 9         |              | ♣ A1053     |              |
|             | ♠ AKJ42      |             |              |
|             | ♥ QJ76       |             |              |
|             | ♦ AJ7        |             |              |
|             | ♣ 4          |             |              |
| <b>West</b> | <b>North</b> | <b>East</b> | <b>South</b> |
| Pass        | 1♣           | Pass        | 1♠           |
| Pass        | 2♣           | Pass        | 2♥           |
| Pass        | 3♣           | Pass        | 3NT          |
| All Pass    |              |             |              |

**The Facts:** 3NT went down one, +100 for E/W. The opening lead was the ♦2. The Director was called after the E/W pair left the table. Declarer had asked about E/W's opening lead agreements which were described as fourth best or attitude. E/W's convention cards were marked as such although South did not look at them. The play had been: ♦2 to the queen and ace, club to the ace, then E/W cashed four diamond tricks. The Director ruled that there had been no infraction: The information offered by the defenders, while confusing, seemed sufficient based on the agreement shown on the convention cards. The Director allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling. Declarer said he only heard the response "fourth best" when he asked about E/W's leads. He said that if he had heard "or attitude"

he would have inquired further, as that would have been a strange agreement. If he had known the lead was attitude, he would have ducked at trick one. But with fourth-best leads he had overtricks if West held the ♠A. He admitted that East might have said "or attitude" but if so, he didn't hear it. North also didn't hear "or attitude." East and West both said that East had replied "fourth best or attitude." E/W's real agreement was to lead attitude but sometimes it simply coincided with leading fourth best.

**The Panel Decision:** Since E/W's real agreement was determined to be attitude, MI existed regardless of whether declarer had heard "or attitude" or not. E/W were instructed to change their convention cards appropriately. The fourth best statement should not have been made. Law 47E2(b) was applied which, in conjunction with Law 40C, provided for an adjustment if appropriate. Since declarer was a Flight A player with over 4000 masterpoints, three expert players were consulted to determine the likelihood of damage. All three experts would have won an "attitude ♦2 lead" at trick one with the ace to maximize their chances of overtricks. As one expert put it, "at matchpoints, pig it and win the ace." In fact, if diamonds were five-three and West had the ♠A, declarer would go down by ducking at trick one instead of making nine tricks. The Panel determined that with the correct information a declarer of South's ability would have made the correct matchpoint play of winning the ace at trick one. Thus, the MI did not damage declarer and the table result was allowed to stand.

**DIC of Event:** Rick Beyo

**Panel:** Gary Zeiger (Reviewer), Betty Bratcher, Terry Lavender, Matt Smith

**Players consulted:** Paul Hackett, Kent Mignocchi, Paul Soloway

**Directors' Ruling:** 86.3

**Panel's Decision:** 94.3

☞ The Panel was perfect here. South's play at trick one is a guess, regardless of E/W's lead agreements, and at matchpoints the guess is easy: Win the ♦A at trick one since that provides the best chance for overtricks. The duck at trick one is only right when East has the ♠A and only three diamonds; winning the ♦A is right whenever West has the ♠A and, even if East has the ♠A, declarer will still go plus when diamonds are four-four.

This was an easy one for the panelists.

**Bramley:** "A classic example of 'Without the infraction I'd have played double-dummy.' Good rebuttal by the consultants and the Panel."

**R. Cohen:** "Well done by all concerned, particularly the Panel."

**Endicott:** "Nicely explained by the Panel."

**Polisner:** "Excellent analysis by the Panel to reach the correct result."

**Treadwell:** "Once more, a pair got a poor result and tried to get it corrected on a technicality."

☞ And now for another unpaid political announcement.

**Wolff:** "Another non sequitur Panel. I'm sure South was pleased to be told his 4000 masterpoints made him a worthy player for winning the first diamond which he did. Consider, he wound up worthy, he wound up making the right play—what more could he want? Better to have 2000 masterpoints and be given the ruling."

**Rigal:** "Excellent decision by both Directors and Panel. The Director determined that notwithstanding the offense declarer's 'right' bridge line is to go down. Some might say that non-vulnerable West's failure to overcall marks his partner with the ♠A, but the hand he actually held is almost as strong and he did not bid, so such inferences are at best vague. Since my instincts about PPs are rarely right I will only suggest in passing that E/W might be due one for their misleading system-card and explanation."

☞ Sorry, Barry, but as I said in CASE FIFTEEN, issuing PPs for minor technical infractions such as sloppily filled out convention cards or inadvertently confusing explanations is too heavy handed—except, of course, in certain countries where Secretary Birds still run things. Speaking of which...

**Stevenson:** "It is very worrying that the E/W pair described their system of leads in a way that was clearly wrong, and thus would mislead opponents. Both Director and Panel were derelict in their duty to the game in not penalizing E/W. A quarter-board PP would have made them realize their responsibilities of Full Disclosure."

**L. Cohen:** "If declarer really was into the hand, he would have asked more questions. He admitted that 'East might have said 'or attitude,' but if so, he didn't hear it.' I read that as 'I heard it, but I'm going to pretend I didn't and come to Committee to try to get what I didn't get at the table.' Even if the lead was attitude, there is no reason to presume diamonds aren't four-four, so winning the ♦A at trick one is normal. I think this appeal lacked merit."

☞ I agree. And since North had even more masterpoints (5,400) than South there was no excuse for this whining. AWMWs for the both of them. Happy, Wolffie? Probably not.

CASE NINETEEN

**Subject (MI):** The System Hole That Swallowed Everyone

**Event:** Vanderbilt KO Teams, 22 Mar 01, Round of Eight, First Quarter

|                         |              |             |              |
|-------------------------|--------------|-------------|--------------|
| Bd: 3                   | Lew Stansby  |             |              |
| Dlr: South              | ♠ 10854      |             |              |
| Vul: E/W                | ♥ K53        |             |              |
|                         | ♦ 43         |             |              |
|                         | ♣ K1065      |             |              |
| Bob Hamman              | Paul Soloway |             |              |
| ♠ AK76                  | ♠ QJ3        |             |              |
| ♥ 8764                  | ♥ AQ109      |             |              |
| ♦ KJ109                 | ♦ AQ2        |             |              |
| ♣ 7                     | ♣ Q94        |             |              |
|                         | Chip Martel  |             |              |
|                         | ♠ 92         |             |              |
|                         | ♥ J2         |             |              |
|                         | ♦ 8765       |             |              |
|                         | ♣ AJ832      |             |              |
| <b>West</b>             | <b>North</b> | <b>East</b> | <b>South</b> |
|                         |              |             | Pass         |
| 1♠                      | Pass         | 2♣(1)       | Pass         |
| 2♦(2)                   | Pass         | 3NT         | All Pass     |
| (1) Alerted; Drury like |              |             |              |
| (2) Alerted; minimum    |              |             |              |

**The Facts:** 3NT made three, +600 for E/W. The opening lead was the ♠9. The Director was called at the end of play. South had asked (in writing) about the meaning of 2♣ followed by 3NT. West had replied “17-18 HCP w/clubs.” The Director ruled that there had been no MI (Law 21) and no violation of Law 75C. Therefore, the table result was allowed to stand.

**The Appeal:** N/S appealed the Director’s ruling. South believed that with the explanation given clubs looked to have no future so he led a spade, hoping that there were bad breaks in the black suits. E/W explained that 2♣ was “Drury like” (possibly a three-card limit raise), 2♦ showed any minimum without hearts, and 3NT was “17-18 balanced with clubs.” No further explanation was asked for. E/W said that 2♣ followed by 3NT should show clubs. A 2NT response to 1♠

would have been a wide-range, balanced game force. East stated that in an earlier match he had responded 2NT holding a balanced 17 HCP and three clubs. While E/W had no system notes covering this auction, discussion and experience indicated that it should show clubs. A 2NT response would not have left room to differentiate a minimum game force from a balanced 17-18 HCP.

**The Committee Decision:** The Committee believed that this East’s hand fell in a hole in E/W’s system and that the explanation given, while well-intended, was incomplete and potentially misleading. As a result, under laws 73C and 12C2 the Committee decided to adjust E/W’s score to the worst result that was at all probable: –100 (after a club lead). The Committee also decided that South might (should) have inquired further and that a non-club lead was likely enough to assign N/S the table result of –600.

