

The Marriage of Arwen Undómiel

**Reno NABC+ Appeals, UNOFFICIAL Supplementary Casebook**

**Note:** To download the official ACBL Reno appeals casebook (and earlier official ACBL appeals casebooks) visit the ACBL website:

<http://www.acbl.org/play/casebooks.html>

**Abbreviations**

AC	=	Appeals Committee
ACBL	=	American Contract Bridge League
AI	=	authorised information
AWMW	=	appeal without merit warning
BIT	=	break in tempo
BLML	=	bridge laws mailing list, <a href="http://www.amsterdamed.org/mailman/listinfo/blml">http://www.amsterdamed.org/mailman/listinfo/blml</a>
CoP	=	WBF Code of Practice for appeals committees (not yet officially endorsed by the ACBL)
DIC	=	Director-in-Charge
LA	=	logical alternative
MI	=	misinformation
PP	=	procedural penalty
TD	=	Tournament Director
UI	=	unauthorised information
WBF	=	World Bridge Federation

**Dramatis Personae**

**David Babcock** first became an ACBL certified club director in the 1970s, and he now directs in south Florida, USA. He is a Blue-Ribbon-qualified tournament player and was published on topics of strong-club and relay bidding theory by the Australian Bridge Institute some years ago. He is a software engineer.

**Doug Couchman** is a former ACBL tournament director who always considered difficult legal questions the most interesting part of the job. His legal background (UC Berkeley, followed by a federal appellate clerkship) occasionally causes him to ignore the sensible bridge forest for the lawbook's literal trees. He now directs club games, and teaches non-bridge subjects. At the table he is an A-player with no impressive wins to his credit, partly because he makes his favorite partner play his own homegrown system.

**Grattan Endicott**, 80ish, was born in Coventry, England and currently resides in Liverpool. He is divorced and has two sons, three granddaughters, one grandson and two great granddaughters. His late brother has furnished him with multitudinous blood relations across Canada including two great-grandnieces. He was invested in 1998 by the Queen as an Officer of the Order of the British Empire (OBE). He has been a dedicated member of many Laws Committees and is currently the secretary of the WBF Laws Committee. He has kept impeccable records and is a respected authority on the chronology of Laws interpretations.

**Marvin L. French** of San Diego, California, USA, an ACBL Life Master since 1956, has written many articles for The Bridge World, ACBL's Bridge Bulletin, and the defunct Popular Bridge magazine. He has been a BLML subscriber for many years.

**Richard Hills**, the footnoting editor, is Immediate Past President of the Bridge Federation of the Australian Capital Territory. His competitive successes include winning five Australian Youth Bridge Championships, being Chess Champion of both Tasmania and Canberra, and winning his school's Spaghetti Eating Championship.<sup>1</sup>

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<sup>1</sup> *Richard Hills:*

I know Symmetric Relay, English Acol, and the Ghestem pox;  
 In my comment'ry on casebooks I've a pretty taste for paradox,  
 I quote in elegiacs all revokes of Heliogabalus,  
 When claiming I can state peculiarities parabolous;  
 I can tell undoubted squeezes from pseudo-squeeze epiphanies,  
 I know the croaking chorus from the Frogs of Aristophanes!  
 Then I can hum a ruling of which I've heard the players panic for,  
 And whistle all the airs from that infernal book Kaplanic Law.

*Chorus:*

And whistle all the airs from that infernal book Kaplanic Law,  
 While waiting for the airs from that infernal book Grattanic Law  
 Next year the airs from that infernal book Grattaaaaaaanic Law.

*Richard Hills:*

Then I can write on appeal forms in Babylonian cuneiform,  
 And cite the inconsistencies of exegeses scarce uniform:  
 In short, in casebook comment'ry, and as proof-reading editor,  
 I am the very model of a modern bridge competitor.

**Jim Hudson**, 60, is a club player from DeKalb, IL, USA (close, but not too close, to Chicago). In recent years he has been a frequent competitor in the NAOP, Flight B, and a frequent panellist for the District 8 Solvers Forum. His note, "Length-Oriented Passed-Hand Raises," is due to appear soon in The Bridge World.

**Hilda R. Lirsch** is a well-known Tasmanian personality and bridge author. Her articles have frequently appeared in the Daily Bulletins of Australian National Championships.

**David Stevenson** is an International Tournament Director from Liverpool, England. He has served as a member of the Tournament Appeals Committee of the World Bridge Federation, and on Appeals Committees in the ACBL and Sweden. He is a member of the Laws & Ethics Committees in England and Wales. He was formerly the Secretary of the European Bridge League Tournament Directors' Committee, a commentator in the ACBL appeals books and Chief Tournament Director of the WBU. He has won many National titles.

**Appeal Number One**

Subject: MI & UI  
 North American Open Pairs - 1<sup>st</sup> Final Session

Board 17  
 Dealer: North  
 Vul: None

**Chris Willenken**

♠AKQT4  
 ♥T7  
 ♦QT94  
 ♣32

**Kitty Cooper**

♠J5  
 ♥AQ96  
 ♦A  
 ♣JT8754

**Steven Cooper**

♠9763  
 ♥53  
 ♦KJ875  
 ♣AQ

**Glenn Milgrim**

♠82  
 ♥KJ842  
 ♦632  
 ♣K96

WEST	NORTH	EAST	SOUTH
---	1♠	2♦	Dbl
Rdbl (1)	2♠	Pass	Pass
3♣	Pass	3♦	Pass
3♥	Pass	3♠	Pass
4♣	Pass	Pass	Pass

(1) Explained as doubleton A or K of diamonds

**The Facts:** East explained redouble as indicated. The actual EW agreement was that it showed a singleton or doubleton ♦A or ♦K. NS attempted to call the director at the end of the auction, when the correct explanation of the agreement was offered, prior to the opening lead. On the opening lead of the ♠Ace, West scored +130. The director was summoned at the end of play.

**The Ruling:** West received unauthorized information from the explanation offered by East, demonstrably suggesting further action after 3♦, pass being deemed a logical alternative. The contract was changed to 3♦, -150.

**The Appeal:** West felt her hand was too strong to pass 3♦, believing game in either NT or hearts still possible. West stated that it was common for her partner to explain agreements imprecisely. EW also felt that 6 tricks in the assigned diamond contract was incorrect. NS felt that East had shown a near minimum, though conceded he may be showing a 6-card suit. Further, the UI suggests West try to improve the contract. The committee determined that the redouble showed, by agreement, at most a doubleton diamond, but said nothing about the strength of the hand.

**The Decision:** West had already offered to play in a partscore of 3♣. The committee agreed that the UI demonstrably suggested bidding over

3♦ and that pass was a logical alternative. In a 3♦ contract a spade lead was likely followed by a trump switch. Declarer could then play a ♣ to the ace, followed by a heart finesse to secure 7 tricks. However, the committee also considered the possibility of declarer playing the opening bidder for the ♣king and taking a club finesse. South could then discard ♣s on North's spade winners to secure a club ruff. The committee felt that it was not unreasonable to score seven defensive tricks for down three. The committee ruled 3♦ -150 for both sides.

**Committee:** Doug Doub, Chairperson, Jon Wittes, Mark Bartusek, John Solodar, and Gary Cohler.

**Casebook panellists ->**

**Doug Couchman:** I agree.

**Marvin French:** According to the AC 3♣ was not forcing, although East's 3♦ bid suggests that it was. If E-W make such bad vulnerable overcalls, passing 3♦ is certainly an LA for West. The AC should have considered the possibility of a double of 3♦ by North, since passing the double would also be an LA for West, and East probably would not bid 4♣.

**Jim Hudson:** Straightforward. The committee's decision not to award an AWMW, with which I agree, should have been mentioned in the write-up as a matter of form.

**Hilda Lirsch:** "West stated that it was common for her partner to explain agreements imprecisely." Merely because it was common for West to receive UI from East does **not** mean that the normalcy of East's UI now entitles West to **use** that routine UI.

Or is West arguing that East 100% accurately remembers partnership agreements, but has a Dubya tendency to mangle the English language? If so, East-West should have provided some unbiased evidence supporting this self-serving Star Mangled Spanner defence.

Did the AC consider an AWMW? If not, why not?

**David Stevenson:** A routine decision. There are too many "odd" arguments in UI situations. For example it was said that East often explained agreements poorly. So what? That is no excuse for failing to follow the laws of the game.

**Appeal Number Two**

Subject: Tempo  
North American Pairs - 2<sup>nd</sup> Final

Board: 15  
Dealer: South  
Vul: NS

**John Stiefel**

♠Q6  
♥A3  
♦AQ73  
♣A8532

**Jill Meyers**

♠98732  
♥KT982  
♦KJ2  
♣---

**Ed Davis**

♠AK54  
♥Q5  
♦T5  
♣KQ964

**Victor King**

♠JT  
♥J764  
♦9864  
♣JT7

WEST	NORTH	EAST	SOUTH
---	---	---	Pass
2♥(1)	3♣	Pass(2)	Pass
Dbl	Pass	Pass	Pass

- (1) 5-5 in ♥s and another with weak two bid strength  
(2) BIT

**The Facts:** 3♣ doubled was down 4, -1100. The director was called two rounds after the play of the hand. West did not use the stop card, North did not pause after 2♥, East paused 5 - 8 seconds, and West doubled quickly.

**The Ruling:** The hesitation by East demonstrably suggested a double while pass was a logical alternative. The result was changed to 3♣, -400.

**The Appeal:** Though the stop card was not used, the 2♥ agreement had been pre-alerted prior to the start of the round. EW said that North bid after 4 seconds. South passed immediately. West contended that she was systemically obligated to reopen with shortage when playing these methods since a double by East would have been negative. NS estimated the pause after 3♣ at 5 - 8 seconds. It was only after the round that NS worked out that -400 would be a good matchpoint score, calling the director at that time.

**The Decision:** The committee determined that the 2♥ agreement at this vulnerability had a range of 4 - 10 HCPs. The committee reasoned that 1) the fast pass by North<sup>2</sup> passed some responsibility to East not to bid too fast; 2) in the context of a competitive auction 5 - 7 seconds is the recommended tempo; 3) the reopening double was systemically obligated in the context of South's fast pass, even if East had been judged to have taken a clear BIT. The fact that the

<sup>2</sup> Sic. Presumably the panel meant to say "the fast 3♣ by North".

director was called two rounds after play was completed did not terminally damage the NS case but it did weaken the contention that there had been an obvious break in tempo. The table result was restored for both sides, 3♣ doubled, -1100.

**Committee:** Doug Doub, Chairperson, Darwin Afdahl, Mark Bartusek, John Solodar, and Barry Rigal

**Casebook panellists ->**

**Doug Couchman:** I agree, except that I hope the committee did not conclude that West was "systemically obligated" to reopen without pretty clear evidence of such an agreement. The basis for my ruling would be that there was no break in tempo.

**Marvin French:** What "fast pass by North"? This writeup seems to be messed up; it was a short-pause 3♣ bid. Had North waited a full ten seconds to bid 3♣, no doubt he would have been accused of giving UI that his overcall wasn't a sound one. And what does the speed of North's bid have to do with proper tempo for East? South passed immediately? So what, he had plenty of time to think over East's BIT. "The reopening double was obligated in the context of South's fast pass," now what kind of system is that? What we don't know is whether East always passes with this tempo, good hand or bad. The TD ruled there was a BIT, and s/he was in better position to judge that than the AC.

Unless there were system notes documenting the supposed E-W balancing policy, the ruling should not have been reversed.

**Jim Hudson:** Another good AC decision, assuming EW were able to prove that they were using negative doubles in this situation. West should have used the Stop card, but the principal dereliction was North's failure to pause, which he is required to do even if the Stop card is not used. This failure takes some of the onus off East, so that in a close case he gets the benefit of the doubt. He might have got the benefit anyway, since the elapsed time was only 5-7 seconds. (Elapsed time is not the only factor--there are also vocalizations, body language, facial expression, etc.--but the write-up says nothing about these.)

**Hilda Lirsch:** The WBF has a regulation for screens mandating random delays before transfer of bids through the curtain. The logic behind that policy is to **minimise** the transmission of UI.

But, in this non-screen format, the panel has ridiculously stated that North's quick tempo "passed some responsibility to East not to bid too fast".

Let us do a step-by-step analysis of the various Laws underpinning the panel's assertion.

(a) Law 73D1, "It is desirable, though not always required, for players to maintain steady tempo..." Therefore, it is legal for North's **normal** steady tempo to be a **quick** steady tempo.<sup>3</sup>

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<sup>3</sup> This is not necessarily so in the ACBL. It is possible that the ACBL deems that North must pause for at least ten seconds whether or not West has given due warning of their skip bid. If this is the case, then by ACBL standards North was over-hasty.

(b) Law 73C, "When a player has available to him unauthorised information from his partner, as from a remark, question, explanation, gesture, mannerism, special emphasis, inflection, haste or hesitation, he must carefully avoid taking any advantage that might accrue to his side." Merely because North might bid in normal quick tempo does **not** permit West to take advantage of East's UI.

(c) Law 16A2, "...The Director shall require the auction and play to continue, standing ready to assign an adjusted score if he considers that an infraction of law has resulted in damage." Merely because North might bid in normal quick tempo does **not** prevent the TD from correcting West's illegal selection of a demonstrably suggested LA.<sup>4</sup>

(d) Law 93B3, "In adjudicating appeals the committee may exercise all powers assigned by these Laws to the Director, except that the committee may not overrule the Director on a point of law or regulations...". The TD has implicitly interpreted the ACBL skip-bid regulation as **not** being relevant to the **partner** of the skip-bidder. The TD's interpretation may or may not be correct. **But**, Law 93B3 explicitly states that the AC does **not** have the power to rule that the TD is mistaken. Only the National Authority has the power to overrule the TD's interpretation of a Law or of a regulation.

**David Stevenson:** East has a right to expect N/S to follow the Stop regulations, so has a right to ten seconds at least to consider after partner's Stop bid. Whether there should be an adjustment for E/W or not, N/S created the position by their infraction and should receive no adjustment.<sup>5</sup>

The AC went further and I do not say their decision was wrong.

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<sup>4</sup> But the AC determined that (according to the East-West system) a reopening double was the only logical alternative for West. Of course, it would have been desirable if the write-up of this case had revealed some objective evidence which was used as a basis for this AC determination of fact.

<sup>5</sup> I would argue that the position was created by West's infraction of failing to use the Stop! card. So, North's consequent infraction of over-hasty bidding was only partially their fault. As TD, therefore, I would consider both sides to be offending sides, and I would fine both sides a PP.



**Appeal Number Three**

Subject: UI  
 North American Open Pairs - 2<sup>nd</sup> Final

Board: 24  
 Dealer: West  
 Vul: None

**Alex Kolesnik**

♠52  
 ♥K5  
 ♦JT32  
 ♣A8732

**Lew Stansby**

♠K987  
 ♥J32  
 ♦K75  
 ♣KQJ

**Joanna Stansby**

♠J3  
 ♥T97  
 ♦Q9864  
 ♣T54

**David Hadden**

♠AQT64  
 ♥AQ843  
 ♦A  
 ♣96

WEST	NORTH	EAST	SOUTH
1NT(1)	Pass	3♣(2)	4♣(3)
Pass	4♥	Pass	Pass
Pass			

- (1) Announced 12 - 14
- (2) Alerted, transfer to diamonds
- (3) Intended to show the majors

**The Facts:** 4♥ scored +420. The director was called at the end of the play period. No questions were asked at the table. NS had no agreement, but had discussed that doubles of artificial calls show the suit bid.

**The Ruling:** Failure to ask questions does not constitute UI. The table result stands.

**The Appeal:** EW believed that North had UI from his partner's failure to ask the meaning of 3♣. They felt that 4♣ could show a better hand for clubs than a double of 3♣. Though North had club length it was still possible, though unlikely, that South had long clubs.

**The Decision:** The committee determined that NS had a documented agreement that double of an opponent's artificial bid always showed length and strength in that suit. NS further explained that after an earlier accident involving a similar artificial call they had agreed that a cue bid would be a two-suiter not natural, regardless of whether the artificial call might or might not show the suit bid. The committee found that NS were under no obligation to ask questions. They found no infraction and upheld the director's ruling.

EW were assigned an AWMW.

**Committee:** Doug Doub, Chairperson, Darwin Afdahl, Mark Bartusek, John Solodar, and Barry Rigal.

**Casebook panellists ->**

**Doug Couchman:** Absolutely fine, including the AWMW.

**Marvin French:** The meaning of a double was documented by N-S, but the meaning of a cue bid was not. My agreement with partners agrees with E-W, that a double shows the suit but is a limited call unless I have a two-suiter. With enough to show a one-suiter at the next level, we "cue bid." The way to show both majors in this case would be a cue bid of 3♦, but of course N-S didn't know 3♣ was a transfer to diamonds, so South could not do that. He probably just assumed 3♣ was Alerted because it was weak.

Failure to ask for an Alert explanation can be UI, contrary to what the TD says and the AC implies. Law 73B1 speaks of inappropriate communication "through questions asked or not asked." To avoid suspicion of such communication, players should ask for an Alert explanation every time in ACBL-land, where many common conventions are not Alertable (e.g., Stayman).

However, the ability to cue bid in the artificially-bid suit did not profit E-W, as an even cheaper cue bid was available. I do not see any damage. The Stansbys had a point, but one that was far-fetched, perhaps deserving of the AWMW.

