



# American Contract Bridge League

*Presents*

## **They Forgot the Alamo, But Remembered to Appeal in San Antonio**



Appeals at the 1999 Summer NABC  
Plus cases from the 1999 WITT

*Edited by*

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ACBL Appeals Administrator

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Abbreviations used throughout this casebook:

AI	Authorized Information
LA	Logical Alternative
MI	Misinformation
PP	Procedural Penalty
UI	Unauthorized Information

## FOREWORD

We continue with our presentation of appeals from NABC tournaments. As always, our goal is to provide information and to foster change for the better in a manner that is entertaining, instructive and stimulating.

The ACBL Board of Directors, for the six NABCs spanning 1999 and 2000, has chosen to conduct a test of a new appeals process in which a Committee (herein referred to as a Panel—capitalized) comprised of pre-selected top Directors hears all appeals from non-NABC+ events (including side games, regional events and NABC events with top-end masterpoint restrictions). Appeals from NABC+ events continue to be heard by the National Appeals Committees (NAC). We will handle both types of cases as we have always dealt with traditional Committee cases.

Panelists were sent all cases and invited to comment on and rate each Director ruling and Panel/Committee decision. Not every panelist chose to do every case. The ratings (averaged over panelists and expressed as percentages) are presented in each write-up and again in a table at the end of the casebook. The table includes separate summaries for Panel and Committee cases, as well as an overall summary.

Numerical ratings are intended as a general index of our panelists' assessments of how well Directors and appellate bodies did relative to the best performance possible. They are not meant, nor should they be used, to directly compare the performance of Directors and Panels/Committees. Each group is evaluated on a different set of criteria: Directors are rated on their handling of the situation at the table including determining facts, applying the appropriate laws, and making a ruling which allows the game to progress normally—expecting that it may be reviewed and possibly overturned on appeal; Panels/Committees are rated on their decisions including fact finding, application of law, and use of bridge judgment appropriate to the level of the event and the players involved. (Note: Ratings can be affected by panelists' views of the use—or lack of use—of PPs and AWMPPs.)

Table rulings are typically made in consultation with other Directors, including the DIC of the event (who is responsible for the final ruling). This is true even if we occasionally lapse and treat a ruling as if it was the table Director's alone. At management's request only the DIC's name is included in each write-up.

Panels were expected to obtain bridge advice from expert players on each case. They should be judged on the players chosen and their use of the input received.

Ambiguity Department. Case write-ups often refer to such things as “an X-second break in tempo.” Our policy is to treat all tempo references as the TOTAL TIME taken to make the call (unless otherwise specified)—NOT how much longer than “normal” it took (which poses the additional problem of what is “normal” for the given auction). Scribes should adjust their write-ups accordingly.

Mild Disclaimer Department. Occasionally we receive complaints about case write-ups. Every effort is made to ensure their completeness and accuracy, but we offer no guarantees. As even small changes in the facts can affect our evaluations, the opinions expressed should be considered as valid only for cases matching the facts presented. Otherwise, these should be viewed as theoretical exercises.

Finally, I wish to thank all of the hard-working people without whose efforts these casebooks would not be possible: the scribes, reviewers and chairmen who labored 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, the indispensable Linda Trent who manages appeals at NABC tournaments and corrects all of my errors. My sincere thanks to all of you. I hope my revisions have not diminished any of your earlier work.

Rich Colker,  
January, 2000

## THE EXPERT PANEL

**Henry Bethe**, 56, was born in Los Alamos, NM. He is a graduate of Columbia University and currently resides in Ithaca, NY. He has a son, Paul. His other interests include stamp collecting, baseball statistics and other mathematical recreations. He is a Vice-Chairman of the National Appeals Committee. He won the Life Master Men's Pairs in 1969 but is proudest of winning the third bracket of a Regional Knockout partnered by his son Paul at the Chicago NABC.

**Bart Bramley**, 53, was born in Poughkeepsie, NY. He grew up in Connecticut and Boston and is a graduate of MIT. He credits Ken Lebensold as an essential influence in his bridge development. 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.

**Jon Brissman**, 55, 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.

**Ralph Cohen**, 73, 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.

**Ron Gerard**, 56, 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.

**Chip Martel**, 46, was born in Ithaca, NY. He is Department Chair and Professor of Computer Science at the University of California at Davis, where he currently resides with wife Jan. His other hobbies include reading and bicycling. Chip is a Co-Chairman of the ACBL Laws Commission and a member of its Drafting Committee for the new laws and the ACBL Competition and Conventions Committee. He is proudest of his four World Championships, current ranking of fifth in the world, and seventeen NABC Championships. He captained and coached our only world champion Junior team, as well as the bronze medal Junior team.

**Chris Patrias**, 50, was born in North Carolina and now lives in the St Louis area with his wife, Charlotte, and their two dogs. He is a graduate of the University of Minnesota. He has been directing bridge tournaments since 1977 and is a salaried ACBL National Director.

**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 Univ. (BS) and obtained his JD from Case Western Reserve. He is currently the ACBL League Counsel and former WBF Counsel. He is a member of the ACBL and WBF Laws Commissions and former Co-Chairman of the ACBL National Appeals Committee.

**Barry Rigal**, 41, 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.

**Michael Rosenberg**, 46, was born in New York where he has resided since 1978. He is a stock options trader. His mother, father and sister reside in Scotland where he grew up. His hobbies include music. Widely regarded as the expert's expert, Michael won the Rosenblum KO and was second in the Open Pairs in the 1994 World Championships. He was the ACBL Player of the Year in 1994 and won the World Par Contest at the 1998 World Championships. He believes the bridge accomplishment he will be proudest of is still in the future. Michael is a leading spokesman for ethical bridge play and for policies that encourage higher standards.

**David Stevenson**, 52 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 Grand Masters, twice. He is the Chief Tournament Director of the Welsh Bridge Union and active internationally as a Tournament Director and Appeals Committee member.

**Dave Treadwell**, 87, 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.

**Howard Weinstein**, 46, was born in Minneapolis and graduated the University of Minnesota. He currently resides in Chicago where he is a stock options trader at the CBOE. His brother, sister and parents all reside in Minneapolis. His parents both play bridge and his father is a Life Master. Howard is a sports enthusiast and enjoys playing golf. He is a member of the ACBL Ethical Oversight Committee, Chairman of the ACBL's Conventions and Competition Committee and has been a National Appeals Committee member since 1987. He has won five National Championships and is proudest of his 1993 Kansas City Vanderbilt win.

**CASE ONE**

**Subject (Tempo):** You Bid Too Fast You Worry Me To Death  
**Event:** Stratified Open Pairs, 22 Jul 99, First Session

Bd: 6	┌ AQ94		
Dlr: East	! ---		
Vul: E/W	" J10876		
	É 10754		
┌ 10		┌ J6	
! AKJ7		! Q9843	
" KQ54		" 932	
É AJ92		É KQ8	
	┌ K87532		
	! 10652		
	" A		
	É 63		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1É	Pass	1!	1!
4!	4!	Pass	Pass
Dbl(1)	Pass	5!	Dbl
All Pass			
(1) Break in tempo			

**The Facts:** 5! doubled went down one, plus 200 for N/S. The opening lead was a small spade. The Director was called when East bid 5! . E/W did not dispute that there had been a 15-20 second hesitation before the double. East said she passed too quickly over the 4! bid when she should have bid 5! . The Director ruled that pass was a LA once East left the decision up to West and changed the contract to 4! doubled made four, plus 590 for N/S.

**The Appeal:** E/W appealed the Director's ruling. E/W stated that the 4! bid did not show any special distribution; just the values for game in hearts. They did not offer any arguments about being too strong to bid 5! (pass

and pull, for example). East offered the explanation that her hand was clearly much stronger for offense and that she had already decided to bid 5! if partner doubled. N/S stated that they did not think East's hand supported bidding 5! after passing the decision to partner.

**The Panel Decision:** The consensus of the expert players consulted was that East's decision to pass 4! around to West bound her to West's action, especially if she showed doubt, unless E/W could demonstrate that they were playing methods where passing and then pulling showed stronger hands and East's hand conformed to those methods. E/W (about 800 masterpoints each) did not make that argument, showed no understanding of such methods, and East's hand did not conform to them in any event. The Panel found that there had been an unmistakable break in tempo: probably 15-20 seconds. Law 16A states in part that partner may not choose from among LAs one that could demonstrably have been suggested over another by the extraneous information. Two actions were logical after West's double of 4! : pass and 5! . Bidding 5! was suggested by the tempo of West's double. Passing was an action that a significant number of East's peers would have at least seriously considered. The Panel changed the contract to "the most favorable result that was likely had the irregularity not occurred," 4! doubled made four, plus 590 for N/S (Law 12C2).

**DIC of Event:** Millard Nachtwey  
**Panel:** Ron Johnston (Reviewer), Olin Hubert, Charlie MacCracken, Roger Putnam  
**Players Consulted:** Henry Bethe, Chip Martel, Dave Treadwell

**Directors' Ruling: 99.0**      **Panel's Decision: 96.6**

A clear break in tempo, a slow (doubtful) penalty double; a pull with an unexceptional hand (i.e., one which made pass a LA); and the *coup de grace*, some nonsense about "I always intended to pull if partner doubled," or "my hand was

better for offense," or the always popular "I didn't notice any break in tempo." Decisions in cases like this are virtually foregone conclusions, and it's time we stopped burdening the appeal system with them—at least at NABCs. These cases need to be firmly discouraged in screening and, if the appellants persist, met with AWMPPs from the appellate body. The Panel was quite remiss in not assessing the appropriate censure against E/W for this waste of time. Right, Barry?

**Rigal:** "Good Director ruling. I have decided that no matter how good a Committee or Panel decision may be, the failure to issue AWMPPs when they are appropriate prevents the decision from being accurate, and here in essence East blatantly took unethical advantage of her partner's tempo. I have a little sympathy with West for the slow double—but not a lot, particularly if playing with someone who will remove such a double. East should be ashamed of herself and the AWMPP is the way to develop a sense of guilt here."

**Bethe:** "The table Director made the correct ruling: the proper pair appealed. The discussion seems to touch the right bases. I believe this appeal was without merit."

**Bramley:** "The Panel was too kind. 5! was not a LA. Some might argue that East's pass was not even forcing. Certainly I would play it non-forcing if South were not a passed hand. Regardless of the nature of East's pass, she was bound by partner's decision. This case had no merit, and the Panel should have given an AWMPP."

**Polisner:** "Seems to have been an appropriate case for issuance of an AWMPP."

**Weinstein:** "Seems automatic. An AWMPP should have been issued or at least discussed."

The following "excuse" for not awarding AWMPPs seems a far reach here.

**Treadwell:** "An easy decision. I suppose the relative inexperience of E/W was the reason for not issuing them AWMPP points."

**Patrias:** "East has no business pulling West's (tentative) double so the decision to take it back to 4! doubled is fairly clear. Did 5! really go down after a small spade lead? Must have been the result of a guilty conscience."

And Barry articulated the right cure for that.

**Stevenson:** "The decision is obvious enough, but why do the Panel want to know whether East is bound by West's actions? Whatever East intended when she passed does not affect the legality of her 5! bid.

Two panelists seem to have a lot of extra time on their hands. Perhaps they'll volunteer to hear the case when E/W next resurface with another of these appeals.

**R. Cohen:** "Everybody right on."

**Rosenberg:** "Okay."

## CASE TWO

**Subject (Tempo):** I Got Problems By The Carload  
**Event:** Stratified BAM Teams, 22 Jul 99, Only Session

Bd: 21	{ QJ1064		
Dlr: North	! 1093		
Vul: N/S	" A1092		
	Ê 8		
{ K872		{ A5	
! A872		! KQJ64	
" KQ3		" 64	
Ê A4		Ê KQ102	
	{ 93		
	! 5		
	" J875		
	Ê J97653		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	1!	Pass
2NT(1)	Pass	4! (2)	Pass
5Ê	Pass	5!	Pass
6!	All Pass		
(1) Alerted; Jacoby 2NT			
(2) Break in tempo			

**The Facts:** 6! made six, plus 980 for E/W. The Director was called after the deal was over and was told that the 4! bid had been very slow. East stated that she had a real problem deciding what to bid. E/W's agreement was that 4! showed no slam interest, 3! showed slam interest and 3Ê/3" showed singletons. The Director ruled that a slow 4! indicated that East had alternate bids, all of which would show more strength. The slowness suggested the possibility that further action could be appropriate. The contract was changed to 4! made six, plus 480 for E/W (Law 12C2).

**The Appeal:** E/W appealed the Director's ruling. West estimated that the 4! bid took about 10-15

seconds but said that his partner was a very deliberate bidder for whom that was not a hesitation. He said he expected 13-14 HCP and was surprised when she had as much as she did. He said he would have signed off in 5! if she had bid 5". North believed the break in tempo had been 25-35 seconds.

**The Panel Decision:** The Panel decided that there had been a hesitation that demonstrably suggested further bidding and that passing 4! was a LA for West. The contract was changed to 4! made six, plus 480 for E/W.

**DIC of Event:** Stan Tench

**Panel:** Olin Hubert (Reviewer), Ron Johnston

**Players Consulted:** none reported (see Reviewer's note below)

**Reviewer's Note:** The thrust of this decision centered around whether or not there had been an unmistakable hesitation that suggested further action. The Panel decided that there had and unless expert opinion indicated that West had a clear action, the result would be changed to plus 480 for E/W. The Reviewer became involved with other tournament responsibilities and did not get expert opinion in a timely manner. The process of getting from one site to the other and back again to solicit expert opinion and still deliver a timely response was often difficult at this tournament. This case fell through the cracks and does not indicate that the Appeal Panel does not appreciate the need for cooperation from the expert community.

**Directors' Ruling: 99.5**

**Panel's Decision: 96.4**

If East held { Qxx ! KQxxx " Axx Ê Qx, I would certainly not want to reach the five level with the West hand. Funny thing, though; East never has the type of hand that makes the five level risky when she hesitates before bidding a slam-negative 4!. Here E/W should have had the book thrown at them, first by the table Director for West's brazen 5Ê bid after East's hesitation and later by the Panel for

their decision to file this unwinnable appeal.

As an aside, I favor calling the Director as soon as possible in these situations. In this case the timing of the Director call in all probability had no practical impact. However, under other circumstances N/S might have had to commit to some action in the auction or play before certain aspects of the deal became known. Also, it makes sense to establish the presence of a break in tempo as soon after it occurs as possible. What if E/W had denied any break in tempo here? The longer the delay before establishing what happened, the less clear everyone's memory of the event becomes and the more "defensive" the hesitating side's attitudes are likely to be. Also, if the Director is called before the hesitator's partner has a chance to take an unusual action (the 5Ê bid here), a warning from the Director about that player's ethical obligations could help avert a potential problem.

Again, Barry is right on top of things here.

**Rigal:** "Right on by the Director. I assume this case was close to an AWMPP as well. East described her slam try very nicely and unethically. West should be ashamed of himself for bidding on and again the Panel should develop his finer feelings with an AWMPP. I have a fraction more sympathy with West this time—but only a fraction. In my beginners' club we try to teach them that 16 points facing a minimum opening bid does not make a slam."

Also on the AWMPP bandwagon are...

**Weinstein:** "Normally I don't believe in AWMPPs if there is a possible fact situation to reconcile. In this case the question is whether this was a huddle for this particular East. What I would like to see is a Director kibitz this East a couple of rounds to see if indeed this East takes over 10 seconds in every tempo sensitive situation. If this East does not, as I suspect is the case, then give E/W an AWMPP and record them, at a minimum, for giving Directors false information."

**Treadwell:** "Another easy decision. If the E/W players were at all experienced (not indicated in the write-up) then they should have received AWMPPs."

What about the lack of expert consultation? Some panelists dismissed it based on a sense that the lack of consultation didn't matter to this particular case.

**Bramley:** "Clearly correct. Consultation with experts would not have changed anything. The Directors handled the situation as well as possible."

**Stevenson:** "It was automatic to decide not to allow continuing over 4! so long as there was UI suggesting it, so not using the expert players didn't matter."

Others see the need for affirmative action by management to insure that this problem doesn't continue.

**Patrias:** "I have no problem with the decision of the Director or the Panel. If tournament logistics make it impossible to complete the full process of these appeals, then management should consider assigning an extra Director."

**Beth:** "I agree with the decision: but I believe that the Reviewer *must* be relieved of other responsibilities to seek expert opinion in a timely manner."

I agree that additional Directors are needed at NABCs if Reviewers and Panels are to do their jobs effectively. Screening was often bypassed due to understaffing; Reviewers frequently didn't have enough time away from their floor duties to investigate and consult on cases adequately; frequently Reviewers didn't have the time to even notify the non-appellants that an appeal had been filed or to get the players' signatures on the appeal form. These problems must be addressed

immediately. One possibility is to utilize the ACBL's new Tournament Assistant program to free up the more experienced Directors for duties such as this. As we will see throughout this casebook, many of the non-NABC+ cases which made it to a Panel should really have been handled (and gotten rid of) through screening—which as I said above was frequently left undone in San Antonio. We were promised that these failings would be remedied in Boston.

More support for the Panel's decision, but no mention of the merit issue, comes from...

**Polisner:** "This case is dependent upon a factual determination. Since the conclusion was that an unmistakable hesitation occurred, the result is appropriate."

**Rosenberg:** "Okay."

**R. Cohen:** "They all can't be as easy as the first two cases. Right on again."

That remains to be seen, Ralph. The absence of an effective screening process in both NABC+ and non-NABC+ cases seems to have been a major factor in the large number of meritless cases (or ones which should have been judged meritless, like CASES ONE and TWO) that were heard in San Antonio. As we continue, the reader will gain a better sense of this issue.

### CASE THREE

**Subject (Tempo):** Reasonable, But Not Clear Enough

**Event:** Life Master Pairs, 23 Jul 99, Second Semi-Final Session

Bd: 4	Bill Wickham		
Dlr: West	KJ2		
Vul: Both	! 96		
	" AJ653		
	É 976		
Robert Schwartz		William Hall	
---		Q10986	
! K7532		! AQ	
" 9872		" K4	
É AJ84		É K1052	
	Sid Brownstein		
	A7543		
	! J1084		
	" Q10		
	É Q3		

West	North	East	South
Pass	Pass	1	Pass
1NT	Pass	2É	Pass
3É	Pass	3NT(1)	Pass
4É	All Pass		
(1) Break in tempo			

**The Facts:** 4É made four, plus 130 for E/W. There was an agreed upon hesitation before East bid 3NT. The Director was called after West's 4É bid and ruled that pass was a LA to 4É; the contract was changed to 3NT down four, plus 400 for N/S (Laws 16A1, 73C, 73F1 and 12C2).

**The Appeal:** E/W appealed the Director's ruling. E/W explained their methods: They played a non-standard but natural four-card major system; 1NT was non-forcing; 2É guaranteed a four-card suit. West stated that facing a hand with 5-2-2-4 shape and 16 or so HCP he could see no source of tricks in 3NT. Partner might have rebid 2NT with 17 HCP unless his hand was very suit-oriented.

**The Committee Decision:** The Committee established that there had been an undisputed break in tempo and that the slow 3NT bid suggested either a sub-minimum 3NT bid, an offshape (5-1-3-4 or 5-3-1-4) hand or a flaw in East's red-suit guards with 5-2-2-4 distribution. In any of these cases, removing 3NT to 4É would be more attractive. The Committee decided that passing 3NT was a LA. The "most unfavorable result that was at all probable" (Law 12C2) for the offending side in 3NT was five tricks: a diamond lead won by the king followed by the ! AQ, a club to the ace, the ! K and an immediate club finesse when the hearts don't break. The Committee briefly discussed whether E/W might go down only one if declarer guesses clubs. They decided that declarer was perhaps slightly more than 50% to guess clubs correctly. However, the "most favorable result that was likely" for N/S (Law 12C2) was down four. The contract was changed to 3NT down four, plus 400 for N/S.

**DIC of Event:** Henry Cukoff

**Committee:** Barry Rigal (chair), Karen Allison (not voting), Phil Brady, Bart Bramley, Harvey Brody, Dick Budd, Barbara Nudleman, Jon Wittes

**Directors' Ruling: 88.7**

**Committee's Decision: 84.4**

The break in tempo was admitted by all, and I suspect few will doubt that it demonstrably suggests that removing 3NT will be the winning action. The only real question in this case (and it's a contentious one, as we'll see shortly) is whether West's hand makes it clear that 3NT should be pulled to 4É (i.e., is pass a LA for West?). This question can be approached in two ways: empirically and logically.

First (empirically), would some number of players give serious consideration to passing 3NT with the West hand? I gave the West hand and the auction (without the break in tempo) to a number of players and asked them what they would do over

3NT. Unanimously they passed. Now it may not come as a shock to you to learn that the players I polled were the members of this Committee. What? Yes. While they were waiting in the hearing room for a case to be heard I came into the room and gave them the West hand as a bidding problem. After I polled their individual opinions they discussed the bidding versus passing issue as a group. They decided that, while bidding could be right, they still preferred pass.

Second, does pass make logical sense? Give East a hand like:  $\heartsuit A109xx$  !  $\heartsuit A$  "  $\heartsuit Kx$   $\heartsuit KQxxx$ , or  $\heartsuit J109xx$  !  $\heartsuit AQ$  "  $\heartsuit Ax$   $\heartsuit KQxx$ , or  $\heartsuit Axxxx$  ! --- "  $\heartsuit AQJ$   $\heartsuit KQxxx$ , or even  $\heartsuit QJ109x$  !  $\heartsuit AQ$  "  $\heartsuit Q10$   $\heartsuit K109x$  and 3NT has reasonable, even good, play (the diamond finesse, three-three hearts, etc.) while  $\heartsuit 5E$  could be in danger on trump leads or might produce an inferior matchpoint score.

So both empirically and logically, pass is a LA; both approaches support the Committee's decision. As some members of the Committee mentioned during the Blind Preview,  $\heartsuit 4E$  could be right but passing 3NT is a LA which many would choose—even if because they didn't give the alternative enough thought.

Two of the Committee members are panelists. Let's hear from them first.

**Rigal:** "I am sure the Director made the right ruling here. It was certainly enough of a judgment call that it should have been decided initially in this way. I had discussions on this hand afterwards with people who thought that the  $\heartsuit 4E$  bid made sense in an abstract bridge environment and I was partly swayed on this issue.

"In a way though, I think this case is an important one. As our editor will doubtless point out, the Committee members, when given the problem without a tempo break, all passed 3NT. Does this mean that West is a better player than we on the Committee? Well, I think not. West was unconsciously swayed into making the right bid in a position where he might not have gone through the same reasoning chain in a different environment. The point is that, like with Hesitation Blackwood, partner's tempo made him think through the hand in a different way and swayed him to taking the 'right' bridge action when, without the break in tempo, the Committee would just have respected his judgment. As Edgar Kaplan remarked in a different context, 'Your partner's tempo deprived you of the chance of being brilliant.'"

**Bramley:** "The results of my informal poll after this hearing suggested that we had been too harsh. A majority of my pollees thought that the  $\heartsuit 4E$  bid was automatic, i.e., pass was not a LA. However, the Committee, with whom I concurred, thought that pass was plausible. We judged that 3NT, while a serious underdog, would make often enough to justify passing and that  $\heartsuit 4E$  might be no better a contract than 3NT. I was bothered that the penalty for the infraction was so severe, but I could find no alternative to the logic leading to down four, a result hinging on a misguess of a two-way finesse. Surely the non-offenders deserve the benefit of the doubt in such a case."

Bart indirectly raises an interesting issue. Let's say that the players he polled had made up the Committee that heard this case. He says that "A majority of my pollees thought that the  $\heartsuit 4E$  bid was automatic." That means (to me) that some of his pollees thought it wasn't and that they might have passed 3NT. The important point is that a LA need not be a bid that receives unanimous, or even majority, support. Even if the action taken at the table is believed to be the best bridge action, if a number of players would have given the losing alternative serious consideration (i.e., by the standards that I personally favor, they say they might actually have taken it) then it is a LA. Thus, even according to Bart's poll passing 3NT is a LA.

Agreeing with the Committee's decision.

**R. Cohen:** "Oh, so West has no source of tricks?! What about if East holds  $\heartsuit KQJ10x$  !  $\heartsuit Qx$  "  $\heartsuit AQ$   $\heartsuit K10xx$ ? Players who sit on Appeals Committees should avoid making such self-serving remarks.

**Patrias:** "If the Committee found that declarer would be down one more often than not, then N/S should be awarded only plus 100. Perhaps that is not what they intended to say when they wrote their decision. I agree that E/W should be minus 400."

**Rosenberg:** "Pretty harsh on E/W, since West might have bid  $\heartsuit 4E$  anyway and since correct play in 3NT is  $\heartsuit E$  K then  $\heartsuit E$  10 before a second heart, leading to minus 100. But minus 400 is okay. This may seem weird, but it must be down one or down four. I agree with the Director and Committee. Good 'message' hand."

**Polisner:** "A good decision for E/W. My concern is, when 3NT would have made, the Director is never called back to the table and the result in  $\heartsuit 4E$  is recorded. N/S have a double shot to get a good result."

The law appropriately gives non-offenders this sort of "double shot" in many situations: they get to keep the table result when the offenders misjudge and get an adjustment if their action works. If you think about it, there really is no alternative to doing it this way. The sort of double shot which we rebuke is when a player takes a wild or gambling bridge action following an opponent's infraction hoping to get a good result if his action works or that the Director will adjust the score if it doesn't. Thus, creating a double shot for yourself is unacceptable but taking advantage of one which an infraction creates for you is both legal and acceptable.

Here's an example to clarify the difference. At favorable vulnerability, in a competitive auction your side bid hearts and their side overcalled and raised spades, LHO hesitates before passing your  $\heartsuit 4!$  bid. RHO, who already limited his hand and passed thereafter, now bids again, saving in  $\heartsuit 4!$ . Case 1: You make a normal pass, partner doubles, and you call the Director when  $\heartsuit 4!$  goes for only 300 and you see that the  $\heartsuit 4!$  bidder's hand does not justify his action. You would have kept the table result had the save gone for 800, but now you call the Director to have your  $\heartsuit 4!$  contract reinstated. This is perfectly acceptable, since you took normal bridge actions and ultimately it was the opponents' infraction (the  $\heartsuit 4!$  bid) which gave you the double shot. Case 2: Thinking that you are entitled to a score adjustment no matter what, you take unilateral control of the auction and double  $\heartsuit 4!$  (with a spade void), hoping to get a good score when declarer misplaces the trumps. But  $\heartsuit 4!$  doubled still goes for only 300 while passing would have led to partner bidding an easy  $\heartsuit 5!$  —the winning action. Here you actively sought a double shot by taking an abnormal bridge action; thus, you get to keep the bad result you earned. However, the opponents still get their score adjusted (they shouldn't be allowed to profit from their infraction) since damage is defined in terms of the offenders' score and not contingent on the non-offenders' subsequent actions.

**Weinstein:** "Ugh. This is the sort of case I detest. There was only marginally useful UI, a reasonably normal and well-reasoned pull of 3NT, and an unclear adjudication of the table result in the enforced contract. However, there was probably UI that probably demonstrably suggested the pull, probably a LA, and probably a reasonable likelihood of down four. Each of these in isolation was examined by the Committee with reasonable determinations. Yet the painting as a whole is ugly.

"One of Goldman's concepts was to add up (technically multiply out) the probabilities of each action actually occurring without the irregularity and to not adjust unless a certain threshold is met as a whole. I assume he would have different thresholds for each side. Unfortunately the concept is 12C3-ish in nature and very difficult to integrate into our present structure. Under our current methods (ostensibly in actual practice but apparently primarily existing only in Weinsteinian theory), unless E/W were very likely to have pulled had the huddle not occurred, an adjustment for both sides is the sad, but indicated adjudication. If there was a way to either avoid this ruling or not publish it in the Daily Bulletin, then I wouldn't have to listen to Hamman rant (but not rave) about it for half an hour and I could enjoy my breakfast and newspaper in peace. We all have our real motivations."



Goldie's concept is unworkable for several reasons (see CASE FIFTEEN in the Vancouver casebook) and, as it seems you haven't heard yet—ugly is beautiful.

The remaining panelists seem to think that pass is not a LA for West. Perhaps they should have been invited to my Blind-Preview party.

**Bethe:** "Is passing 3NT really a LA? Given the stated conditions, East has a 16-17 point hand with five-four in the black suits. I tried to simulate this one and could not come up with a hand that offered adequate play for 3NT. The more high cards East had in spades, the worse the contract became, especially since East, with 5-4-3-1 shape, would probably trot out the three-card suit rather than bid 3NT. I think that pass is a bid that one might make unthinkingly, and perhaps the slow 3NT got West to think more deeply about the hand than he otherwise might have. But once you do think about it, 4E stands out. I do not think a Committee has any business preventing a player from thinking. I believe the Director got it right in the sense that the right pair was appealing. But the Committee got it wrong on review."

Perhaps, Henry, you could show your computer some of my example hands—especially the last one (you could even add a queen or king to it). A careful East might have bid his three-card suit (holding a 5-4-3-1 pattern) over 3E, but at this form of scoring it could easily end up helping the opponents more than his side. Why should the offenders be allowed to make careful bids when the alternative is still reasonable? I wouldn't suggest that the members of this Committee all passed unthinkingly. (When was the last time you saw Bart do anything that way?) Pass makes sense when you think about it. Whether it's the best bid or the right bid I can't say, but it's certainly a logical and a possible bid.

**Stevenson:** "Assuming that 2E was non-forcing and limited by a failure to bid 3E, does 3NT rate to have any real chance? It looks a dreadful hand for 3NT. I would have thought that pass over 3NT was not an LA. The 3NT bid itself seems to be from the planet Zarg. But this should not affect the decision."

Most players would only jump to 3E with an 18+ point hand. Thus, 16 or 17 HCP are easily within the realm of possibility. Look at the 17-point example hand provided by Ralph Cohen. 3NT is unbreakable.

**Martel:** "Since removing 3NT to 4E is what likely would have happened without the hesitation I'd be inclined to let the non-offenders keep their score."

Is this really the standard we apply to the offending side in UI cases: that they get to bid whatever they were likely to have bid without the UI? I think not, and I think that you think not too, Chip.

## CASE FOUR

**Subject (Tempo):** RONF—Except When It Isn't

**Event:** GNT Flight C, 23 Jul 99, Second Quarter-Final Session

Bd: 28	!	AK54	
Dlr: West	!	1064	
Vul: N/S	"	942	
	E	K65	
!	Q7		!
!	AK9872		!
"	J76		"
E	J4		E
	!	J1096	
	"	Q	
	"	853	
	E	AQ1083	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
2!	Pass	3! (1)	Pass
4!	All Pass		
(1) Break in tempo			

**The Facts:** 4! made four, plus 420 for E/W. The Director was called after the 4! bid. North led the K (2, J, 7) followed by the A (3, 6, Q) and a third spade. E/W's convention cards showed that they played RONF and that the 2! bid showed 6-12 HCP with two of the top three honors. The Director ruled that the out-of-tempo 3! bid did not "demonstrably suggest" the 4! bid and allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling. Both sides agreed that there had been an unmistakable hesitation before the 3! bid. N/S stated that the

slow 3! bid suggested something unusual about it and, given that systemically it was not invitational, the 4! bid seemed very unusual and perhaps influenced by the tempo. As to the play, North thought the J followed by the 6 showed a doubleton with a desire to ruff; South thought the J denied the Q and the 6 was present count. South thought North should work out how many spades he had. East intended 3! to end the auction; he was deciding among 2NT (feature asking), pass, or 3!. E/W were a long-standing partnership that only recently specifically defined 3! as non-forcing. West stated that he forgot about RONF and thought 3! was invitational and that his hand clearly indicated a 4! bid.

**The Panel Decision:** The Panel believed that the out-of-tempo 3! bid conveyed extraneous information that demonstrably suggested 4! as a choice from among LAs (i.e. pass). The slow 3! could have served as an alarm to West that partner was considering a stronger alternative (particularly with an unpassed partner and silent opponents) and/or that partner had doubts about the meaning of 3! in a partnership which had recently redefined the meaning of this auction. Therefore, for E/W the contract was changed to 3! made four, plus 170, as per Law 12C2. However, the Panel believed that N/S had severed the link between the infraction and the damage (that the damage was subsequent but not consequent) by their misdefense. Thus, for N/S the table result of 4! made four, minus 420, was allowed to stand. The two results were impeded separately with their teammates' results and averaged as per Law 86B to obtain the imp score on the board.

**DIC of Event:** Ron Johnston

**Panel:** Matt Smith (Reviewer), Olin Hubert, Roger Putnam

**Players Consulted:** none reported

**Reviewer's Note:** This case was akin to changing an appeal in screening with the DIC concurring in the change. Since the state of the match had become such that in an NABC+ event, the case would have been withdrawn, expert opinion was not sought. One advantage of Appeal Panels is that a decision can often be rendered in a match prior to the finish of the session or event. This means that cases will often be heard that would otherwise be withdrawn.

The original ruling by the Directing staff is difficult to fathom. The Panel's final two-way decision (with one important reservation discussed below) is a model of how results should be considered independently for the two sides. In cases where a consequent/subsequent damage issue exists, the assessment of damage for the offenders should be based on the final score they achieved relative to the score they would have achieved had there been no infraction. (In other words, there is no distinction between consequent and subsequent damage for the offenders.) But only consequent damage should be redressed for the non-offenders.

One possible problem with this decision (alluded to above) is whether Flight C players should be expected to get this defense right. Bart?

**Bramley:** "Bothersome. Nothing in the East hand suggests that he would like to hear partner bid game. Nothing in the West hand suggests that he should bid game. West seems to have acted on the huddle, believing it to be a 'normal' value-showing huddle. However, West may have counted 11 HCP and judged that he had a maximum. In any event, the final contract was terrible, as one might expect with two balanced hands and limited values.

"I would have rolled the contract back to 3! making four for both sides. I think that West very likely did bid game based on the 'value-showing' huddle, even though the values were lacking this time. The defense, while inferior, was not so bad as to sever the link between infraction and damage. Many players would intuitively play the spade jack at trick one, but that is the wrong play when partner may play you for a doubleton. North's defense was automatic after trick one, as West might have held 1 Q10xx! AKxxxx "xx E x, a hand more consistent with his game bid. Even if South plays a low spade at trick one, the defenders must be very sharp to work out which four black cards are cashing."

Along similar lines...

**Rosenberg:** "No doubt that West should not be allowed to bid 4! . I think the Directors underestimated the defensive problem of a N/S flight C. However, if their decision was legal, it was reasonable."

**Stevenson:** "While it is true that the defense could have been better, it does not seem to be an egregious error (the old ACBL standard) or an irrational, wild or gambling action (the new WBF standard). The ACBL seems to have gone too far in penalising non-offenders for errors in situations they would not have faced in the absence of an infraction."

Another potentially serious problem is the failure of the Panel to obtain expert consultation in making their decision. Such failures, even in the afterglow of a fine decision (which is arguable in the present case), are accidents waiting to happen.

The following panelist joins me in pointing out the problems inherent in the procedural failings which we've now seen in two of the first four cases. Of course he also takes his usual swipe at those of us who see a use for Law 12C3.

**Gerard:** "Oh spare me the testimonial. Two hands out of four that we have to put up with excuses for Director procedural failings or advertisements for the DTO process. At least one more to come from the looks of it. Just leave us alone; we're smart enough to figure out whether it's working or not. And in light of what's to come, I wouldn't be bragging about hearing cases that would otherwise be withdrawn.

"I thought this was the way failure-to-play-bridge cases were always handled. E/W never were entitled to plus 420 because it could never have happened in the absence of the infraction—West's 4! bid. That is, unless you believe with Mr. Weinstein that the hesitation was the infraction—yeah, I read his disclaimer

but I don't believe it. In certain quarters, a big deal was made of the fact that E/W 'now' don't get plus 420 because damage is no longer relevant to the offenders' score. It never was. The prototypical example from a few years ago was a slam after a huddle, allowed to make through egregious defense (I seem to remember Brazilians being involved one way or another, but maybe I'm hallucinating). The demonstrably correct ruling was game (5" I think) making an overtrick, slam making against. No change in the rules was necessary. Surely damage was and still is relevant to the non-offenders, so N/S in CASE FOUR earned their minus 420.

"As to the possibility that the hesitation suggested a preemptive 3! , (a) that could expose E/W to 73F2 jeopardy or constitute an infraction of 73D1 and (b) huddles show extras. As to (a), it would be a fine state of affairs if we let a player take questionable action because of the possibility that his partner was playing fast and loose with the rules. Maybe the Director didn't realize that that was what he was doing, but he was. As to (b), *ipse dixit*.

"This seems as good a spot as any to respond to Mr. Weinstein's less-than-brief in the Orlando Casebook. I promise to be brief, because this is getting old. Neither of us will change our position.

"I love reading Mr. Weinstein, especially when he harkens back to the halcyon days of his youth. It reminds me so much of the premise behind the movie *Fargo*. I actually think he would have been a good lawyer, had that been his inclination. Forty cases from now, he's the Committee's only voice of reason because he won't disregard the laws to apply his own perceived sense of justice. Do you think he now wants to disown his opinion?"

"I agree with Mr. Weinstein, as must all people of reason, on rejecting Wolfie's approach to the laws. Where I disagree is on his support of equity-based adjustments in an effort to recreate Mr. Kaplan's unique use of the laws as an instrument for accomplishing fairness. *None of us is that smart*. Edgar could do it because he wrote or contributed to most of the laws, knew what their purpose was, had the intellect and the mental facility to interpret them to produce a desired end and had the universal respect and support of the bridge community in those efforts. For we lesser mortals, it would be presumptuous to attempt to duplicate that behavior. I happen to believe that certainty is one of the purposes of any system of laws. This is not say that laws can't breathe, otherwise we'd be stuck with Edwin Meese's concept of original intent, but efforts to restore equity can be notoriously random. That is one reason why in medieval England (from whence our system of jurisprudence is derived) equity was a separate court, distinct from law. I'm just as committed as Mr. Weinstein is to rooting out injustice, but my training and experience tell me the laws are an appropriate means for doing that. So sue me.

"Look, there are good laws and bad laws, good lawyers and bad lawyers, just as there good and bad people in all walks of life. Bad lawyers will make a mess of good laws, just as bad Committees will make a mess of easy cases (proof is not far away). In my opinion, 12C3 is no magic potion, either. I commend Mr. Weinstein for his efforts, but I will not apologize for strictly construing the laws. When the project to upgrade the Appeals process began in Pasadena, it was in response to the uneven application of the laws that was embodied by the Kantar case the year before. In my view, equity-based adjustments are far more likely to produce a patchwork system that lacks the consistency that was the watchword of our original task force (yes, I was there). Mr. Weinstein may not trust his ability to follow the letter of the law, although I think he is shortchanging himself, but I have no such compunction. I would add, paraphrasing Voltaire, that while I disagree with his obviously inferior view, I respect his right to express it."

Ron is correct that failure-to-play-bridge cases were always supposed to be handled the way they are now (with subsequent but not consequent damage not letting the offenders off the hook), but the recent WBF and ACBL revisions of the definition of damage for offenders ensures that these decisions will be made more consistently than has been done in the past. In this case, however, the Panel may have gone overboard (or at least off target) in their assessment of the standards

applicable to Flight C players.

Regarding Ron's views of equity-based rulings and decisions, I, like Howard, see a place for them in our arsenal of weapons. I will not retreat this well-worn path—except to say that score adjustments under 12C3 are capable of being even more consistent than those made under 12C2. Under 12C2 a Director or Committee must assign either the whole pie or none of it to each side. For example, if a pair *may* have huddled their way to slam, their opponents must either be assigned the result for the slam or the game. Thus, in cases where the influence of the hesitation is uncertain, we are forced to assign the non-offenders a score which is either at one extreme or the other (e.g., 1430 or 680). Under 12C3 this pair can be assigned an average of some percent of 1430 and the reciprocal percent of 680. And while the exact percentages used will certainly make the score the pair ends up with vary from one Committee to another, the *amount* of variation will be small compared to the variation of a 12C2 decision. For example, if one Committee judges bidding the slam to be a 60% action, then they will assign 60% of minus 1430 and 40% of minus 680 to the non-offenders, for a score of minus 1130. If another Committee judges the slam to be a 70% action, then the 70% and 30% weights will result in a score of minus 1205. It is not difficult to see that the variability in assignments produced by such disagreements among Committees (this 10% difference resulted in only a 75-point change) is less than two disagreeing Committees would produce (1430 versus 680 = 750-point difference) under 12C2.

In my view, 12C3 should only be used under certain conditions—and only after 12C2 has been applied and found inadequate. My conditions would result in the application of 12C3 in a relatively small percentage of cases (Howard's view embraces its use in more situations) and would avoid many anomalous decisions. It would reduce the *amount* of variability in score assignments while allowing more *frequent* but smaller variations.

Other support for the Panel's final decision.

**R. Cohen:** "I don't feel qualified to know what Flight C players are thinking about. If E/W were playing RONF as anything other than a 'bar' bid, they were misrepresenting their agreement on the convention card. If it was invitational, their card should have so stated. Therefore, plus 170 was appropriate for E/W. Hard to argue against minus 420 for N/S."

**Patrias:** "I think this is somewhat close but I agree with the Panel's final decision."

Another group of panelists support the original table ruling, ignoring Ron's caution that "(b) huddles show extras." Is this what they mean by b-deficiency?

**Bethe:** "What about the slow 3! bid suggested that bidding would be more successful than passing? East may have been debating whether the further preempt was warranted or whether to take stronger action. West had maximal high card strength but minimal playing strength. N/S, in my opinion, snapped the connection *for both pairs* and the table result should have been allowed to stand. N/S had a bridge opportunity to get a favorable result and should not be allowed to benefit from a whine. The Reviewers only got it half right."

**Polisner:** "I agree with the Director's ruling that the slow 3! did not demonstrably suggest that bidding 4! would be profitable. The hesitation could easily mean a bad hand or one with only two hearts. Certainly N/S should not receive any redress as a result of the non-bridge defense; however, I believe the Panel was incorrect in reverting the contract to 3! for E/W."

**Rigal:** "The Director went out on a limb here when he said that the tempo break did not suggest 4! . I happen to agree with him but I am slightly surprised at the vote against the non-offenders.

"The Panel correctly determined that the chain had been broken by North's

pathetic defense. But I disagree about the direction of the 4! bid. Using the practical method of looking at the East hand, he was *not* inviting to game here—and in these situations I tend to rely on the evidence of the cards the hesitator held. So why did West get it right when his partner's tempo was not conveying an accurate message? Answer: in a sense he did not get it right (the defense corrected a wrong decision) and the Panel should not be taking away the defensive windfall. I think the correct decision is to let the table result stand. The hesitation does not demonstrably point to 4! ."

**Treadwell:** "The 3! call is a bar bid on partner unless he has a most unusual hand; hence the 4! call cannot be allowed. However, as the Panel rightly observed, N/S were offered an easy chance for a plus score by this infraction and threw away the opportunity by virtue of very poor defense. A good decision."

**Brissman:** "After presenting the auction without the tempo break to several players, I confirmed my suspicion that the hesitation conveys no useful information. It is far from clear that the 3! bidder was considering stronger alternatives. I like the floor Director's ruling. In the note appended to the write-up, it is advanced that it is an advantage to hear cases that otherwise would be withdrawn. Of what advantage is that?"

I don't think the note claims that hearing appeals which would normally be withdrawn is an advantage of the Panel procedure. The advantage claimed is "that a decision can often be rendered in a match prior to the finish of the session or event." This would occasionally *result* in a case being heard which would have been withdrawn had we waited until after the evening session (the usual time under the Committee system). Thus, the claim is that hearing occasional cases that would otherwise have been withdrawn is a *downside* of this procedure.

Our final panelist seems to be vacillating back and forth on this one (not an unfamiliar position for him), but he raises some important issues for discussion during the course of his vacillations. (Did you know, Howard, that the inability to make up your mind can be a sign of latent schizophrenia?)

**Weinstein:** "Normally a slow 3! wouldn't demonstrably suggest 4! . However, E/W seemed to suggest to the Panel that it did demonstrably suggest 4! , partly because of the uncertainty of the meaning of 3! ."

"One issue that has been argued at times, often by Goldman, occurs when the huddler's partner takes apparent advantage of UI yet the presumed suggested action didn't match the huddler's problem. Say the bidding goes 1NT-P-2NT, slowly. Opener now raises to game on a marginal hand. The opponents call the cops, alleging that the huddle almost always shows extra values. Dummy comes down with a trashy eight count, indicating that he was clearly considering pass as the alternative. Yet 3NT makes, and the opponents want an adjustment. If the Director or Committee believes that a call was demonstrably suggested by the break in tempo (this may be a poor example), 3NT is overturned. This strikes me as terribly unfair. One could make the argument that it is declarer's tough luck for possibly taking advantage of the huddle. However, one could also argue that the pair is doing a fine job of not transmitting UI to their partner.

"In the case at hand, East made a game try on a hand on which no good player would ever consider making a game try (except as a tactical call). I can't answer why this East was considering 2NT, and the fact that he was makes me agree with the Panel's decision. However, if this occurred with an expert E/W, or if East had the "9 instead of the King, now a game try is absurd yet the game might still make. Should we be penalizing E/W for a lucky result? What if West had an off-shape weak two-bid, where most of us (but not all of us) would bid on to game. Is this a situation where bidding on to four is sort of suggested, maybe even demonstrably suggested or maybe not suggested at all? Is there a case for automatically assuming that when a hand doesn't match the presumed UI, that the standard of demonstrably

suggested wasn't met?

"In any case, this was a probably a good Panel decision, well-considered for both sides. I am not particularly comfortable in adjusting the E/W score where a call is borderline demonstrably suggested and the good result is achieved through benevolent opponents and lie of the cards. In my heart I would prefer to see this table result stand.

"As a side issue, when an egregious defense occurs in a KO match, should it apply in the same manner as in a pair event or a Swiss, since in a KO event the non-offenders' non-adjustment accrues in part to the offenders? If one theoretically had to give N/S minus 170 as well as E/W, that might have put me over the edge as far as adjusting either result."

Howard's first point, that E/W's uncertainty about the meaning of 3! (having only recently changed it to non-forcing) made bidding on demonstrable, is key.

His second point (and one of Goldie's favorites), that the tempo breaker's hand must conform to the message sent by the hesitation to make a score adjustment, is not illustrated by his example auction. 1NT-P-2NT, in my experience, provides no UI. Thus, in the absence of other evidence no score adjustment is appropriate. The present case better illustrates this point (although it is still not a particularly good example): East's huddle suggests extras, but his hand is not one which many would consider inviting with (although game could make). I thought we had finally put this specious argument behind us. Just because the "sender" is not a good judge of hands, or just because the "receiver" is not in tune with the sender's intent, doesn't mean that they shouldn't have their score adjusted as a reward for their efforts. The message sent is the right one: If partner huddles and you take a questionable action that was demonstrably suggested by the huddle, then you can expect to have your good score taken away—period. Michael Rosenberg's most important contribution to appeal philosophy may be his idea that after an opponent's infraction, a player should never be stuck with a poorer result than he would have expected to obtain against entirely ethical opponents. Read it, breathe it, live it!

If West held an off-shape hand with which most of us would have bid game after partner's RONF raise, then it becomes a question of judgment whether there was a LA to West's bid. If there was no LA to 4!, then all other issues become moot: the table result stands. If pass was a LA, then the usual principles apply (Was there a huddle? Was the 4! bid demonstrably suggested?). The decision may not be an easy one, but it follows normal lines of analysis.

And what of Howard's final issue of how such a situation should be handled in a KO match? Under those conditions a non-reciprocal adjustment for the non-offenders automatically accrues (in part) to the offenders, since the form of scoring requires that the two results be averaged after being impeded against the other table's result. Here there is no firm guidance on how to proceed. Personally, I think that not allowing the offenders to profit from their offense takes precedence over the possibility that the non-offenders might get away with a good score for inferior bridge. I personally would be inclined to adjust the scores reciprocally back to 3! made four. Others with whom I've discussed this prefer to make the reciprocal adjustments and let the chips (er, scores) fall where they may. I can also imagine a third group which would bring the sort of considerations Howard describes into consideration (How normal/reasonable was the 4! bidder's action without the UI? How consistent was the 3! bidder's hand with the action it suggested?). There are valid arguments on all sides of this issue; perhaps that's why Committees are given freedom to exercise their judgment.

So what is the bottom line on this case? The Panel's decision would have been appropriate had the non-offenders been Flight A (or maybe even Flight B) players. But the defensive standards applied were probably too high for Flight C players (Bart's argument being most compelling on this point). Regardless, the Panel's failure to consult expert players (who might have provided salient input on the standards against which to measure N/S's performance) was regrettable and every effort should be made not to repeat this type of mistake in the future.