**DIC of Event:** Henry Cukoff

**Committee:** Henry Bethe (chair), Curtis Cheek, Geoff Hampson, Doug Heron, Michael Rosenberg

**Directors’ Ruling:** 81.7

**Committee’s Decision:** 60.3

I spoke to E/W’s coach and was told that balanced hands of about 17-18 HCP which lack a club suit are a problem for E/W’s system: There is no bid to describe such hands. A direct 2NT response shows a balanced hand in either the 12-16 or 19-20 HCP range. Hands in the 17-18 range are not covered. After a 2NT response

responder can pass opener’s 3NT rebid with the weaker hand (12-16) or invite slam with a stronger one (17-20) by either raising to 4NT or investigating a possible four-four minor-suit fit. A semi-artificial 2♣ response always shows four-plus clubs in a game-forcing hand unless responder has a three-card limit raise in spades. It also allows responder to find out if opener is minimum (opener’s 2♦ rebid, as here) after which responder can give up on slam by signing off in 3NT. But 3NT systemically implies real clubs. So with a slammish hand lacking at least four clubs East is caught between a rock and a hard place. He either has to bid 2NT, treating his hand as either 12-16 or 19-20, or bid 2♣ and, if opener shows a minimum (as here), rebid 3NT and risk opener thinking he has real clubs. He obviously chose the latter tack.

After the hand from the earlier match East was aware of the hole in the system but failed to bring it to West’s attention to firm up their agreements or modify their system to eliminate the hole. Since he allowed this problem to remain unaddressed, I hold his side responsible for explaining that a hand such as East’s is possible (17-18 balanced but without real clubs) whenever one of the two “suspect” sequences (1♠-2NT or a 1♠-2♣; 2♦-3NT) occurs. Therefore, I agree with the Committee’s decision to adjust E/W’s score to 3NT down one, –100 for E/W.

On the other hand, I think South did all he should be expected to do to find out what East’s sequence meant. The ACBL Alert Procedure says, “The opponents need not ask exactly the ‘right’ question. Any request for information should be the trigger. Opponents need only indicate the desire for information—all relevant disclosures should be given automatically.” The crux of the issue, then, is whether South’s failure to lead a club is an egregious action which it breaks the connection between the MI and damage. In other words, is a club lead so clear that South must bear the burden of the result if he fails to lead it.

This is a difficult, subjective decision, as Wolffie will reaffirm later. South can place about 35-36 HCP between the opponents’ hands and his own, leaving very little for North to contribute to the defense. The best he can hope for is that North will hold ♣Hxx (including the ten or nine) or the ♣109x and a side entry. If 2♣ definitely shows four reasonable clubs, then this may be too remote a possibility to bet on and a more rational approach may be to try to hold the overtricks. But I think this is simply too close to call. The kicker, if there is one, lies in my belief that E/W should have given South a bit more to work with. Since I think any hint that East might not hold “real” clubs would clearly have swung the choice to a club lead, I would have adjusted the score reciprocally to +100 for N/S.

The panelists were confused by the write-up (it wasn’t Henry’s best effort) and consequently were divided as to how to handle the case. Representing the extremes:

**Bramley:** “Skimpy write-up. What would 2NT have meant over 2♦? Why should South have inquired further? How likely was a club lead with a complete explanation?”

“I understand the Committee’s desire to punish both sides. In West and South we have two great players who should have known better. But I fail to see the legal justification for a split ruling. If South erred by not protecting himself, then why should E/W be punished also? But if West erred by not providing a complete explanation, why shouldn’t South be given the benefit of an assumed club lead? In the latter case a split ruling would be acceptable only if the Committee judged that, given complete information, South would lead a club with a frequency that fell into the narrow low-percentage band (“possible but unlikely”) that justifies split rulings.

“Would the Committee’s assertion of negligence apply to any South or only to this particular South, a player of vast systemic knowledge who also has considerable experience against these opponents?”

“Playing Standard, many would respond 2♣ to 1♠ with ♠xxx ♥KQ10x ♦AQX ♣Q9x, planning to bid notrump next. (I think 2♣ would get 100 in the Master Solvers’ Club.) Yet no one, I hope, would suggest that 2♣ is Alertable or that any special explanation is required after the auction. Is the actual auction, in which 2♣ is known to be artificial some of the time, so different from its Standard counterpart that E/W are culpable when 2♣ turns out to be ‘convenient’ or ‘tactical’? I think

not. East had a club suit but it happened to be short and weak. Therefore, I would have let the table result stand for both sides.”

✍ The auction Bart describes is a tactical one since in Standard bidding there are legitimate ways to handle such hands within the system (e.g., start with 2♦, jump to 2NT directly). But in E/W’s system there was no legitimate way to describe the East hand and there were several easy ways to “fix” the hole (adjust the point ranges for the 2NT response, create an artificial follow-up to 2♣ to confirm real clubs, or—my favorite—just disclose the fact that East may occasionally not have real clubs).

**L. Cohen:** “I don’t understand. Most of these system explanations were apparently given in Committee. But what did East say at the table? Did North ever ask? Did East ever volunteer what his auction showed? Anyway, since no system notes were presented, how are we to know what the E/W agreement is? I doubt that East thinks he showed a club suit. It appears as if East thought this was the way he bids this hand type. Why should we believe he forgot and that West had it right when nothing indicates what the actual agreements are? I would rule down one both ways.”

✍ East and West agreed that East’s sequence showed real clubs (at least four-cards), though East explained his 3NT bid to North as simply 17-18 HCP (with no mention of clubs). In fact, E/W’s system notes define this sequence as a (mild) slam try with clubs.

More from those who think reciprocal 100s was the right decision.

**Rigal:** “Very tough ruling on N/S. the Director is, of course, way off beam in the initial decision since there was an offense that clearly might have been responsible for the opening lead. Rule 3NT down one to let the offenders appeal. And why on earth should one have to work out the opponents’ methods when they have been clearly explained to you without any ambiguity? This just seems unfair to me; I have no doubt in my mind that the ruling should be 3NT down one for both sides.”

**R. Cohen:** “I’m amazed that with all those pages of notes, the E/W pair has a hole in their system. Of course, this partnership is only 3 or 4 years old, so it is still developing. Did the Committee inquire why East did not respond 2NT in this instance, when ‘the appeal’ notes the same player bid 2NT on a very similar hand earlier? I’ll buy the Committee adjudication, though I could be convinced to award N/S +100.”

✍ Now let’s hear what the other “result stands” advocates have to say.

**Gerard:** “I do not get it. What was West supposed to say? Drury limit raise? Irrelevant. We bid 2NT earlier with 17 and three clubs? That sure would have helped South, wouldn’t it? It’s not specifically in our notes, but it should show clubs? Yes, that would have covered it. So would a club lead have been at all probable if that explanation were given? Not in my opinion. Not when Hamman and Soloway tell you that their system inferences are that East holds clubs. We know that they haven’t always gotten their methods right, but that could equally as well apply to the actual statement as to the correct one. In fact, there was more of a chance of an error the way it was explained than the way it should have been. West could just have been wrong about ‘17-18 HCP w/clubs’—he confused it with something else, blanked out, etc.—but the ‘inference’ explanation would show he was thinking about it. Once ‘clubs’ made an appearance on the scene, South was toast.

“I don’t see how South could or should have inquired further without giving the appearance of badgering. And it didn’t matter anyway, since ‘likely’ was a big overbid for a club lead under any circumstances. However, the world is now on notice from this and previous episodes that you can and should question the E/W

pair about their announcements without having them take offense.

“By the way, nice methods or judgment, whichever it was.”

✍ Unfortunately, neither East nor West was apparently aware at the time of the hearing that this sequence was in their system notes and showed clubs, so the write-up could not disclose this. The problem is that E/W (East especially) knew that with a balanced hand of 17-18 HCP lacking clubs one had to either lie about the points and bid 2NT or lie about the clubs and bid 2♣. N/S were entitled to know this, especially after the earlier incident revealed the problem.

**Polisner:** “This is an excellent hand to expose one of the weaknesses in our present system regarding misbid vs. misexplanation. The fact that E/W had bid 2NT previously on a balanced 17-count with three clubs should have been sufficient evidence that 2NT was the system bid for East’s hand and thus even though there were no system notes to reflect that this auction showed clubs, it seems that it must. Since we require West to disclose agreements which have been developed by partnership experience, West completely satisfied his disclosure obligations. He could have said we have no formal agreement about this auction other than 17-18 HCP which would have been accurate. Perhaps East psyched his sequence to prevent a club lead knowing that his sequence showed clubs. In summary, the table result should have been maintained.”

**Stevenson:** “So, was there an infraction? There are two possibilities: either the bid shows 17-18 HCP with clubs or it does not. If it does, as the Director judged, then there was no infraction. Alternatively, if it does not, as the Committee judged, then there was an infraction. So far, so good.

“Now, it is not easy to decide whether there was an infraction or not and I would not criticize either Director or Committee for coming to different views. The Director let the result stand correctly since he believed there was no UI. But what of the Committee? Having decided there was an infraction, they adjusted the score for the offenders but not for the non-offenders. Why not? There are two reasons not to adjust for the non-offenders. First, the wording of Law 12C2 says that an adjustment for the offenders should be to the worst result that was at all probable, but there is a different standard for non-offenders: they merely get the most favorable result that was likely. So if they felt that a club lead was ‘at all probable’ but not ‘likely’ had there been no infraction they were correct to decide as they did. Second, players are expected to continue to play bridge after an infraction and non-offenders will be denied redress if they do not. For example, if a club lead was automatic anyway, redress would be denied. However, in this case it was very reasonable not to lead a club with the explanation. The Committee’s view that the player should have enquired further is wrong. When a bid is described as showing clubs then it is unnecessary to say ‘When you say it shows clubs do you mean it does show clubs?’