**Jim Hudson:** The undocumented agreement looks to be unplayable, and in the absence of evidence for it I would rule as if I did not believe it existed.<sup>6</sup> Then the immediate issue is whether North is allowed to catch South's misbid, with the aid of knowing that South did not inquire about the meaning of 3♣. The underlying general question is whether a failure to inquire about an alert can transmit UI. Though the fact is that it can, for legal purposes we should feign a negative answer, so as to avoid insupportably complex legal tangles. I therefore agree with the Committee ruling.

But where did that AWMW come from? EW are nowhere near deserving this, when the ruling against them turns on such an obscure and doubtful legal point.

**Hilda Lirsch:** Failure to ask questions does not constitute UI??? This is contrary to what is written in Law 73B1:

"Partners shall not communicate through the manner in which calls or plays are made, through extraneous remarks or gestures, through questions asked or not asked of the opponents or through alerts and explanations given or not given to them." (My emphasis.)

However, I still agree with the ruling (and the AWMW), because the UI from the unasked question was identical to the AI from the explicit partnership agreement.

**David Stevenson:** E/W seemed to be reaching for something that was not there.

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<sup>6</sup> Law 85 - Ruling on Disputed Facts - states that the Director must be "satisfied that he has ascertained the facts", not that the Director must be satisfied that they have ascertained that the agreement was playable.

**Appeal Number Four**

Subject: Proprieties  
NABC Open Pairs - 1<sup>st</sup> Qualifying

Board: 3  
Dealer: South  
Vul: EW

**Ron Smith (TN)**

♠J642  
♥854  
♦J762  
♣AT

**Boris Baran**

♠A53  
♥T932  
♦AK54  
♣Q9

**Mark Molson**

♠K987  
♥QJ  
♦Q93  
♣J643

**Linda Smith**

♠QT  
♥AK76  
♦T8  
♣K8752

WEST	NORTH	EAST	SOUTH
---	---	---	1NT(1)
Pass	2♣	Pass	2♥
Pass	Pass	Dbl	Pass
Pass	Pass		

(1) 10-13

**The Facts:** After the opening lead of the ♠ace, 2♥ doubled went down 1, -100 for NS. With four tricks left to be played, West deliberating and on lead, East said, "Lead a card." West led the ♠ace. The director was called at the end of play.

**The Ruling:** East's remark was not deemed to have been "directive". The table result was allowed to stand.

**The Appeal:** NS said that at trick ten West was unsure whether to play a diamond, necessary if South had started with ♠Kxx ♥AKxx ♦Tx ♣Kxxx, or the spade, necessary if South started with five clubs and no spade.

**The Decision:** All players attended the hearing. With West on lead at trick 10, he huddled for at least two minutes. East said, "Lead a card," followed by, "It doesn't matter what you play." West then led the ♠ace and another spade. At the time of the remark there were only a few minutes left in the round with another board to be played.

The committee determined that East knew at that point that West had to hold the ♠ace. East's statement would have been accurate if either he or declarer held the spade King and the long club. That was not the case. With two red winners in dummy the quickest way to end the deal was for partner to play the ♠ace and a spade. Thus, the committee judged that East's comment did subtly suggest the lead of a spade.

	♠J6	
	♥8	
	♦J	
	♣---	
♠A53		♠K987
♥---		♥---
♦5		♦---
♣---		♣---
	♠QT	
	♥7	
	♦---	
	♣2	

Was there a logical alternative to the spade play? East's play of his ♣ spots earlier in the hand clearly showed that either the declarer had the long club, or that East was trying to tell his partner to play a spade. West had defended less than optimally at several instances during this deal, and had taken two minutes without leading to trick ten. A majority of the committee thought that for a comparable player in West's state of mind (under time pressure) playing a diamond was a logical alternative to the winning spade play.

Nevertheless, though a diamond lead was plausible, after the play of the ♣jack at trick nine, it could not possibly be logical for West to lead a diamond. The committee assigned for NS the contract of 2♥ doubled -100 and for EW 2♥ doubled -470.

**Committee:** Adam Wildavsky, Chairperson, Doug Doub, Howard Weinstein, Danny Sprung, and Ed Lazarus

#### Casebook panellists ->

**Doug Couchman:** Awful. The committee essentially rules that playing a diamond was logical (so adjusts the score for E/W) but not logical (so reinstates the table result for N/S).<sup>7</sup> Even if they'd phrased it right, putting it in terms of what was likely and at all probable, they'd have been wrong. For a player who has already thought about this decision for two minutes (not to mention played badly to that point), any choice is logical. Both sides +470. No PP to East for the UI, because he was trying to help; if I'd been called to the table by N/S, I'd have penalized E/W for slow play.

**Marvin French:** East's incorrect statement, "It doesn't matter what you play," gave West assurance that leading the spade ace would be okay. Perhaps he would have figured that out anyway, but N-S must be given the benefit of that doubt. First the AC comes to that conclusion, then reverses itself. It was certainly possible for this West to lead a diamond, based on his earlier "less than optimal" play together with the two-minute huddle, and that's what the TD and AC should have determined. It isn't logical to lead a diamond, right, but players often do what is illogical.

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<sup>7</sup> The EBU White Book (TD guide) advises, "may not include the disallowed [action] as part of the weighting. This is affectionately called a 'Reveley ruling' because of a decision some years ago which brought this problem to the L&EC's notice. Some authorities in other countries permit Reveley rulings." Unfortunately, the ACBL Laws Commission is an authority which does permit Reveley rulings, so this AC decision was legal.

The split score, probably based on L12C2's language about different adjustments for each side, wasn't explained. It smacks of a compromise decision in a divided AC. I see no reason for a difference, with probability of at least 1/3 that West would have led a diamond, making +/-470 the right adjustment. And maybe a PP for East's remarks, which caused a lot of trouble.

**Jim Hudson:** A poor write-up. The position at trick 10 should have been included in "The Facts." And the Committee's explanation for its decision is unduly cryptic.

The Director's ruling was OK; East's comment does seem, on the face of it, non-directive (equivalent to "hurry up!"). But I accept the Committee's finding that it really suggested a spade lead: West was worried that declarer might hold Kxx of spades, and East was saying, in effect, "Don't worry about that." Since this was almost certainly unintentional on East's part--he thought the lead didn't matter, though in fact it did--no PP was called for.

To assess West's LAs at trick 10 we need to know who were his peers. The Committee decided his peers were experts who are somewhat confused, under time pressure, and not playing their best. This certainly made it difficult to engage in polling! Nevertheless I think they should have gone through the motions, for otherwise there is no visible support for the Committee's decision; it seems arbitrary. (They might have polled experts under time pressure--giving them the trick 10 problem and requiring an answer within a few seconds.) The Committee maintained that a diamond lead at trick 10 was "at all probable" but not "likely." How did they know?

I don't disagree with the decision (adjusting EW's score to -470), but I would like to have seen a better basis provided for it.

**Hilda Lirsch:** I would have preferred the committee, in its writeup, to explicitly refer to Law 12C2:

"When the Director awards an assigned adjusted score in place of a result actually obtained after an irregularity, the score is, for a non-offending side, the most favourable result that was likely had the irregularity not occurred or, for an offending side, the most unfavourable result that was at all probable. The scores awarded to the two sides need not balance and may be assigned either in matchpoints or by altering the total-point score prior to matchpointing."

The committee non-obviously implicitly ruled that -470 was "the most unfavourable result that was at all probable" for the offending side, while -100 was "the most favourable result that was likely" for the non-offending side.

**David Stevenson:** The write-up does not make sense. Did the AC feel the diamond lead was an LA? If so, then why not give both sides 2♥ doubled making? If not, then surely they must give both sides 2♥ doubled -1. They cannot decide it was an LA for one side only: either it was or it was not.<sup>8</sup>

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<sup>8</sup> The ACBL Law Commission has provided guidelines on the interpretation of Law 12C2. The guidelines define a "likely" result for the non-offending side as a 1/3 or better chance. But the guidelines define an "at all probable" result for the offending side as a 1/6 or better chance. So, if this particular stupid lead by the offending side is only a (say) 1/5 chance – when unassisted by UI – then the ACBL AC has legally deemed that that stupid lead is an LA for the offending side, but not an LA for the non-offending side. Of course, this would be an illegal Reveley ruling in David's English homeland (see previous footnote).

If they felt E/W did not deserve a good score they should apply a PP to them.

**Appeal Number Five**

Subject: Tempo  
NABC Open Pairs - 1<sup>st</sup> Qualifying

Board: 16  
Dealer: West  
Vul: EW

**Alexander Allen**

♠---

♥AQ98

♦95

♣QJ95432

**Serge Aronovich**

♠AT763

♥K732

♦T6

♣AK

**Marianne Aronovich**

♠QJ9854

♥T54

♦K4

♣T7

**Julie Rowe**

♠K2

♥J6

♦AQJ8732

♣86

WEST	NORTH	EAST	SOUTH
1♠	2♣	4♠	5♦
Db1 (1)	Pass	5♠	Pass
Pass	Pass		

(1) 4 - 5 second hesitation

**The Facts:** Both sides agreed to a hesitation, though brief, prior to the double by West. The director was summoned immediately after the double. On the ♦9 opening lead, 5♠ was defeated three tricks, -300 EW.

**The Ruling:** The director determined that the break in tempo in conjunction with East's previous bid of 4♠ established UI for East, demonstrably suggesting that bidding 5♠ would be more successful than defending 5♦ doubled and that pass was a logical alternative. The contract was changed to 5♦ doubled, +550 NS.

**The Appeal:** EW were the only players to attend the hearing. They contended that 4 - 5 seconds did not constitute a BIT for this type of auction.

**The Decision:** The committee had no information as to the length of the hesitation other than "brief". Based on the director's confirmation that the double was made after 4 - 5 seconds the committee determined that no break in tempo had occurred. The committee restored the table result, 5♠, -300.

**Committee:** Jeff Polisner, Chairperson, Lowell Andrews, Tom Peters, Darwin Afdahl, and Gary Cohler.

**Casebook panellists ->**

**David Babcock:** 4-5 seconds when one has opened the bidding at the

1-level and it has come back at the 5-level is not a hesitation in any sensible understanding of the term. If it hadn't been for the two red kings sitting in the slot, 5♦ would be failing and no one would have thought anything irregular had occurred -- and they would be right.

**Doug Couchman:** Awful again. The players agreed there was a hesitation. Regardless of its length, if everyone thought West conveyed doubt, he conveyed doubt.

Did doubt suggest pulling? I think so, though it's close. Passing is logical, and damage occurred. -550 both sides.

**Marvin French:** "Both sides agreed to a hesitation" tells me that both sides agreed on the BIT, and the AC was out of line to disagree with the TD on that point.

Players and TDs know that BITs can be shorter than 10 seconds, and that players tend to double faster with sound doubles than with close doubles.

East had insufficient reason to pull the double after West's agreed-to hesitation before doubling, so the TD was right and the AC was wrong.

**Jim Hudson:** On the evidence available this is a good Committee decision, correcting a bad Director's ruling. We don't even need to ask whether East had an LA to 5♠, or whether NS's failure to double was egregious.

**Hilda Lirsch:** Insufficient facts. What was West's normal tempo? If West was (like me) normally a lightning-quick bidder, then a pause of 4 or 5 seconds is a **huge** break in tempo. If West was (like my pard) normally a deliberate bidder, then a pause of 4 or 5 seconds was West's normal (slow) tempo.

So, I argue that the director and the committee - despite them giving opposite rulings - **both** gave the wrong ruling.

**David Stevenson:** Seems fine. But I wonder whether East would have passed a quick, happy double?



**Appeal Number Six**

Subject: Tempo  
 Silodor Open Pairs, 2<sup>nd</sup> Qualifying Session

Board: 8  
 Dealer: West  
 Vul: None

**Fred King**

♠QJ2  
 ♥AJ9542  
 ♦K4  
 ♣32

**Chris Compton**

♠876  
 ♥---  
 ♦QJ8653  
 ♣AKQ4

**Jim Mahaffey**

♠AK95  
 ♥K863  
 ♦T9  
 ♣T98

**Alan Kleist**

♠T43  
 ♥QT7  
 ♦A72  
 ♣J765

WEST	NORTH	EAST	SOUTH
1♦	1♥	1♠	2♥
2♠	3♥	Pass (1)	Pass
3♠	Db1	Pass	Pass
Pass			

(1) BIT

**The Facts:** The contract was 3♠ doubled +530 for EW. After the 3♥ call, East hesitated before passing. The director was called at the time of the 3♠ call. West agreed that his partner had hesitated prior to passing. West felt his call was ethical based on the probability that his partner most likely had a penalty double of 3♥.

**The Ruling:** East's hesitation created UI for West, Law 16A. The Director felt that West had acted on this UI. The contract was changed to 3♥ by South, +50 for EW based on Law 73F1.

**The Appeal:** West agreed to a BIT by East but stated that passing 3♥ was not a consideration at matchpoints. He argued that had he passed, he would have been taking advantage of the UI because the BIT demonstrably suggested defending. In fact, it was likely that East was considering a penalty double rather than further offensive action. Since West did not feel he could credibly double 3♥, (he referred to such an action as "cheating"), he took what he thought was contraindicated action by bidding rather than passing. Under the circumstances, he thought he had not violated Law 16 and no adjustment was appropriate. West stated that he expected East to hold five spades, although he later said that he recalled that that was not always the case.

**The Decision:** The committee felt that East's BIT suggested some form of extra values, not necessarily a pure penalty double. It did not agree that Pass was not an LA, since it could easily produce a plus score when 3♠ could not be made. That the form of scoring was

matchpoints did not compel action rather than inaction because even at matchpoints plus scores are more desirable than minus scores. Given that the BIT suggested action over inaction, and that double would have been an illegal suggested alternative, the committee judged that 3♠ was demonstrably suggested by the BIT (especially if facing what was thought at the time to be a 5-card spade suit) and that pass was an LA.

Therefore, for EW it disallowed the 3♠ bid and adjusted the result to 3♥, down one. It analyzed NS's defense to 3♠ to determine whether it constituted failure to continue playing bridge, since the non-offenders had the opportunity to profit from the irregularity (defeating 3♠ rather than going down in 3♥). Although the defense had not been optimal - North had won the opening heart lead (declarer discarding from dummy) and plunked down the king of diamonds and a diamond - it was not deemed to be egregious since it might have been necessary to cash diamond tricks before they were discarded on clubs. In addition, the defense was very complicated and not subject to precise analysis. As a result, the committee agreed with the NS adjustment to 3♥, -50.

**Committee:** Ron Gerard, Chairperson, Bill Passell, Mark Bartusek, Aaron Silverstein, and Marlene Passell

**Dissenting opinion** from Aaron Silverstein: With the current language of the Laws, I do not believe that the hesitation suggests anything. Looking at a heart void partner might very well be thinking of a penalty double with heart values, the most likely hand to make bidding on wrong. If no alternative is demonstrably suggested, and extra values is only on of the hand that may be suggested, then there is no basis for an adjustment.

**Casebook panellists ->**

**Doug Couchman:** I disagree. Pass is not a LA for a player of this caliber. His reasoning regarding a unilateral 3♠ versus a flexible double is impeccable (3♦ would be possible but strange). Restore the table result.

**Marvin French:** Evidently 1♠ did not show five spades, as most people (who would make a negative double with four) would play. But the AC says it was "thought at the time to be a five-card suit." No, it wasn't, this pair bids 1♠ with four, isn't that obvious, with a negative double available? If it did show five, then there is no LA to the 3♠ bid, not vulnerable at pairs. The dissenter's (and West's) line of thought is erroneous. Hesitations always suggest that action by partner would not be unwelcome, and therefore any action taken when pass is an LA is "demonstrably suggested."

**Jim Hudson:** Another application of "If it hesitates, shoot it!" I agree with the dissenter. I also wonder about North's double of 3♠, with only mediocre defensive assets. Might this have been a "double shot"?

**Hilda Lirsch:** I dissent from the AC majority, and I also dissent from the AC dissenter. Unlike Aaron Silverstein, I do believe that the hesitation does demonstrably suggest something - it demonstrably suggests that West should try a competitive double. This would allow East to pass with a hesitation based on heart tricks, or allow East to bid with a hesitation based on the values for previously calling 3♠ (but being too wimpy to do so).

3♠ is a losing West call if East's tank was based on heart tricks, since East-West might then get -50 instead of +50. Pass is a losing West call if East's tank was based on wimpyness, since East-West might then get -140 instead of +140. In my opinion, the *a priori* chances of heart tricks and the *a priori* chances of wimpyness are approximately equally likely. In my opinion, the AC majority took too much cognisance of the *a posteriori* fact that, on the actual deal, East was wimpy.

**David Stevenson:** This seems a pure judgement decision, so there are two questions:

- Is pass an LA?
- Does the BIT suggest acting rather than passing?

The AC seems to have considered and decided sensibly, though their conclusions are not necessarily automatic.

