

APPEAL	NABC+ SEVEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Harry Falk
Event	Wernher Open Pairs
Session	First Qualifying
Date	July 28, 2009

BD#	7
VUL	Both
DLR	South

George Krizel	
♠	Q T 3
♥	Q 9 4 3
♦	Q J 8 5
♣	9 3

Tony Petronella		<b>Summer 2009 Washington D.C.</b>	Carlos Muñoz	
♠	7 4 2		♠	8 6
♥	A 7 6 2		♥	J
♦	A T 6 4		♦	K 9 7
♣	Q 7		♣	K J 8 6 5 4 2

Albert Shekhter	
♠	A K J 9 5
♥	K T 8 5
♦	3 2
♣	A T

West	North	East	South
			1♠
Pass	2♠	Pass	Pass
Dbl	Pass	3♣	Pass <sup>(1)</sup>
Pass	3♠	4♣	Pass
Pass	Pass		

Final Contract	<b>4♣ by East</b>
Opening Lead	<b>♠A</b>
Table Result	<b>Down 1, E/W -100</b>
Director Ruling	<b>3♣ E made 3, E/W +110</b>
Committee Ruling	<b>3♣ E made 3, E/W +110</b>

(1) Disputed break in tempo (BIT).
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**The Facts:** The director was called after the 3♣ bid and again after the play was concluded.

North vehemently disputed that there was a BIT. South said he plays fast and did think but that it was not a demonstrable BIT. East felt there was a demonstrable BIT. West was not consulted as the director judged that South had conceded the point.

**The Ruling:** The director judged that there was an unmistakable hesitation, in part because South's hand indicated that he had something to think about. He further judged that the BIT demonstrably suggested 3♠ and that pass was clearly a logical alternative. Per Law 12C1(e) the result for both pairs was adjusted to 3♣ by East making three, E/W plus 110.

**The Appeal:** N/S appealed the director's decision. Only West did not attend the hearing. In screening, South said the BIT was up to 5 seconds; East said 4-5 seconds and North said no more than 3 seconds.

Both North and South felt that North's decision to bid was justified with or without the hesitation. North felt the time elapsed was not a BIT but a normal pause. South acknowledged he took a few seconds (perhaps 3 or 4) before passing.

East claimed that North's action was dubious even without a hesitation. Holding only three trump and secondary values makes bidding unreasonable after a BIT.

**The Decision:** The committee felt that despite the fact that North kept stressing the point that three seconds does not constitute a BIT, the exact number of seconds is not relevant once South's tempo made it likely that he had a problem. The committee felt North's hand did not justify any further action and that his bid was demonstrably suggested by partner's hesitation.

The committee upheld the director's decision of 3♣ by East making three, E/W plus 110 for both sides.

The appeal was judged to have substantial merit.

**The Committee:** Gail Greenberg (Chair), Chris Moll and Bob White.

**Commentary:**

**Goldsmith** No merit. 1/4 board procedural penalty to N/S for blatant misuse of UI. This isn't even remotely close.

**Polisner** It would be important to know what South's "normal" tempo is to determine whether 3-5 seconds between 3♣ and pass was normal or not. In my opinion, 3-4 seconds is proper tempo in a competitive auction as anything faster would be UI. I strenuously object to considering the North hand to determine if South had broken tempo. However, if I was convinced that there was an "unmistakable hesitation" by South, I would have considered North's 3♠ bid to be subject to a procedural penalty.

**Rigal** Good decision by the tournament director and although I agree the committee's support of that decision I'm not sure I see any merit. The North hand has three trumps and no aces or kings....pray, what would constitute a pass of three spades for this player? Had the committee established that N/S were playing constructive raises –why didn't they? – an appeal without merit warning (AWM W) would have been clear.

**Smith** Well done by the directors and committee, but I really wish these kinds of appeals would go away. Frankly, they are a waste of time to all concerned. Would any committee, on these facts, really come up with any other decision? Can we really take seriously the notion that 3♠ is clear-cut? That South didn't break tempo? That the tempo break didn't suggest bidding 3♠? The way to express the answers to those questions firmly is to assess an AWMW to the appellants.

**Wildavsky** I see no merit to this appeal.

**Wolff** Good ruling and indefensible for North to bid 3♠!