“Unfortunately the write-up is not clear what the decision was so I do not know whether they made a reasonable decision (as suggested by ‘a non-club lead was likely enough’) or an awful decision (as suggested by ‘might (should) have enquired further’).”

**Treadwell:** “I don’t see how you can rule for two different results in a KO match. Is the write-up correct? In any event, these are big boys and there was no evidence that N/S were given MI insofar as E/W’s agreement was concerned. If East simply decided to bid 2♣, agreement or not, he is certainly entitled to do so. The table result should stand.”

✍ As Dave approaches his tenth decade he is entitled to forget some of the things he knew previously. In a KO match a non-reciprocal score can be assigned just as with any other method of scoring. Once the two total-point scores are assigned by a Director or Committee, each side imps their assigned score against the result at

the other table. The two imp scores are then averaged and the result assigned to each side.

**Endicott:** “I would have liked to hear more from the hearing on whether East, finding a hole in his system, had simply invented a bid where the partnership had no agreement other than as West explained. The partnership seems likely to be one where a hole would have been plugged if diagnosed in advance, so that the explanation given would then be a full explanation of their agreement, as required.”

✍ Well, surprise! The hole was not plugged. East may have “invented” his 2♣ bid but this was not the first time that this type of problem had arisen. E/W knew that their 2NT and 2♣-then-3NT responses could include hands that fell in that hole in their system. Thus, they were negligent in not discussing it and doubly negligent in not properly disclosing it to the opponents.

And now for another... well, you know the rest.

**Wolff:** “When an opening bid faces 17-18 balanced it seems that, with a good declarer, 3NT only goes down when the defense cashes five-plus tricks immediately or the hand lies super wrong for the declarer. South’s hand didn’t seem to fit the second possibility so the defense of running clubs seems to be the only possibility of defeating 3NT. (1) Did the E/W explanation prevent a club lead? (2) Was South trying to prevent an overtrick or two, or (3) did the opening leader show poor judgment and why? I don’t know, nor may anyone, so what about reason (1)? It’s a close call so we need consistency that will establish precedent. The evidence seemed honestly presented with not much self-serving, but what does ‘17-18 w/clubs’ mean—♣Qxx or ♣AJ10x or better? If the Committee would have decided that and other tough questions we might make some progress. Not too much to hope for, but the bridge stars involved seem to emasculate the precedent setting. Since the next Committee’s macho will be restored it may decide a similar appeal differently, which is not good for the process making it, in reality, a kangaroo court. It’s strange and particularly difficult for me to deal with many people thinking I have unilateral, self-serving, radical, anti-laws ideas about appeals when what I am trying to do is get Directors, Appeals Committees and Appeals Administrators to look at the problem, themselves, the human condition and improve our high-level game.”

✍ Yes, the club lead was quite obvious if South thought there was any realistic chance of defeating 3NT with the opponents holding 30+ HCP and East having “real” clubs. On the other hand, those who have lost matches by 1 or 2 imps know that at some point discretion must become the better part of valor as holding down the overtricks becomes a more realistic goal than defeating the contract. Was this such a situation? Wolffie is right that this may be too close a call for mere humans. As for what “17-18 w/clubs” means, it may not require ♣AKJxxx but by the same token it should not be just a stopper (e.g., ♣Q10x). So if South had been given a hint that East might have one of the “prepared club bid” hands, he might have gone right. I think, when it’s that close, we should adopt a casino rule from the game of blackjack: Non-offenders win all ties. Thus -100 for E/W and +100 for N/S.

## CASE TWENTY

**Subject (MI):** The Hand That Defied Logic

**Event:** NABC Open Pairs II, 22 Mar 01, Second Qualifying Session

|               |              |             |              |
|---------------|--------------|-------------|--------------|
| Bd: 25        | Don Nemiro   |             |              |
| Dlr: North    | ♠ AK9764     |             |              |
| Vul: E/W      | ♥ K95        |             |              |
|               | ♦ K53        |             |              |
|               | ♣ 7          |             |              |
| Bobbi Johnson | Wayne Penrod |             |              |
| ♠ ---         | ♠ J32        |             |              |
| ♥ 7           | ♥ Q64        |             |              |
| ♦ AJ874       | ♦ Q1062      |             |              |
| ♣ KJ108653    | ♣ AQ4        |             |              |
|               | Rhoda Walsh  |             |              |
|               | ♠ Q1085      |             |              |
|               | ♥ AJ10832    |             |              |
|               | ♦ 9          |             |              |
|               | ♣ 92         |             |              |
| <b>West</b>   | <b>North</b> | <b>East</b> | <b>South</b> |
|               | 1♠           | Pass        | 4♠           |
| 4NT           | Pass         | 5♦          | Pass         |
| Pass          | 5♠           | Dbl         | All Pass     |

**The Facts:** 5♠ doubled went down one, +100 for E/W. The opening lead was the ♠2. The Director was called at the end of play. North explained that while he was thinking over West’s 4NT bid East volunteered that it showed a three-suiter. West said she was trying to show the minors but knew her partner might think the bid showed a three-suiter since that was their agreement over an opening 4♣ bid. The Director ruled that North had been damaged by MI and changed the contract to 5♠ doubled made seven, +850 for N/S (Laws 40C and 12C2).

**The Appeal:** E/W appealed the Director’s ruling. West did not attend the hearing. East said he volunteered that 4NT was takeout but insisted that he did not say it was three-suited. He added that he found the Director’s ruling, which allowed

N/S to take all the tricks, ludicrous. N/S insisted that East had said that the takeout was three-suited. In the play declarer drew trumps and, after seeing West discard the ♣3 and ♦4, played the ♥J, overtook it, and then played a heart to the ace.

**The Committee Decision:** The Committee found it unnecessary to resolve the factual issue of whether East had said that 4NT was takeout or three-suited since declarer’s play in the heart suit was not made in reliance on that information. Thus, even if there had been MI it was not the cause of North’s going wrong in hearts. The Committee decided that no adjustment was appropriate and allowed the table result of 5♠ doubled down one, +100 for E/W, to stand.

**DIC of Event:** Henry Cukoff

**Committee:** Michael Huston (chair), Karen Allison, Doug Doub, Simon Kantor, Ellen Siebert

**Directors’ Ruling:** 40.7

**Committee’s Decision:** 90.3

✍ Declarer knew at trick one that East had all the missing trumps. He also knew that East had preferred diamonds to clubs in the bidding and so was likely to have longer diamonds. Thus, West had to be either 0=3=4=6 (if East was five-four in the minors) or 0=1=5=7 (if East was four-three in the minors, as he was). The only way West could have two hearts is if she was 0=2=5=6 and East had preferred diamonds to clubs with equal lengths—unlikely. Finally, North took a line of play in the heart suit which assumed that West held exactly two hearts, thus playing her for the most unlikely two suiter (0=2=5=6). Since declarer’s play was in no way suggested by the alleged MI (in fact, it presumed West was two-suited), the Committee was right

to allow the table result to stand.

The only question that remains is why the Directors ruled as they did. To begin with the ruling is illogical in that it implies that declarer's line of play was suggested by the MI. But even more incomprehensible is its claim that N/S would take all thirteen tricks in 5♠ doubled when, even guessing the ♥Q, only twelve tricks are available unless West ducks the ♦A when the singleton is led from dummy toward the closed hand. This has to be one of the more bizarre rulings we've seen.

**Bramley:** "The Director must be a fine player to take all of the tricks with a winning heart guess. The Committee drew the right inference from declarer's actual line. If declarer had instead cashed the ♥A first, he could have won this case."

☞ Hmm. I'm not sure that I would adjust the score even then. I guess an argument could be made that the explanation created a blind spot for declarer causing him to be careless (but not irrational). But the bidding and the logic of the hand argues that West has a two suiter. If West was 0-4-4-5, would East really allow N/S to play the hand in 5♠ doubled holding ten cards in the minors and a heart void facing West's probable spade void? Sorry, but I just can't buy it.

**L. Cohen:** "If declarer had run the ♥J on the first round of the suit, or maybe even had cashed the ♥A and then led the ♥J, we'd have had to resolve the factual dispute. I agree with the Committee that once declarer played hearts this way and saw East follow to two rounds, he knew West was not three-suited. So, there was no relevant MI (if there was any MI at all). As to the ruling of all thirteen tricks (+850) to N/S, I presume that had the Committee determined that there was MI and that hearts could/should be guessed, they would have realized there are only twelve, not thirteen, tricks. By the way, even if North knew West had the minors, I doubt he would have played him for twelve cards there."