**Appeal Number Seven**

Subject: Tempo  
Silver Ribbon Pairs, 2<sup>nd</sup> Qualifying

Board: 17  
Dealer: North  
Vul: None

**Debbie Gailfus**

♠9  
♥KQ5  
♦QJ543  
♣J876

**Gail Bell**

♠AT86542  
♥2  
♦98  
♣KQ4

**Gila Guttman**

♠KQJ  
♥AJ9843  
♦T7  
♣T2

**Alan Gailfus**

♠73  
♥T76  
♦AK62  
♣A953

WEST	NORTH	EAST	SOUTH
---	Pass	1♥	Pass
1♠	Dbl	Rdbl(1)	2♠
4♠	Pass(2)	Pass	4NT
5♠	Pass	Pass	Pass

- (1) Support for ♠s  
(2) BIT

**The Facts:** After the 4♠ call, North hesitated prior to passing. The stop card was not used. The director was called after North's Pass of 4♠. 5♠ failed by one trick, -50 EW.

**The Ruling:** North's BIT constituted UI, demonstrably suggesting action when pass was a logical alternative. The result was changed to 4♠, +420 for EW.

**The Appeal:** NS were the only players to appear. North contended that the BIT was no more than 20 seconds as she needed time to understand the auction, which to this point had been rapid. When she finally realized that South still had a call coming, she passed. South felt he had no alternative to bidding, given his strong holdings in both of partner's suits. He felt the pause was no more than 12 - 15 seconds. The appeal form indicated that EW estimated the BIT at 30 seconds.

**The Decision:** Despite the peculiarities and speed of the auction the committee determined that North had paused considerably longer than necessary, creating UI from that BIT. The committee felt this BIT demonstrably suggested bidding. Pass was considered a logical alternative for South, although possibly a minority action. The committee upheld the director's ruling changing the score to 4♠ +420 for both sides.

The appeal was found to have merit.

**Committee:** Bart Bramley, Chairperson, Steve Garner, Chris Willenken, Jon Wittes, and Ed Lazarus.

**Casebook panellists ->**

**Doug Couchman:** I agree, except that the appeal is meritless and I would crack it.

**Marvin French:** North's statement is irrelevant, although probably true. Debbie is a very aggressive bidder, as evidenced by the takeout double, but what her thinking was is not pertinent. What matters is that the BIT suggests that further action by South would not be unwelcome. North could have bid a Sandwich 1NT with better distribution, and could even be 4-4 in the minors, making pass an LA. A minority opinion, no doubt, but not a small enough minority to let the result stand.

**Jim Hudson:** It goes against the grain to penalize North when she doesn't have her hesitation, and to benefit West when she doesn't have her 5♠ bid (with a singleton in partner's suit and most of her HCPs in one of the opponents' suits). But if South thought his hand was worth 4NT why didn't he bid it the previous round? He can't be allowed to wait until he has UI. Thus the decision is a good one, though close enough not to call for an AWMW. (I do wonder that no peer players were polled. Again, what has caused this lack of polling at Reno, reversing the earlier trend?)

**Hilda Lirsch:** I agree that the North-South appeal had merit, but only because West infringed the ACBL Stop! card regulation. I am astounded that so many of the appeals in these casebooks state that, "the stop card was not used". In English events, a Stop! card requirement for time out is mostly harmless. English players find it easy to use the Stop! card in accordance with English norms. But if, in ACBL events, ACBL players find it difficult to obey the ACBL norms for Stop! card use, perhaps the Yanks could adopt the simpler and more effective English Stop! card regulation.

**David Stevenson:** It is very unfortunate that a side is not present when the facts [length of alleged BIT] are not agreed, and it is somewhat surprising they get the decision in their favour in those circumstances.<sup>9</sup>

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<sup>9</sup> I do not think that a non-offending side, who has received an adjusted score from the TD, should necessarily have to appear at an AC hearing in order for the AC to uphold the TD's ruling. Rather, I think that natural justice was fully served by the AC. The AC fully heard the offending side's arguments that the BIT was minimal before rejecting those arguments, and then maintaining the TD's ruling.

**Appeal Number Eight**

Subject: Tempo  
Silver Ribbon Pairs, 1<sup>st</sup> Final

Board: 12  
Dealer: West  
Vul: NS

**Raymond DePew**

♠AQ  
♥AQT64  
♦A9754  
♣6

**Barbara Sartorius**

♠9  
♥K92  
♦Q63  
♣AKJ873

**Larry Lerner**

♠T8765  
♥J73  
♦J82  
♣Q4

**Judith Argento**

♠KJ432  
♥85  
♦KT  
♣T952

WEST	NORTH	EAST	SOUTH
1♣	2NT	Pass	3♦(1)
Pass	3♥	Pass	Pass
Pass			

(1) BIT

**The Facts:** 3♥ made 3, plus 140 for NS. The director was called at the end of play. EW felt that North's 3♥ call had been suggested by the slow tempo of partner's 3♦ bid.

**The Ruling:** The staff did not find that the BIT demonstrably suggested one action over another. The table result was allowed to stand.

**The Appeal:** All four players attended the committee hearing. EW said that the tempo break (of undocumented length) may have influenced the 3♥ bid. Once play was over and EW realized that North didn't have great hearts, or six hearts, they called the director. They felt that North had several calls available with this hand: 3♠, 4♣, 4♦, and 3♥. North choose the call that was suggested by the BIT. NS stated that they play good/bad 2NT, never medium. With the good hand they always bid again.

**The Decision:** The committee determined that the NS agreement, good/bad 2NT, was documented with their notes available to the committee. South's notes stating in part, "...either <11 or 14+, but never in-between." The committee felt that this agreement made bidding over 3♦ was a 100% action. As to what action, the committee felt that North was not aware of the possibility of bidding a black suit. Additionally, it was not clear that a slow 3♦ call implied equal length in the red suits (usually it would imply bidding more). Had the system notes been made available to the director and the appellants this appeal would have been judged to be without merit.

**Committee:** Larry Cohen, Chairperson, Judy Randel, Mike Passell, Ed Lazarus, and Eddie Wold.

**Casebook panellists ->**

**Doug Couchman:** Fine for North to bid on, provided that the system notes prove that North would always bid something. (Just because North has 14+ doesn't mean another bid is warranted from everyone's perspective, but if this is how this partnership plays, so be it).

The hesitation does not demonstrably suggest that introducing lousy hearts will always work, but it does suggest that this is more likely than it would be over an immediate 3♦ bid, because South's doubt could be about strain rather than level. Accordingly, I make North show interest in a high-level diamond contract somehow. South declines, the partnership plays 4♦, and scores 130 (both sides).

**Marvin French:** With N-S's agreement about the unusual notrump (weak or strong, not medium) rather standard these days, I would not have thought system notes necessary to verify that. Besides, even with no such agreement North is too strong to pass a 3♦ bid. The appeal doesn't seem to have any merit, especially since the BIT didn't suggest 2-2 in the red suits. North decided on 3♥ to show a strong suit, not something like Jxxxx, which seems reasonable.

This is the ultimate in piggishness for E-W, with N-S cold for 11 tricks in hearts (or 10, playing safely, or 10 in spades without an unlikely trump lead). I'd give them that AWMW.

**Hilda Lirsch:** In my opinion, the AC was spot-on in suggesting that this appeal verged on meritless. In my opinion, North took the one action which was **not** suggested by South's break-in-tempo. North systemically could not pass South's 3♦, so North had a choice of forward-going actions. North chose the **minimum** forward-going action of 3♥, which was **contraindicated** by South's hesitation (which usually suggests extra values).

East-West obviously believed in, "If it hesitates, shoot it," thinking that all they needed was a break-in-tempo by the opponents to "deserve" some matchpoints tossed to them by the TD or AC. A sporting East-West partnership would simply have asked North-South about their methods before yelling for the cops.

Also, I award a demerit point to the TD. Rather than concentrating on the secondary issue of what was demonstrably suggested, an intelligent TD would first have resolved what North-South had agreed about the meaning of the 2NT call. An intelligent TD might have noticed that North had pre-empted with a sweet sixteen hcp.

**David Stevenson:** Good decision. I would have liked to know what N/S told the TD at the time to decide whether the appeal had merit: if E/W fully understood N/S's system it is clearly a meritless appeal.

**Appeal Number Nine**

Subject: Tempo  
Silver Ribbon Pairs, 1<sup>st</sup> Final

Board: 22  
Dealer: East  
Vul: EW

**Sam Wilson**

♠T  
♥KT9832  
♦JT52  
♣52

**Harry Ross**

♠AJ76  
♥J654  
♦7  
♣AQ64

**Suzi Ross**

♠98542  
♥Q7  
♦Q863  
♣T9

**John Jeffrey**

♠KQ3  
♥A  
♦AK94  
♣KJ873

WEST	NORTH	EAST	SOUTH
---	---	Pass	1♣
Pass	2♥(1)	Pass	Pass
Db1	Pass	2♠	Pass(2)
Pass	3♦	Pass	Pass
3♠	Pass	Pass	4♦
Pass	Pass	Pass	

- (1) Alerted, weak  
(2) BIT

**The Facts:** 4♦ was down 1, +50 for EW. The director was called at South's third call. South estimated that he hesitated eight seconds after the 2♠ call, EW estimated the hesitation at one minute. At the conclusion of play EW called the director back to the table.

**The Ruling:** Based on Laws 16 and 73 the staff ruled that pass was an LA. The contract was changed to 2♠ EW, plus 110.

**The Appeal:** North is an aggressive player and selling out to 2♠ isn't a winning match-point strategy. The 2♥ bid could have been much lighter.

**Statements by the Other Side:** EW didn't attend.

**The Decision:** The BIT was not in dispute. Did a slow pass suggest one action over another? Typically (and certainly on this auction) it isn't likely that the slow passer was considering a penalty double. It's also unlikely South was considering 3♣ since he didn't bid it over 2♥ on the previous round. Therefore, it is likely he was considering competing to 3♥.

For a group of North's peers (6000 masterpoints), the committee felt that 30% of them would pass. Passing follows the rule of "once



you've preempted, don't bid again." Perhaps North should hope EW are cold for a spade game. Once South huddles, that is less likely and makes bidding more attractive.

Two committee members knew the North player and said he is very aggressive and he was likely not to pass. Still, the committee considered that the LA by his peers was the standard to apply.

Since it was close, the committee thought the appeal clearly had merit.

The play in 2♠ was analyzed, but the committee didn't think it at all likely that nine tricks would be made so they upheld the director's ruling of 110 to EW.

**Committee:** Larry Cohen, Chairperson, Judy Randel, Mike Passell, Bill Passell, and Eddie Wold.

#### **Casebook panellists ->**

**Doug Couchman:** I agree.

**Marvin French:** N-S appeal because "North is an aggressive player," and two committee members verified that? It's good that the AC treated this as irrelevant, but it should not have come up in the discussion. "Since it was close, the committee thought the appeal clearly had merit." It was not close.

**Jim Hudson:** Routine, but theoretically interesting. Who are North's peers: 6000 masterpoint players, or aggressive 6000 masterpoint players? The former is correct.<sup>10</sup> "Two committee members knew the North player and said he is very aggressive and he was likely not to pass," but this is not admissible evidence.

**Hilda Lirsch:** "Selling out to 2♠ isn't a winning match-point strategy"??? In my opinion, that is a misquotation. My recollection is that the original statement was "selling out to 2♥ is not winning match-point strategy." In my opinion, there have been a few Yank textbooks, which might have mentioned that "spades is the boss suit".

Also, in my opinion, popular Yank culture has evolved in recent years. Larry Cohen, in the "Not To Bid" part of his thesis, has popularised selling out to the opponents' 2♠ when the Total Number of Tricks is a smallish number.

In my opinion, the following three sentences in the AC decision were key:

**Passing follows the rule of "once you've preempted, don't bid again." Perhaps North should hope EW are cold for a spade game. Once South huddles, that is less likely and makes bidding more attractive.**

In my opinion, both the TD and AC then failed to grasp the nettle. As either TD or AC, I would have imposed a PP on North for a blatant infraction of Law 73C, "carefully avoid taking any advantage". In my opinion, North was good enough to know the first principles about preempting, and was totally **careless** in seizing an advantage (by preempting twice) after South's UI. The fact that North claims to be

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<sup>10</sup> No, the latter is correct. However, there is a difference between "aggressive" players, who occasionally sell out to 2♠ (thus causing Pass to be an LA), and "demented" players, who never sell out to 2♠. But a "demented" player would score too many -800s to ever earn 6000 masterpoints.

aggressive is irrelevant - a truly aggressive North would have shown extra values by responding 1♥, then rebidding 2♥.

Furthermore, as AC I would rule that this case was a clearcut archetype of a meritless appeal.

**David Stevenson:** Eight seconds = one minute on the planet Zarg. It is a pity that players gild the lily like this: we know without being there that it was longer than eight seconds, which people hardly notice as a BIT, and less than one minute, since no-one went out to smoke a cigarette.

The decision is routine. I suggest someone should tell the North player that "I am aggressive" is not an excuse for not following the Laws, and that he is given a copy of Law 73C. I am less convinced than the AC that this appeal has merit.

**Appeal Number Ten**

Subject: MI  
NABC Mixed Pairs, 1<sup>st</sup> Qualifying

Board: 32  
Vul: EW  
Dealer: West

**Vicki Laycock**

♠92  
♥T65  
♦QT84  
♣J763

**Doris McGinley**

♠KJ8  
♥J42  
♦J975  
♣T98

**William Epperson**

♠AQ765  
♥AK7  
♦AK  
♣AQ4

**Don Laycock**

♠T43  
♥Q983  
♦632  
♣K52

WEST	NORTH	EAST	SOUTH
Pass	Pass	3NT(1)	Pass
4♣	Pass	4NT	Pass
Pass	Pass		

(1) Alerted and explained as gambling

**The Facts:** 3NT was alerted as gambling though the actual agreement was 25 - 27 HCPs with a balanced hand. This partnership had no assigned conventional agreement to the 4♣ call. The Director was called after the 4NT bid was made. East took twelve tricks in 3NT, plus 690 for EW.

**The Ruling:** The alert and explanation were UI for East. The staff determined that 4NT was demonstrably suggested by this UI. The contract was changed to 4♠ making five for plus 650 EW.

**The Appeal:** NS made the point that there were several continuations after 4♣, and that 4NT was not the only option. East felt that 4NT was the only logical call over 4♣. East was clear, and was supported by external evidence, that 4♣ was neither Stayman nor Gerber. EW play no conventional calls after 3NT openings or overcalls.

**The Decision:** The committee considered, in the absence of any other agreement, that 4♣ would be clubs and forcing. East would treat his hand as superb for play in clubs, certainly not stopping short of slam. Since East had taken advantage of the UI and there were alternatives to a 4NT call the committee had to award an adjusted score. For EW, the adjusted score would be the most unfavorable score that was at all likely and for NS the most favorable score that was at all probable. The committee considered several assigned scores. After some discussion 6NT, minus 100 EW was assigned to both sides.

Additionally the committee assessed a one-fourth board procedural penalty against East for having taken advantage of the UI and assessed an AWMW.

**Committee:** Barry Rigal, Chairperson, Bill Passell, Jerry Gaer, Darwin Afdahl, and Jeff Goldsmith

**Casebook panellists ->**

**Doug Couchman:** Not bad, but I'd score it more carefully. 6NT is a stretch, especially to say it is likely, and I'd like the committee to be clearer about why the defense would be better against that slam than against 4NT.

I think it's likely that East would rebid 4♠ without the UI (or that that the best call if 4NT is disallowed as being suggested), West would accept, and the slam would get played in spades, not NT. Again it's down 2, so +100 is correct.

**Marvin French:** With no four-level conventions available, 4♣ is a natural bid that would normally lead to some slam, but a 4NT rebid (poor club fit, minimum hand) could be passed. Or East might take 4♣ as either Stayman or Gerber, despite the absence of an agreement. With East's hand 4NT is out of the question in view of the UI, so the score must be adjusted. Imposing a Gerber meaning to 4♣ when a pair has no such agreement is going too far. The AC decided on a contract of 6NT for the score adjustment, but provided no reasonable auction for getting there.

A 4♠ rebid by East (forcing, of course) would be the normal continuation, not just because of the five spades, but because East would want West to give big weight to the king of spades if held. And if West means 4♣ as Stayman, that's another reason for this rebid. It would surely wake up West, who has the right to pass this forcing bid, despite the possibility of slam (perhaps 33 HCP combined), and despite the possibility that West is merely making a cue bid in support of clubs, or has only four spades. The auction tells her that continuing would be very dangerous after the mistaken 4♣ response. East may not stop short of slam, true, but West **may** do so, having received only AI. The TD's ruling was a good one, the AC's was not, with an ugly misquote of L12C2. Don't they have the Laws in the meeting room?

The writeup did not make clear who was appealing. The first AC sentence implies it was N-S, but the last sentence tells us it was E-W, when we learn they got an AWMW. Yes, Mr Epperson, 4NT was the only logical call over 4♣ when you take the UI into account. But you can't do that.

I won't repeat my oft-iterated argument that PPs should not be used to discipline players for ethical slips. Because they seem to get awarded only by ACs at NABCs, they have become in effect a punishment for causing an appeal.

**Jim Hudson:** I take it that by partnership agreement 4NT here was natural, not Blackwood, nor RKC Blackwood for clubs.<sup>11</sup> (This should have been stated explicitly.) If East had jumped to 6♣ that would probably have been dropped by West, leading to down 2; I rate that "at all probable," though not "likely." So I'd adjust to NS +100, EW -200. Polling would have helped to decide the issue; but, again, polling seems to have been out of favor in Reno.

