

APPEAL	NABC+ Sixteen
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Lebhar IMP Pairs
Session	Second Final
Date	March 17, 2007

BD#	20
VUL	Both
DLR	West

Eldad Ginowsar	
♠	K 7 4
♥	A T
♦	Q T 9 5
♣	J 7 5 4

Nick Bykov		Spring 2007 St. Louis, Missouri	Srikanth Kodayam	
♠	J		♠	9 8 6
♥	K Q J 9 8 4		♥	5 3
♦	K J 7 3		♦	A 8 6 4 2
♣	A Q		♣	T 8 2

Melih Ozdil	
♠	A Q T 5 3 2
♥	7 6 2
♦	
♣	K 9 6 3

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

Final Contract	4♠ dbl, made 4, N/S +790
Opening Lead	♥K
Table Result	4♠ dbl, made 4, N/S +790
Director Ruling	3♦ dbled, made 3, N/S -670
Committee Ruling	3♦ dbled, made 3, N/S -670

(1)	Announced as forcing
(2)	Agreed hesitation

The Facts: The director was called after the 3♠ bid and again after the hand was completed. All the players agreed that North took some time before doubling 3♦.

The Ruling: The director considered pass to be a logical alternative to bidding 3♠, which was demonstrably suggested by the hesitation. In accordance with laws 16 and 12, the result was adjusted to 3♦ doubled by East, making three, E/W plus 670.

The Appeal: South stated that he had a good playing hand and very little defense. E/W should have 8 or 9 diamonds between them, and North probably has some spade support. North admitted that his double of 3♦ was a bad call.

West asked North, while South was away from the table discussing his hand with the director, whether his double of 3♦ was strictly penalty and was told that it was. West also pointed out that North could easily have both a diamond and heart stack, which would have kept him out of the auction on the first round.

The Decision: The committee all agreed that the double of 3♦ was a bad bid. The committee questioned South's contention that North should have spade support and commented that South had 1½ tricks of his own in defense. The issue, though, was whether pass was a logical alternative to bidding 3♠ by South. The answer was yes, and the director's ruling, 3♦ doubled, making 3, plus E/W 670, was upheld.

The committee then discussed whether an appeal without merit warning (AWMW) should be issued. Since South was a foreign player who was unfamiliar with the consequences of lodging an appeal without merit, one was not issued. N/S were apprised that future appeals would be expected to have merit or a formal warning would be given.

The Committee: Richard Budd (Chair), Tom Carmichael, Mike Kovacich, Ed Lazarus and Jeff Meckstroth.

Commentary:

Goldsmith Good ruling, but bad reason not to give an AWMW. Foreign players are unlikely to get multiple AWMWs unless they are regulars at ACBL NABCs. If they are regulars, then they should be playing by the same rules as everyone else. If they are not, then an AWMW is irrelevant to them, and there's no reason not to issue one.

Polisner Routine case of UI.

Rigal South is an accomplished international player. This partnership reached the semi-finals of the last World Championships in Verona for heaven's sake. 'Ignorantia facti non se excusit' Ignorance of the law is no excuse. N/S have played enough ACBL NABCs to know their way around; give them an AWMW.

Smith An AWMW just a warning, and this was an NABC+ event after all. Players who appeal a ruling and take up the time and energy of a number of people should not take the step lightly. If they are unsure of the merit of their case they should consider it before appealing and learn the possible consequences of making a bad appeal. The form they sign even warns them of the consequences. They should not be exempt from getting an AWMW because they plead unfamiliarity with our procedures.

Wildavsky The committee's apology for not issuing an AWMW is absurd. First of all South is an experienced internationalist -- every jurisdiction I know of penalizes appeals without merit. Second the appellants signed a form, which specified the consequences of an appeal without merit. Third any pair experienced enough to file an appeal must be considered experienced enough to bear the consequences. Fourth the AWMW is just that, a warning. The AWMW should be a judgment about the merits of the case, not the appellants.

Wolff When North was asked "Was his double of 3♦ strictly penalty", he answered yes. It was even more than that, it was quantified. It said, "Partner, I think I have a penalty double, but you may pull it if your hand suggests that". He could have gone on to say, "If I didn't need you to help, I would have doubled immediately". Hesitation disruption in all its GORY!

Zeiger A warning is not a jail sentence. It is a warning. In a NABC+ event, committees have no excuses for finding no merit, and not issuing an AWMW. Surely, this NABC has set a new record for highest percentage of utterly meritless appeals.