## CASE FIVE

**Subject (Tempo):** Words To The Wise: "Quit While You're Ahead"

**Event:** Life Master Pairs, 24 Jul 99, First Final Session

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Bd: 3          Larry Cohen
Dlr: South    | 2
Vul: E/W     ! Q9652
              " QJ8
              E KQ108
Darren Wolpert          Jurek Czyzowicz
! QJ109864             | K7
! A107                 ! KJ843
" 72                   " 64
E 9                    E J753

              Jim Robison
              | A53
              | ---
              " AK10953
              E A642
    
```

West	North	East	South
2! (2)	Pass(3)	2!	1E (1)
Pass(5)	3!	Pass	Dbl(4)
All Pass			3NT

- (1) Alerted; strong, 16+ HCP
- (2) Alerted; spades or both minors
- (3) Alerted; game force
- (4) Break in tempo; explained as "penalty oriented"
- (5) Showed spades

**The Facts:** 3NT made five, plus 460 for N/S. There was agreement that there had been a long hesitation before South doubled 2!. The Director ruled that the break in tempo was UI that suggested doubt about the double (Law 16A) and therefore suggested 3!. Pass of 2! doubled was ruled a LA. The contract was changed to 2! doubled down one, plus 200 for N/S.

**The Appeal:** N/S appealed the Director's ruling. North did not attend the hearing. South stated that they were playing a complex system and had not discussed in detail auctions after transfer jump overcalls. Pass had been game-forcing. Double was a suggestion of penalty and South believed it was reasonable for North to pull.

**The Committee Decision:** The Committee determined that there had been a break in tempo which clearly suggested doubt about defending and that 3! had been chosen from the alternatives of

pass, 3! and 3! as likely to be more successful. 3! was therefore not permitted. The Committee then considered the defense to 2! doubled. While competent defenders will beat 2! doubled a good proportion of the time, the Committee decided that 2! was sufficiently likely to make that this result qualified as the most favorable result that was likely for the non-offenders and also the most unfavorable result that was at all probable for the offenders. The contract was changed for both pairs to 2! doubled made two, plus 670 for E/W. The Committee decided that the appeal lacked merit and assigned an AWMPP to N/S.

**DIC of Event:** Henry Cukoff

**Committee:** Henry Bethe (chair), David Berkowitz, Chris Moll, Lou Reich, Bob Schwartz

**Directors' Ruling:** 73.6

**Committee's Decision:** 82.5

What, David Berkowitz judging a case involving Larry Cohen? Yes, but in spite of the fact that N/S played a strong-club system similar to that of Berkowitz-Cohen, North here was not Larry "The Law" Cohen—so save your complaints.

This was an excellent job by the Directing staff (which made the table ruling) and I agree that this appeal lacked merit. But why did the Committee change the table ruling? Let's look at what might have happened in 2! doubled.

The "K is by far the most likely opening lead from South. This will fetch the "Q from North and South will next underlead his "A (with the suit-preference "9)

to North's jack to obtain a heart ruff. North will give South his ruff with the suit-preference! 2 and South will then underlead his E A to North's queen for a second ruff and there is still the A to come. Is some other defense even close? I think not, but if one were it would involve South underleading one of his minor-suit aces at trick one to obtain a heart ruff, producing the same result. While some Souths might lead the A and follow with a second spade, the likelihood of that is not (in my mind) even up to the standard of "at all probable," let alone "likely." (Would N/S really fail to beat 2l more than one-third of the time?!) And finally, even if South leads the A there is still time for him to find the "K shift, after which the above defense would prevail.

So I think this Committee was unduly harsh on N/S here; the ruling made at the table was best: Both sides should have been assigned the score for 2l doubled down one, plus 200 for N/S—and N/S assessed their AWMPPs.

The first group of panelists support the Committee's decision—right down to the AWMPP.

**Bramley:** "Club system players should know how to deal with common 'either/or' interference, like CRASH and the defense used by E/W here. South's problem, while real, should have been soluble in time not to compromise his partner. The AWMPP was correct."

**Polisner:** "An excellent Committee decision. South can't double in tempo to show a clear penalty double and slowly to show a 'penalty oriented' hand. I would really have liked to see N/S's notes to verify that the double is 'penalty oriented'."

And going even further...

**Rosenberg:** "Why not go the whole way and give 870? Why should N/S find any ruffs?"

**Weinstein:** "Good Committee work, except I might have given N/S minus 870, not that its likely relevant to their matchpoint score. Really awful protest, almost as bad as East's pull of a slow penalty double and eventual appeal in CASE THREE from the 1998 Orlando casebook. When will they ever learn, when will they ever learn?"

**Rigal:** "The Director correctly returned the contract to 2l doubled. (Which Larry Cohen was it that removed the double?) South's slow double was egregious but not at bad as North's removal. The score adjustment in 2l doubled by the Director was incorrect though—he should have followed Committee principles. The Committee made the right general adjustment, including the highly merited AWMPP. Good. As to 2l doubled; well, is there not a reasonable chance of the lead of the "Q followed by E K, or vice versa? Then what? Minus 870 is looming! Still, 670 at Pairs looks okay when your opponents can make 7". "

I think Barry has the wrong hand on lead (East *bid* spades first even though West *showed* them first). And why stop at minus 870? I hear that caning is the coming thing in the US.

**Stevenson:** "Why did North decide to bid 3! ? Whatever the reason, it would be better to hear it from him than from his partner. The decision is reasonable given ACBL procedures. A good pair would beat 2l doubled a high proportion of the time, and it is up to the Committee to decide what the proportion is. The Committee appears to have decided that they would fail to beat it one time in three, the ACBL standard for 'likely'.

"Note that the European approach using Law 12C3 would be to rule something like 2l doubled made 50% of the time, 2l doubled down one 50% of the time. The WBF has endorsed this approach and perhaps it might be time for the ACBL to reconsider it. This is the sort of hand where it feels fair: people accept that N/S

would beat 2l doubled at least one time in two, so why not give them a proportion of that score?"

I do not for a minute believe that the WBF has endorsed the approach David suggests. If N/S would fail to beat 2l 50% of the time, as he suggests, then the Committee made the correct decision for *them*. 12C3 should only come into play in situations which warrant granting the *offenders* equity. In this and similar cases, the offenders do not meet the requirements for equity since it leads to an appeal process which rewards offenses. Just huddle when you're uncertain and something good will happen. Either the opponents won't notice it or, if they do, the Director will rule in your favor or, if that fails, a Committee with David on it will give you some percentage of your good result. Equity under 12C3 *would* be appropriate for the non-offenders; if 12C3 were allowed in the ACBL, I would apply it in this case.

The following panelists are half-way to the right decision.

**Bethe:** "The Directors made the right ruling, maybe. With South on lead the defense is fairly easy (South can give suit preference when leading the second diamond, North can give suit preference when leading the heart for South to ruff). It is harder with North on lead. The decision to back the contract up seems clear cut. In retrospect I think we should have given N/S minus 670 and E/W minus 200."

**Patrias:** "If the Committee thought that competent defense (one should be able to assume competency with the players involved) would normally, but not always, lead to down one, then E/W should be scored as minus 200; N/S minus 670."

The next panelist is the only one who completely supports my own view of this case. Given who that panelist is, I consider my position vindicated.

**Gerard:** "Well, the world's opera houses no longer need to worry about a shortage of castrati.

"South needed some time to consider the auction, so a reasonable hesitation shouldn't have been held against him. Here, though, it appeared to be considerably more than that and UI was clearly present. If the big hand in the Malta case had huddled forever over 6l, he would have perpetrated a break in tempo not justified by the interference. Therefore, the Committee was right to disallow the 3! bid.

"The defense to 2l should be clear. After a high diamond (schmear from North), the "10 or "9 over and the ! 2 back, South has to worry about North's holding l x ! KJxxx " QJx E QJxx. In expertland, that is impossible. North would not lead the ! 2 from that hand after South asked for a heart switch. Even the confirmed-count robots would recognize an exception when it smacked them in the eye. You can make your own judgment about how likely N/S would have been to take all their tricks. No way it comes to less than 67%, in my opinion, and arguably in the Committee's also (what do you think 'a good proportion of the time' means?) Since mere competence should not have been the peer standard for judging N/S's abilities, I vote for at least 83%, so down one for both sides. I could live with minus 670 for N/S—but I wouldn't award it.

"I'm okay with the noose for the appeal without merit. By the same standard by which their bridge ability should have been judged, N/S were deemed to know that this was not an appeal they should have pursued. However, weren't E/W required to pre-Alert 2l ? Bids with multiple meanings are subject to advance announcements. Since one of those [*pre-Alerts*] could have let N/S home in on their agreements, E/W should have been hit with a PP."

Isn't he brilliant? I agree that if E/W failed to pre-Alert this convention they should have been subject to a PP. However, there's no evidence of that in the write-up and N/S made no such allegation. (They're big boys and can defend themselves quite nicely, thank you.)

The last panelist makes an interesting and valid point which Ron briefly

mentioned (and equally briefly dismissed) in his opening salvo.

**Treadwell:** “South has a problem at his second turn brought about in part by the N/S system, and in part by the rather peculiar convention used by E/W. Taking time to sort all this out to be sure of making the correct bid is quite natural and I do not think the slow double conveys UI to North. The double is under the bidder and, as used by most players is cooperative. Leaving the double in with this particular North hand will usually turn out to be right only if West is crazy. I can understand a Committee not agreeing with my view, but to issue an AWMPP to N/S is completely uncalled for.”

On the one hand, North’s pull of South’s double violated Law 73C (“When a player has available to him UI from his partner... he must carefully avoid taking any advantage that might accrue to his side.”) On the other hand, E/W’s methods (the two-way 2<sup>!</sup> bid) are pretty obscure by North American standards (my keen senses detect a Polish influence) and should earn N/S some leeway in coping with them. Remember, at the point where South had to act over 2<sup>!</sup> he must have been scratching his head wondering where the hearts were (North must have quite a few of them—maybe he should double to dissuade him from bidding them). Also, he still didn’t know whether West had spades or both minors (the latter would do wonders for his diamond holding). So actually, Dave may have something here.

With Dave’s objection in mind, I think I’d still stay with my original decision to adjust the score for both sides to 2<sup>!</sup> doubled down one, mainly because a pass of 2<sup>!</sup> by South would have been forcing (North’s pass of 2<sup>!</sup> was game forcing) and was one of two actions that I rate as clearly superior to double with his hand (the other being 3<sup>"</sup>, which would be my first choice). South could have passed and given North a chance to show any clear direction in his hand, with the side benefit of gaining information about West’s hand (by what he did over 2<sup>!</sup>). South’s double was too penalty-oriented (and committal) for his actual hand; to a large extent he created this problem for himself. Had his action over 2<sup>!</sup> (pass in particular) been less well-defined, I would have been more inclined to follow Dave’s lead and give N/S full freedom in dealing with E/W’s obscure methods. I am actually inclined to be more sympathetic toward N/S in a pairs event. They had to deal with the unusual methods in a two-board round with not a lot of time to discuss how to defend this low-frequency form of interference—and that’s even assuming that N/S were pre-Alerted to E/W’s methods. Still, South made his own bed in the auction. But I can’t see making him misdefend 2<sup>!</sup> doubled as badly as the Committee chose to do.

## CASE SIX

**Subject (Tempo):** Pass-Then-Pull When Weak: A Dangerous Method  
**Event:** Life Master Pairs, 24 Jul 99, First Final Session

Bd: 1	Jakob Kristinsson		
Dlr: North		854	
Vul: None	!	AKJ43	
	"	J754	
	É	4	
Bill McCallon			Barbara Whalen
	J109		
!	---		!
"	Q10982		"
É	KQ653		É
		Gail Hanson	
		73	
		!	
		Q108765	
		"	
		A	
		É	
		AJ97	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	2 <sup>!</sup>	2 <sup>!</sup>	4 <sup>!</sup>
4 <sup>!</sup>	Pass	Pass	5 <sup>!</sup>
Pass(1)	Pass	Dbl(2)	Pass
5 <sup>!</sup>	All Pass		
		(1) Forcing, 0 or 1 heart; not Alerted	
		(2) Break in tempo	

**The Facts:** 5<sup>!</sup> went down two, plus 200 for N/S. The double was out of tempo and agreed to have taken 10-15 seconds. West stated that over 5<sup>!</sup> his pass was forcing and an immediate 5<sup>!</sup> bid would have been slammish, so his pass of 5<sup>!</sup> was clear-cut. The Director ruled that West’s modest spade support and minor-suit intermediates suggested cooperating on defense. Under Law 16A, West was not allowed to select from among LAs (pass or 5<sup>!</sup>) one suggested by the extraneous information from the break in tempo. The contract was changed to 5<sup>!</sup> doubled made five, plus 650 for N/S.

**The Appeal:** E/W appealed the Director’s ruling. East did not attend the hearing. The Committee questioned West at length and determined that: (1) E/W’s purported agreement was

that West’s pass of 5<sup>!</sup> was forcing and his subsequent pull of the double to 5<sup>!</sup> was weaker than an immediate 5<sup>!</sup>, which would have been a slam try. (2) West’s pass of 5<sup>!</sup>, in addition to being forcing, guaranteed short hearts. (3) E/W defined a pass as forcing any time the opponents bid over their (E/W’s) game bid. (4) E/W had no system notes or other evidence to support their contentions.

**The Committee Decision:** The Committee disregarded West’s argument as self-serving, particularly in light of the fact that West’s pass of 5<sup>!</sup> was not Alerted and that a “slam try” 5<sup>!</sup> would have been a contradiction in terms of West’s having bid only 4<sup>!</sup> on the previous round. Furthermore, even granting that the agreement existed, West’s hand was within the normal range shown by his pass and suggested no particular reason to run from a penalty double made opposite known short hearts. The Committee found that passing the double was a LA and that pulling the double was suggested by the break in tempo. The Committee also found that N/S had not been negligent in failing to double 5<sup>!</sup>. The contract was changed to 5<sup>!</sup> doubled made five, plus 650 for N/S. The Committee decided the appeal lacked merit and assessed an AWMPP against E/W.

**DIC of Event:** Henry Cukoff

**Committee:** Ron Gerard (chair), Mark Bartusek, Robb Gordon, Ed Lazarus, Jim Linhart

**Directors’ Ruling:** 99.0

**Committee’s Decision:** 97.2

The Committee’s findings and reasoning for their decision seem to me to cover all bases. But hark, is the chairman having pangs of guilt?

**Gerard:** “In retrospect, I wish we had made it clearer to West that we based the decision more on the LA aspects of this case than on the nature of E/W’s agreement. In the questioning phase, we were so dumbfounded at West’s explanation that we spent an inordinate amount of time grilling him (politely, I assure you) about his methods. Despite my disclaimer in explaining our decision (‘We’re not saying you don’t have this agreement’), West had it fixed in his mind that we really didn’t believe him. In fact, he later (next day?) showed one of the Committee members some notes that documented the agreement. We tried to tell him that having the agreement made it clear to pass the double, but I think our apparent skepticism created a mental stumbling block. I also think West was fixated on the I-always-would-have-bid-51 mind set rather than the LA approach. Maybe there was nothing we could have said, but it’s frustrating when an experienced, competent player doesn’t get the point.

“On a different matter, I see that the name of the DIC has been added, perhaps on the contention that all Director rulings are team efforts and that the DIC is consulted as head of the team. Okay, but why not go one step further and tell us who the team actually was? What difference that Henry Cukoff was in overall command if he wasn’t consulted on this case? It’s easy enough to document and we have to do that for Committee decisions—we couldn’t get away with identifying ‘Red Team’ or ‘Rich Colker, Appeals Administrator’—so why should the Directors be held to any less of a standard? I’d sure like to know who ruled plus 420 in CASE FOUR.”

Whew! The pangs were not second thoughts about the Committee’s decision (which was impeccable) but, rather, a lingering frustration over West’s persistent belief that the Committee doubted that E/W played the forcing-pass method he described. *C’est la vie*. By the way, is anyone else troubled by East’s all too convenient absence from the hearing?

Regarding the issue of the table Directors’ names being published, ACBL management is strongly opposed to this being done. I’ve expressed (both in print and in meetings with management) my disagreement with their position: I’d like to see the names of all Directors involved in each case published. But the reality is that I’m not in a position to force this matter. They have valid concerns, so for now we shall just have to live with having only the DIC’s name published—unless the BOD sees fit to intervene.

Also picking up on the essence of this decision and lending solid support...

**Beth:** “The key point on this hand is that even with the stated E/W agreement about the pass/pull strength, West has no reason to pull. Indeed, if you looked at the E/W hands and were asked to judge whether to bid 51 or defend you would defend. But this hand is a clear case for minimizing the requirement for system notes. After all, how many people other than regular, high-level partnerships have notes and bring them to NABCs?”

**Rigal:** “Nice Director ruling in a rather complex position and also good reasoning by the Committee here. Disregarding the E/W argument looks entirely appropriate and the AWMPP is okay, I think. Depending on how much I thought E/W thought they were telling the truth, I’d have a little sympathy with them but on balance the AWMPP looks right.”

**Rosenberg:** “Good, especially the AWMPP. 51 a slam try, indeed!”

**Treadwell:** “At last a case with AWMPPs assessed with complete justification.”

But why stop at only one AWMPP for E/W? Why not two—each!?

**Weinstein:** “Since the case could have been decided against E/W on the basis of West using either of the two pieces of UI, the failure to Alert or the huddle, there

should have been AWMPPs for each. If we only could, we surely would. This is the second consecutive case that I have inadvertently included a phrase from a song (assuming the editor or censors don’t delete the one from the previous case). As related in one of the best magazine articles I’ve read, Barry Rigal, fellow casebook commentator, was once challenged to surreptitiously include as many ABBA song titles as possible into a Viewgraph commentary in Europe. He was more than up to the challenge.”

I think the fact that Howard’s plea for the “death penalty” for the appellants in CASE FIVE from Vancouver made it past the censors has gone to his head. Then again, he was pretty much that way even before that.

More support for the decision.

**Patrias:** “Very nice.”

**Polisner:** “Good work by the Committee.”

**R. Cohen:** “Glad to see Ron went on the firing line in San Antonio. It’s always easier to be a critic than to put your money where your mouth is. Can’t argue with the Director or the Committee. By the way, why consider the failure to double 51? The point was moot.”

Ralph’s cynicism is misplaced, as Ron is always “on the firing line.” He is a devoted and conscientious member of NAC and his service has been limited only by his somewhat scaled-back attendance at NABCs in previous years.

**Stevenson:** “The decision and ruling are very reasonable. However, there is one troubling factor in the report: the statement that ‘The Committee disregarded West’s argument as self-serving,...’ When players appear in front of a Committee or put a case to a Director, much of what they say is ‘self-serving.’ There is a growing idea in the ACBL that this should be disregarded, which makes a mockery of the system.

“Not everyone tells lies, and we do not want a system that assumes people do. A good Committee will assign a weighting to any evidence, considering its credibility in view of other factors. Such things as the demeanor of the people, the Committee members’ own experience, whether the arguments presented have merit, and other factors should be considered. Certainly in assessing this weighting the fact that evidence is self-serving (as much if not most is, when seen by an AC) should not be forgotten. But to write it off as not being believable as a result is not acceptable.

“The worst-case scenario is where an AC ignores practically everything the offenders tell it as self-serving (which it is, of course!) and listen to everything the non-offenders say (not realising that most of that is self-serving) and believes they have done a good job. Such Committees are a menace.

“I am not suggesting that this Committee was like that, and I agree with their decision. But I am worried by the thinking involved.”

David’s basic point about Committees deciding what, if any, weight to give to self-serving statements (they’re not required to reject them out of hand) is valid, as I pointed out in the Vancouver casebook. However, the Committee clearly stated that West’s argument was disregarded for several reasons (not just because it was self-serving), including the non-Alert of 51, the inconsistency of West’s slam-try argument and his previous 41 bid, and their analysis of his hand.

## CASE SEVEN

**Subject (Tempo):** Much Ado About Nothing: Part I  
**Event:** Stratified B/C/D Pairs, 24 Jul 99, First Session

Bd: 25	A		
Dlr: North	! 109843		
Vul: E/W	" 653		
	Ê 9843		
! 1098753		! KQJ62	
" J7		" AKQ2	
Ê K7		Ê 42	
Ê 752		Ê QJ	
	! 4		
	" 65		
	Ê AQJ1098		
	Ê AK106		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1!	4"	
Pass(1)	Pass(1)	Dbl(1)	Pass
4!	5"	Dbl	All Pass
(1) Break in tempo			

**The Facts:** 5" doubled went down one, plus 100 for E/W. The Director was called when West bid 4!. It was agreed that West had hesitated slightly before his first pass. The Director also determined that East broke tempo before doubling 4". The Director ruled that pass by West was not a LA to 4! and allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling. The Stop Card had not been used before the 4" bid. N/S estimated that West's first pass took 15 seconds; E/W believed it was 10 seconds. Both sides agreed that it took North 6 seconds to pass 4". N/S then estimated that East took 1 minute

to double; E/W believed it took 20 seconds. N/S seemed most concerned that E/W correct their tempo problems. Neither North nor South thought that a pass by West after East's double of 4" was a LA (they did object to West's pass of 4" rather than bidding 4!). N/S also expressed concern that a pass by East at her second turn might be a LA and stated that East had fingered the bid box before doubling 4".

**The Panel Decision:** South's failure to use the Stop Card may have made it more difficult to judge the elapsed time of West's pass over 4" and helped create the dispute. In any case, the Panel was not convinced that an unmistakable hesitation had occurred. By N/S's own admission, West's pass of East's double of 4" was not a LA despite East's break in tempo. The Panel decided that a pass by East over 4" was not a LA and any action (double or 4!) would have led to West bidding 4!. Hesitations by this level of player (approximately 100 masterpoints) are less likely to transmit information that "demonstrably" suggests one action over another. The Panel allowed the table result of 5" doubled down one, plus 100 for E/W, to stand. Since N/S (experienced players; 1150 masterpoints each) presented no argument to reasonably expect the Panel to decide in their favor, the appeal was determined to lack merit and N/S were assigned an AWMPP.

**DIC of Event:** Jim Chizar

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

**Players Consulted:** none reported

**Reviewer's Note:** This case focused on whether or not there was an unmistakable hesitation by West. The Panel decided there was not. Since N/S conceded there was no LA to West's bid, that question was moot. Charlie MacCracken wishes to point out that players with less than 100 masterpoints do not discount the doubleton queen-jack and count the East hand as a full 18 HCP. Having decided that the appeal was without merit, there was no bridge question to address to the expert community.

**Directors' Ruling:** 93.1

**Panel's Decision:** 90.0

While I fully support this Panel's decision, I have a bone to pick with several statements in the Reviewer's note. First, the fact that "N/S conceded there was no LA to West's bid" does not make that question moot or compel the Panel to accept N/S's judgment of E/W's actions. Since they are free to reject (and often do) the non-offenders' argument that an opponent had a LA to a (winning) action taken after his partner's hesitation, they are similarly free to reject the judgment that there was no LA to that action. (This point may be academic in the present case since I agree there was no LA to West's 4! bid; nevertheless, it is an important one.)

Second, once again there was no excuse for not consulting expert players. For all we know experts might have disputed the Directors' judgment of whether there was an unmistakable hesitation by West, whether pass was a LA to East's double of 4", whether passing the double was a LA to 4! for West, or whether an AWMPP was warranted.

Ron has some pertinent thoughts on this.

**Gerard:** "Now we've gone from apologies for not consulting players to smug assurances that the Panel knows best. 'We decided that our decision was brilliant and awe-inspiring, so there was no need for us to follow accepted procedure.' Well excuse me but the consultation is supposed to take place during the substantive deliberation, not only if the ones who are supposed to be counseled deem the case to be close enough. The Panel hid behind N/S's acceptance of the 4! bid, its finding of no hesitation by West and its own assessment of an AWMPP to avoid asking for expert advice. It wasn't enough that N/S didn't object to 4!, although in this case they were right, because it's the job of the adjudicators to disregard both self-serving statements and statements against interest. If West didn't hesitate, why did the Panel feel it necessary to state that pass by East would not have been a LA? And an AWMPP is basically a bridge question for the expert community, since if the players felt strongly enough that there was no LA to a certain action and that it was silly to argue otherwise, the Panel would have no choice but to impose an AWMPP.

"I don't like this. These guys remind me more and more of the arrogance of the baseball umpires. Pretty soon nobody will be able to tell what the strike zone is."

Ron's really got to stop hiding his feelings.

**Stevenson:** "The report is totally confusing. The pass by West after 4" was not in question since there had been no irregularity at that stage. Perhaps the write-up meant something different. Then there is a note apparently designed to explain why the Panel had not bothered to follow the established procedure. Since the reason given is that there was no hesitation by West, why did not the Panel decision say so? They said that pass by East was not an LA as their reason for not allowing the appeal, which is totally at variance with the note. Since this is a bridge decision, why was the procedure not followed?"

"It is difficult to assess this appeal in view of the complete lack of competence in the write-up, but it appears that the Panel stumbled into the correct conclusion despite not bothering to follow procedures and to report the matter properly."

The rest of our panelists were supportive of the Panel's decision, although there was some posturing about AWMPPs.

**Bramley:** "Is one AWMPP enough?"

**Rigal:** "Well done by everyone here—even the footnote seems in point. If ever there was an occasion to award less experienced players AWMPPs, this was it."

**Rosenberg:** "I don't feel good about assigning AWMPPs to players below Flight A, but maybe this N/S was experienced enough."

**Weinstein:** "Another case of if they huddle I want an adjustment. In the last



CASE EIGHT

**Subject (Tempo):** Much Ado About Nothing: Part II  
**Event:** Strati-Flighted Open Pairs—Flight A/X, 24 Jul 99, First Session

casebook I wrote about AWMPPs. I'm repeating myself, but as one goes through these casebooks it never ceases to amaze me how ridiculous some of the appeals are. The AWMPP is a good step, but only a baby step. It takes an incredible amount of ridiculous protests in a short period of time before the AWMPPs have any real meaning. I think we need to do two things. First, we should be able to assign more than one AWMPP if the case deserves it. Second, and even more important, we should age these points out over a period of several years, not the two or three under current practice. My suggestion to the Board of Directors, who took some sting out of the original proposal, is that the points get aged out 10% a year like seeding points. The Board of Directors took action a couple of years ago with Zero Tolerance to try to eliminate behavior that is bad for the game. Elimination of whiny protests should fall under this category. Actually, I would like to see frivolous Director calls earn some penalty as well. When Directors rule against an offender, I would like to see the non-offenders' score adjusted only when there is a preponderance of evidence that there was damage, not just a possibility. (I know this is already theoretically partly in place.)

"Tournament bridge would be much more fun with more wine and less whine."

Howard is clearly on a roll. There's a lot of credence to much of his "whine."

**Treadwell:** "A fine decision, including the assignment of an AWMPP to N/S. Not mentioned in the write-up was the rather strange nature of South's 4" bid. The bid is played by the vast majority of players as preemptive. If N/S had some other agreement on the nature of this bid, it should have been Alerted."

**Bethe:** "There is a growing tendency to fail to use the Stop Card and then complain when the next player takes about the appropriate length of time. I believe that players who fail to observe proper procedure should be barred from claiming a disputed break in tempo. That is, without announcing that this will be our policy, we should find that there was no break unless the 'offenders' concede it."

Henry has a good idea there. I would support any team adopting this approach.

**Polisner:** "Routine for players of this skill level. The point about the non-use of the Stop Card is irrelevant. A player should hesitate approximately 10 seconds after a skip bid, whether or not the Stop Card is used. The card is merely a reminder."

**Patrias:** "Very nice again."

**R. Cohen:** "These cases look too easy. When are we going to be able to criticize a Director or a Committee? Well done by all concerned."

Sorry, Ralph, but I think you just missed your chance.

Bd: 2	Chuck Said		
Dlr: East	Q		
Vul: N/S	! KJ1075		
	" 1086		
	É AJ62		
Harlan Barnard		Ira Ewen	
J96		A10732	
! 983		! A62	
" KJ32		" Q54	
É 983		É 54	
	John Russell		
	K854		
	! Q4		
	" A97		
	É KQ107		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	3!	2!	Pass(1)
All Pass		Pass	4!
(1) Break in tempo			

**The Facts:** 4! made four, plus 620 for N/S. The Stop Card was used before the 2! bid. The Director was called after the 3! bid and East alleged that there had been a break in tempo in excess of the time allowed. N/S did not agree. The Director ruled that passing 2! was not a LA for North and allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. East estimated that a total of 15 seconds had elapsed before South passed 2! . E/W noted that some hesitation had occurred after the Stop Card was removed. West was less clear on the amount of time taken but believed that there had been a break in tempo. North stated that although 3! was not without risk, pass was not a LA in a good

matchpoint game. Neither North nor South believed that South had taken more than 10 seconds to pass 2! .

**The Panel Decision:** The three players consulted gave opinions which ranged from: (1) passing 2! is not a LA for North, to (2) passing might be an alternative to a minority, to (3) a significant minority of players might pass but the better the player, the less likely they would be to pass. None of the players consulted said that they would ever pass themselves. The Panel was not convinced that an "unmistakable" break in tempo had occurred. E/W seemed somewhat unclear on the proper use of the Stop Card and may have attached too much significance to any time spent after the Stop Card was withdrawn because of their mistaken belief that once the Stop Card is removed, the opponent must bid. Proper procedure is to withdraw the Stop Card well before 10 seconds has elapsed. The Panel did not believe that passing 2! was a LA for the level of the player involved, even though the players consulted believed that pass would be a LA for a minority of players. The Panel allowed the table result of 4! made four to stand.

**DIC of Event:** Terry Lavender

**Panel:** Ron Johnston (Reviewer), Matt Smith (scribe), Olin Hubert

**Players Consulted:** Larry Cohen, Ralph Cohen, John Mohan

**Directors' Ruling:** 87.7

**Panel's Decision:** 85.4

This appeal, even the initial Director call, offend my delicate sensibilities. If you see me pacing around in Cincinnati carrying a large sign reading "Down with meritless appeals and Director calls; support the death penalty; Howard Weinstein for president," you'll know why. Guillotine!

**Weinstein:** "Panel got it right on all counts. Borderline AWMPP."

Borderline!? Scratch that last “Howard Weinstein for president” bit.

**Bethe:** “Three things can happen when the Stop Card is used and the next player has an automatic action: (1) The next player ignores the card and acts immediately. (2) The next player watches the card and as it is removed the action is taken promptly. (3) The next player appears to contemplate the problem and acts in deliberate tempo after taking the 7-15 second pause that is a subjective 10 seconds. South has an automatic pass over 2 $\heartsuit$ . Nothing about the hand suggests that a break in tempo should have occurred. And North’s bid *is* automatic. Why no AWMPP?”

Why, indeed!?

**Treadwell:** “A good decision. The E/W appeal had little merit, but perhaps the assignment of an AWMPP to them would have been a bit harsh.”

Yeah, and maybe Mr. McGoo just needs reading glasses!

**Polisner:** “Excellent work by the Panel. More education about the use and purpose of the Stop Card needs to be implemented.”

**Patrias:** “Okay.”

**R. Cohen:** “Since I have played with North, South’s help was not needed for him to bid at his first turn. Besides, the Panel did not appear to have found a huddle on the part of South.”

For a player of North’s recognized ability, and even had North been a player of far more modest ability, it strikes me as insane to suggest that he would have passed, or that he should be forced to pass, 2 $\heartsuit$ . Ron, what about it?

**Gerard:** “Okay, after this I promise to give it a rest if they let me. The write-up gives the impression that the Panel reached a different result than the consultants would have. Wrong. None of the players consulted said that they thought North’s peers would ever pass themselves. I believe the Panel merely followed the consultants’ lead rather than substituted their own judgment. And the Panel’s attempt to downplay the existence of a break in tempo would not have been duplicated by the consultants, who know that pros are extremely perceptive in recognizing their clients’ breaks in tempo. As to why we continue to be bombarded with claims of Panel superiority, I don’t have an explanation I’m willing to see in print. But if it doesn’t stop soon, I’m unleashing the heavy rhetoric.”

**Stevenson:** “Did the Director rule there was a tempo break? If the report is accurate he seems not to have done his job properly by failing to make a complete ruling. Even if he believes that a player has not chosen amongst LAs, he still must rule on whether there was a tempo break because of the possibility of a Committee disagreeing over the matter of LAs. The best arbiter of whether a tempo break has occurred is the Director who attended at the table. It is vital that his evidence is presented to the Committee or Panel and they should be loath to overrule him except in very rare circumstances.

“The Panel seems to have decided that pass was not a LA despite their expert players. Of course, competent Committees discuss these issues: so this taking of opinions separately is a joke.

“The clearest thing to come out of this appeal is that the process is flawed beyond belief. A Committee would have heard the table Director’s evidence, including his opinion as to whether there was a tempo break. They would nearly always accept his view on this—though not always. They would have heard the arguments. They would have discussed with each other whether pass was a LA for North. They would have come to a joint decision.

“The actual method lacks the acquisition of evidence and the discussion by the expert players. It is not obvious how it provides a better method than a Committee. Do the players get to talk to the Panel?”

One thing seems clear. If pass is deemed not to be a LA for North by the adjudicating body, then the question of a break in tempo is moot. I interpret the comments from the expert players (as Ron does) that they all believed that pass was a LA but only for players, among whose numbers North would not be counted. I do agree with David that the Panel system is a very poor substitute for an interactive discussion of the pertinent issues by bridge experts.

So what about the alleged break in tempo? Ralph thinks that the Panel didn’t find one; Ron says that the consultants would have found one (had they been given the facts to consider rather than just being asked about LAs); David S. is still wondering, during those long, cold winter nights in England, what the Director and Panel ruled. I say, “Look at South’s hand!” If you don’t see a break in tempo “in them there cards” when the opponents claim during the auction that there was one, then maybe you and Mr. McGoo need similar prescriptions. Still, *this* North’s balancing action over 2 $\heartsuit$  is so clear that denying it would have been a travesty.

Barry, what do you see in the South cards?

**Rigal:** “I may have missed the point here; but simply looking at the South hand I can believe it very likely that there was a tempo break—and now the question is, given that, is it deemed that North would always have acted, and if so, which actions he should be permitted to take? Would a double, for instance, have been acceptable as opposed to 3 $\heartsuit$ ? Which covers more bases for partner’s slow pass? Given North’s ability level and the event, I think the Committee may just have been right to allow the auction. But it is certainly not clear that defending 2 $\heartsuit$  might not be the only plus or the smallest minus for N/S; is it? I could live with letting 2 $\heartsuit$  stand as the final contract (down one). In fact, looking at the hand, if South is always going to bid game (both 3NT and 4 $\heartsuit$  can be beaten) then defending 2 $\heartsuit$  is N/S’s best possible result.”

**Rosenberg:** “It should have been discussed that North also had the option to double, which might have lead to a losing 3NT. Did the slow pass suggest 3 $\heartsuit$  over double? I don’t see why, but maybe someone else does.”

Strange you should mention that, Michael—there’s always “someone else.”

**Martel:** “The Panel might be correct that pass is not a LA. However, the UI definitely makes 3 $\heartsuit$  more attractive compared to double (if partner has a good hand it will make it easier to choose the best game, while double is safer since it works well when partner has a weaker hand with a minor). Since double clearly is a LA to 3 $\heartsuit$ , and since after a double by North the final contract would almost certainly be 3NT (and if not it would be 2 $\heartsuit$  doubled), the contract should have been adjusted to 3NT down one for N/S. It’s not clear what adjustment is right for E/W (since auction and defense to 3NT are not clear).”

CASE NINE

**Subject (Tempo):** Dueling Huddles

**Event:** Strati-Flighted Open Swiss—Flight A/X, 25 Jul 99

Bd: 21	Charles Sheaff		
Dlr: North	Qxx		
Vul: N/S	Ax		
	" xx		
	É AJ10xxx		
Ann Raymond		Phyllis Rye	
xx		Axx	
K9xx		Jxxxx	
" AQ98xx		" x	
É x		É Kxxx	
	Vincent Carcello		
	KJ10xx		
	Q10		
	" KJ10x		
	É Qx		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
3"	1NT(1)	Pass(2)	2" (3)
Pass	5É	Pass	Dbl(2)
		All Pass	
(1) Announced; 11-14 HCP			
(2) Break in tempo			
(3) Alerted; Game-Forcing Stayman			

**The Facts:** 5É went down three, plus 300 for E/W. East hesitated over the opening 1NT bid. South thought for a considerable time before he doubled and reached for the 3| bid card first. The Director was called after the 3" bid and also when South had trouble with his double. The Director ruled that N/S's bad score was not the result of an infraction, even granting there had been one (Law 16A), and allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling. N/S thought that West's 3" bid was improper after East's hesitation over 1NT. North said he would have bid 3É over a pass of 2" and would therefore have gotten to a better contract. He thought the 3" bid made 3NT a poor risk even after partner's double. South believed West had an ethical obligation

not to bid 3". E/W agreed that there had been a hesitation over 1NT but West did not believe that passing 2" was a LA at favorable vulnerability in a good field.

**The Panel Decision:** The players consulted agreed that, while passing 3" doubled was a LA for North and pulling was suggested by the slow double, N/S's result was not a consequence of the 3" bid—even if it was illegal. The Panel decided that East's hesitation suggested the 3" bid. The expert player advice narrowly suggested that pass was a LA as two of the players believed that pass by West over 2" was not a LA while one thought it was. The Panel also decided that North's pull of South's double was a much more obvious violation. The damage to N/S, if any, was a result of N/S's judgment and not the 3" bid. North's 5É bid was so eccentric as to sever any connection between the E/W infraction and any damage. N/S's best position was presented to them at 3" doubled and North declined to accept it while making an illegal choice in light of the UI from his partner. The Panel allowed the table result of 5É down three, minus 300 for N/S, to stand. The Panel further believed that N/S should have recognized that their result had little to do with the 3" bid. Further, North's pull of the slow double (after fingering the bid box) seemed a much more serious violation of Law 73C—which had been the stated reason for the appeal in the first place. The Panel decided the appeal lacked merit and assigned an AWMPP to both N/S and their team captain.

**DIC of Event:** Jeff Alexander

**Panel:** Matt Smith (chair), Steve Bates, Ron Johnston

**Players Consulted:** Brenda Keller, Billy Miller, Ron Smith

**Directors' Ruling:** 83.3

**Panel's Decision:** 77.7

If you found yourself confused after reading this case, then take solace in the fact that you weren't alone. Many of our panelists reported similar distress over this one. Here's one of the walking wounded.

**Bramley:** "I'm confused. When does a Panel of Directors turn into a Committee?"

Hopefully not until the next millennium. Hmm. I'm afraid we'll be there before this issue hits the streets—or about ten months after, depending on when you think the new millennium begins.

Not being one to deprive others of the opportunity to suffer (as a youth, I also pulled the wings off of flies and today derive great pleasure from the tearing tags off of pillows that warn, "Do not remove under penalty of law"), I'll let the reader stew a bit longer while we listen to some of the other panelists grapple with this.

**R. Cohen:** "It's hard to be sure who should be appealing on this deal. Each side hesitated and partner took an action that could be considered a LA that was demonstrably suggested by the break in tempo. Oh yes, and what about the offbeat 1NT that generated all the inaction and action? Fortunately North's 5É bid is so egregious that the Panel had no problem determining that any damage was self-inflicted. South's 2" bid said it was N/S's hand and North was bound to abide by his partner's decision. He had his values for his previous actions. Did the consulted players think the appeal meritless?"

We may never know. I think I saw Billy and Ron heading for the Mexican border shortly after consulting on this case, and Brenda was nowhere to be found.

Henry, brilliant Henry, you can brainstorm your way through anything. Tell us what's going on here.

**Beth:** "I don't quite understand this one. Surely the alternative to 3" was to double 2", partner's tempo break notwithstanding. West was never going to pass 2". Was bidding 3" suggested by partner's tempo? I don't see how. Did anyone ask what E/W's methods are over a weak notrump? After all, this might influence West's estimate of partner's potential problem. If, for example, East could not bid 2É naturally, then West might fear a club one-suiter and that would suggest double rather than 3". Once we decide that 3" is okay, there is no further problem. Since 3" doubled might make on not irrational defense (! A, heart, club to the ace and N/S get two diamond tricks), I would have awarded minus 470 to N/S in view of North's clear violation in pulling the double. An appeal by E/W would not have lacked merit."

There's always the Weinsteinian theory that says, "When things seem strange don't let the table result change." (It even rhymes.) But first let's see if Henry really has this one figured out. Henry thinks East's huddle didn't demonstrably suggest bidding 3" (since West could have shown his suit more safely by simply doubling 2", although he might wish to reserve final judgment until he learns more about E/W's bidding methods over weak notrumps—lots of luck!), so he'd allow the call. Then, since North's pull of South's double was demonstrably suggested by South's break in tempo, Henry would have allowed N/S to perpetrate a slightly inferior defense to 3" (their reward, no doubt, for filing this appeal) and reap their just reward to the tune of minus 470. Rough justice, Henry, but true to my fly-dewing origins I have a sort of perverse regard for it.

Some other thoughts on the Panel's decision.

**Patrias:** "At first I would have preferred to see both sides get the worst of it. But I guess at that vulnerability, you're not risking much against N/S's presumed game."

In order for E/W to get the worst of it, one must first determine that there was

UI which demonstrably suggested West's action. But since he could easily have shown his hand by doubling 2" ("Partner, I have diamonds"), Henry's point (that 3" was, if anything, contraindicated by whatever UI might have derived from East's hesitation) makes that unlikely. So only N/S can properly be given the worst of it. Thus, the new question becomes, can Henry's candidate for "the worst of it" be justified?

We need the help of a good lawyer. After all, logic and insightful analysis is their hallmark.

**Polisner:** "This is a fairly complicated case. Absent the 3" bid (which appears to violate Law 16A), as opposed to double, which is clearly correct, N/S may well have played 3NT or 4|. It doesn't seem appropriate to have assigned an AWMPP to N/S when the Panel agreed that E/W had committed an infraction with the 3" bid."

How does West's 3" bid violate Law 16A when East's hesitation doesn't suggest it? (In fact, it could be convincingly argued that it actually discourages it.) And doesn't North's leap to 5 $\heartsuit$  after South's double of 3" announced a hand better suited to defend diamonds bear some responsibility for N/S's result? I do agree though, counselor, with the illogic of the AWMPP part of the Panel's decision.

**Stevenson:** "There seems little doubt that North's 5 $\heartsuit$  bid was bad enough to snap the causal link between infraction and result for N/S, and the table result is fair for them. But why should E/W gain from the result of their infraction? Without the 3" overcall, N/S might easily have gone one off in 4|, and I see no reason why E/W should not get this score."

I think David is way ahead of himself. Before we can discuss adjusting E/W's score, we must first conclude that West had UI which demonstrably suggested her action. What line of reasoning leads to that decision in this case?

But speaking of illogic in the Panel's decision...

**Martel:** "The Panel's reasoning is seriously flawed here (though the final adjustment is fine, showing lots of wrongs can make a right). First, there was no infraction by E/W. While double is a LA, it was not suggested by the UI. East's huddle suggested a shaped hand (with a stiff diamond) which if anything made the 3" bid *less* attractive. The Panel (and Director) was also wrong to say that if the 3" bid was an infraction N/S weren't damaged by it. If West doubled 2" the final contract would surely have been 3NT or 4|, each of which is more likely to go down two than three.

"Of course, as I said at the start, since there was no infraction by West, the final adjustment is fine."

**Treadwell:** "Excellent reasoning by the Panel and by the experts consulted."

See Michael, there's *always* "someone else"!

**Rigal:** "The Director made a sensible ruling in an awkward position. Was the Committee supposed to consider that we have seen E/W in at least one (maybe more?) case where East passed out of tempo and West bid? [CASE THREE in the *Dallas* casebook—*Ed.*] Leaving aside the issue of repeat offenders, and I guess we can't all have perfect recall of the names of the previous cases, West's action seems normal enough at favorable vulnerability. And the N/S combination of offenses is much more heinous, as the Committee decided. I am not sure in the circumstances that I'd have gone with the AWMPP but I can certainly live with it."

**Rosenberg:** "This is a recurring situation—partner thinks over a notrump opening and you have a distributional hand. There is current expert wisdom that says it is

*more* risky to bid after the huddle. While I see the truth of that, I worry that a player might have bid *because* partner huddled—and that should not be tolerated. I would not have awarded an AWMPP."

Since it is impossible to determine if a player bid *because* of her partner's hesitation, we have to look at whether her action was justified by her cards, the bridge logic of the auction, and was suggested by the inferences available from the UI (if there was any UI). Here, we fail on several of those criteria.

The following panelist comes close to my own opinion on this case.

**Weinstein:** "West would always double 2" at a minimum. To an expert, East's huddle can't suggest values after the forcing Stayman response. East's huddle must be based on some distribution, which would make the 3" call more dangerous. You can make an argument (not that I would necessarily agree with it) that E/W's score should be adjusted because West's alleged infraction might have contributed to their good result. In any case, the Panel was on the money regarding N/S."

In light of North's announced 11-14 HCP, South's inferred (from his game-forcing 2 $\heartsuit$  bid) 12+ HCP and West's own 9 HCP leaves East with at most 8 HCP (11+12+9=32) for his huddle. So Howard is right: East's huddle must have been based on a weak, distributional hand (likely with short diamonds). If East had one or both majors, it is likely she had a bid available (did anyone ask?) to show that hand. So East most likely has a weak hand with clubs—just what West would use her third wish from Aladdin's lamp to realize. So "demonstrably suggests" fails miserably on the bridge logic of the situation. Add to that the fact that West could have safely doubled 2 $\heartsuit$  to show her inclination toward diamonds (for lead or other purposes) and the 3" bid remains an anomaly. With no real connection between the UI and West's action, I see no reason to make a score adjustment—unless you buy the argument that West's action was based on the unreasonable assumption that East had balanced values for her hesitation and you're into punishing impure intentions.

As for N/S, North's jump to 5 $\heartsuit$  looks odd. It may not be the aberrant action that some of our panelists' have characterized it as being (also, see the next panelist's rather compelling defense of this action), but North's hand was still (arguably) within the parameters of his 1NT opening, including two aces and a useful queen for defense. South's slow double normally suggests a hand that has serious defects for defending a diamond contract (which is in direct conflict with the actual hand) and suddenly North jumps to 5 $\heartsuit$ . In point of fact 3" doubled was N/S's best spot (unless E/W bid further). I see no reason to adjust N/S's score since: (1) I can find no E/W infraction, and (2) the five level figures to be out of N/S's range if South is relatively balanced with values suited to defending 3" (as his double suggests) and with North being minimum in high-cards and only one club spot from balanced (5-3-3-2) himself. And let's not even consider South's slow double.

As for the AWMPP, as several panelists have already indicated, it is possible but questionable. I would not have chosen to issue it.

I'll let you read the final panelist's take on this case without comment—largely because I'm still sitting here with my mouth open after reading it. Maybe he's even more brilliant than I imagined. Maybe not.

**Gerard:** "I have seen worse decisions: Kantar, J. Stansby, Sam Bowie over Michael Jordan, spending the weekend with Alex Forrest, Watergate. That's about it.

"[Start bridge lecture]. South's diamond holding was random. Playing Forcing Stayman doesn't change the fact that South doubles under the bidder with any normal game-going hand. Good players know to double 3" in tempo with 1 KJ10x ! xx " Axx  $\heartsuit$  KQxx. Directors think it's eccentric to bid 5 $\heartsuit$  opposite that, but good players think it's eccentric to lose 14 IMPs (11 on a good day). Those that can, play, those that can't, direct.

"[Start laws lecture]. E/W were the offenders. West committed an infraction by

bidding 3". In the absence of the infraction, N/S would likely have reached 3NT (West doubles 2", North bids 3E, South bids 3NT), down two (hearts are led to one of the first two tricks). E/W score plus 200.

"[Continue laws lecture]. N/S were the non-offenders. They were entitled to minus 200 (they can't do better absent 3") unless they failed to continue to play bridge when presented with the 3" bonanza. In double-dummy world, where the Directors and apparently a good part of Las Vegas cavort and frolic, passing the double was clear. In the real world, N/S lived up to their responsibilities. N/S score minus 200. Transfer 3 imps to N/S.

"[Totally lose it]. Let's just pretend that South was a visitor from the Dark Side who would do anything to defend 3" doubled. Do you know any better tactic than the Fumble Double, aimed at getting an ethical partner to pass? You remember that Washington case where a player did just that (the pass, not the double) with undisclosed distribution, only to find partner with the AKQJ of trumps? If N/S here had achieved plus 300 that way, wouldn't you take it away from them the same way that the Washington Committee did? South makes a possible Fumble Double in a murky situation and North gets the library thrown at him because he bids his hand? Should he really have based his bridge decision on his partner's tempo? Doesn't the Panel know that's unethical?

"Look, I'm not suggesting South intentionally committed a Fumble Double, but if you follow the Panel's 'reasoning' you condone the Telltale and Crypto Inversion Technique. Just double like a shot whenever you hold two little and you'll never defend. North must have really annoyed someone to have incurred all this abuse, when in fact he was giving it his best shot after an offbeat start (am I the only one that thinks that weird notrumps are big losers?) Look at the description of North's action—'violation,' 'eccentric,' 'illegal,' 'AWMPP'—and tell me North doesn't have a defamation action. Who here had the slightest clue about bridge judgment, procedure, laws, anything? If brains were traded on the Exchange, you would have made a killing by shorting them."

## CASE TEN

**Subject (Tempo):** Seven-Four, Bid Some More

**Event:** Stratified Open Pairs, 26 Jul 99, First Session

Bd: 9	!	9875432	
Dlr: North	!	10	
Vul: E/W	"	8	
	E	A843	
	!	6	!
	!	Q852	!
	"	AK753	"
	E	KJ6	E
	!	AKQ	!
	"	AJ63	"
	"	Q1096	"
	E	Q9	E
	!	J10	!
	"	K974	"
	"	J42	"
	E	10752	E
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	Pass	1"
Pass	2! (1)	Pass	Pass(2)
3!	Pass	Pass	3!
Pass	4!	All Pass	
	(1) Alerted; preemptive		
	(2) Break in tempo		

**The Facts:** 4! made five, plus 450 for N/S. The Director was called when North bid 4!. The Director determined that South broke tempo before passing 2!. The Director ruled that passing 3! was a LA and changed the contract to 3! made five, plus 200 for N/S.

**The Appeal:** N/S appealed the Director's ruling. North agreed that his partner broke tempo over his 2! bid. However, once his partner showed a full opening and spade support by competing with 3!, he believed he had sufficient extras to bid the game.

**The Panel Decision:** The Panel determined that South had taken 20-30 seconds to pass 2!. All three expert players consulted

agreed that pass was not a LA for North. The North hand had two more tricks than it had shown and all three would have bid 4!. The experts all confirmed that they would have bid the game no matter when the huddle occurred. As a result, the Panel changed the contract to 4! made five, plus 450 for N/S.

**DIC of Event:** Gary Zeiger

**Panel:** Charlie MacCracken (Reviewer), Olin Hubert, Roger Putnam

**Players Consulted:** Bart Bramley, Mike Cappelletti Jr., Stasha Cohen

**Directors' Ruling: 80.0**

**Panel's Decision: 67.9**

This is another "Tale of Two Cities" case. It was the best of times...

**Bramley:** "My view has not changed. I still think that North's 4! bid is automatic. I also still think that the UI that South was thinking of bidding over 2! was duplicated by the AI when South competed to 3!, so that I would have allowed North to bid game even if I thought it were less than automatic. Note that North did not bid 3! freely over 3!, an action that would have been culpable."

It was the worst of times...

**Beth:** "A player taking advantage of the huddle might have bid 3! over 3!. What had North learned later? North had learned that South's slow pass was based on spade support and a close decision whether to raise or not, and not on a decision whether to pass or correct back to 3". South's subsequent 3! bid showed the spade support but not the extra values. So, would North bid 4! over a weak no trump, especially one with diamonds? I would not, although I would be tempted. Would South have bid differently with !AQx!Kxx"KJxxExxx? Yes, there would have been an easy pass of 2! and a marginal tempo break before the 3! bid. 4! would have no play. Would we force North to bid 4! ? I don't think so. Passing 3! was a

LA. Even giving South three-card spade support there are many South hands which offer no play for game. And this was matchpoints, where the bonus is for being right, not for bidding game. I think the Panel and the experts gave insufficient thought to this one.”

It was the best of times...

**Treadwell:** “The Panel and the experts consulted had no trouble correcting a poor Director’s ruling.”

**Polisner:** “Good Panel decision.”

It was the worst of times...

**R. Cohen:** “What were the consulted players and the Panel thinking about? Might South bid 3♠ with ♠ A x ♠ K x x x ♠ K Q x x x ♠ K x or something comparable. After all, N/S were at favorable vulnerability. Of course North knew that wasn’t South’s hand because of the prior slow pass. 4♠ was a sure thing! The Director got it right, and the Panel should look for other consultants.”

**Martel:** “This case is a good example of a decision which is not handled well by a Panel. The Panel imposed its agreements on the North player rather than using the ones which evidently were in use. Obviously North thought he had a normal 2♠ bid (he made the bid after all and then passed over 3♠). To assume that this pair instead had an agreement that 2♠ showed something like Qxxxxx and out is rather foolish without even getting feedback from the pair involved. Personally, I would be much more inclined to assume that North had what he was supposed to have and thus had no good reason to bid on.”

...really the worst...

**Weinstein:** “The Panel was victimized by finding three experts who thought 4♠ was automatic. If North thought an opening bid with spade support was sufficient for game, he shouldn’t have made a weak jump-shift. At matchpoints, non-vul, South could have almost anything, including a doubleton spade for his 3♠ balance. North has a bunch of losing clubs that, even if ruffable in dummy, will create trump losers. There are millions of hands that make 4♠ a losing alternative. However, most of these disappear when North knows that his partner was considering a game try the first time. If it seems highly likely that 4♠ would have been bid without the UI, then leave the E/W table result alone. The table Director had this one right.”

...and it wasn’t getting any better...

**Rosenberg:** “Big mistake by the Panel. True 4♠ is a clear bid, but *only to players who would never have bid 2♠ in the first place*. Once you realize you are dealing with a player who lacked judgment on this hand, that changes everything. You cannot allow *this player* to reevaluate after partner’s huddle. An analogy: A player bids Blackwood and, after partner’s response, bids a small slam even though he can count thirteen tricks. His LHO saves and now his partner huddles and passes. Would you let this player bid a grand? I’m sure there are better analogies, but once a player demonstrates a lack of judgment it changes things. Bart should have recognized this aspect when polled.”

In fact, it was getting even worse than worse...

**Stevenson:** “Do not players compete for the partscore in the ACBL? The 3♠ bid would surely be made on a hand far weaker than the actual one, and I am surprised that the expert players did not think that players would ‘seriously consider’ passing

3♠. I wonder whether that is the question that the expert players were asked?”

But suddenly, it was the, uh, best, uh, well, getting better again...er, maybe...

**Rigal:** “Decent Director ruling. I must say I am surprised that more effort was not made to check out what N/S play a 2♠ bid ‘normally’ to look like. If it shows a weak-two hand, then passing 3♠ looks normal. If it shows less than a weak-two then bidding on is understandable. Without knowing which I can’t see how you can decide: Were the experts simply basing the action on their own styles? That said, since the hesitation probably does not demonstrably make the 4♠ bid more attractive (although against that is the fact that North maybe worked out his partner’s hand-type) I guess the decision is right. I am not convinced.”

**Patrias:** “What level of player was North? I would think that if you were willing to bid game opposite partner’s doubleton spade and opening bid, you would do something other than preempt in response to partner’s opening. Maybe every expert would bid four if put in at this point of the auction, but would a lesser player? Also, would an expert get to this point in the auction? Is this the way the North hand should be evaluated? Did the experts know the quality of the N/S pair? I’ll assume they did and agree with the Panel, but reluctantly.”

And now, it’s time for Ron the Question Man!

**Gerard:** “(1) Were N/S playing weak notrumps? (2) How much spade support does it take to raise a weak jump shift? (3) If 3♠ showed a full opening, what did huddle, then 3♠ show? Would you want to be in game if South’s ♠ A were the six? (4) Exactly how many tricks does 2♠ show at favorable in fifth seat? (I would have thought four—perhaps queen-jack-ten-sixth and out.) (5) If North did have queen-jack-ten-sixth and out, would he now have at least one more trick than he had shown once South raises? What makes North’s fourth club a full winner, especially if South has only a doubleton spade? (6) Who cares what you would have bid? (7) Who cares that you would have been ethically consistent after a slow 3♠? If your original premise doesn’t matter, why should your alternate one be any more relevant?”

“You want me to keep going? I’ll bet I could get to 20. So many questions, so few answers.”

Now here are some answers. (You knew I wouldn’t let you down, didn’t you?) North had a 3♠ (not a 2♠) bid, but didn’t know it, so it’s logical for him to think his partner’s belated raise might produce a play for 3♠ (or down one), but not a play for game. There are many opening bids for South which produce no play for 4♠. South’s huddle didn’t suggest a spade fit at the time it occurred (South could have been considering 3♠ with, say, ♠ --- ♠ A x x ♠ K Q J 10 x x x ♠ K Q x), so it wasn’t until South bid 3♠ that North knew that South’s “extras” involved a hand that wanted to make a spade game try earlier (hence North’s pass of 3♠—still want to award him a medal?) So the huddle clearly suggested bidding on and there’s no way North can be allowed to do that.

