

# *Rosie Cotton's Wedding*

North American Bridge Congress  
Reno 2004  
Regional Appeals  
UNOFFICIAL Casebook

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## 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,

<http://www.amsterdamed.org/mailman/listinfo/blml>

**DIC** Director-in-Charge

**LA** logical alternative

**MI** misinformation

**PP** procedural penalty

**TD** Tournament Director

**UI** unauthorised information

**WBF** World Bridge Federation

## The Laws

*The Laws of Duplicate Contract Bridge* is available online at

<http://web2.acbl.org/laws/index.html> .

## Dramatis Personæ

- **David Babcock** became an ACBL certified club director in the 1970s, and he now directs in south Florida, USA. He is a Blue-Ribbon-qualified Life Master and was published on topics of big-club and relay bidding theory by the Australian Bridge Institute some years ago. He is a software engineer with a particular interest in computer-based typesetting via  $\text{\TeX}$ , whence his volunteering to publish this Casebook.
- **Gordon Bower** is a bridge teacher and club director from Fairbanks, Alaska, USA. He has also directed extensively online, and chairs the Conventions and Systems Committee at Swan Games Company, an ACBL-sanctioned venue for online bridge. He has won several regional events and served on the ACBL District 19 board of directors. Away from the bridge table he is a mathematician and geologist.
- **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**, 80-ish, was born in Coventry, England and currently resides in Liverpool. He is divorced and has two sons, three grand-daughters, one grandson and two great grand-daughters. 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 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 President of the Bridge Federation of the Australian Capital Territory, and was formerly Secretary of the Australian Bridge Directors Association. 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>
- **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*.
- **Ron Johnson** is a strong club and former tournament player from Ottawa, Canada. He has won the New York regional open pairs. He has always been fascinated by tournament reports and appeals. He also writes fairly extensively on baseball.
- **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.
- **John A. MacGregor**, of San José in Costa Rica, is Chief Tournament Director of the Central American and Caribbean Bridge Federation.
- **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,

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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 Grattaaaaaaaanic 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.*

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.

## The Appeals

### Appeal 1 – First class appeal, second class AWMW

Flight A/X Pairs, 3/20/04				Magy Mohan	
DIC: Ron Johnston				♠ AKJ72	
Board 20				♥ 8	
Vul.: Both				♦ 5	
Dealer: W				♣ KQ6542	
		Eugene Chan		Lilly Lachter	
		♠ 1086		♠ 543	
		♥ AQ7		♥ 1065	
		♦ AK876		♦ QJ92	
		♣ 83		♣ A109	
				N	
				W E	
				S	
				Mark Kennedy	
				♠ Q9	
				♥ KJ9432	
				♦ 1043	
				♣ J7	
W	N	E	S		
1♦	2♣	2♦	2♥		
pass	2♠	pass	3♥ <sup>1</sup>		
pass	4♠	pass	pass		
<sup>1</sup> Agreed BIT					

#### The Facts:

The final contract was 4♠ making four after the ♦Q lead. The director was called after the 3♥ bid. All agreed that South paused at least 20 seconds prior to bidding 3♥.

#### The Ruling:

The result stands. UI from South's hesitation does not demonstrably suggest North's 4♠ bid (Law 16A).

#### The Appeal:

E-W appealed the ruling and all players attended the hearing. North had 3000 masterpoints (plus international experience representing Mexico), South had 465, East had 1165 and West had 1650 masterpoints. West said that North had an obvious 3♠ bid over 3♥. He said that the 4♠ bid seemed odd and could only have been bid because of information conveyed by the break in tempo. N-S said that they play 2♥ as forcing. North said that 3♠ in response to 2♥ would have been a splinter. 3♥ in the given auction was non-forcing. North said she didn't bid 4♠ over 2♥ because she was afraid it might be interpreted as a "maxi-splinter". She knew that her actual auction could not be misunderstood.

**The Panel:**

Gary Zeiger (Reviewer), Bernard Gorkin, Matt Smith, Susan Doe

**The Decision:**

The panel consulted seven experts regarding North's action over 3♥ and what information the hesitation may have conveyed. All seven would have bid 3♠. As to what the hesitation before the 3♥ bid might suggest, one saw a connection between the UI and the 4♠ bid. He successfully described South's likely hand type for a slow 3♥ bid ("bad hearts and honor doubletons in the black suits"). When two experts were asked what 3♠ over 2♥ would have been, they both said it should logically be a splinter.

Despite this, the panel was swayed by the rest of the expert opinion. One thought the break in tempo might show values, but he saw no connection to the black suits. Another agreed that the BIT didn't help North and thought her 4♠ bid was an indication that she didn't trust her partner to bid game with the right hand.

Four others said that the BIT and the 4♠ bid were totally unrelated. One said that South's BIT might have been due to holding an under strength hand with a diamond card, hardly indicating 4♠. The two who were asked agreed that a direct 3♠ bid over 2♥ should logically be a splinter.

The panel decided that there was an unmistakable hesitation by South before bidding 3♥. This created UI, but it did not demonstrably suggest 4♠ (Law 16A). No violation of law occurred, so the panel ruled the table result stood. Since E-W had provided no conceivable connection between the BIT and the 4♠ bid, and since they were told that the success of their case hinged on this factor, they were each assessed an AWMW.

**Players consulted:**

Jill Levin, Bobby Levin, Kyle Larsen, Marc Jacobus, Fred Hamilton, Dan Morse, and Magnus Lindqvist.

**Casebook panellists:**

**Gordon Bower:** No-one is disputing the existence of the UI, and it all hinges on "demonstrably suggested." I understand why some would think "demonstrably suggested" was satisfied in this case, but if most of the panel's consultants said "the BIT and the 4♠ bid were totally unrelated," of course the panel will rule as it did.

I think it is going a bit far to give an AWMW here – yes, E-W were told that the success of their case hinged on the connection between the BIT and 4♠, but a significant minority felt that there was one.

**Doug Couchman:** A bad start.

- (1) There was an unmistakable hesitation. It conveyed UI: South is uncomfortable with his decision to make the 3♥ bid. What else it conveys is an interesting question.
- (2) North had logical alternatives to his 4♠ bid: as the consultants made clear, 3♠ is not only logical, it's normal.
- (3) Was 4♠ demonstrably suggested over 3♠ by the UI? In my opinion, yes. One consultant saw it this way; the others are purported not to have, but interpretation of their remarks is

tricky. Another consultant is said to have interpreted the hesitation as showing values, but not in relation to the black suits; that interpretation makes 4♠ look better, relative to how good it would have been over a quick 3♥ bid.

I believe the consultants, in addressing the meaning of a slow 3♥ bid, probably answered the wrong question. The issue is not whether 4♠ was a good bid – it wasn’t – but whether it was (demonstrably) suggested over 3♠. If the hesitation makes 4♠ look significantly better, that means it was suggested. Here, the slow non-forcing bid (where most other actions would have been either forcing, or non-forcing but more forward-going than the apparent signoff) suggests extras of some sort. Yes, one consultant disagreed, but the others didn’t; it’s not clear that they were asked. And was there really a weaker action available to South – is pass ever happening here? And even if that’s what South was considering (from North’s perspective), isn’t the tolerance for spades, plus the values already shown, enough to make 4♠ safer than opposite, say, ♠9 ♥KQJxxxx ♦T43 ♣J7 (a quick 3♥ rebid)?

Nope, I don’t buy it. 4♠ was silly, but less silly after partner expressed uncertainty about his signoff. Partner showed either extras, or a partial fit. That’s a demonstrable suggestion to bid game.

(4) Opponents were damaged. Over North’s 3♠, South would pass often enough that it’s “likely.”

Adjust to +170, both ways.

**Grattan Endicott:** In my opinion both the Director and the committee have exercised inferior judgement in the matter of whether 4♠ was suggested. As for the award of an AWMW, I presume this is an “AWMW 2nd class”.

**Marvin French:** The TD Panel says the BIT created UI and then says it gave no useful information, which means there was no UI. Were new-suit advances of overcalls marked as forcing on the CC? Was 2♠ forcing? It would be for me. Anyway, the 4♠ bid in place of a reasonable 3♠ bid suggests that North interpreted the BIT correctly, so there was indeed UI.<sup>2</sup> Whatever the decision, the AWMW was unwarranted.

**Jim Hudson:** “The two [experts] who were asked agreed that a direct 3♠ bid over 2♥ should logically be a splinter.” Apparently the Panel was not convinced by N-S’s statement that a 3♠ bid at North’s second turn would have been a splinter; otherwise this expert testimony would have been irrelevant to the case.

The Panel decision not to adjust the score is fine, but the AWMW is far from clear. Some past Casebook commentators have held the view that hesitations suggest extra values. It is agreed that North has a legitimate 3♠ bid, so South’s hinting at extra values might have induced N to bid one level higher, might it not? True, the argument is thin, but I don’t know that it’s so bad as to deserve a warning.

**Ron Johnson:** I’m stunned that an AWMW was handed out. I agree with the unnamed consultant that the break in tempo shows almost precisely the hand held. In my experience a slow action in this sequence always shows doubt as to strain and any hand with doubt as to strain is a very good candidate to make game in a black suit.

To me this is terribly simple. North had UI. The UI suggests the action chosen over the LA of 3♠. That 3♠ is a LA seems beyond dispute.

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<sup>2</sup>In my opinion, the “demonstrably suggested” phrase in Law 16 is not synonymous with “correctly interpreted”. Indeed, that was the rationale for inserting “demonstrably” into Law 16 in a revision of the Laws, to clarify that a lucky guess after pard’s hesitation is not necessarily an infraction. Of course, as some panellists suggest, it is possible that the actual TD and the actual AC panel had poor judgement in this case, and the 4♠ bid was demonstrably suggested by the UI.

**Hilda Lirsch:** Abandon all hope, ye who hesitate, is not what Law 16 states. I agree with both the panel’s ruling, and with the Appeal Without Merit Warning. In my opinion, the litigiousness of non-offending sides, while a secondary offence, is bad for bridge. In my opinion, it would be useful if the ACBL Laws Commission reversed its previous stance, and adopted this clause from the WBF Code of Practice:

“The expectation is that each appeal committee will presume initially that the Director’s ruling is correct. The ruling is overturned only on the basis of evidence presented. For this reason the Director must inform the committee if a ruling in favour of the non-offending side reflects a margin of doubt that continues to exist after the appropriate consultation procedure.”

**John MacGregor:** On this auction, 3♥ by South sounds like a good six-bagger and not much outside. Opposite that, North’s logical alternatives would be to pass or bid 3♠ to try and play in a black suit. Following that reasoning, the actual choice of 4♠ by North demonstrates that they felt South may have had something different – useful cards outside of hearts. It is the same old story – in BIT situations, make the system bid and let the chips fall where they may.<sup>3</sup> Very surprising that an AWMW was awarded!

**David Stevenson:** 4♠ is a strange call with a blindingly obvious 3♠ bid available. I do not believe it is the job of the appealing pair to explain the reason for a strange call, so consider the AWMW harsh. Admittedly the experts have not demonstrated any connection between the 4♠ bid and the BIT, but suppose they had done so?

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<sup>3</sup>I slightly disagree with the wording of John’s sentence. My paraphrase of Law 73C would be: “After receiving UI, avoid a demonstrably suggested system call, even if that call is a call that you would normally choose. Instead, after receiving UI, choose a non-suggested logical alternative, even if that non-suggested logical alternative is a call that you would normally avoid choosing.”

### Appeal 2 – You’ve gotta be cruel to be kind

<b>Stratified Open Pairs</b> <b>3/23/04</b> <b>1<sup>st</sup> Session</b>				<b>anon.</b> ♠ Q 10 8 5 3 ♥ 8 3 ♦ 8 6 4 3 ♣ J 8
<b>DIC: Peter Knee</b>				
<b>Board 18</b>		<b>anon.</b>		<b>anon.</b> ♠ 7 4 ♥ A K 6 5 ♦ Q J ♣ A Q 7 6 4
<b>Vul.: N-S</b> <b>Dealer: E</b>		N W     E S		
<b>anon.</b> ♠ K J 2 ♥ Q 10 9 7 4 2 ♦ 2 ♣ 10 9 3		<b>anon.</b> ♠ A 9 6 ♥ J ♦ A K 10 9 7 5 ♣ K 5 2		
W	N	E	S	
		1♣	1♦	
1♥	2♦	3♥	4♦	
pass <sup>1</sup>	pass	4♥	pass	
pass	pass			
<sup>1</sup> 20-second BIT				

**The Facts:**

4♥ made four for a score of +420 for E-W after the opening lead of the ♦four. The director was near the table during the auction and he witnessed the break in tempo. All agreed that there was a hesitation. East told the director that he bid 4♥ because he thought 4♦ might make and he was not vulnerable. The director ruled that the hesitation demonstrably suggested that bidding could be more successful than passing, and that East had shown his hand with 3♥, so pass was a logical alternative (Law 16A).

**The Ruling:**

The score was changed to 4♦ by South making 4, N-S +130 (Law 12C2).

**The Appeal:**

E-W appealed the ruling and all but West attended the hearing. North and South had over 1300 masterpoints while East and West each had fewer than 5. East said that letting the opponents play 4♦ was a losing action and 4♥, if it went down, would not be down more than 100. He thought the only time bidding 4♥ would lose was when both 4♦ and 4♥ were going down. N-S stated that they thought East had already shown all of his values and that pass was an option.