**Hilda Lirsch:** Truth, Justice, and the American Way of Life! Too often appellants think that they only risk the slap-with-feather AWMW by launching an appeal, so they think that appealing is a cost-nothing endeavour where it is "heads you win, tails you break even". This case is a useful demonstration that meritless appellants might find their poor score become a rotten score.

**David Stevenson:** I am pleased at the stance taken by the AC in the face of East's completely unacceptable 4NT bid, and to give a PP was correct. I would have preferred to see a PP given by the TD, and the PP should have been a full board. Use of UI is never considered cheating, but this particular action comes close, being completely disgraceful.

The actual adjustment by the AC is clearly wrong, since there is no credible sequence to reach 6NT,<sup>12</sup> and the TD's adjustment looks routine.

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<sup>11</sup> From East's viewpoint, 4♣ was undiscussed, so East's response of 4NT must also be undiscussed. From West's viewpoint 4NT is worse than undiscussed – it is downright inconsistent with a 4♣ signoff after a gambling 3NT. Of course, in actuality, East's 4NT is an illegal call with the implicit partnership meaning, "Pard, thanks for the alert and explanation, I don't have a gambling 3NT, I actually hold 25-27 hcp and balanced".

<sup>12</sup> Without the UI, East might interpret 4♣ as a natural slam invitation. If so, a succinct (but credible) sequence would be East choosing a rebid of an immediate jump to 6NT.

**Appeal Number Eleven**

Subject: MI  
NABC Mixed Pairs, 2nd Qualifying

Board: 27  
Vul: None  
Dealer: South

**Bill Passell**

♠8752  
♥KT8  
♦Q98  
♣J42

**Judy Randel**

♠---  
♥QJ954  
♦AKJT52  
♣AQ

**Bruce Cobb**

♠KT743  
♥A63  
♦764  
♣85

**Karen Allison**

♠AQJ9  
♥72  
♦3  
♣KT9763

WEST	NORTH	EAST	SOUTH
---	---	---	1♣
2NT(1)	Pass	3♠	Pass
5♦	Dbl	Pass	Pass
Pass			

(1) 2NT explained as top and bottom - actual agreement was hearts and diamonds

**The Facts:** 5♦ doubled made 5 for +550 for EW. The opening lead was the club two. The director was called after the dummy came down. South had inquired about the 2NT call right after the 3♠ bid and was told "top and bottom." The actual agreement was two lowest, ♦s and ♥s in this case. West had never corrected the incorrect explanation.

When the director individually polled North, then South, away from the table to determine what actions they might have done differently, North said "nothing." South stated that she would have doubled 3♠.

After the hand was over, North claimed that if his partner had doubled 3♠, he would not have doubled 5♦ since South's defensive tricks would have been devalued due to his spade length. The director ruled that MI had been given, and under Law 40C he removed the final double. Thus, the score was changed to 5♦ making five for +400 for NS.

**The Ruling:** NS had been given misinformation and it was too late to adjust the call (Law 21B3) at the point it was corrected. Law 40C led the director to adjust the score as per 12C2. The Directors determined that the contract for both sides would be 5♦ undoubled, since South had been influenced by the misinformation. The score changed to 5♦ +400.

**The Appeal:** EW appealed the director's ruling. North initially did not attend the hearing but showed up later near the end of the questioning. EW claimed that North knew what was happening at the table and would still have doubled with his defensive assets. Even if South had doubled 3♠, North would still have doubled 5♦.

South claimed that their partnership opens light with shapely hands and that she would clearly double 3♠ if given the correct information about the 2NT bid (but it was clearly dangerous to double if West indeed had spades). North could then visualize South's shapely black suit hand and avoid doubling the final contract. There was also some disagreement over when the director was initially called. EW claimed it was after the auction was over, while NS claimed it was after the opening lead and when dummy was known.

**The Decision:** The committee had eventually questioned North and determined that he had strongly suspected what was happening prior to making the opening lead. Thus, the timing of the director call and the impact of the MI upon North's opening lead was deemed irrelevant to the case. The committee determined that MI had indeed been given and that it had adversely affected South's bidding. South would very likely have doubled 3♠ given the proper information.

Thereafter, the discussion centered upon the table Director's failure to address West's jump to 5♦ in light of the presence of the UI. East's attempt to play 3♠ would seem to imply some hand pattern of the order of 7=2=1=3 which would seriously impact the playing strength of West's hand. The committee believed that UI demonstrably suggested that East's hand was more balanced and supportive of a red suit contract. Thus, a 4♦ bid would be much more appropriate than a 5♦ bid. Therefore, East would very likely cue bid the heart Ace resulting in a final contract of either 4♥ or 5♦.

Since both contracts would make, EW were given the score for 5♦ making five, +400. The committee also believed that North would not double the final 5♦ contract if South had doubled 3♠. Thus, NS were given the reciprocal score.

EW were given an AWMW for bringing a case deemed to be without merit. Finally, West was awarded a one-quarter board PP for the 5♦ bid in the presence of the UI.

**Committee:** Mark Bartusek, Chairperson, Ellen Melson, Bob Schwartz, Tom Peters, and Ed Lazarus.

#### **Casebook panellists ->**

**Doug Couchman:** Fine.

**Marvin French:** So West didn't correct the misexplanation after the final pass, as required by L75D2. Now there is a good basis for a PP!

Again we have a TD taking players away from the table for no good reason. If what a player tells the TD does not agree with his/her opinion, it won't be accepted unless it is self-damaging. This is not a fair procedure for determining a ruling.

South said that she would have doubled 3♠ had she known the E-W agreement. With a lousy opening bid and a passing partner who has another call coming, she would double a bid that looks like a

windfall for her side, possibly helping a confused E-W? I don't believe it, and the AC should not have believed it.

The real question is what West should do in the presence of UI. The AC says a 4♥ or 5♦ contract would have been reached in any event, so making it 5♦ gives benefit of doubt to N-S. Good, but the table result should not have been changed. The AWMW was ridiculous, and the PP was assessed for the wrong reason.

**Jim Hudson:** I approve of an AWMW being imposed here.

I don't mind giving PPs for this sort of action, but then Law 90 should be rewritten to support the practice. As the Laws are presently written, this PP and most others that are actually imposed are extra-legal.<sup>13</sup>

I'd like to make EW play this in spades. West might pass East's 3♠ bid, or, if she bids 4♦, East might rebid 4♠--that, I think, would have to be passed. I don't know how probable these sequences are; that might be determined by polling. But it appears to me that EW got off 'way too light here.

South's possible double of 3♠ is a red herring. We're adjusting for UI, not MI.

**Hilda Lirsch:** I am worried that a TD at a major event failed to consider that MI cases often have UI implications also.

Also, I am worried about the facile assumption by the committee that East-West would always play in diamonds when East "knows" that East-West would have a 5/5 fit if spades were trumps.

In my opinion, it is only because West illegally jumped to 5♦ that East realised their systemic memory error.<sup>14</sup> On a slower auction, East may assume that West is making a slam try, and fatally decide to bid 5♠ over 5♦ (especially at matchpoint pairs, when majors outscore minors).

Therefore, if I were TD or AC, I would have adjusted the score to 6♦x -100.

**David Stevenson:** Why did the AC not know when the TD was called? Surely, the TD does not need to be present at an ACBL appeal, a procedure that much of the rest of the world find surprising, but is it not automatic to write it on the form? Perhaps the ACBL appeal form should have a box specifically for when the TD is first called as some other jurisdictions do.

It is unfortunate that so many players are either ignorant of Law 73C or prepared to ignore it. West knows that a jump to 5♦ is likely to get her out of trouble and knows that it is not a bid that any player who follows the UI Laws would make.

As for the TD, not to consider UI is really worrying. When TDs are taught about how to give judgement rulings one of the first things they learn is that if a hand does not match an explanation, and the

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<sup>13</sup> Not so. Law 90A specifically gives a TD (and consequently an AC) broad powers. While the listing in Law 90B is merely indicative, as there is a specific catch-all phrase "include but are not limited to".

<sup>14</sup> The footnote to Law 40 states, "A player is not entitled, during the auction and play periods, to any aids to his memory, calculation or technique."



opponents claim to be damaged because of UI **or** MI, the TD must consider both.

**Appeal Number Twelve**

Subject: Tempo  
NABC Mixed Pairs, 2nd Qualifying

Board: 17  
Dealer: North  
Vul: None

**June Pocock**

♠T732  
♥98  
♦AT9872  
♣3

**Reha Gur**

♠K65  
♥32  
♦KQJ5  
♣9642

**Muffie Gur**

♠94  
♥KQJ5  
♦43  
♣AKQT5

**Michael Yuen**

♠AQJ8  
♥AT764  
♦6  
♣J87

WEST	NORTH	EAST	SOUTH
---	Pass	1♣	1♥
2♣	Pass	Pass	Dbl
2♦	Dbl	3♣	Pass
Pass	3♦	Pass	Pass
Dbl	3♥(1)	Dbl	3♠
Pass	Pass	Dbl	Pass
Pass	Pass		

(1) BIT of 90 seconds - agreed

**The Facts:** The director was called after the 3♠ bid. There was a 90-second hesitation before the 3♥ bid agreed to by all parties. The opening lead was the ♦queen and the result was down one for +100 for EW.

**The Ruling:** The director ruled that the result stood.

**The Appeal:** North reproduced South's reasoning for his 3♠ call. South had heard an auction with North having at most two clubs, at most six diamonds and clearly no more than two hearts. Thus, he probably had four spades.

The tempo break only implied doubt about whether to leave in 3♦, not what to remove it to.

**The Decision:** The committee agreed that no UI was conveyed by a slow 3♥ bid. Although the hesitation implied doubt, it was not clear that North was not considering playing 3♦, a contract that only goes down because partner is unnaturally short of diamonds.

Thus, since a slow 3♥ bid did not demonstrably suggest spades, South was free to do what he wanted and the result stands.

The appeal was deemed with merit by a majority.

**Committee:** Barry Rigal, Chairperson, Jerry Goldsmith, Jerry Gaer, Darwin Afdahl, and Bill Passell

**Casebook panellists ->**

**Doug Couchman:** Bullcookies.

The slow 3♥ does not suggest this actual hand, but it sure suggests doubt about the wisdom of the 3♥ bid. If partner is considering diamonds, she can pull 3♠ to 4♦. What's clear is that partner's hearts are not going to be good enough to fill out ATxxx; at MPs, white, finding a spot where down 100 is possible is the right idea, and it isn't happening in hearts after partner's tank.

-300 looks likely and at all probable to me after South does the right thing by passing.

**Grattan Endicott:** In my days of wine and roses I played in a group that would not have bid over 1♣ on this shape unless it had a call that showed a relevant two-suiter; after passing we would have doubled 2♣ and converted Diamonds to Hearts. So, in that style, unfashionable in its concept, we would not "have started from here". [Someone mentioned 'Liverpool overcalls' recently.]

However, if we have to get involved in a clumsy auction like this one, what do we know? Well, the key fact is that partner did not have the capacity at his first Pass to raise to 2♥ and over 2♦ he did not have the discipline to pass. Bent on self-destruction we have now arrived, via many curious circumstances, in no-man's land. Do we possess UI? Probably his 3♥ came too slowly and we are stuck in the mud; if not there is a suspicion that 3♠x could be a better hole - a contract we have done our best to avoid.

It might also be worth-while considering a change of partner if our worst fears are confirmed.

**Marvin French:** Good ruling and good AC decision, although with some questionable reasoning. The tardy 3♥ bid, fast or slow, had to be based on a doubleton, so South's 3♠ bid was clearly indicated by the auction. The AC did not need South's arguments to reach that conclusion.

**Jim Hudson:** An unusual ruling by the Director--it's routine to protect the non-offenders here. But he seems to have got it right.

The write-up should have mentioned who appealed, and what damage they alleged--what adjustment they were requesting.

Never mind South's dubious arithmetic. I accept the finding that the slow 3♥ bid conveyed no UI.

I approve of not awarding an AWMW; any appeal based on the idea "If it hesitates, shoot it!" has some chance of winning, and so should not be penalized.

**Hilda Lirsch:** "The hesitation implied doubt". The AC ruled that the hesitation might merely imply doubt above whether 3♦ or 3♥ was the

right contract, therefore did not imply anything about whether 3♠ was the right contract. So, the AC ruled that the removal to 3♠ was permissible, being not demonstrably suggested.

I disagree. In my opinion, **because** the hesitation suggested that 3♥ was a doubtful call, any removal of 3♥ must be more demonstrably suggested than passing 3♥, even if an insufficient bid of 3♦ was the most demonstrably suggested call.

**David Stevenson:** The AC's logic seems flawed: North's hearts are known to be poor because of the BIT: if she had bid 3♥ faster better hearts - eg honour-doubleton - might be envisaged. Furthermore, whatever the likelihood of North's minor lengths it is certainly possible to construct hands with three spades.

**Appeal Number Thirteen**

Subject: Tempo  
NABC Mixed Pairs, Second Qualifying

Board: 14  
Dealer: East  
Vul: None

**Bill Epperson**

♠AT8752  
♥T86  
♦---  
♣Q863

**Carol Rynders**

♠KJ  
♥Q53  
♦AKJ98  
♣542

**Dan Kasture**

♠9  
♥AK92  
♦532  
♣AKJ97

**Doris McGinley**

♠Q643  
♥J74  
♦QT764  
♣T

WEST	NORTH	EAST	SOUTH
---	---	1♣	Pass
1♦	2♠	Pass	4♠(1)
Pass(2)	Pass	5♦	Db1
Pass	Pass	Pass	

- (1) stop card not used  
(2) BIT

**The Facts:** The final contract was 5♦ doubled by West making five for a score of -550.

The opening lead was the ♠ace. The director was called after the 5♦ by East. As noted, the stop card was not used. The BIT was 10-15 seconds agreed at the table at the time of the call.

**The Ruling:** Law 16A2 and 12C2. The texture of West's hand suggests that the break in tempo was "just enough" to suggest values and that clearly made action over inaction more likely to succeed than a pass. The ruling given was not noted on the appeals form, but presumably 4♠ undoubled down 2 (or 3) rather than the table result of +550 to EW.

**Statements from the Screening Director:** At the table, NS had called the director after the 5♦ bid and claimed that West had taken 10-15 seconds before passing 4♠. EW agreed that there had been a noticeable pause before West passed. During screening, the director used a watch to get a better estimate of the time that it took West to pass. EW were both sure that it took nowhere close to 15 seconds. They thought that the elapsed time before West's pass was about 8-10 seconds.

Additionally the committee found that this was the first day that EW had ever played together. As already noted, South did not use a stop card before bidding 4♠.

**The Appeal:** West did not like passing 4♠, but it sounded as if the opponents had a lot of shape, and her spades were badly placed. She did not have enough length in either minor to justify a 5♣ or 5♦ bid.

East had a good hand and was short in the opponent's suit. On hands of less than game going strength, his partner would have bypassed diamonds to bid a 4-card major if she had one, so he thought there was a reasonable chance of finding her with long diamonds. NS were not present at the appeal.

**The Decision:** The committee accepted the screening Director's finding of an 8-10 second pause before West's pass as fact. If you are at the table waiting for someone to bid, a pause of 8-10 seconds probably does seem like 10-15 seconds to most players.

Since a pause of 8-10 seconds over a skip bid does not constitute a break in tempo, East was free to bid as he judged best. The table result of 5♦ doubled making five was allowed to stand.

Additionally, the committee thought that when a close call of whether or not a break in tempo occurred, there should be a slight tendency to rule against the side that failed to use the stop card. Had South used a stop card, West could have anticipated the 4♠ bid, collected her thoughts, and had a couple of extra seconds to decide on her action while the 4♠ bid was being made.

The committee made a point to make clear to EW the importance of pausing over a skip bid, whether or not a stop card is used and whether or not the player to bid has a problem. By doing so consistently, you give yourself the extra time you need to think when you really do have a problem, without passing an UI to your partner.

The appeal was judged to have merit.

**Committee:** Doug Doub, Chairperson, Michael Huston, and John Lusky

**Casebook panellists ->**

**Doug Couchman:** Good result. Lousy writeup.

There was no break in tempo. 8 seconds, 15 seconds, the amount of time wasn't the issue. Everyone agreed that West thought for a bit after the jump to 4♠; that's what she's supposed to do after any bid that jumps a level in bidding. Table result restored. Next case.

No, there should not be a tendency to rule against the side that neglects to use the stop card. The stop card is optional per ACBL regulation, and has no legal force. (If you think it doesn't, show me the applicable regulation.)<sup>15</sup> This is, of course, an untenable state of affairs, where a procedure is preferred but optional and technically irrelevant, but that's the way of the ACBL at the moment.

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<sup>15</sup> The ACBL website does have a stop card rule (under its skip bid regulation). Unfortunately, the rule is incomplete. The rule specifies what procedure should be followed after the error of unnecessarily using the stop card. But the rule does **not** specify what procedure should be followed after the error of failing to use the stop card when required.

**Marvin French:** East is willing to defend against 2♠ and then raises at the five level with 532 support and no peep from West? Holding four defensive tricks? I don't think so. If there is any doubt about the UI, East's hand confirms that it must have happened. East could justify doubling with his four quick tricks, but to bid 5♦ on three small is outrageous and could only have been prompted by UI or sheer lunacy. After all, West did not need that AK of diamonds to bid 1♦.

"West did not like passing 4♠...." Indeed, and she obviously communicated that to East by her demeanor during her thinking time. Some might say that West's hand confirms that there probably was a BIT, but tempo rulings on that basis are always questionable. The East hand tells the story.