Tsk tsk tsk, Bart.

CASE ELEVEN

**Subject (Tempo):** Five-Six, Look For Defensive Tricks  
**Event:** Continuous Pairs, 27 July 99, Afternoon Session

Bd: 26	┌ K975		
Dlr: East	! J8		
Vul: Both	" 83		
	É KQ1076		
┌ A3		┌ 6	
! K6432		! AQ1097	
" AJ74		" KQ10965	
É J5		É 4	
	┌ QJ10842		
	! 5		
	" 2		
	É A9832		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
4!	4!	1!	2!
Dbl(1)	Pass	5!	5!
(1) Break in tempo		6!	All Pass

**The Facts:** 6! made seven, plus 1460 for E/W. There was an extended break in tempo and several questions were asked by West before he doubled 5! . The opening lead was the 1 Q. The Director allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling. N/S believed that passing 5! doubled was a LA for East. E/W believed that the 6! bid was automatic with such great offense and little defense.

**The Panel Decision:** The Panel found that there had been a lengthy break in tempo which demonstrably suggested the 6!

bid. Pass of the double of 5! was held to be a LA. The contract was changed to 5! doubled down two, plus 500 for E/W (Laws 16A and 12C2).

**DIC of Event:** Bob Donaldson  
**Panel:** Olin Hubert (Reviewer)  
**Players Consulted:** Ralph Cohen, Jeff Meckstroth, Ed Schulte, Dennis Sorensen

**Directors' Ruling: 41.8**      **Panel's Decision: 83.6**

If West's jump to 4! showed a weak or limited hand (not clear here—especially since West didn't hold such a hand), then East shouldn't expect much in the way of defense for the double (it shows extra defense, but only in the context of the previous bidding). Since East has minimal defense, it must be clear to pull.

**Bramley:** "I disagree. The break in tempo did not demonstrably suggest that bidding would be more successful than passing. In particular, the huddle did not suggest the necessary two aces. An in-tempo double would show extra defense in the context of West's earlier 4! bid. He's got it. West was very unlikely to have two trump tricks on this auction. East was on his own and got lucky."

But even if that analysis is correct (and I don't think it is), the table Director should still have ruled against E/W since the bridge issue involved is quite complex and unclear. The following panelists all agree with me about the *table ruling*.

**R. Cohen:** "This case should never have been appealed by N/S. E/W would have had a meritless appeal had the Director made the right ruling. One of the problems with having Directors form the Panel is that I do not believe there is an educational process for players like E/W. Were they told what the pertinent applicable law was and why the decision was reached? If the answer is yes, then I apologize. If no, then we have disgruntled players who learned nothing from the experience. Not good PR for the ACBL."

**Weinstein:** "A poor and uncharacteristic initial ruling. The Directors usually have a slight tendency to rule too often against the offenders (or in my thinking just fine for the offenders, but way too often in favor of the non-offenders). Although 6! isn't unreasonable, and may be the only way to get a good score, the awful previous E/W bidding combined with the really 'bad' huddle, preclude East from getting it right, if it is at all possible to get it wrong. Although you could argue that the double just shows a good hand for this auction, E/W haven't exhibited the bidding competency to make this argument. Although I wouldn't be upset by a two-way decision here, I think the Panel correctly adjusted both sides scores."

**Polisner:** "Who was the Director that allowed the table result to stand and with what senior Directors did he/she consult? This should have been an easy ruling which likely would not have been appealed if it had been made correctly."

**Rosenberg:** "I agree with the Committee; the Director was nuts. But how does 5! go down two?"

Yes, Michael is right. This is another serious problem with the Panel system: even after consulting with expert players about whether there was UI, whether a particular action was suggested by the UI, and whether there was a LA to that action, there still needs to be consultation about the bridge result when the final contract is changed. Here we see another failure in this last link. (I've seen others, some of which never made it to the casebooks because I noticed them during the tournament and urged the Reviewer to have the Panel's decision reconsidered.)

Other panelists noticed the same problem.

**Bethe:** "I am thoroughly confused. Having determined correctly that East should sit the double, what four tricks did the Reviewer (or the experts) believe E/W could take? Surely this result should be plus 200 for E/W."

**Martel:** "This should of course be down one, not two."

**Rigal:** "Little to say here; East may have believed that he had extra distribution and indeed he did, but he had shown extra offence already. I do have some sympathy with his feeling hard done by, but he should have realized that an appeal would result in an appropriate AWMPP."

Such a penalty may have been appropriate, but as with a defective tennis or golf swing, there was no follow through.

**Stevenson:** "It is somewhat surprising that the Director did not consider pass to be a LA. As a matter of procedure, why does the report tell us the DIC of the event? The name that should interest us is the table Director. True, he does not make the ruling unaided, but he is as much part of the process as the other named people and far more so than the DIC."

I have met with management on this issue and it is their wish that table rulings be associated with the *group* of Directors working the event (consultation and all that) and not with the individual who just happened to be the one called to the table and who (in most cases) is not personally responsible for the final ruling. The group is represented in the write-up by the DIC. Management's concern in this is that they preserve the option, should it be necessary, of publicly acknowledging a poor ruling and stating that those responsible are being "corrected." If names were to be published, management would not feel free to make any statement that could result in an individual being publicly (and possibly inappropriately) embarrassed. I agree with management that it is unacceptable to embarrass an employee by denouncing them publicly. However, an employee who is doing a poor job should not be shielded by management from public awareness of their poor performance. This is

quite different from publicly disciplining an employee. Personally, I would like to see the names of all Directors involved in every table ruling published. I believe this would have two beneficial effects. First, public awareness and the accountability it brings with it would create a positive impetus for Directors to make better table rulings. Second, a more public process would help eliminate the popular perception that management protects staff members in a manner similar to “the thin blue line” of law enforcement. The bottom line, however, is that I see this as management’s call and I will not publish names against their wishes.

As for the final nail in E/W’s coffin, here’s another reason (and by no means the least) why East can’t be permitted to bid the slam.

**Patrias:** “If East wanted to bid slam he could have bid 5” over 4♠. For that reason I agree with the Panel’s decision to not allow 6♠. If the hand is diagramed correctly, it appears that 5♠ goes down one, so the score should be E/W plus 200.”

**Treadwell:** “I guess you could call this a hesitation non-Blackwood case. If East was so enamored of his distribution, why didn’t he simply bid 4NT over North’s 4♠ call? Then, after the answer, bidding the slam would be automatic.”

Chris and David are right on target here. East, showed no inclination to even probe for a slam earlier in the auction, when he had a good opportunity to do so at a safe level (with either 4NT or 5” over 4♠). Instead, he was content to merely compete with 5♠. Then, when his partner warned him against bidding by doubling 5♠, he suddenly became “born again” inspired. And wouldn’t you know it, talk about your coincidences, West went into the tank right before he emerged with his double. Now maybe he received an inspirational message from above during his trance, but I’ll bet the message came through quite clear (even if unintentionally) at an altitude of about a foot-and-a-half above the table’s surface—headed West to East.

I would adjust the score for both pairs to 5♠ doubled down one, plus 200 for E/W. I’d also vote for an AWMPP if E/W were experienced—above the Flight C level.

## CASE TWELVE

**Subject (Tempo):** Eight-Card Suits Don’t Defend  
**Event:** NABC IMP Pairs, 28 Jul 99, First Qualifying Session

Bd: 24	Nate Ward		
Dlr: West	♠ AJ		
Vul: None	♥ 954		
	♦ AK5		
	♣ 97642		
Kent Hartman		Sumner Steinfeldt	
♠ K10876432		♠ Q95	
♥ K7		♥ J2	
♦ 93		♦ Q10864	
♣ K		♣ QJ10	
	Bill Doroshov		
	♠ ---		
	♥ AQ10863		
	♦ J72		
	♣ A853		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1♠	Pass	1!
1♠	Pass	Pass	2♠
3♠	4♠	Pass(1)	Pass
4♠	Dbl	Pass	5♠
All Pass			
(1) Break in tempo			

**The Facts:** 5♠ went down one, plus 50 for E/W. The Director was called when the hand was over. All players agreed that East hesitated a significant amount of time (perhaps 10 seconds) before passing 4♠. The Director ruled that given West’s hand and his previous bidding, there was no LA to the action selected. The table result was allowed to stand (Law 16).

**The Appeal:** N/S appealed the Director’s ruling. N/S believed the tempo break gave West a no-lose action. They believed that pass was a LA. E/W believed that South’s 2♠ bid and North’s failure to bid 1NT or to double 3♠, together with his later free 4♠ bid, implied that dummy would not be void in spades. They believed that minus 500 would not be a tragedy and that West was “walking the dog.” All

four players agreed that the hesitation had been 15 seconds. The opening lead was the ♣ K. E/W had about 2200 masterpoints each and played one NABC together each year. They used disciplined preempts.

**The Committee Decision:** West could be confident of not losing three trump tricks and was a heavy favorite to get a heart lead. Minus 500 was virtually guaranteed to be the worst defeat West could suffer. He had a high up-side for his action and eight-card suits, even broken ones, should be trumps. West had decided not to preempt (broken suit and outside defense) but had decided to buy the hand in spades. While passing 4♠ was an action that might be considered, the Committee believed that passing 4♠ would not be “seriously considered.” 4♠ was almost never going to be defeated, 4♠ was never going to go for 800, so the action of bidding had a very high upside and a low downside. The Committee allowed the table result to stand.

**DIC of Event:** Henry Cukoff  
**Committee:** Barry Rigal (chair), Corinne Kirkham, Richard Popper

**Directors’ Ruling:** 59.7      **Committee’s Decision:** 59.5

The chairman of this Committee appears to be having second thoughts—as well he might.

**Rigal:** “At the time, the arguments put forward by West were convincing, although on review I am not sure if we were being generous to him. The initial pass coupled with the rest of the auction persuaded us that he really was going to bid the hand this way whatever his partner did, and that we should not stop him from ‘playing



bridge,' as one of my colleagues might say."

Maybe he'll be lucky and find more support from his fellow panelists than from his conscience.

**Treadwell:** "Good reasoning by the Committee, particularly since IMP scoring was involved. At matchpoints, the decision would be more difficult since the difference between minus 500 and minus 420 might be large; at IMPs, it's almost negligible."

That is so predictable from Mr. "Let's Play Bridge" that it hardly rates a point in the scoring.

**Patrias:** "Good ruling from both Directors and Committee."

**Stevenson:** "The decision was a sensible one, but one of N/S's comments bears looking at: '...the tempo break gave West a no-lose action.' Does this mean that he knows East will have support? But this is not true: East could be considering a double because of short spades. Does it mean that it does not cost to take advantage because the worst that can happen is that it is ruled back? If so, this is a common misconception. Apart from occasional PPs which Committees sometimes add when ruling back, the big loss comes in the play. If West defends 4! he can do so to the best of his ability; if a Director or Committee rules it back to 4! then they will assume the worst reasonable defense and the best reasonable play when deciding the number of tricks."

If East's hesitation could reasonably conceal a close penalty double of 4! , then the Committee's decision is indeed a sensible one, as David suggests. Personally I believe N/S's comment was based more on the sight of dummy's 1 Q95 than on a logical analysis of what East could have been thinking.

David's second point is one we haven't seen here before, and it strikes me as right on target. Players have a lot more to lose by taking advantage of UI than most of us think. In addition to the infrequent PP a Director or Appeal Committee will assess for a flagrant action, when one opts to take the "safer" action (i.e., the one not suggested by the UI) one gets to play or defend to the best of one's ability. But if one takes the action suggested by the UI, not only does one risk the contract being rolled back by the Director or Committee, but the outcome is then subject to the "most unfavorable result that was at all probable" standard (or mind set) that goes with making a score adjustment. Good point, David.

Well, that about does it for the Committee's supporters. The rest of the panel takes a rather dim view of this decision. Let's jump right in to the deep stuff.

**R. Cohen:** "This decision is sick! Outside the spade suit West has four losers, presuming the ! A is on his right and he has an entry to dummy. In addition, there are one or two (and on a bad day three) losers in the spade suit. There is a loss of imps if you go for 500 against the normal 420. Of course when partner tanks over 4! , the prospect of two spade losers diminishes to zero. Enuf said!"

Not "enuf" by a long shot.

**Polisner:** "I totally disagree with this decision. Clearly East was not thinking about doubling 4! . Why weren't expert players consulted? I can construct hands which would result in 1100-1400 for E/W—but not after the huddle. The proper result is E/W minus 420 and consider whether N/S should be minus 50 or plus 420."

I suspect experts weren't consulted because this case was heard by a regular Appeal Committee—not by a Director Panel. (Duh!) Looking at it another way, "How dare you cast aspersions on this Committee's competence!" Is there such a thing as a poisoned e-mail? We hope Jeff screens for letter bombs.

**Rosenberg:** "The Director and Committee were nuts. Why shouldn't 4! go down five, let alone four (and even three down is too much)? Why shouldn't 4! be going down? West has a broken suit and his side kings shriek defense, not offense. If West wanted to bid 4! why not over 2! ? Now that I've stopped frothing at the mouth, I'd like to point out that, with West's heart holding, it was clear what East was considering. Also, the Committee fell into the common trap of thinking that they would have found the obvious winning action, so therefore it is clear-cut. Those winning actions are a lot more obvious when you see all four hands (or get help from partner)."

Chip offers some help on analyzing the prospects in 4! versus 4! .

**Martel:** "I think the Committee reasoned backwards here. Rather than focusing on how 4! couldn't be too expensive, they should instead have asked how it could have worked out well. Declarer rated to lose the " AK and three other aces to start with (down 300 versus a non-vulnerable game at IMPs), and he could have an extra loser in hearts or trumps (for down three or four). In addition, perhaps the opponents had a mixup (South bid 2! with club support and four hearts, and is now gambling in a four-three fit which may fail). To determine if something is a LA one needs to see if there is a sensible case for the losing action (pass in this case). Clearly there is, so pass is a LA."

On a bad day West could even lose a third trump trick, as Ralph points out. Down yet another trick.

**Weinstein:** "The law of total tricks has now been extended to include the law of never defending with a bad eight-card suit. Both have the same degree of merit as justification of unclear actions in UI situations—none, nada, zilch, zero, etc. The same hand that couldn't bid 4! earlier is now 'walking the dog,' hoping not to get doubled. I always thought the purpose of 'walking the dog' was to get doubled with a real hand, not this piece of garbage. Apparently the Committee members and Directors are all dog lovers, since I can't find any other rationale for their decision to throw E/W a bone."

Woof. How's that for dog-ma?

Don't touch that dial, cause the hits just keep on comin'.

**Bramley:** "I've seen dog-walkers with huddling partners before (CASE ONE from the 1997 Dallas casebook). I didn't think their 4! bid was justified then and I don't think it's justified here, either. Both times the Committee magically entered the brain of the dog-walker to determine that he was 'always' going to keep bidding. I don't buy it. Here West, a passed hand, bid up to 3! by himself, strongly suggesting the type of hand he actually held. He has good enough defense to try to set 4! if partner doesn't want to bid 4! . While 800 is unlikely, 500 or 300 isn't. That's a bad gamble when you might beat them."

**Gerard:** "J. McEnroe: 'You can *not* be serious.'"

"It's wonderful to play by formula. Removes all the judgment, which is as it should be in this case. That stuff may be red meat for the masses, but when it comes to the casebook panel you have to pay the price for hauling out the platitudes. Some of you should have known better.

"West was a heavy favorite to get a heart lead.' Yup, that's because the ace was 100% to be onside.

"Minus 500 was virtually guaranteed to be the worst defeat West could suffer.' Sure is a good result against 4! down one.

"Eight-card suits, even broken ones, should be trumps.' Elephant dung. Maybe when it's your own hand, but where is that written on defense? If the 1 K were the five, should that broken suit be trumps? Rivals the infamous 'six-five, come alive'

for intelligence.

“‘West had decided to buy the hand in spades.’ Says who? Just because E/W mouthed the self-serving ‘walking the dog’ argument? Maybe West decided to involve his partner, even though it seems that East wasn’t one to get involved. If West decided not to preempt because of his broken suit and defense, how extraordinary was his hand for his previous action? Please, people, give up the mind-reading routine.

“‘Passing 4! would not be ‘seriously considered.’ See oft-quoted former tennis star.

“‘4! was almost never going to be defeated.’ Really? Just give North the ! Jxx and " AQx instead of his actual. Or just exchange the ! 5 for the E 2. South is not clairvoyant. Must be another committee cliché: pair that confidently bids game always makes it, especially if they cue-bid on the way. What touching faith.

“‘Bidding had a very high upside and a low downside.’ Minus 300 was likely to be the least defeat West could suffer. If minus 300 were par, the upside was 4imps against 11 tricks and 3 or 11imps against 10 tricks. The downside was 8imps against 9 tricks. If minus 500 were par, the numbers were (-2), (-2 or +13) and (-11) respectively. The high upside exists only when N/S misjudge the five-level, as here.

“‘Nope, minus 420 for E/W. By my lights, South should have passed 4! doubled, but I suppose it wasn’t crazy and he could only get plus 300 anyway. So plus 420 for N/S. And that’s the way the cookie crumbles.’”

So there you have it: cookie crumbs for dogs and their walkers.

East had a perfectly normal 2! raise—and failed to produce. Later he had a very reasonable 4! bid—and (after a fashion) failed to produce. West passed initially, claiming he decided not to preempt (broken suit and outside defense) but that he was determined to buy the hand in spades—no matter what. If his broken suit made preempting unsafe, then what about the auction changed that? Couldn’t South have ace-third of spades and North queen-and-one? If West had too much defense to preempt initially, then what about the auction changed that? Did his ! K behind the heart bidder lose its defensive value? Did his E K stop being capable of promoting the queen (or queen-jack) in his partner’s hand? Would the ! K not take a trick on defense if N/S had the spade holding described above? Could partner not get a spade ruff (or two)? What about the auction made bidding 4! so attractive on the fourth round when it was so risky earlier? Was it North’s quite reluctant 4! bid? Was it South’s strength-showing or direction-seeking 2! cue-bid? Bah!

Sorry, but West was his own worst enemy if he was seeking support for his 4! bid. Everything he said argued against it being a rational choice. Couldn’t East have been thinking about doubling 4! ? When was the last time we saw a player stew about a near-penalty double sitting under the primary trump holder (South)? If East held that type of hand, wouldn’t he have doubled knowing that West’s 1! -then-3! sequence confirmed some defense (else he would have preempted in first seat)? Sorry, but East’s huddle showed spade support and the typical timidity on *offense* that we’ve seen before (see CASES FIFTEEN, SIXTEEN and TWENTY-SEVEN in the 1999 Vancouver casebook). Players don’t huddle and then pass with a near-penalty double—they huddle and then double! Nor do they huddle and then bid with extra offense—they huddle and then pass (as here)! In my book, East’s tempo was an invitation to 4! and I would never let West accept that invitation— not in San Antonio, not in Cincinnati, not ever.

Our final panelist exhibits just about the right amount of open-mindedness one ought to display—just before you hang the dog-walker. (Henry’s always been a bit naïve about this sort of thing.)

**Bethe:** “West could be confident of not losing three trump tricks. Why? He could expect a heart lead. Why? 4! was almost never going to be defeated. Why not?”

“But....East’s slow pass has no message as to whether it was in contemplation of doubling or bidding. It would be useful to know what E/W’s overcall style is: how good a hand can West hold? What would an immediate 2! overcall have been?”

Why did East not raise immediately? My decision on the appeal would depend on answers to these and perhaps other derivative questions which would help to determine whether a double of 4! was possible and therefore whether the slow pass had unmistakable message content. Even though this is IMPs, losing 2imps on a regular basis is losing bridge. The lesson here is that if you want to walk a hand partner had better not get in the way with a telltale huddle.”

Henry’s right about that last point: If you play your opponents, you’d better be prepared to *not* play your partner, too. If the opponents’ auction is needed to help you decide what to do with a preempt-or-defend-type hand, then you’d better make sure that partner’s tempo doesn’t get in your way. If you can’t trust partner to act without a tell-tail (*sic*) hitch, then your dog-walking days are numbered.

Live by the dog, die by the dog.

## CASE THIRTEEN

**Subject (Tempo):** Variation On A Theme?

**Event:** NABC IMP Pairs, 28 Jul 99, First Qualifying Session

Bd: 9 Dlr: North Vul: E/W  Kay Beck   J108543 ! J73 " 4 Ê A62	Robert Fendrick   962 ! K1084 " Q65 Ê J103  Jerry Premo   AK7 ! 6 " AK1083 Ê KQ94  Charles Davis   Q ! AQ952 " J972 Ê 875																								
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">West</th> <th style="width: 25%;">North</th> <th style="width: 25%;">East</th> <th style="width: 25%;">South</th> </tr> </thead> <tbody> <tr> <td>Pass</td> <td>1"</td> <td>Pass</td> <td>Pass</td> </tr> <tr> <td>1 </td> <td>Pass</td> <td>3Ê</td> <td>Pass</td> </tr> <tr> <td>3 </td> <td>Pass</td> <td>4NT</td> <td>Pass</td> </tr> <tr> <td>5" (1)</td> <td>Pass</td> <td>5!</td> <td>Dbl</td> </tr> <tr> <td>5! (2)</td> <td>Pass</td> <td>6 </td> <td>All Pass</td> </tr> </tbody> </table> <p>(1) Delayed Alert; one keycard                  (2) Break in tempo</p>	West	North	East	South	Pass	1"	Pass	Pass	1	Pass	3Ê	Pass	3	Pass	4NT	Pass	5" (1)	Pass	5!	Dbl	5! (2)	Pass	6	All Pass	
West	North	East	South																						
Pass	1"	Pass	Pass																						
1	Pass	3Ê	Pass																						
3	Pass	4NT	Pass																						
5" (1)	Pass	5!	Dbl																						
5! (2)	Pass	6	All Pass																						

**The Facts:** 6| made six, plus 1430 for E/W. The Director was called when East bid 6|. 4NT was RKCB for spades and 5! asked for the | Q. Both sides agreed that West clearly broke tempo following South's double of 5|. The Director ruled that West's slow 5| bid suggested East's subsequent 6| bid and changed the contract to 5| made six, plus 680 for E/W.

**The Appeal:** E/W appealed the Director's ruling and were the only players to attend the hearing. E/W agreed to a distinct break in tempo of roughly 6 seconds following South's double of 5|. West intended the 5| bid as showing the | Q, judging her holding to be equivalent. E/W stated that pass would have been West's weakest possible call. E/W were not a practiced partnership and had only played together four times.

Upon being questioned about a comparable auction, 1| -Pass-4" (splinter)-Dbl, East stated that pass would be the weakest call. E/W had no notation on their convention card in support of this claim.

**The Committee Decision:** The Committee determined that E/W had no clear partnership understanding regarding the meanings of pass and 5| over the double. It was believed that without a clear discussion to the contrary, when a conventional bid asks a player a question, a double does not change the meaning of the responses. The Committee thought it likely that East would have passed 5| if West had bid it in tempo. The bid of 5| left open the possibility of 5| as a final contract. Thus, as a matter of bridge logic, it should not show the queen of trumps. However, the tempo suggested otherwise so the 6| bid could not be allowed. The contract was changed to 5| made six, plus 680 for E/W. The question of the merit of the appeal was discussed. Since the treatment "pass is the weakest action" is not an unusual one, it was feasible for E/W to believe that West's 5| bid clearly showed the | Q and that the tempo should not prevent East from bidding 6|. The appeal was therefore judged to have merit.

**DIC of Event:** Henry Cukoff

**Committee:** Doug Doub (chair), Sid Brownstein, Martin Caley, Ron Gerard, Lou Reich

**Directors' Ruling:** 83.6

**Committee's Decision:** 72.8

This is yet another in our long line of "If it huddles, shoot it!" decisions. We've been over this in class before, so I'll let one of our panelists who was paying

attention during lecture explain it again.

**R. Cohen:** "This recalls previous discussions about tempo when the opponents unexpectedly bid or double in a slam investigative auction. It was proposed that a slight pause should not compromise the slam-going pair. Very often a player may have to recall an agreement with this partner that may have been discussed, or if there is an agreed principle that may apply to the situation. On those occasions when no discussions have taken place, the hesitation is meaningless. Everybody is guessing and this one feels like rub of the green. However, the Committee heard all the testimony and perhaps the nuances of the evidence may have led it to its decision."

Oh! And he was so close, right up to the very end there. When you're on a roll, never start the next sentence with "However." He must have dozed off just before the end of the lecture.

Let's see. Who else has their hand up? Bart.

**Bramley:** "No, no, no. As I have written many times before, a double of a Blackwood bid or response grants the next player extra time to consider his additional options. Here the critical question was whether pass or 5| would be the weaker action, i.e., deny the queen. Have *you* discussed this situation? I didn't think so. There are two equally valid but contradictory principles one could apply: (1) pass is weaker, or (2) ignore the double. Therefore, West could have taken an hour to bid without imparting UI to East. Let the result stand."

Right, but even if an hour is too long for your tender sensibilities (and it really shouldn't be in a casual partnership), 6 seconds should come in well under the wire. Right, Jeffrey?

**Polisner:** "I disagree. If the tempo was as stated, to wit, 6 seconds, this is hardly a 'break in tempo' in a key-card auction by an unpracticed partnership. I would have allowed the table result to stand for both sides."

Just going on raw instincts is...

**Stevenson:** "While Hesitation Blackwood is a disease that must be stamped out, by PPs for example, this particular case does seem to have merit in the E/W arguments."

The next two panelists find yet other reasons for allowing the 6| bid.

**Bethe:** "I think it is a bad policy to always disbelieve the players' explanations of their methods (see CASE SIX). I think one should believe their statements unless the agreement is highly unusual and self-serving in the context of the case. It is where people are a regular partnership and play unusual agreements that system notes should be required. Thus, I would believe E/W's statement that pass would be the weakest action and that 5| was intended to show, and was interpreted as showing, the queen of trumps. A player pausing to think when the opponents double a bid during a slam auction should not prevent partner from taking action. I think the 6| bid should be allowed."

**Martel:** "Confused reasoning by the Committee here. The hesitation mostly suggested that West wasn't sure how to show what she had. In particular, since West didn't have the trump queen, it seems odd to then determine the tempo suggested it."

Missing the forest for the trees is our usually stalwart...

**Gerard:** “Well, you get the point about the merit of the appeal. If East had no cause to bid six other than the hesitation, the appeal had to be without merit. Subjectively we did not feel that to be the case, even though as a matter of score adjustment bidding on was clearly not allowed. Therefore, don’t read too much into the statement ‘the tempo should not prevent East from bidding 6♣.’”

“Two other things. In our personal poll, the style vote on the Committee was four-to-one in favor of ‘return to suit weakest’ and we thought that would likely be the default agreement if there were one. So E/W’s purported understanding deviated from the norm and had to be rejected, unsubstantiated as it was. Also, the way to show the queen is to bid 6♣, double or not. There is no point in bidding 5♣ to deny an outside king since that option was never available without a double. You have the queen or the equivalent, you’re in slam. West didn’t bid it, so she shouldn’t have it. Q.E.D.”

Come to think of it, he may have missed the trees as well.

On the right track at the start, but then missing the final turn, is our “other” Dave.

**Treadwell:** “The auction took a somewhat unusual turn with the 5♣ call and subsequent double, and it was quite understandable for West to think a bit to be sure of giving the right answer. I do not think this gives any useful UI to East. As the Committee said, “pass is the weakest action” is not an unusual treatment. Hence, I would not have allowed the slam bid. At least, they did not assign N/S an AWMPP.”

If the pause gives no useful UI to East, then why can’t he bid 6♣? Because he might have heard of “pass is weaker”? Because it’s “not an unusual treatment”? What about if he heard of “ignore the double”? Is that unusual?

Next we hear from the MacKenzie brothers, eh.

**Rosenberg:** “Okay.”

**Patrias:** “Okay.”

Thanks, guys.

**Rigal:** “I cannot make up my mind here. East’s decision to bid on seems to imply that his description of the 5♣ bid as showing the queen of trumps was valid. My impression is that unlike some Hesitation Blackwood auctions, here the slow 5♣ bid does not have a special message—it is not the bid after the response, it is the response itself that is slow. Here, the double of 5♣ introduced a spanner into the works for E/W by providing an extra option for West and causing the player to try to work out the right systemic bid (I do not know what I would play here, do you?). So the break in tempo should not be treated nearly as harshly as a slow bid after a Blackwood response. Although I can live with the ruling, I can’t help thinking that since East bid as if his partner had the ♠Q, he really thought his partner had it, tempo break or not. So no foul; table result reinstated. Clearly a meritorious appeal.”

I think he finally got it. That’s refreshing, a panelist who claimed to not have a clue ends up reasoning himself right into the jackpot. Bravo, Barry.

And now, with a comment that should be etched onto stone tablets, Howie gets the final word.

**Weinstein:** “I can’t disagree more strongly with this Committee. Whenever a RKCB response gets doubled, normal tempo expectations are off. It should take at least 5 seconds for West to respond, no matter what his holding. It takes a few seconds to recall what agreements, if any, might exist after the double and what a

standard default agreement should be. From East’s viewpoint, West could even be considering whether her call might relate to a heart control. It is all very nice for the Committee to say that without clear discussion, a double does not change the meaning of the responses and that, as a matter of bridge logic, it should not show the queen of trump. It is another matter for West to assimilate all this information and come up with a 5♣ call immediately, regardless of her holding. Without the double, 6 seconds may be only borderline inappropriate tempo, anyway. With the double, it must be considered an appropriate tempo. Decisions like this one demonstrate the need to get players to make all bids in appropriate tempo for the situation. It’s hard to second guess a Committee on the determination of a break in tempo when not there, but I can’t help it here.”

## CASE FOURTEEN

**Subject (Tempo):** The Cards Speak For Themselves

**Event:** NABC IMP Pairs, 28 Jul 99, Second Qualifying Session

Bd: 23	Sheila Pies		
Dlr: South	! J3		
Vul: Both	! 10532		
	" KJ8		
	É 10863		
Nick Bykov		Leszek Rabięga	
! 107654		! AK98	
! AKJ9		! 87	
" 753		" Q942	
É 9		É J74	
	Jan George		
	! Q2		
	! Q64		
	" A106		
	É AKQ52		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
All Pass			1NT

**The Facts:** 1NT went down two, plus 200 for E/W. West led the 7. East won the king and played the ace. When South followed with the queen, West broke tempo (over 1 minute) before playing the 6. On the 9 and 8, West played the 5 and 4. East then shifted to the 8. E/W played second- and fourth-best leads (fourth best implies at least the queen), low from a doubleton and standard suit-preference signals. The Director ruled that there was no LA to the heart shift and allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling. They believed that the break in tempo drew East's attention to the heart shift

and that it should not have been allowed.

**The Committee Decision:** The Committee determined that West's choice of plays (the 6 followed by the 5 and 4) spoke for themselves and that there was no LA to a heart shift. The Committee allowed the table result to stand.

**DIC of Event:** Henry Cukoff

**Committee:** Martin Caley (chair), Sid Brownstein, Doug Doub, Ron Gerard, Lou Reich

**Directors' Ruling: 94.9**

**Committee's Decision: 87.9**

There's one and only one reply to this decision...

**Bramley:** "Where's the AWMPP? This appeal is ludicrous."

**Bethe:** "Was there discussion of an AWMPP? Where a slow action is followed by a clear action carrying an unambiguous message, there should be no case for an appeal."

**Brissman:** "Appellants must have studied at the 'Opponent-hesitated-so-I-get-a-good-board' school of thought. I see no merit in the appeal and wonder why the Committee failed to address the issue."

**R. Cohen:** "What? No meritless appeal award?"

**Patrias:** "This one is so clear that the Committee should have given a lot of thought to an AWMPP."

**Polisner:** "Where was the AWMPP?"

**Rigal:** "This is the most frivolous appeal I've seen for a long while. I'd want to award two AWMPPs for it."

**Stevenson:** "Since this appeared to be the clearest ruling seen for a long time, why were N/S not awarded an AWMPP?"

**Treadwell:** "No merit whatsoever to this appeal, so why was an AWMPP not assigned to N/S?"

**Weinstein:** "I agree with everything, but the Committee might have admonished E/W that they need to card in better tempo, lest the N/S allegations should prove true in a less obvious situation. N/S should have been issued an AWMPP."

Well, the following panelist has just thrust himself into the lead for this month's Someone Else Award.

**Rosenberg:** "Well yes and no. The cards do speak for themselves, but it still helps to give partner a big nudge on the shoulder to be certain he is listening. That's what the huddle before the suit-preference signal does. This is a type of situation that occurs frequently and will continue to as long as players think they can 'get away' with this type of action. I would have liked to hear West's answer to the question 'Why did it take you a minute to make a play that should have taken a couple of seconds?' Perhaps I can supply the answer: West was not certain who had the spade deuce, having not paid careful attention at trick one. Therefore, there was no way to ensure that partner would be on lead after the fourth spade. Hence the huddle—consciously or not, a wake-up call to partner to stop doing the obvious and play spades and more spades. Since I detest thinking about signals (especially obvious suit-preference ones) I would rule down one only, but I would not be surprised to be in a minority of one."

I'm glad he knows he's in a minority of one. That means there's hope. Guillotine!

**CASE FIFTEEN**

**Subject (Tempo):** Why Should We Reinstate Thee? Let Us Count The Ways

**Event:** NABC IMP Pairs, 29 Jul 99, First Final Session

Bd: 20	Dave Glen		
Dlr: West	Q		
Vul: Both	! A1095		
	" K875		
	É AJ73		
Mike Eakes		Linda Hager	
K109864		AJ73	
! Q743		! KJ86	
" J2		" 104	
É 10		É K98	
	Joan Brooke		
	52		
	! 2		
	" AQ963		
	É Q6542		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1"	Dbl	2! (1)
4	Pass(2)	Pass	5"
Pass	Pass	Dbl	All Pass
(1) Alerted; limit raise or better			
(2) Break in tempo			

**The Facts:** 5" doubled made five, plus 750 for N/S. The Director was called after the 5" bid and was told that there had been a slight but noticeable break in tempo before North passed 4| . The Director ruled that South had chosen from among LAs a call which could have been demonstrably suggested by the UI (Law 16). The contract was changed to 4| down three, plus 300 for N/S.

**The Appeal:** N/S appealed the Director's ruling. N/S stated that the pause after 4| had not been excessive, even if it had been slightly longer than 10 seconds. They also stated that the pass of 4| had been forcing. They played a variety of Bergen raises over 1" doubled: 2! showed a limit raise or better; 2| showed a 6-9 raise; 2NT was natural; and

3É was weak. While South thought that West had used the Stop Card before bidding 4| , West and East thought that it had not been used.

**The Committee Decision:** Four arguments were noted for returning the contract to 5" doubled. First, no clear hesitation had been established. Second, the failure to use the Stop Card would mitigate the severity of any hesitation if one had been established. Third, N/S's agreement that the pass was forcing meant that there was no problem with a slow pass. (The Committee did not have to consider the accuracy of this statement as this point became moot.) And fourth and most important, the slow pass conveyed no specific message. While the slow pass did convey doubt, from South's perspective North could have been contemplating doubling 4| . Thus, in this situation the slow pass conveyed no clear message. The table result of 5" doubled made five, plus 750 for N/S, was allowed to stand.

**Chairman's Note:** The Committee raised one further issue not directly germane to the case with the Screening Director, who did not know the answer. Was the pass of 4| Alertable? It seemed that unless the pass carried an unusual message it did not require an Alert.

**DIC of Event:** Henry Cukoff

**Committee:** Barry Rigal (chair, non-voting), Phil Brady, Harvey Brody, Dick Budd, Abby Heitner, Dave Treadwell

**Directors' Ruling: 70.8**

**Committee's Decision: 77.4**

To answer the chairman's (non-germane) question, I can find nothing in the ACBL Alert Procedure which suggests that North's pass of 4| requires an Alert if it is forcing, unless it shows something very specific and unexpected about North's

hand (e.g., pass shows 0 or 1 spade; see CASE SIX). So good instincts, Barry.

Now, to the germane issue of the Committee's decision I plead concurrence. While West's non-use of the Stop Card does not relieve North of his obligations to behave as if the Stop Card had been used, I agree with Henry's attitude when he said, "I believe that players who fail to observe proper procedure should be barred from claiming a disputed break in tempo" (see CASE SEVEN). When the opponents who failed to follow proper procedure can only claim that North's pass took "slightly longer than 10 seconds," I claim "the table result should stand."

**Bethe:** "Hooray. The right, appellants, followed by the correct decision by the Committee after considering the relevant factors."

**Stevenson:** "The ACBL were the leaders in the world in the notion of the Skip Bid Warning—so why is the use of a Stop Card not mandatory? Good ideas should be nurtured, not allowed to disappear. An excellent decision, well considered."

**Bramley:** "If high-level forcing passes have become Alertable, it's a bad idea. Then players could Alert their partner's slow passes and evade justice. The Committee should have stopped after their first two points, which dealt directly with the issue of whether a break in tempo had been established. Once having determined that no break in tempo had occurred, the Committee's work was done."

Slightly skeptical about the nature of North's pass.

**Polisner:** "Again, my comments as to the irrelevance of the use or non-use of the Stop Card. Players should take approximately 10 seconds to act over every skip bid. I am somewhat concerned about this decision, unless I was satisfied that North's pass was clearly forcing at this vulnerability and where West voluntarily bid a game. Nobody can clearly tell whose hand this is. If I was not convinced that the pass was forcing, I would have upheld the Director's ruling."

Raising several other important points.

**R. Cohen:** "Why didn't the Director determine if the Stop Card was used? I won't argue with the Committee if they determined that no undue hesitation took place. If they ruled as they did because they thought no UI was present, then I disagree totally. An improper hesitation would imply that North wanted to do something, but didn't know what to do—so please do something partner. As to the pass being forcing, that statement has a self-serving aroma. It's not logical if partner only has a limit raise."

If the Director had ruled firmly that the Stop Card hadn't (or had) been used, would that have made a difference? Would it have overridden E/W's statement that they didn't think it had been used, or South's that she thought it had?

The (related) third and fourth points made by the Committee are indeed weak, as Ralph points out. Unless N/S could document that the pass of 4| was forcing, it makes little sense to believe that a limit raise opposite a (possibly) light opening bid would justify a force which could put them at the five level. However, if there were documentation that the pass was forcing, then I'd agree that it would make any hesitation moot. As for the UI from a hesitation, I agree with Ralph that if the pass is not forcing it demonstrably suggests a desire for South to "do something."

Also picking up on the Committee's statement that "the slow pass conveyed no specific message" are...

**Martel:** "The Committee is wrong that the "slow pass conveyed no clear message." If the pass was non-forcing (or not clearly defined, as was likely), a quick pass shows a poor weak notrump (say | Qx ! Kxxx " KJxx É Kxx) where 5" goes for 800 and 4| for 790. Thus, without some evidence that the pass was forcing, pass

by South should be a LA.”

That’s all true—provided that there was a break in tempo. But the Committee thought not.

**Patrias:** “North’s slight but noticeable break in tempo does not reveal anything to South? Perhaps, but it might serve to push an indecisive partner into action. This one seems to me to be a closer call than the Committee seemed to think.”

Other panelists find the “slow” pass uninformative.

**Rigal:** “I think both Director and Committee got this right. There were enough reasons to let the score be put back to 5”. The key issue about the slow pass not pointing in a specific direction is a fair one, I believe.”

**Weinstein:** “No Stop Card, questionable huddle, probable forcing pass, no demonstrably suggested LA. How many reasons do we need to leave a table result alone. This goes past ‘if it huddles, shoot it,’ to ‘just shoot it.’ Directors, even operating under the premise that the offenders get ruled against if it’s close, went overboard on this one. As part of the initial ruling, a determination regarding the Stop Card should be made and, if it was not used, the preponderance of evidence must now clearly demonstrate that a huddle did occur. As to the Committee’s final question, no it is not Alertable. Doing so would create much more UI than any problems it would solve.”

Howard makes two excellent points. First, in the absence of the use of the Stop Card the standard of judgment should be a “preponderance of the evidence.” (Often, if this exists, it will come from the alleged hesitator’s hand.) Second, as Bart mentioned above, having forcing passes Alertable would be a disaster. On the other hand, I would not characterize the alleged forcing pass as “probable.” If this was the peg on which I had to hang my decision in this case, my vote would go against allowing South’s action. And as for Howard’s claim of “no demonstrably suggested LA,” well, I think we’ve deep-sixed that argument adequately already.

We’re down to an original and a wanna-be. Pretenders first.

**Rosenberg:** “I’ll try to answer this in the style of one, R.G. ‘Four arguments were noted for not returning the contract to 5” doubled. First, a hesitation has been established: When the hesitating pair admits it probably took longer than 10 seconds, you can bet that’s a very different table action than would have occurred with a hand that had no problem. Second, the failure to use the Stop Card (which was anyway not established) would in no way mitigate the severity of any established hesitation. Third, N/S’s stated ‘agreement’ that pass was forcing would only be relevant to a Committee that prefers to pump their own gas and likes to eat in a buffet-style restaurant without waiters. And fourth, and most importantly, the slow pass conveyed a specific message. Had South held a singleton spade, this would have been unclear, but with a doubleton it is dollars to doughnuts that partner was thinking of bidding.”

“Alright, so I’m no R.G. But I do think this case was nowhere near as clear as the Committee made out. Incidentally, I think a forcing pass must be Alerted, except in very obvious situations.”

As I read the appropriate section of the write-up, N/S did not admit that the pause over 4<sup>l</sup> was longer than 10 seconds. They claimed that the pause over 4<sup>l</sup> was not excessive, even if it “technically” *might* have been slightly longer than 10 seconds. To me, this means that North thinks the time he spent thinking was pretty close to 10 seconds. If I had been North, I would not be aware of precisely how long my call took. (When you’re thinking, time is distorted.) If West had used the Stop Card there would be better cues to the time taken since removal of the Stop Card

breaks up the interval into two segments, providing extra reference points.

As for forcing passes being Alertable—they aren’t. But before we ask to see them Alertable, I think we should very carefully consider the implications of such a change. The Conventions and Competition Committee is currently reviewing the entire Alert procedure for a new “Millennium Edition.” A letter from Michael stating why such a change is desirable would, I am certain, be given due consideration.

Michael also asked (in a private note) if it is true that use of the Stop Card is basically an irrelevant courtesy. As David Stevenson also commented on this issue, I’ll summarize the League’s position. Use of the Stop Card is optional. We don’t want players to be subject to penalty for not using it but we do want to encourage its use. The Stop Card is basically treated as a reminder to the next player of his obligation to pause an for an appropriate time (about 10 seconds) before calling. This obligation exists regardless of whether the Stop Card has been used or not. In situations where the timing of the next player’s call is disputed, *and there is no clear evidence either way*, non-use of the Stop Card is supposed to prejudice the ruling against the non-users. Finally, if a player uses the Stop Card he is expected to use it in all Skip Bid situations and not selectively, such as only for weak jumps but not for strong jumps (such as 2NT openings).

All in all, Michael’s R.G. imitation was not bad. Now let’s see how close he really came. (In the following I believe Ron intended the term “Commentator” to refer to the non-voting Committee chairman and scribe—not to your Editor.)

**Gerard:** “That’s bridge, Mr. and Ms., as in Brooklyn.

“The Commentator noted four arguments for returning the contract to 4<sup>l</sup> undoubled. First, ‘unmistakable’ does not mean excessive. Unmistakably noticeable is unmistakable. Everybody noticed it. If it took, say, 12 seconds, that was at least 50% and perhaps 100% longer than the commonly accepted standard (see CASE EIGHT). With or without the Stop Card, the length of the hesitation in Bramleyesque terms was 4 or 6 seconds, plenty enough to be unmistakable. Second, South’s 5” bid indicated that there was a hesitation. South did not have her bid, absent the unjustified evaluation of her hand as better than a limit raise. Of course it all may have been a coincidence, much like O.J.’s Bruno Maglis. Third, N/S’s alleged agreement about a forcing pass meant that there was no problem in doubting the accuracy of any of the Committee’s statements. If a not just self-serving but blatantly contrived explanation has no bearing on N/S’s credibility, how can the Committee not be accused of having an agenda? A ‘forcing’ pass would be a shock to my 7-year old grandchild if he played bridge. Maybe N/S meant to say ‘forcing on better than a limit raise,’ but you can’t get away with that even today. I don’t usually agree with much of Bergonomics, but I’d be surprised if he didn’t side with my grandson on this one.

“And fourth, and most importantly, the slow pass conveyed the same specific message that it always does: extras here, pard. Have you ever seen a slow pass that could have been a double? When you hold two little and the high cards make it clear that West has distribution? Are you getting as sick as I am of this ‘could have been contemplating a double’ blather? Slow pass suggested 5” when the Law 16 standard was ‘reasonably,’ it does now that the standard is ‘demonstrably’ and it will when the standard is changed to ‘unmistakably.’ Wasn’t anyone on this Committee a candidate for the real world?

“The Commentator raised two further issues directly germane to the case that clearly the Screening Director and the Committee could not answer. The first was whether 4<sup>l</sup> was unusually fast, which would have been the only point in the Committee’s favor (see CASE TWENTY). The subject of the second could be The Dog That Didn’t Bark in the Night. The Incredible Forcing Pass would have required an Alert. Forget about an unusual message, it would have been a convention not on the order of Stayman or takeout doubles. Look at CASE SIX, the Unbelievable Forcing Pass. Although we chose to focus on other things, you’ll note from our write-up that we firmly agreed that an Alert was required. I guess the

Screening Director was telling us he didn't know the laws. And if the Committee didn't think that a Forcing Pass was an unusual message, how about a set game when you're free? I'll play with my grandson."

The forcing pass and UI issues are only relevant once we decide there was a hesitation. Until then, they're red herrings. For what it's worth, if I were convinced there was an unmistakable hesitation I would be the first to reject South's 5" bid.

Putting those issues aside, I still do not accept Ron's assertion that, because it is common practice to pause at most 6 seconds when a Stop Card is used, players should be allowed at most 6 seconds of thought before they are judged to be running "overtime." Ten seconds means 10 seconds, regardless of what some (or even many) players distort that to mean in common practice. Next, North's hand has at best modest values and a useful stiff spade (the worse-than-useless queen). I do not see convincing evidence in those cards that North took more than a literal 10 seconds or so to make his call. Had West's bid not been a jump (say he had bid only 2 $\heartsuit$ ) and had North allegedly thought in that auction, I would agree that he probably took more than the normal 2-5 seconds to pass and therefore there was probably a break in tempo. But giving North the 10 seconds or so of leeway that he is entitled to, and with West unwilling to take the simple precaution of following the recommended procedure of using the Stop Card (but still wishing to make a deal out of a "slight but noticeable" break in tempo), I have no sympathy for either E/W's Director call or their appeal. If you want to play a "Who Will Blink First" game, then you'd better wipe the soot from your own eyes before the game begins.

Forcing passes (including the Incredible Forcing Pass) are not Alertable unless, as I said earlier, they are used in situations where the opponents would not dream that a pass might be forcing or unless they convey very specific and unexpected information. Would the average E/W pair be unaware that a pass might be forcing in this auction? Would they be unaware that North opened the bidding, that South had at least invitational high-card values (since other bids showed other types of raises) and that N/S might presume that the hand belonged to them? Was there some specific, unexpected information that the pass conveyed that we weren't told about? While I wouldn't adopt N/S's agreement about this pass in my own partnership (what with shaded openings and even more shaded minor-suit invitations after takeout doubles), I don't see their agreement as totally unexpected. As for the "Unbelievable Forcing Pass" from CASE SIX, I agree it was Alertable—but only because it promised short hearts (very specific and unexpected information, useful to the opponents in a competitive auction) and *not* merely because it was forcing.

## CASE SIXTEEN

**Subject (Tempo):** Five-Five, Come Alive!

**Event:** NABC IMP Pairs, 29 July 99, Second Final Session

Bd: 7	Todd Wolford		
Dlr: South	!	Q9	
Vul: Both	!	10832	
	"	J52	
	Ê	10862	
Ed Lewis			Jim Murphy
!	108743		!
!	Q		!
"	AQ743		"
Ê	J3		Ê
		Jennifer-Jo Hartsman	
		!	652
		!	A765
		"	986
		Ê	Q97

  

West	North	East	South
Pass	Pass	2 $\heartsuit$	Pass
2"	Pass	2NT(1)	Pass
3! $\heartsuit$ (2)	Pass	3 $\heartsuit$	Pass
4"	Pass	4 $\heartsuit$ (3)	Pass
5 $\heartsuit$	Pass	6 $\heartsuit$	All Pass

(1) 22+-24 HCP  
(2) Transfer  
(3) Disputed break in tempo

**The Facts:** 6 $\heartsuit$  made six, plus 1430 for E/W. The Director was called at the end of the auction. N/S claimed that there had been a clear (10-12 second) break in tempo before East's 4 $\heartsuit$  bid, compared to the other calls in the auction. E/W claimed that East had taken about 4 seconds to make the call, which was within East's normal tempo. The Director changed the contract to 4 $\heartsuit$  made six, plus 680 for E/W (Laws 85B, 73F1 and 12C2).

**The Appeal:** E/W appealed the Director's ruling. E/W had no system of breaking a transfer; 4 $\heartsuit$  was the only obvious one over 3! $\heartsuit$ . Other possible actions by West at his fourth turn would have been 4 $\heartsuit$ , Gerber, or 4 $\heartsuit$ , natural. Over 4" $\heartsuit$ , East could have cue-bid 4 $\heartsuit$  or 5 $\heartsuit$ , while 4 $\heartsuit$  was natural and implied three-card spade support. West said that his high-card strength made one slam try mandatory and that he had chosen 5 $\heartsuit$  to focus East on

the spade quality.

**The Committee Decision:** The 10-12 second pause alleged by both North and South seemed to the Committee to be prima facie evidence of a lengthy pause and thus a break in tempo. The slow 4 $\heartsuit$  bid pointed in the direction of action for West. The crucial issue was whether there was a LA for him. Here, passing seemed too cautious to be a LA; either 5" or 5 $\heartsuit$  seemed indicated. The Committee allowed the table result of 6 $\heartsuit$  made six, plus 1430 for E/W, to stand.

**DIC of Event:** Henry Cukoff

**Committee:** Barry Rigal (chair, non-voting), Phil Brady, Harvey Brody, Dick Budd, Abby Heitner, Dave Treadwell

**Directors' Ruling:** 77.7

**Committee's Decision:** 74.9

Strong three-card support, a ruffing value, high-cards all in working tenaces and controls (albeit minimum), a clear liking for spades but no! A to cue-bid; East had a decision to make over 4" $\heartsuit$  and much to consider, so it strikes me, as it did the Director and Committee, as very likely that there was a pause over 4" $\heartsuit$ . If this pause was noticeably longer than is normal in this situation, then there is no question in my mind that it would suggest further action by West. Given all this, the decision of whether to allow West to continue over 4 $\heartsuit$  is sufficiently complex and difficult a bridge issue that I believe the ruling at the table was very clearly the correct one. But as we've seen in the past, these decisions have been muffed too often. Thus, we



must give credit where credit is due: good ruling by the Directing staff.

Next, we must consider the more difficult questions. First, did East's pause of between 4 and 12 seconds constitute a break in tempo? Several panelists say "No."

**Bramley:** "A 10-second huddle by East over 4" seems automatic to me regardless of how clear his bid is. A quicker bid would transmit UI; a pause for thought is obligatory. Furthermore, West's continuation over 4 $\heartsuit$  is clear opposite 22-24 HCP balanced with three-card support. If the Director had ruled properly for E/W and N/S had persisted with an appeal, I would have given an AWMPP."

Even the Directors can't cut a break here. Let's get real. Regardless of how appropriate and normal we believe it is for East to give some thought to his action over 4", 10 seconds is close enough to the threshold for suggesting an unusual problem for the Directors to have ruled as they did. So calling their decision into question is a bit much, even for the most fervent DTO opponent—who we'll hear from shortly (and when we'll return to the issue of West's continuation over 4 $\heartsuit$ ).

**Bethe:** "Two in a row. West has a five-five 9-count facing a 22-24 HCP balanced hand. He ain't going to pass and any bid lets opener bid the slam. Unlucky for N/S that it makes. I'm not sure that I would have found a clear tempo break—nothing about East's hand suggests that there would be a problem over West's 4"."

Are you and I looking at the same hand? It's the East hand on the *right*.

**Brissman:** "The decision was fine. But I submit that in this auction a slow 4 $\heartsuit$  bid conveys no different information than a fast 4 $\heartsuit$  bid, and that West was thus not constrained in his choice of calls."

Accepting the Committee's interpretation of the tempo.

**Polisner:** "An okay decision on close facts. Apparently the Committee chose to believe N/S's estimate of the length of the hesitation without explanation. Since 4 $\heartsuit$  merely conveys that East has three-card support, East is otherwise minimum, albeit with prime cards in partner's suits. However, 22+ count hands do tend to have such attributes."

**Stevenson:** "The only worries with this decision are that, first, the Committee seems to have considered the evidence from N/S without mentioning the critical evidence of the table Director, absolutely vital in disputed tempo break cases, and, second, what does East bid without three spades?"

The table Director's evidence is in the Facts section of the write-up, which is taken directly from the appeal form, which the Committee members had copies of during the hearing. Our procedure differs from that of the WBF where, in addition to the information on the appeal form, the TD (usually) also presents the case at the hearing. Oh, and without three spades East bids 4NT—to play.

Begrudging votes of "confidence" in the Committee's decision come from...

**R. Cohen:** "I would have to ask a lot of questions of E/W, the answers to which are not in the write-up. Was 4" a slam try or an attempt to find the best game? Why not 4NT over 4 $\heartsuit$  to check for controls and the trump queen? I can't argue with the Committee's decision, since they heard the testimony; however, I'm unhappy about it. I sat North on this deal and E/W only got to 5 $\heartsuit$ . Oh yes, they bid in tempo until East finally passed 5 $\heartsuit$ ."

Don't be bitter, Ralph. Besides, this isn't the personal gripe department.

**Patrias:** "I don't like this one. Why 5 $\heartsuit$ ? Partner could have ace-jack tight. The fact

that West bid 5 $\heartsuit$  rather than 5" indicates to me that the message included in the break in tempo was well-received. I agree that West must do something and I agree that all roads lead to 6 $\heartsuit$ , but I think some wrists should have been slapped."

I don't think East can (normally) hold only two spades on this auction; with a doubleton spade East would bid 4NT to play. Also, I'm not certain how to slap any wrists, here: "We think that bidding on is clear with the West hand and that E/W would have arrived in 6 $\heartsuit$  regardless of what action West chose, but we don't like his 5 $\heartsuit$  call so we're going to punish him for it." No, if you accept that West must do something, then you must also accept whatever action West chooses.

And now, the famous DTO opponent we've all been waiting for.

**Gerard:** "Good move, Barry, in both of these cases. But now you've got to fess up: What say you? Remember, I keep score."

"AARGH, I'm going to burst an aneurysm. These folks don't get it. All that's missing is, 'He could have been contemplating signing off in 4NT.' When will they ever learn?"

"4 $\heartsuit$  was a signoff, denying a good hand for slam. West could expect to be off any combination of the! A, some trump honors, the K, the E A and a round-suit king. Opposite that, slam doesn't fetch. West's hand is not substantially different than 108xxx! x" A Qxxx E xx, which hardly makes a slam try mandatory. In fact, given that West had already come alive (doesn't a natural 4" show five-five?) it was now time for him to drop dead. 4 $\heartsuit$  was the kind of bid I used to make in my college days, when retaining your partner wasn't that big a deal."

"I know what's going on here. It's warped logic, just like in CASE FOUR from Vancouver. Quoth the Committee: 'Bidding on is only wrong when we go down in five; otherwise, we win or break even.' Incorrectamento. Bidding on is only right when you reach and make six; otherwise, you break even or you lose. You lose by going down in five or six and opposite a reliable partner there is zero chance of making a slam. However, opposite a hesitation the odds have shifted almost 100%. You've gone from no upside to almost no downside. This would be laughable if it weren't so sad. But I can't say I'm shocked. I've seen this Committee's act before."

"C'mon, Barry, where do you stand?"

**Rigal:** "Appropriate decision by the Director. I suppose the question of whether the pass is a LA or not might not be unanimous. I did not cast a vote here but I would have agreed (barely) with the Committee had I been asked."

Barry duly assumes his share of Ron's disdain—along with the other members of this Committee.

I guess it's time for me to come out of the closet and explain where I stand on this one. Let's start by giving East a more-or-less typical hand that likes spades but has no interest in going any further—unless West can bid past game himself. How about 1 AQx! AKxx " Kx E KQJx, or 1 AKx! KJxx " KJ E AQJx, or 1 AKJ! KJxx " KJ E KQJx, or 1 AKx! AKJx " KJx E QJx? In the first case you're off a club and two possible trump tricks (if you play the trump suit correctly; if not, you could lose three trump tricks). In the second case you're off a heart trick, a possible club trick, and two possible trump tricks. In the third case you're off two top aces and a possible trump trick. All of these make the five level "unsafe at any speed," Mr. Nader. In the fourth case you're off two clubs and two possible trump tricks, making even game a bit of a gamble. So Ron is exactly right (to no one's surprise), "...opposite a reliable partner there is zero chance of making a slam. However, opposite a hesitation the odds have shifted almost 100%."

I can't say for certain that there *was* a break in tempo. East's hand would have rated a last-train 4 $\heartsuit$  bid from me (dense spades, an ideal diamond holding and good though uncertain red-suit controls—West's red suit holdings could be reversed), so I believe East paused before signing off in 4 $\heartsuit$ . Did he think long enough to indicate more than just normal consideration of his hand for play in spades versus diamonds

versus notrump? Or for game versus slam? Who knows? I fully agree with Bart that East is entitled to time to think and that taking that time is obligatory (though I don't know how to enforce this unless the opponents call the Director any time East bids a quick 4♠, which clearly doesn't happen very often), but I don't agree that 10 seconds is automatic. The bottom line for me here is that N/S called the Director and complained of a break in tempo before they saw the E/W hands or knew the result and West then bid on with a hand which clearly doesn't justify that action. East's hand supported West's aggression when it might have shown its values earlier. That trifecta just doesn't fly with me. I would have adjusted the score for both pairs to 4♠ made six, plus 480 for E/W.

Agreeing with Ron's and my analysis of the LA issue are...