**The Panel:**

Bernard Gorkin (Reviewer), Gary Zeiger, Ron Johnston

**The Decision:**

The panel polled players of different experience levels regarding East's action over 4♦-P-P. Of the three experts polled, two would have passed and one would have bid 4♥. Of the six flight C players polled, two passed and four bid 4♥. Several novices were polled and all bid 4♥. The panel decided that East's bridge knowledge was at least at the level of Flight C players despite his limited masterpoint holding, so the input of the novices was not given consideration as a peer group. The panel's conclusion was based on two factors. During the hearing East's stated reason for bidding 4♥ matched that of the one expert who bid 4♥, and E-W played variable no trump openings based on vulnerability.

Therefore, based on the player input, the panel decided that pass was an LA for East. The panel also determined that there was an unmistakable hesitation and that it demonstrably suggested not passing (Law 16A). The panel ruled 4♦ making four for N-S +130 (Laws 16A, 73F1, 12C2). The appeal was judged to have merit considering the mixed responses of the polled players.

**Players consulted:**

Jim Murphy, Keith Garber, Dennis Lesage, six flight C players, and several novices

**Casebook panellists:**

**Gordon Bower:** Is East *that* sure from the opposing bidding that his partner is going to have a singleton diamond? Remember, West has bid hearts only once promising four. In my book, the BIT demonstrably suggests extra hearts or shortness in diamonds.

I concur with the table director's ruling. It was eye-opening to me that so many of the consultants considered 4♥.<sup>4</sup> My only concern was the gobbledygook about "at least at the level of flight C players" – I don't know which is stranger, suggesting 5 might not be between 0 and 300, or that a player with 5 masterpoints is so well known that the committee can assess his bridge skills accurately.

**Doug Couchman:** Correct result. Correct reasoning, but for one thing: what in the world does it matter what an expert consultant thinks about East's decision, if East has 5 masterpoints? The gathering of such opinions can serve only to confuse the decision-making process.

**Grattan Endicott:** West did not attend the committee. Is it form to send an apology and explanation if you are the player who initiated the circumstances in which an irregularity has occurred and do not wish to do a discourtesy?<sup>5</sup>

I note that the appeal was adjudged to "have merit" in the case of a flight C player. I wonder what East was told during the filtering process?

**Marvin French:** The opinions of the players consulted, as so often, are of no value. Even if all the C players consulted bid 4♥, the decision should still go against E-W. L16A does not mention

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<sup>4</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". Therefore, if many of a player's peer-group would illogically rebid 4♥ in this auction, then that illogical 4♥ rebid is technically a Logical Alternative.

<sup>5</sup>Some decades ago, an American AC fined a player a PP for failing to attend an appeal hearing. In a consequential Bridge World editorial, Edgar Kaplan rhetorically asked if upsetting that AC's concept of its officious dignity was an infraction of Law.

peers or level of ability, and the 4♥ bid violates L16A no matter who makes it.<sup>6</sup> If West had only five hearts (give one to South for a diamond), he would have passed fast, East would have passed, and both 4♥ and 4♦ would be down one. West had a 4♥ bid and used a BIT to convey that information. The appeal deserved an AWMW if it was pursued after L16A was explained to E-W by the screener.

**Jim Hudson:** Here we see one of the difficulties with judging score adjustments by having recourse to “players at the same level” as those at the table: we have no good way to measure skill level. If E was really a novice, the results of the Panel’s polling (but I wonder how many are “several”!) would be taken to indicate that passing was not an LA; one would be inclined to let the table result stand. The write-up offers no support for the Panel’s claim that E was above the novice skill-level (by “Flight C players” they presumably meant players with a couple hundred masterpoints), yet this was their basis for holding that pass was an LA for E’s class of player. Thus the decision seems arbitrary.

If polling were going to form the sole basis for making these decisions – putting aside the problem of identifying just which group should be polled – larger numbers should be polled; even six is too small a sample. But it is better to use polling results as just one piece of evidence, not necessarily determinative; then we are free to note that pass is obviously an LA, and decide as the Panel did (correctly, in my view).

As Ron Gerard would say, we should be told who the one expert was, so we can cross him off our “expert” list.

**Ron Johnson:** I can’t see any technical merit to this appeal. I’ve suggested that a little pamphlet explaining the workings of the laws in UI cases be made available to anybody contemplating an appeal of a UI ruling.

**Hilda Lirsch:** Circumstances alter cases. Abandon hope, all ye who take a demonstrably suggested action after pard’s break in tempo. In my opinion, there is an Iron Law that a hesitation followed by a Pass demonstrably suggests that the Passer holds maximum or above-maximum values for their Pass.

In my opinion, the TD panel was kind in avoiding assessment of an Appeal Without Merit Warning. However, also in my opinion, inexperienced players deserve kindness when deciding whether or not to assess a procedural and/or disciplinary penalty.

Note that I do not agree with excessive kindness to inexperienced players spilling over to adjusting the table score in their favour. I found outrageous that an obtuse Aussie AC decided that Law 16 had only 50% effect, when that AC judged an adjusted score for an Aussie novice pair’s demonstrable use of UI.

**John MacGregor:** Don’t see how this one ever got by the reviewer. Looks like East bid their hand with 3♥ (and maybe then some), and should simply respect their partner’s decision.

**David Stevenson:** East has decided his hand is worth 3♥, but changes his mind on receipt of UI. With ♦QJ he has nothing that has improved. The fact that he can find an argument why 4♥ is a possible bid does not affect the ruling one iota: this is as clear a ruling as one would ever see, and at any level an AWMW is completely automatic.

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<sup>6</sup>It is true that Law 16A does not mention peers (or level of ability). However, Law 81C5 grants a TD the authority to interpret the Laws, and Law 80F gives a sponsoring organisation the power to create supplementary regulations. The ACBL Laws Commission has directed that ACBL TDs take into account peers (or level of ability) when determining Law 16A logical alternatives.

### Appeal 3 – I can't help it. I was born sneering

<b>Stratified Open Pairs</b>				<b>anon.</b>	
3/24/04				♠ 95	
1 <sup>st</sup> Session				♥ J93	
<b>DIC: Olin Hubert</b>				♦ J87	
				♣ K J 10 5 2	
<b>Board 29</b>		<b>anon.</b>			<b>anon.</b>
		♠ 87		N	♠ K 6 3 2
<b>Vul.: Both</b>		♥ Q 10 5 4 2		W E	♥ A 7 6
<b>Dealer: N</b>		♦ A 10 4 2		S	♦ K Q 5 3
		♣ A 7			♣ 9 3
				<b>anon.</b>	
				♠ A Q J 10 4	
				♥ K 8	
				♦ 9 6	
				♣ Q 8 6 4	
W	N	E	S		
	pass	1♦ <sup>1</sup>	1♠		
2♥ <sup>2</sup>	pass	3♥ <sup>3</sup>	pass		
pass	pass				
<sup>1</sup> Precision, 11–15 HCP, 2+♦ <sup>2</sup> Alerted, non-forcing <sup>3</sup> Alerted, asked and explained as support for ♥s with 14–15 points					

#### The Facts:

The final contract was 3♥ making three for a score of E-W +140 after the opening lead of the ♠9. The director was called after the opponents had left the table (after the next board). N-S told the table director that East had visibly flinched when West described his 3♥ bid as 14–15 points with heart support. They said they did not call earlier because they did not want it to appear that they were accusing their opponents of cheating. They asked the director if West was allowed to pass under the circumstances.

The director found the E-W pair after the next round and confirmed all of the facts except that they did not agree that East had reacted to the explanation.

#### The Ruling:

The director ruled that unauthorized information had occurred. After polling some players, the director determined that West's pass of 3♥ was demonstrably suggested by the UI when a logical alternative (4♥) existed (Law 16A). The score was changed to 4♥ down one for N-S +100 (Law 12C2).

#### The Appeal:

E-W appealed the ruling and all players but East attended the hearing. North and South each had fewer than 150 masterpoints; West had 195 and East had 1195. N-S reiterated that East had

flinched after his partner’s explanation of the 3♥ bid. West described his partner’s facial and body language as one of “superiority” at the point of the explanation. He said that 2♥ promised “nothing” systemically. East had told the table director that it was merely non-forcing.

### The Panel:

Susan Doe (Reviewer), Millard Nachtwey, Michael Carroad

### The Decision:

The panel believed that West’s statement to the reviewer indicated that he perceived some sort of reaction to the description of 3♥ (“superiority”), so by a preponderance of the evidence the panel ruled that UI had occurred (Law 16A). The panel also believed that such a reaction would demonstrably suggest a pass by West, so the panel gave West’s hand as a bidding problem over 3♥-P to five players with 200–300 masterpoints. All chose to bid 4♥. One experienced player (3000 points) gave the same answer. Therefore, the panel ruled that pass was demonstrably suggested (by the UI) over 4♥ and could not be allowed (Laws 16A and 73F1), so the score was adjusted to 4♥ down one for N-S +100 (Law 12C2). Since the player involved had only about 200 masterpoints, an AWMW was not given.

### Players consulted:

Five with 200–300 masterpoints, and one with 3000.

### Casebook panellists:

**Gordon Bower:** Continuing on to game looks completely clear to me, opposite a 14–15 hand (or even just a sound opening) with heart support. Finding peers in the usual strict sense (people of similar experience who play similar methods) is going to be hard for a Precision pair. In this case it seems acceptable to show the West hand to people and just ask them “do you want to be in game opposite 14–15 and 3+ card heart support?”

North-South do need to be taught that it’s never bad manners to politely summon a director as soon as a concern arises. As for an AWMW, I understand being generous to beginners – but this is pretty darn blatant and 200 masterpoints usually represents a few years of club- or local-tournament level experience. Unless there was there no screener to warn E-W they had no chance and invite them to withdraw the appeal, an AWMW seems obvious.

As a style matter, the writeup confused things with its choice of words in the last paragraph of the decision: “the panel ruled. . .the score was adjusted to 4♥–1” – the panel didn’t adjust anything, it upheld the TD’s ruling of 4♥–1.

**Doug Couchman:** North/South didn’t call the director because they didn’t want to accuse their opponents of cheating. The problem is, they pretty much were accusing them of cheating. The panel then decided against East/West on the basis, implicitly, that they were at least lying. Lovely.

It’s all about the factual determination: as the panel correctly decided, any UI suggested the pass, 4♥ was an LA, and damage resulted. So, was there UI? In our hearts, we probably believe yes – we’ve all seen too many Precision pairs (and others, too, but it seems more

common among strong clubbers, at least in the US) who are less than forthcoming about the meaning of their calls in competitive situations and who seem somehow always to get it right. The panel seems to be guessing this is such a pair.

All right, I'll live with the decision. It's probably fair. But I hate rewarding a pair who doesn't call the director to ascertain the relevant facts at the proper time when the decision rests heavily on those facts, and I hate deciding that "superiority" suggests a call. The panel should either have inquired more, or been more explicit about their reasoning – I'm agreeing with the decision because I think it's the latter. I think they think they know what happened, they just don't want to say it in print.

**Grattan Endicott:** Again the player alleged to have created UI found it inconvenient to attend – again without apology?<sup>7</sup> The master point record suggests that East has sufficient experience to know better than to react when partner misinforms opponents; I am puzzled as to where the consistency lies in not awarding an AWMW to East at least, given the committee's finding of fact.

**Marvin French:** It would be easier for everyone if the TD were called at the time UI is created. The longer the wait, the harder it is to determine the facts. Fortunately, West's testimony made the task easier. The players consulted in this case should be only those familiar with "negative free bids". If 3♥ shows extras, then West has a 4♥ bid. The appeal deserved an AWMW, which are not meant for strong players only, since West admitted receiving UI.

**Jim Hudson:** And E-W –100. I see no reason to have involved the experienced consultant; but again, polling the inexperienced has its difficulties. At least an effort should have been made to find inexperienced players who played a system like E-W's. An inexperienced player may find it difficult to answer hypothetical bidding questions pertaining to a system unfamiliar to him.

The case turns on the Director's finding that E did, indeed, convey UI. The lack of an AWMW suggests that the panel did not have complete confidence in the Director's fact-finding.

**Ron Johnson:** Good ruling. The comment about not issuing an AWMW implies a(n informal) policy of one free appeal to relatively inexperienced players. Frankly, if the AC is willing to hear the occasional extra case that this policy rates to produce, fine by me. I can live with slightly lower procedural standards for the relatively inexperienced.

**Hilda Lirsch:** Bridge is a partnership game. In my opinion, it is irrelevant that West had only 200 masterpoints. Law 92D states:

"An appeal shall not be heard unless both members of a pair (except in an individual contest) or the captain of a team, concur in appealing. An absent member shall be deemed to concur."

East had 1195 masterpoints. Since East did not dissuade their partner from appealing, East concurred in West's meritless appeal, so therefore an Appeal Without Merit Ruling was fully justified.

**John MacGregor:** This looks like a good job by all concerned. If West is going to alert their agreement about 3♥, then they should be prepared to bid their hand according to their agreement.

**David Stevenson:** It is never satisfactory when there is a late call for the Director and the facts are not agreed. I am not sure the Panel was right to decide there was UI on the preponderance of evidence: I am inclined to think natural justice requires that UI is deemed not to have

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<sup>7</sup>The English White Book (TD Guide) says on this subject: "Players should be aware that if they do not attend an appeal, even though they are the non-offending or non-appealing side, any doubtful point is likely to go against them."

occurred because the ruling was not asked for at the correct time. As for the argument about being afraid of an accusation of cheating, I trust the pair was told that to call the Director and present the facts that have occurred is never an accusation.