☞ Based on the bidding that may well be the percentage action.

**Polisner:** "Well done by the Committee. Before any ruling/decision involving alleged MI, there must be a factual determination as to whether MI existed. This would have been a more interesting case if declarer had taken a first-round heart finesse. The fact that he played as he did is rather convincing evidence that he did not believe that West had a three-suiter."

**Rigal:** "The Director made a dubious ruling in trying to protect the non-offenders but his heart was in the right place. The Committee drew the right inference from the play that North knew West was short in hearts (else he would have led the ♥A and then tried to finesse) so he was not damaged by any MI. That being so, they gave a fine and terse ruling (and had the initial ruling gone the other way it would have been AWMW territory). Another model write-up."

☞ Yes, had the Director ruled properly an appeal would have been meritless. In fact, even the Director call had no merit.

**Treadwell:** "Very good decision.

**Wolff:** "Since the N/S players were sophisticated, some discipline should be issued to N/S for their untrue self-serving manner. How did the Director figure N/S were going to make thirteen tricks? Where are the checks and balances for rulings? Are we really improving or are we backsliding? Someone needs to take charge."

☞ At a tournament as large as an NABC, it might be argued that more top-quality Directors are needed than are available. Having said that it should be noted that this was an NABC event and our better Directors should have been assigned to it. Thus,

in the final analysis Wolffie is right and there is no excuse for this ruling—even ignoring the thirteen-trick score adjustment. N/S needed education. What they got was a seriously defective ruling on the MI issue and a windfall score adjustment on top of that. "Where are the checks and balances for rulings?" indeed.

**Stevenson:** "Surely ♥Qx rather than ♥x is suggested by the description of a three-suiter? The winning line would be more likely to be found if the hand was described as the minors, so there was damage. Whether there was MI is not clear, though with a disagreement over the facts West's absence from the hearing might have swayed the balance. As for the ruling, allowing a correct heart guess and assuming MI are reasonable, but where did that thirteenth trick come from?"

☞ Does ♥Qx constitute a suit in Great Britain? As several panelists have already pointed out, the *losing* line had absolutely nothing to recommend it and could not be logically linked to any MI—even assuming MI was present. Thus, it is difficult to see how an assertion of damage can be defended.

Regarding another issue...

**Endicott:** "Something should have been said to East about volunteering information unasked. It has real dangers as this case demonstrates."

☞ Volunteering information of a potentially relevant inference from a similar auction (4NT over an opening 4♣ bid) is quite proper—it is called full disclosure and should be done at the appropriate time (at the end of the auction for the declaring side and after the hand is over for the defenders). However, a player providing such information is also expected to make it clear to the opponents that there is no firm agreement in the current auction and that the inference from the similar auction is unproven. They are then on their own.

The following panelist has the logic of the hand nailed down tight.

**R. Cohen:** "A shallow analysis by the Director. Again a player fails to analyze a deal and looks to Committee for redress. Had West had a true three-suiter, East would have bid 5♣. The 5♦ bid said East had more diamonds than clubs. That gave West two possible distributions after the spade lead, 0=3=4=6 (not likely) or 0=1=5=7. Had East been void in hearts he never would have led a trump: he would have tried to find his partner for a heart ruff, perhaps with a low club lead or the ♦Q. Good Committee decision, but not sure it rationalized it properly."

CASE TWENTY-ONE

**Subject (Claim):** So What's Your Point?

**Event:** North American Pairs Flight B, 24 Mar 01, Second Qualifying Session

|              |              |             |              |
|--------------|--------------|-------------|--------------|
| Bd: 23       | ♠ K9763      |             |              |
| Dlr: South   | ♥ 4          |             |              |
| Vul: Both    | ♦ AQ542      |             |              |
|              | ♣ K9         |             |              |
| ♠ 104        |              | ♠ A2        |              |
| ♥ A976       |              | ♥ QJ1032    |              |
| ♦ KJ         |              | ♦ 109763    |              |
| ♣ A10543     |              | ♣ 8         |              |
|              | ♠ QJ85       |             |              |
|              | ♥ K85        |             |              |
|              | ♦ 8          |             |              |
|              | ♣ QJ762      |             |              |
| <b>West</b>  | <b>North</b> | <b>East</b> | <b>South</b> |
|              |              |             | Pass         |
| 1♣           | 1♠           | Dbl(1)      | 2♣           |
| 2♥           | 3♦           | Dbl         | 3♠           |
| All Pass     |              |             |              |
| (1) Negative |              |             |              |

**The Play (East on lead):**

|              |   |                |
|--------------|---|----------------|
| <b>Trick</b> | 1 | ♥Q, ♥5, ♥6, ♥4 |
|              | 2 | ♥J, ♥8, ♥7, ♠3 |
|              | 3 | ♦A, ♦3, ♦8, ♦J |
|              | 4 | ♦2, ♦6, ♠5, ♦K |
|              | 5 | ♠Q, ♠4, ♠6, ♠A |
|              | 6 | ♣8, ♣2, ♣A, ♣9 |
|              | 7 | ♣3, ♣K, ♠2, ♣6 |

The Director therefore assigned a result of 3♣ down one, +100 for E/W (Law 70A: "doubtful points shall be resolved against the claimer").

**The Appeal:** N/S appealed the Director's ruling. North said he knew that one trump remained (either the ten or the nine). He said he would use the jack to pull the last trump before playing the ♣QJ. When questioned by the table Director, declarer had not mentioned that the remaining spade was the ten or even the importance of which spade he would ruff with. By the time the case was screened he added that he knew the remaining spade was bigger than the eight but was unsure whether it was the ten or nine. Upon further questioning by the Panel he did not seem to realize that East had 2=5=5=1 distribution, leaving no room for the ♠10. He had just vaguely worked out that East was long in diamonds and short in clubs, with some hearts. E/W maintained that declarer had not said what he would do if a diamond were led.

**The Panel Decision:** If declarer had worked out the distribution of the hand he

**The Facts:** The opening lead was the ♥Q. The play went as shown in the diagram. With six cards remaining and East on lead, North claimed in the position below saying only that he would draw the last trump with the jack.

|        |       |        |
|--------|-------|--------|
| ♠ K97  |       |        |
| ♥ ---  |       |        |
| ♦ Q54  |       |        |
| ♣ ---  |       |        |
| ♠ 10   |       | ♠ ---  |
| ♥ A9   |       | ♥ 1032 |
| ♦ ---  |       | ♦ 1097 |
| ♣ 1054 |       | ♣ ---  |
|        | ♠ J8  |        |
|        | ♥ K   |        |
|        | ♦ --- |        |
|        | ♣ QJ7 |        |

The Director was then called and upon further questioning North stated which winners he had but did not mention that the remaining spade was the ten, even when given a second chance. Since he did not state that if East led a diamond at that point he would ruff with the jack and throw a diamond on a club before drawing the last trump, there was doubt that he was aware that the remaining trump was the ten.

would have known that East had five hearts (from the auction), five diamonds (because West had played the ♦KJ) and one club and thus had room for only two spades. He did not seem aware of this. He stated that the ♠10 could be in either hand but he assumed it was in the West hand. This became important with the lead of a diamond. If West had started with ♠104 declarer must ruff with the jack and cash the ♣Q before pulling the last trump. If East had started with ♠A102 then declarer must ruff with the eight, pull the last trump with the jack and play the ♣Q. Law 70E says: "The Director shall not accept from claimer any unstated line of play the success of which depends upon finding one opponent rather than the other with a particular card...unless failure to adopt this line of play would be irrational." Clearly information was available that would lead to the winning action but just as clearly declarer had not worked this out. He did not know the location of the ♠10 and could not be permitted to get it right. No expert players were consulted as this was simply a matter of applying Law 70E based on an evaluation of declarer's bridge awareness. The Panel assigned the result for 3♠ down one, +100 for E/W.

**DIC of Event:** Matt Smith

**Panel:** Susan Patricelli (Reviewer), Betty Bratcher, Mike Flader, Ron Johnston (scribe)

**Players consulted:** none reported

**Directors' Ruling:** 91.7

**Panel's Decision:** 95.0

☞ Would that all rulings were this simple and well executed. One issue, however, was left unaddressed.

**L. Cohen:** "This is way beyond what a claimer can get away with. Nothing convinces me that declarer knew what was going on. Yes, the position (to an expert player) should have been clear, but this was obviously not an expert player. Let's face it, declarer thought the missing spade might be the nine or ten when the nine was in his hand. He can't be the brightest star in his galaxy. Are there not meritless appeals for Flight B? This lacked merit."

☞ In general I'm reluctant to issue AWMWs to Flight B players, but Larry does make an excellent point—especially about the ♠9 being in declarer's own hand! Other panelists who support an AWMW.