**Martel:** "As in CASE TWELVE the Committee's reasoning is backwards on whether pass is a LA. Instead of the strength of the West hand, ask, "How can 6♠ be cold if East didn't bid 4♠?"

**Rosenberg:** "Again the Committee saw itself taking the winning action of bidding on over 4♠. But there was no safety for West, or even expectation of reaching the best contract. East should have found another bid with such a suitable hand."

After unreasonably calling West's 5♠ bid "reasonable," but then agreeing that pass was a LA, Howard raises some interesting questions.

**Weinstein:** "Tough case. Even if we assume a tempo break (does this East ever bid fast in tempo-sensitive situations?), West has a reasonable call and the slam isn't very good. Sorry Committee, but pass is a LA. It's the laws/system that gives N/S redress that is the problem. After E/W bid to a fairly normal, lucky slam, after questionable UI, I can't blame the Committee for looking for an angle to leave the table result alone—at least for N/S. Any remedies here Rich? Pick at least one from the following: more tolerance for tempo within a range appropriate to the bidding situation, asymmetrical adjustments, modified LA definitions, Goldmanish equity adjustments for non-offenders under 12C3 based upon quality of contract. Please do not take this as necessarily advocating all of the preceding."

If we assume East's tempo produced UI which suggested West's action, then West's call being "reasonable" isn't the appropriate criterion. West's call must be clear; it must have no LA. How reasonable the slam was or how lucky it was to make aren't relevant and should not be allowed to influence our decision. These extraneous considerations are fueling Howard's conflict. Several elements of this decision are questionable: Did East break tempo? If he did (and it suggested West's action), then was there a LA to West's action? Conflict about both of those issues are the real source of this dilemma.

In resolving the tempo issue, we must tolerate appropriate tempo variations for the auction. But we must also recognize that there is no practical way of finding out about East's tendencies in tempo-sensitive situations unless some members of the Committee know the player's tendencies first-hand. (Should we ask him whether he always pauses before bidding in tempo-sensitive situations and then claim his answer is self-serving?) In resolving the LA issue (which in this case is a non-issue to some of us) we must look to the judgment of bridge experts (even though they may exhibit differences) to place the decision on more objective, but nonetheless controversial, ground.

Nor would asymmetrical score adjustments solve this problem, since the basic issue of whether a score adjustment is warranted would remain. I'd love to see a better definition of LA, but I find that issue irrelevant to the present case. I'd also like to see 12C3 made legal under certain conditions, but again that's irrelevant to this case. And Goldman's idea of equity score adjustments based on the quality of the contract is misguided—and it still wouldn't solve this problem (since each side would simply get some "in-between" score based on no better resolution of the key

issues: "Was there a break in tempo?" and "Was there a LA to passing 4♠?").

CASE SEVENTEEN

**Subject (Tempo):** Points Schmoints!: A Dissenting View  
**Event:** NABC IMP Pairs, 29 July 99, Second Final Session

Bd: 7	David Better		
Dlr: South	Q9		
Vul: Both	! 10832		
	" J52		
	Ê 10862		
Jack Rhatigan		Bob Friz	
108743		AKJ	
! Q		! KJ94	
" AQ743		" K10	
Ê J3		Ê AK54	
	Daisy Goecker		
	652		
	! A765		
	" 986		
	Ê Q97		

  

West	North	East	South
Pass	Pass	2Ê	Pass
2! (1)	Pass	2NT(2)	Pass
3! (3)	Pass	3!	Pass
4"	Pass	4! (4)	Pass
5"	Pass	6!	All Pass

(1) Alerted; two controls (1 A or 2 K's)  
(2) 22+ HCP  
(3) Announced; transfer  
(4) Disputed break in tempo

**The Facts:** 6! made six, plus 1430 for E/W. The Director was called after East's 4! bid. N/S stated that 4! was noticeably slower than East's other calls. E/W disputed this. The Director changed the contract to 4! made six, plus 680 for E/W (Laws 85B, 73F1 and 12C2).

**The Appeal:** E/W appealed the Director's ruling and were the only players present for the hearing. E/W stated that the 4! bid took 7-8 seconds, which was not extreme in a delicate slam auction. E/W were a once-regular partnership (at their local club) who had moved apart and now played one NABC per year.

**The Committee Decision:** In the absence of the N/S pair the Committee was unable to establish that there had been a break in tempo. They also noted that even had a break in tempo been established, West's 5" call was justified (passing was not deemed to be a LA). The

Committee considered briefly whether West's having specified controls had turned the captaincy decision over to East. They decided that his queens allowed him to bid on, aided by the knowledge of his side's minimum HCP total. The Committee allowed the table result of 6! made six, plus 1430 for E/W, to stand.

**DIC of Event:** Henry Cukoff  
**Committee:** Barry Rigal (chair, non-voting), Phil Brady, Harvey Brody, Dick Budd, Abby Heitner, Dave Treadwell

**Directors' Ruling: 74.9**      **Committee's Decision: 77.7**

For the same reasons stated in the previous case, the table ruling was entirely appropriate. This time it seems even more likely that there was a break in tempo by East (the Director call was even sooner than in CASE SIXTEEN). In addition, West had already shown his controls and East knew from the 4" bid that West was likely to be five-five in the pointed suits. Thus, East's signoff in 4! here should have been even more likely to end the auction than it was in CASE SIXTEEN. And of course there is even more reason to find a pass by West over 4! to be a LA in the present case, being subject to all of the arguments that were presented in CASE SIXTEEN with the additional inference that West had already shown his controls and distribution. So once again the 6! bid cannot be permitted.

But has anything changed?

**Beth:** "Why should the Director find that there was a tempo break when it is disputed? What makes East huddle in this auction?"

The same thing as in the previous auction—the East cards (the ones on the right)!

**Bramley:** "Second verse, same as the first. While convenience is no doubt a factor in assigning nearly identical cases to the same Committee, justice would be better served by giving the two cases to different Committees. This would slightly increase the risk of one bad decision, but virtually eliminate the risk of two bad decisions."

That's a good point about assigning similar cases to different Committees. We've discussed it before, but somehow it never seems to get done. Speaking of which...

**Polisner:** "Same Committee as CASE SIXTEEN. It would seem unlikely that a different decision would have occurred."

**Stevenson:** "Since the Committee decided that pass was not an LA over 4! , it becomes moot whether there was a tempo break or not. However, the statement that the Committee was unable to establish whether there was a tempo break is unfortunate: the person best able to establish such things is the table Director. His evidence should be taken and very rarely overturned on matters of fact (unless he says he is unsure). Was the evidence of the table Director taken? Despite this, of course, N/S severely weakened their case about the existence of a tempo break by not being present."

The table Director was not there when the alleged break occurred, so how could his "evidence" be taken with any more weight than any other. The only thing he is more reliable (objective) about is what statements the players made at the table when he arrived, which is contained in his written report.

**R. Cohen:** [See Ralph's comment from CASE SIXTEEN, which he repeated verbatim.—*Ed.*]

**Brissman:** "I echo my comments from the last case."

**Patrias:** "Refer to CASE SIXTEEN."

At least some people have respect for trees.

**Gerard:** "I feel like the Flying Dutchman. Could I be forced to endure this hell forever? Monkeys have a better chance of typing Shakespeare.

"Seven-eight seconds is extreme for a signoff. It's a 'bad' hesitation, as all slow signoffs are. Falling back on the absence of the N/S pair was fatuity of the first order. Even if N/S claimed '15 seconds,' making the average 11, it was the same bad hesitation. And there was nothing delicate about the auction. West showed the general nature of his hand, East knew what the biggies were, he either had them or he didn't. High-card point totals don't do much for distributional hands, it's degree of fit and controls. Slam is nearly laydown on the right 14 count and has no play opposite some 23 counts, so I don't want to hear about your extra queens.

"I have only this to say to the Committee: If you thought my 7-year old was good, wait till my 6-year old learns the game. He's really bright."

**Rigal:** "Again the Director did the right thing and the Committee correctly applied the different standards the two authorities are supposed to bring to bear, to put back the table result."

**Rosenberg:** “This one is even worse, by the same Committee, since here West had already shown his controls and his partner had not promised a good 22 count.”

Precisely, Michael. This isn’t rocket science. You’d think that a panelist or two from the Dark Side would see the even more compelling evidence in this case.

**Weinstein:** “Instant replay (of the last case) is alive. The refs (Committee) have 90 seconds to review the on-field ruling. If the team asking for a review fails to have the Directors initial ruling reversed, it may cost the team one timeout.

“The failure of this N/S to appear at the Committee should result in a timeout to them. Please see the St. Louis (Fall, 1997) casebook for my tirade against ostensible non-offenders getting the table result overturned and then not appearing at the Committee with the fact situation relevant. Passing 4 $\frac{1}{2}$  is still a LA, but this time I agree with the Committee that the break in tempo couldn’t be established.”

Well, I stand corrected. One panelist did change—to the Dark Side!

Howard, Howard, Howard. When the non-appealing pair doesn’t show up for the hearing it doesn’t concede the case, or the allegation of the break in tempo, to the opponents. It only concedes the opponents their version of any facts *not yet in evidence* (stated to the Director at the table). N/S still maintain that East broke tempo. Sheesh!

## CASE EIGHTEEN

**Subject (Tempo):** When Will They Learn?

**Event:** Stratified Open Pairs, 30 Jul 99, First Session

Bd: 17	!	KJ7	
Dlr: North	!	7652	
Vul: None	"	1075	
	Ê	KJ8	
!	95		!
!	KQ1098		!
"	AJ63		"
Ê	Q7		Ê
	!	A103	
	!	AJ4	
	"	KQ8	
	Ê	A942	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	Pass	1Ê
1!	Pass	Pass	1NT
2"	Pass(1)	Pass	2NT
All Pass			
(1) Break in tempo			

**The Facts:** 2NT made three, plus 150 for N/S. The Director was called after the 2NT bid. Some break in tempo was agreed upon which was not excessive. The Director changed the contract to 2" down two, plus 100 for N/S (Laws 16A and 12C2).

**The Appeal:** N/S appealed the Director’s ruling. N/S agreed at the table to a short hesitation but South told the Panel that it was 1-2 seconds and didn’t constitute a break in tempo. North said she took a little longer than usual. South said they were a first-time partnership and he realized North might not understand his 1NT bid. E/W thought the break in tempo was noticeable, perhaps up to 5 seconds.

**The Panel Decision:** The Panel decided that there was an unmistakable hesitation before North’s pass of 2" which clearly suggested the 2NT bid, and that pass by South was a LA (Law 16A). Consultation with expert players confirmed that the offenders were likely to take seven tricks. The contract was changed to 2" down two, plus 100 for N/S. The appeal was judged to be without substantial merit and N/S were assessed an AWMPP.

**DIC of Event:** Bernard Gorkin

**Panel:** Olin Hubert (Reviewer), Charlie MacCracken, Matt Smith

**Players Consulted:** Stasha Cohen, George Mittleman, John Mohan

**Directors’ Ruling:** 96.1

**Panel’s Decision:** 94.6

Wouldn’t it be wonderful if 5-second pauses were not noticeable as hesitations—ever?! Alas, such is the stuff of which dreams are made. So here we are, back in the land of wasted time. If I’d chaired this Panel, I’d have looked N/S squarely in the eyes (all four of them) and said, “Do your mothers know what you’re doing?” On second thought, maybe I’d settle for giving them their AWMPPs.

At any rate, I’ll be surprised to find any panelist disagreeing with this decision.

**Bethe:** “South was obviously a good enough player to know that 1NT showed this hand. North equally obviously did not, since there was no direct raise nor any delayed raise. We cannot let a good player bid both hands.”

**Brissman:** “Good job by the Directors.”

**R. Cohen:** “In complete agreement.”

**Gerard:** “At last, respite from Larry, Curly, Moe, Shemp and their sister. This must be what John McCain felt like after the 5-1/2 years. I’ll bet that last group would

have found a way to screw this one up also.”

**Patrias:** “These Panel guys are hot.”

**Stevenson:** “Good ruling, good decision. South’s argument about North not realising the meaning of the bid is irrelevant; players should realise that in UI situations they are required to follow Law 73C.”

**Weinstein:** “Good decision including the AWMPP.”

**Polisner:** “Certainly not allowing the 2NT bid is clear; however, it is not clear to me that West would take six tricks in 2” .”

Picky, picky, picky. As long as the defense doesn’t find a trump switch early, West has a fair chance at six tricks. For example, the  $\heartsuit$  8 lead to the ace and a club continuation. West ruffs the third round and plays the  $\heartsuit$  K. South wins and leads the fourth club as West pitches a spade and North ruffs. Now the  $\heartsuit$  KJ and West ruffs, cashes the  $\heartsuit$  K, ruffs a heart, ruffs a spade, and then promotes himself a trump trick by ruffing a fourth heart with dummy’s  $\heartsuit$  9 as North helplessly follows suit.

I guess the following was to be expected.

**Rosenberg:** “Okay, except it looks as if N/S were inexperienced, and therefore should not have received an AWMPP.”

**Rigal:** “When will they ever learn indeed! If there really was a hesitation (and I am not sure that 5 seconds constitutes one) then South’s action is truly awful; but was there a hesitation of 5 seconds or a *bit* of 5 seconds—I suspect the former. I think the Panel determined that the 5-second pause was a break in tempo. I am surprised, but I will live with their decision; given, however, that this was marginal, is the AWMPP really appropriate? I suppose so, given the weakness of the N/S arguments.”

Now just a gull-darn minute here. An AWMPP isn’t \$50 and it doesn’t cost the culprits a single matchpoint or imp. I could (almost) see the above panelists’ point if we still used either of those means of expressing our displeasure with nuisance appeals like this. But an AWMPP is like a warning ticket from a traffic cop: If the bad behavior isn’t repeated, there’s absolutely no negative aftereffect from the experience. Get a grip, guys. What’s needed in these times of epidemic whining and easy ethics is some tough love. And this is the easiest form of it that I can imagine. Heck, it doesn’t even leave a pink mark on the victims’ behinds. As the man in the TV commercial for (Fram?) oil filters used to say, “You can pay me now, or you can pay me later.” That’s as true for making a tangible issue of meritless appeals as it is for stingy motorists.

## CASE NINETEEN

**Subject (Tempo):** A Coming Of Age Of Context-Sensitive Tempo?

**Event:** NABC Mixed BAM Teams, 31 Jul 99, First Final Session

Bd: 9	Dave Glen		
Dlr: North	875		
Vul: E/W	! A10853		
	" AK32		
	$\heartsuit$ 2		
Marti Malcolm		Chuck Malcolm	
---		AKJ9	
! QJ97		! 4	
" Q98765		" J	
$\heartsuit$ 1075		$\heartsuit$ AKQJ643	
	Joan Brooke		
	Q106432		
	! K62		
	" 104		
	$\heartsuit$ 98		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1!	Dbl	1!
Pass	2"	4 $\heartsuit$	Pass
Dbl	Dbl(1)	Pass	4!
	All Pass		
	(1) Break in tempo		

**The Facts:** 4! doubled went down two, plus 300 for E/W. The Director was called at the time of the agreed hesitation. The Director ruled that the UI demonstrably suggested bidding 4! and that pass was a LA. The contract was changed to 4 $\heartsuit$  doubled made five, plus 910 for E/W (Laws 16A2, 73F and 12C2).

**The Appeal:** N/S appealed the Director’s ruling. North said that he took about 10 seconds to double. When asked by a Committee member to simulate such a pause, he indeed paused for about 10 seconds. This was acknowledged by E/W to be about what they recalled. North claimed that this was not excessive. South stated that with a terrible defensive hand and undisclosed heart support she did

not think they could beat 4 $\heartsuit$  . N/S said that when the Director was at the table they had agreed to the “length of the huddle” but not that there had been a “break in tempo.” E/W said that they thought the huddle was significant and that pass was a LA for South. East had used the Stop Card before bidding 4 $\heartsuit$  .

**The Committee Decision:** The Committee judged that taking 10 seconds to make a bid within the context of an unusual, competitive auction did not constitute a damaging break in tempo. Therefore, consideration of LAs, etc., became irrelevant. The Committee allowed the table result of 4! doubled down two, plus 300 for E/W, to stand.

**DIC of Event:** Henry Cukoff

**Committee:** Bart Bramley (chair), Harvey Brody, Dick Budd, Jerry Gaer, Jim Linhart

**Directors’ Ruling: 83.6**

**Committee’s Decision: 64.6**

A long time ago in a galaxy far, far away... Bidding Wars Episode V: The Opener Strikes Back. In an auction strangely reminiscent of the present, North hits 4 $\heartsuit$  in proper tempo and South pulls to 4! . West hesitates for 10 seconds before taking the light saber to 4! and East escapes to the planet 5 $\heartsuit$  . North laser-blasts that, South launches a red suit (no matter; 5 $\heartsuit$  is cold in any case), and minus 750 later North calls table Director (Lando Calrissian) who, aided by Head Director Henry (Darth) Vader, adjusts the score to plus 300 for E/W. Fade to black. End.

Bidding Wars Episode VI: The Return of the Huddle. Back in the present, the auction is the one diagramed above and it’s North’s strike at 4 $\heartsuit$  that makes the Empire’s huddle-double evening news (with anchorman “Yoda” Cronkite). After a brief interlude with the table Director (this time Jabba the Hut) Head Director

Vader is again called in and adjusts the score to plus 910 for E/W. There's unrest in the outer planets. A small band of rebels led by North Skywalker and Princess South launches an assault on the Deathstar's Appeal Command Center. As they attack, the rebels' inspirational leader, Starfighter pilot Han Solo, is caught and freeze-dried by the Imperial Forces of the Dark Side. Fade to black. End.

Stay tuned for Bidding Wars Episode IV: A New Hope—coming soon to an NABC near you. Oh, and “May the Forcing Defense be with you.”

We've seen repeatedly that Skip Bids in competitive auctions cause problems. No matter whether the player immediately following the Skip Bidder or one of the other two players to follow pauses a few seconds before calling, trouble ensues. One possible solution that I have recommended before is to change the regulation so that whenever a Skip Bid is announced, a 10-second pause is required of *each of the other (three) players* on that round of the auction. Thus, when East jumped to 4 $\bar{E}$ , South, West and North would all have been required to pause for about 10 seconds and give the appearance of studying their hands before making their calls. This allows each player time to consider his action and those taken by each of the other players. Thus, North's 10-second double of 4 $\bar{E}$  would officially not be considered a break in tempo. Simple, clean and if any player bids quickly we hit him with a PP (not reciprocated to the opponents) to teach him the proper respect.

In the present case, the Committee judged that North's 10-second pause was not “a damaging break in tempo” in the context of the auction. Well, that would certainly be true if 10 seconds did not constitute a break in tempo at all. But if it did, then it seems likely that it would have been “damaging.” Right Ron?

**Gerard:** “Well, it certainly looks like N/S read these casebooks. A cynic (who, me?) would say they were sucking up to the chairman.

“I don't buy it. The Committee judged that there was no ‘damaging’ break in tempo. What? Does that mean there was no break in tempo or only no break in tempo the Committee thought guilty of passing UI? I suspect they meant the former but what they said was the latter. That doesn't wash. If there was a break in tempo it surely was damaging. And while we're at it, let's use the law's terms. Was double an unmistakable hesitation? Not a damaging unmistakable hesitation, not a hesitation that wasn't excessive, but one that was unmistakable. Yes, I'll go along with the idea that hesitations are relative; in fact, that is what Rigal and I argued was wrong with Colker's support of the Goldman position in Vancouver CASE FIFTEEN. If only the Committee had said, ‘Under the circumstances, 10 seconds was not an unmistakable hesitation,’ I suppose I could live with it. But I can't tell that from the write-up.

“Look, this isn't just wordsmithing. There's lots of sloppy thinking and writing out there and I happen to be one whose livelihood depends on thinking and writing clearly. (I await the inevitable Weinsteinian shot across the bow.) As I said, my guess is that this is just another example of slip of the tongue, or the pen, not slip of the mind. But knowing the chairman's devotion to saying exactly what he thinks, I don't know for sure what kind of sloppy this is. Sue me.

“So put away the champagne, Rich. The question mark in your subject heading is more appropriate than you think.”

I'll have you know that my question mark was carefully planned. As Inspector Clouseau said in *A Shot in the Dark* (as he picked himself up from the floor after having slid sideways off a couch), “Everything I do is carefully planned.”

Perhaps the “devoted” or “sucked-up-to” (take your pick) chairman can clarify this point.

**Bramley:** “If we had established a break in tempo, I would have leaned toward allowing the 4! bid for South's stated reasons. I did find it distasteful to reward either pair for their bidding prowess on this deal.”

So, according to Bart the Committee did not think that 10 seconds in the given

auction constituted a break in tempo; not that it was a break in tempo but just not a “damaging” one. So does anyone now believe that Ron is willing to live with the decision?

Next, let's check for “the inevitable Weinsteinian shot across the bow.”

**Weinstein:** “In theory the double is not a penalty double; rather, it should suggest a good hand. The question is, if North held 1 $\bar{x}$ ! Axxxx " Axxx  $\bar{E}$  KQJ might he have doubled in a quicker tempo? If the answer is yes, then there is UI, though the huddle may still not demonstrably suggest passing. If the huddle does suggest passing the question is whether passing the double is a LA. The Committee nicely avoided these tough questions by stating that the double was within proper tempo in the context of the bidding situation. I agree.”

Hmm, no “shot across the bow” there—unless Howard's agreement with the Committee that a 10-second hesitation (in context) was within proper tempo is too difficult a pill to swallow. How about it, David?

**Stevenson:** “This is an important principle. For a huddle to constitute a tempo break, it needs to be longer than the normal length of time. Thus, if it would be normal for a player to consider for 10 seconds before doubling in this auction, to do so is not a break in tempo; rather, it is the normal tempo.

“The Committee's decision is a good one given the premise that 10 seconds is normal tempo for this auction. It must be asked whether it is normal tempo: If so, a faster double would constitute a break in tempo, presumably indicating a hand unusually good for a double at this juncture. Compare CASE TWENTY.

“Having agreed with the principles, we now look at the actual sequence. I have my doubts as to whether it really is a 10 second situation and North's highly optimistic double confirms this.”

That sounds like support for Ron. Sorry, Howie, but let's see if we can drum up any more support for your position.

**Polisner:** “I agree with the Committee that 10 seconds does not constitute a “break in tempo” in this auction. Of course, we get the old problem about what South could have done if North had doubled in 2 seconds rather than 10.”

Well, here's a proposed solution to that “old problem.”

**Rosenberg:** “So I suppose if you switch North's 1 $\bar{x}$  875 and West's  $\bar{E}$  1075 and North doubled in 2 seconds (or less?) and South passed for down one (with 4! down two or three), that E/W could call the Director and make South take out the double. While it is reasonable and perhaps correct for South to bid 4! , there is something very weird about North's double and that should not go unnoticed as it was by the Committee (at least in the write-up). Could it be that North ‘knew’ that South was considering *some* action over 4 $\bar{E}$  and his slow double asked for clarification? Maybe I'm too cynical, or maybe I can't stand to let North profit with that weird double (or maybe both). At any rate, I disagree that a 10-second huddle in this auction is not a damaging break in tempo; it represents clear UI.”

Let's examine that UI more closely. East made a takeout double of 1! and then, after hearing his LHO make a forcing bid in one of the suits he'd announced, jumped to the four level—at BAM, at unfavorable vulnerability. Either East was auditioning for the pilot's seat of a WWII Zero or North's double was meant for takeout. Knowing East (and even if I didn't), I'd bet on the latter.

And what about the slowness of the double? Typically, slow penalty doubles suggest pulling while slow takeout doubles suggest passing. But then South's pull is the opposite of what North's slow (takeout) double suggests. On the other hand, if the double was penalty, then South's pull was indeed suggested by the hesitation.

Like Howard, Jeff and the Committee, I'm not convinced that 10 seconds is out of tempo for this auction. I'm also not sure just what North's hesitation implies or whether it is clearly for penalty (as most of the panelists believe) or for takeout (as East's actions suggest). Even looking at his hand I'm not sure how he intended it. Did anyone ask about N/S's methods here? What should we make of North's failure to raise spades, his bid of a non-forcing 2" and his failure to rebid 4" ? Is he five-five with too much defense not to double? Does he have a club void, wish the double to be taken out, and fear that South will pass? Does he have too many clubs and fear South will pull the double with weakness and a club void, thus turning a healthy plus score into a minus?

The bottom line, given the vulnerability, East's bidding and South's hand is that I must agree with Bart that pulling the double is clear. I would also like to be able to say that 10 seconds is not out of tempo in this auction, but in practice I think it probably is. That's a good reason for changing the Skip Bid procedure to make it apply to all three players following a jump.

The remaining panelists all dislike the Committee allowing the 4! bid. Let's see what they have to say.

**Beth:** "I would like to know what South's tempo was over 4 $\heartsuit$  (and whether West paused before passing). South's pause gives North time to think and to prepare for an in-tempo action. By the time the auction comes around to North, he should be prepared for Pass-Pass and not have to begin to think at that point. North's hand speaks for the fact that there was a break in tempo: He has a minimum opening bid with no reason to think he can beat 5 $\heartsuit$  let alone 4 $\heartsuit$ . I would also like to know N/S's agreements here: What is double supposed to mean? Whatever it means, it is unlikely that the agreement is that it shows a 3-5-4-1 minimum opening bid. I believe that the Committee was negligent in its consideration of this case and in considering the internal evidence that there was almost certainly a pregnant and not a sterile pause."

**Rigal:** "I do not like the Committee decision here. Remember, North had South's 10 seconds plus whatever time West took to pass 4 $\heartsuit$ . (Well, I could not have passed 4 $\heartsuit$  in tempo as West. Could you?) So the real break was much longer than usual because North had all that extra time. On that basis, his double was slow and from South's perspective at BAM plus 200 or 500 was likely to be a winning board since 4! was very unlikely to make if partner had the 1-5-4-3 you'd expect. I agree with the Director's adjustment."

**Brissman:** "I disagree. The time spent in contemplation by North negated the possibility of a 'gotcha' double and that information made a pull to 4! more attractive. And since South apparently paused appropriately after the Stop warning, North had 10-15 seconds to consider the possibilities before it was his turn to call."

The combination of East's bidding and the club length necessary for North to have a "gotcha" double would both argue against that possibility—not the slow tempo (at least not unambiguously). North could hardly think South would pass if East has enough clubs to jump to the four level at unfavorable and he has a trump stack unless the double was unambiguously defined as penalty—unlikely!

**R. Cohen:** "Sorry, can't agree with the Committee. Exchange the three spades in North's hand for the three clubs in the West hand and a double at BAM is right on. There is certainly UI on this deal."

**Martel:** "To say that "9-10 seconds" is not a break in tempo is giving North a license to steal. With say  $\heartsuit$  ---! Axxxx " Axxx  $\heartsuit$  QJ10x he doubles in 2 seconds but with a stiff club he takes 9-10 seconds. If North had four sure defensive tricks (quite possible) it wouldn't take very long to double."

Would North double promptly with either Ralph's or Chip's hand? I'd fear South running to 4! or worse, 4! .

**Patrias:** "Is this the new standard for hesitations? I disagree with the decision of this Committee."

**Treadwell:** "South should clearly have bid 2! at her first turn, based on the principle that a hand which is worth but one bid should support partner's major rather than introduce another suit—particularly a suit in which an opponent has shown a good holding, as indicated by the takeout double. South, now, was placed in a difficult position after partner's slow double of 4 $\heartsuit$ . However, suppose partner's club and spade holdings had been reversed with the new fragments coming from or winding up in the West hand—a not at all unlikely possibility. Now 4 $\heartsuit$  will be set and 4! may go down three tricks. The slow double by North reduces the chances of this eventuality and, thus, makes the pull of the double sufficiently more attractive that I would not have allowed it."

Why should South bid 2! ? I don't know where Dave would like to play the hand opposite  $\heartsuit$  AJx! Qxxxx " AKQx  $\heartsuit$  x, but I'd prefer 4! to even 3! . All takeout doubles of 1! don't promise good spades or even four of them and even if we grant Dave's criticism of South's bidding, I'm not sure I see the relevance of it to the problem at hand. We're certainly not here to teach South our version of good bidding or to punish her for bidding poorly before the tempo problem.

This was a difficult case. I think the Directors made the right ruling at the table to adjust the score but I also think the Committee did the right thing by changing the contract back. However, the majority of the panel, by a margin of about two-to-one, disagree with those who share my view—even if we count Ron among our number (which I question).

Perhaps there is no one "correct" decision for this case or perhaps we were not provided enough information to allow us to reach a consensus. Readers are invited to send their views on this case to the Editor (rcolker@worldnet.att.net or c/o ACBL in Memphis). Please, share your arguments, law references and the like (after all, we're not just interested in running a "popularity contest"). If we receive enough input we may revisit this decision in a future Closing Comments section.

## CASE TWENTY

**Subject (Tempo):** When A “Huddle” Is Not A Huddle  
**Event:** NABC Mixed BAM Teams, 31 July 99, First Final Session

Bd: 20	George Steiner		
Dlr: West	! KQ9862		
Vul: Both	! 10976		
	" Q		
	É K2		
Kerri Sanborn	George Rosenkranz		
43	A7		
! AKJ542	! Q83		
" K7	" 108652		
É A104	É Q83		
	Carlyn Steiner		
	J105		
	! ---		
	" AJ943		
	É J9765		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1!	1!	2!	2!
3É	3!	4!	Pass(1)
Pass	4!	Pass	Pass
Dbl	All Pass		
(1) Break in tempo			

**The Facts:** 4! doubled made four, plus 790 for N/S. The Director was called after the 4! bid and everyone agreed there had been a break in tempo by South over 4!. The Director ruled that South’s break in tempo suggested that bidding 4! would be more successful than defending 4!. The Director changed the contract to 4! made four, plus 620 for E/W (Laws 16A and 12C2).

**The Appeal:** N/S appealed the Director’s ruling. North stated that he was in control of the hand and was always going to bid 4! if E/W went on to 4! after his 3! bid. All parties agreed that there was a break in tempo; South took 3-5 seconds after the 4! bid to pass. N/S stated that the 4! bid was made unusually fast. E/W did not dispute that statement.

**The Committee Decision:** The Committee decided that there had been a break in tempo by South but that pass was not a LA for North. The table result of 4! doubled made four, plus 790 for N/S, was allowed to stand.

**Concurring Opinion (Bob Gookin):** I agree with the decision of the Committee but for another reason. I believe that a pass of 4! by North would have been a LA if there had been a clear hesitation by South. However, 3-5 seconds was not a clear hesitation and North was free to bid as he wished.

**DIC of Event:** Henry Cukoff

**Committee:** Ed Lazarus (chair), Mark Bartusek, Bob Gookin, Abby Heitner, Corinne Kirkham

**Directors’ Ruling: 78.5**

**Committee’s Decision: 72.8**

The dissenter was correct in claiming that pass was a LA for North. However, I disagree with him that the 3-5 seconds that everyone at the table saw as a clear break in tempo somehow was not. In general, I strongly support the idea that 3-5 seconds to make a call in a highly competitive auction like this one should not be considered out of tempo. But when the players all agree that a break occurred, I see no reason to claim that it didn’t. What irks me most is that players make easy calls with such alacrity and obvious lack of concern that a 3-5 second pause stands out as noticeable; but that is one of the realities of modern life at the bridge table.

But while I agree with the majority that there was a break in tempo, I think the correct score adjustment was the one made at the table (4! made four, plus 620 for E/W) since North is most likely to lead the ! K against 4!. If someone could make a compelling case for the " Q lead, I’d also consider assigning minus 100 to E/W.

Let’s start this one off with the big guy.

**Gerard:** “Very difficult, in fact one of the more challenging cases I’ve seen. I know North pretty well, and it is fair to say that not only did he believe himself in control of this hand but also of most hands at his table. And yes, he was likely always going to bid 4!. Of course, it don’t make no nevermind; we can’t go rewriting the laws to deal with specific situations. If we did, we’d need a Steiner exception, a Bergen exception, about fifteen Meckwell exceptions, etc. Even 12C3 doesn’t extend equity this far. Even Rubens admits that his argument for equity-based adjustments doesn’t apply to what he calls ‘informational’ situations. Clearly the concurer was right that pass was a LA in the face of a clear hesitation (you got that, Bart?)

“So the majority was way off base. Given a clear hesitation, the result should have been N/S minus 620, E/W minus 100. It wasn’t conceivable for pass not to be a LA just because North said he would never do it. And as to the hesitation, all four players and four out of five Committee members agreed that there was one. N/S admitted it even though everyone also agreed that 4! was unusually fast.

“But that last is the point, isn’t it? 4! was out of tempo, so South was entitled to some time to think without putting on the floy floy. Using the Brad Moss screen analogy, she was entitled to even out the tempo to what was normal in the abstract. It didn’t matter that N/S didn’t make this argument, the necessary facts were before the Committee. It’s not for the players to reach legal conclusions, such as that there was a Law 16 hesitation. I know South is a lawyer who could be expected to deny that conclusion if she thought about the consequence of an unusually fast 4! bid. Whatever. Maybe she didn’t want to incur Mr. Weinstein’s wrath.

“So the concurer was right after all, except that his statement was too broad. In some circumstances a 3-5 second hesitation can be unmistakable. Here, in the face of the table action, it wasn’t.

“One lesson of this case is that self-serving statements are always irrelevant, even if you’re convinced of their truthfulness. Another is that it is important for the players to stick to the facts and let the Committee or Panel deal in the laws. Another is that it is the Committee’s or Panel’s job to make each side’s best arguments for them based on the facts presented. That way, admissions against interest are treated as just as irrelevant as self-serving statements, bridge lawyering is not rewarded and failure to engage in bridge lawyering is not punished. And finally, the lesson is to play a double of 2! to show a sound raise to 2!. Then South wouldn’t need even 3 seconds to pass 4!.”

Ron’s assertion that South was entitled to even out the tempo is a dangerous concept which I see no reason for applying to non-screen situations. The case from the 1998 World Championships in Lille (*Looped in Chicago*, CASE TWENTY-EIGHT) Ron cites demonstrated the need to even out an opponent’s quick action *behind a screen* by delaying one’s call (or holding up the tray) to restore even tempo. But that’s dangerous practice without screens. Admitting such tactics would soon find us swamped with players claiming “I was evening out my RHO’s quick call” after every hesitation. When an opponent makes a quick call which places the next player at risk of appearing to break tempo when he gives normal consideration to his next call, it is appropriate to summon the Director (or at least get agreement about the quick call from the opponents). But claiming after the fact that he had extra time coming to him because his RHO had called too quickly creates yet another source of conflict that we are ill-prepared to handle.

If the Committee believed that the time South took was not out of tempo *given East’s quick 4! bid* (How quick could it have been? Doesn’t it take a few seconds for East to get any call out of his bid box?), then I’d be more than willing to accept the decision that there was no break in tempo. But when a complaint is made about a break in tempo and all four players agree that there was one, then to ignore it goes beyond “compensation” to something akin to “tempo nullification”—a la O.J.

So we can add to Ron’s list of lessons that 3-5 seconds to make a call would not be a noticeable hesitation if South (and all of us) took a good 3-5 seconds for



every call, no matter how clear, and used the added time to give the appearance of studying our hand for our coming action. Now that would be a really useful lesson!

The following panelist makes the best arguments for what should have been this Committee's decision.

**Bramley:** "Astonishingly poor decision. The members of this Committee should attend remedial dog-walking school with the members of the Committee from CASE TWELVE (the duplicate member can go twice). Why is 4♠ automatic for North? He has two short suits with honors that may be more useful on defense, a potentially annoying four-card trump holding, a possible spade trick, and a bidding partner. Isn't that enough to try to beat 4♠? Or is North bidding 4♠ to make? That's a stretch, despite the result on this deal. To make 4♠ North will usually need a perfect catch combined with friendly defense. Note that the 'book' lead of a trump defeats 4♠ here. Did the 4♠ bid make the heart void in South significantly more likely than before? No, but South's huddle did. In short, pass was not only a LA for North, but the percentage action.

"Now let's back up to the question, raised in the concurring opinion, of whether a break in tempo occurred. I believe that 'The Appeal' obscures the issue (again!) by stating that 'all parties agreed [to] a break in tempo.' More likely, they agreed that South took 3-5 seconds to pass. The concurring apparently believes (his wording is poor) that 3-5 seconds did not constitute a break in tempo. If so, his conclusion was automatic. But he's obviously confused about how to determine LA's. It's easy. LA's are determined by the player's hand and the auction, *not* by any extraneous information that may have become available. If pass was a LA for North on this auction, then South's histrionics, or lack thereof, cannot change that fact. What they *can* change is North's freedom to *choose* among his LA's.

"Because (1) the rest of the Committee (and possibly the players) believed that a break in tempo did occur, and (2) the break in tempo "demonstrably suggested" bidding 4♠, and (3) pass was a LA for North, then the contract should have been changed to 4♠. For E/W, the result should be 4♠ down one, minus 100, by far the most likely result. For N/S, the result is less clear, as a perfect line after the favorable lead of the ♠K (draw trumps, lead a club toward the queen, later lead a diamond toward the king) will land the contract. I judge the winning line to be sufficiently improbable, i.e., not 'at all probable,' that I would give N/S the same result, 4♠ down one, plus 100."

I'd back everything Bart says if I agreed that down one in 4♠ was more likely than making four. But I judge the result to be totally dependent on North's choice of opening lead and I make the ♠K and ♠Q a close choice (I'm not sure which is more likely). So the most unfavorable (the ♠K) should be assigned to the offenders (N/S). Bart's choice requires that the ♠Q be an overwhelming favorite.

The panel cannot agree about whether South's 3-5-second pause, even in the abstract, is normal or out of tempo for the auction. Let's listen in on the discussion.

**R. Cohen:** "First, did the Committee consider that a diamond lead beats 4♠? Did the Director consider assigning N/S minus 620 and E/W minus 100? This is another case of players pausing at higher levels in competitive auctions. A 3-second pause is not a hesitation in such an auction. In fact, anything faster is 'unwonted speed.'"

**Beth:** "Again, there are pregnant pauses and sterile pauses, and one has to be at the table to see which is which. Between married couples pauses are almost always pregnant. I concur with the Committee that North's 4♠ bid is clear enough that pass was not a LA. And I sharply disagree with the concurring opinion."

I can report that Henry is the only panelist who firmly believes that pass is not a LA with the North hand. Get a grip, Henry. Try reading Michael Rosenberg's comment, coming up right after...

**Rigal:** "The North hand knows that his partner has short hearts (but might have been unable to act as she does not know how weak her partner's hearts are). On that basis, given the quality of the event I suppose I'd agree with the Committee even if there were a hesitation—but I can't say I like it. However, as the concurring opinion points out, 3-5 seconds is not a hesitation, it is normal tempo in a competitive auction. John Solodar made an interesting point to me and I air it for your consideration. A putative slow pass of 4♠ does not demonstrably (in abstract) point in any direction (it could be thinking of doubling not sacrificing.) But looking at the North hand (with heart length) it is clear what direction a slow pass would point in. Is 'demonstrably suggests' an abstract concept or does it have to be taken in the context of what thirteen cards North has?"

I think it has to be taken in the context of the actual hand. While not knowing who has the hearts (North or South) would prevent an outside expert who was given only the auction from telling what South might have been considering (4♠ or double), in actual practice North's hand makes South's intent clear. And while North is entitled to the AI from his own hand, he's not entitled to the UI that South broke tempo.

**Rosenberg:** "Strongly disagree. On this auction, *any* break in tempo is a clear hesitation. This is an auction in which, more than nine times out of ten, East's 4♠ bid would be followed by three passes. If N/S's style was that the 3♠ bid permitted South further action, she clearly should have bid 4♠. If the style was that the 3♠ bid tended to bar further action, then South's slow pass indicated a most unusual hand. As to the merit of North's auction, I am skeptical. He obviously did not expect to make game when he bid 3♠, since he could have made a game try and there was no particular reason to expect further bidding. Also, he had defensive possibilities in all four suits, and a bad trump break with which to surprise the opponents, who had far from guaranteed great game values. If partner had a stiff heart honor, 4♠ might easily be defeated. Plus 620 to E/W—a diamond lead would beat 4♠, but North might well lead a spade."

That's my position on the lead options, but if the ♠Q is a clear favorite (and I don't know if it is) then minus 620 for N/S and minus 100 for E/W is correct.

**Stevenson:** "Compare CASE NINETEEN: the Concurring Opinion in effect is saying that a 3-5 second delay is not a tempo break but is in fact the normal tempo for the auction (especially noting the undisputed 'unusually fast' 4♠ bid)."

**Patrias:** "I think it is debatable whether pass is a LA but that determination is the job of the expert players on the Committee. I object to the opinion that there was not a clear hesitation. George Steiner made a call that he thought was clear cut. The Committee agreed with him. However, it was clear to everyone at the table (and admitted to at the time) that there was a break in tempo and that UI was available. To argue later that 3-5 seconds is not enough to convey information is missing the point."

Chris was the only panelist to admit he wasn't sure whether pass was a LA for North, but he conceded that making such determinations is up to the experts.

Well, we've run out of panelists who think that South's pass is not a break in tempo, so we can look forward to unconflicted harmony in what remains—right?!

**Polisner:** "Certainly the 'huddle' of whatever length in this auction is very 'bad' when North's 3♠ bid is non-invitational and thus must show an unusual 2♠ bid. Before I could really comment on how I would rule, I would want to know what defense allowed 4♠ doubled to make, which seems difficult after the heart lead."

Why is 4♠ so difficult to make on a heart lead? North ruffs, cashes the ♠A and

CASE TWENTY-ONE

ruffs two diamonds to hand to ruff two more hearts in dummy. Then he plays a club toward his king. West can pitch one club on the third diamond and rise with the  $\bar{E}$  A to play a fourth and fifth heart, but North's trump spots are solid enough to ruff high and prevail, the defense taking only one spade, one heart and one club.

However, if the defense starts with two rounds of trumps, we have a different story. Wherever North wins trick two, he has no way to avoid four losers against best defense. For example, if he wins in hand and passes the " Q to West's king, he has the " AJ available for two heart pitches and a trump in dummy to ruff a third heart, but he still has to lose one trick in each suit. If he wins the second trump in dummy to lead a club toward his king, West rises with the ace and returns a heart to take out dummy's trump entry while the clubs are still blocked. A similar fate awaits declarer if he wins trick two in hand to lead the  $\bar{E}$  K; West wins and returns a heart, placing him in the wrong hand to finish setting up clubs without killing his last dummy entry (the " A) prematurely.

Finally, our most notorious fence sitter is prepared to mount his stationary steed and head off into the sunset.

**Weinstein:** "I believe pass to be a LA, unless you don't believe partner has any judgment. The 3-5 seconds being a break depends on the player. It should be appropriate tempo for a player who bids in a disciplined tempo for the context of the situation. In real life?"

Well, I'm sure of one thing: Howie's turning into a big disappointment for Ron, who is just bristling for a good argument with him.

**Subject (Tempo):** The Opponents Doth Protest Too Much, Methinks  
**Event:** NABC Mixed BAM Teams, 31 Jul 99, First Final Session

Bd: 5	Marcia Masterson		
Dlr: North	10864		
Vul: N/S	! J104		
	" J7		
	$\bar{E}$ KJ94		
Lynn Baker		Matt Granovetter	
KQJ3		A972	
! KQ96		" ! A87	
" AK1098		" Q43	
$\bar{E}$ ---		$\bar{E}$ AQ2	
	Gene Freed		
	5		
	! 532		
	" 652		
	$\bar{E}$ 1087653		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Pass	1NT	Pass
2 $\bar{E}$	Pass	2 $\bar{I}$	Pass
4 $\bar{E}$ (1)	Pass	4 $\bar{I}$	Pass
5"	Pass	6 $\bar{E}$	Pass
6"	Pass	6 $\bar{I}$ (2)	Pass
7 $\bar{I}$	All Pass		
(1) Alerted; splinter			
(2) Break in tempo, disputed			

**The Facts:** 7 $\bar{I}$  made seven, plus 1510 for E/W. E/W claimed that the entire auction had been in approximately the same tempo. The Director allowed the table result to stand (Law 73D1).

**The Appeal:** N/S appealed the Director's ruling and were the only players at the hearing. N/S stated that all bids starting with 5" were slow and 6 $\bar{I}$  was very slow. It was "too late" to get an explanation of the auction before the opening lead so North tried to get written explanations from East between rounds later in the session. These appeared largely illegible. N/S said that West should not have been allowed to bid 7 $\bar{I}$  after the slow 6 $\bar{I}$ .

**The Committee Decision:** E/W were an unpracticed partnership. East clearly interpreted the ambiguous 4 $\bar{E}$  as it was intended (splinter) and started cue-bidding. His cooperation,

especially his 6 $\bar{E}$  bid which raised the auction to the slam level, would have been unthinkable without the trump ace. West was clearly looking for 7NT when she bid 6". Her 7 $\bar{I}$  bid over 6 $\bar{I}$  was automatic. If N/S wanted an explanation of the auction they should have gotten it before the opening lead. Badgering the opponents about it later in the session was inappropriate.

The Committee allowed the table result of 7 $\bar{I}$  made seven, plus 1510 for E/W, to stand. The appearance of dummy should have made the automatic nature of the 7 $\bar{I}$  bid obvious to N/S. Further pursuit of the matter with the Director and then a Committee was a waste of time. N/S and their team captain were each assessed an AWMPP.

**DIC of Event:** Henry Cukoff  
**Committee:** Bart Bramley (chair), Dick Budd, Jerry Gaer, Jim Linhart, Michael White

**Directors' Ruling: 94.9**      **Committee's Decision: 94.4**

What 1NT opening without the  $\bar{I}$  A would justify a 6 $\bar{E}$  cue-bid? It would have to look like  $\bar{I}$  10xxx! AJx " Qx  $\bar{E}$  AKQx. But no player would commit the hand to slam (with 6 $\bar{E}$ ) holding that much in clubs, especially since West would have bid the same way (i.e. cue-bid 5") holding far less—without, say, either the  $\bar{I}$  Q or the  $\bar{I}$  J. So East almost certainly had to hold the  $\bar{I}$  A. But the sight of dummy should have convinced an experienced N/S to give up their complaint. So this appeal was a waste of everyone's time and the AWMPP was warranted.

**Bramley:** “My opinion hasn’t changed.”

**R. Cohen:** “The Director and the Committee were correct. At BAM West was always bidding the grand after East bid 4! . The only question was the denomination—spades or notrump.”

**Bethe:** “Why do we pursue this after we see dummy?”

**Rigal:** “Good decision to let the offenders’ result stand—to my mind the action was clear. We see one of these appellants far too often and the AWMPP is therefore even more deserved than usual. As the decision indicated, this was not an appropriate hand on which to appeal.”

**Treadwell:** “Glad to see the assessment of AWMPP to N/S and their team captain for this case, which had no merit, whatsoever.”

**Patrias:** “Well done.”

Two panelists disagree with the AWMPP. This is the more compelling reason given by the opposition...

**Polisner:** “The entire Committee decision is predicated on the 6 $\hat{E}$  bid being ‘unthinkable’ without the 1 $\hat{A}$ , with which I agree; however, it is up to West to work that out without the huddle (if there was one). Under the circumstances, East may have been thinking about bidding 6NT at BAM scoring which would clearly be correct holding 1 $\hat{109xx}$  1 $\hat{AJx}$  " QJx  $\hat{E}$  AKJ. In the final analysis, I agree with the Committee but disagree with the AWMPP.”

The other dissent was more along established “party lines.”

**Rosenberg:** “Not a good write-up. I disagree with the AWMPP. Otherwise, I guess it’s okay though I don’t feel nearly as certain as the Committee.”

On the other hand, the next two panelists thought the Committee did not go nearly far enough with just the AWMPP.

**Weinstein:** “Perfect, except for the statutory inability of the Committee to assess more than one AWMPP.”

**Stevenson:** “The N/S pair committed two separate acts here: First, they badgered their opponents in an unacceptable way; second they appealed knowing their case had no merit. Would not a PP as well as an AWMPP have been appropriate?”

If we hope to stem the increasing number of meritless appeals, Committees and Panels must issue appropriate penalties firmly and consistently. Objective, fact-based arguments (like Jeff’s, above) should always be given serious consideration by a Committee and even a single member’s cogent argument that an appeal is justified should carry significant weight. However, opposition to AWM penalties based on “general principles” should not deter a body from issuing a penalty when they believe it appropriate. An ounce of prevention...

## CASE TWENTY-TWO

**Subject (UI):** The Risk Of Questions

**Event:** Life Master Pairs, 22 Jul 99, First Qualifying Session

Bd: 24	Sven Pride		
Dlr: West	1 9		
Vul: N/S	! Q83		
	" AKQ2		
	$\hat{E}$ K10764		
Phil Hook		Jim Satterfield	
1 AJ85		1 KQ107	
! K4		! 10972	
" 987		" 106	
$\hat{E}$ QJ95		$\hat{E}$ A82	
	David Genne		
	1 6432		
	! AJ65		
	" J543		
	$\hat{E}$ 3		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1" (1)	Pass	1!
Pass	2!	Pass	Pass
2!	3 $\hat{E}$	3!	All Pass
(1) Alerted; Precision style			

**The Facts:** 3 $\hat{1}$  went down one, plus 50 for N/S. After the 2! bid East asked if the auction had the same meaning as the last hand (erroneously relating this auction to the one from the previous board where a raise by North had promised four trumps—but only because a support double had been available). South told East that the raise here almost always showed four trumps but with three trumps and a singleton a raise was also possible. The Director was called when the question was asked. After the hand was over, the Director changed the contract to 2! made two, plus 110 for N/S (Law16A).

**The Appeal:** E/W appealed the Director’s ruling. North did not attend the hearing. West stated that he knew his partner had values because the opponents had stopped at 2! . East said he had asked the question because he thought he needed to know if the raise to 2! showed four-card heart support. N/S stated that they believed the question had shown values that might be convertible and that with a bad hand no question would have been asked.

**The Committee Decision:** The Committee believed that a pass by a non-vulnerable West was not a LA. Since the West hand had a clear balance at matchpoints, he could choose whatever bid he thought was correct. It was irrelevant that N/S believed the correct bid was double rather than 2! . The Committee changed the contract to 3 $\hat{1}$  down one, plus 50 for N/S. The current ACBL policy allows a player at his turn to call to ask for a full review and/or an explanation of treatments or style. However, when a question is asked it is not completely risk free, as Law 16A may apply.

**DIC of Event:** Henry Cukoff

**Committee:** Martin Caley (chair), Doug Doub, Gail Greenberg, Becky Rogers, Michael White (scribe)

**Directors’ Ruling: 61.3**

**Committee’s Decision: 90.8**

East’s question seems to have been based on his confusing the actual auction with the one on the previous board. The question made little sense to N/S, which is why, I suspect, the Director was called. West has a very clear balance (especially at matchpoints) and the Director appears to have over-reacted to the UI. The Committee appropriately restored the table result and correctly warned E/W that, although they are entitled to ask questions, doing so is not without risk.

**Brissman:** “Had the Director ruled (correctly) to allow the table result to stand and had N/S appealed that ruling, I would have found this appeal without merit.”

**Bethe:** “Why do we call the Director when an opponent asks questions? And why did N/S call the Director after they saw West’s hand. If the Director had allowed the result to stand and N/S had appealed I would have judged this to be without merit. While I generally believe that the possible transgressors should be the appellants, this is not always the case.”

Henry may be right to wonder about N/S’s motivation in calling the Director. However, East’s question was so strange and seemingly pointless that I really can’t fault them for calling. The following panelists pursue this very point.

**Polisner:** “I agree with the Committee; however, I believe that a better education program is necessary to teach players such as East not to ask meaningless questions during a live auction, unless he can prove that he also asks the same meaningless question when he has 0 points.”

**Gerard:** “Fair enough, but I don’t have to like it. First, West snoozes on the previous round. Then he eschews clear-cut action in favor of the indicated one. Only because it didn’t matter could his result stand. The Committee’s last sentence belies its opinion that he could choose whatever he thought correct. There should have been a little lecture to communicate the importance of that last sentence.”

I believe the Committee said “he could choose whatever bid he thought was correct” specifically *because* he “had a clear balance at matchpoints.”

Disagreeing that the question was either strange or meaningless.

**Bramley:** “Given that N/S showed the ability to distinguish the length of their trump support on the previous deal, I find East’s question completely appropriate and not affording any special inference about his hand. Under the circumstances he *might* have asked regardless of his hand. I agree that West’s decision to balance is automatic.”

While I would agree that asking about the number of trumps guaranteed by the raise is not unheard of, asking at that point is unusual. Typically such questions are asked at the end of the auction. Distinguishing a three- from a four-card raise when a support double is available is pretty common these days and would not suggest to me that there was any special agreement when no support double (or redouble) was available. I see East’s question as somewhat gratuitous and suspicious—had the element of his confusion not come out.

More support for West’s balancing action and the Director’s over-reaction.

**R. Cohen:** “No West player in the LM pairs should be expected to pass out a 2! contract. We should not be teaching Wests whether they should double rather than bid 2! . The Director was way wide of the mark.”

Chris corrects an erroneous attribution in the Committee’s decision.

**Patrias:** “I also think that pass is not a LA and agree with the Committee decision. As a point of information, it is not ACBL policy that allows the right to ask questions; it is a matter of law (20F).”

The following panelists, familiar with the British and European approaches to asking questions, point out the differences.

**Rigal:** “The Director might have ruled for the offenders here; after all, as the Committee said, action by West at pairs looks compulsory. Although Rich will sneer (again), I think this is another hand where the superiority of the UK methods of not asking when you are not interested in the answer and do not intend to bid shows clearly. The Committee made the right decision given the caliber of the event

the hand comes from.”

[Sneer.] Asking only when you are interested in the answer and intend to bid is not superior. It provides UI which gives West carte blanche to judge close calls (would you balance as West holding, say, | A10xx ! Kx " xxx E Qxxx?) knowing that his partner was not interested from his failure to ask a question. Note, that on the actual hand East could reason as follows: If North guarantees four-card support West will hold at most a singleton heart; so 2! on a four-card suit (at favorable vulnerability) is attractive. West can have a weak hand with a spade fit that he might be able to compete or save with if East bids but that he otherwise would not act with. If East reliably wouldn’t ask with only three spades, West knows he can balance more freely with weaker hands. But if East asks occasionally when he is not interested in acting then West cannot draw such inferences from East’s failure to ask. This is similar to Ron’s point.

**Stevenson:** “An interesting distinction in style: in Europe players are strongly advised not to ask questions during the auction if possible because of the UI involved; in the ACBL players ask more questions and thus there is less UI passed by asking. Both methods have their advantages and disadvantages. However, in this case, as the Committee pointed out, pass is not really an LA.

“This seems so clear that one wonders about the Director: did he really consider West’s actions deeply or did he make a fairly mechanical ruling in favour of the non-offenders? The WBF and the rest of the world are trying very hard to increase the belief in Directors’ rulings.”

Picking up on some of the points I made above is...

**Rosenberg:** “Nicely ‘balanced’ problem. West may have had a clear balance, but he had an even clearer double of 1! as a passed hand. East may have thought he wanted to bid 2! if the raise guaranteed four hearts, so I sympathize with his question, but it doesn’t smell right. I guess the only answer to that problem is that the raise guaranteeing four trumps should be an Alert. Maybe if everyone played the same system that would be reasonable.”

Alerting opener’s “guaranteed” four-card raise would certainly solve this type of problem and might not be a bad idea—if it didn’t add to the arbitrariness, noise and general silliness of the current Alert procedure. If you Alert this type of raise then soon you’ll be Alerting 1E and 1" openings which promise four cards and not just three and many other calls that carry generally irrelevant information which the opponents can ask about when it is relevant (like bypassing longer diamonds to bid a four-card major when responding to partner’s 1E opening.)

**Weinstein:** “The clearness of West acting in the passout chair prevents having to enter the very murky area of UI arising from perfectly legal questions. This is one of the few areas where I don’t have a strong opinion, and there doesn’t seem to be a good answer. It is amazing that we don’t have more cases of this type.”

We’ve dealt with UI arising from legal questions before...and I have no doubts that we will again. What is most strange is Howard’s lack of a proposed solution.

**CASE TWENTY-THREE**

**Subject (UI):** I Knew He Knew That I Knew—Even The Panel Knew

**Event:** GNT Flight B, 23 Jul 99, First Final Session

Bd: 19	!	7	
Dlr: South	!	AK54	
Vul: E/W	"	QJ753	
	Ê	1076	
!	!	KQ3	
"	"	Q103	
Ê	Ê	AK10	
		AK98	
!	!	AJ9854	
"	"	J9762	
Ê	Ê	92	
		---	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1!	Dbl	2Ê (1)
Dbl	2"	Pass	4!
Pass	Pass	Dbl	All Pass
(1) Alerted; explained as a transfer to " 's			

**The Facts:** 4! doubled made four, plus 590 for N/S. The 2Ê bid was Alerted by North and explained as a transfer to diamonds when West asked before he doubled. South asked North to leave the room after West doubled and explained that he meant his 2Ê bid as Drury and that 2" had shown a full opening bid with no slam interest. The Director was called. North stated that the 4! bid was not systemic. The Director ruled that any UI that was present had not been used and that the table result would be allowed to stand. He also instructed the players as to proper procedure.

**The Appeal:** E/W appealed the Director's ruling. They (and their

team captain) all believed that the UI could have affected the outcome of the board. N/S produced system notes which supported North's explanation of South's bids. South said that he had decided to bid Drury because they played super-acceptances. 2! and 3" would each have shown a good suit and a control. After either of these South planned to make a slam try, but after the natural 2" rebid he simply settled for game. Therefore, South claimed he didn't use any UI for his 4! bid.

**The Panel Decision:** South had UI from North's explanation but that did not affect South's 4! call. Similarly, the UI to North from being sent away from the table did not affect his decision to pass 4! doubled. East could have avoided this situation by bidding 3Ê earlier in the auction. The Panel believed the decision did not need further justification. North could pass 4! doubled because he knew that the double was not based on a trump stack and that South was aware that North could have only four hearts (their convention card was marked 4+ in 3rd/4th seat). The Panel allowed the table result of 4! doubled made four, plus 590 for N/S, to stand. They reiterated the table Director's instructions as to proper procedure.

**DIC of Event:** Ron Johnston

**Panel:** Roger Putnam (Reviewer), Olin Hubert, Charlie MacCracken, Matt Smith  
**Players Consulted:** none

**Directors' Ruling:** 84.9

**Panel's Decision:** 84.1

This practice of Panels not consulting with expert players seems to have been epidemic in San Antonio. Aside from that, the only possible change I would make to the Panel's decision is to assign E/W an AWMPP. I see no attempt on their part to provide any tangible evidence that the UI affected the result. The only possible factor mitigating against the AWMPP is that these were Flight B players.

Agreeing with me about assessing an AWMPP are...

**Bethe:** "Gee, whiz. One side bids a 17-point game and the opponents, who can

miraculously make 4NT, double and a friendly layout permits this to make. The dummy is a freak and the auction speaks for itself. Why was there no AWMPP?"