## Appeal 4 – Faster than a speeding bullet

<b>Wednesday Open Pairs, 1<sup>st</sup> Session</b>				<b>anon.</b>			
<b>DIC: Olin Hubert</b>				♠ 10 8 7			
<b>Board 13</b>				♥ K 9 6			
<b>Vul.: Both</b>				♦ 4 3			
<b>Dealer: N</b>				♣ Q J 8 6 4			
			<b>anon.</b>			<b>anon.</b>	
			♠ Q 9 5 4	N		♠ A K J 3 2	
			♥ A J 3	W	E	♥ Q 10 5 4	
			♦ 6 5		S	♦ K J 7	
			♣ A 9 5 2			♣ 2	
				<b>anon.</b>			
				♠ 6			
				♥ 8 7 2			
				♦ A Q 10 9 8 2			
				♣ K 10 7			
W	N	E	S				
	pass	1♠	3♦				
3♠ <sup>1</sup>	pass	4♠	pass				
pass	pass						

<sup>1</sup>allegedly bid quickly

**The Facts:**

The final contract was 4♠ by East making four for a score of E-W +620. The opening lead is unknown. The director was called two rounds later. Because of this, the director spoke to each pair independently. N-S said that the stop card was used before West's 3♠ bid and that the 3♠ bid was made very quickly. South said West took nowhere near ten seconds to bid 3♠. East was not sure he saw the stop card, but West did not refute that it was used. West could not give the director an accurate estimate of the time elapsed prior to the 3♠ bid. He said that either North or South inquired about the meaning of 3♠ (which he told the director was "limit"), but there was no conversation at the table concerning the tempo of the 3♠ bid.

**The Ruling:**

The director considered whether West followed the requirement to pause after the skip bid (Law 73A2). Although the facts were in dispute, the ruling was based on the likelihood that the 3♠ bid occurred with less than a 10 second pause. After speaking with both A and B players, however, the director determined that Laws 73F1 and 16A were not violated since all players consulted bid 4♠ with the East cards. The table result was ruled to stand.

**The Appeal:**

N-S appealed the ruling and all four players attended the hearing. North had 13,500 masterpoints, South 9100, East 550, and West 600. The players agreed that during the auction there was a discussion of the meaning of the 3♠ bid, but no mention was made about the tempo of the bid. When asked by the reviewer the meaning of the 3♠ bid, East described it as "at the 3-level, having

some cards”. He seemed reluctant to use his partner’s words “limit raise”. South said he used the stop card. N-S said that West did not pause. E-W did not recall that there was any tempo problem with the 3♠ bid.

### The Panel:

Susan Doe (Reviewer), Matt Smith, Gary Zeiger

### The Decision:

Given that the facts of what happened at the table were not agreed, the panel first had to deal with the question of whether West transmitted unauthorized information to his partner by making a fast 3♠ bid. On one hand, N-S had not mentioned a fast 3♠ bid at the table and had not called the director until two rounds later to report it. On the other, E-W did not have a clear memory of the timing of the 3♠ bid.

Since the players offered nothing new on the subject to the reviewer that had not already been reported to the table director, the panel ultimately decided to defer to the table director’s finding of fact that Law 73A2 had been violated. The panel then polled three experts and four peers (450–700 points) on East’s action over 3♠-P. One expert said he would not pass and would bid either 3NT or 4♠. Another thought it was 50-50 between 4♠ and pass. A third player consulted said he would pass.

Of the peers, one said he would bid 4♠ and the other three passed (although each of them thought 4♠ was a close second choice). Since pass was therefore a logical alternative to 4♠, and since the panel believed that a fast 3♠ bid demonstrably suggested not passing, the score was adjusted to 3♠ making 4, E-W +170 (Laws 16A, 73F1, 12C2).

### Players consulted:

Matt Granovetter, Ken Gee, Lloyd Arvedon, and four players with 450–700 masterpoints.

### Casebook panellists:

**Gordon Bower:** The fast 3♠ indicates that 3♠ was an obvious call – nothing wasted in diamonds, and not forced into raising immediately with just 3-card support – but it doesn’t necessarily promise extra values or tell East that 4 is going to make. Since diamonds weren’t raised West probably doesn’t have a singleton or void. UI that West has xx or xxx diamonds does not make East happy. I can imagine a slightly different hand where West raised fast with xxx diamonds, East passed and made 3, and N-S asked for an adjustment to 4♠–1 “because the guy with a 6-loser hand bailed out after receiving UI.”

Pre-1997 I would adjust to 170 without hesitation. Under the new stricter standards I feel this just barely falls short of “demonstrably suggested.” Were I on a committee, I would vote for score stands, but wouldn’t argue the point if the majority wanted 170.

I wish we had been given more information about E-W’s methods: what’s the weakest hand West would call 4♦ with, what would X-followed-by-spades show, and how often is a 3♠ raise on 3-card support, for instance? We couldn’t really judge how exceptional of a hand for this sequence West had.

**Doug Couchman:** Yes, yes, yes. Fast calls convey just as much UI as slow ones, and we have to start nailing the perpetrators.

First, under the ridiculous ACBL stop card regulations it is irrelevant whether the card was used – West’s obligation is to pause for about ten seconds regardless. The unchallenged evidence says that he didn’t (East/West didn’t remember, and you know they would have if West had paused). Regardless the exact meaning of 3♠, doing it quickly meant West was confident, thus suggesting 4♠ by East.

Pass by East was an LA, as several peer consultants showed. What the experts thought is irrelevant, and they shouldn’t have been asked.

–170 both ways is correct.

**Grattan Endicott:** The Director acknowledges doubt as to the facts of the tempo. The complaining pair took two rounds to come to a realization that there had been an irregularity. I am surprised that the Director felt he had grounds to be satisfied that he had determined the facts as Law 85A stipulates. Law 85B does not apply since play has long ceased. What did the Director know that we do not know? In the absence of satisfying evidence of an irregularity I strongly suggest the Director does not have the basis for ruling that an irregularity occurred.

When the appeal arrives in committee the auction should be considered with tempo and inflection removed. If West’s methods allow of a choice among alternative actions depending whether the 3♠ bid is full value or a stretch, East will have a single clear action to take; if there is no such choice available the question arises whether, with a full value opener, East must inevitably bid game. Were the E/W methods explored, and were the players consulted informed of them and asked to make their judgements in the light of the methods of the pair in question?

**Marvin French:** West had a 4♠ bid, as 3♠ in matchpoint competition does not show this good a hand. Limit raises are jump bids, so 3♠ was not a limit raise, as it would be over a pass. Players will often show this “3½♠” bid by the tempo of the 3♠ bid, as West did here. With wasted diamond values, East has a clear pass in a matchpoint game, especially after a BIT. After all, West could have an even better hand (KQ of clubs instead of the ace) and 4♠ would not make. This case shows the importance of drawing attention to UI when it occurs and calling the TD per L9B1(a).

**Jim Hudson:** Again, why were the experts consulted?

An interesting asymmetry: West’s fast bid was taken to show enthusiasm, but a slow bid would not have shown reluctance—in fact, I do not see that it would have suggested any particular action by E.

A more strenuous effort should have been made to determine what E-W’s actual agreement was about the 3♠ bid. Who plays this as a limit raise? If it could have been substantially weaker than that, as I suspect, E must obviously pass in the face of the UI. Without accusing W of anything, we cannot allow players to distinguish between a good 3♠ and a bad 3♠ by their tempo. (Of course, W should have bid 4♠ rather than only 3, unless this pair opens very light.)

**Ron Johnson:** I agree with the AC (stipulating that the 3♠ was fast – and that’s the kind of determination that I’ll always trust an experienced director on – they’ve been there many times).

**Hilda Lirsch:** The experienced North-South partnership (North holding 13,500 masterpoints and South holding 9100 masterpoints) have infringed Law 16A2:

“When a player has substantial reason to believe that an opponent who had a logical alternative has chosen an action that could have been suggested by such information, he should summon the Director forthwith.”

Two rounds later was not “forthwith”. Therefore, if I had been the TD or the AC, I would not have adjusted the score, pursuant to the first sentence of Law 11A:

“The right to penalise an irregularity may be forfeited if either member of the non-offending side takes any action before summoning the Director.”<sup>8</sup>

**John MacGregor:** Much tougher here considering that it all seems to be based on the speed of the 3♠ bid. East has an awkward choice, and I am sure that you would get split opinions in a larger poll. Perhaps this is where we should be doing one of those split scores, eg 60% of the time you bid 4♠, and 40% you bid 3♠.<sup>9</sup>

**David Stevenson:** Yuk! I quote from my comments on Appeal 3: “It is never satisfactory when there is a late call for the Director and the facts are not agreed.” Yet again, I doubt that the Director should have found that there was a BIT, though I am happy that the Panel upheld the Director on his determination of the facts. Once East did not aver that 3♠ was a limit raise the decision seems reasonable.

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<sup>8</sup>But the second sentence of Law 11A states, “The Director so rules when the non-offending side may have gained through subsequent action taken by an opponent in ignorance of the penalty.” In this case, the non-offending side has not gained by the delay. Furthermore, Law 81C6 states that a TD should normally, “rectify an error or irregularity of which he becomes aware in any manner, within the correction period established in accordance with Law 79C”.

<sup>9</sup>In World, European, Australian and English events such a split score is illegal. The EBU White Book states that a TD “may not include the disallowed call 4♠ 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”. However, the ACBL Laws Commission recently affirmed its intention to permit “Reveley ruling” split scores in ACBL events.

## Appeal 5 – The sea lawyer in the coffee house

<b>Wednesday Fast Pairs</b>				<b>anon.</b>		
<b>1<sup>st</sup> Session</b>				♠ A 8 7		
<b>DIC: Harry Falk</b>				♥ K Q 9 5		
<b>Board 17</b>				♦ A Q J		
				♣ Q 10 6		
				<b>anon.</b>		<b>anon.</b>
<b>Vul.:</b> None			♠ 10 9 5	N		♠ K J
<b>Dealer:</b> N			♥ A 10 7 6 2	W	E	♥ J 8
			♦ 9 7 4		S	♦ 8 3 2
			♣ 7 3			♣ A K 9 8 5 4
			<b>anon.</b>			
			♠ Q 6 4 3 2			
			♥ 4 3			
			♦ K 10 6 5			
			♣ J 2			
W	N	E	S			
	1♣	pass <sup>1</sup>	1♠			
pass	2NT	pass	3♠			
pass	4♠	pass	pass			
pass						

<sup>1</sup>At his turn, East picked up North's convention card and asked about NS agreements

### The Facts:

The final contract was 4♠ by South down one for a N-S score of -50. The opening lead was the ♣7. The director was called after East passed over 1♣. He was called again after the opening lead of the ♣7 and again at the conclusion of play. The play of the hand had gone ♣7 to the king, the ♣A was continued, low♣ to West's ruff (South pitching a heart), a ♦ to dummy, ♠A and low to East's ♠K, club return with South pitching a heart from hand and ruffing in dummy. The director instructed East that his actions in inquiring about the meaning of an unalerted 1♣ bid transmitted unauthorized information to his partner and that he should assume a normal meaning for 1♣ and not ask questions in the absence of an alert.

### The Ruling:

Despite the UI and West's illegal choice of a ♣ lead in light of it (Laws 16A, 73F1), the director ruled that the likelihood that 4♠ would go down one even on a non-club lead was so high that N-S had not been damaged by the infraction (Law 12C2).

### The Appeal:

N-S appealed the ruling and were the only players to attend the hearing. North had 1050 masterpoints, South 1900, East 1250, and West 1350. N-S argued that the ♣ lead was suggested by the UI and that since E-W had taken only 4 of the 5 possible defensive tricks, that they would have missed one of the 4 tricks available after a trump or diamond or heart lead. They were of the opinion that the opponents should be held to the worst possible defense. They felt that they had been made to wait too long for the table director to give them a ruling.

**The Panel:**

Susan Doe (Reviewer), Michael Carroad

**The Decision:**

The panel decided that East's actions had transmitted UI to West and it investigated whether that UI might have damaged N-S. Ten players with 1000 to 1300 points were given the West hand as lead problem (absent the UI) and four different ones were given the East hand to suggest a defense after a spade lead. The players given the lead problem chose a trump 7 times, a  $\diamond$  twice, and a  $\clubsuit$  once. Some offered that a heart would never be their choice. Of the peer players given the problem of how they would plan their defense with the East hand, three chose to try for a  $\clubsuit$  ruff. The fourth suggested a spade return. The panel interpreted this evidence to indicate that the likelihood that  $4\spadesuit$  would have made on a non-club lead was too low to either award it to N-S or to assign it to E-W (Law 12C2), so it ruled the result stands.

The panel thought that N-S should have known that they would not win an adjustment on the board (which North said would not affect their score in any case), so an AWMW was assessed to N-S.

A procedural penalty of one quarter of a board was issued to E-W for the flagrant transmission and use of UI (73F1).

**Players consulted:**

Fourteen peers of E-W.

**Casebook panellists:**

**Gordon Bower:** The director got this one right: there was UI but the contract was always going down. North-South's hand analysis abilities appear to leave something to be desired. There are five defensive tricks available no matter which of West's 13 cards is led! I will give North-South exactly what they asked for – I will impose the worst possible opening lead on West and force E-W to misdefend by one trick – which means, score stands and an AWMW.

Had N-S gone down two on a club lead, we'd have a much harder case, deciding how likely it would be that all 5 tricks would be collected successfully on another lead, and we might be adjusting from –100 to –50.

