

APPEAL	Non-NABC+ Three
Subject	Misinformation (MI)
DIC	Nancy Boyd
Event	David Bruce LM-5000 Pairs
Session	First Qualifying
Date	July 24, 2009

BD#	2
VUL	N/S
DLR	East

2,122 Masterpoints	
♠	Q J 6 5 2
♥	A K J 2
♦	A
♣	Q J 6

3,967 Masterpoints		Summer 2009 Washington D.C.	1,890 Masterpoints	
♠	K 9 4 3		♠	A 7
♥	Q T 4 3		♥	9 6
♦	8 6		♦	J 5 4 3 2
♣	A K 9		♣	8 7 4 2

3,212 Masterpoints	
♠	T 8
♥	8 7 5
♦	K Q T 9 7
♣	T 5 3

West	North	East	South
		Pass	Pass
2♦ ¹	Dbl	Pass	2♥
Pass	4♥	Pass	Pass
Pass			

Final Contract	4♥ by South
Opening Lead	♣A
Table Result	Down 3, N/S -300
Director Ruling	4♥ N down 3, N/S -300 ¼ Bd PP to E/W
Panel Ruling	2NT N down 1, N/S -100

(1) Not Alerted. Agreement is 4-4 in majors with 12-15 HCP.

The Facts: The director was called after the completion of play. North assumed that 2♦ was a natural weak two-bid. The E/W convention card is clearly marked 4-4 majors, 12-15 HCP.

The Ruling: The director judged that the 4♥ bid (which was unrealistically optimistic) broke the causal connection between the infraction and result. Therefore, the table result of 4♥ by South down three, N/S minus 300 was allowed to stand for both sides. A 1/4 board procedural penalty (PP) was issued to E/W for failing to Alert.

The Appeal: N/S appealed the director's ruling and were the only players attending the hearing.

North said that had she been Alerted she would have bid 2NT.

The Decision: Six of North's peers were consulted concerning the 4♥ bid. All except one assumed the 2♦ bid was a natural weak two-bid and made some sort of a game try (most bid 3♥). All felt the 4♥ bid was highly optimistic but was not so bad as to break the connection between failure to Alert and the damage suffered.

The panel found that Law 21B3 was infringed and there was damage caused by the failure to Alert. Therefore, the result was changed to 2NT by North down one, N/S minus 100 for both sides. The ¼ board PP issued to E/W was removed.

The Panel: Charles MacCracken (Reviewer), Terry Lavender and Jean Molnar.

Commentary:

Polisner I thought that the non-offenders had a duty to protect themselves. I would have thought that South would have investigated about the 2♦ opening when the auction came back to him. He or she would have passed. It was South who created the problem with the failure to protect him or herself. I would not have changed the table result for N/S, but would have given E/W minus 300 or minus 500. Also, I agree with the panel for removing the procedural penalty as, if they were awarded for every Alert forget, the average score would be considerably less than 156.

Rigal What??? 2♦ = both majors, and South removes to 2♥ if properly informed?? How about passing? Yes, he or she might have done so anyway, but if properly informed South would always pass, and now we are talking telephone numbers for E/W – who would surely pass out 2♦ doubled. E/W are minus 500, and I do not see why N/S should not get plus 500.

1.

Smith 4♥ looks pretty bad to me, but good for the panel in doing the research to see how bad it is for this class of player. The standard for a “serious error” according to Law 12 is quite high according to the ACBL Laws Commission, so I agree with the panel's conclusion that it did not apply here. Even without the 4♥ bid it is hard to see how N/S will stop short of 3NT at least, so some kind of damage was inevitable even absent the “unrealistically optimistic” 4♥ bid. I agree that the procedural penalty is not appropriate unless there is some evidence that this pair has a history of failing to Alert. I would have liked to have seen some discussion or analysis of how the adjustment to seven tricks was determined.

Wildavsky The director ruling was wrong as a matter of law. Law 12C1(b) provides that we do not adjust the score for the non-offending side if their damage was due to their own serious error, but we must still adjust the offenders' score. I also prefer the panel's judgment regarding the (lack of) seriousness of North's error.

Wolff Okay ruling.

