

APPEAL	NABC+ SIX
Subject	Tempo in Play
DIC	Henry Cukoff
Event	Blue Ribbon Pairs
Session	First Qualifying
Date	November 27, 2007

BD#	26
VUL	Both
DLR	East

Nader Hanna	
♠	T 8 5 4
♥	J 8 7 3
♦	7 3
♣	A 9 8

S. Sundarrau		Fall 2007 San Francisco, CA	P. Sridhar	
♠	9 3		♠	A Q 7 2
♥	K Q T 9 6 5		♥	4
♦	J 5 2		♦	K T 9
♣	J 4		♣	T 7 5 3 2

Wafik Abdou	
♠	K J 6
♥	A 2
♦	A Q 8 6 4
♣	K Q 6

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

Final Contract	3NT by S
Opening Lead	♥Q
Table Result	Down 1, N/S -100
Director Ruling	3NT S -1, N/S -100
Committee Ruling	3NT S -1, N/S -100

(1)	Denies four-card major or has five spades.
(2)	Asks if South has five spades.
(3)	Does not have five spades.

The Facts: The director was called after the play of the hand. South won the opening lead with the ace. Declarer led a small diamond toward dummy intending to enter dummy and finesse East for the king. West admittedly broke tempo. South claimed that West's hesitation caused him to play West for a doubleton king.

The Ruling: In accordance with law 73 D and F, it was determined that West had demonstrable bridge reasons for the break in tempo. Therefore, South took inference from the hesitation at his own risk. The table result of 3NT down one, N/S minus 100 was allowed to stand.

The Appeal: Only the declaring side (North and South) was present.

Declarer explained he had planned on ducking a diamond and later finessing. He changed his mind after his LHO's hesitation. He judged that the only thing his LHO could legitimately have been thinking about was whether to go up with the diamond king from Kx. The Committee asked whether E/W were using the Smith Echo and was told that they were.

Declarer noted that West could know because of the 2NT opening that partner held a singleton heart, so that Smith would not be relevant.

The Decision: The committee could think of many reasons West might have a problem, even with his actual holding. While not necessary on this deal, on some hands it would be right to play the ♦J and cash the ♥Q. Even if Smith is not in play, West must wonder what significance East will attach to his card. He eventually played the deuce, consistent with a suit preference signal for clubs, and it would in fact have cost a trick for his partner to shift to spades.

The committee saw no evidence that West harbored an intent to deceive. Declarer took an inference at his own risk. Therefore, the committee upheld the director's ruling to allow the table result of 3NT down one, N/S minus 100 to stand.

The appeal had little merit, but the committee did not want to assess an appeal without merit warning (AWMW) without the opportunity to interview East and West, and in particular to ask West what he was considering when he hesitated.

The Committee: Adam Wildavsky (Chair), Laurie Kranyak and Bob White.

Commentary:

Goldsmith "The committee saw no evidence that West harbored an intent to deceive?" Who cares! Law 73 F 2 requires only that a player could have known that the hesitation might deceive. But, once the appeals committee (AC) determined that West had an alternative play that made sense (flying ♦J and cashing the ♥Q), the issue of possible knowledge is irrelevant. I wonder why West didn't say, "I was thinking of winning the trick," at the table.

I think South ought to have realized on the actual layout that West was probably thinking of playing the ♦J, so I'd go with the AWMW.

Polisner Good ruling and decision. An AWMW should have been issued.

Rigal Another blatant AWMW penalty missed. I'm guessing South is in the top five of the most regular attendees as an appellant at NABCs (as are N/S in NABC+ appeal four). Until committees tell people they can't keep trying to get something for nothing, they'll waste our time and theirs on footling claims like this. We have bred a culture of entitlement and lawyering and this is the result.

Smith As long as West had a “demonstrable bridge reason” for hesitating, he is free and clear. The committee found one. N/S should have been assessed an AWMW.

Wildavsky I still agree with the AC ruling. In retrospect, I think we ought to have assessed an AWMW.

Wolff OK ruling.