I wonder if North's convention card was on the table in plain sight, or if it had been stuffed under a bidding box. A quick glance to see if the "could be short" box is checked would have given a lot less UI than picking it up and asking out loud.

**Doug Couchman:** 100%.

UI: yes. Players are encouraged to check their opponents' convention cards before play begins, not after. While doing so often conveys nothing, here it clearly said something. An unannounced, unalerted  $1\clubsuit$  opening is usually clubs, and East's actions suggested that that was interesting to him; as a result, the suggested club lead, with apparently more attractive alternatives available, is verboten. The PP is appropriate.

The panel gets the rest of it right, too. How East/West was supposed to manage only three tricks after a trump or diamond lead is beyond me, and that North/South didn't even suggest a line (they stunk after the club lead, so they probably would have stunk even worse otherwise, just doesn't cut it) doomed them to the AWMW. No damage, no adjustment.

**Grattan Endicott:** The committee expresses its view that the Director should have awarded a PP. It has thus allowed the appeal. It seems a stupid arrangement to me that the appellants are to be criticized for making a successful appeal.

**Marvin French:** PPs should not be used for disciplinary purposes, as the Laws' authors made clear when they changed the title of L90 from "Disciplinary Penalties" to "Procedural Penalties" in 1975.<sup>10</sup> PPs are not recorded, as disciplinary action ought to be, and ethical violations should not affect the scoring column when there is no damage. The AWMW was unjustified and will deter players from appealing when the opponents have committed an infraction. After all, the appeal was in effect made due to the failure of the TD to do anything about the infraction, for which a PP was assessed. How could the appeal be without merit if it brought that about? The TD should have ruled against E-W and let the TD Panel determine if there was damage.

**Jim Hudson:** In score adjustments for UI we have no way of knowing what the players themselves would have done in a hypothetical alternative situation (in which the UI was absent). We must therefore look to what would "likely," or "at all probably," be done in such a situation by the players' peers (if only we can identify this group). Here the Panel did the best it could, and ruled correctly: no adjustment. N-S argued that this E-W probably would have blown a trick in any case, so without taking advantage of UI they would have let the contract make. But no, we cannot use just this case as evidence of E-W's general skill level. More likely, after a different opening lead they would have defended competently. It is not completely clear what evidence we should use as to their skill level, but surely it must go beyond this one bad defense.

The PP is fine, but the AWMW is not: we cannot expect N-S to have realized that their argument would be routinely rejected.

("They felt that they had been made to wait too long for the table director to give them a ruling." Of course, this is irrelevant.)

**Ron Johnson:** I like every aspect of the ruling here. East chose to indulge in some pretty flagrant coffee-housing and I don't think the director dealt with this adequately. At the same time, I'm none too happy with the appeal by North/South. The worst sort of attempted rules lawyering.

**Hilda Lirsch:** I am uncomfortable with E-W being given a one-quarter board PP only after N-S launched a meritless appeal. In my opinion, the TD should have been more proactive, and awarded the one-quarter board PP themselves. In my opinion, PPs should be standardised.

Furthermore, in my opinion an AC should only vary a TD's PP (or non-PP) if the AC has uncovered additional facts.

**John MacGregor:** Another one that should never have left the table. It would be nice if the players started trusting the TDs to do a good job. I must admit that the TD should have penalized E-W for the blatant use of UI, and not wait for the AC to do it.

**David Stevenson:** There is no reasonable misdefence to allow N/S to make 4♠ even with a ♣ lead disallowed, so the AWMW was reasonable.

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<sup>10</sup>The Scope and Interpretation of the Laws states, "headings are for convenience of reference only; headings are not considered to be part of the Laws".

**Appeal 6 – The road to hell is paved with good conventions**

<p><b>Bracket 3 KOs</b> 3/25/04</p> <p><b>DIC: Olin Hubert</b></p> <p><b>Board 28</b></p> <p><b>Vul.: N-S</b> <b>Dealer: W</b></p>	<p><b>anon.</b> ♠ J 10 7 2 ♥ K J 4 ♦ J 10 8 ♣ 8 7 6</p>	<p><b>anon.</b> ♠ A K 9 3 ♥ 10 7 6 ♦ Q 5 ♣ Q 5 3 2</p>	<p><b>anon.</b> ♠ 8 6 5 ♥ A Q 9 8 5 3 2 ♦ A K 9 ♣ –</p>																
<table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="border-bottom: 1px solid black; width: 15%; text-align: center;">W</td> <td style="border-bottom: 1px solid black; width: 15%; text-align: center;">N</td> <td style="border-bottom: 1px solid black; width: 15%; text-align: center;">E</td> <td style="border-bottom: 1px solid black; width: 15%; text-align: center;">S</td> </tr> <tr> <td style="padding-top: 5px;">pass</td> <td style="padding-top: 5px;">1NT<sup>1</sup></td> <td style="padding-top: 5px;">2♥<sup>2</sup></td> <td style="padding-top: 5px;">2NT<sup>3</sup></td> </tr> <tr> <td style="padding-top: 5px;">3♥</td> <td style="padding-top: 5px;">pass</td> <td style="padding-top: 5px;">4♥</td> <td style="padding-top: 5px;">pass</td> </tr> <tr> <td style="padding-top: 5px;">pass</td> <td style="padding-top: 5px;">pass</td> <td></td> <td></td> </tr> </table> <p><sup>1</sup>10–12 (announced) <sup>2</sup>Alerted - hearts and a minor <sup>3</sup>Lebensohl</p>	W	N	E	S	pass	1NT <sup>1</sup>	2♥ <sup>2</sup>	2NT <sup>3</sup>	3♥	pass	4♥	pass	pass	pass			<p><b>anon.</b> ♠ Q 4 ♥ – ♦ 7 6 4 3 2 ♣ A K J 10 9 4</p>		
W	N	E	S																
pass	1NT <sup>1</sup>	2♥ <sup>2</sup>	2NT <sup>3</sup>																
3♥	pass	4♥	pass																
pass	pass																		

**The Facts:**

The final contract was 4♥ by East making four for a score of E-W +420. The opening lead was the ♣K. The director was called after the play of the hand. East intended 2♥ as natural. Both convention cards showed that Hamilton applied.

**The Ruling:**

The table result stands. There was no misinformation (Law 75) and East did not take advantage of unauthorized information from the alert and explanation of 2♥ by later bidding 4♥ (Laws 16A, 73F1).

**The Appeal:**

N-S appealed the ruling and all players except North attended the hearing.

North had 2300 masterpoints, South 2800, East 1870, and West 2350. South said that this was the second hand in a row where E-W had misused Hamilton. On the previous hand, West had bid 2♣ showing a one-suiter, not alerted by East. West then passed East’s 2♠ advance. An appeal on that board was withdrawn when N-S conceded that they could not reasonably expect an adjustment due to either MI or the use of UI. South said this second hand proved they did not really have an agreement. If the board wasn’t adjusted, South said that E-W should be penalized or the board should be thrown out. He conceded that E-W had discussed the convention and when it applied after the previous board. He said he might have bid 5♣ if he knew East had only hearts. E-W said

they were a new partnership formed at this tournament. They did not recall any previous Hamilton misunderstanding prior to the two described by South. East said her 4♥ bid was clear after West's raise irrespective of the alert and explanation by her partner. She said that on the previous hand she did not think Hamilton applied over a 10–12 1NT, but that they decided after the hand that it would. She said she simply forgot to bid 2♣ on this hand.

### The Panel:

Gary Zeiger (Reviewer), Matt Smith, Ken Van Cleve

### The Decision:

The panel decided that the matching convention cards and the immediately preceding discussion constituted a partnership agreement, so no misinformation had occurred (Law 75). The panel also found that East had not taken advantage of the UI from her partner's alert and explanation of 2♥ after a consulted expert termed 4♥ a "100% action" (Laws 16A and 73F1). Since no violation of law occurred, the table result was allowed to stand.

The panel was concerned, however, about E-W's (particularly East's) apparent inability to understand the use of a convention in a basic situation. Therefore, the panel assessed a 2 IMP procedural penalty against E-W (Law 90A) and warned them that further Hamilton accidents would result in them being denied permission to use the convention. The recorder was notified of the panel's concern.

The appeal was found to have merit.

### Player Consulted:

Steve Scott

### Casebook panellists:

**Gordon Bower:** My concern in this auction is whether West has taken advantage of UI. That 3♥ bid would be suicidal if East had a 4-5 hand, still risky even if East has 5-4. West is bidding like he expects six. Are we sure that East didn't wince when he heard 2♥ alerted, clueing his partner in that he'd forgotten the system again?

As that issue wasn't raised in the actual case, I fully agree with the ruling, and wouldn't mind seeing an AWMW given. I dislike the PP but agree with the verbal warning to learn their convention.

**Doug Couchman:** Nope, not quite.

First, there was misinformation – matching convention cards do not an agreement make. If East was clueless as to the meaning of his bids in this situation, and that seems to be the case, then West's explanation was incorrect: the bid was supposed to show hearts and a minor, but may well have shown only hearts.

However, that MI caused no damage. First, South (who had the decisions to make) probably knew darned well what was going on, especially after the previous board's foul-up; second, regardless which meaning was correct, the decision whether to drive to 5♣, along with how

quickly to do it, was unchanged. The panel correctly determined that there was also no UI issue.

OK, so on what basis did the appeal have merit? I don't see it. A director call was warranted, certainly, but what was North/South asking for on appeal? Not the PP – they have to allege damage to themselves. I see no colorable claim thereof, so break out the AWMW.

As to the PP, it seems a bit much. If we're imposing such penalties for mere cluelessness (even on two consecutive hands), the directors are going to have a lot of work on their hands. Usually, such mistakes favor the opposing side, and that's penalty enough in the long run. When the opponents screw up and get lucky, don't cry foul, just offer to play them for money.

**Grattan Endicott:** What is the offence?

**Marvin French:** No AWMW when there should have been one, and an illegal PP. Not a good performance by the Panel, except for its correct decision on the appeal matter itself.

I would like to know exactly what was shown on the convention cards. The mere name of a defense (Hamilton in this case) is not permitted, and an explanation must be provided for each non-jump defensive action. Moreover, there are two columns provided so that different agreements can be applied to different notrump ranges, with a further line for any additional Alertable agreement. The TD owes the Panel more than a mere statement that “both convention cards showed that Hamilton applied”.

**Jim Hudson:** Completely illegal; “convention disruption” does not justify a PP.<sup>11</sup> The Director might instruct E-W to stop using the convention, but even that would be overkill. E-W will get it right; just give them a little more time. I hate to see the Panel validating N-S's mean-spirited appeal, instead of giving them the AWMW they deserve.

**Ron Johnson:** I agree with the ruling. In fact I'd have liked to have seen an AWMW handed out. There is no merit to the appeal. I'm less happy with the procedural penalty handed out. I understand why they did it, but conventional disruption isn't against the Laws, and it is legit to mess up a convention on consecutive boards (a quick discussion after the previous problem isn't particularly likely to solve the problem).

I have no problems with (in fact I endorse) the warning to East/West and the notification to the recorder.

**Hilda Lirsch:** In my opinion, the table TD gave an excellent decision, but the panel of TDs gave an outrageous decision. In my opinion, N-S should have been assessed an Appeal Without Merit, as there was nil justification for any score adjustment, and the experienced N-S partnership should have been well aware of this.

Meanwhile, I am highly uncomfortable with the philosophy that a table TD can elect not to assign a PP, but then a PP is assigned on appeal when no additional facts have been uncovered.

Furthermore, I am outraged that a PP was assigned for the non-existent infraction of Convention Disruption.

**John MacGregor:** Are we back to that old convention disruption thing again? I wonder if we should simply be stricter when a partnership causes problems when using conventional

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<sup>11</sup>Maybe completely illegal, maybe not. The footnote to Law 75 states that a mistaken bid “is no infraction of Law”. However, procedural penalties (PPs) are authorised by Law 90, which refers not to an “infraction” but rather to an “offence”. It is true that the World Bridge Federation (WBF) Code of Practice states that: “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. In particular the WBF wishes to stress that a player who forgets his convention, misbids or misuses it, is not subject to automatic penalty.” But the ACBL has not yet adopted the WBF Code of Practice.

agreements that they do not remember. However, the appeal has no merit with regards to the specific instance.

**David Stevenson:** South suggested the board should be “thrown out”! I should like my bad boards thrown out as well, please! If your opponents play bad bridge – and inability to remember how your conventions work is bad bridge – then it is to your advantage over a period of time. To assume it will occur on every hand is not reasonable, and it is unsporting to expect unlucky occurrences to be “thrown out”. I hope that South realises that in future opponents’ mistakes are desirable but do not lead to automatic good boards.