**Bramley:** "Absolutely right. This appeal deserved an AWMW."

**Rigal:** "This looks like AWMW territory. Nothing in the hearing suggests new evidence, and the law was properly explained at the time; a la lanterne!"

**Stevenson:** "Routine, except...why no AWMW?"

**R. Cohen:** "Well-done. However, Panels should consult."

☞ Consulting for consulting's sake seems pointless.

**Polisner:** "Excellent work by both the Director and the Panel. This declarer couldn't even figure out a convincing story by the time of the appeal, thus the chances of playing incorrectly were quite high."

**Wolff:** "Good ruling based on good judgment."

**Endicott:** "To draw upon Punch's famous advice for those about to marry: Advice for those about to claim—'Don't'!"



CASE TWENTY-TWO

**Subject (Played Card):** Shades Of Vancouver!

**Event:** North American Pairs Flight B, 25 Mar 01, Second Final Session

|  |              |             |              |
|--|--------------|-------------|--------------|
| Bd: 11                                       | ♠ AQ75       |             |              |
| Dlr: South                                   | ♥ 98642      |             |              |
| Vul: None                                    | ♦ Q5         |             |              |
|  | ♣ Q5         |             |              |
| ♠ 1092                                       |              | ♠ KJ43      |              |
| ♥ K103                                       |              | ♥ A7        |              |
| ♦ AK632                                      |              | ♦ J98       |              |
| ♣ 42   |              | ♣ KJ96      |              |
|  | ♠ 86         |             |              |
|  | ♥ QJ5        |             |              |
|  | ♦ 1074       |             |              |
|  | ♣ A10873     |             |              |
| <b>West</b>                                  | <b>North</b> | <b>East</b> | <b>South</b> |
| Pass   | Pass         | 1♣          | Pass         |
| 1♦(1)  | Pass         | 1NT(2)      | All Pass     |
| (1) Alerted; tends to deny a four-card major |              |             |              |
| (2) Alerted; may bypass a four-card major    |              |             |              |

**The Play (South on lead):**

|              |    |                 |
|--------------|----|-----------------|
| <b>Trick</b> | 1  | ♣7, ♣2, ♣Q, ♣K  |
|              | 2  | ♦9, ♦10, ♦A, ♦5 |
|              | 3  | ♦2, ♦Q, ♦8, ♦4  |
|              | 4  | ♠5, ♠3, ♠8, ♠9  |
|              | 5  | ♠10, ♠A, ♠4, ♠6 |
|              | 6  | ♣5, ♣9, ♣10, ♣4 |
|              | 7  | ♥Q, ♥3, ♥2, ♥A  |
|              | 8  | ♦J, ♦7, ♦K, ♥4  |
|              | 9  | ♦6, ♥6, ♠6, ♣3  |
|              | 10 | ♦3, ♥8, ♠J, ♣8  |
|              | 11 | ♥K, ♥9, ♥7, ♥5  |

called “heart” and immediately said “spade, finessing the queen.” Declarer said that he played the ♥K at trick eleven to see if anything strange happened. North said he was playing his ♠7 no matter what card East called for. South said she was starting to lean forward to claim. Both agreed with the declaring side’s statements and neither indicated that East had gained information by his inadvertent call. The table Director wrote on the appeal form that declarer had won the ♦J at trick eight and crossed to the ♥K at trick nine to run the diamonds. This was corrected during the appeal to that shown. The table Director had also not been told that declarer said “finessing the queen” when he changed his designation to “spade.”

**The Facts:** The opening lead was the ♣7. The play went as shown at left and had reached the position below (declarer having taken eight tricks) when the Director was called.

|       |       |       |
|-------|-------|-------|
|       | ♠Q7   |       |
|       | ♥---  |       |
|       | ♦---  |       |
|       | ♣---  |       |
| ♠ 2   |       | ♠ KJ  |
| ♥ 10  |       | ♥ --- |
| ♦ --- |       | ♦ --- |
| ♣ --- |       | ♣ --- |
|       | ♠ --- |       |
|       | ♥ J   |       |
|       | ♦ --- |       |
|       | ♣ A   |       |

The players all agreed that declarer had called for a heart, then quickly said spade. West’s and North’s cards (the ♥10 and ♠7) were on the table when the Director arrived. The Director ruled that the designation of the ♥10 was not inadvertent and awarded the last two tricks to South (Law 45C4b), assigning the score for 2NT made two, +120 for E/W.

**The Appeal:** E/W appealed the Director’s ruling. Declarer said that he had

**The Panel Decision:** The Panel decided that declarer gained no information from the dummy or the opponents. Declarer knew what was going on by his finessing statement. If Law 45C4(b) is ever to be applied, this case seemed to be the one to do it. It seemed clear that declarer had always intended to finesse the spade, thus making the heart designation inadvertent. The result was changed to 2NT made four, +180 for E/W.

**DIC of Event:** Matt Smith

**Panel:** Charlie MacCracken (Reviewer), Ron Johnston, Terry Lavender

**Players consulted:** none reported

**Directors’ Ruling:** 61.0

**Panel’s Decision:** 94.3

☞ All of declarer’s statements seem consistent with this having been a slip of the tongue rather than a change of mind. Unlike the spade finesse, the heart finesse was unproven. So it makes sense that declarer would cash the ♥K in case the jack fell and would then finesse the spade. As N/S did not contest declarer’s assertion that he said “finessing the queen” in correcting his call from dummy, I would rule the “heart” designation inadvertent and allow the change. Thus, the Panel was right to adjust the score for both sides to 2NT made four, +180 for E/W.

**Bramley:** “I agree. At the risk of beating a dead horse, I cannot see a big difference between this case and the final case from Birmingham, in which the Director and the Panel enforced declarer’s call of an unintended card from dummy, a decision that got almost unanimous approval of the other commentators. If they think differently about the present case, then they are truly fine judges of ‘immediacy’ and ‘inadvertency.’”

☞ In the Birmingham case there was evidence that declarer had gotten a trick ahead of herself and called a card she intended to play later. There is no such evidence here. What is clear is that declarer never intended to play the ♥10 unless the jack fell: he always intended to finesse the spade and his immediate utterance to that effect strongly suggests the thought was already in his mind. Thus, the two cases are simply not equivalent although they are certainly similar in some respects.

**L. Cohen:** “This seems to have been a ‘slip of the tongue’—not a ‘slip of the brain.’ My interpretation is that declarer (unlike CASE TWENTY-ONE) was 100% aware of the situation. He clearly knew he had the last two tricks (unless South had smoothly ducked his ♠Q at trick four—highly unlikely) and meant to play and finesse the spade all along. He is entitled to change his call if it is in the same breath—and it seems as if it was.”

☞ The phrase “in the same breath” is now taken to mean “as soon as the error is noticed and without change of mind”—even if not literally in the same breath.

**R. Cohen:** “Was the table Director so gun shy from the Vancouver case that he failed to rule properly when ‘the players all agreed that declarer had called for a heart, then quickly said spade’? Again, the Panel should consult. Wasn’t this a condition of the Panel method? We are going to be burnt one day by this omission.”

☞ Consultation is only required for bridge matters—not for interpretation of facts and straight application of law.

**Endicott:** “The immediacy of the correction of the call is not in question. So the whole of the matter rests on a judgement whether the first nomination was ‘inadvertent.’ Did the player say ‘♥10’ as a conscious process of the mind or did he decide to play spades but by misadventure call for the heart? In my opinion the Committee has taken the preferable view, but at this distance it must be left to those

on the spot to judge the facts. I have no quarrel with what the Director did—it was very much an incident to go before a Panel.”

**Polisner:** “The Director’s ruling seems very strange in light of the facts. The Panel got it right.”

**Rigal:** “I like this decision, although I would not hold myself out to be an expert on the rules. It seems to me that this decision reflects equity. The Panel, knowing the full story, seems to have restored declarer’s true intentions.”

**Stevenson:** “The Panel seem ignorant of the law. The question is: was the call of a heart from dummy inadvertent? This means that declarer intended to call for a spade at the time he called for a heart. That is what the Panel needed to decide. Why did the Panel find out whether declarer gained any information? That is not relevant: either it was inadvertent or it was not. The previous intent of the player is not relevant. The subject tells it all: Law 45C4B was misapplied at Vancouver, and still does not appear to be understood.”

✍ Au contraire. Whether declarer gained any information from North’s card is indeed relevant. The ACBL Laws Commission has said, “If declarer’s RHO has played and there is any reasonable possibility that information gained from RHO’s play could have suggested that declarer’s play from dummy was a mistake, a ‘pause for thought’ has occurred—no change in designation is to be permitted.” This means that if RHO’s card could have done more than simply wake declarer up to the fact that the designation wasn’t the one intended (i.e., if it had informational value that declarer’s *bridge* play may have been an error) then a pause for thought is deemed to have occurred and no correction is permitted. Thus, if North’s ♠7 had information value concerning the merits of the ♥10 play from a bridge perspective then declarer could not correct the designation.

