

APPEAL	NABC+ EIGHTEEN
Subject	Misinformation (MI)
DIC	Henry Cukoff
Event	NABC+ Fast Open Pairs
Session	Second Final
Date	July 31, 2009

BD#	21
VUL	N/S
DLR	North

Marty Nelson	
♠	9 3
♥	T
♦	A Q 5 2
♣	A J 9 6 5 4

Nikolay Demirev		Summer 2009 Washington D.C.	Joshua Dunn	
♠	Q 7 6 5 4		♠	2
♥	7		♥	Q 9 8 6 5 2
♦	K T 8		♦	J 9 6 4 3
♣	Q 8 7 2		♣	K

Gil Cohen	
♠	A K J T 8
♥	A K J 4 3
♦	7
♣	T 3

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

Final Contract	4♠ doubled by South
Opening Lead	♥7
Table Result	Made 4, N/S + 790
Director Ruling	4♠ dbld S made 4, E/W +790
Committee Ruling	4♠ dbld S made 4, E/W +790

(1) Originally South bid 3♦ and West doubled.

The Facts: The director was called after West doubled 3♦ in the original auction. South explained that West's prior explanation of 2NT was unclear. South said he thought it was for minors as West said the "two lowest." After West's double of 3♦, North asked for a second explanation of 2NT and was told the "two lower unbid suits."

The Ruling: The director determined that there was misinformation. In accordance with Law 21B2 the director backed up the auction to South's turn over 2NT cancelling South's 3♦ bid and West's double. The subsequent table result of 4♠ doubled by South making four, E/W +790 was allowed to stand for both sides.

The Appeal: At the end of the evening session, E/W appealed the director's decision. East and West were the only players who attended the hearing. E/W thought the first explanation had been clear enough. East thought his partner had actually used the word "unbid," but believed N/S did not hear him.

The Decision: The statement by South that he misunderstood the explanation was credible to the director and was supported by his subsequent actions. When he thought 2NT showed minors, he bid 3♦ showing spades. When he understood that 2NT showed the red suits, he changed his call to 3♥ also showing spades. The committee felt it was not required to assess the calls taken after the director's decision to cancel South's call based upon misinformation (and West's call). Therefore, the committee upheld the table result of 4♠ doubled by South making four, E/W +790 for both sides.

An appeal without merit warning was seriously considered by the committee, but rejected because the current, in our opinion, foolish wording of the convention card is "minors" or "2 lowest" rather than the former wording of "lower unbid."

It was explained to the appellants that following the principles of the Alert regulations and full disclosure guidelines, they should be specific and just explain the bid as "hearts and diamonds" or whatever the two suits shown. Then there should never be a problem.

The Committee: Tom Carmichael (Chair), Barry Harper (Scribe) and Mike Kovacich.

Commentary:

Goldsmith The write-up is pretty unclear. What appears to have happened was that South asked what 2NT meant. He thought the answer was minors, so he made the bid that showed a good hand with spades. North obviously wasn't 100% on the explanation, as he re-asked. Now South said something like, "I'm sorry, I thought you said minors last time. If he has the reds, my bid is 3♥, not 3♦."

Assuming that is correct, it seems unreasonable for E/W to appeal or even call the director, so something important must be missing from the write-up.

Polisner If this is not an appeal without merit warning (AWMW) case, there is not any case which would warrant one.

Rigal Messy case but justice seems to have been done. I would not be happy bringing a case where my sole grounds for doing so would be that my unclear explanation had succeeded in confusing my opponents.

Smith The relevant law is actually 21B1(a). It states in part: “Until the end of the auction period and provided that his partner has not subsequently called, a player may change a call without other rectification for his side when the Director judges that the decision to make the call could well have been influenced by misinformation given to the player by an opponent.” So, although directors routinely give back a call at the table in this type of case, it is entirely appropriate for the director and the committee to later decide if the change of call “could well have been influenced by misinformation” and, if it is judged not, to adjust the score. And according to 21B2, the director and the committee should ensure that the non-offending side is not damaged by information transmitted by any withdrawn call(s). Since the non-offending side was plus 790 on this hand, that part wasn't relevant. But the director and the committee each have the authority to revisit and examine the actions of both sides after 21B1(a) has been applied in spite of what the writeup seems to indicate. Having said all that, I strongly agree with the directors' ruling and the committee decision. Did E/W really think that South in the heat of battle came up with a neat legal excuse to change a bid he realized to be an error according to his system? Or did they just think that N/S should be solely responsible for a misunderstanding based on an incomplete explanation West had given? Isn't it much more reasonable to accept that South honestly and understandably misunderstood what he was told? I think so, and so did the committee. For that reason I think E/W should have been given an AWMW.

Wildavsky Good work all around. I could see the ruling going the other way, though. South might have considered why West would say “two lowest” if what he meant was “minors”, which is both more explicit and easier to say.

Wolff Correct ruling.