**Bramley:** "Why were no players consulted? The bridge elements seem complex enough to warrant expert help, although the Panel did fine without it.

"N/S conducted themselves very ethically. Although I dislike the practice of sending one's partner away from the table, here it enabled E/W to know exactly how N/S were misinterpreting each other's bids. Furthermore, N/S did not take advantage of UI in either direction. When you can't beat 4! with East's hand, it's just too bad. Since this should have been equally obvious to E/W, the Panel should have given them an AWMPP."

**Weinstein:** "Any East who passes 2" with Ê AK98 and a 21-count deserves a AWMPP, along with West and their captain."

**Treadwell:** "Why no AWMPP assignment in this meritless case? At favorable vulnerability, the South hand will always wind up bidding 4! after partner's 1! opening, regardless of what other bids occur along the way."

The next two panelists claim to need more information before deciding the case. Perhaps they would also like white canes and seeing-eye dogs.

**R. Cohen:** "Did the N/S notes indicate that 2Ê was Drury (or reverse Drury) after a takeout double? As a Committee member there are a lot of questions I would want answered before making a ruling. After all, this was an experienced partnership, evidenced by the fact they had comprehensive system notes."

Since the write-up says that "N/S produced system notes which supported North's explanation of South's bids" we may presume that the notes indicated that the methods described applied to the actual auction.

**Rosenberg:** "An example of JTGS (Jump to Game Syndrome). When a player bids Drury and partner fails to Alert, that player's next bid is invariably a jump to game in partner's major. Why did South bid 2Ê? He could have bid 4! directly, so I guess he was thinking about slam. So how did the knowledge that partner had a full opening bring the investigative process to a grinding halt? South's explanations look a little self-serving. And what about North? Did he bid *only* 2" because his partner reacted to his failure to Alert 2Ê? Did he smell something was up? Hard to make this decision without being there."

The write-up says that South was considering slam: He was hoping for a super-acceptance of 2! or 3", showing a good suit and a control, after which he would have made a slam try. When that didn't happen he settled for game. As for North's 2" bid, why shouldn't he show a spade control and five-card support for the suit (diamonds) his partner just showed?

Putting all else aside, look at the South hand. Partner opens 1! (albeit in third seat). Is there anything that would keep any of us from bidding game? Is there anything that would suggest (sophisticated tactics aside) that there can't be a slam on the hand? Give North as little as ! x ! AQ10xx " Axx Ê xxxx or ! Qx ! AKxxx " x Ê xxxxx and slam depends mainly on the heart or spade finesse, respectively—both favorites. Change the ! Q in the first hand or the ! Q in the second hand to the corresponding king and slam is probably cold—and neither of these is really even a full opening bid!

**Gerard:** "2" ? All of 2" ? Otherwise okay."

I have one word for Ron and Michael (no, not "plastics")—"Flight-B." More support the Panel's decision.

**Patrias:** “I don’t see any reason to change the table result either.”

**Polisner:** “Good all around.”

**Rigal:** “Good Director ruling—clear that South was not unduly affected by the UI. The Panel decision looks clear; one way or another, the right conclusion was reached.”

The last panelist’s comment proposes some fancy footwork.

**Stevenson:** “Does the N/S argument really make sense? Both partners had UI: South because he knows North has misdescribed his bid and North because he has been sent out of the room in defiance of the Laws of Bridge and can easily guess why. Note that the laws require a player whose partner has misinformed the opponents to wait until he becomes declarer, dummy, or the hand ends (whichever is earliest), call the Director, and then tell the opponents.

“Quite frankly, South’s 2<sup>E</sup> is surprising, but it is before any UI so there is no problem there. North bid 2<sup>N</sup> over the double with *five*-card support and a singleton. What would he bid with a balanced hand and three-card support? 2<sup>N</sup> definitely looks like a choice between LAs suggested by the UI and strangely enough, it just happens to be the correct response in case partner has intended his 2<sup>E</sup> as Drury!

“How about South’s 4<sup>N</sup>? I suppose it is routine so there is no problem there.

“We should find out what North’s responses to 2<sup>E</sup> would be if it showed diamonds, which is how he would take it without the UI. Let’s suppose he bids fairly naturally, so that 3<sup>N</sup> shows a better hand with diamond support than 2<sup>N</sup>. Then when adjusting we would suppose that North would bid 3<sup>N</sup> over 2<sup>E</sup>. What next? South admitted he meant to make a slam try, and a sequence such as P-P-1! -Dbl, 2<sup>E</sup> -Dbl-3<sup>N</sup> -P, 3<sup>N</sup> -P-4<sup>N</sup> -P, 6<sup>N</sup> -P-P-Dbl, P-P-P seems credible enough. I believe that the ruling and decision should have been 6<sup>N</sup> doubled down two, N/S minus 300.

David is certainly correct about the UI and N/S following improper procedure. But remember, these are Flight B players. They messed up and are accountable for any UI which results. Also, I agree that North’s 2<sup>N</sup> bid may have been based on UI, but what should we do about it? In N/S’s methods, after 2<sup>E</sup> (Drury) 3<sup>N</sup> would have been a super-acceptance showing a diamond control and good hearts. But over a transfer (North’s interpretation of 2<sup>E</sup>) what would 3<sup>N</sup> mean? Would 2<sup>N</sup> show good diamonds after the double (North didn’t have to bid)? Maybe 3<sup>N</sup> is a better hand with good diamonds as David suggests, but North *is* rather minimum in high cards.

If North were trying to use the UI, is it clear to think that South told E/W that he (South) had misbid or that North had mis-Alerted? If the latter, then did South intend 2<sup>E</sup> as Drury, as natural or what? Once West doubled, maybe N/S’s system required North to pass with three-card support if South really has clubs. We know North should bid 2<sup>N</sup> if 2<sup>E</sup> was intended as Drury. And what effect would either of these bids have had on South’s next action? Wouldn’t South still have bid 4<sup>N</sup>? ?!

If UI clearly affected the result, we would need to get N/S’s agreements after a transfer to project a continuation (perhaps 2<sup>N</sup> would show North’s hand). While I don’t see any clear UI, if there were David’s procedure would be appropriate.

## CASE TWENTY-FOUR

**Subject (UI):** There Is Only So Much Self Control In The World

**Event:** Life Master Pairs, 24 Jul 99, First Final Session

Bd: 10	Irina Levitina		
Dlr: East	109843		
Vul: Both	! 95		
	" Q102		
	Ê 1093		
Alexander Kolesnik		Michael Shuster	
KJ72		AQ6	
! K742		! QJ63	
" A4		" 983	
Ê 762		Ê KQ3	
	Gail Greenberg		
	5		
	! A108		
	" KJ765		
	Ê AJ84		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		1NT(1)	2 <sup>N</sup> (2)
Dbl	2 <sup>N</sup> (3)	Pass	Pass
Dbl	Pass	Pass	3 <sup>E</sup> (3)
Pass	3 <sup>N</sup>	Pass	Pass
4 <sup>N</sup>	Pass	4 <sup>N</sup>	All Pass
(1) Announced; 11-14 HCP			
(2) Alerted; explained as majors (N/S played Landy, so 2 <sup>N</sup> was natural)			
(3) Break in tempo			

**The Facts:** 4<sup>N</sup> made four, plus 620 for E/W. North studied before bidding 2<sup>N</sup> and when South bid 3<sup>E</sup>, North corrected her previous explanation and stated that 2<sup>N</sup> had probably been natural. The Director was called after the 3<sup>N</sup> bid. South stated that she had passed 2<sup>N</sup> as if she had not heard the Alert but believed that after the double she could not leave it in with a singleton spade. The Director ruled that North’s explanation of 2<sup>N</sup> as showing the majors suggested the 3<sup>E</sup> bid and that passing 2<sup>N</sup> doubled was a LA (Law 16A). N/S’s result was changed to 2<sup>N</sup> doubled down three, minus 800 for N/S (“the most unfavorable result that was at all probable”: Law 12C2). For E/W a result of plus 800 was judged unlikely. Their score was therefore adjusted to the better of plus 620 or Average Plus (“the most favorable result that was likely had the irregularity not occurred”: Law 12C2).

**The Appeal:** N/S appealed the Director’s ruling. South stated that E/W were both so clearly pleased with the 2<sup>N</sup> doubled contract (the double was not agonized and the pass was in tempo) that her pull of the double was justified.

**The Committee Decision:** The Committee believed that pass by South was a LA to pulling the double of 2<sup>N</sup>. The contract was changed (for both pairs) to 2<sup>N</sup> doubled down three, plus 800 for E/W. The Committee believed that this appeal lacked merit and assigned an AWMPP to N/S.

**DIC of Event:** Henry Cukoff

**Committee:** Henry Bethe (chair), David Berkowitz, Chris Moll, Lou Reich, Bob Schwartz

**Directors’ Ruling: 75.4**

**Committee’s Decision: 89.0**

First, let’s look at the Director’s ruling. South clearly had UI from North’s Alert and misexplanation. If pass was judged to be a LA to 3<sup>E</sup> (I agree), then 2<sup>N</sup> doubled should be the final contract. If it is “at all probable” that 2<sup>N</sup> doubled could be set three, then N/S get minus 800; if not, they get the table result of minus 620. If minus 800 is as much as “likely,” then E/W get that result as well; if it is not likely, then E/W keep the table result since, by the current definition of “damage” for non-offenders, they were not damaged (their plus 620 is better than plus 500 defending 2<sup>N</sup> doubled). But why would E/W ever be assigned plus 620 or Average Plus? This makes no sense.

**Beth:** “South received UI from the erroneous Alert of 2” . Is she entitled to rescue herself? This Committee believed she was not. Once she is not entitled to rescue herself, a result in 2 $\uparrow$  doubled is appropriate for both sides.”

Right, so now let’s look at the defense of 2 $\uparrow$  doubled. E/W can take eight tricks by tapping declarer once in hearts, then drawing trumps and cashing a long-suit heart trick. They should come to four trumps, two hearts, and a trick in each minor. But what if North attacks diamonds immediately (as seems likely)? On a heart lead North wins the second round and knocks out the “ A. West wins and taps North with a heart. North cashes two more diamonds as West ruffs. One round of trumps rids dummy of its trump and E/W then exit with the fourth heart. North ruffs and leads the  $\bar{E}$  10. East covers and wins the second club. If E/W draw trumps now, that will be the end of the defense—down two, plus 500—so they exit with the third club. But now North is trump tight so E/W still come to only seven tricks.

Can E/W come to eight tricks? Only if North fails to play diamonds right away. Say she wins the ! A and plays a trump; now E/W have the timing. They win, draw three rounds of trump, then tap North with a third heart. When North knocks out the “ A, E/W cash their fourth heart (on which dummy must throw a minor-suit winner) and the defense must still come to a club trick. Is this line by declarer at all probable? Likely? The Directors thought the former but not the latter.

**Bramley:** “The Director got this one right. N/S, who took advantage of UI, deserved the worst of it, which was the unlikely but ‘at all probable’ result of 2 $\uparrow$  doubled down three, minus 800. The Director was equally accurate not to bestow this result on E/W, but to give them their likely result of plus 620. My only question is why the Director protected E/W to Average Plus. Was that compensation for their pain and suffering?”

“I don’t understand why the Committee failed to reach the same conclusion as the Director regarding the assigned results for each side, but I agree strongly with the AWMPP.”

Isn’t “pain and suffering” PC enough?

Apparently the Committee did not have very high regard for North’s dummy play, but leading trumps rather than knocking out the “ A at trick two (or three) is not the worst play I’ve ever seen. So maybe the Committee was right. In any event, Bart is certainly right that N/S’s appeal deserved an AWMPP.

**Gerard:** “Almost one of the better Director rulings I’ve seen, except for the misjudgment about E/W’s score. Directors should be encouraged to give their reasoning in a fashion similar to this all the time.”

I assume he means by the Directors’ “misjudgment about E/W’s score” their odd protecting of E/W to Average Plus.

**Patrias:** “South should know better than to bid 3 $\bar{E}$  . I don’t know that 800 is likely enough to award to E/W. I do agree with minus 800 for N/S.”

**Stevenson:** “One thing is completely certain: the most favourable result in the absence of the infraction is not Average Plus! This strange illegal ruling has found favour in the ACBL, but it is time it is put to rest. It does nothing for the fairness or equity of the game. The Director is required by Law 12C2 to assign a score to the non-offenders that is ‘the most favorable result that was likely had the irregularity not occurred.’ Why does this seem so difficult for Directors to accept (despite the wording being well-known)? Why does the Director not do this?”

“If the Director had judged that minus 800 was not likely, then he presumably thought minus 500 was the most favorable result that was likely. Since this would result in no damage, because the table result was N/S minus 620, he should have assigned plus 620 to the non-offenders (E/W) without the Average Plus option.

“Since the Committee decided that minus 800 was likely for N/S, we do not know how they would have addressed this problem.”

I wouldn’t say that combining an Average Plus with a score (as was done here) “has found favour in the ACBL.” It is sometimes (quite rarely, actually) done in an appropriate situation, but to say that it has found favor here is an overbid.

The following panelists, like the Committee, obviously think that plus 800 is likely enough for E/W.

**Weinstein:** “I too have found it easier to read the table when I’m doubled in a probable four- or five-card fit. At the risk of appearing politically incorrect (I definitely don’t intend the meaning of the following to be gender specific), sometimes you just have to take your minus 800 like a man. If I’ve failed to provide enough disclaimers, please send your cards and letters to the editor (i.e. not me).”

**Rigal:** “The Director was unduly polite to N/S. Although they are both friends of mine, I can’t say I like South’s actions here. The Committee correctly determined that 800 (on repeated heart leads) looks easy enough so long as the defenders remember to draw trumps. Good AWMPP award.”

**Rosenberg:** “Good. I’m sure if Gail had been on the Committee she would have ruled the same way. It just goes to show that even players who know better will rationalize a way of justifying the winning action when disaster looms.”

**Polisner:** “Good Committee work. I don’t understand why the Directors didn’t award 800 to both sides in the first place. Good case for AWMPPs.”

**R. Cohen:** “I have a problem with the Committee’s decision. E/W did not appeal, so why did the Committee change the assigned score for that pair? Also, why did the Director assign a possible Average Plus when the most likely result was plus 620 E/W. Law 12C2 only provides for the former in this case, and Average Plus should not have been a part of the ruling.”

When either side appeals, the result is reassessed. Any change the Committee decides to make in the ruling which affects both sides is applied to both sides—not just the one bringing the appeal.

While agreeing that N/S deserved minus 800, the panel was somewhat split on the issue of whether that result was likely enough to assign it to E/W. Since this is mostly a subjective matter, I don’t think we need to labor over it any longer. Pick whichever score you fancy for E/W, but if you decide to assign them plus 620, don’t make the mistake of protecting them to Average Plus as well.

What do I think? I think North was very likely (but nowhere near certain) to find the line to hold 2 $\uparrow$  doubled to minus 500. Thus, I would have assigned minus 800 to N/S and plus 620 to E/W.

CASE TWENTY-FIVE

**Subject (UI):** How Do You Un-ring A Bell: Part II

**Event:** Senior KO, 29 July 99, Semi-Final Session

Bd: 8			
Dlr: West (hand unavailable)			
Vul: None			
1	KQJxxxx	1	A
!	Kx	!	AQJ
"	Kx	"	Jxx
Ē	Kx	Ē	AQJxxx
(hand unavailable)			
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
11	Pass	2Ē	Pass
41	Pass	4NT(1)	Pass
5Ē (2)	Pass	61	All Pass
(1) Roman Key Card Blackwood			
(2) 0 or 3 keycards; before North passed			
West attempted to change his bid			

**The Facts:** 61 made six, plus 980 for E/W. Before North passed 5Ē West asked, "Is it too late to change my bid?" The Director was called and West was offered the opportunity to change his 5Ē bid (Law 25B); he finally declined. The Director ruled that Law 16A applied and the contract was changed to 51 made six, plus 480 for E/W.

**The Appeal:** E/W appealed the Director's ruling. East claimed that she forgot what the 5Ē response to 4NT meant (she thought it showed one control).

**The Panel Decision:** Since East's action of bidding 61 could have been based on UI, the Panel

applied Law 16A2 and did not allow the 61 bid. Since West did not bid 71 over 61, the Panel decided that he would not have bid 61 over 51. The contract was changed to 51 made six, plus 480 for E/W.

**Reviewer's Note:** It is possible (likely) that West should have bid 71 in this auction and the Panel might have changed the contract to 71 down one, plus 50 for N/S.

**DIC of Event:** Chris Patrias

**Panel:** Roger Putnam (Reviewer), Ron Johnston, Charlie MacCracken

**Players Consulted:** Jo Morse, Steve Robinson, Peter Weichsel

**Directors' Ruling: 91.7**

**Panel's Decision: 86.7**

If I were a cynic I would note how convenient it was for East to forget what the 5Ē response to RKCB meant. If I were *really* cynical I would then point out that if there was ever a case for the Weinsteinian Death Penalty, this was it. The table Director should have issued a PP against E/W for East's taking flagrant advantage of the UI from West's attempted withdrawal of 5Ē. (I know, once they lost the KO match a PP wouldn't have mattered—but it would have made a point worth making.) Next, when that was not done, the Panel should have issued the PP (and a stern lecture) themselves. And finally, the Panel should then have assessed an AWMPP against E/W for having the unmitigated gall to file this appeal. Am I really *that* cynical? Don't ask.

As for the Reviewer's note, on what basis could West be forced to bid 71? An adjusted score could be assigned if West's action might have been based on UI. However, while it is true that East's 61 bid could have been suggested by the UI from West's attempted withdrawal of 5Ē (suggesting the RKCB response was in error), West had no way of knowing that East's 61 bid was based on UI and not the possession of four keycards (did he?). So West's action should not be adjusted when it was not clearly suggested by any UI.

A few panelists are as steamed as I am over E/W's performance (especially East's). This one comes closest to capturing my own rancor over East's actions.

**Stevenson:** "Unless players are made aware of their responsibilities when UI is present and pressure is applied to them to follow those responsibilities, the game will become extremely unethical and unpleasant. East is either totally dishonest, has no idea of her responsibilities, or is a complete beginner. From the 5Ē bid she knows that the " A and the 1 K are with the opponents, so unless partner has a void in diamonds or ten spades, 61 is not making. Why does she bid it?"

"She has blatantly used UI and it is important for the good of the game that she never does again. She has bid it solely because she has taken note of her partner's discussions with the Director. If she is a near-beginner, double the standard fine might suffice, i.e. a PP of 6 imps. For a player of any experience whatever, a PP of at least 13 imps should be routine and then a C&E Committee asked to review East's actions.

"In all this, I presume the Director did his job properly: the UI implications of discussing whether to make a change under Law 25B are blindingly obvious to a Director, so he should *always* warn the partner of the player of her responsibilities under Law 73C. Perhaps the ACBL might consider publishing a Law-73C card and Directors could hand them to players when their partners have made UI available.

"The failure of the Director and Panel to issue a PP in this instance is unacceptable."

East had a little over 1,000 masterpoints, so she should have been considered moderately experienced—and certainly not a near-beginner.

**Bramley:** "I disagree with the contention that the Panel might have changed the result to 71 down one depending on the state of the match. Committee decisions should 'never' depend on the state of the match. Also, where is the AWMPP here? E/W's performance was loathsome from start to finish."

I can find no reference to the "state of the match" being a factor in the 71 issue. I think the only concern was whether an adjustment to 71 down one would have been justified. We all seem to agree that it wouldn't, simply because West had no UI. And thanks for a most apt term for E/W's performance.

**Rigal:** "The Committee was very generous to E/W here, who committed a blatant foul and should have been slapped more harshly—either by AWMPPs or the contemplated adjustment to 71 down one. East's excuse is pathetic, even by comparison to some of the feeble stories we have been spun recently."

"Loathsome," "pathetic," now we're really cooking!

**Bethe:** "What were the E/W Blackwood agreements? I assume they were in fact 0-3/1-4. If they were, then this decision is clear. Why was there no AWMPP?"

**Patrias:** "Does the Panel believe that West gave UI to himself? How can they force him to bid 71? The Panel should not have included their flight of fancy in the write-up. Since East took advantage of the UI to bid six, the contract should be 51 made six."

**Treadwell:** "West was offered an opportunity to correct his inadvertent misbid of 5Ē and declined, but his partner got the right message anyway via the UI from the Director's call. A good decision by the Panel, but why not an AWMPP assessment?"

**Rosenberg:** "First, I would like you, Rich, to address the rule about changing bids. Was West entitled to do so? Also, I'm not sure I understand the point about forcing West to raise to 71. West had no UI, so is the Panel saying he figured out his partner was unethical? Why shouldn't his pass of 61 have been the losing action?"



According to Law 25B (Delayed or Purposeful Correction), a player may change his own (legal) intentional call (correcting an inadvertent call is covered by Law 25A) if he attempts to do so before his LHO has called. LHO may accept the substitute call and the auction proceeds without penalty. Otherwise, the player may substitute any other legal call for the one withdrawn and the auction proceeds normally except that the player's partner may not then base any call on information from the withdrawn call. (Although this law does not specifically say so, we may presume that information from a *withdrawn* attempted change of call, since this is extraneous information, is unauthorized to the side that attempted the change.) The opponents receive the result achieved at the table; but the side changing the call may not receive a score greater than Average Minus (in other words, they get the table result or Average Minus, whichever is worse).

And now, for yet another angle on this situation.

**R. Cohen:** "This case raises an interesting point for us lawmakers. If West had accepted a maximum of Average Minus correcting his 5 $\frac{E}{S}$  to 5 $\frac{N}{S}$ , N/S would have to accept a result of minus 980 (or minus 1010) on the board. Particularly in a KO or Swiss team event, it is almost always correct to accept an Average Minus maximum in this situation. You may want to reread Law 25B2(b)(2) and the accompanying footnote. Assuming E/W's teammates were minus 980 at the other table, let's see what the final result on the board would be if West accepts the Average Minus maximum, bids 6 $\frac{I}{I}$  and makes six or seven.

"In the case where he is plus 980, N/S pushes the board and E/W lose 3 imps (see Law 86A). The scores are averaged (see Law 86B) and E/W's team loses 1 $\frac{1}{2}$  imps. In the case of plus 1010, the loss is only 1 imp. By turning down the Average Minus E/W's team winds up losing 11 imps. If E/W's teammates were only minus 480 at the other table, failing to accept Average Minus cost E/W's team 4 imps."

That's an excellent point. At teams, and especially in a KO event, because the non-symmetrically assigned scores must be averaged, it becomes more attractive to make a purposeful change of call and accept the Law 25-imposed Average Minus maximum on the board. Happily E/W did not select this option.

The next panelist raises yet another issue pertinent to this situation.

**Weinstein:** "Interesting consideration by the Panel of whether 7 $\frac{I}{I}$  should be forced upon E/W should it have been relevant. Presumably, E/W would not have protested had that decision been relevant (e.g., a 3-imp winning margin) and N/S were unlikely to have considered that not just minus 480, but plus 50 was possible. Kind of makes you think that all protests in a close match should be heard, whether relevant or not to the naked eye. Had E/W won by 3 imps, the Panel might well have assigned a 3-imp meritless protest penalty if this went to appeal. This is why a protest should be required to be lodged before the result of the match is known. This becomes problematical when the captain has a say and the protestable hand occurred in the last quarter.

"A few years ago we recommended that a protest can only be withdrawn in a KO with the approval of the Directors, who may force the hearing of the protest if the protesting team won by a small amount. This is an excellent rule, but I'm not sure for which events this has been adopted or whether it has ever been actually applied."

This option has been adopted for any and all events. From what I have seen, the Directors take their authority to require an appeal that was likely to have been judged meritless to be heard, even though the appellants tried to withdraw it (due to the state of the match: they won without the appeal), very seriously. This option has been considered at the Team Trials (but never applied) and was almost used more recently at the 1999 Boston NABC. In the latter case, the Directors sought input from experts on whether the appeal was egregious enough to pursue (the expert consensus was that the appeal had merit, so it was duly allowed to be

withdrawn). I applaud the Directors for seeking consultation on this matter, as they had with me at past ITTs.

And finally...

**Polisner:** "Good work by all."

That's easy for you to say.

CASE TWENTY-SIX

**Subject (MI):** No Harm(?)—No Foul

**Event:** Life Master Pairs, 22 Jul 99, First Qualifying Session

Bd: 12	Ross Rainwater		
Dlr: West	! A876		
Vul: N/S	! A		
	" 9632		
	É K1064		
Roger Bates		Robin Klar	
42		QJ1093	
! 87		! KQJ63	
" AJ75		" ---	
É Q9853		É J72	
	Jackie Jarigese		
	K5		
	! 109542		
	" KQ1084		
	É A		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	1	3" (1)
Pass	3	Dbl(2)	Pass
Pass	4"	Pass	Pass
Dbl	All Pass		
(1) Alerted; convention card consulted (see the Facts).			
(2) Alerted; don't lead a spade			

**The Facts:** 4" doubled made five, plus 910 for N/S. North's convention card indicated that 3" was a normal Intermediate Jump Overcall; South's showed it to be Intermediate and two-suited. The partnership agreement was that 3" was Intermediate with hearts and diamonds. Both East and West had looked only at North's convention card. After the ! 8 opening lead, West called the Director when he saw the dummy. East said she would not have doubled 3| had she known that South had two suits. West stated he would not have doubled 4" if his partner had not doubled 3|. The Director allowed the table result to stand because the doubler could expect one or two tricks from a partner that had opened the bidding.

**The Appeal:** E/W appealed the Director's ruling. East had doubled 3| to suggest a non-

spade lead. Had she known that 3" showed diamonds and hearts she would not have doubled because the double would have asked for a club lead. West stated that he thought East's double showed some values so he doubled the final contract. He hoped to lead hearts and get a heart ruff.

**The Committee Decision:** The Committee decided that E/W were not damaged by the MI. West had stated that he thought East would not have doubled 3| with a poor-value third-seat opener. East's double was very aggressive and it caused West to make the final double. N/S had tried for game (vulnerable against not) which clearly indicated possession of some values. It was E/W's aggression and not the MI which caused the bad result. The Committee allowed the table result of 4" doubled made five, plus 910 for N/S, to stand. N/S were admonished to fill out their convention cards more clearly to avoid penalties in the future. The Committee considered two additional points: (1) Did the appeal have substantial merit? Because of the severe problem of the improperly filled out convention card, the Committee decided it was reasonable for E/W to believe they might have a case. (2) Should N/S receive a PP for their improperly filled out convention cards? The Committee believed that the Director should have penalized N/S and that it was not the Committee's place to issue a PP once they had decided that there had been no damage caused by the infraction.

**DIC of Event:** Henry Cukoff

**Committee:** Michael Huston (chair), Larry Cohen (scribe), Corinne Kirkham, Richard Popper, Judy Randel

**Directors' Ruling:** 82.8

**Committee's Decision:** 79.5

While I agree that E/W's "aggression" played a role in their poor result, that aggression was not grossly out of proportion to the information from the auction and North's convention card. Although a bit light for her third-seat opening (I also would have opened), the double of 3| was a reasonable effort to obtain a heart lead if South was really one-suited, as East was led to believe. Had she been properly informed that South also held hearts, the only factor that justified the double would have been removed. As for West's double of 4", while it was not without risk, it was certainly not an egregious error—if an error at all. If East had even a single fast defensive trick (more likely if South did not hold heart length) West's trump length and control could reasonably be expected to produce a set. Thus, I would have adjusted the score. As it is "at all probable" that N/S would have ended up in 4" undoubled, I would have assigned them plus 150 (4" making five). As for E/W, I'll let Chip give his view on this matter before I go into my own thinking, since I was influenced by his comment.

But first, there are two other points that need to be dealt with. One, I think the Committee's consideration of the dubious merit of this appeal was overstated, even granting their view of E/W's role in the final result. Two, I agree that N/S were due a PP for North's negligence in not completely filling out his convention card. But I also agree that the table Director and not the Committee should have done this.

Our panelists are all over the place on this one. I'll start with those who agree with me that N/S are responsible for the problem and E/W deserve redress.

**Martel:** "A truly poor job by the Committee. To determine if E/W were damaged they should ask whether there is some chance (say one in ten) that E/W would have done better if they had been given the proper information. If yes, then adjust the N/S score; if it's as likely as, say, one in four, adjust the E/W score as well. Here it is clear that it would have been much less attractive for East to double 3| knowing South had the red suits (since this would now suggest a club lead). Also, clearly West would be less likely to double 4" if East passed over 3| and South was known to have the red suits. Thus, giving N/S an adjustment is automatic (plus 150). As for E/W, it is not as clear, though I'd be inclined to adjust them to minus 750 (East passes 3|, South bids 4", North 5", West doubles)."

I like Chip's thinking in assigning E/W minus 750. It's unlikely that West would be able to resist doubling 5" after East's opening (albeit in third-seat, and even without the double of 3|), though he might easily let 4" through. My only doubt is whether N/S would reach 5". Since North was unaware that South held a two-suiter, it is possible that North would play South to be more balanced in the round suits, perhaps something like 1-3-6-3. There could easily be a trump and a club loser off the top, with a third loser coming from either of those suits. South's failure to bid 4É or 4| might influence North to settle for 4". I think the likelihood of this is great enough that I would be tempted to reciprocate the score in 4" (150) to E/W. However, I also have sympathy for Chip's recommendation of minus 750 for E/W. As this is a really close decision, I'll present some of the other panelists' comments before disclosing my final decision. Stay tuned.

**R. Cohen:** "While I agree that it was probably E/W's aggression that got them into trouble, they were entitled to full knowledge of their opponent's agreements when they exercised that aggression. There are a lot of possibilities had E/W been properly informed about the 3" bid. Would the final result have likely been N/S plus 150, plus 600, plus 750, or what? Perhaps N/S plus 150, E/W minus 600 was appropriate, but never plus and minus 910."

Ralph also sees the problem for E/W's score. However, had N/S reached 5" (his plus 600) I don't see how West could have managed to not double. So minus 600 does not really seem a viable option for E/W. I'll take Ralph's vote as being for minus 750 since he rated N/S to reach 5".

Barry is sympathetic to Chip's and Ralph's position, but gives no help on the

issue of the appropriate score for E/W (or N/S, for that matter, although that is much less in doubt).

**Rigal:** “I think as Director I might have ruled the other way initially—although there is always the argument of ruling in favour of the less experienced pair. Having said that, East’s decision to try to not get a spade lead has some merit. If she consulted the convention card and got the wrong information, I think I would have given her some protection. I will leave the PP issue to those who understand the laws in this area better than I.”

Several panelists believe, as did the Committee, that E/W were the architects of their own demise. Even so, there was still the question of the appropriateness of a PP for N/S.

**Beth:** “Dummy was a surprise because it had so many diamonds. But West’s double was prompted by East’s light opening followed by further aggressive action. I do believe, however, that this is a sufficiently unusual convention and North a sufficiently experienced player that a PP was indicated, and the Committee should not have abdicated its responsibilities. PPs are specifically available to punish players who do not live up to their responsibilities even though in the specific case there was no consequent damage.”

**Bramley:** “Well argued, well written. I believe that no PP should have been given, even by the Director, because this was not an abusive violation of proper practice.”

**Patrias:** “I agree with this Committee’s opinion that MI did not damage E/W.”

**Rosenberg:** “I feel a little sorry for E/W here but I do believe West would have doubled even if East had not. N/S got very lucky this time, but the miswritten convention card would have often got them a zero.”

**Weinstein:** “West, expecting some values for the double, seems to be the primary cause of the final double. That was E/W’s fault. Good consideration by the Committee, including not adding a PP that wasn’t issued at the table. I would have a modicum of sympathy for adjusting only the N/S score, but I don’t disagree with the Committee decision or Director ruling. There may be some support for both sides being adjusted, as there is a difference in South holding a one- or two-suiter from West’s perspective. However, in MI cases there should be a stronger threshold of likely damage to adjust.”

The following panelist mentions the Committee’s “interesting” self-restraint regarding the PP and their view that the Director was responsible for issuing one (if one was appropriate). I’ll have to come clean and take the responsibility for that decision, since the Committee asked me for my advice on that issue and then took it. Frankly, while I thought N/S deserved a PP for the problems caused by North’s negligence, I saw no justification for issuing one once I heard the Committee’s position on the bridge issue.

**Stevenson:** “An interesting view of the Committee that it was up to the Director to decide whether to issue a PP. This reasonable view is the opposite of the view of most Committees, who believe that they are the ones to decide PPs.”

There are many situations where a Committee is responsible for issuing a PP. For example, they may be the first to learn that a serious procedural error had been committed (after uncovering the offending pair’s agreements) or that a pattern of such occurrences existed of which the table Director was unaware. Still other times the Director may have been reluctant to issue a PP for some “social” reason—e.g., he may not have wanted to exacerbate an already volatile situation at the table, or

he may have been too impressed with the “star quality” of the offenders. On some occasions, when I’ve asked why no PP was issued at the table, a Director has said, “Yeah, I guess we should have,” or “I really don’t like to give them.” So who should issue a PP is really not firmly established—either by law or in practice.

And now we turn to the “reactionary” crowd. Remember when I told you that there’s *always* someone else? Well, in this case there are two of them.

**Polisner:** “In spite of the convention card problem, this appeal had no merit and E/W should have been given an AWMPP.”

**Treadwell:** “An excellent ruling, but why was there no AWMPP assessment? In fact, I would not have had the temerity to call the Director except, possibly, to get the opponents’ convention cards corrected. But then appealing such an obviously easy and correct ruling?”

I guess Dave has the ultimate cure for that “temerity” problem.

Well, I guess it’s time to reveal my full position on this case. Chip and Ralph have convinced me that E/W should receive minus 750 to go along with N/S’s plus 150. However, I still have sympathy for assigning E/W the reciprocal of N/S’s plus 150; I would consider that decision a good one, too.

I suspect that if the panelists who agree with the Committee’s decision had been given West’s hand as a bidding problem with the auction up to South’s 4” bid, they would have found themselves much more sympathetic to West’s double and irritated about the MI. It’s amazing what seeing all four hands before you’re confronted with the bridge issue can do to produce tunnel vision. This problem encourages me (as if I needed it) to continue to do as many blind previews\* at NABCs as I can.

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\* To remind the reader, a blind preview is a procedure where the Committee members are given only one hand (the “problem” hand) from a case they are about to hear as a bidding (or play, or defensive) problem and asked their opinions on the bridge issues involved. Then they are asked to discuss the issues, what actions are reasonable, and what sorts of questions they might need to have answered before making a final decision. This is all done without their being told the players’ identities or, until they’ve all decided what action they would have taken, what the other hands are. Then the players are brought in and the case is heard normally.

CASE TWENTY-SEVEN

**Subject (MI):** All Roads Lead To Rome

**Event:** Strati-Flighted Open Pairs - Flight A/X, 24 Jul 99, First Session

Bd: 27	Mark Lair		
Dlr: South	KQ76		
Vul: None	! AJ8		
	" 103		
	Ê K843		
Tom Rozinski	David Metcalf		
J1052	93		
! 4	! K7652		
" QJ965	" A84		
Ê AJ2	Ê 765		
	Gerry Michaud		
	A84		
	! Q1093		
	" K72		
	Ê Q109		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			Pass
Pass	1Ê	Pass	!1
Dbl	Rdbl(1)	2"	Dbl
All Pass			
(1) Support redouble; not Alerted			

**The Facts:** 2" doubled went down two, plus 300 for N/S. There was a failure to Alert the redouble. Before the opening lead, East told the Director away from the table that he would have passed the redouble had he been Alerted. The Director ruled that the 2" bid broke the causal link between the infraction and any damage and allowed the table result to stand.

**The Appeal:** Because of administrative problems, E/W were not given the ruling until the end of the evening session. All contestants had left the playing area by the time the appeal was lodged, so the review took place with only East and the DIC present. East stated that if he had passed he believed the auction might have gone differently.

**The Panel Decision:** The Panel did not accept that 2" had been an egregious bid. There was an infraction and the non-offenders had received a poor result. Had East been Alerted and then passed the redouble, the Panel believed that South would also have passed. The players consulted believed that West would then have bid 2", which would then have been passed back to South who would again have doubled. One thought that East's 2" bid had been reasonable and said he probably would have bid 2" himself. The Committee decided that 2" doubled was the only likely contract and therefore allowed the table result to stand.

**DIC of Event:** Terry Lavender

**Panel:** Charlie MacCracken (reviewer), Olin Hubert, Roger Putnam

**Players Consulted:** Steve Robinson, Dave Treadwell

**Directors' Ruling:** 72.4

**Panel's Decision:** 89.7

I really don't understand what could have led the Directors to make this table ruling. West asked East to bid a pointed suit and he reasonably bid his " Axx. After all, he would have to correct 1| to 2" anyhow, so why let N/S get into a doubling rhythm? Why would this appear to break the link between the MI and the damage? Why not rule for the non-offending side? Could it have seemed clear to anyone that there was not even a possibility that E/W were damaged?

And why, when the incident happened in the afternoon, weren't the players given the ruling until after the *evening* session so that by the time the appeal was filed, N/S were no longer in the playing area and thus couldn't attend the hearing?

The Panel correctly rectified the basis for the table result being allowed to stand. East had not committed any act that broke the link to the damage. Rather, the auction would have led to the same contract even had East been given the correct

information.

The panel was close to unanimous in their support of the Panel on this.

**Bethe:** "I award the Directors a black point for failure to live up to a high-priority responsibility, namely to inform all players of the ruling in a timely fashion. If this requires one more Director on the floor or assigned to the event, so be it. Also, do we get to know which Director made this ruling?"

"There was a failure to Alert in a competitive auction by a player of stature who should know better. Did this affect the auction? I don't know. At the very least, for players of this quality a PP should be assessed against N/S. I will accept that the result should stand as, after an Alert and East's pass, the auction is likely to proceed P-1| -P-INT; Dbl-2" -P-P; Dbl and the same score."

Henry makes an excellent point. South, with well over 6,000 masterpoints and playing with one of the ACBL's top players, certainly should have known better. I could live with a one-quarter-board PP against N/S—if they had been given a fair chance to attend the hearing!

**Bramley:** "I have several unconnected minor comments. The write-up does not tell us how or when E/W became aware that the redouble was conventional. The Panel is correct, and the Director wrong, about the 2" bid. East made a good argument about passing had he been Alerted, but that would still have been the 'safe alternative' that we must always take with a grain of salt."

My reading of the Facts suggests that North informed E/W of the failure to Alert his redouble at the end of the auction, but before the opening lead. The Director was called and consulted with East away from the table.

**Patrias:** "If South was under the (mistaken) opinion that North's redouble showed a very good hand, he would also double a 2" bid by West. For that reason, I would agree with the Panel and let the result stand."

**Rigal:** "I do not understand the rationale for the Director ruling, even if I agree with the result he produced. The Panel got it right, I believe. The non-Alert was irrelevant; South's action over a direct or indirect 2" would have been the same. Once East did not bid INT (and the explanation did not affect this, I believe, in that it was probably equally attractive either way) the contract was going to be the same one way or another."

One panelist picks up on an important issue that the rest of us overlooked.

**Weinstein:** "The Director made a reasonable ruling for the wrong reason. The Panel was much more on track, including not accepting the 2" call as breaking any connection. Not mentioned was any E/W responsibility for asking about redouble, which is commonly played as three-card support. One aspect of this case that was not considered was whether 2" doubled played by West could have a different result, either as a function of more difficulty in the defense with a different dummy exposed, or with a different opening lead. On this hand the different dummy is unlikely to matter, but the lead of the | K could well cost a trick. If that lead has any reasonable possibility of occurring, the N/S score could be adjusted."

Some auctions (see the one Henry proposed) would certainly have led to this "declarer reversal," so Howard's point is well-taken. 2" doubled by West on the | K lead might even make, but I'm not prepared to go there quite so quickly. First, Henry's auction is clearly reasonable but certainly not the only way a 2" contract could be reached. Other auctions might lead to the contract still being played by East. I'm not prepared to say which auctions are more likely than others without more information about both sides' bidding methods. Second, even if the contract

were to be declared by West, isn't North considerably more likely to lead a trump than one of West's suits? That would still lead to the table result. All things considered, I think the table result should still stand for both sides.

**Stevenson:** "An egregious bid is not the only consideration the Panel should have considered: East is also required to protect himself even with a non-Alert if he has a good idea what is going on. However, if this is looked at, the support redouble possibility is not very obvious because East holds five trumps and the decision seems correct.

"Why did the Director decide that 2" broke the connection? Partner has made a takeout double and East has a clear preference for diamonds: I think the Director was trigger-happy in disallowing an adjustment, though it did not cost as the Panel demonstrated."

**Polisner:** "Excellent analysis and conclusion."

**Rosenberg:** "Okay."

But of course there's always "someone else."

**R. Cohen:** "The Director made the right ruling for the wrong reason. When a passed hand makes a takeout double after the opponents have bid two suits, his partner holding two-three in the remaining suits will usually bid the three-card holding. That is all East did here and E/W should have been assigned the meritless appeal award."

It was not unreasonable for East, had he known that the redouble showed three-card support, to pass and hope that South would take him off the hook and bid 1NT, 2! or something else. The fact that bridge experts later decided that E/W would have ended up in the same contract is coincidental. E/W are not required to be expert enough to foresee that possibility. But more importantly, the Directors gave E/W a totally bogus reason for allowing the table result to stand and it was that decision which E/W were appealing—as they should have! An AWMPP is totally out of the question, here, unless we assign it to the event's Directorial staff for their mishandling of this whole case.

## CASE TWENTY-EIGHT

**Subject (MI):** I Agree!—But I'm Not Sure To What

**Event:** Red Ribbon Pairs, 26 Jul 99, First Qualifying Session

Bd: 29	!	74	
Dlr: North	!	Q	
Vul: Both	!	A10653	
	!	QJ1098	
!	!	KQ3	!
!	!	AK63	!
!"	!"	K84	!"
!"	!"	A52	!"
	!	J852	
	!	J104	
	!"	J92	
	!"	K43	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1 $\hat{E}$ (1)	1" (2)	Dbl(3)	1!
1NT(4)	2" All Pass	2!	Pass
3!			
(1) Alerted; forcing club (Precision)			
(2) Announced; transfer			
(3) 4-7 HCP			
(4) 16-19 HCP			

**The Facts:** 3! made five, plus 200 for E/W. The Director was called at the end of play. Before the game, South had suggested a defense (transfers) to forcing clubs which North agreed to play without really understanding the system. She told the Director she was trying to bid her hand out. The Director ruled that E/W had found their heart fit and the decision to bid 4! or pass did not seem to depend on the MI. The Director allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. East did not participate in the review. E/W were concerned about the 2" rebid, fearing it was based on UI and thought that a 2 $\hat{E}$  bid would have given them a better chance to work out what had happened. They were concerned that the 2"

rebid caused both East and West to under-evaluate their hands. West could not be certain that East really had hearts. E/W stated that after they had pre-Alerted their Precision system South asked North if she remembered their system against 1 $\hat{E}$ . North nodded, but stated at screening that she had hoped it would not come up. North said that her partner had told her about the transfer defense to 1 $\hat{E}$  forcing on the way to the game, but that she hadn't understood it. She was just trying to bid out her hand and thought that the opponents should have bid their game.

**The Panel Decision:** This case hinged on three matters: (1) did N/S have the agreement that 1" was a transfer; (2) did North take advantage of the UI; and (3) were E/W placed at such a disadvantage that they had little chance to compete fairly. Two experienced players in the Red Ribbon pairs and one other player were consulted. Both Red Ribbon pairs said that the diamond rebid rather than diamonds followed by clubs would have caused each player to be doubtful about bidding the game. They both also pointed out that they thought the diamond rebid had been strange. One pointed out that both players must have been uncertain about the other's heart holding. The other player consulted not only believed that North had taken advantage of the Alert procedure in a very bad way, but that there was no N/S agreement so there had been MI. That player also believed that E/W must be protected and N/S made to understand that they cannot act upon information made available by partner through the Alert procedure. He had strong concerns also with the actions of N/S that allowed E/W to believe that the opponents had actually agreed on a defense to 1 $\hat{E}$ . The Panel decided that: (1) N/S did not have an agreement about a defense to a forcing club so there had been MI; (2) North had acted upon information made available by South's Alert by rebidding 2" and not 2 $\hat{E}$ ; and (3) E/W were disadvantaged to the extent that they had little opportunity to protect themselves on this hand. The contract was changed to 4! made five, plus 650 for E/W.

**DIC of Event:** Tom Quinlin

**Panel:** Ron Johnston (Reviewer), Olin Hubert, Matt Smith

**Players Consulted:** Henry Bethe

**Directors' Ruling:** 50.8

**Panel's Decision:** 94.6

Is it asking too much for Directors to make acceptable table rulings at this level of play? East should probably have jumped to 3! (maximum high cards, a fifth trump) instead of only raising to two, but many players at this level wouldn't know to do that. Many players, even among the expert ranks, are on shaky ground when confronted with unfamiliar bidding situations. So when E/W were told that North showed hearts, was it so inconceivable for East to assume that his partner had raised on three-card support, or that there would be too many trump losers looking at that weak five-card holding, or that trumps would break badly? Wasn't it North's negligence and blatant disregard for her partner and the opponents that was responsible for this entire fiasco? How could the Director rule that E/W were unaffected by the MI and were on their own?

Perhaps this table ruling stemmed from a broader application of the same sort of thinking that is exhibited by the following panelist's comment.

**Treadwell:** "I don't understand why E/W should get anything. East had shown some HCP and then had freely bid 2! . It is hard to imagine not bidding 4! with the West hand at this point. Perhaps N/S should receive minus 650, but E/W should retain their plus 200—they earned it."

Only with a little help from their "friends," David.

I agree with everything the Panel said, with one exception. I believe that N/S *did* have an agreement about a defense to a forcing club. To conclude that they didn't places an unreasonable burden on anyone who agrees to play a method and later finds out, in the heat of battle, that he doesn't understand some aspect of it well enough or that his partner neglected to explain some subtlety of the method. How can the players be said not to have an agreement when they've discussed it? While North knew that she didn't understand the method, South had no reason to think they weren't in place when (a) he explained them to North, (b) she agreed to play them, and (c) she affirmed her knowledge of them not once, but twice. Making an agreement is one thing, understanding that agreement is another. N/S *had* an agreement which North didn't know adequately—and she knew she didn't know it. Thus, North was responsible for MI to E/W but not for lack of an agreement!

Consider the following two panelist's analyses.

**Gerard:** "No Nobel Prize for this analysis. Don't they teach Contracts in the first year up there? What did the consultant want for evidence of an agreement, a pinkie swear? N/S even confirmed the agreement before the bidding started. That North didn't understand it only meant it was a mistaken bid. Thus there was no MI.

"Of course there was UI, but it looks pretty random as to whether it affected E/W. The key to the whole hand is that East's " Q was pulling full weight. If North had bid 2 $\heartsuit$ , East would likely have counted the " Q since North would have shown a minor two-suiter as a passed hand (both East and West were playing for North not to have hearts), making it unlikely that North had both top diamonds. When North rebid 2" East probably should have done the same, but against a bid and rebid diamond suit it was tougher. So there was marginally more doubt than there would have been if North hadn't acted upon the UI. However if East meant 2! as Stayman for spades, his decision whether to bid 4! had nothing to do with North's choice of rebids and everything to do with the existence of N/S's agreement. That is, East would clearly have bid game except for the fear that West was raising hearts, not responding to Stayman. In that case, there should be no adjustment. But since there was no evidence of such an intent, E/W just barely met the standard for being disadvantaged.

"I know the consultant has a sense of history, so I'll offer proof that N/S had an agreement. You remember that Forquet and Garozzo played Roman 2" but that Forquet hated it because Garozzo kept making it more and more complicated? You remember that in a World Championship he opened a 17-point 4-4-4-1 with 1 $\heartsuit$ , so as to avoid having to remember the rebids? You remember that Garozzo knew this, even laughing about it when Forquet put down his dummy in 3NT? Would you say that Forquet and Garozzo had no agreement about Roman 2" ?"

**Polisner:** "A difficult decision at best. Based on the facts stated, I may have concluded that there was a partnership agreement and thus no MI; however, the conclusion which allowed E/W to achieve the normal result seems fair."

While I agree with these panelists' views of N/S's partnership agreement, my conclusion about the MI is different. Can't we hold North responsible for causing this result when she intentionally entered into a conventional bidding agreement knowing that she could not sustain it? Hasn't this player injured the opponents through an extraneous act which she could have known at the time she committed it was likely to work to her advantage? Agreeing to play a conventional defense to the opponents' strong club knowing that you don't understand it is clearly more likely to damage the opponents than your side, since the hand is more likely to belong to them. North could easily have known this when she disregarded her obligation to make a reasonable effort to know what she was playing. This seems analogous to the type of situation covered by Law 73F2 and the responsibility described in the following excerpt from the ACBL's Active Ethics pamphlet:

*"Part of the 'right' to use a convention is the responsibility of deciding when it applies in probable auctions. The opponents may be entitled to redress if you did not originally have a clear understanding with your partner of when and how to use a convention you are playing."*

I believe E/W were damaged by a player (North) who acted irresponsibly and who could have known that doing so was more likely to damage the opponents than her side. Therefore, E/W are entitled to redress. To match Ron's analogy, when a player hesitates on defense with no bridge reason and causes declarer to go wrong, if he could have known beforehand that this might damage declarer, then this isn't an "at his own risk" type of situation. So both sides can have their score adjusted.

Returning to the score adjustment issue, I would have adjusted the contract for both sides to 4! by East and assessed a PP on N/S for North's flagrant disregard of her obligations to her partner and the opponents. I think at least one-quarter and perhaps one-half of a board would be appropriate (not to be reciprocated to E/W).

How about the result in 4! ? Let's hear from our panelists.

**Bethe:** "N/S clearly cannot get the benefit of the confusion they created. And there should be great sympathy for West, who, having worked out that North *really* had diamonds, decided that the " K was now wastepaper. Should E/W really get the benefit of a careless defense which may, partially, have been induced by the low level contract? I think I would give E/W plus 620 and N/S minus 650 and a one-quarter-board penalty."

A reasonable score adjustment. N/S get the worst of it while E/W don't get the benefit of the doubt that game would have been defended as poorly as the partscore contract. But sometimes it happens the other way around: players panic defending a game when they would have defended a partscore more calmly (and accurately). Why adjust according to the former principle?

**R. Cohen:** "I agree that a score adjustment was in order, but plus 620 was the correct assignment. How do E/W avoid three losers? It looks like the Director did a poor job ferreting out the facts at the table, or he would have come up with a different ruling."

The real question is how they avoided three losers at the table. I would need to know how the defense went to decide whether it was negligent, or due to the contract being a partscore, or something else. As it is, I see no compelling reason not to follow the table result and assign reciprocal 650's to the two sides, as the Panel did.

**Patrias:** "I like the idea of soliciting opinions from players of approximately the same level of play (note my problem with CASE TEN). Apparently this bidding would present a real problem for players at this level. A more experienced pair might just figure they had rooted out the 'psych' and bid game. For that reason I agree with the Panel's decision."

Yes, the Panel did quite well to consult other Red Ribbon pairs...or did they?

**Weinstein:** "The Director's ruling, while harsh on E/W, was egregious in not penalizing N/S. The Panel's analysis is on track. It does strike me as a little scary that we're consulting Red Ribbon players as experts even though they got it right this time. Not that there aren't some fine players in the event (I don't really know either way, but I'm in a rare politically correct mood today—please forgive me), but if they're good enough and experienced enough to be consulted, they probably don't belong in the event in the first place. Actually, some of the players not in the Red Ribbon who have been consulted are a little scary as well. Though I think the Director Panels have been doing a great job and should be continued, there is a saying in dealing with computers that seems appropriate when choosing who is consulted: 'garbage in, garbage out.'"

I personally find that consulting players who are at the same level as the contestants in the event is invaluable in judging how likely it was that the non-offending pair's evaluation of the situation might have been affected by the MI. Of course the final judgment must be made by those who can better evaluate the logic and bridge issues involved.

**Rigal:** "Poor Director ruling—he seems to have ignored the main points at issue altogether. Meanwhile, N/S's behavior in terms of their agreements and explanations, coupled with North's blatant foul, mean that N/S actually got away quite lightly here. I'd have liked to have emphasized to them how inappropriate their behavior really was."

**Bramley:** "Another well-argued and well-written decision. The table Director should have gotten this one right."

**Brissman:** "Good outcome, but the floor Director should have ruled for the non-offenders and placed the appeal burden on N/S to defend their actions."

**Rosenberg:** "The Panel decision feels right to me."

Finally, one panelist raises a technical point that should be considered.

**Stevenson:** "Why was 1" announced? This is not a position for an Announcement. While generally the Announcement system has worked well in the ACBL (and the rest of the world should consider copying the idea), one problem has been that some people abuse it by announcing in a lot of positions in which the ACBL has not mandated it.

"The use of UI was pretty blatant here, but not in the same class of offence as CASE TWENTY-FIVE. North was clearly confused and no warning had been given to her. Still, she should be educated that her 2" bid is not acceptable, at the very least having Law 73C read to her. The Director seemed to ignore the UI implications in his ruling."

David makes a good point. The 1" bid, even though played as a transfer, was not Announceable. Only diamond or heart transfers at any level after any level notrump opening or overcall are Announceable. Inexperienced players are more susceptible to this sort of error, thinking that all transfers are equivalent. Still, the benefits of Announcements (in certain situations) are undeniable and the rest of the world really should consider adopting this technique in appropriate situations.

CASE TWENTY-NINE

**Subject (MI):** The Crocodile That Never Was

**Event:** Red Ribbon Pairs, 26 Jul 99, First Qualifying Session

Bd: 15	!	K9543	
Dlr: South	!	953	
Vul: N/S	"	K72	
	È	J4	
!	Q		!
!	KQ108		!
"	95		"
È	K109862		È
	!	AJ62	
	"	A764	
	"	Q64	
	È	A7	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1" (2)	Pass	1È (1)
2È	3!	All Pass	1!
(1) Alerted; 15-17 HCP, any hand			
(2) Alerted; 6-8 HCP, promises at least one four-card or longer major			

**The Facts:** 3! made three, plus 140 for N/S. The Director was called at the completion of play. The opening lead of the ! K (ace from AKx) was won by the ace. South then drew three rounds of trumps followed by the È A and a club. West won the È K and led the " 9, 2, 10, Q. When South next led a low heart, West failed to play the queen, endplaying East. West believed he should have been Alerted that South may bypass a four-card heart suit to bid a four-card spade suit and that he consequently mis-defended. South admitted that it was a systemic agreement to bypass a four-card heart suit to rebid a four-card spade suit after a 1" response. The Director ruled that failing to beat 3! was not a result of MI and allowed the

table result to stand.

**The Appeal:** E/W appealed the Director's ruling. West stated he was sure it could not be wrong to play his ! 10 since he believed that South could not have four hearts. His partner had played the ! 2 at trick one. N/S said they did not know that 1! was Alertable. 1È showed 15-17 HCP and any distribution. 1" showed 6-8 HCP with at least one four-card or longer major. South believed the responses to 1" were similar to Stayman, where either major may be bid without an Alert. North said he thought South would bid his better major with four-four, but South said he bid 1! because he would get more information about the hand.

**The Panel Decision:** After consultation with ACBL Chief Tournament Director Gary Blaiss, the Panel decided that 1! was not Alertable, but that N/S should give more information in the Alert of 1". The Panel decided that E/W were not misinformed. Further, since West did not find the play of letting partner win his È Q to lead a heart through declarer, it was not likely that he would have played the ! Q if told that South could be four-four in the majors. The Panel allowed the table result of 3! made three, plus 140 for N/S, to stand.

**DIC of Event:** Tom Quinlin

**Panel:** Olin Hubert (Reviewer), Ron Johnston, Matt Smith

**Players Consulted:** Marc Jacobus, Paul Lewis, Ron Smith

**Directors' Ruling: 84.9**

**Panel's Decision: 84.1**

The information given to the Committee about the Alertability of the 1! bid was certainly "technically" correct. The Alert procedure states that a 1NT rebid (but not a 2NT rebid) that could bypass a four-card major is Alertable. But there is no requirement to Alert a 1! rebid which could bypass a heart suit. There is also a requirement to Alert a rebid in a suit that tends to be longer than the opening bid

suit, but I think that does not apply here since the 1È bid was artificial and the suit in question (hearts) had never been bid—only bypassed; in any event, spades was not agreed to be longer than hearts.

However, having said that I am not convinced that the agreement that was in use should not have been Alerted. The principle behind all Alerts is that any call which carries an unusual or unexpected meaning, or has implications which the opponents may be unaware of, must be Alerted. Here, I would venture to say that none of us would expect, after South's 1! rebid, that South could systemically be four-four in the majors. This is quite different from responding to Stayman where the older practice (still in use by some pairs today) was to bid spades before hearts holding four-four in the majors. In that case, the variance is not entirely unusual or unexpected (though it may be for those who learned the game more recently).