**Appeal 7 – Decision without merit warning**

<b>Red Ribbon Pairs 3/23/04, 2<sup>nd</sup> Qualifying</b>				<b>anon.</b> ♠ Q 10 9 8 7 2 ♥ 4 ♦ K 9 6 4 ♣ 10 7																																		
<b>DIC: Millard Nachtwey</b>																																						
<b>Board 11</b>																																						
<b>Vul.: None</b> <b>Dealer: S</b>		<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; padding: 5px;"> <b>anon.</b>                      ♠ A 4 3                      ♥ Q 10 9 8 7 6 2                      ♦ 7 2                      ♣ 5                 </td> <td style="width: 50%; padding: 5px;"> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"></td> <td style="text-align: center;">N</td> <td style="width: 50%;"></td> </tr> <tr> <td style="text-align: center;">W</td> <td style="width: 10%;"></td> <td style="text-align: center;">E</td> </tr> <tr> <td style="width: 50%;"></td> <td style="text-align: center;">S</td> <td style="width: 50%;"></td> </tr> </table> </td> </tr> </table>		<b>anon.</b> ♠ A 4 3 ♥ Q 10 9 8 7 6 2 ♦ 7 2 ♣ 5	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"></td> <td style="text-align: center;">N</td> <td style="width: 50%;"></td> </tr> <tr> <td style="text-align: center;">W</td> <td style="width: 10%;"></td> <td style="text-align: center;">E</td> </tr> <tr> <td style="width: 50%;"></td> <td style="text-align: center;">S</td> <td style="width: 50%;"></td> </tr> </table>		N		W		E		S		<b>anon.</b> ♠ K J 6 ♥ K J 5 3 ♦ A J 5 ♣ A 8 6																							
<b>anon.</b> ♠ A 4 3 ♥ Q 10 9 8 7 6 2 ♦ 7 2 ♣ 5	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"></td> <td style="text-align: center;">N</td> <td style="width: 50%;"></td> </tr> <tr> <td style="text-align: center;">W</td> <td style="width: 10%;"></td> <td style="text-align: center;">E</td> </tr> <tr> <td style="width: 50%;"></td> <td style="text-align: center;">S</td> <td style="width: 50%;"></td> </tr> </table>		N		W		E		S																													
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W	N	E	S																																			
				<b>anon.</b> ♠ 5 ♥ A ♦ Q 10 8 3 ♣ K Q J 9 4 3 2																																		
3♥	pass	4♥	1♣																																			
pass	4♠	dbl	pass <sup>1</sup>																																			
pass	pass	dbl	5♣																																			
pass	pass	pass	pass																																			
<sup>1</sup> BIT (see The Facts)																																						

**The Facts:**

The final contract was 5♣ doubled by South down 2 for N-S -300. The opening lead was the ♥10 and the director was called after the 4♠ bid. E-W reported to the director that South took 10–15 seconds to pass over 4♥. N-S agreed that a hesitation occurred, although they did not concede that it was as long as E-W contended. North said it “wasn’t out of the ordinary”. South said she was thinking of bidding 5♣.

**The Ruling:**

The director ruled that the hesitation did not demonstrably suggest that the 4♠ bid would be more successful than pass, so he ruled the table result to stand (Law 16).

E-W appealed the ruling and were the only players to attend the hearing.

**The Appeal:**

North had 470 masterpoints, South had 625, East 1900, and West 1950. E-W pointed out that since North found it reasonable to pass at his first turn (as opposed to double or 3♠), then it must have been possible for him to pass at his second turn. They thought that the quality of the spade suit would deter many from bidding. They said that South’s break in tempo suggested extra values of some sort and that any action South was considering was an encouragement for North to bid.

**The Panel:**

Gary Zeiger (Reviewer), Bernard Gorkin, Susan Doe

**The Decision:**

Six 500-point players were given North's hand (without any UI) and asked for their bids at each turn. Three players passed at each turn. Two players wanted to bid 3♠ at their first turn, but when forced to pass, they bid 4♠ at their next turn. One player passed at his first turn, then bid 4♠ over 4♥-P-P. An expert was consulted and he passed first and bid 4♠ at his next turn, but he said it could certainly backfire. He thought any break in tempo by partner would encourage action.

The panel decided that there had been an unmistakable hesitation by South that demonstrably suggested action over inaction by North. Based on peer opinions, the panel decided that pass by North was a logical alternative. The score was adjusted to 4♥ by West making 5, E-W +450 (Laws 73C, 16A2, 12C2).

**Players consulted:**

Six players with about 500 masterpoints, and Phil Brady.

**Casebook panellists:**

**Gordon Bower:** Looks fine to me. As a TD I might have adjusted to 4♥ at the table. Looking at the North hand, 4♠ being right rates to be a coin flip. Given that partner can't have a heart stack, it seems more likely that he was thinking about bidding on, not doubling.

**Doug Couchman:** OK.

The determination that there was an unmistakable hesitation was not fleshed out in the writeup, but seems correct. Pass is an LA, as the peer consultants showed. Did the hesitation demonstrably suggest bidding spades? Less clear. Certainly double would be out, as it caters to all of South's hesitation hands, but 4♠ rates to be pretty bad regardless what South holds. It strikes me that it's somewhat more likely that South's transferable extra values (after the hesitation, that's the likely explanation) or substantial extra offense (as it turned out) will make 4♠ better than it would have been over a fast pass, but I could be convinced otherwise; I wish the panel had spent more time on this question.

There was no reason to ask an expert consultant what he thought of North's decisions.

**Grattan Endicott:** If as South I had paused to think on this hand it would have been to take a view on a possible 4NT bid. However, once I think and pass there is no shred of a case for anything but pass by North – I have judged the hand.

**Marvin French:** The TD's name should be taken down if he thought that "the hesitation did not demonstrably suggest that the 4♠ bid would be more successful than a pass." A hesitation in this situation suggests that action by partner would be welcome, so any action taken, not just a particular action, is demonstrably suggested by it. Well-handled by the Panel, except that saying that the decision was "based on peer opinions" is very sad, as it was based on Law 16A.

**Jim Hudson:** OK. But what is the point of consulting an expert about a bidding problem faced by a non-expert? The question should be: Did the hesitation suggest action to 500-point players?

**Ron Johnson:** Well reasoned and well explained.

**Hilda Lirsch:** It seems that the table TD was derelict in their duty, by merely using their own judgment, instead of properly consulting (as the panel did). If the TD had properly consulted, then it would have been the offending North-South who would be the only possible appellants. If the offending North-South had initiated such a hypothetical appeal, they would have deserved an Appeal Without Merit Warning. Unfortunately, it is the table TD who deserves a Decision Without Merit Warning.

**John MacGregor:** What's the problem? South paused to think at the wrong time, and froze North out of the auction. Or at least restricted their possible actions.

**David Stevenson:** It is these completely routine UI rulings that make me worry about how far the ACBL goes in teaching its players the effect of Law 73C. While there are rogues out there, no doubt, I am sure that if more players understood their ethical requirements in the presence of UI from partner, the fewer of these rulings would be required, and the more pleasant the game would become at lower levels. Of course this one is complicated by the Director ruling wrong and by the Panel being required to correct the ruling.

## Appeal 8 – Babel fishing

<b>2<sup>nd</sup> Friday Afternoon Side Game</b>				<b>anon.</b>	
<b>3/26/04</b>				♠ K 10 3	
<b>DIC: Bob Leonard</b>				♥ K J 7 5	
<b>Board 2</b>				♦ 7 5 4 3	
<b>Vul.: N-S</b>				♣ 9 5	
<b>Dealer: E</b>					
			<b>anon.</b>		<b>anon.</b>
			♠ Q 9 7 4	N	♠ J 5
			♥ 10 2	W	♥ Q 6 3
			♦ K Q 9 6	S	♦ A J 10 8 2
			♣ 10 8 6		♣ 4 3 2
				<b>anon.</b>	
				♠ A 8 6 2	
				♥ A 9 8 4	
				♦ –	
				♣ A K Q J 7	
W	N	E	S		
		pass	1♣		
pass	1♥	pass	2♠		
pass	3♠	pass	4NT		
pass	5♣ <sup>1</sup>	pass	5♥ <sup>2</sup>		
pass	pass <sup>3</sup>	pass			

<sup>1</sup>One Key Card for spades  
<sup>2</sup>After some thought, South said "I'll let him play it".  
<sup>3</sup>Some thought before passing

**The Facts:**

The final contract was 5♥ by North making 5 for a score of +650. The ♦Ace was led and the director was called after the auction ended. The director erroneously believed North's response to 4NT was 5♦. He determined to his satisfaction that N-S do not employ trump queen asking methods.

**The Ruling:**

While South's remark suggested a pass by North, there was no logical alternative to pass for this North (Law 16A).

**The Appeal:**

E-W appealed the ruling and all four players attended the hearing. N-S are a semi-regular partnership with each having about 350 masterpoints. East had 700 points and West had 625. At the start of the hearing, the auction and facts on the appeal form were confirmed with the players. At that point, all parties agreed that North's response to 4NT was actually 5♦ (as noted on the appeal form originally). N-S said that they had no agreement about 5♥ being a trump queen asking bid and in fact both said they had never heard of it. Their convention card did not make any mention of it one way or the other.

When asked about their auction in general, N-S stated that 2♠ was game forcing promising four spades. South said she would have opened 1♠ if she had 5 of them even with a longer minor (she had opened a 5-6 spade-club hand 1♠ earlier in the day). N-S do play splinters, but both said that they splinter with singletons and not voids. North said he expected partner to have only four spades (perhaps even three). He agreed that he took 45 seconds before passing 5♥. He said he took the time trying to figure out if he had missed something earlier in the auction, but that he eventually concluded that South must have true heart support.

N-S said they were familiar with an auction where a new suit bid at the five level by the 4NT bidder requested a 5NT bid from partner. E-W thought that the remark by South suggested that North should pass and that 5♠ was a reasonable alternative for North. At this point in the hearing, West volunteered that North's response to 4NT had been 5♣ and not 5♦. N-S confirmed this fact (their response structure to RKC was 1430).

As to the remark made by South, she agreed she said it in a quiet aside to East. North said he did not hear the remark and West said he heard South say something but did not understand what she said. At the end of the auction, East asked West if he "wanted to let it go by." West asked what she meant and when he told him, he called the director.

#### The Panel:

Matt Smith Reviewer, Charles MacCracken,, Michael Carroad

#### The Decision:

The panel polled three experts and three peers on what South's sequence of bids showed. Two speculated that South was showing a hand that was too good for a 4♥ bid or a splinter over 1♥ by North – perhaps a very strong 3=4=1=5 pattern. North's 3♠ bid may have endplayed South from completing his description by jumping to 4♥ over an expected continuation by North of 2NT or 3♣. Another was unsure what 5♥ showed in the absence of partnership agreement. All agreed that 5♥ was not a queen ask since 5♦ was available for that purpose.

The three peers (500, 270, and 450 points) were given North's hand as a bidding problem. Two of them preferred a bid of 2NT over 2♠, but over 5♥ all agreed that pass was the only alternative as partner must have four hearts. Given this input, the panel decided that although UI was available to North due to his partner's remark (although it may well not have been heard by him) and that the remark suggested passing, there was no logical alternative to passing (Law 16A).

The table result of N-S +650 was ruled to stand. Given that the confusion over the auction was not cleared up until well into the hearing, E-W were not given an AWMW in a case that otherwise would have warranted one.

#### Casebook panellists:

**Gordon Bower:** This one is tough. I accept that this auction reveals exactly 7 spades combined, and largely because of that, I concur with "no LA, score stands." (I also open the major with my 5M-6m hands, as South claims to do.) I am surprised that AWMW was being seriously considered.

**Doug Couchman:** I must be missing something here – nobody seems to be asking the right questions, but I suppose maybe it's me.

It doesn't matter whether 5♥ was a queen ask to an expert, or what the immediately preceding bid had been. What matters is what North might have thought it meant without the UI. As I see it, North cooked his goose when he admitted to thinking for 45 seconds before passing – if 5♥ were a clear signoff in this partnership, he'd have passed quickly. I therefore conclude that, whatever 5♥ wasn't, it was at least arguably something forward-going, and there was at least a reasonable probability North would have bid on absent the remark (presumably 5♠, presumably passed).

To the legal tests: there was UI (I know North said he didn't hear it, but he might have and in such cases we need to give the benefit of the doubt to the NOS). The UI demonstrably suggested passing. There WERE logical alternatives: even in this partnership, where 5♥ wasn't a queen ask and wasn't a puppet to 5NT, North apparently wondered what he should do, so I believe that 5♠ was logical for him. (Yes, South might have been unable to show his pattern and all that, but couldn't it have been a cuebid, or an attempt at an asking bid, or a mistake? An exotic-sounding grand slam try is not impossible even for a straight-laced pair, and an inadvertent signoff in the wrong suit is perhaps more likely.) After 5♠ (I'm not going to make him bid 6 with that dog), South would pass (no, I'm not letting him correct to 6♥), and East/West would take a bunch of tricks – six looks likely and at all probable to me.

As with several other cases, it is irrelevant what experts thought the sequence showed, and they shouldn't have been asked.

–400 both ways.

**Grattan Endicott:** I wonder if the emphasis was on the “him” or the “play”?

South appears to have judged that Hearts was as likely to be at least as good a contract as Spades. The whole thing is muddled and the only real benefit from the incident will be derived by South who will have learnt the inadvisability of making gratuitous remarks. I hope.

**Marvin French:** Normally the 3♠ bid, raising a secondary suit, would show four-card support, and the raise was perhaps made after some hesitation. I would have asked E-W about that. It looks very much like South was afraid North would think spades were agreed, hence the outrageous remark. The clincher is that North did indeed consider bidding 5♠, as he admits, but he “eventually concluded South must have true heart support.” Of course he would conclude that, after what South said (which the Panel determined was heard by North). Adjust the score to 5♠ down an appropriate amount, and write a Player Memo documenting South's behavior. And, by the way, an AWMW should not be based on the time taken for the Panel to reach a decision when the delay is only caused by fact-finding.

**Jim Hudson:** A poll of three peers is woefully inadequate. Ask a dozen, and I guarantee you'll find an LA to pass. I would force N to bid 5♠ – makeable<sup>12</sup>, but since this pair made only eleven tricks in hearts, I'd call it down two for both sides. Needless to say, I think it was ridiculous even to consider an AWMW. But I would have given N-S a PP for South's inappropriate comment.