The TD's ruling, probably 4♠ down two undoubled, was right. The TD is the best judge of BITs, as s/he has access to the facts before they become stale.

This business of counting seconds just doesn't work. Whether a pause of 10 seconds constitutes a BIT depends on the normal tempo of the player involved. Most players are **readable**, certainly by their regular partners, because of facial and body language during the pause and the degree of attention, if any, paid to their hands. A player who passes fast with a bad hand gets legal protection when pausing with a good hand, and that isn't right.

Use of the STOP card is optional in ACBL-land, and players at this level are expected to pause over a skip bid whether the card is displayed or not. Non-use of the card does not jeopardize rights, as it once did, and as it should. And what was the purpose of that little lecture by the AC at the end? West paused too much, not too little. Better advice would be, "Study your hand in every tempo-sensitive situation, whether or not you have a problem."

**Jim Hudson:** The Director at the table was in a better position to determine the length of the pause; he should not have left the job for the screening Director. The principle that one is allowed a couple extra seconds to think when one's opponent jumps without using the Stop card is OK with me, though it probably ought to be written down explicitly somewhere (in the Laws or in some ACBL regulation). Accepting that the pause was only 8-10 seconds, we need not even invoke the principle here; the Committee decision is straightforward. (It is only mildly disturbing that East passed over 2♠ and then, with no overt encouragement from partner, bid over 4♠.)

The paperwork is woeful. How could the write-up omit the table ruling? And why does it mention that a successful appeal "was judged to have merit"?<sup>16</sup> (I take it that East was the dealer.)

I wonder why the Committee lectured EW about pausing after a jump.

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<sup>16</sup> A successful appeal which is judged without merit is only notionally a paradox. There have been many appeals in which sea-lawyers have bamboozled an Appeals Committee, gaining favourable rulings with meretricious arguments. The ACBL Laws Commission might usefully adopt the practice of the English Law & Ethics Committee, which reviews all decisions by national Appeals Committees. If so, the ACBL LC might award an AWMW to a successful appellant.

**Hilda Lirsch:** Stop! in the name of love. I reiterate my suggestion that the ACBL modifies its Stop! card regulation so that it becomes both simple and effective.

One solution might be to partially abolish Stop! cards, mandating their use in competitive auctions and/or preemptive auctions, but prohibiting their use in uncontested non-preemptive auctions. I suspect that many ACBL players are so irritated by the time-wasting sequence 1NT - Pass - Stop! 3NT, that those ACBL players get into the habit of never using their Stop! card.

**David Stevenson:** One of the strangest things about North American bridge is that use of the Stop card is apparently optional. The reason given seems to be that it is difficult to get North Americans to follow rules, which is laughable. It should become mandatory.

The ruling was not given on the appeal form: extraordinary. If it was to adjust no wonder the appeal "had merit" since they overturned the TD!



**Appeal Number Fourteen**

Subject: Tempo  
NABC Mixed Pairs, 2nd Qualifying

Board: 3  
Dealer: South  
Vul: EW

**Jane Segal**

♠63  
♥JT82  
♦4  
♣KJ8654

**Judith Weisman**

♠KJ982  
♥K974  
♦AJ62  
♣---

**John Solodar**

♠AQ4  
♥AQ  
♦KQ98  
♣Q973

**Richard Morgen**

♠T75  
♥653  
♦T753  
♣AT2

WEST	NORTH	EAST	SOUTH
---	---	---	Pass
1♠	Pass	2♦	Pass
3♦	Pass	3♠	Pass
4♣	Dbl	Pass	Pass
4♠	Pass	4NT	Pass
5♥(1)	Pass	5♠(2)	Pass
6♠	Pass	Pass	Pass

- (1) 2 keycards without the Queen  
(2) 10-30 BIT

**The Facts:** 6♠ by West made seven after the lead of the ♥jack for a score of 1460. The director was called after the 6♠ bid. The 5♥ bid had shown two keycards without the trump queen. The BIT was agreed by everyone and later estimated to be between 20 and 30 seconds. NS believed that the BIT had encouraged West to bid on.

**The Ruling:** The director ruled 5♠ making seven. Law 16A2 and Law 12C2. West had shown a club control and two key cards. There isn't anything more that East could need to bid the slam himself after partner has opened the bidding. West had given a proper description of her hand (although she might have redoubled 4♣) and cannot continue since pass is an LA after partner signs off (spade queen may be critical).

**The Appeal:** EW appealed the director's ruling. They claimed that normally West would have no option other than pass unless she had undisclosed values. Such values which might allow her to continue on to 6 could include either an additional keycard after an erroneous 5 call or an undisclosed void. NS maintained that the BIT implied the trump queen, extra values, and sufficient keycards to permit a slam.

**The Decision:** The committee determined that EW were an occasional partnership for the past 5-7 years who did not have any systemic agreements to show a void over the 4NT bid. The 3♦ bid did not guarantee extra values and the 4♣ bid showed specifically first round control. Both sides agreed that the BIT was almost 30 seconds. The committee decided that West had fairly described her hand and had no reason to bid on over partner's 5♠ bid. Thus, the contract was rolled back to 5♠ making seven for both sides.

Additionally, an experienced player such as East should have realized that he could not win this case and therefore, an AWMW was awarded to EW (although the Chairperson believed this to be a close decision).

**Committee:** Mark Bartusek, Chairperson, Tom Peters, Ellen Melson, Ed Lazarus, and Bob Schwartz.

**Casebook panellists ->**

**Doug Couchman:** Pretty good. This is normal hesitation Blackwood -- it doesn't matter that there's no way to show a void, the answerer either suppresses it forever or figures out a stronger call the first time. Bidding on over 5♠ was completely unacceptable -- it was demonstrably (obviously) suggested, and pass was logical (and probably correct after a fast pass).

AWMW appropriate. But the committee missed the PP against E/W -- I'm sure West thought the bid was reasonable, but we have to convince players that they can't pull this kind of stunt.

**Marvin French:** Hesitation Blackwood again. So Chairman Mark Bartusek thought it was a close decision? Humph! An automatic ruling, an automatic decision, and an automatic AWMW.

**Jim Hudson:** Straightforward; not close.

**Hilda Lirsch:** I disagree with the Chair's "close decision" about AWMW. Furthermore, as TD I would have applied a PP to East-West. If you do not PP and AWMW such a blatant infraction of Law 73C ("...carefully avoid taking any advantage..."), you are setting a horrible precedent which encourages future infractions of Law 73C.

**David Stevenson:** Disgraceful: not only Hesitation Blackwood at its most blatant but an attempt to justify it.

**Appeal Number Fifteen**

Subject: Tempo, UI  
 NABC Mixed Pairs, 2nd Qualifying

Board: 6  
 Dealer: East  
 Vul: EW

**Marc Nathan**

♠85  
 ♥8  
 ♦KJ987  
 ♣A5432

**Kamla Chawla**

♠---  
 ♥QT976542  
 ♦T6  
 ♣QJ8

**Simon Kantor**

♠A64  
 ♥AJ  
 ♦Q5432  
 ♣K96

**Cathy Nathan**

♠KQJT9732  
 ♥K3  
 ♦A  
 ♣T7

WEST	NORTH	EAST	SOUTH
---	---	1♦	4♠
5♥	Pass (1)	Pass	5♠
Pass	Pass	Dbl	Pass
Pass	Pass		

(1) BIT

**The Facts:** 5♠ doubled made five for +650. The opening lead was the diamond 10-spot. East called the director at his third turn to call. The director was called back at the end of the hand. There was a hesitation by North over 5♥. A 20-second hesitation was agreed on at the time.

**The Ruling:** The director ruled 5♥ by West down 1 for +100. South did not have a 5♠ call opposite the hesitation (Law 16 unauthorized information).

**The Appeal:** NS appealed. South said that she would always bid 5♠ over 5♥. She stated she had a powerful suit and could not possibly be set more than the value of the opponent's game. She was annoyed because she claimed that a director told her that she was barred from bidding further after the hesitation. Additionally, EW could have gone plus if West had found the winning club lead.

East thought that the South hand had enough defensive potential that it was not automatic for South to save in 5♠. It was pretty clear that North was thinking about bidding 5♠ and that made it more attractive for South to bid 5♠.

**Other important facts that were discovered:** South had used the stop card before bidding 4♠ and West had waited 10 seconds before bidding 5♥. It was likely that a director had told South that she was barred

from bidding 5♠ with the hand that she held. North said that he might not have hesitated for 20 seconds but it was at least 15.

**The Decision:** North clearly broke tempo over 5♥. During the 10 second skip bid pause, the only bid by West that could give North a problem was 5♥ so North had plenty of time to make up his mind what to do without passing UI to his partner.

What did North's hesitation suggest? He was thinking about raising spades (South's hand was too strong defensively for North to have been considering a double). A hand that contained no tricks would pass since the opponents would either double 5♠ for 800 or bid on to a successful slam. (The 4♠ bidder would be assumed to have seven offensive tricks and one defensive trick.) With one trick, North would be inclined to raise to 5♠, expecting it to cost less than the value of the opponent's game, but could hope to set the opponents at the six-level. With 1 ½ to 2 tricks, North would be in between bidding as a save and passing, hoping for a set.

South had a much better than average 4♠ bid, both offensively and defensively. However, double is not attractive, both because of the questionable value of the heart King, and because the hand lacked the ♠ace. The choice is between pass and 5♠.

Without the hesitation, pass would be a logical alternative to bidding 5♠. Partner might have one or no spades, so South could take a spade trick on defense, while 4♠ was going down. Further, it would not be surprising if many other EW pairs defended 4♠. If a significant number of other pairs are allowed to play 4♠, going down, then South would automatically lost to these players by bidding 5♠. On the other hand, she has a chance to beat those pairs by passing if 5♥ can be defeated.

When North hesitates before passing, South knows that he can be counted on for at least a couple of spades and a trick or two. Thus, 4♠ was very likely making, and South will automatically lose to those allowed to play 4♠ if she passes. Therefore, the hesitation demonstrably suggests that pass is a losing action by South and that 5♠ is more than likely to be successful. Since pass is a logical alternative to the suggested 5♥ bid, the contract was changed to 5♥, down one on a spade lead.

It is quite possible that most other players of South's experience and ability would automatically bid 5♠ without considering the hand's defensive potential or likely contracts at the other tables. Nevertheless, in a national event players are expected to be at least close to the standard of the event when considering logical alternatives.

The appeal was found to have substantial merit.

**Committee:** Doug Doub, Chairperson, Michael Huston and John Lusky.

**Casebook panellists ->**

**Doug Couchman:** I understand, but don't agree.

South's spade bid has put substantial pressure on the opponents, and West guessed hearts at the five level. I believe that as often as not a good North will be thinking about doubling hearts as bidding

spades. Unless it is established that South's preempts in this sort of position are particularly sound, I believe that double is indicated by the hesitation (catering to all possibilities), but 5♠ is likely to be worse, because now it is often going to be a bad sacrifice (and will almost never make).

Hence, no adjustment.

**Grattan Endicott:** What this appears to confirm is that the player in question has chosen an action that could have been suggested by the UI received from partner but did not have a logical alternative (see Law 16A2). So the UI has not influenced his action at all, in that judgement, and there is no infraction. If the judgement is sound the UI did not assist him at all, even if it would have done had there been any margin of doubt for the player.

Whilst levels of interpretation vary from one authority to another, we do appear to have gained widespread credence for the description of a logical alternative in the CoP - with slight variations of wording in one place or another. The latest wording that I now have in my notes, reads: "no other potential action or actions less suggested would be seriously considered by at least a noteworthy minority of players of similar ability, and possibly adopted by some, when using the player's announced methods and not in possession of unauthorized information." The value placed on 'possibly adopted by some' has been a subject of discussion with colleagues since it is felt this is a crucial component of the concept.

There is also a WBF Laws Committee minute from 1992 in which Edgar and I were jointly emphasising that a call not made "should be deemed a logical alternative if quite a number of players of like standard could be expected to make it".

**Marvin French:** If the TD really told South that she was barred from bidding 5♠, that's pretty outrageous. Perhaps she was referring to another deal, as she did bid 5♠. The discussion about North's thinking is off the mark, as it doesn't matter what North was thinking when he broke tempo. South's remarks show a misunderstanding of the Laws. What she says "she would always do" is irrelevant, as is the defense against 5♠. What matters is that passing was an LA, making the 5♠ bid illegal, and E-W were damaged by it.

The AC says "in a national event players are expected to be at least close to the standard of the event when considering logical alternatives." This is incorrect. In any event players are expected to follow L16A, regardless of their experience or ability. Are NABCs to be run like little club games?

**Jim Hudson:** Whether North was thinking of bidding or doubling, his hesitation (I'd give him 10 seconds, but not 15, let alone 20) made it more attractive for South to do something other than pass. Pass is a LA, in spite of both extra offense and extra defense; there is almost always a LA to bidding five over five. ("South said that she would always bid 5♠ over 5♥"--such self-serving statements are routinely discounted.) EW's defense was unfortunate but nowhere near egregious. So the Director's ruling was straightforward; the appeal lacked merit.

The Committee's bridge analysis was dogmatic and simplistic, apparently influenced by their knowledge of the full deal. "South's hand was too strong defensively for North to have been considering a double"--this is stated too confidently. West was probably taking a shot in the dark; North might have had, say, Q10x in hearts and a probable trick in the minors. In spite of the Committee's assertion, without the hesitation South might well have doubled, giving partner a choice. "The 4♠ bidder would be assumed to have seven offensive tricks and one defensive trick"--a perilous assumption, white against red! Finally, given the hesitation, "South knows th[at] he [North] can be counted on for at least a couple of spades and a trick or two"; no, the Committee knows this, from the hand record. But these details are not needed to support the Committee's decision.

I doubt that South's level of competence is germane, but the Committee raised the issue, and so it should have told us how many masterpoints she had. The Committee offers the principle that even an inexperienced player in a top-rated event is to be treated as a near-expert; if the ACBL is going to use this principle, it should somewhere say so explicitly. In general, we need more guidance about whom to count as a player's "peers" in figuring score adjustments.

**Hilda Lirsch:** Substantial merit??? Substantial merit exists only if South is deemed to be a patzer of limited experience and ability. For a patzer of limited experience and ability, an automatic re-preempt of 5♠ is the only logical alternative.<sup>17</sup> In that case, the AC should have ruled that South did not commit an infraction, so consequently reinstate the table score.

Indeed, it seems that the AC was indeed on the verge of deeming South to be a patzer of limited experience and ability. The AC finessed the issue of what South's peers would call by arbitrarily ruling that (in a mere Mixed Pairs qualifying session) South was close to a national standard of player.

In my opinion, the AC was substantially inconsistent. Either South is a player who deserves an AWMW and a PP, or South is a patzer who deserves to have their table result reinstated. In my opinion, the justified contempt that all players (of substantial experience and substantial ability) have for a re-preempt after UI, meant that this AC was unjust to this patzer (of limited experience and ability).

**David Stevenson:** A simple case: is pass an LA? Not in my view!

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<sup>17</sup> The term Logical Alternative is a misnomer. An LA has been defined in the WBF Code of Practice as: "A 'logical alternative' is a different action that, amongst the class of players in question and using the methods of the partnership, would be given serious consideration by a significant proportion of such players, of whom it is reasonable to think some might adopt it." The ACBL definition of LA differs in some respects from the WBF definition, but also includes a reference to "class of players/peers".

If all of a player's peer-group would automatically and illogically re-preempt 5♠ over 5♥ in this auction, then that automatic and illogical 5♠ re-preempt is technically the only Logical Alternative, so therefore a legal call.

**Appeal Number Sixteen**

Subject: Tempo  
NABC Mixed Pairs - 1st Final

Board: 26  
Dealer: East  
Vul: Both

**Daniel Friedman**

♠AQ2  
♥Q3  
♦AJ532  
♣543

**Gail Greenberg**

♠KJ643  
♥A8  
♦K9  
♣AK76

**Jeff Hand**

♠87  
♥J764  
♦QT64  
♣Q82

**Linda Friedman**

♠T95  
♥KT952  
♦87  
♣JT9

WEST	NORTH	EAST	SOUTH
---	---	Pass	Pass
1♠	2♦	Pass	Pass
Dbl	Pass	Pass	2♥
Pass(1)	Pass	Dbl	Pass
Pass	Pass		

(1) BIT

**The Facts:** The final contract was 2♥ doubled down one for a score of -200 for EW. The opening lead was the heart ace. The director was called during the auction. Both sides agreed on a slow pass as indicated above. NS said 25 seconds, EW said 15 seconds.

**The Ruling:** The director removed the double citing Law 16 logical alternative and giving EW a score of +100.

**The Appeal:** The appealing side felt that doubling 2♥ was automatic. They stated they had them on the run, so they had to punish them. Also, the doubler either has 3+ hearts or substantial extra values, so 2♥ should be going down. They stated, also, that they needed a top to win, so it was a good time to take a shot.

**The Decision:** The hesitation was agreed. All felt that the UI from the BIT suggested doubling over passing. We all would have passed, oddly, for several different reasons. For example, one felt they would run somewhere. Another thought 2♥ doubled was making, so getting to play anything undoubled was an improvement. The infraction led directly to the NS's bad result so the score must be adjusted. The only other result even slightly probable was 2♥ -1 undoubled so that was awarded to each side.