By the way, the reference to Vancouver in the title was intended as irony—not to be taken literally.

Speaking of Vancouver...

**Wolff:** “Okay. It seems we are unduly subject to the credibility of the players in this area of ruling. I can’t think of a more successful and less stressful way of handling it because to get draconian in forcing declarer (or sometimes defender) to be meticulous in his designations and manner is probably more cumbersome than reading the credibility. The grizzly reference to Shades of Vancouver misses the possible inadvertence by several plays and several minutes. Aw Shit!”

## CLOSING REMARKS FROM THE EXPERT PANELISTS

**Bramley:** “For the second time in a row we have a pleasantly small caseload. If this trend continues we’ll soon be out of work! Wouldn’t that be nice?”

“Directors’ rulings again seem to be worse than the Committee and Panel decisions, but maybe we’re analyzing the data incorrectly. A bad ruling almost always leads to an appeal, but good rulings frequently do not. Perhaps the decreasing number of appeals means that the Directors are getting more rulings right. And maybe the increased use of AWMW’s, both by Committees and Panels, is finally having its desired effect. Note how many *good* rulings resulted in AWMWs on appeal.

“Many of the most common themes were lacking in this set of cases. Maybe there just weren’t enough cases, but I hope that the earlier constant pounding on some of these themes is starting to sink in.

“One persistent common element is the appearance of so many of the usual suspects in book after book. Apparently some people feel their tournament is incomplete without an appeal or two.”

**L. Cohen:** “Mostly good Committee and Panel decisions. Lots of no-brainers this time. That, combined with the fact that there weren’t many cases, might indicate that progress is being made. Or, maybe this tournament was just an aberration?”

**Endicott:** “As a set of appeals, this, with a couple of exceptions, is fairly humdrum. (Perhaps I should avoid anything with ‘hum’ in it!) But, maybe for that very reason it is a good set for players to mull over and learn from. Committees on balance have come out pretty well from this tournament, but the performance of ACBL Directors is sadly patchy. I am not well informed of the procedure by which the ACBL develops its Directors but, whatever it is, taken on the whole it falls distinctly behind the standards that we expect in Europe. Amongst others, the continued production of these booklets of appeals cases is useful for that reason. There are principles in CASES TWO, TWELVE and SIXTEEN that call for attention.”

**Gerard:** “Boring. Most striking for the dismal performance of the Directors on a bunch of easy cases. On my scoring system, they blew an average of more than one out of eight cases compared to the Committees (almost one out of thirteen on the consensus method).

“The only hot button issue was the jurisdictional one on CASE SEVEN. If the contestants can’t prove their evidentiary argument, they shouldn’t be able to rely on a Committee member to bail them out. This smacks of elitism and grossly expands the Committee’s authority.

“We do need to clarify the ‘continue to play bridge’ obligation. Nobody knows what it means and the Appeals Administrator is now on record as giving contradictory interpretations of the matter. I think National Laws Commission guidance is necessary.”

**Rigal:** “As I finish this casebook I feel far more optimistic than when I sat down to write conclusions a year ago. First of all, there are far fewer cases—a good start. Secondly, no Director rulings of Average Plus/Minus; well done Gary Blaiss and anyone else responsible for eliminating illegal rulings. Thirdly, the standards of Director and especially Committee rulings seem to me to be way up. The only Committee decision I firmly disagree with had a minority decision I supported. All things considered, justice was clearly done and seen to be done here, and the AWMWs given out should (we hope) reduce the numbers of cases going forward.

“Director rulings seemed to be out of line only when ruling for the offenders inappropriately.

“Of course for justice to be done we do need a proper register of cases. How are we going Linda and Rich?”

**Stevenson:** “Why do we write comments for these casebooks? I see the reason for my own comments as twofold. First is to comment on the application of the laws because I have a reasonable idea of them. Second is to make observations based on my knowledge of ruling the game of bridge outside North America for the interest of the readers.

“As a general rule, I do not check the play of the hands nor worry too much about the bidding judgment of Appeals Committees: I feel I can leave that to my fellow commentators. It helps to have a variety of commentators with different skills and approaches.

“If I find some point of interest, I often discuss that rather than just consider whether the Director or Committee have made a good decision. I try to bring ideas forward, and not always ideas that would occur to my fellow commentators because my view across the Atlantic may be different.

“I do not try to argue my position: What I try to do is to produce ideas for the readers of the casebooks to think about. If anyone at all would like to discuss matters further, I am always happy to receive e-mails at [bridg@blakjak.com](mailto:bridg@blakjak.com).”

**Treadwell:** “It was certainly nice to see a drastic reduction in the number of cases brought to Panels and Committees. Part of this reduction, but by no means all, was probably due to the relatively low attendance. Most of the decisions were very good but two of the Committee decisions, I think, were horrendous: CASES ELEVEN and NINETEEN. Let’s play bridge and get away from honoring attempts to profit from minute instances of UI or MI. The Panels, I think, were somewhat off the mark in CASES THREE and SEVENTEEN.

“I suppose this all means that the AWMW procedure is working; however, I am not so sure. I think our former procedure of issuing score penalties for bringing meritless appeals would be far more effective. Of course, this would be useful only for pair games and BAM or Swiss Teams and would be almost totally ineffective for KO teams since an appeal there is usually brought only if a favorable decision would affect the outcome of the match. If this procedure could be reinstated, it would be essential for the Screening Director to point out the perils for bringing a meritless appeal to Committee. I hope the powers that be will give this matter real consideration.”

**Wolff:** “It is probably not any single person’s fault (maybe management’s laissez faire policy) but we are not improving. If anything, the Directors seem less interested. If I were King I would cut way back on my appeals members (especially chairmen) and try and make it a strict meritocracy. One of their most important duties, besides continuing education, would be to crack down on Director sloth and incompetence. Since no one else is doing it, someone needs to step forward. We desperately need to make progress, at least in my lifetime, and the years are flying by.”

## CLOSING REMARKS FROM THE EDITOR

### How’d We Do?

Again we summarize the performance of the various groups in Kansas City (Directors, Panels and Committees) by classifying their actions as either Good or Poor. Some cases in each category will inevitably display elements of the other (i.e., some cases classified as Good may have Poor aspects while some classified as Poor may show some Good qualities). Table 1 presents cases heard by Panels; Table 2 cases heard by Committees.

|                            |       | Panel’s Decision |      | Total |
|----------------------------|-------|------------------|------|-------|
|                            |       | Good             | Poor |       |
| Table Director’s<br>Ruling | Good  | 8, 9, 18*, 21*   |      | 4     |
|                            | Poor  | 3, 17, 22        |      | 3     |
|                            | Total | 7                | 0    | 7     |

\* Missed AWMW or PP

**Table 1. Cases decided by Panels**

|                            |       | Committee’s Decision |              | Total |
|----------------------------|-------|----------------------|--------------|-------|
|                            |       | Good                 | Poor         |       |
| Table Director’s<br>Ruling | Good  | 4, 6, 10, 12, 13     | 11           | 6     |
|                            | Poor  | 1, 7, 14, 15, 20     | 2, 5, 16, 19 | 9     |
|                            | Total | 10                   | 5            | 15    |

**Table 2. Cases decided by Committees**

Looking at the table rulings for all cases combined, 10 of the 22 rulings (45%) were classified as good while 12 of the 22 (65%) were deemed poor. This index returned to the sub-50% range (see chart on next page) as the modest upswing we noted in Birmingham appears to have been just a random perturbation.

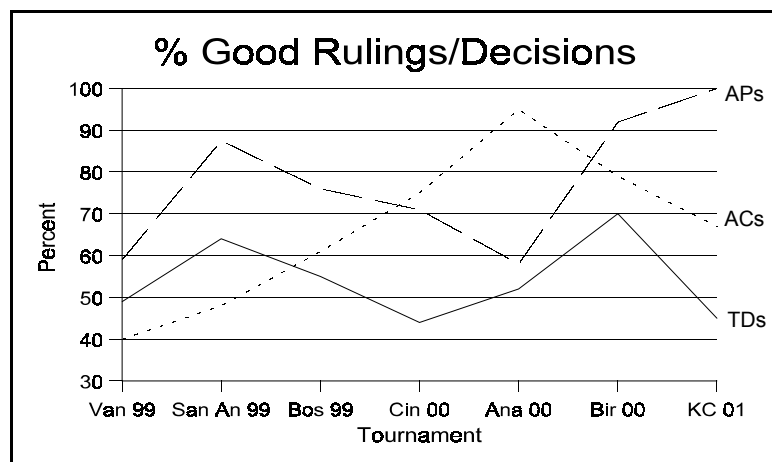
Panel performance continued its recent upward trend as all 7 of the cases heard in Kansas City (100%) were good decisions (see chart on the next page). This rates a collective Wow! But before we break out the champagne we should note that the unusually small number of cases (7) in KC made such a performance far easier to attain than it otherwise would have been. However, it is not too much to hope that this accurately represents continuing improvement in the Panel process.