Again, why were experts consulted?

“South said she would have opened 1♠ if she had 5 of them even with a longer minor (she had opened a 5-6 spade-club hand 1♠ earlier in the day).” This is self-serving, and must be dismissed, absent documentation or other solid evidence.

**Ron Johnson:** I'm not really happy here. 5♠ by North certainly seems like a logical alternative in what is a very murky situation. (It's not like North's hearts are particularly good for the sequence) I guess the AC accepted North's assertion that he didn't hear the remark (and didn't

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<sup>12</sup>Jim Hudson reconsiders this in the Round Table *infra*.

have any UI from the fact that South was making some kind of remark to East). OK, they were there, I wasn't – I'll defer to their judgement on this point.

I don't understand the discussion of AWMW. It seems very clear that there's merit here. I'd have been happier if somebody had put a formal warning to South on the record. (That's the absolute minimum.)

**Hilda Lirsch:** It is appropriate to poll peers to determine whether or not a particular call is a logical alternative. But it is not appropriate to poll peers when making a Law 85 assessment of what a particular partnership has as their partnership agreements. Interrogation of the particular partnership is the way to resolve such a factual assessment.

Exception: Only if it is previously known that a particular partnership plays identical methods, is such a peer poll relevant.

Example: Many years ago in an Aussie national championship, some doubt arose as to whether I had misexplained or partner had misbid an obscure call in our Symmetric Relay system. Fortunately, some colleagues using identical Symmetric Relay methods were nearby, so polling them revealed that the correct Law 85 assessment, in that case, was misbid. (Since then, I carry a copy of my partnership's complete system notes to all Aussie national championships.)

**John MacGregor:** And no warning (or PP) for South for the totally inappropriate remark??

Surely they need to be educated on that point.

**David Stevenson:** Another muddle, and another Panel that seems to think players should not appeal in such cases. This is a long way from having no merit – in fact it is pretty close to being suitable for an adjustment. There was UI – whether North heard it (or not) is no more relevant than whether a player notices his partner's hesitation. South might have been bidding this way with a 4=3=1=5 hand. While I do not think the decision wrong I think it close and talk of an AWMW means the Panel had the wrong view of it.



**The Panel:**

Charles MacCracken (Reviewer), Roger Putnam, Matt Smith

**The Decision:**

The panel gave North’s hand as a bidding problem to three experts. Two of them said that pass was the only call at IMPs, but they would bid at matchpoints. Another thought both pass and 2♦ were equally likely. The panel found there had been an unmistakable hesitation which demonstrably suggested bidding as opposed to passing. The information from the polled players indicated that pass was a logical alternative to bidding 2♦. The contract was changed to 2♣ according to Laws 16 and 73F1.

Since there was no IMP difference between E-W +90 and +110, the panel ruled 2♣ made two, E-W +90 (12C2).

Since there was little potential gain available to bidding 2♦ and a potentially huge risk, and since North put forth no cogent reason to change the director’s ruling N-S were assessed a AWMW.

**Players Consulted:**

Jacqui Mitchell, Amalya Kearsse, and Ron Smith (SF)

**Casebook panellists:**

**Gordon Bower:** Pass looks like a LA to me, so I would make the same decision, as a TD or on the committee. Deciding whether to give an AWMW is harder. The expert has given a good case for why 2♦ would frequently be the winning action. Maybe he sincerely believed most experts would reach the same conclusion. It’s a real stretch for him to claim 2♦ is so clearcut that pass isn’t a LA, though.<sup>13</sup>

South shot himself in both feet, once by not mentioning hearts and again by creating UI for his partner, while West shot himself in only one foot by failing to find the spade fit. I guess it’s only fair that E-W should hobble away the victors. . .

**Doug Couchman:** Fine, mostly. I wouldn’t have assessed an AWMW, because there’s a decent argument that pass is not an LA.

I do think the panel should have explored, or at least told us, the North/South agreements in this sequence. It might have been relevant whether double by South would be takeout, penalty, or cards. I don’t see it mattering here, but the panel needs to look into such things, particularly before consulting.

**Grattan Endicott:** It is a mystery to me that South does not make the obvious bid of 2♥. For an expert North’s pass is an obvious requirement and, in my opinion, as a matter of reputation especially so if he was playing with a customer.

**Marvin French:** “North was a topflight expert. He believed that South barely broke tempo over 2♣.” I don’t believe that North “believed” that; I believe only that North *said* that. Well done by the Panel, including the richly-deserved AWMW.

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<sup>13</sup>If the expert North should have known that calling 2♦ was an infraction of Law 73C (“carefully avoid taking any advantage”), then the AWMW was fully justified. If I had been the TD, I would also have inflicted a PP on the expert North for infracting Law 73C.

**Jim Hudson:** “Barely broke tempo” = “a little bit pregnant.” It’s all or nothing.

What a timid bunch of experts! And only three of them – that’s not enough to get a representative sample. Still, I will accept that pass was a LA. Therefore the decision is OK, though it does smack a bit of “If it hesitates, shoot it!”

It was not egregious, merely inferior, for E-W not to find their spade fit.

I think the judgment is too close to give an AWMW. (I think it is clear to bid 2♦, just not quite clear enough.)

**Ron Johnson:** Good work. I’m particularly pleased that the AWMW was given. Show this one to anybody who suggests that the appeals process is invariably biased in favor of experts.

**Hilda Lirsch:** Given that North was vul versus not at imps scoring, I fully agree with the TD and panel in all respects. If, however, the conditions had been nil vul at matchpoints scoring, then in my opinion it would have been a borderline decision, and I would still be sitting on the fence.<sup>14</sup>

**John MacGregor:** North should have realized that this one was not going to make it through the process. Given the personal details of North, I would think some harsher penalties were in order to stop his bridge lawyering. Partner broke tempo so accept the fact that you are not going to be able to do what you want to do (and now know is right from the table action).

**David Stevenson:** 2♦ looks a reasonable bid, but a player who understands and follows Law 73C would have passed, rather than bid 2♦, so the AWMW was reasonable. North knew he was getting nothing from the Panel.

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<sup>14</sup>When Hugh Kelsey published his classic book, “Killing Defence at Bridge”, he wrote in his Foreword that he had considered publishing the book under the pseudonym of Osbert Sitting, so that it could be referred to as “Sitting on Defence”.

**Appeal 10 – The methodology was reasonable**

<b>Flight A/X Swiss 3/28/04</b>				<b>Dave Westfall</b>	
<b>DIC: Jeff Alexander</b>				♠ 98	
<b>Board 2</b>				♥ AKJ43	
<b>Vul.: N-S</b>				♦ 1063	
<b>Dealer: E</b>				♣ 865	
		<b>Mel Colchamiro</b>		<b>Janet Colchamiro</b>	
		♠ 765		♠ KQ32	
		♥ 652		♥ 9	
		♦ J85		♦ AKQ974	
		♣ KQ107		♣ A2	
				<b>Mark Burkhammer</b>	
				♠ AJ104	
				♥ Q1087	
				♦ 2	
				♣ J943	
W	N	E	S		
		1♣ <sup>1</sup>	pass		
1♦ <sup>2</sup>	1♥	2♦ <sup>3</sup>	2♥		
pass	pass	2♠ <sup>3</sup>	pass		
3♦ <sup>4</sup>	pass	4♣ <sup>5</sup>	pass		
4♦ <sup>6</sup>	pass	5♦	pass		
pass	pass				
<sup>1</sup> 15–21 HCP <sup>2</sup> 6+ HCP, denies a six-card suit <sup>3</sup> Suit, forcing 1 round <sup>4</sup> Preference <sup>5</sup> Cue bid <sup>6</sup> A long BIT (one minute)					

**The Facts:**

The final contract was 5♦ making five for an E-W score of +400 after the opening lead of the ♥K. West admitted to taking a long time to bid 4♦. Director was called after the 4♦ bid.

**The Ruling:**

Laws 16 and 73F: pass is not an LA. Result stands.

**The Appeal:**

N-S appealed and all four players attended the hearing. West said it took a while to work out that East was 4-6. His partner would have doubled 1♥ or 2♥ had she held more clubs, so he down graded the value of his ♣queen. East said she was looking for slam and of course she was always going to game. Give her partner the ♠jack and the ♣K and game was automatic.

N-S thought pass was an LA given the UI East had. They disputed the example hand above being an “automatic” make. Also, if West held, for example, xxx, Qxx, Jxx and QJxx, E-W thought it

would have taken him a lot less time to bid 4♦. With this hand you cannot get to dummy twice to take the club finesse and lead toward the ♠KQ twice unless the diamonds are 2-2 and even if the ♠A is on, spades have to split 3-3 to make. This hand requires the ♠A and ♣K to be onside, which does not leave much of a heart suit for the overcaller.

### The Panel:

Charles MacCracken (Reviewer), Roger Putnam, Matt Smith|indexSmith, Matt

### The Decision:

Two experts felt West underbid his hand with 4♦ and pass was the correct action with the East hand. One thought pass was an LA and the other two bid the game. They thought the slow 4♦ definitely suggested a better hand than an in tempo 4♦. The Panel ruled that there had been an unmistakable hesitation that demonstrably suggested 5♦ over 4♦ and so it awarded a score of 4♦ making five for both sides. Laws 16, 73 and 12.

### Players Consulted:

Allan Falk, Peter Friedland, Greg Hinze, Dan Morse, and Chris Willenken

### Casebook panellists:

**Gordon Bower:** The TD got this one right, the panel missed the boat. East cuebid on the previous round! People don't stop in partscores in the middle of a slam-exploration auction. Maybe 4♦ wasn't the best bid on West's hand (5♣ to show the king and deny any useful major cards, maybe, depending on their cuebidding style), but I don't believe East could legitimately escape below game even if she wanted to. I would have been pushing for an AWMW if I had been on this committee!

**Doug Couchman:** I agree.

**Grattan Endicott:** I commend the Director for making the ruling which he considered the "right" ruling. However, the cue bid is ambiguous as to whether it is game forcing or a try. The committee did what the committee had to do.

**Marvin French:** Evidently South took the first spade lead, making life easier for declarer by locating the spade ace and rectifying the count for a squeeze (no club finesse necessary), far from an "egregious" mistake. Players bid a third suit as a game try as well as a slam try, and West had enough to bid the game, instead conveying this information safely by the hesitation. Not safe this time! Good Panel decision.

**Jim Hudson:** (The original posting omitted W's ♣7. Before noticing this, I spent some time trying to figure out how the contract could have been made. I thought Mel Colchamiro must be a magician!)

The Director's ruling was poor; he should have ruled for the non-offenders.

Note, parenthetically and irrelevantly, that West doesn't have his hesitation – he has a bare minimum for his bidding. ("Two experts felt West underbid his hand with 4♦" – they must have thought 1♦ showed 0-7 rather than 6+.) W's BIT does suggest bidding on, and how can

pass not be an LA for East? (Ignore the self-serving remark: “East said she was looking for slam and of course she was always going to game.”) It’s easy to construct West hands that don’t make 5♦. Even with the actual W hand (including the club seven) it needs a finesse.

“N-S thought pass was an LA given the UI East had.” This is confused. Only AI is counted in determining what is or is not an LA.

The panel’s ruling was fine.

**Ron Johnson:** I agree with the committee and don’t see it as particularly close.

**Hilda Lirsch:** I agree with the table TD, and disagree with the polled so-called “experts”. In my opinion, it is obvious that East’s 4♣ call was a slam try opposite West’s 6+ hcp, rather than the naff suggestion that East’s 4♣ was merely a game try. Jeff Rubens has written several Bridge World editorials on this issue. Until now, I had thought that Rubens was crying wolf about a non-problem, since it should be easy to distinguish between game tries and slam tries. But now I dolorously admit that for this (rare) case, the polling of naff so-called “experts” forced East to play a slam try in a partscore.

**John MacGregor:** Looks right to me, although I fail to see how they make 5♦.<sup>15</sup>

**David Stevenson:** A 3-loser hand opposite a 6-count? Not many people stay out of game! Yet the methodology was reasonable, so the Panel’s decision was mandatory after the consultation.

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<sup>15</sup>Ralph Waldo Emerson, “A foolish consistency is the hobgoblin of little minds.” Thanks to Jim Hudson for foolishly noting that the initial panel copy of this casebook had West inconsistently holding only 12 cards.

## Appeal 11 – May the farce be with you

<b>Flight A/X Swiss 3/28/04</b>				<b>Paul Erb</b>
<b>DIC: Jeff Alexander</b>				♠ A 3 2
<b>Board 27</b>				♥ A K 6 3
<b>Vul.: None</b>				♦ J 10 7 2
<b>Dealer: S</b>				♣ 10 5
		<b>Noble Shore</b>		<b>Adam Myerson</b>
		♠ 10 8 6 4	N	♠ Q 9
		♥ J 8	W E	♥ 10 9 7 5 2
		♦ Q 9 5 3	S	♦ A 6
		♣ J 4 2		♣ A Q 7 3
				<b>Ben Black</b>
W	N	E	S	♠ K J 7 5
			1♣	♥ Q 4
pass	1♥	pass	1♠	♦ K 8 4
pass	2NT <sup>1</sup>	pass	3♣	♣ K 9 8 6
pass	3NT			

<sup>1</sup>Alerted: explained as a relay to get out at 3♣

### The Facts:

The final contract was 3NT making three for N-S +400 after the lead of the ♥9. The director was called when North bid 3NT. North had interpreted this action as in an auction where 2NT is a non-jump bid.