All members of the committee felt that doubling was attractive enough that many players might see no alternative, so they judged that the appeal just barely had enough merit to not award an AWMW.

**Committee:** Jeffrey Goldsmith, Chairperson, Tom Peters, Bob Schwartz, Howard Weinstein, and Chris Willenken.

**Casebook panellists ->**

**Doug Couchman:** Fine. I'd have considered an AWMW, but I suppose I'd go the way the committee did.

**Marvin French:** West's hand and the pass of 2♦ instead of a 2♥ bid suggests that this pair makes off-shape (possibly no support for an unbid major) takeout doubles to balance in negative double situations. That makes the double of 2♥ all the more questionable following the BIT (West could have a much weaker hand and a singleton heart), perhaps warranting an AWMW.

The leave-in of a takeout double, unlike a low-level penalty double, may be based on nothing but a trump stack. The pass of 2♥ therefore cannot be logically treated as forcing, as E-W seem to imply.

**Jim Hudson:** Straightforward, except that an AWMW should have been given. Many players would double, but anyone can see that there's a LA.

Aside: "[O]ne [Committee member] felt they would run somewhere" if doubled in 2♥. Whither, pray tell?

**Hilda Lirsch:** I disagree with the AC's (multiple) reasonings.

If I had been East, I would not have passed West's double. But, once the actual East chose to pass 2♦x, then (in my opinion) it would have been a backseat-driving inconsistent followup for the actual East **not** to double 2♥.

The actual West's actual break-in-tempo was demonstrably consistent with West having unusually few hearts for the auction (a doubleton instead of the *a priori* expectation of 3+ hearts). Therefore, the break-in-tempo demonstrably suggests that West may not have sufficient heart length for 2♥ to be defeated. This idea that 2♥ might make was confirmed by the evaluation of an AC member. So, in my opinion, if East had not doubled 2♥, and 2♥ had made, North-South could have asked for a ruling that the contract be adjusted to 2♥x making.

The same hesitation **cannot** demonstrably suggest two diametrically opposite actions, suggesting both doubling because 2♥ will fail, and suggesting passing because 2♥ will make.

Therefore, as TD and AC, I would rule that:

- (a) Doubling was the actual East's only logical alternative, and
- (b) West's hesitation did not demonstrably suggest doubling.

**David Stevenson:** A strange decision: with West likely to have hearts for a takeout double East's pass then double is completely automatic at Pairs. No-one passes!



**Appeal Number Seventeen**

Subject: Tempo  
NABC Mixed Pairs, 2nd Final

Board: 12  
Dealer: West  
Vul: NS

**Carolyn Sullivan**

♠J4  
♥AKQ3  
♦AT842  
♣96

**Marcia Masterson**

♠A8532  
♥J9652  
♦Q9  
♣3

**Godfrey Chang**

♠KT976  
♥T7  
♦7  
♣KJ742

**James Sullivan**

♠Q  
♥84  
♦KJ653  
♣AQT85

WEST	NORTH	EAST	SOUTH
Pass	1♦	1♠	2♦
4♠	Dbl (1)	Pass	5♦
Pass	Pass	Pass	

(1) BIT

**The Facts:** The final contract was 5♦ making six for +620. The opening lead was not recorded. The Director was called after South's 5♦ bid. West said that North hesitated "a lot longer" than 10 seconds before doubling. North said she didn't think it was overly long. South claimed it was at most three seconds. The stop card was used. The screener said he timed fifteen seconds for the players and North said she didn't take nearly that long. West's estimate of what constituted 15 seconds was fairly accurate.

**The Ruling:** The score was adjusted to 4♠ doubled down 2 for +300 for NS (Law 16A2). Pass was considered to be a logical alternative for South after UI from North.

**The Appeal:** North said the hesitation was not "overly long." South said he thought North's hesitation was "at most three seconds." North admitted she is normally a fairly rapid bidder, but she always hesitates 10 seconds over a jump bid. North also admitted that she did not know whether the 2♦ bid was forcing. North said she doubled 4♠ because she had tricks and a bidding partner, and she thought she could beat it but if her partner wanted to bid, that was fine.

South said he bid because he had a very offensive hand and didn't like his defensive prospects. South said his partner was not asked about the duration of her hesitation with reference to 10 seconds, but only asked a general question about the duration of the hesitation.

West said the hesitation took a long longer than 10 seconds. She noted that South's spade queen was a possible defensive trick.

**The Decision:** There are two major issues in this case, both of them UI issues. First, there is the tempo problem and second, there is the non-alert of 2♦.

Tempo: Law 16A makes reference to "unmistakable hesitation." This is not the same as a minor change of tempo. For some people, the recommended 10 second pause after a skip bid is a "bridge eternity" while others might misestimate the time on the long side.

In this case, West's testimony was generally credible, but totally uncorroborated by anyone else (her partner said nothing at the table and was not present at the hearing). South's incredible table statement that North took at most three seconds was modified at the hearing to a more credible statement that he didn't notice any undue hesitation. North said she thought she took about 10 seconds, maybe a little longer. The screening director's test revealed that North thought she took 6-8 seconds. Faced with these representations and East's absence, the committee decided there was no "unmistakable hesitation," and therefore no unauthorized information from tempo.

North's failure to alert South's 2♦ bid (inverted minor, by partnership agreement) does constitute unauthorized information. However, the committee found that it did not demonstrably suggest (per Law 16A) a line of action to South in the context of this bidding sequence. Specifically, the failure to alert did not demonstrably suggest that bidding 5♦ would be more successful than passing the double. Therefore, the committee found no reason to adjust the table result.

The appeal was deemed to have merit.

**Committee:** Michael Huston, Chairperson, Aaron Silverstein, Ellen Melson, Ed Lazarus, and Danny Sprung.

**Casebook panellists ->**

**Doug Couchman:** Fine.

**Marvin French:** Again we have an AC overruling a TD on the matter of a BIT, always doubtful. No matter, the UI from the failure to Alert governs this case. In South's mind, North did not know that 2♦ was forcing (as it was, playing Inverted Minor Suit Raises) because it was not Alerted. Suppose, however, that it had been. Then the double of 4♠ would express the opinion that she could not make 5♦, which she would bid with this vulnerability. It would be quite reasonable for South to accept that decision. The failure to Alert and subsequent double suggested extra strength, enough to beat 4♠ opposite a standard (weak) 2♦ raise, which tells South that 5♦ is makeable. The TD's adjustment was correct, although possibly for the wrong reason, and should not have been changed.

**Jim Hudson:** "Pass was considered to be a logical alternative for South after UI from North." This is another confused statement; UI has no relevance to LAs.

The Committee considered the testimony of one opponent insufficient to establish that North conveyed UI; they wanted to hear from both opponents. But the table Director accepted that there had been UI;

that's good enough for me (absent significant new evidence). I would have upheld the original ruling.

I suspect that NS were not really playing inverted minors over interference (more likely they had no agreement). But apparently they could not produce evidence to this effect, and so the Committee had to impose the treatment on them. Fortunately for them the notional UI was insignificant.

Since the appeal was successful, why does the write-up say it "was deemed to have merit"?

**Hilda Lirsch:** What are the facts? In my opinion, the AC placed way too much weight upon these self-serving statements:

"South's incredible table statement that North took at most three seconds was modified at the hearing to a more credible statement that he didn't notice any undue hesitation. North said she thought she took about 10 seconds, maybe a little longer. The screening director's test revealed that North thought she took 6-8 seconds."

But there was an inconsistent statement by an impartial, near-contemporaneous observer:

"The screener said he timed fifteen seconds for the players."

In my opinion, it seems that the AC over-ruled the "fifteen seconds" factual determination merely because a non-offending East did not attend the hearing.

In my opinion, the AC deserves a Committee Without Merit Warning.

**David Stevenson:** Good effort by the AC.

**Appeal Number Eighteen**

Subject: Tempo  
NABC Open Pairs II, 2nd Qualifying

Board: 25  
Dealer: North  
Vul: EW

**Jo Morse**

♠62  
♥AQJ73  
♦AT854  
♣3

**Erez Hendelman**

♠J9743  
♥K96  
♦9  
♣T942

**Shirley Matthews**

♠K5  
♥842  
♦KQJ63  
♣AKQ

**Haig Tchamitch**

♠AQT8  
♥T5  
♦72  
♣J8765

WEST	NORTH	EAST	SOUTH
---	1♥	Db1	1♠
Pass	2♦	Pass (1)	2♥
2♠	3♦	Db1	3♥
Pass	Pass	Pass	

(1) BIT

**The Facts:** The final contract was 3♥ down one for -50 and the opening lead was the King of spades. There was an out of tempo pause after the 2♦ bid of approximately (according to NS) eight seconds. West said his partner is new to National events and was playing more slowly than normal. NS said the first and second doubles were easily made actions. North said she was competing over 2♠ but would pass if West passed. The director was called after the double of 3♦.

**The Ruling:** The director ruled that there was a break in tempo and (Law 16A) pass over 2♥ was an alternative action. A contract of 2♠ by West was assigned (Law 12C2) down two for -100 for EW. [Noted by the committee: EW were vulnerable so down two would be -200 for them.]

**The Appeal:** West thought that it was normal to bid 2♠ over 2♥. He had already passed over 1♠, thus limiting his hand. The opponents rated to have an eight or nine card heart fit, while his side had at least eight and quite possibly nine spades. He thought that there was a good chance that his RHO had psyched 1♠. West also stated that it was impossible to make any reliable inferences from his partner's hesitations.

NS thought that it would be reasonable for West to pass 2♥. The little that he had featured a doubtful King of hearts in front of the heart opener. Had West passed, there was a good chance that NS would

have played in 2♥, making two. North only bid 3♦ over 2♠ as a competitive bid and she would have passed had West not bid 2♠.

**Other Information discovered:** East was playing in her first NABC and was very nervous. Her tempo varied considerably and did not reliably indicate anything. West is a very experienced player from Israel. He has tried to stress the importance of having support for the unbid suits (especially majors) when making a takeout double (and shortness in the suit doubled), but East occasionally lapsed and made inappropriate doubles. The break in tempo at East's second turn to call was agreed by all. It took East about eight seconds to pass. All other calls in the auction were normal tempo.

**The Decision:** Although eight seconds is not a long time to take to bid, it was long enough so that it was clear to the table that East had a problem over 2♦. Thus, the committee ruled that there had been a break in tempo.

What did it suggest? East probably had more than minimum values for her double, but did not know how (or whether) to express them. Perhaps she had good diamonds and did not know whether double would be takeout or penalty. If that were the case, then a 2♠ bid was not likely to be successful. If East had made an off-shape double that she occasionally could not resist, then a 2♠ bid would work out very badly. Further, if East had a normal takeout double pattern with extra values, North would likely pass the preference to 2♥, and East could then double for takeout. The committee decided that East's hesitation was as likely to be based on good diamonds as it was on a hand with close to 4-4-4-1 distribution and extra values. Therefore, it did not demonstrably suggest West's 2♠ bid, and the table result could not be adjusted.

The appeal was deemed with merit.

**Committee:** Doug Doub, Chairperson, Ed Lazarus, Gail Greenberg, Jeff Goldsmith, and Mark Bartusek.

#### **Casebook panellists ->**

**Doug Couchman:** Fine. I'm confused about what the table ruling was -- I suspect they meant to assign 2♥ making by N/S. As written, the ruling is absurd.<sup>18</sup>

**Marvin French:** The TD's ruling makes no sense at all. If pass over 2♥ was "an alternative action," why did he adjust to 2♠? The adjustment should be to 2♥ making, +/-110.

West's argument that N-S figured to have a 7 or 8-card heart fit is hogwash, as a 5-2 fit is normal with this auction. With E-W evidently employing off-shape takeout doubles, the 2♠ bid becomes very doubtful after a BIT. As usual, the slow pass shows a desire to compete further, and any action taken by West, with passing an LA, cannot be condoned. Put the contract back to 2♥ making.

**Jim Hudson:** I wish I could agree with this Committee decision. The 2♠ bid seems pretty clear-cut to me, but I reluctantly accept that

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<sup>18</sup> The TD ruling is not absurd, merely lacking detail. The unstated assumption for the TD-determined hypothetical legal auction is that West passes twice, East doubles twice, West bids a delayed 2♠, and by then North-South are exhausted, so North-South no longer compete to the three level.

pass was a LA, so if the bid was suggested by UI and was damaging to NS it cannot be allowed. In spite of the Committee's argument (based largely on their possession of the hand record, as it seems to me), I think the bid was suggested. And was there damage? North could have passed 2♠ for a good score. Bidding 3♦ after the offending 2♠ approaches being a "double shot"--NS keep the result if it is good, otherwise they hope to get adjusted back to a favorable estimate of what the result would have been in 2♥. In the tradition of denying protection to "double shooters" (which lacks a solid textual basis in the Laws, by the way) one might accept the Committee's ruling. But, as I understand it, to count as a "double shot" the action must be wild, gambling, not a LA. I judge 3♦ to be a bad bid, but not that bad. Therefore I find enough connection between EW's infraction and NS's bad result to count the former as damaging NS. (Appeal 22, below, is a similar case.)

In short, I feel compelled by the Laws to disallow West's good bid and protect North in spite of her bad bid. I would find for the appellants, adjusting the score to +110/-110. I even gave a thought to +110/-140--indeed, to +140/-140--(on a club lead and continuation), but that's too much to stomach.

Of course, I agree with not giving an AWMW.

"[East's] tempo varied considerably and did not reliably indicate anything"-- this statement places the Committee far out on the credulity scale!

**Hilda Lirsch:** If I had been sitting West, these would have been my thoughts ->

"While pard's break-in-tempo might be based on good diamonds (thinking about doubling for penalties), it is more likely that pard's break-in-tempo is based on a close to 4-4-4-1 shape with extra values. Given that pard is a known bunny, there is no guarantee that pard will reopen with a second takeout double if I pass the auction back to pard.

"Therefore, on the balance of probabilities, pard's ambiguous hesitation demonstrably suggests that - in the long run - a 2♠ bid would gain a greater percentage of the matchpoints than a Pass would gain."

So, if I had been sitting West, this would have been my consistent-with-Law-73C call ->

"Pass."

**David Stevenson:** The write-up makes little sense. If the TD really assigned 2♠ -2 and gave the wrong score then the ruling makes no sense whatever: you cannot adjust N/S's bidding but not E/W's based on UI from East to West! Presumably then E/W would have appealed, though on what basis is not clear.

Do we honestly believe that West would have bid 2♠ over 2♥ with a nervous partner without the BIT? I certainly do not and think the AC were naive.

**Appeal Number Nineteen**

Subject: MI and UI  
NABC Women's Pairs, 1st Qualifying

Board: 20  
Dealer: West  
Vul: Both

**Jacqueline Sincoff**

♠T653  
♥J82  
♦T873  
♣A3

**Connie Goldberg**

♠K82  
♥A96  
♦Q965  
♣K96

**Sylvia Moss**

♠9  
♥QT753  
♦AK42  
♣QJ7

**Eunice Portnoy**

♠AQJ74  
♥K4  
♦J  
♣T8542

WEST	NORTH	EAST	SOUTH
1♦	Pass	1♥	1NT(1)
Pass	Pass	Db1	2♠
Pass	Pass	3♦	Pass
Pass	Pass		

(1) intended as sandwich, explained as strong

**The Facts:** The final contract was 3♦ making three for +110. The opening lead was the ♠6-spot. The director was called at West's final pass. 1NT was intended as a sandwich NT (5-5 in spades and clubs) but explained by North as strong. Away from the table, West indicated she would have made a support double if she'd been alerted that 1NT was conventional. South blurted out before the lead was faced that 1NT was conventional.

**The Ruling:** (1) South's hand did not match North's description so there was misinformation. South violated Law 75D2 by commenting before the end of play.

(2) E/W were entitled to reach 4♥ on the auction 1♦ P 1♥ 1NT; dbl P 4♥ all pass had they had a correct explanation (Law 40C3). The contract and result were changed to 4♥ making four for +620 (Law 12C2).

**The Appeal:** North claimed that if West had made a support double and East bid 4♥, she would have known to bid 4♠. Upon questioning, South defended her 2♠ action by admitting she didn't want to play 1NT doubled with partner unaware of the takeout nature of her hand. EW were not present at the hearing.

**The Decision:** Since North didn't realize that partner had black suits until her partner improperly announced it at the end of the auction, the committee saw no reason to believe that an EW contract of 4♥

would have caused North to sacrifice in 4♠. While South might have led a club against 4♥, NS didn't offer any such argument.

The committee thought South's bid of 2♠ was highly inappropriate in light of the failure to alert. Some consideration was given to the possible results in 1NT doubled. While there are plausible lines of play that would result in -800 or -1100, South could get five tricks with cautious play. Nevertheless, South's blatant taking advantage of the UI was grounds for a procedural penalty.

The contract was changed to 4♥ making +620. NS were penalized one-fourth of a board.

The appeal was not deemed to have merit and an AWMW was assigned.

**Committee:** Bart Bramley, Chairperson, Ron Gerard, Jerry Gaer, Mark Feldman, and Darwin Afdahl.

**Casebook panellists ->**

**Doug Couchman:** Fine.

**Marvin French:** What a mess. Did N-S have an agreement about the 1NT bid? Was their convention card examined to determine whether "Sandwich 1NT" was listed? Isn't that information pertinent to the case? How can a TD or AC judge this case without knowing this? In the absence of evidence to the contrary, I guess we must assume that Sandwich 1NT was the partnership agreement and that North's explanation of 1NT as strong was MI, and UI to South.