On the other hand, Committee performance following its Anaheim high has returned to more modest levels (see chart on next page). Of the 15 cases heard, 10 (67%) decisions were good while 5 (33%) were considered poor. While this must certainly be considered respectable, it does suggest that Committee performance is stabilizing in the near-70% range.

It is again worth noting that, of the five poor decisions made by Committees, four of them followed poor table rulings. As we noted in previous casebooks, if we are to overcome this tendency to rely on the table ruling a much greater effort to think independently will be required.

With the switch from AWMPPs to AWMWs in Birmingham, we continue to do a good job in dealing with meritless appeals. While the five AWMWs missed in Birmingham represented what was then an all-time low, that mark was shattered in Kansas City when we missed only two! It is now clear that this represents a real improvement and we hope this encouraging trend continues.

Overall, good appeal decisions were made in 17 of the 22 cases in Kansas City (77%) compared with 85% in Birmingham, 75% in Anaheim, 73% in Cincinnati, 68% in Boston, 69% in San Antonio and 51% in Vancouver. While we may be seeing the previous trend toward improvement leveling off, this still represents a fine performance. In addition, for the second straight tournament we managed to avoid the big disaster, the cause celebre case that has plagued us in the recent past. Congratulations to all and keep up the good work.



(Note: APs = Panels; ACs = Committees; TDs = Directors)

### Reactions to Panelists' Closing Remarks

I must echo the sentiments of Bart, Grattan, Ron and Wolfie about the continuing sad state of our table rulings. Bart may be right that we are analyzing the data incorrectly, but I am not so sure I agree that bad rulings almost always lead to appeals while good rulings frequently do not. A revealing fact is that, except for only two tournaments in the past two-plus years, only about 50% or less of the cases have involved good table rulings. And this figure does not take into account those poor table rulings that were changed in screening or the many appeals from ruled-against players which were never contested because of disinterest in or aversion to the appeals process or those that were appealed and then dropped for various reasons including: the state-of-the-match, the hopelessness of the appellants' qualifying or their matchpoint score, or practical considerations such as their staying away from the tournament site, ride obligations or restrictions, shuttle bus schedules, the late hour of the hearings, and other factors. Perhaps even more revealing is that, of the cases we've seen, it is hard to identify the objective quality of the Directors' ruling as a significant motivation. The vast majority of these cases seem to stem from: the appellants' resentment of the opponents or their actions; an unwarranted feeling that the appellants' own actions were justified; a denial that UI (usually a hesitation) occurred or, even if it did, that the action the partner took was clear-cut; a feeling that the Directors lack the necessary bridge judgment or that only other players can fully appreciate the bridge issues involved; or a lack of understanding of the legal basis for the score adjustment. The bottom line is that most appellants believe that the Directors just didn't understand the bridge—not that they understood it but nevertheless made an improper or illegal ruling.

As for Ron's complaints about the jurisdictional issue in CASE SEVEN and the ACBL's "continue to play bridge" policy, the former, as far as I can determine, is really a non-issue. It appears to stem from Ron's desire to apply his formal, legal training and the attendant procedures to the Appeals Process, which is for the most part a non-legal process—or at most quasi-legal. (See also my comments in CASE SEVEN.)

As for the latter, I'd been trying to locate the source of the ACBL's "continue to play bridge" policy until Linda located it in the Laws Commission minutes from their Fall, 1991 meeting in Indianapolis. I quote the entire text here:

"In response to a question from Mr. Patrias, the Commission reaffirmed that in order fully to protect his rights to petition for redress following an infraction by an opponent, a player must 'play bridge' at some reasonable level: an egregious error may well be grounds to cause him to be awarded the score actually achieved. The particular case involved a blatantly bad play which permitted fulfillment of a contract later adjudged to be invalid because of a violation of Law 73F1. The position that any result achieved after a to-be-disallowed action is not to be considered (because the non-offenders should never have been in the position to commit the egregious error) was declared invalid. This extends to damage from misinformation as well as what may appear to be 'free swings' or 'double shots.'"

I would support getting our Laws Commission's current opinion on just what the applicable standard should be for non-offenders actions subsequent to an infraction severing their right to redress. Of course in the past they have typically responded to such inquiries by saying, essentially, "We think the wording is self explanatory and any further interpretation would place undue restriction on the adjudicating body." And of course there is no assurance that the opinion of the current Laws Commission would be the same as the one that originally propagated this policy, which included Edgar among its members but not Ron, who is a current member. Should inferior but non-egregious bridge actions, including lesser bridge errors, be protected (or, as the Europeans say, only "wild or gambling" actions break the connection) or are non-offenders required not to do anything stupid in order to retain their right to redress?

Linda assures me that she is working day and night—well, day anyhow—on the register (database) Barry asks about. Until then, past casebooks and our memories will have to serve as our primary resources. Both Linda and I have all of the past casebooks on our computers at every NABC. If a hard copy of any casebook is not available one of us can look up the needed information on short notice. However, the raw information in the casebooks is (obviously) not organized in an optimal way so that the successful resolution of some inquiries may be hit-or-miss. Perhaps Barry can use his not insignificant influence in Memphis to get financial support for this important project, which would afford it a higher priority than it presently has.

As can be seen from my evaluation table, I agree with Dave that the decisions in CASES ELEVEN and NINETEEN were poor ones. But both cases involved close bridge judgments and the former was also complicated by suggestive UI that psychologically biased the case in the direction of the Committee's decision. This, in my opinion, removes both of them from the "horrendous" decision category in which Dave places them. As for CASES THREE and SEVENTEEN, well, let's just leave it with "We'll have to agree to disagree."

I cannot disagree more strongly with Dave's recurring argument against the use of AWMWs. It would be regressive "to the max" to return to the \$50 deposits of the past. As far as can be determined, there is only an upside to AWMWs. Since the policy was started about four years ago very few players have received more than one point—in spite of Committees having been slow to being issuing them.. If the record to this point is any indication, AWMWs have been exceptionally effective. In addition, if a Committee believes a disciplinary penalty is warranted it is free to impose a PP in addition to any AWMW they may issue. I'll have more to say about PPs and AWMWs in the next section.

Anyone for a National Appeals Committee run as a meritocracy, where the chairmen's functions would include educating the other members and helping with Director training? Parts of this sound suspiciously like my "Call to Arms" in the Editor's Closing Comments section of the St. Louis casebook. But Director training is, I suspect, contractually under management's control—just as is the hiring and firing of any League employee. We can ask for their cooperation, but our demands are meaningless—even for a Wolff King.

### **Score Adjustments, PPs and AWMWs**

Based on feedback I've received in recent months there appears to still be some confusion in the general player population as well as among NAC members as to when it is appropriate to adjust the score on a board, issue a PP, or assign AWMWs. The following guidelines may help to clarify those situations for which each of these actions is appropriate.

On a very superficial level, all three of these actions appear to be penalties of some sort. However, there are basic differences between these actions which dictate which of them may be applied in any given situation.

When one side commits an irregularity which denies the opponents a fair chance to achieve a normal bridge result, the laws (especially Laws 16 and 12) instruct the Director (and by extension an Appeals Committee) to cancel the result and adjust the scores for the two sides according to the following criteria. For the offenders, the goal is to remove any appreciable chance that they will gain a score advantage through their infraction by assigning them "the most unfavorable result that was at all probable" (i.e., that had any significant, non-negligible chance of occurring) had the irregularity not occurred. For the non-offenders, the goal is to make sure they are not significantly disadvantaged by the opponents' infraction by assigning them the "most favorable result that was likely" (i.e., that had an appreciable chance of occurring) had the irregularity not occurred. In the latter case any damage resulting from the non-offenders' own negligence subsequent to, but not a direct consequence of, the infraction is not protected (and the offenders may not profit from such negligence). In other words, the goal of score adjustments is to make sure the offenders do not profit from their infraction and the non-offenders are compensated for any damage they sustained by assigning them a reasonable (but not necessarily the best) result that they might have obtained had the infraction not occurred. As one appeals expert put it, be quick to take away from the offenders but slow to give to the non-offenders.

Score adjustments which deny advantage to the offenders and redress damage to the non-offenders are similar to civil legal proceedings in the real world, which are geared to compensating damaged parties.