### The Ruling:

There was UI, but in most cases directors have ruled that 3♣ is a forcing auction. According to Law 16, pass is not an LA. Result stands.

### The Appeal:

E-W appealed and North and West were the only players to attend the hearing. North said he intended his 2NT as invitational. N-S have a check back system – North should have bid 2♣ and then 2NT to invite game. He bid 3NT because he had no club fit.

West thought pass was an LA given the UI North had.

Two consultants felt South's bidding showed a bad 4-6 hand, so North should pass, especially since his hand was better oriented toward suit play. His hand had too few clubs to raise.

### The Panel:

Charles MacCracken, Roger Putnam, Matt Smith

**The Decision:**

The Panel found there was UI that demonstrably suggested that 3NT would be likely to be a better spot than 3♣, so it changed the contract to 3♣ down one; N-S –50 under Laws 16, 73 and 12.

**Players Consulted:**

Chris Willenken and Mike Kamil

**Casebook panellists:**

**Gordon Bower:** If North intended his 2NT bid as invitational, sure looks to me like both of his invitations (to game, and to play in the higher-scoring notrump contract) got turned down. If he doesn't play South for a weak 4-6 he's using UI from hearing the alert. Looks like an open-and-shut case unless some evidence comes forward about 3♣ being forcing.

**Doug Couchman:** The panel should have explained in more detail why pass was an LA. As they were just following the consultants, the decision is fine.

**Grattan Endicott:** I suppose the statement that “according to Law 16 pass is not a LA” is a form of shorthand for “the Director was of the opinion that pass was not a LA – see Law 16”. But the preceding statement says “in most cases Directors have ruled...” and leaves me wondering what this means – is it to be read with the rider “in similar auctions by pairs playing the same methods” or do all pairs play the same methods in this Director's experience?

North's level of experience is not known to me. However, I am not enamoured of his action and his defence of it.

**Marvin French:** The “facts” were wrong. It was South, not North, who misinterpreted the 2NT bid, Alerting and explaining it as a puppet to 3♣.

Checkback applies after a 1NT rebid, not a suit rebid. No matter, the 3♣ bid is not forcing, showing a weakish 6-4 hand, unless N-S can produce system notes to the contrary. North must pass, of course. He bid 3NT because of he had no club fit? He had it backwards, as a club fit is needed to bid 3NT. TDs should generally rule against the offenders in such cases, leaving bridge judgments that deny redress to a Panel or AC.<sup>16</sup> Some players, perhaps intimidated by the TD's authoritative position, do not know enough to appeal a bad ruling like this one. It seems likely that the TD did not discuss his ruling with peers before making the ruling, a usual practice in ACBL-land.

It is possible that E-W misdefended, but that is not grounds for denying them redress unless they did something egregious like revoking to let 3NT make.

**Jim Hudson:** An incredibly bad Director's ruling. “[I]n most cases directors have ruled that 3♣ is a forcing auction.” This is complete nonsense. 3♣ is forcing or not according to agreement, which varies from partnership to partnership.

The Panel got it right, except that down one seems too generous – 4-2 fits are tough to play. I'd make it down two.

<sup>16</sup>The policy of TDs routinely ruling against offending sides in judgement situations was popular circa 1987–1997. The disadvantage of that policy was a consequent clogging of the appeals process, when offending sides successfully appealed draconian TD decisions. The WBF Code of Practice now recommends, “The desire is that the Director shall not rule automatically in favour of the non-offending side when he is in no doubt that a true judgement requires him to rule otherwise.” While the ACBL has not yet adopted the WBF CoP, current official ACBL policy is consistent with the quoted sentence.

**Ron Johnson:** This ruling shows the appeals system at its best. A poor ruling by the director was corrected.

**Hilda Lirsch:** It is irrelevant that “most directors” play 3♣ as a forcing action. It seems that “most directors” play super-scientific methods.

The relevant questions are whether:

(a) The North-South partnership play a Roth-Stonish style of sound opening bids. If so, passing South’s 3♣ ain’t a logical alternative for North.

Or:

(b) The North-South partnership play the modern Bergenish style of light opening bids. If so, passing South’s 3♣ is most definitely a logical alternative for North.

**John MacGregor:** How did the play go here? Surely that has a bearing on any adjustment. Did the declarer boot the ball and the defence fail to take advantage? Besides the obvious use of UI by North (barring any agreement that 3♣ is forcing in this auction), perhaps the defenders had their chance and did not take it.

**David Stevenson:** A routine decision: it is surprising that the Director did not agree when giving the original ruling.

**Appeal 12 – Truth, Justice, and the American Way of Life**

<b>NAOP Flight C</b> <b>3/28/04</b>				<b>anon.</b> ♠ AK3 ♥ K92 ♦ J754 ♣ A53																			
<b>DIC: Matt Smith</b>																							
<b>Board 24</b>																							
<b>Vul.: None</b> <b>Dealer: W</b>		<b>anon.</b> ♠ Q1094 ♥ AJ854 ♦ AQ8 ♣ 7	N W   E S	<b>anon.</b> ♠ 762 ♥ 3 ♦ K1093 ♣ Q10962																			
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border-bottom: 1px solid black; padding: 2px 10px;">W</td> <td style="border-bottom: 1px solid black; padding: 2px 10px;">N</td> <td style="border-bottom: 1px solid black; padding: 2px 10px;">E</td> <td style="border-bottom: 1px solid black; padding: 2px 10px;">S</td> <td style="padding: 2px 10px;"> <b>anon.</b>                      ♠ J85                      ♥ Q1076                      ♦ 62                      ♣ KJ84                 </td> </tr> <tr> <td style="padding: 2px 10px;">2♦<sup>1</sup></td> <td style="padding: 2px 10px;">2NT</td> <td style="padding: 2px 10px;">pass</td> <td style="padding: 2px 10px;">3♣<sup>2</sup></td> <td></td> </tr> <tr> <td style="padding: 2px 10px;">pass</td> <td style="padding: 2px 10px;">3♦</td> <td style="padding: 2px 10px;">pass</td> <td style="padding: 2px 10px;">3NT</td> <td></td> </tr> <tr> <td style="padding: 2px 10px;">pass</td> <td style="padding: 2px 10px;">pass</td> <td style="padding: 2px 10px;">pass</td> <td></td> <td></td> </tr> </table>				W	N	E	S	<b>anon.</b> ♠ J85 ♥ Q1076 ♦ 62 ♣ KJ84	2♦ <sup>1</sup>	2NT	pass	3♣ <sup>2</sup>		pass	3♦	pass	3NT		pass	pass	pass		
W	N	E	S	<b>anon.</b> ♠ J85 ♥ Q1076 ♦ 62 ♣ KJ84																			
2♦ <sup>1</sup>	2NT	pass	3♣ <sup>2</sup>																				
pass	3♦	pass	3NT																				
pass	pass	pass																					
<sup>1</sup> 20-second BIT																							

**The Facts:**

The final contract was 3NT down one for a score of N-S -50 after the lead of the ♣6. The director was called when the distribution became obvious during the play. North bid 2NT over 2♦ thinking it was Flannery. Both E-W cards were marked Flannery. East did not think she had to alert it.

**The Ruling:**

The Director ruled that misinformation had occurred causing damage to N-S (Law 21B3, 40C). He projected an auction of 2♦ (alert), P, 2♠, all pass (12C2). Down two after ♠AK and another, followed by a club force.

N-S appealed and were the only players to attend the hearing. (Note: This event did not end and the appeal was not brought until all but the NABC+ events were over. Thus, there were no peer consultants available.)

**The Appeal:**

North said he was aggressive and would have bid 2NT, just as he did over the weak two. However, South would have known not to ask for a major suit fit and passed his minimum hand. E-W defended badly – at trick two North led the ♥9 and ran it and still took eight tricks. Since North took eight tricks in 3NT, he asked for eight tricks in 2NT.

**The Panel:**

Charles MacCracken (Reviewer), Michael Carroad, Olin Hubert

### The Decision:

The panel accepted the logic that South would not have stretched his values to bid if he knew 2♦ was Flannery. It found there had been misinformation that directly led to N-S's poor result (Law 40C). It judged N-S +120 to be one of several likely result and thus, under Law 12C2, awarded that score to N-S since it was the most favorable of the likely results. That score appeared to be the most unfavorable result that was at all probable, so it was also awarded to E-W.

### Casebook panellists:

**David Babcock:** The whole thing makes more sense if the write-up meant to say that North bid 2NT thinking 2♦ was *not* Flannery. The problem now is that 2NT making two after an alerted Flannery is plausible, if N-S actually play that 2NT over Flannery is the strong NT hand – but most do not, and North's hand, at the bottom of the range and with its poor intermediates, would not be a clear-cut 2NT anyway. If 2NT making 2 were the most favorable at-all-probable result, and N-S were credible in saying 2NT would be natural for them, that would still be the right finding, but there is another, more favorable outcome that is probable enough: North passes or doubles, East bids the automatic 2♠, North doubles – cards here, made safer by East's failure to go forward – and 2S goes a likely –2 on the start of three rounds of trumps indicated by East's very likely heart shortness, for N-S +300 and E-W –300. That's my vote.

**Gordon Bower:** Did the TD ask at the table what defence to Flannery N-S were using? It seems like he needs to know, since 2♠–2, 2NT+2, or 2♠X–2 all might be “likely” according to what North's normal action is.

Based on the additional testimony during the appeal, it seems that the panel correctly selected 2NT+2 from that list. Presumably the TD and panel were both satisfied that East knew 2♦ was Flannery, just failed to alert it, since no-one is imposing a diamond raise on East?

**Doug Couchman:** This one's superficially fine. The failure to alert may well have caused the South player's aggressive use of Stayman; if he hadn't bid 3♣, +120 was likely and at all probable.

As an aside, it is irrelevant that East didn't think she had to alert the Flannery bid. She was required to, and didn't; there was misinformation. That's it.

Still, something's fishy. If North bid 2NT “thinking [2♦] was Flannery,” then why is the director projecting an auction that has him passing, and why is North telling the committee that he is aggressive and would have bid 2NT even with the alert?

It matters, because if he didn't know 2♦ was Flannery then the outcome on appeal is different. Why, you ask: he says he'd have made the same bid regardless? But wait – the committee isn't bound to believe him, even if the statement is against his interest (though that fact affords it considerable weight).<sup>17</sup> The committee has to decide what was likely and at all probable, regardless what the contestants say. If North was misinformed, we have to decide what would have happened if he hadn't been.

And? Given North's statements, it seems likely that he'd have bid 2NT, as he said he would have. But there is at least a chance, and I'd say it's a great enough chance that we should consider whether it was at all probable, that he wouldn't have. Suppose, for example, that

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<sup>17</sup>Law 85A (Rulings on Disputed Facts – Directors Assessment) contains the criterion “satisfied”. The consensus interpretation of “satisfied” is the civil legal principle of “balance of probabilities”, not the criminal legal principle of “beyond reasonable doubt”. Of course, if North was a baffled bunny, an AC could assess that North's statement against North's own interests was outweighed in the “balance of probabilities” by other, heavier, facts.

double would have shown a balanced 13–15 HCP, as is true in a number of partnerships. Of course, we’re not told what a direct double would have meant, because the committee did not conduct an adequate investigation. If 13–15 were the meaning, North would probably have doubled, and the result would probably been 2♠x by East, which looks like +300 to N/S (+100 is possible, but we can’t give declarer the benefit of the diamond guess).

Fine, if this were North/South’s agreement I suppose North wouldn’t have said what he did in committee. OK, what if double wasn’t realistically available to show his hand? Is it inconceivable that North, his later protestations notwithstanding, would have judged his 4333 fifteen count with two-thirds of its values in the opponents’ suits and not much in the way of soft cards to protect from the lead, to be worth an initial pass and possible later protective action? If he’d passed, 2♠ would have swung back around to him, and his likely call would now be double (regardless whether it’s takeout or penalty), for the same result as if he’d doubled initially when South realizes his hand is all defense.

Players, especially non-experts, are notoriously poor at judging what they would have done if the situation had been different. North’s belief now represents his thinking now, not at the time. This is why I dislike the practice of pulling players away from the table during auctions to find out what they’d have done differently before they see the entire deal: the ones who know not to take a firm position have an advantage over those who take their guess, a guess to which directors and committees inappropriately bind them in practice.

Unless North admitted that he *did* know at the time that the 2♦ bid was Flannery, I rule N/S +120, E/W –300.

**Grattan Endicott:** OK, except that it is not to be assumed that the number of tricks to be made in 2NT will necessarily be the same number as were made in 3NT.

In other circles I would be asking myself at this point whether a weighted score would be justified – but, no, not in the Land of the Free.

**Marvin French:** Poor North thought only of the auction when asking for a correction. If he had merely pointed out that he would have made 3NT against the E-W defense had he known about West’s five hearts, without mentioning the auction, the adjustment might have been ±400. North finessed for the heart jack the wrong way and still took eight tricks, so West must have thrown a diamond on the second or third club trick, cutting East off from a couple of more diamond tricks. Why would declarer not finesse the other way for nine tricks if he had known about West’s hearts? As a TD I would come to that conclusion myself, without listening to what N-S have to say about it.

As to the auction, there is no way of knowing how much the MI affected it. 2NT by North over a Flannery bid with that hand is normal for Flight C, as North implies. While East might have stretched only in hopes of a 4-4 heart fit, that possibility is against the odds and he may have been willing to play 3NT opposite any hand. If reaching 3NT is not considered likely enough, surely the score should be changed to +150, not +120. When West discards a diamond, as he seems to have, E-W cannot stop declarer from taking nine tricks if the heart finesse is taken the right way.