Why did the TD take West away from the table, wasting everyone's time? Hoping for a self-damaging statement, evidently, as there can be no other reason. This is a very poor practice of ACBL TDs, as there is nothing suggesting it in the Laws. Duplicate bridge is a timed event, and it isn't right to take up playing time with unnecessary conversations away from the table. Any discussion with West should take place after the round is played, if time remains, or during a break, or after the session.

Okay, assume MI and that E-W would normally arrive at 4♥ via a Support Double, fair enough. How likely is it that the contract would be defeated? Not too unlikely, as it takes only a club lead (my choice) and continuation. That N-S did not mention the possibility of a club lead is irrelevant. An AC is supposed to act as the non-offenders' advocate, not as their opposition. Anyway, the AC must determine whether there is a 2/3 probability (ACBLLC guideline) that N-S would beat 4♥. If less than 2/3, +620 to E-W. If greater, no damage, table result stands for E-W, +110.

Now to N-S. Why was only "some consideration" given to 1NT doubled?<sup>19</sup> South has shown her hand and has no reason (other than the UI) to bid 2♠, with partner's likely length in the red suits. L12C2's "had the irregularity not occurred" applies to the non-offenders, not to the offending side, who get the most unfavorable result that was at all

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<sup>19</sup> The AC writeup was slightly ambiguous. The AC wrote, "South could get five tricks with cautious play". But it seems that the AC meant, "In 1NTx, South would score no worse than -500 at least 5/6 of the time (ACBLLC guideline). Therefore, South's score is adjusted to defending 4♥ for the greater minus of -620."



probable (**in any event**). The score for N-S should have been adjusted to 1NT doubled, -800 or -1100.

**Jim Hudson:** "South's hand did not match North's description so there was misinformation"; this should read: "North's description did not match NS's agreement . . . ."

The write-up should state explicitly that EW had agreed that support doubles were off over a strong NT but on over a take-out bid.

I agree that a Pass of 1NTX is a LA for South. North might hold ♠xx ♥QJ10x ♦KQ10xx ♣Jx and decline to bid 2♣ (admittedly an unlikely construction). Polling would have helped: give the problem of South's second-round call to a number of experts (without UI) and see how many pass. (I think that two cards in at least one of the black suits, probably in both, must be attributed to North. With more extreme distribution, and enough strength to make 1NT a reasonable contract, she would have acted on the first round; with the shape but not the strength she would have bid a red suit on the second round.)

I think it is "at all probable" that South would win the heart opening lead, cross to the ace of clubs, and finesse in spades, taking her best chance (by far) to make the contract. That would result in four down, -1100, which should be assigned to NS. I suppose this isn't "likely," though, so +620 for EW is OK. The PP and AWMW are fine.

'Two-suited take-out', or some such term, would be preferable to 'sandwich'.

**Hilda Lirsch:** While it is quite likely that the TD and AC perpetrated the right decision, there is a gap in their reasoning.

I pedantically note that, "South's hand did not match North's description so there was misinformation," is **not** a correct statement of Law. It is possible (although unlikely) that North's description was a correct statement of the partnership agreement, and South had merely misbid. Misinformation is an infraction of Law - misbidding is not (yet) an infraction of Law.

**David Stevenson:** It is not that MI is always present when a hand does not match partner's description. The player holding the hand may have psyched or misbid. While the default position, made clear in the Law book, is to assume misexplanation rather than a misbid in cases of doubt, the TD and AC were required to find out what N/S were playing. Neither did according to the write-up so we cannot be sure there was any MI.

East's actual bidding was uninspired. However, while pretty poor, it was not quite bad enough to deny redress. But it is close, and it is surprising that neither TD nor AC seems to have considered this aspect.

While South has UI he has excellent shape and a good suit, but is quite weak. It is far from clear to me that pass over the double is an LA, and to suggest that a 2♣ bid is taking blatant advantage of the UI is very badly judged.

The overall handling of this case by the TD and AC leaves something to be desired.

**Appeal Number Twenty**

Subject: Played card  
NABC Women's Pairs, 2nd Qualifying

Board: 16  
Dealer: West  
Vul: EW

**Bonnie Bagley**

♠AQT86  
♥K5  
♦T98  
♣J82

**Jean Groome**

♠J  
♥T2  
♦AJ6432  
♣Q976

**Barbara Nist**

♠7432  
♥AJ943  
♦75  
♣K3

**Toshiko Yingst**

♠K95  
♥Q876  
♦KQ  
♣AT54

WEST	NORTH	EAST	SOUTH
2♦	Pass	Pass	Dbl
Pass	3♠	Pass	4♠
Pass	Pass	Pass	

**The Facts:** The final contract was 4♠ making four for +420 for NS. The director was called at trick 11. Declarer had two small spades (both good) and a small club. Dummy had the ♣T54. At this point West had ♣queen and 9-spot and the jack of diamonds. Declarer played her club and stated she said up. Dummy played the ♣10-spot. West says the Declarer said club and played her 9-spot immediately and then objected when Declarer claimed she had said up. East stated that Declarer hesitated then mumbled something.

**The Ruling:** The director could not be sure which card was played, but thought it was likely that there was some confusion at the table. The director awarded the trick to EW, allowing the play of the Queen making it 4♠ down one for +50 to EW.

**The Appeal:** NS believed that the nine of clubs had been played since they had both clearly seen that card over the table.

West said that though she had started to play the nine of clubs, she had caught herself in time to play the Queen instead.

**Other facts discovered by the Committee:** When Declarer said "up" Dummy detached the ♣10-spot and placed it at the edge of the table. West thinking that Declarer said "club" (meaning small club), removed the 9-spot from her hand and started to play it. She demonstrated to the committee how she had held the card. It was roughly three to five inches past the edge of the table (over the table) and tilted very slightly forward (perhaps 5 to 10 degrees from vertical). Upon noticing the ten of clubs at the edge of the table on her right, West quickly pulled the nine of clubs back into her hand and played the Queen instead (saying "whoa" or something to that effect).

South demonstrated what she recalled seeing. The card was held in the same location but tilted forward slightly more at perhaps a 25 degree angle from the vertical. In neither case was the committee (sitting across the table from the player) able to see the card that was held.

**The Decision:** For a card to be considered played, it must be held or placed in a position so that partner could have seen it. Based on the demonstrations to the committee, the nine of clubs had not been played. The queen of clubs won trick 11 and 4♠ was down one.

The screening director had explained to NS the rule regarding a played card. It is not unusual for an opponent to be able to see a card you hold, while your partner cannot see it.

The laws state that Declarer should name the suit and rank of the card to be played, but make allowance for other designations such as "hi," "low" and "win." The committee suggested that North refrain from using "up" to call for a high club, because the word nearly rhymes with "club."

The committee thought that NS should not have proceeded with the appeal after the screening director had explained the rule regarding a played card, especially since the situation had been brought about because of declarer's nonstandard form of designation. NS were assigned an AWMW.

**Committee:** Doug Doub, Chairperson, Ed Lazarus, Gail Greenberg, Jeff Goldsmith, and Adam Wildavsky.

#### **Casebook panellists ->**

**Doug Couchman:** I agree with the result and method of arriving at it, but disagree about the AMWM. As the card was at least partly visible, it was reasonable for the appellants to believe that it had been played.

**Marvin French:** A declarer who does not designate a card from dummy by naming it, as required by Law 45B and 46A, should get no benefit of any doubt in cases like this. West should have the right to retract the club 9 even if East could have seen it, as it was a play induced by declarer's calling "up," which has the same vowel sound as "club," instead of properly naming the ace. A well-deserved AWMW, doubly-weighted if possible.

**Jim Hudson:** "The Facts" are poorly written up. The contract was down one, not "making four." And the next-to-last sentence is a mess: it is ambiguous (does it say that West in fact played the 9 of clubs or that West said she played the 9 of clubs?), and either interpretation conflicts with the rest of the write-up.

The decision is straightforward, except that the AWMW is dubious. It seems likely that NS knew that West's action did not count as playing the club 9 only after they had demonstrated the action to the Committee, during the appeal.

**Hilda Lirsch:** In my opinion, the TD and AC correctly applied the Laws, to wit:

Law 47E2 - Retraction of Play

(a) No One Has Subsequently Played

A player may retract the card he has played because of a mistaken explanation of an opponent's call or play and before a corrected

explanation, but only if no card was subsequently played to that trick. An opening lead may not be retracted after dummy has faced any card.

(b) One or More Subsequent Plays Made

When it is too late to correct a play, under (a) preceding, Law 40C applies.

Law 40C - Director's Option

If the Director decides that a side has been damaged through its opponents' failure to explain the full meaning of a call or play, he may award an adjusted score.

**David Stevenson:** N/S wasted everyone's time and clearly deserved their AWMW.

**Appeal Number Twenty-One**

Subject: Played card  
NABC Open Swiss, 1st Final

Board: 12  
Dealer: West  
Vul: NS

**Robert Heitzman**

♠KQ7652  
♥63  
♦A5  
♣932

**Claudio Nunes**

♠T9  
♥QJ  
♦T973  
♣AT874

**Fulvio Fantoni**

♠84  
♥A97542  
♦K84  
♣Q6

**Keith Garber**

♠AJ3  
♥KT8  
♦QJ62  
♣KJ5

WEST	NORTH	EAST	SOUTH
Pass	2♠	Pass	3♣
Pass	3♠	Pass	3NT
Pass	Pass	Pass	

**The Facts:** The contract was 3NT down four for a score of -400 for NS. Opening lead was the ♥queen. The play went queen to South's king. Then the ♦queen to East's king. A low ♥ went to West's Jack who shifted to a low ♣ that went to East's queen. South played the ♣5-spot, then attempted to change it to the ♣King. At this point the director was called. He had declarer demonstrate his play of the ♣5-spot detached from hand and touching or nearly touching the table.

**The Ruling:** The director ruled that the ♣five was a played card (law 45C2) and the final result was 3NT down four.

**The Appeal:** No statements noted.

**The Decision:** The committee upheld the director's ruling.

The committee noted that all four players agreed that South extracted the ♣five from his hand and held it some inches from the table in a position where all three players could and did see it. The length of time that the card was visible was short but not instantaneous.

The application of the word "held" in Law 45C2 was deemed to cover the situation encountered at the table. The ♣five did not emerge accidentally from South's hand. South did not observe that East had not played the club Ace and thus had to pay the penalty for his distraction.

No AWMW was awarded. A minority of the committee believed that the interpretation of the law was sufficiently challenging as to merit an appeal.

**Dissent on the finding of merit:** Doug Doub. All four players demonstrated how they saw Declarer's placement of the five of clubs. Although the amount of time that the card was exposed varied a bit, in each case the card was face up, roughly 1-3 inches above the table, with the face tilted toward Declarer's partner. According to the law, it was clearly a played card and N/S should not have appealed the Director's ruling. The committee should have found no merit and assigned AWMWs to the appealing side.

**Committee:** Barry Rigal, Chairperson, Gary Cohler, Doug Doub, Danny Sprung, and Aaron Silverstein.

**Casebook panellists ->**

**Doug Couchman:** I'm with the dissent -- this just isn't difficult. I know there's another view, but to me "held" means, uh, "held." He was holding it in his hand when the card made it to the table, or nearly so -- the law says the card is played. The result seems unfair, but it ain't -- you lay it, you play it, and he did. Heck, he put it in the indicated position with intent to play it -- what more do you want?

Result stands, and break out the AWMW.

**Marvin French:** Was Law 45C2 explained to the appellants in addition to just citing it? If not, then the appeal had merit. If so, an AWMW is appropriate.

**Jim Hudson:** The dissent is obviously correct. The Committee's failure to impose an AWMW is puzzling.

**Hilda Lirsch:** It seems that declarer might have confused the fact that "declarer cannot have a penalty card" with the popular fallacy that "declarer can withdraw a played card".

Alternatively, declarer might have assumed that Law permits that an inadvertently played card may be withdrawn. Unlucky. What Law 45C4(b) actually permits is withdrawal of an inadvertently designated card (that is, unless special circumstances apply, only a card in dummy inadvertently designated can be withdrawn).

**David Stevenson:** The question of whether the card was played depends on whether it was stationary in an apparently played position - that is a paraphrase only!

However, this is clearly a matter for the TD and an AWMW should have been completely automatic.

**Appeal Number Twenty-Two**

Subject: MI  
NABC Open Swiss, 1st Final

Board: 1  
Vul: None  
Dealer: North

**Mike Levinson**

♠753  
♥63  
♦AQT843  
♣T7

**Marti Malcolm**

♠KQ84  
♥QJ98742  
♦K  
♣5

**Chuck Malcolm**

♠AJT96  
♥AKT  
♦J752  
♣2

**Paul McDaniels**

♠2  
♥5  
♦96  
♣AKQJ98643

WEST	NORTH	EAST	SOUTH
---	2♦	2♠	5♣(1)
5♠	6♦	Db1	Pass
6♥	Pass	6♠	Pass
Pass	Pass		

(1) MI

**The Facts:** Six spades was down one for +50 for NS after the opening lead of the ace of clubs. Five clubs was explained as a strong slam try in diamonds that said nothing about clubs.

**The Ruling:** The director determined that this was misinformation and no such agreement existed. Therefore, he ruled that the result stood. East doubled 6♦ and West pulled. This broke the connection between misinformation and result (Law 40C).

**The Appeal:** EW felt the MI had made West's decision to sacrifice more attractive.

**Other facts discovered by the Committee:** NS had played 5♣ as the hand type described by North, but had recently switched to using 4NT for this purpose. NS play EHAA (2♦ showed 5-9 points with diamonds being any suit quality).

**The Decision:** The table result stands.

The committee had a great deal of sympathy for West who had taken out reasonable insurance. However, his decision was not based on the MI. East had heard South make a strong slam try and had still doubled. Had East simply held AK of hearts would this be enough to double? The committee felt it was not.

The random nature of the 2♦ call meant that if West had been properly alerted by South she would have expected North to hold **8-9**

(sic) diamonds and perhaps a club fit. Again the decision to sacrifice and overrule partner would have been a reasonable act. West had taken that decision, however, and even though the committee could sympathize with it, EW were not entitled to redress.

**Committee:** Barry Rigal, Chairperson, Doug Doub, Gary Cohler, Aaron Silverstein, and Danny Sprung.

**Casebook panellists ->**

**Doug Couchman:** My first problems here are with the writeups. The writeup of the table decision is absurd, and must be a misprint -- there was misinformation, therefore the result stood? As for the committee, I think it inappropriate for them to express "sympathy" -- how about just ruling on the case?

As to the merits, this is a close case. In isolation, West's pull of the double does seem not to be made more attractive by the misinformation. However, I believe that a properly informed EAST would not have doubled 6♦, preferring to make what I believe would be a forcing pass. Now West would double (her hand is not slammish), and East would probably (though not certainly) leave it in.

Would East's pass of 6♦ really be forcing? Arguable. It would depend on North/South, in part, but a pair playing EHAA would probably not have tight agreements about the strength of 5♣, and it would be right to treat the pass as forcing (or many players would think so, anyway). And even if it wouldn't be forcing, and East did double, the pull really is made less attractive with correct information -- on the information she got, West knew that North/South expected to make 6♦, whereas on correct information there was a good chance they didn't.

Finally, consider what the auction really said: North opened 2♦, South wanted to play 5♣, and then North bid six DIAMONDS. I don't care how good the club fit is, that's reasonably likely to be a misunderstanding. With full information about what 5♣ meant, West would know that there was at least a decent chance that North/South had crossed their wires, and passing the double, which was never too far out of bounds, would be right.

Six diamonds doubled, down two, -300.

**Marvin French:** If the TD determined there was no such N-S agreement, then there was MI, but did it damage E-W? Of course it did. West was told that South was making a slam try and (rightly) feared that East had heart honors that would not cash. Had West and South been screenmates, West would not have pulled the double, and the score should have been adjusted to 6♦ doubled down three.

L40C makes no reference to "breaking the connection," a favorite phrase of ACBL ACs, who seem to think that a merely bad action (and this was not one) should not only annul redress for the non-offenders but also let the offending side off scot-free. It is very disappointing to see the Chairman of the NABC Appeals Committee espousing such a view.



The last paragraph makes no sense to me, and I won't try to make sense of it.

**Jim Hudson:** The write-up is very poor. In the paragraph on "The Ruling," the order of sentences should be: 1, 3, 4, 2. And the last paragraph is garbled. The meaning of an EHAA 2♦ opening bid is not adequately specified: what length in the suit is indicated?<sup>20</sup>

"EW felt the MI had made West's decision to sacrifice more attractive." The Committee rejects this ("his decision was not based on the MI"), but its reasoning is inadequate. I agree with the appellants, since the MI made it less likely that partner had diamond length than would have been the case with the correct information. West's decision to overrule partner, holding the K of the opponents' trump suit, was poor, but it would have been much worse with the correct information.

Finally, how bad would the actual decision have to be in order to "break the connection" between MI and result? I believe the appropriate standard is that it must not have been a LA, given the MI. (Compare Appeal 18, above.) Since I do not consider West's decision to pull the double to be so outlandish, I must disagree with the Committee decision. I would adjust the score to the (virtually certain) result for 6♦X: down 2, +300/-300.