In spite of that, I still think the table result should have stood—for the reason expressed best by the following panelist:

**Rigal:** "As Director I think I might have been swayed initially by West's arguments. I do not think West's defense was all that poor. I also think the Panel made the right decision, in the context of the event. Crocodiles are rare in San Antonio and even rarer in Red Ribbons."

And there you have it, the Endangered Species ruling! When something could be either a crocodile or a crock, put your money on the crock—unless you're in Florida.

Any other takers on whether this treatment was Alertable?

**Bethe:** "Well, I think that 1! was Alertable. It is a highly unusual treatment in the context of highly unusual methods. A player cannot be expected to reason that this is comparable to Stayman, and cannot be expected to have any idea what the opponents' follow-ups are after this unusual 1È -1" structure. Now, with the right information, should West get this right? He surely should get the clubs right, and thus loses redress, though not sympathy. I believe in disclosure; I would probably rule that West might have gotten the crocodile right with adequate disclosure—thus N/S minus 100; but it is not sufficiently probable that E/W get the benefit, thus E/W minus 140. I think Gary got the Alert question wrong because he did not sufficiently consider the ramifications of the unusual definition of 1È and the eccentric 1" response. This points out the need for the Directors to consult with bridge players on bridge problems. The Panel gets "moderate" marks for their correct decision within a questionable interpretation of the regulations."

Should there have been a two-way score adjustment? While that's certainly reasonable, I would not endorse it; crocodiles are still too high on the endangered species list for this event.

**R. Cohen:** "When will players who have had extensive discussions about their agreements, particularly forcing-club partnerships, explain the nuances about their bidding before the opening lead is made—even though some of the bids are not Alertable? This would have been appropriate for North prior to the opening lead. No problem with the decisions."

On the other side of the Alertability issue...

**Bramley:** "What additional info should N/S give in the Alert of 1" ? Here is another example of a subtle systemic treatment that is slightly at odds with the opponents' expectation. We cannot ask players to Alert all such treatments and their attendant inferences without completely bogging down the game. Every system is loaded with such inferences. Only when those inferences are very unusual should we expect players to offer explanations."



**Stevenson:** “Whether 1 $\heartsuit$  is Alertable or not, a player that needs to know whether declarer can have certain holdings, especially in a system not particularly well-known, should protect himself by asking. Alerting is meant as an aid to the smooth running of the game, not a method of getting rulings when a defender has failed to ask in an obvious situation. If 1 $\heartsuit$  is not Alertable, why was that not part of the original ruling? Once the Panel decided E/W were not misinformed, why did they consider West’s defense?”

In the context of the very unusual 1 $\heartsuit$  opening and 1 $\heartsuit$  response, perhaps E/W should have been on the (self-)Alert for unusual follow-ups. Still, we’ve all seen similar systems (e.g., the Polish Club, the Swedish Club) that open 1 $\heartsuit$  with certain ranges of balanced hands and which do not employ any such strange rebids. I think the inferences from this 1 $\heartsuit$  rebid were just too unexpected not to be Alerted.

**Brissman:** “Right. Another clue leading to the same conclusion was the inference of South’s play at trick one.”

Jon has a point, but not many good players would draw that inference and it’s a pretty risky one to draw—even when South is an expert declarer.

**Polisner:** “Assuming that 1 $\heartsuit$  is not Alterable (which I defer to the ACBL) then I don’t see any reason to adjust the table result.”

The following panelists have E/W pegged as crybabies. “Off with their heads!”

**Treadwell:** “E/W must be lawyers to attempt redress from their very poor defense, based on a subtle technicality which really should have had no bearing on the play. I would have considered rewarding them with some AWMPP points.”

**Patrias:** “‘I didn’t defend right; it must be their fault.’ West was not going to find the ! Q no matter what. Result stands.”

The final two panelists rightfully take the Panel to task (and I’d bet some other panelists as well, had they known their opinions) for the short shrift given to West’s problems on defense—especially in his club play at trick six.

**Weinstein:** “I have more sympathy for West than the Panel. Couldn’t South hold  $\heartsuit$  AQ75 and play the suit that way, knowing that West has the  $\heartsuit$  K? N/S should try to be more careful to fully explain unusual systems. However, this probably isn’t an Alert and West is allowed to ask.”

“Allowed” and “aware of the need” are two entirely different things.

The following panelist hits the nail squarely on the head and earns the right to The Final Word.

**Rosenberg:** “Yet again, the Panel imposes its bridge judgment and assumes it would take the winning action. West did not find the play of ducking the club to partner’s queen, but what if declarer held e.g. 1 $\heartsuit$  AJxx ! Axx " Jx  $\heartsuit$  AQxx? Declarer might well spurn the club finesse, since West bid clubs. I believe it is incumbent on a pair playing unusual methods to fully explain the ramifications of their system. Otherwise, especially in a pair game, that pair gains a significant advantage due to the unfamiliarity the opponents experience dealing with ‘different’ situations. The Panel would have been on firmer ground if they had pointed to West’s ! 10 play, which was unlikely to be correct since declarer would not have ! AJx. But this is totally irrelevant, because West (almost any strength of player) had the mind set that declarer could not have four hearts, so why think any more? And why did he have this mind set? Because the opponents had failed to reveal what they knew about their hands. An expert West could and probably should have protected himself in

this unfamiliar situation. But I certainly would not expect a West in the Red Ribbon pairs to do so. There is something almost sneaky about the N/S behavior on this deal, whether consciously or not. Of course, I’m biased since I feel that unusual systems in pair games are kind of sneaky.”

CASE THIRTY

**Subject (MI):** Consider The Opponents' Point Of View  
**Event:** Red Ribbon Pairs, 26 July 99, Second Qualifying Session

Bd: 6	!	1092		
Dr: East	!	A4		
Vul: E/W	"	J982		
	Ê	K954		
!	!	J87	!	A54
!	!	J982	!	Q753
"	"	A64	"	K105
Ê	Ê	872	Ê	Q106
	!		!	KQ63
	"		"	K106
	Ê		Ê	Q73
				AJ3

  

<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1"	Pass	1Ê
Pass	1NT	Pass	1!
Pass	3NT	All Pass	2NT

  

**The Play (lead underlined>):**

<b>Trick</b>	<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1	!	!	!	!
2	!	!	!	!
3	!	!	!	!
4	!	!	!	!
5	Ê	"	"	!
6	"	"	"	!
7	!	"	!	!
8	Ê	Ê	Ê	Ê
9	Ê	Ê	Ê	Ê
J				Ê

**The Facts:** 3NT went down two, plus 100 for E/W. The play went as indicated in the diagram. When the ! 3 was led at trick seven, declarer inquired, "What is your carding?" The answer was "Standard," with no mention of third-and-fifth leads. The Director ruled that since E/W had not mentioned third-and-fifth leads and East had led the ! 5 followed later by the three, it was reasonable for declarer to assume that East had started with five hearts. The contract was changed to 3NT down one, plus 50 for E/W (Laws 20F and 40C).

**The Appeal:** E/W appealed the Director's ruling. E/W believed that they had been responsive to the question at trick six (or seven) about their carding. They stated that so far into the play it never occurred to them to address their opening lead style. They also did not believe that the information led directly to the bridge decisions North had to make. N/S stated that the response "Standard" to the question about carding had caused him to believe that East

had five hearts, which in turn led him to try to smother the Ê 10 at trick nine.

**The Panel Decision:** This case hinged on two issues: (1) did E/W give MI when they failed to include the third-and-fifth opening lead information when answering the question about carding; and (2) was the bridge of the situation such that North should be protected by a trick in the play? The Panel initially consulted three expert players and then two others before a final decision was rendered. The experts believed that North, who thought he needed information about the opening lead, needed to check the convention card or ask specifically about opening leads if it was well into the play. It is important that questions be answered fully and in the spirit of full disclosure, but this one, coming as it did late in the play, could easily and with good intentions be answered without reference to opening leads. The best practice is for declarer to routinely check the opponents' convention card for opening lead and carding agreements before playing to trick one, or later as the need arises. Questions do not have to be phrased perfectly but they do need to direct the opponent's attention to the area of concern. Players responding to questions about lead and carding agreements would be well-served to hand their convention card to

declarer and stand ready to answer any follow-up inquiries. The experts consulted looked at the play from the point of declarer's apparent concern: If he considered opening lead information crucial, he needed to do more to focus on that issue. While there was admiration for the line of play that would have produced nine tricks if the Ê 10 had been smothered, the consensus was that declarer took the line at his own risk. The Panel decided that E/W had been responsive to the question that was asked and accepted expert opinion to restore the table result of 3NT down two, plus 100 for E/W.

**DIC of Event:** Tom Quinlin  
**Panel:** Ron Johnston (Reviewer), Olin Hubert, Charlie MacCracken, Roger Putnam  
**Players Consulted:** Henry Bethe, Ralph Cohen, Bob Hamman, Mark Lair, Howard Weinstein

**Directors' Ruling:** 63.3      **Panel's Decision:** 98.7

I think North's complaint was pretty thin, as was the initial table ruling. The question "What is your carding" clearly refers to plays made when following suit or discarding—not when leading and certainly not to the opening lead.

I'm quite impressed both with this decision and the write-up. Let's hear what our panelists to say.

**Bethe:** "North's play was disingenuous at best. He knew spades had started three-three. He also knew that East had not continued hearts at trick four when any five-card holding would have enough information from the play at trick one to do so. And the contention that the opponents should inform him of their opening lead style at trick seven in response to a question about their carding is equally naive."

If East started with ! Axx ! Qxxxx " 10xx Ê 10x, then once his ! A reentry was knocked out, might he not have abandoned hearts?

**Bramley:** "Another weak Director's ruling saved by a good Panel decision. If N/S had appealed a proper ruling against them they would have deserved an AWMPP. This was pure sour grapes by North."

Yes, sour grapes is accurate. Only the poor table ruling saved N/S.

**Patrias:** "Good work by the Panel. Defenders should not be punished for not understanding declarer's question."

**Polisner:** " I agree that 'carding' does not encompass 'leads,' and thus no MI occurred. Since there was no discussion as to North's revoke at trick seven, I assume it was not deemed relevant."

We've tried to track this down to see if the reported facts were a mistake, but no one remembered the necessary degree of detail. So we assumed that it happened as reported: an undiscovered (and immaterial) revoke.

**Treadwell:** "I must not understand English. If an opponent asked about my carding methods, I would tell him in detail but would say not a word about leads, since that is not what I was asked. Is it really so difficult for a player to ask for information about leads by using the word in his question?"

**Stevenson:** "While MI is bad for the game, players should be aware that, with the best will in the world, misunderstandings will occur between the two sides. Players with a particular concern would do well to make that clear in questioning. In this case, declarer's question lent itself to misunderstanding and his failure to protect himself by a better specified question was the root cause of the problem."

The next group of panelists have more acceptance for the table ruling than it likely deserves.

**R. Cohen:** “The Director was probably correct at the table, but the Panel had more time to get all the facts and acted properly. Yes, I always hand an opponent my convention card when asked a question about my leads and carding. Also, I reach for the opponents’ card when I need information as declarer. Why tip my problem?”

**Rigal:** “Defensible enough decision by the Director even though I can’t see why North should get protection for his rather wild line. I think the answer to a question about carding relates to signaling and discards. Leads are not ‘carding,’ they are leads. Particularly in the context of the timing of the question, I don’t see why North deserves any protection after the flyer he took in the play.”

**Rosenberg:** “A question about carding is separate from a question about leads. However, if that question came at trick one, it would be petty to deliberately withhold information regarding the lead. Good Panel work. I’m glad the Director ruled the way he did, because it allowed various interesting points to come forth.”

And finally, we come to the man who has all the answers...er, questions...uh, what was that again, Howie, you told me you had?

**Weinstein:** “Did declarer really play spades by leading small to the king and small to the ten? Did declarer really revoke, or is it an error in the write-up? Was I really consulted? I only have a vague memory of a question about whether opening leads were automatically part of a question about carding in the middle of a hand. So many questions. In any case, the table Director, even if he believed E/W were non-responsive and should be penalized, shouldn’t reward N/S with the trick, since North contributed to his own poor result by asking a poorly phrased question. I agree with the Panel.”

## CASE THIRTY-ONE

**Subject (MI):** Bridge Wars Episode One: The Phantom Suit  
**Event:** Red Ribbon Pairs, 26 July 99, First Session

Bd: 15	!	K9543	
Dlr: South	!	953	
Vul: N/S	"	K72	
	Ê	J4	
!	Q		!
!	KQ108		!
"	95		"
Ê	K109862		Ê
	!	AJ62	
	!	A764	
	"	Q64	
	Ê	A7	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
2!	2NT(3)	3Ê	1NT(1)
Pass	3!	Pass	Pass
5Ê	All Pass		4!
(1)	15-17 HCP		
(2)	Alerted; transfer to clubs		
(3)	Not Alerted; intended as Lebensohl		

**The Facts:** 5Ê went down three, plus 150 for N/S. After the auction was over, North stated that he believed his 2NT bid had been Lebensohl. South stated she did not think 2NT was Lebensohl because a suit had not been identified. The Director was called before the opening lead and called back to the table when the hand was over. The Director ruled that there had been a failure to Alert and that MI was present since a suit had been identified. The Director also ruled that the standard set forth in Law 40C (“If the Director decides that a side has been damaged through its opponents’ failure to explain the full meaning of a call or play, he may award an adjusted score.”) had not been met and allowed the table result to stand.

**The Appeal:** E/W appealed the Director’s ruling. East inquired at the end of the auction if Lebensohl was played. South said they played Lebensohl but not when the suit was unknown. East said he would have bid 3Ê regardless. West said she would have bid differently. West thought 3! was either “forcing or highly invitational.” She said she would not have bid 5Ê with the proper information. E/W were also concerned that the 3! bid might have been affected by UI. N/S agreed that they were unsure about their Lebensohl agreements. North believed it applied in this case and South did not. N/S stated that West remarked during play that she would have bid 5Ê in any case; E/W vigorously denied this.

**The Panel Decision:** Three experts were consulted. Each was asked to comment on the following: (1) could North’s 3! bid have been influenced by the UI from the failure to Alert—unanimously they said no; (2) could East’s 3Ê bid have been affected by MI from the failure to Alert—unanimously they said no; (3) could West’s 5Ê bid have been a product of MI from the failure to Alert 2NT—unanimously they said no. All experts were emphatic that no connection between the infraction and the damage existed. The Panel decided that MI occurred when 2NT was not Alerted (Law 75) but that damage did not occur as a result of the MI (Law 40C) or as a result of any UI to North from the failure to Alert 2NT (Law 16). The Panel allowed the table result to stand.

**DIC of Event:** Tom Quinlan  
**Panel:** Matt Smith (Reviewer), Steve Bates, Olin Hubert  
**Players Consulted:** Bobby Levin, Jim Robison, John Sutherland

**Directors’ Ruling: 96.4**      **Panel’s Decision: 96.4**

The Panel’s decision says it all. The only issue that remains is...

**Bramley:** "Give E/W an AWMPP. Their argument is preposterous."

**Treadwell:** "Excellent reasoning by the Panel and consultants. Another example of a pair trying to gain redress on a subtle technicality. Why no AWMPP?"

**Weinstein:** "Way up there on the whiny scale. With all due deference to Wolffie's 'if they screw up hang them, regardless' CD policy, it can lead to protests like this one, which somehow escaped without an AWMPP. Good Panel work."

The question in my mind is whether the Panel even considered the merit issue.

**Bethe:** "North not only did not take advantage of any UI, he bid his hand as though his partner had Alerted properly. West was on her own."

**Rigal:** "Sensible Director ruling to appreciate the break in the chain between the MI and the action taken by West. West got unlucky to my mind; the vulnerability and the extra shape argued to her to bid. I think this was closer than the Panel does (e.g., partner has 1 xxx 1 Jxx " Jxx E QJxx and the save is cheap). But as against that, if West believed the non-Alert and thought North had the balanced invitation in spades he expected, then a sacrifice was less likely to be right (the opponents are in a four-four fit splitting badly). If West thought this was a Lebensohl sequence then by definition he had not been damaged by the non-Alert. Incidentally, what was South talking about when she said no suit was identified? She knew West had clubs according to the explanations quoted!"

Barry's right. If West thought North was balanced, that would argue *against* sacrificing for the reasons stated. Conversely, a Lebensohl auction would suggest that N/S might be stretching for game.

**Patrias:** "West had already shown the club suit. Saving should be left up to partner except when she has zero defense. I agree with the experts and with the Panel's final decision."

**Polisner:** "I agree on all aspects."

**Rosenberg:** "Okay."

**R. Cohen:** "There was no connection between any MI and any damage. West shot herself in the foot when she bid 5E. Also, why was North explaining his own bid before the opening lead when he was a defender? Someone should have assessed a PP on N/S for this infraction—probably the floor Director."

Indeed, why were N/S discussing the auction prior to defending? Perhaps they made their statements to the Director individually, away from the table. But if the Director encouraged this exchange, his table procedure should be firmly corrected.

**Stevenson:** "A good example that shows that neither MI nor UI automatically results in an adjusted score. Compare CASE THIRTY-TWO."

And so we shall.

## CASE THIRTY-TWO

**Subject (MI):** Trust Me

**Event:** Open Pairs, 27 Jul 99, First Session

Bd: 14	! J73		
Dlr: East	! K98		
Vul: None	" J4		
	E Q10975		
! 95		! KQ84	
! AQ		! J643	
" Q109862		" A53	
E 863		E J4	
	! A1062		
	! 10752		
	" K7		
	E AK2		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		1NT(1)	2E /Dbl(2)
2NT	Dbl	Pass	Pass
3"	All Pass		
(1) Announced after 2E bid; 11-14 HCP			
(2) Changed to Dbl (natural); 2E showed the majors over a strong notrump			

**The Facts:** 3" went down one, plus 50 for N/S. Prior to doubling, North asked East the meaning of 2NT. East said, "All two-level bids over 1NT doubled are to play." After the auction was over West said, "2NT was an error; I meant to bid 2! which is a transfer to 3E. I was then going to correct to 3". The minor-suit transfer was not noted on either of the E/W convention cards. The Director was called at the end of the auction. The table result was allowed to stand.

**The Appeal:** N/S appealed the Director's ruling. N/S said that when asked about the 2NT bid, East explained that all two-level bids in competition were to play. North said if she had known that West had a suit to run to, she

would have passed 2NT for plus 150. East said she thought 2NT was competitive and showed some values. West said he pulled the wrong card and meant to bid 2!, which he said was a transfer to 3E showing either minor. He said he thought they had agreed to play two-level bids to play if the opponents bid, but not over double.

**The Panel Decision:** The Panel did not find that N/S were damaged as a result of MI (Laws 47E2(b) and 40C). North and South were far more experienced players than E/W. The Panel decided it was unrealistic for North to base her double of 2NT on East's explanation. The table result was allowed to stand.

**DIC of Event:** Rick Bey

**Panel:** Olin Hubert (Reviewer), Charlie MacCracken, Matt Smith

**Players Consulted:** Lynn Deas, Marinesa Letizia, Beth Palmer, Chuck Said

**Directors' Ruling: 87.4**

**Panel's Decision: 87.2**

E/W were confused and seem to have had no real agreement after a double. But even if they did, if 2NT was a misbid N/S are due no protection. I find N/S's pursuit of a score adjustment silly. I'd vote for AWMPPs. Agreeing with me are...

**Bramley:** "Another worthless case. Give the AWMPP!"

**Treadwell:** "Excellent work by the Panel and consultants. Yet another example of a pair trying to gain redress on a subtle technicality. Why no AWMPP?"

**Polisner:** "I don't understand what South's first bid was; however, I agree that the table result should stand."

South apparently bid 2E intending it as Landy (or some such) before 1NT was announced as weak. She was then allowed by the Director to change her call

without penalty since it was induced by the MI from the late announcement.

**Bethe:** “North was trying to trap East. North knows, presumably, that South has a 14-15 point hand with the majors. Since South has the majors and North has clubs and a partial fit for both majors, it would seem highly likely that West has diamonds. She had the board won and let it get away with an injudicious double.”

One panelist had problems with the procedures followed by the table Director.

**R. Cohen:** “If the Director was called at the end of the auction, was South asked if he wanted to change his final call? Were North and South asked at that time if they would have made different calls earlier in the auction? South might have doubled if given the new information—not unlikely considering North’s double of 2NT. I also don’t understand the statement about North’s unrealistic basis for her double of 2NT. What is the purpose of the Alert procedure and explanations? The Panel’s conclusion may have been correct, but we’ll never know for sure. The procedures for reaching a decision were all wrong.”

Chris clarifies what the Panel’s statement “North’s unrealistic basis for her double of 2NT” meant.

**Patrias:** “South doubled 1NT for ‘penalty’ and West bid 2NT to play. I need to add this agreement to my arsenal. Sometimes players need to ignore the unbelievable.”

**Stevenson:** “Similar to CASE THIRTY-ONE. Despite certain confusion in the explanation, there is no real reason why N/S should get an adjustment therefrom. It would be helpful if the reason for the Director’s ruling was given; the narrative says that the table result was allowed to stand, but why?”

**Weinstein:** “If West had made the 2<sup>1</sup> bid he intended we would still have MI, and N/S might actually have a case. I agree with the Panel. One could make a strict case for adjusting the E/W score, but I’d much rather see no adjustment when a strange looking bid amazingly turns out to be strange.”

Two panelists see redressable damage here. I may need even stronger glasses.

**Rigal:** “On the surface of it this was a ridiculous auction. North knew that a wheel had fallen off and the double simply gave E/W a chance to sort things out. But life is not so easy. As against that, if her side could make a partscore or game (and why not?), she might have to double to retain her equity in the board. I think the absence of a conventional agreement amounts to MI and I’d want to adjust the score. (After all; if South has five-four in the majors and game makes on the N/S cards, plus 200 on defense may not be so great.)”

**Rosenberg:** “I don’t get this. If North had passed 2NT and dummy had put down a balanced 8-count (he did have 8 HCP) and gone two down, whose fault would that have been? True that wouldn’t be a bridge bid, but East’s explanation indicated that the pair was capable of making non-bridge bids. E/W should certainly have gotten the score for 2NT down whatever (I would say down four) and I think N/S should get plus 200 also.”

## CASE THIRTY-THREE

**Subject (MI):** If Ya’ Wanna’ Talk The Talk, Ya’ Gotta’ Walk The Walk  
**Event:** NABC IMP Pairs, 28 Jul 99, Second Session

Bd: 21	George Fox		
Dlr: North	K942		
Vul: N/S	! AK1082		
	" A7		
	É A5		
Jeff Roman		Marc Umeno	
J76		A5	
! QJ6		! 975	
" J4		" K9652	
É KQ972		É 1083	
	Vic Sowers III		
	Q1083		
	! 43		
	" Q1083		
	É J63		

West	North	East	South
	1É (1)	Dbl(2)	Rdbl(3)
Pass	1!	Pass	1NT
Pass	2NT	Pass	3NT
All Pass			
(1) Strong, artificial and forcing			
(2) Diamonds or majors			
(3) 3-5 HCP with clubs			

**The Facts:** 3NT made three, plus 600 for N/S. The opening lead was the " J. The Director was called at the end of the play. N/S stated that by agreement South’s redouble showed 3-5 HCP and four-plus clubs; while they had never discussed the present convention, over other doubles redouble showed a club suit and 3-5 HCP. The Director ruled that there was MI and that the MI caused damage (Law 40C). The Director changed the result to Average Plus for E/W and Average Minus for N/S (Law 12C1).

**The Appeal:** N/S appealed the Director’s ruling. N/S played once a week at clubs and rarely at the sectional level. They had not encountered other than natural intervention over their strong club (i.e. the double shows clubs). Pass over the double would have shown 0-5 HCP,

redouble 3-5 HCP with four-plus clubs, and 1! 6+ HCP with three controls. South chose redouble because East had denied clubs and he figured it was the smallest lie. When asked, South said the reason he did not bid 1! at his second turn was that 1! over 1! would have shown five (North thought it showed only four). At the end of the auction West asked about the redouble. North said, “3-5 HCP plus clubs, but that something might have gone awry because South was not expected to bid 1NT.” West also asked South and he confirmed the agreement. West said he was not going to lead a club after the explanation. He did not want to focus his partner’s mind on clubs, but he did ask both players for their partnership agreement, quite diligently. The opening lead was the " J. Declarer won the ace and led the ! 8 to West’s jack. West exited with the " 4 to East’s king and East then continued with the " 5 to the queen. Declarer now had nine tricks.

**The Committee Decision:** N/S were unable to produce any system notes so a high standard was required to accept their statements about their agreements. The Committee believed that they had probably not run into a meaning for double other than clubs, but the lack of precision regarding their agreements on the second round implied there might be a lack of certainty in the actual auction. If N/S’s agreement for the redouble was club “tolerance” or three-plus clubs, then West was potentially damaged at trick one (top club lead; possibly a low club wins too, but declarer can succeed). East’s defense at trick four was also influenced by the misexplanation. While a diamond may not be best, it was not irrational. A club shift fails if declarer has É Q97x and reads the position. The causality between the MI and damage remained intact. That being the case, an adjustment was made for both N/S and E/W. For N/S, “the most unfavorable result that was at all probable” (Law 12C2) was down three in 3NT on the play at the table but a club shift at trick four. For

E/W, “the most favorable result that was likely” was down two on a top club lead (or a low club lead plus a misguess by declarer). The contract was changed to 3NT down three, minus 300 for N/S, and to 3NT down two, plus 200 for E/W.

**DIC of Event:** Henry Cukoff

**Committee:** Barry Rigal (chair), Michael Huston, Corinne Kirkham, Richard Popper, Michael White

**Directors’ Ruling:** 61.0

**Committee’s Decision:** 76.9

N/S were playing a strong-club system and, having decided to do so, should expect to have to cope with a variety of defenses—especially in an NABC+ event. On the other hand, E/W’s defense was unusual and it would not be unlikely that they would confront pairs with it who would be confused by the uncertainty about East’s suit(s). E/W used their defensive methods (marginally) as described and South was really guilty of nothing more than making the system bid that came closest to describing his hand. West then very reasonably led his partner’s suit. Was there really any MI here or any basis for adjusting the scores? If there is, I can’t find it.

One other thing concerns me. Suppose, for a minute, that there had been MI and thus a reason to adjust the score. Why did the Directors assign an artificial adjusted score when it should have been routine to project a bridge result with E/W defending 3NT on a club lead—as the Committee did? Was there any reason why E/W deserved an Average Plus if the normal bridge result in 3NT would have been below average for them? Artificial scores should only be assigned in situations where, due to an irregularity no bridge result could be obtained, or where it is not possible (or practical) to project a result (and almost never in team games). This is the same lazy approach that we’ve seen used over and over and which causes more problems (and appeals) than it avoids. There are enough experienced Directors (and bridge players) available for consultation to start ruling the game at NABCs as the laws instruct. It’s time that Directors at NABCs are weaned of these practices.

Our first panelist mirrors my own opinion on this case.

**Beth:** “Let’s see. N/S are a relatively inexperienced pair who come to the big city, that is the NABC. South violates the agreement that both players claimed they had at the table and continued to claim they had in Committee. Why don’t we simply believe that their agreement is that redouble shows clubs and South lied? (What would 1” mean after 1E -Dbl when the double shows diamonds?) Why would West have led clubs after partner showed a diamond overcall? What does the pass of 1E redoubled show? East knew that South had four diamonds to the Q10 at the critical juncture. I don’t see the ‘high standard’ for pairs at this level even in a NABC+ event (particularly in the ‘WIMP’ pairs). I think this pair made an honest effort to disclose their methods and South had to make a choice among white lies. I think the Committee was too stringent. At worst, let the table result stand for both pairs and give N/S a one-quarter-board PP for mis-Alerting—except they didn’t.”

And now, the case for the prosecution.

**Bramley:** “Finally, a case with some meat. Though earnest in their explanations, N/S were lacking documentation and South failed to concur with North that he, South, might not have the hand that North was describing. Thus, MI and consequent damage were established. The Committee’s determination of separate results was well-reasoned. E/W’s main chance to lead clubs was on opening lead, which would result in down two after a normal winning spade guess. Because E/W’s complaint centered on the club suit, particularly as it affected the opening lead, their compensation should properly be based on their finding the suit immediately. If West instead leads a diamond, the chance of his side shifting to clubs becomes much smaller, but remains just great enough that, for N/S, we should assume that

the defenders will find the club shift when they win their heart trick. (I think that West is more likely than East to find the shift.) This sequence of plays, while unlikely, is “at all probable,” resulting in down three for N/S.”

If I had to adjust the scores, I would agree with Bart that reciprocal 300’s is the right adjustment. But let’s examine the arguments for finding MI and consequent damage. N/S both described the method they used after a double in the most nearly comparable auction (the double showing clubs). With no other agreements (due to their inexperience with artificial defenses), South was faced with the problem that no systemic bid fit his hand; he decided to show his HCPs and lie (slightly) about the suit that East was known not to hold and which therefore probably wouldn’t be a problem. But if North later thought South really had a club suit, this could have backfired big time against them. So with the hand likely to belong to N/S and as much (if not more) to lose as gain from his action, South told the same sort of “white lie” (as Henry so aptly describes it) or least misdescriptive call that we all select regularly at the table. North bid his hand consistent with the assumption that South held clubs (not mentioning his spades, thus missing N/S’s best game—4♠) and what happened next was plain and simply rub-of-the-green.

The next panelist makes a good point about what the proper explanation of South’s redouble should have been at the table.

**Gerard:** “This wasn’t rocket science. South’s redouble was natural. The correct explanation was ‘Would have shown four-plus clubs if double were natural, no agreement about this auction.’ E/W were damaged, but not at trick one. West would always lead a diamond, thus the E/W result should have been plus 300. That neither the Director nor the Committee could get it right is slightly bemusing.”

I agree with Ron’s description of the proper explanation. However, in this auction where East has not shown clubs, I can’t see how this made any difference. Suppose N/S’s agreement didn’t specify that a redouble showed clubs *only if the double implied them*. Suppose N/S’s agreement was exactly as stated: that redouble showed four-plus clubs—period (albeit only because of their inexperience with other sorts of doubles). It was only after the Director was called that the other stuff came out about artificial doubles and the inadequacy of N/S’s methods. In my opinion, they had an agreement, described it accurately, and it later turned out that it was too simple-minded to cope with modern doubles. Tough for E/W. Sue N/S!

Jeff, tell us about “rough justice” in these situations.

**Polisner:** “When you play craps by entering the auction with East’s hand and get the lead you asked for, it seems like a stretch to ask for relief because South had three and not four clubs. I would have allowed the table result to stand for both sides. When you use a convention not in common usage, you should expect (and I suspect secretly hope) that the opponents will mess up their auction or understandings.”

Next, more support for Ron’s position and a well-conceived and completely appropriate lecture for Committees about protecting non-offenders.

**Rosenberg:** “Clearly North should have said ‘We play [description in write-up] if double shows clubs, but we have no agreement over an artificial double.’ South’s comment about the smallest lie seems self-serving. Why couldn’t he pass, which wasn’t a lie? Perhaps South’s explanation of his redouble was a bigger lie than the redouble itself.

“Changing the subject, I’m fed up with Committees analyzing whether the non-offending side has lost their right to redress due to their subsequent error. Except for a top expert player, the standard should be close to a revoke. If I see one more sentence like the one about declarer having E Q97x I’ll scream (internally). How dare they follow that sentence by saying ‘the causality between the MI and damage

remained intact?’ If you can’t say after 5 seconds that there was an egregious error, then there wasn’t. Also, we all ‘throw cards’ on the table at times. Often these plays are inaccurate and/or nullo. But when they are made on the basis of correct information, they usually lose nothing. Why should these same plays cost points because some opponent gave us false information?’

Michael is close to the standard employed by the rest of the world that holds that only “wild or gambling” actions by the non-offenders disqualify them from receiving redress. I more-or-less agree with those standards but I place them on a sliding, rather than dichotomous, scale which depends on the level of the players.

Let’s now get more information from the chairman of this Committee.

**Rigal:** “Inappropriate score adjustment by the Director I believe, but he was clearly right to adjust. However, 12C1 should be a last resort. The double problem for the Committee was the question of MI and the quality of the subsequent defense. At the time, the Committee did believe N/S’s almost incredible statement that despite their long time in playing together they had never encountered a double of 1E to be anything other than clubs, nor had they prepared defenses to any other intervention. But the general murk in their agreements as witnessed by the actual discussions at the table, their comments afterwards, etc. meant that we could not rely on their testimony. That being the case, it appeared that we did have MI rather than a misbid.

“West foresaw the ethical issues of enquiring too closely about clubs (I respect him for that) and his decision not to lead clubs was obviously reasonable. Yes, we thought East should have shifted to a club, and there was certainly a case to be made for leaving him with the table result. But in the end we decided not to hold E/W to the highest standards. In retrospect, I think this is very close and I think we should probably have gone the other way. Mea culpa. Still, it was a qualifying event so high standards of play were not mandatory.”

Other than my disagreement with the finding of MI, I think Barry’s statement makes good sense. The next panelist makes several excellent points on the way to getting the decision half right.

**R. Cohen:** “Again the Directors blew it. Law12C2 says that Average Plus and Average Minus are not appropriate assigned scores when a result which has been achieved at the table must be adjusted. As to the Committee’s decision, would West really lead a club instead of a diamond after East has shown diamonds? The Committee’s decision may have been right, but for the wrong reasons. Would have to hear all the testimony to make an intelligent decision.

“Let’s face it! East knew South had the “ Q10 when he won West’s diamond continuation (which he should have discouraged at trick one). He knew South only had three more HCPs, so why didn’t he switch to a club? If you play in a NABC event, you are presumed to be capable of working out these problems. Let’s not forget, overtricks were not a factor here. It appears that E/W minus 600 and N/S minus 200 might have been more appropriate here.”

Our English Director panelist takes aim at rulings like the one in the present case, which represent one of his pet peeves against ACBL Directors’ rulings.

**Stevenson:** “What is the point of having Tournament Directors present at NABCs if they are not going to rule according to the Laws of Bridge? One might as well send out the hotel staff and tell them to give Average Plus to anyone who complains and leave the real decisions to the Committees.

“Law 12C2 requires a Director to assign a score if he believes there is damage consequent on MI. So either he leaves the result unchanged because he believes there is no MI or no damage (or both), or he adjusts to an actual score. It is not exactly difficult on this hand to realise that three off is a possibility so the Director

should assign 3NT down three and let the Committee consider it more deeply.”

I agree, as do several other panelists, but not our staff representative.

**Patrias:** “Good job by the Committee.”

**Treadwell:** “Unlike the two preceding cases, the appeal here had sufficient merit that a score adjustment was in order. The Committee came up with a reasonable answer.”

And now, the last (and best) word goes to...

**Weinstein:** “How dare South not have the E 5432! This case has shades of CASES EIGHTEEN and THIRTY-THREE from Vancouver. When the opponents play a treatment, largely designed to screw up forcing-club auctions, I lose most sympathy even if there was MI.

“South chose a well-reasoned action, very logically figuring that since East wasn’t showing clubs his slight lack of a more substantial club holding probably wouldn’t create a problem for his partner. If South assumed his partner would take his redouble for a better club holding like four small, he is under no obligation to inform the opponents since there was no actual MI. Even without system notes, the evidence must suggest that South’s statements aren’t true before presuming MI. There is little reason here to disbelieve South.

“Unlike in UI cases, the burden of proof shouldn’t be primarily on the alleged offender. It is extremely difficult to prove the negative. When we require a ‘high standard’ to negate the presumption of MI if a hand diverges at all from an explanation, then no matter how reasonable the action, we create an impossible climate for using one’s bidding judgment. I am aware that my view, that there must be a preponderance of evidence to dismiss the questionable bidder’s statements in favor of presuming MI, is in the minority. However, the presumption of an infraction, unless there is (the difficult to produce) evidence to the contrary, is abhorrent to me. If you still are unsure of South, record the hand but leave the table result alone. This case is disturbing to me unless the Committee and Director had a reason to disbelieve South that was not revealed.”

CASE THIRTY-FOUR

**Subject (MI):** Inquiring Minds Want To Know  
**Event:** NABC IMP Pairs, 28 July 99, First Session

Bd: 26	Carole Weinstein-Gorsey		
Dlr: East		Q2	
Vul: Both	!	10986	
	"	AJ54	
	É	AK8	
George Bessinger		Monique Smith	
	53		A9764
!	AK75	"	Q
"	3	"	Q109876
É	976542	É	10
	Tony Petronella		
	KJ108		
!	J432		
"	K2		
É	QJ3		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	1NT(1)	Dbl	Pass
2É	Pass	2"	3"
Pass	3!	Pass	4!
All Pass			
(1) 15-17 HCP			

**The Facts:** 4! went down one, plus 100 for E/W. The double was explained by West as penalty. When West bid 2É, East asked North if she wanted West to leave the table. N/S declined and she ended up telling the table what her double meant. The Director was called at the end of the auction. He ruled that N/S had the opportunity to get all the information they needed 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. Following the double, South asked West its meaning. West answered, "Penalty." South pointed to East's initial pass and West responded with a shrug. East Alerted West's 2É bid and explained it as asking East to "bid a minor." At that point East suggested that West leave the

table so she could explain the meaning of the double without West's hearing the explanation. N/S declined. At the end of the auction, the Director was called. N/S then learned that the double showed a four-card or longer major and a five-card or longer minor. The E/W convention cards were clearly marked: Double: 4M, 5+m. There was no distinction between passed and unpassed hands. N/S played that when an opponent doubles 1NT for penalty, a redouble initiates a run out sequence. Had East's double (showing a two-suiter) been properly Alerted and explained, South would have redoubled to show a good hand with interest in penalizing the opponents. N/S would then have collected a penalty against whatever contract E/W landed in. South's actual pass showed a willingness to play 1NT doubled.

**The Committee Decision:** West committed an infraction by failing to Alert the double and by not properly explaining his partnership agreement. However, N/S were aware of the likelihood of a mix-up. South's pass was a reasonable effort to take advantage of the situation. However, when West bid 2É N/S had ample opportunity to protect themselves. They could have accepted East's offer to explain the double or they could have looked at E/W's convention card. In any event, they should have called the Director who would have made sure that N/S got a proper explanation of East's double and would have offered South the opportunity to back up the auction and change his pass (over the double) to another call. N/S were experienced enough to know to call the Director. The Committee allowed the table result to stand. Nonetheless, the Committee was disturbed by West's apparent indifference and lack of effort toward fulfilling his obligation to properly explain his partnership's agreement. He should have spent some time attempting to recall the meaning of East's double. The Committee imposed a 2-imp PP against E/W to remind West to make more of an effort to live up to his responsibilities in the future.

**DIC of Event:** Henry Cukoff

**Committee:** Doug Doub (chair), Sid Brownstein, Martin Caley, Ron Gerard, Lou Reich

**Directors' Ruling:** 84.6

**Committee's Decision:** 88.6

I know when I'm a passed hand I always like to penalty double the opponents' strong notrumps. How about you? If N/S bought that song and dance without question and did not attempt to explore the issue further by, say, looking at E/W's convention card, then they deserved whatever they got.

Aside from that, East's actions at the table, well-intentioned though they may have been, were unacceptable: In the middle of a live auction in which her side was clearly having a bidding misunderstanding she asked the opponents if they wanted her partner to leave the table so that she could clear up any MI—unfortunately, the clearing up now went both ways. Then, when they declined her polite offer, she volunteered the information anyhow producing a Director's and Appeal Committee's worst nightmare.

Next the Directors' ruling. While I have no doubt that N/S were entitled to nothing more than to keep the table result, I am equally certain that E/W got off far too easy in this sordid affair. After a properly Alerted and explained conventional double a competent South would likely have redoubled, setting up a forcing auction. West would bid 2É and whether North doubled or not East would have converted to 2". If South passed this around to North and sat for the double, E/W would have declared 2" doubled; otherwise, E/W would likely have ended up in 2! doubled. In either case, the contract would likely have been set three tricks for minus 500. And that is precisely the result I would have imposed upon E/W instead of (or perhaps in addition to) the inadequate PP.

Let's hear first from the lone panelist who served on this Committee.

**Gerard:** "The key was that North had not yet made a call after the infraction, therefore the auction was retractable. N/S may not have known that, but they were contributorily negligent for not calling the Director when the infraction came to light. In this case the whole situation could have been saved, but only at the time. N/S were genuinely surprised to find out that the Director could have restored all their options, and I guarantee that they won't soon take the law into their own hands again."

That's all well and good, as far as it goes, but what about E/W's culpability in all of this? Sorry, but the Committee was a day late and a dollar short. Chip and David will help explain what the Committee missed.

**Martel:** "As in CASE TWENTY-SIX the Committee should be asking if N/S might have done better if West had properly Alerted. Here it is again clear that South would probably have redoubled and E/W would likely end in something doubled, say 2", for a likely minus 500. Thus, E/W should get this adjustment. One could reasonably take the view that N/S should have called the Director earlier and cleared things up, so it is reasonable to let their result stand."

**Stevenson:** "Are bridge players taught any of the rules of the game when they first learn? Possibly the most important thing to learn after the requirement to follow suit is to call the Director when something goes wrong. Once East made her ill-judged and illegal offer there was a requirement on all four players to call the Director (Law 9). It seems so trivial—so why did no one? East should never be trying to correct the explanation during the auction, of course. Her responsibilities are set out clearly in Law 75D2, which instructs that 'A player whose partner has given a mistaken explanation may not correct the error before the final pass...' East should have kept quiet until she became dummy or declarer, or the end of the hand, and then explained, *after* summoning the Director.



“The Committee decision looks harsh. South would have routinely redoubled if correctly informed. The Committee seem to have penalised N/S for not following the illegal procedure of allowing East to correct her partner’s explanation at a time when she was not allowed to do so. While I agree that they should have called the Director, it is far from clear what the Director would do. This seems a clear case of damage consequent on MI and the Committee should have adjusted.”

To answer David’s first question, “No.” In fact, there seems to be a general resistance to learning anything of the rules of the game except by osmosis deriving from intermittent Directors’ visits to the table. If I were a cynic, I’d suspect that students are given inoculations in their beginner bridge classes against future contact with the rules. As for the Committee’s treatment of N/S, I can’t agree with David there. As Ron points out, N/S could have protected themselves in ways other than following the illegal procedure East suggested. Calling the Director in a timely manner is one of them; looking at E/W’s convention card (as many of the following panelists point out) is another. It was clear to everyone that East’s double could not have been intended as penalty (South even questioned West’s explanation at the time). And East’s later offer that West leave the table was a four-alarm Alert that there had been MI and that the Director should be called to the table immediately (while it was not too late to save things). But again N/S declined to do anything to protect themselves. Bart (below) calls this a double shot, which is clearly one of the types of actions (along with wild and gambling) which the British and Europeans regard as breaking the connection for matters of redress. So in fact the Committee treated N/S entirely appropriately.

One other panelist perceives all facets of the problem but, like David, has more sympathy for N/S than they deserve.

**Weinstein:** “Very unsympathetic Committee. South went out of the way to point out to West his partner’s initial pass and still got MI. Whether or not South was trying to take advantage of the situation, he was clearly put in a weaker position because of the confirmed MI. South should have called a Director as soon as East incorrectly tried to get her partner to leave the table, but the auction could not be backed up. [yes, it could have—*Ed.*] N/S arrived in a reasonably normal spot, but were deprived of a chance to try and penalize E/W. Even if you don’t think N/S are sufficiently likely to achieve plus 200 or plus 500 to merit that score, E/W deserve to be minus 500 in 2” doubled. How unlikely is it to go: Rdbl-2E -P-2”, P-P-Dbl? South fulfilled his responsibilities in trying to ferret out a missed Alert. It’s not like this was a cheap or remote shot.

“In the last case they shot the alleged MI purveyor and rewarded the opponents’ poor defense with a full adjustment. In this case, a documentable MI infraction, E/W get off with a love tap on the wrists. I wish the two Committees could have switched cases.”

Should we perhaps establish an Appeals Committee Bias Registry!?

It must be very difficult to appreciate E/W’s role in this situation (although I can’t comprehend why), because the majority of the panel seems to have concerned themselves only with N/S’s role in the result. Here are some of the more terse comments in that vein. As I sit listening to Christmas music playing on the radio in the background, the following strikes me as a sort of myopic Hallelujah Chorus.

**Patrias:** “Players that don’t call the Director should not later ask for protection.”

**Polisner:** “Good decision. Another example of players looking for something undeserved from a Committee.”

**R. Cohen:** “Instead of getting two bites at the apple, N/S got a bite in the butt. A well deserved one too. West needs a lesson in decorum also. Well done.”

**Treadwell:** “The Committee rightly gave N/S nothing for an appeal I would have been embarrassed to make—or even to have called the Director. However, the imposition of a PP on E/W for West’s failure to live up to his responsibilities seems just right.”

A bit more long-winded, but nonetheless shortsighted, are...

**Bramley:** “Again I disagree with the PP, but this time it’s closer. West certainly violated the letter and spirit of the rules. However, N/S were more at fault and West did not deserve to be penalized at the whim of opponents who had *no case*. N/S failed to look at a convention card, even in the face of an obviously incorrect explanation. When South then passed, he agreed, in effect, to roll the dice with the opponents and he was bound to accept the result of that decision. He could not attempt to nail the opponents in a misunderstanding and then call the cops when he failed. That’s a double shot. Really, N/S deserved an AWMPP, but I might have let them slide because E/W precipitated the whole mess.”

**Rigal:** “South was unlucky to have a hand that warranted the action he took (the cue-bid over the 2” call) whether he had received a proper explanation or not. We should not protect him against that. I think the Director’s ruling reflected that—an unusual but correct ruling for the offenders. The Committee’s PP also seems appropriate—although the quantum of it is debatable, I am happy to live whatever they thought right.”

**Rosenberg:** “I would like to see the practice of asking partner to leave the table made illegal. It almost always causes additional problems and the partner usually knows what’s going on, anyway. I’m not sure West was experienced enough in ethical matters to merit a PP and, if he was, I would prefer to see it as a ‘penalty point’ towards eventual disciplinary action if repeated.”

Acknowledging a problem with East’s actions, but again failing to back it up...

**Beth:** “A pair declines to avail itself of the opportunity to get protection offered by the opponents if not by the law. (East should not offer to explain her own bid as it might Alert partner to his error; nonetheless, once the offer was made N/S should have availed themselves with protection available if West makes use of the UI.) South knew that a passed hand cannot have a penalty double and, after the clearly wrong explanation, should have consulted the convention card. Committees do not exist to protect players from their own laziness. The PP was clearly correct.”

Hallelujah, hallelujah, hal-le-e-lu-jah!

## CASE THIRTY-FIVE

**Subject (MI):** A Mind Is A Terrible Thing To Waste

**Event:** Senior KO, 28 July 99, Morning Session

Bd: 15	---		
Dlr: South	! xx		
Vul: N/S	" AKJ10xx		
	Ê KQxxx		
KQJ98x		Axxxx	
! AKJ10		! x	
" Qx		" 9xx	
Ê J		Ê 10xxx	
	10x		
	! Qxxxxx		
	" xx		
	Ê Axx		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	2NT(2)	Pass	2! (1)
Dbl	4"	Dbl	3! (3)
(1) Alerted; explained as Flannery			All Pass
(2) Alerted			
(3) Alerted; explained as a 4-5-2-2 min.			

**The Facts:** 4" doubled made four, plus 710 for N/S. The Director was called when dummy was displayed. N/S had recently changed from playing Weak 2! to Flannery 2! . The Director ruled that 3Ê by South was not a LA (Law16) and allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. The appeal was lodged during the lunch break, so it took some time to get everyone assembled. To save time the Panel met with all four players. E/W stated that the opponents had some responsibility to know what they were doing. 3Ê might have been a LA by South, over which West would have bid his spades and would not have been minus 710. N/S stated that they had each

tried to bid their hand as though they had not heard their partner's explanation. North said she was hoping to invite a diamond game. They said they played Weak 2! and 2NT asked for a feature if the hand was good enough. This hand was absolutely minimum, especially vulnerable. Upon questioning, N/S said they had two or three "forgets" since they changed from Flannery 2" to Flannery 2! . However, previously North was the one who forgot; this was South's first time.

**The Panel Decision:** The two players consulted said all their experience indicated that "no one" would show a feature with this weak a hand. One pointed out that South would have no idea whether 3! or 3Ê would be more likely to lead to a disaster, so the UI did him no good (provided he did not pass 2NT). The Panel decided that the information given by North was accurate and she had no reason to suspect that South might have forgotten. The Panel also decided that the UI gave South no help and did not suggest any action to him. The table result was allowed to stand. The Panel congratulated South on his ethical efforts on this hand, but strongly cautioned the partnership against forgetting their agreements. It was then pointed out that E/W had not always remembered their agreements either.

**DIC of Event:** Stan Tench

**Panel:** Charlie MacCracken (Reviewer)

**Players Consulted:** Lynn Deas, Chip Martel

**Directors' Ruling:** 91.0

**Panel's Decision:** 93.3

Well, I'm glad South got the opportunity to catch up in the "forget the meaning of 2! " derby. Like the Panel who explained the logic of the situation very cogently, I see no MI to E/W or use of UI by N/S. Table result stands.

Our panelists support both the Directors' ruling and Panel's decision here.

**Stevenson:** "Good ruling and decision. When a pair does not know what they are

doing the advantage to the opponents is obvious: they often run into trouble. The downside is that very occasionally the confused pair will land on their feet. N/S got the advantage here of good ethics plus luck. There was no MI and no use of UI."

**Bramley:** "I agree that 3! would be the overwhelming choice of players who had opened 2! . The issue of whether 3Ê was a LA was irrelevant, because neither 3Ê nor 3! was suggested by the UI. It was random that 3! led to a poor result for E/W and that 3Ê would probably have led to a good or normal result for them. Really, East's poor double of 4" and West's decision never to bid spades were more direct causes of E/W's bad result.

"The comment about E/W forgetting their agreements was gratuitous. Rather than snipe at E/W, the Panel should have given them an AWMPP."

**Treadwell:** "Why did not West bid 2! over the 2! opening? It is pretty standard to play this as natural over a Flannery opening, and the West hand certainly is worth this action. Also, East's double of 4" is a bit tenuous with just one defensive trick. The appeal has little merit; just one more case of trying to get redress on a technicality when the damage was almost entirely self-imposed."

I may be missing something, but why did West claim he would have bid 3! over 3Ê but not over 3! ? In fact, as Dave points out, why didn't he bid 2! over 2! whatever it meant? Maybe they're right and an AWMPP was appropriate.

**Weinstein:** "Any West who asserts that over a 3Ê rebid by South (but not over 2! or 3! ) he would have bid spades gets automatic election into the Hall of Shame for self-serving statements to a Committee. The Panel gets kudos for essentially telling E/W that 'he who is without sin shall cast the first stone.' I do have major concerns that a pair who recently switched to Flannery 2! had two or three prior 'forgets.' How often does Flannery come up? How many 'rememberers' do they have?"

"One could make a case that this was MI given the previous inability of N/S to remember the convention and consequent misrepresentation of an understanding they in fact don't have or because they can't remember it. For example, if my partner makes a supposed transfer response to an overcall, I Alert it correctly according to our system notes, but partner screwed up. This should be MI, since I represented an understanding that really isn't there since partner either doesn't understand or can't remember when it applies. Again, I would like to see this argument extended to many more misbid versus misexplanation determinations. It may be a slippery slope argument and I know I'm in the minority, but it is a possible way to end many of these misbid or misexplanation problems that result in the same damage to the opponents, yet have different remedies. This method tries to bypass the argument of not being able to legislate through the laws against misbid when psyching is legal, which was Edgar Kaplan's position. My arguments might be specious, but I'd bet I've have the support of Bramley, Wolffe, and some others. On a positive note, there do seem to be far fewer cases of misbid versus misexplanation than there used to be a few years ago. I don't know if this is only my perception, random chance, or an actual trend."

Howard's definition of when an understanding does not exist (when one of the players forgets it) is unworkable, just as it was when the same thing was suggested in CASE TWENTY-EIGHT. If we use Howard's definition, then no understanding can ever be Alerted without fear of giving the opponents MI; after all, partner might have forgotten it, in which case the agreement wouldn't exist. We can't have laws which, when they are followed, place the law-abider in greater jeopardy (and not just the Alex Trebek type) than if they weren't followed. Sorry, Howard, but there *was* an understanding here. I would go one step further and insist that, when an agreement has recently been changed or when partner has a history of forgetting it, that should be made part of the disclosure: "We play 2! as Flannery, but we've only recently changed from Weak Two's," or "We play 2! as Flannery, but partner

has forgotten in the past.”

And now for another landmark PC comment from one of the masters.

**Rigal:** “West’s failure to bid spades at some point in this auction looks bizarre even given the Flannery call. It seems as if N/S acted ethically and fixed E/W. But N/S needed to be warned that repeated infractions of this sort are unacceptable. Still, Seniors and memory lapses go together I suppose. I can live with the decision not to reduce the N/S result—I can’t see on what rationale I would punish them even though I would feel aggrieved as E/W. Perhaps Wolfie will tell us how to shoot the varmints.”

Seniors, send your poisoned cards, letter-bombs and e-mail directly to Barry and not to the Editor.

Alas, Wolfie submitted no comments this time (he abstained from the last set as well). Perhaps he’s busy with his recent move to Fort Worth.

**Patrias:** “I see no reason to change the table result.”

**Polisner:** “Good decision.”

**Rosenberg:** “The information given by North was accurate but incomplete. It would be nice to include the recent system change and the forgets (even his own).”

Is it just my imagination, or is Ralph leading the Casebook Panelist League in non-responsive comments (NRC’s, in Wolfie’s jargon)? Quite an accomplishment for a rookie.

**R. Cohen:** “I would have asked the N/S players what their agreements were over a 2<sup>♠</sup> opener. Presumably this would have told the Committee what South should have bid over 2NT, and probably what it had been when their 2<sup>♠</sup> opener was a weak-two. Now they might have made an intelligent decision about whether the 3<sup>♠</sup> bid was based on UI or not.”

Isn’t that what the Panel did? The comments of the two consultants distinctly imply that they were asked whether South might have shown his club feature (was this a LA?) in response to a feature-asking 2NT bid. So Ralph, was the Panel’s decision okay or just unintelligent?

## CASE THIRTY-SIX

**Subject (MI):** Isn’t “New Suit Forcing” Part Of Standard American?

**Event:** Senior Pairs, 28 Jul 99, First Session

Bd: 15	!	QJ872		
Dlr: South	!	Q63		
Vul: N/S	!"	AKQ2		
	Ê	6		
!	!		!	6
"	"		"	J9754
Ê	Ê		Ê	J
!	!		!	KJ10985
"	"		"	
Ê	Ê		Ê	
	!	A53		
	!"	A1082		
	"	9843		
	Ê	A3		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>	
Pass	1 <sup>♠</sup>	Dbl	1 <sup>NT</sup>	
Pass	2 <sup>♠</sup>		Pass	2 <sup>♠</sup>
Pass	4 <sup>♠</sup>	All Pass		

**The Facts:** 4<sup>♠</sup> made five, plus 450 for N/S. The Director was called after the hand was over. Before the opening lead (the " J) North announced that 1NT had shown a minimum opener and three-card spade support. N/S told the Director that they did not play New Minor Forcing and that 2<sup>♠</sup> was the only forcing bid available. South was surprised that North had bid 2<sup>♠</sup> on a singleton club. The Director allowed the table result to stand (Law 40C).

**The Appeal:** E/W appealed the Director’s ruling. East believed that damage occurred when she pitched hearts and saved clubs, thereby allowing declarer to take

eleven tricks. East believed that North had at least three clubs. E/W believed they would not have defended this way if the 2<sup>♠</sup> bid had been Alerted. N/S stated that the 1NT bid showed a minimum with three spades; South said that without three spades she would have had to “find a bid.” N/S reiterated that they did not play New Minor Forcing. North thought his 2<sup>♠</sup> bid was forcing (in Standard American) but that his shortage of clubs would be a surprise to his partner. South agreed that her understanding of Standard American was that 2<sup>♠</sup> was forcing and she assumed her partner had clubs. North believed that his hand was not quite good enough for game. South thought that North should have bid 4<sup>♠</sup> over 1NT and was amazed that partner had a stiff club. South bid 2<sup>♠</sup> intending to show a minimum hand but this was not a special partnership agreement. Neither side could remember the sequence of plays beyond the first three tricks (the " J had been led to the ace; then the 1 J was passed to the king and a diamond returned) and the table Director had not been told how play had gone. New Minor Forcing was not marked on the N/S convention card. N/S had 150 and 1,350 masterpoints; E/W had 2,000 and 1,200 masterpoints.