It must be remembered that while the non-offenders get the most favorable result that was likely had the irregularity not occurred, the offenders get the most unfavorable result that was at all probable [in any event]. N-S were in 3NT, and would have made it if the heart situation had been known, so E-W should get –400 even if N-S get +150 because reaching 3NT is deemed too unlikely absent the MI.

This case shows why uncorroborated testimony should often be considered irrelevant, even when self-damaging.

**Jim Hudson:** A verbal slip in the write-up: “North bid 2NT over 2♦ thinking it was Flannery” should evidently read “thinking it was a natural weak two bid.” Of course, since North claims he would have bid the same over known Flannery, the claim of damage from MI applies only to South’s bid of 3♣ (also presumably made under the impression that 2♦ was natural).

North’s statement “I am aggressive” is self-serving, and must be ignored. But his bidding 2NT over a supposed weak 2♦ is admissible evidence of aggression, though to bid 2NT over Flannery would be even more aggressive. If we judge a bid of 2NT over Flannery “likely” for players at North’s confirmed level of skill and aggression (this is the relevant standard), then we must allow it. I make it to be just barely “likely” (polling would have helped decide the issue, limiting pollees to those who would have overcalled a weak 2♦), and so am willing to credit North with a 2NT bid, provided it would have been advantageous to his side.

If N-S had been playing double over Flannery 2♦ as the strong notrump bid, one could project the following auction: 2♦\*-double-2♠-double, all pass; N-S +300, E-W –300. But evidently N-S used 2NT to show the strong notrump (this should have been stated explicitly in the write-up). Therefore, probably the best we can do for them is credit North with a bid of 2NT (and South with a pass).

Now, would North really go plus in 2NT? Is this “at all probable”? Is it “likely”? If we were to make these assessments for Flight C players in general, it seems to me that N-S’s making eight tricks would be “at all probable,” so E-W would get –120; but I doubt that it would be “likely,” so N-S would get only –50. But then N-S would have done better had N passed – an action that, surely, was also “likely.” So N-S would be assigned +100 (the best result “likely”), E-W –120 (the worst result “at all probable”).

I am not endorsing this way of reaching a judgment, for we have better evidence about what would have happened had the contract been 2NT than we can get from statistics about how the players’ peers would fare in that contract. Our better evidence is the fact that E-W allowed N to make eight tricks in notrump at the table. True, the contract was 3NT rather than 2NT, but that probably made no difference to the play. (Anyone who rejects this last assumption should embrace the +100/–120 adjustment from the previous paragraph.) We have recourse to statistical information about the skill cohort (the players’ “peers”) only because we cannot accept the self-serving statements of players and their friends, and we do not want to undertake laborious inquiries into individual players’ personal idiosyncrasies. In the present case, with better evidence already before us, we need not consider what peers would (probably) have done.

Indeed, if North had known about Flannery he would not have misguessed the ♥J; still, I judge it less than “at all probable” that he could have won an extra trick even had he known about the hearts. In short, I accept the Panel’s ruling (+120/–120).

**Ron Johnson:** Again the committee does a fine job after a mediocre ruling by the director. What I particularly like about the AC’s ruling is that they troubled both to cite the law used to make their ruling and to make it clear that they understood the law in question by mentioning the relevant part of the law.

In a sense it’s a pity that a committee capable of this kind of judgment wasn’t allowed to use 12C3 to give a more equitable score. Oh well, old discussion.<sup>18</sup>

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<sup>18</sup>Law 12C3 states, “Unless Zonal Organisations specify otherwise, an appeals committee may vary an assigned adjusted score in order to do equity”. The ACBL is a Zone in its own right, and so far it has been a maverick in specifying otherwise. (Indeed, the European Zone is so enamoured with equity adjustments that it permits Chief Directors, in addition to appeals committees, the power to use Law 12C3.) There have been some hints that the ACBL may join the Rest-Of-The-World once the new edition of the Laws comes into effect in 2006.

**Hilda Lirsch:** If I were the TD, I would have wanted demonstrable evidence before giving a ruling, that:

(a) East did not alert an alertable convention,

rather than

(b) East forgot that the East-West partnership plays the Flannery convention.

If, as TD, I found demonstrable evidence that case (a) existed, then I would follow the actual appeal panel ruling of adjusting the score to N-S +120, E-W –120.

If, however, no such demonstrable evidence was available, then as TD I would assume that case (b) existed, with East presumably believing that West had opened the other ACBL-popular convention, a weak 2 in diamonds. Then, as TD, I would adjust the score to N-S +120, E-W –120.

In this particular case, different assumptions lead to the same score adjustment. But it is very important for TDs and ACs to question their default assumptions.<sup>19</sup>

**John MacGregor:** If South knows that a 5-card heart suit is on their left, they certainly will not search for the major suit fit. However, the possibility of game is a horse of a different color. It is not as clear that they would pass 2NT.

But, the benefit of the doubt should go to the innocent side so I side with the AC here.

**David Stevenson:** This shows the difference between the Law 12C3 approach in much of the world, and the North American approach. No doubt N/S might have got 120, but it is quite probable that they would have got the table result. There are also other possibilities: it is a pretty poor 2NT overcall over a Flannery opening, and North might have passed. If Law 12C3 had been enabled N/S would have got some percentage of +120 but under the North American system it was the correct decision to give them +120. Arguments can be made for both approaches.

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<sup>19</sup>Self-serving evidence is still evidence, albeit slight. Since there is nil evidence contradicting East's self-serving evidence about East believing that Flannery was non-alertable, if I was TD then I would accept East's self-serving evidence pursuant to Law 85A, "If the Director is satisfied that he has ascertained the facts, he rules as in Law 84." (And Law 84 states, "in which the facts are agreed upon".)

## Round Table

**Hilda Lirsch:** Two of the other early panellists note that it is anomalous for polling of players to include polling of non-peers. I agree. In order for an expert to simulate the mind of a bunny, the expert's mind must suffer a sea change into something rich and strange. For a bunny, illogical actions are often logical alternatives to them. Likewise, for a bunny, a logical action is often an illogical alternative.

Appeal Number Six seems most controversial. All of the other four early panellists join me in objecting to the PP for forgetting your system. Our mutual point of view is that system forgets by the opposition is an inherent part of the nature of the game, which will normally be to your advantage. Furthermore, two of the other early panellists join me in stating that a PP for system forgets is arguably illegal, since Convention Disruption is not an infraction of the current Laws.

**Jim Hudson:** Turning to additional remarks, I have two.

(1) Afterthought on Regional Appeal #8: I cannot reconstruct the thinking that led me to say that 5♠ was “makeable”; it now seems to me that declarer can do no better than down one. Such a result is readily achievable, but I doubt that +100 is the best outcome for E-W that was “likely” (and therefore that –100 is the worst outcome for N-S that was “at all probable”) in a 5♠ contract. Determining the proper adjustment is difficult, and I shall defer to better analysts. But let me offer the limited opinion that Doug Couchman's ±400 is unlikely and improbable; the worst (for N-S) I might accept is –300.

(2) Afterthought on Regional Case #12: Doug Couchman's remarks supplement my analysis, which was incomplete. The general point – both his and mine – is that we must be told much more about N-S's bidding agreements before we can project the “likely” or the “at all probable” sequence had they been correctly informed. The Panel evidently failed to dig out the relevant information, leaving us (as well as them) to guess at the proper adjustment.

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I believe you are also looking for general impressions of the Reno cases as a whole. Here are mine.

1. Many of the write-ups from Reno were poorly written – garbled, confused, and omitting relevant information. The ACBL might try harder to assign a competent scribe to each case.
2. For many score-adjustment decisions it is helpful to poll players at the appropriate level; I do not know why this aid was so often spurned by the Reno Panels. On the other hand, the Panels seemed eager to consult experts about what they (the experts) would have done, even though the cases involved non-experts; this is pointless.
3. The imposition of AWMWs was very erratic (as always). Fortunately, they are practically insignificant.
4. Even though the decisions of the Panels and the ACs did not always improve upon the TDs' original decisions, the appeals process has positive value. TDs feel an extra impetus to decide well, knowing they are subject to review. An appeal allows a leisurely, expert review of the TDs' bridge judgment, in case this was a factor.<sup>20</sup> Finally, the appeal gives contestants a chance to vent their anger over an adverse ruling. I wish I saw some easy way to obtain better decisions; failing that, I accept the current level of performance.

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<sup>20</sup>But an appeals committee does not have the power to decide what the Laws do say or should say. Law 93B3 states, “the committee may not overrule the Director on a point of law”. In both this Regional casebook (Appeal Number Six), and in its NABC+ sequel (Appeal Number Two), it seems that some committees exceeded their powers by deciding to interpret the Laws.

**Hilda Lirsch:** Jim Hudson’s criticism of the semi-random awards of AWMWs for appeals listed in this casebook is justified.

But, meritless appeals are an ongoing problem in all jurisdictions, and no other jurisdiction has evolved a better solution. The EBU policy of a fixed monetary deposit is iniquitous, given that different contestants have different disposable incomes. Meanwhile, the ABF policy of an imps/matchpoints deposit might distort the results of an event.

In appeal number eleven, John MacGregor correctly raises a point that the actual TD appeals panel (and other early panellists) missed. If East-West perpetrated an irrational, wild or gambling defence versus North-South’s (illegal) 3NT contract at the table, then (in accordance with ACBL policy) the score should have been split. That is, if East-West perpetrated an IWoG defence, they keep their table score of 3NT –400, but North-South still get their score adjusted to 3♣ –50.

However, in my opinion, it is moot to consider a split score in appeal number eleven. On the auction, East’s ♥9 lead is normal. After a heart lead, declarer can establish nine tricks by playing on the diamond suit. As the cards lie, to score five tricks before declarer scores nine, East-West must immediately switch to clubs as soon as their first diamond stopper is knocked out. With ♣K986 visible in dummy, failure to switch to clubs is not (in my opinion) an irrational defence.

**Jim Hudson:** I endorse Hilda Lirsch’s and John MacGregor’s point about case 11: as a matter of form the Panel should have remarked explicitly that E-W’s defense, allowing 3NT to be made, was not egregious.

**Gordon Bower:** Case 5 – I second Hilda’s comments on the PP.

Overall comments:

I am satisfied that the panels are producing good decisions most of the time. Out of these twelve cases I count three (7, 11, 12) where a director’s incorrect ruling was repaired, and only one (10) where the committee made a clearly-wrong decision.

Several fellow reviewers were unhappy with the peer polling procedures used. I agree the system is not perfect but I think it represents a lot of progress from how things were done by committee only a few years ago. I do think it’s worth remembering that the consultants are there in an advisory capacity, i.e., their “votes” are not binding on the panel when it forms its decision. It’s well within the panel’s power to decide for itself that Pass is an LA in Case 3, or is not in Case 10, if it chooses. Too many people are calling for an increase in the number of players polled. Increasing sample size is not going to help much: many of the people being polled have played the hand and will have their judgment coloured by the result; even if you could get unbiased random samples of players, you would need huge sample sizes to determine which of two actions is “significantly” better, except in simple “is it a 100% decision or not?” situations.

There were also several complaints about polling players of the “wrong” level. It’s certainly true that you can’t use an expert poll, by itself, to judge a Flight C case. But bear in mind that the casebook only reports that a player has some number of masterpoints. Who is a 500-point player’s “peer”? By the time someone gets a couple hundred masterpoints, the directing staff have seen him in action at several tournaments, and can tell the difference between the sharp newcomer who is playing a strong-flight-B game even though he hasn’t made LM yet vs. the

70-year-old who has earned ten points a year in side games for the last fifty years.<sup>21</sup> It makes good sense for the directors to poll both “average” players with X masterpoints and experts, and tweak their assessment toward the expert opinion according to who the player is. This is one advantage directors have over traditional committee members, many of whom never see anyone who doesn’t play in the same bracket of their KO.

**Hilda Lirsch:** I am grateful that I was not ploughing a lonely furrow in my comments about the Case 5 PP, as Gordon has now volunteered to be my yoke-mate.

One further thought on the Case 5 PP. Over the years, as an appellant, and as a defendant, and as a casebook peruser, I have noticed an anomaly. An AC will often add a PP when a TD has not applied a PP. But an AC will never remove a PP applied by a TD.

There are two possible ways to interpret this anomaly. One way is to assume that all TDs are as soft as marshmallows, often failing to inflict a PP when it is richly demerited. Case 5 supports that thesis. But, in my opinion, Case 5 is merely the exception that tests the rule. In my opinion, the correct way to interpret this anomaly is that ACs love meddling with PPs to vent their spleen (especially when they have no legal way to adjust scores), and most additional PPs which ACs add are unjustified.

**David Stevenson:** Worst aspect of these cases was that AWMWs were given when appeals had merit, and vice versa! As usual, I think bridge in North America would be more fun, pleasant and legal if players were taught what to do in the presence of UI and that mistakes by opponents do not mean they automatically get a good board.

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<sup>21</sup>One meretricious partial solution to assessing peers is to assume that if a player is contesting a strong final of a strong event, other players in that strong final of that strong event are peers. But, to that meretricious partial solution, I answer with the counter-example of Bud Reinhold. He (as a sponsor) won the 1981 Bermuda Bowl, but was such a weak player that his team-mates refused to let him play a single board in the Final.

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