Needless to say, I agree with the Committee's unstated decision not to award an AWMW.

". . . if West had been properly alerted by South"; I presume this is a slip for "by North."

**Hilda Lirsch:** I agree that West's phantom sacrifice was irrational, wild and gambling. But, in my opinion, the TD and AC failed to consider whether or not a split score should have been awarded - EW keeping their IWoG score of 6♠ -50, but NS getting an adjusted score of 6♦x -1100 (assuming the normal trump lead versus a save). **If** the NS misinformation made the EW IWoG phantom more attractive, **then** the TD and the AC should have split the score.

**David Stevenson:** The TD and AC apparently believed that the 6♥ bid would be unchanged if West had been better informed. This may be true, but I wonder whether West would not think his ♦K would now be worth a trick?

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<sup>20</sup> In "standard" EHAA, the minimum diamond length for a 2♦ opening is five cards.

**Appeal Number Twenty-Three**

Subject: Tempo  
NABC Open Swiss, 1st Final

Board: 16  
Vul: EW  
Dealer: West

**Leszek Rabiega**

♠732  
♥97432  
♦T743  
♣T

**Morrie Kleinplatz**

♠J9854  
♥T6  
♦982  
♣A76

**Andrew DeSosa**

♠KQ  
♥AK5  
♦AQ6  
♣J9842

**Jaroslav Piasecki**

♠AT6  
♥QJ8  
♦KJ5  
♣KQ53

WEST	NORTH	EAST	SOUTH
Pass	Pass	1♣	1NT
Pass	2♦(1)	Pass(2)	2♥
2♠	Pass	Pass	Pass

- (1) Transfer  
(2) BIT

**The Facts:** The final contract was 2♠ by West making +3 for NS -140. The opening lead was the ♣10-spot. The director was called after West's call of 2♠. A BIT was agreed to be about 15-20 seconds.

**The Ruling:** Law 16A2 - West has a logical alternative of pass. However, the director felt that East would take another call over 2♥ and that the contract would have been 2♠ or 3♠ making three. Therefore, no damage resulted from the BIT.

**The Appeal:** The appellants felt that the agreed upon BIT created UI and that West's 2♠ bid was a result of the UI. The appellants felt that pass was a LA for West at this form of scoring (IMPs) and the unfavorable vulnerability.

The non-appealing side said that East is always very slow and deliberate in all his bids and that the slowness of his partner's pass had no effect on his actions. Upon questioning by the committee, they were told East's opening bid was made in approximately five seconds.

**The Decision:** This case presented some serious problems for the committee because of the ruling that was made at the table. (The directors ruled that East would have bid again resulting in a contract of 2♠ or 3♠ and therefore no damage to NS.) The committee felt that it was not at all probable that East would act again in the auction. The committee ruled that the contract would be 2♥ by South.

The committee discussed numerous lines of play and decided the most probable result would be down one.

The committee then discussed a PP for West for blatant misuse of the UI. There was strong sentiment for a PP except for the fact that the director's ruling created the jeopardy for the "non-offending side." If the Director had ruled against EW and EW had brought this appeal to committee, they would have received a PP that would have been richly deserved.

A question for thought: Can the "non-offending" side ever be subject to a PP? The appealing side always has the option of dropping their appeal during screening if they feel that the risks of sanctions are high. We have no similar escape mechanism for the "non-offending" side.

**Committee:** Doug Doub, Chairperson, David Berkowitz, Riggs Thayer, Ed Lazarus, and Aaron Silverstein.

#### **Casebook panellists ->**

**Doug Couchman:** The table director was correct, the committee wrong. (An aside: though we refer to the "table director," in practice at an NABC event no judgment ruling like this would ever be made without consultation among directors.) It is likely that East would have acted over 2♥, and -130 is then highly likely. I could live with a split score, concluding that -130 was not likely but was at all probable: -50/-130. I can even live with the actual result, though I think it's far closer than this committee allows.

Assume *arguendo* that the TD and I are wrong: 2♥ is the correct final contract. What else? First, let's dispose of any sentiment there may be for ruling automatically against East/West and letting them appeal. Directors are supposed to make the best rulings they can, not rule automatically for the NOS; the committee seems to imply otherwise (though maybe they don't mean to).

The committee considers a PP -- fine, as East did choose from among LAs one that was pretty clearly suggested by unmistakable UI, but declines to award one because of something the director did later. If this is really what they did, it evidences utter confusion. A PP would be awarded for violation of the rules; if East deserved one, it is for action taken long before the director made his ruling. Incidentally, I don't believe this action is sufficiently egregious to merit a PP.

Next, what is this about what would have happened if E/W had brought the appeal? A PP would have been "richly deserved"? Never mind the inappropriateness of such a gratuitous comment -- the committee is showing even more confusion. What would a PP and an E/W appeal have had to do with one another? I assume the committee meant an AWMW, but then I can't tell what that is doing in a discussion of East's actions at the table. (It is possible that the confusion is in the writeup, not the minds of the committee members; I certainly hope so.)

All together now: Appeal Without Merit Warnings are for bringing appeals without merit. Penalty Points are for gross violations of law at the table. Ne'er the twain shall meet.

Finally, as to the "question for thought": it would be easier to comment intelligently if I had any idea what it meant. Is the committee proposing that appellees be sanctioned for failing to concede on appeal? Or are they really talking about penalty points, in which case the answer to the question the committee asks is "Duh." Can't tell. Please, next case.

**Marvin French:** Why would East take further action over 2♥? He has already shown his hand by the BIT, and further action would be dangerous. The AC got that right.

When will ACBL adjudicators learn that the non-offenders get, per L12C2, not "the most probable result," but "the most favorable result that was likely," which may have only a 1/3 chance (ACBLLC guideline)? The score possibly should have been adjusted to 2♥ making, not down one. Spade lead, club ace, spade continued, and if East attacks diamonds, hoping West has the jack, declarer can take eight tricks. That possibility should have been given some consideration by the AC. In an Open Swiss, I think it has a 1/3 chance.

The AC asks whether the non-offending side can be subject to a PP. That was not an issue here. The **non-appealing** side was not the **non-offending** side; it was the **offending** side. The case presented no "serious problems" for the AC.

**Jim Hudson:** The Director should have protected NS instead of making them appeal; the Committee rightly rejected the Director's judgment "that East would take another call over 2♥." Note that Directors, besides knowing the Laws, are required in cases like this one to exercise bridge judgment. They need not and should not rule in favor of the non-offenders if it is clear, in their judgment, that the latter suffered no damage. But even when Directors know the Laws perfectly their bridge judgment may be faulty, leading inevitably to cases like this one.

"The committee discussed numerous lines of play [in 2♥ by South] and decided the most probable result would be down one." Fine; but what was the most favorable result for NS that was "likely," and what was the least favorable for EW that was "at all probable"? I think the chance of NS's making 2♥ is great enough to assign EW -110, though I agree that NS should get only -50.

I would not impose a PP on EW. I think West's 2♠ bid, in the absence of UI, was clear; only (as I remarked in another case) not clear enough to allow him to bid it with the UI. Such close cases call for tolerance rather than punishment.

The Committee bungled its attempt to start a theoretical hare. The issue is not, "Can the 'non-offending' side ever be subject to a PP?" (Of course not; a PP would only be imposed for an offense.) The issue is whether the non-appealing side can be so subject. My answer is: "Sure; why not?" By the way, if West had been guilty of flagrant use of UI, the Director should have imposed a PP him, even while declining to adjust the score. But, to repeat, I don't consider West's action flagrant.

"The non-appealing side said that East is always very slow and deliberate in all his bids and that the slowness of his partner's pass had no effect on his actions." It is wearisome to read this self-serving drivel; can't it be excluded from future write-ups?

(The sentence was evidently intended to read: ". . . the slowness of his pass had no effect on his partner's actions.")

**Hilda Lirsch:** I agree with the AC that the TDs deserved Directors Without Merit Warnings. In my opinion, Walter the Walrus (and TDs) might think that reopening on this auction is compulsory. But the AC rightly assessed that reopening with a flat shape opposite a possible balanced yarborough is **not** automatic for a player in a national Open Swiss Teams Final. In my opinion, the TDs were remiss in merely consulting amongst themselves, rather than consulting peers of East.

On the issue of a PP for the "non-offending" side, the AC failed in its terminology. East-West **were** the "offending" side. The TD **did** determine that West's 2♠ call was an infraction.

The TD had merely ruled that West's 2♠ call did not cause damage. The TD (correctly) hypothetically assumed that West should have initially passed. But the TD (foolishly) hypothetically assumed that East would hypothetically automatically reopen, and West would therefore have hypothetically legally bid 2♠ one round later.

Therefore, the TD should have, and the AC could have, imposed a PP on West for West's blatant use of MI.

**David Stevenson:** This Committee seem to have some very strange ideas. Despite the views of the World Bridge Federation and other bodies, the ACBL approach is for an AC to consider a case from scratch, and the TD's ruling is irrelevant. Here, they did not agree with the TD's judgement - perfectly normal for an AC - and should duly make what they consider the correct decision. What the TD ruled and who brought the appeal do not affect the correct decision.

A non-offending side can be subject to a PP - Law 93B3 makes that clear.<sup>21</sup>

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<sup>21</sup> Law 93B3 merely states that both an AC and a TD can apply procedural penalties by using Law 90. However, it is unclear whether a non-offending side, which has not committed an infraction, may legally be inflicted with a PP. The unresolved question is whether the word "offence" in Law 90 is synonymous with "infraction".

**Appeal Number Twenty-Four**

Subject: Tempo  
NABC Open Swiss, 2nd Final

Board: 16  
Dealer: West  
Vul: EW

**Richard DeMartino**  
Not recorded

**M. Cappelletti, Sr**  
♠KJ8742  
♥AQ87  
♦T  
♣KJ

**John Morris**  
♠AQ9  
♥KJ94  
♦KQ9  
♣A96

**John Stiefel**  
Not recorded

WEST	NORTH	EAST	SOUTH
1♠	Pass	2♣	Pass
2♥	Pass	3♥	Pass
3♠	Pass	4NT	Pass
5♣(1)	Pass	5♠(2)	Pass
6♥	Pass	Pass	Pass

- (1) shows 1 or 4 keycards  
(2) BIT

**The Facts:** The final contract was 6♥ by West making 6 for a score of -1430 for NS following a diamond lead won by South's ace. There was a BIT of 20-25 seconds before the 5♠ bid agreed by all at the table. At the conclusion of the auction, West said he didn't know what 5♠ showed, but that it had to be forcing.

**The Ruling:** Law 16 UI - If East had bid 5♥, that clearly would have been a sign off in hearts and West would not be able to bid on. 5♠ in this auction is highly unusual and BIT does not suggest that any particular call is more likely to succeed than another.

**The Appeal:** The North, South and East players attended the hearing. NS appealed. They felt that EW could have been off two key cards and that pass was an LA after the BIT. East stated he bid 5♠ because he knew it was forcing and he was looking for more information. He further stated he was offering 5♠ as a choice of slams since he had gone past 5♥ and hearts had been bid and supported.

**Other facts discovered by the Committee:** The committee asked East about followups to keycard in some other auctions. For example, they asked about 1♠ 3♠; 4N 5♦; 6♦? East stated that this was undiscussed and he didn't know what it meant.

**The Decision:** The committee allowed the table result to stand, 6♥ making six. EW were not a regular partnership and the committee believed that they had no agreement. East bid beyond the trump suit (hearts) and this did not suggest he was trying to sign off since he could have used a 5♥ bid to do that.

The committee judged the appeal to have merit.

**Committee:** Doug Doub, Chairperson, David Berkowitz, Riggs Thayer, Aaron Silverstein, and Ed Lazarus.

**Casebook panellists ->**

**David Babcock:** It is true that 5♥ would be a clear-cut signoff, but 5♠ is better if West lacks the heart Q and the partnership is off two key cards in that strain, and therefore 5♠, in tempo, should be very plausible from West's point of view as a seat-of-the-pants bid to play. There is the further consideration that East will almost certainly be interested in the Q of a known 4-4 fit if he has slam interest, yet he has not asked about the heart Q. (Replace West's heart Q with a small one and 6♠ is a heavy favorite to make while 6♥ is dicey.) It is the obviousness of the 5♦ queen-ask that makes 5♠ even more suspect as a slam try.

The real problem, though, is that East has tanked at the wrong time. If he thinks this through when he should--before his 4NT call--and then produces 5♠ in tempo, well, he has thrown partner a curve, but so be it, and if I am TD, West reads it as best he can--signoff or obscure force--and the chips will fall where they may. But the hesitation followed by 5♠ is just too suggestive of action as compared with 5♠ in tempo. Adjust to 5♠ +1.

**Doug Couchman:** Fine on the result. But where is the merit? This is an offensive appeal -- N/S are effectively arguing that West should be forced to pass a control bid.

**Marvin French:** More hesitation Blackwood. Playing 1430 5♦ would be a queen ask, 5♥ a signoff, and 5♠ a specific-king ask, permitting the spade king to be shown by a 5NT bid. E-W obviously did not have that agreement about 5♠, so West's statement that 5♠ was forcing is irrelevant without substantiation. If forcing, would it not imply all key cards held and grand slam interest (diamond ace instead of the KQ)?

No, the 5♠ bid was a signoff, East wondering (hence the BIT) how West could have only one key card, as with the known 4-4 heart fit 3♠ presumably showed extra values. That East thought spades was the key suit is shown by his failure to bid 5♦, the queen-ask. That is the bid, not 5♠, to find out more about West's hand if the key suit is hearts.

It appears that West knew East was signing off, but the BIT meant that they were not missing two key cards, making the 6♥ bid fairly safe. With spades the key suit, he has two key cards and has only shown one, but he doesn't know that East thinks spades are key. West should infer that East decided to play a safer spade contract, with two key cards missing. East did not need the heart king to use RKCB, since the 3♠ bid showed extras. Adjust to 5♠, +/-

**Jim Hudson:** The write-up should have stated the ruling (table result stands) explicitly.

Not "hesitation Blackwood," because the hesitator did not sign off. But enough like "hesitation Blackwood" that no AWMW was called for.

**Hilda Lirsch:** If I had been both East, and had also been the TD, I would have ruled against myself, and adjusted the score back to 5♠ +680. In my style, I often notionally agree one trump suit, in order to efficiently investigate slam, before revealing the actual trump suit later. Given that East-West did not have an agreement, East's hesitation demonstrably suggested to West that East's 5♠ was **not** a concealed-support signoff.

**David Stevenson:** Fair enough.



## Round Table

**Doug Couchman:** In several cases, I have been unkind to committees (and believe it or not I held my tongue for the most part) in cases where the problem may be the writeup. I remember that in the casebooks Rick Colker used to note occasionally that the case writeups were inconsistent and often incomplete; this seems to have been the case for this round.

**Hilda Lirsch:** Appeals 10, 11 and 23 have this feature in common - in my opinion, for all of these cases the TD did not fully calculate what could have happened in hypothetical legal auctions unaffected by UI and/or unaffected by Law 73C-infracting use of UI.

This, I think, is an inherent psychological problem, due to the TDs knowing all. At the table, during a hypothetically legal auction, a real player would hypothetically "know" incorrect (plus maybe incomplete) information. In my opinion, ACBL TDs could avoid this psychological problem by more frequently using "double-blind" consultations with peers about hypothetical decisions.

**Jim Hudson:** The editorial footnote, on my comment to Case 3, is based on a misunderstanding. My reference to the unplayability of N/S's alleged agreement was intended as (slight but palpable) evidence for its non-existence.

The editorial footnote on my comment to Case 11, is stated much too dogmatically, in my view. I have read your interpretation (and David Stevenson's) of Law 90, and I still disagree with it (as did another BLMLer--Marvin French, I believe).<sup>22</sup>

Regarding the editorial footnote, on my comment to Case 22: it says 5 is the minimum length in diamonds for an EHAA 2♦ opening; what is the maximum? And what is the maximum playing strength of the hand?<sup>23</sup> In short, is there any way the 6♦ bid could be legitimate, rather than being based on a misunderstanding?

I also have one additional comment for publication, on Case 4:

As Doug Couchman implicitly (and the editor, in a footnote, explicitly) remarks, this was a "Reveley" ruling by the AC. The ACBL policy allowing--indeed, requiring--such rulings was apparently insinuated through the influence of the now-departed Rich Colker. If Reveley rulings were disallowed, the correct adjustment, given the AC's likelihood estimates, would be to -470/+470. This looks like a windfall for N/S, illustrating why the ACBL favors Reveley rulings.

**David Stevenson:** Compared to earlier years it seems to me that the write-ups are poorer, probably because the ACBL no longer have their editor. The decisions seem somewhat wayward, but they do seem generally better than the Panel appeals, which was not the case a few casebooks ago.

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<sup>22</sup> Not just my interpretation, but also the interpretation of the WBF Laws Committee, as written in its Code of Practice: "A procedural penalty may only be applied where there is a violation of the laws or of a regulation made under the laws. If an appeal committee awards a procedural penalty it should specify what law or regulation has been violated."

<sup>23</sup> The name of the EHAA system is an acronym for "Every Hand An Adventure".

It is still very important that the ACBL teaches its players about Law 73C. Some quite good players not only ignore it but then waste everyone's time at appeals producing cunning logic why they made a call which is just illegal in the presence of UI from partner.