

APPEAL	Non-NABC+ Six
Subject	Change of Call – Misapplication of Law
DIC	Patty Holmes
Event	Saturday-Sunday Bracketed KO – Bracket 1
Session	Second Round
Date	July 25, 2009

BD#	<b>13</b>
VUL	<b>Both</b>
DLR	<b>North</b>

<b>Antonio Sementa</b>	
♠	Q 8 6 5
♥	6
♦	J 2
♣	A Q J 9 7 4

<b>Lou Reich</b>		<b>Summer 2009 Washington D.C.</b>	<b>John Adams</b>	
♠	A 4		♠	K T 9 7
♥	A T 3		♥	K J 4 2
♦	Q 9 7 6 5 4		♦	K T 8 3
♣	6 5		♣	8

<b>Georgio Duboin</b>	
♠	J 3 2
♥	Q 9 8 7 5
♦	A
♣	K T 3 2

West	North	East	South
	Pass	Pass	1♥
Pass	2♣ <sup>1</sup>		
	1♠ <sup>1</sup>	Pass	Pass
2♦	Pass	2♠	Pass
3♦	Pass	Pass	Pass

Final Contract	<b>3♦ by West</b>
Opening Lead	<b>♥6</b>
Table Result	<b>Made 4 E/W +130</b>
Director Ruling	<b>3♦ W made 4, E/W +130</b>
Panel Ruling	<b>3♦ W made 4, E/W +130 for E/W 3♥ S down 5, N/S - 500 for N/S</b>

(1)	2♣ was maintained to be a mechanical error. Allowed to change to 1♠ without penalty and the auction proceeded as shown.
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**The Facts:** The director was called after the 2♣ bid. North told the director, away from the table, that the 2♣ bid was a mechanical error and insisted it was not a change of mind.

**The Ruling:** North was permitted to change the 2♣ bid without penalty. The table result after the decision was 3♦ by West making four, E/W plus 130.

**The Appeal:** E/W appealed the director's ruling. The table director agreed, after the fact, that North never used the word "mechanical," just that he "didn't want to bid 2♣." The director, partially because of language problems, assumed this meant "mechanical." As far as the panel was able to determine, there was an Alert of the 2♣ bid before North called the director..

Ten expert players were polled to determine a final contract. Five said 3♣ N/S was a possibility. Four said 3♥ N/S and one said 4♥ N/S. Then players were polled to determine the number of tricks N/S would take in a heart contract. Two players said N/S would win four tricks and two said five tricks.

**The Decision:** This is a very complicated case made more so by the erroneous initial ruling by the table director. Since the panel considered that the director erred, Law 82C was applied; therefore, E/W would retain its table result of 3♦ making four, E/W plus 130. With the information from the players polled, the panel determined that the result for N/S would be 3♥ by South down five, N/S minus 500. Since this was a knockout match, Law 86B was applied. The IMP scores of the two sides were averaged to produce the same IMP result for both teams.

**The Panel:** Tom Marsh (Reviewer), Jay Albright, Bernie Gorkin and Bill Michael.

**Commentary:**

**Polisner** It is likely that North forgot he was a passed hand and then realized that 2♣ was some form of Drury (assuming that they play such a convention). My view is that South would sign off in 2♥ which would be the final contract as North could no longer bid as it would be forward going. I would have adjudicated to 2♥ down four.

**Rigal** N/S appeared to have escaped serious trouble by the skin of their teeth. Would one not expect a multiple world champion to know the rules a little better? Reasonable decision after the initial mess-up; a pity about that!

**Smith**

I assume that despite it not being mentioned in the writeup 2♣ would have been Drury. I'll have to be more forgiving of my wife the next time she forgets Drury if even world champions can't get it right.

Yes, the table director made an error - perhaps an understandable one given the language issue (although 2♣ and 1♠ are pretty far apart in the bidding box), but an error nonetheless. Under the new Law 25 North should not have been allowed to change his call, and the knowledge that he wanted to do so would have been unauthorized for South. So the panel was correct to refer to 82C which states: "If a ruling has been given that the Director subsequently determines to be incorrect, and if no rectification will allow the board to be scored normally, he shall award an adjusted score, treating both sides as non-offending for that purpose." Law 12 deals with how directors should adjust scores after an infraction, and 12C1(e)(i) states: "The score assigned in place of the actual score for a non-offending side is the most favorable result that was likely had the irregularity not occurred." So while I understand the panel's desire not to punish N/S unduly after getting the wrong ruling, I don't think its decision made sense. If it was deemed that the most favorable result that was likely for N/S was minus 500 in 3♥, how could E/W as a non-offending side not get credit for at least the same score? Probably the panel actually meant the opposite: that N/S should get to keep its score due to the erroneous ruling and E/W were entitled to plus 500 against 3♥. But even that would be too generous to N/S since 3♦ by West was never going to happen if the 2♣ bid was made to stand. So Law 82 doesn't just mean to give each side spectacularly good results in the case of director error. We don't just throw up our hands and give each side everything they could have dreamed. We give a reasonable amount of benefit of the doubt to both sides according to Law 12 and assign a result to each side (maybe different ones—the scores do not need to balance) based on that determination.

**Wildavsky**

This ruling occurred at my teammates' table. While not addressing North's actual intentions, he bid the same way as a player who intended 2♣ as natural would have. The table director should be skeptical when a player asks to change his call in this situation. Yes, a mechanical error is always possible, but we cannot allow a pair to appear to profit from the Alert Procedure. If the price is that more players who do make a mechanical error have to live with their call, so be it.

**Wolff**

Good ruling.