Apart from any consideration of adjusting the bridge result, procedural errors which endanger the proper conduct of the game are "bridge crimes" which are dealt with through disciplinary actions. These include PPs and AWMWs, depending on the nature of the crime. If redressing damage is analogous to a civil proceeding, then dealing with procedural infractions is more like a criminal proceeding. The goal is to discouraging the repetition of the undesirable behavior, and in flagrant or extreme cases to punish the offender or remove him from the game. But the civil vs. criminal analogy ends there. While legal criminal proceedings are usually more serious than civil proceedings, in bridge the civil proceedings (relating to damage) are usually more serious than the criminal ones (relating to procedural problems). In most of the latter type of cases punishment takes a back seat to awareness and education—except where an offense is of a flagrant nature or is part of a persistent pattern in spite of prior warnings and educational efforts.

Most procedural errors are such routine occurrences that they should not be considered serious or flagrant. Examples include: bidding with undue haste or hesitancy; not adequately discussing a convention being played; not having two properly filled-out convention cards; not paying proper attention to the game (i.e., daydreaming, carrying on a conversation with a kibitzer, etc.). In most cases a procedural infraction which causes damage to the bridge result should be dealt with

through score adjustments and the offending players warned or educated.

But when a player continues to engage in irregular behavior even after having been warned, or the irregularity is flagrant and the player experienced enough to have known better even without a warning, or the error displays a flagrant disregard for the game and/or the opponents, or when the problem involves a serious breach of ethics which falls short of C&E material, then steps need to be taken to ensure that the behavior is discontinued and that the player understands the urgent need for change (if he did not before).

In such cases a PP may be appropriate to "get the player's attention," alert him to the serious nature of his behavior, and convince him of the need for immediate change. But not all PPs need to involve score penalties, though sometimes there is no practical alternative. When score deductions are appropriate, they should always be done marginally—i.e., the score penalty deducted from the MP, IMP or VP total rather than changing the score on a specific board. This will ensure that the penalty does not affect the other contestants' relative standings.

It should be stressed that score deductions for disciplinary purposes (other than Zero Tolerance violations), while at times a quick and easy fix, should be avoided. It is almost always possible to deal effectively with procedural problems in some other way. For example, players who, after being warned, repeatedly fail to provide the opponents with properly filled out convention cards can be forced to play the ACBL Yellow Card until they produce properly filled out cards reflecting their own methods. Other effective tools include: barring the use of conventions or other methods which players consistently forget, have not discussed adequately, repeatedly fail to Alert or are incapable of disclosing properly. Players who are rude to their partner or the opponents or fail to pay proper attention to the game can be removed from the session and replaced with a kibitzer. A player guilty of habitual and/or extreme slow play can be refused entry to the next session or event or lose seeding rights.

If issuing a PP means reflexively deducting matchpoints,imps, or VPs for serious procedural infractions, then how would you accomplish your goal if the infraction occurred in a KO match? What can the threat of a score deduction accomplish when the offenders have already lost the match? You should consider denying the offending pair an entry to the next event, or to the same event the next time it is held (i.e., next year). A creative Director or Appeals Committee should almost always be able to identify a non-score-related action that will have greater effectiveness than deducting a few points of whatever type.

While score deductions should be considered your last recourse, there still may be times when they are appropriate. Consider how you would deal with a pair of inexperienced players using a popular convention that they have not discussed adequately and forget on a regular basis, with attendant Alert failures. You would like to allow them to play the methods—after all, they are fun, effective and greatly enhance the users' ability to handle certain hand types at little cost. But you would also like to induce them to discuss and practice the methods so that the problems they create are eliminated. Rather than deny them the right to play the convention, you could inform them that in the future each time the Director is called to their table for a problem involving that convention, he will impose a penalty which will keep doubling until they get their act together.

Even though effective, PPs of any variety should be reserved for flagrant or recurrent infractions. After all, the laws are designed not to punish irregularities but to define correct procedure and as redress for damage. After all, we're all guilty of an occasional procedural irregularity and we'd all rapidly lose interest in the game if we were continually barraged with penalties every time we committed one.

What's that? "Not me" you say?

"Double!"

Have you ever asked to see a defender's hand when you were dummy? Have you ever walked around behind your partner and watched him declare a hand? As dummy, have you ever questioned your partner's call from dummy ("Huh?") when you heard it clearly but knew it wasn't the right play? Did you shake your head

when he called the card? Have you ever blurted out something at the end of the auction about your partner's failure to Alert when you were on defense? Have you ever started to claim, then said, "Uh, no, never mind; I'd better play it out." Have you ever intentionally not Alerted your partner's Alertable bid because he failed to Alert your bid previously and you don't want to awaken him to the fact that your bid was conventional? As the declaring side, have you ever not disclosed at the end of the auction that your call wasn't Alerted because your hand doesn't match your agreement but it does match what the un-Alerted bid would mean? Have you ever tried to correct a bidding error caused by a momentary mental lapse and then said, "I just grabbed the wrong card from the box?" Do I need to go on?

When an irregularity occurs, the first course of action should be to educate the players about what they did wrong and try enlist their cooperation for change. This is especially important when the players are inexperienced or new to duplicate. Firm, friendly correction, even when it needs to be repeated, is always preferable to punishment. And if a PP does become necessary, a score deduction should only be considered when there is no practical alternate.

Two current cases, SIXTEEN and TWENTY, typify the sort of situation where the impulse to assess PPs should be resisted. In CASE SIXTEEN the dissenter suggested a PP against East for her 5♦ bid. Why? Just because she had UI? As retribution for her 5♦ bid working out well? Had her 5♦ bid been unjustified (which it wasn't) and had it damaged N/S, then a score adjustment to redress the damage would have been appropriate. But a PP should only be assessed if East's action was of such a flagrant nature, and lacking a basis in bridge, that it is virtually considered an "offense against the game." None of these occurred here. In CASE TWENTY East may have misled North about his side's agreements, but North's play was quite inferior and totally unrelated to the MI. So no score adjustment was appropriate. But should E/W have been given a PP for the MI? Absolutely not. The MI was an attempt to help, not harm, the opponents, even if it ended up backfiring. The fact that North's misplay denied him a score adjustment doesn't justify looking for a way to make E/W pay for a "technical" error. This looks suspiciously like the lupine approach to ruling the game: punish transgressors first and worry about it later.

Finally, when financial deposits were still required for appeals at NABCs, the penalty for an appeal that lacked merit was considered a PP (authorized by Law 92A) for abuse of the appeals process. The switch to AWMWs makes it difficult to think of these as penalties at all. AWMWs are like the points a driver gets against his driver's license when he receives a ticket for a traffic violation. AWMWs are simply warnings, similar to those for isolated procedural irregularities which are neither flagrant nor part of a pattern.

But unlike warnings for procedural irregularities, records are kept of AWMWs. No further action is taken unless a player accumulates three such warnings within a two-year period. In that case the player's AWMW record is reviewed and, if a pattern of serious or similar violations is present, the player may be brought before a C&E Committee to explain why he has continued a pattern of abuse of the appeals process. Just as was recommended for PPs, players who show evidence of a pattern of abuse are dealt with by imposing a non-score-related discipline, which might include such disciplines as being denied entry to one or more events, being placed on probation, or even being suspended for a period of time. The severity of the penalty would depend on the seriousness of the abuse. Thus, AWMWs are in reality just an extension of the preferred way of dealing with other procedural infractions, through creative forms of non-score-related penalties.

## THE PANEL'S DIRECTOR AND COMMITTEE/PANEL RATINGS

| Case | Directors | Committee/<br>*Panel | Case        | Directors | Committee/<br>*Panel |
|------|-----------|----------------------|-------------|-----------|----------------------|
| 1    | 67.0      | 80.7                 | 14          | 45.3      | 94.3                 |
| 2    | 80.3      | 93.3                 | 15          | 58.9      | 93.3                 |
| 3*   | 59.3      | 84.3                 | 16          | 57.0      | 69.6                 |
| 4    | 89.3      | 85.7                 | 17*         | 68.0      | 66.0                 |
| 5    | 85.0      | 77.0                 | 18*         | 86.3      | 94.3                 |
| 6    | 95.7      | 95.7                 | 19          | 81.7      | 60.3                 |
| 7    | 84.7      | 68.0                 | 20          | 40.7      | 90.3                 |
| 8*   | 91.3      | 91.3                 | 21*         | 91.7      | 95.0                 |
| 9*   | 96.7      | 98.3                 | 22*         | 61.0      | 94.3                 |
| 10   | 93.3      | 92.7                 | <b>P-Mn</b> | 79.2      | 89.1                 |
| 11   | 57.0      | 75.0                 | <b>C-Mn</b> | 75.5      | 84.5                 |
| 12   | 99.0      | 99.7                 | <b>O-Mn</b> | 76.7      | 86.0                 |
| 13   | 97.7      | 91.7                 |             |           |                      |

\*=Case decided by a Panel; **P-Mn**=Mean for cases decided by Panels;  
**C-Mn**=Mean for cases decided by Committees; **O-Mn**=Overall mean for all cases

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