**The Panel Decision:** The Panel consulted three expert players. The first thought that the N/S bidding appeared to be due to inexperience rather than an undisclosed agreement. He thought East’s defense was mistaken seeing the hearts in the dummy and that she could have asked the meaning of 2<sup>♠</sup> anyway. The second expert thought that East should have realized that North didn’t have clubs but that he understood East’s “tunnel vision.” He also saw no reason to presume MI rather than inexperience. The third expert thought it was unlikely that an agreement about 2<sup>♠</sup> existed and therefore no MI had occurred. He thought East needed to present a more cogent argument to receive an adjustment. In light of the advice it received the Panel decided that there had been no MI and therefore no damage to E/W. Although the N/S agreements and actions appeared unusual, they were indicative of a lack of experience rather than a lack of full disclosure (particularly in North’s case). The apparently self-serving arguments of North might have been viewed differently if made by a more experienced player since the evidence from the hand alone was that a New Minor Forcing auction had occurred. North’s statements to the Panel, his apparent play of the contract, and his masterpoint holding all argued against that

conclusion. The Panel allowed the table result to stand.

**DIC of Event:** Margo Putnam

**Panel:** Matt Smith (Reviewer), Steve Bates, Ron Johnston

**Players Consulted:** Ross Grabel, Henry Lortz, Eddie Wold

**Directors' Ruling:** 84.6

**Panel's Decision:** 80.0

Except for the fact that the information obtained from the table Director was incomplete (e.g., how did the play go?), the table ruling and the Panel's decision seem correct. N/S (especially North) were obviously inexperienced, as witness North's claim "that his hand was not quite good enough for game" (holding a 14-count opposite an opening bid—with a fit yet) and their rather awkward agreement about the 1NT rebid (since it would wrong-side the contract whenever 3NT is the right game and would create impossible rebid problems in many other situations). N/S's statements to the Reviewer indicate that they believed that new suits were forcing by responder in Standard American, even after a 1NT rebid. So N/S thought that 2 $\heartsuit$  was simply a new suit: natural, not conventional. The statement in the Facts saying that N/S told the table Director that 2 $\heartsuit$  was the only forcing bid available seems to contradict this interpretation. But N/S clearly made no such claim at the hearing. In fact, the Director's statement on the appeal form (facts as determined at the table) is the only reference I can find to any such claim. Based on the absence of other potentially relevant information from the table, I suspect that this was just a misconception by the table Director.

Given the incoherent bridge logic and unusual agreements of the N/S pair, I can understand why some of the panelists had trouble believing what they read.

**Bethe:** "I do not believe this. 1NT promises three spades? 2 $\heartsuit$  rebids are natural and not forcing in standard and the opponents are entitled to assume that, no matter how inexperienced N/S are. There was MI and a failure to Alert both during the auction and later, whether South was surprised by North's stiff or not. East doesn't have to ask; if 2 $\heartsuit$  is not natural an Alert must be given either during the auction or by North before the lead is made. Ignorance of the law is no excuse when the ignorance causes damage. E/W are surely entitled to minus 420."

Yes, opener's 1NT and North's 2 $\heartsuit$  (if it was forcing) certainly were Alertable. Before the opening lead North revealed the meaning of 1NT, so what problems did the non-Alert of 2 $\heartsuit$  cause? If 2 $\heartsuit$  was natural (even though forcing), then the failure to Alert seems immaterial. North bid game after South's 2 $\heartsuit$  bid, so it seems likely that North was not prepared to play in 2 $\heartsuit$ —hence he must have intended it as forcing. That he didn't actually have clubs seems to have been his invention at the table, since South was expecting them. This was apparently just a problem area for N/S's system that they were unaware of before this hand arose. But how were E/W damaged? If your RHO stated that LHO's 1NT bid in this auction meant what it did here, and then he jumped to game after bidding 2 $\heartsuit$  (presumably non-forcing), would you think you should be asking what's going on? Would you think maybe 2 $\heartsuit$  was intended as forcing? Yes, N/S committed several "technical" infractions and they should be educated about what bids require Alerts (which seems like a daunting job—any volunteers?) But were E/W really entitled to redress? I think not.

**R. Cohen:** "I presume from the comments in the Decision section of the write-up that North was the player with 150 masterpoints. [Right.—Ed.] What puzzles and bothers me is South's bid over 2 $\heartsuit$ . If indeed her 1NT bid showed a minimum with three spades, why didn't she bid 2 $\heartsuit$  at her next turn. This would not negate her prior bids and would more properly describe her hand. The Committee decision is probably correct since West failed to bid 2 $\heartsuit$  over 1NT."

Players with agreements like these might not think of bidding 2 $\heartsuit$  .

Our senior-expert panelist (as opposed to expert senior-panelist) has some thoughts on East's defense.

**Treadwell:** "I can understand E/W calling the Director and even in filing an appeal in view of the rather peculiar bidding by North. But East's defense in discarding three hearts when three clubs could just as easily have been discarded? If North really had three or more clubs, why did he not try to ruff some in dummy? The ruling, thus, was fine, but I would have considered awarding E/W an AWMPP."

Yes, that's certainly a good reason not to have any sympathy for E/W. Still, some panelists did recommend adjusting N/S's score.

**Martel:** "This is again like CASES TWENTY-SIX and THIRTY-FOUR: If West had the right information about 1NT it would have made a 2 $\heartsuit$  bid more attractive. Thus I'd give N/S plus 300 against 5 $\heartsuit$  doubled. Since 2 $\heartsuit$  was pretty clear even over a natural 1NT I'd probably leave the E/W score."

**Rigal:** "The Director might well have ruled against N/S until the nature of their partnership agreements was confirmed. I have my doubts about the whole thing frankly. However, given North's masterpoints I suppose his bidding might be explicable...still, the concept that 2 $\heartsuit$  was forcing here and the specific nature of the agreement about 1NT implies a fair degree of sophistication does it not? [I vote 'Not.—Ed.] On balance, I'd favour adjusting to 4 $\heartsuit$  making ten tricks for N/S—but without any great confidence I admit. E/W deserve their result; it is hard to see how East can have misdefended badly enough to concede the eleventh trick."

I could buy the last two panelists' suggestion to adjust N/S's score if I hadn't read Dave's comment—or even if I thought there was *any* chance that E/W would have found a 5 $\heartsuit$  save. Look at East's hand for his double: six-five with no high cards. Look at West's hand. Would anyone not bid 2 $\heartsuit$  with that holding, even without any Alerts? Would anyone not double 4 $\heartsuit$  with that trump holding, plus the ! K and partner's presence in the auction? I would even understand West bidding 5 $\heartsuit$  as a possible make (depending on E/W's agreements as to what a 1NT bid by East would have meant instead of double). Sorry, but I can't see that E/W were up to obtaining that result or that N/S's actions materially affected them even if they were otherwise capable of it.

Another reason for adjusting N/S's score comes from...

**Weinstein:** "The N/S statement that 2 $\heartsuit$  was the only forcing bid seems somewhat analogous to New Minor Forcing and under the 'if it quacks like a duck' doctrine should be considered a failure to Alert. What really bothers me is North announcing before the opening lead that 1NT had shown a minimum opener and three spades. As a side issue, why wasn't this Alerted when it could easily have been relevant to the opponents' bidding? North, now having gone out his way to announce what was going to show up in dummy, conveniently forgot to disclose that 2 $\heartsuit$  was sort of just some forcing call, and just maybe it might not include clubs in the closed hand. Maybe its just me, but I find the N/S behavior somewhere between less-than-forthcoming and reprehensible. Do what you will for E/W, but take away at least one trick from N/S, perhaps even two if we knew how the play went."

I have far more sympathy for Howie's sentiment than I do for adjusting N/S's score on bridge grounds. If N/S's behavior is unacceptable, then a PP is possible but a score adjustment for that purpose is inappropriate. Perhaps I would consider such a penalty if N/S weren't so inexperienced. But given their naivety and lack of bridge sophistication, I think education was probably the best policy. I just hope the Directors invested the time to deliver it.

The remaining panelists were willing to go along with the Panel's decision with little or no comment. First, the "little"...

**Patrias:** "I see no reason to give anything to E/W."

Then, the "no"...

**Polisner:** "Good decision."

Then the "ugly" (Oh, I forgot to tell you, there was an "ugly," too)...

**Stevenson:** "This seems alright at first reading, but one question stands out: Did North think it was acceptable to bid 2E on a singleton club *and* for it not to be Alertable?"

**CASE THIRTY-SEVEN**

**Subject (MI):** And Next Time, It Will Be A Cigarette And A Blindfold  
**Event:** NABC Mixed BAM Teams, 30 July 99, Second Qualifying Session

Bd: 19	Martha Katz		
Dlr: South	1093		
Vul: E/W	! 8753		
	" A3		
	E 10742		
Flanagan		Flanagan	
J875		AQ6	
! 10		! J92	
" K1097654		" Q	
E 8		E	
AQJ965			
	Ralph Katz		
	K42		
	! AKQ64		
	" J82		
	E K3		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	Dbl	1NT(1)
3"	3!	Pass	2!
4"	All Pass		Pass
(1) 14+-17 HCP			

**The Facts:** 4" went down one, plus 100 for N/S. The Director was called when dummy was displayed. The double showed a six-card minor or both majors and had not been Alerted. E/W had also not disclosed the failure to Alert before the opening lead. The Director allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling and were the only players at the hearing. South said he had seriously considered doubling before making his final pass and that had he been properly Alerted, he believed he would have been more likely to double. Neither North nor South were taken away from the table at the time and asked if they would have done anything different had the double been properly Alerted. N/S stated that E/W had said at the table that

they were unsure whether a 14+-17 notrump was considered weak or strong by their partnership.

**The Committee Decision:** Since E/W were not present, no questions could be asked of them. It was clear to the Committee that E/W were under an obligation to explain their agreements after the auction but prior to the opening lead. The Committee decided that once South had opened 1NT and then bid hearts, he had adequately described his hand and North's failure to double the final contract was therefore not a result of the failure to Alert. The table result was allowed to stand. The Committee assessed a one-quarter board PP against E/W for not correcting the MI from the failure to Alert once the auction had ended. After a failure to Alert by the declaring side, they had an obligation to fully explain the undisclosed methods before the opening lead. Alerting N/S during the auction was required, but not fully disclosing after the auction ended could not be tolerated.

**DIC of Event:** Henry Cukoff

**Committee:** Robert Schwartz (chair), David Berkowitz, Bob Gookin, Michael Rahtjen, John Solodar

**Directors' Ruling: 88.2**

**Committee's Decision: 92.8**

Why did the table Director not take some sort of corrective action for E/W's failure to Alert their methods and subsequent failure to fully disclose? At the very least E/W should have been reminded of their obligations. I prefer a normal PP when the declaring side fails to properly disclose MI before the opening lead—unless they are very inexperienced or some other extenuating circumstance exists for the failure.

I agree with the Committee that South's hand, having already been accurately described in the bidding and with both East and West rating to have their own six-card or longer minors, does not warrant a unilateral double. In addition, South's values are so concentrated in hearts that they detract from the hand's defensive potential (especially after North's raise). I like the Committee's decision to allow the table result to stand and would also have assessed a PP against E/W for the failure to disclose. I just wish the PP had been issued at the table.

I would not have been surprised to find several panelists who believed that South was sufficiently likely to have doubled 4" at this form of scoring to adjust E/W's score to minus 200, but that N/S's score should be left alone. Apparently only one panelist bought that argument.

**Weinstein:** "The table Director should have inflicted a PP at the table, especially in a NABC event. I am very familiar with this South's bidding and believe that he would be more likely to double with the proper information. But his hand isn't remotely defensive enough for a Committee to allow a double. Indeed, few players would even consider a double. However, the E/W behavior was bad enough that I would not have a problem giving them minus 200 on even the possibility that South would have doubled. Had they revealed the MI after the auction, South would still have had a chance to double in passout chair. Their continued infraction should not benefit them by having deprived South of that chance. Except for, and maybe despite, the awful E/W behavior, this is an AWMPP."

Agreeing with Howard's last point, several panelists thought that N/S deserved an AWMPP for wasting the Committee's time.

**Bethe:** "Why, after partner has raised hearts, should South believe he could beat 5" let alone 4" ? Yes, E/W had an obligation to Alert properly and to explain the failure to Alert when the auction was over. The PP should have been imposed at the table. But the appeal was a waste of time. AWMPP."

**Bramley:** "Another terrible PP caused by a meritless appeal. The failure of East to clarify after the auction was not willful misconduct deserving of a PP. If the Committee wanted to penalize someone, they should have given N/S an AWMPP. Did N/S or the Committee look at E/W's convention card? If not, why not?"

I must disagree with Bart here. I believe that an experienced pair's failure to disclose MI before the opening lead is a serious infraction deserving of a PP. Like Henry I would have preferred to see the table Director handle it but failing that, I think the Committee did the right thing. And while N/S might have looked at E/W's convention card, E/W's absence at the hearing definitely made it awkward for the Committee to do so.

Not everyone voted for an AWMPP. Here's a near miss from an unexpected source.

**Treadwell:** "The imposition of a penalty on E/W for failure to live up to their obligations was certainly correct. The appeal by N/S has a tiny bit of merit—barely enough to avoid getting some AWMPPs."

The remaining panelists simply supported the Committee's decision.

**R. Cohen:** "This is a case of E/W not attending the hearing, probably because they didn't qualify for the next day. By not requiring their attendance we lose an opportunity to educate. I am totally in accord with the decision."

**Gerard:** "South has been around the block, so let him ask if he was considering doubling. As usual, the away-from-the-table-would-you-have-done-anything-different procedure would have been meaningless. The PP was heavy-handed,

especially since the MI wasn't even close to causing damage, but that's what happens when a plurality of the Committee consists of cynical New Yorkers."

**Patrias:** "South *believed* he would have been *more likely* to double if Alerted? This is his case? I think the Committee did well."

**Polisner:** "Good decision. I am again distressed by South's self-serving statement that he 'would have been more likely to double' had he been Alerted. Why?"

**Rigal:** "The Director did well not to adjust initially despite the offence, although he might have looked at a PP. I like this Committee decision; South's litigious stance should have been slapped down harder—the suggestion that he might have doubled is truly absurd. With what defense pray? The PP was stern but entirely merited. Well done by the Committee."

**Stevenson:** "Some actions are more blatant than others. Did East really not believe that his double was Alertable? Of course he did, even if West did not Alert because of confusion. The Committee very properly assessed a PP against E/W, but the Director was most remiss in not doing so. If South had not believed that he was damaged, E/W would have escaped a PP."

Quite right, David, and that's the most important reason for the Director at the table to have assessed the PP. It doesn't sit right when a pair must file an appeal before a serious procedural infraction is dealt with properly—and have to risk the appeal being judged meritless.

Finally, a predictable but understandable sentiment.

**Rosenberg:** "I would again prefer the penalty against E/W to be disciplinary rather than scoring-oriented."

Okay, Michael, your homework is to suggest a procedure where this could be done. A variation of AWMPPs for procedural violations probably wouldn't work. Keeping track of the points would be all but impossible since most of them would be issued at the table and wouldn't be appealable (being disciplinary in nature) and so they wouldn't be written up. (If the Directors had to write up these penalties the extra paperwork might be a disincentive to issuing them.) Thus, disciplinary committees would have trouble taking appropriate action for a pattern of behavior with no written record of the pattern (apart from our recollections). So separate penalties would have to be assessed for each infraction. But what type of discipline would be appropriate for a failure to disclose a failure to Alert? The only sorts of non score-oriented penalties that might be appropriate would be reprimands (not very effective), probation (somewhat severe) or barring the players from buying an entry to a future session or event (much too severe for a single infraction).

While score-oriented penalties are not an ideal solution for such infractions, they are not unprecedented. Many sports, for example, penalize certain types of infractions with score penalties (e.g., stroke penalties in golf; penalty kicks in soccer; penalty shots in ice hockey; a basket for goal-tending in basketball; a balk scoring a run in baseball; score deductions in gymnastics). There just may not be any viable alternative.

## CASE THIRTY-EIGHT

**Subject (MI):** Protect Me From My Own Convention

**Event:** NABC Mixed BAM Teams, 30 July 99, Second Qualifying Session

Bd: 22 Dlr: East Vul: E/W  Unknown   K4 ! 942 " J10752 Ê J76	Alan Popkin   103 ! AKQ763 " --- Ê AQ1042  Unknown   AQ82 ! 8 " AKQ3 Ê K853  Nancy Popkin   J9765 ! J105 " 9864 Ê 9																
<table style="width: 100%; border: none;"> <tr> <td style="width: 25%;"><b>West</b></td> <td style="width: 25%;"><b>North</b></td> <td style="width: 25%;"><b>East</b></td> <td style="width: 25%;"><b>South</b></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">2" (1)</td> <td style="text-align: center;">Pass</td> </tr> <tr> <td>2! (2)</td> <td style="text-align: center;">Pass</td> <td style="text-align: center;">2NT(3)</td> <td style="text-align: center;">Pass</td> </tr> <tr> <td>3"</td> <td style="text-align: center;">3!</td> <td style="text-align: center;">All Pass</td> <td></td> </tr> </table>	<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>			2" (1)	Pass	2! (2)	Pass	2NT(3)	Pass	3"	3!	All Pass		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>														
		2" (1)	Pass														
2! (2)	Pass	2NT(3)	Pass														
3"	3!	All Pass															
(1) Alerted; Roman: 4-4-4-1 or 5-4-4-0, 11-19 HCP (2) Not Alerted; explained as non-forcing (3) Alerted; top of range																	

**The Facts:** 3! made four, plus 170 for N/S. The 2! bid was not Alerted. North asked about the 2! bid and was not given what he considered an adequate answer as to the number of hearts the bid showed. 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. North stated that if he had been told that the 2! bid might be made on a three-card suit and that 2NT showed a singleton heart, he would have bid 4! . North admitted that he also played Roman 2" opening bids, although with a lower range. The Director had not been called until the round was over.

**The Committee Decision:** The Committee believed that facing an 18-19 point hand it was unlikely that North would have

bid game, and being familiar with the system he should have known what was happening. The Committee further believed that North was attempting to get something through the appeal process that he had been unable to earn at the table and found the appeal to be without merit. N/S and their team captain were assigned AWMPPs. It would have helped had E/W been present so that they could have been educated about their obligations as to how to explain Alertable conventions. Certainly the Director should have done this for them at the table.

**DIC of Event:** Henry Cukoff

**Committee:** Robert Schwartz (chair), David Berkowitz, Bob Gookin, Michael Rahtjen, John Solodar

**Directors' Ruling: 94.1**

**Committee's Decision: 98.7**

If appeals like this were published on the Internet, you would have to go to a site like: [www.waste\\_of\\_time.com](http://www.waste_of_time.com). Committee to appellants: "Don't come back here and try this sort of thing again."

**Bramley:** "Hear, hear!"

**R. Cohen:** "What a waste of the Committee's time."

**Patrias:** "Anyone playing at this level, especially those who have played Roman 2" , should not be surprised by West's holding. This appeal is without merit and the Committee was right in awarding a penalty."

**Polisner:** "When all that 4! requires is the Ê J and a decent heart break, it is hard to say that the failure to Alert slowed North down—especially in light of the fact that he played Roman 2" and knows that 2! is a pass-or-correct bid."

**Stevenson:** "Good ruling and decision. It is always easier to bid hands correctly after the hand is over!"

**Treadwell:** "N/S also played a Roman 2" opening and wanted redress when the opponents played this same convention and were somewhat derelict in explaining and Alerting the subsequent bids? I hope they received the maximum in AWMPP's for an appeal totally lacking in merit."

Indeed they did, Dave. They received the big "1" at the top of the allowable scale.

**Rigal:** "If you held the North hand, given that you did not act over 2! directly, once you were then told that hearts were not splitting *and* that the high-cards were stacked over you, would you not guess to bid only 3! ? Couple this with the fact that North 'knew' that the 2! bid could be a three-card suit from the fact that he played these methods and it makes his appeal inappropriate. I am not sure that I would have awarded AWMPPs but I can certainly understand the Committee's motivation for so doing. Frankly, I do not think E/W did all that much wrong— certainly not deliberately."

While I agree whole-heartedly with Barry's opinion about E/W, I disagree to the same extent with his sympathy for N/S.

**Rosenberg:** "Okay."

And finally, a comment from the "unknown" panelist.

**Unknown:** "I have served on a Committee where neither side was appealing— literally or figuratively—but I don't recall seeing an unidentified pair. I assume 'unknown' applies to their identity and is not a reference to their bridge stature. As the Committee suggests, any minuscule sympathy should quickly disappear after North's admission of using Roman himself. North should have requested he be identified as unknown, just like the reason for this appeal."

Okay, so Howard isn't Steve Martin (doing his Unknown Comic routine).

The spaces for the E/W players' names were left blank on the appeal form, which leaves us to wonder whether they were ever contacted and told that this appeal had been filed. The Directors need to come up with some good answers to some serious questions about their handling of this one.

CASE THIRTY-NINE

**Subject (MI):** A Figment Of The Imagination

**Event:** NABC Mixed BAM Teams, 30 July 99, Second Qualifying Session

Bd: 6	Bill Sides		
Dlr: East	Q53		
Vul: E/W	! KJ542		
	" J3		
	Ê J76		
Roger Lord		Jacqueline Sincoff	
74		AJ	
! AQ83		" ! 109	
" 984		" KQ52	
Ê 10932		Ê AQ854	
	Jean Rulison		
	K109862		
	" 76		
	" A1076		
	Ê K		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	2	1" 3Ê	1  3
Dbl	All Pass		

**The Facts:** 3| went down one, plus 100 for E/W. At the end of the hand, West called the Director and said his partner had failed to Alert his responsive double. West stated that this had been his agreement for 15 years. East did not agree. The Director ruled that there had been a violation of Law 10 and changed the result to 3| doubled made three, plus 530 for N/S. Several rounds later, West found the table Director and told him that he had been wrong about their agreement and that in fact he had made a mistaken bid.

**The Appeal:** E/W appealed the Director's ruling and were the only players to attend the hearing. West stated that he had the auction confused and that if

East had doubled instead of bidding 3Ê, then his double would have been responsive. East reiterated that there was no way the double of 3| in the actual auction could have been responsive.

**The Committee Decision:** The Committee decided that West misunderstood what his bid should have meant during the auction, but that there was no partnership agreement (or any bridge logic) to the double being responsive. The Committee determined that had East doubled rather than bid 3Ê, then the agreement was that a double by West would have been responsive. The play of the hand had hinged on guessing the | J. The Committee allowed the table result to stand.

**DIC of Event:** Henry Cukoff

**Committee:** Robert Schwartz (chair), David Berkowitz, Bob Gookin, Michael Rahtjen, John Solodar

**Directors' Ruling: 77.5**

**Committee's Decision: 98.5**

Why did the Directors ever buy into West's nonsense about his double being "responsive"? And why didn't they restore the table result when he finally came to his senses? The Committee straightened the whole thing out, but this case should never have gotten this far.

Once again the Directing staff has some serious questions to answer and DTO Man is just the one to ask them.

**Gerard:** "And then why didn't the Director withdraw his ruling? Since there then would have been no basis for a ruling, there couldn't be any appeal and there would have been that much less scrip that the anti-Committee faction could point to as a reason for DTO."

**Bethe:** "The Director made the correct ruling at the table but should have changed

the ruling before it reached Committee."

Right. And failing that it should have been changed in screening!

**R. Cohen:** "Since there was no MI during the bidding or play, there was no reason for an adjustment of the table result."

**Weinstein:** "Kudos to West for his calling attention to what he thought was a missed Alert. This makes his later admission of mistaken bid have significantly more credibility than it might otherwise. Good consideration by the Committee."

"Unnecessary" consideration by the Committee is more like it. It seems the Secretary Birds were out in force on this one.

**Stevenson:** "The Director was correct not to change his ruling when later evidence was presented. Players would do well not to extend meanings of conventions to different situations: they confuse both themselves and opponents. This is not a responsive double situation so the players need to decide what it means separately from their decision to play responsive doubles as takeout."

Bah! The fact that this was clearly not a responsive double situation and that East was perplexed by West's "confession" is the *only* point. The Director should have discovered this and not made any adjustment in the first place.

**Rigal:** "Good ruling by the Director and decision by the Committee. West unintentionally fixed his opponents and although South is due our sympathy, he gets nothing more I believe. The Committee clearly made the right judgment about MI and misbids. Everyone is entitled to lose their mind. West just happened to win by his accident; I wish I was that lucky."

**Patrias:** "The footnote to Law 75D2 says the Director is to presume mistaken explanation. Better to rule this way, especially when West pleads guilty at the table. If the players can convince a Committee otherwise, then they are entitled to have the ruling changed."

**Bramley:** "The table Director cannot be faulted for accepting West's initial 'confession.' How unfortunate that West's combination of compunction and confusion caused so many people to spend so much time just to restore the original table result. I like Active Ethics, not Hyperactive Ethics."

**Polisner:** "Good Committee decision. West should be commended for his Active Ethics in calling the Director, even if his understanding was confused. In this case, both the Director and the Committee did the right thing based on the 'facts' as known; however, the Director could/should have been aware of the nonsensical explanation by West and perhaps further questioning would have clarified his mistaken understanding."

Perhaps, nothing. This should have been nipped in the bud before it even got started. Right, Michael?

**Rosenberg:** "Okay."



## CASE FORTY

**Subject (MI):** Fool Me Once, Shame On You, Fool Me Twice...

**Event:** Senior Pairs, 30 July 99, Morning Session

Bd: 3	KQ963		
Dlr: South	J873		
Vul: E/W	A106		
	8		
7		J84	
96		AK5	
KQJ973		5	
Q543		AKJ976	
	A1052		
	Q1042		
	842		
	102		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
			Pass
Pass	1	2	3 (1)
Pass	Pass	4	Pass
Pass	4	Db1	All Pass
(1) Alerted; misexplained as limit			

**The Facts:** 4 $\heartsuit$  doubled went down three, plus 500 for E/W. Before passing 3 $\heartsuit$  West asked the bid's meaning and was told it was a limit raise. South corrected North's explanation to preemptive at the end of the auction, before the opening lead, at which point the Director was called. Both N/S convention cards showed the bid to be preemptive. The Director ruled that the failure to bid 5 $\heartsuit$  was not a result of MI (Laws 21B3 and 40C) and allowed the table result to stand.

**The Appeal:** E/W appealed the Director's ruling. E/W stated that West would have bid 4 $\heartsuit$  had she been informed of the correct N/S agreement. West thought her

partner was showing good clubs and three defensive tricks with the chosen sequence. N/S agreed that MI had been given and confirmed that the correction was made before the opening lead. The table Director had given West the opportunity to take her last pass back (Law 21B1) but she had declined.

**The Panel Decision:** The Panel consulted three expert players who all agreed that West's bidding was not a result of MI and that they saw no real merit to this appeal. The Panel believed (and this was confirmed by the experts' opinions) that no connection between the MI and the damage existed (Laws 40C and 21B3) and allowed the table result to stand. The Panel also determined that it was not realistic for players of E/W's experience (1400 masterpoints each) to believe this appeal had merit, particularly since the Director gave West the opportunity to change her final pass and she had declined to do so. The appeal was judged to be without merit and E/W were each assessed an AWMPP.

**DIC of Event:** Margo Putnam

**Panel:** Matt Smith (Reviewer), Olin Hubert, Charlie MacCracken

**Players Consulted:** John Mohan, George Mittleman, Mike Shuman

**Directors' Ruling: 94.6**

**Panel's Decision: 92.3**

West has one of the clearest (club) raises I think I've ever seen—if not the first time then certainly the second—no matter what South's 3 $\heartsuit$  bid was supposed to mean. I see no connection between the MI and E/W's result and agree with the Panel that this appeal was entirely without merit.

With one exception, our panel supported the Panel's decision on this one.

**Rigal:** "Both the Panel and Director do not appear to have focused on the fact that West (who obviously was a complete lemming) might nonetheless have been more tempted to bid 4 $\heartsuit$  directly over the preemptive 3 $\heartsuit$  bid on a hand that was arguably worth 5 $\heartsuit$  at that turn and the next and the one after that. I suppose you could argue

that West's disclosed inability to play bridge would have been just the same even on receipt of the correct information. I'll go along with the decision; but I would have been tempted to leave the score in place for E/W and adjust to N/S receiving minus 600."

That's Ms. Lemming to you, Barry. I see your point about adjusting N/S's score to minus 600 and I have a lot of sympathy for it—I just can't make myself do it!

**Bethe:** "Where was West during this auction? Partner bid 2 $\heartsuit$  and 4 $\heartsuit$  and he could not raise to five with four trumps, a source of tricks and a stiff in the opponents' suit? To appeal this result is outrageous."

**Bramley:** "Another contender for Worst Appeal."

And now, another word from Mr. PC himself.

**Weinstein:** "Another whiny protest. Seems like a lot of cases from Senior events."

Uh..., yes uh, Howard, there certainly seems to have been.

**Patrias:** "Let me see...North has an opening bid (okay, it's third chair), South has a limit raise, partner can bid twice and double 4 $\heartsuit$ ...I'd better check the backs of my cards, they must be from the next board. Ruling is correct and appeal has no merit."

**Polisner:** "Good work by all."

**Rosenberg:** "Okay."

**Stevenson:** "Good ruling and decision. Sometimes Directors fail to remember to wind back the auction to allow the final pass by the non-offenders to be changed, but this was not the case here. West cannot expect anything else. It is important that these cases include full details of the Director's ruling. From the write-up of the ruling it appears the Director did not wind the auction back: fortunately it is mentioned later."

**Treadwell:** "Excellent decision, except they might have been more generous in handing out the AWMPPs."

Sorry, Dave, but the BOD allowed only one AWMPP per player per appeal (even though it was recommended that multiple points be allowed for especially egregious cases). Perhaps they would reconsider?

CASE FORTY-ONE

**Subject (MI):** There Are Jumps, And Then There Are JUMPS!

**Event:** 2nd Friday Open Pairs, 30 July 99, First Session

Bd: 11	!	84		
Dlr: South	!	AK		
Vul: None	"	A6		
	Ê	QJ76432		
!	!	AQ5	!	KJ10972
"	"	Q108654	"	J93
Ê	Ê	Q102	Ê	983
		A		5
	!	63		
	"	72		
	Ê	KJ754		
		K1098		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>	
			Pass	
1!	4Ê		Pass	
Dbl	All Pass		Pass	

**The Facts:** 4Ê doubled made four, plus 510 for N/S. The opening lead was a heart. The Director was called after trick two when West looked at N/S's convention card and noticed they were playing Intermediate Jump Overcalls. The convention card had both the "Intermediate" and "Weak" boxes checked. The Director ruled that there had been no infraction and allowed the table result to stand (Laws 40C, 40E, 21B3, and 75A).

**The Appeal:** E/W appealed the Director's ruling. After North showed up with a high heart West looked at N/S's convention card and saw "Intermediate Jump

Overcalls" checked. She said she would not have doubled (intended as takeout) if she had known that N/S played 4Ê here not to be weak. East agreed that she had misinterpreted the double as penalty. N/S stated that they did not have any unusual agreements regarding preempts. North said she checked both Intermediate and Weak but didn't seem to understand why. They had not really discussed preempts and North had filled out both cards.

**The Panel Decision:** The expert players consulted did not believe E/W had been given MI and none thought this appeal had any merit. It seemed clear to all (table Director, Panel and expert consultants) that N/S had no unusual agreements that required Alerting. The box on the convention card did not apply to this situation and despite this point being made to the appellants, they persisted in their appeal. The appellants further had not reported accurately to the Panel that both the Intermediate and Weak boxes were checked. The Panel allowed the table result to stand. The players involved were each experienced enough (with over 1400 masterpoints) to have understood that the convention card notation did not apply in this case. The appeal was judged to be without merit and E/W were each assessed an AWMPP.

**DIC of Event:** Bernie Gorkin

**Panel:** Matt Smith (Reviewer), Olin Hubert, Charlie MacCracken

**Players Consulted:** John Mohan, George Mittleman, Mike Shuman

**Directors' Ruling: 94.9**

**Panel's Decision: 99.5**

This case epitomizes a class of (classless) appeals which should never have found their way to an adjudicating body. The absence, for the most part, and especially among Panel cases, of an effective screening process in San Antonio must certainly shoulder the lion's share of the blame. But even with screening, too many of these cases consume our time and energies unnecessarily. We must take steps to institute a screening procedure capable of recognizing appeals which are likely to be judged meritless and warning the appellants of their jeopardy. Since Law 92A guarantees players the right to appeal, we cannot prevent such appeals from being heard. Nor should we be too quick to make this type of pronouncement

lest it be perceived as a form of "intimidation."

My recommendation is that we identify low-merit cases in screening (perhaps with the help of one or two members of the appeal team on duty that evening) and warn the appellants that, if they insist on pursuing their case and the appeal is not upheld, a recommendation that the appeal be judged meritless will be made to the Committee. In cases heard by Panels, if the Reviewer believes that the appeal could lack merit at any point in the processing of the case he should consult the Chairman of Appeals or the Appeals Administrator to see if there is agreement that the appellants should be offered the opportunity to withdraw their appeal.

As for the present case, the panelists roundly condemn this appeal.

**Bramley:** "Just when I thought the appeals couldn't get any worse..."

**R. Cohen:** "Two cases [along with CASE FORTY—Ed.] of trying to 'steal' in Committee what you failed to earn at the table."

**Patrias:** "Absolutely correct."

**Polisner:** "No problem."

**Rosenberg:** "Okay."

Try to control yourselves, guys. Anyone for multiple AWMPPs?

**Rigal:** "Good and suitable stern warning for E/W. Another fatuous appeal that had me reaching for something sterner than one AWMPP."

**Treadwell:** "Why not more AWMPPs for this meritless appeal?"

**Stevenson:** "Good ruling and decision. This case seems such a blatant misuse of the appeal process that I wonder whether further actions should not be suitable for the E/W pair. They got a bad score through a simple misunderstanding of basic bridge and tried to get it back by running it past a Director and a Panel in the hope that one or other had left their brains at home. This is the typical action by a pair for whom the term 'Bridge Lawyers' was coined: a pair who do not merely try to win by better bridge but also by using the laws of the game."

**Weinstein:** "Let's take stock. E/W forgot to tell the Committee that both weak and intermediate were checked on the convention card. They persisted with the protest even though it was pointed out that intermediate had no relevance to the double jump shift that actually occurred. And even after all of this East had an automatic pull of the double, which would likely have led to a good score, but failed to pull because of her own bidding misunderstanding.

"Board of Directors, can I have your attention, please! As long as you don't effectively deter protests like this, they will continue. How many players do we lose when they have to suffer through a hearing like this either at an NABC, a Regional or a Sectional? How many other players do we lose when the Director gets called for no reason in these situations? Please excuse my redundant plaintive cries for zero tolerance of intolerance."

CASE FORTY-TWO

**Subject (Played Card):** If He'd Only Said "Oh S—t!": Part I

**Event:** Senior Pairs, 27 Jul 99, Second Session

Bd: 17	!	J109	
Dlr: North	!	K832	
Vul: None	!"	Q7	
	Ê	A1097	
!		AK82	!
!"		AQJ54	!"
Ê		42	Ê
		J3	
	!	653	
	!"	1097	
	Ê	AK106	
		KQ8	
			!
			!"
			Ê
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
1!	Pass	Pass	1Ê
	INT	All Pass	

**The Facts:** INT made three, plus 150 for N/S. The early play was: "9 won by dummy's ten, Ê K, "6 to the queen. When North then led the Ê 10, East completed a club echo by playing low and declarer called "Ace." With only the Ê Q8 remaining in dummy, the eight was played followed by the jack. The Director was called and declarer said he had intended to play the Ê Q. The Director allowed the play of the Ê Q.

**The Appeal:** E/W appealed the Director's ruling. Both East and West independently stated that declarer had called "Eight." Declarer said he called "Ace."

Dummy said "I don't hear too well, but I thought he called 'Eight'."

**The Panel Decision:** Law 45C4(a) says that a card must be played if a player names it as the card he proposes to play. Since it was three-to-one as to what card declarer called, the Ê 8 was deemed to be the card played. The Panel asked two expert players whether or not playing the eight had technical merit. Both said that there was some merit in playing the eight. The Panel unanimously believed that this player did not want to play the eight but decided that the law and player assessment made their decision mandatory. The contract was changed to INT made one, plus 90 for N/S.

**DIC of Event:** Max Hardy

**Panel:** Roger Putnam (Reviewer), Olin Hubert, Ron Johnston, Charlie MacCracken, Matt Smith

**Players Consulted:** Bruce Ferguson, Bob Hamman

**Directors' Ruling: 54.1**

**Panel's Decision: 84.9**

The ruling made at the table almost exactly replicates the table ruling made in CASE THIRTY-SEVEN this past spring in Vancouver (the now infamous "Oh S—t!" case). You'd think that such a high-profile case, with all that's been written about it since, would have left no Director in ACBL-land capable of making the same type of error—at least not so soon after the original incident. Well for the umpteenth time, sometimes declarer errs in calling a card from dummy which he didn't really want to play. Maybe his mind flashed on the previous trick, maybe he was thinking about the next trick, maybe he confused his intentions with the card that his LHO just played or a card in his own hand, or something else. Declarer is not entitled to be protected from such mental lapses. The card called is played.

The only time a designation can be corrected is when it was inadvertent (such as a slip of the tongue) and is corrected without "pause for thought" (i.e., without a change of mind) starting when declarer first notices his error. In cases where there is some question of whether the designation was inadvertent, the Laws Commission has said that the burden of proof is on the declarer and the standard of proof is "overwhelming." In this case declarer's designation, while ambiguous ("Ace" or

"Eight"), was consistent with only one of the cards in dummy. If it is ruled that declarer called "Ace," then he gets to substitute another call (see David Stevenson's comment later). If it is ruled that he called "Eight," then the Laws Commission has directed that once his RHO has played, if there is any reasonable possibility that information gained from that play could have suggested to declarer that the card he called was a mistake, then a pause for thought has occurred and no change is to be permitted. That was clearly the case here since the Ê J was about to win the trick.

Another reason for ruling that the Ê 8 was played is the standard practice recommended by Edgar Kaplan that, in the absence of clear evidence as to what declarer said, if the other three players all heard the same thing ("Eight."), then that may be presumed to be what was said. For example, had declarer tried to correct dummy's play of the Ê 8 as soon as it was touched and before RHO had a chance to play, then that might have been taken as support for the claim of inadvertence and considered as evidence in making the decision. Otherwise, it's three to one.

So unless the table Director ruled that declarer had called a card not in dummy ("Ace"), the only possible ruling was the one the Panel made: the Ê 8 was a played card. Right Mr. Co-chair of the Laws Commission?

**R. Cohen:** "After the infamous Vancouver decision, who can blame the Director (tongue in cheek). Actually, North has nobody to blame but himself. Panel correct."

**Gerard:** "Who plays the eight? East would have led a spade if the eight had merit (think about it). But it didn't matter. The law was clear."

**Patrias:** "All evidence presented seems to indicate declarer called for the eight. The table Director apparently erred and the Panel put it right."

**Weinstein:** "Three players claim the eight was called for and declarer claims he called for a card that wasn't even in dummy. I strongly disagree with the table Director's ruling. I can't imagine under what law the initial ruling was made. Even if there are conflicting laws, once West follows with the Ê J, any ambiguous resolution must go against N/S."

**Bethe:** "How can declarer claim he wanted the Ê A when there's no ace in dummy?"

**Treadwell:** "As our editor says, why didn't North say, 'Oh s—t'?"

**Rigal:** "Odd Director ruling; I can see no reason for adjusting here. If everyone at the table thought the eight had been called, I think it was called. The linguistic slip of the tongue is understandable, but I do not see how one can go back after the fact and change things."

**Rosenberg:** "Pretty tough on North, but it's always difficult when true equity requires reading a player's mind."

The remaining panelists analyze the table ruling and Panel decision in greater detail. The first is unwilling to take a position without more information.

**Polisner:** "Oh boy, another "Oh s—t" appeal! More facts are needed. When did declarer state he intended to call the queen? Based upon the recent Laws Commission interpretation of Law 45, more analysis seems appropriate than was given here, or at least according to the limited facts with which we were provided."

**Bramley:** "If West had held two small clubs, what would have happened? How about three small clubs? What did 'player assessment' have to do with the decision? If the law was clear then why did the table Director give a different ruling? If the law was clear then why did the technical merit of the finesse enter into the decision?"

Why did the experts find merit in the finesse when the likely limit of the hand is seven tricks when the finesse wins?"

Bart raises two interesting and important points. First, why was the technical merit of the play of the  $\bar{E} 8$  assessed if the law does not require a play to have technical merit? (For example, suppose at trick twelve declarer leads a club toward dummy's ace-queen and LHO follows with the king. Declarer calls the queen and then immediately attempts to change his call to the ace. While the play of the queen has no technical merit once the king has been played, the Laws Commission has made it clear that the queen is played and may not be corrected.) Second, even if the club finesse wins, declarer cannot cash all of his winners before the defense gains the lead and comes to at least six tricks (four spades, one diamond and one heart); the minor suits are blocked and declarer has no immediate hand entry. So why did the experts find merit in the club finesse?

The next panelist addresses some of these same issues and many others as well.

**Stevenson:** "After the Vancouver case where a very seriously ill Director understandably made a mistake in his advice and the ensuing debate was apparently conducted by people from the planet Zarg, there were bound to be some strange cases about played cards.

"The mistake at Vancouver was to not follow what the law says: we must not make that mistake again. According to Law 45B, a card is played from dummy by naming the card. If the  $\bar{E} 8$  was named then it *is* a played card immediately. If the  $\bar{E} A$  was named, then it is not a played card because declarer has named a card not in dummy and according to Law 46B4, he gets another chance to name a card! It is thus vital in the first instance to determine what card was called for. The write-up is unclear on this point—possibly because the Director's ruling was unclear. Part of the Director's ruling in such cases where the facts are not agreed must be to say what his finding of fact is. He should either have ruled that the  $\bar{E} 8$  was called for and thus played or that it was not and declarer given another chance to call a card.

"It should be noted that the Panel addressed this point well, but findings of fact are usually best decided by floor Directors who get a chance to ask vital questions before players have had a chance to realise the effects of various replies, and before they get a chance to discuss their testimony.

"Once this is decided, either the  $\bar{E} 8$  was not played and may be changed or it was played. If the latter, then the next step is to decide whether it may be changed under Law 45C4B. To do so it must be *both* (a) an inadvertent designation and (b) declarer must attempt to change it without pause for thought (this latter point being the one missed by the Vancouver Committee).

"The 'pause for thought' is interpreted to come from the moment of realisation that the card called for and thus played is not the card intended. If we assume that the Director had made the correct decision and that decision was that the  $\bar{E} 8$  was played, that is the moment at which declarer becomes aware that the card played is not the one intended (allegedly). Thus, at that moment declarer can still change it *if* the Director decides it was an inadvertent designation.

"Did the Director get it right? With the lack of detail in the Director's ruling it seems probable that he did not apply the laws accurately, and if he did he did not bother to write his ruling down carefully. Now we move on to the Committee—or more correctly the infamous Panel. Goodness knows where the Panel got their decision from. They decided that the  $\bar{E} 8$  was played, apparently basing it on three-to-one evidence. They now asked two expert players whether the eight had technical merit. Which law says cards played must have technical merit? Anyway, they seem to have ignored the answer!

"Once they decided that the  $\bar{E} 8$  was called for and thus played, they should then have addressed whether it could be changed. When the said that they 'believed that this player did not want to play the eight' then they had made the judgments that the card was played under Law 45B and could be changed under Law 45C4B.

"After the nonsense in Vancouver it is sad to see that neither Directors nor

Panels have learnt the operation of this simple law. I propose a simple laws seminar at an up-coming NABC to discuss this law, its implementation, interpretation, ramifications and effects."

I'll address each of David's points in turn. First, the "seriously ill" Director in Vancouver gave the Committee the correct advice—which they either ignored or didn't understand.

Second, David is right that *if* Declarer said "Ace" he was entitled by law to change his call, since that card was not in dummy. If he called "Eight" then that card was played and could not be changed unless he made a "timely" attempt to correct it and could make a compelling case that his call was inadvertent. The table Director apparently ruled that the ace had been called and declarer was therefore entitled to change the call. But why make such a ruling? What evidence was there to support it? Unfortunately, the appeal form contains no clue. The table Director gave no reasoning for his ruling and did not even cite the law on which his ruling was based (even though the form requests both types of information).

Third, if we reject the notion that declarer called "Ace," then David is correct that the  $\bar{E} 8$  is a played card. It must then be determined if there is sufficient reason to permit a change. Regarding the timing of the attempted change (North's claim that he intended to play the queen), as Jeff points out this was not specified. So we have no basis for allowing a change on timing. Regarding inadvertence, once West followed suit, overwhelming evidence was needed to allow a change. The fact that the  $\bar{E} 8$  has little or no technical merit is not relevant here, since players regularly make careless or inferior plays and cannot be permitted to take them back—especially when the next player's card could have alerted declarer to his mistake. Since a change requires several specific and compelling types of evidence, David's conclusion that "With the lack of detail in the Director's ruling it seems probable that he did not apply the laws accurately" seems inescapable.

Fourth, the Panel's "three-to-one" basis for deciding that declarer called the "Eight" is addressed in the ACBL's publication *Duplicate Decisions*:

*"When three people at a table agree they heard an utterance different from what the player claims to have said, it seems prudent for the Director to decide that the threesome heard what they thought they heard. This includes the situation where dummy pulls the same card both defenders thought they heard declarer call. If declarer claims he called for a different card, the Director is faced with a 3-1 situation—the dummy by his action has agreed with the defenders."*

Still, we should note Edgar Kaplan's caution in *Appeals Committee, XVII (The Bridge World, June, 1984)*.

*"Still, there is no arithmetical rule. Even if the witnesses appear to be two-to-one, or three-to-one, for a particular version, the committee members may find themselves more impressed by the one. Then they should rule that way, the way their instincts tell them the balance of probability lies."*

This is acknowledged in *Duplicate Decisions*, where it also states, "The Director is expected to use his judgment in certain cases where there is a dispute about what a player said." The key here is the instruction to "use his judgment." Directors should gather information from the players and make a judgment where there is reason to attach more weight to some statements than to others—even though the weighted statements may be from a minority. But when the statements are inconclusive or equally compelling, then the "numbers" provide a basis for making a ruling. Thus, three-to-one means: when there is no other basis for a ruling, rule for the version supported by the majority (the three). As long as this "numbers game" does not take precedent over logic and judgment, it is a useful technique—but perhaps not so familiar in Britain.

Fifth (and finally), as Bart and David point out, the Panel's expert consultation is difficult to understand. I would guess that they used it to determine whether the play of the  $\bar{E} 8$  was inadvertent (it had merit as a bridge play, so it was not *prima facie* inadvertent) and not to justify allowing the play. Then they went on to say they

believed that declarer did not intended to play the  $\heartsuit$  8—but that while it was a mental error, it was not inadvertent and therefore not correctable. None of that is illogical or improper. In essence they told North, “You have our sympathy but not our support.”

Good decision!

## CASE FORTY-THREE

**Subject (Played Card):** If She'd Only Said “Oh S—t!”: Part II

**Event:** Open Pairs, 29 July, First Session

Bd: 26	!	Q76	
Dlr: East	!	AQJ63	
Vul: Both	"	A1083	
	$\heartsuit$	2	
	!	K4	!
	!	K874	!
	"	Q75	"
	$\heartsuit$	K643	$\heartsuit$
	!	A9832	!
	!	952	!
	"	KJ6	"
	$\heartsuit$	A9	$\heartsuit$
	!	J105	!
	!	10	!
	"	942	"
	$\heartsuit$	QJ10875	$\heartsuit$
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	Auction unavailable		

**The Facts:**  $4\heartsuit$  by South went down one, plus 100 for E/W. Declarer's last four cards were  $\heartsuit$  A98  $\heartsuit$  x; dummy's were  $\heartsuit$  Axx  $\heartsuit$  x. With the lead in dummy, declarer called for a small heart. Dummy's hand hovered over the cards, saying “Which?” Declarer repeated, “Low heart, uh, no, no, ace of hearts.” This occurred on the last round. The Director was called and told the players to score the board and he would determine the outcome later. He subsequently ruled that the low heart had to be played and that N/S were down one in  $4\heartsuit$ .

**The Appeal:** N/S appealed the Director's ruling and were the only players to attend the review. They believed no one would ever lose a heart when they have the ace. They agreed basically with the facts as presented.

**The Panel Decision:** From N/S's statements it was clear that South had played carelessly on this hand and did not meet the standard for being allowed to change her call. She not only called for a low heart once but when prompted by dummy made the same call again before noticing the problem. The table result was allowed to stand.

**DIC of Event:** Ron Gaegley

**Panel:** Ron Johnston (Reviewer)

**Players Consulted:** none reported

**Directors' Ruling:** 97.9

**Panel's Decision:** 96.9

Everything was fine until another meritless appeal escaped unpenalized. When are we going to learn, people, that we reap what we sow? Also, why was this a one-man Panel with no players consulted? Was it poor documentation or just that the decision was so obvious that no help was needed? If the latter, then isn't that a sufficient criterion for judging an appeal to be lacking in merit?

Most of the panelists agree that an AWMPP was appropriate.

**R. Cohen:** “This is strictly a matter of law. Why do we accept an appeal when there is no disagreement on facts. I know, I know about Law 93B3, but where is the meritless appeal award?”

**Patrias:** “N/S must have put on their most pathetic faces to avoid an AWMPP. Perhaps the Reviewer acted more in the role of screener in this case.”

**Weinstein:** “Where was this Director for the table ruling on the last case? Poor Joanna Stansby. People trying to get away with (oh) shit, like this frivolous protest, may be her legacy. As much as I disagree with that case's ruling, Joanna is much too nice a person to have this happen. Stop it people!”

**Rigal:** “This looks like AWMPP territory again. Tough on N/S maybe, but North’s illegal attempt to correct South’s carelessness probably merits the sternest punishment appropriate.”

Two panelists mentioned penalizing dummy for his attempted “prompting” of declarer.

**Polisner:** “I agree, due to the redesignation of the low heart. Dummy should have been admonished about his/her attempt to get declarer to reconsider the play from dummy which is a violation of Law 43A1(c).”

**Stevenson:** “During the play of the hand dummy is not permitted to take part and PPs should be issued when dummy decides to take a hand in proceedings. Compare CASE FORTY-FOUR.”

**Rosenberg:** “Okay.”

Well okay, but only on your say-so, Michael.

## CASE FORTY-FOUR

**Subject (Claim by Dummy):** The Dummy Made Me Do It

**Event:** NABC Mixed BAM Teams, 31 July 99, First Final Session

Bd: 11	John Solodar		
Dlr: South	! K		
Vul: None	! 83		
	" KJ1053		
	Ê KQ763		
Jim Griffin		Pat Griffin	
! Q42		! A875	
! AJ1062		! 754	
" 974		" A86	
Ê J4		Ê 982	
	Phyllis Rye		
	! J10963		
	! KQ9		
	" Q2		
	Ê A105		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	2"	Pass	1
Pass	3NT	All Pass	2NT

**The Facts:** 3NT went down two, plus 100 for E/W. The opening lead was the ! 10. Declarer won the second heart and played on diamonds. After collecting four hearts and one diamond, West led a small spade to partner’s ace. North folded dummy’s cards as if the play were over. East claimed to have been influenced by this to the point of randomly leading (a club) to the next trick. South believed that East was leading prior to North’s “claim.” The Director ruled that dummy had violated Law 43A1(c) and that Laws 12A1 and 84E suggested that the score be adjusted. The Director awarded one more trick to E/W and changed the contract to 3NT down three, plus 150 for E/W.

**The Appeal:** N/S appealed the Director’s ruling. N/S stated that the cards were folded by dummy in an effort to speed up play, since the next round was being called and they still had one board to play. North indicated that East was ready to play a card as he began folding dummy. South had not made any motion as if to claim. East believed that South may have been trying to claim but she was not supported in her view by any of the other players. East and West seemed to think that North started folding up the dummy prior to East’s club play. They did not dispute the poorness of East’s play.

**The Committee Decision:** The Committee decided that the timing of events was such that East’s lead was made either momentarily after or at the same time as dummy’s folding of his cards, but that declarer had never given any indication of an intent to claim. The Committee believed that East’s play of a club could not in any way be linked to North’s actions and was a sufficiently egregious bridge action that it broke the connection to any damage in any event. The issue of whether N/S deserved a score adjustment for North’s actions led the Committee to speak to the table Director. He pointed out Law 43A1(c) (“Dummy must not participate in the play, nor may he communicate anything about the play to declarer”) and said that he had determined that North’s actions fell under this provision. He also pointed out that Law 84E instructs: “If an irregularity has occurred for which no penalty is provided by law, the Director awards an adjusted score if there is even a reasonable possibility that the non-offending side was damaged.” While the Committee believed that the table Director’s ruling was completely proper, they also believed that North’s infraction was unintentional and did not warrant either a score adjustment or a penalty, noting that it had occurred in an effort to deal with the fact that the play of this, the first of two boards, had taken almost the entire time allotted for the round. Therefore, the Committee allowed the table result to stand for both sides and instructed the Recorder to instruct North to refrain from this type of behavior as dummy in the future.

**Dissenting Opinion (Howard Weinstein):** North’s conduct in folding up his cards was improper, even if well-intended. It is not clear that East didn’t feel pressure to play quickly. Certainly if East had thought about her play she would have realized it was wrong, and she was quick to admit to the play’s poorness at the hearing. While the testimony did not make it at all clear whether a club was perhaps on the way to being played before North’s hasty dummy folding, Law 84E states that “the Director awards an adjusted score if there is even a reasonable possibility that the non-offending side was damaged.” I would have implemented this provision by adjusting the offenders’ score, as did the table Director. However, I would not have given the non-offenders any redress.

**DIC of Event:** Henry Cukoff

**Committee:** Howard Weinstein (chair), Doug Doub, Lou Reich

**Directors’ Ruling: 82.6**

**Committee’s Decision: 69.0**

I started out believing that North’s action in folding the dummy was innocent and in any case could not have caused East to lead a club. I’ve since revised my conclusion: the dissenter was on the right track after all. Here’s why. First, while I know North and would never suggest that he did anything intentionally improper, on the many occasions on which I’ve kibitzed him I have seen him do this dummy-folding act several times. I think it may in part be due to impatience and I’m sure that in this case being behind in the play contributed to his action, but North needs to be weaned of this practice which is discourteous at least and (as we’ve now seen) an accident waiting to happen.

Second, I don’t believe that North’s action, coming as it did a second or so before East’s play, caused East to lead a club. I think East was already predisposed to play a club, and perhaps had even detached a club from her hand, as she went through her final deliberations. However, I do think North’s action caused East to *actually place the card she was considering playing on the table* when she *might* have reconsidered her choice had North not precipitated her action. Thus, I think North did affect the play even though he did not induce that play specifically to be a club. In essence, I think he caused East to short-circuit her normal last minute flight check by suggesting that her card would not matter. The write-up suggests that East may already have been about to play the club or even been in the act of playing it when North folded his dummy. For these reasons I believe that East was primarily responsible for the card she played while North was primarily responsible for when it was played—and only marginally for its identity.

So like Howard I would have allowed the table result (plus 100) to stand for E/W while I would have adjusted N/S’s score to 3NT down three, minus 150. Let’s first hear from the dissenter himself.

**Weinstein:** “Law 43 prohibits dummy from participating in the play. My Committee compatriots argued this didn’t constitute participating in the play, but I think it’s close enough. This does not excuse the E/W defense, but it is a close fact situation in regard to any possible N/S gain. When there is a close or unclear fact situation, it should be decided by the table Director and only overturned if clearly in error. There was no misinterpretation of the facts by the table Director and, indeed, the Committee more than once requested the table Director to review the applicable laws for them. The table Director was extremely knowledgeable, even if I’m not totally objective since he was my first intercollegiate bridge partner. Again, given the accuracy of the law’s application and no new consequential factual information, the Committee should not be overturning the table ruling for the offenders. I don’t have a problem with adjusting the non-offenders back to the table result since their egregious defense is a matter of bridge judgment, not law.

“I don’t think this is a particularly troublesome case in itself, nor do I think leaving the table result alone is incorrect—I would have supported that instantly had that been the table ruling. In a WBF Code of Practice for Appeals Committees that

is now being drafted, there are a couple of sections that have relevance to this case. The first is having the table Director at the appeals hearing. It was extremely helpful to have that available in this case. In cases where there is no disagreement in the fact situation this is less necessary. The second part deals with a general bias against overturning a table ruling and an even stronger bias against overturning a table ruling where no adjustment was made. This may deter Committee reversals when there is mediocre judgment made in the initial ruling, but doesn’t preclude overturning a loss of mind. It should have the benefit of reducing marginal appeals. I think this is a step in the right direction.”

The WBF Code of Practice Howard refers to will be in effect in Bermuda and is currently being reviewed by several ACBL Committees (Laws; Conventions & Competition). We’ll have more to say about it—its strengths and weaknesses—in future casebooks. For now I’ll simply note two things. First, the table Director was present at this hearing to explain his ruling because the Committee requested his presence. Committees are always free to make this request, though few historically have chosen to do so. Second, judging by the table rulings we’ve seen so far, I’d be reluctant to further predispose Committees toward accepting them.

One usually quite vocal panelist has been rather subdued for a number of cases now—but no longer. “Vengeance is mine,” saith the Ron.

**Gerard:** “It’s time to come out from hiding. Twenty-three cases ago I never thought I would have only one real comment on the lot of them. Five AWMPPs and many more I wouldn’t have quarreled with. Only five rankings below average, all by Directors. What a waste.

“This happened to me once, 25 years ago. Declarer said ‘Down one’ and my partner simultaneously tossed a random card onto the table. Declarer sat up and said ‘Now I’m going to make it,’ which he did. Amazingly enough, we lost the appeal (this was before the law was changed so that all play ceases following a claim). You can *not* be serious, I thought, but I was assured by the Committee that they had no choice. Well, that declarer was not very far removed from this dummy and it’s time to get even.

“North’s el foldo had to be without having seen East’s club, since both the seeing and the folding would have been improper. So North was indicating a curtailment of play on the assumption that South held the 1 Q, not caring what East returned. Given North’s ability and stature, East’s club lead was not a bridge action for which she should have been held accountable. If a player like North says, in effect, it doesn’t matter what you lead, it shouldn’t matter that dummy can’t claim and that declarer didn’t. Play should have been curtailed. Add the fact that by a two-to-one-to-one margin the testimony was that East hadn’t yet played and the inescapable conclusion is that the Director and Mr. Weinstein were right on the money. North committed an infraction, Law 84E was directly applicable and E/W got jobbed.

“Further, N/S should have had the decency to accept the Director’s ruling. North’s good intentions were misplaced, since if the next round had already been called it was improper to start play of the next board. Surely given the Director’s explanation of his ruling, N/S should have realized that North was in the wrong and that it was litigious to pursue this appeal. Even though N/S got a Committee to agree with them, sometimes winning comes at too great a cost.

“The majority must have bought a one-way ticket to Fantasyland. They just couldn’t bring themselves to do what they must have known was right. They sought out expert advice about the laws and then decided that North’s good intentions contravened the advice they were given. And that concluding instruction to the Recorder, yeah, that will sure teach North. What a blatantly illegal decision. At least Mr. Weinstein had the good sense to think like a lawyer.

“Please tell us who the Director was or who was consulted. They deserve a gold star.”

Normally we try to resist honoring Ron's requests. But this time (perhaps overcome by the spirit of the holiday season) we'll make an exception.

**Patrias:** "Since I was involved in this case, I probably shouldn't say too much. But I can't help myself. Even if the Committee believed that East deserved her fate, N/S should not have been in a position to gain from the infraction."

The majority of the panelists follow in the same footsteps as Ron and Howard (not to be confused with Ron Howard—film director and Opie of *The Andy Griffith Show* and later *Mayberry, RFD*).

**Stevenson:** "Compare CASE FORTY-THREE: the first thing both Director and Committee should do is to give dummy a PP: dummies must not participate in the play. The decision whether to adjust depends on whether East was really damaged and whether her play was sufficiently bad. Both Director and Committee have dealt with this reasonably, though current advice from the WBF is that if the non-offenders do not get redress because of 'irrational, wild or gambling actions' (the WBF standard) the offenders still get a bad score. Thus, a decision of N/S getting 3NT down three while E/W getting 3NT down two might have been better."

**Beth:** "I agree with the dissent and I too believe that this was a proper application of Law 84E. I also agree that this player should be cautioned against playing the dummy when dummy."

And so I have.

**R. Cohen:** "It feels like E/W plus 100 and N/S minus 150 is an appropriate adjudication. It was a split Committee decision and maybe a split score was appropriate."

**Polisner:** "I agree with Howard's dissent. Since the law refers to a reasonable possibility of damage, the actions of North seem to warrant redress."

**Rosenberg:** "While North's infraction was not made with evil intent, it can hardly be called unintentional. The players who do this frequently (and I don't know if North is one) occasionally score a gain when an opponent concedes a trick they might have won and never even realizes it. Thus, it is only fair that N/S lose the trick here. As for E/W, South would need to have opened an 11-count for the club to be correct. Also, West should have cashed the E A himself. So I agree with the dissenter."

a few panelists agree with the Committee.

**Bramley:** "I side with the majority. I find no connection between North's actions and East's play."

**Rigal:** "This seems to be a question of fact. If East led before North's infraction, or had already selected the card to lead, then the Committee decision seems right. But I am not a laws expert and would defer to those who are. There seems thus to be an inconsistency between the Director ruling and the Committee decision."

Quite so.

**Treadwell:** "How can East, looking at a dummy with only good minor suits lead anything but a second spade at trick eight, regardless of dummy's somewhat improper but well-intentioned actions? a very good Committee decision to grant the appeal of a rather poor floor Director's ruling."

But an even better decision to combine the two—adjusting the score for N/S but not for E/W.



CASE FORTY-FIVE

**Subject (Unusual Coincidence):** Rule Of Coincidence: R.I.P.  
**Event:** 2nd Saturday Fast Open Pairs, 31 July 99, Morning Session

Bd: 3	!	6	
Dlr: South	!	QJ75	
Vul: E/W	"	109874	
	Ê	AK5	
!			!
AJ985			42
!			AK10
92			AJ3
"			Q7643
KQ5			
Ê	!	KQ1073	
J82	!	8643	
	"	62	
	Ê	109	
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
Pass	Pass	1Ê	2! (1)
Dbl(2)	Pass	Pass(3)	Pass
(1) Preemptive			
(2) Negative			
(3) Break in tempo			

**The Facts:** 2! doubled went down four, plus 800 for E/W. The opening lead was the " K. The Director was called near the end of the hand and told that E/W played negative doubles but that East had a problem as to what to do over this one. He disliked any of his choices and chose to pass. E/W indicated that the double was sort of point-showing. The Director allowed the table result to stand.

**The Appeal:** N/S appealed the Director's ruling. N/S thought it was very unusual for West to double with this hand and even more unusual for East to sit for it. West said he was rushing because he was late moving into this round and that he wanted to keep the auction open. He said he

would have bid 3NT if his partner had bid 3! . East said he did not want to rebid his poor club suit, he did not have a heart or diamond fit and he had no spade stopper for notrump. He thought setting 2! was his side's best chance for a plus score. E/W each had between 250 and 300 masterpoints.

**The Panel Decision:** The Panel found that there was no infraction. The table result was allowed to stand. E/W were cautioned that lucky outcomes resulting from mis-bidding raise suspicions. The Panel decided this appeal had merit because of the circumstance of both opponents acting differently from their announced agreement.

**DIC of Event:** Stan Tench

**Panel:** Charlie MacCracken (Reviewer), Olin Hubert, Roger Putnam

**Players Consulted:** none reported

**Directors' Ruling: 90.0**

**Panel's Decision: 86.4**

The appropriate action for a hand of this sort is to record it—not to ask for a score adjustment and certainly not to pursue the decision not to adjust even further.

**Bethe:** "What was North going to do if the double was announced as penalty? N/S got their zero the old fashioned way. They earned it."

**R. Cohen:** "Can't disagree with the decision, but the case should be filed with the Recorder—just in case."

**Gerard:** "Lay off East. In the Master Solvers Club, they don't even need to break tempo. I continue to object, but the roar is deafening."

**Martel:** "This is a situation where it would be nice to ask whether there was something going on with the double of 2! which tipped East to the fact it was a

penalty double (one could well imagine this happening here)."

**Patrias:** "I think that this was handled properly considering the skill level of the player's involved. I would have felt differently if this happened to a more experienced partnership."

**Rigal:** "This certainly looks strange. I'd like this recorded properly and I understand N/S's unhappiness, but this is the wrong forum: this is a Recorder issue. Did this come to the Panel because E/W have no confidence in the system or because they were wrongly advised? I'd have expected the Screening Director to have made that point. If so, the AWMPP was appropriate."

**Stevenson:** "It is all very well writing the Rule of Coincidence off but the trouble with hands like these is that there is the possibility of a Concealed Partnership Understanding. I am not suggesting in any way that E/W are unethical, but they may have realised (perhaps subconsciously) because of their experiences on other hands that their style suits doubling with the West hand and passing with the East. In England a record would be kept of this occurrence: perhaps a Recorder form is the answer in the ACBL."

It is not only appropriate but it has already been done.  
 The next panelist's observation has much to recommend it.

**Treadwell:** "If a more experienced pair had bid as did E/W, I would be inclined to throw the book at them. However, lucky outcomes do sometimes occur from misbidding and there was apparently no reason to believe E/W did anything other than misbid. Had E/W bid as most of us would have, West would have passed and East would have balanced with a double for the same result."

**Weinstein:** "I agree with the lack of adjustment, but I believe that the Director and/or Panel should have told E/W that if the double is point showing, often without hearts, it is not really a true negative double and shouldn't be described that way."

Jeff earns his first, official, final word.

**Polisner:** "Assuming that the level of the E/W players is as expected, this type of result occurs with some frequency. Life is tough in the fast-pair game."

CASE FORTY-SIX

**Subject (MI):** Well, It Used To Mean That  
**Event:** WITT, First Round Robin  
**Teams:** N/S: Wood versus E/W: Martel

Bd: 35	Claire Tornay		
Dlr: South	! Q987		
Vul: E/W	! A732		
	" J42		
	É 62		
Caren Hinds		Judy Pede	
! K2		! 63	
! K1086		! J94	
" AQ86		" 97	
É Q95		É AJ10843	
	Terry Michaels		
	! AJ1054		
	! Q5		
	" K1053		
	É K7		
<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
	1!		
Dbl	2!	2NT(1)	Pass
3"	3! (2)	All Pass	
(1) Explained by E to N as Lebensohl (forces 3É); by W to S as better minor			
(2) After questioning (see the Facts)			

**The Facts and Appeal:** 3! went down two; minus 100 for N/S. 2NT was explained differently on the two sides of the screen (see diagram). Apparently E/W used to play it as Lebensohl (a relay to 3É) but they recently changed their agreement to a request for partner's better minor. Before bidding 3! North asked East what West's 3" bid meant, since 2NT had been a relay to 3É. She was told that 3" showed a good hand with 6" -4!. When pressed for a further explanation East said she was not really sure that West showed four hearts, but that she would have at least three of them. North told the Director that, had she been told that East was four-four in the minors (as was South), she would have thought less of her hand and not bid 3!. The Director could not determine E/W's actual agreement (their simple

convention card had nothing on it relevant to this auction). He ruled that North had been given MI and adjusted the contract for both pairs to 3" down two, minus 200 for E/W.

**The Committee Decision:** The Committee could find no link between the (presumed) misexplanation of 2NT and North's 3! bid. The explanation that 2NT was Lebensohl (an artificial relay to 3É), showing any of several possible hand types (including an unspecified one-suiter and various game-going possibilities), did not appear to make 3! less attractive and may have actually have made it more attractive (since East's hand was in some ways more clearly defined). It was the Committee's opinion that N/S were unlikely to have done better without the infraction. Therefore, the table result of 3! down two, minus 100 for N/S, was restored for both sides. After consultation with the DIC, a PP against E/W was rejected when it was learned that, in his opinion, the intent behind the WITT Conditions of Contest (unlike those used by the ITT) did not support assessing PPs for "technical" infractions (like forgetting partnership agreements or providing different explanations on the two sides of the screen) when there was no damage to the opponents.

**DIC of Event:** Charlie MacCracken  
**Committee:** Rich Colker (chair), Ron Gerard, Abby Heitner

**Directors' Ruling: 63.6**      **Committee's Decision: 96.7**

This case and the next (FORTY-SEVEN) were done by phone. The facts, table ruling and players' statements were communicated to me over the phone by the

DIC. I, in turn, phoned each Committee member and shared the information I had with them. I listened to their opinions and served as a sounding board (or "devil's advocate," when appropriate) for them until they formulated their final opinion. All in all, I found this was not a good way to conduct important appeal hearings like this but the method was imposed on me by the WITT—and the price was right!

My view is part of the write-up, so we'll cut right to the panelists' comments.

**Bethe:** "The Director ruled correctly against the offending pair. The Committee correctly ruled that there was no connection between the infraction and the result. I think the WITT would be well advised to adopt the ITT policy on remembering agreements in common auctions."

I too thought the WITT had adopted the same policy as the ITT until I checked with the DIC. We might have assessed a PP had it been consistent with the WITT's "style."

**Bramley:** "Finally, a Committee has declined to hand out a gratuitous PP. I wouldn't give one in the ITT, either. While the ITT conditions are more stringent, their intent should not be to punish every pair that has a misunderstanding, particularly when that misunderstanding comes to light only through a meritless appeal by their undamaged opponents. (Well, it would have been meritless had the Director ruled the right way!) I think that E/W's problem falls outside the 'bread-and-butter' standard used in the ITT."

Having a "significant other" who is a member of the WITT Committee, Bart may have a better feel for this issue than I. At the time I was merely looking to take whatever action was endorsed by the governing body.

**R. Cohen:** "The Director made the right ruling and the Committee decided that any damage to N/S was minimal. East might well have bid 4É had North passed. In effect, no harm, no foul."

**Gerard:** "I thought what I usually do about arguments like North's. On the given explanations, South could easily have at least three diamonds (East had 3-3-1-6, West 1-4-6-2). On the correct explanation, South would have no more than two diamonds (West couldn't have three-two in the minors). Therefore, bidding would have been more attractive, not less, if North had been told what she should have been. The write-up suffers from verbal dyslexia in this regard. I thought I had made this clear on the phone, but maybe we had a bad connection. Anyway, I also thought that in this day of slavish devotion to total tricks, most Norths would have been unlikely to look much beyond their trump holding and engage in any kind of analysis regarding South's side suit distribution."

Ron is correct that the explanation in the write-up came out twisted (although it took his exceptional perceptive powers to see just how). The idea was that the "other" explanation would have made North's action (3!) even *more* attractive—not less (as she claimed). Ron's concept was understood (we had a good connection); only the write-up (done some months later) was impaired.

**Patrias:** "I agree with the Committee. North chose to bid 3!, the information/MI seems irrelevant to that decision, she should accept the consequences."

**Polisner:** "Excellent Committee decision. At least 'The Law' wasn't broken."

**Rigal:** "Sensible ruling and decision—the MI really does not influence North's decision at all except to make the action more attractive as the Committee noted. If the WITT rules really are as described I suppose the PP is not appropriate; I am surprised."

See, Ron, Barry understood what I wrote.

**Stevenson:** “A good decision: it is not clear what damage the Director saw. As far as the PP is concerned, it is reasonable for Committees and Directors to accede to the Sponsoring Organisation’s wishes, so I do not argue with the Committee decision. But at the WITT level it seems a very strange decision not to attempt to control abuses of this nature.”

**Treadwell:** “The Committee got this one just right. E/W had a bidding misunderstanding, N/S made a poor bid and claimed damage from the opponents’ misunderstanding. As the Committee said, the damage was caused by North’s bid and not from any misexplanation, if any, by E/W.”

Finally, the last two panelists give us a glimpse into the future.

**Rosenberg:** “Seems pretty clear that 3 $\heartsuit$  was less attractive on the information that North had—the opponents might not have had an eight-card fit. Perhaps our future will be that North will receive *both* explanations (as one can on OKbridge) and would then know to pass 3 $\heartsuit$ , since the misunderstanding would be clear. But we’re not there yet.”

**Weinstein:** “It would be nice for the Directors to find any reasonable connection between the MI and North’s totally normal 3 $\heartsuit$  call before adjusting a score. This is an advertisement for not listening to statements that could be self-serving. Notice the law of total tricks conveniently wasn’t brought up on this hand.

“I hope there wouldn’t be a PP in the ITT on this hand either. This hand does bring up a situation we will have to continue to address in the future, though. When (not if) we start playing high-level matches on computer, if North had access to both opponent’s explanations, she might well not have bid (at her own risk), knowing the opponents were having a misunderstanding. I believe the current rules for computer bridge are that you Alert your own bids, but not your partner’s bids.”

Announcement from our Transcendental Bridge Department: “1984 has been postponed until the next millennium (Y3K) or at least the next century (2084). Those wishing to monitor their opponents’ misunderstandings and then act accordingly will just have to wait.”

## CASE FORTY-SEVEN

**Subject (MI):** I Said “Four-Four,” But I Didn’t Say In Which Suits

**Event:** WITT, Second Round Robin

**Teams:** N/S: Munson versus E/W: Assini

Bd: 30	Susan Wexler		
Dlr: East	Q953		
Vul: None	! AQJ9		
	" Q4		
	È Q42		
Jan George		Sheila Pies	
KJ742		A1086	
! 853		! 1074	
" A97		" 863	
È 107		È A93	
	Margie Gwozdzinsky		
	---		
	! K62		
	" KJ1052		
	È KJ865		

  

West	North	East	South
Pass	1È	Pass	Pass
Pass	1!	Pass	5È
All Pass			

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**The Play (lead underlined):**

Trick	West	North	East	South
1	7*	3	<u>  A</u>	È 5
2	È 7	È Q	È A	
3	<u>È 6</u>	È 10	È 2	È K

\* Encouraging

**The Facts and Appeal:** 5È made five; plus 400 for N/S. The | A was led. As South put down the dummy she said “My partner guarantees four-four.” The Director interpreted this to mean that North would not rebid 1! with 3-4-3-3. North never corrected South’s statement (the Director believed she may not have been paying attention). The play went as in the diagram. Declarer then pulled the last trump and knocked out the " A. At the end of the play, West said that if East had continued spades at trick three declarer had to go down. (It is not known whether the Director was called during the play or at the end.) When the Director spoke to East several boards later (at the end of the round) and asked her what picture she had formed about North’s hand, she said she had simply tried to defend passively (she “didn’t want to give anything away”). She also said she could not tell if West’s | 7 at trick one had been encouraging. The Director changed the contract for both sides to 5È down one, minus

50 for N/S.

**The Committee Decision:** Several points were made by the Committee: (1) West’s | 7 could not have been low (discouraging) since that would have given North at least five spades (assuming West would have led the king from | KQJ) in a suit she never bid. (2) There was a division of opinion as to whether the statement “My partner guarantees four-four” implies that the two four-card suits must be the ones bid (clubs and hearts). At least one Committee member thought the statement implied nothing more than that North implied a doubleton somewhere, as was the case in the actual hand. Given that, East could have asked for clarification. (3) The Committee was firm in its opinion that East’s defense was unrelated to either West’s plays, any inferences that might derive from the assumption that North was four-four in her bid suits, or the logic of the defensive situation. Had East either ducked the È A to see what West would pitch on the third trump (a clarifying spade or encouragement in a red suit) or shifted to a heart after winning the È A (since dummy’s diamonds could never go away but weak hearts in declarer’s hand could go on dummy’s diamonds if she held something like | Kxx ! Jxxx " AQ È Q10xx), the Committee would have had more sympathy for her. But winning the È A and

returning another club was simply a give-up play and did not warrant any protection. For these reasons the Committee restored the table result of 5E made five, plus 400 for N/S, to both sides. In addition, the Committee instructed the Director to assess a 1-VP PP against N/S for lack of full and clear disclosure if, upon follow-up, he determined that a 1! rebid was expected in N/S's system with North's actual holding. (The 1-VP penalty was ultimately assessed.)

**DIC of Event:** Charlie MacCracken

**Committee:** Rich Colker (chair), Henry Bethe, Jim Hall

**Directors' Ruling: 59.0      Committee's Decision: 85.1**

See the opening paragraph of CASE FORTY-SIX for the conditions under which these two appeals were heard.

**Bethe:** "Once East made her statement, why should we allow an unthinking East to gain from MI? If the MI leads an opponent down the wrong path, then protection; but no protection when the MI is not put to some use."

**R. Cohen:** "If South was going to volunteer information about her agreements, why wasn't it done before the opening lead? Since E/W were reluctant to 'play bridge,' maybe we should have had a split score, N/S minus 50, E/W minus 400. Law 86 would have handled the result on the board."

The Committee was not in agreement that South's statement constituted MI of any sort. Her partner *was* in fact four-four—just not in the obvious two suits. The statement was misleading if North's actual distribution was one that South would have expected. However, with no consensus on this point adjusting the score was not possible.

The following panelists are on my wavelength about this point.

**Rosenberg:** "First, the Committee member who thought the statement 'my partner guarantees four-four,' could mean any two four-card suits should quit imbibing whatever it is that's causing such weirdness. If a player bids two suits, then 'four-four' means four-four in those suits. Presuming the North hand was consistent with the N/S agreement (about which I am not certain), South should have said (and the Committee should have instructed her to say in future), 'my partner denies 4-3-3-3 shape. Now to East, who was guilty of 'throwing cards' just as I described in CASE THIRTY-THREE above. But if North had four clubs, as advertised, the careless club play could not apparently cost, whereas another play somehow might. So I would rule down one. *Be lenient with the non-offending side.* Perhaps I'm biased by the fact that declarer deserved to go down—she should have arranged to play the E K or jack on the first and second rounds of clubs, after which the spade tap is ineffective."

I don't think South's statement affected East's play at all, which was made without consideration of any possible holdings by North. Thus, whether East's play would have cost or not had she been given different information seems irrelevant. N/S didn't benefit from the MI (assuming there was MI)—they benefited from the misdefense!

**Stevenson:** "It is hardly credible that telling the opponents that partner has shown four-four after bidding two suits means anything other than that those suits will be at least four-four, and the PP was reasonable. It is also true that the 1 7 cannot be discouraging.

"I worry somewhat at the propensity of Committees to disallow redress when a player has made a 'casual' mistake in a position she should not have been faced with. Nevertheless, I think in this case East failed to make any reasonable effort to

protect herself and I agree with the decision."

That last statement is precisely my point.

**Gerard:** "Since it would have been an appeal without merit if the Director had ruled correctly, this was abuse of process by E/W. It was also abuse of declarer play by North."

The next three panelists take exception to the PP here.

**Bramley:** "If the previous case did not warrant a PP, then neither did this one. No harm, no foul."

**Patrias:** "I think the table result should stand for all the Committee's stated reasons. I do not understand why the Committee imposed a penalty here after deciding not to in the previous case (CASE FORTY-SIX)."

**Polisner:** "Good decision on bridge issue. The PP on these facts seems excessive."

The next two panelists explain why the PP was necessary.

**Weinstein:** "I think it is clear that the statement that North guarantees four-four means at least four clubs and E/W should not need to follow up with questions. It does seem highly unlikely that East was ever close to getting this right and the Committee's restoration of the table result was correct. This is not the first time that this N/S have appeared in the casebook due to failure to provide unambiguous disclosure. They must learn there is an obligation to provide a full, clear explanation while maintaining a courteous manner at all times."

**Rigal:** "Decent ruling and decision here. The Committee picked up on the right points—and the PP was also appropriate given South's history from previous casebooks of committing exactly the same offence. We really need a proper register of offenders!"

For another look at N/S in recent action, see the 1999 Vancouver casebook (CASE THIRTY-ONE).

## CLOSING REMARKS FROM THE EXPERT PANELISTS

**Bramley:** “I found that I had little to say on more cases than ever before. I think that reflects the high quality of many of the rulings and decisions, along with the numbing triviality of many of the appeals.

“The Directors’ Panels did an excellent job. Partly this was a result of the large number of slam dunks that they had, but they also followed good procedure in almost every case.

“The regular Appeals Committees also did well. They blew the two ‘dog-walking’ cases (TWELVE and TWENTY), but got most of the rest right. The issues confronting many of these Committees were more difficult than those faced by most of the Directors’ Panels.

“The table Directors did not do quite as well, but they still had a good overall record. Several blown rulings caused appeals that might otherwise not have been needed. Perhaps the Directors should consider consulting experts *before* making some of their rulings.

“The only truly poor performance in San Antonio, as at many recent tournaments, was by the players themselves. The percentage of meritless appeals in this set was extraordinary. In case after case we saw players who had gotten a proper ruling relentlessly press an appeal. The Panels and Committees handed out numerous AWMPP’s, and there should have been more. I hope that the effect of the AWMPP’s will kick in soon.

“One reason for the number of bad appeals may be the lack of screening for the cases heard by Directors’ Panels. (Am I right about no screening?) Certainly the regular Appeals Committee cases, as a group, did not display the pettiness of the Panel cases. If the Directors continue to make it so easy for their rulings to be appealed to a Panel, they will have more work than ever.

“The success of the Directors’ Panels should not persuade anyone that we can eliminate traditional Appeals Committees. The theory that rulings can be made on the fly, with no appeal possible, is also a bad idea. Unlike physical games, which require prompt physical decisions, bridge is a thinking game. Similarly, its thorny problems of rules and procedure must be handled with an appropriate amount of thought, because many of the relevant issues are inside the players’ heads rather than out on the table. The use of expert consultants by the Panels emphasizes the need for top-level contemplation of the bridge issues to reach the proper application of the laws. Clearly the best chance for good decisions in our premier events is to maintain traditional Appeals Committees of the highest possible caliber.”

**R. Cohen:** “The Director Panels did a good job on the 24 cases they handled. While the floor Directors came up with five soft rulings (CASES FOUR, SEVEN, TWENTY-EIGHT, THIRTY-TWO and THIRTY-FIVE) the Panel rectified the first three. On the other two (CASES THIRTY-TWO and THIRTY-FIVE) the decisions may have been correct, but I do not believe the Panel had enough information to make a proper judgment. The Panel did blow one good floor decision (CASE TEN). I rate the Panels as B+.

“The San Antonio Appeals Committee heard 21 cases (two appeals were from the WITT). I believe they blew CASES TWELVE, NINETEEN, TWENTY-FOUR, TWENTY-SIX and THIRTY-THREE. On CASES SIXTEEN and SEVENTEEN I disagree, but they could have been right based on the evidence they heard. Particularly on CASE TWELVE, the Committee demonstrated a complete lack of understanding of Law 16A. I find this a sorry performance by our Committees, and perhaps what is needed is a change of personnel. I know I may make myself *persona non grata* with certain folk, but I would rather see appeals turned over to the Directors than continue with the current performance. We are using volunteers—and getting what we pay for. I rate the Committees C-.

**Gerard:** “Of the 47 cases, I rated only seven of them as difficult—FIVE (score adjustment only), NINE, NINETEEN, TWENTY, TWENTY-EIGHT and FORTY-

FOUR. There were far too many slam dunks, as witness my average scores for the adjudicators: Directors 80.0; Committees (excluding the two WITT cases) 79.4; Panels 89.9. However, on the tough cases these were the scores: Directors 60.6; Committees (same) 61; Panels 50.

“On the easy cases the Panels outscored the Committees 93.5 to 83.0, but the Committees would have been about even if the nightmare FIFTEEN-SIXTEEN-SEVENTEEN group were excluded. On balance, there’s not much in it. Overall the cases were ridiculously easy (especially the non-tempo ones); the Committees were better on the tough ones, the Panels were better on the easy ones and the Directors were pretty consistent. I wouldn’t use this as validation of the DTO process, especially when under my own scoring system (starting at zero for a bona fide stinkeroo) the Committees were much better than the Panels on the toughies. The real lesson is that we have to do a better job of limiting access. Even the Panels (case FOUR) and the Directors (Case THIRTY-NINE) were guilty of needlessly adding to the docket. Many of these cases lacked substance and didn’t justify the deforestation necessary to present them. As a Panelist, I felt like I was being bitten to death by a duck.

“There were no hot button decisions, unlike the last few compilations, but the issue of defining a hesitation seemed to present the most challenges. Cases FIFTEEN, SEVENTEEN, NINETEEN and TWENTY all revolved around that problem. I have a serious disagreement with the Moderator here. I think you have to look at each situation differently—what might be ‘unmistakable’ in a Blackwood auction is not necessarily the same as when the tray comes back at the seven level before you’ve even made a real bid. And let’s all agree to speak the same language. This stuff is so subjective that we don’t need extraneous concepts mucking things up. There’s little enough agreement on what an unmistakable hesitation is without having to consider the totally mystifying ‘damaging break in tempo.’

“Something really needs to be done about the Committee that handled FIFTEEN, SIXTEEN and SEVENTEEN. I haven’t seen such a succession of no-show performances since, well, since Cleveland vs. the Red Sox after the first two games of this year’s AL playoffs. It’s not like it’s the first time for some of these folks, either. I’ll bow to the rest of the Panel on this, but if I’m not out of touch with reality I think the only answer is refusal to pick up the option year. Barring that, a good lecture needs to be delivered by—or maybe to—their team leader at the Cincinnati organizational meeting.

**Rigal:** “The ACBL needs to spend a couple of thousand dollars in two specific areas to improve the quality of appeal decisions. First, as this casebook indicates, we have had a series of cases here (I will not give the numbers now but you can work them out from my comments) where at least six people have reappeared in their roles of picking up on partner’s slow pass and double, respectively, vexatious litigant number one, vexatious litigant number two and three, and the incomplete explainer. There are at least two other cases where we have had the same faces recurring as litigants (though as it happens they won their cases!) I’d like to have a record of offenders on the AWMPP scheme at the very least.

“Second, we cannot hope to perform our job properly, unless gifted with a photographic memory for cases, without a proper record of the cases judged. The casebooks are excellent, but that is not enough. We need a properly documented set of indicators to let us know precedent in certain areas, and the material is all there waiting to be properly organized.

“I will be prepared to throw my hat in the ring; if the ACBL asks me to do this, I’d be prepared on proper funding to attempt the task. Until it happens, we cannot expect to get consistency of rulings.

**Rosenberg:** “When I was reading the Daily Bulletins at the Nationals, I thought this would be a light casebook, because there did not seem to be many cases and the decisions seemed correct. This surprised me, because I felt that ethical matters had been moving in directions which were against my own beliefs and preferences. The

cases I received in the mail were more like what I expected. The Committees or Panels made inferior rulings on cases TEN, FOURTEEN, FIFTEEN, SIXTEEN, SEVENTEEN, NINETEEN, TWENTY, TWENTY-NINE, THIRTY-TWO and FORTY-SEVEN (altogether ten cases). I believe CASE FORTY-SEVEN is the first time I have found fault with Rich's performance on a Committee. I'll be interested to read your comments, Rich. As I said, I am fed up with seeing Committees state 'egregious error' over and over to the bids and plays we all make all the time. Once you need to analyze in depth, you are *ipso facto* proving yourself wrong.

"I am a little afraid that people will notice several cases where the Director ruled for the non-offending side and the Committee wrongly changed that ruling. This may lead to a strengthening of the movement to have Directors making all the appeal decisions. However, this would be a big mistake. The reason Directors rule almost routinely for the non-offenders is that they should, since it should be up to the offending side to appeal. Once you take away the Committees, I think Directors would, on average, make even worse appeal decisions than Committees are making now. Also, we'd lose some of the conversation that we desperately need."

**Stevenson:** "With the advent of the new initiative by the World Bridge Federation with their Code of Practice for Appeals Committees it is time the ACBL looked at the possibilities for bringing the regulation of bridge throughout the world together. This needs a sympathetic look at the differences with the possibility of various authorities conceding a little ground to move together.

"In the Orlando casebook, the Editor refers to the irrational, wild or gambling standard for non-offenders to fail to obtain redress as the British approach, and comments that it would lead to a stampede to the appeal table in North America. It is in fact the World standard, introduced by the World Bridge Federation Laws Committee, which has several ACBL members, and the distinction would be nowhere near as great as the Editor believes. I do think the ACBL is overly harsh on non-offenders, who find themselves in a position that they should not have to defend.

"As far as the Editor's Orlando comments are concerned, I have no problem with him taking the mickey over my bridge judgment. I am a better player than he realises, but lack of familiarity with the North American scene (hopefully to be redressed soon-ish) allied to my main interest being application of the laws may mean that my bridge judgment comments are second-best. But never fear, Rich, none of my suggested bids are as bad as your dreadful suggestion of 2NT on Orlando CASE TWENTY-SIX, showing a totally different hand from that held, and with the allied comment missing the point altogether!

"Yet again we have this strange argument that the Table Director's name should not be included because he does not make the decision. Fine: we know that, but he is by far the best arbiter of fact and should be included. It is time that he was included and a disclaimer made so that people will know he is included as an arbiter of facts and not a decision-maker. That is also why I believe he should be available for Committees, whatever problems this leads to for the ACBL.

"If anyone wishes to see the WBF Code of Practice it is on the Web at [http://www.blakjak.demon.co.uk/wbf\\_cop.htm](http://www.blakjak.demon.co.uk/wbf_cop.htm).

**Weinstein:** "There is one issue I would like to address (actually several issues, but I'm late and nobody reads past the first one anyway), rather than the usual discussion of the state of Directors, Panels, and Committees. This is a defensive position, because I submitted my thoughts on the Director Panel decisions about two months ago and I really don't remember what I said, though I think it was favorable.

"The issue revisits CASE EIGHT from the Vancouver casebook. The case is where a non-expert East overcalls 2 $\heartsuit$  directly after a strong NT and Stayman response by his opponents. Of all the panelists only Martel purely agreed with our editor, that the huddle by the partner of the 2 $\heartsuit$  bidder didn't suggest bidding. Michael Rosenberg and I agreed with that concept, but thought that the inference

was likely beyond the Flight B player. I said that unless the player brought up the inference himself I wouldn't allow the bid, thereby accepting the Committee's decision that was supported by the other ten or so panelists.

"Our editor took strong exception to Michael's and my view, and among his ravings asked himself, 'Am I logged into [www.catch22.com](http://www.catch22.com) here or something?' In honor of the recent passing of Joseph Heller, and hoping that our editor Yosarian doesn't again accuse me of unnecessarily doing anything involving a computer address, I would like to revisit the subject.

"I thought it was always the charge of a Committee in determining whether to allow a bid, whether a defense is egregious, a contested claim is valid, and other areas in the context of that player's peers. Shouldn't the same criterion exist in determining whether a call is demonstrably suggested?

"Michael and I contended that the 2 $\heartsuit$  call was suggested to a non-expert— apparently also to several Committee and panel members as well. If a player can't state for himself at the Committee that he didn't think the huddle meant anything or didn't suggest the 2 $\heartsuit$  call, why should we believe that the player didn't have UI at his disposal that suggested 2 $\heartsuit$  to him? In past casebooks I have ranted about Committees trying to substitute their own expert judgment in place of the actual contestants. Even though we often disregard statements by players in Committees or at the table as self-serving, we should not disregard all statements. We should judge the truthfulness based on our own reading of the player making the statement and moreover any other evidence at hand. Whether this player made the 2 $\heartsuit$  call based on UI or not, in absence of any statement to the contrary, he clearly did not appreciate that the huddle probably suggested a distributional hand. The case should be judged in the context of UI that suggests 2 $\heartsuit$ . This is not catch-22, this is judging a case based upon the inferences available to his peers.

"There is a wide range between accepting everything a player contends and a star chamber proceeding, where we automatically ignore all statements (or lack thereof) and impose our collective bridge expertise to decide a case involving a bunch of Flight B or C players. Our editor commented that 'we should be looking at the bridge logic of the situation and not trying to read minds (or hearts).' That is fine, but let's be sure to look at the bridge logic from the standpoint of a Flight B player. And if a player can't tell the Committee what was on his mind, then we don't have to read his mind. There wasn't anything in his mind other than the normal UI conveyed by the huddle to a non-expert."

## CLOSING REMARKS FROM THE EDITOR

### How'd We Do?

Once again, because of the test currently being conducted with Director Panels hearing appeals from non-NABC+ cases (extended by the BOD in Boston through 2000), we look at the performance of the various groups (table Directors, Panels and Committees) in San Antonio. A preliminary and more superficial version of my evaluation was rushed to the BOD shortly before Boston. With the additional time for analysis I have had while preparing this casebook, I find that some of the observations in my previous report need to be slightly modified. I point this out so that, should members of the BOD be reading this, they will not skip to the next section thinking they have already heard my reactions.

My classifications of the appeal decisions from San Antonio are shown in the tables below. The first table presents cases heard by Director Panels; the second table presents cases heard by Committees. (The two WITT cases are not included.)

		Panel's Decision		Total
		Good	Poor	
<b>Table Director's</b>	<b>Good</b>	1, 2, 7, 8*, 9, 18, 23*, 25!, 29, 31, 32*, 35, 36, 40, 41, 43*, 45^	10	18
	<b>Poor</b>	27, 28, 30, 42	4, 11	6
	<b>Total</b>	21	3	24

\* Panel missed AWMPP

! Director and Panel missed PP; Panel missed AWMPP

^ Panel missed recording incident

**Table 1. Cases decided by Panels**

		Committee's Decision		Total
		Good	Poor	
<b>Table Director's</b>	<b>Good</b>	3, 6, 14*, 19, 21, 37!, 38	5, 16, 17, 20	11
	<b>Poor</b>	15, 22, 24, 39	12, 13, 26, 33, 34, 44	10
	<b>Total</b>	11	10	21

\* Committee missed AWMPP

! Director missed PP; Committee missed AWMPP

**Table 2. Cases decided by Committees**

Looking at the quality of the table rulings and considering all cases together, 29 of the 45 table rulings (64%) I've classified as good while 16 (36%) were poor. Of course the quality of the table rulings that were not appealed is unknown, making it impossible to judge the table Directors' overall performance. But while a 64% accuracy level is not, in absolute terms, as good as we would like to see, the

performance in San Antonio represents an improvement over that in Vancouver (where I classified only 49% of the rulings as good). Still, in a number of cases, even those ruling which were good with respect to their bridge content had other problems such as failing to warn, educate or penalize players whose actions at the table needed some degree of correction (CASE TWENTY-FIVE stands out in this regard). In general, I believe the quality of Directing staff's performance at the table has been weakened by the assignment of several top Directors to the appeal process (the Panels). This needs to be addressed by management.

As for the Panels' performance, it was quite good. Of the 24 cases they heard, I considered only three of the decisions poor (87.5% were good): two poor table rulings went uncorrected; one good one was changed. This is impressive compared to their performance in Vancouver, where only 59% of the decisions were good.

Committees also showed a slight improvement from Vancouver, with 10 of the 21 cases (48%) they heard decided correctly as compared to 40% in Vancouver. As in Vancouver, most of the poor decisions (10 cases) involved condoning a bad table ruling (6 cases). Perhaps Committees are overly influenced by the initial table ruling and too often fail to make their own independent assessment. (Maybe the Panel Directors know better from their experience with their associates.)

Overall, led largely by the performance of the Panels, good appeal decisions we're made in 31 of the 45 cases (69%) heard in San Antonio. This was in no small measure due to the large number of cases, especially among those heard by Panels, that I thought were "easy" (they required simple, familiar judgments to adjudicate properly). But since in the past even "easy" cases have been mishandled far too often, this still represents an excellent showing—especially for the Panels.

While there is reason for optimism, I suggest remaining cautious and avoiding any rush to judgment about the future of appeals. The poor performance of Panels and Committees that we saw in Vancouver has improved, but a single tournament does not make a trend. It remains to be seen whether this marks the beginning of a "real" pattern of improvement or is due to other factors: the many easy cases or perhaps even random variation. If we're seeing real improvement, this could be due to the experience being gained by Directors on the Panels and the lower case load and new team approach for Committees. We have witnessed similar improvements in performance in the past, only to find them to be temporary and see them regress to previously low levels at the next tournament. What happens in Boston, Cincinnati and beyond will help us to make a more informed decision of how to proceed.

In the Vancouver casebook I made a number of suggestions for improvements in the Panel process. While all of them continue to be needed, I would like to focus on several which are especially important. Expert players need to be consulted on every case (point 2) and on every aspect of the decision (point 3)—not just on the LA issue or whether a call was demonstrably suggested. More serious consideration should be given to finding a way for consultants to confer with one another in making their evaluations (point 6). a greater effort needs to be made not to assign artificial scores (Average Plus/Minus) when ruling under Law 12C2 (point 9), especially in team events (point 11). Floor Directors (and DICs) must be instructed not to make (or permit) such assignments. More responsibility needs to be taken by the Directing staff to assess PPs at the table when flagrant or egregious actions (especially ethically questionable ones) are taken by players (point 12). Panels need to be more consistent and responsible in assessing AWMPPs (points 13 & 14)—which was especially lacking in San Antonio.

Several additional points need to be added to those presented in the Vancouver casebook:

- Directors need to find the time required to fill out appeal forms accurately and completely. Many table Directors provided no information on what facts they determined, why they made their ruling or what laws were invoked—even though such information is specifically requested on the form. Auctions must be recorded accurately, including Alerts, Announcements and explanations, and the play must also be recorded (not just the opening lead) on every case where the hand was played out. When any of the above information is missing,

- the Screening Director must make sure that it is obtained before the hearing.
16. Both parties to a case (including the team captains when appropriate) need to be contacted when an appeal is filed, told when and where the hearing will be held, and sign the appropriate sections of the appeal form. (Failure in this last area is a continuing problem and a lawsuit waiting to happen.)
  17. Directors in all events need to make sure that every appeal is screened—not just those in NABC+ cases. In addition, potentially meritless appeals should be identified during screening and a warning to that effect impressed upon the appellants (without communicating this to the appellate body—yet). If the appeal is pursued in spite of the warning and the appellate body does not support it, the Screening Director should then inform the appellate body that a merit-warning was issued before they present their decision so that they can give additional consideration to AWMPPs.
  18. The Screening Director needs to review all the information on the appeal form and supplement or clarify anything found to be deficient. He also needs to act on his own initiative (in cases heard by Committees) to secure the presence of the table Director at the hearing when the details or level of certainty about the facts, the ruling or the laws invoked are in serious question.

### Reactions to Panelists' Closing Remarks

I agree with Bart that there were an alarming number of meritless appeals heard in San Antonio and that this was partly due to many of the non-NABC+ cases not having been screened. This is confirmed by panelists' observations that cases heard by Committees (which were far more likely to have been screened than those heard by Panels) were, as a group, less petty. However, some NABC+ cases received inadequate screening as well. This is partly due to a manpower problem (the Directors serving on Panel duty are further depleting an already short-handed staff) but another contributing factor is the loss of Brian Moran. We are now experiencing the early stages of the learning curve required for those replacing him to get up to speed.

Whether AWMPPs “will kick in soon,” as Bart hopes, is questionable since I don't think we've seen a lot of repeat offenders yet (although there have been a few) and I wouldn't expect to see a lot of appellants with multiple AWMPPs on their records any time soon. I believe the problem is mainly due to the increasing number of players who are unwilling to take responsibility for their behavior (e.g., hesitations followed by questionable actions): They prefer to place the blame on whoever else is handy—mainly the opponents. One way to deal with this is by insisting on consistent screening. Another is to improve the screening process itself by implementing the recommendations I made above and in CASE FORTY-ONE.

I agree with much of Ralph's assessment of the performance we saw in San Antonio, but not with all of his case classifications or his conclusion that we would be better off turning appeals over to the Directors than continuing as we are. As I said in my comments on CASE NINETEEN from Vancouver, and as Ralph echoes here, our current system, manned by untrained volunteers, must be replaced with a more responsive and less error-prone process. To do this we must have the help of the top players, as Bart points out. We cannot train or teach bridge talent.

Ron is right on target (as usual) with his appraisal of the situation, although I think he has overrated the table Directors' performance at 80 (I place it closer to 70, but the numbers in the table that follows bear him out). His point of Directors and Panels limiting access is precisely what Bart and I have argued. And he is right in identifying as a major challenge the task of better defining what constitutes a hesitation under varying conditions. But he is wrong if he thinks I have expressed a view different from the one he states here. I have also argued that hesitations have to be evaluated within the context of the auction. A 10-second pause in a complex, high-level, competitive auction may be no break in tempo at all and conversely, a 2-second pause in a briskly-paced constructive auction can be a clear hesitation.

To reduce tempo-related problems (at least in the expert game) I believe that we must pass a regulation requiring players to maintain a more deliberate tempo and

denying them the right to appeal when these tempo requirements have been disregarded by the players on either side. Thus, if you allow the tempo at your table (your own *or* that of the opponents) to become too fast, then when a slight variation occurs which would have been within the normal range as defined by regulation, then you have lost the right to complain of a break in tempo. For example, suppose a regulation requires players to take at least 4-5 seconds for each call and to give the appearance of studying his hand during that time. The players engage in a quick (1-2 seconds per call) competitive suction when suddenly a player takes 5 seconds to pass; his partner then takes a questionable action. There can be no claim of a break in tempo here since all four players were negligent in allowing the bidding to proceed so quickly that this variation was noticeable. The Director, if called, should rule that there was no break in tempo (the “Tempo-Control” regulation) and either his ruling should not be appealable or, if an appeal must be allowed by law, it should receive an automatic AWMPP if the Committee does not uphold the appeal.

Barry identifies a couple of worthwhile projects for the League to underwrite, one of which is currently being done. A computer database of AWMPPs is being constructed. While Committees can not be given access to this information before reaching a decision on a case, they could certainly check it before deciding on the merit of the appeal. Similarly, back when Eric Kokish and I were co-editing these casebooks we planned a project which would make appeal information and case precedents available in book form or a computer database. Barry is right that the material is all there, but the job is a daunting one in terms of the time and effort it would take to complete it. Plus it requires an authoritative mastery of appeal and past casebook material. My estimate is that it would be at least a one-year project for a person working full time with clerical/programming help. Eric and I proposed the idea to several people who agreed the project was much needed, but there was little sentiment for actually commissioning (funding) it. I would be happy to do this project if the League were willing to provide appropriate (and realistic) funding.

Michael is quite right that Committees project a sense of 20-20 hindsight in many of the statements that are critical of calls and plays we all make routinely. One of the primary reasons for this is that, once we see all 52 cards in a deal it is terribly difficult to appreciate what problems or inclinations a player might have had before he knew all there was to know about the deal (as Committee members do). This is a well-known characteristic of human judgment and decision making that psychologists call the “I-Knew-It-All-Along Effect.” Here's an example from the research literature. A group of people are shown a series of multiple-choice questions such as: Aladdin was (a) Chinese, or (b) Persian. Records are kept of the percentage of people who answer each question correctly. (Try this one yourself.) Then a second group (unaware of the first) is given the same questions with the correct answers marked. The people in this group are told that the researchers wish to rate how easy each question is so that they can be used in a future study which requires questions of varying difficulty. The people in the second group are then asked to estimate how difficult each question is (i.e., what percentage of people would get it right if they were not told the answer). These people are told that the correct answers are being provided just in case they might be useful in making their judgments. The results of these studies show that people in the second group overestimate how easy the questions are when compared with the actual percentage of correct answers from the (naive) first group—“The I-Knew-It-All-Along Effect.”

The answer to the question is that Aladdin was...Chinese. (Yes, I know he appeared in the *Thousand And One Arabian Nights* stories, but his *character* was that of a Chinese boy living in Persia.) Did you “know it all along?”

So how do we deal with this bias? Well, one way I am trying is to use a “Blind Preview” procedure (see CASE THREE). Unfortunately, I was busy with so many other chores during San Antonio that I only had the chance to do it once. I will continue the test when the opportunity presents itself.

I have seen the WBF Code of Practice and I think it has much to recommend it—and a little in it to be wary of. I planned to print it in the Vancouver casebook and discuss my views on it, but I was asked not to since: (1) the Code is not yet a



finished product and (2) two of our standing Committees (the Laws Commission and Conventions & Competition) are currently reviewing it for comment to the WBF. Until that process is complete, publishing it might be premature. It will be in use in Bermuda. I certainly agree with David that we should make efforts to bring our practices into line with those being used around the world. The COP can be a source of uniformity and I've urged the Laws Commission to look for ways to accept the proposals in the Code rather than looking for reasons not to. We'll see what our people have to say; I'll keep you posted (and publish it here soon).

Several of David Stevenson's points require comment. When I mentioned the "irrational, wild or gambling" standard for redressing non-offenders, I called it the "English approach" only because David is English—not because it is English in inception or practiced exclusively in England. It *is* the English approach—and the WBF approach also. However, it is not the ACBL approach. Perhaps this will be corrected in the not-too-distant future.

Next, I agree that the ACBL is harsher on non-offenders than much of the rest of the world. I would not describe it as overly harsh, since Americans are, in my experience, more litigious than most of the rest of the world. In these casebooks we assume the version of the laws that is in effect in the ACBL. Whether we would be better off to adopt the World (or British) standards is a point we need not debate. We must evaluate how well our laws and regulations are being followed by our Directors, Panels and Appeals Committees. The assertion that non-offenders in our tournaments "find themselves in a position that they should not have to defend" is based on an interpretation of laws which are not in effect here. Our standard that players must "continue to play bridge consistent with their level" should be applied to these cases—not the World standard. We are only too happy to consider other approaches that might improve our condition. But first we must recognize the standards which are in effect here and evaluate whether they were applied properly.

Many laws have more than one possible interpretation and these interpretations are often geographically-biased. One example is Law 12C2. David's interpretation is that it requires a Director to assign only an actual bridge result (plus 400, minus 110, etc.) in place of a result obtained at the table, but the Law says "The scores awarded to the two sides... may be assigned either in matchpoints or by altering the total-point score prior to matchpointing." So a Director may assign 7.2 matchpoints (Average Plus, regardless of what we call it) under this law. We can debate whether this was what the framers of the law intended, or whether it is wise to make such an assignment, or even whether it is consistent with other parts of that law. But the fact is that the words say that a score may be assigned in matchpoints. So when a Director assigns Average Plus under Law 12C2, he may be making an error but he is certainly not doing anything "illegal"—at least not incontrovertibly illegal.

When deciding what a Michael Rosenberg might do on defense, a different standard is applied than would be for either David or me. That's just fact. I have no doubt that David is an excellent player and my reactions to his comments frequently praise the points he makes. If, in some cases, I've taken exception to his hand evaluation or bidding judgment I have done the same thing with every other panelist—including Michael Rosenberg. Rest assured, David, that it isn't personal.

One final issue. David's criticism of the 2NT bid I touted in CASE TWENTY-SIX from Orlando may have been intended to show me to be more incompetent than he imagines I think him. However, he could have picked a better action to do battle over. Having already shown three-card diamond support and six clubs in a limited hand, West's 2NT bid would not be interpreted as natural by most US experts: Rather, it would request a choice between the minors. At least four other panelists (Weinstein, Gerard, Rigal and Berkowitz) also stated (or implied) that 2NT was a standout bid with the West hand—if West chose to bid again. That's not bad company, and I stand by my assessment.

Regarding Howard's point about CASE EIGHT from Vancouver, he is correct that in UI situations players' actions should be judged within the context of their peer group (Michael might disagree—at least he would have before a conversation we had recently). So would East's Flight-B peers be capable of inferring that the

hesitation made bidding 2 $\heartsuit$  less attractive (which we all agree it did)? I'll wager that many Flight B players are easily capable of that inference. We're not dealing with novices here. Many Flight B players are quite skilled, even if they haven't yet accumulated the masterpoints or the confidence to compete in Flight A.

If East had made the same point Chip and I made in the casebook about West's hesitation making East's action *less* attractive, some Committee members would have dismissed it as being self-serving. But if an argument might be deemed self-serving, we cannot hold it against a player who fails to make it. Similarly, if an inference is not beyond a certain class of players as a whole, even though it may be beyond some of the players in that class, we must still base our decisions on the class as a whole—unless we have good reason to restrict the class to those not capable of the inference.

Let me draw an analogy here. Howard has supported Goldie's position that if a player draws an inference from his partner's hesitation which is not supported by his partner's hand and thus reaches a poor contract, the table result should stand (it's just "rub of the green"). So if a player hesitates suggesting extra values but doesn't have them and his partner consequently bids on reaching a terrible contract that just happens to make, the table result should stand because no advantage was gained—the contract was a poor one which normally would go down. But in the Vancouver case East took an action that was contraindicated by West's huddle and luckily reach a good contract that would normally be a poor one. So why change the result just because you believe the huddle induced the player to take the action? Why is this not the same rub of the green as in the first scenario? There seems to be something inconsistent here. (Not that I would have agreed with Howard's reasoning even had it been consistent. Basing decisions like these on the content of the huddler's hand or the goodness of the contract reached is unlawful.)

To suggest that East in the Vancouver case could not have drawn the right inference because he was a Flight B player, when many such players could and would have drawn that inference, is in effect reading the player's mind. In the absence of any specific knowledge about East, we need to reason from the bridge logic of the situation—as it would be available to the class of player involved. In this case the auction strongly argues against West holding spades (or even a good hand). East may or may not have been influenced by West's huddle, but since the UI did not "demonstrably" suggest his action and since the goodness of his contract was due mainly to luck (exchange West's  $\heartsuit$  Q and North's  $\heartsuit$  10 for South's  $\heartsuit$  Q and  $\heartsuit$  2, respectively), I see no reason to disallow it. Educating East about his ethical obligations is a fine idea, but leave the table result alone.

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

Case	Directors	Committee/ *Panel	Case	Directors	Committee/ *Panel
1*	99.0	96.6	26	82.8	79.5
2*	99.5	96.4	27*	72.4	89.7
3	88.7	84.4	28*	50.8	94.6
4*	67.2	71.2	29*	84.9	84.1
5	73.6	82.5	30*	63.3	98.7
6	99.0	97.2	31*	96.4	96.4
7*	93.1	90.0	32*	87.4	87.2
8*	87.7	85.4	33	61.0	76.9
9*	83.3	77.7	34	84.6	88.6
10*	80.0	67.9	35*	91.0	93.3
11*	41.8	83.6	36*	84.6	80.0
12	59.7	59.5	37	88.2	92.8
13	83.6	72.8	38	94.1	98.7
14	94.9	87.9	39	77.5	98.5
15	70.8	77.4	40*	94.6	92.3
16	77.7	74.9	41*	94.9	99.5
17	74.9	77.7	42*	54.1	84.9
18*	96.1	94.6	43*	97.9	96.9
19	83.6	64.6	44	82.6	69.0
20	78.5	72.8	45*	90.0	86.4
21	94.9	94.4	46	63.6	96.7
22	61.3	90.8	47	59.0	85.1
23*	84.9	84.1	P-Mn	82.8	88.3
24	75.4	89.0	C-Mn	80.4	82.4
25*	91.7	86.7	O-Mn	81.6	85.5

\*=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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